



Executive Director's Recommendation

Commission Meeting: November 5, 2020

PROJECT

Embassy of Libya Site Improvements

Foreign Missions Center
1460 Dahlia Street, NW
Washington, DC

NCPC FILE NUMBER

8211

NCPC MAP FILE NUMBER

62.10(38.00)45190

SUBMITTED BY

United States Department of State

APPLICANT'S REQUEST

Decision to not disapprove the preliminary and final site building plans to expand a chancery at the Foreign Missions Center

REVIEW AUTHORITY

Expansion of a chancery at the Foreign Missions Center
per 22 U.S.C. § 4306; MOA between NCPC and U.S. State Department dated February 27, 2017 and amended October 22, 2020

PROPOSED ACTION

Not disapprove the preliminary and final site building plans to expand a chancery at the Foreign Missions Center

ACTION ITEM TYPE

Staff Presentation

PROJECT SUMMARY

The Department of State submitted a project on behalf of the Embassy of Libya for improvements at the Libyan Chancery at the Foreign Missions Center (FMC) in Northwest, Washington, DC. This is the first chancery project at the FMC. The FMC is one of two foreign mission enclaves in Washington, DC overseen by the Department of State where individual parcels/lots are leased to individual countries using long-term leases.

The Libyan government entered into a lease agreement in 2019 for Lot 6 at the FMC. This is a 43,951-square-foot, improved lot south of Dahlia Street, NW between 14th Street, NW and Alaska Avenue, NW. There is a 2-story building and a 10-space surface parking lot on the property. The existing building was once a Fisher House but is now being used by the Libyan government for its chancery.

The project consists of the following additions:

- A vehicular driveway for the Ambassador/VIP
- A modular office storage building at the rear of the site
- A new guardhouse
- 2 new canopies: one over the parking lot and another at the rear of the building
- A perimeter fence on a knee wall along Dahlia Street. A steel picket fence is proposed along the western, the eastern, and southern property lines.

KEY INFORMATION

- The Foreign Missions Center was part of the former Walter Reed Army Medical Center. Congress transferred approximately 31 acres of land at the former Walter Reed Army Medical Center to the Department of State in 2015.
- The Department of State went through a master planning process, and the Commission approved the final master plan in May 2019. The Walter Reed Army Medical Center Historic District was listed in the National Register in March 2015. This listing included many contributing elements to the historic district. Building 56 on Lot 6 is a non-contributing element.
- NCPC and the Department of State entered into a Memorandum of Agreement (MOA), on February 27, 2017, to explain the process by which NCPC would review foreign mission projects at the FMC.
- Per the 2017 MOA, NCPC's review of chancery projects at the FMC is limited to analysis of the proposed project in accordance with the six criteria contained in the Foreign Missions Act which is also used by FMBZA to review chancery applications. NCPC is also required to refer the project to District government agencies and the ANC for comment. Upon review, NCPC either "not disapproves" or "disapproves" the proposed project.
- After staff's initial review of the Libyan Chancery project, NCPC and the Department of State have agreed that the NCPC should also review FMC chancery projects for consistency with the approved FMC Master Plan. NCPC and the Department of State amended the MOA via a letter dated October 22, 2020 (attached) to allow for this additional review standard.

RECOMMENDATION

The Commission:

Notes the Commission reviews chancery projects at the Foreign Missions Center for consistency with the 2019 Foreign Missions Center Master Plan and in accordance with the six Memorandum of Agreement criteria based on the criteria in the Foreign Missions Act.

Master Plan Review

Overall, **finds** this proposal is consistent with the Foreign Missions Center Master Plan including the addition of a single entry off Dahlia Street and provisions for safety and security for embassy personnel.

Guard House

- **Notes** the FMC Master Plan allows guardhouses in front of the main building and states they should be "...designed for a minimal footprint and height."
- **Finds** the proposed guard house is consistent with the master plan as it is minimal in size and located appropriately.

Perimeter Fencing

- **Notes** the master plan provides specific guidance for the design of fencing on Dahlia Street but does not address the design of internal site fencing.
- **Finds** the proposed fence is consistent with the master plan.

Modular Building and Canopies

- **Notes** that modular buildings are not contemplated in the Foreign Missions Center Master Plan; however, the proposed modular building is intended to provide temporary office and storage space for existing employees while a more permanent solution is developed.
- **Supports** the modular office building if all stormwater management requirements are met and the applicant agrees to its removal by January 31, 2023 as requested by the Department of State.
- **Finds** that although it was not contemplated in the master plan, the proposed modular building is acceptable since it is not permanent and will be located behind the main building.
- **Finds** that although the canopies are not contemplated in the master plan, they are acceptable since they are simple elements providing shelter at this existing building.

Driveway

- **Finds** the proposed vehicular entrance is generally consistent with the master plan as the master plan allows one entrance along Dahlia Street. This entrance will be for the ambassador and others visiting the site.
- **Finds** the proposed driveway is consistent with the master plan.

Memorandum of Agreement Criteria

Finds the proposal meets the six criteria established in the 2017 Memorandum of Agreement, as amended on October 22, 2020, between the Department of State and the Commission.

Therefore, does **not disapprove** the application for the following improvements at the Libyan Chancery.

- A vehicular driveway for the Ambassador/VIP
- A modular office storage building at the rear of the site
- A new guardhouse
- 2 new canopies: one over the parking lot and another at the rear of the building
- A perimeter fence on a knee wall along Dahlia Street and a steel picket fence along the western, eastern, and southern property lines.

PROJECT REVIEW TIMELINE

Previous actions	May 2019 – Approval of the Foreign Missions Center Master Plan
Remaining actions (anticipated)	None

PROJECT ANALYSIS

Executive Summary

Staff has reviewed the proposed development at the Libyan Chancery for consistency with the Foreign Missions Center (FMC) Master Plan and the six criteria contained within the Memorandum of Agreement, dated February 27, 2017 and amended on October 22, 2020 between the Department of State and NCPC. Staff has determined that all the elements of the proposed project meet the six MOA criteria and are consistent with the Foreign Missions Center Master Plan. Staff's review first analyzes the project's consistency with the master plan and then evaluates the proposal in accordance with the six MOA criteria.

Analysis

Master Plan Review

The FMC Master Plan project includes a parcel-by-parcel development framework for the entire campus. Considerations such as lot size, building configuration, number of buildings, height, parking, entrances, setbacks, perimeter security are identified in the development scenarios.

