BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Tudor Place Foundation, Inc.	)	BZA Case No. 16974
Application for Special Exception	)	Hearing Dates: April 15, 22 and
under Section 217 to continue the	)	29, 2003
previously approved operation of a	)	
museum by a non-profit	)	
organization	)	

REBUTTAL OF PARTY OPPONENTS' RESPONSE
TO VEHICLE MANAGEMENT PLAN

The party opponents 1/ contest certain aspects of the Technical Memorandum prepared by O. R. George & Associates, Inc. Traffic Engineers – Transportation Planners, as submitted to the Board by the Applicant on July 14, 2003, in response to a specific request for a vehicle management plan made by the Board at its public meeting held on June 3, 2003. In addition, in the submission concerning the vehicle management plan the party opponents have chosen to assert new and materially incorrect facts concerning the level of events at Tudor Place during the past two years. Accordingly, the Applicant is compelled to respond to such assertions even though they are not directly related to the vehicle management plan.

1/ Party opponents Ronald R. Snider (representing residents of 31st Street) and Don W. Crockett (representing residents of Q Street) have each filed a response to the vehicle management plan filed by the Applicant; party opponent Norton Katz (representing residents of 32nd Street) has not.

BZA
Case No. 16974
Exhibit No. 119

Board of Zoning Adjustment
District of Columbia
CASE NO. 16974
EXHIBIT NO. 119

In rebuttal to the factually incorrect assertion in the conclusion of Mr. Crockett's submission that evening and weekend events at Tudor Place have been suspended for the past three years (with the exception of the annual garden parties), the Applicant hereby submits to the Board the attached Exhibit A, which consists of a sworn statement by Leslie Buhler concerning the events that have taken place at Tudor Place between January 2002 and April 2003.2 As indicated by such statement, the Applicant's self-imposed moratorium on wedding rentals during Ms. Buhler's tenure emphatically does not mean that the Applicant suspended evening and weekend events during the past three years.3 Such events have in fact been quite regular during the two-year period in which the party opponents admit in their findings of fact that no one has objected to the operations of Tudor Place tours and events.4

In rebuttal to the party opponents' response to the vehicle management plan, the Applicant hereby submits to the Board the attached Exhibit B, which consists of a copy of a sworn statement signed by Osborne R. George, of O. R. George & Associates, Inc., Traffic Engineers – Transportation Planners, the author of the above-referenced vehicle management plan.

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2 A notarized version of this statement was not available at the time of submission. The notarized version will be submitted separately by the Applicant.

3 See also TR 4/15 at pg. 63, where the Applicant discussed the self-imposed moratorium. At no time has the Applicant suggested that such moratorium constituted a suspension of all evening and weekend events.

4 See Snider Findings of Fact, p. 24.

The party opponents also argue that the impact-mitigating measures described in the vehicle management plan are neither practical nor enforceable. 5/ With regard to their assertion that they are impractical, the party opponents offer no substantiation other than to make statements based their flawed premise that the Applicant should not be permitted to hold events that make any use of any parking on public streets. Moreover, the enforceability concerns raised by the party opponents are completely unjustified in light of the notification and publication requirements relating to Tudor Place events that are contained in the Applicant's proposed findings of fact.

The party opponents also argue that the Applicant improperly submitted an "unsolicited" letter from Atlantic Valet to the Board. 6/ In fact, as indicated in such submission, the Atlantic Valet letter was previously submitted to the Board in response to the Board's specific request for valet parking information made at the public hearing held on April 15, 2003 (See TR 4/15, pg. 153), and served on the parties simultaneously with the submission to the Board during the public hearing held on April 22, 2003 (See TR 4/22, pg. 102-103). The party opponents failed to object to such submission (or request the opportunity to cross-examine Mr. Ikombo) at the time the submission was made or at any time thereafter during the proceedings. Accordingly, it would be inappropriate for the Board to allow

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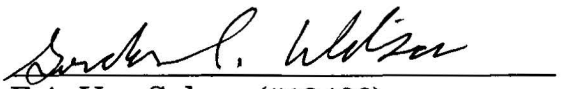
5/ See Crockett, "Response of the Q Street Parties to the Traffic and Parking Management Plan", at 2-3.

6/ See Crockett, "Response of the Q Street Parties to the Traffic and Parking Management Plan", at 5.

Mr. Crockett to cross-examine Mr. Ikombo concerning a his letter more than 3 months after the letter was originally submitted.

