GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

D.C. OFFICE OF ZONING
2003 FEB 14 AM 11:58

**MEMORADUM**

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: February'14, 2003

SUBJECT: Waiver of Rules for Late Submittal of Report on Case No. 16974

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The attached report concerning the application for Case Number 16074 is being submitted less than 7 days prior to the Board of Zoning Adjustment's consideration of the item. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

BZA
Case No. 16974
Exhibit No. 48

Board of Zoning Adjustment
District of Columbia
CASE NO. 16974
EXHIBIT NO. 48

RECEIVED
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2003 FEB 14 PM 1:05

**MEMORANDUM**

**TO:** Board of Zoning Adjustment

**FROM:** Andrew Altman

**DATE:** February 18, 2003

**SUBJECT:** BZA Case 16974 Special Exception Request

**APPLICATION**

The application by the Tudor Place Foundation, Inc., pursuant to 11 DCMR 3104.1 seeks a special exception pursuant to Section 217 to continue the previous Board of Zoning Adjustment (BZA) approved operation of a museum by a nonprofit organization, at the premises located at 1644 31st Street, N.W., Square 1281 Lots 827 & 830. The subject premises are in the R-1-B District.

**OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF**

The Office of Planning recommends **approval** of the subject application, with conditions.

**SITE AND AREA DESCRIPTION**

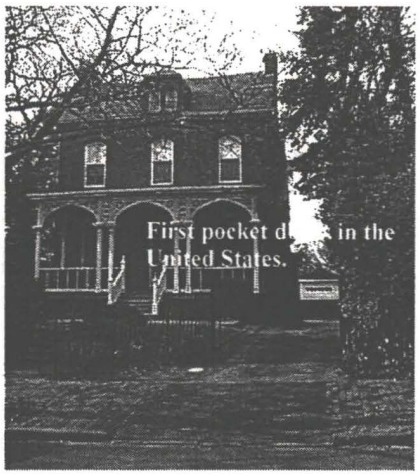
The subject premises are in the Georgetown Neighborhood of Ward Two and are generally bounded by mostly single-family semi-detached residences on R Street to the north, Q Street to the south, 31st Street to the east and 32nd Street to the west. The property is in Square 1281 and consists of Lots 827 and 830 and consumes most of the square. The site consists of 5-1/2 acres and is heavily buffered from the adjacent residential neighborhood by fencing, trees and woodland.



*The Tudor Place.*

**BACKGROUND**

This application is mostly identical in purpose to the most recent application approved by the BZA (Order No. 16477) on



