



# Executive Director's Recommendation

Commission Meeting: December 5, 2019

**PROJECT**

**Modification and Termination of the Urban Renewal Plans for the Shaw School and Downtown Urban Renewal Areas**

**SUBMITTED BY**

District of Columbia Office of Planning

**REVIEW AUTHORITY**

Approval of Modification  
per D.C. Code § 2-1225.31

**NCPC FILE NUMBER**

UR07 / UR08

**NCPC MAP FILE NUMBER**

UR07 - 00:00(14.00)45033  
UR08 - 00:00(14.00)45034

**APPLICANT'S REQUEST**

Approval of modification and termination of the Urban Renewal Plans

**PROPOSED ACTION**

Approve modification of the Urban Renewal Plans

**ACTION ITEM TYPE**

Consent Calendar

## PROJECT SUMMARY

The DC Office of Planning (DCOP) is proposing to amend the termination dates of the Urban Renewal Plans for the Shaw School and Downtown Urban Renewal Areas pursuant to the Commission's modification authority granted by the District of Columbia Redevelopment Act of 1946 and codified in the D.C. Code (D.C. Code § 2-1225.31). Following the National Capital Planning Commission's (NCPC) review, the proposed modification will be submitted to the District Council for approval as a resolution to modify the termination date of the urban renewal plans. The date the resolution becomes effective shall serve as the termination date for the plans (original plans are set to terminate in 2028).

In 1969, the NCPC adopted the Shaw School and Downtown Urban Renewal Plans. Since their adoption, the two plans guided the rehabilitation and renewal of the two designated areas. Fifty years later, both the District and NCPC agree the standards contained in the plans are outdated and do not align with current zoning and planning initiatives. Terminating the plans would allow the District to continue to refine the *Comprehensive Plan for the National Capital* (Comprehensive Plan) and zoning to guide future development in these areas.

## KEY INFORMATION

- In 1969, the Commission adopted the Urban Renewal Plans for the Shaw School and Downtown Urban Renewal Areas.
- The Shaw School Urban Renewal Area is generally bounded by M Street, NW to the south; North Capitol Street to the east; Florida Avenue, NW to the north; and 15th Street, NW to the west. The Downtown Urban Renewal Area is generally bounded by Pennsylvania

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Avenue, NW to the south; North Capitol Street to the east; M Street, NW to the north; and 15th Street, NW to the west.

- DCOP is proposing to terminate the urban renewal plans because they are outdated and do not align with current planning efforts. Terminating the plans would allow the District to continue to refine the Comprehensive Plan and zoning to guide future development in the Shaw School and Downtown Urban Renewal Areas.
- The development objectives identified for the Shaw School and Downtown neighborhoods have been largely accomplished, including the construction of a new convention center and sports and entertainment complex.
- NCPC is reviewing the termination of the two urban renewal plans for impacts to the federal interest. NCPC's interest is to preserve and enhance historic, cultural, and natural resources and federal assets in the two urban renewal areas.
- The Shaw School and Downtown Urban Renewal Area boundaries define the "central area" where NCPC exercises approval authority over projects on District-owned land. The definition of the central area will not change if the two urban renewal plans are terminated. The central area definition will remain in place until the District and NCPC define and adopt a new geographic area that comprises the central area. The Commission will retain approval authority over projects on District-owned land within the existing central area boundary.
- Notwithstanding the termination of the two urban renewal plans, the federal interests within the urban renewal areas will be protected with the new 2016 zoning regulations, existing Section 106 Memoranda of Agreements, Federal and District Elements of the Comprehensive Plan, Pennsylvania Avenue Development Corporation Plan, and NCPC's Central Area authority.

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## RECOMMENDATION

The Commission:

**Approves** the modification to terminate the Urban Renewal Plans for the Shaw School and Downtown Urban Renewal Areas.

**Notes** that the current zoning regulations, existing Section 106 Memoranda of Agreements, Federal and District Elements of the Comprehensive Plan, Pennsylvania Avenue Development Corporation Plan, and NCPC's Central Area authority are satisfactory to protect the federal interests in these two areas if the plans are terminated before their 2028 expiration.

**Notes** that NCPC staff collaborated with DCOP staff during the 2016 zoning rewrite to ensure development controls were included to protect federal interests, including important viewsheds.

**Notes** that the current Section 106 Memoranda of Agreements related to the construction of the Convention Center and Capitol One Arena require the closed L'Enfant streets to be reopened after the two buildings have outlived their useful life.

