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MICHAEL A. CAIN

MEMBER D.C. AND MARYLAND BARS

WRITER'S DIRECT EMAIL: MAC@HAMILTONLAW.COM

July 13, 2001

VIA HAND DELIVERY

Ms. Sheila Cross Reid
Chairperson
District of Columbia Board of
Zoning Adjustment
Room 210
441-4th Street, N.W.
Washington, D.C. 20001

RECEIVED
D.C. OFFICE OF ZONING
2001 JUL 13 PM 3:27

Re: Application of The Phillips Collection
BZA Case No. 16618

Dear Ms. Reid:

Enclosed please find 15 copies of the Proposed Consent Summary Order with Conditions of The Phillips Collection. The order was developed in close consultation with Stephen N. Gell, Esq. (counsel for Richard and Ingrid Suisman, *et al.*), Christopher H. Collins, Esq. (counsel for the Cosmos Club) and Mr. Vince Micone (ANC 2B). I am authorized by them to represent to the Board that they consent to approval of the proposed order. However, I am **not** authorized to make any representation on behalf of Ms. Solange MacArthur-Muller.

Thank you for your consideration. Please do not hesitate to call me on 202-463-8282 if you have any questions in this regard.

Sincerely,

HAMILTON AND HAMILTON, LLP

Michael A. Cain

MAC:rhs
Enclosures

BZA
Case No. 16618
Exhibit No. 172

Board of Zoning Adjustment
District of Columbia
CASE NO.16618
EXHIBIT NO.172

cc: Stephen Cochran, Office of Planning
Vince Micone, ANC 2B
Stephen N. Gell, Esq.
Peter R. Kolker, Esq.
Christopher H. Collins, Esq.
Richard Rutledge

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

In re: Application of :

THE PHILLIPS COLLECTION : Application No. 16618

PROPOSED CONSENT SUMMARY ORDER WITH CONDITIONS

Application No. 16618 of The Phillips Collection, as amended, pursuant to 11 DCMR (Zoning) §3104.1 for a special exception to allow 2 principal structures on a single lot pursuant to the provisions of Section 2516.1, and pursuant to 11 DCMR §3103.2 for variances from (a) the floor area ratio limitations of subsection 402.4, and (b) the provisions of subsection 2001.3(a) - (c) to allow an enlargement of and/or additions to a nonconforming structure devoted to a conforming use in a D/DC/R-5-B Zone District at premises 1600-21st Street, N.W. (Square 66, Lots 74 and 819) and 1618-21st Street, N.W. (Square 66, Lot 827).

HEARING DATE: *December 5, 2000; June 26, 2001*

DECISION DATE: *June 26, 2001 (Bench Decision)*

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case is self-certified, pursuant to 11 DCMR §3113.2.

The Board provided proper and timely notice of the public hearing on this application, by publication in the D.C. Register and by mail to the Applicant, Advisory Neighborhood Commission (ANC) 2B and to owners of all property within 200 feet of the property that is the subject of this application.

The subject property is located within the jurisdiction of ANC 2B. ANC 2B, which is automatically a party to the application, did participate in this case.

As directed by 11 DCMR §3119.2, the Board has required The Phillips Collection (hereinafter referred to as "Phillips" or "Applicant") to satisfy the burden of proving the elements necessary to establish the case for a special exception pursuant to 11 DCMR §2516.1, and for

variances from the strict application of the requirements of 11 DCMR §§402.4 and 2001.3(a) - (c). All persons and entities originally accepted as parties in opposition to the application have entered into agreements with the Applicant and have withdrawn their opposition and indicated their support for the application as modified pursuant to those agreements. Moreover, Phillips, ANC 2B, the Cosmos Club and other neighbors have agreed to the expansion of the museum, as modified, provided that it will be constructed and operated in accordance with the conditions set forth below, which the Board accepts as fair and reasonable. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, particularly including the Neighborhood Cooperation Agreement (Exhibit 165), and having given great weight to the position of ANC 2B and to the position of the Office of Planning in this case, the Board concludes that the Applicant has met the burden of proof under 11 DCMR §3104.1, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board also concludes that the Applicant has met its burden of proof pursuant to 11 DCMR §3103.2, that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR §3101.6, the Board has determined to waive the requirement of Section 3125.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

It is therefore **ORDERED** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Phillips shall build the project as approved herein substantially in accordance with the architectural plans dated June 6, 2001 and identified as Exhibit 166 of the record in this case. Phillips may make such adjustments as may be necessary to complete the permit review process, provided that such modifications do not increase the height or projection of the new construction above grade to the west and below grade to the south, beyond the existing south wall of the Goh Annex.

2. The obligations set forth in these conditions are solely those of Phillips. References to other persons or entities are for identification or descriptive purposes.

3. Phillips will identify the location, configuration and dimensions of the public alley easement on any site plan drawing submitted with the building permit application for the project with the following notation: "This area subject to Public Alley Easement recorded in the Land Records of the District of Columbia on December 31, 1987 as Instrument No. 73431, as amended."

4. No architectural elements, whether for decorative or functional purposes, will be added to the plans which would impede the ability of trucks to fully utilize the service bays shown on the plans when parked in those bays for loading or unloading purposes.

5. The auditorium shall be rated to and have a capacity of not in excess of 180 persons. The use of the auditorium shall be restricted to Phillips-hosted art related events, authorized membership events, or use by Phillips staff. No outside party may make any use of the auditorium, except that the Phillips may allow neighborhood organizations to use the auditorium for meetings.

