

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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SPECIAL MEETING

+ + + + +

THURSDAY

DECEMBER 11, 2003

+ + + + +

The Special Meeting of the District of Columbia Zoning Commission convened at 7:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice Chairperson
PETER G. MAY	Commissioner
JOHN G. PARSONS	Commissioner

OFFICE OF ZONING STAFF PRESENT:

ALBERTO BASTIDA	Secretary
SHARON SANCHEZ	Office of Zoning

OTHER AGENCY STAFF PRESENT:

ELLEN MCCARTHY	Deputy Director, Office of Planning
JOEL LAWSON	Office of Planning

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I N D E X

Final Action, Z.C. Case Number 02-30,
 Georgetown Boat House - Map
 Amendment and Special Exception..... 4

Proposed Action, Z.C. Case Number 02-31,
 Georgetown Boat House, Text
 Amendment 33

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P-R-O-C-E-E-D-I-N-G-S

(7:34 p.m.)

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen.

This is a special public meeting of the Zoning Commission of the District of Columbia for Thursday, December 11th.

My name is Carol Mitten, and joining me this evening are Vice Chairman Anthony Hood and Commissioner Peter May.

The agenda is in the wall bin near the door, and the first thing we're going to do is reorder the agenda. Instead of taking the proposed action up first, we will take up final action first on Case Number 02-30, and then we'll -- after we deal with the map amendment, special exception, and variance being requested, then we'll go back and do Case Number 02-31.

And I would just ask that you turn off all beepers and cell phones. Thank you.

Mr. Bastida, any preliminary matters before we start?

SECRETARY BASTIDA: The staff has no preliminary matters, Madam Chairman.

CHAIRPERSON MITTEN: All right. Thank

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1 you.

2 Just to remind everybody what Case
3 Number 02-30 is about, this was a map amendment and
4 special exception and variance case. The map
5 amendment relates to a parcel of land that is
6 currently unzoned.

7 We had voted at a previous meeting to take
8 proposed action to zone the property W0, and the first
9 order of business will be to take final action on the
10 map amendment. After we do that, then we take up the
11 special exception and variance related to the
12 Georgetown Boat House. And then, following that, we
13 will dispense with 02-31, as I said, which was an
14 alternative text amendment.

15 So on the --

16 SECRETARY BASTIDA: Madam --

17 CHAIRPERSON MITTEN: Yes.

18 SECRETARY BASTIDA: Madam Chairman, the
19 staff referred the map amendment to the National
20 Capital Planning Commission, and they said that it
21 would have no negative impact on the federal interest.

22 CHAIRPERSON MITTEN: Thank you. And I
23 believe you had also circulated -- we had given some
24 additional time and the opportunity for parties to
25 weigh in for any -- regarding any changes that we may

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1 have made in the W0 text, if they felt there was any
2 impact on --

3 SECRETARY BASTIDA: That is correct. I
4 don't have the letter or the attachment with me, but I
5 can find that for you. But it was, I believe,
6 sometime in November, and was given ample time for
7 comments to be made. The office received no comments
8 regarding that letter.

9 CHAIRPERSON MITTEN: Okay. Thank you.

10 So, then, the first order of business
11 would be to take final action on the map amendment.
12 And I would move that we approve the map amendment for
13 the tract which is known as 102-114 to zone it W0.

14 COMMISSIONER MAY: Second.

15 CHAIRPERSON MITTEN: Any discussion? All
16 those in favor, please say aye.

17 (Chorus of ayes.)

18 There is none opposed.

19 Ms. Schellin?

20 MS. SCHELLIN: Yes. Staff would record
21 the vote three to zero to two to approve final action
22 in the map amendment portion of Case Number 02-30,
23 Commissioner Mitten moving, Commissioner May
24 seconding, Commissioner Hood in favor, and
25 Commissioners Parsons and Hannaham not present, not

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1 voting.

2 CHAIRPERSON MITTEN: Thank you.

3 All right. Then, we need to move to the
4 special exception and variance request. The special
5 exception, if you will recall from our W0 text
6 amendment, boat houses are permitted as a -- by
7 special exception in the W0 zone. And there is a
8 variance request from the setback -- the required
9 setback from the water.

10 The required setback in our new W0 text is
11 100 feet. A setback of up to -- no less than 20 feet
12 can be permitted by special exception. In this case,
13 the setback being offered is seven feet measured from
14 the balcony of the proposed boat house. So we're into
15 a variance situation for the setback.

