GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

DATE: October 18, 2002

TO: District of Columbia Zoning Commission

FROM: Andrew Altman, Director OP

SUBJECT: Setdown report for Zoning Commission **Case #02-42**
Zoning Regulation Text and Map Amendments for the creation of a new W-O Waterfront Open Space Zone District.

I. RECOMMENDED ACTION:

The Office of Planning recommends that the issue of amending the zoning regulations text and maps to create a new W-O Zoning District, Waterfront Open Space, be set down for Public hearing in concept form.

II. PROPOSAL

The Office of Planning is recommending the creation of a new W-O zone for open space along the waterfront. The Zoning Regulation text and map amendments would be intended to provide a low density, low intensity zone which permits waterfront open space parks as of right, as well as a number of waterfront related recreation, retail, and cultural uses by Special Exception. The zone has been drafted in concept form for Zoning Commission comment at this time; a detailed amendment would be supplied prior to the Public Hearing.

III. BACKGROUND

Many cities throughout North America, including Washington DC, are in the midst of "rediscovering" their waterfronts and adopting policies and plans to reactivate them and provide greater public awareness of and access to the waterfront. Currently, much of the Anacostia and Potomac River edge is underutilized and not easily accessible to the public, or not accessible at all. As part of its Anacostia Waterfront Initiative (AWI) the Office of Planning has been looking to strike a balance along the river between peaceful enjoyment of the water and a limited set of activities that help animate the area and welcome visitors to the river's edge. For example, boating club activities can foster a greater use and enjoyment of the rivers, and serve to animate the water for both active and passive recreation users.

Large portions of the river edge are under Federal jurisdiction, within the Anacostia Park and C&O Canal Historical Park. These lands are unzoned and administered by the National Park Service. Currently, there is no zone specifically for open park space, and existing Waterfront zones provide a more intense and dense form of development than envisioned for 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

ZONING COMMISSION
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Case 02-42
Exhibit
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CASE NO.02-42
EXHIBIT NO.1

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

The establishment of an open space park zone that permits waterfront-oriented recreation would be of use in determining zones of different uses in different 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 areas proposed to be zoned or rezoned W-O are generally within this designation area, and the proposed 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:

700 Declaration Of Major (Urban Design) Policies

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

706 Waterfront Design Areas Objectives and Policies

706.1 The waterfront design areas objectives are to do the following:

(a) Preserve waterfront parks and ensure visual and functional integration of urban and recreational development with present uses;

(b) Enhance the character of natural waterfront parks;

(c) Create and enhance relationships between the rivers and District residents, develop urban waterfronts and water-related recreation in appropriate locations, and establish attractive pedestrian connections from neighborhoods to activities along the waterfronts; and

(d) Promote residential and commercial development at appropriate waterfront locations.

706.2 The policies established in support of the waterfront design areas objectives are as follows:

(a) Promote water-oriented public space uses at the water's edge such as promenades, view points, steps into the water, swimming and boating facilities, public art, or other water-related amenities;

(b) Require that waterfront design areas complement and enhance urban development;

(c) Require that waterfront design areas respond to the unique waterfront qualities of the respective site conditions;

(d) Require that site planning in these areas establish, and be sensitive to, the close interrelationship between buildings, parks and open spaces, and the rivers;

(e) Orient buildings, open spaces, and prominent views within each of these areas toward the water. These areas generally should not be separated from the shorelines by major roadways;

(f) Promote portions of these areas as potential future sites for monuments of either national or local significance; and

(g) Design the Anacostia Park so that it is responsive to its natural character, especially to the upper parks and Kingman Island; (Selected areas should be developed for water-related recreational uses, especially boating and fishing. Water quality should be improved, and swimming, in selected areas with appropriate safety precautions, should be a goal. Pedestrian connections between the parks and Kingman Island should be designed. All recreational facilities should be carefully sited and designed in order to tie them in with the shorelines and open meadows, and to avoid negative impacts on the wildlife refuges. Parking lots should be located on the periphery of the park area to minimize any adverse impact on the waterfront. Access by mass transit should be encouraged.).

The proposed new zone would also support a number of Comprehensive Plan objectives and actions for individual Wards along the rivers. A sample includes:

1308 Ward 2 Actions In Support Of Environmental Protection Objectives

(7) Requiring that public space in new waterfront development be maintained along shorelines.

1347 Ward 2 Objective For Waterfront Development

1347.1 The objective for waterfront development is to realize the full potential of Ward 2 waterfront areas in terms of public access to the waterfront, recreation space, and adjacent mixed-use development.

