

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

FOR THE PURPOSE OF
CONSIDERING THE FOLLOWING:

District of Columbia Water and Sewer Authority- Case No. 04-07

Thursday, May 20, 2003

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The public hearing of Case No. 04-07 by the District of Columbia Zoning Commission convened at 6:30 p.m., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN Chairperson
ANTHONY J. HOOD Vice Chairperson
KEVIN HILDEBRAND Commissioner
GREGORY JEFFRIES Commissioner

OFFICE OF ZONING STAFF PRESENT:

ALBERTO BASTIDA Secretary
SHARON SCHELLIN Office of Zoning

OFFICE OF PLANNING STAFF PRESENT:

ELLEN McCARTHY Deputy Director
JOEL LAWSON Office of Planning
JENNIFER STEINGASSER Office of Planning
EWE BRANDES Office of Planning

OFFICE OF CORPORATION COUNSEL:

JACOB RITTING, ESQ.

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APPEARANCES:

On Behalf of the Applicant:

of: GARLAND STILLWELL, ESQ.
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ITEM	PAGE
Case 04-07:	
Preliminary Matters	7
Presentation of applicant's case	8
Statements of witnesses:	12
Michael S. Marcotte	12
Marshall Purnell	21
Nathan W. Gross	28
Report by the Office of Planning	67
Rebuttal by applicant	86
Michael S. Marcotte	87

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P-R-O-C-E-E-D-I-N-G-S

(6:35 p.m.)

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, May 20th, 2004.

My name is Carol Mitten. And joining me this evening are Vice Chairman Anthony Hood and Commissioners Kevin Hildebrand and Gregory Jeffries.

The subject of this evening's hearing is Zoning Commission case number 04-07, which is a request by the Water and Sewer Authority for approval of exposed exterior renovation to pumping stations located in the Capital Gateway/W-2 District, proposed at the premises 1331 Second Street and 125 O Street, Southeast, which are Square 744-South, Lots 800 and 805 and Reservation 248.

Notice of today's hearing was published in the D.C. Register on March 19th, 2004. And copies of the hearing announcement are available to you in the wall bin near the door.

Please be advised that this proceeding is being recorded by a court reporter and is also being Webcast live. Accordingly, we ask you to refrain from making any disruptive noises or actions in the hearing

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1 room.

2 When presenting information to the
3 Commission, please turn on and speak into the
4 microphone, first starting your name and home address.
5 When you are finished speaking, please turn your
6 microphone off so that your microphone is no longer
7 picking up sound or background noise.

8 This hearing will be conducted in
9 accordance with the provisions of 11 DCMR Section
10 30-22, which are the rules of procedure for contested
11 cases.

12 The order of procedure will be as follows:
13 preliminary matters followed by the presentation of
14 the applicant's case, the report by the Office of
15 Planning, reports by any other government agencies,
16 report by the affected advisory neighborhood
17 commission, -- in this case it's 6D -- organizations
18 and persons in support, organizations and persons in
19 opposition.

20 The following time constraints will be
21 maintained in this hearing. The applicant will have
22 30 minutes to make their presentation. Organizations
23 will have five minutes. Individuals will have three
24 minutes.

25 The Commission intends to adhere to these

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1 time limits as strictly as possible in order to hear
2 the case in a reasonable period of time. The
3 Commission reserves the right to change the time
4 limits for presentations, if necessary, and notes that
5 no time shall be ceded.

6 All persons appearing before the
7 Commission are to fill out two witness cards. These
8 cards are located on the table near the door. Upon
9 coming forward to speak to the Commission, please give
10 both cards to the court reporter, who is sitting to
11 our right.

12 The decision of the Commission in this
13 case must be based exclusively on the public record.
14 To avoid any appearance to the contrary, the
15 Commission requests that persons present not engage
16 the members of the Commission in conversation during
17 a recess or at any other time.

18 Staff will be available throughout the
19 hearing to discuss procedural questions. And you can
20 direct those to either Mr. Bastida or Ms. Schellin.
21 Please turn off all beepers and cell phones at this
22 time so as not to disrupt these proceedings.

23 At this time, the Commission will consider
24 any preliminary matters. Mr. Bastida?

25 PRELIMINARY MATTERS

1 SECRETARY BASTIDA: The staff has one
2 preliminary matter. The staff advertised under 30-21
3 that is a rulemaking, rather than 30-22. The staff
4 would suggest that you inquire if anybody wants to
5 request the party status.

6 CHAIRPERSON MITTEN: Is there anyone
7 present who would like to request party status in this
8 case because it was advertised incorrectly and is, in
9 fact, a contested case? Anybody?

10 (No response.)

11 CHAIRPERSON MITTEN: Okay. Thank you.

12 SECRETARY BASTIDA: Thank you, Madam
13 Chairman.

14 CHAIRPERSON MITTEN: Anything as a
15 preliminary matter for you?

16 MR. STILLWELL: Madam Chair, we have no
17 preliminary matters.

18 CHAIRPERSON MITTEN: All right. Thank
19 you. Then I would ask everyone who plans to testify
20 this evening to rise now to take the oath. And Mrs.
21 Schellin will administer it.

22 MS. SCHELLIN: Please raise your right
23 hand.

24 (Whereupon, witnesses were duly sworn.)

25 MS. SCHELLIN: Thank you

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1 CHAIRPERSON MITTEN: Whenever you are
2 ready, you can begin.

3 MR. STILLWELL: Thank you, Madam Chair.

4 Good evening, Madam Chair, members of the
5 Commission. For the record, my name is Garland
6 Stillwell. I am with the law firm of Linowes and
7 Blocher. We represent the applicant, the District of
8 Columbia Water and Sewer Authority.

9 The subject special exception application
10 to make modifications to buildings owned by WASA and
11 located on property with the above-referenced address,
12 1331 Second Street, Southeast and is bordered on the
13 south by the Anacostia River.

14 With me today, I would like to present the
15 members of the team that will also be presenting
16 testimony to this board: to my immediate right, Mr.
17 Mike Marcotte, Chief Engineer, Deputy General Manager
18 for WASA. To the right of Mr. Marcotte, Mr. Nathan
19 Gross, AICP land planner, is our zoning and land use
20 specialist. And on the end, Mr. Marshall Purnell is
21 a project architect.

22 To save time, we have worked with the
23 Secretary. We have provided you resumes of each of
24 our three key witnesses. Mr. Purnell and Mr. Gross
25 have been recognized before this body before as an

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1 expert witness. We are also presenting Mr. Marcotte,
2 even though he is here in joint capacity as an
3 executive and as also an expert witness on engineering
4 matters. His resume is before you as well.

5 With leave, I request that the Commission
6 accept all three as witnesses to provide expert
7 testimony unless there is further information of each
8 of these that you would like me to present to the
9 Commission.

10 CHAIRPERSON MITTEN: If you would just
11 give us a moment to review their resumes?

12 MR. STILLWELL: Certainly, Madam Chair.

13 (Pause.)

14 CHAIRPERSON MITTEN: Is there any
15 objection to designating these folks experts in the
16 fields in which they are proffered?

17 VICE CHAIRPERSON HOOD: No objection.

18 CHAIRPERSON MITTEN: All right.

19 MR. STILLWELL: Madam Chair, before
20 proceeding, for the record, we have two auxiliary
21 witnesses just in case who are also members of WASA.
22 In case there is a question, we need to bring them up.
23 I would just like to introduce their names into the
24 record. The first is Mr. Bruce Beall, who is a
25 program manager for WASA. The second is Mr. Martin

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1 Sultan, manager of Program Manager Branch for WASA.

2 We are not presenting them as expert
3 witnesses. We do not plan to call them unless we need
4 to respond to a particular question that neither of
5 the individuals at this panel would be able to
6 address.

7 CHAIRPERSON MITTEN: All right.

8 MR. STILLWELL: This application was filed
9 on February 27th, 2004 to meet a deadline established
10 by the United States District Court for the District
11 of Columbia. This deadline memorialized by the
12 District Court in a court order requires that by March
13 1, 2004 WASA must have submitted all documents
14 required for approval to facilitate specific
15 operational upgrades to the Main and O Street pumping
16 stations on the subject property.

17 Section 1603.1 of the Capital Gateway
18 Overlay District, as published as proposed rulemaking
19 in the August 2nd, 2002 D.C. Register, proposes to
20 subject all uses within the CG/W-2 District, including
21 WASA's Main and O Street buildings, to special
22 exception review. This section provides that "All
23 proposed uses, buildings, and structures in the CG/W-2
24 District for any proposed exterior renovation to any
25 existing buildings or structures in the CG/W-2

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1 District that would result in an alteration of the
2 exterior design shall be subject to review and
3 approval by the Zoning Commission."

4 Prior to and following the submission of
5 this application, WASA has engaged in numerous
6 meetings with the Advisory Neighborhood Commission for
7 6-D, which has voted to approve this application. And
8 said approval is reflected in the record before you.

9 We have also met with DDOT and
10 specifically with the District of Columbia Office of
11 Planning on specific issues related to the Anacostia
12 waterfront initiative.

13 The meetings have included site
14 inspections, a sharing of project information between
15 WASA and the Office of Planning, which also included
16 meetings with the City Administrator, who has played
17 a key role in helping to facilitate negotiations among
18 the agencies.

19 The result of these meetings and
20 subsequent negotiations is a joint list of conditions
21 of approval, which both WASA and the D.C. Office of
22 Planning support and are in agreement with. These
23 conditions were submitted into the record this
24 afternoon following the latest D.C. Office of Planning
25 report, which was also filed today and which should be

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1 before you. Our last witness, Mr. Nathan Gross, will
2 present a summary of the joint list of conditions
3 during the scope of his testimony.

4 We have timed our presentation to conclude
5 within a half-hour. And, with that, I would like to
6 call our first witness, Mr. Mike Marcotte

7 MR. MARCOTTE: Thank you.

8 Madam Chair and members of the Commission,
9 my name is Michael S. Marcotte. I am Chief Engineer
10 and Deputy General Manager of the District of Columbia
11 Water and Sewer Authority. I appreciate the
12 opportunity to be before you this evening.

13 WASA's Main and O Street pumping station
14 site, shown on exhibit 3 in front of you, consists of
15 11.81 acres and is improved with several buildings, a
16 parking lot, and a storage yard to support the
17 sanitary sewer operations that have existed at the
18 site for close to 100 years.

19 The two most prominent buildings are the
20 Main and O Street pumping station buildings. The main
21 building is just shy of 100 years old, having been
22 constructed in 1907. And the O Street building was
23 placed in operation in 1963.

24 The Main and O Street stations are key
25 facilities in the District system to effectively

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1 manage waste water and storm water for the greater
2 Washington area. Both stations convey waste water to
3 the Blue Plains advance treatment facility. And the
4 main pumping station also includes storm water pumps
5 to address flooding.

6 While the buildings may give the
7 appearance of large office buildings, they are largely
8 shells containing major pumping equipment. The
9 purposes of the structures are to protect the very
10 critical pumping equipment. WASA does make use of
11 some office space in the buildings, but this is a very
12 minor use compared to the pumping mission.

13 The subject property has been continuously
14 in use for public purposes for close to 100 years.
15 The proposed upgrades to the Main and O Street
16 stations are designed to improve pumping capacity in
17 these facilities, which has deteriorated over the
18 years as a result of age and heavy use.

19 These stations are absolutely vital to the
20 public health and economic development of the region.
21 The service area for this facility is north and west
22 of the Anacostia River. And the facility is
23 responsible for processing waste water flow from a
24 huge developed area.

