

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4243

To confirm limitations on the height of buildings and roof structures in the District of Columbia, to expand the authority of the National Capital Planning Commission to enforce such limitations, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 1994

Mr. STARK introduced the following bill; which was referred to the Committee on the District of Columbia

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## A BILL

To confirm limitations on the height of buildings and roof structures in the District of Columbia, to expand the authority of the National Capital Planning Commission to enforce such limitations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “District of Columbia  
5 Building Heights Act of 1994”.

1 **SEC. 2. LIMITATIONS ON HEIGHT OF BUILDINGS IN DIS-**  
2 **TRICT OF COLUMBIA.**

3 (a) USE OF STREET WIDTH TO DETERMINE MAXI-  
4 MUM HEIGHT OF BUILDING.—Section 5(a) of the Act en-  
5 titled “An Act to regulate the height of buildings in the  
6 District of Columbia”, approved June 1, 1910 (sec. 5–  
7 405(a), D.C. Code), is amended—

8 (1) by striking “the course of which” and in-  
9 serting “the alignment of which”; and

10 (2) by adding at the end the following: “For  
11 purposes of this subsection, a ‘street’ includes any  
12 road, avenue, drive, cart way, or other route open to  
13 the public as a regular right-of-way, but does not in-  
14 clude an alley.”.

15 (b) LIMITATIONS ON SIZE AND HEIGHT OF ROOF  
16 STRUCTURES.—Section 5(h) of such Act (sec. 5–405(h),  
17 D.C. Code) is amended by striking “Spires, towers,” and  
18 all that follows through “the adjacent roof:” and inserting  
19 the following: “Roof structures that are not constructed  
20 or used for human occupancy (including structures hous-  
21 ing machinery or equipment) may be erected to a greater  
22 height than any limit otherwise prescribed in this Act if  
23 approved by the Mayor of the District of Columbia: *Pro-*  
24 *vided*, That such structures when above such limit shall  
25 be fireproof: *Provided further*, That such a structure  
26 (other than a spire, tower, dome, minaret, pinnacle, chim-

1 ney, or smokestack) shall be set back from the exterior  
2 or bounding walls of the building upon which the structure  
3 is placed at distances not less than the structure's height  
4 above the adjacent roof: *Provided further*, That the Mayor  
5 of the District of Columbia may not waive the requirement  
6 described in the previous proviso with respect to a struc-  
7 ture unless the Mayor of the District of Columbia finds  
8 that the application of the requirement to the structure  
9 will be unduly restrictive or highly impractical, and that  
10 the waiver of the requirement will not materially interfere  
11 with the purpose of this Act or adversely affect the expo-  
12 sure of adjacent buildings to light and air: *Provided fur-*  
13 *ther*, That for purposes of this subsection, an 'exterior or  
14 bounding wall' of a building is any wall having a dimen-  
15 sion of 4 feet or more in height or horizontal depth ex-  
16 posed to the outside, other than a building wall that di-  
17 rectly abuts a structure with a height equal to or greater  
18 than the height of the building, and a 'roof' is the exterior  
19 surface and supporting structure on the top of a building:  
20 *Provided further*, That for purposes of this subsection a  
21 skylight shall not be considered a roof structure if it is  
22 less than 5 feet in height:”.

23 (c) INCREASE IN PENALTIES FOR VIOLATIONS.—

24 (1) GENERAL PENALTY FOR VIOLATION.—Sec-  
25 tion 8 of such Act (sec. 5-408, D.C. Code) is

1 amended by striking “not less than \$10 nor more  
2 than \$100 per day” and inserting “not more than  
3 \$10,000 per day”.

4 (2) PENALTY FOR VIOLATION OF INJUNC-  
5 TION.—Section 8 of such Act (sec. 5–408, D.C.  
6 Code) is amended by striking “not less than \$100  
7 nor more than \$500,” and inserting “not more than  
8 \$100,000,”.

9 **SEC. 3. INCREASE IN AUTHORITY OF NATIONAL CAPITAL**  
10 **PLANNING COMMISSION TO ENFORCE BUILD-**  
11 **ING HEIGHT LIMITATIONS.**

12 (a) REQUIRING NCPC APPROVAL FOR ROOF STRUC-  
13 TURES EXCEEDING GENERAL LIMITATIONS.—

14 (1) IN GENERAL.—Section 5(h) of the Act enti-  
15 tled “An Act to regulate the height of buildings in  
16 the District of Columbia”, approved June 1, 1910  
17 (sec. 5–405(h), D.C. Code), as amended by section  
18 2(b), is amended by striking “Mayor of the District  
19 of Columbia” each place it appears and inserting  
20 “Mayor of the District of Columbia and the National  
21 Capital Planning Commission”.

