

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 2.**  
**GOVERNMENT ADMINISTRATION.**

**CHAPTER 10.**  
**NATIONAL CAPITAL PLANNING COMMISSION.**

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**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 10. NATIONAL CAPITAL PLANNING**  
**COMMISSION.**

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# CHAPTER 10. NATIONAL CAPITAL PLANNING COMMISSION.

## § 2-1001. GENERAL PURPOSES; FINDINGS; DEFINITIONS.

(a) It is the purpose of this chapter to secure comprehensive planning for the physical development of the National Capital and its environs; to provide for the participation of the appropriate planning agencies of the environs in such planning; and to establish the agency and procedures requisite to the administration of the functions of the federal and District of Columbia governments related to such planning. The Congress hereby finds that the location of the seat of government in the District of Columbia has brought about the development of a metropolitan region extending well into adjoining territory in Maryland and Virginia; that effective comprehensive planning is necessary on a regional basis and of continuing importance to the federal establishment; that the distribution of federal installations throughout the region has been and will continue to be a major influence in determining the extent and character of development; that there is needed a central planning agency for the National Capital region to coordinate certain developmental activities of the many different agencies of the federal and District governments so that such activities may conform with general objectives; that there is an increasing mutuality of interest and responsibility between the various levels of government that calls for coordinate and unified policies in planning both federal and local development in the interest of order and economy; that there are developmental problems of an interstate character, the planning of which requires collaboration between federal, state, and local governments in the interest of equity and constructive action; and that the instrumentalities and procedures herein provided will aid in providing the Congress from time to time with information and advice requisite to legislation. The general objective of this chapter is to enable appropriate agencies to plan for the development of the federal establishment at the seat of government in a manner consistent with the nature and function of the National Capital and with due regard for the rights and prerogatives of the adjoining states and local governments to exercise control appropriate to their functions, and in a manner which will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development.

(b) As used in this chapter:

(1) "Region" or "National Capital region" means the District of Columbia; Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and all cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties.

(2) "Environs" means the territory surrounding the District of Columbia included within the National Capital region.

(3) "National Capital" means the District of Columbia and territory owned by the United States within the environs.

(4) "Planning agency" means any city, county, bi-county, part-county, or regional planning agency authorized under state and local laws to make and adopt comprehensive plans whether or not its jurisdiction is exclusive or concurrent.

(June 6, 1924, 43 Stat. 463, ch. 270, § 1; Feb. 26, 1925, 43 Stat. 983, ch. 339, § 3; Apr. 30, 1926, 44 Stat. 374, ch. 198; May 24, 1928, 45 Stat. 726, ch. 726; June 10, 1933, Ex. Ord. No. 6166, § 2; Mar. 2, 1934, 48 Stat. 389, ch. 38, § 1; Oct. 28, 1949, 63 Stat. 972, ch. 782, title XI, § 1106(a); July 19, 1952, 66 Stat. 781, ch. 949, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 1-2001.

1973 Ed., § 1-1001.

#### *Miscellaneous Notes*

Council concurrence in amendment adding Diagram No. 1, Special Streets and Places, to comprehensive plan: Pursuant to Resolution 6-137, the "Federal Preservation and Historic Features Element Amendment Concurrence Resolution of 1985," effective May 14, 1985, the Council concurred in the amendment to the federal Preservation and Historic Features Element of the Comprehensive Plan for the National Capital, adding Diagram No. 1, Special Streets and Places.

For re-enactment of this chapter, see Title 40, Subtitle II, Part D, Chapter 87 of the United States Code.

## **§ 2-1002. NATIONAL CAPITAL PLANNING COMMISSION CREATED; COMPOSITION; OFFICERS AND EMPLOYEES; ADVISORY AND COORDINATING COMMITTEES; DUTIES.**

(a)(1) The National Capital Planning Commission (hereinafter referred to as the "Commission") is created as the central federal planning agency for the federal government in the National Capital, and to preserve the important historical and natural features thereof, except with respect to the United States Capitol Buildings and Grounds as defined in §§ 10-503.11 and 10-503.26, and to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol.