6. The number of parties, dinners, receptions or other events at the museum occurring after 6:00 p.m. shall be limited as follows:

(a) (1) There shall be no more than 65 events per year;

(2) Of the 65 events, no more than 36 may be over 100 guests;

(3) Of the number of events with more than 100 guests, no more than 6 events may involve more than 300 guests; and

(4) No events shall involve more that 500 guests.

(b) The annual Duncan Phillips Dinner is not included in the foregoing limitations.

(c) The Phillips may allow neighborhood organizations to hold meetings of any size at any time.

(d) The Sunday afternoon concerts and the Thursday night museum program are not included in the foregoing limitations.

7. The number of parties, dinners, receptions or other events at the museum ending prior to 6:00 p.m. shall be limited as follows:

(a) There shall be no limitation on the number of events involving 50 or fewer guests;

(b) There shall be no more than 24 events for more than 50 guests; and

(c) Of the events involving more than 50 guests, no more than 4 events may involve more than 100 guests.

8. Events and other activities at The Phillips Collection shall be subject to the following conditions:

(a) Except for the annual Duncan Phillips Dinner, evening events will end by 10:00 p.m. and guests cleared by 10:30 p.m. and there will be no pickup of equipment or supplies after 11:00 p.m.;

(b) Thursday evening viewing hours will not be extended from their current termination of 8:30 p.m.;

(c) The Sunday afternoon concerts will not be extended from their current termination of 7:00 p.m.;

(d) There will be no simultaneous events; and

(e) The Phillips will make good faith efforts to avoid holding large events at the same time as the Cosmos Club.

8A. Delivery trucks and catering trucks accessing the museum will not be parked on or queued up in the alley at any time. At no time will ingress or egress to the garages serving 1622-4 and 1628 21st Street be blocked by reason of any actions within the control of the Phillips.

9. Following completion of the project as approved herein, deliveries to the Phillips shall be subject to the following conditions:

(a) Trucks accessing the museum will not make deliveries from 21st Street, N.W.;

(b) Entry to the rear of the museum by catering or other delivery trucks accessing the designated loading berths shall be from Florida Avenue. Trucks shall exit the rear of the Phillips at Florida Avenue. Trucks will enter or exit onto 21st Street only in cases of safety or to relieve congestion in the alley system in Square 66 (including the portion of the alley that is closed and is subject to a public alley easement) as determined by Phillips personnel. The Phillips will erect and maintain appropriate signs at the entrance to the 21st Street portion of the alley, the Florida Avenue entrance to the alley, and at the rear of the museum;

(c) The Phillips shall store sufficient tables and chairs at the museum so that deliveries of such equipment will be minimized;

(d) On rare occasions when the Phillips may have no alternative to hindering the free flow of cars in or out of the Missionaries of Africa's garages, the

Phillips may make arrangements acceptable to the Missionaries for the Missionaries to relocate temporarily as many as 5 automobiles;

(e) All loading and unloading of artworks, equipment and supplies shall be at the rear of the museum except for delivery of artworks by trucks larger than 24 feet. The Phillips will use its best efforts to unload trucks larger than 24 feet at the rear of the museum. Deliveries which must be made on 21st Street will not be made earlier than 7:30 a.m.;

(f) One loading dock shall be maintained at all times for truck loading and unloading. Additionally, 3 loading spaces shall be maintained for three hours before a catered event and for the morning following a catered event. At no time shall vehicles other than catering and delivery vehicles use spaces that will be needed at the time for delivery vehicles;

(g) Deliveries at the rear may not begin prior to 7:30 a.m. and shall be completed by 8:30 p.m., and may not occur during the hours of 11:30 a.m. to 1:30 p.m.;

(h) Trucks parked in the loading berths shall not extend into the alley. Loading and unloading activities shall not impede free vehicular circulation in the alley system in Square 66;

(i) Vehicles servicing the museum shall not park or idle on 21st Street, Hillyer Place, Q Street or adjoining alleys, except for armored car service to the museum;

(j) The portion of the alley from 21st Street to and including the rear of the museum shall be monitored by closed circuit camera; and

(k) Through contract or otherwise, the Phillips will advise its vendors and

other delivery personnel of the restrictions on alley and street usage, and will take all necessary and appropriate action to enforce compliance.

10. The Phillips will, and will so direct its vendors to, restrict the number and size of vehicles using its loading area so that, when parked in the service bays, the vehicles shall be entirely within the boundaries of the service bays and not extend into the alley easement area. No more than three vehicles shall use the service bays at any one time. No loading or unloading shall occur in the staff parking area. Vehicles shall not park or stand in the public alley easement area waiting for other vehicles to complete loading or unloading activities. Loading and unloading activities shall not impede free vehicular circulation in the public alley easement area.

11. The Phillips will maintain a contract with an established valet parking service. The contract shall show evidence that the parking contractor has secured agreements guaranteeing adequate off-street parking for Phillips events. Whenever possible, the Phillips will utilize parking space available on Cosmos Club property. The Phillips will encourage, for all events, the use of public transportation and may operate shuttle service to and from a garage. In addition, the Phillips will observe the following conditions:

(a) There shall be no on-street valet parking (including valet employee cars) on 21st, R or Q Streets, Hillyer Place or other non-arterials;

(b) Subject to subparagraph (e) below, valet drop off and pickup shall be in Hillyer Court at the rear of the Phillips when the Cosmos Club agrees to make parking available for use by the Phillips. Otherwise valet parking shall take place on Q Street. If Q Street is used, the valet parking operation shall not block the Massachusetts Avenue and Q Street vehicle entrances to the Cosmos Club. If neither location is available, valet parking may occur on 21st Street. If the valet parking causes traffic or

parking problems, the Phillips will implement solutions achieved pursuant to the mechanism set forth in the Neighborhood Cooperation Agreement;

(c) Invitations to events at the Phillips will encourage guests not to come by private automobile;

(d) The Phillips will endeavor to maintain an agreement with the Cosmos Club to use its parking spaces when not otherwise in use; and

(e) The Phillips will not allow valet parking, loading, unloading, standing or staging to occur in any part of the alley system in Square 66 except with prior consent of the Cosmos Club.

