

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

-----:
IN THE MATTER OF :
:
WMATA :
(on behalf of the Department :
of General Services :
PUD Modification of Consequence : Case No. 04-08G/02-45
to replace an existing lattice :
tower with a new lattice tower :
and to include a fence to :
accommodate ground equipment :
(Sq. 5868S, Lot 805) - Ward 8 :
:
-----:

THURSDAY

JULY 25, 2022

The Public Hearing of Case No. 04-08G/02-45 by the District of Columbia Zoning Commission convened via videoconference, pursuant to notice at 5:59 p.m. EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
JOSEPH IMAMURA, Commissioner
PETER MAY, Commissioner

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

MAXINE BROWN-ROBERTS, Project Manager

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, ESQUIRE
HILLARY LOVICK, ESQUIRE

The transcript constitutes the minutes from the
Public Hearing held on July 25, 2022.

T-A-B-L-E O-F C-O-N-T-E-N-T-S

OPENING STATEMENT:	
Anthony Hood	4
PRELIMINARY MATTERS:	
Anthony Hood	5
PRESENTATION:	
Case No. 04-08G/02-45:	
WMATA on behalf of the Department	
of General Services, PUD Modification	
of Consequence to replace an existing lattice	
tower with a new lattice tower and to include	
a fence to accommodate ground equipment	
(Sq. 5868S, Lot 805) - Ward 8	6
COMMENTS AND QUESTIONS:	
Commissioners	9
OFFICE OF PLANNING STAFF:	
Maxine Brown-Roberts	25
COMMENTS AND QUESTIONS:	
Commissioners	27
REBUTTAL AND CLOSING:	
Ms. Bull	30
VOTE:	
Commissioners	32
CLOSING REMARKS:	
Anthony Hood	35
ADJOURN:	
Anthony Hood	35

1 P-R-O-C-E-E-D-I-N-G-S

2 (5:39 p.m.)

3 CHAIRPERSON HOOD: Good afternoon, ladies and
4 gentlemen. Today's date is July the 25th, 2022. We are convening
5 and broadcasting this public hearing by video conferencing. The
6 time now is 5:39 p.m. This is our second case of the evening.
7 My name is Anthony Hood. Joining me are Vice Chair Miller,
8 Commissioner May, and Commissioner Imamura. We're also joined
9 by the Office of Zoning staff, Ms. Sharon Schellin and Mr. Paul
10 Young, who will be handling all of our virtual operations. Also
11 we have Mr. Jacob Ritting from our Office of Zoning Legal
12 Division. We will ask all others to introduce themselves at the
13 appropriate time.

14 The virtual public hearing notice is available on the
15 Office of Zoning's website. This proceeding is being recorded
16 by a court reporter. The platforms used are Webcast Live; Webex
17 or -- and YouTube live. The video will be available on the Office
18 of Zoning's website after the hearing.

19 All persons planning to testify should have signed up
20 in advance and will be called by name at the appropriate time.
21 At the time of sign-up, all participants will complete the oath
22 or affirmation required by Subtitle Z, 408.7. Accordingly, all
23 those listening on Webex or by phone will be muted during the
24 hearing, and only those who have signed up to participate or
25 testify will be unmuted at the appropriate time. When called,

HUNT REPORTING COMPANY

Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 | please state your name and home address before providing your
2 | testimony. When you are finished speaking, please mute your
3 | audio.

4 If you experience difficulty accessing Webex or with
5 | your telephone call-in or have not signed up, then please call
6 | our OZ hotline number at 202-727-0789. If you wish to file
7 | written testimony or additional supporting documents during the
8 | hearing, then please be prepared to describe and discuss it at
9 | the time of your testimony.

10 The hearing will be conducted in accordance with the
11 | provisions of 11-Z DCMR, Chapter 4, as follows: preliminary
12 | matters, Applicant's case, report of the Office of Planning and
13 | District Department of Transportation; report of the -- other
14 | government agencies; report of the ANC, testimony of
15 | organizations, five minutes and individuals, three minutes. And
16 | we will hear in the order from those who are in support,
17 | opposition, and undeclared; then we'll have rebuttal by the
18 | Applicant. Again, the OZ hotline number is 727-0789 for any
19 | concerns during these proceedings.

20 The subject of the second hearing that we're having
21 | this evening is Zoning Commission Case No. 04-08G and 02-45.
22 | This is WMATA on behalf of the Department of General Services,
23 | Modification of Significance to an approved PUD at Square 5868S,
24 | Lot 805. Again, today's date is July the 25th, 2022.

25 With that, Ms. Schellin, do we have any preliminary

HUNT REPORTING COMPANY

Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 || matters?

2 MS. SCHELLIN: Just a couple. Just to advise that the
3 Applicant did submit an affidavit of posting and maintenance on
4 Friday that is in the record. They also made a submission about
5 their communications with DHHA, the homeowner's association, and
6 that was submitted on Friday also. And there were no expert
7 witnesses identified. And ANC-8C is represented by Brittany
8 Cummings, the chairperson. ANC-8E is the ANC that is across the
9 street and so, therefore, an effective ANC. And other than that,
10 staff has nothing further preliminarily. The Applicant,
11 otherwise, is represented by Alexandra Bull, and I believe it's
12 ready to go, unless the legal team has something further to add.

