BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of The Tudor Place
Foundation for a Special Exception
under Section 217 to operate a museum
in an R–B-1 District at 1644 31st Street, N.W.

BZA No. 16974
Hearing Date: April, 29, 2003
ANC 2E

RESPONSE OF THE Q STREET PARTIES TO THE TRAFFIC AND PARKING MANAGEMENT PLAN

In response to the Board's request for a Traffic and Parking Management Plan (TPMP), the Tudor Place Foundation has filed a "Technical Memorandum" (Memo) prepared by O.R. George & Associates, Inc. This Memo is not limited to a plan for managing the vehicles participants drive to the events. It also includes expert opinions based upon new parking and traffic "surveys" recently undertaken by the firm. The Board cannot accept that newly proffered evidence without providing the opposing parties the opportunity to cross-examine. D.C. Code § 1-1509 (b). *Glenbrook Road Ass'n v. BZA*, 605 A.2d 22 (D.C. 1992). Accordingly, both aspects of the Memo are discussed separately below.

A. As In The Past, The Proposed TPMP Will Not Eliminate The Admitted Adverse Traffic And Parking Impacts On The Near-By Neighborhood.

The TPMP described in the O.S. George Memo presents only one possible improvement on the past state of affairs which the foundation admits adversely affected the neighborhood. Stripped to its essentials, plan provides that: (a) Attendees of functions for 100 persons or less will park on the street (under the previous Order the upper limit was 75). (b) Attendees of events for 100 to 200 persons may park on the street or give their cars to Atlantic Valet. (c) Attendees of events for more than 200 persons (except the annual garden party) would park at some unidentified "satellite lot" and be ferried to and from Tudor Place by shuttle bus. As in the past, these large events would require uniformed policemen to control traffic. The shuttle bus system may or may not ameliorate the huge

BZA
Case No. 16974
Exhibit No. 113

Board of Zoning Adjustment
District of Columbia
CASE NO. 16974
EXHIBIT NO. 113

adverse impacts on 31st Street from the large events. At least, it is an acknowledgment that the prior valet services did not work.

As the uncontradicted evidence shows, and as the foundation has admitted, the extremely limited on-street parking in the neighborhood is not adequate for any events or tours in the evening or on weekends and these events inevitably create adverse impacts on the residential neighborhood.

In a belated attempt challenge the uncontradicted evidence of adverse impact, the Memo also contains many unfounded observations and conclusions which should not be considered, much less accepted by the Board:

1. *That sufficient parking spaces are available on the street in the evenings and on weekends to accommodate events with less than 100 people.* The uncontradicted evidence in the record, however, demonstrates the contrary. The attendees, as in the past, would take up the few available on-street spaces that exist in the evenings and on weekends, thereby forcing residents to park many blocks from their homes.

2. *That the valet service may block-off six vehicle spaces at the 31st Street entrance for the valet service.* The District Parking Regulations simply do not permit this. See, 18 DCMR §§ 2406-2408.

3. *That the valet service may park up to 40 vehicles on the service driveway on 32nd Street for events over 100 persons.* There are several problems with this proposition. First, to our knowledge, such on-sight parking has never been tried before. Second, the service drive is used by the caterers and equipment trucks at those events. Third, 32nd Street is one-way going South. Therefore, to reach that entrance, the valets would have to drive down to Q Street, over to Wisconsin Avenue, up to either Reservoir Road or R Street, then back down to the entrance at 32nd and Q. A similar circuitous route would be required to bring the cars back to the 31st Street entrance.

4. *That the "measures" described in the plan are "practical" and "enforceable."* They are not "practical" for residents who will be forced to park blocks away from their homes when events take place. They are also not enforceable. Residents have no way of knowing whether or not Tudor Place is complying with the Order in terms of the number of events or the number of people attending. No one else is designated to verify and/or enforce compliance.

5. *The left hand column of the Plan sets out various management measures such as "general monitoring," "coordination" and "semi-annual discussions."* These are nothing but meaningless "fluff" which would neither reduce nor eliminate the adverse impacts.

B. The O.S. George Memorandum Contains New Expert Testimony Which Is Unsupported By Corroborative Evidence And Contradicted By His Prior Survey

The unsigned and unsworn Memo submitted by O.S. George purports to present newly generated evidence to support his conclusions concerning the alleged availability of on-street parking. The basic defects in these new evidentiary propositions are set forth below.

