GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

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MEMORADUM

TO: Zoning Commission

FROM: Andrew Altman, Director
Office of Planning

DATE: March 3, 2003

SUBJECT: Waiver of Rules for Late Submittal of Final Report on Case No. 02-42, Proposed W-0 Text

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The attached Final Report concerning case number 02-42 is being submitted nine days prior to the Zoning Commission's consideration of the item and scheduled public hearing. The Office of Planning respectfully requests that the Commission waive its rule and accept the report into the record.

ZONING COMMISSION
District of Columbia
Case 02-42
Exhibit 18

ZONING COMMISSION
District of Columbia
CASE NO.02-42
EXHIBIT NO.18

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

FINAL REPORT

DATE: February 28, 2003

TO: District of Columbia Zoning Commission

FROM: Andrew Altman, Director OP

SUBJECT: Final Report for Zoning Commission **Case #02-42**
Zoning Regulation Text Amendments for the creation of a new W-0 Waterfront Open Space Zone District.

I. RECOMMENDED ACTION:

The Office of Planning (OP) recommends that Zoning Commission Case # 02-42, which provides for text amendments to the Zoning Regulations to create a new W-0 - Waterfront Open Space Zoning District, be adopted.

II. PROPOSAL

The Office of Planning is recommending the creation of new W-0 Zoning District text that may, in the future, be applied to appropriate sites on the waterfront. The Zoning Regulation text amendments are intended to provide a low density, low intensity zoning option which permits open space uses as of right, as well as specific waterfront-related recreation, retail, and cultural uses by Special Exception.

The current W zones (W-1, W-2, and W-3) allow for an intensity of development that is inappropriate for many waterfront areas and there is currently no zone that would allow for open and recreational uses. OP is proposing a new W-0 zone that can be used to protect waterfront areas from over-development.

OP Staff have been contacted by a number of waterfront business owners, residents and community groups. Many have expressed opposition to or confusion about the proposal. OP has discussed the issue with interested parties, and the attached proposed zone has been amended to incorporate many of these suggestions. A summary of the proposed and existing Waterfront zones is attached as Attachment I; a detailed Zoning Regulation amendment package is Attachment II.

Since the proposed W-0 zone was set down on October 28, 2002, it has been proposed for only two locations - the Southeast Federal Center waterfront lot (Case number ZC 03-06) and for a parcel of land to be used by Georgetown University (Case number ZC 02-30). There are no other properties proposed for rezoning as part of this case. **This case is a text amendment only.**

III. BACKGROUND

Currently in the District, much of the area adjacent to the Anacostia and Potomac Rivers is underutilized and not easily accessible to the public. Recent initiatives, the Anacostia Waterfront Initiative in particular, seek to rediscover the historically, visually and environmentally important waterfront for both

quiet enjoyment of the water and a limited set of activities that help animate the area and welcome visitors to the river's edge.

Large portions of the river edge are under Federal jurisdiction. These lands are unzoned and existing Waterfront zones provide a more intense and dense form of development than envisioned for many parts of the waterfront.

IV. ANACOSTIA WATERFRONT INITIATIVE (AWI)

The Anacostia Waterfront Plan is a joint District / Federal initiative to improve the character, use and environment of the waterfront throughout the District. Major themes of the study include:

1. A Clean and Active River
2. Eliminating Barriers and Gaining Access
3. A Great Urban Riverfront Park System
4. Cultural Destinations of Distinct Character
5. Building Strong Waterfront Neighborhoods

A low density, low impact zone that permits waterfront-oriented recreation would be of great use in establishing areas of different uses in various parts of the waterfront, and would add long-term stability and predictability to the types and intensities of uses along parts of the riverfronts.

V. COMPREHENSIVE PLAN

Most of the riverfront is currently designated "Parks, Recreation and Open Space" on the Generalized Land Use Map, the dominant uses being "parks and recreation centers, cemeteries, and the National Capital Open Space System." It is anticipated that in the future these areas may be proposed for or rezoned to the W-0, and that the proposed W-0 zone is in keeping with that designation.

The proposed new zone would also support a number of Comprehensive Plan objectives and proposed actions for the District related to Land Use and Urban Design (§§ 700, 1406, 1732), Waterfront Development and Design (§§ 706, 1347), and Environmental Protection (§§ 1308, 1810), as detailed in the OP report dated October 18, 2002.

VI. EXISTING WATERFRONT (W) ZONES – Attachment I

The existing W-1, W-2 and W-3, Waterfront zones permit many forms of development, including ones that do not require waterfront access and which may not enhance the waterfront, at densities greater than normally envisioned for recreational areas. The stated purpose of the existing W zones is to "*encourage a diversity of compatible land uses at various densities, including combinations of residential, offices, retail, recreation, and other miscellaneous uses*". These districts are *"intended to be relatively self-contained by supplying a variety of housing, service, employment, and recreational opportunities in one location*".

These existing W zones allow a range of uses as a matter of right or by special exception that are not appropriate for all areas of the waterfront such as offices, residential, hospitals, trade schools, colleges,

warehouses, and manufacturing and processing. The proposed W-0 zone creates a new option for a zone that encourages recreational and open park space and limits development to low density, water-dependent or waterfront related uses.

VII. APPLICABLE AREAS

It is not proposed that any lands be zoned W-0 as part of this Zoning Commission case. Rather, the zone would be available for use as new proposals come forward.

Much of the potentially eligible land along the waterfront is federally owned and under the jurisdiction of the National Park Service or the GSA. These lands are unzoned, and the Federal Government is not required to adhere to District zoning regulations (§106.11 DCMR). However, if such lands are sold, traded or leased so that they contain private enterprises, District zoning applies, and the new W-0 Zone may provide an appropriate designation for many proposed uses.

VIII. PROPOSED W-0 ZONE – Attachment II

The intent of the proposed W-0 Waterfront Zone is to provide a low density alternative for lands along the waterfront, to provide an amenity for adjacent neighborhood residents, workers and visitors, and for all District residents. The W-0 zone is not intended to be a "natural preservation" zone – vast portions of the waterfront are and will continue to be undeveloped. Rather, the W-0 zone would provide a low density alternative, possibly serving as a transition between natural parkland and developed areas.

The W-0 Zone would:

- permit uses that encourage active and passive waterfront oriented recreational activities, including a continuous trail along the waterfront;
- permit by Special Exception, low density waterfront oriented retail, cultural, and recreational opportunities which would augment the waterfront experience;
- encourage uses which activate the water and the water's edge; and
- seek to minimize negative environmental, physical, and visual impacts on the river's edge;

Regulations pertaining to the size and siting of structures are also recommended, along with a section to permit Zoning Commission review of proposals on land that is currently unzoned.

Attachment II provides a codified draft of proposed changes to the Zoning Regulation. For clarity, proposed changes from existing Zoning Regulation wording are highlighted - additions are underlined; deletions are shown as ~~strike-through text~~, and amended sections are further highlighted with a (|)demarcation line in the left hand margin. The package includes amendments to the following Zoning Regulation chapters:

- Chapter 1 – The Zoning Regulations: Amendments to §105 to add the new zone to the index, and §199 to add and amend definitions as required.
- Chapter 6 – CR District: Minor amendment to §601 Permitted Uses, to change "Boat club or marina" to "boathouse, marina or yacht club".

- Chapter 9 – Waterfront Districts: It is proposed that the new W-0 zone be incorporated into Chapter 9 as one of the "W – Waterfront" zones. Numerous amendments are proposed to achieve this. For ease of reference, the entire chapter text, with amendments highlighted, has been included. Many of the amendments differentiate the regulations for existing W zones from regulations specific to the new W-0 zone.

- Chapter 20 – Nonconforming Uses and Structures: Minor amendment to §2003 to add W-0 as a "maximum restricted" use.

- Chapter 21 – Off Street Parking Requirements: Amendment to §2101 to add vehicular and bicycle parking requirements for boathouse, marina and yacht club uses.

- Chapter 22 – Off Street Loading Facility Requirements: Amendment to §2002 to establish loading facility requirements.

- Chapter 24 – Planned Unit Development Procedures: Minor amendments to establish that there is no FAR or Height deviation from W-0 requirements. OP feels that a low density and height are appropriate. Because most forms of development require Special Exception approval, and would, by their nature, provide amenity to the waterfront area, PUD is not considered necessary or appropriate.

- Chapter 25 – Miscellaneous Zoning Requirements: Minor amendment to add W-0 as a "maximum restricted" use.

- Chapter 31 - Board Of Zoning Adjustment Rules Of Practice And Procedure: Minor amendments to §3104, Special Exceptions to differentiate between W-0 and the other Waterfront Districts.

- Chapter 32 – Administration and Enforcement: Amendment to §3202 to establish that a lot for a boathouse or a marina need not provide street frontage. This is to take into consideration the likely scenario that such facilities will be located within existing undeveloped and unsubdivided federal lands where the waterfront (where the facility must be located) is some distance from the nearest open road.

- Subject Index: Amendments to differentiate between W-0 and the remainder of the Waterfront districts and to add new subjects related specifically to W-0, such as community garden, temporary market, and Waterfront Yard.

IX. CHANGES FROM THE OCTOBER 28, 2002 W-0 ZONE IN CONCEPT FORM

There are a number of changes from the draft zone presented to the Zoning Commission in concept form at the set-down meeting of October 28, 2002, as attached to the OP report dated October 18, 2002. Many are minor amendments to add clarity or to clearly differentiate the W-0 district regulations from those of the remainder of the Waterfront districts. Other amendments are in response to concerns raised by the Zoning Commission, District Agencies, ANC's, or members of the public. Sections for which there were substantive changes or ones for which the Zoning Commission requested additional information, include:

- Replacing the term "houseboat" with "floating home" and providing a revised definition. This is to avoid confusion with the entirely separate "boathouse" use, add clarity, and to provide consistency

with a draft amendment to the proposed Floating Homes Residency Tenancy Act, a Bill to amend the Rental Housing Act of 1985. This bill, which is expected to be introduced shortly by Council member Phil Mendelson, uses this term and definition.

- Within the W-0 District General Regulations Section (900), amendments to add the intent of the W-0 zone, and to incorporate a recommendation from the Chief of the Bureau of Environmental Quality (BEQ) that the zone, for reference only, make reference to DC Water Quality Regulation 1104.4, which limits facilities in, on or over Class B waters, including the Potomac and Anacostia Rivers.

- Within the W-0 District Permitted Uses Section (901.5), the addition of the following permitted uses: "community garden", "public nature interpretive or education center", and, at the suggestion of DDOT, "pedestrian and bicycle trails and necessary associated facilities, and fitness circuits". Also "public swimming pool" was moved to the Special Exception uses section.

