

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17984 of Tudor Place Foundation, Inc, pursuant to 11 DCMR § 3104.1, for a special exception to allow the continued operation of a museum under section 217, in the R-1-B District at premises 1605 32nd Street, N.W., and 1644 31st Street, N.W. (Square 1281, Lot 835).

HEARING DATE: November 10, 2009
DECISION DATE: November 10, 2009 (Bench Decision)

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 5)

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 2E and to owners of property within 200 feet of the site. Pursuant to 11 DCMR § 217.5, the Board provided proper and timely notice to the Historic Preservation Review Board. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. ANC 2E filed a report, dated October 2, 2009, recommending approval of the application. The ANC's report was filed on a timely basis and met the requirements of section 3115.1 of the Zoning Regulations. (Exhibit 29). The Office of Planning (OP) submitted a timely report recommending conditional approval of the application. (Exhibit 34). The District Department of Transportation (DDOT) recommended conditional approval of the application.¹ (Exhibit 35). The subject

¹ Although the DDOT report was filed one day late, the Board accepted it into the record. In its report DDOT indicated that it wanted more information related to intermodal transportation split. The Applicant's transportation consultant, who was qualified as an expert, gave testimony and provided that additional transportation information. (Exhibit 38).

BZA APPLICATION NO. 17984
PAGE NO. 2

property is both a local and national historic landmark as well as being located in the Georgetown Historic District. According to the OP report, the D.C. Historic Preservation Office has no objections to the application. (Exhibit 34). The record also contains letters of support from Councilmember Evans (Exhibit 36) as well as three neighbors. (Exhibits 28, 30, and 32).

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 217. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 217, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map.² The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED AS CONDITIONED**:

For the purposes of these conditions, the definition of “special event” is any single function or program on the subject property at which 50 or more attendees are expected. The definition of “special event” does not include any regularly scheduled tours of the subject property occurring during the hours of 9:00 a.m. and 4:30 p.m., Monday through Saturday, and between 12:00 noon and 4:30 p.m. Sunday, including group tours for 50 or more attendees. The term “attendee” excludes individuals under the age of 16.

Also for purposes of these conditions, the number of attendees of any use of Dower House (excluding the number of the Applicant’s staff whose offices are located in Dower House) shall be added to the number of attendees of any use of the main house taking place at the same time, in order to determine whether the total number of attendees

² The Applicant sought not only to continue the use at the subject property but also to modify several of the existing conditions and to clarify the number of attendees at events. The Board, citing the ANC’s support of the application, as submitted, as well as the supporting letters from neighbors, including the neighbor across the street, approved the relief requested by the Applicant, including removing a condition limiting the use to a term.

BZA APPLICATION NO. 17984
PAGE NO. 3

reaches the threshold number at which valet parking and/or shuttle bus service must be provided as set forth in Conditions 8(b) and 8(c). If such threshold number is reached, Conditions 8(b) and 8(c) must be implemented, regardless of whether or not a “special event” is involved.

1. 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. Not less than 30 days in advance of Liaison Committee meetings, notice of such meetings shall be (i) posted on the subject property, (ii) mailed or delivered to all households within 200 feet of the subject property, and (iii) published on the Applicant’s website.
2. The number of regularly scheduled tours shall not exceed 10 per day. Non-group tours shall be limited to a maximum of 20 persons. 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, and 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 Applicant shall instruct the drivers of all buses and vans, which pick up and/or drop off passengers at the subject property, not to idle the engines of their vehicles longer than is necessary to allow passengers to embark or disembark. Buses bringing passengers to the subject property shall park in legal bus parking areas within the District of Columbia. There shall be no bus parking on the subject property.
5. Special events at the subject property shall be limited to a maximum of 500 attendees at any one event.
6. The number of special events involving 200 to 500 attendees at the subject property shall be limited to 6 per year, with no more than one such event taking place at the property in any one calendar month. The number of special events involving 100 to 199 attendees shall be limited to 10 per year, and those involving

BZA APPLICATION NO. 17984
PAGE NO. 4

50 to 99 attendees shall be limited to 15 per year. In no event, shall functions or special events for the purpose of weddings and/or wedding receptions be permitted for more than 75 attendees.

