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SCOTT-GRANT ESTATE, WASHINGTON, D.C.

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KANSAS STATE UNIVERSITY

HEARING BEFORE THE SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION HOUSE OF REPRESENTATIVES NINETY-FOURTH CONGRESS SECOND SESSION ON H.R. 10306 TO AUTHORIZE THE ADMINISTRATOR OF GENERAL SERVICES TO ACQUIRE CERTAIN PROPERTY IN THE DISTRICT OF COLUMBIA FOR USE FOR FEDERAL PURPOSES

JANUARY 22, 1976

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Committee on Public Works and Transportation



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94TH CONGRESS
1ST SESSION

H. R. 10306

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 22, 1975

Mr. RONCALIO introduced the following bill; which was referred to the Committee on Public Works and Transportation

A BILL

To authorize the Administrator of General Services to acquire certain property in the District of Columbia for use for Federal purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Administrator of General Services (hereafter in this
4 Act referred to as the "Administrator") shall, by purchase,
5 condemnation, or otherwise, acquire the fee simple title
6 to the real property known as the Scott-Grant House on the
7 land in the District of Columbia known as 3238 R Street
8 Northwest, and more particularly described in section 3 of
9 this Act.

1 SEC. 2. (a) Upon acquisition of the real property re-
2 ferred to in the first section of this Act, the Administrator
3 is authorized to carry out only such reconstruction, repairs,
4 and refurbishing of such property as may be necessary to
5 restore and maintain such property in a restored condition
6 based upon its external and internal appearance and charac-
7 teristics on the date of enactment of this Act.

8 (b) Upon completion of the initial reconstruction, re-
9 pairing, and refurbishing of such property, the Administra-
10 tor shall make such property available to the Federal depart-
11 ment, agency, or instrumentality (including any board, com-
12 mittee, or commission having a Federal responsibility)
13 which the President determines can best utilize such property
14 in carrying out its functions and responsibilities.

15 SEC. 3. The real property referred to in the first section
16 of this Act known as the Scott-Grant House, 3238 R Street,
17 Northwest, District of Columbia, is described, in accordance
18 with a plat of survey recorded in Survey Book 177 at page
19 194 in the Office of the Surveyor of the District of Columbia,
20 as follows:

21 Beginning for the same at the end of the 2 following
22 courses and distances from the southwest corner of said
23 lot numbered 1—(1) north 21 degrees 12 minutes 30
24 seconds west 139.49 feet (computed)—(2) north 02
25 degrees 29 minutes 00 seconds east 3.42 feet and running

1 thence south 89 degrees 19 minutes 30 seconds east
2 64.05 feet;
3 thence north 42 degrees 33 minutes east 4.56 feet
4 to a peg; thence northeasterly on the arc of a circle
5 deflecting to the left, the radius of which is 30.50 feet,
6 an arc distance of 18.10 feet to a peg and a point of
7 tangent;
8 thence north 41 degrees 57 minutes 30 seconds east
9 14.00 feet to a point of curve;
10 thence northeasterly on the arc of a circle deflecting
11 to the right, the radius of which is 16.50 feet an arc
12 distance of 13.25 feet to a peg and a point of tangent;
13 thence north 87 degrees 57 minutes 30 seconds east
14 47.75 feet to the westerly line of said lot numbered 71;
15 thence along the westerly line of said lot numbered
16 71 north 03 degrees 35 minutes 30 seconds west to the
17 northwest corner of said lot numbered 71;
18 thence along the north line of said lot numbered 71
19 north 88 degrees 18 minutes 30 seconds east 23.42 feet
20 to the westerly line of a public alley;
21 thence along the said westerly line of said public
22 alley north 04 degrees 06 minutes 00 seconds west
23 23.05 feet (computed);
24 thence north 88 degrees 18 minutes 30 seconds east
25 32.70 feet (computed);

1 thence north 04 degrees 06 minutes 00 seconds west
2 163.11 feet (computed) to the south line of R Street;
3 thence along the south line of R Street north 85
4 degrees 58 minutes 00 seconds west 184.14 feet (com-
5 puted) to the northwest corner of said lot numbered 1;
6 thence along the westerly line of said lot numbered
7 1 south 02 degrees 29 minutes 00 seconds west to the
8 place of beginning.

9 Such property is now known for assessment and taxation
10 purposes as lot numbered 987 in square numbered 1280:

1. thence north 04 degrees 06 minutes 00 seconds west
2. 103.11 feet (compared) to the south line of 36 (thence)
3. thence along the south line of R. 2nd lot north 87
4. 40 acres 25 minutes 00 seconds west 154.14 feet (compared)
5. to the northwest corner of said lot (numbered 1)
6. thence along the westerly line of said lot numbered
7. 10 south 02 degrees 20 minutes 00 seconds west to the
8. line of the existing
9. same property is now known for north and located
10. purposes as 1. numbered 10-7 in volume numbered 1280;

SCOTT-GRANT ESTATE, WASHINGTON, D.C.

THURSDAY, JANUARY 22, 1976

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:17 a.m., in room 2167, Rayburn House Office Building, Hon. Teno Roncalio (chairman of the subcommittee) presiding.

Mr. RONCALIO. The Subcommittee on Public Buildings and Grounds of the Public Works and Transportation Committee will come to order.

First I would like to apologize for being late, and I am sorry about that. We have been caught up in some terribly busy days and long, sleepless nights.

This legislation, H.R. 10306, which I introduced last fall, would authorize acquiring the property by purchase or condemnation of the title to the real estate known as the Scott-Grant House at 3238 R Street, NW., Washington, D.C.

Upon acquisition of this property to be acquired, the Administrator is authorized to carry out such reconstructing, repairs and refurbishing and restoring and maintaining as directed by a Federal agency for the best utilization of the property.

I am going to skip the description of it. I think it is known to all who are here and who have an interest one way or the other.

We are happy to have as our first witness, my colleague, James Scheuer, of New York.

TESTIMONY OF HON. JAMES H. SCHEUER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. SCHEUER. Thank you, Mr. Chairman.

I am very grateful for your courtesy in arranging these hearings and for your kindness in inviting me.

I am of course very strongly in support of the legislation that you are considering that would save this house and save the environment, save the purity and delight of the present Georgetown atmosphere; and I hope that we will preserve this property from the depredations of the genus developer.

I know a lot about the genus developer because I used to be a developer and I sympathize with their role. It is an important role in this country. I believe in the free enterprise system. I believe in the contributions of developers in building the new businesses in resi-

(1)

dential and shopping neighborhoods, all of the infrastructure of our commerce and industry of our new residential neighborhoods. They play a vital role in our society but there ought to be a few places in this country—an infinitesimal fraction of 1 percent of the land in this country that should be declared off limits to the developers and Georgetown should be one of these areas.

Georgetown does not need developing. Georgetown is a precious and glorious and delightfully sparkling remnant of our past, our noble heritage, going back 200 years of our existence as a nation and in the beginning of our 200th anniversary, I cannot think of a more noble role that this committee could play than to help preserve that precious historical ambience in this great city of Washington.

I think it is tragic that this land—this precious site—should be the subject of new modern development. It is egregiously unsuited for this land and this neighborhood. It is a gross intrusion on the quality of the neighborhood.

I do not blame the developer because there should have been laws—there should have a fabric of administrative rules and regulations that would have prohibited this kind of activity. So I can only hope that this committee will provide a final fail-safe protection to the neighborhood and to our lovely past.

The number of historical sites in Washington is continuously decreasing, despite the 1950 Georgetown Act and the act of 1966 delaying demolition provisions of the building code which requires review of proposals for demolition and building on historically significant properties.

Even now, approximately one property per year in Georgetown of these precious old historical properties is being demolished. So not only are these historical sites decreasing, but the quality and the attractiveness of the existing sites and their surroundings is also being denigrated because the estates are being subdivided and some are piecemeal, and modern structures are being placed directly alongside the architectural landmarks of our past.

According to the Commission of Fine Arts, less than 20 subsites now remain in Georgetown and, of these, 3 are presently under construction and another 3 are being considered for subdivision which, in my view, is an unmitigated tragedy.

On December 19 of last year, the Chairman of the Commission of Fine Arts wrote to the Chairman of the District of Columbia Zoning Commission his deep moral concern about what was going on in Georgetown; and I would like to read a few sentences.

He says—

Under provisions of the Old Georgetown Act, our Commission—

That is, the Commission of Fine Arts—

has been required to pursue a continuing study of the visual aspects of Georgetown's historic qualities. This must logically include not only buildings, but their settings, streetscapes, open spaces, and relationships to each other.

The ultimate infilling of all sideyards and vacant garden land in Georgetown would obviously be contrary to the intent of the act—to promote the general welfare and to preserve and protect the places and areas of historic interests—by substantially altering the character and scale of this historic district.

Any individual case must, it seems to us, be taken in context of what the historic district would become. If an accumulation of such

actions were allowed to continue unchecked and, unfortunately, that is exactly what we are faced with now on the present site that we are discussing this morning—and the Chairman continues—

Mr. C. F. Murphy, of the Corporation Counsel's Office, in a memo to the Office of the Surveyor on February 18, 1975, expressed the opinion that, desirable as it may be to safeguard historic properties by controlling their adjacent land use, it remains a piece of unfinished legislative business, and until addressed by the legislature is not to be dealt with on an administrative level.

The Corporation Counsel nevertheless says to the Chairman of the Fine Arts Commission that this Commission must in all conscience in the interim express deep moral concern—express deep moral concern about any attention or action that would tend to threaten the very values that they have statutorily been charged to protect.

So we have the tragic situation that, although the Fine Arts Commission feels deep moral concern at what is going on in Georgetown and what is being threatened with this particular site, they feel that because there is no sufficient legislative basis for them to act, they cannot take any action.

Well, Mr. Chairman, this house is a unique house in our history. The Scott-Grant House is 119 years old, was rented during the Civil War to Lt. Gen. Henry Hallock, commanding chief of the Northern Forces. At that time, that site on the hill was populated by many southern aristocrats, and I am told—I have learned from my historical researcher that General Hallock used to parade the northern troops on River Road as our street was then called, and this was considered as an insult heaped on injury by the southern aristocrats who were living there who, of course, were southern sympathizers.

So this house during the Civil War was a bastion of northern yankeeism, I guess. It was used as the summer retreat by President Grant. At that time, it was, of course, as it is today, occupying that unique site on the top of the hill on R Street, then known as River Road, and it was the coolest, breeziest place in Washington. So that was selected by General Grant as his summer home and, of course, in the early thirties, four of President Roosevelt's braintrusts lived in that house and much of the legislation that emanated during the first 9 years of the Roosevelt administration was born in that spacious and lovely living room.

It was known as the Little Red House on R Street.

It is now in the initial throes of agonies of being subdivided and construction of a modern one-family townhouse apparently is presently underway and a large hole is being dug.

If this construction is completed it will severely degrade the architectural and historical value of the Scott-Grant House. It will impair the quality of the neighborhood. It will intrude a new dwelling unit where there should not be a new dwelling unit. It will eliminate the lovely carriage house and spacious lawns with beautiful trees.

The National Park Service pointed out in a letter to the executive secretary of the Zoning Commission that:

In a neighborhood designated an old and historical district such as Georgetown, the value of its visual identity as a neighborhood stands in direct relationship to some of its parts which consist of the buildings, the spaces around them, the sidewalks, the streets and accouterments of street furnishings such as trees and signs.

One cannot consider any of these entities in isolation from another in determining the total quality of the neighborhood and its importance.

Mr. Chairman, this is a beautiful home for the neighborhood. It is a lovely space for the neighborhood and for the city and, in terms of the Federal Government's acquiring it for the use of a Federal official or whomever would be the lucky person, I can personally attest that it is a charming and delightful place in which to live.

I lived there for 10 years of my congressional tenure and I can assure you that, in terms of amenities and convenience and charm and delight, there is no Federal official who would not find it a charming and attractive and appropriate and convenient place to live.

It is perfectly fine for entertaining. We have had entertainment in which Vice President Humphrey came and we have had many important officials with little modicum of police protection, literally hundreds of people can be entertained there.

So it would be an appropriate house for a high Federal official for whom entertaining was a part of, you might say, almost of his job description.

They say around the world that Americans are soulless and we are materialistic.

Mr. Chairman, I think all of us know that this is a basic lie. It is a canard. In the last generation our country has given away around the world almost \$200 billion of our resources. We are probably the most idealistic nation that civilization has produced in 2,000 years of recorded human history, at least; and we are a nation that is idealistic: it values its past and cherishes its moralist heritage and I think that at our 200th anniversary, no challenge remains more important to us than preserving the best of our past as we move ahead to a proud and noble and meaningful future; and certainly in this, our capital city, we can show our love, our deep and meaningful love of our history in this 200th anniversary by taking the necessary steps to preserve the beauty and the tradition and the meaningful evidence of our past that still exists.

The juggernaut of progress, and I put the word "progress" in quotation marks, should not be permitted to obliterate the beloved and precious elements of our treasured past; and I hope and pray that this committee will take action to preserve one of the finest reputations of our noble historic past in the city of Washington.

Thank you very much, Mr. Chairman.

Mr. RONCALIO. I want to thank you very much for the eloquent and effective statement.

If there are questions, I am going to ask that we hold and observe the 5-minute rule because we have 10 witnesses this morning, and we do want to try to finish by 11:45.

Any questions to the left of me?

Mr. COCHRAN. I was going to ask our colleague from New York whether this puts the Subcommittee on Public Buildings and Grounds in a position of sort of a super appellate review board looking over the shoulders of the board of zoning adjustment and, in effect, overturning a decision previously made? I am not so sure we should be in this position. The decision has already been made by the proper tribunal and probably with the benefit of agreement such as you have made today.

Mr. SCHEUER. Well, I cannot answer that question. There is a bill before you that provides for a specific action. I think the city officials would welcome this action. I think they would appreciate having some indication of congressional support. I have heard that directly from very high officials in the city administration.

There is a gap in the law that has prevented them from taking the effective action that they would have liked to have taken; and I can understand your reluctance to be involved in the administrative or judicial process of the District of Columbia; but I do not see that as a problem.

