

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADVISORY NEIGHBORHOOD COMMISSION 3A



October 17, 2023

Via email
D.C. Board of Zoning Adjustment
441 4th Street, NW
Suite 200S
Washington, DC 20001

**Re: ANC 3A MOTION FOR POSTPONEMENT
BZA Case No. 20970 – The Washington Ballet (“Applicant”) for
3515 Wisconsin Avenue, NW (Square 1911, Lot 20) (“Property”)**

Dear Chairperson Hill and Members of the Board:

I am writing on behalf of Advisory Neighborhood Commission 3A to request a postponement of the BZA hearing scheduled for November 1, 2023, on BZA Case 20970. ANC 3A is an automatic party to the above case, as the ANC in which the property is located, and we have been actively engaged in reviewing all case materials since the application was filed. At our duly noticed public meeting on July 18, 2023, we had a presentation about the proposed project by the applicants, including Washington Ballet Interim Director Karen Shepherd, as well as the applicants’ counsel Paul Tummonds from Goulston & Storrs. The ANC and residents heard presentations about the building design as well as the initial plans for addressing parking, queuing, and other transportation management. The Commissioners asked a series of questions, many of which related to the applicants’ proposals for handling traffic. We asked at that time to be included in the discussions of the applicants’ transportation demand management plans. The applicants said they would return to the ANC in the fall to present their complete proposal for dealing with transportation as part of the proposed project on the site.

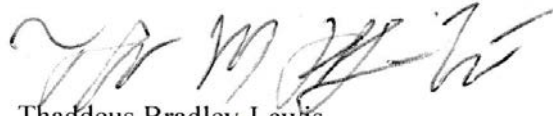
Last week the applicants shared their responses to the questions the Commission posed in July and the Commissioners also received the Transportation Statement submitted to the BZA on October 2, which incorporates additional information as well as significant changes from the initial plans for handling transportation at the site. Traffic has been the major issue noted by our constituents throughout the discussions of this application, and the new Transportation Statement raises numerous concerns. We invited the applicants to attend our October public meeting to share their new plans and take questions, and are pleased that they were able to share a presentation of the new proposal. However, based on the concerns shared by the Commissioners and the community, we need additional time to review the comments and have further discussions with the applicants and with DDOT about potential options.

Therefore, we are requesting postponement of the BZA hearing on this case, which is currently scheduled for November 1.

If you have any questions, please do not hesitate to contact me by email or phone 202-594-8631.

Thank you very much for your consideration.

Respectfully submitted,



Thaddeus Bradley-Lewis
Chair

cc. Ms. Karen Shepherd, Washington Ballet
Paul Tummonds, Goulston & Storrs
Lee Templin, Goulston & Storrs

This letter was approved by the Commission by a vote of 5 - 0 at a duly-noticed public meeting on October 17, 2023, at which a quorum was present. (Three of the five Commissioners constitute a quorum.) By the same vote, the Commission designated the Chair or Vice Chair or their designee to represent the Commission on this matter.



BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to Subtitle Z § 406.2 and Subtitle Y § 406.2 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.:	20970	Case Name:	Washington Ballet
Address or Square/Lot(s) of Property:	3515 Wisconsin Avenue NW (Square 1911, Lot 20)		
Relief Requested:	Special Exception, Variances for Lot Occupancy and Floor Area Ratio		

ANC MEETING INFORMATION

Date of ANC Public Meeting:	1	7	/	1	10	/	2	3	Was proper notice given?:	Yes	☒	No	☐
Description of how notice was given:	ANC 3A website, ANC 3A email and neighborhood listservs in Tenleytown, Cleveland Park, McLean Gardens, and Glover Park-Cathedral Heights. (This meets the requirement to use at least two methods for notice, as required in DC Code and ANC 3A by-laws.)												
Number of members that constitutes a quorum:	3			Number of members present at the meeting:	5								

MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (*a separate sheet of paper may be used*):

See separate sheet of paper attached.

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (*a separate sheet of paper may be used*):

See separate sheet of paper attached.

AUTHORIZATION

ANC	3	A	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	5-0-0	
Name of the person authorized by the ANC to present the report:			Thaddeus Bradley-Lewis, Chair		
Name of the Chairperson or Vice-Chairperson authorized to sign the report:			Thaddeus Bradley-Lewis, Chair		
Signature of Chairperson/ Vice-Chairperson:				Date:	10-20-23

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO
11 DCMR SUBTITLE Z § 406 AND SUBTITLE Y § 406.

