STATEMENT FOR SPECIAL EXCEPTION

The purpose of this section is to provide responses for the applicable sections regarding this application for a special exception. In each case, the applicable section text is provided, followed by a response in italics.

Section 3104.1:-

3104.1 Pursuant to authority contained in the Zoning Act, the Board is authorized to grant special exceptions, as provided in this Title, where, in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Maps, subject in each case to the special conditions specified in Title 11 DCMR.

Explain how the proposed special exception is consistent with the general intent and purpose of the Zoning Regulations and Map.

The Benning Road facility will remain consistent with the general intent and purpose of the Zoning Regulations and Map with the incorporation, construction, and use of the proposed special exception elements. The proposed alterations and repairs, including the new roof, building and tipping floor expansions, will bring needed improvements to allow the facility to operate as a modern solid waste transfer station (e.g., receiving today's larger refuse vehicles). .

Explain how allowing the use will not adversely affect the use of the neighboring property (i.e., traffic, noise, lighting, etc.)

The proposed special exception will not adversely affect the use of neighboring properties. A District of Columbia Environmental Impact Statement Form was written and approved for this facility and use. The Environmental Impact Statement Form addresses traffic, noise, odor, and several other environmental issues.

Section 822.3 -

822.3 Any establishment to be used as a solid waste handling facility shall be permitted only if the following requirements are met:

(a) No portion of the facility, including any structure, loading dock, truck bay, storage container, transfer equipment, or any other processing equipment or operations shall be located within three hundred feet (300 ft.) of a property in a Residence District used for residential purposes or located within fifty feet (50 ft.) of any adjacent property used as a public park or retail, office, or institutional purposes;

No portion of the facility is located within three hundred feet of property in a Residential District used for residential purposes. The facility site is actually a piece of land

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belonging to the National Park Service that was transferred to the District on October 7, 1969. An old dump/waste disposal area is located adjacent to the facility, but this parkland is not used as a public park. The National Park Service also owns the Kenilworth Maintenance Facility that is located adjacent to the facility. No properties used for retail, office, or institutional purposes are located within fifty feet away of the facility. Please refer to Exhibit D-1.

(b) No truck access to or egress from the site shall be located within fifty feet (50 ft.) of any adjacent property used as a public park or for residential, retail, office, or institutional purposes;

Truck access to or egress from the site is not located within fifty feet of any adjacent property used as a public park or for residential, retail, office or institutional purposes. An old dump/waste disposal area is located adjacent to the facility, but this parkland is not used as a public park. The National Park Service also owns the Kenilworth Maintenance Facility that is located adjacent to the facility.

(c) The facility shall be designed to have access to a railway siding or spur to enable the transportation by rail of solid waste out of the District of Columbia. Solid waste shall be shipped from a facility by rail, except that shipping of solid waste by truck may be permitted by the Board, if the Board finds that the applicant has demonstrated by substantial evidence that the use of rail is not practically, economically, or physically feasible.

The facility is not designed to have access to a railway siding or spur to enable transportation by rail of solid waste out of the District. The applicant requests the Board that shipping of solid waste from the facility be continued to be permitted in the future because the use of rail is not practical, economical, or physically feasible given the site location and adjacent property owners. The nearest commercial rail lines are located on the east side of I-295, more than 1,800 feet away from the facility.

(d) The site shall be of sufficient size so as to permit the avoidance or reduction of adverse impacts on the character of the neighborhood due to noise, traffic, parking, odors, rodents and other disease vectors, dust litter, fire hazards, decomposition gases, vehicle and other pollution, or other hazards or objectionable conditions;

According to the plat surveyor (see Plat in Section B), the site is consists of about 8.7 acres of land. This size, coupled with the employment of various design and operational elements, allows for the avoidance or reduction of adverse impacts on the character of the neighborhood due to noise, traffic, parking, odors, rodents and other disease vectors, dust, litter, fire hazards, decomposition gases, vehicle and other pollution, and other hazards or objectionable conditions. The site generally is shielded from residential neighborhoods by adjacent industrial properties. The nearest residential property is over 1,000 feet away from the facility.

(e) The applicant shall provide credible evidence to the Board to demonstrate the ability of the facility and its ancillary elements to comply with all applicable regulations. The evidence shall include, but not be limited to, the following:

(1) An indication of the site and description of land uses within one-fourth (1/4) of a mile of the site.

