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OFFICE OF PLANNING

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SUPPLIMENTAL REPORT

ZONING COMMISSION
District of Columbia
Case 02-30
Exhibit 370

DATE: June 27, 2003

TO: District of Columbia Zoning Commission

FROM: Andrew Altman
Director, Office of Planning

SUBJECT: Supplemental Report for Zoning Commission **Case No. 02-30**;

Map amendment to zone un-zoned waterfront parkland to W-0, filed by Georgetown University and the National Park Service, to permit the construction of a Georgetown University Rowing Club Boathouse on the Potomac River.

I. BACKGROUND

The applicants, Georgetown University (G.U.) and the National Park Service (NPS), have requested initial zoning for a 1.09 acre piece of undeveloped federal land on the banks of the Potomac River, referred to as Tract 102-114. The site is within the 1987 Georgetown Waterfront Plan boathouse zone, and use of the site for a boathouse would not be inconsistent with either the W-0 zoning regulations or the Generalized Land Use Map.

G.U. wishes to construct a 35,500 square foot boathouse on the property, for use by the university's rowing programs, currently operating out of the Thompson Boathouse facility. The Public Hearing, held May 19, 2003 and continued to June 05, 2003 and then to June 19, 2003, was closed, and the record left open for receipt of additional information to June 27, 2003. The Office of Planning report dated May 09, 2003 recommended approval of W-0 zoning for the site and approval of the requested special exceptions (for the boathouse use and to eliminate required parking), and variance (for waterfront setback). Additional analysis related to waterfront setback and other issues raised by the Zoning Commission is provided in this report.

II. WATERFRONT SETBACK

Subsequent to the convening of the Public Hearing on May 19, 2003, OP was informed by the applicant that the 15 feet waterfront setback was measured to the enclosed portion of the building at main floor level, rather than to the upper story covered, cantilevered balcony. The requested setback is therefore 7 feet, not the 15 feet as noted in the applicant's March 13, 2003 submission. This is not the result of changes to the drawings, nor does this change the form of relief requested – the applicant has requested a variance to waterfront setback and this remains applicable. The east and west wings of the building provide setbacks in excess of 40 feet and public access to those areas would be permitted. The exchange agreement, signed in October 1998, requires that this space remain in a "naturally landscaped condition", but does not explicitly require that it remain accessible to the public.

A waterfront setback dimension is not provided on the original submission, as the original submission was for W-1 zoning which does not have a waterfront setback requirement. As noted in

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the OP report, a setback of at least 20 feet, even for uses that require direct waterfront access, is preferable. In this case, OP continues to feels that the proposal generally meets the variance test, due to the narrowness of the site and the presence of the Capital Crescent Trail to the north. The building provides a setback of greater than 40' for most of its length. However, OP would support design modifications, as discussed below, which would increase the setback from the river, provided necessary internal programming, overall building design and setback from the Capital Crescent Trail are not significantly impacted. As the provision of public access to the river's edge is an important justification for the requested variance, OP also believes that the variance should be granted only on condition that the site remains unfenced and accessible to the public in perpetuity.

III. K STREET PARKING / TURNAROUND

The application includes a special exception request to eliminate the parking requirement for the boathouse. The Zoning Commission may approval this request, subject to a number of criteria being met, including the availability of alternative parking in the area, and the establishment of a parking plan for special events. The applicant notes that public parking is available on K Street, and that additional public parking is planned for the area in a new NPS parking lot. Regular users would normally walk or bike to the site from the University. Small buses would be utilized to transport guests to the site – the bus(es) would drop passengers off on K Street at the head of the Capital Crescent Trail, and return to the University.

The District Department of Transportation (DDOT) commented favorably on the overall traffic plan. The Zoning Commission requested that the DDOT further comment on potential conflicts between parking and buses for the drop-off of boathouse users on the end of K Street NW. The DDOT advises that the issue of bus and emergency vehicle turn around at the end of the street was reviewed in relation to the Georgetown Waterfront Park plan, and it was determined that there is sufficient room available. Small buses and larger emergency vehicles would be able to safely and conveniently turn around at this location. The service road would permit the turn around of boat trailers and emergency vehicles on the G.U. boathouse site. The applicant further advises that bus drop-off for special events would not be common, and would often be done at Thompson's Boathouse (as is currently the case), where boat races would normally end.

