

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

In Re:

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

Case No.: 97-16A

Public Hearing: July 1, 2010 at 6:30 p.m.

2010 JUN 30 PM 03

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DC OFFICE OF ZONING

Application for Party Status

The prospective parties¹, through undersigned counsel, respectfully submit the attached Applications for Party Status and witness list. In support of this application, the prospective parties state as follows:

1. As more specifically set forth below, the prospective parties' Application for Party Status and their Motion for Enlargement of Time to seek party status² should be granted because of the lack of information given to the prospective parties, the lateness of information given to the prospective parties, and the inability of the prospective parties to properly formulate their positions because of Lowell's non-disclosure, delay and changing positions.

2. On December 14, 2009, Lowell School ("Lowell") submitted an application seeking to modify an approved planned unit development at 1640 Kalmia Road, NW (Square

¹ The prospective parties are specifically identified in the attached Applications for Party Status.

² The motion was submitted on June 17, 2010 and was entitled Motion for Denial of Lowell School's Application for Modification of an Approved Planned Unit Development or, in the Alternative, for Continuance and for Enlargement of Time.

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2010 JUN 30 PM 2:48

2745F, Lots 815 and 817) (hereinafter the "Application"). The Application seeks to expand the school to 7th and 8th Grades; increase the number of faculty and staff to 100; renovate and build an addition to the Parkside building; demolish an existing building (Fraser Hall) and replace it with an underground parking garage with a synthetic turf playing field on top of it; and build an addition to the gymnasium/pool building.

3. The modifications sought by Lowell will have a significant impact upon the neighboring community, including adverse traffic, noise, environmental, health, safety, security and property devaluation consequences.

4. Because the modifications sought by Lowell include demolishing a building that is more than 35,000 square feet, building significant additions to existing buildings and digging and constructing an underground garage, the neighborhood has requested Lowell to provide an Environmental Impact Study to assess the impact upon the neighborhood of Lowell's actions. To date, Lowell still has not provided a copy of an Environmental Impact Study to the neighboring community.

5. The neighborhood also repeatedly has questioned Lowell about the presence of asbestos at the school. At a neighborhood meeting with the school on February 2, 2010, Lowell expressly denied the existence of any asbestos at the school. More than three months later, on May 12, 2010, Lowell informed a few select neighbors for the first time that asbestos was found in the interior and on the exterior of the building to be demolished. To date, Lowell has not provided to the neighboring community an abatement plan detailing how it intends to safely remove the asbestos, as known cancer-causing substance (particularly if it is disturbed and becomes airborne).

6. On or about June 11, 2010, Lowell submitted a supplement to its Application ("Supplemental Submission"). One of the documents attached to the Supplemental Submission was a Traffic Impact Study dated June 11, 2010, which proposed a revised traffic plan for the site ("Revised Traffic Plan"). Lowell stated at an ANC Hearing on June 1, 2010, that copies of the Revised Traffic Plan would be provided to the neighboring community. Unfortunately, Lowell did not timely provide copies of the Revised Traffic Plan even though it has the home addresses and e-mail addresses for its neighbors. In fact, Lowell delayed in notifying its neighbors by e-mail of the posting of the Supplemental Submission on its website until 3:30 p.m. on June 16, 2010, the day before the ANC hearing and five days after the Supplemental Submission was filed with the Commission. Lowell e-mailed the actual Revised Traffic Plan to its neighbors on June 16, 2010 at 9:33 p.m. Within the last week, Lowell informed its neighbors that it will not pursue the Revised Traffic Plan and instead will pursue its original traffic plan with some revisions. Because of the last-minute changes by Lowell, the prospective parties have not been able to timely formulate their positions or properly prepare for the hearing.

7. In addition to the Revised Traffic Plan, the June 11th Supplemental Submission also included other documents that were not part of Lowell's original submission, including a Construction Management Plan, a Demolition Plan and a Traffic Management Plan. Again, these documents were provided far too late for the neighboring community to study and prepare a proper response. In addition, the documents are so vague and lacking in detail that any response would be based on guess work and speculation and not facts.

8. On June 1, 2010, ANC 4A continued its hearing on Lowell's Application until Thursday, June 17, 2010 at 7:15 pm. This hearing, one purpose of which was to help clarify

Lowell's Application and provide the neighbors with the additional information they were seeking, was held after the deadline for filing applications seeking party status.

9. Moreover, an Application for Historic Landmark is being prepared by an architectural historian requesting that Lowell be designated as a historic landmark. That application is expected to be filed in July 2010. The resolution of that application will have a significant impact upon Lowell's Application as well as the scope of the proceedings before the Zoning Commission.