The District of Columbia Generalized Land Use Map, May 1995, classifies the adjacent land as Parks, Recreation, and Open Space, and as Industrial land. Kenilworth Park, owned by the National Park Service, is located to the north, east, and west of the site. Kenilworth Park includes non-public access vacant land (including a former waste disposal site) and public-accessible park areas. The Potomac Electric Power Company (PEPCO) Benning Road Power Generating Station is located to the south of the site. The PEPCO plant is considered as an industrial use of the land. The Kenilworth Maintenance Facility operated by the National Park Service is located southwest of the site. The property use for this facility is industrial. The Anacostia River is located to the west of the site.

Land uses within a ¼ mile of the site beyond the adjacent land uses are classified as Local Public Facilities, Mixed Residential and Commercial land use, and Medium Density Commercial land use.

(2) A site plan showing the layout of the proposed facility, including main buildings, fences and screens, access to rail if available, street access, parking and queuing areas, and a functional diagram indicating the proposed use of the site;

Site plans are provided in Section B of this document. Access to rail is not available and thus, is not indicated.

(3) An operating plan indicating types of waste to be accepted at the facility and estimates of the volume and number of trips of incoming and outgoing materials daily and during peak periods;

Only municipal solid waste will be accepted at the facility. This waste must arrive in refuse-type vehicles (i.e., rear and front loader packer trucks, roll-off containers, and compactor containers) and wastes will not be accepted if not in compliance with DPW-SWA procedures. For example, incoming vehicles must be weighed and logged in at the scale house prior to waste discharge within the facility. If unacceptable wastes are discharged at the facility, the waste hauler is responsible for the immediate removal of such wastes from the facility.

(Note: A citizen drop-off area is to be located on the south side of the facility for use by District residents in passenger vehicles. This area will accommodate the drop off of recyclables, household hazardous wastes, and bulk household solid waste items on a periodic basis.)

The volume of solid waste to be received at the facility in the future is estimated to average approximately 1,900 tons per day, Monday through Friday.

Daily deliveries (inbound) by solid waste vehicles and miscellaneous truck deliveries are estimated to range from 400 to 500 per day (Monday through Friday). Less than 300 such deliveries are estimated for Saturdays. Less than 30 deliveries are estimated for Sunday. An estimated 50 to 75 vehicular trips (one way) will occur during morning peak hours. An estimated 30 to 50 vehicular trips (one way) will occur during evening peak hours.

(4) A plan for preventing and controlling offensive noises, odors, and rodents and other disease vectors;

Most of the noise-related operations of the facility will take place within the building itself. For example, truck backing, refuse discharge, loader and crane operations, and loud-speaker communications/alarms are designed to be located within the building. Based on the building and operations design, the operating noise level is not expected to exceed the allowable decibel level for this zone.

Due to the nature of solid waste, potential odors may be generated during the day-to-day operations of the facility. As a means to prevent and control odors and dust, the DPW-SWA undertakes several operational activities on a regular basis, including:

- *incoming refuse is inspected and immediately loaded into transfer trailers for shipment out the same day or the next morning*
- *a street sweeper is used on the tipping floor and facility roads on a regular basis*
- *refuse handling occurs within the closed building where mechanical ventilation systems are present and operational, including a roof-top odor-control system .*

To prevent and control rodents and other disease vectors, a licensed vendor is retained on an ongoing basis to apply rodenticides and insecticides at the facility.

(5) A traffic study that indicates truck routes to and from the facility on streets, to the extent possible, that are major arterials and highways that do not about residential neighborhoods along the way, with the objective of minimizing potential adverse impacts on adjacent neighborhoods;

Traffic considerations were addressed in the facility's approved EISF. Inbound and outbound transfer trailer traffic will use Benning Road and I-295. Inbound and outbound refuse vehicles will use Benning Road and then disperse to their normal residential and commercial collection stops..

(6) A certified statement by an architect or engineer licensed in the District of

Columbia that the facility as sited and designed to the best of his or her professional knowledge and belief is capable of complying with this subsection and all other applicable regulations of the District of Columbia government, including without limitation, regulations adopted pursuant to the Solid Waste Facility Permit Act of 1995, effective February 27, 1996 (D.D. Law 11-94, as amended; D.C. Code, 2001 Ed. Sec. 8-1051 to 8-1063 (formerly codified at D.C. Code Sec. 6-3451 to 3463 (1999 Supp.))).