25 The service area includes the greater

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1 Washington area, including Capitol Hill and the White
2 House. And there is no backup to these facilities.
3 If these stations were to go off line, there would be
4 no functioning sewage treatment or management for a
5 significant portion of the District. Should this
6 occur, we would face one of two unacceptable choices:
7 No functioning toilets or significant continuous
8 discharges of sanitary waste directly to the Anacostia
9 River.

10 The pumping stations involved in this
11 application are secured sites and are associated with
12 substantial amounts of expensive machinery as well as
13 unique and essential location in the District's waste
14 waster system. It is important that such a critical
15 facility be renovated and upgraded for optimal
16 functioning.

17 Also, for the reasons I just stated, we
18 are aware of the need to protect these assets, which
19 protect the health of the immediate public. This is
20 of particular importance in a post-9/11 world. For
21 these reasons, we are very sensitive to the security
22 of the site.

23 It is essential for the proper functioning
24 and operation of a pumping station that the facility
25 remains in its current location. The primary mission

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1 of this facility is to convey waste water under the
2 Anacostia River. The location is just as important as
3 the function. To move a facility of this type away
4 from the river would require the installation of a
5 significant underground infrastructure, which would
6 cost hundreds of millions of dollars.

7 Further, because these buildings are
8 existing, it would create an extreme and undue
9 hardship if they had to be relocated. The cost of
10 relocation would essentially be the same, if not more
11 than, the cost to construct a completely new facility.
12 Also, to tie into the Blue Plains treatment facility,
13 which is where the waste water goes for treatment,
14 would require specific site location needs. And there
15 are just not many locations where we could consider
16 relocating a facility of this magnitude.

17 The O Street building, which will undergo
18 the most reconstructive work, is approximately 50 feet
19 from the bulkhead. The main building is more than 150
20 feet from a portion of the bulkheads with the
21 exception of a cold barge slip that is no longer in
22 use.

23 WASA has entered into a consent decree
24 with the U.S. Department of Justice and a number of
25 environmental plaintiffs relating to a number of

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1 combined sewer system operational issues pursuant to
2 the Clean Water Act.

3 The consent decree specifically requires
4 WASA to optimize its combined sewer operations by
5 restoring sanitary sewer-pumping capacity to 240
6 million gallons per day for the main pumping station
7 and 45 million gallons per day for the O Street
8 station.

9 To accomplish this mandate, WASA must
10 upgrade the existing interior pumping equipment and
11 support infrastructure and replace existing temporary
12 storage bins now located on the east side of the main
13 building with a fixed load-out facility, which would
14 receive the screen material removed within the
15 building. WASA also plans to upgrade the O Street
16 building, which requires improvements to its pumping
17 capacity as well.

18 Simply stated, WASA must make upgrades to
19 these pumping stations to restore the pumping capacity
20 to levels to achieve specified reductions of the
21 volume and duration of combined sewer overflows.

22 The order requires that all construction
23 necessary be completed by 2008. To comply with this
24 mandate, all construction contracts must be awarded by
25 April 2005. The order further requires the filing of

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1 necessary applications by March 1, 2004, which is when
2 this application was filed.

3 Noncompliance with the provisions of the
4 consent decree will mean that WASA and D.C. ratepayers
5 will be subject to substantial fines, starting at
6 \$1,500 per day and increasing to \$6,000 per day.

7 The project includes provisions for the
8 storage and removal of debris removed by screens to
9 protect the large pumps in the station. A conveyor
10 system will convey the material from the interior of
11 the main facility. The screen material will be
12 compacted in a load-out facility, which includes
13 extensive odor abatement equipment.

14 This proposed facility has been placed so
15 as to afford WASA efficient and logistical access to
16 the existing infrastructure within the main building.
17 The screening equipment used to supply the load-out
18 facility is located on the same side of that building.

19 The load-out facility will have little, if
20 any, effect on truck traffic in the area and the site.
21 By far, the vast majority of trucks accessing the WASA
22 facility will have no relationship to this new
23 load-out facility. The load-out facility will
24 typically involve less than one trip per day while the
25 predominant truck traffic will, as is currently the

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1 case, still access parts of the facilities from First
2 Street, Southeast.

3 Regardless, WASA drivers can easily be
4 instructed to follow selected routes at the station,
5 thus avoiding any potential problems involving truck
6 traffic around the WASA site.

7 Relocating the load-out facility to
8 another location would result in expensive,
9 hard-to-maintain, and onerous requirements for
10 carrying the screened materials through a new
11 configuration in the building. This internal
12 reconfiguration would cost nearly as much as building
13 a new facility.

14 A new location for the load-out facility
15 to the west side of the building would result in the
16 need to create new holes in the building walls in
17 order to access the exterior of the building compared
18 to the current location, which avoids this necessity
19 by using existing wall openings.

20 Also, an alternate west side location
21 could well block future traffic on Canal Street. Just
22 as important, the west side location would negate any
23 potential future use of the main floor area for public
24 access because of the routing of screened material
25 through the building and exposure to the support

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1 equipment.

2 A series of vacuum trucks currently
3 removes screened material. When filled, the trucks
4 carry the waste off the site. Current method is main
5 power-intensive. WASA employees must physically move
6 the screened material from the floor to vacuum
7 conduits. The new load-out facility will be able to
8 handle the increased volume resulting from restored
9 pumping capacity while the current screening process
10 does not include any odor abatement devices.

11 Substantial attention is being given to this issue in
12 the new project design in order to be sensitive to
13 near-term development anticipated north and east of
14 the site.

15 If WASA were not able to construct the new
16 load-out facility, the screened material would be
17 conveyed in much the same fashion as currently
18 practiced with the attendant odors and inefficiencies.

19 The exterior and interior appearance of
20 the building will be enhanced, as will be explained in
21 more detail by the project architect.

22 WASA is proud to be a signatory to the
23 Anacostia water initiative memorandum of understanding
24 and believes that its improvements support the ready
25 development of the Anacostia waterfront, both through

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1 physical enhancements to its facilities and attendant
2 improvements in the quality of the Anacostia River.

3 Additionally, WASA is absolutely committed
4 to strict adherence to the schedule for construction
5 established through his consent decree. WASA has no
6 other option with regard to compliance with this
7 mandate but to proceed forward with the Zoning
8 Commission review at this time.

9 WASA officials have been meeting and will
10 continue to work with their neighbors and city
11 officials regarding the future implementation of the
12 Anacostia waterfront initiative.

13 I appreciate your attention.

14 MR. STILLWELL: Thank you, Madam Chair.
15 Our next witness is Mr. Marshall Purnell, the project
16 architect.

17 Mr. Purnell?

18 MR. PURNELL: Good evening, Madam Chair,
19 members of the Commission, and staff. You have just
20 heard a pretty detailed explanation of what the
21 activity is at this particular facility. It is the
22 same. The explanation really answers the same
23 questions I had when I started this project.

24 Because this is primarily an engineering
25 project, we were asked to sort of make it all look

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1 good or make it all look like it's not there. So we
2 started out with the intent of spending a lot more
3 money in terms of bringing the buildings back to what
4 I would call Department of Interior standards that are
5 for restoration.

6 But the project was scaled down in terms
7 of dollars. And so what we have now is a project that
8 basically addresses only the work that is being done
9 that happens outside of the building.

10 We are enhancing the building at Main.
11 Let me stand and try and hold this up.

12 CHAIRPERSON MITTEN: We have a --

13 MR. PURNELL: Do you have a wireless mike?

14 CHAIRPERSON MITTEN: We have a cordless.

15 MR. PURNELL: That's fine.

16 CHAIRPERSON MITTEN: You need to hold it
17 up right here.

18 MR. PURNELL: Is that better? Okay. I
19 will start with main. Let me look at this aerial
20 first. Ten G Street, Canal Street, and Second Avenue
21 border our site and the river.

22 What we refer to as main in this building
23 that was done in 1907 here. The O Street is this
24 facility here down just west of main and down closer
25 to the river. I am going to talk about main first in

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1 terms of what we are actually doing.

2 On the east side of the building, we are
3 building small what we call screening facilities,
4 load-out facility to accommodate the screening
5 materials that will be pumped out of the building.
6 That equipment happens on the east side of the
7 building now in this particular corner, section behind
8 this screening wall right here.

9 So that was the explanation that was given
10 about moving this structure to the other side of the
11 building. It has more to do with the mechanism that
12 this building is both going to be hiding and screening
13 and the future use of being able to vacuum pump this
14 screening material outside of the building so trucks
15 can come back up to these roll-up doors.

16 The idea from an architectural standpoint
17 was to do no harm. Eventually I think lots of fields
18 like this building probably will go through a major
19 renovation, but we were told that we should look at
20 this project as no more than probably a ten-year
21 initiative in terms of what we are willing to put into
22 the project because we are not replacing the roof,
23 which would be something you would do if you were
24 going to bring the building back to its historical
25 significance.

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1 The building done in 1907 is a Bozard
2 structure. It is a gorgeous structure. The fact that
3 it had little use other than for its intended, its
4 built use means that it has not been disrupted inside.
5 So a lot of the original ornament work and cornice
6 work inside of the building is still intact. It has
7 been painted, but it is still there.

8 Exterior, we decided we were going to
9 clean the building. We were going to point the brick.
10 We were going to repair some of the cornice work on
11 the original structure where it has been damaged all
12 the way around or at the base is a stone base,
13 repairing that sort of thing.

14 We are replacing wood windows with new
15 wood windows where they are damaged beyond repair.
16 There are existing metal windows in place that
17 replicated the original windows. We are leaving those
18 in place. And the building is getting a complete
19 wash. So the main structure is really going through
20 a moderate renovation.

21 This new structure has been designed to
22 sort of work with the architecture of the main
23 structure. We have a stone base. We have brick
24 in-filled panels. We created arched openings here or
25 arched headers above these brick in-filled panels to

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1 bring back sort of the arched openings that you see
2 prevalent around the entire building.

3 This structure is to accommodate the
4 screening materials. These would be roll-up doors
5 here, metal doors. The rest of the work is stone,
6 pre-cast, and brick in the same context of the
7 original structure. It is done in a classic style.
8 We have elicited some symmetry here. I want to show
9 you that we have detached it away from the building.
10 It doesn't connect or touch the existing building,
11 which we think is very significant.

12 This is the south elevation. You can
13 begin to see how far out away from the load-out
14 building that the building is in its relative height.
15 you can see it is done in the same style of
16 architecture here.

17 The O Street building we took a completely
18 different tact with. I wanted to point out what we
19 have there for O Street. This is a typical 1960s
20 industrial building and what I call butt ugly.

21 The idea here was not just replicate this
22 but to try and do something about this. So we
23 convinced WASA that we probably needed to bring this
24 building and make it a more contemporary structure in
25 light of what was being planned in Southeast Federal

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1 Center and the fact that this building is close to the
2 river and the river walk is right there. So this
3 building is there for all to see.

4 This is a new south elevation of this
5 building. What we have done here is introduced glass,
6 metal panel, and some brick. We have done that all
7 around the building. We have opened it up in terms of
8 glass panels.

9 These are translucent glass panels. They
10 are not transparent because we do have equipment
11 behind those. But from the street looking at it, it
12 will begin to open the facade of the building up,
13 instead of it being a completely sort of closed-in
14 sort of brick box.

15 So we have tried to make it a more
16 contemporary building so it will fit in with the new
17 structures that will be coming all around this
18 building.

19 So I don't think there's a need to go over
20 all of the elevations, but we have the east elevation,
21 west elevations here, north and south elevations. You
22 can begin to see from these pictures of the existing
23 brick building there that we basically are trying to
24 just contemporize this building. And so inside it is
25 going through actually just a moderate renovation in

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1 terms of its office use and equipment use inside.

