Testimony of Nathan W. Gross, AICP
Zoning Commission Case No. 04-07
Special Exception – D.C. Water and Sewer Authority
May 20, 2004

Introduction

The planning guidance for the subject site and surrounding area is provided in terms of two general time frames:

- Mid-Long Term. "Anacostia Waterfront Initiative" and the "Near Southeast Urban Design Framework," and
- Near Term: Capitol Gateway Overlay District and W-2 zoning.

The discussions and negotiations between WASA (the Applicant) and the Office of Planning ("OP") have resolved the overlay district issues, and substantial progress has been made as well on the longer term urban design and planning issues

My testimony will be in three parts – first, a summary of the enhancements to the site provided by the project, second, compliance with the special exception criteria of the Capitol Gateway overlay district, and third, the Applicant's proposed conditions of zoning approval, based on agreements reached between WASA and the Office of Planning

I. Summary of How the Project Enhances the Site

This multi-faceted project will enhance the site in a number of ways

A The rehabilitation and upgrades to the mechanical elements in the two pumping structures will provide for larger capacity and therefore will provide improved processing of sewage on behalf of the District of Columbia as a whole.

B The façade of the O Street pumping station is severely deteriorated and will be replaced by a new façade The design modification will be complementary to the Beaux Arts style of the Main Pumping Station and will be a significant aesthetic improvement to the property.

C An improved truck pickup station for screened refuse will be constructed and will include special odor control measures WASA has engaged in negotiations with the District to potentially submerge the Load Out facility or otherwise screen it from proposed adjacent development on site of the former Southeast Federal Center

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D The applicant will construct a new sea wall.

E The parking areas, drives and roadways and pedestrian pavement will be re-striped and better defined.

II. Compliance with Specific Criteria in Section 1603

A Subsection 1603.1 of the overlay zone requires special exception approval of additions and renovations, and Subsection 1603 2 provides that the project shall help achieve the desired mixture of uses in the overlay district and shall be of suitable height, bulk and design. Subsection 3104 1 also requires any special exception to be "in harmony with the general purpose and intent of the Zoning Regulations and Map," and the project will not tend to adversely affect the use of neighboring property.

B. The purpose clause of the overlay zone states, "Allow for the continuation of existing industrial uses, which are economic assets to the city, during the extended period projected for redevelopment." (§ 1600 2(c)) Moreover, Section 1605 provides that existing CM (industrial) uses shall be conforming rather than nonconforming uses. This flexibility is highly appropriate for the pumping stations, which are critical to the citywide operation of the wastewater treatment system.

C In the Environmental Element, the *Comprehensive Plan* states.

402 2(a) Provide for adequate treatment of sewage through continuing efforts and substantial capital investments needed to ensure an adequate level of sewage treatment and to provide sufficient treatment capacity to serve future development needs and consumption patterns.

D The existing buildings are of moderate height and bulk and provide openness of views to and from the waterfront This project is primarily a renovation of a long-established use and property with virtually no increase in density (0.268 to 0 270 FAR)

E The Main Pumping Station is considered a major historic building although it is not formally designated as a landmark The appearance of the O Street Pumping Station will be significantly improved by the new façade being constructed

F No new traffic, noise or lighting will result from the upgrades to the stations

Subsection 1603.3 requires any building or structure to be set back 50 to 75 feet from the bulkhead along the river and requires the applicant to submit a plan for

suitable open space treatment in this area to accommodate the Anacostia Riverwalk.

A. The Main Pumping Station is set back substantially more than 75 feet from the bulkhead, and the O Street Pumping Station is set back approximately 50 feet. These structures comply. The Applicant has reached an agreement with the Office of Planning to relinquish the parking spaces along the waterfront subject to other conditions as discussed below.

B With regard to plans for the waterfront open space and accommodating the Anacostia Riverwalk, WASA has agreed to Conditions 5 and 8 in the "Joint Conditions of Approval" submitted by WASA to the record of this case (see below).

III. Agreement with City Administrator and Office of Planning

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 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.