

High-Level Debate On Future of D.C.

With Land in Short Supply, Scholar Says Taller Buildings Should Be Permitted

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The pace of development in Washington's central core is frenetic enough that planners say vacant land is fast becoming an endangered commodity.

In 20 years, according to one analysis, there will be no more parcels on which to build offices, apartments and stores in neighborhoods from Georgetown to Capitol Hill, from Florida Avenue NE to the Southeast waterfront.

Christopher Leinberger, a visiting fellow at the Brookings Institution, says there's a way to avoid the looming space crunch, an idea tantamount to sacrilege for preservationists and protectors of the District's historic vistas:

Build higher. As high as the market will bear, he says.

To do so would require the support of Congress, which created the Height Act nearly a century ago to restrict virtually all of Washington's tallest buildings to a height of 130 feet.

Contrary to popular lore -- and many a cabbie-turned- unofficial-tour-guide -- Congress did not tailor the law to establish the 555-foot Washington Monument as the city's tallest structure, or to ensure that the Capitol, at 288 feet, would not be overshadowed. Rather, lawmakers were responding to protests prompted by the rise of the 160-foot Cairo apartment building, on Q Street NW near 16th Street, in 1894.

That same anti-height fervor exists today. Even a proposed seven-story condominium building on Wisconsin Avenue NW -- a full 79 feet high -- has provoked an ongoing tempest in Friendship Heights.

But Leinberger, who renewed debate over the law after a February talk at the National Building Museum, contends that the height restriction drives up real estate prices and deprives the government of tax revenue.

The principal issue is land supply, he said. If additional land can be found, there might be no need to raise the height limit. If not, he said, D.C. leaders should consider lifting the limit around Metro stations that serve commuters from across the region, such as Dupont Circle, Union Station, Metro Center, the Navy Yard and, yes, Friendship Heights.

Taller buildings, he said, would lower prices and lead more residents and corporations to choose the city over gas-guzzling suburban sprawl. The threat of global warming makes the need to reconsider the height limit even more immediate, he said.

"We have a moral imperative to increase density, to get us out of our cars," said Leinberger, a developer who has no projects in the District. He also teaches at the University of Michigan and writes about land-use issues.

Civic leaders and preservationists recoil at the thought of lifting the restriction, saying high-rise buildings would spoil a low-lying, Parisian-style city planned more than 200 years ago by Pierre L'Enfant.

Nor are they mollified by suggestions that limits be eliminated only in areas away from downtown, at stops such as the New York Avenue Metro station in Northeast. Or 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, as Leinberger suggests.

To lift the limit in any one neighborhood, they say, would compromise the entire city.

"It is a planned city. The views and vistas and the public spaces -- these are sacred spaces," said Patti Gallagher, executive director of the National Capital Planning Commission. "I would state emphatically that we have the Height Act to thank for preserving the city's character."

Furthermore, Gallagher said, the law has helped push developers into neighborhoods where they might not have gone, such as the Anacostia waterfront and South Capitol Street. "There's ample opportunity to spread out, and that does not mean going up," she said.

Privately, some developers, architects and planners grouse that the law imposes constraints that force builders to erect uniformly boxlike buildings with low ceilings. They also say it prevents the kind of population density necessary to draw higher-quality retail.

Yet they are also reluctant to publicly question the law for fear that they will incur the wrath of powerful planners and preservationists.

City officials have broached the subject, although carefully. In 2003, the administration of then-Mayor Anthony A. Williams (D) commissioned a study that concluded that the District could generate an additional \$10 billion in tax revenue over 20 years if it raised the height limit to 160 feet.

But Williams's advisers, already pushing an ambitious development agenda that included a new baseball stadium, did not publicize the results. "It's a hot-button issue in the District, and you have to choose your battles," said Eric Price, then the deputy mayor for economic development and now working for builder James Abdo.

Nevertheless, the pace of building in the city could make reconsideration of the limit unavoidable. In an analysis completed last year, the Downtown DC Business Improvement District, a not-for-profit organization that promotes revitalization, estimated that 50 million to 60 million square feet remain available under current zoning regulations in the central portion of the city. The area includes downtown, the West End, Foggy Bottom, the Mount Vernon Triangle, the area north of Union Station, Federal Triangle and the Southeast and Southwest waterfronts.

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, the BID estimates. Although that projection is not universally embraced -- the NCPC is among the dissenters -- Richard Bradley, the BID's executive director, said there is general agreement among planners that the city is facing the prospect of a critical land shortage.

"If you look at that pattern, at some point we run out of space," he said. As that moment approaches, he predicted, attention will turn to the Height Act, and "it will be a very big issue."

The first proponent of regulating building heights in the District was George Washington, who decreed in 1791 that "the wall of no house be higher than forty feet to the roof." Washington also stipulated that no house on the avenues would be shorter than 35 feet to ensure that buildings were grand, according to David Maloney, the District's deputy state historic preservation officer.

Those regulations stood largely unchanged until 1894, when the Cairo, on a street lined with rowhouses, exceeded by 40 feet the tallest building at the time, the 120-foot Washington Loan and Trust on Ninth Street NW. "There was a public outcry, people complaining, though it was very civilized -- this was Washington, after all," Maloney said.

The Cairo prompted the District and eventually Congress to issue a series of regulations, culminating in the 1910 law: No building could be more than 20 feet taller than the distance between buildings across a street or avenue. On some parts of Pennsylvania Avenue, it allowed for 160-foot-high buildings. Although occasional challenges have cropped up, the law has remained intact, even as towers grew across the Potomac River in Rosslyn.

Philadelphia had a similarly sweeping, albeit informal, restriction that barred buildings from rising above the hat of the William Penn statue atop City Hall, 548 feet high. In the mid-1980s, a developer persuaded city leaders to allow a 60-story tower, which led to waves of additional skyscrapers.

Witold Rybczynski, an architecture critic who teaches at the University of Pennsylvania's Wharton School, said Philadelphia's new skyline took away what distinguished it from other cities, a fate that could befall Washington if its limits were changed.

"It would be a shame if Washington became like everywhere else," he said. "It seems to me that we could have one city that was very different."

The chances of overturning Washington's law appear slim, at least for the time being. It would require support not only from D.C. leaders but also from members of Congress, who have expressed opposition to raising the limit in the past. "I don't see this changing anytime soon," Gallagher said.

Leinberger, a Philadelphia native who lives in Dupont Circle, says he will leave the politics to others. His primary concern, he said, is presenting ideas for how the District can maximize its potential as an alternative to suburbia.

Standing at Dupont Circle one morning, he gazed at the vista of low-lying modern buildings and said they could each be significantly higher without compromising the area's architectural beauty.

How high?

No limit, he said, adding that the market should dictate. The prospect of lost sunlight did not bother him.

"There are trade-offs," he said. "The decision might be made to maintain the limit, but people should know the costs."

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