You are faced with a condition, not a theory; and the condition is that the bill before you provides for the acquisition by the Federal Government of one building for a specific Federal purpose; and I do not see any reason why anybody has to go beyond that.

Mr. COCHRAN. One other observation, Mr. Chairman, if I may, is that while the Commission of Fine Arts has very serious moral concern for the welfare of the Georgetown area, which I am sure it does, as all of us do, nonetheless, in a statement already filed with the committee by the Secretary of that Commission, although they request the record be left open for further statements to be made after some additional consideration at a January 27 meeting that is planned, they seem to come down on the side of at least suggesting to the committee that this matter has already been considered and, because of considerations such as the enormous tax burden on the property, that probably the correct decision has already been made by the board of zoning adjustment in permitting the owner to subdivide the property and have it occupied as it is now.

Mr. RONCALIO. Mr. Roberts?

Mr. ROBERTS. I want to say basically I agree with our distinguished colleague. The gentleman from Mississippi has summarized it exactly, that this has gone through the courts and now they have asked us to override the court, and I for one am going to oppose it. I think this should have been done 10 years ago and I think our colleague should have bought it then, but I do not think we have any business overriding the courts.

Mr. RONCALIO. Mr. Ginn?

Mr. GINN. Mr. Chairman, I would like to thank and commend our colleague for the sincerity of his statement. It obviously is sincere. I must admit, though, I share the same concern that is expressed by the distinguished colleague from Mississippi—the position that it places this subcommittee in, this committee and the Congress.

May I ask simply one question, though; is there a specific plan in the legislation at this time as to how the home would be used by the Federal Government?

Mr. SCHEUER. Well, I think you would have to ask the representative from the GSA, I think, who is following me. I have no knowledge of exactly what they would do. I presume that the home would be made available for an appropriate Federal official, but I have no knowledge of that and there are representatives of GSA who will be testifying this morning.

Mr. GINN. Thank you.

Mr. RONCALIO. Any further questions? Thank you very much.

Mr. SCHEUER. Thank you very much, Mr. Chairman. I appreciate your courtesy.

Mr. RONCALIO. Our next witness will be Mr. Nicholas Panuzio, who is the Commissioner of Public Buildings Service in the General Services Administration. I think this is your first occasion to be testifying before us and we welcome you before the committee.

TESTIMONY OF NICHOLAS PANUZIO, COMMISSIONER, PUBLIC BUILDINGS SERVICE, GENERAL SERVICES ADMINISTRATION

Mr. PANUZIO. Good morning, Mr. Chairman and members of the committee.

Mr. RONCALIO. You can insert your statement in the record verbatim, comment, or read it, either way you wish.

Mr. PANUZIO. Well, I would like to read from the statement, if I might.

Mr. Chairman, members of the committee, I am Nicholas Panuzio, Commissioner of the Public Buildings Service. On behalf of Jack Eckerd, Administrator of General Services, I am here to testify on H.R. 10306, a bill to authorize the Administrator of GSA to acquire certain property in the District of Columbia for use for Federal purposes.

H.R. 10306 would authorize the Administrator to acquire title to such real property known as the Scott-Grant House in Georgetown. I interpret the intent of this legislation to authorize the preservation of property of historical significance.

S. 865, a bill now being considered by Congress, would give the Administrator general authority to acquire buildings of historical significance for use as general-purpose office space when there exists no alternative for preservation in the private community. In addition, S. 865 authorizes limited commercial use of space in Federal buildings. Both of these concepts are supported by GSA.

On May 18, 1975, before the subcommittee on Buildings and Grounds of the Senate Committee on Public Works, GSA testified to the following regarding S. 865:

As the principal manager, builder, owner and lessor of Federal buildings in the United States, the General Services Administration has a fundamental commitment to the betterment of the total environment of America's cities and towns. We feel a special sense of responsibility for promoting the integration of the human element into the planning, construction, use and maintenance of buildings.

We in the General Services Administration support the concepts introduced in S. 865. As mentioned, we have long promoted the concepts of historic preservation and the multiple use of Federal structures, where appropriate, and therefore feel that such a combination of activity would be well worth pursuing.

Because restoration and renovation usually requires a higher level of hand-craft trades, these projects will nurture trades and crafts which are fast becoming nonexistent in the United States. Through S. 865, we could augment Federal efforts to preserve and rejuvenate historic buildings while helping to preserve the valuable cultural resource.

The General Services Administration has, I believe, an admirable record of preserving buildings for historical purposes. Examples of some buildings we have preserved are the courthouse/customhouse in Galveston, Tex., and Portland, Oregon, as well as the old Denver Mint.

As recently as 2 months ago, GSA received an award from the Wash-

ington chapter of AIA for our preservation work with the Old Post Office here in the District.

H.R. 10306, while granting the Administrator specific authority to acquire property of historic significance, poses several questions which require further study before this committee makes its decision.

The Scott-Grant House property is currently zoned residential, R-1B and R-3, which does not allow for use as general office space. GSA in its desire to be a partner with local communities, has a policy of conforming to local zoning codes. The acquisition of this property to satisfy a program requirement for general purpose office space would be inconsistent with this stated policy.

In connection with this, we have not had the opportunity to determine the suitability of this property for use as Federal office and related space.

Furthermore, we have not had the opportunity to determine the cost of this property. Therefore, we do not know whether acquisition of this property would prove to be cost effective.

I might add that I listened to the eloquent statement by the Congressman and I have some significant views in the fact that historical areas such as Georgetown and particular homes such as the Scott-Grane home should be preserved. However, I would have to add and say from our standpoint we do not have any specific use for it at this time; and we also find that there is some conflict in relationship to the local community who have already made the decision going along somewhat with the comments you make, Congressman.

We do hope that this building will be looked upon for its significance.

I think the comments made by the Congressman about the use of it by President Grant and the later use during the brain trust days of the early Roosevelt years and a lot of other purposes that make it of significance are important and, from the personal standpoint, I would recognize that; but from a General Services standpoint, I would also have to indicate that we would have to do a good deal more study to see how we could accomplish the use of that and the use of the yard to the local requirements.

Mr. RONCALIO. In effect what you are saying is, "Tough, but no." Thank you. Any questions?

Mr. WALSH. I have one question, Mr. Chairman.

I have not had a description of the building. I assume we will get to that later; but can anyone tell me the number of square feet in the various buildings?

Mr. PANUZIO. I do not have that information, Congressman. We can certainly get it for you.

Mr. WALSH. Thank you, Mr. Chairman.

Mr. RONCALIO. Mr. Roberts?

Mr. ROBERTS. First I want to congratulate Mr. Panuzio. I believe that is the first time he has been before this subcommittee, and we will have an opportunity to see him on many occasions in the future; and I just want to say that you are taking on a great job, with excellent and outstanding people; and I am sure you will perform just as well or better; and we look forward to working with you and really we are not that mean all the time.

Mr. RONCALIO. Thank you.

Thank you very much, Mr. Chairman.

Mr. Mineta?

Mr. MINETA. Mr. Chairman, I would like to call attention to the matter brought up by the distinguished Commissioner here. I have been a toiler in the vineyards as a former mayor; and I know the Commissioner has an outstanding record in that field. Because of your prior experience, Mr. Commissioner, as a former mayor, do you have any feelings about the Federal Government's intrusion into a matter such as this which might be considered more appropriately as a local land-use planning matter? In addition, even if we could find a suitable use for the property and the bill is very broad in terms of including any board, committee or commission that has the Federal responsibility as as potential occupant, it assumes a nonresidential use. It appears to be precasting the land use decision in terms of an office use. I am just wondering if that is not really something we ought not to try to avoid.

Mr. PANUZIO. Congressman, both from the standpoint of being a former mayor, and also from the position we have taken as GSA, I do not think we want to get too involved in an area in which local government has made some decisions in terms of what they want to preserve a certain area for; and I think that is one of the things indicated in my statement that concerns me.

I do not want to have local government think we are coming in—you and I have gone through that before, where they think we are coming in and making some decisions at the Federal agency which forces them down a different road than they want to go and so that is a consideration that would have to really be dealt with.

Mr. MINETA. Mr. Chairman, to follow through, there was a recent article in Parade Magazine concerning several very fine estates in Connecticut, New Hampshire, and Rhode Island—very large, 36-40-room estates. I am wondering whether or not this bill would set a precedent that would have us bailing out people in the future who came to us saying these grand estates—these noble places—ought to be preserved for historical purposes, and since there is no one who can afford the utility bills for heating 36 rooms up in Connecticut; could we do something to bail them out? Are we opening ourselves up to a Pandora's Box in that kind of precedent.

Thank you very much.

Mr. PANUZIO. Thank you, Mr. Chairman.

Mr. RONCALIO. We appreciate your coming this morning.

Mr. RONCALIO. Our next witness is Mr. George Oberlander, Director of the Federal Review Division for the National Capital Planning Commission.

Mr. Oberlander.

Who do you have with you?

TESTIMONY OF GEORGE H. F. OBERLANDER, DIRECTOR, FEDERAL REVIEW DIVISION, NATIONAL CAPITAL PLANNING COMMISSION; ACCOMPANIED BY TERRY O'CONNOR, ASSISTANT GENERAL COUNSEL, NCPC

Mr. OBERLANDER. I have with me Mr. Terry O'Connor, Assistant General Counsel.

Mr. Chairman and members of the committee:

My name is George Oberlander. I am the Director of Federal Review for the National Capital Planning Commission. I am pleased to testify on behalf of Charles H. Conard, the Executive Director of the Commission, to provide the committee with a historical summary of planning proposals and activities of the Commission supporting historic preservation.

The Commission is the central planning agency for the Federal Government in the National Capital Region. Among its principal functions are the preparation and adoption of Federal elements—and the Federal interest review of local elements—of the Comprehensive Plan for the National Capital.

Some of the elements have been adopted and others, including a proposed Landmarks element, are still in the preparation and adoption stage.

The Landmarks element will include policies for the preservation of the important historical and natural features of the National Capital.

In the Proposed Comprehensive Plan for the National Capital, prepared in February 1967, special reference was made to historic buildings which should be preserved for their symbolic meaning as important reminders of past national and local achievements and events and of notable personalities, as examples of earlier styles of architecture, and as community focal points.

I would like to submit for the record the Proposed Comprehensive Plan for the National Capital, published in February 1967 (the Green Book), which outlines the Commission's proposed policy on historic preservation.

Mr. RONCALIO. Without objection, it will be received for the file.

As I said at the beginning of the statement, the Commission is concerned with historic preservation matters and its current and earlier proposed policies can be found in the green book as well as in the adopted Comprehensive Plan for the National Capital, which I also would like to submit for the record.

To assist in its historic preservation responsibilities, in 1964, the Planning Commission joined with the Commission of Fine Arts in establishing the Joint Committee on Landmarks of the National Capital to prepare an inventory of significant structures and places and to advise on a preservation program for the District of Columbia and its Federal environs.

In 1968, the Mayor of the District of Columbia joined with the Planning Commission and the Commission of Fine Arts in sponsoring the Joint Committee and designated the committee as the professional review committee required for District participation in the historic preservation grants-in-aid program established by the Secretary of the Interior pursuant to the National Historic Preservation Act of 1966, Public Law 89-665.

The Joint Committee is composed of nine distinguished citizen-members with expertise in the fields of architecture, history, archeology, landscape architecture, urban planning, and the law.

I am also submitting a statement of functions and membership of the Joint Committee.

JOINT COMMITTEE ON LANDMARKS
OF THE NATIONAL CAPITAL

Statement of Functions and Membership*

The Commissioner of the District of Columbia, the National Capital Planning Commission, and the Commission of Fine Arts establish the following functions and membership for the Joint Committee on Landmarks of the National Capital:

1. Authority. The Joint Committee on Landmarks of the National Capital (hereinafter called "Joint Committee"), established and constituted by the National Capital Planning Commission and the Commission of Fine Arts on May 7, 1964, and designated by the Commissioner of the District of Columbia as the state review committee for the National Register of Historic Places on July 26, 1968, is hereby reestablished. The Commissions and the Commissioner jointly are hereinafter called "Sponsoring Agencies".
2. Functions. The Sponsoring Agencies assign the following functions to the Joint Committee:
 - a. Compile and maintain a current inventory of significant landmarks in the District of Columbia and on Federal property in the remainder of the National Capital Region and, in connection therewith, adopt and publish appropriate procedures.
 - b. Serve as the District of Columbia's professional review committee to review all nominations to the National Register, and, in connection therewith, adopt and publish appropriate procedures.
 - c. Advise the Sponsoring Agencies on Federal and District of Columbia projects which may affect designated landmarks.
 - d. Advise the state liaison officer of the effect of undertakings carried out, licensed or financially assisted by the Federal Government where the undertaking may affect a property listed in the National Register.
 - e. Recommend to the Sponsoring Agencies programs for the preservation of designated landmarks.
3. Membership.
 - a. Composition. The Joint Committee shall be composed of nine members appointed by the Sponsoring Agencies. At least one member shall be from each of the following disciplines: history, architecture, and archaeology.
 - b. Terms. The term of each member shall be three years, except that the terms of the members first appointed shall be so fixed that the terms of three members shall expire on September 30 in each of the years 1973, 1974 and 1975. Thereafter, the term of each member shall expire three years from the date of the expiration of the term of his or her predecessor. Notwithstanding the expiration of the term of any member, he or she shall continue to serve as a member until the appointment of his or her successor.
4. Officers. The Joint Committee shall provide in its By-Laws for a Chairman and such other officers as it deems necessary for the conduct of its activities, except that the Executive Director of the National Capital Planning Commission shall designate, from time to time, a member of the Commission staff to serve as Secretary to the Committee, and the General Counsel of the National Capital Planning Commission shall serve as Counsel to the Committee.

*As approved by the National Capital Planning Commission, the Commission of Fine Arts, and the Mayor-Commissioner of the District of Columbia.

3/20/74

Mr. OBERLANDER. Over the past decade, the Joint Committee has become an important force in historic preservation in the National Capital, serving as an effective mechanism through which the District of Columbia Government, the Planning Commission and the Commission of Fine Arts coordinate their various responsibilities in the historic preservation field, advising each of its sponsoring agencies on historic preservation matters which come before it and recommending preservation programs for designated landmarks.

