HOGAN & HARTSON

L.L.P.

GORDON C. WILSON
PARTNER
(202) 637-5711
GCWILSON@HHLAW.COM

COLUMBIA SQUARE
555 THIRTEENTH STREET, NW
WASHINGTON, DC 20004-1109
TEL (202) 637-5600
FAX (202) 637-5910
WWW.HHLAW.COM

August 26, 2003

BY HAND DELIVERY

Board of Zoning Adjustment
441 Fourth Street, NW, Suite 210 South
Washington, DC 20002

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

Ladies and Gentlemen:

In connection with the application for a special exception number 16974 filed with the Board of Zoning Adjustment by Tudor Place Foundation, Inc., and as requested by the Board during the public hearing held on August 5, 2003, the applicant hereby submits the written version of the testimony (a) of Leslie Buhler, the Applicant's executive director, regarding the uses of the Dower House, and (b) written testimony of Osborne George, from O. R. George & Associates, Inc. Traffic Engineers – Transportation Planners, regarding traffic and parking issues relating to the Applicant's activities, both of which will be given at the public hearing to be held by the Board on September 16, 2003.

Respectfully submitted,

Gordon C. Wilson

Gordon C. Wilson

Enclosures

D.C. ... 2003 AUG 26 AM 11:26

BZA
Case No. 16974
Exhibit No. 128

Board of Zoning Adjustment
District of Columbia
CASE NO. 16974
EXHIBIT NO. 128

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the enclosed written testimonies to be served, this 26th day of August, 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

Board of Zoning Adjustment Application No. 16974
(Public Hearing of September 16, 2003)
Statement of Leslie Buhler

Good afternoon. I would like to thank the Board for the opportunity to provide additional testimony concerning our uses of Dower House.

Let me start by saying that our use of the Dower House has not, to my knowledge, generated adverse impacts in the neighborhood. While I am well aware of the unsuccessful legal challenge made by the opponents before the Court of Appeals concerning our use of Dower House, this challenge was made on legalistic grounds rather than on the basis of adverse impacts. As I understood these legal issues to be resolved and without any adverse impacts voiced during our vetting of the conditions, I devoted very little time in my original testimony concerning our use of Dower House.

The Tudor Place main building is, above all other things, a historic house museum. Our goal and our mission are to preserve the main building, and minimize its use for any purpose other than appreciation as a museum. We follow historic house museum standards and, as a National Historic Landmark, those of the Secretary of Interior. The main house does not and should not have a working kitchen, nor does it contain a multipurpose heated and air-conditioned room. The preservation of the main building is the goal that motivated our request to be able to move our administrative offices from the main building to Dower House.

We have used the Dower House for accessory museum uses related to administrative, educational, and fundraising purposes. Such uses typically involve a small gathering of less than 50 people and, in most cases, less than 30 people. They are uses that are poorly suited to being held elsewhere on our property. None of these uses create any perceptible noise, traffic or parking complications. To the contrary, our use of Dower House has been continuous throughout a period in which even the opponents in this proceeding acknowledge that "no one has objected to the operations of Tudor Place tours and events over the past two years" (Snider Findings of Fact, paragraph 24).

Over the course of the year 2002, we held approximately 35 educational and fundraising events at Dower House, all of which involved less than 50 people and in respect of which no complaints were received. A summary of our uses during the period in which the opponents have acknowledged no adverse impacts is as follows:

Educational Events. In 2002, approximately 150 people attended a total of 7 educational events that took place at the Dower House. Such events included lectures and workshops for adults and children, and generally involved 15 - 25 people per event. Children's programs include school group programs and programs that are open to the public. These programs were held during the day on weekdays and weekends. Adult programs have been held during the day on weekends or weekday evenings. Georgetown residents represent a very substantial portion of the attendance at our educational events. While we typically charge $8-$15 per person at our educational events, the events are not financially motivated. Rather, we

view them as an integral part of our organizational mission. Examples of some educational events previously held at Dower House include:

- Lecture titled *Beyond Silver Polish: Silver Buying and Cleaning*, held on Tuesday, March 18, 2003 from 6:30 p.m. to 8:00 p.m. This lecture featured a well-known silver scholar and was attended by 22 people.