- The addition of a new §901.6 stating that existing structures / uses with a valid Certificate of Occupancy / Business License as of January 31, 2003 are considered conforming. This is to clearly state that, should an application to rezone land with existing businesses or uses to W-0 be approved in the future, they would not be made non-conforming uses.

- The addition of specific Special Exception review considerations and application requirements (§§905.3 and 905.4), including requirements related to minimizing impacts on surrounding public lands, on the shoreline, and on the river.

- In response to Zoning Commission concerns regarding emergency access, a clause has been added in §905.3, Special Exception application consideration, to ensure that review includes examining whether "adequate emergency access has been provided to any buildings, structures, or other space devoted to active public use". 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. The nature and detailed design of the access would vary, but the relevant District departments (Police, Fire and Emergency Rescue) would be asked to comment on all proposals as part of Special Exception review process.

- Within the W-0 District Special Exception Uses Section (917.1), the addition of "amusement enterprise"; "child care facility"; and "cruise line operation, including necessary associated dock and land facilities".

  At the suggestion of DDOT, "public parking - uncovered surface parking lot or underground structure only" has been added. While this may not be a preferred use, limited parking for transit, buses, or private vehicles (including handicapped parking) may be needed at some locations to provide adequate access to the waterfront. Special Exception review would ensure that any parking is designed and sited to minimized visual and environmental impacts.

  A number of other previously proposed regulations pertaining to the more detailed operation or servicing of a houseboat / marina / boathouse have also been removed, as being outside the scope of a Zoning Regulation to administer. Such issues would be dealt with as a normal matter of course by the DCRA and DPW in reviewing applications for such uses.

  The previous version recommended a houseboat limit of 10% within marinas. There were suggestions that this was needlessly low. As both houseboats and marinas are subject to special exception, OP agrees that the limit on houseboats is low and recommends a higher limit of 35%.

This would ensure that marinas remain predominantly for boat storage while permitting a significant live-aboard population. Special exception approval of a higher percentage would be possible.

It was also suggested that the limit of 20 berths per acre within the marina and yacht club regulations be eliminated, as the proper number may vary widely based on the type of facility, the location, and the type of vessels it would serve. OP agrees with removing these limits, as the uses are subject to Special Exception review.

- The addition of a new §918 to address special exception approval of accessory parking spaces for buildings, structures and uses within the W-0 Zone.

- W-0 Floor Area Ratio (§931) –OP has proposed a low density limit of 0.5. The intent is to provide a zone which allows for an appropriate level of water-dependent uses and waterfront-oriented retail or cultural development to enhance the waterfront-experience. It is the intent that the low density, combined with lot occupancy and height limits, will ensure that access to the waterfront (physical and visual) as well as the overall "park space" character remain, even if desired recreation, retail or cultural development is proposed.

  The zone also provides for a higher FAR of .75 for boathouses, marinas and yacht clubs. The intention is to address the unique situation that these uses would likely be proposed on land that is currently within federally owned park space and unsubdivided. Once the land is subdivided for one of these private uses, it would be removed from public park space. Requiring a low FAR could result in the subdivision from the park of parcels which are larger than necessary to accommodate the desired facility size, thus causing the removal of more park land than would otherwise be the required.

- W-0 Lot Occupancy (§932) –OP proposes limits of 0.25 generally, except for boathouses, marinas and yacht clubs where the limit would be higher at 0.5, for rationale similar to that for FAR above. In addition, OP had proposed a new regulation pertaining to the amount of site that can be covered with any impervious surface - 35% of the lot, except on a lot used exclusively for marina, yacht club or boathouse buildings and structures where impervious surface coverage shall not exceed 70%. Zoning Commission members expressed concerns about this regulation. OP agrees that these limits could be burdensome and difficult to regulate over time. The Special Exception process, to which buildings and structures would be subject, would provide direction and review pertaining to impacts on the shoreline and the relationship between the facility site and the surrounding park. As such, OP is no longer recommending an impervious surface limit.

- Courts (§936) – OP originally proposed larger court requirements in the W-0 District; these larger requirements have been removed so that W-0 requirements are identical to those of other W Districts.

- W-0 Parking requirements (Chapter 21) – Concerns were expressed by Zoning Commission members that the formula proposed for boathouses would be difficult to evaluate, administer or enforce, as it could be based on number of club members. Basing parking requirements on number of patrons is not uncommon for recreation, cultural or entertainment uses. While some jurisdictions provide parking requirements for marinas (usually 1 parking space for every 1.5 to 4 berths), OP is not aware of any jurisdictions that have parking requirements for boathouses in their zoning regulations. In fact, many such facilities provide no parking, or the parking is located off site or is

shared with other park or commercial uses. Informal agreements or simply using street parking (if available) are the norm.

As boathouses are subject to special exception review, OP is now proposing the simpler parking ratio of 1 space for every 2,000 sq.ft. of building area. This is in line with current District parking requirements for other recreation buildings. A boathouse of a size similar to the one proposed by the Georgetown University Rowing Club (ZC Case # 02-30), would require 17 spaces under this formula.

§918.1 provides for off-site parking for marinas, boathouses and yacht clubs, while a new §918.2 provides for a reduction or elimination of parking requirements for a boathouse, both by special exception approval where warranted by the particular circumstances of the site and proposal.

With regards to parking for infrequent events such as a regatta, OP is proposing that the Special Exception review requirements include the submission of a "special event" parking management plan for review.

A new subsection within §2119 has also been added to require one bicycle parking space for each 10 marina berths or mooring spaces, and one bicycle parking space for every 2,000 gross sq.ft. of boathouse (identical to vehicular parking requirements).

- W-0 Loading requirements (Chapter 21) – The former proposal exempted all uses in the W-0 district from loading bay requirements. The current version proposes loading berths and service/delivery loading spaces for large (greater than 20,000 square feet) retail, service or cultural public assembly use buildings. Recreation use buildings, boathouses, marinas, and yacht clubs would not require loading facilities to minimize site impacts and because they generally provide areas suitable for this function as part of their boat storage and loading function.

- Chapter 24, Planned Unit Development – proposed amendment to clearly state that PUD height and FAR limits are equal to those of the base W-0 District.

X. AGENCY REFERRALS

This proposal was referred to the following District government agencies for review and comment:

- Department of Consumer and Regulatory Affairs (DCRA) – The DCRA has no concerns with the new WO zone.

- Department of Parks and Recreation - no comments as of the date of drafting this report.

- Department of Public Works (DPW) - The DPW indicated no concerns.

- DPW Tree and Landscape Division - no comments as of the date of drafting this report.

- Department of Health – The Chief of the Bureau of Environmental Quality (BEQ) provided detailed comments, including wording clarifications described above. The BEQ also recommended the following:

    - Boathouses –that private boathouses limit public accessibility to the waterfront, so should be permitted only if a public boathouse is also constructed. OP agrees that public access to the waterfront is a primary goal of the zone, but believes that all boathouses would activate and, overall, increase public accessibility y to the water's edge.

- Marina – The BEQ recommends adding text that states that marinas must provide for permitting and inspection by the appropriate agency(ies), and that marina contracts should include contract specifications and chain of custody for "honey barge" pump out services. OP notes that water quality regulations are not within the authority of the zoning regulations and inclusion of such regulations could result in confusion and unforeseen conflicts of regulatory authority. Nor can Zoning Regulations regulate private contract specifications.
- Parking- DOH recommends that low impact development strategies be required for parking lots and/or buildings include - OP believes that the proposed requirements for Special Exception achieve this goal.

- District Department of Transportation (DDOT) – DDOT notes that the zoning would increase waterfront open space and enliven the waterfront. DDOT recommendations regarding permitted uses and parking have been incorporated, as described above.

- Fire and Emergency Medical Services Department – The Fire and EMS Department commented that they have no objections to the proposal provided emergency vehicles have access to all areas included. OP's inclusion of emergency access has been discussed above.

- Metropolitan Police Department – The Police Department noted no opposition to the proposal, as it does not rezone any specific lands at this time; would provide for low intensity / low density uses that should not require an inordinate amount of police service; and the impact over time should be gradual and the department would be able to adjust service allocation accordingly.

- Water and Sewer Agency (WASA) – WASA has provided detailed comments which would mainly relate to any future development proposal on the waterfront, such as the need to assess water demand; storm, sanitary sewer and water line connections; tree location to minimize impacts on utility lines; fire protection water flow requirements; and the necessity for erosion and sediment control plan approval by DOH. While these comments do not impact the wording of the W-0 zone as proposed, they highlight existing requirements for service and environmental review by various District departments for any application on the waterfront.

XI. COMMUNITY COMMENTS

As is standard practice, the proposal in concept form was forwarded by the Office of Zoning to relevant ANC's as well as the National Park Service, and the Commission of Fine Arts.

In addition, OP forwarded the proposal in concept form to approximately 50 additional community groups, business associations, environmental groups, federal agencies, and boathouse/marina/clubhouse organizations (listed in Attachment III). This was intended to provide an opportunity for relevant groups to review and comment, and to help "spread the word" of this proposal. A number of initial responses from these groups and other waterfront business owners and residents indicated concerns with the proposal and confusion about its application. OP attended the following meetings with waterfront area groups:

- Anacostia Watershed Restoration Committee (Tuesday, February 04, 2003)
- ANC 6D (Monday, February 10, 2003)
- ANC 6B (Tuesday, February 11, 2003)

- Washington Waterfront Association (Thursday, February 13, 2003)

Following a presentation of the proposed new zone, ANC commissioners and members of the public questioned staff on notification of the proposal, and situations in which the new zone may, in the future, be applied. Copies of a summary outline of the zone (Attachment IV) were distributed.

As of the date of drafting this report, OP had also received written comments (Attachment V) from:

- Washington Canoe Club (WCC) – The President of the WCC encourages additional improvements to the quality of the local rivers. The letter raises the following issues:
  1) Support for the proposed 40' building height limit.
  2) Limiting extensions of new docks out into the river to no more than 30 feet, as consistent with existing docks; and restricting permanent piers to that portion of the waterfront that is currently encased in concrete. All piers and docks in this zone would be receive Special Exception review, through which, OP feels, visual, water-transportation, and environmental impacts can be adequately addressed.
  3) Discouraging motorboat traffic, and requiring that motorboats stored within the District have electric or four stroke motors. The regulations as drafted favor boathouses for non-motorized vessels; additional limitations would be outside the scope of a Zoning Regulation, and difficult to administer or regulate.
  4) Reducing chances of river contamination by regulating water cooling systems and preventing the use of a leach field for chlorinated water or the storage of pool type materials within flood-plain areas. Environmental regulations at this detailed level are regulated by the Department of Health and are outside the scope of zoning regulations. A copy of the letter from the WCC has been forwarded to the Department of Health.