13 CHAIRPERSON HOOD: Okay. Let's bring everybody up.

14 Ms. Bull, once you get up and get settled, you may
15 begin. We'll wait on you whenever you're ready.

16 MS. BULL: Hi. Good evening. Can everyone hear me?

17 CHAIRPERSON HOOD: Yes, we can.

18 MS. BULL: Thank you, Chairman Hood. I'm here tonight
19 representing WMATA. You may recall that this site or this case
20 went to hearing back in June, and we had a discussion about our
21 community outreach.

22 CHAIRPERSON HOOD: Would you -- let me just interrupt.

23 MS. BULL: Oh.

24 CHAIRPERSON HOOD: Can you -- is your camera working?

25 MS. BULL: I do have video on. There we go. Just a
HUNT REPORTING COMPANY

HUNT REPORTING COMPANY

Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia

410-766-HUNT (4868)

1-800-950-DEPO (3376)

1 moment.

2 CHAIRPERSON HOOD: Okay. And can you introduce
3 yourself?

4 MS. BULL: Yes.

5 CHAIRPERSON HOOD: -- before you get started? Okay.

6 MS. BULL: Thank you. My name is Alexandra Bull. I
7 work for Network Building and Consulting. I was hired as a
8 consultant by WMATA to represent them, as they build out their
9 public safety radio system. So you may recall, again, that we
10 went to hearing on this several weeks ago to discuss the
11 installation of a new tower on the St. Elizabeth property. I'll
12 just give a brief overview of the scope of work, just as a
13 reminder, and then discuss what has happened between our last
14 hearing and tonight.

15 WMATA is proposing to install a new lattice tower next
16 to an existing lattice tower. That existing lattice tower on the
17 St. Elizabeth Hospital property is not structurally capable of
18 holding additional equipment, so this proposed tower will serve
19 as a replacement to that existing tower. Once our new tower is
20 installed and the equipment is relocated from the existing
21 structure to the new structure, the existing structure will be
22 removed. So the result of this project will be one tower to
23 replace an existing tower.

24 Also onsite, there is a temporary structure installed
25 by Verizon Wireless. That will also be removed once the new

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 tower is in place and Verizon is able to move their equipment
2 onto the new structure. The purpose of WMATA's equipment is to
3 support their public radio safety system. And our WMATA
4 representative is on the call here. He can discuss that system
5 a little bit more specifically, if there are questions about
6 that.

7 During the last hearing, we talked about Exhibit No.
8 34, which was a letter of opposition from the Congress Heights
9 HOA. Over the last several weeks, we've done our due diligence
10 to reach out to the HOA and a couple of different formats through
11 a couple different avenues. We were finally able to make contact
12 at the end of the week prior to last, and we met with Congress
13 Heights HOA via conference call last week. They were represented
14 by Mindy Joe, and she expressed some concern, mainly related to
15 health effects. So we provided some information about safety and
16 about how WMATA is meeting all necessary safety regulations as
17 set by the FCC, and we discussed the safety aspect, and we also
18 discussed the project as a whole and what our proposal was.

19 From there, I did provide some additional information
20 via email to Mindy Jo so that she could provide that to her
21 community. All of those interactions are in the record, along
22 with a summary of the steps we took to initiate that communication
23 with the Congress Heights HOA representative.

24 So I can, of course, go into more detail about our
25 project and our proposal, if there are questions about WMATA's

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 equipment, or the site, or anything of that nature. But I'll
2 keep it brief for the Board, because I know this is your second
3 hearing of the night.

4 CHAIRPERSON HOOD: Thank you very much, Ms. Bull. We
5 really appreciate it. I'm going to start right off. I did read
6 Ms. -- let me make sure I have her -- the representative of the
7 HOA, and I'm hoping she's on tonight, so I want to have a
8 discussion with her. And I believe -- I know Commissioner May,
9 I believe, was here when we did the antenna regulations, where
10 we had people from all over the country come in here. And one
11 of the things that was off limits at that time was the FCC unless
12 there were known facts to health.

13 So I don't know. And when I read this, I'm like, we're
14 going right back down that road again, and I think we've had some
15 federal mandates. And I stand to be corrected. Things may have
16 changed since then. That was years ago when we did that. So
17 I'm not sure if that's still in play. It probably is. I haven't
18 heard anything different.

19 But I will say this, Ms. Bull -- let me ask. So one
20 of the things I've noticed, and we had a case in my neighborhood
21 and, you know, when you talk about cell phones dropping in one
22 specific area, and now we're putting up an antenna in the area,
23 one of the things I've noticed is there are two offset things.
24 And I know I'm probably preaching to the choir. Everybody wants
25 their cell phone to stay connected and keep working, but then we

HUNT REPORTING COMPANY

Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 have concerns about the towers. So, you know, you got a
2 conflicting to me of -- whole conflicting conversation. But I
3 think it's very important. This WMATA -- what you all propose
4 -- what WMATA's proposing, will this help city wide or just in
5 that area for the most part?

6 MS. BULL: So they're building out a system that will
7 operate in the entire Metro area that they serve. So we're
8 working on sites in the district, and we're also working on sites
9 in P.G. and Montgomery County as well. So their public radio
10 safety system will allow their bus drivers, their train
11 operators, their employees, to have constant, consistent, and
12 reliable communication, even during emergency situations, such
13 as power outages. So this system is really to support the Transit
14 Authority so that they can remain in constant communication, even
15 during emergency situations.

