

**NATIONAL CAPITAL PLANNING COMMISSION  
DELEGATIONS FROM THE COMMISSION TO  
THE CHAIR, EXECUTIVE DIRECTOR, AND SECRETARY**

**Reaffirmed by the Commission: April 1, 2021**

**I. Delegations to the Executive Director**

A. The Commission delegates to the Executive Director the following administrative functions:

1. Employing technical and administrative personnel, except a Secretary to the Commission, and, by contract or otherwise, the temporary or intermittent services of experts and fixing their rate of compensation (40 USC §8711 (d)).
2. Serving as the head of agency staff and providing direction and guidance to staff and consultants as applicable in the daily work of the different Divisions into which the agency is divided (Position Description, Executive Director, June 9, 1993).
3. Undertaking other functions enumerated in the Executive Director's approved Position Description (Position Description, Executive Director, June 9, 1993).

B. The Commission delegates to the Executive Director the following Non-Plan Review Functions:

1. Establishing, jointly with the Mayor, procedures for appropriate, meaningful, and continuing consultation throughout the planning process for the National Capital (Section 40 USC 8721(h)(1)).
2. Establishing the agencies of the Federal and District of Columbia Governments within the District and environs to serve on, and inviting representatives of these planning and developmental agencies to participate in the work of, a Coordinating Committee (40 USC 8721(h)(2)).
3. Determining appropriate Federal and District of Columbia authorities to whom Federal Elements of the Comprehensive Plan, or amendments thereto, shall be presented for comments and recommendations prior to adoption thereof (40 USC § 8721(e)(1)).
4. Commenting to the Council of the District of Columbia on proposed closings of streets, alleys, roads, and highways, and approving changes to the Permanent System of Highways for the District of Columbia where the proposed closing/change would not affect a Federal interest, is consistent with the Federal Elements of the Comprehensive Plan, and if the proposed alley, street or highway closing is within the original L'Enfant city boundaries, would not have an adverse impact on major historic or natural features (D.C. Stat. §§ 9-202.02(3) and 9-101.06(a))

C. The Commission delegates to the Executive Director the following Plan Review functions:

1. Requesting Federal and District governmental agencies to furnish plans, data, and records to Federal and District of Columbia governmental agencies upon request (40 USC § 8722(a)(1)).
2. Defining plans and projects eligible for exception from Commission review, obtaining Commission review and approval of the exceptions, applying the approved exceptions, and providing notice of the application of the exceptions in the Tentative Agenda (40 USC § 8722(2)(b)).
3. Commenting on zoning referrals that have no substantial impacts on federal interests (40 USC § 8724((a)).

***Federal Land in the Environs***

4. Providing recommendations on preliminary site plans of any size, or building plans less than 50,000 gross square feet (40 U.S.C. § 8722(c)(1)), provided the Executive Director determines the proposed plans:
  - a. Are consistent with the land use, parking and circulation, and employee population projection elements of a master plan, if applicable.
  - b. Will have no significant adverse impact on the environment, cultural, and historic resources.
  - c. Are compatible with existing and proposed development in the immediate vicinity.
5. Providing recommendations on final site and/or building plans of any size (40 U.S.C. § 8722(c)(1)) where such plans conform to:
  - a. All recommendations made by the Commission in its review of the preliminary site and building plans for the project.
  - b. A master plan, if applicable.
  - c. Any environmental document prepared for projects included in the master plan, if applicable.

***Federal and District Government Land in the District of Columbia***

6. Providing recommendations on zoning referrals that have no substantial impacts on federal interests (40 USC § 8724((a)).

7. Approving preliminary and final building plans less than 50,000 gross square feet on federal land<sup>1</sup> (not including plans for any part of the Mall Complex<sup>2</sup>) (40 U.S.C. §§ (b)(1) and (d)-(e)), provided the Executive Director determines that the proposed plans:
  - a. Are consistent with the land use, parking and circulation, and employee population projection elements of a master plan, if applicable.
  - b. Will have no significant adverse impact on the environment, cultural, and historic resources.
  - c. Are compatible with existing and proposed developments in its immediate vicinity.
  