Perhaps the most important recent example of a joint committee recommendation which has been carried out was the adoption by the District of Columbia Council of regulation No. 73-25, providing, under appropriate circumstances, for the delay of demolition or alteration of historic buildings, structures, and places.

This regulation, an amendment to the District of Columbia Building Code, authorizes the mayor or his agent to delay the issuance of a permit for the demolition or exterior alteration of buildings and structures—

Mr. RONCALIO. May I interrupt right there to ask you why the Mayor declined to forestall the granting of a license which resulted in the construction now going on?

Mr. OBERLANDER. There was no alteration being sought. After a review by the Joint Committee, the Joint Committee advised the Mayor there would not be inappropriate changes and therefore both the subdivision of land and variance application for which this property had been applied for could be granted.

Mr. RONCALIO. In other words, you declined reserving the Scott-Grant—you declined doing what this bill would ask us to do.

Mr. OBERLANDER. The Joint Committee advised the Mayor to that effect; yes.

Mr. RONCALIO. Because I have a letter just handed me from the Mayor saying he is very reluctant to do anything about this legislation and there could be a potential loss of \$8,000 in taxes and even more once the additional buildings are built.

Did your Joint Committee object to the five or six townhouses that were constructed in front of West House on R Street, around the corner from Reservoir Road about 1970 or so?

Mr. OBERLANDER. I do not believe so, sir.

Mr. O'CONNOR. That was not within the purview of the delay of demolition or alteration of historic buildings act, Mr. Chairman.

Mr. RONCALIO. All right. Thank you.

Mr. OBERLANDER. As important as this regulation is, however, it does not contain any language pertaining to the control of land subdivision of historic properties.

Recognizing this deficiency, the Chairman of the Council of the District of Columbia, on January 13, 1976, introduced on behalf of Mayor Washington, a bill to amend District of Columbia regulation No. 73-25.

This bill would provide for the review, and a possible 180-day delay in granting, of subdivision of historic properties. If passed by the Council, this bill will provide a reasonable period of time for public agencies and interested citizens groups to negotiate with property owners to try to find a means of preserving these historic properties.

Such a negotiation would be of particular importance to Georgetown, which contains a substantial number of large properties prone to subdivision and intensified development.

Georgetown is a unique area in the District of Columbia and its special qualities were recognized by the Congress in 1950 when it enacted the Old Georgetown Act,

In order to promote the general welfare and to preserve and protect the places and areas of historic interest, exterior architectural features and examples of the type of architecture used in the National Capital in its initial years.

The Secretary of the Interior also recognized the importance of Georgetown in 1967 when he designated the Georgetown Historic District as a National Historic Landmark.

Older than the city of Washington itself, Georgetown retains the narrow street patterns and a few buildings constructed before the establishment of the Federal City in 1790.

Scattered throughout the Georgetown Historic District are a number of large, freestanding houses generally constructed between the late 18th and mid-19th century. These mansions, sited on substantial landscaped grounds, are interspersed with densely-constructed row-houses generally dated from the last half of the 19th century.

This mixture of large freestanding houses with generous open spaces and the tight rows of smaller houses is an essential component of the historic and architectural integrity of Georgetown.

One of these important, large Georgetown properties is the Scott-Grant House, an individually-designated Category II landmark of the National Capital.

I would like to define what we mean by a "Category II Landmark," landmarks of importance which contribute significantly to the cultural heritable or visual beauty and interest of the District of Columbia and its environs and which should be preserved or restored if possible.

This house was built about 1856 and purchased by Alfred Vernon Scott in 1857.

General U.S. Grant lived there briefly after the Civil War and later used the house as a summer White House.

Fashionably Italianate in design, this substantial pre-Civil War brick mansion is located on R Street at the north side of approximately 39,000 square foot site at one of the highest and most scenic points in Georgetown.

The garden south of the house is exceptionally well-designed, containing many fine old trees and other plantings.

There are three outbuildings. A guest house, at the southwest corner of the property, was apparently part of the original construction. A one-story addition was made to the rear of the guesthouse in 1910.

A garage with a second story apartment was built at the southwest corner of the property in 1909. In the 1930's, a long brick shed was added to the garage and a second guesthouse was built nearby.

In April 28, 1975, the owners of this property applied to the District of Columbia government for a permit to make certain alternations:

- (1) Move the guesthouse approximately 20 feet northward;
- (2) Remove a portion of the existing carriage house amounting to about 80 square feet;
- (3) Remove the roof of the woodshed, thus making it a garden wall;
- (4) Move the garage portion of the carriage house northward about 8 feet; and
- (5) Add a 3-foot-wide connecting link of brick and glass between the two existing structures that comprise the carriage house.

Pursuant to District of Columbia regulation No. 73-25, the Joint Committee on Landmarks reviewed this permit application at its meeting on May 28.

The applicants appeared before the committee and expressed their intention to subdivide the property into four portions. A new house would be built at the northeast corner of the property.

The garage and 1930's guesthouse would be remodeled into a single residence. The main house and the original guesthouse would become separate residences. According to the applicants, the proposed subdivision had been planned in such a way that the open space and plantings would remain largely undisturbed.

Mr. RONCALIO. How many trees will be cut down?

Mr. OBERLANDER. I do not know specifically.

Mr. RONCALIO. You do not know?

Mr. OBERLANDER. I do not know specifically; but the intention was to maintain the landscape to the maximum possible.

Additional subdivision would be impossible. There would be only one curb cut on the property.

The new house, conceived like the guesthouses and garage as an out-building, clearly subordinate to the Scott-Grant House, had been designed during several months of consultation with the Commission of Fine Arts, pursuant to the Old Georgetown Act, and had been approved by it.

While the applicants desired to maintain the existing appearance and ambiance of the property as nearly as possible, the alterations requested were necessary to conform with local zoning regulations.

The original guesthouse is too near the rear property line and the garage and 1930's guesthouse are too near the side and rear property lines to allow subdivision of the property without alteration of these structures.

The applicants indicated that they preferred not to make these alterations and had filed with the Board of Zoning Adjustment on April 23, 1975, seeking a variance application from the yard requirements.

They stated that "should they be unsuccessful in obtaining the necessary variances, that as a last resort, they would have to alter existing structures to bring them into conformance with the current regulations." The permit application was intended to expedite this should it become necessary. The Board of Zoning Adjustment did approve the application for the variance; therefore, they do not have to move the buildings as they had intended.

The Joint Committee, after reviewing the permit application, recommended that the State Historic Preservation Officer, who acts as the Mayor's agent in administering the District of Columbia regulation No. 73-25, determine that the alteration of the buildings would not be contrary to the public interest and should not be delayed.

Though opposed in principle to the subdivision of historic properties and properties within historic districts, the committee felt that the alterations proposed were minor and would permit, under the present zoning regulations, the continued preservation of this important landmark in as nearly its original state as possible.

It did, however, prefer that the buildings be left largely unaltered on their original sites.

In a letter dated July 17, 1975, to the Board of Zoning Adjustment, the Joint Committee supported the granting of a variance from the side yard requirements in the R-1-B district and a variance from the rear yard requirement in the R-3 and R-1-B districts, as sought by the applicants.

The committee stated "it is our understanding that, if these variances are not granted, the applicant intends to move and alter the existing structures in order to bring them into conformance with the current regulations. The committee believes that leaving the outbuildings in place is the more preferable of these two alternatives."

In recent months, there has been an alarming increase in the number of properties in Georgetown for which subdivision applications similar to that for the Scott-Grant House have been sought.

Several examples of these are: the Bliss House at the southeast corner of 28th and Q Streets; the Robert Dodge House at the southwest corner of 28th and Q Streets, which is category II landmark individual listed on the National Register. Another property associated with the Dodge family at the northeast corner of 29th and P Streets; and Prospect House at the southwest corner of 35th and Prospect Streets are other examples. The Prospect House is also a category II landmark listed individually on the National Register.

Thus, although the Scott-Grant subdivision is an excellent case in point of the threat presently posed to the character of Georgetown by the breaking up of large estates for increased development, it is by no means the only case and, because of the relatively sensitive manner in which it has been planned, it is perhaps not the most critical one.

H.R. 10306 directs the acquisition of a fee interest in the Scott-Grant House by the Federal Government. This, of course, would be the safest insurance against any alteration of this historic property.

However, in view of the widespread threat of subdivisions throughout Georgetown, legislation addressed only to the Scott-Grant House or to fee acquisition may not be sufficient to meet the emerging problems.

Mr. RONCALIO. What emerging problems?

We were discussing in this bill just the Scott-Grant House.

Mr. OBERLANDER. I realize that, sir.

Mr. RONCALIO. This is the statement for H.R. 10306 and was there an update for this particular thing today?

Mr. OBERLANDER. There are similar situations, if I may, in nearby parts of Georgetown where subdivision problems are emerging similar to the one we are discussing today.

Mr. RONCALIO. Does your statement have a conclusion regarding this particular property?

Mr. OBERLANDER. Our conclusion is basically that the Planning Commission would not have any major objections to the bill as such; but we feel that there are similar problems beyond the one identified in this bill, which are not being met by H.R. 10306 in full.

There are alternatives which I would like to identify briefly.

Mr. RONCALIO. You may proceed.

Mr. OBERLANDER. Outright Federal acquisition and Federal office use of residential properties in Georgetown would be inappropriate, except in exceptional cases.

What is needed rather is a broad program which will protect these properties but leave them in private ownership, in private residential use, and on the District of Columbia tax rolls. There are a number of alternatives through which this might be achieved.

One alternative is to purchase from the owners a facade easement. In this way, the owners would retain their property but give up their right to alter the exterior of the landmark.

The value of the property may be somewhat reduced so the property's tax yield to the District would be slightly reduced but the cost to both the Federal and District governments would be considerably less than fee acquisition.

In addition, operation and maintenance expenses would remain with the owner and not the Government.

Another alternative would be to purchase the development rights of the property. This means that the right of the owner to develop his property to the maximum height and density allowed by the current zoning on his property would be purchased by the Government.

This preservation device, the purchase of development rights, has already been used to preserve the Heurich Mansion in the Dupont Circle area.

This alternative has the same tax revenue, operation and maintenance advantages as a facade easement. This alternative would discourage—hopefully preclude economically—the demolition of the landmark and its replacement with a building whose height and density would not exceed that existing on the site.

Using the above two alternatives in tandem, the existing facade could be preserved and no other buildings constructed on the site.

A variation of this alternative is a historic preservation covenant between the District of Columbia government and the owner pursuant to Public Law 93-407. In return for the owners promise to use and maintain the landmark for at least 20 years in a manner which will preserve the landmark, the District provides the owner an opportunity for real property tax relief.

The committee may be interested in the excellent study done for the National Park Service, "Should 'Easements' Be Used to Protect National Historic Landmarks." This study thoroughly examines the use of easements discussed above, and I have a copy for the committee if you prefer to see it.

As we have discussed, there are a broad range of alternatives to outright fee purchase by the Government.

Mr. RONCALIO. Those alternatives do not exist now for this property, do they?

Mr. OBERLANDER. That is correct. They do not exist for this property.

Mr. RONCALIO. I fail to see why they have been applicable to our problem this morning; but that is quite all right. I am sorry to interrupt you.

Mr. OBERLANDER. The General Services Administration or the Park Service could be authorized to buy easements of this particular property and not go to the fee simple acquisition; so the bill conceivably could be modified to include that alternative.

Mr. RONCALIO. That is not necessarily what you are recommending. That is an alternative that we may select; but you do not think we recommend it.

Mr. OBERLANDER. We have not said this specifically; but we would prefer that alternative rather than the outright acquisition.

We would urge that the committee give further study to the use of these devices in preserving historic properties, including the Scott-Grant House and others in Georgetown, and other parts of the District of Columbia threatened by demolition or by alteration or subdivision in a manner which destroys their integrity as part of the his-

toric and architectural values which make Washington one of the great national capitals of the world.

I will be glad to answer any questions you may have.

Mr. RONCALIO. Thank you for your statement and forgive me for the interruptions.

Mr. Roberts, I will call on you.

Mr. ROBERTS. Mr. Oberlander, do you not have authority—does not the city of Washington—did we not give them authority to set up their own zoning and planning commission?

Mr. OBERLANDER. Yes, sir.

Mr. ROBERTS. Why are you coming to us?

Mr. OBERLANDER. The property is zoned for residential.

Mr. ROBERTS. Why do they not rezone it? It is very difficult for me, Mr. Chairman, to follow, without a map or something, to follow Mr. Oberlander. I think he made an excellent statement but in trying to follow him it would seem that the main house is not going to be used at all; and is this house just going to cover a fourth or third of the ground—is this thing divided into three or four pieces and just going to take a fourth of it that they are going to build a new house on, the fourth of it?

Mr. OBERLANDER. That is correct.

Mr. ROBERTS. Does this new house meet your requirements?

Mr. OBERLANDER. It meets the zoning regulations and it meets the subdivision regulations of the District of Columbia.

Mr. ROBERTS. Then I do not understand what it is all about.

Mr. OBERLANDER. I have a plat here if you care to see it. It is the only copy that we have in our files, but I would be glad to—

Mr. ROBERTS. But it does meet the zoning requirements established by the city?

Mr. OBERLANDER. Yes, sir.

Mr. ROBERTS. It meets the Fine Arts Commission requirement and it does not touch the main house?

Mr. OBERLANDER. Yes, sir.

Mr. RONCALIO. Any other questions to the right?

Mr. Mineta?

Mr. MINETA. Mr. Oberlander, you said, "In recent months there has been an alarming increase in the number of properties in Georgetown for which subdivision applications have been sought." In the next paragraph you talk about "The threat presently posed to the character of Georgetown by the breaking up of large estates for increased development."

I am just wondering, in contrast to such subdivision, is Federal acquisition for possible office occupancy more suitable than leaving the property in private hands for residential purposes?

Now, if I were to weigh those two alternatives, I would have to say that the threat of Federal acquisition is much more demeaning to the character of Georgetown than keeping the property in the hands of people who are willing to preserve it, to put their own money into their own properties for retention of the historic character for residential purposes. I am just wondering if there is anything in this plan that might be deleterious to the interests of your planning commission; and why that plan might be worse than—and you have talked about these alternatives—something that was built there?

