

**BEFORE THE ZONING COMMISSION
OF THE DISTRICT OF COLUMBIA**

Application of Georgetown University

**Z.C. Case No. 16-18I
ANC 2E and 3D**

I. Summary of Requested Action

This is an application (the “**Application**”) of Georgetown University (“**Georgetown**” or the “**University**”), on behalf of the District of Columbia (“**District**”) and the National Park Service (“**NPS**”), for review and approval of zoning relief required to authorize construction of a non-motorized boathouse (the “**Project**” or the “**Boathouse**”) on the property located at 3500 Water Street, NW (Square 1179, Lots 805, 806, 812, 813 and a portion of 35th Street to be closed) (collectively, the “**Property**”).¹

The University submits the Application pursuant to Subtitle X § 101.1 of Title 11, District of Columbia Municipal Regulations (“**Zoning Regulations**”). The application includes both a request to amend the University’s 2017 Campus Plan (the “**Campus Plan**”) to designate the Property as a development site for campus life / athletic use and further processing of the amended Campus Plan to authorize construction of the Boathouse (such amendment and further processing, together with related relief described below, the “**Application**”). Pursuant to Subtitle X § 101.17, campus plan amendments and further processing applications may be considered simultaneously.

As part of the Application, the University also seeks related special exception and variance relief to accommodate the design of the Boathouse:²

- First, to the extent that the activities within the Boathouse are considered an “education” use for zoning purposes, the University requests special exception approval for education use within the 100-year floodplain, pursuant to Subtitle C § 1102.5.
- Second, the University requests special exception approval for structures located within the 75-foot waterfront setback, pursuant to Subtitle C § 1102.1(g). The majority of the Property is located within the required 75-foot setback such that any reasonable development of the Property would require special exception approval.

¹ The University is the owner of Lot 806. The District is the fee owner of Lot 805, which is subject to an administrative transfer of jurisdiction to NPS. NPS is the owner and has jurisdiction over Lots 812 and 813. The District has requested a transfer of jurisdiction that would revert control over Lot 805 to the District and grant the District jurisdiction over Lots 812 and 813.

² Under the 2016 Zoning Regulations, the Zoning Commission has asserted its authority to hear and decide requests for special exception and variance relief as a part of campus plan proceedings. See, e.g., Z.C. Case No. 16-18D. The D.C. Court of Appeals has affirmed this interpretation. See *St. Mary’s Episcopal Church v. D.C. Zoning Comm’n*, 174 A.3d 260, 269 (D.C. 2017) (citing D.C. Code § 6-621.01(e)).

- Third, the University requests variance relief from the 25-foot required waterfront setback to be reserved for a public pedestrian and bicycle trail along the waterfront. *See* 11-C DCMR § 1102.1(e).³ The proposed boathouse use requires proximity to the water’s edge as well as construction of a gangway providing direct access to the dock within this area, thus precluding a trail along the waterfront. Further, such trail reservation is unnecessary in this unique riverfront location, where both the Key Bridge abutment to the east of the Property and the Aqueduct Bridge abutment to the west of the Property are located within and interrupt this trail reservation zone.
- Finally, the University requests variance relief from the Green Area Ratio (“GAR”) requirements of Subtitle G § 211.1. Due to the small size of the parcel on which the Boathouse will be constructed, the requirements for ramps and gangways providing access to its docks, and the design considerations driving its sloped roofs, there is limited area available for ground level landscaping or upper-story green roofs, and so the Project cannot provide the required minimum 0.30 GAR.

II. Site Location and Context

The Property is located along the Potomac River in the 3500 block of Water Street NW, immediately west of and underneath the Key Bridge. The Property is located in the MU-12 Zone and in the Parks, Recreation, and Open Space category on the Future Land Use Map of the District of Columbia Comprehensive Plan (the “**Comp Plan**”). The Property is currently used by a seasonal concessionaire, the Key Bridge Boathouse. To the west of the Property are three low-scale buildings and the Potomac Boat Club, followed by the remaining abutment of the Aqueduct Bridge, which marks the end of Water Street and start of the Capital Crescent Trail.

III. Background regarding the Boathouse

Plans for the development of a Georgetown University boathouse along the Potomac River have been in the works for many years.⁴ The current iteration arises from a Georgetown Nonmotorized Boathouse Zone Development Plan and Environmental Assessment prepared by NPS in 2017 (the “**NPS Boathouse Study**”), which explored creating a Potomac River recreation zone to support nonmotorized recreation. The NPS Boathouse Study identified five potential boathouse sites along the Potomac River, including the Property, which was identified as “Site D,” and a site immediately east of the Key Bridge identified as “Site E.”

³ Such relief is arguably not required given that the special exception criteria for waterfront setback relief expressly acknowledge that the space directly in front of a boathouse may limit public access along the waterfront, see Subtitle C § 1102.1(g)(4), but the University requests such variance relief out of an abundance of caution.

⁴ The University secured approvals from the Commission for a boathouse at a location further upriver in 2003. See Z.C. Order No. 02-30 (2003), affirmed by Washington Canoe Club et al v. D.C. Zoning Commission (2005).

