

History of C100 Fight to Preserve the Height of Buildings Act in 2012-13

Background

An offhand remark by Cong. Darryl Issa in 2012 sparked a two-year intense campaign by the Committee of 100 to prevent Congress from rescinding or restricting the federal 1910 Height of Buildings Act, which is responsible for the preservation of Washington's iconic horizontal skyline. This act along with the historic plans of Washington is a foundation of the Committee of 100's approach to planning a livable city for a diverse population.

Soon after Issa made his unexpected remark that DC buildings should be taller so that he no longer had to look at ugly rooftops, the DC Office of Planning (OP) led by Harriet Tregoning and DC Mayor Vincent Gray moved against the Height Act.

C100 Acts

Laura Richards, past chair of C100, testified before the House Oversight and Government Reform Committee chaired by Issa on July 19, 2012. She was the lone witness that day opposing changes to the Height Act and warning that lifting the height limits would irretrievably alter the city's world renowned historic human scale for no measurable benefit. Director Tregoning testified that many of DC's most difficult problems could be addressed if only buildings could be taller. Cong. Issa instructed the National Capital Planning Commission (NCPC) and OP to conduct a joint study involving case studies, modeling of strategic opportunities to raise the height limit, and concluding with recommendations.

C100 joined with every notable historic preservation group in DC to amplify the unique and positive influence of the height limits on the city and the nation's capital and to challenge that there would be any public benefits resulting from opening the city to development pressures. A campaign that centered on persuading Mayor Gray and Cong. Eleanor Holmes Norton to abandon support for a change was launched. The mayor would not be moved, and he authorized Dir. Tregoning to equate the Height Act with Home Rule Act oppression.

The joint NCPC/OP study brought representatives from world capitals to DC to explain that where they had relaxed height limits the resulting buildings were among the most expensive real estate in the city. The modeling exercise demonstrated to the public how different increased heights would affect street views, views of iconic federal monuments, and perspectives of various significant skyline views. As different height options were visually added to existing conditions, the public reaction was typically gasps of disbelief. Contractors and developers were also asked to report on the interest and cost of building taller. They reported that the interest would primarily be in high cost areas of DC where the high construction costs might be recouped with high rents.

On October 28, 2013 the DC Council Committee of the Whole held a hearing where dozens of witnesses opposed lifting the height limits and very few witnesses supported it. At the conclusion of the NCPC study the Executive Director of NCPC issued a draft report that stated the Mayor and OP had failed to demonstrate a building capacity need even decades into the future or how economic development

needs could not be achieved within the existing height envelope. The mayor took the unprecedented step of issuing his own report to NCPC that urged repeal of the Height Act outside the L'Enfant City.

At two NCPC public hearings on the matter, DC residents from all eight wards flooded the small hearing room that rarely holds more than a few witnesses. C100 described the mayor's actions as visioning two cities when DC is, and always has been, one city that intentionally merges history with our future. Testimony came from the civic and citizens federations, advisory neighborhood commissions, and individual citizens who described the Height Act as a right and a benefit that is integral to living in the nation's capital and as much a part of the city's legacy as it is the nation's legacy. Witnesses testified that there was no evidence and no case studies that supported job creation, production of affordable housing or other benefits cited by OP if the act were repealed or partially lifted. Most witnesses concluded that OP had failed to identify a problem that changing the Height Act would solve.

Urged by C100 to make a powerful statement of its resolve the DC Council on November 19, 2013 voted 12-1 on a Sense of the Council Resolution opposing any changes to the Height Act. Later that day, NCPC voted 7-3 to recommend no significant changes to the Height Act noting that it protects the form and character of the nation's capital. The following year the House passed a bill introduced by Issa and co-sponsored by Norton to authorize the city to permit habitable one-story penthouses, which could exceed the height limit by twenty feet. The Senate subsequently approved the legislation and President Obama signed it into law.

Importance of the Effort

A few months after NCPC made its decision, the chair, Preston Bryant, asked to meet with C100 leadership. While he was curious about the structure of the organization, its mission, and processes, he was primarily curious how C100 motivated a passionate citywide response to the threat of repeal of the Height Act that resulted in a diverse and large number of residents appealing to NCPC to leave the Height Act alone. The C100 leaders responded that it took time and effort to reach out to members' extended networks and city organizations, but once aware of the threat everyone understood what was at stake and was eager to help.

The OP tried to change essential descriptors of the Height Act and its influence on the built form of DC in the DC Comprehensive Plan Amendments of 2021. The C100, working with the DC Preservation League, convinced the DC Council to reject the renewed attack from a new DC mayor and OP on the permanence of the historic horizontal skyline. The Council restored the original language.