

Height Master Plan

Federal Interest Report and Final Recommendations

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Appendix A: Key Correspondence

DARRELL E. ISSA, CALIFORNIA
CHAIRMAN

DAN BURTON, INDIANA
JOHN L. MICA, FLORIDA
TODD RUSSELL PLATTS, PENNSYLVANIA
MICHAEL R. TURNER, OHIO
PATRICK MCENERRY, NORTH CAROLINA
JIM JORDAN, OHIO
JASON CHAFFETZ, UTAH
CONNIE MACK, FLORIDA
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JUSTIN AMASH, MICHIGAN
ANN MARIE BUEKLE, NEW YORK
PAUL A. GOSAR, D.D.S., ARIZONA
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TREY GOWDY, SOUTH CAROLINA
DENNIS A. ROSS, FLORIDA
BLAKE FARENTHOLD, TEXAS
MIKE KELLY, PENNSYLVANIA

LAWRENCE J. BRADY
STAFF DIRECTOR

ONE HUNDRED TWELFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
FACSIMILE (202) 225-3974
MINORITY (202) 225-5081
<http://oversight.house.gov>

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RANKING MINORITY MEMBER

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CAROLYN B. MALONEY, NEW YORK
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PETER WELCH, VERMONT
JOHN A. YARMUTH, KENTUCKY
CHRISTOPHER S. MURPHY, CONNECTICUT
JACKIE SPEIER, CALIFORNIA

October 3, 2012

The Honorable Vincent C. Gray
Mayor
District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Mr. Preston Bryant, Jr.
Chairman
National Capital Planning Commission
401 9th Street, NW
North Lobby, Suite 500
Washington, D.C. 20004

Dear Mayor Gray and Chairman Bryant:

Since its establishment as our nation's capital, it has been necessary to balance the dual role of Washington D.C. as both the federal city and a home to local residents. One of the roles of my Committee is to help ensure that the proper balance is struck.

At a July 19, 2012, hearing entitled "Changes to the Height Act: Shaping Washington, D.C., for the future," I suggested that the National Capital Planning Commission (NCPCC) could work jointly with the District of Columbia government 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.

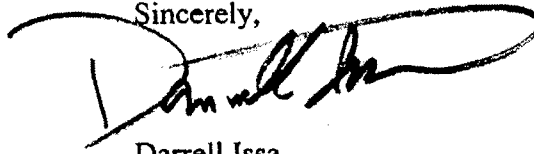
The character of Washington's historic L'Enfant City – particularly the monumental core – establishes the city's iconic image as our capital. Any changes to the Height of Buildings Act that affect the historic L'Enfant City should be carefully studied to ensure that the iconic, horizontal skyline and the visual preeminence of the U.S. Capitol and related national monuments are retained. The Committee encourages 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 that were discussed at the July 19 hearing.

I understand that NCPCC and the District are prepared to work jointly to examine this issue and make recommendations. I therefore request that NCPCC work with the District to formulate and submit to the Committee a joint proposal and timetable for such work by November 1, 2012. If feasible, the timetable should indicate a summer 2013 completion date.

The Honorable Vincent C. Gray
Mr. Preston Bryant, Jr.
October 3, 2012
Page 2

Thank you for your attention to this matter. If you have question, please contact James Robertson at (202) 225 5074.

Sincerely,

A handwritten signature in black ink, appearing to read "Darrell Issa", with a large, sweeping flourish extending from the end of the signature.

Darrell Issa
Chairman

Commission Members**Presidential Appointees**

L. Preston Bryant, Jr., Chairman
John M. Hart
Elizabeth A. White

Mayoral Appointees

Arrington Dixon
Robert E. Miller

Ex Officio Members

Secretary of Defense
The Honorable Leon Panetta

Secretary of the Interior
The Honorable Ken Salazar

Acting Administrator
General Services Administration
The Honorable Daniel Tangherlini

Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
The Honorable Joseph I. Lieberman

Chairman
Committee on Oversight
and Government Reform
U.S. House of Representatives
The Honorable Darrell Issa

Mayor
District of Columbia
The Honorable Vincent C. Gray

Chairman
Council of the District of Columbia
The Honorable Phil Mendelson

Executive Director

Marcel C. Acosta

IN REPLY REFER TO:
NCPC File No. 6886

NOV - 1 2012

The Honorable Darrell Issa
Chairman
Committee on Oversight and Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Chairman Issa:

We are in receipt of your letter dated October 3, 2012 requesting a proposal and timetable for a study of building heights in the District of Columbia. The Committee on Oversight and Government Reform (Committee) has requested a study jointly conducted by the District of Columbia (District) and the National Capital Planning Commission (NCPC or Commission) that will explore the impact of strategic changes in "An Act to Regulate the Height of Buildings in the District of Columbia" (Height Act of 1910) through a height master plan. The Committee advises the study should take into account local economic development goals, impacts to the federal interest, compatibility with surrounding neighborhoods, national security concerns, local residents' input, and other related factors.

In response to the Committee's request, NCPC and the District have developed the enclosed proposal and timetable for the study. The study will be guided by the following principles:

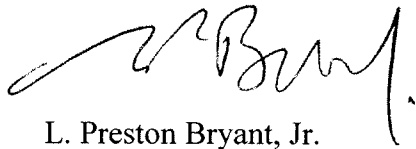
- ensuring the prominence of federal landmarks and monuments by preserving their views and setting;
- maintaining the horizontality of the monumental city skyline; and
- minimizing the negative impacts to nationally significant historic resources, including the L'Enfant Plan.

The Honorable Darrell Issa
Page 2

We anticipate the study beginning December 2012 and concluding with recommendations to the Committee by September 2013. The study and its recommendations will be vetted through a public process and presented to the Commission for action before submission to the Committee.

If you or a member of your staff has questions or comments, please do not hesitate to contact Marcel Acosta, Executive Director, at 202-482-7221 or marcel.acosta@ncpc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Preston Bryant, Jr.", with a stylized flourish at the end.

L. Preston Bryant, Jr.
Chairman

Enclosure

cc: The Honorable Vincent C. Gray, Mayor

Height of Buildings Master Plan Summary Proposal

Background:

On July 19, 2012, the Committee on Oversight and Government Reform (Committee), Subcommittee on Health Care, District of Columbia, Census and the National Archives held a public hearing entitled *Changes to the Height Act: Shaping Washington, D.C., For the Future*.

During the hearing, Committee Chairman Issa and Congresswoman Norton identified the need for a strategic study of building heights, described as a “Height Master Plan,” that would determine the extent to which An Act to Regulate the Height of Buildings in the District of Columbia (the Height Act) continues to serve the interest of both the Federal and District Governments.

In a letter dated October 3, 2012, Chairman Issa requested that National Capital Planning Commission (NCPC) work with the District to study strategic changes to the Height Act. The following summarizes the joint proposal prepared by NCPC and the District to accomplish the study.

Overview of Approach:

The District of Columbia Office of Planning (OP) and the NCPC (jointly the Agencies) have agreed to work together to study potential changes in height limits for various parts of the city. These areas include without limitation the center city, the higher elevations immediately surrounding the historic city (known as the topographic bowl), and locations around select Metrorail stations. The goal of the study is to reach a federal/local consensus on those areas of the city where height changes would be appropriate.

The study will be guided by the following principles:

- ensuring the prominence of federal landmarks and monuments by preserving their views and setting;
- maintaining the horizontality of the monumental city skyline; and
- minimizing the negative impacts to nationally significant historic resources, including the L’Enfant Plan.

In addition to these principles, careful consideration will be given to the pedestrian and human scale of the street-level experience. The Agencies will seek to avoid recommendations that create federal security concerns, and acknowledge federal security issues may preclude changes to the Height Act in specific locations. Further, this study and any potential congressional modifications to the Height Act may necessitate subsequent changes to the District of Columbia Zoning Regulations.

The Agencies have prepared the following work program:

- Model existing building heights and alternative levels of height throughout the city. These new levels of height will be analyzed and reflected in high quality visual renderings, photo simulations and selected digital models. These renderings, simulations and models will demonstrate the impact of these changes on the city’s form, including its skyline, its most significant public spaces and streetscapes, and views to and from the city’s most iconic structures, including the U.S. Capitol and the Washington Monument.

- Assess the construction, land economics, public benefit and cost implications of alternative increases in heights.
- Assess the impacts of alternative heights to the federal interest and solicit public input through public forums and on-line tools.

Coordination:

Throughout the study, NCPC will work closely with other federal agencies to include, without limitation, the Commission of Fine Arts, the General Services Administration, the Department of Defense, the Department of Homeland Security, the National Park Service, and the Architect of the Capitol.

Public Outreach:

The study will include on-going consultation and engagement with stakeholders and the general public. Public events will include a speakers' forum in the winter of 2012 in which eminent experts will discuss issues of height and urban design. We will also hold meetings in spring and summer 2013 to provide members of the public an opportunity to review and comment on the study's findings and recommendations. These efforts are in addition to a formal hearing or hearings held before the National Capital Planning Commission where the public will have the opportunity to provide testimony.

Expected Outcome:

A master plan prepared jointly by both the District of Columbia and the NCPC that identifies areas of the city where increasing heights above the current limits established by the Height Act may be appropriate.

Study Timeframe:

Given the lead time to procure consultant services, the study will commence in December 2012. It is estimated that the study will take seven to nine months to complete. This should result in submission of recommendations to the Committee by September 2013.

- **November/December 2012:** Drafting of scope, review of existing studies, consultant selection
- **December 2012:** Initiation of study
- **January – July 2013:** Study is conducted with consultation and outreach to the public, federal agencies and Commission members.
- **July/August 2013:** Draft plan released to public. NCPC holds formal hearings on draft plan to solicit public feedback.
- **September 2013:** After consideration of comments, NCPC adopts final plan and transmits recommendations and record of public comments to Congress for consideration.



VINCENT C. GRAY
MAYOR

November 2, 2012

The Honorable Darrell Issa, Chairman
Committee on Oversight and Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Chairman Issa:

I am in receipt of your letter dated October 3, 2012 requesting that the National Capital Planning Commission (NCPC) work with the District to prepare a proposal and timetable for a study of building heights in the District of Columbia. During the July 19, 2012 hearing by the Committee on Oversight and Government Reform, Subcommittee on Health Care, District of Columbia, Census and the National Archives on "*Changes to the Height Act: Shaping Washington, D.C., For the Future*," the Committee requested a joint study by the District of Columbia and NCPC of building heights, described as a "Height Master Plan," that would determine the extent to which the Height Act of Buildings Act of 1910 continues to serve both the federal and District government interests.

In response to the Committee's request, the District and NCPC developed a proposal and a timetable for the study, which was submitted by NCPC on November 1st. The study will be guided by the following principles:

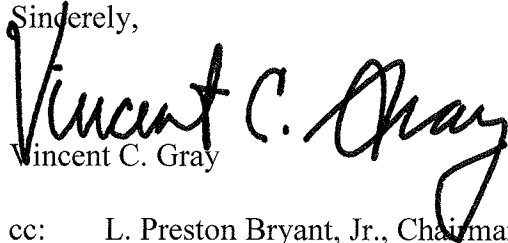
- ensuring the prominence of federal landmarks and monuments by preserving their views and setting;
- maintaining the horizontality of the monumental city skyline; and
- minimizing the negative impacts to nationally significant historic resources, including the L'Enfant Plan.

The study is expected to launch in December 2012. The DC Office of Planning is leading the District's efforts on the study and is already working closely with NCPC. NCPC and the District plan to submit the final recommendations from the study to the Committee by September 2013.

The District will partner with NCPC to consult with key federal agencies and the public and to obtain Commission action prior to final submission to the Committee.

If you or a member of your staff has any questions or comments, please contact Harriet Tregoning, Director of the DC Office of Planning, at 202-442-7636 or harriet.tregoning@dc.gov.

Sincerely,


Vincent C. Gray

cc: L. Preston Bryant, Jr., Chairman, National Capital Planning Commission
Harriet Tregoning, Director, DC Office of Planning

Appendix B: Public Engagement and Feedback

APPENDIX: PUBLIC ENGAGEMENT AND FEEDBACK

The shape, form, and character of the nation's capital are of importance to not only the residents of the District of Columbia, but to citizens across the nation and the world. Recognizing this fact, a robust public and stakeholder engagement process was fundamental to the development of the Height Master Plan. This effort included a dedicated website 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 and international outreach activities. Throughout the process, the team sought to use every available channel for public engagement. The study website included the entire public record of the project, including all workshop presentations, public feedback, press clippings and other resources. An orientation video was produced explaining the project in a clear, accessible manner. Nearly 400 digital modeling images were formatted into an interactive online index, making it easy for the public to view and weigh-in on the visual simulations of buildings at various heights. An online feedback portal, which allowed the public to respond to draft recommendations in a systematic and transparent fashion, was heavily used.

Extending the project's public reach, NCPC used its extensive schedule of public programming to launch the study with a speaker series, hosted an exhibition in the agency's lobby, and utilized a myriad of social media platforms.

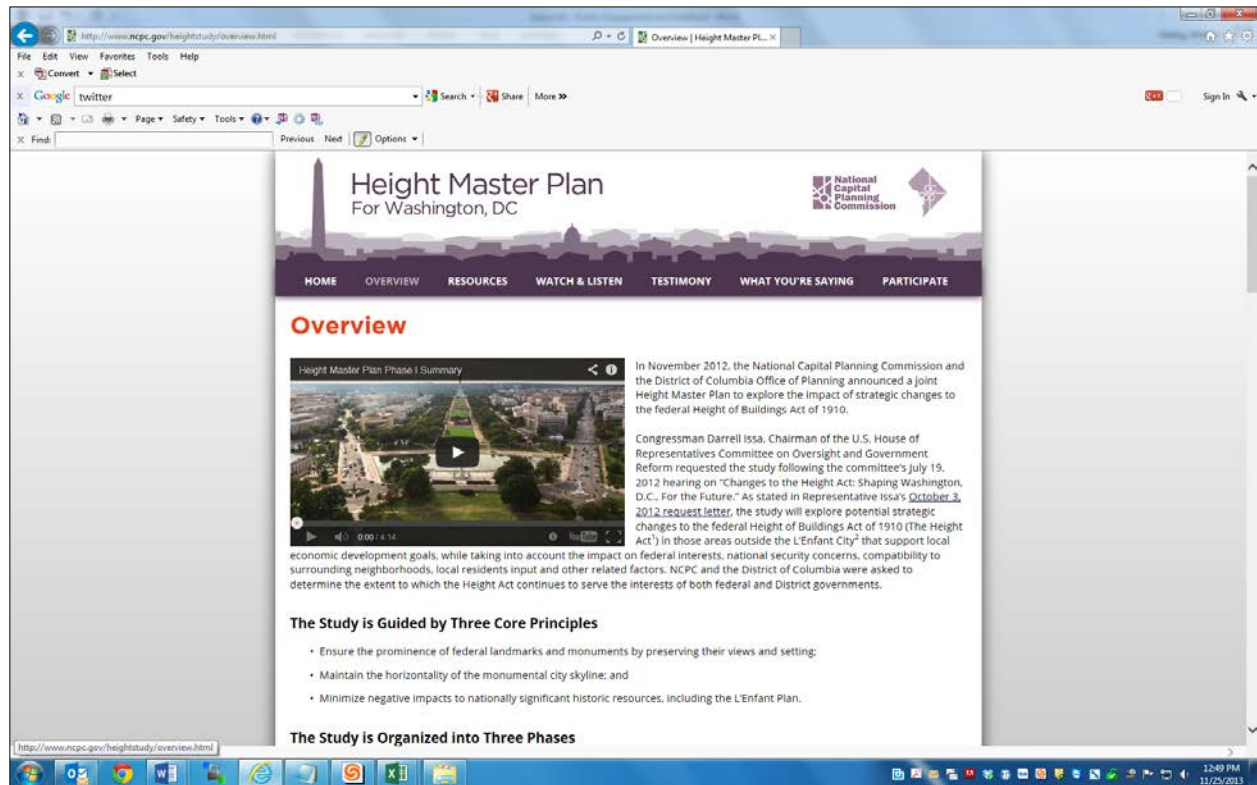
The section that follows describes the outreach process and summarizes the themes expressed by the public. Public comments, submitted essays, formal letters, resolutions, position papers, and additional resources are available online: www.ncpc.gov/heightstudy/appendix

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 in the McGowan Theater at the National Archives featured a panel of international experts discussing various approaches for managing building heights in global capital cities and the resulting impacts. 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 kick-off 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. This custom clearinghouse for everything related to the project provided an overview of the study's approach, a variety of resources, an archive of media coverage and thought pieces, and an online public feedback portal, in which more than 300 individual comments were submitted from citizens of 16 states and nine countries throughout the course of the initiative. The collection of submissions ranged from simple observations to multi-page academic dissertations. A summary of the most common themes expressed by the public is included below.

Screenshot of the height Master Plan website showing overview page with embedded study overview video produced by NCPC. www.ncpc.gov/heightstudy.



The project website was updated regularly as work products were released and public feedback submitted. Notable additions included videos and materials from all workshops, meetings, and public hearings. More than 350 individual visual modeling images prepared by the District of Columbia Office of Planning (DCOP) were added to the website. NCPC's custom platform allowed the public to directly comment on each individual modeling image by using "virtual sticky notes".

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. Nearly 1,000 direct mentions were logged between March 5 and November 13, 2013.

Given the limited timeframe of the study, national outreach focused on gather feedback from the nation's design community. Professional organizations and communication via online group forums, such as those on LinkedIn, invited the participation and feedback from both individual members and the organizations themselves. For example, more than 200,000 individuals across the nation and beyond received information on the Height Master Plan via postings submitted to LinkedIn professional groups focused on urbanism, city design, planning, and architecture.

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 in person. The exhibit was open to the public daily during the agency's regular business hours.

Public Meetings, Workshops and Hearings

The Height Master Plan was organized into three phases, based on the release of different study related products. Each phase included opportunities for public engagement, which provided participants with interactive exercises and numerous channels for obtaining and recording public feedback. A total of ten sessions were hosted at locations citywide, meeting the goal of bringing the conversation directly to the each of the District's eight wards.

HEIGHT MASTER PLAN PUBLIC OUTREACH SCHEDULE**March 5, 2013 – November 19, 2013**

PHASE 1	PHASE 2	PHASE 3
Phase 1 Kick-Off Heighted Conversations National Archives (Ward 2) March 5, 2013 <i>PUBLIC MEETINGS</i> Petworth Library (Ward 4) May 13, 2013 MLK Central Library (Ward 2) May 18, 2013 National Capital Planning Commission (Ward 2) June 4, 2013 Savoy Elementary (Ward 8) June 6, 2013	Phase 2 Kick-Off Commission Work Session and release of the District's Visual Modeling Study and draft Economic Feasibility Analysis National Capital Planning Commission (Ward 2) July 24, 2013 <i>PUBLIC MEETINGS</i> Tenley-Friendship Library (Ward 3) August 3, 2013 Dorothy I. Height/Benning Library (Ward 7) August 6, 2013 Mt. Pleasant Library (Ward 1) August 7, 2013 Catholic University of America Crough Center (Ward 5) August 10, 2013 DC Office of Planning (Ward 6) August 13, 2013	NCPC Commission Meeting Information Presentation and release of NCPC's draft report at NCPC Commission Meeting National Capital Planning Commission September 12, 2013 Public release of the District's draft report September 12, 2013 Public Information Session on NCPC and the District's draft reports and recommendations September 25, 2013 DC Council Committee of the Whole Public Oversight Hearing October 28, 2013 District of Columbia's public comment period closes October 24, 2013 NCPC Public Hearing to accept public testimony on draft reports October 30, 2013 NCPC's public comment period closes October 30, 2013 NCPC released draft final recommendations November 17, 2013 NCPC Commission Meeting to approve transmittal of final report. November 19, 2013

Phase 1: A series of four Phase 1 meetings were held, each in an open house format, whereby representatives from NCPC and DCOP provided a brief overview of the study and its three core principles, as well as case studies from domestic and international cities. Project planners then engaged in an open Q&A session with attendees. Guests were invited to visit discussion boards for more targeted and direct conversations with NCPC and DCOP planning staff. Feedback was chronicled via attendee's completion of workbooks, facilitator notes, and post-its applied directly to each discussion board. Each Phase 1 meeting drew an audience of roughly 50-75 people, comprised predominately of District residents.

Phase 2: A series of five Phase 2 meetings took place, each with a more formal presentation format. DCOP representatives presented the results of their visual modeling study and a summary of the District's draft economic feasibility analysis. The presentation of this information to the NCPC on July 24 and subsequent town hall format was useful in conveying the complex, technical information and gauging the public's reaction to various growth scenarios. 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 were provided verbally rather than in writing. Each of the Phase 2 meetings saw an audience of roughly 50-100 people. Like the Phase 1 meetings, these sessions were attended predominately by District residents.

Phase 3: Phase 3 of the study focused exclusively on the draft reports, findings, and recommendations released separately by NCPC's and DCOP. The Commission released its draft report on September 12, 2013 for a 30-day public comment period, while the Mayor released the District's draft report on September 24, 2013. The District's report included an economic feasibility analysis, which presented forecasts for population growth; a study of capacity; and a discussion of the District's goals for housing and economic development. Public comments were accepted on the District recommendations and economic analysis through October 24. Due to the federal government shutdown NCPC's public comment period was extended through October 30.

To clarify and help convey the nuanced findings of both draft reports, a joint public information session was held at NCPC's office on September 25. Staff from each agency provided an overview of their report. A public comment and questions period followed.

To begin gathering formal public feedback the DC Council Committee of the Whole hosted a public oversight hearing on the District's draft report on October 28, 2013.

NCPC hosted a subsequent public hearing on October 30, 2013 to accept oral testimony on both the draft reports. Nearly 50 members of the public provided oral testimony with an additional 50 in attendance for the hearing.

On November 17 NCPC released the Executive Director's Recommendations (EDR) via the project's website for public review and comment. A Special Commission Meeting was held on November 19, 2013 for the Commission to review and finalize the recommendations and authorize their transmittal to Congress. Public testimony on this action was accepted at this hearing, and nearly 50 members of the public attended and provided oral and/or written testimony.

Examples of public notices that were distributed online and as flyers.


OPINIONS WANTED
What should DC's skyline look like in the future?

Height Master Plan
 For Washington, DC



Upcoming Public Meetings

August 3	10:30 AM	Tenley-Friendship Library
August 6	6:30 PM	Dorothy I. Height/Benning Library
August 7	6:30 PM	Mt. Pleasant Library
August 10	10:30 AM	Catholic University, Crough Center
August 13	6:30 PM	DC Office of Planning

 www.ncpc.gov/heightstudy 

Height Master Plan
 Phase 1 Public Meetings

Share your thoughts on how building height impacts federal and local interests.
 Each session will follow the same format & agenda.

4 JUNE TUESDAY
 6:30 - 8:30 PM
National Capital Planning Commission
 401 9th Street, NW, Suite 500
 Metro: Gallery Pl-Chinatown or Archives

6 JUNE THURSDAY
 6:30 - 8:30 PM
Savoy Elementary School
 2400 Shannon Pl, SE
 Metro: Anacostia



#HeightDC www.ncpc.gov/heightstudy

Height Master Plan
 Phase 1 Public Meetings

Share your thoughts on how building height impacts federal and local interests.
 Each session will follow the same format & agenda.

13 MAY MONDAY
 6:30 - 8:30 PM
Petworth Library
 4200 Kansas Ave, NW

18 MAY SATURDAY
 10:30 AM - 12:30 PM
Martin Luther King Jr. Memorial Library
 901 G Street, NW

4 JUNE TUESDAY
 6:30 - 8:30 PM
National Capital Planning Commission
 401 9th Street, NW Suite 500

6 JUNE THURSDAY
 6:30 - 8:30 PM
Savoy Elementary School
 2400 Shannon Pl, SE



#HeightDC www.ncpc.gov/heightstudy

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 individual residents, civic associations, issue and advocacy groups, development and business groups, and representatives of key federal agencies.

Local and regional outreach results:

- Hosted ten public meetings and one public hearing, with at least one session in each of the District's eight wards. Each meeting saw an audience of roughly 50-100 people, comprised mainly of District residents.
- Provided regular updates on the study's progress at NCPC's monthly Commission meetings, which are open to the public and advertised in advance.
- Informed and posted to nontraditional media outlets, local blogs, and community list serves to publish notifications of public engagement opportunities (including meetings, workshops, work product release dates, and public comment opportunities) and encouraged the writing of blog entries and online debate.
- Received more than 300 individual comments submitted through the study's outline public comment portal. The majority of the comments were submitted by residents of the District of Columbia, followed by contributions from residents of Virginia and Maryland, respectively.
- Compiled and posted to the website all in person feedback collected throughout Phase 1, 2, and 3 public meetings and project-related events.
- Produced overview video, published on YouTube and the study website. The video was distributed to citizen groups and frequently used by staff as a tool to accompany presentations at community meetings citywide.
- For those without access to the internet, NCPC advertised public meetings in print publications and distributed public service announcements.
- The DC Office of Cable Television produced and aired on the city channel one of the Phase 2 meetings.
- NCPC hosted exhibit of study-related discussion boards in NCPC's lobby and collected visitor feedback in person.

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 mission critical, 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 any potential building height modifications. 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 discussions with 26 historic preservation experts representing public agency, non-profit, and citizen groups.
- Convened a focus group of the District's real estate community.
- Hosted an information briefing for a group convened by the Greater Washington Board of Trade.
- Assembled a federal working group of agency representatives to help guide the study.
- 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, mission, and/or operational impacts related to any potential building height modification.
- The Washington Chapter of the American Institute of Architects convened a working group to explore the challenges and opportunities associated with occupied penthouses.
- The DC Office of Planning shared their draft final report and economic feasibility analysis with select professional groups and individuals, including the Federal City Council, business improvement district leaders, and members of Washington's real estate community. NCPC attended these sessions.

National and International 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. Engagement efforts were focused on targeting the greater 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 each encouraged to share study related information with their members, specifically the District's modeling study and economic analysis, and provide feedback.

Additional efforts were conducted via online focus groups, discussion boards, and online forums such as those on LinkedIn. These online postings drove traffic to the project's website, invited participation, and encouraged 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, Georgia Tech, and the Savannah College of Art and Design each distributed via discussion groups study-related information to their students and alumni.

National and international outreach results:

- In addition to comments received from residents of the greater National Capital Region, feedback was received from citizens of 16 states and nine other countries, including Australia, Canada, England, France, Germany, Honduras, Japan, Spain, and Sweden.
- Between March 5 and November 13, 2013 the-specific Twitter hashtag #HeightDC" logged nearly 1,000 direct mentions.

- Study-related information posted to 25 relevant design, urbanism, and planning related LinkedIn discussion groups, touching 226,883 individuals.
- Select visitors to the nation's capital were informed about the study and encouraged to learn more while touring the National Mall and its monuments.

Media Outreach and Coverage

A variety of activities were deployed to inform and invite citizen and stakeholder participation. These include Phase 2 and Phase 3 print ads ran in the Washington Post Express, The Northwest Current, and the Washington Informer. Chairman Bryant, Executive Director Acosta, and DCOP Director Tregoning 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 (distributed at public libraries and community facilities), and project "business cards" used by staff to drive traffic to the project website.

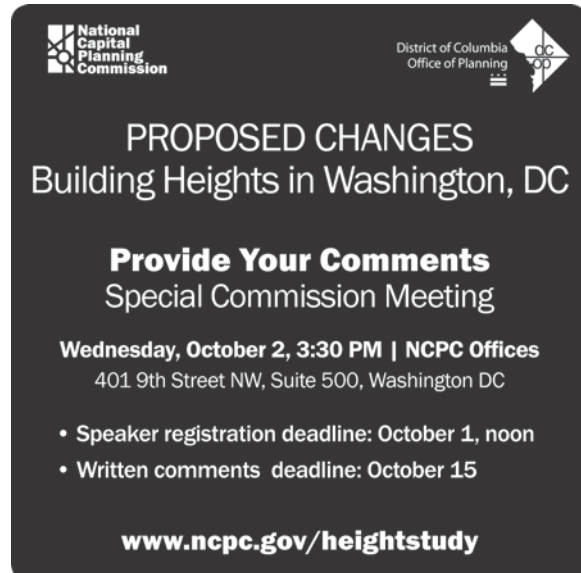
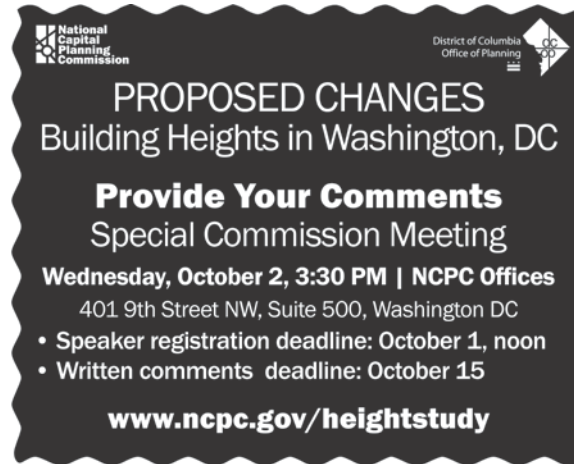
The conversation on Washington's building heights garnered the interest of local, national, and international media outlets. While traditional media coverage was tracked and archived on the Height Master Plan website, social media and related nontraditional outlets, including conversations on Facebook, 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 made available online and each included their own opportunities for public comment. These third party online postings frequently generated robust conversations about building height impacts. Several articles generated more individual comments than those submitted via the project's formal public comment channels. While staff attempted to monitor these online conversations, these comments were not submitted or considered as part of the public record.

Media coverage results:

- Media coverage of the study resulted in more than 100 stories by local, national, and international media organizations, ranging from local blogs to media outlets including the New York Times, Reuters, The Associated Press, US News & World Report, The Economist, and The Atlantic.
- The Washington Post Magazine featured the Height Master Plan in its Sunday, September 15 edition focused on design. The feature included a companion online sideshow of the visual modeling resulting in over 100 posted comments on the Washington Post's site.
- An international news perspective was provided by The Voice of Russia and the Australian Broadcasting Corporation.
- Several online publications (specifically those published by Greater Greater Washington and the Washington City Paper) published write-ups generating such extensive public comments to their individual publication webpages that the entries were formally reviewed by NCPC staff while developing the draft recommendations.

Examples of public notices that ran in the print editions of the Washington Post Express, The Northwest Current, and the Washington Informer.



Formal Feedback on Draft Recommendations

The release of separate reports by NCPC and the District of Columbia resulted in the most intensive phase of public feedback. While the public provided views representing passionate opinions on both sides of the building height debate, nearly all formal comments recognized the importance and impact of the Height Act on Washington's form, image, and development. An overwhelming number of formal comments supported retaining the federal law.

Consistent themes and concerns were expressed through each phase of the study, including housing affordability, infrastructure capacity, protection of historic and cultural resources, balancing capital city and local character, and the acknowledgement of the trade-offs of any proposed change.

Staff compiled and reviewed all online submissions, formal letters, and spoken testimony provided to NCPC, the District of Columbia Office of Planning, and the DC Council. Due to the fact that the draft reports were released separately, with separate comment periods, some comments were collected more than once. A compilation of all submissions and formal feedback is included within.

It is important to note, while formal opportunities for public comment were made widely available using a balance of traditional and nontraditional feedback mechanisms, the feedback collected was stratified based on the method of engagement. Those using traditional means to log their opinions at public meetings, submitting letters or delivering testimony, generally opposed changes to the federal law. Those utilizing online resources and social media were generally open to exploring opportunities for strategic changes.

A total of ten public meetings and workshops were hosted at locations citywide -- bringing the conversation to the each of the District's eight wards. Each session was attended by approximately 75 to 100 individuals.

Citizens of 16 states and nine countries submitted more than 300 online comments.

124 formal letters and written testimony were offered in direct responses to the draft recommendations released in Phase 3. Sources of these letters and testimony include three Height Master Plan meetings, the DC Council committee hearing held on October 28, a public hearing hosted by NCPC on October 30, and the Special Commission Meeting held by NCPC on November 19. This tally does not include comments submitted via the online public comment portal.

An analysis of these 124 formal contributions follows:

- 57 individual residents testified or submitted written formal comments.
 - o 14 supported / 43 against any changes to the Height Act
- 38 civic associations testified or submitted written formal comments.
 - o 2 supported / 36 against any changes to the Height Act
- 24 issue and advocacy groups testified or submitted written formal comments, including the American Institute of Architects, the Coalition for Smarter Growth, the Historic District Coalition, and the National Trust for Historic Preservation.
 - o 1 supported / 23 against any changes to the Height Act
- Five development and business groups, while some were not advocating “formal” positions, supported exploring Height Act changes. These included the Washington Chapter of the American Institute of Architects, the Developers Roundtable, the Greater Washington Board of Trade, the DC Building Industry Association, and The BF Saul Company/Goulston & Storrs.

A summary of public feedback and general themes regarding NCPC’s and the District’s draft recommendations follows.

General Comments/Themes

- Federal law offers greater protection, particularly at the neighborhood level, than
- District control
- No compelling case for change
- Limited support for the Home Rule argument or the ratio approach
- Concerns about precedent
- Desire for a joint report

Housing and Infrastructure

- Recognized need for additional affordable housing, unclear how
- Growth impacts on capacity and maintenance of infrastructure
- Growth could be used to extract public benefits to improve communities

Economics (reactions regarding the District’s economic studies and growth forecast):

- The city’s shape and form is an economic driver –tourism, quality of life
- Height Act has spread development throughout the city
- Solid case to address affordable housing and attract residents and new businesses.

- Desire to verify assumptions and data before determining how best to grow
- Concern about long term capacity

Urban Design/Capital Character

- The Height Act is a city defining urban design characteristic (a locally and nationally)
- District's skyline is distinctive -- "we're not New York and don't want to be"
- Desire to maintain, Washington's "airy and light-filled streets"
- Maintain symbolic prominence of national civic features and landmarks
- Use process to overcome uninspired building design/limited architectural excellence

Protection of the L'Enfant City

- Near unanimous support for protection of the L'Enfant City
(Although there was some discussion over who should protect this resource)

Online Public Comment Portal Submissions

The following 294 comments were submitted using the online public comment portal available on the Height Master Plan website: <http://www.ncpc.gov/heightstudy/comments>. The comments were posted and made available for public review.

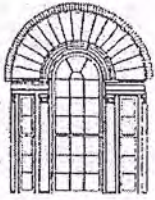
COMPILED PUBLIC COMMENTS | DC COUNCIL COMMITTEE OF THE WHOLE

Includes written testimony and letters received by the DC Council in response to the DC Council Committee of the Whole Hearing on the Federal Height of Buildings Act | Monday, October 28, 2013.

Donna Hays
Sheridan-Kalorama Historical Association, Inc.
Sue Hemberger
Nancy MacWood, Committee of 100
Loretta Newman, Alliance to Preserve the Civil War Defenses of Washington
Erik Hein, National Conference of State Historic Preservation Officers
Tersh Boasberg
Rob Nieweg, National Trust for Historic Preservation
Andrea Rosen
Jane Waldmann
Richard Busch, Historic Districts Coalition
Alma H. Gates, Neighbors United Trust
Penny Pagano, DC Advisory Neighborhood Commission 3D
Richard Houghton
Richard Longstreth, George Washington University
Judy Chesser
Laura Phinizy
Gary Thompson, DC Advisory Neighborhood Commission 3/4G02
Roger K. Lewis
Kenan T. Fikri
Victor Silveira, DC Advisory Neighborhood Commission 3C
Carol Aten
John Sukenik, Sheridan-Kalorama Neighborhood Council
Kindy French
David R. Bender, DC Advisory Neighborhood Commission 2D
Sally L. Berk
Marilyn Simon, Friendship Neighborhood Association
Fay Armstrong, Historic Mt. Pleasant
Dorn C. McGrath Jr.
Rebecca Miller, DC Preservation League
Denis James, Kalorama Citizens Association
Laura M. Richards, Penn-Branch Citizens/Civic Association
Robert T Richards, DC Advisory Neighborhood Commission 7B
Barbara Morgan, DC Federation of Civic Associations
Roger K. Lewis (B)
William N. Brown, Association of the Oldest Inhabitants of the District of Columbia
Benedicte Auburn
Richard Busch and Thomas Bower, Historic Districts Coalition (B)
Janet Quigley, Capitol Hill Restoration Society
Nan S. Wells, DC Advisory Neighborhood Commission 3D03
Penny Pagano, DC Advisory Neighborhood Commission 3D
Lindsley Williams
Don Alexander Hawkins
Melanie Ness
Kathryn A. Eckles

ADDITIONAL PUBLIC COMMENTS

www.ncpc.gov/heightstudy/comments.php



Sheridan-Kalorama Historical Association, Inc.
2330 California St. NW
Washington, D.C. 20008

October 28, 2013

Chairman Mendelson and Councilmembers,

The Sheridan-Kalorama Historical Association is strongly in support of retaining the Height of Buildings Act of 1910 in its current configuration. The residents of our historic district have chosen to live in the nation's capital for its beauty and livability. None has chosen the suburbs with its amorphous configuration and arbitrary building heights. Nor have we chosen the anonymity of a high-rise district like Roslyn or Crystal City.

We object to any action that would jeopardize the Height of Buildings Act of 1910. We are well aware of a significant amount of undeveloped land in neighborhoods that would benefit from new construction and find no justification in the Office of Planning's recommendation for raising the height limit. Furthermore, such a proposal should be a referendum at the ballot box that would allow the residents of Washington to decide their own fate. We ask the Council for a resolution that would put an end to any notion of drastically changing the nation's iconic capital city.

Thank you for the opportunity to comment.

Sincerely,
Donna Hays, Vice-President
Sheridan-Kalorama Historical Association

Testimony of Sue Hemberger
PUBLIC OVERSIGHT HEARING on
The District of Columbia's Recommendations on
the Federal Height of Buildings Act of 1910
Committee of the Whole, DC Council
October 28, 2013

Hi, my name is Sue Hemberger and I'm here today to offer you ten reasons why the Council should pass a resolution declaring its opposition to the Mayor's proposed changes in the Height Act.

1. This is not a home rule issue. The Mayor has not asked Congress to abdicate its power to legislate on building heights in DC. Nor has he asked Congress to grant DC's elected representatives the power to make such decisions themselves. Instead, he's asked Congress to pass a new law with a different set of height limits and to let an unelected five-member board (with two federal appointees) decide where higher heights will be allowed.
2. We're in no danger of being overwhelmed by newcomers any time soon. There is a lot of evidence that suggests we're experiencing more churn than growth. In fact, the 30,000 new arrivals that the Census Bureau projected between 2010 and 2012 required the production of only about 3500 new housing units. OP's so-called low growth scenario is actually 60% higher than what we experienced between 2000 and 2010. And the demand calculations assume that each new household or employee will require significantly more space than the people who currently live or work here do.
3. OP has systematically underestimated the development capacity available under existing Height Act constraints. Their model assumes that institutional sites (like Walter Reed) can't be redeveloped, that redevelopment won't happen on any parcel that is already built out to 30% of matter-of-right, and that, when redevelopment does occur, landowners will generally only be able to build 75% of the square footage that is theoretically possible under any given scenario. These are clearly counterfactual assumptions and, tellingly, when it comes time to calculate the economic benefits of height increases, OP quickly abandons them.
4. Increased height won't produce more affordable housing. OP's own study indicates that raising heights also raises construction costs and that taller buildings will be economically viable only in areas where rents are already quite high. And remember that in downtown, where developers will be most likely to take advantage of increased heights, residential projects are generally exempt from inclusionary zoning requirements.
5. Larger buildings mean less (and less flexible) redevelopment – a single 200 foot building can soak up a quite a bit of demand for either residential or commercial space in most submarkets. Which means that one or two slowly-absorbed projects will pre-empt a series of smaller projects

that would have contributed much more to neighborhood revitalization – more ground floor retail, a diversity of housing types and styles, units that come online at different times, and the elimination of blight and vacant lots.

6. Increased volatility will decrease the flow of foreign capital into DC's real estate market.

The Height Act has created an extraordinarily stable and predictable real estate market and, as a result, foreign investors have treated DC as a very safe investment, even during recessions and at times when domestic financing is difficult to obtain.

7. If the zoning rewrite passes, then changes in the Height Act will automatically take effect downtown. The proposed new zoning regs define maximum heights in most parts of downtown as whatever the Height Act allows. Outside of downtown, the consent of the unelected five-member Zoning Commission is all that would be required to raise heights. The Council would play no role in determining how much growth is acceptable where.

8. The combination of height limits and on-site parking requirements has enabled us to develop an extraordinarily walkable central business district, where most parking is undergrounded.

Downtown DC is notable for the fact that less than 1% of our land is devoted exclusively to parking lots or structures. This is in marked contrast to most American cities where taller buildings are frequently surrounded by surface garages or lots – and where the percentage of land devoted exclusively to parking is typically in the double digits.

9. Relaxing Height Act limits will steer new development to the places it is needed least. We're at a stage in our city's development where we should be growing out – that is, encouraging redevelopment in neighborhoods that have suffered from population loss and from disinvestment, as well as in the large tracts ceded to us by the federal government. But what raising the Height Act would do is steer investment capital to precisely the places that are already expensive and largely built-out. It's yet another deferral of the promise that DC's growth will contribute to prosperity citywide.

10. DC's livable, walkable, leafy, beautiful, historic neighborhoods and downtown have flourished under the Height Act. Our challenge is to replicate our successes as we grow – not to abandon the policies that have made our city so attractive.

For these reasons, I urge you to adopt a Sense of the Council resolution opposing the Mayor's proposed changes to the Height Act.

If you would like to see supporting documentation for any of the points I've made today, please feel free to email me (smithhemb@aol.com) and I will provide it.

D.C. Council Committee of the Whole
Hearing on the Mayor's Recommendation on the Height Act Master
Plan Study

Testimony of Nancy J. MacWood

Chair, The Committee of 100 on the Federal City

October 28, 2013

Mr. Chairman, Mayor Gray's and the Office of Planning's proposal that Congress should amend the Height Act to allow 200 foot buildings in the L'Enfant City and should rescind the act's applicability outside the L'Enfant City are simply the worst ideas since the freeway proposals. As a former Zoning Commission and Historic Preservation Review Board chair put it, "it's catastrophic. "

The Office of Planning says it supports all the principles that have created our admired city, but then it proposes to undo 100 years of disciplined planning. We have 3 reasons that Washington is visited by more than 18 million tourists annually: the L'Enfant Plan, the McMillan Plan, and the Height Act. Those tourists contribute more than 50% to our sales tax revenues and make tens of thousands of jobs possible.

So what is suddenly so pressing, so potentially damaging to our wonderful city that the Office of Planning couldn't tell the Council in 2010 when the Comprehensive Plan amendments were considered or when we repeatedly asked them this summer to tell us what need exists that suggests changes to the Height Act?

Now we are told that we don't have room for all the people who want to live in the District. It's true that the number of people moving to the District increased during the recession recovery. But according the CFO the rate of population growth has begun to decrease and will continue to decrease through 2017, which is the end year of his forecasts. Are we supposed to rely on a few years of unusually high growth that may have lot to do with federal government hiring during a recession as a reliable projection of population growth?

Whether we have room for growth seems to depend on where you want to focus the growth. The Comprehensive Plan cites large parcels, underutilized and vacant land for development. And those areas, some of which are in less marketable parts of the city, are more likely to be developed with an intact Height Act that forces developers to explore

opportunities where development isn't already robust. If you only want growth where developers can achieve the most profit then raise the Height Act limits.

The Mayor and the Office of Planning seem to have our values all mixed up. We want development across the city, we want affordable housing and all the experts say that raising the height limits won't achieve those goals. We want a lower unemployment rate, but the Office of Planning's own report tells us that the pattern of non-DC residents getting most of the jobs won't change if the Height Act is amended.

And we want self-determination through voting rights and control over spending and revenues. Will changes to the act that has helped to create the city's strengths somehow get us closer to home rule? It will not. Home rule is a transfer of power from the federal gov't to the local gov't. What the Office of Planning is proposing is smoke and mirrors. They want Congress to amend the act and then they want the congressionally created Zoning Commission with 40% federal representation to write new laws and not one of our elected representatives would have a hand in doing that. Giving the Office of Planning more power to play with heights is not home rule and frankly only sets up more battles between unrepresented residents and the Office of Planning.

This is about getting more development and doing it where developers can get good profit margins. It is a disgraceful proposal. The DC Council should rush to represent the vast majority of residents who were horrified by images showing how the city might change by passing a sense of the council resolution vehemently opposing changes to the Height Act



President Lincoln at Ft. Stevens. July, 1864

Alliance to Preserve The Civil War Defenses of Washington

1140 Connecticut Ave. NW, Suite 1210 | Washington, DC 20036

Phone: 202-296-7999 | Fax: 202-265-5048 | info@dccivilwarforts.org

Testimony on Proposed Expansion of the DC Height Act By Loretta Neumann, Vice President Before the DC Council Committee of the Whole October 28, 2013

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Douglas L. Wilson

Mr. Chairman and members of the DC Council, thank you for the opportunity to testify today. I have been a resident of Washington DC for more than 40 years and active in many city-wide and neighborhood organizations. Today I testify on behalf of the Alliance to Preserve the Civil War Defenses of Washington, a non-profit association incorporated in DC in 2008 that received its IRS 501(c)(3) tax exempt status in 2009. Our primary goal is to promote preservation of the Civil War Defenses of Washington and to advocate for their best interests.

The Alliance is extremely concerned about the proposal to for Congress to increase the height limit of buildings, which for more than 100 years has been determined by the 1910 Height of Buildings Act. The proposal could inalterably change the beautiful and historic setting of the nation's capital, both within and outside of the area of the original 1791 L'Enfant Plan for the City of Washington.

The Alliance is especially concerned because the Civil War Defenses of Washington (including the corridor of National Park land added by the Congress to link these sites) are impacted in two ways by the proposals:

- First, they are visible from the core city, creating a blanket of green around the nation's capital, a view that could be irrevocably changed by an increase in building heights of in their foreground.
- Second, they are primarily located at high points around city, and the views from them would be severely impacted by a change in the heights of buildings below.

The nation's capital is important to all the people of the United States, not just those of us who live here. Our nation's history is intertwined with these beautiful places that should be preserved not only for us but also for future generations.

Attached with this testimony are several photographs illustrating the impact that the proposed changes in the District's building height could have on the Civil War Defenses of Washington. Also attached is a background with further information, including the commemoration of the 150th anniversary of the Battle of Fort Stevens, which will highlight the importance of these sites to the rest of the nation next year.

Thank you for the opportunity to testify today.



View of Capital from Fort Stanton (built to protect the Washington Navy Yard)



View from South Capitol Street Bridge, Anacostia River
Forts Mahan, Chaplin, Dupont & Stanton in the distance.



View of Fort Mahan across Anacostia River's Benning Bridge



President Lincoln at Ft. Stevens. July, 1864

Alliance to Preserve The Civil War Defenses of Washington

1140 Connecticut Ave. NW, Suite 1210 | Washington, DC 20036

Phone: 202-296-7999 | Fax: 202-265-5048 | info@dccivilwarforts.org

BACKGROUND

SHENANDOAH VALLEY CAMPAIGN, 1864

SAVING THE NATION'S CAPITAL

OFFICERS

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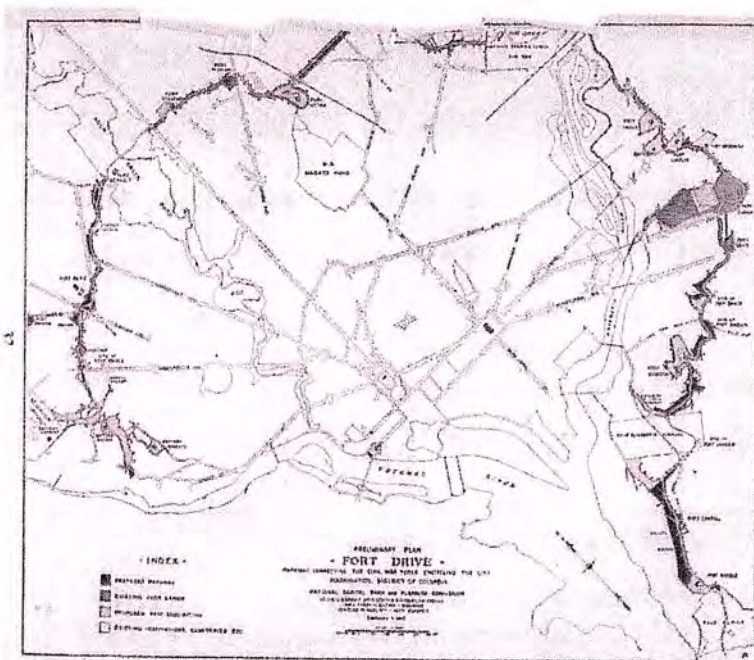
Overview of Relevant Historical Facts

- **The Civil War Defenses of Washington (CWDW)** were constructed at the start of the Civil War in 1861 to protect the nation's capital. By the end of the war in 1865, the CWDW contained 68 forts, 93 unarmed batteries, 807 mounted cannon, 13 miles of rifle trenches, and 32 miles of military roads.
- The major test of the CWDW came with the **Shenandoah Valley Campaign of 1864** when Confederate Gen. Robert E. Lee ordered Lt. Gen. Jubal Early to attack the nation's capital.
- Gen. Early was delayed by Union Maj. General Lew Wallace and his troops near Frederick MD at the **Battle of Monocacy on July 9, 1864** and was stopped at the northern edge of Washington DC at the **Battle of Fort Stevens on July 11- 12, 1864.**
- The Shenandoah Valley campaign ended when Union Lt. General Philip Sheridan defeated General Early at the **Battle of Cedar Creek, VA on October 19, 1864.**
- The **Battle at Fort Stevens was among the most critical and unsung battles of the Civil War.** President Abraham Lincoln came under hostile fire at the battle. The victory **saved the nation's capital, helped ensure Lincoln's re-election, and aided in the preservation of the Union.**

CWDW Preservation - Yesterday and Today:

The preservation of the CWDW has its beginnings in a national movement to promote battlefield preservation, begun by Civil War veterans in the 1890s. In 1902, the Senate **McMillan Commission Report to the U.S. Congress** recommended a **"Fort Drive" to connect the circle of forts in DC and form a landscaped greenbelt** around what was then the outskirts of the city.

In 1924, Congress created the National Capital Park and Planning Commission, which, among other duties, was charged with acquiring lands in the District of Columbia, Virginia, and Maryland for parks, including the Fort Circle sites linking the CWDW. In time, these properties were transferred to the National Park Service (NPS). They are an integral part of the CWDW.



Today, 19 surviving features of the CWDW (including lands acquired for the Fort Circle Drive) are **administered as parts of three National Park units**: Rock Creek Park, George Washington Memorial Parkway, and National Capital Parks-East. A few original defense sites are managed and interpreted by local public agencies in Virginia and Maryland.

Why the CWDW matter:

Not only did the defenses serve their purpose well by **detering Confederate attacks** on the nation's capital, they also substantially **impacted the District of Columbia culturally, socially, and politically**. The defenses served as a place of service for the Union Colored Troop units stationed at the CWDW. Many

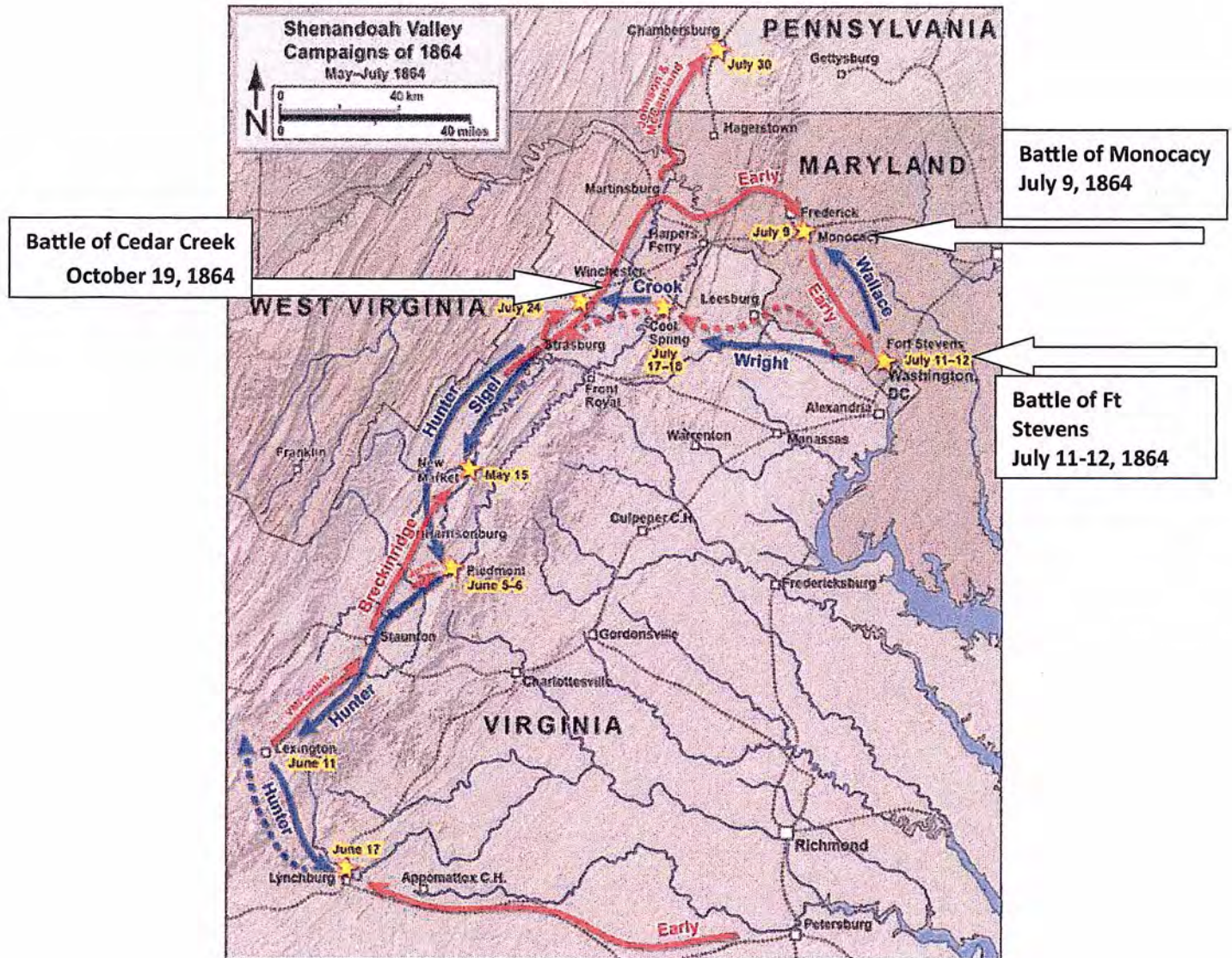
enslaved people came to the fort system for protection and settled nearby, changing the cultural landscape of the District. The city's population doubled in less than five years and changed in character from southern origin to northern newcomers.

Today these lands represent a rare urban setting, storied in the history of the defense of our nation and the struggle for freedom for all people living in the country. Persons and events associated with the forts contributed to the history of the Civil War and are relevant to modern society. The CWDW **provide significant natural, recreational and historical resources** to both residents and visitors to the nation's capital. Together, the fortifications and linking parklands create a magnificent curtain of green, a natural backdrop that softens the edges of our national capital.

Actions for the Future:

Plans are being made for the 150th anniversary of the **Battle of Fort Stevens** (July 11-12, 1864), **Battle of Monocacy** (July 9, 1864) and the **Battle of Cedar Creek** (Oct. 19, 1864). These will focus not only on **commemoration activities and events** to promote public understanding of the history and meaning of the Civil War to our nation then and now, but also on **ways to protect these historic resources and continue interpreting the Civil War in the future**. These include:

- **Commemoration:** Many activities and events, from seminars to celebrations, will be held throughout the year 2014 to provide a **historical context of the Civil War and the Battle of Fort Stevens**. These will be coordinated with commemorations of the Shenandoah Valley Campaign of 1864, including the **Battles of Harpers Ferry, Monocacy, and Cedar Creek**.
- **Educational Events and Materials.** A variety of informative and educational events and materials and programs in various media will be developed to reach audiences locally, regionally and nationally. **School and library programs** will be instituted that can continue long after the anniversary is over.
- **Protection of the CWDW in Legislation:** The U.S. Congress is being asked to pass new legislation to establish the **Civil War Defenses of Washington National Historical Park** as a distinct unit of the National Park System, to protect, preserve, enhance, and interpret for the benefit and use of present and future generations its cultural, historical, natural and recreational resources. This will provide the CWDW with clear direction and a unified mission.



Alliance to Preserve the Civil War Defenses of Washington

Contacts:

Susan Claffey, President, susankclaffey@gmail.com

Loretta Neumann, Vice President, Lneu@rcn.com

Frank Cooling, Historian & Member of the Board, bfcooling@verizon.net

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## Testimony of Erik Hein

### DC City Council

#### On The Height Master Plan Study: Draft Federal Interests Report and Findings

October 28, 2013

My name is Erik Hein. I am the Executive Director of the National Conference of State Historic Preservation Officers, an ex-officio board member of the US Committee of the International Council on Monuments and Sites, and a Trustee of the Committee of 100 on the Federal City. But today I am speaking to you simply as a DC resident from Columbia Heights.

I would like to first draw your attention to the following photograph:



This picture was taken looking Southeast from the parking lot at Cardozo High School at the corner of 13<sup>th</sup> & Clifton Streets NW— the edge of the city's topographic bowl just outside the L'Enfant City. Note the large cluster of buildings to the right of the Capitol Dome. These are the buildings under construction at the O Street Market in historic Shaw - already conforming to the "Height Act," and approved using existing zoning laws and processes. Add a few more floors and expand to the East and the Capitol Dome will disappear entirely. Note... I said this picture was taken FROM the topographic bowl. Not at the base level of the City. In my view, this is an example that demonstrates that our characteristically horizontal city is already in jeopardy under existing local

laws – I believe relaxing the Height limit will have a more substantial impact than any of us are prepared to imagine.

But let's not dwell entirely on the visual. Let's also discuss the practical. There are four key points I would like to make.

### **1. The DC Office of Planning's (OP) failed to follow the directions**

Exactly one year ago today, Rep. Darryl Issa asked for NCPC and the DC government 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." Instead of starting from a neutral place discussing the impacts of potential changes, the very first sentence of OP's report tells us they sought to find out "... whether changes to the federal Height Act can be accomplished in a way that allows the federal government and the District of Columbia to reap the economic, fiscal and social benefits of additional height..." Starting from a place of "yes," is not a fact-finding endeavor. It is rather the selecting of facts to support a pre-determined position.

### **2. The OP Report fails to establish need**

To effectively contemplate changes to any 100-year-old law that has robust community support, it is an obvious mistake to not first clearly articulate the need, the reasons why, or the challenges being faced. This effort, with a pre-determined outcome, was consequently a solution looking for a problem. Citizens have been asked to review one aspect of our Capitol City's built environment and evaluate potential outcomes without the information necessary to actually consider the question. In fact the only "data" we have been able to access was released only on the 20<sup>th</sup> of September – after all of the meetings in the community had already taken place and only 24 hours in advance of NCPC's September public meeting.

Every day reasonable people make assessments based upon the facts presented to them. This entire exercise failed to truly get at the heart of the issue at hand by giving citizens the information necessary to weigh the pros and cons.

### **3. The OP's Report ignores input from citizens**

By all accounts there was a great deal of vocal opposition expressed in public meetings to changing the Height Act without further consideration, a clearly defined need, and without a number of questions answered. This is stated nowhere in the report and seems to have not influenced the Office of Planning whatsoever. Yet peppered throughout OP's report are references to the need for local control and determination. One has to ask – if they are not listening to their own citizens, who are they listening to?

Even more disturbing, however, is that in advance of public input and City Council review, and prior to the conclusion of this very process, the OP has taken the liberty of already sending a copy of this Report to Rep. Issa. If you remember nothing else from today's hearing, please remember that not only has the OP shown contempt for DC residents by short-circuiting the process, it has shown contempt for your opinion as well. Is this what we are to make of "home rule?"

### **4. Using the Height Act as a singular tool to meet poorly defined goals is the antithesis of good urban planning**

DC is in an envious position. It is a growing City. Our population has grown 10% over the last 10 years, although it is still quite far from its peak in the 1950's and subsequent 29% decline. It is a wealthy city, with a median income higher than 46 of 50 states. Last year we had more than a \$400 million surplus and we have over \$1 billion in reserves – despite the fact that almost half of our land area is tax exempt. Construction is seemingly everywhere as we look to add even more residents and businesses. All of this has been happening over the past several years – within the federally mandated Height limits, with a 50 year old zoning code, and under a 2006 Comprehensive Plan revised by OP in 2010 – which made no mention of constraints preventing further growth. Suddenly now OP sounds the alarm?

To be sure we also have some challenges. Because of our City's previous downward trajectory, we have 42% of the REGION's subsidized housing units despite only containing 11% of the region's population, and yet we still don't have enough "affordable housing." We have an unemployment rate of over 8% with two wards coming in at 15% and over 20%. We also have the highest tax rates in the metropolitan area – which as first-hand experience has taught me, encourages you to open a business outside the City. Despite substantial investment in previously struggling neighborhoods, we still struggle with crime, blight and neighborhoods with little or no retail service. Our crowded public transportation system does not earn enough revenue to support itself and is lacking in funding for long-deferred maintenance. Our schools, despite massive investment, continue to under perform and fail to attract families to the City.

The OP report posits that our economic situation and lack of taxing authority are the primary reasons why DC must look to adding more residents to stay "in the black." It further says the ONLY way to accommodate those new residents, since it will "exhaust the supply of land," is to build higher. The theory is that the benefits of new wealthy single, childless couples or empty nesters to be housed in tall, residential apartment complexes will trickle down and enable the City to reach its fullest potential. Although it is unclear what that potential is supposed to be.

I must live on another planet, because when I attempt to reconcile OP's case with our city's recent success and our ongoing challenges, there appears to be a disconnect. We are operating with a surplus but we need more revenue. Our schools are underperforming so we need more singles. We need to attract families so we need more luxury apartments. We need affordable housing but we house almost half of the region's poor. We need more transit-oriented development but we can't fund transit. We have empty buildings but we need taller buildings. Some neighborhoods lack retail, but ones that already have retail need more.

**Good planning requires thoughtful consideration towards a set of common goals. This document, riddled with inconsistencies and based upon a pre-determined outcome benefiting only a few is simply not good planning. If the OP truly wants to identify and meet the needs of a growing District of Columbia, let's have that discussion. The Height Act can be discussed then alongside any number of other potential planning strategies. Until that day comes, no other rational conclusion can be drawn that supports a change at this time.**

TERSHER BOASBERG  
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CHAIRMAN MENDELSON

2013 OCT 24 AM 11:16

October 23, 2013

Comment of Tersher Boasberg  
to the D.C. Council's Committee of the Whole  
On The  
District's Height Master Plan Draft Recommendations  
For modifications to the federal Height Act

To Chairman Phil Mendelson and Members of the Council. (Similar comments were submitted to NCPC and the DC Office of Planning.)

My name is Tersher Boasberg. I am a retired attorney who specialized in historic preservation and land use planning. I am a former Chairman and member of the DC Zoning Commission (1989-2001), a former Chairman of the DC Historic Preservation Review Board (2000-11), a former president of the Alliance to Preserve the Civil War Defenses of Washington, and a recipient of several lifetime achievement awards from local and national preservation/planning organizations, including in 2012 from the DC Office of Planning and Preservation. I have taught a seminar on Historic Preservation Law at Georgetown Law School for the past 13 years.

I believe that the Mayor's current proposal to remove the federal Height Limit is, in a word, **catastrophic**. This city belongs to *all* Americans—not just D.C. residents.

I actually think about the Height of Building Act every day as I walk and drive around this magnificent city—not only downtown but in all its quadrants. I am forever thankful for the Federal Government's stewardship of height limits in our National Capital (even though I wish that I, too, like my fellow Americans, had voting representation in the House and Senate).



I strongly support the NCPC Draft Federal Interest Report (DFIR), especially its *comprehensive* definition of what are the “**Federal Interests**” the Height Act seeks to protect – namely, the “symbolic and cultural significance of the nation’s capital for all Americans as well as the importance of a thriving, economically stable city.” (at p.10) I would add to this the importance and protection of the city’s “*quality of life*” for the same reasons as we seek to protect its economic vitality. As the seat of the Federal Government, thousands of federal workers and their children live here, attend school here, exercise here, and relax here. And beyond that, there is a similar need to enhance the quality of life for Washington’s millions of visitors, diplomatic families, international organizations, etc.

As the DFIR notes, “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.” In other words, this “carefully crafted” environment enhances the quality of life for all.

Moreover, the DFIR emphasizes that the benefits of the Height Act (i.e., the “**Federal Interests**”) extend well beyond the confines of the L’Enfant City. Thus, at p. 23 the DFIR notes:

“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.” (Emphasis added)

This is not a description of Crystal City or Ballston or Rosslyn. And make no mistake, once the Federal Height Limit is lifted, we will have 15-, then 20- and 30-story buildings throughout the District, well beyond the L’Enfant City. This is exactly what happened in Rosslyn where the height limit was raised from 15 stories in the 1960s to 30 stories today “for good cause.”

As a veteran of the planning/ preservation wars in this city for the past 50 years, I can tell you that the financial rewards and political pressures to build

ever higher buildings are intense. No big city municipal government in this country has been able to resist the allure of easy real estate money. As proof positive: none has a skyline as low as Washington's. Our horizontality will not survive what the DFIR styles as the "power and prestige of commercial enterprise." Only the *Federal* Government has the strength and resources and distance from "commercial enterprise" to protect the **Federal Interests** in Washington's quality of life. (Executive Director's Recommendation, hereafter EDR, p.9)<sup>1</sup>

I cannot accept the District's cavalier remark at p. 46 of its Evaluation (DCE) that the Federal Interest is "perhaps non-existent outside of the L'Enfant City." As noted above, the DFIR calls attention to the federal interests outside the L'Enfant City and specifically mentions those "federal interests related to preservation" ( pp. 39-47), like the ring of 17 Civil War forts and parks, St. Elizabeth's, the Frederick Douglass House, the Armed Forces Retirement Home. And, importantly, it also calls attention to the "... Historic Buildings, Districts, Sites, and Cultural Landscapes **listed on the National Register of Historic Places**" (p. 39; map at p.40).

There are 584 individual buildings listed on the National Register in DC. While hundreds of these are in the L'Enfant City, hundreds more are located outside of downtown or Georgetown.<sup>2</sup> Moreover, National Register Districts, containing thousands of individual buildings, are dispersed from Anacostia to Takoma Park to Mount Pleasant and Sheridan-Kalorama to Cleveland and Woodley Park, to LeDroit Park and Shaw.<sup>3</sup> They embrace or border on major commercial streets such as Wisconsin, Connecticut, 16<sup>th</sup> and 14<sup>th</sup>. Because of their historicity, and often fragility, these "Federal Historic Resources" must not fall prey to high-rise "commercial enterprise," which can only trivialize and overwhelm them.

Another important local and, at the same time, *national* historic resource is Washington's African-American heritage, spread throughout the city. Martin

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<sup>1</sup> I know because I was Chairman of the DC Zoning Commission. Any action that the 3 commissioners appointed by the mayor wanted, the two commissioners appointed by the federal government were powerless to stop. I also refer you to the elegant testimony of John G. Parsons, who occupied Peter May's seat on the Zoning Commission (and on NCPC) **for thirty years**, who noted that to leave the decisions regarding the federal height limit in local hands "is not wise." (Parsons' letter to NCPC 9.30.13, on file herein.)

<sup>2</sup> See Map of Historic Washington, D.C. Inventory of Historic Sites on file with the D.C. Historic Preservation Office. Virtually all properties on the DC Inventory are also listed on the National Register.

<sup>3</sup> Contrary to the DCR at p. 33, DC law protects not only "landmarks" but also contributing buildings to D.C. and National Register historic districts, of which there are more than 50 in Washington.



Luther King could not have given his iconic speech in any other American city. In 1900 Washington had the largest percentage of African-Americans of any city in the country. Here was Howard University; here *Bolling v. Sharpe* became an integral part of the landmark *Brown v. Board of Education* decision. The D.C. Office of Historic Preservation has noted at least 200 historic sites important to the city's and the nation's African-American heritage. Some, but only some, are on the National Register, and many are outside of downtown. These, too, should not be trivialized by next door high-rises. And the honor roll could go on: sites important to Immigration, to the Women's Movement, to Gay and Lesbian rights, spread through-out this historic, capital city of all Americans.

Moreover, any talk of removing the federal height limit at this time is greatly premature. By the District's own calculations, we will not run out of expansion space under our current *Comprehensive Plan* for 30 years; even then, there will be more expansion space remaining within the current *height limit*. Further, it would seem that a cardinal principle of planning would be to spread out allowable development into the least served neighborhoods rather than make now economically vibrant areas much denser. *Dispersion--not concentration--*of facilities is what NPCP is encouraging (EDR p.10).

Nor am I sympathetic to the notion advanced by the District that higher buildings will somehow make offices and apartments more affordable. (DCE p.42) First, the only people who will be able to afford the new construction are the wealthy. Second, New York City has the highest residential and commercial prices in the country; yet, it also has the tallest buildings.

Furthermore, any mayoral proposal to remove Washington's 100-year-old height limit is such a radical departure from current land use practice that it should be first presented to D.C. voters. Neither the Mayor nor any City Councilperson ever made this startling proposition an election issue. But then, asking residents to live next door to 20- and 30-story buildings is not exactly a winning campaign strategy in D.C.

Lastly, to those who decry that the Height Limit is sapping the vitality of our nation's capital, I offer the record of the last decade of Washington's impressive development. And come with me to other low-rise, metro-centric, and vital national capital, historic cities like Paris; or Rome, or St. Petersburg, or Madrid, or Amsterdam, or Helsinki or Prague, etc. There are no high-rises in their historic downtowns or neighborhoods. Thank you.



National Trust *for*  
Historic Preservation  
*Save the past. Enrich the future.*

October 25, 2013

Ms. Lucy Kempf  
National Capital Planning Commission  
401 9<sup>th</sup> Street, NW Suite 500  
Washington, DC 20004

Ms. Tanya Stern  
D.C. Office of Planning  
1100 4<sup>th</sup> Street, SW, Suite E650  
Washington, DC 20024

Dear Ms. Kempf and Ms. Stern:

I am writing on behalf of the National Trust for Historic Preservation regarding the Height Act Study conducted by the National Capital Planning Commission and the D.C. Office of Planning.

The National Trust is a privately funded nonprofit organization, chartered by Congress in 1949 to further the historic preservation policies of the United States and to facilitate public participation in the preservation of our nation's heritage. 16 U.S.C. § 468. The mission of the National Trust is to provide leadership, education, and advocacy to save America's diverse historic places and revitalize our communities. The National Trust has been actively engaged in the public process for the Height Act Study.

One year ago Congressman Darrell Issa, Chairman of the House Committee on Oversight and Government Reform, requested a joint study "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." (Congressman Darrell Issa to Mayor Vincent Gray and NCPC Chairman Preston Bryant, Jr., Oct. 3, 2012.) Chairman Issa's request for a joint study makes good sense, as the federal government and local government share significant interests throughout the District of Columbia, our Nation's Capital. Congressman Issa's letter specifically directed

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 encourages 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 . . . . (*Id.*, emphasis added.)

The National Capital Planning Commission and the D.C. Office of Planning subsequently agreed to conduct the joint study, setting their goal of reaching a consensus recommendation: "The goal of the study is to reach a federal/local consensus on those areas of the city where height changes would be appropriate." (Height of Buildings Master Plan, Summary Proposal, Nov. 1, 2012.)

However, the agencies did not achieve consensus. Nor did the recommendations focus on "areas *outside* the L'Enfant City," as directed by Congress.

The National Capital Planning Commission, which released its report to the public on September 12, 2013, did identify several potential opportunities for strategic change to the Height Act, including changes impacting "areas outside the L'Enfant City and beyond the edge of the topographic bowl," (NCPC Executive Director's Recommendation, p. 13.) The NCPC report specifically observed that "changes to the Height Act within the L'Enfant City and within the topographic bowl may have a significant adverse effect on federal interests." (*Id.* at p. 10.) Consequently, the NCPC report does not recommend any major changes to the Height Act within the L'Enfant City.

By contrast, the D.C. Office of Planning, which sent its report to Congress on September 24, 2013, recommends major changes to the Act within the L'Enfant City. Those proposed changes would eliminate the current cap on building heights and replace it with "new limits based on the relationship between street width and building height ... using a ratio of 1:1.25, which would result in a maximum building height of 200 feet for 160-foot wide streets." (Height Master Plan, DC Office of Planning, pp. 45-46.) The Office of Planning's report also asserts that there is a "greatly diminished federal interest outside the monumental core," (Height Master Plan, DC Office of Planning, p. 1), and even implies that the federal interest outside the L'Enfant City may be "non-existent." (*Id.* at p. 46.) Consequently, the Office of Planning "recommends that Congress allow the city to determine the appropriate building height limits for those parts of the city outside the L'Enfant City through its statutorily-required Comprehensive Plan and zoning amendment processes[.]" (*Id.* at pp. 1, 46.)

In a nutshell, the experts at the two agencies looked closely at the same set of information but failed to achieve their express goal of a federal/local consensus regarding where Height Act changes would be appropriate in the city. NCPC recommended modest changes, especially focusing on penthouse structures, but the DC Office of Planning recommended much more drastic changes. The two sets of recommendations are incompatible, leaving the public with insufficient guidance for meaningful participation.

The National Trust is concerned that public participation during Phase 3 of the study was unintentionally undermined by the confusion that resulted from the agencies' decision to release separate reports and set separate deadlines for public comment. Public participation also was impaired by the federal government shutdown, when NCPC's website was off-line -- and all study-related information was unavailable -- during a critical portion of Phase 3.

The National Trust's review of the available study materials leads us to conclude that the Height Act has proven to be effective in shaping and protecting the character of the Nation's Capital, and the Height Act continues to serve the public interest. The studies conducted by the D.C. Office of Planning and the National Capital Planning Commission simply do not make a persuasive case for any changes to the Height Act. Therefore, we do

not support the changes to the Height Act proposed by the NCPC or by the DC Office of Planning. As noted in the public presentations, large areas of the city are not yet “built out” to the maximum height currently allowed under existing zoning regulations, and ample long-term opportunities remain for commercial and residential development in the District of Columbia.

If the local and federal governments decide to continue working together in an effort to address these issues, the National Trust recommends an expanded study of the many factors – including the Height Act -- which must be addressed to answer the question of how the federal and local governments can cooperate to accommodate growth without sacrificing historic character.

Thank you in advance for considering the views of the National Trust for Historic Preservation.

Sincerely,

A handwritten signature in black ink, reading "Rob Nieweg". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Rob Nieweg  
Field Director & Attorney  
Washington Field Office



**National Trust *for*  
Historic Preservation**  
*Save the past. Enrich the future.*

## **STATEMENT ON THE DRAFT HEIGHT ACT STUDY**

**Robert Nieweg, Field Director**

**National Trust for Historic Preservation**

**September 25, 2013**

My name is Robert Nieweg and I represent the National Trust for Historic Preservation. Thank you for the opportunity to provide preliminary comments regarding the draft Height Act Study.

The National Trust is a privately funded nonprofit organization, chartered by Congress in 1949 to further the historic preservation policies of the United States and to facilitate public participation in the preservation of our nation's heritage. 16 U.S.C. § 468. The mission of the National Trust is to provide leadership, education, and advocacy to save America's diverse historic places and revitalize our communities.

The National Trust has been actively engaged in the public process for the Height Act Study. Representatives of the National Trust have participated in five meetings convened by the DC Office of Planning and the National Capital Planning Commission, reviewed informational material made available by the two agencies, and conferred with our partner organizations and National Trust members. Currently, the National Trust is preparing to submit written comments on the Height Act Study.

We have participated in the Study in order to assess potential impacts to historic properties from possible changes to the Height Act, including impacts to individual historic landmarks and to historic districts – especially those historic properties which are listed on the National Register of Historic Places. At the beginning of Phase 2 of the Study, we requested an opportunity to review key information, including the full report for the Economic Feasibility Analysis as well as maps and additional information to identify the many designated historic properties which are located within the modeling study area. The economic analysis was released to the public on September 24. At the beginning of Phase 3, the National Trust requested an opportunity to review the District's draft recommendations, which were not released to the public until September 24.

Given the time constraints of the Study, we are concerned that the delayed release of the economic analysis and of the District's draft recommendations may unintentionally limit public participation during Phase 3, and certainly with regard to the public's assessment of the two agencies' draft recommendations. The National Trust respectfully requests confirmation that the public will have at

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least 30 days to review and comment on the District's draft recommendations. (We note that the District's September 24 press release states: "Public comments will also be accepted on the recommendations for 30 days before the report is finalized.")

Our preliminary review of available material raises several issues for clarification:

1. **Purpose of the Joint Study.** The purpose of the Height Act Study is for the two agencies to jointly examine the extent to which the Height Act continues to serve federal and local interests and how potential changes to the Act could affect the future of the Capital City. A joint study of the entire city makes good sense, as we believe both the federal government and the local government have significant interests throughout the District of Columbia, our Nation's Capital. What is the rationale for the District's statement that: "Outside the L'Enfant City, there is relatively little federal interest in the height of buildings and historic federal resources there can be protected under both federal and local historic preservation law." [Height Master Plan for the District of Columbia, Evaluation and Draft Recommendations, Sept. 20, 2013, p. 5 (emphasis added).]
2. **Scope of the Study.** It was our initial understanding that the two agencies had been charged to explore changes to the Height Act in areas outside of the L'Enfant City, as Chairman Issa directed in 2012: "The Committee encourages 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 that were discussed at the July 19 hearing." [Congressman Darrell Issa to Mayor Vincent Gray and NCPC Chairman Preston Bryant, Jr., Oct. 3, 2012 (emphasis added).] What is the rationale for expanding the exploration of changes to include the L'Enfant City?
3. **Federal-Local Consensus.** In response to Chairman Issa's request, NCPC and the DC Office of Planning developed a proposal for the Height Act Study which stated that: "The goal of the study is to reach a federal/local consensus on those areas of the city where height changes would be appropriate." [NCPC Chairman L. Preston Bryant, Jr. to Congressman Darrell Issa, Nov. 1, 2012, Height of Buildings Master Plan, Summary Proposal (emphasis added).]

What are the consequences for the Study of the agencies' failure to reach the intended federal/local consensus?

The National Trust believes that the Height Act continues to serve the public interest, and we are particularly supportive of the NCPC's observation that: "The law is simple, equitable, and has distributed development to all parts of the city rather than concentrating growth to a single high-rise cluster. It contributes to a stable and predictable real estate development climate." [NCPC Executive Director's Recommendation, Sept. 12, 2013, p. 4.]

In our view, the Height Act is a time-tested solution which the federal and local governments should not rush to change. Any proposal to change the Height Act should not move forward without additional careful study and public feedback regarding the two very different and apparently incompatible sets of draft recommendations which have been released by the NCPC and DC Office of Planning.

Thank you in advance for considering these preliminary comments of the National Trust for Historic Preservation.

Testimony for  
The Committee of the Whole's Public Oversight Hearing  
on The District of Columbia's Recommendations  
on the Federal Height of Buildings Act of 1910

CHAIRMAN MENDELSON  
2013 OCT 31 AM 10:08

October 28, 2013 at 9:30 AM

For people who have attended more than one of the D.C. Office of Planning's presentations on the Zoning rewrite and OP Director Harriet Tregoning's presentations on what, if anything, to do about the 103-year old Federal Height of Buildings Act of 1910, OP's zeal to build greater density has not been difficult to discern. Thus the extreme "draft" recommendations for amending the Act, issued by OP on September 24, were entirely predictable, public sentiment notwithstanding.

I awoke to the seriousness of the assault on the Height Act relatively late, catching the very last of the public meetings associated with Phase 2 of the Height Master Plan Study, the Modeling phase, held August 13. The centerpiece of the OP presentation that night was a selection of images from a massive series of computer-modeled simulations of "viewsheds" from different vantage points in, and into, the monumental city and downtown core, as they appear currently and as they would appear if various alternatives to the Height Act were adopted that allowed greater building heights.

What was striking — apart from the skepticism many attendees expressed about the need and desirability of raising building heights — was the omission of two types of information central to forming a reasoned conclusion about a complex subject. First, there were no simulations of the crucial **street-level** experience of taller buildings, in the L'Enfant City, the business district, or in the much larger residential expanses of the city, where the common building types are low-rise attached, semi-detached, and single-family homes. Several of the alternatives to the Height Act proposed taller buildings along public transit thoroughfares in these districts, but the effects of these changes were omitted.

Second, and perhaps more important to evidence-based decision making, was the absence of data pertaining to current and projected capacity, and analyses of the economic impact of increasing residential and commercial space. Much unexploited vertical and horizontal space for development presently exists in the city under the Height Act, a fact Ms. Tregoning has acknowledged. She has praised the Height Act for "enabl[ing] us to spread demand to emerging areas outside the center city." That job isn't done yet, and I believe it would be unwise to interfere with it. Further, as she also has pointed out, zoning changes recommended in the carefully vetted Comprehensive Plan could create additional capacity.

The following is an unofficial transcript of an exchange between an audience member and the OP director from the video of the final Phase 2 meeting on August 13:



Kent Slowinski (audience member): “I don’t think we have enough information here to make an informed decision here. Basic planning questions such as:  
 How much square footage do the various options provide?  
 What’s the current supply of office space?  
 How much capacity do we have under existing zoning regulations?  
 When will we exhaust this current supply?  
 These are all basic planning questions.”

Harriet Tregoning: Those are each . . . Each and every one of these questions we will have answers to when we are ready to write . . . to make the recommendation. We just didn’t want to wait to show you the modeling analysis that we had done because part of what people are concerned about is the visual impact . . . the impact on the viewshed, the impact on the skyline, the impact on how you experience a city street. But you are absolutely right. Those are exactly the questions that need to be answered before we make any decisions about whether, and when, and if, we should raise building heights in the city.”

Kent Slowinski: “The other part of the question is, how much are developers going to be making off this additional square footage?”

Ms. Tregoning did not answer that last question, but she promised in the future to address the two deficits in information previously provided to the public. There were no additional opportunities to have an exchange with the public between the final Phase 2 meeting on August 13 and Ms. Tregoning’s release of her “draft” recommendations on September 24. What’s worse, she put those recommendations in Congressman Darrell Issa’s hands directly. Rep. Issa had “request[ed] that NCPC work with the District to formulate and submit to the Committee [on Oversight and Government Reform] a joint proposal,”<sup>1</sup> but Ms. Tregoning apparently thought an end-run around the more deliberative NCPC might allow her to escape the tempering influence of the Federal agency altogether. While NCPC recommended leaving the Height Act essentially intact, DCOP recommended lifting the height limit in the L’Enfant City to as much as 200 feet, based on a 1:1.25 ratio of right-of-way to building height, and dispensing entirely with a Federal height limit outside the L’Enfant City. Ultimately it seems that Rep. Issa will have to choose between the two recommendations, an undesirable outcome.

I took the opportunity to hear Ms. Tregoning speak about her recommendations at an unofficial public information session at the NCPC the following day, September 25. While she neglected at this session to fulfill requests for on-the-ground simulations of raising the roof, Ms. Tregoning did come forward with the “Economic Feasibility Analysis of the Height Master Plan,” dated September 23, a mere day before she transmitted her recommendations to Chairman Issa. The support for radically altering the Height Act in this last-minute economic feasibility study strikes me as tepid at best: “Raising the height limits could play a role in helping the District to expand its population and employment base if focused in areas of high market demand – primarily

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<sup>1</sup> <http://oversight.house.gov/wp-content/uploads/2012/11/2012-10-03-DEI-to-Gray-DC-Bryant-NCPC-study-request-Height-Act.pdf>

Testimony by A. Rosen on Federal Height Act, October 28, 2013

Center City and selected Metro locations where rents are high enough to support higher-rise construction costs. Residential expansion offers particular opportunities. Although not studied, new development in response to higher height limits also could include hotels.” [https://www.ncpc.gov/heightstudy/docs/Econ\\_Feasibility\\_Analysis.pdf](https://www.ncpc.gov/heightstudy/docs/Econ_Feasibility_Analysis.pdf)

At the October 28<sup>th</sup> Committee of the Whole oversight hearing on OP’s recommendations, Ms. Tregoning presented a series of statistics that purportedly demonstrate that under a high-growth scenario, under current zoning and with the Height Act intact, the District would exhaust capacity in 17 years; and if we rezoned under the provisions of the Comprehensive Plan, we would reach the end of capacity in 24 years.

This strikes me as a manufactured emergency because this city’s history does not predict a straight line of sustained high growth. Moreover, the finding is predicated on the conclusion that only 4.9 percent of total land area in the District has significant capacity. (Did this calculation took into account the city’s own inventory of vacant buildings?) We were told that the figure was arrived at by excluding for development potential any building zoned for high or medium density that has already been built to 30 percent of capacity. The assumption that such properties will remain underutilized for decades seems unwarranted in a city where height limitations would naturally lead developers to exploit the 70 percent unused capacity. If they do not, then perhaps the demand will not be as great as postulated, which in turn, removes the pressure to lift the Height Act.

While she did not mention this at the oversight hearing, Ms. Tregoning earlier used as a rationale for the District to take an independent stand on the Height Act that the Federal government is downsizing physically and will soon have a smaller presence in the city. I understood that to mean that the Feds have a shrinking interest in the city and therefore shouldn’t have as much of a say in this matter. But the flip side of that is that as the Feds vacate, the city will be heir to quite a bit of vacant office space—in fact, the city may have an office space *glut*, which it would be unwise to exacerbate.

There is a shortage of affordable housing, but does raising the height limit provide a solution? Since taller buildings cost more to construct—and the District doesn’t adhere to its own inclusionary zoning regulations for protecting and providing housing for residents who cannot pay market rates, let alone meet the needs of its growing homeless population—it seems unlikely that raising the height limit will address the lack of affordable housing. Common sense suggests that raising height restrictions will lead to up-building in the already vibrant, expensive parts of the city, and remove much of the pressure on developers to move into parts of the city, such as east of the Anacostia River, where the ROI is less promising, where development and jobs have foundered. If allowing taller buildings to increase available office and residential space could bring down commercial and residential prices, Manhattan would be one of the least expensive markets in the U.S.

I am not a planner. But it seems to me that these studies of economic feasibility and capacity came late in the game; that a truly professional approach to the thorny and controversial question of altering height limits in an iconic city would make a study of

economic feasibility and capacity *foundational* to decision-making and the development of policy. **The conclusion that the “facts were being fixed around the policy” is inescapable.**

From the time of the last public meeting at the NCPC (September 25), 29 days remained for the public to weigh in with the OP on that agency’s just-released recommendations and the new information Ms. Tregoning presented at the NCPC public meeting; the OP deadline for public comment was October 24. During this interlude, an official public meeting of the NCPC was supposed to take place, on October 2, but due to the Federal government shut-down, that meeting was postponed until October 30. While NCPC extended its deadline for public comment, the OP deadline held fast. So no further opportunities for public outreach and input took place before last week’s OP deadline of the 24th. **The conclusion that public sentiment is of little consequence is also inescapable.** This is particularly egregious given the NCPC’s respectful deference to DCOP to represent local interests, as the Federal agency works to define Federal interests.

I wonder how our transportation infrastructure will accommodate a taller city and the additional residents and workers it will bring. Given the already overtaxed, inadequately built-out public transportation system and ongoing reductions in parking (through revisions to the D.C. Zoning Code’s parking minimums and DDoT’s Enhanced Residential Permit Parking program, which allows residents on a block to vote to entirely ban parking by nonresidents on one side of the street), I question how increasing density in already dense parts of the city benefits sustainability, livability, or economic development. I already know many people who live in Maryland *and* D.C. beyond easy access to Metro who decline to shop or dine in town because they find the combination of heavy traffic and scarce parking daunting. I fear that the District’s recovery will be brought to a halt not by a paucity of real estate capacity, but by a shortfall in coordinated transportation solutions. One streetcar line and a flotilla of bicycles is not a systemic solution.

But at the heart of the matter is the question of how a radical refashioning of the Height Act will affect the graceful, low profile of our city. Director Tregoning asserts that the changes she proposes to the Height Act will not affect what is built in D.C. because developers will still have to meet local zoning ordinances that dictate height limits, neighborhood by neighborhood, often more restrictively than the Height Act does. We are meant to take solace in the fact that when the Height Act is lifted outside the L’Enfant City, any build-outs that don’t meet local restrictions will have the Zoning Commission, whose members include two Federal appointees, and the Comprehensive Plan to contend with. The truth is that in practice neither the letter nor the spirit of the Comp Plan is recognized as binding, and developers have their way with the Zoning Commission, which seems to bend over backwards to accommodate them.

Through the Planned Unit Development, aka PUD, process, developers agree to provide certain amenities and public benefits in exchange for the Commission’s relaxing its restrictions on such elements as density and height. For example, in a commercial development of medium density (C-2-B), a height of 65 feet is matter-of-right, but it can

Testimony by A. Rosen on Federal Height Act, October 28, 2013

be up-zoned to 90 feet via a PUD. Sometimes the ZC relaxes the rules with such exuberance—even within a Historic District!--that it goes all the way to make the up-zoning permanent via a “map amendment.” When citizens find out about the ways in which both developers and the Planning and Economic Development office have misled the Zoning Commission—withholding information about true property value, who is actually paying for amenities and public benefits, and the erosion of required “affordable housing” units as one of those public benefits—it is an uphill battle in the D.C. Court of Appeals, usually lost, to reverse the zoning concessions that have been granted.<sup>2</sup> PUDs are undermining zoning, and neither the Zoning Commission nor the Court seems to recognize them for the Trojan Horses they are. Nor can we look to the D.C. Historic Preservation Review Board as a last bulwark against development pressures, as it is now situated within the Office of the Deputy Mayor for Planning and Economic Development, and thus hardly able to act independently.

I object to the way OP has conducted its study of the effects of altering the Federal Height Act of 2010. I believe that it has used the occasion to try to undermine the Act’s protections in order to make changes consistent with new trends in planning. I concur with the preliminary conclusion drawn by the NCPC that the Act may be left essentially intact, with an allowance for penthouses currently housing only mechanical systems to be adapted for business and residential use, without doing harm. In fact, the Act can continue to serve us well.

Thank you very much for taking this testimony under consideration.

Andrea Rosen  
Ward 4  
3266 Worthington St., NW  
Washington, D.C. 20015  
[aerie@rcn.com](mailto:aerie@rcn.com)  
(202) 244-0363

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<sup>2</sup> Two examples that I am aware of—they are not unique—involve the city’s own properties. One is in the West End, at L Street, NW, between 23<sup>rd</sup> and 24<sup>th</sup> Streets, site of a library, firehouse, and police station. Property was up-zoned from R-5-B (MOR general residential uses), maximum height of 50 feet, to CR (MOR residential, commercial, recreational, light industrial), maximum height 90 feet (ZC Case 11-12, 11-12A). Challenged by D.C. Court of Appeals Case 12-AA-1183, D.C. Library Renaissance Project/West End Library Advisory Group v. D.C. Zoning Commission and EastBanc-W.D.C. Partners. The other example is the site of the vacated Hine Junior High School across the street from Eastern Market in the Capitol Hill Historic District. On the strength of the Comprehensive Plan Future Land Use Map, up-zoned from R4 (MOR single-family residences, churches, public schools), maximum height of 40 feet, to C-2-B (MOR medium-density development, including mixed uses) to a maximum FAR of 3.5 for residential use and 1.5 FAR for other permitted uses, and a maximum height of 65 feet. Yet the PUD was approved with a total project FAR of 3.9 and a maximum height of 94.5 feet (ZC Case 11-24), which suggests a doubling up of up-zoning. Challenged in D.C. Court of Appeals Case 13-AA-366 & 13-AA-378, Christopher Howell et al v. D.C. Zoning Commission and Stanton-Eastbanc LLC et al.

## Jacobs, Jessica (Council)

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**From:** JWaldmann <jciw-centernet@erols.com>  
**Sent:** Tuesday, October 29, 2013 9:09 AM  
**To:** Bonds, Anita (Council); Catania, David A. (COUNCIL); Grosso, David (Council); Evans, Jack (COUNCIL); Graham, Jim (COUNCIL); McDuffie, Kenyan (Council); Barry, Marion (COUNCIL); Cheh, Mary (COUNCIL); Bowser, Muriel (Council); Mendelson, Phil (COUNCIL); Wells, Thomas (COUNCIL); Vincent Orange; Alexander, Yvette (COUNCIL); Mendelson, Phil (COUNCIL)  
**Cc:** Jacobs, Jessica (Council)  
**Subject:** Height Act

I am strongly opposed to any change in the Height Act. Change would lead, in a very short time, to higher buildings throughout the City – or at least in places where developers believe they can make money – and would quickly change the distinctive character of Washington, DC. DC is NOT New York, and aspiring to be is ridiculous and foolhardy. NPCC, the Committee of One Hundred, and a number of community organizations have expressed opposition to the proposal to change the Act. These groups have studied the proposal. They care about the City. Please, please – listen to them.

Jane Waldmann  
5332 42nd Street, NW  
202/686-1446

## HISTORIC DISTRICTS COALITION

c/o Richard Busch  
1520 Caroline Street, NW - Washington, DC 20009

September 7, 2013

CHAIRMAN REDELSO  
2013 OCT 28 PM 4:34

The Honorable Vincent C. Gray  
Mayor, District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Mr. Preston Bryant, Jr.  
Chairman, National Capital Planning Commission  
401 Ninth Street, NW, North Lobby, Suite 500  
Washington, DC 20004

SUBJECT: Height Master Plan, NCPC File Number 6886

Dear Mayor Gray and Chairman Bryant:

The Historic Districts Coalition is an informal alliance of organizations and individuals representing Washington, DC's historic districts—those that have been designated under the provisions of the Historic Landmark and Historic District Protection Act of 1978 (D.C. Public Law 2-144)—as well as others interested in historic preservation, including residents of undesignated neighborhoods and representatives of neighborhood organizations, historic preservation organizations, and preservation-related businesses.

We, the undersigned, have developed the following position on the Height Master Plan:

- The 1910 Height of Buildings Act, through its effect on physically shaping the nation's capital, is no less important than the seminal 1791 L'Enfant Plan for the City of Washington. The L'Enfant Plan, as revitalized by the 1901 McMillan Commission, provided the foundation by brilliantly imposing on the landscape a rhythmic pattern alternating open spaces—streets, parks, and squares—with closed spaces intended for structures. In so doing, the L'Enfant Plan effectively limited two of the dimensions of any structure. By regulating the third dimension through the Height Act, the Congress furthered the human scale of the city and created the iconic horizontal skyline that Washington enjoys today.
- There is no compelling case for allowing taller buildings to accommodate growth in population or economic activity. As noted in public presentations by the Office of Planning, large areas of the city are currently not "built out" to the maximum allowed under existing zoning regulations. Ample long-term opportunities for commercial and residential development remain in the District of Columbia, many of which are outlined in the National Capital Planning Commission's 1990s *Extending the Legacy* plan.
- Therefore, the Historic Districts Coalition endorses Approach 1, 1A Status Quo: Make No Changes to the Height Act. We do not support 1B Allow Penthouse Occupancy.

Respectfully submitted by the Historic Districts Coalition on behalf of:

Capitol Hill Restoration Society, Janet Quigley, President  
Frederick Douglass Community Improvement Corporation, Carolyn Johns Gray, President  
Dupont Circle Conservancy, Thomas Bower President  
Citizens Association of Georgetown, Pamela Moore, President  
Logan Circle Community Association, Tim Christensen, President  
Historic Mount Pleasant, Fay Armstrong, President  
Sheridan Kalorama Historical Association, Kindy French, President  
Tenleytown Historical Society, Jane Waldman, President

Individuals: Lesile Kamrad, Loretta Neumann, Scott Roberts, Mary Rowse, Evelyn Wrin

CC: DC Congresswoman Eleanor Holmes Norton

Thomas Luebke, Secretary, US Commission of Fine Arts; Frederick Lindstrom, Deputy Secretary, CFA

Marcel Acosta, NCPC Executive Director; Deborah Young, NCPC Secretariat; Lucy Kempf, Project Manager; Julia Koster, Public Engagement  
Phil Mendelson, Chair, DC Council

DC Councilmembers: Vincent Orange, David Catania, David Grosso, Jim Graham, Jack Evans, Mary Cheh, Murel Bowser, Kenyan McDuffie,  
Tommy Wells, Yvette Alexander, Marion Barry

Harriet Tregoning, Director, DC Office of Planning; Tamara Stern, DCOP Chief of Staff and Project Manager

Gretchen Pfahler, Chair, DC Historic Preservation Review Board

David Maloney, State Historic Preservation Officer; Stephen Callcott, Deputy State Historic Preservation Officer

National Trust for Historic Preservation: Rob Nieweg, Elizabeth Merritt, Christopher May

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE PUBLIC OVERSIGHT HEARING  
on  
The District of Columbia's Recommendations on the Federal Height of  
Buildings Act of 1910**

Monday, October 28, 2013

Testimony of Alma Hardy Gates  
Administrator, Neighbors United Trust

CHAIRMAN MENDELSON  
2013 OCT 28 PM 4:35

The legerdemain executed by the Mayor of the District of Columbia on September 24 requires Council action. It contradicts the Municipal Planning section of the Home Rule Act, SEC. 423. [D.C. Official Code § 1-204.23], which anticipates a public process for land use planning. However the Mayor preemptively forwarded the Office of Planning's Height Master Plan to Congressman Issa, and in so doing, is asking Congress to set new height limits without seeking NCPC or local input. This act of contempt demonstrates a lack of respect for residents by the Mayor and an agency that seeks total control over decisions affecting future land use development in the nation's capital.

When given the opportunity to address the city's "structural deficit" with Members of Congress and perhaps find a way to establish some financial reciprocity with the 500,000 commuters who visit our city every day, OP punted, and talked about enclosing penthouses. Following its foray to the Hill, OP contracted for two studies, an Economic Feasibility Study, and the District of Columbia Height Master Plan Modeling Study. The findings of the modeling study resulted in two draft recommendations for changes to the Height Act. The first deals with height increases within the L'Enfant City; but it is the second recommendation that is especially troubling, "The District recommends that Congress allow the city to determine the appropriate building height limits for those parts of the city outside of the L'Enfant City through its statutorily-required Comprehensive Plan and zoning amendment processes, both of which require extensive public participation and review and approval by local and federal bodies."

If there is a lesson to be learned from the way the Mayor and Office of Planning handled the Height Master Plan it is that there is very little interest in a public process or adherence to the Home Rule Act, no matter who the partner. Necessary

changes to the Comprehensive Plan and zoning regulations will be an after the fact exercise for OP if Congress chooses to act on the Height Master Plan Study recommendations; and, it will be the Office of Planning that brings forth amendments of the Comprehensive Plan and needed changes to the zoning regulations.

As the elected body with oversight for the Office of Planning, Council needs to recognize the necessity to reign in this agency that “knows what’s best for the city;” and, to protect the city’s 130 established neighborhoods from OP’s developers of choice. Further, Council needs to recognize the usurpation of power by the Mayor with regard to the Municipal Planning section of the Home Rule Act, as the public was denied any opportunity for participation in decisions regarding changes to the Height of Buildings Act of 1910. Finally, the time has come for Council to recommend the establishment of a Planning Commission.



**Government of the District of Columbia  
ADVISORY NEIGHBORHOOD COMMISSION 3-D**

P.O. Box 40486  
Palisades Station  
Washington, D.C. 20016

October 27, 2013

L. Preston Bryant, Jr., Chairman  
National Capital Planning Commission  
401 9th Street NW  
North Lobby, Suite 500  
Washington, DC 20004

Harriet Tregoning, Director  
District of Columbia Office of Planning  
1100 4th Street, SW, Suite E650  
Washington, DC 20024

CHAIRMAN HEIDELSON  
2013 OCT 28 PM 4:34

**RE: Resolution of Advisory Neighborhood Commission 3D on the  
DC Recommendations to Change the Height of Buildings Act of 1910**

Dear Mr. Bryant and Ms. Tregonning:

At a publicly noticed meeting on Wednesday, Oct. 2, 2013, held at the American University, School of International Service, Founders Room, Washington, D.C., with a quorum present at all times, Advisory Neighborhood Commission (ANC) 3D voted 7-1-1 to support the attached Resolution of Advisory Neighborhood Commission 3D on the DC Recommendations to Change the Height of Buildings Act of 1910.

ANC3D is concerned about the draft recommendations proposed by the Office of Planning to modify the Height of Buildings Act of 1910 to allow increased heights within the District's boundaries. These proposals would include raising the building maximum height in the L'Enfant City from 160 ft. to 200 ft. and allowing the city to determine building height maximums for areas outside the L'Enfant City through the Comprehensive Plan and zoning processes.

In its draft recommendations, the city's Office of Planning maintains that the current height limits constrain existing capacity to accommodate projected household and job growth along with potential development opportunities over the next three decades. While residents want our city to grow and thrive, these draft proposals to alter long-established height limitations have generated serious concern over the impact such changes would have on existing neighborhoods and our city as a whole.

The ANC3D resolution also reflects the Commission's concern that the submission of draft recommendations by the Office of Planning prior to public participation and review by the National Capital Planning Commission did not provide an adequate opportunity for its own residents to weigh in and provide input on the future of the city where they live and work.

As a result of these concerns, ANC3D supports maintaining the existing Height of Buildings Act of 1910.

Sincerely,

A handwritten signature in black ink, reading "Penny Pagano". The signature is fluid and cursive, with the first name "Penny" and last name "Pagano" clearly distinguishable.

Penny Pagano  
Chair, ANC3D

Enclosure

Cc:

tanya.stern@dc.gov

Deborah.young@ncpc.gov

Marcella.brown@ncpc.gov

jjacobs@dccouncil.us

**RESOLUTION OF ADVISORY NEIGHBORHOOD COMMISSION 3D ON THE  
DISTRICT OF COLUMBIA'S RECOMMENDATIONS TO CHANGE THE HEIGHT OF  
BUILDINGS ACT OF 1910**

WHEREAS, the Height of Buildings Act of 1910 (the Height Act) is a federal law that can be modified only through congressional actions; and

WHEREAS, on October 3, 2012, the chairman of the House Committee on Oversight and Government Reform requested the National Capital Planning Commission (NCPC) and the District of Columbia government work jointly to examine the extent to which the Height Act continues to serve federal and local interests, and how the law could affect the future of the city; and

WHEREAS, the character of Washington's historic L'Enfant City, particularly the monumental core, establishes the city's iconic image as our national's capital; and

WHEREAS, any changes to the Height Act that affect the historic L'Enfant City should be carefully studied to ensure the iconic, horizontal skyline and the visual preeminence of the US Capitol and related national monuments are retained; and

WHEREAS, 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; and

WHEREAS, the DC Office of Planning (OP) led the District's efforts on the study and contracted consultant services for two studies: an Economic Feasibility Analysis and a Height Master Plan Modeling Analysis; and

WHEREAS, on September 24, 2013, without consulting NCPC or District residents, the Mayor submitted the District of Columbia's Height Master Plan evaluation and draft recommendations for changes to the Height Act; and

WHEREAS, Recommendation 2 states, Congress should allow the District of Columbia to determine building height maximums for areas outside of the L'Enfant City through its Comprehensive Plan and zoning processes; and

WHEREAS, amendments to the Comprehensive Plan are reviewed and recommended for DC Council consideration by OP and amendments to the zoning regulations can be forwarded to the Zoning Commission only by the Office of Planning.

NOW THEREFORE BE IT RESOLVED, that ANC 3D opposes Recommendation 2 based on the premise that there is consensus that the federal interest is less and much more attenuated or perhaps non-existent outside of the L'Enfant City; and

BE IT FURTHER RESOLVED, that ANC take no solace in Recommendation 2, which would transfer jurisdiction to the city to determine the appropriate building height limits for those parts of the District outside of the L'Enfant City through its statutorily-required Comprehensive Plan and zoning amendment process; and

BE IT FURTHER RESOLVED, that ANC 3D rejects Recommendation 2 based on the fact OP exercises considerable control over the Comprehensive Plan and zoning amendment processes in the District; and

BE IT FURTHER RESOLVED, that ANC 3D is unable to support the core principles of the Height Master Plan as applied to areas outside the L'Enfant City as they are based on an economic feasibility analysis that fails to recognize the importance of neighborhood stability and character which is a guiding principal of the Comprehensive Plan's Land Use Element; and,

BE IT RFURTHER RESOLVED, that ANC 3D recognizes the extensive public process has not been followed as demonstrated by the transmittal of the District's Height Master Plan prior to public participation and review by the National Capital Planning Commission and public meetings; and

BE IT FURTHER RESOLVED, that ANC 3D strongly support maintaining the Height of Buildings Act of 1910 in its current state, without additions or deletions, as it has protected the monumental core and its surrounding neighborhoods for the past one hundred years.

October 2, 2013



Testimony of Richard Houghton, AIA, LEED AP  
Before the Council of the District of Columbia  
**Re: District of Columbia Height Master Plan Study**  
October 28, 2013

CHAIRMAN MENDELSON  
2013 OCT 28 PM 4:34

For the record, my name is Richard Houghton. I have lived in the District for 25 years. I work in the development sector and have managed the design and delivery of complex urban projects in the District and surrounding jurisdictions. I am also a registered architect and a member of the Committee of 100 on the Federal City. I am testifying on my own behalf today.

I want to thank Chairman Mendelson for holding these hearings and providing the opportunity for District residents to speak directly to our elected representatives.

The Height Act of 1910 as it is commonly known is a powerful piece of legislation that has shaped the urbane and humanely scaled city which we know and experience every day. It, together with the city's zoning regulations and the federal and District elements of the Comprehensive Plan, determine the form and character of the city. There is every reason to believe that the Height Act can continue to so function, unaltered. There may be a time in the future to consider amending the Height Act, but that time is not now and the mechanism for so doing is not the Office of Planning's recommendations.

A recent article in the *Wall Street Journal* noted that "to gain public acceptance, plans and their accompanying public investment must be part of a compelling vision and an agreed-upon public agenda."<sup>1</sup> The Office of Planning has not presented a compelling vision; and there is no broadly accepted ("agreed-upon") public agenda. And far from achieving a level of public acceptance, the Office of Planning's recommendations, in a gesture that mocks arguments for increased District autonomy, have been denied a public screening before being delivered to Congress. Today's public hearings are all the more timely given the lack of public debate.

The Office of Planning's proposals are not "moderate" as OP claims. They are extensive and sweeping changes and **I urge the Council to communicate the recommendation to Chairman Issa and the House Subcommittee on Oversight and Government Reform to reaffirm the Height Act and reject the Office of Planning's proposals as inappropriate at this time and lacking in credibility for the following reasons:**

- The District's population is growing but will a few years of rapid growth during the recession recovery be sustainable and should we make drastic changes to legislation that has worked so well for so long, based on a short term trend? *Actual population numbers need to be tracked and monitored for long term trends. Prudence and an abundance of caution suggests that Council request an independent and outside assessment of OP's projections.*
- The population is still below its peak of the early 1950s, yet significant additional housing, office and retail space has been added to the building stock without touching significant parcels, large and small throughout the city. Columbia Heights, NOMA and

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<sup>1</sup> Julia Vitullo-Martin, "How to Build a Better City". *The Wall Street Journal*, April 12, 2013.

the Ballpark are three areas of intense urban development that contribute to the economic and social vitality of their respective neighborhoods and advance the Office of Planning's goals for livability, walkability and sustainability. And all were planned and either implemented or are works in progress under the existing Height Act. *Economic prosperity can and should be spread throughout the city and not just to the high cost areas where the Office of Planning expects taller buildings.*

- Infrastructure implications have not been studied and evaluated. Costs, including but not limited to transportation and traffic control; police, fire and EMS; schools; parks and recreation; the special needs of the young and the aged; streets and streetscape and civic maintenance such as trash collection and snow removal, are unknown and unaccounted for. *With responsibility for approval of the city's budget and short and long term fiscal planning, Council needs nothing less than a full accounting of the projected cost increases associated with any change—or no change—to the Height Act.*
- The bifurcation of the study as one of federal interest versus local interest is simplistic and does not adequately convey the complex symbiosis of a healthy federal/local relationship. Security, for instance, is not just a federal interest; it must be the city's interest, too. Economic development and the promotion of financial stability is not just a District interest; it must be the federal government's interest, too. Preston Bryant, Chairman of the National Capital Planning Commission, in an interview with *Roll Call* has noted this.<sup>2</sup> *The existence of two sets of recommendations, one from NCPC and one from OP, is truly unfortunate and suggests an acrimonious future.*
- The historic Height Act applies city wide. Modifying it to allow a little more height some places and a little more height in selected, non-contiguous places is likely to create pockets of growth and to exacerbate socio-economic disparities rather than creating a unified, coherent, inclusive city. *The recommendations proposed by OP will fragment the city, utterly negating The District's banner tagline, found at <http://dc.gov/DC/> "One City, One Future."*

In closing I would like to quote from urban planner Jeff Speck's book *Walkable City: How Downtown Can Save America, One Step at a Time*:

"... A ten-story city like Washington simply does not need towers to achieve great walking density. Indeed, outside of Midtown and the Financial District, most of Manhattan's lively avenues are lined by buildings closer to ten stories tall. ... Ultimately, since most cities are not New York, there is a much more important [economic] argument to be made for height limits. Raising or abolishing the height limit. . . creates the outcome. . . where a single skyscraper lands on an empty block and sucks up an entire year's worth of development activity, while all the surrounding blocks stay empty—or fill up with skyscraper parking. . . In this context, it is tempting to do a bit of our own speculation, on how tremendous the District of Columbia's height limit has been for the city and its walkability. That limit . . . has caused new

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<sup>2</sup> Hannah Hess, "Tension Between District, Feds Might Define Height Act Debate". *Roll Call*, September 13, 2013.

development to fill many more blocks than it would otherwise. This strategy has created street after street of excellent urbanism. . . .”<sup>3</sup>

Loosening the regulations governing the height of buildings is likely to create islands of isolated urban towers characteristic of much of contemporary American urbanism, instead of furthering the goals of the Office of Planning in creating more walkable thriving neighborhoods. And it is likely that market volatility, and land speculation in conjunction with economic cycles would destabilize growth and development and prove unwieldy, unmanageable and perhaps uncontrollable.

Thank you for your consideration.

Richard Houghton, AIA, LEED AP  
930 Kearney Street, NE  
Washington, DC 20017

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<sup>3</sup> Jeff Speck, *Walkable City: How Downtown Can Save America, One Step at a Time*. New York, Farrar, 2012, p. 220.

TESTIMONY REGARDING THE REVIEW OF THE FEDERAL HEIGHT OF  
BUILDINGS ACT BEFORE THE D.C. CITY COUNCIL, 28 OCTOBER 2013

The report sent by Mayor Vincent Gray and the D.C. Office of Planning to U. S. Representative Darrell Issa recommending raising the height limit of most commercial development in downtown Washington to 200 feet is as extremist and counter-productive proposal for our city as any I have encountered in over thirty years of residency. Aside from running against the feelings expressed by an overwhelming number of citizens at public meetings conducted this summer and aside from making an end run to Congress before the D.C. Council conducted hearings, the report represents bad planning – arguably no planning at all, only fixation on a single agenda. There is no consideration on the implications of adding potentially many millions of square feet of commercial space on any of the city’s heavily strained, yet perpetually underfunded, public transportation systems, on traffic, or on the overall infrastructure. There is no consideration of how raising the height by 70 feet in many cases could induce premature demolition of a large new building stock. There is no consideration of how such increased bulk will negatively impact the streetscape – the city will not get skyscrapers only bigger, bulkier buildings. Most important, there is no consideration about how a focus only upon greater height will raise not only property values in many residential areas, but also property taxes, accelerating gentrification in the process. The planning office makes the extraordinary claim that increasing commercial building height will somehow increase affordable housing, but this is grasping at thin air. For cities worldwide, the greater the density of

CHARMAN RECORDS  
2013 OCT 28 PM 6:51

the business core, the higher the demand for housing in proximity and thus the higher the cost of that housing. As the late John Wilson used to incant, Washington is the most livable city in the nation – one of the most at least. What other city center is ringed by historic neighborhoods of choice? What other city has such a large percentage of solid, stable neighborhoods? What other city in the United States is so distinct – so much a city in a park. The attributes this city has acquired are not by accident; they are by virtue of generations of enlightened planning and citizen involvement. That Washington could be trashed as a result of ideologically driven ineptitude is a threat no resident can afford to let happen. I have heard some parties state that this is a home rule issue. Far from it. It is a matter of citizens preventing what is perhaps the worst “planning” proposal ever to occur in our city.

Richard Longstreth

Professor of American Studies, George Washington University

Residence: 1803 Irving Street, N.W., Washington, D.C. 20010



CHAIRMAN MENDELSON

2013 OCT 28 AM 8:51 TESTIMONY OF JUDY CHESSE

COMMITTEE OF THE WHOLE  
HEARING ON PROPOSED CHANGES TO THE HEIGHT ACT  
OCTOBER 28, 2013

Chairman Mendelson, Members of the Committee, I hereby submit the following testimony for inclusion in the record. I am a long time resident of Tenleytown in the District.

The Height Act of 1910 is a federal statute governing the District of Columbia, which restricts residential buildings to 90 feet and business to a height equal to the width of the adjacent street plus 20 feet (generally totaling 130 feet), plus some heights are extended to 160 feet along portions of Pennsylvania Avenue.

The Office of Planning already has sent to Congress their Height Act proposals which include:

- Change the ratio of height to street width to 1.25 width to height, which results in a new maximum height of 200 feet for any 160-foot wide street in L'Enfant City.
- Eliminate all height restrictions in the Height Act for areas outside L'Enfant City.

The National Capital Planning Commission has proposed much more modest changes to the Height Act which include:

- Preserving the Height Act restrictions but allow for consideration of expanding the use of penthouses.

Home Rule Considerations

Changes to the Height Act do not create or enhance home rule. Home Rule would be District residents living in a true democracy where they have a say through the electoral process in issues that affect their daily lives. To advance home rule the structure of governmental institutions for the District of Columbia would have to be changed. DC's current zoning process doesn't further democratic values and eliminating Height Act restrictions entirely outside downtown, does not alter the structure of DC government's institutions dealing with land use.

Although there is some uncertainty, it would appear that the National Capital Planning Commission reserves on to itself all issues regarding land use involving the national monuments. Outside of L'Enfant City, it appears that the Zoning Commission has been given jurisdiction. The Council, raising issues regarding its own jurisdiction over zoning issues has deferred to the Zoning Commission, which is a non-elected body. The Zoning Commission was created by federal law under the Home Rule Charter and its membership is dictated by federal statute: 2 federal officials and 3 appointed by the Mayor. With all respect for the individual members of the Zoning Commission, zoning decisions in DC aren't made democratically -- a 5 member unelected quasi-judicial board (40% federally appointed) typically decides.

Also to put the Home Rule argument in perspective, it is important to note that at this time, there are two land use changes being proposed by the Office of Planning -- the Zoning Regulation Rewrite (ZRR) and proposed amendments to the Height Act. The ZRR tags "downtown" height to whatever the Height Act dictates. This twin package is not advancing Home Rule. There is no step in the middle when DC residents would have a voice between Congress setting height limits and the ZRR automatically adopting them for

large parts of the City. This schematic would allow Congress to determine height in a vast area of DC. Note also that the ZRR triples what is designated as Downtown.

In the interest of clarity note that four zones (D-1-A-2 through D-4-B-1) do have independent height limits. But most of the land in the new downtown doesn't fall within those zones.

Also the Office of Planning arguing that they are making proposals to eliminate or raise restrictions in the Height Act, in the name of Home Rule are belied by their actions in ignoring the process announced by the National Capital Planning Commission and the Office of Planning to do a study, make proposals, solicit public comment and, if possible, send one joint proposal to Congress. When the Office of Planning got the Mayor's signature on the cover letter, blew on the ink to make sure it was dry and ran their proposal immediately to Chairman Issa, they pulled the curtain back on their real intentions – and giving the residents of the District of Columbia greater voice was clearly not one of their goals. OP's actions to submit their recommendations to Congress before they were made public and without consulting the DC Council was disrespectful to all concerned.

Finally, the District of Columbia is the nation's capital. It is natural for the national government and the residents of the District of Columbia to have shared interest regarding height and land use. There is a strong shared interest here to maintain the supremacy of the national monuments in the landscape – an interest not present in other cities. This should be preserved both for historic and economic reasons. Tourism is a large part of the District's economy and the tourist come because the federal government and monuments are here.

#### Is there any strong reason to change the Height Act at this time?

The current heights imposed by the Height Act have not been exhausted. Even Ms. Tregoning keeps saying that we don't need those restrictions raised now... but she contends that maybe we will need to raise them decades from now.

Federal control of a maximum height in commercial and residential areas still allows the District to determine height and we have experienced no limitation on our ability to do that since zoning heights are predominately below the federal maximum.

The studies made available in this process are woefully inadequate to justify the drastic proposals put forth by OP. The studies do not provide solid population projections. They do not provide data on how much future development could be achieved within current restrictions of the Height Act so the studies do not allow any reasonable estimate of need or capacity. The studies focus on whether increased height of buildings would be economically profitable for developers. But any increase in height for buildings does not solely result in increased profits and, hopefully, increased tax revenue; it also would result in new infrastructure demands on services, such as schools, public transit, sewer, and water. There is no study of these demands or how much money would be needed to build and maintain the infrastructure or how feasible such expansion of infrastructure would be.

Chairman Issa's letter requesting these studies and any proposals included a request for an analysis on nearby neighborhoods. This portion of his request has been ignored. Washington is a city of neighborhoods and each neighborhood has different and, in many instances, very desirable characteristics, which should be recognized and preserved in any consideration of amendments to the Height Act.

Proposals to increase height along the main avenues, Wisconsin, Connecticut, Georgia, New York, and others would dwarf residences abutting the avenues that are two-story single family detached in some areas but might be harmonious with multi-story office buildings and warehouses in others.

The restrictions of the Height Act have been cited as encouraging development outside the downtown core – a shared renaissance. Merely allowing taller buildings wherever a greater profit might be realized in already flourishing areas may result in a few very tall buildings with large capacity absorbing such a large percent of the demand that development would be deterred across the rest of the city, which has benefited from a dispersal of development activity throughout the city.

Not only have the height restrictions spread rejuvenation to many areas in the District, lifting height restrictions does not necessarily result in more affordable housing. If it is important to the District to share across socio-economic areas and populations, would raising the height limits be a deterrent rather than an incentive. There is no way to read their study, which is the best spin they could put on it, to conclude that more affordable housing will result. From *Economic Analysis of the Height Master Plan commissioned by OP from James Davis Construction (page xiv)*:

#### *Impact on Residential Rents*

*While newly constructed higher-rise apartments are likely to have relatively high rents, expansion of the housing supply should result in lower rents if new supply exceeds the growth in demand. The availability of new apartments will put competitive pressure on existing buildings to renovate and maintain their edge and/or lower their rents. Units that are not as well located and maintained will see a lessening of demand and lower rents. However, the impacts on prevailing rents are likely to occur primarily at the margin. The District's high costs of development and natural market forces will limit the extent of oversupply and rent reductions over the longer term, though during the down parts of market cycles, the additional supply could lead to lower rents until supply and demand are back in balance.*

In conclusion, there is unused potential available now that can accommodate new growth without any amendments to the Height Act because current height restrictions already allow more development in many areas. Unnecessarily eliminating height restrictions merely gives developers permission to build to the max.

Citing home rule on this particular issue is a distraction from meaningful home rule that includes voting rights and budget and revenue raising autonomy.

The overall building limits established in the Height Act are worth preserving because of the extraordinary contributions these restrictions have made to the distinctive character of the city of Washington, which is one of the most attractive and lovely cities in America not only because of its monuments but also because of its tree canopy and open spaces and because pedestrians can see the sun, the sky and the stars – important elements for walkability and the soul.

CHAIRMAN MENDELSON

2013 OCT 26 AM 8: 51

5811 33<sup>rd</sup> St NW  
Washington, D.C. 20015  
October 26, 2013

The Honorable Phil Mendelson  
Committee of the Whole  
John A. Wilson Building  
1350 Pennsylvania Ave, NW  
Washington, D.C.

Re: Written Testimony on the hearing to discuss the Office of Planning's recommendations on the Federal Height of Buildings Act of 1910

Dear Chairman Mendelson:

Thank you for holding a hearing to gather public comment. I regret that I cannot appear in person to testify, due to my work as a public school teacher. I respectfully submit my comments on the Office of Planning's recommendations.

The Height Act has created a beautiful and thriving city. When I take visitors to D.C., they are often struck by the number of trees and the beautiful vistas from our hills and parks. In the midst of a serious financial downturn for our country, D.C. is thriving. Why, then, does the Office of Planning want to tamper with conditions under which the city has flourished, both economically and environmentally? The Office of Planning seems to be framing the removal of the Height Act in two ways: first, as a necessity to increase D.C.'s tax base and revenues, and second, as a moral obligation under Home Rule. However, I see these as smokescreens for the Office of Planning's real motive: to fundamentally alter the character of our city in a way that fits the vision of the urban planners in the Office of Planning and developers who would profit from greater building heights.

Both the arguments and the process followed by the Office of Planning leading to its recommendations on the Height Act are fundamentally flawed.

First, raising heights is not a precondition to financial stability, as the Office of Planning would argue. Yes, it is true that unlike other states which tax incomes of non-resident workers, D.C. is not allowed to tax incomes of workers who work in D.C. but live in other states. Also, unlike residents of territories without full representation in Congress, D.C. residents pay full federal income tax. However, if either or both of these injustices were reversed by Congress, D.C. would find itself with a financial windfall, with absolutely no need to alter the Height Act and destroy the character of our city. The federal tax policies, not the heights of our buildings, need to be changed.

Second, the Office of Planning (OP) also argues that eliminating the Height Act is necessary to allow D.C. full control of its land use under "Home Rule." I find it completely ironic that OP uses the Home Rule argument, when the Office of Planning scheduled meetings when we were not "at home" and did not show pictures of our homes. First of all, as you well know, August is a month in which many residents take vacations. OP's decision to hold Phase 2 hearings only in the month when residents were least likely to attend smacks of callous disregard

at best. In fact, in July, when Commissioner May of the Department of the Interior learned of the timeframe for the public meetings, he was appalled. He stated in a meeting July 11,

“...I am concerned...the public meetings in August. And it’s just such a taboo things for us. We don’t even go near that in the Park Service. It just doesn’t ..it’s a bad thing to have to do. I was at another meeting on this topic that was not one you sponsored, but it was sponsored by another organization and the cries of conspiracy started going up about this. And I tried to defend NCPC because at that time, I didn’t know you were planning meetings in August... So anyway, if there is anything that can be done to repeat the information or do something in September to make sure that you touch the folks who would otherwise not be able to make one of the other ones.”

However, with OP claiming pressure from Congress, the hearings continued at the precise time of year to generate the least amount of public participation.

Furthermore, as I wrote to you and Mayor Gray back in August, although the Office of Planning was tasked by Congress to take into account "compatibility to the surrounding neighborhoods, national security concerns, [and] input from local residents...," in its Phase 2 meetings in August, OP did not provide a single slide in its presentation, nor could staffers direct me to a single image in its modeling study, from the ground level of a single-family residential street showing what our neighborhoods would look like if areas identified as medium or high density in the Comprehensive Plan were allowed to build up to heights allowed under the Height Act now or a more relaxed Height Act in the future. In other words, OP completely avoided showing any direct impact of height increases on single-family areas.

This glaring absence of modeling images from the residents' street-level perspective is inexcusable. I confirmed with NCPC that the choice of images created for the modeling study was up to OP, and was not limited or dictated by NCPC. OP deliberately chose not to include images of the immediate impact of increased heights in residential areas, and when that omission was brought to OP’s attention by both NCPC and residents, OP chose not to add new residential street-level slides to the study before going forward with the Phase 3 Draft Recommendations. Thus, OP ignored not only its citizens, and made it difficult for us to perceive the impact of proposed changes, but OP also ignored Congress' request to take into account "compatibility to the surrounding neighborhoods...[and] input from local residents."

Moreover, the Office of Planning has deliberately mischaracterized the nature of the Congressional hearing last July to downplay the potential impact of the proposed changes on the residents and their neighborhoods. Harriet Tregoning of the Office of Planning stated at the August 3 Phase 2 meeting that “The very minor change that was being contemplated in the [July 2012] hearing was whether the penthouses should be allowed to be used for something other than mechanicals.” Yet, in that same hearing, CFO Natwar Gandhi spoke of the complete elimination of height and density restrictions in the district. Then, in his written testimony, Gandhi explained the impact of potential height/density increases on revenues. He wrote, "under our current practices, our assessors will take into consideration the potential increase in value of highest and best uses of each parcel, and re-assess these properties at higher value." (emphasis added) Thus, not only did the Office of Planning obscure the profound visual impact of changing the Height Act in the Phase 2 comment process, but also they failed to reveal the full extent of the city’s ambition for change, and the profound financial impact of potential changes on residents.



I have two additional concerns about the process: first, the Office of Planning's claims that we need to develop because we will run out of room are on shaky ground. When Natwar Gandhi testified before Congress on July 19, 2012, he said the supply of housing is nowhere near exhausted. If there is more housing, how are we out of room? Second, in the Phase 2 meetings, Harriet Tregoning said that OP needs to wrap this process up soon, because Darryl Issa will not be Chairman on the Committee on Oversight and Government Reform after 2014. Shouldn't the case stand on the merits, and not on the Chairmanship of the Committee? In the July 2012 hearing, Gandhi noted, "Given our assessment cycle, even if such a policy [of eliminated height and density restrictions] would be [sic] in effect by October 1, 2013, the first revenue impact would not be realized until Fiscal Year 2015." Perhaps this 2-year delay is one of the real factors behind OPs push to wrap up the study so quickly and jump into changes to the Comprehensive Plan and Zoning.

In the hearings I have attended and read, I have rarely heard the Office of Planning speak positively of the existing architecture and existing neighborhoods in our city. The speakers' eyes have lit up as they talked about the "iconic skylines" of other cities or "tall, graceful" buildings that might be built along Metro's Red Line. However, what OP dismisses is what many in D.C. treasure. With lower heights, our conservative buildings give a sense of gravitas, history, and tradition. With lower heights, we have diffused our building, and thus our economic activity, across sections of the city. With lower heights, we have communities within the city that feel more like Mayberry than Manhattan, with generations that know each other from the parks, schools, baseball leagues, local churches, and libraries. With lower heights, we can still see the topographic relevance of the many Civil War Defense forts that ring the city. With lower heights, we have parks that can sustain the number of residents wishing to use them. With lower heights, we can see the sky and get sunlight in our homes. With lower heights, we have lower and middle-income residents who can afford to stay in their homes, because they are not being taxed as if they live on land that can be developed into high-rises. The changes proposed by the Office of Planning might benefit developers in the short term, but would irrevocably damage the character of our communities in the long run. Our vistas and residential neighborhoods are assets that should be celebrated and protected, not exploited.

Please reject the Office of Planning's proposal to eliminate the Federal Heights Act of 1910. If the city needs more revenue, by all means, let us publicize the unfair constraints for taxation under which the District operates and ask Congress to address them. But the issue of tax revenues should not be a justification for raising building heights. The Height Act has served us well and should continue for generations to come.

Thank you for your consideration.

Sincerely,

Laura Phinizy  
Resident, Chevy Chase, Ward 4

CHAIRMAN MENDELSON

2013 OCT 28 AM 8:51

Gary Thompson  
2840 Northampton St. N.W.  
Washington D.C. 20015  
ANC Commissioner 3/4G02

**October 23, 2013**

National Capital Planning Commission  
c/o William Herbig  
401 9<sup>th</sup> St. N.W., North Lobby, Suite 500  
Washington, D.C. 20004

D.C. Office of Planning  
c/o Tanya Stern  
1100 4th Street, SW, Suite E650  
Washington, DC 20024

**Re: Written Testimony on the Height Act Study  
for the Special NCPC Meeting of October 30, 2013**

**The District's Height Master Plan draft recommendations for  
modifications to the federal Height Act**

Dear Commission Members:

Thank you for holding a Special Commission Meeting on this topic to gather public comment. I apologize I cannot appear in person to testify Oct. 30, due to an out of town proceeding. I respectfully submit these comments on the Height Act study.

I have studied carefully the September 12, 2013 NCPC Executive Director's Recommendation ("EDR") and the September 20, 2013 D.C. Office of Planning Evaluation and Draft Recommendations ("DCR"). I am familiar with the matters raised in these reports by (a) my many years as a D.C. Advisory Neighborhood Commissioner (four as Chair of the Chevy Chase ANC); (b) my review and comment on the pending D.C. zoning regulations; (c) an officer in the Alliance to Preserve the Civil War Defenses of Washington; and (d) as one of the attorneys who brought suit (pro bono) to challenge the congressional prohibition on D.C. taxing non-resident income earned within D.C., creating the structural funding imbalance that is addressed so well in the DCR. I respectfully make the following comments:

1. Whatever the reasons for its historic origins, the federal height limitations in D.C. have worked to create a beautiful and successful city. I do not think the height limitations should be raised, whether within the "L'Enfant City" or otherwise. I largely agree with the EDR in this regard and disagree with the DCR. I feel confident in saying that the majority of D.C. residents favor the views in the EDR. The DCR suggests that within the L'Enfant City, building heights be increased based on a ratio of height to street width, and outside the L'Enfant City, with no federal height limit. DCR's idea, if

accepted, would mean that within the L'Enfant City, heights could increase up to 200 feet and be non-uniform depending on the width of various adjacent streets. There would soon be a race up, with new controversies about proper application of the height limit, especially where new buildings abut residential areas.

2. DCR's idea of height-to-street width ratio also addresses only a single factor: pedestrian perspective from street level (*i.e.*, the wider the street, the higher the building can be). But that is not the only factor to consider. The EDR properly discusses the many other important factors that weigh on the matter – “viewscape,” relation to federal spaces, buildings blocking each other out, etc.

3. The status quo has forced D.C. and developers to spread out beneficial development, and to also create mixed-use areas where residential, retail, and commercial uses mutually benefit each other. There is still much room in the City for development of buildings up to 12 floors. If greater heights were allowed, then the focus would revert back to the traditional downtown areas (K St. N.W., Penn. Ave. corridor, etc.), slowing beneficial development elsewhere. D.C. is unique in diffusing its development across the city, instead of concentrating everything in a small area of high-rise buildings.

4. Removing height limits outside the L'Enfant City could lead to contentious developments, possibly creating Roslyn like mini-high rise blocks in what are now residential areas like Anacostia, Friendship Heights, Takoma Park, Chevy Chase, etc. The economic pressures to develop these areas could eliminate all but the wealthiest pockets of these residential areas – adjacent lower and middle income residents could be displaced. Plus this could siphon away or depress development in downtown areas.

5. This is an anecdotal point, but I happen to be an avid runner (around 25-50 miles a week) and a constant business traveler. I spend substantial amounts of time in the downtown areas of dozens of U.S. cities (in 2012, over 100 business days in 18 different cities). Being a runner, I run through and beyond these downtown areas. On average, the cities that have the downtown high-rise cluster effect are failures. There is little to nothing in the downtown areas other than office buildings, there is massive congestion at rush hour, the downtown area clears out after the workday, and the areas that immediately ring the downtown areas are abandoned or severely underdeveloped. Houston and Baltimore are examples of this failed model, and many more reveal this failure to some degree or another. In places like New Orleans, Cincinnati, Chicago, Dallas, and Charlotte, you can run on a city block that contains a nice marble-surfaced high-rise building, but as you leave the downtown cluster, a mere one-block later you run past strings of old boarded-up buildings.

6. In contrast, D.C. is a model of success, especially the last two decades of positive economic development. For example, not long ago, the whole area north of Penn. Ave., from 15<sup>th</sup> St. N.W. to the Capitol was a half-abandoned part of town. If in 1970 a high-rise area had sprung up in, say, Foggy Bottom, that whole Penn. Ave. area likely would still be half-abandoned today (to say nothing of No-Ma, H St. N.E., South

Capitol St., etc.). If you can build up, why build elsewhere? Let history be your best evidence of what happens when maximum heights are kept in place.

7. The DCR rationale for greater building height is admittedly driven by an artificial constraint – the federal government’s severe constriction of D.C.’s ability to generate tax revenue. DCR’s core argument is that we must build up so D.C. can increase its tax base. First, it is worth pausing to note that DCR is absolutely correct about this egregious injustice in D.C. D.C. cannot tax the majority of land/property in D.C. (by value) because it is federal or otherwise exempt. The most glaring injustice is the exception made by Congress in the Home Rule Act to the universal rule that income is taxed where it is earned. In D.C., this universal rule of taxation is suspended, such that D.C. cannot tax about two-thirds of the income earned within D.C. because it is “non-resident” income. Instead, mostly Maryland and Virginia are permitted to steal this D.C. tax revenue from D.C. Why? Because they can – because they have representation in Congress and D.C. does not. This is the harsh financial outcome of taxation without representation. Many years ago, I helped put together and bring a federal lawsuit to challenge this Congressionally-imposed tax revenue shift, alas without success on constitutional grounds. But this unfair constraint on D.C.’s tax revenue is not, however, a reason to increase building heights. *The two issues are distinct.* The answer is to (a) keep heights as they are, and (b) remedy the injustice of the “structural imbalance” through other means (repeal the prohibition, statehood, etc.).

8. I am also a founding member and Treasurer of the Alliance to Preserve the Civil War Defenses of Washington, dedicated to helping preserve the ring of forts that stretches around the “Topographic Bowl.” As the EDR notes, “there is an abiding federal interest in protecting the views to and from them,” another compelling reason not to alter the current height limits. There is also an abiding local interest in this regard as well.

9. For these reasons, I agree with the EDR’s ultimate conclusion that changes to the Height Act would have a “significant adverse impact on federal interests,” and local interests as well – both within and outside of the L’Enfant City.

10. I also agree with EDR’s caveat that the City might permit a broader range of uses in building penthouses, “if properly implemented and with certain restrictions” (set-backs and other restrictions specified by the EDR). For example, set-back penthouses might be used as conference room centers with bathrooms and facilities.

Sincerely,



Gary Thompson

--ANC Commissioner 3/4G02 (Chevy Chase)  
--Treasurer, Alliance to Preserve the Civil War  
Defenses of Washington  
--Resident, 2840 Northampton St. N.W.

Testimony  
of  
Roger K. Lewis  
appearing before the  
Subcommittee on Health Care, District of Columbia, Census and the National Archives  
July 19, 2012  
Hearing to Examine Issues Surrounding the District of Columbia 1910 Heights Act

CHAIRMAN MENDELSON  
2013 OCT 25 PM 2:56

My name is Roger K. Lewis, and I thank you for inviting me to testify before this Subcommittee.

I am a practicing architect, urban designer, and professor emeritus of architecture at the University of Maryland. Since 1984, I have written the Washington Post's "Shaping the City" column, and since 2007 I have been a regular guest on WAMU-FM's Kojo Nnamdi radio show. District of Columbia height limits periodically have been a topic of my column and the Kojo Nnamdi show.

I believe some modifications of the 1910 statute, with appropriate zoning changes in carefully chosen areas, are needed and should be considered.

In America, building height limits were based initially on several considerations: (1) recognizing fire-fighting, structural, vertical transportation and other technical constraints; (2) ensuring adequate light, air, ventilation and views desirable for public streets, civic spaces and abutting private properties; (3) respecting historically prevalent building heights in established neighborhoods that pre-existed zoning; and (4) making necessary aesthetic value judgments about urban design and architectural form. Yet inevitably height limits are arbitrary - for example, why 90 feet rather than 85 or 95 feet? In fact, there are no formulas or universal standards for setting exact height limits.

In the District of Columbia since 1910, these considerations have constituted the basis for stipulating and maintaining height limits. Thanks to these historic limits, the nation's capital has remained a uniquely memorable, low- and mid-rise city. From many places in the city, views of America's most iconic, symbolically significant structures - the U.S.



Capitol, the Washington Monument, the Lincoln and Jefferson memorials, the White House - have been preserved because downtown skyscrapers cannot be erected.

Yet there are places in the District of Columbia where height limits established decades ago are today inappropriate and unnecessarily constraining, a reflection of outdated planning and zoning practices from the early and mid-20th century. These practices were characterized most notably by designation of large areas - land use zones - within the city limited to predominantly one use and uniform height limit. Broad-brush, one-size-fits-all planning and zoning failed to take into account, within each land use zone, locational variations in topography, solar orientation, views and vistas, proximity to parks, adjacency to civic open spaces, and infrastructure, especially transit. It did not differentiate between mid-block properties and properties at major intersections.

Today's city planning, urban design and architectural principles and techniques - such as computer-based Geographic Information Systems (GIS) - are far more sophisticated and effective. Broadbrush strategies of the past are obsolete. We now can engage in fine-grain planning, urban design and zoning. We can identify, analyze and designate specific sites in the city where increased building height and density make great sense aesthetically, environmentally, functionally, socially and economically. This "smart growth" approach can enhance the city's urban and architectural qualities while yielding fiscal benefits for the city. Furthermore, enacted as an incentive bonus overlaying existing zoning in appropriate locations, increased building height limits - and density - can engender development of much needed affordable housing.

Where should height limits change? In the downtown l'Enfant Plan area of the District, including traditional residential neighborhoods, height limits should remain substantially unchanged to preserve the center city's dominant character and skyline. But there are specific sites - such as the Southwest and Anacostia River waterfronts - where upward adjustment of height limits would be beneficial without jeopardizing the city's historic profile. Outside the l'Enfant Plan area, many sites could be suitable for higher buildings, especially near Metro stations and major roadways.

The only equitable, professionally responsible method for identifying places to raise height limits, and for determining new height limits, is to create a detailed, city-wide plan, prior to any rezoning, based on a rigorous, comprehensive study. This is essential to avoid piecemeal, property-by-property relaxation of height limits through variances, exceptions and ad hoc rezonings, a process too often influenced by political and financial pressures. Because municipal and federal interests are involved, the building height study and plan should be prepared collaboratively and transparently by the D.C. Office of Planning and the National Capital Planning Commission.

Many Washingtonians are apprehensive when anyone suggests modifying D.C. height limits. They envision Rosslyn-like skyscrapers rising all over town, ruining the capital's historic image. Some believe that raising D.C. height limits anywhere would set precedents invariably opening the proverbial "barn door" to greedy developers in league with corrupt politicians, enabling high-rise buildings throughout the city.

But skeptical citizens need to understand that, through fine-grain urban design, prudent legislation and precisely targeted, well enforced land use regulation, the barn door will not and cannot be thrown open. Therefore, revisiting D.C. height limits requires not only a credible, city-wide planning effort, but also an on-going public education effort to help citizens recognize that legislation adopted over a century ago can be improved.

Members of the National Capital Planning Commission 2013 OCT 22 AM 10:29

I would like to submit my comments to the Height Act studies prepared by the National Capital Planning Commission and the Government of the District of Columbia. I have lived in the District of Columbia since 2004, when this exceptional city drew me to American University for undergraduate studies. Today I have a Masters in Local Economic Development from the London School of Economics and work as a research analyst at the Metropolitan Policy Program at the Brookings Institution. My academic and professional training inform my thinking on this subject, but all views expressed here are my own and not those of the Metropolitan Policy Program or the Brookings Institution.

I feel strongly that the Height Act should be preserved in its current form to protect the interests of the District's residents and the American public today and for generations to come. I also feel strongly that proponents of changes to the Height Act have not yet satisfactorily answered a number of serious questions. I will discuss these first.

To begin, I would encourage the Commission to scrutinize the forecasts used by the District of Columbia to justify changes to the Height Act for a number of reasons, namely:

- **The low growth scenario may be too high to represent a credible conservative lower bound.** An appropriate conservative forecast for population or household growth would have been a natural baseline like the rate of population growth in the United States (0.7 percent annually). Even this might have been too high though, considering that most of the country's projected population growth will take place in other regions, and DC has lower fertility rates than the country on average (40 births per 1,000 women in DC in 2012 compared to 54 per 1,000 in the U.S., according to the ACS). Furthermore, the District should explain why it believes the 30 year forecasts it calculated to guide planning in 2012 should now be accepted as the lower bound. If anything, the District's official projection should count as this study's middle growth scenario.
- **The high growth scenario extrapolates from short-term trends established during an extraordinary period.** The District's population growth over the past five years has been extraordinary—and does not in itself represent a new normal. Economists and policy-makers should be innately skeptical of any "trends" established over the most disruptive few years in modern economic history. The Washington DC metro area barely suffered from the recession, bolstered as it was by the immense countercyclical force of the federal government. Accordingly, it became a relative magnet for in-migration—mostly for footloose young renters entering the labor market and unaffected by the housing crisis nationally—during a period in which, nationally, migration came to a halt. Even today, low interest rates connected to the Federal Reserve's extraordinary and on-going capital market interventions make District real estate a relatively more attractive investment than it would be in normal times.

Meanwhile over the past two years the District has seen stagnating federal employment seize up the local job market. In 2012, private employment in the District of Columbia increased by 1.2 percent (6,300 jobs)—in line with the District's high-growth scenario—but total employment including the federal government grew by only 0.4 percent in 2012, and has declined over 2013

as federal losses have outweighed private gains, according to the Bureau of Labor Statistics. This evidence suggests that the region's economy has not measurably decoupled from the federal government, though an increasingly robust private sector offsets more of the cyclical fluctuations in federal employment than it used to. Whether positive private sector job growth can continue in the region in light of further federal distress remains to be seen.

- **The District's projections fail to account for the cyclical nature of the economy.** The District's study contains no discussion of economic cycles and instead asks the Commission to assume that the present boom can reasonably be expected to continue indefinitely. This would be a dangerous and foolhardy assumption to make. The economy moves in cycles. Neither the District nor the metropolitan area is immune to this hard and fast law of economics. The local economy may be slightly out of step from the national economy given the dominance and countercyclical nature of federal spending. But the investment boom currently underway in the District cannot be assumed to last forever. It strikes me as seriously problematic that the District's projections were not calculated over an economic cycle, and that the possibility of a market correction was not even discussed.

At a minimum, planners should wait and measure the impact that the recent round of development has on real estate prices as new office space and housing comes onto the market. It would be a shame to abandon the Height Act on the eve of an easily anticipated market correction. Such a move would risk changing the very character of the nation's capital forever because decision-makers made the all-too-human mistake of assuming that present trends would last forever, and that markets could only go up.

I would also like to bring attention to some potentially dubious arguments for revising the Height Act:

- **While high housing costs can be indicative of scarcity, they also reflect structural characteristics of the regional economy.** No relationship is more robust in economic geography than that between average educational attainment in a region and its median household income. Washington DC is the country's most educated metropolitan area. It also has the highest median household income. These are facts of its economy—facts which go a long way in explaining the city's and the region's high housing costs. This is not to say that market constraints like the height limits do not distort prices—they likely do—only to say that the District will have high housing costs as long as it remains a magnet for highly educated knowledge workers, and the question the city's planners must answer is how much responsibility the Height Act truly bears. I do not yet know of long-term residents being priced out of the market; it seems like neighborhoods are actually becoming more mixed and infill development is occurring in a way that mends the fabric of the city quite remarkably. If the District has evidence to the contrary, it should show it.
- **Urban economics is clear about the benefits of density; Washington DC already has the requisite density to take advantage of them.** The District of Columbia is one of the densest jurisdictions in the country. The city enjoys a world-class transit system because of it. Any increase in density in the District could over-burden already taxed road and transit infrastructure. What is more, the city is a national and global leader in urban innovations such as Capital Bikeshare, Car2Go, and now Uber—all made viable by the District's density.

The District's density also suffices to catalyze the knowledge spillovers and other urbanization economies that drive economic development and innovation in regions. Most of these dynamics like labor market pooling and company specialization occur at the metropolitan scale. Evidence exists that knowledge spillovers—the natural flow of knowledge and ideas among people and firms within industries and across them which makes everyone in proximity more productive—do attenuate at smaller scales, but this attenuation is related by proximity to clusters of human capital (See Rosenthal and Strange, "The Attenuation of Human Capital Spillovers," 2005). In a dense, decentralized, and highly educated metropolitan area like Washington, knowledge spillovers will blanket the region.

- **Certain arguments in favor of lifting the height restrictions are actually in favor of better zoning.** Many blame the purported "boxiness" of Washington architecture on the Height Act, claiming that the restrictions force developers to maximize the built area within any given parcel, thus leading directly to cubic design. Allowing a few extra floors is unlikely to change the developers' calculus, though—especially since constraints in historical L'Enfant City will always keep office space close to downtown scarce. City planners meanwhile have a number of tools at their disposal to safeguard the city against "boxy" and monotonous development. The city can divide blocks into smaller parcels and zone them for a mix of retail, housing, and offices. Variety absolutely makes a streetscape, but relaxing the Height Act is not necessary to achieve it.

Finally, three elements of the District plan demand further explanation:

- The District claims to want to use changes to the Height Act to expand affordable housing opportunities in the city, but it also states that it only expects high density corridors with high rents to attract the necessary capital to construct at newly permissible heights. This points towards already prosperous Northwest and Upper Northwest, and does not support the District's own argument that lifting the height restrictions will boost affordable housing in the city. Instead, it currently sounds like the District's plan to alleviate price pressures is to divert new investment away from the very neighborhoods in desperate need of it. The District should explain more clearly how it intends to use relaxed height limits to expand affordable housing opportunities and channel new development to neglected areas.
- It strikes me that the high growth scenarios seem to call for more new square footage than minor adjustments to the Height Act could ever possibly provide given the present realities of the city's development patterns. This is especially true once one removes L'Enfant City and the topographical bowl from the equation, which the District plan barely discusses despite explicit instructions from the U.S. House Committee on Oversight and Government Reform. Either the District plans very large and very high development projects throughout the few remaining plots in the city, or it missed an opportunity to submit more realistic and useful accountings of development potential in line with the understood scope of this study.
- Given the city's current state of development, I cannot see how the District would retain the horizontality of the skyline if the height restrictions were lifted or relaxed. The map of developable sites is a patchwork. New builds would tower over old builds in a random manner,



puncturing the skyline and commanding undue attention. London's chaotic skyline works for a financial capital, but even a version with capped heights would not befit Washington DC.

For these reasons I urge the District and the Commission to make no significant or hasty changes to the Height Act.

For the residents of the District of Columbia, more here is at stake than views of the monuments and national landmarks. The Height Act has created a special character and distinctiveness that extends far beyond downtown and that is worth preserving. For residents, it is the National Cathedral, the Basilica at Catholic University, the bell tower at Howard, the clock tower at Georgetown, and the spires at 16<sup>th</sup> and Columbia—each steeped in national and local history—that characterize the city. Vibrant neighborhood life fostered by people-sized streets makes Washington DC home. Washington DC lacks no urban amenities; indeed its residents enjoy one of the largest continuous swathes of livable, walkable, bikeable urbanity in the United States. The Height Act combined with the city's recent population growth and smart planning are stitching the city's urban fabric back together after decades of segregation and disinvestment. Today residents in all four corners of the city enjoy a built environment balanced by greenery and sky.

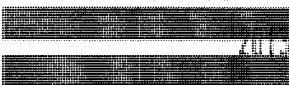
It disappointed me to read the District reject the Height Act as a 19<sup>th</sup> century anachronism. Regardless of its origins, the Height Act has had an immutable impact on the evolution of this city. For over 100 years the Height Act has guided the city's development. It is part of our history. It has shaped the nation's capital. And it is against the backdrop protected by the Height Act that the nation's monuments and the neighborhoods' symbols become something greater than the sum of their parts.

Washington DC is in that elite club of cities with a globally recognizable skyline. The world's great cities each have their own unique personalities—personalities reflected in the built environment. The stately elegance of Washington's skyline matches the heart and soul of the city. The skyline works with the monuments and landmarks to elevate the nation's capital into a majestic symbol of governance. The skyline of Washington DC is one of the nation's most prized public goods. It is one of its residents' most prized public goods as well, and it is the responsibility of government at all levels to defend that priceless public good against monetized private interests.

I thank you for your consideration of this very important subject and for the opportunity to comment.

Sincerely,

Kenan T. Fikri  
2535 13<sup>th</sup> Street, NW #401  
Washington, DC 20009

|                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div> <div>★ ★ ★</div> <div>CHAIRMAN MENDELSON</div> <div>  </div> <div>OCT 26 PM 1:32</div> </div>                                                                                                     | <div> <b>ADVISORY NEIGHBORHOOD COMMISSION 3C</b><br/> <b>GOVERNMENT OF THE DISTRICT OF COLUMBIA</b><br/>           CATHEDRAL HEIGHTS • CLEVELAND PARK<br/>           MASSACHUSETTS AVENUE HEIGHTS<br/>           MCLEAN GARDENS • WOODLEY PARK         </div> |
| <div> <i>Single Member District Commissioners</i><br/>           01-Lee Brian Reba * 02-Gwendolyn Bole * 03-Jeffrey Kalie<br/>           04-Richard Steacy * 05-Margaret Siegel * 06-Carl Roller<br/>           07- Victor Silveira * 08-Catherine May * 09-Nancy MacWood         </div> | <div>           3601 Connecticut Avenue, NW Suite L-06<br/>           Washington, DC 20008<br/>           Website <a href="http://www.anc3c.org">http://www.anc3c.org</a><br/>           Email <a href="mailto:all@anc3c.org">all@anc3c.org</a> </div>        |

## ANC 3C Resolution 2013-034

Regarding DC Recommendations to Change Height of Buildings Act

WHEREAS Congress passed the Height of Buildings Act in 1899 in reaction to the construction of the Cairo residential building's height of 164 feet, which affected other building's light and air, and views to landmarks and monuments; and

WHEREAS Congress, in 1910, amended the law to reassert maximum height of buildings on residential streets to 90 feet and to set the maximum height of buildings on commercial streets to 130 feet, with a small portion of Pennsylvania Avenue allowed to reach 160 feet; and

WHEREAS the District of Columbia Zoning Commission determines building heights within the maximums established by Congress; and

WHEREAS the District of Columbia is noted for its iconic skyline, human scale, open spaces and vistas, and is visited by over 18 million people annually, who contribute more than 50% of the city's sales tax revenues; and

WHEREAS Mayor Gray and the D.C. Office of Planning have recommended to Congress that it raise the height maximum in the L'Enfant City, where many commercial streets are located, to 200 feet, and rescind the maximums applied outside the L'Enfant City, which would include all of the area within ANC 3C; and

WHEREAS the zoning heights allowed within ANC 3C are well below the Height Act maximums and there appears to be no interest in exceeding the Height Act maximums, but strong interest in maintaining a complementary scale between heights on residential streets and heights on adjoining commercial streets:

BE IT RESOLVED that ANC 3C believes the Height of Buildings Act has served the city well and continues to serve our interests;

BE IT RESOLVED that ANC 3C does not believe it is in local or national interests to narrow or eliminate perspectives to our national landmarks and monuments, to remove vistas, or alter the human scale of the District of Columbia;

BE IT RESOLVED that ANC 3C finds no benefit in lifting the height maximums in our residential areas outside the L'Enfant City and further finds the existing range of scale, partly dependent on the Height of Buildings Act, allows for growth while maintaining livable communities;

BE IT THEREFORE RESOLVED that ANC 3C does not support recommendations that would

1. change the height maximums in the L'Enfant City and
2. rescind the application of the Height Act outside the L'Enfant City;

BE IT RESOLVED that the elected commissioners of ANC 3C are authorized to represent the commission on this matter.

**Attested by**

A handwritten signature in dark ink, appearing to read "V. Silveira/ANC3C". The signature is written in a cursive, somewhat stylized font.

**Victor Silveira**

**Chair, on October 21, 2013**

*This resolution was approved by a roll call vote of 6-1, with two abstentions on October 21, 2013 at a regularly scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.*

Testimony of Carol F. Aten  
before the  
Council of the District of Columbia Committee of the Whole  
on the  
District of Columbia Recommendations on the Federal Height of Buildings Act of 1910  
October 28, 2013

My name is Carol Aten. I have lived and worked in Washington, DC for over 40 years and treasure the very special place it is.

Washington, D.C. is not only the nation's capital, it is a beautiful and liveable city. This is in no small part due to the limitations contained in the Federal Height of Buildings Act of 1910 (Height Act). In fact, the result has been quite brilliant—likely way beyond what it's passage over 100 years ago might have anticipated. To change the Height Act in the midst of the city's current prosperity would seem akin to killing the goose that laid the golden egg. Certainly the shape and character of the city resulting from the Height Act has much to do with the city's current success.

I am horrified to think of buildings the height of those in Roslyn, Crystal City, Bethesda, and Tysons Corner appearing in Washington, dwarfing our monuments to democracy and turning our streets into canyons. I am additionally concerned with the zoning revisions now pending that would designate new areas of the L'Enfant City as downtown, tripling the size of the downtown area and then, coupled with changes in the Height Act, allowing taller buildings of up to 200 feet.

In response to Congressman Issa's request for a study, the city and the National Capital Planning Commission mutually agreed to three principles to guide them:

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

By suggesting the possibility of heights of up to 200 feet in the L'Enfant city that is filled with historic districts, buildings, monuments and important open spaces and boulevards, the Office of Planning's (OP) recommendations have ignored these principles.

Their recommendations are more the product of development-oriented planning than a considered evaluation of the costs and benefits. There is no evidence that increasing height will enhance or accelerate economic development. Neither is there any demonstrable correlation between taller buildings and lower rents, witness New York, San Francisco and, closer to home, Roslyn. So why believe that taller buildings will make housing more affordable? For that matter, is there any evidence that middle class or affordable housing families want to live in high-rise buildings? On the other hand, there is plenty of evidence that developers want to build the tallest buildings with the best views and that developers want to build small units for singles and couples to maximize their returns.

Similarly, the concerns about infrastructure and congestion are dismissed by the Office of Planning's report saying that increased revenues can be used to improve the infrastructure and address congestion. But those kinds of improvements are not quickly accomplished and would not be logically funded on a piecemeal basis as new buildings are built. We also know that congestion is already a disincentive for employers to locate or stay located in Washington. Increased height and density are likely to increase congestion despite plans to eliminate any requirements for parking in the "new downtown" which through the city's new zoning rules will become a downtown three times larger. In addition, Metro is at capacity and other infrastructure is not there to support the increased density either. Actions to address infrastructure needs and congestion need to be taken in preparation for increased development; they are not conditions to be "tolerated" over the many years that would be required to accomplish them. Simply put: The recommendations are a "solution" without foundation and a "solution" for a problem that doesn't exist.

Happily, the population of Washington, DC is growing after many years of decline. Nevertheless, even the most optimistic and aggressive projections do not suggest that we will reach previous resident levels for many years to come. The city is enjoying an economic and development boom and has recently had budget surpluses. The current reality undermines the assumption that we need to increase the tax base by adding more stories. Similarly, the limited scope of the undeveloped land analysis undermines the conclusion that we are running out of developable land. Further, DC is not an island nation and should not be looked at in isolation. We are located in a metropolitan area with increasingly dense development taking place around us. This trend is healthy both



for the city and for the region. All growth does not have to happen within DC's boundaries.

Despite OP's attempts to sell its recommendations on economics riddled with faulty assumptions and questionable projections, the decision about whether to allow an increase in the height of DC buildings should be fundamentally a judgment about aesthetics and character. The changes proposed in the Office of Planning's recommendations would radically and unwisely change the character of Washington, DC—a character widely praised by both visitors and residents.

Tourism is a major segment of the city's economy and visitors often comment favorably on the beauty, green spaces, light, and human scale of the city. Washington, DC is a distinctive city in a sea of look-alike big cities. I have visited many other cities around the world and the places I most enjoyed being were the ones with a human scale and a built environment that had ties to its past—Copenhagen, Amsterdam, St. Petersburg, Rome, Prague, Edinburgh, and Washington, DC, to name just a few. These are special places that help define the character of their countries for their citizens and for people from around the world.

With the proposed changes in downtown contained in the zoning revisions and the recommendations in the Office of Planning's Height Act report (both of which should be looked at together), height would not be directed outside the central city. It would allow buildings up to 200 feet in the new downtown that is part of the L'Enfant City. This is likely to mean maximally tall buildings along the Mall, waterfront, and with a view of the Capitol building. Tall new buildings would significantly impact the viewsheds from these places and from the places behind those buildings. This result would be antithetical

to the desire to have significant buildings and memorials stand out on the skyline and to see places like the National Cathedral.

I am strongly opposed to any change in the Height of Buildings Act and believe that the Office of Planning/Mayor's recommendations are irresponsible, an unwarranted gift to developers, and a blatant disregard for the well-being of citizens and neighborhoods and the distinctive character of Washington, DC. In addition, I object to the Mayor directly submitting recommendations to Congressman Issa with no public review and comment, including the DC City Council, or any coordination with their "partner", NCPC, especially since the study was supposed to result in consensus recommendations.

I urge the City Council to pass a resolution opposing any changes to the Federal Height of Buildings Act of 1910.

Thank you.

## SHERIDAN-KALORAMA NEIGHBORHOOD COUNCIL

2136 Leroy Place NW, Washington DC 20008  
202-387-7830

October 28, 2013

SUBJECT: Testimony of John Sukenik on behalf of the Sheridan-Kalorama Neighborhood Council, stating opposition to changes to the 1910 Height of Buildings Act, before the DC Council Committee of the Whole on October 28, 2013.

Mr. Chairman Mendelson,

I have resided on the edges of downtown Washington for 40 years, 32 of which have been spent in Sheridan-Kalorama. As a past president and a current board member of the Sheridan-Kalorama Neighborhood Council (SKNC), I am here today to express SKNC's opposition to changing the 1910 Height of Buildings Act.

The SKNC has existed since the early 1950s, and is dedicated to preserving the residential quality of Sheridan-Kalorama, and, inseparably, the characteristics of the entire city that make it an attractive place to live. Being such a close-in neighborhood, issues such as building height and related density are very important to our residents.

The widespread opposition to changing building heights already expressed so thoroughly today makes it unnecessary to hear from me in detail. I can concisely state the SKNC's position by simply saying that we extend our unqualified support to the position of the Historic Districts Coalition, as set forth a few minutes ago by Mr. Bauer.

Specifically, the SKNC agrees with the Coalition that:

- The 1910 Height of Buildings Act, through its effect on physically shaping the nation's capital, is no less important than the seminal 1791 L'Enfant Plan for the City of Washington. The L'Enfant Plan, as revitalized by the 1901 McMillan Commission, provided the foundation by brilliantly imposing on the landscape a rhythmic pattern alternating open spaces—streets, parks, and squares—with closed spaces intended for structures. In so doing, the L'Enfant Plan effectively limited two of the dimensions of any structure. By regulating the third dimension through the Height Act, the Congress furthered the human scale of the city and created the iconic horizontal skyline that Washington enjoys today.
- There is no compelling case for allowing taller buildings to accommodate growth in population or economic activity. As noted in public presentations by the Office of Planning, large areas of the city are currently not “built out” to the maximum allowed under existing zoning regulations. Ample long-term opportunities for commercial and residential development remain in the District of Columbia, many of which are outlined in the National Capital Planning Commission's 1990s *Extending the Legacy* plan.
- Therefore, the Historic Districts Coalition endorses Approach 1, 1A Status Quo: Make No Changes to the Height Act. We do not support 1B Allow Penthouse Occupancy.

Thank you for the opportunity to be heard today,

John Sukenik

Board Member, for the Sheridan-Kalorama Neighborhood Council

Committee of the Whole - October 28, 2103 - Height Study

Council Chair Mendelson and Councilmembers.

I am kindly french. I have lived in DC for 44 years. Thank you for the opportunity to present.

Raising the height limit in the District is a drastic measure that would radically alter quality of life but which cannot provide any assurance whatsoever that we will maintain economic diversity in our population.

If economic diversity is truly the concern, we should be requiring developers - NOW -to set aside portions of any new development for lower-income residents and not allow - buy-outs. The existing provisions in the District code don't protect moderate and/or low income housing.

There is no assurance that most developers won't take advantage of the housing buy-out and result in a NW Washington that is all upper-middle and upper income residents. Adding stories doesn't change the story

Harriett Tregoning herself has said many times that taller buildings will likely not have affordable housing because it is so expensive to build tall, and luxury housing would be the expected outcome.

Thank You, kf

ANC 2D

## Minutes

September 16, 2013, 7:00PM

Our Lady Queen of the Americas

2200 California Street

The Meeting was opened with a moment of silence for the 12 people killed and the many who were wounded this morning at the Washington Navy Yard.

1. Meeting was called to order at 7:04 PM
2. A quorum was established: Present were 2 Commissioners and 33 residents/guests. Fr. Evelio Menjivar, the new Pastor at Our Lady Queen of the Americas was introduced and welcomed.

8.2 Height of Buildings Act. Sally Berk; Following a presentation and brief discussion; Commissioner Lamar moved that; ANC 2D agrees to support The Historic Districts Coalition endorsement to Make No Changes to the Height Act and agrees to be a signatory on future correspondence which state this position. Seconded **Approved**

### COMMISSIONERS:

ANC2D01.....David R. Bender, PhD, Chair/Secretary

[davidanc2d01@aol.com](mailto:davidanc2d01@aol.com)

ANC2D02.....Eric S. Lamar, Vice-Chair/Treasurer

[ericslamar@gmail.com](mailto:ericslamar@gmail.com)

*Advisory Neighborhood Commission 2D meets the third Monday of the month unless otherwise announced. There is an open forum at each meeting for discussion of relevant issues not on the regular agenda. For additional information go to the ANC website at ANC2D.ORG.*

SALLY LICHTENSTEIN BERK

Architectural History & Preservation

2214 Wyoming Avenue, NW

Washington, DC 20008

[sallyberk@gmail.com](mailto:sallyberk@gmail.com)

**TESTIMONY RE: THE REVIEW OF THE FEDERAL HEIGHT OF BUILDINGS ACT  
BEFORE THE DC CITY COUNCIL**

**28 October 2013**

**Chairman Mendelson and Councilmembers,**

**My name is Sally Berk. I've been a preservation activist in Washington for more than three decades so I'm sure that few of you will be surprised that I'm here in an effort to preserve the Height of Buildings Act. My opposition to a proposal for drastic and irrevocable change is based on years of studying cities; first in architecture school, later in graduate school, and in my travels both in the United States and abroad. What has become quite clear to me is that controlled growth, based on maintaining a sense of place, is what makes a city desirable and what brings in the dollars.**

**Since the proposal to change the height limit first became public, I've discussed this issue with colleagues across the country. Unanimously, they have responded that they find Washington to be so very appealing because of its form. And they are horrified to learn that that very form is threatened.**

**Our city's form, which is so valued by visitors as well as residents, is the result of L'Enfant's brilliant plan on the ground and of the 1910 height limit in the air. And just as the plan of two centuries ago remains valid today, so does the height limit, which is neither an arbitrary nor an obsolete concept. It is a brilliant and timeless model, based on the width of our streets and resulting in a light-filled, human-scaled environment. It is also a ratio that results in a graceful and elegant environment. A change in the height would result in an alteration of that proportion that would no longer produce the serene built environment that is the pride of the nation's capital. (This is not to be interpreted to mean that I would find an increase in height acceptable if the streets were widened. I've been to Moscow and seen the tragic loss of history and culture when buildings were sacrificed to create wide avenues.)**

**I find the DC Office of Planning's argument that we will soon run out of space and that we need to increase our housing stock in order to accommodate our increased population to be a specious one. First, because the DC Office of General Services holds hundreds – perhaps thousands – of vacant housing units in its inventory. The Department of Housing and Community Development, in a 2010 report, claimed that there are 2,900 vacant buildings in the District. While not all are housing, many are. If all vacant city-owned housing units, as well as privately-held ones, were put back on-**



line, it would go a long way toward providing housing for our increasing population (which, by the way, is now increasing at a slower rate than anticipated by the DC Office of Planning). Those units that would be put back on-line are far more likely to be affordable housing than the luxury units that would surely result from raising the height limit.

As to the argument that we are running out of developable land, I quote the developer who said in a recent interview "There is plenty of undeveloped FAR." This comes as no surprise to anyone familiar with our city. While it is true that our downtown is nearly built to capacity, and that close-in areas, like the Fourteenth Street Corridor, are now being developed at higher densities, there is still plenty of undeveloped land in other parts of the city. There is no justification for eliminating the height limit in those parts of the city. First, let's fill it in. Development in those areas would bring vitality to neighborhoods that have been experiencing decline for decades. Development in those areas would be Smart Growth.

I ask the Council to pass a resolution that opposes the Office of Planning's and the Mayor's recommendations regarding changes to the Height of Buildings Act. Furthermore, before any change is made to the Height Act, all the citizens of Washington, DC should be allowed to voice their opinions in a city-wide referendum.

Thank you for the opportunity to comment.

Monday, October 28, 2013

Committee of the Whole  
Phil Mendelson, Chairperson

Public Oversight Hearing on  
The District of Columbia's Recommendations  
on the Federal Height of Buildings Act of 1910  
Testimony of Marilyn J. Simon  
Friendship Neighborhood Association

My name is Marilyn Simon, and I am speaking today on behalf of Friendship Neighborhood Association.

The DC Office of Planning's Capacity Analysis, submitted to Congress last month prior to its release to the public, forms the basis for its radical recommendation to remove the Height Act limits outside the L'Enfant City, and dramatically increase those limits within the L'Enfant City. Yet, this analysis is seriously flawed and systematically understates the development capacity available under the current Height Act limits.

Because of the flaws in their analysis, OP has failed to demonstrate that an increase in the heights allowable by the Height Act is necessary in order to accommodate anticipated growth. There are also serious flaws in the growth projections that have been addressed by others here and in the NCPC proceeding.

In addition, OP's recommendations would jeopardize the qualities that make our city special, the qualities that struck me when I first came to Washington, after having lived and worked in New York City, experiencing the difference in the scale and how refreshing it was to work in downtown Washington, with its openness, light and air. We value the ability to see the sky as one walks through downtown, walking along streets where trees can thrive. Our iconic horizontal skyline should not be sacrificed.

#### Major Errors in OP's Capacity Analysis

I will briefly discuss three major flaws in OP's calculation of the development capacity available. A more detailed discussion is available in my written comments.

(1) The analysis did not include many sites with substantial development capacity. In calculating the development possible under various scenarios, OP did not include any land designated for public use, institutional use or federal use in the Comprehensive Plan and did not include any other properties that were developed to at least 30% of the capacity allowed as a matter of right with current zoning.

Examples of the type of development that OP excluded from its capacity analysis include development of large WMATA-owned sites, possible public-private partnerships such as the proposal to place 200 housing units on the campus of an elementary school, or redevelopment of the Franklin School. Also excluded was potential development on the Walter Reed site or redevelopment of the Third Church. Eliminating properties that are developed to at least 30% of the matter of right capacity eliminates many sites that could support profitable matter of right development, or development as a PUD. Excluded

would be many sites with one or two-story buildings along major corridors, where there would be substantial additional capacity if Height Act limits were the only constraint.

(2) In calculating the capacity within the Height Act limits, OP only included land designated in the Comp Plan maps as medium or high density. Yet OP's own calculations show that the areas designated as low and moderate density on the Comp Plan maps would support over 180 million square feet of additional development consistent with the Height Act and the Comprehensive Plan designations.

In table 3, OP claims that with the Height Act limits, there is additional development capacity of 221.8 million square feet. However, this estimate leaves out 180 million square feet of development that would be consistent with the Height Act and the Comprehensive Plan designations. In table 3, the relevant estimate of the theoretical capacity under the Height Act limits should include the low and moderate density areas, so the estimate (excluding the local public use, institutional and federal areas) should be 404.6 million square feet rather than 221.8 million square feet.

(3) In calculating the development capacity available under some of the scenarios, OP reduced each of the estimates by 25%, which they stated was to account for factors that limit the ability to build out to the full zoning or Comp Plan limits. With PUDs and map amendments, it is not unusual to see development far in excess of matter of right limits, and it is unusual to see development substantially below matter-of-right density, especially in those areas characterized as having sufficient market demand to support heights greater than 130 feet.

The graph on page 41 comparing the OP growth estimates with achievable capacity is based on applying this 25% reduction. If OP had not reduced development capacity by 25%, and had not graphed the grossly inflated "high growth" estimate, it would be clear that sufficient capacity is available for many decades to come with under current zoning and under the Comprehensive Plan, and that OP has not demonstrated a need to amend the Height Act.

#### The Capacity Study and the Feasibility Analysis

I would also like to add that while OP has substantially understated the capacity available under each of the scenarios, some of these assumptions such as compliance with the Comprehensive Plan, fall by the wayside when calculating the "economic benefit" to changing the Height Act. In its evaluation of areas that the Comp Plan describes as medium density, across the street from single family homes, OP includes buildings that are up to 250 feet in height, with ground floor retail and up to 918 housing units per acre.

#### Conclusion

Given the flawed analysis in the OP Report and the continuing value of the Height Act provision in shaping our city, with its iconic horizontal skyline, walkable downtown and leafy, walkable neighborhoods, we ask that the Council pass a resolution declaring its opposition to a change in the Height Act.

**DC OFFICE OF PLANNING'S HEIGHT ACT CAPACITY STUDY:  
A SHAKY FOUNDATION FOR OP'S RECOMMENDATION FOR CHANGING THE HEIGHT ACT**  
Comments of Marilyn J. Simon, Friendship Neighborhood Association

The DC Office of Planning's Capacity Analysis, submitted to Congress last month, forms the basis for its radical recommendation to remove the Height Act limits outside the L'Enfant City, and dramatically increase those limits within the L'Enfant City. Yet, this analysis is seriously flawed and systematically understates the development capacity available under the current Height Act limits.

Because of the flaws in their analysis, OP has failed to demonstrate that an increase in the heights allowable by the Height Act is necessary in order to accommodate anticipated growth.

In addition, OP's recommendations would jeopardize the qualities that make our city special, the qualities that struck me when I first came to Washington, after having lived and worked in New York City, experiencing the difference in the scale and how refreshing it was to work in downtown Washington, with its openness, light and air. We value the ability to see the sky as one walks through downtown, walking along streets where trees can thrive, and our iconic horizontal skyline should not be sacrificed.

**MAJOR ERRORS IN OP'S CAPACITY ANALYSIS**

I discuss three major biases in OP's analysis:

- (1) OP treats many sites with substantial development capacity as undevelopable;
- (2) OP fails to include the development capacity of land not designated as medium or high density in the Comprehensive Plan, and
- (3) OP arbitrarily discounts the development capacity it does analyze by 25%.

The OP report assumes, counterfactually, that much of the recent redevelopment and development in the pipeline is impossible.

While OP has consistently understated the development capacity available in each of the scenarios it examined, in its statements comparing capacity with its estimate of demand, OP's comparisons didn't examine whether the Height Act constrained capacity. OP compared its "high growth" scenario with its estimate of capacity available with current zoning, and with its estimate of the capacity where development is only constrained by the Height Act only for a handful of sites,<sup>1</sup> neither of which can be a basis for concluding that it is necessary to radically change the Height Act, allowing a large increase in the limits in the L'Enfant City, and eliminating Height Act limits outside the L'Enfant City.

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<sup>1</sup> OP concluded on page 42 that "Even if the District were to change zoning across the city to create additional capacity under the Comprehensive Plan, with no changes in the Height Act, to meet high growth demand, this capacity would be exhausted in 20 years." For this comparison, the Height Act was a constraint only in those areas where the Comprehensive Plan had a high density residential or commercial designation, as mapped on page 17 of the OP Report, and which OP had designated as developable in the map on page 35 of the OP Report. In addition, the high growth demand lacks a reasonable foundation, being calculated as a simple extrapolation of estimated growth rates over the past five years

### **(1) Eliminating sites with substantial development capacity**

OP applied broad filters to eliminate sites from the analysis, including sites that have substantial development potential in each of the three scenarios: current zoning, zoning flexibility that is consistent with the Comprehensive Plan, and only limited by the constraints of the Height Act.<sup>2</sup> These filters included:

- (1) The elimination of all land designated for public use, including all properties designated as “Local Public Facilities” in the DC Comprehensive Plan;
- (2) The elimination of all land designated as Institutional and Federal in the DC Comprehensive Plan; and
- (3) Properties which were built to greater than 30% of the capacity permitted as a matter of right with current zoning.

By applying the first two filters, OP eliminated from the analysis a large number of sites which have substantial development potential even with existing zoning. If constrained only by the Height Act limits, these sites would have even higher capacity.

For example, the local public facilities filter eliminates DC properties that had been considered for redevelopment with substantial increases in density, such as the proposal to add 200 housing units to one elementary school campus in Ward 3. The local public facilities filter also eliminates large WMATA-owned sites that had been considered for redevelopment, sometimes retaining the current function while adding commercial space and hundreds of housing units. The Franklin School site also is excluded from the analysis.

It appears as though OP eliminated the land designated as Institutional or Federal Facilities on the Comprehensive Plan map simply because some of that land is not currently regulated by floor area ratio limits, so the calculation of the first scenario would have been more complex. This includes a substantial amount of land owned by private schools, hospitals, retirement homes, religious institutions and other institutions which have substantial development opportunity under the current zoning regulations, and even more development opportunity within the limits of the Height Act. For example, potential development on the Walter Reed site is not included in the analysis, and neither is the Third Church located at 16<sup>th</sup> and I Street, NW.

The third filter listed eliminates all properties that are currently built to at least 30% of the current matter-of-right zoning limits. This aggressive filter eliminates many sites with substantial development potential even within the matter-of-right limits of current zoning, and certainly with planned unit developments or even map amendments consistent with the Comprehensive Plan. OP is excluding properties where the density could be tripled with matter of right development, and more than tripled with zoning relief consistent with the Comprehensive Plan. This filter eliminates from OP’s calculation sites with one or two story buildings on major corridors, where there would be substantial additional capacity were the Height Act limits the only constraint.

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<sup>2</sup> In addition to the filters discussed above, OP applied the following filters which further limited the area under consideration, and eliminated some potential development in each scenario: Single Family Zone districts; Historic Landmarks; Recently Developed Properties (time frame not specified in the report); Transportation Rights-of-Way; and certain other properties where the analysis indicated that there was more than 300,000 SF of capacity where OP determined that there might be an error in the data. See Height Master Plan for the District of Columbia, Evaluation and Draft Recommendations, DC Office of Planning, September 20, 2013, transmitted to Congress on September 24, 2013, pages 33-34.

**(2) Inclusion of only land designated in the Comp Plan maps as medium or high density**

In addition to these filters, much of the OP analysis included only land designated on the Comprehensive Plan maps as medium and high density. Development of the properties designated as medium density in the Comp Plan is not limited by the Height Act limits since those are described as mid-rise (4-7 stories) apartments in residential zones (Comp Plan 225.5), and as generally not exceeding 8 stories in height in mixed use zones (Comp Plan 225.10).

There currently are significant development opportunities on sites with designated as low and moderate density designations in the Comprehensive Plan (with corresponding zone districts for the moderate density designations including R-3 through R-5-B, and C-2-A, C-2-B and C-3-A). These sites can have a floor area ratio up to 4.0, plus an inclusionary zoning bonus if applicable. Even the low-density designation includes land zoned C-2-A, which can have a floor area ratio of up to 3.0 with inclusionary zoning.

OP's analysis of the capacity available under a full build-out consistent with the Height Act does not include land designated as low or moderate density in Comprehensive Plan. According to the OP report, the development capacity under current zoning would increase by 85% if this land was included. According to OP's tables, these areas would support additional matter-of-right development of approximately 117 million square feet. With map amendments or PUDs consistent with the Comprehensive Plan, according to OP's tables, these areas would support additional development of over 180 million square feet. These areas were not included in OP's estimate in Table 3 of the amount of development possible under current federal Height Act limits.

In Table 3, OP claims that, with Height Act limits, there is additional development capacity of 221.8 million square based on a calculation that excludes areas that would support over 180 million square feet while maintaining densities consistent with the Comprehensive Plan.

**(3) Arbitrary 25% Reduction in the development capacity of sites included in the analysis**

In calculating the capacity under the current (matter of right) zoning limits and the Comprehensive Plan with map amendment limits, OP reduced each of the estimates by 25% to account for factors that limit the ability to build out to the full zoning or Comprehensive Plan envelope. With PUDs and map amendments, it is not unusual to see development far in excess of matter-of-right limits and unusual to see redevelopment substantially below the matter-of-right density, especially in some of the areas characterized as having sufficient market demand to support heights greater than 130 feet. Given the amount of development that reaches or exceeds the current zoning envelope, there is no reasonable justification for the massive reduction in the estimate of developable capacity

**RELATIONSHIP BETWEEN THE CAPACITY STUDY AND THE FEASIBILITY ANALYSIS**

While the limitations on the sites included in the study as well as the reduction in the estimated capacity by 25% result in a substantial understatement of the development capacity available as a matter of right with current zoning, it is astounding that OP would use the same limitations and reduction in their analysis of development capacity within the Height Act limits.

How can OP justify the assumption that it is not economical to redevelop a site that is developed to a FAR of 1.0 (where with current zoning, the FAR limit is 3.0) when considering the Height Act limits which could expand the development capacity to as much as 8.6, especially when we observe similar sites being redeveloped to much lower densities?

While those sites are eliminated in the determination of the city's development capacity with the Height Act limitations, a substantial portion of the analysis of the economic benefit of lifting the Height Act limitations is demonstrating how it would be profitable to add two stories to some eight story developments. The redevelopment scenarios that OP treats as impossible when it is claiming that there is insufficient room for growth under the Height Act limitations, it assumes will happen universally as it calculates the economic benefits from lifting the Height Act constraints.

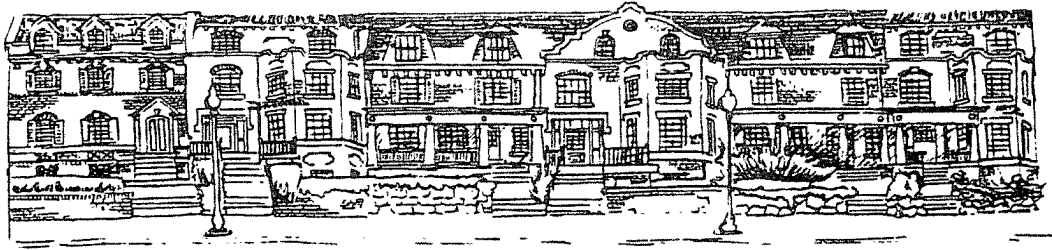
While some of these limitations, such as not considering low and moderate density zones, might appear to be based on deference to the Comprehensive Plan, OP's deference to the Comprehensive Plan goes out the window when OP calculates the economic benefit to lifting the Height Act limits. In that case, suddenly they are evaluating buildings that are 250 feet tall, with ground floor retail and 918 housing units per acre in areas that the Comp Plan describes as medium density, across the street from a single family neighborhood.

And redevelopment limitations also fall by the wayside as there is significant emphasis on the feasibility of adding density to existing buildings, even buildings that clearly would not have made it through the filter on having development at least 30% of the density allowed as a matter of right.

### **CONCLUSION**

OP has made recommendations to dramatically change the shape of our city to address a problem that they cannot demonstrate exists. Those recommendations should be flatly rejected.





**Testimony before the DC Council Committee of the Whole  
On the  
District of Columbia's Recommendations on the Federal Height of Buildings Act of 1910  
Monday, October 28, 2013**

Good morning, Mr. Chairman and other Members of the Council. My name is Fay Armstrong. I am President of Historic Mount Pleasant. Our organization was formed in 1985 to further the purposes of historic preservation within our neighborhood and more generally throughout the Nation's Capital.

We have reviewed the recommendations of both the National Capital Planning Commission and the D.C. Office of Planning with respect to the continued effect of the 1910 Height of Buildings Act on federal and local interests. The joint study began last year with the explicit goal of developing consensus recommendations. The conclusions of the two study partners, however, diverge fundamentally. NCPC presents a compelling case for a lasting federal interest in the height of buildings throughout the District of Columbia and suggests only a very modest change to the law related to the occupation of penthouses. We endorse the NCPC analysis and conclusions.

As residents of the District of Columbia, we recognize the interest of the nation as a whole in preservation of the iconic horizontal Washington skyline. The federal government is the steward of that national interest. Over the years, the Height Act has provided a third dimension for the Capital City – complementing the original street grid laid down by L'Enfant and the expansion of that plan as a result of the McMillan Commission in 1906. The limits set by the Height Act, moreover, remain higher than local zoning allows. There is room to expand within the District without raising the limits set by federal law. The Height Act should not become part of the ongoing contest with Congress over home rule.

Other witnesses today have highlighted the weaknesses in the analyses presented by the DC Office of Planning and hence their conclusions. The OP study analyzed the Height Act in a vacuum, without considering, among other things, the costs associated with growth of the kind described (e.g., infrastructure) and or the possibility of other ways in which the federal relationship might change over the next 100 years. These are fundamental flaws that must be recognized by the DC Council. It is unfortunate that the Mayor chose to forward the study to the Congress without first hearing the views of residents or of the Council itself.

When and if changes are made to the Height Act, they must be predicated on much more thorough analysis of all the relevant factors. To ensure that ongoing federal and local interests are indeed being served, any such changes should have substantial support from both federal and local stakeholders. OP's recommendations do not. The recommendations, moreover, are

inconsistent with the DC Government's own Comprehensive Plan and seemingly beyond the scope of the study requested last year by the Congress. The Comprehensive Plan (at p. 10-3) calls for "respecting the historic physical form of the city." The Congressional letter of request urged consideration of "strategic changes to the Height Act outside the L'Enfant City (emphasis added)." What OP has proposed instead are fundamental and far-reaching changes that would usher in an era of great uncertainty about the direction of development in the city.

We call upon the members of the DC Council to reject the recommendations of the Office of Planning to amend the Height Act by increasing height limits within the L'Enfant City and eliminating all areas outside the L'Enfant City from its coverage. The Height of Buildings Act was good law in 1910 and remains so today.

**Testimony before the D.C. City Council**  
**Dorn C. McGrath, Jr., FAICP**  
**Delivered on October 30, 2013**

Once again, we are more or less involved in the argument on the Building Height Act and its effects on the City. This time, however, we are to be influenced by a congressman from California, Darrell Issa (R), from a district with no building height act on the fringes of Los Angeles, which doesn't care as long as the earth holds still. Congressman Issa sees this as a way to avoid more serious debate on such issues as the Continuing Resolution, or in Congress-ese, the CR. This time he is supported by the erstwhile congressperson habitually representing the District, Congresswoman Eleanor Holmes Norton.

There is a movement to have the architects, speaking through the AIA, stake a position in this debate. They won't, because more and more buildings – regardless of their architectural merit – means more work for architects, and heaven forbid that the AIA would speak about anything else. Moreover, the architects, alluding to their role in “shaping the city” have already spoken through the Washington Post and Roger Lewis, whose column, *Shaping the City*, appeared in a Saturday edition of the Real Estate section. Lewis, a good cartoonist, is clearly in favor of eliminating the Building Height Act, at least for certain parts of the City, beyond the so-called “topographic bowl.”

At a hearing staged on July 19, 2012, a carefully-chosen panel presented its ideas about the suggested elimination or modification of the Building Height Act. The panel was carefully chosen to include four advocates of Congressman Issa's position, and one opponent thereof. One of those chosen advocates was an emissary of the Mayor (now under investigation). The opponent selected was Committee of 100's former chairman, Laura Richards. Richards presented an eloquent set of reasons why the Building Height Act is important to the City and its identity, but the panel was clearly intent upon changing this.

Do we really believe that constructing high-rise buildings at all metro stops will attract low-income housing? Certainly not. Do we really believe that extending the Metro Silver Line to Loudoun County will result in more low-income housing? Certainly not. Do we really believe that the painful slog up four escalators and 2,000 more horizontal feet, often open to the weather, to the one-way temporary stop on the trolley line from “nowhere to nowhere else” will bring relief to the clubs, bars and businesses of H Street, NE? Obviously, we don't, and several businesses in this woeful corridor have already gone the way of failure for lack of customers.

Do we really believe that our esteemed City Council, despite its new leadership, will suddenly exercise restraint when it comes to the prospect of new revenue from new buildings erected, Rosslyn-style, at various metro stops around the city? Certainly not – even after they have filled the seats of the three of twelve members who have been convicted by courts of law.

In his book, Skylines of the World, Yesterday and Today, M. Hill Goodspeed writes, (Pg. 196-7) “[Washington] is a city like no other in the world. Its skyline is not marked by modern symbols of capitalism, but rather by monuments to the people and events that are pillars of American democracy, the very shapers of the national identity of the United States.”

Washington, DC, can choose to become the city of empty buildings seeking to be neighborhood foci at metro stations, or it can remain an attractive, controlled open space bringing in millions of tourists each year to enjoy. Washington is, after all, the Nation's Capital even today, and people tend to like it as it is, with its unblocked views, ample avenues, and lower buildings.

Recently, an almost hysterical letter signed by the Mayor differs with the more thoughtful approach of the National Capital Planning Commission. The letter reflects a "Just Do It" approach taken by the DDoT, which responds only to the Mayor. So much for the concept of "citizen participation," which is fundamental to our concept of democracy.

The so-called "Streetcar system" is not on the agenda of the Regional Transportation Planning Board, nor is the Building Height Act; thus, people are thoroughly confused. Does anyone really think that raising the Building Height act will raise the ridership on the failing Metro system? No, not even the lemmings. Will adjusting the Height of Buildings Act help the Congress to govern the country better? Certainly not.

Does anyone really believe that the featureless expansion by 20-200 feet by the modification of the Building Height Act, will attract any significant number of low- and moderate- income people to fill the so-called empty spaces above existing buildings? Certainly not.

The representation of the 20-200 ft. additions to the Height of Buildings Act is also flawed. Note that the featureless buildings shown are all as seen from street level, but that several of the aerial views shown are from several hundred feet above the same sites shown. Most of us do not walk several hundred feet above the city, but apparently some of the City's planners do. This is called "trick photography", and I'm glad to see that the NCPC has not fallen for it.

Does anyone believe that the levels of noise, traffic congestion and detours will be decreased by an increase in the Building Height Act? Certainly not. Does anyone believe that the 12,000 daily drivers alluded to by the Office of Planning (which reports only to the Deputy Mayor or Mayor himself) really want to live in the District? Certainly not. The City has undertaken the route of mendacity, or it would not lay claim to the fact that the Spingarn High School site is not a part of the so-called "system" that it intends to build connecting the neighborhoods of Anacostia with Union Station. Nor would the City ignore the Burnham Place reality of an at-grade street car "system".

Even Donald Trump knows that there is much to be lost by building – which he could – another skyscraper on the site of the Old Post Office, because he believes that there is dignity in the Building Height Act. There IS dignity in a city that does not try to be "like" Dubai or New York.

Does anyone believe that an increase in the Building Height will produce more congestion in the streets? Yes, most do.

Leave the congestion to the suburbs – let Arlington be Arlington, let Tyson's Corner be Tyson's Corner, let Bethesda be Bethesda, let Silver Spring be Silver Spring, let National Harbor be National Harbor. Each of these sub-areas of our metropolis has its own planning jurisdiction.

But leave the Building Height Act alone.

Thank you for this opportunity to present my views.



**Testimony of the  
DC PRESERVATION LEAGUE  
before the  
District of Columbia Council  
Committee of the Whole**

**October 28, 2013**

**On the  
Height Study Report - Draft**

Good afternoon, Mr. Chairman and Commission members. My name is Rebecca Miller and I am the Executive Director of the DC Preservation League. I am here to testify today about one of the country's most significant and precious historic resources – the City of Washington and the effects that proposed changes to the 1910 Height of Buildings Act would have on this nationally significant place.

The DC Preservation League was formed to preserve and protect historic resources, understanding their value both as important pieces of our past as well significant contributors to a rich and vibrant future. Although our work often focuses on individual buildings or sites, these are generally part of a broader urban fabric that may itself merit special attention and preservation. Washington – known the world over for its wide streets, open spaces and horizontal skyline – presents such a case. The Height of Buildings Act has been a major factor in development of the built environment of the District of Columbia. Any changes to that law can be expected to have a significant impact on the character of the city as a whole and thus deserve the most careful analysis and consideration.

DCPL has attended public meetings to discuss the Draft Height Act Study and has reviewed its accompanying analyses. We are concerned that the short time allotted for the study has prevented a comprehensive analysis of the impact of the Height Act in relation to other important factors affecting federal interests and the economic health of the District of Columbia. While we generally agree with the analysis in the NCPD staff report and can support its recommendation that other uses be considered for penthouses, as long as the existing size and setback restrictions are maintained, we take strong issue with the methodology and recommendations of the DC Office of Planning. The OP study is results-oriented. It assumes what it needs to prove – that there are clear economic, fiscal and social benefits to be found in raising the height limits – and then selects disputable data to make its case where it offers any data at all. Its objective is to undermine the Height Act and increase local control over future development throughout the District of Columbia. Its recommendations diverge sharply from those of NCPD, when consensus recommendations were specifically requested by Congress. We urge that the OP recommendations be rejected for the following reasons:



There are numerous analytical gaps in the OP study, indicating the need for much more serious analysis of economic trends in the District and an ongoing discussion with Congress about the nature of federal assistance and appropriate adjustments that might be made depending on future growth and other developments. The Height Act is by no means the only or even the most important aspect of the relationship between the local and the federal governments. However, it has been analyzed by itself, in a vacuum, assuming that all other aspects of the local-federal relationship are immutable. That is not the way to achieve an optimal lasting result for the District of Columbia.