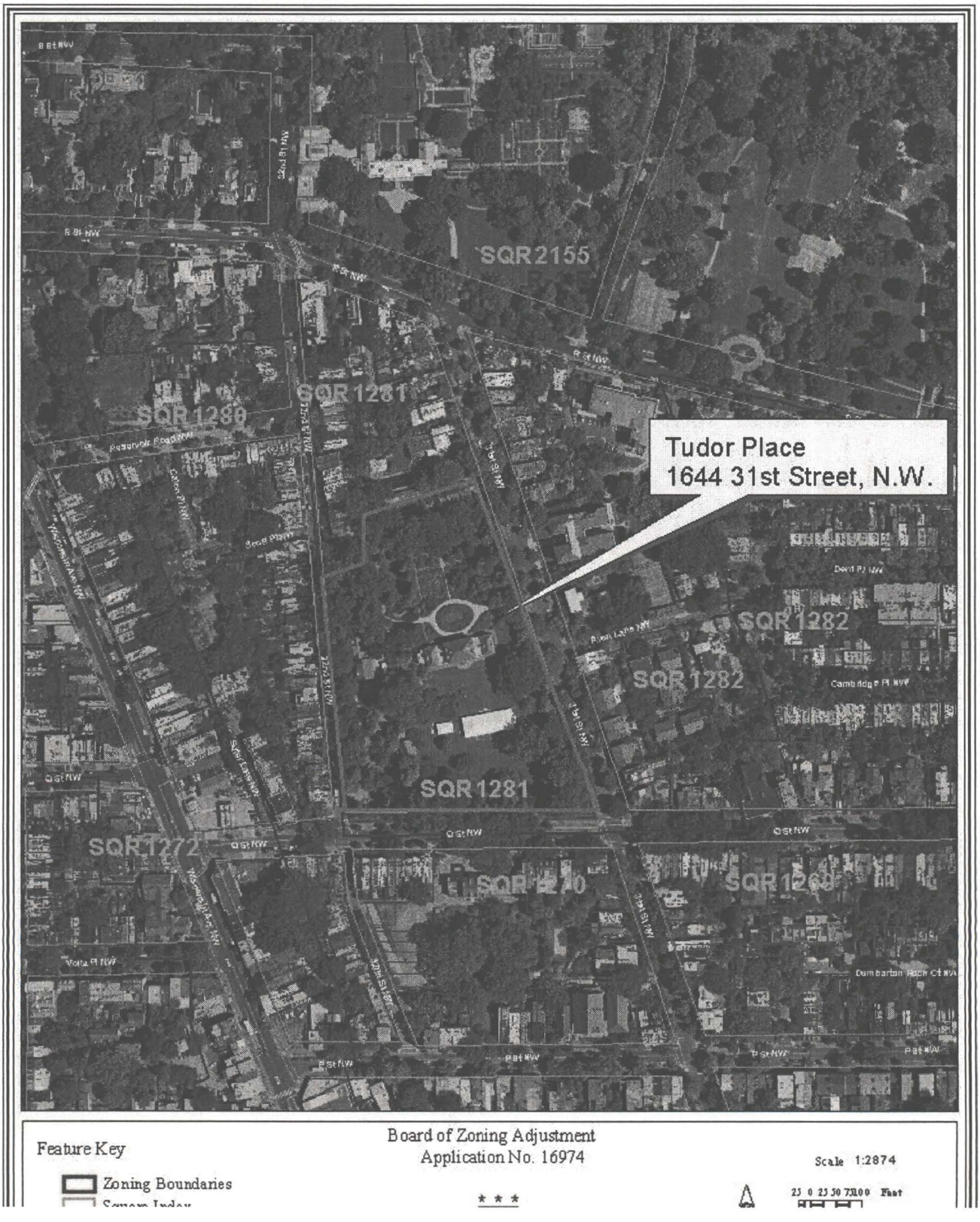
*The Dower House.*

October 6, 1999. This approval granted the Tudor Place Foundation, Inc, a nonprofit organization (1) a continuance for a period of three (3) years for a house museum at the subject site; and (2) an extension of the originally approved operation of the house museum to include the adjacent property (known as the Dower House) located at 1670 31st Street, N.W. The Dower House was approved by the BZA to be used for the purposes of meetings, small receptions, and art programs. The first special exception to allow Tudor Place to be used as a house museum was granted by the Board in 1988, pursuant to BZA Order No. 14729. This special exception was extended for another five years in 1994 by BZA Order No. 15744, and was later extended for another three years in 1999 by BZA Order No. 16477. The 1999 Order extended the use of Tudor House as a nonprofit organization to include the Dower House for certain purposes accessory to the nonprofit museum use of Tudor Place. The most recent three-year approval expired on January 14, 2003.

**HISTORIC PRESERVATION**

The subject property has been designated a National Historic Landmark and is listed in the District of Columbia Inventory of Historic Sites, Tudor Place is among the foremost Federal era mansions in the nation. The site is also in the Georgetown Historic District. Thomas Peter and his wife Martha Custis Peter purchased the original Tudor Place estate in 1805. Mrs. Peter was the granddaughter of Martha Washington, and an inheritance from George Washington financed the purchase of the Tudor Place property. A neoclassical mansion, which was designed by Dr. William Thornton, the first architect of the Capitol was built on the property in 1816. Since the construction of the mansion, six generations of the Peter family have lived at Tudor Place. The buildings, gardens, collections and archives reflect a family continuity of 100 years unique in the nation's capitol.

