

# Increasing Effectiveness and Efficiency: Revised Submission Guidelines & Environmental Policies and Procedures

National Capital Region

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Staff of the National Capital Planning Commission

June 13 and 15, 2017

## Benefits of the Update:

- Contributes to the broader focus on creating an improved review process
- Creates clear, accessible and streamlined guidelines; responsive to applicant needs
- Creates positive planning outcomes
- A better experience for the Commission, applicants, staff, and the public

## What Guides the Commission's Work?

- Federal Laws, Regulations, Executive Orders
  - National Environmental Policy Act (NEPA)
  - National Historic Preservation Act (NHPA)
- Specific Authorities
  - The National Capital Planning Act
  - Foreign Mission Act
  - The Commemorative Works Act
  - The District of Columbia Zoning Act
- NCPC Policies, Procedures and Guidelines
  - Commission By Laws
  - Standing Rules
  - Public Participation and Open Meeting Policy
  - **Submission Guidelines**
  - **Environmental Policies and Procedures**

## What are the Submission Guidelines?

- Inform applicants what information to submit for a project
- Determine how and when NCPC staff and the Commission engage applicants
- Include the questions staff and the Commission will ask at each stage of review





## Site Plans & Development Projects

Approved October 3, 1991

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## Section 1- Introduction

### A. Statutory Authority

Congress created the National Capital Planning Commission (Commission) to serve as the central federal agency for the unique concentration of federal activities and interests in the National Capital Region (Region). (Note 1) The Commission's principal responsibilities is to coordinate development activities of federal and District of Columbia agencies in the Region. These agencies must submit development proposals to the Commission under the following:

#### 1. Federal and District of Columbia Land Acquisition and Development Proposals (Note 2)

Section 5(a) of the National Capital Planning Act of 1952, as amended (40 U.S.C. 71d(a)) ("Plan Act"), requires each federal and District of Columbia agency, prior to the preparation of construction plans, or the acquisition of land in the region, to consult with the Commission in its preliminary and successive stages which affect the Comprehensive Plan for the National Capital.

#### 2. Federal Public Buildings in the District of Columbia (Note 2)

Section 16 of the Act of June 20, 1938, ("Zoning Act," D.C. Code Ann. Sec. 5 432 (1981)), requires the approval of the location, height, bulk, number of stories, and size of federal public buildings in the District of Columbia.

[https://www.npcp.gov/npcp/Main\(T2\)/ProjectReview\(Tr2\)/ProjectReview\(Tr3\)/SubmissionGuidelines.html?sgpage=1](https://www.npcp.gov/npcp/Main(T2)/ProjectReview(Tr2)/ProjectReview(Tr3)/SubmissionGuidelines.html?sgpage=1)

## Master Plans

Approved September 6, 1984 and amended November 7, 1985 and October 27, 1994

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#### Section 5 - Master Plan Coordination and Review Process

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#### Section 7 - Presubmission Requirements

#### Section 8 - Amendments or Modifications to Master Plans

#### Section 9 - Review and Updating of Master Plans

### Section 1 - Introduction

Section 5(a) of the National Capital Planning Act of 1952, as amended, (hereinafter "Planning Act"), provides that each Federal and District of Columbia agency prior to the preparation of construction plans originated by the agency for proposed developments and projects or to commitments for the acquisition of land, to be paid for in part from Federal or District funds, shall advise and consult with the National Capital Planning Commission (hereinafter "Commission") in the preparation of plans and programs in preliminary and successive stages which affect the Comprehensive Plan for the National Capital.

A master plan is an integrated series of documents which present in graphic, narrative, and tabular form the composition of an installation and the plan for its orderly and comprehensive long-range development, covering a period of 20 years. The Commission has determined that an approved master plan is a required stage of planning prior to agency preparation and submission to the Commission of site and building plans for individual projects. Master plans are necessary for installations on which more than one principal building or activity is located or is proposed to be located.

Ordinarily, the Commission will not approve, or recommend favorably on, project plans for an installation unless there is no approved master plan unless the agency provides an explanation satisfactory to the Commission of the agency's reasons for not submitting a current master plan, or modification thereto, for the installation.

In accordance with Section 5(b) of the Planning Act, these requirements shall not apply to the Capitol Grounds, the planning for structures within existing military, naval, or Air Force reservations erected by the Department of Defense during wartime or national emergency, except that the appropriate defense agency shall consult the Commission as to any developments which materially affect traffic or require coordinated planning of the surrounding areas.

These requirements are intended to be used in connection with proposed developments of the Federal Government of Columbia Governments, including civilian and military installations within the National Capital Region ("Region"), except as provided above. The Commission, as a policy, limits its review of District of Columbia matters of Federal interests.

The Executive Director of the Commission may extend, modify, or waive any requirement pertaining to the content of a master plan on sites where such requirements cannot be met because of the unique or special character or quality of the installation affected. Where such extension, modification, or waiver involves a change to the master plan that may reasonably be expected to address or involve potential significant off-site impacts, the Commission shall consult with the appropriate Federal agency.

