

STAFF RECOMMENDATION

John Mann

NCPC File No. CP19



AMENDMENTS TO THE COMPREHENSIVE PLAN FOR THE NATIONAL CAPITAL: DISTRICT ELEMENTS— COMPREHENSIVE PLAN AMENDMENTS ACT OF 2006

Submitted by the Council of the District of Columbia

March 29, 2007

Abstract

The Council of the District of Columbia has submitted amendments to the newly enacted 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 adversely impact federal interests cannot be implemented by the District. The Commission has not identified issues that are adverse to the federal interest.

Commission Action Requested by Applicant

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

Executive Director's Recommendation

The Commission:

- **Commends** the District for developing amendments with NCPC, the Department of State and the Armed Forces Retirement Home that will allow the implementation of a dynamic and functional Comprehensive Plan that will serve the needs of all the District's citizens and stakeholders.
- **Adopts** the attached resolution finding that the amendments to the Comprehensive Plan for the National Capital: District Elements—Comprehensive Plan Amendments Act of 2006 (D.C. Bill 17-124) will not have a negative impact on the interests or functions of the federal establishment.

* * *

PLAN ANALYSIS

Background

The Comprehensive Plan for the National Capital consists of Federal Elements which are prepared by the Commission, and District of Columbia Elements, which are 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 Council of the District of Columbia enacted the current District of Columbia Elements on December 19, 2006, and Bill 16-876 was signed by the Mayor on December 28, 2006. The Council submitted the elements to the Commission on January 4, 2007.

On February 1, 2007, the Commission adopted a resolution that the newly enacted elements would not have a negative impact on the interests or functions of the federal establishment in the National Capital, with the exception of three policies and one action item in the Plan regarding foreign missions in the District, and text regarding the Armed Forces Retirement Home. The identified policies, the action item and the text were found to have a negative impact on the federal interest.

To respond to the findings of the Commission, the District's Office of Planning worked closely with NCPC staff, the Department of State and the Armed Forced Retirement Home to ensure that amendments were written that would be in accordance with the Commission's findings and recommendations.

On March 6, 2007 the Council approved Bill 17-124, the Comprehensive Plan Response to NCPC Recommendations and Technical Corrections Act of 2007 to respond to the findings of the Commission and to make technical corrections. The Council submitted the amendments to the Commission on March 9, 2007.

The Commission is required by law to determine whether the modifications have been made in accordance with the Commission's findings and recommendations within 30 days. If the Commission does not act on the amendments within 30 days of receiving them, the District of Columbia Elements are deemed to have been modified in accordance with the findings and recommendations and shall be incorporated into the Comprehensive Plan for the National Capital and implemented. If the Commission again finds a negative impact to the federal interest, the amendments shall not be implemented.

EVALUATION

The amendments modify the Comprehensive Plan Amendment Act of 2006 in response to findings adopted by the Commission that five provisions in the Comprehensive Plan would have a negative impact on the functions or interests of the federal establishment. The bill also includes technical corrections to the Plan.

Negative Impact to the Federal Interest

Staff has determined that the amendments have no negative impact on the federal interest.

In the previously submitted Comprehensive Plan, the Commission found that three policies and one action item in the Plan regarding foreign missions in the District would have a negative impact on the federal interest. In addition, the Commission found that text regarding the Armed Forces Retirement Home would have a negative impact on the federal interest.

The Commission found that the three policies and the action item were inconsistent with the Foreign Missions and International Organizations Element of the Federal Elements of the Comprehensive Plan because they prevented, discouraged, or precluded foreign missions from developing new chancery facilities or expanding existing chancery facilities in certain locations.

The Commission also found that the policies and action appeared to be inconsistent with provisions of the Foreign Missions Act. For example, the final sentence of Policy LU-3.3.1, the use of the word “chanceries” in Policy H-2.2.1, and the use of the term “foreign missions” in Policy NNW-1.1.7 were found to be inconsistent with section 206(b)(3) of the Act, which states that “the limitations and conditions applicable to chanceries shall not exceed those applicable to other office or institutional uses...” The final sentence of Action LU-3.3-A was found to be inconsistent with section 206(b)(2)(b) of the Act, which states that “a chancery shall also be permitted to locate...in any other area...subject to disapproval by the District of Columbia Board of Zoning Adjustment...”

