

FEDERAL INTEREST REPORT AND FINDINGS

*The federal contribution to the joint Height Master Plan for Washington, DC
as requested by the U.S. House Committee on Oversight and Government Reform*

Prepared by the National Capital Planning Commission | September 12, 2013

At the September 12, 2013 meeting, the Commission authorized the release of the draft report and findings for public comment.

DRAFT FOR PUBLIC COMMENT

Public Comment Period: September 12 – October 15, 2013

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Part 1: Overview of the Height Master Plan Study

The federal perspective outlined in this report includes preliminary findings and an evaluation related to federal interests and the 1910 Height of Buildings Act. This draft report, along with public comments, technical studies and any additional information provided by the District of Columbia, will be the basis for the Commission to develop the federal portion of the “Height Master Plan.” The U.S. House Committee on Oversight and Government Reform requested that NCPC and the District of Columbia conduct a joint study in October 2012.

1.1 Purpose of the Height Master Plan Study

In November 2012, the National Capital Planning Commission (NCPC) and the DC Office of Planning (DCOP) announced a joint Height Master Plan to explore the impact of strategic changes to the federal Height of Buildings Act of 1910 (“Height Act”).

Congressman Darrell Issa, Chairman of the U.S. House Committee on Oversight and Government Reform, held a hearing on July 19, 2012 entitled “Changes to the Height Act: Shaping Washington, D.C., For the Future.” In testimony, DCOP—on behalf of Mayor Vincent Gray—recommended a study of penthouse restrictions in the Height Act.

In response to an October 3, 2012 request from the U.S. House Committee on Oversight and Government Reform, NCPC and the District of Columbia undertook technical studies and public outreach to “examine the extent to which the Height of Buildings Act of 1910 continues to serve federal and local interests, and how changes to the law could affect the future of the city.”¹ The Committee noted the following in its introduction:

“The character of Washington’s historic L’Enfant City—particularly the Monumental Core—establishes the city’s iconic image as our capital. Any changes to the Height of Buildings Act that affect the historic L’Enfant City should be carefully studied to ensure that the iconic, horizontal skyline and the visual preeminence of the U.S. Capitol and related national monuments are retained.”

The Committee also encouraged:

“...the exploration of strategic changes to the law in those areas outside the L’Enfant City that support local economic development goals while taking into account the impact on federal interests, compatibility to the surrounding neighborhoods, national security concerns, input from local residents, and other related factors...”

Through this direction, the Congressional request articulates the important federal stewardship responsibility to protect the symbolic and cultural significance of the nation’s capital for all Americans, as well as the importance of a thriving, economically stable city.

¹ See letter from Committee Chairman Darrell Issa, dated October 3, 2012 in Appendix A.

This document's purpose is to provide findings relative to current and future federal interests in the Height Act and an evaluation based on visual modeling for public review and comment. NCPC's review of the federal interests served by the Height Act considered legislative history; guidance from the October 3, 2012 letter; the three principles; in-depth discussions with federal stakeholders regarding federal facilities and operations; future national and federal development needs; federal interests in the symbolic, historic, and urban design form of the national capital; and public comments.

This document is not a joint report with the District of Columbia. While NCPC and the District have worked collaboratively, as of this publication date, the District has not identified (a) preferred approach(es) to strategically changing the Height Act; nor has it provided completed and detailed urban design and economic studies that support a preferred approach. Consequently, the analyses and findings presented in this document regarding any strategic changes to the Height Act are broadly based on information provided so far, and are conservatively framed to protect long-term federal interests in our national capital.

1.2 Height Study Scope and Methodology

The Height Study is organized into three phases. Public meetings were held in each phase. At least one meeting was held in each of the city's eight wards. Below is a summary of each phase:

Phase 1

During Phase 1, the partners developed essential background information to frame issues, identify federal and local interests, document important cultural and historic resources, and developed an understanding of best planning practices related to height. Key tasks included:

- A. Documented federal interests and consulted representatives from the following federal agencies. Note: Consultation should not be construed to suggest concurrence on recommendation(s) included in this document.
 - Architect of the Capitol / Capitol Police
 - U.S. Department of State
 - U.S. Commission of Fine Arts
 - U.S. Department of Defense (local installations)
 - U.S. Department of Homeland Security
 - U.S. General Services Administration
 - U.S. Department of the Interior, National Park Service
 - U.S. Secret Service

B. Consulted representatives from non-profits, other organizations, and local communities. Examples included:

- The Committee of 100 on the Federal City
- DC Building and Industries Association
- Downtown DC Business Improvement District
- The National Trust for Historic Preservation
- Local neighborhood associations

C. Conducted foundational background research.

- Case studies were conducted for foundational background research of other cities related to height. The case studies were intended to inform the ongoing public discourse on the height of buildings in Washington DC. They provided context to the local discussion by summarizing the regulatory approaches taken by other world cities and the motivations behind them. The studies also described the relevant evolution of height regulations and offer lessons learned that may benefit the dialogue.
- Specific cities were selected because of their status as either a national capital, a center of cultural identity, an economic engine, or a combination thereof. The cities studied include London, Paris, Barcelona, Vancouver, and San Francisco. For more information, see Appendix C.

D. NCPC and DCOP hosted four public meetings during Phase 1.

Phase 2

During Phase 2, DCOP prepared two studies to inform the Height Study: a visual modeling study and an economic feasibility analysis. Key tasks included:

A. Conducted a visual modeling study.

- The study is organized by several approaches:
 - No Change to Height Act/“Full Build-out”
 - Raise Height in Selected Areas “Clusters”
 - Street Width Relationship “Ratio”
 - Change Height Cap City Wide “Uniform Height Increases”
 - Change in penthouse restrictions
- The study demonstrates a range of possibilities for what potential strategic changes to building height might look like from a number of vantage

points citywide, including street-level and skyline views from within and outside the L'Enfant City.

- The visual modeling studies do not identify specific areas for potential increased height. Rather, they focus on laying out several approaches for managing height and the areas modeled vary depending on the approach. The modeling study is only a visual study of impacts.
- The visual modeling study did not include any changes to federal properties, historic sites, low density, historic districts, or low density areas and institutions.
- All of the modeled views are available online at <http://www.ncpc.gov/heightstudy>.

B. Conducted an Economic Feasibility Analysis (the responsibility of the District of Columbia).

C. NCPC and DCOP hosted five public meetings throughout the city.

Phase 3

- A. Prepare preliminary findings and evaluation for Commission review and public release. (September 2013)
- B. Hold a public hearing on October 2 to collect public comments on its preliminary recommendations (additional meetings will be scheduled as needed).
- C. Prepare final recommendations for Commission review. (November 2013)
- D. Transmit recommendations to the Committee on Oversight and Government Reform. (November 2013)

1.3 Public Engagement and Feedback

The shape, form, and character of the nation's capital are of importance to citizens across the nation as well as residents of the District of Columbia. Recognizing this fact, NCPC and DCOP committed to providing opportunities for meaningful public engagement to inform all phases of the Height Master Plan. This effort included a dedicated web page used to release study products and solicit public input, numerous opportunities for public participation (in person and online), coordination with federal and local stakeholder organizations, and targeted national outreach activities.

The section that follows describes the outreach process. An appendix of all public comments, submitted essays, documents, and position papers is available online: www.ncpc.gov/heightstudy/appendix

Outreach Strategy and Process

Public engagement for the Height Master Plan began on March 5, 2013 with a capacity crowd of over 200 people attending *Heightened Conversations: Impacts of Building Heights in Capital Cities*. This NCPC Speaker Series event held at the National Archives featured a panel of international experts who explored the impacts of building heights in global capital cities. The event included remarks from Congressman Darrell Issa, chairman of the U.S. House Committee on Oversight and Government Reform (the Committee requesting the Height Master Plan).

This session was held concurrent with the launch of the Height Master Plan website (www.ncpc.gov/heightstudy), the principal mechanism for public outreach and notification. The study-specific website details the study's approach, includes a variety of related study resources, a curated blog, an archive of media coverage and thought pieces, and an online public comment portal, in which nearly 200 individual comments were submitted from citizens in 16 states and four countries. The collection of online submissions range from simple observations to full academic dissertations.

The website was continually updated as work products were released and public feedback submitted. Notable additions included videos and materials from all public meetings and Commission meetings; and an interactive index of hundreds of visual modeling images presented in a user-friendly format that allowed for public comment via "virtual sticky notes" on the hundreds of individual modeling images.

Expanding beyond the website, NCPC commenced a digital and social media campaign, generating, monitoring, and engaging with contributors on Facebook and Twitter using the Twitter hashtag #HeightDC.

For those without access to the internet, NCPC hosted a public exhibit of study-related discussion boards in the agency's lobby and collected visitor feedback. The exhibit was open to the public daily during the agency's regular business hours.

Public Meetings

Public meetings were organized into three phases, based on the release of different studies. A total of ten sessions were hosted at locations citywide with the intent of bringing the conversation directly to the each of the District's eight wards.

Each of the Phase 1 meetings were presented as an open house format: representatives from NCPC and DCOP provided a brief overview of the study and guiding core principles, as well as case studies, and then held an open Q&A session with attendees. The public was then invited to visit display board for more in-depth one-on-one conversations with NCPC and DCOP staff. Feedback was chronicled via attendee's

completion of workbooks, facilitator notes, and post-its applied to the discussion boards. Each meeting saw an audience of roughly 50-75 people, comprised mainly of District residents.

The Phase 2 meetings took on a more formal presentation format with representatives from DCOP presenting the results of the visual modeling study and a brief summary of the draft economic feasibility analysis. The formal presentation of this information to the National Capital Planning Commission on July 24 and subsequent town hall format was useful in conveying complex, technical information and hearing the public's reaction. Unlike Phase 1, the format of these meetings led to a more general discussion about overall impacts related to the District's growth, and comments provided verbally rather than in writing. Each meeting saw an audience of roughly 50-100 people. Like the Phase 1 meetings, they were attended mainly by DC residents.

Phase 3 of the study is designed to focus on public review and comment on the draft report, findings, and conclusions. The Commission will act at their September 12 meeting to release this draft information for a 30-day public comment period. Testimony will be received at a special October 2 Commission meeting, and a special Commission Work Session will consider received public input and inform development of the report and recommendations prior to final action and transmittal to Congress in November 2013.

Media Outreach

A variety of activities were deployed to inform and invite citizen and stakeholder participation. These include print ads which ran in the Washington Post Express, The NW Current, and the Washington Informer. Chairman Bryant participated in several radio interviews and television appearances. In advance of each meeting series, NCPC prepared and distributed a press kit consisting of public service announcements, media advisories, and press releases. Additional efforts included notification via NCPC's monthly enewsletter, ecards, printed flyers, and project "business cards."

Groups Engaged

Local and Regional Outreach

Interest in building heights in the nation's capital included not only stakeholders within the District of Columbia and the surrounding National Capital Region, but also citizens and professionals across the nation and beyond. Local and regional stakeholders included residents, business owners, advocacy groups, and federal and private industry leaders.

Local and regional outreach results:

- Hosted ten public meetings, with at least one meeting in each of the District's eight wards.
- Each meeting saw an audience of roughly 50-100 people, comprised mainly of DC residents.

- Informed nontraditional media outlets, local blogs, and community list serves to publish notifications of public engagement opportunities, and encouraged the writing of blog postings and online debate.
- For those without access to the internet, NCPC provided a public exhibit of study-related discussion boards in the agency's lobby and collected visitor feedback.
- Received nearly 200 individual comments from citizens in 16 states and four countries submitted through the study specific outline public comment portal.
- Compiled and posted online all feedback collected at Phase 1 and 2 public meetings.

Special Targeted Outreach

Due to the complex issues surrounding any conversation of building height in the nation's capital, targeted outreach efforts were conducted. These efforts were designed to better understand private development interests, historic preservation concerns, and the unique operational and security needs of federal facilities. Outreach activities included facilitated discussions with stakeholder groups, and individual one-on-one meetings with key federal agencies most directly affected by building height. Additionally, the Washington Chapter of the American Institute of Architects formed an independent working group for the sole purpose of addressing the opportunities and challenges associated with the design of occupied penthouses. These activities helped to ensure that both sensitive and technical issues were addressed by area experts, federal facility managers, and agency stakeholders.

Special targeted outreach results:

- Hosted two facilitated discussion with 26 historic preservation experts representing public, non-profit, and citizen groups.
- Convened a focus group of the District's real estate community.
- Gathered federal facility and agency stakeholders for two facilitated discussions on the overall study and process.
- Met with targeted federal facility and agency stakeholders for a series of one-on-one conversations to address specific security and operational impacts related to building height.
- Worked with the Washington Chapter of the American Institute of Architects to establish a working group to articulate the challenges and opportunities associated with occupied penthouse design.

National Outreach

Given global interest in building height in the nation's capital, and the focused period of time allocated to the study, outreach beyond Washington was largely conducted online, targeting the nation's design community for specific input. Professional groups, such as the American Institute of Architects, the American Planning Association, the American Society of Landscape Architects, the Congress for the New Urbanism, the Urban Land Institute, and the National Trust for Historic Preservation were encouraged to share the study with their members, specifically the modeling study, and provide feedback.

