

SULLIVAN & BARROS, LLP

Real Estate | Zoning | Litigation | Business Law

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May 30, 2013

Via E-Mail Delivery

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001
bzasubmissions@aol.com

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18564

EXHIBIT NO. 33

RECEIVED
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2013 MAY 30 PM 2:23

Re: Application No. 18564 of the Democratic Socialist Republic of Sri Lanka; 3025 Whitehaven Street, NW; Square 2147, Lot 46

Dear Chairman Jordan and Members of the Foreign Missions BZA:

I am writing on behalf of Wayne and Lea Berman, residents of 3055 Whitehaven Street, NW (the "Berman Home"). The Berman Home is located two properties to the west of 3025 Whitehaven Street, the property which is the subject of this Application, with the Polish Embassy being between the Berman Home and the proposed Sri Lankan Chancery location. The Bermans and their children have lived at this address for fourteen (14) years. Over that time period, they have watched the parking and traffic situation on Whitehaven Street deteriorate into an unbearable one, as a result of the existing chancery and embassy uses currently on Whitehaven Street. For these reasons and more, the Bermans oppose Application 18564 (the "Application").

The Application is not consistent with the District's municipal interest because of the additional negative impact to the Bermans and the other residents of Whitehaven Street that will result from this proposal when combined with the existing chancery uses on Whitehaven. The Application proposes to locate a commercial chancery use on a residential street which is already taxed beyond any reasonable ability to handle the current traffic and parking situation. With another chancery's expected daily commercial traffic and events, a very bad situation will become even worse.

The typical situation on Whitehaven Street includes cars parked on both sides of the street for the entire length of the street; even in areas where parking is prohibited. It also includes long stretches of time in which the Bermans and other residents cannot enter or leave their own street to get to or leave their homes. It includes very frequent events – on weeknights as well as weekends - from the Italian and Brazilian Chanceries (often unrelated to chancery/embassy use). The presence of chanceries has transformed

Whitehaven Street over the years from a sleepy, dead-end, residential street into a deadlocked and unworkable traffic and parking situation. This proposed chancery use on the middle of this block will undoubtedly worsen the parking and traffic situation.

The Italian Chancery was approved by the BZA in 1993.¹ That approval was based in large part on the promise of a 170-space parking garage capable of parking up to 230 cars for events. But two subsequent changes to the Italian Chancery have drastically altered the situation on Whitehaven Street. First, the parking garage was closed to most visitors and employees, as a result of security fears after 9/11. Second, events have been much more frequent than originally represented to the BZA. The large majority of the Italian chancery staff (estimated at 125 persons in 1993) and their guests are forced to park on Whitehaven Street, which has drastically altered the character of this residential street.

The implication of the current parking situation for the Sri Lankan chancery application is two-fold: Because of the existing chanceries, the parking and traffic flow on Whitehaven Street, NW, is well beyond capacity, and well beyond what any District resident on a residential street should have to contend with. Residents are actually prevented from reaching their own homes at times. As a result of the existing situation, the impact of the traffic and parking caused by the Sri Lankan chancery on Whitehaven Street can only cause additional negative impact. It is true that the Sri Lanka mission is not responsible for parking and traffic impacts caused by the Italian and Brazilian Chanceries. But in order to consider the impact of this Application on traffic and parking, the Board must consider the current condition on Whitehaven Street. That condition is untenable, and will be made worse by the addition of another commercial chancery.²

Second, the case of the Italian Chancery - and its post-approval changes - illustrates that once a chancery is approved, no agency appears to have the authority, ability, or will to address such post-approval changes and their impact. For this reason, a commercial chancery must be evaluated for its potential intensity of use, and not just under the rosy promises represented by an applicant when seeking this Board's approval. A Chancery is a chancery; and a chancery's potential impacts can be predicted by looking at how other chanceries (such as the other chanceries using Whitehaven Street) operate, and whether or not they comply with the representations made during their approval processes.

