Before the Zoning Commission of the District of Columbia

In Re Z.C. Case No. 04-19

Consolidated PUD and Area Variance
(District of Columbia Water and Sewer Authority
"WASA" Egg Shaped Digestors)

February 15, 2005

MOTION TO REOPEN RECORD AND RECONSIDER ORAL DECISION

On behalf of the Applicant in the above-referenced PUD case, the Washington Area Water and Sewer Authority ('WASA"), we hereby request that the Zoning Commission ("Commission") reopen the record in the referenced case to consider (1) recommendations of the Commission of Fine Arts ("CFA") for design changes in the subject Egg Digestors project, and (2) revised elevations of the project which conform to CFA's recommendations. We further request that the Commission reconsider its oral, final decision in this case and include language in the final PUD order granting the Applicant flexibility to modify the final design of the project in accordance with the CFA recommendations.

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Background

At the conclusion of the November 18 public hearing on the referenced PUD, the Applicant requested flexibility to modify the final design of the project in accordance with CFA recommendations (See Exhibit "A" – Z.C Public Hearing transcript, pp 29) The Applicant informed the Commission that at the CFA meeting (which occurred earlier that same day), CFA recommended that the project architect, Sorg and Associates,

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simplify the design of the walkways which connect the egg digestors CFA was of the opinion that the Victorian era decorative arched bridge design was not of the right stylistic period for Blue Plains where existing buildings reflect a more modern 1930's industrial deco style CFA also recommended that the cladding design on the digestors be simplified and that the adjoining elevator/stair towers be finished in metal to match the digestors rather than brick as proposed

In response, the Commission appeared willing to grant the flexibility requested by the Applicant (See Z.C Public Hearing Transcript, p 30). But the Commission indicated its preference for the design as proposed in the PUD The Commission counseled the Applicant to resist making the project "plain" and to "fight a little further" in defense of the original design (See Z C Public Hearing Transcript, p. 40)

On final approval of the PUD at the January 13 meeting of the Commission, however, the Commission decided to limit the flexibility requested by the Applicant to ensure that certain design elements including the decorative arched design of the walkways are retained

Motion to Reconsider Oral Decision

The instant motion requests that the Commission reconsider its January 13 oral decision to limit the design flexibility requested by the Applicant for the following reasons

(1) It is clear that the Applicant has fought the good fight but CFA is unmoved in its desire to eliminate the Victorian style arched bridge design. Last month, the Applicant resubmitted the design to CFA retaining the arched bridges albeit with a

more streamlined design CFA reviewed this design at its January 25 meeting Again, CFA rejected the design and the Chair, David Childs, sketched over the architect's bridge elevation showing a bow-shaped connection in place of the arched proposed design

(2) The differences in design direction posed to the Applicant by the Commission and CFA make it very difficult for WASA to proceed with the final architectural and engineering plans necessary to move the project forward -- on schedule Additional Commission consideration of CFA's position with an eye towards reconciling design differences would facilitate this process

Motion to Reopen Record

In support of the foregoing motion, Applicant requests that the Commission reopen the record in Case No. 04-19 to accept the following new submissions

(1) Minutes of the November 18, 2004 meeting of the CFA reflecting the CFA recommendations as to the original design, as well as two letters dated December 6, 2004 and January 4, 2005, respectively from CFA further memorializing their recommendations (Exhibit "B");

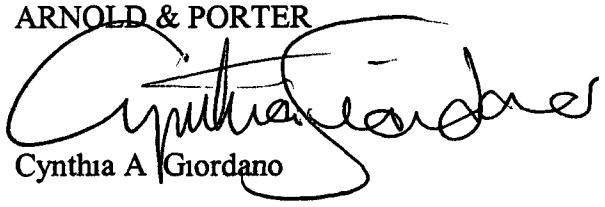
(2) Sorg's first bridge elevation redesign as submitted to CFA with the sketch made by the CFA Chair recommending further revision (Exhibit "C") (the CFA meeting minutes for January 25 are not yet available), and

(3) the latest Sorg design revisions dated February 9, 2005 which respond fully to CFA's recommendations (Exhibit "D").

Thank you for your consideration of this Motion and supporting exhibits.

Respectfully submitted,

ARNOLD & PORTER



Cynthia A Giordano

cc. Office of Planning
ANC-8D (by hand delivery on February 15, 2005)