**Notes** that the current definition of “central area,” a geographic area within which NCPC has approval authority over projects on District-owned land, is the area encompassed by the Shaw School and Downtown Urban Renewal Areas. The Commission’s authority within the existing central area boundary will not change upon termination of the urban renewal plans, and by statute it remains as is until NCPC and the District Council agree upon and adopt a new boundary definition (See D.C. Code § 2-1004 (c)).

## PROJECT REVIEW TIMELINE

<b>Previous actions</b>	<b>January 9, 1969</b> – The Commission adopted the Urban Renewal Plans for the Shaw School Urban Renewal Area (UR07) and Downtown Urban Renewal Area (UR08).
<b>Remaining actions</b> (anticipated)	<b>None</b>

## PROJECT ANALYSIS

### Executive Summary

The DCOP is proposing to amend the termination dates of the Urban Renewal Plans for the Shaw School and Downtown Urban Renewal Areas pursuant to the Commission’s modification authority granted by the District of Columbia Redevelopment Act of 1946 and codified in the D.C. Code (D.C. Code § 2-1225.31). The two plans are set to terminate in 2028, however, the renewal actions and development objectives identified for these neighborhoods have been largely accomplished. The Shaw School and Downtown Urban Renewal Plans are outdated and do not align with current planning efforts of the District of Columbia. The development standards and guidelines in the urban renewal plans reflect planning ideas from the 1960s, and no longer reflect best practices in the planning, zoning and development fields.

### Background

In 1969, NCPC adopted the two urban renewal plans, which were designed to guide the rehabilitation and renewal of the Shaw School and Downtown Urban Renewal Areas. NCPC obtained its urban renewal authority in 1946 to address areas like the Shaw School and Downtown areas that were characterized by blight and deterioration, which was detrimental to the health, safety, and welfare of the area and of the District of Columbia. These areas were also experiencing a shrinking population due to suburban growth in the region, a downtown serving primarily as a regional employment center, and civil unrest and riots that occurred in 1968.

The Shaw School Urban Renewal Area is generally bounded by M Street, NW to the south; North Capitol Street to the east; Florida Avenue, NW to the north; and 15th Street, NW to the west. The

Downtown Urban Renewal Area is generally bounded by Pennsylvania Avenue, NW to the south; North Capitol Street to the east; M Street, NW to the north; and 15th Street, NW to the west.

The general objective of the Shaw School Urban Renewal Plan was to guide rehabilitation and renewal of the area consistent with Comprehensive planning objectives and policies for the Nation's Capital, and the special character and development potential of the area by providing for predominately residential uses with supporting private and public facilities. The general objective for the Downtown Urban Renewal Plan was to stimulate the revitalization of the Downtown area by focusing on making the area a major center of government and private employment and providing significant job training opportunities for residents of the city with employment opportunities in varied occupations at a wide range of levels. These plans included development standards and maps to guide the land use, land disposition, and site development for the two urban renewal areas.

Since adoption, the urban renewal plans have directed development of housing, parks and open space, infrastructure, other public space improvements, as well as the preservation of notable historic landmarks. The development objectives identified for the Shaw School and Downtown neighborhoods have been largely accomplished, including the construction of a new convention center and sports and entertainment complex. Today, the District's population is growing faster than the region's; Downtown serves as a center for employment, entertainment, culture, shopping and tourism; and the District's goals in the areas are about managing growth rather than preventing decline.

The District of Columbia Comprehensive Plan and associated small area plans, and the Zoning Commission's actions to modernize the 1958 Zoning Regulations have continued to evolve and reflect the new ways in which residents live, work and move through the city. These modern planning and zoning approaches are not reflected in the urban renewal plans. Terminating the two urban renewal plans will allow the District to continue to refine and implement its new planning and zoning approaches to the two important areas of the city.

#### Proposed Modification

The DCOP proposes the following modifications to the two urban renewal plans for early termination:

- a. Modify section 670.00, Duration of Controls, Shaw School Urban Renewal Area as follows:

~~670.00 Property acquired by the Agency shall be subject to the land use provisions and building requirements in the Plan for a period of 20 years following the date of the approval of this Plan or modification hereof authorizing such acquisition. Such period shall be extended for a period equal to the period of controls covering the property acquired by the Agency under the last modification of this Plan authorizing such acquisition in the Project Area, provided that in no event shall the period of controls affecting any such property exceed 30 years from the date of the approval of this Plan or modification hereof authorizing the acquisition of such property.~~  
The Plan shall terminate effective [date the resolution becomes effective].

