

# STAFF RECOMMENDATION



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NCPC File No. CP19

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## AMENDMENTS TO THE COMPREHENSIVE PLAN FOR THE NATIONAL CAPITAL: DISTRICT ELEMENTS— COMPREHENSIVE PLAN AMENDMENT ACT OF 2010

Submitted by the Council of the District of Columbia

January 4, 2011

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### Abstract

The Council of the District of Columbia has submitted amendments to the District Elements of the Comprehensive Plan for the National Capital. Pursuant to the National Capital Planning Act, the Commission is required to determine the impact of the amendments on the interests or functions of the federal establishment in the National Capital. Amendments that the Commission determines to negatively impact federal interests cannot be implemented by the District.

### Commission Action Requested by Applicant

Federal interest review pursuant to 40 U.S.C. § 8721(c).

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### Executive Director's Recommendation

The Commission:

**Commends** the District on the successful completion of a comprehensive public planning process to amend the District Elements of the Comprehensive Plan for the National Capital.

**Adopts** the attached resolution finding that the Comprehensive Plan for the National Capital: District Elements—Comprehensive Plan Amendments Act of 2010 (D.C. Act 18-0867) will not have a negative impact on the interests or functions of the federal establishment in the National Capital.

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## BACKGROUND

The Comprehensive Plan for the National Capital consists of Federal Elements that are prepared by the National Capital Planning Commission, and District of Columbia Elements, prepared by the District government. Under the Planning Act (40 U.S.C. § 8721(g)), the Commission and the District government are required to jointly publish the Comprehensive Plan for the National Capital, which consists of both the Federal and District Elements.

The District Elements of the Comprehensive Plan were last updated in 2006. In 2008, the District of Columbia Office of Planning began a public process to update the Plan's policies once again. On June 17 2010, Mayor Adrian Fenty submitted Bill 18-0867 "Comprehensive Plan Amendment Act of 2010" (copy attached) to Council for its consideration. Subsequently, NCPC's executive director transmitted a letter dated September 3, 2010 to D.C. Council Chairman Vincent Gray offering NCPC staff's initial analysis of the proposed amendments. A copy of this letter is attached. On September 28, 2010, D.C. City Council convened a public hearing on the proposed bill. At that hearing, NCPC staff testified on the amendments, offering recommended policy additions concerning the joint Federal and District efforts to reestablish Maryland Avenue SW and promote development around it. The recommended policy language was developed in coordination with DCOP and is included as a proposed amendment. Further, in response to concerns conveyed in NCPC's September 3, 2010 letter, DCOP contacted NCPC staff to develop language regarding policies for the H Street Overpass project. This project, known as Burnham Place is utilizing the air rights over the rail tracks behind Union Station and adjacent to the H Street Overpass, also known as the Hopscotch Bridge. Staff agreed upon language concerning the overall design of that project and its need to be sensitive to Union Station, a registered National Landmark, and the historic Capitol Hill neighborhood. The language is included in the proposed amendments.

The Commission is required by law to determine whether the proposed amendments have a negative impact on the interests and functions of the federal establishment in the National Capital within 60 days of referral by the Council. If the Commission finds a negative impact to the federal interests or functions of the federal establishment, the amendments shall not be incorporated into the Comprehensive Plan.

## EVALUATION

The Comprehensive Plan Amendment Act of 2010 contains over 100 amendments to the District Elements of the Comprehensive Plan. These changes affect both policy statements contained in the Plan and changes to the District of Columbia land use map.

The policy amendments present changes to broad policy areas ranging from land use to education to environmental issues. Below is a summary of particular polices that NCPC staff supports:

- The amendments add the Center Leg Freeway and Union Station Air Rights sites as priority areas for urban, mixed use neighborhood development. New policies and action statements have also been added which support the development of projects that

reconnect parts of the city that have been interrupted by railway tracks and highways. This is consistent with strategies contained in NCPC's Monumental Core Framework Plan, which looks similarly to reconnect areas of the city disconnected by transportation infrastructure.

- A policy has been added that pertains to the redevelopment of lands formerly owned by the Federal government. The policy encourages the reconstruction of historic rights of way and reservations, integration of the sites into the adjoining neighborhoods and the enhancement of special characteristics or opportunities, and the inclusion of a mix of uses including cultural uses. The policy also encourages coordination with the National Capital Planning Commission as appropriate.
- There are many policy amendments in the Act related to transportation. These amendments reflect a desire by the District of Columbia to encourage more transit-oriented development, the expansion of different modes of transportation including streetcar, bus rapid transit and bicycle and pedestrian networks. The policy amendments call for the implementation of the pedestrian master plan, the District of Columbia Tour Bus Management initiative, car and bicycle sharing programs and transportation demand management strategies. These policies are appropriately broad supporting statements and do not delve into specific design criteria such as propulsion technology for streetcars or design detail for bicycle lanes.
- The Comprehensive Plan Amendment Act of 2010 includes many policy changes related to energy and the environment. The changes reflect the District's support of the Kyoto Protocol and the U.S. Conference of Mayors Climate Protection Agreement as well as the implementation of the Green DC Agenda.
- A policy has been added that supports the linking of federal research and enterprises. The policy looks to create partnerships to better link federal agencies that conduct research with local businesses to foster the commercialization and production of new technology, enterprise development and generation of patents in the District. This policy is consistent with many activities that the Federal government, including NCPC, has undertaken to spur innovation clusters around Federal institutions. This type of initiative is being utilized for the Department of Homeland Security headquarters project at St. Elizabeths in Southeast DC.
- In April of 2010, the Capital Space plan was released as a parks and open space planning initiative completed in partnership between NCPC, the National Park Service and the District. Many of the policy amendments regarding parks and open space are reflective of Capital Space's goals including the integration of Federal and District Athletic Fields and the development of a shared database of small parks to foster better management.
- For the H Street Overpass, the Comprehensive Plan amends policy 1511.12 Policy CH-2.1.7 which formerly stated that "the allowable height of any building constructed in the air rights should be measured from the existing grade of 1<sup>st</sup> Street or 2<sup>nd</sup> Street NE, rather than from the overpass." This text is replaced with the language below:

“The allowable height of any building constructed in the air rights should be measured consistent with the Height Act and relate positively to the surroundings with special attention to Union Station and other historic buildings, the federal precincts on Capitol Hill, and existing neighborhoods to the east and west. Development must give special attention to the preservation and enhancement of and views to Union Station and its historic surroundings by ensuring the provision of exemplary architecture and encouraging upper story setbacks and minimized penthouses.”

This language appropriately addresses design considerations for development of the air rights adjacent to the H Street overpass without addressing details that are more appropriately addressed through zoning regulations, such as the building’s specific measuring points, or height or bulk. The Act also provides a policy that requires public participation in the review of any development application for the air rights site.

- The Act provides a policy statement that recognizes the importance of connecting the “federal” and the “domestic” city by unifying the Mall and downtown areas. This policy is consistent with many of the NCPC related planning efforts such as the Legacy Plan and the Monumental Core Framework Plan looking to better integrate the federal and local areas of the city.
- In the Northeastern quadrant of the city, at the southwestern corner of Michigan Avenue, NW and Irving Street, NE, the Act amends the land use designation from federal to mixed-use medium density residential and moderate density commercial. This applies to a 5.48 acre property which is federally owned but with jurisdiction transferred to the District of Columbia by means of a 1959 agreement with the General Services Administration. The property is improved as a parking lot, but the District is pursuing the redevelopment of the site. To facilitate this, the District entered into a “Statement of Non-Disturbance” agreement with GSA in 1990. The District’s redevelopment plans for the site have evolved since that time and currently they envision a hotel/conference development with companion retail and residential uses. This current plan was reflected in an application for a planned unit development (zoning case 08-33) which was reviewed by NCPC in August of 2009. However, because of legal technicalities, the District must amend the 1990 agreement with GSA so as to allow for the residential use component. Given the nature of District’s development plan for the site, the proposed land use map amendment for a mixed-use development with residential uses at this location is appropriate. However, at this time, the 1990 “Statement of Non-Disturbance” has not been amended to include residential uses.
- For the near Southwest area, the Act recognizes the need to work with NCPC in improving the aesthetic quality, identity and pedestrian character of the Near Southwest. The Act provides policy direction for the Southwest Waterfront redevelopment that is reflective of the current planning direction at that site. It also provides policy guidance related to the redevelopment of Maryland Avenue SW including language related to tying infrastructure improvements to any zoning entitlements required for adjacent development. This policy language was crafted jointly between DCOP and NCPC staffs. The policy language is as follows:

“1617.9 Action CW-2.7.B: Residential Uses in the Near Southwest

“Use innovative zoning, as appropriate, to link development potential to identified infrastructure improvements, and coordinate with the National Capital Planning Commission to identify infrastructure consistent with local and federal planning goals for the area. Innovative zoning may include establishing a direct correlation between maximum zoning entitlements and infrastructure construction and requiring minimum residential densities.”

- Among the amendments related to specific sites, there is a set of policies related to the redevelopment of portions of Walter Reed Army Medical Center. The District expects to receive 62.5 acres of this site for redevelopment. The Act establishes goals for the redevelopment of the site and they are as follows:

“(a) Enhancing the city’s tax revenue base;

“(b) Re-connecting the campus to the neighborhood by extending the street grid into the campus and creating enhanced transit options

“(c) Creating a livable, walkable community through sustainable development; and

“(d) Revitalizing Georgia Avenue.

While future planning at this site will need to take into account historic preservation issues including potential adverse affects to the Hospital, the comprehensive plan goals are commendable for the site’s redevelopment, particular extension of the street grid and creating a livable, walkable community.