16 And there were a number of issues, some
17 that had been raised in the case, and we have a number
18 of parties. Among the issues that we had spoken to I
19 think at the beginning of the hearing related to folks
20 not being in favor of the land exchange with the Park
21 Service. That's not in our jurisdiction. And people
22 were also opposed to us even taking any action to zone
23 this property to allow it to be improved.

24 But when a property owner comes to us and
25 does request zoning for a property, we're obliged to

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1 take action. And so I just wanted to say that those
2 are non-issues for us.

3 And I would open it up for discussion.
4 Anybody who wants to begin?

5 VICE CHAIRPERSON HOOD: Discussion on
6 those three issues?

7 CHAIRPERSON MITTEN: Discussion on the
8 boat house, the special exception and variance
9 request.

10 VICE CHAIRPERSON HOOD: Oh. I'm not sure
11 -- maybe we can start off with I guess talking about
12 the setback?

13 CHAIRPERSON MITTEN: That's fine.

14 VICE CHAIRPERSON HOOD: Okay. I think
15 seven -- they're asking for seven feet?

16 CHAIRPERSON MITTEN: Yes.

17 VICE CHAIRPERSON HOOD: And under the W0
18 it's 100 feet.

19 CHAIRPERSON MITTEN: That's right.

20 VICE CHAIRPERSON HOOD: I guess the object
21 -- and I know the 20-foot rule comes into play, too.
22 But I guess my concern is to make sure that there is
23 public access.

24 While it may be derived that it's a given,
25 I think that in this -- if this is approved, we need

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1 to make sure that somewhere in this order that it's
2 written that the public still has access. And I'm not
3 sure exactly, but I'm ready to take it down to seven
4 feet. I'll tell you, that's a concern. But I'd be
5 willing to hear from anybody else.

6 CHAIRPERSON MITTEN: Well, I think what
7 you're speaking to is the spirit of the W0.

8 VICE CHAIRPERSON HOOD: The W0, in
9 relationship to -- we're asking for -- well, we've
10 just sent something down for 100 feet. And I know
11 it's not realistic to ask -- if we're looking at a
12 special exception for a boat house -- to be 100 feet
13 away from the water. I understand that.

14 But do we want to bring it back down to
15 seven feet, or whatever they're asking for? That's
16 just my concern, because I think that this is going to
17 set the tone for what goes up and down on that -- that
18 waterfront. So, that's just my concern.

19 CHAIRPERSON MITTEN: Did you want to weigh
20 in on the variance issue?

21 COMMISSIONER MAY: Yes. I really -- when
22 looking at the appropriate setback, in the context of
23 the newly-adopted W0, I think that the intention of
24 the regulation is that ordinarily a W0 -- anything in
25 the W0 zone should be at -- we should be striving for

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1 100 feet to maintain that waterfront area.

2 But with a boat house, there is an
3 inherent need to be closer to the water, and that's
4 why written in is that special exception down to 20
5 feet. I think the idea there is -- really is that as
6 a part of getting a boat house approved, which
7 requires a special exception in itself, that the
8 variance to -- or, rather, the special exception to
9 20 feet is going to be part of that process anyway,
10 simply because they need that proximity. And we want
11 to encourage that proximity with the case of boat
12 houses.

13 Twenty feet is maintained for the sake of
14 access. In this circumstance, what we're dealing with
15 is a very narrow piece of land with a program that is
16 just a little bit bigger than would fit.

17 The initial application stated 15 feet on
18 a misunderstanding that the overhanging balcony, which
19 is actually cantilevered, meaning that there are no
20 posts or anything like that to obstruct it -- on the
21 ground level you've got 15 feet of clearance. And it
22 is the applicant's contention in this case that that's
23 the most that they could possibly get out of that and
24 not have a damaging compromise to their program for
25 the building.

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1 I think that the primary concern here with
2 the boat house and this proximity really does have to
3 do with maintaining public access. And so long as
4 that is stipulated, I would think that granting a
5 variance down to seven feet for this current design --
6 you know, again, with the fact that there's another
7 seven or eight feet of walking area that's simply, you
8 know, overhung by a balcony I think is probably
9 reasonable, given the fact that this is a narrow tract
10 of land, and this is a use that I believe we want to
11 encourage.

