

## Chapter 8. Exceptions and Project Changes

### 8.1 Exceptions

Commission review or approval is not required for certain types of projects and plans. For these projects, NCPC staff must confirm during the Pre-Submission Briefing that the project falls under one of the exceptions listed below. The applicant may not make this determination independently and must submit these projects to NCPC staff to confirm that an exception applies. Staff will notify the applicant by mail/email if the project qualifies as an exception. Staff may determine that a project is exempt from Commission review based on the following criteria:

1. Replacement, repair, or installation of trails, sidewalks, roadways, and parking areas involving no change in the existing character of the site and its immediate vicinity.
2. Rehabilitation and minor improvement of buildings, structures, and sites involving no change in the existing character, predominant use, or extent of the building, structure, or site/landscape.
3. Construction of minor buildings or structures where the following conditions are satisfied: 1) the building or structure is consistent in mass, scale, and character to adjacent buildings; 2) the building or structure would cause no adverse effects on historic properties; and 3) the building or structure would not have an individual or cumulative significant environmental impact.
4. Replacement or new planting of trees, shrubs, other plant materials, and installation of low impact development practices where there would be no change in the existing character of the site.
5. Replacement (excluding relocations or extensions) of underground utility lines such as pipes and cables (excluding pumping stations and treatment facilities) that will not (1) necessitate removal of existing trees or changes in the natural topography or (2) perpetuate or create an adverse environmental impact.
6. Replacement, repair, or installation of lighting, fencing, guardrails, signage, and generators or other mechanical and electrical equipment that involves no change to the character of the site and its immediate vicinity, causes no adverse viewshed impacts or other significant environmental impacts including adverse effects on historic properties.
7. Installation of temporary art or other placemaking features for a maximum of 6 months that will not (1) necessitate permanent infrastructure improvements or (2) have an adverse impact on federal property or other federal interests.
8. Street or alley closings located outside the boundary of the L'Enfant City under the following conditions: 1) the street or alley is not adjacent to federal property; 2) the street or alley does not provide access to a federal property or affect other federal interests.
9. Amendments to the Highway Plan that do not have a negative impact on federal property, and cause no environmental impacts including adverse effects on historic properties.



#### TIP

NCPC staff must confirm if a project is an exception. This occurs during the Pre-Submission Briefing.

## Submission Guidelines

10. District of Columbia projects located outside the Central Area where the following conditions are satisfied: the project site is not adjacent to a federal property; 2) there would be no adverse impacts on federal property or other federal interests.
11. Modifications to a general development plan applicable to lands acquired pursuant to the Capper-Cramton Act where (1) the proposed changes are consistent with a public park use; (2) where no or minimal environmental impacts are anticipated; and (3) there would be no adverse impacts on federal property or other federal interests.
12. Referrals from the Zoning Commission of the District of Columbia where the following conditions are satisfied: 1) the project is consistent with the Height Act; 2) the project would not cause adverse impacts on federal property or other federal interests; and 3) the project site is located outside the boundary of the L'Enfant City.
13. Small WMATA projects that constitute minor modifications to the Mass Transit Plan where the following conditions are satisfied: 1) the project would not cause adverse impacts on federal property; and 2) the project site is located outside the boundary of the L'Enfant City.
14. Receive-only antennas with the boom or any active element not exceeding eight feet in any dimension and the mounted vertical dimension (from the point on the ground or building at which the antenna is mounted to the highest point of any active element, tower, mast, pole, or related support element) not exceeding 12 feet. All rooftop antennas must be set back from the edge of the building a distance at least equal to the antenna's height above the roof.
15. Receive-only whip antennas not exceeding 2 1/2 inches in diameter and a mounted dimension (vertically and laterally, for antennas which include two or more prongs or attachments) not exceeding 12 feet in any direction.
16. Receive-only antennas of any type entirely enclosed within an existing building (including the penthouse portion of a building).
17. Receive-only temporary antennas to be mounted on a building, the ground, or a vehicle for a period not to exceed 90 days, provided the temporary placement does not alter the site or building and that all necessary safety precautions are observed in the temporary placement.

### 8.2 Extension, Modification, or Waiver

The Executive Director may extend, modify, or waive submission requirements under certain limited circumstances. Waivers may be granted, or requirements extended or modified, where the project submitted for review has:

- Unique or special characteristics or qualities, such as limited size and/or scope, that make certain elements of the required materials unnecessary;
- Been sufficiently documented in prior submissions with materials that remain current;
- Unique implications necessitating the submission of specialized materials.

If a waiver affects submission materials that may address potentially significant offsite impacts, the Executive Director provides notice to potentially affected public agencies and provides opportunity for consultation. This would occur early in the process during the pre-submission and concept stages.

### 8.3 Substantial Change

If substantial changes are made in either the design or plan of a proposed project after the Commission has reviewed the project for either Preliminary Review or Final Review, the applicant must submit revised project information for Commission review.

If substantial changes to the project are made after Preliminary Review but before Final Review, applicants should advise NCPC staff of such changes as far in advance as possible, except where such changes have been made specifically in response to Commission recommendations at the Preliminary Review. Depending on the magnitude and nature of the changes, additional time may be needed for the Final Review. For example, the revised submission may need to be referred to the Intergovernmental Review process (See the Intergovernmental Review Resource Guide on [NCPC's website](#)).

If substantial changes to the project are made after Final Review, applicants may be required to resubmit the project to the Commission for additional review. The following are the types of changes that could be considered substantial:

- Changes to the site layout.
- Changes to the intensity of development.
- Changes to the location of access, site circulation plan, or amount of parking provided.
- Changes to the building height.
- Changes to the landscape, public realm, stormwater management plan.

For example, if after Final Review the approval of the Stormwater Management Plan by the applicable jurisdiction results in changes to the general site layout and streetscape design to accommodate larger detention basins, the applicant could be required to resubmit the revised project to NCPC for additional review.