ARNOLD & PORTER

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March 13, 2003

Ms. Carol Mitten, Chair
District of Columbia Zoning Commission
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Re: Application for Map Amendment and Special Exception, W-O Zone
Georgetown University and National Park Service, Applicants

Dear Ms. Mitten:

The U.S. National Park Service and Georgetown University herewith submit twenty (20) copies of an application to amend the Zoning Map from unzoned to the proposed W-O zone. This application also includes a special exception and variance application for boathouse use as authorized by the W-O zone.

Twenty (20) copies of the Statement in Support of the Proposed Amendments, together with supporting exhibits and plans, are enclosed. Pursuant to the Zoning Regulations at 11 DCMR §3040.2, enclosed is a check payable to the D.C. Treasurer in the amount of $250 for the filing fee.

Thank you for your consideration of this application.

Sincerely,
ARNOLD & PORTER

Nathan W. Gross, AICP

Cynthia A. Giordano

Enclosures

ZONING COMMISSION
District of Columbia
Case 02-30
Exhibit 19

ZONING COMMISSION
District of Columbia
CASE NO.02-31
EXHIBIT NO.19

GEORGETOWN UNIVERSITY

University Architect
Georgetown University
37th & O Street, N.W.
West Lobby, New South Building
Washington, DC 20057-1175

(202) 687-3124
(202) 687-5523 (FAX)

March 11, 2003

Ms. Carol Mitten
Chairperson
District of Columbia Zoning Commission
441 4th Street, N.W.
Second Floor
Washington, D.C. 20001

Re: *Georgetown University Proposed Boathouse*

Dear Chairperson Mitten and Members of the Commission:

Georgetown University authorizes Arnold & Porter to represent it in connection with the University's application for a text and map amendment to W-1, or in the alternative, a special exception and variance application under the proposed W-O Zone, for its proposed boathouse.

Sincerely,

H. Alan Brangman, AIA
University Architect

STATEMENT IN SUPPORT OF APPLICATION TO AMEND THE ZONING MAP FROM UNZONED TO W-O

AND A SPECIAL EXCEPTION TO ALLOW A BOATHOUSE TRACT 102-114

U.S. NATIONAL PARK SERVICE AND GEORGETOWN UNIVERSITY, APPLICANTS

March 13, 2003

I. INTRODUCTION

This document is an application by the President and Directors of Georgetown College, also known as Georgetown University ("Georgetown," or the "University"), and the National Park Service ("NPS," or the "Park Service") (the "Applicants") to establish W-O zoning on an unzoned, vacant parcel along the Potomac River near the University. The provisions of the W-O zone at 11 DCMR § 905.5 allow for a special exception for a specific use to be combined with an "initial" map amendment to W-O, and this application accordingly requests approval of a boathouse.[1] As also allowed by § 905.5, this application also requests one variance from the W-O requirements.

The United States government (with NPS control) owns the property and has entered into an Exchange Agreement with the University to exchange it for another

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[1] *905.5 Zoning Commission Review. (a) In the case of a request for initial mapping of a property to the W-O District, the Zoning Commission may review special exception and variance requests simultaneously with the zoning map amendment application.*

waterfront property currently owned by Georgetown farther to the west.[2] The property exchange will occur if and when certain conditions, including the establishment of zoning on the property, are met. The Exchange Agreement restricts the University's use to that of a non-motorized boathouse, which the University wishes to establish for the use of its crew program and limited use for the sailing program, as described later in this statement.

The vacant parcel in question is identified as Tract 102-114[3], owned by the U.S. Government and currently in use as open space between the Potomac River and the Capital Crescent (biking/hiking) Trail. The parcel has a land area of approximately 1.09 acres and is located approximately one-fourth of a mile west of Key Bridge and immediately to the west of the existing boathouse of the Washington Canoe Club. The latter boathouse is licensed from the National Park Service.

The site is long and narrow, being approximately 440 feet in length and of variable width in the range of 94 to 127 feet. The site is vacant and covered with grasses and a few small trees. The firm of Muse Architects, retained by the University, has completed schematic designs of the boathouse, which are submitted as part of this special exception application. On October 18, 2001 the Commission of Fine Arts ("CFA") approved the design in concept.

The Applicant previously submitted a map amendment application from unzoned to W-1 and a petition for related text amendments to the W zones affecting boathouse use

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[2] The parcel owned by Georgetown and which would be acquired by the Park Service in the exchange, is approximately one mile to the west of Key Bridge and is identified as Tract # 102-109.