12 CHAIRPERSON MITTEN: Thank you. I think
13 what you started to speak to as well is the variance
14 test --

15 COMMISSIONER MAY: Right.

16 CHAIRPERSON MITTEN: -- by referencing the
17 unusual nature of the property. And I think that for
18 us using W0 as a starting point is -- that's the least
19 -- that is the most restrictive zone that we have now.
20 It's even, in some sense, more restrictive than R1 in
21 some respects.

22 And so that is certainly an appropriate
23 zoning for that property. Then, you know, we go -- if
24 we put ourselves in a normal -- in a normal frame of
25 mind to examine a variance, and we start with the

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1 exceptional condition that we have a shallow piece of
2 land, and we have very restrictive zoning being put in
3 place, and then we -- you know, we -- it clearly has
4 the exceptional condition, and then we move to the
5 application of this new text, and, you know, there's a
6 whole framework of planning that has gone into this
7 that bears on having this particular facility at this
8 particular location.

9 And I think that it's proper for us to
10 take that into consideration when we think about the
11 practical difficulty that is created in applying the
12 setback.

13 What I -- and I think there is a
14 legitimate practical difficulty that's created. I
15 think what we do need to do, since both you and Mr.
16 Hood -- Mr. May and Mr. Hood have spoken to the spirit
17 of the W0 and the need to maintain public access, is
18 that we have a condition that requires -- because that
19 is so important, that requires that access to the
20 water's edge -- and this was encouraged by the Office
21 of Planning in their recommendations to us, that the
22 access to the water by the public be maintained. And
23 that would be something that I think we should have as
24 a condition.

25 So if we're ready -- is there any other

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1 thoughts about the variance before we move to the
2 larger issue of the special exception? Go ahead.

3 VICE CHAIRPERSON HOOD: All right. I
4 guess I'm still wanting -- after all that you just
5 said, have we still dispelled the issue of the
6 setback? Because I think Commissioner May is saying
7 something totally different from -- well, we both want
8 to make sure we have public access, but the issue
9 about how many feet setback, I think the Office of
10 Planning was recommending 20 feet, I believe. And the
11 applicant is asking for seven feet. And the W0, which
12 is the most restrictive, has 100 feet.

13 So, you know, that's -- and I understand
14 weighing with the exceptional -- the difficulties, you
15 know, practical difficulty, and what not, of the land
16 and that issue. But we still haven't come back with a
17 -- seven and 20 is still a difference, and I would be
18 preferable in going with the 20 feet setback.

19 CHAIRPERSON MITTEN: If I recall correctly
20 -- well, I have the final report that the -- or maybe
21 it's one of the final reports, because we had -- we
22 had asked for a number of reports from the Office of
23 Planning.

24 VICE CHAIRPERSON HOOD: What's the date on
25 it, Madam Chair?

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1 CHAIRPERSON MITTEN: The one I'm looking
2 at is the 10th -- or the 9th of May. I don't have an
3 exhibit number, but the cover letter -- actually, the
4 cover memo is May 12th. The underlying report is
5 dated May 9th.

6 I think they took a sort of middle of the
7 issue approach, which is on page 8, they suggested --
8 well, they said they would support an adjustment to
9 the building envelope to increase the setback to a
10 minimum of 20 feet. But then, at the end they
11 recommended approval of the W0 zoning for the site as
12 well as the requested special exceptions and variance.

13 So they weren't saying that they would
14 recommend disapproval based on the setback at the
15 seven feet.

16 VICE CHAIRPERSON HOOD: Okay. We also
17 talk about -- I mean, realistically, we're talking
18 about a setback and public access. Is seven feet
19 enough? I don't think so.

20 CHAIRPERSON MITTEN: Okay. Just to
21 revisit what Mr. May was describing is that it's not
22 seven feet at the ground level. And this may not make
23 any difference to you. I mean, but it's 15 feet at
24 the ground level, and then the balcony, which projects
25 out, narrows the setback to seven.

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1 VICE CHAIRPERSON HOOD: From the shore
2 line. Okay. That's where I'm going, from there to --
3 to the building line, to where the building is going
4 to start is 15 feet.

5 CHAIRPERSON MITTEN: Right. But then,
6 when you're at that 15-foot point, you have something
7 over your head, which is the balcony above on the
8 second floor. If you look up, you can't see the sky.