12. The Phillips staff shall monitor and resolve illegal parking in or vehicle blockage of the alley by vehicles accessing the Phillips.

13. Exit from the Education Center onto 21st Street shall be through the main entrances to the museum through the Goh Annex except for emergencies.

14. No on-street parking shall be eliminated.

15. The gift shops shall be constructed and operated as follows:

(a) There shall be no more than one gift shop, although the shop may be on two levels of the Education Center and/or the Goh Annex. A secondary temporary gift shop may be set up from time to time in connection with, and oriented to, special exhibitions;

(b) On 21st Street, access shall be only from the main entrances to the museum;

(c) The gift shop shall not be advertised separately from the museum in any medium except the Phillips' web site and in communications to members; and

(d) There shall be no signage for the gift shop outside the building, except that

shop hours may be posted on the same sign that posts museum hours. The gift shop's regular hours shall not be outside the museum's regular hours.

16. The café shall be constructed and operated as follows:

(a) The café may seat no more than 55 persons at one time;

(b) The café may operate as a for-pay facility only during current museum operating hours (10:00 a.m. - 5:00 p.m., Tuesday, Wednesday, Friday and Saturday; 10 a.m. - 8:30 p.m., Thursday; and noon to 7:00 p.m., Sunday);

(c) Entrance to the café from 21st Street may only be through the main entrances to the museum; and

(d) There shall be no signage for the café outside the building, except that hours of operation may be posted on the same sign that posts museum hours.

17. There shall be no outdoor music or amplified speech in the sculpture garden.

18. Following completion of the project as approved herein, trash shall be collected in the following manner:

(a) Trash shall not be collected before 7:30 a.m. or after 7:00 p.m. or during the hours of 11:30 a.m. to 1:30 p.m.;

(b) Trash shall be collected at the rear of the museum. The Phillips shall use best efforts to have trash trucks avoid using the portion of the alley that abuts 21st Street; and

(c) The Phillips will use its best efforts to coordinate trash pickup with neighboring property owners to reduce the use of the alley by trash trucks.

19. The Phillips shall preserve as many trees along its 21st Street frontage as possible. Trees that are damaged and cannot be preserved will be replaced in accordance with District Regulations after conclusion of construction.

20. During construction of the project as approved herein, the Phillips and its contractors shall abide by the following terms and conditions:

(a) Contractors shall work closely with the neighbors and ANC 2B to minimize disturbances during construction to keep to a minimum noise, traffic, vibrations, air pollution and other adverse effects from construction;

(b) Trash shall not be collected before 7:30 a.m. or after 8:00 p.m. or during the hours of 11:30 a.m. to 1:30 p.m.;

(c) Should unforeseen circumstances warrant pile driving, the Phillips will notify neighbors at least two weeks in advance and explain the reason(s) for the pile driving;

(d) Construction workers shall avoid parking on 21st Street, Massachusetts Avenue to R Street, Hillyer Place, Florida Avenue and R Street and are prohibited from parking within Square 66. The Phillips will encourage use of Metro by such means as providing Metrocards to construction workers, facilitating use of carpools, or other centralized means of transporting workers to the site;

(e) To the extent that it is not inconsistent with other provisions herein, Contractors shall comply with the "Cooper Code," a plan governing truck traffic developed by ANC 2E (attached as Exhibit 2 to Exhibit 165 of the record herein); and

(f) Vehicular and pedestrian access to the garages of 1628 and 1624 21st Street through the alley will at all times be open and unimpaired.

21. During construction, Phillips shall keep the north-south segment of the public alley easement area open while the east-west segment is closed during excavation, and shall keep

the east-west segment of the public alley easement area open while the north-south segment is closed during excavation.

22. During construction of the project as approved herein, contractors for the Phillips shall endeavor to meet the goals set forth below (as they may be modified pursuant to the Neighborhood Cooperation Agreement from time to time).

(a) Construction workers and equipment may not arrive at the jobsite prior to 7:00 a.m. Construction-related activities shall not start before 7:30 a.m. nor continue after 6:00 p.m.;

(b) Major machinery, such as backhoes and front end loaders, shall not start before 7:30 a.m. To the extent possible, the Phillips shall abate noise until 8:00 a.m.. In any event, any construction activity that exceeds a decibel level of 55, as measured at the Phillips property line, shall not begin before 8:00 a.m.;

(c) Weekend exterior construction activity, if any, shall be confined to the hours between 9:00 a.m. to 6:00 p.m. on Saturdays;

(d) Contractors shall maintain a program of dust control, including periodic watering of soil and daily cleaning of the open portions of Hillyer Court;

(e) Contractors shall provide a "noise monitor" to ensure that diesel engines on trucks do not create an excessive level of noise while idling or during startup;

(f) No construction staging shall occur on or adjacent to 21st Street. The sidewalk on the west side of 21st Street shall remain open for pedestrian traffic and the street, including the parking lanes shall remain open except during times when steel is being delivered to the construction site; and

(g) Construction traffic shall conform to a plan to be developed between the contractor and the construction consultant selected pursuant to the Neighborhood Cooperation Agreement. The Phillips shall carry out the plan so as to minimize any negative impact on its neighbors.