The development framework for Lot 6 allows the following:

- Either one (primary) or two buildings (primary and auxiliary) with less than 25% lot coverage. The auxiliary building should sit directly behind primary building.
- A primary building height limit of 32 feet; auxiliary building height limit of 30 feet.
- A primary building setback of 40-feet from Dahlia Street, NW.
- Small security building
- A perimeter fence at the property line
- One vehicular entrance from Dahlia Street, NW
- Below grade parking

This proposal includes several different project components: a new guardhouse, a perimeter fence around the site, a temporary modular building, two new canopies, and a new vehicular driveway. Overall, staff **finds this proposal is consistent with the Foreign Missions Center Master Plan including the addition of a single entry off Dahlia Street and provisions for safety and security for embassy personnel.** The specific staff analysis for each component is listed below:

Guard House

The proposed guardhouse will be used for visitor screening and sited west and closer to Dahlia Street than the existing building. It will be clad in brick and will have a pitched roof. It is 9 feet by 22 feet and approximately 10 feet in height. The master plan allows guardhouses in front of the main building and states they should be "...designed for a minimal footprint and height." Staff understand that while guardhouses are anticipated in the master plan this is general guidance and dimensions are not specified. Staff finds the proposed guard house is consistent with the master

plan as it is minimal size and in a location that is allowed. Staff therefore recommends the Commission **find the proposed guard house is consistent with the master plan as it is minimal in size and located appropriately.**

Perimeter Fence

Fences are also included in the FMC Master Plan which notes that they should be placed on the property line on all sides of the building and be 15 feet from the curb along Dahlia Street. It notes that fences along Dahlia and 14th Streets may be placed on low knee walls and need to be "...80% open and finished in a dark color" (p. 5-11). This section of the master plan also notes the knee wall should be made of a common material and suggests granite. Staff notes the applicant proposes a decorative fence with knee wall, approximately 20 feet from Dahlia Street and a steel picket fence along the western, eastern and southern sides of the property. The master plan provides specific guidance for the design of fencing on Dahlia Street but does not address the design of internal site fencing. Staff therefore recommends the **Commission find the proposed fence is consistent with the master plan.**

Modular Building and Canopies

The applicant notes the purpose of the temporary modular building is to allow additional workspace and storage space for staff that currently do not have sufficient space in the existing structure on the site. According to the Libyan government's representative, this is intended to be a temporary solution as they seek to develop a more long-term plan. Staff noted earlier that the master plan does not contemplate any temporary structures. The Department of State has indicated it will limit the duration of the temporary building until January 31, 2023. Supports the modular office building if all stormwater management requirements are met and the applicant agrees to its removal by January 31, 2023 as requested by the Department of State. Staff **finds although it was not contemplated in the master plan, the proposed modular building is acceptable since it is not permanent and will be located behind the main building.**

In addition, the proposed canopies are simple elements used for providing shelter for several vehicles and for the staff in the rear of the building. While these were not contemplated in the master plan, staff does not view these as consequential. Staff also understands that they are easily removed. Therefore, staff would **recommend the Commission find, although it was not contemplated in the master plan, the installation of the canopies is acceptable since they are simple elements providing shelter at this existing building**

Driveway

The development framework in the master plan includes several transportation-related elements relevant to this proposal, in particular the vehicular driveway. Staff noted earlier, the master plan includes a new driveway from Dahlia Street but offset from the building. While the proposed driveway is not offset from the building, the applicant states this separate entry is necessary for

security of the Libyan Ambassador and other VIPs that visit the site. There are no on-street parking areas permitted in the FMC due to security concerns.

This entrance is proposed along Dahlia Street to provide a separate access point for the Ambassador. There is an existing ADA ramp at this location with a sidewalk leading to the building from the street. During consultation, the applicant discussed including a horseshoe-shaped driveway entry that would have placed two additional curb cuts along Dahlia Street in front of this building. Staff requested a single curb cut approach to promote safety by reducing pedestrian vehicular conflicts as the sidewalk along Dahlia Street will be open and accessible to the public. The current proposal reflects this work and includes some landscaping to buffer any vehicles from view along the street. Staff supports this vehicular entrance as it is generally consistent with the master plan as only one entrance was proposed along Dahlia and it is for the ambassador and others visiting the site.

Staff therefore recommends the Commission **find the proposed driveway is consistent with the master plan.**

Memorandum of Agreement Review

Staff also analyzed the project in accordance with the six criteria contained within the 2017 MOA. NCPC referred the project out to the various federal and local agencies in mid-August 2020 for comments. Comments were due on October 16, 2020. The DC State Historic Preservation Office and the District Department of Energy and the Environment provided comments. The summary of these comments and NCPC analysis is discussed below.

1. *The international obligation of the US to facilitate provision of adequate and secure facilities for the foreign mission in the nation's capital.*

The State Department letter dated August 8, 2020 stated it "...determined that favorable NCPC action on the present application would fulfill the international obligation of the United States to facilitate the provision of adequate and secure premises for the Government of Libya in Washington."

2. *Historic preservation ... and in order to ensure compatibility with historic landmarks and districts, substantial compliance with ... Federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.*

While the project is within the Walter Reed Army Medical Center Historic District, which is listed on the National Register, this building is a non-contributing building, and it is not a historic landscape. The DC State Historic Preservation Office did not raise any historic preservation concerns.

3. *The adequacy of off street parking or other parking and the extent to which the area will be served by public transportation to reduce parking requirements, subject to such special security requirements as may be determined by the Secretary, after consultation with Federal agencies authorized to perform protective services.*

The adequacy of off-street parking and special security requirements. The master plan allows a 1:1 parking ratio since there is no on-street parking allowed at the FMC for security concerns. The applicant has an existing 10 spaces total (for visitors and staff). There are 25 employees at this site. The ANC did not raise any parking concerns with this project. There is no change in parking with this proposal and the applicant is well within the established ratio.

4. *The extent to which the area is capable of being adequately protected, as determined by the Secretary.*

The State Department letter, dated August 8, 2020 stated this area would be capable of being adequately protected.

5. *The municipal interest, as determined by the D.C. Mayor.*

The municipal interest – NCPC has received letters from DOEE, SHPO and ANC. DOEE noted that this project will need to be submitted for its review. SHPO noted issues with master plan consistency but didn't express historic preservation concerns. ANC 4A reviewed and supported the proposal. No other concerns/comments have been received yet. CFA also supported this project at their July 2020 meeting (no comments).