Specific efforts were conducted via online focus groups, discussion boards, and online forums such as those on LinkedIn. These online postings invited participation and feedback both from individual members and the organizations themselves. Additionally, various design-related institutions including the Harvard Graduate School of Design, the University of Pennsylvania School of Design, and the Savannah College of Art and Design distributed via discussion groups study-related information to their students and alumni.

National outreach results:

- Beyond locally-based comments, feedback was collected from citizens of 16 states and four foreign countries.
- Use of study-specific Twitter hashtag “#HeightDC” reached nearly 1,600 individual accounts, collecting more than 2,000 impressions.
- Posted study-related information to 25 relevant design, urbanism, and planning-related LinkedIn discussion groups, touching 226,883 individuals.

Media Coverage

The conversation on Washington’s building heights garnered the interest of local, national, and international media outlets. While traditional media coverage was tracked and archived on the Height Master Plan website, social media and related nontraditional outlets, including conversations on Facebook, Twitter, LinkedIn, local blogs, and list serves was challenging to follow and capture.

Regardless of the format, nearly all media coverage (print stories, radio reports, TV news, blog entries, etc.) was available online and each included opportunities for the public to comment. In response to individual articles, robust conversations about building heights in Washington occurred on the many of the publication specific websites.

Media coverage results:

- 25 national, 28 local, 2 international media outlets wrote or ran reports about the study, ranging from local blogs and area news and radio outlets, to widely-distributed publications including The Atlantic, US News and World Report, and Voice of Russia.
- Two publications (Greater Greater Washington and Washington City Paper) published write-ups related to the study and generated such extensive public comment on their individual publication webpages that the submitted entries were formally considered by NCPC staff when developing formal recommendations.

1.4 Basis for the Study's Findings Related to the Federal Interest

The study's findings related to federal interests are based on three general areas of consideration: an evaluation of federal and national interests; policy-level considerations; and three core principles.

A. An evaluation of federal and national interests, which is documented through the legislative history related to Home Rule; consultation with federal agencies; the Comprehensive Plan's Federal Elements; and other plans and policies. Federal interests may include but are not limited to:

- The Height of Buildings, as described in the Congressional Record related to Home Rule
- The form of the capital city, especially the L'Enfant City and its natural setting
- The original Plan of the City of Washington
- Federal lands and buildings
- Security of federal resources, included people, buildings, and lands
- Federal agency operations
- Infrastructure

B. Policy-level considerations:

- A diverse range of matters related to local and federal regulatory review.
 - As discussed in Section 2.4, the Height Act is not a replacement for local zoning. Today, local zoning may be more restrictive than the Height Act in certain neighborhoods in accordance with local plans and policies, the Comprehensive Plan, and District of Columbia Zoning Regulations. However, for purposes of protecting federal interests, the federal government may propose an overlay and/or a boundary that is more restrictive in certain areas.
 - The Height Act and District of Columbia Zoning Regulations both include guidance and restrictions related to building heights. Federal and local rules should be current and consistent.
- Matters related to equity and the public interest.
 - In general the partners aim to protect the public's interest, which is particularly challenging given the many constituencies who are interested and/or directly affected by the heights of buildings include residents, landowners, developers, local and federal agencies, and so on. Today, the Height Act is applied uniformly city-wide.

C. The Congressional request articulated the important federal stewardship responsibility to protect the symbolic and cultural significance of the nation's capital for all Americans, as well as the importance of a thriving, economically stable city. To reflect Congressional guidance on the importance of protecting national resources, the District and NCPC mutually agreed to the following three core principles to guide the Height Master Plan²:

- *Ensure the prominence of federal landmarks and monuments by preserving views to them and their settings.*

The image of Washington, DC as the national capital is often defined by its important landmarks and monuments. The Washington Monument, the Jefferson Memorial, the Lincoln Memorial, the US Capitol, and the White House dominate the landscape within the core of the city. Views of these as well as lesser monuments, such as the statues of Civil War generals that anchor many of the city's circles and squares, are framed by views along the city's avenues. The consistent height of private buildings creates a backdrop for these civic and cultural buildings. These views were conceived by Pierre L'Enfant as part of the city's original design and have been reinforced by the Height Act and is essential to our nation's image and identity and therefore is a preeminent federal interest.



Image: District of Columbia



Image: ABC News

² These principles were agreed upon by the Chairman of the National Capital Planning Commission and the Mayor of the District of Columbia. See communications dated October 3, 2012 from NCPC, the District of Columbia and the House Committee on Oversight and Government Reform in Appendix A.

- *Maintain the horizontality of the existing monumental city skyline.*

The skylines of most major American cities are distinguished by tall buildings or skyscrapers. The central business districts of these cities feature tall buildings that are often hundreds of feet in height, creating a “vertical” skyline. These buildings demonstrate the power and prestige of commercial enterprise in the United States. Prominent city halls and state capitol buildings notwithstanding, the majority of the tall buildings dominating American cities’ skylines are corporate office towers. Examples include the Transamerica Building in San Francisco, the Comcast Center in Philadelphia, the Willis Tower (formerly Sears Tower) and John Hancock Center in Chicago, and the Empire State and Chrysler Buildings in New York City.

Washington’s skyline, however, is unique among American cities in that it differs from this vertical style. Because of the uniform heights prescribed by the Height Act, Washington’s skyline is horizontal. This horizontality allows the Capitol and the Washington Monument to dominate the skyline in the area where government institutions are concentrated, and religious institutions such as the National Cathedral and the Basilica of the National Shrine of the Immaculate Conception to dominate outside the city center.

With the visual domination of these civic and cultural buildings, Washington’s unique skyline becomes a symbolic, public skyline. No private building is a focal point. This symbolic character of the skyline is an essential part of Washington’s identity and therefore a federal interest. The city was founded as the nation’s capital and a symbol of democracy; it did not spring from commercial interests as did other cities in the United States.

Because of this important quality of Washington’s skyline, any potential changes to the Height Act must not allow private buildings to overshadow the prominence of civic buildings, nor should changes in building height alter the role that private buildings play as a horizontal backdrop.



Image: District of Columbia

- *Minimize the impacts to nationally significant historic resources, including the L'Enfant Plan.*

Because of Washington's heritage as the capital city, the city is the location for numerous historic resources of national significance. These resources include iconic gathering spaces such as the National Mall and important buildings such as the White House and U.S. Capitol. Historic resources also include the sites of important events from the nation's history. These include such sites as the Lincoln Cottage at the Armed Forces Retirement Home and Cedar Hill, the home of Frederick Douglass. The L'Enfant Plan (Plan) itself is a significant historic resource. As described in this report, the L'Enfant Plan is the original Plan of the City of Washington, developed by Pierre L'Enfant in 1791.

The character and setting of these historic resources can be impacted by adjacent urban fabric. Altering building heights can change historic views to and from historic sites. Tall buildings adjacent to smaller historic buildings or spaces can overshadow, dominate, and destroy the historic character of those locations. As such, any changes in building heights must be mindful of such impacts. Furthermore, building form must properly relate to the hierarchy of the L'Enfant streets and the important role that historic views, public spaces and street widths play in the overall character of the L'Enfant City.



Image: District of Columbia

Part 2: The Height Act

2.1 Introduction to the Height Act

One of the most common myths about the Height Act is that it is based on the height of the U.S. Capitol dome or the Washington Monument. In fact, the Height Act is based on the width of the street and includes a maximum height. The Act essentially limits the maximum height of commercial buildings to 130 feet and residential structures to 90 feet. It is applied city-wide.

The federal government has been involved in regulating building heights in the nation's capital since 1791 when President George Washington established the District's first limitations on building heights. Correspondence between President Washington and Thomas Jefferson indicate that early building height regulations limiting private buildings to 40 feet were intended to aid in controlling fires and to provide for the "openness and convenience"³ of the federal city. Although the regulations were subsequently suspended, concerns about openness and fire safety were recurring themes in later building heights discussions.

In 1894, the construction of the 12-story, 164-foot Cairo building resulted in the tallest privately owned residential structure in the District of Columbia. When the permit was issued for the Cairo Hotel (now a private residence building), located at 1615 Q Street, NW, there were no laws or regulations prohibiting a private structure of that height. Neighbors filed several complaints claiming that the building posed a fire hazard and limited light and air.

Although the Cairo project moved forward, the neighbors' concerns about fire hazards and impacts to their properties prompted lawmakers to prohibit future projects of that height. In 1899, the U.S. Congress passed a height law that restricted heights in the District of Columbia to generally the width of the street at the building front. In addition, the 1899 Act established maximum height limits of 90 feet in residential areas and 110 feet in commercial areas. In addition, 160-foot wide business streets and avenues were limited to a maximum height of 130 feet. Spires, towers, and domes could be erected to a greater height than the limit proscribed, when approved by the Commissioners of the District of Columbia.⁴

³ Committee on the District of Columbia, House of Representatives, Building Height Limitations, 1976, 94th Cong., 2nd sess., Washington, DC : Government Printing Office, 6-8.

⁵ Act of March 1, 1899, ch. 322, 30 Stat. 922 (1899).

Figure: The Cairo Building



Image: District of Columbia

In 1910, Congress amended the 1899 Act to provide more comprehensive height regulations. The resulting law is commonly referred to as the Building Height Act of 1910 (“Height Act”).⁵ The Height Act remains in effect today and includes the following restrictions:

- Mixed use or commercial areas: buildings may be as high as the width of the street plus 20 feet, but may not exceed 130 feet.
- Residential areas: heights are limited to 90 feet.
- Pennsylvania Avenue between First Street, NW and Fifteenth Street, NW: buildings can rise to 160 feet.⁶

Recognizing that a handful of federal buildings were of particular importance, the Height Act included a provision requiring a Schedule of Heights that restricted building heights for buildings on private lands near certain federal buildings.⁷

⁵ Act of June 1, 1910, ch. 263, Pub. L. No. 61-196, 36 Stat. 452 (1910) codified at D.C. ST. §§ 6-601.01-6-601.09 (2001).

⁶ Act of June 1, 1910, ch. 263, Pub. L. No. 61-196, 36 Stat. 452 (1910) codified at D.C. ST. 6-601.05 (2001).

⁷ Act of June 1, 1910, ch. 263, § 5, Pub. L. No. 61-196, 36 Stat. 452, 453 (1910) codified at D.C. ST. §6-601.05(f) (2001).

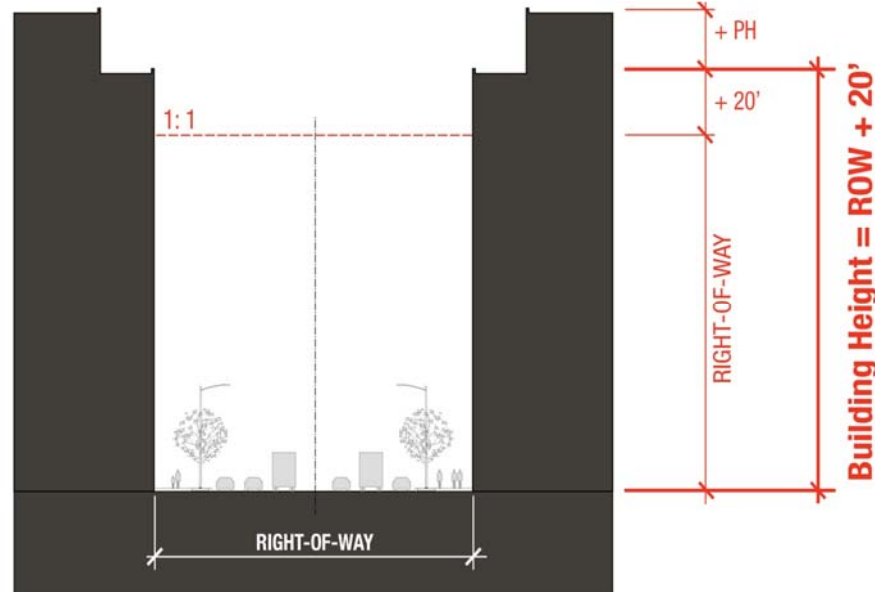
Figure: Illustration of the Existing Height Act Ratio on Commercial Streets

Image: District of Columbia

2.2 Amendments to the Height Act

The U.S. Congress amended the Height Act on eight occasions since its initial passage.⁸ Once Congress raised the maximum height of residential buildings by five feet.⁹ An additional amendment permitted residential buildings to have ten versus eight stories within the overall 90-foot maximum height limitations.¹⁰ Five amendments provided exemptions for specific buildings. For more information, see Appendix D.

