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June 30, 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. 27

Re: ZC Case No. 97-16A: Response to Exhibits 22 and 26

Dear Chairperson Hood:

The Lowell School, the Applicant in the above-captioned matter, opposes Sharon Giles' ("Giles") Motion to Deny (Exhibit No. 22) the subject application or, in the alternative, for a Continuance. Lowell also opposes the District of Columbia Preservation League's ("DCPL") request (Exhibit No. 26) to continue the hearing and, finally, it objects to enlarging the time for Giles' to request party status.

I. Giles Fails to Cite a Substantive Basis for Denying the Application

A request to deny the application must be based on the Applicant's failure to meet the standards for modifying an approved Planned Unit Development. Giles provides no foundation for denying the application other than to say that the School did not operate on her desired timeline for providing information. She does not provide any substantive objections to the application or demonstrate a deficiency in the application. Accordingly, any request to deny the application is without basis.

The School takes exception to any insinuation that it has been anything less than transparent throughout this process. The School has gone through great lengths to ensure that the community has been informed on its proposal. Lowell has hosted or attended twelve (12) separate meetings with the community starting in October 2009 (many, if not all, were attended by Giles) and it has maintained an open dialogue with the community about its proposed plan. Lowell has done all it can to make sure the information has been transmitted to the community. It has posted the application materials on its website; it has emailed neighbors directly with

information; it has held one-on-one meetings with concerned neighbors; it has forwarded information to the ANC Commissioners; and, importantly, it has timely filed all of its materials, making them readily available as a part of the public record.

Lowell appreciates that the zoning process is constantly-evolving and acknowledges that certain details and aspects of its application have changed throughout the process in an effort to respond to concerns and issues raised by District agencies and the community. However, the main elements of the application have not changed since the application was filed in December 2009. In fact, these elements are actually stated accurately in Paragraph No. 1 of the Giles Motion.

Lowell believes its efforts to respond to District agency and community concerns, and make adjustments to the application, is a positive result of its interaction with the community and indeed, is contemplated by the PUD process. Consequently, Lowell should not be penalized with a continuance. Further, Lowell has attended five community meetings since filing its last submission on June 11, 2010, giving Giles ample opportunity to discuss the application directly with the School. Giles offers no legitimate basis for denying the application and her request should be denied.

II. A Continuance is Not Necessary. Zoning Review and Historic Preservation Review Are Distinct Processes and Take Place Separately

Lowell strongly opposes any request to postpone this hearing. Such a request is (1) not ripe; (2) not necessary as historic and zoning review are separate and distinct processes and (3) approving this application prior to the 2010-2011 school year is critical for Lowell.

In the first instance, Lowell objects to postponing the hearing solely on the conjecture that a landmark application may be filed for the Lowell School property in the future. No landmark application has been filed and it would be absurd to delay the zoning application on the chance a landmark application could be filed. Without having the benefit of reviewing such an application, there is also no way of knowing if such an application has merit or is just a sham in an effort to thwart the School's plans. In addition, even if such an application is filed, the Property's actual designation as a landmark is not guaranteed. Only the Historic Preservation Review Board can determine, after a public hearing, whether or not the Property is actually designated a landmark. Finally, even if all (or a portion) of the Property is designated a landmark, there are procedures in the historic preservation laws that allow for alterations to a landmark.

The PUD process and the historic process are distinct processes. Since the Zoning Commission does not have jurisdiction over the designation of a property as a landmark and, similarly, the Historic Preservation Review Board does not have jurisdiction over zoning issues, both can review the application separately and preserve their respective jurisdictions. As a matter of practicality, one application (either the zoning or the historic application) has to go first. There is no justification for unnecessarily delaying the zoning review to the benefit of

historic review as the first level of review, especially since it is just speculation that the Property will even be designated as a landmark.

Finally, unnecessarily delaying the application will have a significant negative effect on Lowell's program. A delay in a zoning approval equates to a delay in the School's expansion to 7th and 8th grades. This will undermine the success of the expansion as parents will have no assurance at the beginning of the school year that the expansion is permissible. Accordingly, they will likely look elsewhere to enroll their children. Parents seek certainty in knowing that their children can continue their education at Lowell through 8th grade. Any uncertainty in this respect makes Lowell an unattractive choice for many families. To that end, Lowell seeks a definitive resolution to its application as soon as possible.

III. Time Limits for Requesting Party Status are Promulgated in the Zoning Regulations and Should be Enforced

Lowell opposes Giles' extension of time for requesting party status. The time limits and the substantive requirements for requesting party status are properly promulgated in Section 3022.3 of the Zoning Regulations. These requirements are further explained in the hearing notice that is sent to neighbors (including Giles), within 200 feet of the Property. Accordingly, Giles was well aware of the statutory requirements but failed to satisfy them for party status. As of the date of this letter, we are not aware of any request satisfying these requirements having been submitted to the Commission. Any such, a request filed at this point would be untimely and should be denied.

IV. Conclusion

The PUD Modification was filed in December 2009 and while the application has been "tweaked" as Lowell received comments from District agencies and the community, the major requests contained in the original application remain unchanged. Lowell seeks to expand the school to 7th and 8th grades (within its current population cap); increase the number of faculty/staff to 100; renovate and build an addition to the Parkside Building; demolish a vacant existing Building (Fraser Hall) and replace it with a play area on roof of underground parking; and build a modest addition to the existing gymnasium/pool. Consequently, Giles and others in the community have had ample time to formulate a position since the December 2009 filing of this application and to act in accordance with the timeframe set out in the Zoning Regulations and public hearing notice.

Lowell respectfully requests that the Motion to Deny and/or Continue the application be denied and that the public hearing take place, as noticed, on July 1, 2010.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Feola".

Phil Feola

A handwritten signature in black ink, appearing to read "Christine Roddy".

Christine Roddy

cc: Debbie Gibbs

Certificate of Service

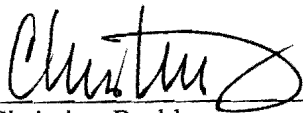
I hereby affirm that the foregoing document was sent to the following addresses on June 30, 2010, by hand delivery or first-class mail:

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