1. The Memo states that the firm conducted "field observations to show that the intersections in the vicinity of the Tudor Place Historic House and Garden function reasonably well." Memo P. 4. However, the dates, times, and circumstances of these "field observations" are not revealed.

2. The Memo shows that the firm conducted its parking survey on Thursday, July 3, 2003. This, of course, was the day before the Fourth of July – the start of a long vacation weekend for many residents. The date of the Saturday survey is not given but if it was conducted on July 5, 2003, it is non representative for the same reasons. Indeed, the Fourth of July weekend has always been one of the quietest times in Georgetown, as all residents know. Moreover, July and August are the months when large numbers of residents take vacations. Therefore, while parking is easier during those two months, it is certainly not representative of the normal situation reflected by the evidence in the record.

3. The Memo states that the survey for "early evening" was conducted between 6:00 and 7:00 p.m. As the evidence in the record shows, even under normal conditions, there are always spaces at that time. The parking situation becomes tight only after 7:00 p.m. when residents return home from work. As the Memo recognizes, the evening events begin around 7:00PM to 7:30PM. Memo p. 6. Therefore, a survey taken at 6:00 p.m. is meaningless and misleading .

4. The Memo states that the on-street parking supply within 2000 feet from the main entry of Tudor Place is shown on Exhibit 2 and that approximately 400 on-street parking spaces are reflected on that exhibit. The area shown on Exhibit 2, however, is much smaller than the 2000 foot radius shown on Exhibit 3 and sets forth an on-street inventory of only 319 parking spaces – not 400.[1] The table on page 6 of the Memo is, therefore, inaccurate and misleading. That table purports to set forth the total number of cars parked in the survey area at a particular time and then obtain the percentage of occupied spaces by dividing by 400. This, of course, produces a deceptively deflated number of occupied spaces. For example, if we accept the fact that 300 cars were parked in the survey area at 6:00 p.m. on Thursday, July 3, 2003, and divide that number by 319 – the actual number of spaces set out on Exhibit 2 – the percentage of occupied spaces rises from 75% to 94%.

5. The previous survey dated October, 1999, BZA Exhibit 70, had different survey boundaries encompassing 338 total spaces. See BZA Exhibit 70, Exhibit 2 attached hereto. No reason is given for changing the boundaries of the survey area. We suspect, however, that the full number of parking spaces on Q and P Streets between 31st and 30th Street were eliminated from the new survey area because they are almost always fully parked in the evening.

---

[1]The total of 319 parking spaces is derived from the exhibit itself simply by adding all of the parking spaces shown for the streets in the revised study area.

6. Unlike the prior survey, no street-by-street totals by time of day are shown. Therefore, the reader is left to guess what the parking situation actually is at the various dates and times.

Therefore, this new proffered evidence should not be admitted to the record or considered by the Board. *Harris v. District of Columbia Rental Housing Comm.* 505 A.2d 66 (D.C. 1986). If it is admitted, the opposing parties must be given the opportunity to cross examine Mr. George under oath. *General Railway Signal Co. v. District Unemployment Compensation Bd., 354 A.2d 529 (D.C. 1976).*

C. Counsel For The Foundation Has Improperly Submitted An Unsworn Letter From Alain Ikombo, of Atlantic Valet, Which Purports To Supply Additional Evidence Concerning The Adverse Impacts On The Neighborhood.

The Board directed the foundation to provide a TPMP. It did not suggest that this would be an opportunity for the foundation to submit new evidence after the record had closed. Accordingly, the unsolicited letter from Atlantic Valet should not be filed but simply returned to counsel pursuant to 11 DCMR § 3121.9. See also the Q Street Parties Objection to the Motion to Open the Record.

In his letter, Mr. Ikombo purports to give estimates concerning the number of vehicles that will show up for events. No factual basis for those estimates is set forth. He also claims, without factual support, that at the Garden Party in May 2002, Atlantic parked only 75 cars. This, of course, near the truth because, as the foundation's director testified, most of the people attending that event live in or near Georgetown. Therefore, many walk and others know they have the right to park in any close-by space they may find before resorting to the valet service.

Mr. Ikombo also states that:

> The parking spaces along the rear driveway of Tudor Place are used as a holding area in the beginning. In order to maintain a reasonable flow of traffic on 31st Street, 3 or 4 valets are assigned to quickly move cars from the front entrance to the holding area in the back.

This is news to the residents who have never heard of this procedure being used. For the reasons stated earlier, we obviously do not accept this statement at face value and, if it is considered by the Board, would look forward to the opportunity of cross examining Mr.Ikombo.