2 Some of the renovations are to accommodate
3 the equipment that is going in. We have to make the
4 building handicapped-accessible. So we have added a
5 small ramp to the dock area at one point on the
6 building.

7 The elevator in the buildings are being
8 brought back so that next year we can use those. The
9 pumping station has an elevator in it, but it's not a
10 building that -- it has more of an industrial use for
11 the building totally. So we are not really going back
12 in and restoring the whole architecture of the
13 interior of the building so much as we are trying to
14 give it a moderate effacement.

15 That is the theory behind why we took one
16 direction in this building in terms of changing the
17 exterior look of the building and then trying to
18 enhance the exterior look of the main pumping station
19 building. The screen-out building relates only to the
20 main pumping building, main station. It is on the
21 east side of the building. It cannot be seen from the
22 west side of the building.

23 You can see it from I guess that previous
24 one that is up here. It is scale. It is much in
25 keeping with the architecture. The color of the brick

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1 will be pretty much the same. We are using the same
2 color brick. This particular brick has weathered
3 somewhat. So we won't be able to match it exactly.
4 The base material will be stone as well. So it is
5 really trying to do the same family, same character
6 for the screen-out facility.

7 That's it with my testimony. Thank you.

8 MR. STILLWELL: Thank you, Mr. Purnell.

9 Our final witness will be our land
10 planner, Mr. Nathan Gross.

11 Mr. Gross?

12 MR. GROSS: Thank you, Mr. Stillwell.

13 Good evening, Madam Chair, members of the
14 Commission. The planning guidance for the subject
15 site and the immediate area is provided in terms of
16 two general time frames. For the mid and long term,
17 you have the city's recently prepared Anacostia
18 waterfront initiative and the near southeast urban
19 design framework plan. For the near term, you have
20 the Capital Gateway overlay zone and the W-2 zoning.

21 In the discussions between WASA and the
22 Office of Planning, these discussions have resolved
23 the Overlay District issues and substantial progress
24 has also been made on the mid and long-term urban
25 design and planning issues.

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1 I will comment on three parts but
2 summarizing as I go. I guess my written statement is
3 before you now. Mr. Purnell has covered how the
4 project will enhance the site. I will just kind of
5 list the specific actions there: the rehabilitation
6 upgrades to the mechanical elements.

7 Of course, this is really a major
8 environmental improvement in dealing with the combined
9 sewer and sanitary sewage system of the District of
10 Columbia because I gather that the capacity will be
11 increased by 40 or 50 percent. So that when there is
12 a major period of rain, the amount of overflow that
13 has to be done that can't go to Blue Plains will be
14 substantially reduced. So this is a very important
15 improvement.

16 As Mr. Purnell mentioned, the facade of
17 the O Street pumping station will be replaced. It
18 will be the new screening pickup facility. There will
19 be repairs to the street wall. The written statement
20 should be corrected. It isn't a new street wall but
21 repairs to it.

22 The parking areas, drives, roadways, and
23 pedestrian pavement will be restriped and better
24 defined. Importantly, in terms of the Anacostia
25 waterfront initiative, there will not be new parking.

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1 There will be an increased number of spaces by
2 restriping, but the area will be the same.

3 As to the special exception criteria, the
4 renovations and the addition trigger the special
5 exception requirements of section 1603 of the Capital
6 Gateway Overlay District. One requirement is for a
7 project going to the special exception to contribute
8 to the desired mixture of uses in the Overlay District
9 area.

10 In this regard, although this utility and
11 industrial use is not specifically listed as one of
12 the preferred uses, the zone does acknowledge in the
13 preamble and the purposes and with the specific
14 grandfather clause that continuing industrial uses of
15 importance to the city are allowed to continue and,
16 indeed, continue as conforming uses. So that is the
17 case with this use. And this flexibility is highly
18 appropriate for the pumping station switch, as Mr.
19 Marcotte indicated, is extremely important to the
20 whole operation of the entire sewage system of the
21 District and the region.

22 The environmental function is supported by
23 a policy in the comprehensive plan, among others,
24 which states, "Provide for the adequate treatment of
25 sewage through continuing efforts and substantial

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1 capital investments needed to ensure an adequate level
2 of sewage treatment and to provide sufficient
3 treatment capacity to serve future development needs
4 and consumption patterns."

5 One of the criteria in the Overlay
6 District also refers to compatible height in bulk. In
7 this case, this will be one of the locations along the
8 waterfront where there will be design relief and
9 because of that good views to and from the river,
10 where some of the more intensive development in
11 surrounding areas will actually have fewer views.
12 And, of course, the main pumping station is eligible
13 to be a historical landmark. It just hasn't been
14 designated. It's a grand building. The traffic
15 patterns, as indicated previously, will substantially
16 remain the same and will not be adverse.

17 Subsection 1603.3 requires a setback of 50
18 to 75 feet. And the main pumping station is well over
19 100 feet from the water, and existing O Street station
20 is about 50 feet. So there is compliance with that.

21 Now, the overlay zone requires submission
22 of plans for the waterfront open space area. In that
23 regard, WASA has agreed to conditions 5 and 8 of the
24 conditions that I will summarize in a minute in accord
25 with the Office of Planning to address that issue.

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1 And, with that, I will just turn. I won't
2 read all of these conditions. They are in the record.
3 But I will just hit highlights. I see we have four
4 minutes to go.

5 WASA will permit public access from Tingy
6 Street, Southeast to the Anacostia waterfront. And
7 this will be on an alignment to be agreed upon among
8 the parties, essentially along the boundary between
9 Southeast Federal Center and the WASA site and
10 necessary waterfront connections in accord with the
11 longer-term plan, the Anacostia waterfront initiative,
12 and the Southeast, the near Southeast, urban design
13 framework plan.

14 Number two, there's an obligation to
15 provide the accessway. It's condition upon
16 cooperation with Forest City also contributing its
17 equitable share of property to the new public
18 accessway.

19 Third, D.C. WASA will retain the right to
20 use Second Street, Southeast and the new accessway for
21 vehicular access to its facilities.

22 Four, WASA may install appropriate
23 security measures to protect its site. This is
24 covered in the agreement, both in terms of interim
25 security measures and what the design of those might

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1 look like and permanent with reference to the
2 attractive fence with brick and iron elements similar
3 to the security fence proposed at the Navy yard.

4 Five, as a signatory to the Anacostia
5 waterfront initiative, D.C. WASA commits to doing
6 nothing on the site that will prohibit the
7 establishment of the proposed river walk at a time
8 consistent with the construction of waterfront
9 amenities by Florida Rock to the west and Fort City to
10 the east.

11 Specifically, WASA will relinquish
12 waterfront parking spaces on its site at the
13 appropriate time for the waterfront open space to be
14 created contingent upon the city helping to find
15 alternate parking space for the vehicles that are
16 parked there now.

17 WASA will allow a park-like setting near
18 the southern end of the main pumping station and will
19 accommodate the continuation of the proposed river
20 walk at an appropriate location on or adjacent to the
21 southern edge of the property.

22 Number six, WASA will permit the use of a
23 portion of the northeast corner of the main pumping
24 station site for improving the intersection of Tingy
25 Street and New Jersey Avenue.

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1 Number seven, WASA has agreed to explore
2 the possibility of reducing the height of the screen
3 load-out facility. There are discussions on going
4 with Forest City as to alternate designs.

5 Finally, eight, within ten years of the
6 Zoning Commission approval of this application, WASA
7 will prepare and submit a detailed proposal for the
8 redevelopment of the site, including comprehensive
9 site plans, streetscape improvement design, parking
10 redesign, open space treatment along the waterfront,
11 permanent security measures, and continuation of the
12 Anacostia River walk along the river.

13 That completes my testimony, Madam Chair.

14 CHAIRPERSON MITTEN: Thank you.

15 MR. STILLWELL: This completes our direct
16 testimony. And we will make the panel available for
17 questions at this time.

18 CHAIRPERSON MITTEN: All right. Thank
19 you.

20 Questions from the Commission? Mr. Hood?

21 VICE CHAIRPERSON HOOD: Madam Chair, thank
22 you. Yes. I'll start off.

23 Mr. Gross, you mentioned in your last
24 condition, number eight, within ten years of the
25 Zoning Commission approval of this application, WASA

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1 will prepare and submit a detailed proposal, is that
2 subsequent to what you are asking us to approve here
3 now? You are coming back with a revised plan that is
4 going to basically deal with the issues that the
5 architect spoke about and doing a whole revamp of the
6 building.

7 MR. GROSS: I think the main thing, Mr.
8 Hood, is that this is really kind of an urgent action.
9 And it mainly involves renovation of the mechanical
10 facilities. But at some point there is a lot of land
11 here, 11.5 or 6 acres. It could well be that some of
12 it could be redeveloped by another entity and so on.

13 And so at that point, it will make sense
14 for a complete plan for the whole property to be
15 submitted, but it would be premature right now because
16 there are several low-scale buildings if there is
17 alternate truck parking for the trucks that are parked
18 on part of the site.

19 Now, that could be available for
20 redevelopment either by, let's say, a city building or
21 spun off for private redevelopment. So at that time
22 there would be a complete redevelopment plan, but we
23 are asking for kind of a quick approval to enable this
24 urgent matter under a consent decree to go forward.

25 VICE CHAIRPERSON HOOD: Mr. Marcotte, I

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1 hate to ask you this question because I know over the
2 past couple of months you have heard this numerous
3 times in many community meetings. The money there
4 actually dealing with the lead issue, is it money
5 actually to upgrade this pump station to the volume
6 where we are trying to get to now? Will that be
7 reappropriated or moved and then we're just sitting
8 here approving something that may not happen?

9 MR. MARCOTTE: I can assure you that it is
10 our intent to proceed with the project as laid out.
11 As pointed out, we have a specific consent decree that
12 requires this, but while we have been discussing over
13 the last several months some of the financial impacts
14 of the recent lead issue, I would see no situation
15 where it would affect this project.

16 The projects that are involved in the
17 consent decree and the much needed improvement of our
18 waste water system are kind of held in a special
19 status from our board, and there has been absolutely
20 no discussion of modifying or changing that path at
21 all.

22 VICE CHAIRPERSON HOOD: Good. I'm not
23 sure who can help me with this question. One of the
24 things that I know that we dealt with with the
25 Southeast Federal Center was making sure that we had

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1 access. I know that with the Department of
2 Transportation, we spoke about a pedestrian walkway to
3 the waterfront.

4 How is this Tingy Street access going to
5 work for District residents? I am not really
6 understanding that. While I have read it, I just
7 don't understand how that is going to work. How are
8 we going to use the Tingy Street and WASA for a
9 regular citizen to be able to access the waterfront?

10 MR. GROSS: If this is the new accessway,
11 Mr. Hood, I think the idea is that there would be
12 vehicular as well as pedestrian and other access down
13 to basically the point where Forest City is proposing
14 an apartment house.

15 MR. PURNELL: My intent is only to point
16 out what he is saying because I have --

17 CHAIRPERSON MITTEN: If you are going to
18 speak, then we want you on the record or you could
19 just be Vanna White and just point.

20 MR. GROSS: Now, I'm not all that familiar
21 with it, but generally between Southeast Federal
22 Center and the main pumping station building here,
23 this new accessway would be devised in cooperation
24 with the relevant agencies.

25 Down to a certain point, it would include

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1 vehicular traffic as well as pedestrians and other
2 special traffic. Beyond that point, which I assume is
3 somewhere in this vicinity near the water, it would be
4 pedestrian only, pedestrian and bikes and lightweight
5 things but not motor vehicles.

