ADVISORY NEIGHBORHOOD COMMISSION 3-C

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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03-Michael V. Molnar
04-Richard C. Bartel
05-Ann Hume Loikow
06-Jim Evans
07-Lyle Blanchard
08-Rosalyn P. Doggett
09-Ruthanne Miller

DISTRICT OF COLUMBIA
SEP 25 P5:01
'00

RESOLUTION OF ADVISORY NEIGHBORHOOD COMMISSION 3C AUTHORIZING TESTIMONY BEFORE THE BOARD OF ZONING ADJUSTMENT FOR THE SIKH TEMPLE (CASE NO. 16604)

WHEREAS a public hearing on the appeal by the Fairview Heights Neighborhood Association of the issuance of a building permit for the Sikh Temple (case No. 16604) will be held by the Board of Zoning Adjustment (the "BZA") on September 13, 2000.

WHEREAS the Fairview Heights Neighborhood Association has raised serious concerns that the issuance of Permit No. B425220 resulted from an erroneous interpretation of zoning regulations governing height and setback limitations in an R-1 District.

WHEREAS the Zoning Administrator's application of the above-mentioned zoning regulations will result in the construction of a building that is out of scale and character with the rest of the neighborhood immediately surrounding it, to the serious detriment of fundamental objectives of zoning policy in the District of Columbia and the Ward 3 Plan in the Comprehensive Plan (i.e. preventing the overcrowding of land and preserving light and air).

NOW, THEREFORE, BE IT RESOLVED, that Advisory Neighborhood Commission 3C restates its position that the permit was improperly issued due to lack of proper notice which prevented the community from raising the issues above that are now before the BZA.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Commission authorizes Commissioner Lyle Blanchard, the commissioner for the single member district in which the property is situated, and Ruthanne Miller, the Chair, or their designee to testify on this issue consistent with this resolution and the Commission's earlier resolutions on this issue.

This resolution was unanimously approved by ANC 3C at its meeting on August 28, 2000, at which a quorum, consisting of 5 commissioners, was present.

BZA
Case No. 16604
Exhibit No. 37

Board of Zoning Adjustment
District of Columbia
CASE NO.16604
EXHIBIT NO.37

Council of the District of Columbia

Report

1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004

To: Members of the Council of the District of Columbia

From: David A. Clarke, Chair, Committee of the Whole

Date: May 17, 1994

Subject: Bill 10-212, Comprehensive Plan Amendments Act of 1994

The Committee of the Whole, to which Bill 10-212, the Comprehensive Plan Amendments Act of 1994, was referred, reports favorably on the bill as amended and recommends its adoption by the Council of the District of Columbia.

Statement of Purpose and Effect

Bill 10-212 amends the 12 existing titles of the Comprehensive Plan: General Provisions; Economic Development; Housing; Environmental Protection; Transportation; Public Facilities; Urban Design; Preservation and Historic Features; Downtown; Human Services; Land Use; and Ward Plans.

The Comprehensive Plan establishes a broad range of objectives and policies to guide public decisions in the District of Columbia. Bill 10-212 represents the first opportunity in nearly five years for the Council to consider amendments to the Comprehensive Plan. The District's Home Rule Charter required the District to adopt a comprehensive plan, with which zoning shall "not be inconsistent." This charter language, along with language in the Comprehensive Plan itself, provide special import to those provisions in the plan which relate to zoning, particularly the Land Use Element (which includes both an enacted text and an enacted map).

Like the budget process, only the Mayor may initiate the comprehensive planning process under the Home Rule Charter, but once the Mayor submits a proposed Comprehensive Plan amendment to the Council, the process is opened for public review and further Council amendment. The Council has acted three times before on Comprehensive Plan legislation. In 1984 the first ten elements of the plan were enacted; in 1985 the Land Use Element was first enacted; and in 1989 three ward plans (for Wards 1, 2 and 6) were enacted as part of a new twelfth element of the Plan (along with a statutory requirement upon the Mayor to prepare and submit revised ward plans for the other five wards), and over 100 changes were also made to the previously enacted land use maps, including the addition of a street grid on the map to improve readability and understanding of the generalized land use policies which reflect predominant uses in an area.

Impact on Existing Law

The amendment in the nature of a substitute to Bill 10-212 includes many amendments to the Comprehensive Plan ("Plan"). More than three-quarters of the amendments were recommended by the Mayor to the Council in the introduced version of Bill 10-212. Most of the other amendments result from the Committee's records of the public hearing testimony and comments submitted on legislation and other matters related to the Comprehensive Plan, including comments or amendments recommended by the executive branch, Councilmembers and the public.

→ Many of the proposed Comprehensive Plan amendments contained in the amendment in the nature of a substitute to Bill 10-212 are technical in nature, essentially updating or clarifying previously adopted goals, objectives and policies. However, several amendments have more significant policy implications, such as:

(1) Over 100 land use map amendments, many of which were recommended by advisory neighborhood commissions and citizens associations, including substantive policy changes in boundaries, density levels, and designated land use categories in certain locations, as well as mapping corrections, and the establishment of additional special treatment areas, development opportunity areas, and new or upgraded commercial centers;

(2) Adoption of a housing linkage policy to require applicants who obtain additional commercial office space from discretionary and otherwise appropriate zoning density increases or street or alley closings to produce housing or contribute to the production of housing in the District, particularly low and moderate income housing, and clearly specifying that the housing linkage requirement is in addition to all other standards ordinarily required for such applications;

(3) Amendments for the first time in 10 years to the Downtown Element of the Plan, in an effort both to stimulate development of the desired mix of residential, retail, arts, office and other uses Downtown, and to encourage balancing by the Zoning Commission of the Downtown policies with housing and economic development policies in neighborhoods throughout the District, consistent with policies set forth by Council resolutions approved in two prior Council periods;