23. Representatives of Phillips and The Cosmos Club will meet on a regular basis to discuss issues which may arise between them with the intention of seeking mutually agreeable resolution of those issues.

VOTE: 5-0 (Geoffrey H. Griffis, Susan Morgan Hinton, Carol Mitten, Sheila Cross Reid and Anne M. Renshaw to grant a special exception from the provisions of 11 DCMR §2516.1);

VOTE: 5-0 (Geoffrey H. Griffis, Susan Morgan Hinton, Carol Mitten, Sheila Cross Reid and Anne M. Renshaw to grant a variance from the floor area ratio requirements of 11 DCMR §402.4); and

VOTE: 5-0 (Geoffrey H. Griffis, Susan Morgan Hinton, Carol Mitten, Sheila Cross Reid and Anne M. Renshaw to grant a variance to allow enlargement of and/or additions to a nonconforming structure devoted to a conforming use pursuant to 11 DCMR §2001.3(a) - (c)).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved issuance of this Order.

FINAL DATE OF ORDER: _____

PURSUANT TO 11 DCMR §3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR §3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR§3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR §3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE §1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

Date:_____

The Phillips Collection

By:_____

EXHIBIT A

KRESS COX ASSOCIATES, PC
2909 M Street NW Washington DC 20007
202 965 7070 202 965 7144 Fax

MEMORANDUM

NO. 10

PROJECT:	The Phillips Collection	
PROJECT NO:	9901.00	
TO:	Michael Cain	Hamilton & Hamilton, LLP
FROM:	David Cox, AIA	KressCox Associates
DATE:	23 October, 2000	
RE:	Phillips Expansion – Response to Neighborhood Information Request	
CC:	Jay Gates	The Phillips Collection
	Rich Rutledge	The Phillips Collection
	Phil Feola	Shaw Pittman

The following line items and associated attachments address the 5 architectural questions from Mr. Gell's letter dated October 19, 2000.

1. Existing Conditions (Pre-Development) Building Foot Area – The Attachment A table illustrates the area breakdown of the existing Phillips Collection buildings, including the House, Goh Annex and Carriage House. The existing 1618 21st Street building contains approximately 11,332 gross square feet (GSF). The total existing building area is approximately 67,676 GSF.

2. Proposed Development – Attachment A shows the proposed development to include the new Education Center at 1618 21st Street plus the new front addition to the Goh Annex. The total proposed new building area (including parking) – i.e. in addition to the existing area - is approximately 27,178 GSF.

3. Proposed Cafe – The existing Café & Kitchen space is located on the ground floor of the House and is approximately 660 GSF. The proposed Café area on the first floor of the new Education Center building will provide seating for 40 to 60 patrons and is 1,410 GSF. (See Attachment B)

4. Special Event Seating Areas – The existing Gallery in the Goh Annex is approximately 1,127 GSF. The proposed Gallery in the Education Center is approximately 878 GSF. The combined area of the 2 galleries is approximately 2,005 GSF. (See Attachment B)

5. Proposed Below-Grade Parking Garage – As shown in Attachment C, the proposed Education Center would have a single floor of below-grade parking on level LL-1. The proposed LL-1 area (includes circulation, auxiliary loading, and mechanical space) is approximately 14,250 GSF. There are approximately 29 self-park spaces shown, plus 6 additional stacked spaces.

END OF MEMORANDUM

Please notify KressCox within five days if you take exception to any item in this document.

BUILDING AREA COMPARISON

		House	Goh Annex	Carriage House	Educ. Ctr. 1618 21st St.	TOTAL
1	**EXISTING BUILDING AREA* (GSF)**					
	ABOVE GROUND	21,572	24,068	3,200	11,332	**60,172**
	BELOW GRADE	--	7,504	--	--	**7,504**
						67,676 GSF
2	**NET NEW BLDG. AREA* (GSF)**					
	ABOVE GROUND	--	670	--	4,608 *	**5,278**
	BELOW GRADE	--	--	--	21,900 *	**21,900**
						27,178 GSF

