

**Comments on the National Capital Planning Commission's
Federal Interest Report and Findings
for the Joint Height Master Plan for Washington, DC
by the
National Coalition to Save Our Mall**

October 28, 2013

The National Coalition to Save Our Mall welcomes this opportunity to comment on the "Federal Interest Report and Findings" prepared by the National Capital Planning Commission. In short, we are concerned that the report while beginning a useful inquiry falls short in analyzing and considering the impacts of relaxing the height limits that have preserved the character of the nation's Capital for several generations.

The Coalition is a 13- year old, non-profit citizens' organization working to safeguard and enhance the National Mall as a symbol of America's founding ideas and the stage for our evolving Democracy.

In particular, the Coalition has a significant concern about changes to height limits that would damage the character of the National Mall and other capital historic landmarks, parks and open spaces, major avenues, and other special places that form an essential part of the Capital city.

The Height Act together with the historic L'Enfant and McMillan Plans for Washington, D.C. are a primary reason the planning of the Nation's Capital has been so successful. Congress charged NCPC with the responsibility for maintaining the federal interests, particularly the two historic plans. Congress reinforced its protections of the historic plans in 1986 with the Commemorative Works Act the purpose of which is "to preserve the integrity of the comprehensive design of the L'Enfant and McMillan plans for the Nation's Capital." The importance of the Height Act in protecting our Capital's planning heritage was not fully understood until Washington developed as an urban center, particularly after the Second World War. Today, taken together, the Height Act and the two historic plans make us what we are. It is NCPC's responsibility, indeed, obligation, to protect this heritage.

But the Report and Findings on the Height Act prepared by NCPC fails to take the strong, unequivocal position called for from the federal government's planning agency that is charged with protecting federal interests. The findings repeatedly say raising height limits "may" have an impact when there can be little doubt that taller buildings "will" adversely impact views from the Mall and other federal interest. We believe this position needs to be strengthened.

In the paragraphs below we provide detailed comments on the report and identify instances where this weak language occurs. NCPC, in our view, should take a fully positive position about the importance of the Height Act to preserve the quality of our city in the years to come.

A. General Comments

- The Report mentions the National Mall as a federal interest, **indicating visual modeled height increases may have significant adverse interest on the Mall.** The Federal Interest Report does not identify and/or examine sufficiently height impacts on the existing historic significance of the National Mall, vis-a-vis increases from surrounding and adjoining areas. The Report’s text clearly demonstrates that the findings are premature, rather general and vague, and require a much more detailed federal interest analysis, particularly with respect to the impact on the Mall and the overall character of the entire Capital city.
- The Commission’s authorizing legislation, the National Capital Planning Act of 1952, established the Commission as the planning agency for the Federal Government in the National Capital and also made it responsible to **“Preserve the important historical and natural features of the National Capital.” (emphasis added)** Under this responsibility the Commission’s Report needs to be more assertive.
- Page 24 of the Report indicates “the conceptual nature of the **visual modeling is insufficient to make specific recommendations**” and recognizes that the current local Zoning Regulations and the Congressional (1910) Height Act “work together **to protect the character of the city.**”(emphasis added) **This would seem to indicate further modeling before any report is finalized.**
- Since a Congressional Committee asked for the study, NCPC and the Mayor, as chief planner for the City, must respond, but the current modeling study is **“limited to conceptual massing studies. It is not a comprehensive picture of how height increases may permanently alter Washington’s streets, views and public spaces.” (Report p. 24)**
- To help in the view shed studies, members of the Coalition respectfully suggest referring to the “Citywide Framework for Urban Design” and the “City Sections Design Diagrams” contained in the **NCPC Proposed Comprehensive Plan For The National Capital, February 1967**, for identified view sheds, reciprocal axis, significant sight lines or skyline interest, gateways and additional urban design considerations and guidelines.
- **The Report makes no mention of how much building envelope (or theoretical space) still remains to be built under the maximum height allowed currently by the Zoning Regulations and the Height Act.** Nor is there a specific study of total future development needs and its relationship to housing, transportation, the federal establishment, and other relevant Comprehensive Plan matters, including public service and utility capacities. The current adopted Comprehensive Plan for the National Capital, both Federal and District Elements, provides no basis for changing the height or density for development for the next twenty or so years. The District Elements only suggest zoning changes in keeping with the Plan’s Land Use Map and Policies. Building height is an integral aspect of the different land use density categories contained in the Zoning Regulations and in the Capital City further regulated by the Congressional Height Act of 1910.
- In the opinion of the Coalition, a comprehensive city wide street and places study needs to be undertaken jointly, in relation to any increases to the height of buildings within the city overall and all existing view sheds identified, analyzed in detail, and accurately portrayed. Conceptualized studies are inadequate for this documentation due to page size and scale, and provide a misleading picture to readers who may then draw erroneous conclusions.

