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July 14, 2010

VIA HAND DELIVERY

Anthony Hood
Chairperson
District of Columbia Zoning Commission
441 4th Street, NW
Suite 210-S
Washington, DC 20001

ZONING COMMISSION
District of Columbia

CASE NO. 97-16A
EXHIBIT NO. 42

2010 JUL 14 PM 2:39

OFFICE OF ZONING

Re: ZC Case No. 97-16A: Post-Hearing Response of Lowell School

Dear Chairperson Hood and Members of the Commission:

A. Introduction

The Applicant hereby submits its post-hearing submission in response to the requests of the Commission at the public hearing in the above-captioned matter on July 1, 2010. At the end of the hearing, the Commission closed the record with the exception of ten items. The Applicant includes, as part of this Response, as Exhibit A, for the Commission's convenience and reference, the full campus Site Plan which was presented at the public hearing.

B. Commission's Requests

The Applicant responds to each of the Commission's requests as follows:

(1) Play Area/Garage Buffer

The Commission asked the Applicant to study the design of the garage and play area in order to evaluate increasing the buffer between the School property and the neighboring properties on Kalmia Road. The Applicant has reviewed its proposal and while it believes the design it presented at the public hearing best addresses its needs as well as respecting the needs of the greater community, Lowell presents two alternative designs for the Commission's

consideration, either of which the School is willing to implement. The Applicant's original proposal and two alternatives are described below:

(a) Original Proposal

This design maximizes the play area for the School, provides an 8-foot vegetated buffer between the play area and the adjacent properties and adds a net of 42 parking spaces (for a total of 132 on-site parking spaces) to the campus. This plan is shown as Exhibit B-1.

(b) First Alternative

The first alternative is attached as Exhibit B-2. This proposal reduces the size of the garage by 10 parking spaces and, consequently, the play area, thereby increasing the vegetated buffer to 26 feet. The garage in this alternative adds a net of 32 parking spaces (for a total of 122 on-site parking spaces) to the campus. The proposed play area is reduced by approximately 3,000 square feet.

(c) Second Alternative

The second alternative is attached as Exhibit B-3. This proposal eliminates the garage altogether and places the play area at its natural grade, approximately four feet lower than it would be in either of the two options noted above. This reduces the existing parking supply on campus by 8 spaces (resulting in a total of 82 on-site spaces) and it reduces the proposed play area by 8,000 square feet. This plan includes 14 surface parking spaces (recapturing some of the existing parking spaces currently in front of the Fraser building), which will be "paved" with pervious material. The buffer, vegetated and hardscape, between the adjacent properties and the play area is increased to 47 feet.

(2) DDOT's Concerns

The Commission asked the Applicant to make a greater effort to address the District Department of Transportation's ("DDOT") concerns. Attached as Exhibit C-1, is a chart outlining each of DDOT's requests in its report dated June 24, 2010, and the Applicant's response. The Applicant is happy to report that it will accommodate all of DDOT recommendations. The Applicant is also happy to report that as a result of its numerous conversations and meetings with DDOT, the latest of which occurred on July 12, 2010, as well as with the community, it has strengthened its Transportation Management Plan, a revised copy of which is attached as Exhibit C-2.

Also attached as Exhibit C-3, is a letter that was mailed to the Lowell parent body from the Head of School notifying them of the new transportation procedures and the consequences for failing to comply with them, including expulsion from the School. These

procedures will be put in place this year, Fall Semester 2010. The letter also includes a contract that all Lowell parents will be required to sign indicating that they will comply with the School's new transportation rules or be subject to the consequences for failure to do so and a detailed survey of the parents' anticipated modes of transportation and arrival/departure schedules.

The Applicant also appreciates both DDOT's and the Commission's comments concerning the need for more details in order to evaluate the potential success of the proposed bus program. Accordingly, attached as Exhibit C-4, is additional information regarding the bus program, including the proposed bus route for the program. The proposed route focuses on neighborhoods west of Rock Creek Park, where the majority of Lowell children live. Given the number of Lowell parents that live near and work in downtown, Lowell is confident the bus program will be successful since it provides a convenience for parents. Lowell, in consultation with DDOT, will run a trial test of the bus in the 2011 Spring semester as a part of its efforts to evaluate and market the bus program in order to provide a good indication of the potential success of the program.

