c/o Capital Yacht Club
1000 Water St., SW
Washington, DC 20024
October 20, 2003

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Mr. Alberto Bastida
Office of Zoning
441 4th Street, NW
Washington, DC 20001

Re: Zoning Commission Case No. 02-42, Notice of Proposed Rulemaking

Dear Mr. Bastida:

Attached are my comments on the above referenced rulemaking in numeric order. In summary, I wish to express my dissatisfaction that floating homes will not be allowed in a yacht club whereas floating homes may be allowed in a marina by special exception. I do not understand this different treatment and believe that such distinction should be eliminated thereby permitting floating homes in a yacht club, preferably by right once the yacht club has obtained a special exception to locate to a specific site.

Larger vessels (40 feet to 65 feet in length) are appealing to tourists and serve as an attraction to the waterfront. Due to the fact that Washington, DC is located 100 miles up the Potomac River from the Chesapeake Bay,[1] a major reason why such larger vessels are locally present is because citizens live on them. By eliminating floating homes from a yacht club, the yacht club will be denigrated to smaller, less appealing vessels, and the financial viability of the yacht club will be jeopardized.[2] If floating homes are not permitted in a yacht club, the majority of such appealing vessels will be removed to the Chesapeake Bay.

Capital Yacht Club ("CYC") has done a splendid job of maintaining its vessels in bristol condition and in constant use by its members. Floating barges are not permitted and

[1] Although the Potomac River is technically navigable in the District, the bridge heights and narrow channels restrict many larger vessels (especially sailboats) from coming this far up the river for any appreciable amount of time. Additionally, the Chesapeake Bay offers a larger body of water and many more cruising destinations. Because the Chesapeake Bay is 100 miles south by water, boaters generally prefer to keep larger vessels on the Chesapeake Bay and not this far up the Potomac River. By automobile, a yacht club or marina on the Chesapeake Bay is only a 20-mile ride.

[2] Slip rentals comprise the majority of income for a yacht club or marina. Slip rentals are generally based on the length of a vessel. By reducing the length of vessels by eliminating floating homes, the financial viability of a yacht club will be jeopardized since it will not be able to have the same number of such larger against which to assess larger slip rentals.

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houseboats are kept to a minimum. Due to CYC's track record of offering appealing vistas to the public, it should not be precluded from permitting floating homes and continuing to contribute to the vistas for which tourists are attracted to the waterfront.

Sincerely,

Robert W. McKeon, Jr.

1. Sec. 199.1. Amend the definition of "yacht club" by striking the word "recreational." Additionally, the definition may not permit a yacht club to lease any of its space to a tenant such as a restaurant. Presently, CYC leases space to a restaurant tenant and would like to continue to have this option if it is located to another facility.

2. Sec. 900.6. Strike the word "recreation" wherever it appears if such word may preclude floating homes.

3. Sec. 901.1(w). Add a phrase permitting floating homes at least to the same extent as floating homes are permitted in a marina.

4. Sec. 917.4(a and b). Strike the second sentences in each subparagraph. Lands owned by the National Park Service, or the United States of America generally, are not subject to local zoning.

5. Sec. 919.2. Strike the word "office" and insert the word "building" in its place. Such substitution would be consistent with other sections where it appears that a marina may have a building or structure (see for example section 924.1(c)).

6. Sec. 919.4.
   a. Strike the phrases "an approved" and "or waived".
   b. Strike the phrase "marina provided" and insert the phrase "marina or yacht club provided" in its place.
   c. Strike the phrase "the marina" and insert the phrase "the marina or yacht club" in its place.

   Floating homes should be permitted in a yacht club or marina if such entity is permitted by special exception to use land in a waterfront district. The word "waived" means that floating homes could be precluded by special exception from being in a marina.

7. Sec. 919.5. Strike this paragraph entirely. It will be an undue burden and cost for a citizen to obtain a home occupation permit by special exception just to work out of his or her floating home.

