

COMMISSION ACTION

NCPC File No. 6893



NATIONAL CAPITAL PLANNING COMMISSION POLICY FOR ADOPTING PLANNING DOCUMENTS

National Capital Region

Submitted by NCPC Staff

December 4, 2008

Commission Action Requested by Applicant

Approval of adoption policy, pursuant to 40 U.S.C. § 8701 and following.

Commission Action

The Commission:

Approves the policy for adopting planning documents.

Deborah B. Young
Secretary to the National Capital Planning Commission

STAFF RECOMMENDATION

Jeff Hinkle

NCPC File No. 6893



NATIONAL CAPITAL PLANNING COMMISSION POLICY FOR ADOPTING PLANNING DOCUMENTS

National Capital Region

Submitted by NCPC Staff

November 25, 2008

Abstract

The National Capital Planning Act (40 U.S.C. § 8721) requires the National Capital Planning Commission to adopt the Comprehensive Plan, however, the Commission retains discretion in determining the process for preparing and releasing other work related to its comprehensive planning mission. The proposed policy establishes procedures for Commission staff to prepare planning documents and for Commission actions on these planning products. The purpose of establishing the procedures is to bring more consistency and clarity to the release of planning documents. The procedures will assist staff in implementing adopted plans and provide guidance to Commission members and applicants for utilizing these plans during the review of future projects.

Commission Action Requested

Approval of adoption policy, pursuant to 40 U.S.C. § 8701 and following.

Executive Director's Recommendation

The Commission:

Approves the policy for adopting planning documents.

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PROJECT DESCRIPTION

The National Capital Planning Commission (NCPC or Commission) currently does not have standard procedures for adopting and releasing planning documents. The National Capital Planning Act (40 U.S.C. § 8721) requires NCPC to adopt the Comprehensive Plan but provides limited direction on the process for preparing and releasing other work related to its comprehensive planning mission. The lack of a policy with specific procedures for adopting and reviewing planning products has resulted in uncertainty regarding how NCPC's plans determine future decision-making and planning work.

Title 40 of the United States Code, Public Buildings, Property, and Works (40 U.S.C. § 8701) provides for the establishment of agency procedures to administer the functions of the federal government related to planning in the National Capital Region. While the development of each planning effort undertaken by the Commission will differ, Commission procedures for considering proposed plans or planning studies should be consistent and clear.

To better assist both Commission members and staff, NCPC staff is proposing procedures for the development and release of the agency's planning documents. These procedures—which NCPC currently does not have—will bring more consistency and clarity to decision-making by establishing a predictable process for Commission recognition of planning documents. The procedures will provide assistance to staff in the implementation of adopted plans and provide guidance to Commission members for utilizing these plans during the review of future projects.

Two types of planning documents are developed by NCPC staff: plans, which have specific recommendation for new actions and policies; and studies, which provide research findings or ideas that help inform additional planning work. In summary, staff proposes that the Commission “adopt” agency plans and “review” studies. Similar to project submissions, each plan or study will be accompanied by an Executive Directors Recommendation (EDR), which will convey how each project will be used and implemented.

This proposal does not recommend Commission action on information presentations provided by Commission staff, other agencies, or the public that are designed to provide information or updates to the Commission on a specific project or issue.

POLICY FOR ADOPTING PLANNING DOCUMENTS

Project Launch

When a planning project is initiated by the National Capital Planning Commission, staff will determine in coordination with Commission members whether a project will result in a plan that should be adopted by the Commission, or a planning study that should be reviewed by the Commission to help inform additional planning work.

At the time of project launch, staff will consult with NCPC's historic preservation officer, National Environmental Policy Act (NEPA) compliance office, and counsel in the early project development phases and make a determination whether the project scope requires an environmental review and/or consultation under the National Historic Preservation Act (NHPA).

Document Development and the Executive Director's Recommendation

The scope of work for each planning effort by NCPC will be unique. When a planning document is complete, staff will draft an Executive Director's Recommendation (EDR) to accompany its submission to the Commission. The EDR will recommend a specific action to be taken by the Commission.

The EDR will be tailored for each planning document and will communicate precisely how it will be used and implemented by staff; the actual scope and language of the EDRs will vary depending on the planning document. However, each EDR, at a minimum, will include the following sections: *Project Description*, *Project Milestones* (including public participation), *Implementation* (including proposed actions of other agencies), *Conformance* (including NEPA and NHPA), and *Coordination*. In particular, the implementation section will identify the estimated period the planning document will be active and whether policies or actions recommended therein supersede previous Commission actions.

Commission Action

Staff will provide the planning product and associated Executive Director's Recommendation to the Commission for adoption or review, as determined at the launch of the planning project. The Commission will then take action on the EDR, which is reflected in the Commission action.

For final NCPC-generated plans the Commission will adopt or adopt with modifications, defer, or not adopt. In addition, the Commission may choose to provide additional guidance on these planning documents or direct staff to take additional steps. The following identifies the actions the Commission could take on a plan or portions thereof.