- Potomac River Yacht Clubs Association (PRYCA) and District Yacht Club (DYC)– The Commodores of the PRYCA and the DYC, in separate letters, provided comments related to impacts if exiting facilities were rezoned to the new W-0 zone. This is not the intention of the application – existing zoning for existing clubs and businesses would remain intact, and the new zone is intended for future proposals only.

OP staff also received many phone calls and email messages from a area residents, mainly living on houseboats. Many of the improvements to the original zone in concept form area a result of these productive conversations.

XII. OP COMMENTS AND RECOMMENDATION

OP feels that the establishment of a low density limited development zone specifically crafted for the waterfront is desirable and will be of great benefit as the AWI is implemented and a number of current and pending planning and development proposals are reviewed. The proposed zone would provide a more flexible open space tool, and ultimately greater predictability on potential waterfront uses. It would also facilitate a streamlined process for the review of waterfront recreation use applications.

The Office of Planning recommends that a new W-0 Zoning District be created, as being consistent with the Comprehensive Plan and the Anacostia Waterfront Initiative.

AA/jl

ATTACHMENTS:

I. Summary of Existing and Proposed Waterfront Zoning Districts.
II. Zoning Regulations amendment package to incorporate the new W-0 District.
III. List of Community Groups, Federal Agencies and Boathouse / Marina Clubs and Businesses.
IV. W-0 Zone Summary
V. Written Responses from yacht clubs received by OP.

Attachment I

ZONE	W-1	W-2	W-3	W-0
Height	40 feet max. 60 feet with PUD	60 feet max. 60 feet with PUD	90 feet max. 90 feet with PUD	40 feet max. 40 feet with PUD
FAR	2.5 max; of which 1.0 max non-residential With a PUD, 3.0 max; of which 1.0 max non-residential	4.0 max; of which 2.0 max non-residential With a PUD, 4.0 max; of which 2.0 max non-residential	6.0 max; of which 5.0 max non-residential With a PUD, 6.0 max; of which 5.0 max non-residential	0.5 max.; .75 on lots used exclusively for boathouse, marina or yacht club With a PUD, as above.
Lot Occupancy	80 % max.	75 % max.	75 % max.	0.25 max.; .5 on lots used exclusively for boathouse, marina or yacht club
Matter of Right Uses include:	• dwelling, single or multiple • hotel / inn • place of worship / church • community center • youth residential care home • health care facility • child / development center • emergency shelter • community residence facility • office • private club • restaurant • artist studio • theatre, private or public • boat club / marina • swimming pool • recreation building or use	• park or open space • library, museum, embassy, chancery, international organization • retail sales and services not otherwise specified		• park or open space, playground, athletic field operated by a local community organization or District government agency, including pedestrian and bicycle trails and associated facilities, and fitness circuits. • boat construction on a temporary basis by a local community organization. • community garden operated by a local community organization or District government agency • public nature interpretive or education center. • temporary market for produce, arts, and crafts.
Special Exception Uses include:	• hospital / clinic • electric substation, natural gas regulator station, public utility pumping station, telephone exchange, natural gas regulator substation, public utility pumping station • bowling alley • manufacturing / processing • warehouse / wholesaler • building service trades • school, private or trade • college /university			• amusement center • art gallery and artist studio • boat accessory sales • boat construction, rental, sales • boathouse, houseboat, marina, yacht club, including a caretaker's residence • child care facility • cruise line use and facilities • library • mass transit facility • museum • parking, surface or underground • place of worship / church • private club • private dock, wharf or pier • private or public theater • public dock, wharf or pier • recreation building or use • restaurant • temporary fair, circus, carnival • ticket office • various retail establishments

THROUGHOUT THE ZONING REGULATIONS:

Replace, wherever it occurs as a reference, Section number "935" with "936".

Replace, wherever it occurs as a reference, Section number "936 with "937".

Replace, wherever it occurs, the term "boat club or marina" with "boathouse, marina or yacht club".

105 CHAPTER 1 THE ZONING REGULATIONS

105.1 ZONE DISTRICTS

For the purpose of this title, the District of Columbia shall be divided into the following zone districts:

(g) WATERFRONT DISTRICTS, as follows:

(1) **W** mixed uses, subdivided as follows:
- (A) W-0 waterfront open space and recreation;
- (B) **W-1** low density;
- (C) **W-2** medium density; and
- (D) **W-3** high density;

199 DEFINITIONS

199.1 When used in this title, the following terms and phrases shall have the meanings ascribed:

Boathouse - a building or structure designed and used to store and provide water access for non-motorized watercraft, for use by a not-for-profit organization such as boat club, private institution, public school or other local government entity. 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, one caretaker's residence, rowing tank, dock, and related functions.

Non-motorized watercraft - include any water vessel normally propelled without the use of motorized equipment, including racing shells, kayaks, canoes, sailboats, rowboats and similar boats.

Floating home - a sailboat, motorboat, or other floating structure which is designed and built to be used, or is modified to be used, as a waterborne residential dwelling, is dependent for utilities upon a utility linkage to a source originating on shore, and is where the tenant or owner sleeps an average of 15 days per month.

Marina - the use of land, buildings, structures and the surface of water for the provision of docking and storage facilities for boats, and may also include as accessory uses an office for

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the operation of the marina; boat launching; the sale of marine fuels; minor repairs to boats and marine engines; the rental of boats; and retail of supplies and services for small pleasure and commercial vessels.

Percentage of lot occupancy - a figure that expresses that portion of a lot lying within lot lines and building lines that is occupied or that may be occupied under the provisions of this title as building area; except as provided in the Waterfront Districts wherein lot occupancy shall be calculated as per §932, and Mixed Use Districts wherein the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.

Yacht Club - land, buildings, structures and the surface of water for recreation use of an incorporated club, for the purpose of boating, sailing or yachting and in which the affairs of the organization are actually conducted and carried on by the members thereof.

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CHAPTER 6 MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS

601 USES AS A MATTER OF RIGHT (CR)

601.1 The following uses shall be permitted as a matter of right in a CR District:

(l) ~~Boat club or marina~~ Boathouse, marina (including floating homes) or yacht club, pursuant to §§917.5 (v) (w) (x) (y) and (z).

601.4 Subject to the provisions of § 2501, mechanical amusement machines shall be permitted as a matter of right in a CR District as accessory uses to the following uses:

(d) ~~Boat club or marina~~ Boathouse, marina, or yacht club

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CHAPTER 9 WATERFRONT DISTRICTS

Secs.

900 General Provisions: Waterfront Districts
901 Uses as a Matter of Right (W)
902 Prohibited Uses (W)
903 - 904 [Reserved]
905 Planning Office Review (W)
906 Hospitals and Clinics (W)
907 Utilities (W)
908 Bowling Alleys (W)
909 Manufacturing and Processing (W)
910 Warehouses and Wholesalers (W)
911 Building Service Trades (W)
912 Private Schools and Trade Schools (W)
913 Community-Based Residential Facilities (W)
914 Antennas (W)
915 Miscellaneous Uses (W)
916 Colleges and Universities (W)
917 W-0 District Uses Subject To Special Exception
918 Parking Spaces (W-0)
~~917~~ 919 - 929 [Reserved]
930 Height of Buildings or Structures (W)
931 Floor Area Ratio (W)
932 Percentage of Lot Occupancy (W)
933 Rear Yards (W)
934 Side Yards (W)
935 Waterfront Yards (W-0)
~~935~~ 936 Courts (W)
~~936~~ 937 Roof Structures (W)

900 GENERAL PROVISIONS: WATERFRONT DISTRICTS

900.1 The Waterfront (W) Districts are applied to waterfront areas that have one (1) or more of the following characteristics:

(a) Geographically, historically, or locationally unique;

(b) Adjacent to well-established residential areas;

(c) Undergoing transition from light and heavy industrial uses to office and commercial uses; or

(d) Where the public health, safety, general welfare, and amenity would be promoted and protected by the encouragement of mixed uses.

900.2 The Waterfront District shall be subdivided into W-0, W-1, W-2, and W-3 Districts.

Draft

900.3 The W-0 District permits open space, park, and low density and low height waterfront-oriented retail and arts uses, W-1 District permits only a low height and density, the W-2 District allows a medium height and density, and the W-3 District allows the greatest height and density of the ~~three (3)~~ Waterfront Districts.

900.4 The purpose of the Waterfront Districts is to encourage a diversity of compatible land uses at various densities, including combinations of residential, offices, retail, recreational, arts and cultural, and other miscellaneous uses.

900.5 The W-1, W-2, and W-3 Districts ~~Waterfront Districts~~ are also intended to be relatively self-contained by supplying a variety of housing, service, employment, and recreational opportunities in one (1) location. This characteristic allows one (1) area to serve many different needs of a single population and to thereby reduce the amount of vehicular traffic generated by the uses in the districts.

900.6 The W-0 District is intended to provide a waterfront park space recreation zone with related waterfront-oriented or waterfront-enhancing uses, to serve local and regional open space recreation needs.

~~900.6~~900.7 Except as provided in chapter 21 of this title, in the Waterfront Districts, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except as specified in §§ 901, 902, and 906 through 916. In addition, no building or structure shall be constructed, placed or moored in, on or over Class B waters except in accordance with DC Water Quality Regulation 1104.4.

901 USES AS A MATTER OF RIGHT (W)

901.1 The following uses shall be permitted in ~~a Waterfront District~~the W-1, W-2, and W-3 Districts as a matter of right:

(a) One-Family dwelling, flat, or multiple dwelling;

(b) Rooming or boarding house;

(c) Community center;

(d) Hotel or inn;

(e) Church or other place of worship;

(f) Community-Based Residential Facilities, as limited by the following:

(1) Youth residential care home, community residence facility, or health care facility for not more than six (6) persons, not including resident supervisors or staff and their families; or for not more than eight (8) persons, including resident supervisors or staff and their families; provided, that the number of persons being cared for shall not exceed six (6); and

(2) Emergency shelter for not more than four (4) persons, not including resident supervisors or staff and their families;

Draft

(g) Youth residential care home, community residence facility, or health care facility for seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families; provided, that there shall be no property containing an existing community-based residential facility for seven (7) or more persons either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the subject property;

(h) Retail sales or services not specified in §§ 902 and 906 through 915;

(i) Office;

(j) Private club, restaurant, fast food restaurant, or food delivery service; provided, a fast food restaurant or food delivery service shall not include a drive-through;

(k) Artist's studio;

(l) Private or public theater;

(m) ~~Boat club or marina~~Boathouse, marina (including floating homes) or yacht club, pursuant to §§917.5 (v) (w) (x) (y) and (z).