16 CHAIRPERSON HOOD: Okay. I think that's very
17 important. And guess it'll work under the tunnels and in tunnels
18 and everything. Tunnels like Metro, under the tunnel, and -- I
19 see somebody raising their hand.

20 MS. BULL: Yeah. If I could throw it over to Mr. Allen
21 Wonder. He works for WMATA. He can give you some additional
22 detail about the public radio safety system.

23 CHAIRPERSON HOOD: Okay. Thank you.

24 Mr. Wonder?

25 MR. WONDER: Thank you. Pleasure to be in front of you

HUNT REPORTING COMPANY

Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia

410-766-HUNT (4868)

1-800-950-DEPO (3376)

1 guys today. Hopefully, it won't take too much of your time. The
2 radio system that we're doing services rail operations, bus
3 operations, and our police department, but it also acts as a
4 backup overlay for D.C. In the event that D.C. has any outage,
5 they will be able to utilize the infrastructure that we're putting
6 up for our radio systems to keep communications going while they
7 effect any kind of repairs on theirs. So it's not just benefiting
8 WMATA's use, it's also benefiting DC DGS, the fire departments,
9 and the police departments of D.C. as well.

10 CHAIRPERSON HOOD: Okay. Thank you. So it's a
11 co-location. It's going to help many attributes. What about
12 cell phone? I'm just curious. No cell phone. Okay. Thanks
13 then.

14 MR. WONDER: Yeah, we're not -- other than relocating
15 the existing carriers that are there, we're not adding any
16 cellular service to the tower. Now, we are structurally enhancing
17 the tower so that if there are additional cellular providers that
18 wish to co-locate on that existing tower, they'll have the
19 opportunity to work with DC DGS to do so. You know, so if you
20 if you have a, you know, say a Cricket phone or AT&T, and you
21 know, they need better service, well, they'll have a tower that
22 they can go on.

23 I will say too, that the existing tower is in such poor
24 condition that they'll probably end up having to replace that
25 tower within the next five years anyway without us going on it.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 So this is also a betterment for DC DGS on top. Just wanted to
2 add that.

3 CHAIRPERSON HOOD: Okay. And I see the arrangement is
4 it looks like as soon as this tower is up, the other one will
5 come down -- be removed immediately. I think that was contingent
6 on, I guess, discussions with the community?

7 MR. WONDER: Yes, sir.

8 CHAIRPERSON HOOD: Okay. Okay.

9 MS. BULL: I will also add, Mr. Hood, that we did
10 provide letters of intent from both Verizon and AT&T. So Verizon
11 is there on their temporary structure now. They intend to
12 relocate to the permanent structure in order to remove that
13 existing temporary structure. And AT&T has also expressed
14 interest in co-locating on the new structure. So there is a
15 potential benefit to cell coverage in the area through those
16 carriers as well.

17 CHAIRPERSON HOOD: And my last question before I go to
18 my colleagues is how did you explain federal regulations to the
19 community, or was that explained to them, to the HOA? Was --
20 how did you explain some of the parameters about risk of health
21 and antennas? How did you do that or what about --

22 MS. BULL: Sure. So Ms. Mindy Jo was on the FCC website
23 as we were in discussion, and she asked some specific questions
24 about the health effects of radiofrequency antennas. And some
25 of her questions were partially misinterpreting the information

HUNT REPORTING COMPANY

Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 on the FCC website. So we did have an open conversation about
2 what that meant. One of the things she had questions about was
3 RF emissions and how that affects body temperature. Her concern
4 was that RF emissions increased body temperature, which is
5 accurate to a certain extent, but only when you're in very close
6 proximity to the tower. And not to the tower, excuse me, to the
7 antenna itself.

8 So we had a conversation about how close you have to
9 be to an antenna before RF safety becomes a factor. And we
10 explained that in this situation, there's no opportunity for the
11 public to be close enough to these antennas, because they're
12 mounted so high up on the tower for it could be a health risk.
13 So we did talk about that. And as you mentioned before, the
14 Telecommunication Act of 1996 still regulates boards' abilities
15 to make decisions based on perceived health effects. So that is
16 still accurate and still in place.

17 CHAIRPERSON HOOD: Okay. Thank you. I know the --
18 this Commission has heard exhaustively, and I think the
19 Commissioners there at that time was Commissioner May and myself.

20 Anyway, let me see whether my colleagues have any
21 questions or comments -- not '96 though.

22 Commissioner May?

23 COMMISSIONER MAY: I do not have any comments on this.
24 Thank you.

25 Commissioner Imamura?

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 COMMISSIONER IMAMURA: Sure. Thank you, Mr. Chairman.
2 Just a couple.

3 Mr.. Wonder and Ms. Bull, can either of you speak to
4 the tree permit? It looks like that had expired almost 90 days
5 ago, and is the plan still to remove one of the elms or
6 (indiscernible). I noticed that elm is getting awfully close to
7 being a (indiscernible) tree. Just a few more inches on that
8 diameter, (indiscernible). Can you also respond to that?

9 MS. BULL: Yes. We did obtain a special tree permit
10 from DOD. If that has lapsed, we will intend to renew it or
11 we'll work with the Department of Transportation to make sure
12 that that's taken care of in advance of any tree removal and in
13 advance of construction start.

14 COMMISSIONER IMAMURA: All right. Thank you. It looks
15 like as if that might have expired on May 3rd. So again,
16 (indiscernible) 90 days, so you want to extend probably that.
17 And then the other question that I have is just removing the
18 existing structure. Is there an estimated duration for how long
19 that might be?