To implement the NPS Boathouse Study, NPS, the District, and the University have agreed to undertake a series of land transactions (the “**Land Transactions**”) that will facilitate the development of the Boathouse on Site D, allow the District to develop Site E, and enhance NPS’s control and operations of the Chesapeake and Ohio Canal National Historic Park. With respect to Site D/the Property:

- NPS will transfer administrative jurisdiction over the Property to the District;
- The District will convey Lot 805 and ground lease Lot 812⁵ to the University, who will combine these parcels with Lot 806 (which it acquired last year), into the lot on which the Boathouse will be constructed (“**Boathouse Parcel**”); and
- The District will grant the University a license to use Lot 813 and the to-be-closed portion of 35th Street under the Key Bridge for storage of trailers (“**Storage Parcel**”).

With respect to Site E, NPS will transfer administrative jurisdiction to the District as well, and the District will then begin planning studies for future recreational use of the site. Finally, as part of the Land Transaction, the University will donate an upriver parcel of land to NPS, which will allow for NPS to incorporate the upriver parcel into the Chesapeake and Ohio Canal National Historic Park. The upriver parcel includes a mile-long vehicular access easement that runs along the Capital Crescent Trail; with the donation of the upriver parcel, NPS will be able to extinguish the easement.

In addition to implementing the NPS Boathouse Study, the Land Transaction will further other public benefits:

- Public Access for Non-Motorized Paddler Boats. The University will allow public access to the water at the Property, both from the main dock when not in use by the University and from a second public access dock for non-motorized paddler watercraft such as kayaks and paddleboards that will maintain public access when the University is using the main dock.
- Increased Capacity at Thompson’s Boathouse. The University currently rows from and stores its shells at Thompson’s Boat Center, which is also used by many other local institutional rowing programs as well as the public. By relocating to its own boathouse, the University will free up both capacity and storage space at Thompson’s for other programs and users.

⁵ NPS will retain fee ownership over the land under the Key Bridge (Lot 812, Lot 813, and the closed portion of 35th Street under the bridge).

Finally, the Property is currently used by an NPS concessionaire, Key Bridge Boathouse, which operates a seasonal facility that offers kayak and paddleboard rentals, private boat storage and launch access, storage lockers, and related facilities (“**Concession**”). The Concession will be relocated to another site identified in the NPS Boathouse Study, Site C, which is located not far from the Property, just west of the Aqueduct Bridge.

IV. Campus Plan Amendment

Georgetown University’s Hilltop Campus is comprised of approximately 104 acres of land area and is bounded by Reservoir Road NW, Glover-Archbold Park, 35th Street NW, and Canal Road NW / M Street NW. The Hilltop Campus sits between the Georgetown, Burleith, Hillandale, and Foxhall neighborhoods of Northwest DC in Wards 2 and 3. The Hilltop Campus is located in the Institutional and Moderate Density Residential land use categories on the Future Land Use Map of the Comp Plan and within the R-3, R-20, and MU-3 Zone Districts.

The Property is located approximately one block south of Georgetown University’s Hilltop Campus, which extends south to M Steet NW between 35th Street NW and 36th Street NW. The University proposes amending the 2017 Campus Plan to add the Property to the Hilltop Campus and designate it as a development site for athletic use (“**Campus Plan Amendment**”). Included as Exhibit H are updates to the Campus Plan’s Development Program Summary, Proposed 20-Year Development Plan, Proposed 20-Year Development Plan Land Uses, and the Athletic and Other Recreational Facilities Plan, each reflecting the Campus Plan Amendment.

V. Further Processing Approval

The University also seeks further processing approval pursuant to the Campus Plan Amendment to construct a new Boathouse on the Property, as shown on the plans attached hereto as Exhibit C (the “**Plans**”). The Plans are consistent with the concept design for the Boathouse that received concept approval from the U.S. Commission of Fine Arts (“**CFA**”) and Old Georgetown Board (“**OGB**”) in March 2026. Copies of the CFA concept approval and OGB recommendation are attached as Exhibit I.

A. Project Description

Program. The Boathouse will provide the University’s men’s and women’s rowing programs with dedicated facilities to support training and education both in and out of the water. The University’s rowing program consists of four squads comprising well over 100 student-athletes as well as 14 coaches; it is among the largest university rowing programs in the country and the only program of its size and scale without a dedicated boathouse.

The lower level of the Boathouse will accommodate storage for a variety of “shells,” including not only the most common eight-person shells but also smaller three- and four-person

shells as well as single shells. The double-height space will allow for storage racks to accommodate seven stacked shells. The upper level will include showers and locker rooms, a coach's office, classroom space, storage, and a multi-purpose room designed to be used for training and team meetings. The multi-purpose room will open onto an outdoor viewing platform that overlooks the River.

Building Design, Siting, and Massing. The Project consists of a two-story plus mezzanine structure with a sloped roof and two pitched roofs, which harmonizes contextually with the similar design of the nearby Potomac Boat Club. The design and massing of the Project fit within the context of its waterfront location and adjacency to the Key Bridge. The Water Street frontage features arched windows on the ground floor, imitating the curvature of both the Key Bridge and abutment for the former Aqueduct Bridge. The windows provide visibility at the street level into the shell storage, offering passersby a glimpse into the story of the building. The naturalistic bluestone materiality complements the River and the adjacent Key Bridge. These characteristics and materials are in keeping with the architectural guidelines set forth in the 2017 Campus Plan, specifically the use of stone and the transparent ground floor that will activate Water Street and create a welcoming gesture at the head of the Capital Crescent Trail.