(2) The Mayor of the District of Columbia (hereinafter referred to as the "Mayor") shall be the central planning agency for the government of the District of Columbia (hereinafter referred to as the "District") in the National Capital. The Mayor shall be responsible for coordinating the planning activities of the District government and for preparing and implementing the District elements of the comprehensive plan for the National Capital, which may include land use elements, urban renewal and redevelopment elements, a multi-year program of public works for the District, and physical, social, economic, transportation, and population elements. The Mayor's planning responsibility shall not extend to federal or international projects and developments in the District, as determined by the Commission, or to the United States Capitol Buildings and Grounds as defined in §§ 10-503.11 and 10-503.26, or to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol. In carrying out his responsibility under this section, the Mayor shall establish procedures for citizen participation in the planning process, and for appropriate meaningful consultation with any state or local government or planning agency in the National Capital region affected by any aspect of a comprehensive plan (including amendments thereto) affecting or relating to the District.

(3) The Mayor shall submit each District element of the comprehensive plan, and any amendment thereto, to the Council for revision or modification, and adoption, by act, following public hearings. Following adoption and prior to implementation, the Council shall submit each such element or amendment to the Commission for review and comment with regard to the impact of such element or amendment on the interests or functions of the federal establishment in the National Capital.

(4)(A) The Commission shall, within 60 days after receipt of such a District element of the comprehensive plan, or amendment thereto, from the Council, certify to the Council whether such element or amendment has a negative impact on the interests or functions of the federal establishment in the National Capital. If within such 60 days the Commission takes no action with respect to such element or amendment, such element or amendment shall be deemed to have no such negative impact, and such element or amendment shall be incorporated into the comprehensive plan for the National Capital and shall be implemented.

(B) If the Commission finds, within such 60 days, such negative impact, it shall certify its findings and recommendations with respect to such negative impact to the Council. Upon receipt of the Commission's findings and recommendations, the Council may: (i) Reject such findings and recommendations and resubmit such element or amendment, in a modified form, to the Commission for reconsideration; or (ii) accept such findings and recommendations and modify such element or amendment accordingly. If the Council accepts such findings and recommendations and modifies such element or amendment under clause (ii) of this subparagraph, the Council shall submit such element or amendment to the Commission for it to determine whether such modification has been made in accordance with the Commission's findings and recommendations. If, within 30 days after receipt of the modified element or amendment, the Commission takes no action with respect to such element or amendment, it shall be deemed to have been modified in accordance with such findings or recommendations, and shall be incorporated into the comprehensive plan for the National Capital and shall be implemented. If within such 30 days, the Commission again determines such element or amendment to have a negative impact on the functions or interests of the federal establishment in the National Capital such element or amendment shall not be implemented.

(C) If the Council rejects the findings and recommendations of the Commission and resubmits a modified element or amendment to it under clause (i) of subparagraph (B) of this paragraph, the Commission shall, within 60 days after receipt of such modified element or amendment from the Council, determine whether such modified element or amendment has a negative impact on the interests or functions of the federal establishment within the National Capital. If the Commission finds such negative impact it shall certify its findings (in sufficient detail that the Council can

understand the basis of the objection of the Commission) and recommendations to the Council, and such element or amendment shall not be implemented. If the Commission takes no action with respect to such modified element or amendment within such 60 days, such modified element or amendment shall be deemed to have no such negative impact and shall be incorporated into the comprehensive plan and it shall be implemented. Any element or amendment which the Commission has determined to have a negative impact on the federal establishment in the National Capital, and which is submitted again in a modified form not less than 1 year from the day it was last rejected by the Commission shall be deemed to be a new element or amendment for purposes of the review procedure specified in this section.

(D) The Commission and the Mayor shall jointly publish, from time to time as appropriate, a 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 provisions of this section.

(E) The Council may grant, upon request made to it by the Commission, an extension of any time limitation contained in this section.

(F) The Commission and the Mayor shall jointly establish procedures for appropriate meaningful continuing consultation throughout the planning process for the National Capital.

(b) The National Capital Planning Commission shall be composed of: (1) Ex officio, the Secretary of the Interior, the Secretary of Defense, the Administrator of the General Services Administration, the Mayor, the Chairman of the Council of the District of Columbia and the Chairmen of the Committees on the District of Columbia of the Senate and the House of Representatives, or such alternates as each such person may from time to time designate to serve in his stead, and in addition; (2) five citizens with experience in city or regional planning, 3 of whom shall be appointed by the President and 2 of whom shall be appointed by the Mayor. The citizen members appointed by the Mayor shall be bona fide residents of the District of Columbia and of the 3 appointed by the President at least 1 shall be a bona fide resident of Virginia and at least 1 shall be a bona fide resident of Maryland. The terms of office of members appointed by the President shall be for 6 years, except that of the members first appointed, the President shall designate 1 to serve 2 years and 1 to serve 4 years. Members appointed by the Mayor shall serve for 4 years. The members first appointed under this section shall assume their office on January 2, 1975. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The citizen members shall each receive compensation at the rate of \$100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for necessary expenses incurred by them in the performance of such duties.