22 (2) CONFORMING AMENDMENT.—Section 5(c)  
23 of the Act entitled “An Act providing for a com-  
24 prehensive development of the park and playground  
25 system of the National Capital”, approved June 6,

1 1924 (sec. 1–2004(c), D.C. Code; 40 U.S.C. 71d(c)),  
2 is amended—

3 (A) by inserting after “the Council,” the  
4 following: “and to include the approval of the  
5 height of any roof structure of any building in  
6 the District of Columbia (as described in sec-  
7 tion 5(h) of the Act entitled ‘An Act to regulate  
8 the height of buildings in the District of Colum-  
9 bia’, approved June 1, 1910),”;

10 (B) by striking the period at the end and  
11 inserting the following: “, and its approval or  
12 disapproval respecting any such height within  
13 45 days after the day it was submitted to the  
14 Commission.”.

15 (b) PERMITTING NCPC OR MEMBERS TO REQUEST  
16 NCPC APPROVAL OF HEIGHT OF ANY BUILDING IN DIS-  
17 TRICT.—Section 5(c) of the Act entitled “An Act provid-  
18 ing for a comprehensive development of the park and play-  
19 ground system of the National Capital”, approved June  
20 6, 1924 (sec. 1–2004(c), D.C. Code; 40 U.S.C. 71d(c)),  
21 as amended by subsection (a)(2), is amended by inserting  
22 after “June 1, 1910),” the following: “and, at the request  
23 of the Commission or any of its members, the determina-  
24 tion of whether any building proposed to be constructed

1 in the District of Columbia meets the requirements of such  
2 Act.”.

3 (c) PROVIDING STANDING FOR NCPC OR MEMBERS  
4 TO ENFORCE BUILDING HEIGHT LIMITATIONS.—

5 (1) AUTHORITY OF COMMISSION AND MEM-  
6 BERS.—Section 5 of the Act entitled “An Act pro-  
7 viding for a comprehensive development of the park  
8 and playground system of the National Capital”, ap-  
9 proved June 6, 1924 (sec. 1–2004, D.C. Code; 40  
10 U.S.C. 71d) is amended by adding at the end the  
11 following new subsection:

12 “(f)(1) The Commission and each of its members  
13 shall have standing to enforce any limitation on buildings  
14 and structures in the District of Columbia described in  
15 the Act entitled ‘An Act to regulate the height of buildings  
16 in the District of Columbia’, approved June 1, 1910.

17 “(2) If a member of the Commission exercises the  
18 authority provided under paragraph (1) to enforce a limi-  
19 tation on buildings and structures, the member shall exer-  
20 cise the authority in the member’s own name and at the  
21 member’s own expense unless the Commission authorizes  
22 the member to exercise the authority in the name of the  
23 Commission and at the Commission’s expense.”.

24 (2) CONFORMING AUTHORITY UNDER BUILDING  
25 HEIGHTS ACT.—Section 8 of the Act entitled “An

1 Act to regulate the height of buildings in the Dis-  
2 trict of Columbia”, approved June 1, 1910 (sec. 5–  
3 408, D.C. Code), is amended—

4 (A) in the first sentence, by striking “his  
5 assistants” and inserting “his assistants, or by  
6 the National Capital Planning Commission or  
7 any of its members (in accordance with section  
8 5(f) of the Act entitled ‘An Act providing for a  
9 comprehensive development of the park and  
10 playground system of the National Capital’, ap-  
11 proved June 6, 1924),”;

12 (B) in the second sentence, by inserting  
13 after “District of Columbia” the first place it  
14 appears the following: “or the National Capital  
15 Planning Commission or any of its members (in  
16 accordance with section 5(f) of the Act entitled  
17 ‘An Act providing for a comprehensive develop-  
18 ment of the park and playground system of the  
19 National Capital’, approved June 6, 1924)”.

20 (3) CONFORMING AMENDMENT.—Section 11 of  
21 the Act of June 20, 1938 (52 Stat. 801; sec. 5–427,  
22 D.C. Code) is amended by adding at the end the fol-  
23 lowing: “Nothing in this section shall be construed  
24 to limit the standing of the National Capital Plan-  
25 ning Commission or any of its members to enforce

1 any limitation on buildings and structures in the  
2 District of Columbia pursuant to section 5(f) of the  
3 Act entitled 'An Act providing for a comprehensive  
4 development of the park and playground system of  
5 the National Capital', approved June 6, 1924.'".

6 **SEC. 4. EFFECTIVE DATE.**

7 The amendments made by this Act shall apply with  
8 respect to buildings and structures in the District of Co-  
9 lumbia for which building permits or modifications to  
10 building permits are issued on or after March 23, 1994.

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