COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D.C 20001

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May 7, 2002

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2002 MAY -7 AM 10:22

Mr. Geoffrey H. Griffis, Chairperson
D.C. Board of Zoning Adjustment
441 4th Street, NW Suite 210
Washington DC 20001

RE: Appeal No. 16239 (USA Waste of DC, Inc. at the former Uline Arena)

Dear Mr. Griffis:

I am writing to support the residents of the Near Northeast Neighborhood and urge the Board to deny the appeal of USA Waste of D.C., Inc. I am reminded, first, of the fundamental purpose of the Zoning Regulations:

> ...the provisions of this title shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare for the following purposes: (a) To provide adequate light and air... [11 DCMR 101.1]

There is nothing about the trash transfer station operated by USA Waste of DC, Inc. at the former Uline Arena -- with the hundreds of thousands of tons of trash that are dumped on its grounds daily before being re-dumped into dirty 18-wheel tractor trailer trucks -- that promotes public health for the residents across the street, or even that maintains prosperity and the general welfare for the immediate neighborhood. The Zoning Regulations also provide that:

> The regulations set forth in this title and the zoning maps are designed with consideration of the following: (a) the character of the respective districts; (b) The suitability of each district for the uses permitted in each district under this title; and (c) The encouragement of the stability of districts and of land values in those districts. [11 DCMR 101.2]

A large trash transfer station located on 3rd Street, NE is not consistent with the character of the neighborhood; nor is it suitable; nor does it in any way promote stability of the area or of the land values. How could it? There are few uses as unpleasant as the dumping, temporary stockpiling, and then transfer into open trucks of hundreds of thousands of tons of raw trash daily -- except, perhaps, a slaughterhouse or animal rendering facility. Indeed, kitchen waste typically includes dead animal parts.

I have toured the trash transfer facility at the former Uline arena, and I write with familiarity. I believe the use comes under the ambit of prohibited uses listed in 11 DCMR 823.1(o). Certainly

BZA
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it has never been able to comply with the prohibited, adverse effects listed in 11 DCMR 825: e.g., 825.8 (odor) and 825.10 (dust).

I think it is also significant that the original application for a certificate of occupancy did not accurately describe the proposed use as a trash transfer station. "Shipping, Freight & Cargo, Transfer Station, Warehouse & Trucking" evokes images of a United Parcel transfer depot, or a department store warehouse. There is no image of garbage in those words. It is telling that in the Statement of the Appellant, under the section "Description of the Property," USA Waste honestly states that "The property is presently used as a solid waste transfer station..." (Feb. 19, 2002; p. 3) but in its original application for a c of o it could not -- chose not -- to include those obvious words, "solid waste."

Finally, I have visited most of the trash transfer stations in the District. While some are even smellier and more disgusting, none have as direct, adverse impact on a residential district as the USA Waste facility at the Uline Arena. I urge you to deny the appeal.

Sincerely,

Phil Mendelson
Councilmember At-Large