The siting and massing also maintain porosity and access to the river. On the west side, the Boathouse is set back approximately 8 feet, which will provide visibility to the River between the Boathouse and the structures to the west. Terraced landscaped forms within this side yard will double as stormwater management facilities. On the east side, a 15-foot setback from the Key Bridge overhang provides not only visibility but also accommodates access to the River, as discussed in greater detail below.

Finally, the building's siting and massing also respects the proximity to the Key Bridge and the Whitehurst Freeway. The Boathouse is set back 15 feet from both the Freeway and the Bridge to provide DDOT with space for maintenance activities, and the University will grant DDOT an easement allowing for the same.

Sustainable and Resilient Design. The Boathouse will be designed to a minimum of LEED Silver certification. The building program and design reflects and respects the Property's location within the 100-year floodplain and within a "Tidal Shoreline Buffer" area under DOEE's recently-updated flood hazard regulations. In accordance with these requirements, the upper-story program areas are elevated to be at least 3.4 feet above the 500-year floodplain, and the building's mechanical equipment is located within a well area set in the sloped roof. The portions of the Boathouse that are below this line are used for storage only and are designed to be "wet floodproofed," meaning that in the event of a flood, the floodwaters will be allowed to enter the space, thus reducing loads on the structure.

Site and Water Access. The primary pedestrian entrance to the Boathouse is located on the west side of the Project's Water Street frontage. The main entrance is located on a small mezzanine

level that will provide access to both the upper-story program space and lower-story shell storage area. Access to the water will be provided via a ramp on the eastern side of the Boathouse, which will connect to the main gangway and dock. The 180-foot dock will be able to accommodate three 60-foot shell launches at a time. The ramp will also provide access to the separate public paddler float dock, which will provide water access when the main dock is in use by the University.

The Project will feature 12 short-term bicycle parking spaces adjacent to the Water Street entrance. The Boathouse will not include any on-site vehicular parking or loading facilities. Students are expected to walk or bike to the Boathouse, and the University will arrange for vehicular parking for coaches within nearby parking garage facilities. In coordination with DDOT the University is proposing to create a dedicated loading zone for the loading and unloading of shells for the teams' weekend away meets on the north side of Water Street. Specialized trailers designed to accommodate the shells will be stored on the Storage Parcel under the Key Bridge when not in use pursuant to a license agreement with the District.

B. Zoning Parameters and Areas of Relief

The Boathouse will be constructed to a proposed height of approximately 39 feet with a total gross floor area (“GFA”) of approximately 13,523 square feet, which equates to a 0.90 FAR when measured against the Boathouse Parcel. The Boathouse will occupy approximately 57% of the Boathouse Parcel and complies with the applicable court and side yard requirements. Vehicle parking and bike parking are accounted for under the Campus Plan, though the Project will incorporate an additional 12 short-term bike parking spaces. Loading is not required for an education or marine use with less than 30,000 square feet; as noted above, the University is working with DDOT to create a dedicated loading zone for boathouse loading on Water Street.

As described further below, in addition to special exception approval of the Campus Plan Amendment and further processing approval of the Boathouse, the University requests approval of a (i) special exception for education use within the 100-year floodplain, pursuant to Subtitle C § 1102.5, (ii) special exception for the 75-foot waterfront setback, pursuant to Subtitle C § 1102.1(g); (iii) variance for the 25-foot waterfront setback of Subtitle C § 1102.1(e); and (iv) variance from the GAR requirements of Subtitle G § 211.1.

C. Agency and Community Coordination

The Boathouse has been in the making for many years and the University engaged regularly with multiple federal and District agencies. Leading up to this Application, the University has met with representatives of NPS and DMPED on a regular basis as part of the planning process for the Boathouse and the Land Transaction that will facilitate its construction. Among other impacts, their input resulted in the University's commitment to provide public access for paddler craft, both on the dedicated public access dock and on the primary dock when not in use by the University.

Throughout this process, the University has also met periodically with representatives of the Office of Planning to discuss the project; as a result of this input the University widened the setback on the west side of the building. The University has also worked closely with DDOT to coordinate on multiple facets of the Project, resulting in a 15-foot setback from the Whitehurst Freeway and the Key Bridge to facilitate maintenance on the facilities and ongoing development of public realm and roadway configuration on Water Street. Finally, the University has met with staff at DOEE regarding the proposed zoning relief and other regulatory aspects of the Project and will continue to coordinate with DOEE staff on stormwater management, floodplain design, and in-water permitting requirements.

The University has also worked closely with staff at the CFA / OGB and the District's Historic Preservation Office (“**HPO**”) on the design of the Project. The University presented the Boathouse to OGB at its July 3, 2025 meeting, revised the design of the building to increase the height of the tower elements on the river side of the building, and returned to OGB at its March 5, 2026 meeting, receiving a recommendation for concept approval. The University then presented the Boathouse to CFA at its March 19, 2026 and received concept approval. Copies of the OGB recommendation and CFA concept approval letters are attached as Exhibit I.

