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Office of the Director

MEMORADUM

DATE. June 14, 2004

TO District of Columbia Zoning Commission

FROM: Andrew Altman, Director
Office of Planning

SUBJECT. Waiver of Rules for Late Submittal of Supplemental Report on Case No 04-07

The attached Supplemental Report concerning Zoning Commission Case 04-07, Special Exception Review of Proposed Additions and Renovations to the Water and Sewer Authority Main and O Street Pumping Stations, pursuant to the Capital Gateway Overlay District, is being subsequent to the date established by the Zoning Commission for the receipt of responses to the post-hearing submissions from the applicant

The Office of Planning respectfully requests that the Commission waive its rule and accept the report into the record.

Attachments

AA/jl

ZONING COMMISSION
District of Columbia
CASE NO. 04-07
EXHIBIT NO. 33

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District of Columbia
CASE NO.04-07
EXHIBIT NO.33

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OFFICE OF PLANNING

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Office of the Director

SUPPLEMENTAL REPORT

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: June 14, 2004

SUBJECT: Zoning Commission Case #04-07, Special Exception Review of Proposed Additions and Renovations to the Water and Sewer Authority Main and O Street Pumping Stations, pursuant to the Capital Gateway Overlay District

I. BACKGROUND

In its May 20, 2004 Public Hearing on this proposal by the DC Water and Sewer Authority (WASA) to upgrade two adjacent sewage pumping station facilities in the Near Southeast area, the Zoning Commission left open the record until June 02, 2004 for the receipt of copies of the Consent Decree and sample boards from the applicant, June 04, 2004 for the receipt of a draft order from the applicant, and June 09, 2004 for the receipt of any comments arising from these submissions

OP is very supportive of WASA's initiative to upgrade its facilities in accordance with the Consent Decree, and generally supports the Draft Order as presented by the applicant, with key modifications noted below. OP feels that these modifications will provide assurance to the Commission that the necessary and desirable planning for the area surrounding the pump station buildings – including WASA land as well as other privately owned lands – happens in a timely manner and in accordance with WASA and OP's shared vision for a revitalized waterfront, as described in the Anacostia Waterfront Initiative and the Near Southeast Plan

II. ANALYSIS

Findings of Fact Section 24

- WASA placed its commitment to the provision of public access from Tingey Street to the waterfront in the "Findings of Fact" section rather than the "Decision" conditions section

  OP recommends that these vital considerations be made conditions of approval by the Zoning Commission

- WASA included in its testimony a requirement that WASA and Forest City Washington (FCW, future developer of the adjacent Southeast Federal Center site) contribute equal amounts to any public access way in the area separating them

  OP recommends removal of this section, as it may preclude some options for street alignment such as the reopening of Second Street

- WASA placed its commitment regarding resolution of the Tingey / New Jersey intersection in the "Findings of Fact" section rather than the "Decision" conditions section.

  OP recommends that these be made conditions of approval by the Zoning Commission

Findings of Fact Section 25:

- WASA testified that it commits to do nothing that will preclude the establishment of the river walk.

  OP recommends that this be made a condition of approval by the Zoning Commission

  Because of this commitment from WASA, OP recommends that the Zoning Commission not approve any waterfront setback area site work that is not required as part of the Consent Decree at this time Such work would include any additional paving or repaving in the waterfront area, re-striping of the parking areas to add parking within the waterfront setback area, or construction of the proposed bridge over the coal barge inlet

Findings of Fact Section 32:

- Within the OP testimony, the applicant states "the Office of Planning and the Applicant also reached working agreements on extensions or modifications of specific street segments in the immediate vicinity "

  OP is unclear as to what this section means, and recommends it be deleted.

Conclusions of Law Section 2:

- "Approval of the special exception in conjunction with the CG/W-2 zoning of the property will promote orderly development in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map and will impose no adverse effects on neighboring property or the public good "

  While recognizing the District-wide benefits of this proposal, OP does not accept that the solution proffered will have no adverse impact, but that the adverse impacts that are a direct and unavoidable result of this proposal have been, to some extent, mitigated by the applicant and that further site planning in consultation with neighboring developments and relevant district agencies will further ameliorate impacts over the long term

Decision

As noted above, OP feels that important considerations regarding public access along the east side of the Main Pump Station, and coordinated planning for the Tingey Street / New Jersey Avenue intersection should be made part of the conditions of approval

Decision Sections 1 and 2

- WASA notes working with FCW regarding the design and location of the load-out facility, but this section would excuse WASA from further Zoning Commission review if the plans change as a result of these discussions.

  OP is concerned is that this issue does not yet appear to have been resolved OP and DDOT have not been involved in any discussions to date between WASA and FCW on this issue As noted in our Supplementary Report of May 19, 2004, OP feels that these discussions are vital, and that Zoning Commission review of what results from those discussions would be both normal and advisable

Decision Sections 3

- WASA requests to excuse review of security fencing design from Zoning Commission review

  Section 4A (below) requires Zoning Commission review of permanent security measures OP feels this is appropriate, so Section 3 should be amended to not contradict Section 4A

Decision Sections 4 A

- WASA agreed to submit a comprehensive site development plan within 8 years, including streetscape design, parking redesign, open space treatment along the waterfront, permanent security measures, and a park-like setting near the southern end of the Main Pumping Station Concern that this is too long

  OP recommends that this condition clearly calls for consultation and coordination with FCW, Florida Rock Property (to the west), JGB (developers of the USDOT site), OP and DDOT.

  OP is also concerned that this time-frame may be too long Adjacent sites are expected to proceed with redevelopment in shorter order, and portions of the WASA plan (Riverwalk, park space, street locations and design) need to be coordinated fully with those developments The Zoning Commission may also wish to provide for the possibility of submission, in conjunction with one or more of the adjacent landowners, of a plan including only a portion specific aspects of overall Near Southeast development An example would be a detailed plan addressing only the New Jersey / Tingey Street intersection

Decision Sections 4 C

- WASA agreed to remove parking along its waterfront only if the District finds another location for it

  WASA has committed to "providing for the Riverwalk along the waterfront" The comprehensive planning effort for the WASA site would be expected to include plans for the replacement of the paved parking area by the Riverwalk within the waterfront area

OP also notes additional comments that arose at the Public Hearing, which the Commission may wish to address in the order:

- Temporary construction building - *Establish tree preservation requirements, and a time limit for the building to be removed, such as prior to issuance of Certificate of Occupancy for the Main Pump Station.*

- Traffic Management Plan (as per DDOT) - *Require completion of a comprehensive traffic management and transit plan as part of the comprehensive site development plan*

- Historic Preservation – OP would support *WASA initiating historic land-marking of the Main pump station.*

AA/jl