LINOWES AND BLOCHER LLP
ATTORNEYS AT LAW

RECEIVED
D C OFFICE OF ZONING
2004 JUN 14 PM 4 40

June 14, 2004

Emily J Vaias
301 961 5174
evaias@linowes-law com

FAX & HAND DELIVERY
District of Columbia Zoning Commission
Ms Carol J Mitten, Chair
441 4th Street N W Suite 210-S
Washington DC, 20001

ZONING COMMISSION
District of Columbia
CASE NO. 04-07
EXHIBIT NO. 32

Re Zoning Commission Case #04-07, DC WASA Special Exception
Objection to Forest City/Washington Request for Re-Opening of the Record

Dear Ms Mitten and Zoning Commissioners

On behalf of the Applicant, District of Columbia Water and Sewer Authority ("WASA"), we strongly object to the request by Forest City/Washington ("Forest City"), dated June 9, 2004, requesting that the record in this matter be re-opened to allow submission of their letter Without addressing the substance of their letter, we object to their request to re-open the record as they have had more than ample opportunity to be participants in this process They were notified of the filing when it was made back in late February, 2004 and thereafter, there have been several meetings with their representatives regarding the proposed project More specifically, on May 11, 2004, WASA officials met with Forest City and discussed the Load Out Facility designs There was an additional meeting on May 20, 2004 with more discussions on this issue Further, WASA officials met with representatives from GSA, the predecessors in title to Forest City, on March 9, 2001, July 21, 2003, August 8, 2003, and January 4, 2004 Consequently, GSA has been involved with the planning for the WASA site for more than 3 years Therefore, we respectfully request that the Zoning Commission deny their request to re-open the record for submittal of their letter

In the event that the Zoning Commission permits the submission of the Forest City letter, we would submit that Forest City's request for deferral of WASA's plans is inappropriate due to the inability of Forest City to work expeditiously with WASA on the design of WASA's facility More specifically, Forest City has not even authorized its engineers to move forward with studying the Load-Out Facility and its impact on their property or a possible re-design Second, Forest City is still working on the design of its own site and should not attempt to thwart WASA's plans while Forest City could and should alter its own plans if necessary to best protect their future residents and visitors from the legally existing sewage pumping

ZONING COMMISSION
District of Columbia
CASE NO.04-07
EXHIBIT NO.32

situation WASA has continued to represent that WASA will not do anything on its property to prevent implementation of the Anacostia Waterfront Initiative, and therefore deferring the current application is not necessary Further, Forest City claims that the Load Out Facility that is part of WASA's application is not required for compliance with the Consent Decree and this is simply inaccurate As was submitted at the hearing and in numerous documents by WASA, the Load Out Facility is part of compliance with the Consent Decree in order to increase the capacity of the Main Pump Station Without the Facility, the screened debris would be dumped onto the ground in an unprotected and unsafe manner WASA could not and would not expect to receive approval for such a plan, and to suggest that this is possible is disingenuous Further, as was also discussed at the hearing and reflected in the testimony of the Office of Planning, WASA and the Office of Planning are in agreement on moving forward with the current proposal and allowing for future discussions regarding the Waterfront Initiative

Therefore, we respectfully request that the Zoning Commission proceed with action on the proposed application to allow WASA to move forward with a critical part of its implementation of the Federal Consent Decree by approving the Load Out Facility and remainder of the special exception package Thank you for your consideration

Sincerely,

LINOWES AND BLOCHER LLP

Emily J Vaias

cc Deborah Ratner Salzberg, Forest City/Washington
Jacques B DePuy, Esq , Attorney for Forest City
Mr Uwe Brandes, DC Office of Planning
Mr Joel Lawson, DC Office of Planning
Kenneth P Barnhart, Esq , DC WASA
Martin Sultan, DC WASA

L&B 371222v1/04402 0005