

Furthermore, the National Trust's Mid-Atlantic Regional Office in Philadelphia is specifically responsive to D.C. preservation concerns.

The National Trust has a strong interest in protecting important features of the Nation's Capital, including the sense of scale and proportion necessary to preserve the inspirational vistas of our historic national monuments and landmark federal buildings. This interest is protected by federal law—the Building and Height Limitation Act of 1910—as well as by the Preservation and Historic Features Element of the Comprehensive Plan for the National Capital.

The building whose construction would be facilitated by the D.C. Council's Act is 1328 G Street, N.W., which is located mid-block. Under federal law, the height of 1328 G Street should be limited to 110 feet, which is the width of the widest street on which the building fronts (G Street) plus 20 feet. Under the D.C. Council's Act, however, the building would be constructed to a height of 130 feet, based on the width of 13th Street, exceeding

by nearly 20 percent the height limit for G Street. This is because the Council has used an alley closure to pretend that the building would front on 13th Street via a two-part artificial connection. First, 1328 G Street would "connect" to an elevated walkway to 1310 G Street, that already exceeds the G Street height limit by 20 feet in violation of federal law. Compounding this error, 1328 G Street would then, according to the City, "connect" through 1310 to a 75 foot parking lot on the corner of 13th and G streets. Because this parking lot *could* contain a building 130 feet tall, the Council has justified exceeding the height limit mid-block on G Street. The Council's action, therefore, skirts the requirements of federal law based on a loophole that could lead to a wholesale erosion of the height limitation.

In the National Trust's view, the D.C. Council's action in attempting to circumvent the congressionally mandated building height limitation raises serious legal questions. Moreover, the hearing report of the House District of Columbia Commit-

tee acknowledged that because "[t]he city accepts even fictitious buildings as the basis for exceeding the height limit," the developer of 1328 G Street asserts that it "is entitled to the same height as the non-existent [corner building]."

The federally prescribed height limitation, which has existed in some form since the founding of the Nation's Capital itself, enhances the architectural character of the capital city, and its nationally significant public buildings and historic monuments. The height limitation for the Nation's Capital is one of the important aesthetic features that distinguishes the City of Washington from other major cities and should be vigorously enforced. For this reason, we urge the Government Reform and Oversight Subcommittee on the District of Columbia to act swiftly to disapprove D.C. Council Act 10-295. Please feel free to contact me at 673-4255, if you have any questions.

Sincerely,

EDWARD M. NORTON, Jr.,  
Vice President for Public Policy.