- Lecture titled *The Changing Urban Forest* with Sally Boasberg speaking, held on Thursday, April 25, 2002, at 7:30 p.m. The lecture was attended by 17 people.

- Children's workshop titled *Creating Asian Art*, held on Saturday, July 6, 2002 at 10:30 a.m. The workshop was attended by 22 children (ages 5 - 11).

Fundraising Events and Rentals. The Dower House is the only space on the property where a seated indoor lunch or dinner can feasibly take place. As such, it is the place where we host our donor cultivation activities. These cultivation activities typically involve serving a lunch or dinner to a small group (4 to 24 people) of prospective donors during or after which a presentation is given concerning the financial needs of Tudor Place. Cultivation is a gradual and progressive process, so money is often not directly received immediately after a lunch or dinner. These events, while not frequent, are important. In 2002, we had two lunches and two dinners that resulted in gifts totaling between $20,000 and $30,000 from those in attendance by the end of the year.

On occasion we have also provided a private tour of the main house to an individual or couple that we have identified as an important potential donor. We have used the Dower House as a location for a lunch following the private tour.

We have occasionally permitted rentals of the Dower House, virtually all of which have an interest in or connection to Tudor Place and are held in conjunction with a tour of the main house. To date this year, we have permitted 6 rentals that in the aggregate have generated slightly less than $2,500. Dower House was also used once this year as a back-up venue for a scheduled rental of a terrace at the main house when rainy weather did not permit use of the terrace. No rental involved more than 50 people, and rentals most often take place during daytime hours on weekdays or on weekends. Catering of food may or may not be a part of the function. Groups that have used Dower House in this manner in the past included the Historic House Museum Consortium and the Smithsonian Women's Committee.

Volunteer and Board Meetings: The Dower House is used for hosting board, volunteer and other meetings. During 2002, approximately 130 volunteers attended various volunteer meetings at Dower House. These typically occur Mondays at noon. Our quarterly board and board committee meetings also use Dower House, and take place during the daytime on weekdays.

Other Uses: We do not serve food to tour groups. Such groups periodically bring their own lunches, however, and when weather does not permit eating outside, we have allowed such groups to eat their box lunches inside Dower House.

Now that I have given you a better sense of what Dower House is used for, let me make clear what it is not used for. Contrary to the repeated assertions by the opponents, we are by no means providing "restaurant service". We do not operate a restaurant or cafeteria facility open to the public for meals. Nor do we propose to do so. Rather, we propose to continue a type of occasional use that is more analogous to the activities conducted by private residents inviting guests to their residences. The kitchen in Dower House is used for heating and preparing pre-cooked meals and snacks, brewing tea and coffee, and associated cleanup. It is the only location on the property with an operational dishwasher. It is not a kitchen in which any extensive or regular cooking is undertaken, however.

With respect to the conditions that are to be imposed on Dower House usage, we ask the Board to carefully consider whether there is any adverse impact uniquely associated with our use of Dower House that justifies restricting our current uses of it. We believe the answer is no. Indeed, the opposition has already acknowledged no problems during the past two years in their findings of fact.

The same holds true in the parking arena. Our street frontage contributes on-street parking spaces for approximately 27 vehicles, and these spaces generally receive minimal use by Tudor Place activities. Given the small size of the occasional functions held at Dower House, it is unlikely that our Dower House activities will occupy more parking in the neighborhood than our extensive street already contributes. Accordingly, we do not believe that traffic or parking concerns provide a basis for imposing unique limitations on the use of Dower House.

In closing, let me also touch upon the issue of financial importance. The opposition suggests that if finances are a problem, we should simply rent Dower House as a single family home. This position misses the point entirely by ignoring that Dower House is in fact an integral part of our non-profit use of Tudor Place as a house museum, and our ability to use Dower House allows us to better serve the educational and preservation mission mandated by our organizational purposes. It is also important for the fundraising flexibility that it provides. Our pockets are not as deep as the opposition suggests, and our options to generate funds are already quite limited. In the absence of any adverse impacts to the neighborhood, we believe that we should be able to retain this flexibility. For this reason, we request that the Board approve our proposed conditions applicable to the use of Dower House.

Thank you.