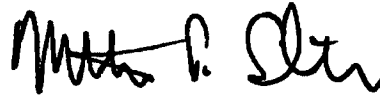
¹ In that Order (No. 15841), the Board stated: "the Board finds that this [170-space parking] garage will also be able to handle the long-term future parking needs of the Chancery, as well as to accommodate parking for occasional functions which are open to invited guests."

² The Brazilian Mission had a visa processing office at 3007 Whitehaven, which they moved to another location because the parking situation on Whitehaven was untenable for those purposes.

May 30, 2013
Opposition to Application No. 18564

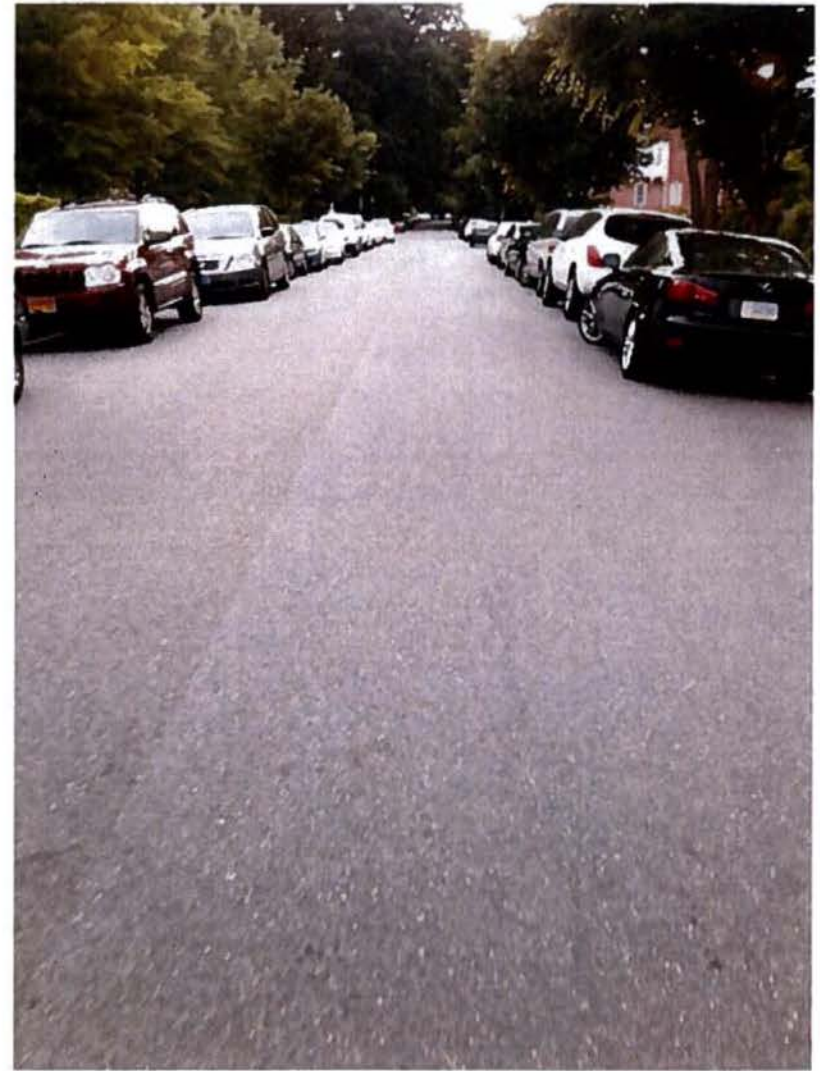
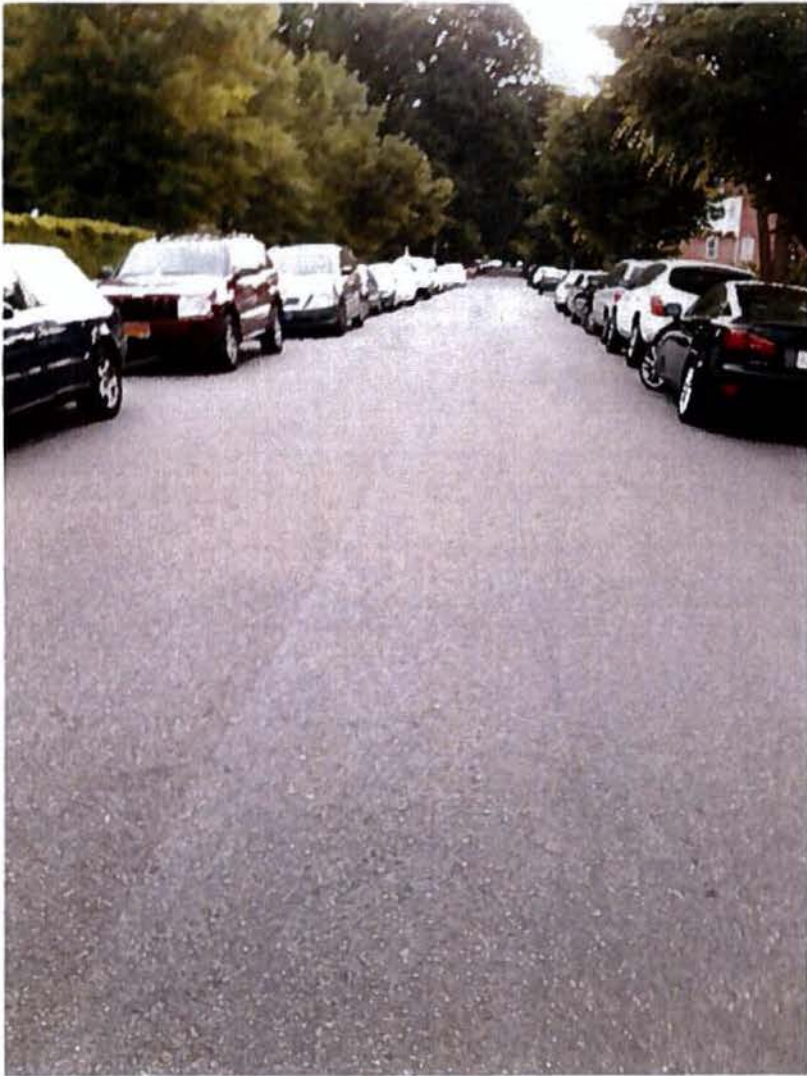
If the Italian Chancery fully utilized its parking garage and limited its frequent events, then the Sri Lankan chancery may come before the Board with a much different existing street condition. Absent that, the Sri Lankan application comes before the Board with a current situation that is already unbearable for the Whitehaven Street residents. The Sri Lankan chancery can be expected to worsen that condition. For this reason, the Application is not consistent with the District's municipal interest, and should therefore be disapproved by the Board.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin P. Sullivan". The signature is stylized with a large, looped "M" and a cursive "Sullivan".

Martin P. Sullivan, Esq.

enclosures



Whitehaven Street



Whitehaven Street

Wayne and Lea Berman
3055 Whitehaven Street, NW
Washington, DC 20008

May 17, 2013

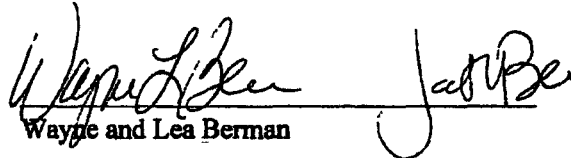
Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

**Re: Application No. 18564 of the Democratic Socialist Republic of Sri Lanka –
3025 Whitehaven Street, N.W. (Square 2147, Lot 46)**

Dear Members of the Board:

I hereby authorize the law firm of Sullivan & Barros, LLP to represent me, as a party status opponent applicant, in all proceedings before the D.C. Board of Zoning Adjustment concerning the above-referenced application

Sincerely,


Wayne and Lea Berman