NCPC-generated Plans

- Adopt
 - As recommended in EDR
 - As recommended in EDR with modification(s)
- Defer (with guidance to staff) all or portions of a document
- Not adopt (with guidance to staff) all or portions of a document
- Direct

Modifications to the EDRs may include not adopting or deferring all or part of a plan, or modifying specific items within the planning documents. Modifications to the EDR may provide staff with *direction* on next steps, if any. The following terms are to be used in a Commission Action to modify an EDR:

- “Modifies” – allows adoption of a plan, providing that staff make changes to specific items
- “Defers” – postpones consideration of all or specific sections of a plan, subject to further staff work or other events
- “Does not adopt” – results in all or sections of a planning document being rejected by the Commission
- “Directs” – provides staff with guidance regarding the next steps, which would indicate in part the degree of Commission support. These next steps would be explained in more detail below the asterisk.

Other terms may be used by the Commission, such as “notes”, as determined by the Commission.

The Commission can convey the relative significance of a planning document through the use of “adopts” versus “reviews,” which allows for a distinction between major plans and planning studies, and through the direction for further actions specified in the EDR.

For planning studies the Commission will review, or review and modify, and then direct staff on next steps. Draft NCPC-generated plans prepared to be distributed for public comment are also to be reviewed; the Commission may then direct staff to release these draft plans for a set comment period. The following identifies the actions the Commission could take on planning studies and draft NCPC-generated plans.

Planning Studies and Draft NCPC-generated Plans

- Review
 - As recommended in EDR
 - As recommended in EDR with modification(s)
- Direct

PROJECT MILESTONES

During 2008, the Planning Research and Policy Division (PRPD) within NCPC researched the Commission’s adoption practices through a review of past Commission actions on NCPC-generated plans and studies as well as interviews with current and former NCPC project managers and legal counsel. Through this research, PRPD found that the Commission has taken a formal action, such as “adoption” or “acceptance,” on about half of its planning products, including the *Comprehensive Plan for the National Capital: Federal Elements* (2004), the annual

Federal Capital Improvement Plan, and the *Urban Design and Security Plan* (2002). Other plans and studies, however, have had no specific action taken upon them by the Commission—such as the *Extending the Legacy Plan* (1997), the *South Capitol Street Plan* (2005), or the *Foreign Mission Future Location Analysis* (2003).¹ This existing practice of varying Commission actions on plans and studies was discussed internally among NCPC staff and recommendations for new procedures for staff to prepare planning documents and for Commission actions on these NCPC-generated plans and studies were drafted. Over a series of meetings in the fall of 2008, NCPC staff discussed with the Commissioners their research findings and recommendations for new procedures. The result of these discussions is the proposed Policy for Adopting Planning Documents.

Public notification of the Executive Director's Recommendation for the Commission to approve the proposed Policy for Adopting Planning Documents was made within NCPC's posting of the Tentative Agenda for the December 4, 2008 Commission Meeting and through distribution of NCPC's November 2008 E-Newsletter.

IMPLEMENTATION

The Policy for Adopting Planning Documents will be implemented by NCPC following approval by the Commission.

As noted above, within the Policy for Adopting Planning Documents the estimated period a planning document will be active is to be noted within the implementation section of the Executive Director's Recommendation. In addition, the EDR will identify existing Commission policies or actions that will be superseded by the planning document. NCPC staff will use this information to conduct an annual review of the agencies' plans and studies and identify for the Commission those which are outdated or have been superseded by other Commission actions.

¹ This effort surveyed all of the discrete policies, plans, studies, reports, proceedings, analyses, and similar planning products that NCPC staff has completed in the past ten years.

EXAMPLES OF COMMISSION ACTIONS

The following examples illustrate potential Commission actions on hypothetical plans and planning studies using the terms proposed above.

Example 1 illustrates the Commission action of adopting an element of the Comprehensive Plan of the National Capital: Federal Elements while modifying or deferring specific sections of the element.

Commission Action

The Commission:

- **Adopts** the *Park and Open Space Element* of the Federal Elements of the Comprehensive Plan
- **Modifies** the parking lot ratio of trees to parking spaces to one (1) tree for each seven (7) parking spaces
- **Defers** consideration of the policies for small park design and directs staff to further study and provide revised recommendations

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Example 2 illustrates the Commission action of reviewing a design study and directing staff to further advance a preferred alternative.

Commission Action

The Commission:

- **Reviews** the Clara Barton Parkway / Chain Bridge Study, as prepared by the ULI Technical Advisory Panel
- **Directs** staff to coordinate with federal and local agencies on further study and to advance Alternative Two as the Commission's preferred conceptual option.

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Example 3 illustrates the Commission action of reviewing and directing staff to release a draft plan for public review and comment.

Commission Action

The Commission:

- **Reviews** the Draft East Capitol Street Framework Plan
- **Directs** staff to circulate the Draft East Capitol Street Framework Plan for review and comment by federal departments and agencies, state and local governments, regional agencies, and interested organizations and individuals for a period of 90 days.

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