(c) The President shall designate the Chairman of the Commission and the Commission may elect from among its members such other officers as it deems desirable. The Commission is authorized to employ a Director, an Executive Officer, and such other technical and administrative personnel as it may deem necessary. Further, without regard to § 2-225.05, the civil service and classification laws, or § 3109 of Title 5, United States Code, the Commission may employ, by contract or otherwise, the temporary or intermittent (not in excess of 1 year) services of city planners, architects, engineers, appraisers, and other experts or organizations thereof, as may be necessary to carry out its functions, and in any such case the rate of compensation shall be fixed by the Commission so as not to exceed the rate usual for similar services.

(d) The Commission may establish, with the consent of each agency concerned as to its representation, such advisory and coordinating committees composed of representatives of such agencies of the federal and District of Columbia governments as may be necessary or helpful to obtain the maximum amount of cooperation and correlation of effort among the various agencies of such governments, in order that the National Capital may be developed in accordance with the comprehensive plan. As it may deem appropriate, the Commission may invite representatives of the planning and developmental agencies of the environs to participate in the work of such committees.

(e) As hereinafter more specifically described in §§ 2-1003 to 2-1006, it shall be among the principal duties of the Commission to:

(1) Prepare, adopt, and amend a comprehensive plan for the federal activities in the National Capital and make related recommendations to the appropriate developmental agencies;

(2) Serve as the central planning agency for the federal government within the National Capital region, and in such capacity to review their development programs in order to advise as to consistency with the comprehensive plan; and

(3) Be the representative of the federal and District governments for collaboration with the Regional Planning Council, as hereinafter provided.

(June 6, 1924, 43 Stat. 463, ch. 270, § 2; July 10, 1952, 66 Stat. 782, ch. 949, § 1; Sept. 25, 1962, 76 Stat. 575, Pub. L. 87-683; Dec. 24, 1973, 87 Stat. 779, Pub. L. 93-198, title II, § 203(a), (b).)

#### *Prior Codifications*

1981 Ed., § 1-2002.

1973 Ed., § 1-1002.

#### *References in Text*

The "civil service and classification laws", referred to in subsection (c) of this section, are set forth in Title 5, United States Code.

Section 2-225.05, referred to in subsection (c), was repealed by D.C. Law 11- 259, § 405, 44 DCR 1423, effective April 12, 1997.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

#### *Transfer of Functions*

All functions of the Commissioner of Public Buildings and of the Commissioner of Public Roads were transferred to the Administrator of General Services, and the Public Roads Administration, to be known as the Bureau of Public Roads, was transferred to the General Services Administration by § 103(a) of the Act of June 30, 1949, 63 Stat. 380. The office of the Commissioner of Public Buildings was abolished by § 103(b) of that Act. The Bureau of Public Roads was transferred to the Department of Commerce to be administered by the Commissioner of Public Roads subject to the direction and control of the Secretary of Commerce under the provisions of 1949 Reorganization Plan No. 7, § 1, 14 F.R. 5228, 63 Stat. 1070. The Commissioner of Public Roads was redesignated the Federal Highway Administrator by the Act of August 3, 1956, 70 Stat. 990, ch. 937, § 2. Section 3(f)(4) of the Department of Transportation Act provided for the transfer of the office of Federal Highway Administrator to and continuation within the Department of Transportation under the title of Director of Public Roads. Section 3(e) of the same Act established within the Department of Transportation a Federal Highway Administration, headed by an Administrator. A Public Buildings Service, under the direction of a Commissioner, was established December 11, 1949, by the Administrator of General Services, to supersede the abolished Public Buildings Administration. All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of such Department were, with 2 exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorganization Plan No. 3, §§ 1 and 2, 15 F.R. 3174, 64 Stat. 1262.