10. The neighbors continued to meet with Lowell through June 28, 2010. Despite repeated requests, Lowell still has not provided the prospective parties with the information it has requested.

11. Because Lowell has completely failed to provide certain information to the prospective parties and provided other critical information too late for the prospective parties to meet the June 17, 2010 deadline, the prospective parties respectfully request that its Motion for Enlargement of Time to file party status and its Application for Party Status be granted.

WHEREFORE, the prospective parties respectfully request that the Commission find that justice and fairness would be served by granting the prospective parties' Motion for an Enlargement of Time to seek party status (filed on June 17, 2010) and granting the instant Application for Party Status.

Respectfully submitted,

Dated: June 30, 2010

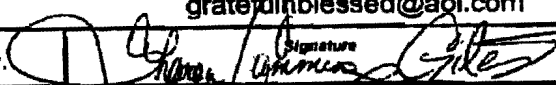

William P. Lightfoot
Koonz, McKenney, Johnson,
DePaolis & Lightfoot, L.L.P.
2001 Pennsylvania Ave., NW Suite 450
Washington, DC 20006
(202) 659-5500

Sharon C. Giles (D.C. Bar # 412060)
1630 Kalmia Road NW
Washington, DC 20012
(202) 726-5102

PARTY STATUS APPLICATION

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated.

NAME: Last First Middle I.
Giles Sharon C.
ADDRESS: Street Apt. # (if any) City State Zip Code
1630 Kalmia Road NW Washington DC 20012
Phone No. Fax No. E-Mail
(202) 726-5102 gratefulblessed@aol.com

I, hereby request to appear and participate as a party.  Date
June 30, 2010

Will you appear as a: ☐ Proponent ☒ Opponent Will you appear through legal counsel? ☒ Yes ☐ No

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

NAME: Last First Middle I.
Lightfoot William P.
ADDRESS: Street Ste. # (if any) City State Zip Code
2001 Pennsylvania Ave., NW Suite # 450 Washington DC 20006
Phone No. Fax No. E-Mail
202-659-5500 WLightfoot@koonz.com

Please answer all of the following questions referencing why the above person 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 Board?

The property will be adversely affected by noise, environmental, health, safety, security, traffic, and devaluation consequences as a result of the action requested.

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

owner

3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no farther than 200ft.)

Less 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 Board is approved or denied?

If the action is approved, the owner will be exposed to substantial noise, traffic, asbestos, lead and possibly other hazardous materials. Approval of the requested action also could pose a security risk and cause a devaluation of the owner's property.

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

My property previously was part of the Lowell campus (before it was subdivided); therefore, the proximity between my property and Lowell School is extremely close and my property would be directly and closely impacted by the requested action. (See also # 6 below)

6). Explain how the person's interest will be materially, distinctly, or uniquely affected in character or kind by the proposed action, other than that of the general public.

My property previously was "carved out" of Lowell School by the Zoning Commission which had to rely upon an exception in subdividing the property because my property alone did not meet the minimum lot area for a R-1-A lot. My property is located approximately 8 feet from where Lowell proposes to demolish a building and build an underground garage with a synthetic turf field on top of it. Asbestos and lead have been found in the building to be demolished and pose an unsafe risk on our lives and safety. Moreover, the proposed garage and athletic field essentially would be in my "back yard" and would interfere with the quiet enjoyment of my property because of the noise disturbances, potential security risk and devaluation of my property.

PARTY STATUS APPLICATION

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated.

NAME: Last	First	Middle I.		
Giles	Columbus	J.		
ADDRESS: Street	Apt. # (if any)	City	State	Zip Code
1830 Kalmia Road NW		Washington	DC	20012
Phone No.	Fax No.	E-Mail		
(202) 746-1911		tuskegee332ndair@aol.com		

I, hereby request to appear and participate as a party.

Date
June 30, 2010

Will you appear as a(n)

☐

Proponent

☒

Opponent

Will you appear through legal counsel

☒

Yes

☐

No

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

NAME: Last	First	Middle I.		
Lightfoot	William	P.		
ADDRESS: Street	Suite # (if any)	City	State	Zip Code
2001 Pennsylvania Ave., NW	Suite # 450	Washington	DC	20006
Phone No.	Fax No.	E-Mail		
202-659-5500		WLightfoot@koonz.com		

Please answer all of the following questions referencing why the above person should be granted party status.

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The property will be adversely affected by noise, environmental, health, safety, security, traffic, and devaluation consequences as a result of the action requested.

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

owner

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Less than 200 ft.

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If the action is approved, the owner will be exposed to substantial noise, traffic, asbestos, lead and possibly other hazardous materials. Approval of the requested action also could pose a security risk and cause a devaluation of the owner's property.

