

**Advisory Neighborhood Commission 4A**

District of Columbia Government

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July 26, 2010

Anthony J. Hood, Chairperson  
Zoning Commission for the District of Columbia  
441 4<sup>th</sup> Street, NW  
Suite 200/210-S  
Washington, DC 20001

Re: Case No. 97-16A

Lowell School Application to further Modify an Approved Planned Unit  
Development at 1640 Kalmia Road, NW, Square 2745 F, Lots 815 and 817

**Response to Lowell School's Post-Hearing Submission**

Dear Chairperson Hood:

Per Advisory Neighborhood Commission letter of July 26, 2010, the purpose of this letter is to provide the Zoning Commission with additional information that has come to light that might impact the Commission's decision. Advisory Neighborhood Commission 4A ("ANC 4A"), a party in the case referenced above, respectfully submits this response to Lowell School's post-hearing submission. At the hearing in this matter on July 1, 2010, the Zoning Commission agreed to give the ANC additional time to file additional comments due to lack of regularly scheduled ANC 4A meetings during the months of July and August 2010. ANC 4A responds to Lowell School's post-hearing submission as follows:

**Neighborhood Voluntary (Cooperative) Agreement**

In its letter dated June 18, 2010, ANC 4A informed this Commission that it recommended the approval of Lowell School's request to modify its approved Planned Unit Development, "in concept," subject to the following contingencies:

1. Establishment of a Voluntary Agreement between Lowell School, the community and ANC 4A concerning traffic,
2. Establishment of a Voluntary Agreement between the Lowell School, the community and ANC 4A on the removal of the asbestos, and
3. Establishment of a Voluntary Agreement between the Lowell School, the community and ANC 4A on the parking garage and the field.

ZONING COMMISSION  
District of Columbia

CASE NO.

97-16A

EXHIBIT NO.

44

Lowell School submitted an Agreement as evidence that it had satisfied the ANC 4A's requirement of a "Voluntary Agreement." However based on additional information provided by neighbors living within 200 feet of the school, less than 50 percent of the residences in the 200 foot radius signed the agreement. It is thereby questionable if Lowell School has reached a "Voluntary Agreement" with a majority of the immediate community. It is questionable for the following reasons:

1. There are 56 properties listed in the official records of the District of Columbia within 200 feet of the boundaries of Lowell School.

2. The signatures on the Agreement represent only 9 of the 56 properties within 200 feet of the boundaries of Lowell School. The 9 properties represented in the Agreement are:

- ☐ 1624 Jonquil St., NW
- ☐ 1623 Jonquil St., NW
- ☐ 1619 Jonquil St., NW
- ☐ 1645 Jonquil St., NW
- ☐ 1636 Kalmia Rd., NW
- ☐ 1626 Kalmia Rd., NW
- ☐ 1685 Myrtle St., NW
- ☐ 1625 Kalmia Rd., NW
- ☐ 7780 17<sup>th</sup> St., NW

3. The 9 properties reflected in the Agreement represent only 16% of properties within 200 feet of the boundaries of Lowell School. Normally a majority of the immediate properties (51%) must concur with the request.

4. Seven (7) of the signatures on the Agreement are from properties that are outside 200 feet of the boundaries of Lowell School. The 7 signatures from these residences are:

- ☐ 2 signatures from 7909 Orchid St., NW
- ☐ 1 signature from 1701 Holly St., NW
- ☐ 3 signatures from 1757 Sycamore St., NW
- ☐ 1 signature from 1618 Myrtle St., NW

5. Excluding the 7 signatures from properties outside the 200 foot boundary line of Lowell School, there are only 16 signatures on the Voluntary Agreement, including multiple signatures from the same household.

6. Lowell School is located at 1640 Kalmia Road NW. There are 15 properties on Kalmia Road within 200 feet of the boundaries of Lowell School. Of those 15 properties on Kalmia Road, only 3 signed the Agreement.

7. Of the 5 properties on Kalmia Road NW closest to Lowell School, 2 signed the Agreement and 3 did not. The 2 families who signed the Agreement have children who attend Lowell, and the 3 families who did not sign the agreement do not have children who attend Lowell.

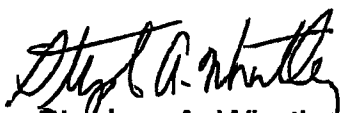
Because of the lack of sufficient signatures from the residents immediately impacted by a Voluntary Agreement, ANC 4A believes that Lowell School has not provided sufficient documentation concerning reaching a reasonable voluntary agreement with a majority of the immediate community concerning:

1. Traffic,
2. Asbestos, and
3. Parking Garage.

As a result, ANC 4A cannot continue its recommendation of approval of Lowell's request. However, ANC 4A still contends that Lowell School and the Community can reach a reasonable accommodation.

Thank you for your consideration of this response. If you have any questions, please feel free to contact me at (202) 720-4590.

Respectfully submitted,

  
Stephen A. Whatley  
Chairman  
ANC 4A

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ATTN: DONNA

FROM: STEVE WHATLEY  
202-720-4590

Please confirm receipt