Please refer to Exhibit D-2.

(f) There shall be no truck access, parking, standing or queuing to the facility from any street or block-long portion of a street for which fifty percent (50%) or more of the abutting properties on either side are used for residential purposes. No truck dumping or picking up solid waste shall park, stand, or queue for the facility from any public right-of-way. Vehicular traffic resulting from operations at the facility shall not obstruct traffic. The location of the facility shall provide access from a paved street with a road base capable of withstanding anticipated load limits;

There will not be truck access, parking, standing, or queuing on any street for which fifty percent or more of the properties are used for residential properties or on any public right of ways. Vehicular traffic will not obstruct traffic. Surrounding paved streets have a road base capable of withstanding anticipated load limits.

(g) The facility shall also be subject to the "Standards of External Effects (C-M)" in Sec. 804 and the District of Columbia Noise Control Act of 1977, effective March 16, 1978 (D.C. Law 2-53, 24 DCR 5293 (December 30, 1977), as amended, and Standards, 20 DCMR chapters 27-29.

The facility is designed to abide by the aforementioned documents.

(h) All solid waste handling activities, including depositing, processing, separation and loading shall be within a fully enclosed building to minimize the adverse impacts due to noise, traffic, parking, odors, rodents, and other disease vectors, dust, litter, fire hazards, decomposition gases, wastewater, vehicle and other pollution, and other hazards or objectionable conditions.

All solid waste handling activities (depositing/vehicle discharging, inspections, and loading into the transfer trailers) will occur atop the newly expanded tipping floor and within the fully enclosed building. The transfer trailers will be parked within the 'tunnel' during loading. The east and west ends of the tunnel are open as the primary points for incoming ventilation and fresh air.

The Citizen drop-off area located on the south side of the facility is designed to be an open air location. Citizens will be able to drop off recyclables, household hazardous wastes, and bulk household solid waste items on a periodic basis. All outside waste receptacles will be emptied on a daily basis.

(i) The facility shall be enclosed on all sides by an opaque fence or wall at least ten feet (10 ft.) high. The facility shall be secured from unauthorized deposit and removal of solid waste or other materials when attendants are not present; and

The facility is enclosed on the north, east, and west sides by a six-foot wire mesh fence and on the south side by an eight-foot wire mesh fence. The fence serves to secure the facility from unauthorized deposit and removal of solid waste. A security attendant is present at the site 24 hours a day.

(j) The facility shall provide on-site parking and queuing as follows:

(1) Space shall be provided on-site to park each commercial vehicle operated by the facility.

Most commercial vehicles arriving at the Benning Road Transfer Facility do not use parking spaces; they arrive, discharge refuse load, and depart shortly thereafter.

Space is provided in the south side parking area to park each anticipated commercial vehicle operated by the facility, such as DPW pick-up trucks. DPW refuse vehicles are parked at other off-site DPW locations. Private refuse vehicles will not be permitted to park at the facility. Most of the private transfer trailers will be parked at off-site locations; however, some parking for such vehicles has been provided for in the south parking area.

(2) One employee parking space shall be provided for each commercial vehicle lawfully parked on the site after operating hours;

There are up to 36 employee parking spaces on site. This is adequate to provide parking for commercial vehicles that are lawfully parked on site after operating hours.

(3) If the facility serves the public, all parking and queuing space shall be provided on-site to accommodate projected peak demand; and

On a periodic basis, the facility may be open to the public for the purpose of dropping off household hazardous waste items, recyclables, and/or bulk household solid waste items. During these events, signage will direct the public to and from the Citizen Drop-Off area. The drop-off area is used in a drive through manner; that is, each car pulls over to a marked area, materials are placed into marked bins, and the car departs shortly thereafter. Extended public parking will not be permitted. Anticipated peak demand for public use will be on Saturdays and the design accommodates adequate queuing space that might occur during peak hours.

(4) Additional parking, truck maneuvering, or queuing space may be required by the Board after considering the applicant's analysis of such needs and the reports of

the D.C. Department of Public Works and the Office of Planning. However, at a minimum, the facility shall be configured in such a manner that trucks entering or leaving the facility shall not back in from or back out onto any public right-of-way.

The facility is configured in such a manner that trucks entering or leaving the facility will not have to back in from or back out onto any public right-of-ways. The proposed special exception allows for additional parking spaces, truck maneuvering, and queuing so as to meet the needs of the transfer operations.