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 existingHeight 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