#### *Miscellaneous Notes*

Regional Planning Council abolished: The Regional Planning Council, referred to in paragraph (3) of subsection (e), was abolished by Reorganization Plan No. 5 of 1966, 31 F.R. 11857.

Termination of advisory committees: Section 14 of the Act of October 6, 1972, 86 Stat. 776, Pub. L. 92-463, provided that advisory committees in existence on January 5, 1973, were to terminate not later than the expiration of the 2-year period following January 5, 1973, unless, in the case of a committee established by the President or an officer of the federal government, such committee was renewed by appropriate action prior to the expiration of such 2- year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. Advisory committees established after January 5, 1973, were to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the federal government, such committee was renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress its duration is otherwise provided by law.

Assignment of planning responsibilities under Pub. L. 93-198: Commissioner's Order No. 74-146, dated June 29, 1974 delegated the responsibility to develop local elements of the comprehensive plan and to coordinate the planning activities of the District of Columbia to the Director of the Office of Planning and Management, directed the designation of planning liaison officers in all departments and agencies of the District government, provided for the appointment of and staff support for a citizens' panel to advise the Director of Planning and Management in the preparation of the comprehensive plan, and designated the Director of Planning and Management as the alternate for the Mayor-Commissioner on the National Capital Planning Commission. These planning responsibilities were subsequently assigned to the Municipal Planning Office by Organization Order No. 50. The Municipal Planning Office was abolished by Mayor's Order No. 79-8, dated January 2, 1979, and the duties, functions, and resources of the Municipal Planning Office were transferred to

the Office of Planning and Development by Mayor's Order No. 79-9, dated January 2, 1979.

Comprehensive plan goals and policies: Act of March 3, 1979, D.C. Law 2-134, established the goals and policies of the District of Columbia as the first District element of the comprehensive plan for the National Capital.

Section 4 of the District of Columbia Comprehensive Plan Act of 1984 (D.C. Law 5-76) repealed the District of Columbia Comprehensive Plan Goals and Policies Act of 1978 (D.C. Law 2-134).

District of Columbia Comprehensive Plan of 1984: Section 3 of D.C. Law 5-76 sets forth titles I through X adopted by the Council of the District of Columbia entitled "The District of Columbia Comprehensive Plan for 1984," and was reprinted in its entirety in 31 DCR 1049 and is contained in the 10 DCMR compilation. On April 5, 1984, the National Capital Planning Commission adopted a resolution finding that "the District elements adopted and amended by the Council by D.C. Act 5-112 do not have a negative impact on the interests or functions of the Federal Establishment in the National Capital."

Section 2 of D.C. Law 8-129, as amended by § 201 of D.C. Law 8-132, amended Titles I through VIII, X and XI, and added Title XII to the District of Columbia Comprehensive Plan of 1984, adopted by D.C. Law 5-76. D.C. Law 8-129 was reprinted in its entirety in 37 DCR 55. Amended Titles I through VII, X, XI, and new Title XII will be codified at Title 10 of the District of Columbia Municipal Regulations. D.C. Law 8-132 is found at 38 DCR 2213.

Repeal of § 2 of D.C. Law 5-187: Section 3(a) of D.C. Law 12-275 provided that § 2 of D.C. Law 5-187 is repealed effective April 27, 1999. Section 2 of D.C. Law 5-187 had added a new title XI to the District of Columbia Comprehensive Plan of 1984 adopted by D.C. Law 5-76.

Definitions applicable: The definitions contained in § 1-201.03 apply to terms appearing in this section.

Concurrence with Preservation and Historic Features Element of Comprehensive Plan for the National Capital: Section 6 of D.C. Law 5-76 provided that the Council of the District of Columbia concurs with the Preservation and Historic Features Element of the Comprehensive Plan for the National Capital adopted by the National Capital Planning Commission to the extent the Preservation and Historic Features Element is consistent with titles I and VIII of the act.

Review of District elements by National Capital Planning Commission: Section 8(b) of D.C. Law 5-76, § 6(b) of D.C. Law 5-187, and § 4(b) of D.C. Law 8-129, provided that no District element of the Comprehensive Plan for the National Capital shall take effect until it has been reviewed by the National Capital Planning Commission as provided in subsection (a) of this section and § 1-244(a) [§ 1-204.23, 2001 Ed.].