[https://www.npcp.gov/npcp/Main\(T2\)/ProjectReview\(Tr2\)/ProjectReview\(Tr3\)/SubmissionGuidelines.html?sgpage=1](https://www.npcp.gov/npcp/Main(T2)/ProjectReview(Tr2)/ProjectReview(Tr3)/SubmissionGuidelines.html?sgpage=1)

## Antennas

Approved January 7, 1988 and amended April 6, 1989; November 6, 1997; and August 2, 2001

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#### Section 7 - Renewal of Antenna Approvals

#### Section 8 - Specific Submission Requirements

#### Section 9 - Definitions

#### Appendix A - Comprehensive Plan Policies & Implementation Strategies

### Background

In January of 1988, the Commission adopted "Guidelines and Submission Requirements for Antennas on Federal Property in the National Capital Region" (Antenna Guidelines) in accordance with the National Capital Planning Act of 1952 (as amended). The Antenna Guidelines were developed to address the aesthetic impact of various types of antennas on the skyline of the Nation's Capital.

In light of increasing concerns about the effects of transmitting antennas on health and safety, the Commission, in the Spring of 1994, created the Antenna Task Force. One of the purposes of the Task Force was to investigate the various visual, health and safety issues raised by the general public regarding the proliferation of antennas in the National Capital Region (NCR). The Commission's Antenna Task Force examined various issues, including: aesthetic concerns related to antennas; human health and safety effects associated with exposure to radiofrequency (RF) radiation; the cumulative visual and health effects of transmitting antennas; and the potential for new telecommunications technology to replace existing antennas.

As a result of its investigations, the Task Force recommended revisions to the Antenna Guidelines, which the Commission adopted on November 6, 1997. The 1997 revisions can be grouped into four categories: language to conform the Antenna Guidelines to existing Commission policy or federal legislation; wording to clarify which antennas do and do not require submission; language to clarify necessary materials to be included in each submission; and language detailing applicable RF standards with which antenna submissions should comply.

In the fall of 2000, the Commission decided to revisit the Antenna Guidelines again with the objective of updating the guidelines to be consistent with new regulations, and clarifying the review schedule, including an explanation of when regional referrals would be required. Also, new sections have been proposed to address the placement of commercial antennas on federal property, and to provide definitions for the terms used in the guidelines. The process for renewing Commission approval for antennas that are still needed has been simplified, and these proposed renewals are now eligible for approval by the Executive Director through the Commission's delegation of authority.

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### Introduction

The Commission finds that antennas, as well as antenna support structures including monopoles, towers, equipment shelters and other structures, may adversely impact the landscape, skyline, and scenic character of the Nation's Capital, general appearance of federal facilities in the NCR, and health and welfare of federal employees, visitors to the Nation's Capital, and the Region's population.<sup>1</sup> Therefore, in order to minimize the visual impacts of such facilities and to protect the health and welfare of the public from potential adverse biological effects resulting from RF radiation from transmitting antennas, the Commission is providing the following Guidelines and Submission Requirements. The Guidelines are to be used by federal agencies in the NCR in the preparation and submission of plans for all antenna installations on federal property in the NCR.

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### Section 1 - Review Authority

Prior to the installation of any antenna(s) on federal property in the NCR, except as noted in Section 5 below, federal agencies

[https://www.npcp.gov/npcp/Main\(T2\)/ProjectReview\(Tr2\)/ProjectReview\(Tr3\)/SubmissionGuidelines.html?sgpage=1](https://www.npcp.gov/npcp/Main(T2)/ProjectReview(Tr2)/ProjectReview(Tr3)/SubmissionGuidelines.html?sgpage=1)

