GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

Office of the Director

MEMORANDUM

DATE: October 18, 2002

TO: District of Columbia Zoning Commission

FROM: ~~Andrew~~ Altman, Director OP

SUBJECT: Setdown report for Zoning Commission Case # 02-31
Zoning Regulation Text Amendment Pertaining to Boathouse Regulations within Waterfront Zones, filed by the National Park Service and Georgetown University.

I. RECOMMENDED ACTION:

The Office of Planning recommends that the applicants' proposal to amend the Zoning Regulations text to facilitate and regulate boathouses for use by not-for-profit groups for non-motorized watercraft in the Waterfront zones NOT be set down for Public Hearing as the Office of Planning has proposed a more appropriate W-O Zone District, as outlined under separate cover.

In the alternative, should the Zoning Commission wish to consider amendments to existing Waterfront Zoning District regulations to facilitate the boathouse use, OP would recommend that the Office of Planning proposed text amendments to facilitate and regulate boathouses for use by not-for-profit groups for non-motorized watercraft be set down for Public Hearing.

II. PROPOSAL

The co-applicants, the National Park Service and Georgetown University, have requested Zoning Regulation text amendments to facilitate the construction of private boathouses for non-profit clubs adjacent to the waterfront, by defining boathouse, adding boathouse as an as-of-right permitted use in the W-1 zone, and eliminating street frontage and parking requirements for boathouses. As such, the changes would facilitate future boathouse proposals in the W-1 zone, as well as for unzoned Federal lands which may be appropriate for boathouse development in the future – such sites, if transferred to private hands would require establishment of zoning.

NPs and Georgetown University are, in a separate application (ZC Case # 02-30 described and analyzed under separate cover) requesting initial zoning for a 1.09 acres piece of vacant, waterfront Federal land area adjacent to the Potomac River. The property is proposed to be zoned W-1 and, once zoning is in place, would be developed with a boathouse for use mainly by the Georgetown University rowing club. The use would be non-conforming to current W-1 zoning regulations, in that it would provide no parking, and has no street frontage. The text amendments are proposed for the purpose of making the use conforming.

As noted in the 02-30 report, OP has no major concerns with the G.U. Boathouse proposal,

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but, has recommended Zoning Commission review of a newly proposed W-O Waterfront Open Space zone, intended to provide for low density open space park and low density waterfront-oriented recreation uses such as boathouses. OP has recommended that the Zoning Commission consider this new zone for the G.U. boathouse site. If the Commission agrees with this approach, the amendments proposed in this application would be unnecessary as the W-O zone would permit the boathouse use and address other issues in this application. As a result, setting down of this proposal would not be necessary.

However, should the Zoning Commission wish to consider W-1 zoning for this piece of property, as requested by the applicant, OP, as described below, has concerns with the applicant proposed text amendments, as they would be applied not just to the G.U Boathouse site, but also to the entire waterfront throughout the District. OP therefore recommends alternative amendments for Zoning Commission consideration. The remainder of this report is drafted to provide background information and alternative Zoning Regulations amendments, as if the Zoning Commission wishes to proceed with W-1 zoning text changes at this time.

III. BACKGROUND

Boathouses are considered a desirable use on the changing and improving Anacostia and Potomac River waterfronts. Boating club activities can foster a greater use and enjoyment of the rivers, and serve to animate the water for both active and passive recreation users. Promoting the use of the water surface for activities such as boating, rowing, and sailing is an important part of such improvements.

"Boathouse" is currently not defined, nor is it a specifically listed permitted use in any zone. "Boat club or marina" is a permitted use in the W and CR1 zones. There are currently a number of boathouses on the waterfront – some are not-for-profit (such as the Washington Canoe Club and the Anacostia Community Rowing Center); others are private, for profit businesses (such as the Potomac Boat Club; Jack's Canoe Rental; and Thompson Boat Center which is located on NPS land and leased to the private business). There are also a number of marinas and yacht clubs, in unzoned areas or in the W-1 and C-M-1 Zone Districts.