Conformance of federal plan to amendment of District of Columbia Comprehensive Plan: Section 5 of D.C. Law 5-187 provided that the Council concurs in the adoption of an amendment to conform the federal Preservation and Historic Features Element of the Comprehensive Plan for the National Capital to the amendment made to § 808 of the District of Columbia Comprehensive Plan by § 3(c) of the act, which directed certain additions to the network of special streets and places.

## **§ 2-1003. COMPREHENSIVE PLAN.**

(a) The Commission is hereby charged with the duty of preparing and adopting a comprehensive, consistent, and coordinated plan for the National Capital, which plan shall include the Commission's recommendations or proposals for federal developments or projects in the environs, and those District elements, or amendments thereto, of the comprehensive plan adopted by the Council and with respect to which the Commission has not determined a negative impact to exist, which elements or amendments shall be incorporated into such comprehensive plan without change. The Commission shall collaborate with the National Capital Regional Planning Council in the development of those elements of the plan for the National Capital. While consistency between the respective proposals of the Commission and the National Capital Regional Planning Council shall be sought, lack of action or agreement by the National Capital Regional Planning Council shall not prevent the Commission from adopting any part of its plan or any recommendation or proposal for federal developments or projects in the environs. The Commission may include in its plan any portion of any plan adopted by the National Capital Regional Planning Council or any planning agency in the environs and from time to time make recommendations of collateral interest to the National Capital Regional Planning Council or to the aforesaid agencies.

(b) The Commission may, as the work of preparing the comprehensive plan progresses, adopt any element or a part or parts thereof and from time to time shall review and may amend or extend the plan, in order that its recommendations may be kept up to date.

(c)(1) Prior to the final adoption of the comprehensive plan or any element thereof, or any subsequent revision, the Commission shall present such plan, element, or revision to the appropriate federal or District of Columbia authorities for comment and recommendations. Presentation of proposed revisions may at the Commission's discretion be made annually in a consolidated form. The said recommendations by federal and District of Columbia authorities shall not be binding on the Commission, but it shall give careful consideration to such views and recommendations as are submitted prior to final adoption. The Commission may, in addition and at its discretion, periodically provide opportunity by public hearings,

meetings, or conferences, exhibitions and publication of its plans, for review and comments by nongovernmental agencies or groups, and, in consultation with the District of Columbia Council, encourage the formation of 1 or more citizen advisory councils.

(2) In carrying out its planning functions with respect to federal developments or projects in the environs, the Commission may act in conjunction and cooperation and enter into agreements with any state or local authority or planning agency, as the Commission may deem necessary, to effectuate the adoption of any plan or proposal and secure its realization.

(June 6, 1924, 43 Stat. 464, ch. 270, § 4; July 19, 1952, 66 Stat. 785, ch. 949, § 1; Dec. 24, 1973, 87 Stat. 782, Pub. L. 93-198, title II, § 203(c)(3).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2003.

1973 Ed., § 1-1004.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(28) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

##### *Miscellaneous Notes*

National Capital Regional Planning Council abolished: The National Capital Regional Planning Council, referred to in subsection (a) of this section, was abolished by Reorganization Plan No. 5 of 1966, 31 F.R. 11857.

District of Columbia Comprehensive Plan of 1984: Section 3 of D.C. Law 5-76 sets forth titles I through X adopted by the Council of the District of Columbia entitled "The District of Columbia Comprehensive Plan for 1984," and was reprinted in its entirety in 31 DCR 1049 and is contained in the 10 DCMR compilation. On April 5, 1984, the National Capital Planning Commission adopted a resolution finding that "the District elements adopted and amended by the Council by D.C. Act 5-112 do not have a negative impact on the interests or functions of the Federal Establishment in the National Capital."

Repeal of § 2 of D.C. Law 5-187: Section 3(a) of D.C. Law 12-275 provided that § 2 of D.C. Law 5-187 is repealed effective April 7, 1999. Section 2 of D.C. Law 5-187 had added a new title XI to the District of Columbia Comprehensive Plan of 1984 adopted by D.C. Law 56-76.

Definitions applicable: The definitions contained in § 1-201.03 apply to this section.