Modify section 670.10, Duration of Controls, Downtown Urban Renewal Area as follows:

670.10 ~~The Plan shall terminate effective [date the resolution becomes effective].~~

~~Property acquired by the Agency shall be subject to the land use provisions and building requirements in the Plan for a period of 30 years following the date of the final building plan approval for the Washington Convention Center project or modification hereof authorizing such acquisition, whichever is later. Such period shall be extended for a period equal to the period of controls covering the property acquired by the Agency under the last modification of this Plan authorizing such acquisition in the Project Area.~~

~~670.11 Notwithstanding the provisions of Section 670.10, the land use provisions and building requirements in the Plan shall apply to a sports and entertainment complex on Disposition Lot 6 for a period of thirty years following the disposition of Lot 6 for the specified use.~~

## Analysis

NCPC reviewed the termination of the two urban renewal areas for impacts to the federal interest. NCPC's interest is to preserve and enhance historic, cultural, and natural resources and federal assets. NCPC protects and advances the federal government's interests through the Federal Elements of the Comprehensive Plan, review of the District Elements and DC zoning regulations, review of federal and certain local projects, and oversight of future long-range planning for certain areas such as Pennsylvania Avenue.

Both the District and Federal Elements of the Comprehensive Plan continue to guide future planning and development in these two areas. The District of Columbia is currently updating their District Elements. The Federal Urban Design Element complements the District's element and focuses on areas under federal jurisdiction; protects Washington's form and character, and resources that contribute to the city's image or function as the nation's capital.

The urban renewal plans include development controls that have helped protect and preserve significant views and vistas of the major monuments and memorials in the Nation's Capital; preserve the original axial, diagonal, or radial avenues and streets with the square and circles or the L'Enfant Plan; and preserve, enhance, and establish the distinctive features of L'Enfant's special streets.

NCPC staff reviewed the development controls in the 2016 DC zoning regulations against those in the Shaw and Downtown Urban Renewal Plans. **NCPC staff collaborated with DCOP staff during the 2016 zoning rewrite to ensure development controls were included to protect federal interests, including important viewsheds.** This included development controls for building setbacks and maximum building heights along North Capitol and Pennsylvania Avenue to protect the important viewshed to the U.S. Capitol. In addition, the development guidelines in the urban renewal plans for Pennsylvania Avenue were incorporated into the 1974 Pennsylvania Avenue Development Corporation (PADC) Plan, which provide federal guidance on the planning,

design and development of 23 squares along and near Pennsylvania Avenue, NW. The PADC Plan and square guidelines for Pennsylvania Avenue govern development and take precedent over zoning. NCPC is responsible for ensuring that development in the Pennsylvania Avenue area is carried out in accordance with the PADC Plan.

The urban renewal plans have directed the development of the Walter E. Washington Convention Center and the sport and entertainment complex, now known as the Capitol One Arena. Both 8<sup>th</sup> and G Streets were closed to facilitate the construction of the convention center and sport and entertainment complex. The urban renewal plans identify that these special streets remain in the title of the United States. **The current Section 106 Memoranda of Agreements related to the construction of the Convention Center and the Capital One Arena require the closed L'Enfant streets to be reopened after the two buildings have outlived their useful life.**

#### Central Area Authority

NCPC's approval authority over projects on District-owned land within the Central Area would not change with the termination of the urban renewal plans. **The current definition of "central area," a geographic area within which NCPC has approval authority over projects on District-owned land, is the area encompassed by the Shaw School and Downtown Urban Renewal Areas. This definition will not change upon termination of the urban renewal plans, and by statute it remains as is until NCPC and the District Council agree upon and adopt a new boundary definition (See D.C. Code § 2-1004 (c)).**

**The current zoning regulations, existing Section 106 Memoranda of Agreements, Federal and District Elements of the Comprehensive Plan, PADC Plan, and NCPC's Central Area authority are satisfactory to protect the federal interests in these two areas, therefore, we do not have substantive concerns with the early termination of the two urban renewal plans. Therefore, NCPC staff approves the modification to terminate the Urban Renewal Plans for the Shaw School and Downtown Urban Renewal Areas.**

## **CONFORMANCE TO EXISTING PLANS, POLICIES AND RELATED GUIDANCE**

### **Comprehensive Plan for the National Capital**

The modification to terminate both the urban renewal plans are consistent with policies in the Federal Elements. As previously stated, the goals and objectives of the urban renewal plans were to be consistent with the Comprehensive planning objectives and policies for the Nation's Capital.