(n) Swimming pool;

(o) Recreational building or use;

(p) Park or open space;

(q) Library;

(r) Museum;

(s) Embassy, chancery, or international organization;

(t) Child/Elderly development center; and

(u) Antenna, subject to the standards and procedure that apply to the particular

(v) class of antenna pursuant to §§ 201.2 through 201.7.

901.2 Accessory use (including parking), building, or structure customarily incidental and subordinate to the principal uses permitted in § 901.1 shall be permitted in a ~~Waterfront~~the W-1, W-2 and W-3 Districts as a matter of right.

901.3 Mechanical amusement machines shall be permitted in the W-1, W-2 and W-3 Districts ~~a Waterfront District~~ as a matter of right, as accessory to the following uses:

(a) Hotel or inn;

(b) Retail sales or services not specified in §§ 902, 906 through 911, and 913 through 915;

(c) Restaurant or private club;

Draft

(d) ~~Boat club or marina~~Boathouse, marina or yacht club; and

(e) Private school, trade school, college, or university; but only to a college or university subject to § 2501.

901.4 A child development home and an elderly day care home shall be permitted in the W-1, W-2 and W-3 Districts~~a Waterfront District~~ as a matter of right, as an accessory use; provided, that the dwelling unit in which the use is located shall be the principal residence of the caregiver and that the use shall otherwise meet the definition of a home occupation.

901.5 Within the W-0 Zone, the following uses shall be permitted as a matter of right:

(a) park or open space, playground, or athletic field operated by a local community organization or District government agency, including pedestrian and bicycle trails and necessary associated facilities, and fitness circuits.

(b) boat construction on a temporary basis by a local community organization.

(c) community garden operated by a local community organization or District government agency and sited, built and tended in such a way as to prevent pesticides and other inorganic matter from entering the water.

(d) public nature interpretive or education center.

(e) temporary market for produce, arts, and crafts.

901.6 Within the W-0 Zone, an existing business, including a retail establishment, marina, yacht club, boathouse, residence, or river cruise line operation that is in existence with a valid Business License or Certificate of Occupancy as of January 31, 2003 shall be deemed a conforming use.

902 PROHIBITED USES (W)

902.1 The following uses are prohibited in Waterfront Districts:

(a) Animal hospital or veterinarian;

(b) Automobile or motorcycle sales or repairs;

(c) Car wash;

(d) Chemical manufacturing, storage, or distribution;

(e) Drive-through establishment (any establishment where goods or services are rendered directly to occupants of motor vehicles);

(f) (Enameling, plating, or painting (except artist's studio) as a principal use;

(g) Gasoline service station;

(h) Material salvage;

Draft

(i) Outdoor advertising or billboard;

(j) Outside material storage;

(k) Packing or crating operation;

(l) Parking lot, other than as permitted by Special Exception in the W-0 District in §917;

(m) Smelting or rendering;

(n) Carting, express, moving, or hauling terminal or yard;

(o) Any industrial use prohibited in the M District;

(p) Any establishment that has as a principal use the administration of massages; and

(q) Sexually-oriented business establishment.

903 – 904 [RESERVED]

905 PLANNING OFFICE REVIEW (W)

905.1 Wherever §§ 906 through ~~916~~ 918 require referral of an application to the D.C. Office of Planning for coordination, review, and report, the report shall consider:

(a) Whether the proposed use furthers the objectives of the Waterfront Districts;

(b) The relationship of the proposed use to other planning considerations for the area and the District of Columbia as a whole, including the plans, programs, and policies of other departments and agencies of the District government;

(c) The proposed site plan, including the relationship of different uses on the site;

(d) The effect of the proposed site plan on neighboring properties and the waterfront shoreline (if applicable); and

(e) Other considerations deemed appropriate for report.

905.2 Whenever the Office of Planning refers an application to the D.C. Department of Transportation under §§ 906 through ~~916~~918, the report shall consider the following transportation and environmental matters:

(a) Traffic to be generated;

(b) Location and design of vehicular access and parking facilities;

(c) Number of parking and loading facilities;

(d) Treatment of public space;

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(e) Availability of sewer and water capacity;

(f) Air quality;

(g) Noise from commercial, industrial, and traffic sources; and

(h) Other considerations deemed appropriate for report.

905.3 In addition to the above requirements, for a Special Exception application within the W-0 District, the D.C. Office of Planning report shall consider whether:

(a) the buildings, structures and uses would enhance the visual and public recreational opportunities offered along the waterfront.

(b) buildings, structures and uses on land would be located and designed to minimize adverse environmental and visual impacts on the river and riverbank areas.

(c) buildings, structures and uses on, under, or over water would be located and designed to minimize adverse environmental, visual and water-vessel traffic flow impacts.

(d) all structures and buildings would be located so as 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 building or structure.

(e) impervious surfaces are minimized, and buildings, structures and other uses are designed and sited to minimize potential for surface run-off into to river.

(f) screening, coping, setbacks, fences, the location of entrances and exits, or any other consideration for accessory or non-accessory parking spaces are adequate to screen and protect adjacent parkland and the waterfront.

(g) adequate emergency access has been provided to any buildings, structures, or other space devoted to active public use.

905.4 For a Special Exception application within the W-0 District, the applicant shall submit to the Board a detailed plan of the site, including:

(a) location, height, bulk, and design of all improvements, including buildings, pedestrian and vehicular access, parking, piers and wharves, berths;

(b) calculation of the amount of cutting from or filling to natural grade;

(c) a description of means to minimize environmental impacts on the river and riverbank areas;

(d) a landscape plan, including river-bank treatment / restoration;

Draft

(e) a parking plan including:

- location and design of all parking spaces, access driveways, and other impervious, hard-surface landscaping,
- the location and design of emergency vehicle access to all buildings, structures and active public spaces, and
- for boathouse, marina and yacht club facilities, a parking management plan, for infrequent special events such as regattas.

(f) location and design of fencing, screening, signs, and utility facilities;

(g) location, design and capacity of services (water connections, holding tanks, garbage and recycling facilities, etc) for marinas, yacht clubs and boathouses, and

(h) a description of the activities to be carried on the site.

905.5 Zoning Commission Review

(a) In the case of a request for initial zoning of a property to the W-0 District, the Zoning Commission may review special exception and variance requests simultaneously with the zoning map amendment application.

906 HOSPITALS AND CLINICS (W)

906.1 If the Board of Zoning Adjustment considers that it is appropriate in furthering the objectives of the Waterfront District, a hospital or clinic shall be permitted as a special exception in the W-1, W-2 and W-3 Districts~~a Waterfront District~~ when authorized by the Board under § 3104, subject to the provisions of this section.

906.2 The facility shall be designed to enhance the visual and recreational opportunities offered by the Waterfront.

906.3 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.

906.4 There shall be a demonstrated need for the facility.

906.5 The applicant shall submit to the Board a detailed plan for the hospital or clinic and accessory facilities.

906.6 The plan required in § 906.5 shall include:

(a) Location, height, and bulk of all improvements, but not limited to buildings, parking, and loading facilities;

(b) Screening, signs, and public utility facilities; and

(c) A description of the activities to be carried on at the hospital or clinic, including the capacities of the various facilities within the hospital or clinic.

Draft

906.7 Before taking final action on an application for use as a hospital or clinic, the Board shall refer the application to the D.C. Office of Planning for coordination, review, and report. The application shall include reports and recommendations from all appropriate District agencies.

907 UTILITIES (W)

907.1 If the Board of Zoning Adjustment considers that it is appropriate in furthering the objectives of the Waterfront District, an electric substation, natural gas regulator station, public utility pumping station, or telephone exchange shall be permitted as a special exception in the W-1, W-2 and W-3 Districts ~~a Waterfront District~~ when authorized by the Board under § 3104, subject to the provisions of this section.

907.2 The Board shall establish requirements for setbacks and screening.

907.3 The Board shall establish other safeguards as deemed necessary for protection of the neighborhood.

908 BOWLING ALLEYS (W)

908.1 If the Board of Zoning Adjustment considers that it is appropriate in furthering the objectives of the Waterfront District, a bowling alley shall be permitted as a special exception in the W-1, W-2 and W-3 Districts ~~a Waterfront District~~ when authorized by the Board under § 3104, subject to the provisions of this section.

908.2 The use shall not be within twenty-five feet (25 ft.) of a Residence District unless separated from the Residence District by a street or alley.

908.3 Soundproofing to the extent deemed necessary for the protection of adjoining and nearby property shall be required.

908.4 Before taking final action on an application for bowling alley use, the Board shall refer the application to the D.C. Office of Planning and Development for coordination, review, and report. The report shall include the recommendations of all appropriate District agencies.

908.5 The Board may impose requirements pertaining to design, appearance, screening, lighting, signs, and other requirements it deems necessary for the protection of neighboring or adjacent property.

909 MANUFACTURING AND PROCESSING (W)

909.1 If the Board of Zoning Adjustment considers that it is appropriate in furthering the objectives of the Waterfront District, a light manufacturing, processing, fabricating, or milling establishment shall be permitted as a special exception in the W-1, W-2 and W-3 Districts ~~a Waterfront District~~ when authorized by the Board under § 3104, subject to the provisions of this section.

909.2 The facility shall be designed to enhance the visual and recreational opportunities offered by the Waterfront.

Draft

909.3 The use shall comply with the standards of external effects for C-M Districts in § 804 and, further, shall have no adverse effects on other uses on the same or adjoining properties.

909.4 The use shall not result in dangerous or otherwise objectionable traffic conditions.

909.5 There shall be adequate off-street parking for trucks and other service vehicles.

909.6 There shall be no outdoor storage of materials.

909.7 The Board may impose requirements pertaining to design, appearance, screening, and other requirements as it deems necessary for the protection of neighboring or adjacent properties.

909.8 Before taking final action on an application for the use, the Board shall refer the application to the D.C. Office of Planning for coordination, review, and report. The report shall include the recommendations of all appropriate District agencies.

910 WAREHOUSES AND WHOLESALERS (W)

910.1 If the Board of Zoning Adjustment considers that it is appropriate in furthering the objectives of the Waterfront District, a warehouse or wholesale use shall be permitted as a special exception in the W-1, W-2 and W-3 Districts ~~a Waterfront District~~ when authorized by the Board under § 3104, subject to the provisions of § 909.