[3] A recent survey by Rice Associates submitted as part of this application depicts a slightly amended site, with the northern boundary extended and identified as "A portion of Parcel 300/1, Square 1179."

standards. Those alternative applications will be considered at the same public hearing as this combined W-O/boathouse special exception application.

II. THE SITE AND THE SURROUNDING AREA

A. The Site. The northern boundary of Tract 102-114 is the southern boundary of the former CSX railroad right-of-way. When this right-of-way was abandoned, title was acquired by the U.S. Government under Park Service control, resulting in the creation of part of the Capital Crescent Trail, which extends from the Georgetown waterfront area to Bethesda, Maryland and beyond via Northwest Washington. The trail consists of a hard, bituminous surface with grass on either side.

The southern boundary of Tract 102-114 is the shoreline of the Potomac River. The eastern boundary is a line 45 feet west of the west wall of the Washington Canoe Club and parallel with that wall. The site extends approximately 440 feet in the east-west direction along the river and varies from approximately 94 feet to approximately 127 feet in width. The land area is approximately 1.09 acres. A sewer line runs through the property in an east-west direction. See the Zoning and Site Location Map in *Exhibit A* and the photographs in *Exhibit B*.

B. The Surrounding Area. The property fronts on the Potomac River and is part of federal parkland and open space along the river controlled by the Park Service. Immediately to the north of the parcel is the Capital Crescent Trail, and beyond that, the C & O Canal, flanked by the Potomac Heritage Trail. The C & O Canal and associated lands are also federal parkland and a national historic landmark maintained by the Park Service. Continuing to the north, the land rises up to Canal Road, a major arterial street,

followed by Georgetown University located up a steep rise from Canal Road. Thus, the boathouse site is within convenient walking distance of the University.

The public park/open space land use pattern described above continues to the west and the east along the Potomac River for some distance. Immediately to the east of the property, as mentioned previously, is the boathouse of the Washington Canoe Club, an attractive wood-frame structure. Several hundred feet farther to the east is the dead end of K Street, the nearest point of vehicular access. Some surface parking exists at this location. Still farther to the east, and approximately one-fourth of a mile from the Property, K Street passes under Key Bridge and continues through the remainder of the Georgetown waterfront area.

The nearest developed areas to the Property are the Georgetown waterfront (commercial and residential uses) to the east, the Georgetown residential neighborhood to the northeast, the Georgetown University campus due north beyond Canal Road, and the Palisades neighborhood to the northwest.

III. THE PROPOSED ZONING MAP AMENDMENT

As federally owned property devoted to a federal public use, the subject site is currently unzoned, as specified in the Zoning Regulations at 11 DCMR § 106.4: "Properties owned by the government of the United States and used for or intended to be used for a federal public building or use . . . shall not be included in any zone district." Subsection 106.7 prescribes simply that "Zoning shall be established after a public hearing in the manner prescribed by the Zoning Act . . ." Subsection 106.6 prohibits the issuance of a building permit or use of privately-owned, unzoned property until the Zoning Commission has established zoning on it. Thus, the requested W-O zoning is

needed before the proposed boathouse can be constructed and used. The Exchange Agreement between the University and NPS provides, among other things, that the Property exchange will only occur after the Property is zoned.

The W-O zone is requested because this Waterfront Open Space zone is designed to accommodate a limited range of recreational, cultural and retail uses within open spaces along the city's waterfronts.[4] "Boathouse" is defined in the proposed regulation in a manner that accommodates Georgetown's proposed boathouse and with standards that this application complies with, except for a single variance request. The specific special exception criteria and dimensional facts about the Georgetown University boathouse are discussed in the following two sections.

IV. THE PROPOSED BOATHOUSE

After conceptual design and feasibility studies by Robert A.M. Stern Architects confirming the feasibility of the use, the University selected Muse Architects in Washington, D.C., to design the new boathouse. Muse Architects undertook extensive field studies of the boathouses referenced above and others. The Historic Preservation Review Board, the Old Georgetown Board and the Commission of Fine Arts approved the resulting design with extremely favorable comments.

The proposed building's massing was conceived as three parts, in deference to the smaller structures adjacent to the site. Gabled roofs, materials of shingle and stone, and porches and decks link this new boathouse to the boathouse traditions of the past and

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[4] The specific request for mapping the W-O District on the subject property came from the Office of Planning ("OP"). In its Setdown report dated October 18, 2002 to the Zoning Commission on the University's W-1 application, OP recommended W-O zoning for the tract, while also accepting consideration of W-1 in the alternative.

create a handsome complement to the adjacent boathouse of the Washington Canoe Club. Because of topography and the low building scale, the proposed boathouse will be virtually invisible from points inland from the shore and primarily viewable from the Potomac River, the Virginia shore and from the Capital Crescent Trail. See the set of plans in *Exhibit C* attached to this Statement.