2.3 The Schedule of Heights

The Height Act requires a Schedule of Heights that places further height restrictions on buildings situated near identified federal buildings. The Schedule of Heights is administered by the District of Columbia, specifically the Zoning Administration in the Department of Consumer and Regulatory Affairs. Identified federal buildings currently include, among others, the U.S. Supreme Court, the U.S. Treasury Building, and the Library of Congress' Jefferson Building. A listing of specific restrictions associated with the Schedule of Heights may be found in Appendix D.¹¹

⁸ See, Act of December 30, 1910, Pub. L. No. 61-329, ch. 8, 36 Stat. 114 (1910); Act of May 20, 1912, Pub. L. No. 62-156, ch.124; 37 Stat. 114 (1912); Act of June 7, 1924, Pub. L. No. 68-262, ch. 340, 43 Stat. 647 (1924); Act of February 21, 1925, Pub. L. No.68-455, ch.289, 43 Stat. 961 (1925); Act of April 16, 1926, Pub. L. No.69-127, ch. 150, 46 Stat. 258 (1926); Act of April 29, 1930, Pub. L. No.71-175, ch. 220, 46 Stat. 258 (1930); Act of March 24, 1945, Pub. L. No. 79-22, ch. 37, 59 Stat. 38 (1945); Act Of September 22, 1961, Pub. L. No.87-281, 75 Stat. 583 (1961) codified at D.C. ST. §§ 6-601.01, 6-601.05(c), (h) (2001).

⁹ Act of May 20, 1912, Pub. L. No. 62-156, ch.124, sec 1; 37 Stat. 114 (1912) codified at D.C. ST. § 6-601.01(2001).

¹⁰ Act of September 22, 1961, Pub.L. No. 87-281, 75 Stat. 583, (1961) codified at D.C. ST. § 6-601.05(c) (2001).

¹¹ 11 D.C. Mun. Regs., tit. 11, Appendix G (May 12, 1958); as amended by the Schedule of Height of Buildings Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-234; 46 D.C. Reg. 4147 (May 7, 1999)). See Final Rulemaking published at 47 D.C. Reg. 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 D.C. Reg., 8335, 8528 (October 20, 2000).

2.4 The Height Act and Local Zoning

Another common myth about the Height Act is that it provides specific guidance for different parts of the city. In fact, local zoning controls and guides specific height maximums for neighborhoods. Local zoning is often more restrictive than the Height Act. As depicted in the map on page 18, zoning limits match Height Act limits in selected downtown areas (colored in light blue). A number of areas identified for future growth in the Comprehensive Plan are not built to the maximum allowable heights (see page 19 for maps of these areas).

The DC Zoning Regulations govern land use, density, height, and bulk characteristics of property in the city, and the Zoning Map identifies designated zoning for all city land. All construction or rehabilitation on private land must conform to the requirements imposed by the District of Columbia Zoning Regulations and Zoning Map or seek relief before the appropriate bodies. The Zoning Regulations stipulate the building height limits for various zoning districts, which vary from the single-family residential zones to the high-density mixed-use downtown zoning districts.¹² The maximum height for buildings allowed through the Zoning Regulations cannot exceed the height restrictions in the Height of Buildings Act.

The DC Office of Planning, the District's central planning agency, prepares zoning text and zoning map amendments for submission to the Zoning Commission (ZC). The Development Review Division also reviews applications for Planned Unit Developments, amendments to the Zoning Regulations or Zoning Map (which come before the ZC), variances, or special exceptions (which come before the Board of Zoning Adjustments) for consistency with DC policies and the Comprehensive Plan's District Elements.

Finally, the federal government plays a role in planning and regulating development in Washington. NCPC and the U.S. Commission of Fine Arts (CFA) have jurisdiction over specific federal projects and also work in coordination with the District of Columbia to plan for the city. NCPC and CFA enforce the Height of Buildings Act through their project review functions. The Architect of the Capitol (AOC) reviews projects within an overlay in and around AOC lands. For more information about the regulatory process, see Appendix D.

¹² See, D.C. Mun. Regs. tit. 11 (2009).

Figure: Current Zoning Height Limits

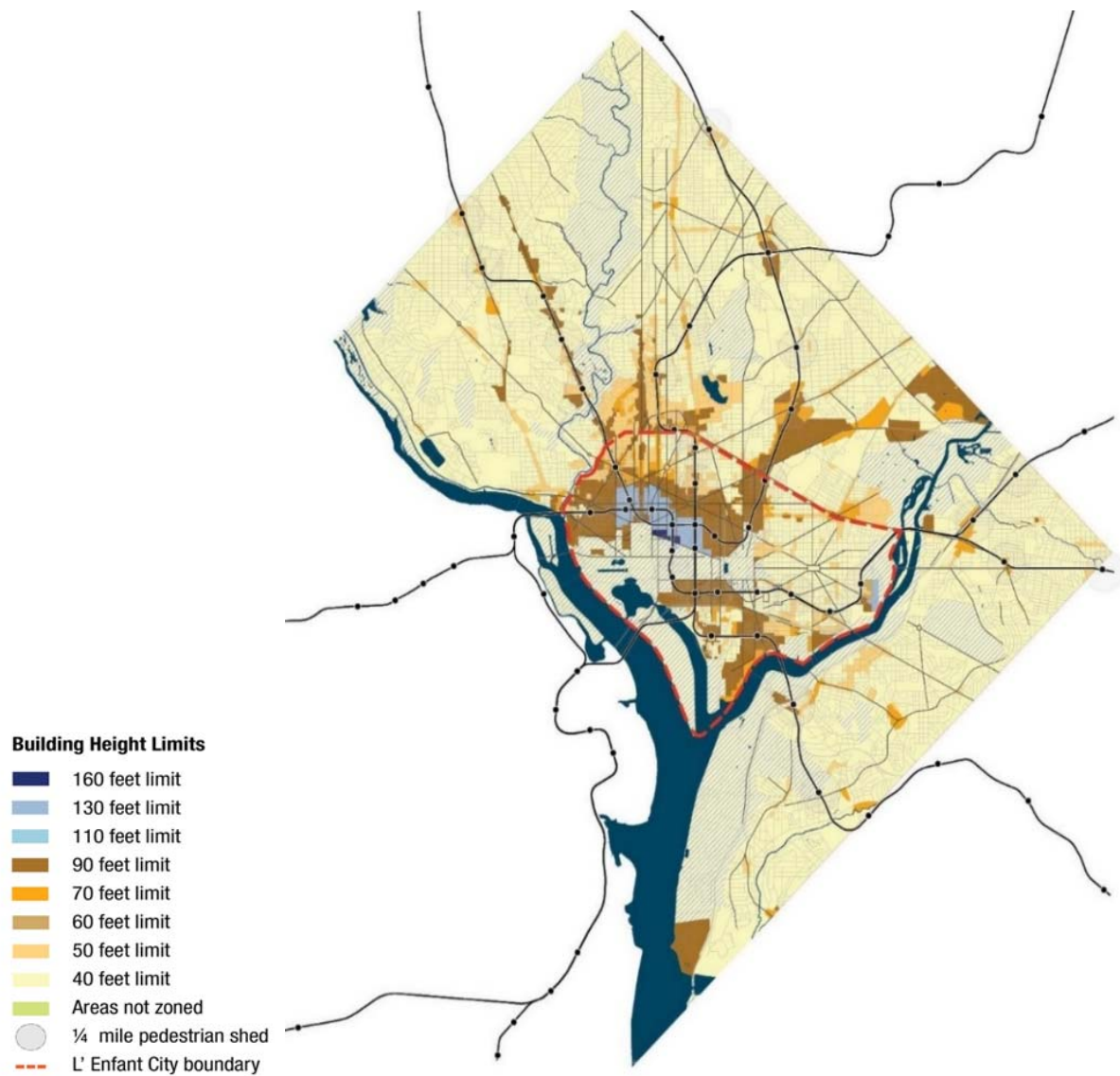
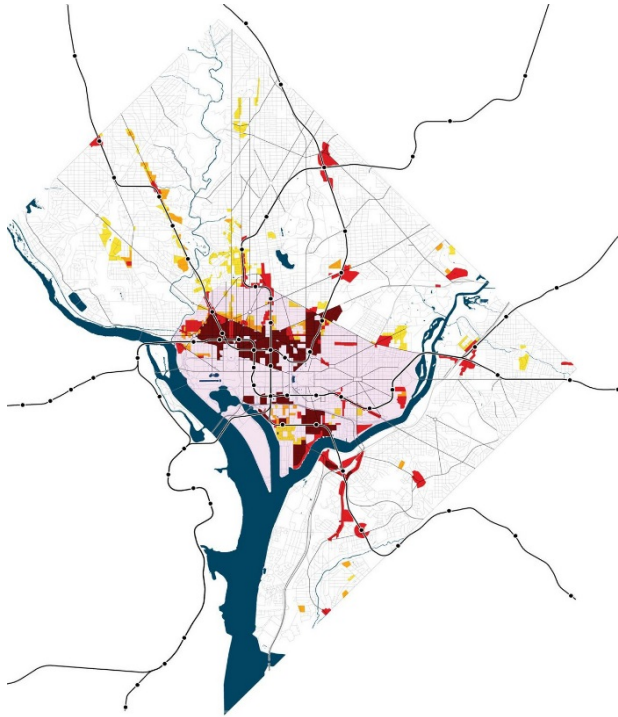


Image: District of Columbia

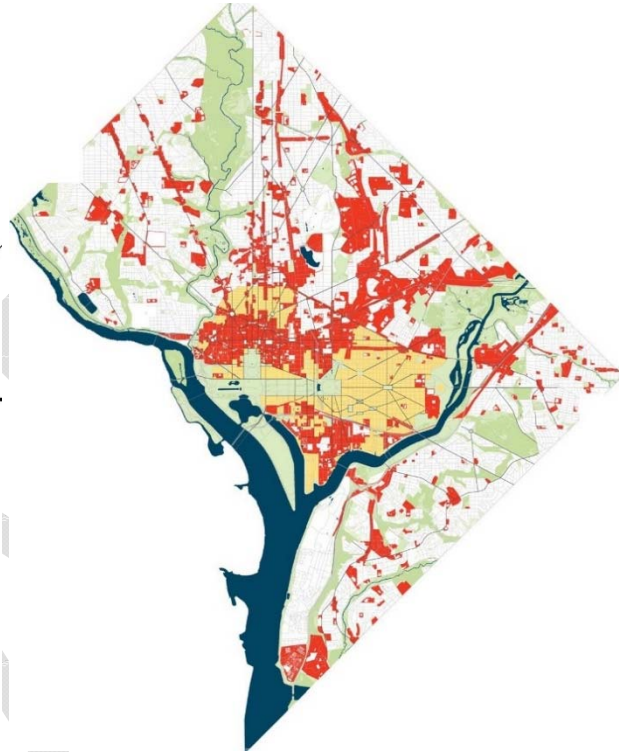
Figure: Moderate and high land use information based on the District of Columbia Comprehensive Plan Future Land Use Designations



- High Density Commercial
- Medium Density Commercial and Mixed Use
- High Density Residential
- Medium Density Residential

Image: District of Columbia

Figure: Areas included in the Height Study's Visual Models conducted by the District of Columbia.



Areas included in the Visual Modeling for the Height Study

Image: District of Columbia

2.5 Background Related to Penthouses

Throughout the world, accessible rooftop amenities such as green roofs and community areas, have become an industry best practice and are highly desirable. The Height Act and District of Columbia Zoning Regulations include guidance and restrictions related to the use and form of penthouses. The Height Act currently prohibits human occupancy in penthouses above the height limit, effectively limiting their use for anything other than mechanical equipment. Permitting a broader range of active uses—if properly implemented and with certain restrictions—does not appear to affect federal interests in most instances.

Background: Examples of Current Restrictions Related to Penthouses

The Height Act includes the following provisions that relate to penthouses:

- **One-to-one setbacks**
 - *...Penthouses, ventilation shafts, and tanks shall be set back from the exterior walls distances equal to their respective heights above the adjacent roof...*
- **Limits on occupancy**
 - *...Such structures when above such limit of height shall be fireproof, and no floor or compartment thereof shall be constructed or used for human occupancy above the top story of the building upon which such structures are placed...*
- **Objects allowed on rooftops**
 - *Spires, towers, domes, minarets, pinnacles, penthouses over elevator shafts, ventilation shafts, chimneys, smokestacks, and fire sprinkler tanks may be erected to a greater height than any limit prescribed in this Act...*

Examples of current local zoning¹³ that relate to penthouses:

- **One-to-one setbacks**
 - *630.4 If housing for mechanical equipment or a stairway or elevator penthouse is provided on the roof of a building or structure, it shall be erected or enlarged as follows:*
(b) It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located...
- **Limits on occupancy**
 - *411.1 To exercise a reasonable degree of architectural control upon roof structures in all districts, housing for mechanical equipment, stairway and elevator penthouses, and, when not in conflict with An Act To Regulate the Height of Buildings in the District of Columbia...on apartment building*

¹³ As per D.C. Municipal Regulations (DCMR), Chapter 11

roofs, penthouses for (a) storage, showers, and lavatories incidental and accessory to roof swimming pools or communal recreation space located on that roof; and (b) other enclosed areas, within the area permitted as a roof structure, used for recreational uses accessory to communal rooftop recreation space, shall be subject to conditions and variable floor area ratio credit specified in this section.