911 BUILDING SERVICE TRADES (W)

911.1 If the Board of Zoning Adjustment considers that it is appropriate in furthering the objectives of the Waterfront District, a building service trade, including but not limited to plumber, electrician, exterminator, or air-conditioning mechanic shall be permitted as a special exception in the W-1, W-2 and W-3 Districts ~~a Waterfront District~~ when authorized by the Board under § 3104, subject to the provisions of § 909.

912 PRIVATE SCHOOLS AND TRADE SCHOOLS (W)

912.1 If the Board of Zoning Adjustment considers that it is appropriate in furthering the objectives of the Waterfront District, a private school or trade school shall be permitted as a special exception in the W-1, W-2 and W-3 Districts ~~a Waterfront District~~ when authorized by the Board under § 3104, subject to the provisions of this section.

912.2 The facility shall be designed to enhance the visual and recreational opportunities offered by the Waterfront.

912.3 The use shall be designed and located so that it is not likely to become objectionable because of noise, traffic, number of students, or other conditions.

913 COMMUNITY-BASED RESIDENTIAL FACILITIES (W)

913.1 If the Board of Zoning Adjustment considers that they are appropriate in furthering the objectives of the Waterfront District, community-based residential facilities in the following categories shall be permitted as special exceptions in the W-1, W-2 and W-3 Districts ~~a Waterfront District~~ when authorized by the Board under § 3104:

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(a) Youth residential care home or community residence facility for sixteen (16) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of § 358;

(b) Health care facility for sixteen (16) to three hundred (300) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of § 359;

(c) Emergency shelter for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of § 360; and

(d) Youth rehabilitation home, adult rehabilitation home, or substance abusers' home for one (1) to twenty (20) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of §§ 358.2 through 358.7.

914 ANTENNAS (W)

914.1 If the Board of Zoning Adjustment considers that it is appropriate in furthering the objections of the Waterfront Districts, an antenna shall be permitted as a special exception in the W-1, W-2 and W-3 Districts~~the W District~~, if approved by the Board under § 3104, subject to the standards and procedures that apply to the particular class of antenna under §§ 211 or 212.

915 MISCELLANEOUS USES (W)

915.1 If the Board of Zoning Adjustment considers that they are appropriate in furthering the objectives of the Waterfront District, other uses not specified in §§ 902, 906 through 914, and 916 shall be permitted as special exceptions in the W-1, W-2 and W-3 Districts ~~a Waterfront District~~ when authorized by the Board under § 3104, subject to the provisions of this section.

915.2 The facility shall be designed to enhance the visual and recreational opportunities offered by the Waterfront.

915.3 The use shall not adversely affect the present character or future development of the neighborhood.

915.4 No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use.

915.5 The Board may impose requirements pertaining to the design, appearance, and screening, and other requirements as it deems necessary for the protection of neighboring or adjacent property.

915.6 Before taking final action on an application for the use, the Board shall refer the application to the D.C. Office of Planning for coordination, review, and report. The report shall include the recommendations of all appropriate District agencies.

Draft

916 COLLEGES AND UNIVERSITIES (W)

916.1 If the Zoning Commission considers that it is appropriate in furthering the objectives of the Waterfront District, a college or university shall be permitted as a special exception in the W-1, W-2 and W-3 Districts ~~a Waterfront District~~ when authorized by the Commission under § 3104, subject to the provisions of this section.

916.2 The facility shall be designed to enhance the visual and recreational opportunities offered by the Waterfront.

916.3 The use shall be designed and located so that it is not likely to become objectionable because of noise, traffic, number of students, or other conditions.

916.4 The applicant shall submit to the Commission a plan for developing the campus as a whole.

916.5 The plan required in § 916.4 shall include:

(a) The location, height, and bulk, where appropriate, of all present and proposed improvements, including but not limited to buildings, parking and loading facilities, screening, signs, streets, public utility facilities, and athletic and other recreational facilities;

(b) A description of all activities conducted or to be conducted in the facilities; and

(c) The capacity of present and proposed campus development.

916.6 Before taking final action on an application, the Commission shall refer the application to the D.C. Office of Planning for coordination, review, and report. The report shall include the recommendations of appropriate agencies of the District government.

917 W-0 DISTRICT USES SUBJECT TO SPECIAL EXCEPTION

917.1 The following uses shall be permitted as special exceptions in the W-0 District when authorized by the Board of Zoning Adjustment under § 3104, or the Zoning Commission under § 905.5, if the uses are considered to be appropriate in furthering the objectives of the Waterfront District:

(a) amusement enterprise

(b) art gallery

(c) artist studio

(d) boat accessory sales

(e) boat construction, rental, and sales

(f) child care facility

(g) cruise line operation, including necessary associated dock and land facilities

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(h) library

(i) mass transit facility

(j) museum

(k) public parking - uncovered surface parking lot or underground structure only

(l) place of worship

(m) private club

(n) private or public boat launching facility, dock, wharf or pier

(o) private or public theater primarily for live performance

(p) private or public recreation building or use

(q) restaurant

(r) swimming pool operated by a local community organization or District government agency

(s) temporary fair, circus, carnival

(t) ticket office

(u) retail establishments:

(1) antique store

(2) art supply store

(3) auction house

(4) bakery

(5) bicycle sale, repair or rental

(6) book store

(7) camera / photo supplies

(8) cosmetic / toiletries sales

(9) fish monger

(10) flower stand / florist

(11) food / grocery store

(12) gift shop

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(13) hobby shop

(14) jewelry store

(15) leather goods

(16) music store

(17) musical instruments

(18) newsstand

(19) off-premises alcohol sales (specialty wine and beer boutique)

(20) pet shop

(21) photo studio

(22) picture framing studio / shop

(23) sporting goods

(24) stationary

(25) tobacco products

(26) water taxi information / ticket booth and passenger shelter

(27) other maritime related retail and service commercial uses

(v) Boathouse

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

(2) 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.

(3) 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.

(4) Off-street parking spaces shall be provided in the amount and manner specified in Chapter 21 – Off Street Parking Requirements.

(w) Marina

(1) The minimum area for a marina shall be 2 acres. A marina established prior to the date of adoption of this Title may continue to occupy the current parcels regardless of parcel size.

Draft

(2) Off-street parking spaces shall be provided in the amount and manner specified in Chapter 21 – Off Street parking Requirements.

(x) Floating home

(1) Floating homes shall be permitted only within an approved marina.

(2) The maximum density of floating home berths shall be thirty-five percent (35%) of the total number of berths in the marina. This percentage may be increased or waived by special exception if approved by the Board of Zoning Adjustment under § 3104 or the Zoning Commission under § 905.5, subject to the provisions of § 917.

(3) No floating home may be used exclusively for any form of commercial uses.

(4) A home occupation, including a Bed and Breakfast, is permitted, subject to the regulations of Section 203.

(5) Off-street parking spaces shall be provided in the amount and manner specified in Chapter 21 – Off Street Parking Requirements.

(y) Yacht Club

(1) The minimum area for a yacht club shall be 2 acres. Yacht clubs established prior to the date of adoption of this Title may continue to occupy the current parcels regardless of parcel size.

(2) A Yacht Club may include a clubhouse subject to the following regulations:

(A) it shall be exclusively for the use of the members of the Yacht Club;

(B) it shall be located entirely on shore directly in front of the yacht club berths;

(C) it shall permit public access in the form of pedestrian and/or bicycle trails along the waterfront between the clubhouse and the berths.

(28) Off-street parking spaces shall be provided in the amount and manner specified in Chapter 21 – Off Street Parking Requirements.

(z) A Caretaker's Residence when accessory to a boathouse, marina or yacht club, provided:

(1) it is exclusively for the use of the facility's caretaker and immediate family;

(2) it is located within the principal boathouse or clubhouse building;

Draft

(3) it clearly secondary in design, location and size to the principal use of the building;

(4) it does not occupy more than 20% of the total area of the clubhouse, provided that it need not be less than 1,200 square feet, and

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

918 PARKING SPACES (W-0)

918.1 Within the W-0 District, parking spaces for boathouse, marinas, yacht clubs, or other recreation uses may be permitted elsewhere than on the same lot or part of the lot on which the principal use is permitted, by special exception if approved by the Board of Zoning Adjustment under § 3104 or the Zoning Commission under § 905.5, subject to the following provisions:

(a) The total number of parking spaces provided for the principal use shall not exceed the minimum number of spaces required for the principal use.

(b) It shall be considered economically impracticable or unsafe to locate the parking spaces within the principal building or on the same lot on which the building or use is permitted because of the following:

(1) Unusual topography, grades, shape, size, or dimensions of the lot;

(2) The lack of street frontage or the separation of the use from any publicly accessible street by public park space;

(3) The lack of appropriate ingress or egress through existing or proposed streets;

(4) Strip zoning or shallow zoning depth;

(5) Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot; or

(6) Traffic hazards caused by unusual street grades or other conditions.

(c) The parking spaces shall be located and all facilities in relation to the parking spaces shall be designed so that they are not likely to become objectionable to adjoining or nearby property, park space, or the waterfront because of noise, traffic, or other objectionable conditions.

(d) The parking spaces shall be adequately screened from adjacent park space and from the waterfront, and shall be designed to prevent run-off into river.

918.2 Within the W-0 District, all or a portion of required parking spaces for a boathouse may be waived by special exception if approved by the Board of Zoning Adjustment under § 3104 or 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.

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~~917~~919 - 929 [RESERVED]

930 HEIGHT OF BUILDINGS OR STRUCTURES (W)

930.1 Except as provided in this section, the height of buildings and structures shall not exceed the maximum height in the following table:

ZONE DISTRICT MAXIMUM	HEIGHT (Feet)
W-0	40 feet
W-1	40 feet
W-2	60 feet
W-3	90 feet

930.2 Notwithstanding the above, the height of a building or located on or in the water shall be 25', measured from the normal high water mark along the shore directly in front of the building or structure.

~~930.2~~930.3 Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouses over elevator shafts, ventilator shafts, antennas, chimneys, smokestacks, or fire sprinkler tanks may be erected to a height in excess of that which this section otherwise authorizes.

~~930.3~~930.4 If housing for mechanical equipment or a stairway or elevator penthouse is provided on the roof of a building or structure, it shall be erected or enlarged as follows:

(a) It shall meet the requirements of § 411;

(b) It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located; and

(c) It shall not exceed eighteen feet, six inches (18 ft., 6 in.), in height above the roof upon which it is located. Mechanical equipment shall not extend above the permitted eighteen foot, six inch (18 ft., 6 in.), height of the housing.

~~930.4~~930.5 Housing for mechanical equipment or a stairway or elevator penthouse may be erected to a height in excess of that authorized in the district in which it is located.

