



## Delegated Action of the Executive Director

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**PROJECT**

**Text Amendment for General Waterfront Regulations**

Washington, DC

**NCPC FILE NUMBER**

ZC 20-01

**NCPC MAP FILE NUMBER**

00:00(06.00)45120

**REFERRED BY**

Zoning Commission of the District of Columbia

**DETERMINATION**

Approval of Report to the Zoning Commission of the District of Columbia

**REVIEW AUTHORITY**

Approval of Comments on Zoning Map & Regulations Amendments per 40 U.S.C. § 8724(a) and DC Code § 2-1006(a)

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The Zoning Commission of the District of Columbia has referred a proposed text amendment, ZC 20-01 which would amend Subtitle C, Chapter 11 Waterfront, Section 1102, General Waterfront Regulations. The text amendments are intended to allow certain uses as special exceptions within the 100-year floodplain. The chapter identifies waterfront regulations proximate to the Potomac River, Anacostia River, or Washington Channel. The proposal eliminates the use prohibitions within a 100-year floodplain from the zoning regulations as the flood plains are regulated by the Flood Hazard Rules (20 DCMR Chapter 31) administered by the Department of Energy and Environment (DOEE).

The bulk of the Waterfront Regulations apply to properties with frontage on the Anacostia or Potomac Rivers, and address the relationship between the built form and the waterfront. Currently, the regulations prohibit certain uses within a 100-year floodplain. The use prohibitions were added as part of the Zoning Regulations Review (ZRR) and were based on the work of the Flood Plain Working Group.

Recent cases before the Zoning Commission (ZC) and the Board of Zoning Adjustment (BZA) have raised the issue of specific uses being prohibited within a 100-year floodplain. The Office of Attorney General (OAG) has indicated that these provisions are inappropriate for the Zoning Regulations as life/safety and environmental concerns are better regulated by the building code and District Department of Energy and Environment (DOEE) regulations. With the advice of OAG, the proposal is to eliminate the prohibition for specified uses within a 100-year floodplain. Certain uses, such as residential and lodging could be permitted through a special exception.

The proposed text amendment applies to private development within the District of Columbia. While the purpose of the proposed text amendment is to regulate life/safety and environmental concerns through the building code and DOEE, NCPC staff reiterates the many issues related to developing within the floodplain including impacts to natural areas and redirecting flooding to

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adjacent properties. DOEE is currently working to update the District's floodplain regulations and NCPC will continue to coordinate in this effort. Federal property is not subject to local zoning. Therefore, staff finds the proposed regulations would not be inconsistent with the federal elements of the Comprehensive Plan nor would they adversely impact any identified federal interests.

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Pursuant to delegations of authority adopted by the Commission on August 6, 1999 and per 40 U.S.C. § 8724(a) and DC Code § 2-1006(a), I find that the proposed Text Amendment for General Waterfront Regulations is not inconsistent with the federal elements of the Comprehensive Plan for the National Capital and would not adversely impact any other identified federal interests.



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Marcel Acosta  
Executive Director

5/6/2020  
Date