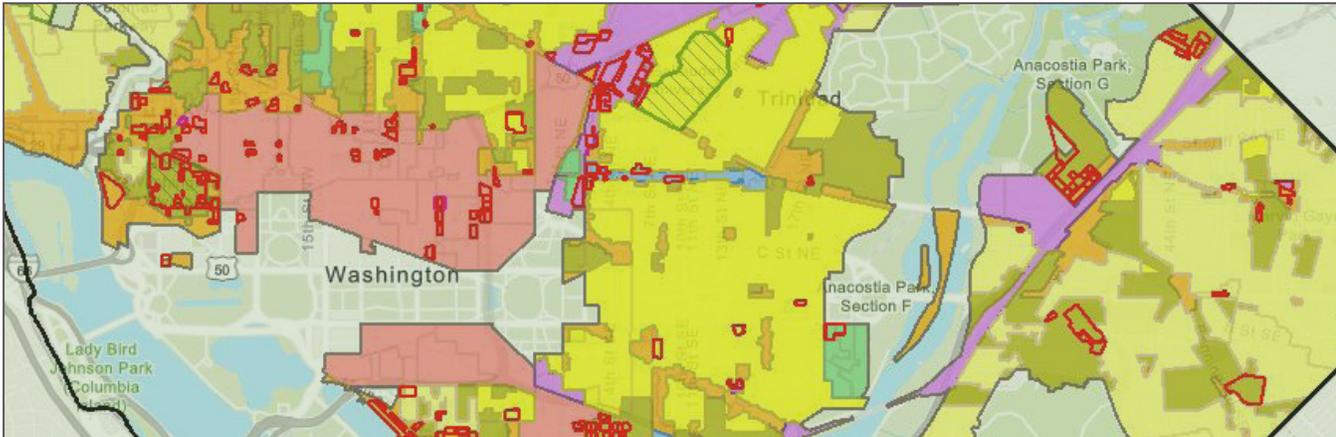


Limited Review of Development on Private Land in Washington



Overview

While the majority of the National Capital Planning Commission's (NCPC) plan review authorities relate to the review of projects and master plans on federal and District owned land, there are a few circumstances where NCPC conducts an advisory review and provides comments on development projects and regulations for private land in Washington, DC. These include:

1. Amendments of the District Zoning Regulations and Maps
2. Site and building plans for private land in specific areas of federal interest
3. Site and building plans for private land on Pennsylvania Avenue between 1st and 15th Streets, NW
4. Development of air rights above or below public streets or alleys in the District of Columbia
5. The platting and subdividing of lands

This resource guide is for general information purposes, and is not a regulatory document.

What is NCPC's interest in reviewing development projects and regulations for private land?

NCPC's mission is to protect the natural, historic, and cultural resources of the National Capital Region and the property of the federal government so that it can perform its diverse set of missions. Protecting the form, character, and experience of the nation's capital is important, particularly within the historic L'Enfant City. This includes the views and settings of the U.S. Capitol, White House, and National Mall; nationally significant civic spaces and institutions; national memorials and parks; and those streets, avenues, and reservations that link these national resources and reflect the fundamental design framework of the original city plan. Of equal importance is ensuring that the federal government, the largest property owner in Washington, DC, is able to achieve its missions, provide secure and appropriate workplaces, enhance public open spaces, and conduct a variety of operations.

Within Washington, private and federal land are often located adjacent to one another. To ensure federal interests are protected when development occurs on private land, NCPC reviews certain projects and regulations on private land in accordance with federal law or through an agreement with the District of Columbia's government.

What are the five project types and regulatory processes where NCPC reviews development on private land?

1. Amendments to District Zoning Regulations and Maps

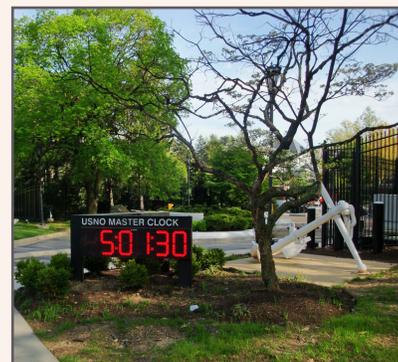
In accordance with the National Capital Planning Act, NCPC reviews any proposed zoning or map amendments to the District of Columbia's zoning regulations. This includes comprehensive updates to the zoning regulations (most recently the 2016 update) or individual map and text amendments. Most often, the District of Columbia Zoning Commission (ZC) refers amendments to NCPC as part of a proposed planned unit development (PUD) project. This referral occurs after the ZC has taken preliminary action on the zoning case and before it takes final action. The District of Columbia Board of Zoning Adjustment (BZA) refers specific projects as well. NCPC reviews zoning and map amendments for any potential impacts to the federal interest and consistency with the Comprehensive Plan's federal elements.

2. Site and building plans for private land in specific areas of federal interest

Since there are many areas in the city where private, District, and federal lands abut or are in close proximity to one another, the District has included special provisions in the zoning regulations that allow NCPC to comment on private development in areas sensitive to federal interests. Development projects in five defined areas are referred to NCPC for review and comment before they are heard at the ZC public hearing.