9 VICE CHAIRPERSON HOOD: Okay. I
10 understand.

11 CHAIRPERSON MITTEN: Okay.

12 VICE CHAIRPERSON HOOD: But the bottom
13 line, where the rubber meets the road is how much
14 access are people going to -- I'm not going to be --
15 nobody is going to be walking up there when they're in
16 front of the building.

17 CHAIRPERSON MITTEN: That's right. That's
18 right. So it's 15 feet --

19 VICE CHAIRPERSON HOOD: So I want to make
20 sure that we have enough space --

21 CHAIRPERSON MITTEN: Right.

22 VICE CHAIRPERSON HOOD: -- to accommodate,
23 reasonable accommodations, for people to be able to
24 move -- mobile in front of the boat house. That's my
25 concerns. I understand all of the seven feet and all

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1 of that.

2 CHAIRPERSON MITTEN: Okay, good.

3 VICE CHAIRPERSON HOOD: I understand all
4 of that.

5 CHAIRPERSON MITTEN: Okay.

6 VICE CHAIRPERSON HOOD: But I just want to
7 make sure that we have enough space.

8 CHAIRPERSON MITTEN: Okay. Well, we'll --

9 VICE CHAIRPERSON HOOD: And how we get
10 there I don't know. If 15 feet is -- from the shore
11 line to the property line is -- if that's 15 feet,
12 then maybe we can add five more feet and get 20.

13 CHAIRPERSON MITTEN: Well, we'll -- what
14 it sounds like we need to do is vote the variance
15 separately, is what it sounds like we need to do.

16 VICE CHAIRPERSON HOOD: I mean, we can
17 open it for discussion.

18 COMMISSIONER MAY: I'd like to make
19 another observation about this. As I understand it,
20 what we really are talking about is sort of an end of
21 the line development here, right? I mean, what's
22 going to happen further up river from this is -- I
23 mean, that's also unzoned, right? And that's not --

24 CHAIRPERSON MITTEN: Yes.

25 COMMISSIONER MAY: -- likely to be zoned,

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1 and it's not likely to have further development
2 further upstream.

3 CHAIRPERSON MITTEN: Well, I -- I mean, I
4 would say that's what someone could conclude at the
5 moment. But this is the -- up farther is also Park
6 Service land, and I don't know.

7 COMMISSIONER MAY: Right.

8 CHAIRPERSON MITTEN: I think what we've
9 been shown shows this is sort of the limit.

10 COMMISSIONER MAY: Yes, the line.

11 CHAIRPERSON MITTEN: Yes.

12 COMMISSIONER MAY: Well, I was hoping to
13 have Commissioner Hood -- I want to just make the
14 observation that I think the way this development is
15 being depicted to us, and it may be -- I don't know
16 how reasonable this is for, you know, perpetuity, but
17 this is sort of an end of the line development. This
18 is the last stretch of what would be developed moving
19 up the Potomac.

20 And so access to the waterfront in that
21 immediate vicinity is -- you know, I agree is very
22 important. But having, you know, sort of thoroughfare
23 kind of access to the rest of the waterfront further
24 up the river is probably not as important in this
25 circumstance. This is the end of a dead end kind of

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1 -- I wouldn't expect that we're going to wind up with
2 having need for a lot of future access up river from
3 here.

4 So I think in this -- you know, this is
5 another way in which perhaps this property is unique,
6 and that granting the variance in this circumstance is
7 -- is probably reasonable.

8 CHAIRPERSON MITTEN: We don't have to
9 continue to debate it. We can just move on, unless --

10 VICE CHAIRPERSON HOOD: I think I have a
11 little more insight --

12 CHAIRPERSON MITTEN: Okay.

13 VICE CHAIRPERSON HOOD: -- now with that,
14 so --

15 CHAIRPERSON MITTEN: Okay.

16 VICE CHAIRPERSON HOOD: -- I will yield to
17 my professional --

18 CHAIRPERSON MITTEN: We'll vote it out
19 separately, and then --

20 VICE CHAIRPERSON HOOD: Okay. I'm not
21 going to vote against it.

22 CHAIRPERSON MITTEN: Okay. Then, maybe we
23 won't do that. All right.

24 Now to the special exception.

25 VICE CHAIRPERSON HOOD: It's always worth

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1 a try, though.

2 (Laughter.)

3 CHAIRPERSON MITTEN: Okay. Now to the
4 special exception for the boat house itself. And, you
5 know, we've heard a number of issues in opposition,
6 including the overall mass of the building, impacts on
7 views, impacts on the adjacent Capitol Crescent Trail,
8 impacts from -- impacts on other users of the river,
9 and so forth.