Finally, the University has engaged regularly with local ANCs and other community stakeholder groups. This engagement includes not only presentations to ANC 2E and ANC 3D but also discussions with the Georgetown Community Partnership (“**GCP**”) as well as other stakeholders, including the Georgetown Business Improvement District, the Potomac River Access Coalition, and Georgetown Heritage. Finally, the University has also discussed the Boathouse with immediate neighbors, including the Potomac Boat Club, the Washington Canoe Club and other adjacent properties. In response to feedback from ANC 2E and other stakeholders, the University expanded the size of the public access dock, coordinated with DDOT regarding the configuration of Water Street, agreed to secure off-site parking for coaches, and developed the short-term bicycle parking and landscaping plan for the Project.

VI. Satisfaction of Subtitle X Standards for the Campus Plan Amendment and Further Processing

As set forth below, the Application meets the requirements for approval of the Campus Plan Amendment and further processing approval under Subtitle X, Chapter 1 of the Zoning Regulations.

A. College or University which is an Academic Institution of Higher Learning

Georgetown University was chartered as an educational institution of higher learning by acts of Congress.

B. The Use is Located so that it is Not Likely to Become Objectionable to Neighboring Property

For the reasons set forth below, the Application is not likely to become objectionable to neighboring property.

1. Noise

The Boathouse operations are not likely to lead to objectionable noise impacts. The Boathouse aligns with current use of the Property and nearby properties for similar water-related uses and there is no anticipated adverse aural impact associated with the Project.

2. Traffic and Parking

The Project will not create any objectionable impacts related to traffic and parking, which will be addressed in a forthcoming transportation statement to be prepared by Wells & Associates (the “**Transportation Statement**”) and submitted prior to the public hearing. The Property is located a short walking distance from the Hilltop Campus, and student athletes are expected to commute to the Boathouse on foot or by bike. For those coaches who drive, the University plans to rent off-site vehicle parking spaces. The Project proposes an on-street loading zone to facilitate the loading and unloading of boat storage trailers, which is planned to be located on the north side of Water Street so that a two-way bicycle lane connecting the Capital Crescent Trail to the K Street cycle track can be maintained on the south side of Water Street. In addition, loading activity will take place only when the rowing teams have away meets. When there is a home meet, the University team will launch from the Boathouse and opponents will park their trailers at and launch their shells from Thompson’s Boat Center such that meets will not generate any adverse traffic or parking impacts.

3. Number of Students or Other Objectionable Conditions

The Application will not impact the number of students enrolled at the University. The Project maintains the current aquatic recreation use of the Property which is also consistent with the use of other nearby waterfront properties.

C. Compliance with the Maximum Bulk Requirement

The Project is located in a MU zone and thus will not affect the FAR for the residentially-zoned portions of the Campus. As demonstrated on the updated Development Program Summary included in Exhibit H and the FAR Report attached as Exhibit G, upon completion of the Project, the FAR for the residentially-zoned portions of the Campus will remain at 1.36 FAR, which is well within the permitted FAR of 1.56 approved in the Campus Plan (as amended herein) and below the 1.8 FAR permitted under the Zoning Regulations.

D. Submission of a Plan for Developing the Campus as a Whole

The University's plan for developing the Campus as a whole, as required under Section 11-X DCMR § 101.9, was approved by the Zoning Commission in Z.C Order No. 16-18, which is attached hereto as Exhibit F. The approved Campus Plan includes details on buildings, parking, and loading facilities; screening, signs, streets, and public utility facilities; athletic and other recreational facilities; and a description of all activities and of the capacity of all present and proposed development.

The Application amends the Campus Plan to add the Property as a development site and to update the Athletic and Other Recreational Facilities Plan, the 20-Year Development Plan, and the 20-Year Development Plan Uses, as shown on Exhibit H.

E. Interim and Off-Campus Land Use

The Application does not request the interim use of land for university use and it does not propose the relocation of a major development site to an off-campus location.

F. Compliance with the Policies of the District Elements of the Comprehensive Plan

A detailed evaluation of the Application's compliance with the Comprehensive Plan, in accordance with the Commission's Racial Equity Tool, is attached as Exhibit J.

G. The Proposed Buildings are within the Floor Area Limit for the Campus as a Whole

The Project will be constructed to a FAR of approximately 0.9, which is within the 1.0 FAR limit for a nonresidential building in the MU-12 Zone. As noted above and reflected on the FAR Report attached as Exhibit G, the Project is within a MU zone and does affect the FAR limit for the residentially-zoned portions of the Campus, which will remain at 1.36 FAR, well within the permitted FAR of 1.56 under the 2017 Campus Plan.

H. Referral to the District of Columbia Office of Planning, District Department of Transportation, and the Department of Energy and Environment

As detailed above, the University has met with OP, DDOT, and DOEE regarding the Application. The University requests that the Office of Zoning formally refer the Application to all three agencies for their review and report.

