BURDEN OF PROOF FOR SPECIAL EXCEPTION

DETAILED STATEMENT OF THE APPLICANT

(Required Item 4.D. of Form 120)

Pursuant to Section 3104.1 of the Zoning Regulations, the BZA is authorized to grant a special exception where, in the judgment of the BZA, the special exception will be in harmony with the general purpose and intent of the zoning regulations and will not tend to affect adversely the use of neighboring property. As demonstrated below, the proposed special exception for the non-profit organization use of Tudor Place and the Dower House satisfies the general standard set forth in Section 3104.1 of the Zoning Regulations as well as the specific requirements set forth in Section 217 Zoning Regulations with respect to the use of residential buildings for the purpose of a non-profit organization in an R-1 District. Accordingly, the Applicant is entitled to the requested special exception relief.

1) Section 3104.1--The Proposed Use Will Be In Harmony With The General Purpose And Integrity Of The Zoning Regulations, And Will Not Tend To Affect Adversely The Use Of Neighboring Property.

Tudor Place consists of 5-1/2 acres of property and is heavily buffered from the adjacent residential neighborhoods with fencing, trees and woodland. Far from adversely affecting the use of neighboring property, the Property's low density, park-like setting with gardens and numerous old growth trees represents a tremendously valuable asset for the neighborhood. By allowing the Applicant to continue to operate the Property for its non-profit purpose, the requested special exception will help ensure the continuing viability of this valuable asset.

In order to have financial means to maintain Tudor Place, the Applicant's use of the Property necessarily requires the hosting of special events on an occasional basis. In an effort to accommodate the legitimate concerns of neighbors that arise in connection with such occasional events, the Applicant will agree to be bound by the conditions listed below. These conditions generally follow those contained in BZA Order No. 16477, with certain revisions intended to provide the Applicant additional operational flexibility while continuing to be sensitive to the concerns of neighbors.

Recognizing the principal concern that neighbors have previously expressed, the below conditions include (i) a new limitation that not more than two evening rental functions with 200 or more guests will be permitted in any year (previously up to 10 such functions were permitted) and (ii) a prohibition against rentals for the purpose of weddings involving 75 or more guests. In connection with these changes, the Applicant is also proposing the following changes to improve its operating flexibility: (a) to expand the use of Dower House for certain small functions and uses that will not have any adverse effect on the neighboring properties, including the use of Dower House for administrative offices of Tudor Place employees, (b) to allow for early evening tour offerings not more than once per week, and (c) to increase the guest threshold for events at which valet parking is required from 75 to 100 guests and, in connection with such events, to no longer require an extended cocktail hour or the hiring a person to direct traffic.

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With the changes highlighted above, the Applicant believes that the proposed conditions will continue to represent a reasonable accommodation between the Applicant and its neighbors which does not interfere with the legitimate interests of the latter. A complete list of the proposed conditions is as follows:

1. Approval shall be for a period of FIVE YEARS from the effective date of the requested special exception.

2. Admission for group tours shall be by appointment only.

3. The hours of operation for tours shall be limited to between 9:00 a.m. and 4:30 p.m., Monday through Saturday, between 12:00 noon and 4:30 p.m. on Sunday. In addition, tours shall be permitted between 5:30 p.m. and 8:30 p.m on Mondays, Tuesdays or Wednesdays , but not more than one day per week. 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.

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 is necessary to allow passengers to embark or disembark Buses bringing group tours to the site shall park in legal bus 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 guests) 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 guests at the site shall be limited to 10 per year, with (i) no more than two of such functions being rental functions and (ii) no more than three of such functions taking place at the site in any one calendar month . In no event shall rental functions for the purpose of weddings be permitted for 75 or more guests.

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 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-site parking lots available to visitors and taking other measures as appropriate to minimize congestion and control traffic flow; and

    b. maximizing the use of the rear entrance to the site on 32nd Street for service and related functions.

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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 shall 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 two 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 relating 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 shall be no amplified music or amplified singing voices played on Applicant's Property during any outdoor function. If indoor, 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 which 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. These uses shall be limited to: a location for meetings (including Board of Trustees' meetings, volunteer meetings, etc.); a location for small Tudor Place functions of no more than 50 people; a location for no more than 4 rental functions per calendar month that do not exceed 50 guests; 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 functions at the Dower House will conclude no later than 10:00 p.m. For purposes of the restrictions set forth in the other paragraphs 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).

2) Section 217.1 - Tudor Place Foundation Is A Non-Profit Organization.

Section 199 of the Zoning Regulations defines a non-profit organization as "an organization organized and operated exclusively for religious, charitable, literary, scientific,

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community or educational purposes, or for the prevention of cruelty to children or animals; Provided, that no part of its net income inures to the benefit of any private shareholder or individual." The Applicant is a 501(c)(3) non-profit organization. Article III of the Articles of Incorporation of the Applicant provides that the "corporation is organized and shall be operated exclusively for charitable and educational purposes, and more specifically for the purpose of participating in charitable and educational activities devoted to the preservation of the heritage of the United States of America." Article IV of the Articles of Incorporation of the Applicant provides that the "corporation is not organized and shall not be operated for pecuniary gain or profit." The BZA has previously found that Tudor Place Foundation, Inc. meets the requirements of a non-profit organization. (See Tab 8)

3) Section 217.1(a)--The Property Is Listed In The District's Inventory Of Historic Sites.