On population growth, OP presents as authoritative projections it has developed with the Metropolitan Council of Governments for use in regional transportation planning (p. 29). However, such estimates differ markedly from figures released by the District government's own Chief Financial Officer, whose revenue certification letter of June 24, 2013, shows that the rate of population growth peaked in 2011. Different estimates from within the DC Government and any other available estimates need to be reconciled before they are used to project the need for housing or other kinds of construction in the city.

The current state of public infrastructure in the District is precarious. Utilities are pressed to the limit, as are transportation networks. The costs of expanding and upgrading these public services are an essential part of an analysis of current growth needs. They cannot be dismissed as they are here (p. 14) as simply an important related issue that could not be addressed in the time available for the present study.

One of the benefits of raising the height limit in OP's view is that it will provide additional tax revenue with which more affordable housing can be built, thus protecting middle and lower income families from being displaced by gentrification. However, no connection is actually demonstrated between the increased height limits proposed and the desired increase in affordable housing, except to refer to the possibility of inclusionary zoning. The study places off-limits most of the available land in the District, indeed most of the residential areas, focusing primarily on the downtown area and transportation corridors. (See map p. 16.) The additional housing that is likely to be developed in these areas would be for upper income individuals. Would inclusionary zoning be effective in those areas? How and where would any of the additional tax revenue be transferred to other neighborhoods?

Finally, everyone agrees that, because of more restrictive zoning requirements, the Height Act is not the primary constraint on building heights in the District. There is still room to grow within the limitations set by the Height Act more than 100 years ago. Moreover, the District is nearing the end of a several-year process to update the zoning code, which is likely to alter development opportunities in parts of the city. We see no urgency in making any fundamental changes to the Height Act under these circumstances.



DCPL recognizes the complexity of managing development in a modern urban context and the unique challenges facing Washington. Historic preservation does not require that the built environment of Washington be set in amber. However, the changes being proposed by the DC Office of Planning to the 1910 Height of Buildings Act would seriously damage and could gradually destroy the historic legacy of our Nation's Capital as a city with a unique, instantly recognizable horizontal skyline and human scale. The OP recommendations are based on questionable and incomplete data and should be rejected.

Thank you for considering the views of the DC Preservation League on this very important matter.





**TESTIMONY OF DENIS JAMES, PRESIDENT, KALORAMA CITIZENS  
ASSOCIATION FOR THE DC COUNCIL COMMITTEE OF THE WHOLE HEARING  
ON THE FEDERAL HEIGHT OF BUILDINGS ACT, OCTOBER 28, 2013**

Good morning Chairman Mendelson,

I have been a homeowner in Adams Morgan since 1971. As a very young adult, I was drawn to the architecture, human scale and wonderful skyline of Washington, DC. From my roof, I can see fireworks on the 4<sup>th</sup> of July, the Washington Monument, the US Capitol, RFK Stadium, and many of the wonderful old buildings that residents of this city have fought long and hard to protect through Historic District Preservation or Landmarking. During my time as president of KCA, we petitioned successfully for the creation of the Washington Heights Historic District in central Adams Morgan.

All this would be put at risk if the incredibly irresponsible notions of Director Tregoning and the hopelessly conflicted DC Office of Planning are allowed to proceed.

I have watched as the DC Historic Preservation Office and Historic Preservation Review Board have proved incapable of providing good stewardship for our Historic District and Landmarks. The projects they approve for row-house alterations are destabilizing for the neighborhoods which contain them. For instance, approving 9 condos where there was once a single family row-house inevitably leads to more similar projects being approved, and before you know it, the sense of scale, architectural integrity and the basic fabric of the neighborhood which caused us to seek preservation in the first place is lost.

This would only be hurried and intensified if taller heights are allowed. Whole row-house blocks could be lost through Planned Unit Developments, because the potential value of the land would make that attractive to developers. We would be left with a series of row-house facades fronting massive developments like Red Lion Row.

Apart from the "gentrification" that long-term Washingtonians are so sadly familiar with, this new destabilization would lead to another type of wholesale removal as close-in neighborhoods would be put under tremendous economic pressure. DC would become not a place where we could age in place, but just a place where neighborhood feeling is lost and an endless series of soulless condos would be built where vital neighborhoods once existed.

That the Office of Planning is pushing this idea now, at precisely the same time that its un-vetted, last minute alterations to the Zoning Regulations Re-write are before the Zoning Commission is an affront to the countless hours of citizen involvement in this effort. Changes to the Height of Buildings act as proposed by OP would throw the whole re-write out the window.

It's time for a change in leadership at the Office of Planning.

Denis James  
Adams Morgan

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Denis James ☐ President  
Bob Ellsworth ☐ Vice President  
Eric Clifton ☐ Secretary  
Christine Saum ☐ Treasurer

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Founded 1919  
  
P.O. Box 21311  
Kalorama Station  
Washington, DC 20009



## **RESOLUTION OF THE KALORAMA CITIZENS ASSOCIATION IN OPPOSITION TO CHANGES TO THE HEIGHT OF BUILDINGS ACT**

Whereas, the DC Office of Planning (OP) and the National Capitol Planning Commission (NCPC) are studying the Federal Height of Buildings Act, which along with DC Zoning Regulations controls the allowable height of all buildings in DC, and

Whereas, OP and NCPC have held two rounds of public meetings on this topic that featured describing the status quo and "modeling" what various taller heights would look like for the DC skyline, and

Whereas, OP's own presentation clearly showed that in the vast majority of cases, buildings in areas where maximum heights of 130 or 160 feet are allowed by the Height Act, those heights have not been approached, and

Whereas, DC's horizontal skyline, and human-scaled neighborhoods define the character of life in the city, and

Whereas, it would be grossly unfair to those with treasured views of the city to allow new height that would block those views, and

Whereas, adding height would likely detract from the monumental core of the city, putting at risk the tourist and hospitality trade which is the largest element of the DC economy, and

Whereas, adding height to neighborhoods or "clusters" would likely create a building boom in those locations, leading to escalation of land and building costs and a more expensive finished housing product, which will price many current residents out of their own neighborhoods and accelerate gentrification, and

Whereas, the proper place to begin a discussion of the heights of buildings in DC is through amendment of the DC Comprehensive Plan, with massive public outreach, and a vote of the DC Council approving any changes, and

Whereas, OP has not come close to proving their case for increased heights in DC.

Now therefore the members of the Kalorama Citizens Association constituting a quorum hereby vote against changes being made to the Height Act that would lead to taller buildings in DC.

This resolution was approved at the August 15, 2013 meeting of the Kalorama Citizens Association.

Post Office Box 6730  
Washington, D.C. 20020 -0430  
Kweku Toure, President

October 28, 2013

Committee of the Whole  
D.C. City Council  
John Wilson Building  
Washington DC 20004

Re: Opposition to Modifying the Height of Buildings Act

Dear Chairman Mendelson and Members of the Committee of the Whole:

The Penn-Branch Citizens/Civic Association objects in the strongest possible terms to the proposals by the D.C. Office of Planning (1) to allow building heights up to 200 feet within the L'Enfant City and (2) to remove *all* statutory building heights outside the L'Enfant City. As the Committee knows, the L'Enfant city consists generally of the area south of Florida Avenue to the Anacostia River. Neighborhoods east of the River are not part of the L'Enfant City. This means that most of Southeast and Northeast DC will be left completely unprotected by OP's proposal. The OP plan compromises our cherished views. These include the Point at St. Elizabeth's and the spectacular view of the Washington skyline from the Panorama Room at Our Lady of Perpetual Help Church. In addition, there is a strong sense of civic ownership in the views from the Fort Circle Parks (Civil War defenses) that ring the city. Finally, we risk losing the views many of us enjoy from our own backyards.

Raising the height limit under OP's plan will have additional negative effects. It will:

- Displace the poorest residents and put real estate tax pressure on owners;
- Create pressure for eminent domain and upzoning;
- Make it harder to designate new historic districts and exert greater economic pressures on existing districts, especially the Anacostia Historic District.

We have no reason to anticipate any spin-off economic benefits from OP's proposal – double-digit employment persists east of the River, despite waves of development booms.

OP's invidious plan is a slap in the face to Penn-Branch and other neighborhoods outside the central city. While OP wants to raise heights throughout the city, it would continue to *manage* heights within the L'Enfant City: there would still be a fixed relationship between maximum buildings heights and street widths and there would be an absolute cap on heights. Outside the L'Enfant City there would be no maximum height and no relationship of heights to street width. OP would usher in an era of free-for-all, anything goes development. Changing the Height Act to create a two-tiered city – a height-managed federal Washington surrounded by a local DC – will destroy irretrievably the existing physical unity between the two and harm the daily quality of life for local residents. It will make a mockery of the executive branch's "One City" plan. The city will be more divided than ever.

The National Capital Planning Commission eloquently describes on its website "How Washington's Low Skyline Contributes to the City's Character." The height limit has symbolic value, has allowed the city to develop at a livable scale, and has fostered a sustainable environment.<sup>1</sup> OP's plan denigrates these values, especially for those of us living in neighborhoods like Penn-Branch, where no statutory limits will apply.

OP proposes to establish heights through the Comprehensive Plan and zoning. However, long experience has shown that OP interprets the Comp Plan like the Bible, i.e., any way it wants, and it applies the zoning code with equal flexibility. OP's sole guiding principle, zealously pursued, is build high, tight and dense.

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<sup>1</sup> NCPC describes the Height Act's role in the city's character thusly:

"Symbolism. Great cities around the world have recognizable skylines. Washington's horizontal skyline is part of its unique character. It provides a backdrop for public buildings of national significance like the U.S. Capitol and the Washington Monument. Its openness — viewed from afar and at street level — has come to embody shared values of equality and freedom.

"Scale. Washington's broad streets and mid-sized buildings create an airy, light-filled environment. Its human scale invites people into public spaces and preserves views of historic buildings. In combination with the L'Enfant Plan, Washington's scale has made it one of the most walkable cities in the United States.

"Sustainability. "Zero-impact" developments and cities are under construction around the world. Planners are finding that smaller scales are desirable for creating communities that require less fuel and release much less pollution into the air and water. Indeed, Washington is cited as an example of livable urban density that that supports public transit and creates active street life."

<http://www.ncpc.gov/buildingheights> (last visited June 21, 2013).

When OP trotted out its proposal at a series of hastily called meetings held in the middle of the summer, it was met with gasps of disbelief and dismay. People didn't like it, they showed up and said so, and were roundly ignored.

So here we are, pleading with the Committee of the Whole to repudiate this proposal and make clear that it undermines the heritage of our built environment and does not reflect the desires and will of the vast majority of District of Columbia residents. Thank you for this opportunity to comment on this pressing civic issue.

Respectfully submitted,

/s/

Penn-Branch Citizens/Civic Association  
Laura M. Richards, Legislative Affairs Committee



# **NAYLOR DUPONT**

## **Advisory Neighborhood Commission 7B**



District of Columbia Government  
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### **Testimony Before the Committee of the Whole of the Council of the District of Columbia on the Federal Height of Buildings Act**

Good afternoon, Chairman Mendelson and members of the Committee of the Whole. I am Robert Richards, Chair of Advisory Neighborhood Commission 7B, appearing in opposition to the Office of Planning's proposed modifications to the Height of Buildings Act.<sup>1</sup>

#### **The Height Act Proposal is at Odds with the Zoning Regulation Revision**

The ANC is at a loss to understand this radical restructuring of our city. First, the Office of Planning has spent the last five years on a major rewrite of the Zoning Code and has sent a 1000-page draft to the Zoning Commission. That new draft Zoning Code, which we are struggling to understand and make sense of, is based on and shaped by the existing Height Act. At the very outset of the zoning revision process, OP said it would seek no changes to the Height Act. OP now, without warning, proposes to do away with all existing height limits outside the old L'Enfant City and replace them with --- what? OP will have to set new height standards in a new Comprehensive Plan, which in turn will lead to more rezoning. This is an endless, disruptive cycle that accomplishes nothing except encouraging speculation and accelerating displacement. Moreover, OP ignores or reinterprets the Comp Plan whenever it feels like it.

#### **DC Doesn't Need the Height to Accommodate Development**

OP contends that the District needs more height to accommodate more development. There is no basis for this argument. As OP and the Deputy Mayor for Economic Development constantly point out, the city is growing by leaps and bounds, whether measured by population increases, per capita income, or cranes in the air. There is more than enough development capacity within existing height limits to accommodate the most aggressive growth target (250,000 new residents over the 2000 low point of 572,000 residents).<sup>2</sup>

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<sup>1</sup> This matter was discussed at the ANC's regularly scheduled meetings held on the third Thursdays of September and October, at which a quorum was present. On both occasions, the ANC voted unanimously to urge retention of the Height Act, with full support of those present.

<sup>2</sup> The District population shifts since 1950 are as follows:

|      |         |        |
|------|---------|--------|
| 1950 | 802,178 | +21.0% |
| 1960 | 763,956 | -4.8%  |
| 1970 | 756,510 | -1.0%  |

Back in 2004, the city's goal was to add 100,000 new residents.<sup>3</sup> To accommodate this growth, the District identified 10 large tracts for residential development, including Saint Elizabeth's Hospital, DC Village and Poplar Point, among others. These ten sites – which remain unbuilt but are in the pipeline – are projected to contain 15,000 units accommodating 30,000 to 40,000 residents.<sup>4</sup> In addition to these large sites, the District identified 30,000 vacant, abandoned or underutilized sites that it estimated could house 60,000 to 80,000 residents.<sup>5</sup>

By 2012, the District had gained 60,000 new residents, who were accommodated (1) within the existing height limit and (2) without development of most of the new large residential sites. It also should be noted that the city's zoning regulations set heights below the Height Act maximum. The city has ample room for growth within the existing statute. The National Capital Planning Commission made an explicit finding that OP did produce a solid economic analysis that demonstrates the economic need for more height. In our view,

NCPC has offered a far more measured proposal to allow non-residential human occupancy on rooftop penthouse floors. That should satisfy Height Act critics who want to exploit the use of rooftops as recreational spaces and/or to minimize the visual impact of mechanical equipment. Retention of the Height Act has been urged by a number of distinguished zoning, planning and preservation experts. Please give due consideration to their counsel.

More than anything else, we ask that you please listen to District residents and taxpayers. We don't want this. We don't need this. We resent OP's unceasing assault on our built environment and the values it embodies. We ask you to reject the OP proposal and keep the Height Act.

Thank you for your consideration of our view.

Respectfully submitted,

ANC 7B

/s/Robert T. Richards, Chairman

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|      |         |         |
|------|---------|---------|
| 1980 | 638,333 | - 15.6% |
| 1990 | 606,900 | - 4.9%  |
| 2000 | 572,059 | - 5.7%  |
| 2010 | 601,712 | +5.1%   |
| 2012 | 632,323 | +5.1%   |

The 2012 statistic is from <http://quickfacts.census.gov/qfd/states/11000.html> (last visited Oct. 27, 2013). The other statistics are in "Demographics in Washington, DC, [http://en.wikipedia.org/wiki/Demographics\\_of\\_Washington, DC](http://en.wikipedia.org/wiki/Demographics_of_Washington,_DC) (last visited Oct. 27, 2013).

<sup>3</sup> See, e.g., A Vision for Growing an Inclusive City: A Framework for the Washington, DC Comprehensive Plan Update at 28 (July 2004) ("Adding 100,000 residents – a long-range target set by Mayor Williams – will help restore many of our once-vibrant neighborhoods").

<sup>4</sup> Id. at 29, 31

<sup>5</sup> Id. at 29.



# **DC Federation of Civic Associations**

*Established 1921*

*<http://dcfca.org/>*

## **Testimony Submitted to the Committee of the Whole, D.C. City Council on the Federal Height of Buildings Act**

October 28, 2013

Chairman Mendelson and Members of the Committee:

The Federation, established in 1921, represents 41 organizations throughout the city. The Federation registers its opposition to the D.C. Office of Planning's suggestions for changing the Height of Buildings Act, which has shaped the city we love for the past century.

The Federation regards this proposal as a betrayal of all the citizens of the District of Columbia, and especially those who live outside the original L'Enfant City (the area bounded roughly by the Anacostia and Potomac rivers on the south, Florida Avenue on the north and east, and Rock Creek Park on the west). OP would remove all existing height limits outside the L'Enfant City and install itself as the driving force behind Height Act policy, through its dominant role in the Comprehensive Plan and zoning processes. The Federation does not regard restricting the Height Act to the L'Enfant City as a Home Rule issue. The existing height limits are part and parcel of the Home Rule Act and we embrace them. The Office of Planning's proposal does not bring about more home rule. What it does is treat residents who live outside the L'Enfant City as second class citizens, by taking away something of value.

Residents living inside the L'Enfant City are almost as badly affected, because the Office of Planning wants to increase buildings heights relative to street widths. In addition, the lower maximum limit on residential street heights would be removed. Maximum building heights under OP's plans will top out at 200 feet in the L'Enfant City and can go to any height in the outlying neighborhoods. This proposal is a recipe for disruption, displacement and higher taxes.

There is no explanation as to how this proposal fits with the zoning rewrite that OP has been conducting for the last five years. Those rules reshape the city in a major way. How are we to absorb and make meaningful comments on zoning rules that could be superseded by a massive change in the fundamental bones of the city?

This is completely a bad idea that serves no purpose. There is an abundance of development capacity and an ongoing economic boom. We are at risk of losing a beloved cityscape and magnificent views. The National Capital Planning Commission concluded that OP had not made a case for its position. The Council needs to drive a stake through the heart of this initiative – three times if necessary. Thank for this opportunity to appear on this important issue.

Federation of Civic Associations

/s/ Barbara Morgan, President

R O G E R K L E W I S f a i a  
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Testimony  
of  
**Roger K. Lewis**  
before the  
**District of Columbia City Council**  
**Public Hearing Concerning DC Building Height Limits**

October 28, 2013

My name is Roger K. Lewis, and I appreciate the opportunity to testify.

I am an architect and planner, a professor emeritus of architecture at the University of Maryland, and a 46-year DC resident. Since 1984 I have authored the Washington Post's "Shaping the City" column. Since 2007 I have been a monthly guest on WAMU's Kojo Nnamdi radio show discussing "Shaping the City" issues, including DC building heights.

Last year Congresswoman Norton invited me to be one of six witnesses testifying at Representative Issa's Oversight Subcommittee July 2012 hearing concerning the 1910 DC Height of Buildings Act. I have submitted that testimony for today's hearing record and hope you will read it. I testified that modifying the 1910 statute deserved consideration, and that appropriate zoning changes in carefully chosen areas should be carefully studied. Also it was I who suggested that the DC Office of Planning (OP) and the National Capital Planning Commission (NCPC) jointly undertake such a study.

The findings and recommendations in OP's draft study report are well reasoned and reasonable from an urban and architectural design perspective. Height limits envisioned by OP will affect in positive ways a relatively small percentage of DC and its neighborhoods, as delineated in the draft report. Most important, such changes will not spoil Washington's historic, iconically horizontal skyline or jeopardize views of the city's historically significant structures and spaces. There will be no skyscrapers.

Further, based on multi-decade growth projections, the OP draft report makes a compelling demographic and economic case for increasing height and density where urbanistically and visually appropriate.

Skeptics argue that any height limit changes will open the proverbial barn door, leading to "height creep." They worry that developers and public officials will make backroom deals to build "skyscrapers" in violation of the city's comprehensive plan and zoning regulations. They foresee high-rise buildings popping up throughout the city, fearing that DC will become Rosslyn. I believe this is an unjustifiably cynical, bogus argument. The OP study makes clear that changing or departing from DC zoning regulations and height limits, now or in the future, necessitates transparent, exhaustively rigorous scrutiny by numerous city and federal oversight agencies, as well as by Congress and DC citizens.

I ask skeptical citizens to understand that, through fine-grain urban design, prudent legislation and precisely targeted, well enforced land use regulation, the proverbial barn door cannot and will not be thrown open. As for where buildings should be higher, the only equitable, professionally responsible method for identifying places to raise height limits, and for determining new height limits, is to create a new, detailed city-wide comprehensive plan prior to any rezoning.

Therefore, I urge the DC City Council to generally support the OP's draft study findings and recommendations as the OP and NCPC complete their studies for submission to Congress.

Again thank you for allowing me to testify.

**Testimony before the Committee of the Whole on  
The District of Columbia's Recommendations on the Federal Height of  
Buildings Act of 1910**

Monday, October 28, 2013

9:30 a.m., Hearing Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Chairman Mendelson, esteemed Council Members, Ladies and Gentlemen:

I am William Brown, the President of the Association of the Oldest Inhabitants of the District of Columbia, the District's oldest civic organization. Dedicated since 1865 to preserving and promoting the District's history and civic accomplishments, the AOI is currently celebrating its 148<sup>th</sup> year of continuous service to the residents and civic leaders of our great city. One of the AOI's primary goals is the preservation, maintenance and promotion of both the L'Enfant and McMillan Plans for the District of Columbia. We are on record for opposing many proposed street closures and in support of the reopening of ill-advised street closings. The low profile of the city's skyline is an important element in maintaining the original vision for our city, the Nation's Capital.

The AOI is opposed to any changes in the Height Act. We are concerned that changes to the Height Act will be a slippery slope toward future, more frequent and more radical changes. We believe the NCPC staff has done an excellent job in analyzing the issues, creating graphic animations, hosting community forums, taking both written and oral testimony and presenting their findings in easy-to-understand recommendations. However, we do not support their recommendations to relax penthouse use regulations.

The AOI is *particularly disappointed* in the recommendations of the District of Columbia's Office of Planning as transmitted to the NCPC by Mayor Vincent Gray. These recommendations are contrary to what we heard at community forums and represent, we believe, an ill-advised attempt to assert District autonomy from the U.S. Congress at the expense of the District's century-old building height restrictions. This is not the time, place or circumstance for this debate.

In 1946, the District's population was approximately 899,000 residents (we realize that 'residents' are not households, however...). Today, the city's population has enjoyed a revival and now

Testimony of William N. Brown, President, Assn. Oldest Inhabitants of DC  
October 28, 2013  
Page 2

approaches 633,000 residents. Let us encourage reasonable development within the current limits of the Height Act in blighted or underutilized areas of the city before we tamper with something that will forever change the character of our city.

As Vancouver, B.C. Planner Larry Beasley warned in his presentation to the NCPC in 2010: “*Take care not to open things up too casually. I dare say, those height limits may be the single most powerful thing that has made this city so amazingly fulfilling.*”

The Board of Directors and membership of the AOI respectfully requests that the District of Columbia Council pass a Resolution that opposes the position put forth by the Office of Planning and endorsed by the mayor.

“Thank You” for the time today to bring these concerns to your attention and for your support to maintain the Building Height Limits for the District of Columbia.

Respectfully submitted:

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William N. Brown, President

CHAIRMAN PHIL MENDELSON COMMITTEE OF THE WHOLE ANNOUNCES A PUBLIC OVERSIGHT  
HEARING ON THE DISTRICT OF COLUMBIA 'S RECOMMENDATIONS ON THE FEDERAL HEIGHT OF  
BUILDINGS ACT OF 1910

Monday, October 30, 2013  
09:30 am, Hearing Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington DC 20004

Good afternoon Mr. Chairman. My name is Benedicte Aubrun and I wanted to thank the Board for the opportunity to testify on a very important topic today.

The reason why the District of Columbia is so different from other American cities, so attractive, so charming, so European, and so welcoming is thanks to the Federal Height of Buildings Act of 1910 that preserved a human scale city.

Nowadays, modern cities in the world with skyscrapers are quickly taking over, leaving human beings with a sensation of being out of scale and not belonging as part of the city.

I would like to understand why there is such a frenetic push for more housing since the population is smaller than the 1960s where there was adequate housing for everyone. Has the city the capacity to support that many people when the public transportation is badly failing the region, the government is restricting parking when even your study shows most of the new jobs will live outside the city. There is no reason to believe that the water and sewer capacity of the city can support the proposed population increases without any serious supporting studies. What about all the structural issues that raising the height will have on existing buildings, so easily dismissed in the study? Not one engineer company has come to make a presentation and explain what will be the consequences of such massive additions!

There is no such thing of low cost high-rise housing, neither environmentally friendly and energy efficient high rise towers, especially for affordable housing. It can't be done cost effectively as even the Chinese, master high-rise builders, have discovered.

Until now I haven't seen any statistics proving that raising the height in DC will help affordable housing development as suggested by the proponents and allow low income people to live in the city. Consider New York City, Dubai, Singapore, Tokyo, Shanghai, Hong Kong.

You are surely aware, even now under current regulations, due to intense housing re-development in DC, people are being displaced and there is a phenomenon of gentrification amplified all over town.

Adding height to certain neighborhoods or « clusters » or highly dense areas, will likely create a building boom in those locations; as is already the case right now, leading to an escalation of land and building costs and more expensive housing. This will push many current residents (renters and owners) out of their neighborhoods and speed up the gentrification we are already experiencing.

Being myself from Paris, I can say that Height is not the issue! Rents and costs of life are! DC doesn't lack space for building houses. Developers are converting Historic District row houses into condos and apartments that only a few people can afford. Also, do you believe that raising the height will stop developers from converting row houses into condos in high density overpopulated areas? We risk a real estate bubble, which like all bubbles will burst. Let's just be realistic!

DC is just not only an American city; it is also a very international city.

We hear from our representatives in DC: increase property values; generate more income to the city through taxes etc... But honestly, don't we have priorities in the city to spend money on other crucial studies than on raising the height when thousands of people are seeing cuts in their social aid? Cuts which can only get worse as we push low and middle income people out of the city.

Committee Chairman Darrell Issa wrote to the Mayor of the District of Columbia to « encourage the exploration of strategic changes to the Height Act in those areas outside the L'Enfant City that support local economic development goals while taking into account the impact on federal interests ».

I am questioning the extent that this DC Height Act report by the Office of Planning has gone overboard? Indeed pushing major substantial changes in the DC Height Act by waiving all Federal interests inside and outside the L'Enfant City is suspicious due to the fact that at the same time, OP is conducting a zoning regulations rewriting that was delivered to the Zoning Commission in September.

The DC Height Act sets the tone for development and as we all know DC zoning is more restrictive than the Height Act. Both of them combined (zoning and Height Act) will cause precedents and alter the DC skyline, put at risk the tourism and hospitality businesses that rely so much on our horizontal skyline and human scaled neighborhoods, affect the monumental core of the city and deprive neighborhoods of the exceptional and treasured views the city provides to so many residents.

Let the high-rise culture be built in the suburbs and leave the unique core of our precious city as it is. Let Rosslyn be Rosslyn, Crystal City be Crystal City with no personality what so ever!

Back in November 2008, The City Council in Paris did vote to raise the height ONLY on new constructions and did not allow additional penthouses on current constructions through its Local Zoning Plan (PLU). From 1977 until 2008, the height for building residential housing was limited to 37m. Nowadays, with the new Paris height, constructions for housing can go up to 50m and 160m to 180m for office towers, called office towers. I can't imagine doing so in the historic district of Paris! This will be equally absurd here...

Indeed, the constructions that fall under that bill will apply to the ring of the city not the heart of Paris. The Arrondissements or Districts that will be affected are District 13eme, 15eme, 17eme and 18eme and mostly for social and affordable housing.

To conclude:

People are attracted to the history of their country, it doesn't matter if it is only a few centuries old or thousands of years, History and culture are the roots, the identity of human beings. It is important to preserve what our ancestors have fought so hard for the future generations.

DC Height Act is not just only about Federal interest. It is about an entire city, both Historic Districts and non Historic Districts. It is about preservation and conservation of a "capital" our ancestors left us to cherish, to care and to remember. It is about History and architecture. And besides the admirable work they did, it is a way to honor their talent.

Don't take away from the residents what they love the most about DC. Have some decency!

As Tommy Wells said at the NCPC meeting back in September: "The whole city functions as a monument not just neighborhoods".

I urge the Board to take into consideration these crucial elements and dismiss the request to change the DC Height Act.

Thank you.



## **Historic Districts Coalition**

**c/o Thomas Bower, 1545 18<sup>th</sup> Street, NW, Washington, DC 20036 [tom1545@verizon.net](mailto:tom1545@verizon.net)**

**Testimony before the DC Council Committee of the Whole**

**Monday, October 28, 2013, 9:30 a.m.**

**Room 412, John A Wilson Building**

**1350 Pennsylvania Avenue, NW**

**Washington, DC 20004**

Good morning Mr. Chairman and Council members. My name is Thomas Bower; I am here today representing the Historic Districts Coalition and as President of the Dupont Circle Conservancy.

The Coalition is an informal alliance of organizations and individuals representing Washington, D.C.'s historic districts—those that have been designated under the provisions of the Historic Landmark and Historic District Protection Act of 1978 (D.C. Public Law 2-144)—as well as others interested in historic preservation, including residents of undesignated neighborhoods and representatives of neighborhood organizations, historic preservation organizations, and preservation-related businesses.

As you know, the height of buildings in the District of Columbia is determined by the 1910 Height of Buildings Act, legislation now under review by the National Capital Planning Commission and the District of Columbia government at the request of Congressman Darrell Issa. The Coalition is hereto voice its strong opposition to the Gray Administration's draft response already sent to Congressman Issa, proposing that building heights in the area of the original 1791 L'Enfant Plan for the City of Washington be increased up to 25%, and that Congress allow the District to determine the maximum height of buildings outside the L'Enfant city. We believe that the 1910 Height of Buildings Act, through its effect on the physically shaping the nation's capital is no less important than the 1791 L'Enfant Plan and the 1901 McMillan Plan, which revitalized L'Enfant's brilliant design. It has given those plans the third dimension, limited height that has created the human scale and iconic horizontal skyline that Washington enjoys today.

The following Coalition affiliates oppose Mayor Gray's recommendation:

- Historic Anacostia Design Review Committee, Greta Fuller, Chair
- Capitol Hill Restoration Society, Janet Quigley, President
- Historic Chevy Chase, DC, Richard Teare, Treasurer
- Frederick Douglass Community Improvement Corporation, Carolyn Johns Gray, President
- Dupont Circle Conservancy, Thomas Bower, President
- Citizens Association of Georgetown, Pamla Moore, President
- Logan Circle Community Association, Tim Christensen, President
- Historic Mount Pleasant, Fay Armstrong, President
- Sheridan-Kalorama Historical Association, Kindy French, President
- Sheridan-Kalorama Neighborhood Council, Christopher Chapin, President

- Advisory Neighborhood Commission 2D, David Bender and Eric Lamar
- Historic Takoma, Inc. Lorraine Pearsall, Vice President
- Tenleytown Historical Society, Jane Waldman, President

In addition, the following individuals associated with the Coalition oppose the Mayor's recommendations: Loretta Neumann, Scott Roberts, Leslie Kamrad, Mary Rowse, Evelyn Wrin, and Sally Berk.

The Coalition has been criticized for not being constructive in supporting the Gray Administration's rationale for height increases. We believe, however, that we are protecting the image of the capital of the United States by safeguarding the tenets of the 2006 DC Comprehensive Plan and its 2011 amendments, actions that were approved by the DC Council. We call your attention to the following elements in Chapter 10 of the Plan, the Historic Preservation Element that the DC Council has specifically approved:

**Historic Preservation Goal:** *Preserve and enhance the unique cultural heritage, beauty, and identity of the District of Columbia by respecting the historic physical form of the city (our emphasis) and the enduring value of its historic structures and places, recognizing their importance to the citizens of the District and the nation (our emphasis), and sharing mutual responsibilities for their protection and stewardship.* Page 10-3

***Policy HP-1.1.1: The City's Historic Image***

Recognize the historic image of the national capital as part of the city's birthright. After two centuries of growth, the original vision of the city remains strong and remarkable in an increasingly homogenous global world. Over the years this fundamental character has been protected by local and national laws and policies. It must remain inviolate (our emphasis). Page 10-5

**HP-2 Protecting Historic Properties**

Most of the city spreads far beyond its monumental core and out of the boundaries of the District of Columbia. The city's business center is richly endowed with lively commercial architecture and blessed by its unique mid-rise scale (our emphasis). Page 10-16, second paragraph

**HP-2.1 District Government Stewardship**

The District government should set the standard for historic preservation in the city.... Page 10-17

**HP-2.3 The Historic Plan of Washington**

The Plan of the City of Washington drawn by Pierre L'Enfant in 1791 has served as an enduring symbol and armature for growth of the national capital... Regulated building heights and mandated design review by agencies like the Commission of Fine Arts [have] further supported its enhancement and embellishment. Pages 10-19 (bottom) and 10-20 (top)

***Policy HP-2.3.2: Historic Image of the City***

Protect and enhance the views and vistas, both natural and designed, which are an integral part of Washington's historic image. Preserve the historic skyline formed by the region's natural features and topography and its historically significant buildings and monuments from intrusions such as communications antennas and water towers. Preserve the horizontal character of the national capital through enforcement of the 1910 Height of Buildings Act (our emphasis). Page 10-20 mid-page

**HP-2.5 Historic Landscapes and Open Space**

***Policy HP-2.5.1: The Natural Setting of Washington***

Preserve the historic natural setting of Washington and the views it provides.... Protect the topographic bowl around central Washington and preserve the wooded skyline along its ring of escarpments. Prevent intrusions into the views to and from these escarpments and other major heights throughout the city. (our emphasis) Page 10-24

**HP-3 Capitalizing on Historic Properties**

Whether as an economic opportunity or a set of new challenges, historic preservation needs strong advocates to promote its importance among the host of priorities facing community leaders. Preservation draws strength by forging effective partnerships and ensuring the development of preservation leaders for the future. Page 10-27 (bottom)

The preservation community in the nation's capital is standing up for good stewardship of the bedrock plans and legislation that has made the physical form of this city what is today. The DC Council can do no less.

Respectfully submitted,

Richard Busch and Thomas Bower  
Co-conveners, Historic Districts Coalition



**District of Columbia City Council Committee of the Whole**

**Testimony on the District of Columbia's Recommendations  
on the Federal Height of Buildings Act of 1910**

**By Janet Quigley, President, Capitol Hill Restoration Society**

**October 28, 2013**

Mr. Chairman and members of the Committee of the Whole, thank you for the opportunity to testify today. My name is Janet Quigley and I am testifying on behalf of the Capitol Hill Restoration Society. CHRS has promoted historic preservation and residential quality of life on Capitol Hill for more than 50 years.

I want to thank you for holding today's hearing and to commend the National Capital Planning Commission for their thoughtful and responsible report on the Height Act Master Plan. There is no compelling reason to change the Height of Buildings Act of 1910. In addition to aesthetics and history, CHRS believes there are four good reasons to support the Height Act and no good reasons to change it:

- The Height Act spreads development across the entire city so that every Ward can benefit and grow.
- It provides predictability for our real estate market, one of the healthiest in the country.
- It attracts visitors who come to appreciate our nation's history and who contribute millions in tax revenues.
- It supports the L'Enfant Plan, which is a National Landmark.

The Office of Planning recommendation would create many problems:

- It would concentrate development downtown.
- It would obligate the City for undetermined millions or billions in additional utility and other infrastructure costs.
- It would result in a net drain on city resources.
- The rush of applications to change existing buildings would create a "zoning and historic preservation employment act" for years to come.

I don't know how much money OP spent on the nine consultants who worked on this study, but we can thank one of them, the Partners for Economic Solutions, for clearing up a few misconceptions and exposing the drawbacks of any changes to the height limits. For example the economic consultant found that the law of supply and demand does not apply as might be expected:

- Taller buildings are more expensive to build and they command higher rents.
- Taller residential buildings will do nothing to make housing more affordable.
- Taller office buildings cannot provide the parking that businesses demand.
- Incremental revenue might be in the 1% range.
- Additional infrastructure costs were not factored in, but would be too significant for developers to cover. This means the city would have to pick up the tab, most likely wiping out any modest increases in revenue.
- The estimates are only valid for 5-10 years, but are being used to make decisions for the next 40 years.

Mr. Chairman, I believe that the proposal to change height limits is a solution in search of a problem and would do irrevocable damage to our remarkable home town. Washington, DC is a healthy, thriving city with an enviable real estate market and budget surpluses year over year. Its success is not in spite of the Height Act, but thanks to it. For these reasons I urge Council to reject the Office of Planning's recommendations and instead affirm its support of the Height Act which keeps our City strong.

October 28, 2013

Statement of Nan S. Wells, ANC Commissioner for 3D03, representing the residents of Spring Valley and Kent.

Chairman Mendelson, Councilmember Cheh, and other members of the Council, on behalf of the residents and the 10 elected Commissioners of ANC3D, I want to thank you for this hearing on the proposed modification of the DC Height Act. There are few issues that are as important to the residents as the environment and physical structure of our city. The changes recently proposed by Congressman Darell Issa of California would have a profound and lasting negative impact on this beautiful and historic city. A copy of our resolution strongly opposing the changes is attached.

At public meetings held in our area, the resident response has been very negative. Some of the residents' concerns expressed at these hearings and discussions include the following important issues. The OP's principal analysis was based only on "an economic feasibility analysis that fails to recognize the importance of neighborhood stability and character", which is a principle of the Comprehensive Plan's Land Use standards. In his request for review, Rep. Issa called for a study of neighborhood compatibility and impact.

Other resident issues include that the taxpayers would bear considerable responsibility for needed upgrades to city infrastructure in response to increased population density and buildings. Improvements are already needed for maintenance of roads, sewers, Metro, schools, utilities, police and fire protection, to name a few areas that would be affected. Even the tree canopy of the city could be affected by considerable loss of sun and light to vegetation.

There were also concerns that the development was not targeted to the areas most in need of additional resources and was likely to increase in the areas already highly developed. In response to assurances that nothing in the city could change without citizen approval, some residents noted that developers can fund campaign expenses for candidates and they would be likely to press for maximum changes.

ANC3D's resolution also reflects our concern that the Mayor and the Office of Planning submitted the city's draft recommendations prior to public participation and review of those draft recommendations. The National Capitol Planning Commission, asked to review this issue, has recommended that Congress continue the height restrictions in the interest of preserving views of the national monuments and the District's symbolic skyline.

We in DC, although denied some of the most cherished rights of US citizens, accept our special responsibility to preserve and protect the beauty and history of this city for all of the current and future residents, citizens, and tourists - American and foreign.

**Government of the District of Columbia  
ADVISORY NEIGHBORHOOD COMMISSION 3-D**

P.O. Box 40486  
Palisades Station  
Washington, D.C. 20016

October 27, 2013

L. Preston Bryant, Jr., Chairman  
National Capital Planning Commission  
401 9th Street NW  
North Lobby, Suite 500  
Washington, DC 20004

Harriet Tregoning, Director  
District of Columbia Office of Planning  
1100 4th Street, SW, Suite E650  
Washington, DC 20024

**RE: Resolution of Advisory Neighborhood Commission 3D on the  
DC Recommendations to Change the Height of Buildings Act of 1910**

Dear Mr. Bryant and Ms. Tregonning:

At a publicly noticed meeting on Wednesday, Oct. 2, 2013, held at the American University, School of International Service, Founders Room, Washington, D.C., with a quorum present at all times, Advisory Neighborhood Commission (ANC) 3D voted 7-1-1 to support the attached Resolution of Advisory Neighborhood Commission 3D on the DC Recommendations to Change the Height of Buildings Act of 1910.

ANC3D is concerned about the draft recommendations proposed by the Office of Planning to modify the Height of Buildings Act of 1910 to allow increased heights within the District's boundaries. These proposals would include raising the building maximum height in the L'Enfant City from 160 ft. to 200 ft. and allowing the city to determine building height maximums for areas outside the L'Enfant City through the Comprehensive Plan and zoning processes.

In its draft recommendations, the city's Office of Planning maintains that the current height limits constrain existing capacity to accommodate projected household and job growth along with potential development opportunities over the next three decades. While residents want our city to grow and thrive, these draft proposals to alter long-established height limitations have generated serious concern over the impact such changes would have on existing neighborhoods and our city as a whole.

The ANC3D resolution also reflects the Commission's concern that the submission of draft recommendations by the Office of Planning prior to public participation and review by the National Capital Planning Commission did not provide an adequate opportunity for its own residents to weigh in and provide input on the future of the city where they live and work.

As a result of these concerns, ANC3D supports maintaining the existing Height of Buildings Act of 1910.

Sincerely,

A handwritten signature in black ink that reads "Penny Pagano". The signature is fluid and cursive, with the first name "Penny" and last name "Pagano" clearly distinguishable.

Penny Pagano  
Chair, ANC3D

Enclosure

Cc:

tanya.stern@dc.gov

Deborah.young@ncpc.gov

Marcella.brown@ncpc.gov

jjacobs@dccouncil.us



**RESOLUTION OF ADVISORY NEIGHBORHOOD COMMISSION 3D ON THE  
DISTRICT OF COLUMBIA'S RECOMMENDATIONS TO CHANGE THE HEIGHT OF  
BUILDINGS ACT OF 1910**

WHEREAS, the Height of Buildings Act of 1910 (the Height Act) is a federal law that can be modified only through congressional actions; and

WHEREAS, on October 3, 2012, the chairman of the House Committee on Oversight and Government Reform requested the National Capital Planning Commission (NCPC) and the District of Columbia government work jointly to examine the extent to which the Height Act continues to serve federal and local interests, and how the law could affect the future of the city; and

WHEREAS, the character of Washington's historic L'Enfant City, particularly the monumental core, establishes the city's iconic image as our national's capital; and

WHEREAS, any changes to the Height Act that affect the historic L'Enfant City should be carefully studied to ensure the iconic, horizontal skyline and the visual preeminence of the US Capitol and related national monuments are retained; and

WHEREAS, 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; and

WHEREAS, the DC Office of Planning (OP) led the District's efforts on the study and contracted consultant services for two studies: an Economic Feasibility Analysis and a Height Master Plan Modeling Analysis; and

WHEREAS, on September 24, 2013, without consulting NCPC or District residents, the Mayor submitted the District of Columbia's Height Master Plan evaluation and draft recommendations for changes to the Height Act; and

WHEREAS, Recommendation 2 states, Congress should allow the District of Columbia to determine building height maximums for areas outside of the L'Enfant City through its Comprehensive Plan and zoning processes; and

WHEREAS, amendments to the Comprehensive Plan are reviewed and recommended for DC Council consideration by OP and amendments to the zoning regulations can be forwarded to the Zoning Commission only by the Office of Planning.

NOW THEREFORE BE IT RESOLVED, that ANC 3D opposes Recommendation 2 based on the premise that there is consensus that the federal interest is less and much more attenuated or perhaps non-existent outside of the L'Enfant City; and

BE IT FURTHER RESOLVED, that ANC take no solace in Recommendation 2, which would transfer jurisdiction to the city to determine the appropriate building height limits for those parts of the District outside of the L'Enfant City through its statutorily-required Comprehensive Plan and zoning amendment process; and

BE IT FURTHER RESOLVED, that ANC 3D rejects Recommendation 2 based on the fact OP exercises considerable control over the Comprehensive Plan and zoning amendment processes in the District; and

BE IT FURTHER RESOLVED, that ANC 3D is unable to support the core principles of the Height Master Plan as applied to areas outside the L'Enfant City as they are based on an economic feasibility analysis that fails to recognize the importance of neighborhood stability and character which is a guiding principal of the Comprehensive Plan's Land Use Element; and,

BE IT RFURTHER RESOLVED, that ANC 3D recognizes the extensive public process has not been followed as demonstrated by the transmittal of the District's Height Master Plan prior to public participation and review by the National Capital Planning Commission and public meetings; and

BE IT FURTHER RESOLVED, that ANC 3D strongly support maintaining the Height of Buildings Act of 1910 in its current state, without additions or deletions, as it has protected the monumental core and its surrounding neighborhoods for the past one hundred years.

October 2, 2013

**Height Controls under the Height Act of 1910, Draft Reports from NCPC and DC, and LW's Comments and Recommendations**

| <b>Section</b>   | <b>As Codified (September 19, 2013)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Stated Federal Interest<br/>(per NCPC 9/14)</b> | <b>Stated District Interest<br/>(per OP 9/20)</b>                             | <b>LW's Comment</b>                                                                                                                              | <b>LW's Recommendation</b>     |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| <b>Sec. 1</b>    | <p><b>§ 6-601.01. Nonfireproof dwellings</b></p> <p>No combustible or nonfireproof building in the District of Columbia used or occupied or intended to be used or occupied as a dwelling, flat, apartment house, tenement, lodging or boarding house, hospital, dormitory, or for any similar purpose shall be erected, altered, or raised to a height of more than 4 stories, or more than 55 feet in height above the sidewalk, and no combustible or nonfireproof building shall be converted to any of the uses aforesaid if it exceeds either of said limits of height.</p> <p>HISTORY: June 1, 1910, 36 Stat. 452, ch. 263, § 1; May 20, 1912, 37 Stat. 114, ch. 124.</p>     | <b>Not discussed</b>                               | <b>Not discussed; DC draft dated 9/20 focuses on provisions of section 5.</b> | <b>Provision is no longer needed as ample life safety codes are in effect thru building codes that have been adopted and applied since 1912.</b> | <b>Repeal in its entirety.</b> |
| <b>Sec. 2</b>    | <p><b>§ 6-601.02. Nonfireproof business buildings</b></p> <p>No combustible or nonfireproof building in the District of Columbia used or occupied or intended to be used or occupied for business purposes only shall be erected, altered, or raised to a height of more than 60 feet above the sidewalk, and no combustible or nonfireproof building shall be converted to such use if it exceeds said height.</p> <p>HISTORY: June 1, 1910, 36 Stat. 452, ch. 263, § 2</p>                                                                                                                                                                                                         | <b>Not discussed</b>                               | <b>Not discussed; DC draft dated 9/20 focuses on provisions of section 5.</b> | <b>Provision is no longer needed as ample life safety codes are in effect thru building codes that have been adopted and applied since 1910.</b> | <b>Repeal in its entirety.</b> |
| <b>Sec. 3(a)</b> | <p><b>§ 6-601.03. Buildings exceeding 60 feet in height; hotels, apartments, and tenements of 3 or more stories; halls with seating capacity of 300 or more; churches</b></p> <p>(a) All buildings of every kind, class, and description whatsoever, excepting churches only, erected, altered, or raised in any manner after June 1, 1910, as to exceed 60 feet in height shall be fireproof or noncombustible and of such fire-resisting materials, from the foundation up, as are now or at the time of the erecting, altering, or raising may be required by the building regulations of the District of Columbia.</p> <p>HISTORY: June 1, 1910, 36 Stat. 452, ch. 263, § 3.</p> | <b>Not discussed</b>                               | <b>Not discussed; DC draft dated 9/20 focuses on provisions of section 5.</b> | <b>Provision is no longer needed as ample life safety codes are in effect thru building codes that have been adopted and applied since 1910.</b> | <b>Repeal in its entirety.</b> |
| <b>Sec. 3(b)</b> | <p>(b) Hotels, apartment houses, and tenement houses erected, altered or raised in any manner after June 1, 1910, so as to be 3 stories in height or over and buildings converted after June 1, 1910, to such uses shall be of fireproof construction up to and including the main floor, and there shall be no space on any floor of such structure of an area greater than 2,500 square feet that is not completely inclosed by fireproof walls, and all doors through such walls shall be of noncombustible materials.</p> <p>HISTORY: June 1, 1910, 36 Stat. 452, ch. 263, § 3.</p>                                                                                              | <b>Not discussed</b>                               | <b>Not discussed; DC draft dated 9/20 focuses on provisions of section 5.</b> | <b>Provision is no longer needed as ample life safety codes are in effect thru building codes that have been adopted and applied since 1910.</b> | <b>Repeal in its entirety.</b> |
| <b>Sec. 3(c)</b> | <p>(c) Every building erected after June 1, 1910, with a hall or altered so as to have a hall with a seating capacity of more than 300 persons when completed, as provided by the building regulations, and every church thereafter erected or building converted after June 1, 1910, for use as a church, with such seating capacity, shall be of fireproof construction up to and including the floor of such hall or the auditorium of such church as the case may be.</p> <p>HISTORY: June 1, 1910, 36 Stat. 452, ch. 263, § 3.</p>                                                                                                                                              | <b>Not discussed</b>                               | <b>Not discussed; DC draft dated 9/20 focuses on provisions of section 5.</b> | <b>Provision is no longer needed as ample life safety codes are in effect thru building codes that have been adopted and applied since 1910.</b> | <b>Repeal in its entirety.</b> |

**Height Controls under the Height Act of 1910, Draft Reports from NCPC and DC, and LW's Comments and Recommendations**

| <b>Section</b>   | <b>As Codified (September 19, 2013)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Stated Federal Interest<br/>(per NCPC 9/14)</b> | <b>Stated District Interest<br/>(per OP 9/20)</b>                             | <b>LW's Comment</b>                                                                                                                              | <b>LW's Recommendation</b>     |
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| <b>Sec. 4(a)</b> | <p><b>§ 6-601.04. Additions; towers, spires, and domes; theaters</b></p> <p>(a) Additions to existing combustible or nonfireproof structures after June 1, 1910, erected, altered, or raised to exceed the height limited by §§ 6-601.01 to 6-601.08 for such structures shall be of fireproof construction from the foundation up, and no part of any combustible or nonfireproof building shall be raised above such limit or height unless that part be fireproof from the foundations up.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Not discussed</b>                               | <b>Not discussed; DC draft dated 9/20 focuses on provisions of section 5.</b> | <b>Provision is no longer needed as ample life safety codes are in effect thru building codes that have been adopted and applied since 1910.</b> | <b>Repeal in its entirety.</b> |
| <b>Sec. 4(b)</b> | <p>(b) Towers, spires, or domes, thereafter constructed more than 60 feet above the sidewalk, must be of fireproof material from the foundation up, and must be separated from the roof space, choir loft, or balcony by brick walls without openings, unless such openings are protected by fireproof or metal-covered doors on each face of the wall. Full power and authority is hereby granted to and conferred upon every person, whose application was filed in the Office of the Mayor of the District of Columbia prior to the adoption of the present building regulations of said District, to construct a steel fireproof dome on any buildings owned by such person, in square 345 of said District, as set forth in the plans and specifications annexed to or forming a part of such applications so filed, any other provision in §§ 6-601.01 to 6-601.08 contained to the contrary notwithstanding. And the Inspector of Buildings of said District shall make no changes in said plans and specifications unless for the structural safety of the building it is necessary to do so.</p> | <b>Not discussed</b>                               | <b>Not discussed; DC draft dated 9/20 focuses on provisions of section 5.</b> | <b>Provision is no longer needed as ample life safety codes are in effect thru building codes that have been adopted and applied since 1910.</b> | <b>Repeal in its entirety.</b> |
| <b>Sec. 4(c)</b> | <p>(c) Every theater erected after June 1, 1910, and every building converted thereafter to use as a theater, and any building or the part or parts thereof under or over the theater so erected or the buildings so converted, shall be of fireproof construction from the foundation up and have fireproof walls between it and other buildings connected therewith, and any theater damaged to one-half its value shall not be rebuilt except with fireproof materials throughout and otherwise in accordance with the building regulations of the District of Columbia.</p> <p>HISTORY: June 1, 1910, 36 Stat. 453, ch. 263, § 4.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Not discussed</b>                               | <b>Not discussed; DC draft dated 9/20 focuses on provisions of section 5.</b> | <b>Provision is no longer needed as ample life safety codes are in effect thru building codes that have been adopted and applied since 1910.</b> | <b>Repeal in its entirety.</b> |

**Height Controls under the Height Act of 1910, Draft Reports from NCPC and DC, and LW's Comments and Recommendations**

| <b>Section</b>   | <b>As Codified (September 19, 2013)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Stated Federal Interest<br/>(per NCPC 9/14)</b> | <b>Stated District Interest<br/>(per OP 9/20)</b>                                                                                                                                                                                          | <b>LW's Comment</b>                                                                                                                                                                                                                                                                                                                             | <b>LW's Recommendation</b>                                                                                                                                                                                                                                                                                          |
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| <b>Sec. 5(a)</b> | <p><b>§ 6-601.05. Street width to control building height; <b>business streets</b>; residence streets; specified properties; structures above top story of</b></p> <p>(a) No building shall be erected, altered, or raised in the District of Columbia in any manner so as to exceed in height above the sidewalk <b>the width of the street, avenue, or highway in its front, increased by 20 feet</b>; but where a building or proposed building confronts a public space or reservation formed at the intersection of 2 or more streets, avenues, or highways, the course of which is not interrupted by said public space or reservation, the limit of height of the building shall be determined from the width of the widest street, avenue, or highway. <b>Where a building is to be erected or removed from all points within the boundary lines of its own lots, as recorded, by a distance at least equal to its proposed height above grade the limits of height for fireproof or noncombustible buildings in residence sections shall control, the measurements to be taken from the natural grades at the buildings as determined by the Mayor of the District of Columbia.</b></p> | Implicitly, retain with no change                  | Change to provide that height would be capped at the lesser of 200 feet or 1.25 times the width of the right of way within the L'Enfant area, and more beyond that area if and as allowed by the Comprehensive Plan and Zoning Commission. | <p>DC's recommendation seems dramatic, but in application it could be very selective as this would only occur where "not inconsistent" with the Comprehensive Plan and text and mapping by the Zoning Commission.</p> <p>Zoning regulations parallel final provision.</p> <p>In practice, "natural grade" seems obvious; in is often vague.</p> | <p>Try to gain approval for DC's position.</p> <p>Failing full concurrence by NCPC and Congress, consider allowing such added height but with setback starting at 1910 Act's present limits (other than technical refinements)</p> <p>Make final provision stand on its own wherever Act would otherwise apply.</p> |
| <b>Sec. 5(b)</b> | <p>(b) No buildings shall be erected, altered, or raised in any manner as to exceed the height of 130 feet on a <b>business street or avenue</b> as the same is now or hereafter may be lawfully designated, except on the north side of Pennsylvania Avenue between 1st and 15th Streets Northwest, where an extreme height of 160 feet will be permitted</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Implicitly, retain with no change                  | Change to provide that height would be capped at the lesser of 200 feet or 1.25 times the width of the right of way within the L'Enfant area, and more beyond that area if and as allowed by the Comprehensive Plan and Zoning Commission. | <p>DC's recommendation seems dramatic, but in application it could be very selective as this would only occur where "not inconsistent" with the Comprehensive Plan and text and mapping by the Zoning Commission</p>                                                                                                                            | <p>Try to gain approval for DC's position.</p> <p>Failing full concurrence by NCPC and Congress, consider allowing such added height but with setback starting at 1910 Act's present limits (other than technical refinements)</p>                                                                                  |
| <b>Sec. 5(c)</b> | <p>(c) <b>On a residence street, avenue, or highway</b> no building shall be erected, altered, or raised in any manner so as to be over 90 feet in height at the highest part of the roof or parapet, nor shall the highest part of the roof or parapet exceed in height the width of the street, avenue, or highway upon which it abuts, diminished by 10 feet, except on the street, avenue, or highway 60 to 65 feet wide, where a height of 60 feet may be allowed; and on a street, avenue, or highway 60 feet wide or less, where a height equal to the width of the street may be allowed; provided, that any church, the construction of which had been undertaken but not completed prior to June 1, 1910, shall be exempted from the limitations of this subsection, and the Mayor of the District of Columbia shall cause to be issued a permit for the construction of any such church to a height of 95 feet above the level of the adjacent curb.</p>                                                                                                                                                                                                                              | Implicitly, retain with no change                  | Change to provide that height would be capped at the lesser of 200 feet or 1.25 times the width of the right of way within the L'Enfant area, and more beyond that area if and as allowed by the Comprehensive Plan and Zoning Commission. | <p>DC's recommendation seems dramatic, but in application it could be very selective as this would only occur where "not inconsistent" with the Comprehensive Plan and text and mapping by the Zoning Commission.</p> <p>Would 20 foot of height added to business street properties now apply to "residence streets"?</p>                      | <p>Try to gain approval for DC's position.</p> <p>Failing full concurrence by NCPC and Congress, consider allowing such added height but with setback starting at 1910 Act's present limits (other than technical refinements)</p>                                                                                  |



**Height Controls under the Height Act of 1910, Draft Reports from NCPC and DC, and LW's Comments and Recommendations**

| <b>Section</b>   | <b>As Codified (September 19, 2013)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Stated Federal Interest<br/>(per NCPC 9/14)</b>                                                                       | <b>Stated District Interest<br/>(per OP 9/20)</b>                                                                                                                                                                                                                                                                                            | <b>LW's Comment</b>                                                                                                                                                                                                                                                                                        | <b>LW's Recommendation</b>                                                                                                                                                                                                                                     |
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| <b>Sec. 5(d)</b> | (d) The height of a building on a corner lot will be determined by the width of the <b>wider street</b> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p><b>Not discussed; NCPC draft dated 9/14 focuses on section 5.</b></p> <p><b>Implicitly, retain with no change</b></p> | <p><b>Not discussed; DC draft dated 9/20 focuses on other provisions of section 5.</b></p> <p>Change to provide that height would be capped at the lesser of 200 feet or 1.25 times the width of the right of way within the L'Enfant area, and more beyond that area if and as allowed by the Comprehensive Plan and Zoning Commission.</p> | <p>DC's recommendation seems dramatic, but in application it could be very selective as this would only occur where "not inconsistent" with the Comprehensive Plan and text and mapping by the Zoning Commission.</p> <p>Does only "width" matter or is it height allowed by width AND type of street?</p> | <p>Try to gain approval for DC's position.</p> <p>Failing full concurrence by NCPC and Congress, consider allowing such added height but with setback starting at 1910 Act's present limits (other than technical refinements)</p> <p>Clarify corner rule.</p> |
| <b>Sec. 5(e)</b> | (e) On streets less than 90 feet wide where building lines have been established and recorded in the Office of the Surveyor of the District, and so as to prevent the lawful erection of a building in advance of said line, the width of the street, insofar as it controls the height of buildings under this subchapter, shall be held to be the distance between said building lines.                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p><b>Not discussed; NCPC draft dated 9/14 focuses on section 5.</b></p> <p><b>Implicitly, retain with no change</b></p> | <p>Change to provide that height would be capped at the lesser of 200 feet or 1.25 times the width of the right of way within the L'Enfant area, and more beyond that area if and as allowed by the Comprehensive Plan and Zoning Commission.</p>                                                                                            | <p>Is this still needed?</p>                                                                                                                                                                                                                                                                               | <p>Try to gain approval for DC's position.</p> <p>Failing full concurrence by NCPC and Congress, consider allowing such added height but with setback starting at 1910 Act's present limits (other than technical refinements)</p>                             |
| <b>Sec. 5(f)</b> | (f) On blocks immediately adjacent to public buildings or to the side of any public building for which plans have been prepared and money appropriated at the time of the application for the permit to construct said building, the maximum height shall be regulated by a <b>schedule</b> adopted by the Council of the District of Columbia. This restriction shall not apply to any structure that is set back from the 14th Street property line to a line that is continuous with the facade of the adjacent Bureau of Engraving and Printing annex building that is located along 14th Street, S.W., between C and D Streets, S.W. The height of a structure described in the preceding sentence shall be established in accordance with the requirements of this subchapter and the Zoning Regulations (11 DCMR). | <p><b>Not discussed; NCPC draft dated 9/14 focuses on section 5.</b></p> <p><b>Implicitly, retain with no change</b></p> | <p><b>Not discussed; DC draft dated 9/20 focuses on other provisions of section 5.</b></p> <p>Change to provide that height would be capped at the lesser of 200 feet or 1.25 times the width of the right of way within the L'Enfant area, and more beyond that area if and as allowed by the Comprehensive Plan and Zoning Commission.</p> | <p>DC's recommendation seems dramatic, but in application it could be very selective as this would only occur where "not inconsistent" with the Comprehensive Plan and text and mapping by the Zoning Commission</p>                                                                                       | <p>Try to gain approval for DC's position.</p> <p>Failing full concurrence by NCPC, Congress and the President, consider allowing the Schedule of Heights to remain and be subject to amendment as now provided</p>                                            |

**Height Controls under the Height Act of 1910, Draft Reports from NCPC and DC, and LW's Comments and Recommendations**

| <b>Section</b>                                                        | <b>As Codified (September 19, 2013)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Stated Federal Interest<br/>(per NCPC 9/14)</b>                                                                                                                        | <b>Stated District Interest<br/>(per OP 9/20)</b>                                                                                                                                                                                                                                                                                                   | <b>LW's Comment</b>                                                                                                                                                                                                                                                                                          | <b>LW's Recommendation</b>                                                                                                                                                                                                                              |
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| <b>Sec. 5(g)</b>                                                      | (g) Buildings erected after June 1, 1910, to front or abut on the plaza in front of the new Union Station provided for by Act of Congress approved February 28, 1903, shall be fireproof and shall not be of a greater height than 80 feet.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Not discussed; NCPC draft dated 9/14 focuses on section 5.</b><br><br><b>Implicitly, retain with no change</b>                                                         | <b>Not discussed; DC draft dated 9/20 focuses on other provisions of section 5.</b><br><br><b>Change to provide that height would be capped at the lesser of 200 feet or 1.25 times the width of the right of way within the L'Enfant area, and more beyond that area if and as allowed by the Comprehensive Plan and Zoning Commission.</b>        | <b>DC's recommendation seems dramatic, but in application it could be very selective as this would only occur where "not inconsistent" with the Comprehensive Plan and text and mapping by the Zoning Commission</b><br><br><b>Moreover, this could be a location of particular interest to the Congress</b> | <b>Try to gain approval for DC's position.</b><br><br><b>Failing full concurrence by NCPC, Congress and the President, consider allowing the Schedule of Heights to remain and be subject to amendment as now provided</b>                              |
| <b>Sec. 5(h)<br/>basics</b>                                           | (h) 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 subchapter when and as the same may be approved by the Mayor of the District of Columbia; provided, however, that such structures when above such limit of height shall be fireproof, and <b>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; and provided, that penthouses, ventilation shafts, and tanks shall be set back from the exterior walls distances equal to their respective heights above the adjacent roof;</b><br><br><i>[section5(h) continues immediately below, unbroken in original]</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Recommends allowing occupancy of areas above the top story</b><br><br><b>Recommends allowing up to twenty feet total for these enclosures, with setback 1:1 as now</b> | <b>Not discussed; DC draft dated 9/20 focuses on other provisions of section 5.</b><br><br><b>Potentially would be within height limits DC is proposing</b>                                                                                                                                                                                         | <b>DC's position on penthouse inclusion/exclusion from proposed limits is not clear, though it would seem part of DC's overall thrust.</b><br><br><b>Is setback needed from sides built to an interior lot line?</b>                                                                                         | <b>Allow occupancy of areas above present "top story", amending FAR allowances accordingly.</b><br><br><b>Clarify DC position on penthouse height being in/out of overall cap.</b><br><br><b>Allow all added height at sides on interior lot lines.</b> |
| <b>Sec. 5(h)<br/>specific<br/>exceptions<br/>added<br/>since 1910</b> | and provided further, that a building be permitted to be erected to a height not to exceed 130 feet on lots 15, 804, and 805, square 322, located on the southeast corner of 12th and E Streets Northwest, said building to conform in height and to be used as an addition to the hotel building located to the east thereof on lot 18, square 322;<br><br>and further provided, that the building to be erected on lots 813, 814, and 820, in square 254, located on the southeast corner of 14th and F Streets Northwest, be permitted to be erected to a height not to exceed 140 feet above the F Street curb<br><br>and provided further, that the building to be erected on property known as the Dean Tract, comprising nine and one-fourth acres, bounded on the west by Connecticut Avenue and Columbia Road, on the south by Florida Avenue, and the east by 19th Street, and on the north by a property line running east and west 564 feet in length, said building to cover an area not exceeding 14,000 square feet and to be located on said property not less than 40 feet distant from the north property line, not less than 320 feet distant from the Connecticut Avenue property line, not less than 160 feet distant from the 19th Street property line, and not less than 360 feet distant from the Florida Avenue line, measured at the point on the Florida Avenue boundary where the center line of 20th Street meets said boundary, be permitted to be erected to a height not to exceed 180 feet above the level of the existing grade at the center of the location above described; and provided further, that the design of said building and the layout of said ground be subject to approval by the Fine Arts Commission and the National Capital Planning Commission, both of the District of Columbia<br><br>and further provided, that the building to be erected by the Georgetown University for a hospital as a part of the Georgetown University Medical School on parcels 28/31, 28/36 and 28/37 located on the south side of Reservoir Road Northwest in the District of Columbia, approximately opposite 39th Street, plans for which building are on file in the Office of the Inspector of Buildings of the District of Columbia, be permitted to be erected to a height of not to exceed 110 feet above the finished grade of the land, as shown on said plans, at the middle of the front of the building. | <b>Not discussed.</b><br><br><b>Implicitly, retain with no change</b>                                                                                                     | <b>Not discussed; DC draft dated 9/20 focuses on other provisions of section 5.</b><br><br><b>Potentially would be within height limits DC is proposing.</b><br><br><b>Implicitly, DC would likely not object to a savings clause for previously excepted properties that were actually built to heights above what would otherwise be allowed.</b> | <b>DC's recommendation seems dramatic, but in application it could be very selective as this would only occur where "not inconsistent" with the Comprehensive Plan and text and mapping by the Zoning Commission.</b><br><br><b>These rights could be affected if repeal provides no further protection.</b> | <b>If repealed, the properties relying on this permission should have that right continue until the building is razed.</b>                                                                                                                              |

Height Controls under the Height Act of 1910, Draft Reports from NCPC and DC, and LW’s Comments and Recommendations

| Section           | As Codified (September 19, 2013)                                                                                                                                                                                                                                                                                                                                                   | Stated Federal Interest<br>(per NCPC 9/14) | Stated District Interest<br>(per OP 9/20) | LW's Comment | LW's Recommendation |
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| Sec. 5<br>HISTORY | HISTORY: June 1, 1910, 36 Stat. 452, ch. 263, § 5; Dec 30, 1910, 36 Stat. 891, ch. 8; June 7, 1924, 43 Stat. 647, ch. 340; Feb. 21, 1925, 43 Stat. 961, ch. 289; May 16, 1926, 44 Stat. 298, ch. 150; Apr. 29, 1930, 46 Stat. 258, ch. 220; Mar. 24, 1945, 59 Stat. 38, ch. 37; Sept. 22, 1961, 75 Stat. 583, Pub. L. 87-281, § 1; Apr. 20, 1999, D.C. Law 12-234, § 2, 46 DCR 643 |                                            |                                           |              |                     |



**Height Controls under the Height Act of 1910, Draft Reports from NCPC and DC, and LW's Comments and Recommendations**

| <b>Section</b> | <b>As Codified (September 19, 2013)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Stated Federal Interest<br/>(per NCPC 9/14)</b>        | <b>Stated District Interest<br/>(per OP 9/20)</b>                            | <b>LW's Comment</b>                                                                                                                                                                                                                                                                                                                                       | <b>LW's Recommendation</b>                                      |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| <b>Sec. 6</b>  | <p><b>§ 6-601.06. Frame dwellings</b></p> <p>No wooden or frame building erected, altered, or converted after June 1, 1910, for use as a human habitation shall exceed 3 stories or exceed 40 feet in height to the roof.</p> <p>HISTORY: June 1, 1910, 36 Stat. 454, ch. 263, § 6</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Not discussed; NCPC draft dated 9/14 focuses on section 5 | Change to provide that the Act would only apply in central core.             | Provision is no longer needed as ample life safety codes are in effect thru building codes that have been adopted and applied since 1912.                                                                                                                                                                                                                 | Repeal in its entirety.                                         |
| <b>Sec. 7</b>  | <p><b>§ 6-601.07. Measurement of building height; parapet walls</b></p> <p>For the purposes of this subchapter the height of buildings shall be measured from the level of the sidewalk opposite the middle of the front of the building to the highest point of the roof. If the building has more than 1 front, the height shall be measured from the elevation of the sidewalk opposite the middle of the front that will permit of the greater height. <b>No parapet walls shall extend above the limit of height, except on nonfireproof dwellings where a parapet wall or balustrade of a height not exceeding 4 feet will be permitted above the limit of height of building permitted under this subchapter.</b></p> <p>HISTORY: June 1, 1910, 36 Stat. 454, ch. 263, § 7; May 20, 1912, 37 Stat. 114, ch. 124.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Not discussed; NCPC draft dated 9/14 focuses on section 5 | Not discussed; DC draft dated 9/20 focuses on section 5.                     | <p>Provisions no longer, if ever, serve useful purposes.</p> <p><b>No need for two measuring points.</b></p> <p><b>Where "zoning" and "Height Act" have same stated height limit, the latter needlessly reduces height by that of any parapet (or balustrade) for most taller buildings.</b></p>                                                          | Repeal in its entirety.                                         |
| <b>Sec. 8</b>  | <p><b>§ 6-601.08. Violation of subchapter</b></p> <p>Buildings erected, altered, or raised or converted in violation of any of the provisions of this subchapter, are hereby declared to be common nuisances; and the owner or the person in charge of or maintaining any such buildings, upon conviction on information filed in the Superior Court of the District of Columbia by the <b>Corporation Counsel</b> or any of <i>his</i> assistants in the name of said District, and which said Court is hereby authorized to hear and determine such cases, shall be adjudged guilty of maintaining a common nuisance, and shall be punished by a fine of not less than \$ 10 nor more than \$ 100 per day for each and every day such nuisance shall be permitted to continue, and shall be required by said Court to abate such nuisance. The <b>Corporation Counsel</b> of the District of Columbia may maintain an action in the Superior Court of the District of Columbia in the name of the District of Columbia, to abate and perpetually enjoin such nuisance. The injunction shall be granted at the commencement of the action, and no bond shall be required. Any person violating the terms of any injunction granted in such proceeding shall be punished as for contempt by a fine of not less than \$ 100 nor more than \$ 500, or by imprisonment in the <b>Washington Asylum and Jail</b> for not less than 30 days nor more than 6 months, or by both such fine and imprisonment, in the discretion of the Court.</p> <p>HISTORY: June 1, 1910, 36 Stat. 454, ch. 263, § 8; June 25, 1936, 49 Stat. 1921, ch. 804; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a), (c)(18).</p> | Not discussed; NCPC draft dated 9/14 focuses on section 5 | Not discussed; DC draft dated 9/20 focuses on section 5.                     | <p>"Corporation Counsel" is now the Office of the Attorney General.</p> <p>The penalties may need to be made more in line with current civil code for other infractions.</p> <p>Gender reference reflects the culture at the time adopted; time to update.</p> <p>The place of incarceration as stated no longer exists; update to something generic.</p> | Revise, to update authority and possibly stated penalties       |
| <b>Sec. 9</b>  | <p><b>§ 6-601.09. Right of Congress to alter or repeal</b></p> <p>Congress reserves the right to alter, amend, or repeal this subchapter.</p> <p>HISTORY: June 1, 1910, 36 Stat. 455, ch. 263, § 9.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Not discussed; NCPC draft dated 9/14 focuses on section 5 | Not discussed; DC draft dated 9/20 focuses on other provisions of section 5. |                                                                                                                                                                                                                                                                                                                                                           | Unless totally repealed, don't touch this with a ten-foot pole! |

Height Controls under the Height Act of 1910, Draft Reports from NCPC and DC, and LW’s Comments and Recommendations

| Section | As Codified (September 19, 2013) | Stated Federal Interest (per NCPC 9/14) | Stated District Interest (per OP 9/20)                                                                                          | LW's Comment                                                                                                                            | LW's Recommendation                                                                                                                          |
|---------|----------------------------------|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| NA      | NA                               | NA                                      | DC also recommends creation of a system to protect viewsheds to iconic buildings and structures.                                | This could be established as an added function of the Zoning Commission or the BZA, or even a "Height Act BZA"; input from NCPC and CFA | Conceptually open to such a process does not creep from selective to "universal" so that anything above 90 feet would be under its scrutiny. |
| NA      | NA                               | NA                                      | DC also recommends creation of a system to provide "special design review" where height is added under any modified Height Act. | This could be established as an added function of the Zoning Commission or the BZA, or even a "Height Act BZA"; input from NCPC and CFA | Conceptually open to such a process does not creep from selective to "universal" so that anything above 90 feet would be under its scrutiny. |

**Height Controls under the Height Act of 1910, Draft Reports from NCPC and DC, and LW's Comments and Recommendations**

| <b>Section</b>                                                                                                                                                                                      | <b>As Codified (September 19, 2013)</b> | <b>Stated Federal Interest<br/>(per NCPC 9/14)</b> | <b>Stated District Interest<br/>(per OP 9/20)</b> | <b>LW's Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>LW's Recommendation</b>                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------------------|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Potential Omissions or Flaws:</b><br><br><b>No variance process</b>                                                                                                                              | NA                                      | NA                                                 | NA                                                | If Act is retained in whole or part, some sort of appeal/variance process is needed to address the unexpected, as is the case for zoning code already and most other administrative codes.                                                                                                                                                                                                                                                                                                                                                                                                             | If Act is retained in whole or part, add provision for Zoning Commission to hear and decide, or delegate to BZA (or Height Act BZA, see above), requests for relief from "strict application" of stated terms as a variance. |
| <b>Potential Omissions or Flaws:</b><br><br><b>No Law for Decks and Viaducts?</b>                                                                                                                   | NA                                      | NA                                                 | NA                                                | While measurement points on major decks as in the L'Enfant Plaza, over i 295, and over viaducts (bridges) such as at Union Station are now established, should this authority have a statutory base?                                                                                                                                                                                                                                                                                                                                                                                                   | Evaluate issue posed and act as deemed appropriate                                                                                                                                                                           |
| <b>Potential Omissions or Flaws:</b><br><br><b>Should Federal properties be allowed added height when security concerns warrant that?</b><br><br><b>Should Law Clarify Security Review of Plans</b> | NA                                      | NA                                                 | NA                                                | <p>Building mass can form physical barriers that curtail line-of-sight views to sensitive locations. Should Federal properties around such sites be allowed to exceed Height Act in the name of "security"?</p> <p>While as Ms. Tregoning stated in remarks to NCPC, "security trumps all," should this be given a clear statutory basis and, if so, can the code spell out when and how it would apply so "security review" does not stop a project at the permit-seeking stage instead of much earlier? Should this also apply to demolitions or razes that could/would open up sensitive views?</p> | Evaluate issues posed and act as deemed appropriate                                                                                                                                                                          |

# Testimony in Opposition to the Office of Planning's Recommended Changes to the Heights of Buildings Acts

DC Council Committee of the Whole

October 28, 2013

George Washington was determined to build a beautiful capital city, not just a city with a beautiful plan. His understanding of beauty was that of his age, and it did not include extreme contrasts. His regulations guiding the development of the city limited the heights of all building on the new avenues to between 35 and 40 feet. This controlled range of only five feet between the tallest buildings and the shortest was a purely aesthetic regulation.

When the MacMillan Commission produced its designs and recommendations for the improvement of the city in 1902, alignment of cornices was a fundamental goal in the monumental area and in the city at large. Early waivers from the Height Acts' requirements were all based on the desirability of aligning roofs, because the sense of what was beautiful had not changed since Washington's time.

Nor has it changed to this day: it still requires minimizing of the contrast between large and small, short and tall. Innumerable decisions of the Historic Preservation Review Board, National Capital Planning Commission and Fine Arts Commission have established this fact beyond question.

But now, the Director of Planning's report absolutely ignores the aesthetic principles that have made Washington a universally admired triumph of design consistency. Radical changes to the skyline may be supported by manipulated statistics and carefully phrased arguments, but our eyes and the eyes of the future will not see those numbers or hear those explanations.

They will only see the jarring consequences of neglecting a principle.

Don Alexander Hawkins

The Committee of 100 on the Federal City,

**Jacobs, Jessica (Council)**

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**From:** Melanie Ness <melanie8ness@gmail.com>  
**Sent:** Friday, November 01, 2013 8:19 AM  
**To:** Jacobs, Jessica (Council)  
**Subject:** I can't testify

but I am TOTALLY AGAINST giving up the height restriction.

Thanks, Melanie B.Ness  
327 6 St SE  
Washington, DC 20003

--

\*Melanie B. Ness LICSW\*  
\*Dupont Circle/Alexandria\*

**Council of the District of Columbia  
Committee of the Whole Public Hearing  
On Lifting the Federal Height Act of 1910**

**Monday, October 28, 2013**

**9:30 a.m., Room 412**

**John A. Wilson Building**

**1350 Pennsylvania Avenue, NW**

**Washington, DC 20004**

CHAIRMAN MENDELSON  
2013 NOV - 1 AM 11:43

Good afternoon, Chairman Mendelson, colleagues, ladies and gentlemen:

By way of introduction, I am Kathryn A. Eckles, resident of Washington, DC, since May 1948, and owner-dweller at 1524 T Street, NW, since November 1973.

Thank you for this opportunity to express my opposition to any tampering with the Height Act of 1910. I have learned that Commissioner White, at a recent meeting of the N.C.P.C., stressed that the current hearings were a chance to make the right decision.

You are now in a similar position to make the right decision. Let the better angels of your nature guide you.

I cite advice given to President George Washington in a crisis: "A precedent, once acknowledged, will be universally sought."

This is 200 years old, and 200 years wise, as pertinent now as then.

I close with a familiar saying: "If it ain't broke, don't fix it."

Thank you.

Kathryn A. Eckles

Kathryn A. Eckles

## COMPILED PUBLIC COMMENTS | SUBMITTED TO NCPC & DCOP

Includes written testimony and letters received by NCPC and DCOP by the close of the Phase 3 Public Comment Period on October 30, 2013.

### WRITTEN TESTIMONY

Lindsley Williams  
George R. Clark  
Benedicte Auburn  
Janet Quigly, Capitol Hill Restoration Society  
Alma Gates, Neighbors United Trust  
Sue Hemberger  
Loretta Newman, Alliance to Preserve the Civil War Defenses of Washington  
John Belferman  
Jim Schulman  
Richard Busch, Historic Districts Coalition  
Richard Houghton  
Dorn C. McGrath Jr.  
Gary Thompson, Advisory Neighborhood Commission 3/4G02  
Eugene Abravanel  
Joseph N. Grano, The Rhodes Tavern-DC Heritage Society  
Nancy MacWood, Committee of 100  
William Haskett  
Sally L. Berk  
Laura Phinizy  
Roger K. Lewis  
Ben Klemens  
Kenan T. Fikri  
Jeff Utz, BF Saul Company and Goulston & Storrs  
Denis James, Kalorama Citizens Association  
Robert Robinson and Sherrill Berger, DC Solar United Neighborhoods (DCSUN)  
Robert T. Richards, Advisory Neighborhood Commission 7B  
C.L. Kraemer  
Roberta Faul-Zeitler  
Judy Chesser  
David C. Sobelsohn  
Erik Hein  
Tersh Boasberg  
Andrea Rosen

### ADDITIONAL PUBLIC COMMENTS

[www.ncpc.gov/heightstudy/comments.php](http://www.ncpc.gov/heightstudy/comments.php)

## **FORMAL LETTERS AND RELATED DOCUMENTS**

Cheryl Cort, Coalition for Smarter Growth  
Kindy French  
David R. Bender, Advisory Neighborhood Commission 2D  
Donna Hays, Sheridan-Kalorama Historical Association, Inc.  
William M. Brown, Association of the Oldest Inhabitants of the District of Columbia  
Marilyn J. Simon, Friendship Neighborhood Association  
Christopher H. Collins, DC Building Industry Association (DCBIA)  
Phyllis Myers, State Resource Strategies  
Penny Pagnao, DC Advisory Neighborhood Commission 3D  
National Coalition to Save Our Mall  
Christopher B. Leinberger, George Washington University  
Rob Nieweg, National Trust for Historic Preservation  
Reid Nelson, Advisory Council on Historic Preservation  
The Developers Roundtable  
James C. Dinegar, Greater Washington Board of Trade  
Janet Quigley, Capitol Hill Restoration Society  
Mayra Addison, Preserve Our Green Space in Sheridan-Kalorama  
Mary Fitch and David T. Haresing, American Institute of Architects Washington  
John G. Parsons  
William N. Brown, Association of the Oldest Inhabitants of the District of Columbia  
Christopher K. Chapin, Sheridan-Kalorama Neighborhood Council  
Tenleytown Neighbors Association  
Richard Busch, Historic Districts Coalition  
Nancy McWood, Committee of 100 on the Federal City  
Meg Maguire  
Frederick Harwood

## **ADDITIONAL PUBLIC COMMENTS**

[www.ncpc.gov/heightstudy/comments.php](http://www.ncpc.gov/heightstudy/comments.php)



# **WRITTEN TESTIMONY**

## **Talking Points of Lindsley Williams at NCPC Hearing on Height of Buildings Act of 1910 - October 30, 2013**

- Thanks to Congressman Issa, along with NCPC and DC -- for asking and answering, for the first time in 100 years.
- The Act has given DC its present urban form, as well as shaped nearby Rosslyn, Crystal City and Washington Harbor (toothpaste analogy)
- NCPC has compiled much but, so far, been modest in its recommendations; DC used the opportunity to look more broadly and over a longer term. I commend NCPC in its initial modesty and DC for its broad and multipronged approach leading to its recommendations. I particularly appreciate DC's efforts to project capacity and later steer growth where it is desirable/viable, not just where there is "room" under present zoning and Height Act provisions.
- The Act is already codified within DC Code, not the US Code. While a great deal of attention, and angst, is on the various provisions in Section 5, the Act is far more extensive than just that. I decided to look at all of its provisions, leading to a "matrix" of sorts already in the hands of both NCPC and DC.
- **As a matter of public interest, I urge both NCPC and DC to "seize the day" or opportunity to recalibrate all of the Height Act to better serve the Nation and still protect the particular Federal interests that are concentrated in and around the "L'Enfant" area. To me, "around" expands the more sensitive area to the topographic bowl and ridge line.**
- I urge that NCPC and DC strive to file a joint report that speaks to the issues and offers potential resolution whenever possible. Having the two pull on the same rope in the same direction will be more productive than arm wrestling. Use addendums to note differences, if any remain.
- I further urge each to at least comment on the many subsidiary issues in the Act as now in effect. These include, from my point of view:
  - Occupancy and use of penthouses (currently basements in the sky, the strongest asset per sq foot is off limits)
  - Capping penthouses at a height that can be inconsistent with technology and green roofs
  - Measurement point that differs from zoning; no law on decks (L'Enfant Plaza among others) or viaducts
  - Parapet measurement under 1910 versus zoning; balustrade missing in 1910
  - Antiquated provisions on wood construction or for non-fireproof buildings
  - No variance process (who needed in Act's early days if you could get amendments instead)
  - No special exception/design review (such as infill from penthouse to building wall when view from ground level nearby would not be adversely affected)

Urge NCPC state its conclusions of those above and any other "defects" as a "Finding of No Significant Federal Interest" (**FONSFI ?**) and DC to indicate that the issue is fully addressed in other existing building, life safety, or zoning codes and is thus superfluous or inadvertently in conflict.

- Likewise, I would urge the NCPC and DC ask if the time is not appropriate to bring the authority to amend the Act to DC in a manner parallel to that of the Comp Plan, which gives NCPC strong review authority over "District" elements, and, if DC Code were amended, it remains the authority of the Congress to overturn, just as it has the authority now on other laws DC Council adopts (whether requested by the Mayor or not) and that the Mayor signs. This would get the details out of the Congress which, in my view, has vastly more important duties than being protector of the parapet. **Mayor and Council, with NCPC input/review, better able to study and resolve all this.**
- Neither NCPC nor DC are seeking repeal of the Act or Section 5. The opportunity is here to take the legacy of the Act and position it well for at least another century of service while meeting the needs of the Nation, the area and DC itself. Finally, the Act was first created at and later modified at request of DC residents and governments, never solo.

As a person with faith in the ability of governments in general (and DC and NCPC in particular) to do the right thing, I think this would work to bring about a harmonious solution around the table and satisfy at least much of the citizenry as well. In closing, please consider the above for what it is, my effort to find a solution that benefits all.

**"The mind is like a parachute -- it works better when it is open"** (Jimmy Carter -- lead gospel singer for Blind Band of Arkansas)

**THANK YOU**

National Capital Planning Commission

October 30, 2013

**Hearing on the Draft Recommendation from the NCPC Executive Director and the Recommendation from D.C. Mayor Gray**

TESTIMONY OF GEORGE R. CLARK

My name is George Clark. I am a 40 year resident of this City, drawn to it by its scale and beauty. I am a past Chair of the Committee of 100 on the Federal City, a three time President of Federation of Citizens Associations, served 6 years on the Zoning Review Task Force, and am currently on the DDOT Transportation Planning Task Force.

I urge you to reject the late and unvetted proposal from the Office of Planning and keep the Height of Buildings Act as it is, with perhaps further study of the penthouse issue as noted by the Staff Report, which I heartily endorse. I say unvetted because in none of the public meetings this past summer did OP give even a hint of this Manhattanization proposal to any of the citizens who attended. In fact OP denied that it had any intent to ask for so many tall buildings in so many places. And even with that, the large majority of those in attendance saw no reason to change the Height Act. And now OP goes directly to Rep. Issa, without even bothering to ask the citizens what they think. Some Home Rule issue. The people don't want change so let's do an end run around them in Congress!

But OP tells us that we need tall buildings so that housing will be less expensive, you know, like in Manhattan or downtown Chicago. Recognizing the folly of this assertion, OP tries to justify it at page 14 of the Economic Analysis of the Height Master Plan from James Davis Construction (forget why you'd ask a construction company to do an economic analysis):

While newly constructed higher-rise apartments are likely to have relatively high rents, expansion of the housing supply should result in lower rents if new supply exceeds the growth in demand. The availability of new apartments will put competitive pressure on existing buildings to renovate and maintain their edge and/or lower their rents. Units that are not as well located and maintained will see a lessening of demand and lower rents. However, the impacts on prevailing rents are likely to occur primarily at the margin. The District's high costs of development and natural market forces will limit the extent of oversupply and rent reductions over the longer term, though during the down parts of market cycles, the additional supply could lead to lower rents until supply and demand are back in balance.

In other words, rents will go down if we overbuild tall building housing for rich folks because they will move out of their current housing which will deteriorate and be more affordable for the masses. And if that doesn't work, a good depression might come along and lower rents! And by the way, forget that ownership stuff – you will all be renters.

So what is the real reason for OP pushing for tall buildings? Fortunately we have the answer from the Board of Trade. In an e-mail the BOT sent me they said the following:

Yesterday the District of Columbia Office of Planning released the District's Height Study Draft Recommendations which calls for Congress to modify the Height Act to allow for taller [buildings] in the District. As indicated in the press release linked below, this recommendation *will result in a substantial opportunity* for increased future development in the District.

Well now we know who this building height is supposed to help -- not the average person, not the poor, not the homeless – but developers! Thank you OP!

And let's not forget the claim that D.C. will gain significant property tax benefits. When is last time you heard that the City did not give a developer of a large project 25 years of tax relief or TIF financing to build, thus wiping out any tax benefit?

Home Rule is not more height for favored developers. It isn't jeopardizing the views, the scale and the feel that has made this City iconic and made it grow and prosper and attract more residents. Home Rule is Statehood, or voting rights or budget autonomy. OP has come up with a solution in search of a problem. Let's file it where it belongs.

NATIONAL CAPITOL PLANNING COMMISSION (NCPC) HOSTS A SPECIAL MEETING FOR THE PUBLIC  
TO PROVIDE FEEDBACK  
ON FEDERAL AND DISTRICT PORTIONS OF THE HEIGHT MASTER PLAN

Wednesday, October 30, 2013  
04:30 pm, Hearing Room 500,  
401 9<sup>th</sup> Street, NW  
Washington DC 20004

Good afternoon Mr. Chairman. My name is Benedicte Aubrun and I wanted to thank the Commission for the opportunity to testify on a very important topic today.

What makes the District of Columbia so different from other American cities, so attractive, so charming, so European, and so welcoming? It is thanks to the Federal Height of Buildings Act of 1910 that preserved a unique and human scale city.

Nowadays, modern cities in the world with skyscrapers are quickly taking over, leaving human beings with a sensation of being out of scale and not belonging as part of the city.

I would like to understand why there is such a frenetic push for more housing since the population is smaller than the 1960s where there was adequate housing for everyone. Has the city the capacity to support that many people when the public transportation is badly failing the region, the government is restricting parking when even your study shows most of the new jobs will be outside the city. There is no reason to believe that the water and sewer capacity of the city can support the proposed population increases without any serious supporting studies. What about all the structural issues that raising the height will have on existing buildings, so easily dismissed in the study? Not one engineer company has come to make a presentation and explain what will be the consequences of such massive additions! All these points are so easily dismissed in the Office of Planning's report.

There is no such thing of low cost high-rise housing. It can't be done cost effectively as even the Chinese, master high-rise builders, have discovered. The cost of the built building with all the infrastructure means it is not suitable for low-income housing and many of them are empty. The cost of finishing material is relatively expensive (floors, double pane windows, elevators, appliances, HVAC, mainenance etc...)

Up to now, I haven't seen any statistics proving that raising the height in DC will help affordable housing development as suggested by the proponents and allow low income people to live in the city. There is no such thing as low cost high-rise housing. Consider New York City, Dubai, Singapore, Tokyo, Shanghai, Hong Kong.

Adding new height to certain neighborhoods or « clusters », will likely create a building boom in those locations; as is already the case right now, leading to an escalation of land and building costs and more expensive housing, putting pressure on property taxes, crushing the middle class. This will push many current residents (renters and owners) out of their neighborhoods and speed up the gentrification we are already experiencing.

DC doesn't lack space or land for building houses as it is shown in the report; millions of square feet of land can still be developed. Besides the availability of land, it doesn't stop developers from converting Historic District row houses into condos and apartments that only a few people can afford. Also, do you believe that raising the height in some pockets will stop developers from converting those houses into condos in other high density areas?! We risk a real estate bubble, which like all bubbles will burst. Let's just be realistic...

We hear from our representatives in DC: increase property values; generate more income to the city through taxes etc... But honestly, don't we have priorities in the city to spend money on other crucial studies than on raising the height when thousands of people are seeing cuts in their social aid? Cuts which can only get worse as we push low and middle income people out of the city.

Committee Chairman Darrell Issa wrote to the Mayor of the District of Columbia to « encourage the exploration of strategic changes to the Height Act in those areas outside the L'Enfant City that support local economic development goals while taking into account the impact on federal interests ».

I believe the DC Height Act report by the Office of Planning has gone overboard. Indeed, pushing substantial changes in the DC Height Act by waiving all Federal interests inside and outside L'Enfant City is questionable due to the fact that at the same time OP is conducting a zoning regulations rewrite, which was delivered to the Zoning Commission in September 2013.

The fact that the public has been limited in its ability to comment until now, makes me wonder how open the process has been and makes me suspicious of the Administration's motives.

The DC Height Act sets the tone for development and as we all know DC zoning is more restrictive than the Height Act. Both of them combined (zoning and Height Act) will cause precedents and alter the DC skyline, put at risk the tourism and hospitality businesses that rely so much on our horizontal skyline and human scaled neighborhoods, affect the monumental core of the city and deprive neighborhoods of the exceptional or treasured views the city provides to so many residents.

Let the high-rise culture be built in the suburbs and leave the unique core of our precious city as it is. Let Rosslyn be Rosslyn, Crystal City be Crystal City with no personality what so ever!

Being from Paris, I reviewed and included below a few details regarding the amended Paris Height Act. In November 2010, The City Council in Paris did vote to raise the height ONLY on new constructions and did not allow additional penthouses on current constructions. From 1977 until 2010, the height for building residential housing was limited, through its Local Zoning Plan (PLU), to 37m. Nowadays, with the new Paris height, constructions for residential can go up to 50m (15 floors) and 160m to 180m for office towers.

I can't imagine doing so in the historic district of Paris! This will be equally absurd here... Indeed, the constructions that fall under that bill will apply to the ring of the city not the heart of Paris. The Arrondissements or Districts that will be affected are District 13eme (Masséna Bruneseau) Porte de Montreuil), 15eme (Porte de Versailles), 17eme (Batignoles) and 18eme (Porte de la Chapelle) and will concentrate mostly on affordable housing. Please refer to the map and tables.

The argument of the Mayor's administration to raise the heights was the lack of housing. Paris doesn't really lack housing, it is just not affordable for everyone; rents are too high! A poll was conducted on high-rise in Paris, and resulted in 63% of Parisians against high-rise towers or skyscrapers.

One of the exceptions for high-rise tower in Paris is the Tour Montparnasse (210m) that was built before the 1977 Paris Height Act, which limits high-rise buildings.

To conclude:

People are attached to the history of their country, it doesn't matter if it is only a few centuries old or thousands of years, History and culture are the roots, the identity of human beings.

The DC Height Act is not just about Federal interest. It is about an entire city, both Historic Districts and non Historic Districts. It is about conservation of an architectural corpus left by our ancestors to cherish, preserve and remember. It is about History! And besides the admirable work they did, it is a way to honor their talent.

Don't take away from the residents what they love the most about DC. As Tommy Wells said at the NCPC meeting back in September: "The whole city functions as a monument not just neighborhoods".

I urge the Commission to take into consideration these crucial elements and dismiss the Office of Planning's request to change the DC Height Act.

Thank you.

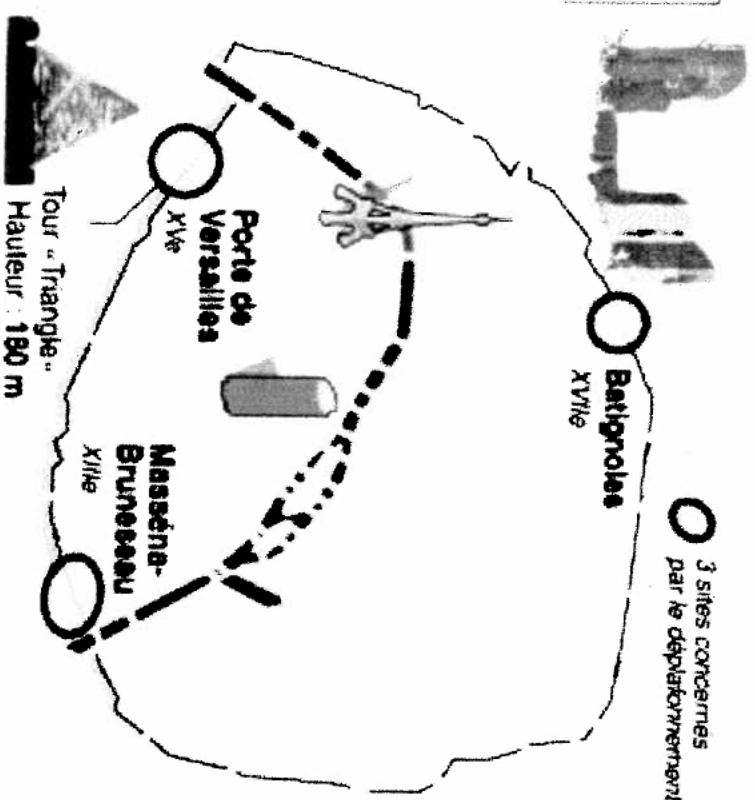
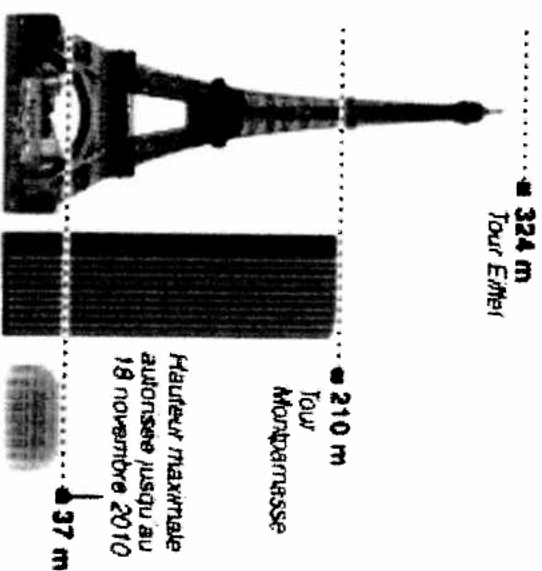


## Le retour des immeubles de grande hauteur à Paris

La construction de bâtiments de plus de 50 mètres est autorisée dans des quartiers bien précis de la capitale

### Nouvelles hauteurs en vigueur

- 50 m pour les immeubles d'habitation
- jusqu'à 180 m pour les tours de bureaux



Plan de Paris avec zones susceptibles d'accueillir de nouvelles tours

# List of tallest buildings and structures in the Paris region

From Wikipedia, the free encyclopedia

This page presents a list of the tallest skyscrapers buildings and structures in the Paris region, consisting of the inner Paris urban area (Paris and its neighboring communes).

The Paris urban area currently contains the most skyscrapers of any metropolitan area in the European Union.<sup>[1]</sup> As of 2012, there are 14 skyscrapers that reach a roof height of at least 150 metres (492 feet), compared to 12 such skyscrapers in London and Frankfurt am Main, and 5 in Madrid and Warsaw.

Most of the Paris area's high-rise buildings are located in three distinct areas:

- **La Défense**, located in the western inner suburbs in the département of the *Hauts-de-Seine*: La Défense is the largest purpose-built business district in Europe. Unlike the other high-rise areas, La Défense is dominated mostly by office buildings. 13 of the 14 skyscrapers in the Paris region are located in La Défense.
- **Italie 13**, located in the southern half of the 13th arrondissement: The 13th arrondissement towers are mostly residential, located in the south of the arrondissement, in what is today le *Quartier chinois* (*Chinatown*);
- **Front de Seine**, located in the 15th arrondissement: Most of the buildings of the Front de Seine, which is in close proximity to the Eiffel Tower, were built in the 1970s and 1980s and are of mixed commercial and residential use. The tallest building is the Tour Montparnasse, the only skyscraper within the city limits of Paris.

Other high-rise buildings are scattered throughout the Paris area, mainly in close proximity to the *Périphérique* freeway. These include Les Mercuriales in Bagnolet, the Tour Pleyel in Saint-Denis, and the Hôtel Concorde Lafayette in the city proper (near the Porte Maillot).

However the tallest tower is built within central Paris: the iconic Eiffel Tower standing alongside the Seine River at the heart of the 7th arrondissement. Built in 1889, it was the first man-made structure in the world to exceed 1,000 feet.

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East view of La Défense.



North view of La Défense.

## Completed structures



La Défense at night

This list ranks the Paris area buildings that stand at least 100 metres (328 ft) tall.<sup>[2]</sup> Existing structures are included for ranking purposes based on present height.

| Rank | Name                              | Built       | Use    | Height (metres) | Height (feet) | Levels | District         | Commune (municipality) |
|------|-----------------------------------|-------------|--------|-----------------|---------------|--------|------------------|------------------------|
| 1    | Tour First                        | 1974 / 2011 | office | 231             | 739           | 50     | La Défense       | Courbevoie             |
| 2    | Tour Maine Montparnasse           | 1969–1973   | office | 210.0           | 689           | 59     | 15th arr.        | Paris                  |
| 3    | Tour Total                        | 1985        | office | 187.0           | 614           | 48     | La Défense       | Courbevoie             |
| 4    | Tour T1                           | 2008        | office | 185.0           | 607           | 38     | La Défense       | Courbevoie             |
| 5    | Tour Areva                        | 1974        | office | 184.0           | 604           | 44     | La Défense       | Courbevoie             |
| 6    | Tour Granite (Société Générale)   | 2008        | office | 183.0           | 600           | 37     | La Défense       | Nanterre               |
| 7    | Tour Gan                          | 1974        | office | 179.0           | 587           | 44     | La Défense       | Courbevoie             |
| 8    | Tour Alicante (Société Générale)  | 1995        | office | 167.0           | 548           | 37     | La Défense       | Nanterre               |
| 9    | Tour Chassagne (Société Générale) | 1995        | office | 167.0           | 548           | 37     | La Défense       | Nanterre               |
| 10   | Tour EDF                          | 2001        | office | 165.0           | 541           | 41     | La Défense       | Puteaux                |
| 11   | Cœur Défense                      | 2001        | office | 161.0           | 528           | 40     | La Défense       | Courbevoie             |
| 12   | Tour Adria (Technip)              | 2002        | office | 155.0           | 509           | 40     | La Défense       | Courbevoie             |
| 13   | Tour Égée (Ernst&Young)           | 1999        | office | 155.0           | 509           | 40     | La Défense       | Courbevoie             |
| 14   | Tour Ariane                       | 1975        | office | 152.0           | 499           | 36     | La Défense       | Puteaux                |
| 15   | Tour Pleyel                       | 1972        | mixed  | 143.0           | 469           | 37     | Carrefour Pleyel | Saint-Denis            |

|    |                                              |      |                  |       |     |    |                       |                     |
|----|----------------------------------------------|------|------------------|-------|-----|----|-----------------------|---------------------|
| 18 | Tour Défense 2000                            | 1974 | residential      | 136.0 | 446 | 46 | La Défense            | Puteaux             |
| 20 | Tour Europlaza                               | 1995 | office           | 135.0 | 443 | 31 | La Défense            | Courbevoie          |
| 21 | Tour Descartes (IBM)                         | 1988 | office           | 130.0 | 427 | 40 | La Défense            | Courbevoie          |
| 22 | Tour Les Poissons                            | 1970 | mixed            | 128.0 | 420 | 42 | La Défense            | Courbevoie          |
| 23 | Tour France                                  | 1973 | residential      | 126.0 | 413 | 40 | La Défense            | Puteaux             |
| 24 | Tour Olympe (Daewoo)                         | 1974 | office           | 125.0 | 410 | 35 | Porte d'Aubervilliers | Aubervilliers       |
| 25 | Tour Prélude, Orgues de Flandre              | 1979 | residential      | 123.1 | 404 | 39 | 19th arr.             | Paris               |
| 24 | Tour Levant, les Mercuriales                 | 1975 | office           | 122.0 | 400 | 33 | Porte de Bagnolet     | Bagnolet            |
| 25 | Tour Ponant, les Mercuriales                 | 1975 | office           | 122.0 | 400 | 33 | Porte de Bagnolet     | Bagnolet            |
| 26 | Tour Franklin                                | 1972 | office           | 120.0 | 394 | 33 | La Défense            | Puteaux             |
| 27 | Tour Sequoia (Bull, Cegetel, SFR)            | 1990 | office           | 119.0 | 390 | 33 | La Défense            | Puteaux             |
| 28 | Tour Winterthur                              | 1973 | office           | 119.0 | 390 | 33 | La Défense            | Puteaux             |
| 29 | Tour Michelet (Total)                        | 1985 | office           | 117.0 | 384 | 34 | La Défense            | Puteaux             |
| 30 | Tour CB16                                    | 2003 | office           | 117.0 | 384 | 32 | La Défense            | Courbevoie          |
| 31 | Hôtel Méridien Montparnasse                  | 1974 | hotel            | 116.1 | 381 | 31 | 14th arr.             | Paris               |
| 32 | Tour Super-Italie                            | 1973 | residential      | 113.0 | 371 | 38 | 13th arr.             | Paris               |
| 33 | Tour Neptune                                 | 1972 | office           | 113.0 | 371 | 28 | La Défense            | Courbevoie          |
| 34 | Préfecture des Hauts-de-Seine                | 1974 | office           | 113.0 | 371 | 25 | La Défense            | Nanterre            |
| 35 | Grande Arche                                 | 1989 | monument, office | 110.0 | 361 | 37 | La Défense            | Puteaux             |
| 36 | Tour Manhattan                               | 1975 | office           | 110.0 | 361 | 32 | La Défense            | Courbevoie          |
| 37 | Tour Giralda                                 |      | residential      | 110.0 | 361 | 36 | 20th arr.             | Paris               |
| 38 | Tour Aurore                                  | 1970 | office           | 110.0 | 361 | 29 | La Défense            | Courbevoie          |
| 40 | Tour Eve                                     | 1975 | mixed            | 109.0 | 358 | 36 | La Défense            | Puteaux             |
| 41 | Tour Initiale                                | 1967 | office           | 109.0 | 358 | 30 | La Défense            | Puteaux             |
| 42 | Tour Fugue, Orgues de Flandre                | 1972 | residential      | 108.0 | 354 | 35 | 19th arr.             | Paris               |
| 43 | Tour Nuage 1, Tours Aillaud                  | 1976 | residential      | 105.0 | 344 | 39 | La Défense            | Nanterre            |
| 44 | Tour Nuage 2, Tours Aillaud                  | 1976 | residential      | 105.0 | 344 | 39 | La Défense            | Nanterre            |
| 45 | Résidence Antoine et Cléopâtre, Italie 13    | 1970 | residential      | 104.0 | 341 | 37 | 13th arr.             | Paris               |
| 46 | Tour Gambetta                                | 1975 | residential      | 104.0 | 341 | 37 | La Défense            | Courbevoie          |
| 47 | Tour Anvers, Les Olympiades <sup>[3]</sup>   | 1974 | residential      | 104.0 | 341 | 36 | 13th arr.             | Paris               |
| 48 | Tour Athènes, Les Olympiades <sup>[4]</sup>  | 1974 | residential      | 104.0 | 341 | 36 | 13th arr.             | Paris               |
| 49 | Tour Cortina, Les Olympiades <sup>[5]</sup>  | 1970 | residential      | 104.0 | 341 | 34 | 13th arr.             | Paris               |
| 50 | Tour Helsinki, Les Olympiades <sup>[6]</sup> | 1974 | residential      | 104.0 | 341 | 36 | 13th arr.             | Paris               |
| 51 | Tour Londres, Les Olympiades <sup>[7]</sup>  | 1974 | residential      | 104.0 | 341 | 36 | 13th arr.             | Paris               |
| 52 | Tour Mexico, Les Olympiades <sup>[8]</sup>   | 1974 | residential      | 104.0 | 341 | 36 | 13th arr.             | Paris               |
| 53 | Tour Sapporo, Les Olympiades <sup>[9]</sup>  | 1974 | residential      | 104.0 | 341 | 36 | 13th arr.             | Paris               |
| 54 | Tour Tokyo, Les Olympiades <sup>[10]</sup>   | 1974 | residential      | 104.0 | 341 | 36 | 13th arr.             | Paris               |
| 55 | Tour Chéops, Italie 13                       | 1970 | residential      | 103.0 | 338 | 35 | 13th arr.             | Paris               |
| 56 | Tour Mykérinos, Italie 13                    | 1970 | residential      | 103.0 | 338 | 35 | 13th arr.             | Paris               |
| 57 | Tour Cèdre                                   | 1998 | office           | 103.0 | 338 | 26 | La Défense            | Courbevoie          |
| 58 | Tour Ancône, Italie 13                       | 1970 | residential      | 102.0 | 335 | 35 | 13th arr.             | Paris               |
| 59 | Tour Bologne, Italie 13                      | 1970 | residential      | 102.0 | 335 | 35 | 13th arr.             | Paris               |
| 60 | Tour Ferrare, Italie 13                      | 1970 | residential      | 102.0 | 335 | 35 | 13th arr.             | Paris               |
| 61 | Tour Palerme, Italie 13                      | 1970 | residential      | 102.0 | 335 | 35 | 13th arr.             | Paris               |
| 62 | Tour Ravenne, Italie 13                      | 1970 | residential      | 102.0 | 335 | 35 | 13th arr.             | Paris               |
| 63 | Tour Cantate, Orgues de Flandre              | 1979 | residential      | 101.0 | 331 | 30 | 19th arr.             | Paris               |
| 64 | Tour Opus12                                  | 1973 | office           | 100.0 | 328 | 27 | La Défense            | Puteaux             |
| 65 | Tour Athéna                                  | 1984 | office           | 100.0 | 328 | 25 | La Défense            | Puteaux             |
| 67 | Novotel Paris Tour Eiffel, Front de Seine    | 1976 | hotel            | 100.0 | 328 | 31 | 15th arr.             | Paris               |
| 68 | Tour Totem, Front de Seine                   | 1979 | residential      | 100.0 | 328 | 31 | 15th arr.             | Paris               |
| 69 | Tour Sequana                                 | 2010 | office           | 100   | 328 | 23 |                       | Issy-les-Moulineaux |



A panoramic view of Paris' Front de Seine



A panoramic view of the towers of the 13th arrondissement of Paris

## Structures proposed, approved, or under construction

This is a list of structures that are either under construction or due to start construction soon. Structures are sorted by planned height. The Authority managing La Défense, the EPAD, has launched several contests for new towers in a large scale operation of renovation of the business district. The tallest towers are expected to exceed 300 m. Other proposed projects are currently being talked about in other municipalities of the inner suburbs such as Issy-les-Moulineaux, Boulogne-Billancourt or Saint-Denis.

| Name                  | Use    | Height |       | Levels | District     | Commune<br>(municipality) | Notes                     |
|-----------------------|--------|--------|-------|--------|--------------|---------------------------|---------------------------|
|                       |        | meters | feet  |        |              |                           |                           |
| Hermitage Plaza 1     | office | 320    | 1,050 | 92     | La Défense   | Courbevoie                | <i>approved</i>           |
| Hermitage Plaza 2     | office | 320    | 1,050 | 94     | La Défense   | Courbevoie                | <i>approved</i>           |
| Tour Phare            | office | 297    | 975   | 68     | La Défense   | Puteaux                   | <i>on hold</i>            |
| Tour Air <sup>2</sup> | office | 202    | 663   | 43     | La Défense   | Courbevoie                | <i>approved</i>           |
| Tour Majunga          | office | 194    | 636   | 45     | La Défense   | Puteaux                   | <i>under construction</i> |
| Triangle              | office | 180    | 591   | 41     | Val de Seine | Paris                     | <i>proposed</i>           |
| Tour Carpe Diem       | office | 165    | 541   | 32     | La Défense   | Courbevoie                | <i>under construction</i> |
| Tour D2               | office | 160    | 525   | 37     | La Défense   | Courbevoie                | <i>under construction</i> |
| Tour AVA              | office | 142    | 466   | 34     | La Défense   | Courbevoie                | <i>proposed</i>           |

## Gallery



Tours Société Générale



Tour Areva



Tour Total



Tour First



Eiffel Tower from the Montparnasse Tower

## See also

## References

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10. ^ [emporis.com](http://www.emporis.com) (<http://www.emporis.com/en/wm/bu/?id=tourtokyo-paris-france>)

## External links

- (French) [Paris-Skyscrapers](http://www.paris-skyscrapers.com/immeubles_villes.html) ([http://www.paris-skyscrapers.com/immeubles\\_villes.html](http://www.paris-skyscrapers.com/immeubles_villes.html)) : Survey of high-rise buildings in Paris area.
- [Paris area diagrams on Skyscraperpage.com](http://skyscraperpage.com/diagrams/?27775576) (<http://skyscraperpage.com/diagrams/?27775576>) : Diagrams showing the tallest structures in the Paris urban area.
- (French) [Paris-Skyscrapers forum](http://www.paris-skyscrapers.com/forum/index.php) (<http://www.paris-skyscrapers.com/forum/index.php>) : Forums about urbanism and architecture in Paris area.
- [Skyscrapercity](http://www.skyscrapercity.com/) (<http://www.skyscrapercity.com/>) : International forums about highrise buildings.
- [Emporis page on the Paris metro area](http://www.emporis.com/en/wm/me/?id=100195) (<http://www.emporis.com/en/wm/me/?id=100195>) : International database of highrise buildings (incomplete).
- [Structurae](http://en.structurae.de/index.cfm?) (<http://en.structurae.de/index.cfm?>) : International database of structures (incomplete).

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Categories: [Skyscrapers in Paris](#) [Skyscrapers in France](#) [Lists of buildings and structures in France](#) [Lists of tallest buildings in Europe](#) [Paris-related lists](#)

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**National Capital Planning Commission  
Special Commission Meeting on the Height Master Plan for Washington, DC**

October 30, 2013

**Statement of Janet Quigley, Capitol Hill Restoration Society**

Mr. Bryant and Commissioners, thank you for the opportunity to testify today. My name is Janet Quigley and I am testifying on behalf of the Capitol Hill Restoration Society. CHRS has promoted historic preservation and residential quality of life on Capitol Hill for more than 50 years.

Regarding the federal interest, we commend the National Capital Planning Commission staff for their thoughtful and responsible report on the Height Act Master Plan and concur with their finding that the Height Act continues to meet the essential interests and needs of the federal government, and that any changes would have a significant adverse effect on federal interests. There is no compelling reason to change the Height of Buildings Act of 1910. In addition to the aesthetic and historic reasons which have been well documented, we also submit that:

- Stewardship of the nation's capital city is also a federal interest.
- The federal interest applies outside as well as inside the L'Enfant City.
- The Height Act supports the *L'Enfant Plan*, which itself is a National Landmark.
- Water approaches to the city should also be considered as viewsheds to be protected, for example the views near Buzzard Point and Poplar Point.

We also agree that more study is needed before any significant changes are contemplated.

Regarding the local interest, we commend the Office of Planning for the remarkable collection of photos and graphics they amassed for the Master Plan study. However we disagree with the proposed conclusions and believe that supply has been understated and demand overstated, resulting in a manufactured crisis. Our comments on the OP report were submitted last week and are part of the record. I would just emphasize that the lack of cost estimates for additional infrastructure could result in hidden costs for the District of Columbia taxpayers.

In summary, both NCPC and OP are to be commended for their exhaustive public outreach and work on this important issue. We support the NCPC report and urge the Office of Planning to partner with NCPC on the final product.

CAPITOL HILL RESTORATION SOCIETY



October 24, 2013

Ms. Harriet Tregoning, Director  
Office of Planning  
1100 4<sup>th</sup> Street, SW  
Suite E650  
Washington, DC 20024

Subject: Office of Planning's Height Master Plan Draft Report dated September 24, 2013

Dear Ms. Tregoning:

Washington DC is a thriving, competitive city with an enviable quality of life and a highly desirable real estate market. It enjoys budget surpluses year after year. CHRS believes it owes this success and distinctive character to the Height of Buildings Act of 1910, along with the L'Enfant and McMillan Plans and other guiding policies outlined in our June 23, 2013 letter on this subject.

CHRS commends the Office of Planning for its detailed research and persistent public outreach regarding height limits, but disagrees with the conclusions. The subject report recommends height increases for reasons which OP's own economic study does not support. *Taller buildings cost more to build. Rents will continue to rise. Developers will continue to build boxy buildings to maximize profit.* A change would do nothing to increase affordable housing. In short, height increases do not deliver improvements.

We applaud the Office of Planning's commitment to preserve viewsheds and would urge that views throughout the city, as well as views approaching the city, be equally protected. It is unfortunate that the costs of increased infrastructure demands resulting from any changes were not included in the studies. Had they been, the result would likely have shown a net drain on revenues rather than a 1-2% increase. It is essential that the city make a more comprehensive study of viewsheds and infrastructure, as well as security, transportation and communications, before contemplating a change of this magnitude.

CHRS fully supports retaining the Height of Buildings Act in its present form because it benefits the city, *its institutions and its residents.* We urge the Office of Planning to consider those benefits as well.

Sincerely,

*Janet Quigley*

Janet Quigley  
President, CHRS



**NATIONAL CAPITAL PLANNING COMMISSION**  
**Special Commission Meeting**

Testimony of Alma Hardy Gates  
Administrator, Neighbor's United Trust  
October 30, 2013

Good afternoon Chairman Bryant and members of the Commission. My name is Alma Gates and I represent Neighbors United Trust.

Both NCPC and the DC Office of Planning (“OP”) have produced reports guided by the same three core principles, but the public is presented with very different study outcomes and recommendations.

NCPC recommends allowing communal use of enclosed penthouses, but conditions approval on setback requirements and single stores, which may result in more attractive rooftops while allowing some protected interior space for designated uses.

The Office of Planning on the other hand in its three Height Study recommendations, reveals it is interested in far more than the enclosure of penthouses, and as a matter of fact, has already put language in the proposed zoning text that would permit enclosed penthouses for communal recreation space, even in low density residential neighborhoods.<sup>1</sup> OP is way ahead of you NCPC!

My concerns relate primarily to Recommendation 2 in the District report, which would give OP autonomy in determining height maximums for areas outside the L’Enfant City through amendments to the Comprehensive Plan and the zoning process. On Monday, Ms. Tregoning told the DC Council Chair, “we are collectively interested in more autonomy for the District, and the ability to make our own decisions.” Indeed! OP and the Mayor decided to preemptively send the District report to Mr. Issa the day before the NCPC September hearing. Of the 35 residents who testified before Council on Monday on the OP recommendations,

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<sup>1</sup> 2013, September 9 Setdown Text for the Zoning Regulations:

Section D, Residential Zones:

1502.3 The following roof structures may be erected to a height in excess of the maximum height authorized in an R zone but shall not exceed ten feet (10 ft.) in height above the roof upon which it is located and shall be set back as required by D § 1502.4:

(a) Pergolas and similar structures;

(b) Penthouses fully or partially enclosing utilitarian features, including, but not limited to, mechanical equipment and its housing, elevators, and stairwells;

(c) Penthouses fully or partially enclosing accessory amenity features, such as communal recreation space, and structures accessory to communal outdoor recreation space.

only one slightly supported, another was more ambiguous about support, and 33 said, NO! That's pretty damning commentary of OP by residents of the city.

If NCPC throws its support behind OP's recommendation two, it will endorse OP's "we know what's best" approach to city planning. We only have to look at Rosslyn for the blinding flash of the obvious and what could happen to Washington, DC's iconic horizontal skyline if OP is allowed to determine height limits in the nation's capital.

NCPC must stand firm on its recommendations, which appear very conservative given those put forth in the Office of Planning report. Agreeing that OP should have autonomy over decisions on height in Washington, DC is a really bad idea. I especially speak to those members of the Commission who are appointed by the Mayor and also represent the interests of District residents. The overwhelming opinion of those who testified to the DC Council on Monday is that OP's proposals will destroy the iconic character of the city as well as undermine the integrity of its neighborhoods. OP's recommendations should not receive NCPC support!

In closing, let me repeat Larry Beasley's admonition to an NCPC audience in 2010, "Be very careful as you gamble with the 100-year legacy of Washington's Height Act. Take care not to open things up too casually. I dare say, those height limits may be the single most powerful thing that has made this city so amazingly fulfilling."

## **Ten Reasons Not to Change the Height Act**

(A response to the Office of Planning's "draft" report and recommendations, presented to the DC Council's Committee of the Whole on October 28, 2013)

1. This is not a home rule issue. The Mayor has not asked Congress to abdicate its power to legislate on building heights in DC. Nor has he asked Congress to grant DC's elected representatives the power to make such decisions themselves. Instead, he's asked Congress to pass a new law with a different set of height limits and to let an unelected five-member board (with two federal appointees) decide where higher heights will be allowed.
2. We're in no danger of being overwhelmed by newcomers any time soon. There is a lot of evidence that suggests we're experiencing more churn than growth. In fact, the 30,000 new arrivals that the Census Bureau projected between 2010 and 2012 required the production of only about 3500 new housing units. OP's so-called low growth scenario is actually 60% higher than what we experienced between 2000 and 2010. And their demand calculations assume that each new household or employee will require significantly more space than the people who currently live or work here do.
3. OP has systematically underestimated the development capacity available under existing Height Act constraints. Their model assumes that institutional sites (like Walter Reed) can't be redeveloped, that redevelopment won't happen on any parcel that is already built out to 30% of matter-of-right, and that, when redevelopment does occur, landowners will generally only be able to build 75% of the square footage that is theoretically possible under any given scenario. These are clearly counterfactual assumptions and, tellingly, when it comes time to calculate the economic benefits of height increases, OP quickly abandons them.
4. Increased height won't produce more affordable housing. OP's own study indicates that raising heights also raises construction costs and that taller buildings will be economically viable only in areas where rents are already quite high. And remember that in downtown, where developers will be most likely to take advantage of increased heights, residential projects are generally exempt from inclusionary zoning requirements.
5. Larger buildings mean less (and less flexible) redevelopment – a single 200 foot building can soak up a quite a bit of demand for either residential or commercial space in most submarkets. Which means that one or two slowly-absorbed projects will pre-empt a series of smaller projects that would have contributed much more to neighborhood revitalization – more ground floor retail, a diversity of housing types and styles, units that come online at different times, and the elimination of blight and vacant lots.
6. Increased volatility will decrease the flow of foreign capital into DC's real estate market. The Height Act has created an extraordinarily stable and predictable real estate market and, as a

result, foreign investors have treated DC as a very safe investment, even during recessions and at times when domestic financing is difficult to obtain.

7. If the zoning rewrite passes, then changes in the Height Act will automatically take effect downtown. The proposed new zoning regs define maximum heights in most parts of downtown as whatever the Height Act allows. Outside of downtown, the consent of the unelected five-member Zoning Commission is all that would be required to raise heights. The Council would play no role in determining how much growth is acceptable where.

8. The combination of height limits and on-site parking requirements has enabled us to develop an extraordinarily walkable central business district, where most parking is undergrounded. Downtown DC is notable for the fact that less than 1% of our land is devoted exclusively to parking lots or structures. This is in marked contrast to most American cities where taller buildings are frequently surrounded by surface garages or lots – and where the percentage of land devoted exclusively to parking is typically in the double digits.

9. Relaxing Height Act limits will steer new development to the places it is needed least. We're at a stage in our city's development where we should be growing out – that is, encouraging redevelopment in neighborhoods that have suffered from population loss and from disinvestment, as well as in the large tracts ceded to us by the federal government. But what raising the Height Act would do is steer investment capital to precisely the places that are already expensive and largely built-out. It's yet another deferral of the promise that DC's growth will contribute to prosperity citywide.

10. DC's livable, walkable, leafy, beautiful, historic neighborhoods and downtown have flourished under the Height Act. Our challenge is to replicate our successes as we grow – not to abandon the policies that have made our city so attractive.

Sue Hemberger  
Washington, DC

RE: The Height Master Plan for Washington, DC

I strongly encourage NCPC to look closely and critically at the Office of Planning's data on DC's anticipated population and job growth (as well as their estimates of the space needs associated with that growth). The data OP has presented seems to me to grossly overestimate the amount of built space likely to be needed and constructed over the next several decades. Here are a few reasons to question OP's analysis:

1. OP's so-called "low-growth" scenario is actually 60% higher than what we experienced between 2000 and 2010. And that was a decade of population growth that included both a major building boom and a multi-year period in which DC was the nation's strongest job market.
2. Instead of extrapolating from actual population counts, OP bases its growth estimates on unreliable intercensal projections.
  - The Census Bureau estimates that DC grew more in the past two years (30,600) than in the previous ten (29,664). That's not impossible, but it's a striking enough fact to merit investigation. Especially since, in 2011 and 2012, the economy was rebounding elsewhere and DC had ceased to be the only market in which there was job growth.
  - The Census Bureau also estimates that only about 3500 additional housing units were needed to accommodate over 30,000 additional residents. That might make sense if DC had a housing surplus in 2010 and new arrivals dramatically lowered vacancy rates. But instead, we started this period with low multifamily vacancy rates (3.8% in 2010) and didn't experience any significant decline. (At this point, vacancies are increasing as new units are coming on line, suggesting that supply is already beginning to outrun demand -- and that's with lots of additional units still in the pipeline).
  - If you look more closely at the 2010-2012 population estimates, you'll see that the big change is in net migration (rather than natural increase). But the Census has recently changed the data it uses for estimating migration -- increasingly, it relies on the American Community Survey (ACS) which, itself, has changed -- it now uses smaller and more frequent samples. The long form of the Census (which in 2000 sampled 1 in 6 US households) has been replaced by the ACS and the IRS's migration statistics (based on all 1040s submitted) have not yet been made available for the period after 2010. So the ACS is all we have for migration right now, and the results it produces for DC are crazy. With the exception of a few states (e.g. MD, VA, NY -- where the flows in both direction are significant), the margin of error usually exceeds the estimate itself. The ACS estimates for each state vary widely from year to year and the ACS data from 2010 seems inconsistent with the more reliable IRS data from the same year. I've attached a table that provides the raw numbers.



- The problem isn't simply that the ACS data on net migration is garbage, but also that it is likely to be biased. In areas that are highly transient, using small monthly samples to track migration is a scenario that is likely to overestimate population – because churn will look like growth. Even a small sample of DC residents is likely to yield recent arrivals from other states, but a small sample of the residents in most states is unlikely to yield any recent arrivals from DC. In essence, this approach seems skewed toward finding in-migration and missing out-migration. And that skewing may be especially pronounced in DC's case because of its small size and exclusively urban character.
  - The phenomenon of post-Census surges in the estimated population of cities seems to be systemic, suggesting that there is a methodological issue here. Census Bureau projections suggest that two-thirds of the cities that registered population losses between 2000 and 2010 experienced population growth between 2010 and 2012.<sup>1</sup> New York City's planners have voiced skepticism about whether the city has actually grown at the rate that post-2010 Census projections would suggest and sensibly conclude that, regardless, "two recent years do not portend a decade-long pattern."<sup>2</sup>
  - It's not implausible to suggest that actual population changes may well be less than half of what Census Bureau has estimated. Between the 1990 and the 2000 census counts, the Bureau's projections anticipated a change of approximately 88,000 in DC's population when, in fact, the 2000 count indicated that the change was less than 35,000.<sup>3</sup>
3. The other aspect of OP's demand calculations – the additional amount of built space likely to be required by population and job growth – also seems significantly and systematically overestimated.
- Currently, multifamily residential units in DC average less than 1000 SF per household. And, as household sizes decrease, the market is considering even smaller units – including micro-units of less than 400 SF. Yet OP assumes each new household in DC will consume 1200 SF of space.
  - Office space used to average 250 SF/employee, but recent leasing activity suggests that 150 SF is the emerging norm across a variety of sectors (government, law firms, tech). Yet OP assumes 350 SF per employee in its calculation of anticipated space needs.

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<sup>1</sup> <http://www.governing.com/blogs/by-the-numbers/city-populations-increase-following-declines-census-estimates-show.html>

<sup>2</sup> <http://www.nyc.gov/html/dcp/html/census/popcur.shtml>. They also pointed out that "'churn' has long characterized the city, and represents a fluidity that is difficult to characterize using the net migration measures presented herein."

<sup>3</sup> I've attached the real-time 1990s estimates, as well as the 2000 count, and the post-2000 retroactive corrections of the 1990s projections. While OP does use the corrected 1998 data, it seems an odd choice given that it's clearly just a (second) guess. Presumably it was chosen because it represents the low point of the population in the revised 1990-2000 series. As the Washington Post article I've included indicates, in 2005, OP itself successfully challenged intercensal underestimates, citing the 1990s data as an example of the unreliability of those projections. Since federal funding levels are often tied to Census estimates, it is not in the interest of cities (or states) to challenge overestimations of their population.

I haven't had time to look at OP's job growth projections so I can't speak to their reliability, but everything else I have looked at – and this includes capacity<sup>4</sup> as well as demand calculations – suggests that OP's studies, withheld from public scrutiny until after its recommendations were drafted and submitted to Congress, represent shoddy work done to bolster a pre-determined conclusion rather than a careful analysis of how demographic and market trends might shape the District's future. What is needed at this point is an independent analysis of the data, conducted with a much higher level of objectivity and professionalism than DC's Office of Planning seems capable of.

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<sup>4</sup>See Marilyn Simon's submission on this issue.

**Table 1. The Legislative Districts and the Incorporated Place in 2010 in the District of Columbia: 2000 and 2010**

(For information on confidentiality protection, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2010/pl94-171.pdf>)

| Geographic area                          | Population        |         | Change, 2000 to 2010 |         |
|------------------------------------------|-------------------|---------|----------------------|---------|
|                                          | 2000 <sup>1</sup> | 2010    | Number               | Percent |
| District of Columbia.....                | 572 059           | 601 723 | 29 664               | 5.2     |
| <b>LEGISLATIVE DISTRICT <sup>2</sup></b> |                   |         |                      |         |
| Ward 1.....                              | 73 364            | 76 197  | 2 833                | 3.9     |
| Ward 2.....                              | 68 869            | 79 915  | 11 046               | 16.0    |
| Ward 3.....                              | 73 718            | 77 152  | 3 434                | 4.7     |
| Ward 4.....                              | 75 179            | 75 773  | 594                  | 0.8     |
| Ward 5.....                              | 71 440            | 74 308  | 2 868                | 4.0     |
| Ward 6.....                              | 68 035            | 76 598  | 8 563                | 12.6    |
| Ward 7.....                              | 70 527            | 71 068  | 541                  | 0.8     |
| Ward 8.....                              | 70 927            | 70 712  | - 215                | -0.3    |
| <b>INCORPORATED PLACE</b>                |                   |         |                      |         |
| Washington city.....                     | 572 059           | 601 723 | 29 664               | 5.2     |

<sup>1</sup> Census 2000 counts are as published in American FactFinder for legislative district boundaries provided in 2005/2006 as part of the 2010 Census Redistricting Data Program. Census 2000 counts do not include changes due to the Count Question Resolution program.

<sup>2</sup> Legislative districts are shown to provide a sub-area breakdown since the District of Columbia is classified as a single county equivalent and a single place.

Source: U.S. Census Bureau, Census 2000 State Legislative District Summary File (100-Percent), Table P1, and 2010 Census Redistricting Data (Public Law 94-171) Summary File, Table P1.





PEPANNRES

Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2012

2012 Population Estimates

| Geography                             | April 1, 2010 |                | Population Estimate (as of July 1) |         |         |
|---------------------------------------|---------------|----------------|------------------------------------|---------|---------|
|                                       | Census        | Estimates Base | 2010                               | 2011    | 2012    |
| Washington city, District of Columbia | 601,723       | 601,723        | 604,989                            | 619,020 | 632,323 |

Note: The estimates are based on the 2010 Census and reflect changes to the April 1, 2010 population due to the Count Question Resolution program and geographic program revisions. See Geographic Terms and Definitions at <http://www.census.gov/popest/about/geo/terms.html> for a list of the states that are included in each region and division. All geographic boundaries for the 2012 population estimates series are defined as of January 1, 2012. An "(X)" in the 2010 Census field indicates a locality that was formed or incorporated after the 2010 Census. Additional information on these localities can be found in the Geographic Change Notes (see <http://www.census.gov/popest/about/geo/changes.html>). For population estimates methodology statements, see <http://www.census.gov/popest/methodology/index.html>.

## Suggested Citation:

Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2012

Source: U.S. Census Bureau, Population Division

Release Dates: For the United States, regions, divisions, states, and Puerto Rico Commonwealth, December 2012. For counties and Puerto Rico municipios, March 2013. For Cities and Towns (Incorporated Places and Minor Civil Divisions), May 2013.



PEPANNHU

Annual Estimates of Housing Units for the United States, Regions, Divisions, States, and Counties: April 1, 2010 to July 1, 2012

2012 Population Estimates

| Geography            | April 1, 2010 |                | Housing Unit Estimate (as of July 1) |         |         |
|----------------------|---------------|----------------|--------------------------------------|---------|---------|
|                      | Census        | Estimates Base | 2010                                 | 2011    | 2012    |
| District of Columbia | 296,719       | 296,719        | 296,771                              | 296,614 | 300,241 |

Note: The estimates are based on the 2010 Census and reflect changes to the April 1, 2010 housing units due to the Count Question Resolution program and geographic program revisions. All geographic boundaries for the 2012 housing unit estimates series are defined as of January 1, 2012. For the housing unit estimates methodology statement, see <http://www.census.gov/popest/methodology/index.html>.

**Suggested Citation:**

Annual Estimates of Housing Units for the United States, Regions, Divisions, States, and Counties: April 1, 2010 to July 1, 2012

Source: U.S. Census Bureau, Population Division

Release Date: June 2013



## DC Net-Migration Stats, 2010 and 2011

IRS ("Statistics of Income" aka SOI) and Census Bureau ("American Community Survey" aka ACS) Data  
 First column for a data set represents in-migration (positive numbers), second column is out-migration (negative numbers).  
 Net Migration may be positive or negative.

| from/to       | 2010<br>SOI-in | 2010<br>SOI-out | 2010<br>SOI-net | 2010<br>ACS-in | 2010<br>ACS-out | 2010<br>ACS-net | 2011<br>ACS-in | 2011<br>ACS-out | 2011<br>ACS-net | MoE/90%   | MoE/90%   |
|---------------|----------------|-----------------|-----------------|----------------|-----------------|-----------------|----------------|-----------------|-----------------|-----------|-----------|
| Alabama       | 99             | -99             | 0               | 360            | -211            | 149             | 13             | -399            | -386            | +/- 186   | +/- 359   |
| Alaska        | 58             | -48             | 10              | 591            | -14             | 577             | 135            | -140            | -5              | +/- 23    | +/- 220   |
| Arizona       | 267            | -149            | 118             | 662            | -0              | 662             | 43             | -389            | -346            | +/- 466   | +/- 389   |
| Arkansas      | 74             | -54             | 20              | 155            | -154            | 1               | 81             | -0              | 81              | +/- 195   | +/- 192   |
| California    | 2,092          | -1,510          | 582             | 4,205          | -3,683          | 522             | 3,797          | -3,240          | 557             | +/- 1,306 | +/- 1,457 |
| Colorado      | 340            | -312            | 28              | 656            | -479            | 177             | 452            | -298            | 154             | +/- 381   | +/- 301   |
| Connecticut   | 382            | -226            | 156             | 926            | -331            | 595             | 981            | -607            | 374             | +/- 592   | +/- 373   |
| Delaware      | 129            | -103            | 26              | 0              | -432            | -432            | 128            | -154            | -26             | +/- 292   | +/- 144   |
| Florida       | 1,071          | -815            | 256             | 1,100          | -1,100          | 0               | 1,254          | -891            | 363             | +/- 609   | +/- 495   |
| Georgia       | 680            | -477            | 203             | 1,597          | -1,708          | -111            | 937            | -364            | 573             | +/- 795   | +/- 283   |
| Hawaii        | 96             | -93             | 3               | 0              | -0              | 0               | 372            | -222            | 150             | +/- 292   | +/- 275   |
| Idaho         | 27             | -22             | 5               | 0              | -144            | -144            | 68             | -0              | 68              | +/- 292   | +/- 195   |
| Illinois      | 894            | -487            | 407             | 615            | -1,047          | -432            | 1,397          | -1,440          | -43             | +/- 373   | +/- 708   |
| Indiana       | 182            | -125            | 57              | 711            | -181            | 530             | 128            | -0              | 128             | +/- 461   | +/- 190   |
| Iowa          | 85             | -59             | 26              | 392            | -53             | 339             | 241            | -0              | 241             | +/- 377   | +/- 155   |
| Kansas        | 111            | -71             | 40              | 83             | -0              | 83              | 6              | -128            | -122            | +/- 137   | +/- 141   |
| Kentucky      | 104            | -90             | 14              | 94             | -147            | -53             | 297            | -201            | 96              | +/- 155   | +/- 248   |
| Louisiana     | 146            | -172            | -26             | 0              | -264            | -264            | 0              | -195            | -195            | +/- 292   | +/- 168   |
| Maine         | 112            | -64             | 48              | 76             | -55             | 21              | 0              | -239            | -239            | +/- 121   | +/- 177   |
| Maryland      | 12,134         | -15,334         | -3,200          | 13,503         | -23,202         | -9,699          | 14,129         | -18,492         | -4,363          | +/- 2,647 | +/- 3,025 |
| Massachusetts | 1,080          | -675            | 405             | 1,376          | -1,539          | -163            | 2,048          | -676            | 1,372           | +/- 540   | +/- 358   |
| Michigan      | 446            | -208            | 238             | 126            | -471            | -345            | 1,108          | -256            | 852             | +/- 153   | +/- 259   |
| Minnesota     | 290            | -148            | 142             | 87             | -306            | -219            | 409            | -367            | 42              | +/- 105   | +/- 391   |
| Mississippi   | 86             | -59             | 27              | 0              | -0              | 0               | 83             | -415            | -332            | +/- 292   | +/- 434   |
| Missouri      | 249            | -142            | 107             | 272            | -478            | -206            | 112            | -215            | -103            | +/- 371   | +/- 254   |
| Montana       | 38             | -27             | 11              | 0              | -0              | 0               | 38             | -0              | 38              | +/- 292   | +/- 165   |
| Nebraska      | 52             | -46             | 6               | 62             | -0              | 62              | 79             | -29             | 50              | +/- 103   | +/- 48    |
| Nevada        | 100            | -60             | 40              | 0              | -0              | 0               | 238            | -983            | -745            | +/- 309   | +/- 1,261 |
| New Hampshire | 127            | -69             | 58              | 137            | -298            | -161            | 145            | -68             | 77              | +/- 136   | +/- 112   |
| New Jersey    | 705            | -354            | 351             | 1,924          | -431            | 1,493           | 1,035          | -781            | 254             | +/- 694   | +/- 409   |
| New Mexico    | 96             | -81             | 15              | 61             | -56             | 5               | 0              | -212            | -212            | +/- 100   | +/- 336   |



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 Net Migration may be positive or negative.

| <i>from/to</i> | <u>2010</u><br><u>SOI-in</u> | <u>2010</u><br><u>SOI-out</u> | <u>2010</u><br><u>SOI-net</u> | <u>2010</u><br><u>ACS-in</u> | <u>MoE/90%</u> | <u>2010</u><br><u>ACS-out</u> | <u>MoE/90%</u> | <u>2010</u><br><u>ACS-net</u> | <u>2011</u><br><u>ACS-in</u> | <u>MoE/90%</u> | <u>2011</u><br><u>ACS-out</u> | <u>MoE/90%</u> | <u>2011</u><br><u>ACS-net</u> |
|----------------|------------------------------|-------------------------------|-------------------------------|------------------------------|----------------|-------------------------------|----------------|-------------------------------|------------------------------|----------------|-------------------------------|----------------|-------------------------------|
| New York       | 2,387                        | -1,668                        | 719                           | 3,852                        | +/- 1,325      | -1,983                        | +/- 820        | 1,869                         | 2,313                        | +/- 697        | -3,702                        | +/- 1,051      | -1,389                        |
| North Carolina | 934                          | -779                          | 155                           | 1,897                        | +/- 1,089      | -1,691                        | +/- 548        | 206                           | 1,716                        | +/- 760        | -1,135                        | +/- 591        | 581                           |
| North Dakota   | 22                           | redacted                      | 21                            | 98                           | +/- 165        | -175                          | +/- 275        | -77                           | 285                          | +/- 360        | -0                            | +/- 143        | 285                           |
| Ohio           | 500                          | -315                          | 185                           | 598                          | +/- 359        | -972                          | +/- 768        | -374                          | 306                          | +/- 224        | -587                          | +/- 449        | -281                          |
| Oklahoma       | 50                           | -42                           | 8                             | 0                            | +/- 292        | -0                            | +/- 253        | 0                             | 0                            | +/- 200        | -191                          | +/- 234        | -191                          |
| Oregon         | 181                          | -135                          | 46                            | 601                          | +/- 520        | -217                          | +/- 239        | 384                           | 51                           | +/- 64         | -349                          | +/- 291        | -298                          |
| Pennsylvania   | 1,078                        | -791                          | 287                           | 2,378                        | +/- 771        | -1,621                        | +/- 866        | 757                           | 1,589                        | +/- 757        | -1,401                        | +/- 584        | 188                           |
| Rhode Island   | 119                          | -53                           | 66                            | 249                          | +/- 206        | -146                          | +/- 240        | 103                           | 50                           | +/- 63         | -0                            | +/- 207        | 50                            |
| South Carolina | 303                          | -237                          | 66                            | 380                          | +/- 339        | -38                           | +/- 63         | 342                           | 357                          | +/- 329        | -589                          | +/- 681        | -232                          |
| South Dakota   | 22                           | -25                           | -3                            | 0                            | +/- 292        | -0                            | +/- 223        | 0                             | 104                          | +/- 129        | -0                            | +/- 155        | 104                           |
| Tennessee      | 265                          | -187                          | 78                            | 591                          | +/- 543        | -394                          | +/- 484        | 197                           | 421                          | +/- 358        | -307                          | +/- 186        | 114                           |
| Texas          | 852                          | -749                          | 103                           | 1,180                        | +/- 605        | -460                          | +/- 400        | 720                           | 1,083                        | +/- 491        | -2,276                        | +/- 1,540      | -1,193                        |
| Utah           | 79                           | -38                           | 41                            | 0                            | +/- 292        | -138                          | +/- 168        | -138                          | 75                           | +/- 118        | -132                          | +/- 141        | -57                           |
| Vermont        | 99                           | -62                           | 37                            | 199                          | +/- 245        | -9                            | +/- 15         | 190                           | 445                          | +/- 489        | -27                           | +/- 53         | 418                           |
| Virginia       | 6,650                        | -7,030                        | -380                          | 7,915                        | +/- 1,638      | -10,593                       | +/- 2,299      | -2,678                        | 7,975                        | +/- 1,285      | -6,854                        | +/- 1,711      | 1,121                         |
| Washington     | 445                          | -310                          | 135                           | 284                          | +/- 220        | -243                          | +/- 260        | 41                            | 476                          | +/- 300        | -358                          | +/- 254        | 118                           |
| West Virginia  | 78                           | -89                           | -11                           | 860                          | +/- 754        | -480                          | +/- 466        | 380                           | 120                          | +/- 138        | -300                          | +/- 231        | -180                          |
| Wisconsin      | 210                          | -112                          | 98                            | 391                          | +/- 325        | -98                           | +/- 118        | 293                           | 946                          | +/- 668        | -123                          | +/- 170        | 823                           |
| Wyoming        | 21                           | -20                           | 1                             | 0                            | +/- 292        | -0                            | +/- 269        | 0                             | 0                            | +/- 200        | -0                            | +/- 189        | 0                             |

Three things to look at here – (a) how the SOI data compares to the ACS data for the same year; (b) how the ACS data compares from year-to-year; and  
 (c) the margin of error associated with each ACS estimate.

My take is that the SOI data is quite accurate and reliable for the population it captures (tax-filers – I believe it is based on an analysis of all returns in which the filers' state of residence was different in 2010 than it was in 2009.) The caveat wrt the SOI data is that if residents who don't file income tax returns have different migratory patterns from tax-filers, the SOI data wouldn't recognize or incorporate them. ACS data is based on monthly phone surveys with very small sample sizes and seems wildly volatile as a result. This is the data that has been used to help make the claim that DC's population has been growing by 1,000 people a month since the 2010 census (when we had an actual count).



## No. 20. Resident Population by State: 1980 to 1999

[In thousands (226,546 represents 226,546,000). As of July 1; except 1980 and 1990, as of April 1. Insofar as possible, population shown for all years is that of present area of state]

| State                     | 1980 <sup>1</sup> | 1990 <sup>2</sup> | 1991    | 1992    | 1993    | 1994    | 1995    | 1996    | 1997    | 1998    | 1999    |
|---------------------------|-------------------|-------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| United States...          | 226,546           | 248,791           | 252,153 | 255,030 | 257,793 | 260,327 | 262,803 | 265,229 | 267,784 | 270,248 | 272,691 |
| Alabama.....              | 3,894             | 4,040             | 4,091   | 4,139   | 4,193   | 4,233   | 4,263   | 4,290   | 4,320   | 4,351   | 4,370   |
| Alaska.....               | 402               | 550               | 569     | 587     | 597     | 601     | 601     | 605     | 609     | 615     | 620     |
| Arizona.....              | 2,718             | 3,665             | 3,762   | 3,867   | 3,993   | 4,148   | 4,307   | 4,432   | 4,552   | 4,667   | 4,778   |
| Arkansas.....             | 2,286             | 2,351             | 2,371   | 2,394   | 2,424   | 2,451   | 2,480   | 2,505   | 2,524   | 2,538   | 2,551   |
| California.....           | 23,668            | 29,811            | 30,414  | 30,876  | 31,147  | 31,317  | 31,494  | 31,781  | 32,218  | 32,683  | 33,145  |
| Colorado.....             | 2,890             | 3,294             | 3,368   | 3,460   | 3,561   | 3,654   | 3,738   | 3,813   | 3,891   | 3,969   | 4,056   |
| Connecticut.....          | 3,108             | 3,287             | 3,289   | 3,275   | 3,272   | 3,268   | 3,265   | 3,267   | 3,269   | 3,273   | 3,282   |
| Delaware.....             | 594               | 666               | 680     | 690     | 699     | 708     | 718     | 727     | 735     | 744     | 754     |
| District of Columbia..... | 638               | 607               | 593     | 584     | 576     | 565     | 551     | 538     | 529     | 521     | 519     |
| Florida.....              | 9,746             | 12,938            | 13,289  | 13,505  | 13,714  | 13,962  | 14,185  | 14,427  | 14,683  | 14,908  | 15,111  |
| Georgia.....              | 5,463             | 6,478             | 6,621   | 6,759   | 6,894   | 7,046   | 7,189   | 7,332   | 7,486   | 7,637   | 7,788   |
| Hawaii.....               | 965               | 1,108             | 1,131   | 1,150   | 1,162   | 1,174   | 1,180   | 1,184   | 1,189   | 1,190   | 1,185   |
| Idaho.....                | 944               | 1,007             | 1,039   | 1,066   | 1,101   | 1,135   | 1,165   | 1,188   | 1,211   | 1,231   | 1,252   |
| Illinois.....             | 11,427            | 11,431            | 11,536  | 11,635  | 11,726  | 11,805  | 11,885  | 11,953  | 12,012  | 12,070  | 12,128  |
| Indiana.....              | 5,490             | 5,544             | 5,602   | 5,649   | 5,702   | 5,746   | 5,792   | 5,835   | 5,872   | 5,908   | 5,943   |
| Iowa.....                 | 2,914             | 2,777             | 2,791   | 2,807   | 2,821   | 2,829   | 2,841   | 2,848   | 2,854   | 2,861   | 2,869   |
| Kansas.....               | 2,364             | 2,478             | 2,495   | 2,526   | 2,548   | 2,569   | 2,587   | 2,598   | 2,616   | 2,639   | 2,654   |
| Kentucky.....             | 3,661             | 3,687             | 3,715   | 3,756   | 3,792   | 3,823   | 3,855   | 3,881   | 3,908   | 3,934   | 3,961   |
| Louisiana.....            | 4,206             | 4,222             | 4,241   | 4,271   | 4,285   | 4,307   | 4,328   | 4,339   | 4,351   | 4,363   | 4,372   |
| Maine.....                | 1,125             | 1,228             | 1,235   | 1,236   | 1,238   | 1,238   | 1,237   | 1,241   | 1,245   | 1,248   | 1,253   |
| Maryland.....             | 4,217             | 4,781             | 4,856   | 4,903   | 4,943   | 4,985   | 5,024   | 5,057   | 5,093   | 5,130   | 5,172   |
| Massachusetts.....        | 5,737             | 6,016             | 5,999   | 5,993   | 6,011   | 6,031   | 6,062   | 6,085   | 6,115   | 6,144   | 6,175   |
| Michigan.....             | 9,262             | 9,295             | 9,395   | 9,470   | 9,529   | 9,584   | 9,660   | 9,739   | 9,785   | 9,820   | 9,864   |
| Minnesota.....            | 4,076             | 4,376             | 4,427   | 4,472   | 4,522   | 4,566   | 4,605   | 4,648   | 4,688   | 4,726   | 4,776   |
| Mississippi.....          | 2,521             | 2,575             | 2,591   | 2,610   | 2,636   | 2,663   | 2,691   | 2,710   | 2,732   | 2,751   | 2,769   |
| Missouri.....             | 4,917             | 5,117             | 5,158   | 5,194   | 5,238   | 5,281   | 5,325   | 5,368   | 5,407   | 5,438   | 5,468   |
| Montana.....              | 787               | 799               | 808     | 822     | 840     | 855     | 869     | 877     | 879     | 880     | 883     |
| Nebraska.....             | 1,570             | 1,578             | 1,591   | 1,602   | 1,612   | 1,622   | 1,635   | 1,648   | 1,656   | 1,661   | 1,666   |
| Nevada.....               | 800               | 1,202             | 1,285   | 1,331   | 1,380   | 1,456   | 1,526   | 1,596   | 1,676   | 1,744   | 1,809   |
| New Hampshire.....        | 921               | 1,109             | 1,107   | 1,113   | 1,122   | 1,133   | 1,146   | 1,161   | 1,173   | 1,186   | 1,201   |
| New Jersey.....           | 7,365             | 7,748             | 7,784   | 7,828   | 7,875   | 7,919   | 7,966   | 8,010   | 8,054   | 8,096   | 8,143   |
| New Mexico.....           | 1,303             | 1,515             | 1,547   | 1,581   | 1,615   | 1,653   | 1,682   | 1,706   | 1,723   | 1,734   | 1,740   |
| New York.....             | 17,558            | 17,991            | 18,030  | 18,082  | 18,141  | 18,157  | 18,151  | 18,144  | 18,143  | 18,159  | 18,197  |
| North Carolina.....       | 5,882             | 6,632             | 6,748   | 6,832   | 6,947   | 7,061   | 7,185   | 7,308   | 7,429   | 7,546   | 7,651   |
| North Dakota.....         | 653               | 639               | 634     | 635     | 637     | 640     | 642     | 643     | 641     | 638     | 634     |
| Ohio.....                 | 10,798            | 10,847            | 10,934  | 11,008  | 11,070  | 11,111  | 11,155  | 11,187  | 11,212  | 11,238  | 11,257  |
| Oklahoma.....             | 3,025             | 3,146             | 3,166   | 3,204   | 3,229   | 3,246   | 3,266   | 3,290   | 3,314   | 3,339   | 3,358   |
| Oregon.....               | 2,633             | 2,842             | 2,919   | 2,974   | 3,034   | 3,087   | 3,141   | 3,195   | 3,243   | 3,282   | 3,316   |
| Pennsylvania.....         | 11,864            | 11,883            | 11,943  | 11,981  | 12,022  | 12,043  | 12,045  | 12,038  | 12,016  | 12,002  | 11,994  |
| Rhode Island.....         | 947               | 1,003             | 1,004   | 1,001   | 998     | 993     | 989     | 988     | 987     | 988     | 991     |
| South Carolina.....       | 3,122             | 3,486             | 3,559   | 3,601   | 3,635   | 3,666   | 3,700   | 3,739   | 3,790   | 3,840   | 3,886   |
| South Dakota.....         | 691               | 696               | 701     | 709     | 716     | 723     | 728     | 731     | 731     | 731     | 733     |
| Tennessee.....            | 4,591             | 4,877             | 4,947   | 5,014   | 5,086   | 5,163   | 5,241   | 5,314   | 5,378   | 5,433   | 5,484   |
| Texas.....                | 14,229            | 16,986            | 17,340  | 17,650  | 17,997  | 18,338  | 18,680  | 19,006  | 19,355  | 19,712  | 20,044  |
| Utah.....                 | 1,461             | 1,723             | 1,772   | 1,821   | 1,876   | 1,930   | 1,977   | 2,022   | 2,065   | 2,101   | 2,130   |
| Vermont.....              | 511               | 563               | 567     | 570     | 574     | 579     | 583     | 586     | 589     | 591     | 594     |
| Virginia.....             | 5,347             | 6,189             | 6,284   | 6,383   | 6,465   | 6,537   | 6,601   | 6,665   | 6,733   | 6,789   | 6,873   |
| Washington.....           | 4,132             | 4,867             | 5,013   | 5,139   | 5,248   | 5,335   | 5,431   | 5,510   | 5,604   | 5,688   | 5,756   |
| West Virginia.....        | 1,950             | 1,793             | 1,798   | 1,805   | 1,816   | 1,818   | 1,821   | 1,819   | 1,816   | 1,812   | 1,807   |
| Wisconsin.....            | 4,706             | 4,892             | 4,953   | 5,005   | 5,055   | 5,096   | 5,137   | 5,174   | 5,200   | 5,222   | 5,250   |
| Wyoming.....              | 470               | 454               | 458     | 463     | 469     | 475     | 478     | 480     | 480     | 480     | 480     |

<sup>1</sup> See footnote 4, Table 1. <sup>2</sup> The April 1, 1990, census counts include corrections processed through August 1997, results of special censuses and test censuses, and do not include adjustments for census coverage errors.

Source: U.S. Census Bureau, 1990 Census of Population and Housing, Population and Housing Unit Counts (CPH-2); and "ST-99-3 State Population Estimates: Annual Time Series, July 1, 1990, to July 1, 1999"; published 29 December 1999; <<http://www.census.gov/population/estimates/state/st-99-3.txt>>.

real-time intercensal estimates



## No. 18. Resident Population—States: 1980 to 2001

[In thousands (226,546 represents 226,546,000). 1980, 1990, and 2000 data as of April 1, data for other years as of July 1. Insofar as possible, population shown for all years is that of present area of state]

| State                | 1980 <sup>1</sup> | 1990 <sup>2</sup> | 1995           | 1996           | 1997           | 1998           | 1999           | 2000           | 2001           |
|----------------------|-------------------|-------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| <b>United States</b> | <b>226,546</b>    | <b>248,791</b>    | <b>266,278</b> | <b>269,394</b> | <b>272,647</b> | <b>275,854</b> | <b>279,040</b> | <b>281,422</b> | <b>284,797</b> |
| Alabama              | 3,894             | 4,040             | 4,297          | 4,331          | 4,368          | 4,405          | 4,430          | 4,447          | 4,464          |
| Alaska               | 402               | 550               | 604            | 609            | 613            | 620            | 625            | 627            | 635            |
| Arizona              | 2,718             | 3,665             | 4,432          | 4,587          | 4,737          | 4,883          | 5,024          | 5,131          | 5,307          |
| Arkansas             | 2,286             | 2,351             | 2,535          | 2,572          | 2,601          | 2,626          | 2,652          | 2,673          | 2,692          |
| California           | 23,668            | 29,811            | 31,697         | 32,019         | 32,486         | 32,988         | 33,499         | 33,872         | 34,501         |
| Colorado             | 2,890             | 3,294             | 3,827          | 3,920          | 4,018          | 4,117          | 4,226          | 4,301          | 4,418          |
| Connecticut          | 3,108             | 3,287             | 3,324          | 3,337          | 3,349          | 3,365          | 3,386          | 3,406          | 3,425          |
| Delaware             | 594               | 666               | 730            | 741            | 751            | 763            | 775            | 784            | 796            |
| District of Columbia | 638               | 607               | 581            | 572            | 568            | 565            | 570            | 572            | 572            |
| Florida              | 9,746             | 12,938            | 14,538         | 14,853         | 15,186         | 15,487         | 15,759         | 15,982         | 16,397         |
| Georgia              | 5,463             | 6,478             | 7,328          | 7,501          | 7,685          | 7,864          | 8,046          | 8,186          | 8,384          |
| Hawaii               | 965               | 1,108             | 1,197          | 1,204          | 1,212          | 1,215          | 1,210          | 1,212          | 1,224          |
| Idaho                | 944               | 1,007             | 1,177          | 1,203          | 1,229          | 1,252          | 1,276          | 1,294          | 1,321          |
| Illinois             | 11,427            | 11,431            | 12,008         | 12,102         | 12,186         | 12,272         | 12,359         | 12,419         | 12,482         |
| Indiana              | 5,490             | 5,544             | 5,851          | 5,906          | 5,955          | 5,999          | 6,045          | 6,080          | 6,115          |
| Iowa                 | 2,914             | 2,777             | 2,867          | 2,880          | 2,891          | 2,903          | 2,918          | 2,926          | 2,923          |
| Kansas               | 2,364             | 2,478             | 2,601          | 2,615          | 2,635          | 2,661          | 2,678          | 2,688          | 2,695          |
| Kentucky             | 3,661             | 3,687             | 3,887          | 3,920          | 3,953          | 3,985          | 4,018          | 4,042          | 4,066          |
| Louisiana            | 4,206             | 4,222             | 4,379          | 4,399          | 4,421          | 4,440          | 4,461          | 4,469          | 4,465          |
| Maine                | 1,125             | 1,228             | 1,243          | 1,249          | 1,255          | 1,259          | 1,267          | 1,275          | 1,287          |
| Maryland             | 4,217             | 4,781             | 5,070          | 5,112          | 5,157          | 5,204          | 5,255          | 5,296          | 5,375          |
| Massachusetts        | 5,737             | 6,016             | 6,141          | 6,180          | 6,226          | 6,272          | 6,317          | 6,349          | 6,379          |
| Michigan             | 9,262             | 9,295             | 9,676          | 9,759          | 9,809          | 9,848          | 9,897          | 9,938          | 9,991          |
| Minnesota            | 4,076             | 4,376             | 4,660          | 4,713          | 4,763          | 4,813          | 4,873          | 4,919          | 4,972          |
| Mississippi          | 2,521             | 2,575             | 2,723          | 2,748          | 2,777          | 2,805          | 2,828          | 2,845          | 2,858          |
| Missouri             | 4,917             | 5,117             | 5,378          | 5,432          | 5,481          | 5,522          | 5,562          | 5,595          | 5,630          |
| Montana              | 787               | 799               | 877            | 886            | 890            | 892            | 898            | 902            | 904            |
| Nebraska             | 1,570             | 1,578             | 1,657          | 1,674          | 1,686          | 1,696          | 1,705          | 1,711          | 1,713          |
| Nevada               | 800               | 1,202             | 1,582          | 1,666          | 1,764          | 1,853          | 1,935          | 1,998          | 2,106          |
| New Hampshire        | 921               | 1,109             | 1,158          | 1,175          | 1,189          | 1,206          | 1,222          | 1,236          | 1,259          |
| New Jersey           | 7,365             | 7,748             | 8,083          | 8,150          | 8,219          | 8,287          | 8,360          | 8,414          | 8,484          |
| New Mexico           | 1,303             | 1,515             | 1,720          | 1,752          | 1,775          | 1,793          | 1,808          | 1,819          | 1,829          |
| New York             | 17,558            | 17,991            | 18,524         | 18,588         | 18,657         | 18,756         | 18,883         | 18,976         | 19,011         |
| North Carolina       | 5,882             | 6,632             | 7,345          | 7,501          | 7,657          | 7,809          | 7,949          | 8,049          | 8,186          |
| North Dakota         | 653               | 639               | 648            | 650            | 650            | 648            | 644            | 642            | 634            |
| Ohio                 | 10,798            | 10,847            | 11,203         | 11,243         | 11,277         | 11,312         | 11,335         | 11,353         | 11,374         |
| Oklahoma             | 3,025             | 3,146             | 3,308          | 3,340          | 3,373          | 3,405          | 3,437          | 3,451          | 3,460          |
| Oregon               | 2,633             | 2,842             | 3,184          | 3,247          | 3,304          | 3,352          | 3,394          | 3,421          | 3,473          |
| Pennsylvania         | 11,864            | 11,883            | 12,198         | 12,220         | 12,228         | 12,246         | 12,264         | 12,281         | 12,287         |
| Rhode Island         | 947               | 1,003             | 1,017          | 1,021          | 1,025          | 1,031          | 1,040          | 1,048          | 1,059          |
| South Carolina       | 3,122             | 3,486             | 3,749          | 3,796          | 3,860          | 3,919          | 3,975          | 4,012          | 4,063          |
| South Dakota         | 691               | 696               | 738            | 742            | 744            | 746            | 750            | 755            | 757            |
| Tennessee            | 4,591             | 4,877             | 5,327          | 5,417          | 5,499          | 5,570          | 5,639          | 5,689          | 5,740          |
| Texas                | 14,229            | 16,986            | 18,959         | 19,340         | 19,740         | 20,158         | 20,558         | 20,852         | 21,325         |
| Utah                 | 1,461             | 1,723             | 2,014          | 2,068          | 2,120          | 2,166          | 2,203          | 2,233          | 2,270          |
| Vermont              | 511               | 563               | 589            | 594            | 597            | 600            | 605            | 609            | 613            |
| Virginia             | 5,347             | 6,189             | 6,671          | 6,751          | 6,829          | 6,901          | 7,000          | 7,079          | 7,188          |
| Washington           | 4,132             | 4,867             | 5,481          | 5,570          | 5,675          | 5,770          | 5,843          | 5,894          | 5,988          |
| West Virginia        | 1,950             | 1,793             | 1,824          | 1,823          | 1,819          | 1,816          | 1,812          | 1,808          | 1,802          |
| Wisconsin            | 4,706             | 4,892             | 5,185          | 5,230          | 5,266          | 5,298          | 5,333          | 5,364          | 5,402          |
| Wyoming              | 470               | 454               | 485            | 488            | 489            | 491            | 492            | 494            | 494            |

<sup>1</sup> See footnote 4, Table 1. <sup>2</sup> The April 1, 1990, census counts include corrections processed through August 1997, results of special censuses and test censuses, and do not include adjustments for census coverage errors.

Source: U.S. Census Bureau, 1990 Census of Population and Housing, Population and Housing Unit Counts (CPH-2); "Table CO-EST2001-12-00 - Time Series of Intercensal State Population Estimates: April 1, 1990, to April 1, 2000"; published 11 April 2002; <<http://eire.census.gov/popest/data/counties/tables/CO-EST2001-12/CO-EST2001-12-00.php>>; and "Table ST-2001EST-01 - Time Series of State Population Estimates: April 1, 2000 to July 1, 2001"; published 27 December 2001; <<http://eire.census.gov/popest/data/states/tables/ST-EST2001-01.php>>.

retroactively-revised intercensal estimates  
(post 2000 count)



<http://www.washingtonpost.com/wp-dyn/content/article/2005/12/21/AR2005122102035.html>

## **Census Reports Decline in D.C. Population**

Skeptical City Officials Plan to Challenge Estimates as Tallies Rise in Md. and Va.

By Debbi Wilgoren  
Washington Post Staff Writer  
Thursday, December 22, 2005

Forget the swank loft condos rising everywhere, the rehabbed row houses, the abandoned public-housing complexes bulldozed and rebuilt. Forget the suburbanites and former urban refugees who are flocking to the city for its nightlife, easy commute and neighborhoods suddenly reborn.

The number of people living in the District has shrunk by nearly 4,000 in the past year, according to the U.S. Census Bureau: 3,718 fewer people, to be exact.

The federal agency yesterday unveiled its annual state and national population estimates, announcing, among other things, that Virginia and Maryland each grew more populous -- Virginia by 1.2 percent, Maryland by 0.7 percent -- and that the country added about 2.8 million people, for a total population of 296.4 million.

This is the time that federal people-counters look at tax records, immigration, birth and death rates and calculate that the population of the nation's capital is falling. Then the city's counters, in what has become an end-of-year ritual, cull through housing starts, their own tax records, school enrollment numbers and apartment vacancy rates, and complain that the feds have got it all wrong.

"Something doesn't seem to panning out," Joy Phillips, associate director of the District's state data center, said yesterday. If she was concerned about this year's estimates, she seemed downright flabbergasted by the accumulation of estimates since the last actual census was taken in 2000: "We cannot see any way that D.C. has lost 20,000 people in these last four years."

Sure it has, and maybe more, say the census people. The District made headlines in 2000 and 2001 when the July estimates showed a statistically insignificant population change -- about 1,000 and 1,800 people, respectively -- a sign that the years of hemorrhaging residents might finally be drawing to a close. Mayor Anthony A. Williams (D) celebrated back then by announcing a campaign to draw 100,000 new residents to the city over the next 10 years.

But, by 2002, an estimated 5,000 more people were gone, the feds said. Then 7,000 in 2003, 3,500 more in 2004, and the aforementioned 3,718 this year. Demographers point out that much of the city's revitalization has focused on singles and childless couples, while those leaving largely have been families with a few children.

Phillips countered with an earlier estimate, one that has become a favorite for D.C. politicians. In 1999, after nine years of estimates, the Census Bureau figured the city's population at 519,000. When it conducted a census the following year, however, the count was 572,000. Now, midway between that census and the one that will be done in 2010, D.C. officials insist that the bureau is wrong again.

Phillips said the city will formally challenge the estimate this year for the first time.

Nationally, the big population story was out west, where California's growth rate sank to less than 1 percent, lower than 21 other states. It ranked 17th last year, and in the top 10 fastest-growing states for most of the decade before that. New York state, too, is struggling. It lost population for the first time in at least 15 years.

"People are moving to where housing is more affordable, jobs are more plentiful," said William H. Frey, a demographer with the Brookings Institution. Sparsely populated states such as Nevada, Arizona, Utah and Idaho are growing, he added, in part because people leaving California are moving there.

Census officials cautioned that because this year's estimates are based on data through July 1, the state numbers do not reflect the considerable population shift from the Gulf Coast states that occurred in the fall in the wake of Hurricane Katrina.





President Lincoln at Ft. Stevens. July, 1864

# Alliance to Preserve The Civil War Defenses of Washington

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## Testimony on Proposed Expansion of the DC Height Act By Loretta Neumann, Vice President For the National Capital Planning Commission October 30, 2013

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Mr. Chairman, thank you for the opportunity to testify today. I have been a resident of Washington DC for more than 40 years. I am testifying on behalf of the Alliance to Preserve the Civil War Defenses of Washington, a non-profit association incorporated in DC in 2008 that received its IRS 501(c)(3) tax exempt status in 2009. Our primary goal is to promote preservation of the Civil War Defenses of Washington and advocate for their best interests.

The Alliance is alarmed by the proposal of the Mayor and Office of Planning to allow a substantial increase in the height limit of buildings in DC. For more than 100 years, this has been determined by the 1910 Height of Buildings Act. The new proposal could inalterably change the beautiful and historic setting of the nation's capital, both within and outside of the area of the original 1791 L'Enfant Plan for the City of Washington.

The Alliance is especially concerned because the Civil War Defenses of Washington (including the corridor of National Park land added by the Congress pursuant to the 1902 Senate McMillan Commission plan to link these sites) would be impacted:

- First, they are visible from the core city, creating a blanket of green around the nation's capital, a view that could be irrevocably changed by an increase in building heights in their foreground.
- Second, they are primarily located at high points around city, and the views from them would be severely impacted by a change in the heights of buildings below.

We were pleased to see that the NCPC Executive Director Recommendation states: "The Civil War Defenses of Washington... are all part of the Topographic Bowl and there is a federal interest in protecting the views to and from them." The EDR also notes areas outside the Topographic Bowl that "are all significant federal interests." We would add that those areas include the former Walter Reed Army Medical Center in northwest Washington, now being planned for redevelopment, which was involved in the Battle of Fort Stevens in July 1864 and has substantial significance to our nation's history.

Attached are several photographs illustrating the impact that increases in the District's building height could have on the Civil War Defenses of Washington. Also attached is a backgrounder with information on the commemoration of the 150<sup>th</sup> anniversary of the Battle of Fort Stevens, which will highlight the importance of these sites to the rest of the nation next year.

Thank you for the opportunity to testify today.



**View of Capital from  
Fort Stanton (built to  
protect Washington  
Navy Yard)**



**View from South Capitol Street Bridge, Anacostia River  
Forts Mahan, Chaplin, Dupont & Stanton in the distance.**



**View of Fort Mahan across Anacostia River's Benning Bridge**

As a native Washingtonian and voting Member of the Commission from 1987 to 1995, representing the U.S. Senate, I appreciate this chance to comment and urge the Commission to retain the Heights Act in essentially its present form, as the EDR recommends.

I'd like to draw on my own experience to make a couple of points for the Commission to keep in mind. One is that, even in its present form, the Act is subject to frequent pressures and interpretations that undercut its purposes. Increasing the height limits in the L'Enfant City can only compound the problem.

To take just one example, in the early '90s we considered a private developer's proposal to cover an entire block in the Metro Center area with a building taking its overall height from the greater matter-of-right allowed on its 13<sup>th</sup> Street façade. Not only did this cast the narrower adjacent alphabet streets in greater shadow, but the developer proposed to build in two phases: First on the "borrowed" height section of the lot, and only later on the matter-of-right section with a third-floor aerial walkway joining the two to form what the applicant contended was a single building. When a Commission member asked why the applicant couldn't at least build the matter-of-right section first, we were told that the current market wouldn't support it – the first time I've ever heard of a building competing with itself for tenants!

This project was built, by the way. So when you look at the Office of Planning's proposed model of North Capitol Street, with the Capitol dome framed at the end of a wind tunnel, keep in mind the increased effect not only on the greater thoroughfare but on narrower side streets.

The first heights dispute I was involved with as a Commission member was the redevelopment of Postal Square, just west of Union Station. The developer wanted to stack two-and-a-half additional floors on the original Burnham design, rivaling Union Station in height. The Department of Justice along with NCPC determined that any increase in the existing envelope violated the Heights Act. We heard the usual complaints: The project wasn't feasible without the additional height; the Smithsonian could kiss its Postal Museum goodbye; and so on.

None of these proved to be true. But the larger point is that when the original application was rejected, the developer met with the Chairman and a

number of Commission Members to ask if we would be O.K. with one-and-a-half floors, or even one. Couldn't we be reasonable and meet halfway? And the answer was simple: A violation is a violation; and splitting the difference on a bad idea doesn't make it a good idea.

Which brings me to my second point: It's clear that the District government and NCPC are far apart on this issue. You have and will continue to have pressure to reach a joint position – to “split the difference.” I urge the Commission to stick to its position and respectfully agree to disagree.

I understand the *District's* interest as a stakeholder. But this isn't purely an us-versus-them proposition: The District is well-represented on the Commission itself. Fully a third of its seats are held by District officials and their appointees – on this *Federal* agency, which has the primary responsibility for upholding the *Federal* interest. And with due respect, I hope this distinction is pointed out to the House Committee Chairman who has requested input from both sides.

Along with my House counterpart and fellow D.C. native, the late Dietra Ford, I appreciated the District's unique status on the Commission and enjoyed working with our District colleagues to protect purely local interests against undue encroachment. But there are times when it is unwise to “split the difference,” and this is one of them.

I hope the Commission will adhere to its mandate to uphold the Federal interest, by preserving the Heights Act that has kept this the beautiful and livable capital that it is.

Thank you.

John Belferman

**Testimony before the National Capital Planning Commission  
Regarding Proposed Alterations to Maximum Building Height Restrictions in the District of Columbia**

By Jim Schulman, AIA  
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30 October 2013

Good Afternoon Chairman Bryant & Commissioners. My name is Jim Schulman, I am a registered architect and sustainability activist residing in Ward 6, and am the founder of the non-profit Sustainable Community Initiatives and its subsidiary, Community Forklift. I am a strong advocate for regenerative regionalism, which recognizes that planning and governance must move beyond perceived jurisdictional constraints. The NCPC study admits that the infrastructure impacts of tinkering with the height limit in DC is regional. I believe that there are few more important issues than the one at hand today – considering the logic of changing a fundamental rule under which the core of our urban region takes its built form.

I will split my comments on the NCPC and District Government reports as they merit separate responses. First the NCPC report. For the record, although I consider myself a preservationist, I take issue with one of the three core principles raised in the report, that maintaining the horizontality of the city is paramount. To me, a default to human scale is more important than horizontality, and I can imagine a variegated, horizontal & vertical National Capital & urban environment that acknowledges human scale and serves all residents.

In any case, the visual arguments that the NCPC study makes are sometimes misleading. Views of the District from the air or from great distances, as from across the Potomac River, are nowhere near as useful in assessing the visual and psychological impacts of building to higher height limits than views standing on the sidewalk between 130' tall or higher buildings. Two examples within the study illustrate my point: I say 'yes' to the existing building heights on K Street as shown in Figure 10 on page 23, but 'no' to excessive existing building heights along F Street in Figure 11 on page 24, for reasons of shading, air flow, and the propagation of street trees. The shading study addresses this concern well. It is not just the width of the right of way that matters for this equation, but also the relative width of the sidewalks, which does not appear to have been addressed in either NCPC's or the District's reports. The traffic congestion on K Street, NW is clearly worse than on F Street, NW, yet the proportions of the tallest buildings on K Street to the street and sidewalks is generally more pleasant than the proportions seen on F Street.

With respect to occupancy of and build-out of penthouse areas, I understand the reasons why the NCPC might find such changes easy to adopt, but the report fails to challenge the visual logic of the existing 1:1 setback which makes sense for me whether the top floor of a building is used for equipment or people. Allow occupancy, yes, but let's step any new construction up there away from street facing lot line on streets to allow sunlight and reduce wind tunnel effects.

With respect to the DC study I take issue with the very first paragraph. The skewed “central question” the study claims to address assumes that increasing building height limits will be of net benefit to addressing DC’s structural deficit, a point that remains to be proven. The economic feasibility analysis claims that between \$61 and \$114 million in increased property tax collections would result from raising the maximum building height in their study areas over 20 years. A note in the analysis admits that the “Real property tax revenue estimate does not account for any reduction in the value of existing buildings resulting from an increase in potential significantly in excess of new demand.” The study addresses this concern by admitting that the height limit might best be increased only in limited areas over time, perhaps via auction – defeating District equity considerations by according development benefits unequally.

The property tax increased collections sound large – but are they? Assuming an average of 10’ per floor, \$61 to \$114 million over 20 years for increases in height from 130’ up to 250’ equals a measly \$220,000 per year per floor for all new high-rise development in the District! For that amount of increase in tax collection it would be far simpler to have the District raise commercial property taxes slightly and have those increases passed on to the 2/3 of the businesses and occupants of the Center City who are commuters. Current rates do not appear to have inhibited the proliferation of cranes on our skyline.

A similar argument applies to the anticipated job creation effects of lifting height restrictions. The PES study sees between approximately 7,000 and 14,000 permanent direct and spin-off jobs in building height increases to 130 to 250’. That works out to a mere 28 jobs per added floor level over the whole of the District per year! Studies by organizations like the Institute for Local Self-Reliance have shown that more jobs could be created by raising energy-efficiency and renewable energy requirements for DC buildings by a few percentage points.

The DC study warns that “market rate housing will disappear” as existing capacity becomes more limited, and dangles the carrot of potential public benefits recommended in the Comprehensive Plan that might be offered in terms of affordable housing subsidies or infrastructure improvements in exchange for increases in height. But the District already has a 20% FAR bonus for residential development under DC’s inclusionary zoning program, and it has to my knowledge failed to make a dent in DC’s crisis of housing unaffordability. The DC report admits that only 8% of any new units in high-rises would be officially affordable. The dual crises of housing affordability and failing infrastructure will not be significantly addressed by allowing for taller construction. If the District Government wants to seriously address those issues, they should be tackled head on – including by involving Federal and Metropolitan governments in solutions – not merely one Congressman from the high-rise Mecca of Oceanside, California.

A better place to look for regional solutions to DC’s structural deficit, gentrification, and uninspiring architecture would be Paris, France which just recently took the bold step of increasing its land area by 300% in incorporating many of its suburbs. NCPC might look at the planning logic of expanding land use planning into Arlington and other areas of Federal interest inside the Beltway, or at least encouraging more intense commercial development around Prince George’s County Metro stations to generate a balance of jobs, housing, and amenities throughout the whole region.

Thank you for giving me this opportunity to share my concerns!



## **Historic Districts Coalition**

**c/o Richard Busch, 1520 Caroline Street, NW, Washington DC 20009** [Rbusch1520@aol.com](mailto:Rbusch1520@aol.com)

### **Comments by the Historic Districts Coalition on the National Capital Planning Commission's Draft Recommendations for the Height Master Plan for Washington, DC Wednesday, October 30, 2013, 4:30 p.m.**

Good afternoon Mr. Chairman and Commissioners. My name is Richard Busch, and I am here on behalf of the Historic Districts Coalition, an affiliation of historic districts in the District of Columbia. Information on the Coalition and its position on the draft Height Master Plan was provided to the chairman in our letter dated September 9, 2013, which I assume was also made available to all of the commissioners by staff. In essence, the 11 neighborhood organizations and six prominent preservationists who signed onto that letter oppose any change to the 1910 Height of Buildings Act.

By taking this position the Coalition has been criticized for not being supportive of the Gray Administration's rationale for increasing building heights. We believe, however, that it is important for citizen residents of the District of Columbia to stand firm with its own rationale for protecting the built heritage of the city for the present and the future:

- The Gray proposal goes well beyond what Congressman Daniel Issa asked for in his letter of October 3, 2012, to Mayor Gray and NCPC Chairman Bryant. The Congressman's directive was to encourage "the exploration of strategic changes to the law [the 1910 Height of Buildings Act] in those areas outside (our emphasis) 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...;"
- Washington, DC is not only hometown to those of us who live here, but as the nation's capital is the city that represents in physical image the entire 300 million plus population of our country; and
- The 1791 L'Enfant Plan for the City of Washington, the 1901 McMillan Plan, and the 1910 Height of Buildings Act are the bedrock of plans and legislation that have created the iconic, low-scale, horizontal image that the city has today, an image known nationally and worldwide.

In essence, the Coalition is supporting the image of the nation's capital presented in NCPC's own on-line description entitled Building Heights in the Nation's Capital: "Washington's low and horizontal skyline is unique among most major cities. The lack of tall buildings enhances the prominence of the city's important civic buildings and monuments, and gives the capital an airy and light-filled environment." Further, it's a low skyline that contributes to the city's character through:



- Symbolism by providing a backdrop for significant buildings and monuments that embody our shared values of equality and freedom;
- Scale that invites the public, local, national, and worldwide, to enjoy its public spaces and views; and
- Sustainability that promotes a livable urban density.

Any change to the 1910 Height of Buildings Act will be the camel's nose under the tent, if you will, the beginning of more incursions that will inevitably come in the future and change forever the image and sense of place of this city.

Thank you for this opportunity to comment.

National Capital Planning Commission  
**Re: District of Columbia Height Master Plan Study**  
Testimony of Richard Houghton  
October 30, 2013

For the record, my name is Richard Houghton. I have lived in the District for 25 years. I work in the development sector and have managed the design and delivery of complex urban projects in the District and surrounding jurisdictions. I am also a registered architect and a member of the Committee of 100 on the Federal City. While I fully support the Committee of 100's position, I am testifying on my own behalf today.

I want to thank Chairman Bryant for holding these hearings and providing the opportunity for the public to speak directly to the federal government's planning body for the National Capital Region.

There may be a time in the future to consider major amendments to the Height Act, but that time is not now and the Office of Planning's recommendations are not the right approach. My full testimony submitted to the District of Columbia Council is attached for the record. Today I would like to highlight and elaborate on three points from that testimony:

- The District's population is growing, but will a few years of rapid growth during the recession recovery be sustainable? Should we make drastic changes to legislation that has worked so well for so long, based on a short term trend? *Actual population numbers need to be tracked to determine long term trends. Prudence and an abundance of caution suggest that Council—or Congress—authorize an independent assessment of OP's projections. Support from NCPC would lend additional credibility to this necessary and reasonable request.*
- Federal and District infrastructure implications have not been studied and evaluated; maintenance and capital costs are unknown. Multiple federal agencies have significant responsibilities for the stewardship of federal property in the District, and much of it is outside of the Monumental Core. The Fort Circle Parks, administered by the National Park Service, are one example. What are the budget impacts associated with significantly increased use that a major change to the Height Act would bring? *For budgetary planning District and federal agencies must provide nothing less than a full accounting of the projected cost increases associated with any change—or no change—to the Height Act.*
- The bifurcation of the study as a matter of federal interest versus local interest is simplistic and does not adequately convey the complex symbiosis of a healthy federal/local relationship. Security, for instance, is not just a federal interest; it must be the city's interest, too. Economic development and the promotion of financial stability is not just a District interest; it is also the federal government's interest, as Chairman Bryant has pointed out in a *Roll Call* interview.<sup>1</sup> *The existence of two sets of recommendations, one from NCPC and one from OP, is truly unfortunate and suggests an acrimonious future if the pattern continues.*

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<sup>1</sup> Hannah Hess, "Tension Between District, Feds Might Define Height Act Debate". *Roll Call*, September 13, 2013.

With respect to building height, livability and development, urban planner and author Jeff Speck recently wrote:

Raising or abolishing the height limit. . . creates the outcome. . . where a single skyscraper lands on an empty block and sucks up an entire year's worth of development activity, while all the surrounding blocks stay empty—or fill up with skyscraper parking. . . . [I]t is tempting to do a bit of our own speculation, on how tremendous the District of Columbia's height limit has been for the city and its walkability. That limit . . . has caused new development to fill many more blocks than it would otherwise. This strategy has created street after street of excellent urbanism. . . ."<sup>2</sup>

Loosening the regulations governing the height of buildings is likely to create islands of isolated urban towers characteristic of much of contemporary American urbanism, instead of furthering the goals of creating more walkable, thriving neighborhoods. And it is likely that market volatility and land speculation combined with economic cycles would destabilize growth and development and prove to be unwieldy, unmanageable and perhaps uncontrollable.

Speck's telling phrase "street after street of excellent urbanism"—streets without highrise buildings, in the Monumental Core, in the central business district, along the radiating avenues and in our neighborhoods—have enlivened the city and enhanced its urbane, finely grained pattern and humane sense of place. Ed McMahon of the Urban Land Institute has written that "Place is more than just a location on a map. A sense of place involves a unique collection of qualities and characteristics—visual, cultural, social, and environmental—that provide meaning to a location."<sup>3</sup>

The Office of Planning's proposals are not "moderate" as claimed. They threaten Washington's sense of place. They are extensive and sweeping changes and I urge the Commission to

**recommend halting the Office of Planning's overt attempt to nullify city planning in the District of Columbia**

**and affirm the analysis of the Executive Director's Draft Recommendation and support the continued study of the possible occupation of penthouses.**

Thank you for your consideration.

Richard Houghton, AIA, LEED AP  
930 Kearney Street, NE  
Washington, DC 20017

Attachment: Council Testimony

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<sup>2</sup> Jeff Speck, *Walkable City: How Downtown Can Save America, One Step at a Time*. New York, Farrar, 2012, p. 220.

<sup>3</sup> Ed McMahon, *Keeping the Lid on D.C.: Build Better, Not Just Bigger*.  
<http://urbanland.uli.org/Articles/2013/Mar/McMahonHeightLimit>. In the same article he argues numerous neighborhoods achieve remarkable density without highrise building creating some of America's most cherished places: Georgetown and Capitol Hill (D.C.), Park Slope (Brooklyn), the Fan (Richmond), the French Quarter and the Garden District (New Orleans).

Testimony of Richard Houghton, AIA, LEED AP  
Before the Council of the District of Columbia  
**Re: District of Columbia Height Master Plan Study**  
October 28, 2013

For the record, my name is Richard Houghton. I have lived in the District for 25 years. I work in the development sector and have managed the design and delivery of complex urban projects in the District and surrounding jurisdictions. I am also a registered architect and a member of the Committee of 100 on the Federal City. I am testifying on my own behalf today.

I want to thank Chairman Mendelson for holding these hearings and providing the opportunity for District residents to speak directly to our elected representatives.

The Height Act of 1910 as it is commonly known is a powerful piece of legislation that has shaped the urbane and humanely scaled city which we know and experience every day. It, together with the city's zoning regulations and the federal and District elements of the Comprehensive Plan, determine the form and character of the city. There is every reason to believe that the Height Act can continue to so function, unaltered. There may be a time in the future to consider amending the Height Act, but that time is not now and the mechanism for so doing is not the Office of Planning's recommendations.

A recent article in the *Wall Street Journal* noted that "to gain public acceptance, plans and their accompanying public investment must be part of a compelling vision and an agreed-upon public agenda."<sup>4</sup> The Office of Planning has not presented a compelling vision; and there is no broadly accepted ("agreed-upon") public agenda. And far from achieving a level of public acceptance, the Office of Planning's recommendations, in a gesture that mocks arguments for increased District autonomy, have been denied a public screening before being delivered to Congress. Today's public hearings are all the more timely given the lack of public debate.

The Office of Planning's proposals are not "moderate" as OP claims. They are extensive and sweeping changes and **I urge the Council to communicate the recommendation to Chairman Issa and the House Subcommittee on Oversight and Government Reform to reaffirm the Height Act and reject the Office of Planning's proposals as inappropriate at this time and lacking in credibility for the following reasons:**

- The District's population is growing but will a few years of rapid growth during the recession recovery be sustainable and should we make drastic changes to legislation that has worked so well for so long, based on a short term trend? *Actual population numbers need to be tracked and monitored for long term trends. Prudence and an abundance of caution suggests that Council request an independent and outside assessment of OP's projections.*
- The population is still below its peak of the early 1950s, yet significant additional housing, office and retail space has been added to the building stock without touching significant parcels, large and small throughout the city. Columbia Heights, NOMA and

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<sup>4</sup> Julia Vitullo-Martin, "How to Build a Better City". *The Wall Street Journal*, April 12, 2013.

the Ballpark are three areas of intense urban development that contribute to the economic and social vitality of their respective neighborhoods and advance the Office of Planning's goals for livability, walkability and sustainability. And all were planned and either implemented or are works in progress under the existing Height Act. *Economic prosperity can and should be spread throughout the city and not just to the high cost areas where the Office of Planning expects taller buildings.*

- Infrastructure implications have not been studied and evaluated. Costs, including but not limited to transportation and traffic control; police, fire and EMS; schools; parks and recreation; the special needs of the young and the aged; streets and streetscape and civic maintenance such as trash collection and snow removal, are unknown and unaccounted for. *With responsibility for approval of the city's budget and short and long term fiscal planning, Council needs nothing less than a full accounting of the projected cost increases associated with any change—or no change—to the Height Act.*
- The bifurcation of the study as one of federal interest versus local interest is simplistic and does not adequately convey the complex symbiosis of a healthy federal/local relationship. Security, for instance, is not just a federal interest; it must be the city's interest, too. Economic development and the promotion of financial stability is not just a District interest; it must be the federal government's interest, too. Preston Bryant, Chairman of the National Capital Planning Commission, in an interview with *Roll Call* has noted this.<sup>5</sup> *The existence of two sets of recommendations, one from NCPC and one from OP, is truly unfortunate and suggests an acrimonious future.*
- The historic Height Act applies city wide. Modifying it to allow a little more height some places and a little more height in selected, non-contiguous places is likely to create pockets of growth and to exacerbate socio-economic disparities rather than creating a unified, coherent, inclusive city. *The recommendations proposed by OP will fragment the city, utterly negating The District's banner tagline, found at <http://dc.gov/DC/> "One City, One Future."*

In closing I would like to quote from urban planner Jeff Speck's book *Walkable City: How Downtown Can Save America, One Step at a Time*:

"... A ten-story city like Washington simply does not need towers to achieve great walking density. Indeed, outside of Midtown and the Financial District, most of Manhattan's lively avenues are lined by buildings closer to ten stories tall. ... Ultimately, since most cities are not New York, there is a much more important [economic] argument to be made for height limits. Raising or abolishing the height limit. . . creates the outcome. . . where a single skyscraper lands on an empty block and sucks up an entire year's worth of development activity, while all the surrounding blocks stay empty—or fill up with skyscraper parking. . . In this context, it is tempting to do a bit of our own speculation, on how tremendous the District of Columbia's height limit has been for the city and its walkability. That limit . . .has caused new

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<sup>5</sup> Hannah Hess, "Tension Between District, Feds Might Define Height Act Debate". *Roll Call*, September 13, 2013.

development to fill many more blocks than it would otherwise. This strategy has created street after street of excellent urbanism. . . ." <sup>6</sup>

Loosening the regulations governing the height of buildings is likely to create islands of isolated urban towers characteristic of much of contemporary American urbanism, instead of furthering the goals of the Office of Planning in creating more walkable thriving neighborhoods. And it is likely that market volatility, and land speculation in conjunction with economic cycles would destabilize growth and development and prove unwieldy, unmanageable and perhaps uncontrollable.

Thank you for your consideration.

Richard Houghton, AIA, LEED AP  
930 Kearney Street, NE  
Washington, DC 20017

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<sup>6</sup> Jeff Speck, *Walkable City: How Downtown Can Save America, One Step at a Time*. New York, Farrar, 2012, p. 220.

**Testimony before National Capital Planning Commission**  
**Dorn C. McGrath, Jr., FAICP**  
**October 2, 2013**  
(delayed due to government shut-down)

First of all, I would like to compliment the National Capital Planning Commission on doing a difficult job well. I admire your reasonable approach to a difficult topic.

So, here we go again.

It's time, it seems, for the perennial building-height act debate. In D.C., that is.

Once again, we are more or less involved in the argument on the Building Height Act and its effects on the City. This time, however, we are to be influenced by a renegade congressman from California, Darrell Issa (R), from a district with no building height act on the fringes of Los Angeles, which doesn't care as long as the earth holds still. Congressman Issa sees this as a way to avoid more serious debate on such issues as the Continuing Resolution, or in Congress-ese, the CR. This time he is supported by the erstwhile congressperson habitually representing the District, Congresswoman Eleanor Holmes Norton.

There is a movement to have the architects, speaking through the AIA, stake a position in this debate. They won't, because more and more buildings – regardless of their architectural merit – means more work for architects, and heaven forbid that the AIA would speak about anything else. Moreover, the architects, alluding to their role in “shaping the city” have already spoken through the Washington Post and Roger Lewis, whose column, *Shaping the City*, appeared in a Saturday edition of the Real Estate section. Lewis, a good cartoonist, is clearly in favor of eliminating the Building Height Act, at least for certain parts of the City, beyond the so-called “topographic bowl.” The APA, also known as the American Planning Association, is mum on this entire issue, as usual. The preservationists, as usual, are aghast at the suggestion that the Building Height Act be tampered with.

At a hearing staged on July 19, 2012, a carefully-chosen panel presented its ideas about the suggested elimination or modification of the Building Height Act. The panel was carefully chosen to include four advocates of the congressman's position, and one opponent thereof. One of those chosen advocates was an emissary of the Mayor (now under investigation). The opponent was selected was Committee of 100's former chairman, Laura Richards. Richards presented an eloquent set of reasons why the Building Height Act is important to the City and its identity, but the panel is clearly intent upon changing this.