Finally, Mr. Ikombo states that:

> By applying these formulas and with the help and cooperation of Tudor Place, Atantic valet has been able to render valet service at this venue while minimizing the inconvenience to the neighborhood.

All of the evidence in record stands in refutation of this statement. All of the traffic and parking horror stories, both in the previous proceeding and prior to the suspension of events in the Summer or 2000, occurred under the auspices of Atlantic Valet.

Accordingly, as in section B above, the Ikombo letter should not be accepted. If it is considered, the opposing parties must be given the opportunity to cross examine this witness under oath.

D. The TPMP Contained In The O.S. George Memorandum Has Not Been Submitted To The Department Of Transportation For Its Review and Approval.

The Board ordered the foundation to prepare and serve a TPMP on the opposing parties and DDOT at the same time, which would give DDOT "sufficient time to respond." Transcript of June 3, 2003 Decision Meeting, pp. 85-89. The TPMP was served on the opposing parties on Monday, July 14, 2003. As of Friday, July 18, 2003, however, it appears that the TPMP had not been provided to DDOT. See attached E-mail message from DDOT.

E. Conclusion

For the foregoing reasons, the opposing parties respectfully ask this Board to conclude that the foundation has failed to carry its burden of proving that its proposed resumption of evening and weekend events – which have been suspended for the past three years (with the exception of the two Annual Garden Parties) – will not adversely affect the near-by neighbors and, accordingly, that the operation of Tudor Place should be restricted to the daytime tours (and annual garden parties) as expressly contemplated by Mr. Peter in his Will.

Respectfully submitted,

Don W. Crockett

Don W. Crockett
3070 Q Street, NW
Party In Opposition

July 21, 2003

Certificate of Service

I certify that the foregoing opposition was served upon the parties herein by E-mail, this 21st day of July, 2003.

Don W. Crockett

Crockett, Don

From: Brophy, Heather (DDOT) [Heather.Brophy@dc.gov]
Sent: Friday, July 18, 2003 7:06 PM
To: Crockett, Don
Subject: RE: Tudor Place Traffic and Parking Management Plan

Don, I do not have Tudor Place's plan. I will certainly let you know once I get it and review it with Mr. Bah. Thank you for your call. -Heather

-----Original Message-----
From: Crockett, Don [mailto:Don.Crockett@hq.doe.gov]
Sent: Friday, July 18, 2003 4:27 PM
To: 'heather.brophy@dc.gov'
Subject: FW: Tudor Place Traffic and Parking Management Plan

-----Original Message-----
From: Crockett, Don
Sent: Friday, July 18, 2003 3:32 PM
To: 'heaather.brophy@dc.gov'
Subject: Tudor Place Traffic and Parking Management Plan

Heather,

I have received Tudor Place's plan. I would like to know what DOT is going to recommend and the basis for any recommendation. As you are aware, this is a matter of great concern in our neighborhood.

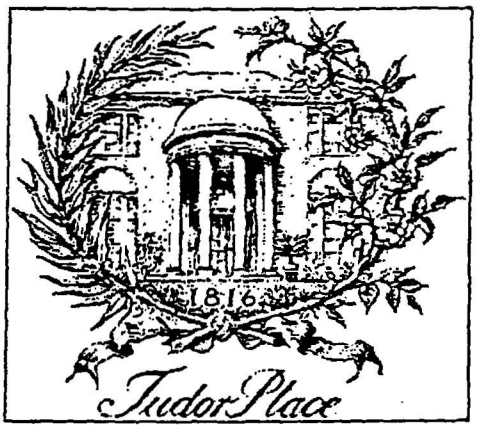
Sincerely,

Don Crockett

Technical Memorandum:

TRAFFIC ACCESS AND PARKING ASSESSMENT - TUDOR PLACE SPECIAL EXCEPTION APPLICATION- BOARD OF ZONING ADJUSTMENT, (NO. 16477) DISTRICT OF COLUMBIA

Prepared for:
TUDOR PLACE FOUNDATION
1644 31st Street, N.W.
Washington, D.C. 20007



Correspondents:
WILKES, ARTIS, HEDRICK & LANE
Allison C. Prince, Esquire
Sarah E. Shaw, Esquire

Prepared by:
O. R. GEORGE & ASSOCIATES, INC.
Transportation Planning & Engineering Consultants
1738 Elton Road, Suite 321
Silver Spring, MD 20903
(301) 439-7722