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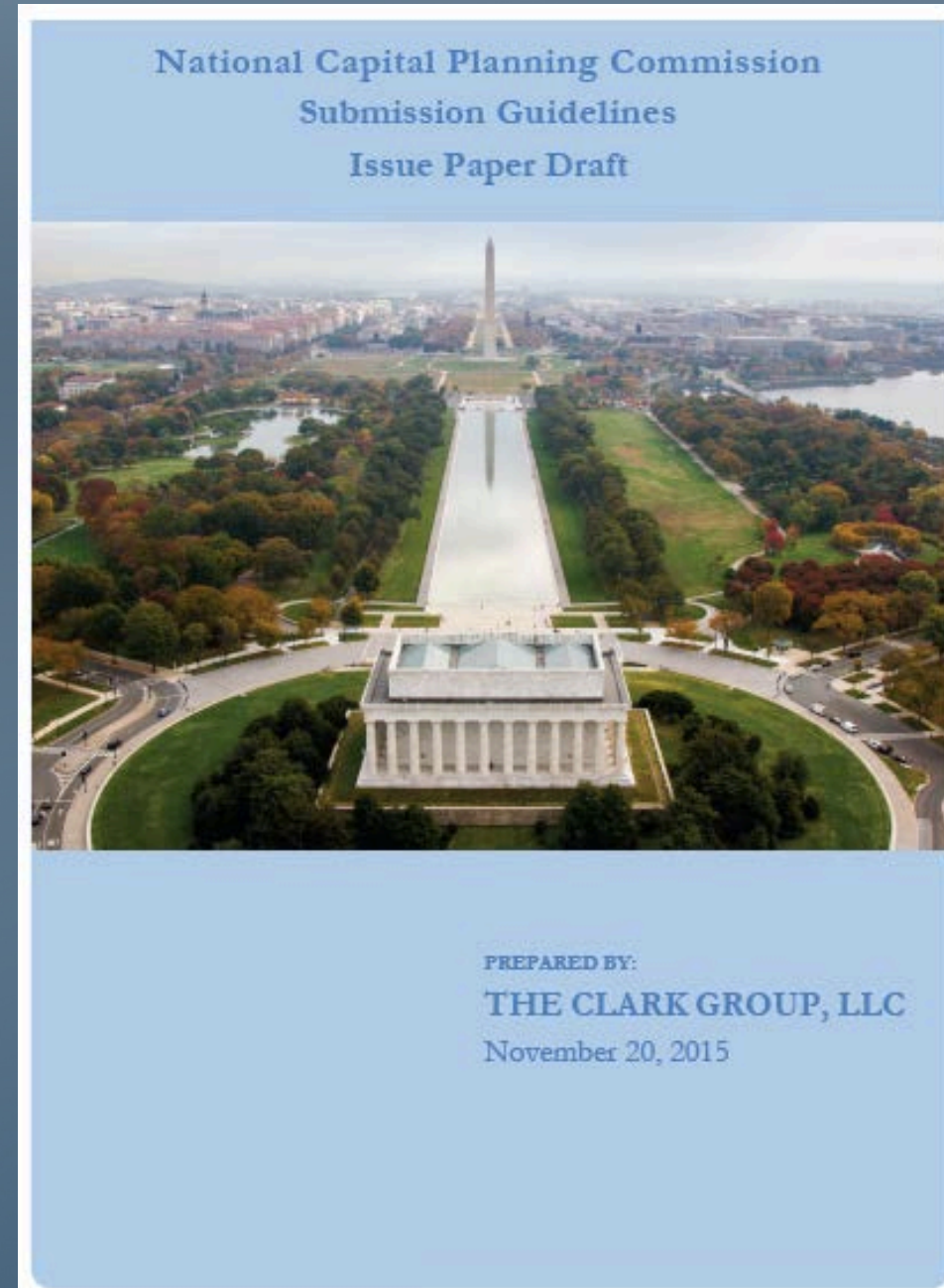
## What are the Environmental Policies and Procedures?

- NCPC must incorporate the requirements of NEPA and the National Historic Preservation Act (NHPA) Section 106 consultation process into its decision-making process when the Commission exercises approval authority.
- The Council on Environmental Quality (CEQ) requires all federal agencies to prepare and adopt internal, individually tailored NEPA procedures to guide their implementation of NEPA.
- The Advisory Council on Historic Preservation (ACHP) adopted regulations all federal agencies must follow to comply with the NHPA Section 106 consultation process.
- NCPC last adopted NEPA regulations in 2004.



## Issue Paper and Interviews

- Staff Discussions and Research
- Issue Paper
- Interviews



## Regulation Development Process

- Engaged in pre-draft consultation with ACHP and CEQ.
- Engaged in comprehensive internal review and revision of the document.
- Decided to remove NHPA Section 106 component of existing regulation after production of first draft and consultation with and approval of ACHP.
- Engaged in extensive post-draft coordination with CEQ.



Council on Environmental Quality



## Current Challenges

- Out-of-date (1991) and not aligned with current NCPC needs
- Lack of organization & clarity
- Review stage requirements are not distinct
- Commission's review stages & applicant's project development not always aligned
- Lack of adequate coordination with other laws, policies and regulations, including NEPA and S106

## Current Challenges

- Concerns with organization and overall clarity
- Insufficient specificity regarding the roles of applicants and NCPC
- Inefficiencies due to sequencing of submission requirements and applicant project development schedules
- Outdated Categorical Exclusions and Extraordinary Circumstances
- Missed opportunities to streamline NEPA process

## Objectives

1. Create clear, accessible, and efficient guidelines that respond to applicant needs.
2. Align NCPC review stages and NEPA requirements with those of applicant agencies to save time and resources in the planning process.
3. Allow staff to exempt from Commission review certain minor projects based on specific criteria where there is no federal interest.