1406 Ward 3 Urban Design

1406.2 Relation of Ward 3 to the declaration of major policies in the Urban Design Element of the Comprehensive Plan:

(b) Ward 3 includes significant waterfront along the Potomac palisades. Yet "future design and development" of this waterfront should essentially be no more than the maintenance (and possible expansion) of this existing natural parkland, which includes a limited number of hiking and biking trails;

1732 Ward 6 Land Use

1732.12 West Anacostia Park lacks a coherent plan for use. ... As the Anacostia becomes cleaner, it becomes more available for recreational use

1810 Ward 7 Environmental Protection

1810.5 The District has given priority to improvements to the Potomac and Anacostia rivers.

1812 Ward 7 Actions In Support Of Environmental Protection

(f) Improve the shoreline conditions along the Anacostia River and protect the remaining wetlands as a civic resource in Ward 7.

VI. EXISTING WATERFRONT ZONES

The Waterfront zones all permit many forms of development, including uses that neither require nor enhance the waterfront, at densities much greater than normally envisioned for open space park 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*".

VII. PROPOSED ZONE

The intent of the proposed W-O Waterfront Zone, unlike existing Waterfront zones, is to promote an overall low density of development, including a variety of desirable active and passive public recreational opportunities, on lands along the waterfront, to provide a "public back yard" amenity for adjacent neighborhood residents, workers and visitors, and for all District residents. The W-O Zone would:

- permit open space park uses, to encourage active and passive waterfront oriented recreational activities, including a continuous trail along the waterfront (the Potomac River National Heritage Scenic Trail and the Anacostia River walk);
- permit by Special Exception more intensely developed nodes of 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
- minimize negative environmental, physical, and visual impacts on the river's edge;

Regulations pertaining to the size and siting of any structures are also recommended, along with a clause to permit Zoning Commission review of Special Exceptions for proposals that are also requesting initial zoning, on any site that is currently unzoned.

A summary of uses and density of development is outlined below; a more complete concept of the W-O zone is attached as Attachment I.

ZONE	Matter of Right Uses include:	Special Exception Uses include:	Height	FAR	Lot Occupancy
W-O	• boat construction on a temporary basis by a local community organization • park or open space • park, playground, athletic field operated by a local community organization • public dock, wharf or pier • swimming pool operated by a local community organization • temporary market for produce, arts, and crafts	• art gallery • artist studio • boat accessory sales • boat construction, rental, and sales • boathouse • fish monger • library • marina / yacht club • mass transit facility • museum • place of worship / church • private club • private or public theater • recreation building or use • restaurant • temporary fair, circus, carnival • ticket office • retail establishments	40 feet max.	0.5 max. .75 on lots used exclusively for boathouse, marina or yacht club	25% max. 50% on lots used exclusively for boathouse, marina or yacht club

Minor amendments to off-street parking requirements (Chapter 21) and off-street loading requirements (Chapter 22) will also be required.

VIII. LANDS TO BE REZONED

Existing lands which would be eligible for this zone would be largely federally owned and under the jurisdiction of the National Park Service. These lands are unzoned, and the Federal Government is not required to adhere to District zoning regulations. However, if such lands were sold, traded or leased so that they contain private enterprises, District zoning applies and must be adhered to, and the new W-O Zone would provide an appropriate designation. These lands could include waterfront stretches along the Potomac River, including the site of the proposed Georgetown University rowing club boathouse, and the open space along Washington Channel, and along the Anacostia Waterfront, including the South-west Waterfront, South-East Federal Center and Buzzard Point waterfronts, and portions of Anacostia Park.

IX. COMMUNITY COMMENTS

The proposal has not yet been reviewed by community groups. Review by relevant ANC's as well as the National Park Service, and the Commission of Fine Arts, and waterfront oriented businesses, clubs, and business associations is required prior to the Public Hearing.

X. AGENCY REFERRALS

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

- Department of Consumer and Regulatory Affairs (DCRA).
- Department of Parks and Recreation;

- Department of Public Works (DPW);
- DPW Tree and Landscape Division;
- District Department of Transportation (DDOT);
- Environmental Health Administration;
- Fire and Emergency Medical Services Department;
- Metropolitan Police Department; and
- Water and Sewer Agency (WASA).

XI. OP COMMENTS AND RECOMMENDATION

In the past, the establishment of open space zoning for the District has been advocated. As the District waterfront is being rediscovered through the Anacostia Waterfront Initiative and a number of development proposals, OP feels that the establishment of an open space zone specifically for the waterfront at this time is desirable, and will be of great benefit as the AWI is implemented. 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 recreational use applications.

As such, the Office of Planning recommends that the proposal to create a new W-O Zoning District, and the zoning or rezoning of lands to W-O, be set down for public hearing in concept form. The initiative, as proposed by the Office of Planning, would be consistent with the Comprehensive Plan and the Anacostia Waterfront Initiative.

AA/jl

ATTACHMENTS:

I. W-O Zone in Concept

Chapter 9 – Waterfront Zone Amendments

W-O WATERFRONT OPEN SPACE ZONE

The W-O zone is intended to provide a low density, waterfront park space zone with related waterfront-oriented or waterfront-enhancing uses.

