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STATEMENT
of
George H.F. Oberlander, A.I.C.P.
on the
Special Exception B.Z.A. Application No. 16554
on behalf of
Studio House of the Arts
2306 Massachusetts Avenue, N.W.
before the
District of Columbia Board of Zoning Adjustment
March 1, 2000

Madam Chair and members of the Board, my name is George H.F. Oberlander, I am an urban planning expert (Consultant), having retired three and a half years ago from the staff of the National Capital Planning Commission (N.C.P.C.), after 31 years of planning our National Capital. Most of that time I was the Associate Executive Director for District Affairs concerned with the overall planning of the City before Home Rule and the Federal interests in the District planning activities after Home Rule. My responsibilities included historic preservation. Over the years, I have represented the N.C.P.C. on several BZA cases.

I am here to address the land use and historic preservation issues of this application.

Historic Preservation

As you know, the Barney House is a D.C. and National Register historic landmark. In fact two of the interior floors, the first and second floors, are also designated as historic on the D.C. Inventory of Historic Places. There are only **six** building interiors, out of 29,500 historic properties with such designation in the District. This means that this structure, a 20th Century Revival architectural style, cannot be altered on the outside as well as virtually **no structural changes** would be allowed to the two designated interior floors. These two floors where originally designed for arts and craft and studio activities in 1902-1903. No interior or exterior changes are proposed except permitted partitions in the basement.

There is insufficient time at this hearing to describe all the history of this very special historic landmark. You will find in the application (Exhibit 6) the approved 1995 National Register form which nominated the property to the National Register. I will only highlight the National Register criteria that the property meets and its areas of special significance. These are:

The property is associated with events that have made significant contribution to the broad patterns of our history.

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The property is associated with the lives of persons significant to our past.

The property embodies the distinctive characteristics of a period, or method of construction represents the work of a material or possesses high artistic values, or represents a significant distinguishable entity whose components lack individual distinction.

The areas of significance include:

Social History, Architecture, Art and Performing Arts.

Land Use

The property has been used for more than residential use ever since it was built. The use of the building is documented in "Massachusetts Avenue Architecture" (Vol. I) published by the U.S. Commission of Fine Arts (CFA) in 1972 as Exhibit 11 of this application. CFA noted that the building "which includes studio and stage facilities, was designed as a private cultural center for artistic pursuits and informal entertaining." When Mrs. Barney moved out of the house the property continued to be used for residential purposes and as the Peruvian Embassy (1925-26), the Columbian Legation (1936-38), the National Capital Film Laboratories, Inc. (1939-40), and the American Association of Museums (1962-70). The Smithsonian Institution acquired the building in 1960 and continued to use it as a museum, Traveling Exhibition Services, offices, studios, entertainment and reception space, and the residence for visiting dignitaries and Smithsonian scholars. Studio House was opened to the public from 1979 until 1991.

Since the property became vacant, in 1994 a group called the Friends of Alice Pike Barney Studio House (the "Friends") proposed to create a public-private partnership to raise funds necessary to reopen Studio House to the public. (Exhibit 12). The "Friends" concluded in their proposal that:

> **...at this point in its life, Studio House has a limited range of viable uses, and that it is uniquely suited to the Institution-proposed plan for exhibition/performance space and low-level office and /or residential use. The organization feels that because of its limited square footage and unique room arrangements, *the building no longer lends itself to full-scale residential occupancy,* and that commercial use of the house is not practical.**

As you have seen in the video, this building gives the outside appearance of a residential building, however it can not establish residential accommodations within the historic interior designated floors where performance and studio spaces exist. In fact the original design of the building created this difficulty by placing two floors of performance space in the middle of the structure.

The property has not been residential **only** for most of its life. This background is provided to indicate that the property has been used as a "**mixed use**" since its construction even though the zoning for this area was R-3 from 1958 until 1984 when the Massachusetts Avenue - Sheridan Circle area was rezoned to D/R-3. This mixed use zoning category was created to allow chanceries to locate in such designated areas as a matter-of-right by a specially composed BZA review and possible disapproval process.

This arrangement developed as a result of the Foreign Missions Act of 1982. As you know, Section 206 of that Act provides that chanceries shall be permitted to locate

> **"in any other area, determined on the basis of *existing uses,* which includes office or institutional uses, including but not limited to any area zoned mixed-use diplomatic or special purpose."**

Existing land use survey

In the proximity of the subject property, I have made a land use survey of the Massachusetts Avenue-Sheridan Circle area and would like to offer, as an Exhibit, the Lusk Experian 1998 D.C. Assessment Directory for the Squares in this area. This Directory lists the property owners name, use, zoning, date of construction and tax assessment for each lot and square. It also locates all of the foreign governments in the area. The land use survey included the Massachusetts Avenue- Sheridan Circle frontages of square 2507, 2506, 2517, 2516 and 2511.

In Square 2507, the subject square (the south side of Mass. Ave.), 28 buildings exist, 15 appear to be in residential use, 12 are in chancery/diplomatic use, and the subject historic property.

ric propertyIn Squares 2506, 2517, 2516 and 2511, there are 13 chancery/diplomatic and 3 residential uses facing Massachusetts Avenue and Sheridan Circle on the north side.

From this existing land use survey it is clear that the area examined, the immediate vicinity of the subject property, is **predominately** used for the mixed-use chancery/diplomatic use. The survey area contained 25 chanceries and 18 residential uses.

I am professionally familiar with this area, due to the fact that in the 1980's, I supervised the N.C.P.C. staff that worked with the then District Office of Planning in the rezoning of this area. The subject area has the characteristics of a residential area which is preserved by the historic district designation of both sides of Massachusetts Avenue. The area was and is now however "an existing mixed use area" as identified and specified for chancery useForeign Missions Act. That is why the Diplomatic "D" was added to the R-3 classification.

Conclusion

In summary, this statement has highlighted the historic nature of the property and the area. It has identified the use of the property from its original construction as a residence and a center for the performing arts, art exhibits and musical performances. The predominant existing land uses in the area are "mixed uses", mainly foreign government chancery offices, diplomatic uses.

Not to allow the current owner to re-establish the performing arts center in the form of music and art studios, would be contrary to the historic preservation of this special structure. In fact the proposal increases the square feet of residential space over that used by the Smithsonian Institution for many years. (The Smithsonian Institution was not subject to D.C. Zoning.)

The two interior floors which are also historically designated **may not** be altered into smaller residential spaces. Allowing these floors to continue to be use as studio space is directly in keeping with the D.C. Historic Landmark and Historic Protection Act of 1978. That Act has as a matter of public policy the "...perpetuation of properties (of) historical and cultural and aesthetic merit..." **The Barney Studio House** is one of these properties. Requiring the owner to use these two floors for residential use would be contrary to the intent of the Act.

Thank you. I would be pleased to answer any questions the Board members may have.

EXHIBIT 43

FROM

CASE 16554

IS AN OVERSIZED DOCUMENT

PLEASE SEE AT OFFICE