



## **ADVISORY NEIGHBORHOOD COMMISSION 3E**

**TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS**  
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[www.anc3e.org](http://www.anc3e.org)

RESOLVED:

The Tenleytown Historical Society (THS) has submitted an application to the Historic Preservation Review Board (HPRB) requesting that Janney Elementary School (Janney) be designated an historic landmark. Janney is currently in the design phase of modernization and expansion (Modernization). ANC 3E joins Janney's School Improvement Team in respectfully urging HPRB to reject the application.

### **Designation Could Prevent Janney from Building the Best School Possible**

Unlike an application for designation of a single business or home, an application for designation of a public school, especially a school about to be modernized such as Janney, directly affects the lives of thousands of current and future children and their parents.

Janney faces challenges beyond those facing many other DC public schools. It contains insufficient playspace as currently configured. After modernization, Janney likely will have less play space and more children, and thus have even less play space per child.

Furthermore, Janney's modernization must be conducted on a difficult site during a municipal fiscal crisis, again limiting the school's options to provide for all the children it serves.

Because it is a District of Columbia building, Janney's modernization is subject to historical review by the Historic Preservation Office (HPO) and the Commission on Fine Arts (CFA) even absent designation.

If Janney is designated, it will face additional review by HPRB and the Mayor's Agent. Under certain circumstances, regulations would require the Mayor's Agent to hold a hearing under contested case rules and make formal findings of fact and conclusions of law before issuing a decision. Third parties could be granted party status to such a hearing and, if disappointed with the outcome, could appeal the decision to the DC Court of Appeals.

Designation would thus likely confer additional costs in time and money on Janney's modernization effort even were HPRB and the Mayor's Agent to grant all requests from Janney's modernization team. Designation could also, however, lead to outright denial of requests from the modernization team.

The possibility therefore exists that designation of Janney could prevent Janney from building the best school possible for generations of children. Given the protection already provided by mandatory HPO and CFA review, this risk is unacceptable.

## The Case For Designation Is Insufficient Even In The Abstract

Janney does not meet the criteria for historic designation. Although loved by generations of students and teachers, as most schools are, it is not distinctive.<sup>1</sup> By THS' own admission, at least two other schools in DC are substantially identical. THS points to the school's "extensible" design as evidence of its distinctiveness. All "extensible" means in this context, however, is that schools were built in sections as funds became available. This has to do with municipal budget constraints and not, as THS would have it, with "educational principles of the time." Moreover, according to "Schools for All – A History of DC Public School Buildings 1804-1960"<sup>2</sup> ("DC Schools History"), extensible school buildings were "used throughout the city."

Likewise, the school's Colonial Revival style was "popular for school buildings across the country, and especially on the East Coast. . . ."<sup>3</sup> Ironically, the DC Schools History indicates that the Municipal Architect, Arthur L. Harris, used this style to curry favor with CFA:

For his buildings Harris generally favored the classically derived Renaissance and Colonial Revival styles – a stylistic preference that fostered a more amicable and productive relationship between his office and the Commission of Fine Arts.<sup>4</sup>

Notably, the DC Schools History does *not* mention Janney, while mentioning many other individual schools.

THS bases its contention that Janney is distinctive in part on a 1987 survey of school buildings of a certain age, and attaches the survey pages for Janney to its application. Those survey pages, however, specify only one feature of the school as historically "notable:" the weathervane on the cupola.

Likewise, Janney does not merit designation merely by virtue of being built by Mr. Harris. As Municipal Architect, Mr. Harris built many buildings across the city. THS primarily bases its claim that Mr. Harris was a master on CFA's report that he "helped it 'to establish consistently high standards for the design of municipal buildings in the District of Columbia.'" "Consistently high standards" denotes competence, rather than mastery. In any event, as noted, the DC Schools History suggests that CFA's minor praise resulted from Mr. Harris' decision to placate CFA by employing common-place styles that CFA favored.<sup>5</sup>

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<sup>1</sup> See, e.g., Staff Report, Case No. 09-03, at 1 ("[T]he very idea of landmarking requires meeting criteria which suggest a high standard of distinction from the attributes of average buildings. . . .").

