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ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

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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.

**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**

The prospective parties, certain owners of property within 200 feet of the boundaries of the property involved in Lowell's Application, through undersigned counsel, respectfully move the Commission for denial of Lowell School's Application for Modification of an Approved Planned Unit Development or, in the alternative, for continuance of the July 1, 2010 hearing in the above-captioned matter. The prospective parties further move the Commission for an enlargement of time to seek party status pursuant to the provisions of 11 DCMR § 3022.3. In support of this motion, the prospective parties state as follows:

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

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with an underground parking garage with a synthetic turf playing field on top of it; and build an addition to the gymnasium/pool building.

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

3. 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.

4. 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).

5. Just recently, on or about June 11, 2010, Lowell submitted a supplement to its Application ("Supplemental Submission"). One of the documents attached to the Supplemental Submission is 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. The Revised Traffic Plan, including the proposed new ingress from Kalmia Road NW, could have disruptive and dilatory consequences for traffic in the neighboring community. However, because of the lateness at which this information was made available, the neighboring community has not had adequate time to review, study or properly respond to it.

6. 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.

7. On June 1, 2010, ANC 4A continued its hearing on Lowell's Application until Thursday, June 17, 2010 at 7:15 pm. At that hearing, the neighboring community presumably will have an opportunity to question Lowell about its Revised Traffic Plan as well as the newly-submitted Construction Management Plan, Demolition Plan and Traffic Management Plan. The neighboring community therefore will not be able to obtain the information or clarification it

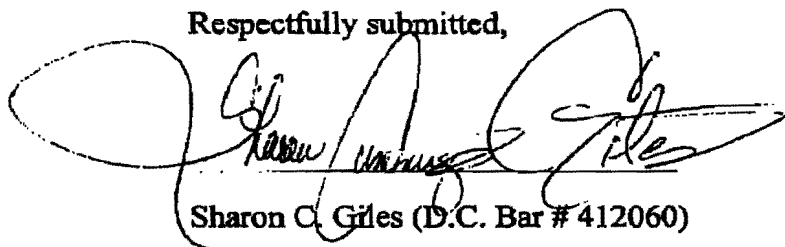
needs about the new submissions until after the deadline for filing its statement(s) seeking party status.

8. 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.

9. Because Lowell has completely failed to provide certain information to the neighboring community and has provided other critical information too late for proper analysis and response by the prospective parties (as discussed above), its Application should be denied. In the alternative, the hearing currently scheduled for July 1, 2010 should be continued and the prospective parties should be given an enlargement of time to seek party status. A continuance and enlargement of time will give the prospective parties an opportunity to attend the ANC 4A hearing on June 17, 2010 and review and analyze Lowell's proposals and adequately prepare for a hearing before the Commission. A continuance and enlargement of time also would allow for resolution of the landmark nomination for Lowell and avoid duplication of effort and inefficient and wasteful use of resources and time.

WHEREFORE, the prospective parties respectfully request that the Commission find that justice and fairness would be served by denying Lowell's Application or, in the alternative, by granting a continuance of the hearing currently scheduled for July 1, 2010 and granting the prospective parties an enlargement of time to seek party status until after resolution of the Application for Historic Landmark expected to be filed in July 2010.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Sharon C. Giles', is written over a horizontal line.

Sharon C. Giles (D.C. Bar # 412060)

1630 Kalmia Road NW

Washington, DC 20012

(202) 726-5102

Dated: June 17, 2010

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Certificate of Service 2010 JUN 17 PM 2:43

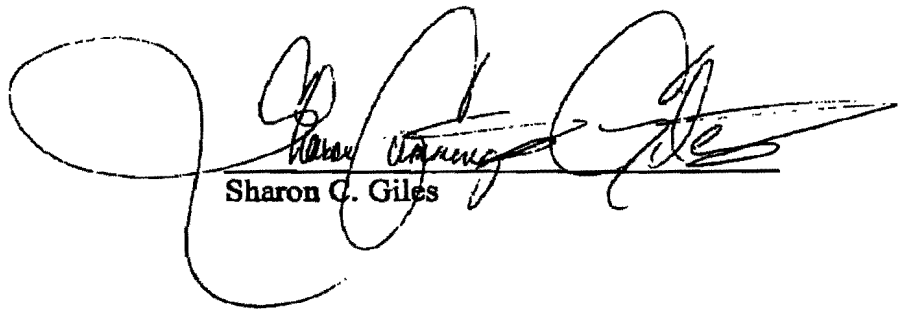
The undersigned hereby certifies that a copy of the foregoing document was served on
June 17, 2010 by hand-delivery or first class mail upon the following:

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Sharon C. Giles

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of pages (including cover): 7

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 a 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. If you have any questions, please contact me at the number referenced above.

Sharon Giles