1000 Water Street, SW
Washington, DC 20024
April 14, 2003

Ms. Carol J. Mitten
Chairperson
District of Columbia Zoning Commission
441 4th Street, NW, Suite 210-South
Washington, DC 20001

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Re: Zoning Commission Case Numbers 02-42 and 03-06.

Dear Ms. Mitten:

During the hearing last month, I testified in Case No. 02-42 that the Zoning Commission may not zone Federal land or land under Federal jurisdiction (*i.e.* Reservation 343, Anacostia Park). In Case No. 03-06, the Zoning Commission intends to map Federal land owned by the General Services Administration.

Attached hereto please find an excerpt of the National Capital Planning Commission File No. CP01, Comprehensive Plan for the National Capital Parks, Open Space, and Natural Features Element Update ("NCPC Plan"). On page 25 of the NCPC Plan, Lindsley Williams commented that NCPC should zone Federal park lands. NCPC responded that "federal land is not subject to local zoning [… .]"

I therefore respectfully request that Case No. 03-06 be dismissed as contrary to Federal law and policy. I further respectfully request that Case No. 02-42 be dismissed since there is no Federal land or land under Federal control to which the textual amendments could apply, and the only intended application of the text would be to such lands.

Sincerely,

Robert W. McKeon, Jr.

Encl (1)

ZONING COMMISSION
District of Columbia
Case 02-42-03-06
Exhibit 52

ZONING COMMISSION
District of Columbia
CASE NO.02-42
EXHIBIT NO.52

STAFF DRAFT

Mail Date 1/25/01

NCPC File No. CP01

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

COMPREHENSIVE PLAN FOR THE NATIONAL CAPITAL PARKS, OPEN SPACE, AND NATURAL FEATURES ELEMENT UPDATE

Executive Director's Recommendation

February 1, 2001

Abstract

The Parks, Open Space, and Natural Features Element of the *Comprehensive Plan for the National Capital* is the first of several Federal Element updates that the Commission has initiated for adoption over the next two years. The Parks, Open Space, and Natural Features Element establishes federal planning policies and recommendations related to parks, open spaces, and natural features in the National Capital Region (NCR) for the benefit of: the Commission, in its role as the central planning agency for the federal government in the NCR; federal department and agencies in their planning of federal parks and facilities; local, regional, and state governments; and the professional, business, and local community.

Authority

Section 4 of the National Capital Planning Act of 1952, as amended.

Executive Director's Recommendation

The Acting Executive Director recommends that the Commission adopt Resolution No. 2001-1 (attached) updating the Parks, Open Space, and Natural Features Element of the *Comprehensive Plan for the National Capital.*

* * *

Note: Staff is coordinating with the District Government, GSA, NPS, and FRP to possibly revise the policies in response to FRP's concerns. A revised EDR and POS Element addressing FRP's concerns will be available prior to or by the February 1, 2001 Commission meeting.

Lindsley Williams

Mr. William's comments are summarized as follows:

- The element should recognize and acknowledge the contribution of major rights-of-way and other selected land uses to open space.
- The element should require that any proposed reuse, disposition, or transfer of jurisdiction of major public park lands and open space areas be evaluated for consistency with the objectives of the element prior to implementation of the proposed action.
- Steps should be taken to ensure that the "differential ramifications of monuments and museums are reflected in the respective elements of the Comprehensive Plan."
- Federal and local authorities should "assess" federal and local parks and open space areas under their jurisdiction and identify recommended should have pre-assessed values and land uses in anticipation that these lands may not remain in government ownership. This information should be shared with real estate agencies and adjacent property owners.
- The element should establish zoning categories for the various types of federal and District of Columbia parks and open space areas.
- Consider using the expression "urban parks" instead of "federal park system."
- The language needs to be clarified in objective (e) and the policy calling for local jurisdictions to initiate actions to protect federal parks and open space lands from adjacent private development.

Staff Response

The objectives have been strengthened to emphasize the important contribution streets and avenues make to the feeling of "openness" and the quality of parks in the Nation's Capital. The element contains provisions for the evaluation of future use of park lands and open space areas in the event it is determined that such lands are no longer needed for park and open space purposes.

The goal of the element is to conserve and enhance the Region's parks and open space system. This means that at a minimum, the system of parks and open space should be maintained at its current level. Staff feels it would be inappropriate to require that federal and local authorities assess the value of their park lands and open space areas or identify what other uses could be suitable on park lands. Should park lands or open space areas be removed from the system, they will be assessed as part of the process for their disposition. Also, since federal land is not subject to local zoning, staff feels there is no justification to require that parks and open space areas be zoned for non-parks and open space uses. Since the majority of the policies in the element are directed at federal parks and open space areas, it is important to maintain the distinction between federal parks and urban parks. As noted earlier, staff will ensure that consistency between each of the Elements of the Comprehensive Plan is maintained as they are updated.