## Objective 1: Clear, accessible, and efficient

- Clear language and text; improved organization
- Visual aids – graphics, tables, checklists
- Standardized Application Form
- Guidelines organized around different project types

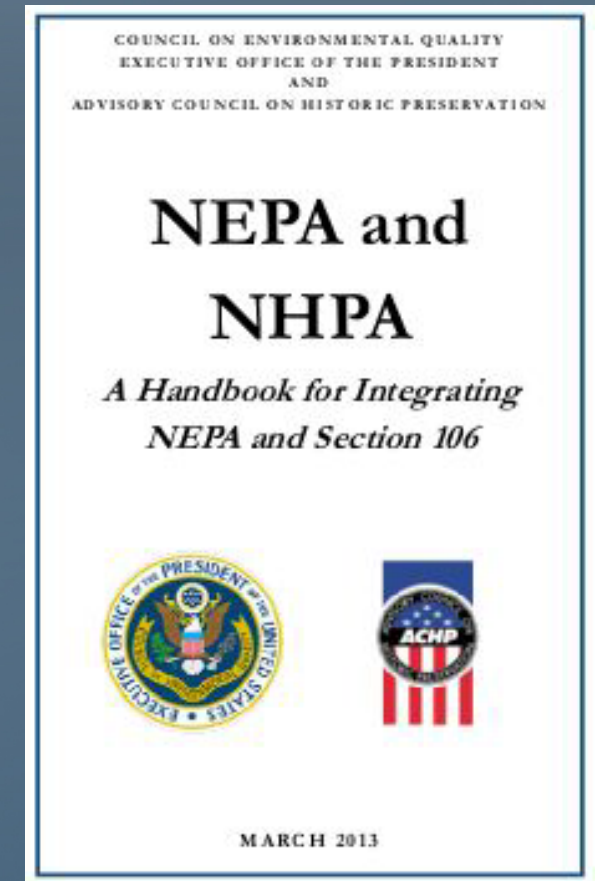
## Project Types

- Common Projects (Site, Building Plans)
- Master Plans
- Commemorative Works
- Antennas
- Transfers of Jurisdiction
- Foreign Missions



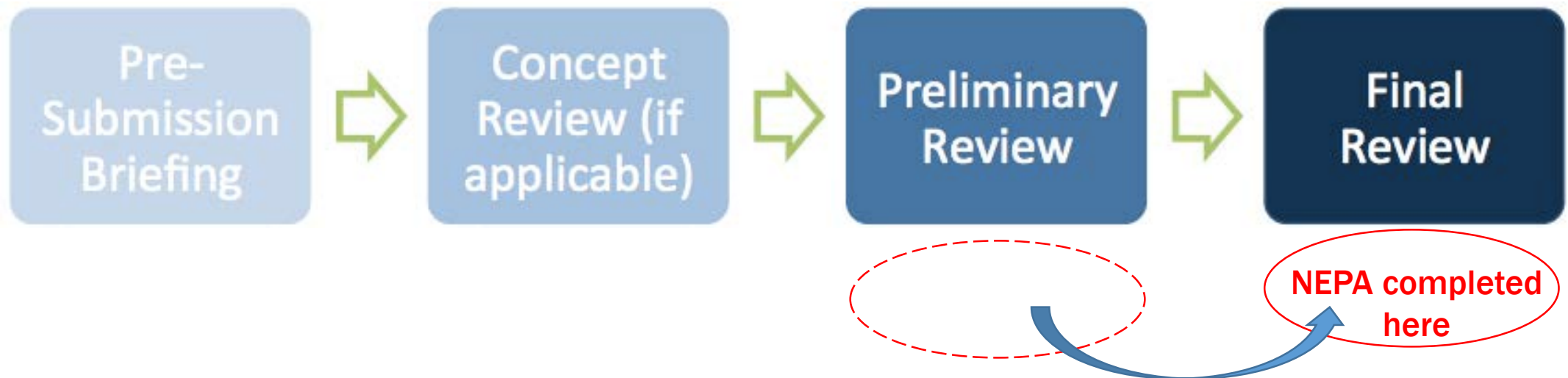
## Objective 1: Clear, accessible and efficient (cont.)

- Reorganized the regulations; new organizational structure essentially translates to an outline of the process from start to finish.
- Reduced references to Section 106 of the National Historic Preservation Act.