Board of Zoning Adjustment Application No. 16974
(Public Hearing of September 16, 2003)
Statement of Osborne R. George

Good afternoon. My name is Osborne R. George. I prepared the Traffic and Parking Management Plan submitted on behalf of the applicant on July 14, 2003. I also prepared the rebuttal to submissions made by certain members of the neighborhood community in respect of the Traffic and Parking Management Plan. This rebuttal was submitted on July 31, 2003 and is included in the record as Exhibit No. 119.

I understand that my role here today is principally to respond to questions concerning the Traffic and Parking Management Plan. Before doing so, there are two points raised by the opposition that I would like to address by way of clarification.

First, the opposition has correctly noted that there is a discrepancy between the text of the plan and the number of spaces shown on Exhibit 2 attached to the plan. This discrepancy occurred when the wrong image was inadvertently transmitted electronically to the Applicant's attorneys for submission into the record on July 14, 2003. I recognized this discrepancy on the same day, and attempted to correct the record by submission of a revised Exhibit 2, under cover of a memorandum dated July 15, 2003 addressed to Mr. Richard Nero of the Office of Zoning (attached hereto as Exhibit A). My revised Exhibit 2 to the plan was logged in to the record as Exhibit No. 110. Upon further review, however, I determined that (1) the 10 spaces along the south side of Reservoir Road (west of 32nd street) were inventoried but not shown on the Exhibit No. 110 and (2) there was a typographical error in Exhibit No. 110 with respect to the spaces along the south side of P Street between 31st and 32nd Streets (with 16 being indicated instead of the actual 26 at such location). I have attached the corrected exhibit to this statement (attached hereto as Exhibit B). This corrected exhibit reflects the 400 parking spaces that are situated on street within the area defined and discussed in the Traffic and Parking Management Plan.

My second point relates to the concern raised by the opposition concerning the potential circuitous flow of traffic resulting from a situation where the valet parking service uses the Tudor Place property for temporary stacking of vehicles as part of measure No. 4 of the TPMP matrix. In particular, the opposition has noted concerns regarding the circuitous movements within the immediate area of the site because of the one-way southbound flow along 32ND Street. In response to this concern, I wish to note as follows:

- For evening events involving more than 200 persons (other than the Garden Party), this concern will not be applicable because guests will be required to take their vehicles directly to the designated satellite lot and use the shuttle bus service to get to and from the property (see measure 5 of the TPMP matrix)

- For evening events involving 100-200 people, the sixteen (16) self-park spaces within the Chevy Chase Bank lot (at Wisconsin Avenue at Q Street) could be specifically dedicated for peak arrival stacking of vehicles, as may be needed. I

wish to note that through stacking vehicles by valet attendants, this lot should be able to accommodate in excess of 20 vehicles. This lot is located just over a block away from Tudor Place. To the extent this area proved insufficient for stacking needs (which is fairly unlikely), the Tudor Place property could itself serve as a contingency stacking location.

- For the Garden Party, which is the only event with potentially more than 200 persons that is proposed to not be subject to the shuttle bus requirement, the Applicant has noted that an arrangement could be put in place for use of the driveway connecting the main entrance of the property with the stacking area within the 32ND Street area of the site. This would avoid any circuitous traffic patterns around the property for the purpose of temporary vehicle stacking. The Applicant has noted that the attendance pattern for the Garden Party, which draws heavily from the immediate Georgetown area, already minimizes the likelihood that such temporary stacking will be required to a significant degree.

I trust that the above clarifies my submissions and assessments regarding the two matters.