USES AS A MATTER OF RIGHT

- boat construction on a temporary basis by a local community organization
- park or open space
- park, playground, athletic field operated by a local community organization or District government agency
- swimming pool operated by a local community organization or District government agency
- temporary market for produce, arts, and crafts

USES SUBJECT TO SPECIAL EXCEPTION

- art gallery
- artist studio
- boat accessory sales
- boat construction, rental, and sales
- fish monger
- library
- mass transit facility
- museum
- place of worship / church
- private club
- dock, wharf or pier
- private or public theater
- recreation building or use
- restaurant
- temporary fair, circus, carnival
- ticket office
- retail establishments:
    - antique store
    - art supply store
    - auction house
    - bakery
    - bicycle sale, repair or rental
    - book store
    - camera / photo supplies
    - cosmetic / toiletries sales
    - flower stand / florist
    - food / grocery store

- gift shop
- hobby shop
- jewelry store
- leather goods
- music store
- musical instruments
- newsstand
- off-premises alcohol sales (specialty wine and beer shop)
- pet shop
- photo studio
- picture framing studio / shop
- sporting goods
- stationary
- tobacco products
- water taxi information/ticket booth and passenger shelter
- other maritime related retail and service commercial uses
- Boathouse
  - A boathouse shall mean 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. 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 function.
  - non-motorized watercraft shall include any water vessel normally propelled without the use of motorized equipment, including racing shells, kayaks, canoes, sailboats, rowboats and similar boats.
  - The facility shall be designed to enhance the visual and recreational opportunities offered along the waterfront.
  - The facility, other than wharves or piers, shall provide a setback from the ordinary high-water mark of 20 feet.
  - 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.
  - 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 shall not limit public access along or to the waterfront, other than directly in front of the boathouse structure.
- Houseboats
  - A Houseboat shall mean a boat or vessel, floating on or in the water, which is designed, fitted out, or used principally for residential purposes and is not principally used for active navigation;
  - Houseboats shall be permitted only within an approved marina.
  - The maximum density shall be ten percent (10%) of the total number of berths in the marina.

- Every boat shall be supplied with lifesaving equipment and extinguishers, access to circumference of the boat, and adequate means of egress.
- Every boat shall maintain adequate lines, cleats and other necessary mooring equipment. This shall be inspected by the owner and/or operator of the marina or property upon which or within which such watercraft are located preceding the winter season.
- Every boat shall have a secure water connection above the waterline with an approved back-flow prevention device.
- Every boat shall be connected to a public sewer system with adequate vents, tanks and ejector devices. Should a public sewer not be available, other devices acceptable to WASA may be used. Holding tanks designed and intended to accept all waste discharges from boats may be approved by the District where direct sanitary sewer connections cannot be accomplished and the marina or harbor has pump out facilities or is under contract with a "honey barge" pump out service.
- Off-street parking spaces shall be provided in the amount and manner specified in Chapter 21 – Off Street Parking Requirements.
- No houseboat vessel may be used for any form of commercial uses.
- A home occupation, including a Bed and Breakfast, is permitted, subject to the regulations of Section 203.

- Marina:
  - A marina is a permitted use, subject to approval of a special exception by the Board of Zoning Adjustment.
  - Marina shall mean 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 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 sales of supplies and services for small pleasure and commercial vessels.
  - The minimum lot area for a Marina shall be 2 acres. Marinas established prior to the adoption date of this Title may continue to occupy the current parcels regardless of parcel size.
  - The maximum density for a Marina shall be 20 berths per acre.
  - Off-street parking spaces shall be provided in the amount and manner specified in Chapter 21 – Off Street Parking Requirements.
  - All Marinas shall provide lavatories and waterclosets at the ratio required by the most recent edition of the DC Building Code . Trash receptacles shall be provided at all gangways, restrooms and elsewhere as required by the granting authority. At least one dumpster and recycling station shall be provided on shore for the entire marina or harbor facility.
  - Each marina with houseboats utilizing holding tanks shall provide a permanent holding tank pump-out facility or equivalent services. Said facility or services shall be operable and available for use at all times and capable of servicing all houseboats berthed, docked, or moored at said marina or anchorage area.
- Yacht Club:
  - A Yacht Club is a permitted use, subject to approval of a special exception by the Board of Zoning Adjustment.
  - Yacht Club shall mean 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.