Functional areas in the boathouse will include: racing shell storage, repair bay, rowing tank (for indoor practice in inclement weather), showers/locker rooms/restrooms, ante room with kitchen, multi-purpose area for exercise and training, observation deck, coach's office, and a dock and ramp for water access. Because the site is nine feet below the 100-year flood plain elevation, the design will allow floodwaters to enter the first floor but not reach the upper floors. After floods, the mud will be cleaned from the ground floor to make the structure ready for use again. Because its location on a flood plain, the D.C. Environmental Health Administration and Watershed Protection Division will review the project.

V. SPECIAL EXCEPTION AND VARIANCE

A. Area Requirements, Parking Exception and Variance. A boathouse is allowed as a special exception pursuant to § 917.1(v) of the W-O District, subject to four general criteria that are discussed later in this section. First, however, the zoning computations for the boathouse are summarized below in comparison with W-O requirements, followed by information about emergency access and arguments in support of a requested special exception from parking requirements and a variance from the waterfront setback requirement.

Proposed Boathouse	**W-O Zone Requirement**

Land Area: 1.09 acres, or 47,480 s.f.	No minimum or maximum
Gross floor area: 35,515 s.f./0.748 FAR	0.75 (§ 931.1(a))
Lot Occupancy: 48%	50% (§ 932.2(a))
Height: 40 feet	40 feet (§ 930.1)
Side Yards: 50' (east), 58' (west)	12 feet (§ 934.1)
Waterfront Setback: 15 feet	20 feet (§ 935.1)
Parking: None	17 spaces (See below).

1. ***Emergency Access.*** The Capital Crescent Trail will also serve as the emergency access route, and will be the means by which the boats and other equipment will be delivered to the boathouse. Such deliveries will only occur very occasionally. The Office of Planning report on the W-O District text amendment case (Zoning Commission Case No. 02-42) includes the following relevant statements. "DDOT notes that a standard 10' improved bike trail can provide adequate access for emergency vehicles. Removable barriers can prevent access by non-emergency vehicles if necessary." OP also notes that the relevant departments (Police, Fire and Emergency Rescue) will be asked to comment on special exception proposals. The Applicant believes OP's statements are supportive of the proposed emergency access route in this case.

2. ***Parking Exception.*** Subsection 918.2 of the W-O zone states,

> *Within the W-O District, all or a portion of required parking spaces for a boathouse may be waived by special exception if approved by . . .the Zoning Commission under § 905.5, provided alternatives to dedicated parking exist and are available to the proposed boathouse with minimal impact on adjacent land or development.*

The Applicant requests the special exception to waive all required parking as provided in § 918.2. The rationale for this request is as follows.

- There is no street access to the property; therefore motor vehicle parking is impossible.
- The Exchange Agreement between NPS and the University prohibits parking on the site.
- The proposed boathouse will be located close to the University campus, so that participants will either walk to the site or arrive by bicycle, as they do now when using Thompson's Boat House more distant from the campus.
- See also the discussion of the Parking Management Plan on pages 10-11 of this Statement.
- Approval of the parking waiver will not tend to adversely affect the public or neighboring property because of the convenient alternative means of access by participants in an environmentally friendly manner. This result is also consistent with the zone plan, in that the W-O zone is designed to allow recreational uses in an open space setting, again, in an environmentally sound way.

3. ***Variance Request – Waterfront Setback.*** Subsection 935.1 requires a setback of 20 feet from the normal high water mark. The proposed Georgetown University boathouse is setback only 15 feet from the mean high water line. Therefore a variance of five feet is requested from this requirement. The unique conditions and practical difficulty upon the property under this requirement are as follows.

- Proximity to the water is obviously critical for boathouses. A setback of 20 feet would reduce the functionality of the University's proposed boathouse.
- The narrowness of this waterfront site situated between the shore of the Potomac River and the Capital Crescent Trail make a greater setback such as 20 feet a hardship. In fact, the original plans called for a lesser setback from the waterfront, but were modified to provide a greater setback to reduce the impact of floods.
- Another inherent practical difficulty of the site is the location of an underground sewer main running lengthwise through the site. This significantly affects construction of the boathouse.