20 MS. BULL: Allen, are you able to speak to that
21 construction timeline?

22 There's a couple of things that will need to happen.
23 The new tower will need to be installed, and then the equipment
24 from the old tower as well as the equipment from the temporary
25 tower will need to be relocated, installed, and turned on on the

1 new tower. At that point, that old tower will be able to be
2 removed.

3 So Alan, if you could speak to what timeline that looks
4 like, I'd appreciate it.

5 MR. WONDER: Absolutely. The actual construction of
6 the tower and the new site looks, sorry, should take approximately
7 about 90 days, we will need to then schedule a date with DC DGS
8 to actually turn off their systems so that we can move them over
9 to the new. We actually intend to run new antennas and cabling
10 for DC DGS rather than relocate the old, so that we know we're
11 not causing any problems, you know, by trying to rerun this
12 existing cable that's been out there for some time. That process
13 shouldn't take any more than 30 days. Same thing with Verizon.
14 I would think by that point, we're starting the demolition of the
15 existing tower, so turnkey about nine months.

16 COMMISSIONER IMAMURA: All right. I appreciate that
17 succinct response.

18 And Ms. Bull, is there a communication plan to share
19 that with the community in terms of that schedule? A lot of
20 times, you know, anxiety is driven by just being in the dark and
21 not knowing what's going on. And I think a schedule like that
22 would not only hold you all accountable, but help the community
23 help hold you accountable to that schedule. So can you describe
24 a little bit about what that communication plan looks like?

25 MS. BULL: I appreciate that. And if I could just

HUNT REPORTING COMPANY

Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia

410-766-HUNT (4868)

1-800-950-DEPO (3376)

1 circle back before I answer that question. I'm being told by my
2 colleagues here that the tree permit was extended, and is now
3 expiring in May 2023. So it looks like that has already been
4 taken care of. And we can provide documentation of that if
5 needed.

6 In terms of the communication for the construction,
7 we'd be happy to be transparent about that. If there's a good
8 means for us, we can provide a construction timeline estimate to
9 both ANCs that are a factor here as well as the Congress Heights
10 HOA, if they're interested in reviewing that document, and we'd
11 be happy to continue to communicate with them throughout the
12 process.

13 COMMISSIONER IMAMURA: I appreciate that, Ms. Bull. I
14 think that'd be a very good idea. And yes, I think that's
15 important that the tree permit be added to the record.

16 So with that, Mr. Chairman, I yield back and look
17 forward to what Vice Chair Miller has to share and what you have
18 to share.

19 CHAIRPERSON HOOD: Okay.

20 Vice Chair Miller?

21 VICE CHAIR MILLER: Thank you, Mr. Chairman.

22 And thank you Ms. Bull, for your presentation of this
23 project. Is the existing temporary cell on wheels tower that we
24 approved, I think, for Verizon, is that providing the
25 communication necessary in the Metro system in that area.

HUNT REPORTING COMPANY

Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia

410-766-HUNT (4868)

1-800-950-DEPO (3376)

1 MS. BULL: So I can't speak specifically to Verizon's
2 coverage goals in this area. But I can say that that site is
3 operational and Verizon is serving the area through that site.
4 It actually was previously on a water tank that was decommissioned
5 as part of the redevelopment project. So they're maintaining
6 their service by having that existing site, and they'll continue
7 to maintain their service by relocating off that temporary
8 structure and onto this permanent one.

9 VICE CHAIR MILLER: So if my cell phone, which is AT&T,
10 just by chance, do I not have service when I'm in that -- your
11 -- in that area of the Metro tunnel in Metro?

12 MS. BULL: Oh, no. Well, I can't speak to where the
13 other carriers are in the City. Generally, all the carriers have
14 a goal of a certain level of coverage over all areas, especially
15 in a metropolitan area. So the more infrastructure that we have
16 in place for them to co-locate on and co-location opportunities
17 that make it easy for them to continue to not only maintain their
18 coverage, but maintain the capacity for all the different things
19 we use our cell phones now. This really benefits carriers,
20 because they have a designated place where they can include their
21 equipment.

22 VICE CHAIR MILLER: Right. So I appreciate that. The
23 --

24 CHAIRPERSON HOOD: Let me -- Vice Chair, let me
25 interrupt. Mr. Wonder had his hand up. He's very polite. I

HUNT REPORTING COMPANY

Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia

410-766-HUNT (4868)

1-800-950-DEPO (3376)

1 mean, most people don't raise their hand, they -- but he has his
2 hand up.

3 MR. WONDER: Thank you. I just want to make sure that
4 we're answering his question correctly.

5 Were you asking about whether or not that AT&T coverage
6 is in the Metro, as in WMATA's property?

7 VICE CHAIR MILLER: Yeah. I was asking if I am
8 traveling on Metro at that stop, or nearby that stop, am I -- do
9 I currently have coverage in that area?

10 MR. WONDER: Absolutely. In the below ground, when
11 you're in WMATA's system, the sites he uses to provide their
12 signal throughout our systems are fed from different areas. When
13 you -- if you were to go above ground, once you exit our system
14 near this proposed location, depending on a AT&T's level of
15 coverage, you may or may not have signal there. But when you're
16 in WMATA property, it's -- AT&T's signal is fed by other sites
17 throughout the area.