Mr. OBERLANDER. I do not believe the testimony indicated sir, that there is really anything deleterious to the interests of the National Capital Planning Commission or to the Joint Committee on Landmarks.

The issue here is whether there are sufficient controls to preserve this property in its historic setting and its historic nature.

The Joint Committee on Landmarks felt the changes that are proposed by the current owners would not seriously affect the historic nature of this particular site.

Mr. MINETA. You would rather have them keep the facade than moving the buildings around in order to conform to the side yard?

Mr. OBERLANDER. That is correct.

Mr. MINETA. Mr. Chairman, I have no other questions.

Mr. RONCALIO. Mr. Fary, any questions?

Mr. FARY. No.

Mr. RONCALIO. OK, gentlemen.

Anyone to the left?

Mr. WALSH. I have some questions.

Mr. RONCALIO. Yes, Mr. Walsh.

Mr. WALSH. Mr. Oberlander, could you tell me what the present condition of these buildings are?

Mr. OBERLANDER. Present condition?

Mr. WALSH. Yes.

Mr. OBERLANDER. They are in good condition. The main house is in excellent exterior condition and the outbuildings are in good condition. They are not substandard in terms of the definition used by the census as to substandard structure. They are in reasonably good condition.

Mr. WALSH. Do they meet all of the requirements of residential buildings in the District of Columbia?

Mr. OBERLANDER. To my knowledge, they do.

Mr. WALSH. Zoning requirements?

Mr. OBERLANDER. Zoning requirements as well as the subdivision requirements.

Mr. WALSH. In order to put them into the type of condition that you would like to see all historical buildings put into, do you have any idea of the estimate of the cost of doing that?

Mr. OBERLANDER. No; I do not, sir.

Mr. WALSH. I would like to ask a question of your counsel here.

Congress has given—and this has been alluded to several times—self government in the District of Columbia. I wonder if there is—if this question is really before the proper committee here? Does the District of Columbia Committee have any jurisdiction in this matter?

Mr. O'CONNOR. Sir, I have not examined that question. There are certain national interests in Georgetown. It has been declared by the Congress as a historic district. Georgetown is not completely—I do not think a local interest, and I am certainly not speaking for the Planning Commission's position; but it is a hybrid situation where there is arguably some Federal interest in Georgetown.

Mr. WALSH. Mr. Oberlander, on page 9 you mention several alternatives the owner may have, or the owners.

The chairman has indicated that these alternatives are no longer available to the owners.

Now, I am confused. Do they have these alternatives or do they not have these alternatives?

Mr. OBERLANDER. They do not have these alternatives. These alternatives are alternatives to the outright acquisition of the property by the Government.

Mr. WALSH. Now, suppose in the middle paragraph there where you mention tax relief, could the owner now go back on his plans, do as you suggest in paragraph 2 on page 9, and would he be entitled to the tax relief that you mentioned?

Mr. OBERLANDER. If a facade easement or a covenant on the property were established he could apply for a tax relief provision. At the moment he cannot.

Mr. WALSH. Has there been any discussion with the owner of the possibility of doing this; do you know?

Mr. OBERLANDER. I do not believe so.

Mr. WALSH. What would that tax relief amount to?

Mr. OBERLANDER. I do not know, sir.

Mr. WALSH. Do we have any idea of the assessed valuation of the total properties?

Mr. OBERLANDER. The assessed valuation for the total properties as of June 30, 1975, was \$247,500.

Mr. O'CONNOR. Mr. Walsh, may I respond to a question you just asked a minute ago about the possibility of the existing authority?

A national historic landmark which is declared such by the Secretary of the Interior would allow an easement to be purchased. At the present time, the Scott-Grant House is not a national historic landmark, a comparable example of a national historic landmark being Bunker Hill and the Alamo. So it might not be in that stature of a landmark; but where the Secretary of the Interior to declare it such, there is existing authority for the Park Service to buy an easement.

Mr. WALSH. It is on the register of historical sites?

Mr. O'CONNOR. It is on the inventory of sites; yes, sir.

Mr. WALSH. Again, I would like to ask counsel this question: What is the appeal in this situation from a ruling of the Planning Commission?

Mr. O'CONNOR. There has been a decision, not of the Planning Commission, but of the Board of Zoning Adjustment, and an appeal was taken directly to the District of Columbia Court of Appeals, and the Board of Zoning Adjustment was upheld by the court.

Mr. WALSH. So there is really no question of someone being in violation involved here?

Mr. O'CONNOR. No, sir.

Mr. WALSH. It is all approved?

Mr. O'CONNOR. Yes, sir.

Mr. WALSH. Thank you very much. I have no further questions, Mr. Chairman.

Mr. RONCALIO. Any questions?

Mr. COCHRAN. No questions.

Mr. RONCALIO. All right.

Thank you very much, Mr. Oberlander, for an excellent presentation.

Next, Mr. Charles Atherton, Secretary of the Commission of Fine Arts.

TESTIMONY OF CHARLES H. ATHERTON, SECRETARY, COMMISSION OF FINE ARTS; ACCOMPANIED BY DONALD B. MYER, ASSISTANT SECRETARY, COMMISSION OF FINE ARTS

Mr. ATHERTON. Mr. Chairman, I am Charles Atherton, secretary of the Commission, and with your permission, I would like Mr. Myer to read our very brief statement and save my voice for any questions you might have afterwards.

Mr. RONCALIO. You may proceed.

Mr. MYER. Thank you, Mr. Chairman, I will paraphrase some portions of this.

We are here today to recommend against H.R. 10306, which would authorize the acquisition by the Federal Government, of the Scott-Grant House at 3238 R Street, NW., in Georgetown, D.C.

Though the Commission heartily endorses preservation of the Scott-Grant House under the provisions of the Old Georgetown Act, Public Law 808, we feel, however, that singling out this particular property would obviously set a precedent that could neither be sustained nor by any means be considered appropriate as a preservation technique for the large number of historic properties equally worthy of preservation throughout the city of Washington.

In Georgetown alone, the Commission of Fine Arts is aware of at least four other properties in similar situations to the Scott-Grant residence: the former Bliss residence on the southeast corner of 29th and Q Streets; the property right across the street on the southwest corner of 29th and Q; the northeast corner of 29th and P; and the well-known historic property of Prospect House on the street of the same name.

Under existing local provisions, the Commission of Fine Arts has inspected the site and given intensive review to designs for alteration to the Scott-Grant house property between July 1974, and March 1975.

This review resulted in a technique for preserving this fine house and its outbuildings through subdivision of the property to make the main house, the guest house, and the carriage house individually owned residences.

Through negotiation with the Commission of Fine Arts, the owner abandoned his original scheme for flanking the historic house with a pair of new monumental residences which would have destroyed a pair of magnificent trees and agreed to add only one additional residence which would be low and similar in concept to an outbuilding of the main house.

The eventual scheme, which is now underway, effected a minimum of change to the setting of the main house and was a quiet and appropriate technique for preserving a large property with a very considerable tax burden.

Though subdivision of the Scott-Grant property shows a relatively admirable restraint in the potential overall development, we foresee continuing demand for speculative subdivision in historic districts in Georgetown and throughout the city.

We would like to underscore our concern about the immediacy of the problem, and offer to assist the Congress as well as the District of Columbia government in finding possible solutions that will protect the public interest.

Under provisions of the Old Georgetown Act, our Commission has been required to pursue a continuing study of the visual aspects of Georgetown's historic qualities.

This must logically include not only buildings, but their settings, streetscapes, open spaces, and relationships to each other.

The ultimate infilling of all side yards and vacant garden land in Georgetown would obviously be contrary to the intent of the act, "* * *" to promote the general welfare and to preserve and protect the places and areas of historic interest," by substantially altering the character and scale of this historic district.

The District of Columbia corporation counsel, in a memo to the Office of the District of Columbia Surveyor on February 18, 1975, expressed the opinion that, desirable as it may be to safeguard historic properties by controlling their adjacent land use, it remains a piece of unfinished legislative business and, until addressed by the legislature, is not to be "dealt with on an administrative level."

This effectively prevented the Commission of Fine Arts from reviewing or advising on the merits of any proposed subdivision. We understand that the District of Columbia Council has drafted a bill to deal with this problem. We welcome the interest of the Congress as well.

We doubt that the public will be sympathetic to the outright Government purchase of every historic property that may be subject to some sort of change, either in the Capital of the United States, or elsewhere.

It would seem to us that proper local review of all proposals, control of land subdivision or assembly, and tax incentives would provide a far better framework for protecting our cultural heritage.

At its meeting on January 27, 1976, the Commission of Fine Arts will formally consider H.R. 10806 and discuss this matter further.

We respectfully request that the record be held open for our additional comments.

Mr. RONCALIO. I think that is a good suggestion, that we do intend to hold it open.

Are there any questions?

Mr. WALSH. Just one comment, Mr. Chairman.

I take it then that the Commission, which you represent, Mr. Atherton, would far prefer to have a historical site preserved by private individuals than to have the Government take them over and preserve them?

Mr. ATHERSON. I think you can assume that, sir.

Mr. WALSH. Is this a policy you hope to pursue locally?

Mr. ATHERSON. Yes; it would be.

Mr. WALSH. No further questions.

Thank you very much.

Mr. RONCALIO. Mr. Mineta?

Mr. MINETA. Thank you, Mr. Chairman.

Mr. Atherton, in your statement, there is a phrase: "we foresee continuing demand for speculative subdivision."

Is there not a control mechanism now in existence governing what can be done? Does that process not presently exist?

Mr. ATHERTON. There are within the District of Columbia regulations—considerable regulations that determine the size, the amount of building for a specific lot; all of this is possible within the existing law today.

Mr. MINETA. So then, in terms of the previous testimony from Mr. Oberlander—which you heard, he talked about a threat.

Now, you are talking about a continuing demand for speculative subdivision. Aren't all of these kinds of fears really within the purview of local control right now?

Mr. ATHERTON. I think they are; yes.

Mr. MINETA. Thank you very much, Mr. Atherton.

Thank you, Mr. Chairman.

Mr. RONCALIO. Thank you very much, Mr. Atherton. We appreciate your statement.

I am going to ask unanimous consent to take out of order retired Supreme Court Justice Abe Fortas; and Justice Fortas, would you mind coming forward and becoming our next witness.

TESTIMONY OF HON. ABE FORTAS, FORMER ASSOCIATE JUSTICE, UNITED STATES SUPREME COURT

Mr. FORTAS. Good morning, Mr. Chairman.

Mr. RONCALIO. Mr. Fortas, I welcome you to this inauspicious chamber and look forward to your helping us with a solution to this problem.

Mr. FORTAS. Mr. Chairman and gentlemen of the committee, I am very grateful to you for hearing me.

I should like to first say that it is a very moving thing that this committee and the chairman of this committee will take their time in this Bicentennial Year to consider this particular problem. I think the reasons why it is particularly appropriate to the Bicentennial Year have already appeared; and I hope in a very brief statement to emphasize why I think it is particularly appropriate.

I was Under Secretary of the Interior many, many years ago, in the administration of President Roosevelt, when Harold Ickes was Secretary; and so I bear the bruises and wounds of a number of fights about the preservation of lands and historic monuments in the District of Columbia and in various places in the country.

I should like to address myself to the narrow question before you. I believe that this bill should be enacted. I favor it.

I live a few doors from this property, but that is not my reason for favoring the bill. Whatever happens to this property really will not affect my house, its value or my own enjoyment of living in my house. But I am deeply moved by the significance of this particular property, and I should like, with your indulgence, to tell you why, which I do not believe has been stated here.

Please visualize Wisconsin Avenue—Wisconsin and R Street.

On the corner of Wisconsin and R Street there is a public library, a very attractive, large building. The next property is the property under discussion here, the so-called Grant House. Then about half a

block or perhaps a block away there is the marvelous Dumbarton Oaks property, which I am sure some of you have visited.

Dumbarton Oaks is owned by Harvard University, having been given to Harvard University some years ago and Dumbarton Oaks has unique library facilities. There is a very famous Byzantine art collection and also a famous pre-Columbian museum housed in the Phillip Johnson Building.

Dumbarton Oaks houses scholars. It runs scholarly programs and it also has a musical program that is of unique character and significance.

My wife and I see, every year, and particularly in the summertime, large buses that come along R Street. Out of those buses come children and the children walk down R Street and they go to Dumbarton Oaks and sometimes, I do not know how often this is pointed out to them—this house, the Grant house, this property that you have under consideration is pointed out to them. I have heard, as I have sometimes joined the children, on occasion a description by a well-informed guide about this house and this property.

On the back of this property in the gardens, Union soldiers were quartered during the Civil War. Mrs. Scheuer, Jim Scheuer's wife, showed me a picture which I would have brought this morning except that I just got back from New York, delayed by weather, showing Union soldiers quartered on the back of this property.

This property, as you know, is the most dramatic illustration that I am aware of, of how the officials of this Government lived during the Civil War—how President Grant would get in his carriage and he would be driven up the hill to R Street to reside in this house during the summer heat—because the house is on a hill, and it is much cooler up there than in the swampland where the White House is located.

History comes alive, if the committee pleases, in this house. History comes alive. The way the officials of this Government lived during the early days—the fact that they got in their carriages and made a long trip from the swampy White House to the outlying area which this was—Georgetown Heights as it was then called; and there they spent their time during the summer and there they relaxed. Perhaps there are other properties like this in Georgetown. I do not know. This is history, if the committee pleases; not just the house but the grounds surrounding this house are part of history.

I tell you gentlemen that I believe we are depriving our children of an opportunity to have history come alive if we permit the grounds around this house to be cluttered with a townhouse or with two townhouses as may eventually result.

Please permit me to say to you that I believe this is a matter of Federal concern. We all hope that the local government has a concern for the unique history of the District of Columbia for the seat of government. But I know that that concern is offset by many other concerns, tax rolls and so on; but the concern of the Federal Government is unique, is paramount, and if I may respectfully say so, overwhelming, to preserve a place where history can be demonstrated to the children and our children's children. It is not a matter of attracting children to the area. They come there; they come there in busloads and by the hundreds of thousands and millions because of Dumbarton Oaks.