B. Report Key Findings. The Report Key Findings section, starting on Page 32, states the crucial role of NCPC and other federal agencies but then fails to take a strong position to protect the federal interest:

- “Only the federal establishment can protect these and other national interests in perpetuity.”
- “Based on the visual modeling...changes to the Height Act within L’Enfant City and within the topographic bowl **may have a significant adverse effect on federal interest.**”
- Height “increases **may also impact the character of L’Enfant streets and public spaces.**”
- Federal interests “are also present outside of the L’Enfant City and beyond the edge of the Topographic Bowl...Visual modeling studies (by the City) **has excluded much of this area for review.**”
- “The visual modeling studies demonstrate impacts to some federal resources if **full build out occurred** under the current Height Act. **View shed protection merit further study.**” (emphasis added)

C. Federal Security. The Report deals with increased height impacts on Federal Security but takes no strong stand in favor of the federal interest.

- The Report finds “**Any uniform increases in the height of buildings near most federal agencies may result in costs associated with new security evaluations, such as assessments of new lines of sight to and from federal facilities.**” (Page 34)
- The Report also mentions a reference to “An increase in building height **could potentially impact** the existing building security measures already in place.” (emphasis added) (Page 34)

D. Infrastructure. Infrastructure is recognized to be a federal interest but is not adequately evaluated.

- The Report finds that “**Taller buildings could impact infrastructure capacity if they result in greater density.**” Again the NCPC study declares infrastructure to be a federal interest but identifies this study’s time and funding constraints as Report limitations. Such studies must relate to the current Comprehensive Plan for the National Capital **which does not suggest any substantial increases in the infrastructure of the National Capital.** In addition, Page 36 of the Report states “Large or uniform increases in height **may** impact the city’s infrastructure.” This finding is based on “federal agency representatives and local resident’s strong expressions of concern about impacts to infrastructure from increases in height.”

E. Federal Development Trends.

- Pages 37-39 deal with Federal Development Trends including employment levels. In addition to finding that “it cannot be said that the federal interest is limited to any certain area within the District, now or in the future,” and that “the economic vitality of the national capital is also a federal interest”...“from a federal operational and mission

perspective, the Height Act continues to meet the essential interests and needs of the federal government and it is anticipated that it will continue to do so in the future. **There is no specific federal interest in raising heights to meet future federal space needs. Like the private market, the federal government’s demand for office space is cyclical, and will be affected in the future by changing technology, workplace practices and mission needs.” (Key Finding 3.4c; emphasis added)**

- We agree with such trend findings but they should be more fully substantiated by documentation of future needs to build and rebuild (City and Federal) beyond the current Zoning Regulations and Height Act restrictions. It should be noted that the lands for federal public buildings are not zoned by the City but subject to the Height Act and NCPC approval.

F. Historic Resources. The weak and ambiguous language in this section **can be interpreted as undecided** and not answering the Congressional request.

- Section 3.5 of the Report deals with major Historic Resources and the “many community organizations, neighborhood and other groups expressed concern about the impacts of raising height on the scale and character of neighborhoods.” The identified issues in this section, the L’Enfant and McMillan Plans, are well described but again with an ambiguous statement such as “Any changes to the Height Act **could impact or alter (Historic Plans) views by introducing new elements that may disrupt or narrow the view shed, thus potentially causing adverse effects on the Plan of the City of Washington.** In addition, changes to the Height Act have the potential to change the streetscape’s character, and alter L’Enfant’s vision of grand boulevards and public spaces, thereby causing adverse effects on the Plan of the City of Washington.” **(emphasis added)** These statements are true and can be made stronger and more compelling with better documentation.
- Page 44 of the Report states, “The horizontality of the city allows these landmarks to stand out and emphasizes their importance and symbolism. It goes on to say **changes to the Height Act could impact the scale of nationally significant landmarks, their setting, and alter or reduce their symbolic meaning.**” (emphasis added) We agree but this needs more documentation than a few pictures and general diagrams.
- Page 44 only gives a few examples of historic resources outside the L’Enfant City. There are numerous others that need to be protected. The Report states that “Views to and from these resources contribute to their significance. Depending on the location and proposed changes to the Height Act, the setting of these resources may be impacted. **Altering the setting of these historic resources, including views to and from the sites could diminish their importance.**”(emphasis added) We agree.

In our opinion, the magnitude of potential increases in building height within the 67 square miles of the District of Columbia requires a much more definitive identification, detailed site studies and analysis. **This document is not adequate or sufficient to develop a Master Plan that would designate locations for buildings taller than 160 feet.** It only identifies adverse impacts which, in our opinion, should be avoided. Key Findings 3.5a, 3.6 and 3.6a begin to identify additional complexities and the all-engulfing aspects of increasing the height of buildings in the National Capital.

In addition to the Capitol building, major national monuments and federal/international buildings, the seat of our nation’s government and **the planned historic horizontal character of the Capital is the city’s primary attribute.** No other city in the country can claim this distinction. When visitors and officials from this and other countries visit our Capital City, they marvel at the historic character established by George Washington/L’Enfant and the subsequent enactment by the Congress of the current Height Act of 1910.

Submitted on behalf of the National Coalition to Save Our Mall by:

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