931 FLOOR AREA RATIO (W)

931.1 In the W-0 District, the floor area ratio of all buildings and structures on a lot shall not exceed five-tenths (.5), provided that:

(a) the floor area ratio on a lot used exclusively for public recreation use, marina, yacht club or boathouse buildings and structures shall not exceed 0.75.

(b) Floor area ratio shall include the area of all buildings and structures located on land, as well as floating homes within a marina and any other permanent structure located over water.

Draft

~~931.1~~931.2 In the W-1 District, the floor area ratio of all buildings and structures on a lot shall not exceed two and five-tenths (2.5), not more than one (1.0) of which may be used for other than residential purposes.

~~931.2~~931.3 In the W-2 District, the floor area ratio of all buildings and structures on a lot shall not exceed four (4.0), not more than two (2.0) of which may be used for other than residential purposes.

~~931.3~~931.4 In the W-3 District, the floor area ratio of all buildings and structures on a lot shall not exceed six (6.0), not more than five (5.0) of which may be used for other than residential purposes.

~~931.4~~931.5 For the purposes of this section, "residential purposes" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, community-based residential facilities, inns, and guestroom areas and service areas within hotels.

932 PERCENTAGE OF LOT OCCUPANCY (W)

932.1 No building or portion of a building devoted to residential use, including accessory buildings, shall occupy the lot upon which it is located in excess of the percentage of lot occupancy in the following table:

ZONE DISTRICT	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
W-0	25%
W-1	80%
W-2, W-3	75%

932.2 Within the W-0 District, no building or portion of a building, including accessory buildings, shall occupy greater than one-quarter (.25) of the lot upon which it is located, provided that:

(a) The lot occupancy on a lot used exclusively for a public recreation use, marina, yacht club or boathouse buildings and structures shall not exceed 0.5.

(b) For the purposes of this sub-section, the percentage of lot occupancy shall include the area of all buildings and structures located on land, as well as all floating homes within a marina and any other permanent structure located over water.

~~932.2~~932.3 For the purposes of this section, the percentage of lot occupancy in the W-1, W-2 and W-3 Districts may be calculated on a horizontal plane located at the lowest level where residential uses begin.

~~932.3~~932.4 For the purposes of this section, the phrase "residential use" shall mean dwellings, flats, multiple dwellings, rooming houses, boarding houses, hospitals, and community-based residential facilities.

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933 REAR YARDS (W)

933.1 A rear yard shall be provided for each residential building or structure, other than a floating home.

933.2 When the residential use begins at or below grade, the minimum depth of rear yard shall be three inches per foot (3 in./ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof, but not less than twelve feet (12 ft.).

933.3 When the residential use begins above grade, the minimum depth of rear yard shall be three inches per foot (3 in./ft.) of vertical distance from the horizontal plane upon which the residential use begins to the highest point of the main roof, but not less than twelve feet (12 ft.). The rear yard shall be provided at and above the residential plane.

933.4 For the purposes of this section, "residential building or structure" shall include those used as or intended to be used as dwellings, flats, multiple dwellings, rooming and boarding houses, hospitals, hotels, inns, and community-based residential facilities.

934 SIDE YARDS (W)

934.1 Within the W-0 District, the minimum width of each side yard shall be twelve (12) feet.

~~**934.1**~~**934.2** No side yard shall be required in the W-1, W-2 and W-3 Districts~~a Waterfront District~~. If a side yard is provided, its minimum width shall be at least eight feet (8 ft.).

~~934.2If a side yard is provided, its minimum width shall be at least eight feet (8 ft.).~~

935 WATERFRONT SETBACK

935.1 Within the W-0 District, a setback from the normal high water mark shall be provided of not less than 20 feet to any building or structure, with the exception of a wharf, pier, or floating home, to provide for continuous public access along the water.

Draft

~~935~~936 COURTS (W)

~~935.1~~936.1 Where a court is provided in a Waterfront District, the court shall have the following minimum dimensions:

STRUCTURE	MINIMUM WIDTH OF OPEN COURT	MINIMUM WIDTH AND AREA OF CLOSED COURT
Residential building	4 in. per foot of height; Minimum: 10 ft.	Width: 4 in. per foot of height; Minimum: 15 ft. Area: 2 x square of required width; Minimum: 350 ft.^{2}
Hotel and inn	3 in. per foot of height; Minimum: 10 ft.	Same as above
Other structure	2½ in. per foot of height; Minimum: 6 ft.	Width: 2 ½ in. per foot of height; Area: 2 x square of required width; Minimum: 250 ft. ^{2}

~~935.2~~936.2 In the case of a building devoted to both residential and nonresidential uses, the minimum width and area of a court shall be computed as follows:

(a) When the residential and nonresidential uses are located on different floors of the building, the width and area requirements shall be computed for each use at the plane of each floor of the building; and

(b) When the residential and nonresidential uses are located on the same floor of the building, the width and area requirements for that plane shall be computed based on the requirements for a residential building in § 936.1.

~~935.3~~936.3 For the purposes of this section, "residential building" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, hospitals, and community-based residential facilities.

~~935.4~~936.4 No required opening for the admission of light and natural ventilation shall open onto a court niche where the ratio between the width and depth of the court niche is less than two to one (2:1).

~~935.5~~936.5 No portion of a court niche shall be further than three feet (3 ft.) from a point where the court niche is less than three feet (3 ft.) wide.

~~936~~937 ROOF STRUCTURES (W)

~~936.1~~937.1 The provisions of § 411 shall apply to roof structures in the Waterfront Districts.

~~936.2~~937.2 The gross floor area of roof structures permitted under this section shall not be counted in determining the required number of off-street parking spaces or loading berths as specified elsewhere in this title.

Draft

CHAPTER 20 NONCONFORMING USES AND STRUCTURES

2003 CHANGING USES WITHIN STRUCTURES

~~2003.6~~2003.1 For the purpose of this section, the districts established by this title are listed in the following order of decreased use restriction:

(a) W-0, R-1-A, R-1-B, R-2, R-3, R-5-A, R-4, R-5-B, R-5-C, R-5-D, and R-5-E;

(b) SP-1 and SP-2;

(c) C-1, C-2-A, C-2-B, C-2-C, C-3-A, C-3-B, C-3-C, C-4, and C-5 (PAD);

(d) W-1, W-2, and W-3;

(e) CR; and

(f) C-M-1, C-M-2, C-M-3, and M.

Draft

CHAPTER 21 OFF-STREET PARKING REQUIREMENTS

2101 SCHEDULE OF REQUIREMENTS FOR PARKING SPACES

2101.1 On and after May 12, 1958, all buildings or structures shall be provided with parking spaces as specified in the following table:

USES	NUMBER OF PARKING SPACES REQUIRED
~~**Boat club or marina:**~~ ~~All districts~~	~~1 for each 4 berths or slips~~
Marina:	1 for each 4 berths or slips plus 1 for each ~~houseboat~~floating home space within a marina
Boathouse:	the lesser of 1 space for every 2,000 square feet of gross building area ~~or one space for every 10 club members~~
Yacht Club:	the greater of 1 for each 3 berths or slips or 1 for each 800 square feet of clubhouse building area.

2116 LOCATION OF PARKING SPACES

2116.1 Except as provided in §§ 214, 510, 708, 730, 743.2(d), 753.1(c), 761.2, 803.1, 918, 2116.5, and 2117.9(c), all parking spaces shall be located on the same lot with the buildings or structures they are intended to serve.

2119 BICYCLE PARKING SPACES

2119.10 For a marina or yacht club, one bicycle parking space shall be provided for each 10 berths or mooring spaces, in a location which is secure and convenient to the principal structure.

2119.11 For a boathouse, one bicycle parking space shall be provided for each 2,000 gross square feet of building area, in a location which is secure and convenient to the principal structure.

Draft

CHAPTER 22 OFF-STREET LOADING FACILITY REQUIREMENTS

2201 SCHEDULE OF REQUIREMENTS FOR LOADING BERTHS, LOADING PLATFORMS AND SERVICE/DELIVERY SPACES

2201.1 On and after May 12, 1958, all buildings or structures shall be provided with loading berths, loading platforms and service/delivery spaces as specified in the following table:

Uses And Districts	Minimum Number And Size Of Loading Berths Required	Minimum Number And Size Of Loading Platforms Required	Minimum Number And Size Of Service / Delivery Loading Spaces Required
Amend the table in the appropriate location to add:			
Recreation use building, boathouse, marina or yacht club in the W-0 District	none	none	none
Any other retail, service or cultural public assembly use in the W-0 District:			
With 20,000 sq.ft. of gross floor area or less	none	none	none
With greater than 20,000 sq.ft. of gross floor area	1 @ 30 feet deep	1 @ 100 ft.^{2}	1 @ 20 feet deep

Draft

CHAPTER 24 PLANNED UNIT DEVELOPMENT PROCEDURES

2401 AREA REQUIREMENTS

2401.1 The minimum area included within the proposed development, including the area of public streets or alleys proposed to be closed, shall be as follows:

(a) A total of two (2) acres for a development to be located in any W-0, R-1, R-2, R-3, R-4, or R-5-A District;

(b) A total of one (1) acre for a development to be located in any R-5-B District; or

(c) A total of fifteen thousand square feet (15,000 ft.^{2}) for development to be located in any other zone district.

2405 DEVELOPMENT STANDARDS

2405.1 No building or structure shall exceed the maximum height permitted in the least restrictive zone district within the project area as indicated in the following table; provided, that the Commission may authorize minor deviations for good cause pursuant to § 2405.3:

ZONE DISTRICT	MAXIMUM HEIGHT (feet)
R-1-A, R-1-B, R-2, R-3, C-1, W-0	40

2405.2 2405.2 The floor area ratio of all buildings shall not exceed the aggregate of the floor area ratios as permitted in the several zone districts included within the project area; provided, that the Commission may authorize minor deviations for good cause pursuant to § 2405.3:

FLOOR AREA RATIO (FAR)			
ZONE DISTRICT	RESIDENCE	COMMERCIAL, INCLUDING HOTELS AND MOTELS	TOTAL
W-0		0.5	0.5

Draft

CHAPTER 25 MISCELLANEOUS ZONING REQUIREMENTS

2514 ZONE DISTRICT BOUNDARY LINE CROSSING A LOT

2514.3 For the purpose of interpreting this section, the zone districts established in this title are listed in the following groups of decreasing use restrictions:

(a) W-0, R-1-A, R-1-B, R-2, and R-3 Districts;

(b) R-4, R-5-A, R-5-B, R-5-C, R-5-D, R-5-E, and SP Districts;

(c) C-1, C-2-A, C-2-B, C-2-C, C-3-A, C-3-B, C-3-C, C-4, and C-5 (PAD) Districts;

(d) W-1, W-2, W-3, and CR Districts; and

(e) C-M-1, C-M-2, C-M-3, and M Districts.