IV. ENVIRONMENTAL REVIEW

A number of submissions to the Zoning Commission related to the environmental status of the land and environmental reviews that had been completed and will be completed.

Under the District Environmental Protection Act of 1989 (EPA), an Environmental Impact Screening Form (EISF) is required for any proposal with a value of greater than $1 million, so the applicant will be required to complete an EISF for the proposed building. The EISF includes comments from a number of District departments regarding potential environmental impacts and whether a more detailed Environmental Impact Statement (EIS) is needed. A full EIS is not common, as an applicant is usually able to address concerns without the need for an EIS, and a District EIS is not required if a Federal EIS is required. In a memo dated May 14, 2003, the District Department of Health, Bureau of Environmental Quality (one of the organizations which contributes towards the EISF) noted that, in their opinion, an EIS will be required and that the project "has the potential to negatively affect wetlands, upland terrestrial habitat, and aquatic habitat". DOH did not provide additional subsequent clarification.

A Federal Environmental Assessment (EA) under the National Environmental Protection Act (NEPA) was completed in 1995 with regards to the proposed land exchange for the boathouse. That analysis resulted in a "finding of no significant impact", so a more detailed EIS was not required. The National Park Service has noted that additional federal environmental review under NEPA is not anticipated, but review of specific construction issues at the building permit stage by both Federal and District agencies will be required.

V. HISTORIC PRESERVATION

A number of submissions to the Zoning Commission noted the historic importance of the C & O Canal National Historic Park and the adjacent Washington Canoe Club building, which is a listed historic structure. The Zoning Commission requested clarification of the historic status of surrounding lands and of the review process that would be required for the proposed new building.

The site is located at the southern end of the extensive C & O Canal National Historic Park, which was created in 1971. Because it is located in the Georgetown Historic District, the United States Commission of Fine Arts (CFA) and the District of Columbia Historic Preservation Office (HPO) must review any construction permits required for the property. The CFA also has jurisdiction over the design of federal projects in the District of Columbia. Normal HPO procedure with Georgetown cases is for the CFA to conduct the principal hearings (now completed), with the HPO commenting during the process.

Because the subject property is currently federally owned, there is a second level of preservation review. Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties. The responsible Federal agency first determines whether its actions could affect historic properties, i.e., properties that are included on or are eligible for inclusion on the National Register of Historic Places. If the agency determines that its activities have no potential to affect historic properties or will have no adverse effects, then the agency has no further Section 106 obligations.

If the agency's undertaking could adversely affect historic properties, however, the agency reviews background information, seeks information from knowledgeable parties, and conducts additional studies as necessary. The agency also consults with the State Historic Preservation Officer (SHPO), local governments, permit or license applicants, and members of the public. Consultation usually results in a Memorandum of Agreement (MOA), which outlines agreed-upon measures that the agency will take to avoid, minimize, or mitigate the adverse effects. If an MOA is executed, the agency proceeds with its undertaking under the terms of the MOA.

Commenting on the conceptual Georgetown Waterfront Plan in 1986, the SHPO commented that the "*conceptual master plan will have no adverse effect on the qualities of significance for which the Georgetown Historic District was listed on the National Register, provided that ... the location and design of the Boathouse (Element 14) be reviewed for site and design.*"

The proposed land swap received additional Section 106 review in 1995. This included review at a public hearing by the District of Columbia Historic Preservation Review Board (HPRB). The HPRB, acting in its role as a State Advisory Board, concluded that the proposed land transfer to provide a boathouse site "*may constitute an adverse effect on those qualities which qualify the Georgetown Historic District and the C & O Canal National Historic Park for listing in the*

National Register. The staff proposes that a Memorandum of Agreement be prepared which requires Georgetown University to provide a site plan for the development of the facility and that preliminary and final building design plans be submitted to the staff for review and approval and final building design plans be submitted to the staff for review and approval. Final design review should be delegated to the staff." Refer to Attachment I (HPRB Report) and Attachment II (SHPO Report)