- Georgetown will not be able to provide public access along the water's edge (which is the indicated rationale for this regulation) for safety and security reasons. The abutting Washington Canoe Club also does not allow the public to access the waterfront in front of its land either. A public path or esplanade along the water's edge is not part of the Park Service's plan west of Key Bridge. Rather, the Capital Crescent Trail serves this purpose.

Consequently, the strict interpretation of the Zoning Regulations would result in "peculiar and exceptional practical difficulties,"[5] and relief from the setback provision is justified. As to parts two and three of the variance test, the requested relief can be granted without substantial detriment to the public good and without substantial impairment of the zone plan. The difference between a fifteen-foot and a twenty-foot setback will not be visually noticeable to the public. The Capital Crescent Trail in this vicinity provides the desired waterfront and recreational access. Consequently, the requested five-foot variance will not adversely affect neighboring property or the public good in general. The use itself is one of the preferred uses in the Waterfront Open Space zone, so that there is no impairment of the zone plan imposed by this variance.

B. Special Exception Criteria – Boathouse Use

Paragraph 917.1(v) sets forth four criteria for approval of a boathouse in Subparagraphs (1) to (4). Responses are first given to (2) and (4), followed by longer responses to (1) and (3).

Criterion (2) states, "The facility shall not result in fill of normally submerged areas, and shall minimize excavation to that reasonably required for a principally above-grade facility." The Applicant responds that there will be no fill of normally submerged areas. Excavation is minimized, in that the boathouse will rest upon caissons, or pilings.

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[5] Variance authority and standards as set forth in 11 DCMR § 3103.2.

These will require drilling so as to install them, but such excavation will be minor in relationship to the site area or building area, and in comparison with structures with basements or full masonry foundations below grade.

(4) This criterion requires off-street parking to be provided as specified in Chapter 21 – Off-Street Parking Requirements. The Applicant responds that it has requested special exception relief from parking as set forth above.

Criteria (1) and (3) are as follows:

(1) The facility shall be designed to enhance the visual and recreational opportunities offered along the waterfront.

(3) The facility shall be as 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 access along or to the waterfront, other than directly in front of the boathouse structure.

The issue of waterfront access directly in front of the boathouse was addressed above under the requested waterfront setback variance. Criteria (1) and (3) are fully addressed in Section VI, below.

C. Submission Requirements - § 905.4

Most of the submission requirements have been met by the submission of the plans in *Exhibit C.* This includes plans required in Paragraphs (a), (d), (f) and (g). Regarding Paragraph (h), the activities to be carried out on the site are described below in Section VI.A and elsewhere in this Statement.

(e)(3) Parking Management Plan – Regattas. Regarding Paragraph (e), parking plan, there will be no on-site parking. In response to the third subsection, requiring a parking management plan for infrequent special events such as regattas, Georgetown's plan is as follows. All students and Georgetown's crew team will either walk or bicycle

to the site. Visitors and visiting crew teams will be shuttled to the end of K Street, a short walking distance to the boathouse along the Capital Crescent Trail. For this purpose the University has vans, midsize buses and full-size buses. The shuttles will run as continuously as required by the demand, perhaps leaving the campus every fifteen minutes, dropping patrons off and picking up others to return to campus. The team buses of visiting crews will park on campus for the duration of the regatta after dropping off team members. Patrons will be encouraged to park on campus and utilize the shuttle or walk to the boathouse from the campus via the C & O Canal tunnel or the stairwell located across from the Car Barn. It should be emphasized that the Georgetown Boathouse will never be the finishing point of a regatta. This fact will alleviate congestion significantly after the start of the event.

(b) Calculation of the amount of cutting from or filling to natural grade.

To establish a level grade for the building, the site will require approximately 25,000 cubic feet of fill.

(c) Description of means used to minimize environmental impacts on the river and riverbank areas.

The project has undergone extensive review by the District of Columbia Environmental Regulatory Agency. The requirements by that office include soil erosion control measures during construction, a storm water management structure including a sand filter to slow and control impervious area runoff. The project has also been reviewed by the Army Corps of Engineers, which has determined that there are not any wetlands on the site or habitats that will be disturbed by the introduction of the building on this site. The Army Corps has also reviewed and provided design guidelines with the

stone rip rap shore stabilization that is proposed for the entire shore line along the property, as well as the dock design.

Finally, a finding of No Significant Impact was determined for the environmental assessment of the proposed development that was executed as part of the exchange agreement between Georgetown University and the National Park Service.