Draft

CHAPTER 31 BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE

3104 SPECIAL EXCEPTIONS

3104.1 The Board is authorized under § 8 of the Zoning Act, D.C. Code, 2001 Ed. § 6-641.07(g)(2) (formerly codified at D.C. Code § 5-424(g)(2) (1994 Repl.)), to grant special exceptions, as provided in this title, where, in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Map subject in each case to the special conditions specified in this title, as follows:

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
Antenna for commercial TV or FM	Any R, SP, or CR ~~, or W~~ District, W-1, W-2 or W-3 Districts	§§ 211, 514, 617, and 914
Antenna, other than commercial	Any R, SP, or CR District, ~~or W~~ W-1, W-2, or W-3 Districts	§§ 212, 515, 617, and 914
Boathouse	W-0 District	§ 917.1
Bowling alley	CR, C-1, W-1, W-2, and W-3 Districts	§§ 609, 709, and 908
Building service trades, including plumber, electrician, exterminator, and air-conditioning mechanic	CR, W-1, W-2, and W-3 Districts	§§ 612 and 912
Community-based residential facility	Any R, SP, CR, C-1, or C-2 District, ~~or~~ W-1, W-2, or W-3 Districts	§§ 218 - 221, 303 - 306, 335, 357 - 360, 513, 616, 711, 732, and 913
Electric substation	Any R, SP, or CR District, ~~or~~ W-1, W-2, or W-3 Districts	§§ 207, 509, 608, and 907
Floating home	W-0 District	§ 917.1
Hospital or clinic	CR, W-1, W-2, or W-3 Districts	§§ 606 and 906
Light manufacturing, processing, fabricating, or milling	CR, W-1, W-2, or W-3 Districts	§§ 610 and 909
Marina	W-0 District	§ 917.1

Draft

Miscellaneous uses	CR, ~~and~~ or W- Districts	§§ 618, and 915, and 917
Natural gas regulator stations	Any R, SP, or CR District, ~~or~~ W-1, W-2, or W-3 Districts	§§ 207, 509, 608, and 907
Parking spaces – reduction for boathouses	W-0	§918.2
Public utility pumping stations	Any R, SP, CR, or C District, ~~or~~ W-1, W-2, or W-3 District	§§ 207, 509, 608, 707, 728, 743.2(b), 753.1, 761.2, and 907
Retail, service, arts and cultural uses	W-0 Zone	§ 917.1
School - private school or trade school	W-1, W-2, or W-3 Districts	§ 912
Telephone exchange	R-4, R-5, SP, CR, W-1, W-2, and W-3 Districts	§§ 332.1(b), 509, 608, and 907
Warehouse use	CR, ~~and W~~ W-1, W-2, and W-3 Districts	§§ 611 and 910
Wholesaler use	CR, ~~and W~~W-1, W-2, and W-3 Districts	§§ 611 and 910
Yacht Club	W-0 District	§ 917.1

3104.2 In the case of a use that was originally permitted and lawfully established as a matter of right and for which the Zoning Regulations now require special exception approval from the Board of Zoning Adjustment, any extension or enlargement of that use shall require special exception approval from the Board.

3104.3 In determining whether to approve any extension or enlargement under § 3104.2, the Board shall apply the standards and criteria of the Zoning Regulations to the entire use, rather than to just the proposed extension or enlargement.

3104.4 Effective December 8, 2000, the Zoning Commission shall, pursuant to § 3035 and the standards in § 3104.1, hear and decide all applications for special exception approval under §§ 210, 302.2, 322.2, 332.2, 352.2, 507, 615, and 916 of a campus development plan; the amendment of a campus development plan; the further processing of an approved campus development plan to permit the construction and use of a specific building or structure within a campus, whether the plan was approved by the Commission or the Board of Zoning Adjustment; and the interim use of land or improved property within a reasonable distance of a campus. The following table summarizes the uses that may be permitted:

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TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
College, university, or other academic institution of higher learning	Any R, SP, or CR Districts, or W-1, W-2, or W-3 Districts	§§ 210, 507, 615, and 916

Draft

CHAPTER 32 ADMINISTRATION AND ENFORCEMENT

3202 BUILDING PERMITS

3202.1 Except as provided in §§ 3202.6 or 3202.7, a building permit shall not be issued for the proposed erection, construction, conversion, or alteration of any structure unless that structure complies with the provisions of this title.

3202.2 To determine compliance with the provisions of this title, each application for a building permit shall be accompanied by any of the following that is deemed necessary:

(a) Scaled drawings showing the:

(1) Exact shape, topography, and dimensions of the lot to be built upon;

(2) Plan, elevation, and location by dimensions of all existing and proposed

(3) structures, and the proposed use of those structures;

(4) Parking and loading plans and the basis for computation of those plans; and

(5) Other information necessary to determine compliance with this title; and

(b) An official building plat, in duplicate, prepared by the Surveyor of the District of Columbia, upon which the applicant shall indicate in ink and to the same scale dimensions:

(1) All existing and proposed structures;

(2) The number, size, and shape of all open parking spaces, open loading berths, and approaches to all parking and loading facilities; and

(3) Other information necessary to determine compliance with the provisions of this title.

3202.3 Except as provided in the building lot control regulations for Residence Districts in § 2516 and § 5 of An Act to amend an Act of Congress approved March 2, 1893, entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes, approved June 28, 1898 (30 Stat. 519, 520, as amended; D.C. Code, 2001 Ed. § 9-101.05 (formerly codified at D.C. Code § 7-114 (1995 Repl.))), 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-0 and is for the exclusive use as a boathouse or marina 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.

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SUBJECT INDEX

APARTMENTS
Accessory apartments §202.10
Caretakers and janitors apartment, Industrial (C-M) District §801.4
Caretakers - Boathouse, Marina or Yacht Club §917.1

ATHLETIC FIELDS
Commercial-Light Manufacturing (C-M) District §801.7
Special Purpose (SP) District §501.1
Waterfront (W) District §901.5

BED AND BREAKFAST FACILITIES
Inns §199.1
Residence (R-1) District, home occupation §203.8
Floating home §917.1

~~BOAT CLUBS~~BOATHOUSE
Mixed Use (CR) District §601.1
Waterfront (W) District §901.1, §917.1

COMMUNITY GARDEN
Waterfront (W) District §901.5

COURTS
Waterfront (W) District ~~935~~§936

MARINAS
Mixed Use (CR) District §601.1
Waterfront (W) District §901.1, §917.1

OPEN SPACE
Mixed Use (CR) §601.1
Projections into required open spaces §2502
Structures in required open spaces §2503
Waterfront (W) District §901.1, §901.5

PARKS
Mixed Use (CR) District 601.1
Special Purpose (SP) District 501.1
Waterfront (W) District 901.1, §901.5

SWIMMING POOLS
Commercial (C-3) District 741.5
Mixed Use (CR) District 601.1
Special Purpose (SP) District 501.1
Waterfront (W) District 901.1, §917.1

TEMPORARY MARKET
Waterfront (W) District §901.5

YACHT CLUB
Mixed Use (CR) District §601.1
Waterfront (W) District §901.1, §917.1

YARDS, WATERFRONT

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Draft

Attachment III

List of groups, agencies, clubs, and businesses that were forwarded the W-0 report and concept zone wording:

Anacostia Business and Professional Association
Anacostia Economic Development Corp.
Anacostia River Business Coalition
Anacostia Watershed Commission Partnership
Anacostia Watershed Society
Chesapeake Alliance
Chesapeake Bay Foundation
Coalition to Restore Urban Waters & River Network
Committee of 100
D.C. Chamber of Commerce
DC Sports & Entertainment Commission
Earth Conservation Corp
Georgetown Business and Professional Association
Georgetown Partnership
National Parks Conservation Association
Potomac Appalachian Trail Club
Washington Parks & People
Washington Waterfront Association
Washington Waterfront Citizens Association

Federal GSA
Historic Congressional Cemetery
National Capital Revitalization Corporation
Old Georgetown Board
U.S. Commission of Fine Arts
US EPA
US Navy, Naval District Washington - Washington Navy Yard

Anacostia Community Rowing Center
Anacostia Marina
Buzzard Point Boatyard Club
Buzzard Point Marina
Capital Rowing Club
Capital Yacht Charters
Capital Yacht Club
Columbia Island Marina
District Yacht Club
Eastern Boat Club
Eastern Power Boat Club
Fletcher's Boat Rental
Gangplank Marina
Jack's Boat Rental
James Creek Marina
National Capital Scholastic Rowing Association
Organization for Anacostia Rowing and Sculling
Potomac Boat Club
Potomac River Yacht Clubs Association
Seafarers Yacht Club
Thompson's Boat Center
Washington Canoe Club
Washington Marina Co.
Washington Yacht Club

PROPOSED W-0 WATERFRONT OPEN SPACE ZONE

Zoning Commission Case # 02-42 is for TEXT amendments to the Zoning Regulations to provide a new low-density waterfront zoning category.

No property would be rezoned as part of this application. Rather, the zone would be a new tool available for possible future waterfront-related development proposals, as appropriate.

Any FUTURE application to apply the W-0 zone to any land would require a separate and full application process, including an additional Public Hearing and additional public notification.

The W-0 Zone would:

- provide a new zoning tool for future use
- provide a low density, waterfront park space zone which emphasizes uses which enhance the waterfront experience
- permit a variety of waterfront-oriented active and passive public recreational opportunities
- permit by Special Exception waterfront-dependent and waterfront-related retail, cultural, and recreational opportunities
- minimize negative environmental, physical, and visual impacts on the river's edge
- encourage uses which activate the water and the water's edge
- ultimately, add predictability to waterfront areas

Permitted Uses:

- park or open space, playground, or athletic field operated by a local community organization or District government agency, including pedestrian and bicycle trails and necessary associated facilities, and fitness circuits
- boat construction on a temporary basis by a local community organization
- community garden operated by a local community organization or District government agency and sited, built and tended in such a way as to prevent pesticides and other inorganic matter from entering the water
- public nature interpretive or education center
- temporary market for produce, arts, and crafts

Special Exception Uses:

- boathouse, marina (including houseboats), or yacht club
- retail / service and cultural uses intended to augment the waterfront experience, including art gallery; boat construction, rental, and sales; museum; boat launching facility, dock, wharf or pier; theater primarily for live performance; recreation building; restaurant; and retail establishments

Proposed W-0 Regulations include:

FAR:	• 0.5 maximum, except • 0.75 on lots used exclusively for boathouse, marina or yacht club
Lot Occupancy:	• 25% maximum, except • 50% on lots used exclusively for boathouse, marina or yacht club
Height:	• 40 feet maximum except • 25 feet above water surface
Setback:	• 20 feet minimum inland from water edge • 12 feet minimum side yard

Zoning Commission Public Hearing:

Thursday, March 13, 2003
6:30 p.m. (2nd Case on the agenda)
Office of Zoning Hearing Room
441-4th Street, N.W. - Suite 220
Washington, D.C. 20001

To provide input, you may:

- contact the Office of Planning in advance of the Public Hearing;
- submit written comments in advance to the Office of Zoning or the Office of Planning; or
- attend the Public Hearing and provide comments directly to the Zoning Commission.

