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D.C. OFFICE OF ZONING
2003 MAY 27 PM 3:48
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May 27, 2003

BY HAND

Board of Zoning Adjustment
441 4th Street, NW, Suite 210
Washington, DC 20002

Re: Tudor Place Foundation, Inc.
Application No. 16974

Dear Sir or Madam:

Please find for filing the original and the requisite copies of the 31st Street Parties' (1) Brief In Reply To Applicants Misleading Response Pertaining to Applicant's Request for Dower House; (2) Findings of Fact; and (3) Conclusions of Law and Opinion. A computer disk containing both WordPerfect and MS Word versions of the three is included.

Submitted,

Ronald Snider

Enclosures

CERTIFICATE OF SERVICE

A copy of this cover letter and copies of the three referenced documents was served, by hand delivery, this 27th day of May, 2003, on the representatives of all parties of record. Those representatives are: Gordon Wilson and Hogan & Hartson for Applicant The Tudor Place Foundation; Don Crockett for the Q Street Parties; and Norton Katz for the 32nd Street Parties.

By: Richard P. Theis

BZA
Case No. 16974
Exhibit No. 100

Board of Zoning Adjustment
District of Columbia
CASE NO. 16974
EXHIBIT NO. 100

GOVI [MENT OF THE DISTRICT OF C UMBIA
BOARD OF ZONING ADJUSTMENT

Tudor Place Foundation, Inc. Application for Special Exception for Tudor Place at 1644 31st Street, and Dower House at 1670 31st Street, NW Square 1281, Lot 835	)	Application **No. 16974** 31st Street Parties Reply Re: Dower House

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BRIEF IN REPLY TO APPLICANT'S RESPONSE
PERTAINING TO REQUESTS FOR DOWER HOUSE

The Board of Zoning Adjustment (BZA), on April 29, 2003, requested briefs on the applicability of law–Title 11 DCMR § 2500–to the Tudor Place Foundation's request to use a single family residence at 1670 31st Street, NW (Dower House), as an accessory site to the Tudor Place mansion. The applicability of Section 2500 became an issue when the 31st Street Parties, represented by Ronald Snider, filed a Statement and an "Official Land Survey and Photograph" (see, Exhibit 74) that established, without protest from Applicant, that the size of Dower House exceeds what District of Columbia regulations allow for an accessory building. After the hearing, the 31st Street Parties filed a "Brief Opposing Applicant's Request To Use 1670 31st Street, NW..." (hereafter "31st Street Parties' Brief Opposing Dower House"). The Q Street Parties, represented by Don Crockett, filed a separate brief which argued points unlike those Mr. Snider asserted.

The Tudor Place Foundation (Applicant or The Foundation) submitted a single "Response" to the two briefs. The Foundation argued that decisions from an 1999 BZA proceeding should govern this matter even though the parties are not identical, the BZA already stated that this is a new, stand alone application, and The Foundation's pending Application asks permission to annex Dower House to Tudor Place. Whereas The Foundation has hosted a few meetings and displayed work by an artist-in-residence at Dower House in the past, The Foundation now wants Dower House as a site for unlimited meetings for 50 people, art exhibitions, up to 52 rental events yearly, and as a lunchroom for Tudor Place's guests. The 31st Street Parties file this brief in Reply to Applicant's Response.

Determining Whether Dower House Qualifies For Accessory Designation

A two-stage test is applied to determine whether a land owner can use a building located on his property for accessory purposes. First, the deciding authority determines if the law allows the structure

BZA
Case No. 16974
Exhibit No. 100A

to be characterized as an accessory building. The District of Columbia established in its Municipal Regulations (DCMR) a section that address the requirements for accessory buildings: Section 2500. Second, only when a structure qualifies as an *accessory building,* does the deciding authority determine if the functions the applicant wants to pursue qualify as accessory "uses." In recognition of this two-stage process, the District of Columbia treats accessory uses in regulations separate from those concerning accessory buildings. For example, *see*, § 2501 "Mechanical Amusement Machines: Accessory Use." The two tests, stage one and stage two, are dissimilar. The former, the building test, requires simply a comparison between the controlling regulation and the facts–does the building fall within the regulations. The process of determining what constitutes an accessory "use" is far more complex. Legal scholars have written treatises on the subject.[1]

In this instance, recourse to an exhaustive analysis of District of Columbia regulations and whether meetings, rental events, receptions for fewer than 50 people, etc. meets the "use" test proves unnecessary. Dower House does not qualify under the first stage of the test. Because Applicant's Response intermixes the two disparate tests, the controlling regulations, those pertaining to structures, are examined in detail.

Regulations Prohibit the Designation of a Building as Accessory
When The Building Exceeds Certain Size Limitations

The 31st Street Parties contend now, as they did in their original brief–the 31st Street Parties' Brief Opposing Dower House, that the BZA can characterize a *building* as an accessory only if the circumstances meet the requirements of 11 DCMR § 2500. That Section and its nine (9) subsections govern exceptions based on the physical attributes of a structure, *i.g.*, the size of the building and its placement on a lot.

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[1] *Zoning: What Constitutes "Incidental" or "Accessory" Use of Property Zoned, and Primarily Used, for Residential Purposes*, 54 A.L.R.4th 1034 (1987). Also, *Zoning: What Constitutes "Incidental" or "Accessory" Use of Property Zoned, and Primarily Used, for Business or Commercial Purposes*, 60 ALR4th 907; and *Change in Area or Location of Nonconforming Use as Violation of Zoning Ordinance.* 56 ALR4th 769.

The applicability of Section 2500 and its subsections is evident from a reading of the regulation, the words of which are unambiguous.

- Subsection 2500.1, which applies here, provides that a *building* can be characterized as accessory if it is located on the same lot with the building to which it is accessory.
- Subsection 2500.2, which applies, states "An *accessory building* shall be located only in a rear yard..." [Italics supplied.]
- Subsection 2500.3 states that no more than 30 percent of the area of a rear yard on any lot "shall be occupied by *accessory buildings.*" [Italics supplied.]

The language of Subsection 2000. 4, the critical regulation, provides:

> An accessory building in any zone district shall not exceed one (1) story or fifteen feet (15 ft.) in height, except as provided in 2500.5.

The exception reference, by its terms, is inapplicable here.

- Subsection 2500.5 allows the BZA to characterize a building as an accessory, even if it exceeds one story, when two conditions are met. First, the building must be an accessory private garage and, second, the building must be used for domestics employed by the residents of the main house. Specifically, Section 2500.5 reads:

> In an R-1A or R-1B District only an accessory private garage may have a second story use for sleeping or living quarters of domestic employees of the family occupying the main building.