October, 1999

BZA
CASE No. 16477
EXHIBIT No. 50

BZA
Case no. ——
Exhibit No 70

136

O. R. GEORGE & ASSOCIATES, INC.

Traffic Engineers – Transportation Planners

1738 Elton Road, Suite 321 • Silver Spring, MD 20903
Tel: (301) 439-7722 • Fax: (301) 439-7759
orgassoc@aol.com

TECHNICAL MEMORANDUM

DATE: October 4, 1999

TO: The President and Interim Director
Tudor Place

Via
Allison C. Prince Esquire
Sarah E. Shaw, Esquire
WILKES, ARTIS, HEDRICK & LANE

FROM: Osborne R. George

RE: Traffic Access and Parking Assessment – Tudor Place
Board of Zoning Adjustments Application (No. 16477)

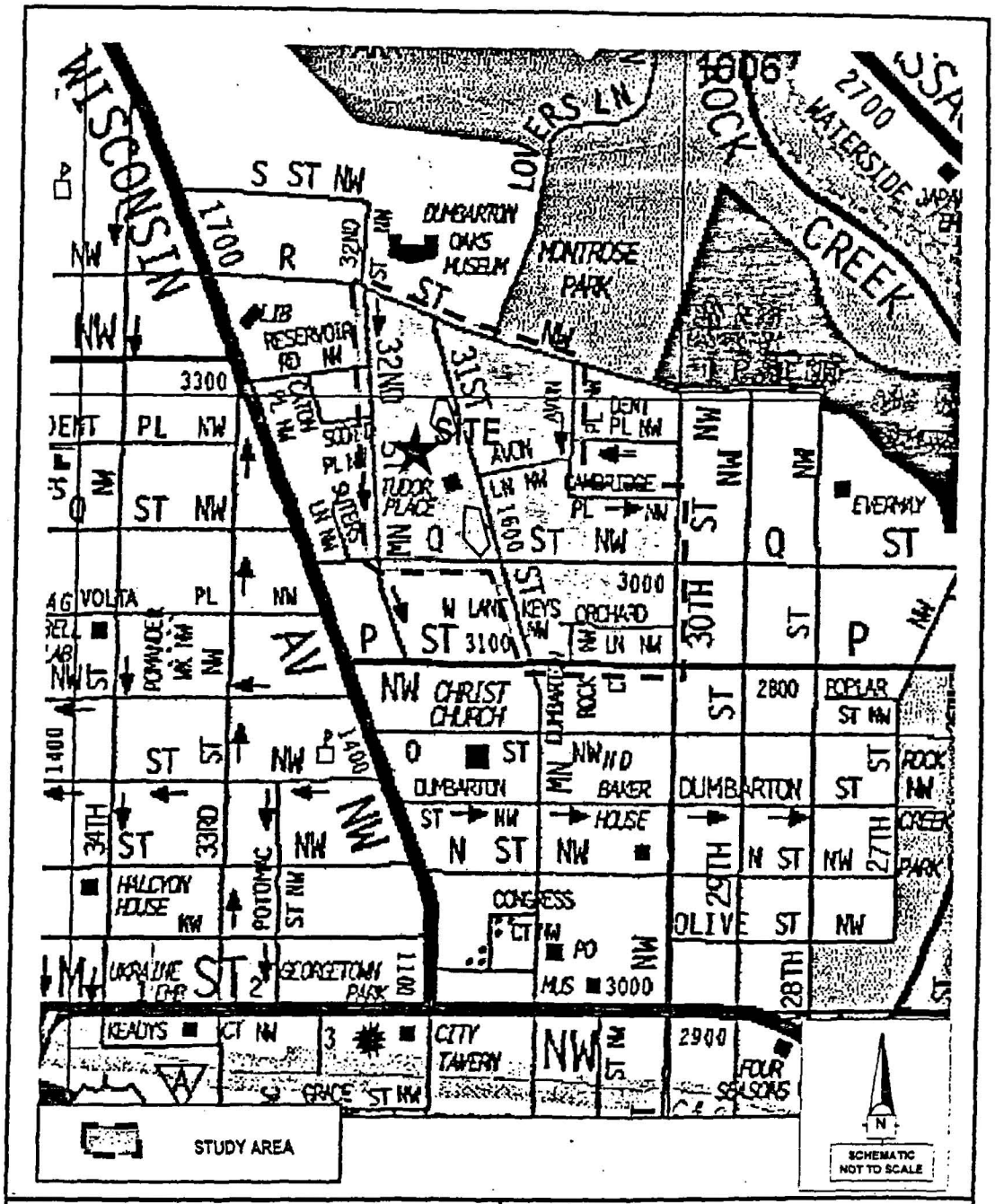
INTRODUCTION AND BACKGROUND

Tudor Place is a National Historic Landmark situated within Square 1281, Lot 830, in the Georgetown area of the District of Columbia. The square is bounded by R Street on the north, 31st Street on the east, Q Street on the south, and 30th Street on the west in the northwest sector of the City. Adjacent to Tudor Place, and immediately to the north is Dower House. Both properties are owned by the Tudor Place Foundation; and together they comprise most of the land area of Square 1281. The public entrances to both properties are off the west side of 31st Street. Exhibit 1 shows the location of both properties.

Tudor Place has been operated as a museum since 1988, with guided tours and non-group visitation scheduled over the period 9:00 AM – 4:30 PM, Monday through Saturday; and 12:00 Noon – 4:30 PM on Sundays. The most recent (1994) Special Exception approved by the Board of Zoning Adjustments included a number of conditions governing site usage; and these are thus related to traffic and parking generation, and potential impacts. They include restrictions on numbers and size of tours daily, as well as on the sizes, number, and time limits for large functions scheduled at the museum during evening hours. Since these conditions are presented in the Statement of the Applicant, they are not repeated here.