Do we really believe that constructing high-rise buildings at all metro stops will attract low-income housing? Certainly not. Do we really believe that extending the metro silver to Loudoun County



will result in more low-income housing? Certainly not. Do we really believe that the painful slog up four escalators and 2,000 more horizontal feet, often open to the weather, to the one-way temporary stop on the trolley line from “nowhere to nowhere else” will bring relief to the clubs, bars and businesses of H Street, NE? Obviously, we don’t, and several businesses in this woeful corridor have already gone the way of failure for lack of customers.

An enlightened view of the perennial discussion of the Building Height Act of 1910 in the City is presented by Kaid Benfield, in a recent article in The Atlantic Monthly. He presents both pro and con points concerning the Building Height Act of 1910, but ultimately concludes that we should leave well enough alone.

Do we really believe that our esteemed City Council, despite its new leadership, will suddenly exercise restraint when it comes to the prospect of new revenue from new buildings erected, Rosslyn-style, at various metro stops around the city? Certainly not, even after they have filled the seats of the three of twelve members who have been convicted by courts of law.

In his book, Skylines of the World, Yesterday and Today, M. Hill Goodspeed writes, “[Washington] is a city like no other in the world. Its skyline is not marked by modern symbols of capitalism, but rather by monuments to the people and events that are pillars of American democracy, the very shapers of the national identity of the United States.” Often cited by Benfield and others is Paris, which has its own Rosslyn in its vicinity as a collection of tall buildings north of Paris proper, which we view nostalgically as the “City of Light”.... Will no one ever learn from the Tour Montparnasse? Parisians did. Including their President.

Washington, DC, can chose to become the city of empty buildings seeking to be neighborhood foci at metro stations, á la Dubai, or it can remain an attractive, controlled open space bringing in millions of tourists each year to enjoy. Washington is, after all, the Nation’s Capital even today, and people tend to like it as it is, with its unblocked views, ample avenues, and lower buildings. Think about this.

Recently, an almost hysterical letter signed by the Mayor differs with the more thoughtful approach of the National Capital Planning Commission. The letter reflects a “Just Do It” approach taken by the DDoT, which responds only the Mayor. The so-called “Streetcar system” is not on the agenda of the Regional Transportation Planning Board, nor has the Building Height Act; thus, people are thoroughly confused. Does anyone really think that raising the Building Height act will raise the ridership on the failing Metro system? No, not even the lemmings.

Does anyone really believe that the featureless expansion by 20-200 feet by the modification of the Building Height Act, will attract any significant number of low and moderate income people to fill the so-called empty spaces above existing buildings? Certainly not.

Does anyone believe that the levels of noise, traffic congestion and detours will be decreased by an increase in the Building Height Act? Certainly not. Does anyone believe that the 12,000 daily drivers alluded to by the Office of Planning (which reports only to the Deputy Mayor or Mayor himself) really want to live in the District? Certainly not. The City has undertaken the route of mendacity, or it would not lay claim to the fact that the Spingarn High School site is not a part of the so-called “system” that it intends to build connecting the neighborhoods of Anacostia with Union Station. Nor would the City ignore the Burnham Place reality of an at-grade street car “system”.

Even Donald Trump knows that there is much to be lost by building – which he could – another skyscraper on the site of the Old Post Office, because he believes that there is dignity in the Building Height Act.

Does anyone believe that an increase in the Building Height will produce more congestion in the streets? Yes, most do. Thousands of tourists come to the City each year to see our city.

Leave the congestion to the suburbs – let Arlington be Arlington, let Tyson’s Corner be Tyson’s Corner, let Bethesda be Bethesda. Each of these sub-areas of our metropolis has its own planning jurisdiction.

But leave the Building Height Act alone.

Thank you for this opportunity to present my views.

Gary Thompson  
2840 Northampton St. N.W.  
Washington D.C. 20015  
ANC Commissioner 3/4G02

**October 23, 2013**

National Capital Planning Commission  
c/o William Herbig  
401 9<sup>th</sup> St. N.W., North Lobby, Suite 500  
Washington, D.C. 20004

D.C. Office of Planning  
c/o Tanya Stern  
1100 4th Street, SW, Suite E650  
Washington, DC 20024

**Re: Written Testimony on the Height Act Study  
for the Special NCPC Meeting of October 30, 2013**

**The District's Height Master Plan draft recommendations for  
modifications to the federal Height Act**

Dear Commission Members:

Thank you for holding a Special Commission Meeting on this topic to gather public comment. I apologize I cannot appear in person to testify Oct. 30, due to an out of town proceeding. I respectfully submit these comments on the Height Act study.

I have studied carefully the September 12, 2013 NCPC Executive Director's Recommendation ("EDR") and the September 20, 2013 D.C. Office of Planning Evaluation and Draft Recommendations ("DCR"). I am familiar with the matters raised in these reports by (a) my many years as a D.C. Advisory Neighborhood Commissioner (four as Chair of the Chevy Chase ANC); (b) my review and comment on the pending D.C. zoning regulations; (c) an officer in the Alliance to Preserve the Civil War Defenses of Washington; and (d) as one of the attorneys who brought suit (pro bono) to challenge the congressional prohibition on D.C. taxing non-resident income earned within D.C., creating the structural funding imbalance that is addressed so well in the DCR. I respectfully make the following comments:

1. Whatever the reasons for its historic origins, the federal height limitations in D.C. have worked to create a beautiful and successful city. I do not think the height limitations should be raised, whether within the "L'Enfant City" or otherwise. I largely agree with the EDR in this regard and disagree with the DCR. I feel confident in saying that the majority of D.C. residents favor the views in the EDR. The DCR suggests that within the L'Enfant City, building heights be increased based on a ratio of height to street width, and outside the L'Enfant City, with no federal height limit. DCR's idea, if

accepted, would mean that within the L'Enfant City, heights could increase up to 200 feet and be non-uniform depending on the width of various adjacent streets. There would soon be a race up, with new controversies about proper application of the height limit, especially where new buildings abut residential areas.

2. DCR's idea of height-to-street width ratio also addresses only a single factor: pedestrian perspective from street level (*i.e.*, the wider the street, the higher the building can be). But that is not the only factor to consider. The EDR properly discusses the many other important factors that weigh on the matter – “viewscape,” relation to federal spaces, buildings blocking each other out, etc.

3. The status quo has forced D.C. and developers to spread out beneficial development, and to also create mixed-use areas where residential, retail, and commercial uses mutually benefit each other. There is still much room in the City for development of buildings up to 12 floors. If greater heights were allowed, then the focus would revert back to the traditional downtown areas (K St. N.W., Penn. Ave. corridor, etc.), slowing beneficial development elsewhere. D.C. is unique in diffusing its development across the city, instead of concentrating everything in a small area of high-rise buildings.

4. Removing height limits outside the L'Enfant City could lead to contentious developments, possibly creating Roslyn like mini-high rise blocks in what are now residential areas like Anacostia, Friendship Heights, Takoma Park, Chevy Chase, etc. The economic pressures to develop these areas could eliminate all but the wealthiest pockets of these residential areas – adjacent lower and middle income residents could be displaced. Plus this could siphon away or depress development in downtown areas.

5. This is an anecdotal point, but I happen to be an avid runner (around 25-50 miles a week) and a constant business traveler. I spend substantial amounts of time in the downtown areas of dozens of U.S. cities (in 2012, over 100 business days in 18 different cities). Being a runner, I run through and beyond these downtown areas. On average, the cities that have the downtown high-rise cluster effect are failures. There is little to nothing in the downtown areas other than office buildings, there is massive congestion at rush hour, the downtown area clears out after the workday, and the areas that immediately ring the downtown areas are abandoned or severely underdeveloped. Houston and Baltimore are examples of this failed model, and many more reveal this failure to some degree or another. In places like New Orleans, Cincinnati, Chicago, Dallas, and Charlotte, you can run on a city block that contains a nice marble-surfaced high-rise building, but as you leave the downtown cluster, a mere one-block later you run past strings of old boarded-up buildings.

6. In contrast, D.C. is a model of success, especially the last two decades of positive economic development. For example, not long ago, the whole area north of Penn. Ave., from 15<sup>th</sup> St. N.W. to the Capitol was a half-abandoned part of town. If in 1970 a high-rise area had sprung up in, say, Foggy Bottom, that whole Penn. Ave. area likely would still be half-abandoned today (to say nothing of No-Ma, H St. N.E., South

Capitol St., etc.). If you can build up, why build elsewhere? Let history be your best evidence of what happens when maximum heights are kept in place.

7. The DCR rationale for greater building height is admittedly driven by an artificial constraint – the federal government’s severe constriction of D.C.’s ability to generate tax revenue. DCR’s core argument is that we must build up so D.C. can increase its tax base. First, it is worth pausing to note that DCR is absolutely correct about this egregious injustice in D.C. D.C. cannot tax the majority of land/property in D.C. (by value) because it is federal or otherwise exempt. The most glaring injustice is the exception made by Congress in the Home Rule Act to the universal rule that income is taxed where it is earned. In D.C., this universal rule of taxation is suspended, such that D.C. cannot tax about two-thirds of the income earned within D.C. because it is “non-resident” income. Instead, mostly Maryland and Virginia are permitted to steal this D.C. tax revenue from D.C. Why? Because they can – because they have representation in Congress and D.C. does not. This is the harsh financial outcome of taxation without representation. Many years ago, I helped put together and bring a federal lawsuit to challenge this Congressionally-imposed tax revenue shift, alas without success on constitutional grounds. But this unfair constraint on D.C.’s tax revenue is not, however, a reason to increase building heights. *The two issues are distinct.* The answer is to (a) keep heights as they are, and (b) remedy the injustice of the “structural imbalance” through other means (repeal the prohibition, statehood, etc.).

8. I am also a founding member and Treasurer of the Alliance to Preserve the Civil War Defenses of Washington, dedicated to helping preserve the ring of forts that stretches around the “Topographic Bowl.” As the EDR notes, “there is an abiding federal interest in protecting the views to and from them,” another compelling reason not to alter the current height limits. There is also an abiding local interest in this regard as well.

9. For these reasons, I agree with the EDR’s ultimate conclusion that changes to the Height Act would have a “significant adverse impact on federal interests,” and local interests as well – both within and outside of the L’Enfant City.

10. I also agree with EDR’s caveat that the City might permit a broader range of uses in building penthouses, “if properly implemented and with certain restrictions” (set-backs and other restrictions specified by the EDR). For example, set-back penthouses might be used as conference room centers with bathrooms and facilities.

Sincerely,



Gary Thompson

--ANC Commissioner 3/4G02 (Chevy Chase)  
--Treasurer, Alliance to Preserve the Civil War  
Defenses of Washington  
--Resident, 2840 Northampton St. N.W.

TESTIMONY  
Eugene Abravanel  
A long-time D.C. resident

The synopsis of the D.C. Planning Office's recommendations that I have read regarding the Height Master Plan was sorrowfully disappointing. It lacked balance, good judgment, and a grasp of the long-term needs of D.C. to control building heights and densities in order to preserve this National Capital City as a place that attracts visitors from throughout the U.S. and worldwide, encourages inhabitants to live and work in the city for many decades, and that sets a realistic standard for populous cities throughout the world to take seriously when confronting the difficult task of retaining the valuable characteristics of their own cities while constructively meeting the needs and preferences of its citizens. D.C. should become a true model of a "green" environmentally friendly city rather than one that excessively values growth in numbers of residents, residents, the heights of buildings, and the tax revenues that may be gathered by promoting numerical increases. The currently exist height limitations on buildings should be maintained and enforced. Zoning commissions should be admonished to avoid exceptions or variances to present day height, density, and neighborhood rules that are necessary to preserve - and enhance - the character of the city. I hope that the Commission takes note of the long-term threats to life in D.C. that are very likely to follow from The D.C. Planning Office's recommendations, and to act appropriately.

Sincerely,  
Eugene Abravanel  
A long-time D.C. resident.

## ***The Rhodes Tavern-DC Heritage Society***

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### **TESTIMONY OF JOSEPH N. GRANO BEFORE NCPC, October 30, 2013**

#### **Sensible Development and the Current Height Limits are Compatible**

*The Rhodes Tavern-DC Heritage Society* is opposed to any alteration of the federal Height of Buildings Act of 1910. It is much a part of the District of Columbia's heritage as is the L'Enfant plan and its extensions. It has served us well for more than 100 years and should continue in place for another hundred years.

Current heights make the District hospitable, comfortable, welcoming and most importantly give primacy of place to our government buildings, national memorials, the Washington Monument and the U.S. Capitol. Preservation of the dignity of the seat of our national government is essential. The interest of business and District tax revenues is completely secondary. Granted that most land in the District is not taxable; it should be up to the federal government to properly compensate the District government.

Also to be considered is that District zoning laws are not used to maximize the space allowable by law. In addition zoning law usually does not allow building heights to conform to the federal heights. As long as this situation remains, the Office of Planning should not be recommending changes in the federal law. As to Office of Planning's estimates of future need of space, those estimates may be problematical, as they do not take into account the future effects telecommuting and hoteling.

My own recent experience in zoning matters is the new Giant supermarket PUD, now called Cathedral Commons. It is being developed as to separate buildings, fronting on upper Wisconsin Ave. One building will be two stories and the other five stories. Across from the two story building are two nine story apartment buildings. I was probably the only resident of the area to testify before the Zoning Commission in 2009 that the two buildings were too small for Wisconsin Ave. In an article in the Northwest Current that year, I predicted that by allowing under-sized buildings on major transportation corridors, we were "embolden(ing) developers to go to Congress to overthrow the current reasonable height limits." This article is reproduced on the back of this statement and I wish it to be added to my testimony. Another example of misguided development is at the Tenleytown Metro stop. On the east side of Wisconsin Ave. are only one and two story buildings. And difficult to believe, a new two story building has recently been constructed right next to the Metro entrance. I believe that OP, Mayor Gray and the District Council need to encourage maximum development on busy transportation corridors such as Wisconsin Ave. Perhaps a law needs to be passed by the Council to allow zoning regulations to be in conformity with the maximum height limits allowed by federal law along such transportation corridors. Let's see if the District has the will to pass such a law and if neighboring residents will support such conforming development. This makes more sense and is more honest than the District going to Congress for relief. I also would recommend that future buildings, anywhere in the District, conforming to the maximum allowable heights be subject to design recommendations of the U.S. Fine Arts Commission or a newly created Federal/DC agency.





National Capital Planning Commission

**Hearing on the Draft Recommendation from the NCPC Executive Director  
and the Recommendation from D.C. Mayor Gray**

Testimony of Nancy J. MacWood

Chair, The Committee of 100 on the Federal City

October 30, 2013

Mr. Bryant and members of the commission, the Committee of 100 is the nation's oldest citizen planning organization. We were created in 1923 to serve as protectors of the L'Enfant and McMillan plans and to ensure that future plans for Washington, D.C. respect and utilize their foundational elements to enhance the development of our nation's capital, which is our home town.

The Committee of 100, without reservation, opposes the Mayor's recommendation. We support the analysis of the NCPC Executive Director's Draft Recommendation report and find its recommendation to allow communal activities in penthouses worthy of consideration and more discussion. But the dramatic and transformative nature of the Mayor's recommendation forces us to focus exclusively on that recommendation.

The Mayor's finding that we are really two cities - one federal and another local - is a fundamental fallacy. That assumption leads to the Mayor's recommendations that we permanently separate our city's interests from our nation's interest. The Mayor would demonstrate the separation with new distinguishing heights that have the potential to eradicate our physical connection and with it our deeply held view that we are one city and proud to be residents of the capital of the United States.

District residents find the issue of federal versus local interests abstract and nonsensical. Of course we are a unified city; that is how the city was planned and developed. DC residents may not realize that our streets are aligned to take advantage of natural topography and vistas from neighborhoods stretching from Anacostia to Cleveland Park, but we love the opportunity to show visiting friends and family the incomparable vistas from our front steps or where the best views are outside the Mall to watch the fireworks. It would be a terrible mistake to believe that DC residents do not cherish the human scale, the remarkable tree canopy, the vistas, and urban densities that set us apart from other cities and demonstrate that you can lead and plan development rather than follow predictable development industry prescriptions.

The notion that our local and federal interests are separate is at odds with how we feel as citizens and how we have created our physical surroundings. The Height Act has singularly enabled us to fulfill the vision of

the L'Enfant and McMillan Plans to create a city that symbolizes our national principles through the physical manifestation of a grand and beautiful capital city. Just look around – that aesthetic characterizes all of D.C. The Mayor's recommendation is frankly an insult to what we as DC residents and Americans hold dear, but it is also a direct challenge to our resolve and our commitment to maintain an urban city that celebrates our democracy and our aspirations.

The Committee of 100 does not believe that urban pressures direct us to reconsider the disciplined protection of our unique urban form as represented by the Height Act. Let's keep in mind that the District's "crisis" didn't exist before late September. At the Council hearing on Monday, the Office of Planning Director admitted that the only reason we are having this discussion is because Rep. Issa opened the door. That alone is a good reason to slam the door shut. But let's look at the flimsy rationale offered for shredding the Height Act.

### **Population Growth**

Population growth rates are uncertain. In FY 2008 Washington's population growth was 1%, in 2009 it was 1.9 % and in 2011 it was 2.3%. In FY 2013 the population growth rate estimate is 1.8 % and the CFO has informed the city council that after a projected continuing annual decline, population growth is estimated to be 0.8% in FY 2017. Significant decisions should not be based on short term trends, especially when the trend is unstable.

### **Development Capacity**

Space for growth wasn't questioned before the Height Act Master Plan Study. The Office of Planning Director told Council that it had never done a capacity study and didn't know how to do one, yet previous DC planning offices provided detailed outlines of the city's development capacity and direction for where growth should occur. This summer we heard that we will run out of space in 20 years, 40 years, maybe in 100 years. It is impossible to evaluate the creditability of these forecasts because so much of the District's land area was not included in the Office of Planning's report on our land capacity. A much more comprehensive presentation of development capacity and a rigorous consideration of assumptions should precede any conclusion that we must re-evaluate our legacy.

### **Suggested Benefits**

Growth projections and space capacity are the only factors that compel the discussion about eviscerating the Height Act. The Office of Planning's report and what we have heard from experts dismiss a link to the production of affordable housing. Developers build higher where the market is strong enough that return will recoup high construction costs. The supply and demand theory is not supportable when we are projected to create more housing units in 2013 and 2014 than in 20 years under an amended Height Act. The creation of jobs for DC residents is based on perpetuating the pattern of non-DC residents holding the vast majority of jobs. We have more jobs than DC residents right now, the task is to crack our structural unemployment but it will only happen with good education and training programs. A connection to strengthening our middle class has simply not been established. And there is no validity to bringing self-determination or autonomy to District residents. Citizens have no power now to elect or fire those who write zoning height regulations and that won't change if the Height Act is amended or even repealed.

The most persuasive reason for not changing the Height Act is the least elegant. No city has been able to withstand private development pressures to increase heights of buildings. We have been successful in creating our uniquely wonderful city because we have excellent foundational planning to guide us and we have a federal law that essentially says there is a national goal more important than a profit goal. Without that ultimate federal protection, the development industry will overwhelm Washington just as they have in every other major city.

The Committee of 100 finds the Mayor's unreasoned recommendation a repudiation of more than 100 years of planning a city that has uniquely melded national and local interests. We strongly urge the Mayor and NCPC to join in supporting a measured recommendation limited to exploring permission for communal activity in penthouses.

SUBMITTED BY WILLIAM HASKETT

Executive Director's Recommendation on the NCPC Staff Height Act Study, presented on  
September 12, 2013, to the NCPC Commission Meeting

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One of the advantages of individual comment is that almost necessarily it simplifies oppositions, and is very often therefore unfair to one side of a complex argument or the other. My own reading of both draft reports makes the central opposition between OP and NCPC over-simple. <sup>1</sup>

On the one side is OP, an agency of the government of the Federal District, with an agenda which postulates the desirability of autonomy for that government, and casting it therefore in terms of the fiscal resources it would have if things were different enough that an extension of height in the central business district (defined around the most obvious concentration of that area around K St., the new Convention Center and the Hotels and apparatus of a renewed and more elevated set of buildings in which the lobbyists and business people associated with the Board of Trade and analogous groups could so expand the tax-returns to government to make more plausible the prospect of a home-rule which could then graduate at some point in time into a genuine statehood, and free itself from the shackles (as they are often termed) of an objectionable dependence on Congressional permissions and consultations, at least for the non-Federal parts of the District.

On the other side is the agency of the NCPC which I simplify very considerably into an idealized version of an interdependent region, once oriented by the Year 2000 Plan to represent the undoubted utility of collaboration between virtually all the jurisdictions and agencies of constitutional States, and a hierarchy of cooperative things to comprehend not merely the area of the Constitutional District but the variety of formerly suburban Counties in two States and asked to meter and in some sense to express the enormous variety of material and symbolic interests of rivals for significance (as surrogates for political and social power) reaching almost to Baltimore on its northern reach, to Front Royal and Charlottesville on the other, gathering the consequences of demographic change into an immense conurbation, and resulting in many forms of definition of inter-questions of population and class outside the bounds of the Federal District and interacting with it in an intimate and complicated weave of the commuter journeys to work (no longer simply towards the District, but in many interwoven and cross-jurisdictional lines of traffic, both by quasi-freeway and private car, but the deviations of three airports and several mostly-suburban shopping centers (such as Tyson's Corner and Shirley Highway, Rockville Pike and 270, the north-south route of 95, and the like. There is an active competition for business centers for new business district building, a great variety of building heights and concentrations, interacting with a complicated weave of dependency and rivalry---exemplified by the building up of Arlington just on the other side of the Potomac from Washington itself, and without some of the prohibitions on building-height and use that the city of Washington is constrained by, such as the Height Act of 1910. This is interactive with the provision of housing in the same area,

increasingly by much taller apartment houses in an area which is only constrained by the necessity of crossing the barrier of the Potomac by a limited number of bridges.

The suburbs of Washington were created by the social process of white-flight in the complex period which followed Brown vs. Education in 1954, and very large and scattered new centers of rather well-to do groups in suburbs, which embodied all the tensions of a both more concentrated, more similar USA now electronic and not variegated simply by the facts of space or the difficulties of moving large elements of commuting populations by means of the private car.

The whole embodies a complicated whole of space, communication, transportation and electronics and to a certain extent, the rivalries of potential advantage for places and jurisdictions. These are not soluble by the resources of any one piece, but invoke the necessity of all of them. They do not ever achieve the ideal of mutual benefit, but they represent an ideal of collaboration to bring together the so-called stakeholders of any single problem (such as that of the Height Limitation Act in the Federal District of Washington) in an often-untidy mixture of elements and impulses, such as the allocation of a joint report to OP and to NCPC, when the basic thrust of either component is virtually certain to reveal (and constitute) patterns of incompatibility between them.

*1There are, after all, more than one form of parochialism than those of the parish-pump, since I suppose that there is also a form of it in time, the notion that our own times and those of our 'history' and our 'futures' are the only ones that exist,, have existed, and will exist. This is at least one of the things to be learned from the study of history.*

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TESTIMONY RE: THE REVIEW OF THE FEDERAL HEIGHT OF BUILDINGS ACT  
BEFORE THE NATIONAL CAPITAL PLANNING COMMISSION  
30 October 2013

Dear Commmissioners,

My name is Sally Berk. I've been a preservation activist in Washington for more than three decades so I'm sure that few of you will be surprised that I'm here in an effort to preserve the Height of Buildings Act. My opposition to a proposal for drastic and irrevocable change is based on years of studying cities; first in architecture school, later in graduate school, and in my travels both in the United States and abroad. What has become quite clear to me is that controlled growth, based on maintaining a sense of place, is what makes a city desirable and what brings in the dollars.

Since the proposal to change the height limit first became public, I've discussed this issue with colleagues across the country. Unanimously, they have responded that they find Washington to be so very appealing because of its form. And they are horrified to learn that that very form is threatened.

Our city's form, which is so valued by visitors as well as residents, is the result of L'Enfant's brilliant plan on the ground and of the 1910 height limit in the air. And just as the plan of two centuries ago remains valid today, so does the height limit, which is neither an arbitrary nor an obsolete concept. It is a brilliant and timeless model, based on the width of our streets and resulting in a light-filled, human-scaled environment. It is also a ratio that results in a graceful and elegant environment. A change in the height would result in an alteration of that proportion that would no longer produce the serene built environment that is the pride of the nation's capital. (This is not to be interpreted to mean that I would find an increase in height acceptable if the streets were widened. I've been to Moscow and seen the tragic loss of history and culture when buildings were sacrificed to create wide avenues.)

I find the DC Office of Planning's argument that we will soon run out of space and that we need to increase our housing stock in order to accommodate our increased population to be a specious one. First, because the DC Office of General Services holds hundreds – perhaps thousands – of vacant housing units in its inventory. The Department of Housing and Community Development, in a 2010 report, claimed that there are 2,900 vacant buildings in the District. While not all are housing, many are. If all vacant city-owned housing units, as well as privately-held ones, were put back on-

line, it would go a long way toward providing housing for our increasing population (which, by the way, is now increasing at a slower rate than anticipated by the DC Office of Planning). Those units that would be put back on-line are far more likely to be affordable housing than the luxury units that would surely result from raising the height limit.

As to the argument that we are running out of developable land, I quote the developer who said in a recent interview "There is plenty of undeveloped FAR." This comes as no surprise to anyone familiar with our city. While it is true that our downtown is nearly built to capacity, and that close-in areas, like the Fourteenth Street Corridor, are now being developed at higher densities, there is still plenty of undeveloped land in other parts of the city. There is no justification for eliminating the height limit in those parts of the city. First, let's fill it in. Development in those areas would bring vitality to neighborhoods that have been experiencing decline for decades. Development in those areas would be Smart Growth.

I ask the Commissioners to oppose ANY changes to the Height of Buildings Act. Furthermore, before any change is made to the Act, all the citizens of Washington, DC should be allowed to voice their opinions in a city-wide referendum.

Thank you for the opportunity to comment.



5811 33<sup>rd</sup> St NW  
Washington, D.C. 20015  
October 26, 2013

National Capital Planning Commission  
401 9<sup>th</sup> St NW, North Lobby, Suite 500  
Washington, D.C. 20004

Re: Written Testimony on the Heights Act Study for the Special NCPC Meeting of October 30, 2013

Dear Commission Members:

Thank you for holding a hearing to gather public comment about the Height Act Study. I find both the arguments and the process followed by the Office of Planning to be fundamentally flawed, and hope that the National Capital Planning Commission (NCPC) will strongly reject the Office of Planning's recommendations to gut the Height Act of 1910.

The Height Act has created a beautiful and thriving city. When I escort visitors around D.C., they are often struck by the number of trees and the beautiful vistas from our hills and parks. In the midst of a serious financial downturn for our country, D.C. is thriving. Why, then, does the Office of Planning want to tamper with conditions under which the city has flourished, both economically and environmentally? The Office of Planning seems to be framing the removal of the Height Act in two ways: first, as a necessity to increase D.C.'s tax base and revenues, and second, as a moral obligation under Home Rule. However, I see these as smokescreens for the Office of Planning's real motive: to fundamentally alter the character of our city in a way that fits the vision of the urban planners in the Office of Planning and developers who would profit from greater building heights.

First, raising heights is not a precondition to financial stability, as the Office of Planning would argue. Yes, it is true that unlike other states which tax incomes of non-resident workers, D.C. is not allowed to tax incomes of workers who work in D.C. but live in other states. Also, unlike residents of territories without full representation in Congress, D.C. residents pay full federal income tax. However, if either or both of these injustices were reversed by Congress, D.C. would find itself with a financial windfall, with absolutely no need to alter the Height Act and destroy the character of our city. The federal tax policies, not the heights of our buildings, need to be changed.

Second, the Office of Planning (OP) also argues that eliminating the Height Act is necessary to allow D.C. full control of its land use under "Home Rule." I find it completely ironic that OP uses the Home Rule argument, when the Office of Planning scheduled meetings when we were not "at home" and did not show pictures of our homes. First of all, as you well know, August is a month in which many residents take vacations. OP's decision to hold Phase 2 hearings only in the month when residents were least likely to attend smacks of callous disregard at best. In fact, in July, when Commissioner May of the Department of the Interior learned of the timeframe for the public meetings, he was appalled. He stated in a meeting July 11,

"...I am concerned...the public meetings in August. And it's just such a taboo things for us. We don't even go near that in the Park Service. It just doesn't ..it's a bad thing to have to do. I was at another meeting on this topic that was not one you sponsored, but it was sponsored by

another organization and the cries of conspiracy started going up about this. And I tried to defend NCPC because at that time, I didn't know you were planning meetings in August... So anyway, if there is anything that can be done to repeat the information or do something in September to make sure that you touch the folks who would otherwise not be able to make one of the other ones."

However, with OP claiming pressure from Congress, the hearings continued at the precise time of year to generate the least amount of public participation.

Furthermore, as I wrote to members of the D.C. City Council and Mayor Gray back in August, although the Office of Planning was tasked by Congress to take into account "compatibility to the surrounding neighborhoods, national security concerns, [and] input from local residents...", in its Phase 2 meetings in August, OP did not provide a single slide in its presentation, nor could staffers direct me to a single image in its modeling study, from the ground level of a single-family residential street showing what our neighborhoods would look like if areas identified as medium or high density in the Comprehensive Plan were allowed to build up to heights allowed under the Height Act now or a more relaxed Height Act in the future. In other words, OP completely avoided showing any direct impact of height increases on single-family areas.

This glaring absence of modeling images from the residents' street-level perspective is inexcusable. The choice of images created for the modeling study was up to OP, and OP deliberately chose not to include models showing the immediate impact of increased heights in residential areas. Furthermore, when that omission was brought to OP's attention by both NCPC and residents, OP again refused to add new residential street-level slides to the study before going forward with the Phase 3 Draft Recommendations. Thus, OP ignored not only its citizens, and made it difficult for us to perceive the impact of proposed changes, but OP also ignored Congress' request to take into account "compatibility to the surrounding neighborhoods...[and] input from local residents."

Moreover, the Office of Planning has deliberately mischaracterized the nature of the Congressional hearing last July to downplay the potential impact of the proposed changes on the residents and their neighborhoods. Harriet Tregoning of the Office of Planning stated at the August 3 Phase 2 meeting that "The very minor change that was being contemplated in the [July 2012] hearing was whether the penthouses should be allowed to be used for something other than mechanicals." Yet, the title of the hearing was "Changes to the Heights Act: Shaping Washington, D.C. for the Future." It strains all credulity to think that the Office of Planning went into a hearing with that title thinking the hearing was only about penthouses. Certainly the financial arm of D.C. government understood the hearings implications, for, in that same hearing, CFO Natwar Gandhi spoke of the complete elimination of height and density restrictions in the district. Then, in his written testimony, Gandhi explained the impact of potential height/density increases on revenues. He wrote, "under our current practices, our assessors will take into consideration the potential increase in value of highest and best uses of each parcel, and re-assess these properties at higher value." (emphasis added) Thus, not only did the Office of Planning obscure the profound visual impact of changing the Height Act in the Phase 2 comment process, but also they failed to reveal the full extent of the city's ambition for change, and the profound financial impact of potential changes on residents.

I have three additional concerns about the arguments and process: first, the Office of Planning's claims that we need to develop because we will run out of room are on shaky ground.

When Natwar Gandhi testified before Congress on July 19, 2012, he said the supply of housing is nowhere near exhausted. If there is more housing, how are we out of room? If the statistics were so compelling, why didn't OP have data to back up its claims during the Phase 2 meeting process? Second, in the Phase 2 meetings, Harriet Tregoning said that OP needed to wrap this process up soon, because Darryl Issa will not be Chairman on the Committee on Oversight and Government Reform after 2014. Shouldn't the case stand on the merits, and not on the Chairmanship of the Committee? In the July 2012 hearing, Gandhi noted, "Given our assessment cycle, even if such a policy [of eliminated height and density restrictions] would be [sic] in effect by October 1, 2013, the first revenue impact would not be realized until Fiscal Year 2015." Perhaps this 2-year delay is one of the real factors behind OPs push to wrap up the study so quickly and jump into changes to the Comprehensive Plan and Zoning. Third, OP claims that changing the Height Act will allow for more affordable housing. High rises are significantly more expensive to build than lower buildings, and thus, are usually reserved for places where the cost of land is so prohibitive that there is no alternative. In those cases, the real estate, while vertical, is still far beyond the reach of an average citizen. Surely D.C does not want to eliminate height restrictions to create its own version of a Cabrini Green housing project.

In the hearings I have attended and read, I have rarely heard the Office of Planning speak positively of the existing architecture and existing neighborhoods in our city. The speakers' eyes have lit up as they talked about the "iconic skylines" of other cities or "tall, graceful" buildings that might be built along Metro's Red Line. However, what OP dismisses is what many in D.C. treasure. With lower heights, our conservative buildings give a sense of gravitas, history, and tradition. With lower heights, we have diffused our building, and thus our economic activity, across sections of the city. With lower heights, we have communities within the city that feel more like Mayberry than Manhattan, with generations that know each other from the parks, schools, baseball leagues, local churches, and libraries. With lower heights, we can still see the topographic relevance of the many Civil War Defense forts that ring the city. With lower heights, we have parks that can sustain the number of residents wishing to use them. With lower heights, we can see the sky and get sunlight in our homes. With lower heights, we have lower and middle-income residents who can afford to stay in their homes, because they are not being taxed as if they live on land that can be developed into high-rises. The changes proposed by the Office of Planning might benefit developers in the short term, but would irrevocably damage the character of our communities in the long run. Our vistas and residential neighborhoods are assets that should be celebrated and protected, not exploited.

Please reject the Office of Planning's proposal to eliminate the Federal Heights Act of 1910. If the city needs more revenue, by all means, let us publicize the unfair constraints for taxation under which the District operates and ask Congress to address them. But the issue of tax revenues should not be a justification for raising building heights. The Height Act has served us well and should continue for generations to come.

Thank you for your consideration.

Sincerely,

Laura Phinizy  
Resident, Chevy Chase, Ward 4

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Roger K. Lewis

Testimony

National Capital Planning Commission

October 30, 2013, Public Hearing on DC Height Master Plan

I am Roger K. Lewis, a 46-year Washington, DC, resident, a practicing architect and planner, and a University of Maryland professor emeritus of architecture. Since 1984, both as author of the Washington Post's "Shaping the City" column and as a regular guest on WAMU's Kojo Nnamdi radio, I frequently have written and spoken publicly about the need to revisit DC building height limits.

Last year Congresswoman Eleanor Holmes Norton invited me to be one of the six witnesses testifying at Representative Issa's July 19, 2012, Subcommittee hearing concerning the 1910 Height of Buildings Act.

In that testimony, submitted for inclusion in today's meeting record, I testified: that appropriate height limit adjustments in carefully delineated areas of DC would be beneficial and justifiable; that moderate, strategically located adjustments would not jeopardize the city's historic profile or threaten federal interests; that modifying the 1910 statute therefore deserves consideration and study; and that such a study should be "prepared collaboratively" - collaboratively! - by NCPC and DC's Office of Planning. I foresaw collaboration yielding a single, reasonably unified study.

As of today, the NCPC and OP collaboration has not produced such a study. Instead we have two thoroughly researched draft studies whose recommendations, while overlapping in some ways, nevertheless differ significantly.

Both studies advocate preserving the historic visual character of the L'Enfant-planned, topographically coherent portion of the capital city attributable to its dominantly horizontal, low-rise silhouette and the visual prominence of nationally significant

Testimony  
of  
Roger K. Lewis  
appearing before the  
Subcommittee on Health Care, District of Columbia, Census and the National Archives  
July 19, 2012  
Hearing to Examine Issues Surrounding the District of Columbia 1910 Heights Act

My name is Roger K. Lewis, and I thank you for inviting me to testify before this Subcommittee.

I am a practicing architect, urban designer, and professor emeritus of architecture at the University of Maryland. Since 1984, I have written the Washington Post's "Shaping the City" column, and since 2007 I have been a regular guest on WAMU-FM's Kojo Nnamdi radio show. District of Columbia height limits periodically have been a topic of my column and the Kojo Nnamdi show.

I believe some modifications of the 1910 statute, with appropriate zoning changes in carefully chosen areas, are needed and should be considered.

In America, building height limits were based initially on several considerations: (1) recognizing fire-fighting, structural, vertical transportation and other technical constraints; (2) ensuring adequate light, air, ventilation and views desirable for public streets, civic spaces and abutting private properties; (3) respecting historically prevalent building heights in established neighborhoods that pre-existed zoning; and (4) making necessary aesthetic value judgments about urban design and architectural form. Yet inevitably height limits are arbitrary - for example, why 90 feet rather than 85 or 95 feet? In fact, there are no formulas or universal standards for setting exact height limits.

In the District of Columbia since 1910, these considerations have constituted the basis for stipulating and maintaining height limits. Thanks to these historic limits, the nation's capital has remained a uniquely memorable, low- and mid-rise city. From many places in the city, views of America's most iconic, symbolically significant structures - the U.S.

Capitol, the Washington Monument, the Lincoln and Jefferson memorials, the White House - have been preserved because downtown skyscrapers cannot be erected.

Yet there are places in the District of Columbia where height limits established decades ago are today inappropriate and unnecessarily constraining, a reflection of outdated planning and zoning practices from the early and mid-20th century. These practices were characterized most notably by designation of large areas - land use zones - within the city limited to predominantly one use and uniform height limit. Broad-brush, one-size-fits-all planning and zoning failed to take into account, within each land use zone, locational variations in topography, solar orientation, views and vistas, proximity to parks, adjacency to civic open spaces, and infrastructure, especially transit. It did not differentiate between mid-block properties and properties at major intersections.

Today's city planning, urban design and architectural principles and techniques - such as computer-based Geographic Information Systems (GIS) - are far more sophisticated and effective. Broadbrush strategies of the past are obsolete. We now can engage in fine-grain planning, urban design and zoning. We can identify, analyze and designate specific sites in the city where increased building height and density make great sense aesthetically, environmentally, functionally, socially and economically. This "smart growth" approach can enhance the city's urban and architectural qualities while yielding fiscal benefits for the city. Furthermore, enacted as an incentive bonus overlaying existing zoning in appropriate locations, increased building height limits - and density - can engender development of much needed affordable housing.

Where should height limits change? In the downtown l'Enfant Plan area of the District, including traditional residential neighborhoods, height limits should remain substantially unchanged to preserve the center city's dominant character and skyline. But there are specific sites - such as the Southwest and Anacostia River waterfronts - where upward adjustment of height limits would be beneficial without jeopardizing the city's historic profile. Outside the l'Enfant Plan area, many sites could be suitable for higher buildings, especially near Metro stations and major roadways.

The only equitable, professionally responsible method for identifying places to raise height limits, and for determining new height limits, is to create a detailed, city-wide plan, prior to any rezoning, based on a rigorous, comprehensive study. This is essential to avoid piecemeal, property-by-property relaxation of height limits through variances, exceptions and ad hoc rezonings, a process too often influenced by political and financial pressures. Because municipal and federal interests are involved, the building height study and plan should be prepared collaboratively and transparently by the D.C. Office of Planning and the National Capital Planning Commission.

Many Washingtonians are apprehensive when anyone suggests modifying D.C. height limits. They envision Rosslyn-like skyscrapers rising all over town, ruining the capital's historic image. Some believe that raising D.C. height limits anywhere would set precedents invariably opening the proverbial "barn door" to greedy developers in league with corrupt politicians, enabling high-rise buildings throughout the city.

But skeptical citizens need to understand that, through fine-grain urban design, prudent legislation and precisely targeted, well enforced land use regulation, the barn door will not and cannot be thrown open. Therefore, revisiting D.C. height limits requires not only a credible, city-wide planning effort, but also an on-going public education effort to help citizens recognize that legislation adopted over a century ago can be improved.



structures and spaces. Both would limit building heights and not allow skyscrapers. In fact the study differences are less about vertical dimensions than about governance.

In support of home rule, OP proposes greater DC stewardship of the city's physical form by eventually replacing the 1910 Height of Buildings Act with laws and regulations serving local and national interests simultaneously. OP envisions future building height limits established through federal and municipal collaboration rather than by a Congressional statute capping the entire city. OP notes that DC zoning regulations and height limits always will be subject to exhaustively rigorous scrutiny by numerous city and federal oversight agencies, as well as by Congress and DC citizens.

By contrast, NCPC believes that only Congress and the 1910 Height of Buildings Act can protect federal interests and preserve the city's iconic urban and architectural heritage. Unstated but implied in the NCPC study is doubt about DC government's ability to ensure that ever taller buildings won't pop up where they don't belong, in violation of the city's comprehensive plan and zoning regulations. NCPC has in effect sided with naysayers who argue that any height limit changes anywhere in DC will lead to "height creep," with greedy developers and corruptible public officials making deals to build "skyscrapers" throughout the city.

Nevertheless, the NCPC draft study explicitly acknowledges that "there may be some opportunities for strategic change in areas outside of the L'Enfant City and beyond the edge of the topographic bowl, where there is less concentration of federal interests."

This implies that in DC's many diverse neighborhoods without meaningful federal interests, as defined by NCPC and OP, height limits could be governed by an updated DC comprehensive plan and zoning regulations, not by Congress. In specifically targeted areas of the city, somewhat taller buildings make sense functionally, economically and aesthetically. However, I oppose blanket or zone-wide height limit increases, as illustrated by digital modeling images in both the NCPC and OP reports.

I strongly urge NCPC and OP to now collaborate, reconcile and, as much as possible, merge their findings and recommendations to provide Congress a single, reasonably unified study that still can set forth alternatives. Sending Rep. Issa and his Committee two distinctly separate studies with sharply contrasting governance and urban

design strategies not only heightens ambiguity, it also could result in a one-sided decision whereby federal interests completely and unfairly trump justifiable city interests.

The work of NCPC and OP is just beginning. NCPC and OP must continue to collaborate by undertaking rigorous, fine-grain master planning and urban design to determine where buildings should be higher, and by how much. Only then can a new, detailed, city-wide comprehensive plan be created to guide future height limit legislation that respects Washington's unique history while achieving local and national goals.

Again thank you for this opportunity to testify.

My name is Ben Klemens. I live in a house at the North end of L'Enfant's plan. My day job is as a manager in a federal agency, working at the federal center in Suitland, Maryland.

My understanding of federal administration is that its central problem is how to attract and retain talented people. It is the key to efficient government.

In the segment of the NCPC draft report on the location of federal agencies, where I had expected discussion of this central federal interest, the report instead states that recent federal office developments "outside of traditional downtown federal enclaves [are] often serving as catalysts in distressed or emerging markets and anchoring development around Metrorail stations." The discussion in this section of the report is therefore not about federal interests, but about how the federal government can encourage local growth. Further, from my perspective in Suitland, the statements in this segment ring false: if anything, the Suitland Federal Center, off limits to not-federally-employed local residents, has had a deadening effect on the area around the Suitland Metro.

What that means for us as federal workers is that we are effectively trapped in the bubble of our building from clock-in to clock-out. In other places I have worked, my coworkers and I have often gone out to lunch, which naturally made us a better team and helped us to enjoy work a little bit more. If we had an interviewee that the bosses were especially interested in, we'd go out for dinner with him or her. All of that is largely impossible from Suitland, Maryland. My agency has a strong workforce, but I have also seen coworkers leave, complaining of the problems with working at a geographically isolated agency. I've listened to interviewees---suburbanites and urbanites alike---wonder aloud whether they could make the commute every day.

The report as written gives several examples showing that new federal office space continues to be developed at a regular pace, and points out that the trend has been toward building more Suitland-like campuses. But it fails to make the link that this trend can be detrimental to the key federal interest of hiring good people and helping them to enjoy coming to work every day.

I have noticed that, although the option has always been open to them, the NCPC has never chosen to relocate to Suitland, Maryland. There, they would have bigger offices at a lower land-use cost, thus freeing up budget for new or expanded programs. The fact that the NCPC has not made such a move to less dense pastures indicates that it has found value in its current location, perhaps from easier transportation, better amenities, or proximity to other agencies or businesses. Whatever it is that the NCPC has at its current location, other federal managers like myself need as well, so that we too can attract and retain the best and the brightest.

Because the problem of attracting and retaining talented people is absolutely central to federal administration, I believe it is vitally in the federal interest to take steps to expand the availability of central DC office space where federal agencies can locate.

October 7, 2013

Members of the National Capital Planning Commission:

I would like to submit my comments to the Height Act studies prepared by the National Capital Planning Commission and the Government of the District of Columbia. I have lived in the District of Columbia since 2004, when this exceptional city drew me to American University for undergraduate studies. Today I have a Masters in Local Economic Development from the London School of Economics and work as a research analyst at the Metropolitan Policy Program at the Brookings Institution. My academic and professional training inform my thinking on this subject, but all views expressed here are my own and not those of the Metropolitan Policy Program or the Brookings Institution.

I feel strongly that the Height Act should be preserved in its current form to protect the interests of the District's residents and the American public today and for generations to come. I also feel strongly that proponents of changes to the Height Act have not yet satisfactorily answered a number of serious questions. I will discuss these first.

To begin, I would encourage the Commission to scrutinize the forecasts used by the District of Columbia to justify changes to the Height Act for a number of reasons, namely:

- **The low growth scenario may be too high to represent a credible conservative lower bound.** An appropriate conservative forecast for population or household growth would have been a natural baseline like the rate of population growth in the United States (0.7 percent annually). Even this might have been too high though, considering that most of the country's projected population growth will take place in other regions, and DC has lower fertility rates than the country on average (40 births per 1,000 women in DC in 2012 compared to 54 per 1,000 in the U.S., according to the ACS). Furthermore, the District should explain why it believes the 30 year forecasts it calculated to guide planning in 2012 should now be accepted as the lower bound. If anything, the District's official projection should count as this study's middle growth scenario.
- **The high growth scenario extrapolates from short-term trends established during an extraordinary period.** The District's population growth over the past five years has been extraordinary—and does not in itself represent a new normal. Economists and policy-makers should be innately skeptical of any "trends" established over the most disruptive few years in modern economic history. The Washington DC metro area barely suffered from the recession, bolstered as it was by the immense countercyclical force of the federal government. Accordingly, it became a relative magnet for in-migration—mostly for footloose young renters entering the labor market and unaffected by the housing crisis nationally—during a period in which, nationally, migration came to a halt. Even today, low interest rates connected to the Federal Reserve's extraordinary and on-going capital market interventions make District real estate a relatively more attractive investment than it would be in normal times.

Meanwhile over the past two years the District has seen stagnating federal employment seize up the local job market. In 2012, private employment in the District of Columbia increased by 1.2 percent (6,300 jobs)—in line with the District's high-growth scenario—but total employment including the federal government grew by only 0.4 percent in 2012, and has declined over 2013

as federal losses have outweighed private gains, according to the Bureau of Labor Statistics. This evidence suggests that the region's economy has not measurably decoupled from the federal government, though an increasingly robust private sector offsets more of the cyclical fluctuations in federal employment than it used to. Whether positive private sector job growth can continue in the region in light of further federal distress remains to be seen.

- **The District's projections fail to account for the cyclical nature of the economy.** The District's study contains no discussion of economic cycles and instead asks the Commission to assume that the present boom can reasonably be expected to continue indefinitely. This would be a dangerous and foolhardy assumption to make. The economy moves in cycles. Neither the District nor the metropolitan area is immune to this hard and fast law of economics. The local economy may be slightly out of step from the national economy given the dominance and countercyclical nature of federal spending. But the investment boom currently underway in the District cannot be assumed to last forever. It strikes me as seriously problematic that the District's projections were not calculated over an economic cycle, and that the possibility of a market correction was not even discussed.

At a minimum, planners should wait and measure the impact that the recent round of development has on real estate prices as new office space and housing comes onto the market. It would be a shame to abandon the Height Act on the eve of an easily anticipated market correction. Such a move would risk changing the very character of the nation's capital forever because decision-makers made the all-too-human mistake of assuming that present trends would last forever, and that markets could only go up.

I would also like to bring attention to some potentially dubious arguments for revising the Height Act:

- **While high housing costs can be indicative of scarcity, they also reflect structural characteristics of the regional economy.** No relationship is more robust in economic geography than that between average educational attainment in a region and its median household income. Washington DC is the country's most educated metropolitan area. It also has the highest median household income. These are facts of its economy—facts which go a long way in explaining the city's and the region's high housing costs. This is not to say that market constraints like the height limits do not distort prices—they likely do—only to say that the District will have high housing costs as long as it remains a magnet for highly educated knowledge workers, and the question the city's planners must answer is how much responsibility the Height Act truly bears. I do not yet know of long-term residents being priced out of the market; it seems like neighborhoods are actually becoming more mixed and infill development is occurring in a way that mends the fabric of the city quite remarkably. If the District has evidence to the contrary, it should show it.
- **Urban economics is clear about the benefits of density; Washington DC already has the requisite density to take advantage of them.** The District of Columbia is one of the densest jurisdictions in the country. The city enjoys a world-class transit system because of it. Any increase in density in the District could over-burden already taxed road and transit infrastructure. What is more, the city is a national and global leader in urban innovations such as Capital Bikeshare, Car2Go, and now Uber—all made viable by the District's density.

The District's density also suffices to catalyze the knowledge spillovers and other urbanization economies that drive economic development and innovation in regions. Most of these dynamics like labor market pooling and company specialization occur at the metropolitan scale. Evidence exists that knowledge spillovers—the natural flow of knowledge and ideas among people and firms within industries and across them which makes everyone in proximity more productive—do attenuate at smaller scales, but this attenuation is related by proximity to clusters of human capital (See Rosenthal and Strange, "The Attenuation of Human Capital Spillovers," 2005). In a dense, decentralized, and highly educated metropolitan area like Washington, knowledge spillovers will blanket the region.

- **Certain arguments in favor of lifting the height restrictions are actually in favor of better zoning.** Many blame the purported "boxiness" of Washington architecture on the Height Act, claiming that the restrictions force developers to maximize the built area within any given parcel, thus leading directly to cubic design. Allowing a few extra floors is unlikely to change the developers' calculus, though—especially since constraints in historical L'Enfant City will always keep office space close to downtown scarce. City planners meanwhile have a number of tools at their disposal to safeguard the city against "boxy" and monotonous development. The city can divide blocks into smaller parcels and zone them for a mix of retail, housing, and offices. Variety absolutely makes a streetscape, but relaxing the Height Act is not necessary to achieve it.

Finally, three elements of the District plan demand further explanation:

- The District claims to want to use changes to the Height Act to expand affordable housing opportunities in the city, but it also states that it only expects high density corridors with high rents to attract the necessary capital to construct at newly permissible heights. This points towards already prosperous Northwest and Upper Northwest, and does not support the District's own argument that lifting the height restrictions will boost affordable housing in the city. Instead, it currently sounds like the District's plan to alleviate price pressures is to divert new investment away from the very neighborhoods in desperate need of it. The District should explain more clearly how it intends to use relaxed height limits to expand affordable housing opportunities and channel new development to neglected areas.
- It strikes me that the high growth scenarios seem to call for more new square footage than minor adjustments to the Height Act could ever possibly provide given the present realities of the city's development patterns. This is especially true once one removes L'Enfant City and the topographical bowl from the equation, which the District plan barely discusses despite explicit instructions from the U.S. House Committee on Oversight and Government Reform. Either the District plans very large and very high development projects throughout the few remaining plots in the city, or it missed an opportunity to submit more realistic and useful accountings of development potential in line with the understood scope of this study.
- Given the city's current state of development, I cannot see how the District would retain the horizontality of the skyline if the height restrictions were lifted or relaxed. The map of developable sites is a patchwork. New builds would tower over old builds in a random manner,

puncturing the skyline and commanding undue attention. London's chaotic skyline works for a financial capital, but even a version with capped heights would not befit Washington DC.

For these reasons I urge the District and the Commission to make no significant or hasty changes to the Height Act.

For the residents of the District of Columbia, more here is at stake than views of the monuments and national landmarks. The Height Act has created a special character and distinctiveness that extends far beyond downtown and that is worth preserving. For residents, it is the National Cathedral, the Basilica at Catholic University, the bell tower at Howard, the clock tower at Georgetown, and the spires at 16<sup>th</sup> and Columbia—each steeped in national and local history—that characterize the city. Vibrant neighborhood life fostered by people-sized streets makes Washington DC home. Washington DC lacks no urban amenities; indeed its residents enjoy one of the largest continuous swathes of livable, walkable, bikeable urbanity in the United States. The Height Act combined with the city's recent population growth and smart planning are stitching the city's urban fabric back together after decades of segregation and disinvestment. Today residents in all four corners of the city enjoy a built environment balanced by greenery and sky.

It disappointed me to read the District reject the Height Act as a 19<sup>th</sup> century anachronism. Regardless of its origins, the Height Act has had an immutable impact on the evolution of this city. For over 100 years the Height Act has guided the city's development. It is part of our history. It has shaped the nation's capital. And it is against the backdrop protected by the Height Act that the nation's monuments and the neighborhoods' symbols become something greater than the sum of their parts.

Washington DC is in that elite club of cities with a globally recognizable skyline. The world's great cities each have their own unique personalities—personalities reflected in the built environment. The stately elegance of Washington's skyline matches the heart and soul of the city. The skyline works with the monuments and landmarks to elevate the nation's capital into a majestic symbol of governance. The skyline of Washington DC is one of the nation's most prized public goods. It is one of its residents' most prized public goods as well, and it is the responsibility of government at all levels to defend that priceless public good against monetized private interests.

I thank you for your consideration of this very important subject and for the opportunity to comment.

Sincerely,

Kenan T. Fikri  
2535 13<sup>th</sup> Street, NW #401  
Washington, DC 20009



**National Capital Planning Commission**  
**Special Commission Meeting Regarding Height Master Plan**  
**October 30, 2013 - 4:30 PM**

**Comments of Jeff Utz on behalf of the B.F. Saul Company and Goulston & Storrs**

**Introduction**

Good evening, members of the Commission, my name is Jeff Utz appearing before you on behalf of the B.F. Saul Company and affiliates and the law firm of Goulston and Storrs. B.F. Saul is an owner and developer of a number of properties in the District of Columbia, and region, including the Kennedy Warren apartments, Hay Adams Hotel, 601 Pennsylvania Avenue, 925 15<sup>th</sup> Street, and the Van Ness Center. I am here to express our support of the District of Columbia's Evaluation and Draft Recommendations dated September 20, 2013.

The District of Columbia Recommendations take a sensible, holistic approach to the question of whether the Height Act should be revisited. The District Recommendations aimed to preserve the visual preeminence of the Capitol, monuments and the incredible, unique view sheds existing all over the city, minimize the impacts on nationally significant historic resources and maintain the horizontality of the skyline, while allowing the District and Federal government to reap economic, fiscal and social benefits. In doing so, the District took an in-depth look at the City's ability to accommodate its projected growth in employment and residents under the Height Act and zoning as they currently exist.

The District is currently constrained by a Height Act that was created at a time when fire-safety required a height limitation on structures.

**Summary of District recommendations**

As you know, the District recommendation falls into two broad elements:

1. L'Enfant City – Allowing some streets within the L'Enfant City to have additional height in a manner that retains the characteristic relationship between street width and building height, ensuring light, air and a human-scaled city, but uncapped by 19th century fire safety constraints.
  - a. Specifically, this would use a ratio of 1: 1.25 which would result in a maximum building height of 200 feet for 160 foot wide streets; and
2. Outside of L'Enfant City – Allowing the District of Columbia to determine building height maximums for areas outside of the L'Enfant City through its Comprehensive Plan and zoning processes.

- a. This would result from the Federal interest being less and more attenuated or perhaps non-existent – although still always considered - outside of the L'Enfant City.

### **Benefits to changing Height Act**

The District's proposed changes to the Height Act would have a high degree of benefits for the City and the Federal government with little to no downside.

### **Revenue, growth, and affordability**

As described in the District Recommendations, the District is in a unique position in that it is subject to funding and providing a wide range of services using a revenue base that is significantly constrained. The District must provide the services of a state, county and city on a city budget. Complicating matters, nearly 50% of the land of the District is off the tax rolls (due to Federal and non-profit ownership). The District also must meet the service needs of one of the largest commuter population in the country, including transportation, police, fire and emergency management. The result is that the District's budget is structurally imbalanced. The District needs to grow its tax base to address that issue. Increasing the Height Act does exactly that without raising taxes. Such a move would stimulate the local economy as well and allow the District to enter a virtuous cycle. This conclusion is supported by the Economic Feasibility Analysis obtained by the District, which concluded that increasing the maximum height cap could enhance the District's ability to attract more residents and capture more of the regional office market (with the associated jobs) if those increases were targeted to areas with high market demand.

The District is also unquestionably a growing City. In total, the population and jobs demand through 2040 could require between 157 million and 317 million square feet. Under current zoning we have less than a 30 year supply of development capacity.

The result is that under the current Height Act and zoning laws, constrained supply will create price pressures long before the actual development capacity is exhausted. This means that a City that is already renowned as one of the least affordable places in the United States, and subject to an affordable housing crisis where rents per square foot are some of the highest in the region and country, will experience yet further upward movement to pricing and rents. In addition to limiting who could afford to live in the District, these price pressures would constrain the City's economic growth.

The choice is binary – the District can either grow taller where appropriate or it can grow off of the 4.9% of remaining developable land area.

### **Aesthetics**

It's not all about economics and growth. The District Recommendations take into account the importance of the aesthetics of the Capital City – from its important view sheds to its unique horizontality. View shed protection is a foundational component of both of the District's draft

recommendations for changes to the Height Act. Civic structures and related views contribute to the unique character and attractiveness of Washington, DC. The protection of view sheds is not only a federal but also a local interest. The District is firmly committed to protecting the majestic views to nationally significant buildings and monuments.

### **Safeguards and Review**

There are many safeguards that would ensure that such important aesthetic considerations always considered.

The changes to the Height Act would occur only through revisions to D.C.'s Comprehensive Plan and Zoning Regulations. Such processes would allow for numerous opportunities for public participation, and would require D.C. Council and Zoning Commission approval, along with Federal review and approval. Federal review takes places through NCPC's approval authority over the District Elements of the Comprehensive Plan and the federal government holding 40% of approval authority on the Zoning Commission.

In addition to these requirements, the District proposes that any increased heights allowable under a modified Height Act also be subject to:

1. A new special design review by the Zoning Commission; and
2. New Comprehensive Plan and zoning requirements that development projects that receive increased heights provide for public benefits in support of affordable housing or infrastructure.

Changes to the Zoning Regulations would further implement certain viewshed protections that are already currently in place throughout the District. For example, 16<sup>th</sup> Street, Massachusetts Avenue, and Mount Vernon Square all require setbacks at certain heights to maintain the views.

The District Recommendations proposed that any increases to building height resulting from a modification to the Height Act would be implemented gradually, corresponding with actual population and job growth.

### **Support of NCPC Report and Findings**

Goulston & Storrs also wants to express support for the changes to the Height Act proposed by the NCPC's Report and Findings dated September 12, 2013.

The NCPC Report proposed a potential opportunity for change that would allow for increase usage of penthouses. Such modification to the Height Act would allow human recreational occupancy of penthouses rather than limiting them to mechanical equipment and other similar uses. Such modification to the Height Act could be made to include specific protections for select Federal buildings, such as the White House and US Capitol.

NCPC also noted that there might be some opportunities for strategic change to the Height Act in the areas outside the L'Enfant City and beyond the edge of the topographic bowl where there is

less concentration of Federal interests. As stated above, we would encourage these changes to the Height Act outside of the L'Enfant City as well. It appears that there is common ground between the NCPC and District Reports.

### **Conclusion**

Thank you for the opportunity to submit my comments.



**TESTIMONY OF DENIS JAMES, PRESIDENT, KALORAMA CITIZENS ASSOCIATION  
FOR THE NATIONAL CAPITOL PLANNING COMMISSION MEETING  
ON THE FEDERAL HEIGHT OF BUILDINGS ACT, OCTOBER 30, 2013**

I have been a homeowner in the Adams Morgan neighborhood since 1971. As a very young adult, I was drawn to the architecture, human scale and wonderful skyline of our beautiful city. From my roof, I can see fireworks on the 4<sup>th</sup> of July, the Washington Monument, the US Capitol, RFK Stadium, and many of the wonderful old buildings that residents of this city have fought long and hard to protect through Historic District Preservation or Landmarking. During my time as president of KCA, we petitioned successfully for the creation of the Washington Heights Historic District in central Adams Morgan.

All this and more would be put at risk if the proposals of the DC Office of Planning are allowed to proceed. These proposals would inevitably lead to an inability to provide good stewardship of DC's historic resources, whether in the so-called historic "bowl" of the L'Enfant city, or the many other neighborhoods that have decided in favor of historic protections.

DC has been going through a multi-year Zoning Regulations Review process. If heights are changed, much of the time and effort spent in this process will have been wasted. Significantly taller buildings will require changes to the basic architecture of DC's zoning: the allowable floor area ratios; lot coverage; side and rear yards; and of course, the appropriate amount of parking. DC government will be seen as not honestly serving its residents, those whose participation it has actively sought.

DC OP's irresponsible desire to pack as many residents into the city as possible has led to destabilization within settled, mature neighborhoods, often those that are historic districts, as oversized projects are approved, often exceeding what the historic preservation law would seem to allow. This type of activity would only be intensified if taller heights are allowed. Whole row-house blocks could be lost through Planned Unit Developments, because the potential value of the land would make that attractive to developers. We would be left with a series of row-house facades fronting massive developments like Red Lion Row.

Apart from the "gentrification" that long-term Washingtonians are so sadly familiar with, this new destabilization would lead to another type of wholesale removal as close-in neighborhoods would be put under tremendous economic pressure. DC would become not a place where we could age in place, but just a place where neighborhood feeling is lost, and an endless series of soulless condos built where vital neighborhoods once existed.

For this reason, we must depend on the NCPC to be the wise advocate on behalf of DC residents, businesses and the many visitors to our beautiful city. I urge NCPC to reconsider even its modest proposal with regard to penthouse occupation. Such changes can be accomplished in a reasonable fashion through DC's own zoning process.

Denis James  
Adams Morgan

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Denis James □ President  
Bob Ellsworth □ Vice President  
Eric Clifton □ Secretary  
Christine Saum □ Treasurer

Founded 1919

P.O. Box 21311  
Kalorama Station  
Washington, DC 20009



## **RESOLUTION OF THE KALORAMA CITIZENS ASSOCIATION IN OPPOSITION TO CHANGES TO THE HEIGHT OF BUILDINGS ACT**

Whereas, the DC Office of Planning (OP) and the National Capitol Planning Commission (NCPC) are studying the Federal Height of Buildings Act, which along with DC Zoning Regulations controls the allowable height of all buildings in DC, and

Whereas, OP and NCPC have held two rounds of public meetings on this topic that featured describing the status quo and "modeling" what various taller heights would look like for the DC skyline, and

Whereas, OP's own presentation clearly showed that in the vast majority of cases, buildings in areas where maximum heights of 130 or 160 feet are allowed by the Height Act, those heights have not been approached, and

Whereas, DC's horizontal skyline, and human-scaled neighborhoods define the character of life in the city, and

Whereas, it would be grossly unfair to those with treasured views of the city to allow new height that would block those views, and

Whereas, adding height would likely detract from the monumental core of the city, putting at risk the tourist and hospitality trade which is the largest element of the DC economy, and

Whereas, adding height to neighborhoods or "clusters" would likely create a building boom in those locations, leading to escalation of land and building costs and a more expensive finished housing product, which will price many current residents out of their own neighborhoods and accelerate gentrification, and

Whereas, the proper place to begin a discussion of the heights of buildings in DC is through amendment of the DC Comprehensive Plan, with massive public outreach, and a vote of the DC Council approving any changes.

Now, therefore, the members of the Kalorama Citizens Association constituting a quorum hereby vote against changes being made to the Height Act that would lead to taller buildings in DC.

This resolution was approved at the August 15, 2013 meeting of the Kalorama Citizens Association.

**Testimony of Robert Robinson and Sherrill Berger on Behalf of DC Solar United Neighborhoods (DC SUN)**  
**The Height Act Study Conducted by**  
**The National Capital Planning Commission (NCPC) and The D.C. Office of Planning (DCOP)**  
October 30, 2013

We are Sherrill Berger and Robert Robinson, District of Columbia residents, voters, taxpayers, homeowners and producers of clean, cheap, Distributed Energy for DC's electric power grid.

We speak in opposition to the findings and conclusions and recommendations of the DC Office of Planning. We believe the Height Limit Act has served the nation's capital and the residents of the nation's capital well and should continue to do so. We are not persuaded of the need to change them immediately, nor for the reasons and in the fashion DCOP proposes. Nor were we persuaded by the recommendations of the Executive Director of the National Capital Planning Commission.

That they failed to forge a consensus will not be a victory for one planning agency over the other. But it is shaping up as a disaster for DC residents and DC neighborhoods.

DCOP's findings, conclusions and recommendations are based upon assertions about the absolute need for increasing height limits, as the only way to increase the tax base, it does not prove this, or prove that this is imminently necessary. It does not consider that there may be other alternatives, or that the impact its proposed height limits would have on the environment, economy and quality of life of those of us living in the District of Columbia, including the L'Enfant City, which we acknowledge proudly as the Nation's Capital.

The DC Office of Planning's recommendations are breathless with urgency:

"... current height limits constrain existing capacity to accommodate this growth over the next three decades and that the District requires additional capacity in the future to meet future demand. The District's draft regulations for changing the federal Height of Buildings Act (Height Act) will enable the city to create a supply of developable space to accommodate future growth and avoid upward price pressures on existing supply that could push out the very residents the District needs."

DCOP's recommendations sweep aside obvious facts that:

- many areas of the city have not reached the limits allowable now under the Height Act;
- they express little interest in investing in infrastructure that would make planned development possible for areas of the city that have long needed it -- east of the Anacostia River, for example;
- and they fail to come to grips with the fact that when in the 1950's when DC's population was at its maximum -- 800,000 -- its thriving downtown really did coexist with residential neighborhoods, most of which have been removed to allow for today's tall office buildings.

Here's what we saw happen.

In June of 2012 it was reported that Representative Darrell Issa (R-CA) Chair of the House Committee On Oversight and Government Reform planned to recommend changes to the 1910 Height of Buildings Act.

On October 3, 2012, Rep. Issa formally made this recommendation to Chairman Preston Bryant of the National Capital Planning Commission (NCPC) and DC Mayor Vincent Gray. This recommendation requested that any such studies ensure DC's iconic, horizontal skyline and the visual pre-eminence of the U.S. Capitol and related national monuments. He stated that strategic changes should be explored to areas *outside* of the L'Enfant City and that DC's economic development goals should take account of federal interests, be compatible with surrounding neighborhoods, national security, the input of residents.

In November, 2012 NCPC and DCOP agreed to conduct a joint study and reach a consensus.

The following month -- December, 2012 -- DCOP announced a series of neighborhood meetings beginning in January, 2013 to tell the public to get up to speed on the comprehensive (and nearly incomprehensible) 700 pages of changes to the city's zoning regulations would occur in the fall of 2013 (coincidentally, this was the same time NCPC and DCOP were set to announce their consensus on the Height Act). Rather than making zoning language simpler and clearer, these regulations were more vague, more ambiguous than the old ones. Neighbors saw a process that would enable radical changes to occur in their neighborhoods by matter of right and with no recourse for residents.



In the spring of 2013, in the midst of DCOP's zoning roll-out, DCOP and NCPC announced the road show devoted to the proposed changes to the Height Act. DCOP Director Harriet Tregoning's my-way-or-the-highway message was, first, "It's a democratic process and I'm here to listen to what you have to say . . ." and after public comment " . . . but if you disagree with me, you're wrong."

Given the tenor of these two roll-outs, amplified by DCOP's statements about the control of height limits for the L'Enfant City and the monumental core falling within the purview of DC Comprehensive Plan process and the codification of the DC Zoning Regulations it's hard to see how the NCPC could have agreed with DCOP.

Further, DCOP's manipulations of this process have created enormous confusion and mistrust among District residents. If you live in a neighborhood adjacent to one of the city's arteries, and have seen the types of development the Zoning Commission, the BZA and the Historic Preservation Review Board are rubber stamping and you read the new, very tendentious sounding zoning regulations -- it's hard not to conclude that DCOP is in a very big hurry to begin rezoning neighborhoods on all the main arteries and north, east and west of DC's downtown.

As someone concerned about the development of clean and affordable, locally-produced electric power, i.e., Distributed Generation, increasing the height limits as envisioned will literally cast a shadow on DC's most abundant energy source: its supply of flat roofed homes and buildings capable of producing solar photovoltaic (electricity) and solar thermal energy (hot water).

As someone concerned about making DC more sustainable I know that filling up DC with more polluting commuter traffic and building taller buildings that are not efficient and pollute more is not sustainable. Buying into this kind of economic development is like buying an "affordable" house that is -- until you turn the power on.

Sherrill Berger and Robert Robinson  
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# **NAYLOR DUPONT**

## **Advisory Neighborhood Commission 7B**



District of Columbia Government

3200 S Street, S.E.,

Washington, DC. 20020

email: [anc7b@earthlink.net](mailto:anc7b@earthlink.net)

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October 28, 2013

National Capital Planning Commission  
401 9th Street NW - North Lobby, Suite 500  
Washington, DC 20004

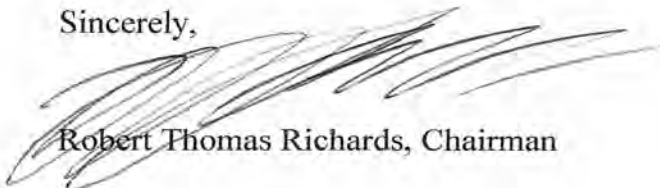
Re: The Height of Buildings Act of 1910

Dear Sirs and Madams:

Please accept this copy of my testimony on behalf of the Commission before the District of Columbia City Council Committee of the Whole. In public meetings duly advertised with a quorum present and voting in favor the Commission has three (3) times in the last year voted to oppose any change to the current height of buildings laws and regulations whether proposed by the Mayor, the Council, the Office of Zoning, the Office of Planning, the National Capital Planning Commission or by the Congress of the United States of America.

We recognize that NCPC's proposed change – to allow non-residential human occupancy on rooftop penthouse floors – is far more measured than the Office of Planning's aggressive position. While we would like to leave the Height Act intact, if there must be change, we could live with NCPC's proposal. That should satisfy Height Act critics who want to exploit the use of rooftops as recreational spaces and/or to minimize the visual impact of mechanical equipment. Retention of the Height Act has been urged by a number of distinguished zoning, planning and preservation experts. Please give due consideration to their counsel.

Sincerely,



Robert Thomas Richards, Chairman



# **NAYLOR DUPONT Advisory Neighborhood Commission 7B**



District of Columbia Government  
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## **Revised & Corrected Testimony of Robert T. Richards Before the Committee of the Whole of the Council of the District of Columbia on the District of Columbia's Recommendations on the Federal Height of Buildings Act of 1910 October 28, 2013**

Good afternoon, Chairman Mendelson and members of the Committee of the Whole. I am Robert Richards, Chair of Advisory Neighborhood Commission 7B, appearing in opposition to the Office of Planning's proposed modifications to the Height of Buildings Act.<sup>1</sup>

### **The Height Act Proposal is at Odds with the Zoning Regulation Revision**

The ANC is at a loss to understand this radical restructuring of our city. First, the Office of Planning has spent the last five years on a major rewrite of the Zoning Code and has sent a 1000-page draft to the Zoning Commission. That new draft Zoning Code, which we are struggling to understand and make sense of, is based on and shaped by the existing Height Act. At the very outset of the zoning revision process, OP said it would seek no changes to the Height Act. OP now, without warning, proposes to do away with all existing height limits outside the old L'Enfant City and replace them with --- what? OP will have to set new height standards in a new Comprehensive Plan, which in turn will lead to more rezoning. This is an endless, disruptive cycle that accomplishes nothing except encouraging speculation and accelerating displacement. Moreover, OP ignores or reinterprets the Comp Plan whenever it feels like it.

### **DC Doesn't Need the Height to Accommodate Development**

OP contends that the District needs more height to accommodate more development. There is no basis for this argument. As OP and the Deputy Mayor for Economic Development constantly point out, the city is growing by leaps and bounds, whether measured by population increases, per capita income, or cranes in the air. There is more than enough development capacity within existing height limits to

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<sup>1</sup> This matter was discussed at the ANC's regularly scheduled meetings held on the third Thursdays of September and October, at which a quorum was present. On both occasions, the ANC voted unanimously to urge retention of the Height Act, with full support of those present.



accommodate the most aggressive growth target (250,000 new residents over the 2000 low point of 572,000 residents).<sup>2</sup>

Back in 2004, the city's goal was to add 100,000 new residents.<sup>3</sup> To accommodate this growth, the District identified 10 large tracts for residential development, including Saint Elizabeth's Hospital, DC Village and Poplar Point, among others. These ten sites – which remain unbuilt but are in the pipeline – are projected to contain 15,000 units accommodating 30,000 to 40,000 residents.<sup>4</sup> In addition to these large sites, the District identified 30,000 vacant, abandoned or underutilized sites that it estimated could house 60,000 to 80,000 residents.<sup>5</sup>

By 2012, the District had gained 60,000 new residents, who were accommodated (1) within the existing height limit and (2) without development of most of the new large residential sites. It also should be noted that the city's zoning regulations set heights below the Height Act maximum. The city has ample room for growth within the existing statute. The National Capital Planning Commission made an explicit finding that OP did not produce a solid economic analysis that demonstrates the economic need for more height.

In our view, NCPC has offered a far more measured proposal to allow non-residential human occupancy on rooftop penthouse floors. That should satisfy Height Act critics who want to exploit the use of rooftops as recreational spaces and/or to minimize the visual impact of mechanical equipment. Retention of the Height Act has been urged by a number of distinguished zoning, planning and preservation experts. Please give due consideration to their counsel.

More than anything else, we ask that you please listen to District residents and taxpayers. We don't want this. We don't need this. We resent OP's unceasing assault on our built environment and the values it embodies. We ask you to reject the OP proposal and keep the Height Act.

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<sup>2</sup> The District population shifts since 1950 are as follows:

|      |         |        |
|------|---------|--------|
| 1950 | 802,178 | +21.0% |
| 1960 | 763,956 | -4.8%  |
| 1970 | 756,510 | -1.0%  |
| 1980 | 638,333 | -15.6% |
| 1990 | 606,900 | -4.9%  |
| 2000 | 572,059 | -5.7%  |
| 2010 | 601,712 | +5.1%  |
| 2012 | 632,323 | +5.1%  |

The 2012 statistic is from <http://quickfacts.census.gov/qfd/states/11000.html> (last visited Oct. 27, 2013). The other statistics are in "Demographics in Washington, DC," [http://en.wikipedia.org/wiki/Demographics\\_of\\_Washington, DC](http://en.wikipedia.org/wiki/Demographics_of_Washington,_DC) (last visited Oct. 27, 2013).

<sup>3</sup> See, e.g., A Vision for Growing an Inclusive City: A Framework for the Washington, DC Comprehensive Plan Update at 28 (July 2004) ("Adding 100,000 residents – a long-range target set by Mayor Williams – will help restore many of our once-vibrant neighborhoods").

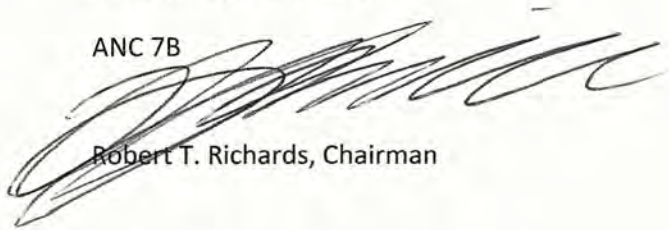
<sup>4</sup> Id. at 29, 31

<sup>5</sup> Id. at 29.

Thank you for your consideration of our view.

Respectfully submitted,

ANC 7B

A handwritten signature in black ink, appearing to read 'Robert T. Richards', written over the printed name.

Robert T. Richards, Chairman

30 October 2013

During this past Monday's hearing convened by DC Council President Phil Mendelson regarding The District of Columbia's Recommendations on the Federal Height of Buildings Act of 1910, the elegant geometry of the city emerged.

The 1791 L'Enfant plan gives us wonderful circles with thick-lined avenues, triangular buildings, and curved facades. The 1902 McMillan Plan guides the placement of vast green space dotted with monuments, museums and officialdom. The 1910 Height Act yields sun rays visible for 90 degrees or half the sky. The lines of the Metro System launched by the 1965 Capital Region Transportation Planning Board are natural population magnets.

These four elements shaping the District are in tune with today's environmental concerns and trends. They attract people for work, social activities, and provide the grist of healthy daily living -- key to any successful economy. Working together, the four elements stimulate human-scale development across all eight wards.

Why make the DC skyline look like every commercial city? We have a special environment in Washington that is working. To increase the height limit is like removing the circles, banishing the avenues, or abandoning the Metro -- it may satisfy developers and auto dealers, but it just doesn't make sense to the rest of us.

In the shadows of tall buildings, sunlight disappears. Leave the Height Act as is. Keep the District of Columbia the bright capital of the strong nation that President Washington and Pierre L'Enfant envisioned.

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**Testimony on Proposed Expansion of the D.C. Height Act  
National Capital Planning Commission-October 30, 2013**

I have lived in the National Capital Region for nearly a half century; of that, 25 years in Washington D.C. as a resident of several historic, wonderfully scaled neighborhoods before moving near the District line in Silver Spring Maryland. I left Washington only because the real estate market outpaced my ability to own a home in the city. For all intents and purposes, I have considered the District “my hometown” for all of my adult life.

I am deeply troubled by the proposed changes to the Height Act height that would, if approved, accommodate inappropriate, substantial expansion in the maximum height of buildings in the downtown core, as well as major increases in density that I believe will have deleterious effects, both in the core itself and in multiple neighborhoods. Significantly taller buildings will destroy the viewshed into the core of the District – from the Virginia side of the Potomac, from across the Anacostia, and from innumerable Washington neighborhoods such as the Cathedral Close (National Cathedral in northwest DC).

**There is only one nation’s capital** of the United States and it must be treated differently than other urban centers in the U.S. Washington D.C. has a special role in the life of our nation, from earliest days to today. The city serves the public interest as the official, ceremonial and federal center of the American government. At the same time it is a hometown for more than 600,000 residents (as well as hundreds of thousands of close-in residents who work and spend leisure time here), a welcoming place for every American who comes here for business or pleasure, and for visitors worldwide who see Washington as the seat of democratic ideals that are admired – and sought after.

The city is a place of official and symbolic buildings and spaces that abut or are adjacent to vibrant, appropriately scaled neighborhoods such as Capitol Hill, Dupont Circle and Foggy Bottom. I do not differentiate the official city of Washington from this greater whole. The sum of these parts – federal buildings, neighborhoods, parks, open space, cultural amenities – is greater than the whole.

In addition to maintaining the current Height Act limits in the core, the District’s planners must pay much closer attention to features that promote urban vitality and street life: open space and city parks and parklets that provide public spaces for people working in the city and for families who live in apartments and condos. As travelers, we take these features for granted when we spend time in other world cities – Vienna, Copenhagen, Oslo, Paris. The current Planning Department proposal to have 100% buildout (to the sidewalk) in future downtown development will result in the bland and impersonal streetscape we have allowed along K Street. There are plenty of other world capitals that embrace small features that enrich urban street life: plazas, setbacks, vest pocket parks, fountains, and small oases for visitors, workers and residents.

Stewardship is a core value that must be retained in D.C. planning – and supersede “smart growth” in Washington D.C.’s planning/zoning process. It has to be a permanent element. We jeopardize losing the city’s human-scale and livability by taking a chance on changing the height limits for densification that may work elsewhere. Washington, D.C. is not “anywhere else.”

*Ms. Faul-Zeitler is a member of the Committee of 100 on the Federal City. She was an early board member and community activist in preserving key Pennsylvania Avenue landmarks with Don’t Tear It Down (now the DC Preservation League).*



**TESTIMONY OF JUDY CHESSER**  
**NATIONAL CAPITAL PLANNING COMMISSION**  
**HEARING ON PROPOSED CHANGES TO THE HEIGHT ACT**  
**OCTOBER 30, 2013**

Chairman Acosta, Members of the Commission, I hereby submit the following testimony for inclusion in the record. I am a long time resident of Tenleytown in the District.

The Height Act of 1910 is a federal statute governing the District of Columbia, which restricts residential buildings to 90 feet and business to a height equal to the width of the adjacent street plus 20 feet (generally totaling 130 feet), plus some heights are extended to 160 feet along portions of Pennsylvania Avenue.

The National Capital Planning Commission has proposed much more modest changes to the Height Act which include:

- Preserving the Height Act restrictions but allow for consideration of expanding the use of penthouses.

The Office of Planning already has sent to Congress their Height Act proposals which include:

- Change the ration of height to street width to 1.25 width to height, which results in a new maximum height of 200 feet for any 160-foot wide street in L'Enfant City.
- Eliminate all height restrictions in the Height Act for areas outside L'Enfant City.

**Home Rule Considerations**

Although some, including the Office of Planning argue that changes to the Height Act would bestow home rule on the District, such changes do not create or enhance home rule. Home Rule would be District residents living in a true democracy where they have a say through the electoral process in issues that affect their daily lives. To advance home rule the structure of governmental institutions for the District of Columbia would have to be changed. DC's current zoning process doesn't further democratic values and eliminating Height Act restrictions entirely outside downtown, does not alter the structure of DC government's institutions dealing with land use.

Although there is some uncertainty, it would appear that the National Capital Planning Commission reserves on to itself all issues regarding land use involving the national monuments. Outside of L'Enfant City, it appears that the Zoning Commission has been given jurisdiction. The Council, raising issues regarding its own jurisdiction over zoning issues has deferred to the Zoning Commission, which is a non-elected body. The Zoning Commission was created by federal law under the Home Rule Charter and its membership is dictated by federal statute: 2 federal officials and 3 appointed by the Mayor. With all respect

for the individual members of the Zoning Commission, zoning decisions in DC aren't made democratically -- a 5 member unelected quasi-judicial board (40% federally appointed) typically decides.

Also to put the Home Rule argument in perspective, it is important to note that at this time, there are two land use changes being proposed by the Office of Planning -- the Zoning Regulation Rewrite (ZRR) and proposed amendments to the Height Act. The ZRR tags "downtown" height to whatever the Height Act dictates. This twin package is not advancing Home Rule. There is no step in the middle when DC residents would have a voice between Congress setting height limits and the ZRR automatically adopting them for large parts of the City. This schematic would allow Congress to determine height in a vast area of DC. Note also that the ZRR triples what is designated as Downtown.

In the interest of clarity note that four zones (D-1-A-2 through D-4-B-1) do have independent height limits. But most of the land in the new downtown doesn't fall within those zones.

Also the Office of Planning arguing that they are making proposals to eliminate or raise restrictions in the Height Act, in the name of Home Rule are belied by their actions in ignoring the process announced by the National Capital Planning Commission and the Office of Planning to do a study, make proposals, solicit public comment and, if possible, send one joint proposal to Congress. When the Office of Planning got the Mayor's signature on the cover letter, blew on the ink to make sure it was dry and ran their proposal immediately to Chairman Issa, they pulled the curtain back on their real intentions -- and giving the residents of the District of Columbia greater voice was clearly not one of their goals. OP's actions to submit their recommendations to Congress before they were made public and without consulting the DC Council was disrespectful to all concerned.

Finally, the District of Columbia is the nation's capital. It is natural for the national government and the residents of the District of Columbia to have shared interest regarding height and land use. There is a strong shared interest here to maintain the supremacy of the national monuments in the landscape -- an interest not present in other cities. This should be preserved both for historic and economic reasons. Tourism is a large part of the District's economy and the tourist come because the federal government and monuments are here.

Is there any strong reason to change the Height Act at this time?

The current heights imposed by the Height Act have not been exhausted. Even Ms. Tregoning keeps saying that we don't need those restrictions raised now... but she contends that maybe we will need to raise them decades from now.

Federal control of a maximum height in commercial and residential areas still allows the District to determine height and we have experienced no limitation on our ability to do that since zoning heights are predominately below the federal maximum.

The studies made available in this process are woefully inadequate to justify the drastic proposals put forth by OP. The studies do not provide solid population projections. They do not provide data on how much future development could be achieved within current restrictions of the Height Act so the studies do not

allow any reasonable estimate of need or capacity. The studies focus on whether increased height of buildings would be economically profitable for developers. But any increase in height for buildings does not solely result in increased profits and, hopefully, increased tax revenue; it also would result in new infrastructure demands on services, such as schools, public transit, sewer, and water. There is no study of these demands or how much money would be needed to build and maintain the infrastructure or how feasible such expansion of infrastructure would be.

Chairman Issa's letter requesting these studies and any proposals included a request for an analysis on nearby neighborhoods. This portion of his request has been ignored. Washington is a city of neighborhoods and each neighborhood has different and, in many instances, very desirable characteristics, which should be recognized and preserved in any consideration of amendments to the Height Act. Proposals to increase height along the main avenues, Wisconsin, Connecticut, Georgia, New York, and others would dwarf residences abutting the avenues that are two-story single family detached in some areas but might be harmonious with multi-story office buildings and warehouses in others.

The restrictions of the Height Act have been cited as encouraging development outside the downtown core – a shared renaissance. Merely allowing taller buildings wherever a greater profit might be realized in already flourishing areas may result in a few very tall buildings with large capacity absorbing such a large percent of the demand that development would be deterred across the rest of the city, which has benefited from a dispersal of development activity throughout the city.

Not only have the height restrictions spread rejuvenation to many areas in the District, lifting height restrictions does not necessarily result in more affordable housing. If it is important to the District to share across socio-economic areas and populations, would raising the height limits be a deterrent rather than an incentive. There is no way to read their study, which is the best spin they could put on it, to conclude that more affordable housing will result. From Economic Analysis of the Height Master Plan commissioned by OP from James Davis Construction (page xiv):

#### *Impact on Residential Rents*

*While newly constructed higher-rise apartments are likely to have relatively high rents, expansion of the housing supply should result in lower rents if new supply exceeds the growth in demand. The availability of new apartments will put competitive pressure on existing buildings to renovate and maintain their edge and/or lower their rents. Units that are not as well located and maintained will see a lessening of demand and lower rents. However, the impacts on prevailing rents are likely to occur primarily at the margin. The District's high costs of development and natural market forces will limit the extent of oversupply and rent reductions over the longer term, though during the down parts of market cycles, the additional supply could lead to lower rents until supply and demand are back in balance.*

In conclusion, there is unused potential available now that can accommodate new growth without any amendments to the Height Act because current height restrictions already allow more development in many areas. Unnecessarily eliminating height restrictions merely gives developers permission to build to the max.

Citing home rule on this particular issue is a distraction from meaningful home rule that includes voting rights and budget and revenue raising autonomy.

The overall building limits established in the Height Act are worth preserving because of the extraordinary contributions these restrictions have made to the distinctive character of the city of Washington, which is one of the most attractive and lovely cities in America not only because of its monuments but also because of its tree canopy and open spaces and because pedestrians can see the sun, the sky and the stars – important elements for walkability and the soul.

**PUBLIC HEARING  
NATIONAL CAPITAL PLANNING COMMISSION**

October 30, 2013

**TESTIMONY  
of  
DAVID C. SOBELSOHN**

**U.S. Citizen  
Resident of Southwest Washington, DC**

I am a community activist from Southwest Washington, DC, and a former Advisory Neighborhood Commissioner. My name is David Sobelsohn.

The Height Law raises two issues: the proper limit to building heights in this city, and who should decide that limit. I express no opinion on the first issue. But I am an American citizen and a resident of Washington, DC. While paying appropriate attention to the national interest, Washington, DC, either ourselves or through our elected local representatives, should decide the limit to building heights in Washington, DC. Outside a narrow geographic core, where the federal government has a uniquely national interest, it is intolerable for a Congress in which we have no voting representation to limit the height of our buildings.

Even in the governmental core of the city, DC's interests generally coincide with those of the federal government. Like the federal government, Washington has an interest in maintaining our status as an international symbol of democracy. Like the federal government, Washington has an interest in attracting tourists and foreign dignitaries. Like the federal government, Washington has an interest in making the city pleasant and beautiful for those who work here.

As a result, even in the city's governmental core, even complete repeal of the federal Height Act would leave building heights largely unchanged. Washington, DC, itself would continue to limit building heights. Our own elected officials won't let this city become Manhattan.

Occasions might arise when the federal interest differs from the city's interests. As a result, it would be an acceptable compromise for Congress to narrow the Height Act to that part of the city in which the federal interest is acute. A new Height Act could use the same borders statehood proponents call for a new federal district, to be formed after we achieve statehood. A new Height Act would impose a federal limit on building heights in that small federal district, while leaving the decision outside those borders to the citizens of Washington.

Democracy means the right to make our own decisions. If we don't trust our elected representatives to make the right decision about local building heights, let's have a popular referendum on the proper heights for buildings in DC.

Democracy means the right to make our own mistakes. Washington, DC, will never achieve self-government, let alone statehood, if we make exceptions to self-government for any issue on which we expect to disagree with those we elected to represent us. Letting Congress continue to set the limit to building heights throughout the city makes it hard to complain when Congress tells us how we must spend our tax dollars or how we must regulate drugs.

By contrast, letting DC decide building heights will make this city more than just a symbol of democracy. It will at least marginally increase the actual amount of democracy enjoyed by those who live and vote in Washington. Thank you.

Revised, October 30, 2013

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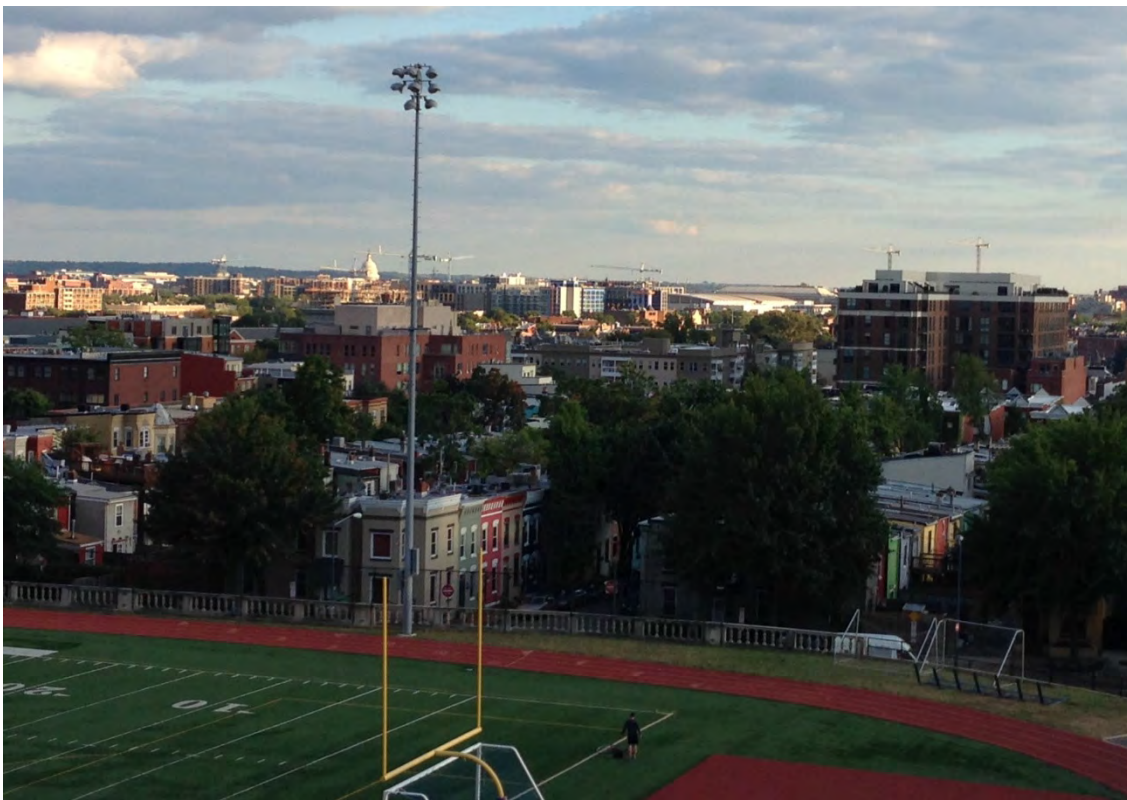
## Testimony of Erik Hein

### Before the National Capital Planning Commission

#### On The Height Master Plan Study: Draft Federal Interests Report and Findings

My name is Erik Hein. I am the Executive Director of the National Conference of State Historic Preservation Officers, an ex-officio board member of the US Committee of the International Council on Monuments and Sites, and a Trustee of the Committee of 100 on the Federal City. But today I am speaking to you simply as a DC resident from Columbia Heights.

I would like to first draw your attention to the following photograph:



This picture was taken looking Southeast from the parking lot at Cardozo High School at the corner of 13<sup>th</sup> & Clifton Streets NW— the edge of the city’s topographic bowl just outside the L’Enfant City. Note the large cluster of buildings to the right of the Capitol Dome. These are the buildings under construction at the O Street Market in historic Shaw - already conforming to the “Height Act,” and approved using existing zoning laws and processes. Add a few more floors and expand to the East and the Capitol Dome will disappear entirely. Note... I said this picture was taken FROM the topographic bowl. Not at the base level of the City. In my view, this is an example that demonstrates that our characteristically horizontal city is already in jeopardy under existing local laws – I believe relaxing the Height limit will have a more substantial impact than any of us are prepared to imagine.

But let's not dwell entirely on the visual. Let's also discuss the practical. There are four key points I would like to make.

### **1. The DC Office of Planning's (OP) failed to follow the directions**

Exactly one year ago today, Rep. Darryl Issa asked for NCPC and the DC government 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." Instead of starting from a neutral place discussing the impacts of potential changes, the very first sentence of OP's report tells us they sought to find out "... whether changes to the federal Height Act can be accomplished in a way that allows the federal government and the District of Columbia to reap the economic, fiscal and social benefits of additional height..." Starting from a place of "yes," is not a fact-finding endeavor. It is rather the selecting of facts to support a pre-determined position.

### **2. The OP Report fails to establish need**

To effectively contemplate changes to any 100-year-old law that has robust community support, it is an obvious mistake to not first clearly articulate the need, the reasons why, or the challenges being faced. This effort, with a pre-determined outcome, was consequently a solution looking for a problem. Citizens have been asked to review one aspect of our Capitol City's built environment and evaluate potential outcomes without the information necessary to actually consider the question. In fact the only "data" we have been able to access was released only on the 20<sup>th</sup> of September – after all of the meetings in the community had already taken place and only 24 hours in advance of NCPC's September public meeting.

Every day reasonable people make assessments based upon the facts presented to them. This entire exercise failed to truly get at the heart of the issue at hand by giving citizens the information necessary to weigh the pros and cons.

### **3. The OP's Report ignores citizens**

By all accounts there was a great deal of vocal opposition expressed in public meetings to changing the Height Act without further consideration, a clearly defined need, and without a number of questions answered. This is stated nowhere in the report and seems to have not influenced the Office of Planning whatsoever. Yet peppered throughout OP's report are references to the need for local control and determination. One has to ask – if they are not listening to their own citizens, who are they listening to?

Even more disturbing, however, is that in advance of public input and City Council review, and prior to the conclusion of this very process, the OP has taken the liberty of already sending a copy of this Report to Rep. Issa. If you remember nothing else from today's hearing, please remember that not only has the OP shown contempt for DC residents by short-circuiting the process, it has shown contempt for your opinion as well. And this is supposed to make the case for more local control?

### **4. Using the Height Act as a singular tool to meet poorly defined goals is the antithesis of good urban planning**

DC is in an envious position. It is a growing City. Our population has grown 10% over the last 10 years, although it is still quite far from its peak in the 1950's and subsequent 29% decline. It is a wealthy city,



with a median income higher than 46 of 50 states. Last year we had more than a \$400 million surplus and we have over \$1 billion in reserves – despite the fact that almost half of our land area is tax exempt. Construction is seemingly everywhere as we look to add even more residents and businesses. All of this has been happening over the past several years – within the federally mandated Height limits, with a 50 year old zoning code, and under a 2006 Comprehensive Plan revised by OP in 2010 – which made no mention of constraints preventing further growth. Suddenly now OP sounds the alarm?

To be sure we also have some challenges. Because of our City's previous downward trajectory, we have 42% of the REGION's subsidized housing units despite only containing 11% of the region's population, and yet we still don't have enough "affordable housing." We have an unemployment rate of over 8% with two wards coming in at 15% and over 20%. We also have the highest tax rates in the metropolitan area – which as first-hand experience has taught me, encourages you to open a business outside the City. Despite substantial investment in previously struggling neighborhoods, we still struggle with crime, blight and neighborhoods with little or no retail service. Our crowded public transportation system does not earn enough revenue to support itself and is lacking in funding for long-deferred maintenance. Our schools, despite massive investment, continue to underperform and fail to attract families to the City.

The OP report posits that our economic situation and lack of taxing authority are the primary reasons why DC must look to adding more residents to stay "in the black." It further says the ONLY way to accommodate those new residents, since it will "exhaust the supply of land," is to build higher. The theory is that the benefits of new wealthy single, childless couples or empty nesters to be housed in tall, residential apartment complexes will trickle down and enable the City to reach its fullest potential. Although it is unclear what that potential is supposed to be.

I must live on another planet, because when I attempt to reconcile OP's case with our city's recent success and our ongoing challenges, there appears to be a disconnect. We are operating with a surplus but we need more revenue. Our schools are underperforming so we need more singles. We need to attract families so we need more luxury apartments. We need affordable housing but we house almost half of the region's poor. We need more transit-oriented development but we can't fund transit. We have empty buildings but we need taller buildings. Some neighborhoods lack retail, but ones that already have retail need more.

**Good planning requires thoughtful consideration towards a set of common goals. This document, riddled with inconsistencies and based upon a pre-determined outcome benefitting only a few is simply not good planning. If the OP truly wants to identify and meet the needs of a growing District of Columbia, let's have that discussion. The Height Act can be discussed then alongside any number of other potential planning strategies. Until that day comes, no other rational conclusion can be drawn that supports a change at this time.**

October 2, 2013

Testimony of Tersh Boasberg (TershBoasberg@aol.com)  
Before the  
National Capital Planning Commission  
On The  
Height Master Plan Study: Draft Federal Interests Report and Findings

Mr. L. Preston Bryant, Chairman, and Members of the Commission:

My name is Tersh Boasberg. I am a retired attorney who specialized in historic preservation and land use planning. I am a former Chairman and member of the DC Zoning Commission (1989-2001), a former Chairman of the DC Historic Preservation Review Board (2000-11), a former president of the Alliance to Preserve the Civil War Defenses of Washington, and a recipient of several lifetime achievement awards from local and national preservation/planning organizations, including in 2012 from the DC Office of Planning and Preservation. I have taught a seminar on Historic Preservation Law at Georgetown Law School for the past 13 years.

The Mayor's current proposal to remove the federal Height Limit is, in a word, **catastrophic**. This city belongs to *all* Americans—not just D.C. residents.

I actually think about the Height of Building Act every day as I walk and drive around this magnificent city—not only downtown but in all its quadrants. I am forever thankful for the Federal Government's stewardship of height limits in our National Capital (even though I wish that I, too, like my fellow Americans, had voting representation in the House and Senate).

I strongly support the NCPC Draft Federal Interest Report (DFIR), especially its *comprehensive* definition of what are the “**Federal Interests**” the Height Act seeks to protect – namely, the “symbolic and cultural significance of the nation's capital for all Americans as well as the importance of a thriving, economically stable city.” (at p.10) I would add to this the importance and protection of the city's “*quality of life*” for the same reasons as we seek to protect its economic vitality. As the seat of the Federal Government, thousands of federal workers and their children live here, attend school here, exercise here, and relax here. And beyond that, there is a

similar need to enhance the quality of life for Washington's millions of visitors, diplomatic families, international organizations, etc.

As the DFIR notes, "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." In other words, this "carefully crafted" environment enhances the quality of life for all.

Moreover, the DFIR emphasizes that the benefits of the Height Act (i.e., the "**Federal Interests**") extend well beyond the confines of the L'Enfant City. Thus, at p. 23 the DFIR notes:

"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." (Emphasis added)

This is not a description of Crystal City or Ballston or Rosslyn. And make no mistake, once the Federal Height Limit is lifted, we will have 15-, then 20- and 30-story buildings throughout the District, well beyond the L'Enfant City. This is exactly what happened in Rosslyn where the height limit was raised from 15 stories in the 1960s to 30 stories today "for good cause."

As a veteran of the planning/ preservation wars in this city for the past 50 years, I can tell you that the financial rewards and political pressures to build ever higher buildings are intense. No big city municipal government in this country has been able to resist the allure of easy real estate money. As proof positive: none has a skyline as low as Washington's. Our horizontality will not survive what the DFIR styles as the "power and prestige of commercial enterprise." Only the *Federal* Government has the strength and resources and distance from "commercial enterprise" to protect the **Federal Interests**

in Washington's quality of life. (Executive Director's Recommendation, hereafter EDR, p.9)<sup>1</sup>

I cannot accept the District's cavalier remark at p. 46 of its Evaluation (DCE) that the Federal Interest is "perhaps non-existent outside of the L'Enfant City." As noted above, the DFIR calls attention to the federal interests outside the L'Enfant City and specifically mentions those "federal interests related to preservation" ( pp. 39-47), like the ring of 17 Civil War forts and parks, St. Elizabeth's, the Frederick Douglass House, the Armed Forces Retirement Home. And, importantly, it also calls attention to the "...Historic Buildings, Districts, Sites, and Cultural Landscapes **listed on the National Register of Historic Places**" (p. 39; map at p.40).

There are 584 individual buildings listed on the National Register in DC. While hundreds of these are in the L'Enfant City, hundreds more are located outside of downtown or Georgetown.<sup>2</sup> Moreover, National Register Districts, containing thousands of individual buildings, are dispersed from Anacostia to Takoma Park to Mount Pleasant and Sheridan-Kalorama to Cleveland and Woodley Park, to LeDroit Park and Shaw.<sup>3</sup> They embrace or border on major commercial streets such as Wisconsin, Connecticut, 16<sup>th</sup> and 14<sup>th</sup>. Because of their historicity, and often fragility, these "Federal Historic Resources" must not fall prey to high-rise "commercial enterprise," which can only trivialize and overwhelm them.

Another important local and, at the same time, *national* historic resource is Washington's African-American heritage, spread throughout the city. Martin Luther King could not have given his iconic speech in any other American city. In 1900 Washington had the largest percentage of African-Americans of any city in the country. Here was Howard University; here *Bolling v. Sharpe* became an integral part of the landmark *Brown v. Board of Education* decision. The D.C. Office of Historic Preservation has noted at least 200 historic sites important to the city's and the nation's African-

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<sup>1</sup> I know because I was Chairman of the DC Zoning Commission. Any action that the 3 commissioners appointed by the mayor wanted, the two commissioners appointed by the federal government were powerless to stop. I also refer you to the elegant testimony of John G. Parsons, who occupied Peter May's seat on the Zoning Commission (and on NCPC) **for thirty years**, who noted that to leave the decisions regarding the federal height limit in local hands "is not wise." (Parsons' letter to NCPC 9.30.13, on file herein.)

<sup>2</sup> See Map of Historic Washington, D.C. Inventory of Historic Sites on file with the D.C. Historic Preservation Office. Virtually all properties on the DC Inventory are also listed on the National Register.

<sup>3</sup> Contrary to the DCR at p. 33, DC law protects not only "landmarks" but also contributing buildings to D.C. and National Register historic districts, of which there are more than 50 in Washington.

American heritage. Some, but only some, are on the National Register, and many are outside of downtown. These, too, should not be trivialized by next door high-rises. And the honor roll could go on: sites important to Immigration, to the Women's Movement, to Gay and Lesbian rights, spread through-out this historic, capital city of all Americans.

Moreover, any talk of removing the federal height limit at this time is greatly premature. By the District's own calculations, we will not run out of expansion space under our current *Comprehensive Plan* for 30 years; even then, there will be more expansion space remaining within the current *height limit*. Further, it would seem that a cardinal principle of planning would be to spread out allowable development into the least served neighborhoods rather than make now economically vibrant areas much denser. *Dispersion--not concentration--*of facilities is what NPCP is encouraging (EDR p.10).

Nor am I sympathetic to the notion advanced by the District that higher buildings will somehow make offices and apartments more affordable. (DCE p.42) First, the only people who will be able to afford the new construction are the wealthy. Second, New York City has the highest residential and commercial prices in the country; yet, it also has the tallest buildings.

Furthermore, any mayoral proposal to remove Washington's 100-year-old height limit is such a radical departure from current land use practice that it should be first presented to D.C. voters. Neither the Mayor nor any City Councilperson ever made this startling proposition an election issue. But then, asking residents to live next door to 20- and 30-story buildings is not exactly a winning campaign strategy in D.C.

Lastly, to those who decry that the Height Limit is sapping the vitality of our nation's capital, I offer the record of the last decade of Washington's impressive development. And come with me to other low-rise, metro-centric, and vital national capital, historic cities like Paris; or Rome, or St. Petersburg, or Madrid, or Amsterdam, or Helsinki or Prague, etc. There are no high-rises in their historic downtowns or neighborhoods. Thank you.

**Testimony for**  
**The National Capital Planning Commission**  
on The District of Columbia's Recommendations  
on the Federal Height of Buildings Act of 1910  
*by Andrea Rosen, October 30, 2013*

For people who have attended more than one of the D.C. Office of Planning's presentations on the Zoning rewrite and OP Director Harriet Tregoning's presentations on what, if anything, to do about the 103-year old Federal Height of Buildings Act of 1910, OP's zeal to build greater density has not been difficult to discern. Thus the extreme "draft" recommendations for amending the Act, issued by OP on September 24, were entirely predictable, public sentiment notwithstanding.

I awoke to the seriousness of the assault on the Height Act relatively late, catching the very last of the public meetings associated with Phase 2 of the Height Master Plan Study, the Modeling phase, held August 13. The centerpiece of the OP presentation that night was a selection of images from a massive series of computer-modeled simulations of "viewsheds" from different vantage points in, and into, the monumental city and downtown core, as they appear currently and as they would appear if various alternatives to the Height Act were adopted that allowed greater building heights.

What was striking – apart from the skepticism many attendees expressed about the need and desirability of raising building heights – was the omission of two types of information central to forming a reasoned conclusion about a complex subject. First, there were no simulations of the crucial **street-level** experience of taller buildings, in the L'Enfant City, the business district, or in the much larger residential expanses of the city, where the common building types are low-rise attached, semi-detached, and single-family homes. Several of the alternatives to the Height Act proposed taller buildings along public transit thoroughfares in these districts, but the effects of these changes were omitted.

Second, and perhaps more important to evidence-based decision making, was the absence of data pertaining to current and projected capacity, and analyses of the economic impact of increasing residential and commercial space. Much unexploited vertical and horizontal space for development presently exists in the city under the Height Act, a fact Ms. Tregoning has acknowledged. She has praised the Height Act for "enabl[ing] us to spread demand to emerging areas outside the center city." That job isn't done yet, and I believe it would be unwise to interfere with it. Further, as she also has pointed out, zoning changes recommended in the carefully vetted Comprehensive Plan could create additional capacity.

The following is an unofficial transcript of an exchange between an audience member and the OP director from the video of the final Phase 2 meeting on August 13:

Kent Slowinski (audience member): "I don't think we have enough information here to make an informed decision here. Basic planning questions such as:

How much square footage do the various options provide?

What's the current supply of office space?

How much capacity do we have under existing zoning regulations?

When will we exhaust this current supply?

These are all basic planning questions."

Harriet Tregoning: Those are each . . . Each and every one of these questions we will have answers to when we are ready to write . . . to make the recommendation. We just didn't want to wait to show you the modeling analysis that we had done because part of what people are concerned about is the visual impact . . . the impact on the viewshed, the impact on the skyline, the impact on how you experience a city street. But you are absolutely right. Those are exactly the questions that need to be answered before we make any decisions about whether, and when, and if, we should raise building heights in the city."

Kent Slowinski: "The other part of the question is, how much are developers going to be making off this additional square footage?"

Ms. Tregoning did not answer that last question, but she promised in the future to address the two deficits in information previously provided to the public. There were no additional opportunities to have an exchange with the public between the final Phase 2 meeting on August 13 and Ms. Tregoning's release of her "draft" recommendations on September 24. What's worse, she put those recommendations in Congressman Darrell Issa's hands directly. Rep. Issa had "request[ed] that NCPC work with the District to formulate and submit to the Committee [on Oversight and Government Reform] a joint proposal,"<sup>1</sup> but Ms. Tregoning apparently thought an end-run around the more deliberative NCPC might allow her to escape the tempering influence of the Federal agency altogether. While NCPC recommended leaving the Height Act essentially intact, DCOP recommended lifting the height limit in the L'Enfant City to as much as 200 feet, based on a 1:1.25 ratio of right-of-way to building height, and dispensing entirely with a Federal height limit outside the L'Enfant city. Ultimately it seems that Rep. Issa will have to choose between the two recommendations, an undesirable outcome.

I took the opportunity to hear Ms. Tregoning speak about her recommendations at an unofficial public information session at the NCPC the following day, September 25. While she neglected at this session to fulfill requests for on-the-ground simulations of raising the roof, Ms. Tregoning did come forward with the "Economic Feasibility Analysis of the Height Master Plan," dated September 23, a mere day before she transmitted her recommendations to Chairman Issa. The support for radically altering the Height Act in this last-minute economic feasibility study strikes me as tepid at best: "Raising the height limits could play a role in helping the District to expand its population and employment base if focused in areas of high market demand – primarily Center City and selected Metro locations where rents are high enough to support higher-rise construction costs. Residential expansion offers particular opportunities. Although

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<sup>1</sup> <http://oversight.house.gov/wp-content/uploads/2012/11/2012-10-03-DEI-to-Gray-DC-Bryant-NCPC-study-request-Height-Act.pdf>



Testimony by A. Rosen on Federal Height Act, October 30, 2013

not studied, new development in response to higher height limits also could include hotels.” [https://www.ncpc.gov/heightstudy/docs/Econ\\_Feasibility\\_Analysis.pdf](https://www.ncpc.gov/heightstudy/docs/Econ_Feasibility_Analysis.pdf)

Two days ago, on October 28, at an oversight hearing on OP’s recommendations held by the D.C. City Council’s Committee of the Whole, Ms. Tregoning presented a series of statistics that purportedly demonstrate that under a high-growth scenario, under current zoning and with the Height Act intact, the District would exhaust capacity in 17 years; and if we rezoned under the provisions of the Comprehensive Plan, we would reach the end of capacity in 24 years.

This strikes me as a manufactured emergency because history does not predict a straight line of sustained high growth. Moreover, the finding is predicated on the conclusion that only 4.9 percent of total land area in the District has significant capacity. (Did this calculation take into account the city’s own inventory of vacant buildings?) We were told that the figure was arrived at by excluding for development potential any building zoned for high or medium density that has already been built to 30 percent of capacity. The assumption that such properties will remain underutilized for decades seems unwarranted in a city where height limitations would naturally lead developers to exploit the 70 percent unused capacity. If they do not, then perhaps the demand will not be as great as postulated, which in turn, removes the pressure to lift the Height Act.

While she did not mention this at the oversight hearing, Ms. Tregoning earlier used as a rationale for the District to take an independent stand on the Height Act that the Federal government is downsizing physically and will soon have a smaller presence in the city. I understood that to mean that the Feds have a shrinking interest in the city and therefore shouldn’t have as much of a say in this matter. But the flip side of that is that as the Feds vacate, the city will have quite a bit of vacant office space--in fact, the city may have an office space *glut*, which it would be unwise to exacerbate.

There is a shortage of affordable housing, but does raising the height limit provide a solution? Since taller buildings cost more to construct – and the District doesn’t adhere to its own inclusionary zoning regulations for protecting and providing housing for residents who cannot pay market rates, let alone meet the needs of its growing homeless population – it seems unlikely that raising the height limit will address the lack of affordable housing. Common sense suggests that raising height restrictions will lead to a upbuilding in the already vibrant, expensive parts of the city, and remove much of the pressure on developers to move into parts of the city, such as east of the Anacostia River, where the ROI is less promising, where development and jobs have foundered. If allowing taller buildings to increase available office and residential space could bring down commercial and residential prices, Manhattan would be one of the least expensive markets in the U.S.

I am not a planner. But it seems to me that these studies of economic feasibility and capacity came late in the game; that a truly professional approach to the thorny and controversial question of altering height limits in an iconic city would make a study of economic feasibility and capacity *foundational* to decision-making and the development

Testimony by A. Rosen on Federal Height Act, October 30, 2013

of policy. **The conclusion that the “facts were being fixed around the policy” is inescapable.**

From the time of the last public meeting at the NCPC (September 25), 29 days remained for the public to weigh in with the OP on that agency’s just released recommendations and the new information Ms. Tregoning presented at the NCPC public meeting; the OP deadline was October 24. During this interlude, an official public meeting of the NCPC was supposed to take place, on October 2, but due to the Federal government shut-down, that meeting was postponed until today. While NCPC extended its deadline for public comment, the OP deadline held fast. So no further opportunities for public outreach and input took place before last week’s OP deadline of the 24th. **The conclusion that public sentiment is of little consequence is also inescapable.** This is particularly egregious given the NCPC’s respectful deference to DCOP to represent **local** interests, as the Federal agency works to define Federal interests.

I wonder how our transportation infrastructure will accommodate a taller city and the additional residents and workers it will bring. Given the already overtaxed, inadequately built-out public transportation system and ongoing reductions in parking (through revisions to the D.C. Zoning Code’s parking minimums and DDoT’s Enhanced Residential Permit Parking program, which allows residents on a block to vote to entirely ban parking by nonresidents on one side of the street), I question how increasing density in already dense parts of the city benefits sustainability, livability, or economic development. I already know many people who live in Maryland *and* D.C. beyond easy access to Metro who decline to shop or dine in town because they find the combination of heavy traffic and scarce parking daunting. I fear that the District’s recovery will be brought to a halt not by a paucity of real estate capacity, but by a shortfall in coordinated transportation solutions. One streetcar line and a flotilla of bicycles is not a systemic solution.

But at the heart of the matter is the question of how a radical refashioning of the Height Act will affect the graceful, low profile of our city. Director Tregoning asserts that the changes she proposes to the Height Act will not affect what is built in D.C. because developers will still have to meet local zoning ordinances that dictate height limits, neighborhood by neighborhood, often more restrictively than the Height Act does. We are meant to take solace in the fact that when the Height Act is lifted outside the L’Enfant City, any build-outs that don’t meet local restrictions will have the Zoning Commission, whose members include two Federal appointees, and the Comprehensive Plan to contend with. The truth is that in practice neither the letter nor the spirit of the Comp Plan is recognized as binding, and developers have their way with the Zoning Commission, which seems to bend over backwards to accommodate them.

Through the Planned Unit Development, aka PUD, process, developers agree to provide certain amenities and public benefits in exchange for the Commission’s relaxing its restrictions on such elements as density and height. For example, in a commercial development of medium density (C-2-B), a height of 65 feet is matter-of-right, but it can be up-zoned to 90 feet via a PUD. Sometimes the ZC relaxes the rules with such exuberance—even within a Historic District!--that it goes all the way to make the up-

Testimony by A. Rosen on Federal Height Act, October 30, 2013

zoning permanent via a “map amendment.” When citizens find out about the ways in which both developers and the Planning and Economic Development office have misled the Zoning Commission—withholding information about true property value, who is actually paying for amenities and public benefits, and the erosion of required “affordable housing” units as one of those public benefits—it is an uphill battle in the D.C. Court of Appeals, usually lost, to reverse the zoning concessions that have been granted.<sup>2</sup> PUDs are undermining zoning, and neither the Zoning Commission nor the Court seems to recognize them for the Trojan Horses they are. Nor can we look to the D.C. Historic Preservation Review Board as a last bulwark against development pressures, as it is now situated within the Office of the Deputy Mayor for Planning and Economic Development, and thus hardly able to act independently.

I endorse the NCPC’s preliminary recommendation to leave the Federal Height Act of 2010 essentially intact, with an allowance for penthouses currently housing only mechanical systems to be adapted for business and residential use. The Act can continue to serve us well.

Thank you very much for taking this testimony under consideration.

Andrea Rosen  
3266 Worthington St., NW  
Washington, D.C. 20015  
[aerie@rcn.com](mailto:aerie@rcn.com)  
(202) 244-0363

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<sup>2</sup> Two examples that I am aware of—they are not unique—involve the city’s own properties. One is in the West End, at L Street, NW, between 23<sup>rd</sup> and 24<sup>th</sup> Streets, site of a library, firehouse, and police station. Property was up-zoned from R-5-B (MOR general residential uses), maximum height of 50 feet, to CR (MOR residential, commercial, recreational, light industrial), maximum height 90 feet (ZC Case 11-12, 11-12A). Challenged by D.C. Court of Appeals Case 12-AA-1183, D.C. Library Renaissance Project/West End Library Advisory Group v. D.C. Zoning Commission and EastBanc-W.D.C. Partners. The other example is the site of the vacated Hine Junior High School across the street from Eastern Market in the Capitol Hill Historic District. On the strength of the Comprehensive Plan Future Land Use Map, up-zoned from R4 (MOR single-family residences, churches, public schools), maximum height of 40 feet, to C-2-B (MOR medium-density development, including mixed uses) to a maximum FAR of 3.5 for residential use and 1.5 FAR for other permitted uses, and a maximum height of 65 feet. Yet the PUD was approved with a total project FAR of 3.9 and a maximum height of 94.5 feet (ZC Case 11-24), which suggests a doubling up of up-zoning. Challenged in D.C. Court of Appeals Case 13-AA-366 & 13-AA-378, Christopher Howell et al v. D.C. Zoning Commission and Stanton-Eastbanc LLC et al.

# **FORMAL LETTERS**



# Coalition for Smarter Growth

DC • MD • VA

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October 30, 2013

Mr. L. Preston Bryant, Jr., Chairman  
National Capital Planning Commission  
401 9th Street, NW, North Lobby, Suite 500  
Washington, DC 20004

RE: Height Act Study and Height Master Plan for the District of Columbia

Dear Chairman Bryant and members of the Commission:

Please accept these comments on behalf of the Coalition for Smarter Growth. The Coalition for Smarter Growth is the leading organization in the Washington, D.C. region dedicated to making the case for smart growth. Our mission is to promote walkable, inclusive, and transit-oriented communities, and the land use and transportation policies and investments needed to make those communities flourish.

We support continued discussion of the important topic of revising the Height Act of 1910. We concur with the District of Columbia's Office of Planning (OP) that careful modifications to the Height Act can both continue to protect federal interest and address the needs of a growing city for the next 100 years. We note that any decision to change the height regulations will only be implemented gradually, through extensive public consultation, detailed evaluation, and official procedures, including the extended process for amendments to the Comprehensive Plan and zoning regulations.

A key consideration for any change to the height regulations is whether and how it addresses the city's need for more affordable housing. Modifying height regulations can increase the total supply of housing to meet growing demand, while also providing affordable housing on-site or through a contribution to an affordable housing fund in return for increased height.

Even if the city does not maintain the current high pace of growth, it is naturally projected to grow over the next century. Given possible build-out in as little as 30 years, as discussed in OP's report, we think it prudent to consider how the Height Act and locally-controlled building heights might be modified to address long-term housing and commercial space needs.

We agree with the recommendations by OP:

1. Amend the Height Act to replace the citywide height limits with new limits within the L'Enfant City based on the relationship between the street width and building height, and no longer set height limits based on 19<sup>th</sup> century fire safety constraints.

While such an allowance in the Height Act would be the first step, implementation would require a detailed public process that includes revisions to the DC Comprehensive Plan and zoning regulations. NCPC and federal representatives on the DC Zoning Commission would also continue to play a leading role in reviewing any proposed changes as they relate to the federal interest, especially the need to

preserve the prominence of federal monuments and landmarks.

2. Allow DC to determine building height maximums outside the L'Enfant City through its Comprehensive Plan and zoning process, in which the federal government maintains a substantial role.

We agree that Congress should affirm the District's authority to govern areas outside of the L'Enfant City. DC should be enabled to set its own standards to address local needs, with continued federal oversight where a federal interest is involved, and through ongoing federal participation on the DC Zoning Commission.

3. Increased heights would only be allowable under a modified Height Act subject to a new special design review, and new Comprehensive Plan and zoning requirements that development projects that receive increased heights provide public benefits in support of affordable housing and infrastructure.

We believe long term increased demand for housing, and the pressure on prices that it generates are reasons to consider modifying height regulations. More housing available through increased height can relieve pressure on existing housing prices. The increased real estate value from additional height can also be a source of dedicated affordable housing revenue for the city to fund preservation and construction of affordable housing. Renewing the city's aging infrastructure, including its transit system, should also directly benefit from the increased value created through additional height.

We also agree with OP's argument that increasing the share of jobs captured by DC is an important goal since DC can offer a more efficient and sustainable location with a far smaller environmental footprint than areas not as well served by transit. Capturing a larger share of the region's jobs and households will strengthen DC's tax base, helping to fund continued improvement in education and other services.

We are eager to continue to be involved in this long term effort to review and revise the Height Act and to help determine how DC, as a local government, approaches height to address the needs of the next century of growth. A fundamental component must be provisions to leverage the increased values created by any height increase in order to generate new resources for affordable housing and city infrastructure needs.

Thank you for your consideration.

Sincerely,



Cheryl Cort  
Policy Director

Mr. Preston Bryant, Jr.  
Chairman, National Capital Planning Commission  
401 Ninth Street, NW, Suite 500 North  
Washington, DC 20004

NCPC written submission 10-30-13 - Height Study

Commissioners,

I am kindly french. I have lived in DC for 44 years. Thank you for the opportunity to present.

Raising the height limit in the District is a drastic measure that would radically alter quality of life but which cannot provide any assurance whatsoever that we will maintain economic diversity in our population.

If economic diversity is truly the concern, we should be requiring developers - NOW -to set aside portions of any new development for lower-income residents and not allow - buy-outs. The existing provisions in the District code don't protect moderate and/or low income housing.

There is no assurance that most developers won't take advantage of the housing buy-out and result in a NW Washington that is all upper-middle and upper income residents. Adding stories doesn't change the story

Harriett Tregoning herself has said many times that taller buildings will likely not have affordable housing because it is so expensive to build tall, and luxury housing would be the expected outcome.

Thank You, kf



ANC 2D

## Minutes

September 16, 2013, 7:00PM

Our Lady Queen of the Americas

2200 California Street

The Meeting was opened with a moment of silence for the 12 people killed and the many who were wounded this morning at the Washington Navy Yard.

1. Meeting was called to order at 7:04 PM
2. A quorum was established: Present were 2 Commissioners and 33 residents/guests. Fr. Evelio Menjivar, the new Pastor at Our Lady Queen of the Americas was introduced and welcomed.

8.2 Height of Buildings Act. Sally Berk; Following a presentation and brief discussion; Commissioner Lamar moved that; ANC 2D agrees to support The Historic Districts Coalition endorsement to Make No Changes to the Height Act and agrees to be a signatory on future correspondence which state this position. Seconded **Approved**

### COMMISSIONERS:

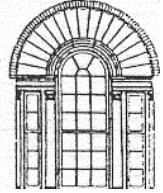
ANC2D01.....David R. Bender, PhD, Chair/Secretary

[davidanc2d01@aol.com](mailto:davidanc2d01@aol.com)

ANC2D02.....Eric S. Lamar, Vice-Chair/Treasurer

[ericslamar@gmail.com](mailto:ericslamar@gmail.com)

*Advisory Neighborhood Commission 2D meets the third Monday of the month unless otherwise announced. There is an open forum at each meeting for discussion of relevant issues not on the regular agenda. For additional information go to the ANC website at ANC2D.ORG.*



Sheridan-Kalorama Historical Association, Inc.  
2330 California St. NW  
Washington, D.C. 20008

October 30, 2013

Bryant, Jr. Mr. Preston  
Chairman, National Capital Planning Commission  
401 Ninth Street, NW, Suite 500 North  
Washington, DC 20004

Commissioners,

The Sheridan-Kalorama Historical Association is strongly in support of retaining the Height of Buildings Act of 1910 in its current configuration. The residents of our historic district have chosen to live in the nation's capital for its beauty and livability. None has chosen the suburbs with its amorphous configuration and arbitrary building heights. Nor have we chosen the anonymity of a high-rise district like Roslyn or Crystal City.

We object to any action that would jeopardize the Height of Buildings Act of 1910. We are well aware of a significant amount of undeveloped land in neighborhoods that would benefit from new construction and find no justification in the Office of Planning's recommendation for raising the height limit. Furthermore, such a proposal should be a referendum at the ballot box that would allow the residents of Washington to decide their own fate. We ask the Council for a resolution that would put an end to any notion of drastically changing the nation's iconic capital city.

Thank you for the opportunity to comment.

Sincerely,  
Donna Hays, Vice-President  
Sheridan-Kalorama Historical Association

October 30, 2013

Mr. L. Preston Bryant, Jr., Chairman  
National Capital Planning Commission  
401 9th Street, NW, North Lobby Suite 500  
Washington, D.C. 20004

VIA EMAIL

Dear Chairman Bryant:

I am William Brown, the President of the Association of the Oldest Inhabitants of the District of Columbia, the District's oldest civic organization. Dedicated since 1865 to preserving and promoting the District's history and civic accomplishments, the AOI is currently celebrating its 148<sup>th</sup> year of continuous service to the residents and civic leaders of our great city. One of the AOI's primary goals is the preservation, maintenance and promotion of both the L'Enfant and McMillan Plans for the District of Columbia. We are on record for opposing many proposed street closures and in support of the reopening of ill-advised street closings. The low profile of the city's skyline is an important element in maintaining the original vision for our city, the Nation's Capital.

The AOI is opposed to **any** changes in the Height Act. We are concerned that changes to the Height Act will be a slippery slope toward future, more frequent and more radical changes. We believe the NCPC staff has done an excellent job in analyzing the issues, creating graphic animations, hosting community forums, taking both written and oral testimony and presenting their findings in easy-to-understand recommendations. However, we **do not support** their recommendations to relax penthouse use regulations.

The AOI is *particularly disappointed* in the recommendations of the District of Columbia's Office of Planning as transmitted to the NCPC by Mayor Vincent Gray. These recommendations are contrary to what we heard at community forums and represent, we believe, an ill-advised attempt to assert District autonomy from the U.S. Congress at the expense of the District's century-old building height restrictions. This is not the time, place or circumstance for this debate.

In 1946, the District's population was approximately 899,000 residents (we realize that 'residents' are not households, however...). Today, the city's population has enjoyed a revival and now approaches 633,000 residents. Let us encourage reasonable development within the current limits of the Height Act in blighted or underutilized areas of the city before we tamper with something that will forever change the character of our city.

As Vancouver, B.C. Planner Larry Beasley warned in his presentation to the NCPC in 2010: *"Take care not to open things up too casually. I dare say, those height limits may be the single most powerful thing that has made this city so amazingly fulfilling."*

The Board of Directors and membership of the AOI has respectfully requested that the District of Columbia Council pass a Resolution that opposes the position put forth by the Office of Planning and endorsed by the mayor.

"Thank You" for providing the opportunity to bring these concerns to your attention and for NCPC's support to maintain the Building Height Limits for the District of Columbia.

Respectfully submitted:



William N. Brown, President

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**DC OFFICE OF PLANNING'S HEIGHT ACT CAPACITY STUDY:  
A SHAKY FOUNDATION FOR OP'S RECOMMENDATION FOR CHANGING THE HEIGHT ACT**  
Comments of Marilyn J. Simon, Friendship Neighborhood Association

The DC Office of Planning's Capacity Analysis, submitted to Congress last month, forms the basis for its radical recommendation to remove the Height Act limits outside the L'Enfant City, and dramatically increase those limits within the L'Enfant City. Yet, this analysis is seriously flawed and systematically understates the development capacity available under the current Height Act limits.

Because of the flaws in their analysis, OP has failed to demonstrate that an increase in the heights allowable by the Height Act is necessary in order to accommodate anticipated growth.

In addition, OP's recommendations would jeopardize the qualities that make our city special, the qualities that struck me when I first came to Washington, after having lived and worked in New York City, experiencing the difference in the scale and how refreshing it was to work in downtown Washington, with its openness, light and air. We value the ability to see the sky as one walks through downtown, walking along streets where trees can thrive, and our iconic horizontal skyline should not be sacrificed.

**MAJOR ERRORS IN OP'S CAPACITY ANALYSIS**

I discuss three major biases in OP's analysis:

- (1) OP treats many sites with substantial development capacity as undevelopable;
- (2) OP fails to include the development capacity of land not designated as medium or high density in the Comprehensive Plan, and
- (3) OP arbitrarily discounts the development capacity it does analyze by 25%.

The OP report assumes, counterfactually, that much of the recent redevelopment and development in the pipeline is impossible.

While OP has consistently understated the development capacity available in each of the scenarios it examined, in its statements comparing capacity with its estimate of demand, OP's comparisons didn't examine whether the Height Act constrained capacity. OP compared its "high growth" scenario with its estimate of capacity available with current zoning, and with its estimate of the capacity where development is only constrained by the Height Act only for a handful of sites,<sup>1</sup> neither of which can be a basis for concluding that it is necessary to radically change the Height Act, allowing a large increase in the limits in the L'Enfant City, and eliminating Height Act limits outside the L'Enfant City.

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<sup>1</sup> OP concluded on page 42 that "Even if the District were to change zoning across the city to create additional capacity under the Comprehensive Plan, with no changes in the Height Act, to meet high growth demand, this capacity would be exhausted in 20 years." For this comparison, the Height Act was a constraint only in those areas where the Comprehensive Plan had a high density residential or commercial designation, as mapped on page 17 of the OP Report, and which OP had designated as developable in the map on page 35 of the OP Report. In addition, the high growth demand lacks a reasonable foundation, being calculated as a simple extrapolation of estimated growth rates over the past five years

**(1) Eliminating sites with substantial development capacity**

OP applied broad filters to eliminate sites from the analysis, including sites that have substantial development potential in each of the three scenarios: current zoning, zoning flexibility that is consistent with the Comprehensive Plan, and only limited by the constraints of the Height Act.<sup>2</sup> These filters included:

- (1) The elimination of all land designated for public use, including all properties designated as “Local Public Facilities” in the DC Comprehensive Plan;
- (2) The elimination of all land designated as Institutional and Federal in the DC Comprehensive Plan; and
- (3) Properties which were built to greater than 30% of the capacity permitted as a matter of right with current zoning.

By applying the first two filters, OP eliminated from the analysis a large number of sites which have substantial development potential even with existing zoning. If constrained only by the Height Act limits, these sites would have even higher capacity.

For example, the local public facilities filter eliminates DC properties that had been considered for redevelopment with substantial increases in density, such as the proposal to add 200 housing units to one elementary school campus in Ward 3. The local public facilities filter also eliminates large WMATA-owned sites that had been considered for redevelopment, sometimes retaining the current function while adding commercial space and hundreds of housing units. The Franklin School site also is excluded from the analysis.

It appears as though OP eliminated the land designated as Institutional or Federal Facilities on the Comprehensive Plan map simply because some of that land is not currently regulated by floor area ratio limits, so the calculation of the first scenario would have been more complex. This includes a substantial amount of land owned by private schools, hospitals, retirement homes, religious institutions and other institutions which have substantial development opportunity under the current zoning regulations, and even more development opportunity within the limits of the Height Act. For example, potential development on the Walter Reed site is not included in the analysis, and neither is the Third Church located at 16<sup>th</sup> and I Street, NW.

The third filter listed eliminates all properties that are currently built to at least 30% of the current matter-of-right zoning limits. This aggressive filter eliminates many sites with substantial development potential even within the matter-of-right limits of current zoning, and certainly with planned unit developments or even map amendments consistent with the Comprehensive Plan. OP is excluding properties where the density could be tripled with matter of right development, and more than tripled with zoning relief consistent with the Comprehensive Plan. This filter eliminates from OP’s calculation sites with one or two story buildings on major corridors, where there would be substantial additional capacity were the Height Act limits the only constraint.

---

<sup>2</sup> In addition to the filters discussed above, OP applied the following filters which further limited the area under consideration, and eliminated some potential development in each scenario: Single Family Zone districts; Historic Landmarks; Recently Developed Properties (time frame not specified in the report); Transportation Rights-of-Way; and certain other properties where the analysis indicated that there was more than 300,000 SF of capacity where OP determined that there might be an error in the data. See Height Master Plan for the District of Columbia, Evaluation and Draft Recommendations, DC Office of Planning, September 20, 2013, transmitted to Congress on September 24, 2013, pages 33-34.

## **(2) Inclusion of only land designated in the Comp Plan maps as medium or high density**

In addition to these filters, much of the OP analysis included only land designated on the Comprehensive Plan maps as medium and high density. Development of the properties designated as medium density in the Comp Plan is not limited by the Height Act limits since those are described as mid-rise (4-7 stories) apartments in residential zones (Comp Plan 225.5), and as generally not exceeding 8 stories in height in mixed use zones (Comp Plan 225.10).

There currently are significant development opportunities on sites with designated as low and moderate density designations in the Comprehensive Plan (with corresponding zone districts for the moderate density designations including R-3 through R-5-B, and C-2-A, C-2-B and C-3-A). These sites can have a floor area ratio up to 4.0, plus an inclusionary zoning bonus if applicable. Even the low-density designation includes land zoned C-2-A, which can have a floor area ratio of up to 3.0 with inclusionary zoning.

OP's analysis of the capacity available under a full build-out consistent with the Height Act does not include land designated as low or moderate density in Comprehensive Plan. According to the OP report, the development capacity under current zoning would increase by 85% if this land was included. According to OP's tables, these areas would support additional matter-of-right development of approximately 117 million square feet. With map amendments or PUDs consistent with the Comprehensive Plan, according to OP's tables, these areas would support additional development of over 180 million square feet. These areas were not included in OP's estimate in Table 3 of the amount of development possible under current federal Height Act limits.

In Table 3, OP claims that, with Height Act limits, there is additional development capacity of 221.8 million square based on a calculation that excludes areas that would support over 180 million square feet while maintaining densities consistent with the Comprehensive Plan.

## **(3) Arbitrary 25% Reduction in the development capacity of sites included in the analysis**

In calculating the capacity under the current (matter of right) zoning limits and the Comprehensive Plan with map amendment limits, OP reduced each of the estimates by 25% to account for factors that limit the ability to build out to the full zoning or Comprehensive Plan envelope. With PUDs and map amendments, it is not unusual to see development far in excess of matter-of-right limits and unusual to see redevelopment substantially below the matter-of-right density, especially in some of the areas characterized as having sufficient market demand to support heights greater than 130 feet. Given the amount of development that reaches or exceeds the current zoning envelope, there is no reasonable justification for the massive reduction in the estimate of developable capacity

### **RELATIONSHIP BETWEEN THE CAPACITY STUDY AND THE FEASIBILITY ANALYSIS**

While the limitations on the sites included in the study as well as the reduction in the estimated capacity by 25% result in a substantial understatement of the development capacity available as a matter of right with current zoning, it is astounding that OP would use the same limitations and reduction in their analysis of development capacity within the Height Act limits.

How can OP justify the assumption that it is not economical to redevelop a site that is developed to a FAR of 1.0 (where with current zoning, the FAR limit is 3.0) when considering the Height Act limits which could expand the development capacity to as much as 8.6, especially when we observe similar sites being redeveloped to much lower densities?



While those sites are eliminated in the determination of the city's development capacity with the Height Act limitations, a substantial portion of the analysis of the economic benefit of lifting the Height Act limitations is demonstrating how it would be profitable to add two stories to some eight story developments. The redevelopment scenarios that OP treats as impossible when it is claiming that there is insufficient room for growth under the Height Act limitations, it assumes will happen universally as it calculates the economic benefits from lifting the Height Act constraints.

While some of these limitations, such as not considering low and moderate density zones, might appear to be based on deference to the Comprehensive Plan, OP's deference to the Comprehensive Plan goes out the window when OP calculates the economic benefit to lifting the Height Act limits. In that case, suddenly they are evaluating buildings that are 250 feet tall, with ground floor retail and 918 housing units per acre in areas that the Comp Plan describes as medium density, across the street from a single family neighborhood.

And redevelopment limitations also fall by the wayside as there is significant emphasis on the feasibility of adding density to existing buildings, even buildings that clearly would not have made it through the filter on having development at least 30% of the density allowed as a matter of right.

### **CONCLUSION**

OP has made recommendations to dramatically change the shape of our city to address a problem that they cannot demonstrate exists. Those recommendations should be flatly rejected.



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October 29, 2013

National Capital Planning Commission  
ATTN: April Young, Office of the Secretariat  
401 9<sup>th</sup> Street, NW, North Lobby  
Suite 500  
Washington, DC 20004

Re: Height Master Plan for Washington, DC

Honorable Members of the Commission:

Enclosed is the testimony of the DC Building Industry Association on the proposals of NCPC and the District of Columbia government for amendments to the 1910 Height Act. Please let me know if you have any questions.

Thank you.

Very truly yours,

Christopher H. Collins  
DCBIA Counsel

CHC/lrs  
Enclosure

cc: Rep. Darrell Issa, Chairman, House Committee on Oversight and Government Reform  
Harriet Tregoning, Director, DC Office of Planning

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DISTRICT OF COLUMBIA BUILDING INDUSTRY ASSOCIATION

# Testimony of District of Columbia Building Industry Association on the NCPC and District of Columbia Recommendations Contained in their Respective Height Act Study Reports, NCPC file no. 6886 October 29, 2013

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## Introduction

DCBIA participated as a witness on the panel that testified on this issue before the House of Representatives Committee on Oversight and Government Reform, Subcommittee on Health Care, District of Columbia, Census and the National Archives on July 19, 2012. DCBIA is vitally interested in this issue and welcomes the opportunity to provide these comments. A copy of our testimony to Congress is attached hereto.

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The District of Columbia Building Industry Association (DCBIA) is the professional association representing both the commercial and residential real estate industries in the District of Columbia. Our membership of nearly 500 companies and organizations comprises several thousand real estate professionals. Association members are engaged in all aspects of real estate development and include developers, general contractors, architects and engineers, lenders, attorneys, brokers, title companies, utility companies, community development organizations and other industry members.

As an advocacy organization, DCBIA represents the interests and views of its members before the District of Columbia and the federal governments, community organizations and other business associations. DCBIA is an advocate for a vigorous, responsible real estate industry. We interpret that advocacy role broadly - to not only give voice to the specific concerns of our members, but also to speak out in support of public policies that promote the economic growth and vitality of the nation's capital.

Our members serve frequently on commissions, task forces and study groups to address crucial economic development and municipal governance issues. Our members work closely with agencies of the DC government to advise and assist in the efficient administration of city programs - most recently in areas related to land use, building regulation, comprehensive planning, tax issues and affordable housing and community development. We also work in collaboration with other business groups and community organizations to attract and retain business investment and to facilitate the revitalization of distressed areas in the City. For more information, see our website at [www.dcbia.org](http://www.dcbia.org).

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### **DCBIA Comments on NCPC Position on Height Act**

The NCPC position that is set forth on page 13 of the Executive Director's Recommendation that was prepared for the September 12, 2013 NCPC meeting states, *inter alia*, that "strategic changes to the Height Act's restrictions related to penthouses should consider the following key goals:...Support communal recreation space on rooftops by allowing human occupancy in roof structures...so long as those structures continue to be set back from exterior walls at a 1:1 ratio...". As further detailed in the attached testimony that we delivered to Congress last year, DCBIA supports NCPC's position to allow human occupancy in penthouses and to allow such occupancy for all purposes permitted by the underlying zoning of a particular property, and not simply limit that occupancy only to "communal recreation space". DCBIA believes that roof structure restaurant, office or conference space, for example, in addition to communal recreation spaces, would provide wonderful opportunities to enjoy the vistas of the city, much the same way that outdoor rooftop terraces currently provide under the existing law. The District's skyline would be the same, whether the occupancy of penthouses is limited only to communal recreation space, or is allowed to be occupied for all permitted uses. DCBIA encourages a change to allow penthouse occupancy for all permitted uses.

### **DCBIA Comments on District of Columbia Position**

We have also reviewed the District of Columbia position that is set forth in the Height Master Plan for the District of Columbia, Evaluation and Draft Recommendations, dated September 20, 2013. In summary, the District proposes to amend the current Height Act as follows:

- In the L'Enfant City, allow a maximum building height of 1.25 times the width of the adjacent street, with no absolute height limit (as opposed to the current height limit on business streets that is equal to the width of the adjacent street, increased by 20 ft., with a maximum height of 130 ft., and 160 ft. along Pennsylvania Avenue between 1st and 15th Street, NW; and a height limit equal to the width of the adjacent residential street, with an absolute height limit of 90 ft.).
- Outside of the L'Enfant City, eliminate any Height Act restrictions and allow the District to establish building heights "at appropriate locations" (yet unspecified), through the Comprehensive Plan and the zoning processes. These processes would still be subject to federal review, through NCPC's review of the District's Comprehensive Plan and local zoning actions, as well as the fact that two of the five seats on the Zoning Commission are statutorily reserved for federal members. The District also cites the local historic preservation law and procedures, and federal security review processes, as additional safeguards of the federal interest if this approach is adopted.
- The District's approach would also include viewshed protection of nationally significant buildings and monuments, a special procedure for design review of taller buildings by the Zoning Commission, and new Comprehensive Plan and zoning requirements that couple increased building height with public benefits in support of affordable housing or infrastructure improvements.

The District's analysis is comprehensive, and takes into consideration a whole host of factors, including economic, infrastructure, population growth and other issues. We believe that the District's position includes compelling arguments in concept, particularly those related to the relaxation of restrictions in select areas outside the L'Enfant City, and we ask that Congress give it due consideration.

As a part of that consideration, we also recommend exploring the benefits that taller buildings could provide for architectural quality, energy efficiency, and enhancements to the natural light that building occupants enjoy. A modest increase in building height without a proportional increase in allowable density would lead to slimmer, more elegant and varied structures. Smaller floor plates yield working and living spaces which are closer to windows, improving occupant health and decreasing artificial light requirements. Taller ceilings would further reduce energy use through more efficient routing of mechanical systems.

### **Conclusion**

DCBIA believes that it is time for Congress to take action to amend the 1910 Height Act, to accommodate the future needs of our city in a way that achieves the goals of both the federal and the local governments. Thank you.



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## Testimony of Christopher H. Collins, Counsel District of Columbia Building Industry Association on "Changes to the Height Act: Shaping Washington, DC for the Future" Thursday, July 19, 2012 1:30 p.m. Before the Committee on Oversight and Government Reform, Subcommittee on Health Care, District of Columbia, Census and the National Archives Congressman Trey Gowdy, Chairman 2154 Rayburn House Office Building

Good afternoon Chairman Gowdy and members of the Committee. I am Christopher Collins and I am testifying today as Counsel to the District of Columbia Building Industry Association.

### About DCBIA

The District of Columbia Building Industry Association (DCBIA) is the professional association representing both the commercial and residential real estate industries in the District of Columbia. Our membership of nearly 500 companies and organizations comprises several thousand real estate professionals. Association members are engaged in all aspects of real estate development and include developers, general contractors, architects and engineers, lenders, attorneys, brokers, title companies, utility companies, community development organizations and other industry members.

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|                                                                 |                                                                         |                                                                              | <b>Raymond A. Ritchey</b><br>Raydon Properties, Inc.                      |                                                        |                          |

As an advocacy organization, DCBIA represents the interests and views of its members before the District of Columbia and the federal governments, community organizations and other business associations. DCBIA is an advocate for a vigorous, responsible real estate industry. We interpret that advocacy role broadly - to not only give voice to the specific concerns of our members, but also to speak out in support of public policies that promote the economic growth and vitality of the nation's capital.

Our members serve frequently on commissions, task forces and study groups to address crucial economic development and municipal governance issues. Our members work closely with agencies of the DC government to advise and assist in the efficient administration of city programs - most recently in areas related to land use, building regulation, comprehensive planning, tax issues and affordable housing and community development. We also work in collaboration with other business groups and community organizations to attract and retain business investment and to facilitate the revitalization of distressed areas in the City. For more information, see our website at [www.dcbia.org](http://www.dcbia.org).

#### Background of the 1910 Height Act

The Act to Regulate the Height of Buildings (Act of June 1, 1910, 36 Stat. 452) is commonly referred to as the 1910 Height Act. The specific requirements of the 1910 Height Act for discussion today are found in Section 5, which is attached hereto. That section provides that buildings on "business streets" (those sides and portions of streets located in Special Purpose, Waterfront, Mixed Use, Commercial, or Industrial zoning districts) may be erected to a height equal to the width of the adjacent street plus 20 feet, with an overall maximum height of 130 feet, except for the north side of Pennsylvania Avenue between

First and 15th Streets NW, where a height of 160 feet is permitted. On residence streets, the maximum height is 90 feet, but is further limited by the width of the adjacent street, minus 10 feet. The point of measurement is required to be taken from the level of the sidewalk opposite the middle of the front of the building to the highest point of the roof or parapet, provided that if the building has more than one front, the height shall be measured from the elevation of the sidewalk that permits the greater height.

Above the maximum height of a building itself, Section 5 of the 1910 Height Act allows for two types of structures:

- architectural elements such as "spires, towers, domes, minarets and pinnacles", which has now evolved into what generally are known as "architectural embellishments"; and
- utilitarian elements such as penthouses over elevator shafts, ventilation shafts, chimneys, smokestacks and fire sprinkler tanks. With the advent of central heating, ventilation, and air conditioning in multi story buildings, this equipment is now placed on the roof as the modern version of ventilation shafts, chimneys and smokestacks.

Congress set no limitation on the height of the permitted architectural elements, and they can be located anywhere above the roof of a building. Likewise, Congress set no limit on the height of the utilitarian roof structure elements, except that they are required to be constructed with a setback from the exterior walls of the building equal to their height above the roof, and they are prohibited from being used for "human occupancy."

Building heights in the District of Columbia are also governed by the DC Zoning Regulations, which in many instances permit maximum heights that are less than those permitted by the 1910 Height Act, and which also provide a height limit for roof structures of 18 feet, six inches above the height of the roof.

#### Proposed Modifications to the 1910 Height Act

DCBIA believes that the horizontal nature of our city skyline is an important component of the city's beauty and special character. We also understand that there are a wide variety of views on the wisdom and importance of the 1910 Height Act, and whether the established height limits should be retained or modified. DCBIA has examined this issue, and we believe that there is a practical approach for a minor change in the 1910 Height Act that would have absolutely no impact upon the skyline of the city as currently permitted by the 1910 Height Act. Simply stated, that is to remove the restriction on "human occupancy" above the top story of a building. Allowing habitable space in a roof structure in addition to the normal roof top machinery, while retaining the current roof structure setback requirement, would allow a wide variety of uses, such restaurants and lounges, health clubs, community rooms, and enclosed swimming pools as well as other residential and non-residential uses. Allowing such use of roof structure space would also likely promote a greater use of rooftops outside of these roof structures for active and passive outdoor recreation, and rooftop landscaping. We believe that this proposal will have a positive benefit on the quality of life of those using those facilities, and will also help to enhance the beauty of the skyline of our "horizontal city". The attached article provides more detail on this proposal.

On behalf of DBIA, I thank you for the opportunity to appear today. I would be pleased to answer your questions.



*Provided.*  
Treaty rights not  
affected.

and pay over the proceeds received from the sale thereof only as received and as herein provided: *Provided*, That nothing in this Act shall be construed to deprive the said Indians of the Rosebud Indian Reservation of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this Act.

Approved, May 30, 1910.

May 30, 1910.  
[H. R. 9304.]  
[Public, No. 195.]

CHAP. 261.—An Act Granting certain lands in the Coconino National Forest, in Arizona; for observatory purposes.

Lowell Observatory,  
Ariz.  
Lands in Coconino  
National Forest grant-  
ed for.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be, and hereby is, granted to Percival Lowell, his heirs and assigns, section numbered seventeen, in township numbered twenty-one north of range seven east of the Gila and Salt River base and meridian, the said tract of land being within the Coconino National Forest, in the Territory of Arizona, for observatory purposes in connection with the Lowell Observatory: *Provided*, That in the event of the removal or abandonment of the said observatory or the use of said land by the grantee for other than observatory purposes the said land shall revert to the United States: *Provided further*, That the title to the merchantable timber thereon and the right to cut and remove the same in such manner as to preserve the herbage and undergrowth in their natural condition shall remain in the United States.

Approved, May 30, 1910.

*Provided.*  
Reversion for non-  
user.

Timber rights ex-  
cluded.

June 1, 1910.  
[H. R. 19070.]  
[Public, No. 196.]

CHAP. 263.—An Act To regulate the height of buildings in the District of Columbia.

District of Columbia.  
Height of nonfire-  
proof dwellings, etc.,  
limited.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the date of the approval of this Act no combustible or nonfireproof building in the District of Columbia used or occupied or intended to be used or occupied as a dwelling, flat, apartment house, tenement, lodging or boarding house, hospital, dormitory, or for any similar purpose shall be erected, altered, or raised to a height of more than four stories, or more than fifty feet in height above the sidewalk, and no combustible or nonfireproof building shall be converted to any of the uses aforesaid if it exceeds either of said limits of height.

Business buildings.

SEC. 2. That from and after the date of the approval of this Act no combustible or nonfireproof building in the District of Columbia used or occupied or intended to be used or occupied for business purposes only shall be erected, altered, or raised to a height of more than sixty feet above the sidewalk, and no combustible or nonfireproof building shall be converted to such use if it exceeds said height.

Fireproof materials  
required for buildings  
exceeding 60 feet.  
Churches excepted.

SEC. 3. That all buildings in the District of Columbia, including buildings of every kind, class, and description whatsoever, excepting churches only, hereafter erected, altered, or raised in any manner as to exceed sixty feet in height shall be fireproof or noncombustible and of such fire-resisting materials, from the foundation up, as are now or at the time of the erecting, altering, or raising may be required by the building regulations of the District of Columbia.

Hotels, etc.

Hotels, apartment houses, and tenement houses hereafter erected, altered, or raised in any manner so as to be three stories in height or over and buildings hereafter converted to such uses shall be of fireproof construction up to and including the main floor, and there shall be no space on any floor of such structure of an area greater than two thousand five hundred square feet that is not completely inclosed by

fireproof walls, and all doors through such walls shall be of noncombustible materials.

Every building hereafter erected with a hall or altered so as to have a hall with a seating capacity of more than three hundred persons when computed, as provided by the building regulations, and every church hereafter erected or building hereafter converted for use as a church, with such seating capacity, shall be of fireproof construction up to and including the floor of such hall or the auditorium of such church as the case may be.

SEC. 4. That additions to existing combustible or nonfireproof structures hereafter erected, altered, or raised to exceed the height limited by this Act for such structures shall be of fireproof construction from the foundation up, and no part of any combustible or nonfireproof building shall be raised above such limit or height unless that part be fireproof from the foundations up.

Towers, spires, or domes, hereafter constructed more than sixty feet above the sidewalk, must be of fireproof material from the foundation up, and must be separated from the roof space, choir loft, or balcony by brick walls without openings, unless such openings are protected by fireproof or metal-covered doors on each face of the wall. That full power and authority is hereby granted to and conferred upon every person, whose application was filed in the office of the Commissioners of the District of Columbia prior to the adoption of the present building regulations of said District, to construct a steel fireproof dome on any buildings owned by such person, in square three hundred and forty-five of said District, as set forth in the plans and specifications annexed to or forming a part of such applications so filed, any other provision in this Act contained to the contrary notwithstanding. And the inspector of buildings of said District shall make no changes in said plans and specifications unless for the structural safety of the building it is necessary to do so.

Every theater hereafter erected and every building hereafter converted to use as a theater, and any building or the part or parts thereof under or over the theater so erected or the buildings so converted, shall be of fireproof construction from the foundation up and have fireproof walls between it and other buildings connected therewith, and any theater damaged to one-half its value shall not be rebuilt except with fireproof materials throughout and otherwise in accordance with the building regulations of the District of Columbia.

SEC. 5. That no building shall be erected, altered, or raised in the District of Columbia in any manner so as to exceed in height above the sidewalk the width of the street, avenue, or highway in its front, increased by twenty feet; but where a building or proposed building confronts a public space or reservation formed at the intersection of two or more streets, avenues, or highways, the course of which is not interrupted by said public space or reservation, the limit of height of the building shall be determined from the width of the widest street, avenue, or highway. Where a building is to be erected or removed from all points within the boundary lines of its own lots, as recorded, by a distance at least equal to its proposed height above grade the limits of height for fireproof or noncombustible buildings in residence sections shall control, the measurements to be taken from the natural grades at the buildings as determined by the commissioners.

No building shall be erected, altered, or raised in any manner as to exceed the height of one hundred and thirty feet on a business street or avenue as the same is now or hereafter may be lawfully designated, except on the north side of Pennsylvania avenue between First and Fifteenth streets, northwest, where an extreme height of one hundred and sixty feet will be permitted.

Halls.

Churches.

Additions.

Towers, spires, and domes.

Dome in square 345.

Plans.

Theaters.

Width of street to govern height.

Business streets.

|                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Residence streets.                                | On a residence street, avenue, or highway no building shall be erected, altered, or raised in any manner so as to be over eighty feet in height to the top of the highest ceiling joists or over eighty-five feet in height at the highest part of the roof or parapet, nor shall the highest part of the roof or parapet exceed in height the width of the street, avenue, or highway upon which it abuts, diminished by ten feet, except on a street, avenue, or highway sixty to sixty-five feet wide, where a height of sixty feet may be allowed; and on a street, avenue, or highway sixty feet wide or less, where a height equal to the width of the street may be allowed.                                                                                                                                                        |
| Foot, p. 881.<br>Corner lots.                     | The height of a building on a corner lot will be determined by the width of the wider street.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Streets less than 90 feet wide.                   | On streets less than ninety feet wide where building lines have been established and recorded in the office of the surveyor of the district, and so as to prevent the lawful erection of a building in advance of said line, the width of the street, in so far as it controls the height of buildings under this law, shall be held to be the distance between said building lines.                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Adjoining public buildings.                       | On blocks immediately adjacent to public buildings or to the side of any public building for which plans have been prepared and money appropriated at the time of the application for the permit to construct said building, the maximum height shall be regulated by a schedule adopted by the Commissioners of the District of Columbia.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Abutting Union Station plaza.<br>Vol. 52, p. 913. | Buildings hereafter erected to front or abut on the plaza in front of the new Union Station provided for by Act of Congress approved February twenty-eighth, nineteen hundred and three, shall be fireproof and shall not be of a greater height than eighty feet.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Towers, chimneys, sprinkler tanks, etc.           | Spires, towers, domes, minarets, pinnacles, pent houses 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 when and as the same may be approved by the Commissioners of the District of Columbia: <i>Provided, however,</i> That 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: <i>And provided,</i> That pent houses, ventilation shafts, and tanks shall be set back from the exterior walls distances equal to their respective heights above the adjacent roof.                                                                   |
| Provisions.<br>Fireproof requirements.            | Sec. 6. That no wooden or frame building hereafter erected, altered, or converted for use as a human habitation shall exceed three stories or exceed forty feet in height to the roof.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Distance from exterior walls.                     | Sec. 7. That for the purposes of this Act the height of buildings shall be measured from the level of the sidewalk opposite the middle of the front of the building to the highest point of the roof. If the building has more than one front, the height shall be measured from the elevation of the sidewalk opposite the middle of the front that will permit of the greater height. No parapet walls shall extend above the limit of height.                                                                                                                                                                                                                                                                                                                                                                                           |
| Limit for frame dwellings.                        | Sec. 8. That buildings erected, altered, or raised or converted in violation of any of the provisions of this Act are hereby declared to be common nuisances; and the owner or the person in charge of or maintaining any such buildings, upon conviction on information filed in the police court of the District of Columbia by the corporation counsel or any of his assistants in the name of said District, and which said court is hereby authorized to hear and determine such cases, shall be adjudged guilty of maintaining a common nuisance, and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars per day for each and every day such nuisance shall be permitted to continue, and shall be required by said court to abate such nuisance. The corporation counsel of the District of |
| Basic of measurement.                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Violations declared nuisances.                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Penalty.                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Injunction proceedings.                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

Columbia may maintain an action in the supreme court of the District of Columbia, in the name of the District of Columbia, to abate and perpetually enjoin such nuisance. The injunction shall be granted at the commencement of the action, and no bond shall be required. Any person violating the terms of any injunction granted in such proceeding shall be punished as for contempt by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in the United States jail for not less than thirty days nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

Punishment for violating injunction.

SEC. 9. That Congress reserves the right to alter, amend, or repeal this Act. All laws in conflict herewith are hereby repealed.

Repeal, etc.  
Vol. 30, p. 322.

Approved, June 1, 1910.

From the Washington Business Journal  
: <http://www.bizjournals.com/washington/stories/2010/02/22/tidbits9.html>

## OnSite

# Guest comment: We can relax D.C.'s height limits

**Keep city's character by using roof structures for human occupancy**

**Premium content from Washington Business Journal by Whayne S. Quin**

Date: Monday, February 22, 2010, 12:00am EST

### Related:

[Commercial Real Estate](#), [Environment](#), [Energy](#)

Acrophobia is normally thought of as a fear of heights from the person's perspective looking down. But it's also a good way to describe the fear of seeing and permitting higher buildings in D.C.

Scores of articles have been written and many symposia have been held debating and commenting about the limitation on building heights. Local and federal agencies frequently reference the height of buildings as being one of the most sensitive parts of the city's planning and built environment. The core of this focus always seems to be the congressionally enacted 1910 height act. Most everyone takes pride in the horizontality of our capital city, arguing the city would not have that character without the act.

Unfortunately, myths, misunderstandings and strained interpretations sometimes cause public officials and preservationists to fear that real estate developers, architects and their attorneys want to breach the limitations and destroy that character with major vertical increases having an adverse impact on our skyline.

No doubt, there are those who would like to do away with the 1910 height act and, at the other extreme, there are those who would like to apply interpretations that restrict heights far below what was intended by the act.

Both are wrong. There is a middle ground — all completely within the framework of the overall heights of buildings as consistently permitted and built over the last 100 years.

The 1910 height act was initiated by the District of Columbia Board of Commissioners — not Congress — because, after the permitting of the Cairo Hotel at 1615 Q St. NW, our

city fathers felt that there should be appropriate height limits. The essential requirements of the act, as now in effect, are that buildings on business streets may be erected to a height of the width of the street plus 20 feet, with an overall maximum height of 130 feet, except for the north side of Pennsylvania Avenue between First and 15th streets NW, where "an extreme height" of 160 feet is permitted. On a residence street, the maximum height is 90 feet, but further limited by the width of the street diminished by 10 feet. The point of measurement is required to be taken from the level of the sidewalk opposite the middle of the front of the building to the highest point of the roof or parapet, provided that if the building has more than one front, the height shall be measured from the elevation of the sidewalk that permits the greater height.

Above the maximum height of a building itself, the law also provided for essentially two types of structures, namely architectural elements such as spires, towers, domes, minarets which has evolved into what generally has become known as "architectural embellishments"; and utilitarian elements such as penthouses over elevator shafts, ventilation shafts, chimneys, smokestacks and fire sprinkler tanks. Congress set no limit for these roof structure elements but required them to be constructed with a setback from public street frontages on a 1:1 basis and prohibited them from being used for "human occupancy."

Since the inception of zoning in D.C., the Zoning Commission has established height limits by zoning districts. While there have been several limits regarding size of roof structures, no limit on the height of roof structures existed until December 1976, when the Zoning Commission adopted a general limit of 18 feet, 6 inches, with the right of the Board of Zoning Adjustment to approve higher structures.

So the result today is that a 90-foot building with an 18-foot, 6-inch roof structure would have a silhouette of 108.5 feet with setbacks above the height act restriction and a 130-foot building would have a silhouette rising to 148.5 feet with certain setbacks above the restrictions. Aside from setbacks imposed by zoning, the only setback required by the height act is from public streets. These heights have been deemed appropriate to preserve our horizontal city.

Within the overall height limitations, it is clear that Congress intended broad flexibility under the height act enabling the city to be competitive as evidenced by the fact that the act left to D.C. agencies the question of what constitutes a building, left to the city the enforcement of the act through the Office of Corporation Counsel (now the Office of the Attorney General), gave the city the right to adopt a schedule of heights for buildings adjacent to federal buildings and allowed the city to determine how high and how large roof structures should be. Originally, the primary purpose of the height limits was fire safety. That rationale has completely faded, and the sole arguments are now aesthetic and historic aimed at protecting the horizontality vision. Today, the city is at a distinct disadvantage in not being able to be more competitive with our surrounding jurisdictions in terms of design and availability of residential and commercial space.

So, within the existing framework, what additional height can be permitted without doing damage to the essential constraints of the 1910 act? Architects and engineers indicate that the ability to provide one or two more floors of first-class residential and commercial

space in new buildings could be provided with 10 to 20 feet more of height. We need to find a way to allow this without damaging the wonderful perspectives of our city. One solution would be to allow human occupancy within the established total framework of our buildings. This includes the space within buildings as now limited by the act and the space that is already permitted for roof structures with the additional 18 feet, 6 inches. Recently the Office of Planning has suggested that a roof structure height of 20 feet would make more sense.

The aesthetic and historic nature of the height act's application would then be respected and the horizontal nature of our city would not be impaired. While presenting technical and architectural issues on how to provide mechanical and safety measures within the same space above the basic height limits, in many cases additional residential units or commercial space could be provided. Two legislative actions would be required:

1. Congress would have to amend the 1910 height act to allow human occupancy in the space previously allowed for the architectural and utilitarian roof structures. Congress could limit how high human occupancy could go, for example, 20 feet, with the previously required public street 1:1 setback.
2. The Zoning Commission would have to amend the zoning regulations to follow such congressionally approved limitations and would need to determine what size and setback would be required and then provide for limited flexibility through the Board of Zoning Adjustment.

In this manner, the increase of height would be within the overall building heights now permitted and the competitive position of the District of Columbia could be enhanced without disturbing the long and widely respected structural height limitations.

Wayne S. Quin is a partner and land-use practice leader for the mid-Atlantic region at Holland & Knight LLP.



Committee on Oversight and Government Reform  
Witness Disclosure Requirement – "Truth in Testimony"  
Required by House Rule XI, Clause 2(g)(5)

Name: Christopher H. Collins

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1. Please list any federal grants or contracts (including subgrants or subcontracts) you have received since October 1, 2009. Include the source and amount of each grant or contract.

None

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2. Please list any entity you are testifying on behalf of and briefly describe your relationship with these entities.

Testifying on behalf of the District of Columbia Building Industry Association where I serve as Counsel.

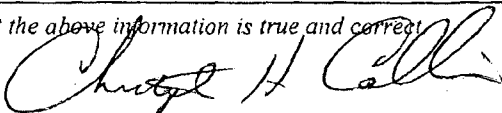
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3. Please list any federal grants or contracts (including subgrants or subcontracts) received since October 1, 2009, by the entity(ies) you listed above. Include the source and amount of each grant or contract.

None

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I certify that the above information is true and correct.  
Signature:



Date:

7/13/12

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# Holland & Knight



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### Practices

Real Estate

Land Use

Mid-Atlantic Land Use

D.C. Practice

### Education

Catholic University of America,  
Columbus School of Law, J.D.

Boston College, A.B., *magna cum laude*, Political Science

### Bar Admissions

District of Columbia

Maryland

**Christopher H. Collins** focuses on zoning and land use law, historic preservation, municipal law, building code and foreign mission and international organization matters. He has considerable experience representing a broad range of local, national and international clients, including residential, commercial, retail and industrial developers, financial institutions, asset managers, hotels and hospitality providers, schools and universities, foreign governments, nonprofit organizations, religious institutions, and property owners and commercial tenants in all areas of land use law and real estate development. He represents clients before all of the federal and local land use regulatory agencies in District of Columbia.

Mr. Collins has lectured both locally and nationally on historic preservation, land use and foreign missions issues. He is also the author of numerous articles on issues involving building codes, zoning regulations, foreign missions and recent developments in land use law and related matters. As an accredited LEED AP Professional, he also counsels clients regarding green building and sustainability issues. Mr. Collins is Counsel to the D.C. Building Industry Association.

Mr. Collins has represented more than 50 foreign governments and international organizations in real estate matters, primarily relating to the acquisition, location, replacement and expansion of their embassy and other facilities in Washington. He is a Counselor to the Meridian International Center.

### Professional Honors & Awards

- *The Best Lawyers in America* guide, Land Use & Zoning Law; Real Estate Law, 2008–2012
- Corporate Counsel Edition, *Super Lawyers* magazine, 2009–2010
- Washington, D.C. *Super Lawyers* magazine, 2009
- Top Washington Lawyer Finalist, Washington Business Journal, 2007 and 2008
- The Legal 500, 2007 and 2008
- Lawdragon 500, 2006
- U.S. Green Building Council, LEED Accredited Professional (LEED®AP)

# Holland & Knight

## Memberships

- District of Columbia Building Industry Association, Counsel
- DCBIA Political Action Committee, Treasurer
- DCBIA Community Services Corporation, Counsel
- Meridian International Center, Counselor and former Trustee
- Cultural Tourism DC, Board member
- Lambda Alpha International Honorary Land Economics Society
- Urban Land Institute – Full Member

## Court Admissions

- U.S. Supreme Court
- U.S. District Court for the District of Columbia
- U.S. Court of Appeals, D.C. Circuit
- All Courts in District of Columbia
- All State Courts in Maryland

## Speaking Engagements

- "Sustainability Initiatives in the District: What You Need to Know," Holland & Knight Seminar, April 24, 2012
- "Real Estate & Construction Considerations for Associations and Nonprofits," CBH Annual Nonprofit Seminar, November 4, 2010

## Published Articles & Books

- "Summary of D.C. Green Building Act Requirements," *District of Columbia Building Industry Association Pipeline*, April 2010
- "New Residence Building in Washington, D.C. for Chinese Embassy's Education Office," *China*, Newsletter – June 2008

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National Capital Planning Commission  
c/o William Herbig  
401 9th Street Northwest  
North Lobby, Suite 500  
Washington DC 20004

Re: Written Testimony on Height Act for Special NCPC Meeting of October 30, 2013

Dear Commission Members:

Thank you for holding a special commission meeting to gather public comments on this topic and for your thoughtful report supportive of the District's unique and successful planning vision, rightly celebrated by residents, visitors from America and abroad, business community, and leaders from all professions and walks of life. I apologize that I will not be able to appear in person to testify in person but respectfully submit these comments to urge rejection of OP's recommendations.

I have studied OP's recommendations carefully as a professional planner, expert on domestic and international urban revitalization and author of pioneering studies of Smart Growth, inclusive economic development, and livability, and numerous articles on these topics. I am a long-time resident of Chevy Chase, DC, where I have experienced the community's ups and downs and happily ups again. I served on the board of the American Planning Association as chair of its parks committee and was honored for a widely disseminated report on urban livability for the Brookings Center on Metropolitan Policy and was a Trustee of the Committee of 100 on the Federal City, for whom I managed a study of the environmental and transportation sustainability of Rock Creek Park. I was recently elected as a Fellow of the National Academy of Public Administration.

Because others will be speaking eloquently about the distinctive beauty of our planned city, I will limit these comments to the flawed rationale that appears to animate OP's draft recommendations:

1. The 1910 height act is sclerotic, a century old outdated vestige of obsolete planning and needs to be transformed.
2. The city needs to shed the height limits in order to solve its budget problems.

**The 1910 Height Act is an outdated planning vestige that needs to be updated for the next century**

The 1910 Height Act has endured, not because it was planned for a 100-year life, but because it has proved its worth over the century. It did not have a "destroy-by-xx date." Its advocates laid down a general framework for its vision of a great city that has survived, with some tweaking and all things considered, few grand missteps over the years. It was not based solely on ephemeral fire-fighting capability, though that might have been a consideration and security continues a challenge in District development.

Without carrying the analogy too far, the Height Act might be compared to the much older federal Constitution. Admirably brief, its interpretation debated intensely over the years and amended to account for an enlarging perspective on democracy, the Constitution is not seriously suggested even by critics as a topic for rewriting or gutting.

The Height Act has similarly moved the city's growth in the direction of resilience and adaptability, allowing for flexibility within a larger vision as it expands its sensitivity to human and democratic values while sustaining and enhancing distinctive physical and environmental assets.

It has been an honor to live here, and I believe the many people who came, as I did, to stay for a year and found that they wanted to put down roots in this beautiful, dynamic, and challenging city, share this sentiment. We see this every time an Administration changes.

I would argue that some of this magnetism is linked significantly to the still undefined effects of low scale, sunlight, wide streets, design, and green spaces on our psyche and mood. This morning, National Public Radio spoke of recent scientific findings about the relationship of place to stress and well-being, findings that they are attempting to quantify. Why do some places feel good, calm us, increase our productivity, and renew our energies?

Where do OP's recommendations lead? One only has to look to Crystal City and Rosslyn, or Rockville Pike, or more recently Friendship Heights, or to mega suburban shopping centers now being gutted, to see how the Height Act, with its restraints rooted in a vision of distinctiveness, history, livability, and grandeur, and yes, economics, has served our residents, city, and federal interests well. If provisions in the Height Act now incentivize sensitive investment in neglected parts of the city, this is all to the good.

OP's director speaks of planning for the next 100 years. There are too many uncertainties and unknowns to prescribe the details of the city's future growth that far into the future. So many trends now seen as priorities have moved onto the radar screen within the past five or ten years. It doesn't take much imagination to realize that much could change to affect the direction and quantity of growth and development in the blink of another five to ten years. Substantial modifications to the city's Height limits are a diversion at best, not a solution to the complex challenge of planning in our times.

### **The Height Act strangles the city's finances**

OP seems to base its case for modifying the Height Act most strongly on economics. The District's peculiar status, it argues, constrains its ability to raise revenues, because the large amount of tax-exempt land and restrictions on building taller buildings lower the potential for commanding higher property and business taxes as well as income and/or estate taxes if more higher income people became city residents.

While there are many uncertainties in this rationale, the evidence deserves further analysis and I reserve final judgment until the latest data are available to examine the complex federal/city relationship. Meanwhile, It seems to me that the city has risen to the top of the charts in many measures of economic recovery. My sense is that to see the whole picture, the federal contribution to city coffers, direct or otherwise, needs to be examined independently, taking such factors as its contribution to stability and certainty, direct support for transit users, maintenance of federal lands and roads, education, and the role of the federal presence in sparking private investment and partnerships beyond what might be expected in a more typical city. While there must be substantial research on these points, the OP

presentation seems one-sided and dated. At a minimum, given the weight OP gives to this issue in its recommendations, I hope serious consideration will be given to commissioning an independent study before moving forward.

While the economic argument warrants further study, it does not follow that OP's diagnosis, if confirmed, would necessarily call for transforming or gutting height limits. Indeed, the analysis could rather present a strong case for reforming institutional and governance constraints on the city's capacity to raise revenues and spend them efficiently and wisely in collaboration with the federal government and the region.

One wonders if revenues rose thru building higher would stream more money to areas of need and neglect even as this strategy changed, irrevocably, the distinctive qualities that many believe contribute significantly to city and regional coffers.

Thank you for considering these comments.

Sincerely,  
Phyllis Myers  
President, State Resource Strategies  
NAPA Fellow  
Resident, 3248 Patterson Street NW, Washington DC 20015

**Government of the District of Columbia  
ADVISORY NEIGHBORHOOD COMMISSION 3-D**

P.O. Box 40486  
Palisades Station  
Washington, D.C. 20016

October 27, 2013

L. Preston Bryant, Jr., Chairman  
National Capital Planning Commission  
401 9th Street NW  
North Lobby, Suite 500  
Washington, DC 20004

Harriet Tregoning, Director  
District of Columbia Office of Planning  
1100 4th Street, SW, Suite E650  
Washington, DC 20024

**RE: Resolution of Advisory Neighborhood Commission 3D on the  
DC Recommendations to Change the Height of Buildings Act of 1910**

Dear Mr. Bryant and Ms. Tregonning:

At a publicly noticed meeting on Wednesday, Oct. 2, 2013, held at the American University, School of International Service, Founders Room, Washington, D.C., with a quorum present at all times, Advisory Neighborhood Commission (ANC) 3D voted 7-1-1 to support the attached Resolution of Advisory Neighborhood Commission 3D on the DC Recommendations to Change the Height of Buildings Act of 1910.

ANC3D is concerned about the draft recommendations proposed by the Office of Planning to modify the Height of Buildings Act of 1910 to allow increased heights within the District's boundaries. These proposals would include raising the building maximum height in the L'Enfant City from 160 ft. to 200 ft. and allowing the city to determine building height maximums for areas outside the L'Enfant City through the Comprehensive Plan and zoning processes.

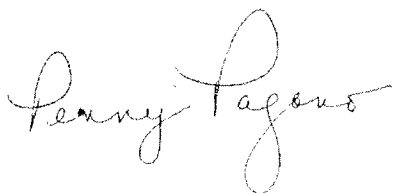
In its draft recommendations, the city's Office of Planning maintains that the current height limits constrain existing capacity to accommodate projected household and job growth along with potential development opportunities over the next three decades. While residents want our city to grow and thrive, these draft proposals to alter long-established height limitations have generated serious concern over the impact such changes would have on existing neighborhoods and our city as a whole.



The ANC3D resolution also reflects the Commission's concern that the submission of draft recommendations by the Office of Planning prior to public participation and review by the National Capital Planning Commission did not provide an adequate opportunity for its own residents to weigh in and provide input on the future of the city where they live and work.

As a result of these concerns, ANC3D supports maintaining the existing Height of Buildings Act of 1910.

Sincerely,

A handwritten signature in cursive script, reading "Penny Pagano". The signature is written in dark ink and is positioned above the printed name and title.

Penny Pagano  
Chair, ANC3D

Enclosure

Cc:

tanya.stern@dc.gov

Deborah.young@ncpc.gov

Marcella.brown@ncpc.gov

jjacobs@dccouncil.us

**RESOLUTION OF ADVISORY NEIGHBORHOOD COMMISSION 3D ON THE  
DISTRICT OF COLUMBIA'S RECOMMENDATIONS TO CHANGE THE HEIGHT OF  
BUILDINGS ACT OF 1910**

WHEREAS, the Height of Buildings Act of 1910 (the Height Act) is a federal law that can be modified only through congressional actions; and

WHEREAS, on October 3, 2012, the chairman of the House Committee on Oversight and Government Reform requested the National Capital Planning Commission (NCPC) and the District of Columbia government work jointly to examine the extent to which the Height Act continues to serve federal and local interests, and how the law could affect the future of the city; and

WHEREAS, the character of Washington's historic L'Enfant City, particularly the monumental core, establishes the city's iconic image as our national's capital; and

WHEREAS, any changes to the Height Act that affect the historic L'Enfant City should be carefully studied to ensure the iconic, horizontal skyline and the visual preeminence of the US Capitol and related national monuments are retained; and

WHEREAS, 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; and

WHEREAS, the DC Office of Planning (OP) led the District's efforts on the study and contracted consultant services for two studies: an Economic Feasibility Analysis and a Height Master Plan Modeling Analysis; and

WHEREAS, on September 24, 2013, without consulting NCPC or District residents, the Mayor submitted the District of Columbia's Height Master Plan evaluation and draft recommendations for changes to the Height Act; and

WHEREAS, Recommendation 2 states, Congress should allow the District of Columbia to determine building height maximums for areas outside of the L'Enfant City through its Comprehensive Plan and zoning processes; and

WHEREAS, amendments to the Comprehensive Plan are reviewed and recommended for DC Council consideration by OP and amendments to the zoning regulations can be forwarded to the Zoning Commission only by the Office of Planning.

NOW THEREFORE BE IT RESOLVED, that ANC 3D opposes Recommendation 2 based on the premise that there is consensus that the federal interest is less and much more attenuated or perhaps non-existent outside of the L'Enfant City; and

BE IT FURTHER RESOLVED, that ANC take no solace in Recommendation 2, which would transfer jurisdiction to the city to determine the appropriate building height limits for those parts of the District outside of the L'Enfant City through its statutorily-required Comprehensive Plan and zoning amendment process; and

BE IT FURTHER RESOLVED, that ANC 3D rejects Recommendation 2 based on the fact OP exercises considerable control over the Comprehensive Plan and zoning amendment processes in the District; and

BE IT FURTHER RESOLVED, that ANC 3D is unable to support the core principles of the Height Master Plan as applied to areas outside the L'Enfant City as they are based on an economic feasibility analysis that fails to recognize the importance of neighborhood stability and character which is a guiding principal of the Comprehensive Plan's Land Use Element; and,

BE IT RFURTHER RESOLVED, that ANC 3D recognizes the extensive public process has not been followed as demonstrated by the transmittal of the District's Height Master Plan prior to public participation and review by the National Capital Planning Commission and public meetings; and

BE IT FURTHER RESOLVED, that ANC 3D strongly support maintaining the Height of Buildings Act of 1910 in its current state, without additions or deletions, as it has protected the monumental core and its surrounding neighborhoods for the past one hundred years.

October 2, 2013

**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:

Judy Scott Feldman, PhD  
Chair

George H.F. Oberlander, AICP  
Vice Chair

A handwritten signature in blue ink that reads "Judy Scott Feldman". The signature is fluid and cursive, with the first name "Judy" being more prominent.A handwritten signature in black ink that reads "George H.F. Oberlander". The signature is cursive and somewhat stylized, with the last name "Oberlander" being more prominent.





**THE GEORGE  
WASHINGTON  
UNIVERSITY**  
WASHINGTON, DC

Center for Real Estate and Urban Analysis

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October 28, 2013

Ms. Harriet Tregoning  
Director of the District of Columbia Office of Planning  
1100 4th Street, SW, Suite E650  
Washington, DC 20024

Subject: Letter of Support for the District of Columbia Height Limitations Evaluation and Draft Recommendations, September 20, 2013

Director Tregoning,

I am a metropolitan development scholar and am a resident of Washington, DC. My experience includes owning and managing the country's largest real estate consulting firm for 20 years, a founding partner of a real estate development firm, an author of 12 books on urbanism and numerous articles for national publications. I am currently a professor at George Washington University, Chair of the Center for Real Estate and Urban Analysis and a non-resident senior fellow at the Brookings Institution.

I urge the adoption of the District of Columbia recommendations to assume responsibility for building height outside of the L'Enfant old city boundaries and slight easing within the original L'Enfant boundaries to reflect changing fire suppression technologies.

The major reason for this recommendation is that following 60 years of losing relative job, office, retail and residential growth to the suburbs, the District in 2004 economically turned around and began to relatively grow compared to our suburbs. This was one of the first center cities in the country to turn around and it has provided residents with more job opportunity, the District with a healthy balance sheet, a safer and more vibrant city and a model for center cities across the country.

The problem is that the L'Enfant city is running out of developable land and square footage that can be developed, mainly due to the height limit and the appropriate desire to preserve historic buildings. The L'Enfant city is probably 15-25 years from running out of developable land based upon current growth rates.

However, the District needs the ability to continue to grow. It would be nearly a crime to lose the advantage of offering walkable urban places to grow jobs and families due to not having enough land and building development potential.

In addition, the city is a leading model of environmental sustainability since walkable urban development is essential to reducing green house emissions. The City is also providing a model of green building, lowering green house gas emissions even further. Having the early 20th century limitations of building heights maintained reduces the ability of the District to reduce climate change, especially since the built environment (buildings and transportation) is the largest category of emissions, contributing nearly 75% of all green house gases.

Keeping an early 20th century law *or* provide a national model of reducing green house gases is not a difficult decision for me. We should let the nation's capital be an environmental model by selectively raising the height limit.

Finally, little is said about the financial implications of raising the height limit. In the District today, the value of a floor area ratio (FAR) square foot is between \$50 and \$150 per square foot. The air rights above the current limit belong to the citizens of the District. They are worth billions of dollars that could build the new streetcar system, affordable housing, redevelop our schools and many other positive initiatives. The citizens of DC, whom I am one, would like to take advantage of this significant asset we own.

No one wants to disturb the sacred view corridors or character of the L'Enfant city. However, outside the original Boundary Street (generally Florida Avenue) the city government should have the jurisdiction to determine the appropriate height. In addition, economic growth will probably go to the predominantly minority northeast and southeast parts of the city that have rarely in 220 years received its fair share of economic opportunity. Raising the height limits will encourage racial and social equity.

Please accept the District's recommendations for modifying this arbitrary law outside the L'Enfant city, while making minor adjustments within the old city.

Thank you,

A handwritten signature in dark ink, appearing to read 'C. B. Leinberger', with a stylized, flowing script.

Christopher B. Leinberger  
Charles Bendit Distinguished Scholar and Research Professor of Urban Real Estate,  
George Washington University  
Non-resident Senior Fellow  
The Brookings Institution



National Trust *for*  
Historic Preservation  
*Save the past. Enrich the future.*

October 25, 2013

Ms. Lucy Kempf  
National Capital Planning Commission  
401 9<sup>th</sup> Street, NW Suite 500  
Washington, DC 20004

Ms. Tanya Stern  
D.C. Office of Planning  
1100 4<sup>th</sup> Street, SW, Suite E650  
Washington, DC 20024

Dear Ms. Kempf and Ms. Stern:

I am writing on behalf of the National Trust for Historic Preservation regarding the Height Act Study conducted by the National Capital Planning Commission and the D.C. Office of Planning.

The National Trust is a privately funded nonprofit organization, chartered by Congress in 1949 to further the historic preservation policies of the United States and to facilitate public participation in the preservation of our nation's heritage. 16 U.S.C. § 468. The mission of the National Trust is to provide leadership, education, and advocacy to save America's diverse historic places and revitalize our communities. The National Trust has been actively engaged in the public process for the Height Act Study.

One year ago Congressman Darrell Issa, Chairman of the House Committee on Oversight and Government Reform, requested a joint study "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." (Congressman Darrell Issa to Mayor Vincent Gray and NCPC Chairman Preston Bryant, Jr., Oct. 3, 2012.) Chairman Issa's request for a joint study makes good sense, as the federal government and local government share significant interests throughout the District of Columbia, our Nation's Capital. Congressman Issa's letter specifically directed

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 encourages 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 . . . . (*Id.*, emphasis added.)

The National Capital Planning Commission and the D.C. Office of Planning subsequently agreed to conduct the joint study, setting their goal of reaching a consensus recommendation: "The goal of the study is to reach a federal/local consensus on those areas of the city where height changes would be appropriate." (Height of Buildings Master Plan, Summary Proposal, Nov. 1, 2012.)

However, the agencies did not achieve consensus. Nor did the recommendations focus on "areas *outside* the L'Enfant City," as directed by Congress.

The National Capital Planning Commission, which released its report to the public on September 12, 2013, did identify several potential opportunities for strategic change to the Height Act, including changes impacting "areas outside the L'Enfant City and beyond the edge of the topographic bowl," (NCPC Executive Director's Recommendation, p. 13.) The NCPC report specifically observed that "changes to the Height Act within the L'Enfant City and within the topographic bowl may have a significant adverse effect on federal interests." (*Id.* at p. 10.) Consequently, the NCPC report does not recommend any major changes to the Height Act within the L'Enfant City.

By contrast, the D.C. Office of Planning, which sent its report to Congress on September 24, 2013, recommends major changes to the Act within the L'Enfant City. Those proposed changes would eliminate the current cap on building heights and replace it with "new limits based on the relationship between street width and building height ... using a ratio of 1:1.25, which would result in a maximum building height of 200 feet for 160-foot wide streets." (Height Master Plan, DC Office of Planning, pp. 45-46.) The Office of Planning's report also asserts that there is a "greatly diminished federal interest outside the monumental core," (Height Master Plan, DC Office of Planning, p. 1), and even implies that the federal interest outside the L'Enfant City may be "non-existent." (*Id.* at p. 46.) Consequently, the Office of Planning "recommends that Congress allow the city to determine the appropriate building height limits for those parts of the city outside the L'Enfant City through its statutorily-required Comprehensive Plan and zoning amendment processes[.]" (*Id.* at pp. 1, 46.)

In a nutshell, the experts at the two agencies looked closely at the same set of information but failed to achieve their express goal of a federal/local consensus regarding where Height Act changes would be appropriate in the city. NCPC recommended modest changes, especially focusing on penthouse structures, but the DC Office of Planning recommended much more drastic changes. The two sets of recommendations are incompatible, leaving the public with insufficient guidance for meaningful participation.

The National Trust is concerned that public participation during Phase 3 of the study was unintentionally undermined by the confusion that resulted from the agencies' decision to release separate reports and set separate deadlines for public comment. Public participation also was impaired by the federal government shutdown, when NCPC's website was off-line -- and all study-related information was unavailable -- during a critical portion of Phase 3.

The National Trust's review of the available study materials leads us to conclude that the Height Act has proven to be effective in shaping and protecting the character of the Nation's Capital, and the Height Act continues to serve the public interest. The studies conducted by the D.C. Office of Planning and the National Capital Planning Commission simply do not make a persuasive case for any changes to the Height Act. Therefore, we do

not support the changes to the Height Act proposed by the NCPC or by the DC Office of Planning. As noted in the public presentations, large areas of the city are not yet “built out” to the maximum height currently allowed under existing zoning regulations, and ample long-term opportunities remain for commercial and residential development in the District of Columbia.

If the local and federal governments decide to continue working together in an effort to address these issues, the National Trust recommends an expanded study of the many factors – including the Height Act -- which must be addressed to answer the question of how the federal and local governments can cooperate to accommodate growth without sacrificing historic character.

Thank you in advance for considering the views of the National Trust for Historic Preservation.

Sincerely,

A handwritten signature in black ink, reading "Rob Nieweg". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Rob Nieweg  
Field Director & Attorney  
Washington Field Office



**National Trust for  
Historic Preservation**  
*Save the past. Enrich the future.*

**STATEMENT ON THE DRAFT HEIGHT ACT STUDY**  
**Robert Nieweg, Field Director**  
**National Trust for Historic Preservation**  
**September 25, 2013**

My name is Robert Nieweg and I represent the National Trust for Historic Preservation. Thank you for the opportunity to provide preliminary comments regarding the draft Height Act Study.

The National Trust is a privately funded nonprofit organization, chartered by Congress in 1949 to further the historic preservation policies of the United States and to facilitate public participation in the preservation of our nation's heritage. 16 U.S.C. § 468. The mission of the National Trust is to provide leadership, education, and advocacy to save America's diverse historic places and revitalize our communities.

The National Trust has been actively engaged in the public process for the Height Act Study. Representatives of the National Trust have participated in five meetings convened by the DC Office of Planning and the National Capital Planning Commission, reviewed informational material made available by the two agencies, and conferred with our partner organizations and National Trust members. Currently, the National Trust is preparing to submit written comments on the Height Act Study.

We have participated in the Study in order to assess potential impacts to historic properties from possible changes to the Height Act, including impacts to individual historic landmarks and to historic districts – especially those historic properties which are listed on the National Register of Historic Places. At the beginning of Phase 2 of the Study, we requested an opportunity to review key information, including the full report for the Economic Feasibility Analysis as well as maps and additional information to identify the many designated historic properties which are located within the modeling study area. The economic analysis was released to the public on September 24. At the beginning of Phase 3, the National Trust requested an opportunity to review the District's draft recommendations, which were not released to the public until September 24.

Given the time constraints of the Study, we are concerned that the delayed release of the economic analysis and of the District's draft recommendations may unintentionally limit public participation during Phase 3, and certainly with regard to the public's assessment of the two agencies' draft recommendations. The National Trust respectfully requests confirmation that the public will have at

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least 30 days to review and comment on the District's draft recommendations. (We note that the District's September 24 press release states: "Public comments will also be accepted on the recommendations for 30 days before the report is finalized.")

Our preliminary review of available material raises several issues for clarification:

1. **Purpose of the Joint Study.** The purpose of the Height Act Study is for the two agencies to jointly examine the extent to which the Height Act continues to serve federal and local interests and how potential changes to the Act could affect the future of the Capital City. A joint study of the entire city makes good sense, as we believe both the federal government and the local government have significant interests throughout the District of Columbia, our Nation's Capital. What is the rationale for the District's statement that: "Outside the L'Enfant City, there is relatively little federal interest in the height of buildings and historic federal resources there can be protected under both federal and local historic preservation law." [Height Master Plan for the District of Columbia, Evaluation and Draft Recommendations, Sept. 20, 2013, p. 5 (emphasis added).]
2. **Scope of the Study.** It was our initial understanding that the two agencies had been charged to explore changes to the Height Act in areas outside of the L'Enfant City, as Chairman Issa directed in 2012: "The Committee encourages 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 that were discussed at the July 19 hearing." [Congressman Darrell Issa to Mayor Vincent Gray and NCPC Chairman Preston Bryant, Jr., Oct. 3, 2012 (emphasis added).] What is the rationale for expanding the exploration of changes to include the L'Enfant City?
3. **Federal-Local Consensus.** In response to Chairman Issa's request, NCPC and the DC Office of Planning developed a proposal for the Height Act Study which stated that: "The goal of the study is to reach a federal/local consensus on those areas of the city where height changes would be appropriate." [NCPC Chairman L. Preston Bryant, Jr. to Congressman Darrell Issa, Nov. 1, 2012, Height of Buildings Master Plan, Summary Proposal (emphasis added).]