6. *The Federal interest, as determined by the Secretary.*

The State Department letter dated August 8, 2020 stated the federal interest is to ensure reciprocity with the Libyan government who has been helpful in addressing the United States land use needs in Tripoli.

For the reasons stated above, staff finds the proposal meets the criteria established in the MOA and therefore, recommends the Commission not disapprove the application for improvements at the Libyan Chancery.

Staff recommends the Commission **find the proposal meets the six criteria established in the 2017 Memorandum of Agreement, as amended on October 22, 2020, between the Department of State and the Commission.**

Therefore, staff recommends the Commission **not disapprove** the application for the following improvements at the Libyan Chancery.

- A vehicular driveway for the Ambassador/VIP
- A modular office storage building at the rear of the site

- A new guardhouse
- 2 new canopies: one over the parking lot and another at the rear of the building
- A perimeter fence on a knee wall along Dahlia Street and a steel picket fence along the western, eastern, and southern property lines.

CONFORMANCE TO EXISTING PLANS, POLICIES AND RELATED GUIDANCE

Comprehensive Plan for the National Capital

The project is consistent with Historic Preservation, Transportation and the Federal Environment Elements of the Comprehensive Plan for the National Capital.

National Historic Preservation Act

The Department of the Army has performed a Section 106 consultation for the Walter Reed Army Medical Center for the BRAC undertaking. A Programmatic Agreement (PA) between the Army and the signatory parties incorporating mitigation measures was signed in January 2013. As part of the Programmatic Agreement, the Department of the Army developed a nomination of the WRAMC as a historic district to the National Register of Historic Places and the DC Inventory of Historic Sites. The WRAMC was designated a historic district by DC Preservation Office in May 2014 and by the U.S. Department of the Interior in March 2015.

Following lengthy discussions and several revisions, DOS completed its Section 106 responsibility for the master plan projects with the execution of a PA dated December 4, 2018. In summary, the PA describes the process for addressing historic resource impacts to contributing elements of the Walter Reed Army Medical Campus Historic District and agreed upon mitigation.

NCPC does not have an independent Section 106 responsibility for individual chanceries at the FMC.

National Environmental Policy Act

The Draft Environmental Impact Statement (DEIS) for the FMC Master Plan was issued in early February 2014 and DOS conducted an open house and public hearing to receive comments from the public during the mandated public comment period. Due to the change in campus size, a Supplemental Draft Environmental Impact Statement (SEIS) was issued in March 2017. Following this a Final Environmental Impact Statement (FEIS) was issued in December 2017. DOS issued a Record of Decision (ROD) for the FMC Master Plan FEIS in May 2019.

NCPC does not have an independent NEPA responsibility for individual chanceries at the FMC.

CONSULTATION

Staff referred this project out to a number of local and federal agencies, in mid-August as well as the local Advisory Neighborhood Commission (ANC 4A) for comments. The deadline for comments was October 16, 2020. These agencies included the DC State Historic Preservation Office, the District Department of Transportation, the District Department of Energy and the Environment, District of Columbia Office of Planning, the Department of State and the US Commission of Fine Arts. The DC State Historic Preservation Office Submitted comments on this proposal did not mention any historic preservation concerns but noted the project was not consistent with the master plan regarding additional surface parking, which has since been removed from the proposal, and the guardhouse in front of the building close to the street. It also noted the canopies, and the temporary building are not well designed and the chain link fence on the east and south lot line should be changed. The District Department of Energy and the Environment noted the project will need to be submitted for stormwater permit and the Libyan government representative acknowledged this will be initiated at the appropriate time.

U.S. Commission of Fine Arts

The Commission of Fine Arts placed the concept design for this project on its July 2020 consent calendar and approved it without comment.

ONLINE REFERENCE

The following supporting documents for this project are available online at www.ncpc.gov:

- Submission Package

Prepared by Carlton Hart
10/30/2020

ATTACHMENTS

A – Powerpoint

B – Memorandum of Agreement, dated February 27, 2017

C – Amendment to 2017 MOA, dated October 22, 2020

Embassy of Libya Site Improvements

1460 Dahlia Street, NW, Washington DC

Approval of Preliminary and Final Site and Building Plans

United States Department of State

Commission Review

Review of Foreign Mission projects at the Foreign Missions Center in Northwest Washington, DC are governed by a Memorandum of Agreement (MOA) between State Department and NCPC (dated February 27, 2017)

- Review projects using 6 criteria found within the Foreign Missions Act (FMA) of 1982
- Commission will decide to either “not disapprove” or “disapprove”, which is language from FMA.
- Amendment to original MOA was finalized on October 22, 2020
 - Allows NCPC to determine project’s consistency with the Foreign Missions Center Master Plan

Commission Review Process at the Foreign Missions Center

Commission Reviews at FMC

Three Commission Review Roles for the Foreign Missions Center (FMC):

- Review and final approval of comments on the FMC Master Plan developed by the Department of State/Office of Foreign Missions (DOS/OFM).
- Review and approval of specific site development projects (infrastructure).
- Review and a decision to “not disapprove” or “disapprove” individual applications submitted by DOS/OFM to locate, replace or expand individual chanceries at the FMC.
 1. Determine consistency with FMC Master Plan.
 2. Determine consistency with 6 criteria based on the MOA and use this to determine if project should be “not disapproved”.

FMC Master Plan Consistency

The FMC Master Plan includes Development Guidelines section that describes development on this campus.

- NCPC to determine if the projects are consistent with these guidelines.
- NCPC will use this to determination to decide if a project is complete and able to be evaluated using the six MOA criteria. If a project is not consistent, the applicant will need to revise project.

Review Standards for Individual Chancery Projects

The review criteria specified by the Foreign Missions Act (FMA) and incorporated into the MOA governs applications to locate, replace or expand individual chanceries at the FMC.

FMA Criteria:

1. The international obligation of the US to facilitate the provision of adequate and secure facilities for foreign missions in the National Capital;
2. Historic preservation provided substantial compliance is required with DC and federal regulations governing historic preservation;
3. The adequacy of off-street parking and accessibility to mass transit to permit parking reduction;
4. The extent to which the area is capable of being adequately protected, as determined by the Secretary of State in consultation with protective services;
5. The municipal interest as determined by the Mayor; and
6. The federal interest as determined by the Secretary of State.