6 I think Office of Planning is probably
7 more familiar with the details of that than I am.

8 VICE CHAIRPERSON HOOD: I will ask them,
9 too. The other issue is I noticed you did have the
10 ANC's approval. You mentioned working with some of
11 the construction and I guess trying to shorten the
12 time frame, Mr. Marcotte.

13 What is it, 2006 when you plan to have all
14 of this completed?

15 MR. MARCOTTE: I believe the time frame is
16 a little longer than that. I believe we start
17 construction in 2006, 2005. The full completion date
18 of all of the improvements would be 2008.

19 There is a very extensive structural --
20 not structural but mechanical renovations need to be
21 done. There are some huge pumps in these facilities.
22 So by its very nature, it is a multi-year construction
23 project. Certainly some of the elements would come on
24 earlier, possibly such as the main -- the Oak Street
25 pumping station improvements.

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1 To complete the entire work will probably
2 take the better part of three years.

3 VICE CHAIRPERSON HOOD: I just think maybe
4 you might want to reiterate because I think the ANC
5 has -- when I read this, they are saying everything is
6 now scheduled to be complete by 2006. So I know you
7 all still have a dialogue with the ANC. So you might
8 want to clarify that.

9 MR. MARCOTTE: We will clarify that.

10 VICE CHAIRPERSON HOOD: Mr. Hood, a
11 question. And I am going off. I probably should save
12 this question for somebody else. You mentioned on, I
13 think it was, the main pumping station about the
14 metal. I know that there is a lot of equipment that
15 is going to be running. And the heat from the sun off
16 the water makes it even hotter.

17 Was all of that thought about when you
18 were figuring out some of the materials you were going
19 to use on the side of the building?

20 MR. PURNELL: Actually, yes, we just
21 thought we would replicate. The building right now
22 when you look at it from the exterior, you have no
23 idea what is going on inside that building. You don't
24 hear --

25 VICE CHAIRPERSON HOOD: It actually looks

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1 abandoned to me.

2 MR. PURNELL: Yes. That is what I am
3 saying. You don't really know what is in the
4 building. You don't really realize it is one big
5 space, one big room inside because typically buildings
6 that size, they have floors in them and rooms and
7 compartments.

8 So the idea was to do a heavy wall, brick
9 screen-out facility basically to replicate the sort of
10 masonry character of that building. That in and of
11 itself is going to block almost any noise that would
12 be happening as a result of this.

13 I think what is happening with this
14 particular building is really just accepting the
15 screening. It is a vacuum hose. It comes and just
16 dumps the stuff. And a truck comes once a day and
17 loads this stuff up and takes it away from the site.

18 VICE CHAIRPERSON HOOD: I was more
19 thinking in terms of heat.

20 MR. PURNELL: Heat? The mechanical
21 systems that we are doing in the building, we are
22 naturally ventilating the building. We are adding
23 some things that will enhance the ventilation of the
24 building mechanically.

25 We are not air conditioning the main room.

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1 We are air conditioning some of the office areas in
2 the northern end of the building. But most of that
3 equipment will be either on pads or we're not air
4 conditioning the main building. We're basically just
5 allowing for ventilation fans to be in some of the
6 openings to draw air across the space from low and
7 exhaust up higher.

8 VICE CHAIRPERSON HOOD: Thank you. I'm
9 not a subject matter expert. That's why I was asking
10 those questions.

11 MR. PURNELL: It would be a fortune to try
12 and air condition this building. And, really, the
13 population, it doesn't really have a large people
14 population in this building. It's basically
15 equipment.

16 VICE CHAIRPERSON HOOD: All right. Thank
17 you. Thank you, Madam Chair.

18 CHAIRPERSON MITTEN: Thank you. Anyone
19 else? Mr. Hildebrand?

20 COMMISSIONER HILDEBRAND: Actually, I did
21 have a couple of questions. Is it your understanding
22 that Second Street will eventually be open to the
23 public and your security enclosure on that will be
24 redesigned in some way to still provide you a secure
25 enclosure on your facility but allow public access

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1 down to the waterfront?

2 MR. GROSS: That's my understanding of the
3 situation, yes.

4 COMMISSIONER HILDEBRAND: In looking at
5 the proposed addition to the main station, it is a
6 very sensitive job that you have done, but I am trying
7 to understand why it is located where it is. I am
8 sure there is a reason and I just haven't gotten it.

9 That side elevation is so symmetrical.
10 And you have placed, seemingly intentionally, the
11 addition, which is a symmetrical unit in itself, in an
12 asymmetrical location to the facade.

13 Is there a driving force why it can't be
14 shifted one bay further towards the water so that it
15 is in harmony with the main building?

16 MR. PURNELL: Yes, it is. There is
17 equipment that is located in that particular quadrant
18 of the main building right now that rises up from the
19 basement and brings these screening up.

20 There is a vacuum hose pump that will come
21 out of the building and then go into the screen-out
22 facility outside of the building. We are trying to
23 both screen the equipment once it is there. And the
24 hose and the other equipment that is inside is also
25 being blocked by the location of the building being

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1 placed where it is, hence the height and the location,
2 the shifting of the building so that when you look at
3 it in the elevation, you see primarily just the
4 buildings themselves and not the equipment that it is
5 both trying to screen and housing for functional
6 purposes.

7 MR. MARCOTTE: If I could just follow up
8 on the symmetry question and the realities of the
9 engineering? Referring to the aerial photograph, it
10 is envisioned the sewers are coming basically from the
11 north into the head of the pumping station and
12 actually come in the northeast orientation of our
13 site. So, if you will, they are beginning to hug the
14 eastern boundary of our site.

15 As Mr. Beall is kind of pointing, that is
16 where the sewer is oriented. The screens are the
17 first step in the process. They are intercepting the
18 flow and taking debris out before they reach the
19 pumps.

20 So that from a process standpoint, it is
21 important for the screens to be upstream in the
22 northern edge of the building. And they are, in fact,
23 located in the northeast quadrant of the building. So
24 that does limit to some degree where our facilities to
25 load out the solids from those screens would be

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1 located.

2 COMMISSIONER HILDEBRAND: Is it possible,
3 though, that the conveyor that takes them out of the
4 facility could come from the side of that little
5 pavilion, instead of from the face of the pavilion, as
6 it's currently detailed? That would allow you to
7 shift the facility a little further south.

8 MR. PURNELL: Actually, it comes out of
9 the main building, out of that corner of the main
10 building into the building that we are building. So,
11 basically, our building has it out of the main
12 structure and once it is out of the main structure.

13 COMMISSIONER HILDEBRAND: If you look at
14 the main structure, you have the two end pavilions.

15 MR. PURNELL: Right.

16 COMMISSIONER HILDEBRAND: And then there
17 are these two secondary pavilions that are slightly
18 smaller. Then you have the deep inset to the main
19 wall of the old building.

20 Are you coming out of the main wall of the
21 old building or are you coming out of the main wall of
22 the secondary little pavilion?

23 MR. PURNELL: We are coming out of the
24 main wall, out of the window, of this corner of the
25 building right about in here.

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1 COMMISSIONER HILDEBRAND: Above the
2 addition?

3 MR. PURNELL: No. Behind it. Behind it.
4 I'm trying to give you the plain. It's the wall
5 that's actually happening back in here we're coming
6 out of.

7 COMMISSIONER HILDEBRAND: So you're
8 removing a window, and you're bringing the --

9 MR. PURNELL: Right now there is a hose
10 that comes out of that window now. So it is a hose.
11 It's about 20 inches in diameter. So basically you
12 would treat it much like you would an air conditioning
13 opening at that point. You would have the glass light
14 above that. In the lower portion of that, you would
15 have the hose come out. And then it comes into this
16 conveyor and tracks the stuff.

17 And this is enclosed space. Actually,
18 these are just open walls behind. They come out and
19 turn back. And the equipment is behind them.

20 Actually, when I heard that Forest City
21 presented to WASA what their plan was -- and I really
22 haven't seen their plan today in terms of what their
23 latest is for the Southeast Federal Center, but I am
24 told that there is an alignment that they have created
25 along here, along this right-of-way here, where they

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1 have commercial on either side. If that happens, then
2 it would be probably aligned right with that, which I
3 think provides a terminus for the street end and
4 because then it mitigates this building not being
5 aligned with this.

6 So I have to see what they have done. I
7 don't really know how it relates to what they have
8 done.

9 COMMISSIONER HILDEBRAND: I would only
10 suggest that if there is any possibility in looking at
11 this, that you might be able to reconsider how you are
12 exiting the building to come out of the side of that
13 pavilion, instead of the face, and if that would allow
14 you to shift this further towards the water so you do
15 put it in a symmetrical position relative to the old
16 building. That would be a preferred arrangement.

17 MR. PURNELL: You are asking the same
18 questions I asked very early on in doing this. I was
19 told that it was really driven by the fact that we
20 were trying to hide the equipment both coming out of
21 the building and once it was out.

22 COMMISSIONER HILDEBRAND: In looking at
23 the architectural vocabulary of the main building, the
24 cornice line is a fairly heavy consistent band of
25 stone. In your pavilion, you picked up a string

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1 course of that. Would you consider possibly making
2 the capitals on your piers and that heavy entablature
3 of stone material to be more harmonious with the base
4 building?

5 MR. PURNELL: I would definitely consider
6 that. It is a cost issue at this point. WASA, I
7 think I would have to confer with them about the
8 increased cost to do something like that. But I think
9 that would still be in keeping with what we're trying
10 to do, yes.

11 COMMISSIONER HILDEBRAND: You made one
12 statement in your early remarks that said you are not
13 following the Secretary's standards for the pieces
14 that you are touching for the building. I would like
15 just for you to clarify that you are using the
16 Secretary's standards for the amount of work that you
17 are doing. You are just not doing a full
18 rehabilitation.

19 MR. PURNELL: Exactly.

20 COMMISSIONER HILDEBRAND: So windows will
21 be replaced in kind. You will be doing color analysis
22 for the paint color of the windows and the like.

23 MR. PURNELL: All of the work that we're
24 doing, if this building were to go through an
25 extensive renovation, we're hoping that none of it

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1 would have to be redone is what I am saying.

2 We're not doing a new roof and other
3 things that we would do if we were bringing it back
4 totally through the standards, but the work that we
5 are doing, we are trying to adhere to all of the
6 standards.

7 COMMISSIONER HILDEBRAND: Okay. Could you
8 talk a little bit more about the new O Street
9 building? I am not sure I understand completely the
10 extent of demolition you are doing to the existing
11 facade. Is the entire facade coming down and being
12 replaced or are you adding a skin treatment at certain
13 elevations to conceal the existing skin?

14 MR. PURNELL: We are actually removing all
15 of the brick on the building and rebuilding the brick
16 facade on the building and taking some of the parapets
17 up a little higher than they were at one point. It
18 was all sort of you can tell it's just a single level
19 building here with no variation in roof height.

20 So by taking all of the brick off the
21 building, we are creating some parapets just to vary
22 the roof height to give it something other than just
23 the box feel.

24 So we went out there. And we tried to
25 look at it in terms of not taking the brick off or

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1 taking a portion of it off. And we think that we
2 would create more problems in terms of keeping the
3 building watertight and structurally sound if we tried
4 to -- it's been there so long we're trying to do a
5 piece of it. So we're basically just skinning the
6 building and then rebuilding the facade back.

7 COMMISSIONER HILDEBRAND: Could you talk
8 about the material more? Is the metal panel system
9 that you are envisioning more like the World Bank,
10 something smooth and high-tech, or is it something
11 else?