Now, this is why I do not think that this problem is just a part of the general Georgetown problem. I am interested in the Georgetown problem; but this is something else.

Now, second, let me turn to the possible uses to which this house may be put.

This house could very well and very profitably and fruitfully be put to a number of uses of the Federal Government, particularly when you consider it in conjunction with Dumbarton Oaks. The Smithsonian will have many uses for it.

I would like to suggest to you, as I will to GSA, if this bill should pass, and I hope I have the cooperation of the chairman, who is a distinguished and hard-working trustee of the Kennedy Center—I would like to suggest one use to you.

I am a trustee of the Kennedy Center and on its executive committee. We need for Kennedy Center a residence. We need a place where the great artists who come to Kennedy Center and to Dumbarton Oaks, the musicians, the actors, the playwrights, the dancers, can be put up where they can reside, where they will agree to stay for a week or two weeks; and when we can bring from our schools the promising young people from all parts of this area and, perhaps, from all over this country, we can bring them to talk with the great artists of our country, to have master classes with the great artists of our country.

For that purpose, this house, as Congressman Scheuer has indicated to you, would be uniquely designed. Please do not think about this just as a place for another Federal office. This is a house where history resides. It is a house where history can continue to be made—a history of the development of the human spirit—the history of the development of what is finest and greatest on the American scene.

Now, I would like to say that we, the neighbors who are deeply conscious of the value of this property for the country and its historical value, its esthetic value, have done everything we can with the cooperation of the Foundation for the Preservation of Historic Georgetown—and Colonel Evans is here and you are going to hear from him—we have done everything that we can to work out an amicable and lasting solution to this problem.

We have even tried to make an arrangement with the developer so that he would preserve it intact, not just the house but the grounds, and particularly the grounds fronting on our street.

We have even tried to raise some money, and we did raise some money, to try to buy from the developer a pledge that the house and the grounds would be kept intact. We did not succeed in doing that. But we did not succeed because the developer insisted upon a sum of money which was far beyond our means to raise by voluntary methods.

What we want is very simple, gentleman. We want the front of this house—this house and the front of the grounds facing on R Street to be preserved intact just as they are so that when the schoolchildren are brought along R Street this coming summer and in our Bicentennial Year and in the years to come, they can be told that here in front of you is a replica—a representation of how the great men of history lived when they ran our Government; of how General Grant and then President Grant, and General Halleck and the great men that you have read about in your books, how they lived.

You can visualize that long hill along Wisconsin Avenue. They came up it. They came up that hill in their carriages from the White House and it probably took them an hour or so and this is the house to which they went for a surcease from the swamps and the heat of the White House in those days.

It is for that reason, without taking any more of your time, Mr. Chairman, and with assurances that I speak to you not as a nearby property owner but as an American and one interested in the significance of this Bicentennial; one enormously interested in conveying to our children a sense of what this country is, what it is about, what its history was like.

It is in that spirit and from that position that I come here and express to you again my deep thanks that you have taken your very valuable time to consider this problem.

Thank you, Mr. Chairman.

Mr. RONCALIO. Thank you very much.

Any questions on the left?

Mr. WALSH. Just one comment, Mr. Chairman.

I guess there is no more eloquent person than a neighbor whose neighborhood is threatened and I want to congratulate Mr. Fortas for a wonderful, wonderful description of the historic value of this Scott-Grant property.

The thing that I am concerned a little about is that I cannot see the difference between housing a family with children in this piece of property and the proposal you made, sir, of turning it into sort of an overnight rest stop for the artists at the Kennedy Center; and I would submit that I would much prefer to have a family living there than have this property suffer the extensive alteration that would be necessary if we followed the routine you suggest.

Mr. FORTAS. Mr. Congressman, I am sorry, but perhaps I have not made myself clear.

Our primary interest is in preserving the grounds around it as well as this house. The bill that is before you provides for governmental use of the house. I think this house can be put to very good use by the Government. I think that if the developer had agreed that he would not put one or two townhouses cheek-to-jowl with this historic house, we probably would not—we would not have been before this committee.

But you must realize, if I may put it that way, what is proposed here is that very close to this historic house there will be placed a townhouse. I hope that it is true that neither the present developer nor any successor in ownership will put another townhouse on the other side of this historic property.

But as I understand it, the subdivision makes it possible to put another house there. I do not think that history's message will come through if you take children along there and say this house in the middle was the house occupied by President Grant and right next to it, on the left side, is a townhouse, or on the right side is another townhouse; and we are talking about very little space, if the committee please; we are not talking about a lot of space there. It will be really cheek-to-jowl to the big house.

I do not think that there will be an impact on the minds of the children—the visual impact that there should be and that exists at the present time.

What happens inside that house, I say again, is of secondary matter. What happens to the land on either side of it is a primary matter.

Mr. WALSH. Well, Mr. Chairman, I think the record should be made perfectly clear here that the developer, as I understand it, originally planned to put in two townhouses. The Fine Arts Commission turned down that plan and has allowed only one townhouse to go in; so I think it is perfectly clear the developer only has permission to go ahead and develop one townhouse; and I think we are clouding the issue if we talk about the possibilities of two houses.

Mr. FORTAS. Mr. Congressman, with all respect, experience with respect to zoning indicates that a developer fails to secure permission for two townhouses instead of one, that next year the application is renewed, perhaps by the same developer or perhaps by another developer.

The year after that, the application is renewed and, eventually at some time, and quite often, it is granted.

I have heard nothing suggested by the developer. I have heard no suggestion by the developer that he is willing to give the foundation or the preservation of Historic Georgetown or any similar agency an easement which will guarantee that the other townhouse will not be built.

Mr. WALSH. Again, Mr. Chairman, I would submit that this is purely the responsibility of the Board of Zoning Appeals, as I call it. I do not know what the title is here; but I think I have a little more faith than you do, sir, in the responsibilities of the Fine Arts Commission, the Board of Zoning Appeals, and the Planning Commission and the Government of the District of Columbia.

Mr. FORTAS. I have some doubt as to whether this existing authority would prevent that; but whether it would or not, I suggest to you again that, in my opinion, this is a Federal matter—a matter of proper Federal concern, regardless of the attitude taken by the local government or the local governmental agencies; and it is on this Federal basis that we are appealing to you.

Mr. WALSH. Again, I would like the record to indicate, Mr. Chairman, as I read from the statement that has been submitted to the committee but not yet been presented, by Reid Dunn, regarding this property. He said:

This plan is not a development. The zoning in this area would permit seven dwellings on this property. I am building only one for my own use and have repeatedly offered to place a covenant on the west side of the main house to insure that it remains unbuilt in perpetuity, if only I am allowed to proceed unimpeded with this plan.

Mr. FORTAS. I hope that the developer will indeed give an easement to that effect to the Foundation for Historic Georgetown, which has obtained such easements from many others—from a number of other property owners.

I hope he will do that. That avenue is available to him immediately, as I understand it: and then we would have only half of a tragedy in the Scott-Grant House.

Mr. RONCALIO. Any other questions?

Mr. COCHRAN. Mr. Chairman, thank you.

I would simply like to say, too, Mr. Justice Fortas, that it is an honor to hear you. As a fellow lawyer, your reputation for skill in

advocacy precedes you here. I am delighted to be here and hear you, and I want to compliment you on your statement, which I think has been very helpful to the committee in its deliberations with respect to the bill.

Thank you very much.

Mr. FORTAS. Thank you, sir.

Mr. RONCALIO. Thank you, gentlemen.

Mr. Holland?

Mr. HOLLAND. Thank you, Mr. Chairman.

Mr. Justice Fortas as a brother in the profession, I consider this an honor to have you here today. I struggled at the bar for 10 years and, by a quirk of election, I find myself here and you there; and I would not miss this opportunity to ask you a question.

The statement you made is eloquent. I compliment you on it. By the way, you made reference in your statement to the fact that General Grant was slow to speak. I may take issue and would you not agree that he is probably one of the most interesting characters to us. But might I ask this—you made reference to the fact that the developer had been offered a sum of money and had declined that offer.

For the record, what was the purchase price demanded by the developer for this project?

Mr. FORTAS. The offer that was communicated to the developer was as follows: In return for a scenic and historic easement which would prevent building on either the east side or the west side of the main house, the Scott-Grant House, the developer would be paid \$40,000.

Now, that \$40,000 would be—was to be contributed in the following fashion—I cannot tell you that any of this is absolutely firm except that the proposal was made. The money was to be raised as follows:

As I understand it, the developer had made a contract to sell the two outbuildings to two people who I notice are on your program here today and they were going to put up \$22,000, according to the communication that I received, indirectly from their counsel.

The neighbors along R Street, including my wife and myself, were going to supply the additional \$18,000, and for that \$40,000, the developer would give a historical easement on this property which would keep the main house in private ownership but would prevent any building on either side of the main house.

The word I received—Mr. Dunn will be testifying and he can check this out—but the word I received from our counsel was that Mr. Dunn wanted \$70,000 or \$75,000, I forget which, just for this easement; and that was totally out of reach of anything that could be raised by voluntary contributions from the neighbors.

Mr. HOLLAND. Do you have any idea what it would cost the U.S. Government for acquisition of this property in a condemnation proceeding or otherwise?

Mr. FORTAS. I do not know, Mr. Congressman. I understand that the developer has sold the principal house, and I believe you are going to hear from the purchaser; and I am told that the purchase price was in excess of \$250,000, and I am told that the developer also made contracts to sell the two outlying buildings.

I do not know what that would be. So I suppose that the cost of acquisition might run well over \$300,000, perhaps, around \$400,000.

This is testimony for which I hope you will grant me forgiveness because it is testimony from ignorance. I know that initially—as a matter of fact, I have with me the initial advertisement of this total property, I think that advertisement appeared in *Prevue* magazine. I do not know whether the advertisement was placed by the prior owners or by Mr. Dunn, because my copy does not have a date on it. but it advertised the total property for sale of \$475,000. That, of course, was the asking price.

I will be glad to leave that copy of that advertisement with you if you like.

Mr. RONCALIO. We would like to have that for the file.

Mr. Mineta?

Mr. MINETA. Mr. Chairman, I really have no questions of the very distinguished Justice before us, except to thank him for being here; and, frankly, as a personal observation, I miss your wisdom and your judgment and eloquence on the Court and only wish you were there.

Mr. FORTAS. Thank you, sir.

Mr. RONCALIO. Mr. Fary?

Mr. FARY. No questions, except my gratitude.

Mr. RONCALIO. Let me say in conclusion, Judge Fortas—thank you for coming and thank you for showing this interest in what is going on—and also for the man who is responsible for my being alive in many, many ways, and the man in Laramie, Wyo., the mayor of our town, and his brother was the dean of the law school and his brother Carl said to me once in 1938, “If we can just get you to speak a little more slowly and read and write we may do something with you, young man,” and he was the kind of man you associated with Arnold, Porter & Fortas and was the result of great careers and I am sorry you lost both of your founding partners, but we are happy you are surviving, and hale, and hearty, and glad to see you here.

Mr. FORTAS. Thank you very much, Mr. Chairman. You have been very kind.

Thank you.

Mr. RONCALIO. We thank you for the reason that men of stature, as Mr. Justice Fortas has asked us this question and we want to have a good hearing.

Mr. Dunn, will you please come forward. We will include in the record the full text of your prepared statement.

[The statement referred to follows:]

STATEMENT OF REID A. DUNN

My name is Reid A. Dunn. I am a partner in the architectural firm of Dunn & Preston, of Washington, D.C. I reside at 3311 Ross Place, N.W., Washington, D.C. I am the owner of Lot 96 in Square 1280, a part of the original Scott-Grant Estate. My house is currently under construction on this property.

The bill under consideration would take my land and house for public purposes. It was introduced on October 22, 1975. I was informed of this on January 12, 1976, exactly ten (10) days ago. I find it unusual that such a bill could be introduced without at least a courtesy call to inform the affected parties, if not a more detailed consultation to hear out another viewpoint, especially when a local phone call was all that was required.

Before detailing my objections to this bill and why I believe it improper, inequitable and illogical, I would like to offer some background information:

I purchased the Scott-Grant Estate with the intention of subdividing it into four (4) parts. Three (3) of these parts were the existing buildings on the site, the main house, a guest house, and a carriage house and a fourth new residence

to be occupied by myself and my family. At the time I purchased the estate it had been for sale for approximately six (6) years, was vacant, and was badly deteriorating. The outbuildings had been illegally rented for several decades, presumably in an attempt to offset the cost of ownership of the property.

It was abundantly clear at the time of purchase that the estate was no longer functioning as one; it was instead a conglomeration of three (3) rental properties. Furthermore, the difficulties in marketing the property over a six-(6) year period were ample evidence that no purchaser was available who could maintain it as an estate. The taxes were over Eight Thousand Dollars (\$8,000.00) annually, and the maintenance of the extensive landscaping and the three (3) antique buildings burdensome to say the least. It was with a firm belief in the lost viability of the estate that I purchased it. I believed that viability could be returned by the intended subdivision into four (4) parts, that the only alternatives were either continued decay or a much more extensive full-scale development.

I would like to emphasize that this decision to purchase was not taken lightly. Being in the practice of architecture, I was acutely aware of the aesthetic implications of what I was doing. Being a Georgetown resident, I was concerned for the future of the neighborhood. Ultimately I made a decision: A subdivision and a new house would not adversely affect the property aesthetically. It was justified as the only ready means of returning viability to the property.

This plan of a four-(4) part subdivision involved no major change in the functions or looks of the property. The existing three (3) buildings were occupied by separate families anyway—all the plan would do is legalize this use. The new house was carefully designed with the cooperation of the Fine Arts Commission to insure its compatibility on the estate. It has been designed as an additional outbuilding. It is low, small in scale, with an architectural flavor not unlike the existing carriage house. A garden wall separates it from R Street. In fact the new house will not be visible from the south side of R Street, and barely so from the north side. All this was done to maintain, at all costs, the existing character of the estate.

This plan is not a "development." The zoning in this area would permit seven (7) dwellings on this property. I am building only one (1) (for my own use), and have repeatedly offered to place a covenant on the west side of the main house to insure that it remains unbuilt in perpetuity, if only I am allowed to proceed unimpeded with this plan.

