GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

RECEIVED
D.C. OFFICE OF ZONING
2002 DEC -2 PM 2:55

MEMORADUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman, Director
Office of Planning

DATE: December 2, 2002

SUBJECT: Waiver of Rules for Late Submittal of Setdown and Supplemental Report for Case No. ZC-02-46

The attached Setdown and Supplemental Report concerning the map amendment to assign the M district to the Benning Road Solid Waste Transfer Station property (PAR 001690111, U.S. Reservation 343) is being submitted less than 7 days prior to the Board of Zoning Adjustment's consideration of the item and scheduled public hearing. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

Attachment

AA/sjm$_{AICP}$

Zoning Commission
District of Columbia
Case 02-46
Exhibit 12

ZONING COMMISSION
District of Columbia
CASE NO.02-46
EXHIBIT NO.12

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: D.C. Zoning Commission

FROM: Andrew Altman
Director

DATE: November 29, 2002

SUBJECT: Case No. **ZC-02-46**: Setdown and Supplemental Report for a Map Amendment to assign the M district to the Benning Road Solid Waste Transfer Station Center property (PAR 001690111, U.S. Reservation 343), filed by the DC Department of Public Works.

RECOMMENDATION
The Office of Planning recommends setdown and final approval of the proposed map amendment to assign the M district to the Benning Road Solid Waste Transfer Station property on PAR 001690111, U.S. Reservation 343.

This hearing report also serves as the Office of Planning's supplemental filing provided for in 11 DCMR 3013.

BACKGROUND
The D.C. Department of Public Works (DPW) has requested permanent zoning for the Benning Road Solid Waste Transfer Station. The site is currently un-zoned. According to the application, the subject property was transferred to the City in 1969 from US Reservation 343 and used as an incinerator from July 1972 till March 1994. Since 1994 it has been used as a solid waste transfer facility.

In 1958 the City Council determined that City and federal land shall not be subject to zoning. City facilities have historically been a government use on City or federal lands and therefore were not subject to zoning. However, in 1990 the City Council reconsidered the issue and passed legislation requiring that city property be subject to zoning. Therefore, the property is subject to zoning.

The area has been identified on the Generalized Land Use Map as parks, recreation and open space, which is described as *"District government parks and recreation centers, cemeteries and the National Capital Open Space System are the predominant uses."*

DPW proposes to make alterations and repairs to the existing building, including an upgraded storm water system, new odor and dust control mitigation system, new

ventilation system and new signage and lighting. DPW also proposes to construct a 14,000 square foot building addition, 61 feet in height, to accommodate larger refuse trucks. The site will also be designed to accommodate periodic citizen drop-offs of household hazardous wastes, recyclables and bulk solid waste items.

Section 106.5 of 11DCMR sets out the applicability of zoning to city-owned properties and Section 106.5(b) identifies the zoning requirement for construction projects. It reads in part *"...any change or expansion in the use of land or building, or any new construction or additions to buildings shall be subject to zoning."* Section 106.5 prohibits the renovation and expansion of the property without a zoning classification. Therefore, DPW requested a proposed map amendment to zone the property M, consistent with an adjacent zoned property to the south.

ZONING

The subject property is surrounded on three sides by un-zoned land that is a part of Anacostia Park. However, to the south and across Anacostia Avenue, N.E. is land located within either the M (general industry) or the C-M-1 (low bulk commercial light manufacturing) district, with which this request is consistent. DPW reports that the use of the subject property for waste disposal began in 1972. As a result, it has never been assigned a zone district.

The Benning Road Waste Transfer Station is located to the north of, and across Anacostia Avenue from, the former PEPCO electric power plant, and approximately 230 feet east of the Anacostia River. Access to the subject property is via Anacostia Avenue, which is accessible from Benning Road. Anacostia Avenue adjoins the western property line of the former PEPCO plant from Benning Road, and then curves around and runs eastward along the northern property line of the former PEPCO property to the subject property. The PEPCO plant is split zoned, consisting of M and C-M-1 districts. The property to the north, east and west of the subject property is un-zoned and is a part of Anacostia Park.

The Office of Planning recommends the M district be extended to the subject property. It is not only compatible with a portion of the adjacent property to the south, but the existing buildings will also be in conformance with the bulk regulations required within the M district. The existing building is 82 feet in height, in conformance with the maximum 90-foot building height permitted within the M district, but in excess of the maximum 40-foot building height limit within the C-M-1 district. The proposed building addition is 61 feet in height.