10 And I'm looking for some discussion of
11 whether you share those concerns that the parties in
12 opposition raised, or whether you're ready to move
13 forward and feel that those have been adequately
14 addressed.

15 Mr. May?

16 COMMISSIONER MAY: I think that, I mean,
17 there are a wide range of concerns that have been
18 raised. I don't view any single one of them as being
19 a showstopper for the special exception. I don't
20 think that the adverse impact of any of those
21 particular issues is enough of an issue.

22 I think that there are some where we need
23 to take some -- where we can provide some conditions
24 in the order that would mitigate some of this adverse
25 impact. I think that would be appropriate and

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1 beneficial.

2 You know, I wouldn't see that when it
3 comes to things like the bulk of the building, you
4 know, yes, the building has -- has significant bulk to
5 it. I also think it's a very attractive building and
6 will be an attractive addition to the -- to that site.

7 And I don't see a particular need to condition the
8 order or to make any further statements about trying
9 to deal with issues of the height or the extent that
10 the view is blocked or anything else. I'm just not
11 persuaded that that's critical enough at this point.

12 I think that what we should be concerned
13 about are things like the use of the river, the use --
14 the -- you know, things like the parking plans and
15 vehicle access to the site. Those are areas where I
16 think that we can condition the order and pose
17 appropriate restrictions that would mitigate some of
18 the potential negative impacts of this particular
19 development.

20 CHAIRPERSON MITTEN: Okay.

21 VICE CHAIRPERSON HOOD: I think that was
22 well said, and I would agree with my colleague. I
23 just hope that when we start crafting conditions that,
24 you know, naturally one of the things we all grapple
25 with is enforceable -- that maybe we can fine tune

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1 them and create something that can actually be
2 enforceable, and actually be lived up to and done.

3 So I would be ready -- I agree with
4 Commissioner May, so we can move on.

5 CHAIRPERSON MITTEN: Okay. Well, I
6 actually made a list of things that I thought -- I
7 mean, I agree with Commissioner May. I was -- I guess
8 I have to say I was a little disappointed not to see
9 proposed conditions in the applicant's order.

10 But then it leaves us open to -- to do
11 what we think is most appropriate out of -- in the
12 void, because there were a number of representations
13 that were made by the applicant that I think, you
14 know, they bear on -- certainly they bear on getting
15 the support of the Department of Transportation for
16 impacts on parking and traffic.

17 And I think they also bear on, you know,
18 gaining some of the community support for the
19 facility, because they -- they said the -- they
20 discussed the manner in which the building would be
21 used. So I just would like to capture those in a set
22 of conditions.

23 And I don't have them written out in
24 detail, but I think we can -- I'll run through what I
25 have, and then if anyone else would like to add to

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1 that, or change what I'm going to suggest.

2 The first is the parking management plan.

3 There's a parking management plan that is the one
4 that the Department -- that the District Department of
5 Transportation reviewed. It's included, if you want
6 to just take a look at it, in the text of Finding of
7 Fact Number 17. I would want to condition the special
8 exception approval on that parking management plan
9 being put in place. That would be the first thing.

10 Well, I guess the first thing would be, at
11 least from my perspective, to maintain public access
12 to the water's edge. And I had discussed that
13 earlier, but just to repeat it here.

14 I don't mean this to be overly
15 restrictive, but in terms of the use of the building,
16 particularly from a traffic perspective, from a -- and
17 from an impact on adjacent property perspective,
18 impact on the Capitol Crescent perspective, I think
19 that we should have a restriction on no social
20 functions at the facility.

21 And I'm going to have to ask for some help
22 from Corporation Counsel in drafting that. I don't
23 mean that the users of the facility shouldn't be able
24 to have a birthday party or a celebration on their
25 own, but I intend that to limit the use of the

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1 facility by outside groups, non-users, non-permitted
2 users I guess, to have, you know, social functions,
3 because they would like to have a facility that's on
4 the waterfront. I would want to preclude that.

5 Mr. May?

6 COMMISSIONER MAY: Madam Chair, I wanted
7 to -- I think that's one question that we did ask very
8 specifically during the hearings. And it was
9 represented to us by the applicant that it would not
10 -- it was not intended for that sort of use, and
11 anything like that would be incidental to the actual
12 day-to-day use of the facility.