## Objective 2: Realigning Review Stages



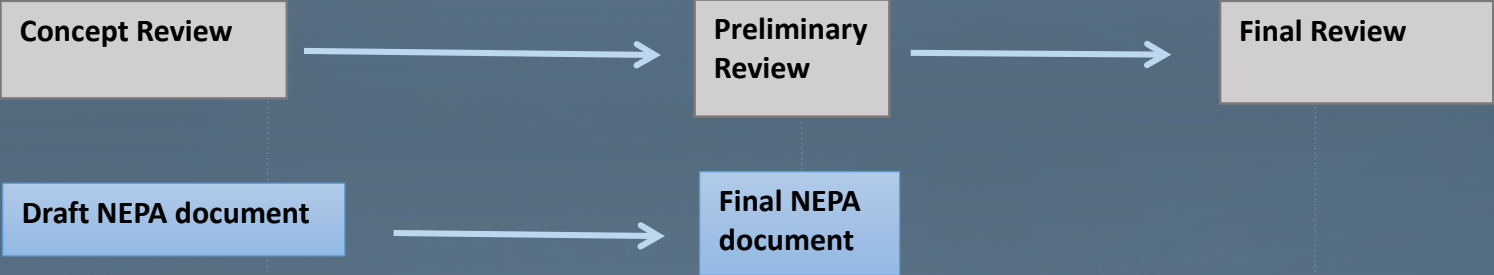
Concept or Schematic Design

Preliminary Design

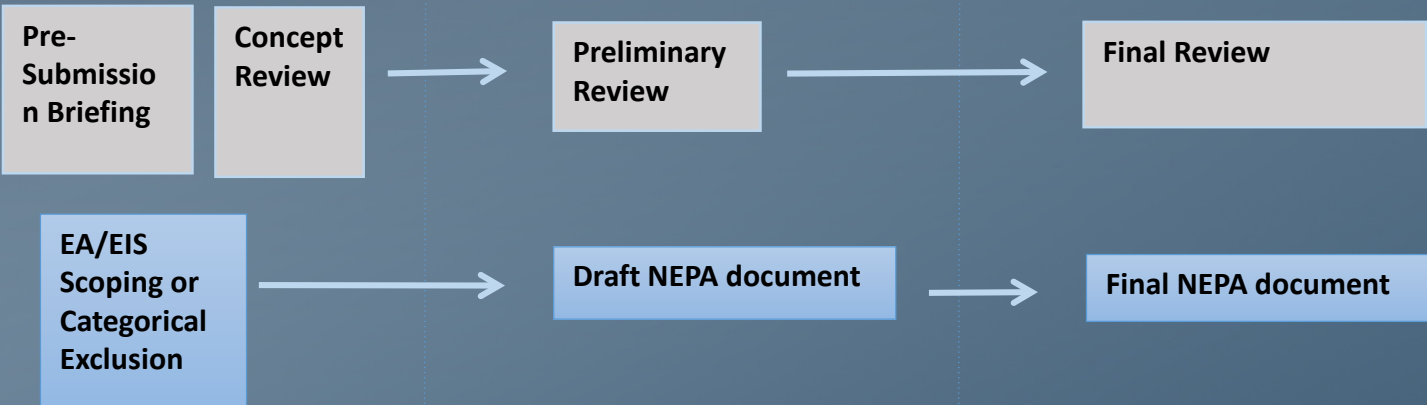
Final Design

0% 25% 50% 75% 100%

## Current Design Review Stages



## Proposed Design Review Stages



## Revisions and Recommendations: Update Categorical Exclusions

- A Categorical Exclusion (CATEX) refers to a category of actions that has been found over time through preparation of an EA to result in a Finding of No Significant Impact or FONSI. An agency can exempt the category of actions from further NEPA analysis.
- Removed categorical exclusions based on outdated authorities
- Added exclusions to reflect prevailing best practices and submissions, e.g. solar panel arrays





## Revisions and Recommendations: Update Extraordinary Circumstances

- An extraordinary circumstance is a special circumstance that, when present, would not allow a CATEX to be applied, necessitating an EA. Examples include sensitive resources and reliance on unproven technology to ameliorate impacts.
- Added additional extraordinary circumstances ensure various resource and other concerns are considered before a determination is made to apply a categorical exclusion.

## Revisions and Recommendations: Clarify Roles and Responsibilities

- Distinguishes between federal and non-federal agency applicants
- Clarifies NCPC's role with each type of applicant
- Clarifies who does what and when throughout the NEPA process when NCPC serves as lead or cooperating agency