IV. ANACOSTIA WATERFRONT INITIATIVE

The Anacostia Waterfront Plan is a joint District / Federal initiative to improve the character, use and environment of the waterfront throughout the District. The provision of boathouses and other active uses of the waterfront, if properly planned and developed, could directly or indirectly further many of the goals and objectives of this important initiative, particularly:

- Creating a waterfront that serves a world-class capital city for the new millennium;
- Improving the river's water quality and enhancing its natural beauty;
- Linking the neighborhoods along the river and create direct access to the water from surrounding communities;
- Creating open green spaces and maritime activities; and
- Maximizing educational and training opportunities for residents of the District;

V. COMPREHENSIVE PLAN

In evaluating the proposed text amendments to the Zoning Regulations, zone and the proposed use for consistency with the Comprehensive Plan, the Office of Planning considered consistency with themes, objectives and policies of the Comprehensive Plan, and the Generalized Land Use Map.

The amendments would apply mainly to areas which are currently designated "Parks, Recreation and

Open Space" on the General Land Use Map, the dominant uses being "parks and recreation centers, cemeteries, and the National Capital Open Space System." Boathouses would conform to this designation. Some of the existing W-1 zoned land on the waterfront is designated for other uses:

- Low density commercial, along Washington Channel (South-West area);
- Federal (Navy Yard); and
- Mixed commercial / residential (Potomac River directly to the west of Rock Creek).

The proposal also supports a number of Comprehensive Plan objectives and proposed actions for the District and for individual Wards that include riverfronts:

507 Waterfront Transportation

507.1 The waterfront transportation objectives are to support use of the rivers for transportation and recreation purposes and to ensure that waterways and water travel are fully integrated into the intermodal transportation plan that is being developed for the District and the Washington Metropolitan Area.

507.2 The policies established in support of the waterfront transportation objectives are as follows:

(a) Encourage better docking and mooring facilities in waterfront areas, including launching ramps for boats to encourage and promote increased use of waterfront area for transportation and recreation purposes;

(b) Promote the construction of a continuous pathway along both the Potomac and Anacostia Rivers to provide walking, bicycling, and scenic vistas, and use many areas of parkland which are currently underused for recreational purposes;

(c) Promote cooperation with the National Park Service, which controls the majority of the waterfront property; and

700 Declaration Of Major Policies

700.2 The District must afford more attention to the future design and development of its waterfronts. The Potomac and Anacostia Rivers offer tremendous amenities which are unrealized and underutilized.

1314 Ward 2 Actions In Support Of Public Facilities Objectives

(1) Continuing efforts to develop a variety of recreational opportunities for residents of the ward;

(3) Encouraging the Department of Recreation and Parks and the National Park Service ("NPS") to continue to work together to foster use of federal park and recreational facilities in Ward 2.

1732 Ward 6 Land Use

1732.12 West Anacostia Park lacks a coherent plan for use. ... As the Anacostia becomes cleaner, it becomes more available for recreational use. Several school groups are now working on the development of rowing competitions and it can be used for sculling and canoeing. Larger boat clubs line the banks between the Pennsylvania Avenue bridge and the Navy Yard. The organization of the west bank of the Anacostia for boating activities of various types seems to be a trend and should be studied in order to have a compatible relationship among the various uses.

VI. EXISTING ZONING

The W-1 Zone District is designed to permit a relatively low height and density form of diverse and

mixed use development, intended to be relatively self-contained by providing a variety of uses on one site. (§900.3). The zone permits "private club" and "boat club and marina."(§901.1), but these terms are currently not defined in the Zoning Regulations.

The following table highlights the general uses and area requirements for the W-1 zone district and, for comparison, the W-2 and W-3 zone districts, and the proposed W-O regulations.