The property is situated on a five and one half acre site, on a high bluff in the middle of the very dense Georgetown community. The site has exceptionally views of portions of the District, from southeast to southwest. Internally, the site is heavily buffered from the surrounding residential neighborhood by fencing, large mature old growth trees and woodlands. The property is low-density in use, reflecting a park-like setting with immaculate gardens, which are havens for some local wildlife. Some of the trees on the property are more than one hundred years old. There are also well placed sculptures throughout the grounds.


Tudor Place
1644 31st Street, N.W.
SQR2155
SQR1281
SQR1280
SQR1282
SQR1282
SQR1281
SQR1272
SQR1270
SQR1269
R St NW
Q St NW
Dumbarton Rock Ct NW
Feature Key
Zoning Boundaries
Board of Zoning Adjustment
Application No. 16974
Scale 1:2874
* * *

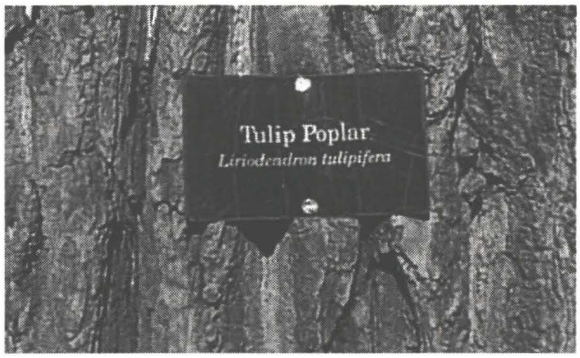
## APPLICANT'S PROPOSAL

The applicant is requesting a special exception under Section 217 of the Zoning Regulations to continue to operate the Tudor Place property as a nonprofit museum.



*Garden and sculpture, west grounds.*

The applicant has operated the estate, both house and grounds, on a controlled basis since 1988. There are two types of tours currently conducted at Tudor Place: 1) visits of individuals and 2) group visits, when special arrangements are made in advance. The site is opened for a maximum of ten tours per day, with tours between 9 a.m., and 4:30 p.m. The tour of the house takes approximately 45 minutes. Visitors can also tour the gardens and grounds. The peak visiting seasons for Tudor Place are spring and fall, with fewer tours during the summer and winter months. The applicant is proposing to add one additional tour period in the evening, either on Monday, Tuesday or Wednesday, between 5:30 p.m. and 8:30 p.m.




*Old growth tree, west grounds, 100 plus years old.*

Because of its history and scenic beauty, Tudor Place also attracts special events and private functions. Some of the functions have entrance fees, which generate substantial funds towards the operating budget, thereby making them critical to the maintenance and operation of the Tudor Place as a museum. Some other functions are accept voluntary contributions as well as serve to raise Tudor Place's profile as a historic property, thereby contributing to the applicant's mission to share Tudor Place with the public.

## ZONING ANALYSIS

The subject premises are in the R-1-B District. Section 217 of the Zoning Regulations allows non-profit organizations in the R-1-B District by special exception.

**217 Non-Profit Organizations**

**217.1 The use of existing residential buildings and land on which they are located by a non-profit organization for the purpose of the non-profit shall be permitted in an R-1 district in the following instances if approved by the Board of Zoning Adjustment, subject to the provisions of this section.**

**(a) Is the building is listed on the District's Inventory of Historic Sites contained in the comprehensive statewide historic preservation survey and plan, or if the building is located within a district, site, area, or place listed on the District's Inventory of Historic Sites.**

**Yes**. The Tudor Place property is a designated Landmark Building listed on the District's Inventory of Historic Sites.

**(b) Is the gross floor area of the building in question, not including other buildings on the lot, is ten thousand square feet (10,000) or greater.**

**Yes**. The main building on the Tudor Place property contains 10,501 square feet of gross floor area. This square footage is exclusive of any other building on the property.

