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September 13, 2010

VIA HAND DELIVERY

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

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

Dear Chairperson Hood and Members of the Commission:

A. Introduction

The Applicant hereby submits its second post-hearing submission in response to the requests of the Commission at the public meeting on July 26, 2010. The Commission requested additional information on the enforcement of the School's loading rules as well as information on the School's response to ANC concerns regarding its process for garnering support for the Neighborhood Cooperation Agreement (Exhibit 33).

B. Commission's Requests

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

(1) Loading Enforcement

The Commission asked the Applicant for details on how it will enforce the loading rules outlined in the Neighborhood Cooperation Agreement in order to ensure that trucks will not use neighboring properties for maneuvering its delivery trucks. The Applicant has revised its Traffic

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Management Plan (“TMP”) to include enforcement language and it is attached as Exhibit A.¹ At the public hearing, the Commission heard testimony from a neighboring property owner concerning the use of an alley at the rear of the School’s property to access the loading area. This loading area is seldom used, but the Applicant appreciates the resident’s concerns and will enforce the following provisions to avoid any loading issues in the future. The key provisions that have been added to the TMP include:

- (a) requiring all vendors who use the public alley at the rear of the School in order to access the School’s loading area, to execute a contract agreeing to abide by the loading provisions set forth in the Neighborhood Cooperation Agreement;
- (b) providing a staff member to supervise all loading activity of vendors who use the public alley at the rear of the School property in order to access the loading area, including directing trucks into and out of the loading area, as necessary; and
- (c) providing a point of contact to any neighbors with continuing complaints and being available to meet with those neighbors to discuss any problems.

(2) Support for Neighborhood Cooperation Agreement

The ANC submitted a letter dated July 26, 2010, questioning Lowell’s process for securing community support for the application and indicating concern regarding the level of participation in the Neighborhood Cooperation Agreement (“Agreement”). In light of these concerns, the Commission asked Lowell to work with the ANC to address the issues detailed in the ANC’s letter. Lowell is pleased to report that it has done just that. Lowell has continued its dialogue with the ANC and it made a presentation at the ANC’s public meeting on September 7, 2010, outlining its approach to gather support for the application and the Agreement. It presented information on the 7 public meetings it has held with the community since June 1, 2010, as well as its efforts to go door-to-door to incorporate different suggestions for the Agreement. The ANC acknowledged Lowell’s good faith approach to address community and ANC concerns and voted to continue to support the application as well as the Neighborhood Cooperation Agreement. The ANC is submitting a letter confirming their continued support under separate cover.

¹ The TMP includes additional edits at the direction of the Office of Planning and the Office of the Attorney General per their comments in establishing a final list of proffered public benefits and amenities. The attached TMP is black-lined against the original submission to highlight the edits that have been made.

C. Requested by the Office of the Attorney General and the Office of Planning

The Office of the Attorney General and the Office of Planning have suggested that Lowell submit a final set of approved plans for ease of reference in the final order. Accordingly, attached as Exhibit B is a complete set of approved plans.

D. Conclusion

Lowell has worked diligently to address community and ANC concerns and is pleased to maintain their support for this project. Lowell will continue its dialogue with these groups to ensure an effective relationship well into the future. Lowell appreciates the Commission's consideration of this application and will be happy to answer any questions the Commission may have on this submission at the September 27, 2010, public meeting.

Sincerely,



Phil T. Feola



Christine A. Roddy

cc: Deborah Gibbs

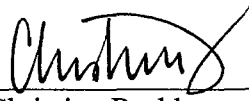
Certificate of Service

I hereby affirm that the foregoing document was sent to the following addresses on September 13, 2010, by hand delivery or first-class mail:

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