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

National Capital Region

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
  o National Environmental Policy Act (NEPA)
  o National Historic Preservation Act (NHPA)

• Specific Authorities
  o The National Capital Planning Act
  o Foreign Mission Act
  o The Commemorative Works Act
  o The District of Columbia Zoning Act

• NCPC Policies, Procedures and Guidelines
  o Commission By Laws
  o Standing Rules
  o Public Participation and Open Meeting Policy
  o Submission Guidelines
  o 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
Existing Submission Guidelines

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Section 1 - Introduction
Section 5 of the National Capital Planning Act of 1956, as amended (Public Law 74-374), permits each Federal and District agency prior to the preparation of construction plans or programs or to commitments for the acquisition of land, to be paid for in part from Federal or District funds, to advise and consult with the National Capital Planning Commission (hereinafter "Commission") in the preparation of the plans and programs in jurisdictional and institutional areas which affect the Comprehensive Plan for the National Capital.

A master plan is an integrated series of documents which presents in graphic, narrative, and tabular form the concept and implementation of an installation and the plan for its orderly and comprehensive long-range development over 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 on or approved to be located.

Ordinarily, the Commission will not approve, or recommend favorably on, project plans for an installation where there is no approved master plan unless the agency provides an explanation satisfactory to the Commission that it has or is not submitting a current master plan, or modification thereof, for the installation.

In accordance with Section 5(b) of the Planning Act, these requirements shall not apply to the Capitol for planning structures within existing military, naval, or Air Force reservations selected by the Capital Defense Review Committee or national emergency, except that the appropriate defense agency shall consider these requirements for any developments which materially affect traffic or require coordinated planning of the area.

These requirements are intended to be used in connection with proposed developments of Federal installations, 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 projects to those which affect the regions to be consulted with the Commission in its predominant jurisdictional areas.

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

Antennas

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Section 1 - Background
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Background
In January of 1980, 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 1956 (hereinafter "Planning Act"). 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 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 concern 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 of language to conform the Antenna Guidelines to existing Commission policy or federal legislation, including: (i) clarifying which antennas do and do not require Commission review to clarify necessary materials to be included in each submission; and (ii) language describing applicable standards with which antenna submissions should comply.

In the fall of 2006, the Commission decided to revise 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 purpose for renewing Commission approval for antennas that are still needed has been simplified, and these proposed revisions are now eligible for approval by the Executive Director through the Commission's delegations of authority.

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 wellness of federal employees, visitors to the Nation’s Capital, and federal property users. Therefore, in order to minimize the visual impacts of such facilities and to protect the health and wellness 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 for federal agencies in the NCR in the preparation and submission of plans for all antenna installations on federal property in the NCR.
Environmental Policies and Procedures

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.
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

- Pre-Submission Briefing
- Concept Review (if applicable)
- Preliminary Review
- Final Review

NEPA completed here
## Current Design Review Stages

<table>
<thead>
<tr>
<th>Concept Review</th>
<th>Preliminary Review</th>
<th>Final Review</th>
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<tbody>
<tr>
<td>Draft NEPA document</td>
<td>Final NEPA document</td>
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## Proposed Design Review Stages

<table>
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<tbody>
<tr>
<td>EA/EIS Scoping or Categorical Exclusion</td>
<td>Draft NEPA document</td>
<td>Final NEPA document</td>
<td>Final NEPA document</td>
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</tbody>
</table>
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
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

**Pre-Submission Briefing**
- Applicant schedules and attends Pre-Submission Briefing with NCPC staff.
- Applicant receives feedback from NCPC staff to guide project formulation and submission process.

**Concept Review (if applicable)**
- Commission provides input into project alternatives, and the general consistency of the alternatives with NCPC policies.
- NEPA: Scoping process initiated
- Sec. 106: Consultation initiated

**Preliminary Review**
- Commission reviews the project for consistency with NCPC plans and policies, and planning principles.
- NEPA: Draft environmental document issued
- Sec. 106: Assessment of effects issued

**Final Review**
- Commission confirms the design details developed since Preliminary Review.
- NEPA: Decision document complete
- Sec. 106: Consultation complete

**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**

**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).

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

**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.

### 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/viewssheds 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/viewssheds?
- 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.

**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

Applicant submits additional design detail (i.e. architectural rendering, lighting, and landscaping stormwater management plans) and addresses any previous comments.
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
What the Changes Mean: For the Commission

- 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
What the Changes Mean: For Applicants

- 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
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.

Common Projects

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-Crampton projects which are projects on park land purchased through the Capper-Crampton 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

**Project Milestones**

- **May**
  - Submission Guidelines
    - Commission Review, Authorize Public Comment Period

- **June**
  - Public comment period

- **July**
  - Comment consolidation and prepare Final Drafts

- **August**
  - Commission Adopts Guidelines / NEPA Procedures

- **September**
  - Environmental Policies and Procedures

**Public Meetings:**
- June 13 and 15
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 (Submission Guidelines)  
  nepa@ncpc.gov (Environmental Policies)

- **Deadlines:** July 10th (Submission Guidelines)  
  July 14th (Environmental Policies)
Questions and Comments

For more information:

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