Dower house in neither a garage nor a residence for domestics working in the Tudor Place mansion. Dower House cannot be an accessory building to Tudor Place.

- The following subsection, 2500.6, places limits on the sizes of garages in which live-in domestics can resided. Consequently, this Section does not apply to this Application.

The remaining three subsections are inapplicable.

- Subsection 2500.7 sets forth a formula of measuring the height of an accessory building.
- Subsection 2500.8 governs the sequence of building construction–accessory buildings follow the building of the primary building.

- Subsection 2500.9 governs obstruction of light and ventilation by accessory buildings.

Dower House Falls Outside the Scope Section 2500 And All Its Subsections

Dower House exceeds in height what is allowed. In addition, it stands on what is known as 1670 31st Street; Dower House is not found on the rear yard of Tudor House.

The "plat of survey" makes it clear that Dower House exceeds one story. On its face the words "2-Story & Basement Brick" are used to described the structure. The accompanying photograph provides visual proof of the building's size. The photo shows the front view of Dower House (Exhibit 74 at p. 2). That grand home has at least 2 floors of living space. It may even have three. Above the second floor is a recessed, elevated roof treatment with a dormer window. Clearly, Dower House is more than 15 feet in height, and at most 30 feet. Consequently, Dower House exceeds the size that § 2500.4 allows for *buildings* that the BZA can characterize as being *accessory* to the Tudor Place mansion.

In addition, Dower House is not located in the rear yard of Tudor House, a requirement of § 2500.2 for accessory buildings. In its case-in-chief the Applicant failed to introduce evidence for the purpose of showing the juxtaposition of Dower House and Tudor Place. However, at the request of the Board, the Applicant submitted a site plan. It shows that Dower House and Tudor place are separated by a chain link fence. Further it shows that 1670 31st Street sits adjacent or on the north side of 1644 31st Street, Tudor Place.

The second of the two-stages of proof–that concerning *accessory uses* never becomes an issue. Dower House cannot be characterized as an *accessory building*.

Section 2500 Applies to Dower House

The regulations contained in § 2500 apply to existing and new construction. The regulations, on their face, make no distinction between new and existing buildings. The District of Columbia Office of Zoning, telephone number (202) 442-4576, will confirm the applicability of § 2500 to existing buildings. Those interested are encouraged to call and speak with Mr. Reeves, a supervisor in that office. The Foundation's arguments that DC zoning regulations apply only to

new construction is contrary to the regulations, contrary to the District of Columbia's application of those regulations, and unsupported by the cases the Applicant cite, as is shown below.

Applicant Mischaracterizes Fact

Applicant characterized the factual record to further its own position. Only two examples will be cited to demonstrate this conclusion, although others exist.

Applicant's counsel say in their Response that "throughout this proceeding, including in their most recently submitted briefs, the opponents have cited the record of the proceeding related to the special exception granted to the Applicant in 1999 by Board Order No. 16477." This statement appears in Applicant's Response, at footnote 2. The Foundation's statement is a fabrication. The 31st Street Parties and their representative Mr. Snider made no mention, none whatsoever, of the previous record in their initial brief on this issue. See, 31st Street Brief Opposing Dower House. Nor, did the 31st Street Parties during the three days of hearing rely of the record made during the previous proceeding.

The Hogan & Hartson lawyers also assert "opponents also argue that the use of the property as a house museum violates the Peter Will." Applicant's Response, at footnote 4. The Applicant has mislead this Board. There is no reference to Mr. Peter, let alone his Will, in the 31st Street Parties' Brief Opposing Dower House. Said another way, the term "Peter Will" does not appear even once.

There can be little doubt why the Foundation stretched the truth. It wants the BZA to treat the submission of the 31st Street parities as one-in-the-same with the brief Mr. Crockett submitted, who did reference the Peter Will. Mr. Crockett introduced the Will and it is marked as Exhibit 92(b). The Foundation believes that if it can convince the BZA that the parties and the issues are the same, the previous prior BZA ruling should govern. To that end the Foundation said about Dower House: the issue "was raised by the same parties in their appeal of the 1999 special exception" (Applicants Response at p. 2).

The Applicant's position has no merit. One, the parities to this Application are not identical to those who participated in the proceeding in 1999. The Board recognized Mr. Snider as the representative of many who live on 31st Street, people who were not parties in1999. Likewise, Mr. Crockett represents residents on Q Street who did not participate in the prior proceeding. The last Board decision does not bind this Board because this Application involves new requests. In the words of Chairman Griffis, "This is not a renewal but rather a brand new, stand alone special exception of which its history is there is prior special exception to this." (Tr. 4/15, P. 69, lines 5-10).

This Board can entertain the question whether Dower House qualifies as an accessory building. The regulations pertain to the facts, and the Foundation had the burden of making its case. The Foundation resorted to misrepresentations because its wants to keep the BZA from addressing the question. If one examines the record, the is only one conclusion possible. The Foundation failed to introduce evidence and, therefore, failed to carry its burden of proof with respect to Dower House.

This Application must be judged on its own merit. In the words of Chairman Griffis: "The decision of this Board and all contested cases must be based exclusively on the public record." Tr. 4/15/03, P. 7, lines 9-10. This record is bereft of any proof regarding Dower House and its relation to the regulations; The Foundation failed to introduce any evidence showing that Dower House falls within what the law allows for an accessory building. In fact, there is none. Consequently, the BZA should deny the Foundation's Application regarding Dower House.

Applicant Misinterprets The Law

More troubling that Applicant's misrepresentations of fact are its misstatements of law. Contrary to what Applicant asserts, the *Davidson* court did not hold that 11 DCMR § 2500 applies to new construction only. Such is not the law in the District of Columbia and it is not the holding in *Davidson v. District of Columbia Board of Zoning Adjustment*, 617 A. 2d 977 (D.C. 1992). Because Applicant misrepresented the holding, we examine it closely.

Davidson provides and excellent example of the two-stage test for accessory buildings and accessory uses, and how it should be applied. The BZA, like the Zoning Administrator before it, and the Court began their analysis by first determining whether the physical structure, a pool house, fell within the zoning regulations pertaining to size. The Administrator and the BZA noted that the property owner took extraordinary measures to insure that his pool house measured 14 feet, 9 inches in height, just under the 15 foot limitation of § 2500.4. Only after it decided that the structure met the size requirements for accessory buildings, did the court look to see if the BZA was within its rights to limit, more so than had the Zoning Administrator, the uses the owner could conduct in his pool house. To that end, the court looked to see if the uses proposed were "customarily incidental" to the uses the regulations permitted in an R-1 districts. 617 A.2d at 982. The court ruled that the BZA had acted within its authority when it restricted the uses allowed more so than had the Zoning Administrator. 617 A.2d at 983 and 984.