Examples of Non-Federal Agencies

## Revisions and Recommendations: Clarify Roles and Responsibilities

**Federal Agency - Lead Agency  
NCPC – Cooperating Agency**

**OR**

**NCPC – Lead Agency  
Non-Federal Agency - Project Owner /  
Cooperating Agency**

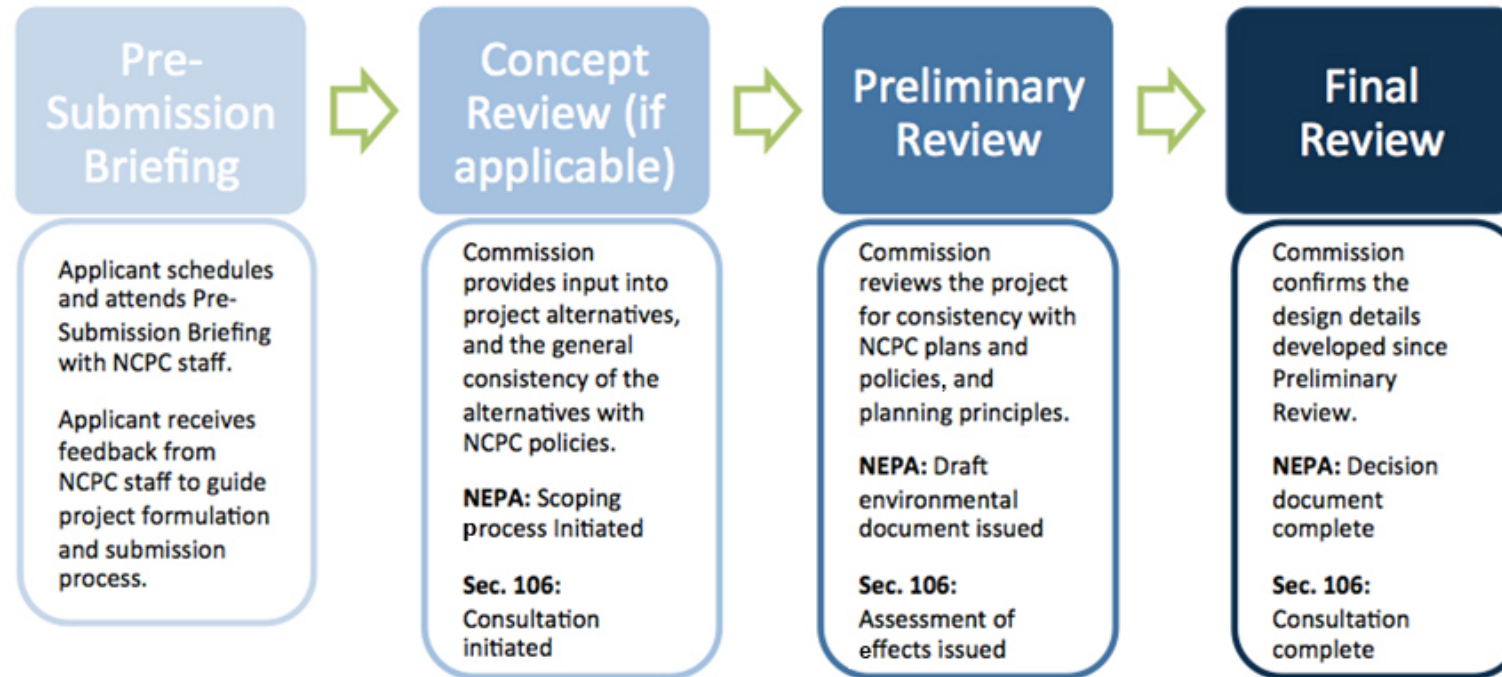


## Revisions and Recommendations: Streamline NCPC's NEPA Process

- Utilize Memorandum of Understandings (MOU); either project specific or programmatic agreement between a lead, co-lead and cooperating agency
- Utilize programmatic documents and tiering
- Enable NCPC to co-sign a lead agency FONSI or Record of Decision (the concluding document for an EIS)



## Objective 2: Realigning Review Stages



### Note: Additional Reviews

**Coordinating Committee:** NCPC staff briefs the Coordinating Committee on projects located in Washington, DC prior to Commission review to ensure coordination among agency stakeholders. The Committee consists of representatives from the General Services Administration, the National Park Service, Washington Metropolitan Area Transportation Administration, the State Historic Preservation Office, the District Department of Planning, the District Department of Energy and Environment, and the District Department of Transportation.

**Referral to Intergovernmental Review:** Master plans and projects that do not fall within an approved Master Plan are referred to the appropriate federal, state, and local agency for review. Intergovernmental review occurs during Preliminary Review.

## Objective 2: Realigning Review Stages

### Concept Review

NCPC staff, in consultation with the applicant, determine whether concept review is necessary. Applicant submits project site and general plans for project development.

**PURPOSE:** For NCPC to identify any big picture issues of concern with the proposed project (e.g. site suitability, conflicts with plans and policies for the area, appropriateness of scale of the development) and to provide early comments on NEPA scoping and NHPA consultation (if applicable).

#### Questions that the Commission/Staff will Analyze:

- Is the proposal or program consistent with the Comprehensive Plan and other NCPC policies and plans?
- What are the project's existing site conditions and surrounding context, and how do they relate to the proposal?
- Are there meaningful differences among alternatives?
- Are there major historic preservation elements or environmental issues to consider?
- Who are the relevant stakeholders to engage throughout review?

#### The Commission may ask the applicant to:

- Further investigate issues.
- Proceed with a 2-phase review.



## Objective 2: Realigning Review Stages

### Preliminary Review

**PURPOSE:** For NCPC to critique and evaluate issues in detail.  
This includes the evaluation of the preferred alternative in the NEPA process.

Applicant submits detailed project description, site plans, and description of design elements.

#### Questions that the Commission/Staff will Analyze:

- Are the scale, bulk, and height appropriate given the site and surrounding context?
- Are the project's assumptions valid?
- Is there a good understanding of site circulation, and linkages to the context?
- Are historic and environmental elements or issues informing the design?
- Have the prominent views/viewsheds been identified and addressed in the design?
- Have general stormwater/sustainability strategies been described?

#### Questions Specific to Site/Open Space Plans:

- What are the proposed open space/programming activities (passive, active, natural?)
- Is there a link to larger open space networks?
- Are the locations for public-facing and back-of-house elements appropriate?
- What is the lighting strategy?