13 So I would hope that this is not -- I
14 mean, this in particular can be worded in such a way
15 that it's -- well, I'm confident that it will -- it
16 can be worded in a way that will address the concerns
17 that others may have had about it, and will be true to
18 what was -- what the applicant claimed it would be
19 used for.

20 CHAIRPERSON MITTEN: I think we can craft
21 that, too.

22 Another important representation that was
23 made -- and this, again, bears on the traffic that
24 would be generated by the property, whether there
25 would be adequate parking given that there will be no

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1 parking of any consequence provided on site, is that
2 the use of the facility would be restricted to
3 Georgetown University students and to participants in
4 a youth day camp during the summer.

5 I think it's very important that we
6 incorporate that condition, because I think that it
7 had been repeatedly said by the applicant that this
8 facility would be used by the students only, apart
9 from that one program.

10 It was suggested that -- I forget who had
11 made this suggestion, but that there be a limitation
12 on the size and number of vehicles with access to the
13 boat house, and that those be limited to maintenance
14 vehicles and vehicles pulling boat trailers. And we
15 may need a little bit of help from Corporation
16 Counsel, again, on this particular condition.

17 But I want it to be clear that there is
18 not sort of free access for anybody who wants to drive
19 down the road, that it's limited to those few vehicles
20 that are actually servicing the facility. And I think
21 that Corporation Counsel can help us with that.

22 I had an additional condition, and this
23 relates to the interaction I guess between the canoes
24 and kayaks that we were told right now would move west
25 from the Canoe Club, and they'll now have to maneuver

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1 out past the dock, and then move -- I guess it's
2 upstream? I've lost track of which direction is up.

3 But, and so the area -- the time that I
4 think would be most problematic would be the time when
5 they would be passing in front of the dock when the
6 students using the facility would be putting boats
7 into the water or taking boats out of the water.

8 So I would like to propose a condition
9 that the university would require the students who use
10 the boat house, when placing the boats in the water or
11 removing the boats from the water at the dock, that
12 they would yield to the canoes and kayaks, because
13 they are -- the kayaks and canoes, as we were told,
14 are slower-moving and less stable.

15 And so particularly when you're in that
16 mode of removing and putting the boats in, there is
17 more opportunity for control on the part of the
18 university. And I think that would help to alleviate
19 some of the concern there.

20 COMMISSIONER MAY: Madam Chair, I think
21 that that condition could be broadened just a bit to
22 include not only when the shells are put into the
23 water but also as they are maneuvered into the rowing
24 lanes, that, you know, that cross or that
25 intersection, that the shells would have to yield to

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1 the kayaks and --

2 CHAIRPERSON MITTEN: Okay.

3 COMMISSIONER MAY: -- rowboats. At least
4 that's the way I understand it. I'm not sure if
5 that's the -- how practical that is. But I don't
6 recall anything from the testimony that indicated that
7 -- I think what I recall of the testimony is that
8 there was an issue with that sort of conflict already,
9 and that the -- we -- that there was significant
10 benefit to making sure that the shells do yield to the
11 slower-moving kayaks.

12 CHAIRPERSON MITTEN: Yes. It's really a
13 traffic management issue on the river. And since the
14 potential adverse impact would be coming from the boat
15 house, I think it's appropriate to condition the use
16 of the boat house, that they would be the ones to
17 yield.

18 VICE CHAIRPERSON HOOD: Madam Chair, I
19 would just add -- I don't know if we can craft this as
20 a condition, but somewhere, like you said, it's
21 incumbent upon those that are using the water. I
22 would think since Georgetown is in front of us, the
23 boat house, is that maybe it would be incumbent upon
24 them to coordinate with the Canoe Club and others of a
25 system of their own.

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1 I think that actually would be more
2 effective, and I understand that we have to put it in
3 the order. It would probably be more effective than
4 us sitting up here trying to create it. While I
5 understand we need to put it in an order, but it would
6 be more effective if Georgetown University coordinates
7 that whole effort and works along with the Canoe Club.