8. Sec. 920. Add a new subsection (4) to read as follows:
   "920.4 Floating homes shall be permitted in a yacht club.".

9. Sec. 923.3.
    a. Strike the phrase "a boathouse" and insert the phrase "a boathouse, marina or yacht club" in its place.
    b. Strike the phrase "the boathouse" and insert the phrase "the boathouse, marina or yacht club" in its place.

    There is a need for flexibility in parking if it is determined that such flexibility is warranted. No one knows exactly how the Southwest Waterfront redevelopment will materialize, and the present plan calls for only 2000 parking spaces for the entire development which is insufficient.

10. Sec. 925.3("second" b). I believe this is supposed to be subparagraph "(c)". By including this requirement, the city may be severely limiting the activities hosted for the public by boathouses, marinas and yacht clubs. CYC annually hosts the December Parade of Lights, Christmas party for a DC agency, Spring Cherry Blossom Parade, Easter Seals Cruise for Kids, September Police and Firemen's Picnic, and other events including its monthly general membership meetings. This restriction could eliminate the possibility of hosting such events in the future. Elimination of such events would not appear to be sound public policy.

11. Sec. 930.1. This paragraph will preclude a sailboat from being a floating home or from even being located within the District. Sailboats create appealing vistas on the waterfront. The mast of a sailboat of any appreciable size exceeds 50 feet. This paragraph should be re-worked to account for sailboats.

12. Sections 931 and 932. The restrictions of these paragraphs are too burdensome and should be increased to permit the current 2 FAR in the Southwest W-1 zone and 100% lot occupancy for yacht clubs, marinas and boathouses. According to sec. 920.2(c), it would appear that there may be a plan to relocate CYC to the concrete pier now occupied by the Spirit Ships. This pier flooded during Hurricane Isabel. In order to build a structure on such pier, the ground floor will have to be unfinished and merely for storage. The actual finished clubhouse will have to be on a second floor so that it is not destroyed in the event of a flood. This will require a higher FAR than what is proposed. Additionally, the concrete pier of the Spirit Ships does not contain a significant area, so the percentage of lot occupancy will have to be increased if CYC is to have a clubhouse similar in area to the clubhouse it now has.

13. Sec. 933. If the office, common area or clubhouse of a marina or yacht club with floating homes (as with a housing cooperative) could be considered a residential use, the rear yard requirement will be a problem. Marinas and yacht clubs should be excluded from this requirement, in lieu of just floating homes.

14. Sec. 934. Evidently a floating home is a building or structure when read with section 933 (where it is considered a building or structure except for purposes of a rear yard). It is impossible for a floating home to have a side yard. Additionally, marinas and yacht clubs should be excluded from this requirement, especially if a yacht club is to be located on a concrete pier which may be considered land.

15. Sec. 935. I hope a court is not "provided for" a marina or yacht club, or else this provision will be overly burdensome on a concrete pier.

16. Sec. 937. Marinas and yacht clubs should be excluded from the requirement for a waterfront setback. Gangplank Marina's office is presently located on pylons over water. If CYC is to move to a concrete pier, a waterfront setback will be impossible.

17. Sec. 2101.1, Schedule of Requirements for Parking Spaces. For yacht clubs, add the additional parking requirement for floating homes as was done for marinas.

18. Sec. 2119.10. Given the proposed FAR and lot occupancy requirements, it is unknown how a yacht club or marina could provide an enclosed structure for secure bicycle racks.

19. Sec. 2201.1, Schedule of Requirements for Parking Spaces. It is impossible for a yacht club located on a concrete pier to have a 20-foot deep loading space.

20. Sec. 3203.3. None of the Southwest Waterfront is presently located on a record lot. All lots are assessment and taxation lots. Will the DC Surveyor now create lots of record? There must have been a reason why lots of record were never made. If lots of record are not made by the DC Surveyor, then building permits will not be allowed to issue. If CYC is to be located on the concrete pier of the Spirit Ships, will that pier be made a lot of record? If not, then CYC will not be able to construct a building on such pier.