In reaching its ruling the *Davidson* court explained the difference in approach between determinations about buildings and uses. The court distinguished the mechanistic application of the rules about size–11 DCMR §§ 2500.2 and 2500.4, and determinations of accessary uses, which are subject to interpretation. With regard to the latter the court said:

> On questions relating to the interpretation of the zoning regulations, such as the Board's interpretation of the "Customary incidental" definition of accessory buildings permitted in R-1 districts, this court's review is more differential."

(617 A.2d at 981)

The Foundation also misstated the holding in *National Cathedral Neighborhood Association v. District of Columbia Board of Zoning Adjustment*, 753 A. 2d 984 (D.C. 2000). A careful reading shows that the court reached it decision using a "use" analysis and not because of the height or size of the building. This is clear if one reads the court's own characterization of the issue before the BZA and the <u>all</u> the words of the paragraph that Applicant cited; the words the Foundation deleted were crucial to the holding.

The court, at the beginning of its decision, framed the issue when it observed "the BZA found that the facility constitutes either an extension of the *principal use* of the school or an "*accessory use*." Quotations in the original, italics added. 753 A.2d at 986. Then the court offered the language The Foundation partially quoted.

The whole passage reads:

> Petitioners argue that because of the size and mass of the proposed structure it cannot reasonably be termed "incidental to and subordinate to the principal use," 11 DCMR § 199 (defining accessory use). We disagree. Functionally there is no question that athletic facilities, and the buildings housing them, are adjunct to the educational mission of the school. " (Emphasis added)

(753 A.2d at 986)

These words show that the court based its ruling on its evaluation of the "use" issue, the second-stage of the test. *National Cathedral Neighborhood Association* was not an appeal based on the size of a building under § 2500.4. The court said "In any case, the BZA made no finding that the proposed structure is too large to its intended purposes." *Id.* Size was not an issue. The court drove that point home:

> The Board found that only 4,360 of the total 83,160 square feet comprising the structure would be built above ground, and that the height of the building is well within the regulatory limit. [citation omitted]. Nothing in the size or mass required the Board to conclude that the use of the proposed structure could not be considered accessory. [Emphasis supplied.]

Id. at 986.

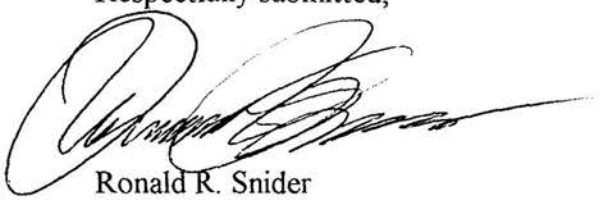
The *National Cathedral* holding shows that (1) determining accessory status is a two-stage test and (2) that one reaches the "use" stage only when the issue of size has been resolved. The Foundation failed to show that the size of Dower House was within the regulatory limit. Furthermore, Dower House is not within that limit.

Conclusion

The Foundation's application to use Dower House as an accessory building to the Tudor

Place mansion should be denied. Dower House at three stories tall far exceeds the height requirements of the applicable regulations.

Respectfully submitted,



Ronald R. Snider

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Tudor Place Foundation, Inc. Application for Special Exception for Tudor Place at 1644 31st Street, and Dower House at 1670 31st Street, NW Square 1281, Lot 835	)	Application **No. 16974** 31st. St. Parties

FINDINGS OF FACT

A. INTRODUCTION

1. The Tudor Place application has applied for a special exception under 11 DCMR §217 to use property at Lot 835 which includes both 1644 and 1670 31st. St. for purposes of the foundation. Tudor Place filed the application only under §217 and not under 11 DCMR Chapter 25.

2. The floor area of 1644 is greater than 10,000 square feet, and 1670 has no more than 7,000 square feet (this 7000 foot dimension has not been contested by applicants in their response to party opponents' briefs filed May 13, 2003. (Exhibit 10, application for certificate of occupancy shows 17,522 for both buildings).

3. The applicant asserts that 1670 is an accessory use to 1644 31st. St.

4. ANC 2E submitted a letter dated February 11, 2003, stating that it supports the application and recommends approval without delay (exhibits 53 and 42).

5. Nine near by neighbors were granted permission to appear as

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parties, and they were consolidated into three groups representing 31st. St. 32nd St. and Q ST. The opposing parties testified and presented evidence positively showing that Tudor Place operations under prior orders have caused adverse impact. The parties were also able to show that the nebulous "intent" of the Tudor Place director was too vague to determine if there is no adverse affect (the burden of applicant).

6. At the conclusion of the hearing, the Board asked the parties in opposition to submit legal briefs setting out their arguments and legal authorities for their proposition that Dower House cannot be an accessory building because it is too tall and does not comply with mandatory building sizes found in §2500.4. The opposing parties have also shown that 1670 is not in the rear yard as required by §2500.2 (exhibit 9 maps).

B. OUTDOOR MUSIC AND GENERATORS

7. The previous order required no amplified music. On May 6, 2000 there was an event (Glickman wedding and reception) which was attended by some 260 people plus a large orchestra and other catering functionaries (Tice Testimony, [Tr. 4/22 P 169 P 172] and exhibit 76).

8. During this event a tape recording was made of the orchestra from the front porch of 1607 31st Street N.W. This tape is in evidence (exhibit 98) and clearly shows that the music extends well beyond Tudor place property lines and was in fact having

adverse impact in the area surrounding Tudor place (Exhibit 98).[1]

9. In addition, Tudor Place also had present on the evening of May 6th loud generators located in the vicinity of 32nd and Q which are also on the tape recording (Exhibit 98). The purpose of these generators was unknown, but their sound was unmistakable as the tape shows.

10. Tudor Place had no witness who could testify as to the events of May 6, 2000 (the Glickman wedding). Ms. Buhler become employed at Tudor Place until after the Glickman wedding was over and did not experience it.

11. A supporter of Tudor Place states as follows:

> "Specifically, thanks to all of our previous efforts, the issue of loud music is a bogus one. We all agree it has no place on the grounds of Tudor Place." (emphasis added, exhibit 2 attached to exhibit 34)

C. MUSIC WHICH CAN BE HEARD HUNDREDS OF FEET FROM TUDOR PLACE BOUNDARIES

12. Exhibit 6 shows that the property located at 1644 Avon Street[2] was not noticed as being within 200 feet of Tudor Place,

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[1]. The Snider letter of 7/7/00 states that the noise level was clearly due to amplified music. If it was, then the prior order was violated, if it was not, then it proves that unamplified out door music by a swing band is an adverse affect. Tudor place did not testify that this music on 5/6/00 was amplified.