ZONE	Matter of Right Uses include:	BZA Approved Uses include:	Height	FAR	Lot Occupancy
W-1	**boat club / marina** community center dwelling, flat, multiple dwelling hotel / inn library museum office park or open space place of worship / church **private club** recreation building or use restaurant	hospital / clinic bowling alley manufacturing /processing warehouse / wholesaler building service trades college / university school, private school, trade	40 feet max	2.5 max; 1.0 max residential	80% maximum
W-2			60 feet max	4.0 max; 2.0 max residential	75% maximum
W-3			90 feet max	6.0 max; 5.0 max residential	75% maximum
W-O *(proposed)*	*Open space park uses*	*Maritime uses such as boathouse, marina and yacht club* *Maritime related commercial and educational uses* *Limited Recreational uses*	*40 feet max.*	*.5 max.*	*25% max.*

VII. OP ANALYSIS OF PROPOSED AMENDMENT

OP has concerns that that the amendments proposed by the applicant:

- would not further the goals and objectives of the Comprehensive Plan or the Anacostia Waterfront Initiative;
- has the potential to result in negative impacts on existing park areas and on the river ecology,
- could result in the *de facto* privatization of park and waterfront areas that should remain accessible to the public,
- would result in parking conflicts in areas not well served by any form of mass transit, and
- could result in facilities placed, sited and designed with little or no regard to broader scale plans for waterfront areas.

While wishing to encourage boathouse facilities, OP is of the opinion that alternative regulations would better ensure that they provide the maximum benefit to the District, existing riverfront park areas, and newly developing riverfront areas. Analysis and an alternate OP recommendation is outlined below:

Applicant Proposal:	**OP Analysis:**
Amend §199 to add the following definition: boathouse - *a building or structure designed and used to store and provide water access for non-motorized watercraft. Eligible watercraft include racing shells, kayaks, canoes, sailboats, rowboats and similar boats. One or more motorized safety launches for coaches are allowed for supervision of rowing practice and water safety. A boathouse may include rest rooms, showers, locker rooms, kitchen, exercise area, boat storage and maintenance, coach's office, rowing tank, dock, and related functions*;"	OP has no major concerns with the proposed wording but proposes the final sentence be amended to read: ACCESSORY USES to a boathouse may include *rest rooms, showers, locker rooms, kitchen, exercise area, boat storage and maintenance, coach's office, rowing tank, dock, one caretaker's residence, and related functions*." OP proposes that the definition also permit (but not require) the boathouse to contain one caretakers residence within the main structure, to provide on-site security if necessary. Regulations pertaining to size, location, parking, etc. for the caretaker's residence are also recommended. OP also proposes that the two definitions – for "boathouse" and for "watercraft, non-motorized" be separated.
Amend §901.1 (W-1 zoning district) by adding as an as-of-right permitted use: *Boathouse; provided that the boathouse shall be used by a boat club, private institution, public school, or other local government entity for recreational or competitive boating activities of a non commercial and nonprofit nature, and no rental of watercraft to the general public shall be allowed; and provided further that the boathouse shall either be constructed in the W-1 zone or limited to the area requirements of the W-1 zone as set forth in §§930, 931 and 931 of this title."*	This would permit boathouses as an as-of-right use in the W-1 zone, or in any other zone provided it meets W-1 height, floor area ratio, and lot coverage requirements. OP feels it is neither appropriate nor in keeping with District objectives to provide such *carte blanche* permission, as it would eliminate any opportunity for District review against overall riverfront objectives. OP recommends instead that "boathouse" be added as a use requiring Special Exception approval in the W-1 zone, and that regulations pertaining specifically to boathouses be included.
Amend §3202.3, which relates to a requirement for street frontage, by adding within the list of circumstances where street frontage is not required the following: *"and except land that fronts on a public body of water and is otherwise surrounded by public park land"*	§3202.3 essentially requires that a property have frontage on a street prior to the issuance of a Building Permit for any building on that property. OP agrees that a boathouse need not require street frontage – boathouses rightly orient towards the water, and requiring street frontage would both impact the ability to permit a boathouse within a park area, and could negatively impact use of existing park area by requiring a larger than necessary lot to be created (i.e elongating the lot to provide required frontage). Again, however, OP feels that the proposed wording is too broad and not within the best interests of the District or overall riverfront development goals and objectives. OP recommends slightly amended wording, to clarify that the exception pertains to boathouses as defined in the W-1 zone.
Amend §2101.1, Parking regulations under "Places of Public Assembly" as follows: Amend "boat club or marina" to strike the works "~~boat club or~~"; Add "boathouse No parking required	This amendment would eliminate parking requirements for boathouses (parking requirements for marinas would remain at 1 per 4 berths or slips). Flexibility in parking requirements may be necessary. However, OP feels that this is better dealt with as part of a Special Exception approval process. Boathouses generally generate parking needs; if not addressed, this may lead to negative impacts on surrounding parkland,