(4) Inclusion of three major new themes in the General Provisions Element: a theme which emphasizes the need to reaffirm and strengthen the District's role as the economic hub of the national capital region; a theme which emphasizes the need for enhanced public safety in the District; and a theme which discusses the diversity of the District as a source of its attractiveness and strength and the need for all neighborhoods to share the social responsibility of assisting more dependent residents of the community;

(5) Adoption of a policy in the Land Use Element calling upon the Zoning Commission to amend the Zoning Regulations to permit religious institutions to operate programs that are part of their ministry at their places of worship as a matter of right, unless the city demonstrates a compelling governmental interest to restrict such programs and uses the least restrictive means in furthering that compelling governmental interest;

(6) A redefined central employment area boundary to include such major planned commercial areas as the area north of Union Station, the Southeast Federal Center and the Anacostia Metrorail Station area in an effort to encourage economic development opportunities on the eastern side of the city,

but to exclude the Foggy Bottom and West End mixed use areas on the western side in an effort to provide enhanced protection to adversely impacted residential neighborhoods;

(7) Enactment for the first time of ward plans for Wards 3, 4, 5, 7 and 8, as well as amendments to previously adopted ward plans for Wards 1, 2 and 6;

(8) Adoption of policies in the Land Use, Downtown and Ward Plans Elements to facilitate development of a new and larger convention center;

(9) Adoption of policies in the Land Use and Downtown Elements to facilitate development of the District-owned Gallery Place site either for a sports and entertainment complex as a priority, or, if that use is not feasible, for only residential and residentially supportive uses as a means to increase housing in the Pennsylvania Quarter neighborhood, or for a downtown shopping mall complex which could include both office and housing uses;

(10) Amendments that strengthen the relationship between land use issues and transportation and environmental issues, and provisions calling for buffering between residential uses and adverse impacts of nonresidential uses; and

(11) Clarified emphasis that the zoning impact of the Comprehensive Plan should not be limited to areas where zoning is inconsistent with the Comprehensive Plan, and that other District agencies, particularly the Board of Zoning Adjustment, shall consider Comprehensive Plan policies in their decision-making processes.

While all of the amendments to the Comprehensive Plan are discussed in the Section-by-Section Analysis portion of the Committee Report, several recommendations are also highlighted below in this portion of the report.

Plan Amendment and Progress Report Cycles

The amendment in the nature of a substitute to Bill 10-212 includes the Mayor's recommendation that the Comprehensive Plan amendment cycle be changed from a two-year cycle to a four-year cycle. The Office of Planning has commented that a four-year planning cycle more closely corresponds with those of other jurisdictions and would result in the development of more precise, responsive and implementable Comprehensive Plan amendments. Such a cycle also would allow the Office to devote more of its limited resources to the important ongoing project to make zoning not inconsistent with the Comprehensive Plan and to small area action planning required by the Council.

The Committee notes that, despite a requirement for a two-year amendment cycle enacted by the Council in the 1989 Amendments Act, both the executive and legislative branches have been unable to meet that schedule. The Committee also notes that, under the two-year amendment cycle required under existing law, the Office of Planning has been placed in the somewhat absurd posture of soon being required to begin the process of soliciting new amendments to the Comprehensive Plan, at the same time when the Council is still considering a previous set of proposed amendments. Therefore, under Bill 10-212, the law would be amended to more closely reflect the reality that there have been intervals of approximately five years between the last three recent Comprehensive Plan enactments by the Council (1984, 1989 and 1994). The Mayor still would be permitted to introduce Comprehensive Plan amendments more frequently if necessary.

(6) Section 102, which discusses interpretation of the District elements of the Comprehensive Plan, is amended to add the following paragraph: "The zoning impact of the District elements is not limited to areas where amendments to the Zoning Regulations are required. The Zoning Commission and the Board of Zoning Adjustment, like other District agencies, shall look to the District elements for general policy guidance. To the extent they are relevant, the objectives and policies of the District elements shall be considered in planned unit development, campus plan, special exception, variance and other decisions."

(7) Section 105, which discusses compliance with the District of Columbia Documents Act, is amended by adding a provision that requires the Zoning Commission and the Board of Zoning Adjustment to each issue written orders within 30 days of their respective decisions, and to require such decisions to be published thereafter by the Office of Documents. However, the failure to issue timely written orders shall not nullify their effectiveness once issued.

(8) Section 107, which lists definitions, is amended as follows:

a. the definition of "accessory apartment" is amended by deleting the reference to English basement apartments;

b. the definition of the "Central Employment Area" "CEA" is amended by excluding the Foggy Bottom and West End mixed use neighborhoods from the western portion of the CEA and by including a large segment to the east, and parts to the north and south.

The new eastern part to the north includes an area roughly bounded by North Capitol Street to the west, Florida Avenue, NE to the north, 4th, 3rd and 2nd streets, NE (parallel and just to the west of the Union Station railroad tracks) to the west and H Street, NE to the south.

The new eastern part to the south includes an area south of the Southeast Freeway between South Capitol Street and 2nd Street, SE south to M Street and between South Capitol Street and (including) the grounds of the Washington Navy Yard and the Southeast Federal Center south to the Anacostia River.

The part to the south also includes an area south of the river bounded by the 11th Street Bridge, the Anacostia Freeway and Firth Sterling Avenue and South Capitol Street and the Frederick Douglass Memorial Bridge.

c. the definitions of "L'Enfant City" and "L'Enfant Plan" are amended by adding the names Andrew Ellicott and Benjamin Banneker to Pierre L'Enfant's name as the individuals responsible for laying out the District; and

d. the definition of "WMATA" is expanded to state that the agency was created "to operate the regional Metrorail and Metrobus transit system."