**217.2 Will the use of the subject building and lands by the nonprofit organization adversely affect the use of neighboring properties?**

**No.** In 1999, the Board approved the operation of Tudor Place/ Dower House for museum use. The present application is mostly identical in purpose to the application approved by the Board in 1999. At that time, the Board concluded that the majority of the time, Tudor Place operates without adverse impacts on the neighborhood but that large special events have resulted in noise and parking impacts. The Board concluded that these special events are not new development but have been conducted at Tudor Place since the museum use was established in 1988. The Board further concluded that with additional restrictions, their effects would be minimized.

Based upon the intensive discussions between the applicants the neighbors and ANC 2E, agreed upon operating conditions, the Board further concluded that the proposed use, would not adversely affect the use of the neighboring properties.

In light of the foregoing, (in part) the Board concluded that the application be granted, with conditions. The Board's decision was appealed in the District of Columbia Court of Appeals by the Georgetown Residents Alliance, et al.

On July 11, 2002, the District of Columbia Court of Appeals upheld that the BZA decision that this museum's activities did not adversely affect the neighbors. There have been no reported violations to the conditions by the applicant.

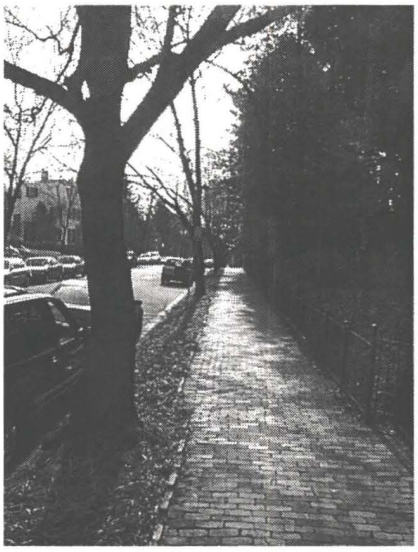
The property is situated on a five and one half acre site and is heavily buffered from the surrounding residential neighborhood by fencing and landscape. Based on the application, continued operation of the museum and the previous approvals, OP does not see any adverse impacts.

**217.3 Is the amount and arrangement of parking spaces adequate and located to minimize traffic impact on the adjacent neighborhood?**

**Yes.** Tudor Place predates the Zoning Act of May 12, 1958 and is listed on the District of Columbia's Inventory of Historic Sites. As such, in accordance with Section 2100.5 of the Zoning Regulations, no additional parking spaces are required. The applicant does, however, provide parking on the property for approximately 8 regular staff and tour guides. Visits to Tudor Place fall in one of four categories: (1) regular tours, (2) group tours, (3) lectures, workshops or foundation events, and (4) special events. Although it is not required, the applicant has addressed the parking requirements of each of the four types of visitors to Tudor Place.

**Regular Tours**

Regular tours at Tudor Place will continue to be limited to twenty people. Visitors usually arrive by automobile and average two persons per vehicle, or approximately ten vehicles per regular tour. The 1600 block of 31st Street, between Q & R Streets is a very long block. Accordance to O.R George and Associates, traffic experts that testified at the 1999 BZA Hearing, there is adequate on-street parking along the 1600 block of 31st Street, even during peak periods on weekdays, to accommodate regular tour visitors. These public parking spaces are subject to two-hour time restrictions. According to O.R. George and Associates, there is approximately 85 parking spaces on 31st Street between Tudor Place and Dower House, and a total of approximately 338 within an acceptable walking distance to Tudor Place. Visitors generally park along 31st Street adjacent to Tudor Place.



*The 1600 block of 31st Street, N.W.*

**Group Tours**

When groups visit Tudor Place, they usually arrive by bus, with up to fifty persons per busload. Only one busload of visitors can be accommodated at the site per tour. Bus drivers are directed to park buses in legal parking spaces in the District of Columbia, such as the site boarding K Street in Georgetown and other appropriate areas. Tour buses are not permitted to park at the subject site, or idle in front of the site for longer than necessary to discharge or pick up passengers.

**Lectures And Foundation Events**

Tudor Place provides educational lectures, foundation events and workshops on various historical and cultural topics, generally for the surrounding community. These events do not generate much of traffic, parking competition or noise to impact the local community.

