

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

REPORT

24 5 11 1984

To: Members of the Council
From: David A. Clarke, Chairman, Committee of the Whole
Date: December 4, 1984
Subject: Bill 5-507, District of Columbia Comprehensive Plan Act of 1984
Land Use Element Amendment Act of 1984



The Committee of the Whole, to which Bill 5-507 was referred, reports favorably on the bill as amended and recommends its adoption by the Council of the District of Columbia.

LEGISLATIVE HISTORY

September 13, 1983	Bill 5-282 introduced at the request of the Mayor
October 11, 12, 13, 14, 18, 20 and November 10, 14, 1983	Public hearings on Bill 5-282
January 17, 1984	Committee of the Whole mark up and first reading of Bill 5-282
January 31, 1984	Second reading of Bill 5-282
February 23, 1984	Mayoral approval of Act 5-112
April 5, 1984	National Capital Planning Commission review
April 10, 1984	Law 5-76 effective
September 25, 1984	Bill 5-507 introduced at the request of the Mayor
November 1, 2, 1984	Public hearings on Bill 5-507
December 4, 1984	Committee of the Whole mark up of Bill 5-507

CONTENTS

Purpose and Effect	3
Impact on Existing Law	4
Future Land Use Needs	6
Section-by-Section Analysis	8
Listing of Map Changes	14
Ward 1	14
Ward 2	16
Ward 3	18
Ward 4	20
Ward 5	21
Ward 6	22
Ward 7	24
Ward 8	25
Committee Action	26
Position of the Executive Branch and Fiscal Impact	28

PURPOSE AND EFFECT

The purpose of Bill 5-507 is to adopt the Land Use Element as a District element of the Comprehensive Plan for the National Capital. In addition, Bill 5-507 amends the General Provisions, Housing, and Preservation and Historic Features Elements adopted by the District of Columbia Comprehensive Plan Act of 1984, and requires the preparation of ward plans.

IMPACT ON EXISTING LAW

The enactment of Bill 5-507 is the culmination of a major planning effort by the District of Columbia. By adopting the Land Use Element as the 11th District element of the Plan, Bill 5-507 fulfills the Congressional mandate to adopt a Comprehensive Plan for the National Capital.

The legislative record for Bill 5-507 began on September 13, 1983. On that date, Mayor Marion Barry transmitted proposed District elements, which were introduced as Bill 5-282. Bill 5-282 became effective on April 10, 1984, as Law 5-76. Although the Mayor's original 1983 transmittal included a Land Use Element, Law 5-76 did not adopt one. Instead Law 5-76 directed the Mayor to prepare a new Land Use Element and to transmit it to the Council by September 12, 1984. In addition, Law 5-76 directed the Mayor to prepare a new generalized land use map or series of maps for transmittal with the Land Use Element. The introduction of Bill 5-507 at the request of the Mayor on September 24, 1984, fulfilled this requirement.

Upon final adoption, the Land Use Element joins the ten District elements adopted by Law 5-76: General Provisions, Economic Development, Housing, Environmental Protection, Transportation, Public Facilities, Urban Design, Preservation and Historic Features, Downtown, and Human Services. The Land Use Element has the same legal status as these previously adopted District elements. In addition, the major themes and definitions of the General Provisions Element are as relevant for the Land Use Element as for other District elements. The policies of all the District elements are intended to interact in a complementary fashion. Transportation and environmental policies are important in land use decisions. Land use policies have a major impact on economic development efforts.

Like other District elements, the Land Use Element establishes policies to guide future public decisions. The District elements do not impose specific implementation techniques. This task is the responsibility of the various agencies charged with regulatory authority. Instead the District elements establish policies, which guide but do not direct.

The feature that distinguishes the Land Use Element from the other District elements is the inclusion of four generalized land use maps. The maps provide a graphic depiction of the land use policies of the Plan and complement the text of the Land Use Element. The maps depict land use policies in a generalized manner. They do not identify specific parcels or properties. This "soft-edged" character is intended to provide policy guidance while affording needed flexibility. Although the language adopting the maps includes specific references to streets, blocks, and intersections, the maps are intended to remain generalized. Bill 5-507 includes these specific descriptions because they are the only way the legislative body can give sufficient direction to the cartographers who must prepare the maps.

The land use categories depicted on the generalized land use maps are the predominant uses the District expects or encourages within a general area. A predominant use is any use covering at least 50% of an entire block. Some areas are designated for a combination of uses. These mixed use areas, which include existing commercial centers and development opportunity areas, are areas where a variety of uses is encouraged but is not required.

The generalized land use maps should not be confused with the District's zoning maps, which have been adopted by the Zoning Commission as a part of the Zoning Regulations pursuant to statutory authority. The Zoning Regulations contain height, bulk, size and other restrictions for zoning districts, which are identified on the zoning maps. The categories and classifications of the generalized land use maps are not directly comparable to zoning districts. The generalized land use maps identify desired objectives but do not suggest the techniques for achieving these objectives. The Zoning Commission, which has established a reputation for conducting thorough and fair proceedings, has the statutory responsibility to adopt the District's zoning maps.

The Zoning Commission's statutory authority includes a requirement that zoning maps and regulations shall not be inconsistent with the Plan. Although the Land Use Element does not identify specific zoning techniques, the element does recognize that changes are needed. The policies of the Land Use Element support the preparation of a zoning modification program by the Office of Planning. The outlines of this program have already been identified. See Letter from Pauline A. Schneider to David A. Clarke (October 31, 1984), which is attached.

The Land Use Element policies are also relevant for the District's urban renewal plans. Like the Zoning Regulations, urban renewal plans contain regulatory controls depicted on maps. Also like the Zoning Regulations, urban renewal plans, pursuant to a statutory requirement, shall not be inconsistent with the Plan. The outlines of a proposed urban renewal plan modification program have also been identified. See Letter from Pauline A. Schneider to David A. Clarke (October 31, 1984), which is attached.

The generalized land use maps and Land Use Element text contain references to federal and international lands and facilities and the United States Capitol. These references are included for information only. The local planning authority does not extend to federal or international projects and developments or to buildings and grounds under the jurisdiction of the Architect of the Capitol. The inclusion of informational references in the Land Use Element is intended to promote an understanding of the context in which the policies of the District elements are adopted.

In addition to the four generalized land use maps, Bill 5-507 includes the Comprehensive Plan Special Streets and Places Map, which is adopted as an amendment in the Preservation and Historic Features Element. The original draft of the preservation element, published by the District government and the National Capital Planning Commission (NCPC) on March 17, 1983, included a map depicting the network of special streets and places designated under the draft element's criteria. NCPC included a map of special streets and places in its August 4, 1983, action conditionally approving the preservation element as a federal element. The Council, however, did not include maps in Law 5-76. Thus on May 3, 1984, when NCPC approved changes conforming the federal preservation element to the District preservation element adopted by Law 5-76, the map of special streets and places was not included. The committee recommends that NCPC adopt a map of special streets and places substantially identical to the map contained in Bill 5-507 as an amendment to the federal preservation element. Should NCPC take this action, the Council gives its concurrence pursuant to the NCPC resolution of May 3, 1984.