VI. PUBLIC PURPOSE RATIONALE IN SUPPORT OF THE PROPOSED MAP AMENDMENT

A. Low-Impact Recreational Use of the Waterfront; No Adverse Effects on Neighboring Property. The proposed boathouse will help animate this part of the waterfront while generating minimal motor vehicle traffic and providing no paved surface for parking. The boathouse will be an environmentally "friendly" use on the waterfront and will not adversely affect the use and enjoyment of neighboring properties.

The members of the crew team will walk to the boathouse, either from the Georgetown University campus immediately to the north of the site or from the end of K Street after arriving there by minivan. The rowing shells will initially be brought to the boathouse from the end of K Street via the Capital Crescent Trail. The trail will also serve as emergency access. In addition to use by the University's crew team, the boathouse will be used for a limited sailing program and by young day campers during three to four weeks of the summer. Thus, the facility will provide for healthy, outdoor activity for university students and, during the summer, a few younger students.

Very little noise will be generated by the activities on site, although a few coaches launches will be used during crew practice for water safety and to supervise rowing. The proposed activities are highly desirable on the Potomac River, especially given the fact that Washington's riverfronts are inaccessible to the public or underutilized for recreation

in all too many places. Because the boathouse property fronts on the Capital Crescent Trail, the proposed use will also add visual and recreational interest for hikers and bikers on this part of the trail. As mentioned previously, there will be no parking or vehicular traffic at the site because of lack of street access and prohibition of parking under the terms of the land exchange. Finally, under the terms of the Exchange Agreement, "The University agrees to maintain as much of the site as possible in a naturally landscaped condition." Thus, the site will continue to be part of the park environment along the Potomac River.

B. Consistency with the Comprehensive Plan. The Home Rule Act provides that zoning shall not be inconsistent with the *Comprehensive Plan for the National Capital* (the "Plan"). The requested map amendment is fully consistent with, and advances relevant policies of, the Comprehensive Plan.

1. Waterfront Planning, Recreation and Environment. The District Elements of the Plan, at 10 DCMR 1115.1(c) under "Public and Institutional Land Use Objectives" calls for the District to engage in waterfront planning and to capitalize on "unrealized opportunities for creating exciting and imaginative water-focused recreation . . . and cultural development along the Anacostia and Potomac Rivers and [to ensure] that new development enhances the physical and environmental quality of the rivers and adjoining areas." The proposed W-1 zoning and non-motorized boathouse use would advance this public objective.

2. Ward Two Element – Urban Design, Recreational Use. The Ward Two Element of the Plan, under Urban Design objectives at 10 DCMR 1317.1(d) states:

> *Emphasize superior design of new development and open space along Ward 2 waterfront areas as follows:*

> *(1) The city, working with the National Park Service, shall ensure that Ward 2 waterfront areas, including Georgetown, Maine Avenue, Buzzard Point and along the Anacostia, provide public access and use.*

The proposed boathouse as designed can accurately be described as being of superior design quality. In granting conceptual design approval on October 18, 2001, the Commission of Fine Arts members were generous in their praise of the design, its suitability for the waterfront site and the manner in which it enhances and is compatible with the design of the adjacent Washington Canoe Club boathouse.

This positive result began with the mandate of the Park Service in the Exchange Agreement that the boathouse design must be generally consistent (other than in size) with the design of either "Boathouse Row" on the Schuylkill River in Philadelphia or the boathouses of Northeastern University. Muse Architects went well beyond this level of field work, examining these and several other boathouses, including those in Cambridge, Massachusetts. The resultant design uses gabled roofs, materials of shingle and stone, and porches and decks to link this new boathouse to the boathouse traditions of the past and create a handsome complement to the adjacent Washington Canoe Club structure.

3. Federal Element – Natural Features and Recreation on Waterfronts. The Federal Elements of the Comprehensive Plan include the following policy statement under "Natural Features, Shorelines and Waterfronts:"

> *All lands within 150 to 200 feet of the water's edge along the Potomac and Anacostia Rivers should be managed in a manner that will encourage the enjoyment and recreational use of water resources, while protecting the scenic values of the waterways.*

The Applicants believe that the requested W-1 zoning, the boathouse use and continued open space use will advance this public policy. The boathouse design will

enhance the appearance of the site and complement the adjacent boathouse, while maintaining the remainder of the site in its natural condition as open space.

4. Generalized Land Use Map – Land Use Element. The Generalized Land Use Map of the District's Land Use Element designates the subject site for use as "Parks, Recreation and Open Space." This designation is mapped in a continuous pattern of varying width along the Potomac River, the Washington Channel and the Anacostia River. Clearly, the proposed zoning and restricted recreational and open space use of the site are consistent with the "Parks, Recreation and Open Space" land use designation.