18 VICE CHAIR MILLER: Okay. Thank you.

19 And I appreciate, Ms. Bull, that you've -- since our
20 last get together, you've reached out and made these
21 communications with the Congress Heights Neighborhood
22 representative. And I appreciate all that outreach. Did ANC-8C
23 have any -- what was your outreach to ANC-8C? Maybe you can
24 remind me. Maybe we already discussed this previously at a
25 previous hearing -- meeting, but did -- have they weighed in on

HUNT REPORTING COMPANY

Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 this at all?

2 MS. BULL: Not recently. We spoke with both ANCs last
3 year. We presented at multiple virtual meetings for them, and
4 during that time, there was no questions or concerns that I recall
5 being significant. They did not provide a letter of support, but
6 they also did not provide a letter of opposition. So we also
7 notified them of the application, provided updated applications
8 as required, and we provided the recommended and required notice
9 to the adjoining properties as well.

10 VICE CHAIR MILLER: Okay. Well, thank you for that
11 outreach. This is clearly a critical infrastructure project for
12 the community and the City. My last question, briefly, maybe you
13 touched on this already, and I might have missed it. The fence
14 that you're going to -- I think you described it as a concrete
15 fence that's going to screen the tower from any adjacent property,
16 which is, I think, hundreds of feet away, but is that concrete
17 fence going to be -- have green on, or landscaping, or something
18 that might not make it so unattractive to the surrounding
19 neighborhood? Do you know -- have any idea at this point?

20 MS. BULL: So just for clarity's sake, it's -- we're
21 not proposing a concrete fence here. We are proposing chain
22 link, I believe, which will match the existing compound. So
23 there is existing equipment at the base of the existing tower.
24 That equipment will remain in place, and will -- the cabling that
25 runs from the equipment to the existing tower will be rerouted

1 to run to the new tower.

2 So a lot of what's going to be in place, once the new
3 tower is installed will be the equipment that is existing minus
4 the existing tower. We will expand that compound a little bit
5 in order to fit WMATA's shelter and their associated equipment,
6 and then we'll match what's existing.

7 From a visibility standpoint, for the ground equipment,
8 we did provide photo simulations that kind of show what the view
9 is from the area, particularly one near the -- off the nearest
10 street, which provides the closest view to the ground equipment.
11 The whole property in that area is fenced in. The hospital is
12 fenced in. So from a pedestrian level, it's hard to get pretty
13 close to this tower because of the existing security fencing
14 that's already in place.

15 VICE CHAIR MILLER: Okay. Well, thank you for that
16 response, and thank you for your work on this issue. And the
17 removal of the existing infrastructure after this is in place
18 will, obviously, help mitigate the visual impact on the
19 neighborhood. Who is responsible for that removal? Is that DGS
20 or is that --

21 MS. BULL: Allen, are you able to speak to that?

22 VICE CHAIR MILLER: It's who?

23 MS. BULL: Mr. Wonder can answer that question, I
24 believe.

25 MR. WONDER: Well, WMATA's has taken responsibility to
HUNT REPORTING COMPANY

Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 take down the tower for DGS. We've incorporated that into our
2 scope.

3 VICE CHAIR MILLER: Okay. Well, thank you. I'll look
4 forward to the fare increases to pay for that.

5 CHAIRPERSON HOOD: All right.

6 Let's go back to Commissioner May.

7 COMMISSIONER MAY: Yeah. So I thought I understood
8 exactly what was happening here, but all of this -- all these
9 questions are just confusing me about who's owning what, who's
10 doing what, what the purpose of this is with the various agencies.
11 So I'm going to walk through it in the hopes that I can explain
12 it correctly. And I'd like you both to sort of chime in if I
13 get anything wrong here. Right?

14 So DGS is involved on the most basic level, because
15 they control the property, correct?

16 MS. BULL: That's accurate.

17 COMMISSIONER MAY: All right. WMATA is building a new
18 tower that it will own on property that it will be from DGS.

19 MS. BULL: Not quite.

20 COMMISSIONER MAY: Okay.

21 MS. BULL: So WMATA will be constructing the tower, and
22 once the tower is constructed, ownership will go to DGS, and that
23 tower will become a DGS asset.

24 COMMISSIONER MAY: Okay. Very good. Thank you for
25 that clarification. The purpose, the reason why WMATA is involved

HUNT REPORTING COMPANY

Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia

410-766-HUNT (4868)

1-800-950-DEPO (3376)

1 doesn't really have to do with cellular telecommunications, it
2 has to do with radio communications among the Metro system,
3 correct?

4 MS. BULL: That's accurate.

5 COMMISSIONER MAY: So how you operate all -- I mean,
6 WMATA operates all over the City, and has to have good radio
7 communications and cannot simply rely on cell phones or anything
8 else. Right?

9 MS. BULL: Correct.

10 MR. WONDER: That's correct.

11 COMMISSIONER MAY: Okay. Good. All right. Now, a
12 secondary benefit of this is that when WMATA is done constructing
13 this necessary infrastructure, DGS will be able to lease out
14 space on the tower for cell -- to cellular providers, correct?

15 MS. BULL: That's accurate. Cell providers, and there
16 are existing government entities on the current tower as well,
17 that will continue to utilize that new structure.

18 COMMISSIONER MAY: Okay. And throughout the process
19 of this, DGS will be making money leasing this facility to the
20 cellular providers and probably the other government agencies as
21 well.