What are the consequences for the Study of the agencies' failure to reach the intended federal/local consensus?

The National Trust believes that the Height Act continues to serve the public interest, and we are particularly supportive of the NCPC's observation that: "The law is simple, equitable, and has distributed development to all parts of the city rather than concentrating growth to a single high-rise cluster. It contributes to a stable and predictable real estate development climate." [NCPC Executive Director's Recommendation, Sept. 12, 2013, p. 4.]

In our view, the Height Act is a time-tested solution which the federal and local governments should not rush to change. Any proposal to change the Height Act should not move forward without additional careful study and public feedback regarding the two very different and apparently incompatible sets of draft recommendations which have been released by the NCPC and DC Office of Planning.

Thank you in advance for considering these preliminary comments of the National Trust for Historic Preservation.





Preserving America's Heritage

October 25, 2013

Ms. Tanya Stern  
Chief of Staff  
D.C. Office of Planning  
1100 4th Street, SW, Suite E650  
Washington, D.C. 20024

Re: *Draft Recommendations for Modifications to the Heights of Buildings Act (DC ST § 6-601) and the Proposed Height Master Plan for the District of Columbia*

Dear Ms. Stern:

The Advisory Council on Historic Preservation (ACHP) is an independent federal agency responsible for promoting the preservation, enhancement, and sustainable use of our nation's diverse historic resources. In accordance with the *National Historic Preservation Act* (16 U.S.C. 470) (NHPA), we advise the President and the Congress on national historic preservation policy. Given this role, we were pleased to participate in discussions regarding the consideration of modifications to the *Heights of Buildings Act* (Heights Act) administered jointly by the National Capital Planning Commission (NCPC) and your office. We reviewed your office's Height Master Plan for the District of Columbia Evaluation and Draft, and NCPC's Draft Executive Director's Report and Federal Interest Report, which are being readied for final submission to the U.S. House Committee on Oversight and Government Reform, and offer the following comments.

As part of this process, the ACHP supports NCPC's efforts to conduct a broad review of federal real property interests which may be impacted by adjustment to the Heights Act, including current height restrictions which protect the Capitol, national monuments and their historic views, nationally significant historic resources, as well as historic resources outside of the L'Enfant City within the edge of the topographic bowl. ACHP also concurs with NCPC's conclusion that penthouses could support a broader range of active uses in most parts of the city. While there may be some opportunities for strategic change in the areas outside of the L'Enfant City and beyond the edge of the topographic bowl, where there is less concentration of federal interests, ACHP agrees with NCPC that further study would be necessary including an analysis of potential effects to the historic fabric of affected neighborhoods.

As the District of Columbia's State Historic Preservation Office (SHPO) is aware, in order for rehabilitation projects applied to historic buildings to utilize federal historic tax credits, these rehabilitations must proceed in accordance with the *Secretary of the Interior's Standards* (Secretary's Standards) to receive such credits. The Secretary's Standards generally do not permit the type of rooftop additions, as depicted in your Height Master Plan for the District of Columbia Evaluation and Draft, which change a property's historic character. The ACHP urges your office to work further with NCPC to study the point at which potential height increases discourage the pursuit of federal historic tax credits and encourage demolition or substantial alteration to historic properties listed on or eligible for the National

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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Register of Historic Places (National Register). Such study, consideration of effects to all National Register listed or eligible properties, and public consultation, should occur prior to the adoption of any changes to the Heights Act and/or the finalization of the Height Master Plan for the District of Columbia.

In addition, changes to the Heights Act and/or the finalization of the Height Master Plan for the District of Columbia, as contemplated, would likely be the catalyst for numerous projects subject to the requirements of Section 106 of the NHPA and its implementing regulations "Protection of Historic Properties" (36 CFR Part 800). In addition to conducting reviews for individual undertakings, the lead federal agency would be responsible for addressing cumulative effects (see 36 CFR § 800.5(a)(1)) to historic properties, including those to the L'Enfant Plan (Plan of the City of Washington), which is listed in the National Register. Where they have a demonstrated interest, consultation under our regulations would likely need to occur among SHPOs from the District of Columbia, Virginia, and Maryland; Federal Preservation Officers (FPOs) and staff from NCPC, the U.S. Commission of Fine Arts, the U.S. General Services Administration, the U.S. Department of Interior National Park Service, the U.S. Department of Homeland Security, the ACHP, and other agencies (36 CFR § 800.2(c)(5)).

After the recommended study, consideration, and public consultation is complete, if changes to the Heights Act are adopted and/or the Height Master Plan for the District of Columbia is finalized as contemplated, the influx of associated preservation reviews could prove burdensome for the DC SHPO; provision of additional resources to the DC SHPO to manage the burden should be considered in advance.

Thank you for the opportunity to comment on this important matter. Should you have any questions, you may contact Ms. Charlene Dwin Vaughn, AICP, Assistant Director, Office of Federal Agency Programs, at (202) 606-8533 or via e-mail at [cvaughn@achp.gov](mailto:cvaughn@achp.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Reid Nelson", with a long horizontal flourish extending to the right.

Reid Nelson  
Director  
Office of Federal Agency Programs

6886

THE DEVELOPER ROUNDTABLE

October 24, 2013

Harriet Tregoning  
Director  
D.C. Office of Planning  
1100 4th Street SW, Suite E650  
Washington, DC 20024

Re: Height Master Plan

Dear Director Tregoning:

The undersigned members of The Developer Roundtable are writing (a) to express our deep appreciation for the briefing you kindly provided us last Thursday on the District of Columbia Height Master Plan (the "Master Plan") and (b) to express our support for the key recommendations set forth therein. We find ourselves persuaded that the District's goal of long-term financial stability and its aspirations to be a diverse, inclusive and sustainable city will indeed be advanced by carefully-considered changes to the Height of Buildings Act (the "Act").

At the same time, we are mindful of the important federal interests that pertain to the original L'Enfant City and its monumental core. But, in our view, the need for great care with respect to the L'Enfant City, in this and all other matters, should not be a rationale for reluctance to examine the many benefits that can accrue from modest and selective modifications of the Act. We personally find ourselves drawn to the powerful economic development, tax base and job creation benefits that would accompany a measured increase in height and density. We are also struck by the Master Plan's forecast that all remaining density in the city could be fully utilized by 2027 without some adjustment in the city's overall development envelope.

Further, we believe this important conversation about the height of buildings goes to the heart of two other priorities: (1) the District's competitive position in the region and (2) its commitment to sustainability. The capacity to accommodate the city's anticipated growth in residents and jobs – and to accomplish this in a way that actually adds affordable housing units and entry level jobs – is an urgent matter for the District. Also of great importance is the promotion of sustainable, environmentally-sound growth which is only empty rhetoric unless appropriate increases in density are encouraged (e.g. increased height as part of transit-oriented development around Metro stations and along corridors that will be served by the planned streetcar system).

Finally, we believe it is not our role to recommend, at this time, specific areas where additional height might be accommodated or what those exact heights might be. And, while it's understood that many property owners might benefit by maintenance of the status quo and the almost

certain escalation in property values that would accompany ever-increasing demand coupled with artificially constrained capacity, we feel that the long-term health and well-being of the city can best be served by thoughtfully-considered changes in the Act.

We thank you and Mayor Gray for your leadership on this issue and the hard work required to reach the best possible conclusion.

Sincerely yours,

Jim Abdo  
Abdo Development

William Alsup  
Hines

Robert Braunohler  
Property Group Partners

Robert Carr  
Carr Properties

Dean Cinkala  
The JBG Companies

Chris Gladstone  
Quadrangle Development Corporation

Kingdon Gould III  
Gould Property Company

Steven Grigg  
Republic Properties Corporation

Douglas Jemal  
Douglas Development Corporation

Norman Jenkins  
Capstone Development Corporation

Peter Johnston  
Boston Properties

Jair Lynch  
Jair Lynch Development Partners

Greg Meyer  
Brookfield Properties

Herbert Miller  
Western Development Corporation

Deborah Ratner Salzberg  
Forest City Washington

Chris Smith, Jr.  
William C. Smith & Co.

Christian Spitz  
DRI Development Services, LLC

Thomas Wilbur  
Akridge

Charles (Sandy) Wilkes  
The Wilkes Company

cc: Congressman Darrell Issa  
Mayor Vincent C. Gray  
Marcel Acosta, NCPC



GREATER WASHINGTON  
Board of Trade

October 21, 2013

The Honorable Vincent C. Gray  
Mayor  
District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 316  
Washington, DC 20004

Dear Mayor Gray:

The Greater Washington Board of Trade commends your leadership and that of your staff in producing the District of Columbia's Height Master Plan evaluation and draft recommendations. On October 8, 2013 Director Tregoning briefed our Executive Committee on the District's study recommendations.

At this writing, the Board of Trade has not taken a position on raising the height limit, however, we strongly support the District's autonomy on this and other matters under Home Rule. We support the District's flexibility to raise the height limits on buildings on a case by case basis in order to address its economic development, fiscal sustainability, environmental, and quality of life goals. Our Executive Committee will re-examine this issue in further detail in November.

Thanks you again for your leadership in this most important matter.

Sincerely,

James C. Dinegar, CAE  
President and CEO  
Greater Washington Board of Trade

cc: Harriet Tregoning  
Marcel Acosta

**PRESERVE OUR GREEN SPACE IN SHERIDAN-KALORAMA**

2229 California Street, NW  
Washington, DC 20008

The Honorable Vincent C. Gray  
Mayor, District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Mr. Preston Bryant, Jr.  
Chairman, National Capital Planning Commission  
401 Ninth Street, NW, North Lobby, Suite 500  
Washington, DC 20004

SUBJECT: Height Master Plan, NCPC File Number 6886

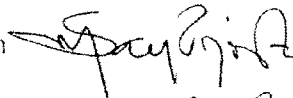
Dear Mayor Gray and Chairman Bryant:

We are a neighborhood group dedicated to preserving green space and the historical integrity of our neighborhood. We support the position developed by The Historic Districts Coalition opposing the Height Master Plan. Our opposition relates primarily, but not exclusively, to our desire to protect the human scale of the city, which would be destroyed by allowing the additional height.

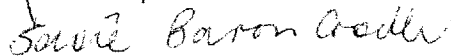
We endorse Approach 1, 1A Status Quo: Make No Changes to the Height Act. We do not support 1B Allow Penthouse Occupancy. We urge you to take account of this position.

On behalf of the board of directors and approximately 500 members of Preserve Our Green Space in Sheridan-Kalorama,

Mayra Addison, Chairman



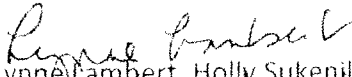
Saone Crocker, President



Michael Marriott, Vice President



Board Members Lynne Lambert, Holly Sukenik, Fred Crouch



CC: DC Congresswoman Eleanor Holmes Norton;

Thomas Luebke, Secretary, US Commission of Fine Arts;

Frederick Lindstrom, Deputy Secretary, CFA

Marcel Acosta, NCPC Executive Director; Deborah Young, NCPC Secretariat; Lucy Kempf, Project Manager;

Julia Koster, Public Engagement

Phil Mendelson, Chair, DC Council

DC Councilmembers: Anita Bonds, Vincent Orange, David Catania, David Grosso, Jim Graham, Jack Evans,

Mary Cheh, Murel Bowser, Kenyan McDuffie, Tommy Wells, Yvette Alexander, Marion Barry

Harriet Tregoning, Director, DC Office of Planning; Tamara Stern, DCOP Chief of Staff and Project Manager

Gretchen Pfaehler, Chair, DC Historic Preservation Review Board

David Maloney, State Historic Preservation Officer; Stephen Callcott, Deputy State Historic Preservation Officer

National Trust for Historic Preservation: Rob Nieweg, Elizabeth Merritt, Christopher May

# CAPITOL HILL RESTORATION SOCIETY



October 24, 2013

Ms. Harriet Tregoning, Director  
Office of Planning  
1100 4<sup>th</sup> Street, SW  
Suite E650  
Washington, DC 20024

Subject: Office of Planning's Height Master Plan Draft Report dated September 24, 2013

Dear Ms. Tregoning:

Washington DC is a thriving, competitive city with an enviable quality of life and a highly desirable real estate market. It enjoys budget surpluses year after year. CHRS believes it owes this success and distinctive character to the Height of Buildings Act of 1910, along with the L'Enfant and McMillan Plans and other guiding policies outlined in our June 23, 2013 letter on this subject.

CHRS commends the Office of Planning for its detailed research and persistent public outreach regarding height limits, but disagrees with the conclusions. The subject report recommends height increases for reasons which OP's own economic study does not support. Taller buildings cost more to build. Rents will continue to rise. Developers will continue to build boxy buildings to maximize profit. A change would do nothing to increase affordable housing. In short, height increases do not deliver improvements.

We applaud the Office of Planning's commitment to preserve viewsheds and would urge that views throughout the city, as well as views approaching the city, be equally protected. It is unfortunate that the costs of increased infrastructure demands resulting from any changes were not included in the studies. Had they been, the result would likely have shown a net drain on revenues rather than a 1-2% increase. It is essential that the city make a more comprehensive study of viewsheds and infrastructure, as well as security, transportation and communications, before contemplating a change of this magnitude.

CHRS fully supports retaining the Height of Buildings Act in its present form because it benefits the city, its institutions and its residents. We urge the Office of Planning to consider those benefits as well.

Sincerely,

*Janet Quigley*

Janet Quigley  
President, CHRS

## CAPITOL HILL RESTORATION SOCIETY



June 28, 2013

Marcel C. Acosta, Executive Director  
National Capital Planning Commission  
401 9<sup>th</sup> Street, NW  
North Lobby, No. 500  
Washington, DC 20004

email: [marcel.acosta@ncpc.gov](mailto:marcel.acosta@ncpc.gov)

Harriet Tregoning, Director  
Office of Planning  
1100 4<sup>th</sup> Street, SW  
Suite E650  
Washington, DC 20024

email: [harriet.tregoning@dc.gov](mailto:harriet.tregoning@dc.gov)

Subject: Height Act Master Plan Study (Heights of Buildings Act (“Height Act,” 36 Stat. 452)

Dear Mr. Acosta and Ms. Tregoning:

As requested at the public meetings on this study, the Capitol Hill Restoration Society (CHRS) hereby submits comments on the Height Act Master Plan Study.

### **Summary**

The federal Height Act is the first line of defense in protecting our city. If the Height Act limits are raised, this opens the door to raising building heights in the Comprehensive Plan and in the zoning regulations. Communities will be forced to defend against raising building heights in the Comprehensive Plan and zoning regulations. Therefore, any changes in the federal Height Act are a grave matter. CHRS believes that the Height Act has served the city well, and should remain unchanged.

The City of Washington’s distinctive character is shaped by several guiding documents, all of which need to be taken into account by any study of potential changes to the Height Act:



The L'Enfant Plan  
The McMillan Plan  
The CapitalSpace Partners Final Report  
The DC Comprehensive Plan  
DC Zoning Regulations, including overlay districts

CHRS strongly urges that no changes to the Height Act be recommended in the study now being undertaken by the National Capital Planning Commission (NCPC) and the DC Office of Planning (OP). This letter describes the adverse impacts which any changes would have on the following areas in which CHRS has particular familiarity:

1. The L'Enfant City;
2. The Capitol Hill Historic District;
3. Anacostia Park and other areas identified "ecologically sensitive resources" by CapitalSpace Partners, a planning initiative of NCPC, OP, the National Park Service and the DC Department of Parks and Recreation;
4. The Eighth Street Southeast Neighborhood Commercial Overlay District;
5. The Hill East Waterfront (Reservation 13) and;
6. H Street, NE Overlay (yet to be written).

We understand that NCPC and OP will be working with federal agencies to study security issues relating to building height. We urge that this study include:

1. The area under the jurisdiction of the Architect of the Capitol;
2. The Washington Navy Yard; and
3. The Marine Commandant's House and the Marine Barracks.

## **Introduction**

The 1791 L'Enfant Plan for the City of Washington (listed in the National Register of Historic Places on April 24, 1997); the 1901 McMillan Plan, that more fully realized L'Enfant's design and captured the essence of the City Beautiful Movement both within the Monumental Core and beyond it, to the outer limits of the District of Columbia; and the 1910 Height Act with its height limits that have helped establish the citywide scale of Washington, which is a distinguishing feature of Washington. Collectively, these guiding resources and careful adherence to them have helped make the District of Columbia unique among American cities, rightly so as our nation's capitol. To that end, we note the following Guiding Principle in the Framework Section of the District of Columbia Comprehensive Plan:

31. The District's communities are connected by a shared heritage of urban design, reflecting the legacy of the L'Enfant Plan, the McMillan Plan, the Height Act of 1910, and the preservation of much of the historic urban fabric. After more than two centuries of building, the nation's capital is still a remarkable place. Urban design and streetscape policies must retain the historic, majestic, and beautiful qualities that make Washington unique among American cities. (p. 2-26).

The 1791 L'Enfant and 1901 McMillan plans, as well as the Height Act have played and continue to play highly significant roles in the physical appearance of Washington, DC as our nation's capital, world city, and home town to those who live within its boundaries. Significantly, two-thirds of the 1901 McMillan Plan addresses the creation and preservation of green space outside the central core.

## **L'Enfant Plan**

The L'Enfant Plan for the City of Washington, District of Columbia is a national landmark. Wide avenues link squares into a network of public space and grand vistas. The unimpeded views of the avenues are an integral part of the plan. Residents and visitors can see the Capitol and the monuments from a long distance away. As NCPC noted in its Draft Federal Urban Design and Historic Preservation Elements for the Comprehensive Plan for the National Capitol (November 6, 2012):

The L'Enfant Plan's streets and places—and their extension by the 1893 Permanent System of Highways Act—as well as the 1901 McMillan Plan and the 1910 Height of Buildings Act have directed the character and orderly development of the entire city. Page 24.

L'Enfant described the setting of the Capitol as “a pedestal waiting for a superstructure. ...no other situation could bear a competition with this.” Michael Bednar, L'Enfant's Legacy: Public Open Spaces in Washington, D.C. (Baltimore, Md.: Johns Hopkins Univ. Press, 2006, 76). In addition to the Capitol and its grounds, Capitol Hill is blessed with other distinctive, much-used and much-loved public spaces in the L'Enfant Plan, including Stanton Square (Reservation 5 in the 1791 plan), and Seward Square (Reservation 14 in the 1791 plan). L'Enfant's Legacy, Table A. Lincoln Park, Garfield Park, and what later became Eastern Market Park, appear as rectangular spaces in the 1791 Plan. Folger Park appears on Ellicott's plan as a rectangular area. To respect L'Enfant's Plan, the Height Act must remain unchanged in the L'Enfant City, Capitol Hill and in the Capitol Hill Historic District.

## **CapitalSpace Partners Final Report (2010)**

CapitalSpace Partners resulted from a three-year initiative of NCPC, OP, the National Park Service and the DC Department of Parks and Recreation to plan and manage the city's parks for the future. This is an important planning document for the District of Columbia. The final report dated March 2010, is at [www.ncpc.gov](http://www.ncpc.gov) (and attached to this letter). CapitalSpace Partners identifies a number of critical historical, cultural, and environmental resources that must be protected. A key planning goal is:

### Protect, Connect, and Restore Natural Environments

Natural resources within the city's parks and open spaces, including wetlands, floodplains, wooded areas and streams and rivers, offer natural habitats and beneficial ecological functions that support a sustainable and livable city.

See final report pages 3, 51, 58. The map on page 24 of the final report shows the L'Enfant City, historic districts, parks in historic districts, and cultural landscapes, including the Capitol Hill Historic District and the Anacostia Park (a cultural landscape). Tall buildings in or near any of these areas would degrade them. To protect these critical resources, no changes in the Height Act should be made with respect to the L'Enfant City, Capitol Hill Historic District or Anacostia Park. In the design of the Height Act study NCPC and OP recognized that increased height in the L'Enfant Plan area, and near parkland might be a special concern. Although London may "want clusters of tall buildings along the Thames River," the Anacostia River must remain an unspoiled cultural landscape.<sup>1</sup>

In addition, parks and green space increase real property values by 8 to 20 percent. See CapitalSpace Partners final report, page 17. Other studies suggest that the view of green space also adds value. Delores Conway, "A Spatial Autocorrelation Approach for Examining the Effects of Urban Greenspace on Residential Property Values," J. Real Estate Finan. Economics (Vol. 41, 150-169, 152, 2010). To maximize real property values in DC, changes in views of parks or green space (such as blocking views by buildings over 130 feet) are not advisable. NCPC and OP rightly flagged this issue in the design of their study.

CapitalSpace Partners also identifies ecologically sensitive resources including wooded areas and wetlands, including Anacostia Park. See final report page 22. No change in building height should be recommended in or near these areas. Despite any other federal and DC laws restricting building, or building heights, the recommendations to Congress and any amendments to the Height Act must take into account and be consistent with those policy considerations. For example, building in wetlands is limited by section 404 of the Clean Water Act of 1977, as amended (33 U.S.C. 1344; 33 C.F.R. 231, 232).<sup>2</sup> However, if amendments to the Height Act, enacted after 1977, allow buildings higher than 130 feet (and thus allow buildings at all) in wetlands, attorneys for developers may argue that the Height Act amendments repealed section 404 of the Clean Water Act as to DC wetlands. See 73 Am Jur 2d Statutes § 89, citing Great Northern Ry. Co. v. United States, 315 U.S. 262 (1942). It is critical that any recommendations on changing the Height Act not open the door to constructing buildings where construction is now prohibited.

### **Respect the people's will as reflected in the Comprehensive Plan and overlay zoning**

NCPC and OP have held public meetings and requested public comment, and plan additional public meetings. While it is commendable to seek input from individuals and organizations, the people's will as expressed in the Comprehensive Plan, approved by the Council, and implemented in zoning and area overlays resulting from extensive public hearings, an administrative record, and careful review and findings by the Zoning Commission, are far more important, and deserve far more weight than emails, however earnest, to NCPC's Height Act website. In several instances, as a result of the Zoning Commission's public process, the maximum height of buildings is below the Height Act maximum. NCPC and OP must respect

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<sup>1</sup> See Phase 1 Public Meeting Workbook, page 6, case studies.

<sup>2</sup> See EPA's wetlands website [www.epa.gov/owow/lwetlands/regs](http://www.epa.gov/owow/lwetlands/regs).

the people's will and recommend no changes to the Height Act in these areas. Examples include:

1. The Eighth Street Southeast Neighborhood Commercial Overlay District, 11 DCMR 1309. This overlay zone applies to Squares 906, 907, 929, and 931, near the entrance to the Washington Navy Yard, and limits the height of buildings to 45 feet. Case No. 98-11. The Zoning Commission initiated the overlay zone process as part of a process to eliminate zoning inconsistencies with the Comprehensive Plan. See Notice of Public Hearing for March 18, 1999. ANC 6B, CHRS, Capitol Hill Association of Merchants and Professionals, Barracks Row Business Alliance and others in the community participated in the case. OP's final report to the Zoning Commission explains the reasons for the 45-foot height limit:

Comment: The recommended maximum building height of 45 feet will keep the height profile of the new buildings relatively low, thereby respecting the scale and historic character of adjacent Navy Yard buildings, and also the scale of continuing older buildings in the overlay zone. This proposed height limit will also allow for a functional and attractive ground floor height of 12 to 15 feet for retail or other active uses, plus up to three additional stories having a 10-foot floor-to-floor plan. Four stories will allow a degree of architectural flexibility in accommodating the permitted 3.0 FAR of building bulk (see 1309.6, following. OP Final Report, p. 5 (March 8, 1998).

2. Hill East (HE) District Zoning, 11 DCMR 2800. The Hill East Waterfront (also known as Reservation 13) has its own zoning. The Zoning Commission's Notice of Final Rulemaking & Order, No. 04-05 mandates three height ranges for buildings, beginning with the lowest, fronting on 19<sup>th</sup> Street, SE and the highest, on the Anacostia River:

HE-1: minimum 26 feet; maximum 50 feet;  
HE-2: minimum 40 feet; maximum 80 feet; and  
HE-3: minimum 80 feet; maximum 110 feet.

In considering recommendations for any possible changes to the Height Act, CHRS urges NCPC and OP to keep faith with the Reservation 13 Master Plan approved by the Council and form-based code zoning regulations. The Capitol Hill community has worked for years to achieve the Master Plan and the form-based code. Any recommended changes to the Height Act should be consistent with the Master Plans and the form-based code. These maximum building heights resulted from a multi-year public process that required the Capitol Hill community to invest many hundreds of hours. Although, in theory, a developer might attempt to increase height limit in the zoning regulations for Hill East Waterfront from 110 feet to 130 feet, a height increase of 20 feet would probably not warrant the effort to overcome community opposition. But if, for example, the Height Act limit were increased to a greater extent, the cost/benefit for a developer would change, and a developer might well decide that the additional profits made it worthwhile to battle the community to try to change the zoning regulations to obtain additional building height. After years of broken promises, DC government may be finally about to begin developing Reservation 13, based on the current zoning regulations. NCPC and OP must keep

faith with the community, respect these height limits, and recommend no change to the Height Act concerning the Hill East Waterfront.

3. H Street NE Neighborhood Commercial Overlay Zone District, 11 DCMR 1320.

The H Street Overlay evolved as a result of community meetings with the Office of Planning that began in 2002. That process resulted in the H Street NE Strategic Development Plan. In 2004, the Zoning Commission received a petition from OP to advance the objectives of the Development Plan, and on January 9, 2006 issued their Order No. 04-27, establishing the Overlay.

Most of H Street is zoned C-2-A that allows a maximum building height of 50 feet. Four specific large lots that could accommodate greater density were rezoned from C-2-A to C-2-B allowing a height of 65 feet.<sup>3</sup> The Overlay requires that development of any lot containing more than 6,000 square feet be approved through a special exception process. That process requires that the project be consistent with the criteria specified in the H Street Design Guidelines (11 DCMR 1324) that establish height criteria for different types of development. The Design Guidelines specify three types of development:

Type I: 4 to 8 stories

Type II and Type III: 2 to 4 stories

The Overlay also provides height bonuses to encourage ground level retail. A bonus of five feet of building height is available for developments that provide a minimum clear floor-to-ceiling height of 14 feet for the ground floor level (11 DCMR 1324.13).

The Eighth Street Southeast Neighborhood Commercial Overlay District, the Hill East Waterfront, and the H Street NE Neighborhood Commercial Overlay Zone District each resulted from an extensive public process with community input. Through this process the community expressed its will for maximum building heights below the current federal Height Act limits. NCPC and OP must keep faith with the community, respect these height limits, and recommend no change to the Height Act in these areas.

In conclusion, the federal Height Act has furthered the principles of the L'Enfant and McMillan Plans, and fostered a beautiful sunlit horizontal city, with wide vistas and vibrant neighborhoods. CHRS strongly urges that NCPC and OP recommend that no changes be made to the Height Act.

Thank you for the opportunity to submit comments.

---

<sup>3</sup> A project that qualifies for a PUD proceeding can have a maximum height of 65 feet in C-2-A and up to 90 feet if it were one of the four parcels zoned C-2-B.

Sincerely,

Janet Quigley  
President

Attachment:

CapitalSpace Partners final report (2010)

cc:

NCPC/OP email email: [info@ncpc.gov](mailto:info@ncpc.gov)

Tommy Wells, Ward 6 Councilmember email: [twells@dccouncil.us](mailto:twells@dccouncil.us)

David Holmes, Chair, ANC 6A email: [holmes6a3@gmail.com](mailto:holmes6a3@gmail.com)

Brian Flahaven, Chair, ANC 6B email: [BrianF6b09@anc6b.org](mailto:BrianF6b09@anc6b.org)

Karen Wirt, Chair, ANC 6C email: [Karen.wirt@anc.dc.gov](mailto:Karen.wirt@anc.dc.gov)

David Holmes, Chair ANC 6A Economic Development and Zoning Committee  
email: [holmes6a3@gmail.com](mailto:holmes6a3@gmail.com)

Francis Campbell, Chair ANC 6B Planning and Zoning Committee  
email: [francis6b10@anc6b.org](mailto:francis6b10@anc6b.org)

Mark Eckenwiler, Chair ANC 6C Planning, Zoning and Environment Committee  
email: [zoning@eckenwiler.org](mailto:zoning@eckenwiler.org)



October 2, 2013

L. Preston Bryant, Jr.  
Chairman  
National Capital Planning Commission  
401 9<sup>th</sup> Street, NW  
Washington, DC 20004

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**Jon Penndorf, AIA**  
Past President

**Mary Fitch, AICP, Hon. AIA**  
Executive Director

Dear Chairman Bryant:

Our Chapter has followed the discussion regarding the Height of Buildings study with great interest. We understand this study to be specifically focused on what, if any, federal interest there should be in the height of buildings in Washington DC. This letter states the Chapter's position on that question and also provides comments on the study presented by NCPC and DCOP.

The 1910 Height Act was necessary to insure the safety of the citizens of the District of Columbia. The Act was an appropriate response to a very real threat to fire safety. Considerable time has passed, however, and in that time the District has enacted zoning and building codes that go well beyond the 1910 Act and in many cases provide more protection to the city's unique skyline than the Act does. Moreover, the language of the Act is limited to the architectural technology and building science of the early 20<sup>th</sup> century. For example, in 1910 it was not possible to include life safety equipment in a mechanical penthouse, so occupancy of a penthouse was prohibited. Many of the Act's other requirements include similarly archaic language that is at odds with modern building and life safety codes.

It is our conclusion that this outmoded language should be brought up to date to reference modern building codes in place in the District. NCPC staff received a briefing on this very issue from the Chapter earlier this summer and we believe many of those recommendations have already made their way to the Executive Director's Report presented at your last meeting.

Further, we believe that the federal interest in the height of buildings should be limited to areas immediately adjacent to the Monumental Core and critical view corridors. We believe that current building and zoning codes in the District now provide better protection for non-federal areas of the city than the Act. Furthermore, we strongly agree with the recommendations included in DC's Height Master Plan for the District of Columbia most particularly that protecting the cultural resources and physical character of the District of Columbia is the job of the District of Columbia and not that of the federal government.



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Finally, with respect to the alternatives described in the study, we believe additional height may be possible in carefully selected spots, with adequate public input, around the District. Moreover, we believe that the proposed 200-foot cap used in the study is arbitrary and that additional height above that cap may also be appropriate for areas outside the Monumental Core and its environs. While we respect the horizontal character that makes Washington DC unique, we believe well-designed, taller structures would provide an interesting counterpoint and add visual interest. This would, of course, require a more thorough, in-depth study than was possible for this current effort.

We commend the District and NCPC for their collaboration on this study and look forward to future such collaborations. We thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "D. T. Haresign". The signature is stylized with a large, looping "D" and a long, sweeping underline.

David T. Haresign, FAIA  
President

A handwritten signature in black ink, appearing to read "Mary Fitch". The signature is elegant and cursive, with a large, flowing "M" and a long, sweeping underline.

Mary Fitch, AICP, Hon. AIA  
Executive Director



## JOHN G. PARSONS FASLA

Mr. L. Preston Bryant Jr., Chairman  
National Capital Planning Commission

September 30, 2013

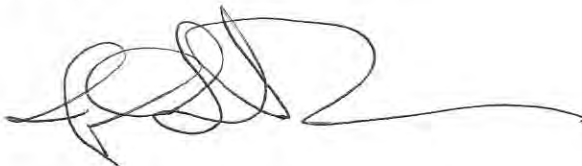
Dear Mr. Chairman and Commissioners,

\

While I retired from my life's work of defending the Nation's Capital five years ago, the recent proposals by the Mayor to amend the Height of Buildings Act cause me to share what, in my judgment, are the overwhelming reasons to retain the Act as it is.

1. This is foremost the Nation's Capital which belongs to all Americans.
2. The city's horizontal character penetrated by the Washington Monument and the Capitol is its unique identity which must remain as our iconic image to the world.
3. Our historic height restrictions have maintained a city of human pedestrian. That character would be destroyed by taller buildings as in other cities in this country.
4. Washington is already one of the densest cities in the country, has 270-360 million sq. ft. of unrealized development potential and a predicted demand of only 340-466 million sq. ft. Thus, what is available should be built first.
5. The Mayor's report shows that this proposal is only going to result in \$60-100 million in annual tax revenue which is not worth the adverse impact to the city. The District's population is rising, can reach its prior population of 800,000 without additional height and will produce as much or more, tax revenue.
6. The slippery slope of height change is evidenced in Rosslyn where the 15 story limit of the 1960's has been repeatedly raised 'for good cause' to 30 stories today.
7. The proposal to rely on the planning and zoning commissions to determine the proper heights outside of the L'Enfant City is ill advised. It would place an undue and unnecessary burden on these two bodies whose fragile split membership is ill equipped to deal with these 14 major proposals to create Rosslyn like 'Clusters' of development which would invade the historic vistas from the Federal Civil War Defenses and leer at the city below. As a member of these two commissions for over 30 years, I can tell you that this is not a wise solution. Further, if statehood is realized, the composition of these commissions would predictably be changed to eliminate the federal representatives, leaving decision-making to local interests.
8. Better architecture will not result from raising building heights. In all other cities country wide, the profit-driven result has been dull boxes built to the lot line.
9. The solution to inclusionary workforce housing lies in zoning regulations not in tall buildings.
10. The extension of penthouses to the building face will unacceptably intrude on the light and air of the streets below.

I urge you to reject this unwarranted proposal because of its catastrophic impact on the Federal Interest and on what should be a cherished city as a national treasure for future generations.



# The Association of the Oldest Inhabitants of The District of Columbia

Established Dec. 7, 1865

## **Officers:**

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September 30, 2013

Honorable L. Preston Bryant, Chairman  
National Capital Planning Commission  
401 9<sup>th</sup> Street, NW, North Lobby, Suite 500  
Washington, DC 20004

Dear Chairman Bryant:

The Association of the Oldest Inhabitants of the District of Columbia, the District's oldest civic organization committed to the preservation, maintenance and promotion of both the L'Enfant Plan and McMillan Plan, would like to comment again on the recent recommendations regarding proposed changes to the Building Height Act.

The AOI is opposed to any changes in the Height Act. We are concerned that changes to the Height Act will be a slippery slope toward future, more frequent and more radical changes. We believe the NCPC staff has done an excellent job in analyzing the issues, hosting community forums and taking written and oral testimony.

The AOI is **particularly disappointed** in the recommendations of the District of Columbia's Office of Planning Director Harriet Tregoning and transmitted to the NCPC by Mayor Vincent Gray. These recommendation are contrary to what we seemed to hear at community forums and represent, we believe, an ill-advised attempt to assert District autonomy from the U.S. Congress at the expense of the District's century-old building height restrictions. This is not the time, place nor circumstance for this debate.

In 1946, the District's population was approximately 899,000 residents (we realize that 'residents' are not households, however...). Today, the city's population has enjoyed a revival and now approaches 633,000 residents. Let us encourage reasonable development within the current limits of the Height Act in blighted, underutilized areas of the city before we tamper with something that will forever change the character of our city.

As Vancouver, B.C. Planner Larry Beasley warned in his presentation to the NCPC in 2010: "Take care not to open things up too casually. I dare say, those height limits may be the single most powerful thing that has made this city so amazingly fulfilling."

The Association of the Oldest Inhabitants of the District of Columbia -- the District's oldest civic organization -- was established on December 7, 1865, to preserve memories and matters of historic interest. By virtue of our long presence and participation in the city's prosperity and improvement, we continue to work and strive for the city's stability, security and advancement -- to aid in every way the prosperity and well-being of the District while preserving the heritage of its past.

# The Association of the Oldest Inhabitants of The District of Columbia

Established Dec. 7, 1865

Thank you for considering our organization's views on this.

Sincerely,



William N. Brown, President

Cc: ✓ Marcel A. Acosta, Executive Director, NCPC  
Nancy MacWood, Chairman, Committee of 100

The Association of the Oldest Inhabitants of the District of Columbia -- the District's oldest civic organization -- was established on December 7, 1865, to preserve memories and matters of historic interest. By virtue of our long presence and participation in the city's prosperity and improvement, we continue to work and strive for the city's stability, security and advancement -- to aid in every way the prosperity and well-being of the District while preserving the heritage of its past.

## SHERIDAN-KALORAMA NEIGHBORHOOD COUNCIL

2136 Leroy Place NW  
Washington, DC 20008  
(202) 387-7830

September 28, 2013

To: National Capital Planning Commission

The Sheridan-Kalorama Neighborhood Council (SKNC) has served as the neighborhood association for Sheridan Kalorama for more than 50 years.

The SKNC supports the position of the Historic Districts Coalition not to change the Height of Buildings Act. Specifically, the SKNC endorses the Coalition's position:

- The 1910 Height of Buildings Act, through its effect on physically shaping the nation's capital, is no less important than the seminal 1791 L'Enfant Plan for the City of Washington. The L'Enfant Plan, as revitalized by the 1901 McMillan Commission, provided the foundation by brilliantly imposing on the landscape a rhythmic pattern alternating open spaces—streets, parks, and squares—with closed spaces intended for structures. In so doing, the L'Enfant Plan effectively limited two of the dimensions of any structure. By regulating the third dimension through the Height Act, the Congress furthered the human scale of the city and created the iconic horizontal skyline that Washington enjoys today.
- There is no compelling case for allowing taller buildings to accommodate growth in population or economic activity. As noted in public presentations by the Office of Planning, large areas of the city are currently not "built out" to the maximum allowed under existing zoning regulations. Ample long-term opportunities for commercial and residential development remain in the District of Columbia, many of which are outlined in the National Capital Planning Commission's 1990s *Extending the Legacy* plan.
- Therefore, the Historic Districts Coalition endorses Approach 1, 1A Status Quo: Make No Changes to the Height Act. We do not support 1B Allow Penthouse Occupancy.

Sincerely,



Christopher K. Chapin  
President

TENLEYTOWN NEIGHBORS ASSOCIATION  
Revising the Height Act of 1910

WHEREAS the Height Act of 1910 is a federal statute governing the District of Columbia, which restricts residential buildings to 90 feet and business to a height equal to the width of the adjacent street plus 20 feet (generally totaling 130 feet), plus some heights are extended to 160 feet along portions of Pennsylvania Avenue.

WHEREAS reviewing the Height Act to determine whether any revisions are desirable or necessary is understandable but that does not automatically mean amendments are necessary.

WHEREAS Washington is a city of monuments that should continue to be showcased through zoning and height restrictions.

WHEREAS in the areas around the White House, Capitol and federal agencies, height restrictions have been praised as enhancing security for the federal government.

WHEREAS Washington is one of the most attractive and lovely cities in America not only because of its monuments but also because of its tree canopy and open spaces and because pedestrians can see the sun, the sky and the stars.

WHEREAS some have proposed increasing heights from “L’Enfant to Tenleytown”, which would include neighborhoods across the entire spectrum of density and existing height.

WHEREAS Washington is a city of neighborhoods and each neighborhood has different and, in many instances, very desirable characteristics, which should be recognized and preserved in any consideration of amendments to the Height Act.

WHEREAS proposals to increase height along the main Avenues, Wisconsin, Connecticut, Georgia, New York, and others would dwarf residences abutting the avenues that are two story single family detached in some areas but might be harmonious with multi-story office buildings and warehouses in others.

WHEREAS any increase in height for buildings does not solely increase tax revenue it also would result in new infrastructure demands on services, such as schools, public transit, sewer, and water.

WHEREAS incentives through increased heights everywhere would not result in encouraging development in any particular area but rather would merely allow taller buildings wherever a greater profit might be realized in already flourishing areas.

WHEREAS increased heights may result in a few very tall buildings with large capacity absorbing such a large percent of the demand that development would be deterred across the rest of the city, which has benefited from a dispersal of development activity throughout the city.

WHEREAS there is unused potential available now that can accommodate new growth without any amendments to the Act or to DC zoning because current height restrictions allow more development in many areas.

Be it RESOLVED that the Tenleytown Neighbors Association supports preserving the overall building limits established in the Height Act because of the extraordinary contributions these restrictions have made to the distinctive character of the city of Washington.

TNA Sept. 17, 2012

# HISTORIC DISTRICTS COALITION

c/o Richard Busch, 1520 Caroline Street, NW - Washington, DC 20009

September 9, 2013

The Honorable Vincent C. Gray  
Mayor, District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Mr. Preston Bryant, Jr.  
Chairman, National Capital Planning Commission  
401 Ninth Street, NW, North Lobby, Suite 500  
Washington, DC 20004

SUBJECT: Height Master Plan, NCPC File Number 6886

Dear Mayor Gray and Chairman Bryant:

The Historic Districts Coalition is an informal alliance of organizations and individuals representing Washington, DC's historic districts—those that have been designated under the provisions of the Historic Landmark and Historic District Protection Act of 1978 (D.C. Public Law 2-144)—as well as others interested in historic preservation, including residents of undesignated neighborhoods and representatives of neighborhood organizations, historic preservation organizations, and preservation-related businesses.

We, the undersigned, have developed the following position on the Height Master Plan:

- The 1910 Height of Buildings Act, through its effect on physically shaping the nation's capital, is no less important than the seminal 1791 L'Enfant Plan for the City of Washington. The L'Enfant Plan, as revitalized by the 1901 McMillan Commission, provided the foundation by brilliantly imposing on the landscape a rhythmic pattern alternating open spaces—streets, parks, and squares—with closed spaces intended for structures. In so doing, the L'Enfant Plan effectively limited two of the dimensions of any structure. By regulating the third dimension through the Height Act, the Congress furthered the human scale of the city and created the iconic horizontal skyline that Washington enjoys today.
- There is no compelling case for allowing taller buildings to accommodate growth in population or economic activity. As noted in public presentations by the Office of Planning, large areas of the city are currently not “built out” to the maximum allowed under existing zoning regulations. Ample long-term opportunities for commercial and residential development remain in the District of Columbia, many of which are outlined in the National Capital Planning Commission's 1990s *Extending the Legacy* plan.
- Therefore, the Historic Districts Coalition endorses Approach 1, 1A Status Quo: Make No Changes to the Height Act. We do not support 1B Allow Penthouse Occupancy.

Respectfully submitted by the Historic Districts Coalition on behalf of:

Historic Anacostia Design Review Committee, Greta Fuller, Chair

Capitol Hill Restoration Society, Janet Quigley, President

Historic Chevy Chase, DC, Richard Teare, Treasurer

Frederick Douglass Community Improvement Corporation, Carolyn Johns Gray, President

Dupont Circle Conservancy, Thomas Bower President

Citizens Association of Georgetown, Pamla Moore, President

Logan Circle Community Association, Tim Christensen, President

Historic Mount Pleasant, Fay Armstrong, President

Sheridan Kalorama Historical Association, Kindy French, President

Historic Takoma, Inc. Lorraine Pearsall, Vice President

Tenleytown Historical Society, Jane Waldman, President

**Individuals:** Loretta Neumann, Scott Roberts, Leslie Kamrad, Mary Rowse, Evelyn Wrin, Sally Berk

CC: DC Congresswoman Eleanor Holmes Norton

Thomas Luebke, Secretary, US Commission of Fine Arts; Frederick Lindstrom, Deputy Secretary, CFA

Marcel Acosta, NCPC Executive Director; Deborah Young, NCPC Secretariat; Lucy Kempf, Project Manager; Julia Koster, Public Engagement

Phil Mendelson, Chair, DC Council

DC Councilmembers: Anita Bonds, Vincent Orange, David Catania, David Grosso, Jim Graham, Jack Evans, Mary Cheh, Murel Bowser, Kenyan

McDuffie, Tommy Wells, Yvette Alexander, Marion Barry

Harriet Tregoning, Director, DC Office of Planning; Tanya Stern, DCOP Chief of Staff and Project Manager

Gretchen Pfaehler, Chair, DC Historic Preservation Review Board

David Maloney, State Historic Preservation Officer; Stephen Callcott, Deputy State Historic Preservation Officer

National Trust for Historic Preservation: Rob Nieweg, Elizabeth Merritt, Christopher May

## **Historic Districts Coalition**

**c/o Richard Busch, 1520 Caroline Street, NW, Washington, DC 20009 rbusch1520@aol.com**

### **Comments of the Historic Districts Coalition on the District of Columbia's Height Master Plan draft recommendations for modifications to the federal 1910 Height of Buildings Act.**

The Historic Districts Coalition is an informal alliance of organizations and individuals representing Washington, D.C.'s historic districts—those that have been designated under the provisions of the Historic Landmark and Historic District Protection Act of 1978 (D.C. Public Law 2-144)—as well as others interested in historic preservation, including residents of undesignated neighborhoods and representatives of neighborhood organizations, historic preservation organizations, and preservation-related businesses.

The height of buildings in the District of Columbia is determined by the 1910 Height of Buildings Act, legislation now under review by the National Capital Planning Commission and the District of Columbia government at the request of Congressman Darrell Issa. The Coalition voices its strong opposition to the Gray Administration's draft response already sent to Congressman Issa, proposing that building heights in the area of the original 1791 L'Enfant Plan for the City of Washington be increased up to 25%, and that Congress allow the District to determine the maximum height of buildings outside the L'Enfant city. We believe that the 1910 Height of Buildings Act, through its effect on the physically shaping the nation's capital is no less important than the 1791 L'Enfant Plan and the 1901 McMillan Plan, which revitalized L'Enfant's brilliant design. It has given those plans a third dimension, limited height that has created the human scale and iconic horizontal skyline that Washington enjoys today.

The following Coalition affiliates oppose Mayor Gray's recommendation:

- Historic Anacostia Design Review Committee, Greta Fuller, Chair
- Capitol Hill Restoration Society, Janet Quigley, President
- Historic Chevy Chase, DC, Richard Teare, Treasurer
- Frederick Douglass Community Improvement Corporation, Carolyn Johns Gray, President
- Dupont Circle Conservancy, Thomas Bower, President
- Citizens Association of Georgetown, Pamla Moore, President
- Logan Circle Community Association, Tim Christensen, President
- Historic Mount Pleasant, Fay Armstrong, President
- Sheridan-Kalorama Historical Association, Kindy French, President
- Sheridan-Kalorama Neighborhood Council, Christopher Chapin, President
- Advisory Neighborhood Commission 2D, David Bender and Eric Lamar
- Historic Takoma, Inc. Lorraine Pearsall, Vice President
- Tenleytown Historical Society, Jane Waldman, President

In addition, the following individuals associated with the Coalition oppose the Mayor's recommendations: Loretta Neumann, Scott Roberts, Leslie Kamrad, Mary Rowse, Evelyn Wrin, and Sally Berk.

The Coalition has been criticized for not being constructive in supporting the Gray Administration's rationale for height increases. We believe, however, that we are protecting the image of the capital of the United States by safeguarding the tenets of the 2006 DC Comprehensive Plan and its 2011 amendments, actions that were approved by the DC Council. We call your attention to the following elements in Chapter 10 of the Plan, the Historic Preservation Element that the DC Council has specifically approved:

**Historic Preservation Goal:** Preserve and enhance the unique cultural heritage, beauty, and identity of the District of Columbia by respecting the historic physical form of the city (our emphasis) and the enduring value of its historic structures and places, recognizing their importance to the citizens of the District and the nation (our emphasis), and sharing mutual responsibilities for their protection and stewardship. Page 10-3

**Policy HP-1.1.1: The City's Historic Image**

Recognize the historic image of the national capital as part of the city's birthright. After two centuries of growth, the original vision of the city remains strong and remarkable in an increasingly homogenous global world. Over the years this fundamental character has been protected by local and national laws and policies. It must remain inviolate (our emphasis). Page 10-5

**HP-2 Protecting Historic Properties**

Most of the city spreads far beyond its monumental core and out of the boundaries of the District of Columbia. The city's business center is richly endowed with lively commercial architecture and blessed by its unique mid-rise scale (our emphasis). Page 10-16, second paragraph

**HP-2.1 District Government Stewardship**

The District government should set the standard for historic preservation in the city.... Page 10-17

**HP-2.3 The Historic Plan of Washington**

The Plan of the City of Washington drawn by Pierre L'Enfant in 1791 has served as an enduring symbol and armature for growth of the national capital... Regulated building heights and mandated design review by agencies like the Commission of Fine Arts [have] further supported its enhancement and embellishment. Pages 10-19 (bottom) and 10-20 (top)



**Policy HP-2.3.2: Historic Image of the City**

Protect and enhance the views and vistas, both natural and designed, which are an integral part of Washington's historic image. Preserve the historic skyline formed by the region's natural features and topography and its historically significant buildings and monuments from intrusions such as communications antennas and water towers. Preserve the horizontal character of the national capital through enforcement of the 1910 Height of Buildings Act (our emphasis). Page 10-20 mid-page

**HP-2.5 Historic Landscapes and Open Space****Policy HP-2.5.1: The Natural Setting of Washington**

Preserve the historic natural setting of Washington and the views it provides.... **Protect the topographic bowl around central Washington and preserve the wooded skyline along its ring of escarpments. Prevent intrusions into the views to and from these escarpments and other major heights throughout the city** (our emphasis). Page 10-24

**HP-3 Capitalizing on Historic Properties**

Whether as an economic opportunity or a set of new challenges, historic preservation needs strong advocates to promote its importance among the host of priorities facing community leaders. Preservation draws strength by forging effective partnerships and ensuring the development of preservation leaders for the future. Page 10-27 (bottom)

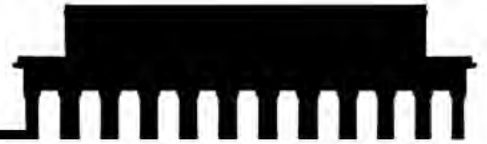
The preservation community in the nation's capital is standing up for good stewardship of the bedrock plans and legislation that have made the physical form of this city what is today

Respectfully submitted,

Richard Busch

Co-conveners, Historic Districts Coalition

# The Committee of 100 on the Federal City



[www.committeeof100.net](http://www.committeeof100.net)

September 9, 2013

***Founded 1923***

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Washington, D.C. 20001

202.681.0225

[info@committeeof100.net](mailto:info@committeeof100.net)

The Honorable Vincent C. Gray  
Mayor, District of Columbia  
Wilson Building  
Washington, D.C.

**Re: D.C. Recommendation on the Height of Buildings Act Master Plan Study**

Dear Mayor Gray,

The Committee of 100 on the Federal City has reviewed the studies and information collected as part of the Height of Buildings Act Master Plan Study conducted jointly by the National Capital Planning Commission and the D.C. Office of Planning. In addition Committee members have participated in the spring and summer series of public presentations and discussion. We have concluded that no further action on any of the proposed approaches to change the Act is warranted. Indeed, the modeling studies, in particular, reaffirm the immense positive effect of the 1910 Height of Buildings Act on the iconic image and historic development of the District of Columbia. Importantly, these images also provide clear evidence that diminished view sheds to the L'Enfant City and federal monuments and landmarks would result from weakening the height maximums.

I have attached the testimony of Laura Richards, former chair and current trustee of the Committee of 100, to the U.S. House of Representatives, Committee on Government Operations and Reform on July 19, 2012. Her remarks on behalf of the Committee of 100 are as relevant today, after the benefit of the Height of Buildings Act Master Plan Study, as they were a year ago. There are three areas, however, that should be amplified.

First, the study failed to identify a need that might explain why changes to the height maximums should be discussed. When asked to provide a reason for pursuing the study, the Office of Planning representatives consistently stated that the city had not requested the study and that it was being conducted at the request of U.S. Representative Darrell Issa. The lack of an articulated need leads us to believe that the study outlines solutions searching for a problem. This approach would be less disturbing if we weren't discussing a 100 year old law that has complemented the L'Enfant Plan and the McMillan Plan in creating our dynamic and widely admired city.

In addition, the absence of principles that will guide the District's evaluation of the Height of Buildings Act is in contrast to the announced federal principles that form the bright line of the National Capital Planning Commission's review. City residents have

no information on what aspects of our city affected by the Height of Buildings Act, such as the horizontal skyline and the view sheds, are valued by your administration and how those values will be applied to your analysis and development of recommendations.


Second, The Committee of 100 supports the continued growth of the District of Columbia as a means to create vibrancy, inclusion, opportunity, and fiscal health. With good public policies and judicious land use planning, we can maintain a steady growth pattern, welcome new residents, and better address unemployment and poverty. The District has underutilized land and undeveloped parcels that can be creatively planned to meet the city's needs, including provision of widely varied housing types at different levels of affordability. The city can achieve its growth and development goals without sacrificing its iconic skyline—one of the city's greatest assets.

Third, The Committee of 100 supports full and sustainable employment for all District residents. Unemployment in the District of Columbia is at an intolerably high level, but the solution cannot be found in weakening the height limits, just as the Height of Buildings Act is not the cause of our high unemployment levels. The city has been experiencing a protracted and noted building boom and a period of overall job growth that has resulted in greater employment opportunities, yet there has not been a significant change in D.C. unemployment rates. There is no evidence that weakening the Height of Buildings Act is linked to a sustainable improvement in the reduction of unemployment.

The reasons cited for the original passage of the 1910 Height of Buildings Act—reasons of health and well-being—included the provision of life safety and security for building occupants and the guarantee of ample and appropriate light, air and ventilation to city streets, public areas and adjacent properties. Those reasons are as pertinent today as they were in 1910. As noted by Ms. Richards in her testimony: "The Height Act was debated vigorously during its centennial year and no groundswell of public support developed for its repeal. Removing the limit was rejected on urban planning, social policy, historic and aesthetic grounds, with the majority of residents and businesses recognizing that Washington's charm and character stem in significant part from its scale." (p. 3)

The Committee of 100 on the Federal City strongly urges you to convey to the National Capital Planning Commission and Representative Issa your conclusion that the Height of Buildings Act provisions are working to the District's benefit and that the study produced no new opportunities to improve the Act.

Sincerely,



Nancy J. MacWood  
Chair, Committee of 100 on the Federal City



PRESS RELEASE  
For Immediate Release

CONTACTS: Nancy MacWood, [nmacwood@gmail.com](mailto:nmacwood@gmail.com), 202-966-5333  
Erik Hein, [erikmhein@gmail.com](mailto:erikmhein@gmail.com), 202-966-5333

## **Mayor Gray Urges 200 Foot Buildings in L'Enfant City** *Would Allow Significantly Raised Building Heights in Neighborhoods*

D.C. Mayor Vincent Gray and the D.C. Office of Planning have sent U.S. Representative Darrell Issa a report recommending drastic changes to the 100-year old law that has served as the blueprint for creating the iconic D.C. skyline and a livable city admired worldwide.

The mayor is urging that maximum heights of 130 feet for many downtown buildings be lifted to allow 200 foot buildings on avenues where there are symbolic and important views of our national landmarks. This could lead to major office development and more commuters filling DC-based jobs.

The report dismisses the importance of the height controls throughout the city and ignores the fact that there are significant views and historic features that need to be protected in neighborhoods, like Anacostia. This unprecedented move by the mayor would allow developers to expand big projects where residents often struggle to maintain character and livability and avoid displacement.

Residents at public meetings expressed alarm at sample images of height increases and asked if heights are already too permissive. "The Mayor and the Office of Planning clearly were not listening to DC residents. There was no support for big changes and, in fact, many groups opposed changes. There is a huge gap between what was presented in the study, the reaction to it, and the conclusion reached by the Mayor that we should reverse 100 years of predictable growth patterns", said Nancy MacWood, Chair of The Committee of 100 on the Federal City.

The report written by the Office of Planning ("OP") differs dramatically from the recommendation of its master study partner, the National Capital Planning Commission. The NCPC Executive Director's draft recommendation largely found no compelling need to change height allowances and concluded that the Height of Buildings Act continues to benefit the city.

The OP report uses broad assumptions about population trends that are based on recession recovery short term trends and ignores the current slowdown in population growth and job development. The planning agency also eliminated much of the District's underdeveloped land from their need analysis and assumed that the District will cater to the 1-and 2-person households living in high rises and not families in the future. "This could lead to over building and no help for structural unemployment or affordable housing", said MacWood.

The Committee of 100 on the Federal City is a 90-year old citizen planning organization with members representing planning, economic, architecture, historic preservation, and legal disciplines. Its mission is to adapt the seminal L'Enfant Plan and McMillan Plan to the future growth of the District of Columbia. Its members participated in the master plan study throughout the summer.

###



**MEG MAGUIRE**  
**Community Conservation Consultant**

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August 14, 2013

Commissioner L. Preston Bryant, Jr., Chairman  
Ms. Harriet Tregoning, Director, Office of Planning ✓  
National Capital Planning Commission  
401 9<sup>th</sup> St., NW  
Washington, DC 20004

Dear Chairman Bryant and Ms. Tregoning:

I write in response to the July 24, 2013 presentation on the Height Act, and to the materials posted on-line.

Changing the allowable height of buildings in the District should be considered only if there is a solid reason to do so. Instead, you have presented an *opportunistic solution in search of a compelling problem*. The burden of proof for major changes in the nation's capital lies with those who propose those changes. No solid case has been offered that would compel us to change the Height of Buildings Act (HBA) that has served the city so well for so many years.

The assertion that the city will be completely built out in 20 years is not credible. In fact, we have large sections of the city, particularly in Wards 5, 7, and 8 that are crying for wise planning and neighborhood-scale commercial and residential redevelopment well within the current height limit: Rhode Island Ave., Bladensburg Rd., Minnesota Ave., MLK Blvd., Benning Rd., etc. It has been quite difficult to attract developers and anchor businesses to these areas. While the city government's intentions have been good, progress has been achingly slow. Wealthy areas like Wisconsin Ave., Tenley Town, and K St. do not need additional height in order to be economically sound and attractive.

Under such circumstances, and given the substantial current planning challenges the city faces even to build out under the current HBA, planning for the next 100 years seems like a diversion of time, talent and attention.

Your figures on the number of jobs to be created mean little to District residents unless the majority of these jobs go to District residents. Again, the city has had good intentions but has made far too little progress in training and employment for construction jobs within the District.

Raising the height of buildings will not necessarily produce affordable housing and this claim should not be made. Many cities where height is not restricted suffer from lack of

affordable housing. Any trickle-down affordability is incidental and again, not backed by data. In fact, the city has a dismal record of garnering affordable housing from inclusionary zoning. The Office of Planning's recommendations to the Zoning Commission that exempt the proposed expanded downtown from providing inclusionary zoning represent a lost opportunity to provide housing that our city desperately needs.

Making rooftops more usable and attractive is a worthy goal but this is largely an issue of good design, not of additional height. Surely our fine architectural community can respond to this challenge with solutions that will please everyone. Adding more floors to a building just pushes the problem up to the next rooftop.

While the visual studies were particularly interesting, they fall short in several important respects:

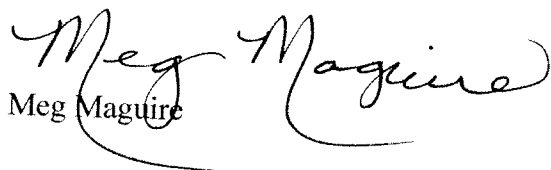
- They fail to show the effects on light/shadow of canyons from the ground level perspective experienced by pedestrians. I would argue that understanding the pedestrian experience is most definitely "in the Federal interest" in that we are host to many millions of visitors – with vastly increased visitation anticipated – as well as local residents who will experience these streets everyday.
- The models do not show the massive 14-acre Akridge development behind Union Station where the base measuring point is at the top of the Hop Scotch Bridge. This is itself worth showing in the interesting modeling SOM presented.

Finally, you have not provided any analysis of the *unanticipated consequences of changing the Height of Buildings Act*. All is made to seem rosy and positive, but this is disingenuous. Of course there will be risks and potential downsides. What are they? Under what circumstances could this change have a negative impact on the city?

In short, where is the case for changing the Height of Buildings Act? Any proposal that NCPC or OP makes to do so will leave many wondering to whom our planning agencies are responding and why: Developers lobbying behind the scenes? Mr. Issa who has little invested in the city and will soon leave his congressional committee? Or is this a case of density for its own sake without regard to unanticipated consequences?

I urge you to recommend modest improvements to making rooftops more attractive and usable and to reject other changes to the Height of Buildings Act.

Sincerely yours,

  
Meg Maguire

cc. NCPC Commissioners  
The Honorable Eleanor Holmes Norton

National Capitol Planning Commission  
District of Columbia Office of Planning

Observations Regarding NCPC and DC Office of Planning Draft Reports on  
the Height Master Plan for the District of Columbia

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202 438 4800

### A Shared Study, Two Reports, Opposing Conclusions

After a mandate from an interested congressional committee chair, months of hearings, study, analysis, reports from two consulting groups, and more hours of testimony and discussion, the National Capital Planning Commission (NCPC) and District of Columbia Office of Planning (DCOP) issued their separate conclusions regarding the future of the 103-year old Height of Buildings Act of 1910. Their conclusions could not be more different.

The Office of Planning foresees a city that could equal the great world capitals, including London, Paris, Berlin, Tokyo, and Beijing, all of which are dynamic economic engines in addition to centers of powerful government. In OP's view, DC's future is severely constrained by the Height Act, which restricts residential street height to a maximum of 90 feet, and the height of most commercial streets to 130 feet, about 11-12 stories.

Without continuing and evolving economic development, Washington will resemble capitals like Brasilia, Canberra, Ottawa, and, for a while, Bonn, whose weak private economies make them government towns, largely irrelevant to their regional and national economic life.

### The DCOP Vision

DCOP, buttressed by studies by outside consultants, sees a city that is nearing an economic choke point. Almost 50% of the District's land is owned by government or non-profits. Currently, 95.1% of the total land area

of the District is not available for future development. Of the remaining 4.9%, parks and designated open spaces are not available. Moreover, much of the 4.9% is in locations where businesses or residents desiring urban living are not willing to locate, and much is not metro-accessible. With the paucity of available land, and the restrictions of the Height of Buildings Act, the District will be built to capacity within 25 years.

Using data from the Economic Feasibility Analysis and the Modeling Study, OP suggests creating housing and jobs by easing restrictions of the Height Act. OP's conclusions would

1. Allow some streets within L'Enfant City to add additional height in a way that retains the characteristic relationship between the street width and building heights, uncapped by 19<sup>th</sup> century fire safety constraints; the wider the street, the higher the building up to a cap of 200 feet (current limits range from 90 to 130 feet);
2. Allow building heights outside the L'Enfant City (the colonial city) for local government to determine; the federal interest is represented by NCPC's two of five seats on the DC Zoning Commission, and NCPC's influence over the District's Comprehensive Plan approval process;
3. Preserve view sheds around the U.S. Capitol, White House, and Washington Monument.

### The NCPC View

In contrast, NCPC's view is a study in Big Government, intrusive, over-reaching in scope, lacking in vision, and dismissive of local interests, even local interests that would benefit the federal presence. With feet firmly planted the 19<sup>th</sup> Century experience of visitors to our nation's capital, NCPC pictures the District as primarily a government enclave. In the process, NCPC overlooks or dismisses Chairman Issa's charge to consider the District's need for economic development.

NCPC would make no changes height limits throughout the entire District. Future development would be limited to the 4.9% of the land still available for development, unless developers decide to tear down old buildings and replace them with buildings of the same height, an expensive proposition. In brief, NCPC concludes:

1. Do little or nothing. Things are fine the way they are, especially within the colonial L'Enfant City and within the topographical bowl,



- an arc extending from Arlington National Cemetery along Florida Avenue to the Capitol and southeast to the river.
2. As a sop to development, allow the HVAC penthouses on a couple hundred buildings built to the height limit to be converted into residential or commercial space provided proper setbacks are observed.
  3. Conduct further studies to consider limited changes beyond the topographical bowl.

The NCPC conclusions virtually ossify the District, leaving it pretty much as it is today, even in those parts of the District developed after 1910. NCPC would allow for in-fill but with concedes no prospect of adding capacity beyond in-fill or 1:1 floor-for-floor replacement.

This will leave the District constrained in housing, job creation, business development, and tax collections to pay for services and infrastructure improvements, especially for its middle and low income residents. More importantly, as the sociologist and urbanologist Richard Florida has observed, knowledge industries, such as is characterized by the Washington region, depend on close proximity of knowledge professionals to one another. The NCPC conclusions would limit such proximity and drive their attendant businesses to the Washington suburbs, depriving the District of human and financial capital.

### The Reach of Big Government

Two conclusions illustrate NCPC's view that the District is primarily a federal enclave, not a center of commercial and governmental power. In their final recommendation, NCPC answers a question that Chairman Issa did not ask, and dismisses the question he did ask. The question he did pose was "to encourage the exploration of strategic changes to the Height Act in those areas outside the L'Enfant City that support local economic development goals while taking into account the impact on federal interests."

The NCPC chose, instead, to answer a question he did not ask: "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 it will continue to do so into the future. ...There is no federal interest in raising heights to meet future federal space needs." (P.12)

That was not what Chairman Issa asked, but that was as far as NCPC's vision extended – since “we” don't see the need for more federal space, “we” don't need to raise the height limits, a conclusion that has the additional sting of bypassing Chairman Issa's charge to “support local economic development goals.”

The second NCPC conclusion is as narrow in its vision as it is broad in its government intrusion. In a breathtaking display of Big Government, the NCPC diminishes “local economic development goals” by claiming most of the District is “of federal interest” and therefore deserving of height and vista protections. This includes all of the original 18<sup>th</sup> century L'Enfant City, “including reservation, vistas, streets and open space;” “iconic” federal buildings such as the White House, U.S. Capitol, Washington Monument, Jefferson and Lincoln Memorials, and National Mall; federal agencies headquarters and offices, national monuments and museums, national parks, and diplomatic missions, including, in the neighborhoods, ATF, DHS and DOT; “individual facilities, landscapes and vistas,” especially those listed in the National Register of Historic Places, primarily within the L'Enfant boundaries but extending beyond since the “low green hills of the topographical bowl remain largely in federal ownership;” sites including the Civil War defense sites, St. Elizabeth's Hospital, and Arlington National Cemetery.

In addition, NCPC lays claim to views both to and from the Capitol, the Washington Monument, the National Mall, national parks and “other nationally significant civic and cultural resources.”

“Outside the bowl the federal interest is less concentrated,” they write, but includes the Naval Observatory, “most of Rock Creek Park, the Armed Forces Retirement Home and Lincoln Cottage, and the International Chancery Center.”

The NCPC states that the entire DC skyline is “iconic,” recognized throughout the world-- as if a pencil stuck into a short stack of pancakes is iconic.

In other words, anything near a federal building or facility or park, regardless of its location, and anything near a vista to or from a federal building or site, including agency headquarters of a non-historic nature, is

considered “of federal interest and is to be protected. One could observe that those protected views could extend to the hills of Anacostia, Columbia Heights and beyond, Georgetown and beyond, up North Capitol to Maryland, South Capitol past the river, and East Capitol to Maryland. Staking a claim to vistas even affects Roslyn, Arlington, and Alexandria.

### What Happens Next?

NCPC’s views are not surprising. In my earliest exchanges with NCPC officials at the public neighborhood hearings, they, including the executive director, saw no need to change the heights. As their report states, they find it more important to preserve the experience of visiting the 19<sup>th</sup> century government center, rather than consider the city’s future and its “local economic development goals.”

NCPC’s conclusions envision an intrusive, controlling, and all-encompassing federal interest, interested in the 19<sup>th</sup> Century experience. NCPC did not address in a serious way the mission set forth by Chairman Issa, and their conclusions are far from his small government, less intrusive government philosophy.

Chairman Issa posed a challenge to NCPC and DCOP that opened the door a crack. DCOP has tried, with help from two consulting groups, to push it open. NCPC chose to slam it shut. More is the pity for both the District and the wider interests of the federal government.

-----  
Frederic Harwood is a 27 year resident of Shaw, where he has owned a home since 1989. He holds a PhD from the University of Minnesota, and was on the faculty of Temple University for 15 years. He founded and sold a pharmaceutical industry-consulting firm and moved to the District to become executive director of a large non-profit. He has developed commercial and residential property in the U Street corridor, co-owned a hospitality business, and is founder of the DC Nightlife Association.

## **COMPILED PUBLIC COMMENTS | DRAFT FINAL RECOMMENDATIONS**

Includes written testimony and letters submitted to NCPC in support of NCPC's Special Commission Meeting to consider the Height Master Plan draft final recommendations, held on November 19, 2013.

### **RESOLUTION**

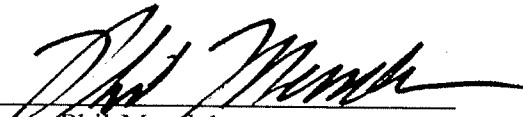
Council of The District of Columbia

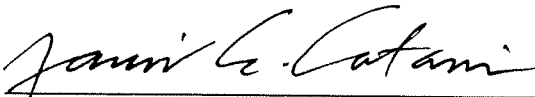
### **TESTIMONY AND LETTERS**

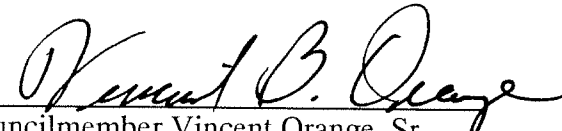
Tersh Boasberg, Georgetown Law Center  
Lindsley Williams  
David Sobelsohn  
Sue Hemberger  
Nancy MacWood, Committee of 100 on the Federal City  
Dorn McGrath, Jr.  
Alma H. Gates, Neighbors United Trust  
George Gaines  
George Oberlander, AACP, National Coalition to Save Our Mall  
Benedicte Aubrun  
Melissa Kunstadter  
Janet Quigley, Capitol Hill Restoration Society  
Carol Aten  
Denis James, Kalorama Citizens Association  
Robert Nieweg, National Trust for Historic Preservation  
Laura Richards, Penn-Branch Citizens/Civic Association  
Johnnie Rice, Alabama-Mass Avenue/Barker Lane Block Club  
ANC 5B  
Advisory Council on Historic Preservation

### **ADDITIONAL PUBLIC COMMENTS**

[www.ncpc.gov/heightstudy/comments.php](http://www.ncpc.gov/heightstudy/comments.php)

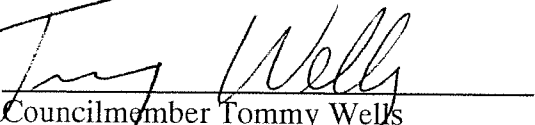
1   
2 Chairman Phil Mendelson

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5 Councilmember David Catania

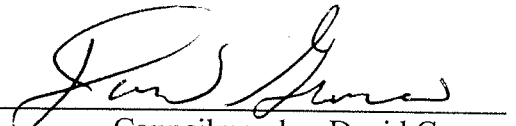
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9 Councilmember Vincent Orange, Sr.

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13 Councilmember Jack Evans

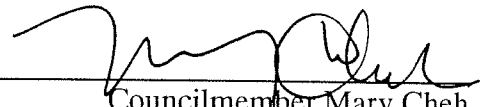
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17 Councilmember Muriel Bowser

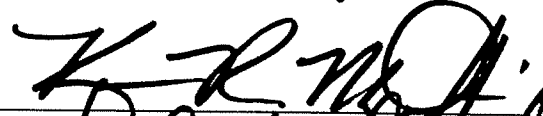
18  
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21 Councilmember Tommy Wells

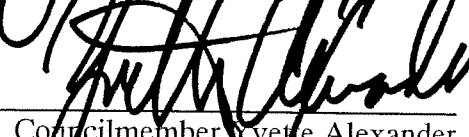
  
Councilmember Anita Bonds

  
Councilmember David Grosso

  
Councilmember Jim Graham

  
Councilmember Mary Cheh

  
Councilmember Kenyan McDuffie

  
Councilmember Yvette Alexander

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30 A PROPOSED RESOLUTION

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35 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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40 Chairman Mendelson and Councilmembers Bowser, Cheh, Evans, Gross, and Wells introduced  
41 the following proposed resolution which was \_\_\_\_\_.

42  
43 To declare the sense of the Council that the Height of Buildings Act of 1910 should not be  
44 amended at this time.

1           RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
2 resolution may be cited as the “Sense of the Council Against Amending the 1910 Height Act  
3 Resolution of 2013”.

4           Sec. 2. The Members of the Council of the District of Columbia find that:

5           (1) For over a century, the height of buildings in the District of Columbia has been limited by  
6 the width of the abutting street: in residential areas, the height may be no greater than the width of the  
7 street; in commercial areas, the height may be no greater than the width of the street plus 20 feet.  
8 However, regardless of street width, residential building heights may not exceed 90 feet, and  
9 commercial heights may not exceed 130 feet except on the north side of Pennsylvania Avenue  
10 between the Capitol and the White House where the maximum height may be 160 feet. These  
11 restrictions are part of the federal Height of Buildings Act of 1910, effective June 1, 1910, commonly  
12 called the “Height Act.”

13           (2) The effect of the Height Act has been to spread development across the city. This is  
14 because the restriction on building heights has limited the concentration of skyscrapers and density  
15 that characterize the downtowns of major American cities.

16           (3) Another effect of the Height Act has been to create a horizontal skyline that serves to  
17 highlight such monumental buildings as the United States Capitol, the Washington Monument, the  
18 Washington National Cathedral, and the Basilica of the National Shrine of the Immaculate  
19 Conception.

20           (4) An additional effect of the Height Act is that throughout the city – from Anacostia to  
21 Brookland to Cleveland Park – historic buildings have not been overwhelmed by dominating, taller  
22 buildings, and a human scale has been maintained that is uncharacteristic of any other major U.S. city.

1 (5) In the 1960s and 1970s, as the District's population declined from a high of 802,178 in the  
2 1950 census, urban planners thought the 1910 Height Act deterred development and encouraged  
3 population flight to the suburbs. This gave rise to arguments for repeal of the Height Act. However,  
4 the District's experience over the past decade demonstrates that factors other than the Height Act  
5 influence economic development and population growth. The city's population has grown  
6 significantly, and development is far outpacing virtually all other U.S. cities. It is clear that the Height  
7 Act is not a factor in deterring development.

8 (6) On October 28, 2013 the Council's Committee of the Whole held a hearing on "The  
9 District of Columbia's Recommendations on the Federal Height of Buildings Act of 1910."

10 (7) This was an opportunity for residents, developers, and others to voice their reaction to the  
11 Office of Planning's September 20<sup>th</sup> draft recommendations.

12 (8) Overwhelmingly (94%), the testimony criticized the recommendations and urged no  
13 change to the Height Act.

14 (9) As one witness (a former chairman of the Zoning Commission and Historic Preservation  
15 Review Board) stated: "...the financial rewards and political pressures to build ever higher buildings  
16 are intense. No big city municipal government in this country has been able to resist the allure of easy  
17 real estate money. As proof positive: none has a skyline as low as Washington's. Our horizontality  
18 will not survive ..."

19 (10) Other witnesses noted, as stated by the DC Preservation League: "...everyone agrees  
20 that, because of more restrictive zoning requirements, the Height Act is not the primary constraint on  
21 building heights in the District. There is still room to grow within the limitations set by the Height Act  
22 more than 100 years ago."

(11) Numerous witnesses emphasized the lack of urgency and need to act now. The impetus for examining the Height Act came from a Congressman's inquiry, not the recent revisions to the District's Comprehensive Plan or some other planning exercise.

(12) The Historic Districts Coalition testified: "We believe that the 1910 Height of Buildings Act, through its effect on the physically shaping [of] the nation's capital is no less important than the 1791 L'Enfant Plan and the 1901 McMillan Plan, which revitalized L'Enfant's brilliant design. It has given those plans the third dimension, limited height that has created the human scale and iconic horizontal skyline that Washington enjoys today."

(13) The District government substantially revised its Comprehensive Plan in 2006, and then updated the Plan in 2010. In spite of the extensive work done at the time by the D.C. Office of Planning, there was no concern that development capacity was limited or that the Height Act of 1910 needed to be revised. Indeed, the current Comprehensive Plan fits comfortably within the framework of the 1910 Height Act.

Sec. 3. It is the sense of the Council of the District of Columbia that:

(1) The Height Act of 1910 should not be amended or revised at this time.

(2) Someday there may be need to revise the Height Act, but such legislative action should wait, be carefully limited to need demonstrated by thorough analysis, be informed by a clear understanding of the impact on the District's unique urban design, and follow (not precede) prescriptions of a new, well-vetted Comprehensive Plan.

(3) The District's skyline is a unique and distinguishing feature that promotes the human scale as well as highlights national and local landmarks.

(4) The Height Act has not only distinguished the District from all other major U.S. cities, but it has enabled a legacy that should be continued. Loss of that legacy can never be recovered.



1           (5) The Height Act also creates a dynamic that spreads economic activity across the city,  
2 rather than concentrating it downtown.

3           Sec. 4. The Chairman of the Council shall transmit copies of this resolution to the National  
4 Capital Planning Commission and to the Chairman of the Committee on Oversight and Government  
5 Reform of the United States House of Representatives.

6           Sec. 5. This resolution shall take effect immediately.

TERSH BOASBERG

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3136 Newark Street NW

Washington, DC 20008

November 19, 2013

Testimony of Tersh Boasberg  
Before the  
National Capital Planning Commission  
On The  
Height Master Plan Study: Draft Federal Interests Report and Findings

Mr. L. Preston Bryant, Chairman, and Members of the Commission:

My name is Tersh Boasberg. I am speaking on behalf of the Alliance to Preserve the Civil War Defenses of Washington. I am a retired attorney who specializes in historic preservation and land use planning. I am a former Chairman and member of the DC Zoning Commission (1989-2001), a former Chairman of the DC Historic Preservation Review Board (2000-11), a former president of the Alliance to Preserve the Civil War Defenses of Washington, a former Chairman of the Committee of 100 on the Federal City, and a recipient of several lifetime achievement awards from local and national preservation/planning organizations, including in 2012 from the DC Office of Planning and Preservation. I have taught a seminar on Historic Preservation Law at Georgetown Law School for the past 13 years.

While I fully support the Executive Director's 9/12/13 Recommendations (EDR Sept); I am less happy with his 11/19/13 Recommendations (EDR Nov), especially No.2. But the Mayor's proposal to increase the Height Limit in the L'Enfant City and remove in entirely in the rest of the City is, in a word, **catastrophic**. This city belongs to *all* Americans—not just D.C. residents.

I actually think about the Height of Building Act every day as I walk and drive around this magnificent city—not only downtown but in all its

quadrants. I am forever thankful for the Federal Government's stewardship of height limits in our National Capital (even though I wish that I, too, like my fellow Americans, had voting representation in the House and Senate).

I strongly support the NCPC Draft Federal Interest Report (DFIR Sept.), especially its *comprehensive* definition of what are the “**Federal Interests**” the Height Act seeks to protect – namely, the “symbolic and cultural significance of the nation’s capital for all Americans as well as the importance of a thriving, economically stable city.” (at p.10) I would add to this the importance and protection of the city’s “*quality of life*” for the same reasons as we seek to protect its economic vitality.

As the DFIR notes at p. 22, “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.” In other words, this “carefully crafted” environment enhances the quality of life for all.

Moreover, the DFIR emphasizes that the benefits of the Height Act (i.e., the “**Federal Interests**”) extend well beyond the confines of the L’Enfant City. Thus, at p. 23 the DFIR notes:

“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.” (Emphasis added)

This is not a description of Crystal City or Ballston or Rosslyn. And make no mistake, once the Federal Height Limit is lifted, we will have 15-, then 20- and 30-story buildings throughout the District, well beyond the L’Enfant City. This is exactly what happened in Rosslyn where the height limit was raised from 15 stories in the 1960s to 30 stories today “for good cause.”

As a veteran of the planning/ preservation wars in this city for the past 50 years, I can tell you that the financial rewards and political pressures to build

ever higher buildings are intense. No big city municipal government in this country has been able to resist the allure of easy real estate money. As proof positive: none has a skyline as low as Washington's. Our horizontality will not survive what the DFIR styles as the "power and prestige of commercial enterprise." Only the *Federal* Government has the strength and resources and distance from "commercial enterprise" to protect the **Federal Interests** in Washington's quality of life. (Executive Director's Recommendation, hereafter EDR 9/12/13, p.9)<sup>1</sup>

I cannot accept the District's cavalier remark at p. 46 of its Evaluation (DCE) that the Federal Interest is "perhaps non-existent outside of the L'Enfant City." As noted above, the DFIR calls attention to the federal interests outside the L'Enfant City and specifically mentions those "**federal interests related to preservation**" ( pp. 39-47), like the ring of 17 Civil War forts and parks, St. Elizabeth's, the Frederick Douglass House, the Armed Forces Retirement Home. And, importantly, it also calls attention to the "...Historic Buildings, Districts, Sites, and Cultural Landscapes **listed on the National Register of Historic Places**" (p. 39; map at p.40).

There are over 650 historic landmarks and 25,000 contributing buildings in over 50 historic districts listed on the DC Inventory of Historic Sites, about ¾ of them are also listed on the National Register. While thousands of these are in the L'Enfant City, thousands more are located outside of downtown or Georgetown.<sup>2</sup> National Register Districts are dispersed from Anacostia to Takoma Park to Mount Pleasant and Sheridan-Kalorama to Cleveland and Woodley Parks, to LeDroit Park and Shaw.<sup>3</sup> They embrace or border on major commercial streets such as Wisconsin, Connecticut, 16<sup>th</sup> and 14<sup>th</sup>. Because of their historicity, and often fragility, these "**Federal Interests**" must not fall prey to high-rise "commercial enterprise," which can only trivialize and overwhelm them.

### **It's all about how one construes the term "Federal Interests"**

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<sup>1</sup> I know because I was Chairman of the DC Zoning Commission. Any action that the 3 commissioners appointed by the mayor wanted, the two commissioners appointed by the federal government were powerless to stop. I also refer you to the elegant testimony of John G. Parsons, who occupied Peter May's seat on the Zoning Commission (and on NCPC) **for thirty years**, who noted that to leave the decisions regarding the federal height limit in local hands "is not wise." (Parsons' ltr to NCPC 9.30.13 on file herein.)

<sup>2</sup> District of Columbia Historic Preservation Plan (2016) at p.50.

<sup>3</sup> Contrary to the DCR at p. 33, DC law protects not only "landmarks" but also *contributing buildings* to D.C. and National Register historic districts, of which there are more than 50 in Washington. It is most worrisome that the DCR at p.16 seems to protect only the "low density areas in historic districts"—not all the contributing buildings.

Another important local and, at the same time, *national* historic resource is Washington's African-American heritage, spread throughout the city. Martin Luther King could not have given his iconic speech in any other American city. In 1900 Washington had the largest percentage of African-Americans of any city in the country. Here was Howard University; here *Bolling v. Sharpe* became an integral part of the landmark *Brown v. Board of Education* decision. The D.C. Office of Historic Preservation has noted at least 200 historic sites important to the city's and the nation's African-American heritage. Some, but only some, are on the National Register, and many are outside of downtown. These, too, should not be trivialized by next door high-rises. And the honor roll could go on: sites important to Immigration, to the Women's Movement, to Gay and Lesbian rights, spread through-out **this historic, capital city of all Americans.**

Moreover, any talk of removing the federal height limit at this time is greatly premature. By the District's own calculations, we will not run out of expansion space under our current *Comprehensive Plan* for 30 years; even then, there will be more expansion space remaining within the current *height limit*. Further, it would seem that a cardinal principle of planning would be to spread out allowable development into the least served neighborhoods rather than make now economically vibrant areas much denser. *Dispersion--not concentration--*of facilities is what NPCP is encouraging (EDR p.10).

Nor can I agree with the simplistic notion advanced by the District that higher buildings will somehow make offices and apartments more affordable in the District. (DCE p.42) First, the only people who will be able to afford the new construction are the middle class and affluent. Second, new lawyers, lobbyists, and other professionals will rush in to occupy the offices and apartments closest to their workplaces. This increased competition among the better-off will ratchet overall real estate prices in the District *up* not *down*. For example, New York City has the highest residential and commercial prices in the country; yet, it also has the tallest buildings.

Furthermore, any mayoral proposal to remove Washington's 100-year-old height limit is such a radical departure from current land use practice that it should be first presented to the City Council and D.C. voters. **It is notable that the current DC Comprehensive Plan, agreed to after two years of**

**public participation, calls for adjusting zoning heights in historic districts downwards not upwards<sup>4</sup>**

To those who decry that our early 20<sup>th</sup> Century Height Limit is sapping the vitality of our nation's capital, I offer the record of the last decade of Washington's impressive growth and development. And come with me to other low-rise, metro-centric, and vital national capital, historic cities like Paris, or Rome, or St. Petersburg, or Amsterdam, or Helsinki, or Prague, etc. There are no high-rises in their historic downtowns or neighborhoods.

Fifteen years ago, the late CFA Chairman, J. Carter Brown, who knew the design and history of Washington probably better than anyone before or since, spoke these words about our height limit on the occasion of the 75<sup>th</sup> Anniversary of the Committee of 100,

“Washington is blessed by a height limitation. Following a recommendation of Jefferson's, and finally legislated when the invention of the elevator became a real threat, it is hard to over-emphasize how important the retention of this city's character as a horizontal city has been.

Let us all sign in blood this evening our resolve never to allow the pressure of developer greed to get *that* changed, as has been often proposed over the years!” (Emphasis original)<sup>5</sup>

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<sup>4</sup> “Zoning for each historic district should be consistent with the predominant height and density of the significant and contributing buildings in the district.” *Preserving Communities and Character*, The Historic Preservation Plan for the District of Columbia 2008-2012, at p.19

<sup>5</sup> “Washington at the Millennium: City by Design” by J. Carter Brown, Chairman, U.S. Commission of Fine Arts, on the occasion of the Celebration of the 75<sup>th</sup> Anniversary of the Committee of 100 on the Federal City, National Building Museum, November 18, 1998, at p.4, attached.

### NCPC Comments of Lindsley Williams -- November 19, 2013:

- Good afternoon, etc
- First settlements were Georgetown (ca. 1750, Maryland), Alexandria (ca. 1750, Virginia) and Bladensburg (ca. 1742, also Maryland), all seaports at the upper reaches of the Potomac.
- Washington came later, as "seat of Government" and remain so, always a "company town" to some extent. Intrinsic tensions between Federal interests and those of residents, businesses, and visitors.
- 103 years ago, the Act itself (At the request of City Commissioners, as with later amendments)
- Then 1920 Zoning Act, then 1938 Amendments, 1958 Lewis Plan, 1973 Home Rule, and Comp Plans since, ZRR (2006 and thereafter)
- NCPC September 12, Mayor September 24. Both careful and considered. Mayor added forward projection of needs, not just immediate quick fixes, but then sought overall formula change, but never specific changes for anywhere in DC, that to wait for Comp Plan and zoning (in coming decades).
- Final Executive Director's Recommendation (long period of labor after first contractions, delivery by forceps? -- but baby is doing well, and parents here today, not hospitalized)
- Comp Plan process could identify and establish not just greater height limits, but also reductions, and zoning would be obliged to be developed that would "not be inconsistent" with that, up or down.
- Existing authority exclusion (section 5 or whole Act?); if just section 5, then Mayor and Council should not cede that authority in the final recommendation by silence and inaction. Building codes (sections 1, 2, 3, 4, and 6). Measurement point and parapets (section 7). Violations (section 8, needs updating to current Civil code). Use this apparent authority, among other things, to establish the height limits for penthouses (20 feet, possibly a bit more for just the elevator core), don't bake into Federal law as well as provide for decks (SW EcoDistrict) and viaducts (Union Station) as future provisions to expanded section 7). **If DC has no authority to amend any part of Act, then fix that as part of amendments to Height Act's section 9 and, if need be, the Home Rule Act itself.**
- As to EDR, given overall power of NCPC in review of Council-adopted changes in District elements of Comp Plan, what is need to distinguish L'Enfant area from rest of DC? Instead, I would think a "gradient of Federal sensitivity" should be expected as changes come closer to present and future Federal sites or places of known Federal interest (including "viewsheds"). NCPC has the needed authority to "look after" the full range of Federal interests, including "security" if that becomes a part of the specified Federal elements, as I think it should.
- As to occupancy of penthouses, **bravo** but see if the bullet on page 17 can't be conformed to more inclusive language in recommendation itself (page 16) from:

Support communal recreation space on rooftops by allowing human occupancy in roof structures, where use of those structures is currently restricted under the Height Act to mechanical equipment, so long as the façade of these structures continue to be set back from exterior building walls at a 1:1 ratio.

to:

~~Support communal recreation space on rooftops by allowing~~ **Allow** human occupancy in roof structures, where use of those structures is currently restricted under the Height Act to mechanical equipment, so long as the façade of these structures continue to be set back from exterior building walls at a 1:1 ratio.
- Thank you very much. **WELL DONE!**

**PUBLIC HEARING  
NATIONAL CAPITAL PLANNING COMMISSION**

November 19, 2013

TESTIMONY  
of  
DAVID C. SOBELSOHN

U.S. Citizen  
Resident of Southwest Washington, DC

I am a community activist from Southwest Washington, DC, and a former Advisory Neighborhood Commissioner. My name is David Sobelsohn.

The Height Law raises two issues: the proper limit to building heights in this city, and who should decide that limit. I express no opinion on the first issue. But I am an American citizen and a resident of Washington, DC. While paying appropriate attention to the national interest, Washington, DC, either ourselves or through our elected local representatives, should decide the limit to building heights in Washington, DC. Outside a narrow geographic core, where the federal government has a uniquely national interest, it is intolerable for a Congress in which we have no voting representation to limit the height of our buildings.

Even in the governmental core of the city, DC's interests generally coincide with those of the federal government. Like the federal government, Washington has an interest in maintaining our status as an international symbol of democracy. Like the federal government, Washington has an interest in attracting tourists and foreign dignitaries. Like the federal government, Washington has an interest in making the city pleasant and beautiful for those who work here.

As a result, even in the city's governmental core, even complete repeal of the federal Height Act would leave building heights largely unchanged. Washington, DC, itself would continue to limit building heights. Our own elected officials won't let this city become Manhattan.

Occasions might arise when the federal interest differs from the city's interests. As a result, it would be an acceptable compromise for Congress to narrow the Height Act to that part of the city in which the federal interest is acute. A new Height Act could use the same borders statehood proponents call for a new federal district, to be formed after we achieve statehood. A new Height Act would impose a federal limit on building heights in that small federal district, while leaving the decision outside those borders to the citizens of Washington.

Democracy means the right to make our own decisions. If we don't trust our elected representatives to make the right decision about local building heights, let's have a popular referendum on the proper heights for buildings in DC.

Democracy means the right to make our own mistakes. Washington, DC, will never achieve self-government, let alone statehood, if we make exceptions to self-government for any issue on which we expect to disagree with those we elected to represent us. Letting Congress continue to set the limit to building heights throughout the city makes it hard to complain when Congress tells us how we must spend our tax dollars or how we must regulate drugs.

By contrast, letting DC decide building heights will make this city more than just a symbol of democracy. It will at least marginally increase the actual amount of democracy enjoyed by those who live and vote in Washington. Thank you.

Revised, October 30, 2013

-xxx-



Hi, my name is Sue Hemberger. I'm a DC resident who lives in Friendship Heights.

I support Recommendations 1 and 3, but feel strongly that Recommendation 2 needs to be reworked. At a minimum, the suggestion (on page 13) that "Congress amend the law today to allow for targeted exceptions" outside the L'Enfant City should be eliminated. I agree whole-heartedly with the principles behind that recommendation – i.e. that changes to the Height Act, anywhere in the District, must be made through a democratic process in which both local and federal interests are effectively represented. But I think that the specific approach being recommended here will not only fail to achieve that objective, but will also compromise another crucial principle articulated in the Report – that changes to the Height Act should be based on careful study and long-range planning rather than ad hoc decision-making.

As someone who is relatively well-informed about planning and development issues, I can attest to the fact that Comp Plan amendments typically fly completely under the public's radar; outreach has been non-existent. It's a somewhat different situation when the entire Comprehensive Plan is being rewritten – that has happened once in the 26 years I've lived here. There's more publicity but, as with the current zoning rewrite, citizens find themselves confronted with hundreds of pages of text, very little time to read it, and then three minutes to comment on it. The bottom line is that putting OP and the Council in a position where they can propose exceptions to the Height Act is an invitation to backroom deal-making – not to the robust civic dialogue that NCPC staff anticipates. And it will distort the planning process by shifting the focus from the big picture and from policy choices to who-can-deliver-what-for-whom.

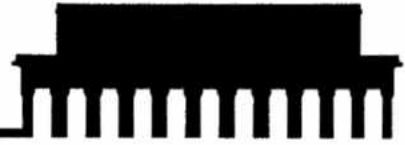
The other issue here is one of timing. I'm not an absolutist when it comes to the Height Act. I can certainly imagine scenarios under which it would make sense to lift existing height restrictions. First and foremost among them would be that the District has reached a point where we're actually built out – that is, at a time when every part of the city has experienced population growth and reinvestment.

We're nowhere near that point – in part, I think, because, at least as long as I've lived here, that's never been a priority. DC's fundamental planning problem has been uneven development.

We make lots of plans, but the most difficult and most necessary projects never get built. Instead, OP *helps developers find ways to build more in low-risk high-reward areas that are already fully developed* – that is, in places like the West End and Friendship Heights. The first strategy was to use the PUD process for site-specific upzoning. Then, as the land for redevelopment in these areas ran out, the next approach was public land sales (and giveaways) – basically, the cannibalization of our infrastructure. Now we're seeing attempts to undermine (or even repeal) the Height Act.

Obviously, transformative redevelopment tends to be gradual -- it doesn't happen overnight. But, in some places, it won't happen at all if you short circuit the process that, eventually, forces developers to look elsewhere for new opportunities. We're at a stage in our development where we need to build out before we build up. This is true from both an infrastructural and an equity point of view.

If you care about the symbolism of the nation's capital, then recognize that it's not all skylines and viewsheds and monuments. High-rise enclaves in some areas and decades of neglect in others isn't an appealing picture. Nor is it a good strategy for housing federal workers or for creating an economically sustainable city.



## **National Capital Planning Commission Special Meeting**

### **Hearing on Executive Director's Recommendation, Height Master Plan for Washington, DC**

**Testimony of Nancy J. MacWood  
Chair, The Committee of 100 on the Federal City**

**November 19, 2013**

The Committee of 100 has historically supported the Height Act, which has provided a height framework for implementing the L'Enfant and McMillan Plans and has contributed significantly to creating our grand capital city. Until today the title of this hearing would be readily understood since "Height Master Plan for Washington, DC" does not suggest that there only some parts of Washington that need height protections. But the EDR before you would irrevocably divide the city into protected and unprotected, and would result in visual documentation of the action you may approve today.

The whole of Washington was built with a singular aesthetic vision. Streets are oriented east and west and broad avenues are planned to frame views and accommodate a natural topography and a scale of building that avoids stark differences and ensures a good human experience with the built environment. This isn't a whimsical design but one that originated with George Washington and has been the guiding template to demonstrate our national principles through design. No other city has shared our high aspirations or had our success. Your vote today will decide if you intend to continue the legacy.

The NCPC EDR continues one aspect of the legacy in Recommendation 1 by ensuring the prominence of federal landmarks and monuments and prohibiting private building from damaging the L'Enfant City. The Committee of 100 strongly supports the EDR in this regard.

But we think the goal of protecting this part of the city will fall short if its form no longer has meaning within the context of the city that frames it.

The EDR states emphatically that the Height Act should not be eliminated outside the L'Enfant City in Recommendation 2, but then proceeds to recommend that it be eliminated. It's clear that no solid data and analysis were presented to change the application of the Height Act outside the L'Enfant City. The only reason offered in the EDR for removing more than 100 years of height protection is the need for better long-range planning in the capital city. How do you make the leap that eliminating our protections would motivate participatory and vigorous, data-driven comprehensive planning? Hasn't it been demonstrated to you that this is exactly what we are lacking? You should not comfort yourself that all will be well and somehow local systems that do not work as presented on paper will magically work as you hope they will. If you vote today to eliminate height protections outside the L'Enfant City you must understand that you are endorsing spot zoning and haphazard planning.

The substance of the EDR has been overshadowed by a sense that there must be consensus between NCPC and the Office of Planning. Often compromise is a worthy goal, but sometimes it leads to detrimental concessions. The EDR displays a formidable conflict in not wanting to give free rein to adding height and density outside the L'Enfant City, but needing to concede something to the Office of Planning. Why? They couldn't make their case.

The EDR recommendation is not based on solving a problem; in fact, it acknowledges that there really isn't a problem that requires a solution. The assumed need to compromise led to an artificial intellectual dilemma. Should this federal law only protect the parts of the city that have the iconic symbols of our democracy or should it continue to protect the entire capital city? That is not a weighty issue and it's answered at the beginning of the EDR when it is stated in clear terms that the federal government has "primary stewardship in the form of the nation's capital." The entire city contributes to that form and not just a few blocks near the White House or Capitol.

It is enticing to avoid controversy by fashioning an analysis that emphasizes process. But is process really what this is about? The EDR is not premised on any confidence or trust that the recommendation will result in a good process that leads to good decisions and effective controls.

You know that DC residents don't want this change. None of us want to be the generation that enshrined the L'Enfant City as a Disneyland-type attraction that is surrounded by a city that once shared its form. We urge you to find that Washington is one city with a common form and a common story. We urge the rejection of Recommendation 2 and the approval of the other recommendations.

**Testimony before the National Capital Planning Commission**  
**Dorn C. McGrath, Jr., FAICP**  
**November 19, 2013**

Once again, I would like to compliment the National Capital Planning Commission on doing a difficult job well. I admire your reasonable approach to a difficult topic.

At a hearing staged on July 19, 2012, a carefully-chosen panel presented its ideas about the suggested elimination or modification of the Building Height Act. The panel was carefully chosen to include four advocates of Congressman Issa's position, and one opponent thereof. One of those chosen advocates was an emissary of the Mayor (now under investigation). The opponent selected was Committee of 100's former chairman, Laura Richards. Richards presented an eloquent set of reasons why the Building Height Act is important to the City and its identity, but the panel was clearly intent upon changing this. This was unfair and was wrong. It reflected what is wrong with our concept of "participatory democracy."

In his book, Skylines of the World, Yesterday and Today, M. Hill Goodspeed writes, (pp. 196-7)

"[Washington] is a city like no other in the world. Its skyline is not marked by modern symbols of capitalism, but rather by monuments to the people and events that are pillars of American democracy, the very shapers of the national identity of the United States."

Washington, DC, has to choose whether to become the city of empty buildings seeking to be neighborhood foci at metro stations, or to remain an attractive, controlled open space bringing in millions of tourists each year to enjoy. Washington is, after all, the Nation's Capital even today, and people tend to like it as it is, with its unblocked views, ample avenues, and lower buildings.

The representation of the 20-200 ft. additions to the Height of Buildings Act is also flawed. Note that the featureless buildings shown are all as seen from street level, but that several of the aerial views shown are from several hundred feet above the same sites shown. Most of us do not walk several hundred feet above the city, but apparently some of the City's planners do. This is called "trick photography" and I'm glad to see that the NCPC has not fallen for it.

The draft recommendations suggest that the Comprehensive Plan and subsequent re-zoning will offer needed changes to the Height of Building Act. To be perfectly frank, no one KNOWS anything about the Comprehensive Plan EXCEPT IN CRISIS TIMES, such as this. The Comprehensive Plan comes to life only when it is needed, and is seen as complete fiction to most of the city's populace. Hinging the Commission's reticence not to fool around with the Building Height Act is based on a fiction. The fact is that most people in the city do not understand the Comprehensive Plan, nor the zoning process.

For the moment, your approach seems reasonable. But is only another way of "kicking the can down the road." It leads to the extinction of the NCPC. This would be a great loss. In terms of professionalism, thoughtfulness and attention to substance.

NCPC has provided the substance that the opponents of the Building Height Act lack. You, as Commissioners, have been able to steer a straight course to your own undoing, alas. Given the general public impatience and ignorance of the Comprehensive Plan for the city, you will be easy meat for those who oppose you and prefer to pursue the art of deal-making. We have ample evidence of this already. Given the general public apathy about the lack of planning countrywide, your sense of planning for the Capitol of the Free World makes no sense at all. You may well render yourselves dispensable.

In the rush to simplify Washington, the NCPC would be fair game. The local planning office would be seen as sufficient. Think about this!

Leave the Building Height Act alone.

Thank you for this opportunity to present my views.

**NATIONAL CAPITAL PLANNING COMMISSION**  
**Special Commission Meeting**

Testimony of Alma Hardy Gates  
Administrator, Neighbor's United Trust  
November 19, 2013

Good afternoon Chairman Bryant and members of the Commission. My name is Alma Gates and I am the administrator of Neighbors United Trust.

The Executive Director's Recommendation on the Height Master Plan for Washington, DC is well written, thorough and its five recommendations make clear the actions the commission proposes for each. Actions outlined in Recommendation Two raise some serious concerns.

Imagine what Pierre L'Enfant would say if he were standing here today looking out over the city he designed, with its ceremonial spaces and grand avenues. These avenues, which respect the contours of the land have been imposed over a grid, and radiate from the two most significant building sites, which are occupied by houses of Congress and the President. For nearly 100 years, a height limit has preserved the broad, horizontal nature of the city, allowing light and air to reach the pedestrian level, which has resulted in a picturesque skyline pierced by steeples, domes, towers and monuments. NCPC is wise to recognize that the approach proposed by the Office of Planning would "likely add the most height where it is least appropriate - those streets and views focused on the US Capitol and the White House."

Perhaps L'Enfant would have this advice for the National Capital Planning Commission, "Areas outside the city I designed were 'distant' in my day, but today, more than ever, they need the Height Act, which has protected both my plan and areas outside my plan for more than a century." He would certainly recognize that relegating the Comprehensive Plan amendment process to the Office of Planning is like putting the fox in the hen house. L'Enfant would point out that Recommendation two in the EDR highlights the dangers of leaving future decisions to politicians, lobbyists and a complicated, never-ending process of possibly differing views, pitting federal vs. local officials; and, that the recommendation fails to recognize that OP has the ability to control those differences when it suits its purposes.

Let the preemptive actions taken by OP and the Mayor on the submission of the District's draft Height Master Plan recommendations serve as a reminder of how business is done by our planning agency. NCPC had no opportunity for review; the DC Council was bypassed; and, the directive of Congressman Issa regarding input from local residents was ignored. NCPC should recognize that the Office of Planning handles the Comprehensive Planning process no differently.

NCPC should not recommend that Congress amend the Height Act today to allow for targeted exceptions through the federally-legislated comprehensive planning process. Even if Congress determines to keep the Height Act in place city-wide, NCPC must be very deliberative in its approval of a process by which questions of the city's long-term growth can be addressed in areas outside the L'Enfant City. Recommendation two is a major concern, which would cause L'Enfant to bristle and caution, "Amending the Comprehensive Plan to allow targeted height exceptions appears to be an open invitation to engage in ad hoc decision making, which, leaves the city's 130 identified neighborhoods with a very uncertain future and even ripe for influence peddling and huge abuses."

**Testimony of George Gaines**  
National Capital Planning Commission  
Tuesday, November 19, 2013

I am George Gaines, a DC resident for 58 years, and a DC tax-paying property owner for 44 years. I love the District and want my city to continue to be beautiful, inviting, and inspiring to its residents and our many visitors. Cities, especially those that are cherished and have long been protected by its residents and visitors, develop a distinct character and look. No one would dispute that DC's unique look and character are widely recognized and appreciated across the country and around the world.

That is why I have lived here, raised my family here, worked here, and gladly pay my taxes to help maintain that character and look. That is why I oppose the final version of the Executive Director's Recommendation (EDR) and call on the Commission to reject it, and instead to approve and send to Congress the earlier draft EDR which found that there are no persuasive reasons to recommend that Congress change the current Height of Buildings Act. I, as most, agree that the L'Enfant City or at least the Federal District should be protected by height restrictions. Unlike some, I also strongly believe that substantial elimination of height controls throughout much of the rest of the District will negatively impact the entire city, including its central core.

Some of our political decision-makers have heavily focused on expanding the District's tax base. While a worthy goal, it should be pursued with recognition of the potential negative impacts of substantial population density increases that are not balanced with critical and very expensive expansion of reliable mass transit, better traffic control even on densely built residential streets, and enforced restrictions to require wise urban planning that makes neighborhoods more walkable and sustainable.

Most importantly, unless the impact on our city's residents and neighborhoods is taken very seriously, growth policies will damage, if not destroy a substantial portion of the District's existing tax base. I, and the large of tax-paying residents like me, who are rapidly changing the age demographic of our city, will find that we will have no choice but to flee the city. The character and look that first attracted me to the city, and encouraged me to essentially commit to living my life here, will be substantially changed or eliminated. I fear that would so cut my connection to my long cherished home, that it likely would leave me no choice but to move elsewhere to live and pay taxes.

You have a critical decision to make, one that will impact our city for the foreseeable future. I hope you will carefully weigh all the consequences that will necessarily follow your decision. I respectfully request that you not approve the final EDR recommendation, and instead adopt and send to Congress the earlier draft EDR, which essentially recommends that Congress not change the Height of Buildings Act.

George Gaines  
3700 Kanawha Street, NW  
Washington, DC 20015-1810

**National Coalition to  
Save Our Mall**  
*Preserving Our Monument to Democracy*



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**STATEMENT  
On  
Executive Director's Recommendation  
For  
Commission Meeting November 19<sup>th</sup>, 2013**

Good afternoon Commissioners. My name is George Oberlander, a vice chair of the National Coalition to Save Our Mall. I am also the retired Associate Executive Director for DC Affairs of NCPC, having served this Commission from 1965 to 1996, mainly in that capacity.

As I only have 5 minutes to comment on the EDR seeking authorization to transmit final recommendations to the House Committee on Oversight and Government Reform, I will high-light the Coalitions' comments and concerns, submitted Oct. 28<sup>th</sup>, 2013, but will first react to the EDR issued to the public Sunday Nov. 17<sup>th</sup> at 6PM, which has been a very short final comment period for citizen organizations.

The Coalition can support:

- Recommendation #1, which indicates that for the **areas inside** the L'Enfant City, the Height Act limitations "**SHOULD** remain in place and **no changes** should be made to the formula or approach for calculating allowable building height".
- We certainly agree with the last paragraph on page 2 of the EDR, recommending "focus on an established planning process, the Comprehensive Plan for the National Capital – to responsibly articulate the District's ...needs to provide capacity and growth, while implementing these changes in a way that protects federal interests and national resources". (The DC study should have been approached that way from the beginning). (NCSOM statement p.2 last paragraph)



- We also agree with the staff finding, second paragraph on page 9 of the EDR, examining the proposed Ratio Approach, that that approach “does not appear that the city would realize much additional capacity under this proposal”. In addition this approach adversely impacts the Federal interest.
- We also concur in Recommendation #3 requiring much more further evaluation of **all city-wide viewsheds**, not only the most significant ones as commented on in our original October 28<sup>th</sup> statement. This evaluation should be undertaken as part of City wide and neighborhood Comprehensive Plan policy updates. Not on an ad-hoc height change study. (NCSOM major comments p. 2)
- **We do not agree with that portion of Recommendation #2 suggesting “NCPC recommends that Congress amend the law today to allow for targeted exceptions through the federally legislated comprehensive planning process”. This is premature and putting the cart before the horse.** Page 10 of the EDR, first paragraph of Recommendation #2 states “...for areas outside of the L’Enfant City the Height Act should remain in place unless and until the district completes an update to the District Elements of the Comprehensive Plan where targeted area(s)...are identified”, and we suggest adding, **approved via formally amending the Comprehensive Plan. Only then should the Height Act and the Zoning Regulations be amended in conformance with the Comprehensive Plan. (Emphasis added)**
- **We are concerned with Recommendation #4 dealing with human occupancy in existing and future penthouses which could allow the camel’s nose under the tent.** More additional study of the implications of such a regulation change must be made, **as staff cautioned** on page 16 of the EDR. In addition we do not find any justification for the additional recommendation “**that a 20 foot maximum height for penthouses be imposed**” increasing the current height from 18’ 6”

**to 20 feet.** Just because the current DCOP proposed zoning update suggests this change does not justify the need for such a change.

- We question **Recommendation #5**, that the requirement for **fire proof construction should be deleted**. Such a deletion has nothing to do with the height of buildings. It is a legal matter as to how to update the Act concerning construction requirements to reflect more modern technologies.
- We support the “Key Tasks and Deliverables” outlined on pages 19-21. We encourage any graphics being forwarded to a Congressional Committee be at a more readable scale than that shown on page 18. We reiterate, as outlined in our original statement, that there are numerous views and viewsheds that have not been researched and identified.
- We implore the Commission not to “**...recommend that Congress amend the law today to allow for targeted exceptions...**” EDR page 13 first full paragraph. This is not consistent with and contrary to the beginning of Recommendation #2, EDR page 10.

Thank you for your consideration of our concerns and comments. Without further study and comprehensive planning, proposing alterations to the 1910 Height Act would negatively impact the current internationally recognized character of the National Capital.

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**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.

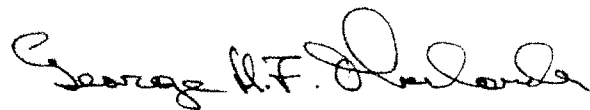
In our opinion, the magnitude of potential increases in building height within the 67 square miles of the District of Columbia requires a much more definitive identification, detailed site studies and analysis. **This document is not adequate or sufficient to develop a Master Plan that would designate 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.

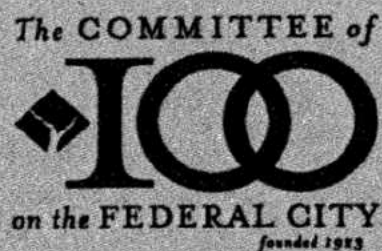
Submitted on behalf of the National Coalition to Save Our Mall by:

Judy Scott Feldman, PhD  
Chair

George H.F. Oberlander, AICP  
Vice Chair

Handwritten signature of Judy Scott Feldman in cursive script.Handwritten signature of George H.F. Oberlander in cursive script.





**WASHINGTON AT THE MILLENNIUM:  
CITY BY DESIGN**

**On the Occasion of the Celebration of the 75<sup>th</sup> Anniversary of  
The Committee of 100 on the Federal City**

**National Building Museum  
November 18, 1998**

**J. Carter Brown  
Chairman, U.S. Commission of Fine Arts**



- First of all it is a city by design. The L'Enfant plan of 1791, and developed by Ellicott the next year, goes back to Versailles where L'Enfant grew up, and in turn to Baroque Rome. The natural topography gave us a great start.

We should also credit the Army engineers who created the second half of our wonderful Mall—within the possible living memory of some—by reclaiming land that L'Enfant never dreamt would be available for the Lincoln and other memorials.

The McMillan Commission story is too familiar to this audience to recount. It did lead to the creation of the Commission of Fine Arts in 1910, growing out of the art commission whose report was characterized by the *Washington Star* in 1908 as, "A SHOWY SHAM, THE CONCOCTION OF A SHAM COMMISSION."

(I guess controversy is always with us.)

- Washington is blessed by a height limitation. Following a recommendation of Jefferson's, and finally legislated when the invention of the elevator became a real threat, it is hard to over-emphasize how important the retention of this city's character as a horizontal city has been.

Let us all sign in blood this evening our joint resolve never to allow the pressure of developer greed to get *that* changed, as has been often proposed over the years!

- And there's this city's setting, in its topographic bowl, with two rivers running through it in addition to the idyllic Rock Creek, and its great swards of grass and open breathability—what a thrill it is to come from somewhere else and drive into it from either National or Dulles airports, or to come by train and step out from Burnham's great station and see the Capitol before us!

- One reason we are so lucky is that we get federal help, so that all the good taxpayers of our nation help tend these parks, open our museums free, and help us weather periods of economic trial.

- We have not been burdened by heavy industry and its pollution. (Although we *are* a manufacturing town: we make laws, which seem to require a great deal of hot air.)

- We are also blessed by a great historic legacy, at two scales: the monumental buildings, some of which are among the most beautiful in the U.S.; and the charms and delight of our historic neighborhoods, most of which are

NATIONAL CAPITOL PLANNING COMMISSION (NCPC) HOSTS A SPECIAL MEETING FOR THE PUBLIC  
TO PROVIDE FEEDBACK  
ON FEDERAL AND DISTRICT PORTIONS OF THE HEIGHT MASTER PLAN FINAL RECOMMENDATIONS  
AUTHORIZATION TO TRANSMIT FINAL RECOMMENDATIONS TO THE U.S. HOUSE COMMITTEE ON  
OVERSIGHT AND GOVERNMENT REFORM  
NCPC File number 6886

Tuesday, November 19, 2013  
02:00 pm, Hearing Room 500,  
401 9<sup>th</sup> Street, NW  
Washington DC 20004

Good afternoon Mr. Chairman, Members of the Commission. My name is Bénédicte Aubrun and I wanted to thank the Commission for the excellent work done by the staff on the final recommendations of the DC Height Act.

Your recommendation to preserve the Height Act in the L'Enfant City greatly pleases the DC residents and is truly admirable.

Congratulations on saving the DC Height Act so cherished by Washingtonians, visitors from out of town and tourists in the L'Enfant City. Thank you for preserving the unique and human scale city of Washington DC. Thank you for listening and taking into consideration the testimonies of numerous residents, civic and professional organizations that voiced their concerns on October 30, 2013 about altering the horizontal skyline and affecting the monumental core of our beloved city. But I still have reservations on the proposal for the 20-foot maximum height for penthouses you are referring to p.16 #4 to increase the city's tax base.

Nevertheless, the DC Height Act is not only about Federal interests within the L'Enfant City. It is about an entire livable city that showcases our monuments, the White House and Capitol. The final report released Sunday evening does not provide enough protection for the whole city. The Comprehensive Plan is what is supposed to be protecting us, regarding zoning, but could be amended in a way that could jeopardize neighborhoods in Washington DC. The Comp Plan process is due for minor update at the end of 2014 (but depending on what will happen with this legislation, it might be done until the next Comp Plan to take this matter up). We do not trust our government that regularly fails to represent the well-being of the residents. Any changes to the DC Height Act will destabilize communities, and some of them are already experiencing major changes, causing gentrification.

We have been told by our elected officials that you can read the Comp Plan however you want. It offers the same protection as a sieve in the rain.

There is no need to abandon the Height Act. DC doesn't lack space or land for building houses as it is shown in the OP's report; millions of square feet of land can still be developed. And I do not believe that there is substantial data provided to support OP's growth claim.

I urge the Commission to vote on the recommendations for the historic L'Enfant City provided in the final report of the DC Height Act and to keep the Height Act in place city-wide.

Thank you.

Bénédicte Aubrun  
Resident Ward I

## Testimony of Melissa Kunstadter

National Capital Planning Commission  
Special Commission Meeting on the Height Act  
401 9th Street, NW  
Washington DC 20004

November 19, 2013

Thank you for the opportunity to testify this afternoon.

My name is Melissa Kunstadter; I am an officer of the Tenleytown Neighbors Association but I am speaking today as an individual. I am here to testify against any changes to the existing Height Act, which needs to be preserved for the entire city. I applaud the Commission's proposed plan that came out just recently, but I remain concerned that it does not provide enough protection for the city outside of a limited area around and about the White House.

My family and I have lived in Tenleytown for the last 25 years, just a block and a half east of Wisconsin Avenue. Our block is quiet and tree-lined, my neighbors are young families, single professionals, empty-nesters, seniors, academics. We are but a short walk to the convenient shopping and restaurants along Wisconsin Avenue, bus transportation and the Tenley-AU metro stop. Despite Wisconsin Avenue's being a major transportation corridor and evacuation route, I believe it is because of the existing Height Act, which has kept the heights of most commercial buildings on that avenue to two or three stories, that our "neighborhoodiness" has been preserved.

Should the Height Act be changed and therefore the issues of height, density and parking be affected, it will be the ruination of my neighborhood. Noise, traffic, the blocking of sunshine and open skies will be the result - a drastic change unlikely ever to be undone once built.

Tenleytown is not only the second oldest neighborhood in the city, it also, like many other areas embracing the city, includes Civil War forts on its heights. Because Washington DC was planned as a whole, its beauties were meant to be seen from all prospects. Should building heights be mismanaged, not only Tenleytown's but also the city's intentions and ambience will be badly affected. How can we, as stewards of such historical and modern inheritance, allow our dwelling place to be so despoiled?

The Office of Planning has been remiss in offering substantiated data about the reasons for their changes to the Height Act and the consequent impacts upon our communities and city. Where are their substantiated data that our existing infrastructure can successfully serve such imposed new density? From sewers to parking to the metro system - Tenleytown is already nearing capacity.

Washington is a city of unique neighborhoods which ought to be cherished out of a sense of our history and also for the nurturing benefit of the people living there. It is also our nation's capital and thus bears importance beyond our city's gates and throughout our country to all of our citizens and residents. And because we are America, what Washington does and how it looks and operates, resonates throughout the rest of the world. Our city matters as a political and cultural entity and symbol. We, therefore, have a responsibility to be extra prudent in any changes we might consider to what has served us so well and for so long.

Please - retain the existing Height Act in its entirety.

Thank you,  
Melissa Kunstadter

3821 Veazey Street, NW  
Washington DC 20016



**National Capital Planning Commission  
Special Commission Meeting  
Final Recommendations on the Height Master Plan for Washington,  
DC  
NCPC File Number 6886**

November 19, 2013

Statement of Janet Quigley, President, Capitol Hill Restoration Society

Chairman Bryant and Commissioners, thank you for the opportunity to testify once again on this matter. My name is Janet Quigley and I am testifying on behalf of the Capitol Hill Restoration Society. CHRS has promoted historic preservation and residential quality of life on Capitol Hill for more than 50 years.

After numerous hours of hearings and discussions on the Height Act and Height Master Plan, just about everything has been said. This year-long process, diligently facilitated by the NCPC and DC Office of Planning staffs, has certainly made an important contribution to the dialogue on what one of the world's great capital cities is, can be and should be.

CHRS stands by its position that no changes to the Height Act are necessary, and continues to respectfully disagree with the Office of Planning's arguments for increases. Consistent with that position, we concur with Recommendations 1 and 3 of NCPC's Final Report: Barring increases within the L'Enfant City will retain the "landscape" character of the historically significant avenues that host our public buildings, and additional protections for the City's viewsheds are certainly important and welcome.

We do not concur with Recommendations 2 or 4. Washington DC is one city and all residents should benefit equally from its protections. Thus it is not necessary to establish a process to allow targeted exceptions for height outside the L'Enfant City. As for #4, occupied penthouses would be the camel's nose under the tent for ad-hoc increases and would invite "height creep," which would not serve the City well.

In summary, we commend NCPC for its exhaustive work on this important matter, and recommend the Commission reject any proposals related to height increases.

Thank you for your time.

Good afternoon Mr. Chairman and members of the Commission. My name is Carol Aten. I have lived and worked in multiple areas of the city for over 40 years. I currently live in the Palisades.

I am testifying in support of Recommendation 1 of the Executive Director's Staff Report and in opposition to Recommendation 2. I urge NCPC to apply Recommendation 1 to the entire city.

Both the draft report and the final report very cogently describe a federal interest in Washington, DC that reaches beyond the L'Enfant Plan area. Federal parks and facilities are distributed throughout the city and current plans would further that effort.

Conversely, no compelling case has been made for the "need" to raise the height limitations. The "need" described by the Office of Planning's studies is far into the future and very speculative. The "risks" of allowing taller buildings without a clear understanding of the impacts on views, infrastructures, security, etc. far outweigh the speculative benefits that the Office of Planning's draft report suggested.

Why risk ruining the views of downtown and the monuments from the higher points in the city and around the topographic bowl? Notably, Cedar Hill—the Frederick Douglass National Historic Site—and its amazing views of the city, as well as the Civil War defense sites, St. Elizabeth's and the National Cathedral.

While the processes described in Recommendation 2 may sound eminently reasonable, we would be naïve to think decisions would not be heavily influenced by developers and their economic interests. The concept of "targeted exceptions" described in Recommendation 2 almost screams out for such pressure to make amendments to the Comprehensive Plan.

The last paragraph of Recommendation 2 emphasizes the need for "additional, careful study". Those studies should be done before any process to make changes in heights limits is approved. I urge you not to open this "can of worms" until it is known that height changes are required.

Recommendation 1 should apply to the entire city.

11/19/13

**Testimony of Denis James, President, Kalorama Citizens Association  
for the November 19, 2013 Special Meeting of the  
National Capitol Planning Commission on the DC Height Act**

Chairman Bryant and Commissioners, why are we here **today**? What's the hurry? As members of the concerned public, we are here with one business days' notice of a 27 page report, that if its recommendations are approved by this commission, will lay the groundwork for massive further destabilization of many DC neighborhoods, particularly mine, Adams Morgan, which sits just above the topographic bowl, with many fine views of downtown and the Federal monuments.

Why do I say this? Because giving an inch to this Office of Planning will lead to more and more demands by development interests, and that is all that this discussion is about: More money for the DC Treasury. Not quality of life and respect for the history of a place.

The DC Office of Planning's "policies" already lead to serious destabilization in many neighborhoods. Their Historic Preservation Review Board and staff allows grotesque redevelopment of wonderful historic single family row-houses into 8 and 9 unit condos, the approvals for which are in direct contradiction of the Department of Interior's and their own guidelines. The profit that developers can make from such projects is large, and thus destabilizing, in that homeowners can't resist the selling prices being offered. Those neighbors remaining are left to deal with the results of bad design, using inferior materials, such as plastic brick veneer, and the instability of an endless cycle of new neighbors in efficiency and one-bedroom apartments in which few ever put down permanent roots. This is the type of "planning" that DC's OP engages in.

We can only expect such economic pressures to grow if additional heights are allowed. Allowing them anywhere will create constant pressure to allow them in more places.

The process by which we got here is illegitimate and this **must** be recognized. The public meetings that were held were grossly inadequate to engage the residents of the District of Columbia. Every Advisory Neighborhood Commission should have been visited and engaged. The time of year of many of the meetings, summer, was not conducive to civic engagement, due to vacations, and some ANC's and civic groups were in recess.

To push the city into such a discussion at the very time that OP was presenting its final revisions of the Zoning Regulations Review is typical of this Office of Planning, seeking a time where those most involved in such issues were up to their eyeballs in the minutiae of that process. It's a shame that NCPC has been drawn into such a process.



I hope it is clear from these comments that many DC residents have no confidence in this Office of Planning. Only because Chairman Mendelson held a City Council hearing on this matter did DC residents have **any** opportunity to comment on a local level.

The Kalorama Citizens Association held a special meeting in August, 2013, just so that we could address this matter at the earliest possible moment and be on the record whatever turns this process should take. Today, I resubmit our previous testimony and resolution, which calls for no changes to the Height Act.

Denis James, President, Kalorama Citizens Association – [denisjames@verizon.net](mailto:denisjames@verizon.net)



**TESTIMONY OF DENIS JAMES, PRESIDENT, KALORAMA CITIZENS ASSOCIATION  
FOR THE NATIONAL CAPITOL PLANNING COMMISSION MEETING  
ON THE FEDERAL HEIGHT OF BUILDINGS ACT, OCTOBER 30, 2013**

I have been a homeowner in the Adams Morgan neighborhood since 1971. As a very young adult, I was drawn to the architecture, human scale and wonderful skyline of our beautiful city. From my roof, I can see fireworks on the 4<sup>th</sup> of July, the Washington Monument, the US Capitol, RFK Stadium, and many of the wonderful old buildings that residents of this city have fought long and hard to protect through Historic District Preservation or Landmarking. During my time as president of KCA, we petitioned successfully for the creation of the Washington Heights Historic District in central Adams Morgan.

All this and more would be put at risk if the proposals of the DC Office of Planning are allowed to proceed. These proposals would inevitably lead to an inability to provide good stewardship of DC's historic resources, whether in the so-called historic "bowl" of the L'Enfant city, or the many other neighborhoods that have decided in favor of historic protections.

DC has been going through a multi-year Zoning Regulations Review process. If heights are changed, much of the time and effort spent in this process will have been wasted. Significantly taller buildings will require changes to the basic architecture of DC's zoning: the allowable floor area ratios; lot coverage; side and rear yards; and of course, the appropriate amount of parking. DC government will be seen as not honestly serving its residents, those whose participation it has actively sought.

DC OP's irresponsible desire to pack as many residents into the city as possible has led to destabilization within settled, mature neighborhoods, often those that are historic districts, as oversized projects are approved, often exceeding what the historic preservation law would seem to allow. This type of activity would only be intensified if taller heights are allowed. Whole row-house blocks could be lost through Planned Unit Developments, because the potential value of the land would make that attractive to developers. We would be left with a series of row-house facades fronting massive developments like Red Lion Row.

Apart from the "gentrification" that long-term Washingtonians are so sadly familiar with, this new destabilization would lead to another type of wholesale removal as close-in neighborhoods would be put under tremendous economic pressure. DC would become not a place where we could age in place, but just a place where neighborhood feeling is lost, and an endless series of soulless condos built where vital neighborhoods once existed.

For this reason, we must depend on the NCPC to be the wise advocate on behalf of DC residents, businesses and the many visitors to our beautiful city. I urge NCPC to reconsider even its modest proposal with regard to penthouse occupation. Such changes can be accomplished in a reasonable fashion through DC's own zoning process.

Denis James  
Adams Morgan

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Denis James □ President  
Bob Ellsworth □ Vice President  
Eric Clifton □ Secretary  
Christine Saum □ Treasurer

Founded 1919

P.O. Box 21311  
Kalorama Station  
Washington, DC 20008



## **RESOLUTION OF THE KALORAMA CITIZENS ASSOCIATION IN OPPOSITION TO CHANGES TO THE HEIGHT OF BUILDINGS ACT**

Whereas, the DC Office of Planning (OP) and the National Capitol Planning Commission (NCPC) are studying the Federal Height of Buildings Act, which along with DC Zoning Regulations controls the allowable height of all buildings in DC, and

Whereas, OP and NCPC have held two rounds of public meetings on this topic that featured describing the status quo and "modeling" what various taller heights would look like for the DC skyline, and

Whereas, OP's own presentation clearly showed that in the vast majority of cases, buildings in areas where maximum heights of 130 or 160 feet are allowed by the Height Act, those heights have not been approached, and

Whereas, DC's horizontal skyline, and human-scaled neighborhoods define the character of life in the city, and

Whereas, it would be grossly unfair to those with treasured views of the city to allow new height that would block those views, and

Whereas, adding height would likely detract from the monumental core of the city, putting at risk the tourist and hospitality trade which is the largest element of the DC economy, and

Whereas, adding height to neighborhoods or "clusters" would likely create a building boom in those locations, leading to escalation of land and building costs and a more expensive finished housing product, which will price many current residents out of their own neighborhoods and accelerate gentrification, and

Whereas, the proper place to begin a discussion of the heights of buildings in DC is through amendment of the DC Comprehensive Plan, with massive public outreach, and a vote of the DC Council approving any changes.

Now, therefore, the members of the Kalorama Citizens Association constituting a quorum hereby vote against changes being made to the Height Act that would lead to taller buildings in DC.

This resolution was approved at the August 15, 2013 meeting of the Kalorama Citizens Association.



**National Trust *for*  
Historic Preservation**

*Save the past. Enrich the future.*

November 19, 2013

The Hon. L. Preston Bryant, Jr., Chairman  
National Capital Planning Commission  
401 9<sup>th</sup> Street, NW Suite 500  
Washington, DC 20004

Re: Height Master Plan for Washington, D.C.

Dear Chairman Bryant and Members of the Commission:

On behalf of the National Trust for Historic Preservation, I appreciate the opportunity to comment on the Executive Director's Recommendations, released on Sunday evening November 17, regarding the proposed Height Master Plan for Washington, D.C., conducted by the National Capital Planning Commission (NCPC) and the D.C. Office of Planning.

One year ago Congressman Darrell Issa, Chairman of the House Committee on Oversight and Government Reform, requested a joint study "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." (Rep. Issa to Mayor Gray and NCPC Chairman Bryant, Oct. 3, 2012.) Congressman Issa's letter specifically directed:

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 encourages 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 . . . . (*Id.*, emphasis added.)

At the outset of the study process, the NCPC and D.C. Office of Planning agreed on three principles that were intended to guide the Height Act Study:

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

We agree with and support these principles. In considering what recommendations to approve and send to Congress, we respectfully recommend that the Commissioners should ask: Are the proposed recommendations for changes to the Height Act consistent with these three principles?

The National Trust offers the following comments regarding the November 17 Executive Director's Recommendation:

First, the National Trust strongly supports the Executive Director's recommendation that no changes should be made to the Height Act inside the L'Enfant City.

We concur with the Executive Director's general determination that "changes to the Height Act within the L'Enfant City and within the Topographic Bowl may have a significant adverse effect on federal interests." [NCPC, Nov. 17, 2013, p. 4.] Furthermore, we concur with NCPC that the federal interests in our Nation's Capitol include historic sites – especially those on the National Register of Historic Places. [*Id.* at p. 3.] These historic places are, indeed, "at the core of the city's image and the experience millions of visitors have of our national capital." [*Id.*]

The National Trust also concurs with the Executive Director's specific analysis that the dramatic changes to the Height Act within the L'Enfant City, as proposed by the D.C. Office of Planning, "would adversely affect federal interests." [*Id.* at p. 6.] In particular, the evaluation by the Commission staff indicates that the District's proposed approach "would likely add the most height where it is least appropriate: on streets and views focused on the U.S. Capitol and the White House, where building heights should be lower to emphasize views of these national resources." [*Id.* at p. 5.]

Furthermore, the National Trust notes the Commission staff's analysis that the District's proposed changes to the Height Act within the L'Enfant City would create little new developable capacity. "[O]nly a few of the streets that would be impacted under the District's proposed ratio approach are actually located in areas currently designated for medium and high density growth in the District Elements of the Comprehensive Plan. Thus, it does not appear that the city would realize much additional capacity under this proposal." [*Id.* at p. 9.] Thus, the cost would be high, in terms of adverse visual impact, while the benefit would be slight.

Second, the National Trust does not support the recommendation by the D.C. Office of Planning to eliminate the Height Act outside of the L'Enfant City. Among other things, that recommendation relies on the Office of Planning's mistaken assumption that there is little or no federal interest outside the L'Enfant City. We do not agree with the District's assumption that there is a "greatly diminished federal interest outside the monumental core." [DC OP, Sept. 20, 2013, p. 1.] Instead, we strongly support the Executive Director's determination that there are "significant and diverse federal interests located outside the L'Enfant City." [NCPC, Nov. 17, 2013, p. 10.]

If the Height Act were eliminated outside of the L'Enfant City, we do not share the confidence expressed by the D.C. Office of Planning that any and all federal interests outside the L'Enfant City could be "protected by the federal government's integral role in the District's comprehensive plan approval process and its significant presence on the District's Zoning Commission." [DC OP, Sept. 20, 2013, p. 1]

Third, the National Trust currently is reviewing the Executive Director's new recommendation (released for the first time on November 17) that the protections of the Height Act should remain in place outside the L'Enfant City "unless and until the District

completes an update to the *District Elements of the Comprehensive Plan*.” [NCPC, Nov. 17, 2013, p. 10 (emphasis in original).] According to the proposed approach, the update to the *Comprehensive Plan* would identify targeted areas outside the L’Enfant City where exceptions to the height limit would be allowed “that meet specific planning goals and also do not impact federal interests.” [*Id.*]

The Executive Director’s report essentially recommends that the local government could plan for tall buildings outside the L’Enfant City and then the federal government could authorize exceptions to the Height Act in accordance with the local plan. In contrast, the Office of Planning recommends that, outside the L’Enfant City, the federal government should eliminate the Height Act altogether, and then the local government could plan for tall buildings. While the Commission’s approach would seem to be less potentially harmful to the historic character of the city than the District’s approach, we believe that more careful study is needed to determine whether adequate safeguards would be in place under the approach recommended by the Executive Director. It is not clear, for example, what criteria would be used to identify exceptions to the Height Act, or how the public would be engaged in the proposed new approach.

Once the Executive Director’s new recommendation has been fully evaluated by the interested public and stakeholders, we anticipate that this new proposal will raise many questions. We note, for example, the Advisory Council on Historic Preservation has already raised a key question as to “whether the authorization of exceptions to the Height Act by NCPC through the Comprehensive Plan process would constitute an undertaking as defined in Section 106” of the National Historic Preservation Act and its implementing regulations[.]” [ACHP to NCPC, Nov. 18, 2013.]<sup>1</sup> If NCPC’s authorization of exceptions does constitute a federal undertaking, then the agency would need to comply with the requirements of Section 106 prior to approving the proposed approach.

Finally, the National Trust remains concerned that public participation during Phase 3 of the study was unintentionally undermined by the confusion that resulted from the decision in September to release two separate reports and set separate deadlines for public comment. Public participation also was impaired by the federal government shutdown, when the NCPC’s website was off-line and all study-related information was unavailable during a critical portion of Phase 3.

The Commission assured Congress last year that “The study and its recommendations will be vetted through a public process and presented to the Commission for action before submission to the Committee.” [Chairman Bryant to Congressman Issa, Nov. 1, 2012.] However, the Executive Director’s new recommendations, released less than 48 hours ago, have not had the time to be vetted through a public process. These recommendations for changes to the Height Act should not be approved until that kind of meaningful public involvement has occurred.

In summary, the National Trust believes the Height Act has proven to be effective over the course of the past century in shaping and protecting the character of the Nation’s

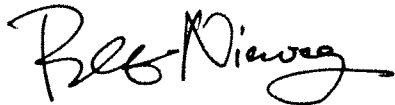
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<sup>1</sup> See *McMillan Park Committee v. NCPC*, 759 F. Supp. 908 (D.D.C. 1991), *rev’d on other grounds*, 968 F.2d 1283 (D.C. Cir. 1992). In that case, the GSA had already accomplished Section 106 compliance, through a binding historic preservation covenant, prior to the NCPC’s review of the comprehensive plan. Those circumstances are not involved here.

Capital, and the Height Act continues to serve the public interest. The studies conducted by the local and federal governments do not make a persuasive case for any significant changes to the Height Act. In the National Trust's view, additional careful study is necessary before any amendments to the Height Act are considered.

Thank you in advance for considering the views of the National Trust for Historic Preservation.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Nieweg". The signature is fluid and cursive, with the first name "Rob" and last name "Nieweg" clearly distinguishable.

Rob Nieweg  
Field Director & Attorney  
Washington Field Office

**Interests of the National Trust.** The National Trust for Historic Preservation is a privately funded nonprofit organization, chartered by Congress in 1949 to further the historic preservation policies of the United States and to facilitate public participation in the preservation of our nation's heritage. 16 U.S.C. § 468. The mission of the National Trust is to provide leadership, education, and advocacy to save America's diverse historic places and revitalize our communities. The National Trust has been actively engaged in the public process for the Height Act Study.

**Penn-Branch Citizens/Civic Association**

Post Office Box 6730  
Washington, D.C. 20020 -0430  
Kweku Toure, President

November 19, 2013

National Capital Planning Commission  
401 9<sup>th</sup> Street NW  
Washington, DC 20004

Re: Don't Repeal the 1910 Height of Buildings Act

Ladies and Gentlemen:

The Penn-Branch Citizens/Civic Association has reviewed the revised staff recommendation regarding the Height of Buildings Act and objects, objects, objects. If NCPC feels that it must tinker with the Height Act, please go no further than your original proposal. In requesting the Height Act Study, Rep. Darrell Issa (R-Cal.) asked NCPC and the District to *consider* changes to the Act – he did not command you to propose them. It is perfectly reasonable for you to respond thanks but no thanks, nothing is broken so there's nothing to fix. That is what your staff largely concluded in its original draft, and more importantly, that is what was said in the overwhelming weight of the testimony received at your earlier hearing.

NCPC's revised staff recommendation largely echoes the D.C. Office of Planning (DCOP) report. The revised NCPC proposal, stripped of its verbiage regarding study, advice and review, repeals the Height Act outside the L'Enfant City. As Penn-Branch said in our earlier testimony:

Outside the L'Enfant City there would be no maximum height and no relationship of heights to street width. OP would usher in an era of free-for-all, anything goes development. Changing the Height Act to create a two-tiered city – a height-managed federal Washington surrounded by a local DC – will destroy irretrievably the existing physical unity between the two and harm the daily quality of life for local residents. It will make a mockery of the executive branch's "One City" plan. The city will be more divided than ever.

NCPC received testimony in opposition to the DCOP report from across the city, from preservationists, newcomers, longtime residents, planning professionals, and people like those who reside in Penn-Branch, who love their city and its views, and who respond viscerally to its physical cityscape and the values of equality and democracy it embraces. In contrast, a bare handful of witnesses supported the changes sought by DCOP. Witnesses at a D.C. City Council hearing also



*November 19, 2013*

*Page 2*

testified overwhelmingly against the repealing the Height Act anywhere in the city. Please bear in mind the extraordinary unity on this issue. District residents are deeply divided over gentrification, parking, bike lanes, affordable housing and school boundaries. But we all embrace the Height Act. Penn-Branch cannot understand why NCPC would sign onto the destruction of one of the District's few unifying principles. Your own staff has demonstrated that DCOP has not made a persuasive economic or demographic case for change. In the end, this is about hubris. That cannot be the basis for destroying a national cityscape and legacy.

Do not seduce yourselves that this recommendation is a reasoned compromise. It is a betrayal. Please reject this recommendation and affirm the importance and permanence of the Height Act for all of the District of Columbia.

Respectfully submitted,

/s/

Penn-Branch Citizens/Civic Association  
Laura M. Richards, Legislative Affairs Committee

**Alabama/Massachusetts/Barker Lane Block Club**

November 19, 2013

National Capital Planning Commission  
401 9th Street NW  
Washington, DC 20004

Dear Members of the National Capital Planning Commission,

I am Johnnie Scott Rice, a native Washingtonian, former ANC Commissioner and today, the representative of a neighborhood that sits on the eastern edge of the District, well outside the L'Enfant City.

The staff proposal before you today retains the Height Act inside the L'Enfant City, and repeals it elsewhere. This proposal tells me that I and my neighbors are second-class citizens.

As east of the River residents, we have the highest crime rates, the worst-maintained schools, the fewest amenities, etc., etc., etc. Now you would take away even the Height Act and leave our neighborhoods to be sliced and diced and sold to the highest bidder. No more relationship between height and street width. Just whatever feels good. No more views from our backyards of the Capitol and the Monument. No more daily visual evidence that, despite all the things we don't have, we are part of the nation's capital. We are connected to the grand heritage.

Southeast knows exactly what the Office of Planning thinks we're good for, and where we can go, and how fast we can get there.

As a child, I lived through the great Southwest clearances. I have read the chilling Supreme Court decision that slammed the final door on our hopes for justice before we were swept away.

Today it's your turn to decide. You have a chance "to act justly, and to love mercy, and to walk humbly" in the footsteps of a great civic legacy. Please reject the staff proposals and keep the District a unified city.

Respectfully submitted,

Johnnie Scott Rice



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ADVISORY NEIGHBORHOOD COMMISSION 5B**

DEMOUNTABLE TRAILER

1322 Irving Street NE Washington, DC 20017

Phone: (202) 635-6563 • Fax: (202) 635-6565 • Website: [anc.dc.gov](http://anc.dc.gov)

November 12, 2013

**OFFICERS**

Shirley Rivens-Smith  
*Chairperson*

Carolyn C. Steptoe  
*Vice Chairperson*

Shirley Rivens-Smith  
*Treasurer*

Jenese L. Jones  
*Recording Secretary*

Ursula Higgins  
*Correspondence Secretary*

Jenese L. Jones  
*Parliamentarian*

**SENT VIA ELECTRONIC MAIL**

D.C. Council Chairman Phil Mendelson  
Council of the District of Columbia - Committee of the Whole  
The John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, D.C. 20004

**RE: ADVISORY NEIGHBORHOOD COMMISSION 5B's  
RESOLUTION TO SUBMIT COMMENTS TO THE D.C.  
COUNCIL COMMITTEE OF THE WHOLE REGARDING THE  
DISTRICT OF COLUMBIA'S RECOMMENDATIONS ON THE  
FEDERAL HEIGHT OF BUILDINGS ACT OF 1910**

**COMMISSIONERS**

5B01 Shirley Rivens Smith  
5B02 Ursula Higgins  
5B03 Michael Morrison  
5B04 Carolyn C. Steptoe  
5B05 Jenese L. Jones

Dear D.C. Council Chairman Mendelson and Committee of the Whole Members:

At its regular monthly community meeting held October 23, 2013, Advisory Neighborhood Commission 5B ("ANC 5B" or "the Commission") considered the above-referenced matter.

With four of the four current commissioners present at this duly noticed, public meeting, a quorum was declared wherein ANC 5B voted unanimously (4-0-0) to submit comments to the D.C. Council Committee of the Whole regarding *The District of Columbia's Recommendations on the Federal Height of Buildings Act of 1910* ("the Height Act").

**Background:**

D.C. Council Chair Phil Mendelson convened a public oversight hearing of the Committee of the Whole ("COW") on Monday, October 28, 2013. The subject of said October 28, 2013 was the *District of Columbia's Recommendations on the Federal Height of Buildings Act of 1910* ("the Height Act"). The purpose of the October 28, 2013 oversight hearing was to receive testimony on the District's recommendations to Congress on potential modifications to the Federal Height of Buildings Act of 1910. Since the House Committee on Government Reform requested a joint study in October 2012, the District of Columbia (vis-à-vis D.C. Office of Planning/"OP") has been jointly conducting a height master plan with the National Capital Planning Commission ("NCPC") in order to assess how the Height Act continues to serve federal and local interests. In its preliminary findings and recommendations, the National Capital Planning Commission did not recommend substantial changes to the Height Act. Its recommendations included allowing for human occupancy of penthouses. The District of Columbia however, in separate draft recommendations, proposed increasing the height limits within the L'Enfant City (the original city), and that Congress should allow the District to determine the maximum height of buildings outside the L'Enfant City. The Committee of the Whole invited residents to share their views on these recommendations.

ANC 5B did not testify or submit testimony at the October 28, 2013 oversight hearing. Neither did ANC 5B review either NCPC's or the District's draft recommendations prior to the October 28, 2013 oversight hearing.

However, upon review of (i) the COW October 28, 2013 oversight hearing testimony, (ii) both NCPC and the District's separate draft recommendations and (iii) the Economic Feasibility Analysis of the Height Master Plan prepared for OP by Partners for Economic Solutions ("PES"), ANC 5B submits the following comments:

**WHEREAS**, ANC 5B raises concerns with OP Director Harriet Tregoning's October 28, 2013 testimony wherein she stated:

"the District used as our guiding principle in even considering height was our Comp [Comprehensive] Plan because in many ways our Comp Plan has talked about where we are going to grow in the city and how important it is to protect our single family home residential neighborhoods; that we have only designated certain parts of the city, a relatively small portion as having the infrastructure, having the capacity, having the appropriateness of having additional higher density development." (OCTO 10-28-13 COW; start 10:41.) and;

**WHEREAS**, ANC 5B supports no change in the Height Act to accommodate projected increased population primarily because, along the vein of Director Tregoning's testimony, provisions of the Comprehensive Plan and its land use elements allow the D.C. Zoning Commission extraordinary leeway to approve precedent rezoning/upzoning/increased height & footprint land use in single family residential neighborhoods, especially land close to Metrorail stations; and

For example, currently, as a result of the 2009 DC Council approval of the Brookland Small Area Plan, an ANC 5B single family home residential neighborhood was not protected either by the Comprehensive Plan or the D.C. Zoning Commission ("ZC") from a large, rezoned/upzoned condo/apartment development project; and

Instead, the ANC 5B propertyowners residing in an R-2 and C-1 zone district (low scale density residential) within yards of a Zoning Commission-approved C-2-B/90 feet development (moderate-density mixed use and medium-density mixed use) face obstruction of air, light and quality of life. The ZC-approved rezoned/upzoned C-2-B development will accommodate a 6-7 story building with 220+ apartment units. These most nearby ANC 5B propertyowners challenged Zoning's approval of the upzoning application as "inconsistent" with elements of the Comprehensive Plan (Future Land Use Map & Generalized Policy Map, respectively) and the Brookland Small Area Plans, to no avail. Instead, D.C. Zoning Commission posited that "the Comprehensive Plan must be considered in totality" when determining whether a project is not inconsistent with the Comprehensive Plan and the elements thereof. (See Exhibit 1, Zoning Commission Order 10-28,(1)); and

**WHEREAS**, ANC 5B observes that since the Comprehensive Plan affords the elected/appointed Zoning Commission body the “in totality” rezoning/upzoning clause (in ANC 5B from low density residential to moderate-density, mixed-use and medium-density mixed use), there is no need to change the Height Act to build for a projected new population growth; and

**WHEREAS**, ANC 5B is already experiencing residual apartment and condo development projects in one district as a direct result of the C-2-B upzoning approval. To date, there are four (4) new apartment and condo development projects in the pipeline for ANC 5B; and

**WHEREAS**, current ANC 5B boundaries include substantial vacant commercial buildings along the Rhode Island Avenue corridor which can be renovated as new housing for prospective residents and population growth, thereby preserving ANC 5B’s neighborhood character; and

**WHEREAS**, according to OP’s Brookland/CUA Metro Small Area Plan prior to the 1960s, ANC 5B boundaries had a population of 11,000 nearby residents, none of whom lived in high rise buildings. (*See Exhibit 2, pg. 10*), Introduction/Brookland CUA Metro Small Area Plan); and

**WHEREAS**, ANC 5B objects to OP and PES identifying portions of Rhode Island Avenue, NE (between 4<sup>th</sup> Street and 12<sup>th</sup> Street) as one of the 15 high density Illustrative Analysis Areas for Height Study (*see Exhibit 3*). In the September 23, 2013 Economic Feasibility Analysis prepared by PES, Rhode Island Avenue is cited as one of the high density illustrative areas to test the likely market response and impacts of raising building height limits. The new construction test feasibility heights range from 130, 160, 200 and 250 feet; and

**WHEREAS**, at least one half of the height study area is located within the current ANC 5B. ANC 5B objects to the prospect of a 10-24 story building located within its boundaries as unnecessary and inappropriate for the character of the ANC 5B single residential community.

The Conversion table (p. i/Executive Summary) notes:

| <u>Height in Feet</u> | <u>Commercial/stories</u> | <u>Residential/stories</u> |
|-----------------------|---------------------------|----------------------------|
| 130                   | 10                        | 12                         |
| 160                   | 13                        | 15                         |
| 200                   | 17                        | 19                         |
| 250                   | 21                        | 24                         |

**WHEREAS**, ANC 5B boundaries already suffer from the District’s aging infrastructure. Power outages, stormwater/flooding, transportation, road work, etc. are all upgrades needed by current ANC 5B residents. Continued and projected development will constrain the 5B residential community and escalate infrastructure problems.

**BE IT RESOLVED THAT ANC 5B approved the foregoing Advisory  
Neighborhood Commission 5B Resolution To Submit To The D.C. Council Committee  
Of The Whole Regarding The District Of Columbia's Recommendations On The  
Federal Height Of Buildings Act Of 1910.**

ANC 5B requests "great weight" from be accorded the foregoing ANC 5B Resolution.

Sincerely,

/s/  
Shirley Rivens Smith  
Chairperson, ANC 5B

/s/  
Ursula Higgins  
Correspondence Secretary, ANC 5B

Attachments – Exhibits 1 through 3  
cc: Jessica Jacobs, Legislative Counsel, D.C. COW  
Director Harriet Tregoning, D.C. Office of Planning  
Chairman Anthony Hood, D.C. Zoning Commission  
Councilmember Kenyan McDuffie. Ward 5

# **EXHIBIT 1**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 10-28(1)**  
**Z.C. Case No. 10-28**  
**901 Monroe Street, LLC**  
**(Consolidated Approval for a Planned Unit Development and Zoning Map Amendment)**  
**Order on Remand**  
**July 25, 2013**

This proceeding concerns an application submitted by 901 Monroe Street, LLC ("Applicant") for a planned unit development ("PUD") and related Zoning Map amendment in connection with the development of a property adjacent to the Brookland/CUA Metrorail station in Northeast Washington, D.C. (the "Project"). By Order effective June 8, 2012, the Zoning Commission for the District of Columbia (the "Commission") approved the application subject to conditions ("Z.C. Order No. 10-28").

Parties to this proceeding, in addition to the Applicant, are Advisory Neighborhood Commission ("ANC") 5B, the Brookland Neighborhood Citizens Association ("BNCA"), and a group of residents residing within 200 feet of the subject property (the "200-Footers"). The 200-Footers petitioned the District of Columbia Court of Appeals ("Court of Appeals" or "DCCA") to review the Commission's Order. By decision dated May 16, 2013, the Court of Appeals concluded that although "the Commission addressed this case with an open mind and considerable care and deliberation" and "for the most part, the Commission's findings are supported by substantial evidence on the record as a whole and that its legal analysis is generally sound," the Court nevertheless found that "that the Commission failed to make findings on several disputed issues" and therefore remanded the case back to the Commission for additional findings of fact and conclusions of law. *Guy Durant, et al., v. D.C. Zoning Comm'n*, 65 A3d 1161, 1163 (D.C. 2013).

Specifically, the decision contained the following remand instruction:

During the public hearing, the petitioners raised a number of material issues, calling into question whether the application was consistent with the Comprehensive Plan. Based on our own review of the Commission's order and the record, we conclude that the Commission did not address or explain its resolution of three of these issues . . . Specifically, the Commission should:

1. Resolve the dispute regarding the FLUM designations, and determine whether the project is consistent with the Plan as a whole in light of its resolution of that issue;
2. Explain whether the proposal is consistent with the written Plan policies discussed above: UNE-1.1.1, LU-2.16, LU-2.1.8, LU-2.3.1, and with the portions of the UNE-2.6.1 and LU-1.3.1 omitted from its quotation of these policies;
3. Make findings regarding the GPM's designation of the property as a Neighborhood Conservation Area, and determine whether the developer's application is consistent with the Plan in light of that designation; and



4. Make any other necessary findings of fact and conclusions of law, in accordance with this opinion."

65 A.3d 1171 -1172.

### **PRELIMINARY MATTERS**

Pursuant to the Court of Appeals' instruction to the Commission that it provide "supplemental findings and related conclusions of law" on the stated issues, the Commission, through the issuance of a Procedural Order on Remand requested the Applicant, as the prevailing party, to provide a proposed order on remand that makes the determinations, explanations, and findings required by the Court of Appeals. The Applicant provided a draft order on June 24, 2013. (Exhibit ("Ex.") 347.)

The Commission also provided ANC 5B, the 200-Footers, and BNCA the opportunity to each provide a response that identifies any alleged errors or omissions in the findings of fact and conclusions of law stated in the proposed order.

This Order reflects the Commission's supplemental Findings of Fact and Conclusions of Law on the issues remanded by the Court. This Order, therefore, will not restate all facts concerning the Project, but only those relevant to the remand issues. Where appropriate, this Order will identify those finding of facts contained in Z.C. Order No. 10-28 that support the supplemental findings made.

### **FINDINGS OF FACT**

#### **THE LAND USE ELEMENT**

1. Based on the provisions of the Comprehensive Plan itself and the testimony of Office of Planning ("OP"), the Commission finds the Comprehensive Plan and the Brookland Small Area Plan must be considered in totality, not by individual land use elements, when determining whether the Project is not inconsistent with the Comprehensive Plan and elements thereof. (Ex. 80, 320.)
2. The Land Use Element of the Comprehensive Plan provides:

The District's Metrorail stations include 15 stations within the Central Employment Area and 25 "neighborhood" stations (see Map 3.5). Looking forward, certain principles should be applied in the management of land around all of the District's neighborhood stations. These include: A preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses; A preference for diverse housing types, including both market-rate and affordable units and housing for seniors and others with mobility impairments; A priority on attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking; Provision of well-designed, well-programmed, and well-maintained public open spaces; A "stepping down" of densities with distance away from each station, protecting lower density uses in the vicinity; Convenient and comfortable connections to the bus system, thereby expanding access to the stations and increasing Metro's ability to serve all parts of

the city; and A high level of pedestrian and bicycle connectivity between the stations and the neighborhoods around them.

(10-A DCMR § 306.4 (LU-1.3.))

3. The Project supports the principles to be applied in the management of land around Metrorail stations set forth directly above because it creates: mixed residential and commercial uses with housing above ground floor retail; an attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking; well-designed, well-programmed, and well-maintained public open spaces; and a high level of pedestrian and bicycle connectivity between the Brookland/CUA Metro Station and the neighborhood around it. (Ex. 25; 1/19/12 Transcript ("Tr.") pp. 35-54.)

4. The Land Use Element of the Comprehensive Plan also provides:

Encourage the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide. This policy should not be interpreted to outweigh other land use policies which call for neighborhood conservation. Each Metro station area is unique and must be treated as such in planning and development decisions. The Future Land Use Map expresses the desired intensity and mix of uses around each station, and the Area Elements (and in some cases Small Area Plans) provide more detailed direction for each station area.

(10-A DCMR § 306.10 (LU-1.3.1).)

5. The Project will support the development of the Brookland/CUA Metrorail station as an anchor for economic and civic development in an area that currently lacks adequate neighborhood shopping opportunities and employment. The Project will reduce automobile congestion, improve air quality, increase jobs, provide a range of goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, and capitalize on the development and public transportation opportunities which the Brookland/CUA Metrorail station provides. (Ex. 25; 1/19/12 Tr. pp. 35-54; Z.C. Order No. 10-28 Findings of Fact ("FOF") 29-32, 39.)
6. The Commission acknowledges that the policies embodied in LU-1.3.1 do not outweigh other land use policies, including those which call for neighborhood preservation, in every instance. The Commission considers the unique characteristics of the area surrounding the Brookland/CUA Metrorail station and the specific features of the Project in their totality in arriving at its decision regarding the Project. (Ex. 25; 1/19/12 Tr. pp. 35-54; FOF 26-27.)

7. The Land Use Element of the Comprehensive Plan also provides:

Ensure that development adjacent to Metrorail stations is planned and designed to respect the character, scale, and integrity of adjacent neighborhoods. For stations that are located within or close to low density areas, building heights should “step down” as needed to avoid dramatic contrasts in height and scale between the station area and nearby residential streets and yards.

(10-A DCMR § 306.14 (LU-1.3.5).)

8. The Project’s design respects the character, scale, and integrity of the adjacent neighborhoods. The Project’s scale mediates between the 70-foot-high developments being constructed at CUA campus, the densities the Small Area Plan supports adjacent to the Brookland Metrorail station, and the single-family residences to the east and south of the Project. The Project has been designed to “step down” as needed to avoid dramatic contrasts between the Project and surrounding areas. The Commission gives due deference to OP’s recommendation that the Project’s scale is consistent with the adjacent neighborhoods. (Ex. 25; 1/19/12 Tr. pp. 35-54; FOF 35.)

9. The Land Use Element of the Comprehensive Plan also provides:

Protect and conserve the District’s stable, low density neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single family neighborhoods in order to protect low density character, preserve open space, and maintain neighborhood scale.

(10-A DCMR § 309.10 (LU-2.1.5).)

10. The Land Use Element of the Comprehensive Plan also provides:

Discourage the replacement of quality homes in good physical condition with new homes that are substantially larger, taller, and bulkier than the prevailing building stock.

(10-A DCMR § 309.11 (LU-2.1.6).)

11. The Commission acknowledges that LU-2.1.6 discourages “Teardowns.” The Commission finds that the Project tears down four existing residential homes and that the removal of the homes is necessary in order to complete the Project. The Commission further finds that, on balance, the loss of four homes is outweighed by the benefits that will accrue to the neighborhood and the city by advancing the land use policies that support development of the Project, such as encouraging development around Metrorail stations. The Project will provide such benefits as new housing and affordable housing; urban architecture, landscaping, and creation of open spaces; site planning and efficient and economical land uses; effective and safe vehicular and pedestrian access; environmental benefits; revenue for the District; and employment and local business stimulation. (Ex. 25; 1/19/12 Tr. pp. 35-54; FOF 29-32, 39.)

12. The Land Use Element of the Comprehensive Plan also provides:

Discourage the zoning of areas currently developed with single family homes, duplexes, and rowhouses (e.g., R-1 through R-4) for multifamily apartments (e.g., R-5) where such action would likely result in the demolition of housing in good condition and its replacement with structures that are potentially out of character with the existing neighborhood.

(10-A DCMR § 309.13 (LU-2.1.8).)

13. The Commission acknowledges that LU-2.1.8 discourages the rezoning of areas currently developed with single family homes in order to accommodate multifamily apartments where such rezoning would result in the demolition of homes in good condition and the construction of structures out of character with the existing neighborhood.

14. However, the Project is not out of character with the existing neighborhood. The Applicant incorporated changes into the Project that included the provision of additional public amenities, increased building setbacks, refinements to the building's massing and appearance, a decrease in the number of proposed apartments, additional landscaping and parking spaces, and an enhanced transportation demand management plan. These changes enhanced the Project's compatibility with the surrounding neighborhood and result in a structure compatible with the surrounding neighborhood. Moreover, the Commission finds that LU-2.1.8 must be considered together with the other policies of the Land Use Element and the Comprehensive Plan encouraging new mixed use transit oriented development. The Commission concurs with OP's view that the Project is not inconsistent with this policy. (Ex. 80, p. 8; FOF 35.)

15. The Land Use Element of the Comprehensive Plan also provides:

Maintain zoning regulations and development review procedures that: (a) prevent the encroachment of inappropriate commercial uses in residential areas; and (b) limit the scale and extent of non-residential uses that are generally compatible with residential uses, but present the potential for conflicts when they are excessively concentrated or out of scale with the neighborhood.

(10-A DCMR § 311.3 (LU-2.3.1).)

16. The Commission acknowledges that Land Use Policy LU-2.3.1 encourages zoning regulations and development review procedures to prevent inappropriate encroachment of commercial uses in residential areas and to limit the scale and extent of non-residential uses that may create conflicts or be out of scale with a neighborhood. This policy does not prohibit commercial uses in residential areas as long as such uses are appropriately reviewed to assess their impact.

17. The Commission finds that the many changes made to the Project by the Applicant during the application process — including increased building setbacks, refinements to the massing and appearance, enclosed loading facilities, and enhanced landscaping along Monroe Street — reflect the Commission's careful review and assessment of the Project with respect to encroachment of commercial uses in residential areas. In light of these changes and the Commission's careful review, the Commission finds that the Project does not extend inappropriate commercial uses into residential

areas and is not excessively concentrated or out of scale with the neighborhood. (Ex. 25; 1/19/12 Tr. pp. 35-54; FOF 35.)

**THE UPPER NORTHEAST AREA ELEMENT**

18. The Upper Northeast Area Element of the Comprehensive Plan provides:

Protect and enhance the stable neighborhoods of Upper Northeast, such as Michigan Park, North Michigan Park, University Heights, Woodridge, Brookland, Queens Chapel, South Central, Lamond Riggs, and Arboretum. The residential character of these areas shall be conserved, and places of historic significance, gateways, parks, and special places shall be enhanced.

(10-A DCMR § 2408.2 (UNE-1.1.1).)

19. The Upper Northeast Area Element of the Comprehensive Plan provides:

Capitalize on the presence of the Metro stations at Rhode Island Avenue, Brookland/CUA, and Fort Totten, to provide new transit-oriented housing, community services, and jobs. New development around each of these three stations is strongly supported. The District will coordinate with WMATA to ensure that the design, density, and type of housing or other proposed development at these stations is compatible with surrounding neighborhoods; respects community concerns and feedback; serves a variety of household incomes; and mitigates impacts on parking, traffic, and public services. Development shall comply with other provisions of the Comprehensive Plan regarding the compatibility of new land uses with established development, the provision of appropriate open space, and mitigation of impacts on traffic, parking, and public services.

(10-A DCMR § 2408.4 (UNE-1.1.3).)

20. The Upper Northeast Area Element of the Comprehensive Plan provides:

Encourage moderate-density mixed use development on vacant and underutilized property in the vicinity of the Brookland/CUA Metro station, including the parking lot east of the station. Special care should be taken to protect the existing low-scale residential uses along and east of 10th Street NE, retain the number of bus bays at the station, and develop strategies to deal with overflow parking and cut-through traffic in the station vicinity.

(10-A DCMR § 2416.3 (UNE-2.6.1).)

21. The Commission acknowledges that UNE-1.1.1 encourages the protection, enhancement, and character of residential neighborhoods of Upper Northeast, including Brookland. However, based on its own terms and OP's analysis, the Comprehensive Plan requires that this policy must be balanced with other competing land use policies. In addition, this policy does not prohibit new development in residential neighborhoods in the Upper Northeast area.

22. The creation of a Moderate-Density Mixed-Use development at this location near the Brookland/CUA Metrorail station is appropriate and not inconsistent with the Upper Northeast Element and the Comprehensive Plan as a whole. Policies, such as UNE-2.6.1, encourage this type of development, and the Project's features reflect the careful balance of protecting the existing residential neighborhood and the development of mixed-use transit-oriented projects. (FOF 29-35.)
23. Because of the Project's many features and benefits, such as neighborhood-serving retail and features intended to preserve the residential character of the neighborhood, including the building's setbacks, the building's massing and appearance, the number of proposed apartments, and landscaping, the Project will not destabilize the existing residential neighborhood. (Ex. 25; 1/19/12 Tr. pp. 35-54; FOF 29-31, 33-34.)
24. The Commission acknowledges that policy UNE-2.6.1, which encourages moderate-density mixed-use development in the vicinity of the Brookland/CUA Metro station, also encourages special care for protecting low-scale residential uses along and east of 10<sup>th</sup> Street, N.E. However, the policy does not advise that no development should occur along 10<sup>th</sup> Street.
25. When the totality of policy UNE-2.6.1 is considered with the many elements of the Comprehensive Plan that encourage this mixed-use transit oriented development, the Project is not inconsistent with the this policy or the Comprehensive Plan as a whole. The Project incorporates many design features, such as setbacks, to respect and protect the low-scale residential character of the surrounding neighborhood, particularly along 10<sup>th</sup> Street. (Ex. 25; 1/19/12 Tr. pp. 35-54; FOF 30.)

#### **THE FUTURE LAND USE MAP**

26. The FLUM is not a zoning map in that it is not parcel specific and it does not set forth specific requirements for setback, height, use, and the like. Rather, the FLUM is to be interpreted broadly in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved Small Area Plans. (10-A DCMR § 226.1.) The Comprehensive Plan permits the Commission to approve heights and densities through the PUD process that exceed those set forth in the FLUM. ("It should be noted that the granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the typical ranges cited here."). (10-A DCMR § 226.1(c).)
27. The FLUM designates the existing zoning classification for the Project as part Low-Density Residential, part Low-Density Mixed-Use, and part Moderate-Density Mixed-Use. More than half of the Project's square footage is classified under the FLUM as Low-Density Residential. The balance of the Project is classified as Moderate-Density Mixed-Use and Low-Density Mixed-Use. Because the FLUM is not boundary or parcel specific, the exact distribution of land among different land use classifications cannot be determined. (FOF 28.)
28. OP incorrectly stated in its January 9, 2012 report that that the FLUM designates more than half the Project as Moderate-Density Mixed-Use. The Commission repeated the mistake in its Order. OP corrected its mistake in its February 23, 2012 supplemental report in which it recognized that the majority of the Project is classified as Low-Density Residential. The Commission corrects its mistake as set forth in the preceding paragraph. (Ex. 320.)

29. The Commission's approval of the Project changes the zoning from the R-2 and C-1 Zone Districts to the C-2-B Zone District. The C-2-B Zone District is congruent with both Moderate-Density Mixed-Use and Medium-Density Mixed-Use. The change to the C-2-B Zone District is limited by the PUD restrictions, in particular those with respect to the Project's height and density. (Ex. 25; FOF 35.)
30. The Project will extend a Moderate-Density Mixed-Use into areas that are designated Low-Density Residential and Low-Density Mixed-Use on the FLUM. (Ex. 25.)
31. Interpreted broadly in conjunction with the Comprehensive Plan as a whole, the FLUM's designation of more than half of the Project as Low-Density Residential does not render the Project inconsistent with the FLUM. The precise amount of the Property that is designated as Low-Density Residential on the FLUM is not a material consideration for the Commission to approve the Project. The neighborhood context, the characteristics of the Project, and the applicable policies in the Comprehensive Plan allow the Commission to conclude that extending the proposed Moderate-Density Mixed-Use into the Low-Density Residential-designated area of the Property is appropriate for this Property. (Ex. 25, 80, 320.)
32. The PUD limitations placed on the height and density of the Project mitigate against the potential adverse impacts from the imposition of Moderate-Density Mixed-Use into portions of a lot designated Low-Density Residential on the FLUM. (Ex. 25; FOF 35.)
33. The competing policies encouraging transit oriented mixed use growth near Metrorail stations outweighs the policies embodied in the FLUM's designation of more than one-half the Project as Low-Density Residential. (Ex. 25, 80.)

#### **THE GENERALIZED POLICY MAP**

34. The Generalized Policy Map (GPM) of the Comprehensive Plan provides:

Neighborhood Conservation areas have very little vacant or underutilized land. They are primarily residential in character. Maintenance of existing land uses and community character is anticipated over the next 20 years. Where change occurs, it will be modest in scale and will consist primarily of scattered site infill housing, public facilities, and institutional uses. Major changes in density over current (2005) conditions are not expected but some new development and reuse opportunities are anticipated. Neighborhood Conservation Areas that are designated "PDR" on the Future Land Use Map are expected to be retained with the mix of industrial, office, and retail uses they have historically provided.

(10-A DCMR § 223.4.)

35. The GPM of the Comprehensive Plan also provides:

The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods. Limited development and redevelopment opportunities do exist within these areas but they are small in scale. The diversity of land uses and building types in these areas should be maintained and new

development and alterations should be compatible with the existing scale and architectural character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map.

(10-A DCMR § 223.5.)

36. The Commission acknowledges that the Project is designated as a Neighborhood Conservation Area on the GPM. The Project is adjacent to, but not part of, the Land Use Change Area for the Brookland/CUA Metrorail station.
37. By its own terms, the GPM is not a zoning map. It is not parcel specific and it does not set forth specific requirements for setbacks, height, use, parking, and the like. Rather, the GPM is to be interpreted broadly in conjunction with the text and other maps of the Comprehensive Plan. A site's designation on the GPM is not dispositive for how the land should be used. (10-A DCMR § 223.2; Ex. 80, 320.)
38. The categories of the GPM are broad and, if a developed residential area is not designated as a Land Use Change Area on the GPM, then it is generally designated as a Neighborhood Conservation Area. By its own terms, the GPM does not offer a category for redevelopment of a non-vacant residential area. (10-A DCMR § 223.)
39. The Commission finds that the Project is compatible with the existing scale and architectural character of the area. (Ex. 25, 80; 1/19/12 Tr. pp. 35-54.)
40. The Commission finds that when the GPM is considered along with the applicable written policies and other maps of the Comprehensive Plan that encourage moderate-density mixed-use transit-oriented development and the Project's features that will enhance and respect the neighborhood, the Project is not inconsistent with the GPM or the Comprehensive Plan. The GPM's designation of the Project as a Neighborhood Conservation Area does not alter the Commission's conclusion that the Project is not inconsistent with the Comprehensive Plan as a whole.

#### **CONCLUSIONS OF LAW**

1. The Commission must consider the competing policies encouraging transit-oriented mixed-use development near Metrorail stations and preserving the residential nature of District neighborhoods set forth in the various elements of the Comprehensive Plan, including the Land Use Element, Northeast Area Element, FLUM, and GPM.
2. Having considered these competing policies in light of the Comprehensive Plan as a whole, the Commission concludes that the Project is not inconsistent with the Comprehensive Plan.
3. The Commission concludes that the Project is not inconsistent with the Land Use Element of the Comprehensive Plan. Specifically, the Project is not inconsistent with the policies set forth in LU-1.3.1, LU-1.3.5, LU-2.1.6, LU-2.1.8, and LU-2.3.1 for the reasons set forth in the Findings of Fact.
4. The Commission concludes that the Project is not inconsistent with the Northeast Area Element of the Comprehensive Plan. Specifically, the Project is not inconsistent with the policies set forth in UNE-1.1.1 and UNE-2.6.1 for the reasons set forth in the Findings of Fact.



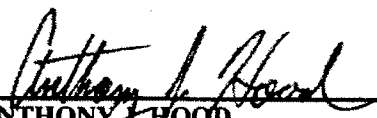
5. The Commission concludes that the Project is not inconsistent with the FLUM. Specifically, the Project is not inconsistent with the FLUM's designation of more than one half of the Project as Low Density Residential for the reasons set forth in the Findings of Fact.
6. The Commission concludes that the Project is not inconsistent with the GPM. Specifically, the Project is not inconsistent with the GPM's designation of the Project as a Neighborhood Conservation Area for the reasons set forth in the Findings of Fact.
7. For these reasons, the Commission finds that the Applicant has met its burden of addressing each material contested issue. The Commission's judgment that the Project is not inconsistent with the Comprehensive Plan is supported by sufficient findings of fact. The record supports each finding of fact with respect to the FLUM, the six written policy elements, and the GPM.


#### **DECISION**

Based upon the above Findings of Fact and Conclusions of Law, the Zoning Commission for the District of Columbia hereby **ORDERS** that Zoning Commission Order No. 10-28, effective June 8, 2012, shall be supplemented by the addition of the above Findings of Fact and Conclusions of Law.

On July 25, 2013, upon the motion of Chairman Hood, as seconded by Vice Chairman Cohen, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of 4-0-1 (Anthony J. Hood, Marcie I. Cohen, Peter G. May, and Michael G. Turnbull to adopt; Robert E. Miller, not having participated, not voting.

In accordance with the provisions of 11 DCMR § 2038, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on November 8, 2013.

  
\_\_\_\_\_  
ANTHONY J. HOOD  
CHAIRMAN  
ZONING COMMISSION

  
\_\_\_\_\_  
SARA A. BARDIN  
DIRECTOR  
OFFICE OF ZONING

# **EXHIBIT 2**



12th Street NE



Brookland/CUA Metro Station



Commercial Area - North



Monroe Street



Commercial Area - South

Within the Brookland neighborhood there are variances in accessibility to amenities and transit options. For example, areas around the metro have a very high Walk Score, averaging around 83 out of a 100 and considered 'very walkable'. Areas farther away from the Metro have lower scores and are considered 'car dependent'.<sup>1</sup> This means that residents in low-walkable areas cannot run errands or perhaps buy groceries in their immediate neighborhood. An important goal is to give all Brookland residents the opportunity to shop and recreate close to their homes.

With more people out of their cars and in the neighborhood, increased foot traffic will support local businesses who can better offer convenient goods and services to residents. Also, more dense and walkable neighborhoods attract and sustain a diversity of retail, which makes neighborhood shopping for items previously only available outside the area a reality.

Promoting walkability and enhanced retail opportunities is possible in Brookland, and the area is seeing a resurgence of activity. In the mid 20th century the Brookland population of nearly 11,000 supported a thriving main street, engaged in institutional offerings, and enjoyed a cohesive community.<sup>2</sup> As people moved out of the District starting around 1960,

neighborhoods suffered. The current Brookland population of just over 6,000 has begun to see a resurgence of new activity. The area maintains the infrastructure and design to support new residents. As more people become interested in Brookland, the neighborhood will be able to meet many more development goals, increase amenities and enrich the community spirit.

The intimate connection between the changes happening in our region, elsewhere in the United States, and around the globe have true impacts in our communities. Energy, climate and environmental concerns will increasingly shape development preferences and goals for the types of uses and transit options that are desired by communities; our own choices of how we grow and develop, what form that growth takes, and the choices we make also will have their impact on climate, energy demand, and the environment.

This inter-relationship underscores how important it is to make sure our neighborhoods contain the services and amenities that allow our citizens to meet their daily needs in their neighborhoods and provide them real and economical choices about how they travel to work, school and play.

## Overview

The Brookland/CUA Metro Station Small Area Plan is a community-based plan developed for the purpose of guiding the growth, development and revitalization of under utilized areas within a quarter mile, or ten-minute walk, of the Metro Station. As areas of the city grows, under utilized land, especially at and near Metro Stations, is under pressure for redevelopment. This document serves as a framework for guiding that future growth.

The Small Area Plan document conveys a shared vision for the neighborhood, records the Guiding Principles that were developed through the community-based planning process, and illustrates the resulting concepts. It includes an implementation strategy for transforming the plan into reality with recommendations regarding specific issues. It provides residents, land owners, stakeholders, developers and city officials and agencies with a framework and recommendations for guiding future development in the study area.

## Goals of the Area Plan

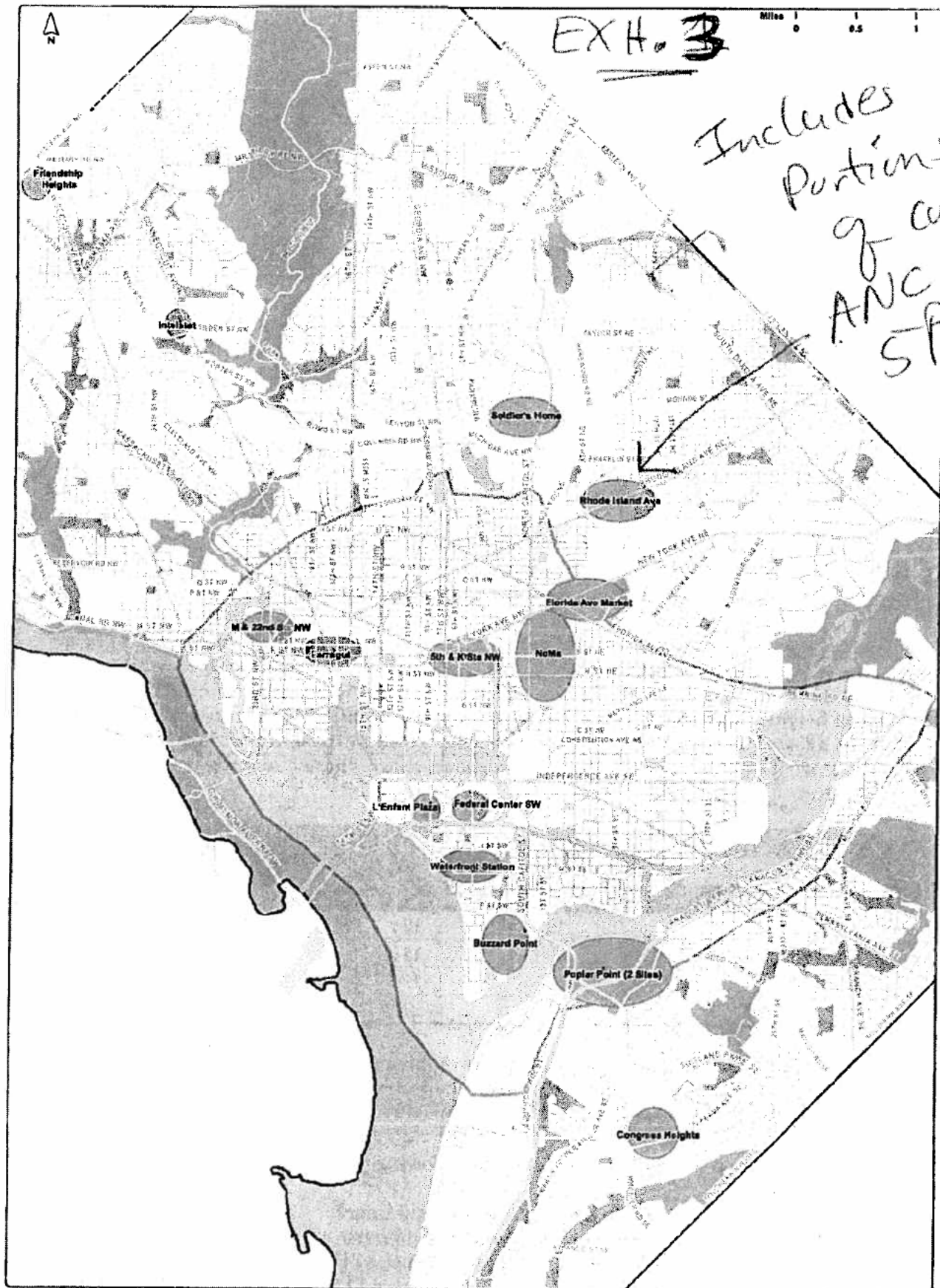
The 2006 DC Comprehensive Plan established goals and policies for development and revitalization in the District of Columbia. The Comprehensive Plan specifically calls for the development of a Small Area Plan for the Brookland

<sup>1</sup> [www.walkscore.com](http://www.walkscore.com)

<sup>2</sup> Information for the Brookland Study Area: [www.census.gov](http://www.census.gov)



# **EXHIBIT 3**



**Analysis Areas  
Height Study**



Office of Planning - January 30, 2013

Government of the District of Columbia

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.



Study Areas

Topographic Bowl



Preserving America's Heritage

November 18, 2013

Mr. Marcel Acosta  
Executive Director  
National Capital Planning Commission  
401 9th Street, NW, Suite 500 North  
Washington, D.C. 20004

Re: *Final Executive Director's Recommendation for the Proposed Height Master Plan for Washington, D.C.*

Dear Mr. Acosta:

As you know, the Advisory Council on Historic Preservation (ACHP) is an independent federal agency responsible for promoting the preservation, enhancement, and sustainable use of our nation's diverse historic resources. In accordance with the *National Historic Preservation Act* (16 U.S.C. 470) (NHPA), we advise the President and the Congress on national historic preservation policy. Given this role, we were pleased to participate in discussions regarding the consideration of modifications to the *Heights of Buildings Act* (Heights Act) (DC ST § 6-601) administered jointly by the National Capital Planning Commission (NCPC) and the District of Columbia Office of Planning (DCOP). We recently reviewed NCPC's proposed Executive Director's Recommendations to the U.S. House Committee on Oversight and Government Reform, for which a formal vote at NCPC will occur tomorrow, and offer the following comments.

We support NCPC's recommendation to retain the Heights Act in place within the L'Enfant City, the plan for which is listed in the National Register of Historic Places (National Register) and includes numerous historic properties. For areas outside the L'Enfant City, however, NCPC recommends that the Heights Act should remain in place "unless and until the District completes an update to the District Elements of the Comprehensive Plan" (*Comprehensive Plan for the National Capital*). We urge you meet with us to discuss whether the authorization of exceptions to the Heights Act by NCPC through the Comprehensive Plan process would constitute an undertaking as defined in Section 106 of the NHPA and its implementing regulations "Protection of Historic Properties" (36 CFR § 800.16(y)). If so, effects to historic properties must be taken into account, and ACHP must be afforded a reasonable opportunity to comment. The views of the public (36 CFR § 800.2(d)) and consideration of the cumulative effects (36 CFR § 800.5(a)(1)) to historic properties must also be taken into account given that individual exceptions may be contemplated by NCPC separately over many years.

We are also concerned that NCPC recommends amending the Heights Act to allow for 20' high "existing and future" penthouses. In order for rehabilitation projects applied to historic buildings to utilize federal historic tax credits, these rehabilitations must proceed in accordance with the *Secretary of the Interior's Standards* (Secretary's Standards) to receive such credits. While NCPC's recommendation includes setback restrictions and provisions for mechanical structures, the Secretary's Standards generally do not

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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permit rooftop additions which change a property's historic character. We advise NCPC to study the point at which potential height increases could discourage the pursuit of federal historic tax credits and encourage demolition or substantial alteration to historic properties listed in or eligible for the National Register.

Finally, we support NCPC's recommendation that the city's most significant viewsheds, including those to and from the U.S. Capitol and the White House, should be "further evaluated and federal and local protections established." NCPC should coordinate these evaluation efforts with appropriate federal agencies, to assist them with their responsibilities to identify and evaluate historic properties for listing in the National Register under Section 110 of the NHPA.

We commend NCPC's extensive efforts to work with DCOP and to consider federal interests alongside those of the local community on this important matter. Thank you for the opportunity to provide written comments. Should you have any questions, you may contact Ms. Charlene Dwin Vaughn, AICP, Assistant Director, Office of Federal Agency Programs, at (202) 606-8533 or via e-mail at [cvaughn@achp.gov](mailto:cvaughn@achp.gov).

Sincerely,

A handwritten signature in dark ink, appearing to read "Reid Nelson", with a long horizontal flourish extending to the right.

Reid Nelson  
Director  
Office of Federal Agency Programs

Height Master Plan for Washington, DC

## PHASE 2

# COMPILED PUBLIC COMMENTS

SUBMITTED AT PHASE TWO PUBLIC MEETINGS

**SATURDAY, AUGUST 3, 2013 | TENLEY-FRIENDSHIP LIBRARY**

**TUESDAY, AUGUST 6 | DOROTHY I. HEIGHT/BENNING LIBRARY**

**WEDNESDAY, AUGUST 7 | MT. PLEASANT LIBRARY**

**TUESDAY, AUGUST 13 | DC OFFICE OF PLANNING**





**SATURDAY, AUGUST 3, 2013 | TENLEY-FRIENDSHIP LIBRARY**

## WORKBOOK COMMENTS

**Robert Jack**

**Approach 3:** Seems like a good compromise.

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**Sue Hemberger | Friendship Heights, DC**

**Approach 1:** The best option at this time is no height increase. We're still trying to grow out and that will be harder to accomplish if going up (rather than out) is an alternative. Also, it's clear that current zoning doesn't use the full heights authorized by the Height Act. The Height Act isn't the current constraint, so there's no need to change it.

**Approach 2:** Our experience of the city's walkability is a function not of the ratio but of the built environment. To the extent that the ratio hasn't been "fully realized," it doesn't follow that raising heights to match the ratio will lead to increased walkability. More likely, walkability will be decreased as we lose human scale. Taller buildings don't enhance walkability.

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**Sherrie Berger | Mt. Pleasant, DC**

**Approach 1A:** Yes

**Approach 1B:** No

**Approach 2:** Not sure what else means usually and where!

**Approach 4:** NO.

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**Jay Smith | Friendship Heights, DC**

**Approach 1:** The best choice is clearly to maintain the existing Height Act, option 1A. The study completely fails to demonstrate any need to remove the limit, or any benefit. If it were true that there is additional demand for office or residential space, there is no reason it cannot be accommodated within current limits.

**Approach 2:** This approach is misleading, because the term "reinforce" suggests no change. But as described in the presentation, this means an increase in the height limit. The so-called "relationship" that is provided is no magic formula that is inherently a good result. This is phrased to sound like a modest change, but it is substantial.

**Approach 3:** None of these proposals (3A, 3B, 3C) has been shown to be necessary or to offer any real benefit. The study assumes, and does not demonstrate, that there is a need for additional office or residential space. There is plenty of capacity for many decades to come across the city as a whole. The proposal to lift the height act would eliminate protection for the city that currently prevents unnecessary and unattractive vertical development.

**Approach 4:** This is obviously not an option.

**Economic Feasibility Analysis:** The economic feasibility analysis is poorly done, as it assume, rather than demonstrates, that there is a need for additional office and residential development that can only be satisfied by lifting the height limit. The study also ignores the costs to the residents of DC of the infrastructure (transportation, emergency, sewage, etc.) of the proposed vertical development. To call this an "economic" analysis is misleading, as it assumes benefits, ignores costs, and fails to look at alternatives.

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***George Clark | Forest Hills, DC***

**Approach 1:** Raising height will not make any increased housing more affordable by your own consultants' estimates. Issa's letter is not a Congressional request—if it were even a committee request ranking minority member Cummings would have signed the letter. This is an Issa request only—what are his motivations? As you know, when the Height of Buildings Act was passed, the House debate included extensive discussion about aesthetics, especially light and air, not just fire. Please don't try to mislead us on this.

**Economic Feasibility Analysis:** 1-2% greater share of office is speculation and w/o the margin of error of any study. Assumption of lower office rents requires overbuilding—do we want that? Do we want more Class A office buildings filled with non-tax paying commuters who we have to figure out how to get in and out of the city with our congestions? And we manage to constantly give away the potential new real estate taxes with TIFs and other unnecessary benefits for developers

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***Susan Kimmel | Tenleytown, DC***

**Approach 3:** Unless DC can increase density of both residential and office space, the long-term consequence will cause it to lose out economically and further degrade the environment in terms of air quality. There needs to be more affordable housing and office space close in to avoid increasing commuting distances. We need long term (100 year) studies! Also, I am concerned that a 225 ft height limit would result in more boxy structure such as along K St. rather than elegant skyscrapers as seen in many American and foreign cities (London, Paris, Shanghai).

## GENERAL SESSION QUESTION & COMMENTS

The following summarizes questions asked at the August 3 public meeting.

Q: If we raise the Height Act, are changes going to happen immediately?

A: No, because the heights of buildings is further limited by local zoning. The Height Act is a federal law; in order for changes to happen, Congress would have to change with the Height Act. After Congressional action, the District would have to undertake a public process to update the Comprehensive Plan, which would have to be approved by Council, and then undertake another public process to amend the zoning code—this would have to be approved by the Zoning Commission. These processes could take years.

---

Q: According to AAA, we are one of the top commuter traffic jam cities. If we were to increase density, it would be interesting to see how bad it would be to get to work. I think increasing heights would affect how Metro would run and how much more traffic there would be.

A: Infrastructure is a good point, and it's not just Metro and roads—there's water and sewer, there's gas and electricity. All these things need to be considered if and when we have increases. We have 500,000 people who come into the city every day and leave when work is over. One possibility is that if we have more residential, we would be able to capture more people who work in the city to live in the city.

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Q: I like the approach number 3, the illustrative clusters. However, in my neighborhood, we have a cell phone tower that's over 200 feet. Your images show these blocks on various heights—you should show more architecturally interesting buildings, like narrow ones in Chicago, especially in the area clusters, and to have Walter Reed as one of the illustrative clusters.

A: There's the possibility of increasing height but not changing the FAR, which would result in more slender buildings. Given the time constraints of the study as requested by Congress, we didn't have time to do detailed architectural renderings, although between now and the final recommendations that's a possibility.

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Q: Something in one of the earlier slides on L'Enfant's vision mentioned something about the trees along the street. When you increase building height you cut light, and I didn't see that consideration: the impact on the trees and natural environment.

A: We did do a few light studies, although we ended up looking at a couple of pretty modest heights. We didn't identify a lot of impact on the tree canopy. [Note: the images for F Street NW looking east and looking west show the impact on shadows as the modeled building height increases.]

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Q: When we look at the topographic bowl and development in Rosslyn that broke through the height, there was a great concern about tree height. What strikes you now about the city is the greenness. On all of the massings, that's what gets wiped out: the tree cover. I can't think of any of the areas in Maryland and Virginia with higher heights that are beautiful places to go. The Height Act has been a very important factor in making this a livable, walkable, beautiful city. We should look at how to get development throughout the city and not destroy what makes this city a beautiful one. Jane Jacobs has a concept on making denser cities out of low-rise buildings instead of high rise ones.

A: You raise the very kinds of issues that we would be considering locally, although with the Height Master Plan we're not trying to do federally what would normally be done locally... in other words, we are not trying to use the height study to put in the federal law issues or topics that would more appropriately be part of a Comp Plan or zoning update.

- Q: I appreciate the visuals that this study produced; they are helpful, but none of them show the effect of the man on the street. This is a democracy, and the scale of the city is a reflection of the importance of the individual. There are also no shadow studies, as all of these were taken at daytime.
- A: We actually have a lot of street views and shadow studies for F Street, although they weren't included in this presentation in the interest of time.

*Note: All of the visual models are available and can be sorted to show street level images:*  
[www.ncpc.gov/heightstudy/modelindex](http://www.ncpc.gov/heightstudy/modelindex)

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- Q: It would be interesting to further the study government-owned land, with eminent domain issues. The federal interest is important; there is a lot of government-owned property, and developer interests (e.g. the Old Post Office building).
- A: The trend in the federal government is as you've indicated: occupying less space, which results in a little less need for federal buildings.
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- Q: I really care about this city as it should be for the future, but there is a lot of the past well worth keeping. The economic study seems to be done from the perspective of developers by people who represent developers. Infrastructurally, I'm not sure that we have a sewer system that could handle adding more people, as well as our transit system. Also, I think we need an additional fourth principle: to improve the city for the residents as well as the workers.
- A: These issues often get pulled altogether, and while we are delighted to hear about them now, they're not really in the scope of the study. If the Height Act changed now, not a single thing in the city would change until we had a robust conversation locally, and then we could talk about strategic solutions (for example, having a "beauty contest").
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- Q: I know that Chairman Issa asked for the consideration of the L'Enfant plan and of the federal interest. The federal interest included areas like Old Soldier's Home, Fort Reno, etc. so why are Fort Circle Parks not part of the federal interest?
- A: When NCPC reviews these models and the analysis, these are the sorts of things the Commission will point out and make comments on what areas need to be protected. This is part of the discussion that will occur soon, and we have to look at the same models to understand what these impacts are.
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- Q: If you were to take the images of all the approaches except of the third one, you're always going to have a reaction when you see the brown blocks, a lot of which is unfortunately due to the visual process. If you could create something to emphasize the quality of buildings, like the London models, It would really help.
- A: That's actually the very kind of comment that would be useful as we see where we want to take this as we go forward. To an extent, we almost wanted people to see the worst case scenario of these modeling so people would know we weren't trying to mask the effect of heights.
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- Q: You started the presentation saying that the Height Act has helped spread economic development throughout the city, which is a positive thing. That principle seems to get lost as we have a conversation about changing the Act. How does that apply for the future? Also Chairman Issa specifically asked for a study of changes that are compatible with the neighborhoods.
- A: The way we considered the effects with neighborhoods is we took off the table most of the city, areas that are not designated for growth or transit centers etc. Additionally, implementation of this would probably be selective and over time, because if you suddenly flooded the real estate market it would have negative impacts.