### **National Environmental Policy Act**

NCPC does not have a National Environmental Policy Act (NEPA) obligation relative to its decision to modify the termination date of the Shaw School and Downtown Urban Renewal Plans. NEPA applies only to final federal actions. In this case, the District Council, not NCPC, is taking a final action. NCPC's action is what courts deem an interlocutory action or an interim decision rendered at the start of the statutory mandated modification process prior to the modification

process' culmination with District Council action to approve the modification. Further, to determine if modification of the termination date is appropriate, NCPC is looking to the impact of the action on the federal interest. NCPC is not looking to determine the specific environmental, social and cultural impacts upon properties within the urban renewal areas if the controls of the two urban renewal plans are lifted. That analysis is better performed, if required, by the District of Columbia's environmental regulations, at the local government level when District Council takes action on the proposed modification and/or when a developer seeks redevelopment of a property previously regulated by the urban renewal plans.

### **National Historic Preservation Act**

Because NCPC does not have an approval action, therefore, does not have a Section 106 responsibility under the National Historic Preservation Act.

## **CONSULTATION**

### **Coordinating Committee**

The Coordinating Committee discussed the proposed project at its November 13, 2019 meeting, and without objection, the Committee forwarded the proposed comments to the Commission with the statement that the proposal has been coordinated with all participating agencies. Participating agencies include the General Services Administration, Washington Metropolitan Area Transit Authority, District of Columbia State Historic Preservation Office, District of Columbia Office of Planning, District Department of Transportation, and the District Department of Energy and the Environment.

## **ONLINE REFERENCE**

The following supporting documents for this project are available online at [www.ncpc.gov](http://www.ncpc.gov):

