GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: D.C. Zoning Commission

FROM: Andrew Altman
Director

DATE: February 17, 2003

SUBJECT: Case No. **ZC-02-46**: Final Report for Map Amendment request 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 (OP) recommends 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.

SETDOWN
This application was set down by the Zoning Commission on December 9, 2002.

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.

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

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EXHIBIT NO.19

prohibits the renovation and expansion of the property without a zoning classification. Therefore, DPW requested a proposed map amendment to zone the property M (general industry), consistent with an adjacent zoned property to the south.

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.

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 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.

OP recommends the M district be extended to the subject property. It is not only compatible with 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 and the proposed building addition is 61 feet in height. Both will be in conformance with the maximum 90-foot building height permitted within the M district. The C-M-1 district is also adjacent to the site, however the maximum 40-foot building height limit would cause the transfer facility to be immediately non-conforming and in need of areas variances to proceed with improvements.

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 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 stated as the predominant uses. However, the property has been used as a waste facility since 1972.

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.

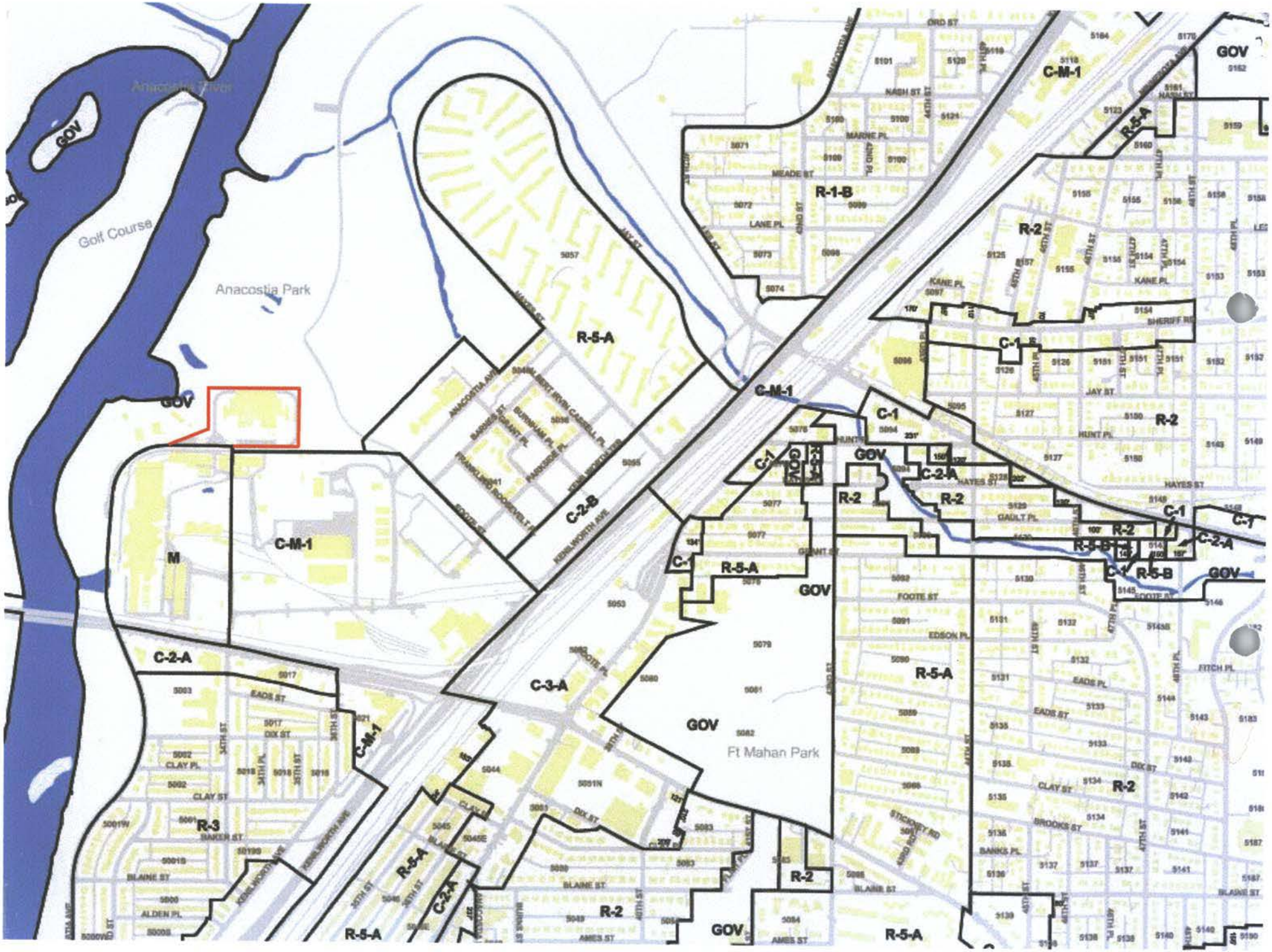
The District Department of Transportation (DDOT) has indicated to OP that all trucks entering and exiting the site will have to go through the intersection of Benning Road and Anacostia Avenue. To accommodate the additional truck traffic that is anticipated, the traffic signal will require upgrading. The upgrading of this signal is already proposed as a part of the expansion of the Benning Road Bridge, a capital improvement project that is already underway. The upgrading of the traffic signal is to include an actuated mode, so as to improve ingress and egress from the waste transfer station, and to minimize the impact to traffic flow on Benning Road.

Comments were solicited from the Office of Corporation Counsel, but none were received.

RECOMMENDATION

OP recommends 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.

AA/sjm,AICP


Anacostia River
Golf Course
Anacostia Park
Ft Mahan Park
GOV
M
C-M-1
C-1
C-2-A
C-2-B
C-3-A
R-1-B
R-2
R-3
R-5-A
R-5-B
NASH ST
MARINE PL
MEADE ST
LANE PL
KANE PL
SHERIFF RD
JAY ST
HUNT PL
HAYES ST
GAULT PL
FOOTE ST
EDSON PL
EADS PL
EADS ST
FITCH PL
DIX ST
CLAY ST
BROOKS ST
BANKS PL
BLAINE ST
ALDEN PL
AMES ST
CLAY PL
BAKER ST
STICKNEY RD
KENILWORTH AVE
ANACOSTIA AVE
BARNES ST
HARRISON PL
FRANKLIN D ROOSEVELT PL
BURNHAM PL
ORD ST
HAYES ST
GRANT ST
42ND ST
43RD ST
44TH ST
45TH ST
46TH ST
47TH ST
48TH ST
34TH ST
35TH ST
36TH ST
38TH ST
40TH ST