- Q: I just wanted to clarify: you referred to in some of your drawings of the interactions of current zoning restrictions with the Height Act. It would be helpful to see what you're recommending, especially because we're currently going through zoning rewrites.
- A: An important point is that we're not making changes to height in the zoning rewrite. Our comp plan has designated areas that are high-density, and we're not making any changes beyond what the comp plan says. The zoning plan went to the Commission last month, but it doesn't talk about what we're studying. Those changes might involve another round of zoning changes, and could depend on pressures like demand and absorption.
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- Q: I'd like to go back to the point that the study principles of the Height Act don't mention the interests of the neighborhoods. Washington, DC is the nation's capital, but comprised of small, southern neighborhoods. Some parts of the city have gotten a lot of public investment, and a lot of others haven't. Even now the infrastructure throughout the east of the river is substandard, and it's a big impairment to having adequate facilities. If the Height Act is increased, it'll set off a wave of speculation. The city's investments are going to follow the wave of speculation, there will be tremendous pressure to rezone immediately, and once again we're going to starve parts of the city of the resources they need.
- A: Thank you for the comment – where do you believe investments should go?
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- Q: One of the things I'm finding a little difficult to discern from the models is, if we had no change in the federal Height Act but changed the zoning code, what would that result in? Before we tinker around with a hundred-year-old law that has served us well, it would be useful to understand what could be done before then.
- A: We'd rather look at tinkering with height at places with density already designated rather than having to pull up all the residential areas in order to accommodate growth and build out the entire city to the same height.

Note: The modeling study shows building heights at full build out under the current Height Act limit. The first height modeled in every sequence is at 130 feet, which is the current Height Act limit, but in many locations is above the current zoning limit.

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- Q: Where is this coming from? Did the city work with Congressman Issa to request study on the Height Act, or did he request this independently? Also, I don't see any benefit to change it at all.
- A: No, we didn't go in to the original hearing thinking remotely that we would be requested to do this study. We haven't taken any position on this study, nor has the Mayor. He hasn't even been briefed on it yet.
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- Q: When you say the region is growing, what are you basing that off of? Especially if the federal government is downsizing.
- A: We'd like to think that the transportation investments and other strategic changes are making this place more attractive. Even as the federal government downsizes, we are more than replacing that with the private sector and a more diversified economy. We have a range of estimates about our growth, and we're about to bump it up again for the next 40 years.
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- Q: Could you tell us a little more about the implications of the penthouse issue?
- A: The very minor change that was being contemplated in the hearing was whether the penthouses should be allowed to be used for something other than mechanicals, because they are already there. The Height Master Plan grew out of this initial consideration of penthouses.

**TUESDAY, AUGUST 6 | DOROTHY I. HEIGHT/BENNING LIBRARY**

## GENERAL SESSION QUESTION & COMMENTS

The following summarizes questions asked at the August 6 public meeting.

Q: If the federal government was to raise the height limit, would federal buildings be governed by DC zoning?  
A: Federal government says that they don't have to follow by zoning, but by good efforts, they do. We didn't model those changes to federal buildings, however, most of our existing taller buildings are civic buildings.

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Q: Architectural details to the models would be really helpful, because the blockiness of the models are off-putting to people.  
A: We are not able to do it for all of the models, but we will try and see if the architects can do it to a couple of views, and what it would look like if it was more detailed.

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Q: I'm a real estate agent and I want to know why we are asked to do this. I heard that somebody had a particular interest in increasing height for a specific building.  
A: Congress did not ask for any particular buildings, but Congressman Issa came to our first meeting and said he didn't like the ugliness of our rooftops. Interested in ways those rooftop structures could be hidden and more beautiful buildings in the future. Can't speak for him, we are doing an honest thoughtful look at what the impacts would be.

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Q: I'm wondering why you guys chose the Old Soldiers Home. Isn't that a historic district? Why was it considered for clustering?  
A: We called it illustrative for a reason: it is a site where there has been a lot of development proposed (unique views to and from the city), so we wanted to look at what the impacts of taller buildings would be. This would be a process that we would look at when updating the comprehensive plan.

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Q: Approach 1 (rooftop) - I thought I read that the new zoning regulations already address issues of rooftop and beauty, where mechanical and penthouse needs to be of similar quality and materials. Doesn't that exist?  
A: Our existing zoning proposals does not go into great detail about rooftop and beauty, they are minor changes to the existing zoning. The existing zoning proposals do not include occupancy.

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Q: Could we figure out how many square feet are available to build to the current limit?  
A: We started that analysis and will have that information during the 3<sup>rd</sup> phase of our project with our recommendations. We have room to grow, and we will talk about that and how many years of growth that will get us and at what rate of growth. We will look at how different height changes might impact our availability of occupancy to the city.

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Q: What is this for (worksheet) – Wants to know about the feasibility study (worksheet)  
A: DCOP Chief of Staff Tanya Stern was unable to attend today for medical reasons, but we've printed out copies of the economic feasibility presentation for you to view. It looks at similar illustrative areas, and analyzes whether the economic conditions of those areas can justify the construction of taller buildings.



**WEDNESDAY, AUGUST 7 | MT. PLEASANT LIBRARY**

## WORKBOOK COMMENTS

### *Frederic Harwood / Shaw, DC*

**Approach 1:** Leaves the skyline looking like a pancake with a pencil sticking out of it. Limits the city's economic growth, jobs, retail. Limits the development of the "creative city," a place where creative people meet, interact, cross-fertilize to create technology, ideas, the future. Limits taxes to help lower income residents—taxes from increased densities of professionals and creative types generate tax revenue to build schools, recreation, and low income housing.

**Approach 2:** The relationship of height to street width is irrelevant. Philadelphia has 1,000 foot tall buildings in 2 & 3 lane streets (40-60 feet). What matters is the quality of what goes on at street level—restaurants, retail, theaters, open spaces, plazas—not how high the buildings are. We are over-planning and over-engineering the building heights. New York, Philadelphia, Boston, Chicago, do not tie building height to street width—put something interesting on the street and building heights will be irrelevant.

**Approach 3:** Yes to all three. Eliminating height limits would especially benefit under-developed areas such as Benning Road, Anacostia—where the economic benefits of high commercial towers would trickle into the surrounding neighborhoods and provide jobs, both professional and service jobs. L'Enfant city would benefit because it is nearly 100% built out and economic growth stagnating. The bowl outside L'Enfant city would benefit with housing, people, residents who would support retail, creating creative jobs, and pay income and real estate taxes to benefit all residents. Yes to illustrative clusters, especially around Metro. Washington has more metro stations than the rest of the system combined (VA & MD) and yet we show very little of the smart cluster building so evident in Rosslyn, Silver Spring, and Bethesda.

**Approach 4:** Absolutely. Take the handcuffs off the city. New residents, new employment centers, more jobs, more tax revenue for better schools, parks, recreation and low income housing. Take off the handcuffs. The federal government should have no interest in our city outside the federal footprint. Let Anacostia, Howard-town, Florida Ave, H Street, let them grow, blossom, with new businesses, new residents, new creativity. Let the city's residents plan the type of city that grows, not stagnate like to mid-sized, sleepy government town. I can't see much difference in DC modeling between 130 feet and 220 feet as long as the vistas/view corridors are preserved.

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### *Katharine / Mt. Pleasant, DC*

**Economic Feasibility Analysis:** Great presentation and excellent public process so far. Thank you for inviting the public to be so involved throughout the process.

To me, it seems that the Height Act has helped shape DC into the place it is today, but it is reasonable to revisit it given the city's growth, changing needs, and the skyrocketing housing prices. I think that the values—particularly in terms of preserving view and horizontality—are great and can be accepted by all. It was clear from the presentation that the DCOP values housing affordability. (I particularly appreciated the comment on the problems of affordability in highly restricted cities like Paris.) I hope this can continue to be a top priority—it really needs to be given the changes the city is experiencing. Thanks for the comment on opportunities like inclusionary zoning.

On another topic—the innovative suggestions for FAR (maintain it) or a height "beauty contest" are interesting. It would be great if this process could help DC get more distinctive buildings as well as taller buildings. However, I'm glad DCOP is not suggesting unlimited/developer-determined heights. Mega-buildings like London's Shard do not seem right for DC and would be particularly problematic if the growth trends ever reversed.

***Rollie Smith / Columbia Heights, DC***

**General:** We need higher density to allow more people who work here to live here—and maintain diversity. Higher limits in certain areas outside of or even at the edge of the L’Enfant city will do that if we plan well. Tall ensures diversity in building heights and style. Why don’t you use the growth projection for the city and the analysis of what is already happening to lower income families and workers to kick off the session—people need to understand why.

**Approach 3:** Certainly the Topo Bowl outside should be considered. Ensure the diversity, and ensure the affordability through inclusionary zoning. Do it as an auction—allow builders to bid large projects that will both ensure the bottom line and the social good as well as appearance. Consider the land between more housing and new jobs.

**Approach 4:** Consider neighborhood planning areas and pods which allow developers to break height limits if they meet certain criteria. Why should the feds hold back the city and its neighborhood from doing its own planning?

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***E. Hajian / Lanier Heights, DC***

**Approach 1:** As consider height, need to think about the pedestrian-level interaction with buildings. Most buildings should have space at pedestrian level for shops, services, etc. otherwise we risk negative effects of urban renewal and anti-social 70’s architecture.

**Approach 2:** Current height is just fine. 160 feet is not pretty—also would drastically change the character of the city. Current height in DC plan; NOT height act.

**Approach 3:** Has anyone looked at the impact raising height will have on road networks? Tysons, Bethesda, Rosslyn, have horrible traffic. Can DC streets, already third most congested in the nation, handle the additional traffic that will come with the increase in population that would occupy taller buildings?

**Approach 4:** Noooooo!!!!

**Economic Feasibility Analysis:** Traffic! Quality of life! Infrastructure! All costs to DC—need a thorough analysis to determine if it really would be economically beneficial from a public cost/taxation standpoint.

**General:** Great meeting! Thank you for holding these and letting DC residents provide their input. The speaker was very good.

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***Christy Kwan / Truxton Circle, DC***

**Approach 1:** Visually looks fine, but would prefer a height increase so the city can capitalize on greater economic benefits associated with greater height increases.

**Approach 2:** This is my least favorite option because the viewshed does not appear to be protected. Especially if we want to preserve the viewshed of our monuments and iconic buildings.

**Approach 3:** Raising the height limit in illustrative clusters seems to be the most favorable. Increased height at clusters is a good balance to maintain the horizontality of the city but allow more spaces for commercial and residential.

**General:** I understand the reasons why building massing is showing the worst case scenario, but it makes me concerned about the lack of open space that should be required with particular developments. For example, the new buildings in NOMA are at an acceptable height (and could expand higher), but lack the proper open space for a better experience at the street level. We must consider the ground floor experience in addition to the viewshed.

**Bill Wright | U Street, DC**

**Approach 1:** The existing Height Act seems to have served the city well, both aesthetically and economically. It seems like it would be wise to wait a while to see how demographic changes play out—we can always raise the limit later, but no one is going to cut floors off their buildings once they’ve been built.

**Approach 2:** It’s not clear why “reinforce” is the right word here. That makes it sound like there won’t be changes, which isn’t what most of the proposals seem to do. “Alter” or “recalculate” would be more accurate. It also feels like the width v. height ratios are about right currently. Our streets have an excellent feel—busy enough to feel lively but not overly congested for pedestrians.

**Approach 4:** This seems like overkill at the current moment. The need for this kind of change should be demonstrated much more convincingly before this is done, even in small ways.

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**Robin Diener | Dupont Circle, DC**

**Economic Feasibility Analysis:** The biggest “shock” come from filling in at the current affordable rate. It feels like there is so much room to grow now [within] the existing envelope. It would be useful to know how much space remains to be developed at the current height limit.

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**Marcy Logan | Dupont Circle, DC**

**Approach 1:** Require penthouses to conform in appearance to base building and block.

**Approach 2:** Already done. Keep it that way.

**Approach 4:** Not a good idea.

## GENERAL SESSION QUESTION & COMMENTS

The following summarizes questions asked at the August 7 public meeting.

Q: My reaction is that even building to the current Height Act Limit (130 feet) would be bad enough. When we look at this view of 16<sup>th</sup> street, it's obviously a good thing we didn't.

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Q: I noticed in the K street model you showed, some were raised and some weren't.

A: Some of those buildings might have been historic landmarks and were therefore taken out of discussion.

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Q: Have you looked at how many of the penthouses have been built to the current height limit?

A: Most of the penthouses now are really just for mechanical systems. It's not our best feature; many rooftops here are ugly, though the good thing is no one is blocking your view. Even if there was a minimal height increase we could enforce making rooftops more attractive, perhaps by relocating mechanical systems.

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Q: Does the economic feasibility analysis look at impacts on road networks, infrastructure costs, snow, maintenance, etc. Have we considered this?

A: Sort of. Our infrastructure capacity is being strained (water, sewer, roads). It does recognize it, therefore without investment coming from the occupancy of more spaces, we will continue to have that strain. Changes in property values and revenue would help finance these things. If we could capture more of the city's workforce, we may be able to alleviate some of the financial pressure.

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Q: You had said historic buildings were left out of the discussions, is that the case even for approach #4?

A: I believe we excluded them, but a lot of the views were from a distance so it was hard to tell.

(Clarification: Historic landmarks are excluded altogether from the modeling study. None of the approaches model historic landmarks with increased height.)

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Q: Columbia Heights was not included in the model but it could be, should it be?

A: We didn't pick every area for the study, but in the future when we may go more in depth we would look in areas in particular like Columbia Heights.

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Q: The modeling shows a lot of uniformity (in height). What about the possibility of planned use developments for some based on density?

A: Perhaps we hold an auction giving the highest height to the prettiest buildings. Also not changing the Floor Area Ratio, we have heard good suggestions.

Q: Mr. Acosta brought up the idea that the streets would be affected. What are you doing to model at the street level? To get a sense of the height changes?

A: Great idea, perhaps a walking tour so we can look at shadows, looking at the street to height ratios...let me think about it.

Clarification: The collection of street-level images show how the city streets and pedestrian experience is affected by taller heights. That is the intent—to show impacts of taller heights at the street level. The F Street images are examples of shadow impacts.

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Q: I've been led to believe that historically no buildings were supposed to go no higher than the height of the Capitol building, but the topography here will vary the height of buildings if given a specific height limit. The buildings here don't give us the feeling of a rapidly-paced NYC; the horizontal city is easy going. Going in the opposite direction, we lose that country feel. Why not leave the center city alone and change the heights further away from the center of the city.

A: One of the things about Paris, no one can afford to live there. We don't want that here.

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Q: Did the study include an environmental point of view? Environmental impact studies? Does the Height Act allow for us to make more space for trees?

A: In short no. But we do have a sustainability plan that did quickly look at shadows and their effects on trees.

Clarification: The District's Comprehensive Plan also has increasing tree canopies as a goal

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Q: Let's look at the ecology in Washington. One of the things we want is a greener DC. However, how can we achieve these efforts by increasing density, reducing air quality, carbon emissions?

A: Well were not adding new impervious surfaces since all changes were made to existing buildings.

Clarification: The District's Green Building Act requires that sustainable features are built into new buildings. The District's Sustainable DC plan has 20-year goals and targets in several areas, including to improve air quality & reduce carbon emissions.

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Comment: I love the tree canopy on Military Rd. Let's make K Street more like Military Rd? We need to decrease the CO2 blanket.

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Comment: I would like to find out more info. It seems like there needs to be much more research. It's not just fire safety anymore. Every person that comes, comes with a carbon footprint; we don't have the infrastructure here to support these people.

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Q: I am failing to understand the affordability aspect. Are you telling me that a landlord will all of the sudden provide affordable housing because of more space in his building?

A: I can't prevent a way for people to move here, but if we supply housing, housing prices will go down. We have inclusionary zoning as well—we decide (DC), not federal, how affordability will be addressed with more study.

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Q: I'm thinking of local needs-population growth. Why do this ? We're growing, lots of people moving here.

A: About 1100 people a month, 2.17% a year between 2008 and 2012. Mayor's sustainability strategy projects that in 20 years we could potentially meet our max population. Offices are taking up a lot less room, but residences not necessarily. One of the assessments we will be using is MWCOG population projections.

Q: How far below peak population are we now?

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A: Post WW2 our greatest population was 850,000 - that included temporary housing for military and the barracks.

Q: Can our current carrying capacity accommodate population growth?

A: In the short term we can but not necessarily in the future. We want to accommodate those in the future.

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Q: How can changes in the Height Act affect infrastructure systems (utilities)?

A: Climate related extreme weather events have contributed to extreme weather events, but we are undergrounding our utilities. We're going to have to make infrastructure improvements, enabling us to grow.

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Comment: People are talking about our skyline, all I see is a pancake with a pencil. 130-200 doesn't make a difference to me. The clusters provide the most reasonable option. It lends a lot of variety to skyline.

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Comment: Every time you double or triple the size of the building, you double or triple revenues and therefore support low and moderate income families at practically no cost.

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Q: What is considered low density?

A: R-1 to R-4

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Q: Why did House Committee on Government Reform—Darrell Issa—suggest this, was this out of thin air? Was he responding to a city request?

A: He requested that NCPC and the City analyze this matter last year when we discussed penthouse occupancy.

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Comment: You are talking about "how we feel," well how crowded the sidewalk is affects how I feel.

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Q: We talked about the simplicity of the Height Act, but it lacks language as to what the Height Act will actually say.

A: That is what the draft recommendation period is for, we don't have any language yet, until we hear from everyone at these meetings.

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Q: I know you are combined with NCPC, but I feel you all have different interests. Will there be one or two reports at the end of this?

A: Marcel: We are trying to have just one report.

- Q: In response to the option of clusters-as a person who lives in a high density area, I don't think it's fair to allow low density areas that have the enjoyment of living in low density areas to continue to live in that way. It is not fair to people like me that I need to be subject to waking up next to a box.
- A: Well not everyone who lives in a high density necessarily sees density as a bad thing, they see it as a good thing, access to more goods and services, etc.
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- Q: What about the notion that increasing heights does not alleviate prices, however raises prices over all?
- A: No one is arguing that high rise is housing is the most affordable type of housing but from an economic standpoint, more supply will allow for more affordable housing.



**TUESDAY, AUGUST 13 | DC OFFICE OF PLANNING**

## WORKBOOK COMMENTS

Staff did their best to transcribe all handwritten comments. Originals are available upon request at the offices of the National Capital Planning Commission.

**Peter Kauffmann | Dupont Circle, DC**

**Approach 1:** Please tell HPRB to stop chopping floors off of buildings.

**Approach 2:** As long as we protect viewsheds, I'm totally okay with raising things.

**Approach 3:** Again as long as we add in viewshed protections, I'm okay with all of the suggestions. I especially like the London approach from the Phase 1 meetings of having protected corridors.

**Approach 4:** I'd like to see more economic analyses before this is done. Maybe this is the year 2100-2200 discussion?

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**Sarah Gutschow | Columbia Heights, DC**

**Economic Feasibility Analysis:** It seems to me that increases in height as proposed would have minimal positive impacts on housing affordability. The city is not lacking in either space nor housing in residential areas, it is lacking in transportation options in reaching far-out neighborhoods and is further lacking in safety and police presence in those areas. Changes to the zoning code and additional investment in infrastructure would have much more impact. Furthermore, the zoning code should be changed to increase the number of mixed-use buildings and diversity of uses in current neighborhoods. Additionally, there is no evidence that housing is more affordable in cities and neighborhoods with high rise buildings, e.g. midtown Manhattan or Rosslyn. The height increase would primarily benefit commercial developers of office and other space in downtown areas. Although, I would support a modest increase in heights in high growth areas, but I don't trust the city government to stop with modest, incremental increases.

## GENERAL SESSION QUESTION & COMMENTS

The following summarizes questions asked at the August 13 meeting. All responses were provided by Harriet Tregoning, Director, DC Office of Planning, unless otherwise noted.

Q: Could you speak about translating feet to stories?

A: 130 ft in Washington is about 10-11 stories; in some buildings, it's 12 stories, although they feel kind of cramped. One feature of Washington buildings is somewhat low ceiling heights because developers cram as many stories into buildings as possible.

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Q: Part of the reason for this study is the economic viability for the city, but you didn't address that here.

A: We have done some preliminary analysis of the economic impacts, although we're trying to take these approaches and look at the capacity that gets generated, and that's part of the analysis that we haven't completed yet. We understand that if changes are made we have to justify them, and for that we need not just one number but a variety of scenarios, which we will be including in our final recommendations transmitted to Congress.

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Q: The images that you presented were very helpful, but they were monotonous. In reality, raising the height limit would allow some buildings to be high, but not all buildings. Instead of having all 225-foot buildings, we'd have more variation.

A: You make a good point. One consideration for us is that one of the beauties of the current Height Act is that it is very simple. The real issue for us is how we do this: the timing, the approaches etc. Whatever federal change we made would have to be fairly simple.

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Q: You said you were not looking at raising heights in the residential areas and neighborhoods. You also mentioned historic districts and places not specified in the comp plan for growth. There are many places that are historic districts that you still designated in red, including public schools, recreational centers, and possibly creating a canyon around H Street. What was the basis for designating these areas?

A: What we're trying to do is look at the comp plan designation, not make up new areas where growth might happen. What we have corrected is that we've also taken off the table institutional and public facility uses. What you're seeing as an impact is more extensive than what the actual impact would be.

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Q: When you build up these buildings and fill them with people, what happens when they come down to the streets? Also, DC is on a former swampland, which creates some additional considerations. We had a big sinkhole downtown once. Do we have the capacity to support the extra weight?

A: We do certainly have the issue of aging infrastructure, although nearly every American city has heights taller than ours and they have people stepping out onto the streets and enjoying the city. Regarding infrastructure, we are already constrained without any further growth. One of our objectives is for any incremental development to pay for improvements to infrastructure. Additionally, Washington has a huge number of people commuting in from other jurisdictions; if we can accommodate more residents within the city, we would have less traffic and less commuting.

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Q: How much has the federal and local government in the region invested in Metrorail?

A: A lot. There is a commitment on the part of the federal government to do more which has been intermittently met since that commitment was made.

Q: I'm happy for this visual presentation, and frustrated by the lack of the economic impact presentation. Visually, it seems to demonstrate that the 130 feet is adequate, and I don't understand why we would change it other than that Darrell Issa has asked us to look at it. We're pretty much at capacity on road, transit, etc. and more population will be mostly singles and empty nesters, which does not create a healthy tax base. I don't know who is pressing for these changes.

A: Part of the point we tried to make in this presentation is that in this city we have already made decisions not to go to the limits allowed, for a variety of reasons. So it may not be in the places that are most appropriate for the height to be, but we are looking at what the federal Height of Buildings Act would allow us to do. I ask people to take the long view, because while we aren't out of land for development now, way before the next 100 years, we will be. But that is a justification that has to be made for any change, which will be part of the next phase of public meetings, which will include draft recommendations.

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Q: I served on a committee with Congressman Issa for 16 years. In listening to this presentation, what occurs to me is that this isn't about Congress or the federal government; this is about the choices made by the city government, since you haven't reached the height limits under the federal act. My concern is whether or not the city government is looking for this opportunity to spur development using the Congressional letter as a catapult.

A: The basic reason is that we believe in the District of Columbia that it would be good for us to have autonomy over the height of our buildings and our city without having to ask the federal government.

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Q: I don't think we should have any increase within 2 or 3 miles of the Washington monument, which would solve that problem. Secondly, a lot of questions were raised about zoning plans. Things still aren't going to be very tall unless the Zoning Commission decides to get rid of these.

A: We do have a zoning rewrite that's in front of the Zoning Commission now, but it doesn't address any of these issues about changing building heights. We're not changing building heights with the zoning rewrite, and we're certainly not getting rid of those other limits. We wanted to show what capacity we currently had for growth under the existing height act.

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Q: To what degree did the study team consider time or timing, if at all, in the implementation of this?

A: Time is a hugely important factor. If the heights were allowed to increase by federal action, what would happen to the value of property if we suddenly released a ton of development potential? It wouldn't be good for the economy and wouldn't be good to the tax base.

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Comment: I wanted to reinforce your observation about allowing more people who work in the city to live in the city, and accommodating those people and making it more affordable. Both of those things should be core questions as we go forward and do deeper analysis.

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Q: I heard about developers wanting an increase in the height act. I'm a homeowner, and I see the value of not having more density. I feel like there was a lot of negativity towards developers, but homeowners would also not want heights increased since they would have lower real estate values.

A: It is true, that when we first went to a focus group of developers, their initial reaction was no because they could maintain their current real estate values. Changes would affect the value of their property. But more height options might allow for more graceful buildings, different price points for rents, etc.

Q: How do you determine whose viewshed gets impaired and whose doesn't? And what are the boundaries for Congress Heights?

A: We drew ovals. We didn't try to be neighborhood-specific, and wanted to show mostly what it would look like. We would do a much more careful analysis as part of a Comp Plan update. The city has city-wide inclusionary zoning, where 8-10% of new housing that would get developed would be permanently affordable, so the idea is partially that we would be able to get more affordable housing through affordable zoning. High rise construction is not the cheapest construction, and our cheapest housing is not going to be the three floors added on top, but by increasing supply we can help ameliorate the pressures on demand.

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Q: As a renter, a key concern for me is affordable rentals and housing. When I looked at the website, it said "no impact on bringing down rent."

A: This gets to the point I raised earlier: since we're talking about tall buildings, where the construction costs are highest, we're not expecting the units produced to be the cheapest in the city.

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Q: I agree that this is an issue from the city, but I believe that the city should have the right to make its own determination as to what its height should be. We've been under Congress for a number of years, and I think the citizens in this room should have the opportunity to decide. My question is on the presentation of the different opportunity, how is that going to go to Congress? And how will Congressman Issa react?

A: I don't know how Congressman Issa will react. We can't construct an incredibly complicated scheme, but that's what you guys are here for. We gave you four options; maybe you'll give back some amalgamation of them, or some combination, to help us make a recommendation. Once we have more public meetings on draft recommendations, we'll also have a NCPC Commission hearing, and you'll be able to weigh in there. NCPC and the city will be responding to Chairman Issa on this, and we hope there will be things we can agree on and we look forward to the opportunity to make some recommendations.

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Q: Will the citizens of the community be able to vote on where the buildings should be, or will it be an eminent domain kind of situation?

A: The reason we went back to the Comprehensive Plan, which was the product of several years of public planning and participation, is that we want to listen to the citizens on where growth should go. Before anything happened in your neighborhood there would have to be a zoning change, which is also a public process. There would be lots of opportunities for public involvement, and the intention is that we do this together.

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Q: I'm all for increasing local autonomy, but if we do increase the heights of buildings to a higher level, what jurisdiction does the city have on requiring affordable developments, and will that increase the ability to have lower rents on housing?

A: With market rate construction we also get permanent affordability under the city-wide inclusionary zoning. Other things the city would naturally want to pay for with additional development would be additional infrastructure, transportation, parks. We do our business on a very small tax base because federal buildings and non-profits that own land are off the tax roll. The only way we can be financially responsible is to have the solid residential population, and this is the first decade in which we've seen population growth since WWII.

- Q: I'm concerned that allowing taller buildings in certain parts will negatively impact development in other parts that really need it. Currently the height act allows growth in parts of the city that wouldn't otherwise get it. What is the current supply of office and residential space, and how much capacity do we have under existing regulations, and when will they be exhausted?
- A: We will have answers to those questions when we are ready to make a recommendation, but we didn't want to wait to show the visual analysis because part of what people are concerned about is the visual impact on the city. But those are exactly the concerns to be raised as we proceed with the recommendations.
- 

- Q: I'm the ANC chair for eastern H St, and it makes me very nervous to see that horizontal red line on H St. It is the definition of how you can overwhelm the residential neighborhood, if the added height is put in there. I don't understand how that area got in there, since it seems like an inappropriate place for height. Also, if the existing sidewalk is too small to absorb current foot traffic, how will it accommodate more density?
- A: It's not intended to say this is where height will go—we're looking at the Comp Plan to see what might be included, but also what is definitely excluded.
- 

Comment: There isn't enough information to participate in this discussion. It lacks science and research. We asked the same questions last week at a public meeting, and we didn't even get into infrastructure and environmental impacts. There is no debate here, and there is no discussion. I can't believe this process, and I can't believe the hype around it.

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- Q: In addition to that, I was very excited to see the word periphery on one of these slides—developing the periphery. If indeed we need more capacity, why aren't we looking at putting that capacity on the periphery?
- A: The areas we modeled include areas on the periphery, but you will note that the capacity of those areas based on the Future Land Use map in the Comp Plan isn't an enormous amount, although looking exclusively at the periphery is certainly a possibility.

One thing we're not talking about is the commercial/residential split, and building more houses doesn't mean the prices are going to go down. Also, developers don't look for the long-term money; they look for the short-term money. Whatever the city decides to do, the point is that the money comes from people who don't live here and don't have a long-term interest. Before you make any serious decisions, think about the motivations behind this.

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- Q: I would like to know at what point our public testimony will become part of the public record. I would also like to know when we will have a discussion of the full impacts.
- A: We will be doing another round of public meetings in September. This is not a decision to change the heights of buildings in DC; this is about a decision to change a federal law that limits the heights of buildings. We won't be changing any buildings at all without a public process. This is about whether we have the right to look at the heights of buildings. We're not going to be do all those analyses just to ask Congress for the right to make those decisions ourselves.
- 

- Q: You mentioned in passing the Intelsat site in NW DC for the economic feasibility analysis. Are you assuming that the building will be demolished?
- A: We're not making any assumptions. We're looking at whether that sort of location would be appropriate for additional height. That's something that we would look at locally. It's intended to be an illustrative site.
-

- Q: On the graphics, these aerial views just don't do much for understanding of the changes. I was wondering, why don't you have any view from Rosslyn?
- A: We didn't look at Rosslyn. We have Arlington Cemetery, and some aerials that might be equivalent to Rosslyn buildings. We have many more images on the online index that weren't presented today.
- 

Comment: Rosslyn is an example of busting out the heights. It's been huge success financially for Arlington County, but it's about the greatest collection of mediocre buildings ever put together.

Height Master Plan for Washington, DC

## PHASE 1

# COMPILED PUBLIC COMMENTS

SUBMITTED AT PHASE ONE PUBLIC MEETINGS  
AND VIA THE PROJECT'S ONLINE PUBLIC COMMENT PORTAL





## Height Master Plan for Washington, DC

### Phase One Public Outreach Summary

July 9, 2013

Phase one public engagement for the Height Master Plan began on March 5, 2013 with a capacity crowd of over 200 people attending the *HeighteneDConversations: 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 capital cities around the world. The session featured remarks from Congressman Darrell Issa, chairman of the House Committee on Oversight & Government Reform. This was concurrent with the launch of the Height Master Plan website, the principal mechanism for outreach and notification. The study-specific website details the study's approach and includes related study resources, a curated blog, a library of media coverage and thought pieces, and an online public comment portal, in which nearly 100 individuals comments have been submitted from citizens throughout the US. Online comments have ranged from simple, two-sentence observations to submittal of full academic dissertations.

The online submissions are viewable at:

<http://www.ncpc.gov/heightstudy/comments.php>

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

### Phase One Public Meeting Series

| Phase One Public Meeting Series               |                  |
|-----------------------------------------------|------------------|
| Petworth Library (Ward 4)                     | Monday, May 13   |
| MLK Central Library (Ward 2)                  | Saturday, May 18 |
| National Capital Planning Commission (Ward 2) | Tuesday, June 4  |
| Savoy Elementary School (Ward 8)              | Thursday, June 6 |

As part of phase one outreach, four public meetings were hosted at locations throughout the city to bring the conversation related to the shape, form and charter of the city directly to the each of the District's wards. By the end of the phase two public meeting series, all eight of the District's wards will have been included. Each of the phase one meetings were presented as an open house format: representatives from NCPC and DCOP provided a brief overview of the study and guiding core principles, 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 DC Office of Planning staff. Each meeting saw an audience of roughly 50-75 people, comprised mainly of DC residents.

While public opinions on changes to Washington building heights varied drastically—some public comments staunchly defended the existing skyline while others pushed for development to the magnitude of Manhattan and Dubai—several consistent themes arose at each of the meetings.

### **Comments on Case Studies**

Attendees commonly questioned the selection of cities represented in the case studies; in particular, issues arose regarding the number of international cities chosen. This was often backed by a comment that as the nation's capital, Washington, DC should compare itself to domestic cities as opposed to foreign ones. Overall, attendees seemed to need more information on what guided the choice of cities for case studies, and the purpose of the case study analysis—whether it was to model DC's shape and character after these cities, find cities with similar existing conditions, or simply determine best practices.

### **Comments on Core Principles**

At the public meetings, presenters, boards, and public comment cards guided much of the discussion towards the study's three core principles. A general concern was that all three principles looked to the past instead of the future (i.e. they were designed to protect the history of the city rather than accommodate growth).

#### **Principle 1: Ensure the prominence of federal landmarks and monuments by preserving their views and setting.**

While commenters agreed on the symbolic importance of federal landmarks and monuments, there were several mentions that private buildings could not only be added to the skyline without competing with civic structures, but could even frame and enhance desired views or corridors.

#### **Principle 2: Maintain the horizontality of the monumental city skyline.**

Of the three core principles, Principle 2 was by far most controversial. Many respondents took issue with the term "horizontality," both the emphasis on the concept and the definition of the word itself. A popular criticism was that even with taller buildings, a horizontal skyline was still achievable as long as the height increase was uniform. On the other hand, a few pointed out that DC's existing skyline was not "horizontal" at all, but rather punctuated by structures such as the Washington Monument, and steeples, and generally following the area's natural rolling topography.

#### **Principle 3: Minimize negative impacts to nationally significant historic resources, including the L'Enfant Plan.**

The third principle was relatively uncontested—the majority of responses agreed that preserving the L'Enfant Plan was important. This seemed to guide the design of streets and there were a number of questions as the L'Enfant plan prescribed or intended for building height in the future Washington City. Additionally, it was noted that Principle 1 and Principle 3 were similar in objective.

### **Primary Discussion Points**

#### **Affordability**

Aside from the principles and case studies, affordability was perhaps the most discussed topic, both during the Q&A sessions, one-on-one conversations with staff at the discussion boards, in the public comment cards, and

online. However, there was quite a bit of debate over the relationship between building heights and affordability. There was certainly agreement on the already-high existing prices, but some argued height increases would do nothing to ameliorate the current conditions whereas others said relaxing of height limits was essential for affordability.

### **Density**

Density, too, was consistently discussed at all four public meetings, although once again attendees were not in agreement on how it would be impacted by height changes. This may have been part of a larger confusion about population growth and real estate, and how building heights played into these issues. The relationship between density, affordability, and height could be clarified in future meetings and outreach.

### **Home Rule**

Many residents were frustrated that a federal Height Act existed at all, which is to say that even if they did not necessarily support increasing the limit, they felt the city (through the District of Columbia Office of Planning, presumably) should have greater jurisdiction over building heights. There was also the perception that the Congressional interests were mutually exclusive to those of the city and its residents, with no common shared interests. Indeed, a major point of confusion was the scope of public outreach for the study: why is it a national conversation when it should be a matter of home rule? This perspective was not surprising as public meeting attendees were largely local residents and much of their concern was rooted in the desire for neighborhood protection.

Conversely, comments received via the online public comment portal reflected a greater acknowledgement of Washington's shape and form as a significant contributor to Washington's symbolic role as the nation's capital.

### **Federal Interest**

As the conversation was taken into the neighborhoods and online there was, perhaps unsurprisingly, little discussion at the meetings and online specifically regarding the federal interest in building heights; the majority of attendees self-identified as residents, and as such the comments rarely shared a federal stakeholder's perspective.

Additionally, NCPC convened meetings with federal stakeholders both as Facilitated Discussion Groups and individually with leadership and staff of targeted federal agencies. At these sessions a great deal of conversation focused on impacts to future federal security and communications infrastructure, facility operations, mission implications, and historic, cultural and symbolic resources.

### **Overview**

Residents at all four public meetings and online provided varying perspectives on whether the Height of Buildings Act should be modified or updated; however there was certain agreement that it has thus far played an important role in shaping the city's character, and a unique character, at that.

All phase one public comments provided in person and on the web are compiled below, and will be included as an appendix in the final recommendations and master plan transmitted to Congress.

Staff did their best to transcribe all handwritten comments. Originals are available upon request at the offices of the National Capital Planning Commission.

**MONDAY, MAY 13, 2013 | PETWORTH LIBRARY**

## WORKBOOK COMMENTS

### *J. | Petworth, DC*

**Principle 1:** The Capitol, Washington Monument, Lincoln Memorial, and White House should remain prominent. Street level views are most important to me. Height can be increased along 16<sup>th</sup> Street, NW, Pennsylvania Avenue, North Capitol Street, New York Avenue, and Florida Avenue in a way that the White House and Capitol building, the Washington Monument, and many more historically significant buildings would remain prominent as viewed from the street.

**Principle 2:** Taller buildings can certainly coexist with our skyline. A horizontal skyline means “squat”.

**Principle 3:** Building heights should relate to L’Enfant streets and public space.

#### **What else should we be concerned about?**

The overall Height Act should be varied according to location with DC. NoMa, Mt. Vernon Triangle, and Capitol Riverfront neighborhoods should all get the nod for increased height.

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### *Sandi | Petworth, DC*

**General:** I believe it is a great idea for DC to have a voice regarding building height restrictions. Spain is a great model for DC to emulate -- build taller buildings outside of viewpoints of historic landmarks and districts. It needs to be made clear to reiterate that this is just a study, and it doesn’t mean the city will be filled with 80-story buildings in the near future. Residents, specifically African Americans and minority groups, are fearful of what will become of our neighborhoods because we already see and feel the effects of current development. Taller buildings can coexist with our skyline but it shouldn’t affect the L’Enfant streets, or other historic buildings and landmarks.

#### **What else should we be concerned about?**

Support affordable housing for native Washingtonians (minorities). Maximize advantage of natural sunlight. Create jobs.

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### *Matt | Truxton Circle, DC*

**General:** Horizontal skyline should be preserved to serve as backdrop for monuments.

Heights could go up to 200 feet as long as buildings in an area are of a consistent in height. People mostly object to unevenness (Cairo, V Street Pop-Up, Tour Montparnasse). Some protrusions are OK as long as architecturally interesting (1301 K Street is nice to spot among other buildings, but is just too plain). Taller buildings are already happening whether we like it or not (Rosslyn). This is a chance to bring benefits to the District and locate centrally (I.e.: Union Station) for more efficient transportation.

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### *Jamie | Silver Spring, MD*

**General:** I think that the Heights in the L’Enfant plan should stay the same or only slightly higher. I think areas outside of L’Enfant should be higher around Metro and transit centers to allow for dense transit oriented development.

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### *Joseph | Petworth, DC*

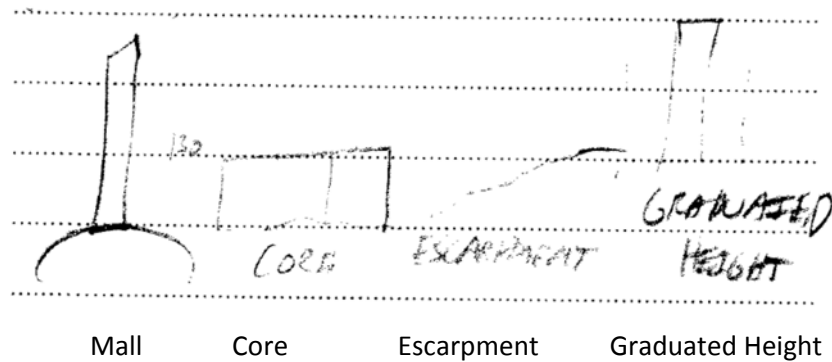
**General:** New York’s skyline, while attractive, tends to create a darker and colder community in the afternoons. DC is a vibrant welcoming city and I am concerned the city will lose this quality if there is a concentration of taller buildings along major corridors. Taller buildings will NOT lead to more affordable housing.

### *Michael | Chinatown, DC*

**Principle 1:** Washington Monument and Capitol. NO; Private buildings may define the skyline (Rosslyn already does).

**Principle 2:** Yes; if well designed and placed in clumps it could be a plus to the skyline, district, and federal interests. Horizontal skyline means less focus in individual buildings with focus on monuments and parks.

**Principle 3:** Consider across the board increases in L'Enfant to keep horizontality (around 100 feet). Allow pockets outside the District core in graduate in height.



**What else should we be concerned about?** “New Mall” areas (i.e.: South Capitol Street) for placement of future monuments. Give the District the option (not obligation) to increase building height.

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**Ashley | Park View, DC**

**General:** People have to be able to afford living in the city. Increased supply equals decreased cost.

**What else should we be concerned about?**

Why did you pick international cities as basis of comparison? Atlanta, a southern city, might have made a better example. Better case studies in terms of population/industry mix.

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**Carole | U Street, DC**

**General:** Raising height limits: Positives – Fits sustainability plan; helpful if tied to affordable housing.

Dangers – Disturbs light, trees, street maintenance due to litter that accompanies density. Tourism has benefited from current unique skyline, which is low.

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**Anne | Truxton Circle, DC**

**Principle 1:** Most of the “views” people talk about you can only see from a car in the middle of the street. Building taller buildings on the sides of the street would not obstruct our “Grand Avenues”.

**Principle 3:** Some neighborhoods are nice -- they are less dense, but downtown in business districts taller buildings make sense. I know a lot of people think the opinions of “new residents” do not count --but I have been in DC since 2005, and I am not going away. I vote, I pay taxes, one day my kids will go to school here. My opinion counts! Most Americans couldn't pick-out DC on a map. Trust me, the “horizontal skyline” means nothing to them. Why give so much weight to the feelings of tourists besides “Congress said so”?

**What else should we be concerned about?** I am not concerned about the federal government. I am a federal employee. True feds will be just fine. Let's worry about affordability and the welfare of the people who live here.

**What is Washington's postcard image today and in the future?**

Why is horizontality a core principle? Nobody seems to know what it means.

***Ibtihail / NoMa/Riggs Park, DC***

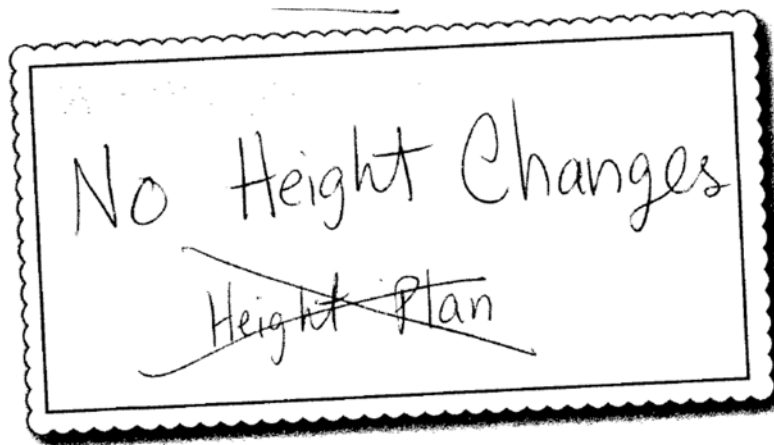
**Station 2:** Philadelphia is horrible. Leave DC the way it is! There's been enough change over the last 5 years. The historic monuments, neighborhoods, residents are most important image now and for the future. All of our historical monuments are prominent. The views of the National Monuments, The US Capitol, Lincoln Memorial, Jefferson, and the DC skyline. Sunlight and Vitamin D is very important. Private buildings should NEVER become prominent landmarks – EVER! Newer buildings cannot coexist with our historical skyline due to the grand architecture. Build in the outskirts.

New buildings heights will block views from Children's Hospital. Increased height will change design of our great capitol building, and shadow the Smithsonian museums. Security is a concern. More buildings will lead to overpopulation. EMS and police will be overburdened.

**What else should we be concerned about?**

These new buildings will not offer affordable housing. Metro already is overcapacity and crowded. Height will change symbolism of our city in a bad way. Tourists will not see as much as they could (and they bring lots of \$\$\$ to our city).

**What is Washington's postcard image today and in the future:**



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***Leon / Chevy Chase, DC***

**General:** Taller buildings would in my opinion impact all of the items listed. I feel the current building heights are secure for DC's skyline. Washington DC is the capital of the free world. That being said, we should be ourselves and learn from other growing vertical metropolitan cities. I don't feel that the buildings could be set far enough back to protect our beautiful skyline. Zoning already allows for taller structures.

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***Zillah / Petworth, DC***

**Principle 1, 2, 3:** All monuments (including Frederick Douglas Home), and high points of the city -- should not be blocked (including Cardozo High School view). Building can coexist with a lot of study. The city's open space should remain open.

**What else should we be concerned about?**

I am concerned about the tall buildings blocking the sunlight with green areas being spoiled around the city.

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***Kedrick / Petworth, DC***

**General:** The L'Enfant Plan and everything within it should be preserved. Private building should be a part of the skyline as long as they don't compete with historic landmarks.



### **Casey / Shaw, DC**

**General:** The principles set a tone of mitigating the negatives of a taller DC. No info is provided on the potential upside. Seems like an opportunity to frame a positive view of any changes. The principles seem sound but exclude concepts of accommodating new growth, maintaining affordability, etc.

The skyline is referenced several times but most important part of DC's current form is inviting pedestrian realm and historic building stock. My biggest concern is the razing of old building stock to go taller and loss of pedestrian environment. Combine new height limit with form-based codes? Increased historic preservation? DC's skyline + street frontage = competitive advantage

#### **What else should we be concerned about?**

If height allowed outside L'Enfant's core city, is there a risk of creating another downtown and the historic core withering (again)?

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### **None / Petworth, DC**

**General:** Toronto is a good case study city

Preserve all of the prominent buildings/landmarks on The Mall:

- National Cathedral to Basilica
- View of Silver Spring
- Need to provide more rooftop terraces in multifamily buildings
- Neighborhoods with tall development

**Principle 1:** AFRH – preserve golf course other considerations

- Office market risk
  - Retail market risk
  - Housing market risk
- 

### **Adam / Truxton Circle, DC**

**General:** Protect the most important views + cluster tall bldgs. near transit outside those viewsheds

Today's postcard: very small number of civic structures

Future postcard: more diverse skyline with clusters of height in River East + north of Fla Ave.

**Principle 1:** Capitol, Old Post, Wash Mon, Nat'l Cathedral, Basilica @ CUA

Civic structures are important as this is the nat'l capitol, but far more happens here than govt. Private buildings in the skyline show that real people live + work in DC.

**Principle 2:** Of course! As the model cities show, views + sections of a skyline can easily coexist with taller, more classic modern bldgs. Horizontal is not at all important to me.

**Principle 3:** No relation to any of those items need affect the heights of bldgs. Near transit outside the L'Enfant City.

**What else should we be concerned about?** Economics! The Height Act severely limits supply + drives office + residential rents up, pricing more + more out of the city + restricting access to the Capital. As the democratic bastion of the world, allowing the majority of families who want to live here to be systematically excluded borders on a national embarrassment.

***Shayan / Columbia Heights, DC***

**Most important views:** Views along The Mall, Union Station to the Capital, Tidal Basin to Monument and Capitol

I don't think it is important to have only civic buildings define DC. Other building such as Rosslyn already show up in the civic skyline.

Taller buildings can coexist with civic buildings. It is important to preserve the Mall and surrounding areas. But having taller buildings in the distance should work fine.

Historic neighborhoods should be preserved. Places such as Capitol Hill should remain horizontal.

I don't think it should be considered a bad thing to have large commercial buildings. Companies and successful business are part of America.

**What else should we be concerned about?**

Rising rents and housing costs are pricing out many people. Increasing supply would help.

A meeting exercise invited attendees, using sticky notes, to write their comments and affix them to a poster listing broad categories that strategic changes to the Height Act could affect (both positively and negatively). The following is a compilation of those contributions listed by broad categories.

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## STATION EXERCISE: HOW DOES BUILDING HEIGHT PLAY INTO THESE ISSUES?

### ***Sustainability***

- Plants and people need more sunshine, less shade.
- Because very tall residential buildings cannot be well served by metro, which is at capacity, vehicle parking will be necessary—the ability to provide enough underground parking for very tall residential buildings at a reasonable price is unlikely—therefore surrounding residential communities will suffer from congestion, auto pollution and over parking.

### ***Affordability***

- Taller buildings will be more expensive—thus less affordable for businesses and residents. Transportation—DC is limited by the current metro system which is operating at its max at most times—no further capacity—taller buildings will exacerbate this problem.
- More expensive units provide tax revenue to support low income units. Cities need money to provide services.
- Higher buildings have potential to increase affordability through filtering (individual new buildings will be expensive but will relieve pressure elsewhere)

### ***Transportation***

- Taller buildings have potential for making transportation more efficient by concentrating population at transit nodes.
- Build high at Metro sites. Arlington did it. We have half the Metro stations in the system and have no smart use.

### ***Symbolism***

- You can see the fireworks from anywhere in the city! Don't mess up the skyline!
- Example: tall buildings could diminish the White House if built along 16th St.
- Diversity of architecture
- Living cities have jobs, life on the street, residents downtown, and recognizable signature. From Virginia, our sight right now is of a pancake stack with a pencil in the middle.

### ***Housing Options***

- Removing restrictions will by definition increase options.

## **STATION EXERCISE CONTINUED: HOW DOES BUILDING HEIGHT PLAY INTO THESE ISSUES?**

### **Walkability**

- Walkability is not about how high the building goes—it is about what goes on at ground level, first 2-3 levels where people live.
- Walkable streets + pedestrian scale = DC's character and competitive advantage

### **Security**

- The more people, the more people on the street, the more people/eyes on the street, the safer the street
- Very tall buildings could be targets for terrorists.

### **Infrastructure**

- Developers have a purpose but shouldn't be allowed to go forth unconstrained. Use developers to help pay for new/improved infrastructure. Pay to play? More \$ to buy more height

### **Economic Vitality**

- Stagnate and die.
- A 60-story tower provides/houses 10,000 jobs daily, 17,000 construction jobs, earnings of \$600M at year in direct and indirect salary, taxes of \$45M for real estate and income taxes to pay for parks, schools, and infrastructure.

### **Density**

- Increased height → increased density = ugly city views, increased commuter time/gridlock, increased crime, increased service needs, increased taxes, lower quality of life. Increased height + density = increased income for developers and realtors.
- Increased height = greater density. Our density is only about ¼ of Paris'. Density = smart growth, walkability, places to congregate, less crime (eyes on the street), fewer services required of people in high rises. Diversification of tax base—income taxes on the wealthy and real estate taxes, pay to schools and city services.

### **General/Other**

- Surrounding neighborhoods profit/benefit from more people, stronger retail because more customers, entertainment options, food and beverage choices.

**SATURDAY, MAY 18, 2013 | MLK MEMORIAL LIBRARY**

## GENERAL SESSION QUESTION & COMMENTS

While the May 18 meeting was not recorded or transcribed, the audience asked the following questions to the project planners during the opening session.

- Given that NCPC and DC are stressing the horizontality of the city, why are we doing the study?
- Did Congressman Issa's request come with money or was it an unfunded mandate?
- What District does Congressman Issa come from? What type of area is Issa's district (how dense)?
- Have you looked at how building heights affect neighboring jurisdictions? Are you coordinating with neighboring jurisdictions?
- Who is the Commission (who do NCPC's Commissioners represent)?
- In what ways will the results of the study become public? Will it be in the Federal Register?
- DC used to be about vistas into nature. But now the neighboring jurisdictions are building above the tree lines... So, I think the study should take into account that as they get taller, the horizontality of the skyline becomes less important.
- If the Height Act isn't broken, why change it?
- You should dig out the Rosslyn (building heights) lawsuit. There's a lot of information there. Arlington isn't following the resultant MOA ...it prohibits signs from facing the Mall.
- Higher buildings aren't necessary. If the goal is density, it can be accomplished in other ways.
- Residents, particularly low-density residential neighborhoods like in Ward 3 are opposed to higher buildings in the residential areas. Therefore the easiest way to accommodate more density is to loosen the Height Act. So we should focus on changing the Height Act.
- Isn't the Office of Planning under the Deputy Mayor for Economic Development? And isn't GSA selling public buildings? Therefore the study should look into how this privatization movement might impact the Height Study: E.g. if buildings in the Monumental Core are going to become private, what are we protecting?
- What are the height implications of the L'Enfant Plan?
- The study should look at the implications of high rise federal buildings near the Washington Monument.
- If you recommend higher buildings are you going to be looking at issues of form and quality?

## WORKBOOK COMMENTS

### **Dan Miller | SW Waterfront, DC**

**General:** Height limits should be significantly weakened. It drives-up rents, both residential and commercial. It contributes to a boring skyline. It prevents interesting architecture. I am in favor of a general loosening across the board. At a minimum the act should be relaxed beyond the L'Enfant core (i.e.: Petworth, Tenley, Anacostia, Navy Yard). This is a no-brainer. Chicago, NY, and SF, all show that private buildings can be part of a great skyline. No need to exclude them here in DC.

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### **Mary Fraker | Capitol Hill, DC**

**General:** I suggest investigating the possibility of a "Tysons Corner-like" redevelopment (both in terms of height + density) on the eastern edge of the Anacostia River. It would keep the additional height and density out of the L'Enfant City and it would also shorten commutes for those living in the eastern exurbs.

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### **None | None**

**Case Studies:** Edinburgh, Amsterdam, Prague, and Dublin. These cities are not included in the case studies, but each should be. They are especially important as cities that care about their form -- but are not capitals of the free world.

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### **Stephen Crim | Logan Circle, DC**

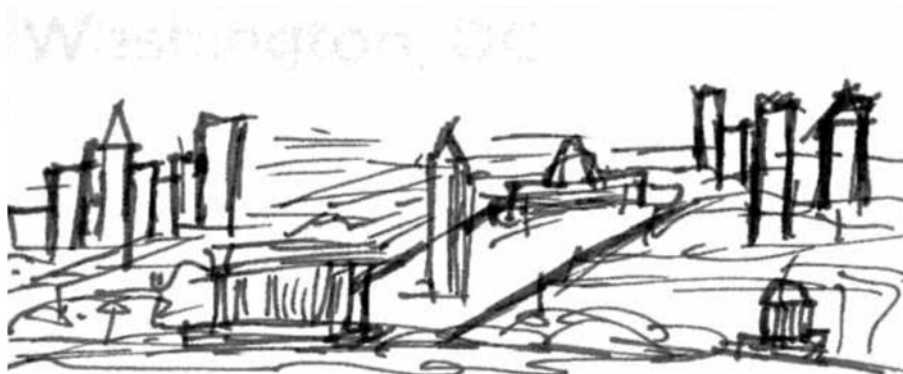
**Principle 1:** Allowing cities to enliven; cities are not museums. Of the 3 principles, #1 and #3 are important to me. Washington Monument, Capitol, Lincoln, Jefferson memorials are each very important views. White House. Private buildings should be allowed to become landmarks.

Taller buildings can coexist because they make skylines interesting. Also, why must everything "coexist" in a harmonious way? Juxtaposition and contrast can be beautiful.

"Horizontal Skyline" means "boring" to me.

I don't yet have strong opinions about the questions w/ Principle #3, but I do like the design of tall buildings along parks and open space. Like along 5th Avenue/Central Park West in NYC. Height really only affects the "other considerations" if you expand the conversation to density. If we include density, then height can be positive for affordability, sustainability, housing options, economic vitality, and so on. Also, density outside of the DC central business district could help with the transportation congestion that comes with peak-direction commutes. Of course, density does not instantly translate to affordability, and we should not make exaggerated claims that removing the height act will improve affordability; in fact, removing the height act might affect these issues negatively.

**What is Washington's postcard image today and in the future:**



**Michael Aiello | Eckington/NoMa, DC**

**General:** Extra height often means empty streets. Look at Charlotte, Atlanta, and downtown LA.

The “bowl” mentioned; with taller buildings outside the L’Enfant City; is already here naturally: except the entire city is the bowl and reinforced by the surrounding jurisdictions pop-up, (Rosslyn, Bethesda, Silver Spring, etc.).

Rosslyn helps define our horizontal city, let them do what they want.

We would love to see how this could work. Initially, this make sense like one-off reviews of buildings, which makes the approval process less predictable.

Should prominent landmarks become private buildings in Washington’s skyline? yes, Old Post Office

Should a regional study include Arlington, Bethesda, Silver Spring, etc.? I happen to like knowing where flat DC ends and MD/VA begins.

Let Virginia and Maryland build-up. It sharpens the distribution and beauty of our horizontal city

**What is Washington’s postcard image today and in the future?**

Taller buildings mean nice views and high prices. NYC/SF have tall buildings and are pretty darn expensive.

**What else should we consider?**

Expand study to region. Perhaps just inside the beltway. Any urban area (Arlington, Bethesda, Silver Spring, etc.)

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**None / None**

**General:** You need to be aware that any mention of changing permissible heights potentially freezes development in the areas most likely to see changes (on edges of the city). No landowner will see if they think they will be missing a windfall.

Create early statements to confirm expectations about what likely impact will be in density (as opposed to height)?

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**Sarah Gutschow | Columbia Heights, DC**

**General:** I like the horizontality of DC, it makes the city very unique compared to almost every other city.

**What is Washington’s postcard image today and in the future?**

Similar to now, but with just more landmarks in NE, SE, and SW.

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**Fredrick Harwood | Shaw, DC**

**General:** A city’s livability and walkability has nothing to do with height. It has everything to do with what is going on at street-level. The setbacks, the open space, the interesting storefront windows, and plazas, retail choices, eyes watching the street. A city’s livability depends on street-level -- our street-level life on K, I, and L streets is sad. No setbacks, just "Kleenex" and bread boxes. Imagination limited by height limits.

The new Marriott, the "Kleenex" boxes at the old convention center site, built-out the property lines. A waste of space and opportunity.

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**Eleanor Kelly Budio | Georgetown, DC**

**General:** How will buildings height restrictions and/or changes to the DC Height Act impact historic districts and historic national landmarks?



**Hilary Malson | Shepherd Park, DC**

**General:** Thanks for hosting the meeting! This is very much a home rule issue and while I do believe Congress should have a say in the monumental core, the city via DCOP should direct height laws. I fully support that relaxing to the federal height of building act.

Washington's horizontality is unique and an essential aspect to the sense of livability in the city. The character is immediately palpable - out of town guests always notice it favorably.

Density and horizontality can coexist creatively (visit Paris). Let's do this thing!

The prominence of civic structures is a great. I love our English, cathedral-town look that this resembles - but does not need to be restricted to civic structures. The spire of Georgetown University is an example of this, and it could be joined by a few other similarly iconic private structures in the future. Private buildings can take on community significance.

What else should we consider? My only concern is the perception that raising the height limit will make DC more affordable. That's a Band-Aid resolution, not a solution -- it will hold off rising housing prices for a period of time. Not sure how to solve this problem of affordability, but it must be done.

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**Richard Busch | Dupont Circle, DC**

**General:** We are the capital of the US; we do not have to look like every other city. Indeed, our 1791 plan is the basis of our unique look.

The horizontal nature of the L'Enfant City and the topographic bowl, at least on the DC side must be preserved.

The economic study is critically important because of the notion that increased height will provide opportunity for more affordable housing. It will be important for OP to demonstrate how this is true.

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**John A. Williams | Foggy Bottom, DC**

**General:** Include the National Cathedral in protected areas. Best to exclude all of NW DC from any change.

1. Consider clusters of tall buildings in Anacostia and in Northeast -- east of Minnesota and South Dakota Avenues.
2. Who is behind proposed change?

Avoid succumbing to pressures from developers and the latest fads in the planning profession.

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**Sophia Liao | Columbia Heights, DC**

**General:** It is great that there are these public meetings and forums to get the public involved. However, I would suggest outreach efforts that can have an even greater impact by making information available beyond the digital. Flyers and ANC outreach might be ideas to reach other district residents.

Federal point of view vs. District point of view > important point to differentiate between the process and objectives where they overlap and don't.

Relate effects of height to outlook/goals/needs of city. Principles of urban design balanced by the need of the city (goals/topics set independent height as different way to look at the issues).

**What else should we consider?** If heights do change in DC zoning, a phasing process that allows assessment and studies would be interesting to look at.

**John M / Cardozo, DC**

**General:** I believe that there is an overemphasis on aesthetic concerns and an under-emphasis on the more important ways that the issue intersects with local economic development and housing affordability. As DC grows - 1,100 people per month -- we can either make room or standby as housing costs get pent-up. In the last decade, DC has become a market (like SF and NYC) where increased housing demand leads to higher prices rather than increased supply. The worst crucial issue is an area's affordability is whether it can expand supply. One note I wince when defenders of height limits laud it for "spreading development around". That is synonymous with expanding the footprint of needlessly expensive areas, rather than preserving zones of affordability. The economic and housing consequences of height are much more important than the aesthetics concerns of the type of people who show up to these meetings.

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**Beth Curcell / Hill East, DC**

**General:** The Anacostia Waterfront Initiative (AWI) is a major planning document similar to the comp plan and entailed many public meetings and work by OP. This important plan appears to have been completely ignored as a guiding principle. For example, high rise buildings in London are cited as a possible guide to changes in the Height Act. The AWI Plan needs to be incorporated as a planning principle.

Now high-rise residential buildings may or may not offer lower rents, depending on construction costs, quality, and/or government subsidy.

**What else should we consider?** Anacostia Waterfront Initiative Plan.

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**Clark Larson, AICP / Dupont Circle, DC**

**General:** I understand the importance of the federal skyline on viewsheds, photos, movies, etc. Yet, I am more interested in how increased height limits can respond to the street level experience in the city. That is how I experience the city directly.

**What else should we consider?** Greater local economic development in surrounding neighborhoods with Height limits. Differential in federal height limit and existing building heights (existing potential).

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**Matt Kroneberger / Columbia Heights, DC**

**General:** Nobody wants Rosslyn. Many of your case study cities have huge issues with not just affordable housing for low/middle income residents, but housing for all. As this city increases its urban population, it must capture the base as opposed to exporting it to Virginia or Maryland.

London's view plan seeks to preserve views to civic landmarks such as St. Paul's Cathedral. This approach applies to Washington, preserving views to the US Capitol or the Washington Monument). The San Francisco model analyzes affordability, taller (good), but also exports a tax base to the burbs as housing (re-imagine height /density).

**What else should we consider?** TOD has its opportunities here, yet developers are concentrating (naturally) their efforts in VA, MD for housing at Metro.

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**Ellen McCarthy / Chevy Chase, DC**

**General:** I think it is great idea to provide a relatively small amount of extra height without increased density in Downtown DC. Encourage stepping back, but keeping the street-wall.

A meeting exercise invited attendees, using sticky notes, to write their comments and affix them to a poster listing broad categories that strategic changes to the Height Act could affect (both positively and negatively). The following is a compilation of those contributions listed by broad categories.

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## STATION EXERCISE: HOW DOES BUILDING HEIGHT PLAY INTO THESE ISSUES?

### ***Livability***

- I live in Rosslyn but work in DC and Rosslyn is a ghost town after 6pm, despite the very high daytime office population encased in skyscrapers.

### ***Sustainability***

- Height could affect weather. But green architecture could help to solve or find great solutions—green roofs, regulation with building height

### ***Visitor Experience***

- What will be approved design and height of the old post office building?

### ***Affordability***

- (in response to another post) This guy is wrong about affordability. We need more supply to decrease prices.
- So far, it seems that the new tall “condo” buildings are primarily luxury/expensive—whether actual condos or high-end rentals. Building more of these—and taller—will not necessarily translate to significantly more affordable housing. I realize there is an affordable housing requirement for new construction, but developers generally do the minimum—and also are known to request waivers from those requirements.
- NYC has tall buildings... pretty darn expensive. (Same goes for SF)
- And yet even luxury buildings tend to decrease the level of housing prices by increasing supply.

### ***Transportation***

- Reasonable height limit increases should be focused around Metrorail station areas.

### ***Symbolism***

- The principles of baroque design that L’Enfant followed emphasize focal points featuring important and distinctive large buildings with the interstices filled by ordinary buildings of roughly uniform height. This is what we have now and it gives Washington a distinctive skyline second only to New York. Remember: if it ain’t broke, don’t fix it!

### ***Housing Options***

- Increasing Height Act limits threatens row house neighborhoods outside historic districts, particularly in combination with the already-existing inclusionary zoning rules.

## ***STATION EXERCISE CONTINUED: HOW DOES BUILDING HEIGHT PLAY INTO THESE ISSUES?***

### ***Walkability***

- Walkability and pedestrian scale has nothing to do with height—it has to do with what goes on at ground level—plazas, fountains, retail, entertainment venues, people watching, amount of foot traffic, places to sit.
- High buildings and walkability definitely do not go hand-in-hand because most cities that have embraced skyscrapers also embraced super-blocks, pedestrian bridges, etc.
- Away from the core/Columbia Heights, city isn't very walkable—Ward 5, 7th St NW, single family homes—suburbs not city

### ***Federal Presence***

- The study appears focused on federal issues -- meaning that it relates to big-picture ideas. How and why would the federal position differ from the city's (local) perspective? Perhaps that is to ask ourselves how we want our city to be seen nationally and internationally—what do we want our capital to say to the world about our priorities and ideas?

### ***Economic Vitality***

- I believe it is important to support economic development in neighborhoods beyond the existing downtown area. Allowing substantial increases in height limits in the monumental core could reduce the ability for under-developed neighborhoods to be reinvested in.
- What about economics? It's important to address how height limits, which restrict supply, make the city less affordable in the long-term. Aesthetic arguments should also address how an aesthetic opinion changes affordability of office and residential space.

### ***Density***

- The medium density of DC is great for a full urban streetscape. Have you been to downtown Atlanta/LA/Charlotte lately? Dead zones.
- Can you increase the density of the city without losing the horizontal nature of the city?

### ***General/Other***

- What are the plans for historic districts?

**TUESDAY, JUNE 4, 2013 | NATIONAL CAPITAL PLANNING COMMISSION**

## WORKBOOK COMMENTS

### ***Lindsey Dehenzel | U St./Shaw, DC***

**General:** It is important to retain a historical core, but mixing in contemporary tall buildings to our skyline will only enrich our city. Right now, DC is comparable to Rome: all considered historic, shunning anything new and contemporary to be introduced to the city. But if we can shift our thought to one akin to Barcelona: a mixture of old and new, tall and low, historic and contemporary. The news that are important to me are driving on 395 from VA to DC and driving down 16<sup>th</sup> street toward DC. Taller buildings can coexist with our “skyline” with proper studies of key views in min. One of my other favorite views is driving down Rhode Island and seeing the taller buildings of Rosslyn in the backdrop.

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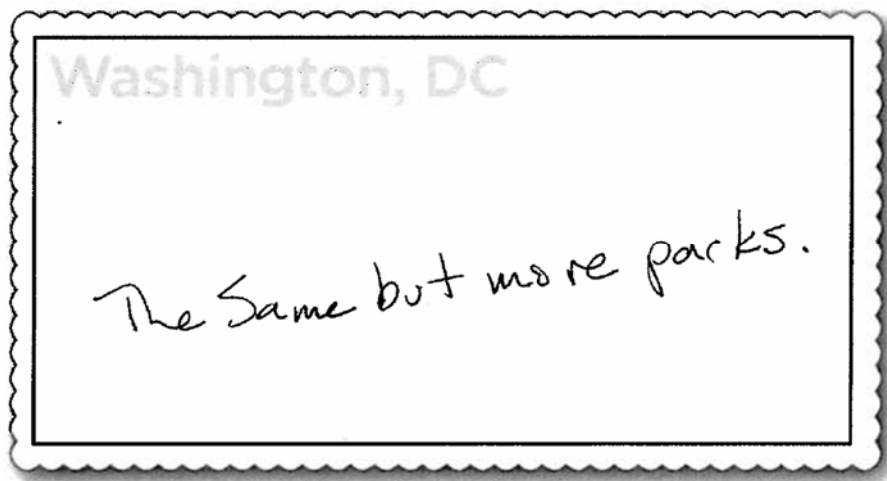
### ***Janet Quigley | Capitol Hill, DC***

**General:** The Height Act helps, not hinders, the city’s success. Our uniqueness is our strength. Preserve our character and keep the Height Act city wide.

#### **What else should we consider?**

Neighborhoods. Tourism. Viewsheds for all. Historic preservation.

#### **What is Washington’s postcard image today and in the future?**



### ***Liz | Columbia Heights, DC***

**Case Studies:** Greater density is essential for all sustainability and housing affordability, and will help support a more extensive public transit network. Raising the height limit isn’t the only way to accommodate and support great density, but it would help. I’d like to see more tall buildings in residential and mixed-used areas, especially around metro stops (and eventually streetcar lines). The height limit can make it hard for apartment buildings to achieve economies of scale. My seven story condo buildings can’t afford an all-day front desk attendant, but we probably could if we were a twelve-story buildings. A mix of housing options—detached homes, row houses, small apartment buildings, large apartment buildings—should be the goal.

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### ***Christopher Brown | U St./Shaw, DC***

**General:** If used as a device to reign in developers’ profit driven motives and acknowledge the cultural/tourism value of contemporary architecture, I think this study is valuable...otherwise I’m not sure it’s worth exploring. Shifting the focus of the city to non-federal buildings only has value if the city renews their interest in architecture as a significant cultural asset, not limiting the city’s assets to ONLY federal buildings.

### What else should we consider?

I actually think the scope should be significantly reduced to focus the discussion more effectively. Presently, every issue relevant in greater Washington, DC is being brought into the fold of this discussion (affordability, environment, economic development, etc.).

### What is Washington's postcard image today and in the future?



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#### **Gary Malasky | Wesley Heights, DC**

**General:** The height limit gives the city a human scale. It also has had a great benefit in forcing investment outside the core.

The proposal that seems interesting is a modest increase in height but not the number of stories. This would allowed for a more varied roof line and some taller floors.

Should private buildings become skyline landmarks? Yes, if any are worthy. The Empire State Building is a prominent NY landmark. If there were a shorter building of equal architectural significance, a private building could become a skyline landmark.

To the extent greater height results in greater density, it should be in metro served areas.

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#### **Timothy Dowdy | Adams Morgan, DC**

**General:** Federal interest and local interests can be synthesized; the two are not mutually exclusive. "Local" DC needs an opportunity to grow, evolve, increase economic and urban vitality, and remain competitive, if at least from a sustainability standpoint. Increased building heights can strengthen all these elements at the "local" level. A strong city is in the best interests of the "federal" city, as this is the home and context for our government/democratic symbol. Taller buildings can "frame" desired views/corridors—taller buildings can actually increase the definition of these elements from a street-level experience! If the city is not afforded/allowed to increase height as a means to achieve its goals (growth and economics, sustainability, transit, sense of place) these benefits will go elsewhere where conditions are more hospitable.

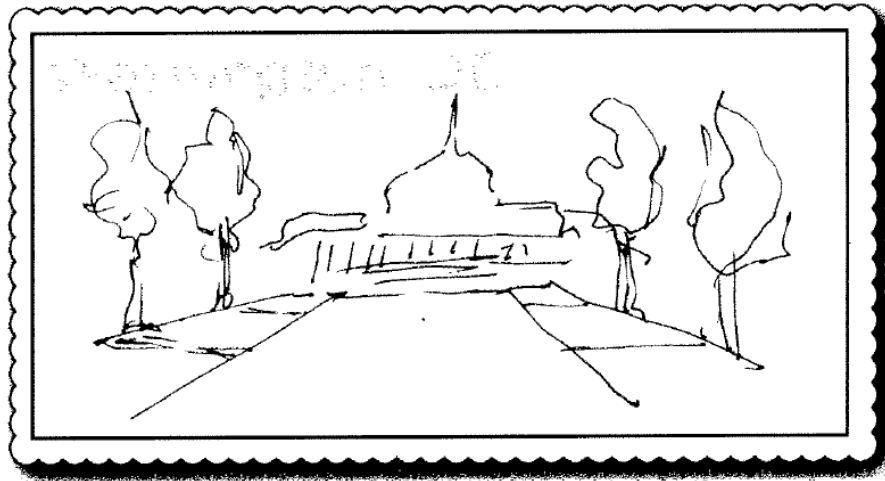
### What else should we consider?

PS—just because building heights increase, doesn't automatically mean "big scary NYC." Even a moderate increase cap (+5, +6 stories) could have/precipitate amazing and appropriately-scaled effects! Don't be afraid!!

**None / None**

**General:** Part of the beauty of being in the US federal city is that civic structure/monuments do define the skyline and make DC distinctive. However, diversity in architectural style helps further define neighborhoods (e.g. Baltimore)—beautiful—eclectic architecture in good condition and bad. Also public spaces in DC should never be overshadowed.

**What is Washington's postcard image today and in the future?**





## GENERAL SESSION QUESTION & COMMENTS

The following summarizes questions asked at the June 4 public meeting.

Q: Is the committee looking at height requirements from a safety standpoint (e.g. fire systems?)

A: This is part of the deliberations the *city* would make as part of the zoning. However, not a federal issue.

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Q: Should Arlington County should be included in a height limit study?

A: This was debated a few decades ago, and coordination with and recommendations regarding Arlington County is not part of the scope of this study

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Q: NoMa radically redeveloped recently with a serious lack of park space—is this driven by federal height limits?

A: No; 20% of land in DC is parks and open space, more than most other cities. But would more height lead to more funding for infrastructure in the city (stormwater, transit, parks)? Yes.

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Increasing heights will not necessarily better the architecture. Also, commercial areas are only one building wide on the avenues, and flanked by residential homes. Increasing height limits, even in only commercial areas, distinctly impacts the residential areas right next to them. As for affordability, taller buildings do not make real estate more affordable (e.g. NYC)

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We need to consider non-economic values we would be affecting by changing building heights. Manhattan: taller buildings end up bringing more people onto the sidewalk at a frenetic pace trying to get things done and is unpleasant. We need to maintain the lower pace and quality of our streets, which makes it walkable and inviting to tourists.

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The idea that federal government has any say in local affairs is odd; L'Enfant or federal buildings would not be affected by heights in Dupont or NoMa or other areas.

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Q: What are the needs? We need to address this questions first: housing, commercial space, etc.

A: Entirely possibly that even if Congress allows higher limits, the city may not act for as long as 50 years or so. East end, West end, NoMa, Capitol Riverfront would not have been developed if higher buildings were allowed in the center of the city, which spread development out into other neighborhoods which has been very good for the city. Also, the point of the study is to address at what level the federal government should care.

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DC is a classic example of Jane Jacobs. Only highest uses can remain in core, and innovative uses kind of get pushed out. I am concerned about intra-city sprawl; people want to be in central places.

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Q: Has DC ever considered suing the federal government?

A: No.

- Q: Don't understand why federal interests have to be mutually exclusive to interests of the city and residents. Why can't heights be used to enhance the L'Enfant city while allowing it to grow sustainably and remain competitive? Increased heights could be a real boon and draw for this place and solve a lot of issues simultaneously.
- A: Our study does not discount the idea of shared interests. Also, the economic feasibility analysis does include an economic projection of challenges/benefits to the city itself.
- 

- Q: Why, as a national city, has this not become a national debate?
- A: In essence, that's the condition we have right now—in studying heights, maybe it's time to allow the city to have a little more say around its local affairs—at what point does that local say begin to interfere with the federal interest? Things like the Mall are not just a national landmark but also a central point of the city that people deal with daily—these issues are not mutually exclusive, need to deal with all aspects.
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- Q: Congressman Issa signed this letter by himself; is this a personal letter or a committee letter?
- A: It was a letter from the Committee.
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- Q: When will the public be able to see some of the modeling results?
- A: During the Phase 2 meetings in late July/early August.
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- Q: An increase in height allows an increase in density, infrastructure, traffic, etc. and undergirding that whole analysis is major budgeting considerations. E.g. Waterfront BID for example is nice, but community is worried about density and traffic. Also, we have the 130 height limit now, and we're not using it. What is the justification for reconsidering if we aren't even maxed out?
- A: These are issues dealt with in the District's planning process after federal interest has been considered. A lot of people agree that we have a lot of nice single-family neighborhoods that are low rise and will never reach 130 ft. No need to wait until we build the city out to 130, because that's not a city that we would want to live in. Rather, ask at what point building heights in the city affect the federal interest. Also, a conversation about height inevitably leads to conversation about density, which is not necessarily always valid. And once again, what is the federal interests in density, affordability, and economics?
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- Q: What types of effects would increasing the height have on property values, especially in regards to real estate speculation? Unleash a new wave of property bubbles?
- A: We don't know. This will be answered in Phase 2.
- 

- Q: Darrell Issa might leave position as Chairman after next year. Do we think things can actually be done between now and next year?
- A: We are intent on getting things to Congress by this fall. It might be that we give a very narrow answer as opposed to a broad one, but we feel urgency because of that timeframe.
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- Q: Hypothetically, if we go through this process and give an answer, when at the local level will heights be established?
- A: Probably ten years before any zoning changes if we do decide to anything in the short term. The Comprehensive Plan has to be updated first, following any Congressional action.
-

Q: We've become one of the greenest cities in the country. In the next 20 years, we may become one of the big renewable energy cities. Is this taken into account?

A: One of the things we would look to if we were to allow additional height would be solar rights. However, that's part of the local progress, not part of what we're presenting to Congress. Also, there is archaic language in the Height Act, and it doesn't mention things like photovoltaic volts, etc. and could definitely be updated.

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Q: In conceptualizing federal interest, views has been mentioned a lot. However, federal interest also includes buildings and real estate (for example, FBI building moving out of city for lack of space). Is the question of federal office space and federal needs of land use in the district part of the consideration?

A: Federal government is actually shrinking its footprint: flexible schedules, etc.

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Q: Population of city has been going down and now is only recently rising again. Why do we think it will expand much beyond current capacity to absorb?

A: Based on current population and job growth projections, we will have serious capacity issues in the future. The question is should we continue to grow and will the current height limit continue to serve our needs into the future? We will need more to provide diversity in offices and other kinds of space; this is part of what will be studied in economic analysis.

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Q: How are you defining sustainability and the federal interest? National Park Service, arboretum, viewsheds to Capitol—is that a federal interest? How much of a federal interest is stormwater infrastructure?

A: DC is #1 or #2 in sustainability now, but we want to hear from you what you think the scope should be re: sustainability, parks, etc.

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Q: Studies tend to study things that are quantifiable, but a lot of quality of life issues are a factor here. How will walkability, open space, green space etc. be factored in here?

A: Some of that is a local concern, although some is certainly a federal concern.

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Both positives and negatives to the Height Act; encourage discussion to move forward on grounds of interactions of tall buildings with streetview and street-level experience.

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We've done a lot on K Street, downtown Washington, other places. Having the height limit has allowed us to grow sensibly—it gives us a good rational to make changes and to make them sensibly, but not to overbuild, not to increase density greatly, and not compromise green image.

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We have 3 principles here, but Chairman Issa's letter goes far beyond those principles. For example, Congress seems to be asking us to look at compatibility to local areas. Why only look at aesthetics when concerns of the people come far beyond that? WMATA is a tri-state authority—that is a federal interest, and doesn't seem to be addressed.

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We should first do modeling on how we got to where we are today. Might be interesting to look at how technology has impacted the development of DC, transportation, etc.

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- Q: What did we learn from the case study of Paris? Are the high-rise clusters of Paris comparable to Rosslyn?
- A: Haven't really drawn conclusions, more analyzing the approach. Almost every major city has asked itself these questions: What should our height be? What should our skyline be?
- 

Height has everything to do with infrastructure, which historically in DC has been paid for by Congress and used as a way of holding back and not helping the city. City is disenfranchised because it does not have the ability to make decisions about its own destiny. Maybe there needs to be funding in this study to really comprehensively answer all the questions necessary.

**THURSDAY, JUNE 6, 2013 | SAVOY ELEMENTARY SCHOOL**

## WORKBOOK COMMENTS

### **K. Baker | Anacostia, VA**

**General:** I'm glad Dc is considering the height limit. DC needs to come up to the 21<sup>st</sup> century regarding taller buildings in DC. It is important to our economy. Thanks for carefully reviewing this. It is important that our city is vibrant and buildings included. The Federal Triangle, White House, Capitol Hill, and Tidal Basin views should be prominent and are important to me! Yes, other types of buildings should become landmarks. Yes, taller buildings can coexist with skylines. All things that currently exist should be taken into consideration. I personally like the location of taller buildings outside of major viewsheds idea.

### **What else should we consider?**

Green space should be maintained (parks and walking spaces).

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### **Shelley Ross-Larson | Georgetown, DC**

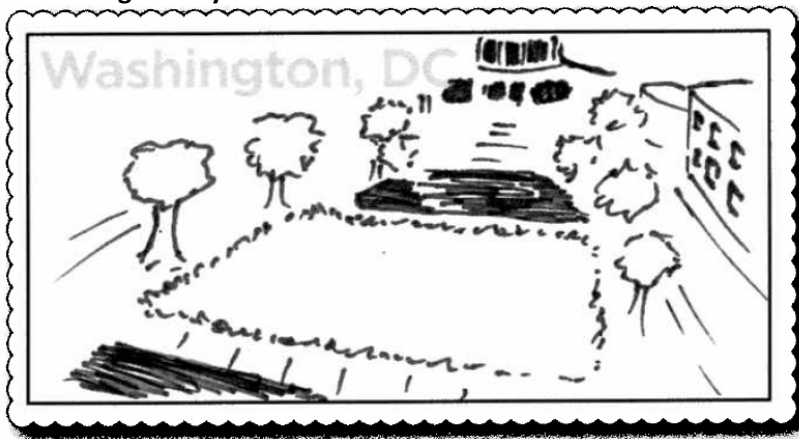
**General:** Please keep height limit as it is throughout DC.

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### **Emily Allen | Capitol Hill, DC**

**General:** I have only been living in Washington for a year but I already love it more than Paris—the only other city I have lived in. Urban space across the pond was always cluttered and overwhelming whereas DC's parks and wide avenues command my attention in a much more positive way. I think this is in part due to the style of architecture—white clean slates—that gives way to the natural beauty of the city.

### **What is Washington's postcard image today and in the future?**



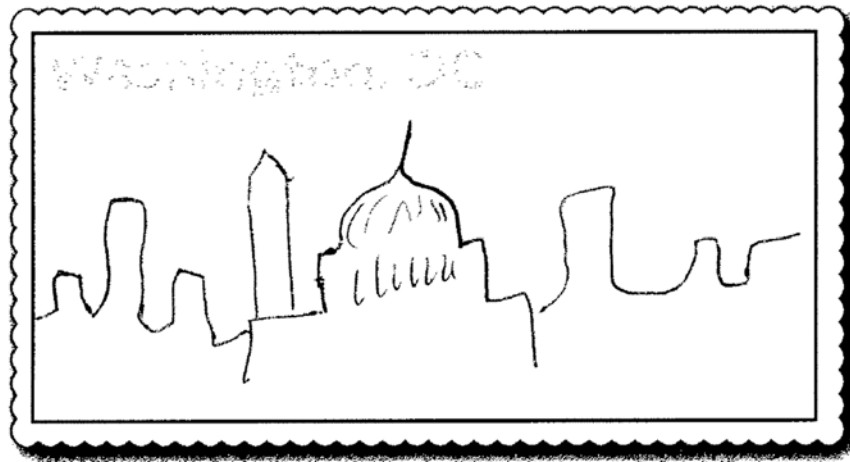
### **Molly Hahn | Stronghold, DC**

**General:** I come from the NYC area and I find DC so much more welcoming and manageable. The city is inviting and homey while still being exciting. There is so much to do. Yet I do not feel like I am trapped in buildings. I want Dc to stay inviting. I feel a lot of pride in this city and its traditions even though I just moved here and I feel all Americans do because it is our nation's capital. It should stay this way.

### **What else should we consider?**

Monuments should stand out not get overshadowed by a major business building.

What is Washington's postcard image today and in the future?



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**Vincent G. Carter / DC**

**General:** Viewsheds are important and should be maintained to currently identified landmarks. Greed, as in increased property taxes, should not drive building heights. I support studying the question of building height. NCPC's role should be closely and carefully considered. NCPC can be too restrictive and dictatorial, yet it can contribute to great views of certain monuments.

**What else should we consider?**

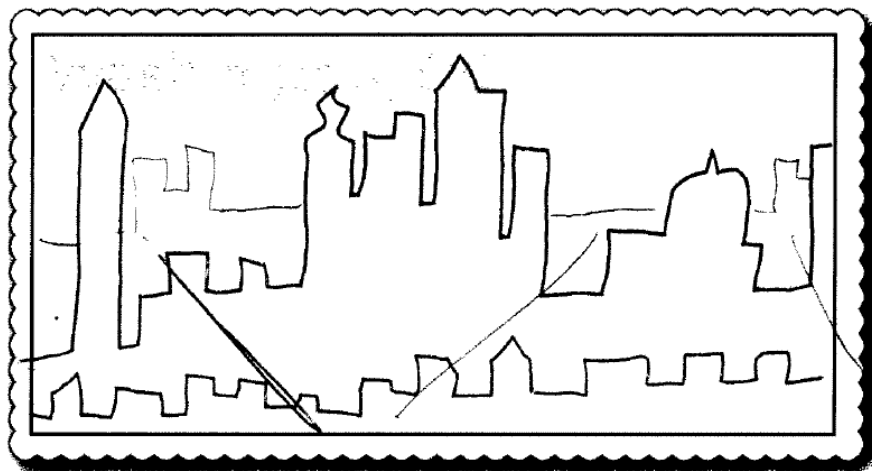
How successful or not current high density areas, e.g. NoMa, have been when occupancy and tax revenue are evaluated.

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**Dan Guilbeault / Truxton Circle, DC**

**General:** I like London's model where important iconic buildings' viewsheds are protected with taller clusters farther out. Density should be clustered around Metro with affordable housing minimums built in.

What is Washington's postcard image today and in the future?



**Peter Kauffman / Dupont, DC**

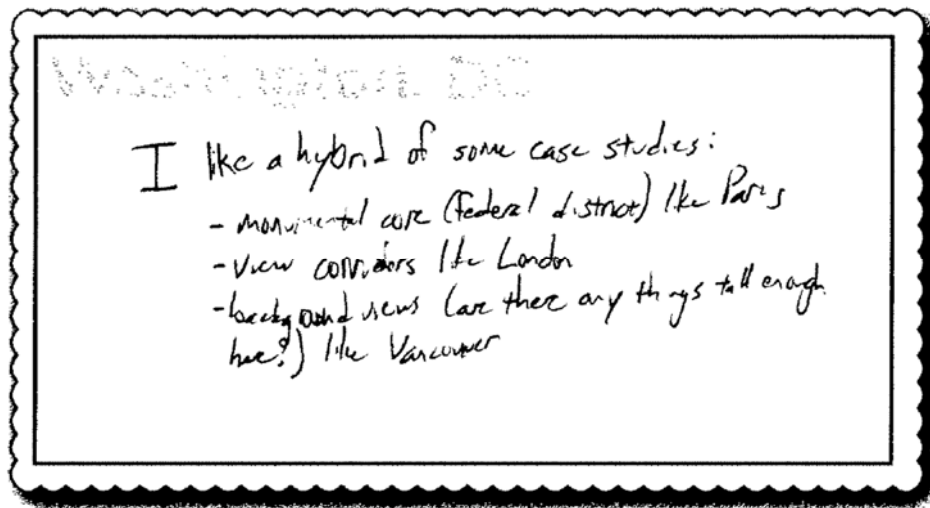
**General:** I honestly don't know what to think. I guess it's a good thing you're studying!

My question—if we raise the height limit by a small amount, will it really trigger any redevelopment? Will we have to wait for current 10-12 story buildings to get old and torn down before changes are made in downtown? Conversely, if we add a lot of heights will that encourage more full-block structures? I think it's really neat to be in downtown with variety in each blockface, with several different facades in each block, and I'd hope that doesn't change things.

**What else should we consider?**

I'd hope that renewed investment in downtown could fund infrastructure improvements (especially to transit—I'd love to see a separated blue/orange and green-yellow line tunnel).

**What is Washington's postcard image today and in the future?**

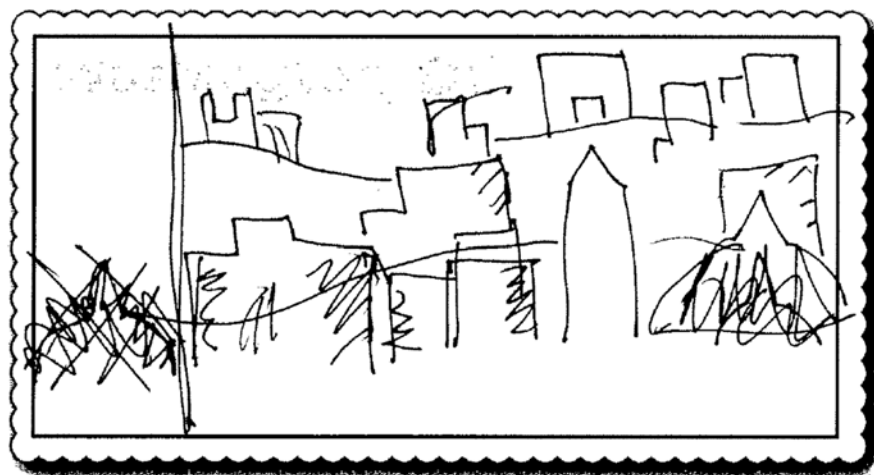


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**John Heermans / Kalorama, DC**

**General:** I would like to see the height limit act removed or amended to allow higher buildings. There are a lot of urban design options that could still preserve iconic/historic buildings. Viewsheds, design options, topography can all be used and let the city evolve to maximize its transit/density benefits.

**What is Washington's postcard image today and in the future?**





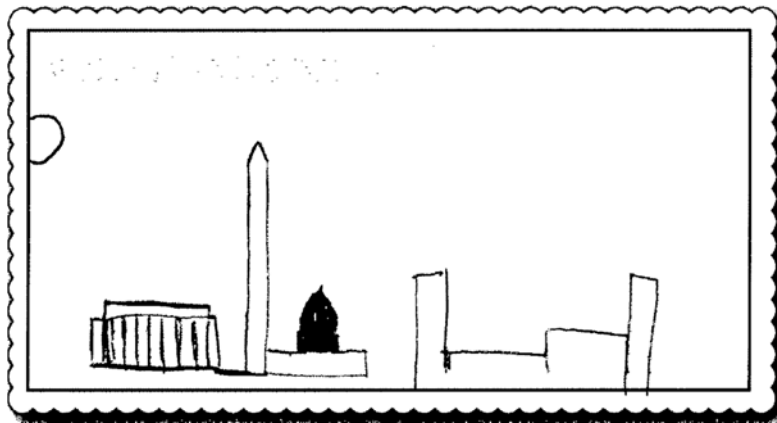
**Paul Thistle | Takoma, DC**

**General:** I am a new resident to Washington, DC, so my understanding of the city is novice at best. However, my perception as an outsider is that DC's identity is constantly changing. Yes, many people have been born and raised in DC, but a large amount of people are transient, and that affects its identity. However, the issue of identity is not high on my list of priorities. As an educator, I think it is important to raise various issues and to encourage people to use their democratic voice. I believe other issues should be considered before the topic of the height act.

**What else should we consider?**

Removing the Height Act is not a bad idea. Before doing so, we need to consider all positive and negative reactions which it looks like is the case.

**What is Washington's postcard image today and in the future?**



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**Brenda Lee Richardson | Congress Heights**

**General:** Who does the height changes impact? Is ward 8 being considered as one of the pre-designated areas to study? The existing viewsheds from ward 8 are beautiful. Don't want to see that changed. Taller buildings should co-exist in the downtown area only. I am more concerned about protecting and maintaining the neighborhood parks, historic buildings, and communities that we currently enjoy.

Affordability and housing options are often symbolic of gentrification. Economic vitality is fine as long as it includes all the people.

**What else should we consider?**

Sustainability means keep it clean and green. Don't want to see any height changes at all.

**What is Washington's postcard image today and in the future?**



**A. Lyon | Hillsdale, DC**

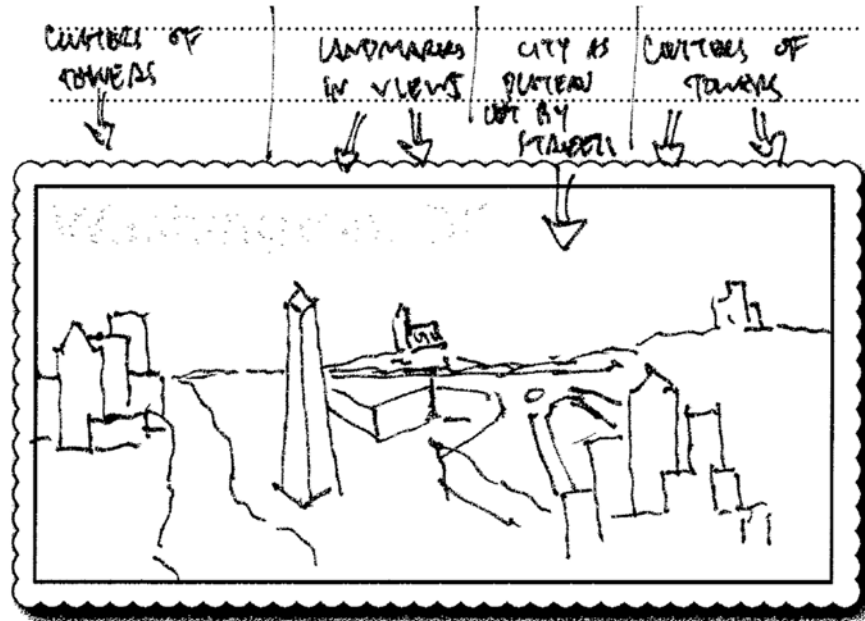
**General:** I would like to keep the current Height Acct. I want to keep the view of downtown—Capitol, monuments, etc.—from east of the river. I want to keep DC unique, apart from the rest of the world cities.

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**Payton Chung | Ward 6, DC**

**General:** I value views across the city to the key monuments; these should always define the character of the city and the national capital. A horizontal skyline is a democratic one—all are equal under the law. It encourages the city to fill the blocks of urban fabric. That said, skyscrapers can provide visual interest outside the core, and great scope exists to adjust existing limits up—particularly in key corridors, and to prime views.

**What is Washington's postcard image today and in the future?**



**Mary Buckley | Ward 8, DC**

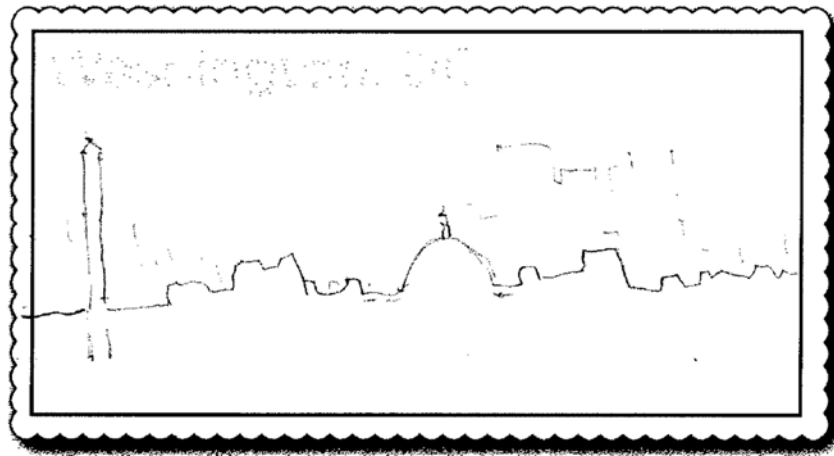
**General:** Building heights cause congestion in more people, less space; more people with dogs—nobody complies with the “pooper scooper” laws—generates more garbage and poor livability; more stress with people living atop one another. DC will become another New York City and can’t see the stars!

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**Annemarie Gray | Mt. Pleasant, DC**

**General:** It is important to remember that height does not equal density, necessarily, and height does not equal good architecture, necessarily. Any approach must be nuanced and must be varied and clustered around particular nodes and corridors. I think the height act should be amended to allow for taller buildings, but the city zoning process must address creative and strategic ways to add height (e.g. auctioning air rights for transportation and affordable housing funding; trading rights for variation in designs of adjacent buildings). But ultimately this should be a DC government issue, not federal. Congress should give DC the right to make that decision.

What is Washington's postcard image today and in the future?



## GENERAL SESSION QUESTION & COMMENTS

The following summarizes questions asked at the June 6 public meeting.

- Q: My question is with regards to the height is with regard to how it will affect the clean air act, because even though we don't honor it, we have the best air quality not like places like Denver. Can you imagine if ever a car stopped in a high traffic area, and those buildings which gather debris, when you put all that into consideration and people's health who is not up to par—have they done the study how a larger building will affect air quality?
- A: That's not something we are specifically planning to study but there are places with taller buildings than DC and have managed to have decent air quality; it's not so much the height of the buildings but the type of pollutions. Our biggest sources are particulates, with more people who will be driving how will that affect transportation, and we will study that.
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- Q: One of the things I would like to talk about is how it will affect the DC Zoning Act
- A: I think we will be answering it a lot of different times tonight, because the Height Act dictates the maximum. If the federal height act were to change, DC zoning will not change until we look at the Comprehensive Plan. Nothing may change for a while, because we want development.
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- Q: I am concerned about the height act, how high are we speaking of for buildings? Are we talking about the Chrysler building? Twin Towers?
- A: We have certain landmarks that are important buildings in the District, like the Washington Monument and the Capitol. We are talking about 1 story maybe 5 stories, and that is because we have that aspect of our city that we like, human scale. According to this principle, we could potentially see 180 feet, but because of the federal height act 130 is our limit.
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- Q: The vista I am very happy about, this kind of worries me and I can understand that because of changes in demographics, are we talking about an increase in population, and then what kind of infrastructure is needed to support that? Do you base your decision on projected population numbers?
- A: We are talking about 3-4 year process for a comprehensive plan review; we think we already have the capacity for future growth at 800K so these changes are for the future, but at some time in the future we will need to review it. The comp plan only lists Capitol riverfront, NoMa, downtown, those are high density; we are not going into a residential area and make it high density.
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I have two observations, considering affordability, thinking that will permit more affordable residences and that for me is not true and I don't buy it because of NYC example. Second, we would be affected, can it coexist with our skyline? I don't see how that is possible.

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- Q: My question is about the zoning laws, each ward has its own zoning laws?
- A: Zoning is citywide
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- Q: Safety aspect...what is the safety aspect with regard what if it catches on fire, have we looked at those factors?
- A: DC has one of the most up to date building codes, but were saying lets go up 2-3 stories, for people thinking they can add to existing buildings, building engineers will need to look at that.

- Q: I live up on the Hill, but I envy my friends view, up on Stanton Rd. My concern would be if you pass this act for higher buildings, are there restrictions for the proximity to the Capitol?
- A: We are taking very special care to model it and from that we will begin to understand the impact on the viewsheds, when you're at the Capitol or on the streets. That is an NCPC item that we are paying a lot of attention to.

**COMMENTS SUBMITTED VIA ONLINE COMMENT PORTAL**

The Height Master Plan website includes an online public comment portal, providing the public the opportunity to submit comments and attach related media (documents, pictures, etc.). All submissions are published within 24-hours for public viewing and will be included as part of the study's public record.

The following is a compilation of submissions received to date.

The online public comment portal is located at:

<http://www.ncpc.gov/heightstudy/comments.php>

***Lindsley Williams, Washington, DC (June 07, 2013)***

Mike: As you and your colleagues move forward on the Height Act study, I'd ask:

- Can NCPC/OP produce a diagram of widths of rights of way?
  - If so, can that "width" be associated with every property shape that it abuts, thereby allowing a determination and visualization of what the Height Act would allow (from the most permissive frontage)? If so, then a diagram of Height Act can be produced and even overlaid with limitations that zoning now imposes, often less but sometimes more (see below) that is "lost" to the greater restriction of the Act of 1910.
  - At the same time, where rights of way are less than 90 feet, the Act limits building heights to the width of the right of way. What rights of way are less than 90 feet? Maybe this should be in increasingly restrictive decrements: 90-80, 70s, 60s, 50s, 40s, under 40?
- Where In DC is the Height Act's limit more restrictive than that allowed in Zoning (classic example being where height limit is stated as the same, but parapets height is counted in Height Act but not in zoning (up to 4 feet)? What about differences in the point from which "height" is measured?
- Should there be a relief provision from Height Act limitations as a kind of variance?
- In what areas of the District is Height Act the sole limitation (many receiving zones, perhaps elsewhere)?

Going beyond these, the question of right of way widths is one that also informs where visualizations should occur. Remarks noted that this would include such icons as Pennsylvania Avenue. I would look for this along all rights of way that are 110 feet or more, these being where Height Act allows (if commercial) 130. I would particularly think that visualizations along K Street from Mt. Vernon square to Rock creek (148') would be important, as well as other 160' rights of way such as Maryland and nearly all of Virginia Avenue (both of which feature railroad tracks, often elevated, in portions of the r.o.w. at this time). Widths can be unsettled where multiple rights of way abut, as they do where freeway slices thru the area with flanking service lanes or sections of older L'Enfant streets; South Capitol where the interstate ramps exist is another that is particularly wide, wider than it is from about I Street south to the bridge. Finally, other than L'Enfant plaza and the SW Urban renewal plan, are there other areas where there is a "special" measuring point? Returning to visualizations, I would think some should be along particularly narrow rights of way as well, of which there are many in Adams Morgan and pockets of other often historic locations around the District.

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***Gary McNeil, Washington, DC (June 05, 2013)***

Thank you for the opportunity to participate. Although I have tremendous respect for both Harriet Tregoning's office and NCPC, I found the format of the meeting somewhat puzzling and frustrating. As I understood our task, it was to think about the link between the federal interest in DC and the height limit, and how changing or maintaining the height limit might impact the federal interest, favorably or unfavorably.

But this very abstract concept was communicated somewhat clumsily by the speakers who introduced the meeting, and also the various boards around the room seemed to raise a different question, something like "how would we like the city to change?" As a first step in the process, I would have found a different meeting more useful--a brainstorming session or a focus group around the question "what is the federal interest in DC?" To me, the answer is not all obvious, and I found it impossible to think usefully about the height limit without better understanding the federal interest. Also, I think it would be a very intriguing idea to having the residents of DC speak to congress about their ideas of what the federal interest in DC might be. I understand process comments are not what you're looking for at this point. Good luck!



**Jacinda L. Collins, PE, LEED Green Associate, Washington, DC (June 05, 2013)**

Good morning NCPD, I was not able to make my comments through the online portal; so please find below my comments from the event last night.

Station 2: What approach might we follow? Of the case studies exhibited, London is the best model. This approach would provide many developing areas of the city the chance to create something unique, while still protecting the prominence of the National Mall. Station 3: Principle 1 - What landmarks and monuments should be prominent? The Washington Monument and the Capitol Building should become the benchmarks for potential sightlines as they are currently the only prominent structures under the current height restrictions. With many of the buildings around the National Mall all being built to the same height, there are few views available of these two structures currently. Is it important for civic structures to define Washington's future skyline? If polled, you will find that the DC's skyline consists of the Washington Monument, Capitol Building, and the Lincoln Memorial. The horizontal DC skyline has already hindered the views of most notable civic structures. Thus, the current height restrictions have already diminished the participation in a general DC skyline. Should private buildings become prominent landmarks in Washington's skyline? Regardless of height, private buildings have become landmarks. Private developers can easily create unique critically acclaimed taller buildings that can become the next generation of DC landmarks.

Principle 2- Can new taller buildings coexist with our skyline? As I mentioned the current horizontal skyline only allows 2 structures to ultimately define DC's skyline. The addition of taller buildings with proper zoning and sightlines can create a more dynamic DC skyline. What does a "horizontal skyline" mean to you? As a fan of architecture and a traveler I will say that the current horizontal skyline of DC is not appealing. If every other building on the street was a historic structure with varying forms of architecture, then the horizontal skyline may not be that bad. However, the current DC height restrictions have created near identical boxes that make me feel that DC architects and planners are forced to adhere to limited model of conformity. This makes the non-National Mall portions of DC feel devoid of an identity. And if parts of the city cannot find an identity, then it will become very hard to bring people to work or live in other areas. As an outsider coming into the city, I will say that DC's neighbor Arlington is doing a great job in creating multiple prominent areas within the city that are attracting businesses and residents. Principle 4 How should building heights relate to: Major parks and natural features? To me, parks and public spaces are more defined by their landscaping, accessibility, and features rather than the structures around them. Well placed and thought-out trees and artwork will make you forget that there is a 20 story building across the street. Other Considerations No one will deny that some height restrictions will remain in place for those high-security areas.

Traffic is a problem that all densely populated cities. Rush hour and event traffic in DC could benefit from other programs such as timing street lights for cars, more Metro stops, and other DC/VA/MD mass transportation projects. Regardless of building height, the city will have to be the champion for low income housing and work with the private sector to push this initiative forward. Many federal agencies have already moved and are planning to move to Virginia and Maryland. The FBI is the latest high profile agency that will leave DC in the near future. The agencies are not moving to skyscrapers; however they are moving to dynamic structures that make their employees feel better about coming to work. The new generation of federal buildings in Virginia and Maryland are green, have unique architecture, and have higher floor to ceiling heights that appeal to open workspaces and flexible floor plans. Tourism can only be enhanced with the addition of zones of taller buildings. Foremost there would be opportunities for more hotel rooms which would help drive down DC hotel costs, thus making vacations, conventions, sporting events, and concerts more appealing.

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**Matthew Steenhoek, Washington, DC (June 03, 2013)**

(Twitter) @NCPDgov @OPinDC at 103 yrs old I'd say its about time for DCHoBA to grow up and start taking some responsibility for its actions! #heightdc

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**Manuel Casas, Washington, DC (May 30, 2013)**

I'm pro height rise building. It would make the city look more attractive, and a city of the 21 century. DC height rise restriction makes the city look antique and boring.

***Sarah Gutschow, Washington, DC (May 21, 2013)***

It was nice meeting at the DC Height Master Plan public meeting. It was great to learn more about the National Capital Planning Commission's and the D.C. Office of Planning's joint effort to study the impacts of the D.C. Height Law. I also enjoyed how interactive the meeting was and having the chance to offer some input as a long-time D.C. resident and an Urban Planner. As I mentioned yesterday, at the Bloustein School of Planning and Public Policy at Rutgers University I wrote a term paper on the D.C. Height Act for my Planning Law class. That paper is attached. (attachment submitted)

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***Eli Glazier, Los Angeles, CA (May 21, 2013)***

(Twitter)Focus on context-appropriate building height guidelines to improve housing affordability while maintaining District character.

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***Frederic Harwood, Washington, DC (Shaw) (May 21, 2013)***

(From Attachment) The District of Columbia's commercial real estate is more expensive per square foot than Manhattan's financial district. The area's traffic is the worst in the country, with ever-expanding sprawl adding to the nation's longest commuting times. Only 11% of the metropolitan area's 5.7 million residents live in the District of Columbia, among the lowest percentage in the US and well behind New York City's 43%, Los Angeles' 30%, and Chicago's 28%. We rank well below... (attachment submitted)

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***Frederic Harwood, Washington, DC (Shaw) (May 21, 2013)***

This article identifies the impact of building high in terms of construction expenditures, construction jobs, construction salaries, and, once the building is finished, annual operating cash flow, employment, and salaries/earnings. In addition there are tax implications for the city and state for both the construction and the year to year operations. Finally, any building has an impact on the existing commercial and residential real estate market, and that is discussed as well.

The article ends with a discussion of Berlin and Paris, and the implications for Washington, DC. In going through the data, I note one slight correction. On page 6, the last paragraph beginning "More recently,..." the second line should read "2008, has generated \$2.028B in total construction expenditures, including \$1.26B in Philadelphia, resulting in 17,293 construction-related jobs...etc." just a small change.

I hope the partners find these analyses helpful. I have enjoyed working on them, and it is something I really believe in. (attachment)

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***Dan Maceda, 475 K St NW DC (May 19, 2013)***

No changes to the height limit until we build out NOMA, near Southeast, and Mt Vernon Triangle. If the height limit is raised we will have fewer but taller buildings and the continuation of surface parking lots.

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***P. P. Campbell, Jr., Washington, DC (May 17, 2013)***

As to terms and provisions, I would also like to see how seemingly similar provisions of the Height Act and the present Zoning and other development codes can trip up expectations of developers and residents alike. For example, the height of a parapet counts under Height Act and doesn't (if four feet or less) in zoning. What are allowed roof structures under both? Etc. This is a question the Senate's sitting representative to NCPC asked when the Height Act study was introduced earlier this year; it's worth addressing in the present endeavors.

***P. P. Campbell, Jr., Washington, DC (May 17, 2013)***

The vast preponderance of regulations have rules that are more or less clear and, importantly, a relief valve. In zoning and building codes, there is a process to seek a "variance" of some kind from a body (BZA) or ranking official ("code official"). For the Height Act, there is none.

What if — at least outside the L'Enfant area an authority were created to allow variances from the Act, be it otherwise left as is or as modified. This would be in keeping with the functions of the Zoning Commission (created 10 years after the Height Act) as it is now constituted, with hefty Federal representation and input. Height Act variance cases could be heard by the ZC (as it does with campus plans, and there could be a mandatory referral of any Height Act variance to not only NCPC (as with Foreign Missions) but also the Commission on Fine Arts (at least where it has jurisdiction).

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***P. P. Campbell, Jr., Washington, DC (May 17, 2013)***

The record should reveal insights from Federal capitals, including Ottawa, Canberra, and Brasilia; and major cities in the U.S. (Chicago, Denver, Houston, Baltimore and Philadelphia); and beyond (Shanghai, the "Houston of Heights" -- no restrictions, total central control, no citizen input, no ANCs, no City Council that is not within Party control, etc.) In effect, a summary not only of "Practices" but analysis and conclusions against the core principles to lay-out potential "Best Practices to Support the Core Principles." It is important to review the context in which the Height Act of 1910 was adopted, shortly after elevators were common -- and when most aerial views would have been from natural promontories or hot air balloon.

The threat to which the 1910 Act responded was unchecked verticality that would, over time, block the views of (and from) significant federal places: Congress, Washington Monument, etc. The Act imposed a 130 ft limit, less where streets were narrower. The Act did not contemplate setbacks (other than roof structures) for allowing tiers of additional height -- something taller buildings in would come to utilize (notably the Empire State building). Tiered height can allow views that are meaningful and respectful that would not be the same if there were an extensive visual barrier brought about by flanking buildings of essentially the same height from one to another and occupying most of all of their parcel.

The Lewis plan of the 1950's introduced not only the concept of bulk (reflected as floor area ratio, among other things.) The Lewis Plan also articulated "Federal Interest" whose thoughts remain timely. For one, Lewis noted the value of the Commission on Fine Arts as a way in which to promote overall design of federal projects.

The Lewis plan proposed controls on density that were adopted and proposed taller buildings in various zones - limited to not unduly obstruct light from reaching the areas around them, with controls on something the plan called "angle of light obstruction." This part of the plan was rejected when most other parts were adopted. This lesson is more relevant to District as they consider respective amendments to the Comp Plan and zoning.

The study should make explicit the vast increase in human occupancy of roofs. Roofs were an attractive and economical place to toss utilities, and the views from rooftops of the past looking over American cities, including Washington, was filled with mechanical clutter. Now, such areas are limited in total area (percent), setbacks, and typically screened. But, increasingly roof amenities create and exploit value that was ignored in the past, particularly when blended with green features. Revisions to the 1910 Act, (as well as, eventually, the Comp Plan and zoning), should identify unintended barriers to such benefits.

The most ambitious part of the effort is the pace proposed -- delivering recommendations to Congress this Fall. (attachment submitted)

***Thomas Taylor, Judiciary Square (May 16, 2013)***

In order to remain competitive with adjacent jurisdictions, the District of Columbia should judiciously select portions of the District outside the historic L'Enfant plan to raise the height limitations. The high-rise buildings in Rosslyn negate any argument that higher limits would contribute to the degradation of the Federal presence in the center of the city. Outside the L'Enfant plan and historic districts are several nodes or corridors that would benefit from high rise structures. As a corridor example: all of the south side of New York Avenue from the Amtrak rail crossing to the Arboretum. As a node example, a new Metro Green Line infill station at St. Elizabeth's campus.

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***Kevin Waskelis, Washington, DC (May 14, 2013)***

If you are against altering the limit then you are basically saying that it's ok that DC's rents are egregiously high and that the traffic is terrible. I'm sorry, no skyline or community character is worth such costs. It's unfair for people who have lived here longer to shut the door on newcomers who can barely afford the prices in DC and are sick of the traffic.

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***Lasse van Essen, U street, NW DC (May 14, 2013)***

I support higher rise buildings especially near metro stops. Maybe it will bring down the cost of housing slightly, and it makes a lot of sense to create density near metro. P.S. I live in a single family row house - but not everyone can afford that or should want that.

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***Max Bergmann, Washington DC (May 14, 2013)***

Get rid of the height limit and allow developers to build as tall as possible. We need more density and more housing.

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***Carol Casperson, Fairlawn neighborhood (Washington East) (May 13, 2013)***

Residents East of the River are concerned about their view being blocked by buildings, bridges, etc. that are built between them and the downtown and mall areas.

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***Amber, Washington, DC (May 13, 2013)***

Which problem will modifying/eliminating the height limit solve? It won't reduce the cost of housing. DC is a desirable area, and developers will continue to build expensive housing. It won't fix the boxy architecture either. It'll just make taller boxy buildings (this is a zoning/style problem, not a height problem). The proposed changes to the law are a solution in search of a problem.

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***Moogmar, Washington, DC (May 13, 2013)***

One of my favorite things about Washington is the open skyline character. Not having a lot of tall buildings lets the city feel more open and less congested. The lower buildings also make it possible to see the monuments from different points in the city. Both of these aspects enhance the appeal of the city and people do notice.

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***Matt Sloan, Washington DC (U Street Corridor) (May 13, 2013)***

The current height restrictions are terrible for our city. Additional height should be allowed on major arteries (Wisconsin Ave, 16th Street, Connecticut Ave, etc.) and specifically around metro stations. Further, any height restriction outside the immediate vicinity of the monuments makes no sense.

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***Mary Elizabeth Kenel, Washington, DC (Brookland/Michigan Park/Catholic University) (May 10, 2013)***

I wish to ask that you hold the line on the present height limits. In the first place, the lower limits on height give DC a lovely skyline – and in the second place, the limits actually allow us citizens of Washington, Dc to see the sky! Already in my small neighborhood – near a Metrorail station in which there is much development going on – some of our iconic neighborhood views have been destroyed – obliterated by the proliferation of tall, ugly buildings. I know the value of being able to actually see the sky and enjoy a reasonable vista – I am from Manhattan – New York City – I love DC because it is not filled with skyscrapers and because one can actually see the horizon, at least from certain vantage points. In this highly automated culture, it is important to connect with Nature – the view of the sky – dawn, sunset – stars and moon – are a gift to us all – they help bring peace and healing to our often troubled minds and spirits. Bricks and concrete do not. Less height is a small step in the right direction.

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***Tony Varona, Chevy Chase, MD (May 10, 2013)***

We should follow Paris's lead. L'Enfant used Paris as a principal inspiration in designing Washington, of course, so why not follow them in this endeavor as well, especially since (1) they've long had height restrictions similar to ours, and (2) they've recently (about three years ago) modified their own restrictions to allow for much higher rooflines in certain arrondissements. See here:

[www.treehugger.com/sustainable-product-design/newly-freed-from-height-limits-paris-skyline-ready-to-rise.html](http://www.treehugger.com/sustainable-product-design/newly-freed-from-height-limits-paris-skyline-ready-to-rise.html)

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***Jennifer Henderson, Washington, DC (May 09, 2013)***

As a resident of DC I urge the study to recommend that the height limits remain in place. The lack of skyscrapers gives DC a distinctive feel which is beloved by the residents and remembered fondly by tourists. Removing these limits would change the characters of neighborhoods and put more stress on our transit systems.

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***Nancy C Wischnowski, Chevy Chase, DC (May 09, 2013)***

The characteristic of DC as compared with most other cities that you can't tell the difference from one to the other is the lack of skyscraper buildings. This is noticeable when you fly into Reagan National Airport or when you are standing downtown in the middle of the city. This city is beautiful in its simplicity and is unique in the country. Please do not think of caving in to developers who are only interested in money and profit from change- nothing else!

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***Robert Crooks, Washington, DC (May 09, 2013)***

My initial reaction to any proposal to relax DC's building height limits is that this would be a very bad idea which, sooner or later and regardless of any safeguards that may be included, will lead to the destruction of what is arguably a unique cityscape in the United States, for a city of comparable size. One only needs to look across the river to the urban disaster that is Rosslyn (or indeed, any other city in Virginia--a state which apparently eschews urban planning) to understand what the possibilities might be. Thoughtful commentators like Roger Lewis have recently argued in favor of some relaxation of the rules, clearly envisaging some strategic intensification of development around metro stops. But it is almost certain that high rise development, once allowed to get its foot in the door, in the longer term, will inexorably spread and progressively destroy what is unique about the city.

This is a city with a long history of corruption and incompetence. The more freedom city managers and elected representatives are given to influence the look and fabric of the city, the worse it will get.

Finally, one cannot help wondering what has prompted Congressman Issa, a man not entirely free from shadows of his own, to initiate these inquiries. I have carefully reviewed the background materials provided but can find no explanation. It would seem to me that, at the very least, Congressman Issa should explain himself. This is a man of limited experience as an elected representative who, as far as I am aware, has never served in state or local government

and has no apparent record of published opinion on matters related to city planning either in this city or in his constituency near San Diego. Nevertheless, he seems to have experienced some kind of conversion on the road to Damascus that has prompted him to launch ostensibly detailed and no doubt expensive inquiries into a question that has not been of any obvious contention in the 25 years I have been resident in this city and which, indeed, has served the city well for 200 years. I think the congressman, at the very least, owes everybody concerned a detailed explanation.

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***Jackie Young, Washington, DC Ward 5 (May 08, 2013)***

I am opposed to increasing the height limits in DC. We are a beautiful city, and any proposal to increase height limits will be a detriment to our environment. This city caters to developers already. Green space is being taken over by apartment buildings. We don't need or want our air space and sky views also taken over.

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***Rick Rybeck, Washington, DC (May 08, 2013)***

The height limit is an integral aspect of the District's ambience and its real estate market. There is substantial demand for living and working space in and around the District. The height limit constrains development. Thus, the price for office and residential space is higher than it otherwise would be because the height limit restricts the size of buildings.

At the same time, the height limit has reduced land values to the extent that a market exists for development in excess of what the height limit allows. In other words, there might be demand for office space to fill a 20-story office building near Metro Center. But no developer will pay a price for land near Metro Center based on the income from a 20-story office building because such a building is not permitted. Therefore, developers will only pay for land based on the income that could be derived from an office building allowed by current height law and zoning. (Demand for office or residential space that cannot be accommodated in the Downtown fuels land price increases and development in suburban areas such as Bethesda, Arlington and Tysons Corner.) If the District relaxed the height limit in any part of the District where the market demand for space exceeded the supply allowed under the existing height limit, two things would happen: 1. The price of land would increase because potential development (and therefore the potential income) for each piece of land would increase. (In fact, land prices might even rise in anticipation of this change.) Thus, this publicly-created land value could result in a tremendous windfall to private landowners – many of whom are very affluent and absentee. 2. Some properties would be redeveloped to take advantage of the new height limits and this would increase the supply of built space. This would tend to reduce rents but higher land values would also be factored into the rents. Therefore, it is unlikely that residential or commercial prices or rents would decline, unless a “value capture” strategy was pursued simultaneously to relaxing the height limit.

A value capture strategy would entail reducing the property tax rate on building values while increasing the tax rate on land values. The lower rate on buildings would make them cheaper to build, improve and maintain. The higher tax rate on land values would return publicly-created land values to the public and help keep land prices down by reducing the speculative demand for land.

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***Eugene Abravanel, Washington, D.C. (April 23, 2013)***

The height limitations for buildings in D.C. should be maintained and we should avoid elevating or making exceptions to those limitations. D.C. should strive to be a model of a livable, low density city with medium sized structures and attractive neighborhoods where the air is clean and where there is minimal adverse impact on the environment. Encouraging low density neighborhoods with well-maintained homes and where both pollution and CO2 emissions are held to a minimum is a goal we should strive to achieve. Tall buildings will not encourage fulfillment of such a goal and will not even prove to be in the interests of long-term economic success. Visitors from around the country and world will be eager to visit an attractive capital that has resisted the tall building fad that is choking many American (and foreign) cities. The citizens deserve and want more for their capital city.

***Kristen, Washington, DC (May 02, 2013)***

There is PLENTY of room for development and population growth in DC without raising the height limit. Compare density in Adams Morgan or U St/Columbia Heights with places like Historic Anacostia and Minnesota Ave. Look at the empty real estate in Brentwood, Edgewood, Brookland and Fort Totten. Midrise development near these and other stations east of North Capitol could accommodate tens of thousands of housing units.

With the limit in place, this city previously housed over 800,000 people - nearly 30% more people than live here now. And there is potential for more than that within existing building codes. Further, we're already about to see a glut of apartments coming on the market in the next year. Let's see what impact that has on housing affordability before we rush to become New York (which, in case you hadn't noticed, isn't exactly affordable). With the limit in place, this city previously housed over 800,000 people - nearly 30% more people than live here now. And there is potential for more than that within existing building codes. Further, we're already about to see a glut of apartments coming on the market in the next year. Let's see what impact that has on housing affordability before we rush to become New York (which, in case you hadn't noticed, isn't exactly affordable).

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***Veronica Raglin, Washington, D.C. (April 21, 2013)***

Washington should not look like NYC or other city with skyscrapers. It should maintain its character with building below the height of the U.S. Capitol. Increasing the density and height of buildings only serves to increase social and economic impacts associated with more buildings and structures. Further, as the nation's corner stone of democracy, it was well planned to support clear thinking without added congestion and security issues to the nation's governance.

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***Patricia Duecy, McLean, VA (April 19, 2013)***

I just wanted to compliment you on your site, "Height Master Plan for Washington, DC." It is well designed. But, most important, it has given space to very thoughtful and articulate discussion of the topic. I'm looking at you from the Virginia side of the Potomac, and I'm very proud of both your facilitation of this discussion and the content of the contributing public. Thank you.

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***Michelle J, Washington, DC (April 17, 2013)***

I grew up here and chose to move back to DC because of the human scale of the buildings and the character of the city that is created by the long-lasting preservation of height and scale. Washington, DC is moving in the wrong direction with easing the height restrictions and over-developing this city beyond what the infrastructure and the human psyche can handle. I echo other's comments that if I wanted no sunlight, wind tunnels for sidewalks, and an impersonal feeling city, I would live somewhere else like New York City so I could feel stressed out every day like a New Yorker. I don't understand why people first move here because of the character and livability and then want to change it.

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***Michelle Green, Washington, DC (April 17, 2013)***

It saddens me to think that our lovely city may one day look like New York City and we will not be able to see the sight of day. If someone likes the idea of sky scrapers he/she should consider moving elsewhere. Or stick to Arlington or Silver Spring. Look at Philadelphia and while once they had a lovely skyline but it was destroyed when sky scrapers started over shadowing their lovely historical buildings. I hope this never happens to our nation's capital which was so expertly planned and which visitors from around the world flock to enjoy because of its lovely buildings and monuments.

***Brad Gudzin, Washington, DC (April 17, 2013)***

"Relaxing" the height restriction seems unlikely to provide many of the benefits claimed. It is more important that we plan better for the land buildings occupy than it is to assume that height equals right (one can look to other cities to prove this is not the case). A thoughtful planning process should identify what we want DC to be in the future and determine whether it really is the case that we must fundamentally change our urban form to get there. Further, we must be clear in assessing economic, quality-of-life, and aesthetic motives behind such decisions.

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***Feval, Washington, DC (April 17, 2013)***

There's nothing unique about a lack of skyscrapers. Small towns lack them too. But DC is a world-class city, and in order to compete with other world-class cities, or even compete with DC's own suburbs, it must allow building heights to rise.

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***John Bergin, Capitol Hill (April 12, 2013)***

Washington is such a lovely city, I do not understand why we would want to change it for some canyons of concrete and glass. Once this has started here is no turning back.

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***Alice, Takoma, DC (April 11, 2013)***

I'm glad to see this is being looked at. I feel strongly that height needs to be eased both for economic reasons and to enhance the architectural esthetic of the city. Our downtown buildings are boring boxes.

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***Jeffrey Levine, Washington, DC (March 19, 2013)***

Very impressed with the quality and content of the English and German speakers at the Archives, creating a good international context from which Washington can move forward. Before the presentations, I felt Washington's beauty and uniqueness was due to its horizontal skyline. I now am more open to a sensitive exploration to varying heights.

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***Mike Jelen (March 19, 2013)***

Low lying areas east of and below the Anacostia Ridge should be examined, especially around the Southern Ave Metro. Views from the western ridge of Rock Creek Park should be respected.

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***Adam Taylor, Washington, DC (March 13, 2013)***

I strongly support significant relaxation of the height limit in all of Washington, DC, with a total repeal in strategic locations near Metro stations outside of the historic L'Enfant city.

The height limit combines with the city's wide thoroughfares to severely limit density and drives up prices for housing and commercial space, particularly downtown, where office rents are the highest in the country. Because we cannot change the street grid, and because it would be truly horrific to bulldoze the city's low-rise row house neighborhoods, increasing the height of buildings is one of the only tools available to allow for greater supply of residential and office space in the city's core and so reduce price pressure on local residents and businesses.

I understand the various interests involved with the possibility of changing the character of the historic center of the capital city, but allowing for a few extra stories in new developments downtown will do nothing to detract from - indeed, it would enhance - the experience of living in and visiting Washington. For these reasons, I believe residents can accept federal oversight of building height within the L'Enfant city. (Even if that federal oversight comes from Congress, where District residents remain unrepresented.) Outside of the historic core - below Florida Avenue and between Rock Creek Park and the Anacostia River - however, these concerns do not deserve the same precedence when weighed against the need to accommodate new residents and to provide needed and desired services and employment in a quickly growing city. In these areas, the federal height limit should be repealed in its entirety and District officials should



be free to adopt their own more tailored limits (e.g. via zoning rules, which already exist and which are currently being rewritten). At the very least, within specified distances of MetroRail stations, high-service bus routes and (in the future) streetcar routes, the federal height limit should be relaxed to the point that city officials can approve over-height buildings that meet particular needs or wants of the city, such as affordable housing, needed services such as grocery/retail in food desert areas, etc.

I appreciate the chance to provide my input to this important proceeding, and as a resident of the District of Columbia, I strongly encourage you to relax the height limit throughout the city and to consider outright repeal of the limit beyond the monumental core.

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***John Hines, Washington, DC (March 10, 2013)***

I live in NW DC near Logan Circle. I would not be opposed to easing height restriction East of the Anacostia River. The "Anacostia" area has a lot of natural advantages--mainly spectacular views from many neighborhoods of the monumental core of DC. Imagine if developers could build taller buildings -- there would be some highly prized views which would enhance the value of development in that area.

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***Dan Miller (March 08, 2013)***

The DC height limit harms the city, making it more expensive and less vibrant. And while it does preserve certain view sheds, it also deadens and destroys architecture in the nation's capital -- compare DC's skyline to the work of art that is Chicago's. Tall buildings are fully compatible with a beautiful city. The height limit should be repealed.

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***Alex Block, Washington, DC (March 07, 2013)***

I very much look forward to this study. However, if the presumption from the start is that the height limits in the L'Enfant City should not be touched, I would argue that the study is not thorough enough. Currently, the L'Enfant city has all of the elements to accommodate more density. It is the location of most of our transit stations. It is the location of our most dense buildings right now. It is the area with the greatest market demand.

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***Dave Johnson (March 07, 2013)***

Washington's character is unique because of the height limit. Please don't allow it to be changed.

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***Carmen Gilotte, Washington, DC (March 07, 2013)***

This resident says NO! If I wanted to live in shady cold canyons surrounded by tall glass towers, I'd live in Chicago or NY. I live in DC because it's unlike any other city in the U.S. The character of this city is unique and is one of the things that brings people here. It is built on a more human scale. I've been here for 25 years and still love the park-like and open, bright design of this low-slung city.

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***David Marlin, Washington, DC (June 19, 2013)***

Retain the height limitations!

***Elizabeth Nelson, Washington, DC (June 21, 2013)***

I am opposed to any changes to the Height Act. If a person wants to live in a city that is very dense and vertical, without height limits, (s)he has many options including Chicago and New York City. It seems fair to allow those of us who prefer a less-dense environment with abundant light and air to have this one city to suit our preferred style of living. It's the Nation's Capital; it ought to feel different and special. It's a world-class city with plenty of amenities, culture, commerce, entertainment, and housing yet it retains a human scale. Developers have plenty of opportunities to build tall building elsewhere - let them go elsewhere to do it.

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***Kevin, Washington, Washington, DC (June 27, 2013)***

All of us want neighborhoods where we can raise our children and feel a sense of community. I support 5-6 story row homes in neighborhoods regardless of the width of the street in front of the building. This would allow homes (for example a row home divided into 2 units--a 3 level and 2 level, or moderate size condo buildings) with ample space for those who would otherwise move their families to, e.g., Arlington or Silver Spring, while also allowing a decent increase in the density of the neighborhood (which would, in turn, support more local businesses and services, increasing the quality of life for all).

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***Meg Maguire, Washington, DC (July 3, 2013)***

I am opposed to any change in the Height Act. It has served DC well to create a beautiful and distinctive city with sufficient density and diversity to sustain a high level of economic development and an exceptional quality of community and civic life. Developers want to raise the limit and are putting great pressure on Congress, NCPC and OP to relent. But if the Act is modified, it will open a floodgate of new developer demands that neither NCPC, OP nor the Zoning Commission can possibly control. Experts on urban development -- Larry Beasley, Kaid Benfield, Ed McMahon and others -- have warned the city not to go down this road. Surely the leaders of NCPC and OP will not wish their legacy to be a city whose skyline was punctured and irreparably altered on their watch.

You are the stewards, not the executioners, of the goose that has laid a very precious golden egg!!

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***Tod Williams, New York City, NY (July 3, 2013)***

The strength and quality of our character is one of our greatest assets as individuals and as a country.

Our Capital in Washington is unique in its planning and architectural character. Even as change is both inevitable and valuable, in such circumstances it must be done with extreme care.

As we consider our future we must strive to intensify our best qualities. In the case of Washington DC first and foremost is the way by which air or by foot, the great institutions that define our country, define our skyline. No other city of stature can lay claim to such an ideal.

We must respect standards that have withstood such tests of time.

Respectfully submitted, Tod Williams Billie Tsien

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***Peter Hugill, College Station, TX (July 4, 2013)***

I'm often in DC on business. One of the things I love about DC is its relatively human scale--no ridiculously tall and overpowering buildings so that the true and human scale of the people's capital is always apparent. The last thing anyone needs to do with DC is turn it into just another city riddled with tall buildings. That would destroy the lovely landscape that is there now.

***Karen Votava, Wakefield, RI (July 7, 2013)***

As frequent visitors to our nation's capital city we are most concerned about the proposed abandonment of the long-standing height limits in DC. We have always admired the sense of open-ness and grandeur that is produced by the lower-profile mandated in the City and are horrified that this may change. PLEASE DON'T DO THIS!

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***Juliet Six, Tenleytown (July 8, 2013)***

The Urban Land Institute recently wrote an eloquent piece on the proposal to change the Height Act. They state and I agree that we should “build better, not just bigger” the success of the character of our city, as it is today, should dictate any change rather than a plan to increase density which may or may not increase the supply of affordable housing. The character of the nation’s capital should indeed shape all new development. The “better” should include parking near all means of mass transit. The statistics show that our intermodal population tends to drive to their preferred means of transportation and those who walk must have a place to park their cars.

The Zoning Rewrite not only does not take into consideration the intermodal nature of the residents. In a transit zone such as Tenleytown all alternative parking minimums for the future have been eliminated.

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***Gary Scott, 445 11<sup>th</sup> St NE (July 8, 2013)***

Alarming tall building being built on North Capitol Street out of scale with the US Capitol viewshed at end of N Capitol St. Maze of high rises being built near Union Station will mar the residential character of Capitol Hill.

Height limit must be maintained! Maintain the low scale beauty of the city.

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***Richard Byusch, DC (July 8, 2013)***

Following are talking points that I developed for a meeting on the Height Master Plan scheduled for Tuesday, July 9, at 5:30 p.m. at the National Trust Headquarters here in DC. My personal impression is that this Height Master Plan is on a fast track given the fact that NCPC and DCOP plan to have legislation ready to forward to Congress this fall. Also, absent a position that rejects any change at all, it's difficult to make other recommendations until the various height options are ready for review at the end of July or the first of August.

- During the past 200-plus years the growth and development of the District of Columbia, our nation’s capital, has been guided by the 1791 L’Enfant Plan for the City of Washington as executed by Andrew Ellicott; the 1901 McMillan Plan, which reinvigorated the L’Enfant Plan; and the 1993 Extending the Legacy Plan for the nation’s capital developed by the National Capital Planning Commission. Since 1910, the height of buildings in Washington, DC, has been guided by a formula of street width to building height.
- These plans are symbolic of not only our national life, but of how the federal government is supposed to function.
- As a result of the above, but especially the federally-enacted 1910 Height of Buildings Act, Washington has developed into a horizontal city unlike any other in the United States. That horizontality is broken by such significant federal structures as the US Capitol and its dome and the Washington Monument. Thus, the Washington skyline is unique, iconic, and recognizable throughout the world.
- Both the DC Comprehensive Plan and the Federal element of it have design elements that emphasize the horizontal character of the city.
- NCPC, now tasked with reviewing the 1910 Height of Buildings Act (along with DC’s Office of Planning) by Congressman Darrell Issa, Chair of the House of Representatives’ Oversight and Government Reform Committee, is the drafter of that Federal element of the DC Comprehensive Plan.

- Washington as a future city began its existence in a topographic bowl. During the past 100 years the existing federal height legislation served to retain unimpeded views to and from the upper edge of the geographic formation.
  - Because of this legacy and because Washington is the capital of the United States it does not have to look like every other city in the land with a skyline punctuated w by skyscrapers.
  - Mayor Gray and Rep. Darrell Issa have talked about Washington's building height limit restrictions as early as April 2012, per a Washington Post article by Tim Craig, entitled "The District's political odd couple: Vincent Gray and Darrell Issa," dated April 19, 2012.
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***Elizabeth F. Jones, Alexandria, VA (July 8, 2013)***

The height limits make a Washington DC a very special place. It makes the city have a human element to it when there are not canyons of streets and buildings.

Residents and visitors realize DC is an unusual place because of the height limits and understand the city and the architecture in a way that is not possible with very high buildings. It is essential to keep the height limits in place.

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***Mary Pat Rowan, DC (July 8, 2013)***

The Height Act restrictions on heights of buildings in Washington, D.C. should remain as stated in the Act not because change is unwanted but because this restriction of long ago has created a city of human scale which is beloved by the nation. This is not just for the downtown or the monumental core. This restriction should remain for all of Washington, D.C. because it preserves the views and vistas which are cherished and sorely lacking in other big cities. This horizontal city of great buildings and great vistas is an American treasure.

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***Charles I. Cassell, DC (July 8, 2013)***

The current height limit in the nation's capital preserves the desirable uncluttered high density that now exists. This positive limitation should continue.

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***J. Doebuget, DC (July 8, 2013)***

I have lived in DC for over 30 years and been a property owner in DC for 25 years.

Do not change the federal Height of Buildings Act of 1910 in any way. In areas outside the L'Enfant City, the local economic development goals, federal interests, national security concerns, and compatibility to surrounding neighborhoods, local residents input and other related factors are currently well served - and will continue to be well served in the future - by the existing legislation. This includes the federal and District governments. Do not alter the federal Height of Buildings Act of 1910.

***Paul Daniel Marriott, DC (July 8, 2013)***

I am a landscape architect and city planner, and former program director of the National Trust for Historic Preservation. The argument that the city of Washington needs to compete with the suburbs by lifting the height limit is illogical. Washington's population is growing and current trends (not just here but nationally) show a return to urban centers by youth. The intense construction currently underway in the city does not suggest a liability caused by the height limit. The view of "us vs. them" in terms of competition with the suburbs is a parochial--we are a single capital region (as well articulated when the Maryland National Capital Park and Planning Commission was established in 1927). Builders and developers will always want more, and will always place immediate goals and personal gain over the long term dignity and beauty of our unique capital. A CITY SKYLINE CLUTTERED WITH CRANES and a rising population is a POOR ARGUMENT for hardship and need for a change in height--in fact it is the opposite. Maintain the historic height limits--the law has created a desirable environment that is good for building.

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***Meg Maguire, DC (July 8, 2013)***

NCPC and OP: "Best practices" need to address more than just economics. As Michael Mehaffy, a Portland, OR resident, points out in the attached article (<http://bettercities.net/news-opinion/blogs/michael-mehaffy/14138/more-low-down-tall-buildings>), "More Low Down on Tall Buildings:" "The research shows that negative effects of tall buildings include: Increasingly high embodied energy of steel and concrete per floor area, with increasing height; Relatively inefficient floorplates due to additional egress requirement; Less efficient ratios of common walls and ceilings to exposed walls/ceilings (compared to a more low-rise, "boxier" multi-family form — as in, say, central Paris); Significantly higher exterior exposure to wind and sun, with higher resulting heat gain/loss; Challenges of operable windows and ventilation effects above about 30 stories Diseconomies of vertical construction systems, resulting in higher cost per usable area (not necessarily offset by other economies — these must be examined carefully); Limitations of typical lightweight curtain wall assemblies (there are efforts to address this, but many are unproven); Challenge of maintenance and repair (in some cases these require high energy and cost); Psychological effects on residents — evidence shows there is reason for concern, especially for families with children; Effects on adjoining properties: Ground wind effects Shading issues (especially for other buildings) Heat island effects — trapping air and heating it, placing increased demand on cooling equipment "Canyon effects" — trapping pollutants, reducing air quality at the street Social effects — "vertical gated community" syndrome, social exclusion, lack of activation of the street Psychological effects for pedestrians and nearby residents. This depends greatly on the aesthetics of the building, but there is research to show that a novel design that falls out of fashion (which history shows is difficult to predict) can significantly degrade the experience of the public realm and quality of place. This in turn has a major effect on sustainability." Everyone concerned about the Height of Buildings Act should read this article in its entirety and then judge the work of NCPC and OP against well-regarded research findings summarized by the author.

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***Cornish F. Hitchcock, DC (July 8, 2013)***

I have lived here for almost 40 years and strongly support maintaining the current limitations under the Height Act. The low-lying character of the city gives Washington a distinctive feel befitting the Nation's Capital. I do not believe that things would be improved if we were to encourage Rosslyn-like development, even if it is removed from the Monumental Core. Washington is a city that belongs to all Americans, and busting the Height Act limitations would benefit the few at the expense of the many. Thank you.

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***Richard Senerchia, DC (July 8, 2013)***

Development in DC is out of control. Stop trying to turn this beautiful city into an eyesore like Crystal City. The Nation's Capital should be a shining example to others, not one more ugly temple of rampant greed. Keep the Height Limit!

***Amy Ballard, DC (July 8, 2013)***

It would be a tragedy if this height limit was changed. The wonderful thing about great cities such as St. Petersburg, Russia is that there IS a height limit. People try and tamper with it all the time, but the fact is that the citizens want the view and vistas to be kept as an important part of the historic significance of the city.

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***John Feeley, Brookland (July 8, 2013)***

We need to preserve the height act in Washington. All one needs to do is compare our city to Paris, where height restrictions are in force, and realize that scale and cross city monument views are worth preserving here too. Keeping business and residential heights as they are today preserves the views of our cities landmarks, not just from the windows of the best hotels, but from apartments and schools across the city. It isn't just a question of preserving sight lines down our beautifully designed avenues its also about preserving sight lines from one neighborhood to another. From the Soldiers Home to National Cathedral to Healey Tower to the Islamic Center of Washington, our city has monumental landmarks that have been enjoyed by all for over a century. These monumental views for all citizens are a benefit of the popular democracy that our national monuments celebrate. It is the greed of a few that will be satisfied by altering our height restrictions here. And it will be a blow to the egalitarian spirit of our national city if developers are able to block out the views of less advantaged residents in order to provide ever higher, broader and, eventually, cramped views of our monumental core.

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***Carol Schull, Arlington, VA (July 8, 2013)***

I strongly oppose altering the height limits to allow taller buildings in Washington, DC. Taller buildings would greatly diminish the city's unique historic character and have a tremendously negate impact on its appeal and special charm. More density also would make the city a far less attractive and comfortable place to live and work (I work in the city). Please do not allow development pressures to ruin our magnificent, historic city. It is easy to observe the detrimental effects of new high rise, high density development in many once special cities around the world. Please don't let it happen here.

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***Eden Burgess, DC (July 8, 2013)***

Please do not raise the height limit. DC has a unique skyline that should not be threatened by high-rises and other eyesores.

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***Oscar Beisert, DC (July 9, 2013)***

As long as there are blighted areas and vacant lots, as well as flat parking lots, how can we justify obscuring and/or diminishing the capitol building and the Federal areas with taller buildings? And as far as affordable housing goes, Washington, D.C. is not an affordable city. There will never be affordable housing for people. Raising the height requirement will only pave the way for the demolition of more older buildings (of greater construction quality) and the creation of larger condo and office buildings. Yes, perhaps the government will build taller buildings for public housing, etc., but what good will that do? Public and affordable housing should be smaller scale and mixed into areas rather than being in one massive complex (i.e. the poor section/the affordable section). NO.

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***Christine, LeDroit Park, DC (July 9, 2013)***

I really think that the height limit should be maintained, it is the defining feature of our city that makes it livable and a distinct environment. One major concern I have is the lack of affordable housing, which many have commented would be at least somewhat alleviated with a lifting of the height restrictions. I disagree unless there are also policies that force development at below market rate, which of course means subsidies. Just allowing developers to build higher will only increase the inventory of market-rate housing, and will not address other issues.

***Lisa Dunner, Bethesda, MD (July 9, 2013)***

Please keep the height limitations as they are because we have a unique beautiful city. DO NOT RAISE THE HEIGHT!!!!

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***Rhegina Sinozich, Silver Spring, MD (July 9, 2013)***

Please don't change the height limitations! We have an incredibly beautiful city precisely BECAUSE of the height limitations. Let's keep it that way. DON'T RAISE THE HEIGHT!!!

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***Carlton Fletcher, Glover Park, DC (July 9, 2013)***

I oppose any change in the present height regulations, as such an action would be at the expense of the prominence and dignity of the United States Capitol, the Washington Monument, and the Lincoln Memorial.

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***Sharon Bernier, DC (July 10, 2013)***

Just look across the river to VA and see why we do not want to spoil our city scape with tall buildings. It will become just like any other big city with less green space, not view of the sky and our wonderful monuments, more traffic etc. No to any change in the current law.

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***David P. Frenkel, DC (July 10, 2013)***

I have lived in the city of Washington DC for more than 30 years. I have raised my family here. My daughter attended DC public schools. I have been active in my community. We frequently host guests at our house in Friendship Heights, DC from Europe and from other parts of the USA.

I write to express my strong opposition to efforts to raise DC's building height limit. Washington DC's building height limit makes it unique among major American cities. This uniqueness provides a more serene and livable feel to our city. It is something that every guest who has ever stayed with us has commented on – always in a positive light. Guests tell us that they love to visit Manhattan but if they had to choose a place to live, they would choose Washington, DC over Manhattan any time. Having grown up just a few miles from Manhattan, I agree with their assessment. Cities with skyscrapers have their own advantages but they lack the charm we retain in our nation's capital by keeping our skyline open.

Again, I urge the National Capital Planning Commission to reject plans to increase Washington, DC's building height limit.

Thank you.

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***William Brown, DC (July 10, 2013)***

The 1910 Height Act has guaranteed the low-profile cityscape of the District of Columbia for over 100 years and has made the District of Columbia unique among the major cities of the world with its distinctive skyline.

The 1910 Height Act has been called the Third Dimension of the L'Enfant Plan. President George Washington issued the first building height regulations for the city on Oct 17, 1791, concerned as much about structural and fire safety as about urban design. While Washington's regulations were suspended from June 25, 1796 until 1800, Thomas Jefferson extended the suspension until 1904 but personally hoped the new capital would emulate Paris with buildings "low & convenient, and the streets light and airy." There is a sense that development pressures are fostering modifications to the Act; however, the District has just recently achieved its short-term goal of a resident population of 600,000 but it is nowhere near the all-time high of 899,000 in 1946. Let us encourage reasonable development within the current limits of the Height Act in blighted, underutilized areas of the city before we tamper with something that will forever change the character of the District of Columbia.

As Vancouver, B.C. Planner Larry Beasley warned in his presentation to the NCPC in 2010: “Take care not to open things up too casually. I dare say, those height limits may be the single most powerful thing that has made this city so amazingly fulfilling.” As Washington’s oldest civic organization, the Association of the Oldest Inhabitants is dedicated to preserving the District’s heritage through member reminiscences as well as preserving and promoting both the L’Enfant and McMillan Plans.

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***Linda Lawson, DC (July 10, 2013)***

I strongly object to raising the height limits in Washington DC. 1. It destroys the vista of the city. I have visited Philadelphia a number of times. Even though one view shed up the avenue was preserved, the Penn building is now diminished by the new buildings towering around it. And the enjoyable pedestrian scale has been altered for the worse. The whole view shed needs to be preserved. 2. it destroys the historic nature of DC. DC has always been a more low-rise residential city than industrial. Early maps show small townhouses downtown. Whether new buildings are residential or commercial, the character of the city will be changed if higher buildings are allowed.

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***Jane Huntington, DC (July 10, 2013)***

Instead of extending height limits in this distinct capital city, the District would be wise to support improvements in neglected neighborhoods. Rather than recreating Crystal City on iconic K Street, commit to revitalizing gateway avenues, as former Mayor Williams promised. New residents are settling in still fairly affordable neighborhoods near gateway avenues. Rhode Island Avenue, near where I live, presents many economically viable opportunities to serve old and new. We're hungry for vibrant neighborhoods. The erstwhile NCRC was charged with revitalization of underserved neighborhoods. Now that the task is in DMPED and OP, we urge you to steer development investments away from taller, bigger buildings, maintain height limits in the Nation's Capital, and invest in stabilizing and reenergizing neighborhoods.

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***Charles McMillian, Capitol Hill, DC (July 17, 2013)***

The current framework for discussing any needs for changes to the DC Height Act pits a badly misinformed “bigger is better” understanding of “smart growth” against subjective aesthetic views and opinions. This false bias predetermines the wrong policy outcomes and serves the financial interests only of large, world-wide construction, law and banking firms while ignoring the substantive interests of DC, its residents, businesses and other US citizens who value a stable capital city.

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***Lilly Shoup, DC (July 19, 2013)***

Hello, I am unable to make one of the public meetings, but wanted to submit feedback on the study. Please do not change the height act limits. I think that the current limits promote redevelopment in the city by pushing real estate development into underutilized areas. For example, redevelopment of the St. Elizabeth's Campus would likely be halted if developers could build 100 story skyscrapers on K St. Leaving the height limits as is will ensure the city continues to grow and expand into new areas. I love this city and think the height act positively contributes to our city's image and broad appeal. Please do not change it! Thank you!



## **SUBMITTED ESSAYS, DOCUMENTS, AND POSITION PAPERS**

The following documents were provided by attendees of the public meetings or submitted via the public comment portal on the Height Act Master Plan website.

***Contents (PDF attachments)***

- Suggested edits to Height Master plan core principles
- Excerpt: Height of Buildings in Washington, DC – Conference Report  
Congressional Record of May 21, 1910
- Excerpt: “The Federal Interest,” The Lewis Plan  
By Harold Lewis, 1956
- Why Change the Building Height Act of 1910  
By Ibtihaa Meleville, Submitted May 13, 2013
- The D.C. Height Limits: How the Restrictions Have Impacted Development in the Capital  
By Sarah Dahlia Gutschow, December 3, 2009
- Effects of the 975 Foot Comcast Center on the Philadelphia Economy: Implications and Opportunities for Washington, DC  
By Fredrick Harwood, Submitted May 13, 2013
- Wasted Space and Lost Opportunity: Washington’s Height Limits and the City’s Future  
By Fredrick Harwood, Submitted May 13, 2013
- Revising the Height Act of 1910  
Tenleytown Neighbors Association, September 17, 2012
- Statement of Janet Quigley  
On behalf of the Capitol Hill Restoration Society, June 4, 2013
- Letter to Congressman Gowdy  
Janet Quigley, July 18, 2012
- Letter to Executive Director Marcel Acosta  
Dorn McGrath, June 17, 2012
- Comments on Behalf of the National Coalition to Save Our Mall  
Judy Scott Feldman, July 12, 2013

## OVERVIEW

In November 2012, the National Capital Planning Commission and the District of Columbia Office of Planning announced a joint Height Master Plan to explore the impact of strategic changes to the federal Height of Buildings Act of 1910.

Congressman Darrell Issa, Chairman of the U.S. House of Representatives Committee on Oversight and Government Reform requested the study following the committee's July 19, 2012 hearing on "Changes to the Height Act: Shaping Washington, D.C., For the Future." As stated in Representative Issa's [October 3, 2012 request letter](#), the study will explore potential strategic changes to the federal Height of Buildings Act of 1910 (The Height Act<sup>1</sup>) in those areas outside the L'Enfant City<sup>2</sup> that support local economic development goals, while taking into account the impact on federal interests, national security concerns, compatibility to surrounding neighborhoods, local residents input and other related factors. NCPC and the District of Columbia were asked to determine the extent to which the Height Act continues to serve the interests of both federal and District governments.

### The Study is Guided by Three Core Principles

- Ensure the prominence of federal landmarks<sup>1</sup> and monuments by preserving ~~their~~ views of them and their setting and from them;
- Maintain the overall horizontality of the monumental city skyline; and
- Promote positive impacts and mMinimize negative impacts to nationally significant ~~historic~~ resources, historic and otherwise, including the L'Enfant Plan.

### The Study is Organized into Three Phases

**Phase 1:** Overview, discussion of study principles and issues shaping federal and local interests, case studies. (Public meetings in May and June 2013).

**Phase 2:** Planning analysis results and identification of opportunity areas for strategic changes to the Height Act. (Public meetings in late July 2013).

**Phase 3:** Draft recommendations. (Public hearings in September 2013).

The National Capital Planning Commission will then deliberate and act on the recommendations and transmit final recommendations to Congress.

<sup>1</sup> The Height Act is a federal law which provides uniform restrictions on the height of all buildings within the District of Columbia boundaries

<sup>2</sup> The original L'Enfant City (also known as Washington City) generally includes all areas bounded by Rock Creek and Potomac Parkway, Florida Avenue and the Potomac and Anacostia Rivers

<sup>1</sup> "Federal landmarks or monuments" may be buildings, structures, or areas of land or water recognized as such by the Secretary of the Interior or other federal authorities [My intent here is to ensure the scope of this core principle includes features other than those in federal ownership, e.g., the National Cathedral and the desinated portions of its grounds]

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## HEIGHT OF BUILDINGS IN DISTRICT OF COLUMBIA.

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MAY 21, 1910.—Ordered to be printed.

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Mr. CAMPBELL, from the committee of conference, submitted the following

### CONFERENCE REPORT.

[To accompany H. R. 19070.]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19070) to regulate the height of buildings in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, and 6, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows:

Strike out the words "Eleventh and Twelfth" in said amendment and insert in lieu thereof the words *First and Fifteenth*; and the Senate agree to the same.

P. P. CAMPBELL,  
GEO. A. PEARRE,  
WM. P. BORLAND,

*Managers on the part of the House.*

J. H. GALLINGER,  
THOS. H. CARTER,  
THOMAS S. MARTIN,

*Managers on the part of the Senate.*

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19070) to regulate the height of buildings in the District of Columbia submit the following detailed statement of the effect of the action agreed upon and recommended in the conference report.

Amendments Nos. 1, 2, 3, 4, 5, and 6, to all of which the House agrees, provide that the inspector of buildings shall pass upon the plans and specifications accompanying any application which was filed in the office of the Commissioners of the District of Columbia prior to the adoption of the present building regulations of said District for the construction of a steel fireproof dome on any buildings in square 345 of said District, and shall make no changes in said plans or specifications unless for the structural safety of the buildings it is necessary to do so.

Amendment No. 7: As proposed by the Senate buildings could be erected to a height of 160 feet on the north side of Pennsylvania avenue between Eleventh and Twelfth streets NW. As agreed to in conference a height of 160 feet will be permitted on the north side of said avenue between First and Fifteenth streets NW.; and the House recedes.

## The Federal Interest

A statement of what is believed to be the essence of the interest of the Congress in control of development in Washington was given in the Introduction (page 5). Of course, the Federal Government as an employer also has an interest, identical with that of any other employer, in an efficient and livable city for its employees.

At the present time, the provisions of the Act of 1910 establish absolute controls over height in business districts at 130 feet and in residential districts at 90 feet in order to assure the continued dominance of the Capitol and the Washington Monument and to preserve a relatively even cornice line along individual streets. These limits apply to habitable space and some, but not all, of the usual roof structures. It is believed that there is no justification for asking Congress to change these limits, although there is a need for putting an upper limit on the miscellaneous roof structures.

Therefore, a maximum overall height, to include all roof structures, of 150 feet is proposed for the Central Business District.

There is an apparent inconsistency in the Congressional distinction between commercial and residential districts. Why, one might ask, should a residential building affect the skyline more than a commercial building? Although there is no evidence to show that anyone in Congress was thinking this way, there is a good reason for the distinction. The hills surrounding the center of the city are occupied by residential districts, and a 130-foot building on one of these heights would start from an altitude of as much as 200 feet above the general level of the business district and the base of the Capitol building. Seen from afar (as from the National Airport), a 130-foot apartment building (with roof structures) built on Meridian Hill would reach 350 feet above sea level and appear to be three-quarters of the height of the Washington Monument and taller than the Capitol (elevation 305 at the top of the dome). Therefore, the distinction is worth preserving, as an expression of legitimate federal interest.

The immediate surroundings of important government buildings must be controlled in detail, and hence are not a suitable object for general rules. The Commissioners' Schedule of Building Heights and the Fine Arts Commission form the proper channels for the federal interest here and should be used more fully.

The federal interest in light and air in the streets coincides with that of the private community. The Congressional control of height by street width could therefore be replaced by a zoning control if and when Congress feels that this phase of its interest would thus be adequately protected. This is desirable because the street width provisions have an unwanted by-product of limiting height and bulk erratically over the area of the business district.

The protection of light and air in the streets will be dis-

cussed further below, after other aspects of the height controls are discussed.

## Compatibility with Residential Development

The commercial and industrial districts outside of the business center of the city are controlled, in general, so as to prevent the development of buildings which are incompatible with the surrounding residential development. A number of different situations are found.

*Small Neighborhood Centers* — These retail centers are most intimately associated with residential development. The uses permitted in them and the density permitted will be extremely restricted in order to make them acceptable as neighbors to homeowners who are jealous of the appearance of their neighborhoods. In conformity with this pattern, it is logical to permit only ground floor commercial use.

*Community Business Centers* — These commercial areas draw on a wider range of services at greater intensity per acre of ground than in the neighborhood centers; therefore the permitted bulk is larger. Parking requirements have been designed to force the developer to shoulder all of the parking load which he creates, since the major part of the trade for such an area will be auto-borne. The parking takes up ground floor space and necessitates putting part of the floor space above ground. A height of three stories will enable the designer, in most instances, to take advantage of the full bulk allowance, provide the necessary parking, and create an interesting design. Yet this is not out of scale with most of the residential areas that the community centers are associated with. Hence a limit of 45 feet is considered adequate. Small theater buildings and the few other special purpose buildings permitted in these centers can also be built within this height.

*Major Outlying Business and Employment Centers* — Several business centers now exist, and others will develop in time, which accommodate large numbers of office workers as well as retail and service businesses serving larger communities than the purely local shopping centers previously described. The business units involved will need relatively large buildings, consequently a much larger FAR will be allowed. However, parking requirements will be just as stringent so as to protect nearby residential areas. Hence, additional height must be permitted to allow the design of suitable buildings. Nevertheless, these should not be out of scale with the largest residential structures — the eight-story, 90-foot apartment buildings which are permitted in all apartment districts by exception, and in the highest density district as a matter of right. An illustration of the kind of development permitted in this district was given in Figure 6 (page 25).

*Heavy Commercial and Light Manufacturing Areas* — These areas occur in close association with residential development along major thoroughfares and along railroad lines. Current trends in construction for most of the uses

## Why Change Buildings Act of 1910?

As a DC native and resident of the district, I am here standing firmly against raising the height limit of our prestigious and historical skyline. Over the last 5 yrs, DC has undergone many-many changes; some good for the district, some bad, much leaving unfinished or left imperfect (ex: streets left uneven, potholes, and excessive cement which puts a lot of strain/damages to our cars). The restrictions on the height of all buildings within the District's boundaries were put in place for a reason and should not be changed to increase the height of buildings today. It will increase the amount of traffic within city limits, interfere with the health of our citizens and cause a severe overload of EMS and DCPD services that are already understaffed with a high work load. Not to mention destroy the ambiance of our old and historic architecture.

Where do most people get their daily dose of vitamin D?; the sun. Building higher than the monument can and will block-out much needed sun rays. Not having enough vitamin D can result in an increase of health issues, such as **rickets** (a disorder caused by a lack of vitamin D, calcium, or phosphate. It leads to softening and weakening of the bones), **osteoporosis** (a disease in which bones become fragile and more likely to fracture. Usually the bone loses density, which measures the amount of calcium and minerals in the bone), **diabetes** (Lack of vitamin D can lead to diabetes, study finds from Dr. Ken Sikaris and his colleague Zhong Lu, both of which are pathologists at Melbourne Pathology in Australia, tested the blood levels of 5,200 participants as part of their research. After accounting for more than ten outside risk factors that may affect outcomes, the duo found that participants with the highest blood levels of vitamin D had a significantly reduced risk of developing type-2 diabetes compared to those with the lowest levels.), **multiple sclerosis** (people in parts of the world that get less sunlight, and therefore have less vitamin D, are more likely than others to get multiple sclerosis. researchers understand that during fetal development and very early childhood, certain proteins that are activated by vitamin D directly interact with the gene. Lack of vitamin D causes the gene to act in a way that increases the chances of developing multiple sclerosis. In other words, the news is that researchers now understand why vitamin D seems to matter in MS.) **and heart disease** (the same vitamin D deficiency that can result in weak bones now has been associated with an increased risk of cardiovascular disease, Framingham Heart Study researchers report in *Circulation: Journal of the American Heart Association*. In a study of 1,739 offspring from Framingham Heart Study participants (average age 59, all Caucasian), researchers found that those with blood levels of vitamin D below 15 nanograms per milliliter (ng/mL) had twice the risk of a cardiovascular event such as a heart attack, heart failure or stroke in the next five years compared to those with higher levels of vitamin D). Supplements are available over the counter, but why buy and take pills to increase a vitamin that you can get for FREE... using the Sun. As long as it isn't blocked-out by these monstrous monstrosities.

allowing the city to raise the building height limit means more space for more people, which will also lead to an even more increase of traffic in our already overpopulated city. This will only cause more congestion on streets, metro and parking. With traffic comes pollution; that too will aid to rapidly ruin the surfaces of our monuments. Commuting to and from work is already crowded and stressful. The last thing we need is more people commuting in and out of DC.

The last effect that I will speak on today is the insufficient amount of EMS and DCPD staff/officers. Most recent reportings showed an astonishing low number of Emergency Units to deploy to citizen around the entire city. Our wounded officers even get a slow response time for EMS. More people in DC will further overload the emergency responders' capability to service and aid our citizens.

There are many close cities on the outskirts of DC for people to live and developers to invest. Casting a gloomy shadow on established residents should be out of the question. D.C. is not nor does it want to be N.Y, New Jersey, Miami, Chicago, or LA. We are the District of Columbia, and Capitol City of the USA. We should not be compared to any other state with representation in Congress, because we do not have 1. We should not try to emulate other cities, but rather should be proud of our prestigious monuments which mark important moments in our countries history. This is what tourists come to see when they visit the Nation's Capitol; they go the N.Y.C for the skyscrapers. DC is known for its historical memorials/monument, cherry blossoms, and to witness legislature. Taller Glass building will overshadow everything. This is already happening on Capitol Hill and to name a particular sight; the 1100<sup>th</sup> Block of 5<sup>th</sup> Street N.E where a new apartment building is creating a loud stir. With all these concerns, what's in it for the established residents? What do we get out of this change, "Who benefits from this change?" Seemingly the only people I see who are benefitting are the developers. They can build extra floors and make a substantial amount of more money when leasing or renting the extra units provided. I don't feel it's fair for established residents to suffer for the benefit of greedy investors. Maintain Our Historical Architecture, Save Our Skyline!!!!

DC's skyline is unique and no building should be higher than the National Monument.

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**The D.C. Height Limits: How the Restrictions Have Impacted Development in the Capital**

Sarah Dahlia Gutschow

Survey of Planning Law Principles, 970:517  
Professor Judd Schechtman  
December 3, 2009

As visitors to Washington, DC explore the city from the comfort of the omnipresent tour buses, they are often informed that the city's relative lack of tall buildings is due to a strict height limit. Residents and tourists alike commonly believe that the local law was imposed in order to preserve the view of the Washington Monument and U.S. Capitol Building from all areas of the city. As it turns out, this frequently repeated bit of local lore is not quite true. Although the city does have stringent height restrictions, the law was actually passed by Congress in 1899 in response to community outrage over the construction of the Cairo Hotel in the northwest quadrant. In the past few decades, Washington has experienced an economic resurgence, prompting calls to abolish or modify Washington's height restrictions in order to encourage greater density and alleviate high office rents. This paper examines the ways in which Washington's height limits have shaped the city's subsequent growth and how this issue fits into the broader question of zoning restrictions and economic expansion.

Washington, DC has been a planned city since its inception. When George Washington chose Washington D.C. to be the nation's capital in 1791, it was supposed to represent a break from the traditional notion of a city, unencumbered by greedy commercial interests and unruly mobs like in Boston and Philadelphia. The site was a compromise location between Northern and Southern states, encompassing the preexisting port cities of Alexandria and Georgetown in Virginia, as well as a deepwater harbor in Anacostia. The French artist Pierre L'Enfant designed a Baroque-style, rectilinear grid for the city in order to provide grand space fit for the symbolic home of American ideals, filled with wide boulevards and public parks. L'Enfant's design has continued to have a deep impact on not only the physical form of the city, but also the way

Washingtonians see themselves. Residents are proud to live in a city that celebrates the nation's founding doctrines through grandiose architecture and urban planning.<sup>1</sup>

While L'Enfant's planned the horizontal layout, George Washington set a height limit for the city. In 1791, the same year as its founding, the nation's first president set a 40-foot height restriction in order to "provide for the extinguishment of fires, and the openness and convenience of the town, by prohibiting houses of excessive height."<sup>2</sup> Thomas Jefferson, the nation's third president, envisioned Washington as "an American version of 18th-century Paris, with 'low and convenient' housing on 'light and airy' streets."<sup>3</sup> This shared vision for the city was based on an aversion to the narrow, polluted early industrial cities of Europe, rather than a protest against high buildings. Until the latter part of the 19<sup>th</sup> century, building heights were restricted by the large amount of water pressure needed to supply running water and the number of stairs that people were able and willing to climb.

The invention of the elevator and advancements in water pump technology in the 19<sup>th</sup> century allowed for substantially higher building heights. The era of the skyscraper began in 1884 with the debut of the Home Insurance Building in Chicago, rising ten stories and 138 feet above the city. Although buildings at this height and taller had existed since antiquity, including the Egyptian pyramids, the Home Insurance Building was the first to employ a load-bearing structural frame made of steel, henceforth known as the "Chicago skeleton." This early building method eventually allowed for the construction of the tallest "megastructures" of the modern

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<sup>1</sup> Schrag, Zachary M. (2006). *The Great Society Subway: A History of the Washington Metro*. Baltimore, MD: The John Hopkins University Press.

<sup>2</sup> Gilmore, Matthew (October 2007). H-DC / Building Height Timeline. Retrieved November 30, 2009 from <http://www.h-net.org>

<sup>3</sup> Grunwald, Michael (July 2, 2006). DC's Fear of Heights. *The Washington Post*.

world, with the current record holder in Taipei, Taiwan topping out at 1, 671 feet.<sup>4</sup>

Technological advances, industrial wealth and cheap energy allowed for this sort of innovation, but whether these structures actually have had a positive impact on the urban form is a separate consideration.

For the residents of Washington, tall buildings stood in stark contrast to the rest of the city's low-lying, picturesque architecture. At the turn of the century, Washington was in the midst of the City Beautiful movement. The McMillan Plan, formulated in 1901, sought to fully realize L'Enfant's vision for the city by bringing Old World glamour to the nation's capital. At the same time that the city was building new public monuments and Beaux Art government structures, private developers were working to bring tall, modern architecture to downtown D.C. When the Cairo Hotel was constructed in the Dupont Circle area, it was reviled as a 14-story aberration that would dwarf the surrounding neighborhood.<sup>5</sup>

In response to protests, Congress passed the Heights of Buildings Act in 1899, which dictated that no new building could exceed the height of the U.S. Capitol. This act was amended in 1910 with the passage of the Building Height Act, which stated that "no building shall be erected, altered, or raised in the District of Columbia in any manner so as to exceed in height above the sidewalk the width of the street, avenue, or highway in its front, increased by 20 feet."<sup>6</sup> As an addendum, the 1910 act allowed for "spires, towers, domes, minarets, pinnacles, penthouses over elevator shafts, ventilation shafts, chimneys, smokestacks, and fire sprinkler

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<sup>4</sup> Skyscraper. (n.d.) In *Wikipedia, the free encyclopedia*. Retrieved December 3, 2009 from <http://en.wikipedia.org/wiki/Skyscraper>

<sup>5</sup> Livingston, Mike (February 13, 2004). D.C.'s height limits: Taking the measure of their impact. *Washington Business Journal*.

<sup>6</sup> D.C. CODE ANN. § 6-601.05 (2001)

tanks may be erected to a greater height," subject to approval by the District's mayor, "provided that penthouses, ventilation shafts, and tanks shall be set back from the exterior walls distances equal to their respective heights above the adjacent roof." This 1910 law still forms the basis of D.C.'s strict height limits, although local planners can make some minor exceptions, such as One Franklin Square, which at 210 feet is currently the tallest commercial building in downtown. The Old Post Office is the tallest structure overall at 315 feet, but it was built before the height limits were set.

These acts were issued at a time in American history when municipal governments were struggling to adapt municipal land use policies to better promote public safety and health and promote property values in Industrial-era cities. The first comprehensive zoning ordinance was issued by New York City in 1916, but this ordinance was predated by turn-of-the-century height and land use regulations. The authority to use police power in order to regulate building heights was granted by the seminal U.S. Supreme Court case *Welch vs. Swasey*, 214 U.S. 91 (1909), one year before the passage of Washington's Building Height Act.<sup>7</sup> In fact, *Welch vs. Swasey* was heavily cited in *Village of Euclid, Ohio v. Ambler Realty Co.*, 272 U.S. 365 (1926), the case that established that the separation of land uses achieves a legitimate public purpose. Citing *Welch*, as well as other contemporary cases, Justice Sutherland wrote:

There is no serious difference of opinion in respect of the validity of laws and regulations fixing the height of buildings within reasonable limits, the character of materials and methods of construction, and the adjoining area which must be left open, in order to minimize the danger of fire or collapse, the evils of overcrowding and the like, and excluding from residential sections offensive trades, industries and structures likely to create nuisances.<sup>8</sup>

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<sup>7</sup> *Welch v. Swasey*, 214 U.S. 91, 29 S.Ct. 567, 53 L.Ed. 923 (1909)

<sup>8</sup> *Village of Euclid, Ohio v. Ambler Realty Co.*, 272 U.S. 365 (1926)

*Welch vs. Swasey* was the first nation-wide authority to establish not only that the state could regulate the development of private property, but also vary that regulation according to district. The case concerns two statutes passed by Massachusetts in 1904 and 1905 that divided the city of Boston into districts where District A had a building height limit of 80 or 100 feet and District B had a building height limit of 125 feet. Accordingly, the plaintiff was denied a building permit because his proposed construction exceeded those limits. The plaintiff alleged that these regulations were a violation of his constitutional rights because it was a taking of his property without just compensation, as well as a denial of equal protection under the law. The plaintiff also alleged that the law was an illegitimate use of police power because it was based on aesthetic grounds, not public welfare, and because the creation of different height districts was arbitrary.

The plaintiff applied to the Supreme Judicial Court for a writ of mandamus to be issued upon the Building Commissioner of the City of Boston to issue the requested permit, but was denied on the grounds that the height restriction was a legitimate use of police power. The U.S. Supreme Court affirmed this verdict and reiterated that the 1904 and 1905 Acts were, “a proper exercise of the police power of the state, and are not unconstitutional under the equal protection and due process clauses of the Fourteenth Amendment.” Furthermore, they held that, “Where there is justification for the enactment of a police statute limiting the height of buildings in a particular district, an owner of property in that district is not entitled to compensation for the reasonable interference with his property by the statute.”

Thus, *Welch* determined not only that height restrictions are a legitimate use of police power, but also that they therefore do not qualify as government takings subject to compensation under the Fourteenth Amendment. Subsequent cases challenging the validity of height limits

were decided as applied, where variances may be obtained due to undue hardships or practical difficulties. In Washington, the 1910 Building Height Act granted the mayor power to issue variances for architectural embellishments, which was subsequently delegated to the Board of Zoning Adjustment. The plaintiff in *Welch* challenged the law on the grounds that it promoted aesthetics rather than public welfare, but the Court held that the act was legitimate because it was based on the protection of public health and safety, not aesthetics. Later cases, however, held that promoting aesthetics is a legitimate use of police power. The influential case *Landmark Land Co. v. City of Denver*, 738 P.2d 1281 (1986)<sup>9</sup> held that a height restriction in downtown Denver meant to protect views of the Civic Center accomplished a legitimate use of police power and was therefore not a taking.

Washington's first Zoning Ordinance, passed in 1920, divided the city into various height and use districts, with regulations for each district. The Zoning Act of 1938 established the police power of the Zoning Commission to regulate height. The act also declared that zoning could not supersede the 1910 Building Height Act. The formal structure of the zoning commission changed, especially after the passage of the 1973 Home Rule Act, but the height limit remained intact.<sup>10</sup> The switchover from complete Congressional oversight to a locally elected town council and mayor brought some confusion in deciding how zoning regulations should be administered. In 1998, it was established that D.C. Council has the authority under the Home Rule Act of 1973 "to amend the Schedule of Heights of Buildings Adjacent to Public

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<sup>9</sup> *Landmark Land Co. v. City and County of Denver*, 738 P.2d 1281 (Colo. 1986)

<sup>10</sup> DC Zoning History. *District of Columbia Office of Zoning* website. Retrieved December 1, 2009 from <http://www.dcoz.dc.gov/about/history2.shtm#1920>

Buildings as long as any amendment is within the overall limitations set forth in the Building Height Act of 1910.”<sup>11</sup>

Throughout Washington’s history, Congress has generally favored a more conservative city plan, which has often come into conflict with the actual needs and wants of D.C. residents. In 1940, National Capital Planning Commission chair Frederic Delano actually suggested lowering the height limit. Washington is however susceptible to the same architectural and city planning trends affecting the rest of the country. After a general population decline and the devastating 1968 riots, a number of projects were proposed in order to revitalize the city’s shattered downtown. These urban renewal and highway building projects led to some attempts to construct much higher buildings. In 1968, the McMillan Bill was introduced, which proposed legislation that would raise the height limit to 230 feet. In 1969, Rep. Augustus Hawkins (D-Calif.) introduced bill H.R. 5528, in order “to authorize realistic, economic, and modern building heights and bulk in the District of Columbia”, proposing a 630 foot height limit.

These modern architecture-oriented bills were generally short-lived. After the 1973 Home Rule Act, D.C.’s local government tended to favor more growth-oriented planning policies, while Congressional leaders often sought to preserve the city’s historic character. The height limit was increased to 160 feet in some places through a zoning bonus and residential zones were given a 40-foot limit.<sup>12</sup> Most recently, in 1994, Rep. Fortney "Pete" Stark (D-Calif.) introduced legislation to Congress that would negate long-standing interpretations of the 1910 Building Height Act. The introduction of the bill (H.R. 4242) was prompted by the proposed

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<sup>11</sup> Authority of the D.C. Council Under the Home Rule Act to Amend the Schedule of Heights of Buildings (August 28, 1998). *United States Department of Justice*.

<sup>12</sup> Gilmore, Matthew (October 2007). H-DC / Building Height Timeline. Retrieved November 30, 2009 from <http://www.h-net.org>



construction of the WETA telecommunications facility in the Foggy Bottom neighborhood, which would have exceeded the area's 110-foot height limit by 6.5 feet. Congressman Stark felt that "among the most attractive features of our Nation's Capital is its skyline" and wanted to prevent this view from being obscured by rooftop mechanical penthouses and other protrusions that might exceed the height limit. The bill was heard before Congress on April 26, 1994, where it was opposed by D.C. Delegate Representative Eleanor Holmes Norton, who felt that the bill was an intrusion in local affairs.<sup>13</sup>

Another challenge to the local government's power to regulate height limits came in the case *Techworld Development Corporation v. District of Columbia Preservation League*, 648 F. Supp. 106 (D.D.C. 1986).<sup>1415</sup> In this case, the District of Columbia Preservation League challenged the National Capital Planning Commission's (NCPC) approval of Techworld's proposed 130-foot construction as a violation of D.C. law. After the D.C. Corporation Counsel approved the proposal under a special maximum height formulation, the NCPC voted in favor of the project, including a rezoning and planned unit development approval. The court ruled in favor of Techworld because, according to the 1910 act, "there is no general private right of action for the HBA [Height of Buildings Act]" and the statute specifically authorizes the D.C. Corporation Counsel to approve height variances. Accordingly, the opinion letter of the D.C. Corporation Counsel would only be overturned if the plaintiffs could show that it was "plainly

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<sup>13</sup> Lewis, Roger K. (April 23, 1994). Testing the Upper Limits of D.C. Building Height Act. *The Washington Post*, page F03.

<sup>14</sup> *Techworld Development Corp. v. D.C. Preservation League*, 648 F.Supp. 106 (D.D.C. 1986)

<sup>15</sup> Harris, Charles W. and Harris, Neeka (1989). Conflicting Vistas in the Nation's Capital: The Case of the World Technology Trade Center. *Catholic University Law Review*, 38 Cath. U.L. Rev. 599.

unreasonable or contrary to legislative intent.”

In recent year, controversies over who has the authority to regulate variances have taken a backseat to the overall question of whether or not D.C. should have a height restriction at all. Although citywide height limits are usually seen in terms of the city’s authority to limit growth versus the natural progression of population growth, it is also necessary to examine the issue of private property rights. Early land usage cases like *Welch*, framed the debates over zoning ordinances and building codes in terms of the right of the individual owners to determine the usage of their property in opposition to the rights of neighboring property owners and the public at large.

If an individual developer chooses to build a tall structure on their property, the building can bring down property values on neighboring properties by restricting scenic views, as in *Landmark Land Co. v. City of Denver*, or by blocking access to sunlight and air. Blocking sunlight and air may also affect vegetation on the street and in parks, making it difficult for plant life to flourish. If enough tall structures were built on a narrow, densely built grid, the lack of light and air could have an impact on the physical and mental health of the residents. Property values may also be diminished if the tall structures are seen as aesthetically unappealing, or physically dwarf neighboring structures.

In Washington, the debate has mainly centered on aesthetic considerations, which is often grouped under the heading of historic preservation. The changing form of American cities since the advent of the skyscraper and the automobile has brought ample evidence of the huge impact of modern design on urban life. The US National Trust for Historic Preservation was established in 1949, at a time when urban renewal projects and population declines began to pose a serious threat to the physical character of many older American cities. As the nation’s capital,

Washington naturally has been the site of many more important historical events than most mid-sized cities. Furthermore, the fact that George Washington and L'Enfant originally designed Washington to imitate classic cities in Europe is a good indication of how highly residents value historical urban form. The District of Columbia Inventory of Historic Sites originated in 1964, and now contains more than 700 designations encompassing nearly 25,000 properties, including landmarks, building interiors, artifacts, and neighborhood historic districts.<sup>16</sup>

This is not to say that height restrictions are completely at odds with modern design, since modern architecture is distinguished by more than size. Although Washington architecture is mostly known for grand Beaux Art structures like the U.S. Capitol Building and the White House, the city's downtown areas are dominated by squat 1970's and 80's-style office buildings, known disparagingly as the "Washington Box."<sup>17</sup> The downtown section, especially the famous K. Street corridor, is teeming with law firms, lobbying firms and non-profits, as well as a large number of restaurants, bars, drugstores and other services that cater to office workers. It is concentrated in the area north of Constitution Avenue NW, east of Rock Creek Park, south of M Street NW, and west of the U.S. Capitol. Downtown D.C. currently has the second lowest vacancy rate in the country, which has led the local government to expand the commercial area to surrounding neighborhoods. The Downtown Business Improvement District, a "tax-funded nonprofit that works to revitalize the city's urban core,"<sup>18</sup> is working to bridge the gap between the well-established downtown near the White House and the recently gentrified Gallery

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<sup>16</sup> District of Columbia Inventory of Historic Sites (2009). *Government of the Disitriict of Columbia, Historic Preservation Review Board*. Retrieved December 1, 2009 from <http://www.planning.dc.gov/hp>

<sup>17</sup> Van Dyne, Larry (March 2009). Tear It Down! Save it! *The Washingtonian*.

<sup>18</sup> About the Downtown DC BID. *Downtown DC Business Improvement District* website. Retrieved December 4, 2009 from [http://www.downtowndc.org/about\\_downtown\\_dc\\_bid](http://www.downtowndc.org/about_downtown_dc_bid)

Place/Chinatown neighborhood.

Because so much of the city's land is owned by the federal government and non-profits, the local government is constantly searching for ways to expand its tax base. In recent years, this continuous pursuit of local property tax revenue has been aided by a general trend towards urban living and gentrification in Washington, with many young office workers moving to historic neighborhoods within the district rather than the Northern Virginia and Maryland suburbs. This trend has been helped by Washington's extensive Metro, which is currently the second most utilized subway system in the country.<sup>19</sup> Furthermore, Christopher Leinberger of the Brookings Institute named Washington the country's most walkable city in 2007.<sup>20</sup> Young residents value good transit and walkability not only for their contributions to enabling a vibrant urban lifestyle, but also for their contributions to environmental sustainability. In the past few years, concerns over climate change have led to a worldwide focus on energy usage, pollution, waste disposal and other environmental concerns.

In the context of urban renewal, global population growth and climate change, many planners and economists have argued that all three issues can be alleviated by encouraging greater density in urban cores, rather than auto-dependant "urban sprawl" in the suburbs. Because they are capable of accommodating so much office space and residential space within in a small geographic area, many have asserted that encouraging the construction of taller buildings is the best way to increase urban density. Even Paris, the French capital so admired for its

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<sup>19</sup> WMATA Facts. *The Blackburn Institute*. Retrieved November 26, 2009 from <http://blackburninstitute.ua.edu>

<sup>20</sup> Leinberger, Christopher B. (December 4, 2007). Footloose and Fancy Free: A Field Survey of Walkable Urban Places in the Top 30 U.S. Metropolitan Areas. Washington, D.C.: *The Brookings Institution*.

beautiful architecture and charming old streets, has been considering relaxing the city's height restrictions in order to promote "sustainable development," although the large majority of residents strongly oppose the plan.<sup>21</sup>

In early 2007, the previously mentioned Christopher Leinberger of the Brookings Institute made a controversial speech at the National Building Association conference where he suggested raising Washington's height limit in order to encourage density. Leinberger asserted that the height limits have deadened Downtown, led to drab, boxy architecture and reduced the municipal tax base. Furthermore, the regulations have promoted suburban sprawl, caused terrible traffic congestion and prevented Washington from becoming a world-class city despite economic growth and a large, expanding core industry – the federal government. Furthermore, the height restrictions force developers to limit retail store heights to 10 feet in order to save room for more office space, although most top retailers prefer 12 to 20 foot high ceilings. The previously mentioned Downtown D.C. Business Improvement District projects that only 57 million square feet of space remains for offices, shops and apartments in the central downtown. If development continues at an annual rate of 3 million to 3.5 million square feet, as it has for the past five years, the remaining land would be occupied by 2027, if not sooner.<sup>22</sup> According to one analysis, no more space will be available in a 3.5-mile stretch from Georgetown to Capitol Hill within 15 years.<sup>23</sup>

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<sup>21</sup> Samuel, Henry (July 8, 2008). Paris mayor proposes high-rise changes to city skyline. *Telegraph.co.uk*. Retrieved December 2, 2009 from <http://www.telegraph.co.uk/>

<sup>22</sup> Schwartzman, Paul (May 2, 2007). High Level Debate on Future of D.C. *The Washington Post*.

<sup>23</sup> Associated Press (October 13, 2008). Land scarcity sparks tower talk. *Washington Times*.

Residents like the height restrictions for quality of life reasons, whereas developers who already own property like the restrictions because they inhibit competition from new builders. The D.C. government, on the other hand, favors measures that will increase the city's tax revenue. A 2003 study conducted by former Mayor Anthony Williams found that Washington would gain up to \$10 billion in tax revenue over 20 years if the height limit were raised to 160 feet throughout the city. Although favored by Mayor Williams and Mayor Fenty, not all members of the local government wish to raise the height limits. Councilmember Phil Graham recently stated, "With all due respect to the great blustering city of Chicago, D.C. is a different place. You have a historical tradition. ... Without that height limit, it would just be another city of tall buildings."<sup>24</sup>

The question of how Washington would have developed without a strict height limit was addressed by a recent issue of *Planning* magazine. The article found that current development has led to a positive trend of filling in parking lots and vacant sites with new buildings, creating continuity between the various neighborhoods. The pressure to utilize the entire lot in order to maximize available space causes developers to build with no setbacks, leading to "continuous urban frontages" rather than suburban style setbacks. The limited amount of space also leads development to expand beyond the traditional downtown, creating an even spread of buildings throughout the city. Combined with a strong historic preservation program and well-designed public transit, D.C. has developed into an "urbane place." The author concluded, "Many other cities would do well to adopt D.C.-style development regulations for their central districts—limiting size by means of height controls and permitting tall buildings at special locations as

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<sup>24</sup> Falk, Leora (July 6, 2007). Should the D.C. Skyline be Changed? *Houston Chronicle*, Section A, Page 3.

exceptions and not the rule.”<sup>25</sup>

Although most modern planners favor dense urban cores in order to encourage “Smart Growth,” not all “Smart Growth” advocates favor skyscrapers as a means to promote density. Influential thinkers like Nikos Salingaros, James Howard Kunstler and Christopher Alexander believe that “high-rise buildings deform the quality, the function, and the long-term health of urbanism in general by overloading the infrastructure and the public realm of the streets that contain them.”<sup>26</sup> In his influential book A Pattern Language, Christopher Alexander advocated a 4-story limit on buildings, with tall buildings reserved for landmarks and monuments, not work or living space. Michael W. Mehaffy writes of the negative environmental effects of skyscrapers, including the “heat island effect”, wind effects, building materials with very high embedded energy, excessive heat gain and loss, high production costs and inefficient floorplates. Due to these and other considerations, Mehaffy believes that the carbon benefits level off at the 4 to 6-story level.<sup>27</sup> As for financial considerations, Carol Willis wrote in her book Form Follows Finance that building up results in diminishing returns due to increasingly complex and energy-dependent structural, mechanical, and circulation systems.<sup>28</sup>

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<sup>25</sup> Barnett, Jonathan (February 2004). What a Height Limit Does for a City. *Planning*, (Vol. 70 Issue 2), 14-16.

<sup>26</sup> Kunstler, James H. and Salingaros, Nikos A. (September 17, 2001). The End of Tall Buildings. *Planetizan.com*. Retrieved from <http://www.planetizen.com/node/27>

<sup>27</sup> Salingaros, Nikos A. Algorithmic Sustainable Design: The Future of Architectural Theory. *Lecture 11, University of Texas at Austin*. Retrieved November 29, 2009 from [http://www.worldarchitecture.org/files/doc\\_datas/298215\\_.pdf](http://www.worldarchitecture.org/files/doc_datas/298215_.pdf)

<sup>28</sup> Neil (April 22, 2009). Height is not an urban strategy. *Tsarchitect.com*. Retrieved from <http://tsarchitect.nsflanagan.net/?p=392>

Although some critics do advocate abolishing the height limit entirely, others believe a moderate lifting of the restrictions in selected areas would also benefit the city. Some have suggested that height limits should be lifted around major Metro stations that serve commuters from the Washington region, or only at transportation hubs away from the traditional downtown. Leinberger actually suggests that the regulations be retained in historic areas, such as the corridors along the Mall and along Pennsylvania Avenue between the White House and the Capitol.<sup>29</sup>

On the other side of the spectrum, height limit fans suggest that the restrictions should only be lifted after other sections of the city are built out, since most of the city is devoted to low, single family homes, which are “a misallocation of the land, well under optimal density.”<sup>30</sup> Rather than a fault of height restrictions, this is a function of poor zoning practice, which could be alleviated by more mixed-use zoning. If there were more residential development in commercial areas, this would also prevent those neighborhoods from being completely abandoned after work hours, which leads to crime and wasted infrastructure resources. As to the question of the “Washington Box,” an office building with low ceilings and “square, unimaginative facades,” height limit fans blame poor architecture rather than restrictions, pointing out the number of elegant new buildings built in recent years.<sup>31</sup>

If Washington needs an idea of how the city would develop if restrictions were lifted, it can look to Philadelphia, which lifted its height limits in the 1980’s, or Chicago, which lifted its

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<sup>29</sup> Schwartzman, Paul (May 2, 2007). High Level Debate on Future of D.C. *The Washington Post*.

<sup>30</sup> Neil (April 22, 2009). Height is not an urban strategy. *Tsarchitect.com*. Retrieved from <http://tsarchitect.nsflanagan.net/?p=392>

<sup>31</sup> Associated Press (October 13, 2008). Land scarcity sparks tower talk. *Washington Times*.



limits in the 1930's. Although both of these cities are now home to numerous very tall buildings, the surrounding suburbs have experienced similar levels of sprawl to Washington, suggesting that factors such as zoning and transportation play a larger role in promoting suburbanization than height restrictions. Witold Rybczynski, an architecture critic at the University of Pennsylvania, stated that Philadelphia's skyline took away its distinguishing historic character and "It would be a shame if Washington became like everywhere else. It seems to me that we could have one city that was very different."<sup>32</sup>

Perhaps it is this sense that Washington is different from the average American city that underlies the strong sentimental attachment to the height limits. Washington is unique not only in the United States, but also in the world, because it is a city planned to be a symbol of American ideals. Despite periodic proposals to change the historic limits, the chances of overturning the law seem slim because of the lack of support from Congress, as well as D.C. residents and some factions of the local government. If current zoning laws can be modified to allow for more mixed use development in underutilized, residential areas, it seems unlikely that the height limit will be substantially altered in the near future. If current population and economic growth patterns continue, however, the city will in fact run out of space one day. When this becomes the case, then as far the height restrictions go, the sky may be the limit.

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<sup>32</sup> Schwartzman, Paul (May 2, 2007). High Level Debate on Future of D.C. *The Washington Post*.

# THE EFFECTS OF THE 975 FOOT COMCAST CENTER ON THE PHILADELPHIA ECONOMY: IMPLICATIONS AND OPPORTUNITIES FOR WASHINGTON DC

Frederic Harwood

Philadelphia's 57-story Comcast Center was started in first quarter 2003, with demolition, and completed with occupancy 4<sup>th</sup> quarter 2007. In 2008, the developers, Liberty Property Trust and Comcast Corporation, retained Econsult Corporation to analyze the economic, fiscal and real estate market impacts of the Comcast Center on the City of Philadelphia and the Commonwealth of Pennsylvania.

The following is a summary of the Econsult final report, completed June 3, 2008.\*

- One Time Economic Impact of Construction
  - \$2B construction costs
  - 17,293 construction jobs
  - \$650M construction salaries
- Annual Economic Impact of the completed and occupied building
  - \$1.649B Operating Expenditures
  - 9,069 Employment
  - Annual Salary/Earnings \$600M
- Tax Revenues to city and commonwealth from construction
  - Philadelphia \$12.1M
  - Pennsylvania \$44.5M
- Annual tax revenue from ongoing operations of the building
  - Philadelphia \$22.7M
  - Pennsylvania \$48.6M
- No negative impact on the existing commercial real estate market
- Positive impact on the nearby residential real estate market
- Qualitative benefits in commutes, green buildings, corporate magnet, and charitable and cultural contribution

## **Economic Impact of Construction**

Within the City of Philadelphia, one time construction expenditures were \$841M, plus \$418M in Indirect and Induced Expenditures, totaling 1.26B in

total construction expenditures, supporting 5,400 jobs and generating almost \$210M in salary/earnings.

Within the Commonwealth of Pennsylvania, the project accounted for an additional \$769M in Indirect and Induced Expenditures, bringing the total construction expenditures in Philadelphia and Pennsylvania to over \$2B. Construction employment in Pennsylvania outside Philadelphia was 11,887, bringing total construction employment 17,293. Total payroll earnings in Philadelphia and Pennsylvania were \$650M, in 2008 dollars.

