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September 13, 2004

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): Request for Waiver of Prescribed Time Period for Motion for Reconsideration

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 with the related Order issued by the Board on July 29, 2004 (the "Order"), the Applicant hereby requests the Board's consideration of the following matters:

1. Waiver of One-Day Filing Delay for Motion of Reconsideration

On August 13, 2004, the Applicant submitted to the Board a Motion for Reconsideration (attached hereto as Exhibit A) requesting that the Board modify certain aspects of the Order to be consistent with the Vehicle Management Plan, the Board's public deliberations, and its findings of fact and law. On August 20, 2004, party opponent Mr. Crockett submitted to the Board the "Opposition of the Q Street Parties to the Applicant's Motion for Reconsideration," which, among other things, argued that the Applicant's August 13, 2004 Motion for Reconsideration was filed one day after the expiration of the requisite filing period set forth in the relevant regulations.

The Applicant acknowledges Mr. Crockett's assertion, and respectfully requests that the Board waive the one-day delay in the Applicant's filing pursuant to its authority under 11 DCMR Section 3110.4. The Applicant notes that the combination of summer work schedules and the unanticipated receipt of the Order

BZA
Case No. 16974
Exhibit No. 153

Board of Zoning Adjustment
District of Columbia
CASE NO. 16974
EXHIBIT NO. 153

eight months after the public deliberations on the Application conspired against submission of the Applicant's Motion for Reconsideration on an earlier date. Moreover, it is not apparent that the opposition has in any way been prejudiced by the one-day delay. Given the amount of time and effort that has been involved in this matter to date and the 5 year duration of the Board's order in the case, the Applicant believes that it is in the interest of all the parties that the Board have an opportunity to consider the matters raised in the Applicant's Motion for Reconsideration. In particular, the Applicant notes that the matters raised in its Motion for Reconsideration are limited to issues that were not discussed in the Board's public deliberations in November 2003.

Therefore, the Applicant respectfully requests that the Board waives the prescribed deadline, and considers the Applicant's Motion for Reconsideration.

2. Rebuttal Evidence Concerning May 2004 Garden Party

In responding to the Applicant's Motion for Reconsideration, the opposition submitted new evidence concerning the traffic and parking conditions at the Applicant's Spring Garden Party held in May 2004. While the Applicant does not believe that such new evidence is appropriate at this point in the proceeding, the Applicant is nevertheless compelled to respond to the allegations contained in such submissions. Accordingly, the Applicant also encloses herewith as Exhibit B a letter dated September 10, 2004 from Atlantic Services Group, the company which provided valet parking services at the Applicant's Annual Spring Garden Party held on May 19, 2004.

Respectfully submitted,

Gordon T. Wilson

Gordon Wilson (#457877)
HOGAN & HARTSON L.L.P.
555 Thirteenth Street, NW
Washington, DC 20004
Tel (202) 637-5711

Counsel for the Applicant,
TUDOR PLACE FOUNDATION, INC.

Enclosures

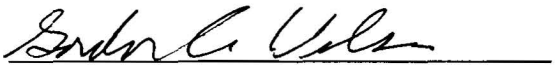
CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the enclosed statement to be served, this 13th day of September, 2004, 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

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

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,

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.

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:

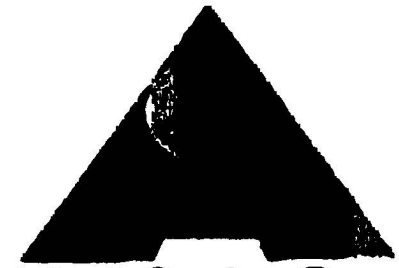
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By Facsimile

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

Gordon C. Wilson

EXHIBIT B



Atlantic Services Group
2175 K Street, NW, Suite120, Washington, DC 20037
Telephone: (202) 466-5050 Fax: (202) 466-7194

September 10, 2004

Tudor Place
Attn: Ms. Emily Rusch
1644 31st Street, NW
Washington, DC 20007

Dear Ms. Rusch:

The following is a recap the results of the valet service that we rendered for the Tudor Place garden party on Wednesday May 19, 2004. We used the offsite lots at the Jelleff Boys and Girls Club and Chevy Chase Bank lot at Q St & Wisconsin Av., and we used the parking spaces in the rear of the Tudor Place, along with the Tudor Place next door. I n addition to the parking spaces, we also had the assistance of a metropolitan police officer who helped direct traffic, and we had also reserved 3 parking spaces on either side of the Tudor Place entrance to be used as a valet receiving area.
We parked a total of 101 cars, with 43 of them at Jelleff, and the other 58 on Tudor Place property and at Chevy Chase Bank. We stressed to all our valet parkers that parking on the street was strictly forbidden, and we made sure that this requirement was met. Everything went quite well overall, and with the help of the police officer, the flow of traffic on 31st Street was largely unaffected.
At the end of the function, the police officer gave permission to the valet parkers to use the vacated spaces in front of Tudor Place to "hold" the cars of guests who were a bit slow to claim their cars. This measure was necessary in order to not to impede the flow of traffic.
If you need further clarification, please feel free to contact us at our office at (202) 466-5050.

Sincerely,

Alain Ikombo,
Vice President