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

My property previously was part of the Lowell campus (before it was subdivided); therefore, the proximity between my property and Lowell School is extremely close and my property would be directly and closely impacted by the requested action. (See also # 6 below)

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

My property previously was "carved out" of Lowell School by the Zoning Commission which had to rely upon an exception in subdividing the property because my property alone did not meet the minimum lot area for a R-1-A lot. My property is located approximately 8 feet from where Lowell proposes to demolish a building and build an underground garage with a synthetic turf field on top of it. Asbestos and lead have been found in the building to be demolished and pose an unsafe risk on our lives and safety. Moreover, the proposed garage and athletic field essentially would be in my "back yard" and would interfere with the quiet enjoyment of my property because of the noise disturbances, potential security risk and devaluation of my property.

PARTY STATUS APPLICATION

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NAME: Last William First P. Middle I.
ADDRESS: Street Apt. # (if any) City State Zip Code
1609 Kalmia Road NW Washington DC 20012
Phone No. Fax No. E-Mail
(202) 659-5500 WLightfoot@koonz.com

I, hereby request to appear and participate as a party. *William P. Lightfoot* Signature Date June 30, 2010

Will you appear as (in) ☐ Proponent ☒ Opponent Will you appear through legal counsel? ☒ Yes ☐ No

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

NAME: Last William First P. Middle I.
ADDRESS: Street Ste. # (if any) City State Zip Code
2001 Pennsylvania Ave., NW Suite # 450 Washington DC 20006
Phone No. Fax No. E-Mail
202-659-5500 WLightfoot@koonz.com

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The property will be adversely affected by environmental, health, safety, and traffic consequences as a result of the action requested.

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

owner

3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no farther than 200ft.)

Less 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 Board is approved or denied?

If the requested action is approved, the owner will be exposed to substantial traffic, asbestos, lead and possibly other hazardous materials.

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

I live across the street from the subject property. If the requested action is approved, I (and my family and neighbors) could be exposed to a life-threatening hazardous material.

6). Explain how the person's interest will be directly, indirectly, or uniquely affected in character or kind by the proposed zoning action, that that of the person's is in the general public.

My property is located within 200 feet of the subject property; therefore, I am directly and substantially impacted by the requested action.

Witness List

1. William & Cynthiana Lightfoot
1609 Kalmia Road NW
Washington, DC 20012
(202) 659-5500

William and Cynthiana Lightfoot will testify about the safety, health, environmental, traffic and noise implications of Lowell's request to modify a PUD.

2. Sharon & Columbus Giles
1630 Kalmia Road NW
Washington, DC 20012
(202) 726-5102

Sharon and Columbus Giles will testify about the noise, safety, health, environmental, traffic, security and property devaluation implications of Lowell's request to modify a PUD.

Certificate of Service

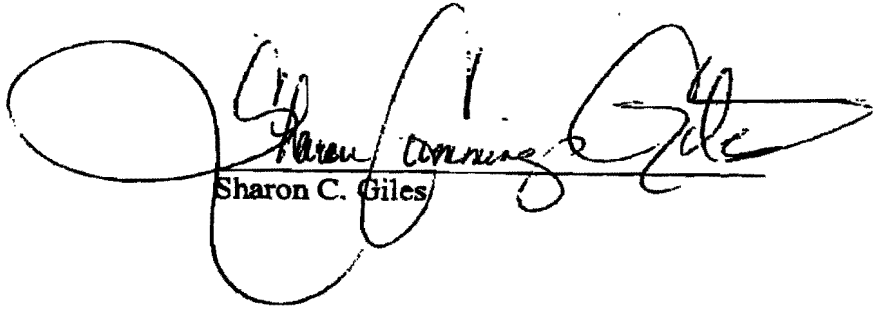
The undersigned hereby certifies that a copy of the foregoing document was served on
June 30, 2010 by hand-delivery or first class mail upon the following:

Phil T. Feola
Christine A. Roddy
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Steve Cochran
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Suite E650
Washington, DC 20009

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7600 Georgia Ave., NW, Suite 404
Washington, DC 20012

Karl Kennedy
1841 Sudbury Lane NW
Washington, DC 20012



Sharon C. Giles

2010 JUN 30 PM 2:48

FACSIMILE

TO: Donna H.
Office of Zoning
FAX: 202-727-6072

FROM: Sharon Giles
TEL: 202-726-5102

DATE: June 30, 2010

of pages (including cover): 11

RE: Case No. 97-16A (The Lowell School Application to further
Modify an Approved Planned Unit Development at 1640
Kalmia Road, NW, Square 2745F, Lots 815 and 817)

Please find attached an Application for Party Status with pertinent attachments. If you have any questions or need additional information, please contact me at the number referenced above.

Sharon Giles