**One-Time Upfront Impact Attributable to Comcast Center During Construction Period, Based on Actual Direct Expenditures (in 2008 Dollars).**

|                                          | Philadelphia | Phila & PA |
|------------------------------------------|--------------|------------|
| Direct Construction-Related Expenditures | \$841M       | \$841M     |
| Indirect and Induced Expenditures        | \$418M       | \$1.187B   |
| Total Expenditures for Construction      | \$1.259B     | \$2.028B   |
|                                          |              |            |
| Total Construction Employment            | 5,406        | 17,293     |
|                                          |              |            |
| Total Earnings/Salaries                  | \$209M       | \$650M     |

**Annual Gross Economic Impact After Occupancy (in 2008 Dollars)**

Within the City of Philadelphia, annual payroll, expenditures of the building's tenants, and facility maintenance result in almost \$1.16B in annual total expenditures supporting over 6,500 jobs and almost \$460M in earnings in 2008 dollars.

Within the Commonwealth of Pennsylvania, the Center annually supports an additional \$490M in expenditures, an additional 2500 jobs and an additional \$140M in salaried earnings.

|                                   | Philadelphia | Phila & PA |
|-----------------------------------|--------------|------------|
| Direct Operating Expenditures     | \$731M       | \$731M     |
| Indirect and Induced Expenditures | \$428M       | \$918M     |
| Total Annual Expenditures         | \$1,159B     | \$1.649B   |
|                                   |              |            |
| Direct Employment                 | 3,769        | 3,769      |
| Indirect and Induced Employment   | 2,812        | 5300       |
| Total Annual Employment           | 6,581        | 9,069      |
|                                   |              |            |
| Direct Earnings                   | \$318M       | \$318M     |
| Indirect and Induced Earnings     | \$141M       | \$282M     |
| Total Annual Earnings/Salaries    | \$459M       | \$600M     |

Analysis of employment patterns indicates that about 50% of the jobs are new to Philadelphia and would not exist if the Center did not exist. Similarly, about half the Direct and Indirect Expenditures and half of the earnings are new to Philadelphia and would not exist if the Center were not built.

## **Tax Revenues from Construction**

One time tax revenues were collected for construction, and were calculated based on actual direct expenditures. Total revenues amounted to \$56.6M, with \$12.1M going to the City of Philadelphia, and another \$44.5M going to the Commonwealth of Pennsylvania.

| Philadelphia             |         | Pennsylvania             |         |
|--------------------------|---------|--------------------------|---------|
| Wage and Earnings Tax    | \$7.6M  | Personal Income Tax      | \$20M   |
| Sales Tax Revenues       | \$0.8M  | Sales and Use Taxes      | \$19.1M |
| Business Privilege Tax   | \$3.7M  | Corporate Net Income Tax | \$5.4M  |
| Total Local Tax Revenues | \$12.1M | Total State Tax Revenues | \$44.5M |

**Annual Tax Revenues from Ongoing Operations Each Year after Completion, (stated in 2008 dollars)**

| Philadelphia             |         | Pennsylvania             |         |
|--------------------------|---------|--------------------------|---------|
| Wage and Earnings Tax    | \$16.7M | Personal Income Taxes    | \$18.4M |
| Sales Tax Revenue        | \$1.3M  | Sales and Use Taxes      | \$11.8M |
| Business Privilege Taxes | \$4.7M  | Corporate Net Income Tax | \$18.4M |
| Total Annual Tax Revenue | \$22.7M | Total State Tax Revenues | \$48.6M |

About half of the tax revenue is new to the City of Philadelphia and Commonwealth of Pennsylvania, and would not have accrued had the Comcast Center not been built. A macro analysis finds that in its first 7 years of occupancy, Comcast center will have raised, cumulatively, an additional \$119M in new tax revenue for the Commonwealth of Pennsylvania, and an additional \$70M in new tax revenue for the City of Philadelphia. By 2030, 22 years after completion of construction, Comcast Center will have contributed, cumulatively, \$250M to the Commonwealth of Pennsylvania and \$151M to the City of Philadelphia beyond collections had the Center not been built.

### **Commercial Real Estate Market Impact**

Comcast Centers 1.25 million square feet of space has not led to an oversupply, nor did it lead to the emptying out of downtown office buildings. All of the key commercial real estate market indicators were stronger in 2008 than when construction began in 2003. Comcast did not hurt the local commercial office market, even in the short run.

### **Impact on Residential Real Estate**

Whether a development has a beneficial or detrimental effect on its surroundings can be calculated by the bid-price gradient. If the price of housing increases the closer you get to a property, it can be assumed to have a beneficial effect on the neighboring residential real estate market. Conversely, if the price of housing decreases the closer you get to a property, the stronger the property's detrimental effect.

Comcast had a positive effect on residential properties within a mile, based on sales data of homes within 3 miles. Houses located within one mile of the

Center enjoyed an increase of 13.9 percent in property values, even as the downtown real estate market values decreased overall in 2003-2007 by 10%.

| Miles | 0    | .25  | .50  | .75  | 1.0 | 1.25 | 1.50 | 2.0 | 2.5 | 3.0 |
|-------|------|------|------|------|-----|------|------|-----|-----|-----|
| Q1-03 | 390k | 390k | 395k | 395k | 395 | 395  | 395  | 395 | 395 | 395 |
| Q1-05 | 400k | 400k | 400k | 400k | 400 | 395  | 395  | 395 | 390 | 390 |
| Q2-07 | 460k | 450k | 440k | 430k | 420 | 410  | 395  | 376 | 350 | 330 |
| Q4-07 | 490k | 475k | 450k | 440k | 425 | 410  | 395  | 375 | 340 | 350 |

Q1-03 Demolition Q1-2003

Q1-05 Groundbreaking Q1-2005

Q2-07 Topping off Q2-2007

Q4-07 Completion Q4-2007

Homes closest to Comcast Center gained about \$100,000 in market value between groundbreaking and occupancy. Homes within half a mile gained \$55,000, and homes within one mile gained \$30,000. The depths of the real estate recession that the Comcast effect was bucking is indicated by homes 2 miles from the Center, which lost \$20,000 in value, while those 3 miles from the center, which lost \$45,000 in value between the start and end of the project.

## Qualitative Benefits

Comcast Center brings many qualitative benefits to Philadelphia. The Center provides environmentally friendly Class A office space that allows, in Econsult's words, for the "natural filtering of older and more functionally obsolete (or otherwise less attractive) buildings into higher-value uses." In other words, it allows the market to downgrade older and less efficient buildings, creating more Class B and C space for start ups and small companies, or making the demolition of obsolete buildings economically feasible.

The Comcast Center is the first new LEED office project within the city. Its 1.25M square feet of space sits atop a subway and commuter train station. It has large open floors like are favored by open space high tech firms, and it has enough square feet to attract and house a corporate giant with lots of jobs. It shows the way for other LEED projects.

Comcast has been a good corporate citizen as well, directly contributing \$11M to local charities and cultural organizations between 2003 and 2007. Susan Roberts, wife of Comcast's founder Ralph Roberts, is the namesake for a major theater downtown on the Avenue of the Arts. Comcast has contributed over \$1B in "In-kind contributions, including public, educational and governmental cable channels, public service announcements, Newsmakers Website, and other free or discounted service.

Best of all, the size of the building "keeps much of Comcast Corporation – its headquarters, its operations, its jobs and its growth—within City limits, where its operating and charitable activity can most directly benefit the City and its residents." Furthermore, investing itself in Center City may set the stage for other major corporations to locate in Center City, creating a locus for what Richard Florida has called the Creative Class. "Finally, the physical location of the Center stretches the office core of Center City, creating additional locational value for the city."

### **Implications for Washington DC**

Were the District of Columbia able to crack the height limit, the city could substantially improve employment, tax and revenue resources to tend to the needs of residents and neighborhoods, and become greener and stop contributing to sprawl.

600 and 900 feet is not unfeasible. Philadelphia has built nine 800-950 foot towers since 1983, while preserving vistas for important historical sites. Philadelphia's high rises have extended beyond the central business district and now include the river and west Philadelphia/University of Pennsylvania. Philadelphia wants mixed-use development—commercial high rises alongside residential, to support the city's retail, entertainment, cultural, and tourism base.

Paris and Berlin have similarly decided to build high, in full knowledge that important historical and cultural sites must be respected, and view lines preserved.

Paris has built 14 buildings taller than 490 feet in LaDefense, just west of Paris, and has raised the city's height limit to 590 feet, starting with

developments in the 13<sup>th</sup> Arondissement. 600-foot projects are planned for the 17<sup>th</sup> and 15<sup>th</sup> Arondissements.

Berlin has 900-foot (300 meters) towers at Alexanderplatz, and has built 20-25 stories (200 meters) in Charlottenburg, at Technical University in East Berlin, near the Spree River near Humboldt University, at Potsdamer Platz, and in Dahlem near U bahn stops. At Wittenberg Platz a new 30-story building is under construction, and in a neighborhood called Friedrichshain, near Boxhagener Platz, a complex called Media Spree will be a planned development for offices, apartments, and skyscrapers. Whether the complex will go to 200 or 300 meters is still under discussion. Residents are afraid of losing their access to the River Spree. City planners are just as determined to realize an important commercial and residential center on a prime spot along the river.

Every 900-foot tower adds to the Washington's economy, its jobs base, and draws the creative class who in turn create support jobs for those with manual and service skills.

Every 900-foot tower provides 17,000 construction jobs and almost \$1B in construction salaries. Every 900 foot tower annually churns \$2B in operating expenditures into the local economy, 10,000 jobs, and annual salary and earnings upwards of \$1B. A substantial percent of those employees will choose to live within a mile of their workplace, adding to neighborhood vitality, with retail, entertainment and cultural opportunities.

For every 900-foot building, the city's tax revenues from construction will be upwards of \$15M, with an additional \$60M to surrounding jurisdictions. Annually the city of Washington will collect over \$25M in taxes, and the surrounding jurisdictions an additional \$60M for the benefit of schools, the elderly, health care, transportation, parks and recreation.

Every 900-foot tower, built side by side with residential towers, keeps commercial zones vibrant and safe 24 hours. A 24 hour city creates recreational, cultural, social, and educational opportunities, but only if they are built alongside commercial establishments. A commercial zone that empties out at night is both dead and deadly.

The opportunity for Washington is clear. World capitals with traditions and history older than ours are adopting and adapting to high-rise commercial



and residential development. Paris, Berlin and London have adopted high-rise development. It is time for Washington Dc.

This article is a summary of Econsult's 32 page report. The entire Econsult report can be accessed at

[www.econsult.com/articles/060308 Comcast\\_Report.pdf](http://www.econsult.com/articles/060308_Comcast_Report.pdf)

Frederic Harwood, a resident of Shaw since 1989, lived in Philadelphia from 1969 to 1989. He holds a PhD, and was a tenured associate professor at Temple University for fifteen years. In 1984 he co-founded a consulting company in pharmaceutical research and development, Barnett International. In 1989 he moved to Washington DC and became executive vice president of the Association of Clinical Research Professionals. In 1998 he resigned from ACRP to participate in a family-run businesses on U Street, from which he withdrew in 2002. He founded the DC Nightlife Association, and has served as its unpaid chair since its founding.

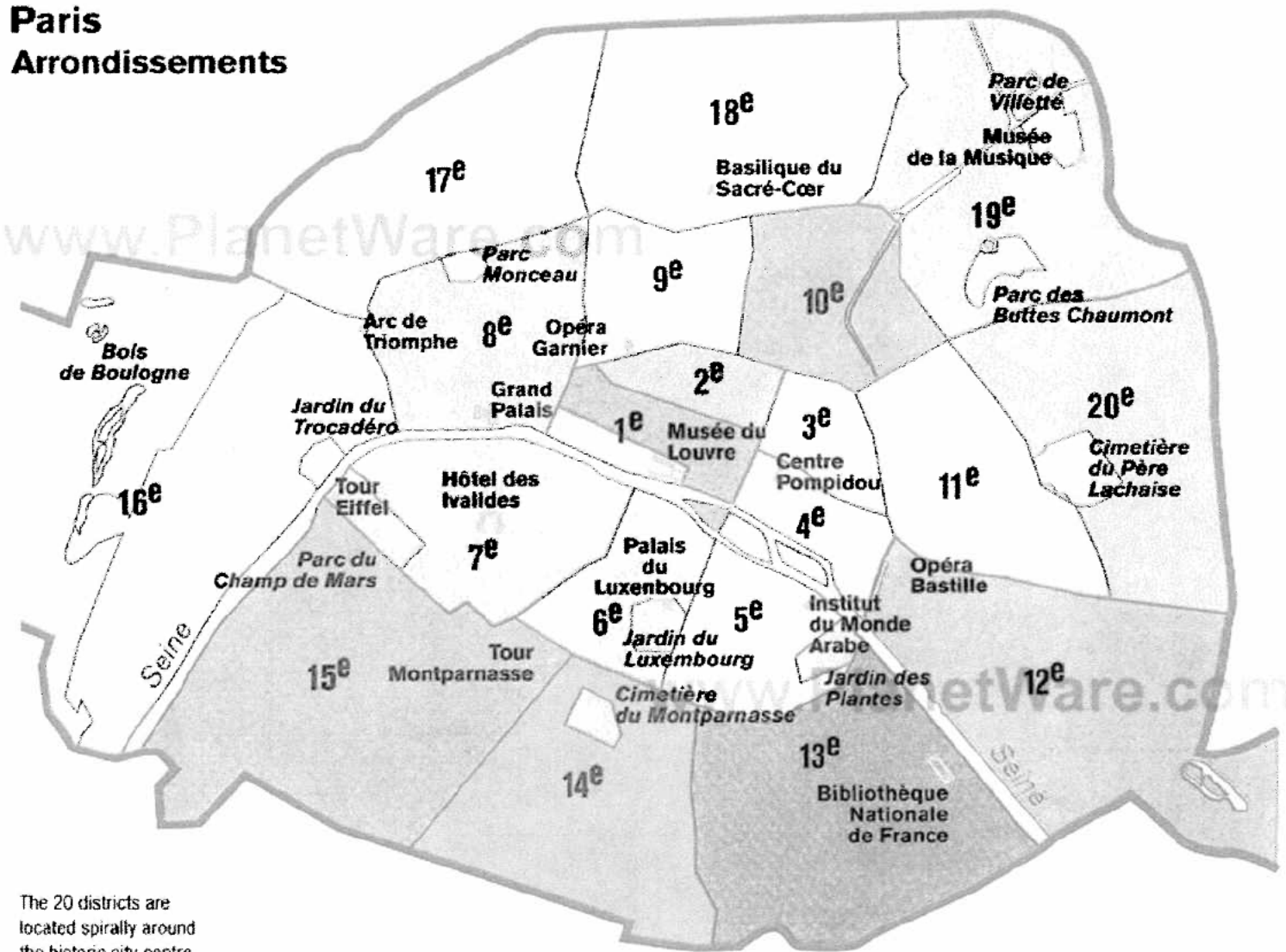
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202 438 4800

# Paris

## Arrondissements



The 20 districts are located spirally around the historic city centre.

# File:Berlin-alt-treptow treptowers 20050922 441 corr.jpg

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## Summary

- Alt-Treptow, Berlin, Germany – Treptowers und Molecule Man von der Spree aus gesehen / Treptowers and Molecule Man as seen from Spree
- **Quelle / Source**
  - selbst fotografiert / taken by myself
- **Datum der Aufnahme / Time of creation**
  - 2005-09-22
- **Fotograf / Photographer**
  - Georg Slickers
- **Bearbeitung / edits**
  - Perspektive korrigiert / perspective corrected

**Camera** 52° 29′ 53.37″ N, 13° 27′ 34.03″ E ([http://toolserver.org/~geohack/geohack.php?pagename=File:Berlin-alt-treptow\\_treptowers\\_20050922\\_441\\_corr.jpg&params=52.498158333333\\_N\\_13.459452777778\\_E\\_type:camera\\_region:DE\\_heading:S&language=er](http://toolserver.org/~geohack/geohack.php?pagename=File:Berlin-alt-treptow_treptowers_20050922_441_corr.jpg&params=52.498158333333_N_13.459452777778_E_type:camera_region:DE_heading:S&language=er))

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# WASTED SPACE, LOST OPPORTUNITY: WASHINGTON'S HEIGHT LIMITS AND THE CITY'S FUTURE

Can a Congressman from Suburban San Diego Change the Face and the  
Economy of Washington

Frederic Harwood

The District of Columbia's commercial real estate is more expensive per square foot than Manhattan's financial district. The area's traffic is the worst in the country, with ever-expanding sprawl adding to the nation's longest commuting times. Only 11% of the metropolitan area's 5.7 million residents live in the District of Columbia, among the lowest percentage in the US and well behind New York City's 43%, Los Angeles' 30%, and Chicago's 28%. We rank well below other small-footprint cities: Boston's is 13.6%, Seattle's 18%, and Portland OR's 26%, a city known for limiting sprawl. The Brookings Institute reports that 21.8% of the DC metro region's jobs are within 3 miles of the Central Business District, compared with 31% in New York, 29% in Boston, 24% in Portland OR and 27% in Seattle.

The city contains almost half of Metro's stations, yet none show the kind of smart planning evident in Arlington VA, where metro stations serve as walkable, high density housing and employment hubs. Prime high-rise sites such as the old convention center, the new convention center neighborhood, and NOMA north of Union station are relegated to mid-rise mediocrity. New metro development around burgeoning metro centers such as Mt. Vernon, Howard/Shaw, Petworth, U Street, and even Columbia Heights fail to support the kind of smart development evident in Courthouse, Ballston, Clarendon, Rosslyn, and especially Tyson's Corner, where high density housing and employment are planned to sit atop Metro stations.

The world's fastest growing cities, with the greatest job growth, are built at high densities using tall commercial buildings, as is the case with the District's primary competitor for jobs, Tyson's Corner. Yet the District acts otherwise. North Capitol/NOMA, the largest close-in opportunity for new

development, has been filled with undistinguished 8-10 story breadboxes. Other recent missed opportunities include the old convention center site, New York Avenue from Florida to 9<sup>th</sup>, 14<sup>th</sup> Street NW, Rhode Island from 17<sup>th</sup> to 7<sup>th</sup> NW, 7th from O to Howard University, Foggy Bottom, and North of Massachusetts Avenue NW. A building that shows the aesthetic downside of the height limit is 500 New Jersey Avenue NW, a graceful 12-story mid-rise that viewed from Massachusetts Avenue feels cut off just as it begins to soar. And pity George Washington University, a dynamic community whose growth is hemmed in by an obstreperous neighborhood and the city's height limits.

The District's height limit is based on the width of the street they are on, with caps set at 90 feet, 130 feet, and in a very few places 160 feet. Thus, 8-12 story buildings occupy locations that could support three to four times the number of jobs and housing on that site. Under the height limits, what open land remains, primarily the proposed Howard Town, the East Capitol/RFK Stadium waterfront, Southwest, and the Nationals' stadium area, will not take full advantage of the city's future needs for housing and jobs.

Downtown, completely built out, continues to be an important address, especially for law firms, lobbyists and policy centers. While Akridge did demolish the National Restaurant Association building at 17<sup>th</sup> and L, trading in a worn out 11-story building for another 11-story building is too expensive to support future downtown redevelopment. The District will have to build up or see jobs and housing continue to select Arlington and Tyson's.

Vocal interests, especially in close-in neighborhoods, will fight to preserve the status quo, no matter what the benefits are to the larger community. They will argue for quality of life, livability, and historic preservation, to retain the small town scale of their overgrown southern city. But preserving the status quo denies the needs of a living city, the great capitol of a great country. Embracing the future includes building up.

Illustrative of the benefits of challenging height limits is what happened between 1984 and 1989 in historic Philadelphia to change that city's height limits.



1500 block of K Street—A stubby tide of bread boxes

Photo Wiki Commons

*“I think the squalor of your environment on the ground, which is where it really counts, is the shocking thing you should be concerned about.” —not the height of the buildings. Architect Richard Weinstein*



*Southwest view from the Cairo in Dupont Circle. Most Washington monuments are obscured except when seen from Virginia. Photo Courtesy of Wiki Commons*

## PHILADELPHIA: A STUBBY TIDE OF UNDISTINGUISHED BUILDINGS

When the Alexander Calder-designed cast iron statue of William Penn was hoisted atop Philadelphia's City Hall in 1894, it was, at 548 feet, the world's third tallest structure, bested by only the 1,063-foot Eiffel Tower and the 555-foot Washington Monument. It rose well above the 288-foot US Capitol building.

Penn's statue, like the Washington Monument, took on cultural and political meaning beyond its impressive dimensions. As a symbol of civic pride and power, it provided a height limit, never codified by law, which no building was to exceed, at the risk of taking on the city's political and commercial establishment. In polls taken as late as 1984 more than 60 percent of Philadelphians supported the height limit.

As in the District of Columbia, many of Philadelphia's developers proposed buildings that approached the height limit. One building, 1818 Market, came

within 18 feet of the 548-foot limit. To justify the economics of the project, the developer built every square foot allowed, built out to the property lines, with no set backs, open spaces, or architectural embellishments from the base to the top of its 40<sup>th</sup> floor. It is a breadbox, and it is as dull as white bread.

## UPENDED KLEENEX BOXES

In fact, what Planning Commission chairperson Barbara Kaplan called ‘upended Kleenex boxes,’ dominated Philadelphia’s skyline. Penn Center, created in the 1950’s on the railroad tracks left vacant when Penn Station was demolished, is a three-block long collection of undistinguished 20 to 30-story glass and steel rectangles, a lifeless Rockefeller Center. As the New York architect Richard Weinstein noted in remarks before the Planning Commission, “I don’t know of a city that combines the splendor and amplitude of the great civic gesture of the past with such a mediocre new environment.” He could have been talking about I, K or L Street in Washington.

When the Philadelphia developer Willard Rouse III gained control of an important block at 17<sup>th</sup> and Chestnut, he challenged the Philadelphia height limits with a project he named Liberty Place. Nephew of James Rouse, the developer of Boston’s Faneuil Hall Marketplace, New York’s South Street Seaport, Harborplace in Baltimore, and the planned community Columbia MD, Willard knew a thing or two about developments that change cities and people’s lives for the better. Rouse proposed two 55-65-story buildings on his block, a proposal that created some excitement and considerable opposition.

The debate was contentious and heated. Historic preservationists, supported by Edmund Bacon, the city’s esteemed Director of Planning, along with near-downtown civic associations, vigorously opposed the Rouse plan. They warned of adulteration of the city’s historic neighborhoods, its walkability, along with the usual concerns about parking, traffic, noise, and congestion. Under the banner of livability, they touted Philadelphia’s presumed “human scale.” The mayor noted that many feared becoming another New York or Chicago. (Bacon would resign in protest.)

On the other hand, Rouse said the height limits virtually mandated mediocre buildings since buildings had insufficient floor space to make design and



architecture economically feasible. In response to a comment that the city's economy was doing fine with the limits, Steve Poses, a restaurateur, said that might be true for law firms or office workers, but the nighttime vitality of the city, especially downtown, was nonexistent. Retail and hospitality were suffering.

## HEIGHT HAS VERY LITTLE TO DO WITH LIVABILITY

Thomas Hine, architectural critic for the Philadelphia Inquirer, wrote that skylines have “very little to do, for example, with that often-praised Philadelphia quality of ‘human scale.’ It can be present or absent in buildings three stories tall, or 38 stories tall, like the old Philadelphia, or 60 stories like the new skyscraper generation. “It all depends on what happens at the first few levels, down where the people are. Verticality is a virtue on the skyline, but down below it is better to have texture, rhythm, detail and interesting stuff in the windows to draw the eye along the street.”

Speaking before the Planning Commission, the architect Richard Weinstein said that height of the skyline is a “red herring” that diverts attention away from the more substantial issues—“I don’t think the burning issue ... has anything to do with height. I think the squalor of your environment on the ground, which is where it really counts, is the shocking thing you should be concerned about.”



*The Rotunda at Liberty Place--Height has very little to do with livability – It all depends on what happens at the first few levels, down where the people are. – Thomas Hine, Philadelphia Inquirer.*

*Photo: The Shops at Liberty Place*

Rouse argued that the development would make the city more livable, creating more walkable open space around the project if the project could go high. He noted his entire development does not exceed in square feet of floor space what could have been built on the site without exceeding the height limit—the development just distributes the space differently. By “going high, I can do something distinguished at ground level.” To get the floor space he needed to make the project economically feasible, he said he could build three squat buildings or two high ones. Going high, he said, would provide open, walkable plazas between the towers, and the lower levels of the project would support restaurants, health clubs, cinemas, fashion stores and other retail outlets to enhance livability. By building high, Liberty Place was able to add architectural embellishments, particularly set backs and open

spaces that made the buildings more graceful and elegant as they rose from the base. At 960 feet, 1 Liberty Place was 412 feet higher than City Hall.

Rouse hired the Chicago architect Helmut Jahn, and circulated architectural drawings contrasting the three squat mid rise boxes with two stunning towers inspired by New York's Chrysler building. He refused to delay a year while the mayor named a commission to study the effects of breaking the height limits. The clock was ticking, he said, and he demanded a decision now--three squat or two graceful. Put that way, the choice was easy for politicians and citizens alike. Opposition melted in the face of the aesthetic and financial benefits. Good design, a new definition of livability, and economics won.

### THE TIPPING POINT: JOBS AND TAX REVENUE

While the aesthetics helped persuade the populace, the potential economic benefit won over the politicians, and was decisive. A study by the city Planning Commission found that Rouse's \$600 million project would house 11,839 full time jobs. Of those, 10,890 would be office jobs, both highly skilled and lesser skilled. 40% or 4,356 would be new jobs added to the local economy. The remaining jobs – a projected 523 in retailing and 426 in the proposed hotel- all would be new. In addition, the project would create hundreds of temporary construction jobs and many more permanent, indirectly related service jobs.

The project would mean, in 1986 dollars, an additional \$15.1 million annually in city tax revenue. By comparison the existing uses at the site generated a mere \$640,000 in taxes annually and provided only 293 jobs, all of them in retailing. In addition, the development would provide an anchor for more development around it. In the final tally, city council supported the development by a vote of 14-2, and the project gained the mayor's endorsement.

Planners and architects alike acclaimed its completion. In 1987, the New York Times architectural critic Paul Goldberger wrote "One Liberty Place is now finished, and the startling thing is that it is not only far and away the best tall building Mr. Jahn has ever designed, it is the best tall building that has been built in Philadelphia in more than 50 years.... The skyline, far from being destroyed, is in fact given new life by this building. It transcends the old order and establishes a new one at a level of quality good enough to

justify throwing away the old.... The skyline has been transformed from one of the flattest of any American city to one of the richest.” In 1990, Goldberger derided the “empty gesture” of “enforcing height limits out of respect to a monument.... It (Liberty Place) turned out to be not the violent destroyer of a beloved cityscape that its detractors had feared, but the finest skyscraper Philadelphia had seen in 50 years.”

The project brought national and international acclaim to the city, local pride, and spurred a generation of stunning buildings, including the 54 story Bank of New York Mellon building designed by Kohn Pederson Fox, the 53 story Bell Atlantic Tower designed by Kling Lindquist Partnership, the 41 floor Commerce Square designed by I.M.Pei, the 45-story Independence Blue Cross Building by Webb Zerafa Partnership, and the 57-floor Comcast Center designed by Robert A.M. Stern Architects. The economic benefits including jobs and taxes, have multiplied ten-fold – extrapolating the benefits of Liberty Place, the new buildings provide for 70,000-80,000 jobs, about 35,000 of them new to the city, another 3,000 retail and service jobs, and hundreds of construction and service jobs. Tax collections on the developed sites increased, in 1986 dollars, from about \$6 million to \$100 million in income and real estate taxes.

The 975-foot Comcast Corporation Center, completed in 2008, generated almost \$2.03 billion in total construction expenditures, 1.26B of that in Philadelphia, including 17,293 construction-related jobs and \$650 million in construction-related salaries, a third earned in Philadelphia, and the rest in the metro area. The Center annually supports 9,069 jobs, two thirds of them in Philadelphia. Direct and indirect employment earnings exceed \$600 million a year in 2008 dollars, with three quarters of that amount earned in Philadelphia. About half of those jobs were new to Philadelphia. In 2008 dollars, annual taxes came to \$44.5 million for the state of Pennsylvania, \$12 million of that going to Philadelphia.

## WE WERE WRONG—LIBERTY PLACE TURNED OUT TO BE A SWELL IDEA

In 1991, six years after predicting the Liberty Place development would make the downtown ruinously overbuilt, with legions of gutless design disasters, and would break a vital element of Philadelphia forever, the Philadelphia Inquirer printed a retraction, “Taking it All Back, Liberty Place Turned Out to Be a Swell Idea.” The Inquirer wrote, “One of the best things

about breaking the height limit is that ...there's been no real downside. Views of City Hall tower were already obliterated from the west, and what is important to preserve, the major view corridors, has been done. The new buildings are taller, but no denser, than the old; they use up more air, but less ground. And that preserved ground is generally being put to good public use."

1      1            2   3   4            5   6            7            8



*Number 6, 1818 Market, defines Philadelphia under the height limits.*

Legend:

- 1 Commerce Square twin towers – I.M.Pei, 41 stories
- 2 Bell Atlantic Tower, Kling Lindquist Partners, 53 stories
- 3 Independence Blue Cross – Webb Zerafa Partnership - 45 stories
- 4 Comcast Building – Robert A.M. Stern - 57 stories
- 5 Bank of New York-Mellon Building-Kohn Pederson- 54 stories
- 6 1818 Market is within 15 feet of the old height limit
- 7 Liberty Place 1 Helmut Jahn 61 stories
- 8 Liberty Place 2 Helmut Jahn 58 stories

Photo: courtesy of Wikipedia, Philadelphia Tall Buildings

1 2      3    4      5 6    7    8



- 1 Liberty Place 2, Helmut Jahn, 58 stories
- 2 City Hall, Height Limit
- 3 Liberty Place 1 Helmut Jahn, 61 stories
- 4 1818 Market, just under the height limit
- 5 Bank of New York/Mellon Bank Building, Kohn Pederson, 54 stories
- 6 Independence Blue Cross, Webb Zarfafa Partnership, 45 stories
- 7 Commerce Square Twin towers, I. M. Pei, 41 stories
- 8 Comcast Tower, Robert A. M. Stern, 57 stories
- 8 Bell Atlantic Tower, Kling Lindquist Partners, 53 stories

*Prior to the Liberty Place project (numbers 1 and 3), center city was noted by the squat "Kleenex boxes" to the right of City Hall. The two buildings immediately behind City Hall are Center Square, which come within a few feet of the top of City Hall. Because vistas of City Hall were already compromised by surrounding building, the priority became preserving important visual corridors instead of preserving a city-wide height limit.*

## IS CONGRESSMAN ISSA WASHINGTON'S WILLARD ROUSE?

Today's Washington is faced with problems more severe than those facing Philadelphia in 1984. Washington is running out of commercial space and our low-rise fetish favors gentrification over new forms of housing. The area is beset by traffic congestion and future job and residential growth is stymied by real estate regulation. The city can grow up, or experience limited future population and economic growth.

As Philadelphia has shown, eliminating the height restrictions can preserve historic sites and vistas while improving the city's livability, the street scapes, strengthening the retail base by providing more customers day and night, bringing high income white collar jobs as well as low skilled service and support jobs which could double or triple employment per building, and dramatically increase income and real estate tax revenues, all at little cost to the city—it costs marginally more to provide city services to a high rise than a mid- or low-rise.

But Washington has lacked the political and business leadership to address the height limits. There has been no Willard Rouse to provide a vision of a 21<sup>st</sup> century city that holds the leadership's feet to the fire. And the city has lacked the political leadership to support the vision and push back against those who somehow think this international capital is best served by the inert streetscape and stunted skyline of a 19<sup>th</sup> century museum piece.

It is left for a Californian from suburban San Diego, Representative Darrell Issa, to direct the National Capital Planning Commission and the City of Washington Planning Commission to reconsider the city's future, including the height limits. He has given the city an unexpected opportunity to reshape the future. Ominously, even before starting, the NCPC has made some assumptions:

1. To ensure the prominence of Federal landmarks and monuments by preserving views and settings.
2. Maintain the horizontality of the monumental skyline
3. Minimize the negative impacts to nationally significant historic resources, including the L'Enfant Plan..

In his March 5 comments before the National Capital Planning Commission, Rep Issa seemed to open the door to reconsider at least the horizontality assumption, commenting on what he called “a roofline that doesn’t look this good. ... If you’re ... up in the tallest buildings, and you look out, ... you see a set of regulations that created, if you will, a ground level look that’s one way, and a rooftop level that is less than optimized.” There is nothing iconic about a skyline that looks like a short stack of hotcakes with a pencil standing upright in the middle.

In her closing comments, Washington’s director of planning Harriet Tregoning said one of her goals is to “preserve the iconic skyline—although I think Chairman Issa didn’t like every part of our skyline – that gives prominence to some very cherished national landmarks and monuments.” Rep. Issa has not quite kicked in the door—he is no Willard Rouse-- but he has cracked it open, if leadership wants to take him up on his offer.

ET TU PARIS??? AND BERLIN TOO!!!

In 2008, the popular Socialist mayor of Paris, Bertrand Delanoe, said, of his city, the model for Washington, that tall buildings are needed to ease the city’s shortages in housing and commercial space. Even though a 2007 survey showed 66 percent of Parisians were opposed to raising heights above 37 meters, the mayor said, “This is in the public’s interest.” In 2010 the Paris city council raised the height limit to 590 feet, starting with the 13<sup>th</sup> Arondisssment, with 600 foot projects planned for the 17<sup>th</sup> and 15<sup>th</sup>. LaDefense, the business district just west of Paris, already has 14 buildings taller than 490 feet.

Mayor Delanoe noted that only 17% of metropolitan Paris’ 12 million residents live in the city, a percentage he deemed completely inadequate. He said that limiting units per building, as is done with height limits, drives up housing costs and makes fewer living units available. It drives higher prices for limited supply. Tall buildings, he said, increase the number of rent-subsidized units each building can support. Building high, he said, must be done for the future of the city, for needed housing, for more jobs.

Similarly, Berlin, another capital with a heretofore flat skyline but high tech ambitions, has opened the door to commercial and residential towers. Alexanderplatz allows for up to 300 meters, about 55 floors. Potsdammer Platz has half dozen buildings at about 200 meters, 25-30 floors. There are



numerous 20-25 story buildings in Charlottensberg, at Technical University, near the river Spree north of Museum Island, and a 30-story high rise is under construction at Wittenbergplatz. Media Spree is a planned development for offices and apartments on the River Spree, in central city near Boxhagener Platz. Undecided to date is whether the height will be 200 meters or 300.

Certainly Philadelphians felt no less passionate than Washingtonians about their historic monuments and landmarks, and the 18<sup>th</sup> and 19<sup>th</sup> century feel of their narrow European-style streets, and yet they found accommodation to preserve important vistas and sites while welcoming the future.

Congressman Issa has given Washington an unprecedented opportunity to consider its future, and, in his comments about rooflines, has even pointed the needle up “to the roofline.” As Mayor Delanoë said, height is about the future of the city, housing, jobs, smart growth. Paris is reworking George Haussman’s iconic 19<sup>th</sup> Century design. Would that Washington DC, Pierre L’Enfant’s Paris on the Potomac, had such leadership.

-30-

Frederic Harwood, a resident of Shaw since 1989, lived in Philadelphia from 1969 to 1989. He holds a PhD and was a tenured associate professor at Temple University for fifteen years. In 1984 he co-founded a consulting company in pharmaceutical research and development, Barnett International. In 1989 he moved to Washington DC and became executive vice president of the Association of Clinical Research Professionals. In 1998 he resigned from ACRP to participate in family-run businesses on U Street, from which he withdrew in 2002. He founded the DC Nightlife Association, and has served as its unpaid chair since its founding.

[Harwood@gmail.com](mailto:Harwood@gmail.com)

1606 8<sup>th</sup> St NW, Washington 20001  
202 438 4800

#### Other Suggested Photos

- Penn Center skyline Philadelphia before Rouse ...1970—a line of Kleenex boxes
- K /I/L Street corridors a line of bread boxes
- The view of monuments from Virginia—Washington monument, Jefferson memorial. The city is behind the monuments and high rises would not impede on those vistas.

- The view of monuments from Maryland/New York Avenue/Wisconsin Ave—non-existent
- 500 New Jersey Avenue NW, from Massachusetts Ave—cut off at the waist
- DC breadboxes with no set backs, no open spaces, moribund street life
- Ballston Metro development or Courthouse—smart growth
- Petworth Metro or Columbia Heights or Shaw/Cardozo—stunted opportunities for smart growth

**TENLEYTOWN NEIGHBORS ASSOCIATION**  
**Revising the Height Act of 1910**  
**Adopted September 17, 2012**

WHEREAS the Height Act of 1910 is a federal statute governing the District of Columbia, which restricts residential buildings to 90 feet and business to a height equal to the width of the adjacent street plus 20 feet (generally totaling 130 feet), plus some heights are extended to 160 feet along portions of Pennsylvania Avenue.

WHEREAS reviewing the Height Act to determine whether any revisions are desirable or necessary is understandable but that does not automatically mean amendments are necessary.

WHEREAS Washington is a city of monuments that should continue to be showcased through zoning and height restrictions.

WHEREAS in the areas around the White House, Capitol and federal agencies, height restrictions have been praised as enhancing security for the federal government.

WHEREAS Washington is one of the most attractive and lovely cities in America not only because of its monuments but also because of its tree canopy and open spaces and because pedestrians can see the sun, the sky and the stars.

WHEREAS some have proposed increasing heights from “L’Enfant to Tenleytown”, which would include neighborhoods across the entire spectrum of density and existing height.

WHEREAS Washington is a city of neighborhoods and each neighborhood has different and, in many instances, very desirable characteristics, which should be recognized and preserved in any consideration of amendments to the Height Act.

WHEREAS proposals to increase height along the main Avenues, Wisconsin, Connecticut, Georgia, New York, and others would dwarf residences abutting the avenues that are two story single family detached in some areas but might be harmonious with multi-story office buildings and warehouses in others.

WHEREAS any increase in height for buildings does not solely increase tax revenue it also would result in new infrastructure demands on services, such as schools, public transit, sewer, and water.

WHEREAS incentives through increased heights everywhere would not result in encouraging development in any particular area but rather would merely allow taller buildings wherever a greater profit might be realized in already flourishing areas.

WHEREAS increased heights may result in a few very tall buildings with large capacity absorbing such a large percent of the demand that development would be deterred across the rest of the city, which has benefited from a dispersal of development activity throughout the city.

WHEREAS there is unused potential available now that can accommodate new growth without any amendments to the Act or to DC zoning because current height restrictions allow more development in many areas.

Be it RESOLVED that the Tenleytown Neighbors Association supports preserving the overall building limits established in the Height Act because of the extraordinary contributions these restrictions have made to the distinctive character of the city of Washington.

## CAPITOL HILL RESTORATION SOCIETY



**P. O. Box 15264**  
**Washington DC 20003-0264**  
**202-543-0425**  
**[www.chrs.org](http://www.chrs.org) [info@chrs.org](mailto:info@chrs.org)**

July 18, 2012

The Honorable Trey Gowdy  
Chairman, Subcommittee on Health Care, District  
of Columbia, Census and the National Archives  
2157 Rayburn House Office Building  
Washington, DC 20515

Dear Representative Gowdy:

The Capitol Hill Restoration Society, which is the largest civic organization on Capitol Hill and one of the largest in Washington, was founded over 55 years ago to help preserve and protect the integrity and appeal of the historic neighborhood's architectural and residential character. Similarly, we feel strongly about protecting our city's distinctive architectural character and maintaining that heritage as a legacy for both Washington residents and the Nation to enjoy and celebrate.

We are writing today to support the Height Act of 1910, which for 102 years has been instrumental in shaping the beauty and unique character of our city. We fear that lifting Washington's height limits would irrevocably destroy the city's welcoming, livable scale and charm, which has drawn thousands of new residents who contribute to the city's economy, vitality, and diversity. It would also diminish the iconic monuments and public buildings that stir feelings of national pride and draw hundreds of thousands of visitors to the District each year.

We are also endorsing the testimony in support of the Height Act that will be delivered at your Subcommittee hearing on Thursday, July 19, 2012, by the Committee of 100 on the Federal City, an organization dedicated to safeguarding and advancing Washington's historic distinction, natural beauty, and overall livability. Their testimony articulates reasons for the Height Act's success in shaping Washington into the special city it is, and eloquently rebuts arguments that eliminating height restrictions is necessary to achieve such

- **Economic Development:** The Height Act gives certainty, and if there is one thing investors like, it is certainty.
- **Affordable Housing:** Is it any coincidence that cities with towering high rises, like New York, also have expensive housing? Washington needs more affordable housing, but skyscrapers will not deliver it.
- **Livability:** Washington is for residents, not just government and businesses. Our residents deserve the same viewsheds, green spaces, tall trees and sunlight that the city's core does.

If the Height Act starts changing, there will be no going back. We respectfully urge the Height Act be retained for the entire City. Let's not kill the goose that lays these golden eggs.

## CAPITOL HILL RESTORATION SOCIETY



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goals as economic investment and development, increased density, and additional housing.

The Height Act was passed for excellent reasons. The United States of America is a unique and special country, and a unique nation deserves a unique and special capital city. We have such a city today, and the Height Act has played a strong and constructive role in making it so. Rather than overturning it, which risks drowning our capital city in a tide of towering buildings like those in every other city, we should be vigorously upholding and enforcing it.

Sincerely,

*Janet Quigley*

Janet Quigley  
President

Cc: Representative Paul Gosar, Vice Chair  
Representative Danny Davis, Ranking Member  
Delegate Eleanor Holmes Norton  
Representative Dan Burton  
Representative John Mica  
Representative Patrick McHenry  
Representative Scott Desjarlais  
Representative Joe Walsh  
Representative Wm. Lacy Clay  
Representative Christopher Murphy  
Representative Darrell Issa, Chair, Committee on Oversight and  
Government Reform  
Representative Elijah Cummings, Ranking Member, Committee on  
Oversight and Reform  
George Clark, Chair, Committee of 100 on the Federal City  
Rebecca Miller, Executive Director, DC Preservation League  
Erik Hein, President, Preservation Action  
Vincent Gray, Mayor  
Phil Mendelson, Chairman, DC City Council  
Councilmember Tommy Wells

DORN C. MCGRATH, JR., FAICP  
2710 BRANDYWINE STREET, NW  
WASHINGTON, DC 20008  
202-966-9559

June 17, 2013

Mr. Marcel Acosta  
Executive Director  
National Capital Planning Commission  
401 9<sup>th</sup> Street, NW, Suite 500  
Washington, DC 20004

Dear Mr. Acosta:

I regret that I was unable to attend the final meeting of Phase I of the current series of meetings on the Height of Buildings Act of 1910. Nonetheless, this is what I planned to say:

Leave it alone.

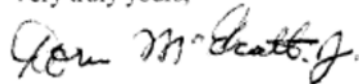
Let the Rosslyn, the National Harbors, Tyson's Corners, and Silver Springs of the world have their say. This would mean less congestion for Downtown D.C. and other sites within the District. We don't need any more congestion.

We have other, much more pressing problems to address. For example, our infrastructure is falling apart, our Metro (now more than 40 years old) is failing, more monuments are in need of repairs, our society is crumbling between the "haves" and the "have-nots", two of our City Councilors are in jail and another has been indicted, we have no plans for the future, and yet we are talking about even more density. What a spectacle!

Let the suburbs, all of whom are independent, compete among themselves for more congestion. Build upon our assets. This is the ONLY Capital of the Free World -- we do not need to be seen "like" Dubai, Philadelphia, Houston, or any of the indistinguishable cities in the world. There is dignity in our present profile, and tens of thousands of tourists come here to see it every year.

Leave the Height of Buildings Act alone!

Very truly yours,



Dorn C. McGrath, Jr., FAICP  
Former Chairman of the Committee of 100



**Comments on behalf of the National Coalition to Save Our Mall by Judy Scott Feldman, Chair and President**

**July 12, 2013**

The National Coalition to Save Our Mall would like to associate our organization with the comments by the Association of the Oldest Inhabitants of the District of Columbia. The AOI comments are copied below. Our nonprofit is dedicated to upholding the principles envisioned in the L'Enfant Plan and McMillan Plan for Washington that give Washington, DC, its special quality as a low urban landscape punctuated by monuments to America's democracy.

On a personal note, I recall moving to Austin, Texas in 1978 and relishing the view to the pink granite dome of the Capitol Building there, only to return some years later and find it hidden and dwarfed by graceless skyscrapers nearby. No doubt the economic development arguments were strong. But the aesthetic effects were devastating. Economic expediency and private interests were given precedence over a respect for the longer view that would protect the urban landscape and the symbol of government. In Washington, the wisdom of the Founders who in the 18<sup>th</sup> century created our country and devised a plan for the Nation's Capital based on founding ideals should be foremost as we consider any change that would put those ideas aside.

I attach a view from the Capitol showing Rosslyn development dwarfing the Lincoln Memorial and destroying the simplicity of the Mall's iconic axis.

***Comments provided on behalf of the Association of the Oldest Inhabitants of the District Columbia by William N. Brown, President:***

*The 1910 Height Act has guaranteed the low-profile cityscape of the District of Columbia for over 100 years and has made the District of Columbia unique among the major cities of the world with its distinctive skyline.*

*The 1910 Height Act has been called the Third Dimension of the L'Enfant Plan. President George Washington issued the first building height regulations for the city on Oct 17, 1791, concerned as much about structural and fire safety as about urban design. While Washington's regulations were suspended from June 25, 1796 until 1800, Thomas Jefferson extended the suspension until 1904 but personally hoped the new capital would emulate Paris with buildings "low & convenient, and the streets light and airy."*

*There is a sense that development pressures are fostering modifications to the Act; however, the District has just recently achieved its short-term goal of a resident population of 600,000 but it is nowhere near the all-time high of 899,000 in 1946. Let us encourage reasonable development within the current limits of the Height Act in blighted, underutilized areas of the city before we tamper with something that will forever change the character of the District of Columbia.*

*As Vancouver, B.C. Planner Larry Beasley warned in his presentation to the NCPC in 2010: "Take care not to open things up too casually. I dare say, those height limits may be the single most powerful thing that has made this city so amazingly fulfilling."*

*As Washington's oldest civic organization, the Association of the Oldest Inhabitants is dedicated to preserving the District's heritage through member reminiscences as well as preserving and promoting both the L'Enfant and McMillan Plans.*

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## What You're Saying

The comments below have been submitted online by members of the public. All submitted comments are included in the public record.

### Phase 3 Comments

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I am a dc native who has been residing in the city of London for the past two years. Here i have seen how not having uniform city height act does not mean the city will turn into New York. London has done a faboulous job, of growing upward and at the same time maintaining the identy and beuty of its city. I belive that dc should follow in example and not have a uniform height act. All we should have is a rule that states that the capitol and Washington monuments will remain visible parts of our skyline and leave the rest to zoning. In doing this we will be doing something similar to what Lodon has done with st pauls cathedral and its other land marks.

—Henry Gruber, London, England (November 23, 2013)

I reviewed the NCPC Draft Final Recommendations on the Height Master Plan on Monday prior to the Commission Meeting on Tuesday, November 19th. I am a city and regional planner by training. It was refreshing to see the NPCP analysis that went into the development of the recommendations. I have saved the report.

—Muriel Watkins , Washignton, DC (November 21, 2013)

Not only are NCPC actions wrong and are harming our city, but ncpc study was porely constructed it offers a very poor and irealistic rendering of how buildings would look if heights were relaxed. Skidmore and Merrill and Owings the firm that NCPC sought out for the study has conducted other studies for other cities and as this this link shows our models are primitive to say the least. Attached is model of height modifications in Fushan china. SOM made a design for Fusham that would maintain their historic buidings in their city while still being able to foster growth. <https://www.som.com/node/546?overlay=true>

—Luis Alberto Sanchez Jr, DC (November 20, 2013)

I would have loved to partake in yesterdays discussion however I was unable to due to tending to mother. Unfortunately my mother is currently undergoing treatment for breast cancer and thus requires much attention. I am uphaled and very disapointed on ncpc's close mindedness and harm they have decided to inflict on our city. I am a native resedent of dc aswell as a Howard University grad.To start I would like to clarify that none of the models posed by this study will make the DC skyline resemble New York or even Chicago.New york has 225 buildings that exceed 500 ft. Please keep in mind the washington monument is 555ft. and the capitol is 289 ft. So would you agree rising heights in the lefant city by 2-3 storries would defenately not turn the city into new york or Chicago.

In regards to outside the lefant city I bafflaed to NCPC opposition for areas outside the Lefant city to be able to have taller buidings if aproved by the residents of the area. I think areas that desire taller growth outside of the lefant city should be able to do so. This should be so because there are already buidings on the maryland side less then a couple steps away on the other side of western ave in chevy chase that have buildings that range from 10-25 story buildings. It is important to note that they right next to dc yet they have not destroyed the dc skyline, they are to far to scene fom the washington mounment skyline. Also something else that really bothers me about the current height ACT be fixed is this height act puts restrictions on habitable buidings yet not srtuctures. Which belive or not is a problem in because THIS HAS LEAD TO THE CONSTRUCTION OF MASSIVE RADIO TOWERS EXECEDING 400 FT IN the areas outside the lefant city. Among them is one in Friendship heights of Wisconsin Ave, a couple in Tenleytown(The Wamu tower (428ft). There are a couple of towers in the district that are taller than the washington monument. There is one in neglected upper NE dc. This tower is the hughes Rdio Tower Standing at 761 ft. If any thing these structures which are well above the height of the capitol and as we have some the washington monument should be demolished. I dont understand how NCPC can be ok with the construction of these monstrosities yet not with taller buildings like inthe maryland side of western avenue and eastern avenue.

Hopefully it is not to late for NCPC to see the error of their ways and agree with DCOP.

—Luis Alberto Sanchez, Tenleytown (November 20, 2013)

Well done.

Thank you for preserving the integrity and human scale of L'Enfant's design.  
The fabric of Washington is expressed in the relationship of boulevard width to building height. That is nothing less than art.

—James Lee, Unknown (November 20, 2013)

Changes are obviously needed to the height act. DC has the most expensive downtown office prices in the country - because of supply constraints. This makes operating the federal government more expensive for all of us!

—Matthew Dickens, Washington, DC (November 19, 2013)

The Executive Director's Staff Report concerning The National Capitol Planning Commission's final recommendations to the U.S. House Committee on Oversight and Government reform concerning the Height Act Master Plan for Washington D.C. is now before this Commission. The recommendation about whether and how to amend the Height of Building Act for areas inside the L'Enfant City are contained in Recommendation 1. The Recommendation about whether and how to amend the Act outside the L'Enfant City are contained in recommendation 2.

I support Recommendation 1 and I oppose Recommendation 2.

Recommendation 1. This is concerned with both the federal interests within the L'Enfant City and the form and character of the nation's capitol. It recommends no change in the Height of Buildings Act. It discusses proposed formulas and approaches for calculating the allowable height and explains that the proposed Ratio Approach would add height where it is least appropriate, where building heights should be lower to emphasize views of the Capitol and White House. It also examined the need for additional development capacity and determined that the city would not realize much additional capacity under the Ratio Approach.

I agree with the recommendation that the Height of Buildings Act should remain in place within the L'Enfant City and no change should be made. Recommendation 2. This is concerned with the areas outside the L'Enfant City and is purported to balance the long-term potential growth needs with the importance of protecting the integrity of the form and character of the nation's capitol, including federal interests and local communities. In the first place, there is no data to support the need to accommodate growth, but the recommendation sidesteps this deficiency and concentrates on what process should be used if it becomes necessary to accommodate a dialogue about growth and building heights. In other words, the recommendation concedes that is no need for a change to accommodate growth now, but nonetheless, recommends a process if and when the need arises.

The process that is recommended would allow amendments to the law outside the L'Enfant City to permit "targeted exceptions" through the Comprehensive Plan process. As explained in the recommendation that process appears to provide safeguards, but in practice, the process for amending the Comprehensive Plan, as we saw in the last round, results in opaque amendments from Office of Planning and further unexpected amendments at the whim of individual Council members.

Do you recall the last major round of OP amendments about four years ago? The number of Office of Planning amendments amounted to over a hundred.

Were any of them "vetoed" by NCPC? Or rejected by Congress during the 30-day layover period?

We have seen the tax deferments that have been offered to developers. Do we expect the "targeted exceptions" to the Height Act would be any different? Recommendation 2 will result in spot zoning by the Office of Planning and the Council, because the Zoning Commission will have to implement the "targeted exceptions" in order that zoning is not inconsistent with the Comp Plan.

I oppose Recommendation 2. The Height of Buildings Act should remain in place outside the L'Enfant City and no change should be made.

[View attachment](#)

—Monte Edwards, DC, Capitol Hill (November 19, 2013)

Please do not support any change that loosens the Height Act outside of the Federal City. This will lead to de-stabilization of our communities and destruction of historic districts. The historic districts in DC are a unique and wonderful hybrid of a planned city and organic growth. The Height Act is an important protection against impulsive development. People moving into DC are attracted by the wonderful housing stock, the trees, the light, and multimodal transportation. They are willing to pay top dollar for real neighborhoods. Loosening the Height Act in the greater city area will create an irreversible shift in policy, sending a message to DC's Office of Planning and private developers that density trumps preservation.

—Susan Taylor, Washington DC (November 19, 2013)

<http://greatergreaterwashington.org/post/20681/no-dc-is-not-going-to-be-like-paris/>

—Ricardo Espinoza Pujol, Paris, France (November 13, 2013)

I completely support the OP plan. It seems like a very reasonable plan that 1) preserves the low slung nature of the skyline 2) doesn't allow high rises (it only raises building heights by 30 to 40 ft downtown) 3) specifically protects views of the Capitol, White House, and Washington Monument and 4) provides DC with more room to grow in the walkable, urban core.

As for outside the L'Enfant Core I strongly believe that the regulation of height be left to the zoning regulations. Hopefully NCPC can agree to the mayors proposal and the recommendation to congress sent as one.

—Martin A. Lawrence, Dupont Circle (November 11, 2013)

The Kingman Park Civic Association strongly supports the height limit restrictions in the District of Columbia. The historic character of the city, and the national memorials must be protected from over-development and unsightly appearances of towering buildings and blocked views of the city's beautiful vistas.

The height limits provide a teachable moment for students of history, architecture and science. Preserve the city for future generations, and please don't allow over zealous developers to dictate the future of our city and nation.

Thank you,

Frazer Walton, President  
Kingman Park Civic Association

—Frazer Walton for the Kingman Park Civic Association, Washinton DC (November 05, 2013)

I have lived in DC for 44 years. Thank you for the opportunity to present.

Raising the height limit in the District is a drastic measure that would radically alter quality of life but which cannot provide any assurance whatsoever that we will maintain economic diversity in our population.

If economic diversity is truly the concern, we should be requiring developers - NOW -to set aside portions of any new development for lower-income residents and not allow - buy-outs. The existing provisions in the District code don't protect moderate and/or low income housing.

There is no assurance that most developers won't take advantage of the housing buy-out and result in a NW Washington that is all upper-middle and upper income residents. Adding stories doesn't change the story

Harriett Tregoning herself has said many times that taller buildings will likely not have affordable housing because it is so expensive to build tall, and luxury housing would be the expected outcome.

—Kindy French, Washignton, DC (November 05, 2013)

I support retaining the Height Act in DC -- There's still room for development within the existing regulations and the low heights are one of DC's major characteristics.

—Ellen Maxwell, Washington, DC 20016 (November 04, 2013)

Without reservation, I support NCP's position on preserving the Height Act.

—Bernard Ries, Washington DC 20015 (November 04, 2013)

Thank you for allowing DC residents to comment on the proposed change to the DC Height Act.

I strongly support the NCP's recommendation not to change the provisions of the Height Act. Washington is a beautiful city in large part because of the vistas, green spaces, and scale of its buildings. It holds a unique and special place among large metropolitan areas on the East Coast because it is not densely packed with tall buildings that are not welcoming and obscure views of the sky, trees, and water. Washington's special character and historic architecture would be greatly diminished if the height limit on buildings were raised. I believe the city can continue to develop without destroying its uniqueness and beauty in the process. Thank you for all the time and effort you have expended on the study regarding building heights and for your wise recommendation.

—Susan McCarty, Washington, DC (20015) (November 04, 2013)

Please find attached my testimony on the Height Master Plan for Washington, D.C., in connection with today's hearing at the NCP. I regret that I cannot present it in person.

[View attachment](#)

—Andrea Rosen, Washington, D.C. 20015 (November 04, 2013)

As district residents for more than 20 years, my family and I welcomed the National Capitol Planning Commission's determination that the District has not adequately justified its efforts to circumvent Height Act restrictions. A critical part of what makes the District the livable and distinct city that it is, is the low profile of our buildings. It contributes to highlighting the monumental and government core of our capital city, brings in light, and fosters pedestrian and commercial friendly avenues. There is plenty of space that can be developed within the city to support future growth, and we have seen what senseless building can do to destroy the appeal and people scale of places like Bethesda and Silver Spring. The current

and appropriate Height Act limits provide a necessary constraint to developers to plan and design their projects in a manner that is consistent with the unique low profile character of our city rather than taking tall building shortcuts that would forever change Washington's enviable cityscape. I hope you continue in your efforts to hold the City Planning Office accountable for and resist its unjustified efforts to amend the Height Act.

—Cliff Johnson, Washington, DC (November 04, 2013)

My family has lived in this city since the turn of the last century. We've seen many changes -- good and bad -- in a hundred years of DC residency. I was born and raised in the area and as a young adult, lived in Paris, Brussels, London and Houston, Texas before choosing to return to DC some ten years ago. One of the many wonderful things about DC is the human scale of our buildings. We only have to look across the river to Rosslyn and Crystal City to see what could happen if the Height Limit was eliminated -- towering buildings hovering over sidewalks, contributing to overwhelming traffic and a dearth of green space, interesting street-scapes or pedestrian-friendly areas. I urge you to adhere to the current restrictions which have served this city so well for so long and have contributed to it's beauty and elegance.

—Mary Emerson Slimp, Washington, DC 20015 (November 04, 2013)

Please keep the building height as it is. An increase would be disastrous for the city.

—Unknown, Unknown (November 04, 2013)

Please reject the District's attempt to set aside the height requirements for buildings in the District of Columbia.

This is a federal city, and its character and symbolism need to reflect its 200 year purpose and convey its uniqueness to future generations. The is room for whatever growth may come throughout the metro area. But the shape and character of the city, once lost a higher-tighter-denser growth model, can never be recaptured. It will be gone forever.

Please do not let that happen.

—David E. Leslie, Washington, DC 20015 (November 04, 2013)

I strongly endorse the NCPC position that the Height Act be retained. Your recommendations are well researched and well supported. I cannot say the same for proposals the eliminate or modify the Act. Please let citizens know what they can do to help keep our iconic city the beautiful place it is.

—Ann Hamilton, Washington, DC (Cleveland Park) (November 04, 2013)

Please reject the District's attempt to set aside the height requirements for buildings in the District of Columbia.

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Please do not let that happen.

—David E. Leslie, Washington, DC 20015 (November 04, 2013)

Re: Executive Director's Recommendation on the eNCPC Staff Height Act Study, presented on September 12, 2013, to the NCPC Commission Meeting:

One of the advantages of individual comment is that almost necessarily it simplifies oppositions, and is very often therefore unfair to one side of a complex argument or the other. My own reading of both draft reports makes the central opposition between OP and NCPC over-simple. 1

On the one side is OP, an agency of the government of the Federal District, with an agenda which postulates the desirability of autonomy for that government, and casting it therefore in terms of the fiscal resources it would have if things were different enough that an extension of height in the central business district (defined around the most obvious concentration of that area around K st., the new Convention Center and the Hotels and apparatus of a renewed and more elevated set of buildings in which the lobbyists and business people associated with the Board of Trade and analogous groups could so expand the tax-returns to government to make more plausible the prospect of a home-rule which could then graduate at some point in time into a genuine statehood, and free itself from the shackles (as they are often termed) of an objectionable dependence on Congressional permissions and consultations, at least for the non-Federal parts of the District.

On the other side is the agency of the NCPC which I simplify very considerably into an idealised version of an interdependent region, once oriented by the Year 2000 Plan to represent the undoubted utility of collaboration between virtually all the jurisdictions and agencies of constitutional States, and a hierarchy of cooperative things to comprehend not merely the area of the Constitutional District but the variety of formerly suburban Counties in two States and asked to meter and in some sense to express the enormous variety of material and symbolic interests of rivals for significance (as surrogates for political and social power) reaching almost to Baltimore on its northern reach, to Front Royal and Charlottesville on the other, gathering the consequences of demographic change into an immense conurbation, and resulting in many forms of definition of inter-questions of population and class outside the bounds of the Federal District and interacting with it in an intimate and complicated weave of the commuter journeys to work (no longer simply towards the District, but in many interwoven and cross-jurisdictional lines of traffic, both by quasi-freeway and private car, but the deviations of three airports and several mostly-suburban shopping centers (such as

Tyson's Corner and Shirley Highway, Rockville Pike and 270, the north-south route of 95, and the like. There is an active competition for business centers for new business district building, a great variety of building heights and concentrations, interacting with a complicated weave of dependency and rivalry---exemplified by the building up of Arlington just on the other side of the Potomac from Washington itself, and without some of the prohibitions on building-height and use that the city of Washington is constrained by, such as the Height Act of 1910. This is interactive with the provision of housing in the same area, increasingly by much taller apartment houses in an area which is only constrained by the necessity of crossing the barrier of the Potomac by a limited number of bridges.

The suburbs of Washington were created by the social process of white-flight in the complex period which followed Brown vs. Education in 1954, and very large and scattered new centers of rather well-to-do groups in suburbs, which embodied all the tensions of a both more concentrated, more similar USA now electronic and not variegated simply by the facts of space or the difficulties of moving large elements of commuting populations by means of the private car.

The whole embodies a complicated whole of space, communication, transportation and electronics and to a certain extent, the rivalries of potential advantage for places and jurisdictions. These are not soluble by the resources of any one piece, but invoke the necessity of all of them. They do not ever achieve the ideal of mutual benefit, but they represent an ideal of collaboration to bring together the so-called stakeholders of any single problem (such as that of the Height Limitation Act in the Federal District of Washington) in an often-untidy mixture of elements and impulses, such as the allocation of a joint report to OP and to NCPC, when the basic thrust of either component is virtually certain to reveal (and constitute) patterns of incompatibility between them.

There are, after all, more than one form of parochialism than those of the parish-pump, since I suppose that there is also a form of it in time, the notion that our own times and those of our 'history' and our 'futures' are the only ones that exist, have existed, and will exist. This is at least one of the things to be learned from the study of history.

—William Haskett, Washington, DC (November 04, 2013)

Kudos to the NCPC for their thoughtful Height Act recommendations. My family goes back generations in DC and has seen the unique air-filled, green, non-shadowy city for 100 years. Visitors to DC do not simply note the downtown areas of the city, but the overall feel of the Federal City. At the Maryland border at Wisconsin Avenue, the National Cathedral stands out straight ahead among lower rise buildings. In the same sight line, buildings are framed by trees because the limit for many large trees around 100 feet is proportional to the height of buildings. The same trees would be overshadowed in many areas with even a small change in height limits.

Regardless of why the Height Act was originally implemented, the impact has been a very airy, light-filled Washington that is quite unique versus other cities. The entire development pattern of DC was dictated by the Height Act, not just the areas near the memorials and downtown but everywhere across the city. In lower density wards, homes were built in very close proximity to limited height apartment buildings while still maintaining light and air. That adds charm and livability to many neighborhoods across the city that contrasts sharply with other cities. Raising heights in parts of the city even far from the core downtown can have disastrous impacts on the character of those areas and the city as a whole. The Height Act has already been chipped away over time via dishonest interpretation and enforcement of the Height Act that is contrary to the intent and literal language of the Act. So now 90-foot height limited residential neighborhoods, many newer buildings actually stand 100-120 feet tall from the widest street plus an 18.5 foot penthouse. Extra height means extra shadows for adjacent buildings. Even in peak sunlight hours during winter, a 90 foot building casts a shadow many times that far. So when developers and planners claim that taller buildings and taller penthouses will have little impact on surrounding streets and buildings, it is not true.

Much of the value of higher zoned land simply accrues to the owner of such land. It does not provide broad societal benefit. It also has very limited, if any, reduction in housing costs for the same reason, the value (above construction costs and minimum investment return) always accrues to the land and high rise construction is expensive. The goal of DC should be to be the best city, a unique city, not the largest city with the most cranes and infrastructure not designed for it. Past generations' wisdom gave DC its unique character. Let's not ruin it in the blink of an eye, particularly when there is massive FAR available in the City without any changes to the Height Act. The light filled, lower density neighborhoods of DC are among its best.

Having DC become just like every other city is not in the Federal interest, or the local interest.

—Richard Graham, Washington, DC (November 04, 2013)

A friend just e-mailed me that the building heights limit in Washington is again under discussion and the deadline to submit comments is today. Because I was alerted so late this will be a brief note but I definitely want to voice my strong support for maintaining height.

I am fifth-generation Washingtonian who lived in quite a few other U.S. cities in my young adulthood (Boston, San Francisco, Minneapolis, New York, and Portland, OR) but have been back home now for 17 years. A change in the height limits would substantially change much of what I love about this city and it seems to me that economic growth here is taking place at a sufficient pace.

Oddly, I was just thinking about this yesterday. I was in Wilmington, Delaware on business and as I walked from the train station to the office where my meeting was being held I was aware (not for the first time) that Wilmington felt a bit like Washington in the '80s/'90s, a bit depressed but filled with history and evident change on the way. It was a pleasant walk until I hit the "downtown" area where tall buildings had eradicated whatever history may have been there and left the sidewalks in deep shadows so nobody was lingering or strolling outside; I thought to myself, thank goodness we haven't done this in Washington!

When I returned from Wilmington I walked from Union Station to Dupont Circle loving this city, its architecture, its trees, its light. Being forced to cross Massachusetts Avenue in several places where sidewalks were closed due to large construction projects, I was thankful that whatever was being built was not going to fundamentally change the feel of the city. And later in the evening, as I rode a bikeshare from Dupont Circle home, I had that same gratitude as I passed the rubble which used to be the Ontario Theater and will, I suppose, soon become "luxury condos" but not as many stories as I'm sure the developer would like.

I am right now writing this from my fourth-floor apartment in Mount Pleasant and looking out my front window at rooftops and church spires and people on the sidewalks enjoying the fall sunshine, in the far distance the tip of the Washington Monument can be seen. From my side window I have a view of Rock Creek Park and soon, when the tall tree a few blocks away loses its leaves, I'll have my seasonal view of the National Cathedral.

I hope that greed or some misguided idea about what Washington needs will not alter the unique and wonderful character created by the building heights limit. It is one of the things that I believe make this the "fairest city in the greatest land of all."

—Katharine MacKaye, Washington DC (Mount Pleasant) (November 04, 2013)

I am opposed to any changes to the Height Act.

NCPC report: I agree with the NCPC finding that "changes to the Height Act within the L'Enfant City and within the topographic bowl may have a significant adverse effect on federal interests" and that "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."

D.C. Government report: The pdf of the District government report located at: [http://www.ncpc.gov/heightstudy/docs/092013\\_DC\\_Height\\_Master\\_Plan\\_Draft\\_Recommendations\\_Report\\_FINAL.pdf](http://www.ncpc.gov/heightstudy/docs/092013_DC_Height_Master_Plan_Draft_Recommendations_Report_FINAL.pdf) is an incomplete version and only contains even-numbered pages. Therefore, the public does not have full access to this report for the purposes of reviewing and commenting. The Commission needs to provide full information to the public to ensure a credible public comment process.

Based on the incomplete information provided on the website, I oppose the District government's recommendations. While I oppose changes in the height limits District-wide, I want to point out that I live between Buzzard Point and the Waterfront Station, and I am opposed to any changes in those locations.

New development in the District should focus on communities near metro stations that need positive neighborhood investment and where it is affordable for families to live and for residents to open small business, such as Deanwood, Benning Road, and Capitol Heights. The average family cannot afford to live in the many new high rise buildings in the District. But they may not feel safe in some neighborhoods that are affordable and near metro. These areas in the district would greatly benefit from low or medium-rise development that would encourage neighborhood vitality and livable communities.

We need more neighborhoods with locally owned shops of all types, from bakeries and coffee shops to card stores to day care, yoga studios and local artists--not more high rise buildings with yet another CVS, Subway restaurant, and bank in the commercial spaces because no one else can afford to locate there. Instead, moderate density development in other neighborhoods will help improve their safety and community stability. I don't see any benefit in cramming more expensive, sterile, high-rise housing into the small center city, already overwhelmed with traffic.

One of the primary reasons I live in Washington, D.C. is because of our open skies, unique among major American cities. The height limit makes D.C. special. The bottom line is that seeing the sky and the sun makes people happy, even when downtown. And they allow the beautiful trees we have in the District to thrive. The sun, the sky, and the trees fill D.C. with glimpses of nature--feeding our souls in a way that most cities cannot. And seeing the stunning vistas of the Capitol dome, the Library of Congress, the Washington Monument, and the wide avenues can also bring a smile to many faces.

When has a concrete canyon, blocking the sky, casting shadows and creating a gray landscape, ever made anyone smile?

—Amy Mall, Washington, DC (20024) (November 04, 2013)

Please consider this note my support for ending all Federal regulation of heights in the District of Columbia.

While I recognize that the Federal Government has an interest in Federally owned properties as well as the view sheds in the monumental core I don't believe either of those interests are threatened or even impacted by allowing the District of Columbia self determination when it comes to what heights are appropriate for the District.

I also find it absurd that across the river in Virginia or across Western and Eastern Avenues in MD there are much taller buildings and it is illustrative that the sky has not fallen and our Nation's Capital is in no discernible way diminished by these taller buildings located across otherwise invisible political boundaries.

While I am not sure what, if any, changes should be made to the zoning laws of the District of Columbia I strongly believe those decisions (including those concerning height limits) should be left to the residents of the District of Columbia and their elected representatives.

I appreciate the great amount of thought and time that NCPC has put into this issue but hope you will agree these decisions belong in the hands of the citizens of our Nation's Capital.

—Tom Quinn, Washington DC 20015 (November 04, 2013)

While there are many -- MANY -- pressures on you to allow the building height regulations to be shifted, i.e. raised to greater heights, I strongly urge you to either say "no" or add a five-year moratorium for more consideration. Our city's horizon now sparkles with the monuments and buildings that are the heart of this city. Just as Paris looks to its Eiffel Tower (with higher buildings far out of the city center), residents and visitors look to the Washington Monument and the other monuments and the Capitol as the core of the nation's capital. Developers are building more small studios, which suit many of the new young workers in town. Let those fill. There is no likelihood in rents or purchase prices going down. Add to that the additional costs of transportation infrastructures and headaches.

PLEASE VOTE NO.

—Carolyn Lieberg, Washington, DC 20024 (November 04, 2013)

See comments attached.

[View attachment](#)

—Frederic Harwood, Washington, DC (November 04, 2013)

> From: SHARON LIGHT [mailto:sharonlight@me.com]  
> Sent: Wednesday, October 30, 2013 8:59 AM  
> To: Young, Deborah B.  
Keep building height limits

Please maintain the building height limits for all of Washington DC. Do not cave in to developers who want to destroy the beauty of our city.

—Sharon Light, Washington, DC (November 04, 2013)

I've just learned about your interest in citizen opinion about whether there is a desire to raise the height limits.

I hope my opinion not being sent too late. I am opposed to increasing height. Believe there are other ways to increase density.

—Celeste Regan, Washington, DC (20015) (November 04, 2013)

I am Howard University graduate from Congress heights with a BA in economics. Increased economic development is great, but they're not the only thing. DC's skyline view of the Capitol and Washington Monument is one of the world's most iconic, thus should of with out a doubt be preserved.

But taller buildings in Farragut Square or Brookland or Anacostia wouldn't impede that view any more than they do in Rosslyn. One thing that bothers me particularly is why can't the land east of the anacostia build up if rosslyn is able to do so. There should be not a federal law dictating heights outside the lefant city just zoning regulations placed by the committee, espacialy east of the anacostia river.

—Devon Smith, D. C. (October 31, 2013)

PLEASE keep the building height restrictions intact in Washington. The lower building heights in our city only lend to it's beauty . As a city, we have certainly gotten along without taller buildings until now. Certainly it is not necessary to change this restriction.

—Nancy Ann , Unknown (October 31, 2013)

See Attached

Jose Alberto De la Fuentes Chavez

[View attachment](#)

—Jose Alberto De la Fuentes Chavez, Friendship Heights (October 31, 2013)

I'm adding my voice to those who oppose any increase in the height limitations for new buildings in the District. We have a beautiful city with buildings constructed on a human scale, rather than looming over pedestrians and residents. San Francisco used to be beautiful as well; while it still retains some of its charm, it no longer has the gracious, low-level skyline it used to have. Why must the District look like every other city in the nation? I don't favor paranoia, but it's hard to escape the conclusion that this push to allow taller and taller buildings is driven largely by the financial interests of developers and construction companies. We need to focus on aesthetics and livability as well.

—Nancy Stanley, Washington DC (October 31, 2013)

There is plenty of room for growth WITHOUT raising building heights in Washington, DC. Washington is not - and should never be -- a typical high-rise mega city. Washington, DC is the capital of the United States, and should be focused, in every way and in every neighborhood, on its original purpose -- focused on the governing and the government of the people, by the people and for the people, the buildings that house the government of the people, and the buildings that memorialize the spirit of the people.

Our neighborhoods should support the spirit of DC with quiet residences and low key retail areas.

All growth must include growth of the spirit as well as the physical. "For what does it profit a man to gain the whole world and forfeit his soul?  
Mark 8:36



Keep the unique spirit and purpose of Washington, DC; keep Washington, DC low-rise.

—Hannah Family, Washington, DC (20015) (October 31, 2013)

Please maintain the building height limits for all of Washington DC. Do not cave in to developers who want to destroy the beauty of our city.

—Sharon Light, Unknown (October 31, 2013)

I understand you're seeking opinions re raising the building height limit in DC.

I'm opposed to raising the limit because our neighborhoods are truly neighborhoods, where we can stroll on the sidewalks in the sun and recognize our neighbors, as well as the people who work in our neighborhood. Look at NY or Chicago, both of which are unacceptably noisy and dirty because of the density of their populations, which leads to anonymity on the streets - an atmosphere in which crime can flourish.

—Davida Perry, Washington, DC 20015 (October 31, 2013)

I'm writing to support your efforts to retain the Height Act. As a citizen of DC for over 25 years, I feel it is very important to maintain the cohesiveness and character of our neighborhoods and not threaten them with the creation of additional high rise buildings and developments.

—Dr Phyllis Stubbs, Washington, DC 20015 (October 31, 2013)

Please don't raise the height limit for DC buildings. That limit has kept Washington a pleasant and livable city we can be proud of.

We don't want the "canyons" you find in New York, where the sidewalk is in shadow. We don't want to destroy the feel of space and air one gets along Connecticut, Wisconsin Avenue and even much of downtown. That is what makes Washington a city of distinction for residents and tourists.

—Marjorie Rachlin, Washington, DC (20008) (October 31, 2013)

I am a DC resident that is also concerned about the proposed changes to the 1910 Height Act and height limitation. As a leading planning agency for the region, I hope that the National Capitol Planning Commission will use the latest planning and design principles and analytics to review the proposal and reach a reasoned decision. With respect to linking the height increases to the creation of affordable housing, there are alternative measures, including the Districts inclusionary zoning program.

Montgomery County, our neighboring jurisdiction, is a leader in advancing affordable and mixed-use housing, having established the nation's first inclusionary zoning program to develop Moderately Priced Dwelling Units (MPDU) in 1976. Since the IZ Program development, the county developed over 13,246 MPDU units: 9,290 off sale units (condominium and townhouse) and 3,956 rental units. See "Number of MPDUs Produced Since 1976" -<http://www.montgomerycountymd.gov/DHCA/housing/singlefamily/mpdu/produced.html> Montgomery County's inclusionary zoning program has been recognized in a number of publications and has been replicated by other jurisdictions. An increasing number of mixed-income properties have capitalized on their proximity and access to Metro stations, again putting Montgomery County in the lead in developing mixed-income transit oriented development (TOD) properties.

The District of Columbia Government passed Bill 16-952 "Inclusionary Zoning Implementation Act of 2006." With the emergency zoning rule change to the city's inclusionary zoning program, Cheryl Cort, Policy Director for the Coalition for Smarter Growth noted the following in an article published by Greater Greater Washington, Inclusionary zoning will soon be making a difference in DC.

"Nearly 3 years after regulations were finalized, DC's inclusionary zoning (IZ) program is beginning to have a positive effect on affordable housing stock in the city.... While the program has suffered a slow start up because of grandfathering and the recession's effect on residential development, the program's 3rd annual report suggests that IZ in DC will follow the success of neighboring Montgomery County." July 12, 2012.

—Muriel Watkins, Washington, DC (October 31, 2013)

Thank you for this opportunity to provide comment. I am DC born and raised; my grandparents came here in 1933 when times were pretty bad elsewhere. DC was good to them and their progeny, myself included. Good example of how in bad times DC draws people. I believe the current uptick in population follows the same trend, recession-driven. Some will stay, some will go. When the economy improves elsewhere DC will lose its draw. The ups and downs of population growth are not, I believe, as dramatic as the city planners would argue, despite their excitement about "millennials." It was interesting to read a study reported in the Post (9/12/12, Kathy Orton) that as many people are moving out of DC as are moving in.

As a native, the scale of the city has been important to me personally. I believe in democracy, the voice of the common man (as in this statement), and the sense that citizenry has responsibility for and dominion over the laws of the land. The scale of the city, the low rise buildings, encourages this conviction. Our city streets and avenues do not overwhelm, intimidate or alienate. This is best appreciated by contrast with other cities, where tall buildings diminish the individual, dominating the pedestrian and making one fearful or at least cautious. Those cities do not encourage an expansive view, a "we can do it" attitude or a sense of "we're in it together." They engender a myopic view of self protection rather than the confidence and strength our city's profile creates all across the city, downtown as well as in neighborhoods.

I absolutely support the NCPC recommendation not to remove the Height Act. And I recoil from the shenanigans of the Office of Planning whose unilateral recommendation to Congressman Issa was high-handed and autocratic. It was typical of an office who would undermine the common man in a city of towering fortresses.

If anything, the NCPC has gained stature in my eyes. Thank you for your work.

—Linda Schmitt, Washington, DC 20015 (October 31, 2013)

Dear National Capital Planning Commission,

My name is Luis Alberto Sanchez Jr. I am a DC native as well as a senior at University of Maryland studying economics. First of I would like to congratulate the District's office of planning on their suggestions on the modification of the height act. I completely agree that it is essential for the district to update this 100 yr old legislation in order to foster growth, and to avoid turning the entire city into nothing but 130 ft boxes in the upcoming decades. I am for a modification that will allow for growth and ensure that national landmarks such as the Capitol remain a part of the iconic DC skyline. A skyline that with careful planning has the potential even be more beautiful. Thus I approve of the district's office of planning recommendation of increasing the height to a ratio of 1 to 1.25 in the leffant city and to make areas outside the leFant city to be subject solely to zoning regulations. I am in favor of this recommendation. However I have an additional suggestion of making the ratio change as well as allowing for a couple of tr strategically placed buildings along Pennsylvania ave, the Warf deveolopment, as well main transit points.

First of I approve of the districts suggestion because it allows the city to grow while taking into consideration the city's landmarks. This so in that this modification would make only stubble changes in that some roads will stay the same while others will only have an increment of a couple stories. This modification will make it so 200ft buildings will be allowed in the current 160 ft max stretch of pensylvania ave. In other words an addition of two to three stories. Outside the lefant I agree with the office recommendation of of leaving the assignment of height subject to zoning. This makes perfect sense because there are parts outside the lefant city near metrostations in which 15 to 20 story buildings could exist for example why can should there be a restriction of areas such as friendship heights when right across western avenue there are an assortment of buildings ranging from 2 story boutiques to 20 story buildings 275 ft. buildings. Also there is no reason why high demand areas in upper north west and north east could have some taller development being that currently there are radio towers that exceed 500 ft and one tower that is taller than the Washington monument.

—Luis ASanchez, DC (October 31, 2013)

Capitol Hill Restoration Society testimony on OP report at City Council, held 10/28/2013.

[View attachment](#)

—Janet Quigley, Capitol Hill, DC (October 30, 2013)

Gene Solon's Testimony on the National Capital Planning Commission Draft Federal Interest Report and Findings for the Height Master Plan for Washington, DC, Submitted October 30, 2013

Commissioners:

1. As you know, my neighborhood, the Near Southwest/Southeast community, is experiencing an ongoing building boom. The development pattern here includes not only our existing high-rise residences, hotels and commuter-filled office buildings and the visitor-attracting Nationals' baseball stadium - but also the proposed multipurpose waterfront Wharf project's 130-foot-plus high rise buildings (and unsafe, unnecessary proposed pier extensions into the Washington Channel blocking emergency evacuation by boat), and now, a proposed soccer stadium.
2. The development pattern's impact upon Near Southwest/Southeast roadway congestion is already of major concern. DDOT has promised to periodically monitor car, truck, tour-bus and other traffic along Maine Avenue, M Street, 4th Street and other area roadways - but DDOT has refused to say what it will do if its monitoring program shows that the development-generated congestion will be too much for our roadway and subway systems to bear. Let's face reality: it is no secret that increased building height produces increased traffic.
3. The development pattern now looming will constrict treasured northward views we waterfront housing complex homeowners have had of the height of the Washington Monument (as well as the views we've had of Washington Channel water expanses).
4. Car and bus passengers' views of our capital city's unique features, including the Washington Monument, the Lincoln Memorial, the Jefferson Memorial the Capitol and other area attractions, will be constricted by buildings taller than current law allows.
5. A nation's capital - our nation's capital - must continue to be a special place, one that provides and protects open spaces, reflects history, respects its residents as well as visitors, and honors a nation's most humane aspirations.
6. Washington, D.C. must not be allowed to become just another congested, cramped collection of tall towers!

—Gene Solon, Washington, DC (October 30, 2013)

Capitol Hill Restoration Society comments on Office of Planning's 9/20/13 report. Thank you.

[View attachment](#)

—Janet Quigley, Capitol Hill, DC (October 30, 2013)

Capitol Hill Restoration Society testimony for public meeting 10-30-13 is attached. Thank you.

[View attachment](#)

—Janet Quigley, CHRS, Capitol Hill, DC (October 30, 2013)

Attached is a revised copy of my original statement.

[View attachment](#)

—Ferrial H. Lanton, Washington, DC (October 30, 2013)

Thank you for providing this opportunity to testify. I am opposed to any changes to the federal height act for the District of Columbia. I live in NE next to the McMillan Sand Filtration site and changing the height act would dramatically alter the character of our neighborhood.

—Cheryl Wagner, 3013 Hawthorne Dr NE Washington DC (October 30, 2013)

As a professor of US architecture and urbanism and a District resident for over thirty years, I would like to go on record as adamantly opposing the D.C. Office of Planning's proposal to raise the height limit. The is the most sweeping proposal to occur, in my estimation, since the Senate Park Commission Plan in 1901-02. In every other respect, it is cut of an entirely different cloth. While the SPC Plan was sweeping in its breadth to the degree that it became a major catalyst for establishing the field of city planning and provided a sound matrix for development for decades, the city's proposal is not planning at all, but rather a one-dimensional agenda-driven scheme. It fails to take into serious consideration any of the numerous ramifications its implementation would have -- on residential land values citywide, on infrastructure, on transportation, on the stability of the existing business center, and on the appearance of the city. Washington is an extraordinary, singular place that has benefitted from generations of enlightened planning. This proposal threatens to ruin that legacy. The city planning office should focus on the complex issue of how to foster growth in a responsible multi-faceted way. The fact that it has not done that and, characteristically, ignores public opinion ads insult to injury. I hope your deliberations of this crucial manner are as reasoned and responsible as they typically have been. We can ill-afford to have this radical, ill-conceived proposal take concrete form.

—Richard Longstreth, Washington, D.C. (October 30, 2013)

I support raising the height limit. Raising the height limit is the only viable way to create a more sustainable efficient city. Increasing the height limit will also create much needed tax revenue to fund new mass transit options.

—Eugene Dudink, Penn Quarter, Washington, DC (October 30, 2013)

I support increases to height limits in the District of Columbia. I fell this is a greener form of urban development. A good compromise is to allow increased heights east of the Anacostia River if there is popular support for height limits west of the Anacostia River.

—David Anspach, Clinton, MD (October 30, 2013)

[View attachment](#)

—Jim Schulman, Washington, DC, NE (Ward 6) (October 30, 2013)

Thank you for the opportunity to provide input on the significant issue of changing (or retaining) height limits in the District. I reside in the 3rd ward, and one of the reasons that attracted us to the district was the distinct character of the city – a very real and human scale city, without being overwhelmed in a canyon of tall buildings, and with distinct neighborhoods that are essentially like a collection of villages. Each of these communities in the district has a genuine charm, with small businesses and a solid feeling of community. I have watched this city change and rehabilitate over the past twenty or more years (I have worked here for many years but was only able to move to the district permanently 3 ½ years ago) – with neighborhoods being rebuilt, small businesses opening, and a vibrant street life that was once non-existent. I see this process continuing, and with (hopefully) more attention to immediate needs such as improving jobs and neighborhoods in areas struck by poverty. Raising the height limits would benefit developers – not the population of our nation's capital, or the attractiveness of this city to the huge numbers of visitors from our country and from abroad. The district would lose this character, without any apparent relatively greater benefit.

We regularly walk to small restaurants and shops near our home, housed in one and two story buildings – which would be in danger of being razed in favor of high rises if the height limits were changed. We like this scale. We also think that this change would ruin the desirability of exploring other areas of the district, including the downtown section. This beautiful city would become just another American high rise enclave, and not the distinct and attractive representation of our country to the world. We enjoy walking in different parts of the city, and part of the charm is watching small businesses open, and a feeling of a village – rather than a sterile and crowded city of high rises. The city economy is improving, and improving in a way that provides broader benefits and greater public good than turning it over to predatory developers. To be clear, I am not opposed to responsible development (and redevelopment) within the context of the existing heightline restrictions. There are many opportunities for business growth – including incubators, technology companies, start-ups, biotechnology, service companies, small shops, restaurants – promoting small businesses that could not afford the rental costs of a luxury high rise. To lose this base would both deprive the city of meaningful job prospects across the spectrum, and the diverse business base that makes this city such a great place to live.

I travel – extensively, within the US and broadly across the rest of the world. I find that cities that have given way to high rise development become empty, and desolate on weekends, with no character. Small shops and businesses are nonexistent (other than lunch places), and there is no reason to walk or spend time in this type of environment. Nor would DC be as attractive as it is now, or as representative of our nation. Let's not let this happen here. Some have said that a change in the height limit would not impact zoning laws and therefore of no danger to the outlying areas – I don't believe this. This would be a first step towards creeping large building development – now that a high rise has been built, there is no reason not to change the zoning for surrounding properties – and so it goes throughout the city.

I should also comment that I do not believe that a vote by the ANC in our ward (not to support opposition to a change) was representative of the community's feelings. Recent votes by some members of the 3rd ward ANC not to oppose development were cast despite overwhelming opposition from a very large turnout of community members present. In speaking with other residents in the area (a broad range), there is a complete failure to grasp why these members were taking these positions.

Thank you very much for your efforts to oppose this change.

—Donald Crane, Washington, DC 20015 (October 30, 2013)

I support altering the height of buildings act in Washington DC.

The analysis of the remaining room for development in DC from the Office of Planning is persuasive; more room is needed to allow for the continued growth of the city in a healthy manner, allowing for revitalization and growth without widespread displacement.

Cities and urban economies are akin to living organisms; they grow and change all the time. And given the tremendous pressure for growth in the District, the most responsible reaction is to liberalize some of the rules that govern growth in the city and allow the market to provide for the demand to live and work in the city.

The role of planners should be to roughly shape that growth, not stymie it all together. I am fearful that NCPC's embrace of the anachronistic height limits in DC will do just that.

Unfortunately, the NCPC assertion of the Federal interest is both too broad and too limiting to realistically apply. If one were to take NCPC's broad declaration of interest to the logical conclusion, you would end up with a Federal interest in only maintaining the status quo; and an interest that is so broad as to crowd out any local interest.

The irony of this would be that such a broad interpretation of the federal interest would thus require running roughshod over other American virtues, such as private property rights; local government control; and the local democratic process.

As an alternative for the Federal Interest, I would argue that the jointly-agreed upon principles that framed this study are an excellent definition of the Federal Interest: maintaining a horizontal skyline, maintaining certain vistas and viewsheds, and maintaining historic assets within the city.

Even the most aggressive of the scenarios modeled as a part of this process is still consistent with these broadly stated interests; strong physical planning can maintain a taller, yet still horizontal skyline; view corridors and vistas will remain; the additional growth capacity from added height and density will help relieve development pressure on historic resources worthy of preservation.

Finally, it is important to note that any changes to actual building heights will be subject to extensive planning work; alteration of the federal law is just the first step in that process. Given the large impact on local conditions from the federal law, as a supporter of home rule for the District of Columbia, I support a full repeal of the federal height limit law, and remanding decisions on building heights back to the government agencies that help craft our current hybrid federal/local planning process.

Thank you for the opportunity to comment on such an important planning study.

—Alex Block, Washington, DC - Ward 6 (October 30, 2013)

I am writing in support of your recommendations to retain the Height Act.

I do NOT support development projects that do not comply with the Height Act.

—Tony Martinez, Washington, DC (October 30, 2013)

provided in attached Word document.

[View attachment](#)

—Steve Schulte, Washington, DC (October 30, 2013)

I strongly support substantial revisions to the Height Act, as long as they respect the topography and horizontality that define the city's skyline.

Doing so will:

- add substantial flexibility to local architecture
- reduce the supply constraints that needlessly raise local prices and reduce the capital's economic competitiveness
- enhance the city's tax base
- improve the city's local market and thus ability to provide innovative urban services
- make better use of existing infrastructure investments, and mitigate demand for unaffordably costly infrastructure extensions
- reinstate some degree of local control over land use decisions, which is where such decisions should be made (not at the federal level)

Almost all of the many hours of arguments that I have heard in opposition to such a change have been grounded in emotion and fear of change rather than in fact or reasoning.

Thank you for the opportunity to provide comment.

PC

—Payton Chung, Washington (October 30, 2013)

This message is to voice my support to retain the Height Act.

—Isabelle Barres, Washington, DC (October 30, 2013)

See attached.

[View attachment](#)

—Richard Layman, DC (October 30, 2013)

(2 of 2) Attached are written statements from the DC Federation of Civic Associations and from Penn-Branch Citizens/Civic Association that were presented yesterday at the D.C. Council's Committee of the Whole hearing on the Height Act. Both statements strongly oppose the District's "modest" proposal, especially its complete repeal of the Height Act outside the L'Enfant City. These organizations would like to see no change to the Act, but do not strongly object to NCPC's reasoned approach as presented. We would not like NCPC to endorse changes beyond those that it already has presented.

Please accept these statement into your record.

[View attachment](#)

—Laura Richards, Washington, DC (October 30, 2013)

(1 of 2) Attached are written statements from the DC Federation of Civic Associations and from Penn-Branch Citizens/Civic Association that were presented yesterday at the D.C. Council's Committee of the Whole hearing on the Height Act. Both statements strongly oppose the District's "modest" proposal, especially its complete repeal of the Height Act outside the L'Enfant City. These organizations would like to see no change to the Act, but do not strongly object to NCPC's reasoned approach as presented. We would not like NCPC to endorse changes beyond those that it already has presented.

Please accept these statement into your record.

[View attachment](#)

—Laura Richards , Washington, DC (October 30, 2013)

[View attachment](#)

—George Clark, Washington, DC (October 30, 2013)

My name is Gale Barron Black, I am a native Washingtonian and reside in northwest DC, on Crestwood Drive. I also serve as the Advisory Neighborhood Commissioner for the single-member district 4A08, which covers census tract 26 (Crestwood). I support preserving the Height Act, without any changes to it. DC is unique and beautiful because we can see the sky and enjoy the panoramic views. The Federal Elements better protect my interest, and this local resident hopes that the NCPC will hold steady on this one. It is a matter of national importance. We have the capability of accommodating newcomers, as DC did in the 1940s and 1950s. We don't need to build up. We need to protect what's here already. Plus, without adequate infrastructure, it would be an unwise investment and a departure from the grand plans that have guided us thus far.

—Gale Barron Black, Washington, DC (ANC 4A08) (October 30, 2013)

I am writing to request you Retain the Height Act.

Increasing prevalence of tall buildings is changing the character of DC. All over the city I see neighborhoods I no longer recognize because they have been taken over by buildings three, four, sometimes five times the height of what they replaced. These areas lose their small town within a big city feel.

I made a deliberate choice when I moved to DC in 1999 at age 31 with the intent to spend my working life here. I lived near New York City at the time but found the idea of living in the city, or even commuting there to work every day amongst sun blocking buildings, suffocating. I choose DC because of the lower buildings and the atmosphere that comes with them.

DO NOT raise the height limits. Not all growth is positive, especially if the cost is the soul of the city.

—Angela Carpenter Gildner, Washington, DC (20015) (October 30, 2013)

This is a plea to protect the Height Act as is. The Chevy Chase, D.C. community has learned the painful way that developers already have plenty -- I would argue too much -- flexibility to build under the law as it stands. Jane and Calvin Cafritz are in the midst of erecting a building a half block from my family's house that, together with its immense penthouse, will tower 125 feet above the 25-foot and 30-foot single-family homes immediately adjacent to it. What more do they want?

The law has been key to preserving Washington's understated profile, one of the central things that makes this place unique among American cities. Please don't let that be lost.

—Peter Gosselin, Washington DC (20015) (October 30, 2013)

I would like to submit the attached comments on the Height Act recommendations for the record. Thank you.

[View attachment](#)

—Carol Aten, Washington, DC (October 30, 2013)

I worked in Washington for many years. At one time I had a co-worker who had traveled a lot in Western Europe. I asked him which great capital city he thought was the most beautiful, expecting him to say Paris or Rome. He immediately said, "Washington." I laughed and accused him of being too nationalistic. He replied that Washington alone had controlled the height of its buildings so that its great vistas and monuments stood out and left the clearest imprint on anyone visiting. That's why the height limits in the city should not be changed

—Georgia K. Cannady, Alexandria, VA 22301 (October 30, 2013)

I support basic conclusions of the Height Study, that some increase in building height allowed in District of Columbia will benefit our city. "Both federal and our local interests will be served by having a vibrant, economically healthy, livable Capital City." I accept DC studies projections regarding development capacity to accommodate future growth.

I do have strong reservations regarding proposed heights of up to 200' in certain areas and on streets with 160' ROW. The modeling study images confirm that 1:1 25 ratios of street width to building height retain human scaled streetscapes. The images of the city from the distance tell a different story. Figure 13, L'Enfant city at 200' height from Fredric Douglas House, and Figure 18, Illustrative clusters at 200' both demonstrate dramatic change in views of the city. WHERE IS THE CAPITOL DOME?

Iconic images of our city include those views of Washington Monument AND Capitol Dome from some distance and from the streets and houses on the edge of topographic bowl. Those view sheds do not appear to be sufficiently protected in the proposed approach.

And sincere thanks to NCPC and DC DOP for excellent work on this study and for sharing it with all of us citizens and residents of Capitol City.

[View attachment](#)

—Joanna Kendig, Washington, DC Hill East (October 30, 2013)

I prefer the current limits. The Washington cityscape is unique, and belongs in part, to the American People. If development pressures are affecting the height limits, there are numerous opportunities for development laterally, without extending development upward.

—Connie Graham, Alexandria VA (October 30, 2013)

Leave the height restrictions as they are for D.C. This city doesn't need to become another New York City with towering buildings blocking out views of the mall and its inspiring monuments!

—Elaine F. Graves, Washington, DC 20024 (October 30, 2013)

[View attachment](#)

—Robert Robinson and Sherrill Berger, Washington, DC 20010 (October 30, 2013)

see attached document

[View attachment](#)

—Nancy, Washington, DC (October 29, 2013)

Thank you for the opportunity to comment on the Draft Height Master Plan, which reflects much effort and hard work. Regarding the George Washington Memorial Parkway, the National Register of Historic Places notes that "The landscape values for the George Washington Memorial Parkway have always been the preservation of scenic and esthetic qualities associated with the Potomac River valley. Extending from the coastal plain past the fall line to the piedmont, the valley area is of continuing concern including the palisades and the tree covered slopes, flowering understory, steep-sided creek valleys (runs), and hilltop vistas. THE LATTER PROVIDES A GLIMPSE OF THE MONUMENTAL CORE OF WASHINGTON D.C., A CENTRAL PURPOSE FOR THE ESTABLISHMENT AND CONTINUING PROTECTION OF THE PARKWAY." (Capital letters Added for emphasis)

Every visitor, every commuter, every driver, and every person who has ever driven on the George Washington Memorial Highway has seen this superb glimpse of the City, which because of its magnificence, is forever etched in their memory. The magnificence of the Parkway, forever embracing the Potomac River, provides an extremely dignified and monumental character that is in keeping with the restrained dignity of George Washington as described by three different authors Paul Longmore, Arthur Schaeffer and Alistair Cooke.

Upon viewing the Parkway, one's impressions and emotions are intertwined, but they are not created by accident, but by a significant effort brought about by deliberate thought and investments in creating such an entrance. One of these being restraining the height limit in the view shed.

Although the Report talks about opportunities beyond the "edge of the topographic bowl," this is suggestive of a narrow geographic interpretation. A more realistic approach is a circular view, to which the George Washington Memorial Parkway offers a good example. The Parkway gives almost a 180 degree viewing as one drives in either direction because of the unobstructed perspectives afforded by the current height restrictions. A good example is the view from the Dangerfield Island, National Airport area, The President Johnson Memorial, and Arlington Cemetery. There are numerous sites on the other side of the "edge of the topographic bowl" which also would be impacted by the proposed changes.

Alistair Cooke wrote that regarding George Washington "there were several things about him the unquestioned leader of the new nation. A pervasive sense of responsibility, an unflagging impression of shrewd judgment, and total integrity. It can best be summed up in what critics call "presence". But, it was nothing rehearsed. It was the presence of nothing but character."

In similar manner, the City bearing his name has evoked the dignified presence of the Father of our Country as a memorial for all time through the limits imposed on building heights. Let us not sully the magnificent cityscape of Washington with outliers interjected for the sake of commerce. For if we do, that special sense will be gone forever.

[View attachment](#)

—Poul Hertel, Alexandria Virginia (October 29, 2013)

I am a local architectural professional who lives and works in the District of Columbia and I am in favor of the District having the ability to make its own height decisions.

As a district resident and homeowner, I support height change because I want to have a continued future as a homeowner and perhaps one day raise a family in the District and not be priced out of the city I've grown to love. While new buildings will certainly come with high price tags, it will have a trickle down effect to existing (ageing) structures, creating more affordable middle-class housing. Also, as a district resident, I am a believer of independent rights for the District and believe that DC is capable, like many things else, of determining what is best for its own

residents without Congress's approval.

As a local architectural professional, I believe the height limit can change in certain areas without the adverse effects that many are fearful of. With proper zoning setbacks, it is quite possible to achieve tall(er) buildings that still allow light and air to reach the street (most cities in the US and world are able to achieve this, why not us). I also think that height uniformity is a moot point - most buildings in the older portions of the city are in fact not uniform in height, and areas that are like the Golden Triangle suffer in architectural quality, partly due to this restriction. Modest additional height (with proper zoning setbacks) could provide an opportunity to rebuild many of the maxed-out 'boxy' buildings with better architecture that could achieve better building form through massing modification. It could also be an opportunity to make office areas more lively, by having them include residential components that would give the city more life presence at night. Adding height downtown could also alleviate pressure to redevelop historical residential neighborhoods.

I believe that this study's graphics were premature and have scared many people into envisioning expanded building height that is simply not modeled realistically.

—Nathan Alberg, Washington, DC (October 29, 2013)

Hello, We support retaining the building height restrictions in the current Height Act. There is plenty of room to expand within the city without raising height restrictions.

—Nancy & David Hammond, Washington, DC 20016 (October 29, 2013)

Please do not raise the height of city buildings! As a native Washingtonian, I firmly believe that this low height currently no higher than 200 ft ( think) should not be increased because

1. I want to continue to see and enjoy the sunshine and clouds,
2. if I wanted to be among tall buildings, I could have moved to New York,
3. this city is unique and should retain this low height density,
4. there is room to increase living density without going upward,
5. I do not want the voice of the few to dictate to the many what the future of this city should be, especially folks who just moved into the city in the past five-ten years. and
6. this city is too beautiful, neighbor friendly, and with a great deal of scenic value and purpose to be changed.

Please do not let this proposal go forward!!!

—Ferial Bishop, PRP, Washington, DC (October 29, 2013)

I am opposed to height limit increases. The ability to see the sky and appreciated the beautiful un-shadowed architecture of Washington, DC is one the reasons so many tourists visit each year – generating tax revenues. DC IS NOT New York and should stop trying to replicate its buildings. Maybe incentives to more creative developers would encourage construction of more affordable/family based housing, since the same old ones don't seem to be interested in solving the District's ongoing affordable housing problem.

Suzanne Johnson, native Washingtonian and resident

—Suzanne Johnson, Washington, DC (October 29, 2013)

This e-mail is to register my opposition to the Office of Planning's (OP's) proposed major changes in the Height Act which would adversely affect many residential areas of DC, including Foggy Bottom-West End, where I live. I also wanted to register my thanks for NCP's modest proposed changes. – Barbara Kahlow, 800-25th Street, NW, WDC 20037

—Barbara Kahlow, Washington, DC (Foggy Bottom-West End) (October 29, 2013)

I am writing to say that I very strongly support retaining the Height Act. I was born and raised in Washington DC and have lived the majority of my life in this city, in large part because it is one of the most beautiful, livable cities in the world, and I believe that the height restrictions contribute significantly to its beauty. Washington DC is far more than just the downtown/mall area. Many many neighborhoods throughout this city are lovely and the lower density allows people to know their neighbors and build true communities.

I lived in Manhattan for a few years and found that the high rises blocked the views - other than for the wealthiest people who could live at the top of the high rises. They also blocked the sun, and caused very unpleasant wind tunnels. Furthermore, the extreme density of people living in the high rises meant that most people didn't know their neighbors.

There is plenty of under-developed land in DC, which can accommodate growth in DC for many many years. Please retain this city's phenomenal beauty and sense of community.

—Tory Ruttenberg, Washington DC (20016) (October 29, 2013)

Please add the attached document to the public record.

Thanks!



Sue Hemberger

[View attachment](#)

—Sue Hemberger, Washington, DC (October 29, 2013)

I have lived in the same house in Washington for 54 years! Please, as a concerned citizen, I beg you to leave the height act as it now exists! It is part of what makes Washington unique!

—Bob Asman, Washington, DC (October 29, 2013)

I wish to endorse Charles W. McMillion's thoughtful comparison of the economic and budgetary impacts of retaining the building height limits, as argued by NCPC, or increasing them, as proposed by the Office of Planning. [Comment by Charles W. McMillion (PhD), Washington, DC (September 27, 2013)]

As McMillion makes clear, the NCPC's solid analysis demonstrates the many economic and budgetary reasons for retaining the building height limit. Whereas the Office of Planning's limited analysis asserts the desirability of increasing building height limits but fails to make a solid budgetary case for doing so.

Furthermore, I find it distressing that OP has used a request initiated by a single Congressperson -- Darrell Issa -- as a springboard for putting forth its proposal to change DC's building height limits. One can only wonder whether OP was just waiting for such a (flimsy) basis in order to put forward this proposal.

—Pat Taylor ( Ph.D.), Washington, DC (October 29, 2013)

I am aware, from discussions on the Chevy Chase listserve, that many of my neighbors have weighed in strongly against changes to the city's height limit. Please understand that this sentiment is not universal.

Affordable housing is clearly a problem in the city, and we need more density to help make it possible. Washington is, after all, a city--not a suburb or rural area.

Some of us would like to see our neighborhood participate more fully in the changes that are making the city a more vibrant and interesting place to spend time. I am one of them, and I am not alone.

—Linda McIntyre , Washington DC (20015) (October 29, 2013)

Keep low rise bldgs in DC. The first thing out of town visitors comment on is the beauty of our skyline without marring tall buildings. We are fortunate for the Height Act limitations and don't need higher buildings. Developers -- not residents -- are behind the aggressive movement to increase building height. DC has no research to justify raising heights. Hopefully the National Capitol Planning Commission will do the right thing and prevent the DC city planning office from removing our status quo height limits.

—Deborah Kavruck, Washington, DC (October 29, 2013)

Please, both of you and the NCPC, hear the pleas of those of us who have lived in this beautiful city for 40 years and more: Do NOT allow the Planning Dept. or the BZA or any other District or Federal agency intent on raising the height maximums to do so!

—Carol Zachary and Jon Axelrod, Washington, DC (October 29, 2013)

Keep low rise bldgs in DC. Please include my voice as one who would like to retain the Height Act and who readily supports the NCPC's recommendations.

—Beth Campbell, Washington DC (October 29, 2013)

NCPC's Height Master Plan offers a sensible approach to accommodating growth in our great city. This visionary plan recognizes that our existing urban form offers many benefits, which result in a distinctive, walkable, and sustainable environment unique among American cities. It also stands in sharp contrast with a drastic proposal by the DC Office of Planning proposal that would irreparably change our prominent skyline, one which simply cannot be defended with a rational justification, let alone on the basis of economic development.

—Brad Gudzin, Washington, DC (October 29, 2013)

I am surprised at the thought of changing the Height Limits in the District. They are there for a reason and we citizens appreciate their value and depend on the idea of having normal neighborhoods. Please leave them alone. Put your energy towards solving problems not creating them.

Is the District government going to support as many stupid things in this town by changing those limits

as the Congress does is in this town by not doing anything?

—Diann Heine , Unknown (October 29, 2013)

This note is a request to keep the current height restrictions. When I first came to Washington in the mid 1970ies, I felt so much at home, one reason being that I could see the SUN! I never liked New York City as I felt overwhelmed by the tall buildings. Even now, I skip past Bethesda/Wisconsin Ave. and shop at Westfield Mall where I feel more comfortable. PLEASE, don't let us become another New York City. D.C. is special. Our monuments and our people should not feel overwhelmed. Thank you for your attention.

—Elaine Vande Hei, Washington, DC (NW) (October 29, 2013)

I write in support of keeping DC's height restrictions throughout the city. These restrictions are critical to maintaining the quality of life and appearance of our beautiful city.

As far as I'm concerned, the City's Office of Planning has not made the case for lifting the restrictions, and is unduly influenced by commercial interests.

Many thanks for your consideration.

—Greg Ferenbach, Washington, DC (NW) (October 29, 2013)

I would like to make two points regarding the Height Act.

The first is that the current debate is about modifying the federal Height Act. Even if we eliminated the federal Height Act entirely, there wouldn't necessarily be taller buildings built in DC, because we would still have local zoning and land use policies. DC doesn't need Congress micromanaging its affairs; we should be able to make our own decisions about urban form.

Of course, if there was no reason to ever build taller buildings in DC, we wouldn't need to change the Height Act. My second point is that DC should have taller buildings, but that we should be careful in doing so. DC has an affordability crisis, particularly in the residential market. If we want DC to be anything other than a playground for the rich and powerful, we need to preserve affordable housing -- not just subsidized housing, but also affordable market rate housing. There are only ways to do that: decrease demand (make DC a less desirable place to live), reduce housing quality (allow homes to fall into disrepair), or increase supply. Obviously, increasing supply is the only one of these we would intentionally pursue. If we increase housing supply without allowing tall buildings, we end up with boring, boxy 8 story buildings all over the place. If we allowed taller, slimmer buildings, we could have more open space at ground level. More importantly, building a few tall buildings in select locations would relieve the pent-up market demand that is affecting lower density neighborhoods. If we retain repressive height limits, neighborhoods like Capitol Hill, Shaw, Petworth, and Brookland will either 1. become even less affordable, displacing longtime residents or 2. see more and townhouses and beautiful historic homes torn down to create 6 story condo buildings. We would be far better served by allowing higher density construction around metro stations and retaining the existing character of some of DC's most special neighborhoods.

The NCPD proposal for changing the Height Act is timid and pathetic. The proposal from DC's Office of Planning, which would allow slightly taller buildings in the L'Enfant city and significantly ease restrictions further out, is much bolder and would make DC a more affordable, economically vibrant, and sustainable city.

—Paul Joice , Unknown (October 29, 2013)

I am a metropolitan development trends specialist and am a resident of Washington, DC. My experience includes owning and running the country's largest real estate consulting firm for 20 years, a former real estate developer, an author of 12 books on urbanism and numerous articles for national publications. In addition, I am a professor at George Washington University and a non-resident senior fellow at the Brookings Institution.

I urge the adoption of the District of Columbia recommendations to ease the height restrictions outside of the L'Enfant old city boundaries and slight easing within the original L'Enfant boundaries to reflect changing fire suppression technologies.

The major reason for this recommendation is that following 60 years of losing relative job, office, retail and residential growth to the suburbs, the District in @ 2004 economically turned around and began to relatively grow. This was one of the first center cities in the country to turn itself around and it has provided residents with more opportunity, the District with a healthy balance sheet, a safer and more vibrant city and a model for center cities across the country.

The problem is that the L'Enfant city is running out of developable land and square footage that can be developed, mainly due to the height limit and the appropriate desire to preserve historic buildings. The L'Enfant city is probably 15-25 years from running out of developable land based upon current growth rates.

However, the District needs the ability to continue to grow. It would be a major shame to lose the advantage of offering walkable urban places to grow jobs and families due to not having enough land and building development potential.

In addition, the city is a leading model of environmental sustainability since walkable urban development is essential to reducing green house emissions. The City is also providing a model of green building, lower green house gas emissions as well. Having the early 20th century limitations of building heights maintained will reduce the ability of the District on reducing climate change forces, especially since the built environment (buildings and transportation) is the largest category of emissions, contribute nearly 75% of all green house gases.

Keeping an early 20th century law or provide a national model of reducing green house gases is not a difficult decision for me. We should let the nation's capital be an environmental model by selectively raising the height limit.

Finally, little is said about the financial implications of raising the height limit. In the District today, the value of a floor area ratio (FAR) square foot is between \$100 and \$200 per foot. The air rights above the current limit belongs to the citizens of the District. They are worth billions of dollars that could build the new streetcar system, affordable housing, redevelop our schools and many other positive things. The citizens of DC, whom I am one, would like to take advantage of this significant asset we own.

No one wants to disturb the sacred view corridors or character of the L'Enfant city. However, outside Boundary Street (generally Florida Avenue) the city government should have jurisdiction to determine the appropriate height. Economic growth will go to the predominantly minority northeast and southeast parts of the city that have rarely in 220 years received its fair share of economic opportunity. Raising the height limits will encourage racial and social equity.

Please accept the District's recommendations for modifying this arbitrary law outside the L'Enfant city while making minor adjustments within the old city.

Thank you,

Christopher B. Leinberger

—*Christopher B. Leinberger, Washington, DC (October 28, 2013)*

I am a community activist from Southwest Washington, DC, and a former Advisory Neighborhood Commissioner.

I express no opinion on what height limit Washington, DC, should have for buildings.

As an American citizen and a resident of Washington, DC, I'm testifying only to one point: that the citizens of Washington, DC, either ourselves or through our elected representatives, should decide the limit to building height in our city. It is intolerable to have a federal law, passed by a Congress in which we have no voting representation, determine the height of our buildings.

Therefore, I strongly support radical revision of the federal Height Act. Congress should either repeal it altogether, or limit it to the same borders statehood proponents call for a new federal district to be formed after Washington, DC, achieves statehood.

Democracy means the right to make our own mistakes. If we don't trust our own elected representatives to make the right decision about local building heights, let's have a popular referendum on the proper heights for buildings in DC.

Democracy means the right to make our own mistakes. We will never achieve self-government, let alone statehood, in this city if we make exceptions to our right to self-government for any issue on which we expect to disagree with the result of a democratic process--whatever that issue. If we let Congress tell us the limit to our building heights, we can't tell Congress that how we spend our tax dollars, or how we regulate drugs, is none of their business.

U.S. Citizen  
Resident of Southwest Washington, DC

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—*David C. Sobelsohn, SW Washington, DC (October 25, 2013)*

Dear Sirs, as a resident of the District, I see no reason to adjust the Height Act. There is plenty of developable land in the District for commercial and residential use that is underutilized. Developing commercial space outside of the core would do wonders for neighborhood economies and

infrastructure relief.

—James Church, Washington, DC (20002) (October 25, 2013)

My name is Ben Klemens. I live in a house at the North end of L'Enfant's plan. My day job is as a manager in a federal agency, working at the federal center in Suitland, Maryland.

My understanding of federal administration is that its central problem is how to attract and retain talented people. It is the key to efficient government.

In the segment of the NCPC draft report on the location of federal agencies, where I had expected discussion of this central federal interest, the report instead states that recent federal office developments "outside of traditional downtown federal enclaves [are] often serving as catalysts in distressed or emerging markets and anchoring development around Metrorail stations." The discussion in this section of the report is therefore not about federal interests, but about how the federal government can encourage local growth. Further, from my perspective in Suitland, the statements in this segment ring false: if anything, the Suitland Federal Center, off limits to not-federally-employed local residents, has had a deadening effect on the area around the Suitland Metro.

What that means for us as federal workers is that we are effectively trapped in the bubble of our building from clock-in to clock-out. In other places I have worked, my coworkers and I have often gone out to lunch, which naturally made us a better team and helped us to enjoy work a little bit more. If we had an interviewee that the bosses were especially interested in, we'd go out for dinner with him or her. All of that is largely impossible from Suitland, Maryland. My agency has a strong workforce, but I have also seen coworkers leave, complaining of the problems with working at a geographically isolated agency. I've listened to interviewees---suburbanites and urbanites alike---wonder aloud whether they could make the commute every day.

The report as written gives several examples showing that new federal office space continues to be developed at a regular pace, and points out that the trend has been toward building more Suitland-like campuses. But it fails to make the link that this trend can be detrimental to the key federal interest of hiring good people and helping them to enjoy coming to work every day.

I have noticed that, although the option has always been open to them, the NCPC has never chosen to relocate to Suitland, Maryland. There, they would have bigger offices at a lower land-use cost, thus freeing up budget for new or expanded programs. The fact that the NCPC has not made such a move to less dense pastures indicates that it has found value in its current location, perhaps from easier transportation, better amenities, or proximity to other agencies or businesses. Whatever it is that the NCPC has at its current location, other federal managers like myself need as well, so that we too can attract and retain the best and the brightest.

Because the problem of attracting and retaining talented people is absolutely central to federal administration, I believe it is vitally in the federal interest to take steps to expand the availability of central DC office space where federal agencies can locate.

—Ben Klemens, Washington, DC (October 25, 2013)

No change to the District's height limits should be considered in the name of greater density without first developing and putting into place a comprehensive plan for the infrastructure to support it. Anyone who has ridden on Metro during rush hour or driven down its streets knows we are currently experiencing gridlock. Making room for more people without the means to move them around, much less providing the parks, schools, libraries, police, and firehouses to serve them is a formula for an expensive deterioration of this city's quality of life.

—R. Rhinehart, Washington, DC (October 25, 2013)

Keep the law as it now stands. It has worked for years to keep DC a city with world-renowned beauty. We do not need to shroud our unique historic buildings as well as DC's well-designed contemporary buildings with over-sized structures that hide the magnificence of the Federal monuments and architecture as well as the historic neighborhoods.

—Penny Jones, Alexandria, VA (October 24, 2013)

Please see the attached file.

[View attachment](#)

—David Haresign & Mary Fitch, Washington DC (October 21, 2013)

Identity is a extremely fragile value in built environment because we cant, or don't, measure it. Nor do we have any economic calculations for "subjective" values like identity, charm or livability. And this despite that we know that these values create the best prerequisites for economic values in built environments! Be aware of the subjective values you have! And select a reasonable size piece of land within (or beside) the existing urban area and let new buildings create new values without choking existing.

—Erika Wörman, Stockholm, Sweden (September 30, 2013)

A city like Washington benefits from height controls in many ways. They help sunlight reach windows and green spaces, air move on dank summer days and sun warm surfaces in frigid months, pollution dissipate, and trees and plants survive. Our lower density has helped manage our population, helped spread development laterally across the city, and led to Washington being one of the most beautiful and livable cities in the country. These benefits are immeasurably positive and should be protected. However, the height rules, as written now, do not address increases in height to create more green space, seem arbitrary such as where a portion of one side of Pennsylvania Avenue has a higher height limit than the rest of the city, and do not allow for higher density nodes of live-work development to be created in the east and north sides of the city. Walkable live-work cities require increased density that is best captured through managed and thoughtful increases in height with controls on overall density to limit overwhelming embedded infrastructure. We should be looking at massing models of the city to create density contours that protect our treasured viewsheds and greenness while fostering opportunities for more sustainable live-work neighborhoods and greater freedom of architectural expression. The process of allowing taller building must be deliberative, open, and well-studied for each taller building. Aesthetics and sun angles at the scale of the neighborhood and greater viewshed need to be factored each time. Washington is a city for its citizens and a city for the nation - it has two parents. We need to develop new rules that make sense and protect the interests of both.

—D. Wauters, McLean, VA (September 30, 2013)

Except for the "no change" approach, I believe that all of the proposed approaches to manage height in the District FAIL to protect the "light and air" and views of District residents, and unfairly favor commercial development at the expense of quality of life for residents. OP has already established a de facto policy of waiving the height limit and ignoring the District's Master Plan as illustrated by the recent approval of ultra-high density 11-story buildings with little or no open space in my own neighborhood.

Perhaps DC's tax base could be increased by greater density, but the potential for increased revenue should not be driving changes to the character of the District at the expense of its beauty and inviting charm. DC is not Manhattan. While demand for commercial space in DC may well outstrip supply sometime in the future, that is demonstrably not the case today in the Southwest, Southeast, and Northeast quadrants, and I do not perceive any urgency that justifies altering the very character of the city. Today, I see vacant commercial buildings (some of which were constructed in the past 5 years); I see vacant lots; I see boarded up buildings. The problem is not lack of adequate density, the problem is lack of transportation access and/or a desire for a prestigious Northwest address. The majority of these vacant or dilapidated buildings are in areas where renewal is needed, and that need should be addressed first. That need should not be treated as an invitation to alter the general character of DC's neighborhoods.

Pierre L'Enfant's vision included a focus on vistas, which highlight Federal structures and thereby indicate the power and prestige of the national government and visible open space, which indicates room for the interaction of citizens in a democratic society. [1] The construction of ever-taller buildings, which will unavoidably block the very vistas which L'Enfant sought to preserve, will alter the very character of the District to the detriment of its residents and visitors, and to the primary benefit of developers.

DC remains very much residential and the wants and desires of its residents need to be respected. The proposed approaches FAIL to adequately address impacts on residents and visitors. I would urge OP to directly canvass residents and obtain meaningful input on the impacts of increased height and density before proceeding further.

—Robert Weller, Washington, DC (September 30, 2013)

Attached please find the National Trust's 9/25/2013 preliminary comments and requests for clarification regarding the Height Study. During the public information session, Ms. Tregoning said, I believe, that the positions of some groups participating in the session are already known to the agencies. Speaking for the National Trust, I don't understand this comment. The National Trust has raised questions, requested additional information and maps, expressed concern about potential impacts to historic properties, and advised caution. However, we have not taken a position regarding NCP's 9/12/2013 draft recommendations or DC-OP's 9/24/2013 draft recommendations. Thank you in advance for considering the National Trust's preliminary comments as you seek to reach consensus regarding where height changes would be appropriate.

[View attachment](#)

—Rob Nieweg (National Trust for Hist. Preservation), Washington, DC (September 30, 2013)

I think the building height restriction in Washington DC should be lifted for limited areas of the city.

Building height in the downtown area of NW/SW Washington, roughly bounded by 24th St, NW, North/South Capitol and M Streets (NW and SW) should be limited as current law specifies.

However, outside of those bounds, building height restrictions should be lifted to permit buildings of up to 50 stories or 500 feet.

—Alvin Hutchinson, Washington, DC (September 30, 2013)

Raising the height limit in a control area could create a focal point for the city, but instead of focusing on a aesthetics should be interesting in analyzing the demand space for, residential, office space, commercial, and understand what are the city's internal needs.

In our case Tegucigalpa, is experiencing gentrification on the outskirts due to the land in the city's center with the greater value is developing into modern office and residential buildings, not much have been done for urban space to accommodate all influx of upper class and workers. Our buildings aren't that tall, but have an excellent and appealing design.

This started to create well define boundaries between downtown- historic district and modern area and the rest of the city.

—Jonathan Mendoza, Honduras (September 30, 2013)

I have lived in Washington, DC since 1991. I attended the briefing on alternatives to the current Height Act presented at the Tenley library in early August. After careful consideration of the pros and cons to each approach, I urge that the National Capital Planning Commission adopt Approach 1B. This approach allows no height increase but does allow penthouse occupancy with or without setback.

The reasons for my recommendation include:

1. The distinctive beauty of Washington, D.C. is attributable not only to federal monuments and buildings but also to its warm and welcoming skyline. As the nation's capital, Washington, DC is unlike other cities. Hence a careful decision must take into consideration its national role as well as its role as a comfortable home to its residents. The very human dimensions of the city allow it to excel in both roles. This alone should be sufficient to retain the current Height Act, with the modest modification contained in 1B.

2. The depiction of various height increases in drawings presented at the briefing showed box like structures atop existing buildings to illustrate the changes in street width to height. Unfortunately, they seemed all too realistic. Few of the new buildings in DC are architecturally interesting. Most look like the new big box structures along New York Ave and H Streets--relatively cheap to build but which bring big profits. They do nothing to enhance the visual charm of the city. Therefore, any increase in height limit for buildings in the District are likely to produce more of the same, only taller. This is not an inviting picture.

3. There is currently plenty of unoccupied new construction in the city offering both office space and apartments/condominiums. Moreover, the District currently enjoys a budget surplus which deflates the argument emphasizing the need for increased tax revenue. Improvements DC government ethics policies and practices as well as robust enforcement of anti-corruption and oversight measures should only improve the DC government's revenue situation.

When all current structures are occupied and there is no more space to develop, then the Height Act can be revisited. There is no need to do this now. Once this genie is out of the bottle, it cannot be put back.

In conclusion, I strongly urge the National Capital Planning Commission to retain the current Height Act with the modest penthouse modification. Retaining the current act will ensure that the District of Columbia continues to be a beautiful and livable city.

—Ann Phillips, Washington, DC (September 29, 2013)

I suppose I would ask exactly what is meant by a thriving city; what are the larger goals of the city? Some cities have begun to use measures of 'density', though this can be misleading. I would tend to disagree that just increasing the FAR will make a city 'thrive'. Paris has relatively low building heights, very high density, and a lot of vibrancy. Compare that with some cities like Dallas, which while definitely on the up-swing, have a lot more height and large swathes of dead zones in the downtown. (Or look at the financial district in New York, but don't go there at night.)

I think the solution is likely much more nuanced than height. Mixed use is all the rage in many circles, but there is some legitimacy to it. Activities that keep people on the streets at all times of day, not just office towers that close at 6pm are safer and attract more residents. There also need to be areas for people congregate, 'democratic' spaces where the public interacts and that are useful. People here have mentioned Barcelona, while the Sagrada Familia is great, Las Ramblas, a wide boulevard, is the attraction for many people and activities.

Now to pull in investment to the city, an increased FAR could definitely help. That investment then may help to support other investments in the city through a TIF, but I would think this would need a careful study of the cost-impact and the nature of the development. With the cost of housing in DC, I think the limits of market saturation for housing units would be extremely difficult to reach, so I doubt one could hold costs down through increased height limits -if in fact rental costs are a factor.

I would say creating a vibrant city is much different than the nature of the skyline and view corridors of the capitol that deserve a bigger discussion about what makes a city thrive.

—Joshua Palmer, Austin, Texas (September 29, 2013)

ou will loose the existing character of the city if you do away with the height restriction. The existing structures will suddenly become so insignificant and many will disappear from the residents and visitors mind. On the ground, it will also become a different place all together. Be it that it may have more surprises- old small buildings amount huge structures- Tokyo.

My suggestion is to select a reasonable size piece of land within the existing urban area that is not of good condition now and do away with the height restriction there. It will help to accommodate the space requirements and reduces the pressure on the other parts of the city. It will also add another layer of time and character to the city.

—Siah Gim Lim, Tokyo, Japan (September 29, 2013)

I've been driving down N. Capitol Street for many, many years. Although the route has been less than visually appealing for that time, when the sight of the Capitol dome came into view it was a clear and exciting perspective of the horizon. Already someone's approval of a tall, bulky new building at M Street has destroyed that experience. See for yourself in the attached photos. Now you are considering relaxing the rules to do away with height limits that provide the city's vistas and character. Please don't do it, please don't do more harm than this.

[View attachment](#)

—Eileen Emmet, Silver Spring Md (September 28, 2013)

I am submitting this statement on behalf of the Sheridan-Kalorams Neighborhood Council (SKNC) in support of the Historic Districts Coalition and in opposition to changing the DC Height Act. Sincerely, Christopher Chapin

[View attachment](#)

—Christopher K. Chapin, Washington, DC (September 28, 2013)

From my experience in Barcelona the vibrant city needs walkable streets and provide all needs within the same neighborhood. Car-based cities would never be vibrant but sometimes and under certain circumstances inside malls.

—Joan Valls Fantova, Barcelona, Spain (September 28, 2013)

DC should increase the height limit but create incentives where additional floors can only be added if they include residential (particularly low income), a public amenity or institution (library, school, etc), or demonstrated need. I think this would make more affordable housing available in the downtown core and make the area more dynamic with people using buildings 7 days a week, for all uses.

The downtown core is not for DC residents now. It is for office workers - a significant number of whom come from Virginia and Maryland- and for tourists staying in hotels located there. The height act will help it become a living part of the city.

In the meantime, DC could look to help developers add office to key areas such as along the Anacostia river, McMillan Reservoir area, Old Soldier's Home, and Walter Reed to add mixed usage to areas that currently are only residential.

—Adam, Washington, DC (September 27, 2013)

Two comments:

Op recommendations were supposed to take into account public input. If one reviews the comments presented at the OP meetings and posted later concerning the research and proposal for Height Act changes, one finds NO evidence at all that the public's voice was heard.

The OP website says "These work products, public comments, and other background materials will be the basis for the recommendations from the National Capital Planning Commission to the House Committee on Oversight & Government Reform in fall 2013."

Harriet Tregoning sent OP's DRAFT proposal to Issa before hearing public testimony to NCPC and conferring with them, even tho Issa specifically asked for the two agencies to submit a consensus plan to him. Words fail me.

—Claudia Phelps, Washington, DC (September 27, 2013)

I think the Office of Planning's recommendations to modify the height limit in DC is an excellent idea. Creating a denser, more amenity rich and varied urban environment is a positive move as we proceed to keep DC a world class city. The constraints currently imposed on architects has resulted in a skyline and street front of boring boxes.

—Alice giancola, Washington, DC (September 27, 2013)

I'm disappointed by how timid NCPC's recommendations are.

I appreciate that low buildings have an aesthetic appeal and contribute to the character of DC. But they have a cost. Limiting the supply of housing and commercial space drives up prices and makes DC less affordable for low income households. Also, urban areas are a key to the fight against climate change; enabling more people to live and work in DC will reduce per capita energy use.

I prefer the recommendations of DC's Office of Planning. I think it is a reasonable compromise to continue to have a federal limit on heights in the L'Enfant City, but to allow taller buildings in other parts of the city.

—Paul Joice, Washington, DC (September 27, 2013)

I write to compliment the careful Height Act assessment of the NCPC's "Federal Interest Report and Findings," but also to draw attention to the premature and even reckless recommendations of the DCOP based on its incomplete "Height Master Plan for the District of Columbia - Evaluation and Draft Recommendations."

A telling contrast between the two approaches is that NCPC accurately observes: "The District of Columbia has 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." (p. 13) By contrast, OP refers back to a 1997 study "...that our tax burden results in at least a 25-percent higher cost of doing business than in the surrounding area, discouraging location in the District and undermining our competitiveness." (p. 4) While acknowledging "demonstrable improvements over the past decade," OP and their consultant PES and its two developer partners, continually suggest DC is now somehow not "competitive" and insists DC "is literally constrained by the Height Act." (p. 8)

In fact, of course, as NCPC notes, DC has long been one of the strongest commercial and residential markets in the country, gaining population for the past 15 years since 1998. In fact, according to the BLS and BEA, DC now provides more jobs than ever before on record; 730,000 payroll jobs – and another perhaps 85,000 entrepreneurs/self-employed. The total number of jobs in DC is far higher than even the resurgent total 640,000 men, women, children and seniors who live in DC much less than the 340,000 working-age DC residents who are employed and pay DC income taxes. This remarkable, unique-in-the-nation imbalance between offices and housing is why DC has over 500,000 in-and-out commuters each day bidding up housing prices to unaffordable levels, over-taxing our daytime commercial infrastructure and creating the worst congestion in the nation.

These half-million daily commuters leave each evening with \$1.5 billion in annual state/local income tax payments sent outside DC along with most of their spending and investing. The huge commercial infrastructure demands and revenue losses – despite a strong economy -- are key reasons why DC's residential infrastructure – schools, affordable housing, resident-oriented businesses, safe streets, playgrounds... have been so badly neglected. OP claims to have looked at other cities but NO other city but DC is prohibited by law from capturing any portion of tax revenue from commuter income earned here.

Major policy changes must always be considered in light of potential budgetary impacts but this is absolutely vital for DC with its unique revenue constraints. NCPC takes budgetary concerns seriously; OP does not.

NCPC points out in 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. In addition, many of these systems have costs, customer demand, and operational considerations that are regional in scale."

And NCPC states in 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.

That is, NCPC finds that DC is doing well and until it can be shown that raising the iconic Height Limit will likely result in more benefits than costs, there is no need for major change to the height limit.

OP, on the other hand, limits its contracted "Economic Feasibility Analysis" largely to builders' costs, and the imagined need to become more "competitive" and capture even more office building to maintain or even worsen the current worst-in-the-nation office/residential imbalance, congestion and bidding-up of housing prices. OP barely mentions DC's already deeply stressed infrastructure and ignores entirely its many billions of dollars in unfunded maintenance and modernization needs and yet OP recommends raising the 130 foot height limit by 54% to 200 feet. How would this enormous addition to density affect car traffic and road maintenance, Metro crowding and breakdowns, our vulnerable power grid, water, sewer...?

OP's Feasibility Analysis finds that 80% of construction jobs will go to more commuters but that new tax revenue associated with much taller buildings may bring in about \$100 million/yr. compared to about \$6 billion in current DC tax revenue. Since OP fails to offer any consideration of the very significant added cost for infrastructure and other services associated with much taller buildings, it is not possible to know whether its added height recommendation would likely be a net benefit or loss to the DC budget. I suspect such additional demands on DC's aged infrastructure would result in public expenditures far exceeding the meager tax revenues gained. (And it is hard to imagine neighboring jurisdictions or Congress rushing to pay a larger share of DC's bills.) So why would OP make such a reckless recommendation to raise the height limit before assessing the likely budgetary impact?

One final, perhaps minor point that has annoyed me about OP's relentless selling of this project from the beginning: If you read carefully you can find places where OP does admit that this challenge to the Height Act comes from one "Tea Party" Congressman from California, not usually considered a friend of DC, Darrell Issa, He was appointed Chairman of the House Committee on Oversight and Government Reform which has jurisdiction over DC matters. Issa called a Subcommittee hearing in July 2012 which he did not attend and, in fact only three members of the 39 member full Committee attended any part of the hearing much less did any of the other 435 members of the full House attend. The letter requesting this project was sent on Oversight Committee stationary but by Mr. Issa (as Chairman) alone; neither the Ranking Committee Democrat nor anyone else signed. There was never a vote on this project, by anyone – anywhere. And yet, OP has constantly referred to this project as "requested by Congress" as is done again in the Press Release of Sept. 24, 2013 announcing OP's draft recommendations. However, there is absolutely no indication of significant interest in Congress or among DC or US residents to raise DC's height limit.

I am disappointed in OP's reckless recommendation and do not believe that it is "smart" or good for DC. I hope it goes no further.

—Charles W. McMillion (PhD), Washington, DC (September 27, 2013)

I would like to support the continuance of the Height Act and protect L'Enfant's view of our federal city. There are plenty of places beyond the federal city where penthouses can be built. It is only in the interest of the developers to extend the height limits so I would like to maintain our Height Act as it now stands.

—Anne Vinson, Washington, DC (September 26, 2013)

I'm a DC property owner and would like to testify in regard to #HeightDC: Please do NOT lift the height restrictions. Minor modifications are fine, but to practically wipe them out would be a great disservice to this wonderful city. In addition to the view of the monuments, a big part of DC's appeal is the manageable, "small town feel." Plus, the low height restriction helps to



prompt economic expansion in blighted neighborhoods rather than concentrate wealth in a few areas. Again, please do not make any significant changes to the current rules.

—Phil Piga, Washington, DC (September 26, 2013)

I am adamantly opposed to any raising of building heights. I do not want DC to become another NYC.

—David Elliot, Arlington, VA (September 26, 2013)

An example of similar restriction for Height is set in Building Constructions in Barcelona

In our city we also have several iconic buildings and only some of the are allowed to avoid restriction

In my opinion, WDC shouldn't look for skyscrapers and, if needed, provide more space for business and living within very delimited areas at least 5 kilometers from downtown

and, of course, always linking both the new area and downtown thorough rail connections.

—Joan Valls Fantova, Barcelona, Spain (September 26, 2013)

The Committee of 100 on the Federal City responds to the Mayor's Height Act recommendations (see attached)

[View attachment](#)

—Committee of 100, Nancy MacWood, Washington, DC (September 25, 2013)

I attended the final Phase 2 meeting hosted by OP's Harriet Tregoning, and my sense of the crowd's input was, keep the Height Act intact; there is presently much unexploited vertical and horizontal space in the city for development.

Given the already overtaxed, inadequately built-out public transportation system and ongoing reductions in parking, I question how increasing density benefits sustainability, livability, or economic development for D.C. residents. I already know many people who live in the suburbs and in D.C. who decline to shop or dine in town because they find the combination of heavy traffic and scarce parking daunting. There are probably people who also choose to work elsewhere for the same reasons. At the same time, public transportation is so underdeveloped, and declines so precipitously on weekends, that using it requires driving to a transport node, like a Metro station, and then hunting for a place to stow one's car so it won't be ticketed. To add vitality to a city, public transportation must run frequently, dependably, and extensively. That doesn't describe our current system.

The city has much under-utilized space at present; our population is still well below its peak of 800,000 in the 1950s. If we want economic vitality to push its way out of the pockets where it took refuge in and has been holed up since the 1960s, why would we build commercial and residential space in the already gentrified areas of the city? As to the notion that adding commercial and residential space brings down commercial and residential prices, then Manhattan--where relatively speaking, the sky is the limit--would be one of the least expensive housing and business markets in the U.S.

If casting off the Height Act limits is the best we can expect from our city planners, it is even more discouraging to contemplate what they will do if Congress grants the D.C. government the complete freedom from Height Act constraints that OP seeks outside the L'Enfant City. (If this is what Statehood would look like, I may lose my zeal for it.) I understand that the city's own zoning regulations are in many neighborhoods more stringent than the Height Act's restrictions, but I have no doubt that OP and the Zoning Commission will figure out how to jerry-rig those as well.

—Andrea Rosen, Washington, DC (Ward 4, Chevy Chase) (September 25, 2013)

The DC Government has failed to complete their assignment. Issa's request was 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."

The very first sentence in DC's report states "The central question that this report attempts to answer is whether changes to the federal Height Act can be accomplished in a way that allows the federal government and the District of Columbia to reap the economic, fiscal and social benefits of additional height."

In other words, they went at this activity with the predetermined conclusion that they wanted to raise the Height Limit in some way - thus rendering this entire report instead as a one-sided vehicle for supporting their position.

I also find it disturbing that this report has been publicized without taking into account the comments provided at the public hearings, and without consultation with City Council.

—Erik Hein, Washington, DC (September 25, 2013)

I think the Office of Planning's recommendations to modify the height limit in DC is an excellent idea. The economic benefits, coupled with creating a denser and more amenity rich urban environment, far outweigh any possible drawbacks. I'm all for it!

—John Bradley Papp, Astoria, NY (September 25, 2013)

My fear is that the decision will simply go the way of the developers drooling their money over 69sq/mi of airspace currently guarded by the mayor and the city council. This is the same DC government that could not even stand up against Walmart and its promise of jobs calibrated to swell the class of working poor.

The decision should be according to what we want Washington DC proper to look like and to feel like. If we want a skyline the level it is, the height restrictions should stay as they are. Do we want skyscrapers? Do we want to look like other high-rise cities? Maybe. It's a decision.

Of course, in a high-rise DC, there will eventually be a well-dressed, security cleared person, licensed to own rocket launchers and assault weapons, sitting by his/her window on the 35th floor overlooking the White House, waiting for the right moment to shoot.

—B. Becker, Unknown (September 25, 2013)

I've reviewed both NCPC and DC inputs. It appears that there is no intent to provide Congress with a joint recommendation, which puts both parties at risk because it forces Congress to integrate the two inputs. Recommend NCPC and DC develop a jointly acceptable recommendation, in accordance with Congressional intent.

With regard to DC's input: the District goes to great lengths to explain that they need to grow their tax base, so they can continue to provide city services and affordable housing to all District residents. However, their recommendation to increase heights to accommodate further high-rise development would seem to attract only high-income residents and high-paying businesses. That this influx of wealth could somehow prevent rising living costs seems misguided at best, or a blatant attempt at wealth redistribution (tax the rich so we can buy affordable housing!) at worst. At least in the media, DC has been reported to be running an annual surplus anyway, so this rationale for height increases is unconvincing as currently structured.

—Lowell Nelson, Arlington, VA (September 25, 2013)

I am looking for the DCOP draft Height findings and report. I understand that it was to be posted on the NCPC website this week.

—Eleanor Budic, Washington, DC (September 21, 2013)

At ANC 2D's September 16th Meeting, the following action was taken endorsing the Coalitions efforts. As always, David Bender, PhD (ANC 2D, Chair/Secretary)

8.2 Height of Buildings Act....Sally Berk; Following a presentation and brief discussion; Commissioner Lamar moved that; ANC 2D agrees to support The Historic Districts Coalition endorsement to "Make No Changes to the Height Act" and agrees to be a signatory on future correspondence which states this position. Seconded Approved

—David Bender, PhD (ANC 2D, Chair/Secretary), Washington, DC (ANC 2D) (September 18, 2013)

Please don't raise the height limit on buildings in the District. The relatively low building heights are part of the charm of the nation's capital, much as is true in another livable capital, Paris. As Paris has constructed its high rises across the river at La Defense, so let us have ours in Rosslyn, Arlington and Crystal City. Adding air space to increase income is a bad idea.

—Alison Daifuku, Washington, DC (September 17, 2013)

I am a DC resident who relocated from Toronto twenty years ago, and am very much opposed to tinkering with Washington DC building height restrictions. The height restrictions have served the city extremely well over the years. Thanks to the farsightedness of the creators of these restrictions, Washington DC doesn't have dark canyons, but is illuminated with natural light. Plus, it has a distinct, unique and beautiful skyline.

Moreover, it isn't scarred with buildings that were once de rigueur, but failed to age gracefully - like Chicago's infamous Robert Taylor Homes. Its neighborhoods are also protected from developers erecting high rise apartments that tower over smaller homes and leave old time residents in the shadows.

Finally, to those who claim that the height restrictions need to be lifted to accommodate growth - do some basic research. In 1950, Washington DC was home to 800,000 people, who all lived here WITH the existing height restrictions. That is nearly 200,000 MORE people than currently reside in the District.

The height restriction is part of what makes Washington, DC such a special place. ALL Washingtonians - rich and poor, enjoy bright skies and an abundance of natural light. Don't jeopardize this priceless amenity so a select few developers can blot the landscape and ruin it forever.

To those that want to live in Manhattan, Dubai or Hong Kong - please move there now. But don't ruin our city because you have height-envy.

—AK, Washington, DC (September 17, 2013)

If we can have what the person below me calls a La Defense across the river in Virginia why not have it across the river in SE dc. The answer is it makes no sense what so ever. Also there are 21 buildings in la defense which exceed the Roslyn height limit witch is 400 feet.

—Trevon Agustin Johnson, Washington DC (September 15, 2013)

While I'm not currently a D.C. resident, I have been following the debate about the D.C. height limits for a long time. I feel the Height of Buildings Act is very outdated and harmful to both the United States and for residents of the capital. The restrictive limit makes D.C. an unnecessarily expensive place to live and to work. It even makes hotel prices much higher, which restricts the accessibility for our of town visitors and tourist to enjoy the city. Having taller buildings will not diminish or denigrate the views of our public monuments. Central Park is not harmed by being surrounded by tall buildings, nor are other historic monuments and buildings. They retain their importance, and tall buildings allow even more people to enjoy those monuments.

Taller buildings will bring more jobs to D.C. and make it a more appealing place to live. It would also be likely to help the government attract better civil servants, and therefore improve our government. I am currently a law student, and I hope to live and work in D.C. soon. The city will be much more vibrant, accessible, attractive, and enjoyable to all if the outdated restrictions on heights is drastically liberalized. Thank you for your time!

—Zachary Ferguson, Chapel Hill, NC (September 14, 2013)

Dear Commissioners,

I must voice my strong opposition to the proposal to undo the 1910 Height Act.

There has been steady drum beat for this for years from developers and District officials.

One of the perfections of Washington is the height of the buildings.

This proposal seems to be motivated by nothing but greed, increasing the value of buildings in certain parts of the city and the taxes and emoluments that will be available to officials.

It is a toe in the door. DC has been wonderfully served by the Act, which has helped make the city one of the most beautiful in the US. I beg you not to aid those who wish to change it. Kind regards, Peter Waddell.

—Peter Waddell, Washington DC (September 14, 2013)

I think D.C should follow the way London is building and changing their city around. London has done a good job of keeping the views of their landmarks viewable while building skyscrapers around them. I think raising the height act in the city would benefit Washington in the long run. IF passed the building coeds could be strict in certain parts of the city so that important landmarks wont be blocked. It would be nice to see 20 to 30 something story buildings scattered through the city but at the same time not OVER doing it. I am all for change and if D.C wants the population to continue to raise changing the height act is what they should do.

—Reggie, washington dc (September 14, 2013)

Please raise the height in DC. I feel as though the city is due for a change and also having taller buildings would lower the rent rates for apartments and office space due to the fact that more units would be able to go into office/residential buildings. For the longest time London, England had the same height restriction and now they are building skyscrapers that actually enhances cities beauty. It would also attract major company's and businesses to build in DC. We don't need New York City size skyscrapers but it wouldn't hurt to build 20 to 30 story buildings in certain parts of city. RASIE THE HEIGHT ACT!!

—unknown, washington dc (September 14, 2013)

Please don't raise the height limit on buildings in the District. The relatively low building heights are part of the charm of the nation's capital, much as is true in another livable capital, Paris. As Paris has constructed its high rises across the river at La Defense, so let us have ours in Rosslyn, Arlington and Crystal City. Adding air space to increase income is a bad idea.

—Unknown, Unknown (September 13, 2013)

The first thing out of town visitors express is delight at the low rise character of our city. It is wonderful to not be overwhelmed with tall buildings that block the sky.

Please do not cave in to real estate developer money and pressure to raise height limits and create an over crowded, congested environment.

Lets show pride in our nation's capitol city and continue with height restrictions as envisioned by city planners with foresight and good judgement.

—Deborah Kavruck, Washington, DC (September 13, 2013)

One of the most beautiful and livable cities in the world is Paris. They have a height limit about like DC's. It is a city on a human scale, like DC is now. Citizens love it, tourists love it. Increasing the height limit will drown the monuments, the White House, the Congress and every other beautiful building. Changing the height limit will result in wholesale demolition of the buildings that make Washington Washington. I will then be just another city with developeritis.

n

*—Severne Johnson, Kingston, WA (September 12, 2013)*

## Phase 2 Comments

Sort by Date | [Sort by Name](#)*Showing 68 of 68 total comments submitted*

Having attended Phases 2 & 3 Public Meetings I am convinced that Approach 1: No height increase is the best course of action for D.C. now and for the foreseeable future. Unfortunately, the Zoning Board has made many exceptions to existing height limit and they have produced a poor precedent. Even in the vicinity of Metro and other transit centers height limits beyond 110 ft. and 130 ft. are unnecessary. They produce a congested city environment rather than one with open vistas and the hope of reducing population densities; they increase temperatures in summer and lower them in winter. They add to greenhouse gases that are producing a thermal blanket with high CO2 levels in the mid-atlantic instead of reducing them and placing our efforts behind truly "going green" in deed and not just in rhetoric. Limiting the density of brick, concrete, mortar, stone and glass will help to keep Washington a model of responsible and attractive architecture long into the future.

*—Eugene Abravanel, D.C. (September 10, 2013)*

Based on the earlier presentations, utilizing Approach 2 Street-to-Height Relation seems the more promising approach for certain commercial areas of the District. The most successful commercial corridors appear to be those with commercial uses lining both sides of the street or right-of-way. Each side of the street benefits from the vitality of other. This relationship tends to weaken as the right-of-way widens. The "canyon" effect of significantly increasing the height along narrower rights-of-way could actually detract from that vitality. It would also be more difficult for pedestrians at street level to truly appreciate the taller structures. Instituting a street-to-height to 1:1.2 or greater along wider rights-of-way (perhaps wider than 90 feet?) would have less impact because each side of the street is less dependent on the other. It would also be important to institute a comprehensive program of streetscape improvements such as trees other street furnishings at the same time to create or reinforce the pedestrian experience at street level (i.e., below the third floor).

*—Arthur Jackson, Silver Spring, MD (August 30, 2013)*

### TENLEYTOWN NEIGHBORS ASSOCIATION Revising the Height Act of 1910

WHEREAS the Height Act of 1910 is a federal statute governing the District of Columbia, which restricts residential buildings to 90 feet and business to a height equal to the width of the adjacent street plus 20 feet (generally totaling 130 feet), plus some heights are extended to 160 feet along portions of Pennsylvania Avenue.

WHEREAS reviewing the Height Act to determine whether any revisions are desirable or necessary is understandable but that does not automatically mean amendments are necessary.

WHEREAS Washington is a city of monuments that should continue to be showcased through zoning and height restrictions.

WHEREAS in the areas around the White House, Capitol and federal agencies, height restrictions have been praised as enhancing security for the federal government.

WHEREAS Washington is one of the most attractive and lovely cities in America not only because of its monuments but also because of its tree canopy and open spaces and because pedestrians can see the sun, the sky and the stars.

WHEREAS some have proposed increasing heights from "L'Enfant to Tenleytown", which would include neighborhoods across the entire spectrum of density and existing height.

WHEREAS Washington is a city of neighborhoods and each neighborhood has different and, in many instances, very desirable characteristics, which should be recognized and preserved in any consideration of amendments to the Height Act.

WHEREAS proposals to increase height along the main Avenues, Wisconsin, Connecticut, Georgia, New York, and others would dwarf residences abutting the avenues that are two story single family detached in some areas but might be harmonious with multi-story office buildings and warehouses in others.

WHEREAS any increase in height for buildings does not solely increase tax revenue it also would result in new infrastructure demands on services, such as schools, public transit, sewer, and water.

WHEREAS incentives through increased heights everywhere would not result in encouraging development in any particular area but rather would merely allow taller buildings wherever a greater profit might be realized in already flourishing areas.

WHEREAS increased heights may result in a few very tall buildings with large capacity absorbing such a large percent of the demand that development would be deterred across the rest of the city, which has benefited from a dispersal of development activity throughout the city.

WHEREAS there is unused potential available now that can accommodate new growth without any amendments to the Act or to DC zoning because current height restrictions allow more development in many areas.

Be it RESOLVED that the Tenleytown Neighbors Association supports preserving the overall building limits established in the Height Act because of the extraordinary contributions these restrictions have made to the distinctive character of the city of Washington.  
TNA Sept. 17, 2012

—TENLEYTOWN NEIGHBORS ASSOCIATION, Tenleytown, Washington, DC (August 30, 2013)

One of the main reasons I chose DC as my home is because the buildings are the height that they are. Very few urban places have this unique characteristic, of enabling its residents to see the sky even while in the heart of the city. If this were to go through, I and my family would move - it means that much to us.

—Kendra Moesle, Washington, DC (August 29, 2013)

See letter attached

[View attachment](#)

—Meg Maguire, Washington, DC (August 29, 2013)

When and where will the September 2013 public meetings be held? It's time to get the word out!

—Eleanor Budic, Washington DC NW (August 23, 2013)

DC height limit should be modified.

One reason is that it makes no sense for the limit to be city wide. For instance

"There are 500 foot radio towers in Tenley and these don't seem to have ruined the views of the Capitol, Washington Monument or other important landmarks one bit. We have invested billions of dollars in metro-rail—I don't understand why we can't have 15-20 story buildings in places like Friendship Heights, Georgia Avenue and within walking distance of some of the other more distant metro stations in DC. There are already 15-20 story buildings directly across the street on the Maryland side of Friendship Heights. The buildings on the DC side should be able to be that tall.

This would not impact views one bit but it would allow more people to live within walking distance of transit, it would encourage more economic activity, and it would expand DC's tax-base." (Urban Turf Blog Comment)

—Eugenia Navaro, Washington DC (August 21, 2013)

I believe that the current Washington DC skyline regulations - keeping maximum building heights below the heights of the Capitol Building and other monuments (obviously we leave the Washington Monument out of this discussion) are the correct standards and should be maintained. I do not want my nation's capital to become a mass of cookie-cutter buildings all reaching the same height and destroying the uniqueness and views of the current capital city.

—Bill Nierstedt, Garwood, NJ 07027 (August 20, 2013)

The comments below were copied off the Urban Turf blog and express my views about the blandness of commercial architecture in DC as a result of the height limit.

"When you don't have the height issue, it's much easier to make a building that has different forms," architect Eric Colbert, who has designed dozens of multifamily buildings throughout the District, told UrbanTurf.

The problem, explained Colbert, is related not just to the height restriction, but also the floor area ratio (FAR). Because the cost of the land is based on the amount of square footage that one is allowed to build, developers feel compelled to build to the full FAR, which often means building out to the property line and up to the maximum height. This creates the box effect that is so common in new DC buildings.

"There is an incredible amount of pressure on the architect to design something that maximizes the salable or leasable square footage," shared Colbert. "If you were to raise the height but not change FAR, it would allow more sculpting in the facade."

—Steve Strauss, Washington, DC (August 20, 2013)

I would like to say that I believe the height city's areas should have their own restrictions but that this should not be through a federal law that applies city wide. I believe that this should be addressed by the people of DC. Like it is in other capitals around the world. This way we would determine what heights specific areas should have because not every part of the city is the same. London has done good job in that each district has different zoning laws for each of its 32 districts. For instance in Westminster (where Big Ben is) heights are relatively low where as near St Pauls

cathedral there are taller buildings but this is in way that the views of St Pauls are protected. Also there beautiful buildings along Hyde Park that are taller than what is permitted by our height and yet this doesn't make London feel like New York. Also it is important to note that even if this act were to be removed the city's heights would depend on a particular neighborhood's zoning laws and desires. Which has been the case even under this act in many areas buildings have remained lower than the allowable height limit due to zoning laws take m street in Georgetown the current zoning laws are what govern here. So it is safe to say whatever happens to the height act this doesn't mean that Georgetown will have a Burj Khalifa for aesthetic reason as well as economic and it does not mean that the city will have a skyline will turn into New York. I believe if analyse this carefully we can find ways to allow the city to raise heights in particular areas thus having an increment in annual tax revenue without hindering the city skyline.

—Stephen Rivers, *Congress Heights* (August 20, 2013)

Who in Congress has come up with this lamebrain idea of changing the height restrictions in Washington, DC? Who is trying to despoil one of the most beautiful "horizontal" cities in the world? Did this come from lobbyists supporting the construction industry or what? There is plenty of room to grow without this move. I love the beauty of our nation's Capitol. Don't let the politicians -whomsoever they may be - ruin it! Virgil Miedema

—Virgil Miedema, *Hanover, New Hampshire* (August 20, 2013)

I am strongly opposed to any changes in the Height Act, and I also have several serious concerns about the work that has been presented to the public in the Phase 1 and Phase 2 meetings.

When I first came to Washington, after having lived and worked in New York City, I was immediately struck by the difference in the scale and how refreshing it was to work in downtown Washington, with its openness, light and air. The ability to see the sky as one walks through downtown, walking along streets where trees can thrive, and our iconic horizontal skyline should not be sacrificed.

The October 3, 2012 letter from Chairman Issa to Mayor Gray and Chairman Bryant called for the exploration of strategic changes in the Height Act to take into account the impact on "compatibility to surrounding neighborhoods," along with other factors. Consideration of compatibility with surrounding neighborhoods appears to have been ignored as a guiding principle. This is an important consideration and must be addressed.

I find the Economic Feasibility Study to be problematic. I can only comment on the PowerPoint presentation, since the actual study is still not available, so it is impossible to critique the assumptions or methodology. The study seems to be looking at whether increased heights in various sections of the District would be profitable. The potential for increased profits then seems to be the basis for choosing areas for increased heights and density, without consideration of the compatibility with the nearby neighborhoods, consistency with the Comprehensive Plan or whether the infrastructure can support the increased density. While it is useful to know whether developers are likely to build taller buildings in certain areas if the allowed heights were increased citywide, and that might help to ascertain the impact on development patterns in the District of a citywide change in the height limit, the potential for increased profits in the listed areas should not be the basis for determining where the height limit should be raised. The analysis only seems to take into account whether the current rents and market demand can support the increased costs associated with increased heights, and does not consider whether increased heights in those areas would have a negative impact on surrounding neighborhoods and stress an already strained infrastructure, or whether allowing increased heights in those areas might divert development from other areas which might benefit from some increased development within the current zoning and Height Act envelopes, as NoMa has benefited from the current height limits.

In the presentation, initially, it was stated that only areas designated as high density in the Comprehensive Plan land use map would be considered, but the presentation included both high density and medium density areas, a point that was made explicit later in the presentation. Yet, it is clear from the descriptions of the medium density residential and commercial Comprehensive Plan land use categories, that medium-density areas should never have been considered as candidates for increases in the allowable heights. The Comprehensive Plan describes the medium density residential areas as "neighborhoods and areas where mid-rise (4-7 stories) apartment buildings are the predominant use. Pockets of low and moderate density housing might also exist within these areas." [225.5] The Medium Density Commercial category is described as having "buildings generally larger and/or taller than those in moderate density commercial areas, but generally do not exceed eight stories in height," [225.11] where the height in the moderate density commercial designation is described as generally not exceeding five stories in height [225.10]. Clearly, the areas designated as Medium Density Residential and Medium Density Commercial in the Comprehensive Plan should not have been included in the analysis and, for consistency with the Comprehensive Plan, the discussion should be limited to areas designated as High Density in the Comprehensive Plan.

Further, there seems to be no substantiated justification for increasing the height limit even in those areas designated as High Density on the Comprehensive Plan land use map. There are ample development opportunities within the envelope of the current Height Act, and even with the current zoning envelope. There is no need to increase the heights allowable by the Height Act in order to accommodate anticipated growth.

—Marilyn Simon, *Friendship Heights, DC* (August 18, 2013)

As DC native I believe that 225 ft under Approach 3c is better than our current one size fits all law. Yet I believe that a 250ft. limit should apply in the L'Enfant city with consideration to viewshed as previously mentioned. I believe London had done a great job in maintaining the presence of its symbolic buildings and being able to build high while ensuring this.

Outside the L'Enfant city as DC native I believe that across the Anacostia DC should be able to build free of height restrictions. We have to remember that zoning laws still exist regardless of what is done to the height act. So if we remove it from across the river it is the city that will have option of raising heights higher in this area if need be. This area has been neglected for years slowing it to build up will enable DC to generate more revenue, it will allow the city to reap the benefits that Arlington has been having without affecting the skyline. If Arlington has been able to benefit greatly economically due to no height restriction why can't DC do the same to areas of undeveloped land across the Anacostia. Please take this into consideration and permit our city to have greater economic growth.

—Devin Lawrence, Washington DC (August 18, 2013)

Heights can and should be raised in DC with out hindering the character of our city. This can done even by raising heights with in the Lefant city to 275ft. Especially is a view shed study is performed is done in addition. In add buildings have all ready tall towers have been built across the river in Arlington and this has not changed the character of the Lefant city so why would raising heights in areas in dc that further away from the monumental core not be ok aswell.

Given that having taller buildings across the river has not changed the skyline of the Lefant city why not let dc grow east of the anacostia. Having been raised there I can say that there's undeveloped land that could be used wisely. Raising here would enable our city to have greater growth while not having our skyline of monumental dc loosing its character. Why not have tall buildings in areas such as Poplar Point and other areas south east. This would help generate revenue revenue that could be used to further improve parks, schools, transportation among other things.

—Martin Murphy, Washington DC (August 18, 2013)

The current Height Limit should be retained as is with no changes. The city will look like Rosslyn and worse if there is a break in the tradition and the city will be much less livable if there is a change.

—R Palmer, DC (August 15, 2013)

I grew up in Northern Virginia, and was constantly in DC, and used to wander as a youth in the corridors of the Capitol, the Smithsonian, etc. My mother was a docent at the White House. The city has great symbolic meaning for me, and that includes our view of it.

What I didn't see in the comments I read is the perspective that this city, and the view of this city commonly presented, such as in photographs and on television, is almost invariably the view from heights of Virginia across the expanse of the L'Enfant grid.

It is a view of our "government." Ordered. Equivalent, with notable exceptions (The Washington Monument, Capitol Hill). It is a "beautiful" and symbolic view in its own right. Let's not forget it was modeled after Paris, at least at the macroscopic level (would that L'Enfant had included the "quiet backs" of, say, the Latin quarter. C'est dommage. . .)

To interpose tall commercial structures within that view (say by developing Chinatown, or SE, or north of H street, or east of the Supreme Court), subordinates the world's perspective of our national government, as inferior to commercial things. Sleek tall shiny glass buildings of 40, 50, 80 stories; humble government crawling about the floor at their feet. Which is important now? The answer, psychologically, is obvious. Without the commercialism, we are all humble, as we should be, in service to our larger country.

That perspective (both literally and figuratively), that commercial things are more important than our government, should never be permitted to exist in the American or World public's sense of "Washington."

It is a cost to our prestige that is unrecoverable and reduces the city to "ordinary-ness." We would do ourselves a grave disservice, and damage our "brand" in the world at a cost which could never be recovered in the short range economics of "density" and "home rule."

We're playing the Long Game here. This is about a perspective and posture that must perform on behalf of the Nation and endure, not as architectural form, but as a defining idea, for centuries. Play the Short Game to appease nattering local residents or corporate interests, or feel good planners (my profession), and we lose the ability of the city, the mission of the city, to project the idea of America, the sense of what we value in America to our ever renewing, every accreting citizenry and to those who would aspire to join us in our mission throughout the world.

Don't raise the height limit. It is a choice from which we could never recover. It would be the death knell of our deserved sense of American Exceptionalism.

Daniel Peterson, PE  
formerly of McLean, Va  
now South Orange, NJ

—Daniel Peterson, South Orange, NJ (August 15, 2013)

The Office of Planning had significant omissions in its final phase 2 meeting for the Height Master Plan of DC last night. These glaring omissions need to be corrected, and public comment allowed, before OP moves on to Draft Recommendations for changing the Height Act.

Although the Office of Planning was tasked by Congress to take into account "compatibility to the surrounding neighborhoods, national security concerns, input from local residents...", OP did not provide a single slide in its presentation, nor could staffers direct me to a single image in its modeling study, from the ground level of a single-family residential street showing what our neighborhoods would look like if areas identified as medium or high density in the Comprehensive Plan were allowed to build up to heights allowed under the Height Act now or a more relaxed Height Act in the future. In other words, OP completely avoided showing any direct impact of height increases on single-family areas.

OP showed multiple slides of models of the city with various permutations of increased height that might possibly occur either under the existing Height Act or with a more relaxed Height Act. Attendees saw many vista-type images, eg. from Meridian Hill Park, or the Air Force Memorial. We saw also long street view images, eg. looking down PA Ave towards the Capitol. OP boasted that it had hundreds more images in its modeling study.

This glaring absence of modeling images from the residents' street-level perspective is inexcusable. I have confirmed with NCPC that the choice of

images created for the modeling study was up to OP, and was not limited or dictated by NCPC. I can only conclude that either OP inadvertently left out the residents' point of view, or OP deliberately chose not to include images of the immediate impact of increased heights in residential areas. In either case, whether by an act of omission or commission, OP has shown a disregard for residents in single-family neighborhoods.

(OP might suggest that the slide from the Frederick Douglass House offers impact on a residential area. However, I would suggest that because the Frederick Douglass House is up on a hill, the modeling does not match the conditions in a residential area. The Frederick Douglass House offers more of a vista. Neighborhoods where the ground level of the new construction and existing homes are at the same levels would have a very different look.)

Before OP goes forward with the Phase 3 Draft Recommendations, it needs to provide residents the opportunity to see models of changes to current heights in streets adjacent to residential areas. The models should do what they did for vistas and long streetscapes, that is, show changes that could result from allowing maximum heights under the Height Act and from building to increased heights under a relaxed Height Act.

Here is a sampling of locations that could give Ward 3 and 4 residents a sense of what the new heights would mean to single-family homes near high or medium-density areas. I used Wards 3 and 4 only because those are the areas with which I am most familiar, having lived there for 14 years.

1. Harrison and 45th St NW
2. Harrison and 44th St NW
3. Fessenden and 43rd NW
4. 43rd St NW between Jennifer and Military
5. 42nd St between Garrison and Fessenden
6. Military and 38th St NW
7. Alton and 35th St NW
8. Van Ness and Reno Road NW
9. Cumberland and 36th St NW
10. Holly and 12th St NW
11. 9th and Hemlock NW
12. Aspen and 13th PI NW

Other wards should also have the opportunity to suggest locations for models, so that they may have a sense of the possible changes to residential streets that are only one or two blocks off a high or medium-density designation on the Comprehensive Plan.

Please do not allow OP to go forward with its Phase 3 Draft Recommendations until it has provided such models and ample time for public presentation and comment. Otherwise, OP will be ignoring not only its citizens, but also Congress' request to take into account "compatibility to the surrounding neighborhoods...[and] input from local residents."

—Laura Phinizy, Chevy Chase, DC (August 15, 2013)

When I was a young girl around the age of 7, my parents took my siblings and me to Washington DC for the first time on a family vacation. I fell in love with the city and decided then that I would someday move from St. Louis to live in DC. and I did. I came back for another family vacation and on a high school trip and for two college internships. I returned temporarily after college, and then, more than twenty years ago, I came back for good and bought a house in the city a few years later. As a young girl, I loved the uniqueness of the city with the interesting buildings that didn't tower over me. I still do. I am horrified to think that the Height Act might be lost. The Height Act makes DC extraordinary; it gives DC a special feel that no other major city in our country has. While developers may want to get rid of the Height Act to make money, we residents love the Height Act. Do not change it!

—C Engelhardt, Washington, DC (August 14, 2013)

We should not pit historic districts or historic preservation against height.

The presentation at the public meeting indicates that the visual modeling study excludes all historic districts from potential height increases. As the study moves forward, a more nuanced approach to both discussing and studying height in historic districts should be considered and communicated. Wholesale exclusion (or even implying wholesale exclusion) may have unintended consequences, such as furthering negative perceptions of historic districts as prohibitive or static designations. This could discourage future historic districts, when the primary purpose of the designation is not to limit development or height. We do not want what would otherwise seem a sensible and feasible parameter to hinder our use of historic districts as an effective planning tool in the future.

There are many reasons why an area of the city may have historic or cultural significance, and there are aspects of architecture and planning beyond building height that are considered during design review. Currently, there are historic districts that already or could potentially accommodate tall buildings without compromising the district's integrity. If we are taking the long view, we also have to consider that we may not fully understand how the idea of historic districts or preservation will evolve in the next 100 years. We may have future districts where scale is not a significant aspect of historic character or where taller buildings themselves become historic. We should ensure that we maintain the ability to decide whether height is appropriate on a district-by-district or case-by-case basis.

I understand that the nuanced approach to height in historic districts is something that would most likely be part of a potential reworking of the comprehensive plan, not in a change to the federal law. I also understand that the study may already be taking such an approach in actuality. However, this comment is more about how we discuss historic districts and preservation during the process. The Height Study is important to the future of the city, and these public discussions could have a significant effect on the perception of preservation. Therefore, upcoming presentations and recommendations during the next phase of the study should convey a less black and white approach to height and historic.



—Carrie Barton (*PRESERVE/scapes*), Arlington, VA (August 14, 2013)

I am a native local, I hate going to New York City and believe your proposal to raise the height to anything less than a 1:1 street ratio with step back requirements would change the character of DC. The height restrictions in place were meant to not exceed the height of trees when looking from the GW parkway. The City blends in and the monuments stand out. A support the no change condition. I like the look and feel of the city the way it is, and will not frequent it if it looks like NYC.

—Kimberly Larkin, Alexandria, VA (August 14, 2013)

Visual Modeling Study:

The models clearly show the importance of enforcing DC view-scapes and height limits that are relatively low compared with commercially-oriented cities in the US. Do not destroy our unique skyline. The Height Act can be tweaked - but not trashed - in the L'Enfant City. Outside the City, the height can be higher, but strongly protecting the Avenue and Capitol Street views. In both cases density around transit nodes must be given priority.

Occupied penthouses with setback in L'EC is fine.

Rooftop amenities and hidden mechanical systems should be encouraged.

Frontage height vs. street width of 1:1 in L'EC is human-scale, allowing air and light at street-level.

Encourage zoning changes within the present or 1:1 height limit in L'EC to encourage density around transit. There are large areas that are under-developed that would allow needed growth.

River-fronts should be recreationally oriented, not highways and high buildings.

—Gene Imhoff, Washington, DC (August 14, 2013)

Please do not raise the height limit on building within the District. DC is beautiful and distinct. Raising the height limit would drastically alter the cities character, and is unnecessary. We are not yet utilizing well the PAC we already have available.

—Topaz Terry, Washington, DC (August 13, 2013)

I welcome this study and the resulting conversation. I strongly believe that the federal height limit should be modified. It should not be eliminated entirely, because DC is the nation's capital and it is fair for the federal government to establish some parameters to guide the city's growth (that is why NCPD exists). However, DC deserves to have more flexibility and autonomy to create a built environment that meets the needs of the people who live and work here.

It is very important to understand that changing the height limit would not automatically change DC. Development is guided by the city's zoning and comprehensive plan; it would be necessary to change these before any taller buildings are permitted, and changing those local policies would require extensive public debate and approval from elected officials.

There are three main reasons why I believe we should allow taller buildings in DC. First, limiting building heights limits housing supply, and limiting housing supply increases housing prices. DC desperately needs affordable housing; not just units that are explicitly subsidized (such as inclusionary zoning units) but affordable market rate units. Second, cities are one of the keys to preventing climate change. Living in an urban area is less energy intensive than living in far flung suburbs. Increasing housing opportunities in DC would reduce per capita greenhouse gas emissions. Third, providing more housing (and more commercial space) in DC would enable economic growth. Some of this would be displaced from other cities, but some of it would be the result of increased efficiency and economies of scale that result from the concentration of economic activity.

There are two commonly cited reasons not to increase the height limit: concerns about congestion and aesthetic concerns about viewsheds and the appearance of tall buildings. People are entitled to their opinions on these matters, but I think it is extremely selfish and superficial to place these concerns above concerns about housing affordability, economic growth, and environmental sustainability.

Regarding the specific plans under consideration: I don't feel strongly, but I believe the best approach would be to allow clusters of taller buildings (approach 3) similar to what has been done in London, Paris, and Berlin. Identifying the specific areas would be difficult and would require public debate. I believe areas outside the topographic bowl (such as Tenleytown) would be good candidates. Some closer areas, such as Waterfront Station, or Columbia Heights, or along New York Avenue, would also be good candidates.

—Paul Joice, Washington, DC, Southwest quadrant (August 13, 2013)

As a DC resident, I think that that it is essential to distinguish between the historic/local DC. DC is a little more than 60 square miles. Most of this is not "historic" in the same sense that the national mall is. There are unique local neighborhoods in DC, but preservation of these neighborhoods is akin to preservation of neighborhoods of similar age and historical value outside of the District. For many from outside of DC, "DC" is only this national image, and outside the historic core, the interests of the local DC economy should trump all else.

To preserve the historic core - the national mall - is imperative. At the same time, to relegate the remainder of DC to height restrictions deprives the metropolitan area, and its residents, of the many benefits derived from urban life. Protectionist measures must always be weighed against the human toll. Each protected street in DC - protection for the few, the rich and the powerful - comes at the expense of commuters who cannot afford access to the urban core that DC offers.

I moved to the DC metropolitan area in the 6th grade, a member of a middle class family who never could have dreamed of living in the downtown core. We lived over an hour outside the city. My father commuted for over 10 hours each week. Now that I am a young attorney in a 2-income marriage (with no children), I can afford to rent an apartment in NW DC - 564 sq. ft. I can walk to work in less than 10 minutes and I believe that - in this respect - I have a very good quality of life.

In renewing my lease, like so many, I had to weigh the cost of increased taxes and the cost of my apartment against the cheaper options in VA. For me, the thumb is on the scale for staying, for now. That said, imagine supporting a family in the DC area. Until we can value people over structures, we will protect existing residents over commercial apartments and other developments that offer more individuals the benefits of dense, urban life, where walkability replaces the costs and environmental toll of a daily commuter existence.

The height restrictions are about the District facing the reality that it is losing potential residents, potential tax dollars and potential human well-being for the sake of existing interests. This is the city that had over 900k residents prior to white flight and the 1968 race riots, and now only has 600k (although growing). The city needs to encourage development and population growth to make DC a model city, with the economic, environmental and social benefits that accrue to urbanites.

—Evan Coleman, Washington, DC (August 13, 2013)

I have yet to review the proposal(s) therefore I will not comment at this time.  
I will advise you that I am very uncomfortable with our D.C. height restriction being challenged.  
More as I learn more and seriously thing about the many aspects of such a proposal.

—natalie marra, Kalorama Triangle (August 13, 2013)

Let's face it, DC is not just another city, and therefore it shouldn't be treated as just another city. Allowing commercial interests to overshadow the government seat just does not seem right to me, not from a design point of view, but from an emotional POV. There is something very stirring about viewing DC from across the river, or from the air, that would be irretrievably lost if you have to search among 10-16 story buildings to find the White House or the monuments. Let Arlington continue it upwards growth, and leave DC alone.

—Rich Roedner, Lewiston/Auburn, Maine (August 13, 2013)

1. The full Economic Feasibility Study ("coming soon") never made it online in time for the public to see and comment upon its methodology. But even the information contained in the presentation slides makes it clear that raising heights raises building costs and is economically viable only in areas that already command high rents. So much for the affordability argument.

2. In her public presentation, Harriet Tregoning claimed that DC would be fully built out in 20 years. When asked how she reached that conclusion and where the analysis backing it up could be found, Tregoning was evasive. The Office of Planning doesn't appear to have done any such study and the claim itself is not credible. DC has a number of large, undeveloped tracts and, even in developed areas, most buildings haven't been built out to the limits of the zoning code, plus the zoning code itself doesn't exploit the full envelope available to it under the current Height Act limits. There's plenty of room to grow. DC government's push for a relaxation of the Height Act isn't rooted in necessity -- it's more of a vanity project for the government (and a potential windfall for a handful of developers).

3. Tregoning has also repeatedly claimed in these public meetings that changing the Height Act would have no immediate effect on what could be built in DC because it would take a major revision of the zoning code to allow the new limits to take effect. But DC's zoning code is currently being revised (the full text of the revision is already before the Zoning Commission) and the proposal is to tie building heights in most zones downtown (which would be expanded to include NOMA, SW, the area near the Nats stadium) to Height Act limits, and to allow unlimited FAR within those limits. And no on-site parking would be required in these zones either. I'd hate to see an expanded downtown replicating the pattern seen in so many US cities where a few tall buildings are surrounded by above-ground parking facilities.

The bottom line: DC government has been unable to offer any compelling reason for easing existing height restrictions and it has relied on misrepresentations in what appears to have been a largely unsuccessful attempt to garner support for the project.

Please leave the Height Act as it is.

—Sue Hemberger, Washington, DC (August 13, 2013)

As a native Washingtonian, I always felt that the height restriction, gave the city a rather Drab boring look, plus back in the day the thrill of the city was not trying to look out my window to see the monument or capitol, but to actually go down there. I believe a happy medium would be to keep the mall area as is for the post card pic, expand the fringes up, at least as high as the structures in Baltimore and Richmond giving it a modern 21st century look. Friends of mine who've visited, have always been intrigued by Rosslyn, and liked the look and feel.

—Dakarai, Washington, D.C. (August 12, 2013)

Raising the height in L'Enfant city with respects to a max of 200 ft view shed would enable us to grow while maintaining our panoramic views.

—Martin Johnson, Fort Totten, Washington D.C (August 12, 2013)

Several comments from the Phase 2 presentation:

1) Approach 1B penthouse occupancy is probably a false option. Penthouse floors of large commercial or residential properties are mostly occupied by elevator over-rides, stairs, and a lot of noisy mechanical equipment - it offers limited area and you would have to extend the elevator shaft to serve it, thereby creating a height increase.  
 2) I think you should add corridors to the clusters that you have selected for possible height increases. There would seem to be a strong urban design correlation between the avenues of the L'Enfant plan and building height - think of the clear identity of Connecticut Ave. vs the fractured form of some other major avenues. Height increases could be used to reinforce the urban form of the L'Enfant plan.  
 3) Ultimately I think your study will require a very subjective interpretation of where height could be permitted based on proximity to landmarks, historic sites, avenues, etc. Height per se is not the only issue, it is a question of how it is done and its affect on adjacent properties. That will probably get you into very site specific issues and even some form of design review - similar to what Zoning Board, Historic Pres. Rev. Board, and Fine arts do now. I understand that your study must deal with the broad brush at this point, but any implementation will need to be a lot more refined.

—W. Etienne, Woodley Park, DC (August 12, 2013)

Having looked through the information from the study, I can tell you that my wife and I would vote to approve your resolution if we were at the meeting. Similar to you, we would like to retain the neighborhoods at the density level they are now, and not see them become overdeveloped. Much of what we enjoy about this area (and Washington in general) would be lost if the density of Kalorama is increased further. The high rise buildings in my mind should be kept to certain corridors (like 14th Street), and not allowed to infiltrate the other, more residential, areas.

—Gary Hoffman, Washington DC (August 12, 2013)

DC is a city with a beautiful view, especially from the elevation of SE. Why make the skyline like such as NYC, Houston, Chicago, Hong Kong - all which are just dreadful! I want to see the city when I fly in; I don't want tall buildings hovering over me when I walk downtown and since 9/11, I certainly don't want to live or work in a high rise building. Who in DC proposed this outlandish idea! I've attended 2 meetings and hope this idea is dropped.

—Mary Buckley, Washington, DC - SE (August 12, 2013)

I would like to thank everyone in NCPC for undergoing this study, as well as all those who have voiced their opinions. To start I would like to clarify that none of the models posed by this study will make the DC skyline resemble New York or even Chicago. Chicago's skyline has over 70 buildings over 500ft. Of which 64 are over 555ft(Washington Monument), 13 over 800 ft. and 5 over 1000ft. including the sears tower at 1451 ft. and the Trump International at 1389 ft. This study only goes to model changes to the height act from 130 ft to 200 in the L'Enfant city and 130-225 in select clusters outside the L'Enfant plan. So evidently even under highest height modeled in this study our buildings would be no where near the heights of Chicago's 64 buildings that tower our monument. In fact our under this scenario the Washington monument is almost 3 times the height of the buildings within the Lefant Plan and 105 ft over twice the height of our buildings in the designated high density areas outside the plan.

I would also like to point out that there are parts of Maryland bordering dc were taller buildings than what is allowed has been built. I am referring in particular to Silver Spring and Friendship Heights were 15-25 story buildings have been built without having changed the character of our skyline. This being so it makes sense to apply this the across the dc md border south of western ave along Wisconsin ave in Friendship Heights and south of eastern ave in the Water Reed area. In doing so we will be promoting economic growth in the city with out changing the character of our skyline.

As for the L'Enfant City I do believe that we need to raise heights within the L'Enfant plan but we can not have a one size fits all approach. Approach 3c of raising the height in strategic areas is more reasonable option. I would suggest to have a general max of 225ft. with view shed analysis of the taken into consideration.

—Luis Alberto Sanchez Cordero, Friendship Heights DC (August 12, 2013)

I attended the Phase II meeting at Catholic University, appreciate NCPC and DCOP's efforts to study this question exhaustively.

I believe some version of 3C, Illustrative Clusters, has the most promise as reason to consider legislative change.

I found it valuable to understand that Zoning/Master Planning limitations are in most places more restrictive than the Congressional limitations on height. So if desired, many changes could be made without any Congressional intervention. NCPC/DCOP should only recommend legislative changes if there are planning goals they want to achieve, that they are unable to achieve within the existing Federal legislation.

As was noted at the briefing, the current height limits have served the city well by encouraging development in areas like NoMA and Mt Vernon Triangle that might not otherwise be considered. This spreads economic benefits over a larger area of the city.

If clusters were established at certain transit-friendly locations (Option 3C), to encourage further development outside the L'Enfant plan, it seems like it would minimize risk to horizontality, views, and light/airy aspects of DC, while continuing the economic and population growth trend the District appears to be on. Either the legislation or accompanying planning guidance should include:

1. No "by-rights" development in the clusters; would require approval of any proposed construction. This would ensure new structures are architecturally attractive and consistent with planning principles.
2. Developers in the clusters should (as noted in the meeting) be expected to contribute to utility/infrastructure/transportation upgrades required to support the developments, and also perhaps other amenities as appropriate (parks etc)
3. There would have to be Sector plans for the clusters, so that NCPC/DCOP could provide clear planning guidance up front for developers.
4. The clusters considered should be outside the L'Enfant plan. Preservation of the character and identity of this portion of DC is too important to take risks with it; regardless with existing height limitations the NCPC/DCOP have shown they are committed to preserving it.

As for the legislation, selection of the clusters may require some additional reporting to Congress. Recommend against including locations in the legislation, instead there would be authority to establish, with approval, x number of clusters. This will be the most difficult aspect.

As noted in my point #4 above, it seems like any legislation that affects the L'Enfant plan is not particularly needed or useful. The pictures of Pennsylvania Avenue SE looking towards the Capital highlight the risk of allowing increased heights on the geographic bowl (3B): that the vistas created by the topography are marred.

Summary: if there is any need to adjust existing legislation, 3C would be the best option of those presented.

—Lowell Nelson, Arlington, VA (August 11, 2013)

Can it be in a zone, like Philadelphia?

—Michael Hirsch, |Newtown, PA (August 10, 2013)

I agree with Royce that it depends on the overall vision of DC. I'm not familiar with DC planning principles, goals or visions related to planning, so take my thoughts with a grain of salt. In a general sense, allowing for taller or high rise buildings can both have negative and positive effects. If DC is continually growing, building up, not out, is a good way to alleviate too much sprawl. I would be more concerned with how high rises (or taller building) could affect social class distribution. Typically, and I would assume, taller buildings (ie. apartments, condos) would cater to the wealthier portion of the DC population and, as such, could gentrify certain areas or push out the "middle class." Assuming there would be zones allowing taller buildings, there's the potential that those would be the areas that could draw higher classes of people which may segregate areas of the city that otherwise may not have been. For example, in San Francisco, most high rise residential buildings are out of reach for the 99 percenters and as a result there's social separation in those neighborhoods. Then, there's the safety issue. Would police and fire protection services be able to accommodate taller buildings? Would emergency staff need to be trained to perform high rise emergency services for example. It might be worth investing in various photo simulations in different areas that would be suitable for taller buildings and make determinations from there.

—Ricky Caperton, San Francisco, CA (August 10, 2013)

It depends on the vision for DC, its growth management strategy and whether a balance can be struck. Maybe DC already has this but perhaps the preservation of view corridors to buildings of interest from strategic locations can help dictate height maximums. This would allow other areas to infill more economically (read: higher). Ottawa and Vancouver use view sheds to preserve points of interest rather than a absolute max height everywhere approach.

—Royce Fu, Ottawa, Canada (August 09, 2013)

The highest building in Cologne is in North City, and following is the Date of the Building.

Ort: Neustadt-Nord, Köln  
 Bauzeit: 01.06.1999–21.11.2001  
 Eröffnung: 21. November 2001  
 Status: fertiggestellt  
 Architekten: Jean Nouvel, Paris  
 Kohl & Kohl Architekten, Essen  
 Nutzung/Rechtliches  
 Nutzung: Bürogebäude, Restaurants, Konferenzräume, Radiostation  
 Hauptmieter: DekaBank  
 Bauherr: Hypothekenbank, Essen  
 Technische Daten  
 Höhe: 148,1[1] m  
 Höhe bis zur Spitze: 165,5[2] m  
 Etagen: 43  
 Aufzüge: 6 Stück (3x à 5 m/s, 3x à 6 m/s) mit Schindler Zielrufsteuerung  
 Geschossfläche: 36.430 m²  
 Umbauter Raum: 131.700 m³  
 Baustoff: Stahlbeton, Stahl, Glas  
 Konstruktion: Rahmenkonstruktion  
 Höhenvergleich

Köln: 1. (Liste)  
 Deutschland: 14. (Liste)  
 Anschrift  
 Stadt: Köln  
 Land: Deutschland  
[http://upload.wikimedia.org/wikipedia/commons/thumb/c/cd/KoelnTurm\\_20050129.jpg/245px-KoelnTurm\\_20050129.jpg](http://upload.wikimedia.org/wikipedia/commons/thumb/c/cd/KoelnTurm_20050129.jpg/245px-KoelnTurm_20050129.jpg)

—*Salah S., Cologne, Germany (August 09, 2013)*

The skyline is all about a city's image; it is a modern American-led preoccupation based on image; it has nothing to do with the quality of urban environments. The greatest cities often have the most unimpressive skylines. It's what goes on at street level that matters (eye-level architectural qualities, availability and quality of public space, lively and animated streets, etc). Cities should worry much more about quality of life for their residents than about their international image. And if a city is a great place to live and visit, its image will undoubtedly be great, regardless of its skyline.

—*Julia Lebedeva, Montreal, Canada (August 09, 2013)*

Ecologically speaking, tall buildings, and especially high-rises, are not the best choice. In an age where we have become conscious of our ecological footprint, skyscrapers are no longer a justifiable urban investment. If the argument for tall buildings comes from a desire to densify, then one should look more closely and learn from examples such as Paris, Montreal, Brooklyn, where high densities and livable communities are created without high towers. If however, tall buildings are to be built, one can look to Vancouver for optimal design for height and human-scale streetscapes.

—*Julia Lebedeva, Montreal, Canada (August 09, 2013)*

The height limits should stay the same. They make DC unique, keeps tall building from looming over people on the streets, keeps sight lines clear, has symbolic value in terms of democratic respect for the nation's iconic governmental buildings, puts pressure on architects to do a better job rather than just build tall, and keeps DC from being subject to the "tallest building" competition.

—*Marc Brenman, Seattle, WA (August 09, 2013)*

Well, based on the existing Height of Buildings Act and the presentation, which is quite informative, I have the following thought:

#### Residential Streets:

Width of street = Building height

Maximum height = 100'

Penthouse (habitable) = 20% of max height with min 10' setback

#### Commercial Streets

Width of street = Building height + 20'

Max height = 160'

Penthouse (habitable) = 40' max with min 10' setback

#### Pennsylvania Ave

Max height = 160'

Penthouse (habitable) = 20' max with min 20' setback

—*Mitchell Austin, AICP, Punta Gorda, Florida (August 09, 2013)*

#### Three comments:

1) 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, not to mention GPS. This is not to discourage taller buildings in general, but just to remind stakeholders that the space above some narrow point-to-point routes across the city is already heavily used today by the city and supporting federal entities.

2) The NCPC might consider amending the building codes for mechanical penthouse sizes from a direct ratio (of 1:1 height to set back distance) to a building code permitting buildable space from the building face back at 45 degrees up to a height not exceeding the current limit of 18 feet. Such a building code change would permit more buildable volume without any additional visible impact at street level. This concept could apply to either mechanical spaces and/or potential future habitable spaces on the roof level. It would also provide leeway for owners of existing buildings to add roof-top accommodations (within the 45 degree envelop) to support roof-level enjoyment areas.

3) The NCPC might consider amending the building codes for building heights to provide a waiver application process for small architecturally enhancing adornments and corner finials to be excluded from the measured building height. This would permit existing and future buildings to fully utilize their available building envelope without being forced to omit the type of architectural embellishments that are prevalent on historic structures and in architecturally rich neighborhoods.

—*James Stevens, Alexandria, VA (August 09, 2013)*

The low skyline contributes to the overall attractiveness of D.C.  
Out of town visitors always comment on the openness of the city and how it adds to the experience.

There is more than enough undeveloped property in the District for economic growth especially in the northeast and southeast part of the city where development would revitalize the neighborhoods

—*chet hepburn, arlington,va (August 09, 2013)*

The skyline is all about a city's image; it is a modern American-led preoccupation based on image; it has nothing to do with the quality of urban environments. The greatest cities often have the most unimpressive skylines. It's what goes on at street level that matters (eye-level architectural qualities, availability and quality of public space, lively and animated streets, etc). Cities should worry much more about quality of life for their residents than about their international image. And if a city is a great place to live and visit, its image will undoubtedly be great, regardless of its skyline.

—*Julia Lebedeva, Montréal, CA (August 09, 2013)*

I don't think the height restrictions should be eased. First, it's very important to maintain the "view" which here is of our Nation's most symbolically important buildings. Second, there's already maybe too much congestion of people and vehicles on the ground level, especially outside. More is worse. Third, lower buildings are safer in emergencies. I'm sure I agree heartily with many other people who've already said essentially the same things.

—*Jean SmilingCoyote, Chicago, Illinois (August 08, 2013)*

I attended the Phase Two meeting last evening (August 7, 2013) at the Mt. Pleasant library. Thank you for your thorough presentation! As a licensed Washington, DC tour guide, I especially love that so many more people will understand the true origin of the The Height Act! Maybe some day we can finally bury the myth about the Washington Monument and/or the U.S. Capitol building being the catalyst for it. Thomas Franklin Schneider wanted to leave his mark on DC and he surely did with his Cairo building.

I am inclined to support your Approach 3, 3 C to be exact. I think raising the height limit in illustrative clusters in the city would be the most beneficial to both federal and local interests. I would enjoy seeing more varied architecture in the city. I would also love to see a surplus of housing options; being a person of lesser means, so to speak, I would like to be able to find a decent one bedroom apartment and not have to spend half my paycheck from my non profit job on rent. I am faced with moving out of my beloved Mt Pleasant due to sky rocketing home prices and am just devastated. I do not want to move out to the suburbs as I adore living in the District and walking pretty much everywhere. I definitely support the protecting of viewsheds around our more iconic structures so care should be taken to limit building heights within several blocks of the Capitol, the Cathedral, and the memorials. I support view corridors much like they have in Austin, TX around their capital building. Good luck with the study!

—*Amy Kunz, Washington, DC (August 08, 2013)*

Ecologically speaking, tall buildings, and especially highrises, are not the best choice. In an age where we have become concious of our ecological footprint, skyscrapers are no longer a justifiable urban investment. If the argument for tall buildings comes from a desire to densify, then one should look more closely and learn from examples such as Paris, Montreal, Brooklyn, where high densities and livable communities are created without high towers. If however, tall buildings are to be built, one can look to Vancouver for optimal design reconciling height and human-scale streetscapes.

—*Julia, Montreal, CA (August 08, 2013)*

I find these planning ideas strange. So is the luxury condo / high-rise office real estate market so important as to ignore how drastic this affects the core of our Nation's Capital? Is the real estate development push so important to serve as to ignore the fact that more and more people will want to work in these taller buildings and will be coming by way of car, bus, and metro meaning more congestion, broken trains, and longer bus lines while these transporation services are usually on the budget cutting room floor? What about the infrastructure -- water pipes that are more than a century old used to pumping at normal levels now being required to pump even more water to higher altitudes -- won't they burst and who pays the emergency repairs? What about sun and sky -- aren't this important economical factors in developing a City? Why not more analysis of bigger buildings at the fringes of DC, why upset the monument core? This unsupported idea creates more questions than what it may deliver.