8. Approving preliminary and final site plans (without buildings) of any size on federal land<sup>3</sup> (excluding site plans for any part of the Mall Complex<sup>4</sup> or memorials/commemorative works) (40 U.S.C. §§ 8722(b)(1)-(d)-(e), 40 U.S.C. § 8905), provided the Executive Director determines that the proposed site plans are:
  - a. Consistent with a master plan, if applicable.
  - b. Will have no significant adverse impact on the environment, cultural, and historic resources.
  - c. Compatible with existing and proposed developments in its immediate vicinity.
  
9. Approving preliminary and final site plans of any size, or building plans less than 50,000 gross square feet, for District of Columbia projects in the Central Area, provided the Executive Director determines that the proposed plans will not affect a Federal interest (40 U.S.C. §§ 8722(b)(1) and (e)).
  
10. Antennas.
  - a. Approving all antenna installations (Pub. L. No. 104-104, 110 Stat 56 (February 8, 1996), codified throughout Title 47 of the U.S Code; Amendment to Submission Guidelines, 85 CFR 79529 (December 10, 2020)) other than those that are excepted that are:
    - i. Located on a reservation or site for which the Commission has submitted its report and recommendations on a current master plan.
    - ii. Not inconsistent with the recommendations of the Commission on the land-use and circulation plan elements of the master plan or its action on final project plans.
    - iii. Determined by the Executive Director to:
      - a) Have no adverse environmental impact.
      - b) Have no adverse visual impact on properties beyond the boundaries of the federal reservation or site.

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<sup>1</sup> When federal land is under the administrative jurisdiction of the District of Columbia, it is reviewed as a project on District land.

<sup>2</sup> For purposes of this delegation the Mall Complex shall be defined "the portion of the Monumental Core east of the Potomac River that includes the Mall (area bounded by Constitution and Independence Avenues and First and 14th Streets, N.W., and S.W.), the Ellipse, the Washington Monument Grounds, West Potomac Park, the Jefferson Memorial Grounds, and the Capitol Grounds."

<sup>3</sup> When federal land is under the administrative jurisdiction of the District, it is reviewed as a project on District land.

<sup>4</sup> For purposes of this delegation the Mall Complex shall be defined "the portion of the Monumental Core east of the Potomac River that includes the Mall (area bounded by Constitution and Independence Avenues and First and 14th Streets, N.W., and S.W.), the Ellipse, the Washington Monument Grounds, West Potomac Park, the Jefferson Memorial Grounds, and the Capitol Grounds."

- c) Meet the design and safety criteria in chapter 5 of the Submission Guidelines.
  - b. Renewing previously approved antennas which meet all the requirements of Section 5 of the Submission Guidelines and propose no change to the physical parameters of the original proposal.
- 11. Temporary Security Measures. Reviewing and/or approving temporary perimeter security measures, and authority to modify submission requirements as appropriate. The Executive Director shall ensure that such projects are reviewed on an expedited basis. Temporary security measures may be approved for no more than two years (NCPC File No. 6318, Policy on Design and Review of Physical Perimeter Security Procedures, Adoption of Policy (January 9, 2003)).
- 12. Consulting with appropriate state and local planning agencies, and commenting on local and state plans where there is no adverse impact on identified Federal interests, capital programs, and other state and local activities, which are voluntarily submitted to the Commission for review (40 U.S.C. § 8722(c)(2)).
- 13. Advising and consulting with appropriate planning agencies having jurisdiction over the affected part of the environs with respect to general plans for proposed Federal and District developments and projects within the environs (40 U.S.C. § 8722(c)(3)).
- 14. National Environmental Policy Act (NEPA) Reviews. To implement NCPC's NEPA Regulations (1 CFR §§ 601 et seq.), the Commission delegates to the Executive Director the following functions:
  - a. For NEPA Reviews in which NCPC is the lead agency:
    - i. Executing a Memorandum of Agreement (MOA) either on a programmatic level or for a single project with an applicant agency or non-federal agency to facilitate the implementation of NEPA and preparation of the requisite NEPA document.
    - ii. Determining whether to issue a Categorical Exclusion determination, prepare an Environmental Assessment (EA) and make a Finding of No Significant Impact (FONSI), or prepare an Environmental Impact Statement (EIS) for which the Commission shall adopt a Record of Decision (ROD).
    - iii. Scoping and obtaining the information required for the preparation of an EA or an EIS.
    - iv. Preparing a draft EIS.
    - v. Circulating a draft EIS for review and comment to EPA, affected and interested public agencies, and the general public.
    - vi. Integrating agency and public comments, where appropriate, into the final EIS.
    - vii. Distributing the final EIS to EPA and all agencies and individuals who commented on the draft EIS.
    - viii. Preparing a ROD for approval by the Commission.
    - ix. Determining the appropriate environmental documentation for each stage of Commission review.