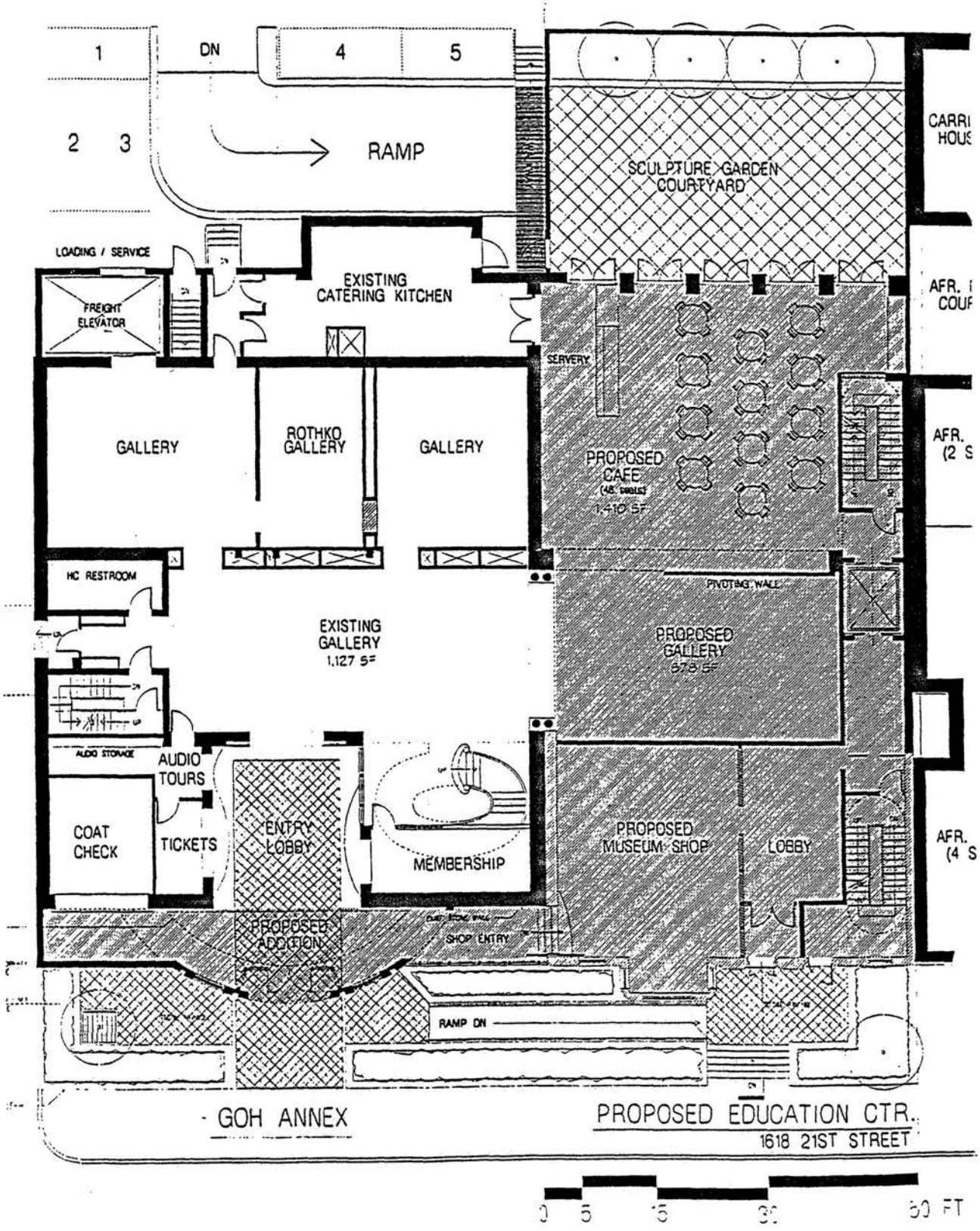
GENERAL NOTES

A. ALL EXISTING CONDITIONS AREAS ARE APPROXIMATE AND BASED ON DRAWINGS AND RECORDS MADE AVAILABLE TO KRESSCOX ASSOCIATES BY THE PHILLIPS COLLECTION.

B. PROPOSED NEW BUILDING AREAS ARE BASED ON PRELIMINARY DESIGN CALCULATIONS AND ARE LISTED AS APPROXIMATE MAXIMUM AREAS FOR ZONING PURPOSES.

KEYED NOTES

* ALL CONSTRUCTION OF THE EDUCATION CENTER (1618 21st St.) WILL BE "NEW" CONSTRUCTION (37,840 GSF TOTAL) BEHIND THE HISTORIC FRONT FAÇADE TO REMAIN & BE RESTORED.


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RAMP
SCULPTURE GARDEN COURTYARD
CARRI HOUS
LOADING / SERVICE
FREIGHT ELEVATOR
EXISTING CATERING KITCHEN
AFR. COUF
SERVERY
GALLERY
ROTHKO GALLERY
GALLERY
PROPOSED CAFE
1,410 SF
AFR. (2 S
HC RESTROOM
PIVOTING WALL
EXISTING GALLERY
1,127 SF
PROPOSED GALLERY
878 SF
AUDIO STORAGE
AUDIO TOURS
COAT CHECK
TICKETS
ENTRY LOBBY
MEMBERSHIP
PROPOSED MUSEUM SHOP
LOBBY
AFR. (4 S
PROPOSED ADDITION
SHOP ENTRY
RAMP DN
GOH ANNEX
PROPOSED EDUCATION CTR.
1618 21ST STREET
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30
60 FT

