

*Kingman Park Civic Association
408 21st Street, N.E.
Washington, D.C. 20002-4706*

November 29, 2013

**STATEMENT REGARDING ZONING REVIEW APPROVAL – MASS TRANSIT FACILITY
IN R-5-B ZONE IS ALLOWED AS A MATTER OF RIGHT- DATED 11/14/13 (DCRA).
APPLICATION ID: B141555 - THE SPINGARN HIGH SCHOOL SITE**

Kingman Park Civic Association (hereinafter “KPCA”) appeals and opposes the District Department of Regulatory Affairs (DCRA)’ “Zoning Review Approval – Mass Transit Facility in R-5-B zone is allowed as a matter of right” status designation (at Spingarn High School), allegedly posted on November 14, 2013. KPCA opposes the review approval based upon the following reasons.

1. The DCRA zoning review approval violates, among other things, DCMR Title 11 § 350, 330 and other applicable provisions which prohibit the use and construction of an industrial garage, car wash and maintenance facility, and electrical substation in a density populated residential community.
2. The DCRA zoning review approval – Mass Transit Facility in R-5-B zone as a matter of right violates the “District of Columbia Environmental Policy Act of 1989.” Specifically, Section 4, requires the Mayor (city) to prepare an Environmental Impact Statement, “whenever the Mayor proposes a major project

that is likely to have a substantial negative impact on the environment. (Unless the Mayor determines that the proposed major action has been or is subject to the functional equivalent of an EIS).” “Major action” means any action that costs over 1 million dollars and that may have a significant impact on the environment (*See, section 3, para. 1.*).

The EIS must analyze the proposed major action in relationship to the goals of the adopted Comprehensive Plan, requirements as promulgated by the Zoning Commission, and any District or federal environmental standards..... (*See, section 4, para. 1.*).

3. The DCRA zoning review approval (Mass Transit Facility) violates the District of Columbia Comprehensive Plan (E-4.7) which addresses hazards such as the “**Prudent Avoidance of Electromagnetic Field Impacts (E-4.7.1)**”. The American Medical Association has recommended a policy of prudent avoidance of electromagnetic fields (EMF). The Comprehensive Plan recommends that the government “incorporate prudent avoidance in decisions regarding the approval, location or routing, and intensity of facilities that generate electromagnetic fields, such as power lines and communications antennas. Such facilities should be located only when and where necessary based on local service needs, and should

be designated using methods to mitigate involuntary public exposure to potential adverse effects.

4. The DCRA zoning review approval (Mass Transit Facility) violates the DC Comprehensive Plan's Policy UNE-2.2.5: ***Schools on the Hill Campus***, which reserves Spingarn, Brown and Young Schools as an educational complex that benefits residents of all ages.

4. The DCRA zoning review approval (Mass Transit Facility) violates the "Future Land Use Map" (FLUM), which reserves the Spingarn campus for educational purposes. 10-A DCMR § 225.1 (1994).

5. The DCRA zoning review approval violates the District's Generalized Policy Map (GPM) by its planned excavation and construction of a streetcar maintenance facility, vehicle wash and electrical substation on the grounds of historic Spingarn High School.

6. The DCRA zoning review approval creates sewage, flooding and other hazards within the immediate neighborhood of Kingman Park and threatens damage to, and the existence of private homes and businesses in the community.

7. The DCRA zoning review approval is in violation of the law and city regulations because the city began excavation and construction of the maintenance facility prior to DC zoning review and approval. The excavation and

construction began on July 7, 2013, and the DCRA zoning approval began on or about September through November, 2013. Fire and other zoning approvals are still being processed.