VII. CONCLUSION

For the reasons presented in this statement, the Applicant respectfully requests that the Zoning Commission approve the requested zoning map amendment of Tract 102-114 from unzoned to W-O, as well as the special exceptions and variance to approve the Georgetown University Boathouse. These zoning actions will serve the purposes of the Zoning Regulations, "to promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and development as the national capital," as required by the Zoning Act. The proposed zoning of the property is also "not inconsistent" with the Comprehensive Plan, as required by the Home Rule Act. Finally, the requested zoning will help achieve the objectives of the U.S. Park Service and the Office of Planning regarding establishment of non-motorized boathouses in certain locations along the city's riverfronts, together with maintenance of open space use of the land, and will enable Georgetown University to more conveniently and effectively accommodate the needs of its crew team and a limited sailing program.

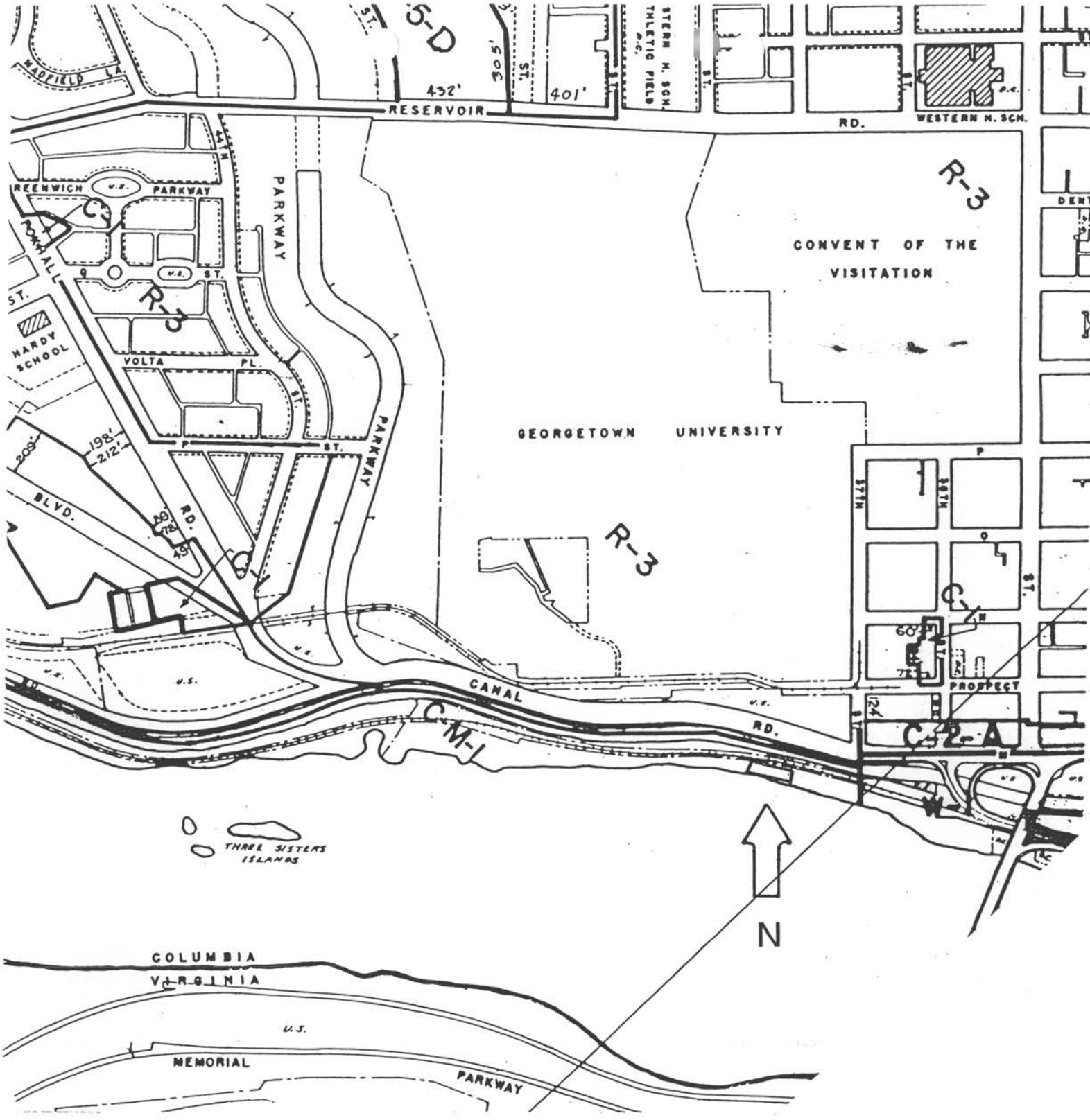
Respectfully Submitted,

Nathan W. Gross, AICP

Cynthia A. Giordano

Attachments

Exhibit A: Zoning and Site Location Maps



Zoning and Site Location Map

The Georgetown University Boathouse Site

Tract 102-114