	existing street or public parking facilities in the area. OP is also concerned that not addressing the issue prior to construction of the boathouse may lead to future requests to add parking, or, worse yet, informal and ad-hoc parking on public park areas. As such, OP recommends that parking requirements be established as described below. A new section outlining when the BZA may consider a reduction in the required number of parking spaces would augment this requirement. The existing regulations of §2116.5 – 2116.9 would provide for BZA review of a request to locate the parking spaces off site.

VIII. OP ALTERNATE LANGUAGE

OP believes that the appropriate zone for this parcel is the newly proposed W-O zone, however, should the Zoning Commission wish to proceed with consideration of W-1 zoning for the G.U. boathouse rather than the OP recommended W-O Zone, and amendments to the W Zone Districts, the following Zoning Regulations text amendments are proposed by OP:

1. § 199 Definitions – add the following definitions:

- **"boathouse** - a building or structure designed and used to store and provide water access for non-motorized watercraft, for use by a no-for-profit organization. One or more motorized safety launches for coaches are allowed for supervision of rowing practice and water safety. Accessory uses to a boathouse may include rest rooms, showers, locker rooms, kitchen, exercise area, boat storage and maintenance, coach's office, one caretaker's residence, rowing tank, dock, and related function;"
- **watercraft, non-motorized** – any water vessel normally propelled without the use of motorized equipment, including racing shells, kayaks, canoes, sailboats, rowboats and similar boats."

2. Renumber §905 as §904

3. Amend Chapter 9 – Waterfront Districts, add a new Section 905 - Boathouses as follows:

"905 Boathouses (W)

905.1 If the Board of Zoning Adjustment considers that it is appropriate in furthering the objectives of the Waterfront District, a boathouse as defined in §199 shall be permitted as a special exception in a Waterfront District when authorized by the Board under §3104, subject to the provisions of this section.

905.2 The facility shall be designed to enhance the visual and recreational opportunities offered along the riverfront.

905.3 The facility, other than wharves or piers, shall provide a setback from the ordinary high-water mark of 20 feet.

905.4 The facility should not result in fill of normally submerged areas, and shall minimize excavation to that reasonably required for a principally above-grade facility.

905.5 The facility shall be located so that it is not likely to become objectionable to surrounding and nearby property because of noise, traffic, or parking, and to not limit public access along or to the waterfront, other than directly in front of the boathouse structure.

905.6 The applicant shall submit to the Board a detailed plan for the boathouse, including:

(a) location, height, and bulk of all improvements, including buildings, pedestrian and vehicular access, parking, outdoor boat storage, piers and wharves, and loading facilities;

(b) amount of site disturbance through cutting from or filling to natural grade;

(c) fencing, screening, signs, and utility facilities; and

(d) a description of the activities to be carried in the boathouse, including the capacities of the various boathouse facilities.

