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August 26, 2003

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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 "Statement of Richard Theis Opposing New and Additional Uses at 1670 31st Street, NW, (Dower House); and Responding to a Traffic Study/parking Study"

Submitted,

Richard Theis

Enclosures

BZA
Case No. 16974
Exhibit No. 130

Board of Zoning Adjustment
District of Columbia
CASE NO. 16974
EXHIBIT NO. 130

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	x)))))) x	Application **No. 16974**

STATEMENT OF RICHARD THEIS
OPPOSING NEW AND ADDITIONAL USES AT
1670 31ST STREET, NW, (DOWER HOUSE);
AND
RESPONDING TO A TRAFFIC STUDY/PARKING STUDY

Recently Raised Uses for Dower House

The Board of Zoning Adjustment (BZA) must deny any request by the Tudor Place Foundation (The Foundation) for uses of Dower House that The Foundation did not include in its Application for a zoning exception. The entire neighborhood had notice of the requests for variances from R-1 zoning that The Foundation included in its Original Application and none others. The law provides this BZA with authority to rule on only those requests for which the neighbors were provided notice and an opportunity to be heard. If this BZA considers any requests for newly raised uses–uses other than those contained in the Original Application–the BZA will deny the neighbors effective notice and their right to consider and respond to such newly articulated requests.

The Foundation requested just four (4) uses of Dower House beyond the matter-of-right use as a single family residence. In its original Application, which The Foundation filed under cover letter dated November 27, 2002, The Foundation requested permission to use:

> Dower House for purposes accessory to the non-profit museum use of Tudor Place. These uses shall be limited to: *(1) a location for meetings* (including Board of Trustees' meetings, volunteer meetings, etc.); *(2) a location for small Tudor Place functions* of no more than 50 people; *(3) a location for no more than 4 rental functions per calendar month* that do not exceed 50

guests; and *(4) a location for offices* of no more than 7 members of the Tudor Place staff who do not utilize on-street parking. (Emphasis and numbering supplied).

These are the only uses for which Tudor Place provided legal "notice" to the community. That notice was made in two ways. As Ms. Buhler testified, via her original statement and at the first session of the hearing, that she met with a group of neighbors, showed them a draft application, asked for their comments, and incorporated some of them into her Original Application. This meeting took place in November 2002. The Foundation supplied formal Notice of its requests to the neighborhood by posting orange signs on the grounds of Tudor Place during January and February and pursuant to the regulations governing these proceedings. Anyone who read those notices and wanted to know the terms of The Foundation's requests were referred to the original Application. At three hearing sessions, The Foundation stood silent about any other uses it wanted to make of Dower House.

There is reason to believe that The Foundation is now seeking to increase the number of kind of uses it wants for Dower House. In the "Supplemental Statement of Leslie Buhler Concerning the Uses of Dower House," which was filed on July 14, 2003, and almost 7 months after the Foundation posted "notice" of its Application, Ms. Buhler listed among the uses she wants for Dower House:

(1) Education programs (including adult lectures, children's workshops that are open to the public, and school group programs);

(2) Meetings for "approved outside groups" including the Georgetown Garden Club, the DC Preservation League and the Smithsonian Women's Committee; and

(3) Meals service both "seated indoor lunch or dinner" for tour groups.

Allowing The Foundation to raise and pursue new uses at this time violates the notice provisions of the Zoning Regulations, Title 11 DCMR § 3113 *et seq.*, which conform with the District of Columbia Administrative Procedures Act, D.C. Code 2001 Ed., see generally §§ 2-501 to 2-511, and the D.C. Zoning Act. Those authorities require that the terms and conditions of an Application be posted before

the public for at least **30 days** so that "all interested persons shall be given a reasonable opportunity to be heard at such public hearing."

In this instance the "public" never received notice, or any sort, that Ms. Buhler and The Foundation wanted to use Dower House as a lunchroom from tours, a site for children's workshops, etc. At most, the BZA effected notice to the recognized parties to this proceeding by serving their three representatives, Messrs. Crockett, Snider, and Katz with a notice of that the hearing was reopened at The Foundation's request. Notice to the parties is not adequate notice to the public as is required by any reasonable reading of the legal requirements. Consequently, this BZA must limit is deliberations and ruling to those uses stated in the Original Application.