Two paragraphs in the Armed Forces Retirement Home section of the previously submitted Comprehensive Plan provided background narrative text on possible redevelopment of the Home. The Commission found that text did not adequately reflect the concerns of the Home to ensure that the development process maintained the necessary balance between community and federal needs.

Those policies, the action item and the text have been replaced with the following:

- Policy LU-3.3.1: Chancery Encroachment in Low Density Areas, Land Use Element: “Discourage the location of new chanceries in any area that is essentially a residential use area, to the extent consistent with the Foreign Missions Act.”
- Action LU-3.3-A: Modifications to the Diplomatic Overlay Zone, Land Use Element: “The methodology and zoning map revisions should avoid concentration of chanceries in low density neighborhoods to the extent consistent with the Foreign Missions Act.”
- Policy H-2.2.1: Housing Conversion, Housing Element: “Discourage the conversion of viable, quality housing units to non-residential uses such as offices and hotels.”
- Policy NNW-1.1.7: Loss of Housing, Near Northwest Area Element: “Strongly discourage the demolition of viable housing or the conversion of occupied housing units to non-residential uses such as offices, hotels, and institutions.”

- The third and fourth paragraphs of RCE-2.5, Armed Forces Retirement Home/Irving Street Hospital Campus: “In 2001, the Secretary of Defense was authorized to sell, lease, or otherwise dispose of any property of the AFRH determined to be excess to the needs of the Home. The AFRH is in the process of developing a master plan for that purpose. While the District has limited jurisdiction over AFRH so long as it remains in federal use, consultation between local and federal officials is necessary on many redevelopment issues.

“The prospect of redevelopment creates exciting opportunities but also has raised community concerns about the scale of development, provisions for open space, traffic and environmental impacts, effects on visual and historic resources, and the compatibility of the development with the surrounding row house neighborhoods. The District will work closely with the federal government over the coming years to promote changes on the site that benefit the community, and to avoid land use conflicts, create community access and open space wherever feasible, and mitigate impacts on traffic and community character. As portions of the site are sold to the private sector, they should be subject to zoning and new Comprehensive Plan Map designations by the District.”

Staff has determined that the proposed changes have been made in accordance with the Commission’s findings and recommendations and that the amendments have no negative impact on the federal interest.

In addition to the changes made in response to the Commission’s findings and recommendations, the amendments make technical corrections to Act 16-637, the Comprehensive Plan Amendment Act of 2006, by: correcting spelling, typographical or grammatical errors; updating the Comprehensive Plan maps to conform with the Council’s final action in December 2006; modifying language on the legend of the Policy Map describing federal land use areas, as requested by NCPC and contained in the Mayor’s Addenda to the Comprehensive Plan that had been submitted to the Council; correcting an imprecise boundary illustration of the U Street “Main Street Mixed Use” on the Policy Map; and correcting the effective date provision of Act 16-637 by more precisely using the Home Rule Act language on the effect of NCPC review of the District Elements of the Comprehensive Plan.

PREVIOUS COMMISSION ACTION

At the February 1, 2007 Commission meeting, the Commission found that the District Elements of the Comprehensive Plan would not have a negative impact on the interests or functions of the federal establishment in the National Capital, with exceptions. In addition the Commission encouraged the District of Columbia, the Department of State, and NCPC to work together to reach agreement on mutually acceptable language that fulfills the city’s policy objectives without creating a negative impact to the federal interest.

CONFORMANCE

Comprehensive Plan

Staff has determined that the amendments to the District Elements of the Comprehensive Plan are not inconsistent with the Federal Elements of the Comprehensive Plan.

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.)

COORDINATION

Consultation with Other Federal and District Agencies

NCPC staff has worked closely with the District's Office of Planning, the Department of State and the Armed Forces Retirement Home to ensure that the amendments are in accordance with the Commission's findings and recommendations.