Attachment to Form 129 prepared by ANC 3A in BZA Case 20970 – Washington Ballet supporting the official ANC 3A Motion for Postponement of the hearing and Certification of Service verifying the Motion for Postponement has been served on the applicant.

The Motion for Postponement was approved by ANC 3A by a vote of 5-0 at the duly noticed "hybrid" public meeting on October 17, 2023, at which a quorum was present. (Three of the five Commissioners constitute a quorum.)

A presentation by The Washington Ballet and public discussion about its application for zoning relief and the new Transportation Statement in BZA Case 20970 were on the meeting agenda for the October 17, 2023, ANC 3A public meeting which was shared as part of the official Meeting Notice posted the required 7 days in advance of the public meeting. The Meeting Notice was issued on the ANC 3A website and via ANC email and the neighborhood listservs for Cleveland Park, McLean Gardens, Tenleytown, and Glover Park-Cathedral Heights, meeting the notice requirements in DC Code and ANC 3A bylaws.

The ANC had invited The Washington Ballet to make a presentation at the October 17 public meeting and the applicant immediately agreed. The presentation covered the plans for the proposed project, with a particular focus on the Transportation Statement submitted to the BZA on October 2, which represented significant modifications from the original plans presented at the ANC 3A public meeting on July 18, 2023. Interim Managing Director Karen Shepherd and counsel Paul Tummonds of Goulston & Storrs were among the presenters at the October meeting, and the Commissioners were very grateful for their participation and interest in meeting with the community.

As the Motion for Postponement notes, last week the applicant also shared responses to the questions the Commission had posed at the July public meeting, and the Commissioners had received the applicant's Transportation Statement somewhat earlier in October. The applicant's responses and the presentation at the October meeting did not answer all the questions posed by the Commissioners in the two ANC 3A public meetings, specifically about the projected effects of the proposed plans on the number of students and accompanying traffic on the site and on adjoining streets, as well as attendant noise and disruption to the community.

The applicant's Transportation Statement and proposed Transportation Demand Management plans are highly relevant to a determination of whether the application meets the legal standards for the requested zoning relief, particularly Subtitle U § 203.1(m) which allows for special exception use in the RA-1 zone for "private schools" subject to the following conditions: "(a) it is located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions . . . " and Subtitle X § 901.2 which allows the Board "to grant special exceptions if the relief is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and the relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps."

ANC 3A Commissioners have been working diligently to review all the materials, gather comments from constituents, and consult with DDOT as well as the applicants on these matters. But with the level of changes included in the new Transportation Statement that was submitted on October 2 and presented at the ANC 3A October meeting and the interrelated questions about the expected number of vehicles queuing at the site, the number of students, and complex consequences for traffic congestion, noise, and public safety concerns, the Commissioners determined there was not

sufficient time to get all the necessary answers, analyze the information, discuss possible remedies with the applicant, and develop a unified position the ANC could adopt and submit to the BZA in time for the November 1 hearing.

As a result, the ANC was unanimous in deciding that the ANC would need more time to resolve the questions, consult further with DDOT and the applicant as we continue to do, and determine what more the ANC might support beyond what is included in the application and the Transportation Statement, notably for Transportation Demand Management. The Commission will be pleased to participate in the November 1 hearing to support the Motion for Postponement if needed and present additional information on that request as required.

The Commissioners and the applicant all have committed to working to be "good neighbors" and it will just take a bit more time to achieve that. The ANC 3A has scheduled its next public meeting for November 14, 2023, and is currently planning to include further discussion of BZA Case 20970 on the agenda. Commissioners would be expected to prepare a proposed resolution on the case for consideration at that time.

In the discussion at the October 17 public meeting, the applicant expressed the hope that the hearing not be postponed beyond December, but we all recognize that the BZA calendar is quite full and that must be left to the discretion of the Board members.

We deeply appreciate the ongoing work of the Board and staff in assisting ANCs and members of the public to understand and address the important matters raised in BZA cases under the law and regulations.

Thank you for your consideration.

Please do not hesitate to be in touch if you need additional information or documentation.