22 MS. BULL: Correct.

23 COMMISSIONER MAY: Okay. So, all right, I think I did
24 understand it -- almost all of it there, but I wanted to make
25 sure it was clear, because it's, you know, this is not really

HUNT REPORTING COMPANY

Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 about cellular reception in the tunnels or anything like that.
2 This is really about the radio system for WMATA and then the
3 parallel benefits that come from a tall cellular tower in that
4 area of the City.

5 MS. BULL: That's exactly right.

6 COMMISSIONER MAY: Right. And then there's money that
7 comes to the City. I know it's a substantial amount of money,
8 having worked in the DGS predecessor agency for some time. And
9 I know that you can make a fair amount of money leasing out
10 antenna space. So very good. Thank you very much.

11 MS. BULL: Thank you.

12 MR. WONDER: Sure.

13 CHAIRPERSON HOOD: Thank you.

14 And again, my question is about the cell phone, because
15 I'm a consumer, and my cell phone drops right down the street
16 from my house. So anyway, everybody brings their own interest
17 to the table, and that's what was mine.

18 MS. BULL: Right.

19 COMMISSIONER MAY: Right. And I think it's a really
20 good benefit of this is that it will improve cellular coverage
21 in that area, theoretically, or at least maintain it, because
22 there is some coverage already from the existing COW and then
23 preceding that from the water tower that's been -- they've been
24 taken off. Okay.

25 CHAIRPERSON HOOD: Okay. Let me just ask. Ms. Bull,

HUNT REPORTING COMPANY

Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia

410-766-HUNT (4868)

1-800-950-DEPO (3376)

1 has the affidavit of maintenance been -- has all that been turned
2 in?

3 MS. BULL: Yes. That is part of the record.

4 CHAIRPERSON HOOD: Okay. Everything's good. Okay.

5 And my last question to Mr. Wonder is, it's ironic that
6 you have this case today. How was the general manager's first
7 day?

8 MR. WONDER: I heard it went very well.

9 CHAIRPERSON HOOD: Okay.

10 MR. WONDER: He has himself on a rigid schedule of site
11 tours over the next 30 days. In fact, he's going to be touring
12 my project next weekend to note our progress.

13 CHAIRPERSON HOOD: Well, let him know we asked about
14 him and wish him well.

15 MR. WONDER: We certainly will.

16 COMMISSIONER MAY: And ask him how his cell coverage
17 has been.

18 MR. WONDER: I will. I'll make sure just for you.

19 CHAIRPERSON HOOD: All right. Okay. So let's go --
20 Ms. Schellin, do we have the chair of the ANC? Now, my notes
21 tell me that I have -- I know we talked about this ANC-6C
22 Chairperson Cummings, and then do we have anyone from ANC-8E?

23 MS. SCHELLIN: I'm going to have to rely on Mr. Young
24 to look.

25 CHAIRPERSON HOOD: Oh, that's right.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 MS. SCHELLIN: I'm in the middle of a really bad storm,
2 and I cannot access Webex through the computer.

3 CHAIRPERSON HOOD: Okay. I will tell you, I'm looking,
4 I don't see him. But Mr. Young, I better allow you too. I see
5 a call-in number. Oh, that's you, Ms. Schellin.

6 MR. YOUNG: I don't see him either.

7 CHAIRPERSON HOOD: (Indiscernible.)

8 MS. SCHELLIN: I don't either.

9 CHAIRPERSON HOOD: Okay. So don't see him or see either
10 person from the ANC. What about you, Mr. Young?

11 MR. YOUNG: No, I do not.

12 CHAIRPERSON HOOD: Okay. All right. Let's go to the
13 Office of Planning and DDOT. We have Ms. Brown-Roberts, and I
14 believe Ms. Brooks.

15 MS. BROWN-ROBERTS: Good evening, Mr. Chairman and
16 members of --

17 CHAIRPERSON HOOD: Good evening.

18 MS. BROWN-ROBERTS: -- the Commission. Maxine Brown-
19 Roberts from the Office of Planning on the modification of
20 significance to Zoning Commission Case No. 0408-D, to allow
21 construction of the new tower on the St. Elizabeth Hospital
22 property.

23 As outlined in our report, the proposal would not be
24 inconsistent with the PUD and the subsequent amendment for the
25 hospital permitting a tower on the property.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 Secondly, the application meets the special exception
2 standards of Subtitle X, 303.13 for a 250-foot tower in the MU-
3 4 zone.

4 The proposed tower would replace both the existing
5 tower, which has structurally deteriorated and is incapable of
6 accommodating new equipment and a temporary cell on wheels. The
7 new tower would help to improve the WMATA facilities and service
8 in the area and would also accommodate other service providers.

9 The proposal is not inconsistent with the Comprehensive
10 Plan elements, and as viewed through the racial equity lens, the
11 proposal would not result in the displacement of any residents
12 or result in any new housing, but would impact the operation of
13 transit services, both bus and rail, which persons in affordable
14 and market rate housing in the area would utilize.

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 onto the new tower.

