BEFORE THE ZONING COMMISSION OF THE DISTRICT OF COLUMBIA
CASE NO. 04-07: APPLICATION OF THE D.C. WATER AND SEWER AUTHORITY

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Joint Conditions of Approval between the District of Columbia Water and Sewer Authority and the District of Columbia Office of Planning

May 20, 2004

As WASA is under federal mandate to undertake immediate technical improvements to the Main and O Street pump stations, WASA requests approval of a set of improvements, which includes immediately required internal mechanical improvements, construction of a new load out facility on the east elevation of the Main Pump Station, replacing and upgrading the O Street building façade, repairs to the sea wall, improved paving, lighting, security and traffic circulation features and minimal, temporary site and security improvements needed to undertake this work. None of this work will preclude WASA from addressing broader long-term community commitments as detailed below.

In light of the limited nature of the proposed improvements to the site, the commitments made by WASA as part of this application, including those incorporated in these suggested conditions of approval, constitute an appropriate response to the requirements of the CG Overlay District. WASA understands that future, more extensive redevelopment of the site will trigger a more detailed review of proposed site improvements in accordance with the objectives of the Capital Gateway Overlay District, the Anacostia Waterfront Initiative and the New Southeast Urban Framework Plan. In addition, WASA will cooperate with adjoining property owners in preparing a coordinated plan for access to and along the waterfront, street alignment, provision of publicly accessible open space, and permanent security measures. The exact timing of individual elements of this plan will be dependent on the timing for development of various aspects of the Southeast Federal Center (Forest City), US Department of Transportation and Florida Rock Properties developments, as well as WASA's requirements.

Proposed Conditions of Zoning Commission Approval:

1. DCWASA will permit public access from Tingey Street, S.E, to the Anacostia waterfront along the eastern edge of its property. The precise path of this public access way will be established by appropriate District of Columbia authorities with input from DCWASA, Forest City, District Department of Transportation, and the Office of Planning in conjunction with the development of the adjacent SEFC project. The access way may be established along the right of way of Second Street, S.E., or of New Jersey Avenue, S.E., or at another mutually agreeable location. If located on DCWASA lands, DCWASA shall permit

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pedestrians, bicyclists, emergency vehicles, and special event traffic along the entire length of the public access way. In addition, DCWASA will permit the use of the northernmost portion of the public access way connecting Tingey Street S.E. and the future Water Street SE. for vehicular traffic serving the residential development.

2. DCWASA's obligation to provide this public access way is predicated on Forest City also contributing an equitable share of its property to the public access way as required in accordance with the agreed upon alignment.

3. DCWASA will retain the right to use Second Street, S.E., the public access way described above, or both of them for necessary access (including vehicular access) to its facilities.

4. DCWASA may install appropriate security measures to protect its site. WASA may provide interim security measures prior to the preparation of longer-term site plans. Permanent measures will reflect the overall character of the neighborhood, and may include an attractive fence with brick and iron elements similar to the security fence proposed for the nearby Washington Navy Yard. Any security measures installed by WASA confronting residential development must be sensitive to the aesthetic considerations resulting from that residential development. Permanent security measures in addition to the fence described herein will be subject to Zoning Commission review.

5. DCWASA, a signatory to the Anacostia Waterfront Initiative, recognizes the important goal of revitalizing the Anacostia waterfront. DCWASA commits to do nothing on this site that will prohibit the establishment of the proposed river walk along the Anacostia. In addition, at a time consistent with the construction of waterfront amenities by the Florida Rock project to the west and the Forest City project to the east, DCWASA will:

    a. Relinquish waterfront parking spaces on its site, with the understanding that the District Government will find locations to replace any parking that may be removed;
    b. Allow a park-like setting near the southern end of the Main Pumping Station; and
    c. Accommodate the continuation of the proposed river walk at an appropriate location on or adjacent to the entire southern edge of the DCWASA site.

6. DCWASA will permit the use of a portion of the northwest corner of the Main Pumping Station site in or near Canal Street, S.E. for the improvement of the intersection of Tingey Street, S.E. and New Jersey Avenue, provided however, these improvements must not preclude DCWASA's future use of any or all of

Canal Street, S.E., 2nd Street SE, Tingey Street, S.E., as points of access to the DCWASA site.

7. At the request of the SEFC developer, DCWASA has agreed to explore the possibility of reducing the height of the screening load out facility to reduce any potential impact on future residential lands to the east. If DCWASA reaches an agreement with the SEFC developer to reduce the height of the load out facility, it may do so without further review by the Zoning Commission. The Zoning Commission acknowledges that DCWASA's condition for considering this height reduction is a commitment from the SEFC developer to bear any increased cost in constructing or operating the facility.

8. Within 10 years of Zoning Commission approval of this application, DCWASA will prepare and submit a detailed proposal for the redevelopment of this site, including comprehensive site plans and details indicating the satisfaction of all of the conditions noted above, including streetscape improvement design, parking redesign, open space treatments along the waterfront, permanent security measures, and ways in which the site can accommodate the continuation of the Anacostia Riverwalk at an appropriate location on or adjacent to the entire southern edge of the property. This proposal may be submitted in a coordinated application with an adjacent landowner, as part of a larger redevelopment scheme for the WASA site, or as a separate submission to the Commission.