<sup>2</sup> Kimberly Williams, "Schools for All – A History of DC Public School Buildings 1804-1960" (2008) at 16.

<sup>3</sup> *Id.* at 16-17.

<sup>4</sup> *Id.* at 16.

<sup>5</sup> THS cites to two other sources to support its claim that Mr. Harris was a master. One source purportedly stands for the proposition that Mr. Harris was "well-known in the City's architectural circles." Yet any municipal architect

Similarly, Janney no more “embodies the history of a growing community as school, library, and recreations space,” as THS contends, nor embodies “that community’s commitment to education,” than does any other school of its age in DC – or in any portion of the United States. Janney is named after Bernard T. Janney, who apparently was a popular principal at other schools (THS offers no citation for this assertion). Yet, most schools in DC and the United States are named for prominent personages, often personages much more prominent in the local community than Mr. Janney. In short, if Janney merits designation for these reasons, every school more than 50 years old in the country similarly merits designation. Such a result cannot be what the framers of landmark designation legislation intended.

### **One Purpose for the Application for Designation May Be To Stop Development**

THS members have claimed repeatedly that THS decided to file the application for Janney based on a survey completed in 1987. Yet THS only filed an application to designate Janney twenty years later in 2007, after talk began anew about a possible public-private partnership (PPP) involving the public library that sits on the same land subdivision as Janney. THS actively and formally opposed the possibility of a PPP. For instance, in a letter to Mayor Fenty that was published on the Internet, THS wrote the following:

The Board of Directors and the membership of the Tenleytown Historical Society, founded in 1988, urgently request that the City drop the idea of a public-private venture between the Tenley-Friendship Library, Janney Elementary School, and a private developer, and allow the design and construction of the new library to proceed without delay.

THS has failed to pursue designation of other Tenleytown schools with equal or greater claims to historicity before it sought Janney’s designation. A glaring example is Alice Deal Middle School (Deal). Deal, like Janney, was designed by Albert Harris, and built in 1931. Indeed, THS’ website states that THS identified Deal in 2003 as a candidate for designation. Yet Deal’s modernization, which did not begin until months after THS filed its application for Janney, was completed without an attempt by THS to designate it.

THS stated explicitly on its website that it had applied to designate Janney’s land as well as the Janney building. There is nothing historically significant about Janney’s soccer field, which abuts the library, or the vacant lot where the library once stood, or any other aspect of Janney’s land. Yet THS has rejected suggestions that it amend its application to specify that it does not seek designation of the land around Janney and the library.<sup>6</sup> In the debate about designation,

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could likely lay claim to that title, and presumably most well-known architects among cities’ architectural circles are not masters. The other source THS cites to is a posthumous tribute to Mr. Harris. Such articles generally contain praise for their subjects and thus constitute weak evidence. The praise contained in the quote supplied by THS is, in any event, too faint to suggest Mr. Harris was a master.

<sup>6</sup> We understand, for instance, that HPRB limited the designation of the Hilton in Dupont Circle to the building.

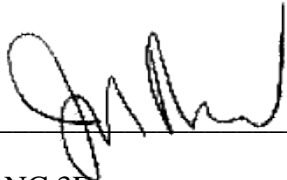
others supporting designation have explicitly linked designation of the Janney land to the goal of foreclosing a potential PPP.

Thus, the evidence suggests that one motivation for pursuing designation of Janney may be to stop development over the library that could someday entail use of some of the Janney site. ANC 3E takes no position here on the merits of a possible PPP. We believe, however, that the historic preservation laws should not be the vehicle used to circumvent a debate about the merits of any proposal for mixed use development over the library.

**HPRB Should Deny THS' Application**

For all the reasons above, ANC 3E urges HPRB to deny THS' application to designate Janney as an historic landmark. ANC 3E authorizes Commissioner Jonathan Bender to present its position at any hearings HPRB may hold in connection with the application.

ANC 3E approved this resolution at its meeting on October 8, 2009, which was properly noticed and at which a quorum was present. The resolution was approved by a vote of 3-2. Commissioners Jonathan Bender, Mathew Frumin, Sam Serebin voted in favor of the resolution; Commissioners Beverly Sklover and Lucy Eldridge voted against it.



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ANC 3E  
by Jonathan Bender, Chairperson