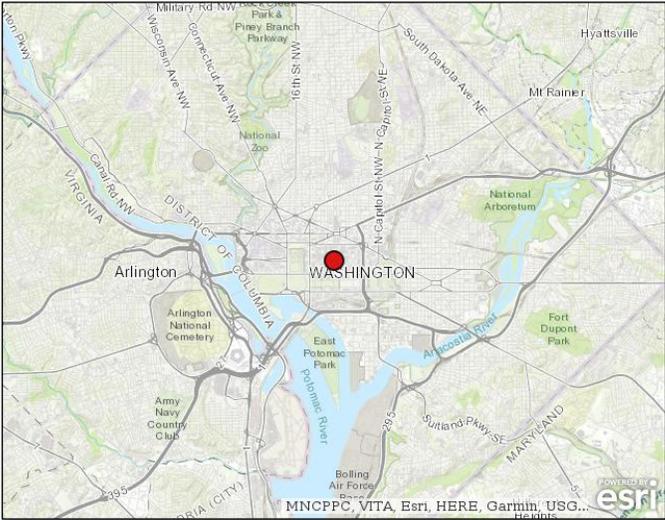
Required Format of Proceedings

Format shall be as follows:

- The Commission must conduct “informal” proceedings.
- Proceedings focus on staff presentation articulating the Executive Director’s recommendation.
- Representatives from the proposed Foreign Mission and DOS/OFM may make presentations.
- The Commission make question the entities making the presentations.
- Members of the public make speak or submit written comments. Prior sign-up not required.