- x. Monitoring and ensuring that mitigation and other conditions established by the Commission are implemented, including informing the public and cooperating or commenting agencies on progress regarding mitigation measures that the Commission proposed and were adopted.
  - xi. Preparing, circulating, and filing supplements to either draft or final environmental impact statements, if the Executive Director or the Commission finds that there are substantial changes to a proposed action that are relevant to environmental concerns, significant new circumstances, or information relevant to environmental concerns and bearing on the proposed action or its impact, or that the purpose of NEPA will be furthered by doing so.
- b. For NEPA reviews in which NCPD is a cooperating agency:
- i. Agreeing to serve as a cooperating agency in response to a lead agency's request.
  - ii. Providing comprehensive, timely comments on, and timely reviews of, key NEPA materials.
  - iii. Supplying available data and other information helpful to the preparation of an EA or EIS.
  - iv. Evaluating the EA or EIS and taking responsibility for the scope and content of each the document.
  - v. Preparing and, following Commission approval of an EA, signing a FONSI.
  - vi. Preparing a ROD for the Chair's signature following Commission adoption of the applicant agency's EIS.
  - vii. Providing documentation requested by the lead agency for the administrative record.

15. Pennsylvania Avenue. Regarding matters under the former Pennsylvania Avenue Plan, the Executive Director may be responsible for:
- a. Drafting proposals for Commission review of Plan, General and/or Square Guidelines Amendments to the Commission, and processing the amendments in accordance with the Memorandum of Agreement Among the General Services Administration, the Department of Interior, National Park Service, and the National Capital Planning Commission (61 FR 41889, 41791 (August 12, 1996)).
  - b. Determining whether a project conforms with the Pennsylvania Avenue Plan and making appropriate recommendations to GSA (61 FR 41889, 41791 (August 12, 1996)); and
  - c. Reviewing requests for building permits and certifying appropriate requests to the D.C. government (61 FR 41889, 41791 (August 12, 1996)).
16. Federal leasing. Reviewing all prospectuses involving only the leasing of privately owned space in the region by a Federal agency or department to identify if any appear to be inconsistent with the Comprehensive Plan and other Commission policies. This delegation does not extend to all prospectuses which (1) are determined by the Executive Director to be inconsistent with Commission policies and which contain proposals that involve 100,000 or more occupiable square feet of floor area in a single building; (2) are located

outside of an established Major Federal Employment Area and would accommodate more than 150 employees; or (3) would exceed the targeted Federal employment levels established for Major Federal Employment Areas by more than five percent.

D. The Regulations of the Advisory Council on Historic Preservation assign the Executive Director the following Plan Review related functions (54 U.S.C. § 306108, 36 CFR §§ 801 et seq.):

1. For a NHPA Section 106 consultation process initiated by NCPC:
  - a. Determining whether a project (undertaking) affects historic properties listed in the National Register of Historic Places (NRHP) or is eligible for listing and inviting State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers (THPOs), if applicable, the public, and any other potential consulting parties to participate in the process.
  - b. Determining a area of potential effect (APE) and identifying historic properties either listed on the Historic Register or eligible for listing on the Federal Register within the APE.
  - c. Assessing the extent of adverse impacts on identified properties.
  - d. Resolving any adverse impacts through avoidance, minimization, or mitigation.
  - e. Signing the final Programmatic Agreement or Memorandum of Agreement.
  - f. Terminating the NHPA section 106 consultation process.
2. For a NHPA Section 106 consultation process initiated by a federal agency applicant:
  - a. Determining whether NCPC should participate as a consulting party in a NHPA Section 106 consulting process initiated by a federal agency applicant.
  - b. Supervising staff throughout the various stages of the process.
  - c. Signing the final Programmatic Agreement or Memorandum of Agreement.