**Special Events**

Special events at Tudor Place are defined as evening events that are attended by 200 to 500 guests. These events are for two (2) purposes: 1) fund raisers and 2) exhibition openings. The application request that the applicant be allowed to host a maximum of 10 special events per year, with no more than two being rental functions and no more than three taking place in any one calendar month. Rental events, such as weddings, are limited to 75 persons. The applicant justifies the need to host special events as necessary to help finance the means to maintain Tudor Place.

In response to concern about the impact of special events at Tudor Place raised by some of the immediate neighbors, there was only one Fund Raiser and one Exhibition opening held at the site during the calendar year of 2002.

**217.4 Are goods, chattel, wares, or merchandise commercially created, exchanged, or sold in the residential buildings or on the land by a nonprofit organization, except for the sale of publications, materials, or other items related to the purposes of the nonprofit organization?**

**Yes**. However, the sale of items at the Tudor Place gift shop is limited to postcards, note cards, historical books, T-shirts and other items typically available for sale in museums gift shops. The Board has previously concluded (BZA Order No. 16477) that the sales of the mentioned items at Tudor Place were related to the purpose of the nonprofit.



*Gift shop.*

**217.5 Any additions to the building or any major modifications to the exterior of the building or to the site shall require the prior approval of the Board. The Board shall refer any proposed additions or modifications to the State Historic Preservation Officer, who, acting with the advise of the D.C. Professional Review Committee for nominations to the national Register of Historic Places, shall provide the Board with a report to determine possible detrimental consequences**

**that the proposed addition or modifications may have on the architectural or historic significance of the building or site or district in which the building is located.**

The applicant does not propose any additions or modifications to either Tudor Place or Dower House as part of this application.

## RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the area surrounding the Tudor Place property as ***Moderate Density Residential***. Row houses and garden apartments are the predominant uses in this category.

## DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST

**Will the special exceptions be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map**?

**Yes.** Museum uses are deemed compatible with uses permitted in the R-1-B zone and as demonstrated meets the special exception test. The Board previously concluded that the granting of the application for Tudor Place and Dower House (BZA Order 16477) would be in harmony with the zone plan and would not tend to affect adversely the use of neighboring properties. The site is world renounced and has a positive affect on the Georgetown community as well as the District, as a result of its rich history. Tudor Place is recognized as a National Historic Landmark and known internationally as a premier example of American neoclassical architecture.



*South grounds looking at Bicentennial tree.*

**Will the granting of the special exception tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map?**

**No.** As demonstrated above, the use that has been in existence for the past 13 years has not adversely affected the neighborhood. The museum operations will generally be the same as those previously approved by the Board and the applicant and the community has agreed on a list of conditions.

## COMMUNITY COMMENTS

Advisory Neighborhood Commission 2E (ANC 2E) held it's regularly scheduled meeting, on February 4, 2003. All seven commissioners were present. The ANC passed a motion in support of BZA Application No. 16974, including extending the approval period to five years. The motion was approved with a unanimous vote.

## OP RECOMMENDATION

After having reviewed BZA application 16974 requesting a special exception for a nonprofit organization to operation of a museum in a R-1-B District, the Office of Planning recommends that the **Board approve** the application, with the 16 conditions supported by ANC 2E. The Office of Planning finds that the application has satisfactorily addressed the requirements of §217, and has met the burden of proof under §3104 of the Zoning Regulations. OP therefore concludes that approval of the application would be in harmony with the general purpose and intent of the Zoning Regulations and would not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map.

Because of the potential impact that some of the functions held at Tudor Place could have on neighboring properties, the applicant developed a heightened awareness of concerns raised by some of it's neighbors regarding parking and noise impacts of special events. In response, the applicant had extensive communications with members of the surrounding community, (including ANC 2E) and jointly developed a list of conditions under which Tudor Place would operate. The conditions are mostly identical to the conditions approved in the most recent BZA Order No.16477. Changes to the conditions approved by the Board in 1999 have been **highlighted**.