[2]. Exhibit 80 is a letter from which concedes that the sounds of Tudor Place extend to 1644 Avon Place. Music may be pleasant to some, but to others who reside more closely it can be an adverse impact especially depending upon one's taste in music. Ms. Moffett conceded that they could hear the "music emanating from

and that the map showing square 1281 with lot 835 confirms that any property located on Avon Place is at least 231 feet plus the width of 31st Street from Tudor Place property. The testimony (4/22 P 133 Lines 16-19) confirms the letter.

D. STREET CONGESTION AND PARKING AT LARGE (OVER 200 PERSON) EVENTS

13. The Glilckman wedding event on May 6, 2000 caused substantial parking problems (Tice Testimony, Tr. 4/22 P 169 P 172 and exhibit 76). Photographs of parking problems and congestion issues relating to the Glickman wedding are found in exhibit 76 along with information taken from Washington Life which describes the wedding including the 260 guests, 21 piece swing band, along with photographs of 25 bagpipers, all of who must park some place after driving to Tudor Place.

14. The evidence submitted by Tudor Place at the request of the Board shows where the cars will be parked when the street fills up, but does not at all address the traffic congestion problem created by the Valet parkers them selves. On the other hand, the Katz testimony shows that moving cars back and forth actually creates more traffic.[3]

Tudor Place grounds but never was it loud or offensive. On the contrary, I think the sound of the bagpipes or violins on a summer night is a pretty lovely thing. (Tr. 4/22 P 133, Lines 16-19)

[3]. Mr. Katz testified that each vehicle that brings event supplies and props brings traffic and noise. Each vehicle drives up and down the streets 4 times. The guests arrive in their cars, the valets drive the cars to the various lots, the valets bring the cars back when the guests are ready to leave, and then the guests drive through the neighborhood to leave. (Tr 4/29 P 96 Lines 16-25)

15. The license with Chase Banking for parking is an attachment to exhibit 85. This document was written on April 21, 2003, the day before the foundation's lawyers filed it with the BZA. Further, the license is not signed by Chevy Chase Bank. The License may be revoked at any time by licensor by written notice to Licensee if Licensee fails to comply in all respects with the terms, covenants and conditions set forth as determined by licensor in Licensor's discretion (clause 8). The License also provides that Licensor may terminate after one year (clause 2). [4] Even if the license is executed, it is not good for the 5 year period of the exception applicant requests.

16. Ms. Buhler also stated that "We do not permit people to park on the street." (Tr. 4/15 P61, lines 1-5). The Board can and did take notice of the fact that streets are public cannot be prohibited (see comments of Chairman Griffis Tr. 4/15 P 61, Lines 6-16). This defense of the parking problem was simply misleading.

E. EARLY EVENING EVENTS HAVE ADVERSE IMPACT ON PARKING

17. The only evidence in the record about evening parking conditions when valet service is not available shows that Tudor Place a Tudor Place exhibition adversely impacted parking on 31st.St. at 7:30 P.M. on April 8, 2003.

18. Leslie Buhler testified that on the evening of April 8 at approximately 7:30 there was an exhibition opening as 1644 31st

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[4]. MS Buhler testified about use of Chevy Chase Bank, but did not elaborate on the conditions of the license.

Street. She further testified that she did not know how many parking places there were on 31st Street that night, the area between Q and R streets (TR 4/15 112, lines 18- TR 113, line 4). It was further brought out that on the evening of April 8 at 7:30 in the evening there was not one parking place on 31st street between Q and R streets when there are normally between 10 and 15 (Snider) (TR 4/29 P 97, line 25 to P 98 line 10). The record also shows that there are letters from parties by the name of Brose and Perkins who parked at about 7:10 which denied parking to neighbors who arrived at 7:30 (Exhibit 85). This is clear evidence of adverse parking impact on the neighborhood and the only evidence that exists showing the effect of events this time of evening which are less than 100.[5]

F. WISHES AND INTENT OF THE PETER FAMILY

19. It was never the intent of the Peters family that the house at 1644 should become a museum (TR 4/29 P.89), lines 1-7). It was not the intent of the Peters family that family possessions be removed for purpose of presenting art work of a resident artist on the premise which is hanging at Tudor Place. (TR 4/2989, lines 15-21).

The Will states:

"Tudor Place should be kept as I shall leave it and that it

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[5]. In the Perkins and Cox letter to the BZA dated April 17, 2003 it is stated that they attended an exhibition at Tudor Place on April 8, 2003 and that they parked on the street and there appeared to be ample parking (exhibit 85). In a letter from Steven Brose dated April 17, 2003 (exhibit 85), Mr. Brose states that he arrived between 6:45 and 7:00 pm. He had no problem with parking (exhibit 85). These parkers consumed the places normally found at 7:30 (Snider testimony, Tr 4/29 P 97 Line 25 to P 98 Line 10)

be considered not as a period museum, but as a house lived in and loved by generations of our family" (TR 4/29 90, lines 1-8).[6]

20. A witness who knew Mrs. Peters testified as follows:

"Tudor Place was never intended to be a house to become a party planners paradise" (Mrs. Katz) (TR 4/29 90, lines 12- 14).

G. USE OF THE SERVICE ENTRANCE ON 32nd STREET

21. Ms Buhler testified as follows:

I do agree that we have a major problem, that we have a problem with our service entrance. I don't think it's as good as it should be, and I would hope that we would be able to solicit the funds perhaps from our 32nd Street neighbors to help ameliorate the situation.

COMMISSIONER MITTEN: But you are not going to propose any amelioration, at this point?

MS. BUHLER: It's not something that we can just do. (TR 4/29

p. 118 lines 2-11)

Another witness testified:

"The impact on 32nd Street which is a service area is catastrophic for the 32nd Street area on the west side of Tudor Place" (TR 4/29 95, lines 17-25).

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[6]. Ms. Buhler testified as follows: "The letter and petition opened with statement supporting Tudor Place and then went on to say that we were violating the wishes of the last owner which we are not" (TR 4/15 p.55 line 25 through p. 56 line 3).

H. EXCLUSION OF LARGE WEDDING RECEPTIONS, CORPORATE PARTIES AND OTHER COMMERCIAL ACTIVITIES

22. When the letter addressed to "Friends and Neighbors of Tudor Place" (exhibit 44) along with the signable statement was sent to immediate neighbors, Leslie Buhler responded with an attempt to counter the letter with her own letter characterizing the friends and neighbors of Tudor place as "alarmist."[7] In the Buhler letter to the neighbors, she stated that **"We do not seek to rent for large wedding receptions, corporate parties, or other commercial activities (bold original)**[8] (exhibit 44, attachment). She did not explain that there was no limitation on less than 200. [9]. Buhler stated that the primary foci was preservation and

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[7]. Leslie Buhler stated in a letter dated January 28, 2003 to the neighbors in part as follows:

"I am writing in response to an alarmist letter and petition dropped in your mailbox" (see exhibit 44, attachment).