The Applicant believes that the vehicle management plan submitted to the Board is fully responsive to the Board's request, and further demonstrates that the measures set forth in the Applicant's proposed findings of fact constitute practical an appropriate measures to ensure that the Applicant's activities as a non-profit house museum will have no adverse impact on the neighborhood. The plan further demonstrates the Applicant's strong commitment to working in harmony with the community to ensure that its operations continue to enhance, rather than adversely affect, the immediate neighborhood. It is this commitment, together with its proposed measures, that has generated the unanimous support of the ANC and the vast majority of its neighbors.

Respectfully submitted,



Eric Von Salzen (#13482)
Gordon Wilson (#457877)
HOGAN & HARTSON L.L.P.
555 Thirteenth Street, NW
Washington, DC 20004
Tel (202) 637-5600

Counsel for the Applicant,
TUDOR PLACE FOUNDATION, INC.

July 28, 2003

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Rebuttal of Party Opponents' Response to Vehicle Management Plan to be served, this 28th day of July, 2003, on:

Don W. Crockett
3070 Q Street, NW
Washington, D.C. 20007
Don.Crockett@hq.doe.gov
By E-Mail

Ronald R. Snider
1607 31st Street, NW
Washington, D.C. 20007
Fax No: (202) 347-7870
By Facsimile

Norton Katz
1671 32nd Street, NW
Washington, D.C. 20007
By Hand Delivery

Gordon C. Wilson

Exhibit A

SUPPLEMENTAL STATEMENT OF LESLIE BUHLER CONCERNING USES OF DOWER HOUSE

Mr. Crockett asserts in his July 21, 2003 submission concerning the parking management plan that evening and weekend events at Tudor Place have been suspended for the past three years (with the exception of the annual garden parties). This statement is false.

Tudor Place has been conducting evening education programs, exhibition openings, special tours, community service programs (special events for Georgetown Garden Club, Georgetown Business and Professional Association), and fundraising programs over the last three years, and our proposed conditions were written with particular care to ensure that we would be able to continue such activities. Indeed, if we were not conducting such functions, our financial condition would be greatly impaired and our continuing viability as a non-profit organization would be in question. Unlike the large wedding rentals that have proven objectionable in the past (and which we have forbidden in our proposed conditions), these events have been successfully held without impact on the neighborhood.

During the period between January 2002 and April 2003, including the Spring Garden Party, we held a total of 42 events, 29 of which were held on evenings or weekends. The vast majority of these events involved less than 75 people.

I hereby certify that the above statement is true to my personal knowledge.

Respectfully submitted,

Leslie L. Buhler
Executive Director
Tudor Place Foundation, Inc.

Subscribed and sworn to
before me, the undersigned
officer, this 28 day of July, 2003.

_____

Notary Public, D.C. My commission expires:

Exhibit B

O. R. GEORGE & ASSOCIATES, INC.

Traffic Engineers – Transportation Planners

10210 Greenbelt Road, Suite 310 • Lanham, MD 20706-2218
Tel: (301) 794-7700 • Fax: (301) 794-4400
E-mail: orgassoc@aol.com

July 28, 2003

Mr. Richard Nero
District of Columbia Board of
Zoning Adjustment
441 Fourth St. NW, Room 210
Washington, DC 20001

Re: BZA Application No. 16974 – Tudor Place Historic House and Garden

Dear Sirs:

The Applicant in the referenced matter has requested that we forward the attached "Supplemental Statement of Osborne R. George Concerning Traffic and Parking management Plan dated July 14, 2003," for your record. Thank you!

Sincerely,
O. R. GEORGE & ASSOCIATES, INC.

Osborne R. George

Attachment: As Noted

cc: Leslie M. Buhler, (Tudor Place)
Gordon Wilson, Esquire (Hogan & Hartson, LLP)

SUPPLEMENTAL STATEMENT OF OSBORNE R. GEORGE CONCERNING TRAFFIC AND PARKING MANAGEMENT PLAN DATED JULY 14, 2003

IN THE MATTER OF DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT APPLICATION NO. 16974 – Application of the Tudor Place Foundation for a Special Exception to Operate a Museum in the R-B-1 District under Section 217 of DCMR Title 11 – Zoning.

At the request of the Applicant, the statements below are in response to the submittal of Mr. Don W. Crockett (Crockett) dated July 21, 2003, concerning the Traffic and Parking Management Plan (TPMP) dated July 14, 2003.

- The information on land use, traffic operations and prevailing parking conditions were presented as general background to the TPMP. This information was included based upon discussion with the staff of the Policy and Planning Administration of the District Department of Transportation (DDOT).

- At Page 1 (clause (c)) the Crockett submission incorrectly asserts that the satellite lots are "unidentified". In fact, such proposed sites are clearly identified in the attachment captioned "Tudor Place, 31st Street, N.W. Satellite Parking Locations."