Respectfully submitted,

Osborne R. George

EXHIBIT A

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

MEMORANDUM

DATE: July 15, 2003

TO: Richard Nero, Senior Zoning Specialist
DC Office of Zoning

FROM: Osborne George

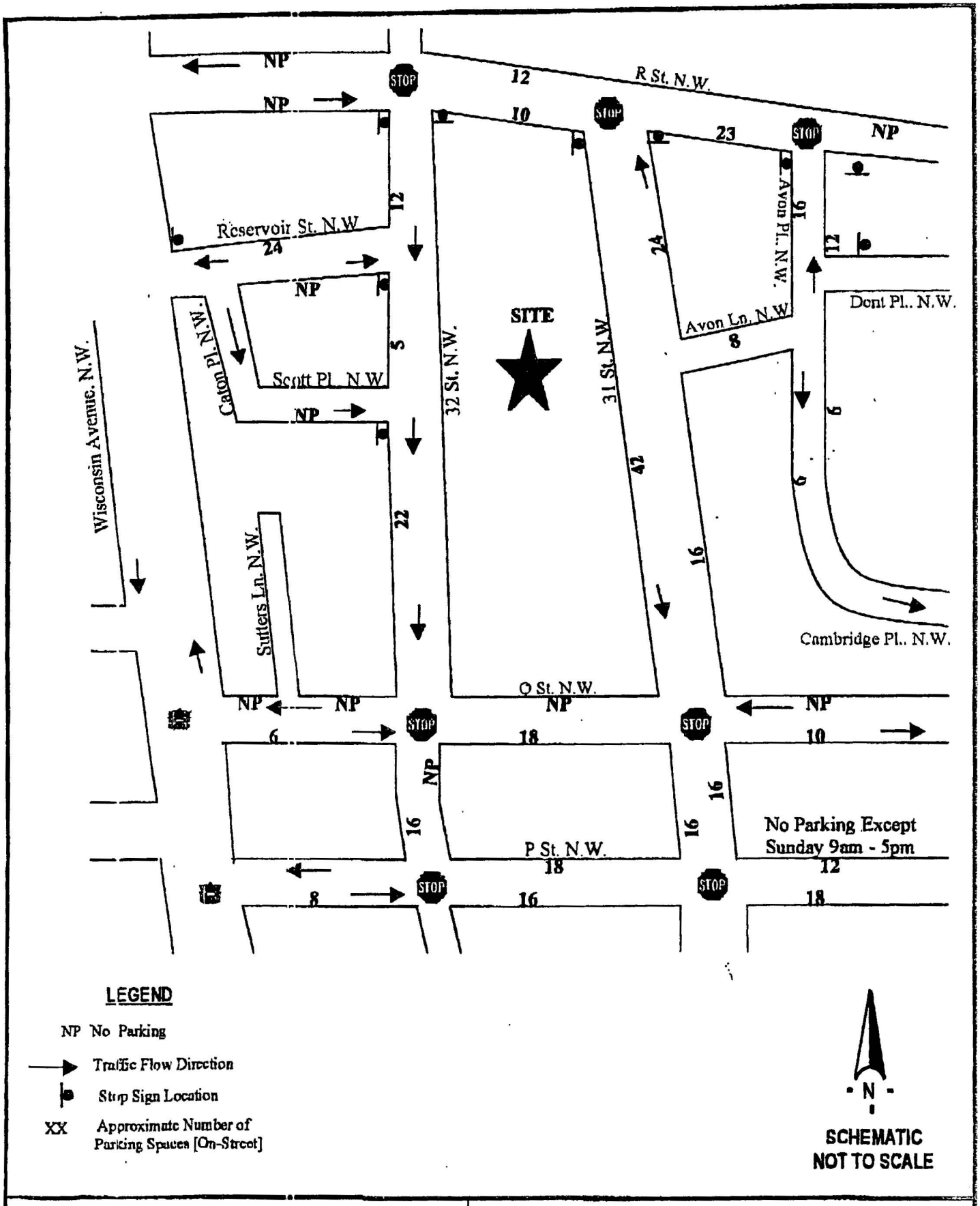
RE: BZA Application No. 16974, Tudor Place Historic House and Garden

Mr. Nero:

Further to our conversation yesterday, our memorandum presenting the Traffic and Parking Management Plan for Tudor Place [BZA Application No. 16974], was submitted by the Applicant's Attorneys, Hogan & Hartson L.L.P. It is apparent that the wrong version of Exhibit 2 might have been submitted as part of the package. For specificity, we note that the memorandum referred to 401 on-street parking spaces [approximately] within the study area. While this is of no material consequence to the plan as presented, we would like the correct version to be included in the record, if time still allows. We are therefore faxing the referenced exhibit for your use as appropriate. We are sending five (5) copies of the original to you by special delivery. Thank you!

ORG/pl

Attachment: As noted.