I. The Application is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Map

As detailed by the Application's compliance with all of the standards noted above, the Application is in harmony with the general purpose and intent of the Zoning Regulations and

Zoning Map. The Project's use, massing, and height are all well within the matter-of-right limits for the MU-12 Zone and do not impact the limits prescribed by the 2017 Campus Plan. The MU-12 Zone is intended to permit moderate-density mixed-use development in the vicinity of the waterfront. 11-G DCMR § 101.19. The Project furthers these goals by redeveloping a waterfront parcel with a boathouse, which is by definition a waterfront-appropriate use.

The additional special exception relief from the floodplain use and waterfront setback requirements described in detail below is also in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map. The requested special exception relief for education use in the 100-year floodplain and relief from the waterfront setback requirements are required to facilitate the development of the Property as a boathouse—which is a use permitted by right—and otherwise generally satisfy the special exception standards for each area of approval and are thus also compatible with the Zoning Regulations and Map.

J. The Application will not Tend to Adversely Affect the use of Neighboring Properties

As detailed above, the Application will not tend to adversely affect the use of neighboring properties. The size and massing of the structure is within the zoning limits and has also been deemed compatible with the character of the Georgetown Historic District by OGB and CFA. In addition, the aquatic recreational use of the Property is consistent with the riverfront location that features other such uses, including the nearby Potomac Boat Club and the current use of the Property by the Concession, and the relocation of the University's rowing programs to the Boathouse will free up space at Thompson's Boathouse for other rowing programs and uses. Further, as described above, the projected traffic and parking impacts of the Project are minimal. Students are expected to walk or bike to the Property, off-site parking will be provided for coaches, and the infrequent loading and unloading of shells for away meets will take place in a dedicated loading zone on the north side of Water Street that maintains the bicycle lane across the south side of Water Street. Finally, the noise generated by the operations is likewise minimal.

VII. Satisfaction of the Additional Standards for Special Exception Approval of Education Use in the 100-Year Floodplain (Subtitle C § 1102.5)

The Property is located within the 100-year floodplain. Certain uses, including educational uses, require special exception approval if they are located within a 100-year floodplain. Although the Project is primarily an aquatic recreation use that, by its nature, must be located along the river and thus within the floodplain, it is also being used by the University for its athletic programs and is thus also an education use requiring special exception approval to be located at the Property.

As discussed above, the design team has incorporated resiliency measures into the Project, and so the Boathouse will not result in any adverse impacts to the health or safety for the its occupants or users due to the proposed use's location in the floodplain.

A. The Application Shall Include a Site Plan Showing the 100-Year Floodplain Boundaries and Base Flood Elevations for the Property Certified by a Registered Professional Engineer, Architect, Landscape Architect, or other Qualified Person.

Included in Exhibit C is a Site Plan showing the 100-year floodplain boundaries and base flood elevations for the Property.

B. The Project has been Designed to Meet Applicable Flood Resistant Design and Construction Standards that is Certified by a Registered Professional Engineer, Architect, Landscape Architect, or other Qualified Person.

The Project design incorporates flood resistant measures, including locating all non-storage program areas above the design flood elevation, locating all mechanical equipment in a well within the roof, and designing the lower level storage to wet floodproofing standards that allow for floodwaters to enter the space.

C. The Application Shall Include an Evacuation Plan that Describes the Manner in which the Property would be Safely Evacuated Before or During the Course of a 100-Year Flood Event.

The University is preparing an evacuation plan that describes the protocols that will be put in place to monitor for and safely evacuate the Boathouse before or during the course of a flood event. The plan will be submitted prior to the public hearing. The plans included in Exhibit C reflect the physical evacuation plan for the Property.

D. The Proposed Use would not Result in any Adverse Impacts to the Health or Safety for the Project's Occupants or Users due to the Proposed Use's Location in the Floodplain.

The Boathouse will be used by student athletes and coaches that are well versed in water safety. Therefore, the Project's uses will not result in any adverse impacts to the health or safety for the Project's occupants or users due to the proposed use's location in the floodplain.

E. The Office of Zoning Shall Refer the Application to the Following Agencies for their Review and Recommendation.

The Applicant requests that the Office of Zoning refer this application to DOEE, the District of Columbia Fire and Emergency Medical Service Department ("FEMS"), Metropolitan Police Department ("MPD"), and the District of Columbia Homeland Security and Emergency Management Agency ("HSEMA")

VIII. Satisfaction of the Standards for Special Exception Approval for a Waterfront Setback Less than 75-Feet (Subtitle C § 1102.1(g))

Pursuant to Subtitle C § 1102.1(a), a waterfront setback to any building or structure of at least 75 feet is required. As shown on the Plans attached as Exhibit C, the majority of the Property is located within the required 75-foot setback. Accordingly, the University requests special exception approval to construct the Boathouse within the setback area.

A. The Buildings, Structures, and Uses will Enhance the Visual and Public Recreational Opportunities Offered along the Waterfront.

The Project will enhance recreational opportunities along the waterfront through its water-focused educational opportunities and the publicly accessible docks. The University also plans to offer “learn to row” camps during the summer. The Project’s high quality design will enhance the visual experience along the waterfront.

