



COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D. C. 20004

HAROLD BRAZIL
Councilmember-Ward 6

December 7, 1995

Ms. Madeliene H. Dobbins
Director
Office of Zoning
441-4th Street, N.W., Suite 220
Washington, D.C. 20001

Dear Ms. Robinson:

This is to request that the Zoning Commission review, at its December 11, 1995 meeting, Bill 11-36, the "Solid Waste Transfer Act of 1995", which currently is before the Council. As you will recall, I formally made this request in a letter, dated October 31, 1995 that I presented before the Zoning Commission on November 9, 1995. At that time I also provided the Zoning Commission with the Committee on Public Works' report on the bill, which included the legislation and other pertinent documentation.

The reason I am asking the Zoning Commission to review this legislation is that I am concerned that the District government has not prepared a uniform, comprehensive and coherent body of legislation and regulations that provide adequate definitions, industry and regulatory standards, licensing and enforcement guidelines and other criteria to enable this emerging industry to be properly established and regulated by the agencies of the District government. Accordingly, this bill may lead to a situation in which these solid waste transfer facilities, none of which possess a certificate of occupancy to do solid waste transfer, will be "grandfathered" into existence without ever having made application, or undergone zoning review. This may open to question the zoning designations in many areas buffering residential neighborhoods.

ZONING COMMISSION

CASE No. 95-4 ZONING COMMISSION
District of Columbia
EXHIBIT NO. 108 CASE NO. 95-4
EXHIBIT NO. 108

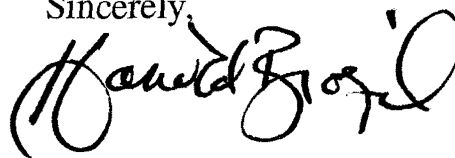
For example, I have written (letter attached) to the Director of the D.C. Department of Consumer and Regulatory Affairs ("DCRA"), Hampton Cross, concerning the old Uline Arena in Ward 6, at 3rd and M Streets, N.E., to determine if the operator, L & G Industries, in doing solid waste transfer, is operating in violation of their certificate of occupancy that involves recycling building materials. If they are found to be in violation, the matter may come before the Board of Zoning Adjustment (the "BZA"). At that point, the BZA will perhaps want to look at Bill 11-36, which may have passed into law, to assist it in dealing with the issue.

My concern is to know if this bill provides the Zoning Commission and the other licensing and regulatory agencies of the District government with appropriate legal and regulatory tools to provide for this emerging industry. If not, I am concerned to know how we can amend this legislation to enable this business to serve the District's solid waste management requirements.

Let me make clear that I share the Zoning Commission's oft-stated position that we not zone vital industrial functions out of existence. I am simply concerned that we provide the proper legal framework so that the Zoning Commission, DCRA, Public Works and other agencies can enable these businesses to operate safely and in the best interests of the District of Columbia.

Thank you for your attention in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Harold Brazil", written in a cursive style.

Councilman Harold Brazil

Attachment

cc: Commissioner Daniel Pernell
Helena B. Darden