ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA

RE: Application of IBG Partners, LLC on behalf of 4600 Brandywine Associates, LLC, for Approval of a Planned Unit Development for Property at Wisconsin Ave., N.W., and Brandywine St, N.W., Square 1732, Lots 817 and 820. ZC Case No. 03-27.

REQUEST OF BRUCE LOWREY TO APPEAR AS A PARTY

Pursuant to 11 DCMR, Section 3022.3, Bruce Lowrey, a District of Columbia resident living approximately 75 feet from the proposed PUD, hereby petitions to appear as a party in opposition to the above-captioned application by IBG Partners, LLC, on behalf of 4600 Brandywine Associates to this Commission for approval of a Planned Unit Development (PUD).

I. Request for Party Status

Mr. Lowrey is a 12 year resident of the District of Columbia living at 4117 Brandywine St., NW, Washington, DC 20016. Mr. Lowrey owns this property and it serves as his primary residence. His daytime telephone number is 703.614.9610. Over the past three years, he has been active in neighborhood organizations dedicated to preserving the quality of residential life in his neighborhood and evaluating proposed developments to ensure that they serve local and citywide public interests.

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Mr. Lowrey hereby requests that he be granted leave to participate as a party in opposition to the above-referenced application at the hearing on the application, which is presently scheduled for October 14, 2004.

Mr. Lowrey requests party status in his individual capacity as the closest resident to the proposed PUD. He will be adversely affected and aggrieved more significantly, distinctively, and uniquely affected in character and kind by the proposed zoning action than other persons in the general public. Mr. Lowrey anticipates that his case can be presented in 15 minutes.

Mr. Lowrey will be adversely affected and aggrieved if the subject application is approved by this Commission. He will demonstrate to the Commission that the added flexibility in height requested by the Applicant in the PUD, i.e., 15 extra feet in height, will block sunlight from the east side of his home for 30 minutes each day in the morning for five months of the year. A 50-foot building constructed under current zoning will block approximately one hour of sunlight from the east side of Mr. Lowrey's home each day in the morning for five months of the year. The additional 15 feet in height proposed by the PUD will block an additional 30 minutes of sunlight a day on the east side of Mr. Lowrey's home where the majority of the home's windows are located. In total, the PUD will block 1 ½ hours of sunlight from the

east side of his home for 30 minutes each day in the morning for five months of the year. No other home in the immediate area is adversely affected by the blockage of sunlight. This would have a de-stabilizing effect on the character, and quiet enjoyment of Mr. Lowrey's home, reduce the value of his property, and erode the character and quality of life in this stable residential neighborhood. This will also create maximum profits for the Applicant at the expense of Mr. Lowrey. Mr. Lowrey's architect advises that the only way to mitigate the blockage of sunlight by the Applicant's proposed PUD is to lower the height of the building. Mr. Lowrey will, however, propose an alternate building design to mitigate the blockage of sunlight.

Mr. Lowrey will also be adversely impacted if the Applicant reneges on its agreement with the Coalition to Stop Tenleytown Overdevelopment to do the following:

1.) restrict the issuance of residential parking permits to residents of the PUD. If this provision is not honored there will be inadequate parking provided in the PUD. Without this provision, Mr. Lowrey believes that the PUD will exacerbate the already deteriorating traffic and parking conditions in his neighborhood resulting from the rapid, intensive commercial and residential development of the Tenleytown area. The proposed PUD is out of scale and out of character

with the majority of the surrounding neighborhood, and the project would intrude on Mr. Lowrey's privacy, and contribute to already deteriorating traffic and the lack of on-street parking for neighbors. The on-site parking for the PUD is also likely to be insufficient, and the PUD is likely to adversely affect the availability of on-street parking in the neighborhood. The Applicant proposes one parking space per residential unit. This is not supported by data for the census tract in which the site is located (1.4 cars/household).

2.) Construct a loading lay-by area that is approximately 20 by 25 feet and off Brandywine Street to accommodate small moving vans and delivery vehicles. If this provision is not honored there will be inadequate off-street parking for delivery and moving vehicles to make deliveries to the proposed PUD. Without this provision, these vehicles will park in the alleyway next to Mr. Lowrey's home. In the past, vehicles such as these have significantly damaged and disturbed Mr. Lowrey's home. This would have a de-stabilizing effect on the character and quiet enjoyment of Mr. Lowrey's home, reduce the value of his property, and erode the character and quality of life in this stable residential neighborhood. In fact, the Applicant's traffic consultant, Wells & Associates, LLC, recommends a loading zone to accommodate on-street

loading activity in their traffic analysis for 4600 Wisconsin Avenue.

The testimony presented by Mr. Lowrey will demonstrate that the Applicant's request for a PUD for this site is both immediately harmful to the neighborhood and a harmful precedent for the neighborhood. The planning history for the Tenleytown area demonstrates that the current zoning was established to contain high density development along Wisconsin Avenue, and provide protection to the very nearby low density one-family housing, the predominate land use within the neighborhood.

The Construction Management Plan submitted to Mr. Lowrey by the Applicant is inadequate to deal with the possibility of annoyance and inconvenience to the neighborhood in general, and it is also completely inadequate to address the possibility of damage to the both his and other nearby homes that may result from construction activity on this site. Mr. Lowrey will be presenting an alternative plan (or plans) to address the pre-construction, construction, and post-construction issues of concern to the neighborhood. These documents will be prepared for the possibility that the Zoning Board will decide to grant a PUD that is conditional, in part, on the developers meeting the concerns of the neighborhood and these individuals regarding annoyance, inconvenience, and damage to property, such plan to be incorporated in and become a condition of any Zoning Commission approval of the

applications of IBG Partners, LLC.

Conclusion

Mr. Lowrey respectfully requests that he be granted party status for Zoning Commission Case 03-27.

Respectfully submitted:

Bruce F. Lowrey
4117 Brandywine St., NW
Washington, D.C. 20016
(202) 363-9560 (H)
(703) 614-9610 (W)
202-494-0853 (CELL)
bruce.lowrey@navy.mil (E-MAIL)

September 29, 2004

CERTIFICATE OF SERVICE

I hereby certify that, on Sep. 29, 2004, a copy of the foregoing Motion for Party Status and For summary dismissal was served by first class mail on:

John Epting
Shaw Pittman, LLP
2300 N Street, NW
Washington, D.C. 20037-1128

Andrew Altman, Director
Office of Planning
801 North Capitol Street, N.W. Suite 4000
Washington, D.C. 20002

Amy McVey, Chair
ANC 3E
P.O. Box 9953
Friendship Station
Washington, D.C. 20016

Bruce F. Lowrey