B. Buildings, Structures, and Uses on Land will be Located and Designed to Minimize Adverse Impacts on the River and Riverbank Areas.

The Boathouse and its uses are designed to minimize adverse impacts. The adjacent townhouses and Potomac Boat Club are likewise located within the 75-foot waterfront setback and so the Boathouse will appropriately continue the existing development pattern. The use of the Property will enhance aquatic recreation opportunities for both the University’s rowing teams and the public. Finally, landscaped areas have been designed to maximize the amount of stormwater that can be managed on site to the extent practicable given the size, contextual design, and operational limitations on the Property.

C. Buildings, Structures, and Uses On, Under, or Over Water will be Located and Designed to Minimize Adverse Impacts on the River and Riverbank Areas.

The primary dock and public access dock are designed to minimize adverse impacts on the River. The docks extend to approximately the same degree as the Potomac Boat Club’s dock such that they are consistent and fit within the context of the waterfront.

D. All Structures and Buildings will be Located so as to not Likely Become Objectionable to Surrounding and Nearby Property Because of Noise, Traffic, or Parking, and so as not to Limit Public Access Along or to the Waterfront, other than Directly in front of the Principal Building or Structure of a Boathouse, Marina, Yacht Club, or other Water-Dependent Use.

As described above in Section V, the use of the Property is consistent with the surrounding area and is not likely to become objectionable due to noise, traffic, or parking. The Project incorporates public access to the water with the public access dock that will be accessible at all

times. In addition, the primary dock will be available for public use when not in use by the University.

E. Impervious Surfaces will be Minimized, and Buildings and all other Impervious Surfaces will be Designed and Sited to Prevent Surface Storm Water Run-Off Directly into the River.

The Project will be designed to be in compliance with all applicable District stormwater management requirements. The design features bioretention areas, as shown in the landscaping plan included at page A009 of the Plans, which have been designed to maximize the amount of stormwater that can be managed on site to the extent practicable given the size, contextual design, and operational limitations on the Property.

F. Accessory or Non-Accessory Parking Spaces, including the Location of Entrances and Exits and any Screening or Fences, will be Designed to Minimize Visual or Physical Impacts on Adjacent Parkland and the Waterfront.

The Project does not contain any parking spaces. The area for the trailers on the Storage Parcel is located under the Key Bridge and will be appropriately fenced, which minimizes any visual impact on the waterfront.

G. Emergency Access will be Provided to any Buildings, Structures, or other Space Devoted to Active Public Use.

Emergency access will be accommodated in accordance with District requirements.

IX. Satisfaction of the Standards for Variance Relief from the 25-Foot Waterfront Setback Requirement and the GAR Requirement

Pursuant to Subtitle G § 211.1, the minimum required GAR in the MU-12 Zone is 0.30. Here, the Project has a GAR of 0.08 Pursuant to Subtitle C § 1102.1(e), a 25-foot waterfront setback area for the full width of the lot along the water shall be reserved for a public pedestrian and bicycle trail along the waterfront. Here, the Boathouse will be located within the 25-foot trail reservation area. Accordingly, the University requests variance relief from (i) the minimum GAR requirement, and (ii) the 25-foot waterfront setback requirement. As discussed in detail below, the application satisfies the variance standards for the relief requested.

In order to obtain variance relief, an applicant must demonstrate that: (i) the property is affected by an exceptional or extraordinary situation or condition, (ii) the strict application of the Zoning Regulations will result in a practical difficulty to the applicant, and (iii) the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose, or integrity of the Zone Plan. D.C. Code § 6-641.07(g)(3); *St. Mary's Episcopal Church v. D.C. Zoning Comm'n*, 174 A.3d 260, 269 (D.C. 2017).

The Court of Appeals has repeatedly held that the Board can be “more flexible” in applying the three-part variance test when the applicant is a non-profit organization, “especially where the organization is seeking the zoning relief in order to meet a public need or serve the public interest.” *Neighbors for Responsive Government, LLC v. D.C. Board of Zoning Adjustment*, 195 A.3d 35, 56 (D.C. 2018). The Court has confirmed that this “public good flexibility” doctrine applies to universities. *Id.* 174 A.3d at 270 (applying the public good flexibility to a university’s organization for Jewish students). As described below, the Project readily meets the variance standards, including additional “public good flexibility” prongs, not only because the relief furthers the interests of the University as a non-profit organization but also because the relief is required to construct the Boathouse on a site that was specifically identified for such use under the NPS Boathouse Study.

A. The Property is Affected by an Exceptional Situation or Condition

The first prong of the variance test requires the applicant to show that extraordinary or exceptional conditions affect the subject property. The D.C. Court of Appeals has held that the exceptional or extraordinary condition may arise from a “confluence of factors.” *Ait-Ghezala v. District of Columbia Bd. Of Zoning Adjustment*, 148 A.3d 1211, 1217 (D.C. 2016). The Property is affected by a number of factors that contribute to its exceptional situation and condition. First, the Property is irregularly shaped, with a shallow depth of only approximately 100 feet and with portions of the Property actually located in the Potomac River. Second, the Property has a significant slope downward from north to south. Third, the Key Bridge is located over the eastern portion of the Property, further constraining the Property both horizontally and vertically. Further, the Key Bridge’s abutment is located adjacent to the Property, near the river’s edge, within the 25-foot trail reservation area. Finally, the Property is located within the Georgetown Historic District and subject to review by CFA and OGB, which establish design expectations for certain traditional architectural forms and design features.