905.7 When a caretaker's residence is provided:

(a) it shall be exclusively for the use of the caretaker of the facility and his or her family

(b) it shall be located within the principal boathouse building;

(c) it shall be clearly secondary in design, location and size to the principal use of the building as a boathouse;

(d) it shall not occupy less than 20% of the total area of the clubhouse, provided that it need not be less than 1,200 square feet,

(e) one on-site parking space, in addition to other parking requirements, shall be provided.

905.8 Before taking final action on an application for use as a boathouse, the Board shall refer the application to the D.C. Office of Planning for coordination, review, Title 11 District of Columbia Municipal Regulations, and report. The application shall include reports and recommendations from all appropriate District agencies.

905.9 In the case of a request for initial zoning of a property, the Zoning Commission may review special exception and variance requests simultaneously with the zoning map amendment application."

4. Amend §3202 – Building Permits Subsection 3202.3 as follows:

"3202.3 Except as provided in §2516 and the Act of Congress of June 28, 1898 (30 Stat. 520, chapter 519, §5) a building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure, or for any addition to any principal structure, unless the land for the proposed erection, construction, or conversion has been divided so that each structure will be on a separate lot of record; except buildings and structures related to a fixed right-of-way mass transit system approved by the Council of the District of Columbia ***and except land that fronts on a public body of water and is otherwise surrounded by public park land and is zoned W-1 and is for the exclusive use as a boathouse as defined in §199***. Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure."

5. **Amend §2101 - Schedule of Requirements for Parking Spaces, Subsection 2101.1 by adding under "Places of Assembly Except Hotels" the following:**

"Boathouse — the lesser of 1 space for every 2,000 square feet of building area or one space for every 10 club members."

OP notes that additional research on the numbers of parking spaces that should normally be required for a boathouse is necessary, and may result in an amendment to these numbers.

6. **Amend §2108 – Reduction of Parking Spaces: Authority of the Board, by adding a new subsection 2108.6 as follows:**

"2108.6 The Board of Zoning Adjustment is herby authorized to reduce or eliminate the amount of required parking spaces for boathouse uses by a maximum of 100%, subject to the §2108.4 §2108.5 and following considerations:

(a) Nature and location of the structure;

(b) Maximum number of club members which can reasonably be expected to use the proposed building or structure at one time;

(c) Quantity of existing public, commercial, or private parking, other than curb parking, in the area that can reasonably be expected to be available when the building or structure is in use; and

(d) Distance between the boathouse and the closest public street and parking areas;

(e) Proximity to public transportation, particularly Metrorail stations, and the availability of public transportation service in the area or a ride-sharing program approved by the D.C. Department of Public Works."

7. **Replace, wherever it occurs throughout the Zoning Regulations, the term "boat club or marina" with "marina".**

IX. COMMUNITY COMMENTS

The application will be forwarded for review by all ANC's, the Old Georgetown Board, and to all existing boathouse, marina and yacht club operations.

X. AGENCY REFERRALS

This application is being referred to the following District government agencies for review and comment:

- Department of Consumer and Regulatory Affairs (DCRA).
- Department of Parks and Recreation;
- Department of Public Works (DPW);
- DPW Tree and Landscape Division;
- District Department of Transportation (DDOT);

- Environmental Health Administration;
- Fire and Emergency Medical Services Department;
- Metropolitan Police Department; and
- Water and Sewer Agency (WASA).

XI. RECOMMENDATION

The Office of Planning recommends that the Zoning Commission NOT set down for Public Hearing Zoning Regulation text amendment as proposed by the applicant.

Should the Zoning Commission wish to consider amendments to existing Waterfront Zoning District regulations to facilitate the boathouse use, OP would recommend that the text amendments to facilitate and regulate boathouses for use by not-for-profit groups for non-motorized watercraft, as proposed by the Office of Planning as Alternate Language, be set down for public hearing.

AA/jl