The Applicant's current application proposes to continue the use of Tudor Place substantially as per the BZA 1994 approval. Proposals which vary from the 1994 approval, which may have a bearing on traffic and parking needs, are as follows:

1) Inclusion of the adjacent Dower House as part of the Special Exception Application use of Tudor Place; and



O. R. GEORGE & ASSOCIATES, INC.	EXHIBIT 1 : TUDOR PLACE - SITE LOCATION MAP

138.

2) Use of the Dower House facility to serve as the residence of the Museum of the Director, the studio of the Museum's artist-in-residence, the venue for meetings of the Foundation's Board of Trustees and for small lectures.

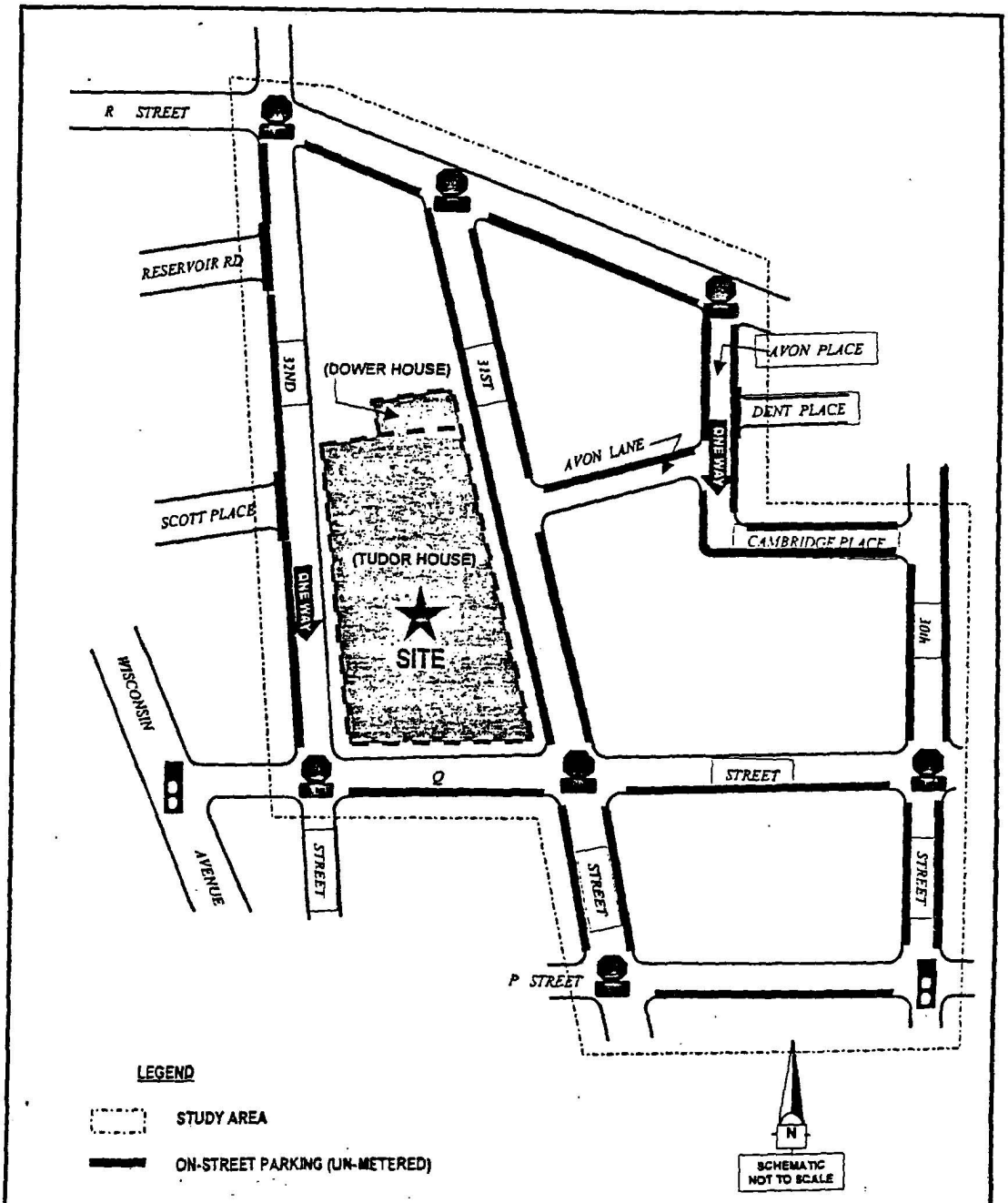
The land uses within the general area of the subject properties have not changed significantly since the 1992-1994 BZA evaluation and action. Testimony was presented in the case to the effect that, considering the hours of operation and other site usage restrictions, "the sole traffic issue is parking." The museum has noted that their heaviest activity periods are during Spring and Fall. Based on our review of the Applicant's submittal, and on a site reconnaissance of the facility over a four-day period during late September and early October 1999, we concur with the finding. The remaining sections of this memorandum present data and analysis to support this assessment, and to address the adequacy of parking and the proposed conditions of usage from the parking perspective.

