

STAFF RECOMMENDATION

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NCPC File No. ZC 02-30



AMENDMENT TO ZONING MAP OF THE DISTRICT OF COLUMBIA TO ZONE PROPERTY FROM UNZONED TO W-0 OPEN SPACE FOR THE GEORGETOWN UNIVERSITY BOATHOUSE

Submission by the Zoning Commission of the District of Columbia

October 30, 2003

Abstract

The District of Columbia Zoning Commission has taken a proposed action to zone approximately 1.09 acres of land to the W-0 Waterfront Open Space Zone District. The parcel, identified as Tract 102-114, is located on the Potomac River approximately ¼ mile northwest of the Key Bridge, and just west of the Washington Canoe Club. The proposed zoning map amendment would permit the construction of the Georgetown Boathouse, a new rowing facility for the Georgetown University Rowing Team. The parcel of land was acquired by Georgetown University from the National Park Service in a land exchange that was approved by NCPC in September of 1995. The W-0 zoning district is a new zoning category which has been submitted to the Commission for review concurrently with this proposed action.

Federal Interests

The federal interests in this case include the Potomac River Waterfront, which is identified as an area of federal interest under the Federal Elements of the Comprehensive Plan for the National Capital; the C&O Canal National Historic Park, which lies directly east of the subject site; and the Memorandum of Agreement (MOA) resulting from the Section 106 process required for the exchange of lands between the National Park Service and Georgetown University as approved by the National Capital Planning Commission.

Commission Action Requested by Applicant

Approval of comments to the District of Columbia Zoning Commission pursuant to Section 8 of the National Capital Planning Act (40 U.S.C. § 8724 (a)) and D.C. Code § 2-1006 (a))

Executive Director's Recommendation

The Commission:

- Concludes that the proposed zoning map amendment to zone 1.09 acres of land to W-0 Waterfront Open Space **would not negatively affect the federal interests.**

In a related recommendation, the Commission advises the **National Park Service** that:

- The construction of the Georgetown Boathouse **must comply** with the **Memorandum of Agreement** resulting from the Section 106 process required for the exchange of lands between the National Park Service and Georgetown University as approved by the National Capital Planning Commission on September 7, 1995.

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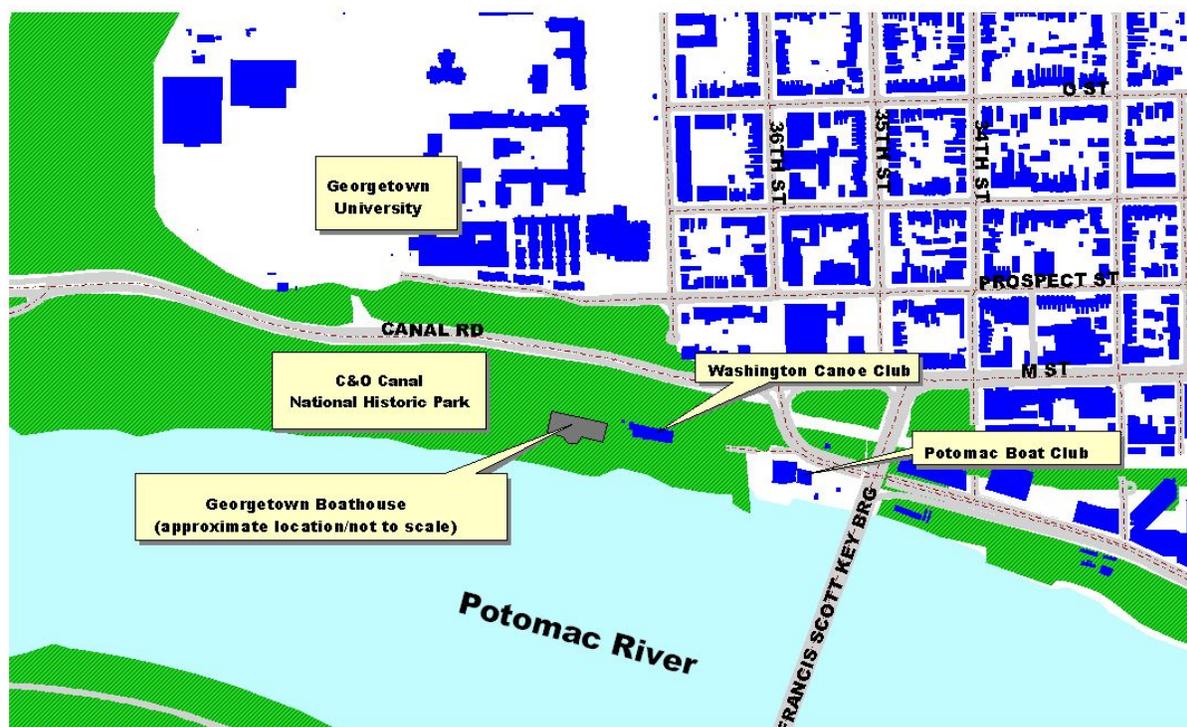
BACKGROUND AND STAFF EVALUATION