- At Page 2 (Item 1) the Crockett submission asserts that there is uncontradicted evidence in the record demonstrating adverse parking impact relating to evening and weekend events attended by less than 100 persons. Based on our review of the record, we have seen no evidence of such adverse impacts, and our analysis shows that no such impacts are likely to occur. To the contrary, the Altantic Services Group/Atlantic Valet letter included in the record and provided for my review indicates that approximately 30 - 35 personal vehicles are typically generated by events involving 100 persons. Given that the Applicant's property can easily accommodate 25 vehicles without the use of valet parking, it seems quite unlikely that events with less than 100 persons will have an adverse impact on parking in the neighborhood. It is relevant to note that the subject property contributes a significant amount of parking to the neighborhood supply due to its extensive and often unutilized street frontage. Mr. Crockett's assertion appears to be based on the flawed premise that the Applicant's events are not entitled to occasionally use neighborhood on-street parking. This is obviously not the standard by which the Traffic and Parking Management Plan should be assessed.

- At Page 2 (Item 2) the Crockett submission asserts that "the valet service may block-off six vehicle spaces..." It is noted that Measure #3 of the submitted TPMP matrix recommends that the applicant may *"work with DDOT to obtain emergency parking restriction for 4 - 6 vehicles ..."* This proposal appears to be quite consistent with Section 2407 of Title 11 (DCMR) Temporary and Emergency Parking Restriction" which states (at Section 2407.1) that:

> ***"Whenever by reason of the scheduled assembly of a large number of persons at any public or semi-public building, embassy, legation, stadium, or other place of assembly, it is determined that the free flow of traffic upon the street or streets leading to or from the building, embassy, legation, stadium, or other place of assembly, is or will be impeded by reason of the parking of vehicles, parking shall be prohibited (or restricted) on the street(s) during the hours that the free flow of traffic is or will be impeded by parking***

- At Page 2 (Item 3) the Crockett submission questions the feasibility of the valet parking service stacking up to forty (40) vehicles on the Applicant's property. Based on our parking survey, we are of the view that this is feasible and, as indicated in the Traffic and Parking Management Plan, this measure is intended be implemented "as may be necessary to limit blocking of neighborhood streets." As such, this measure may not be necessary at all. The letter addressed to the Applicant, from Atlantic Services Group, which was submitted to the record during the proceedings in this case, and provided for my review, further confirms the feasibility of parking up to forty (40) vehicles on the property. The Crockett submission that such use would create problematic interference with service vehicle use of the driveway, appears to be speculation and without merit. On the contrary, information provided by Ms. Leslie Buhler, the Tudor Place Director, indicates that service vehicles (such as those used for catering and for tents, when applicable) do not remain on site during events.

- At Page 3 (Items 1 and 2) the Crockett submission questions the *"dates and times"* of the survey. It is hereby submitted that the surveys were undertaken in keeping with guidelines established by DDOT, which requires that the surveys be taken on days and times not affected by public holidays and events, and that the data so obtained be representative of typical conditions. Accordingly, it is hereby stated that the observations and surveys were undertaken as follows:

  - General reconnaissance of the site was performed on Saturday 6/21/03, and on Monday 6/30/03.

  - Parking inventories and surveys were performed on Wednesday, Thursday, and Saturday during the week commencing on Monday, July 7, 2003.

- At page 4 (Item No. 4) of the Crockett submission, the issue of the number of parking spaces was raised. We confirm that, since the spaces are not metered (or otherwise delineated) it is a good estimate of the number of parking spaces. This estimate is based on the count of vehicles parked within the respective roadway sections at any one time, and an approximation of the number of vehicles that could be parked within vacant sections, assuming a typical "space" to be approximately 22 feet in length. Based upon this enumeration process, the number of spaces within the area shown was estimated to be 401. Some references in the text approximated the number at 400. We are again attaching the graphic illustrating the estimated parking supply.

- At page 4 (Item 5) of the Crockett submission, the extent/boundary of the area was questioned, regarding why the area surveyed was different from the area surveyed in 1999. It is hereby submitted that the area considered was specified by DDOT (at approximately 2,000 Ft from the Tudor Place Entrance). This approximated a 10-minute walk from the Museum entrance. Given the configuration of the roadway network, and considering what would be effective "barriers" or "separations" to pedestrian movements and access, the area was defined and agreed upon with DDOT staff as represented in the exhibits. [See Exhibit 3, page 5, which is attached for ease of reference.]

Supplemental Statement by Osborne R. George
On Traffic and Parking Management Plan
July 26, 3003
Page 3 of 3

I hereby submit and certify that the above statement is true and in accordance with my personal knowledge. I further certify that the Traffic Parking Management Plan document dated July 14, 2003, referred to in the Crockett submission and cited above, was prepared by me and included support activities under my direction and supervision.

