Government of the District of Columbia

ZONING COMMISSION

February 28, 2003

TO: Rob Miller, Esq.
Legislative Counsel
1350 Pennsylvania Avenue, N.W. R-504
Washington, D.C. 20004

FROM: Alberto P. Bastida, AICP
Secretary to the Zoning Commission

SUBJECT: Request for Council Interpretation Concerning Whether the Zoning of 3200 Benning Road, N. E. to the M Zone District Would be Not Inconsistent with Comprehensive Plan's Designation of the Area as Open Space.

The Zoning Commission is considering the petition of the D.C. Department of Public Works to zone the above site to the Industrial (M) Zone District in order to facilitate the expansion of the solid waste handling facility located there[1]. However, the Generalized Land Use Map shows the area as Open Space. As you know, the District Charter provides that Zoning must not be inconsistent with the Comprehensive Plan. In response to the Commission's concern over this seeming inconsistency in establishing an M zone designation for an area designated as open space, DPW points to the Council's decision to budget substantial sums toward the modernization of the Benning Road solid waste facility.

Before considering whether to take proposed action on this petition, the Commission would greatly appreciate receiving a Council interpretation as to whether the zoning of the site to an M district would be not inconsistent with the Comprehensive Plan.

[1] The site is presently unzoned since it belongs to the Federal Government. The facility was constructed at a time when the District was not subject to zoning and therefore no zoning designation was made. The Council's 1990 action to make new District projects subject to zoning requires the zoning of the subject property and special exception approval of the expanded use.

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Case 02-46
Exhibit 23

ZONING COMMISSION
District of Columbia
CASE NO.02-46
EXHIBIT NO.23