- **Objects allowed on rooftops**

- *2906.1 Rooftop penthouses not intended for human occupation, such as penthouses over mechanical equipment, a stairway, or an elevator shaft...*
- *2906.4 Spires, towers, domes, pinnacles, or minarets serving as architectural embellishments, ventilator shafts, antennas, chimneys, smokestacks, or fire sprinkler tanks ...*

- **Number of penthouse enclosures**

- *411.3 All penthouses and mechanical equipment shall be placed in one (1) enclosure, and shall harmonize with the main structure in architectural character, material, and color.*

- **Height of 18'6"**

- *2906.2 Such a penthouse shall not exceed eighteen feet, six inches (18 ft., 6 in.), in height above the roof upon which it is located. Mechanical equipment shall not extend above the permitted eighteen foot, six inch (18 ft., 6 in.), height of the housing.*
- *2906.4 Spires, towers, domes, pinnacles, or minarets serving as architectural embellishments, ventilator shafts, antennas, chimneys, smokestacks, or fire sprinkler tanks may be erected to a height in excess of that which this section otherwise authorizes.*

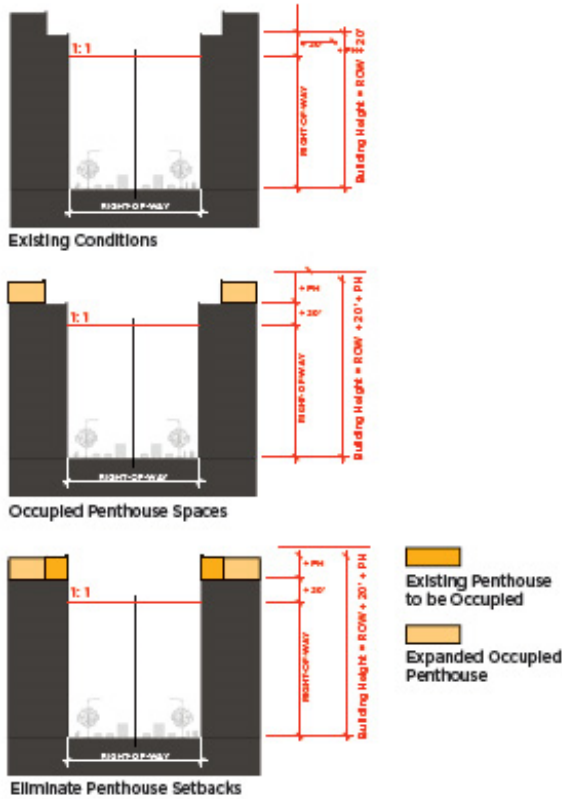


Image: District of Columbia

K Street, NW: looking east



Image: District of Columbia

- Several key goals that should shape any strategic changes to the Height Act's restrictions related to penthouses:
 - Include specific protections related to sightlines for select federal buildings, such as the U.S. Capitol and White House.
 - Support communal recreation space on rooftops by allowing human occupancy in roof structures, as defined in District Zoning Regulations, where use of those structures is currently restricted under the Height Act to mechanical equipment, so long as those structures continue to be set back from exterior walls at a 1:1 ratio.
 - Prevent creation of multiple floors within penthouses, or stacking of penthouses atop penthouses.
- In addition to matters related to penthouses, a technical review of the Height Act and District of Columbia Zoning Regulations should be conducted to ensure consistency. Clarify or eliminate anachronistic references such as "minarets" in favor of language that is consistent with District Zoning Regulations.

PART 3: Evaluation of Federal Interests

3.1 Capital City Character

Overview

From within Washington, DC or across the Potomac in Virginia, the long views of the skyline are a hallmark of the capital city's distinctive character. Although fire safety was a central factor in the Height Act's adoption, its legacy is a unique character that emphasizes the city's role as the national capital. This character includes a gently-scaled street wall, broad sunlit streets, sensitively framed national memorials, and a city skyline punctuated not by commercial skyscrapers but by civic landmarks and monuments. This approach creates a fitting and fundamentally unique skyline where buildings housing private industry and residential interests provide a backdrop for the nation's most treasured civic structures. It also includes settings and views around public spaces, national memorials and museums, iconic buildings, democratic institutions and federal facilities.



Image: Wikimedia Commons



Image: Wikimedia Commons

This carefully crafted airy and light-filled environment invites people in to explore and to appreciate the relationship amongst buildings, public spaces, and views to civic buildings and monuments. This setting is an important backdrop to important festivals, such as the Fourth of July, and events, such as the Presidential Inauguration. These experiences are an important visitor's attraction. Visitor spending contributes to the local economy, at an estimated \$6.2 billion in 2012.¹⁴



Image: White House

Within Washington, DC's neighborhoods and communities beyond the L'Enfant City, where the federal presence is less concentrated, the Height Act continues to shape a distinctive skyline, frame views, and protect the scale of residential streets and their adjacent business districts. These communities lie beyond the topographic bowl, a hillside that encompasses the District's historic core and presents some of the city's most distinctive viewsheds. As a great swath of this ridge line is preserved and managed by the U.S. National Park Service, it creates a backdrop of green for the city's horizontal skyline and national icons.

Images of Washington's Topographic Bowl, an elevated ridge around Washington's Historic L'Enfant City



Image: District of Columbia

¹⁴ Destination DC. <http://washington.org/press/dc%E2%80%99s-travel-industry-rallies-show-economic-impact-tourism>.

The visual modeling studies are an important first step and tool to understand potential impacts of increased heights on the character of the Capital City. The modeling 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. The preliminary comments below are based on the modeling studies. The comments incorporate the core study principles and relevant policies in the Comprehensive Plan's Federal Elements.

The core principles mutually agreed to by NCPC and the District include:

1. Ensure the prominence of federal landmarks and monuments by preserving their views and setting;
2. Maintain the horizontality of the monumental city skyline; and
3. Minimize negative impacts to significant historic resources, including the L'Enfant Plan.

Examples of relevant policies in the Comprehensive Plan's Federal Elements include:

1. Exhibit the preeminence of the United States, protect the grandeur of the nation's capital and provide an exceptional visitor experience.
2. Preserve and enhance the character, reciprocal views, and physical connections within the network of the L'Enfant Plan streets and reservations.
3. Preserve the symbolic significance of the National Mall to reinforce and enhance its special role in the image of the nation's capital.
4. Protect reciprocal views between the L'Enfant City and the rim of the topographic bowl from inappropriate intrusions.
5. Ensure Washington's landmarks remain accentuated within the skyline.
6. Maintain a proportional relationship between street widths and building heights to preserve characteristic openness of the street rights of ways.
7. Preserve integrity and perception of topographic influences inherent in the L'Enfant Plan.
8. Preserve nationally significant historic districts, structures and cultural landscapes.

Visual Analysis:

While the conceptual nature of the visual modeling is insufficient to make specific recommendations, it does make it clear that DC Zoning and the Height Act work together to protect the character of the city. In most areas of the city, zoning is more restrictive than the Height Act, and absent the more restrictive zoning, build-out to the full limit allowed under the Height Act would impact characteristic views and streetscapes. These impacts include:

1. Iconic views of significant buildings such as the Capitol and the White House.
2. Iconic views from significant buildings such as the Capitol and Lincoln Memorial.
3. Skyline views from elevated locations.
4. Street character as defined by street width and building height



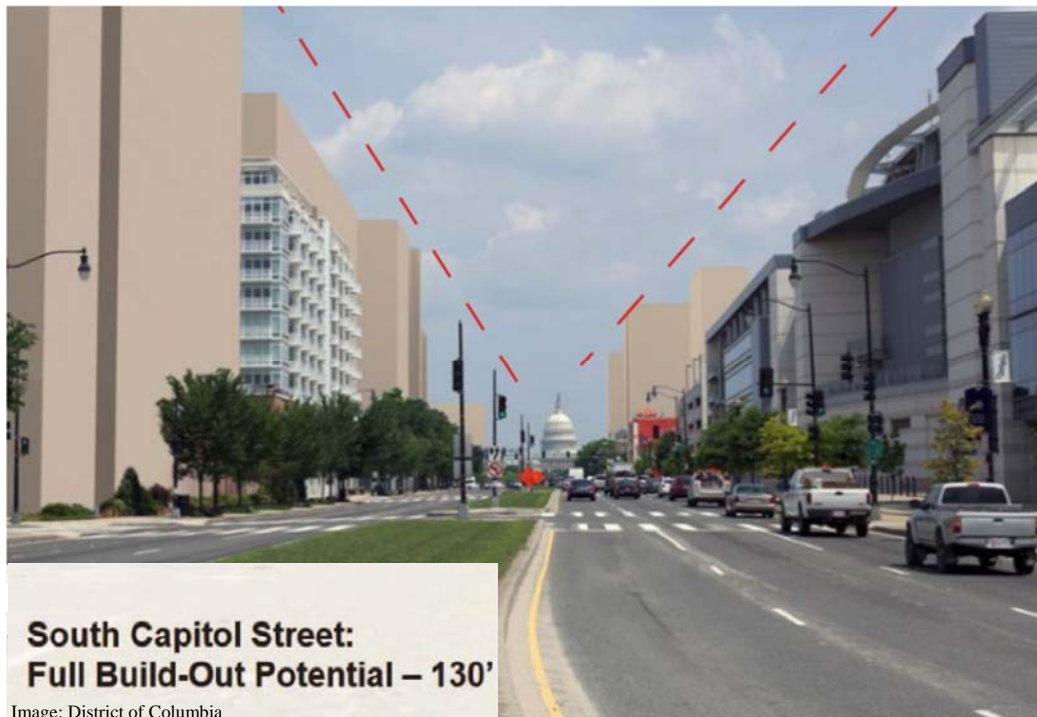
Image: District of Columbia

The above picture illustrates how zoning regulations currently limit building heights on South Capitol Street to less than what is currently allowed under the Height Act. Full build-out to the extent allowed under zoning, as shown below does not appear to have a significant impact.



Image: District of Columbia

At full build-out to the extent allowed under the Height Act, however, buildings along South Capitol Street begin to crowd the Capitol.



This is also evident along North Capitol Street.



The picture immediately below illustrates how the White House is allowed to stand alone, apart from the larger buildings beyond, primarily because of zoning height limits along 16th Street. Full build-out to the extent allowed under the Height Act, however, would allow buildings beyond to interfere with views of the White House and the base of the Washington Monument.

Existing View from the Jefferson Memorial



Image: District of Columbia

View from the Jefferson Memorial if building height in *L'Enfant City* is increased to 130'

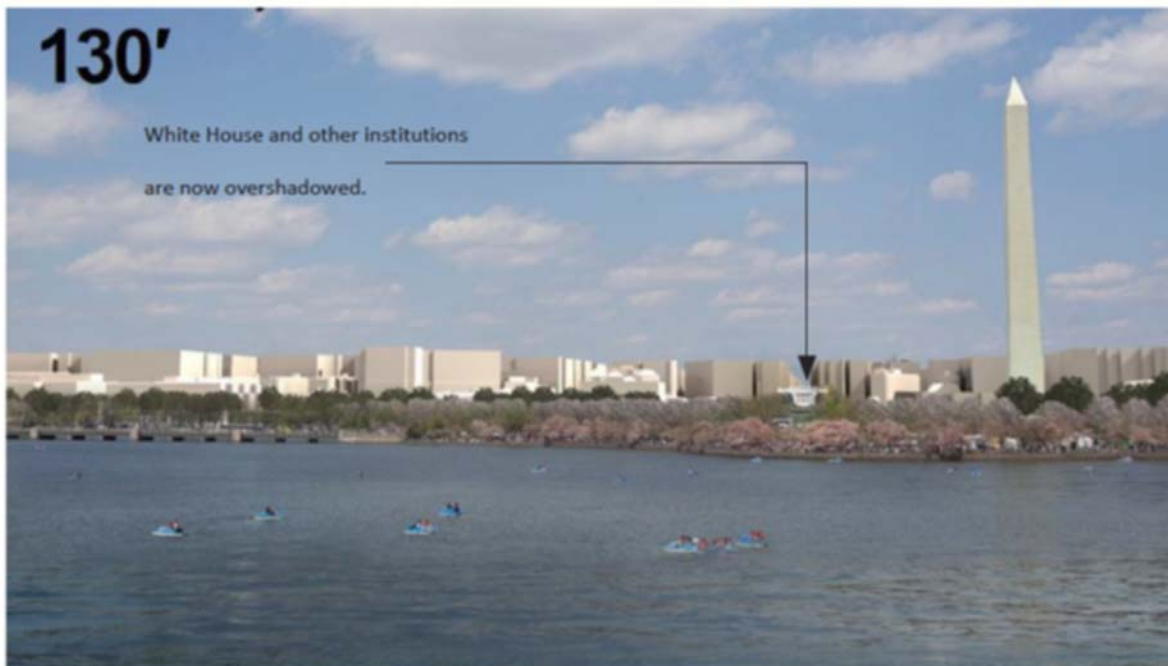


Image: District of Columbia

Changes to the allowable building height along Pennsylvania Avenue and immediately to the north would affect views from the Capitol's West Front. The Height Act currently allows buildings along Pennsylvania Avenue between 1st and 15th Streets NW to go as high as 160', but the Pennsylvania Avenue Development Plan and zoning regulations provide more restrictive limits in some areas. Allowing all of the buildings in that area to extend up to 160' would result in a dramatic change to those views.