Ms. Buhler also went on to state in this letter that "we do not seek to rent for large wedding receptions, corporate parties or other commercial activities. Rather Tudor Place wants to be able to host events for groups such as Garden Clubs of America and the National Trust for Historic Preservation when they have meetings in Washington. Tudor Place's primary foci are preservation and education, not rentals" (Buhler letter January 28 which is part of exhibit 44).

[8]. MS Buhler when she wrote her alarmist letter to neighbors (attachment to exhibit 44) knew full well what the term "commercial activities" meant because she used it. During cross examination by Mr. Crockett she stated that she did not (Tr 4/15 P 73 Lines 16-25)

[9]. Special events for groups involving 200 or more (such as the Glickman wedding) involving 260 persons required substantial facilities. This substantial facility is described in document 2 (exhibit 74) included with the Snider testimony which shows that such a tent may be as large as 5,000 square feet which is a footprint larger than that of the Tudor Place mansion itself. The tape provided with exhibit 98 is a tape recording of music from the Glickman wedding tent on May 6, 2000 which shows that such tents when hosting large events create adverse effects such as noise (listen to tape, exhibit 98), and parking problems (see Tice

education, not rentals. Yet this proposed order is for many rentals under 200. Since the primary foci is not rental, the order should reflect what she has told the neighbors.

I. WEDDING RECEPTIONS EXCLUDED

23. Ms. Buhler testified under oath through out the hearing as follows:

MS. MITTEN: Okay, so you think that by, you can solve that by restricting the size of the wedding?

MS. BUHLER: Right.

MS. MITTEN: Okay.

MS. BUHLER: And basically what it, what it would do would let people have a ceremony there and then go somewhere else for a reception.

MS. MITTEN: Would you be willing to say, in no event shall rental functions for, or have something that says the ceremony as opposed to the reception, to narrow it down?

MS. BUHLER: Sure.[10] (TR 4/15 p. 69 line 24 through p. 70 line 11)

Ms. Buhler again agreed that there would be no wedding receptions.

MS. MITTEN: I believe in response to a question that I

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testimony, Tr 4/22 P 69 to P 71 and Exhibit 76).

[10]. MS Buhler then contradicted this claim. Ms. Buhler testified that in no event would rental functions for the purposes of weddings be permitted for more than 75 or more guests and that this referred to weddings or wedding receptions (TR 4/29 p. 11 lines 5-7 and TR 4/29 p. 112 lines 12-15).

asked, Ms. Buhler said that she would agree to have wedding ceremonies and not have wedding receptions. Isn't that correct?

MS. BUHLER: Yes, yes. (TR 4/15 p. 113 line 24 through p. 114 line 3)

Ms. Buhler when testifying at the end of the hearing again limited the wedding purpose and made no mention of wedding receptions.

MS. BUHLER...Finally, in no event would rental functions for the purpose of weddings be permitted for 75 or more guests. I believe these additional proposed limits respond to the neighbors' concerns, which we have just heard over the last three weeks for a greater degree of certainty and a realistic reflection of our abilities. Thank you (TR 4/29 p.110 line 20 through p.111 line 11).

J. THE SCOPE OF OPERATIONS OVER THE LAST TWO YEARS

24. No one has objected to the operations of Tudor Place tours and events over the past two years. Ms Buhler in an attempt to persuade the Board of their intentions stated:

MS. BUHLER: But most of our events are such a smaller number, that we, they are in the 15 to 20 to 30 range, then we don't. There's only one large event that we've been doing over the past several years (emphasis added) (Tr. 4/15 p 61, Lines 17-21) When asked again on cross examination about the large events, Ms Buhler discussed a moratorium on these [large] events

and the fact that there had been one (Tr 4/15 P 74, Lines 8-25). She then testified as follows:

MR. CROCKETT: Okay, now to you propose to continue the same number of events as we've had in the past two years, which have been minimal?

MS.BUHLER: That is my intent (Tr. 4/15 P 75, Lines 1-15).

When asked what her justification was for asking for more than her intent, namely hosting an unlimited number of events she responded:

MR. CROCKETT: If your intention is to carry forward with only the minimal events that have occurred in the last two years, why do you seek this [Tr. 4/15 P 75 Lines 23 -25] broad authority to have an event for 200 people any time you want?

MS. BUHLER: I guess we live in America. And I don't think that every thing is proscribed. I think that there needs to be some trust of an institution, and I think that we've proven that trust. (Tr. 4/15 P 76 Lines 3-6) (emphasis added)

K. TUDOR PLACE DID NOT WILLINGLY COMPLY WITH THE BOARD'S REQUEST FOR DOCUMENTS

25. Tudor Place was requested to provide copies of letters of complaint at the hearing on April 15th. Tudor Place responded, but excluded a letter dated July 7, 2000 from Ronald R. Snider. This letter was then submitted by Snider as an exhibit (exhibit

44). Only after Snider submitted the letter did Tudor Place go back and provide all documents requested by the board.[11]

L. NO FINANCIAL NEED

26. The Tudor Place application was not based upon an undue hardship or need for revenue, and the record showed that Tudor Place got along financially without "commercial events" (TR 4/15 p.103-p.104). The application also omits any mention of financial need. The Tudor Place proponents who testified expressed concern for financial need, but had no facts to offer the Board.

M. NO EVIDENCE OF NO ADVERSE IMPACT FOR GROUPS OVER 200

27. There is no evidence of lack of adverse impact for groups over 200.

MR. CROCKETT: What evidence do you have that there will be no adverse impact when you have, say, a rental event for either 200 or 500 people?

MS. BUHLER: I don't. I have your testimony and Mr. Snider's and Mr. Theis, who I met with several times when I first came on board at Tudor Place. (TR 4/15 p.80 lines 17-23)

Ms. Buhler also admitted that size was the problem.

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[11]. Exhibit 66 was purportedly a submission of all copies of complaints received by Leslie Buhler. However, this submission excluded the letter from Ronald R. Snider dated July 7, 2000 which was later brought to the attention of the Board in exhibit 85. Applicant never acknowledged the withholding of this letter and included it for the first time with other exhibits and was never identified as a complaint which it clearly is. The letter states that the events of May 6, 2000 were "outrageous."

N. QUARTERLY NEIGHBORHOOD LIAISON MEETINGS

28. Ms. Buhler stated that she had no problem with doing it (having neighborhood meetings) quarterly (TR 4/15 p. 108 lines 19-20).