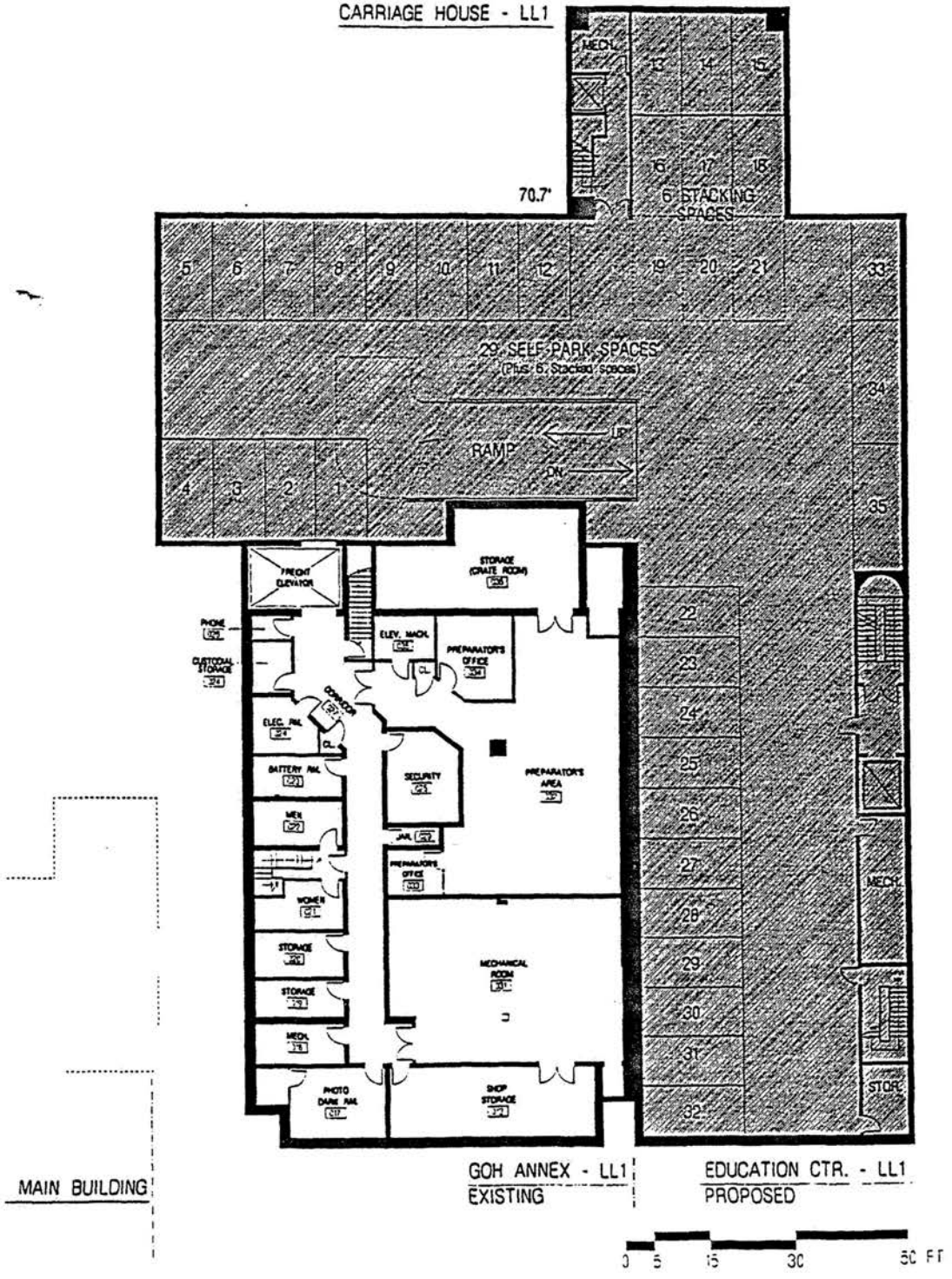

CARRIAGE HOUSE - LL1
MECH.
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17
18
70.7'
6 STACKING SPACES
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6
7
8
9
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11
12
19
20
21
33
29 SELF PARK SPACES
(Plus 6 Stacked Spaces)
34
RAMP
UP
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35
FREIGHT ELEVATOR
STORAGE (CRATE ROOM)
PHONE
ELEV. MACH.
PREPARATOR'S OFFICE
CUSTODIAL STORAGE
CORRIDOR
ELEC. RM.
BATTERY RM.
SECURITY
PREPARATOR'S AREA
MEN
JAN.
PREPARATOR'S OFFICE
WOMEN
STORAGE
MECHANICAL ROOM
STORAGE
MECH.
PHOTO DARK RM.
SHOP STORAGE
22
23
24
25
26
27
28
29
30
31
32
STOR.
MAIN BUILDING
GOH ANNEX - LL1
EXISTING
EDUCATION CTR. - LL1
PROPOSED
0
5
15
30
60 FT

EXHIBIT B

HAMILTON AND HAMILTON, LLP
ATTORNEYS AT LAW
1775 PENNSYLVANIA AVENUE, N.W., SUITE 1100
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ALEXANDRIA, VIRGINIA 22314

MICHAEL A. CAIN
MEMBER D.C. AND MARYLAND BARS

October 27, 2000

VIA FACSIMILE AND FIRST CLASS MAIL

Stephen N. Gell, Esq.
1101 30th Street, N.W.
Fifth Floor
Washington, D.C. 20007

RE: The Phillips Collection, *et al.*
BZA Application No. 16618

Dear Steve:

The information you requested about special events at the museum is enclosed.

Sincerely,

HAMILTON AND HAMILTON, LLP

Mike

Michael A. Cain

Enclosure

cc: Jay Gates

The Phillips Collection
Special Events
October 1999-October 2000

Submitted by Mary Alice Nay

DATE:	October 2, 1999
TIME:	7:00-10:30 p.m.
TYPE:	Dinner
NUMBER OF GUESTS:	85

DATE:	October 4, 1999
TIME:	6:30-8:30 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	150

DATE:	October 6, 1999
TIME:	6:30-8:30 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	200

DATE:	October 20, 1999
TIME:	6:30-9:30 p.m.
TYPE:	Dinner
NUMBER OF GUESTS:	30

DATE:	October 25, 1999
TIME:	6:30-9:30 p.m.
TYPE:	Dinner
NUMBER OF GUESTS:	35

DATE:	October 30, 1999
TIME:	6:30-9:30 p.m.
TYPE:	Reception and dinner
NUMBER OF GUESTS:	100

DATE:	November 3, 1999
TIME:	6:00-9:30 p.m.
TYPE:	Dinner
NUMBER OF GUESTS:	110

DATE:	November 5, 1999
TIME:	7:00-10:00 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	200

