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February 3, 2025

**Via IZIS**

Board of Zoning Adjustment  
441 4<sup>th</sup> Street, NW  
Suite 200  
Washington, DC 20001

Re: BZA Application No. 21267: Embassy of the Republic of Poland (the “**Applicant**”) for 1740 Massachusetts Avenue, NW (Square 158, Lot 82) (the “**Property**”) – Prehearing Submission, Transportation Statement, and Request for Waiver of Subtitle Y, Section 301.13 to Accept Late Filing of Transportation Report

Dear Members of the Board:

On behalf of the Applicant, and pursuant to Subtitle Y §§ 301.13 and 301.14, we respectfully submit the following documents in advance of the public hearing on the above-referenced application:

- Exhibit A: Transportation Statement prepared by Gorove Slade regarding the Property.
- Exhibit B: Resume of the traffic consultant responsible for preparing the Transportation Statement.
- Exhibit C: Summary of Witness Testimony.

Other than the materials submitted herein, no additional or supplemental statements or materials are being provided in advance of the public hearing on the application, and the application remains the same as initially submitted. Since submitting the application, the Applicant has continued to coordinate with the Office of Planning (“**OP**”), District Department of Transportation (“**DDOT**”),

Advisory Neighborhood Commission (“ANC”) 2B, and adjacent neighbors. To date, no concerns have been raised by any agency, organization, or individual.

### **Request for Waiver to Accept Late Filing of Transportation Statement**

The Applicant’s transportation report is being filed fewer than 30 days prior to the public hearing, and so the Applicant respectfully requests a waiver of Subtitle Y § 301.13 to permit the filing of the late transportation report pursuant to Subtitle Y § 101.9. Section 101.9 provides, in relevant part, that:

*“the Board may, for good cause shown, waive any of the provisions of this subtitle if, in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.”*

The Applicant has good cause to request the Board’s waiver of Subtitle Y § 301.13. Promptly after receiving notice on January 3, 2025 of the February 26, 2025 hearing date, the Applicant engaged its transportation consultant and consulted DDOT on the scope of the transportation study. The Applicant and DDOT agreed that it was best to complete the scoping process before the Transportation Statement was filed, but they determined that the scoping process could not be completed by the January 27 deadline for filing the transportation study. Accordingly, the Applicant and DDOT targeted February 3, 2025 as the date on which the study would be filed; DDOT concluded that the additional week would still provide the agency with sufficient time to review the final study and issue its report to the FMBZA ahead of the February 26, 2025 public hearing. To meet this February 3 deadline, DDOT reviewed the scoping form as expeditiously as possible, and the Applicant’s transportation consultant drafted the Transportation Statement ahead of receipt of DDOT’s comments on the scoping form.

The Board’s waiver will not prejudice the rights of any party. As discussed above, the Applicant worked with DDOT to detail the scope of the transportation study, and DDOT communicated with the Applicant that it would accept its Transportation Statement on Monday, February 3. Arguably, the one-week delay was more efficient because it ensured that the submitted study reflected DDOT’s concurrence on its scope and methodology and thus did not require the Applicant to reissue a revised study one week later. Further, the one-week delay will not be prejudicial to ANC 2B, the only party to the application at this time. Concurrently with this filing, the Applicant will serve ANC 2B a copy of the Transportation Statement, which is ahead of ANC 2B’s Land Use Committee meeting on February 5 and full ANC meeting on February 12. Finally, the scope of the transportation study is not intensive because the Applicant’s proposal is merely to

BZA Application No. 21267  
Embassy of the Republic of Poland  
1740 Massachusetts Avenue, NW  
February 3, 2025  
Page 3

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locate a chancery in an existing building. As such, the parties will have sufficient time to review and consider the Transportation Statement. The Board's waiver is not otherwise prohibited by law.

For the reasons discussed above and in the Applicant's filings, the Applicant respectfully requests that the Board grant this waiver for late filing and not disapprove the application.

### **Conclusion**

Please feel free to reach out to Dave at 202-721-1137 or Cindy at 202-721-1117 if you have any questions. We look forward to presenting the Applicant's proposal to the Board at the public hearing on February 26, 2025.

Respectfully submitted,

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/s/ \_\_\_\_\_  
David Avitabile

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/s/ \_\_\_\_\_  
Cindy Vong\*  
(\*admitted in Massachusetts only)

Enclosures

## Certificate of Service

The undersigned hereby certifies that the foregoing documents were delivered by electronic mail to the following address on February 3, 2025.

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\_\_\_\_/s/\_\_\_\_\_  
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