For further information or to discuss the W-0 Proposal, please contact:

Joel Lawson, Development Review Planner
District of Columbia Office of Planning
801 N. Capitol Street NE, Washington DC 20002
phone: 202-442-8813; fax 202-525-2497
email: joel.lawson@dc.gov

ATTACHMENT V

Joel Lawson
Development Review Specialist
Government of the District of Columbia
Office of Planning

12/30/2002

RE: ZC Case #02-42, Request for Comments on the W-O Waterfront Open Space Zoning District

Dear Sir:

It was with great interest that I received and reviewed your letter dated December 12th, 2002. I am the current president of the Washington Canoe Club, located at 3700 Water Street, NW. Washington Canoe Club and its members have been an active steward of the Potomac River since 1904. I'm a 4th generation Washingtonian and have lived in DC or its suburbs all my life. Additionally, I've been a member of the Washington Canoe Club for over 40 years, and actively trained on the Potomac on a twice-daily basis for over twenty years and raced competively for the United States at an international level. I mention this to ground my great love for the Potomac River and it's unique Waterfront in both time and proximity.

I've seen many changes on the Potomac and Georgetown through the years: Georgetown Park, Washington Harbor, and the Kennedy Center. Those are the obvious changes; some of the subtler, but arguably more impressive changes are the ones taking place on the water. I've noticed the near elimination of raw sewage and harmful chemicals being dumped into the river because of the Clean Water Act of 1972. From the river I've seen the return of a diversity of birds (including Bald Eagles, Peregrine Falcons, Cormorants, and Blue Herons) as well a general increase in wildlife both below and above Key Bridge.

I believe that the return of wildlife to the Potomac River above Roosevelt Bridge should be encouraged, as should the ability of the DC residents to observe the wildlife from the shoreline. Additionally, the special nature of the Potomac River and its flood plane should be kept first and foremost in the minds of the city planners. Your W-O zoning seems to achieve most of what is needed. I'd like to highlight some items which I feel are of importance, but which might not be immediately obvious to city planners:

1) That the Potomac River valley is truly beautiful and that the view from the C&O Canal towpath should be protected. Many thousands of DC residents and tourists walk the towpath north of Key Bridge. The view of the river is spectacular. To that end, limiting the height of structures to the 40' suggested in your W-O zoning plan to reduce their impact of the view of the river from the C&O canal is a good start. I would add the proviso that at least two thirds of the Potomac River be visible from the C&O Canal.
2) The sight lines of the river and its banks are important to preserve. Eventually the W-O zoned portion of the river will include additional docks and piers. These

4) The W-O zone includes flood plain. The barriers of Washington Harbor are essential to keep water out of the structures. More importantly they keep the chemicals housed in the structure out of the river. Modern buildings typically use Ethylene Glycol in chilled water systems to provide cooling. Requiring Freon based systems should eliminate any possibility of Glycol spillage into the river or its watershed

5) Likewise the use of a leach field for chlorinated water should not be permitted, nor should the storage of pool type materials be permitted in the flood plane. The impact of a chlorine spill on a localized portion of the Potomac River valley should not be allowed to occur.

Thank you for the opportunity to review the planned W-O zone. If I can be of any further assistance I can be reached at the address, email and phone # below.

Very Respectfully,

Lawrence Schuette
President, Washington Canoe Club
PO BOX 25449
Washington DC, 20007
Lawrence.Schuette@verizon.net
(202) 767-6814

TOTAL P.01

DISTRICT YACHT CLUB
1409 WATER STREET, SOUTHEAST
WASHINGTON, D.C. 20003
(202) 543-9788

December 31, 2002

Mr. Joel Lawson
Development Review Specialist
DC Office of Planning
801 North Capitol Street, N.E., Suite 3000
Washington, D.C. 2002
(via fax)

Subject: ZC Case #02-42 – Application for an amendment to the Zoning Text to provide for a new W-O Waterfront Open Space Zoning District.

Dear Mr. Lawson:

On behalf of the District Yacht Club (DYC), I am pleased to have the opportunity to comment on the proposed W-O Waterfront Open Space District zoning plan. The preliminary plan was brought to my attention by the Potomac River Yacht Clubs Association, of which the DYC is a member. The development of a planned approach in providing for public access and utilization of waterfront property is supported by the DYC. In this regard, we offer the following comments for your consideration.

The proposal states that it does not involve the zoning or rezoning of any specific lands or existing businesses to the new W-O District, and that existing waterfront businesses would not be rezoned. Paragraph VIII states that if Federal lands, not currently subjected to District of Columbia zoning, were sold, traded or leased so that they contain private enterprises, then District zoning would apply, and the new W-O Zone would provide an appropriate designation.

As we understand the proposal, the new zoning would not apply to the existing yacht clubs along the Anacostia River. We believe that it would not be practical for many of these older facilities to comply with the new zoning requirements, for example, some of the yacht clubs would not have adequate parking due to their small lot sizes.

Another difficulty that existing yacht clubs would have is to provide public walking or bike trail access between the clubhouse and the waterfront. At DYC, the clubhouse is not set back very far from the waterfront, so accommodating a public trail would likely involve removing trees and relocating fixtures. Also, the marine railway next to DYC's clubhouse presents a physical barrier to a public trail, and for safety reasons it would be best to keep the public away from this area. New marina or yacht club facilities could be designed with public trail access, but if such facilities have boat launching ramps, or hauling equipment such as a travel lift or marine railway, it would be safest to route the public trail away from such areas.

Thank you for the opportunity to comment on the proposed zoning plan. If you have any questions or need clarification of our comments, you may reach me work days at (202) 366-6206. In the event I am not available, you may also contact the DYC Rear Commodore, Mr. Marvin Storey, at (301) 572-4656.

Sincerely,

Jeffrey M. Woods
Commodore



Potomac River
Yacht Clubs Association

December 28, 2002

Mr. Joel Lawson
Development Review Specialist
DC Office of Planning
801 North Capitol Street, N.E., Suite 3000
Washington, D.C. 2002

Subject: ZC Case #02-42 – Application for an amendment to the Zoning Text to provide for a new W-O Waterfront Open Space Zoning District.

Dear Mr. Lawson;

Thank you for giving the Potomac River Yacht Clubs Association (PRYCA) the opportunity to provide preliminary comments to the proposed W-O Waterfront District. These comments reflect the opinion of our organization, however, we strongly suggest obtaining comments directly from the six PRYCA member clubs located in the District. The PRYCA is fully supportive of the concept to develop a planned approach to provide future waterfront access to the public that includes a balance of both recreation and other mixed uses related to water activities. We do; however, urge you to consider several points prior to finalizing the draft proposal for distribution. Our comments have importance only if the Federal lands, upon which the Anacostia River Yacht Clubs are permittees, are transferred to District of Columbia control.

Your letter indicates that existing waterfront businesses would not be rezoned. Are we to understand that existing Yacht Clubs are considered "businesses"? If they are considered businesses, we have no problem with the proposed zoning text as they relate to existing clubs; however, we would appreciate that fact being made more clearly. If they are not to be considered businesses and may be rezoned, then we have the following comments:

Our comments relate specifically to ATTCHMENT-1,
Under USES SUBJECT TO SPECIAL EXCEPTION category:

Yacht Club – The requirements listed under this category; are reasonable for planning space for new clubs; however, two items present a problem for existing clubs.

The requirement to have 1 parking space for every 2 berths and public parking at a ratio of 1 to 10 berths cannot be met at two of the existing clubs on the Anacostia River. The Washington Yacht Club and the Seafarers Yacht Club are both enclosed in areas having no extra acreage with which to expand to meet the requirement. The other two clubs; District Yacht Club and Eastern Power Boat Club have a little more space but still have less than 1 acre for the entire facility. An inspection of the narrow land area between the river and the road parallel to the railroad tracks will show that there is little alternative to what has already been done with the existing space. There is; however,

ample space for parking in adjacent unused land between the clubs that currently administered by the National Park Service.

The requirement to permit public access in the form of pedestrian and/or bicycle trails along the waterfront between the Yacht Club clubhouse and the berths presents a problem of both liability and safety. The Eastern Power Boat Club, the District Yacht Club, and the Seafarers Yacht Club all have marine railways for the maintenance and repair of boats. These railways and the boats that may be on them should not be accessible to the public. There are too many safety issues involved with having unescorted individuals around these types of facilities. Also, the space between the clubhouse and the berths at each of the yacht clubs is already at a minimum. Insurance presents another problem. If the open public were allowed to roam the yacht club areas, insurance premiums would most likely be much higher than if limited to club members. That is an added expense that should not be imposed upon the clubs. Furthermore, the public access requirement could preclude any future club or marina from providing marine railways or launching ramps. Facilities boaters need to enjoy the waterways.

If public pedestrian and/or bicycle trails were to be built at these existing locations, they would destroy the landscaped greenspace that currently absorbs runoff and protects the river. This is something that needs to be maintained. We suggest that any pedestrian and/or bicycle trail be routed behind the existing facilities thereby minimizing the negative impact to the river. This re-routing would encompass a very small portion of the total riverbank area. I have not taken accurate measurements but the Yacht Clubs on the Anacostia River have combined riverfront footage of only about 1000 feet, which is approximately 6% of the total riverfront between Ft McNair and the railroad bridge.

A suggestion that might simplify the situation is to grandfather each of the existing yacht clubs to the current regulations and stipulations contained in the National Park Service special use permits now held by the clubs.

Thank you for your consideration. I am available for further discussion if there is a need. You may contact me at 540-659-1229 or you may contact my Vice Commodore, Marvin Storey, at 301-572-4656, who is more directly associated with the activities on the Anacostia River.

Sincerely,

Randy Semper

Randy Semper
Commodore

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