Existing View from the The U.S. Capitol Building



Image: District of Columbia

View from the The U.S. Capitol Building if building height in L'Enfant City is increased to 160'

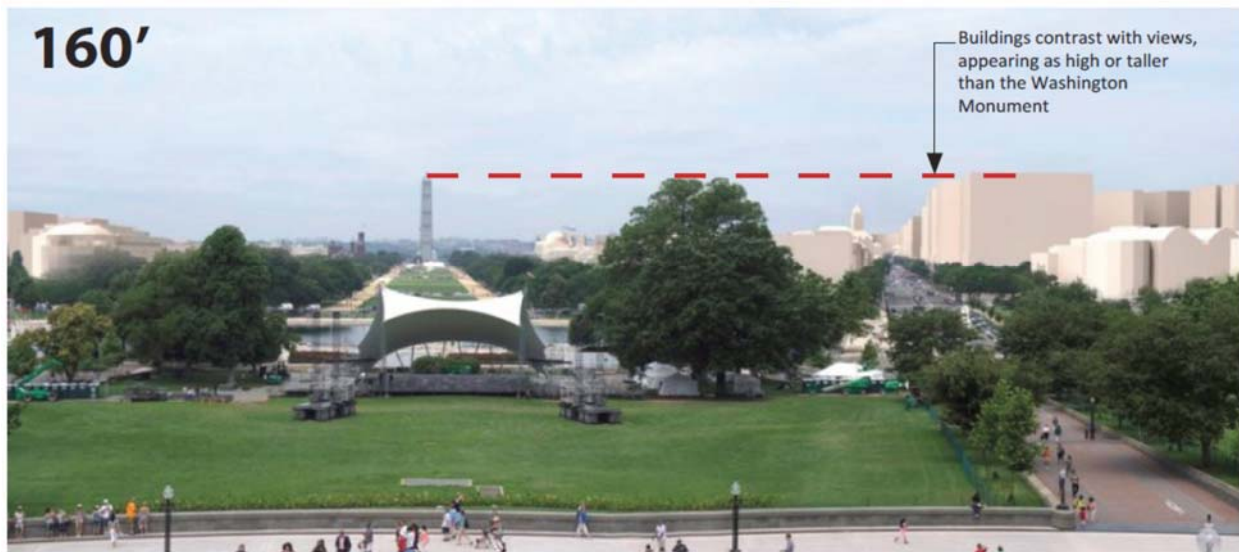


Image: District of Columbia

Nearby buildings are obscured in existing views from the East Front of the Lincoln Memorial, allowing the viewer's attention to be focused on the reflecting pool and Washington Monument. Full build-out to the current limits would allow buildings to begin to intrude on those views, and any increase over the existing limit would increase that visual encroachment proportionately.

Existing View from the Lincoln Memorial



Image: District of Columbia

View from the Lincoln Memorial if building height in L'Enfant City is increased to **130'**



Image: District of Columbia

View from the Lincoln Memorial if building height in L'Enfant City is increased to **160'**



Image: District of Columbia

Existing building heights allow the Capitol Dome and other landmarks, to dominate the skyline in views from across the Anacostia and Potomac Rivers. Full build-out to the allowable height limits obscures views of the Capitol, although the Washington Monument remains visible.

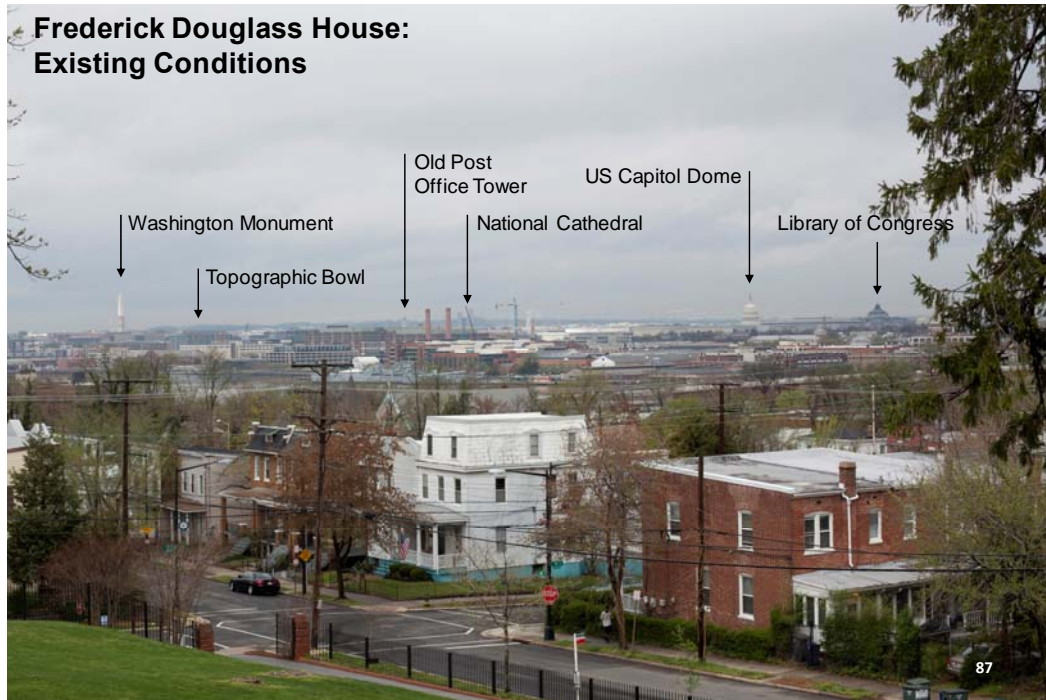


Image: District of Columbia

View from Frederick Douglass House, Existing Conditions

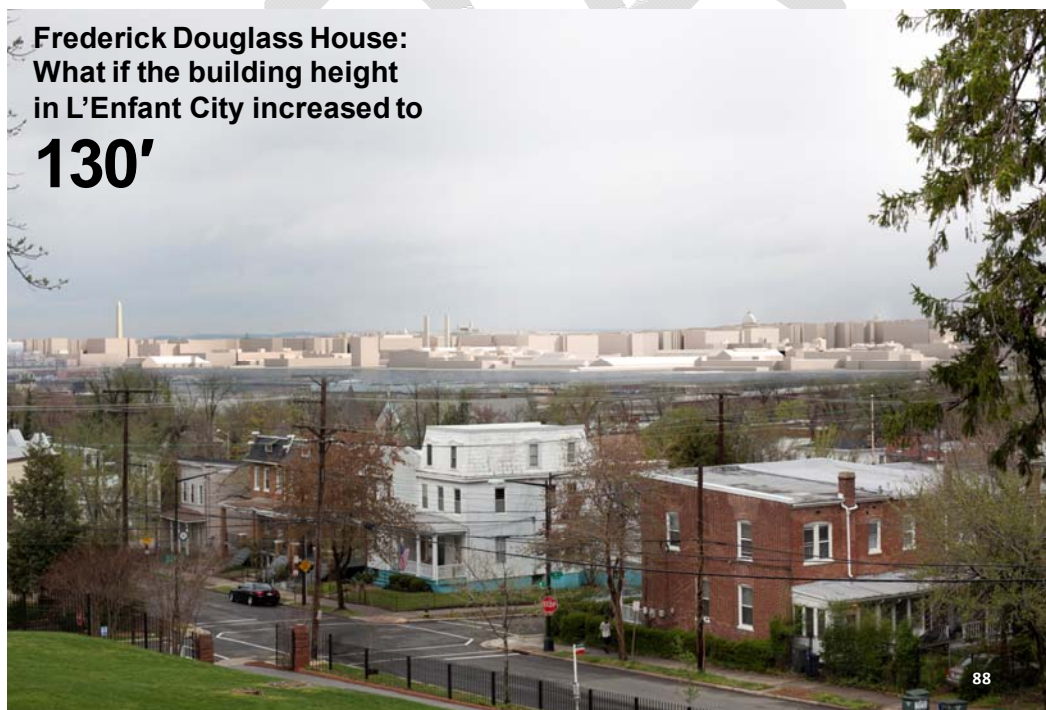


Image: District of Columbia

View from Frederick Douglass House at Build-Out to 130'

Finally, while the Height Act allows building heights in commercial areas that are equal to the width of the street plus 20', the 130' overall cap precludes buildings on the widest streets from meeting the width to height ratio allowed on narrower streets.



Image: District of Columbia

The K Street Right of Way, for example, is 147.67' wide but building heights are largely built out to the full 130' limit under the Height Act. Narrower streets, such as F Street, illustrate the character of a street that has been built out to the full ROW + 20' formula.

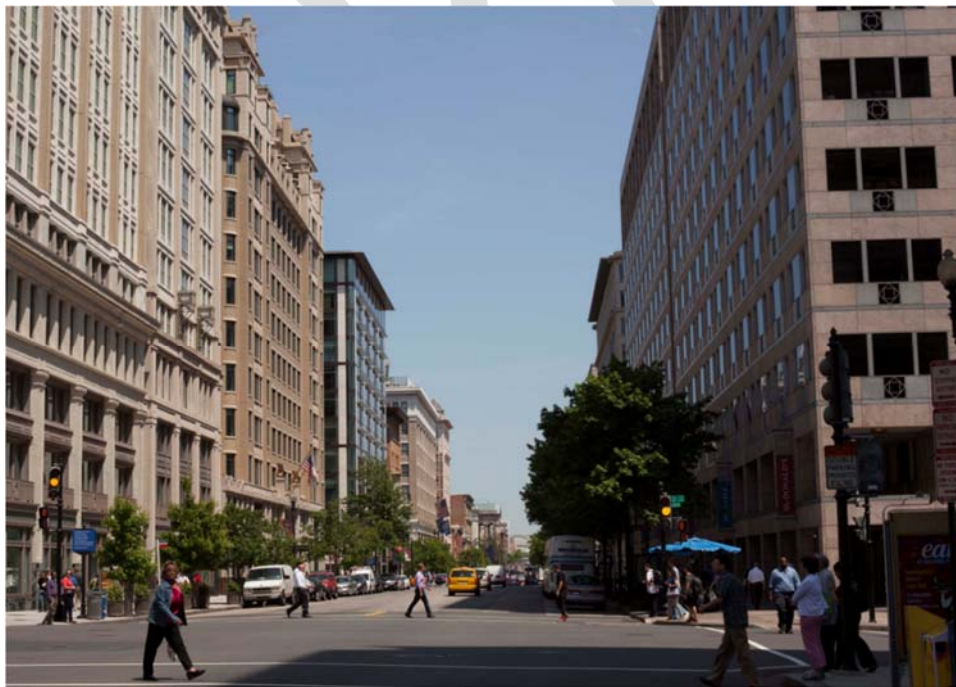


Image: District of Columbia

While additional height might not have an adverse impact on the character of streets in the city's commercial core, additional study would be required to determine the effect that additional height would have on the city's monumental boulevards, such as Massachusetts Avenue.

Key Findings

- 3.1.a Based on its actions beginning in 1790 and continuing until as recently as 1990, the U.S. Congress has identified the design of the City of Washington and the District of Columbia as an abiding federal interest, and reserved to itself the right to amend building height restrictions under the 1910 Height Act. Through these actions, Congress has acted as steward of the capital city's form for generations of Americans and ensured that the image and experience of the capital city reflects the pre-eminence of our civic and democratic institutions and national icons, including a lasting, symbolic skyline recognized around the world. Only the federal establishment can protect these and other national interests in perpetuity.
- 3.1.b Based on the visual modeling work conducted as part of the Height Study, changes to the Height Act within the L'Enfant City and within the topographic bowl may have a significant adverse effect on federal interests. These include the views and setting of the U.S. Capitol, Washington Monument, National Mall, national parks, and other nationally significant civic and cultural resources. Increases may also impact the character of L'Enfant streets and public spaces.
- 3.1.c Federal interests requiring review and protection are also present outside of the L'Enfant City and beyond the edge of the Topographic Bowl, but they are less concentrated. However, in conducting their visual modeling studies, the District has excluded much of this area from review. It is also of note that today, local zoning across much of this part of the city is well below the limits established in the current Height Act.
- 3.1.d The visual modeling studies demonstrate impacts to some federal resources if full build-out occurred under the current Height Act. Viewshed protections merit further study.

3.2 Security

The findings in this section are based on NCPC's interviews with offices from the following agencies:

U.S. Department of Homeland Security

U.S. General Services Administration

U.S. Secret Service

U.S. Department of State

Naval District Washington

Capitol Police

Overview

As the capital of the United States, Washington is home to many top level federal government institutions and national symbols. The security of these buildings and symbols, their occupants and visitors, and communication network is of paramount concern. In rare, but significant exceptions, the security and privacy of specific individuals or offices, such as the Executive Residence, is also a concern.

Numerous federal agencies and multiple federal security services operate within the District. As part of this study, NCPC engaged the federal security community to identify areas where security requirements and taller buildings conflict. During the consultation phase of this study, federal agencies raised security concerns about changing heights within or in the areas around federal facilities. Because of the nature of the subject matter, not all security issues will be publicly identified and addressed in this study.

Context and Vicinity: Neighborhood

An increase in building heights surrounding a federal facility could create additional lines of sight to and from secured facilities. Agencies will likely reevaluate existing security measures to protect and address new sight-lines. There will be costs associated with the evaluation and any responsive measures.