O. RESTAURANT USE AT 1670

29. Tudor Place now admits that it wishes to expand its operations to having lunch for tour groups. This is a surprise to neighbors in opposition, and the order is silent. Since the order has not asked for food service, it should be excluded. The order should be explicit in excluding this use in a residential neighborhood.

> MS. BUHLER: And we would like to be able to use it on a, to be able to, we've had, we have tour groups that come in that want to have lunch and if it's raining we have another place for people to have lunch other than at Dower House. (TR 4/15 p. 109 lines 17-21).

Q. ANC 2E ERRONEOUSLY RELIED UPON MS. BUHLER'S INTENT ORDER

30. The Commissioners of ANC 2E made their decision because they were persuaded by the intent offered by the Director of Tudor Place to concentrate on preservation and presentation of historic property, not to be consumed with developing a schedule of special events beyond current level of activities (see exhibit 42). The ANC was persuaded by the expression of intent offered by the director to concentrate activities on preservation and

presentation of this historic property and not be consumed with developing an extensive schedule of special events (Birch, Tr. 4/22 P 106 Lines 9-19).

31. ANC 2E did not address concerns of neighbors (exhibit 47). ANC 2E instead relied upon the intentions of Leslie Buhler (exhibit 42 AND exhibit 53). The ANC's chairman further testified that it was reliance upon these intentions that the ANC supported the proposed order. The ANC has never testified that it has even read the proposed order, much less considered the impact such an order would have, absent Leslie Buhler's good intentions (Birch cross examination, Tr 4/15 P 109 to 112).

32. The Chairman of the ANC 2E testified that the ANC did not consider the "Friends and Neighbors" signatures and that he had not even read them.(Tr 4/15 P 111, Lines 10-18)

33. It was proven that Mr. Birch had not even read the proposed order when he testified as follows:

MR. BIRCH: No, I would not. First of all, the application for Tudor place prohibits any music out doors which I presume is --.

33a. In the statement in opposition by Steven Wells (exhibit 68), he stated that the Board was told that Ms. Buhler assured the ANC that there would be no difference in operations from last year. However, as pointed out by Mr. Wells this is not what the order requests. Neighbors are entitled to know what Tudor Place has planned, and this has not been revealed by Ms. Buhler.

R. THE OFFICE OF PLANNING RELIED UPON THE ANC 2E RECOMMENDATION AND DID NOT DO AN INDEPENDENT STUDY OF ADVERSE IMPACT.

34. The Office of Planning further supported the Tudor Place application. However, on cross examination, the Office of Planning repeatedly stated it placed its reliance upon the decision of ANC 2E, not upon its own independent judgement. (Cross examination of Mr. Moore, Tr 4/15 P 131 to 136, Tr P 134, Lines 18-21, Tr P 135 Lines 18-22). Since the Office of Planning predicates its decision based upon ANC 2E's decision, it is clear that these agencies decided on the basis of "intent" not on the basis of the proposed order and its possible adverse impact in the area.

35. Mr Moore of the Office of planning did not consider tents when he made his recommendation (Tr. 4/15 P 137, line 7 to P 139 line 19)

S. MS BUHLER'S INTENT IS SUBJECT TO THE BOARD OF DIRECTORS

36. The Board of Directors sets and approves policies for Tudor Place,[12] Tudor Place does not have a formal business plan, and Leslie Buhler works at the pleasure of the Board (TR 4/15 p. 111-112). Ms Buhler's intentions are controlled by the Foundation Board of Directors who hired her and who can fire her.

37. The Citizens Association of Georgetown wrote as follows:

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[12]. One resident stated: "We are asked to quote trust Tudor Place to do the right thing. How can we do that when as these incidents illustrate, with each change in Tudor Place administration, we've had to fight the same battles over and over?" (see exhibit 65 page 3 second paragraph up from bottom)

"CAG is aware of and grateful to the Executive Director of Tudor Place for her repeated statements about how few such events she intends to have occur at Tudor Place. However, CAG believes that the place for such restrictions is in the BZA's order governing the extension of the special exception" (exhibit 63 last paragraph page 1).

T. (3) YEAR ORDER, NOT FIVE (5)

38. Although this request is for five years, neighbors and others who were invited to the meetings to discuss the proposed order at Tudor Place were presented with a paper that stated three years.[13] Three years is a reasonable test period not five as applicant has requested (see attachment to Request for 3 Year Period (Part of exhibit 74, (4/22 Tr. P 175, Lines 14-17)

U. 1670 31st.St. DOWER HOUSE

39. Mr. Wells (who lives directly across the street) further states:

> "The Dower House portion of the request should be denied outright. . . . Approval of the use of Dower House for an unlimited number of annual events for up to 50 guests would be an unreasonable commercial intrusion on the community, especially on those other residents in the immediate vicinity, such as ours" (exhibit 68).

40. Dower House does not comply with 11 DCMR §2500.4 and 2500.2

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[13]. Ms. Buhler further testified that Snider had offered to pay for the difference in cost for the application fee, and that there was not unanimous agreement on the five year time period discussed at the meeting Buhler often relies upon.

V. FRIENDS AND NEIGHBORS OF TUDOR PLACE

41. Exhibit 37 page 1 is the letter which was circulated by "Friends and Neighbors of Tudor Place." This letter states that Tudor Place events such as noisy bands playing late in the evening, scarce parking, and commercial events are a problem at Tudor Place, and were not use of Tudor Place as it was originally intended. There is nothing misleading about the challenge to Tudor Place for commercial events and activities (see exhibit 37 page 1). [14]

42. The statement (copies of which are part of exhibit 37) is consistent with the Peter will and consideration of adverse affect, opposes only noise from set up and tear down, noise by bands which play for private parties, traffic congestion, lack of parking places for residents, wedding receptions, corporate parties and other commercial events. This language is clear and unequivocal. Anyone signing it after having read it would clearly know its content.

43. Tudor Place proponents submitted form letters in response to the items in exhibit 37 (letters submitted with exhibit 34)

W. TUDOR PLACE EXHIBITS ARE NOT TOURS

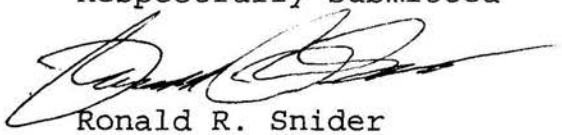
44. In the proposed order (exhibit 8), Tudor Place states that it will offer "tours shall be permitted between 5:30 pm and 8:30 pm on Mondays, Tuesdays or Wednesdays". However, Leslie Buhler

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[14]. Mindy Coulter-Smith's letter attached to applicant's exhibit 34 (exhibit 20 attached to exhibit 34) shows that she characterized the letter as "a wicked interpretation of the meeting I attended at Tudor Place." On the other hand, counsel in closing for applicant characterized the letter as "wicked." (Tr. 4/29 P 128 lines 4-9)

testified that on April 8, 2003 Tudor Place was conducting an exhibit, not a tour (Tr 4/15 P 112 Lines 22-23). Parking adverse affect of the exhibit is shown in findings 17-18.