#### Questions Specific to Building Plans:

- How does the architecture relate to the surrounding context?
- How do various elements of the site relate to one another?
- What is the streetscape strategy?
- How does the project address sustainability?
- How does the project impact or respond to views/viewsheds?
- What is the parking strategy?

#### Questions Specific to Master Plans:

- What is the general form and architecture of the campus?
- What are the general program needs; proposed uses, and number of employees?
- What is the transportation network and how does it link to the master plan?
- What is the parking strategy and proposed ratio?
- What is the land ownership; and /or any acquisition/transfer or disposition needs?

## Objective 2: Realigning Review Stages

### Final Review

**PURPOSE:** For NCPC to review any changes based on previous Commission comments, new design developments since preliminary review, and full compliance with NHPA and NEPA if applicable.

Applicant submits additional design detail (i.e. architectural rendering, lighting, and landscaping stormwater management plans) and addresses any previous comments.

#### Questions that the Commission/Staff will Analyze:

- Have the comments provided during preliminary review been adequately addressed?
- Has the applicant addressed applicable stormwater requirements?
- What is the final circulation and parking plan for the site?
- Are the landscape, public realm, and security designs well-coordinated and consistent with NCPC policies and guidelines?
- Has there been full compliance with NEPA and NHPA?

#### Questions that the Commission/Staff will Analyze:

- Have previous Commission comments been addressed?
- Are there any unresolved issues with the final plans:
  - Off-site impacts
  - Phasing
  - Land use
  - Transportation
  - Landscape/Stormwater
  - Site Development

## Objective 2: Realign Review Stage

- Guidelines also update review stages for commemorative works
- Changes reflect new NEPA policies and procedures
- Includes concept review for both site selection and commemorative design, before proceeding to preliminary and final approvals
- Allows the Commission to consider both site and design in the decision-making process



## Objective 3: Exempt minor projects where there is no federal interest

- A number of review exceptions have been added; these would not require Commission review or approval
- In general, these are smaller or non-controversial projects with no impacts and no federal interests
- Staff will make determination when exemption applies, not the applicant
- New exceptions will realign activities to the local level where they are more appropriately addressed, and allow staff to focus on federal interests

## Objective 3: Exempt minor projects where there is no federal interest

### New Exceptions Include:

- Street and alley closing outside the L'Enfant City
- Amendments to the Highway Plan
- District projects outside the Central Area
- Zoning Commission referrals
- Small WMATA projects
- Minor building and site improvements

## Revisions and Recommendations: Other Changes

- Expiration of Final Approval - five year timeframe with renewal options
- Substantial Change Provision
  - Site layout
  - Intensity of development
  - Location of access, site circulation or amount of parking
  - Building height



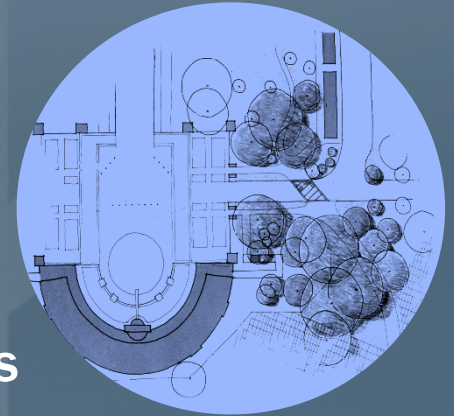
## Delegated Actions

- Staff will also update the projects which can be delegated to the Chairman or Executive Director
- These are generally small or non-controversial projects with no issues
- Delegated Actions are separate internal operating procedures, and not a part of the Submission Guidelines
- Staff will bring recommended revisions to the Commission for a separate approval

- Results in earlier feedback from the Commission/staff which reduces the potential for changes or delays
- Defines expectations for review stages, leading to more effective feedback
- Attempts to better align with applicant's development processes
- Better coordinates NEPA and S106 responsibilities with review stages



- Clarifies requirements, roles and review stages.
- Improves accessibility of documentation
- Enables more timely direction on review principles, process, and issues
- Reduces the potential for changes or delays
- Improves alignment with applicant development processes
- Aligns with NEPA and S106 responsibilities with review stages
- Enables accelerated review (streamlined requirements, updated CATEXs and new review exceptions)





- More accessible guidelines, policies, and procedural documentation
- Clarified review stages facilitate analysis and clearer recommendations (EDRs)
- Early Commission guidance provides direction for staff and support when negotiating with applicants
- Improves ability to coordinate and meet NEPA and NHPA responsibilities
- Updated CATEXs enables better prioritization and focus on environmental issues
- Reduces unnecessary document preparation and administrative burdens



- Provides opportunity for earlier input in project design
- Simplifies and clarifies terminology, agency responsibilities, and project review stages
- Clarifies the types of comments are appropriate at various stages
- Better aligns with related NEPA and NHPA review, including public comment opportunities
- Better ensures environmental issues are appropriately reviewed and managed



# Submission Guidelines

NCPC's Submission Guidelines describe the Commission's statutory authority, the content of submissions, submission stages, and the overall coordination and review process of NCPC's project review. Agencies that are subject to plan and project review must submit development proposals in accordance with the process laid out in the Guidelines.