The Court has held that the exceptional condition may reach beyond the land or improvements to also include the needs of an organization devoted to public service which seeks to upgrade and expand its existing inadequate facilities. *Monaco v. D.C. Bd. Of Zoning Adjustment*, 409 A.2d 1067, 1099 (D.C. 1979). In addition to the three-part variance test, non-profit organizations that are eligible for public good flexibility may demonstrate that its needs are an “exceptional condition” by showing: “(i) that the specific design it wants to build constitutes an institutional necessity, not merely the most desired of various options, and (ii) precisely how the necessary design features require the specific variance sought.” *McDonald v. D.C. Board of Zoning Adjustment*, 291 A.3d 1109, 1124 (D.C. 2023).

Here, the design of the Project is required to meet the current institutional needs of the University’s rowing program. The University’s rowing program is one of the largest programs in the country, yet it lacks a dedicated boathouse facility. As a result, the University must rent space at Thompson Boat Center, which has severe space limitations and requires coordination with many

other institutions that constrains scheduling and operations. Further, the proposed use as a boathouse, combined with its location in the Georgetown Historic District, result in a particular architectural design consistent with traditional Victorian boathouses that requires sloped roofs, siting near the water's edge, and extensive ramping to provide access down to the docks and river.

With all of these factors, the available development footprint on the Property is actually quite small, and the design expectations and functional needs for the Boathouse make compliance with the GAR requirement exceedingly difficult. Between the sloped roofs mandated by the historic design context, the ground-level area required to accommodate river access, and the limited remaining available area on the property, there is little space for landscaped areas required to meet the GAR requirements. The 25-foot trail reservation area along the waterfront is likewise not feasible given the need to locate the Boathouse close to the river's edge and accommodate its gangway connection to the dock. Even if a trail reservation area could be provided, it would be functionally useless because the existing Key Bridge abutment already sits within the area and would interrupt it.

B. The Applicant will Face Practical Difficulty with Strict Zoning Compliance

To satisfy the second standard for the variance relief, the Applicant must show whether strict application of the Zoning Regulations results in a "practical difficulty." The D.C. Court of Appeals has established a two-part test for determining whether an Applicant has demonstrated "practical difficulty." First, the Applicant must demonstrate that "compliance with the area restriction would be unnecessarily burdensome." Second, the practical difficulty must be "unique to the particular property." *Gilmartin*, 579 A.2d 1164, 1170 (D.C. 1990). Other factors that contribute include "the weight of the burden of strict compliance," "the severity of the variance(s) requested," and "the effect the proposed variance(s) would have on the overall zone plan." *Id.* at 1171.

1. GAR Requirement

The MU-12 Zone requires a minimum GAR of 0.30. 11-G DCMR § 211.1. GAR is a weighted value of landscape elements to land area, and so the ability to meet GAR turns on the ability to accommodate meaningful landscaped areas, either on the surface or above structures such as on green roofs, with an area and depth that is proportional to the overall land area. For most conventional development, GAR is satisfied through a mix of ground level landscaped yards and courts as well as upper-story terraces and green roofs. Achieving GAR is feasible even in zones with high percentages of lot occupancy because most urban development utilizes flat roofs that are able to accommodate green roofs. GAR does not apply in lower-density single-family and rowhouse zones, which are the zones where houses, churches, and other structures with sloped roofs are most common.

Here, compliance with GAR creates a practical difficulty because of the design and operational needs of the Boathouse. The sloped roofs and tower elements required to achieve the

Victorian building design of the Boathouse provide no opportunity for upper story flat areas (save for the well created at the north side of the building that is needed to accommodate elevated mechanical equipment to meet floodplain requirements). At the ground level, a 15-foot wide ramp runs along the entire length of the building to provide access to the two docks; the University considered permeable paving for the ramp on the east side of the Boathouse, but due to the slope, it was likewise infeasible. Similarly, permeable paving cannot be located along the north side of the building, because this area is located over the lower-level storage area and there is not enough height to create sufficient soil depth due to the required height of the storage area to accommodate shell storage. The remaining area of the small Boathouse Parcel simply does not leave sufficient room to incorporate the features necessary to achieve a 0.30 GAR score.⁶

Despite these limitations, the University has strived to attain the maximum amount of sustainability possible. As shown on the landscape plan at page A009 of the Plans, the side yard setback on the west side of the Boathouse incorporates an extensive bioretention area. The University will continue to explore whether additional measures can be incorporated to achieve GAR and, if so, provide an update prior to the hearing.

2. 25-Foot Waterfront Setback Requirement

As a part of the overall waterfront setback requirement, the Zoning Regulations anticipate a 25-foot waterfront setback area, for the full width of the lot along the water, to be reserved for a public pedestrian and bicycle trail along the waterfront. 11-C DCMR § 1102.1(e). The property owner must align the trail reservation area with the reservation on adjacent properties.

