GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Geoffrey H. Griffis, Chairman
D.C. Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

SUBJECT: BZA Order No. 16546, Application of Potomac Electric Power Company for a Request for a Modification of Approved Plan

DATE: February 26, 2002

Pursuant to § 3129.2 of Title 11, the Potomac Electric Power Company (PEPCO) has requested that the Board of Zoning Adjustment (BZA) consider approving a modification to the architectural plans approved by the Board in BZA Order No. 16546 dated March 21, 1999. The applicant further requests that the Board, pursuant to its authority under § 3101.6, waive the requirements of § 3129.3 of the Regulations, which requires that a request for modification of approved plans be made not later than six (6) months after the final date of the written order approving the application.

In March of 1999, the BZA approved a plan submitted by PEPCO to relocate a small portion of its administrative operations to the 79-acre Benning Road Service Center, at 3400 Benning Road, N.E. The planned relocation of administrative functions to the site will result in an addition to an existing PEPCO facility, which is and has been an operational power plant for over thirty years. PEPCO anticipates continuing to maintain and operate the facility. When constructed, the new administrative building will relocate approximately 700 PEPCO employees to the Benning Road Service Center.

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In 1999, PEPCO submitted plans to the BZA requesting approval of a special exception and variance relief for the Benning Road site that was necessitated by the existence of the operational facility and substandard soil conditions on the site. The Board approved PEPCO's plan and granted the requested special exception and variance relief.

The original plans submitted by PEPCO, to add a new administrative building to the Benning Road Service Center, was accompanied by a landscape plan that was fairly typical, proving green enhancements around the perimeter of the new building and the new surface parking lot. In the process of refining the building program, PEPCO now

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seeks to establish a building service area (loading dock), on the north side of the building, in an area originally slated for total landscaping. In order to provide a space for the service area, one row of the trees proposed for the site, (saucer Magnolia) will be located to the east of the service area. Additionally, a planned employees courtyard will be reconfigured into a smaller area and will be still located east of the service area, separated by an added green buffer.

Pursuant to Chapter 23 of the DCMR, Large Tract Review Procedures (LTR), § 2300 (b), new construction on the PEPCO Benning Road tract, (a tract of land ten (10) acres or more) is required to undergo large tract review. The Office of Planning undertook the interagency coordination of the LTR process and on October 19, 2000. OP reported to the applicant and Advisory Neighborhood Commission 7D, that the project had been approved.

After reviewing the request for modification of BZA No.16546, submitted by PEPCO, the Office of Planning (OP) has no objections to the proposed modification. The reconfiguration of an employee's courtyard and relocation of one row of trees will have little or no impact on the overall development. Since the approval of BZA No. 16546 by the Board (March 1999), there has not been any change to the Comprehensive Plan designation of the area around the PEPCO facility as being in the ***Production and Technical Employment Land Use Category.*** These areas are designed to encourage the growth of centers such as the building proposed for the Benning Road Service Center site. Further, OP does not envision any change to the C-M-1 zoning designation assigned to the PEPCO site.

OP has no objection to the site modifications request. Although the requested modifications are considered minor and the project has not yet been constructed, OP is concerned about the request to waiver the six-month time limit for modification of orders. Such a waiver forestalls the public participation process. OP agrees with the applicant that the requested changes do not change the material facts relied upon by the Board when the application was approved, however, there are concerns about establishing precedence in this case, and that could have future implications on other cases.

The applicant mailed the modification package, via first class mail, to ANC 7D on February 8, 2002. The applicant received a letter from ANC 7D, dated February 27, 2002, which advised that the ANC continues to support the project with the minor modification. Additionally, the ANC had no objection to the waiver of the modification for the approval of plans being made later than six-month after the final date of the written order approving the application.