District Element of the Comprehensive Plan for the National Capital: Section 8(b) of D.C. Law 16-300, as amended by section 201(b) of D.C. Law 17-5, provides: "No District element or amendment of the Comprehensive Plan for the National Capital shall take effect until it has been reviewed by the National Capital Planning Commission as provided in section 2(a) of the National Capital Planning Act of 1952, approved June 6, 1924 (43 Stat. 463; D.C. Official Code § 2-1002(a)), and section 423 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 792; D.C. Official Code § 1-204.23)."

## **§ 2-1004. PROPOSED FEDERAL AND DISTRICT DEVELOPMENTS AND PROJECTS.**

(a) In order to insure the comprehensive planning and orderly development of the National Capital, each federal and District of Columbia agency, prior to the preparation of construction plans originated by such agency for proposed developments and projects or to commitments for the acquisition of land, to be paid for in whole or in part from federal or District funds, shall advise and consult with the Commission in the preparation by the agency of plans and programs in preliminary and successive stages which affect the plan and development of the National Capital: Provided, however, that the Commission shall determine in advance the type or kinds of plans, developments, projects, improvements, or acquisitions which do not need to be submitted for review by the Commission as to conformity with its plans. After receipt of such plans, maps, and data, it shall be the duty of the Commission to make promptly a preliminary report and recommendations to the agency or agencies concerned. If, after having received and considered the



report and recommendations of the Commission the agency does not concur, it shall advise the Commission with its reasons therefor, and the Commission shall submit a final report. After such consultation and suitable consideration of the views of the Commission the agency may proceed to take action in accordance with its legal responsibilities and authority.

(b) The procedure prescribed in subsection (a) of this section shall not apply to projects within the Capitol grounds or to structures erected by the Department of Defense during wartime or national emergency within existing military, naval, or air force reservations, except that the appropriate defense agency shall consult with the Commission as to any developments which materially affect traffic or require coordinated planning of the surrounding area.

(c) The provisions of § 6-641.15 are extended to include public buildings erected by any agency of the government of the District of Columbia within the boundaries of the central area of the District, as such central area may be defined and from time to time redefined by concurrent action of the Commission and the Council, except that the Commission shall transmit its approval or disapproval respecting any such building within 30 days after the day it was submitted to the Commission.

(d) Within the environs, general plans showing the location, character, extent and intensity of use for proposed federal and District developments and projects involving the acquisition of land, shall be submitted to the Commission for report and recommendations before final commitment to said acquisition, unless such matters shall have been specifically approved by an act of Congress. Before acting on any general plan, the Commission shall advise and consult with the National Capital Regional Planning Council and the appropriate planning agency having jurisdiction over the affected part of the environs. When, in the judgment of the Commission, proposed developments or projects submitted to the Commission under subsection (a) of this section involve a major change in the character or intensity of an existing use in the environs, the Commission shall likewise advise and consult with the National Capital Regional Planning Council and the aforesaid planning agency. The report and recommendations required under this subsection shall be submitted within 60 days and shall be accompanied by any reports or recommendations that may have been prepared by the National Capital Regional Planning Council or the aforesaid planning agency.

(e) It is the intent of this section to obtain cooperation and correlation of effort between the various agencies of the federal government which are responsible for public developments and projects, including the acquisition of land. These agencies, therefore, shall look to the Commission and utilize it as the central planning agency for the federal activities in the National Capital region. To aid the Commission in carrying out this function, plans, data, and records, or copies thereof, necessary to the Commission shall be furnished upon its request by such federal and District governmental agencies; and the Commission shall likewise furnish related plans, data, and records, or copies thereof, to federal and District of Columbia governmental agencies upon request.

(June 6, 1924, ch. 270, § 5; July 19, 1952, 66 Stat. 787, ch. 949, § 1; Dec. 24, 1973, 87 Stat. 782, Pub. L. 93-198, title II, § 203(d).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2004.

1973 Ed., § 1-1005.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(29) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

##### *Miscellaneous Notes*

National Capital Regional Planning Council abolished: The National Capital Regional Planning Council, referred to in subsection (d), was abolished by Reorganization Plan No. 5 of 1966, 31 F.R. 11857.

Metropolitan Washington Airports Authority established: D.C. Law 6-67, effective December 3, 1985, endorsed on behalf of the District government the creation of a regional airport authority to acquire Washington National Airport [now Reagan National Airport] and Washington Dulles International Airport from the federal government.

Definitions applicable: The definitions contained in § 1-201.03 apply to this section.