1. **Approval shall be for a period of 5 Years**. (Previous approval was for 3 years)
2. Group tours shall be by appointment only. (Same as 1999 approval)
3. The hours of operation for tours shall be between 9:00 a.m. and 4:30 p.m., Monday through Saturday, and between12 noon and 4:30 p.m. on Sunday. In addition, an evening tours period shall be permitted between 5:30 p.m. and 8:30 p.m. on Monday, Tuesday or Wednesday, but not more than one per day. To the extent such evening tours are offered, they shall take place on the same day of each week, which day shall initially be determined by the applicant, with any changes to be made in consultation with the Liaison Committee. **(The evening tour period request for one day per week is a new request.)**
4. The number of regularly scheduled tours shall not exceed ten per day. Non-group tours shall be limited to a maximum of 20 persons.
5. **The applicant shall instruct the drivers of all buses and vans not to idle the engines of their vehicles longer than in necessary to allow passengers to embark or disembark.** Buses bringing group tours to the site shall park in legal parking areas within the District of Columbia. There shall be no bus parking on the subject site.

6. Large evening functions (functions involving 200 or more guest) at the subject site shall be limited to a maximum of 500 guests at any one event.
7. The number of large evening functions involving 200 to 500 guest at the site shall be limited to 10 per year, (i) no more than two of such functions being rental functions and (ii) no more than three such functions taking place at the site at in any one mouth. **In no event shall rental functions for the purpose of weddings be permitted for 75 or more guest.**
8. All functions shall end no later than 10: 30 p.m.
9. For all evening functions with (i) in the case of rental events, 75 or more attendees at the site and (ii) in the case of any other any other events, 100 or more attendees at the site, the applicant shall minimize traffic and noise impacts by employing the following measures:
    a) Making valet parking services that utilize off-street parking lots available to visitors and taking other measures as appropriate to minimize congestion and control traffic flow; and
    b) Maximize the use of the rear entrance to the site on 32nd Street, especially for service and related functions.
10. The applicant shall notify affected area residents not less than 60 days in advance of any scheduled evening functions of 75 or more attendees by delivering a calendar of such events to affected residents.
11. The applicant shall appoint a staff member as a community liaison person who will be responsible for addressing any issues and concerns raised by neighbors with respect to the operation of the facility.
12. The applicant will designate a "Tudor Place Duty Officer" to be in charge of each event including handling any problems that may arise during the course of an event.
13. The applicant shall convene a Liaison Committee, to include representatives of the Tudor Place Foundation, two representatives of ANC 2E, and two representatives of the community at large. The applicant shall convene the Liaison Committee semi-annually. The Liaison Committee shall address any issues that arise related to the operations of Tudor Place. Notice of such meetings will be (i) posted on the applicant's property, (ii) sent or delivered to immediate neighbors of the applicant and (iii) published on the applicant's web site.
14. There will be no amplified music or amplified singing voices played on the applicant's property during any outside function. **If indoors, amplified music may be played with all doors and windows closed. In any event, the applicant shall adhere to the District of Columbia noise regulations.**
15. Following a function that ends at the 10:30 p.m. curfew, there shall be no heavy clean up that night. All heavy clean up shall be done the morning after the function, **not earlier than 7:30 a.m.**
16. In addition to matter-of-right uses, the Dower House may be used for purposes accessory to the non-profit museum use of Tudor Place. The uses shall be limited to: a location for meetings (including Board of Trustee' meetings, etc.); a location for small Tudor Place functions of no more than 50 people; **a location for no more that 4 rental functions per calendar month that do not exceed 50 guest**; and a location for offices of no more than 7 members of the Tudor Place staff who

do not utilize on-street parking. **Any evening function at the Dower House will conclude no later than 10:00 p.m. For the purposes set forth above, any use of Dower House shall constitute use of the Tudor Place site (meaning that, for example, an evening function at Dower House with 25 people taking place at the same time as a function at Tudor Place with 75 people would constitute a function at the site with 100 or more attendees for the purpose of Paragraph 9 above.**