8 And they can come up with their own piece
9 now. I just said that because I know everybody is
10 listening. But I don't know how much we can do. We
11 can sit here and put everything we want and craft all
12 of these conditions. But the bottom line, the rubber
13 is going to meet the road when they get out there and
14 actually start working together as one unit and a
15 family --

16 CHAIRPERSON MITTEN: Right.

17 VICE CHAIRPERSON HOOD: -- to make it
18 work.

19 CHAIRPERSON MITTEN: Right.

20 VICE CHAIRPERSON HOOD: If it's approved.

21 CHAIRPERSON MITTEN: Those were all of the
22 specific conditions that I had to -- that I had to
23 offer. Anybody else have conditions that they would
24 like to offer?

25 VICE CHAIRPERSON HOOD: Madam Chair, I

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1 just have one thing. I know we kind of got over the
2 height issue, but I was looking at some of the
3 proposed orders that said the height of the boat house
4 should not exceed 40 feet. And I believe that we had
5 enough -- and I have for some reason written on the
6 drawing -- I had 54 feet, 41 feet, and 32 feet. And I
7 would -- I don't know why I wrote that.

8 CHAIRPERSON MITTEN: I'll bet Mr. May can
9 remind you what those are.

10 COMMISSIONER MAY: Yes.

11 VICE CHAIRPERSON HOOD: Maybe he can
12 refresh my memory.

13 COMMISSIONER MAY: In zone districts where
14 we're limited to 40 feet in height, the 40 feet in
15 height is measured from the base of the front of the
16 building to the ceiling of the uppermost floor of the
17 building and not to the actual top of the roof. And
18 in this circumstance the ceiling of the big room in
19 the top and the middle is at 40 feet.

20 And then there is -- you know, there is an
21 additional peaked roof that goes above that that I
22 think is as high as 54 feet. Now this is -- it's kind
23 of an interesting point, because this is -- the way we
24 define height by the regulations is different from,
25 say, the average person walking down the street would

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1 define the height of a building, which is, you know,
2 how tall is it right there, what you see.

3 And that's -- that sort of borders into
4 this memorandum of agreement that NCPC has referred to
5 in their opinion on this case where the memorandum of
6 agreement would need to be modified to allow this
7 particular building under the terms of their
8 agreement, because it's supposed to be limited to, I
9 don't know, 45 feet or something like that. And, in
10 fact, it measures at 54 by sort of the common sense
11 measurement.

12 But in terms of the zoning of it, what we
13 have seen meets the 40 feet. And they are limited to
14 that, by the zone district anyway.

15 VICE CHAIRPERSON HOOD: Okay. Thank you.
16 Thank you for that explanation.

17 CHAIRPERSON MITTEN: I should also -- I
18 didn't really articulate this well when I did -- when
19 I teed this all up. I would also like to just remind
20 everybody that we are talking about waiving, as there
21 is a provision for, in the W0, but waiving the parking
22 requirement. Okay? I just wanted to remind everybody
23 about that.

24 Did you have --

25 VICE CHAIRPERSON HOOD: Yes, I just wanted

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1 -- those issues like with the Crescent Trail and those
2 issues, the order -- I guess those things will go as
3 recorded in the order, you know, as far as the
4 adjustments that are going to be made with the
5 Crescent Trail.

6 The concerns that they had are, you
7 know --

8 CHAIRPERSON MITTEN: Well, some of it -- I
9 mean, in terms of we are only dealing with what is
10 going to happen within the perimeter of this -- you
11 know, within the lot lines. That's something that's
12 going to happen offsite.

13 VICE CHAIRPERSON HOOD: But I understand
14 that's going to be moved to allow for additional --
15 the additional structure.

16 CHAIRPERSON MITTEN: It's going to be
17 moved to allow for an access lane.

18 VICE CHAIRPERSON HOOD: Access, okay.

19 CHAIRPERSON MITTEN: Vehicular access.

20 VICE CHAIRPERSON HOOD: Okay. And that's
21 the turnaround, I believe, that whole turnaround
22 piece.

23 CHAIRPERSON MITTEN: Right. It's a
24 driving lane.

25 VICE CHAIRPERSON HOOD: Okay.

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1 CHAIRPERSON MITTEN: And then a turn --
2 there's a turnaround included.

3 VICE CHAIRPERSON HOOD: All right. I'm
4 just trying to remember, make sure we covered
5 everything. Okay.

6 CHAIRPERSON MITTEN: Okay. Are there any
7 other conditions that anybody would like to propose?

8 VICE CHAIRPERSON HOOD: No.

9 CHAIRPERSON MITTEN: All right. Then, I
10 will move approval of the special exception and
11 variance request in Case Number 02-30, subject to the
12 conditions that I had articulated and that Corporation
13 Counsel will help us to flesh out in greater detail.