## **§ 2-1005. PROGRAM OF PUBLIC WORKS PROJECTS; CAPITAL IMPROVEMENTS PLAN.**

(a) The Commission shall recommend a 6-year program of public works projects for the federal government which it shall review annually with the agencies concerned. To this end, each federal agency shall submit to the Commission in the 1st quarter of each fiscal year a copy of its advance program of capital improvements within the National Capital and its environs.

(b) The Mayor shall submit to the Commission, by February 1st of each year, a copy of the multiyear capital improvements plan for the District developed by him under § 1-204.44. The Commission shall have 30 days within which to comment upon such plan but shall have no authority to change or disapprove of such plan.

(June 6, 1924, ch. 270, § 7; July 19, 1952, 66 Stat. 789, ch. 949, § 1; Dec. 24, 1973, 87 Stat. 782, Pub. L. 93-198, title II, § 203(f).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 1-2005.

1973 Ed., § 1-1007.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(32) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

#### *Miscellaneous Notes*

Definitions applicable: The definitions contained in § 1-201.03 apply to this section.

## **§ 2-1006. ZONING AND SUBDIVISION FUNCTIONS.**

(a) The Commission may make a report and recommendation to the Zoning Commission of the District of Columbia, as provided in § 6-641.05, on proposed amendments of the zoning regulations and maps as to the relation, conformity, or consistency of such amendments with the comprehensive plan for the National Capital. The Commission may also submit to the said Zoning Commission proposed amendments or general revisions to the zoning regulations or the zoning map for said District.

(b) When requested by a properly authorized representative of the Commission, the Zoning Commission may at its discretion recess for a reasonable period of time any public hearing held by it to consider a proposed amendment to the zoning regulations or map, in order that the Commission or its representative may have an opportunity to present to the Zoning Commission a further report on the proposed amendment.

(c) The functions vested in the Commission pursuant to this section may, to such extent as the Commission shall determine, and subject to confirmation by the Commission when requested by the Zoning Commission of the District of Columbia, be performed by a committee of the Commission which shall be known as the Zoning Committee of the National Capital Planning Commission and shall consist of not less than 3 members of the Commission designated by the Commission for the purpose. The number of members serving on the Zoning Committee may be varied from time to time.

(d) Any proposed change in or addition to the regulations or general orders regulating the platting and subdividing of lands and grounds in the District of Columbia shall first be submitted to the Commission by the Council of the District of Columbia for report and recommendation prior to adoption by such Council. Should the Council not concur in the recommendations of the Commission, it shall so advise the Commission with its reasons therefor and the Commission shall submit a final report within 30 days. After consideration of this final report, the Council may proceed to take action in accordance with its legal responsibilities and authority. It shall be the duty of the Commission to submit any proposed changes in or

amendments to the general orders that the Commission considers appropriate and the Council shall treat the amendments proposed in the same manner as other proposed amendments.

(June 6, 1924, ch. 270, § 8; July 19, 1952, 66 Stat. 790, ch. 949, § 1; Dec. 24, 1973, 87 Stat. 783, Pub. L. 93-198, title II, § 203(g).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2006.

1973 Ed., § 1-1008.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 2-1007. TRANSFERS FROM PREDECESSOR AGENCIES.**

All other functions, powers, and duties of the National Capital Park and Planning Commission, including those formerly vested in the Highway Commission established by §§ 9-103.01 to 9-103.05, and those formerly vested in the National Capital Park Commission by §§ 2-1001, 2-1009, 2-1010, and 2-1011, together with the personnel, records, property, and unexpended balances (available or to be made available) of appropriations, allocations, and all other funds, including trust funds, of the National Capital Park and Planning Commission, are hereby transferred to the Commission.

(June 6, 1924, ch. 270, § 9; July 19, 1952, 66 Stat. 790, ch. 949, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2007.

1973 Ed., § 1-1009.

##### *References in Text*

Section 9-103.05 was repealed by D.C. Law 4-201, § 711, effective March 10, 1983.

### **§ 2-1008. APPROPRIATIONS.**

There are hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated and in any appropriate appropriation act other than the annual District of Columbia appropriation act, such sums as may be necessary to carry out the provisions of §§ 2-1001 to 2-1008, any existing provisions of law to the contrary notwithstanding.

(June 6, 1924, ch. 270, § 10; July 19, 1952, 66 Stat. 791, ch. 949, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2008.