Context and Vicinity: Wireless Infrastructure and Telecommunications

Raising building heights may interfere with some segments of the city's wireless infrastructure for fire/life/rescue services and telecommunications. The topographic bowl allows microwave based communication links to crisscross the city between hospitals, fire stations, police stations, downtown, and other communication nodes. Taller buildings that block the visibility of these nodes would have costly impacts for either building tall-unsightly radio towers or acquiring new communication sights to re-route communications around any future obstructing building. Also, as urban canyons get deeper, there may be impacts to police and ambulance vehicle radios at

street level. Finally the space above some narrow point-to-point routes across the city is already heavily used today by the city and supporting federal entities. If taller buildings are considered, there may be costs associated with enhancing this infrastructure.

Context and Vicinity: Specific Restrictions for Certain Land Uses

There may be specific land uses, such as foreign embassies and chanceries that are inappropriate for increased height.

Site Specific: Physical Building Security

Many federal agencies follow security standards developed by the Interagency Security Committee (ISC). The ISC Security Design Criteria require that security measures be based on a building - specific risk assessment resulting in a level of protection. The level of protection is determined by tenant mission, adjacent facilities and targets, significance of the facility, and building size and location. Security measures are developed to meet each agency's needs within the confines of the building's defined urban setting. Although some federal agencies have security standards that differ from or supplement the ISC criteria, all criteria generally address the same types of threats and countermeasures.¹⁵

An increase in building heights could potentially impact the existing physical building security measures already in place. Agencies will likely reevaluate potential impacts to existing security if their building or surrounding buildings were to increase in height.

Issues

- Increases in height within or around federal buildings may result in new lines of sight to and from federal facilities. Agencies will reevaluate security and planning protocols to address potential external threats. There will be costs associated with the evaluation and any responsive measures.
- Some land use types, such as chanceries, embassies and lands under control of foreign governments may not be appropriate for increased height.
- If there were a large increase in height, agencies will revisit evaluation procedures. There may be costs associated with these assessments.

Key Findings:

- 3.2.a Security figures prominently in how federal agencies design and program federal facilities. Localized threat assessments are strongly linked to evaluating the neighboring buildings and environs of federal facilities. 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.

¹⁵ The Site Security Design Guide, U.S. General Services Administration Public Buildings Service, June 2007.

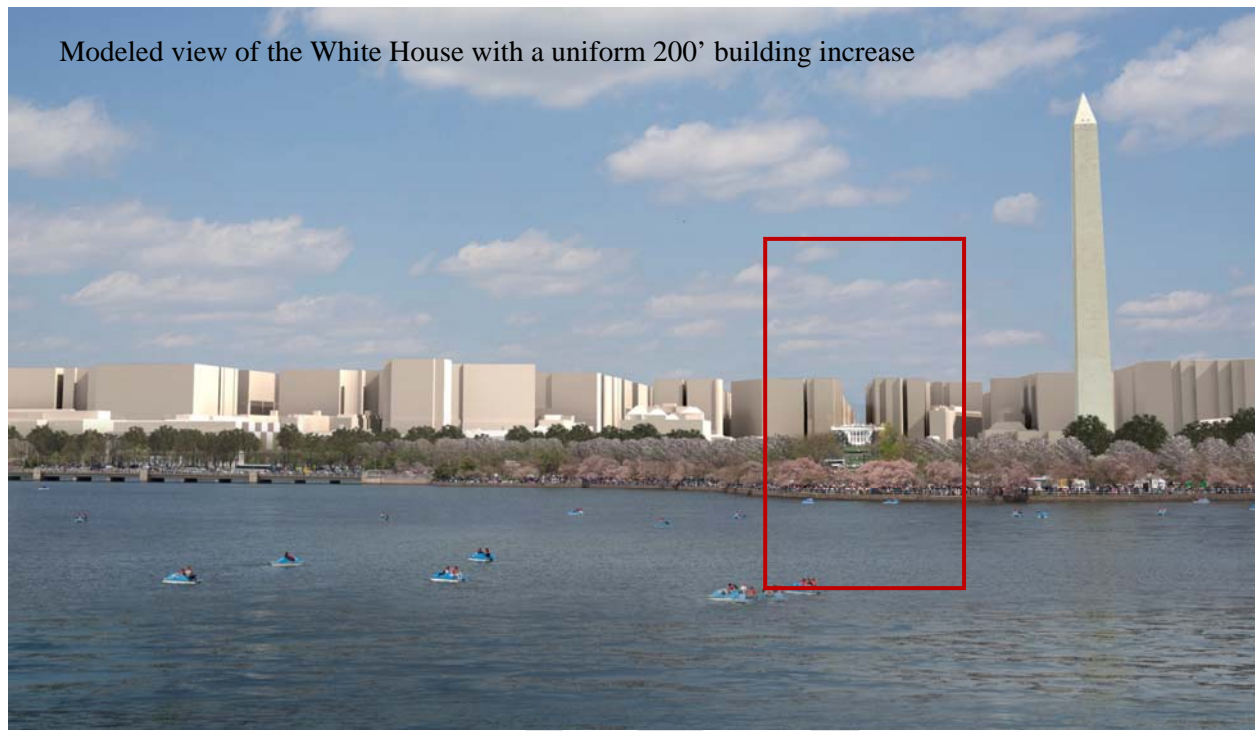


Image: District of Columbia

3.3 Infrastructure

Overview

Taller buildings could impact infrastructure capacity if they result in greater density. These impacts may affect services ranging from sewer and water, storm water management, road and transit capacity and other utilities. Like many American cities, Washington's infrastructure is aging and requires repair or replacement. Particularly in various locations in the L'Enfant City/downtown, road, transit and sewer infrastructure is at capacity and efforts are underway to fund improvements to these systems. The Washington Metropolitan Area Transit Authority (WMATA), for example, has an \$11 billion Capital Needs Inventory to upgrade and maintain current infrastructure.¹⁶ In addition, many of these systems have costs, customer demand, and operational considerations that are regional in scale.

While adequate infrastructure is a federal interest, given the time and funding constraints, this study does not evaluate specific infrastructure evaluation and recommendations. Agencies

¹⁶ WMATA has requested \$1.5 billion in federal funding for Metro over 10 years for capital improvements and critical maintenance. In addition, the 2012 Metro Forward Plan is a 6-year, \$5 billion improvement program designed to enhance the transit experience for passengers. The program includes renovation and rebuilding of infrastructure and track, new railcars and buses, and upgraded technology.

responsible for these services – and jurisdictions that contribute to demand - should be consulted for specifics regarding impacts to capacity and funding.



Image: Wikimedia Commons



Image: DC WASA

Issues

- Federal agencies and District residents alike expressed concerns about the impacts of increasing heights on infrastructure. Future study should be conducted in consultation with agencies and companies that operate services and utilities in Washington, DC to assess impacts of additional height on infrastructure and develop mitigation strategies. These studies should be conducted at the local level prior to allowing increased density.
- If properly structured, incremental development (and increases in height) may help fund improvements to infrastructure. Even if a program is established, it is unclear whether the height increases at the margins under consideration during this study could pay for investments in the short or long term. Additional study is required.
- In at least one of the visual modeling cluster approaches, DCOP proposed additional height near Metrorail stations and high density locations. Public comments reflected concerns about limited capacity at some core Metrorail stations, while others were concerned that greater heights at Metro-adjacent locations might also prioritize limited infrastructure funding away from underserved neighborhoods.

Key Findings

- 3.3.a Infrastructure in the National Capital Region, including transportation, is a federal interest. Large or uniform increases in height may impact the city's infrastructure. Due to timing and funding constraints, this study does not specifically analyze infrastructure impacts nor provide recommendations to mitigate those impacts. Representatives from federal agencies and local residents alike expressed strong concerns about impacts to infrastructure from increases in height.

3.4 Federal Development Trends

From its beginning, the nation's capital has been planned for the special purpose of serving as the seat of the federal government. It is not intended to be completed in the life of one administration, or one generation, but to be built over time. Although federal employment, workplace, land and other operational trends have varied over the past decades, the federal government continues to have a large presence, and Washington will remain as the seat of the national government.

Direct federal employment in Washington, DC over the last seventy years has been relatively constant (around 200,000), fluctuating in response to broader national activities and interests, and this trend is anticipated to continue into the future. While the number of federal employees has remained stable, the city's overall employment has steadily increased, so federal employees represent a smaller percentage, dropping from nearly 50 percent in 1950 to 28 percent in 2000.

The federal workplace is constantly evolving in response to new laws, policies, and regulations, as well as broader technological and workplace changes. To address budget and policy interests in more efficient space use and 'freezing the footprint,' agencies are finding ways to off-set additional growth, co-locate with other agencies, consolidate offices as well as physically changing the workspace to potentially eliminate underutilize space. Consistent with a broader, technology-driven trend towards more mobile workspaces, the federal government is maximizing the use of office space, resulting in an increase to the number of workers within the space. The U.S. General Services Administration provides guidance to agencies in this area.

The federal government today remains the major employer and occupier of buildings (owned and leased) in the District of Columbia. While current trends may result in decreases to the overall federal footprint or in demand for leased space, the specific impacts to Washington are less clear. For example, emphases on owned rather than leased space, space-efficient renovations, and proximity to transit hubs may actually consolidate regional federal operations and workers within Washington.

The federal government workplaces in the District of Columbia have historically been concentrated in the downtown core. However, recent federal office development includes the Department of Transportation headquarters in Southwest Washington, the Bureau of Alcohol, Tobacco, Firearms and Explosives headquarters in Northeast Washington, and the Department of Homeland Security headquarters in Anacostia. All are outside of traditional downtown federal enclaves often serving as catalysts in distressed or emerging markets and anchoring development around Metrorail stations. These support NCPC policies for federal development to extend into all quadrants of the city, in support of local development goals as well as federal objectives.

We anticipate a steady, continuing need to accommodate requests for new and expanding foreign missions; new memorials, museums and monuments; and locations for national events and First Amendment activities.

Many of the federal government's current and long term future needs for land and space can be accommodated on existing federally owned properties, through renovation, redevelopment, and more efficient use of existing federal properties. There may be specific needs requiring new land or space, just as there may be specific federally owned sites that may be repurposed or disposed of. In recent years, the federal government has provided the District government with significant amounts of redeveloped land to meet local development goals. While changes to building height requirements may allow for more density for federal development projects, they do not represent, cumulatively, the impetus for any federally driven changes to the Height Act.

Key Findings

- 3.4.a The federal government continues to invest in neighborhoods in a way that is designed to meet both agency needs and local economic goals. NCPC's 1997 Legacy Plan calls for new federal offices and national museums and memorials to seek out locations throughout the city. Three of the most recent federal development projects, including two cabinet level headquarters, are located outside of traditional federal precincts as a way of promoting neighborhood investment.¹⁷ Therefore, it cannot be said that the federal interest is limited to any certain area within the District, now or in the future.
- 3.4.b The economic vitality of the national capital is also a federal interest. The federal government transferred federal lands and property to support local goals for growth and community development.¹⁸ The District of Columbia had one of the nation's strongest commercial and residential development markets, and its stability has made it consistently one of the most desirable real estate investment markets.¹⁹ After decades of population decline, the District had a recent dramatic uptick in residential growth, although still below its peak population of 800,000 residents.²⁰ The District ended fiscal year 2012 with a budget surplus of \$417 million.²¹
- 3.4.c 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 (such as telework and hoteling²²) and mission needs. In

¹⁷ These include headquarters for the U.S. Department of Homeland Security (DHS), the U.S. Department of Transportation (DOT), and the Bureau of *Alcohol, Tobacco, Firearms* and Explosives (ATF).

¹⁸ See the Title III of the Federal and District of Columbia Government Real Property Act of 2006, Pub. L. 109–396, 120 Stat. 2711 (2006) (D.C. Lands Act).

¹⁹ See the Washington Business Journal, August 26, 2013: http://www.bizjournals.com/washington/breaking_ground/2013/08/dc-has-nations-lowest-office-vacancy.html

²⁰ See the Washington Post, December 20, 2012: <http://www.washingtonpost.com/blogs/mike-debonis/wp/2012/12/20/census-dc-added-30000-residents-in-27-months/>

²¹ See press release dated January 29, 2013: <http://mayor.dc.gov/release/mayor-vincent-c-gray-and-cfo-natwar-m-gandhi-announce-significant-surplus-and-sustained>

²² Hoteling is a management practice of providing office space to employees on an as-needed rather than on the traditional, constantly reserved basis. The goal is to reduce the amount of space required by an organization and to ensure that employees can access office resources and technology when necessary.

the short term, agencies anticipate a flatline in demand for office space and will be seeking to use existing federal assets more effectively to meet future needs.²³

3.5 Federal Historic Resources

The findings in this section are based on meetings with the historic preservation community, including representatives from both federal, local, and neighborhood organizations. Offices represented during meetings scheduled as part of this study include:

- Committee of 100 on the Federal City
- The National Trust for Historic Preservation
- D.C. State Historic Preservation Office
- D.C. Preservation League
- Department of the Interior
- Neighborhood community groups and associations (various)
- U.S. General Services Administration

Overview

Washington is one of the most unique planned, purpose-built capital cities in the world. Protecting and enhancing that legacy is an important part of historic preservation in the nation's capital. Historic preservation concerns related to building height cannot easily be categorized along jurisdictional lines (federal, local, and neighborhood). The purpose of this discussion is to highlight federal interests related to preservation. Many community organizations, neighborhoods, and other groups have expressed concerns about the impacts of raising height on the scale and character of neighborhoods. Important historic resources related to federal lands and resources include, but are not limited to:

- Plan of the City of Washington (includes L'Enfant Plan and McMillan Plan);
- Nationally Significant Landmarks (such as the U.S. Capitol, White House, Washington Monument, Lincoln Memorial, Jefferson Memorial, and Pennsylvania Avenue); and
- Historic Buildings, Districts, Sites, and Cultural Landscapes listed in the National Register of Historic Places and/or D.C. Inventory of Historic Sites.

