Richard B. Bowser, Jr.
2331 California Street NW
Washington, DC 20008

Rec'd.
MAR 1 2000

To: Government of the District of Columbia
Board of Zoning Adjustment
441 4th Street, NW
Suite 210
Washington, DC 20001

Re: **Opposition to the Application for Special Exception, Docket 16554**

I, Richard B. Bowser, Jr. strongly oppose the granting of Special Exception to the application for the property at 2306 Massachusetts Avenue, also known as the Alice Pike Barney House.

My opposition is based on the following:

1. The presentation made by the owner/applicant at the recent ANC meeting of the Kalorama/Sheridan Circle ANC focused on the intense commercialization of the property including multiple studio lessons from 3:00 PM to 8:00 PM six days a week. The traffic at the location is the only traffic circle on Massachusetts Avenue in the District that is not regulated by traffic lights, and is consistently feeding into the immediate location from two sources. This creates the potential for accidents with up to 18 cars on the hour and half hour stopping to unload children and instruments in front of the proposed facility. It is estimated that there will be between 122 to 212 such stops per week, occurring mainly within hours designated as rush hour. The traffic study performed by the applicants does not accurately sample the various conditions and duration that actually occurs over a period of days or weeks in this area.

2. The presentation made by the applicants at the ANC was questioned by the residents as to what architectural modifications were being made to accommodate fire safety and ADA /handicap access to the studio teaching areas as well as the recital space (which will accommodate 90 persons). The applicants at that time responded that they were exempt from having to make such accommodations. I strongly object that any facility, which is used to instruct children or accommodate the public for performances would be exempt from providing for the safety of the persons using such facilities, specially if there are fees involved. I would request the city inspectors and fire marshall would have to approve the facility to assure that such conditions are addressed fully prior to granting a permit of occupancy. The facility as presented by the owner/applicants will house teaching studios in the basement level, public performance spaces on the first and second levels. In addition the presented plan designates the upper floors to be used as a residence or rental housing. This would constitute a mixed occupancy which is a change in the zoning and would require that all current codes be met. If the owner/applicants are providing services for fee, and are claiming non-profit status (tax exempt) they should be required to provide access meeting the standards of the Americans with Disabilities Act. It is also important to note that the two levels used for performances are of historic significance and are to be preserved as currently built. Please not that at the ANC meeting no plans or architectural accomodations were presented or promised.

3. In addition to the above architectural/code issues, the common wall between the Barney house and the residence adjacent is not sound proof. The occupants will be subjected to 5 hours of multiple practice room sound/noise six days a week and will have to tolerate the sound and congestion of up to 90 persons gathered in front of their home 46 times per year when recitals

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Board of Zoning Adjustment
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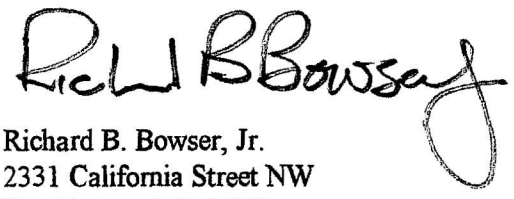
are held. There was no compensation presented by the applicant or their lawyer for this intrusion to their free and customary usage of their property.

4. The granting of the application will remove the building from the tax roles of the District. It was mentioned at the ANC meeting that the building currently is assessed at $3.5 million.

5. The Kalorama/Sheridan Circle district is currently in the overlay area for foreign embassies. As such a significant percentage of the district has been removed from the tax base. The citizens of the district have consistently voted on record to withhold approval in the conversion of residential property for the use as offices and commercial concerns citing degradation of the residential character of the neighborhood and potential security issues. Despite the laudable designation of the applicants that this is a school, the intense commercial basis of the instructions and the potential of use of the facility for fee as a meeting or entertainment location does not in reality equate as a philanthropic use or organization. At the time of the ANC meeting the owner/applicants were not offering any scholarships, and did not assure the residents that the facility would not be used as a for fee function location.

6. The location of the facility in an area that is heavily populated by foreign missions and diplomatic facilities the matter of security is a question. The presence of a building that has large numbers of cars and luggage sized cases as common place would not be allowed in close proximity to US diplomatic facilities. This would constitute a potential for terrorist actions. The adjacent Turkish Embassy is guarded 24 hours a day by US Secret Service officers. The potential for security problems are recognized and must be a factor in evaluation of the application. This is not an idle potential, since the marker on the Circle within 200 feet of the site memorializes the death of two persons from a terrorist car bomb which occured on Sheridan Circle.

In closing I was singularly impressed during the ANC presentation by the lawyer, and then by the actual owners with the business base of the enterprise. I had the feeling that this was an entrepreneurial version of Music Man, and that the residents were being treated like the citizens of River City. The owners cited that this would be an extension of the original use of the house by Alice Pike Barney. The Alice Pike Barney House was first a home, and then a showcase of the time for the artistic interests and talents of the extraordinary owner. Never in the history of the facility is it evident that it was the for fee instruction of students that was the basis of financial support of the house. In a simpler time when the traffic was not a major factor, and the safety of the students not a code related question, the house was a sterling example of a Patron of the arts that had opened her HOME to friends and neighbors to experience the arts. This is not what has been presented nor proposed by the applicants. I urge the Board respect the prevailing wishes of the ANC that voted unanimously to reject the application, and to not grant this exemption.



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