- Project Letter
- Project Synopsis

Prepared by Angela Dupont  
11/27/2019

## **POWERPOINT (ATTACHED)**

# Modification and Termination of the Urban Renewal Plans for the Shaw School and Downtown Urban Renewal Areas

Washington, DC

Approval of modification

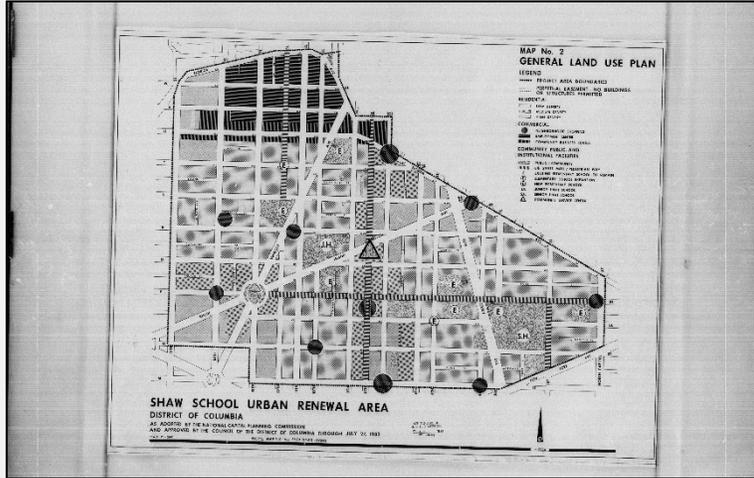
District of Columbia Office of Planning

# Site Location

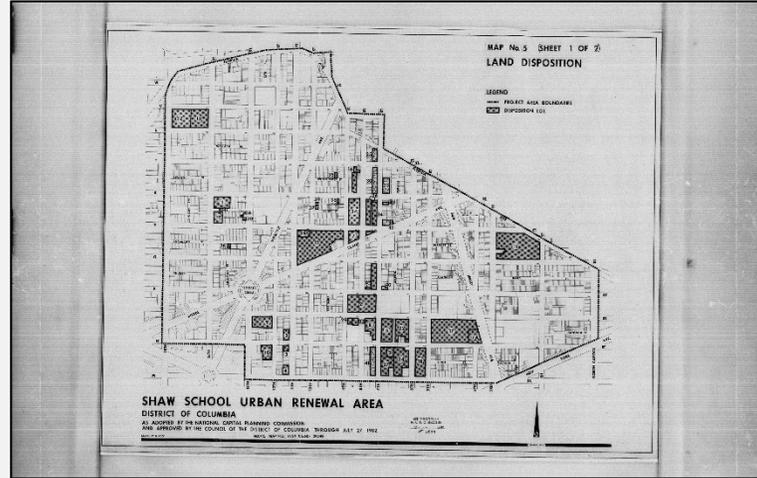


Location Map

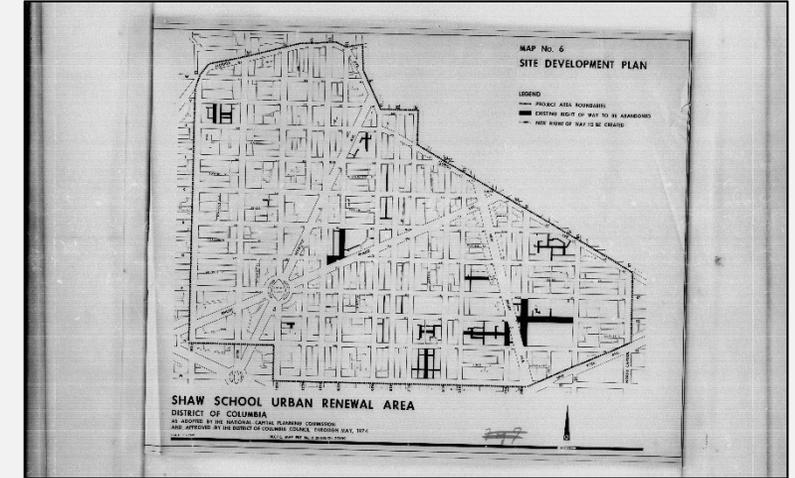
# Shaw School Urban Renewal Plan



General Land Use Map



Land Disposition Map



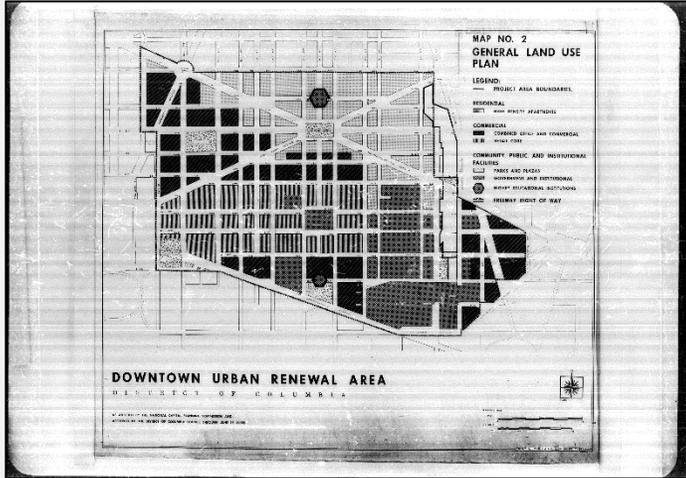
Site Development Plan

## General Objectives

Guide rehabilitation and renewal of the Shaw School Urban Renewal Area consistent with:

- Comprehensive planning objectives and policies for the Nation's Capital.
- The special character and development potential of the area by providing for predominately residential uses with supporting private and public facilities.

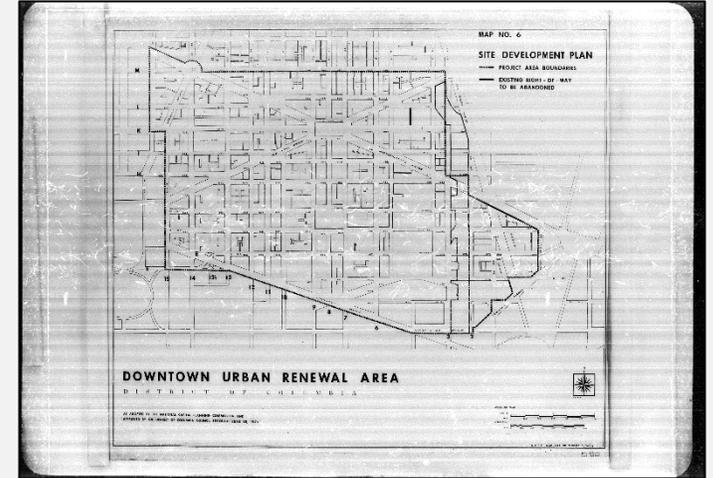
# Downtown Urban Renewal Plan



General Land Use Map



Renewal Action Areas Map



Site Development Plan

## General Objectives

Stimulate the revitalization of the Downtown Urban Renewal Area so that it could:

- Strengthen as the heart of the Nation's Capital, as a core for the Washington Metropolitan Area, and the center of the District of Columbia.
- Expand as a major center of government and private employment, while providing significant job training opportunities for residents of the city with employment opportunities in varied occupations at a wide range of levels.