An MOA was signed in 1997 (refer to Attachment III). Among other things, it stipulated approval requirements and a maximum facility height of 40' and footprint of 15,000 sq.ft. The proposed building appears to exceed the maximum permitted footprint by approximately 5,000 sq.ft. The issue of height is less clear, as the MOA does not establish how height is to be measured. The design of the building and the landscaping is to be agreed upon "in good faith" by the NPS and Georgetown University. The MOA also states that review of a zoning classification for the site and the design of the boathouse facilities by the NCPC, the Zoning Commission, the CFA and HPRB will be necessary. The CFA has already approved the overall building design in concept, but has confirmed that final permit review will also be required. HPO staff also anticipate review of the final design in accordance with Section 106 and the executed MOA – this review would be done prior to / as part of the building permit review.

VI. BUILDING PROGRAMMING / BUILDING BULK

The Zoning Commission requested that Staff further investigate the issue of internal programming of the building, as it relates to the overall bulk of the structure. Of concern is whether the variety and sizes of internal spaces conform to the wording and intent of the W-0 permitted uses. Reducing the size or number of internal spaces could lessen the bulk of the building, the impacts that the building and the potential uses could have, and possibly the extent of the requested waterfront setback variance. The applicant has indicated that the internal spaces, many of which are designed to serve more than one purpose to maximize usage and minimize space requirements, are all considered necessary, and that the various room dimensions are considered minimal.

As drafted, the W-0 permitted uses are limited to "*Boathouse for non motorized watercraft, except that one or more motorized safety launches for coaches are allowed for supervision of rowing practice and water safety; and may include as accessory uses rest rooms, showers, locker rooms, kitchen, exercise area, boat storage and maintenance, coach's office, rowing tank, dock, one caretaker's residence in conformance to the (relevant) regulations, and related functions*". The proposed boathouse includes all of these functions except a caretaker's quarters. The building also contains other related rooms such as "team rooms" and a "club room" that do not appear to OP to be incongruous to a rowing facility for a major rowing program. Most are relatively small and their removal or reduction would not likely result in a noticeable diminishment in the overall size of the structure.

Of the larger spaces, OP feels that the main level boat storage and rowing tank areas are anticipated and permitted accessory uses. The boat storage areas permit the orderly internal storage of boats, eliminating the need for securely fenced external storage (such as exists at the Washington Canoe club and Thompson's Boathouse), and therefore allowing the desired public access to the river's edge in front of the building. The rowing tank area includes extensive windows facing both the pathway and the river, so will provide Trail users with interesting visual access to the internal functioning of the building as well as partial views through the building to the river.

On the upper level, the largest uses are necessary male and female locker areas, as well as the large exercise area. The applicant advises that this exercise area and the lower level rowing tank serve vital functions within the building and cannot be located off-site without impacting the training program, as it is normal for rowers to go from one area to the other and back again as training programs and boat availability progresses throughout the day. They also advise that, while the exercise equipment could be moved aside to permit other functions, this would not be a common occurrence, and that many boathouses for large rowing programs provide both a large exercise room and a large multi-function room, but this structure does not have a multi-function room. OP notes that the W-0 Zone would permit both of these uses, and does not establish size limitations. However, should they be moved off-site (to the main campus), the building could be redesigned at a much smaller scale, which should lessen impacts on trail users, views from the Towpath, and possibly the extent of the requested waterfront setback variance.

The building also has an extensive covered balcony on the waterfront side of the building (within the waterfront setback), totaling over 2,000 square feet in area. OP continues to believe that the balcony and associated roof covering could be reduced without seriously impacting the functionality of the building. Reducing the balcony may impact the overall character of the south elevation, but would also reduce the needed variance by increasing waterfront setback from 7 feet to 15 feet.

A second design modification, noted by OP at the June 05 2003 session of the Public Hearing and raised by many members of the public, would be to lower the roof to reduce the overall building bulk. Although the building conforms to zoning height regulations, the roof peak rises 14 feet above the upper level ceiling, to which the 40' height is measured, to provide otherwise inaccessible attic area for mechanical equipment. A lowering of this roof – either by lowering the ceiling for the 24' high exercise area or by slightly reducing the pitch of the roof, would somewhat lessen the potential impact of the building when seen from the side as Trail users and WCC members would see it, and may address some concerns related to views. However, OP also notes the positive impact that the interesting and varied roof form has on the overall form of the building, and that having all mechanical equipment housed in the attic space rather than visible on the roof is of benefit, as the roof would be visible from the Towpath.