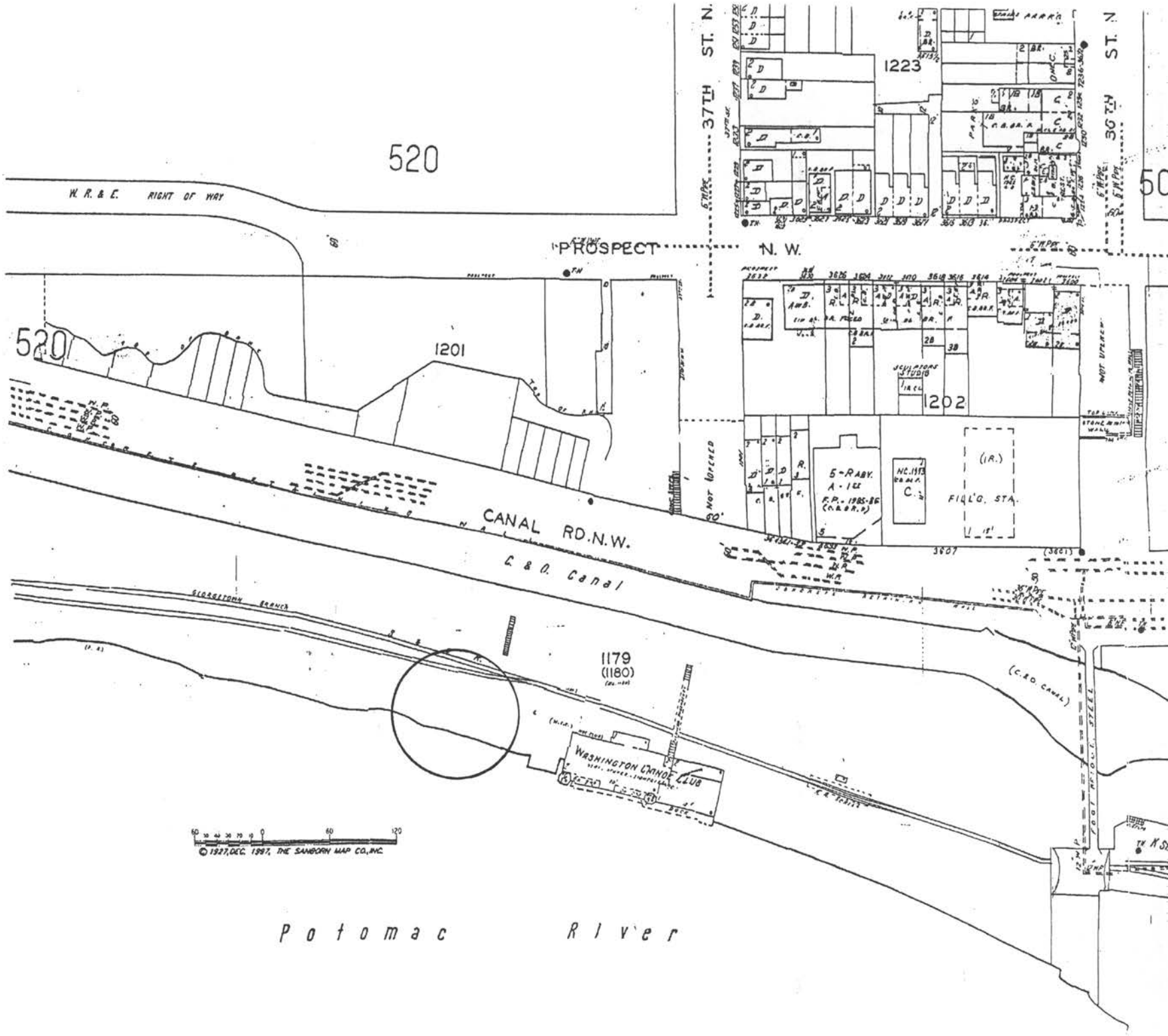
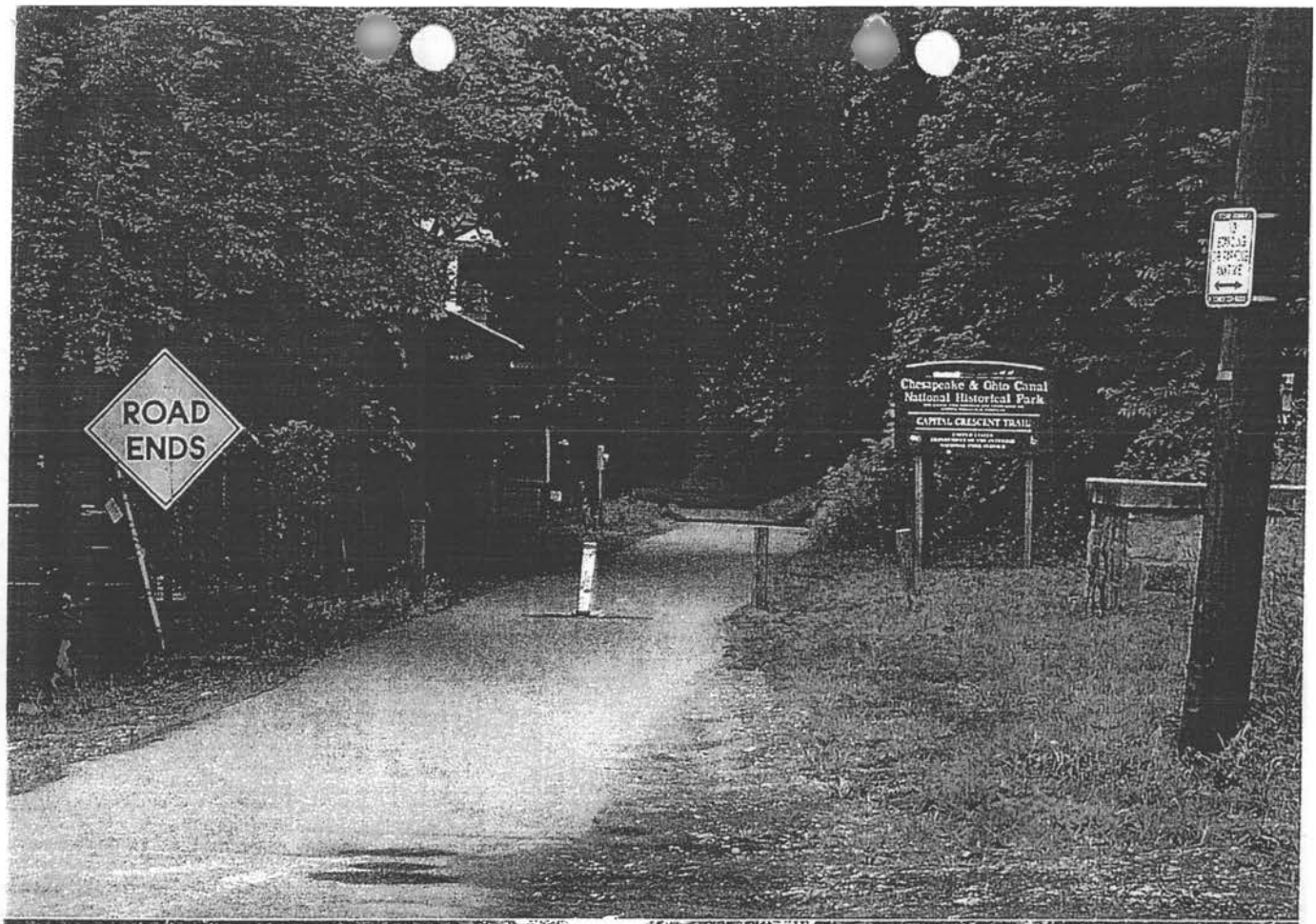

520
W. R. & E. RIGHT OF WAY
PROSPECT
N. W.
37TH ST. N.
36TH ST. N.
1223
1201
1202
520
CANAL RD. N.W.
C & O. Canal
SLOGGETOWN BRANCH
1179
(1180)
WASHINGTON CANOE CLUB
5-RABY.
A-1 LT
F.P.-1985-86
FILL'G. STA.
(I.R.)
NC.1913
HOT LOCKED
(C. & O. CANAL)
FOOT OF 37TH ST.
Potomac River
© 1927, DEC. 1997, THE SANBORN MAP CO., INC.

Exhibit B: Photographs of the Site and Environs





Top: Capital Crescent Trail, looking to northwest. Washington Canoe Club is at left foreground.
Bottom: View of site looking southwest with Key Bridge in background.

Exhibit C: Plans and Site Plan