12 MR. PURNELL: It's high-tech, but it is
13 sort of like in the high relief. And it's a
14 horizontal rib that is raised. We are trying to give
15 it an industrial look but a high-tech industrial look.

16 So it will be a horizontally raised edge
17 on the profile on the metal panel. So it gives a nice
18 shadow line to the metal panel. These lines here
19 would be sort of raised standing seams. So as the sun
20 hits it, you will get a nice shadow line thrown on the
21 metal panel.

22 And then the brick, we're going back with
23 a color that is -- since we are taking most of the
24 brick, we are going with a color that is a little more
25 favorable than that red brick that we have out there

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1 now, that reddish brown brick.

2 We want something that we think works a
3 little better with the main station and glazing where
4 we can, open glazing where we can. And where we
5 can't, where we're putting light in, it will be
6 translucent. So it will have the appearance of being
7 glass, even though we have equipment behind.

8 COMMISSIONER HILDEBRAND: Would it be
9 possible to see finished or actual samples of the
10 finishes that are being proposed with your --

11 MR. PURNELL: The project has been
12 presented to fine arts. And I did present finishes.
13 I just didn't bring all of the finishes.

14 COMMISSIONER HILDEBRAND: It would be nice
15 to see those. I think what you are doing to break up
16 the mass of the building is commendable. I am just
17 unsure of the level of quality of the material and
18 whether or not it going to pull off the level of
19 finish that you really want for the waterfront facade
20 considering that this will become a major public
21 player in time.

22 There was a statement in your submission
23 about deferring the development of the public
24 accessway. In my own mind, I don't have a clear
25 understanding of when the Southeast Federal Center and

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1 the adjacent developments are going to be moving
2 forward. Is the ten-year time frame that is being
3 proposed in harmony with when those other developments
4 are envisioned?

5 CHAIRPERSON MITTEN: Office of Planning is
6 probably in the best position to answer that.

7 COMMISSIONER HILDEBRAND: I'll defer that
8 question, then.

9 There was a statement about no funding was
10 available for that sort of design work at this time.
11 Do we have an idea of what that effort would cost?
12 You have looked into the cost of it. And then there
13 is just no way that you can propose a design at this
14 time?

15 MR. MARCOTTE: I think, as was said
16 earlier, there are a number of uncertainties there
17 about the development of the site, future development
18 of the site. That is probably by far a greater issue
19 than engaging in some sort of design effort.

20 WASA's capital improvement program this
21 year will be on the other side of \$200 million. So a
22 modest design effort if the scope were known I think
23 would be well within our capability, but I think the
24 far bigger issue is knowing exactly what we are
25 dealing with.

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1 I think, as has been pointed out, at some
2 point a number of the buildings on the site will
3 probably be either completely reconfigured or
4 repositioned. So we don't at this point have a clear
5 view of what that is.

6 COMMISSIONER HILDEBRAND: Okay. Is the
7 canal or the old barge slot being kept as an artifact
8 or remnant that can be a future amenity along this
9 pedestrian path as part of the history of Washington?

10 I noticed in some of your drawings, it
11 looks as though it is being partially concealed by a
12 new roadway.

13 MR. MARCOTTE: Yes. I believe one of the
14 conditions that was entered into rather late in the
15 negotiations was the agreement that we would not
16 bridge over that barge slip.

17 COMMISSIONER HILDEBRAND: I may have just
18 missed that. Okay. I think that's it for now.

19 CHAIRPERSON MITTEN: I have a few
20 questions. In the --

21 MR. MARCOTTE: I'm sorry. I may have
22 misspoken. My attorney wants to correct me. I know
23 there was some discussion back and forth. the

24 MR. STILLWELL: If I could indulge
25 Commission for just a moment?

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1 MR. MARCOTTE: And I do want to correct
2 that. I know there was some discussion of that. Our
3 review at this point is that we would reserve the
4 right to bridge over that. There are some significant
5 vehicular circulation issues on the site that would
6 make it much more feasible for us to at least be able
7 to bridge over a portion of that barge slip.

8 The history of that barge slip as we found
9 it is that it was constructed in association with the
10 pumping station early on. And we believe that we
11 could make better use of some portion of that at
12 least.

13 CHAIRPERSON MITTEN: I just wanted to ask
14 a few questions. On your location plan C-1, you're
15 showing temporary office space, which in OP
16 supplemental report they say is a temporary
17 construction trailer.

18 The way that it's drawn on C-1, at least,
19 it looks like it could result in the elimination of
20 some trees. Is that so or not? Will there be any
21 trees removed? This would be to the north of the main
22 pumping station.

23 MR. MARCOTTE: The office is actually
24 provided for some swing space for some of our office
25 people who may be displaced. It's a fairly small

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1 number of people. And we do not believe any trees
2 would be displaced.

3 CHAIRPERSON MITTEN: Okay. So you would
4 agree not to remove any of the existing trees?

5 MR. MARCOTTE: Yes.

6 CHAIRPERSON MITTEN: All right. In your
7 statement of intended and existing uses of buildings,
8 you make reference to, among other things,
9 incorporating low-impact development retrofits. I was
10 wondering what those were because we didn't hear any
11 discussion of that.

12 MR. MARCOTTE: Yes. WASA is committed in
13 all of its projects to try to be a model in terms of
14 limiting the site runoff using techniques like tree
15 boxes and water quality catch basins, using any
16 approach that we can to reduce the runoff that would
17 be associated and go directly to the river. So we
18 will incorporate those in our design.

19 CHAIRPERSON MITTEN: I guess along that
20 theme, even though I know that there are statements in
21 the record that there is really no increase in the
22 amount of paving, it does appear when I compare the
23 site condition from a photograph and then I look at
24 the location plan or the site plan that there will be
25 actually more paving in certain areas. So I am

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1 wondering what specifically you intend to do to do
2 something positive about runoff, as opposed to
3 exacerbating it.

4 MR. MARCOTTE: Well, again, we certainly
5 --

6 CHAIRPERSON MITTEN: Is that something
7 that is to be determined?

8 MR. MARCOTTE: Well, I think we certainly
9 would be committed to the extent that any new areas
10 were paved to look at ways to mitigate the runoff from
11 that site and to look at such approaches as retention
12 or pervious pavements to the degrees that those are
13 applicable.

14 CHAIRPERSON MITTEN: Okay. Can you tell
15 us why you need more parking? Is there going to be a
16 greater intensity of use here? Are there new
17 employees required to do some of this?

18 MR. MARCOTTE: There really are, at least
19 as our designs have indicated, no net increase in the
20 numbers of parking. We have a lot of rather ad hoc
21 parking today. We envision no significant increase in
22 the number of people that are working at the site. In
23 fact, as we look forward to in the future, we hope to
24 have some modest improvements in productivity as we
25 would do some more additional computerization controls

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1 of the station. So there is envisioned no total
2 number of parking spaces increased.

3 CHAIRPERSON MITTEN: In your statement of,
4 again, existing and intended uses, the last item says
5 the site is currently striped for 210 total parking
6 spaces. And you plan to increase the total number of
7 parking spaces to 246.

8 MR. MARCOTTE: Again, that has to do with
9 striping and marking spaces. There are a number of ad
10 hoc parking spaces --

11 CHAIRPERSON MITTEN: I see.

12 MR. MARCOTTE: -- today that are utilized
13 along improved rights-of-way and other areas. And we
14 are simply trying to organize and recognize the number
15 of spaces that are actually used today.

16 CHAIRPERSON MITTEN: In the proposed
17 conditions that Mr. Gross walked us through -- and
18 since I just saw these for the first time before the
19 hearing started and we didn't have a lot of detail on
20 this, there are a number of things that are fairly
21 amorphous, I'm sure intentionally so. But maybe just
22 to save everybody a lot of trouble down the road, is
23 there some way to better define some of these items?

24 For instance, number 5, "relinquish
25 waterfront parking spaces on its site." Can we

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1 identify which spaces those are? There's "accommodate
2 the continuation of the proposed river walk." Is
3 there a way to at least identify where that location
4 could be so that we don't fight later about what area
5 was intended to be included?

6 There is "allow a park-like setting near
7 the southern end of the main pumping station." Where
8 exactly? Is that the area that is to the east of the
9 barge slip or is that the area that is literally due
10 south? That would be basically adjacent to some of
11 that reconfigured parking.

12 I guess I am just wondering if we can nail
13 this down a little bit better.

14 MR. GROSS: Right. Yes, Madam Chair. In
15 part, the amorphous nature of some of the conditions
16 reflects the fact that negotiations have been coming
17 down literally to the wire. And OP's report of today
18 reflects their list of conditions, which is highly
19 similar to ours.

20 And so we thought that coming out of the
21 hearing process after getting the Zoning Commission's
22 reaction, after all of the testimony, that we would
23 refine these. These are not very tight in terms of
24 conditions you usually see.

25 CHAIRPERSON MITTEN: Okay.

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1 MR. GROSS: Further, on what you are
2 talking about, I think that some of these really
3 require the professional analysis that a landscape
4 architect might do to the open space and the
5 consideration of security concerns that WASA has to
6 address going forward also.

7 Certainly it wouldn't be that hard to say,
8 "Well, obviously within the 50 to 75-foot setback
9 area, here is a parking area that would have to go in
10 the future."

11 I suppose that open space south of the
12 main pumping station -- you know, it's generally
13 depicted, I believe, in some of the plans in the near
14 southeast urban design framework plan, but, of course,
15 that is conceptual from a public standpoint.

16 I think, again, it would need to be
17 specifically designed. And there might be some
18 functional issues involving WASA that would have to be
19 determined to determine just how far.

20 Perhaps it isn't feasible to go all the
21 way from the waterfront right to the wall of the main
22 pumping station. There might have to be some space
23 there for WASA or whatever. I don't know if that
24 answers your question or not.

25 CHAIRPERSON MITTEN: No. I hear what you

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1 are saying. What I guess I was hoping maybe you could
2 do is at least agree to some minimums, that it would
3 be a minimum of this width or something, and just get
4 at least that much commitment at this juncture.

5 MR. GROSS: Sure. We will refine that and
6 pin it down as much as we can.

7 CHAIRPERSON MITTEN: Okay. And the one
8 item I guess I would like you to think a little harder
9 about is in terms of this parking. I don't know how
10 many employees, if any, that currently use Metro. I
11 have walked down from Metro to this area. I know it's
12 not particularly conducive to walking, but in the
13 future, it will be.

14 So I guess I would like you to rethink
15 whether or not there would be a requirement that if
16 any waterfront parking spaces were relinquished, that
17 they would have to be replaced and that perhaps there
18 would be the opportunity for some kind of better
19 transportation management on the site so that some
20 employees would actually take the Metro or some other
21 form of public transportation, that it wouldn't be
22 automatic.

23 And then I guess the last thing I would
24 like to suggest -- and maybe this is the intent and it
25 is just not articulated and I have a concern that I

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1 would like to have it addressed -- is in number eight,
2 where it says, as Mr. Hood pointed out, within the ten
3 years, that you would come back and submit a detailed
4 proposal for the redevelopment of the site, I would
5 think that at that point conditions one through seven
6 would be off the table. So I guess I would want to
7 make it clear that conditions one through seven are to
8 get us through those ten years and not that all of
9 those constraints would necessarily carry over.

10 MR. STILLWELL: And if I may, Madam Chair?
11 If I can follow up to the responses by Mr. Gross
12 regarding the nature of the condition language. It is
13 important for us to relate to the Commission that part
14 of the reason why some of the conditions seem
15 open-ended is because there is development that is
16 still on the drawing board surrounding the site and
17 some of it is going to be integrated or part of or tie
18 into the WASA site. At this point we just don't know.