In a meeting with OP staff, the designers indicated that the negative impacts on the internal functioning of the structure and the overall appearance of the structure and stylistic consistency would outweigh any small benefit that could be gained by minor changes such as these. OP agrees that such changes would only be supportable if they do not result in an inability of the designers to meet the basic, required programming for the building as a fully functional university rowing club boathouse, or in a diminishment of the character of the building, including the overall form and the high quality materials. OP is not normally keen to provide such detailed design-related advice, particularly given the high quality of the proposal, and the enthusiastically approvals of the Old Georgetown Board and Commission of Fine Arts. In this case, OP feels that additional detail and an exploration of alternatives by the applicant that may reduce the bulk of the building are warranted. OP also continues to recommend to the applicant that discussions with concerned groups and individuals continue to find solutions that minimize potential conflicts with the various trail and river users, during and following construction.

AA/jl

ATTACHMENT I

HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Section 106 Review: Meeting: October 26, 1995
Land Exchange
Address: Georgetown Waterfront
Initiating Agency: National Park Service
Staff Reviewers: Suzanne Ganschinietz; Nancy Kassner

Project Description

The National Park Service proposes to enter into an agreement with Georgetown University to exchange land in order to allow the University to build a non-motorized boathouse on the Georgetown Waterfront. The boathouse will be used by the university crew teams. In exchange, the University will convey to the NPS (National Park Service) a parcel of property on the Potomac River shoreline, approximately one mile upstream of the Washington Canoe Club structure.

The location of the property presently is in the Georgetown Waterfront Park. In 1986, the DC SHPO office reviewed the Master Plan for the Georgetown Waterfront Park and found that the Master Plan would have no adverse effect on the National Register qualities of the Georgetown Waterfront and the C & O Canal National Historical Park. The Historic Preservation Review Board also reviewed the project in June of the 1986.

The location of the subject land is Element 14 of the Master Plan which reads as follows:

(14) Establish Boathouse Area (Non-motorized)

A recent special National Park Service Study indicated that there is considerable unmet demand for non-motorized boating facilities along the Georgetown Waterfront.

The plan designates a general area of land and water within which new boathouses are appropriate. The area assigned to boathouses does not extend further west of Key Bridge than about 1100 feet because of the policy aimed at preservation of the natural appearance of the Palisades.

To the east of the Key Bridge, the boundary embraces the site of the proposed floating restaurant. Should the restaurant not be installed, the area is appropriate for boating facilities. In this area boating facilities could be provided, either privately or National Park Service concession operated. Floating boathouses or boathouses on land would be appropriate provided public boating use of the facilities is always available.

National Park Service
Land Transfer

The Review Board after review of the entire plan commented that "..the location and the design of the Boathouse (Element 14) be reviewed for site and design."

The NPS has proposed that the boathouse be consistent with the design of either 'Boathouse Row' on the Schuylkill River, or the boathouses of Northeastern University. The design program does not contemplate a footprint or aggregate footprints of more than 15,000 square feet for a building not-in-excess of 40 feet, excluding space at grade and below the building and such additional height as is necessary to accommodate design features.

An archeological assessment of this property was carried out by the National Park Service, National Capital Region archeologists, earlier this year. This assessment consisted of a review of historic maps to identify any structures that may occupied the project area; a review of the development and construction that directly affected the project area; a review of any archeological reports that investigated any sites within or near the project area; and an archeological reconnaissance of the project area.

The various cartographic and report reviews and the archeological reconnaissance indicated that there is a low potential for any intact archeological resources eligible for listing on the National Register of Historic Places.