—*Chris Otten, Adams Morgan (August 07, 2013)*

I vehemently object to an increase in DC height limits. The fact that DC is exceptionally charming, bright, cheerful, livable and attractive to foreign visitors and residents alike is precisely due to the height limitations act. Please do not ruin our national heritage. There are already enough dark and dingy centers of pollution and congestion in this country. DC is unique and the will of the people indicates that it should be kept that way.

—*cecily kohler, Washington, DC (August 06, 2013)*

Washington is a uniquely beautiful city. The lower building heights show off our iconic monuments and give them breathing room. It would be a shame to allow it to become just-another-city, USA.

—Jean Houghton, Southwest DC (August 06, 2013)

No height increase.

—Megan, Washington, DC (August 06, 2013)

My wife Joy, and I understand that Congress has asked the National Capitol Planning Commission to take a re-look at the 1910 Height of Building Act. This worries me enormously. I was thirteen years old when I first visited Washington DC as one of about 25,000 Boy Scouts attending the First National Jamboree. One of the most lasting memories was that wonderful feeling of openness and straight-away views of that most impressive city, our nation's Capitol. Since that time I have visited or worked in Washington DC at least a hundred times: from 1946 as a university undergrad doing research, introducing small sons to its historic and architectural glory, and will at the close of my 89th year, as a surviving WWII combat trooper of the 10th Mountain Division, attend the Oct 11-14th National Reunion of the 10th.

Our Capitol's preservation from the terrible damage which will occur, should the 1910 law be relaxed, is so important to not only those of us now alive but to all of our children and grandchildren. I know that development projects are needed but those needs can be fully met just over the line in Virginia and Maryland. In fact those areas would welcome new buildings. Please act on behalf of ALL of us to preserve the wonderful openness of our National Capitol - and receive the gratitude of this old wartime soldier and patriot.

—Robert E. Jones, Colorado Springs, CO (August 06, 2013)

The Height Act has rendered the city of Washington into a prosperous and vibrant city over the last 100+ years. There remain under served areas of the city where investment and development could provide affordable housing.

My vote is Approach 1 No height increase -- maintain existing height, that is 1A.

—Juliet G. Six, President Tenelytown Neighbors Association, Washington, DC (August 05, 2013)

The only reason that cost per SF for residential construction seems to decrease when heights go above 200' is that the Ec Feasibility Study has assumed that garage size will be held constant even as height (SF/# of units) increases.

Take parking out of the equation entirely (or scale it to reflecting increases in SF) and cost per SF increases with height -- and the increase is significantly more than the chart on the fourth page of the Ec Feasibility Presentation pdf indicates. Using the consultants' numbers, raising building heights from 130' to 250' would raise the construction costs of office space by \$15/SF and the construction cost of residential space by \$14/SF.

—Sue Hemberger, Friendship Heights (DC) (August 05, 2013)

Suggestions are obviously tied to developments already contemplated - Walter Reed, Union Market, Soldiers Home, etc. Better to address individually than change the whole skyline so that developers have carte blanche. This is not planning, it is ceding to greed. Why not look at raising the height limit in the third alphabet/ higher numbered streets, all around - those would be some views, and let the sun shine in the city still. De-centralize worksites, traffic congestion, shorten commutes. Should not transit oriented development also have office/work space?

—Elizabeth McIntire, Washington, DC 20010 (August 04, 2013)

Thank you for the presentation.

My immediate concern is that the presentation does not show how the view from the George Washington Memorial Highway will be affected. The George Washington Memorial Highway frames the view of Washington for millions of drivers approaching the city. The George Washington Memorial Highway commemorates the nation's first president, it preserves a natural setting, and it provides a scenic entryway for visitors to the nation's capital. The proposed height changes will affect the current view that is enjoyed by all who drive on the George Washington Memorial Highway. Therefore, the presentation should include the effects on the view shed as seen from the George Washington Memorial Highway.

Poul Hertel

PS. Also include the effects on the LBJ memorial views. The memorial marks the spot where the former president would stop to look at Washington D.C. before driving home to Texas with his wife.

—Poul Hertel, Alexandria va 22314 (August 03, 2013)

DC is my second home and although I am a lover of modern skyscrapers, I do NOT want to see them in the nation's capitol. The beauty of the nation's architecture would be overwhelmed by the introduction of taller buildings.

Keep the height restrictions as they are. The people of this country want the emphasis to be on the beauty and elegance of the original buildings. It makes the city unique and stunning.

Susan Kossiakoff

Susan Kossiakoff

—Susan Kossiakoff, Chicago, IL (August 03, 2013)

I'm all for increasing the heights in D.C.

For any city to thrive it must grow it's population.

More people equates to more jobs and a more more diversified economy.

An increased population leads to more demand for housing. To make it reasonably affordable we must add housing units.

Going higher is more efficient by doing more with what we already have. It's a great sustainable practice!

Changing technologies leads to changing space needs.

Lifting the height restrictions will make the city stronger in the future.

—Robert Tack, Tenleytown DC (August 03, 2013)

The Tenleytown session is timed so that the loudest critics of raising the heights limit are out of town on vacation. Doesn't inspire confidence in the process.

—Peter Gosselin, Chevy Chase D.C. (August 02, 2013)

We recently bought an apartment in D.C. as a "second" home, and have often commented on how refreshing a contrast it offers to NYC. Its light, its air, its wonderful, old trees, its lack of congestion. As the capital, this is a city that should reflect a nation's values concerning the quality of life of its urban dwellers. Increased building height may be the simplest and most obvious solution to the problem being addressed, but it is hardly creative or forward-looking or even thoughtful. Surely we deserve better; surely we can avoid repeating the disastrous errors of past city "planning."

—Marcia Welles, New York City and Washington D.C. (August 01, 2013)

I believe my submission may not have gone through. Thus I am repeating that I believe new height limits to be a poor idea for a unique city - a city whose current empty and underused spaces and buildings have yet to be addressed adequately before I accept that there is some sort of lack of space.

—Carol C. Ross, Washington DC 20015 (August 01, 2013)

What a rotten idea! I wish more attention would be paid to the imaginative renovation and development of areas and buildings that are currently vacant or underused. When that space is finally utilized using current height restrictions, then that would be the time to consider new needs.

—Carol C. Ross, Washington, DC 20015 (August 01, 2013)

I do not think the DC height limit question is a purely local issue.

The entire nation would be affected by the damage done in relaxing the height limit restrictions, as its capital city would be irrevocably marred. I would think the entire nation would be interested in preserving the architectural integrity of the nation's capital.

There is plenty of room just over the line in MD and VA for tall buildings. And there is zoning for them.

Do US citizens really want their leading city to be compromised, with the national monuments and the capitol building smothered and dwarfed by high-rise development projects?

I think it would be a shame for our nation's capital city to be permanently visually compromised just so a few people can enjoy a short-term gain.

I would think members of congress would also want the city's structural heritage preserved.

—Susan Lowell, Washington, DC (July 30, 2013)

That height limits impact affordability of all uses, great that the District is exploring options. Good luck with your all's efforts.

—David Cristeal, Arlington (July 30, 2013)



The height limit should not be changed as there is no benefit to the city just the developers who want to make more money selling a larger office building or condo. If you raise the height limit DC could look and feel like NY with buildings blocking out the sun and creating caverns of windy and dark streets. If you raise the limit even a small amount developers will use this as an opening to get more for their greedy selves. This does not benefit those living and working in the city. It could block the monuments that make DC the capital and a special city. The focus would be on office buildings and that is simply the wrong direction. Use existing land to its max and try to improve current space with something attractive.

—Roberta Carroll, Washington, DC (July 30, 2013)

As a longtime District residents, I believe updating the height limits are in order to continue to allow for robust growth especially around transit. In order to protect historic viewsheds, some reasonable buffers (about half a mile) around the Capitol, White House, and The Mall could be put in place where the height limit will remain unchanged. Raising the height limit will all for more jobs, residents, and encourage distinctive world class architecture.

—Alan Budde, Washington DC (July 29, 2013)

I think heights in DC should not be raised. The lower height limit (compared to other metropolitan areas) preserves a feeling of openness that is consistent with the natural beauty of the mall, Rock Creek Park, etc. If someone wants to live in a denser area, they can move to New York or Boston.

I also think the schedule for public meetings during the summer is unacceptable. Many citizens take vacations during the summer and so are not able to attend (I am one). These presentations need to be repeated at either ANC or Citizen Association meetings during the school year to provide opportunity for citizens to be there.

—Laura Phinzy, Washington DC (July 29, 2013)

## Phase 1 Comments

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Showing 88 of 88 total comments submitted

The low-rise scale of DC's skyline has created beautiful open streetscapes; wide, sunny parks; and a walkable and vibrant city. Taller buildings will require more complex energy and transportation infrastructure that the city isn't ready for, and I want see DC kept the way it is. Isn't anybody thinking about sustainability?

—Kelsey S, Sydney, Australia (July 23, 2013)

As an architect and student of urban design worldwide, I support the preservation of Washington as a horizontally oriented city, with the current height limit or only minor revision.

Washington is unique in the United States - and uniquely wonderful - because of the height limit. We are only now seeing the benefits of that limit as it encourages redevelopment in new corners of the city, rather than isolated in particular areas.

From an aesthetic standpoint, one only need look across the river to Rosslyn to see how taller heights have yielded unattractive, disconnected development lacking urban cohesion. Similarly, in Paris, La Defense is a cacophony of inhumanity, adjacent to the beloved lower-scale neighborhoods of Paris. In Berlin -- another excellent city for comparison -- the taller developments at Potsdamer Platz are more humane than La Defense, but still lack the connectedness and walkable appeal of Berlin's more uniformly scaled urban fabric. As you have identified, Barcelona is a superb example of a continuous horizontal city, with important civic and cultural facilities serving as exclamation points piercing the skyline.

Finally, I offer a more technical word of caution: in considering the height, be aware of how the allowable height interrelates with building codes and construction economics. There are thresholds at which buildings somewhat "automatically" change in character due to the construction technologies and market economics of the materials and methods which work at a given size.

In sum, please do not feel obligated to pander to short term financial interests--or any short term interests--but rather the long-term development and maintenance of our beautiful national capital.

—Jeremy Fretts, Alexandria, VA (July 23, 2013)

Here in Philly, we used to impose a height rule, but relaxing that rule has contributed greatly to our skyline. It's important to respect the history of the city, but as other commentators have noted, taller buildings would create more cost-effective living.

—Stefanie Y., Philadelphia, PA (July 23, 2013)

Paris has always made a point of protecting its core historic corridor by directing height increases outside of the central business district. This creates a beautiful viewshed along the Champs-Elysees and preserves the symbolic character of the city while allowing for skyscrapers and economic vitality. DC can certainly model itself in a similar manner, and I think it should in order to remain competitive with the surrounding suburbs.

—Lea Cavat, Paris, France (July 23, 2013)

I fully support increasing the height limit in DC to the maximal extent possible. A more dense city will increase affordability for the many people who want to live in DC and those who already do, make better use of our strong mass transit system and make that system more productive, and allow for more efficient development plans. DC is one of the great cities in the country, and should build so that more people can live here, to limit the sprawl that will occur if we don't build denser, and, as a great city, we deserve buildings that are taller than those found in even modest-sized towns in the Midwest.

—Peter Gehred, Washington, DC (July 20, 2013)

I am a strong advocate for easily but selectively granting major exemptions to the DC height limit--especially downtown or at the tops of hills where no other buildings would be disturbed. Check out any major world city--Paris is the best example: a uniform height limit with selective monumental structures here and there. Our best example of a B- project and major lost opportunity is the collection of nice but unremarkable new buildings going up on the old Convention Center site.

—William Cline, 801 Pennsylvania Ave NW (July 19, 2013)

Hello,

I am unable to make one of the public meetings, but wanted to submit feedback on the study. Please do not change the height act limits. I think that the current limits promote redevelopment in the city by pushing real estate development into underutilized areas. For example, redevelopment of the St. Elizabeth's Campus would likely be halted if developers could build 100 story skyscrapers on K st. Leaving the height limits as is will ensure the city continues to grow and expand into new areas.

I love this city and think the height act positively contributes to our city's image and broad appeal. Please do not change it!

Thank you!

—Lilly Shoup, Washington DC (July 19, 2013)

The current framework for discussing any needs for changes to the DC Height Act pits a badly misinformed "bigger is better" understanding of "smart growth" against subjective aesthetic views and opinions. This false bias predetermines the wrong policy outcomes and serves the financial interests only of large, world-wide construction, law and banking firms while ignoring the substantive interests of DC, its residents, businesses and other US citizens who value a stable capital city.

A few people have transformed and seemingly trademarked the term "smart growth," from its original focus under Maryland's Governor Schaefer in the late 1980s of restricting suburban sprawl and moving over-crowded growth away from the highly congested Interstate 95 corridor from the southern DC suburbs to Boston. The new, de-regulated, bigger-is-better focus is quite profitable for a very few but certainly is not "smart."

Infrastructure costs skyrocket and stability plunges in highly congested areas such as DC and the DC region.

Any smart discussion of growth in DC should start with the fact that (according to the BLS) we have about 740,000 jobs in DC but only 340,000 employed residents. This more than two-to-one imbalance is the root cause of many of our unique city's financial, congestion, infrastructure, lack of affordable housing, pollution and other problems. It is simply not possible to have a smart discussion of DC's economic growth without addressing the half-million daily in-and-out commuters and the urgent need for policies to reduce this gross imbalance.

Properly framed to face DC's shortage of housing and excess of commercial building, supposed substantive reasons behind the mostly commercial interests questioning the Height Act disappear.

Truly smart growth requires DC policy to encourage residential restoration and building, including of residential public amenities (like play grounds, schools, swimming pools, tennis courts, community gardens and parks...) while discouraging additional commercial building until the ratio of residential to commercial is much more nearly one-to-one.

DC should also work with states and metropolitan areas from Virginia to Massachusetts to decongest the over-crowded North/South I-95 corridor and repopulate towns and cities to the west with rapid rail links. DC already has a resident population density of 10,298 per square mile and it is roughly double that during work days; Montgomery County Maryland has a density of 1,959 residents per square mile and Fairfax County has a density of 2,738 residents per square mile. At the same time, struggling Garrett County Maryland -- including the once prosperous Cumberland -- has a density of only 49 residents per square mile and Page County Virginia -- and the once prosperous Luray -- has a resident density of only 75 per square mile.

I hope NCPC and the Office of Planning will reconsider the way that it and one anti-Washington Congressman from California have approached this vital issue of irreversibly re-shaping the profile of the nation's capital.

I would be most happy to discuss.

Charles W. McMillion  
223 F Street, NE  
544.4614

I was the executive director of the bi-partisan, bi-cameral "Competitive Caucus" in the US Congress during the 1980s and helped run the policy center at Johns Hopkins University when "Smart Growth" was conceived.

—Charles McMillion, Capitol Hill, DC (July 17, 2013)

Please see the attached comments.

[View attachment](#)

—Judy Scott Feldman, Rockville, Maryland (July 12, 2013)

Instead of extending height limits in this distinct capital city, the District would be wise to support improvements in neglected neighborhoods. Rather than recreating Crystal City on iconic K Street, commit to revitalizing gateway avenues, as former Mayor Williams promised. New residents are settling in still fairly affordable neighborhoods near gateway avenues. Rhode Island Avenue, near where I live, presents many economically viable opportunities to serve old and new. We're hungry for vibrant neighborhoods.

The erstwhile NCRC was charged with revitalization of underserved neighborhoods. Now that the task is in DMPED and OP, we urge you to steer development investments away from taller, bigger buildings, maintain height limits in the Nation's Capital, and invest in stabilizing and reenergizing neighborhoods.

—Jane Huntington, Washington, DC (July 10, 2013)

I strongly object to raising the height limits in Washington DC. 1. It destroys the vista of the city. I have visited Philadelphia a number of times. Even though one view shed up the avenue was preserved, the Penn building is now diminished by the new buildings towering around it. And the enjoyable pedestrian scale has been altered for the worse. The whole view shed needs to be preserved.

2. it destroys the historic nature of DC. DC has always been a more low rise residential city than industrial. Early maps show small townhouses downtown. Whether new buildings are residential or commercial, the character of the city will be changed if higher buildings are allowed.

—Linda Lawson, Washington DC (July 10, 2013)

Comments provided on behalf of the Association of the Oldest Inhabitants of the District Columbia by William N. Brown, President:

The 1910 Height Act has guaranteed the low-profile cityscape of the District of Columbia for over 100 years and has made the District of Columbia unique among the major cities of the world with its distinctive skyline.

The 1910 Height Act has been called the Third Dimension of the L'Enfant Plan. President George Washington issued the first building height regulations for the city on Oct 17, 1791, concerned as much about structural and fire safety as about urban design. While Washington's regulations were suspended from June 25, 1796 until 1800, Thomas Jefferson extended the suspension until 1904 but personally hoped the new capital would emulate Paris with buildings "low & convenient, and the streets light and airy."

There is a sense that development pressures are fostering modifications to the Act; however, the District has just recently achieved its short-term goal of a resident population of 600,000 but it is nowhere near the all-time high of 899,000 in 1946. Let us encourage reasonable development within the current limits of the Height Act in blighted, underutilized areas of the city before we tamper with something that will forever change the character of the District of Columbia.

As Vancouver, B.C. Planner Larry Beasley warned in his presentation to the NCPC in 2010: "Take care not to open things up too casually. I dare say, those height limits may be the single most powerful thing that has made this city so amazingly fulfilling."

As Washington's oldest civic organization, the Association of the Oldest Inhabitants is dedicated to preserving the District's heritage through member reminiscences as well as preserving and promoting both the L'Enfant and McMillan Plans.

—William Brown, Washington, DC (July 10, 2013)

I have lived in the city of Washington DC for more than 30 years. I have raised my family here. My daughter attended DC public schools. I have been active in my community. We frequently host guests at our house in Friendship Heights, DC from Europe and from other parts of the USA.

I write to express my strong opposition to efforts to raise DC's building height limit. Washington DC's building height limit makes it unique among major American cities. This uniqueness provides a more serene and livable feel to our city. It is something that every guest who has ever stayed with us has commented on – always in a positive light. Guests tell us that they love to visit Manhattan but if they had to choose a place to live, they would choose Washington, DC over Manhattan any time. Having grown up just a few miles from Manhattan, I agree with their assessment. Cities with skyscrapers have their own advantages but they lack the charm we retain in our nation's capital by keeping our skyline open.

Again, I urge the National Capital Planning Commission to reject plans to increase Washington, DC's building height limit.

Thank you.

—David P. Frankel, Washington, DC (July 10, 2013)

Just look across the river to VA and see why we do not want to spoil our city scape with tall buildings. It will become just like any other big city with less green space, not view of the sky and our wonderful monuments, more traffic etc. No to any change in the current law.

—Sharon Bernier, Washington, DC (July 10, 2013)

I oppose any change in the present height regulations, as such an action would be at the expense of the prominence and dignity of the United States Capitol, the Washington Monument, and the Lincoln Memorial.

—Carlton Fletcher, Glover Park, Washington DC (July 09, 2013)

Please don't change the height limitations! We have an incredibly beautiful city precisely BECAUSE of the height limitations. Let's keep it that way. DON'T RAISE THE HEIGHT!!!

—*Rhegina Sinozich, Silver Spring, MD (July 09, 2013)*

Please keep the height limitations as they are because we have a unique beautiful city. DO NOT RAISE THE HEIGHT!!!!

—*Lisa Dunner, Bethesda (July 09, 2013)*

I really think that the height limit should be maintained, it is the defining feature of our city that makes it livable and a distinct environment. One major concern I have is the lack of affordable housing, which many have commented would be at least somewhat alleviated with a lifting of the height restrictions. I disagree unless there are also policies that force development at below market rate, which of course means subsidies. Just allowing developers to build higher will only increase the inventory of market-rate housing, and will not address other issues.

—*Christine, LeDroit Park, DC (July 09, 2013)*

As long as there are blighted areas and vacant lots, as well as flat parking lots, how can we justify obscuring and/or diminishing the capitol building and the Federal areas with taller buildings? And as far as affordable housing goes, Washington, D.C. is not an affordable city. There will never be affordable housing for people. Raising the height requirement will only pave the way for the demolition of more older buildings (of greater construction quality) and the creation of larger condo and office buildings. Yes, perhaps the government will build taller buildings for public housing, etc., but what good will that do? Public and affordable housing should be smaller scale and mixed into areas rather than being in one massive complex (i.e. the poor section/the affordable section). NO.

—*Oscar Beisert, Washington, D.C. (July 09, 2013)*

Please do not raise the height limit. DC has a unique skyline that should not be threatened by high-rises and other eyesores.

—*Eden burgess, Washington, D.C. (July 08, 2013)*

I strongly oppose altering the height limits to allow taller buildings in Washington, DC. Taller buildings would greatly diminish the city's unique historic character and have a tremendously negative impact on its appeal and special charm. More density also would make the city a far less attractive and comfortable place to live and work (I work in the city). Please do not allow development pressures to ruin our magnificent, historic city. It is easy to observe the detrimental effects of new high rise, high density development in many once special cities around the world. Please don't let it happen here.

—*Carol Shull, Arlington, VA (July 08, 2013)*

We need to preserve the height act in Washington. All one needs to do is compare our city to Paris, where height restrictions are in force, and realize that scale and cross city monument views are worth preserving here too. Keeping business and residential heights as they are today preserves the views of our cities landmarks, not just from the windows of the best hotels, but from apartments and schools across the city. It isn't just a question of preserving sight lines down our beautifully designed avenues its also about preserving sight lines from one neighborhood to another. From the Soldiers Home to National Cathedral to Healey Tower to the Islamic Center of Washington, our city has monumental landmarks that have been enjoyed by all for over a century. These monumental views for all citizens are a benefit of the popular democracy that our national monuments celebrate. It is the greed of a few that will be satisfied by altering our height restrictions here. And it will be a blow to the egalitarian spirit of our national city if developers are able to block out the views of less advantaged residents in order to provide ever higher, broader and, eventually, cramped views of our monumental core.

—*John Feeley, Brookland (July 08, 2013)*

It would be a tragedy if this height limit was changed. The wonderful thing about great cities such as St. Petersburg, Russia is that there IS a height limit. People try and tamper with it all the time, but the fact is that the citizens want the view and vistas to be kept as an important part of the historic significance of the city.

—*Amy Ballard, Washington DC (July 08, 2013)*

Development in DC is out of control. Stop trying to turn this beautiful city into an eyesore like Crystal City. The Nation's Capital should be a shining example to others, not one more ugly temple of rampant greed. Keep the Height Limit!

—*Richard Senerchia, Washington DC (July 08, 2013)*

I have lived here for almost 40 years and strongly support maintaining the current limitations under the Height Act. The low-lying character of the city gives Washington a distinctive feel befitting the Nation's Capital. I do not believe that things would be improved if we were to encourage Rosslyn-like development, even if it is removed from the Monumental Core. Washington is a city that belongs to all Americans, and busting the Height Act limitations would benefit the few at the expense of the many. Thank you.

—*Cornish F Hitchcock, Washington, DC (July 08, 2013)*

NCPC and OP: "Best practices" need to address more than just economics. As Michael Mehaffy, a Portland, OR resident, points out in the attached article (<http://bettercities.net/news-opinion/blogs/michael-mehaffy/14138/more-low-down-tall-buildings>), "More Low Down on Tall Buildings:"

"The research shows that negative effects of tall buildings include:

Increasingly high embodied energy of steel and concrete per floor area, with increasing height;

Relatively inefficient floorplates due to additional egress requirement;

Less efficient ratios of common walls and ceilings to exposed walls/ceilings (compared to a more low-rise, "boxier" multi-family form — as in, say, central Paris);

Significantly higher exterior exposure to wind and sun, with higher resulting heat gain/loss;

Challenges of operable windows and ventilation effects above about 30 stories

Diseconomies of vertical construction systems, resulting in higher cost per usable area (not necessarily offset by other economies — these must be examined carefully);

Limitations of typical lightweight curtain wall assemblies (there are efforts to address this, but many are unproven);

Challenge of maintenance and repair (in some cases these require high energy and cost);

Psychological effects on residents — evidence shows there is reason for concern, especially for families with children;

Effects on adjoining properties:

Ground wind effects

Shading issues (especially for other buildings)

Heat island effects — trapping air and heating it, placing increased demand on cooling equipment

"Canyon effects" — trapping pollutants, reducing air quality at the street

Social effects — "vertical gated community" syndrome, social exclusion, lack of activation of the street

Psychological effects for pedestrians and nearby residents. This depends greatly on the aesthetics of the building, but there is research to show that a novel design that falls out of fashion (which history shows is difficult to predict) can significantly degrade the experience of the public realm and quality of place. This in turn has a major effect on sustainability."

Everyone concerned about the Height of Buildings Act should read this article in its entirety and then judge the work of NCPC and OP against well-regarded research findings summarized by the author.

Meg Maguire

[View attachment](#)

—Meg Maguire, Washington, DC (July 08, 2013)

I am a landscape architect and city planner, and former program director of the National Trust for Historic Preservation. The argument that the city of Washington needs to compete with the suburbs by lifting the height limit is illogical. Washington's population is growing and current trends (not just here but nationally) show a return to urban centers by youth. The intense construction currently underway in the city does not suggest a liability caused by the height limit. The view of "us vs. them" in terms of competition with the suburbs is a parochial—we are a single capital region (as well articulated when the Maryland National Capital Park and Planning Commission was established in 1927). Builders and developers will always want more, and will always place immediate goals and personal gain over the long term dignity and beauty of our unique capital. A CITY SKYLINE CLUTTERED WITH CRANES and a rising population is a POOR ARGUMENT for hardship and need for a change in height—in fact it is the opposite. Maintain the historic height limits—the law has created a desirable environment that is good for building.

—Paul Daniel Marriott, Washington, DC (July 08, 2013)

I have lived in DC for over 30 years and been a property owner in DC for 25 years.

Do not change the federal Height of Buildings Act of 1910 in any way.

In areas outside the L'Enfant City, the local economic development goals, federal interests, national security concerns, and compatibility to surrounding neighborhoods, local residents input and other related factors are currently well served - and will continue to be well served in the future - by the existing legislation. This includes the federal and District governments.

Do not alter the federal Height of Buildings Act of 1910.

—J Doebuget, Washington DC (July 08, 2013)

The current height limit in the nation's capitol preserves the desirable uncluttered high density that now exists. This positive limitation should continue.

—Charles I. Cassell, Washington, D.C. (July 08, 2013)

The Height Act restrictions on heights of buildings in Washington, D.C. should remain as stated in the Act not because change is unwanted but because this restriction of long ago has created a city of human scale which is beloved by the nation. This is not just for the downtown or the monumental core. This restriction should remain for all of Washington, D.C. because it preserves the views and vistas which are cherished and sorely lacking in other big cities.

This horizontal city of great buildings and great vistas is an American treasure.

—mary pat rowan, Washington, DC (July 08, 2013)

The height limits make a Washington DC a very special place. It makes the city have a human element to it when there are not canyons of streets and buildings.

Residents and visitors realize DC is an unusual place because of the height limits and understand the city and the architecture in a way that is not possible with very high buildings. It is essential to keep the height limits in place.

—Elizabeth F. Jones, Alexandria, VA (July 08, 2013)

Following are talking points that I developed for a meeting on the Height Master Plan scheduled for Tuesday, July 9, at 5:30 p.m. at the National Trust Headquarters here in DC. My personal impression is that this Height Master Plan is on a fast track given the fact that NCPD and DCOP plan to have legislation ready to forward to Congress this fall. Also, absent a position that rejects any change at all, it's difficult to make other recommendations until the various height options are ready for review at the end of July or the first of August.

- During the past 200-plus years the growth and development of the District of Columbia, our nation's capital, has been guided by the 1791 L'Enfant Plan for the City of Washington as executed by Andrew Ellicott; the 1901 McMillan Plan, which reinvigorated the L'Enfant Plan; and the 1993 Extending the Legacy Plan for the nation's capital developed by the National Capital Planning Commission. Since 1910, the height of buildings in Washington, DC, has been guided by a formula of street width to building height.
- These plans are symbolic of not only our national life, but of how the federal government is supposed to function.
- As a result of the above, but especially the federally-enacted 1910 Height of Buildings Act, Washington has developed into a horizontal city unlike any other in the United States. That horizontality is broken by such significant federal structures as the US Capitol and its dome and the Washington Monument. Thus, the Washington skyline is unique, iconic, and recognizable throughout the world.
- Both the DC Comprehensive Plan and the Federal element of it have design elements that emphasize the horizontal character of the city.
- NCPD, now tasked with reviewing the 1910 Height of Buildings Act (along with DC's Office of Planning) by Congressman Darrell Issa, Chair of the House of Representatives' Oversight and Government Reform Committee, is the drafter of that Federal element of the DC Comprehensive Plan.
- Washington as a future city began its existence in a topographic bowl. During the past 100 years the existing federal height legislation served to retain unimpeded views to and from the upper edge of the geographic formation.
- Because of this legacy and because Washington is the capital of the United States it does not have to look like every other city in the land with a skyline punctuated w by skyscrapers.
- Mayor Gray and Rep. Darrell Issa have talked about Washington's building height limit restrictions as early as April 2012, per a Washington Post article by Tim Craig, entitled "The District's political odd couple: Vincent Gray and Darrell Issa," dated April 19, 2012.

—Richard Byusch, District of Columbia (July 08, 2013)

Alarming tall building being built on North Capitol Street out of scale with the US Capitol viewed at end of N Capitol St. Maze of high rises being built near Union Station

will mar the residential character of Capitol Hill.

Height limit must be maintained! Maintain the low scale beauty of the city

—Gary Scott, 445 11th St NE (July 08, 2013)

The Urban Land Institute recently wrote an eloquent piece on the proposal to change the Height Act, a copy of which is attached. They state and I agree that we should "build better, not just bigger" the success of the character of our city, as it is today, should dictate any change rather than a plan to increase density which may or may not increase the supply of affordable housing.

The character of the nation's capital should indeed shape all new development. The "better" should include parking near all means of mass transit. The statistics show that our intermodal population tends to drive to their preferred means of transportation and those who walk must have a place to park their cars.

The Zoning Rewrite not only does not take into consideration the intermodal nature of the residents. In a transit zone such as Tenleytown all alternative parking minimums for the future have been eliminated.

—Juliet Six, Tenleytown (July 08, 2013)

As frequent visitors to our nation's capital city we are most concerned about the proposed abandonment of the long-standing height limits in DC. We have always admired the sense of open-ness and grandeur that is produced by the lower-profile mandated in the City and are horrified that this may change. PLEASE DON'T DO THIS!

—Karen Votava, Wakefield RI (July 07, 2013)

I'm often in DC on business. One of the things I love about DC is its relatively human scale--no ridiculously tall and overpowering buildings so that the true and human scale of the people's capital is always apparent. The last thing anyone needs to do with DC is turn it into just another city riddled with tall buildings. That would destroy the lovely landscape that is there now.

—Peter Hugill, College Station TX (July 04, 2013)

The strength and quality of our character is one of our greatest assets as individuals and as a country.

Our Capital in Washington is unique in its planning and architectural character. Even as change is both inevitable and valuable, in such circumstances it must be done with extreme care.

As we consider our future we must strive to intensify our best qualities. In the case of Washington DC first and foremost is the way by which

air or by foot, the great institutions that define our country, define our skyline. No other city of stature can lay claim to such an ideal.

We must respect standards that have withstood such tests of time.  
Respectfully submitted,

Tod Williams Billie Tsien

—*Tod Williams , New York City (July 03, 2013)*

I am opposed to any change in the Height Act. It has served DC well to create a beautiful and distinctive city with sufficient density and diversity to sustain a high level of economic development and an exceptional quality of community and civic life.

Developers want to raise the limit and are putting great pressure on Congress, NCPC and OP to relent. But if the Act is modified, it will open a floodgate of new developer demands that neither NCPC, OP nor the Zoning Commission can possibly control.

Experts on urban development -- Larry Beasley, Kaid Benfield, Ed McMahon and others -- have warned the city not to go down this road. Surely the leaders of NCPC and OP will not wish their legacy to be a city whose skyline was punctured and irreparably altered on their watch.

You are the stewards, not the executioners, of the goose that has laid a very precious golden egg!!

—*Meg Maguire, Washington, DC (July 03, 2013)*

All of us want neighborhoods where we can raise our children and feel a sense of community. I support 5-6 story row homes in neighborhoods regardless of the width of the street in front of the building. This would allow homes (for example a row home divided into 2 units--a 3 level and 2 level, or moderate size condo buildings) with ample space for those who would otherwise move their families to, e.g., Arlington or Silver Spring, while also allowing a decent increase in the density of the neighborhood (which would, in turn, support more local businesses and services, increasing the quality of life for all).

—*Kevin, Washington, DC (June 27, 2013)*

I am opposed to any changes to the Height Act. If a person wants to live in a city that is very dense and vertical, without height limits, (s)he has many options including Chicago and New York City. It seems fair to allow those of us who prefer a less-dense environment with abundant light and air to have this one city to suit our preferred style of living. It's the Nation's Capital; it ought to feel different and special. It's a world-class city with plenty of amenities, culture, commerce, entertainment, and housing yet it retains a human scale. Developers have plenty of opportunities to build tall building elsewhere - let them go elsewhere to do it.

—*Elizabeth Nelson, Washington DC (June 21, 2013)*

retain the height limitations!

—*David Marlin, Washington, DC (June 19, 2013)*

Mike:

As you and your colleagues move forward on the Height Act study, I'd ask —

- Can NCPC/OP produce a diagram of widths of rights of way?
- o If so, can that "width" be associated with every property shape that it abuts, thereby allowing a determination and visualization of what the Height Act would allow (from the most permissive frontage)? IF so, then a diagram of Height Act can be produced and even overlaid with limitations that zoning now imposes, often less but sometimes more (see below) that is "lost" to the greater restriction of the Act of 1910.
- o At the same time, where rights of way are less than 90 feet, the Act limits building heights to the width of the right of way. What rights of way are less than 90 feet? Maybe this should be in increasingly restrictive decrements: 90-80, 70s, 60s, 50s, 40s, under 40?
- Where in DC is the Height Act's limit more restrictive than that allowed in Zoning (classic example being where height limit is stated as the same, but parapets height is counted in Height Act but not in zoning (up to 4 feet)? What about differences in the point from which "height" is measured?
- Should there be a relief provision from Height Act limitations as a kind of variance?
- In what areas of the District is Height Act the sole limitation (many receiving zones, perhaps elsewhere)?

Going beyond these, the question of right of way widths is one that also informs where visualizations should occur. Remarks noted that this would include such icons as Pennsylvania Avenue. I would look for this along all rights of way that are 110 feet or more, these being where Height Act allows (if commercial) 130. I would particularly think that visualizations along K Street from Mt. Vernon square to Rock creek (148') would be important, as well as other 160' rights of way such as Maryland and nearly all of Virginia Avenue (both of which feature railroad tracks, often elevated, in portions of the r.o.w. at this time). Widths can be unsettled where multiple rights of way abut, as they do where freeway slices thru the area with flanking service lanes or sections of older L'Enfant streets; South Capitol where the interstate ramps exist is another that is particularly wide, wider than it is from about I Street south to the bridge. Finally, other than L'Enfant plaza and the SW Urban renewal plan, are there other areas where there is a "special" measuring point? Returning to visualizations, I would think some should be along particularly narrow rights of way as well, of which there are many in Adams Morgan and pockets of other often historic locations around the District.

—*Lindsley Williams, Washington, DC (June 07, 2013)*

In studying the Height Act, an open process and intellectual honesty are needed. Rather, developers, politicians, the same outspoken density advocates, and the Office of Planning are dominating the process. They all say that density and height are the key to a "more vibrant" city. Skidmore, Owings, an architecture firm that designs skyscrapers worldwide and has DC developer clients, has been hired to opine that material modifications to the Height Act will result in a better city. The conflicts of interest are astounding. Regardless of why the Height Act was originally implemented, the impact has been a very airy, light-filled Washington that is quite unique versus other cities. The entire development pattern of DC was dictated by the Height Act, not just the areas near the memorials and downtown but everywhere across the city. In lower density wards, homes were built in very close proximity to limited height apartment buildings while still maintaining light and air. That adds charm and livability to many neighborhoods across the city that contrasts sharply with other cities. Raising heights in parts of the city even far from the core downtown can have disastrous impacts on the character of those areas. The Height Act has already been chipped away over time via dishonest interpretation and enforcement of the Height Act that is contrary to the intent and literal language of the Act. So now 90-foot height limited residential neighborhoods, many newer buildings actually stand 100-120 feet tall from the widest street plus an 18.5 foot penthouse. Extra height means extra shadows for adjacent buildings. Even in peak sunlight hours during winter, a 90 foot building casts a shadow many times that far. Additional height would have significant impact on surrounding streets, buildings, and neighborhoods.

There are very limited, disciplined ways to modify the Height Act that wouldn't adversely affect the city, but broadly raising the height limits could have a grave, irreversible effect on DC. Do we really believe our local politicians and planners have the wisdom and discipline to resist further calls for height once the flood gates are open? Changes to the Height Act in any parts of the city should be studied long and hard with substantial resident input and opportunity for comment. Past generations' wisdom gave DC its unique character. Let's not ruin it in the blink of an eye.

—Richard Graham, Chevy Chase, DC (June 06, 2013)

Thank you for the opportunity to participate. Although I have tremendous respect for both Harriet Tregoning's office and NCPC, I found the format of the meeting somewhat puzzling and frustrating. As I understood our task, it was to think about the link between the federal interest in DC and the height limit, and how changing or maintaining the height limit might impact the federal interest, favorably or unfavorably.

But this very abstract concept was communicated somewhat clumsily by the speakers who introduced the meeting, and also the various boards around the room seemed to raise a different question, something like "how would we like the city to change?"

As a first step in the process, I would have found a different meeting more useful--a brainstorming session or a focus group around the question "what is the federal interest in DC?" To me, the answer is not all obvious, and I found it impossible to think usefully about the height limit without better understanding the federal interest. Also, I think it would be a very intriguing idea to having the residents of DC speak to congress about their ideas of what the federal interest in DC might be.

I understand process comments are not what you're looking for at this point. Good luck!

—Gary McNeil, Washington, DC (June 05, 2013)

Good morning NCPC,

I was not able to make my comments through the online portal; so please find below my comments from the event last night:

Name: Jacinda

City/Neighborhood: DC/Dupont Circle

I accept that my comments, will be published online and in print as part of the public record. And I am on email list.

Station 2:

What approach might we follow?

Of the case studies exhibited, London is the best model. This approach would provide many developing areas of the city the chance to create something unique, while still protecting the prominence of the National Mall.

Station 3:

Principle 1 -

What landmarks and monuments should be prominent?

The Washington Monument and the Capitol Building should become the benchmarks for potential sightlines as they are currently the only prominent structures under the current height restrictions. With many of the buildings around the National Mall all being built to the same height, there are few views available of these two structures currently.

Is it important for civic structures to define Washington's future skyline?

If polled, you will find that the DC's skyline consists of the Washington Monument, Capitol Building, and the Lincoln Memorial. The horizontal DC skyline has already hindered the views of most notable civic structures. Thus, the current height restrictions have already diminished the participation in a general DC skyline.

Should private buildings become prominent landmarks in Washington's skyline?

Regardless of height, private buildings have become landmarks. Private developers can easily create unique critically acclaimed taller buildings that can become the next generation of DC landmarks.

Principle 2-

Can new taller buildings coexist with our skyline?

As I mentioned the current horizontal skyline only allows 2 structures to ultimately define DC's skyline. The addition of taller buildings with proper zoning and sightlines can create a more dynamic DC skyline.



What does a "horizontal skyline" mean to you?

As a fan of architecture and a traveler I will say that the current horizontal skyline of DC is not appealing. If every other building on the street was a historic structure with varying forms of architecture, then the horizontal skyline may not be that bad. However, the current DC height restrictions have created near identical boxes that make me feel that DC architects and planners are forced to adhere to limited model of conformity. This makes the non-National Mall portions of DC feel devoid of an identity. And if parts of the city cannot find an identity, then it will become very hard to bring people to work or live in other areas. As an outsider coming into the city, I will say that DC's neighbor Arlington is doing a great job in creating multiple prominent areas within the city that are attracting businesses and residents.

Principle 4

How should building heights relate to: Major parks and natural features?

To me, parks and public spaces are more defined by their landscaping, accessibility, and features rather than the structures around them. Well placed and thought-out trees and artwork will make you forget that there is a 20 story building across the street.

Other Considerations

No one will deny that some height restrictions will remain in place for those high-security areas.

Traffic is a problem that all densely populated cities. Rush hour and event traffic in DC could benefit from other programs such as timing street lights for cars, more Metro stops, and other DC/VA/MD mass transportation projects.

Regardless of building height, the city will have to be the champion for low income housing and work with the private sector to push this initiative forward.

Many federal agencies have already moved and are planning to move to Virginia and Maryland. The FBI is the latest high profile agency that will leave DC in the near future. The agencies are not moving to skyscrapers; however they are moving to dynamic structures that make their employees feel better about coming to work. The new generation of federal buildings in Virginia and Maryland are green, have unique architecture, and have higher floor to ceiling heights that appeal to open workspaces and flexible floor plans.

Tourism can only be enhanced with the addition of zones of taller buildings. Foremost there would be opportunities for more hotel rooms which would help drive down some of the DC hotel costs, thus making vacations, conventions, sporting events, and concerts more appealing.

—Jacinda L. Collins, PE, LEED Green Associate, Washington, DC (June 05, 2013)

(Via Twitter) @NCPGov @OPinDC at 103 yrs old I'd say its about time for DCHoBA to grow up and start taking some responsibility for its actions! #heightdc

—Matthew Steenhoek, Washington, DC (June 03, 2013)

I'm pro height rise building. It would make the city look more attractive, and a city of the 21 century. DC height rise restriction makes the city look antique and boring.

—Manuel Casas, Washington, DC (May 30, 2013)

It was nice meeting at the DC Height Master Plan public meeting. It was great to learn more about the National Capital Planning Commission's and the D.C. Office of Planning's joint effort to study the impacts of the D.C. Height Law.

I also enjoyed how interactive the meeting was and having the chance to offer some input as a long-time D.C. resident and an Urban Planner. As I mentioned yesterday, at the Bloustein School of Planning and Public Policy at Rutgers University I wrote a term paper on the D.C. Height Act for my Planning Law class. That paper is attached.

[View attachment](#)

—Sarah Gutschow, Washington, DC (May 21, 2013)

Focus on context-appropriate building height guidelines to improve housing affordability while maintaining District character. (Via Twitter)

—Eli Glazier, Los Angeles, CA (May 21, 2013)

(From Attachment)The District of Columbia's commercial real estate is more expensive per square foot than Manhattan's financial district. The area's traffic is the worst in the country, with ever-expanding sprawl adding to the nation's longest commuting times. Only 11% of the metropolitan area's 5.7 million residents live in the District of Columbia, among the lowest percentage in the US and well behind New York City's 43%, Los Angeles' 30%, and Chicago's 28%. We rank well below

[View attachment](#)

—Frederic Harwood, Washington, DC (Shaw) (May 21, 2013)

This article identifies the impact of building high in terms of construction expenditures, construction jobs, construction salaries, and, once the building is finished, annual operating cash flow, employment, and salaries/earnings. In addition there are tax implications for the city and state for both the construction and the year to year operations. Finally, any building has an impact on the existing commercial and residential real estate market, and that is discussed as well.

the article ends with a discussion of Berlin and Paris, and the implications for Washington, DC.

in going through the data, i note one slight correction. On page 6, the last paragraph beginning "More recently,..." the second line should read "2008, has generated \$2.028B in total construction expenditures, including \$1.26B in Philadelphia, resulting in 17,293 construction-related

jobs...etc. " just a small change.

I hope the partners find these analyses helpful. I have enjoyed working on them, and it is something i really believe in.  
sincerely

[View attachment](#)

—Frederic Harwood, Washington, DC (Shaw) (May 21, 2013)

no changes to the height limit until the build out of NOMA and near Southeast and Mt Vernon Triangle. If the height limit is raised we will have fewer but taller buildings and the continuation of surface parking lots.

—dan maceda, 475 K st NW DC (May 19, 2013)

As to terms and provisions, I would also like to see how seemingly similar provisions of the Height Act and the present Zoning and other development codes can trip up expectations of developers and residents alike. For example, the height of a parapet counts under Height Act and doesn't (if four feet or less) in zoning. What are allowed roof structures under both? Etc. This is a question the Senate's sitting representative to NCPC asked when the Height Act study was introduced earlier this year; it's worth addressing in the present endeavors.

—P. P. Campbell, Jr., Washington, DC (May 17, 2013)

The vast preponderance of regulations have rules that are more or less clear and, importantly, a relief valve. In zoning and building codes, there is a process to seek a "variance" of some kind from a body (BZA) or ranking official ("code official"). For the Height Act, there is none.

What if — at least outside the L'Enfant area an authority were created to allow variances from the Act, be it otherwise left as is or as modified. This would be in keeping with the functions of the Zoning Commission (created 10 years after the Height Act) as it is now constituted, with hefty Federal representation and input. Height Act variance cases could be heard by the ZC (as it does with campus plans, and there could be a mandatory referral of any Height Act valance to not only NCPC (as with Foreign Missions) but also the Commission on Fine Arts (at least where it has jurisdiction).

—P. P. Campbell, Jr., Washington, DC (May 17, 2013)

The record should reveal insights from Federal capitals, including Ottawa, Canberra, and Brazilia; and major cities in the U S. (Chicago, Denver, Houston, Baltimore and Philadelphia); and beyond (Shanghai, the "Houston of Heights" -- no restrictions, total central control, no citizen input, no ANCs, no City Council that is not within Party control, etc.) In effect, a summary not only of "Practices" but analysis and conclusions against the core principles to lay-out potential "Best Practices to Support the Core Principles."

It is important to review the context in which the Height Act of 1910 was adopted, shortly after elevators were common -- and when most aerial views would have been from natural promontories or hot air balloon.

The threat to which the 1910 Act responded was unchecked verticality that would, over time, block the views of (and from) significant federal places: Congress, Washington Monument, etc. The Act imposed a 130 ft limit, less where streets were narrower. The Act did not contemplate setbacks (other than roof structures) for allowing tiers of additional height -- something taller buildings in would come to utilize (notably the Empire State building). Tiered height can allow views that are meaningful and respectful that would not be the same if there were an extensive visual barrier brought about by flanking buildings of essentially the same height from one to another and occupying most of all of their parcel.

The Lewis plan of the 1950's introduced not only the concept of bulk (reflected as floor area ratio, among other things.) The Lewis Plan also articulated "Federal Interest" whose thoughts remain timely. For one, Lewis noted the value of the Commission on Fine Arts as a way in which to promote overall design of federal projects.

The Lewis plan proposed controls on density that were adopted and proposed taller buildings in various zones - limited to not unduly obstruct light from reaching the areas around them, with controls on something the plan called "angle of light obstruction." This part of the plan was rejected when most other parts were adopted. This lesson is more relevant to District as they consider respective amendments to the Comp Plan and zoning.

The study should make explicit the vast increase in human occupancy of roofs. Roofs were an attractive and economical place to toss utilities, and the views from rooftops of the past looking over American cities, including Washington, was filled with mechanical clutter. Now, such areas are limited in total area (percent), setbacks, and typically screened. But, increasingly roof amenities create and exploit value that was ignored in the past, particularly when blended with green features. Revisions to the 1910 Act, (as well as, eventually, the Comp Plan and zoning), should identify unintended barriers to such benefits.

The most ambitious part of the effort is the pace proposed -- delivering recommendations to Congress this Fall.

[View attachment](#)

—P. P. Campbell, Jr., Washington, DC (May 17, 2013)

In order to remain competitive with adjacent jurisdictions, the District of Columbia should judiciously select portions of the District outside the historic L'Enfant plan to raise the height limitations. The high-rise buildings in Rosslyn negate any argument that higher limits would contribute to the degradation of the Federal presence in the center of the city. Outside the L'Enfant plan and historic districts are several nodes or corridors that would benefit from high rise structures. As a corridor example: all of the south side of New York Avenue from the Amtrak rail crossing to the Arboretum. As a node example, a new Metro Green Line infill station at St. Elizabeth's campus.

—Thomas Taylor, Judiciary Square (May 16, 2013)

If you are against altering the height limit then you are basically saying that it's ok that DC's rents are so egregiously high and that the traffic is terrible. I'm sorry, no skyline or community character is worth such costs. It's completely unfair for people who have lived here longer to shut the door on newcomers who can barely afford the prices in DC and are sick of the traffic.

—Kevin Waskelis, Washington, DC (May 14, 2013)

I support higher rise buildings especially near metrostops. maybe it will bring down the cost of housing slightly, and it makes a lot of sense to creat density near metro. P.S. I live in a single family rowhouse - but not everyone can afford that or should want that.

—Lasse van Essen, U street, NW DC (May 14, 2013)

Get rid of the height limit and allow developers to build as tall as possible. We need more density and more housing.

—Max Bergmann, Washington DC (May 14, 2013)

Residents East of the River are concerned about their view being blocked by buildings, bridges, etc. that are built between them and the downtown and mall areas.

—Carol Casperson, Fairlawn neighborhood (Washington East) (May 13, 2013)

Which problem will modifying/eliminating the height limit solve? It won't reduce the cost of housing. DC is a desirable area, and developers will continue to build expensive housing. It won't fix the boxy architecture either. It'll just make taller boxy buildings (this is a zoning/style problem, not a height problem). The proposed changes to the law are a solution in search of a problem.

—Amber, Washington, DC (May 13, 2013)

One of my favorite things about Washington is the open skyline character. Not having a lot of tall buildings lets the city feel more open and less congested. The lower buildings also make it possible to see the monuments from different points in the city. Both of these aspects enhance the appeal of the city and people do notice.

—moogmar, Washington, DC (May 13, 2013)

The current height restrictions are terrible for our city. Additional height should be allowed on major arteries (Wisconsin Ave, 16th Street, Connecticut Ave, etc) and specifically around metro stations. Further, any height restriction outside the immediate vicinity of the monuments makes no sense.

—Matt Sloan, Washington DC (U Street Corridor) (May 13, 2013)

I wish to ask that you hold the line on the present height limits. In the first place, the lower limits on height give DC a lovely skyline – and in the second place, the limits actually allow us citizens of Washington, Dc to see the sky! Already in my small neighborhood – near a Metrorail station in which there is much development going on – some of our iconic neighborhood views have been destroyed – obliterated by the proliferation of tall, ugly buildings. I know the value of being able to actually see the sky and enjoy a reasonable vista – I am from Manhattan – New York city – I love DC because it is not filled with skyscrapers and because one can actually see the horizon, at least from certain vantage points. In this highly automated culture, it is important to connect with Nature – the view of the sky – dawn, sunset – stars and moon – are a gift to us all – they help bring peace and healing to our often troubled minds and spirits. Bricks and concrete do not. Less height is a small step in the right direction.

—Mary Elizabeth Kenel, Washington, DC (Brookland/Michigan Park/Catholic University) (May 10, 2013)

We should follow Paris's lead. L'Enfant used Paris as a principal inspiration in designing Washington, of course, so why not follow them in this endeavor as well, especially since (1) they've long had height restrictions similar to ours, and (2) they've recently (about three years ago) modified their own restrictions to allow for much higher rooflines in certain arrondissements. See here: <http://www.treehugger.com/sustainable-product-design/newly-freed-from-height-limits-paris-skyline-ready-to-rise.html>

—Tony Varona, Chevy Chase, MD (May 10, 2013)

As a resident of DC I urge the study to recommend that the height limits remain in place. The lack of skyscrapers gives DC a distinctive feel which is beloved by the residents and remembered fondly by tourists. Removing these limits would change the characters of neighborhoods and put more stress on our transit systems.

—Jennifer Henderson, Washington, DC (May 09, 2013)

The characteristic of DC as compared with most other cities that you can't tell the difference from one to the other is the lack of skyscraper buildings. This is noticeable when you fly into Reagan National Airport or when you are standing downtown in the middle of the city. This city is beautiful in its simplicity and is unique in the country.

Please do not think of caving in to developers who are only interested in money and profit from change- nothing else!

—Nancy C Wischnowski, Chevy Chase, DC (May 09, 2013)

My initial reaction to any proposal to relax DC's building height limits is that this would be a very bad idea which, sooner or later and regardless of any safeguards that may be included, will lead to the destruction of what is arguably a unique cityscape in the United States, for a city of comparable size. One only needs to look across the river to the urban disaster that is Rosslyn (or indeed, any other city in Virginia--a state which apparently eschews urban planning) to understand what the possibilities might be.

Thoughtful commentators like Roger Lewis have recently argued in favor of some relaxation of the rules, clearly envisaging some strategic

intensification of development around metro stops. But it is almost certain that high rise development, once allowed to get its foot in the door, in the longer term, will inexorably spread and progressively destroy what is unique about the city.

This is a city with a long history of corruption and incompetence. The more freedom city managers and elected representatives are given to influence the look and fabric of the city, the worse it will get.

Finally, one cannot help wondering what has prompted Congressman Issa, a man not entirely free from shadows of his own, to initiate these inquiries. I have carefully reviewed the background materials provided but can find no explanation. It would seem to me that, at the very least, Congressman Issa should explain himself. This is a man of limited experience as an elected representative who, as far as I am aware, has never served in state or local government and has no apparent record of published opinion on matters related to city planning either in this city or in his constituency near San Diego. Nevertheless, he seems to have experienced some kind of conversion on the road to Damascus that has prompted him to launch ostensibly detailed and no doubt expensive inquiries into a question that has not been of any obvious contention in the 25 years I have been resident in this city and which, indeed, has served the city well for 200 years.

I think that the congressman, at the very least, owes everybody concerned a detailed explanation.

—Robert Crooks, Washington, DC (May 09, 2013)

I am opposed to increasing the height limits in DC. We are a beautiful city, and any proposal to increase height limits will be a detriment to our environment. This city caters to developers already. Green space is being taken over by apartment buildings. We don't need or want our air space and sky views also taken over.

—Jackie Young, Washington, DC Ward 5 (May 08, 2013)

The building height limit is an integral aspect of the District's ambience and its real estate market. There is substantial demand for living and working space in and around the District. The height limit constrains development. Thus, the price for office and residential space is higher than it otherwise would be because the height limit restricts the size of buildings.

At the same time, the height limit has reduced land values to the extent that a market exists for development in excess of what the height limit allows. In other words, there might be demand for office space to fill a 20-story office building near Metro Center. But no developer will pay a price for land near Metro Center based on the income from a 20-story office building because such a building is not permitted. Therefore, developers will only pay for land based on the income that could be derived from an office building allowed by current height law and zoning. (Demand for office or residential space that cannot be accommodated in the Downtown fuels land price increases and development in suburban areas such as Bethesda, Arlington and Tysons Corner.)

If the District relaxed the height limit in any part of the District where the market demand for space exceeded the supply allowed under the existing height limit, two things would happen:

1. The price of land would increase because potential development (and therefore the potential income) for each piece of land would increase. (In fact, land prices might even rise in anticipation of this change.) Thus, this publicly-created land value could result in a tremendous windfall to private landowners – many of whom are very affluent and absentee.
2. Some properties would be redeveloped to take advantage of the new height limits and this would increase the supply of built space. This would tend to reduce rents but higher land values would also be factored into the rents. Therefore, it is unlikely that residential or commercial prices or rents would decline, unless a "value capture" strategy was pursued simultaneously to relaxing the height limit.

A value capture strategy would entail reducing the property tax rate on building values while increasing the tax rate on land values. The lower rate on buildings would make them cheaper to build, improve and maintain. The higher tax rate on land values would return publicly-created land values to the public and help keep land prices down by reducing the speculative demand for land.

—Rick Rybeck, Washington, DC (May 08, 2013)

There is PLENTY of room for development and population growth in DC without raising the height limit. Compare density in Adams Morgan or U St/Columbia Heights with places like Historic Anacostia and Minnesota Ave. Look at the empty real estate in Brentwood, Edgewood, Brookland and Fort Totten. Midrise development near these and other stations east of North Capitol could accommodate tens of thousands of housing units.

With the limit in place, this city previously housed over 800,000 people - nearly 30% more people than live here now. And there is potential for more than that within existing building codes. Further, we're already about to see a glut of apartments coming on the market in the next year. Let's see what impact that has on housing affordability before we rush to become New York (which, in case you hadn't noticed, isn't exactly affordable).

—Kristen, Washington, DC (May 02, 2013)

The current height limitations for buildings in D.C. should be maintained and we should avoid elevating or making exceptions to those limitations. D.C. should strive to be a model of a livable, low density city with medium sized structures and attractive neighborhoods where the air is clean and where there is minimal adverse impact on the environment. Encouraging low density neighborhoods with well-maintained homes and where both pollution and CO2 emissions are held to a minimum is a goal we should strive to achieve. Tall buildings will not encourage fulfillment of such a goal and will not even prove to be in the interests of long-term economic success. Visitors from around the country and world will be eager to visit an attractive capital that has resisted the tall building fad that is choking many American (and foreign) cities. The citizens deserve and want more for their capital city.

—Eugene Abravanel, Washington, D.C. (April 23, 2013)

Washington, D.C. should not look like New York City or any other city with skyscrapers. It should maintain its character with building below the height of the U.S. Capitol. Increasing the density and height of buildings only serves to increase social and economic impacts associated with more buildings and structures. Further, as the nation's corner stone of democracy, it was well planned to support clear thinking without added congestion and security issues to the nation's governance.

—Veronica Raglin, Washington, D.C. (April 21, 2013)

I just wanted to compliment you on your site, "Height Master Plan for Washington, DC." It is well designed. But, most important, it has given space to very thoughtful and articulate discussion of the topic. I'm looking at you from the Virginia side of the Potomac, and I'm very proud of both your facilitation of this discussion and the content of the contributing public. Thank you.

—Patricia Duecy, McLean, VA (April 19, 2013)

I grew up here and chose to move back to DC because of the human scale of the buildings and the character of the city that is created by the longlasting preservation of height and scale. Washington, DC is moving in the wrong direction with easing the height restrictions and over-developing this city beyond what the infrastructure and the human psyche can handle. I echo other's comments that if I wanted no sunlight, wind tunnels for sidewalks, and an impersonal feeling city, I would live somewhere else like New York City so I could feel stressed out everyday like a New Yorker. I don't understand why people first move here because of the character and liveability and then want to change it.

—Michelle J, Washington, DC (April 17, 2013)

It saddens me to think that our lovely city may one day look like New York City and we will not be able to see the sight of day. If someone likes the idea of sky scrapers he/she should consider moving elsewhere. Or stick to Arlington or Silver Spring. Look at Philadelphia and while once they had a lovely skyline but it was destroyed when sky scrapers started over shadowing their lovely historical buildings. I hope this never happens to our nations capital which was so expertly planned and which visitors from around the world flock to enjoy because of its lovely buildings and monuments.

—Michelle Green, Washington, DC (April 17, 2013)

"Relaxing" the height restriction seems unlikely to provide many of the benefits claimed. It is more important that we plan better for the land buildings occupy than it is to assume that height equals right (one can look to other cities to prove this is not the case). A thoughtful planning process should identify what we want DC to be in the future and determine whether it really is the case that we must fundamentally change our urban form to get there. Further, we must be clear in assessing economic, quality-of-life, and aesthetic motives behind such decisions.

—Brad Gudzin, Washington, DC (April 17, 2013)

There's nothing unique about a lack of skyscrapers. Many small towns lack them too. But DC is a world-class city, and in order to compete with other world-class cities, or even compete with DC's own suburbs, it must allow building heights to rise.

—Feval, Washington, DC (April 17, 2013)

Washington is such a lovely city, I do not understand why we would want to change it for some canyons of concrete and glass. Once this has started here is no turning back.

—John Bergin, Capital Hill (April 12, 2013)

I am glad to see this is being looked at. I feel strongly that the height limits need to be eased both for economic reasons and to enhance the architectural esthetic of the city. Our downtown buildings are boring boxes.

—Alice, Takoma, dc (April 11, 2013)

Very impressed with the quality and content of the English and German speakers at the Archives, creating a good international context from which Washington can move forward. Before the presentations, I felt Washington's beauty and uniqueness was primarily due to its horizontal skyline. I now am more open to a sensitive exploration to varying heights.

—Jeffrey Levine, Washington, DC (March 19, 2013)

Low lying areas east of and below the Anacostia Ridge should be examined, especially around the Southern Ave Metro. Views from the western ridge of Rock Creek Park should be respected.

—Mike Jelen (March 19, 2013)

I strongly support significant relaxation of the height limit in all of Washington, DC, with a total repeal in strategic locations near Metro stations outside of the historic L'Enfant city.

The height limit combines with the city's wide thoroughfares to severely limit density and drives up prices for housing and commercial space, particularly downtown, where office rents are the highest in the country. Because we cannot change the street grid, and because it would be truly horrific to bulldoze the city's low-rise rowhouse neighborhoods, increasing the height of buildings is one of the only tools available to allow for greater supply of residential and office space in the city's core and so reduce price pressure on local residents and businesses.

I understand the various interests involved with the possibility of changing the character of the historic center of the capital city, but allowing for a few extra stories in new developments downtown will do nothing to detract from - indeed, it would enhance - the experience of living in and visiting Washington. For these reasons, I believe residents can accept federal oversight of building height within the L'Enfant city. (Even if that federal oversight comes from Congress, where District residents remain unrepresented.)

Outside of the historic core - below Florida Avenue and between Rock Creek Park and the Anacostia River - however, these concerns do not deserve the same precedence when weighed against the need to accommodate new residents and to provide needed and desired services and

employment in a quickly growing city. In these areas, the federal height limit should be repealed in its entirety and District officials should be free to adopt their own more tailored limits (e.g. via zoning rules, which already exist and which are currently being rewritten). At the very least, within specified distances of MetroRail stations, high-service bus routes and (in the future) streetcar routes, the federal height limit should be relaxed to the point that city officials can approve over-height buildings that meet particular needs or wants of the city, such as affordable housing, needed services such as grocery/retail in food desert areas, etc.

I appreciate the chance to provide my input to this important proceeding, and as a resident of the District of Columbia, I strongly encourage you to relax the height limit throughout the city and to consider outright repeal of the limit beyond the monumental core.

—Adam Taylor, Washington, DC (March 13, 2013)

I live in NW DC near Logan Circle. I would not be opposed to easing height restriction East of the Anacostia River. The "Anacostia" area has a lot of natural advantages--mainly spectacular views from many neighborhoods of the monumental core of DC. Imagine if developers could build taller buildings -- there would be some highly prized views which would enhance the value of development in that area.

—John Hines, Washington, DC (March 10, 2013)

The DC height limit harms the city, making it more expensive and less vibrant. And while it does preserve certain view sheds, it also deadens and destroys architecture in the nation's capital -- compare DC's skyline to the work of art that is Chicago's. Tall buildings are fully compatible with a beautiful city. The height limit should be repealed.

—Dan Miller (March 08, 2013)

I very much look forward to this study. However, if the presumption from the start is that the height limits in the L'Enfant City should not be touched, I would argue that the study is not thorough enough.

Currently, the L'Enfant city has all of the elements to accommodate more density. It is the location of most of our transit stations. It is the location of our most dense buildings right now. It is the area with the greatest market demand.

—Alex Block, Washington, DC (March 07, 2013)

Washington's character is unique because of the height limit. Please don't allow it to be changed.

—Dave Johnson (March 07, 2013)

This resident says NO! If I wanted to live in shady cold canyons surrounded by tall glass towers, I'd live in Chicago or NY. I live in DC because it's unlike any other city in the U.S. The character of this city is unique and is one of the things that brings people here. It is built on a more human scale. I've been here for 25 years and still love the park-like and open, bright design of this low-slung city.

—Carmen Gilotte, Washington, DC (March 07, 2013)

# WASTED SPACE, LOST OPPORTUNITY: WASHINGTON'S HEIGHT LIMITS AND THE CITY'S FUTURE

Frederic Harwood

The District of Columbia's commercial real estate is more expensive per square foot than Manhattan's financial district. The area's traffic is the worst in the country, with ever-expanding sprawl adding to the nation's longest commuting times. Only 11% of the metropolitan area's 5.7 million residents live in the District of Columbia, among the lowest percentage in the US and well behind New York City's 43%, Los Angeles' 30%, and Chicago's 28%. We rank well below other small-footprint cities: Boston's is 13.6%, Seattle's 18%, and Portland OR's 26%, a city known for limiting sprawl. The Brookings Institute reports that 21.8% of the DC metro region's jobs are within 3 miles of the Central Business District, compared with 31% in New York, 29% in Boston, 24% in Portland OR., and 27% in Seattle.

The city contains almost half of Metro's stations, yet none show the kind of smart planning evident in Arlington VA, where metro stations serve as walkable, high density housing and employment hubs. Prime high-rise sites such as the old convention center, the new convention center neighborhood, and NOMA north of Union station, are relegated to mid-rise mediocrity. New metro development around burgeoning metro centers such as Mt. Vernon, Howard/Shaw, Petworth, U Street, and even Columbia Heights fail to support the kind of smart development evident in Courthouse, Ballston, Clarendon, Rosslyn, and especially Tyson's Corner, where high density housing and employment sit atop Metro stations.

The world's fastest growing cities, with the greatest job growth, are built at high densities using tall commercial buildings, as is the case with the District's primary competitor for jobs, Tyson's Corner. Yet the District acts otherwise. North Capitol/NOMA, the largest close-in opportunity for new development, has been filled with undistinguished 8-10 story breadboxes. Other recent missed opportunities include the old convention center site, New York Avenue from Florida to 9<sup>th</sup>, 14<sup>th</sup> Street NW, Rhode Island from 17<sup>th</sup> to 7<sup>th</sup> NW, 7th from O to Howard University, Foggy Bottom, and North of Massachusetts Avenue NW. A building that shows the aesthetic downside

of the height limit is 500 New Jersey Avenue NW, a graceful 12-story mid-rise that feels cut off just as it begins to soar.

The District's height limit is based on the width of the street they are on, with caps set at 90 feet, 130 feet, and in a very few places 160 feet. Thus, 8-12 story buildings occupy locations that could support three to four times the number of jobs and housing on that site. Under the height limits, what open land remains, primarily the proposed Howard Town, the East Capitol/RFK Stadium waterfront, Southwest, and the Nationals' stadium area, will not take full advantage of the city's future needs for housing and jobs.

Downtown, completely built out, continues to be an important address. Developers are willing to demolish the old and replace it with the new, witness the demolition of the National Restaurant Association building at 17<sup>th</sup> and L. Yet trading in one 11-story building for another 11-story building is too expensive to support future downtown redevelopment. The District will have to build up or see jobs and housing continue to select Arlington and Tyson's.

Vocal interests, especially in close-in neighborhoods, will fight to preserve the status quo, no matter what the benefits are to the larger community. They will argue for quality of life, livability, and historic preservation, to retain the small town scale of their overgrown southern city. But preserving the status quo denies the needs of a living city, the great capitol of a great country. Embracing the future includes building up.

Case in point: the debate in Philadelphia, between 1984 and 1989, to change that city's height limits.



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decompressor  
are needed to see this picture.

1500 block of K Street—A stubby tide of bread boxes

Photo Wiki Commons

*“I think the squalor of your environment on the ground, which is where it really counts, is the shocking thing you should be concerned about.” --not the height of the buildings. Architect Richard Weinstein*

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*Southwest view from the Cairo in Dupont Circle. Most Washington monuments are obscured except when seen from Virginia. Photo Courtesy of Wiki Commons*

## PHILADELPHIA: A STUBBY TIDE OF UNDISTINGUISHED BUILDINGS

When the Alexander Calder-designed cast iron statue of William Penn was hoisted atop Philadelphia's City Hall in 1894, it was, at 548 feet, the world's third tallest building, bested by only the 1,063-foot Eiffel Tower and the 555-foot Washington Monument. It rose well above the 288-foot US Capitol building.

Penn's statue, like the Washington Monument, took on cultural and political meanings beyond its impressive dimensions. As a symbol of civic pride and power, it provided a height limit, never codified by law, which no building was to exceed, at the risk of taking on the city's political and commercial establishment. In polls taken as late as 1984 more than 60 percent of Philadelphians supported the height limit.

As in the District of Columbia, many of Philadelphia's developers proposed buildings that approached the height limit. One building, 1818 Market, came

within 18 feet of the 548-foot limit. To justify the economics of the project, the developer built every square foot allowed, built out to the property lines, with no set backs, open spaces, or architectural embellishments from the base to the top of its 40<sup>th</sup> floor. It is a breadbox, and it is as dull as white bread.

## UPENDED KLEENEX BOXES

In fact, what Planning Commission chairperson Barbara Kaplan called ‘upended Kleenex boxes,’ dominated Philadelphia’s skyline. Penn Center, created in the 1950’s on the railroad tracks left vacant when Penn Station was demolished, is a three-block long collection of undistinguished 20 to 30-story glass and steel rectangles, a lifeless Rockefeller Center. As the New York architect Richard Weinstein noted in remarks before the Planning Commission, “I don’t know of a city that combines the splendor and amplitude of the great civic gesture of the past with such a mediocre new environment.” He could have been talking about I, K or L Street in Washington.

When the Philadelphia developer Willard Rouse III gained control of an important block at 17<sup>th</sup> and Chestnut, he challenged the Philadelphia height limits with a project he named Liberty Place. Nephew of James Rouse, the developer of Boston’s Faneuil Hall Marketplace, New York’s South Street Seaport, Harborplace in Baltimore, and the planned community Columbia MD, Willard knew a thing or two about development that changed cities and people’s lives for the better. Rouse proposed two 55-65-story buildings on his block, a proposal that created as much excitement as opposition.

The debate was contentious and heated. Historic preservationists, supported by Edmund Bacon, the city’s esteemed Director of Planning, along with near-downtown civic associations, opposed Rouse. They warned of adulteration of the city’s historic neighborhoods, its walkability, along with the usual concerns about parking, traffic, noise, and congestion. Under the banner of livability, they touted Philadelphia’s supposed “human scale.” The mayor noted that many feared becoming another New York or Chicago. (Bacon would resign in protest.)

On the other hand, Rouse said the height limits virtually mandated mediocre buildings since buildings had insufficient floor space to make design and architecture economically feasible. In response to a comment that the city’s

economy was doing fine with the limits, Steve Poses, a restaurateur, said that might be true for law firms or office workers, but the nighttime vitality of the city, especially downtown, was nonexistent. Retail and hospitality were suffering.

## HEIGHT HAS VERY LITTLE TO DO WITH LIVABILITY

Thomas Hine, architectural critic for the Philadelphia Inquirer, wrote that skylines have “very little to do, for example, with that often –praised Philadelphia quality of ‘human scale.’ It can be present or absent in buildings three stories tall, or 38 stories tall, like the old Philadelphia or 60s stories, like the new skyscraper generation. “It all depends on what happens at the first few levels, down where the people are. Verticality is a virtue on the skyline, but down below it is better to have texture, rhythm, detail and interesting stuff in the windows to draw the eye along the street.”

Speaking before the Planning Commission, the architect Richard Weinstein said that height of the skyline is a “red herring” that diverts attention away from the more substantial issues—“I don’t think the burning issue ... has anything to do with height. I think the squalor of your environment on the ground, which is where it really counts, is the shocking thing you should be concerned about.”

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are needed to see this picture.

*The Rotunda at Liberty Place--Height has very little to do with livability – It all depends on what happens at the first few levels, down where the people are. – Thomas Hine, Philadelphia Inquirer.*

*Photo: The Shops at Liberty Place*

Rouse argued that the development would make the city more livable, creating more walkable open space around the project if the project could go high. He noted his entire development does not exceed in square feet of floor space what could have been built on the site without exceeding the height limit—the development just distributes the space differently. By “going high, I can do something distinguished at ground level.” To get the floor space he needed to make the project economically feasible, he said he could build three squat buildings or two high ones. Going high, he said, would provide open, walkable plazas between the towers, and the lower levels of the project would support restaurants, health clubs, cinemas, fashion stores and other retail outlets to enhance livability. By building high, Liberty Place was able to add architectural embellishments, particularly set backs and open

spaces that made the buildings more graceful and elegant as they rose from the base. At 960 feet, 1 Liberty Place was 412 feet higher than City Hall.

Rouse hired the Chicago architect Helmut Jahn, and circulated architectural drawings contrasting the three squat mid rise boxes with two stunning towers inspired by New York's Chrysler building. He refused to delay a year while the mayor named a commission to study the effects of breaking the height limits. The clock was ticking, he said, and he demanded a decision now--three squat or two graceful. Put that way, the choice was easy for politicians and citizens alike. Opposition melted in the face of the aesthetic and financial benefits. Good design, a new definition of livability, and economics won.

### THE TIPPING POINT: JOBS AND TAX REVENUE

While the aesthetics helped persuade the populace, the potential economic benefit won over the politicians, and was decisive. A study by the city Planning Commission found that Rouse's \$600 million project would house 11,839 full time jobs. Of those, 10,890 would be office jobs, both highly skilled and lesser skilled. 40% or 4,356 would be new jobs added to the local economy. The remaining jobs – a projected 523 in retailing and 426 in the proposed hotel- all would be new. In addition, the project would create hundreds of temporary construction jobs and many more permanent, indirectly related service jobs.

The project would mean, in 1986 dollars, an additional \$15.1 million annually in city tax revenue. By comparison the existing uses at the site generated a mere \$640,000 in taxes annually and provided only 293 jobs, all of them in retailing. In addition, the development would provide an anchor for more development around it. In the final tally, city council supported the development by a vote of 14-2, and the project gained the mayor's endorsement.

Planners and architects alike acclaimed its completion. In 1987, the Times architectural critic Paul Goldberger wrote "One Liberty Place is now finished, and the startling thing is that it is not only far and away the best tall building Mr. Jahn has ever designed, it is the best tall building that has been built in Philadelphia in more than 50 years.... The skyline, far from being destroyed, is in fact given new life by this building. It transcends the old order and establishes a new one at a level of quality good enough to justify

throwing away the old.... The skyline has been transformed from one of the flattest of any American city to one of the richest.” In 1990, Goldberger derided the “empty gesture” of “enforcing height limits out of respect to a monument.... It (Liberty Place) turned out to be not the violent destroyer of a beloved cityscape that its detractors had feared, but the finest skyscraper Philadelphia had seen in 50 years.”

The project brought national and international acclaim to the city, local pride, and spurred a generation of stunning buildings, including the 54 story Bank of New York Mellon building designed by Kohn Pederson Fox, the 53 story Bell Atlantic Tower designed by Kling Lindquist Partnership, the 41 floor Commerce Square designed by I.M.Pei, the 45-story Independence Blue Cross Building by Webb Zerafa Partnership, and the 57-floor Comcast Center designed by Robert A.M. Stern Architects. The economic benefits including jobs and taxes, have multiplied twelve-fold – extrapolating the benefits of Liberty Place, the new buildings contained over 80,000 jobs, about 35,000 of them new, another 3,000 retail and service jobs, and hundreds of construction and service jobs. Tax collections on the developed sites increased, in 1986 dollars, from about \$6 million to \$100 million in income and real estate taxes.

The 975-foot Comcast Corporation Center, completed in 2008, generated almost \$1.26 billion in total construction expenditures, including 17,293 construction-related jobs and \$650 million in construction-related salaries, a third earned in Philadelphia, and the rest in the metro area. The Center annually supports 9,069 jobs, two thirds of them in Philadelphia. Direct and indirect employment earnings exceed \$600 million a year in 2008 dollars, with three quarters of that amount earned in Philadelphia. About half of those jobs were new to Philadelphia. In 2008 dollars, annual taxes came to \$44.5 million for the state of Pennsylvania, \$12 million of that going to Philadelphia.

## WE WERE WRONG—LIBERTY PLACE TURNED OUT TO BE A SWELL IDEA

In 1991, six years after predicting the Liberty Place development would make the downtown ruinously overbuilt, with legions of gutless design disasters, and would break a vital element of Philadelphia forever, the Philadelphia Inquirer printed a retraction, “Taking it All Back, Liberty Place Turned Out to Be a Swell Idea.” The Inquirer wrote, “One of the best things

about breaking the height limit is that ...there's been no real downside. Views of City Hall tower were already obliterated from the west, and what is important to preserve, the major view corridors has been done. The new buildings are taller, but no denser, than the old; they use up more air, but less ground. And that preserved ground is generally being put to good public use."

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*Number 6, 1818 Market, defines Philadelphia under the height limits.*

Legend:

- 1 Commerce Square twin towers – I.M.Pei, 41 stories
- 2 Bell Atlantic Tower, Kling Lindquist Partners, 53 stories
- 3 Independence Blue Cross – Webb Zerafa Partnership - 45 stories
- 4 Comcast Building – Robert A.M. Stern - 57 stories
- 5 Bank of New York-Mellon Building-Kohn Pederson- 54 stories
- 6 1818 Market is within 15 feet of the old height limit
- 7 Liberty Place 1 Helmut Jahn 61 stories
- 8 Liberty Place 2 Helmut Jahn 58 stories

Photo: courtesy of Wikipedia, Philadelphia Tall Buildings



1 2      3    4      5 6    7    8

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- 1 Liberty Place 2, Helmut Jahn, 58 stories
- 2 City Hall, Height Limit
- 3 Liberty Place 1 Helmut Jahn, 61 stories
- 4 1818 Market, just under the height limit
- 5 Bank of New York/Mellon Bank Building, Kohn Pederson, 54 stories
- 6 Independence Blue Cross, Webb Zarafa Partnership, 45 stories
- 7 Commerce Square Twin towers, I. M. Pei, 41 stories
- 8 Comcast Tower, Robert A. M. Stern, 57 stories
- 8 Bell Atlantic Tower, Kling Lindquist Partners, 53 stories

*Prior to the Liberty Place project (numbers 1 and 3), center city was noted by the squat “Kleenex boxes” to the right of City Hall. The two buildings immediately behind City Hall are Center Square, which come within a few feet of the top of City Hall. Because vistas of City Hall were already compromised by surrounding building, the priority became preserving important visual corridors instead of preserving a city-wide height limit.*

## IS REPRESENTATIVE ISSA'S WASHINGTON'S WILLARD ROUSE?

Today's Washington is faced with problems more severe than those facing Philadelphia in 1984. Washington is running out of commercial space and our low-rise fetish favors gentrification over new forms of housing. The area is beset by traffic congestion and future job and residential growth is stymied by real estate regulation. The city can only grow up.

As Philadelphia has shown, eliminating the height restrictions can preserve historic sites and vistas while improving the city's livability, the street scapes, strengthening the retail base by providing more customers day and night, bringing high income white collar jobs as well as low skilled service and support jobs which could double or triple employment per building, and dramatically increase income and real estate tax revenues, all at little cost to the city—it costs marginally more to provide city services to a high rise than a mid- or low-rise.

But Washington has lacked the political and business leadership to address the height limits. There has been no Willard Rouse to provide a vision of a 21<sup>st</sup> century city and holds the leadership's feet to the fire. And the city has lacked the political leadership to support the vision and push back against those who somehow think this international capitol is best served by the inert streetscape and stunted skyline of a 19<sup>th</sup> century museum.

It is left for a Californian from suburban San Diego, Representative Darrell Issa, to direct the National Capital Planning Commission and the City of Washington Planning Commission to reconsider the city's future, including the height limits. He has given the city an unexpected opportunity to reshape the future. Ominously, even before starting, the task force has made some assumptions:

1. To ensure the prominence of Federal landmarks and monuments by preserving views and settings.
2. Maintain the horizontality of the monumental skyline
3. Minimize the negative impacts to nationally significant historic resources, including the L'Enfant Plan..

In his March 5 comments before the National Capital Planning Commission, Rep Issa seemed to open the door to reconsider at least the horizontality

assumption, commenting on what he called “a roofline that doesn’t look this good. ... If you’re ... up in the tallest buildings, and you look out, ... you see a set of regulations that created, if you will, a ground level look that’s one way, and a rooftop level that is less than optimized.”

In her closing comments, Washington’s director of planning Harriet Tregoning said one of her goals is to “preserve the iconic skyline—although I think Chairman Issa didn’t like every part of our skyline – that gives prominence to some very cherished national landmarks and monuments.” Rep. Issa has not quite kicked in the door, but he has cracked it open a bit.

### ET TU PARIS???

In 2008, the popular Socialist mayor of Paris, Bertrand Delanoe, said, of his city, the model for Washington, that tall buildings are needed to ease the city’s shortages in housing and commercial space. Even though a 2007 survey showed 66 percent of Parisians were opposed to raising heights above 37 meters, the mayor said, “This is in the public’s interest.” In 2010 the Paris city council raised the height limit to 590 feet, starting with the 13<sup>th</sup> Arrondissement, with 600 foot projects planned for the 17<sup>th</sup> and 15<sup>th</sup>. LaDefense, the business district just west of Paris, already has 14 buildings taller than 490 feet.

Mayor Delanoe noted that only 17% of metropolitan Paris’ 12 million residents live in the city, a percentage he deemed completely inadequate. He said that limiting units per building, as is done with height limits, drives up housing costs and makes fewer living units available. It drives higher prices for limited supply. Tall buildings, he said, increase the number of rent-subsidized units each building can support. Building high, he said, must be done for the future of the city, for needed housing, for more jobs.

Certainly Philadelphians felt no less passionate than Washingtonians about their historic monuments and landmarks, and the 18<sup>th</sup> and 19<sup>th</sup> century feel of their narrow European-style streets, and yet they found accommodation to preserve important vistas and sites while welcoming the future. Congressman Issa has given Washington an unprecedented opportunity to consider its future, and, in his comments about rooflines, has even pointed the needle up “to the roofline.” As Mayor Delanoe said, height is about the future of the city, housing, jobs, smart growth. Paris is reworking George

Haussman's iconic 19<sup>th</sup> Century design. Would that Washington DC, Pierre L'Enfant's Paris on the Potomac, had such leadership.

-30-

Frederic Harwood, a resident of Shaw since 1989, lived in Philadelphia from 1969 to 1989. He holds a PhD from the University of Minnesota, and was a tenured associate professor of education at Temple University for fifteen years. In 1984 he co-founded a consulting company in pharmaceutical research and development, Barnett International, a division of Parexel Inc. In 1989 he moved to Washington DC and became executive vice president of the Association of Clinical Research Professionals. In 1998 he resigned from acrp to participate in a family-run businesses on U Street, from which he withdrew in 2002. He founded the DC Nightlife Association, and has served as its unpaid chair since its founding.

[Harwood@gmail.com](mailto:Harwood@gmail.com)

1606 8<sup>th</sup> St NW, Washington 20001

202 438 4800

word count 3410 including photo captions

#### Other Suggested Photos

Photo one is a shot of 15<sup>th</sup> and F. any photo of k or eye street would work.

Penn Center skyline Philadelphia before Rouse ... 1970—a line of Kleenex boxes

K /I/L Street corridors a line of bread boxes

The view of monuments from Virginia—Washington monument, Jefferson memorial,

The view of monuments from Maryland/New York Avenue/Wisconsin Ave—non-existent

500 New Jersey Avenue NW, Washington DC—cut off at the waist

DC breadboxes with no set backs, no open spaces, moribund street life

Ballston Metro development or Courthouse—smart growth

Petworth Metro or Columbia Heights or Shaw/Cardozo—stunted opportunities for smart growth

**Testimony of Robert Robinson and Sherrill Berger on  
The Height Act Study  
Conducted by  
The National Capital Planning Commission (NCPC) and  
The D.C. Office of Planning (DCOP)  
October 10, 2013**

We are Sherrill Berger and Robert Robinson, District of Columbia residents, voters, taxpayers, homeowners and producers of clean, cheap, Distributed Energy for its grid.

We speak in opposition to the findings and conclusions and recommendations of the DC Office of Planning. We believe the Height Limit Act has served the nation's capital and the residents of the nation's capital well and should be continued to do so. We are not persuaded of the need to change them immediately, nor for the reasons and in the fashion DCOP proposes. Nor were we persuaded by the recommendations of the Executive Director of the National Capital Planning Commission.

That they failed to forge a consensus will not be a victory for one planning agency over the other. But it is shaping up as a disaster for DC residents and DC neighborhoods.

DCOP's findings, conclusions and recommendations are based upon assertions about the absolute need for increasing height limits, as the only way to increase the tax base, and raising the height limits as the only way to achieve the tax base. It does not consider the impact such increased height limits would have on the environment, economy and quality of life of those of us living in the District of Columbia, or on the L'Enfant City and the which we acknowledge proudly as the Nation's Capital.

The DC Office of Planning's recommendations are breathless with urgency:

“ . . . current height limits constrain existing capacity to accommodate this growth over the next three decades and that the District requires additional capacity in the future to meet future demand. The District's draft regulations for changing the federal Height of Buildings Act (Height Act) will enable the city to create a supply of developable space to accommodate future growth and avoid upward price pressures on existing supply that could push out the very residents the District needs.”

DCOP's recommendations sweep aside obvious facts that:

- many areas of the city have not reached the limits allowable now under the Height Act;
- they express little interest in investing in infrastructure that would make planned development possible for areas of the city that have long needed it -- east of the Anacostia River, for example;

- and they fail to come to grips with the fact that when in the 1950's when DC's population was at its maximum -- 800,000 -- its thriving downtown really did coexist with residential neighborhoods, most of which have been removed to allow for today's tall office buildings.

Here's what we saw happen.

In June of 2012 it was leaked that Representative Darrell Issa (R-CA) Chair of the House Committee On Oversight and Government Reform planned to recommend changes to the 1910 Height of Buildings Act.

Later, in October of 2012, Rep. Issa subsequently recommended to Chairman Preston Bryant of the National Capital Planning Commission (NCPC) and DC Mayor Vincent Gray studies of any changes ensure DC's iconic, horizontal skyline and the visual pre-eminence of the U.S. Capitol and related national monument. He stated that strategic changes should be explored to areas outside of the L'Enfant City and that DC's economic development goals should take account of federal interests, be compatible with surrounding neighborhoods, national security, the input of residents.

In November, 2012 NCPC and DCOP announced an agreement to conduct a joint study and reach a consensus.

The following month, DCOP announced a series of neighborhood meetings beginning in January, 2013 to tell the public to get up to speed on the comprehensive (and nearly incomprehensible) 700 pages of changes to the city's zoning regulations would occur in the fall of 2013 (coincidentally, this was the same time NCPC and DCOP were set to announce their consensus on the Height Act). Rather than making zoning language simpler and clearer, these regulations were more vague, more ambiguous than the old ones. Neighbors saw a process that would enable radical changes to occur in their neighborhoods by matter of right and with no recourse for residents.

In the spring of 2013, in the midst of DCOP's zoning roll-out, DCOP and NCPC announced the road show devoted to the proposed changes to the Height Act. DCOP Director Harriet Tregoning's my-way-or-the-highway message, first, "It's a democratic process and I'm here to listen to what you have to say . . ." followed by, ". . . but if you disagree with me, you're wrong." We attended several of these meetings and it was clear Ms. Tregoning was not listening to the public, she was telling us how it was going to be and reminding us where to buy our tickets and when the train was leaving the station.

Given the tenor of these two roll-outs, amplified by DCOP's statements about the control of height limits for the L'Enfant City and the monumental core falling within the purview

of DC Comprehensive Plan process and the codification of the DC Zoning Regulations it's hard to see how any consensus could have been achieved with the NCPC.

DCOP's manipulations of this process have created enormous confusion and mistrust among District residents. If you live in a neighborhood adjacent to one of the city's arteries, and have seen the types of development the Zoning Commission, the BZA and the Historic Preservation Review Board are rubber stamping and you read the new, very tendentious sounding zoning regulations, and you see the pollution and blight caused by increased commuter traffic and sprawling development -- it's hard not to conclude that DCOP is in a very big hurry to begin rezoning neighborhoods on all the main arteries and north, east and west of the downtown.

As someone concerned about the development of Distributed Generation, increasing the height limits as envisioned will have a chilling effect on DC's most abundant energy source: its supply of flat roofed buildings and low rise downtown development.

As someone concerned about making DC more sustainable I know that filling up DC with more polluting commuter traffic and building taller buildings that are not efficient and pollute more is not sustainable and is not the type of economic development we can long afford.

**Testimony before the National Capital Planning Commission  
Regarding Proposed Alterations to Maximum Building Height Restrictions in the District of Columbia**

By Jim Schulman, AIA  
631 E St., NE, Washington, DC 20002  
202/544-0069; RegionalArchitect@gmail.com

30 October 2013

Good Afternoon Chairman Bryant & Commissioners. My name is Jim Schulman, I am a registered architect and sustainability activist residing in Ward 6, and am the founder of the non-profit Sustainable Community Initiatives and its subsidiary, Community Forklift. I am a strong advocate for regenerative regionalism, which recognizes that planning and governance must move beyond perceived jurisdictional constraints. The NCPC study admits that the infrastructure impacts of tinkering with the height limit in DC is regional. I believe that there are few more important issues than the one at hand today – considering the logic of changing a fundamental rule under which the core of our urban region takes its built form.

I will split my comments on the NCPC and District Government reports as they merit separate responses. First the NCPC report. For the record, although I consider myself a preservationist, I take issue with one of the three core principles raised in the report, that maintaining the horizontality of the city is paramount. To me, a default to human scale is more important than horizontality, and I can imagine a variegated, horizontal & vertical National Capital & urban environment that acknowledges human scale and serves all residents.

In any case, the visual arguments that the NCPC study makes are sometimes misleading. Views of the District from the air or from great distances, as from across the Potomac River, are nowhere near as useful in assessing the visual and psychological impacts of building to higher height limits than views standing on the sidewalk between 130' tall or higher buildings. Two examples within the study illustrate my point: I say 'yes' to the existing building heights on K Street as shown in Figure 10 on page 23, but 'no' to excessive existing building heights along F Street in Figure 11 on page 24, for reasons of shading, air flow, and the propagation of street trees. The shading study addresses this concern well. It is not just the width of the right of way that matters for this equation, but also the relative width of the sidewalks, which does not appear to have been addressed in either NCPC's or the District's reports. The traffic congestion on K Street, NW is clearly worse than on F Street, NW, yet the proportions of the tallest buildings on K Street to the street and sidewalks is generally more pleasant than the proportions seen on F Street.

With respect to occupancy of and build-out of penthouse areas, I understand the reasons why the NCPC might find such changes easy to adopt, but the report fails to challenge the visual logic of the existing 1:1 setback which makes sense for me whether the top floor of a building is used for equipment or people. Allow occupancy, yes, but let's step any new construction up there away from street facing lot line on streets to allow sunlight and reduce wind tunnel effects.



With respect to the DC study I take issue with the very first paragraph. The skewed “central question” the study claims to address assumes that increasing building height limits will be of net benefit to addressing DC’s structural deficit, a point that remains to be proven. The economic feasibility analysis claims that between \$61 and \$114 million in increased property tax collections would result from raising the maximum building height in their study areas over 20 years. A note in the analysis admits that the “Real property tax revenue estimate does not account for any reduction in the value of existing buildings resulting from an increase in potential significantly in excess of new demand.” The study addresses this concern by admitting that the height limit might best be increased only in limited areas over time, perhaps via auction – defeating District equity considerations by according development benefits unequally.

The property tax increased collections sound large – but are they? Assuming an average of 10’ per floor, \$61 to \$114 million over 20 years for increases in height from 130’ up to 250’ equals a measly \$220,000 per year per floor for all new high-rise development in the District! For that amount of increase in tax collection it would be far simpler to have the District raise commercial property taxes slightly and have those increases passed on to the 2/3 of the businesses and occupants of the Center City who are commuters. Current rates do not appear to have inhibited the proliferation of cranes on our skyline.

A similar argument applies to the anticipated job creation effects of lifting height restrictions. The PES study sees between approximately 7,000 and 14,000 permanent direct and spin-off jobs in building height increases to 130 to 250’. That works out to a mere 28 jobs per added floor level over the whole of the District per year! Studies by organizations like the Institute for Local Self-Reliance have shown that more jobs could be created by raising energy-efficiency and renewable energy requirements for DC buildings by a few percentage points.

The DC study warns that “market rate housing will disappear” as existing capacity becomes more limited, and dangles the carrot of potential public benefits recommended in the Comprehensive Plan that might be offered in terms of affordable housing subsidies or infrastructure improvements in exchange for increases in height. But the District already has a 20% FAR bonus for residential development under DC’s inclusionary zoning program, and it has to my knowledge failed to make a dent in DC’s crisis of housing unaffordability. The DC report admits that only 8% of any new units in high-rises would be officially affordable. The dual crises of housing affordability and failing infrastructure will not be significantly addressed by allowing for taller construction. If the District Government wants to seriously address those issues, they should be tackled head on – including by involving Federal and Metropolitan governments in solutions – not merely one Congressman from the high-rise Mecca of Oceanside, California.

A better place to look for regional solutions to DC’s structural deficit, gentrification, and uninspiring architecture would be Paris, France which just recently took the bold step of increasing its land area by 300% in incorporating many of its suburbs. NCPC might look at the planning logic of expanding land use planning into Arlington and other areas of Federal interest inside the Beltway, or at least encouraging more intense commercial development around Prince George’s County Metro stations to generate a balance of jobs, housing, and amenities throughout the whole region.

Thank you for giving me this opportunity to share my concerns!

## **Ten Reasons Not to Change the Height Act**

(A response to the Office of Planning's "draft" report and recommendations, presented to the DC Council's Committee of the Whole on October 28, 2013)

1. This is not a home rule issue. The Mayor has not asked Congress to abdicate its power to legislate on building heights in DC. Nor has he asked Congress to grant DC's elected representatives the power to make such decisions themselves. Instead, he's asked Congress to pass a new law with a different set of height limits and to let an unelected five-member board (with two federal appointees) decide where higher heights will be allowed.
2. We're in no danger of being overwhelmed by newcomers any time soon. There is a lot of evidence that suggests we're experiencing more churn than growth. In fact, the 30,000 new arrivals that the Census Bureau projected between 2010 and 2012 required the production of only about 3500 new housing units. OP's so-called low growth scenario is actually 60% higher than what we experienced between 2000 and 2010. And their demand calculations assume that each new household or employee will require significantly more space than the people who currently live or work here do.
3. OP has systematically underestimated the development capacity available under existing Height Act constraints. Their model assumes that institutional sites (like Walter Reed) can't be redeveloped, that redevelopment won't happen on any parcel that is already built out to 30% of matter-of-right, and that, when redevelopment does occur, landowners will generally only be able to build 75% of the square footage that is theoretically possible under any given scenario. These are clearly counterfactual assumptions and, tellingly, when it comes time to calculate the economic benefits of height increases, OP quickly abandons them.
4. Increased height won't produce more affordable housing. OP's own study indicates that raising heights also raises construction costs and that taller buildings will be economically viable only in areas where rents are already quite high. And remember that in downtown, where developers will be most likely to take advantage of increased heights, residential projects are generally exempt from inclusionary zoning requirements.
5. Larger buildings mean less (and less flexible) redevelopment – a single 200 foot building can soak up a quite a bit of demand for either residential or commercial space in most submarkets. Which means that one or two slowly-absorbed projects will pre-empt a series of smaller projects that would have contributed much more to neighborhood revitalization – more ground floor retail, a diversity of housing types and styles, units that come online at different times, and the elimination of blight and vacant lots.
6. Increased volatility will decrease the flow of foreign capital into DC's real estate market. The Height Act has created an extraordinarily stable and predictable real estate market and, as a

result, foreign investors have treated DC as a very safe investment, even during recessions and at times when domestic financing is difficult to obtain.

7. If the zoning rewrite passes, then changes in the Height Act will automatically take effect downtown. The proposed new zoning regs define maximum heights in most parts of downtown as whatever the Height Act allows. Outside of downtown, the consent of the unelected five-member Zoning Commission is all that would be required to raise heights. The Council would play no role in determining how much growth is acceptable where.

8. The combination of height limits and on-site parking requirements has enabled us to develop an extraordinarily walkable central business district, where most parking is undergrounded. Downtown DC is notable for the fact that less than 1% of our land is devoted exclusively to parking lots or structures. This is in marked contrast to most American cities where taller buildings are frequently surrounded by surface garages or lots – and where the percentage of land devoted exclusively to parking is typically in the double digits.

9. Relaxing Height Act limits will steer new development to the places it is needed least. We're at a stage in our city's development where we should be growing out – that is, encouraging redevelopment in neighborhoods that have suffered from population loss and from disinvestment, as well as in the large tracts ceded to us by the federal government. But what raising the Height Act would do is steer investment capital to precisely the places that are already expensive and largely built-out. It's yet another deferral of the promise that DC's growth will contribute to prosperity citywide.

10. DC's livable, walkable, leafy, beautiful, historic neighborhoods and downtown have flourished under the Height Act. Our challenge is to replicate our successes as we grow – not to abandon the policies that have made our city so attractive.

Sue Hemberger  
Washington, DC

# SHERIDAN-KALORAMA NEIGHBORHOOD COUNCIL

2136 Leroy Place NW  
Washington, DC 20008  
(202) 387-7830

September 28, 2013

To: National Capital Planning Commission

The Sheridan-Kalorama Neighborhood Council (SKNC) has served as the neighborhood association for Sheridan Kalorama for more than 50 years.

The SKNC supports the position of the Historic Districts Coalition not to change the Height of Buildings Act. Specifically, the SKNC endorses the Coalition's position:

- The 1910 Height of Buildings Act, through its effect on physically shaping the nation's capital, is no less important than the seminal 1791 L'Enfant Plan for the City of Washington. The L'Enfant Plan, as revitalized by the 1901 McMillan Commission, provided the foundation by brilliantly imposing on the landscape a rhythmic pattern alternating open spaces—streets, parks, and squares—with closed spaces intended for structures. In so doing, the L'Enfant Plan effectively limited two of the dimensions of any structure. By regulating the third dimension through the Height Act, the Congress furthered the human scale of the city and created the iconic horizontal skyline that Washington enjoys today.
- There is no compelling case for allowing taller buildings to accommodate growth in population or economic activity. As noted in public presentations by the Office of Planning, large areas of the city are currently not "built out" to the maximum allowed under existing zoning regulations. Ample long-term opportunities for commercial and residential development remain in the District of Columbia, many of which are outlined in the National Capital Planning Commission's 1990s *Extending the Legacy* plan.
- Therefore, the Historic Districts Coalition endorses Approach 1, 1A Status Quo: Make No Changes to the Height Act. We do not support 1B Allow Penthouse Occupancy.

Sincerely,



Christopher K. Chapin  
President

...

***Penn Branch Citizens-Civic Association***

Post Office Box 6730  
Washington, D.C. 20020 -0430  
Kweku Toure, President

October 28, 2013

Committee of the Whole  
D.C. City Council  
John Wilson Building  
Washington DC 20004

Re: Opposition to Modifying the Height of Buildings Act

Dear Chairman Mendelson and Members of the Committee of the Whole:

The Penn-Branch Citizens/Civic Association objects in the strongest possible terms to the proposals by the D.C. Office of Planning (1) to allow building heights up to 200 feet within the L'Enfant City and (2) to remove *all* statutory building heights outside the L'Enfant City. As the Committee knows, the L'Enfant city consists generally of the area south of Florida Avenue to the Anacostia River. Neighborhoods east of the River are not part of the L'Enfant City. This means that most of Southeast and Northeast DC will be left completely unprotected by OP's proposal. The OP plan compromises our cherished views. These include the Point at St. Elizabeth's and the spectacular view of the Washington skyline from the Panorama Room at Our Lady of Perpetual Help Church. In addition, there is a strong sense of civic ownership in the views from the Fort Circle Parks (Civil War defenses) that ring the city. Finally, we risk losing the views many of us enjoy from our own backyards.

Raising the height limit under OP's plan will have additional negative effects. It will:

- Displace the poorest residents and put real estate tax pressure on owners;
- Create pressure for eminent domain and upzoning;
- Make it harder to designate new historic districts and exert greater economic pressures on existing districts, especially the Anacostia Historic District.

We have no reason to anticipate any spin-off economic benefits from OP's proposal – double-digit employment persists east of the River, despite waves of development booms.

.....

OP's invidious plan is a slap in the face to Penn-Branch and other neighborhoods outside the central city. While OP wants to raise heights throughout the city, it would continue to *manage* heights within the L'Enfant City: there would still be a fixed relationship between maximum buildings heights and street widths and there would be an absolute cap on heights. Outside the L'Enfant City there would be no maximum height and no relationship of heights to street width. OP would usher in an era of free-for-all, anything goes development. Changing the Height Act to create a two-tiered city – a height-managed federal Washington surrounded by a local DC – will destroy irretrievably the existing physical unity between the two and harm the daily quality of life for local residents. It will make a mockery of the executive branch's "One City" plan. The city will be more divided than ever.

The National Capital Planning Commission eloquently describes on its website "How Washington's Low Skyline Contributes to the City's Character." The height limit has symbolic value, has allowed the city to develop at a livable scale, and has fostered a sustainable environment.<sup>1</sup> OP's plan denigrates these values, especially for those of us living in neighborhoods like Penn-Branch, where no statutory limits will apply.

OP proposes to establish heights through the Comprehensive Plan and zoning. However, long experience has shown that OP interprets the Comp Plan like the Bible, i.e., any way it wants, and it applies the zoning code with equal flexibility. OP's sole guiding principle, zealously pursued, is build high, tight and dense.

When OP trotted out its proposal at a series of hastily called meetings held in the middle of the summer, it was met with gasps of disbelief and dismay. People didn't like it, they showed up and said so, and were roundly ignored.

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<sup>1</sup> NCPC describes the Height Act's role in the city's character thusly:

"Symbolism. Great cities around the world have recognizable skylines. Washington's horizontal skyline is part of its unique character. It provides a backdrop for public buildings of national significance like the U.S. Capitol and the Washington Monument. Its openness — viewed from afar and at street level — has come to embody shared values of equality and freedom.

"Scale. Washington's broad streets and mid-sized buildings create an airy, light-filled environment. Its human scale invites people into public spaces and preserves views of historic buildings. In combination with the L'Enfant Plan, Washington's scale has made it one of the most walkable cities in the United States.

"Sustainability. "Zero-impact" developments and cities are under construction around the world. Planners are finding that smaller scales are desirable for creating communities that require less fuel and release much less pollution into the air and water. Indeed, Washington is cited as an example of livable urban density that that supports public transit and creates active street life."

<http://www.ncpc.gov/buildingheights> (last visited June 21, 2013).

So here we are, pleading with the Committee of the Whole to repudiate this proposal and make clear that it undermines the heritage of our built environment and does not reflect the desires and will of the vast majority of District of Columbia residents. Thank you for this opportunity to comment on this pressing civic issue.

Respectfully submitted,

/s/

Penn-Branch Citizens/Civic Association  
Laura M. Richards, Legislative Affairs Committee

NCPC and DCOP study on height limit

Comments from Richard Layman, 216 Quackenbos St. NW, Washington, DC 20011

The recommendations by the NCPC are not to do very much ("[Few changes for D.C.'s Height Act, panel recommends](#)" from the *Washington Business Journal*), allowing residential occupancy of the penthouse floor on commercial buildings, while DC Office of Planning recommends a different course, ("[D.C. proposes major changes to the Height Act](#)" from the *WBJ*).

From the second WBJ article:

The existing Height Act is based on a 1-to-1 ratio, generally restricting building height to the width of the street, plus 20 feet along commercial roadways. Few buildings exceed 130 feet.

The District suggests, within the traditional L'Enfant City, shifting the ratio to 1-to-1.25, which would, for example, allow for a 200-foot-tall building along the 160-foot wide Pennsylvania Avenue. Within areas zoned for medium and high density development, the change would allow for roughly 37 million square feet of new space.

Outside the traditional L'Enfant City, where the federal government has less interest (even "non-existent" interest, the report states) D.C. suggests lifting the Height Act entirely, and allowing the city to determine its own appropriate height limits.

I agree with the DCOP recommendations rather than the NCPC recommendations, because of my concern for the long term economic competitiveness and health of DC as a city that is for the most part financially independent of the Federal Government and must remain and be competitive at the metropolitan scale in terms of residential and commercial real estate economic activity.

For what it's worth, the DCOP recommendation for allowing even taller buildings outside of the core will make much difference, at least not for the next 50 years, because those places, with the possible exception of a couple blocks in Friendship Heights, aren't where real estate demand is particularly pronounced.

### **Tradeoff between historic preservation and economic growth**

I think, despite the loss of certain viewshed elements, that the value of retaining the primacy of the center city in the context of the metropolitan economic landscape, especially in terms of commercial property, but also residential property, means that the city should be allowed to be taller, especially in the core, where the demand for height is the greatest.

Even London has allowed taller buildings in the face of its great number of historic buildings and viewshed issues.

The DCOP recommendation for height isn't significantly higher than the current maximum, although it is a 25% increase. Compared to other U.S. center cities (other than Portland), DC would still have the shortest legal limit for building height.



## **But we have to accept it will take decades, beyond our lifetime, to see the full economic impact**

The theoretical reasons that support my position about puncturing the height limit are based on Jane Jacobs' precepts in *Death and Life of Great American Cities*, that you need density to support a wide variety of uses and a large stock of old buildings to support innovation.

A big reason why DC is less competitive on amenities compared to other larger cities is the loss of density, especially in the face of a reorganization of how the retail sector is organized. You need more people to support retail in terms of how it is offered now, than was typical when most of DC's commercial districts were originally constructed.

There is a reason that San Francisco for example, has a better commercial retail offering than DC, including in their respective Downtowns, SF has 25% more population than DC.

And the reason that rents are high in the city especially for commercial space is because the supply of property is constrained. This displaces all the uses except for those most motivated to pay the highest rents--law firms, trade associations, and lobby firms and contractors who need convenient access to the Executive and Legislative branches of the federal government.

Having a wider range of building sizes at different prices will allow a greater variety of businesses to be housed in in-city locations, which will help to broaden and strengthen the local economy within the city, which is currently over-dependent on the federal government.

A height increase helps us deal with both issues. But because the time frame on which this occurs is so long, it will take many decades to see the full effect, as I argue here, "[Reprint: Height Act: It's important to discuss but too late to make any difference on what has already happened](#)" and "[DC height limit revisited](#)."

## **Green Metropolis versus Triumph of the City on density**

I read *Green Metropolis* by David Owen recently. His book argues that the most environmentally sustainable and efficient places are in fact dense city centers like NYC. Manhattanites use less space, less energy, less gasoline, and generate less waste compared to anyplace else in North America. This is because of the density there, which forces more sustainable decisionmaking, but also enables car-free, car-light, and transit-rich mobility alternatives.

The author contrasts DC and NYC unfavorably. He makes the argument, rightly, that the low density of the core necessarily drives sprawl, pushing development outward.

Frankly, I think his arguments about the environmental efficiency and sustainability supporting density are more convincingly in favor than the pro-city pro-density urban economics arguments laid out by Edward Glaeser in *Triumph of the City*.

Yet, I also don't see things changing much--which is very depressing--because the opposition to

densification is so high. If it weren't so advantageous to the city and to developers now, we wouldn't be seeing this march towards change as it relates to the height limit.

Don't get me wrong. Residents will benefit greatly, but over time, from the change, albeit at some cost (viewsheds, light downtown, etc.).

### **Transit expansion in the core won't happen without a height increase**

The biggest benefit from a height increase will be that it allows for expansion of the heavy rail transit system because of the property tax revenues generated from greater property values--37 million more square feet, when developed, is worth a minimum of \$22 billion.

The benefits to residents (and downtown property owners and users) that will come from an expanded transit network, such as through the proposed "separated blue line" or a "separated yellow line" with a footprint beyond that as outlined in the recent WMATA Momentum plan, is almost incalculable.

More density will allow more service to more places and more service overall.

But there is no way to economically justify creating another subway line serving the core of the center city without adding land value in the core to pay for it. Otherwise the city's bonding capacity is tied up in funding sports stadiums, which has extremely limited economic development benefits.

I wrote about this more extensively here, "[DC Height Study Public Meetings This Week and the long term implications for transit expansion in DC.](#)"

I haven't read it yet, but I have picked up a book about the NYC subways where the author makes the argument that without the subways, New York City was not capable of simultaneously growing and improving the quality of the life for residents and workers in terms of their mobility.

With regard to the proposed zoning increase in Midtown Manhattan, I argued that the area is already at maximum capacity in terms of transit ridership and infrastructure, and to allow greater usage density for commercial and residential space is unsupportable transit-wise and should be accompanied by transit expansion to be allowed. See "[The Battle for Building Intensification around Grand Central Station.](#)"

The same goes for DC's core. Without a simultaneous commitment to expand transit, a height increase should not be allowed. See "[More discussion of the height limit #2: Without adding high capacity transit service, there should be no increase in allowable heights.](#)"

Were the height limit to be changed, DC should commit to investing monies in expanding transit capacity especially in the Downtown core. The Height Limit should not be allowed to increase, without this quid pro quo commitment from the City.

**Because a height increase will add significant value to existing property, new building approvals should be tied to proffers or impact fees**

Similarly, a height increase approval should be tied to the creation of a better, more rigorous, and transparent system of “community benefits”, proffers, or development impact fees, to capture some of this development bonus in a manner which leads to significant capital and other programmatic improvements to the city’s infrastructure, built environment, and social environment.

Arlington County is well known for tying building size bonuses to the provision of public benefits. DC should do the same as it relates to allowing taller buildings in the core. See "[More discussion of the height limit #1: Grant height increases conditionally, in return for significant public benefits, not as matter of right.](#)"

But rather than have a willy nilly system (which I have discussed in various places, including “[Community benefits agreements \(revised\)](#)”), a consensus for what should be funded should be developed and adhered to in negotiations.

Alternatively would be to impose developer impact fees to pay for the improvements to transit, provision of other civic assets, etc.

DC doesn't charge impact fees. Other jurisdictions, like Montgomery County, do.

See "[Times have changed with regard to funding infrastructure improvements that make land more valuable](#)," "[Monetizing community benefits for public space conversion and other considerations: Seattle](#)," "[DC is turning me into a nimby](#)," and "[Maybe DC can learn that it has something that developers want](#)."

That might be better as such a process is less likely to be gamed, unlike the current process that is associated with "community benefits agreements" now (see "[Deputy Mayor’s Office \(Finally\) Makes Public Closing Documents on Hine Development](#)" from the Capitol Hill Corner blog, which discloses that the city will allow the developer to deduct the cost of providing public benefits from ground lease payments).

Again, before a Height increase were to go into effect, an overhaul of the community benefits monetization process, perhaps by the alternative creation of a development impact fee system for building projects, should be required.

## The Federal Interest

A statement of what is believed to be the essence of the interest of the Congress in control of development in Washington was given in the Introduction (page 5). Of course, the Federal Government as an employer also has an interest, identical with that of any other employer, in an efficient and livable city for its employees.

At the present time, the provisions of the Act of 1910 establish absolute controls over height in business districts at 130 feet and in residential districts at 90 feet in order to assure the continued dominance of the Capitol and the Washington Monument and to preserve a relatively even cornice line along individual streets. These limits apply to habitable space and some, but not all, of the usual roof structures. It is believed that there is no justification for asking Congress to change these limits, although there is a need for putting an upper limit on the miscellaneous roof structures.

Therefore, a maximum overall height, to include all roof structures, of 150 feet is proposed for the Central Business District.

There is an apparent inconsistency in the Congressional distinction between commercial and residential districts. Why, one might ask, should a residential building affect the skyline more than a commercial building? Although there is no evidence to show that anyone in Congress was thinking this way, there is a good reason for the distinction. The hills surrounding the center of the city are occupied by residential districts, and a 130-foot building on one of these heights would start from an altitude of as much as 200 feet above the general level of the business district and the base of the Capitol building. Seen from afar (as from the National Airport), a 130-foot apartment building (with roof structures) built on Meridian Hill would reach 350 feet above sea level and appear to be three-quarters of the height of the Washington Monument and taller than the Capitol (elevation 305 at the top of the dome). Therefore, the distinction is worth preserving, as an expression of legitimate federal interest.

The immediate surroundings of important government buildings must be controlled in detail, and hence are not a suitable object for general rules. The Commissioners' Schedule of Building Heights and the Fine Arts Commission form the proper channels for the federal interest here and should be used more fully.

The federal interest in light and air in the streets coincides with that of the private community. The Congressional control of height by street width could therefore be replaced by a zoning control if and when Congress feels that this phase of its interest would thus be adequately protected. This is desirable because the street width provisions have an unwanted by-product of limiting height and bulk erratically over the area of the business district.

The protection of light and air in the streets will be dis-

cussed further below, after other aspects of the height controls are discussed.

## Compatibility with Residential Development

The commercial and industrial districts outside of the business center of the city are controlled, in general, so as to prevent the development of buildings which are incompatible with the surrounding residential development. A number of different situations are found.

*Small Neighborhood Centers* — These retail centers are most intimately associated with residential development. The uses permitted in them and the density permitted will be extremely restricted in order to make them acceptable as neighbors to homeowners who are jealous of the appearance of their neighborhoods. In conformity with this pattern, it is logical to permit only ground floor commercial use.

*Community Business Centers* — These commercial areas draw on a wider range of services at greater intensity per acre of ground than in the neighborhood centers; therefore the permitted bulk is larger. Parking requirements have been designed to force the developer to shoulder all of the parking load which he creates, since the major part of the trade for such an area will be auto-borne. The parking takes up ground floor space and necessitates putting part of the floor space above ground. A height of three stories will enable the designer, in most instances, to take advantage of the full bulk allowance, provide the necessary parking, and create an interesting design. Yet this is not out of scale with most of the residential areas that the community centers are associated with. Hence a limit of 45 feet is considered adequate. Small theater buildings and the few other special purpose buildings permitted in these centers can also be built within this height.

*Major Outlying Business and Employment Centers* — Several business centers now exist, and others will develop in time, which accommodate large numbers of office workers as well as retail and service businesses serving larger communities than the purely local shopping centers previously described. The business units involved will need relatively large buildings, consequently a much larger FAR will be allowed. However, parking requirements will be just as stringent so as to protect nearby residential areas. Hence, additional height must be permitted to allow the design of suitable buildings. Nevertheless, these should not be out of scale with the largest residential structures — the eight-story, 90-foot apartment buildings which are permitted in all apartment districts by exception, and in the highest density district as a matter of right. An illustration of the kind of development permitted in this district was given in Figure 6 (page 25).

*Heavy Commercial and Light Manufacturing Areas* — These areas occur in close association with residential development along major thoroughfares and along railroad lines. Current trends in construction for most of the uses

I believe that ncp proposal to leave the status quo is not in the best interest of the city. Modifying the height act does not mean Washington Dc should have any height regulations or become New York. As mentioned by Dan Malouf "There are good reasons to regulate height, but our existing laws are not necessarily the ideal set. We can make them more ideal with some fine tuning." I am for a modification that will allow for growth and ensure that national landmarks such as the Capitol remain a part of the iconic DC skyline. Thus I add my support. Thus I approve of the district's office of planning recommendation of increasing the height to a ratio of 1 to 1.25 in the LeFant city and to make areas outside the LeFant city to be subject solely to zoning regulations.

Attached is a picture of Brussels that has incorporated taller buildings in city core. The picture below is of the central plaza building at 175 ft. in Brussels. Here we show the height of this building in Brussels is 45 ft over our limit yet it does not turn Brussels into Manhattan.



In fact I would say this beautiful architecture.

Another example of city that incorporated taller buildings and has maintained and even enhanced its character is Hamburg's HafenCity redevelopment. In some areas they have strategically assigned heights to areas in order to maintain and enhance their iconic skyline.





Part of the hafen city development in the back are the sires of historic churches that survived the bombings back in world war II.

In conclusion I would urge for ncpc to get in agreement with the office of planning and agree for dcop recomendation.

I have lived and worked in Washington, DC for over 40 years and oppose any changes in the Federal Height of Buildings Act of 1910.

Washington, D.C. is not only the nation's capital, it is a beautiful and livable city due in no small part to the limitations contained in the Federal Height of Buildings Act of 1910 (Height Act). In fact, the result has been quite brilliant—likely way beyond what it's passage over 100 years ago might have anticipated. It has made our city the bright, airy, tree filled, human scaled, and admired place it is. Certainly the unique shape and character of the city resulting from the Height Act has much to do with the city's current success.

I am horrified to think of buildings the height of those in Roslyn, Crystal City, Bethesda, and Tysons Corner appearing in Washington, dwarfing our monuments to democracy and turning our streets into canyons. There is a strong Federal interest in keeping Washington “approachable” for citizens. Visitors often comment favorably on the beauty, green spaces, light, and human scale of the city.

Washington, DC is a unique city in a sea of look-alike big cities. As the capital of the United States, the National Capital Planning Commission (and the Congress) should have a strong Federal interest in keeping it distinctive, attractive, and approachable. I have visited many other cities around the world and the places I most enjoyed being were the ones with a human scale and a built environment that had ties to its past—Copenhagen, Amsterdam, St. Petersburg, Rome, Prague, Edinburgh and Washington, DC, to name just a few. These are special places that help define the character of their countries for their citizens and for people from around the world. The changes proposed in Office of Planning's (OP) recommendations would radically change the character of Washington, DC—something widely praised by both visitors and residents.

I was surprised and appalled by the OP's analysis and recommendations (that among other things would allow heights of up to 200 feet in the L'Enfant city) not just because they were so radically different from those of the National Capital Planning Commission's (NCPC) (the partner they were to have developed consensus recommendations with), but also because the recommendations completely ignored the three guiding principles mutually agreed upon by OP and NCPC and because the recommendations were so poorly supported by evidence of need or benefit.

Even a cursory consideration of the principles would suggest more restraint in the L'Enfant city:

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

By suggesting the possibility of heights of up to 200 feet in the L'Enfant city that is filled with historic districts, buildings, monuments and important open spaces and boulevards, OP's recommendations have ignored these principles.

Their recommendations are more the product of development-oriented planning than a considered evaluation of the costs and benefits. There is no evidence that increasing height will enhance or accelerate economic development. Neither is there any demonstrable correlation between taller buildings and lower rents, witness New York, San Francisco and, closer to home, Roslyn. So why believe that taller buildings will make housing more affordable? For that matter, is there any evidence that middle class or affordable housing families want to live in high-rise buildings? On the other hand, there is plenty of evidence that developers want to build the tallest buildings with the best views. With the new configuration of downtown in the zoning rewrite, this is likely to mean maximally tall buildings along the Mall, waterfront, and with a view of the Capitol building. This will significantly impact the views from these places and from places behind those tall buildings. Such a result would be antithetical to the desire to have significant buildings and memorials stand out on the skyline and to have places like the National Cathedral stand out on the edge of the topographic bowl.

Similarly, the concerns about infrastructure and congestion are dismissed by the Office of Planning's report saying that increased revenues can be used to improve the infrastructure and address congestion. But those kinds of improvements are not quickly accomplished and would not be logically funded on a piecemeal basis as new buildings are built. Increased height and density are likely to increase congestion. In addition, Metro is at capacity and other infrastructure is not there to support the increased density either. Actions to address infrastructure needs and congestion need to be taken in preparation for increased development; they are not conditions to be



“tolerated” over the many years that would be required to accomplish them. Simply, put: OPs recommendations are a “solution” without foundation and a “solution” for a problem that doesn’t exist.

Happily, the population of Washington, DC is growing after many years of decline. Nevertheless, even the most optimistic and aggressive projections do not suggest that we will reach previous resident levels for many years to come. The city is enjoying an economic and development boom and has recently had budget surpluses. The current reality undermines the assumption that we need to increase the tax base by adding more stories. Similarly, the limited scope of the undeveloped land analysis undermines the conclusion that we are running out of developable land. Further, DC is not an island nation and should not be looked at in isolation. We are located in a metropolitan area with increasingly dense development taking place around us. This trend is healthy both for the city and for the region. All growth does not have to happen within DC’s boundaries.

Despite OPs attempts to sell its recommendations on economics riddled with faulty assumptions and questionable projections, the decision about whether to allow an increase in the height of DC buildings should be fundamentally a judgment about aesthetics and character.

With the proposed changes in downtown contained in the zoning revisions and the recommendations in the Office of Planning’s Height Act report (both of which should be looked at together), height would not be directed outside the central city. It would allow buildings up to 200 feet in the new downtown that is part of the L’Enfant City. This is likely to mean maximally tall buildings along the Mall, waterfront, and with a view of the Capitol building. Tall new buildings would significantly impact the views from these places and from the places behind those buildings.

I am strongly opposed to any change in the Height of Buildings Act and believe that the Office of Planning/Mayor’s recommendations are irresponsible, an unwarranted gift to developers, and a blatant disregard for the well-being of citizens and neighborhoods and the distinctive character of Washington, DC. In addition, I object to the Mayor directly submitting recommendations to Congressman Issa with no public review and comment, including the DC City Council, or any coordination with their “partner”, NCPC, especially since the study was supposed to result in consensus recommendations. NCPC has presented a cogent and well-reasoned

discussion of the Federal interest in Washington, DC and the value of the Federal Height of Buildings Act of 1910 in supporting those interests.

I support basic conclusions of the Height Study, that some increase in building height allowed in District of Columbia will benefit our city. “Both federal and our local interests will be served by having a vibrant, economically healthy, livable Capital City.” I accept DC studies projections regarding development capacity to accommodate future growth.

I do have strong reservations regarding proposed heights of up to 200’ in certain areas and on streets with 160’ ROW. The modeling study images confirm that 1:1.25 ratios of street width to building height retain human scaled streetscapes. The images of the city from the distance tell a different story. Figure 13, L’Enfant city at 200’ height from Fredric Douglas House, and Figure 18, Illustrative clusters at 200’ both demonstrate dramatic change in views of the city. WHERE IS THE CAPITOL DOME?

Iconic images of our city include those views of Washington Monument AND Capitol Dome from some distance and from the streets and houses on the edge of topographic bowl. Those view sheds do not appear to be sufficiently protected in the proposed approach.

And sincere thanks to NCPC and DC DOP for excellent work on this study and for sharing it with all of us citizens and residents of Capitol City.



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August 14, 2013

Commissioner L. Preston Bryant, Jr., Chairman  
Ms. Harriet Tregoning, Director, Office of Planning ✓  
National Capital Planning Commission  
401 9<sup>th</sup> St., NW  
Washington, DC 20004

Dear Chairman Bryant and Ms. Tregoning:

I write in response to the July 24, 2013 presentation on the Height Act, and to the materials posted on-line.

Changing the allowable height of buildings in the District should be considered only if there is a solid reason to do so. Instead, you have presented an *opportunistic solution in search of a compelling problem*. The burden of proof for major changes in the nation's capital lies with those who propose those changes. No solid case has been offered that would compel us to change the Height of Buildings Act (HBA) that has served the city so well for so many years.

The assertion that the city will be completely built out in 20 years is not credible. In fact, we have large sections of the city, particularly in Wards 5, 7, and 8 that are crying for wise planning and neighborhood-scale commercial and residential redevelopment well within the current height limit: Rhode Island Ave., Bladensburg Rd., Minnesota Ave., MLK Blvd., Benning Rd., etc. It has been quite difficult to attract developers and anchor businesses to these areas. While the city government's intentions have been good, progress has been achingly slow. Wealthy areas like Wisconsin Ave., Tenley Town, and K St. do not need additional height in order to be economically sound and attractive.

Under such circumstances, and given the substantial current planning challenges the city faces even to build out under the current HBA, planning for the next 100 years seems like a diversion of time, talent and attention.

Your figures on the number of jobs to be created mean little to District residents unless the majority of these jobs go to District residents. Again, the city has had good intentions but has made far too little progress in training and employment for construction jobs within the District.

Raising the height of buildings will not necessarily produce affordable housing and this claim should not be made. Many cities where height is not restricted suffer from lack of

affordable housing. Any trickle-down affordability is incidental and again, not backed by data. In fact, the city has a dismal record of garnering affordable housing from inclusionary zoning. The Office of Planning's recommendations to the Zoning Commission that exempt the proposed expanded downtown from providing inclusionary zoning represent a lost opportunity to provide housing that our city desperately needs.

Making rooftops more usable and attractive is a worthy goal but this is largely an issue of good design, not of additional height. Surely our fine architectural community can respond to this challenge with solutions that will please everyone. Adding more floors to a building just pushes the problem up to the next rooftop.

While the visual studies were particularly interesting, they fall short in several important respects:

- They fail to show the effects on light/shadow of canyons from the ground level perspective experienced by pedestrians. I would argue that understanding the pedestrian experience is most definitely "in the Federal interest" in that we are host to many millions of visitors – with vastly increased visitation anticipated – as well as local residents who will experience these streets everyday.
- The models do not show the massive 14-acre Akridge development behind Union Station where the base measuring point is at the top of the Hop Scotch Bridge. This is itself worth showing in the interesting modeling SOM presented.

Finally, you have not provided any analysis of the *unanticipated consequences of changing the Height of Buildings Act*. All is made to seem rosy and positive, but this is disingenuous. Of course there will be risks and potential downsides. What are they? Under what circumstances could this change have a negative impact on the city?

In short, where is the case for changing the Height of Buildings Act? Any proposal that NCPC or OP makes to do so will leave many wondering to whom our planning agencies are responding and why: Developers lobbying behind the scenes? Mr. Issa who has little invested in the city and will soon leave his congressional committee? Or is this a case of density for its own sake without regard to unanticipated consequences?

I urge you to recommend modest improvements to making rooftops more attractive and usable and to reject other changes to the Height of Buildings Act.

Sincerely yours,

  
Meg Maguire

cc. NCPC Commissioners  
The Honorable Eleanor Holmes Norton

**Comments on behalf of the National Coalition to Save Our Mall by Judy Scott Feldman, Chair and President**

**July 12, 2013**

The National Coalition to Save Our Mall would like to associate our organization with the comments by the Association of the Oldest Inhabitants of the District of Columbia. The AOI comments are copied below. Our nonprofit is dedicated to upholding the principles envisioned in the L'Enfant Plan and McMillan Plan for Washington that give Washington, DC, its special quality as a low urban landscape punctuated by monuments to America's democracy.

On a personal note, I recall moving to Austin, Texas in 1978 and relishing the view to the pink granite dome of the Capitol Building there, only to return some years later and find it hidden and dwarfed by graceless skyscrapers nearby. No doubt the economic development arguments were strong. But the aesthetic effects were devastating. Economic expediency and private interests were given precedence over a respect for the longer view that would protect the urban landscape and the symbol of government. In Washington, the wisdom of the Founders who in the 18<sup>th</sup> century created our country and devised a plan for the Nation's Capital based on founding ideals should be foremost as we consider any change that would put those ideas aside.

I attach a view from the Capitol showing Rosslyn development dwarfing the Lincoln Memorial and destroying the simplicity of the Mall's iconic axis.

***Comments provided on behalf of the Association of the Oldest Inhabitants of the District Columbia by William N. Brown, President:***

*The 1910 Height Act has guaranteed the low-profile cityscape of the District of Columbia for over 100 years and has made the District of Columbia unique among the major cities of the world with its distinctive skyline.*

*The 1910 Height Act has been called the Third Dimension of the L'Enfant Plan. President George Washington issued the first building height regulations for the city on Oct 17, 1791, concerned as much about structural and fire safety as about urban design. While Washington's regulations were suspended from June 25, 1796 until 1800, Thomas Jefferson extended the suspension until 1904 but personally hoped the new capital would emulate Paris with buildings "low & convenient, and the streets light and airy."*

*There is a sense that development pressures are fostering modifications to the Act; however, the District has just recently achieved its short-term goal of a resident population of 600,000 but it is nowhere near the all-time high of 899,000 in 1946. Let us encourage reasonable development within the current limits of the Height Act in blighted, underutilized areas of the city before we tamper with something that will forever change the character of the District of Columbia.*

*As Vancouver, B.C. Planner Larry Beasley warned in his presentation to the NCPC in 2010: "Take care not to open things up too casually. I dare say, those height limits may be the single most powerful thing that has made this city so amazingly fulfilling."*

*As Washington's oldest civic organization, the Association of the Oldest Inhabitants is dedicated to preserving the District's heritage through member reminiscences as well as*

*preserving and promoting both the L'Enfant and McMillan Plans.*

It is incredibly humbling to read comments from all over the world about the Height Act's effect on Washington, DC and to simultaneously read former ANC Commissioner Sobelsohn's words on how democracy is failing the residents of the District who do not have a vote in Congress and to go full circle and realize this has been imposed on us by Representative Darrell Issa (R-CA) whose term as Chair of the US House of Representatives Committee on Oversight and Government Reforms is about to expire. The world is watching us in this imposed rush to judgment on the building height debate and their views should be given considerable weight. My comments, although a resident of DC, pale in comparison. However I would like to point out that the Portals Complex built in 1992 on an elevated portion of Maryland Avenue obscures the view of the Capitol that Lady Bird Johnson cited as one of the landmarks her husband's memorial would view in addition to the Lincoln and Jefferson Memorials and the Washington Monument.

The Lyndon Baines Johnson Memorial Grove on the Potomac River in Washington, DC was congressionally authorized in 1973 as a National Memorial and simultaneously named to the National Register of Historic Places. It is also an International Union for Conservation of Nature (IUCN) Category V (protected landscape/seascape) with requisite guidelines and objectives for management.

At least three of the seven objectives of management for this category(IUCN,1994, p.22)and this memorial have been breached by the Portals Complex, namely:

1. To support lifestyles and economic activities which are in harmony with nature and the preservation of the social and cultural fabric of the communities concerned;
2. To eliminate where necessary and thereafter prevent land access and activities which are inappropriate in scale and/or character;
3. To provide opportunities for public enjoyment through recreation and tourism appropriate in type and scale to the essential qualities of the areas.

The Johnson administration initiated the first legislation regulating water and air pollution. It passed the Wilderness Act, added millions of acres of land to the National Park System, created the Land and Water Conservation Fund. The Wild and Scenic Rivers Act and the National Historic Preservation Act were also part of his administration's legislative agenda. And, of course, Lady Bird's Highway Beautification Act is widely admired and copied. If anyone from NCPC and/or DCOP were to visit this DC Memorial to LBJ on Columbia Island, they would realize that what Lady Bird and LBJ observed on their travels into and out of the city proper have been grossly degraded. The views no longer exist due in large part to the height of building erected since 1973. The other sites in the SW quadrant of DC that are being reviewed are L'Enfant Plaza, Waterfront Station, Federal Center SW and Buzzard Point and more than likely the Wharf development all of which will further diminish the view from the LBJ Memorial Grove if heights are increased The only views of major landmarks that will be protected will be those from the edge of the "Topographic Bowl".

The world is watching as a congressman not from the District of Columbia but with oversight is requiring the District jump through hoops for whose benefit?? Certainly not for those who consider the land and water and light as something we borrow from nature every day, not something we own or can control. LBJ and his wife understood. As a tribute to them and to DC residents, we should let the Federal government tend to major and ongoing National developments and not try to dictate arbitrary timelines and subservience to developers.



DPW TO HOLD MONTHLY HOUSEHOLD HAZARDOUS WASTE DROP-OFF  
SAT., MAY 7, AT FT. TOTTEN TRANSFER STATION  
Residents also may pick up free compost.

(Washington, DC) The DC Department of Public Works announced today that it will hold its monthly household hazardous waste/e-cycling/document shredding drop-off Saturday, May 7, 8 am to 3 pm, at the Ft. Totten Transfer Station, 4900 John F. McCormack Road, NE.\*

"It's spring," said DPW Director William O. Howland, Jr. "People are cleaning out their garages and basements, getting rid of insecticides, old cleaning solutions and paint solvents and oil-based paint. The best place to take these and other toxic items is the household hazardous waste drop-off, where they will be disposed of properly."

Director Howland added that most paint sold today is latex, which is not hazardous, and can be dried out by adding some kitty litter to the can, then put in the trash after it's dry.

District residents may bring up to five, medium-size boxes (no larger than the standard District recycling bin, which is approximately 20" x 14" x 14") of personal documents to be shredded. Only paper (staples, paper and binder clips on the paper are okay) and credit cards will be accepted. No business or commercial material will be accepted.

The remaining 2011 HHW/e-cycling/shredding drop-off dates are June 4, July 2, August 6, September 3, October 1, November 5, and December 3.

For a list of all household hazardous waste and e-cyclables accepted by DPW, please click on the HHW link at [www.dpw.dc.gov](http://www.dpw.dc.gov).

\*Directions to Ft. Totten: Travel east on Irving Street, NW, turn left on Michigan Avenue, turn left on John F. McCormack Road, NE and continue to the end of the street.

Sent by DC HSEMA to e-mail, pagers, cell phones....powered by Cooper Notification RSAN

To whom it may concern,

I write to you today to highlight what I think is a significant omission in the NCPC's framing of the federal interest in the height limit in the District of Columbia. Specifically, the report neglects to analyze the effect of the height limit on the government as the region's major employer and its effect on federal personnel costs and federal employee cost of living.

Employee cost of living has a significant effect upon federal spending; every federal employee in the Washington metropolitan area receives a locality bonus to their salary of 24.22% as of 2012. Further, every federal employee is eligible to receive a transportation subsidy to cover the cost of their commute up to \$240 in 2013; the further they have to travel, the more they receive. Concerning military personnel stationed in the Washington metropolitan area, an O1, that is a second lieutenant in the Army, receives a monthly housing allowance of \$1875, an O4, or a major in the Army, is paid \$2982 for housing (those are the figures for personnel without dependents). So the government does incur significant costs related to housing in the District and its surroundings.

While the report does consider the federal government's needs in terms of office space within DC, to be complete the report should analyze the extent to which the height limit drives up the cost of living for federal civilian and military personnel, forcing the government to pay higher salaries, and incur greater costs to transport its employees farther, to and from places where they can find housing they can afford. Further, the report should consider non-monetary factors related to housing that affect employee performance and agency operations. Among these would be the length of commute times for federal workers. Other things being equal, many workers would prefer a shorter commute to a longer one. Also, rapidly rising costs in many DC neighborhoods are making them unaffordable to federal workers, causing them to feel unwelcome in the nation's capital, diminishing their sense of pride in their work.

The distance federal employees must travel to work also affects federal emergency dismissals. Many workers who live far from their offices and are dependent on cars for commuting will need to take additional leave to get home in case of significant snowfall. In the case of the notorious snowstorm in January of 2011, one of my coworkers who lives in suburban Virginia did not get home until nearly midnight; by contrast, I took the Metro back to my apartment in the District and was home in twenty minutes. In the case of the earthquake later that year, some of my coworkers could not get their cars out of the agency garage and had to form emergency carpools back to suburban Maryland. For me, even though the Metro was limited to 15 mph and the bus system was paralyzed by heavy car traffic, I could simply walk home to my apartment in Columbia Heights.

While the report maintains there is at least some federal interest in maintaining the limit throughout the District, beyond the "topographic bowl" of the L'Enfant city, its neglect to consider the government's interest as an employer blinds it to a significant countervailing interest in substantially increasing the amount of housing in the District.

The three year freeze in cost of living and locality adjustments to federal pay has significantly diminished the effective compensation of federal employees. Meanwhile, the District's reputation as a stable job market in the recession has brought an influx of new residents into a housing market seriously constrained by the height limit (among other policies), driving up housing costs and further reducing effective federal wages. The effect of furloughs due to budget sequestration has cut into federal employee compensation even more. A significant increase in affordable housing in the District would broaden housing choices for federal workers, improving quality of life and even slowing the increase in cost of living which would be a gain to real income even if nominal income remained the same. It should be pointed out that simply by incentivizing greater private development in the District these benefits could be achieved without cost to the taxpayer.

The draft report seems to start with the premise of changing as little as possible but it overlooks the potential benefit to the government in encouraging significant change. While there is a reasonable federal interest in preserving the aesthetic integrity of the city, this interest should be evaluated in light of other priorities of the government. Put simply, personnel issues are as much an operational concern as physical infrastructure and they are affected by development policies in DC. As the recent government shutdown highlighted: without employees, federal agencies are just empty buildings.

Modifying the height limit will make it possible for a greater percentage of federal workers to live close to their jobs, reducing commute times, mitigating the impact of increasingly limited agency budgets, improving the collective morale of the federal workforce and helping to create a more thriving city.



**National Trust *for*  
Historic Preservation**  
*Save the past. Enrich the future.*

## **STATEMENT ON THE DRAFT HEIGHT ACT STUDY**

**Robert Nieweg, Field Director**

**National Trust for Historic Preservation**

**September 25, 2013**

My name is Robert Nieweg and I represent the National Trust for Historic Preservation. Thank you for the opportunity to provide preliminary comments regarding the draft Height Act Study.

The National Trust is a privately funded nonprofit organization, chartered by Congress in 1949 to further the historic preservation policies of the United States and to facilitate public participation in the preservation of our nation's heritage. 16 U.S.C. § 468. The mission of the National Trust is to provide leadership, education, and advocacy to save America's diverse historic places and revitalize our communities.

The National Trust has been actively engaged in the public process for the Height Act Study. Representatives of the National Trust have participated in five meetings convened by the DC Office of Planning and the National Capital Planning Commission, reviewed informational material made available by the two agencies, and conferred with our partner organizations and National Trust members. Currently, the National Trust is preparing to submit written comments on the Height Act Study.

We have participated in the Study in order to assess potential impacts to historic properties from possible changes to the Height Act, including impacts to individual historic landmarks and to historic districts – especially those historic properties which are listed on the National Register of Historic Places. At the beginning of Phase 2 of the Study, we requested an opportunity to review key information, including the full report for the Economic Feasibility Analysis as well as maps and additional information to identify the many designated historic properties which are located within the modeling study area. The economic analysis was released to the public on September 24. At the beginning of Phase 3, the National Trust requested an opportunity to review the District's draft recommendations, which were not released to the public until September 24.

Given the time constraints of the Study, we are concerned that the delayed release of the economic analysis and of the District's draft recommendations may unintentionally limit public participation during Phase 3, and certainly with regard to the public's assessment of the two agencies' draft recommendations. The National Trust respectfully requests confirmation that the public will have at

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least 30 days to review and comment on the District's draft recommendations. (We note that the District's September 24 press release states: "Public comments will also be accepted on the recommendations for 30 days before the report is finalized.")

Our preliminary review of available material raises several issues for clarification:

1. **Purpose of the Joint Study.** The purpose of the Height Act Study is for the two agencies to jointly examine the extent to which the Height Act continues to serve federal and local interests and how potential changes to the Act could affect the future of the Capital City. A joint study of the entire city makes good sense, as we believe both the federal government and the local government have significant interests throughout the District of Columbia, our Nation's Capital. What is the rationale for the District's statement that: "Outside the L'Enfant City, there is relatively little federal interest in the height of buildings and historic federal resources there can be protected under both federal and local historic preservation law." [Height Master Plan for the District of Columbia, Evaluation and Draft Recommendations, Sept. 20, 2013, p. 5 (emphasis added).]
2. **Scope of the Study.** It was our initial understanding that the two agencies had been charged to explore changes to the Height Act in areas outside of the L'Enfant City, as Chairman Issa directed in 2012: "The Committee encourages 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 that were discussed at the July 19 hearing." [Congressman Darrell Issa to Mayor Vincent Gray and NCPC Chairman Preston Bryant, Jr., Oct. 3, 2012 (emphasis added).] What is the rationale for expanding the exploration of changes to include the L'Enfant City?
3. **Federal-Local Consensus.** In response to Chairman Issa's request, NCPC and the DC Office of Planning developed a proposal for the Height Act Study which stated that: "The goal of the study is to reach a federal/local consensus on those areas of the city where height changes would be appropriate." [NCPC Chairman L. Preston Bryant, Jr. to Congressman Darrell Issa, Nov. 1, 2012, Height of Buildings Master Plan, Summary Proposal (emphasis added).]

What are the consequences for the Study of the agencies' failure to reach the intended federal/local consensus?

The National Trust believes that the Height Act continues to serve the public interest, and we are particularly supportive of the NCPC's observation that: "The law is simple, equitable, and has distributed development to all parts of the city rather than concentrating growth to a single high-rise cluster. It contributes to a stable and predictable real estate development climate." [NCPC Executive Director's Recommendation, Sept. 12, 2013, p. 4.]

In our view, the Height Act is a time-tested solution which the federal and local governments should not rush to change. Any proposal to change the Height Act should not move forward without additional careful study and public feedback regarding the two very different and apparently incompatible sets of draft recommendations which have been released by the NCPC and DC Office of Planning.

Thank you in advance for considering these preliminary comments of the National Trust for Historic Preservation.



**National Capital Planning Commission  
Special Commission Meeting on the Height Master Plan for Washington, DC**

October 30, 2013

**Statement of Janet Quigley, Capitol Hill Restoration Society**

Chairman Bryant and Commissioners, thank you for the opportunity to testify today. My name is Janet Quigley and I am testifying on behalf of the Capitol Hill Restoration Society. CHRS has promoted historic preservation and residential quality of life on Capitol Hill for more than 50 years.

Regarding the federal interest, we commend the National Capital Planning Commission staff for their thoughtful and responsible report on the Height Act Master Plan and concur with their finding that the Height Act continues to meet the essential interests and needs of the federal government, and that any changes would have a significant adverse effect on federal interests. There is no compelling reason to change the Height of Buildings Act of 1910. In addition to the aesthetic and historic reasons which have been well documented, we also submit that:

- Stewardship of the nation's capital city is also a federal interest.
- The federal interest applies outside as well as inside the L'Enfant City.
- The Height Act supports the L'Enfant Plan, which itself is a National Landmark.
- Water approaches to the city should also be considered as viewsheds to be protected, for example the views near Buzzard Point and Poplar Point.

We also agree that more study is needed before any significant changes are contemplated.

Regarding the local interest, we commend the Office of Planning for the remarkable collection of photos and graphics they amassed for the Master Plan study. However we disagree with the proposed conclusions and believe that supply has been understated and demand overstated, resulting in a manufactured crisis. Our comments on the OP report were submitted last week and are part of the record. I would just emphasize that the lack of cost estimates for additional infrastructure could result in hidden costs for the District of Columbia taxpayers.

In summary, both NCPC and OP are to be commended for their exhaustive public outreach and work on this important issue. We support the NCPC report and urge the Office of Planning to partner with NCPC on the final product.



# **DC Federation of Civic Associations**

*Established 1921*

*<http://dcfca.org/>*

## **Testimony Submitted to the Committee of the Whole, D.C. City Council on the Federal Height of Buildings Act**

October 28, 2013

Chairman Mendelson and Members of the Committee:

The Federation, established in 1921, represents 41 organizations throughout the city. The Federation registers its opposition to the D.C. Office of Planning's suggestions for changing the Height of Buildings Act, which has shaped the city we love for the past century.

The Federation regards this proposal as a betrayal of all the citizens of the District of Columbia, and especially those who live outside the original L'Enfant City (the area bounded roughly by the Anacostia and Potomac rivers on the south, Florida Avenue on the north and east, and Rock Creek Park on the west). OP would remove all existing height limits outside the L'Enfant City and install itself as the driving force behind Height Act policy, through its dominant role in the Comprehensive Plan and zoning processes. The Federation does not regard restricting the Height Act to the L'Enfant City as a Home Rule issue. The existing height limits are part and parcel of the Home Rule Act and we embrace them. The Office of Planning's proposal does not bring about more home rule. What it does is treat residents who live outside the L'Enfant City as second class citizens, by taking away something of value.

Residents living inside the L'Enfant City are almost as badly affected, because the Office of Planning wants to increase buildings heights relative to street widths. In addition, the lower maximum limit on residential street heights would be removed. Maximum building heights under OP's plans will top out at 200 feet in the L'Enfant City and can go to any height in the outlying neighborhoods. This proposal is a recipe for disruption, displacement and higher taxes.

There is no explanation as to how this proposal fits with the zoning rewrite that OP has been conducting for the last five years. Those rules reshape the city in a major way. How are we to absorb and make meaningful comments on zoning rules that could be superseded by a massive change in the fundamental bones of the city?

This is completely a bad idea that serves no purpose. There is an abundance of development capacity and an ongoing economic boom. We are at risk of losing a beloved cityscape and magnificent views. The National Capital Planning Commission concluded that OP has not made a case for its position. The Council needs to drive a stake through the heart of this initiative – three times if necessary. Thank for this opportunity to appear on this important issue.

Federation of Civic Associations

/s/ Barbara Morgan, President



**District of Columbia City Council Committee of the Whole**

**Testimony on the District of Columbia's Recommendations  
on the Federal Height of Buildings Act of 1910**

By Janet Quigley, President, Capitol Hill Restoration Society

October 28, 2013

Chairman Mendelson and members of the Committee of the Whole, thank you for the opportunity to testify today. My name is Janet Quigley and I am testifying on behalf of the Capitol Hill Restoration Society. CHRS has promoted historic preservation and residential quality of life on Capitol Hill for more than 50 years.

I want to thank you for holding today's hearing and to commend the National Capital Planning Commission for their thoughtful and responsible report on the Height Act Master Plan. There is no compelling reason to change the Height of Buildings Act of 1910. In addition to aesthetics and history, CHRS believes there are four good reasons to support the Height Act and no good reasons to change it:

- The Height Act spreads development across the entire city so that every Ward can benefit and grow.
- It provides predictability for our real estate market, one of the healthiest in the country.
- It attracts visitors who come to appreciate our nation's history and who contribute millions in tax revenues.
- It supports the L'Enfant Plan, which is a National Landmark.

The Office of Planning recommendation would create many problems:

- It would concentrate development downtown.
- It would obligate the City for yet to be determined millions in additional utility and other infrastructure costs.
- It would result in a net drain on city resources.
- The rush of applications to change existing buildings would create a "zoning and historic preservation employment act" for years to come.

I don't know what the budget was for the nine consultants who worked on this study, but we can thank one of them, the Partners for Economic Solutions, for clearing up a few misconceptions and exposing the drawbacks of any changes to the height limits. For example the economic consultant found that the law of supply and demand does not apply as might be expected:

- Taller buildings are more expensive to build and they command higher rents.
- Taller residential buildings will do nothing to make housing more affordable.
- Taller office buildings cannot provide the parking that businesses demand.
- Incremental revenue might be in the 1% range.
- Additional infrastructure costs were not factored in, but would be too significant for developers to cover. This means the city would have to pick up the tab, most likely wiping out any modest increases in revenue.
- The estimates are only valid for 5-10 years, but are being used to make decisions for the next 40 years.

Mr. Chairman, I believe that the proposal to change height limits is a solution in search of a problem and would do irrevocable damage to our remarkable home town. Washington, DC is a healthy, thriving city with an enviable real estate market and budget surpluses year over year. Its success is not in spite of the Height Act, but thanks to it. For these reasons I urge Council to reject the Office of Planning's recommendations and instead affirm its support of the Height Act which keeps our City strong.

# CAPITOL HILL RESTORATION SOCIETY



October 24, 2013

Ms. Harriet Tregoning, Director  
Office of Planning  
1100 4<sup>th</sup> Street, SW  
Suite E650  
Washington, DC 20024

Subject: Office of Planning's Height Master Plan Draft Report dated September 24, 2013

Dear Ms. Tregoning:

Washington DC is a thriving, competitive city with an enviable quality of life and a highly desirable real estate market. It enjoys budget surpluses year after year. CHRS believes it owes this success and distinctive character to the Height of Buildings Act of 1910, along with the L'Enfant and McMillan Plans and other guiding policies outlined in our June 23, 2013 letter on this subject.

CHRS commends the Office of Planning for its detailed research and persistent public outreach regarding height limits, but disagrees with the conclusions. The subject report recommends height increases for reasons which OP's own economic study does not support. Taller buildings cost more to build. Rents will continue to rise. Developers will continue to build boxy buildings to maximize profit. A change would do nothing to increase affordable housing. In short, height increases do not deliver improvements.

We applaud the Office of Planning's commitment to preserve viewsheds and would urge that views throughout the city, as well as views approaching the city, be equally protected. It is unfortunate that the costs of increased infrastructure demands resulting from any changes were not included in the studies. Had they been, the result would likely have shown a net drain on revenues rather than a 1-2% increase. It is essential that the city make a more comprehensive study of viewsheds and infrastructure, as well as security, transportation and communications, before contemplating a change of this magnitude.

CHRS fully supports retaining the Height of Buildings Act in its present form because it benefits the city, its institutions and its residents. We urge the Office of Planning to consider those benefits as well.

Sincerely,

*Janet Quigley*

Janet Quigley  
President, CHRS

National Capital Planning Commission

October 30, 2013

**Hearing on the Draft Recommendation from the NCPC Executive Director and the Recommendation from D.C. Mayor Gray**

TESTIMONY OF GEORGE R. CLARK

My name is George Clark. I am a 40 year resident of this City, drawn to it by its scale and beauty. I am a past Chair of the Committee of 100 on the Federal City, a three time President of Federation of Citizens Associations, served 6 years on the Zoning Review Task Force, and am currently on the DDOT Transportation Planning Task Force.

I urge you to reject the late and unvetted proposal from the Office of Planning and keep the Height of Buildings Act as it is, with perhaps further study of the penthouse issue as noted by the Staff Report, which I heartily endorse. I say unvetted because in none of the public meetings this past summer did OP give even a hint of this Manhattanization proposal to any of the citizens who attended. In fact OP denied that it had any intent to ask for so many tall buildings in so many places. And even with that, the large majority of those in attendance saw no reason to change the Height Act. And now OP goes directly to Rep. Issa, without even bothering to ask the citizens what they think. Some Home Rule issue. The people don't want change so let's do an end run around them in Congress!

But OP tells us that we need tall buildings so that housing will be less expensive, you know, like in Manhattan or downtown Chicago. Recognizing the folly of this assertion, OP tries to justify it at page 14 of the Economic Analysis of the Height Master Plan from James Davis Construction (forget why you'd ask a construction company to do an economic analysis):

While newly constructed higher-rise apartments are likely to have relatively high rents, expansion of the housing supply should result in lower rents if new supply exceeds the growth in demand. The availability of new apartments will put competitive pressure on existing buildings to renovate and maintain their edge and/or lower their rents. Units that are not as well located and maintained will see a lessening of demand and lower rents. However, the impacts on prevailing rents are likely to occur primarily at the margin. The District's high costs of development and natural market forces will limit the extent of oversupply and rent reductions over the longer term, though during the down parts of market cycles, the additional supply could lead to lower rents until supply and demand are back in balance.

In other words, rents will go down if we overbuild tall building housing for rich folks because they will move out of their current housing which will deteriorate and be more affordable for the masses. And if that doesn't work, a good depression might come along and lower rents! And by the way, forget that ownership stuff – you will all be renters.

So what is the real reason for OP pushing for tall buildings? Fortunately we have the answer from the Board of Trade. In an e-mail the BOT sent me they said the following:

Yesterday the District of Columbia Office of Planning released the District's Height Study Draft Recommendations which calls for Congress to modify the Height Act to allow for taller [buildings] in the District. As indicated in the press release linked below, this recommendation *will result in a substantial opportunity* for increased future development in the District.

Well now we know who this building height is supposed to help -- not the average person, not the poor, not the homeless – but developers! Thank you OP!

And let's not forget the claim that D.C. will gain significant property tax benefits. When is last time you heard that the City did not give a developer of a large project 25 years of tax relief or TIF financing to build, thus wiping out any tax benefit?

Home Rule is not more height for favored developers. It isn't jeopardizing the views, the scale and the feel that has made this City iconic and made it grow and prosper and attract more residents. Home Rule is Statehood, or voting rights or budget autonomy. OP has come up with a solution in search of a problem. Let's file it where it belongs.

## Testimony of Ferrial H. Lanton

If Thomas Jefferson had worked in a cubicle, the proposal in question might have a rational basis. If our past presidents were sworn in at strip malls and office parks, compromising the importance of our historic landmarks might have merit. History, however, proves otherwise.

Most of us are familiar with a popular urban legend: Buildings in the District are not to be taller than Washington Monument. The logic behind this guess: Washington, as a city where history is made, differs from the aesthetic trends (and failures) of New York City. We are a garden city of stability, history, and unprecedented power. We build underground tunnels because we value national security more than the hubris of corporate power.

Building heights are statutorily limited on the basis of street width to preserve the integrity of L'Enfant's historic design. As most of us know, the 1910 Heights of Buildings Act is the true reason for our city's landscape. Green spaces and low-rise buildings also emphasize the importance of the national monuments that punctuate our passion for democracy. We commemorate and legislate at the cherished landmarks that accent a horizontal skyline.

We revere these sacred places as symbols of freedom, and popular belief correlates with a basic premise of urban planning: size matters.

I have been a resident of Washington for more than three years. We should not change the Height of Buildings Act. As an art historian and as an attorney, I have studied the building philosophies of Palladio, the impact of geographically isolated high-rise projects in Chicago, and monitored the ongoing debate about reconstruction of the World Trade Center site in a book written by my colleague, Paul Goldberger.

The most compelling argument, however, is the expression of discontent by citizens of London – a city whose history has become obscured by the interest of banks and private development. Rowan Moore of *the Guardian* laments the resultant obscurity of London's once-iconic symbols. He writes:

There is no vision, concept or thought as to what their total effect might be on London, except that it will be great. In planning a kitchen, it is usual to envisage the totality before you start, but a great city has not been granted this courtesy. The onus should be on those who want to make such large changes, and to profit from them, to demonstrate their quality - the more conspicuous a building the more important it is that it is well-designed. As it is, they would rather we didn't notice them until it's too late.



In addition to swaths of underutilized land in areas beyond Downtown, the District has failed to consider the most important factor of all: World-class cities deserve world-class design.

New York's iconic architecture demonstrates that city's status as America's cultural capital. Proposals to change the height limit in DC will only demonstrate our fascination with bureaucratic office space. A piecemeal attempt to mimic the aesthetic failures now lining the Thames would only prove to the world that Washington is a city without an identity.

New York, Beijing and Paris, rival Dubai, Rome, and Venice. These cities embody world power through their landmarks. We risk international embarrassment by allowing the office parks of K Street to add mediocre 70-foot annexes. All the while, Frank Gehry, Zaha Hadid, and Hennig Larsen will turn their attention elsewhere.

In other words, the current proposal advocates that Washington has the same consideration for aesthetic as the string of office parks lining the East side of Cleveland or the urban sprawl of Houston. We must ask ourselves if this is the impression that we want to demonstrate to the world leaders visiting a city known for its power and history.

**The D.C. Height Limits: How the Restrictions Have Impacted Development in the Capital**

Sarah Dahlia Gutschow

Survey of Planning Law Principles, 970:517  
Professor Judd Schechtman  
December 3, 2009

As visitors to Washington, DC explore the city from the comfort of the omnipresent tour buses, they are often informed that the city's relative lack of tall buildings is due to a strict height limit. Residents and tourists alike commonly believe that the local law was imposed in order to preserve the view of the Washington Monument and U.S. Capitol Building from all areas of the city. As it turns out, this frequently repeated bit of local lore is not quite true. Although the city does have stringent height restrictions, the law was actually passed by Congress in 1899 in response to community outrage over the construction of the Cairo Hotel in the northwest quadrant. In the past few decades, Washington has experienced an economic resurgence, prompting calls to abolish or modify Washington's height restrictions in order to encourage greater density and alleviate high office rents. This paper examines the ways in which Washington's height limits have shaped the city's subsequent growth and how this issue fits into the broader question of zoning restrictions and economic expansion.

Washington, DC has been a planned city since its inception. When George Washington chose Washington D.C. to be the nation's capital in 1791, it was supposed to represent a break from the traditional notion of a city, unencumbered by greedy commercial interests and unruly mobs like in Boston and Philadelphia. The site was a compromise location between Northern and Southern states, encompassing the preexisting port cities of Alexandria and Georgetown in Virginia, as well as a deepwater harbor in Anacostia. The French artist Pierre L'Enfant designed a Baroque-style, rectilinear grid for the city in order to provide grand space fit for the symbolic home of American ideals, filled with wide boulevards and public parks. L'Enfant's design has continued to have a deep impact on not only the physical form of the city, but also the way

Washingtonians see themselves. Residents are proud to live in a city that celebrates the nation's founding doctrines through grandiose architecture and urban planning.<sup>1</sup>

While L'Enfant's planned the horizontal layout, George Washington set a height limit for the city. In 1791, the same year as its founding, the nation's first president set a 40-foot height restriction in order to "provide for the extinguishment of fires, and the openness and convenience of the town, by prohibiting houses of excessive height."<sup>2</sup> Thomas Jefferson, the nation's third president, envisioned Washington as "an American version of 18th-century Paris, with 'low and convenient' housing on 'light and airy' streets."<sup>3</sup> This shared vision for the city was based on an aversion to the narrow, polluted early industrial cities of Europe, rather than a protest against high buildings. Until the latter part of the 19<sup>th</sup> century, building heights were restricted by the large amount of water pressure needed to supply running water and the number of stairs that people were able and willing to climb.

The invention of the elevator and advancements in water pump technology in the 19<sup>th</sup> century allowed for substantially higher building heights. The era of the skyscraper began in 1884 with the debut of the Home Insurance Building in Chicago, rising ten stories and 138 feet above the city. Although buildings at this height and taller had existed since antiquity, including the Egyptian pyramids, the Home Insurance Building was the first to employ a load-bearing structural frame made of steel, henceforth known as the "Chicago skeleton." This early building method eventually allowed for the construction of the tallest "megastructures" of the modern

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<sup>1</sup> Schrag, Zachary M. (2006). *The Great Society Subway: A History of the Washington Metro*. Baltimore, MD: The John Hopkins University Press.

<sup>2</sup> Gilmore, Matthew (October 2007). H-DC / Building Height Timeline. Retrieved November 30, 2009 from <http://www.h-net.org>

<sup>3</sup> Grunwald, Michael (July 2, 2006). DC's Fear of Heights. *The Washington Post*.

world, with the current record holder in Taipei, Taiwan topping out at 1, 671 feet.<sup>4</sup>

Technological advances, industrial wealth and cheap energy allowed for this sort of innovation, but whether these structures actually have had a positive impact on the urban form is a separate consideration.

For the residents of Washington, tall buildings stood in stark contrast to the rest of the city's low-lying, picturesque architecture. At the turn of the century, Washington was in the midst of the City Beautiful movement. The McMillan Plan, formulated in 1901, sought to fully realize L'Enfant's vision for the city by bringing Old World glamour to the nation's capital. At the same time that the city was building new public monuments and Beaux Art government structures, private developers were working to bring tall, modern architecture to downtown D.C. When the Cairo Hotel was constructed in the Dupont Circle area, it was reviled as a 14-story aberration that would dwarf the surrounding neighborhood.<sup>5</sup>

In response to protests, Congress passed the Heights of Buildings Act in 1899, which dictated that no new building could exceed the height of the U.S. Capitol. This act was amended in 1910 with the passage of the Building Height Act, which stated that "no building shall be erected, altered, or raised in the District of Columbia in any manner so as to exceed in height above the sidewalk the width of the street, avenue, or highway in its front, increased by 20 feet."<sup>6</sup> As an addendum, the 1910 act allowed for "spires, towers, domes, minarets, pinnacles, penthouses over elevator shafts, ventilation shafts, chimneys, smokestacks, and fire sprinkler

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<sup>4</sup> Skyscraper. (n.d.) In *Wikipedia, the free encyclopedia*. Retrieved December 3, 2009 from <http://en.wikipedia.org/wiki/Skyscraper>

<sup>5</sup> Livingston, Mike (February 13, 2004). D.C.'s height limits: Taking the measure of their impact. *Washington Business Journal*.

<sup>6</sup> D.C. CODE ANN. § 6-601.05 (2001)

tanks may be erected to a greater height," subject to approval by the District's mayor, "provided that penthouses, ventilation shafts, and tanks shall be set back from the exterior walls distances equal to their respective heights above the adjacent roof." This 1910 law still forms the basis of D.C.'s strict height limits, although local planners can make some minor exceptions, such as One Franklin Square, which at 210 feet is currently the tallest commercial building in downtown. The Old Post Office is the tallest structure overall at 315 feet, but it was built before the height limits were set.

These acts were issued at a time in American history when municipal governments were struggling to adapt municipal land use policies to better promote public safety and health and promote property values in Industrial-era cities. The first comprehensive zoning ordinance was issued by New York City in 1916, but this ordinance was predated by turn-of-the-century height and land use regulations. The authority to use police power in order to regulate building heights was granted by the seminal U.S. Supreme Court case *Welch vs. Swasey*, 214 U.S. 91 (1909), one year before the passage of Washington's Building Height Act.<sup>7</sup> In fact, *Welch vs. Swasey* was heavily cited in *Village of Euclid, Ohio v. Ambler Realty Co.*, 272 U.S. 365 (1926), the case that established that the separation of land uses achieves a legitimate public purpose. Citing *Welch*, as well as other contemporary cases, Justice Sutherland wrote:

There is no serious difference of opinion in respect of the validity of laws and regulations fixing the height of buildings within reasonable limits, the character of materials and methods of construction, and the adjoining area which must be left open, in order to minimize the danger of fire or collapse, the evils of overcrowding and the like, and excluding from residential sections offensive trades, industries and structures likely to create nuisances.<sup>8</sup>

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<sup>7</sup> *Welch v. Swasey*, 214 U.S. 91, 29 S.Ct. 567, 53 L.Ed. 923 (1909)

<sup>8</sup> *Village of Euclid, Ohio v. Ambler Realty Co.*, 272 U.S. 365 (1926)

*Welch vs. Swasey* was the first nation-wide authority to establish not only that the state could regulate the development of private property, but also vary that regulation according to district. The case concerns two statutes passed by Massachusetts in 1904 and 1905 that divided the city of Boston into districts where District A had a building height limit of 80 or 100 feet and District B had a building height limit of 125 feet. Accordingly, the plaintiff was denied a building permit because his proposed construction exceeded those limits. The plaintiff alleged that these regulations were a violation of his constitutional rights because it was a taking of his property without just compensation, as well as a denial of equal protection under the law. The plaintiff also alleged that the law was an illegitimate use of police power because it was based on aesthetic grounds, not public welfare, and because the creation of different height districts was arbitrary.

The plaintiff applied to the Supreme Judicial Court for a writ of mandamus to be issued upon the Building Commissioner of the City of Boston to issue the requested permit, but was denied on the grounds that the height restriction was a legitimate use of police power. The U.S. Supreme Court affirmed this verdict and reiterated that the 1904 and 1905 Acts were, “a proper exercise of the police power of the state, and are not unconstitutional under the equal protection and due process clauses of the Fourteenth Amendment.” Furthermore, they held that, “Where there is justification for the enactment of a police statute limiting the height of buildings in a particular district, an owner of property in that district is not entitled to compensation for the reasonable interference with his property by the statute.”

Thus, *Welch* determined not only that height restrictions are a legitimate use of police power, but also that they therefore do not qualify as government takings subject to compensation under the Fourteenth Amendment. Subsequent cases challenging the validity of height limits

were decided as applied, where variances may be obtained due to undue hardships or practical difficulties. In Washington, the 1910 Building Height Act granted the mayor power to issue variances for architectural embellishments, which was subsequently delegated to the Board of Zoning Adjustment. The plaintiff in *Welch* challenged the law on the grounds that it promoted aesthetics rather than public welfare, but the Court held that the act was legitimate because it was based on the protection of public health and safety, not aesthetics. Later cases, however, held that promoting aesthetics is a legitimate use of police power. The influential case *Landmark Land Co. v. City of Denver*, 738 P.2d 1281 (1986)<sup>9</sup> held that a height restriction in downtown Denver meant to protect views of the Civic Center accomplished a legitimate use of police power and was therefore not a taking.

Washington's first Zoning Ordinance, passed in 1920, divided the city into various height and use districts, with regulations for each district. The Zoning Act of 1938 established the police power of the Zoning Commission to regulate height. The act also declared that zoning could not supersede the 1910 Building Height Act. The formal structure of the zoning commission changed, especially after the passage of the 1973 Home Rule Act, but the height limit remained intact.<sup>10</sup> The switchover from complete Congressional oversight to a locally elected town council and mayor brought some confusion in deciding how zoning regulations should be administered. In 1998, it was established that D.C. Council has the authority under the Home Rule Act of 1973 "to amend the Schedule of Heights of Buildings Adjacent to Public

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<sup>9</sup> *Landmark Land Co. v. City and County of Denver*, 738 P.2d 1281 (Colo. 1986)

<sup>10</sup> DC Zoning History. *District of Columbia Office of Zoning* website. Retrieved December 1, 2009 from <http://www.dcoz.dc.gov/about/history2.shtm#1920>



Buildings as long as any amendment is within the overall limitations set forth in the Building Height Act of 1910.”<sup>11</sup>

Throughout Washington’s history, Congress has generally favored a more conservative city plan, which has often come into conflict with the actual needs and wants of D.C. residents. In 1940, National Capital Planning Commission chair Frederic Delano actually suggested lowering the height limit. Washington is however susceptible to the same architectural and city planning trends affecting the rest of the country. After a general population decline and the devastating 1968 riots, a number of projects were proposed in order to revitalize the city’s shattered downtown. These urban renewal and highway building projects led to some attempts to construct much higher buildings. In 1968, the McMillan Bill was introduced, which proposed legislation that would raise the height limit to 230 feet. In 1969, Rep. Augustus Hawkins (D-Calif.) introduced bill H.R. 5528, in order “to authorize realistic, economic, and modern building heights and bulk in the District of Columbia”, proposing a 630 foot height limit.

These modern architecture-oriented bills were generally short-lived. After the 1973 Home Rule Act, D.C.’s local government tended to favor more growth-oriented planning policies, while Congressional leaders often sought to preserve the city’s historic character. The height limit was increased to 160 feet in some places through a zoning bonus and residential zones were given a 40-foot limit.<sup>12</sup> Most recently, in 1994, Rep. Fortney "Pete" Stark (D-Calif.) introduced legislation to Congress that would negate long-standing interpretations of the 1910 Building Height Act. The introduction of the bill (H.R. 4242) was prompted by the proposed

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<sup>11</sup> Authority of the D.C. Council Under the Home Rule Act to Amend the Schedule of Heights of Buildings (August 28, 1998). *United States Department of Justice*.

<sup>12</sup> Gilmore, Matthew (October 2007). H-DC / Building Height Timeline. Retrieved November 30, 2009 from <http://www.h-net.org>

construction of the WETA telecommunications facility in the Foggy Bottom neighborhood, which would have exceeded the area's 110-foot height limit by 6.5 feet. Congressman Stark felt that "among the most attractive features of our Nation's Capital is its skyline" and wanted to prevent this view from being obscured by rooftop mechanical penthouses and other protrusions that might exceed the height limit. The bill was heard before Congress on April 26, 1994, where it was opposed by D.C. Delegate Representative Eleanor Holmes Norton, who felt that the bill was an intrusion in local affairs.<sup>13</sup>

Another challenge to the local government's power to regulate height limits came in the case *Techworld Development Corporation v. District of Columbia Preservation League*, 648 F. Supp. 106 (D.D.C. 1986).<sup>1415</sup> In this case, the District of Columbia Preservation League challenged the National Capital Planning Commission's (NCPC) approval of Techworld's proposed 130-foot construction as a violation of D.C. law. After the D.C. Corporation Counsel approved the proposal under a special maximum height formulation, the NCPC voted in favor of the project, including a rezoning and planned unit development approval. The court ruled in favor of Techworld because, according to the 1910 act, "there is no general private right of action for the HBA [Height of Buildings Act]" and the statute specifically authorizes the D.C. Corporation Counsel to approve height variances. Accordingly, the opinion letter of the D.C. Corporation Counsel would only be overturned if the plaintiffs could show that it was "plainly

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<sup>13</sup> Lewis, Roger K. (April 23, 1994). Testing the Upper Limits of D.C. Building Height Act. *The Washington Post*, page F03.

<sup>14</sup> *Techworld Development Corp. v. D.C. Preservation League*, 648 F.Supp. 106 (D.D.C. 1986)

<sup>15</sup> Harris, Charles W. and Harris, Neeka (1989). Conflicting Vistas in the Nation's Capital: The Case of the World Technology Trade Center. *Catholic University Law Review*, 38 Cath. U.L. Rev. 599.

unreasonable or contrary to legislative intent.”

In recent year, controversies over who has the authority to regulate variances have taken a backseat to the overall question of whether or not D.C. should have a height restriction at all. Although citywide height limits are usually seen in terms of the city’s authority to limit growth versus the natural progression of population growth, it is also necessary to examine the issue of private property rights. Early land usage cases like *Welch*, framed the debates over zoning ordinances and building codes in terms of the right of the individual owners to determine the usage of their property in opposition to the rights of neighboring property owners and the public at large.

If an individual developer chooses to build a tall structure on their property, the building can bring down property values on neighboring properties by restricting scenic views, as in *Landmark Land Co. v. City of Denver*, or by blocking access to sunlight and air. Blocking sunlight and air may also affect vegetation on the street and in parks, making it difficult for plant life to flourish. If enough tall structures were built on a narrow, densely built grid, the lack of light and air could have an impact on the physical and mental health of the residents. Property values may also be diminished if the tall structures are seen as aesthetically unappealing, or physically dwarf neighboring structures.

In Washington, the debate has mainly centered on aesthetic considerations, which is often grouped under the heading of historic preservation. The changing form of American cities since the advent of the skyscraper and the automobile has brought ample evidence of the huge impact of modern design on urban life. The US National Trust for Historic Preservation was established in 1949, at a time when urban renewal projects and population declines began to pose a serious threat to the physical character of many older American cities. As the nation’s capital,

Washington naturally has been the site of many more important historical events than most mid-sized cities. Furthermore, the fact that George Washington and L'Enfant originally designed Washington to imitate classic cities in Europe is a good indication of how highly residents value historical urban form. The District of Columbia Inventory of Historic Sites originated in 1964, and now contains more than 700 designations encompassing nearly 25,000 properties, including landmarks, building interiors, artifacts, and neighborhood historic districts.<sup>16</sup>

This is not to say that height restrictions are completely at odds with modern design, since modern architecture is distinguished by more than size. Although Washington architecture is mostly known for grand Beaux Art structures like the U.S. Capitol Building and the White House, the city's downtown areas are dominated by squat 1970's and 80's-style office buildings, known disparagingly as the "Washington Box."<sup>17</sup> The downtown section, especially the famous K. Street corridor, is teeming with law firms, lobbying firms and non-profits, as well as a large number of restaurants, bars, drugstores and other services that cater to office workers. It is concentrated in the area north of Constitution Avenue NW, east of Rock Creek Park, south of M Street NW, and west of the U.S. Capitol. Downtown D.C. currently has the second lowest vacancy rate in the country, which has led the local government to expand the commercial area to surrounding neighborhoods. The Downtown Business Improvement District, a "tax-funded nonprofit that works to revitalize the city's urban core,"<sup>18</sup> is working to bridge the gap between the well-established downtown near the White House and the recently gentrified Gallery

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<sup>16</sup> District of Columbia Inventory of Historic Sites (2009). *Government of the Disitricct of Columbia, Historic Preservation Review Board*. Retrieved December 1, 2009 from <http://www.planning.dc.gov/hp>

<sup>17</sup> Van Dyne, Larry (March 2009). Tear It Down! Save it! *The Washingtonian*.

<sup>18</sup> About the Downtown DC BID. *Downtown DC Business Improvement District* website. Retrieved December 4, 2009 from [http://www.downtowndc.org/about\\_downtown\\_dc\\_bid](http://www.downtowndc.org/about_downtown_dc_bid)

Place/Chinatown neighborhood.

Because so much of the city's land is owned by the federal government and non-profits, the local government is constantly searching for ways to expand its tax base. In recent years, this continuous pursuit of local property tax revenue has been aided by a general trend towards urban living and gentrification in Washington, with many young office workers moving to historic neighborhoods within the district rather than the Northern Virginia and Maryland suburbs. This trend has been helped by Washington's extensive Metro, which is currently the second most utilized subway system in the country.<sup>19</sup> Furthermore, Christopher Leinberger of the Brookings Institute named Washington the country's most walkable city in 2007.<sup>20</sup> Young residents value good transit and walkability not only for their contributions to enabling a vibrant urban lifestyle, but also for their contributions to environmental sustainability. In the past few years, concerns over climate change have led to a worldwide focus on energy usage, pollution, waste disposal and other environmental concerns.

In the context of urban renewal, global population growth and climate change, many planners and economists have argued that all three issues can be alleviated by encouraging greater density in urban cores, rather than auto-dependant "urban sprawl" in the suburbs. Because they are capable of accommodating so much office space and residential space within in a small geographic area, many have asserted that encouraging the construction of taller buildings is the best way to increase urban density. Even Paris, the French capital so admired for its

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<sup>19</sup> WMATA Facts. *The Blackburn Institute*. Retrieved November 26, 2009 from <http://blackburninstitute.ua.edu>

<sup>20</sup> Leinberger, Christopher B. (December 4, 2007). Footloose and Fancy Free: A Field Survey of Walkable Urban Places in the Top 30 U.S. Metropolitan Areas. Washington, D.C.: *The Brookings Institution*.

beautiful architecture and charming old streets, has been considering relaxing the city's height restrictions in order to promote "sustainable development," although the large majority of residents strongly oppose the plan.<sup>21</sup>

In early 2007, the previously mentioned Christopher Leinberger of the Brookings Institute made a controversial speech at the National Building Association conference where he suggested raising Washington's height limit in order to encourage density. Leinberger asserted that the height limits have deadened Downtown, led to drab, boxy architecture and reduced the municipal tax base. Furthermore, the regulations have promoted suburban sprawl, caused terrible traffic congestion and prevented Washington from becoming a world-class city despite economic growth and a large, expanding core industry – the federal government. Furthermore, the height restrictions force developers to limit retail store heights to 10 feet in order to save room for more office space, although most top retailers prefer 12 to 20 foot high ceilings. The previously mentioned Downtown D.C. Business Improvement District projects that only 57 million square feet of space remains for offices, shops and apartments in the central downtown. If development continues at an annual rate of 3 million to 3.5 million square feet, as it has for the past five years, the remaining land would be occupied by 2027, if not sooner.<sup>22</sup> According to one analysis, no more space will be available in a 3.5-mile stretch from Georgetown to Capitol Hill within 15 years.<sup>23</sup>

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<sup>21</sup> Samuel, Henry (July 8, 2008). Paris mayor proposes high-rise changes to city skyline. *Telegraph.co.uk*. Retrieved December 2, 2009 from <http://www.telegraph.co.uk/>

<sup>22</sup> Schwartzman, Paul (May 2, 2007). High Level Debate on Future of D.C. *The Washington Post*.

<sup>23</sup> Associated Press (October 13, 2008). Land scarcity sparks tower talk. *Washington Times*.

Residents like the height restrictions for quality of life reasons, whereas developers who already own property like the restrictions because they inhibit competition from new builders. The D.C. government, on the other hand, favors measures that will increase the city's tax revenue. A 2003 study conducted by former Mayor Anthony Williams found that Washington would gain up to \$10 billion in tax revenue over 20 years if the height limit were raised to 160 feet throughout the city. Although favored by Mayor Williams and Mayor Fenty, not all members of the local government wish to raise the height limits. Councilmember Phil Graham recently stated, "With all due respect to the great blustering city of Chicago, D.C. is a different place. You have a historical tradition. ... Without that height limit, it would just be another city of tall buildings."<sup>24</sup>

The question of how Washington would have developed without a strict height limit was addressed by a recent issue of *Planning* magazine. The article found that current development has led to a positive trend of filling in parking lots and vacant sites with new buildings, creating continuity between the various neighborhoods. The pressure to utilize the entire lot in order to maximize available space causes developers to build with no setbacks, leading to "continuous urban frontages" rather than suburban style setbacks. The limited amount of space also leads development to expand beyond the traditional downtown, creating an even spread of buildings throughout the city. Combined with a strong historic preservation program and well-designed public transit, D.C. has developed into an "urbane place." The author concluded, "Many other cities would do well to adopt D.C.-style development regulations for their central districts—limiting size by means of height controls and permitting tall buildings at special locations as

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<sup>24</sup> Falk, Leora (July 6, 2007). Should the D.C. Skyline be Changed? *Houston Chronicle*, Section A, Page 3.

exceptions and not the rule.”<sup>25</sup>

Although most modern planners favor dense urban cores in order to encourage “Smart Growth,” not all “Smart Growth” advocates favor skyscrapers as a means to promote density. Influential thinkers like Nikos Salingaros, James Howard Kunstler and Christopher Alexander believe that “high-rise buildings deform the quality, the function, and the long-term health of urbanism in general by overloading the infrastructure and the public realm of the streets that contain them.”<sup>26</sup> In his influential book A Pattern Language, Christopher Alexander advocated a 4-story limit on buildings, with tall buildings reserved for landmarks and monuments, not work or living space. Michael W. Mehaffy writes of the negative environmental effects of skyscrapers, including the “heat island effect”, wind effects, building materials with very high embedded energy, excessive heat gain and loss, high production costs and inefficient floorplates. Due to these and other considerations, Mehaffy believes that the carbon benefits level off at the 4 to 6-story level.<sup>27</sup> As for financial considerations, Carol Willis wrote in her book Form Follows Finance that building up results in diminishing returns due to increasingly complex and energy-dependent structural, mechanical, and circulation systems.<sup>28</sup>

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<sup>25</sup> Barnett, Jonathan (February 2004). What a Height Limit Does for a City. *Planning*, (Vol. 70 Issue 2), 14-16.

<sup>26</sup> Kunstler, James H. and Salingaros, Nikos A. (September 17, 2001). The End of Tall Buildings. *Planetizan.com*. Retrieved from <http://www.planetizen.com/node/27>

<sup>27</sup> Salingaros, Nikos A. Algorithmic Sustainable Design: The Future of Architectural Theory. *Lecture 11, University of Texas at Austin*. Retrieved November 29, 2009 from [http://www.worldarchitecture.org/files/doc\\_datas/298215\\_.pdf](http://www.worldarchitecture.org/files/doc_datas/298215_.pdf)

<sup>28</sup> Neil (April 22, 2009). Height is not an urban strategy. *Tsarchitect.com*. Retrieved from <http://tsarchitect.nsflanagan.net/?p=392>



Although some critics do advocate abolishing the height limit entirely, others believe a moderate lifting of the restrictions in selected areas would also benefit the city. Some have suggested that height limits should be lifted around major Metro stations that serve commuters from the Washington region, or only at transportation hubs away from the traditional downtown. Leinberger actually suggests that the regulations be retained in historic areas, such as the corridors along the Mall and along Pennsylvania Avenue between the White House and the Capitol.<sup>29</sup>

On the other side of the spectrum, height limit fans suggest that the restrictions should only be lifted after other sections of the city are built out, since most of the city is devoted to low, single family homes, which are “a misallocation of the land, well under optimal density.”<sup>30</sup> Rather than a fault of height restrictions, this is a function of poor zoning practice, which could be alleviated by more mixed-use zoning. If there were more residential development in commercial areas, this would also prevent those neighborhoods from being completely abandoned after work hours, which leads to crime and wasted infrastructure resources. As to the question of the “Washington Box,” an office building with low ceilings and “square, unimaginative facades,” height limit fans blame poor architecture rather than restrictions, pointing out the number of elegant new buildings built in recent years.<sup>31</sup>

If Washington needs an idea of how the city would develop if restrictions were lifted, it can look to Philadelphia, which lifted its height limits in the 1980’s, or Chicago, which lifted its

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<sup>29</sup> Schwartzman, Paul (May 2, 2007). High Level Debate on Future of D.C. *The Washington Post*.

<sup>30</sup> Neil (April 22, 2009). Height is not an urban strategy. *Tsarchitect.com*. Retrieved from <http://tsarchitect.nsflanagan.net/?p=392>

<sup>31</sup> Associated Press (October 13, 2008). Land scarcity sparks tower talk. *Washington Times*.

limits in the 1930's. Although both of these cities are now home to numerous very tall buildings, the surrounding suburbs have experienced similar levels of sprawl to Washington, suggesting that factors such as zoning and transportation play a larger role in promoting suburbanization than height restrictions. Witold Rybczynski, an architecture critic at the University of Pennsylvania, stated that Philadelphia's skyline took away its distinguishing historic character and "It would be a shame if Washington became like everywhere else. It seems to me that we could have one city that was very different."<sup>32</sup>

Perhaps it is this sense that Washington is different from the average American city that underlies the strong sentimental attachment to the height limits. Washington is unique not only in the United States, but also in the world, because it is a city planned to be a symbol of American ideals. Despite periodic proposals to change the historic limits, the chances of overturning the law seem slim because of the lack of support from Congress, as well as D.C. residents and some factions of the local government. If current zoning laws can be modified to allow for more mixed use development in underutilized, residential areas, it seems unlikely that the height limit will be substantially altered in the near future. If current population and economic growth patterns continue, however, the city will in fact run out of space one day. When this becomes the case, then as far the height restrictions go, the sky may be the limit.

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<sup>32</sup> Schwartzman, Paul (May 2, 2007). High Level Debate on Future of D.C. *The Washington Post*.

Thank you for the opportunity to comment on the Draft Height Master Plan, which reflects much effort and hard work.

Regarding the George Washington Memorial Parkway, the *National Register of Historic Places* notes that “The landscape values for the George Washington Memorial Parkway have always been the preservation of scenic and esthetic qualities associated with the Potomac River valley. Extending from the coastal plain past the fall line to the piedmont, the valley area is of continuing concern including the palisades and the tree covered slopes, flowering understory, steep-sided creek valleys (runs), and hilltop vistas. **The latter provides a glimpse of the monumental core of Washington, D.C., a central purpose for the establishment and continuing protection of the Parkway.**” (*Bold Added for emphasis*)

Every visitor, every commuter, every driver, and every person who has ever driven on the George Washington Memorial Highway has seen this superb glimpse of the City, which because of its magnificence, is forever etched in their memory. The magnificence of the Parkway, forever embracing the Potomac River, provides an extremely dignified and monumental character that is in keeping with the restrained dignity of George Washington as described by three different authors Paul Longmore, Arthur Schaeffer and Alistair Cooke.

Upon viewing the Parkway, one’s impressions and emotions are intertwined, but they are not created by accident, but by a significant effort brought about by deliberate thought and investments in creating such an entrance. One of these being restraining the height limit in the view shed.

Although the Report talks about opportunities beyond the “edge of the topographic bowl,” this is suggestive of a narrow geographic interpretation. A more realistic approach is a circular view, to which the George Washington Memorial Parkway offers a good example. The Parkway gives almost a 180 degree viewing as one drives in either direction because of the unobstructed perspectives afforded by the current height restrictions. A good example is the view from the Dangerfield Island, National Airport area, The President Johnson Memorial, and Arlington Cemetery. There are numerous sites on the other side of the “edge of the topographic bowl” which also would be impacted by the proposed changes.

Alistair Cooke wrote that regarding George Washington “there were several things about him the unquestioned leader of the new nation. A pervasive sense of responsibility, an unflagging impression of shrewd judgment, and total integrity. It can best be summed up in what critics call “presence”. But, it was nothing rehearsed. It was the presence of nothing but character.”

In similar manner, the City bearing his name has evoked the dignified presence of the Father of our Country as a memorial for all time through the limits imposed on building heights. Let us not sully the magnificent cityscape of Washington with outliers interjected for the sake of commerce. For if we do, that special sense will be gone forever.

# THE EFFECTS OF THE 975 FOOT COMCAST CENTER ON THE PHILADELPHIA ECONOMY: IMPLICATIONS AND OPPORTUNITIES FOR WASHINGTON DC

Frederic Harwood

Philadelphia's 57-story Comcast Center was started in first quarter 2003, with demolition, and completed with occupancy 4<sup>th</sup> quarter 2007. In 2008, the developers, Liberty Property Trust and Comcast Corporation, retained Econsult Corporation to analyze the economic, fiscal and real estate market impacts of the Comcast Center on the City of Philadelphia and the Commonwealth of Pennsylvania.

The following is a summary of the Econsult final report, completed June 3, 2008.\*

- One Time Economic Impact of Construction
  - \$2B construction costs
  - 17,293 construction jobs
  - \$650M construction salaries
- Annual Economic Impact of the completed and occupied building
  - \$1.649B Operating Expenditures
  - 9,069 Employment
  - Annual Salary/Earnings \$600M
- Tax Revenues to city and commonwealth from construction
  - Philadelphia \$12.1M
  - Pennsylvania \$44.5M
- Annual tax revenue from ongoing operations of the building
  - Philadelphia \$22.7M
  - Pennsylvania \$48.6M
- No negative impact on the existing commercial real estate market
- Positive impact on the nearby residential real estate market
- Qualitative benefits in commutes, green buildings, corporate magnet, and charitable and cultural contribution

## **Economic Impact of Construction**

Within the City of Philadelphia, one time construction expenditures were \$841M, plus \$418M in Indirect and Induced Expenditures, totaling 1.26B in

total construction expenditures, supporting 5,400 jobs and generating almost \$210M in salary/earnings.

Within the Commonwealth of Pennsylvania, the project accounted for an additional \$769M in Indirect and Induced Expenditures, bringing the total construction expenditures in Philadelphia and Pennsylvania to over \$2B. Construction employment in Pennsylvania outside Philadelphia was 11,887, bringing total construction employment 17,293. Total payroll earnings in Philadelphia and Pennsylvania were \$650M, in 2008 dollars.

**One-Time Upfront Impact Attributable to Comcast Center During Construction Period, Based on Actual Direct Expenditures (in 2008 Dollars).**

|                                          | Philadelphia | Phila & PA |
|------------------------------------------|--------------|------------|
| Direct Construction-Related Expenditures | \$841M       | \$841M     |
| Indirect and Induced Expenditures        | \$418M       | \$1.187B   |
| Total Expenditures for Construction      | \$1.259B     | \$2.028B   |
|                                          |              |            |
| Total Construction Employment            | 5,406        | 17,293     |
|                                          |              |            |
| Total Earnings/Salaries                  | \$209M       | \$650M     |

**Annual Gross Economic Impact After Occupancy (in 2008 Dollars)**

Within the City of Philadelphia, annual payroll, expenditures of the building's tenants, and facility maintenance result in almost \$1.16B in annual total expenditures supporting over 6,500 jobs and almost \$460M in earnings in 2008 dollars.

Within the Commonwealth of Pennsylvania, the Center annually supports an additional \$490M in expenditures, an additional 2500 jobs and an additional \$140M in salaried earnings.

|                                   | Philadelphia | Phila & PA |
|-----------------------------------|--------------|------------|
| Direct Operating Expenditures     | \$731M       | \$731M     |
| Indirect and Induced Expenditures | \$428M       | \$918M     |
| Total Annual Expenditures         | \$1,159B     | \$1.649B   |
|                                   |              |            |
| Direct Employment                 | 3,769        | 3,769      |
| Indirect and Induced Employment   | 2,812        | 5300       |
| Total Annual Employment           | 6,581        | 9,069      |
|                                   |              |            |
| Direct Earnings                   | \$318M       | \$318M     |
| Indirect and Induced Earnings     | \$141M       | \$282M     |
| Total Annual Earnings/Salaries    | \$459M       | \$600M     |

Analysis of employment patterns indicates that about 50% of the jobs are new to Philadelphia and would not exist if the Center did not exist. Similarly, about half the Direct and Indirect Expenditures and half of the earnings are new to Philadelphia and would not exist if the Center were not built.

## **Tax Revenues from Construction**

One time tax revenues were collected for construction, and were calculated based on actual direct expenditures. Total revenues amounted to \$56.6M, with \$12.1M going to the City of Philadelphia, and another \$44.5M going to the Commonwealth of Pennsylvania.

| Philadelphia             |         | Pennsylvania             |         |
|--------------------------|---------|--------------------------|---------|
| Wage and Earnings Tax    | \$7.6M  | Personal Income Tax      | \$20M   |
| Sales Tax Revenues       | \$0.8M  | Sales and Use Taxes      | \$19.1M |
| Business Privilege Tax   | \$3.7M  | Corporate Net Income Tax | \$5.4M  |
| Total Local Tax Revenues | \$12.1M | Total State Tax Revenues | \$44.5M |

**Annual Tax Revenues from Ongoing Operations Each Year after Completion, (stated in 2008 dollars)**

| Philadelphia             |         | Pennsylvania             |         |
|--------------------------|---------|--------------------------|---------|
| Wage and Earnings Tax    | \$16.7M | Personal Income Taxes    | \$18.4M |
| Sales Tax Revenue        | \$1.3M  | Sales and Use Taxes      | \$11.8M |
| Business Privilege Taxes | \$4.7M  | Corporate Net Income Tax | \$18.4M |
| Total Annual Tax Revenue | \$22.7M | Total State Tax Revenues | \$48.6M |

About half of the tax revenue is new to the City of Philadelphia and Commonwealth of Pennsylvania, and would not have accrued had the Comcast Center not been built. A macro analysis finds that in its first 7 years of occupancy, Comcast center will have raised, cumulatively, an additional \$119M in new tax revenue for the Commonwealth of Pennsylvania, and an additional \$70M in new tax revenue for the City of Philadelphia. By 2030, 22 years after completion of construction, Comcast Center will have contributed, cumulatively, \$250M to the Commonwealth of Pennsylvania and \$151M to the City of Philadelphia beyond collections had the Center not been built.

### **Commercial Real Estate Market Impact**

Comcast Centers 1.25 million square feet of space has not led to an oversupply, nor did it lead to the emptying out of downtown office buildings. All of the key commercial real estate market indicators were stronger in 2008 than when construction began in 2003. Comcast did not hurt the local commercial office market, even in the short run.

### **Impact on Residential Real Estate**

Whether a development has a beneficial or detrimental effect on its surroundings can be calculated by the bid-price gradient. If the price of housing increases the closer you get to a property, it can be assumed to have a beneficial effect on the neighboring residential real estate market. Conversely, if the price of housing decreases the closer you get to a property, the stronger the property's detrimental effect.