When the original Act was submitted by the Council on December 17<sup>th</sup>, policies were included that pertained to the St. Elizabeths West Campus. Those policies were as follows in bold:

“1812.5 Policy FSS-2.2.2: St. Elizabeths West Campus

“Work collaboratively with the federal government on the reuse of the West Campus. Particular priority should be given to preserve historic resources—including not only the buildings, but the historic open spaces and massing of buildings on the site. To the greatest extent feasible, redevelopment of the West Campus should create new publicly accessible open space and should be coordinated with redevelopment of the East Campus. **Mixed use development, including retail and service uses, should be promoted along Martin Luther King Jr Avenue, should face the street and should be open to the public, outside security barriers and perimeters that may otherwise be required.** Integrate the Department of Homeland Security consolidation into the surrounding community to the greatest extent possible.”

The land use map amendment that implements this policy is described as follows:

**Change the designation of the corridor on both sides of Martin Luther King, Jr., Avenue, S.E., (to a depth of 200 feet from the Avenue with exceptions to be made where historic district considerations suggest otherwise) as follows (emphasis added):**

From (i) Mixed Use Moderate Density Commercial/Moderate Density Residential; (ii) Moderate Density Commercial/Medium Density Residential; (iii) Local Public Facilities; and (iv) Moderate Density Residential to Mixed Use High Density Commercial/High Density Residential the land along Martin Luther King, Jr., Avenue, S.E., within approximately 800 feet of the Anacostia Metrorail Station (exact boundaries to be determined based on streets and property ownership);

From (i) Production Distribution and Repair; (ii) Local Public Facilities, (iii) Low Density Commercial; (iv) Moderate Density Commercial; (v) Mixed Use Moderate Density Commercial/Medium Density Residential; (vi) Mixed Use Moderate Density Commercial/Moderate Density Residential; and (vii) Moderate Density Residential to Mixed Use Medium Density Commercial/Medium Density Residential between the Anacostia Freeway and Talbert Street, S.E.;

From (i) Local Public Facilities; and (ii) Moderate Density Residential to Mixed Use Medium Density Commercial/Medium Density Residential between Suitland Parkway and the St. Elizabeths Hospital site;

**From Federal to Mixed Use Medium Density Commercial/Medium Density Residential on the west side of the Avenue on the St. Elizabeths Hospital site;**

From (i) Local Public Facilities; and (ii) Mixed Use Low Density Commercial/Local Public Facilities/Medium Density Residential to Mixed Use Medium Density Commercial/Medium Density Residential on the east side of the Avenue on the St. Elizabeths Hospital site; and

From (i) Moderate Density Commercial; (ii) Institutional; (iii) Low Density Residential; (iv) Moderate Density Residential; and (v) Local Public Facilities to Mixed Use Medium Density Commercial/Medium Density Residential between the St. Elizabeths Hospital Site and 4<sup>th</sup> Street.

Upon reviewing these policies, NCPC staff and the General Services Administration voiced concern related to these policies in light of the fact that the West Campus of St. Elizabeths is federally owned and is subject to an NCPC approved Master Plan guiding its development as the new Department of Homeland Security Headquarters. Subsequently, an Executive Director's Recommendation was released citing these policies as a negative impact on the federal interest. However, since the release of that EDR, the Council of the District of Columbia, upon a motion by Councilmember Barry, voted to delete those provisions pertaining to the west campus from the Act.

Staff notes the action of the Council in removing these policies and resolving the issue of negative federal interest impact. Further, staff reiterates the federal government's commitment to leveraging the investment in the new Department of Homeland Security Headquarters campus in a way that maximizes its benefit for the District of Columbia. The new campus will bring 14,000 federal employees to this portion of Southeast Washington, spurring demand for residential and commercial uses beyond the Campus boundaries. Staff supports the Comprehensive Plan amendments that provide for mixed-use development around the St. Elizabeths campus so that new development can be created for the surrounding community as well as amenities for federal employees at St. Elizabeths. Further, NCPC, GSA, DHS, and the Economic Development Administration are working with the District of Columbia to ensure that this new federal facility, which is the largest federal development since the construction of the Pentagon, will provide economic benefits to the surrounding community. In terms of public access, a Memorandum of Agreement (MOA) was signed by the GSA, the Advisory Council on Historic Preservation, the District of Columbia State Historic Preservation Office, the U.S. Department of Homeland Security and the National Capital Planning Commission as part of the Section 106 process and it requires GSA to develop opportunities and means for the public to have regular access to historic areas of the west campus and specifically to the Point, the Cemetery and Hitchcock Hall.

## Conclusion

After reviewing the over 100 amendments submitted by the Council of the District of Columbia as well as gaining resolution on the concerns related to the St. Elizabeths west campus, staff recommends a finding of no negative federal interest impact for these amendments to the District Elements of the Comprehensive Plan for the National Capital. Staff congratulates the District of Columbia in concluding a comprehensive, public planning process that has resulted in a package of amendments that are compatible with the goals of NCPC's Monumental Core Framework Plan, the CapitalSpace Plan and that will assist in better integrating the federal establishment and the local city.

## National Historic Preservation Act

The Commission's review of the amendments is not subject to the National Historic Preservation Act.

## National Environmental Policy Act

The Commission's Environmental and Historic Preservation Policies and Procedures provide a categorical exclusion for Commission review of the amendments to the District of Columbia Elements of the Comprehensive Plan. (See NCPC Environmental and Historic Preservation Policies and Procedures, Section 8.C.9.)