I object strenuously to the notion that the Federal Government should intercede in this project at this time. First, there has been ample time to do so prior to now. As I have told you, the estate had been for sale for six (6) years before I purchased it. My plans for subdivision were known more than a year and a half ago. Lot 96 was subdivided over six (6) months ago. Variances legalizing the remainder of the subdivision were obtained five (5) months ago; the building permit for the house on Lot 96 was also obtained five (5) months ago. In short, at this point the plan is essentially completed, with the property in three (3) different ownerships and the house under construction. In fact, all excavation is complete, the foundations in place, and lower floor walls in progress. Furthermore, advance commitments have been made with subcontractors and materialmen and much of the remaining work is already scheduled.

Second, the logic of this bill is faulty, for its clear purpose is to "save" the Scott-Grant Estate and that has, without any question, been already done without government intervention. To date, over one hundred thousand dollars (\$100,000.00) in restoration funds have been pumped into the main house and grounds, reversing the deterioration of decades of neglect. The purchasers of the outbuildings stand ready to make similar restorations. In fact, they are scheduled to take possession tomorrow and begin work in the near future. They intend to live in these properties indefinitely, and to care for them in the way they deserve. Any observer would agree, I am sure, that the property is today in better repair than any time in the last decade. Lost viability has been returned.

Third, as a taxpayer, I am appalled at the wastefulness this bill calls for. The market value of these four properties is between seven hundred fifty-thousand dollars (\$750,000.00) and one million dollars (\$1,000,000.00). It is clear that the real reason for this bill is to prevent the construction of a single new house. How can this be justified? G.S.A. will obtain about six thousand (6,000) square feet of highly unsuited office space, for which it has not even expressed a need.

This logic pales, especially in light of the highly questionable benefit that might accrue. Will this new house destroy the Grant Estate? The Commission of Fine Arts, a Federal body specifically empowered to answer such questions, has plainly said no, as have numerous other government agencies. Indeed, no one outside of a small group of self-interested parties has objected. What benefit will this bill have?

What can be detailed with fair precision are the adverse effects of such a bill. It will bring commercial uses to a street that has never before had them. A street where, in fact, zoning does not permit them. It will exacerbate the already untenable parking situation in Georgetown. Conceivably, fifty (50) people could work at the estate, should this bill become law, bringing dozens of cars into the area when only six (6) or so can be parked on the estate. Most importantly, the bill will change the very essence of the Scott-Grant property, from a residential place perfectly suited to residential uses to an office complex, replete with banks of filing cabinets, clacking typewriters, switchboards and secretarial pools. This would destroy the essential character of the place, and sterilize it. How can this be construed as historic preservation? Surely, in terms of preservation, one new outbuilding is preferable to the wholesale destruction of the very concept of the estate.

Furthermore, how can this bill possibly be construed as in the public interest? To be sure, it is in the private interest of a few local residents who do not wish to be deprived of their heretofore privately financed open space but in no way can it be considered in the interest of the neighborhood, for it will bring unwanted commercial uses and additional congestion to the streets. Surely, it is not in the best interests of the city, which will be deprived of badly needed real estate tax revenues, or of the nation, which can derive no benefit whatever.

Finally, I must object to this Bill on the basis that it takes the property and the homes of four (4) families who cherish the opportunity to live there, families who have in good faith pursued for nearly two (2) years now this end. We have, as you know, secured the approval of numerous government agencies over this period of time, including the Commission on Landmarks, D.C. Zoning Administrator, D.C. Building Permit Division, and D.C. Board of Zoning Adjustment. We have fought a legal battle with dissenting neighbors over a multitude of issues, all of which have been decided in our favor. At this date, the legal aspects of this case are at an end. Now, it appears, we must take our case to the Congress, even though no one outside of a narrow group of self-interested persons has expressed displeasure with our plans.

We four (4) families are not investors or dabblers in real estate. These properties are to be our homes into the indefinite future. In my own case, I know that my family has thought of little else for eighteen (18) months. We have been uprooted, placed in limbo, and delayed, but our devotion to the idea of living there remains adamant. I cannot believe that the government can, in good faith, take our property now.

TESTIMONY OF REID A. DUNN, PROPERTY OWNER, WASHINGTON, D.C.; ACCOMPANIED BY TERRY LENZNER, ESQ.

Mr. RONCALIO. Who is with you at the table, please?

Mr. LENZNER. My name is Terry Lenzner, counsel to Mr. Dunn.

Mr. DUNN. I have, sir, here copies of a drawing which identifies the various buildings involved, which I think would help a great deal in clarifying what this matter is all about; and perhaps this could be circulated.

Maybe I could just explain the physical parts of this property that we are talking about.

The entire parcel is known as the Scott-Grant Estate, and this is R Street, Northwest, underneath here. The main house is here.

This is a little guest house that had been there for 100 years or more; and this is a small carriage house.

This is the new house, which is now under construction.

Mr. RONCALIO. How far under construction is that, Mr. Dunn?

Mr. DUNN. The foundations are in, sir.

Now, this project has been repeatedly referred to as a development; and let me assure you, sir, that this is not the case.

I think it has been pointed out previously that up to seven dwellings would be legal under the current dwelling law here. Only one is proposed. Only one is under construction and I do not believe I would characterize that as being cheek-to-jowl with the main house. It is as far away as possibly it could be.

The other side we intend to leave vacant, and the testimony of the other persons will substantiate this.

We are creating a covenant to leave that open in perpetuity and that is a voluntary thing on our part.

Mr. RONCALIO. Will that be filed and made a matter of record?

Mr. DUNN. A matter of record as of Friday, sir, when the settlement on these two back houses is to occur.

Now, the main house has been sold to Mrs. Russell, who will testify after me. She has completely restored and renovated this house at a cost to her of \$100,000 or more, and she is understandably upset that the Government would consider taking it from her.

The other two parcels are under contract to two other people who will testify here later. They, by coincidence, are taking possession of this Friday. All of us intend to live on this property and to maintain these buildings indefinitely.

When we came along, the Grant House had come on hard times. This place was deteriorating. It had been for sale for 6 years and it was vacant.

This seemed to me to be a reasonably private alternative to saving this place; and, quite frankly, the only reason I am embarking on this project is because I want to live there.

Mr. RONCALIO. You also are going to be a tenant in the building?

Mr. DUNN. Sir?

Mr. RONCALIO. You are the designing architect and you also will live on the premises when you build the building?

Mr. DUNN. Yes, sir.

Mr. RONCALIO. Thank you.

Mr. DUNN. The new house has been designed very carefully as an additional outbuilding on the estate. It is meant to be subordinate to the main building, and this was worked out in cooperation with the Commission of Fine Arts so that we could maintain the estate-like character of the place. This has always been our intention.

This is the reason it has been attractive for us to live there.

As far as the suggestion of building two houses, there was a time before I bought the property and in some preliminary discussion with the Commission of Fine Arts when I thought this project would not work without building two houses, and I became convinced that it would, and those plans were scrapped, along with negotiations with the Commission of Fine Arts, and it has never been my intention to build more than one house there.

I would like to also respond to Mr. Fortas' testimony regarding the attempted purchase of the development rights by the neighbors.

This was a last-ditch thing that came from them after 18 months of continuous harassment that eventually got us in the District of Columbia Court of Appeals. The house was under construction at the

time this offer was made and it was made only through the help of two of the other purchasers who will testify later. They were putting up the major part of the money and the reason they were doing it was to make the problem go away; and I personally was not—did not feel right taking money from them in order to make this happen.

I did not feel at that stage of the game the offers of Mr. Fortas and the neighbors was in good faith and furthermore it was for an amount that was far less than the property was worth, and what I had invested in it.

Let me just see if there is anything else that I would like to touch on here.

The new house is constructed in such a way that it is behind the garden wall so that literally it is invisible from the south side of R Street and it is only from the north side that you would begin to see the table end of the house peeking above this wall; and I do not think this is going to have a deleterious effect on the ambience of the estate and other main building.

It was carefully done to be compatible.

Mr. RONCALIO. The townhouse plan under construction now is a single-family unit townhouse?

Mr. DUNN. Yes, sir.

A townhouse does not properly characterize it. I have a drawing of it also. Maybe if I could hold this up.

Mr. RONCALIO. That is the existing house you are now pointing to?

Mr. DUNN. Yes.

Now, this little house which appears at the carriage house is the new house.

Mr. RONCALIO. Yes; in the rear of the land.

Mr. DUNN. It is not in the rear, sir, but it is back from the street. It is behind this garden wall and, as I say, from the mechanics of the elevation from the south side of the street, the house will not be seen. This is the next house on down the street and the one after that is Mr. Fortas'.

Mr. RONCALIO. Who lives in the next house down the street? Is that a foreign diplomat?

Mr. DUNN. It was very recently resold and I am not sure who owns it.

Mr. RONCALIO. I used to live across the block from there in the 89th Congress until I got a little overzealous and started shoveling and sold the house, of course.

All right, sir.

Mr. DUNN. I believe that sums it up, sir.

Mr. RONCALIO. Any questions? Mr. Walsh?

Mr. WALSH. Mr. Chairman, a question. Thank you.

I hate to raise this question, Mr. Dunn, but you estimate that the value of this property is \$750,000, and I do not like to put you on record as to the value, but could you tell me what the assessed valuation is?

Mr. DUNN. Well, the property very recently has been subdivided and I do not know what the various parts will be assessed at. What I do know what we all paid for them, and the amount of the improvements that have gone into them, and that is a conservative total, and I know in general property values in Georgetown and I think the market value of these four parcels will be close to \$1 million.

Mr. WALSH. But you have no idea as to what they are on the assessment rolls?

Mr. DUNN. I believe the last assessment we had on the total parcel was around \$600,000. That was before it was sold—before the new dwelling was begun and before the subdivision had been made.

Mr. WALSH. Do they assess the full value, market value, or a percentage of true value?

Mr. DUNN. That would have been the percentage converted to full market value.

Mr. WALSH. Thank you, Mr. Dunn.

No further questions, Mr. Chairman.

Mr. RONCALIO. That was the basis upon which there was an \$8,000 a year tax paid; is that right?

Mr. DUNN. Yes, sir; yes, sir.

Now, since that time, as I say, these various figures will change that in some way.

Mr. RONCALIO. Mr. Cochran?

Mr. COCHRAN. Thank you, Mr. Chairman.

I want to say hello to Terry, as I have not seen you since I met you when a good friend of mine was on your staff when you were over at the OEO Legal Service.

Welcome to the committee.

Mr. LENZNER. Thank you, sir.

Mr. RONCALIO. Mr. Abdnor?

Mr. ABDNOR. No questions.

Mr. RONCALIO. Congratulations on yesterday's great work. You and I were late yesterday and we were busy until the wee hours. Mr. Holland?

Mr. Mineta?

Mr. Fary?

Mr. FARY. No questions.

Mr. RONCALIO. All right.

Thank you very much, Mr. Dunn. We do not mean for you to go through this thing and have it dealt with preemptorily. If you want to take some more time, fine; but I think the old adage holds, "You are at an advantage when you are ahead." I think you are ahead on this.

Thank you very much.

Our next witness is one of the owners of the land, Connie Russell; and we welcome you to the panel.

TESTIMONY OF CONSTANCE RUSSELL, 3238 R STREET, NORTHWEST, WASHINGTON, D.C.

Ms. RUSSELL. My name is Constance Russell; and I purchased the main house—the Scott-Grant mansion. I looked at this house a number of years ago (I have lived in Georgetown for years) and decided it was the home I wanted to live in. I got as far as the point of making an offer on the house when I found out what they were asking for it, what the taxes were and the size of the outbuildings. I found it was absolutely beyond my means.

When I found Mr. Dunn had purchased the property I went to him to find out what he planned to do with it. He went over his plans with me, which made it feasible for myself as well as the other

two purchasers to be able to afford the property, to renovate it as well as maintain it and pay taxes on it.

At that particular time when I purchased the house, I was delighted and did a certain amount of work that obviously need to be done and moved in.

Unfortunately, or fortunately, whatever, after I moved in—and it has been 12 months of absolute depression. Nothing in the house worked properly simply because it had not been lived in for years. Every time you turned water on in one part of the house it was leaking in another part and almost to the point that I wished I had not got involved with it; but, in any event, I have spent to date over \$100,000.

I am just about finished with some exception of a few minor things. I do plan to make this my residence.

Mr. Dunn spent a lot of time and a lot of effort before I signed my contract as well as the other individuals to go over what he planned to do to make sure it was to everybody's liking. He spent a tremendous amount of money, which I think is very unfortunate and I too, have been fighting the neighbors so to speak; and the only reason I can see why they seem to be concerned is merely a vendetta against Mr. Dunn; including one of the people that has opposed this was a child who had lived in the house. I think if they were so concerned why did they not buy the house years ago?

So basically I am definitely opposed to this bill. I would be absolutely shocked and mortified if I was asked to move from my home which I have spent a fortune on and I now have over \$400,000 personally invested in the house.

Mr. RONCALIO. I get your message loud and clear.

Any comments?

Mr. COCHRAN. No.

Mr. WALSH. No comments.

Mr. RONCALIO. Any comments on this?

Mr. HOLLAND. No.

Mr. MINETA. No.

Mr. RONCALIO. Mr. Fary?

Mr. FARY. No.

Mr. RONCALIO. All right.

You make a strong impression on us and I would appreciate that this is not the only way to get all the facts and that is having a hearing like we are having here now.

Thank you very much.

Next, Ms. Janice Frye.

TESTIMONY OF JANICE FRYE, 3238 R STREET, NW, WASHINGTON, D.C.

Ms. FRYE. I am Janice Frye. I am the contract owner to the carriage house and studio behind the Grant Mansion. I go to settlement on this property tomorrow and my two children—my son and daughter—plan to live there.

For 20 years I have had a strong interest in historic preservation. My educational background it is in. I was lecturer on the staff of the Metropolitan Museum for 4 years, specializing in American history.

Later, I went on to the cultural staff at Mount Vernon Ladies Association on George Washington Homes.

I think the Scott-Grant estate is an excellent example of serious-minded, esthetic-minded citizens preserving our historical heritage.

