BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Tudor Place Foundation, Inc. Application for Special Exception under Section 217 to continue the previously approved operation of a museum by a non-profit organization	BZA Case No. 16974 **Hearing Dates:** April 15, 22 and 29, 2003, September 16, 2003 **Decision Dates:** June 3, 2003, July 1, 2003, August 5, 2003, November 4, 2003

MOTION FOR RECONSIDERATION

The Applicant has completed review of the Order issued by the Board in the above-referenced case (the "Order"), and respectfully requests clarification and reconsideration by the Board on the following limited matters that either are inconsistent with the findings of fact contained in the Order or based on an incorrect finding of fact that is unsupported by the record. It is the Applicant's sincere expectation that the requested actions described below will merely clarify provisions of the Order to reflect the intent of the Board.

1) **Erroneous Summary of the Vehicle Management Plan.** Throughout the Order, the Board acknowledges the importance of the Vehicle Management Plan (the "Plan") to its decision. However, in drafting the conditions section of the Order, the Board created a new defined term, "special event," that misstates the very Plan that the Board relied on in concluding that the use of the property satisfies §217.3. (Order, p. 12) These subtle, but critically important distinctions are as follows.

(a) Lack of Distinction Between Daytime and Evening Events: The Board's findings of fact indicate that "the Board credits the written statement of the Applicant's traffic expert which states that parking and traffic issues will arise only with respect to *evening* special events with 75 or more attendees." (Order, p. 7) (emphasis added). Nevertheless, the definition of "special event," as used in the conditions to the Order, fails to acknowledge this important distinction between daytime and evening events. As a result, a severe and totally unanticipated (based on observations of the Board's public deliberations) financial burden attributable to a valet parking requirement is apparently being imposed on the Applicant's ability to hold daytime events. The Applicant has held daytime events, such as Fall

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Garden Day, President's Day, and Georgetown Day, routinely during the term of its previous special exception without objection from the opposition, and without the requirement to incur the substantial financial burden of providing valet parking. (See Exhibit 120). The Applicant will not be able to offer these community events if valet parking is required. As even the party opponents acknowledge, "no one has objected to the operations of Tudor Place tours and events over the past two years". (Exhibit 100, Snider Findings of Fact, Para. 24) .

The Applicant respectfully requests that, to be consistent with the Plan and the Board's findings of fact and law, the Board modify Paragraphs 9(b) and (c) of the conditions set forth in the Order (concerning valet parking) to apply only to "evening" special events.

(b) Annual Garden Party: As indicated in the Plan, certain unique characteristics of the Annual Garden Party justify it being exempt from the shuttle bus requirement, notwithstanding it typically being an evening event that attracts around 400 people. Approximately 50% of the attendees at the evening Annual Garden Party are from the Georgetown area, and the nature of the event attracts visits at widely varying visitation times. (Exhibit 109, page 7) For these reasons, this unique traditional event, started by the last owner of the property, was specifically exempted in the Plan from the requirement of offering shuttle bus service. Nevertheless, notwithstanding even the support of the opposition for the Annual Garden Party, the Order fails to clearly implement this exemption contained in the Plan. As stated by the party opponents, "the Applicant may host its annual spring and fall garden day for members and the public. . . . valet parking may be used for these events"). (Exhibit 100, Snider Conclusions of Law and Opinion at page 12). The Annual Garden Party is the only large fundraising event for the Applicant and is critical to its financial viability.

The Applicant respectfully requests that, to be consistent with the Plan and the evidence on the record concerning the lack of adverse impacts associated with the Annual Garden Party, Paragraph 9(c)(i) of the conditions set forth in the Order be modified to exclude the Annual Garden Party from the shuttle bus requirement.

2) **Erroneous Finding of Fact Concerning 25 Parking Spaces On the Property.** While the Order correctly cites Exhibit 117 in its findings of fact for the proposition that the property "can" accommodate 25 vehicles without resorting to "stacked" parking, it later concludes incorrectly that such potential capacity provides 18 spaces for everyday visitor use. (Order, p.11). This conclusion is both factually incorrect and unsupported by the record, which indicates only that such capacity can be used in connection with small occasional functions at Dower House (See Exhibit 109 and 117). While such parking capacity in a grass yard

behind Dower House may feasibly be used when specific access and parking instructions are given to *known* invitees for an occasional Dower House function, the Applicant does not possess a formal visitor parking lot with unrestricted access, proper parking lines or even an appropriate surface for regular use. Any attempted such use would be harmful to the property.

Accordingly, the Applicant respectfully requests that the Board modify Condition 9(a)(i) of the Order by deleting the term "on the subject property".

In view of the above, the Applicant hereby requests that the Board reconsider the Order issued on this matter on July 29, 2004, and revise the operating conditions set forth therein accordingly.

Respectfully submitted,

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August 13, 2004

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Motion for Reconsideration to be served, this 13th day of August, 2004, on:

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