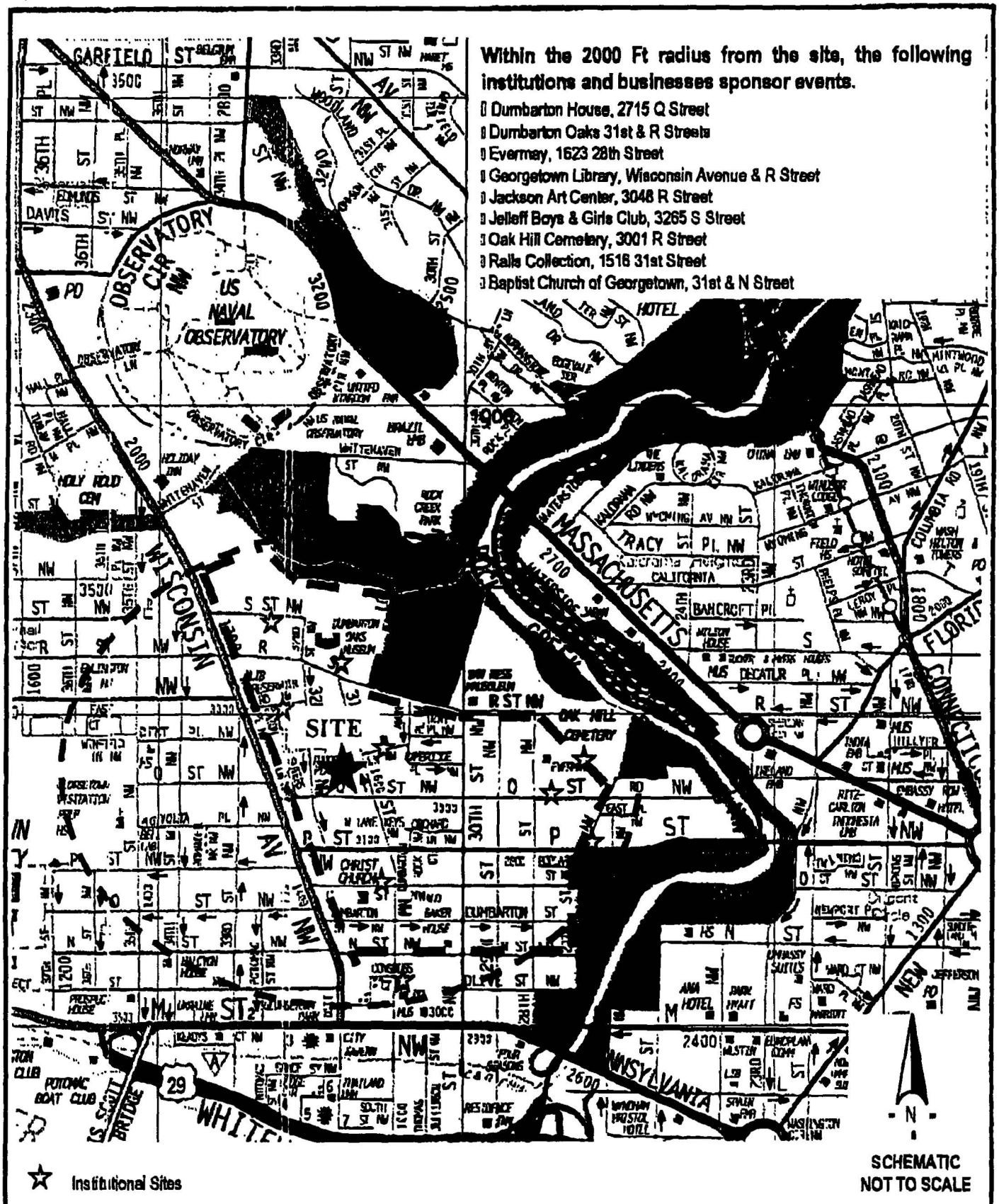
Respectfully submitted,

Osborne R. George
c/o O. R. George & Associates, Inc.
10210 Greenbelt Road #310
Lanham, Maryland 20200

Submitted and sworn to before me, the undersigned officer, this 28th Day of July, 2003.

Notary Public of the State of Maryland Patricia H. Lewis

PATRICIA H. LEWIS
Notary Public
Prince George's Co., MD
My Comm. Expo. Apr. 8, 2007



O. R. GEORGE & ASSOCIATES, INC.
Transportation Engineers & Traffic Planners

EXHIBIT 3:

TUDOR PLACE SITE LOCATION MAP
SHOWING 2,000 FT. RADIUS