2 Thank you, Mr. Chairman, and I'm available for
3 questions.

4 CHAIRPERSON HOOD: Thank you, Ms. Brown-Roberts. And
5 I believe Ms. Brooks is here from DDOT.

6 MR. YOUNG: I believe Ms. Brooks was a part of the
7 Applicant team, but I --

8 MS. BROOKS: Yes. I was here -- I'm here representing
9 WMATA: I have no additional comments.

10 CHAIRPERSON HOOD: Okay. Do we have anyone here from
11 DDOT?

12 MR. YOUNG: We do not.

13 CHAIRPERSON HOOD: Okay. Let me pull up their report.

14 Vice Chair, do you have DDOT report handy -- oh, I have
15 it. I believe that's Exhibit 23. And basically, the report from
16 them was talking about the urban forestry.

17 VICE CHAIR MILLER: I don't have DDOT's report readily.

18 CHAIRPERSON HOOD: Okay. Well, it's just something
19 from Urban Forestry, and I'm sure if there were issues, it would
20 have been flagged. I don't see any issues, just a lot of comments
21 about surfaces and how to restore the upcoming completion of
22 work. Okay. So, all right, so I'll leave it at that. I think
23 that's not a showstopper. Again, we don't have anyone from the
24 ANC. Mr. Young confirmed that. I think -- I don't think we do.
25 Give me one second.

1 And as noted, I believe Ms. Bull, you didn't have a
2 response from the ANC? We do have a report. No, that's not the
3 ANC's report. We did -- Exhibit 23 talks about the tree permit,
4 and I think one of my colleagues already mentioned that. I don't
5 see anything from the ANC unless I'm incorrect. Can somebody
6 direct me, because I don't see it.

7 MS. BULL: To the best of my knowledge, the ANC did not
8 submit anything formal to the case record --

9 CHAIRPERSON HOOD: Okay.

10 MS. BULL: -- but if anyone sees otherwise, feel free
11 to correct me.

12 CHAIRPERSON HOOD: I think you're correct. Okay. So
13 we don't have anything from the ANC.

14 Mr. Young, do we have other government reports? We do
15 have DDOT, which was from the Urban Forestry section. We have a
16 comment from them. We did have a letter from the Congress Heights
17 Homeowners Association.

18 I think, Ms. Bull, you have reached out to them quite
19 frequently, so I'm not sure. Where did they leave off at? Are
20 they still -- I think they're still oppose the project?

21 MS. BULL: They do still oppose the project, sir.

22 CHAIRPERSON HOOD: Okay. And did they say we're going
23 to participate tonight or?

24 MS. BULL: She did not confirm her participation for
25 tonight, and it seems to me like the only resolution to her

1 concerns were for us to leave the area completely, which,
2 obviously, we can't accommodate due to where these antennas need
3 to be to support this system.

4 CHAIRPERSON HOOD: I think this is a safety issue for
5 the residents in that area and the residents of the City. I
6 would like to have her here, so we can kind of walk through some
7 of the issues and try to explain. And I'm sure that you will
8 continue to have outreach to the homeowners association to make
9 sure that, you know, that they fully understand and we, you know,
10 all of us understand. Because a lot of times we are, like me, I
11 don't do the antennas every day, so -- and I'm sure she doesn't.
12 So that's kind of where it is.

13 Let's see what else we have. Just a second.

14 Again, Mr. Young, I'm looking to see do we have anyone
15 who's here to testify in opposition or support? I don't see
16 anyone. We have three people.

17 MR. YOUNG: We had no one sign up.

18 MS. SCHELLIN: No one signed -- right.

19 CHAIRPERSON HOOD: Okay. Right. I don't see anyone.

20 MS. SCHELLIN: In any category.

21 CHAIRPERSON HOOD: I just want to make sure I call for
22 it, because -- make sure nobody's trying to get in.

23 All right. So Ms. Bull, can you give us -- unless my
24 colleagues have anything else, can you give us a rebuttal? Do
25 you -- no, you don't have any rebuttal, I don't guess. And

1 closing.

2 And thank you, Ms. Brown-Roberts. Thank you for your
3 report.

4 Ms. Bull?

5 MS. BULL: Yeah. In closing, I'll just reiterate that
6 while there is benefits of potential additional cell and wireless
7 coverage in this area, that the most important thing here is that
8 this infrastructure is necessary to support WMATA's public safety
9 radio system. And it solves more than one problem by creating
10 this new infrastructure, by allowing carriers to do what they
11 need to do in the area without having to add additional
12 structures, and also to allow WMATA to do what they need to do
13 in order to make sure that their community is safe and that their
14 employees are safe and that the people who use their
15 transportation systems and rely on their transportation systems
16 are safe as well.

17 CHAIRPERSON HOOD: All right. Thanks you, Ms. Bull.

18 Any final questions or comments to Ms. Bull or the
19 team?

20 (No audible response.)

21 CHAIRPERSON HOOD: Okay. Not hearing any, colleagues,
22 I know the concerns. I believe they continue to work with
23 consumers. I think this is a benefit for the residents of the
24 City, and I think, especially with the regulations at FCC, I
25 don't have any problems moving forward. I'm not rubber stamping,

HUNT REPORTING COMPANY

Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 something we get accused of all the time. I actually hate that
2 word now. But I would say --

3 COMMISSIONER MAY: Stop saying it then. Stop saying
4 it.

5 CHAIRPERSON HOOD: Well, I've said because it's been
6 -- I've been hearing it for so long.

7 VICE CHAIR MILLER: I've been waiting to see that big
8 rubber stamp that they will provide at appointment.

9 CHAIRPERSON MILLER: All right. Okay. So somebody
10 like to make a motion? I think this is ready for us to move
11 forward, unless I hear some objections.

12 (No audible response.)