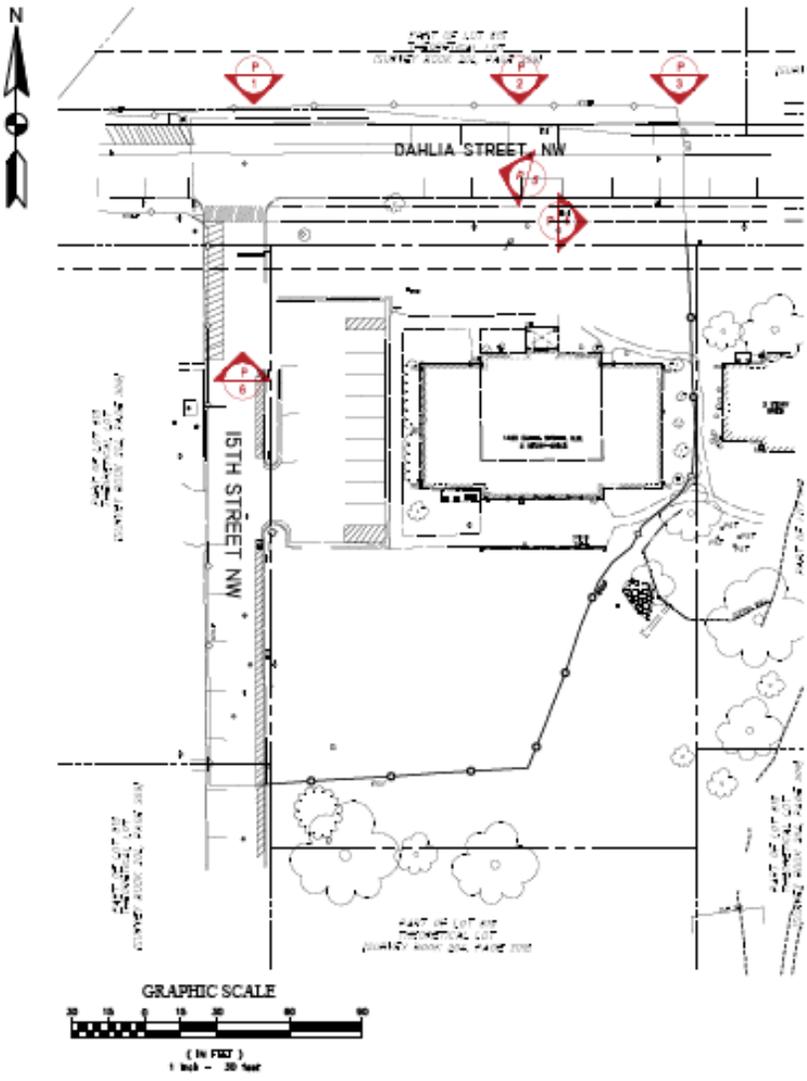
Libyan Chancery Proposal

Site Location



Location Map

Existing Conditions



1 SITE PHOTO



2 SITE PHOTO



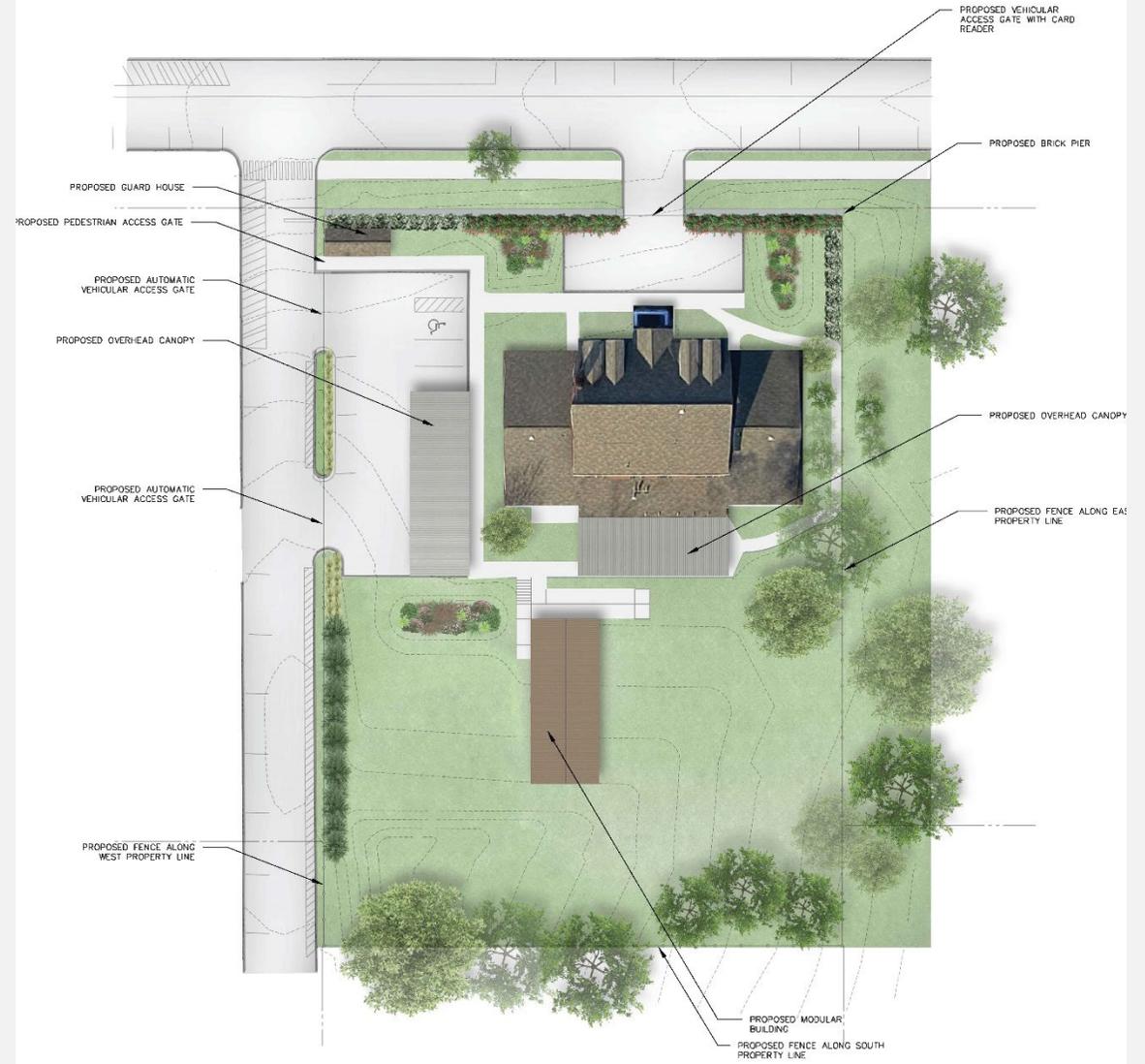
Proposed Site Plan

- Install a new guardhouse
- New perimeter fencing
- Add a temporary building
- Construct 2 canopies
- Add a driveway for VIPs in front of building



Foreign Missions Center Master Plan Review

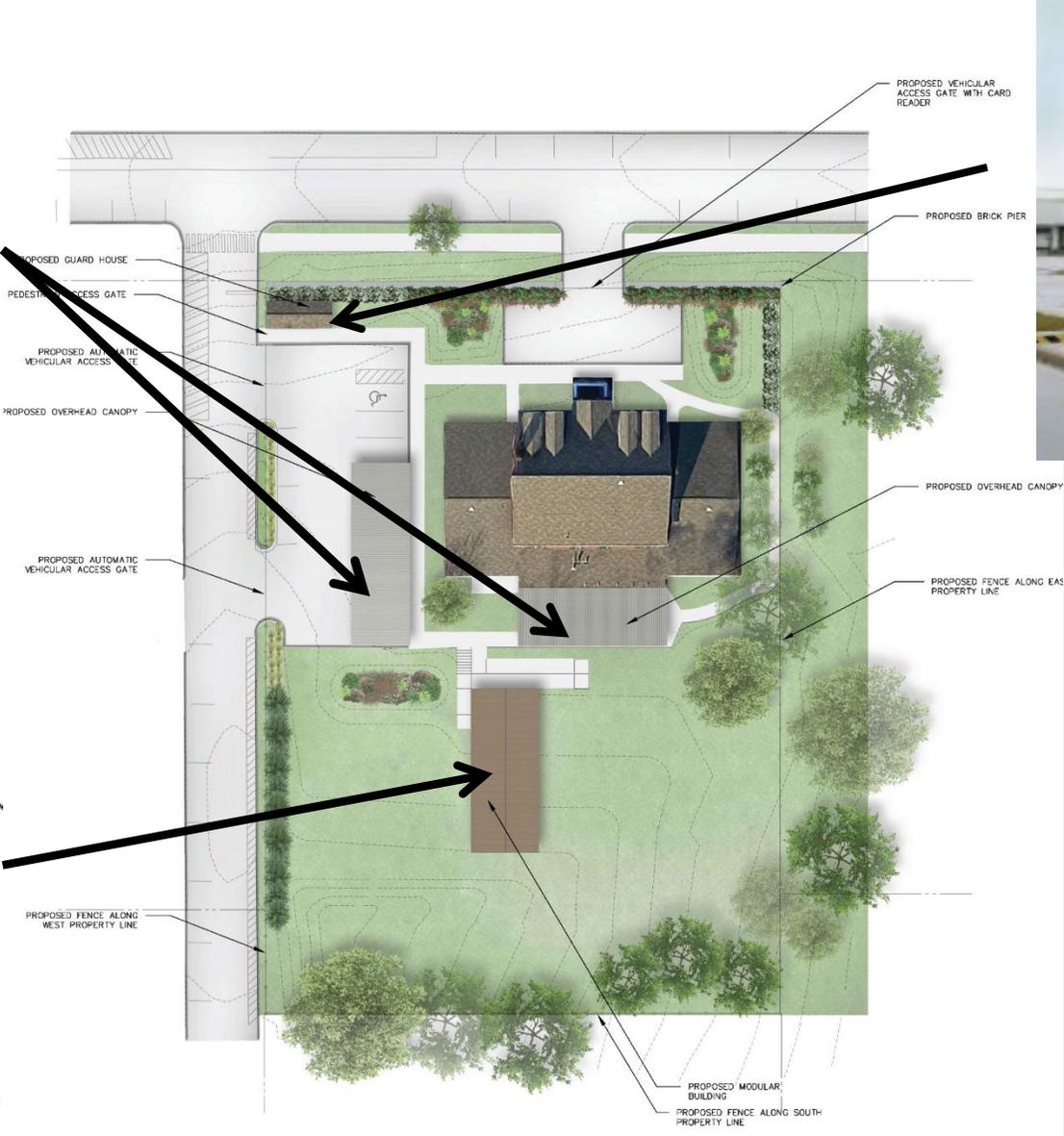
- Guardhouses allowed
- Perimeter fencing allowed
- Add a temporary building – not described
- Construct 2 canopies – not described
- Driveway for VIPs in front of building – allowed in master plan



North Elevation



Project Elements



Review Standards for Individual Chancery Projects

Foreign Missions Act Criteria:

1. The international obligation of the US to facilitate the provision of adequate and secure facilities for foreign missions in the National Capital;
***RESPONSE** - The State Department letter dated August 8, 2020 stated it “...determined that favorable NCPC action on the present application would fulfill the international obligation of the United States to facilitate the provision of adequate and secure premises for the Government of Libya in Washington.”*
2. Historic preservation provided substantial compliance is required with DC and federal regulations governing historic preservation;
***RESPONSE** - While the project is within the Walter Reed Army Medical Center Historic District, which is listed on the National Register, this building is a non-contributing building, and it is not a historic landscape. The DC State Historic Preservation Office did not raise any historic preservation concerns.*
1. The adequacy of off-street parking and accessibility to mass transit to permit parking reduction;
***RESPONSE** - The adequacy of off-street parking and special security requirements. The master plan allows a 1:1 parking ratio since there is no on-street parking allowed at the FMC for security concerns. The applicant has an existing 10 spaces total (for visitors and staff). There are 25 employees at this site. The ANC did not raise any parking concerns with this project. There is no change in parking with this proposal and the applicant is well within the established ratio.*

Review Standards for Individual Chancery Projects

Foreign Missions Act Criteria (continued):

4. The extent to which the area is capable of being adequately protected, as determined by the Secretary of State in consultation with protective services
***RESPONSE** - The State Department letter, dated August 8, 2020 stated this area would be capable of being adequately protected.*

4. The municipal interest as determined by the Mayor;
RESPONSE - The municipal interest – NCPC has received letters from DOEE, SHPO and ANC. DOEE noted that this project will need to be submitted for its review. SHPO noted issues with master plan consistency but didn't express historic preservation concerns. ANC 4A reviewed and supported the proposal. No other concerns/comments have been received yet. CFA also supported this project at their July 2020 meeting (no comments).

5. The federal interest as determined by the Secretary of State.
***RESPONSE** - The State Department letter dated August 8, 2020 stated the federal interest is to ensure reciprocity with the Libyan government who has been helpful in addressing the United States land use needs in Tripoli.*

Executive Director's Recommendation

The Commission:

Notes the Commission reviews chancery projects at the Foreign Missions Center for consistency with the 2019 Foreign Missions Center Master Plan and in accordance with the six Memorandum of Agreement criteria based on the criteria in the Foreign Missions Act.

Master Plan Review

Overall, **finds** this proposal is consistent with the Foreign Missions Center Master Plan including the addition of a single entry off Dahlia Street and provisions for safety and security for embassy personnel.

Guard House

- **Notes** the FMC Master Plan allows guardhouses in front of the main building and states they should be “...designed for a minimal footprint and height.”
- **Finds** the proposed guard house is consistent with the master plan as it is minimal in size and located appropriately.

Executive Director's Recommendation

The Commission:

Perimeter Fencing

- **Notes** the master plan provides specific guidance for the design of fencing on Dahlia Street but does not address the design of internal site fencing.
- **Finds** the proposed fence is consistent with the master plan.

Modular Building and Canopies

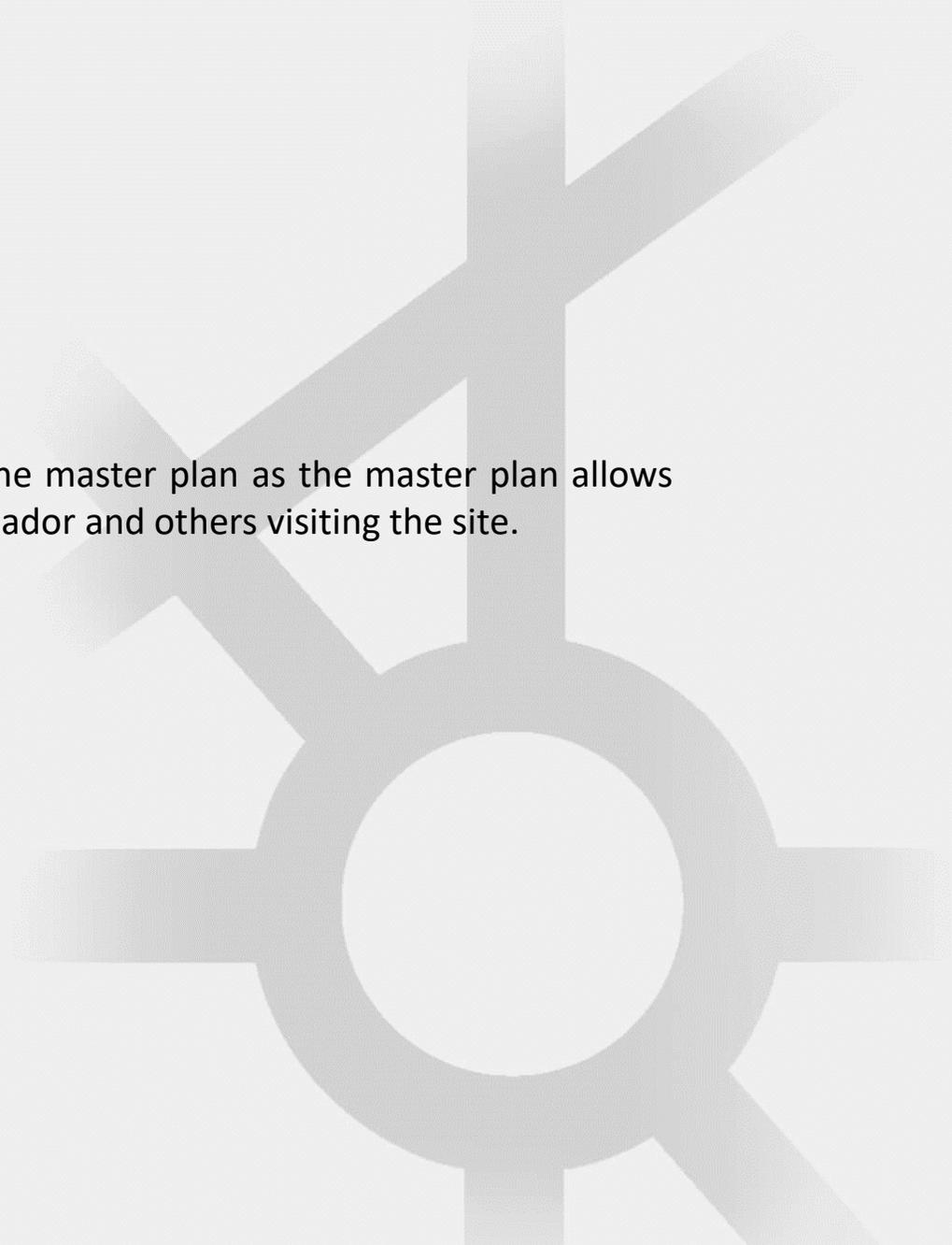
- **Notes** that modular buildings are not contemplated in the Foreign Missions Center Master Plan; however, the proposed modular building is intended to provide temporary office and storage space for existing employees while a more permanent solution is developed.
- **Supports** the modular office building if all stormwater management requirements are met and the applicant agrees to its removal by January 31, 2023 as requested by the Department of State.
- **Finds** that although it was not contemplated in the master plan, the proposed modular building is acceptable since it is not permanent and will be located behind the main building.
- **Finds** that although the canopies are not contemplated in the master plan, they are acceptable since they are simple elements providing shelter at this existing building.