DESCRIPTION OF PROPOSAL

The District of Columbia Zoning Commission has taken a proposed action to zone approximately 1.09 acres of land, located directly northwest of the Key Bridge, to the W-0 Waterfront Open Space zone district. This parcel was formerly under the ownership of the National Park Service (NPS) but was exchanged with Georgetown University for land northwest of the subject site. The exchange was approved by the National Capital Planning Commission in September of 1995, and is explained in greater detail later in this report.

Two alternative applications regarding this project were made to the Zoning Commission, with the National Park Service and Georgetown University being co-applicants of each. The first application requested to have the subject site rezoned to W-1 (Waterfront Zone – Moderate Density) and the second application was a text amendment to provide a definition of non-motorized boathouse uses in the zoning regulations. The Office of Planning recommended that the subject site be rezoned to the new W-0 zoning which would account for the non-motorized boathouse use, thereby eliminating the need for the text amendment. The Zoning Commission concurred with this recommendation and the text amendment case was subsequently withdrawn and the rezoning application was amended to W-0.

The subject site is identified as Tract 102-114, and is located a quarter mile northwest of the Key Bridge in Northwest Washington, DC. The site is adjacent to the C&O Canal National Historic Park on the west, and the Washington Canoe Club to the east. The C&O Canal National Historic Park is a historic park facility under the jurisdiction of the National Park Service, and the Washington Canoe Club is a private canoeing club that has been in existence since roughly 1904. The site is outside of the boundaries of the National Park Service's Georgetown Waterfront Plan, which was approved by the Commission in September of 2003. The following map depicts the location of the subject site.



Zoning Action

The proposed Zoning Commission action before the Commission at this time is the application of the W-0 zoning district to the subject site. It is a matter of public record that this zoning action will permit the new Georgetown Boathouse, however the current submission is not of a project specific nature and relates only to the zoning of these 1.09 acres to W-0. The W-0 zone has only recently been adopted and it is the subject of case number ZC 02-42, which is pending before the Commission concurrently with this submittal.

The W-0 Waterfront Open Space Zone District is a low density, restricted use zoning district which has been developed to encourage open space and recreational uses along Washington’s waterfronts. This is the first application of the new zoning district to the District of Columbia Zoning Map.

The W-0 zone district restricts industrial, manufacturing and high density commercial and residential uses. Permitted uses are kept to a minimal height and Floor-to-Area Ratio (FAR), so as to not allow development to overwhelm the waterfront area. The following table summarizes the general building restrictions of the W-0 zoning district.

