



COUNCIL OF THE DISTRICT OF COLUMBIA
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

Phil Mendelson
Chairman

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November 22, 2013

The Honorable Darrell Issa, Chairman
Committee on Oversight and Government Reform
United States House of Representatives
Washington, DC 20515

Dear Chairman Issa:

I was shocked to learn through the media that the Mayor of the District of Columbia has submitted recommendations to change the federal Height of Buildings Act of 1910, recommendations that are widely unsupported. Not only are these recommendations almost universally opposed by citizens throughout the District, as evidenced at an October 28th hearing held by the Council and at the several hearings held by the National Capital Planning Commission (NCPC), but, only the day before the Mayor's representative to the NCPC – the Director of the Office of Planning (OP) – had urged NCPC members to support something different. Rather than abide by a collaborative effort which OP itself urged, the Executive has now unilaterally gone to you for relief.

It is a core value of our local government that when we disagree with each other we do not go to Congress to get our way. Yet in essence that is what our Executive has done.

The Height of Buildings Act together with the L'Enfant plan and the McMillan Commission plan, has made Washington, D.C. unique and a world-class city, with both a magnificence and a human scale. It is a scale that respects and not overwhelms our local and national landmarks. Any change to the Height Act should carefully follow – *not precede* – thorough land use planning. But our Executive seeks amendment now, before adequate planning, notwithstanding that only three years ago the city revised its Comprehensive Land Use Plan with nary a word about changing the Height Act. And notwithstanding that the approach was overwhelmingly rejected by our planning partners, the NCPC.

Enclosed is a copy of a Sense of the Council resolution co-introduced by 12 of our 13 members objecting to the OP proposal. The Mayor's representatives to the NCPC reacted to this and the citizen criticism by saying it amounted to distrust of the government (the reason citizens don't want local authority to raise heights outside the L'Enfant city is because they don't trust their government). But the complete disregard for all that the citizens, Council, and NCPC have said underscores the distrust.

Please recognize that the Mayor's submission is not supported by the Council and the vast majority of District residents.

Sincerely,


A handwritten signature in black ink, appearing to read "Phil Mendelson".

Phil Mendelson, Chairman

enc.

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Memorandum

To: Members of the Council
From: 
Nyasha Smith, Secretary to the Council
Date: November 20, 2013
Subject: Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Committee of the Whole on Tuesday, November 19, 2013. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Sense of the Council Against Amending the 1910 Height Act Resolution of 2013", PR20-0557

INTRODUCED BY: Chairman Mendelson and Councilmembers Catania, Orange, Evans, Bowser, Wells, Grosso, Graham, Cheh, McDuffie, Alexander and Bonds

Retained by the Council with comments from the Committee of The Whole.

Attachment

cc: General Counsel
Budget Director
Legislative Services

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Chairman Phil Mendelson



Councilmember Anita Bonds



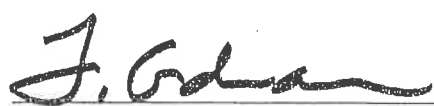
Councilmember David Catania



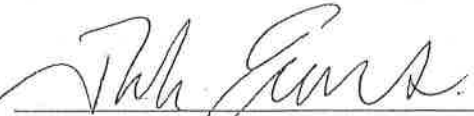
Councilmember David Grosso



Councilmember Vincent Orange, Sr.




Councilmember Jim Graham



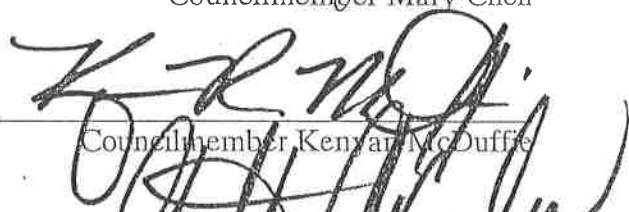
Councilmember Jack Evans




Councilmember Mary Cheh



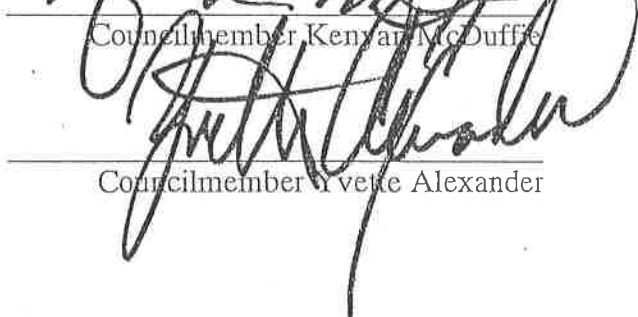
Councilmember Muriel Bowser



Councilmember Kenyan McDuffie



Councilmember Tommy Wells



Councilmember Yvette Alexander

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Mendelson and Councilmembers Bowser, Cheh, Evans, Gross, and Wells introduced
the following proposed resolution which was _____.

To declare the sense of the Council that the Height of Buildings Act of 1910 should not be
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 20th 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."

1 (11) Numerous witnesses emphasized the lack of urgency and need to act now. The impetus
2 for examining the Height Act came from a Congressman's inquiry, not the recent revisions to the
3 District's Comprehensive Plan or some other planning exercise.

4 (12) The Historic Districts Coalition testified: "We believe that the 1910 Height of Buildings
5 Act, through its effect on the physically shaping [of] the nation's capital is no less important than the
6 1791 L'Enfant Plan and the 1901 McMillan Plan, which revitalized L'Enfant's brilliant design. It has
7 given those plans the third dimension, limited height that has created the human scale and iconic
8 horizontal skyline that Washington enjoys today."

9 (13) The District government substantially revised its Comprehensive Plan in 2006, and then
10 updated the Plan in 2010. In spite of the extensive work done at the time by the D.C. Office of
11 Planning, there was no concern that development capacity was limited or that the Height Act of 1910
12 needed to be revised. Indeed, the current Comprehensive Plan fits comfortably within the framework
13 of the 1910 Height Act.

14 Sec. 3. It is the sense of the Council of the District of Columbia that:

15 (1) The Height Act of 1910 should not be amended or revised at this time.

16 (2) Someday there may be need to revise the Height Act, but such legislative action should
17 wait, be carefully limited to need demonstrated by thorough analysis, be informed by a clear
18 understanding of the impact on the District's unique urban design, and follow (not precede)
19 prescriptions of a new, well-vetted Comprehensive Plan.

20 (3) The District's skyline is a unique and distinguishing feature that promotes the human scale
21 as well as highlights national and local landmarks.

22 (4) The Height Act has not only distinguished the District from all other major U.S. cities, but
23 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.