7. All functions, including special events, taking place at the main house, shall end no later than 10:30 p.m. All functions taking place at Dower House shall end no later than 10:00 p.m.
8. The Applicant shall minimize traffic and noise impacts by employing the following measures:
 - a) (i) Provide advance information to attendees of regularly scheduled tours regarding parking, (ii) Provide advance information to attendees of special events regarding applicable parking policies as set forth in these Conditions, (iii) Provide advance information to bus companies and bus drivers of scheduled group tours, regarding parking/idling policies as set forth in these Conditions, (iv) Provide monitoring and oversight of visitor arrival modes and parking patterns, (v) Hold semi-annual discussions with ANC-2E and the Liaison Committee to review parking and traffic issues and concerns, and take appropriate corrective measures, as necessary; (vi) Provide notification to, and coordinate with, other area institutions to avoid scheduling of simultaneous special events; and (vii) Maximize the use of the rear entrance to the subject property on 32nd Street for service and related functions.
 - b) For Special Events Involving 75 to 200 Persons: (i) Provide valet parking service using satellite lots for parking and using the Chevy Chase Bank lot (at Wisconsin Avenue and Q Street) for stacking of vehicles as necessary during peak arrival times (with the Tudor Place driveway serving as a backup location if necessary); (ii) Provide reasonable prior notice to ANC 2E regarding events for monitoring and feedback; and (iii) Request from appropriate authorities emergency parking restriction within a 4 to 6 vehicle space area adjacent to the 31st Street entrance to the main house.
 - c) For Special Events Involving More than 200 Persons: Same measures as in Paragraph b, except that instead of items (i) and (iii) described in Paragraph b, provide attendees with advance instructions to bring vehicles directly to a satellite parking location from which the Applicant will arrange for shuttle bus service to the subject property and (ii) The Applicant will arrange for

BZA APPLICATION NO. 17984
PAGE NO. 5

one or two uniformed personnel to help direct traffic and parking during the event.

9. The Applicant shall notify affected area residents not less than 60 days in advance of any scheduled special events of 75 or more attendees by mailing or delivering a calendar of such events to all households within 200 feet of the subject property.
10. 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 usual day-to-day operation of the subject property.
11. For each special event, the Applicant shall designate a “Tudor Place Duty Officer” to be in charge of that special event. The Tudor Place Duty Officer will be responsible for addressing any issues and concerns raised by neighbors with respect to that special event and for handling any problems that may arise during the course of that special event. The staff member appointed as a community liaison person pursuant to Condition No. 10 may also serve as the Tudor Place Duty Officer for a particular event.
12. No amplified music or amplified voices shall be permitted on the grounds of the subject property, including during any outdoor function or special event. During an indoor function or special event, amplified music or voices are permitted indoors with all doors and windows closed. The Applicant shall adhere to the District of Columbia noise regulations.
13. Following a function or special event at the main house that ends at 10:30 p.m., or a function at Dower House that ends at 10:00 p.m., there shall be no noisy clean-up that night. All noisy clean-up shall be done the next morning, but not commencing earlier than 7:30 a.m.
14. In addition to matter-of-right uses, Dower House may be used for purposes accessory to the nonprofit museum use of Tudor Place. These uses shall be limited to:
 - 1) A location for the following functions and programs involving not more than 49 people: (a) administrative functions (including Board of Trustees’ meetings, volunteer meetings, etc.), (b) educational programs (lectures, workshops, etc.), (c) small fundraising functions, including donor cultivation activities involving the heating and serving of food, but not involving heavy cooking, (d) collections storage; and

BZA APPLICATION NO. 17984

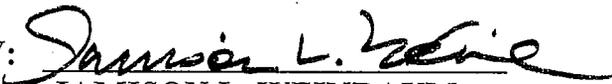
PAGE NO. 6

- 2) A location for offices for not more than 9 members of the Tudor Place staff who do not utilize on-street parking.

VOTE: 4-0-1 (Marc D. Loud, Meridith H. Moldenhauer, Shane L. Dettman, Anthony J. Hood to APPROVE. No other Board members present, or voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

ATTESTED BY: 
JAMISON L. WEINBAUM
Director, Office of Zoning

FINAL DATE OF ORDER: NOV 20 2009

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE,

BZA APPLICATION NO. 17984
PAGE NO. 7

MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, STATUS AS A VICTIM OF AN INTRAFAMILY OFFENSE, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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BZA APPLICATION NO. 17984

As Director of the Office of Zoning, I hereby certify and attest that on NOV 20, 2009, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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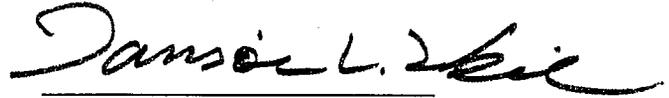
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BZA APPLICATION NO. 17984
PAGE NO. 2

ATTESTED BY:



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