Thank you. I oppose the bill.

Mr. RONCALIO. Thank you very much.

Do you have any questions?

Thank you very much for appearing.

Our next witness is Mr. Quinton Vidor.

**TESTIMONY OF QUINTON VIDOR, 3238 R STREET, NW.,
WASHINGTON, D.C.**

Mr. VIDOR. Thank you, Mr. Chairman.

I am the contract purchaser of the property known as the "Guest House" of the Scott-Grant estate. I am planning to go to settlement on the property January 23, 1976.

My purpose in purchasing the property is to use it as my personal residence. I am buying the property because of its good location, beautiful surroundings and historical value. When signing the contract to purchase this house, I was aware that Mr. Reid A. Dunn, one of the sellers, was planning to build a fourth dwelling on the estate. Additionally, I knew that some of the neighbors were opposed to Mr. Dunn's subdivision plans and especially the new house. I gave careful consideration to whether or not a new dwelling would be harmful to the estate. My conclusion was that it would not.

The estate is approximately 40,000 square feet and is located in a zoning area which requires minimum lot sizes of 5,000 square feet. Walking through the estate convinced me that an additional dwelling would not diminish the beauty and historic feeling of the whole property. Obviously this is my esthetic judgment, and I can understand that someone else might come to an opposite conclusion.

My support of Mr. Dunn's plans, however, is not based solely on esthetic grounds. Aside from the fact that I want to live there and feel the "Guest House" would be a valued property, I also feel that subdivision is the most economical way to preserve the estate. When I first looked at the "Guest House," it was evident that the dwelling had not been kept in first-rate condition. There was a leak in a gas connection, paint and plaster were peeling off the walls and ceilings, and the roof was leaking. Based on what I saw, I could only conclude that the former owners, for whatever reason, were not able to adequately maintain the building's interior improvements. I don't say this as a criticism, for I believe that as a rented dwelling, it was and is probably not economical to repair and maintain the property. My feeling is that only an owner-occupier would spend the necessary funds and give sufficient attention to preserve the house. Subdivision, therefore, seemed to be both the most economical course to follow and best means of maintaining the estate.

When signing the contract to purchase, I also agreed to place a covenant on the front part of my lot, preventing the construction of a fifth dwelling. This covenant, I believe, is ample proof of my desire, along with the sellers, to preserve the open feel of the estate, as well as its historical qualities.

Mr. RONCALIO. I have personally been down there and there were one or two trees that were to be cut down and would it make it possible for one building to go up there now or three trees? I am vaguely familiar with the property. I used to wheel my first-born son along there in many, many pleasant hours.

Mr. DUNN. Would you like me to answer?

Mr. RONCALIO. How many would you cut down to make this?

Mr. DUNN. We cut down two trees. One was roughly 5 inches in diameter and the other one was a little smaller. None of them were major trees on the estate and none of the major trees were touched or will be touched.

Mr. RONCALIO. All right.

Thank you very much.

Mr. VIDOR. That is all.

Mr. RONCALIO. You oppose the legislation?

Mr. VIDOR. Yes, sir.

Mr. WALSH. Mr. Chairman, I do not think it has been clarified.

Mr. Chairman, if I could raise a question; and I am not sure you can answer it, Mr. Vidor, or we may have to call back the counsel for Mr. Dunn; but I think the record ought to show just what the contracts and the purchases will do to this property, who will own the entire piece of property.

Mr. VIDOR. It will be owned by four different people.

Mr. WALSH. Four different people will own the immediate land around their homes?

Mr. VIDOR. Yes; that is correct.

Mr. WALSH. So in effect you are subdividing the property into four different parcels with four separate owners?

Mr. VIDOR. Yes.

Mr. WALSH. Thank you very much.

Mr. RONCALIO. Will all of this area of the estate be owned by the four of you, or will there be a fifth portion left?

Mr. DUNN. None left.

Mr. WALSH. I think I do have another question, Mr. Chairman. Mr. Dunn, could you tell me whether under the District of Columbia law that this then becomes a subdivision? I know in New York State a subdivision is four or more properties. Is this now classified as a subdivision?

Mr. DUNN. There is no such rule here, sir. In fact, it is possible to subdivide a parcel in one part which is known as obtaining a record lot. There is no such law here.

Mr. WALSH. So then there is no separate regulations that apply to this so-called subdivision as a subdivision? This is just individual pieces of property?

Mr. DUNN. This is a regulation of the District of Columbia subdivision regulations. Any subdivision of a parcel into one or more parts is a subdivision.

Mr. WALSH. I see.

Thank you very much.

Mr. MINETA. Mr. Chairman, may I ask two quick questions?

You indicate your willingness to place a covenant on the front part of your lot. Is that going to be a part of your closing tomorrow?

Mr. VIDOR. Yes.

Mr. MINETA. I was just wondering, Mr. Chairman, and would like to ask our committee counsel, whether our inaction on this legislation today will place any kind of a cloud on the title or on the property, or any of the closing proceedings going on tomorrow?

Mr. RONCALIO. I would say no as does a half a dozen lawyers over there. Mr. Lenzner?

Mr. LENZNER. I do not think there will be a cloud legally. It will just give people continuing concern but here there is no legal cloud.

Mr. RONCALIO. Thank you very much, Mr. Lenzner.

Mr. MINETA. Mr. Chairman, since there was a fear expressed about another house being placed facing the Grant House to the right, is there a covenant or anything in tomorrow's action that would prevent, let us say, that fifth, or another house from being constructed to the right of the Grant House?

Mr. DUNN. Yes. There is a deed restriction which will be written.

Mr. MINETA. There is a deed restriction preventing another home from being built to the right, as you face the Grant House?

Mr. DUNN. Yes.

Mr. MINETA. Thank you very much.

Mr. RONCALIO. Thank you, Mr. Mineta. We are relying on the fact that there is this evidence before us today and it shows that there will not be another building built even if the worst turns out to the cries of those who would criticize the half tragedy instead of the whole one; and at least it will be a half tragedy, not a whole one. That is the way I understood your question, to sustain us in that belief that there will not be another townhouse built on these premises.

Who knows what is going to happen 20 years from now? But assuming this easement of confidence will bind and run with that land—

Mr. DUNN. That is our intent, sir.

Mr. LENZNER. We would be glad to send a copy of the covenant after it is signed tomorrow.

Mr. RONCALIO. That will be fine.

[The following was received for the record:]

TRUITT, FABRIKANT, BUCKLIN & LENZNER,
Washington, D.C., February 20, 1976.

Congressman TENO RONCALIO,
Chairman, House Subcommittee of Public Works and Transportation, U.S. House
of Representatives, Washington, D.C.

DEAR CHAIRMAN RONCALIO: During the hearings before your Committee relating to proposed legislation H.R. 10306, we represented that the parties involved in the purchase of the land were prepared to covenant that no structure would be constructed on the remaining vacant portion of the land.

Pursuant to said representations, I enclose herein a copy of the covenant entered into by said parties that we believe adequately protects the remaining land that faces on the street from any further construction.

I hope that this information will be of assistance to you.

Very truly yours,

TERRY F. LENZNER.

This deed, made this the 23 day of January, 1976, by and between Reid A. Dunn and wife, Eleanor B. Dunn, and Christian Dutilh, unmarried; party or parties of the first part, and Quentin C. Vidor, unmarried; party or parties of the second part.

WITNESSETH, that for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars, receipt whereof is hereby acknowledged, the said party or parties of the first part do grant unto the said party or parties of the second

part, in fee simple, the following described land and premises, situate in District of Columbia and known and distinguished as: Lot numbered Ninety-seven (97) in Square numbered Twelve Hundred Eighty (1280) in a subdivision made by Reid A. Dunn and Christian Dutilh, as per plat recorded in Liber 164 at folio 71 in the Office of the Surveyor for the District of Columbia.

Subject to a prohibition of above ground structures (excluding landscaping, fences and garden walls) in the area north of a line coincident with the south facade of the now existing dwelling on Lot numbered Ninety-eight (98) in Square numbered Twelve Hundred Eighty (1280).

The party of the second part does hereby covenants and agrees for himself, his heirs, successors and assigns that no above ground structures (excluding landscaping, fences and garden walls) shall be constructed within and parallel to an area to the east of a line drawn fifteen (15) feet eastward of the now existing dwelling located on the property described herein. The said fences and garden walls shall not exceed a height of five (5.00) feet. This covenant is for the benefit of the owners, heirs at law, successors and assigns of Lot numbered Ninety-eight (98) in Square numbered Twelve Hundred Eighty (1280) and is to be considered as running with the land.

Together with all and singular the ways, easements, rights, privileges and the appurtenances to the same belonging or in anywise appertaining, and all the estate, right, title, interest, and claim, either at law or in equity, or other wise however, of the said party or parties of the first party, of, in, to, or out of the said land and premises.

And the said party or parties of the first part covenant that they, he or she will warrant specially the property hereby conveyed; and that they, he or she will execute such further assurances of the said land as may be requisite.

In witness whereof, the said party or parties of the first part have hereunto set their, his or her hands and seals on the day and year first hereinbefore written.

REID A. DUNN,
ELEANOR B. DUNN,
CHRISTIAN DUTILH.

DISTRICT OF COLUMBIA, ss:

To wit: I, Gerald Perras, a Notary Public in and for the said District of Columbia, do hereby certify that Reid A. Dunn, Eleanor B. Dunn, Christian Dutilh, who are personally well known to me as party or parties to and who executed the foregoing and annexed Instrument bearing date on the 23rd day of January, 1976, personally appeared before me in the said District of Columbia, and acknowledged the same to be their, his or her act and deed.

Witness my hand and official seal this the 23rd day of January 1976.

GERALD R. PERRAS,
Notary Public.

My commission expires: July 14th, 1976.

Mr. RONCALIO. Our next witness is Colonel Robert F. Evans.

TESTIMONY OF COLONEL ROBERT F. EVANS, FOUNDATION FOR THE PRESERVATION OF HISTORIC GEORGETOWN

Colonel EVANS. I am the president of the Foundation for the Preservation of Historic Georgetown. You have my statement before you which I presume is being entered in the record, so I will omit a lengthy description.

Mr. RONCALIO. Let me at this time, without due objection order it into the record at this point.

[The statement referred to follows:]

STATEMENT OF ROBERT F. EVANS, FOUNDATION FOR THE PRESERVATION OF HISTORIC GEORGETOWN

Mr. Chairman, I am Robert F. Evans, Colonel, USA, Retired, President of The Foundation for the Preservation of Historic Georgetown. The Foundation

welcomes this opportunity to respond to your invitation and express its views on H.R. 10306, a bill that would authorize a governmental acquisition of the historic Scott-Grant House in Georgetown.

The Foundation was established in 1965 by a small group of dedicated citizens including Dean Acheson, David Finley, Robert Hale, Noel Macy and Admiral Neil Phillips. The objective of the Foundation has been not only to preserve the historic buildings of Georgetown but also the open spaces and general atmosphere of the townscape. It has no endowment and depends on annual contributions from its membership which is now between three and four hundred. Examples of its work include the preservation of the two small historic cemeteries in north-east Georgetown which were in danger of becoming housing developments. By providing two grants at the appropriate times the Foundation was instrumental in saving this open area, and the cemeteries have now been designated historic landmarks. Another example is the provision of funds for structural repairs to the eighteenth century building at 3210 M Street that once was the Town Hall of Georgetown. Recently the Foundation has been acquiring scenic and facade easements to be passed on to the National Trust for Historic Preservation. These easements preclude demolition or changes in the appearance of significant houses and preserves them for future generations.

The Scott-Grant house at 3238 R Street is a house of major historical significance, and should be preserved. Built about 1854 on the highest point in Georgetown it was used by President Grant as a summer White House. To Democrats it has a particular significance as it was during President Franklin D. Roosevelt's administration, the famous "Little Red House" of the "Brain Trust."

Several years ago, after the home had been restored and refurbished it went on the market, and the Foundation was offered a chance to buy it for \$475,000, a sum beyond our resources. Last year the Foundation offered to purchase a scenic easement from the new owner but the offer was refused.

Mr. Chairman, we of the Foundation strongly support the proposed legislation as an excellent solution to the problem. Acquisition by the General Services Administrator will insure the preservation of this property. It is particularly appropriate in this Bicentennial year.

May I, Mr. Chairman, also state that I am representing at this hearing another organization, also dedicated to historic preservation, The Committee of 100 on the Federal City, the oldest planning organization in the District of Columbia. At its meeting of November 20, 1975, the Committee voted unanimously to support efforts to preserve the Scott-Grant House and specifically to support H.R. 10306. At that meeting I was asked to express at this hearing the Committee's strong support for the proposed legislation.

In conclusion there are three reasons why the Foundation and the Committee believe this legislation should be passed. The first is that this property is a highly significant part of the Historic District of Georgetown, established by Public Law 808-81st Congress, and placed on the National Register of Historic Sites in accordance with the Historic Preservation Act of 1966, P.L. 89-665. The second is that the property itself has been designated an historic landmark by the Joint Committee on Landmarks of the Fine Arts Commission and the National Capital Planning Commission. The third is that this Bicentennial year is a highly appropriate time for the Congress to insure the preservation of a former summer White House of one President and a staff base for another President.

This concludes our comments. Thank you, Mr. Chairman.

Mr. RONCALIO. Proceed, sir.

Colonel EVANS. I will omit a description of the Foundation and its 300-odd Georgetown residents who have banded together trying to preserve our community.

I will also omit a description of the Scott-Grant House. I think this has been well covered in the discussions as have previous actions in attempting to get control of it.

We strongly support the proposed legislation, as it is an excellent solution to a problem which cannot otherwise be solved. We have tried other ways.

We feel in the Bicentennial year, that a former residence of a President of the United States deserves some special attention, and it is a national problem, as I believe has been pointed out.

I would like to say that that I am representing not only the "Foundation" but the Committee of 100 on the Federal City, which is the oldest planning organization, I believe, in the District of Columbia.

At their meeting on November 20 last, they voted unanimously to support this legislation, and I was directed to appear and report this action to you.

We feel there are essentially three reasons why this legislation would be desirable.