1973 Ed., § 1-1010.

### **§ 2-1009. ACQUISITION OF LAND--AUTHORIZATION.**

Said Commission or a majority thereof is authorized and directed to acquire such lands as in its judgment shall be necessary and desirable in the District of Columbia and adjacent areas in Maryland and Virginia, within the limits of the appropriations made for such purposes, for suitable development of the National Capital park, parkway, and playground system. Said Commission is authorized to acquire such lands by

purchase when they can be acquired at prices reasonable in the judgment of said Commission, otherwise by condemnation proceedings, such proceedings to acquire lands within the District of Columbia to be in accordance with the provisions of the Act of August 30, 1890, 26 Stat. 412, ch. 837, the Chief of Engineers of the Army being, for the purposes of this chapter, hereby clothed with all the power vested by the said Act of August 30, 1890, in the Board thereby created. Said Commission is hereby authorized to acquire such lands, located in Maryland or Virginia, either by purchase or condemnation proceedings, by such arrangements as to acquisition and payment for the lands as it shall determine upon by agreement with the proper officials of the States of Maryland and Virginia. In the selection of lands to be acquired the advice of the Commission of Fine Arts shall be requested. The designation of all lands to be acquired by condemnation, all contracts for purchase of lands, and all agreements between said Commission and the officials of the States of Maryland and Virginia shall be subject to the approval of the President of the United States.

(June 6, 1924, 43 Stat. 463, ch. 270, § 11; July 19, 1952, 66 Stat. 791, ch. 949, § 2.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2009.

1973 Ed., § 1-1011.

##### *References in Text*

Act of August 30, 1890, 26 Stat. 412, ch. 837, created a board to acquire land for the Government Printing Office and established the procedure for such acquisition.

##### *Miscellaneous Notes*

Delegation of functions: The authority of the President under the last sentence of this section was delegated to the Director of the Office of Management and Budget, by § 9(4) of Executive Order No. 11609, July 22, 1971, 36 F.R. 13747.

## **§ 2-1010. ACQUISITION OF LAND--APPROPRIATION; CONTROL.**

There is authorized to be appropriated, each year, in the annual District of Columbia appropriation act, a sum not exceeding \$.01 for each inhabitant of the continental United States as determined by the last preceding decennial census, said sum to be used by said Commission for the payment of its expenses and for the acquisition of the lands herein authorized to be acquired by said Commission for the purposes named, the compensation for the land, the expense of surveys, ascertainment of title, condemnation proceedings, if any, and necessary conveyancing to be paid from said appropriations. The funds so appropriated shall be paid from the revenues of the District of Columbia and the general funds of the Treasury in the same proportion as other expenses of the District of Columbia. The land so acquired within the District of Columbia shall be a part of the park system of the District of Columbia and be under control of the Director of the National Park Service. Areas suitable for playground purposes may, in the discretion of said Commission, be assigned to the control of the Mayor of the District of Columbia for playground purposes. The land so acquired outside the District of Columbia shall be controlled as determined by agreement between said Commission and the proper officers of the States of Maryland and Virginia, such agreements to be subject to the approval of the President.

(June 6, 1924, 43 Stat. 463, ch. 270, § 12; Feb. 26, 1925, 43 Stat. 983, ch. 339, § 3; June 10, 1933, Ex. Ord. No. 6166, § 2; Mar. 2, 1934, 48 Stat. 389, ch. 38, § 1; July 19, 1952, 66 Stat. 791, ch. 949, § 2.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2010.

1973 Ed., § 1-1012.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

**§ 2-1011. ANNUAL REPORT TO CONGRESS; ANNUAL ESTIMATE TO OFFICE OF MANAGEMENT AND BUDGET.**

Said Commission shall report to Congress annually on the 1st Monday of March the lands acquired during the preceding fiscal year, the method of acquisition, and the cost of each tract. It shall also submit to the Office of Management and Budget on or before December 15th of each year its estimate of the total sum to be appropriated for expenditure under the provisions of §§ 2-1001 to 2-1011 during the succeeding fiscal year.

(June 6, 1924, 43 Stat. 464, ch. 270, § 13; July 19, 1952, 66 Stat. 791, ch. 949, § 2; Apr. 21, 1976, 90 Stat. 379, Pub. L. 94-273, § 21.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-2011.

1973 Ed., § 1-1013.