Executive Director's Recommendation

The Commission:

Driveway

- **Finds** the proposed vehicular entrance is generally consistent with the master plan as the master plan allows one entrance along Dahlia Street. This entrance will be for the ambassador and others visiting the site.
- **Finds** the proposed driveway is consistent with the master plan.



The Commission:

Memorandum of Agreement Criteria

Finds the proposal meets the six criteria established in the 2017 Memorandum of Agreement, as amended on October 22, 2020, between the Department of State and the Commission.

Therefore, does **not disapprove** the application for the following improvements at the Libyan Chancery.

- A vehicular driveway for the Ambassador/VIP
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- A perimeter fence on a knee wall along Dahlia Street and a steel picket fence along the western, eastern, and southern property lines.

Attachment B - Memorandum of Agreement, dated February 27, 2017

**MEMORANDUM OF AGREEMENT
BETWEEN
THE NATIONAL CAPITAL PLANNING COMMISSION
AND
THE UNITED STATES DEPARTMENT OF STATE, OFFICE OF FOREIGN MISSIONS
REGARDING
THE REVIEW OF CHANCERY DEVELOPMENT
AT THE FOREIGN MISSIONS CENTER**

A. Parties and Authorities

This Memorandum of Agreement (MOA) is entered into by and among the National Capital Planning Commission (NCPC or Commission) and the United States Department of State (the Department), Office of Foreign Missions (OFM), referred to collectively as the “Parties” and individually as a “Party,” pursuant to 40 U.S.C. §§ 8722 (b)(1) and (d) which authorizes NCPC to review projects on land owned by the Federal government in the District of Columbia (District) from a planning and zoning perspective and pursuant to the Foreign Mission Act (FMA), 22 U.S.C. §§ 4301-4316, which among others, authorizes the Department to review and facilitate the operations of foreign missions in the United States (U.S.) and the terms and conditions by which benefits may be provided to foreign missions including the acquisition of land for use by a foreign country for chancery purposes.

B. Basis for the Memorandum of Agreement

1. This MOA is the shared understanding of the Parties with regard to the review process for development on approximately 30 acres of federally owned property located at the former Walter Reed National Military Medical Center in Washington, D.C. The property to be developed is known as the Foreign Missions Center (FMC).
2. The FMC is being developed for use by foreign diplomatic missions as individual chancery sites. The underlying property for each chancery will remain in federal ownership, and the Department intends to lease sites at the FMC to foreign countries on a long term basis for chancery development.
3. The Parties acknowledge a shared desire to facilitate the secure and efficient operation of Foreign Missions at the FMC in a manner fully consistent with U.S. interests. The parties also acknowledge the need for compliance with the requirements of the FMA.
4. The FMA allows exercise of authority under other laws pertaining to the location, replacement and expansion of chanceries provided the authority is exercised in a manner consistent with the requirements of the FMA.
5. The parties agree NCPC shall undertake the sole review of applications for the location, replacement or expansion of chanceries at the FMC. The parameters for NCPC’s review of chancery applications shall be those established by the FMA including, without

limitation: 22 U.S.C. § 4306(b)(2); 22 U.S.C. § 4306(c)(2)-(3); 22 U.S.C. § 4306(d)(1)-(6); and 22 U.S.C. § 4306(f).

6. NCPC's current authority extends by statute to development at the International Chancery Center (ICC) located at Connecticut Avenue and Van Ness Street, NW. The ICC is maintained and administered by the Department, and properties at the ICC are leased to individual foreign countries for chancery development. NCPC's review authority derives from an express grant in the International Chancery Act, which created the ICC, and NCPC reviews chancery development at the ICC based on its typical review procedures. This MOA is not intended to change this approach.
7. Based on the above, the Parties agree to proceed under the terms and conditions set forth in this MOA.

C. Roles and Responsibilities of the Parties

1. The Department of State, Office of Foreign Missions shall:

- a. Consult with NCPC at the earliest possible stage of an application for chancery development at the FMC.
- b. Submit applications to NCPC for chancery development that comply with the Development Controls incorporated into the Department's Master Design Plan for the FMC.
- c. Submit applications for chancery development to NCPC for review at a level agreed upon by NCPC and the Department (e.g., concept, preliminary, final or combined preliminary and final) and provide all application materials and information required for the particular level of review requested.
- d. Provide the information requested in accordance with subsection C.2.c., below upon receipt of a referral letter from NCPC.

2. The National Capital Planning Commission shall:

- a. Engage in early consultation with the Department on an application for chancery development.
- b. Schedule a chancery application on the Commission's agenda within 90 to 95 days of receipt of a completed application submitted on or before the Submission deadline established by the Commission for a particular meeting.
- c. Refer an application for chancery development to the Department of State, the Office of Planning, the District Department of Transportation and such other government

agencies as may be appropriate for a 60-day period to obtain information required by the Commission to evaluate an application in accordance with the decision-making criteria set forth in subsection C.2.f.i., below.