Compliance with the 25-foot trail reservation requirement conflicts directly with the operational needs of the Boathouse. As a water-dependent use, the University must have the ability to directly transport shells from the storage area of the Boathouse to the dock, which requires both (a) the location of the Boathouse as close as practicable to the dock to minimize the distance that the shells must be carried and (b) the construction of a gangway to connect the Boathouse to the dock. As a result, the trail reservation requirement creates a practical difficulty for the Project.⁷

In addition, the requirement for a public pedestrian and bicycle trail along the waterfront is null in this instance because property on either side does not include a corresponding trail reservation area. On the eastern portion of the Property, the Key Bridge abutment is located in the 25-foot zone and disrupts any trail. On the west side of the Property, there are three private single-

⁶ The balance of the Property—the Storage Parcel—cannot be included in the Boathouse Parcel because it is occupied by the Key Bridge and so the District is retaining greater control, providing the University only with a license right to use the Parcel for trailer storage and the public access dock. Even if the Storage Parcel were included, it would not further GAR compliance because the bridge precludes any bioretention or other green features. Indeed, it would actually reduce GAR compliance further because it would increase the overall land area and resulting FAR requirement.

⁷ This inherent conflict is anticipated in the special exception criteria for waterfront setback relief, which expressly acknowledge that public access along the waterfront may be limited in directly in front of a boathouse or other water-dependent use. See 11-C DCMR § 1102.1(g)(4).

family townhomes, followed by the Potomac Boat Club (with similar waterfront proximity and need for direct dock access) and the Aqueduct Bridge abutment. Accordingly, even if the University were to provide the trail reservation in front of the Boathouse, it would be a “trail to nowhere” because there is no feasible connection along the waterfront on either side.

C. The Variance Relief will not Cause Substantial Detriment to the Public Good or the Zoning Regulations and Maps

Finally, the Applicant must demonstrate that “granting the variance will do no harm to the public good or to the zone plan.” *Gilmartin*, 579 A.2d at 1167. Pursuant to Subtitle A § 101.1, the Zoning Regulations establish the minimum requirements for the promotion of the public health, safety, morals, convenience, order, and general welfare to: (i) provide adequate light and air, (ii) prevent undue concentration of population and overcrowding of land, and (iii) provide distribution of population, business and industry, and use of land that will tend to create conditions favorable to transportation, protection of property, civic activity, and recreational, educational, and cultural opportunities, and that will tend to further economy and efficiency in the supply of public services.

Here, the requested variances can be granted without causing any substantial detriment to the public good. The Boathouse promotes aquatic recreational activity and opportunities not only for the University’s rowing program but also for the general public through both the dedicated public access dock and the allowance for public use of the main dock when not in use by the University. and specifically incorporates public access to the waterfront. Furthermore, the University has also worked closely with DDOT to locate its loading area on the north side of Water Street, allowing the bike lane to remain on the south side of the street as an important link from the Capital Crescent Trail to the Georgetown Waterfront Park and the K Street cycle track. (In many ways, the CCT functions as the pedestrian and bicycle trail along this stretch of riverfront.) This furthers the goals for the GAR and waterfront regulations, which seek to “promote attractive and environmentally functional landscape” and provide “physical and visual public accessibility to and along the waterfront” in other equally important ways. *See* 11-C DCMR §§ 600.3(b); 1100.2(a).

Similarly, the requested variance will not compromise the above-stated purposes of the Zoning Regulations. The Boathouse otherwise complies with the lot occupancy, yard, height, and density restrictions. As a result, the relief from GAR or the 25-foot trail reservation requirement does not reduce adequate light and air or create undue overcrowding at the Property. Indeed, the Project has integrated multiple voluntary setbacks, including the 8-foot side yard separating the Boathouse from the properties to the west and the 15-foot setback from the Whitehurst Freeway and Key Bridge to the north and east that create additional visual porosity and openness around the proposed structure.

Accordingly, the granting of the variance relief will not cause substantial detriment to the public good or the Zoning Regulations and Maps, but rather, further District goals of enhancing waterfront recreation in this area.

X. Exhibits

The following exhibits are submitted in support of the Application.

<u>Exhibit A</u>	Application Signature Form
<u>Exhibit B</u>	Authorization Letters
<u>Exhibit C</u>	Architectural Plans
<u>Exhibit D</u>	Certificate of Notice and Copy of Notice of Intent
<u>Exhibit E</u>	Property Owner List
<u>Exhibit F</u>	2017 Campus Plan Order (Z.C. Order No. 16-18)
<u>Exhibit G</u>	FAR Report
<u>Exhibit H</u>	Updated Campus Development Program Summary, Updated Aerial Photo, Updated 20-Year Development Plan, Updated 20-Year Development Plan Land Uses, Updated Athletic and Other Recreational Facilities Plan
<u>Exhibit I</u>	OGB Recommendation and CFA Concept Approval
<u>Exhibit J</u>	Comprehensive Plan and Racial Equity Analysis
<u>Exhibit K</u>	Plat

XI. Conclusion

For the reasons set forth above, the Application meets the requirements for approval.