19 That is part of the reasons why we have
20 the ten-year period and part of the reasons why we are
21 not at a point to define a specific budget to be able
22 to determine the exact location of park land.

23 I want to caution against us proceeding
24 forward with an exercise that we have been engaging in
25 in the past week just to get to this particular point

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1 with a joint list of conditions for approval. We
2 believe that the condition language based on our
3 current and WASA's current discussions with the
4 adjacent surrounding developments will enable them at
5 some point within that next ten-year window to be able
6 to more clearly define what is going to happen and how
7 to tie in those components of the AWI, but also WASA
8 is also ongoing its own internal review to determine
9 what physically is going to happen to that site
10 because the operation of that site may not be the same
11 ten years from now. So you have competing interests.

12 So I just want to caution against an
13 exercise where we go back and try to reframe more
14 amorphous conditions. These conditions went through
15 a very exhaustive process with the D.C. Office of
16 Planning.

17 And we did take into consideration at
18 great length a lot of the issues that you have
19 discussed. It was just ultimately determined that
20 there are a lot of things we just don't factually know
21 and things that could change in the future that we
22 don't want to get ahead of ourselves.

23 Again, you know, the agency has to be very
24 sensitive to what it commits to because they have
25 ratepayers that ultimately bear the burden. And, as

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1 Mr. Marcotte indicated, they are looking at a fixed
2 capital improvement budget at this particular point.
3 So we have to keep basically everything on the table.

4 We are comfortable with these conditions.
5 We believe in work with the Office of Planning. This
6 gets us to where we need to go with regards to
7 implementation of the AWI. But we understand some of
8 your concerns. And they can be taken into
9 consideration as we proceed with the process.

10 But the exercise that we engage in coming
11 up with these joint lists of conditions for approval
12 we believe address both of the issues that WASA had as
13 with the D.C. Office of Planning.

14 CHAIRPERSON MITTEN: And I understand
15 that. Some of the things that I was asking about; for
16 instance, if somebody, not you clearly or not WASA
17 clearly, would want to establish this park-like
18 setting near the southern end of the main pumping
19 station, you all have something in your minds about
20 where that is. And all I'm asking is for you to share
21 that with us.

22 Where is that? Is that intended to be as
23 amorphous as it is or you have all been talking about
24 something? And you probably were pointing on a map.
25 All I'm asking is to show that to us.

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1 MR. STILLWELL: And I believe the exercise
2 I was engaged in is that we were looking at potential
3 sites. But nothing has been mailed down where we can
4 say definitively this is conceptually where the park
5 could be located or the public access could be located
6 or this is where the vehicular access point stops and
7 the bike path begins.

8 We have determined that there are so many
9 factors involved in this. That was why it was
10 determined that it was really feast or famine. We
11 can't show a piecemeal compliance with AWI. That's
12 why we decided to accomplish this would fit better
13 within the ten-year window and with further
14 discussions with our adjacent development neighbors.

15 CHAIRPERSON MITTEN: Okay. Thanks.

16 Anybody else have follow-up?

17 VICE CHAIRPERSON HOOD: I do share your
18 concern. I know that they are going to be going back.
19 I agree with your point. It's not trying to nail it
20 down, but it needs to be more specific for us to prove
21 what specials have to be made.

22 Now, maybe I am incorrect. I am not
23 trying to hold them to a point. But I want to
24 reiterate I would hope that you would listen to the
25 Chair and work with the Office of Planning and maybe

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1 fine-tune some of this language.

2 Thank you.

3 CHAIRPERSON MITTEN: Mr. Hildebrand?

4 COMMISSIONER HILDEBRAND: Particularly of
5 concern is the statement "Adjacent to or on the
6 property." Are you suggesting that they build out
7 over the riverfront to meet the pathway requirements?
8 I didn't understand the term "adjacent to the
9 property."

10 MR. GROSS: That's been mentioned in
11 connection with a couple of locations. There's the
12 narrow neck right at the western edge of the WASA
13 property where the available space for the river walk
14 and open space is pretty narrow. I suppose you also
15 have a question of bridging over the barge slip and
16 things like that.

17 COMMISSIONER HILDEBRAND: And one
18 question, actually, that follows up on that. In
19 looking at the existing site plan, there is a
20 vehicular path that connects over the end or by the
21 end of the canal slip or boat slip.

22 I am assuming that is traversable today by
23 your vehicles. Is that correct? You are able to pass
24 that end of the building with your current
25 configuration?

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1 The majority of the parking that you are
2 seeking, is that your fleet parking or is that staff
3 parking? In reading it, it sounded more like it was
4 parking for your permanent fleet, like at nighttime.

5 MR. MARCOTTE: It is a combination.
6 Obviously there is some employee parking, but this
7 particular site overall on the western edge of it is
8 our fleet management facility.

9 We do have a substantial fleet that serves
10 our sewer operation. And so the vast majority of the
11 parking is for our fleet and our vehicles.

12 COMMISSIONER HILDEBRAND: In looking at
13 the aerial photograph, it seems like the existing
14 parking surface is incredibly under-utilized in its
15 current configuration. So the idea of adding
16 additional perimeter parking that affects Second
17 Street and the areas that could be associated with the
18 waterfront initiative seems to be counterintuitive to
19 the amount of land you already have available for
20 parking but aren't seemingly utilizing very well.

21 So you might just look at that again to
22 see if, in fact, you do need to encroach so far on the
23 river edge with your proposed new parking.

24 Thank you.

25 CHAIRPERSON MITTEN: All right. Anyone

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1 else?

2 (No response.)

3 CHAIRPERSON MITTEN: Thank you, gentlemen.

4 I think we are ready now for the Office of
5 Planning report. Mr. Lawson?

6 MR. LAWSON: Thank you, Madam Chair,
7 members of the Commission.

8 For the record, my name is Joel Lawson.
9 I am a development review specialist with the D.C.
10 Office of Planning. With me here today are Jennifer
11 Steingasser and Ewe Brandes, both with the Office of
12 Planning as well.

13 Very briefly, the D.C. Water and Sewer
14 Authority submitted this application for review, the
15 proposal to upgrade to adjacent sewage pumping station
16 facilities, the main pump station and the O Street
17 pump station, in the near southeast area. This was
18 done in accordance with the requirements of the
19 Capital Gateway Overlay District.

20 In its May 10th, 2004 report, OP analyzed
21 the application and raised concerns about the extent
22 to which the proposal, as it was then described by the
23 applicant in its submission, conformed to the goals
24 and objectives of the Capital Gateway Overlay
25 District, the Anacostia waterfront initiative, and the

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1 near southeast plan.

2 WASA officials, OP, DDOT, and the City
3 Administrator have since held productive discussions,
4 at which WASA clarified its firm commitment to
5 addressing AWI goals and objectives on this site but
6 also stressed the immediate nature of the
7 court-mandated technical improvements.

8 The need for coordinated site planning and
9 construction phasing in the involved near southeast
10 area was also discussed, particularly for issues such
11 as transportation, open space, and waterfront access,
12 in pursuit of achieving a seamless public realm along
13 the river and overall infrastructure system.

14 OP supplemental report describes our
15 understanding of the outcome of that meeting and notes
16 support for the concept of WASA being permitted to
17 proceed with the required work at this time with the
18 firm commitment on the part of WASA to fully address
19 Capital Gateway Overlap and AWI objectives in the
20 future.

21 This approach is considered optimal in
22 that it would allow WASA to concentrate on the
23 mandated technical improvements right now and permit
24 WASA and District officials greater opportunity to
25 coordinate further WASA site improvements with other

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1 adjacent developments as those development projects
2 come on stream.

3 OP is especially encouraged by WASA's
4 commitment to accommodate the Anacostia river walk
5 along the WASA waterfront and to create a more
6 park-like setting near the southern end of the main
7 pump station as well as WASA's commitment to do
8 nothing that would impinge upon the ability to provide
9 the future river walk connection between Florida Rock
10 and Southeast Federal Center sites.

11 OP accepts that moving the load-out
12 facility to the west side of the main station is
13 neither feasible nor economical. And we are
14 encouraged by WASA's commitment to investigate ways to
15 reduce its potential impact on the future residential
16 land to the east.

17 The commitment to provide public access to
18 the waterfront along the eastern edge of its property
19 and to work with DDOT, OP, U.S. DOT, and the Southeast
20 Federal Center developer to provide for an
21 appropriately designed and sited intersection of Tingy
22 Street and New Jersey Avenue will enhance movement
23 through the near southeast area and especially to the
24 river walk and the future waterfront park and the
25 Southeast Federal Center lands. The alignment and

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1 design of the circulation elements will be coordinated
2 with the developer and with adjacent development
3 companies.

4 The ANC has adopted a motion in support of
5 these facility improvements. Other agency comments
6 are noted in the earlier OP report. Since its
7 submission, however, OP received comments from the
8 Fire and Emergency Medical Services Department, which
9 noted no objection to the proposal.

10 OP, therefore, recommends approval of this
11 proposal subject to standard Zoning Commission review
12 of any revisions to the proposal for the immediate
13 works prior to final action as well as WASA's
14 submission of a comprehensive set of site plans and
15 details by some defined date showing the provision of
16 all of the commitments noted above to satisfy the
17 Capital Gateway Overlay criteria for Zoning Commission
18 review and approval.

19 That concludes my testimony. And we are
20 all available for questions. Thank you.

21 CHAIRPERSON MITTEN: Thank you.

22 Mr. Jeffries?

23 COMMISSIONER JEFFRIES: Yes. Just a
24 question here as it relates to timetable on some of
25 the adjacent developments, like Florida Rock and

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1 Southeast Federal Center. Just trying to get a sense
2 of timetable of those developments as relates to what
3 we are looking at here.

4 MR. LAWSON: I'll start this. And Ewe may
5 add some more to this discussion because it is an
6 important consideration in how this is all proceeding
7 forward.

8 The Florida Rock property is located
9 directly to the west of this property. They will be
10 coming forward with a Stage 2 PUD application in the
11 very near future. So you will be seeing that one.
12 And I would anticipate that they will be proceeding
13 assuming that something is approved with construction
14 sometime shortly after that.

15 Southeast Federal Center, GSA has now
16 chosen the master developer for that site. We are
17 working with them on refinements to the master plan.
18 They have a phased development program that they are
19 working on right now.

20 And certainly some of the work that they
21 are proposing adjacent to the WASA site is part of
22 phase I of their development program. So, again, that
23 would happen in the near, rather than the far, future.
24 I am just guessing now, but I would say within three
25 years.

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1 COMMISSIONER JEFFRIES: Just another
2 question. As it relates to the physical dimensions of
3 this river walk, the Florida Rock and Southeast
4 Federal Center actually are going to address those
5 physical dimensions. Can you just walk me through
6 generally what you envision in terms of those
7 dimensions?

8 MR. LAWSON: Sure. Well, the Capital
9 Gateway setback actually provides some guidance here,
10 particularly for Florida Rock, in that the waterfront
11 setback, which both of these properties are to adhere
12 to, is 75 feet. That is what Florida Rock is
13 currently working with, the 75-foot setback with
14 walkways and bikeways and park space within that
15 setback area.

16 Southeast Federal Center is a little bit
17 different in that we had a long and involved
18 negotiation process with GSA before the developer was
19 even chosen to establish a fairly major waterfront
20 park along the waterfront side of the Southeast
21 Federal Center site.