²³ For more information, see Section 3 of the Office of Management and Budget Memorandum (OMB) M-12-12, Promoting Efficient Spending to Support Agency Operations, "Freeze the Footprint" policies.

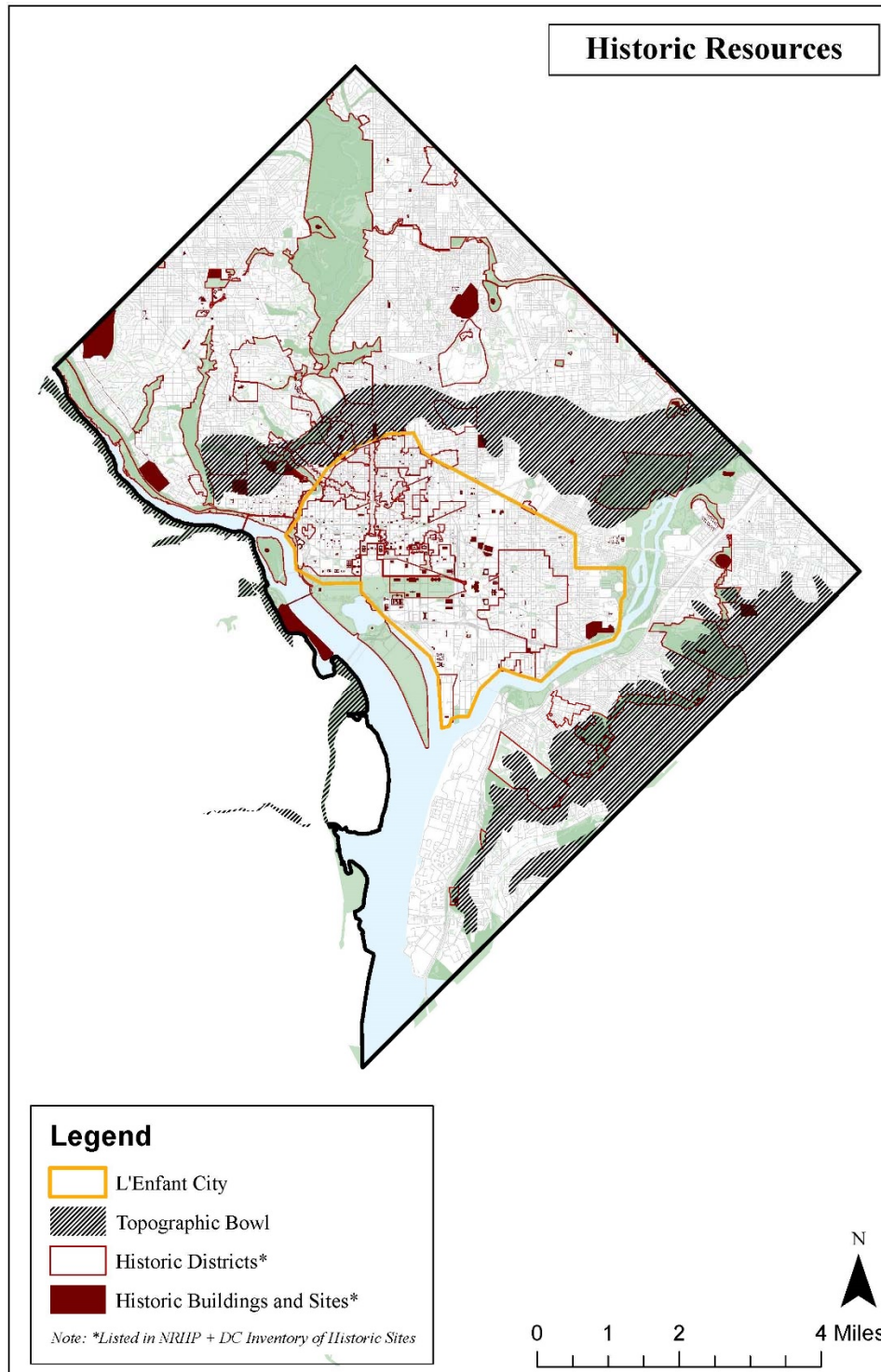


Image: National Capital Planning Commission

Figure: Historic Resources Map²⁴

²⁴ This map is being provided for information and illustrative purposes only. It does not reflect an official position or conclusion of the National Capital Planning Commission. No conclusions or decisions to act or refrain from acting should be made based on this map without conducting an independent analysis with reference to the original source information.

The Significance and Use of Washington's Ceremonial Spaces: Historic Marches on Washington

Jobs and Freedom, 1964 (National Mall)



Image: National Archives

Women suffragists marching on Pennsylvania Avenue, 1913



Image: Library of Congress

Issues

Collectively, the McMillan Plan and the L'Enfant Plan are known as the Plan of the City of Washington and together they established an urban design framework that is unique to the nation's capital. The L'Enfant Plan of 1791 established the basic form of the city including the National Mall, the street grid, public spaces, and the location of the White House and U.S. Capitol Building. With the location of the U.S. Capitol on a prominent site at the center of his plan, L'Enfant divided the city into four quadrants and designed a system of diagonal avenues superimposed on an orthogonal grid. The avenues were to be "wide, grand boulevards, lined with trees, and designed in such a manner that would visually connect topographical sites throughout the city." At these sites important structures, monuments, and fountains were to be constructed. The result of L'Enfant's design was a plan with ceremonial spaces and grand boulevards that respected the natural contours of the land in a picturesque manner which created a system of open spaces and parks where the orthogonal grid and diagonal avenues intersected. The open space and vistas that were established by the L'Enfant Plan were as integral to the design of the city as the street network and configuration. Views of the Potomac River from the White House and Capitol were intended to be expansive and convey the powers of the Legislative and Executive Branches of government.

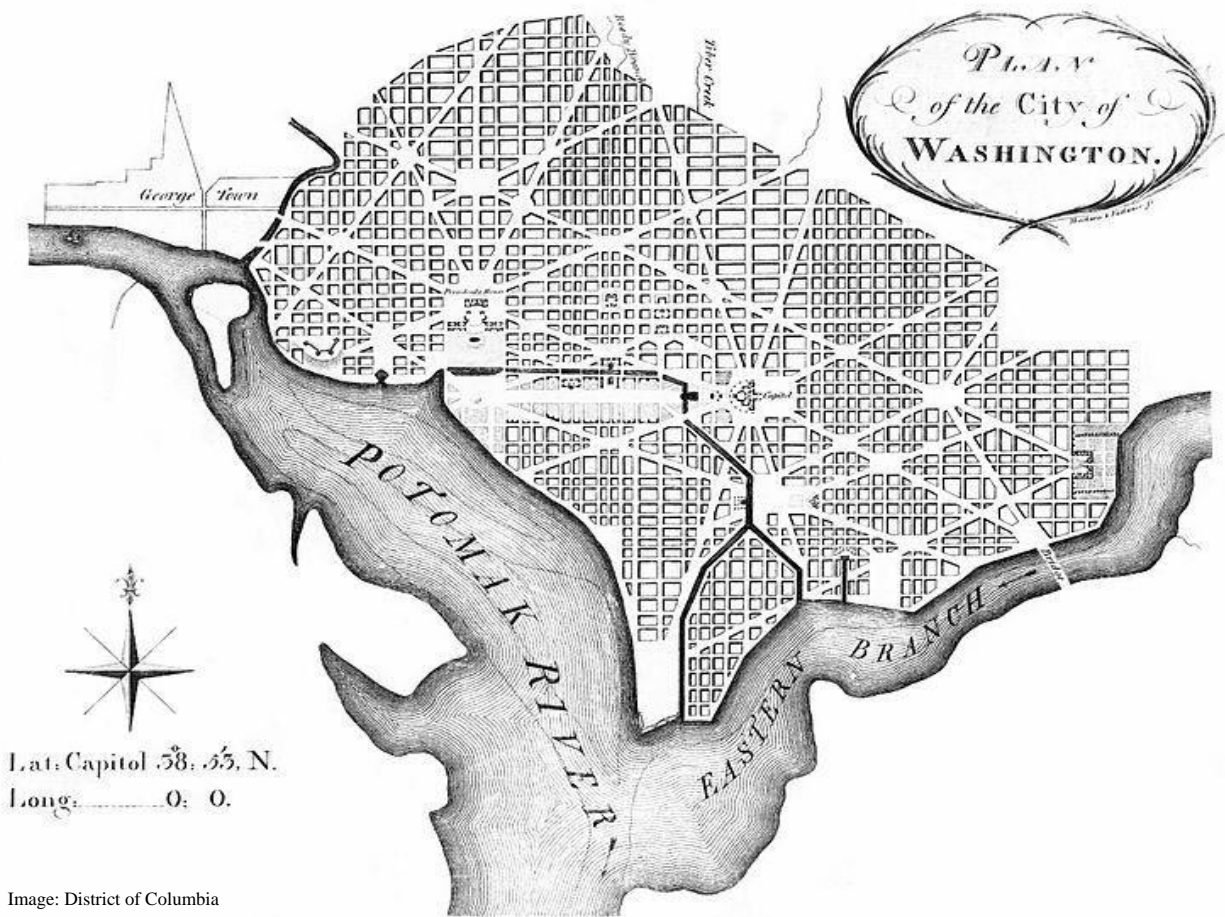


Image: District of Columbia

The plan developed by the Senate Park Commission in 1903, known as the McMillan Plan, formalized the design of the National Mall, created federal precincts such as the Federal Triangle, and established key national parks such as Rock Creek Park. The McMillan Plan was built upon the Baroque ideals of the L'Enfant Plan and reinforced the idea of grand public spaces and civic buildings based on the City Beautiful Movements. The McMillan Plan was concerned with "...two main problems: the building of a park system and the grouping of public buildings. By connecting existing parkland and carrying the park system to the outlying areas of the District and across the river as far as Mount Vernon and Great Falls, it addressed the regional character of the city." The McMillan Plan built upon principles of the L'Enfant Plan and focused on restoring the National Mall as originally envisioned by L'Enfant as an uninterrupted green space.

The L'Enfant Plan and McMillan Plan are significant historic resources listed in the National Register of Historic Places. According to the description included in the nomination form, the landmarked area includes the streets and reservation within the plan's boundaries "and the airspace above this matrix up to the legal height limit in the city."

The viewsheds and vistas established by the framework of the L'Enfant Plan and reinforced by the McMillan Plan are character-defining features of the plan. This includes views along the National Mall and views across the Ellipse between the Jefferson Memorial and White House, but it also includes views along avenues such as Pennsylvania, New Jersey, Maryland, Virginia,

Massachusetts, Louisiana, and New Hampshire. In addition, views along orthogonal streets such as East, North, and South Capitol Streets, 16th Street, Constitution Avenue, and Independence Avenue are character-defining vistas in the city. Views along axial streets such as 23rd Street between Washington Circle and the Lincoln Memorial or P Street between Dupont and Logan Circle are also important and character-defining features of the plan.