The Traffic Study

The Traffic and Management Plan (Plan) submitted at this Board's request fails to address uses that The Foundation has stated it wants to make of Tudor Place and Dower House. The Plan maily addresses parking for larger events. The Plan, in fact, mainly addresses active efforts to minimize the impacts to the neighborhood for events having over 100 persons. This, therefore, limits the usefulness of the Plan; most of the events The Foundation wants to hold would be for 50 or fewer people.

If the BZA grants the part of the Application concerning an unlimited number at Dower House for up to 50 people, the Foundation could book one, two, three, or more of these events daily and even in the evenings. Even though Ms. Buhler said, at the last date of the hearing, that she might be willing to limit the number somewhat (The Foundation never actually amended its Original Application), the Application offers nothing of substance to protect the neighbors from whatever level of activity might result.

The Application merely promises to aggregate the number of guests at the Tudor Place Mansion with those numbers attending smaller events–up to 50 guest–at Dower House. However, aggregating will not eliminate the negative impact on the neighborhood. The same congestion will befall

us whether all guests congregate on Tudor's grounds, or if half the crowd meets at Dower House while the others party on the mansion's grounds.

Of course, the real issue is parking. The Plan is silent on the issue of parking for events with 50 or less in attendance. I caution you not to think that The Foundation will alleviate parking problems because Ms. Buhler said that Tudor Place has ample parking behind Dower House and on the asphalt pad adjacent to the Tudor Place garage. I live half a block away. I walk past Dower House and around Tudor Place regularly. Dower's driveway running next to the house can hold 5 or 8 cars one behind the other, and where the driveway widens behind the House another 4 maybe 5 cars can park nose-to-nose. Tudor Place has an asphalt open area near its garage that can hold maybe 20 small cars. Consequently, if a group of 50 meets in Dower House and another 30 people crowds into the mansion (I think 20 people is the mansion's limit), at least 10 guests will compete with neighbors for street parking. That number will double if Tudor Place invites just 20 more people to its function.

The parking problem is compounded by other aspects of the Application. On week days, I can usually find 3 or 4 open places along 31st Street and another 2 or 3 up 32nd. In the evening, after business hours and on the weekends, parking spaces are more scarce. The parking situation will become critical if you allow Tudor Pace to open for weekly evening tours and allow it to use Dower House for all sorts of events. As you know, the Application allows mansion tours between 5:30 and 8:30 p.m., the hours when working neighbors return home and look for parking. Parking already is so hard for residents to find that the City created neighborhood "Zone 2" parking restrictions to help. Because Mr. Buhler let it slip that Tudor Place has no plans to provide evening visitors with parking, this request will have a very real negative impact. Fifty-two times a year, I probably won't find a place for my car.

If Tudor Place really wants permission to operate only as a museum, which is what Ms. Buhler said when as she started her prepared comments, the BZA should disapprove the request in paragraph 16, the request for permission to have people coming and going from Dower House at all hours, every

day. Mr. Peter's mansion is an historic home. It is the museum. People come to see how the Peter family lived. It makes no sense to give Tudor Place permission to fill Dower House with groups of up to 50 people every day and night of the week. Dower House is just another home in our residential area. Its connection with history is tenuous. Although it sits next door to an historic estate, a fence separates the two properties. The front gate leading to Dower House is almost 400 feet away from the 31st Street entrance to Tudor Place. Clearly, those attending events at Dower House will not be enjoying the beauties of Tudor Place. Half a dozen to a dozen meetings yearly at Dower House may be incidental to running Tudor Place as a museum. However, nothing justifies giving the Foundation permission to hold an unlimited number of events at Dower House, which is what Ms. Buhler candidly admitted that she wants.

Respectfully submitted,



Richard Theis

CERTIFICATE OF SERVICE

A copy of the foregoing "Statement of Richard Theis Opposing New and Additional Uses at 1670 31st Street, NW, (Dower House); and Responding to a Traffic Study/parking Study" was served, by hand delivery, this 26th day of August, 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 Theis