- The minimum lot area for a Yacht Club shall be 2 acres. Yacht clubs established prior to the adoption date of this Title may continue to occupy the current parcels regardless of parcel size.
- The maximum density for Yacht Club shall be 20 berths per acre.
- Yacht clubs shall provide off-street parking at a ratio of 1 parking space for every 2 berths, plus the required parking for any ancillary office space. Yacht Clubs and harbors shall also provide public parking at a ratio of 1 space per 10 berths.]
- A Yacht Club may include a clubhouse subject to the following regulations:
  - it shall be exclusively for the use of the members of the Yacht Club;
  - it shall be located entirely on shore directly in front of the yacht club berths;
  - it shall permit public access in the form of pedestrian and/or bicycle trails along the waterfront between the clubhouse and the berths.

ACCESSORY USES

- A caretaker's residence accessory to a boathouse, marina or yacht club, subject to the following:
  - it shall be exclusively for the use of the caretaker of the facility and his or her family
  - it shall be located within the principal boathouse or clubhouse building;
  - it shall be clearly secondary in design, location and size to the principal use of the building;
  - it shall not occupy less than 20% of the total area of the clubhouse, provided that it need not be less than 1,200 square feet,
  - one on-site parking space, in addition to other parking requirements, shall be provided.

SPECIAL EXCEPTION REVIEW

- In the case of a request for initial zoning of a property, the Zoning Commission may review special exception and variance requests simultaneously with the zoning map amendment application.
- All buildings, structures and uses shall be designed to enhance the visual and recreational opportunities offered along the waterfront.
- All structures and buildings shall 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.
- All buildings, structures and uses shall be sited and designed to minimize environmental impacts on the river and the riverbank areas.
- The applicant shall submit to the Board a detailed plan for the site, including:
  - location, height, and bulk of all improvements, including buildings, pedestrian and vehicular access, parking, piers and wharves, berths;

- calculation of the amount of cutting from or filling to natural grade;
- a description of means to minimize environmental impacts on the river and riverbank areas;
- a landscape plan, including river-bank treatment / restoration;
- location and design of all parking spaces, access driveways, and other impervious, hard-surface landscaping;
- location and design of fencing, screening, signs, and utility facilities; and
- a description of the activities to be carried on the site.

ZONING COMMISSION REVIEW

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

HEIGHT OF BUILDINGS OR STRUCTURES

- Except as provided in this section, the height of buildings and structures shall not exceed 40 feet.
- The maximum height of any structure over, on or in the water shall be 25', measured from the normal high water mark along the shore directly in front of the floating structure.
- 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.
- Roof structures:
  - The provisions of § 411 shall apply to roof structures.
  - 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.
  - If housing for mechanical equipment or a stairway or elevator penthouse is provided on the roof of a building or structure, 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
    - not exceed eighteen feet, six inches (18 ft., 6 in.), in height above the roof upon which it is located.

FLOOR AREA RATIO

- The floor area ratio of all buildings and structures shall not exceed 0.5.
- Floor area ratio shall include the area of all buildings and structures located on land, as well as houseboats within a marina and any other permanent structure located over water.

PERCENTAGE OF LOT OCCUPANCY

- Buildings and structures shall not occupy more than 25% of the lot.

- Lot occupancy shall include the area of all buildings and structures located on land, as well as all houseboats within a marina and any other permanent structure located over water.

PERCENTAGE OF SITE COVERAGE

- Impervious materials (including, but not limited to, buildings, structures, paved parking areas, sidewalks, loading areas,) shall not cover more than 35% of the lot.

WATERFRONT SETBACK

- 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 houseboat.

REAR YARDS

- A rear yard shall not be required.

FRONT YARDS

- A front yard shall not be required.

SIDE YARDS

- The minimum depth of each side yard shall be 12 feet.

COURTS

- Where a court is provided, the court shall have the following minimum dimensions:
  - min. open court width: 4 in. per foot of height; minimum: 10 ft.;
  - min. closed court width: 4 in. per foot of height; minimum: 15 ft.;
  - min. closed court area: 2 x square of required width; minimum: 350 $ft.^2$

ENVIRONMENTAL

- Buildings, structures and uses shall be located and designed to minimize adverse impacts on the river and riverbank areas.
- Riverbanks shall be left in or returned to a natural state, with natural grades and the use of appropriate native plant species.

Chapter 21 – Off Street Parking Regulations

- Places of Assembly (except hotels):
  - Marina: 1 for each 4 berths or slips (existing regulation) plus 1 for each houseboat space within a marina
  - Boathouse: the lesser of 1 space for every 2,000 square feet of building area or one space for every 10 club members
  - Yacht Club: the greater of 1 for each 4 berths or slips or 1 for each 800 square feet of clubhouse building area.

Chapter 22 – Off Street Loading Regulations

- Off-street loading berths, platforms, and service / delivery loading spaces are not required.

Chapter 32 – Administration and Enforcement

- Amending Section 3202 - Building Permits to exempt land that fronts on a public body of water and is otherwise surrounded by public park land, is zoned W-O, and is for the exclusive use as a boathouse from lot frontage requirements.