As the BZA has previously found, Tudor Place is a designated landmark building listed on the District of Columbia's Inventory of Historic Sites. (See Tab 8)

4) Section 217(b)--The Gross Floor Area Of The Building In Question, Not Including Other Buildings On The Lot Is 10,000 Square Feet Or Greater.

The main residence of Tudor Place contains more that 10,000 square feet. The BZA has previously found that Tudor Place contains 10,501.68 square feet of gross floor area. (See Tab 8)

5) Section 217.2--Use Of Tudor Place By The Non-Profit Organization, Tudor Place Foundation, Inc., Will Not Adversely Affect The Use Of The Neighboring Properties.

The BZA has previously found that, subject to operating conditions that were very similar to the above-proposed conditions, the non-profit organization use of Tudor Place and the Dower House does not adversely affect the neighboring community. (See Tab 8) The proposed changes to the operating conditions described above should not alter this conclusion. The operating conditions to which the Applicant is proposing to be bound are intended to ensure that the continuing use of the Property is not likely to become objectionable to the neighboring properties.

6) Section 217.3--The Amount And Arrangement of Parking Spaces Are Adequate And Are Located To Minimize Traffic Impact On The Adjacent Neighborhood.

As Tudor Place is listed in the District of Columbia's Inventory of Historic Sites, no parking spaces are required pursuant to Section 2100.5 of the Zoning Regulations.

Parking for the staff of regular employees and the tour guides on site is on the Tudor Place Property.

The BZA has previously concluded that the use of the Property by a limited number of visitors is not likely to create neighborhood traffic or parking problems. (See Tab 8) Parking demand varies with the type of visit taking place. Virtually all visits to Tudor Place fall

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into one of four categories: (a) regular tours, (b) group tours, (c) lectures, workshops and Foundation Events and (d) special events.

a. Regular Tours.

The maximum tour size for individuals will continue to be limited to twenty people. Visitors arriving by car will likely have an average automobile occupancy of two or more persons per vehicle. The number of available parking spaces, even at peak hours and on weekends, far exceeds the needs produced by the proposed visitors to Tudor Place. This can in part be explained by the fact that much of the street frontage of 31st Street is bounded by the grounds of Tudor Place, rather than numerous residential units.

b. Group Tours.

Tudor Place also has group tours of visitors, usually arriving by bus, up to a maximum of about fifty people, or one bus load per tour. The buses are directed to park at the legal bus parking spaces nearby, such as the site bordering K Street in Georgetown and other appropriate areas.

c. Lectures And Foundation Events.

Tudor Place serves the surrounding community by offering educational lectures and workshops on various historical and cultural topics. Attendance at such events does not generate unacceptable amounts of traffic, parking problems or noise.

d. Special Events.

Tudor Place operates on a day-to-day basis with little impact on the community. The number of large social functions hosted at Tudor Place was reduced dramatically in the past four years, from a total of 15 large social functions in 1998 to an average of less than 4 large social functions per year since 1999. Offering Tudor Place as a location for special events such as large social functions is economically necessary to its continuing operation. For 2002, the Tudor Place endowment is expected to represent only 51% of the revenues of Tudor Place. Tudor Place depends heavily on contributions and rental income generated by special events, including its annual Garden Party fundraiser, for its remaining operational needs. In addition, the ongoing economic downturn has, and is expected in the upcoming years to continue to, adversely affect the revenue sources not attributable to special events, thereby increasing the importance of generating income from special events. Therefore, and despite the reduced number of special events hosted in the past four years, the money raised from these events is vital to the operations of Tudor Place.

The Applicant fully comprehends the concerns of its neighbors and is committed to ensuring that on the few occasions that it hosts large special events, the impact on the neighborhood is minimal. This commitment is demonstrated by, among other things, its adherence to the 10:30 p.m. curfew with prohibition on late evening heavy clean up, the use of valet parking services for functions with 100 or more attendees and maximizing the use of its rear entrance for service functions.

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7) Section 217.4--There Will Be No Good, Chattel, Wares Or Merchandise Commercially Created, Exchanged or Sold At Tudor Place, Except For the Sale of Publications, Materials, Or Other Items Related To The Purposes Of The Non-profit Organization.

The sale of items at Tudor Place is presently limited to postcards, notecards, historical books, T-shirts and other items typically available for sale in museum gift shops. The BZA has previously concluded that there will be no goods, chattel, ware or merchandise commercially treated, exchanged or sold at Tudor Place, except for the sale of publications, materials, or other items related to the purpose of the non-profit organization. (See Tab 8)

8) Section 217.5--Any Additions To The Building Or Any Major Modifications To The Building Or To The Site Shall Require The Prior Approval Of The Board.

Pursuant to Order No. 16477, the BZA previously approved the extension of the non-profit use of Tudor Place to the Dower House. The Applicant is not applying for any further addition or any modification that is subject to the requirements of Section 217.5 of the Zoning Regulations.

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