EXISTING CONDITIONS

The land uses within the potential impact area of the subject properties are largely single-family-attached residential, with some multi-family activity and institutional uses. The sub-area lies within the City's Ward 2; and on-street parking is regulated under the City's Residential Parking Program (RPP). Except for resident permit holders, vehicles parked on all area streets are restricted to 2-hour limits between 7:00 and 10:00 PM daily.

For purposes of this assessment, a four-block area (bounded generally by R Street to the north, 30th Street to the east, P Street to the south, and 32nd Street to the west) was selected for study. This area is shown in Exhibit 2. The approximate number of parking spaces available is illustrated for each block.

Parking usage surveys were conducted between 10:00 AM and 3:00 PM over the period Thursday, September 30 to Saturday, October 1, 1999. A survey was also conducted on Sunday, October 3 between 8:00 – 8:30 AM, as it was felt that this would represent the potential typical residential parking demand. The tables following summarize the observed parking supply vs demand situation.



O. R. GEORGE & ASSOCIATES, INC.	EXHIBIT 2 : TUDOR PLACE SUB-AREA EXISTING PARKING SUPPLY

TABLE 1

TUDOR PLACE SUB AREA OBSERVED PARKING USAGEFS				
Location/Section	**Total Spaces**	**Thursday, 9/30/99**	**Friday, 10/1/99**	**Saturday, 10/2/99**
30th Street (P Street to Cambridge)	75	49	42	44
31st Street (Q - R)	85	42	39	60
31st Street (P - Q)	32	24	23	31
32nd Street (Q - R)	38	24	30	35
P Street (30th – 31st)	25	14	16	25
Q Street (30th – 32nd)	41	30	27	38
Avon Lane (Avon Place – 31st St.)	10	6	7	7
R Street (Avon Place – 32nd St.)	33	24	25	27
TOTALS	**338**	**213**	**209**	**267**

TABLE 2

PARKING SPACE AVAILABILITY SUMMARY – Average Weekday situation			
Location/Section	**Total On-Street Spaces**	**Spaces Available**	
		Weekday	**Saturday**
30th Street (P Street to Cambridge Pl.)	75	29	31
31st Street (Q - R)	85	44	5
31st Street (P - Q)	32	8	1
32nd Street (Q - R)	38	11	3
P Street (30th – 31st)	25	10	0
Q Street (30th – 32nd)	41	12	3
Avon Lane (Avon Place – 31st St.)	10	3	3
R Street (Avon Place – 32nd St.)	33	8	6
TOTALS	**338**	**125**	**52**

Source: O.R. George & Associates