



**BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA**



FORM 140 - PARTY STATUS REQUEST

Before completing this form, please go to www.dcoz.dc.gov > IZIS > Participating in an Existing Case > Party Status Request for instructions.
Print or type all information unless otherwise indicated. All information must be completely filled out.

PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.

Pursuant to 11 DCMR Subtitle Y § 404.1 or Subtitle Z § 404.1, a request is hereby made, the details of which are as follows:

Name:	BRUCE LOWREY		
Address:	3245 Kehala Drive, Kihei, HI 96753		
Phone No(s):	202 - 494 - 0853	E-Mail:	brucelowrey44117@comcast.net
I hereby request to appear and participate as a party in Case No.:	16-26		
Signature:	<i>Bruce Lowrey</i>	Date:	4.5.17
Will you appear as a(n)	<input type="checkbox"/> Proponent	<input checked="" type="checkbox"/> Opponent	Will you appear through legal counsel? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

If yes, please enter the name and address of such legal counsel.

Name:			
Address:			
Phone No(s):		E-Mail:	

ADVANCED PARTY STATUS CONSIDERATION PURSUANT TO: Subtitle Y § 404.3/Subtitle Z § 404.3:

I hereby request advance Party Status consideration at the public meetings scheduled for:

PARTY WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the party's behalf;
2. A summary of the testimony of each witness;
3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts; and
4. The total amount of time being requested to present your case.

PARTY STATUS CRITERIA:

Please answer all of the following questions referencing why the above entity should be granted party status:

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)
4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.
6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

PARTY INFORMATION

Name: Bruce F. Lowrey
Address: 3245 Kehala Drive, Kihei, Hawaii 96753
Phone Number: 202-494-0853
E-Mail: brucelowrey4117@comcast.net

PARTY STATUS CRITERIA

1.) How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?

Mr. Lowrey was a 24 year resident of the District of Columbia before retiring to Hawaii in 2013. He resided at 4117 Brandywine St., NW, Washington, DC 20016 for 17 of those years. Since purchasing it in 1992, Mr. Lowrey completely renovated this house and now rents it out as a residence. For many years he was active in neighborhood organizations dedicated to preserving the quality of residential life in the Tenleytown neighborhood and evaluating proposed developments to ensure that they serve local and city-wide public interests.

The height and density of the proposed PUD is not appropriate to the scale and character of the surrounding community and no buffers or mitigation measures are proposed to protect the residential areas behind the building and specifically the houses that abut the alleyway. Mr. Lowrey's property sits directly on the alleyway within 25 feet of the proposed PUD. It is a stick-built, wood-frame structure with minimal insulation in the walls. The house is not built to withstand the increased noise levels created by the automobile, motorcycle and truck traffic that the proposed new development will generate. Mr. Lowrey believes that the residential and commercial density of the proposed project along with the trash truck, delivery truck, moving truck, motorcycle and automobile traffic it will create in the alleyway will render his home uninhabitable as a residence.

2.) What legal interest does the person have in the property? (i.e., owner, tenant, trustee, or mortgagee)

Fee simple ownership.

3.) What is the distance between the person's property and the property that is the subject of the application before the Commission/Board?

Twenty-five feet.

4.) What are the environmental, economic, or social impacts that are likely to affect the person and/or person's property if the action requested of the Commission/Board is approved or denied?

The proposed PUD will significantly increase the noise and exhaust pollution from automobiles, motorcycles and trucks accessing the loading zone and parking

areas via the alleyway by Mr. Lowrey's house. Much of this noise and exhaust will be generated late at night or early in the morning. In addition the PUD will cast a shadow over Mr. Lowrey's property for part of the year.

5.) Describe any other relevant matters that demonstrate how the person will be affected or aggrieved if the action requested of the Commission/Board is approved or denied.

Noise, dust and dirt is very high for the concrete construction that is proposed for this development and Mr. Lowrey has requested that Wisconsin Owner, LLC enter into a Construction Management Plan with both himself and other affected neighbors to mitigate this and other potential problems during construction. This and other construction related issues such as the location of the construction trailers, materials, and equipment must be addressed in a Construction Agreement similar to the one agreed to in Zoning Case 03-27. As with other PUDs, an enforceable Development, Construction and Post-Construction Agreement should accompany any PUD at this site. They should address issues such as pre-construction survey, construction site management, construction site cleanliness, work hours, traffic and parking, and complaint procedures and communication. It should also address post-construction issues, such as prompt and complete repair of all utility cuts, and other post-construction issues that might be addressed in the ZC Order and the Development, Construction and Post-Construction Agreement. [for example: hours, liquor licenses, uses, site lighting, etc.]

6.) Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character and kind by the proposed zoning action than other persons in the general public.

Mr. Lowrey's property will be adversely affected more significantly, distinctively, or uniquely affected in character and kind by the proposed zoning action than other persons in the general public because of its close proximity (25 feet) to the proposed PUD and the house's construction and building materials are not adequate to mitigate the automobile, motorcycle and truck noise coming from the alleyway. The other houses directly abutting the alleyway are constructed of stone and therefore better able to withstand the increased noise from the PUD. But this is not the case for Mr. Lowrey's stick-built, wood-frame house. Mr. Lowrey's house is already shaded by 4600 Wisconsin Avenue and the Friendship Animal Hospital. The proposed PUD will also cast a shadow over Mr. Lowrey's property for part of the year making a bad situation worse.

April 5, 2017

WITNESS INFORMATION:

1.) List of Witnesses: Bruce Lowrey

2.) Summary of Testimony: The testimony will focus on the negative impacts the proposed PUD will have on Mr. Lowrey's home.

3.) Expert Witnesses: None.

4.) Total Time Requested: 15 minutes

CERTIFICATE OF SERVICE

I hereby certify that, on April 5, 2017, a copy of the foregoing Request for Party Status was served via e-mail to the following:

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Bruce F. Lowrey