Maximum FAR	0.5 / 0.75 for marina, yacht club or boathouse
Maximum Height	40 feet
Lot Occupancy	25% / 50% for recreational, marina, yacht club or boathouse
Side Yards	12 feet
Front Yard	None Required
Rear Yards	None required

The W-0 zone also requires a deep waterfront setback for structures adjacent to the river's edge. Under the regulations, a building must have greater than 100 feet of setback to be built matter of right. Less than 100 feet but greater than 20 feet is permitted as a special exception requiring approval either by the District of Columbia Zoning Commission or the Board of Zoning Adjustment (BZA). If a structure is to have less than 20 feet of setback, then it must be approved by either the Zoning Commission or BZA as a variance, which would require justification that a unique situation and hardship arising from the land exists necessitating the reduced setback.

In terms of permitted uses, the W-0 restricts all industrial and manufacturing developments and any high density residential or commercial uses. However, the district does permit recreational uses as a matter of right, and allows for boathouses, marinas, yacht clubs, and low density retail and cultural uses as a special exception. Under the special exception process, the project must prove that it is complementary to the intent of the W-0 zone and that it is adequately designed and located so as to not hinder the coherent development of the waterfront.

Georgetown Boathouse

The current submission before the Commission is the Zoning Commission action which will zone tract 102-114 to the W-0 zone district. However, the current zoning action is to allow for the construction of the Georgetown Boathouse, which will be a non-motorized boat facility to be used by the Georgetown University Rowing Team. This project was of considerable concern to the Zoning Commission, as it will require a special exception and variance approval from that board, and was the subject of the land exchange approved by the National Capital Planning Commission on September 7, 1995. Although the boathouse will not be submitted to NCPC for specific project review, it is important that the Commission understand the Boathouse's conceptual design at this point given its weight in the Zoning Commission action and the NCPC action in 1995.

According to the information staff has received and in the public record, the Georgetown Boathouse will be a 33,199 gross square feet floor area structure with an FAR of .69. The structure will have a lot occupancy of 41 percent and a height of 40 feet from grade to ceiling of the uppermost story of the structure. The site is constrained by the Capital Crescent Bike Path which is located at the northern edge of the site, and the building will be situated between the path and the river's edge. The design of the building, as stated by the applicant, is to be consistent with the Washington Canoe Club to the east and consists of a main structure flanked on its east and west by two wings, with a porch extending towards the riverfront and boathouse's docks. The waterfront setback of the building, measured from the building's nearest point will be 15 feet. This is contrary to the W-0 zone requiring 20 feet and will require a variance approval from the Zoning Commission. The boathouse will not have direct vehicular access and the users, Georgetown students, will be required to bike or walk to the site using the Capital Crescent Trail. A small service drive for boat loading and un-loading to be located on the northern side of the bike trail has been discussed but this drive has not been represented on any site plan received by NCPC staff. The site plan and renderings as submitted to the Zoning Commission are attachments to this report.

District of Columbia Office of Planning

The District of Columbia Office of Planning (DCOP) issued reports on both applications filed for the Georgetown Boathouse project. DCOP did not support the text amendment originally filed by NPS and Georgetown University as the amendment would unnecessarily be applied not just to the Georgetown Boathouse, but also the entire waterfront throughout the District. Further, DCOP did not support the rezoning of the site to W-1 as it would permit a higher level of use than anticipated for waterfront areas such as this parcel. DCOP recommended that the proposed site be zoned to the new W-0 zoning, which would account for boathouse uses and properly regulate density and setback. The application was amended to the W-0 zoning, and subsequently the Office of Planning recommended approval of that action.

Previous Commission Action

On September 7 1995, NCPC reviewed and approved the exchange of lands between the National Park Service and Georgetown University. The exchange sites include the subject site, which is Tract 102-114, and a site which was held at that time by the University and is a 1.1 acre site identified as Tract 102-109. This site is located approximately 4,000 feet upriver (northwest) from the Boathouse site, and is located adjacent to the C&O Canal National Historic Park. The parcel was CSX railroad property before being conveyed to the University in the mid-1980's.