13 CHAIRPERSON HOOD: I guess nobody wants to make a
14 motion.

15 COMMISSIONER IMAMURA: Mr. Chairman, I'll --

16 CHAIRPERSON HOOD: All right.

17 COMMISSIONER IMAMURA: -- I'll take it.

18 CHAIRPERSON HOOD: I made the last motion.

19 COMMISSIONER IMAMURA: Sure. I move that the Zoning
20 Commission approve Case No. 04-08G/02-485, WMATA, behalf of the
21 Department of General Services Modification of Significance to
22 an -- for a PUD at Square 5868S, Lot 805.

23 CHAIRPERSON HOOD: Okay. I'll second that motion.
24 It's been moved and properly seconded. Any further discussion?

25 (No audible response.)

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 CHAIRPERSON HOOD: Not hearing any, Ms. Schellin, would
2 you do a roll call vote please?

3 MS. SCHELLIN: Yes, sir.

4 Commissioner Imamura?

5 COMMISSIONER IMAMURA: Yes.

6 Commissioner Hood?

7 CHAIRPERSON HOOD: Yes.

8 Commissioner Miller?

9 VICE CHAIR MILLER: Yes.

10 Commissioner May?

11 COMMISSIONER MAY: Yes.

12 The vote's four to zero to one to approve proposed
13 action Zoning Commission Case No. 04-08G/02-45, the minus one
14 being the third mayoral appointee position, which is vacant. And
15 I didn't hear any items being requested, but I may have missed
16 that with all the thunder going on here.

17 COMMISSIONER IMAMURA: Yes, Ms. Schellin. One request
18 was to have the tree permit added back into the record -- the
19 extensions.

20 MS. SCHELLIN: Okay. Okay. So I'd ask the Applicant
21 how much time they think they need for that? That's something
22 they already have, or?

23 MS. BULL: Yes. I believe I have it in my inbox right
24 now, so I can get that uploaded for you guys and onto the case
25 record.

1 MS. SCHELLIN: Okay. So we'll just allow them until
2 August 8 for their submission. And we can put this one on for
3 final action.

4 Ms. Bull, I take it you're going to provide a draft
5 order.

6 Commissioners, is this is going to be a summary order
7 since there was no opposition?

8 COMMISSIONER MAY: I have a question. Do we have to
9 take two votes on this? No. Mr. Ritting is shaking his head.

10 MS. SCHELLIN: Oh, yeah.

11 COMMISSIONER MAY: It's a one-vote case.

12 MR. RITTING: Yeah, it's one-vote case --

13 MS. SCHELLIN: Is this s one-vote case?

14 MR. RITTING: -- because it's a PUD modification --

15 COMMISSIONER MAY: Yeah.

16 MR. RITTING: -- and --

17 MS. SCHELLIN: Oh, I'm sorry. It's a PUD modification.
18 Oh, yeah. So it's one vote. So this is final action.

19 MR. RITTING: Yeah.

20 MS. SCHELLIN: So then do we -- can we take stuff into
21 the record after it's my closed, because I mean one --

22 MR. RITTING: Could I make a suggestion? If -- Ms. Bull
23 --

24 MS. SCHELLIN: Yeah.

25 MR. RITTING: -- suggested that she has the information

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 available right, why doesn't she just submit it as the -- then
2 we close the hearing? So we just wait for Ms. Bull to submit
3 it, and then we'll close the hearing, and that'll be the end of
4 the case.

5 MS. BULL: I'll upload it now.

6 COMMISSIONER MAY: Good plan.

7 MS. BULL: So we'll just wait a few minutes.

8 MR. RITTING: Making the Jeopardy music?

9 COMMISSIONER MAY: Exactly, that Jeopardy music.

10 MS. SCHELLIN: And I take back that that vote four to
11 zero to one was for final action --

12 COMMISSIONER MAY: Correct.

13 MS. SCHELLIN: -- on 04-08G.

14 MS. BULL: I've hit the submit button on the extension
15 letter confirmation that is being uploaded to the case record and
16 just received verification that it has been uploaded.

17 COMMISSIONER MAY: It's good enough for me.

18 CHAIRPERSON HOOD: Okay. Anything else, Ms. Schellin?

19 MS. SCHELLIN: They are there. It's two pages. So it
20 has been received.

21 So then in that case, Ms. Bull, if you would just
22 submit, if the Commission is okay with it, a summary order.

23 CHAIRPERSON HOOD: Summary order is fine.

24 MS. BULL: Okay.

25 MS. SCHELLIN: Okay. So a summary order, and we won't

HUNT REPORTING COMPANY

Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia

410-766-HUNT (4868)

1-800-950-DEPO (3376)

1 put this on any future agenda, because this was final action. So
2 we're done.

3 CHAIRPERSON HOOD: All right. Anything else?

4 MS. SCHELLIN: No, sir.

5 CHAIRPERSON HOOD: Let me say the Zoning Commission
6 will meet again July the 28th before their 30-day vacation time
7 off. So we will have our regular public meeting on these same
8 platforms at 4:00 p.m. this coming Thursday.

9 And I want to thank Ms. Bull, her team, and all those
10 who participated in this case tonight.

11 And with that, this hearing is adjourned. Goodnight.

12 MS. BULL: Thank you.

13 (Whereupon the above-entitled matter went off the
14 record at 6:25 p.m.)

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 07-25-22

Place: Teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

GARY EUELL

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)