Naval Observatory (Subtitle D)

The Naval Observatory is a federal installation that is home to the Vice President of the United States. It also hosts operations that sustain the atomic clock, which provides the time standard for the United States. Projects in the zoning districts surrounding this facility (R-11, R-12, R-13, RA-6, and MU-27) require special review and are referred by the BZA to NCPC for comment. For projects in the R-11, R-12 and R-13 zones, NCPC uses *DC Zoning Regulations Subtitle D § 5203.1 (a)* for its analysis. For projects in the MU-27 zone, NCPC uses *Subtitle G § 1202.1(a)* for its analysis. NCPC analyzes any proposed development for impacts regarding views to the facility, light pollution, security, and transportation/access.



Independence Avenue Sub Area (Subtitle I)

The Independence Avenue Sub-Area zones (D-4 and D-8) are part of the overall downtown zoning district and cover Independence Avenue between 6th and 12th Streets, SW. If any federal land on Independence Avenue becomes private in the future, the ZC will refer individual development projects to NCPC for comment before granting approval. NCPC's interest in development on Independence Avenue is to protect the viewshed along the avenue and views to and from the National Mall.



Southeast Federal Center (Subtitle K)

The former Southeast Federal Center (SEFC), now known as The Yards, is a large, multi-stage redevelopment project located in Southeast Washington, DC between the Washington Navy Yard and Nationals Park. The land was once part of the historic Washington Navy Yard and until redevelopment was controlled by the General Services Administration. The SEFC is divided into four zoning districts, which were established to “...provide for the development of a vibrant, urban, mixed-use, waterfront neighborhood, offering a combination of uses that will attract residents, office workers, and visitors from across the District of Columbia and beyond.” (*DC Zoning Regulations Subtitle K § 200.1 and 200.2*). The ZC refers development projects in these zones to NCPC early in the design review process. NCPC’s interest in this area is due to its adjacency to the Washington Navy Yard and Anacostia River. NCPC analyzes development proposals for their consistency with the SEFC Master Plan and any impacts to the Navy Yard.



Capitol Gateway (Subtitle K)

The Capitol Gateway zones regulate development around the South Capitol Street corridor, between M Street and the Anacostia waterfront. The ZC will refer projects located in the CG-5 zone and projects “... abutting South Capitol Street, other than renovation or replacement of an existing row dwelling within Squares 653 or 655.” (*DC Zoning Regulations Subtitle K § 512.1(a)*). NCPC focuses its analysis on protecting the viewshed of the South Capitol Street corridor and views to and from the waterfront. The regulations require buildings proposed along South Capitol Street to be set back from the property line with upper-story setbacks to frame the view of the U.S. Capitol.



Union Station North Zone (Subtitle K)

The Union Station North (USN) Zone is included in the DC Zoning Regulations to “...implement the Comprehensive Plan by ensuring that development of the air rights is not inconsistent with the goals and policies of the Comprehensive Plan including: creation of ...an active streetscape connection between west...and east of the railroad; infill of an underutilized property; and preservation and enhancement of Union Station.”

For projects in the USN zone, NCPC uses *DC Zoning Regulations Subtitle K § 316.1* and *§ 317.1* for its analysis. Union Station is an important historic landmark. NCPC analyzes any proposed development located nearby to ensure that views of the station and its setting are preserved.



Washington DC Economic Partnership

3. Site and building plans for private land on Pennsylvania Avenue between 1st and 15th Streets, NW

Federal law 40 U.S.C. 6702(d) grants NCPC responsibility for ensuring that development within the Pennsylvania Avenue Development Corporation boundary (largely Pennsylvania Avenue between 1st and 15th Streets, NW) is carried out in accordance with the 1974 Pennsylvania Avenue Development Corporation Plan. A Memorandum of Agreement (61 FR 41789) entered into on August 12, 1996 between NCPC, the National Park Service, and the General Services Administration outlines the process by which the parties review and certify building permits within this area. The District Department of Consumer and Regulatory Affairs (DCRA) refers projects in this area to NCPC after the applicant submits them to DCRA for permitting. NCPC reviews the projects for their conformity to the Square Guidelines in the Pennsylvania Avenue Plan, which serve as specific development guidelines for each square.



4. Development of air rights above or below public streets or alleys in the District of Columbia

NCPC is required under the District of Columbia Public Space Utilization Act of 1968 to provide advice and recommendations on the development of air rights above or below public streets or alleys in the District of Columbia as described and defined in Subtitle G §700.2 of the DC Zoning Regulations (2016). NCPC's primary concern is the protection of L'Enfant Street rights of way and maintaining alleys that support federal uses. These projects are rare and often accompany zoning case referrals.

5. The platting and subdividing of lands

In accordance with the National Capital Planning Act (40 U.S.C §8735), the Council of the District of Columbia submits to NCPC any proposed change in, or addition to, the regulations or general orders regulating the platting and subdividing of lands and grounds in Washington. NCPC must provide a report and recommendation before the Council adopts the change or addition.

Applicant Resources

DC Office of Zoning, Zoning Regulations of 2016: <https://dcoz.dc.gov/zrr/zr16>