The Commission approved the land transfer and determined that the development of the boathouse on Tract 102-114 was consistent with the applicable policies outlined in the Federal Elements of the Comprehensive Plan for the National Capital and determined that it would not negatively affect the Potomac River Waterfront, the Georgetown Waterfront Park or the C&O Canal National Historic Park. However, the Commission's approval was not deemed effective until the completion of the Section 106 process. This process was concluded by the signing of a Memorandum of Agreement (MOA) in 1998 by C&O Canal National Historic Park, the National Park Service, State Historic Preservation Office, and the Advisory Council on Historic Preservation. The executed MOA is an attachment to this report.

EVALUATION

Under Section 8 of the National Capital Planning Act, NCPC has a review role over all proposed Zoning Commission actions to assess and report on whether or not an action will negatively affect identified federal interests. In this instance, the federal interests include the Potomac River Waterfront, which is identified as an area of federal interest under the Federal Elements of the Comprehensive Plan for the National Capital; the C&O Canal National Historic Park, which lies directly east of the subject site; and the MOA concerning the land exchange as described above. This evaluation section will cover the application of the W-0 Zone to Tract 102-114. However, because of the 1995 Commission action and the resulting MOA, there is a federal interest in the boathouse project, so this evaluation will address the boathouse as presented to the Zoning Commission in the public record.

Zoning Map Amendment

Staff's evaluation concludes that the map amendment to zone the 1.09 acres of land to W-0 would not negatively affect the federal interest. As outlined in the staff report for the concurrent case ZC 02-42, the zoning district is not inconsistent with the policy objectives outlined in the Parks, Open Space, and Natural Features Element of the Comprehensive Plan for the National Capital. The zoning regulation permits recreational and low intensity uses, but only at a height and intensity that is appropriate for the enhancement of the Potomac River Waterfront. Further, the zoning district is appropriate in this location as it is a buffer between the developed portions of the Georgetown Waterfront, which is zoned W-1 (moderate density) and the C&O Canal National Historic Park, which is federal land. The W-0 zoning acts as a transitional zone, reducing density from the W-1 district to the C&O park land. As such, the map amendment will not negatively affect the C&O Canal National Historic Park, or the Potomac River Waterfront. Accordingly, **staff recommends that the Commission conclude that the proposed zoning map amendment to zone 1.09 acres of land to W-0, Waterfront Open Space, would not negatively affect the federal interests, nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.**

Georgetown Boathouse

The NCPC Commission action in September of 1995 approved the exchange of lands between the University and the NPS. In approving the exchange, the Commission approved the use of Tract 102-114 as a boathouse for Georgetown University. At that time, no designs for the boathouse were presented. However, the approval of the exchange was made effective upon the completion of the Section 106 process, which included consultation and the execution of a Memorandum of Agreement (MOA) to be signed by NPS, the University, the D.C. State Historic Preservation Office, and the Advisory Council on Historic Preservation.

The MOA stipulated that the building footprint for the boathouse should not exceed 15,000 square feet in area, nor 40 feet in height. The design will be reviewed by the signatories for consistency with the terms of the MOA prior to issuance of a building permit. Staff notes, however, that the design as currently proposed is not in conformance with the MOA, and that conformance to federal law under Section 106 is a federal interest. According to the design as currently proposed, the boathouse measures 19,500 square feet, rather than the 15,000 stipulated in the MOA. The proposed building height is 54 feet, rather than the 40 feet stipulated in the MOA. However, it does conform to the proposed W-0 zoning. Under the proposed zoning, the building can be measured from finished grade to the ceiling of the uppermost story. In the case of the boathouse, this dimension is 40 feet. However, staff's interpretation of the MOA is that measurement of height should be based on the overall exterior height of the structure.

The MOA and the design of the boathouse can be brought into agreement either through the redesign of the boathouse or the renegotiation of the MOA. Staff recommends that regardless of which approach is taken, the National Park Service be advised that the Georgetown Boathouse **must comply** with the Memorandum of Agreement resulting from the Section 106 process required for the exchange of lands between the National Park Service and Georgetown University as approved by the National Capital Planning Commission on September 7, 1995.