14 COMMISSIONER MAY: I would second that.
15 Madam Chair, would you -- is this just the special
16 exception for the boat house use?

17 CHAIRPERSON MITTEN: Oh, that's right. We
18 were going to take the variance out separately. Okay.
19 This would be --

20 COMMISSIONER MAY: Do we still need to do
21 that?

22 CHAIRPERSON MITTEN: Do we need to
23 separate -- would you like the variance --

24 VICE CHAIRPERSON HOOD: Did we ever decide
25 on the setback?

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1 CHAIRPERSON MITTEN: Well, I'm asking,
2 would you like --

3 VICE CHAIRPERSON HOOD: I'm just asking,
4 did we ever decide on the setback?

5 CHAIRPERSON MITTEN: No, we didn't.

6 VICE CHAIRPERSON HOOD: Did we go to 20?
7 That's what I'm asking, what is the setback? Did we
8 go to --

9 COMMISSIONER MAY: I would -- let's vote
10 it separately and --

11 CHAIRPERSON MITTEN: Okay. So this would
12 include --

13 VICE CHAIRPERSON HOOD: I don't see the
14 rationale for voting it separately.

15 CHAIRPERSON MITTEN: In case anybody
16 wanted to vote -- anybody wanted to --

17 VICE CHAIRPERSON HOOD: I don't think we
18 need to waste -- we're wasting time now. But I really
19 don't think --

20 CHAIRPERSON MITTEN: Okay, fine. Then,
21 it's -- the motion stands.

22 VICE CHAIRPERSON HOOD: I just wanted to
23 know, what is the setback?

24 CHAIRPERSON MITTEN: The setback that is
25 being proffered in the design is -- according to the

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1 measurements, it's a seven-foot setback from the
2 water's edge.

3 VICE CHAIRPERSON HOOD: Okay. I did say I
4 was going to yield to my colleague.

5 CHAIRPERSON MITTEN: Okay. Okay, fine.

6 VICE CHAIRPERSON HOOD: One more try
7 didn't hurt.

8 CHAIRPERSON MITTEN: Okay. All right. Is
9 there any further discussion?

10 COMMISSIONER MAY: No. But we are now
11 voting on this.

12 CHAIRPERSON MITTEN: The package.

13 COMMISSIONER MAY: The whole package, the
14 special exception and variances.

15 CHAIRPERSON MITTEN: And conditions.

16 COMMISSIONER MAY: And conditions.

17 CHAIRPERSON MITTEN: Okay. If there's no
18 further discussion, all those in favor please say aye.

19 (Chorus of ayes.)

20 None opposed.

21 Ms. Schellin.

22 MS. SCHELLIN: Yes. Staff would record
23 the vote three to zero to two to approve the special
24 exception and variance requests in Case Number 02-30,
25 with conditions as discussed, Commissioner Mitten

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1 moving, Commissioner May seconding, Commissioner Hood
2 in favor, Commissioners Parsons and Hannaham not
3 present, not voting.

4 CHAIRPERSON MITTEN: Thank you.

5 Now we'll take proposed action on Case
6 Number 02-31. This was the text amendment to change
7 the W1 district when -- if you recall, there had been
8 a proposal -- an alternative proposal to map W1 on the
9 boat house site, and then there was a text amendment
10 that flowed from that. I think that now has become
11 moot, and I would move that we deny the application in
12 02-31.

13 VICE CHAIRPERSON HOOD: Second.

14 CHAIRPERSON MITTEN: Any discussion? All
15 those in favor of the denial, please say aye.

16 (Chorus of ayes.)

17 None opposed.

18 Ms. Schellin.

19 MS. SCHELLIN: Staff would record the vote
20 three to zero to two to deny Case Number 02-31,
21 Commissioner Mitten moving, Commissioner Hood
22 seconding, Commissioner May in favor, Commissioners
23 Parsons and Hannaham not present, not voting.

24 CHAIRPERSON MITTEN: Thank you.

25 And, Mr. Bastida, is there any further

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1 business?

2 SECRETARY BASTIDA: No, Madam Chairman.

3 CHAIRPERSON MITTEN: Thank you.

4 Then, we're adjourned. Thank you.

5 (Whereupon, at 8:15 p.m., the proceedings
6 in the foregoing matter were concluded.)

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