Staff Evaluation

The staff, in consultation with the National Park Service, has determined that the transfer of land from the National Park Service to Georgetown University may constitute an adverse effect on those qualities which qualify the Georgetown Historic District and the C & O Canal National Historic Park for listing in the National Register. The staff proposes that a Memorandum of Agreement be prepared which requires Georgetown University to provide a site plan for the development of the facility and that preliminary and final building design plans be submitted to the staff for review and approval. Final design review should be delegated to the staff. A paved parking lot and widening of the access road will not be considered because of the potential adverse visual effects on the C & O Canal National Historic Park.

ATTACHMENT II

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

NOV 30 1995

Mr. Robert Stanton
Field Director
National Capital Area
National Park Service
1100 Ohio Drive, S.W.
Washington, D.C. 20242

Dear Mr. Stanton:

I am writing in response to your letter of August 8, 1995, in which you seeked my concurrence that an exchange of land between the National Park Service (NPS) and Georgetown University would have no adverse effect on the master plan for the Georgetown Waterfront Park. The National Park Service land located on the Georgetown Waterfront and identified as Element 14 of the Master Plan for the Georgetown Waterfront Park will allow the University to build a new boathouse. This boathouse will be used by the university crew teams currently on National Park Service owned land west of the Washington Canoe Club.

In exchange, the University will convey to the National Park Service a parcel of property on the Potomac River shoreline, approximately one mile upstream of the Washington Canoe Club structure.

The National Park Service has proposed that the boathouse be consistent with the design of either "Boathouse Roe" on the Schuylkill River, or the boathouse of Northeastern University. The design program does not contemplate a footprint or aggregate footprints of more than 15,000 square feet for a building not in excess of 40 feet, excluding space at grade and below the building and such additional height as is necessary to accommodate design features.

An archeological assessment of this property was carried out by the National park Service, National Capital Region archaeologists earlier this year. The various cartographic and report reviews and the archeological reconnaissance indicated that there is a low potential for any intact archeological resources eligible for listing in the National Register.

The Historic Preservation Review board reviewed this project at its meeting on October 26, 1995. The Review Board has determined that the transfer of land from the National Park Service to Georgetown University may constitute an adverse effect on those qualities which qualify the Georgetown Historic District and the C&O Canal National Historic Park for listing in the National Register.

The Review Board has proposed that a Memorandum of Agreement be prepared which requires Georgetown University to provide a site plan for the development of the facility and that preliminary and final building plans be submitted to the staff and/or the Review Board for review and final approval. A paved parking lot and widening of the access road will not be considered because of the potential adverse visual effect on the C&O Canal National Historic Park.

I would also like to request that the Memorandum of Agreement be between the SHPO, NPS and the Advisory Council. If you have any additional questions, please contact . Suzanne Ganschinietz on 727-7360.

Sincerely,

Hampton Cross

Hampton Cross
State Historic Preservation
Officer for the District
of Columbia

ATTACHMENT III

MEMORANDUM OF AGREEMENT

WHEREAS, the National Park Service proposes to enter an agreement which may lead to the transfer of property located within the boundaries of the C&O Canal National Historical Park (C&O Canal) to Georgetown University (the University), for use as a site for a non-motorized recreational boathouse, in exchange for which the National Park Service shall receive an undeveloped parcel of property which is owned by the University and located within an undeveloped area of the C&O Canal; and

WHEREAS, the National Park Service's acquisition of this undeveloped property, which is located in a pristine area of the Potomac Palisades, furthers National Park Service goals; and

WHEREAS, longstanding National Park Service studies identify the property proposed to be transferred to the University in this exchange as a potential site for a non-motorized recreational boathouse; and

WHEREAS, the National Park Service intends that the proposed property to be transferred to the University only be developed with a non-motorized recreational boathouse of a certain style and size and a specific landscape design; and

WHEREAS, the proposed property to be transferred to the University is located on the Georgetown Waterfront and identified as Element 14 of the Georgetown Waterfront Master Plan, and is adjacent to property contained on the National Register of Historic Places; and

WHEREAS, the D.C. State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (the Council) have approved the Georgetown Waterfront Master Plan; and

WHEREAS, the National Park Service has consulted with the District of Columbia SHPO and the Council pursuant to the regulations (36 C.F.R. Part 800 (1996)), implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f (1994)) concerning this undertaking which is the agreement and the possible exchange of real property; and

