STATEMENT ON THE DRAFT HEIGHT ACT STUDY
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My name is Robert Nieweg and I represent the National Trust for Historic Preservation. Thank you for the opportunity to provide preliminary comments regarding the draft Height Act Study.

The National Trust is a privately funded nonprofit organization, chartered by Congress in 1949 to further the historic preservation policies of the United States and to facilitate public participation in the preservation of our nation’s heritage. 16 U.S.C. § 468. The mission of the National Trust is to provide leadership, education, and advocacy to save America’s diverse historic places and revitalize our communities.

The National Trust has been actively engaged in the public process for the Height Act Study. Representatives of the National Trust have participated in five meetings convened by the DC Office of Planning and the National Capital Planning Commission, reviewed informational material made available by the two agencies, and conferred with our partner organizations and National Trust members. Currently, the National Trust is preparing to submit written comments on the Height Act Study.

We have participated in the Study in order to assess potential impacts to historic properties from possible changes to the Height Act, including impacts to individual historic landmarks and to historic districts — especially those historic properties which are listed on the National Register of Historic Places. At the beginning of Phase 2 of the Study, we requested an opportunity to review key information, including the full report for the Economic Feasibility Analysis as well as maps and additional information to identify the many designated historic properties which are located within the modeling study area. The economic analysis was released to the public on September 24. At the beginning of Phase 3, the National Trust requested an opportunity to review the District’s draft recommendations, which were not released to the public until September 24.

Given the time constraints of the Study, we are concerned that the delayed release of the economic analysis and of the District’s draft recommendations may unintentionally limit public participation during Phase 3, and certainly with regard to the public’s assessment of the two agencies’ draft recommendations. The National Trust respectfully requests confirmation that the public will have at
least 30 days to review and comment on the District’s draft recommendations.
(We note that the District’s September 24 press release states: “Public comments will also be accepted on the recommendations for 30 days before the report is finalized.”)

Our preliminary review of available material raises several issues for clarification:

1. **Purpose of the Joint Study.** The purpose of the Height Act Study is for the two agencies to jointly examine the extent to which the Height Act continues to serve federal and local interests and how potential changes to the Act could affect the future of the Capital City. A joint study of the entire city makes good sense, as we believe both the federal government and the local government have significant interests throughout the District of Columbia, our Nation’s Capital. What is the rationale for the District’s statement that: “Outside the L’Enfant City, there is relatively little federal interest in the height of buildings and historic federal resources there can be protected under both federal and local historic preservation law.” [Height Master Plan for the District of Columbia, Evaluation and Draft Recommendations, Sept. 20, 2013, p. 5 (emphasis added).]

2. **Scope of the Study.** It was our initial understanding that the two agencies had been charged to explore changes to the Height Act in areas outside of the L’Enfant City, as Chairman Issa directed in 2012: “The Committee encourages the exploration of strategic changes to the law in those areas outside the L’Enfant City that support local economic development goals while taking into account the impact on federal interests, compatibility to the surrounding neighborhoods, national security concerns, input from local residents, and other related factors that were discussed at the July 19 hearing.” [Congressman Darrell Issa to Mayor Vincent Gray and NCPC Chairman Preston Bryant, Jr., Oct. 3, 2012 (emphasis added).] What is the rationale for expanding the exploration of changes to include the L’Enfant City?

3. **Federal-Local Consensus.** In response to Chairman Issa’s request, NCPC and the DC Office of Planning developed a proposal for the Height Act Study which stated that: “The goal of the study is to reach a federal/local consensus on those areas of the city where height changes would be appropriate.” [NCPC Chairman L. Preston Bryant, Jr. to Congressman Darrell Issa, Nov. 1, 2012, Height of Buildings Master Plan, Summary Proposal (emphasis added).]
What are the consequences for the Study of the agencies' failure to reach the intended federal/local consensus?

The National Trust believes that the Height Act continues to serve the public interest, and we are particularly supportive of the NCPC's observation that: "The law is simple, equitable, and has distributed development to all parts of the city rather than concentrating growth to a single high-rise cluster. It contributes to a stable and predictable real estate development climate." [NCPC Executive Director's Recommendation, Sept. 12, 2013, p. 4.]

In our view, the Height Act is a time-tested solution which the federal and local governments should not rush to change. Any proposal to change the Height Act should not move forward without additional careful study and public feedback regarding the two very different and apparently incompatible sets of draft recommendations which have been released by the NCPC and DC Office of Planning.

Thank you in advance for considering these preliminary comments of the National Trust for Historic Preservation.