Overview
Common Projects
Master Plans
Commemorative Works
Antennas
Foreign Missions
Transfers of Jurisdiction
Exceptions and Changes

## Common Projects

Overview

Pre-Submission

Concept Review

Preliminary Review

Final Review

### Overview

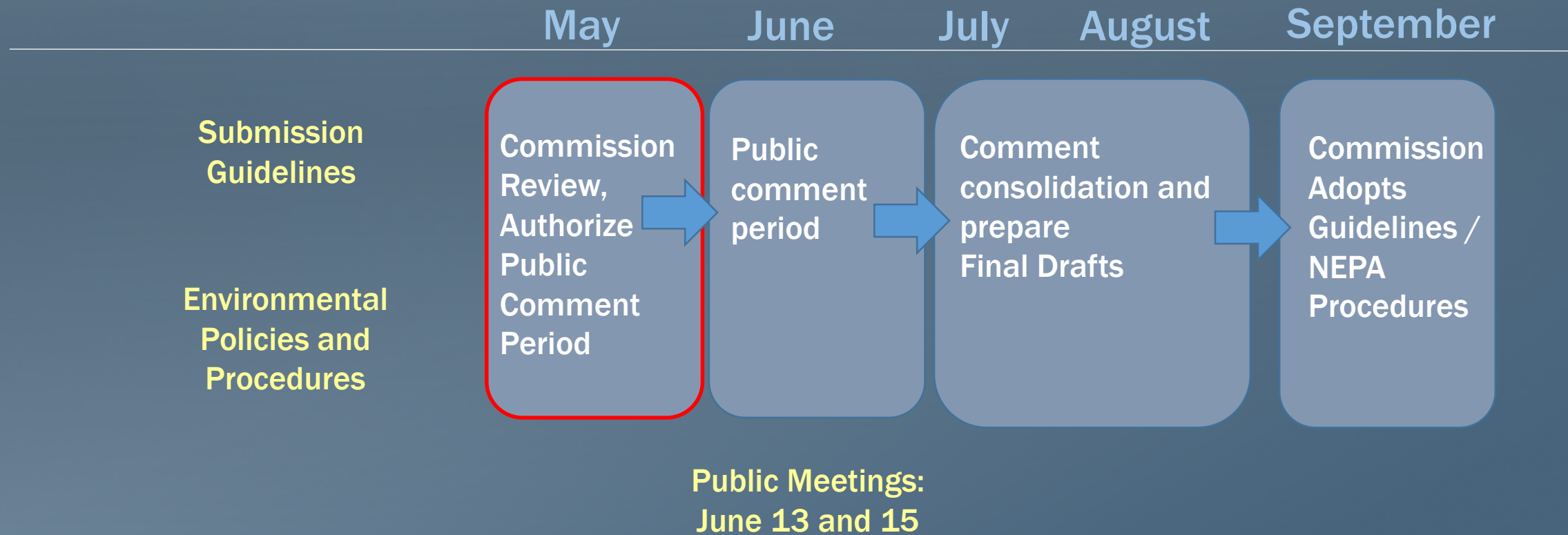
Common projects refers to the types of projects that are most often submitted to NCPC for review. While there are several types of projects in this category, the submission process and guidelines are the same. The projects include:

- ✓ **Building and Site Improvements:** These projects include 1) building construction or renovation, with or without site improvements, and 2) site improvements such as grading, landscaping, and street and road construction or improvements.
- ✓ **Parks and Open Space Acquisition/Disposition/Improvements:** These are projects to acquire, dispose, develop, or improve parks and open spaces. Examples of parks and open space include natural areas, parks, trails, greenbelts and greenways, community gardens, and cemeteries, schoolyards, playgrounds, public seating areas, public plazas, and vacant lots. This also includes Capper-Cramton projects which are projects on park land purchased through the Capper-Cramton Act.
- ✓ **Site Acquisition:** These projects are commitments for the acquisition of land paid for fully or in part with federal or District funds (regardless of development) in the National Capital Region (NCR).





## Next Steps



## Please provide written public comments:

- U.S. mail, courier, or hand delivery:

Urban Design Plan Review Division  
National Capital Planning Commission  
401 9th Street NW, Suite 500  
Washington, DC 20004

- Electronically: [submission@ncpc.gov](mailto:submission@ncpc.gov) (Submission Guidelines)  
[nepa@ncpc.gov](mailto:nepa@ncpc.gov) (Environmental Policies)
- Deadlines: July 10<sup>th</sup> (Submission Guidelines)  
July 14<sup>th</sup> (Environmental Policies)

For more information:



ABOUT ▾

PLANS & STUDIES ▾

PROJECT REVIEW ▾

PUBLIC PARTICIPATION ▾



## Revised Submission Guidelines & Environmental Policies and Procedures

<https://www.ncpc.gov/initiatives/subnepa.html>