Respectfully Submitted



Ronald R. Snider

for 31st. St. Parties

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Tudor Place Foundation, Inc. Application for Special Exception for Tudor Place at 1644 31st Street, and Dower House at 1670 31st Street, NW) Square 1281, Lot 835	)	Application **No. 16974** 31st. St. Parties

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CONCLUSIONS OF LAW AND OPINION

A. INTRODUCTION (findings 1-7)

The applicant has attempted to annex 1670 31st St to Tudor place by placing them both on Tax lot 835 and claiming 1670 is accessory to Tudor Place. Separate briefs on the legality of this have been filed. It is the position of the 31st. St. parties that 1670 is too tall under 11 DCMR §2500.4 and not in the rear Yard as required by §2500.2. The combination onto tax lot 835 brought into play Chapter 2500 of 11 DCMR and defeats this attempt to annex additional lands. If the law were as argued by Tudor Place, it or any other such non profit which has the money, can purchase adjacent lands, combine them by tax lot, and then claim accessory use for activities which are clearly not contemplated by Chapter 2 which controls R-1-B districts.

B. OUTDOOR MUSIC AND GENERATORS (findings 7-12)

Although the Glickman event was a wedding, the current order

BZA
Case No. 16974
Exhibit No. 100C

would allow precisely the same level of out door band entertainment should one construe the event to be a mere reception (post-wedding event), a corporate event, an IMF/World Bank event, or any other conceivable rental or Tudor Place function. Mere exclusion of wedding receptions or weddings greater than 75 persons does not ameliorate the problem which occur on May 6, 2000, nor does it show that such events do not have adverse impacts.

The evidence (exhibit 2 attached to exhibit 34) submitted by Tudor Place supports the conclusion that loud music which is demonstrated in the tape submitted with exhibit 98 must be excluded. The current order places no limit on unamplified music and applicant has shown no adverse affect when unlimited sized music groups play.

Proof that Tudor Place events can be heard from distances greater than 231 feet is clear evidence of excessive noise from events which produces adverse effects at great distances. Taste in music is not something which can be considered in determining adverse affect.

Absent a limit which is known to prevent adverse impact, out door music must be excluded.

C. MUSIC WHICH CAN BE HEARD HUNDREDS OF FEET FROM TUDOR PLACE BOUNDARIES (finding 12)

This Board shall eliminate all out door music because it has been affirmatively shown that music extends for great distances. The applicant has shown only that it does extend, and has offered

no proof that there is no adverse impact on the residential neighborhood.

D. STREET CONGESTION AND PARKING AT LARGE (OVER 200 PERSON) EVENTS (Findings 13-16)

The evidence showing off site and off street parking fails to demonstrate that Tudor Place can assure that any such parking will be available over the 5 year term of this request for exception. There are no assurances (not even for one year) of adequate parking, and the request must be denied.

Absent proof of adequate parking arrangements for groups greater than 100, the Board must deny this part of the request.

E. EARLY EVENING EVENTS HAVE ADVERSE IMPACT ON PARKING (findings 17-18)

When there are early evening events at Tudor Place there will be parking adverse impacts all the way to the bottom of 31st Street, especially when those events involved groups of 50 or less for receptions, etc. These events do not require any off street parking or valet parking under the proposed order.

Therefore the Board must deny permission for events in evening hours.

F. WISHES AND INTENT OF THE PETER FAMILY (findings 19-20)

The Board having considered the Peter will and the

intentions of the Peter family concludes that rentals for party purposes and display of new art by an artist must be excluded from the order.

G. USE OF THE SERVICE ENTRANCE ON 32nd STREET (finding 21)

The Board having considered the lack of any ability to control adverse impacts causes by the service entrance on 32nd St, concludes that it shall not be used to service events (Large groups, special events, construction of tents, placement of generators). The entrance only can be used for normal trash pick up and vehicles which maintain Tudor Place.

H. LARGE WEDDING RECEPTIONS, CORPORATE PARTIES OF OTHER COMMERCIAL ACTIVITIES (findings 22-23)

Since MS. Buhler has stated to the neighbors that **"We do not seek to rent for large wedding receptions, corporate parties, or other commercial activities,"** they shall be excluded from the order.

I. WEDDING RECEPTIONS SHALL NOT BE ALLOWED (finding 23)

Since MS. Buhler has testified that there will be no wedding receptions, they shall be excluded from the order.

J. THE SCOPE OF ITS OPERATIONS OVER THE LAST TWO YEARS (finding 24)

In the testimony of MS. Buhler, the only Tudor Place fact witness, she stated that it was the intention to continue

operations as they have been in the past two years. The neighbors have not objected to this.

Therefore this Board shall limit the order to the scope of operations over the last two years which MS. Buhler testified to. The Board, however cannot accept an expression of intentions and trust to substitute for an order which requires evidence that there will be no adverse impact.

This order therefore must limit weddings and exclude receptions because of the commitment made to the Board (Finding 23). The way the proposed order now reads, there can be a wedding off-site and a reception for 400 persons at Tudor Place (TR 4/29 p.99 lines 15-22). There can also be 4 receptions per month at 1670.

K. TUDOR PLACE DID NOT WILLINGLY COMPLY WITH THE BOARD'S REQUEST FOR DOCUMENTS (finding 25)

Since Tudor Place did not supply documents as requested by this Board until they were presented to the Board by the opponents, this Board reluctantly concludes that the order must be drafted with great care and that intentions of Tudor Place and "Trust" (Tr. 4/15 P 76 Lines 3-6) should not be considered at all.

L. NO FINANCIAL NEED (finding 26)

This Board has not considered financial need because the issue has not been raised by applicants, and because it is not an

element of adverse impact.

M. NO EVIDENCE OF NO ADVERSE IMPACT FOR GROUPS GREATER THAN 200 (finding 27)

This board concludes that there is no evidence of lack of adverse impact for groups greater than 200. However, evidence submitted by opponents on parking and noise shows the opposite.[1]

N. QUARTERLY NEIGHBORHOOD LIAISON MEETINGS (finding 28)

The order shall state that neighborhood meetings shall be held quarterly.

O. RESTAURANT USE AT 1670

The proposed order has made no mention of serving meals to tour groups. The testimony has indicated that this is an intention of MS.Buhler. There is no proof that this at 1670 will not have even more adverse affects, and the order shall specifically exclude food services for tours.