WHEREAS, the District of Columbia Historic Preservation Review Board determined at its October 26, 1995, meeting that the proposed land exchange may have a potential for an adverse effect on historic properties; and

WHEREAS, the National Park Service seeks to avoid any potential adverse effects on any historic properties which could result from this undertaking,

NOW THEREFORE, to address the potential effect on historic properties by this undertaking which is the agreement and proposed land exchange, the National Park Service, the District of Columbia SHPO, and the Council enter this Memorandum of Agreement, agreeing, in accordance with 36 C.F.R. § 800.6(a)(1)(i) (1996), that the undertaking be with the following stipulations:

STIPULATIONS

1. The above-described agreement between the National Park Service and the University which may result in a land exchange shall contain the following provisions concerning the parcel that the University would receive:

a. Design requirements that the appearance of any facility on this site, be generally consistent with that of either "Boathouse Row" on the Schuylkill River, in Philadelphia, Pennsylvania, or those of Northeastern University (excluding size as this facility will be larger); that the facility's footprint or aggregate footprints are not more than 15,000 square feet for a building rising no more than 40 feet above grade.

b. That approval by the Commission of Fine Arts, the National Capital Planning Commission, District of Columbia Zoning Commission, the District of Columbia Historic Preservation Review Board, and other authorities (the Authorities), if within the jurisdiction of such Authorities, of a zoning classification to permit such use of the site for non-motorized boating and ancillary recreational uses and of the design of the boathouse facilities to be constructed will be necessary in order to allow the University to make such use of this site, and that the University must obtain such zoning and other approvals as may be required for this specific development and use of the site.

c. That prior to submitting the designs to the Authorities for approval, the University shall obtain the approval of the National Park Service of such design.

d. That the National Park Service and the University shall work cooperatively, reasonably, and in good faith to adopt both a boathouse design and landscaping scheme agreeable to both.

2. The deed for the property transferred to the University shall contain similar restrictions and conditions pertaining to the use of the site.

3. The agreement and the deeds shall be recorded in the lands records for the District of Columbia.

4. That disputes arising pursuant to this Memorandum of Agreement shall be resolved as follows:

a. Should any party to this Memorandum of Agreement object within thirty (30) days after receipt, to documents relating to the undertaking which is the agreement between the National Park Service and possible exchange of real property, which are provided for review pursuant to this Memorandum of Agreement, or to the manner in which this Memorandum of Agreement is being implemented, the National Park Service shall consult with the objecting party to resolve the objection. If the National Park Service determines that the objection cannot be resolved, the National Park Service shall forward all pertinent documentation to the Council. Within thirty (30) days after receipt of this documentation, the Council shall either:

(1) provide recommendations to the National Park Service, which the National Park Service shall take into account in reaching a final decision regarding the dispute; or

(2) notify the National Park Service that it will comment pursuant to 36 C.F.R. § 800.6(b)(1996). Any Council comment provided in this context, in reference to the subject of the dispute, will be taken into account by the National Park Service in accord with 36 C.F.R. § 800.6(c)(2)(1996);

Any Council recommendation or comment will be understood to pertain only to the subject of the dispute; the National Park Service's responsibility to carryout all actions under this Memorandum of Agreement that are not the subject of the dispute shall remain unchanged.

EFFECT OF THIS AGREEMENT

Execution of this Memorandum of Agreement evidences that the National Park Service has afforded the Council an opportunity to comment on the undertaking which is the agreement and the proposed land exchange between the National Park Service and the University, such land exchange possibly leading to the University developing the property it receives for a non-motorized recreational boathouse, and on this land exchange's effects on historic properties, and that the National Park Service has taken into account the effects of the undertaking on historic properties.

To: GARY SCOTT

This Memorandum of Agreement is effective on the date of the last signature affixed here

Douglas D. Faris — Date 8/20/97
Superintendent
C&O Canal National Historical Park

Terry R. Carlstrom — Date 8-15-97
ACTING Regional Director
National Park Service, National Capital Region

State Historic Preservation Officer — Date
District of Columbia

John M. Fowler — Date
Executive Director
Advisory Council on Historic Preservation