DATE:	November 9, 1999
TIME:	6:45-9:30 p.m.
TYPE:	Reception and dinner
NUMBER OF GUESTS:	75

DATE:	November 12, 1999
TIME:	6:30-8:30 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	100

DATE:	November 19, 1999
TIME:	6:00-8:00 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	50

DATE:	December 1, 1999
TIME:	6:30-8:30 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	200

DATE:	December 7, 1999
TIME:	5:30-7:30 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	30

DATE:	December 8, 1999
TIME:	6:30-9:00 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	250

DATE:	December 11, 1999
TIME:	6:30-10:00
TYPE:	Reception and dinner
NUMBER OF GUESTS:	32

DATE:	December 14, 1999
TIME:	6:30-8:30 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	200

DATE:	December 15, 1999
TIME:	6:00-8:00 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	75

DATE:	December 22, 1999
TIME:	6:30-9:30 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	70

DATE:	January 7, 2000
TIME:	7:00-10:00 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	100

DATE:	January 18, 2000
TIME:	7:00-10:30 p.m.
TYPE:	Reception and dinner
NUMBER OF GUESTS:	100

DATE:	January 19, 2000
TIME:	6:30-8:30 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	150

DATE:	February 14, 2000
TIME:	9:30 a.m.- 12:00 noon
TYPE:	Breakfast and tour
NUMBER OF GUESTS:	75

DATE:	February 15, 2000
TIME:	6:30-8:30 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	250

DATE:	February 16, 2000
TIME:	5:30-7:30 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	200

DATE:	February 16, 2000
TIME:	7:30-9:00 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	200

DATE:	February 17, 2000
TIME:	6:00-8:00 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	300

DATE:	February 18, 2000
TIME:	6:00- 8:00 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	300

DATE:	March 1, 2000
TIME:	7:00-11:00 p.m.
TYPE:	Reception and dinner
NUMBER OF GUESTS:	100

DATE:	March 7, 2000
TIME:	6:00-8:30 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	200

DATE:	March 15, 2000
TIME:	7:00-9:00 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	50

DATE:	March 18, 2000
TIME:	7:00-10:30 p.m.
TYPE:	Reception and dinner
NUMBER OF GUESTS:	80

DATE:	March 24, 2000
TIME:	7:00-10:00 p.m.
TYPE:	Reception and dinner
NUMBER OF GUESTS:	40

DATE:	March 25, 2000
TIME:	6:00-10:00 p.m.
TYPE:	Reception and dinner
NUMBER OF GUESTS:	70

DATE:	March 28, 2000
TIME:	6:30-10:00 p.m.
TYPE:	Reception and dinner
NUMBER OF GUESTS:	30

DATE:	April 11, 2000
TIME:	6:00-8:00 p.m.
TYPE:	Reception and tour
NUMBER OF GUESTS:	50

DATE:	April 26, 2000
TIME:	5:00-8:30
TYPE:	Reception
NUMBER OF GUESTS:	90

DATE:	April 27, 2000
TIME:	6:30-9:00 p.m.
TYPE:	Reception and dinner
NUMBER OF GUESTS:	80

DATE:	May 1, 2000
TIME:	12:00 noon-2:00 p.m.
TYPE:	Lunch and tour
NUMBER OF GUESTS:	60

DATE:	May 8, 2000
TIME:	3:00-5:00 p.m.
TYPE:	Tour and Tea
NUMBER OF GUESTS:	30

DATE:	May 12, 2000
TIME:	6:30-11:00 p.m.
TYPE:	Dinner
NUMBER OF GUESTS:	100

DATE:	May 15, 2000
TIME:	5:30-8:00 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	80

DATE:	May 19, 2000
TIME:	6:30-10:00 p.m.
TYPE:	Reception and Dinner
NUMBER OF GUESTS:	30

DATE:	May 31, 2000
TIME:	6:00-9:30 p.m.
TYPE:	Reception and dinner
NUMBER OF GUESTS:	110

DATE:	June 7, 2000
TIME:	9:30 a.m.-12:00 noon
TYPE:	Breakfast and tour
NUMBER OF GUESTS:	80

DATE:	June 7, 2000
TIME:	6:30-8:30 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	200

DATE:	June 7, 2000
TIME:	8:00-10:00 p.m.
TYPE:	Dinner
NUMBER OF GUESTS:	50

DATE:	June 8, 2000
TIME:	5:30-7:30 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	200

DATE:	June 8, 2000
TIME:	7:30-9:30 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	150

DATE:	June 9, 2000
TIME:	6:00-8:00 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	300

DATE:	June 21, 2000
TIME:	6:30-8:30 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	100

DATE:	September 6, 2000
TIME:	7:00- 10:00 p.m.
TYPE:	Reception, meeting and dinner
NUMBER OF GUESTS:	70

DATE:	September 18, 2000
TIME:	9:30 a.m.-12:00 noon
TYPE:	Breakfast and tour
NUMBER OF GUESTS:	80

DATE:	September 18, 2000
TIME:	6:00-8:00 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	125

DATE:	September 19, 2000
TIME:	6:30-10:00 p.m.
TYPE:	Reception and dinner
NUMBER OF GUESTS:	60

DATE:	September 20, 2000
TIME:	6:30-8:30 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	200

DATE:	September 21, 2000
TIME:	5:30-7:30 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	200

DATE:	September 21, 2000
TIME:	7:30-9:00 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	175

DATE:	September 22, 2000
TIME:	6:00-8:00 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	300