O. ANC 2E ERRONEOUSLY RELIED UPON MS. BUHLER'S INTENT (findings 30-33)

This Board may satisfy the requirement of giving great weight to the ANC by discussing in its opinion the fact that the

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[1]. Ms. Buhler testified that the problems with weddings was their size, not just that they are weddings. (Tr 4/15 P 68-70) However, whether the function is a wedding or the International Monetary Fund, a Bar Mitzvah or corporate rental, when the size becomes large, it becomes no different than a wedding with respect to an adverse impact of a 200 plus group.

ANC relied upon intent, not the scope of the proposed order.

MS. Buhler's intent however, does not agree with the scope of the proposed order Tudor Place has presented to the Board of Zoning Adjustment. The ANC clearly did not consider the order, but considered only "intent offered by the Director". While this Board has carefully considered the testimony of Mr. Birch and the ANC statement (exhibit 42), it cannot rely upon intent of Tudor Place to prevent adverse impact and the ANC should not have.[2]

R. THE OFFICE OF PLANNING RELIED UPON THE ANC 2E RECOMMENDATION AND DID NOT DO AN INDEPENDENT STUDY OF ADVERSE IMPACT (findings 34-35).

Since the Office of planning relied heavily upon the ANC opinion (exhibit 42), the reliance was flawed by the intent basis of the ANC report. For this reason, little weight is given to the Office of planning report and this Board must make its decision on the evidence before it.

S. MS BUHLER'S INTENT IS SUBJECT TO THE BOARD OF DIRECTORS (findings 36-37)

Subjective intent simply cannot be a basis for a BZA order which must have tangible proof of no adverse affect for items

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[2]. D.C.Code 1-262(f) requires that "Each commission shall make a good faith effort to involve all segments of the commission population in its deliberations regardless..." The Signers of the letters were excluded at when the ANC refused to consider their signed statements.

permitted in the order.

Even at this late date, no one knows what MS. Buhler has expressed as her intent to neighbors, the ANC, even including this Board. To make matters worse, she works at the pleasure of the Board of Directors of Tudor Place Foundation who is the APPLICANT, not MS. Buhler.

This Board decides the limitations to be placed in the order by considering proof of no adverse impact of specific order provisions.

T. (3) YEAR ORDER, NOT FIVE (5) (finding 38)

This order will be limited to 3 years in order to ensure timely review of the operations of applicant and to protect opponents from continuing adverse impacts which may arise from this order. Since MS. Buhler notified the neighbors before the meeting that the time will be 3 years, and this Board concurs (exhibit 74, draft copy circulated to neighbors).

U. 1670 31st.St. DOWER HOUSE (findings 39-40 and 17-18)

1670 when it has evening functions (events) is under the proposed order limited to 50 persons. There is no provision for parking for 25 cars. As shown on the evening of April 8,2003 evening functions cause adverse parking conditions.

Use of Dower for any other purposes than a single family residence will be excluded from the order.

V. FRIENDS AND NEIGHBORS OF TUDOR PLACE (findings 41-43)

The board has considered all submissions by proponents and opponents in reaching its decision

W. TUDOR PLACE EXHIBITS ARE NOT TOURS (finding 44)

The order shall make it clear that it is limited to tours, because there is no testimony at all about the size of exhibits or their lack of adverse impact. Tudor Place has not even stated that it has any control or knowledge of how many people may show up for an exhibit. The order does limit tours in size and number

PROPOSED ORDER

1. The Approval shall be for a period of THREE YEARS from the effective date of the requested special exception.
2. Admission for group tours shall be by appointment only.
3. The hours of operation for tours shall be limited to between 9:00 a.m. and 4:30 p.m., Monday through Saturday, between 12:00 noon and 4:30 p.m. on Sunday. There shall be no evening tours. Tours shall not include food services.
4. The number of regularly scheduled tours shall not exceed ten per day. Non-group tours and exhibitions shall be limited to a maximum of 20 persons.
5. The applicant shall instruct the drivers of all buses and vans

not to idle the engines of their vehicles longer than is necessary to allow passengers to embark or disembark Buses bringing group tours to the site shall park in legal bus parking areas within the District of Columbia. There shall be no bus parking on the subject site.

6. There shall be no evening functions.

7. There shall be no only display of articles which are from the Peter family and there shall be no use of the Tudor Place mansion at 1644 31st. St. to display new art.

8. All functions shall end no later than 4:30 p.m.

9. There shall be no valet parking except for functions prior to 4:30 p.m., except for those specified in paragraph 18 of this order.

10. Applicant shall notify affected area residents not less than 60 days in advance of any scheduled functions of 75 of more attendees by delivering a calendar of such events to affected residents.

11. Applicant shall appoint a staff member as a community liaison person who will be responsible for addressing any issues and concerns raised by neighbors with respect to operation of the facility.

12. The Applicant shall designate a "Tudor Place Duty Officer" to be in charge of each event including handling of any problems that may arise during the course of an event.

13. Applicant shall convene a Liaison Committee, to include two representatives of the Tudor Place Foundation, two

representatives of ANC 2E, and two representatives of the community at large. The Applicant shall convene the Liaison Committee quarterly. The Liaison Committee shall address any issues that arise relating to the operations of Tudor Place. Notice of such meetings will be (i) posted on the Applicant's property in view of the public at the 31st St. gate of 1644 at least 5 days in advance, (ii) sent or delivered to immediate neighbors of the Applicant; and (iii) published on the Applicant's web site.

14. There shall be no out door music. If indoor, amplified music may be player with all doors and windows closed. In any event, the applicant shall adhere to the District of Columbia noise regulations.

15. Following a function, there shall be no heavy clean up at night. All heavy clean-up shall be done the morning after the function and not earlier than 7:30 a.m. The Service Entrance at 32nd Street shall not be used for function set up or clean up and can only be used for normal trash pick up and trucks necessary to maintain Tudor Place and its gardens.

16. The only matter of right use 1670 31st. St. is that of a single family house. Dower house is not accessory to Tudor Place (1644 31st. St.)

17. The Applicant, like any other home in the area shall not rent, lease or in any other way allow others to use the Tudor Place Residence or its grounds as a venue for weddings, wedding receptions, private parties, or other similar events.

18. The Applicant may host its annual Spring and Fall garden day for members and the public. Any Music at these events must comply with District of Columbia noise regulations. Valet parking may be used for these events only.

19. The Applicant may allow the Georgetown Garden Club or other similar neighborhood organizations to meet on the premises during regular tour hours.

Submitted by

Ronald R. Snider

for 31st. St. Parties