Finally, the Applicant has agreed with DDOT to provide DDOT with baseline trip generation and queuing measurements by September 20, 2010, so that there is a benchmark by which to measure the success of the implementation of the attached TMP program. Prior to securing building permits for the addition to the gymnasium, Lowell will update this information and submit the same to DDOT. At this same time, Lowell will re-evaluate whether use of the Parkside drive aisle, which would permit an additional 12 cars to queue on campus, is necessary to eliminate queuing on neighborhood streets. If the TMP and bus program work effectively and this drive aisle is no longer necessary, Lowell will seek permission to abandon plans for the drive aisle and use the existing entrance for pick-up and drop-off procedures.

(3) Certified Business Enterprise ("CBE") and First Source Programs

(a) CBE

Lowell School, as part of its PUD approval in 1998, entered into a Memorandum of Understanding with the predecessor of the Department of Local, Small, and Disadvantaged Business Enterprises ("LSDBE") to achieve a goal of using Certified Business Enterprises for 35% of the contracted work granted under the PUD. Lowell has exceeded its 1998 CBE commitment. Lowell had a LSDBE approved goal of \$867,881.58. Lowell spent \$1,637,296 with CBE firms. Thus, Lowell exceeded its goal by nearly \$770,000. Attached as Exhibit D is an email from Amanda Locke of the Department of LSDBE confirming this fact.

(b) First Source

As a part of its PUD approval, Lowell agreed to enter into a First Source Employment Agreement with the Department of Employment Services ("DOES") which

requires the School to use the resources of DOES for recruitment and placement of new employees such that it achieve a goal that 51% of new hires be District of Columbia residents.

Lowell has used, and continues to use, the DOES system including its on-line job posting system. However, the School (due to administration changes in the intervening twelve years) does not have accurate records available to evaluate its performance under the Agreement. Hiring continues to be a seasonal activity as is the nature of a school and Lowell continues to use the resources of DOES when it has job openings. Attached as Exhibit E is a copy of Lowell's First Source Employment Agreement.

(4) Residency of Lowell's Faculty/Staff

At the current time, 22% of Lowell faculty and staff are residents of the District and 68% reside in Maryland.

(5) Distribution of Student Body

Below is a chart outlining the distances from the residences of the Lowell families to the campus:

Number of Households	(%) Households	Distance (miles)
25	12%	0 - 1
88	41%	1 - 3
62	29%	3 - 5
25	12%	5 - 10
9	4%	10 - 15
5	2%	15+
215	100%	

(6) LEED Scorecards

The School will achieve the equivalent of LEED Certification (at least 40 LEED points) for its renovation/construction projects proposed in this application. The LEED score cards for the two “major” projects are attached as Exhibit F.

(7) Community Relations Council

The PUD Order granting the School permission to occupy the campus in 1998 required the School to maintain regular contact with the community in the form of a Community Relations Council. Please note that the 1998 PUD Order did not indicate how often this Council was required to meet nor did it require a reporting mechanism. However, attached as Exhibit G is an affidavit of Debbie Gibbs, Head of Lowell School, which outlines her understanding of the existence and demise of the Community Relations Council. Please note, as testified at the public hearing, Ms. Gibbs has met many times (formally and informally) with neighbors and the community organizations. In an effort to reinstitute Community Relations Council, Lowell held the first meeting of the Council with community members last night (July 13). Nine neighbors were in attendance. Lowell expects that this will initiate regular meetings on behalf of the Community Relations Council.