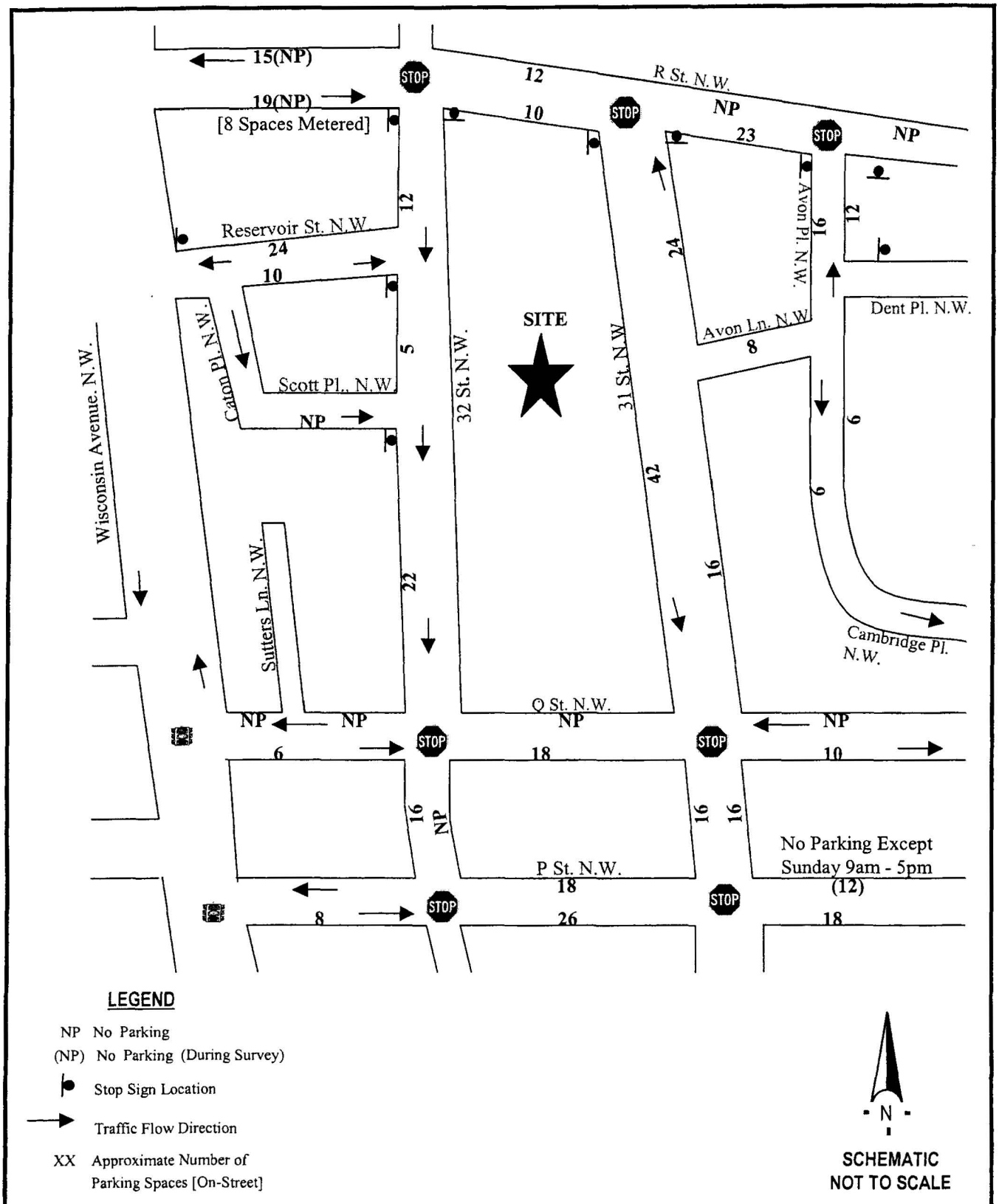


O. R. GEORGE & ASSOCIATES, INC.
Traffic Engineers – Transportation Planners

EXHIBIT - 2

Tudor Place, 3100 Q Street N.W.
Site Access and On-Street Parking Situation

EXHIBIT B



O. R. GEORGE & ASSOCIATES, INC. Traffic Engineers – Transportation Planners	**EXHIBIT - 2** **Tudor Place, 3100 Q Street N.W.** **Site Access and On-Street Parking Situation**