Comcast had a positive effect on residential properties within a mile, based on sales data of homes within 3 miles. Houses located within one mile of the

Center enjoyed an increase of 13.9 percent in property values, even as the downtown real estate market values decreased overall in 2003-2007 by 10%.

| Miles | 0    | .25  | .50  | .75  | 1.0 | 1.25 | 1.50 | 2.0 | 2.5 | 3.0 |
|-------|------|------|------|------|-----|------|------|-----|-----|-----|
| Q1-03 | 390k | 390k | 395k | 395k | 395 | 395  | 395  | 395 | 395 | 395 |
| Q1-05 | 400k | 400k | 400k | 400k | 400 | 395  | 395  | 395 | 390 | 390 |
| Q2-07 | 460k | 450k | 440k | 430k | 420 | 410  | 395  | 376 | 350 | 330 |
| Q4-07 | 490k | 475k | 450k | 440k | 425 | 410  | 395  | 375 | 340 | 350 |

Q1-03 Demolition Q1-2003

Q1-05 Groundbreaking Q1-2005

Q2-07 Topping off Q2-2007

Q4-07 Completion Q4-2007

Homes closest to Comcast Center gained about \$100,000 in market value between groundbreaking and occupancy. Homes within half a mile gained \$55,000, and homes within one mile gained \$30,000. The depths of the real estate recession that the Comcast effect was bucking is indicated by homes 2 miles from the Center, which lost \$20,000 in value, while those 3 miles from the center, which lost \$45,000 in value between the start and end of the project.

## Qualitative Benefits

Comcast Center brings many qualitative benefits to Philadelphia. The Center provides environmentally friendly Class A office space that allows, in Econsult's words, for the "natural filtering of older and more functionally obsolete (or otherwise less attractive) buildings into higher-value uses." In other words, it allows the market to downgrade older and less efficient buildings, creating more Class B and C space for start ups and small companies, or making the demolition of obsolete buildings economically feasible.

The Comcast Center is the first new LEED office project within the city. Its 1.25M square feet of space sits atop a subway and commuter train station. It has large open floors like are favored by open space high tech firms, and it has enough square feet to attract and house a corporate giant with lots of jobs. It shows the way for other LEED projects.



Comcast has been a good corporate citizen as well, directly contributing \$11M to local charities and cultural organizations between 2003 and 2007. Susan Roberts, wife of Comcast's founder Ralph Roberts, is the namesake for a major theater downtown on the Avenue of the Arts. Comcast has contributed over \$1B in "In-kind contributions, including public, educational and governmental cable channels, public service announcements, Newsmakers Website, and other free or discounted service.

Best of all, the size of the building "keeps much of Comcast Corporation – its headquarters, its operations, its jobs and its growth—within City limits, where its operating and charitable activity can most directly benefit the City and its residents." Furthermore, investing itself in Center City may set the stage for other major corporations to locate in Center City, creating a locus for what Richard Florida has called the Creative Class. "Finally, the physical location of the Center stretches the office core of Center City, creating additional locational value for the city."

### **Implications for Washington DC**

Were the District of Columbia able to crack the height limit, the city could substantially improve employment, tax and revenue resources to tend to the needs of residents and neighborhoods, and become greener and stop contributing to sprawl.

600 and 900 feet is not unfeasible. Philadelphia has built nine 800-950 foot towers since 1983, while preserving vistas for important historical sites. Philadelphia's high rises have extended beyond the central business district and now include the river and west Philadelphia/University of Pennsylvania. Philadelphia wants mixed-use development—commercial high rises alongside residential, to support the city's retail, entertainment, cultural, and tourism base.

Paris and Berlin have similarly decided to build high, in full knowledge that important historical and cultural sites must be respected, and view lines preserved.

Paris has built 14 buildings taller than 490 feet in LaDefense, just west of Paris, and has raised the city's height limit to 590 feet, starting with

developments in the 13<sup>th</sup> Arondissment. 600-foot projects are planned for the 17<sup>th</sup> and 15<sup>th</sup> Arondissements.

Berlin has 900-foot (300 meters) towers at Alexanderplatz, and has built 20-25 stories (200 meters) in Charlottenburg, at Technical University in East Berlin, near the Spree River near Humboldt University, at Potsdamer Platz, and in Dahlem near U bahn stops. At Wittenberg Platz a new 30-story building is under construction, and in a neighborhood called Friedrichshain, near Boxhagener Platz, a complex called Media Spree will be a planned development for offices, apartments, and skyscrapers. Whether the complex will go to 200 or 300 meters is still under discussion. Residents are afraid of loosing their access to the River Spree. City planners are just as determined to realize an important commercial and residential center on a prime spot along the river.

Every 900-foot tower adds to the Washington's economy, its jobs base, and draws the creative class who in turn create support jobs for those with manual and service skills.

Every 900-foot tower provides 17,000 construction jobs and almost \$1B in construction salaries. Every 900 foot tower annually churns \$2B in operating expenditures into the local economy, 10,000 jobs, and annual salary and earnings upwards of \$1B. A substantial percent of those employees will choose to live within a mile of their workplace, adding to neighborhood vitality, with retail, entertainment and cultural opportunities.

For every 900-foot building, the city's tax revenues from construction will be upwards of \$15M, with an additional \$60M to surrounding jurisdictions. Annually the city of Washington will collect over \$25M in taxes, and the surrounding jurisdictions an additional \$60M for the benefit of schools, the elderly, health care, transportation, parks and recreation.

Every 900-foot tower, built side by side with residential towers, keeps commercial zones vibrant and safe 24 hours. A 24 hour city creates recreational, cultural, social, and educational opportunities, but only if they are built alongside commercial establishments. A commercial zone that empties out at night is both dead and deadly.

The opportunity for Washington is clear. World capitals with traditions and history older than ours are adopting and adapting to high-rise commercial

and residential development. Paris, Berlin and London have adopted high-rise development. It is time for Washington Dc.

This article is a summary of Econsult's 32 page report. The entire Econsult report can be accessed at

[www.econsult.com/articles/060308 Comcast Report.pdf](http://www.econsult.com/articles/060308_Comcast_Report.pdf)

Frederic Harwood, a resident of Shaw since 1989, lived in Philadelphia from 1969 to 1989. He holds a PhD from the University of Minnesota, and was a tenured associate professor of education at Temple University for fifteen years. In 1984 he co-founded a consulting company in pharmaceutical research and development, Barnett International, a division of Parexel Inc. In 1989 he moved to Washington DC and became executive vice president of the Association of Clinical Research Professionals. In 1998 he resigned from ACRP to participate in a family-run businesses on U Street, from which he withdrew in 2002. He founded the DC Nightlife Association, and has served as its unpaid chair since its founding.

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## **Mayor Gray Urges 200 Foot Buildings in L'Enfant City** *Would Allow Significantly Raised Building Heights in Neighborhoods*

D.C. Mayor Vincent Gray and the D.C. Office of Planning have sent U.S. Representative Darrell Issa a report recommending drastic changes to the 100-year old law that has served as the blueprint for creating the iconic D.C. skyline and a livable city admired worldwide.

The mayor is urging that maximum heights of 130 feet for many downtown buildings be lifted to allow 200 foot buildings on avenues where there are symbolic and important views of our national landmarks. This could lead to major office development and more commuters filling DC-based jobs.

The report dismisses the importance of the height controls throughout the city and ignores the fact that there are significant views and historic features that need to be protected in neighborhoods, like Anacostia. This unprecedented move by the mayor would allow developers to expand big projects where residents often struggle to maintain character and livability and avoid displacement.

Residents at public meetings expressed alarm at sample images of height increases and asked if heights are already too permissive. "The Mayor and the Office of Planning clearly were not listening to DC residents. There was no support for big changes and, in fact, many groups opposed changes. There is a huge gap between what was presented in the study, the reaction to it, and the conclusion reached by the Mayor that we should reverse 100 years of predictable growth patterns", said Nancy MacWood, Chair of The Committee of 100 on the Federal City.

The report written by the Office of Planning ("OP") differs dramatically from the recommendation of its master study partner, the National Capital Planning Commission. The NCPC Executive Director's draft recommendation largely found no compelling need to change height allowances and concluded that the Height of Buildings Act continues to benefit the city.

The OP report uses broad assumptions about population trends that are based on recession recovery short term trends and ignores the current slowdown in population growth and job development. The planning agency also eliminated much of the District's underdeveloped land from their need analysis and assumed that the District will cater to the 1-and 2-person households living in high rises and not families in the future. "This could lead to over building and no help for structural unemployment or affordable housing", said MacWood.

The Committee of 100 on the Federal City is a 90-year old citizen planning organization with members representing planning, economic, architecture, historic preservation, and legal disciplines. Its mission is to adapt the seminal L'Enfant Plan and McMillan Plan to the future growth of the District of Columbia. Its members participated in the master plan study throughout the summer.

###



October 2, 2013

L. Preston Bryant, Jr.  
Chairman  
National Capital Planning Commission  
401 9<sup>th</sup> Street, NW  
Washington, DC 20004

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**Mary Fitch, AICP, Hon. AIA**  
Executive Director

Dear Chairman Bryant:

Our Chapter has followed the discussion regarding the Height of Buildings study with great interest. We understand this study to be specifically focused on what, if any, federal interest there should be in the height of buildings in Washington DC. This letter states the Chapter's position on that question and also provides comments on the study presented by NCPC and DCOP.

The 1910 Height Act was necessary to insure the safety of the citizens of the District of Columbia. The Act was an appropriate response to a very real threat to fire safety. Considerable time has passed, however, and in that time the District has enacted zoning and building codes that go well beyond the 1910 Act and in many cases provide more protection to the city's unique skyline than the Act does. Moreover, the language of the Act is limited to the architectural technology and building science of the early 20<sup>th</sup> century. For example, in 1910 it was not possible to include life safety equipment in a mechanical penthouse, so occupancy of a penthouse was prohibited. Many of the Act's other requirements include similarly archaic language that is at odds with modern building and life safety codes.

It is our conclusion that this outmoded language should be brought up to date to reference modern building codes in place in the District. NCPC staff received a briefing on this very issue from the Chapter earlier this summer and we believe many of those recommendations have already made their way to the Executive Director's Report presented at your last meeting.

Further, we believe that the federal interest in the height of buildings should be limited to areas immediately adjacent to the Monumental Core and critical view corridors. We believe that current building and zoning codes in the District now provide better protection for non-federal areas of the city than the Act. Furthermore, we strongly agree with the recommendations included in DC's Height Master Plan for the District of Columbia most particularly that protecting the cultural resources and physical character of the District of Columbia is the job of the District of Columbia and not that of the federal government.



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Finally, with respect to the alternatives described in the study, we believe additional height may be possible in carefully selected spots, with adequate public input, around the District. Moreover, we believe that the proposed 200-foot cap used in the study is arbitrary and that additional height above that cap may also be appropriate for areas outside the Monumental Core and its environs. While we respect the horizontal character that makes Washington DC unique, we believe well-designed, taller structures would provide an interesting counterpoint and add visual interest. This would, of course, require a more thorough, in-depth study than was possible for this current effort.

We commend the District and NCPC for their collaboration on this study and look forward to future such collaborations. We thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "D. T. Haresign". The signature is stylized with a large, looping initial "D" and a long, sweeping underline.

David T. Haresign, FAIA  
President

A handwritten signature in black ink, appearing to read "Mary Fitch". The signature is elegant and cursive, with a large, flowing initial "M" and a long, sweeping underline.

Mary Fitch, AICP, Hon. AIA  
Executive Director

## Appendix C: Study Work Products

# Height Master Plan

For Washington, DC

## Case Study Research



How Building Height is Managed in Other World Cities & Best Practices  
in Planning for Building Heights in Relation to Historic Resources





# How Building Height is Managed in Other World Cities

The following case studies are intended to inform the ongoing public discourse on the height of buildings in Washington DC. They provide context to the local discussion by summarizing the regulatory approaches taken by other world cities and the motivations behind them. The studies also describe the relevant evolution of those regulations and offer lessons learned that may benefit the dialogue.

These specific cities were selected because of their status as either a National Capital, a center of cultural identity, an economic engine or combination thereof. The cities studied include:

- London, UK
- Paris, France
- Barcelona, Spain
- Vancouver, Canada
- San Francisco, USA

**Washington DC's Skyline**



Image Credit: Hortense Leon



# Summary Considerations for Washington, DC

## Summary Observations

Each of the studied cities regulates height differently based upon its own unique physical features, cultural assets, economic priorities, and governance structures:

**London** building heights are managed through layers of policy controls, character conservation areas, and signature view corridors. Clusters of the tallest buildings are most often found in the gaps between protected viewsheds and development approvals require significant attention to design quality.

**Paris** building heights are managed by the City Council and often based on directives from the federal government. A collective desire to preserve the human scaled character of the historic core has pushed vertical development to the outer gateways of the city.

**Barcelona** building heights vary by individual Districts under a city-wide cap established by the City Council. The cap relates to the height of a significant church which is also related to the height of a prominent topographic feature.

**Vancouver** has identified three dimensional view corridors to the surrounding mountains which must be preserved. The City has also developed guidelines for taller buildings that encourage a human scaled streetscape experience.

**San Francisco** building height regulations are primarily administered through the zoning code. Taller buildings are encouraged in areas where transit access is highest. Height limits also guide development adjacent to significant open spaces.

## Common Themes

Despite the differing details between these regulations, there are common themes present in their approaches, histories and preceding motivations:

- Building height regulations, and their resulting limits, evolve over time due to changing needs of the city; dramatic changes in allowable building height over time can alter the character of cities.
- In many cases, building height regulations are developed as a reaction to an individual construction project.
- Often signature vistas are deemed worthy of preservation and are subject to site-specific height controls.
- The quality of proposed architecture is critical to establishing or maintaining a city's identity.
- Guidelines are developed to ensure adjoining public space is afforded access to light, inviting proportions and activated streetscapes.
- Increased building height is used to guide economic development and as an incentive for infrastructure upgrades and public realm enhancements.
- Height regulations typically favor clusters of taller buildings rather than site specific exceptions or increases over a broad geography.
- In many cases, height limit increases are focused on specific confined districts situated in advantageous positions or gateway locations.
- In capital cities, the National Government often establishes a general goal, and the local government manages the specific processes to achieve those goals.

## Lessons to Consider

Based on the experiences of these cities, the following concepts should be considered when examining building heights:

- Consider that the city with the most restrictive height limits, Paris, is also the most densely populated.
- Consider which vistas contribute to Washington's identity as a National Capital.
- Consider the desired streetscape experience in Washington, DC and how it may be affected by a change in height limits.
- Consider how the quality of proposed architecture could be evaluated and regulated going forward.
- Consider the relationship of building heights to cultural and historic sites, structures and plans.



# London, United Kingdom

Population: 8,174,100 | City Area: 611 Sq. Miles | Density: 13,378 People per Sq. Mile

London, capital of the United Kingdom and the largest metropolitan area in the European Union, seeks to maintain its status as a leading global financial center and cultural beacon without disrupting its historic, predominately low-rise (approximately under 4 stories), urban fabric.<sup>1</sup>

Following the construction of buildings that blocked views of London's House of Parliament and Buckingham Palace in the late 1800s, the London Building Act of 1939 was adopted to establish city-wide height restrictions of approximately 8 stories.<sup>2</sup> By the 1960s, height restrictions were loosened to enable buildings 38 stories and higher with the construction of Centre Point (38 stories) and BT Tower (62 stories). The redevelopment potential

of London's closed port in the 1980s led the UK government and the Greater London Authority (GLA) to create a special business district, Canary Wharf, which would allow skyscrapers (approximately greater than 22 stories). Today, Canary Wharf has become one of the City's financial centers and a home to its greatest density of skyscrapers.<sup>3</sup>

The current 2007 *London View Management Framework Plan* strives to preserve views into the central core and its landmarks, such as the dome of St. Paul's Cathedral (36 stories; 111 m; 365 ft), from the surrounding hilltops and other key locations.<sup>4</sup> Specifically the Plan regulates building heights through layers of overlapping controls radiating

outwards from St. Paul's Cathedral, the Tower of London, Buckingham Palace and other historic resources, including 26 different strategic sight line viewing corridors and character conservation areas or historic districts.<sup>5</sup>

The GLA administers the View Management Framework throughout London's 33 individual boroughs, by coordinating negotiations, often lasting years, between regulatory agencies and the public to ensure that tall buildings planned within or outside of view corridors are of the highest quality and meet public, municipal, and UK government expectations.

1 Tavernor, Robert. "Washington Lecture." PowerPoint presentation.

National Archives and Records Administration, Washington DC. 3/1/2013.

2 City of London. "City of London Building Acts (Amendment) Act of 1939". 1939

3 Canary Wharf Group PLC. "Our History" [http://www.canarywharf.com/] Accessed April 23, 2013

4 GLA. "London View Management Framework". 2007 [http://www.london.gov.uk/]

5 City of London. "City of London Unitary Development Plan", 2002

## London's Skyline Timeline

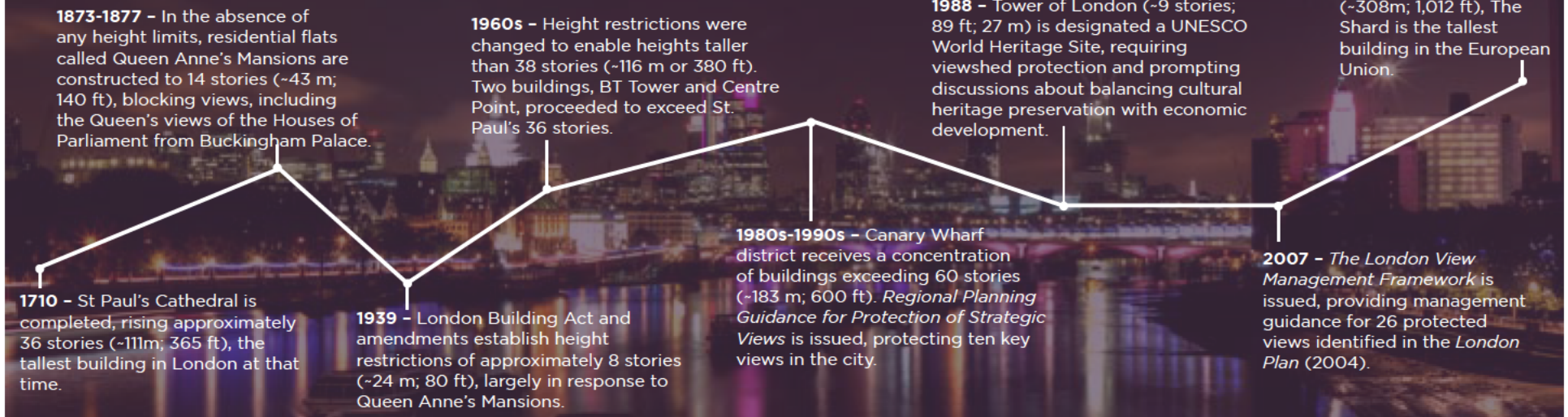


Image credit: www.skyscrapercity.com



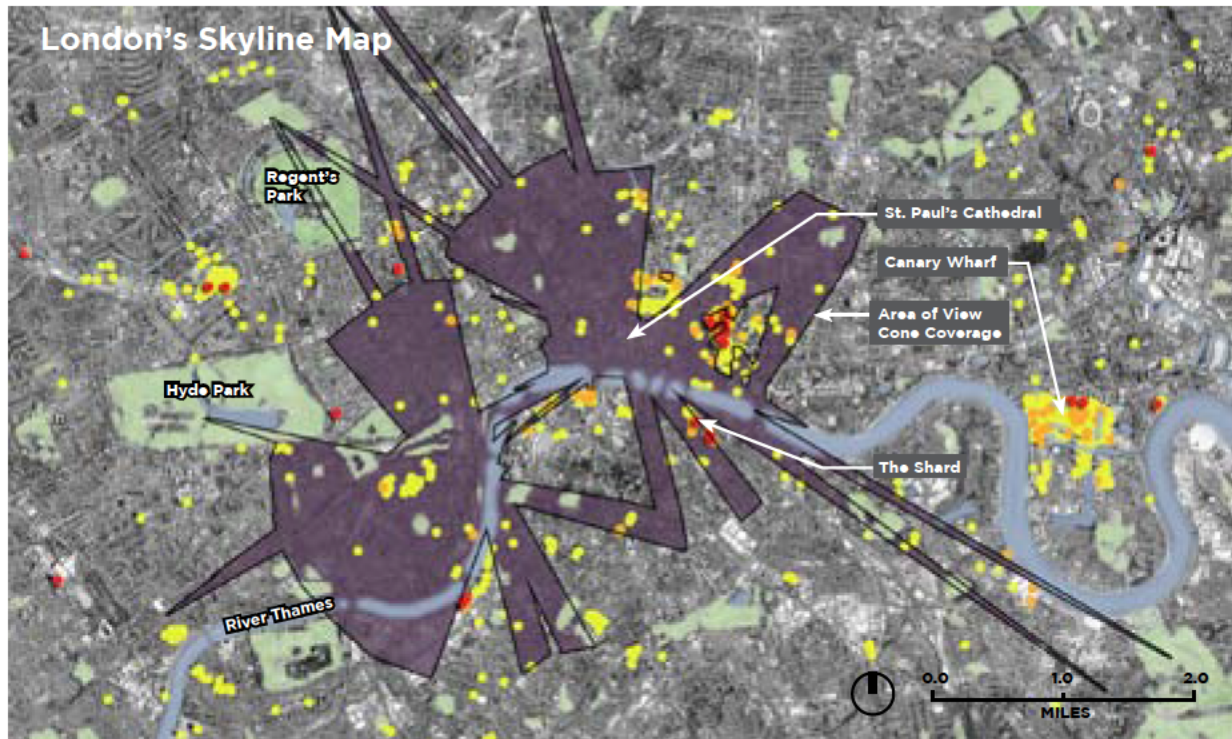


Image credit: Google Earth & Skyscraperpage.com

Policy map document showing the multiple layers of height restrictions in and around St. Paul's Cathedral

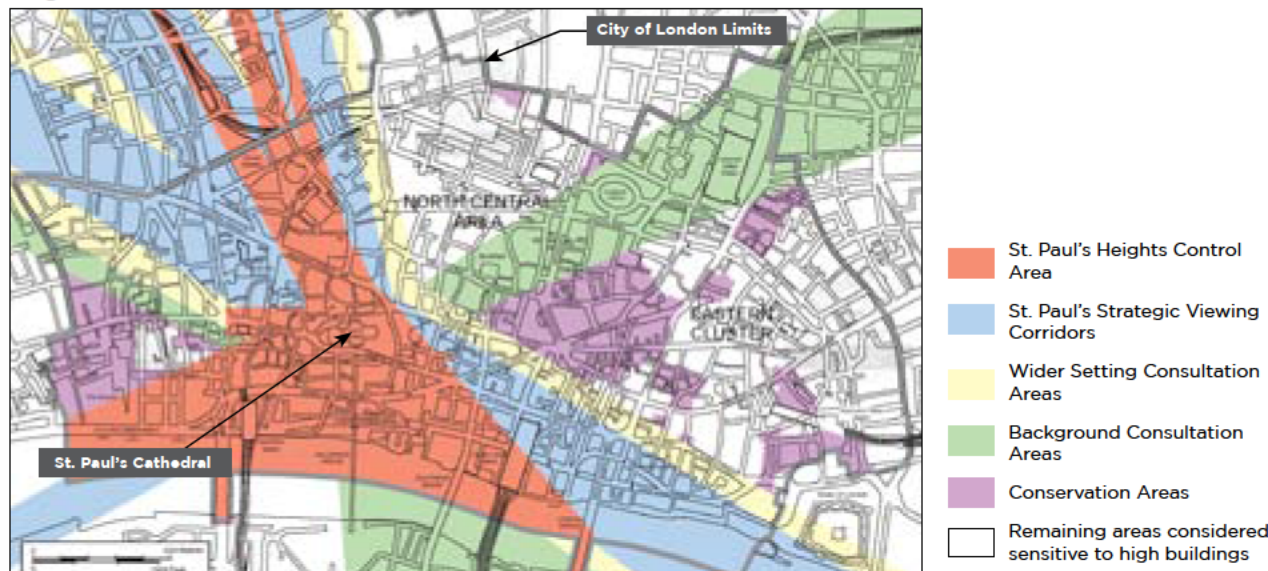


Image credit: City of London Unitary Development Plan

## Lessons Learned in London

London's height regulation approach is primarily comprised of protected view corridors between specific vantage points and priority landmarks. Prioritization of viewshed preservation, while simultaneously allowing high quality tall building development in strategic gaps between protected view corridors, creates a complex planning framework. The emphasis on the quality of proposed buildings, not simply their height, is an integral part of the negotiation and approval process. The regulations resulted in several cluster areas of taller buildings near the city center, while areas around St. Paul's Cathedral remained lower.

- Buildings Over 12 Stories (40 m; ~133 ft)
- Buildings Taller Than The U.S. Capitol Building (88m; ~289 ft)
- Buildings Taller Than The Washington Monument (appx 55 stories; 169m; ~555 ft)
- Primary area where height is managed

Simulation of London's Future Skyline (proposed buildings in orange) from the south bank of the River Thames. Building height restrictions have resulted in a clustering of London's tallest buildings just outside the historic core.



Image credit: Robert Tavernor





# Paris, France

**Population: 2,234,000 | City Area: 40.7 Sq. Miles | Density: 54,889 People per Sq. Mile**

Paris, capital of France and one of the densest urban centers of Europe, was founded approximately 250 BC as a fishing village along the River Seine. The centuries since have seen its population and urban form fluctuate with wars, conquests, epidemics, and revolutions.<sup>1</sup>

Political directives from the nation's leaders have also been a driving force shaping Paris' urban form. During Napoleon III's reign in the mid 19th century, the rush of migrants to fuel the city's industrial revolution combined with uprisings led the newly empowered leader to "modernize" Paris. His adoption of Haussmann's plan established Paris' distinctive boulevards, parks and dense 5-7 story residential building character.

In 1958, President Pompidou established the La Défense high-rise (greater than 12 stories) office district just outside the city limits. In 1977, the 68 story (~210 m or 689 ft) Tour Montparnasse was authorized within city limits. Tour Montparnasse was widely disliked by residents and led the Paris City Council limiting heights to approximately 10 stories (~31m or 101 ft) in the city center and 12 stories (~37 m or 121 ft) on the periphery.<sup>2</sup>

Former French President Nicholas Sarkozy launched an urban renewal project, *Le Grand Paris* (Greater Paris) which includes housing growth and economic development through increased building height clusters at city gateways and edges. *Le Grand Paris* also includes an 80-mile addition to the urban transit system and cultural resource

investments to make metropolitan Paris a more economically competitive, greener, compact, and connected city.<sup>3</sup>

The national government initiative also seeks to boost Paris's global image through architectural statements by world-renowned architects. In support of *Le Grand Paris*, the Paris City Council increased the height limit to upwards of approximately 59 stories (~180 m or 590 ft) for office buildings and up to approximately 16 stories (~50 m or 164 ft) for residential buildings in the outer neighborhood districts.<sup>4</sup>

<sup>1</sup> Wikipedia. "Paris", accessed April 23, 2013.

<sup>2</sup> Davie, Alex. "Newly Freed from Height Limits, Paris Skyline Ready to Rise". *Planetizen*, November 21, 2010.

<sup>3</sup> Wells, Walter. "Big Plans for Grand Paris", *France Today*, August 21, 2010.

<sup>4</sup> "Green Light for Towers in Paris", *Le Monde*, November 18, 2010.



Image credit: Lieu Song, Benh. Wikimedia Commons.



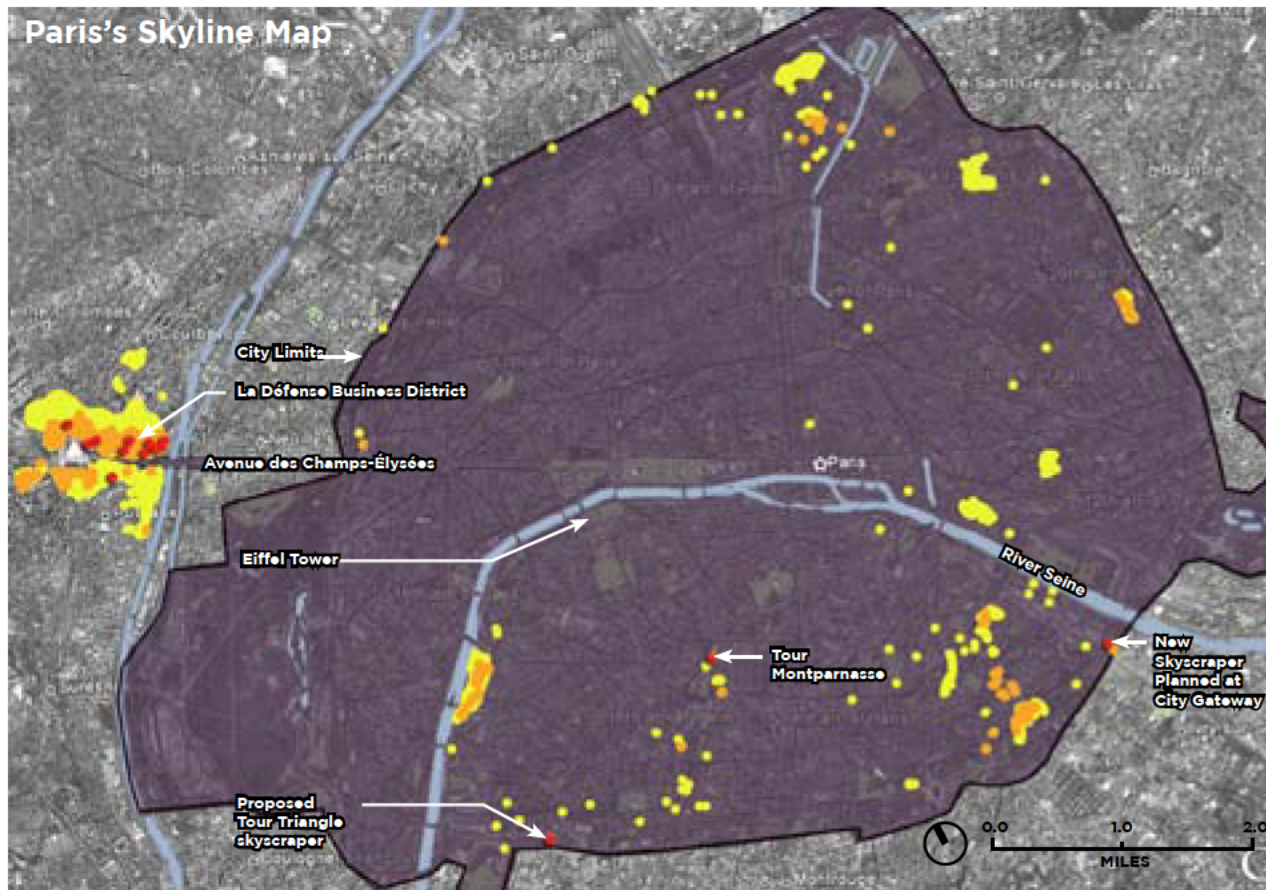


Image credit: Google Earth & Skyscraperpage.com

### Lessons Learned in Paris

Paris demonstrates that restrictive building height controls can coexist with significant residential density. Among the case study cities, it has the greatest population density per square mile. National government visions for Paris have played a significant role in shaping the city's growth while the city government has tended to develop mechanisms for implementing and managing those policies. The city has preserved the horizontal character of its central core through encouraging taller buildings at the gateways and edges of the city.

- Buildings Over 12 Stories (40 m; ~133 ft)
- Buildings Taller Than The U.S. Capitol Building (88m; ~289 ft)
- Buildings Taller Than The Washington Monument (appx 55 stories; 169m; ~555 ft)
- Primary area where height is managed

View to La Défense business district from the city center. La Défense is located outside the city limits. A strong axial boulevard, the Champs-Élysées, visually connects the high-rise La Défense business district to central Paris.



Image credit: Spears, Patrick. Thats-pat.com

Tour Montparnasse



Image credit: Tak, Perry. www.flickr.com

The proposed 59 story Tour Triangle skyscraper at Paris' Porte de Versailles gateway



Image credit: Herzog & de Meuron, www.e-architect.co.uk





# Barcelona, Spain

**Population: 1,615,448 | City Area: 39.2 Sq. Miles | Density: 41,263 People per Sq. Mile**

Barcelona, capital of the autonomous government of Catalonia and second largest city in Spain, is situated along the Mediterranean Sea between two river deltas and the Collserola Mountain Range.

The city has been shaped by 2,000 years of religious, cultural and political influences. Modern Barcelona emerged with industrialization in the mid 1800s and subsequent annexation of surrounding municipalities.<sup>1</sup> The implementation of the Eixample district and a uniform street grid pattern gave the city a strong residential character of extensive mid-rise housing blocks (approximately 7-9 stories).<sup>2</sup>

By the mid 20th century building heights were generally based on the width of the street to allow light to reach the ground floors until a building boom occurred in the 1980s and 1990s following independence from the Franco regime and a bid for the 1992 summer Olympic Games.

The current city-wide building height limit of approximately 50 stories (~154 m; 505 ft) is based on the planned height of the Sagrada Família, a Roman Catholic Church designed by Antoni Gaudí. The Sagrada Família is a World Heritage Site and is considered one of the city's iconic structures, reflective of the city's cultural, religious and historic prominence. When finished in or around 2026, the church will be approximately 56 stories (~172 m; 564 ft). Gaudí based the church's height on the elevation of a prominent hilltop framing the

city, Mont Juïc. The highest point on Mont Juïc is approximately one meter higher than the planned height of the Sagrada Família.<sup>3</sup>

The city is divided into 10 districts which administer and manage their own height limits under the city-wide 50 story (~154 m; 505 ft) cap with the guidance of the city planning department. The older historic districts, such as the Gothic Quarter and The Eixample, for example, do not permit buildings to exceed the neighborhood's existing 5-8 story character. Some districts on the periphery of the city, however, have been slated for development and tall building growth (22-50 stories), such as the recent 22@ Innovation District development on former industrial areas along Avinguda Diagonal.<sup>4</sup>

<sup>1</sup>Wikipedia. "City of Barcelona". Accessed April 24, 2013.

<sup>2</sup> Barcelona Field Studies Center [geographyfieldwork.com]. "The Eixample", April 22, 2013.

<sup>3</sup> Catalina, Serra. "Skyscrapers at Barcelona", *El País*. January, 20, 2011.  
<sup>4</sup> 22 Arriba BCN, S.A.U. "Presentat on". [http://www.22barcelona.com/] 2006.

## Barcelona's Skyline Timeline

**1850s** - Ildefons Cerdà's l'Eixample plan, inspired by Karl Marx's social ideas, is selected for the model of city expansion beyond the medieval walls. Heights are not to exceed the width of the street to allow sunlight to reach the ground floors.

**1840s** - Low rise (1-4 story) housing and factory buildings are constructed inside medieval walls.

**1883** - Construction commences on the Sagrada Família, anticipated to rise 56 stories (~172 m; 564 ft) when completed in or around 2026. The height of the Sagrada Família will become the new maximum building height for the entire city.

**1945 - 1975** - 8 story apartments were constructed along major routes throughout the city, including its periphery. The consistent heights of these buildings create a distinct uniformity throughout the city.

**1980s - 1992** - Barcelona's newfound democracy and bid to host the 1992 Olympic Games led to a building boom with the tallest building topping out at 50 stories (~154 m, 505 ft).

**2005 - Present** - Torre Agbar, an iconic 38 story (~144 m, 473 ft) skyscraper is completed, marking the gateway to a major urban regeneration area on former industrial lands along Ave. Diagonal, named the 22@ Innovation District.

Image cred t: Candanedo, Juan Carlos. www.flickr.com

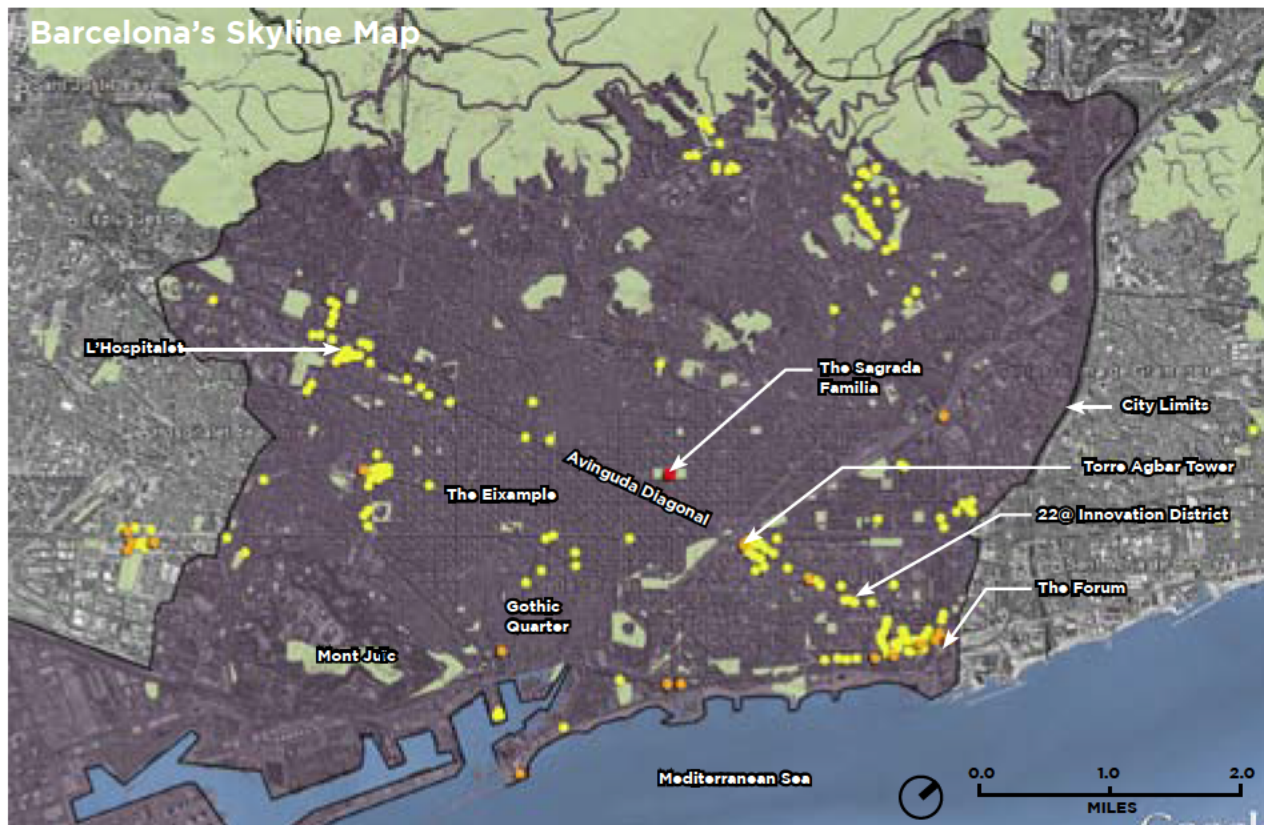


Image credit: Google Earth & Skyscraperpage.com

### Lessons Learned in Barcelona

Similar to Paris, building heights are regulated across the entire city. While there is a maximum height limit city-wide (based on the height of the Sagrada Familia), individual districts within the city retain significant power to regulate local height restrictions. This flexibility allows the districts to make adjustments that promote distinct neighborhood identities. New building proposals are encouraged to consider the scale relationship to the street, and surrounding building heights, and to frame prominent view corridors.

- Buildings Over 12 Stories (40 m; ~133 ft)
- Buildings Taller Than The U.S. Capitol Building (88m; ~289 ft)
- Buildings Taller Than The Washington Monument (appx 55 stories; 169m; ~555 ft)
- Primary area where height is managed

### View of Barcelona's skyline from the Mediterranean Sea



Image credit: www.layovergu.de.com/2012/02/barcelona-layover.html

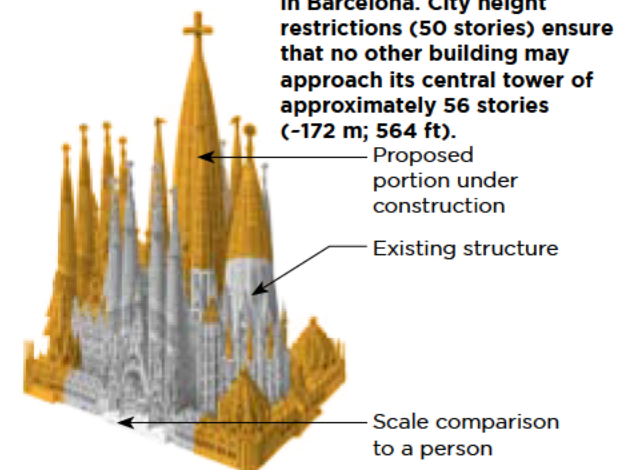


Image credit: National Geographic.





# Vancouver, BC, Canada

Population: 603,502 | City Area: 44.4 Sq. Miles | Density: 13,595 People per Sq. Mile

Defined by water bodies and framed by mountains, Vancouver is a city where height restrictions are driven by natural beauty and its citizen's desire for a high quality of life.

Vancouver's proximity to mountain and marine resources has fueled the city's growth from the mid 1800s.<sup>1</sup> The Downtown Official Development Plan released in 1975 marked the importance of these natural resources by establishing a planning framework for increased density that promotes "neighbourliness" by seeking sunlight preservation, view protection, privacy, topographic adaptation, tree preservation and recreational amenities.<sup>2</sup>

By 1989, Vancouver's View Protection Guidelines (updated in 2011) were released to reflect "Vancouverism", a comprehensive approach that supports strategic density goals while maintaining a high quality of life through:

- Enhancing the city's dynamic skyline image
- Marking gateways to the downtown
- Ensuring that tall buildings have as little negative impact as possible on the usability, vitality and quality of the public realm
- Providing opportunities for signature architecture in the skyline at select locations<sup>3</sup>

More than 35 view corridors have been approved by the City Council.<sup>4</sup> "Vancouverism" encourages

a street-scale relationship at the building base through use of windows and townhouses; a tower that slims as it rises to limit impacts to pedestrians; and a building top that strives to make an artistic statement.<sup>5</sup> The clustering approach of tall buildings, stimulated by density bonuses for public amenity contributions, has enabled developer-funding of public park creation.

Higher buildings 55 to 70 stories (-168m to -213 m; 550-700 ft) are permitted within designated areas located in the central business district with the tallest (greater than 70 stories; -213 m; 70 ft) located on one of the City's three primary streets as gateways into downtown.<sup>6</sup>

<sup>1</sup> The City of Vancouver. "The Remarkable History of Vancouver Washington.", accessed June 14, 2013. [<http://www.cityofvancouver.us/>]

<sup>2</sup> Punter, John. *The Vancouver Achievement: Urban Planning and Design*. Page 29. UBC Press 2003, Vancouver, BC.

<sup>3</sup> Vancouver City Council. "Implementation of 'Vancouver Views' and Opportunities for Higher Buildings in the Downtown". January 20, 2011. [<http://vancouver.ca/docs/planning/final-council-report.pdf>]

<sup>4</sup> City of Vancouver. "Public ViewMap". Accessed April 23, 2013. [<http://vanmap.vancouver.ca/>]

<sup>5</sup> Alpert, David. "Vancouver's Beasley: Tinker with height limit very carefully" *Greater Washington*. May 19, 2010. [<http://greatergreaterwashington.org/post/5895/vancouvers-beasley-tinker-with-height-limit-very-carefully/>]

<sup>6</sup> City of Vancouver. "General Policy For Higher Buildings". February 1, 2011. [[http://vancouver.ca/docs/planning/general\\_policy.pdf](http://vancouver.ca/docs/planning/general_policy.pdf)]

## Vancouver's Skyline Timeline

**1953** - Vancouver Charter is granted by the British Columbia legislature, empowering Vancouver's City Council with broad and considerable authority to shape governance, policy and planning.

**1975** - *Downtown Official Development Plan* is adopted by the City and calls for dramatic residential density increases via high-rise (more than approximately 10 stories).

**1989** - *View Protection Guidelines* were developed to protect views of the shoreline, downtown skyline and North Shore mountains. These guidelines continue to shape the City's growth through amendments in 1990 and 2011.

**1997** - The City Council commissioned the *Downtown Vancouver Skyline Study* (1997). The study concluded that the skyline would benefit from a handful of iconic buildings.

**1997** - *General Policy for Higher Buildings* emerged from the Skyline Study and promoted the protection and enhancement of key views, design quality and enhancement of the natural environment.

**2011** - *General Policy for Higher Buildings* adopted in 1997 and amended by City Council in 2011. These guidelines provide opportunities for strategically placed height at two prominent bridge "gateways" to mark the entry into downtown.

Image Credit: Ben Rawles, Picasaweb.google.com

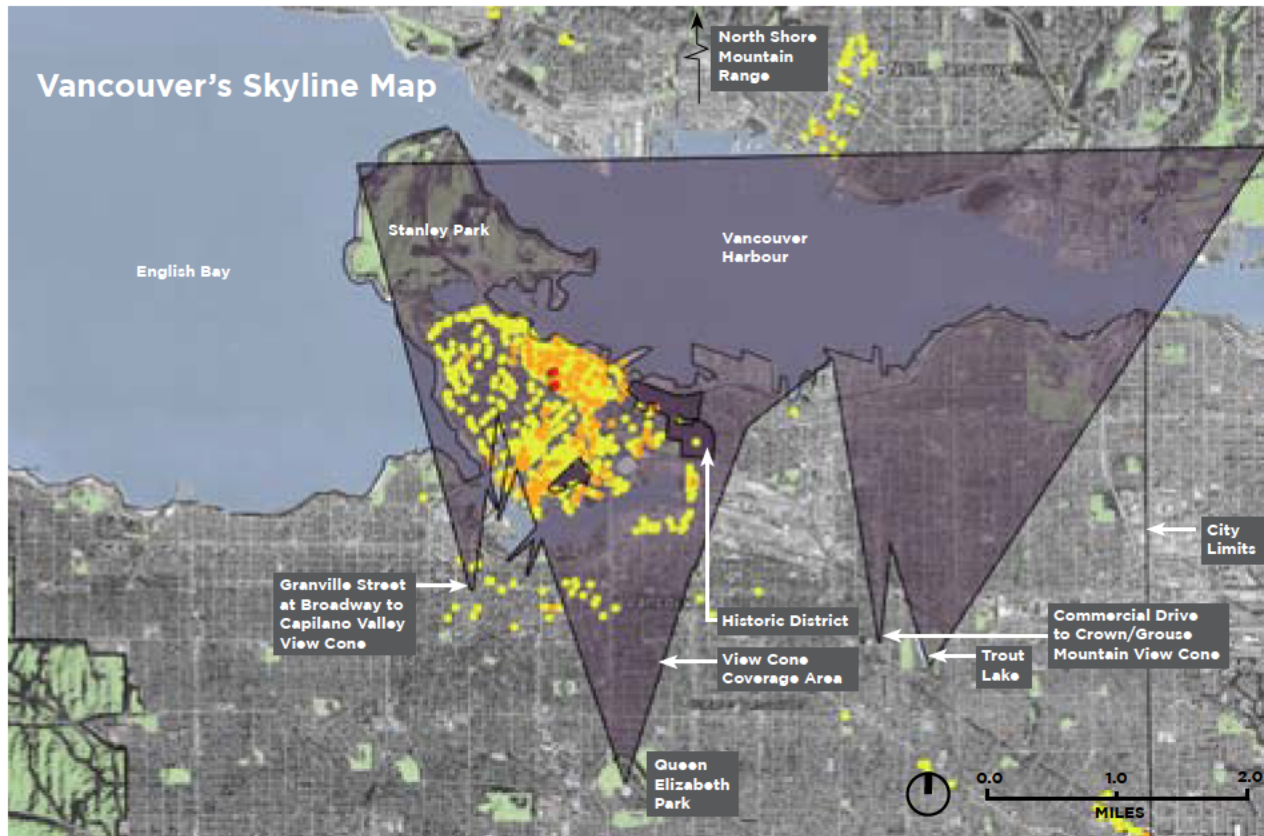


Image Cred t: Google Earth & Skyscraperpage.com

The F1-Choklit Park to Grouse Mountain & Mount Fromme Preserved View Cone Policy Map (below left) and corresponding protected view field image (below center).

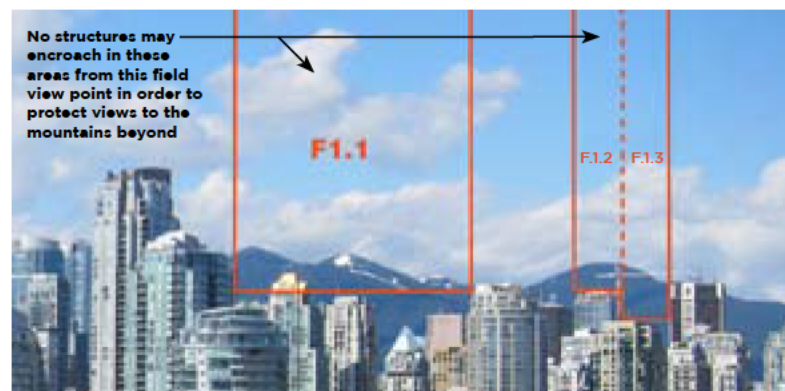


Image Cred t: Vancouver Views Document - Final Council Report

## Lessons learned in Vancouver

Vancouver has determined that views between buildings to the surrounding mountains are sufficiently important to the city's character and economy to warrant preservation. View protection guidelines are used as the comprehensive tool for directing strategic density and maintaining quality of life. Height bonuses are seen as a public good which require developers to provide public infrastructure investments.

- Yellow**: Buildings Over 12 Stories (40 m; ~133 ft)
- Orange**: Buildings Taller Than The U.S. Capitol Building (88m; ~289 ft)
- Red**: Buildings Taller Than The Washington Monument (appx 55 stories; 169m; ~555 ft)
- Dark Purple**: Primary area where height is managed

## Existing regulated height levels from South Gateway to Downtown



## Proposed heights to frame Southern Gateway to Downtown



Image Cred t: Vancouver Views Document - Final Council Report





# San Francisco, CA, USA

**Population: 812,826 | City Area: 47 Sq. Miles | Density: 17,331 People per Sq. Mile**

San Francisco's skyline, street grid across hills and valleys, and expansive views of the bay are essential characteristics of the city's identity.

Since the 1960's, the city's building height regulations have been shaped through iterative tall building proposals, citizen-led propositions, shadow analyses, and bold city plans.

What citizen groups refer to as the "Manhattanization" of the city skyline through the 1970s and 1980s, established buildings like the Transamerica Pyramid (approximately 100 stories; ~325m; 1,065 ft) in the financial district. This building boom slowed in the early 1990s due to a weaker economy and public clamor for less-dominant office buildings.<sup>1</sup>

<sup>1</sup> Wikipedia. "Vancouverism". Accessed April 22, 2013. [<http://en.wikipedia.org/wiki/Vancouverism>]

Projected building growth also shifted when a city-led urban design plan in the late 1980s redirected future high density away from the fully built-out financial district, to the lower-scaled and underutilized South Market Street neighborhood.<sup>2</sup> By 2005, the need to finance regional public infrastructure such as a new multi-modal transit center; parkland; and, affordable housing led the city to negotiate height bonuses (permission to build a range of approximately 80 to 100 stories) in exchange for public infrastructure investments.

The city's planning department manages height restrictions through the zoning code, which designates height limits in different districts. In some cases, specific limits are identified based on

<sup>2</sup> King, John. "Reaching for the sky South of Market". *San Francisco Chronicle*. April 27, 2008. [<http://www.sfgate.com/news/article/Reaching-for-the-sky-South-of-Market-3286486.php>]

analysis of development proposals which cause excessive shading of public spaces for individual block and lot locations.<sup>3</sup>

The city recently adopted zoning and planning standards for areas including the Transit Center District to provide regulators and the public with the framework for guiding economic development, controlling tall building characteristics and ensuring public sector investments in parks, streets and other community services. The revised zoning specifically addresses height and bulk restrictions, design, floor area ratio, character, land use, historic building impacts, parking requirements and fees.<sup>4</sup>

<sup>3</sup> San Francisco Planning Department. "Planning Code". May 15, 2013. [<http://www.amlegal.com/nxt/gateway.dll/California/planning>]

<sup>4</sup> San Francisco Redevelopment Agency. "Transit Center District Plan" November 2009. [[http://sf-planning.org/ftp/CDG/docs/transit\\_center/Transit\\_Center\\_District\\_Plan\\_Public\\_Draft\\_WEB.pdf](http://sf-planning.org/ftp/CDG/docs/transit_center/Transit_Center_District_Plan_Public_Draft_WEB.pdf)]

## San Francisco's Skyline Timeline

**1964** – 40 story (~12m; 40 ft) height limit established to protect the city's views of the bay

**1972** – Transamerica Tower is constructed to a height of 48 stories (~260m; 850 ft).

**Early 1960's** – 20 story (~61 m; 200 ft) Fontana Towers generated significant public opposition

**1985** – City adopts Downtown Plan into the General Plan for guiding growth in the Downtown area

**1986** – The citizen sponsored Proposition M creates the first limit on high rise development in US, heights are capped at 60 stories (~183 m; 600 ft)

**1984** – City adopts Sunlight Ordinance to protect public parks from shadows cast by adjoining buildings

**2005** – City adopts Transbay Redevelopment Plan to direct the redevelopment of underutilized publicly-owned lands in a high density neighborhood with height limit increases.

**2012** – City adopts the Transit Center District Plan. Height limits are increased to augment transit-oriented capacity for serving both regional & state needs. Office towers are planned to range from 900'-1200 ft (~274m to ~366m) in height.

Image credit: Stephen W Oachs Photography

## San Francisco's Skyline Map

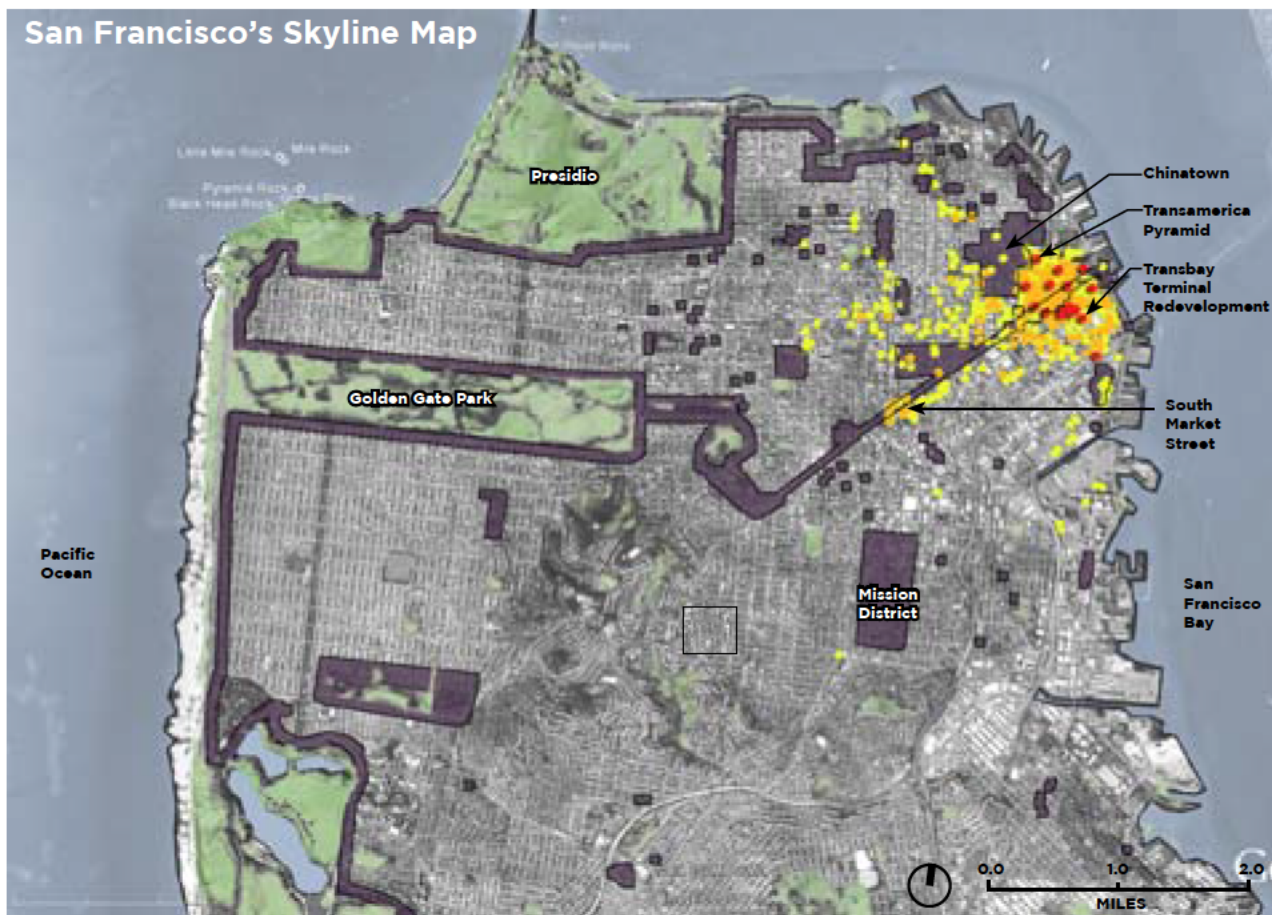


Image Cred t: Google Earth & Skyscraperpage.com

Pedestrians congregate in the sunny parts of a plaza overshadowed by a tall tower in San Francisco

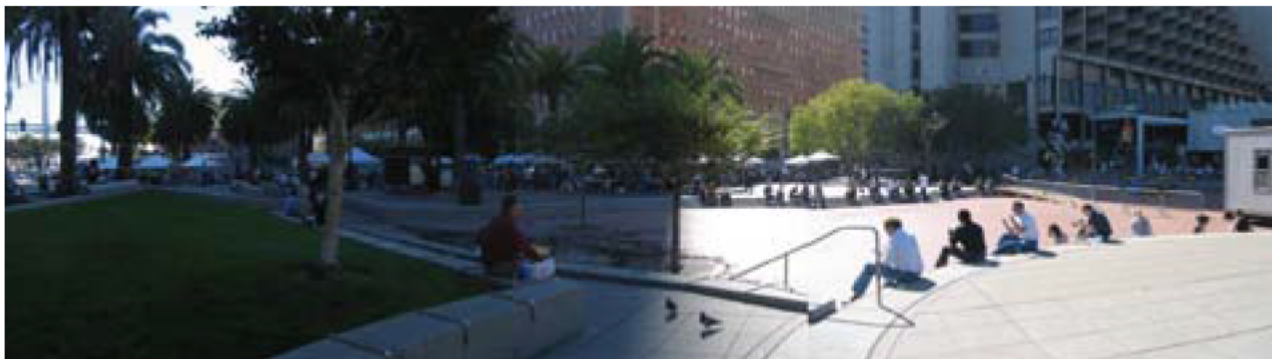


Image Cred t: AECOM

## Lessons Learned in San Francisco

Building heights can be regulated through zoning and shadow analysis to minimize impacts to adjoining culturally significant, public open space. Increases in allowable building heights for specific locations can be used to guide growth and finance public infrastructure investments. Citizen advocacy and opposition to various building heights have helped the city's government to shape height regulations that are consistent with public interests.

- Buildings Over 12 Stories (40 m; ~133 ft)
- Buildings Taller Than The U.S. Capitol Building (88m; ~289 ft)
- Buildings Taller Than The Washington Monument (appx 55 stories; 169m; ~555 ft)
- Primary area where height is managed

Simulation of San Francisco's Future Skyline (proposed buildings in orange) with the Transbay Terminal Redevelopment. View from Dolores Park, South of the CBD.

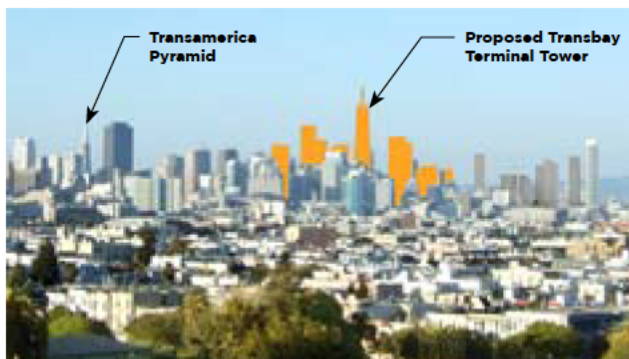


Image Credit: AECOM



# Best Practices in Planning Building for Heights in Relation to Historic Resources

To further inform the ongoing discussion regarding the height of buildings in Washington DC, the following case studies summarize techniques employed by relevant cities for managing building heights in proximity to historic resources. The examples illustrate approaches that vary greatly in scale and offer lessons that can inform the public conversation.

These specific cities were selected either because they employ a unique approach to preserving the prominence of historic resources or they address the sensitivity of new development within historic urban plans. The cities studied include:

- Philadelphia, PA, USA
- Madison, WI, USA
- St. Louis, MO, USA
- Hamburg, Germany
- Dublin, Ireland

Andrew Ellicott's 1792 adaptation of L'Enfant's Plan for Washington DC

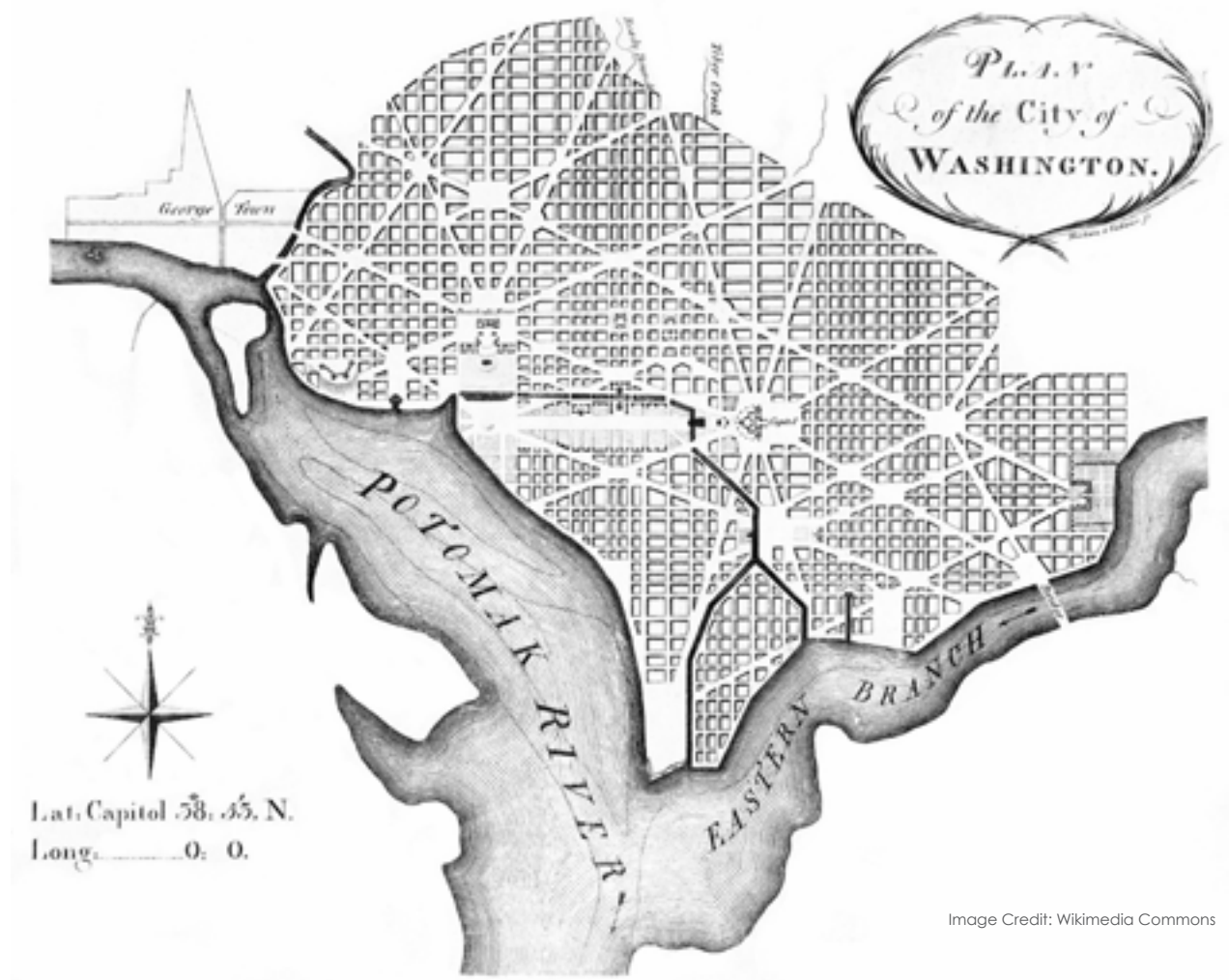


Image Credit: Wikimedia Commons

# Summary Considerations for Washington, DC

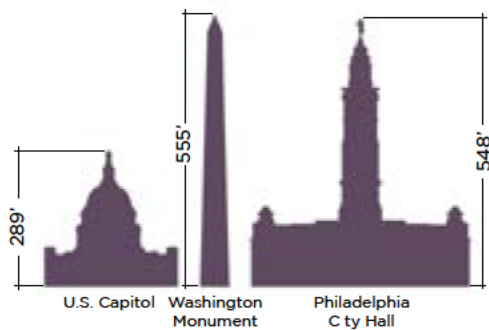
## Lessons to Consider

Each of the studied cities developed their own techniques for preserving the prominence of civic features. In some cities, the overall composition and impression of the skyline is the historic resource to be preserved. In other cities, the significant feature is an individual structure. In all cases, these resources have an embodied meaning that is vulnerable to loss without appropriate protections.

The techniques employed by the studied cities have achieved varied levels of success and offer useful lessons. The following concepts should be considered when discussing the optimal means of preserving historic resources and vistas.

- Consider the collective composition of historic and symbolic landmarks within the city's skyline as a symbolic feature.
- Consider identifying special areas where additional density could be accommodated without adversely affecting the prominence of existing civic structures.
- Consider identifying a "zone of respect" surrounding historic and symbolic landmarks to protect their prominence.
- Consider relating the absolute maximum height limit or height setbacks to a fixed point on significant landmarks.
- Consider requirements that encourage varied, animated roofscape which could promote a dynamic horizontal skyline.
- Consider the vantage points from which preserved views to and from historic features are most critical.
- Consider that once encroached upon, views and vistas relating to historic or symbolic resources may be irreversibly altered.
- Consider ways in which the height and form of private buildings could accentuate civic or symbolic landmarks.
- Consider methods of integrating federal, regional, and local stakeholders to coordinate implementation.





"City Hall's physical prominence when the century was young . . . embodied the belief that civic authority and responsibility should reside with elected representatives; private interests should stand down."

**-Steven Salsbury, Dwarfing Billy Penn: A Tale a Century Long, PHILADELPHIA INQUIRER, Dec. 12, 1999**

"No building should be higher than William Penn's hat. The only question your building raises is whether or not you are a gentleman."

**-Attributed to Edmund Bacon, Executive Director of Philadelphia Planning Commission 1949-1970.**

# Philadelphia, PA, USA

**Population: 1,526,000 | City Area: 142.6 Sq. Miles | Density: 10,701 People per Sq. Mile**

William Penn's plan for Philadelphia was published in 1683. As such, Philadelphia was one of the earliest planned cities in America and was designed to house the prominent public buildings at its center. Philadelphia City Hall was finished in 1901 and stands 548 feet tall, topped by a 27-ton statue of William Penn. This prominent building was intended to serve as Philadelphia's beacon, similar to Paris' Eiffel Tower and DC's Washington Monument (which is only 7 feet taller). A gentleman's agreement existed in Philadelphia that no building in the downtown should be higher than City Hall. It was noted that Philadelphia's dynamic and influential Executive Director of the Planning Commission, Edmund Bacon, regularly pronounced this gentleman's agreement as a way to maintain the civic prominence of the City's skyline.<sup>1</sup>

Up until 1986, no building was taller than City Hall. However, by then, much of the symbolism of Penn's supremacy was already lost amidst "a stubby tide of undistinguished office buildings already [lapping] just shy of Penn's pantaloons".<sup>2</sup> As City Hall was getting crowded out within a sea of buildings just shorter than it, developer William Rouse proposed an office building, One Liberty Place, adjacent to City Hall that would rise to 960 feet. Despite considerable debate, the lack of a codified law prohibiting height encroachment of City Hall and the economic development benefits of the tall building project paved the way for the building's approval and construction in 1986.

One Liberty Place stimulated debate within the preservationist and planning community. The City's 1988 *Center City Plan* introduced specific view corridors and guidelines for downtown development, including promotion of public spaces, transit stations and office growth.<sup>3</sup>

The City of Philadelphia's Historical Commission is responsible for ensuring the preservation of historic resources by designating structures and districts for protection and regulating their preservation through the City's building permit process.<sup>4,5</sup> The Commission has designated 15 historic districts which are linked geographically and thematically in addition to the nearly 10,000 historic structures and properties listed on the Philadelphia Register of Historic Places.<sup>6</sup> In addition to the Commission's guidelines, entities such as the Preservation Alliance for Greater Philadelphia and the Secretary of the Interior's Standards provide guidance for new construction that help protect the quality and historic sense of place. In many districts, new construction must align with existing adjacent building heights.

## Lessons Learned in Philadelphia

- In Philadelphia, height regulations tailored for each historic district promote new buildings that match their context and maintain district scale.
- Height setbacks around significant landmarks with special design guidelines discourage the diminishing effect tall buildings had on Philadelphia City Hall.
- Codified height limits relating to a significant landmark's features protect the prominence of historic structures.
- Exchanging additional height for construction of public amenities and infrastructure does not always work. While the 1988 Center City Plan sought to put this exchange into practice, fiscal constraints left some public amenities unrealized.

<sup>1</sup> Benjamin Gerber. *Urban Height Restrictions Without a Law: A Philadelphia Story*. Date unknown.

<sup>2</sup> Philadelphia Inquirer. "Towering Over All Corners, Penn Still Defines His City" Mar. 21, 1984.

<sup>3</sup> Center City District. "Center City: Planning for Growth 2007-2012". April 2007.

<sup>4</sup> City of Philadelphia, "Development Permit Guide". January 2010

<sup>5</sup> Preservation Alliance for Greater Philadelphia. "How to Navigate the Historical Review Process in Philadelphia". A Guide for Property Owners. 2007.

<sup>6</sup> Philadelphia Inquirer. "Historical panel to limit new districts". April 27, 2003.

Despite overhead highways intrusions and other amendments, such as the Benjamin Franklin Parkway, William Penn's gridiron with five civic squares and wide avenues has remained largely intact

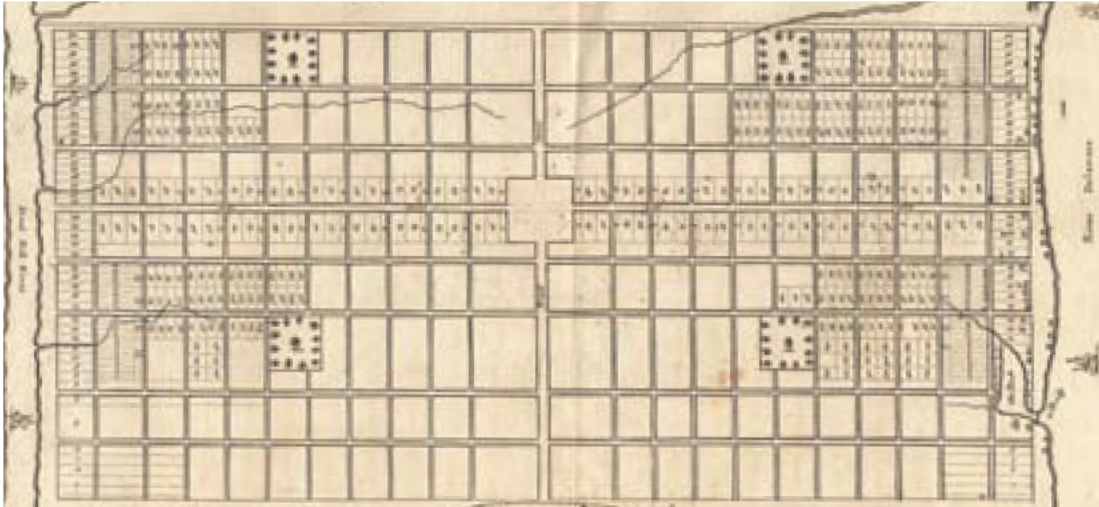


Image credit: Phillips, P. L., A List of Maps of America in the Library of Congress, Washington, G. P. O. 1901

Civic and religious buildings dominated Philadelphia's Skyline, circa 1800



Image credit: Birch's Views of Philadelphia in 1800

Philadelphia City Hall when it was the tallest building in the city, circa 1910



Image credit: Bill Cannon

Philadelphia's present skyline, tall buildings now surround City Hall

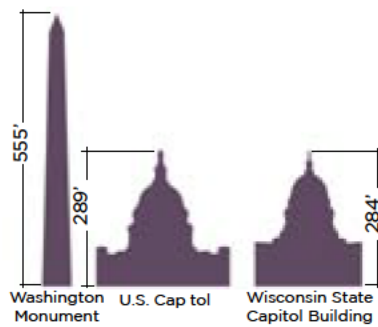


Image credit: B. Krist for GPTMC

#### Other Relevant Sources

- *Standards for Preservation and Guidelines for Preserving Historic Buildings*, Secretary of the Interior, National Park Service.
- *Sense of Place: Design Guidelines for New Construction in Historic Districts*, 2007. Preservation Alliance for Greater Philadelphia





# Madison, WI, USA

Population: 233,209 | City Area: 94 Sq. Miles | Density: 2,480 People per Sq. Mile

"No portion of any building or structure located within one (1) mile of the center of the State Capitol building shall exceed the elevation of the base of the columns of said Capitol Building or one hundred eighty-seven and two-tenths (187.2) feet, City datum. Provided, however, this prohibition shall not apply to any church spires, flagpoles, communication towers, elevator penthouses, screened air conditioning equipment on existing buildings and chimneys exceeding such elevation, when approved as conditional uses."

**-City of Madison's zoning code (Sec. 28.134)**

"The legislature finds that the state capitol is the state's most significant public building and one of the most significant architectural features of the state. This act is enacted as a matter of statewide concern to preserve, promote and enhance the view of the state capitol and to provide a proper setting for the center of state government."

**- Wisconsin State Law (1989 Wisconsin Act 222)**

Like Washington DC and Philadelphia, PA, Madison emerged as a planned city and a legislative capital. In the 1830's, its picturesque isthmus of land located between two lakes was selected by the Wisconsin territory as its capital, with the construction of Wisconsin's territorial Capitol building emerging in the 1840's.

After destruction by fire and replacement of two previous capitol buildings on this same location by the early 1900's, Wisconsin completed construction of the third state capitol building in 1917! The current structure's white granite dome resembles the US Capitol building and rises to 284 feet, 5 feet shy of the US Capitol. The City established the Capitol View Preservation rules in the zoning code in 1966 as a way to protect views of the structure and throughout the downtown.<sup>2</sup> The State of Wisconsin enacted a law in 1990 reinforcing the importance of these views and protecting the prominence of the State Capitol building.<sup>3</sup>

A one-mile zone around the Capitol building that limits the height of any other buildings has been codified in City and State law. The height restrictions call for no building to exceed the elevation of the base of the columns of the Capitol Building (187 feet per the City datum).<sup>2,3</sup>

In addition to the Capitol View Preservation zone, the City released a Downtown Plan in 2012 that specifies height maximums for areas throughout the downtown.<sup>4</sup>

The Capitol View Preservation rules have protected the prominence of the Capitol building, and contributed to a horizontal "table-top" approach to the surrounding skyline.<sup>5</sup>

The State Capitol building is the tallest in Madison at 284 feet, however, the University of Wisconsin's Van Hise Hall (241 feet), located approximately two miles away, reaches a similar elevation and can appear taller than the Capitol because Van Hise Hall is located on top of a hill.<sup>6</sup>

## Lessons Learned in Madison

- A "zone of respect" (prevents vertical encroachment) around key historic resources.
- City of Madison zoning regulations ensure the prominence of the Capitol in the City's skyline by preventing any building within one mile of the Capitol from rising higher than the base of the rotunda (approximately 187 ft).
- Building height limits account for elevation limitations as the Van Hise Hall building in Madison appears taller than the Capitol due to its higher topography, even though the building's structural height (241 ft) is lower than the Capitol's structural height (284 ft).
- Wisconsin State legislation also provides the City of Madison with an additional layer of protection against view encroachment around the Capitol building as a "matter of statewide concern".

<sup>1</sup> Cravens, Stanley H. Cap tals and Capitols in Early Wisconsin. Wisconsin Blue Book 1983-1984.

<sup>2</sup> City of Madison Zoning Code, Sect on 28.134.

<sup>3</sup> Wisconsin Statutes 16.842 - State capitol view preservation. 1989 Wisconsin Act 222, published April 27, 1990.

<sup>4</sup> City of Madison. Downtown Plan; Adopted July 2012.

<sup>5</sup> Rath, Jay. Developers Want Changes in Madison's Downtown Plan. January 20, 2011.

<sup>6</sup> Wisconsin State Cartographer's Office. Wisconsin Geography Statistics. Accessed June 17, 2013.

Madison, circa 1867



Image Credit: Delwoman's Treasures

Madison's present skyline -Height regulations have created a horizontal skyline around the Capitol building



Image Credit: N chols\_ATL, www.flckriver.com

In addition to the Capitol View Preservation zone, the City specifies height maximums for areas throughout the downtown



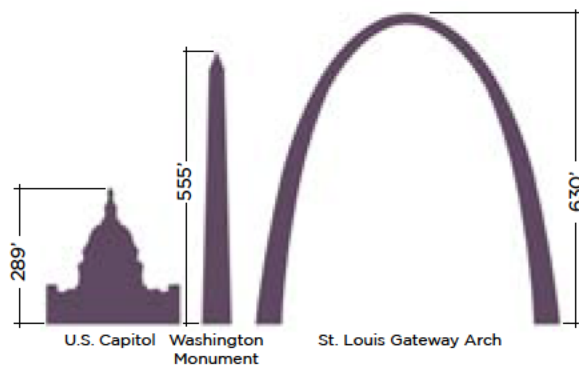
Image credit: City of Madison Planning Division - September 2012

Present bird's eye view of Madison.



Image Credit: Board of Regents of the University of Wisconsin-Madison





# St. Louis, MO, USA

**Population: 318,172 | City Area: 66.2 Sq. Miles | Density: 4,806 People per Sq. Mile**

**“The height regulations [of the Jefferson Memorial District] are the same as those in the central business district except that in no instance shall any portion of a building or structure including all appurtenances and super structures thereon, exceed a mean sea level elevation of seven hundred fifty-one (751) feet.”**

**-St. Louis Municipal Code of Ordinances**

**Each object should be designed in its “next largest context - a chair in a room, a room in a house, a house in an environment, environment in a city plan.”**

**-Eero Saarinen, Architect of the St. Louis Gateway Arch**

St. Louis began as a trading post in the late 1760s, and grew significantly during the 18th century. By 1900, St. Louis was the 4th largest city in the United States. In order to commemorate the expansion of the country and the westward movement of its population, the U.S. Congress authorized the Jefferson National Expansion Memorial in 1935; the Memorial was completed 30 years later in 1965. The Memorial is intended to commemorate Thomas Jefferson’s vision of a unified continent; interpret those who explored, exploited, and inhabited land west of the Mississippi River; and to preserve the Old Courthouse, where the pivotal Dred Scott case was decided.

The Memorial consists of the Gateway Arch and designed landscape, the Old Courthouse, the Museum of Westward Expansion housed within the Arch, and areas east of the Mississippi River in Illinois. The Memorial design is intended to function as a single composition formed by the city, the Memorial, the river, and the area east of the river.<sup>1</sup>

To the west of the Memorial lies the St. Louis Gateway Mall, which extends 1.2 miles between two main boulevards. The park, which was designed by George Kessler, was identified in the 1907 Comprehensive Plan (although this plan was not officially adopted by the City).<sup>2</sup> Within this area are two buildings, one of which was called for in the original plan (the Civic Courts Building). The other building, which opened in 1986, noticeably blocks partial views between the Civic Courts Building and the Old Courthouse.<sup>3</sup>

<sup>1</sup> NPS. Jefferson National Expansion Memorial Final General Management Plan. October, 2009.

<sup>2</sup> Preservation Research Office, Evolution of the Gateway Mall (Part II), accessed May 23, 2013.

<sup>3</sup> St. Louis Gateway Mall Master Plan, July 2009.

St. Louis zoning restricts building heights to an elevation of 751 feet mean sea level through a Jefferson National Memorial District zone, which surrounds the Jefferson National Memorial.<sup>4</sup> The Arch structure, which is 630 feet high, is approximately 1100 feet above mean sea level at its highest point, a difference of approximately 350 feet relative to other structures. In addition, I-70, which separates the Arch Grounds from the Old Courthouse, serves as a development setback.

Currently, actions are underway by numerous agencies to improve linkages between the Arch and the city. The Missouri Department of Transportation is undertaking the “Park Over the Highway” project, which will cover the depressed I-70 in the vicinity of the Jefferson National Expansion Memorial with a green space. Further, NPS is currently undertaking improvements to the Memorial that would alter existing pedestrian paths, replace vegetation, and remove parking, much of which would build on the original landscape design for the Memorial. Finally, NPS has identified improvements to the land east of the river to be studied in an effort to further implement the original design for the Memorial.

## Lessons Learned in St. Louis

- Limiting the elevation of buildings through zoning, regardless of topography, to approximately 350 feet lower than the Arch’s height preserves the prominence of the Arch.
- Implementing plans inconsistently resulted in changes to the visual character of the Memorial and its relationship to the city.

<sup>4</sup> City of St. Louis Municipal Code of Ordinances

**Present view east along the St. Louis Gateway Mall - A private building obstructs the view to the courthouse and Gateway Arch**



Image Credit: 2009 Gateway Mall Master Plan

**Area before the Gateway Mall, circa 1928**



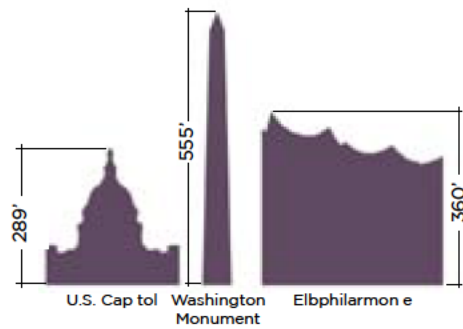
Image Credit: St. Louis Comprehensive Plan

**St. Louis's present skyline looking west**



Image Credit: Wikimedia Commons





# Hamburg, Germany

**Population: 1,802,041 | City Area: 292 Sq. Miles | Density: 6,171 People per Sq. Mile**

“As a general rule, height in HafenCity should not exceed the height of Speicherstadt [historic core] buildings in an effort to minimize potential impacts on historic resources and to maintain the historic character of Hamburg’s skyline”.

**-HafenCity Masterplan**

“Urban design and architectural qualities are not achieved sufficiently by determining uniform height benchmarks for the city as a whole or along certain street views, but require spatial sectors and the definition of view points for the core of the city”

**-Jürgen Bruns-Berentelg, CEO, HafenCity Hamburg GmbH**

Hamburg, Germany is characterized by a horizontal skyline, punctuated by church spires, that reflect the city’s economic history as a major port, a role that continues to this day. The Speicherstadt, or Warehouse District, forms the historic core of the city and is listed by the city as a historical monument. Development expanded from this historic area onto the relatively flat plains of the Elbe River. Today, Hamburg is an economically vibrant city in northern Europe, whose primary economic sectors include trade, aviation, and media.

In response to changes in the needs of the shipping industry, Hamburg began exploring the reuse of its older, obsolete ports. In February 2000, the City of Hamburg approved the *HafenCity Masterplan*. This initiative proposed the reuse of formerly industrial land adjacent to the Speicherstadt. The HafenCity Masterplan calls for 2.32 million gross square feet of development, including almost 70 acres of parkland, 6,000 residential units, and an estimated 45,000 jobs. Comprised of both existing land and expansions into the current port, the development area covers approximately 388 acres.<sup>1</sup>

The *HafenCity Masterplan* states that as a general rule, height in HafenCity should not exceed the height of Speicherstadt buildings in an effort to minimize potential impacts on historic resources and to maintain the historic character of Hamburg’s skyline. However, the Masterplan has identified specific areas that could include taller landmark building without having a negative effect on the skyline. Such areas are primarily outside the area directly adjacent to the historic core.<sup>2</sup>

Additional efforts were taken to accentuate views of existing and prominent buildings, features, and views. The views from the city center to HafenCity and the Elbe should be enhanced through physical structures. Harbor cranes are currently being preserved, as are the pavements, railway tracks, and customs facilities within HafenCity.

Most of HafenCity will be between six and eight stories, which is consistent with the traditional buildings of the city that are approximately 98 feet in height, although some areas near the Speicherstadt would be as low as four stories. Other areas, further from the historic core, are planned for high-rise development. The Elbphilharmonie, an adaptive reuse of an historic warehouse, will rise to approximately 360 feet in height, making it the tallest inhabited building within Hamburg. Adding multiple stories to the existing base structure, the Elbphilharmonie will contain a concert hall, hotel, and residential uses.

## Lessons Learned in Hamburg

- Hamburg’s height limitations create consistency with an existing historic skyline.
- New and historic portions of the city work together to achieve an iconic collective composition.

<sup>1</sup> <http://www.hafencity.com/en/overview/facts-figures.html>, accessed May 23, 2013

<sup>2</sup> HafenCity Masterplan, HafenCity GmbH and City of Hamburg

Hamburg, circa 1702



Image credit: Pieter Schenk, www.etsy.com

Hamburg's Present Skyline - HafenCity shown in foreground



Image credit: KCAP Architects & Planners

Central city building heights studies from Alster Lake's views to HafenCity

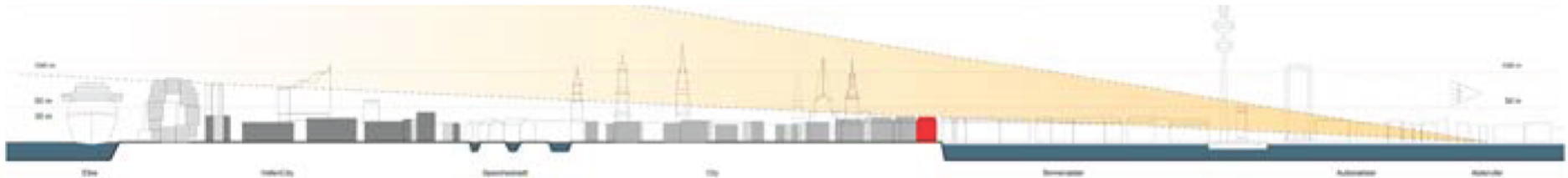


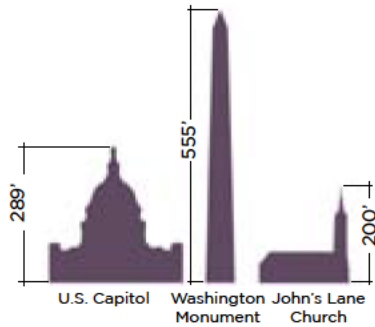
Image credit: Jürgen Bruns-Berentelg

Simulation of Hamburg's future skyline with HafenCity development. Efforts were taken to accentuate views of existing prominent buildings and reinforce the distributed spires of Hamburg's skyline.



Image credit: Jürgen Bruns-Berentelg





"All new proposals must demonstrate sensitivity to the historic city centre, the River Liffey and quays, Trinity College, the cathedrals, Dublin Castle, the historic squares and the city canals, and to established residential areas, open recreation areas and civic spaces of local and citywide importance."

**-Dublin City Council**

"While it is a core strategy of the city development plan to create a more sustainable compact city, it is recognized that this can be achieved primarily through higher densities in the low-rise format that responds primarily to street making."

**-Dublin City Development Plan**

# Dublin, Ireland

**Population: 527,612 | City Area: 44.4 Sq. Miles | Density: 11,883 People per Sq. Mile**

Originally founded as a Viking settlement at the mouth of the River Liffey, Dublin became Ireland's most populous city following the Norman invasion in 1171 and rapidly grew from the 17th century on. Dublin has numerous landmarks and monuments dating back hundreds of years. Some of the oldest include Dublin Castle, Trinity College, and Saint Stephen's Green.

Ireland began tracking national monuments and heritage architecture through the latter half of the 20th century by continually strengthening the National Monuments Act, which was initiated in 1930. Ireland's ratification of UNESCO's Convention Concerning the Protection of the World Cultural and Natural Heritage in 1991, and the Convention for the Protection of the Architectural Heritage of Europe (known as the Granada Convention) ratified by Ireland in 1997, strengthened the nation's commitment to protection of its architectural heritage.<sup>1</sup>

An economic boom from the 1990s through 2007 led to numerous construction and redevelopment projects which confronted the tension between growth and preservation. Plans such as the *Dublin City Development Plan* (1999) and the *Dublin City Heritage Plan* (2002-2006) emerged as the City's efforts to locally implement protection and management of heritage resources.<sup>2,3</sup> The *Dublin City Development Plan 2011-2017* promotes a low-rise city that protects historic and cultural resources. This plan provides qualitative and quantitative standards regulating building height which are used to assess new development proposals.

<sup>1</sup> Architectural Heritage Protection Guidelines for Planning Authorities (2004)

<sup>2</sup> Dublin City Heritage Plan 2002-2006 (2006)

<sup>3</sup> Dublin City Development Plan 2011-2017 (2011)

Four key components are used to regulate building height including:

- A city map that designates areas where tall buildings (over 164 feet) are allowed
- A set of development principles articulated for each area of the city where tall buildings are allowed that describes view corridors and profiles of historic features to be protected. For example, such buildings must be located to provide a coherent profile along the Thomas/James's Street Ridge, when viewed from the historic city, including from the quays, the environs of the St. Catherine's Church and St. John's Church.
- An assessment criteria for taller buildings that includes urban form and spatial criteria relating to the protection of views and prominent landmarks; the buildings relationship to the historic and civic setting of key Dublin heritage sites; environmental and sustainability criteria; social, economic, cultural and transport criteria.
- Definitions for 3 types of building heights as designated for different areas of the city

## Lessons Learned in Dublin

- In Dublin, protection of key historic resources, views of these resources from identified vantage points, and the importance of placemaking are legislated in qualitative city development standards for any new building proposals.
- Height controls for new developments are presented in a simple set of height guidelines within the *Dublin City Development Plan 2011-2017* that include a map designating areas of greater and lesser heights; principles describing view corridors to historic resources for localized areas; a building design criteria emphasizing urban form, heritage protection, local context, etc. and definitions of acceptable building heights for each area.

John's Lane Church

**Dublin's present skyline - John's Lane Church in foreground**



A photograph of the University of Cambridge, featuring a large, ornate building with a prominent clock tower and a green lawn in the foreground.

25 | Building Height &amp; Historic Resources | Height Master Plan for Washington DC

## Appendix D: Background Resources



*Proviso.*  
Treaty rights not  
affected.

and pay over the proceeds received from the sale thereof only as received and as herein provided: *Provided*, That nothing in this Act shall be construed to deprive the said Indians of the Rosebud Indian Reservation of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this Act.

Approved, May 30, 1910.

May 30, 1910.  
[H. R. 9304.]

[Public, No. 195.]

**CHAP. 261.**—An Act Granting certain lands in the Coconino National Forest, in Arizona; for observatory purposes.

Lowell Observatory,  
Ariz.  
Lands in Coconino  
National Forest grant-  
ed for.

*Provisos.*  
Reversion for non-  
user.

Timber rights ex-  
cluded.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be, and hereby is, granted to Percival Lowell, his heirs and assigns, section numbered seventeen, in township numbered twenty-one north of range seven east of the Gila and Salt River base and meridian, the said tract of land being within the Coconino National Forest, in the Territory of Arizona, for observatory purposes in connection with the Lowell Observatory: *Provided*, That in the event of the removal or abandonment of the said observatory or the use of said land by the grantee for other than observatory purposes the said land shall revert to the United States: *Provided further*, That the title to the merchantable timber thereon and the right to cut and remove the same in such manner as to preserve the herbage and undergrowth in their natural condition shall remain in the United States.

Approved, May 30, 1910.

June 1, 1910.  
[H. R. 19070.]

[Public, No. 196.]

**CHAP. 263.**—An Act To regulate the height of buildings in the District of Columbia.

District of Columbia.  
Height of nonfire-  
proof dwellings, etc.,  
limited.

Business buildings.

Fireproof materials  
required for buildings  
exceeding 60 feet.  
Churches excepted.

Hotels, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the date of the approval of this Act no combustible or nonfireproof building in the District of Columbia used or occupied or intended to be used or occupied as a dwelling, flat, apartment house, tenement, lodging or boarding house, hospital, dormitory, or for any similar purpose shall be erected, altered, or raised to a height of more than four stories, or more than fifty feet in height above the sidewalk, and no combustible or nonfireproof building shall be converted to any of the uses aforesaid if it exceeds either of said limits of height.

**SEC. 2.** That from and after the date of the approval of this Act no combustible or nonfireproof building in the District of Columbia used or occupied or intended to be used or occupied for business purposes only shall be erected, altered, or raised to a height of more than sixty feet above the sidewalk, and no combustible or nonfireproof building shall be converted to such use if it exceeds said height.

**SEC. 3.** That all buildings in the District of Columbia, including buildings of every kind, class, and description whatsoever, excepting churches only, hereafter erected, altered, or raised in any manner as to exceed sixty feet in height shall be fireproof or noncombustible and of such fire-resisting materials, from the foundation up, as are now or at the time of the erecting, altering, or raising may be required by the building regulations of the District of Columbia.

Hotels, apartment houses, and tenement houses hereafter erected, altered, or raised in any manner so as to be three stories in height or over and buildings hereafter converted to such uses shall be of fireproof construction up to and including the main floor, and there shall be no space on any floor of such structure of an area greater than two thousand five hundred square feet that is not completely inclosed by

fireproof walls, and all doors through such walls shall be of noncombustible materials.

Every building hereafter erected with a hall or altered so as to have a hall with a seating capacity of more than three hundred persons when computed, as provided by the building regulations, and every church hereafter erected or building hereafter converted for use as a church, with such seating capacity, shall be of fireproof construction up to and including the floor of such hall or the auditorium of such church as the case may be.

SEC. 4. That additions to existing combustible or nonfireproof structures hereafter erected, altered, or raised to exceed the height limited by this Act for such structures shall be of fireproof construction from the foundation up, and no part of any combustible or nonfireproof building shall be raised above such limit or height unless that part be fireproof from the foundations up.

Towers, spires, or domes, hereafter constructed more than sixty feet above the sidewalk, must be of fireproof material from the foundation up, and must be separated from the roof space, choir loft, or balcony by brick walls without openings, unless such openings are protected by fireproof or metal-covered doors on each face of the wall. That full power and authority is hereby granted to and conferred upon every person, whose application was filed in the office of the Commissioners of the District of Columbia prior to the adoption of the present building regulations of said District, to construct a steel fireproof dome on any buildings owned by such person, in square three hundred and forty-five of said District, as set forth in the plans and specifications annexed to or forming a part of such applications so filed, any other provision in this Act contained to the contrary notwithstanding. And the inspector of buildings of said District shall make no changes in said plans and specifications unless for the structural safety of the building it is necessary to do so.

Every theater hereafter erected and every building hereafter converted to use as a theater, and any building or the part or parts thereof under or over the theater so erected or the buildings so converted, shall be of fireproof construction from the foundation up and have fireproof walls between it and other buildings connected therewith, and any theater damaged to one-half its value shall not be rebuilt except with fireproof materials throughout and otherwise in accordance with the building regulations of the District of Columbia.

SEC. 5. That no building shall be erected, altered, or raised in the District of Columbia in any manner so as to exceed in height above the sidewalk the width of the street, avenue, or highway in its front, increased by twenty feet; but where a building or proposed building confronts a public space or reservation formed at the intersection of two or more streets, avenues, or highways, the course of which is not interrupted by said public space or reservation, the limit of height of the building shall be determined from the width of the widest street, avenue, or highway. Where a building is to be erected or removed from all points within the boundary lines of its own lots, as recorded, by a distance at least equal to its proposed height above grade the limits of height for fireproof or noncombustible buildings in residence sections shall control, the measurements to be taken from the natural grades at the buildings as determined by the commissioners.

No building shall be erected, altered, or raised in any manner as to exceed the height of one hundred and thirty feet on a business street or avenue as the same is now or hereafter may be lawfully designated, except on the north side of Pennsylvania avenue between First and Fifteenth streets, northwest, where an extreme height of one hundred and sixty feet will be permitted.

Halls.

Churches.

Additions.

Towers, spires, and domes.

Dome in square 345.

Plans.

Theaters.

Width of street to govern height.

Business streets.

|                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Residence streets.                                | On a residence street, avenue, or highway no building shall be erected, altered, or raised in any manner so as to be over eighty feet in height to the top of the highest ceiling joists or over eighty-five feet in height at the highest part of the roof or parapet, nor shall the highest part of the roof or parapet exceed in height the width of the street, avenue, or highway upon which it abuts, diminished by ten feet, except on a street, avenue, or highway sixty to sixty-five feet wide, where a height of sixty feet may be allowed; and on a street, avenue, or highway sixty feet wide or less, where a height equal to the width of the street may be allowed.                                                                                                                                                        |
| <i>Post</i> , p. 891.<br>Corner lots.             | The height of a building on a corner lot will be determined by the width of the wider street.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Streets less than 90 feet wide.                   | On streets less than ninety feet wide where building lines have been established and recorded in the office of the surveyor of the district, and so as to prevent the lawful erection of a building in advance of said line, the width of the street, in so far as it controls the height of buildings under this law, shall be held to be the distance between said building lines.                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Adjoining public buildings.                       | On blocks immediately adjacent to public buildings or to the side of any public building for which plans have been prepared and money appropriated at the time of the application for the permit to construct said building, the maximum height shall be regulated by a schedule adopted by the Commissioners of the District of Columbia.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Abutting Union Station plaza.<br>Vol. 32, p. 913. | Buildings hereafter erected to front or abut on the plaza in front of the new Union Station provided for by Act of Congress approved February twenty-eighth, nineteen hundred and three, shall be fireproof and shall not be of a greater height than eighty feet.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Towers, chimneys, sprinkler tanks, etc.           | Spires, towers, domes, minarets, pinnacles, pent houses 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 when and as the same may be approved by the Commissioners of the District of Columbia: <i>Provided, however</i> , That 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: <i>And provided</i> , That pent houses, ventilation shafts, and tanks shall be set back from the exterior walls distances equal to their respective heights above the adjacent roof.                                                                 |
| <i>Proviso</i> .<br>Fireproof requirements.       | SEC. 6. That no wooden or frame building hereafter erected, altered, or converted for use as a human habitation shall exceed three stories or exceed forty feet in height to the roof.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Distance from exterior walls.                     | SEC. 7. That for the purposes of this Act the height of buildings shall be measured from the level of the sidewalk opposite the middle of the front of the building to the highest point of the roof. If the building has more than one front, the height shall be measured from the elevation of the sidewalk opposite the middle of the front that will permit of the greater height. No parapet walls shall extend above the limit of height.                                                                                                                                                                                                                                                                                                                                                                                           |
| Limit for frame dwellings.                        | SEC. 8. That buildings erected, altered, or raised or converted in violation of any of the provisions of this Act are hereby declared to be common nuisances; and the owner or the person in charge of or maintaining any such buildings, upon conviction on information filed in the police court of the District of Columbia by the corporation counsel or any of his assistants in the name of said District, and which said court is hereby authorized to hear and determine such cases, shall be adjudged guilty of maintaining a common nuisance, and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars per day for each and every day such nuisance shall be permitted to continue, and shall be required by said court to abate such nuisance. The corporation counsel of the District of |
| Basis of measurement.                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Violations declared nuisances.                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Penalty.                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Injunction proceedings.                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

Columbia may maintain an action in the supreme court of the District of Columbia, in the name of the District of Columbia, to abate and perpetually enjoin such nuisance. The injunction shall be granted at the commencement of the action, and no bond shall be required. Any person violating the terms of any injunction granted in such proceeding shall be punished as for contempt by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in the United States jail for not less than thirty days nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

Punishment for violating injunction.

SEC. 9. That Congress reserves the right to alter, amend, or repeal this Act. All laws in conflict herewith are hereby repealed.

Repeal, etc.  
Vol. 30, p. 922.

Approved, June 1, 1910.

CHAP. 264.—An Act To authorize the survey and allotment of lands embraced within the limits of the Fort Berthold Indian Reservation, in the State of North Dakota, and the sale and disposition of a portion of the surplus lands after allotment, and making appropriation and provision to carry the same into effect.

June 1, 1910.  
[H. R. 21804.]

[Public, No. 197.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he is hereby, authorized and directed to cause the unsurveyed part of the Fort Berthold Indian Reservation, in the State of North Dakota, to be surveyed, and to sell and dispose of, as hereinafter provided, all the surplus unallotted and unreserved lands within that portion of said reservation lying and being east and north of the Missouri River, and he shall cause an examination to be made of said lands by the Geological Survey; and if there be found any lands bearing coal or other mineral, the Secretary of the Interior is hereby authorized to reserve them from allotment or other disposition until Congress shall provide for their disposal: *Provided*, That any Indians to whom allotments may have been made within the area described herein may, in case they elect to do so before said lands are offered for sale, relinquish the same and select allotments in lieu thereof within the area in which the additional allotments hereinafter provided for are to be made.

Fort Berthold Indian Reservation, N. Dak.  
Sale of portion of unallotted lands in.

Mineral lands reserved.

*Proviso.*  
Relinquishment of allotments.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to cause an allotment of one hundred and sixty acres of agricultural land or three hundred and twenty acres of grazing land to be made from the lands of the Fort Berthold Indian Reservation to each member of the several tribes belonging to and occupying said reservation now living, such allotment to be in addition to any allotments heretofore made or which may be made under existing law: *Provided*, That all allotments made under this Act shall be made on that part of the reservation lying west and south of the Missouri River, or in townships one hundred and fifty north, of ranges ninety, ninety-one, ninety-two, and ninety-three west; townships one hundred and forty-nine north, of ranges ninety and ninety-one west; townships one hundred and forty-eight north, of ranges eighty-eight, eighty-nine, ninety, and ninety-one west; and townships one hundred and forty-seven north, of ranges eighty-seven, eighty-eight, eighty-nine, and ninety west, lying east and north of the Missouri River: *Provided further*, That all allotments of land in the townships specifically described and lying north and east of the Missouri River shall be made prior to a date to be fixed by the Secretary of the Interior, which date shall be not less than six months from and after the date of approval of this Act.

Additional allotments to Indians.

*Proviso.*  
Location.

Time for allotting.

SEC. 3. That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed and as long as agency,

Lands reserved for agency, etc.

the present bona fide claim of any actual occupant of any of said lands so occupied to the amount of land to which, under the law, he is entitled: *And provided further*, That said resurvey shall in no manner affect the rights of bona fide occupants of any of said lands to the land so occupied to the amount which said occupants are entitled to receive from the Government.

Approved, March 1, 1899.

March 1, 1899.

**CHAP. 322.**—An Act To regulate the height of buildings in the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the date of the approval of this Act no combustible or nonfireproof building intended to be used or occupied as a residence or as an apartment house or hotel in the District of Columbia shall be erected to a height of more than five stories or raised to a height exceeding sixty feet above the sidewalk, the measurement to be made as hereinafter prescribed.

—of business houses. **SEC. 2.** That buildings intended for business purposes solely may be erected to a height of seventy-five feet without being of fireproof construction.

Buildings hereafter erected to be fireproof. **SEC. 3.** That all buildings, except churches, hereafter erected or altered to exceed seventy-five feet in height shall be fireproof or non-combustible and of such materials throughout as may be prescribed by the Commissioners of the District of Columbia. Churches must be of fireproof construction up to and including the main or auditorium floor.

—churches. **SEC. 4.** That no building shall be erected or altered on any street in the District of Columbia to exceed in height above the sidewalk the width of the street in its front, and in no case shall a building exceed ninety feet in height on a residence street nor one hundred and ten feet on a business street, as designated by schedule approved by the Commissioners of the District of Columbia, except on business streets and business avenues one hundred and sixty feet wide, where a height not exceeding one hundred and thirty feet may be allowed. The height of buildings on corner lots shall in all cases be regulated by the limitations governing on the broader street: *Provided*, That spires, towers, and domes may be erected to a greater height than the limit herein prescribed, when approved by the Commissioners of the District of Columbia: *Provided further*, That on streets less than ninety feet wide, where building lines have been established so as to be a matter of public record and so as to prevent the lawful erection of any building in advance of said lines, the width of the street, in so far as it controls the height of buildings under this law, may be held to be the distance between said building lines.

Maximum height frame buildings. **SEC. 5.** That no wooden or frame building hereafter erected or altered and intended to be used for human habitations shall exceed in height three stories, or forty feet to the roof.

Measurement of height. **SEC. 6.** That the height of all buildings shall be measured from the level of the sidewalk opposite the middle of the front of the building to the highest point of the roof; if the building has more than one front the measurement shall be made upon the front facing the street of steepest grade. No parapet wall shall extend above the limit of height.

Public buildings excepted. **SEC. 7.** That the limitations of height herein prescribed shall not apply to Federal or municipal buildings.

Amendment. **SEC. 8.** That Congress reserves the right to alter, amend, or repeal this Act.

Approved, March 1, 1899.



## APPENDIX G

**SCHEDULE OF HEIGHTS OF BUILDINGS ADJACENT TO PUBLIC BUILDINGS, AS ADOPTED BY THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA, IN CONFORMITY WITH THE ACT OF CONGRESS OF JUNE 1, 1910, AND THE AMENDMENTS OF DECEMBER 30, 1910, AND MAY 20, 1912, AND AS AMENDED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, EFFECTIVE APRIL 20, 1999**

1. On G Street, NW, between Seventh and Ninth Streets, adjacent to the Civil Service Commission Building, no building shall be erected or altered so as to be higher than the horizontal line 90 feet above the top of the curb, at the northwest corner of Eighth and G Streets, NW. Ventilation and elevator shafts shall be set back from the side lines of the building a distance equal to the height of such shafts above the adjacent roof.
2. On F Street, NW, between Seventh and Ninth Streets, adjacent to the United States Patent Office, no building shall be erected or altered so as to be higher than the horizontal line 90 feet above the top of the curb at the southwest corner of Eighth and F Streets, NW. Ventilation and elevator shafts shall be set back from the side lines of the building a distance equal to the height of such shafts above the adjacent roof.
3. On Fifteenth Street, NW, between Pennsylvania Avenue and G Street, adjacent to the Treasury Building, the cornice line or parapet wall of any building shall not extend above a horizontal line 80 feet above the top of the curb, at the southeast corner of Fifteenth and G Streets, NW, and no part of the roof of any building shall be higher than a horizontal line 95 feet above the top of said curb, excepting ventilation and elevator shafts, which shall be set back from the side lines of the building a distance equal to the height of such shafts above the adjacent roof.
4. On Seventeenth Street, NW, between New York Avenue and G Street, confronting the State Department Building, no building shall be erected or altered so as to be higher than a horizontal line 80 feet above the top of the curb at the northwest corner of Pennsylvania Avenue and Jackson Place, excepting ventilation and elevator shafts, which shall be set back from the front and side lines of said building a distance equal to the height of such shafts above the adjacent roof.
5. On Pennsylvania Avenue, NW, in squares 167 and 221, confronting the Treasury Building and the State Department Building, no building shall be erected or altered so as to be higher than a horizontal line 80 feet above the top of the curb at the northeast corner of Pennsylvania Avenue and Madison Place for buildings to be erected or altered in square 221, and the curb at the northwest corner of Pennsylvania Avenue and Jackson Place for buildings to be erected or altered in square 167, excepting ventilation and elevator shafts, which shall be set back from the front and side lines of such building a distance equal to the height of such shafts above the adjacent roof.

6. On North Capitol Street, in square 625, confronting the City Post Office Building, no building shall be erected or altered to be higher than a horizontal line 90 feet above the top of the curb at the northwest corner of North Capitol Street and Massachusetts Avenue, excepting ventilation and elevator shafts, which shall be set back from the front and side lines of said building a distance equal to the height of such shafts above the adjacent roof.
7. On the north side of Maryland Avenue, NE, between First and Second Streets, adjacent to the Supreme Court Building, no building shall be erected or altered so as to be higher than a horizontal line 60 feet above the top of the curb at the northeast corner of the intersection of First Street and Maryland Avenue, NE. Ventilation and elevator shafts shall be set back from the front and side lines of the building at a distance equal to the height of such shafts above the adjacent roof.
8. On the east side of Second Street, NE, between East Capitol Street and Constitution Avenue, adjacent to the Supreme Court Building, no building shall be erected or altered so as to be higher than a horizontal line 60 feet above the top of the curb at the northeast corner of the intersection of Second and A Streets, NE. Ventilation and elevator shafts shall be set back from the front and side lines of the building a distance equal to the height of such shafts above the adjacent roof.
9. On the east side of Third Street, SE, between East Capitol Street and Pennsylvania Avenue, adjacent to the new Library of Congress Annex, no building shall be erected or altered so as to be higher than a horizontal line 70 feet above the top of the curb at the northeast corner of Third and A Streets, SE. Ventilation and elevator shafts shall be set back from the front and side lines of the building a distance equal to the height of such shafts above the adjacent roof.
10. On the south side of Pennsylvania Avenue, SE, between Second and Third Streets, adjacent the Library of Congress Annex, no building shall be erected or altered so as to be higher than the horizontal line 70 feet above the top of the curb at the southeast corner of the intersection of Second Street and Pennsylvania Avenue, SE. Ventilation and elevator shafts shall be set back from the front and side lines of the building a distance equal to the height of such shafts above the adjacent roof.
11. On the south side of Independence Avenue, SE, between First and Second Streets, adjacent to the Library of Congress, no building shall be erected or altered so as to be higher than a horizontal line 70 feet above the top of the curb at the southeast corner of First Street and Independence Avenue, SE. Ventilation and elevator shafts shall be set back from the front and side lines of the building a distance equal to the height of such shafts above the adjacent roof.

12. On the east side of First Street, SE, between Independence Avenue and C Street, adjacent to the House Office Building, no building shall be erected or altered so as to be higher than a horizontal line 70 feet above the top of the curb at the southeast corner of First Street and Independence Avenue, SE. Ventilation and elevator shafts shall be set back from the front and side lines of the building a distance equal to the height of such shafts above the adjacent roof.

13. On the south side of C Street, SE, between First and South Capitol Streets, SE, and between South Capitol Street and Delaware Avenue, SW, adjacent to the House Office Building and Annex, no building shall be erected or altered so as to be higher than a horizontal line 90 feet above the top of the curb at the southeast corner of South Capitol and C Streets, SE. Ventilation and elevator shafts shall be set back from the front and side lines of the building a distance equal to the height of such shafts above the adjacent roof.

14. On Fourteenth Street, SW, between D and Water Streets, confronting the Bureau of Printing and Engraving, no building shall be erected or altered so as to be higher than a horizontal line 80 feet above the top of the curb at the southeast corner of Fourteenth and D Streets, SW, excepting ventilation and elevator shafts, which shall be set back from the front and side lines of such buildings a distance equal to the height of such shafts above the adjacent roof. This restriction shall not apply to any structure that is set back from the 14th Street property line to a line that is continuous with the facade of the adjacent Bureau of Engraving and Printing annex building that is located along 14th Street, SW, between C and D Streets, SW. The height of a structure described in the preceding sentence shall be established in accordance with the requirements of An Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & Supp. 1999))), and the Zoning Regulations.

15. On the north side of C Street, NE, between First and Second Streets adjacent to the Senate Office Building Annex, no building shall be erected or altered so as to be higher than a horizontal line 70 feet above the top of the curb at the northeast corner of First and C Streets, NE. Ventilation and elevator shafts shall be set back from the side lines of the building a distance equal to the height of such shafts above the adjacent roof.

SOURCE: Appendix G of the Zoning Regulations, effective 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 DCR 4147 (May 7, 1999)). See Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8528 (October 20, 2000).

## Appendix E: Commission Actions



## Executive Director's Recommendation

Commission Meeting: September 12, 2013

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**PROJECT**  
**Height Act Study**

Washington, DC

**NCPC FILE NUMBER**

6886

**SUBMITTED BY**

Staff of the National Capital Planning Commission

**PROPOSED ACTION**

Authorization to release preliminary findings and evaluation for public comment

**REVIEW AUTHORITY**

40 U.S.C. § 8711 (e) (2)

**ACTION ITEM TYPE**

Staff Presentation

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### PROJECT SUMMARY

This Executive Director's Recommendation (EDR) includes preliminary findings and an evaluation related to federal interests and the 1910 Height of Buildings Act (Height Act). This EDR reflects the federal portion of the "Height Master Plan," which NCPC is jointly conducting with the District of Columbia. The House Committee on Oversight and Government Reform requested a joint study in October 2012. The federal perspectives outlined in this EDR are documented in a separate report, which will be forwarded to the Commission under separate cover. Staff requests that the Commission release the preliminary findings, evaluation, and report related to federal interests for a 30-day public comment period.

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### RECOMMENDATION

The Commission:

**Requests** authorization to release preliminary findings and evaluation for public comment.

### PROJECT REVIEW TIMELINE

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|                                           |                                                                                                                                                                                                                                                                                |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Previous actions</b>                   | <b>None</b>                                                                                                                                                                                                                                                                    |
| <b>Remaining actions</b><br>(anticipated) | <ul style="list-style-type: none"><li>- Findings are available for 30 day public comment ending October 14, 2013.</li><li>- Special Commission Meeting to accept public testimony (October 2, 2013).</li><li>- Approval of final recommendations (November 7, 2013).</li></ul> |

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- |  |                                                                                                                                          |
|--|------------------------------------------------------------------------------------------------------------------------------------------|
|  | <ul style="list-style-type: none"><li>- Transmittal to the U.S. House Committee on Oversight and Government Reform (November).</li></ul> |
|--|------------------------------------------------------------------------------------------------------------------------------------------|
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Prepared by Lucy Kempf  
09/10/13

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## I. PROJECT SUMMARY

For more than a century, the federal Height of Buildings Act of 1910 (“Height Act”) has shaped Washington’s unmistakable skyline. It is a skyline not dominated by corporate towers, but a cityscape that reinforces symbolic civic spaces and structures. The physical urban form of this purpose-built capital city reflects many democratic ideals. The Height Act has protected the setting and views to and from the National Mall, the institutions of our democracy, and our national memorials and parks. It also contributes to a street-level urban design character that includes broad sunlit streets, well-defined, consistent street walls, and carefully framed parks and memorials.

The law is simple, equitable, and has distributed development to all parts of the city rather than concentrating growth to a single high-rise cluster. It contributes to a stable and predictable real estate development climate. While the Height Act provides a maximum cap on building height in Washington, the District of Columbia establishes local requirements that further control height and design. Local zoning is often more restrictive than 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.”<sup>1</sup> 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.

To reflect Congressional guidance on the importance of protecting these national resources, the District and NCPC mutually agreed to the following principles to guide the Height Master Plan:

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



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

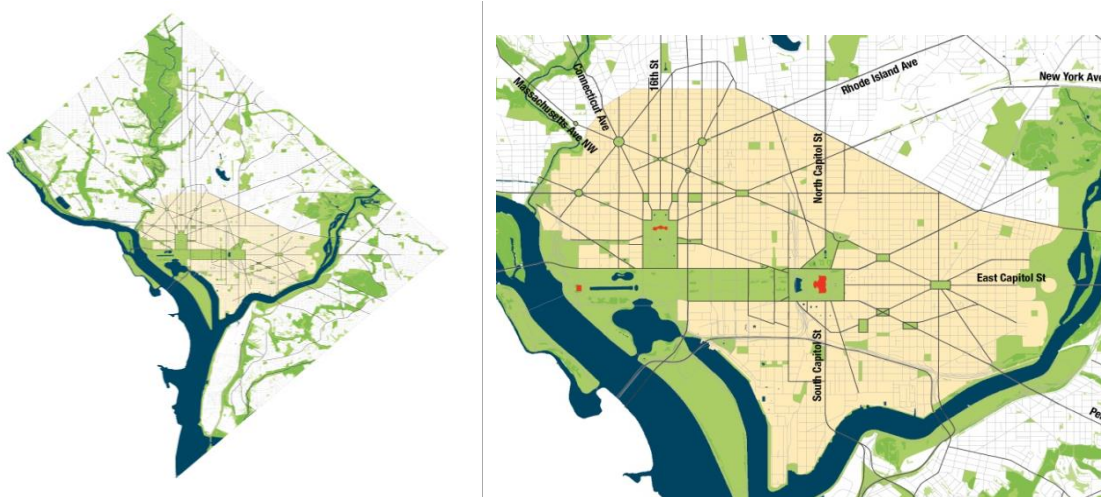


Figure 1: The Boundaries of the L'Enfant City

This EDR provides 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.

The EDR and report 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 has provided completed detailed urban design and economic studies that support a preferred approach. Consequently, the analyses and findings presented in this EDR regarding any strategic changes to the Height Act are broadly based on the information provided so far, and are conservatively framed to protect long-term federal interests in our national capital.

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<sup>2</sup> The L'Enfant Plan is the original plan for the city of Washington and generally covers the boundaries of the original Washington City.

The District has prepared visual modeling analyses that are a useful first step in assessing urban design impacts; however, the models are limited to conceptual approaches and have been organized to illustrate broadly framed urban design examples. To the extent possible, NCPC has evaluated the visual models for potential impacts to federal interests. While the District has provided draft information from a market-based economic study, sufficiently detailed, peer-reviewed data has not yet been publically released. Such study may include existing capacity, future growth projections, or the effectiveness of any approach to change heights and how this approach would address local development needs.

### **Federal Interests – Legislative History and Considerations**

- The form and character of the capital city have been a federal interest since 1790, when the Congress authorized the President to oversee the defining of its boundaries, the layout of its streets, and the construction of its first public buildings<sup>3</sup>. More than a century ago, Congress imposed restrictions on the height of buildings culminating in the 1910 Height Act. Originally adopted as a fire safety measure, the Height Act has resulted in Washington's unmistakable skyline; open streets and carefully framed national parks; and a setting that frames views to and from preeminent national institutions and symbols.
- Most significantly, the U.S. Congress strongly reaffirmed the federal interest as it relates to the heights of buildings during preparation of the District of Columbia Self-Government and Governmental Reorganization Act (Home Rule Act) in 1973.
- As the Home Rule Act was developed, members of Congress expressed concerns as to whether the bill adequately protected the interests of the federal government and a desire to ensure that the District of Columbia "remains a capital for all American citizens." In response, the House Committee on the District of Columbia and its Government Operations Subcommittee included specific provisions intended to protect federal interests.<sup>4</sup> Among these provisions is one that reserves to Congress the right to repeal any act passed by the Council, and another that states that the Council shall have no authority to "enact any act, resolution or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in Section 5 of the Height Act."<sup>5</sup>

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<sup>3</sup> See Residence Act of 1790.

<sup>4</sup> See 92 Cong. Rec Sept. 1993 (statement of Rep. Adams).

<sup>5</sup> See District of Columbia Home Rule Act, Pub. L. No. 93-198, tit. 6, sec. 602(a)(6); 87 Stat 774, 813 (December 24, 1973).



*Figure 2: The National Mall-Aerial*

- Since passage of the Home Rule Act, Congress has considered additional matters related to building height. For example, in 1991 it disapproved a City Council action that amended the Schedule of Heights to allow building height in excess of the Height Act.<sup>6</sup>
- As the seat of the federal government, a range of additional federal interests include:
  - the settings of iconic federal buildings and grounds such as the White House, the Capitol, the Washington Monument, the Jefferson and Lincoln Memorials, and the National Mall.
  - the elements of the L'Enfant Plan, including reservations, vistas, streets, and open space above the streets up to building height limits, which are also considered protected cultural resources under the National Register of Historic Places.<sup>7</sup>

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<sup>6</sup> See DC Act 8-329. See Public Law 102-11.

<sup>7</sup> For more information, see the National Register Nomination Form:  
<http://pdfhost.focus.nps.gov/docs/NRHP/Text/97000332.pdf>

- federal agency headquarters and offices, national memorials and museums, national parks, and diplomatic missions.
- matters related to security, infrastructure, and federal operations.

### **Overview of the Height Study**

- On July 19, 2012, representatives of the District of Columbia testified before the House of Representatives Committee on Oversight and Government Reform, Subcommittee on Health Care, District of Columbia, Census and the National Archives. In their testimony, representatives advocated more active uses of penthouses subject to Height Act regulation than is currently allowed, and an increase in overall building heights to accommodate future growth and enhance the city's tax base.
- Subsequently, Committee Chairman Darrell Issa wrote to the Mayor of the District of Columbia and the Chairman of the NCPC to "encourage the exploration of strategic changes to the Height Act in those areas outside the L'Enfant City that support local economic development goals while taking into account the impact on federal interests," and requested that "NCPC work with the District to formulate and submit to the Committee a joint proposal for such work."<sup>8</sup>
- In the months following the letter's receipt, the District of Columbia Office of Planning (DCOP) and NCPC worked together on the requested study. They developed a work plan and core principles for the development of alternatives (as described on page 2).
- NCPC and DCOP organized the work into three phases. During the first phase, NCPC developed case studies on the ways that cities around the nation and the world have regulated building heights. During this period, the District and NCPC conducted a series of public meetings to brief the public on plans for the study, and sought input on issues shaping federal and local interests.
- During the second phase, the District developed an economic feasibility analysis and a digital model of the city using GIS technology to illustrate various conceptual strategies for modifying building height.
- A series of alternative approaches for modifying height were then shown using the digital model, illustrative sites, and view locations. For their studies, the DCOP used designations in the *Comprehensive Plan* to exclude most low and medium density residential neighborhoods, and selected illustrative sites to model from areas currently designated for medium and high density development.
- NCPC and DCOP presented the modeling studies at five public meetings during the second phase. Many residents and local organizations provided feedback both verbally and in writing. The public comments received during phases one and two may be found in the Appendix.

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<sup>8</sup> See letter from Chairman Darrell Issa to the Hon. Vincent Gray and Mr. Preston Bryant, Jr. dated October 3, 2012.

- According to the schedule presented during the first phase, the third phase is currently scheduled to commence with the presentation of draft findings at the meeting of the National Capital Planning Commission on September 12. The Commission may authorize the release of the draft findings and any recommendations for a thirty day public review and comment period, followed by a special public meeting on October 2 to take public testimony.
- The Commission is scheduled to take a final action to approve the report at its meeting on November 7. The report, including recommendations, is scheduled to be submitted to the Congressional Committee following the November meeting.

### **Study Findings Related to Federal Interests**

1. 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.
2. 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.





Figure 3: Monumental Core Skyline at Night

3. 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 *Extending the 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.<sup>9</sup> Therefore, it cannot be said that the federal interest is limited to any certain area within the District, now or in the future.
4. 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.

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<sup>9</sup> 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).

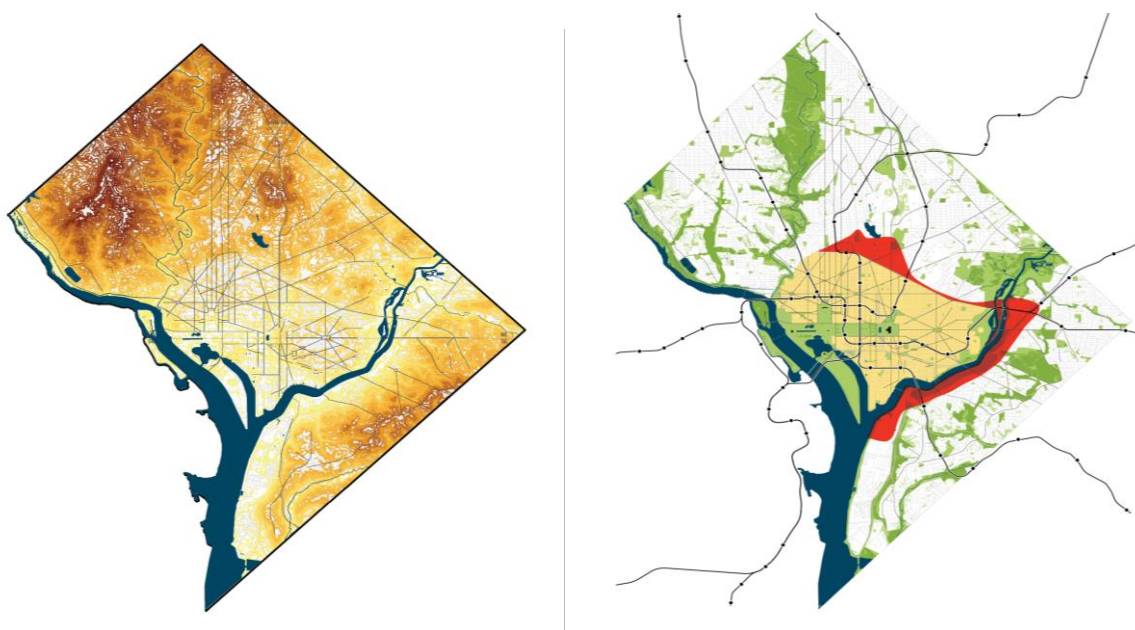


Figure 4: Images of Washington's Topographic Bowl, an elevated ridge around Washington's Historic L'Enfant City (Left: High points in dark brown)

5. 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.
6. 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.
7. The economic vitality of the national capital is also a federal interest. The federal government has transferred federal lands and property to support local goals for growth and community development.<sup>10</sup> The District of Columbia has 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.<sup>11</sup> After decades of population decline, the District has had a recent dramatic uptick in residential growth,

<sup>10</sup> 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).

<sup>11</sup> See the Washington Business Journal, August 26, 2013:

[http://www.bizjournals.com/washington/breaking\\_ground/2013/08/dc-has-nations-lowest-office-vacancy.html](http://www.bizjournals.com/washington/breaking_ground/2013/08/dc-has-nations-lowest-office-vacancy.html)

although still below its peak population of 800,000 residents.<sup>12</sup> The District ended fiscal year 2012 with a budget surplus of \$417 million.<sup>13</sup>

8. 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 hoteling<sup>14</sup>) and mission needs. In 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.<sup>15</sup>
9. Additional federal interests that should be considered include:
  - Security. 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.
  - Infrastructure. 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.
  - 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.

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

<sup>13</sup> 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>

<sup>14</sup> 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.

<sup>15</sup> 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.



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## **Conclusion**

As requested by the Committee, several potential opportunities for strategic change are outlined below.

1. 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 regulated by the Height Act, effectively limiting their use for anything other than mechanical equipment. Permitting a broader range of active uses in most parts of the city – if properly implemented and with certain restrictions – does not appear to affect federal interests in most instances. And, as noted in the District of Columbia's testimony before the House Committee on Oversight and Government Reform, allowing occupancy of penthouses may also increase the city's tax base.<sup>16</sup> Any strategic changes to the Height Act's restrictions related to penthouses should consider the following key goals:
  - 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.
2. There may be some opportunities for strategic change in the areas outside of the L'Enfant City and beyond the edge of the topographic bowl where there is less concentration of federal interests. However, based on the current *Comprehensive Plan* designations, the District has excluded much of this area from study, and only provided limited analysis of illustrative sites. More specific direction from the District and additional study is required to understand whether strategic changes to the Height Act would impact federal interests within this area.

## **II. REPORT RELATED TO FEDERAL INTERESTS AND THE HEIGHT ACT**

A report related to federal interests and the Height Act will be forwarded under separate cover.

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<sup>16</sup> See testimony of Harriet Tregoning before The House Committee on Oversight and Government Reform, July 19, 2012.



## Commission Action

September 12, 2013

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**PROJECT**  
**Height Act Study**

**NCPC FILE NUMBER**  
6886

Washington, DC

**APPLICANT'S REQUEST**  
Authorization to release preliminary findings and evaluation for public comment

**SUBMITTED BY**  
Staff of the National Capital Planning Commission

**ACTION TAKEN**  
Approve as requested

**REVIEW AUTHORITY**  
40 U.S.C. § 8711 (e) (2)

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The Commission:

**Authorizes** the release of the Draft Federal Interest Report and Findings for the Height Master Plan for Washington, DC for a 30-day public comment.

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|                                                       |        |
|-------------------------------------------------------|--------|
| Deborah B. Young                                      | [Date] |
| Secretary to the National Capital Planning Commission |        |



## Executive Director's Recommendation

Commission Meeting: November 19, 2013

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### PROJECT

Height Master Plan for  
Washington, DC

### NCPC FILE NUMBER

6886

### SUBMITTED BY

Staff of the National Capital Planning  
Commission

### PROPOSED ACTION

Authorization to transmit final  
recommendations to the U.S. House  
Committee on Oversight and  
Government Reform.

### REVIEW AUTHORITY

40 U.S.C. § 8711 (a)

### ACTION ITEM TYPE

Staff Presentation

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## INTRODUCTION

Great cities evolve in a way that is authentic to their history and their aspirations. If authenticity is built on those characteristics that make each city unique, surely the human-scaled, horizontal character associated with the capital city's building heights and its unmistakable, symbolic skyline, are integral elements of the city's DNA. Equally authentic to Washington's character is the tradition of long-range planning that asserts the capital's cityscape must be more than the random result of economic activity over time; rather, we aspire to a more explicit civic form. Built Washington – situated and scaled to respond to the natural environment – has emerged as both a place of form and experience for the residents of the District of Columbia, the nation's citizens, and the millions of visitors who come here annually.

In this context, the year-long process to develop the Height Master Plan (Height Plan) may be viewed as an important contribution to a dialogue about Washington's long-range plans to manage growth and development, and the role that building height plays within that conversation. This complex and multi-dimensional conversation about the city's growth cuts across both federal and District goals related to urban form, security, economic development, and infrastructure. The Height Plan also included the question of who or what entity should manage building heights, which is different from a discussion about building height limits per se. Here, the Height Plan gave voice to questions related to Home Rule as well as the role of the U.S. Congress, federal agencies and federal law in protecting the form and character of the capital city.

The fundamental qualities and national resources that contribute to Washington as the nation's capital must be protected now and into the future. For more than a century, the federal Height of Buildings Act of 1910 (Height Act) has played a central role in shaping Washington's skyline and cityscape to reinforce symbolic civic spaces and structures. The physical urban form of this purpose-built capital

NCPC File No. 6886

city reflects the nation's democratic ideals and provides a unique, special experience for residents and visitors. This legacy is in no small part due to the Height Act. The Height Study confirmed that the horizontal skyline, views, and street-level character shaped by the Height Act is a fundamental and valued urban design principle.

At the same time, cities evolve and Washington must also respond to 21<sup>st</sup> century demands and opportunities. After decades of population decline, the District has had an uptick in residential growth. In 2012, there are approximately 630,000 residents, up from 570,000 in 2000, but well below the District's peak population of 800,000 in 1950.<sup>1</sup> And, the District may continue to grow more populous and dense in the decades to come. Like all cities, it must address changing development trends, manage long-term growth, provide necessary infrastructure and services, and balance a variety of interests.

The federal government shares the District's vision for a strong, vital capital city that addresses long-term challenges in a sophisticated, multidimensional way for the people of the District of Columbia and for all Americans. This commitment is reflected both in NCPC's current recommendations for the Height Plan as well as the federal government's decisions to transfer federal lands and property to support local goals for growth and community development.<sup>2</sup> The federal government continues to invest in neighborhoods in a way that is designed to meet both agency needs and local economic goals. Three of the most recent federal development projects, including two cabinet level headquarters, are located outside of traditional federal precincts, which promotes neighborhood investment.<sup>3</sup>

The question of building heights within the context of the city's overall strategy to accommodate future growth requires a long-range planning vision, not the ad hoc decision-making that often characterizes land-use decisions nation-wide. Thus, the Height Plan recommendations do *not* identify specific neighborhoods for growth. Rather, results of our work on the Height Plan and public feedback emphasizes the importance of a shared federal and local planning approach that is central to the city's heritage as one of the world's great planned capital cities. The recommendations focus on an established planning process – *the Comprehensive Plan for the National Capital* – to responsibly articulate the District's current and future needs to provide capacity and growth, while implementing these changes in a way that protects federal interests and national resources.

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<sup>1</sup> See the Washington Post, December 20, 2012: <http://www.washingtonpost.com/blogs/mike-debonis/wp/2012/12/20/census-d-c-added-30000-residents-in-27-months/>

<sup>2</sup> 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).

<sup>3</sup> 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).

## FINAL RECOMMENDATIONS

- 1. The following recommendation is proposed only for areas inside of the L'Enfant City. Due to the concentration of federal interests within the L'Enfant City and to protect the integrity of the form and character of the nation's capital, the federal Height Act should remain in place and no changes should be made to the formula or approach for calculating allowable building height.***

Note: This recommendation reflects the guidance from Chairman Darrell Issa in the letter requesting the Height Study. It noted "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."<sup>4</sup>

### Discussion

The federal government has a continuing and primary stewardship role in the form of the nation's capital, and it is particularly evident in the structures and public spaces within the L'Enfant City. 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 preeminence of our civic and democratic institutions and national icons, including a lasting, symbolic skyline. The importance of retaining a federal stewardship responsibility within Washington, including the L'Enfant City, remains paramount today.

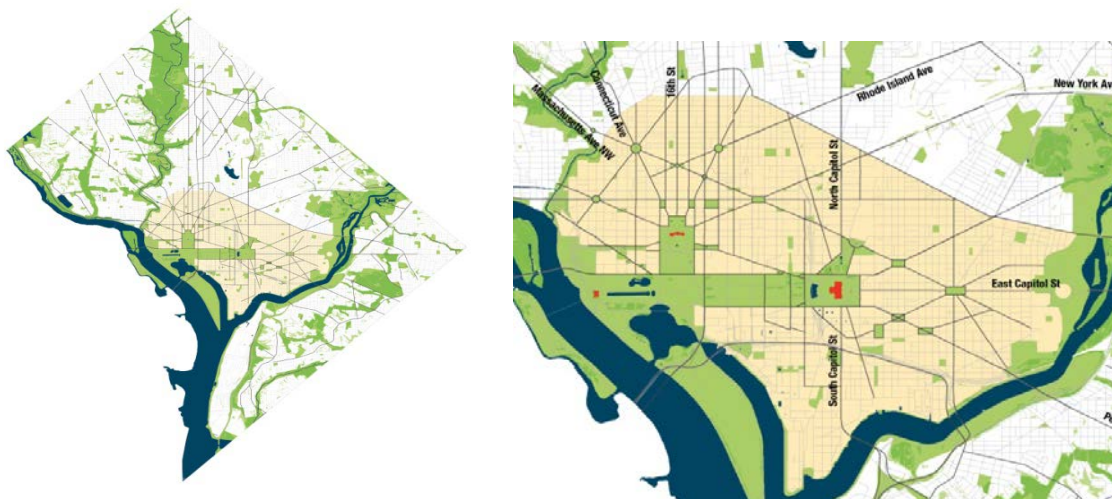
As a result of the studies and outreach conducted for the Height Plan, a number of federal interests related to building heights throughout Washington, DC were reaffirmed and identified. Federal interests include the institutions of our democracy, such as the U.S. Capitol, the White House, and the Supreme Court; national monuments, parks, museums and civic spaces; cultural and historic sites, especially those listed on the National Register of Historic Places; and federal headquarters, office and facilities – and related federal agency operations. These individual facilities and landscapes, their settings, and vistas to and from, are at the core of the city's image and the experience millions of visitors have of our national capital.

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<sup>4</sup> See letter from Chairman Darrell Issa to the Hon. Vincent Gray and Mr. Preston Bryant, Jr. dated October 3, 2012.

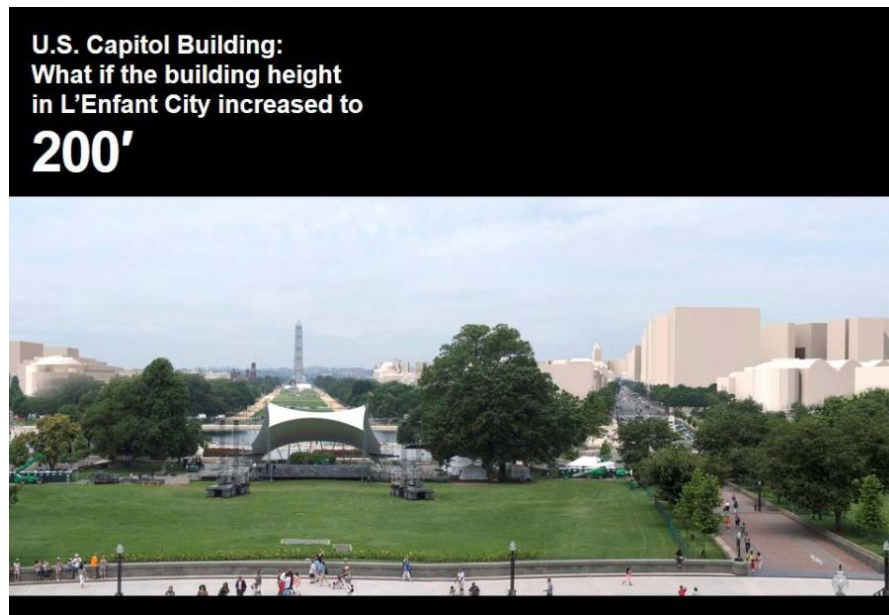
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### The Boundaries of the L'Enfant City



*Source: DC Office of Planning*

Based on the visual modeling work the DC Office of Planning conducted as part of the Height Plan, 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. Any building height increases may also impact the character of L'Enfant streets and public spaces.



*Source: DC Office of Planning*

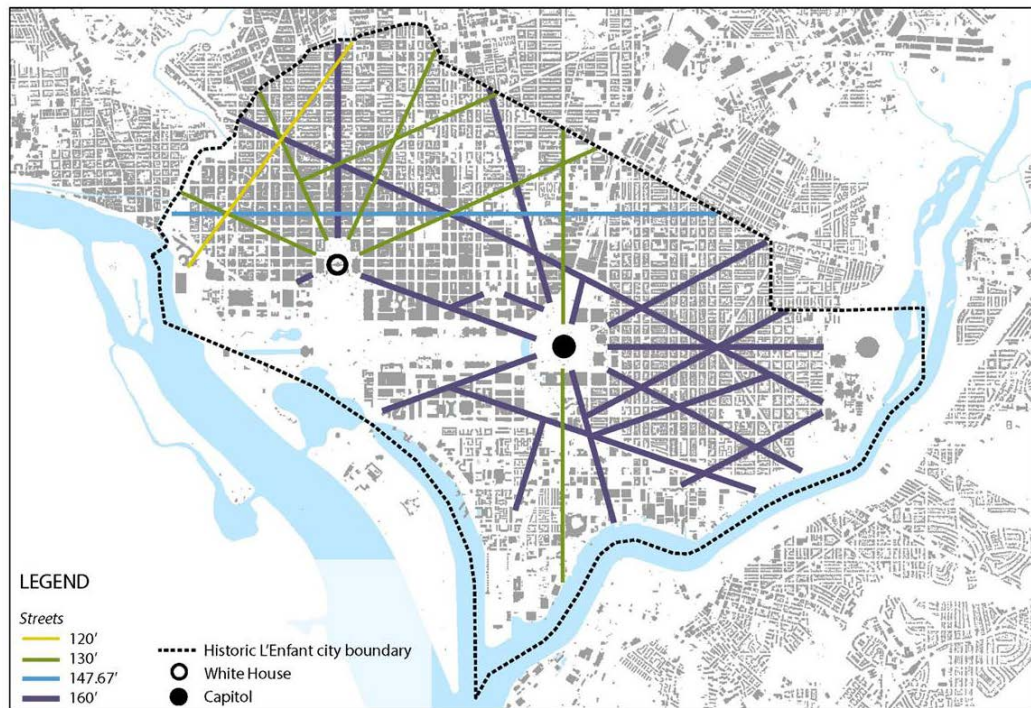
### The District's Preliminary Draft Recommendation: The Ratio Approach

The 1910 Height Act mandates a 1:1 ratio between the width of the right-of-way and the maximum building height on residential streets to a maximum height of 90 feet, a 1:1 ratio plus 20 feet of height for commercial streets, with a maximum height of 130 feet. Draft Recommendations issued by the District of Columbia on September 24, 2013, proposed replacing this methodology with a ratio of 1:1.25 between the street right-of-way and the maximum building height on commercial streets. This will be referred to as the ratio approach. NCPC appreciates the District's effort to utilize an urban design principle in its study and recommendations related to building height. However, based on staff's urban design evaluation as described below, it is of note that the ratio approach would likely add the most height where it is least appropriate: on streets and views focused on the U.S. Capitol and the White House, where building heights should be lower to emphasize views of these national resources.

In its analysis of this proposal, NCPC staff began by determining which streets would be affected and how each would be impacted under the ratio approach, and how. Not all L'Enfant Streets would see additional height under this approach. The streets that would see increased building heights under the ratio include:

- The streets with 130 foot rights-of-way, which include North and South Capitol Streets and most of the streets that focus on the White House.
- K Street is an anomaly, as the only L'Enfant street with a right-of-way of 147.67 feet.
- The streets with 160 foot rights-of-way, which include 16th Street north of the White House, Pennsylvania Avenue, Massachusetts Avenue, and other avenues that are focused on the U.S. Capitol.



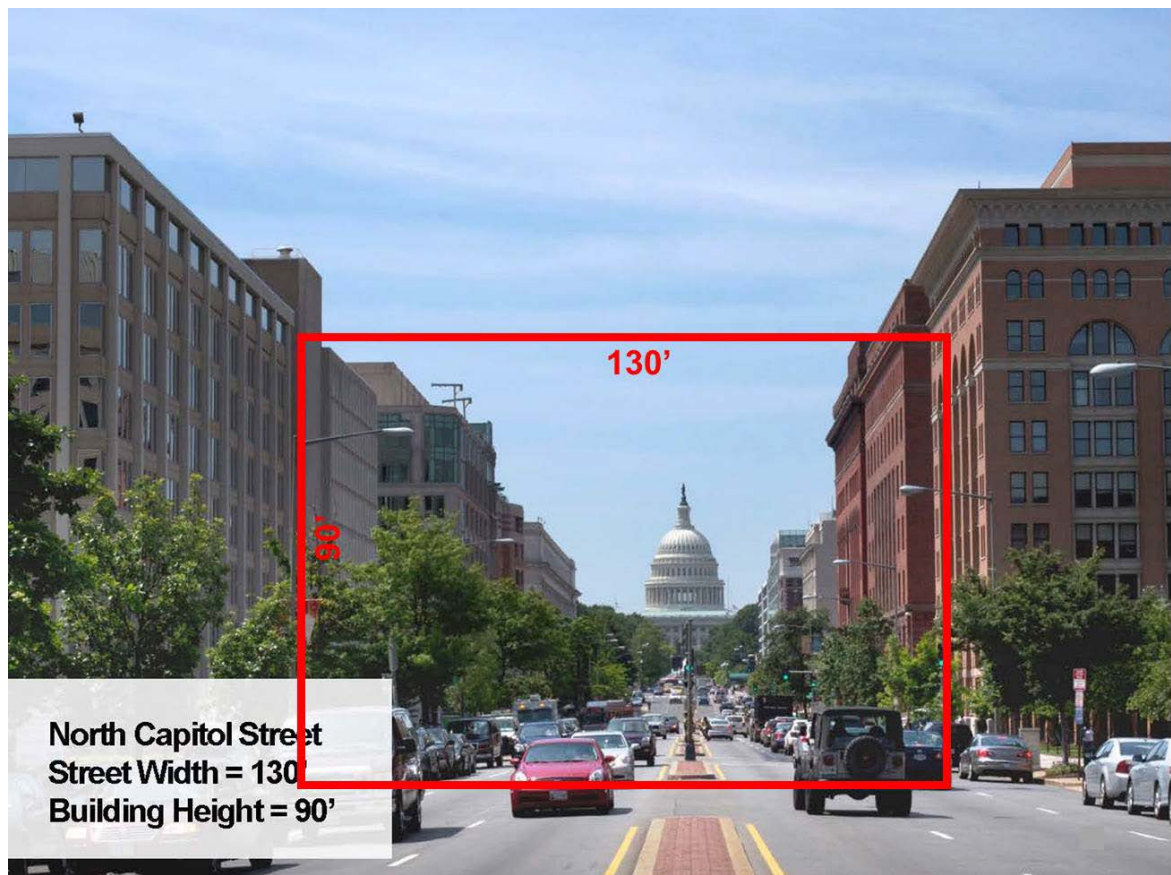


Source: National Capital Planning Commission

The next phase of NCPC's analysis focused on the existing character of the various L'Enfant streets. The city's traditional downtown is concentrated between Pennsylvania and Massachusetts Avenues NW to the south and north, and Mt. Vernon Square and Washington Circle to the east and west. The street sections on these largely commercial streets have a vertical, or "portrait" character. By contrast, the city's broader, more historically significant avenues have a more horizontal or "landscape" character, by virtue of the Height Act which caps their height to something less than their width.

The character of the diagonal avenues could be changed significantly under the ratio approach. It is NCPC staff's determination that because the ratio approach would eliminate this significant difference in character between the city's commercial streets, where private development predominates, and the avenues where public and civic buildings tend to be located, that the ratio approach would adversely affect federal interests.





North Capitol Street, showing flanking views of the Capitol along North Capitol Street that are cited as significant to the L'Enfant Plan. Existing by-right zoning limits building heights to 90 feet.

*Source: DC Office of Planning*

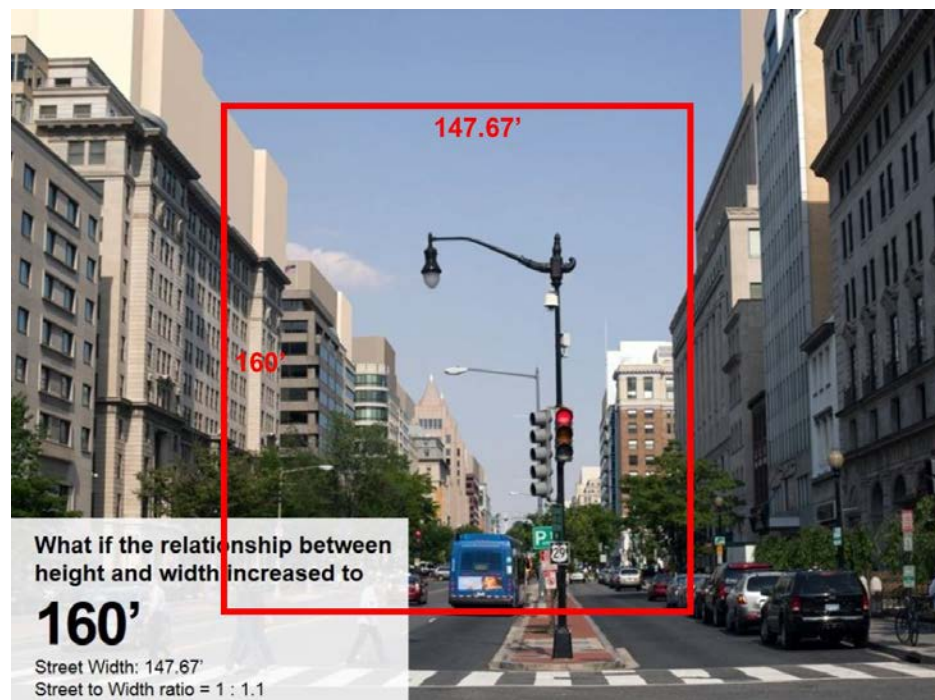
It is important to note the one exception to the rule of commercial streets having generally vertical street sections and civic avenues having generally horizontal street sections. That exception is K Street which, as noted earlier, is an anomaly due to its unusual 147.67 foot width. Because of the 130 foot cap, K Street is the only primarily commercial street in the L'Enfant City whose maximum building height is less than its width.



K Street NW, showing existing street width to building height proportion.

*Source: DC Office of Planning*

Building heights of 160 feet and 180 feet high were studied as part of the District's Modeling Study.



K Street NW, showing width to height proportion with maximum building height at 160 feet.

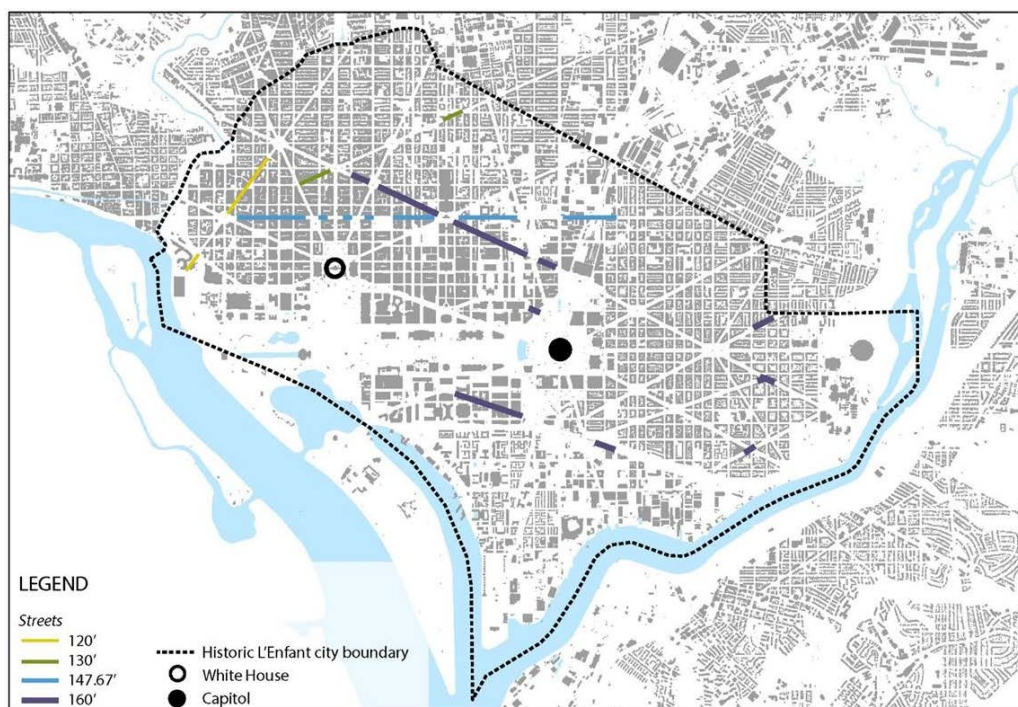
*Source: DC Office of Planning*



K Street, NW has notably oblique views of the White House precinct from radiating avenues, 16<sup>th</sup> Street and L'Enfant reservations, particularly two downtown parks, Farragut and McPherson Squares. However, K Street Northwest is the District's primary commercial street and an important regional transportation corridor. It has long been the focus of planning studies because of its important commercial status and the general view that its many public and private spaces are not living up to the street's potential.

Finally, in consideration of the District's goal for additional development capacity, NCPC staff looked to see where potential for significant additional building height was possible. It is also important to note that only a few of the streets that would be impacted under the District's proposed ratio approach are actually located in areas currently designated for medium and high density growth in the *District Elements of the Comprehensive Plan*. Thus, it does not appear that the city would realize much additional capacity under this proposal. The map below is a result of two important overlays:

- Streets where additional height would be allowed under the ratio approach are overlaid with areas currently designated by the District for medium to high density commercial and mixed-use development. All other areas are excluded.
- Streets with significant L'Enfant viewsheds or streets within historic districts are excluded.



Source: National Capital Planning Commission

When all of the streets in residential areas, historic areas, and federal precincts are removed, K Street (in blue above) stands out as an anomaly. It is the only east-west aligned street that remains largely available when the ratio approach is overlaid with medium and high density areas most likely to realize increased heights under this approach.

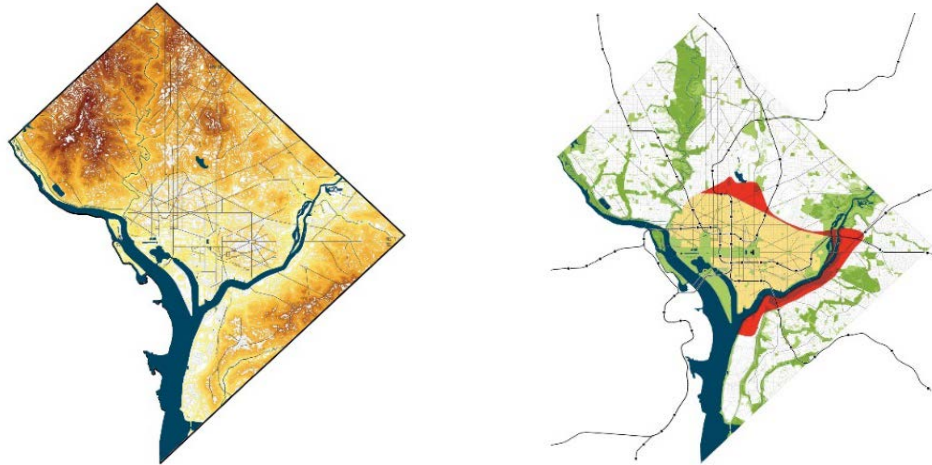
2. *The following recommendation is proposed only for areas outside of the L'Enfant City. The purpose of this recommendation is to balance the long-term potential growth needs of the city with the importance of protecting the integrity of the form and character of the nation's capital, including federal interests and local communities. The limits currently established in the federal Height Act should remain in place unless and until the District completes an update to the *District Elements* of the *Comprehensive Plan* where targeted area(s) that meet specific planning goals and also do not impact federal interests that are identified. Under this recommendation, building heights in targeted areas may be proposed to exceed the maximums under the federal law; and these may be authorized through the existing *Comprehensive Plan* process, pending Congressional approval. Should such targeted exceptions be authorized through the *Comprehensive Plan*, the Height Act would remain in place for all other areas both inside and outside of the L'Enfant City.*

Note: This recommendation reflects the guidance from Chairman Darrell Issa in the letter requesting the Height Study. It noted "...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..."

#### Discussion

There are federal interests that require review and protection outside of the L'Enfant City, which was laid out on a relatively flat area surrounded by low hills forming a green ridgeline. This ridgeline, now known as the Topographic Bowl, remains 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 these sites, their settings and 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, Rock Creek Park, the National Armed Forces Retirement Home and Lincoln Cottage, the Nebraska Avenue Complex, the Frederick Douglass House, the National Arboretum, and the International Chancery Center are examples of significant and diverse federal interests located outside the L'Enfant City.

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



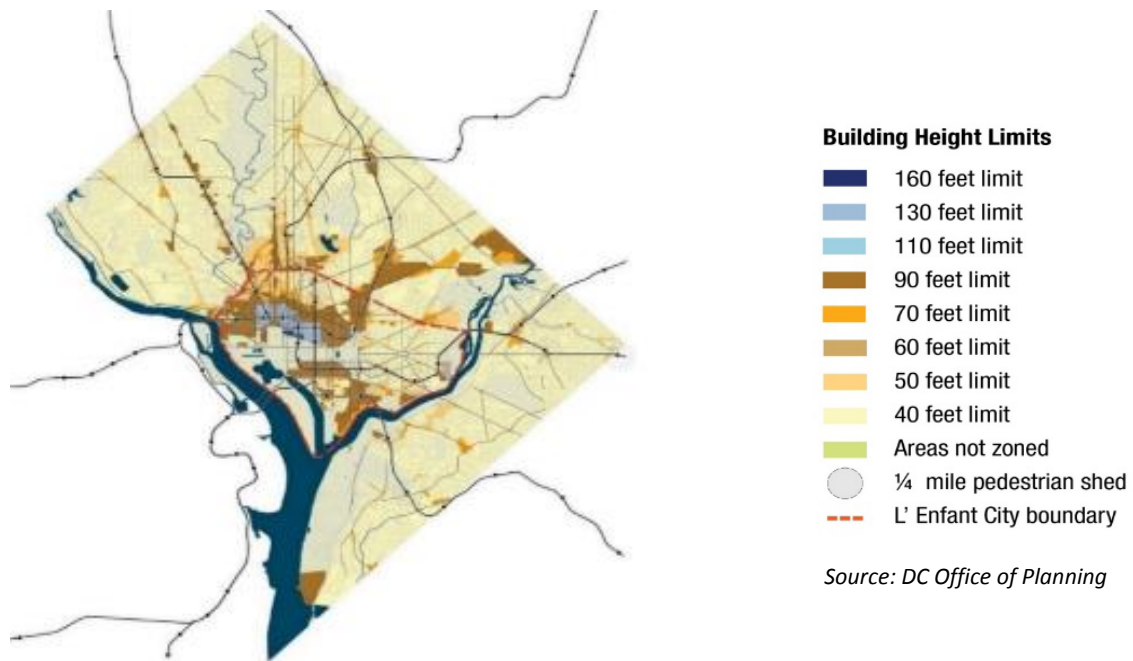
*Source: DC Office of Planning*

*The central issue for this recommendation is as follows:*

- On the one hand, the Height Act provides broad protection of the diverse federal interests outside of the L'Enfant City, and the federal government must continue to protect these national resources in perpetuity. However, as noted, these resources are less concentrated in this area, and from a federal perspective, opportunities for strategic change to the Height Act may exist.
- At the same time, as outlined in its draft report and through this Height Study process, the District has expressed concerns about its ability to effectively plan for its future growth. During this study the District put forward low, medium and high forecast rates for growth and noted concerns regarding the long-term constraints associated with the Height Act. As part of the analysis, the District put forward forecasts related to population growth, development capacity, housing costs and other benchmarks.

Since release of the District's draft report, there has been broad discussion - both in support of and in disagreement with - the methodology used to describe its demands for growth and additional capacity vis a vis heights. It has also been noted that local zoning across much of the area outside of the L'Enfant City is well below the limits established in the current Height Act. Throughout the study it was frequently asked: why increase federal height maximums in areas that are today built well below the limits of the federal law?

### Current Zoning Height Limits



One may agree or disagree with the methodology or conclusions in the District's preliminary draft recommendations. Understanding this outlook on the city's future is critical. However, a discussion of when, whether, and how the city may reach full build-out under the Height Act is not the only question, nor is it perhaps the central question. Perhaps a more fundamental question is by what process is it appropriate for that dialogue to occur and ultimately how should decisions related to growth and building heights be made? Both federal and District governments – together - share long-term interests in the city's form, infrastructure, security, and operations, and each must actively plan for the long-term management of the city's growth, with their respective perspectives in mind.

NCPC staff does *not* agree with the District's preliminary recommendation to eliminate the Height Act outside of the L'Enfant City. However, NCPC is recommending that if Congress determines to keep the Height Act in place city-wide, that it may also consider a process among the appropriate agencies and parties, by which questions of the city's long-term growth can be addressed in the area outside of the L'Enfant City. Although no one can predict the future of any one place, it is reasonable to assume that in the coming decades, important questions about growth will arise in the nation's capital. How should

these long-term issues be studied and addressed? Both NCPC staff and the District agree that the comprehensive planning process, which is already required by federal statute,<sup>5</sup> is the appropriate vehicle to articulate the District's goals for growth, including questions of building height. And it is also the appropriate vehicle to articulate federal interests and concerns outside of the L'Enfant City.

Thus, NCPC recommends that Congress amend the law today to allow for targeted exceptions through the federally-legislated comprehensive planning process. Through this process, the District will provide proposals at a level of detail to be adequately reviewed for impacts to federal interests, and measures can be identified, as needed, to protect these interests. The comprehensive planning process also offers an existing mechanism that provides federal law that provides for the public outreach and technical research sufficient to justify a change in the maximum heights established in the Height Act.

At this time, the District has not identified or proposed specific locations for changes to building heights. Rather than identifying the form and geographic locations of these targeted areas, these recommendations focus on a long-range planning process that protects federal interests and provides the District greater flexibility to plan for long-term growth.

The *Comprehensive Plan for the National Capital* is comprised of *Federal Elements* (prepared by NCPC) and *District Elements* (prepared by DCOP) that jointly reflect federal and local interests. The existing process to update the plan, as established in the federal Planning Act, specifies that after the District prepares updated *District Elements* that may include new studies, new and updated policies, and updated land use maps, the Elements are reviewed and approved by the DC Council and are then sent to NCPC. NCPC reviews the proposed *District Elements* to ensure there are no adverse impacts on federal interest and that the *District Elements* are consistent with the *Federal Elements*. NCPC has line item veto authority, and if any areas are flagged, the *District Elements* are returned to the Council to be amended and then return for NCPC review again. After NCPC reviews and approves the *District Elements*, the Council must enact the amendments into law and transmit the law to the U.S. Congress. If Congress fails to pass a joint resolution of disapproval within 30 days of receipt of the proposed act, the act is deemed effective.

Under this recommendation, the *Comprehensive Plan* is where fundamental decisions about heights would be made. If, under this recommendation, the *Comprehensive Plan* amendments are not passed, the zoning to allow for the height increases cannot be considered. The Zoning Commission is a 5-member board and includes two federal representatives. The Zoning Act requires that the all zoning be not inconsistent with the Comprehensive Plan. However, if it is determined that changes to the *Comprehensive Plan*

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<sup>5</sup> See, 40 U.S.C. §§8712-8713 (2013).

necessitate changes to zoning, these amendments are not self-executing (a formal recommendation must be made for the zoning to be updated).

Updates to the *Federal Elements* offer a way to identify changing federal interests to further define policies regarding existing and future federal facilities, operations and views that could be affected by changing building heights or need additional protections beyond that provided by the Height Act. Further study to identify and define potential impacts of additional building height throughout Washington on federal interests should be undertaken and incorporated into the *Federal Elements* of the *Comprehensive Plan for the National Capital*.

More targeted mechanisms, such as zoning overlays or reviews, may be appropriate to provide additional protection of federal interests, depending on the nature of the federal resource and related federal interests. NCPC and the District, together with affected federal agencies, should explore these options as part of the comprehensive planning process.

In addition to addressing federal interests, NCPC also notes the importance of responding to public concerns. During the public comment periods for the draft NCPC and District reports, residents, civic and professional organizations, and other District stakeholders provided feedback as to what building heights mean to their communities. A majority of citizens and advocacy groups testified in favor of retaining the Height Act, without change. Many of the comments expressed strong belief that no changes to the Height Act should occur until appropriately detailed studies and related public outreach are complete and make, a compelling case for change. Balancing these constituent concerns with the goals and issues related to housing costs and development capacity raised in the District's draft report requires additional, careful study. This should be conducted at the neighborhood level through the existing comprehensive planning process prior to any change to the maximum heights in any part of the city.

**3. *The following recommendation applies city-wide and is designed to protect views to and from important national resources, which are unlikely to change.***

**The city's most significant viewsheds, to include without limitation, those to and from the U.S. Capitol and the White House, should be further evaluated and federal and local protections established, which include policies in the Federal and District Elements of the *Comprehensive Plan*.**

Discussion

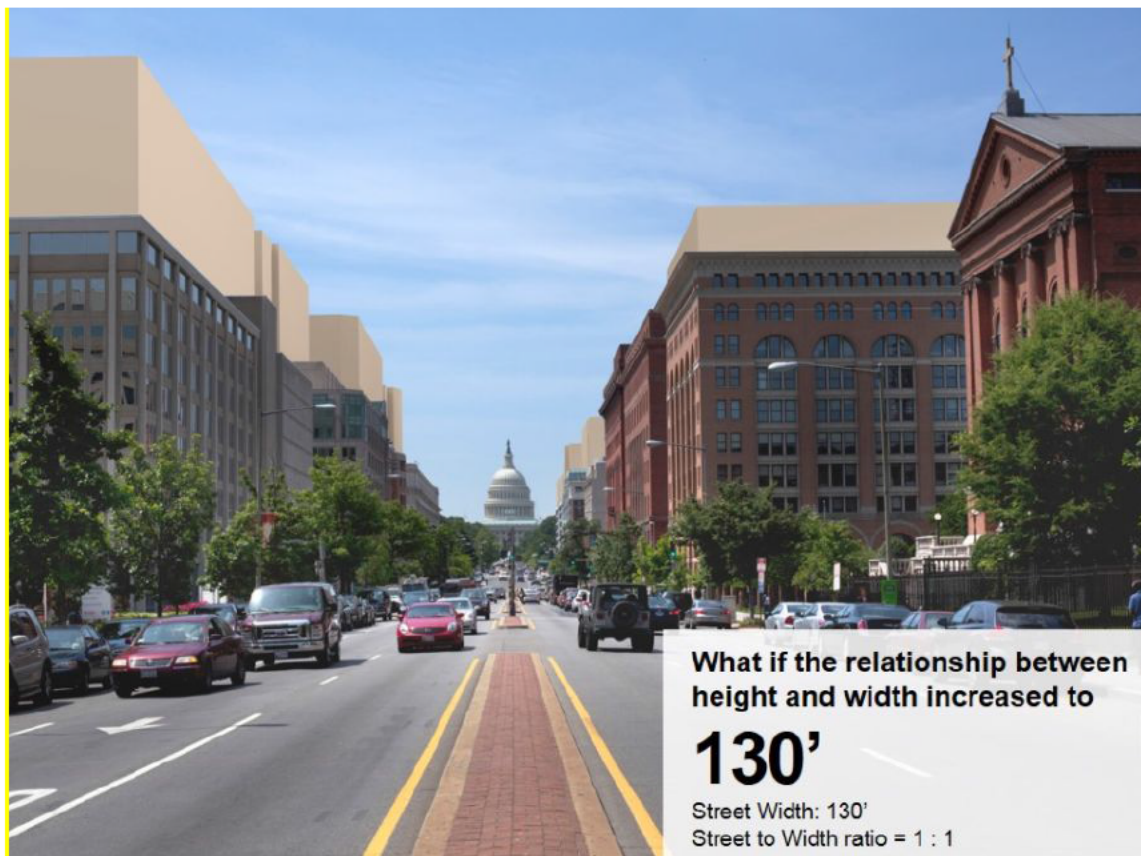
NCPC agrees with the District's recommendation to implement additional viewshed protections. NCPC staff notes that certain viewsheds may require further protection than is currently offered through the Height Act. The visual modeling studies demonstrate impacts to some federal resources if full build-out occurred under the current Height Act.



## NCPC File No. 6886

Protecting viewsheds such as those to the White House and the U.S. Capitol are strongly recommended. All options for protecting these resources over the long term – whether through the Comprehensive Plan or other regulatory tools, such as a zoning overlay, should be considered.

NCPC acknowledges that existing District of Columbia regulations and review already offer protection for several important viewsheds, but recommends that the federal government further define and protect these critical federal resources. This report therefore recommends further study to define these federal resources, identify their related viewsheds, and develop necessary protections through amendments to the Federal and *District Elements* of the *Comprehensive Plan* and as appropriate, changes to the District of Columbia Zoning Map to ensure the zoning map is not inconsistent with the *Comprehensive Plan*.



Source: DC Office of Planning

***4. The following provision is proposed city-wide.***

**Amend the Height Act to allow for human occupancy in existing and future penthouses, with restrictions.**

Discussion

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 above the maximums set by the Height Act, effectively limiting penthouse use for anything other than mechanical equipment. The form of penthouses continues to be a federal interest particularly within the L'Enfant City, where they contribute to the urban design character of the nation's capital. There are also site-specific security interests that must be evaluated in a limited number of cases. In general, permitting a broader range of active uses within penthouses in most parts of the city – if properly implemented and with certain restrictions – does not appear to significantly affect federal interests. Furthermore, penthouse occupancy may create opportunities for additional public amenities and improve environmental performance by encouraging sustainability features, such as green roofs.

And, as noted in the District of Columbia's testimony before the House Committee on Oversight and Government Reform, allowing occupancy of penthouses may also increase the city's tax base.<sup>[1]</sup>

It is important to note, any changes to penthouse restrictions must consider the following implications:

- Changing the regulation to allow occupancy is a fundamental conceptual change resulting in income and tax-producing useable area above the limits of the Height Act. This change introduces new economic forces that may alter the existing practice of keeping penthouses small to a new incentive to maximize penthouse volumes and make them expressive. Subsequent zoning and Comprehensive Plan updates must be sensitive to this change.

As this amendment will result in new economic incentives, staff recommends that the current 1:1 setback be maintained, a 20 foot maximum height for penthouses be imposed, and require mechanical structures be included within that maximum height. These steps are consistent with the currently proposed updates to the District Zoning Regulations and will protect the broad federal interest in the form of the city, particularly within the

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<sup>[1]</sup> See testimony of Harriet Tregoning before The House Committee on Oversight and Government Reform, July 19, 2012.

L'Enfant City. In summary, any changes to the Height Act's restrictions related to penthouses should consider the following provisions and goals:

- Include specific protections related to sightlines for select federal buildings including but not limited to, the U.S. Capitol and White House.
  - Support communal recreation space on rooftops by allowing human occupancy in roof structures, where use of those structures is currently restricted under the Height Act to mechanical equipment, so long as the façade of these structures continue to be set back from exterior building walls at a 1:1 ratio.
  - Impose an absolute 20 foot maximum height for penthouse structures above the level of the roof, which must contain within all mechanical equipment and elevator, stair and other enclosures, with no additional construction allowed above the penthouse roof for any purpose.
5. *The following nominal updates to the Height Act are recommended to ensure that all sections are relevant given present day technologies.*  
**Delete Sections 2-4 of the Height Act, as contained at 36 Stat 452, chap 263, sec 2-4 (1910), which solely relate to fireproof construction.**

These proposed deletions are antiquated fire and safety requirements that have been updated and incorporated into modern day codes by the District of Columbia.

## RECOMMENDATION

The Executive Director:

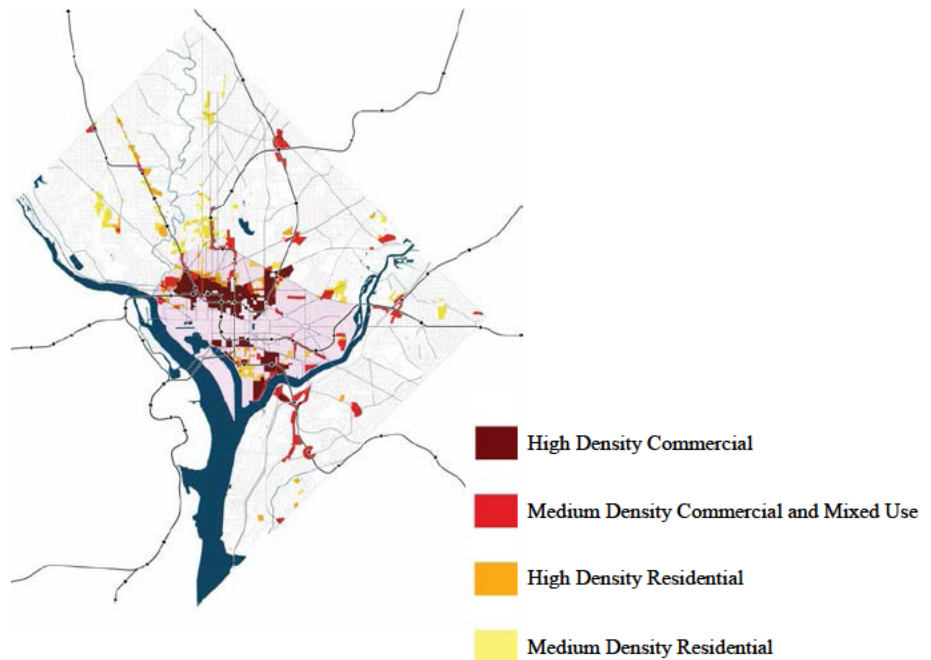
Requests authorization to transmit final recommendations and to submit an accompanying report to the U.S. House Committee on Oversight and Government Reform.

## PROJECT REVIEW TIMELINE

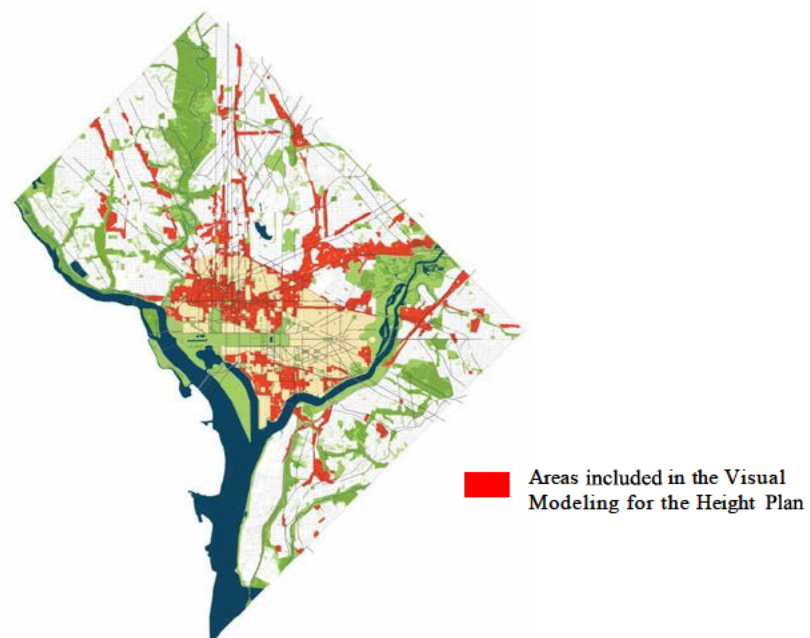
|                                           |                                                                                                                                                                                                                                 |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Previous actions</b>                   | <ul style="list-style-type: none"> <li>- Preliminary findings released for public comment on September 12, 2013</li> <li>- The Commission hosted a public hearing to accept oral testimony on October 30, 2013.</li> </ul>      |
| <b>Remaining actions</b><br>(anticipated) | <ul style="list-style-type: none"> <li>- Special Commission Meeting on November 19 to consider draft final recommendations and authorize transmittal to the U.S. House Committee on Oversight and Government Reform.</li> </ul> |

NCPC File No. 6886

**Figure 1: Moderate and high land use information based on the District of Columbia Comprehensive Plan Future Land Use Designations**



**Figure 2: Areas included in the Height Plan Visual Models**



Source: DC Office of Planning

**I. The Height Master Plan: Key Tasks and Deliverables**

On July 19, 2012, representatives of NCPC, the District of Columbia, civic groups, and business representatives testified before the U.S. House of Representatives Committee on Oversight and Government Reform, Subcommittee on Health Care, District of Columbia, Census and the National Archives. In the District's testimony, representatives advocated more active uses of penthouses subject to Height Act regulation than is currently allowed, and an increase in overall building heights to accommodate future growth and enhance the District's tax base.

Subsequently, Committee Chairman Darrell Issa wrote to the Mayor of the District of Columbia and the Chairman of NCPC to "encourage the exploration of strategic changes to the Height Act in those areas outside the L'Enfant City that support local economic development goals while taking into account the impact on federal interests," and requested that "NCPC work with the District to formulate and submit to the Committee a joint proposal for such work."<sup>6</sup>

In the months following the letter's receipt, the District of Columbia Office of Planning and NCPC worked together on the requested Height Master Plan. They developed a work plan and agreed to three core principles for the development of alternatives.

NCPC led the public process in close coordination with the District of Columbia. NCPC maintained a robust on-line presence for the joint study. A dedicated website displayed all study materials, posted public comments and media articles, and shared modeling images. Many residents and local organizations provided feedback both verbally and in writing. The public comments received throughout the project may be found in the report appendix.

NCPC and The District organized development of the Height Master Plan into three phases:

During the first phase, NCPC developed case studies on the approaches used to manage building height in peer cities domestically and around the world. During this period, the District and NCPC conducted a series of public meetings to brief the public on plans for the study, and sought input on issues shaping federal and local interests.

During the second phase, the District updated the digital model of the city using GIS technology. The model was used to illustrate various conceptual strategies for modifying building height. A series of alternative approaches for modifying height were then shown using a combination of the digital model and aerial photography of selected illustrative sites, and views. For their studies, the District used designations in the currently adopted District Elements of the Comprehensive Plan to exclude most low and medium density residential neighborhoods, and selected illustrative sites to model areas currently designated for medium and high density development. Visual simulations of building heights were modeled to a maximum height of 200 feet within the L'Enfant City, and no more than 225 feet in areas beyond. A selection of images from the modeling were presented at five public meetings throughout the second phase, while the entire index of 356 images was posted online for public review and feedback.

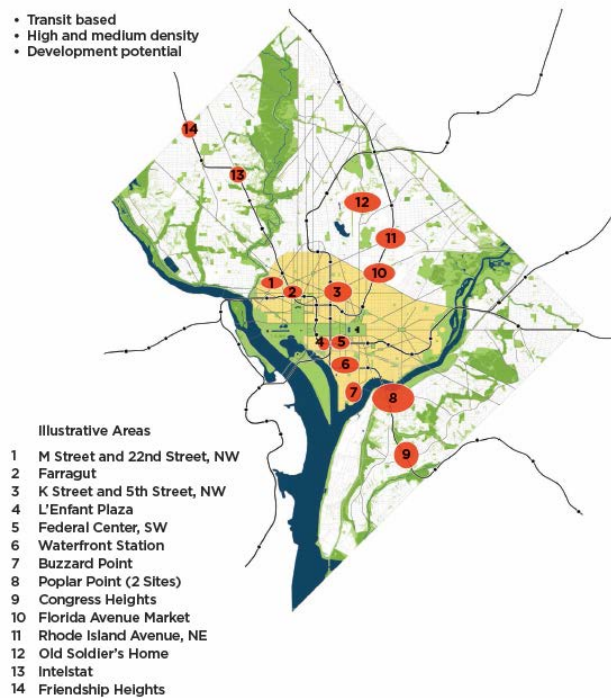
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<sup>6</sup> See letter from Chairman Darrell Issa to the Hon. Vincent Gray and Mr. Preston Bryant, Jr. dated October 3, 2012.

### Areas Excluded from the Modeling Study



### Illustrative Clusters in the Modeling Study





NCPC File No. 6886

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The third phase commenced with the presentation of draft findings and recommendations at the meeting of the National Capital Planning Commission on September 12. NCPC preliminary recommendations recognized:

- (1) Opportunities to amend the Height Act to allow penthouse occupancy and/or more active uses throughout the city.
- (2) There are federal interests outside of the L'Enfant City and beyond the edge of the Topographic Bowl, however, they are less concentrated.
- (3) There may be opportunities for strategic changes to the Height Act in this area, however those changes (specific, geographic or procedural) are undefined in the preliminary recommendations.

The District released its draft recommendations on September 24. The District's preliminary recommendations suggested:

- (1) Amending the Height Act to implement a ratio approach of 1:1.25 within the L'Enfant City.
- (2) Implementing viewshed protections.
- (3) Eliminating the Height Act outside the L'Enfant City and allow local zoning and the Comprehensive Plan to govern maximums. Federal representation on the zoning commission (40%) and approval of the District Comprehensive Plan is sufficient to protect federal interests.

Opportunities for public input on the separate NCPC and District of Columbia reports included:

- An informational public meeting on September 25 hosted by NCPC
- A public hearing held on October 28 hosted by the District of Columbia Council Committee of the Whole
- A public hearing on October 30 hosted by NCPC

At the close of Phase III, the Commission is scheduled to take a final action to approve the report at a special meeting on November 19. The report, including recommendations, is scheduled to be submitted to the Congressional Committee following the November meeting.

## II. BASIS FOR RECOMMENDATIONS

This EDR provides findings relative to current and future federal interests in the Height Act and final recommendations regarding whether strategic changes are appropriate and how those changes should be undertaken.

NCPC's recommendations and findings related to federal interests considered:

- a. Legislative history related to building heights and the federal interest
- b. Guidance from an October 3, 2012 letter from Chairman Issa requesting the study
- c. In-depth discussions with federal stakeholders regarding federal facilities and operations and future national and federal development needs
- d. Federal interests in the symbolic, historic and urban design form of the national capital as reflected in the study's three core principles
- e. The District of Columbia's draft report
- f. Policy Matters Related to the Public Interest
- g. Public comments, letters, and testimony collected throughout all phases of the study

a. Legislative history related to heights and the federal interest

The form and character of the capital city have been a federal interest since 1790, when the Congress authorized the President to oversee the defining of its boundaries, the layout of its streets, and the construction of its first public buildings.<sup>7</sup> More than a century ago, Congress imposed restrictions on the height of buildings culminating in the 1910 Height Act. Originally adopted as a fire and life safety measure, the Height Act has resulted in Washington's unmistakable skyline; open streets and carefully framed national parks; and a setting which emphasizes views to and from preeminent national institutions and symbols.

Most significantly, the U.S. Congress strongly reaffirmed the federal interest as it relates to the heights of buildings during preparation of the District of Columbia Self-Government and Governmental Reorganization Act (Home Rule Act) in 1973.

As the Home Rule Act was developed, members of Congress expressed concerns as to whether the bill adequately protected the interests of the federal government and a desire to ensure that the District of Columbia "remains a capital for all American citizens." It was noted that the Height Act shaped Washington's form and provides the setting in which Americans experience the capital city and its symbols.

In response, the House Committee on the District of Columbia and its Government Operations Subcommittee included provisions intended to protect federal interests.<sup>8</sup> Among these provisions is one that reserves to Congress the right to repeal any act passed by the Council, and another that states that the Council shall have no authority to "enact

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<sup>7</sup> See Residence Act of 1790.

<sup>8</sup> See 92 Cong. Rec Sept. 1993 (statement of Rep. Adams).



any act, resolution or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in Section 5 of the Height Act.”<sup>9</sup>

Since passage of the Home Rule Act, Congress has considered additional matters related to building height. For example, in 1991 it disapproved a City Council action that amended the Schedule of Heights to allow building height in excess of the Height Act.<sup>10</sup>

b. Guidance from an October 3, 2012 letter from Chairman Issa requesting the study

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.”<sup>11</sup> 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 – now and in the future — as well as the importance of a thriving, economically stable city.

c. In-depth discussions with federal stakeholders regarding federal facilities and operations and future national and federal development needs

Throughout the Height Master Plan, NCPC consulted with representatives from the following federal agencies and organizations. Agencies were selected due to their significant land holding, assets, and/or other mission critical or operational needs potentially affected by proposed changes to building heights.

A combination of conversations and facilitated discussions were held with the following:

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<sup>9</sup> See District of Columbia Home Rule Act, Pub. L. No. 93-198, tit. 6, sec. 602(a)(6); 87 Stat 774, 813 (December 24, 1973).

<sup>10</sup> See DC Act 8-329. See Public Law 102-11.

<sup>11</sup> See letter from Committee Chairman Darrell Issa, dated October 3, 2012 in Appendix A.

- The elements of the L'Enfant Plan, including reservations, vistas, streets, and the open space above the streets up to building height limits, which are considered protected cultural resources under the National Register of Historic Places<sup>12</sup>
  - The Topographic Bowl, including the natural ridgeline setting it provides and the cultural and natural resources it contains
  - Federal agency headquarters and offices, national memorials, commemorative works, museums, cultural institutions, national parks, and diplomatic missions
  - Matters related to physical security, communications, and emergency response
  - Matters related to current and future infrastructure and capacity
  - Federal operations
- d. Federal interests in the symbolic, historic and urban design form of the national capital as articulated in the three core principles guiding development of the Height Master Plan  
To reflect Congressional guidance on the study's direction and the importance of protecting national resources, the Mayor of the District of Columbia and the Chairman of the NCPC agreed to the following principles to guide development of the Height Master Plan:
- Ensure the prominence of federal landmarks and monuments by preserving their views and setting
  - Maintain the horizontality of the monumental city skyline
  - Minimize negative impacts to significant historic resources, including the L'Enfant Plan<sup>13</sup>
- e. The District of Columbia's draft report  
The District of Columbia's draft report included the following recommendations:
- Implement a ratio approach of 1:1.25 within the L'Enfant City
  - Eliminate the Height Act outside of the L'Enfant City and allow the District Elements of the Comprehensive Plan to determine maximum heights
  - Implement viewshed protections

The District's draft report also included an economic feasibility analysis particularly focused on adding height to additional buildings and new construction; new forecasts for population growth; a capacity study; and a discussion of the District's goals for housing and economic development.

- f. Matters related to equity and the public interest

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<sup>12</sup> For more information, see the National Register Nomination Form: <http://pdfhost.focus.nps.gov/docs/NRHP/Text/97000332.pdf>

<sup>13</sup> The L'Enfant Plan is the original plan for the city of Washington and generally covers the boundaries of the original Washington City.

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 and moving forward it is important to remain sensitive to the constituencies who would be impacted by changing heights. The Comprehensive Plan is an appropriate area to understand and incorporate the views of these diverse constituencies.

g. Public comments, letters, and testimony collected throughout all phases of the study

The public provided comments on the draft recommendations proposed separately by NCPC and the District of Columbia. All recognized the importance and impact of the Height Act on Washington's form, image, and development. Contributors cited the positive attributes of the Height Act, while others critiqued its impacts, and others balanced both.

Consistent themes and concerns were expressed throughout each phase of the study. These include housing affordability, infrastructure capacity, protection of historic and cultural resources, a dual capital city and local character, and the acknowledgement of the trade-offs of any proposed change.

Staff compiled and reviewed all online submissions, formal letters, and testimony provided to NCPC, the District of Columbia Office of Planning, and the DC Council. Due to the fact that the federal and District draft reports were released separately, with separate comment periods, some submissions were collected more than once. A compilation of all online contributions and a summary of formal feedback is included in the report's appendix.

Ten public meetings and workshops were hosted at locations citywide -- bringing the conversation to the each of the District's eight wards. Each session was attended by approximately 75 to 100 individuals. Citizens in 16 states and four countries submitted more than 300 online comments.

104 formal letters and written testimony were offered in direct responses to the draft recommendations released in Phase 3. An analysis of these contributions follows:

- 488 individual residents testified or submitted written formal comments.  
122 supported / 366 against any changes to the Height Act
- 29 civic associations testified or submitted written formal comments.  
2 supported / 27 against any changes to the Height Act
- 23 issue and advocacy groups testified or submitted written formal comments, including the American Institute of Architects, the Coalition for Smarter Growth, the Historic Districts Coalition, and the National Trust for Historic Preservation.  
2 supported / 21 against any changes to the Height Act

- 4 development and business groups, while not advocating “formal” positions, supported exploring Height Act changes. These included the Developers Roundtable, the Greater Washington Board of Trade, the DC Building Industry Association, and The BF Saul Company/Goulston & Storrs

Consistent themes cited by the public regarding NCPC's and the District's draft recommendations included:

- Recognition that long-term application of the Height Act has shaped a special city. People did not want to alter the Height Act without careful study and a compelling case for change, which had not yet occurred
- Acknowledgement that the Height Act plays a significant role in the city's character, identity, and development from both a local and national perspective
- Interest in reconciling the NCPC and District reports and recommendations. Many noted that they wanted to resolve this at ‘our’ level, and that leaving the decision to Congress was the antithesis to Home Rule



## Commission Action

November 19, 2013

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**PROJECT**

**Height Master Plan**

Washington, DC

**NCPC FILE NUMBER**

6886

**NCPC MAP FILE NUMBER**

N/A

**SUBMITTED BY**

Staff of the National Capital Planning  
Commission

**APPLICANT'S REQUEST**

Authorization to transmit final  
recommendations to the U.S.  
House Committee on Oversight and  
Government Reform

**REVIEW AUTHORITY**

40 U.S.C. § 8711(a)

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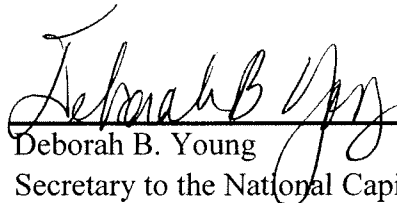
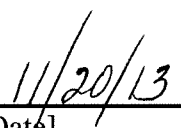
The Commission:

Authorized transmittal of the following final recommendations and accompanying report to the U.S. House Committee on Oversight and Government Reform:

1. To protect the integrity of the form and character of the nation's capital, the federal Height Act should remain in place and no changes should be made to the formula or approach for calculating allowable building height.
2. There may be some opportunities for strategic change in the areas outside of the L'Enfant City where there is less concentration of federal interests. However, additional study is required to understand whether strategic changes to the Height Act would impact federal interests within this area.
3. The city's most significant viewsheds, to include without limitation, those to and from the U.S. Capitol and the White House, should be further evaluated and federal and local protections established, which include policies in the Federal and District Elements of the Comprehensive Plan.
4. Amend the Height Act to allow for human occupancy in existing and future penthouses, with the following restrictions:
  - Include specific protections related to sightlines for select federal buildings including but not limited to, the U.S. Capitol and White House.
  - Support communal recreation space on rooftops by allowing human occupancy in roof structures, where use of those structures is currently restricted under the Height Act to

mechanical equipment, so long as the façade of these structures continue to be set back from exterior building walls at a 1:1 ratio.

- Impose an absolute 20 foot maximum height and a limitation of one story for penthouse structures above the level of the roof, which must contain within all mechanical equipment and elevator, stair other enclosures, with no additional construction allowed above the penthouse roof for any purpose.
5. Delete Sections 2-4 of the Height Act, as contained at 36 Stat 452, chap 263, sec 2-4 (1910), which solely relate to fireproof construction. These proposed deletions are antiquated fire and safety requirements that have been updated and incorporated into modern day codes by the District of Columbia.

   
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Deborah B. Young [Date]  
Secretary to the National Capital Planning Commission