22 What was agreed to is that park would be
23 a minimum of five acres, its depth would vary
24 depending upon the nature of development. But it
25 would be significantly larger than I guess just a

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1 river walk. But it would incorporate the river walk
2 within it.

3 COMMISSIONER JEFFRIES: Thank you.

4 SECRETARY BASTIDA: Madam Chairman, I
5 would like to add that the staff has been advised that
6 tomorrow at noon the second phase of Florida Rock will
7 be filed.

8 CHAIRPERSON MITTEN: Thank you.

9 Anyone else have questions for Mr. Lawson?

10 VICE CHAIRPERSON HOOD: Yes, just one
11 quick question, Madam Chairman.

12 Mr. Lawson, condition number one, which
13 talks about the access, I know that Office of Planning
14 and the administration have been working hard to make
15 sure the citizens of the city continue to have access
16 to the waterfront. I just don't understand how this
17 Tingy Street access is even going to work, how that
18 all fits in.

19 MR. LAWSON: Sure. The access that is
20 being talked about in condition number one is access
21 from Tingy Street down to the water. So there are a
22 number of different access issues being discussed in
23 the document from WASA. The one discussed in section
24 number one is providing access from Tingy along the
25 east side, somewhere along the east side of the main

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1 pump station down towards the waterfront.

2 What WASA is proposing right now -- and we
3 feel that it is an acceptable and kind of an exciting
4 solution -- is to provide vehicular access as far as
5 possible, public vehicular access, access that would
6 also serve the Southeast Federal Center site as well
7 as serve the WASA facility, and then from there down
8 towards the waterfront, it would be pedestrian,
9 bicycle, emergency vehicles, service vehicle type
10 access, so I guess a more limited form of access from
11 there down.

12 The exact nature of the alignment of that,
13 though, I would say is still up for some discussion
14 because Southeast Federal Center is still working on
15 finalizing its plans. There are a number of
16 possibilities for how that access would go. So there
17 are a number of ways of working and how to play that
18 out.

19 MR. BRANDES: If I could just make one
20 comment? Ewe Brandes from the Office of Planning.

21 I think the confusing aspect of this is if
22 WASA was providing this access just on its own, it
23 really wouldn't make any sense at all. Right? I
24 mean, the access from Tingy down to the water on its
25 own just on the WASA site doesn't make any -- you

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1 know, there is no real public benefit.

2 It has to be understood in the context of
3 the entire Southeast Federal Center being opened up to
4 public access and the fact that this is where the
5 street system actually does come down to the water.

6 So it is an important nexus between this
7 project, the WASA site, and the Southeast Federal
8 Center.

9 VICE CHAIRPERSON HOOD: Thank you for that
10 clarification. Thank you, Madam Chair.

11 CHAIRPERSON MITTEN: The question that I
12 have really relates to what I was asking about with
13 the conditions. I don't want to minimize the effort
14 that has been put into the conditions.

15 It seems like the conditions are just an
16 expression of good faith on the part of WASA because
17 they are a signatory to the AWI and that the only real
18 concrete commitment is number eight. So what I'm
19 wondering is, what are we really gaining from
20 conditions one through seven other than expressions of
21 good faith, anything?

22 MR. LAWSON: Well, I guess I would say
23 that I think that we are gaining certainly more than
24 that. We are gaining firm commitments, I think, firm
25 commitments from WASA to work with us and to work with

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1 the other developers in the area to work on resolving
2 these many issues that we feel are central to the near
3 southeast area, transportation issues, waterfront
4 access issues, riverfront access issues.

5 It may be that some tighter language is
6 called for, but we consider these conditions as
7 addressing directly the requirements and the
8 conditions of the Capital Gateway Overlay that we
9 would be looking for in the immediate term in a
10 different situation.

11 CHAIRPERSON MITTEN: Okay.

12 COMMISSIONER JEFFRIES: I guess I would
13 like to echo Madam Chairman's concerns here. You talk
14 about commitments under these conditions. They are
15 commitments on behalf of the District as well. I am
16 concerned, in particular, with number five, "with the
17 understanding that District government will find
18 locations to replace any parking that may be removed,"
19 trying to get a sense of how much parking that could
20 be and where those potential locations could be for
21 parking.

22 There are just a number of things from
23 point one to seven that is bringing some concern to us
24 that sort of relates to follow-through down the road.

25 MS. STEINGASSER: Madam Chair,

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1 Commissioner Jeffries, we understand your concerns
2 about the commitment of intention and the commitment,
3 real commitment. We would be happy to work with WASA
4 to try to get further definition of these so that
5 there is comfort with the Commission to move forward.

6 We understand WASA's predicament. This is
7 not a land development project. It's a facilities
8 improvement project but there within the land
9 development process. So they are trying to make a
10 commitment that when the land development project
11 comes forward, they are going to meet those
12 commitments. But they are under this federal mandate
13 to do the technical improvements.

14 So it has been a very difficult position
15 for them to move forward expeditiously to meet their
16 mandate and address these facilities so prematurely to
17 any development intentions they have.

18 They are also, though, aware of the fact
19 that Florida Rock is filing. Southeast Federal
20 Center, they have been talking with the developer. So
21 they know there are planning initiatives coming in at
22 them, and they want to acknowledge that. That is what
23 they are trying to do, acknowledge, "We know it is
24 there. We are going to work with the city to get it
25 and make sure that nothing that this project results

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1 in forecloses those potentials."

2 So I think there is plenty of opportunity
3 for us to work with WASA and their counsel to kind of
4 at least define a boundary that "Is it ten feet from
5 the water? Is it somewhere within this 20-foot
6 boundary, those kind of generalities that we're
7 looking for?" I think we can work with them to get
8 that to you, at least by final action, if that would
9 help define, give you more comfort.

10 COMMISSIONER JEFFRIES: I'm just
11 concerned. This is almost like in-fill or lack of
12 in-fill development, that you are going to have sort
13 of a wonderful, well-thought-out Florida Rock and then
14 Southeast Federal Center will wonderfully address the
15 waterfront. And sort of this development could be
16 some sort of lost opportunity.

17 I am having difficulty envisioning how all
18 of this is going to work. And I am just concerned
19 that they are going to get a little ahead of
20 themselves and you are going to have something that
21 looks rather disjointed. I am just sort of concerned
22 about that.

23 Now, I don't know as it relates to study
24 that could occur that can get us comfortable that with
25 some of the conditions between one and seven, that we

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1 can ensure continuity along this waterfront because I
2 am just concerned about how all of this looks going
3 forward.

4 MS. STEINGASSER: I think some of them we
5 can work through fairly easily with WASA in the next
6 week or two. And that would be identifying some of
7 the parking areas. You know, where are the parking
8 areas most potentially in conflict with the
9 waterfront? Where might these parking spaces be
10 removed?

11 I am not sure that there was a commitment,
12 the relocation commitment. I am not sure about how
13 that will be addressed, but I think we can address the
14 site issues of where parking may come from and be
15 replaced and help them work on their restriping,
16 making sure that some of these issues that are shown
17 on their site plan --

18 COMMISSIONER JEFFRIES: And it is also the
19 barge slip and the southern edge. I mean, there are
20 things that are just sort of left to, as Madam Chair
21 said, good faith. I think it could be a lost
22 opportunity.

23 We would like to get something firmed up
24 so that there is again continuity and we don't have
25 this wedge that is just not sort of consistent with

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1 the overall AWI.

2 MR. BRANDES: If I could just make one
3 comment on that? The coordination opportunity is very
4 significant, but it is far less complicated than I
5 think it appears. The coordination to the south is
6 basically none because, in fact, I am not sure if WASA
7 included this in their testimony, but one of the
8 significant actions that has already occurred on the
9 site about two years ago is that WASA in this kind of
10 lower triangle of their site has actually already made
11 that publicly accessible in coordination with
12 improvements that the Earth Conservation Corps has
13 made. This is this lower triangle at the very bottom
14 southern tip of the WASA site.

15 So there is very little open space
16 coordination necessary to the south. To the north or
17 to the east, if you will, I would suggest that this is
18 not like in-fill development because the site is
19 completely surrounded by this new developer, Forest
20 City Washington.

21 The issues that WASA and that developer
22 have in common are great. And I think that represents
23 the great coordination opportunity. So this is really
24 actually a very simple exercise of WASA sitting down.
25 They already have started to do this, but I am sure

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1 there will be additional meetings, WASA sitting down
2 with their new neighbor -- their neighbor has only
3 been there for a couple of months now -- and
4 coordinating the investments, both from a design
5 perspective and also from a phasing perspective
6 because I think, certainly at the Office of Planning,
7 we recognize that even if WASA were here tonight
8 saying that they were going to make this site publicly
9 accessible today, there is really no great public
10 benefit to that until the Southeast Federal Center is
11 made publicly accessible.

12 So it has really got to come together.
13 And since there is only one other coordinating entity,
14 I don't think that the coordination is really that
15 complicated.

16 COMMISSIONER JEFFRIES: Thank you.

17 COMMISSIONER HILDEBRAND: When I think
18 about it, too, I guess I -- I don't mean to bring
19 another city into this, but I was in Baltimore
20 recently. They have a beautiful old water/sewage
21 pumping station that has now been integrated into that
22 whole harbor environment. It no longer has parking
23 associated with it or industrial use around it. It
24 has been enveloped by major development. The whole
25 public amenity that is the harbor in Baltimore.

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1 I could very easily see a similar type of
2 environment happening here. And I just wonder what
3 steps WASA is taking and what thinking WASA is taking
4 about how they are going to reengineer themselves in
5 the future when that possibility comes to fruition and
6 they have to consider alternate places for fleet
7 storage and alternate places for some of the lower
8 buildings that are under-utilized on the site but as
9 it becomes a prominent destination for the city, what
10 their planning process is.

11 CHAIRPERSON MITTEN: Just maybe that is
12 probably a question for WASA, but from OP's
13 perspective sort of along those lines, how is the ten
14 years determined given what you say about the pace of
15 the surrounding development?

16 MR. LAWSON: I guess I would say that,
17 quite frankly, we didn't come to an agreement on a
18 time period. WASA suggested ten years. I would think
19 that, actually, these conditions, in fact, maybe -- I
20 think the chairman got it quite right here. I would
21 expect a number of these to be resolved prior to this
22 final tenure deadline or whatever that deadline is
23 anyway as pieces of the development around them come
24 on stream.

25 So in terms of the deadline, I guess I can

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1 speak on behalf of OP and say that we don't have a
2 particular druther, we don't have a particular opinion
3 on what that deadline should be. We think that the
4 work starts tomorrow and that the benefits will accrue
5 much, much sooner. The actual physical on-the-ground
6 benefits will start to accrue much, much sooner than
7 that.

8 CHAIRPERSON MITTEN: In condition number
9 eight, as you understand it, where it says, "WASA will
10 prepare and submit a detailed proposal for the
11 redevelopment of the site," to whom would they submit
12 that? To us?

13 MR. LAWSON: That's correct.

14 CHAIRPERSON MITTEN: I'll just speak for
15 myself that I could be made a lot more comfortable
16 about the amorphous quality of these conditions if it
17 were shorter than ten years.

18 MR. LAWSON: From OP's standpoint, we
19 would leave that up to the Zoning Commission.

20 CHAIRPERSON MITTEN: Okay. Good answer.

21 MR. LAWSON: Thank you.

22 CHAIRPERSON MITTEN: Any further questions
23 for the Office of Planning? Mr. Stillwell, any
24 questions for the Office of Planning on cross?

25 MR. STILLWELL: Madam Chair, we have no

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1 questions or cross-examination, but at an appropriate
2 time unless you have any other questions, we are
3 prepared for our rebuttal.