DATE:	September 23, 2000
TIME:	6:30-9:30 p.m.
TYPE:	Reception and dinner
NUMBER OF GUESTS:	80

DATE:	September 26, 2000
TIME:	6:30-9:30 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	25

DATE:	October 2, 2000
TIME:	7:00-9:00 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	200

DATE:	October 3, 2000
TIME:	6:30-10:30 p.m.
TYPE:	Reception and dinner
NUMBER OF GUESTS:	28

DATE:	October 4, 2000
TIME:	5:30-7:30 p.m.
TYPE:	Reception and tour
NUMBER OF GUESTS:	50

DATE:	October 10, 2000
TIME:	6:30 – 8:30 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	60

DATE:	October 11, 2000
TIME:	5:30-6:30 p.m.
TYPE:	Tour
NUMBER OF GUESTS:	175

DATE:	October 18, 2000
TIME:	6:00-10:00 p.m.
TYPE:	Presentation, reception, dinner
NUMBER OF GUESTS:	60

Future Events:Next six weeks

DATE:	October 30, 2000
TIME:	5:00-8:30 p.m.
TYPE:	Reception
NUMBER OF GUESTS:	500

DATE:	November 2, 2000
TIME:	7:30-10:30 p.m.
TYPE:	Dinner
NUMBER OF GUESTS:	250

DATE:	November 6, 2000
TIME:	**TBD**
TYPE:	**TBD**
NUMBER OF GUESTS:	**TBD**

DATE:	November 10, 2000
TIME:	7:00-10:00 p.m.
TYPE:	Reception and dinner
NUMBER OF GUESTS:	50

DATE:	December 1, 2000
TIME:	**TBD**
TYPE:	Reception
NUMBER OF GUESTS:	100

Current Capacity Detailed in Conditions of Building Use:

As stated in The Phillips Collection Conditions of Building use dtd. June 1, 1998: "Subject to changes related to the museums exhibition schedule, the capacity for cocktail receptions is 200 in the Main Building and 200 in the Annex; for seated dinners is 100 (limit to 10 five foot tables) in the Music Room, or 90 (at 9 five foot tables) if using the grand piano in the Music Room of the Main Building; and for lectures is 100 in the Music Room."

Projected Capacity for Possible Future Conditions of Building Use:

Auditorium: 255 Seats
Main Building: 200 (Same as Current)
Annex/Expansion: Estimated 350 for cocktail reception; 250 seated dinner

EXHIBIT C

HAMILTON AND HAMILTON, LLP
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MICHAEL A. CAIN
MEMBER D.C. AND MARYLAND BARS

November 8, 2000

By Fax and Mail

Mr. Kyle Pitsor
Chairperson
Advisory Neighborhood Commission 2B
St. Thomas Parish
P.O. Box 33224
Washington, D.C. 20033-0224

RE: The Phillips Collection
BZA Application No. 16618

Dear Mr. Pitsor:

Following the Commission's meeting on October 11th, The Phillips Collection has been working hard to follow up on the Commission's various suggestions and recommendations.

The Phillips has engaged Mr. Louis Slade (Gorove/Slade Associates) to analyze existing and likely traffic conditions around the museum and to prepare an appropriate report. Mr. Slade met yesterday with the transportation consultant retained by certain of the neighbors.

When we were advised by the D.C. BZA staff that only the The Phillips had standing to ask the BZA to postpone the October 24th public hearing, we did so; the new date is December 5th. A copy of the letter is attached.

The Phillips has met twice with the group led by Mr. Suisman, and has responded to several written requests from them for information about the project. The Phillips has also met with the Head of Chancery for the Indian Embassy. The Cosmos Club's representative canceled his appointment with the project architect; the museum will meet the president of the Club next week. Unfortunately, none of those meetings has produced any substantive feedback on the merits of The Phillips proposal.

Attached is a draft of an agreement that The Phillips Collection is prepared to enter into with the Commission if the Commission will reinstate its formal endorsement of the project. The

Phillips remains convinced that its plan, which the Commission has reviewed and twice voted to approve, offers the best opportunity for meeting the museum's needs while mitigating external impacts on the neighborhood. If The Phillips is forced to retreat to its matter-of-right option, it will lose the chance to provide off-street parking and to exert more control over buses, catering delivery vehicles and valet parking. That option is much less expensive, but it nevertheless falls short of meeting the programmatic goals of the museum.

We look forward to the opportunity to discuss these issues again this evening. In the meantime, please do not hesitate to call me with any questions you may have.

Sincerely,

HAMILTON AND HAMILTON, LLP

Michael A. Cain

Enclosures

cc: Vince Micone
Stephen Cochran
Jay Gates

With a copy to: Michael Cain, Esquire
Hamilton and Hamilton, LLP
1775 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
Fax: (202) 463-7282

A party may change its notice address by providing written notification to the other party at any time.

7. **Miscellaneous**.

(a) This Agreement shall be construed according to the laws of the District of Columbia and may be enforced in any court with jurisdiction of the subject matter in the District of Columbia.

(b) This Agreement will be effective on the date of the last signature hereto. Signatures may be affixed on different counterpart copies all of which being read together shall constitute one and the same instrument. A facsimile signature shall be deemed equally effective as an original.

(c) This Agreement may not be amended or modified except in writing and signed by the party against whom such modification is sought to be applied.

IN WITNESS WHEREOF, intending to be bound, the parties have signed this Agreement on the dates stated below:

Date:_____ _____
Solange MacArthur- Muller

Date:_____ _____
Robert Muller