

Good afternoon. My name is John Ayers and I have been a DC resident for over 35 years.

At the June meeting, Commissioner Blair explained his support for the project: "In my view, the fact that the scale is so grand is part of the allure.... I think that on our nation's 250th birthday, it's a testament to how big our nation is and how great it is.... Frankly, I think that's how the President means it, too. So, I am in support."

That posture illustrates why Congress created the Commission as *the* central planning agency not to decide whether a proposal is alluring or favored, but to apply the laws and planning framework that protect the Nation's Capital. Congress reinforced that role by requiring commissioners appointed by the president be qualified by experience in city or regional planning— decisions of this magnitude demand disciplined planning judgment.

When decisions are reviewed under the Administrative Procedure Act, the evaluation is whether an agency has engaged in **reasoned decision-making**. In plain terms, the action you take must be supported by the findings you make.

Whether viewed through that lens or simply as a matter of sound decision-making, the Recommendation does not justify the approval it recommends. Rather it sets out key positions that it cannot hold together.

It concludes that this project is **inconsistent** with the Height Act. Yet you are being asked to approve the plans. Those two positions cannot reasonably coexist.

So, The Recommendation attempts to bridge that gap by suggesting fundamental redesign of the project, including shrinking the principle structure by 22%. Those are not comments or

adjustments on these plans. They are instructions for a different building—the plans for that different building are not before you today.

The Recommendation's treatment of the Comprehensive Plan is also fundamentally flawed. The General Counsel's memo confirms the Height Act has been a key limiting principle since at least 1938. So the Commission should explain how a project inconsistent with the Height Act is "generally consistent" with the plan into which it is woven..

And the conflicts run beyond the Height Act. In June I identified at least twelve Plan policies with which the project is inconsistent. At that meeting, Commissioner Cozart expressed her hope that when this project returned, the submission would address the potential inconsistencies. The project has returned. Those points remain unaddressed.

In 185 pages, the Recommendation cites four Plan policies by number and engages one of the twelve cited. To blunt this, The Recommendation notes that the Commission takes a "holistic approach," and that "on the whole" the project is generally consistent. But a holistic weighing must actually weigh—not skip the considerations. And no holistic approach can balance away the one policy that, as the General Counsel confirms, implements a binding statute..

A vote to approve justified because the plans are preliminary is not a harmless way to kick the can down the road. Agency action becomes part of the record and communicates that these plans are sufficiently consistent with governing law and policy to move forward. Now—not later—is the time to discharge your statutory responsibility. The Recommendation before you does not justify the approval it recommends. I respectfully ask you to vote no or defer action.

Thank you.

Good afternoon. My name is John Ayers and I have been a proud DC resident for nearly 35 years.

At the June meeting, Commissioner Blair made several remarks, including these: "In my view, the fact that the scale is so grand is part of the allure.... I think that on our nation's 250th birthday, it's a testament to how big our nation is and how great it is.... Frankly, I think that's how the President means it, too. So, I am in support."

That posture illustrates why Congress created the Commission as *the* central planning agency for the federal government in the capital region. Its task is not to decide whether a proposal is inspiring or alluring or favored, but to apply the laws and planning framework that protect the Nation's Capital. Congress reinforced that role by requiring citizen members be qualified by experience in city or regional planning—a recognition that decisions of this magnitude demand disciplined planning judgment.

When decisions are reviewed under the Administrative Procedure Act, the evaluation is whether an agency has engaged in **reasoned decision-making**. In plain terms, the action you take must be supported by the findings you make. .

Whether viewed through that lens or simply as a matter of sound decision-making, the Recommendation does not justify the approval it recommends. Rather it sets out key positions that it cannot hold together.

If revised plans are presented today to address the Recommendation's concerns, that does not resolve the problem before you — it confirms it. Plans changed enough to comply are a different building. And the record contains no analysis of that building: no staff evaluation, no published recommendation, no opportunity for public review. The Recommendation before you analyzes

one design; a vote today would approve another. Whether new plans actually comply — the setback, the statutory, the heights — cannot be determined from the dais. If revised plans are before you, the only supportable action is to defer them for review.

Moreover, resolving the Height Act issues would not resolve the Recommendation's separate deficiencies under the Comprehensive Plan.

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A vote to approve justified because the plans are preliminary is not a harmless way to kick the can down the road. Agency action becomes part of the record and communicates that these plans are sufficiently consistent with governing law and policy to move forward. Now—not later—is the time to discharge your statutory responsibility. The Recommendation before you does not justify the approval it recommends. I respectfully ask you to vote no or defer action.