4 CHAIRPERSON MITTEN: Okay. We have a few
5 more things we need to get through.

6 MR. STILLWELL: I understand.

7 CHAIRPERSON MITTEN: We look forward to
8 that.

9 All right. As Mr. Lawson mentioned, there
10 are a number of government reports that were attached
11 to their report. We had a report from DDOT, Parks and
12 Rec., DHCD, and then you mentioned one from Fire and
13 EMS. We would like to have that for the record if we
14 could.

15 Is there anyone representing another
16 government agency here tonight who would like to make
17 a report?

18 (No response.)

19 CHAIRPERSON MITTEN: Okay. I don't see
20 anyone from the ANC, but is there anyone from ANC 6-D?

21 (No response.)

22 CHAIRPERSON MITTEN: Then I would just
23 note that we have in the record a letter from the ANC
24 noting their support for the project. I believe it
25 meets the requirements for great weight.

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1 Is there anyone who would like to testify
2 in support of the application?

3 (No response.)

4 CHAIRPERSON MITTEN: Anyone who would like
5 to testify in opposition to the application?

6 (No response.)

7 CHAIRPERSON MITTEN: Okay. Now we are
8 ready for rebuttal.

9 MR. STILLWELL: Good evening again, Madam
10 Chair.

11 Our only rebuttal witness is going to be
12 Mr. Mike Marcotte, who you have already heard from.
13 Before I let Mr. Marcotte speak, I would just like --
14 and Mr. Marcotte is going to cover this -- to just
15 make sure the Commission understands kind of the
16 environment in which we were dealing with regarding
17 the Office of Planning and the environment and the
18 atmosphere regarding the nature of these negotiations.

19 We cannot stress enough the importance of
20 compliance with this federal court consent decree. As
21 we convey to the Office of Planning, we are looking at
22 two totally separate processes. The first one is
23 doing what WASA needs to do to stay in compliance, to
24 avoid significant federal fines and penalties.

25 And the second is they engage in very

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1 detailed and integrated planning analysis, which WASA
2 had begun earlier in the year, but that is a separate
3 track. That is a much longer fuse. And the only
4 reason WASA is here today is because of the consent
5 decree. If it weren't for that deadline, the consent
6 decree, WASA would still be outside of this venue on
7 this conceptual planning exercise, determine what they
8 need to do with the site when and how.

9 I don't want to bleed over into
10 testifying, but at this point, I will let Mr. Marcotte
11 address the rebuttal as our witness.

12 MR. MARCOTTE: Thank you, Madam Chair and
13 members. Again, we appreciate the opportunity to be
14 heard.

15 As our counsel has indicated, we are here
16 for a finite and very urgently needed set of
17 improvements to some very vital public health and
18 safety facilities, which are all security-sensitive.

19 We are absolutely committed to doing what
20 needs to be done to make those very much needed
21 environmental improvements consistent with the consent
22 decree and the court orders. And we feel the need to
23 serve our customers and to improve the environment in
24 that area.

25 We are certainly aware that this is a

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1 dynamic area. Things are going to change. Things are
2 changing, even as we speak, in and around us. As has
3 been alluded to, WASA has undertaken a longer-term
4 vision of its facilities needs. We know that sometime
5 in the future, it is entirely likely our fleet
6 facility will not be there at that site. It is
7 entirely likely that some of those small buildings
8 will retire to some other purpose.

9 We are not unaware that there are
10 significant changes occurring around us and near us.
11 And we know that the specific front, waterfront,
12 opportunities are there are must be recognized.

13 As has been pointed out, WASA has tried to
14 be a good neighbor in the opportunities it has had
15 working with the Earth Conservation Corps, working
16 diligently with the Office of Planning. And we are
17 certainly committed to start working tomorrow with
18 Forest City, our neighbor to the east, to come up with
19 improvements that are there.

20 We do feel, I guess, somewhat under the
21 gun, if you will, to make these improvements that are
22 necessary. The load-out facility is a particular
23 amenity that we believe will much improve the
24 operating conditions at that facility, but, if
25 necessary, we can meet the requirements of the consent

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1 decree without doing a load-out facility, without
2 making a physical modification to the building at all.

3 It will probably involve a much
4 lower-tech, much less neighborly friendly approach to
5 handling those screenings. And we do not want to go
6 down that path. We would much rather do what we
7 believe is an appropriate engineering and technical
8 approach.

9 Again, we are very, very committed to
10 meeting the spirit and the letter of the agreement
11 that we have carefully crafted with the Office of
12 Planning and would ask your favorable attention to
13 that.

14 CHAIRPERSON MITTEN: Thank you.

15 Just to follow up on what you said, I
16 believe I am speaking for all of us since we are all
17 your customers. And anyone who has lived in
18 Washington for any period of time is very aware of the
19 problem with the combined sewer overflow.

20 We understand that is a priority, but also
21 there have been tremendous efforts made to transform
22 the area down there. And so we just want to make sure
23 that everything moves forward consistently with all of
24 the plans, and that is why we are just pressing you a
25 little bit. Okay?

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1 VICE CHAIRPERSON HOOD: Madam Chair, can
2 I just add I understand the federal piece that we have
3 to come into compliance on. This is not the first
4 time this Commission has dealt with where the Fair
5 Housing Act was at issue. But we again dealt with it
6 delicately. And we handled it from our standpoint.

7 We don't necessarily jump just because the
8 federal people throw our stuff down the tube. We
9 don't do that. We have been down this road before.
10 And the Fair Housing Act was one of the issues in
11 which we didn't just jump. We want to make sure we do
12 it with care and make sure we do it correctly.

13 So let me just encourage you to continue
14 to work as the Office of Planning has stated in their
15 conditions because if the conditions aren't going to
16 work, then we might as well just take them off the
17 table, especially one through seven. So let me just
18 encourage you to try to fine-tune the language.

19 It may be just a matter of taking some
20 things out and working between the agencies that are
21 involved. So I just want to leave it at that point.
22 Thank you.

23 CHAIRPERSON MITTEN: Any last thoughts?

24 COMMISSIONER HILDEBRAND: Can I ask a
25 question?

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1 CHAIRPERSON MITTEN: We've got one
2 question.

3 COMMISSIONER HILDEBRAND: How intricately
4 tied are the site improvements that you are
5 envisioning in regards to new parking and
6 configurations and new paving configurations to the
7 federally mandated improvements required for the
8 buildings? Can they be separated or are they
9 intricately tied for some reason?

10 MR. MARCOTTE: They certainly could be
11 separated.

12 COMMISSIONER HILDEBRAND: This may be an
13 aside, but are you repaving significant areas or are
14 you simply restriping? My concern is the cobblestone
15 streets on Canal and Second. Are those being taken up
16 and removed and replaced with asphalt or is the
17 existing cobblestone paving being retained to the
18 extent possible?

19 MR. MARCOTTE: To the extent possible, we
20 are retaining the paved areas. We are simply
21 reorganizing the parking, which is very haphazard at
22 this point.

23 COMMISSIONER HILDEBRAND: So when I look
24 at your C-1, the pavement to facilitate the parking
25 arrangement you have shown is existing, not new?

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1 MR. MARCOTTE: I believe that is the case.
2 I don't think there is any significant addition to
3 paving on the site.

4 COMMISSIONER HILDEBRAND: Thank you.

5 CHAIRPERSON MITTEN: Now any closing
6 thoughts?

7 MR. STILLWELL: No, Madam Chair, only that
8 we are very sensitive regarding timing. Timing is a
9 major concern. We ask that if the record is left open
10 -- I believe there is a reference regarding the need
11 for additional elevations to be submitted into the
12 record. If that is the case, we would like that
13 window to be as short as possible.

14 We have been engaging in a very intensive
15 round of discussions and negotiations with the Office
16 of Planning just this past week. So we do not have a
17 problem with a short window to close that record
18 before you next meeting date so that this can stay on
19 track.

20 CHAIRPERSON MITTEN: All right. Let's see
21 what Mr. Bastida has for us in terms of dates.

22 SECRETARY BASTIDA: Before I go into the
23 dates, there are two -- I believe there was a request
24 that Mr. Jeffries would like to have the consent
25 decree submitted for the record.

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1 And also you had the material samples that
2 have to be photographed and submitted for the record.

3 MR. STILLWELL: That's understood.

4 SECRETARY BASTIDA: We would like to have
5 a board sample for the Commission once the Commission
6 takes action. The Commission in this instance only
7 takes action. And then it becomes final upon that
8 action. There are not two votes for the Commission.

9 Would you require in order to give them
10 time to negotiate the conditions and so on a final
11 action prior to the July meeting?

12 MR. STILLWELL: Yes.

13 SECRETARY BASTIDA: It would be July 12th.
14 Because that would give you time to work with your
15 neighbors and with the Office of Planning and so on to
16 refine that as much as possible.

17 MR. STILLWELL: Is that the closest
18 option?

19 SECRETARY BASTIDA: No, it is not, but I
20 am just trying to give the Commission time for you to
21 reflect on what they have proposed and for you to
22 negotiate with the Office of Planning to do the best
23 possible job to try to allow the Commission to take
24 positive action without modifications on what you
25 would like to see.

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1 MR. STILLWELL: If I can beg your
2 indulgence for just a brief second?

3 (Pause.)

4 MR. STILLWELL: Madam Chair, Mr.
5 Secretary, if June is an option based on the intensity
6 of negotiations we have already been engaged in, we
7 can meet that time line without a problem. We are
8 committed to June.

9 SECRETARY BASTIDA: Okay. Today is May
10 the 20th. Do you think that you would be able to
11 submit that by Wednesday, June the 2nd?

12 MR. STILLWELL: Yes.

13 SECRETARY BASTIDA: And you would have to
14 serve it on the ANC --

15 MR. STILLWELL: Yes.

16 SECRETARY BASTIDA: -- since the ANC is a
17 party for it. So the ANC will have until the 9th of
18 June to respond to it. Do you think you will be able
19 to submit a draft order by June 4th, which is a
20 Friday? And all of these submissions will have to be
21 done by 3:00 o'clock.

22 MR. STILLWELL: Yes, Mr. Secretary.

23 SECRETARY BASTIDA: So you are submitting
24 the required material by Wednesday, June the 2nd by
25 3:00. You are submitting the proposed findings of

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1 facts and conclusions of law, which implies that you
2 would have negotiated with the Office of Planning and
3 you would have coordinated within your group to try to
4 answer the questions and concerns of the Commission
5 regarding the conditions.

6 Then the ANC will have until Wednesday,
7 June the 9th to respond to your submissions if they so
8 desire.

9 MR. STILLWELL: That is understood.

10 SECRETARY BASTIDA: And you will make sure
11 the ANC will be aware of these. I will make them
12 aware of it also, but that way they can anticipate
13 your submission and try to address it if they so
14 choose.

15 MR. STILLWELL: That is understood.

16 SECRETARY BASTIDA: Okay. Thank you.

17 CHAIRPERSON MITTEN: Thank you.

18 SECRETARY BASTIDA: Is that agreeable with
19 the commissioners?

20 CHAIRPERSON MITTEN: Sure. That is fine.
21 So you are clear about the dates, then, yes?

22 MR. STILLWELL: Crystal clear, Madam
23 Chair.

24 CHAIRPERSON MITTEN: Okay. Great. Thank
25 you for coming down, visiting with us this evening.

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1 We look forward to your additional submissions and
2 will take this up in June. This hearing is now
3 adjourned.

4 (Whereupon, at 8:22 p.m., the foregoing
5 matter was adjourned.)
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