First, this is a significant part of the historic district of Georgetown, which was established by Public Law 808 of the 81st Congress and placed on the National Register of Historic Sites, in accordance with the Historic Preservation Act of 1966.

Second, the property itself has been designated a historic landmark by the Joint Committee on Landmarks of the Fine Arts Commission and the National Capital Planning Commission.

And, third, this is a Bicentennial year and this is the year, if Congress should choose to preserve places of historic interest as individual places, that would be ideal for doing it. I hope I have abbreviated my remarks sufficiently.

Thank you, Mr. Chairman.

Mr. RONCALIO. I hope you did not abbreviate your case so as to damage your case.

I do not want you to mean that much damage.

Colonel EVANS. In that case, I would be happy to continue.

Mr. RONCALIO. We have the crux of your position in the sustaining evidence that you supplied us.

Thank you.

Any questions from the left?

[No response.]

Mr. RONCALIO. Any to my right?

[No response.]

Mr. RONCALIO. Thank you very much, Colonel Evans.

Before we call Mr. Henderson, we have in our midst former Congressman Robert Hale, from Maine; and you were going to say something this morning to us?

Do you want to acknowledge your presence? And it is nice to see you back on the Hill.

Do you want to say something in regard to this particular bill?

Mr. HALE. It gives me great pleasure to be here and I most heartily endorse what Colonel Evans has said.

Mr. RONCALIO. Thank you very much, Mr. Hale; and we are happy to have you here and nice to see you.

Our next witness is Mr. Laurance Henderson.

TESTIMONY OF LAURANCE G. HENDERSON, 2400 VIRGINIA AVE. NW., WASHINGTON, D.C.

Mr. HENDERSON. Mr. Chairman, I have a prepared statement. I think I will summarize the points that I want to make in about 2 minutes.

Mr. RONCALIO. There being no objection, the full statement will be admitted in the record and please proceed.

[The statement referred to follows:]

STATEMENT OF LAURANCE G. HENDERSON

My name is Laurance G. Henderson. My permanent residence is in Chatham, Massachusetts. I maintain a residence, as well, in Washington, D.C. at 2400 Virginia Avenue, N.W. Between 1961 and 1970, I owned and occupied a house in Georgetown, located at 3413 P Street, N.W., a few blocks from the Scott-Grant Estate.

I have been active in the field of urban planning and historic preservation for 28 years, since 1947. For several years I served as staff director on the Urban Growth Subcommittee of the United States House of Representatives Committee on Banking and Currency. In 1965, while serving as Director of the Special Committee on Historic Preservation, appointed by the United States Conference of Mayors, I directed the publication of a book entitled, *With Heritage So Rich* (Random House, 1966). The book, which was funded in part by the Ford Foundation, served as a major impetus for the enactment of the National Historic Preservation Act of 1966 (16 U.S.C. §470 *et seq.*), which I personally authored. Between 1968 and 1970, I served, by appointment of President Lyndon B. Johnson, as a Member of the Advisory Council on Historic Preservation (established by 16 U.S.C. §470(i)).¹ I also served under President Lyndon B. Johnson, Richard M. Nixon, and Gerald R. Ford, and continue to serve today, as a Member of the President's Advisory Council on National Parks Historic Sites, Buildings and Monuments, established by 16 U.S.C. §463,² which has the task, among other things, of designating buildings for the National Register.

I am opposed to H.R. 10306. I am personally familiar with the Estate, both the interior of the buildings and the grounds surrounding the buildings. In addition, I have reviewed Mr. Dunn's plans for restoration of the Estate and construction of a new dwelling.

The Scott-Grant Estate has been confronted with a problem that is typical of large properties in these times. Although magnificent, the property has ceased to function as an estate due to rising taxes and maintenance costs, and changing life styles. Without constant attention and care, it has been permitted to languish and deteriorate over the past few years. Realistically, the cost of the estate is beyond the means of most individual families. Further, given the large size of the main house, those individual families who could afford the estate would not require, in all probability, the use of all three buildings. Practically speaking, therefore, the estate is no longer viable as an entity.

Any plan for preservation that would reverse the deterioration of the estate, while at the same time preserve and maintain its essential character, is to be commended and encouraged. As one who is engaged in the preservation of historic homes, it is my opinion that subdivision into four parts, including only one new dwelling, is reasonable and suitable when such a change would inject renewed life into the property.

I do not view the Applicants' plan as "development." When a land area that could support seven dwellings is available, the restoration of three existing buildings and the construction of one new dwelling can hardly be characterized as "development." Rather, it is a good example of how private enterprise, if sufficiently creative and flexible, can foster the preservation of older historic structures without sacrificing economic viability. Because public and philanthropic funds are limited, historic preservation by the private sector should be encouraged, where possible. In addition, even assuming that public or philanthropic funds could be obtained for restoration, it is far more beneficial to the community to have the houses privately occupied and maintained rather than used by some

¹The functions of the Council are as follows: (1) [to] advise the President and the Congress on matters relating to historic preservation; recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities; (2) [to] encourage, in cooperation with the National Trust for Historic Preservation and appropriate private agencies, public interest and participation in historic preservation; (3) [to] recommend the conduct of studies in such areas as the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments and the effects of tax policies at all levels of government on historic preservation; (4) [to] advise as to guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation; and (5) [to] encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation.

²The functions of the Board are: . . . to advise on any matters relating to national parks and to the administration of sections 461 to 467 of this title submitted to it for consideration by the Secretary. It may also recommend policies to the Secretary from time to time pertaining to national parks and to the restoration, reconstruction, conservation, and general administration of historic and archaeological sites, buildings, and properties.

federal organization as an office complex. The area is not even zoned for offices.

When Mr. Dunn purchased the Scott-Grant Estate, it was vacant and deteriorating. His plan has already brought about extensive restoration of the main house. If carried to completion, it will result in the complete restoration and preservation of the main house, guest house and carriage house. I believe he should be commended for rescuing this estate and for his restraint in building only a house for his own family here, where others are possible and profitable. He has observed the two basic tenets of historic preservation—keeping the property in use, and preserving its structures. For this to be done in the private sector is most unusual.

Accordingly, I oppose this Bill. There are a host of historic properties in America which desperately need the attention of the Federal government before they are destroyed. This is not one of them. This Bill, while possibly in the private interests of a few citizens, is not in the public interest. The money could well be used elsewhere and, rather than take the homes of these four citizens who have, in good faith, restored this property, we should commend them.

Mr. HENDERSON. In 1965, I served on the chairmanship of the Special Committee on Historic Preservation and I later helped author the drafting of the National Historic Preservation Act of 1966, which established a national registration of historic landmarks, and I have served on the committee that reviews those landmarks since that time.

There are now criteria for selecting a property for the landmarks and it has to have national historic or architectural merit. We have 12,000 properties on the landmark national register.

Mr. RONCALIO. In the Nation?

Mr. HENDERSON. In the Nation.

All that means is they get a bronze plaque. You can tear it down the next day. This is not considered a national historic landmark or architectural or historic landmark and it is not on the national register. I think that should be made very clear; and that summarizes my testimony.

I speak here as a private individual.

Mr. RONCALIO. I appreciate your testimony.

You would list this beneath the 800 you were talking about? You would list this beneath the value of—

Mr. HENDERSON. Of the top 12,000. It is a very attractive building. I am not denying that; but it does not have national merit, nationally or historically.

Mr. RONCALIO. Thank you. We have been fighting that bill and we have one last witness, Mrs. Rawlings. Would you please come forward?

TESTIMONY OF IRENE M. K. RAWLINGS, BOULDER, COLO.

Mrs. RAWLINGS. I think I can be brief.

Mr. RONCALIO. Thank you so much. We appreciate that.

Mrs. RAWLINGS. I submitted a rather strong statement concerning the preservation of the Scott-Grant House itself. This was my main concern—the house and the grounds, because of the design of the house and the age of the house. I am concerned with the architectural history of this house rather than the actual history of the house and the Presidents who lived in it and so on. I am very much relieved by the covenant which evidently is going to prevent other houses from being built close to the mansion. This is the covenant the developer, Mr. Dunn, spoke of in his testimony.

The difficulty arises often that when properties like this are developed, sufficient geological surveys are not made to determine

precisely what the excavation near the foundation of the old house will do to the foundation of that old house and whether it might not necessitate the eventual condemning of the house. This happened recently when the Brazilian Embassy on the corner of Massachusetts and Whitehaven was built. The excavator went down deep and hit an underground stream. The two houses on either side were undermined and condemned. Possibly this was not obvious to the builder but it is of very much concern to me that the proper geological surveys were not made in this case either and I fear this might necessitate the eventual tearing down of the Scott-Grant House. This is why I made, on the first page of my testimony, the very strong architectural statement saying why I thought this house ought to be preserved. I think we really ought to wake up to the fact that in our headlong rush toward something called progress we destroy things that it will not be in our power to replace—ever. I hope that the covenant that will be placed on this land by Mr. Dunn, Mrs. Russell, Mr. Frey, and Mr. Vidor will prevent what I foresaw when I wrote my statement from happening.

Mr. RONCALIO. All right.

We will include your prepared statement in the record; and I want to thank you very much for coming and giving us the benefit of your feelings on this.

[Statement referred to follows:]

STATEMENT OF IRENE M. K. RAWLINGS

Mr. Chairman: I welcome this opportunity to express my views on H.R. 10306, a landmark bill which would authorize governmental acquisition of the historic Scott-Grant House and its grounds.

I am Irene M. K. Rawlings; my home is Boulder, Colorado where I am affiliated in executive positions with Historic Boulder, Inc. and Historic Denver, Inc. Finding myself in Washington, D.C. for a period of one year, I asked the Foundation for the Preservation of Historic Georgetown to give me leave to catalogue, by street and number, the historic buildings in Georgetown appearing on lists compiled by The Historic American Buildings Survey, the Joint Committee on Landmarks, and the National Register of Historic Places. As my work progressed, I was horrified at the number of buildings which have been destroyed (e.g. the Corcoran House at 3119 M St. NW. and the Francis Scott Key House at 3518 M St. NW.) and most of these since the early 1950's. Again and again I am appalled at the number of historically and architecturally significant houses that are delivered up to the wrecker's ball here while we in Colorado are standing on our heads to preserve and restore buildings not half as historic nor a quarter as beautiful.

It is important to preserve the Scott-Grant House and its setting not only for its historic value—we all know that it was the summer home of President U. S. Grant while he was in the White House—but for its individual architectural merit. Its design is Southern colonial with unusually large chimneys and long windows. One of the finest features is the well-proportioned main doorway with a window above it. The delicate shell design—harking back to the previous century—above the central second story window as well as the engaged columns and pilasters are unusual in a house of this size. I feel that it is impossible to preserve the architectural integrity of this house if one is to continue to allow the surrounding land to be developed. This house was not designed to be a row house and we do it an injustice to make it look clumsy and misshapen—as it will if the land around it is removed—instead of graceful and stately.

I think it is time to wake up to the fact that we, in our determined rush toward this elusive thing called progress, are destroying things of such quality that it will never be within our power to replace them. It is impossible to justify this wanton action to posterity. Please remember that if we save this house we have not taken irrevocable action, but if we destroy it we have. Thank you.

Mr. RONCALIO. That concludes the hearing on this matter.

Before adjourning, I ask that the letter received from Mayor Walter Washington, commenting on this legislation, be placed in the record.

[The letter referred to follows:]

THE DISTRICT OF COLUMBIA,
Washington, D.C., January 22, 1976.

HON. ROBERT E. JONES,
Chairman, Committee on Public Works and Transportation, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Government of the District of Columbia has for report H.R. 10306, a bill "To authorize the Administrator of General Services to acquire certain property in the District of Columbia for use for Federal purposes."

The bill would authorize the Administrator of the General Services Administration to acquire title to the real property located at 3238 R Street, Northwest, in the District of Columbia known as the Scott-Grant House. Following such acquisition, the bill authorizes the Administrator to undertake such reconstruction and repair of the property as will place it in a restored condition, and thereafter make such property available to the Federal agency or department which the President determines will best be able to utilize it.

The property to which H.R. 10306 refers is currently privately-owned. The owners of the Scott-Grant House, following established procedures for creating a subdivision, applied to the appropriate offices of the District Government for authorization to make certain alterations to the existing buildings and for the construction of a new structure on the property. The request of the owners was subjected to the requirements of D.C. Regulation No. 73-25, relating to the demolition or alteration of historic structures, and on June 25, 1975, the State Historic Preservation Officer, D.C., determined that the proposed alterations would not be contrary to the public interest and should not be delayed. This decision was made following favorable advice of both the Joint Committee on Landmarks and the Commission of Fine Arts.

On September 22, 1975, the District Government approved the subdivision of the Scott-Grant property into four lots, and the new structure, now under construction, is to be located in the northeast corner of the property. The new structure has been carefully designed to appear as an outbuilding subordinate to the principal house and the owners of the property consulted extensively with the Commission of Fine Arts to minimize the impact of this construction on the street facade and on the individual landmark.

The enactment of H.R. 10306 will result in a potential loss in District revenues of at least \$8,216 which represents the approximate amount of local real property taxes paid by the owners of the Scott-Grant property in fiscal year 1975. Subdivision of the estate would in all probability cause a higher assessment and thus an additional loss in tax revenues.

While we believe that the ultimate utilization of this property is essentially a local matter and should be governed by the application of local procedures and policies, the District Government would offer no objection should the Congress determine that it is in the national interest that H.R. 10306 be enacted. Our views in this respect are conditioned upon the understanding that Federal funds will be used in the acquisition of this property and that the District of Columbia will be put to no expense in connection with such acquisition. It is our further desire that the passage of H.R. 10306 will not serve as a precedent for the acquisition for Federal uses or purposes of other large estates in historic districts which may be subject to subdivision.

Sincerely yours,

WALTER E. WASHINGTON, *Mayor*.

Mr. RONCALIO. The subcommittee is adjourned.

[Whereupon, at 12:23 p.m., the subcommittee was adjourned.]

Mr. Roosevelt, I am enclosing the history of this matter.
 I am, very truly,
 Yours,
 Theodore Roosevelt

The following is a list of the

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 named in the history of this matter.
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