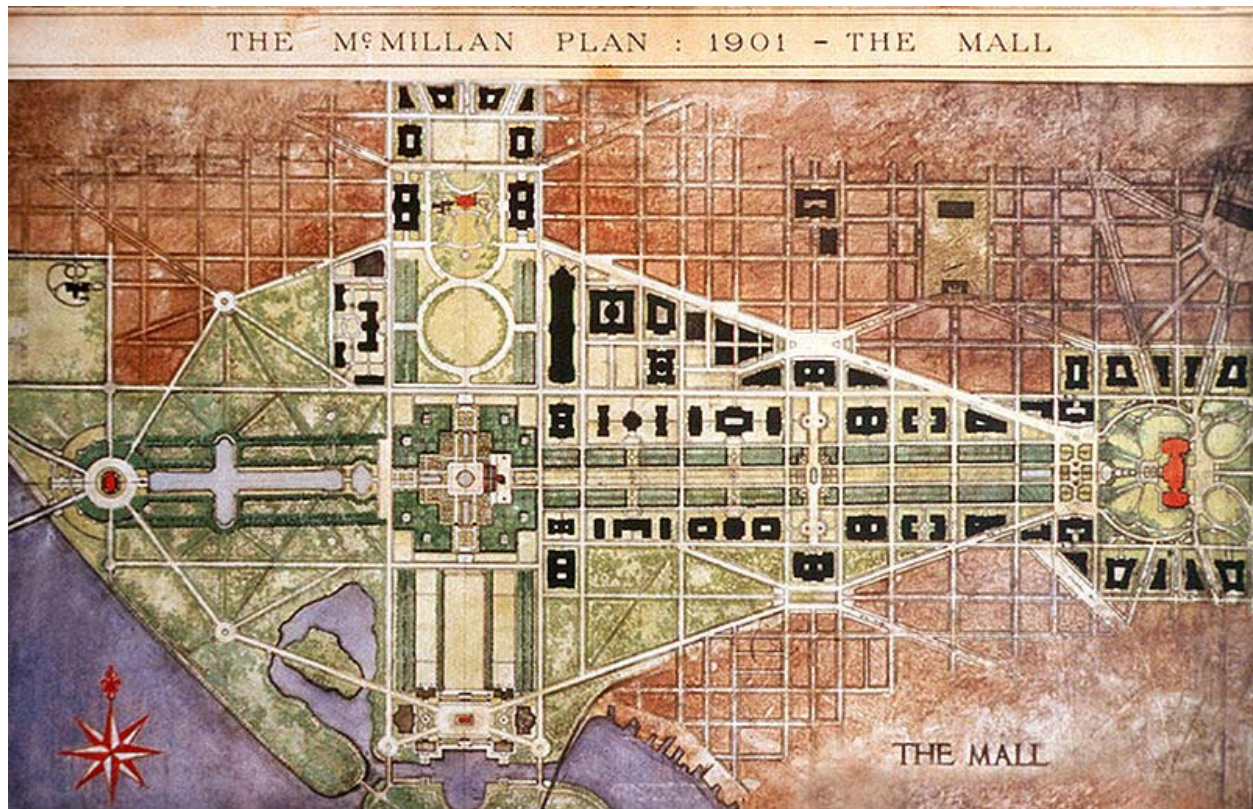


Image: nps.gov

Plan of the City of Washington

Any changes to the Height Act could impact or alter these views by introducing new elements that may disrupt or narrow the viewshed, 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.

Nationally Significant Landmarks

The city's historic layout physically shows the functional relationship of the three branches of government, including the views to and from the White House and the U.S. Capitol. The complementary relationship between the home of the president and the city is symbolized by views toward the White House that are just as dramatic as those from the mansion's north door or the south portico. The surrounding urban development has become dominant to the scale of the White House as a building, but the distinctive setting of the executive mansion within President's Park emphasizes its importance, and the open space reinforce a sense of dignity and power. Washington's horizontal skyline is part of its unique character, and provides a backdrop

for public buildings of national significance such as the U.S. Capitol and the Washington Monument. The horizontality of the city allows these landmarks to stand out and emphasizes their importance and symbolism. Changes to the Height Act could impact the scale of nationally significant landmarks, their setting, and alter or reduce their symbolic meaning.

Resources Outside of the L'Enfant City

There are many historic resources located outside of the topographic bowl but within the District of Columbia. For example, the Civil War Defenses of Washington, erected during the Civil War to protect the nation's capital, are prominent resources located outside of the topographic bowl. Due to their location, views from these sites towards one another as well as into the city contribute to their historic significance and preserving and protecting these viewsheds was recognized by the McMillan Park Commission and is an important part of their history. In the early 1900s, the McMillan Park Commission proposed that this area be memorialized in a unified system connected by a scenic, uninterrupted parkway. Examples of other historic resources outside the L'Enfant City include:

- Frederick Douglass House
- The Armed Forces Retirement Home
- St. Elizabeth's

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.



Image: Wikimedia Commons



Image: afrr.gov

Topographic Bowl

The topographic setting of the Plan of the City of Washington is important because of L'Enfant's plan to take advantage of the flat area located in the center of a surrounding, triangle-shaped topographic bowl and the intersection of two rivers. One of the central components of the L'Enfant Plan was wide, grand boulevards, lined with trees, designed in such a manner that would visually connect topographic sites throughout the city. Important structures, monuments, and fountains were to be erected at these sites and views to and from the sites were integral to the L'Enfant Plan. Increases in building heights could potentially impact the visual connection of topographic sites throughout the city and potentially diminish their importance.



Image: District of Columbia

Key Findings

- 3.5.a Individual facilities, landscapes and vistas—especially those listed on the National Register of Historic Places—also represent federal interests. The highest concentration of these cultural resources is located in the L'Enfant City but they also extend beyond the original L'Enfant boundaries. The L'Enfant City was laid out on a relatively flat area surrounded by low hills. Those low green hills, now known as the topographic bowl, remain largely in federal ownership. The Civil War Defenses of Washington, St. Elizabeths, and Arlington National Cemetery are all part of the topographic bowl and there is a federal interest in protecting the views to and from them. Outside the topographic bowl, the extent of the federal interest becomes less concentrated and more focused, but sites such as the Naval Observatory, most of Rock Creek Park, the Armed Forces Retirement Home and Lincoln Cottage, and the International Chancery Center are all significant federal interests.

3.6 Additional Federal Interests

In general, a range of additional, often site-specific, matters should be taken into consideration when considering changes to the Height Act. Examples include:

- Existing design guidelines, master plans, or other agreements related to federal lands, buildings, or other properties.
- Overlays or other restrictions that protect specific buildings, places or people. Examples include: the Capitol Interest Overlay District or special protections related to flight paths near airports.

In general the communities and organizations that operate in and around an area under consideration for increased height should be consulted for more specific guidance.

Key Findings

- 3.6.a Other site specific matters such as existing design guidelines or agreements related to or that affect federal lands, resources and property. For example, flight paths in and around areas under consideration for increases in heights should be considered. The relevant agencies and/or airport authorities should be consulted for site specific comments related to federal interests.

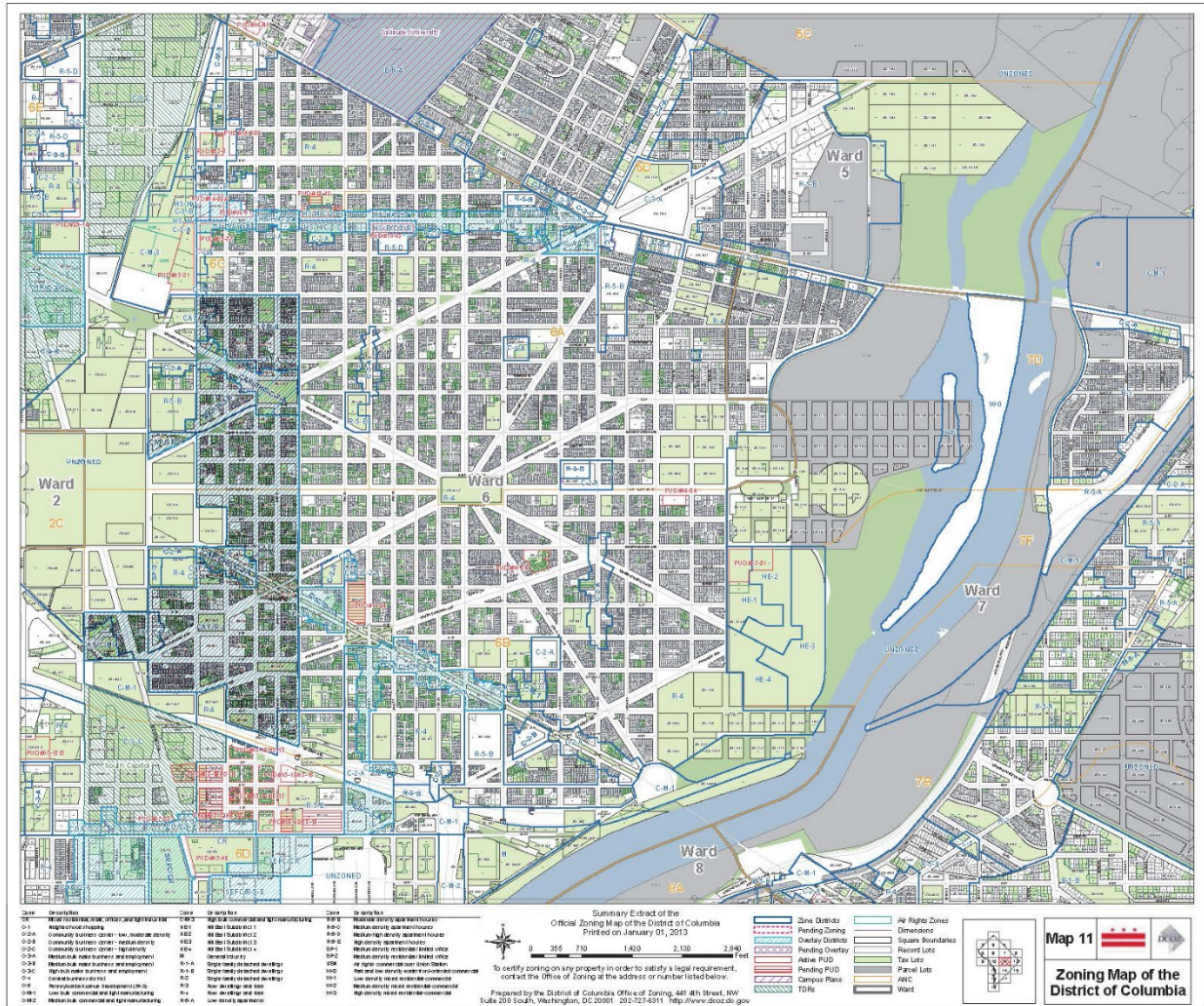


Image: District of Columbia

Figure: Examples of location specific interests.
Zoning Map of the District of Columbia, Capitol Interest Overlay District²⁵

²⁵ This map is being provided for information and illustrative purposes only. It does not reflect an official position or conclusion of the National Capital Planning Commission. No conclusions or decisions to act or refrain from acting should be made based on this map without conducting an independent analysis with reference to the original source information.

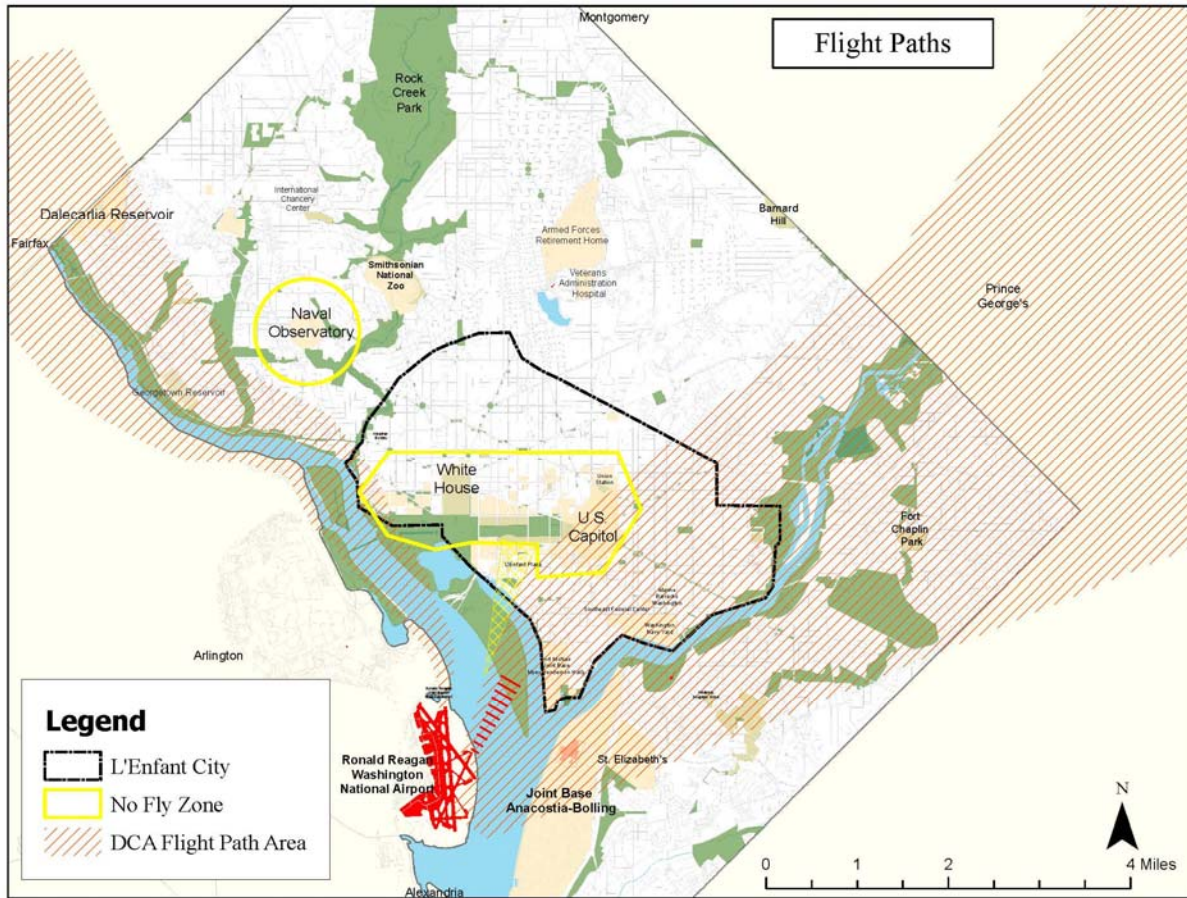


Image: National Capital Planning Commission

Figure: Flight Path*²⁶

**Information in map provided by Metropolitan Washington Airports Authority*

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