- d. Publish notice of a chancery application in NCPC's tentative and final agenda.
- e. Conduct informal proceedings before the Commission for all chancery applications. The proceeding shall focus on a staff presentation articulating the Executive Director's position on an application. A representative from the proposed Foreign Mission may make a presentation, as may OFM. The process shall include no cross examination, provided that the Commission may direct questions to those entities making presentations. Further, the process shall include public participation by those members of the public who express an interest in speaking or submit written comments, but only comments addressed to the requirements of the FMA at 22 U.S.C. § 4306(d)(1)-(6) shall be considered by the Commission.
- f. Evaluate chancery applications in accordance with the following criteria:
 - i. Criteria required by the FMA:
 1. The international obligation of the US to facilitate provision of adequate and secure facilities for the foreign mission in the nation's capital.
 2. Historic preservation . . . and in order to ensure compatibility with historic landmarks and districts, substantial compliance with . . . Federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.
 3. The adequacy of off street parking or other parking and the extent to which the area will be served by public transportation to reduce parking requirements, subject to such special security requirements as may be determined by the Secretary, after consultation with Federal agencies authorized to perform protective services.
 4. The extent to which the area is capable of being adequately protected, as determined by the Secretary, after consultation with Federal agencies authorized to perform protective services.
 5. The municipal interest, as determined by the Mayor of the District of Columbia.
 6. The Federal interest, as determined by the Secretary.

- g. Render a final decision to “not disapprove” or “disapprove” a chancery application not later than six months after the date a completed application is filed. The Commission’s determination shall not be subject to the administrative proceedings of any other agency or official except as may be provided by the FMA.

D. Terms of the Memorandum of Agreement

1. Effective Date. This MOA shall take effect upon the date of the last signature.
2. Modification. This MOA may be modified at any time by the mutual consent of the Parties.
3. Termination. This MOA may be terminated by either Party with written notice to the other Party.

E. DISPUTE RESOLUTION

The Parties will consult with one another about any disputes between them arising under or relating to this MOA.

F. POINTS OF CONTACT

1. POC. To facilitate implementation of this MOA, the following individuals shall serve as Points of Contact (POC):
 - a. For NCPC:
Diane Sullivan
Director, Urban Design and Plan Review Division
401 9th Street, NW, Suite 500 N
Washington, D.C. 20001
(202) 482-7244
diane.sullivan@ncpc.gov
 - b. For OFM: Clifton Seagroves
Director (Acting)
Office of Foreign Missions
2201 C Street, NW Room 2236
Washington, DC 205201
(202) 647-3417
SeagrovesCC@state.gov

G. MISCELLANEOUS TERMS

No Limit on Authority. Nothing in this MOA shall be construed as limiting or affecting the legal authorities of the Parties, or as requiring the parties to perform beyond their respective authorities.

H. STANDARD CLAUSES

1. Non-Discrimination. All activities pursuant to this MOA shall be in compliance with the requirements of Executive Order 11246, as amended; Title VI of the Civil Rights Act of 1964, as amended, (78 Stat. 252; 42 U.S.C. §§ 2000d et seq.); Title V, Section 504 of the Rehabilitation Act of 1973, as amended (87 Stat. 394; 29 U.S.C. § 794); the Age Discrimination Act of 1975 (89 Stat. 728; 42 U.S.C. §§ 6101 et seq.); and all other federal laws and regulations prohibiting discrimination on grounds of race, color, sexual orientation, national origin, disabilities, religion, age or sex.
2. Anti-Deficiency Act – 31 U.S.C. § 1341. Nothing contained in this MOA shall be construed as binding the Parties to expend in any fiscal year any sum of money in excess of appropriations made by Congress for the purposes of this MOA, or other obligation for the further expenditure of money in excess of such appropriations.

IN WITNESS THEREOF, the Parties hereto have caused this MOA to be executed by their duly authorized representatives.



 Marcel C. Acosta
 Executive Director



 Clifton C. Seagroves
 Director (Acting)

National Capital Planning Commission

Office of Foreign Missions
U.S. Department of State

Date: Feb 27, 2017

Date: 2/27/17

cc: Anne R. Schuyler, Esq.
General Counsel
National Capital Planning Commission

Mary Catherine Malin, Esq.
Assistant Legal Adviser for
Diplomatic Law and Litigation (L/DL)
United States Department of State

Attachment C - MOA Amendment, dated October 22, 2020



IN REPLY REFER TO:
NCPC FILE No. 8211

October 21, 2020

Mr. Cliff Seagroves
Director (Acting)
Office of Foreign Missions
Department of State
2201 C Street, NW Room 2236
Washington, DC 20520

Dear Mr. Seagroves:

The letter summarizes the agreement reached between the National Capital Planning Commission (NCPC) and the United States Department of State, Office of Foreign Missions (OFM) regarding the appropriate party to determine the consistency of an application for construction, expansion, or alteration of a chancery with the 2019 Master Plan for development at the Foreign Missions Center (FMC). Section C.1.b of the 2017 Memorandum of Agreement between NCPA and OFM Regarding the Review of Chancery Development at the Foreign Mission Center (MOA) places the responsibility for a consistency determination with OFM. In a phone conversation on October 15, 2020, both NCPC and OFM staff agreed it would be beneficial to the overall development at the FMC, if NCPC were to review proposed chancery projects for consistency with the 2019 FMC Master Plan in addition to the six Foreign Missions Act (FMA) criteria.

The MOA is the shared understanding of the parties regarding the review process for development at the FMC. While the MOA outlines NCPC's review of proposed projects in accordance with the six criteria in the FMA, it does not, as noted above, assign to NCPC the responsibility to review proposed chancery projects for consistency with the approved 2019 Master Plan. Given the Commission's expertise in land-use planning and design, all parties to the October 15, 2020 phone call agreed that amending the MOA to allow NCPC to exercise this review standard would result in higher quality projects at the FMC. Therefore, we recommend this letter serve as an amendment to the MOA, allowing NCPC to review proposed projects in accordance with the 2019 Master Design Plan in addition to the six FMA criteria. All other aspects of the MOA will remain unchanged.

If you agree with this amendment, please indicate by signing on the signature line on the following page.

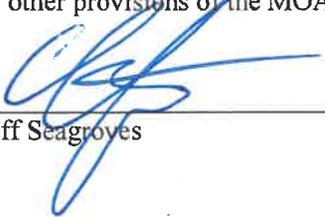
Sincerely,

Marcel Acosta
Executive Director

cc: Diane Sullivan, Director, Urban Design and Plan Review
Anne R. Schuyler, General Counsel

Mr. Cliff Seagroves
Page Two

I agree that this letter shall serve as an amendment to the MOA referenced above, and NCPC shall be responsible for reviewing applications at the FMC for consistency with the 2019 Master Plan for the FMC. All other provisions of the MOA shall remain unchanged.



Cliff Seagroves

Date: 10/21/2020