Section 820 of 11 DCMR sets forth the intent if the M district:

820 GENERAL INDUSTRY DISTRICTS (M)

820.1 The General Industry (M) Districts are designed to provide areas suitable for development as heavy industrial sites, but at the same time protect those industrial developments from the intrusion of non-industrial uses that impede the full utilization of properly located industrial sites.

820.2 Except as provided in §821.2 of this title, no new residential building shall be permitted in M districts.

820.3 Since the regulations relative to operation of permitted uses are only those minimally required to protect nearby industrial and commercial uses, M districts, whenever possible, shall not be mapped adjacent to Residence districts.

820.4 Other than certain specifically prohibited uses, any use conforming to specified standards of external effects shall be permitted in the M districts.

820.5 Except as provided in chapters 20 through 25, in an M district, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for one (1) or more of the uses set forth in §§821 through 824.

COMPREHENSIVE PLAN

The map amendment is not inconsistent with the Comprehensive Plan objectives and policies, including:

404 SOLID WASTE MANAGEMENT

404.1 The objective for solid waste management is to develop safe and effective methods for reducing, collecting, recycling, and disposing of solid waste and sewage sludge.

404.2 The policies established in support of the solid waste management objective are as follows:

(a) Develop and implement a reliable program of solid waste and sludge management that is cost-effective, environmentally sound, and fully coordinated with all responsible jurisdictions and regulatory bodies;

404.3 The Department of Public Works shall enforce adopted noise regulations pertaining to the operation of solid waste hauling equipment in or near residential neighborhoods by limiting vehicular operating permits to the restricted hours and locations set forth in the regulations.

404.4 Prohibit the siting of Solid Waste/Trash Transfer Stations in, adjacent to, or near (within 500 feet) of any other use. All such facilities should possess valid (permanent) Certificates of Occupancy and any other necessary operating permits.

406 ENVIRONMENTAL HEALTH AND SANITATION

406.2 The policies established in support of the environmental health and sanitation objective are as follows:

(c) Develop, implement, and maintain programs to manage the use, handling, transportation, storage and disposal of harmful chemical, biological, and radioactive materials (hospital wastes, radioactive materials used in research and medical treatment, hazardous organic and inorganic chemicals are of special concern) including expanded enforcement of local regulations and the establishment of a training program on the handling of hazardous materials and on emergency planning;

(e) Develop a program to safely collect and dispose of household hazardous wastes, including batteries, paints, household cleaners, and other harmful wastes generated by residential properties; and

1812 WARD 7 ACTIONS IN SUPPORT OF ENVIRONMENTAL PROTECTION

1812.1 The policies in support of environmental protection are as follows:

(d) Study and evaluate the potential environmental impact and health implications from the storage and disposal of harmful biological, chemical and radioactive materials at... the District's waste facility on Benning Road N.E:

(1) Ward residents have been concerned about the environmental and possible health implications that may be caused by... the District's waste facility at 3300 Benning Road, N.E. They have further expressed concerns about the storage and disposal of hazardous waste and toxic substances for fear that these substances may cause contamination to drinking water, vegetation, soil and air; and

(2) Recommended actions:

(B) Enforce rules and regulations governing the operation of the District's waste facility at 3300 Benning Road, N.E. to ensure that the plant operates as efficiently as possible;

(D) Inform the PSC, DCRA, CPH, D.C. Fire Department and the Office of Emergency Preparedness of any hazardous environmental spill-over affects to the air or ground water as a result of accidents or malfunctions of plant operations;

CONCLUSION

OP believes the proposed map amendment is not inconsistent with the above objectives and policies of the Comprehensive Plan and would result in the expedited achievement of many. Specifically, the proposed map amendment will result in the ability of DPW to expand and improve the operation of this waste transfer station. The proposed map amendment is also not inconsistent with the Generalized Land Use Map, as this map is intended to only generally designate land uses, the District government owns the subject property, and the Comprehensive Plan specifically references and promotes the upgrading of this existing facility.

AGENCY COMMENTS

The Department of Public Works has requested the map amendment be approved.

RECOMMENDATION

The Office of Planning recommends setdown and final approval of the proposed map amendment to assign the M zone district to the Benning Road Solid Waste Transfer Facility property on PAR 01690111, part of U.S. Reservation 343.

This hearing report also serves as OP's supplemental filing provided for in 11 DCMR 3013.

AA/sjm,AICP