

## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Joshua Mitchum, Development Review Specialist  
 JL Joel Lawson, Associate Director Development Review  
**DATE:** February 7, 2025  
**SUBJECT:** Extension Request – BZA Case 20873A (2425 Irving Street SE)

### **I. BACKGROUND**

- II.** On March 1, 2023, the Board of Zoning Adjustment (BZA) granted relief from the matter-of-right uses of Subtitle U § 201 to construct a temporary monopole in the rear of an existing government building, which is permitted by a special exception pursuant to Subtitle C § 1313.2 and Subtitle X § 901 (BZA Order No. 20873).

OP Recommends that the requested two-year time extension be **approved**.

### **III. LOCATION AND SUMMARY**

Applicant	Shea Beltran c/o Network Towers
Address	2425 Irving Street SE
Legal Description	Square 5845 Lot 0833
Ward / ANC	Ward 8; ANC 8B
Zone	R-2
Date of Order Issuance:	March 7, 2023
Date of Order Expiration:	March 7, 2025
Previous Extension:	N/A
Extension Request	March 7, 2027

### **IV. EVALUATION OF THE EXTENSION REQUEST**

Subtitle Y Section 705 of the Zoning Regulations allows for the extension of a BZA approval for “good cause” shown upon the filing of a written request by the applicant before the expiration of the approval; provided that the BZA determines that the following requirements are met:

- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond.**

The subject extension request is dated December 12, 2024, and has been in the public record since that date.

- (b) **There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board’s justification for approving the original application:**

**Zoning Regulations:**

Since the application’s original approval in March 2023, there have been no substantial changes to the R-2 regulations or antenna/monopole provisions that would affect the material facts upon which the Board based its original approval.

**Surrounding Development:**

OP is not aware of other new development in the immediate area that would substantially impact the material facts upon which the BZA based its original approval.

**Proposed Development:**

The subject time extension application does not propose any changes to the relief or project as approved in BZA Order No. 20873.

- (c) **The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria.**

- (1) **An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant’s reasonable control;**

This criterion is not applicable to the subject application.

- (2) **An inability to secure all required governmental agency approvals by the expiration date of the Board’s order because of delays that are beyond the applicant’s reasonable control; or**

This criterion is not applicable to the subject application.

- (3) **The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant’s reasonable control.**

The applicant cites ongoing negotiations with multiple entities with the aim of securing a final location for the prior approved monopole, specifically with regard to the latest property being negotiated, which is near Suitland Parkway. Per the Applicant’s statement of justification, submitted as Exhibit 4 in the record:

*“NT2 has been in negotiations with multiple entities to secure a final location, including elsewhere on the current property. Another potential location for the permanent structure is near Suitland Parkway. This property is federally owned. Due to both of these properties being federally owned, negotiations have been slow. These delays to the leasing negotiation process have been out of the applicant’s control, and therefore are in line with [Subtitle Y §] 705.1(c)(1).*

Additional time is needed for the Applicant to complete negotiations with the future landlord and/or property owner as they finalized the location for the prior approved monopole.

**V. OTHER DISTRICT AGENCIES**

As of the date of this report, no other District agency comments have been submitted into the record.

**VI. ADVISORY NEIGHBORHOOD COMMISSION**

As of the date of this report, no comments from ANC 8B have been submitted into the record.

**VII. COMMUNITY COMMENTS TO DATE**

As of the date of this report, no community comments have been submitted into the record.