DI. **Delegations to the Chair**

A. The Commission delegates to the Chair the following functions relative to the day-to-day operations of the agency:

1. Employing an Executive Director and a Secretary to the Commission and providing general direction and guidance to both, if needed, on behalf of the Commission. (40 USC §8711 (d)).

B. The Commission delegates to the Chair the following Non-Plan Review functions:

1. Requesting the District of Columbia Council to grant an extension of any time limit applicable to Commission review of the District Elements of the Comprehensive Plan (40 USC § 8721(f)).

2. Approving the National Park Service's lease of land or an existing building or structure on land acquired for park, parkway, and playground purposes for a term of five years with one right to renew for an additional five years subject to the need for immediate use of the land, building, or structure in other ways by the public (40 USC § 8733).
3. Executing and signing agreements with the appropriate Maryland and Virginia officials as to the arrangements of Commission acquisition of land and the control thereof in Maryland and Virginia for the national capital park, parkway, and playground system (40 USC §§ 8731(b)(3) and (c)(2)).

C. The Commission delegates to the Chair the following Plan Review functions:

1. Requesting the Zoning Commission to recess a public hearing on a proposed amendment to the Zoning Regulations to provide an opportunity for the Commission to present a further report to the Zoning Commission (40 USC §8724(b)).
2. Approving transfers of jurisdiction over properties within the District of Columbia owned by the United States or the District government which transfers are between two Federal agencies, a Federal and District of Columbia agency, or two District of Columbia agencies provided such transfers conform to a master plan or site and building plan approved by the Commission (40 USC § 8734).
3. Signing a surveyor's plat depicting the area of land being transferred and any terms or conditions of the transfer of the property within the District of Columbia owned by the United States or the District government which transfers are between two Federal agencies, a Federal and District of Columbia Agency, or two District agencies and the transfer has been approved by the Commission or the Chair pursuant to Delegation Number C.2 above (40 USC § 8734).
4. Signing the Record of Decision as the culmination of the NEPA process for a project after Commission approval of the EIS (1 CFR § 601.25(a)(1)(vi)).

CI. The Regulations of the Advisory Council on Historic Preservation assign the Chair the following Plan Review related function (6 CFR §§ 807(1)(a)):

1. Requesting comments of the ACHP if the Executive Director terminates the NHPA Section 106 consultation process on the belief that further consultation will not be productive and notifying all consulting parties of the request for ACHP comments.

**CII. Delegations to the Secretary of the Commission**

- A. Publishing, jointly with the Mayor, from time to time as appropriate, the Comprehensive Plan for the National Capital consisting of the elements of the Comprehensive Plan for the Federal activities in the National Capital developed by the Commission and the District Elements developed by the Mayor and the Council in accordance with the requirements of the National Capital Planning Act (40 USC § 8721(g)).

#### **IV. Procedures**

- A. Reporting. The Chair, Executive Director, and the Secretary must report to the Commission the exercise of any delegation of authority at the Commission meeting immediately following the exercise of such delegation.
- B. Reservation of Commission Authority. By a majority vote at any meeting and prior to the exercise of any delegation, the Commission may reserve to the Commission the right to perform the particular matter or function to which the delegation applies.
- C. Reverting Delegated items to action items. Projects listed as Proposed Delegated Items on the Tentative Agenda Items (TAI) may become action items if a member of the public registers to speak on that item by the deadline.

#### **V. Consent Calendar Procedures**

- A. Non-delegated items may be included on the consent calendar subject to the following criteria:
  - 1. The Executive Director recommends approval of the item by the Commission.
  - 2. No interested or affected groups or individuals have requested, by noon on the Wednesday of the week preceding the Commission meeting, the opportunity to present their views in person at the Commission meeting.
  - 3. The Chair has not otherwise concluded that, because of its importance or controversial nature, a full presentation of the item should be made to the Commission.
- B. Any agenda item on the consent calendar to which any member of the Commission objects to its placement thereon will be removed from the consent calendar and considered by the Commission.