In light of the previous discontinuation of the Council, the Applicant proposes the following language be included in any Order approving this application:

“The Applicant shall establish a Community Relations Council to provide the community members with a mechanism to have their views considered and acted upon in connection with the activities of the School. A majority of the members of the Council shall come from the neighborhood and neighborhood groups in the community. The Council shall be chaired by a person from the community. The Council shall meet twice per school year, or more often if needed. No later than January 1 of each year, Lowell shall submit minutes from each Community Relations Council meeting of the previous year to the Zoning Compliance Officer in the Office of Zoning, the ANC and to property owners within 200 feet of the Lowell campus.”

(8) Revised Construction Management Plan

Attached as Exhibit H is a revised Construction Management Plan (“CMP”) that provides a detailed blueprint for the management of construction activities on the site including specific details concerning the demolition of the Fraser building. This revised CMP incorporates all the elements that were negotiated as a part of the Neighborhood Cooperation Agreement (Exhibit No. 33 of the record) including numerous stringent provisions that dictate the procedures for the demolition of the Fraser building and a provision that reimburses the

community (up to \$10,000) for its expenses in hiring an environmental engineer to review Lowell's proposed asbestos abatement plan.

(9) Materials Board and Detailed Elevations

The materials and elevations of the proposed building additions depicting those materials are attached as Exhibit I.

(10) Loading Concerns to Rear of Main Building

Lowell understands that neighbors, including Ms. Ethel J. Hackney, have concerns regarding delivery trucks using their private property to turn around and for parking. To that end, Lowell included language of the "Neighborhood Cooperation Agreement" (Paragraph 3) and the Transportation Management Plan that prohibits delivery and pickup vehicles to "park in or obstruct any driveway or garage in the community" or to "use any driveway to execute a three-point turn" or to "park on Kalmia Road, 17th Street, Myrtle Street, or Orchid Street during drop-off and pickup periods (currently defined as 7:30 to 9:00 am and 3:00 to 4:30 pm)." Lowell will strictly enforce this provision of the Agreement.

(11) Phasing Language of Project

It is clear that the Commission would like to provide a more definitive "end" to the phasing of the project's construction. Accordingly, Lowell revises its proposed phasing language to read as follows:

"The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, an application must be filed for a building permit as specified in 11 DCMR Section 2409.1. Construction shall begin within three years of the effective date of this order. An application for the final building permit completing the work approved herein shall be filed within three years of the issuance of the certificate of occupancy for the Parkside building, but no later than six years from the effective date of this order."

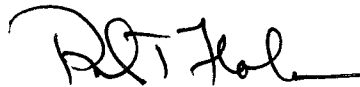
C. Conclusion

This application requests minor changes to an approved PUD. It seeks to allow the School to add a 7th and 8th curriculum. It proposes a few physical additions to an eight-acre campus (within the School's current student cap) and it seeks to add 40 faculty/staff to its faculty/staff cap. With permission to implement these changes, the School has agreed to impose on itself a series of operational constraints in the form of a stringent Transportation Management Plan, a Construction Management Plan, and Play Area restrictions, all of which do not exist

under the current PUD Order and all of which are intended to mitigate impacts the School might have on the surrounding neighborhood.

Lowell believes that the documents its has filed and the testimony it has provided demonstrate its satisfaction of the standard for approval delineated in Chapter 24 of the Zoning Regulations and that private school use of this property, as determined by the Zoning Commission in its 1998 PUD Order and as articulated in the Office of Planning Report (Exhibit 24), is completely consistent with the Comprehensive Plan of the District of Columbia. In light of the support for this application from the Office of Planning, the Advisory Neighborhood Commission 4A, and neighboring property owners, Lowell asks that the Commission approve this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil T. Feola", with a long horizontal stroke extending to the right.

Phil T. Feola

A handwritten signature in black ink, appearing to read "Christine A. Roddy", with a large, stylized initial "C" and a long horizontal stroke extending to the right.

Christine A. Roddy

cc: Deborah Gibbs

Certificate of Service

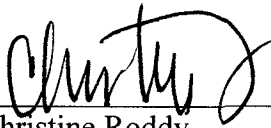
I hereby affirm that the foregoing document was sent to the following addresses on July 14, 2010, by hand delivery or first-class mail:

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