

22 September 2020

**BEFORE THE MONTGOMERY COUNTY  
BOARD OF APPEALS**

**IN THE MATTER OF THE APPLICATION OF :  
ROCHAMBEAU, THE FRENCH INTERNATIONAL :  
SCHOOL OF WASHINGTON, D.C. :  
FOR AMENDMENT OF A SPECIAL EXCEPTION : Case No. S-862-C  
FOR A PRIVATE EDUCATIONAL INSTITUTION :**

**APPLICANT’S THIRD AMENDED STATEMENT OF JUSTIFICATION**

**I. INTRODUCTION**

Special Exception Amendment Application No. S-862-C is an application for amendment of a special exception for a private educational institution originally granted to the Federation of American Societies for Experimental Biology (“FASEB”) by the Montgomery County Board of Appeals in 1977 and modified periodically since then. Previous submissions included a summary of the various Board of Appeals decisions related to Case No. S-862. The Applicant herein is Rochambeau, The French International School of Washington, D.C., alternatively described herein as “Rochambeau”, “School” or “FIS”, now the owner of the land formerly known as “the FASEB property.”

Rochambeau seeks to consolidate its pre-school (2 year old to Kindergarten, “Maternelle”) program and its elementary school (First through Fifth grades, “Elementaire”) program currently operating on campuses located at 7108 Bradley Boulevard, Bethesda, and Rollingwood Elementary School at 3200 Woodbine Street, Chevy Chase, respectively, with the Fifth grade class currently based on the School’s Forest Road campus. Rochambeau desires to terminate operations at these two off-site locations and to transfer all students from those properties to a new campus separate and distinct from the School’s main campus located at 9600 Forest Road, Bethesda.

The consolidation of these two divisions of the School are essential in Rochambeau’s efforts to better integrate its School’s divisions and to expand its early childhood development programs in a manner that will enhance the personal growth, experiences and maturity of its students. Promotion of early childhood development programs is an important goal of the

School as it will be for all educational institutions as recognized in the funding decisions made by the Maryland Legislature in recent legislative sessions.

Rochambeau has been looking for a new campus for its pre-school and elementary school programs, preferably in close proximity to the main Forest Road campus, for several years. In fact, the School had even filed a conditional use application for a new private school campus for three parcels of land located on Old Georgetown Road (case number not assigned). However, when Rochambeau became aware of the potential availability of the extremely attractive FASEB property at 9650 Rockville Pike, it terminated its efforts related to the Old Georgetown Road properties. Rochambeau then entered into a contract to purchase the FASEB property and embarked on assembly of a private educational institution amendment application of which this Statement is a part. Rochambeau has now acquired the former FASEB property and holds fee simple title to the land.

FASEB had been slowly reducing its activity level on its former campus located at 9650 Rockville Pike and will eventually relocate its operations to another setting. But the campus that FASEB created is perfect for a conventional private educational institution which is why Rochambeau is so excited about this opportunity.

The plan outlined in this special exception amendment application is for current Special Exception No. S-862-B to be transferred to Rochambeau and the existing special exception be amended (by this pending application labelled S-862-C), to accommodate the operations of the new special exception holder. A vestigial staff of FASEB remains on the property today as a tenant of Rochambeau and its presence will terminate when Rochambeau begins renovations construction activity.

Accordingly, this application for amendment of the current and controlling special exception is intended to allow Rochambeau to “step into the shoes” of FASEB, and to amend Special Exception No. S-862-B to adapt it to the particular operations of the French International School as they will occur on this unique campus.

## **II. ROCHAMBEAU’S PROPOSED PROGRAM**

### **A. Background**

Rochambeau, the French International School of Washington, D.C., was founded in 1955 and currently operates a non-denominational co-educational day school on three (3) campuses located within Montgomery County with a total enrollment at the beginning of the

2019 – 2020 school year of 1,098 students. The School serves students from pre-kindergarten age (age 2, “Toute Petite Section”) through high school (12<sup>th</sup> grade).

## **2. School Mission**

The stated mission of the School is to create a multicultural learning environment built on a rigorous French curriculum model accredited by the French Ministry of Education. The School is part of the worldwide AEFÉ network of schools and provides a safe environment that welcomes students of all backgrounds and nationalities, guiding them to become confident, caring and open-minded critical thinkers who will gain access to the best universities and will thrive in a diverse and competitive world.

## **3. Structure and Curriculum**

Rochambeau is accredited by the French Ministry of Education and is recognized by the Department of Education of the State of Maryland. At all levels, the program is conducted in French, and in English, and follows the curriculum promulgated by the French Ministry of Education. At Rochambeau, bilingual education begins as early as three years old and is an integral part of the curriculum at all grade levels.

The high school students are prepared for the French Baccalaureate. The high school programs also include complementary courses necessary to obtain a High School Diploma. With both a French Baccalaureate and a U.S. High School Diploma, Rochambeau students are prepared to attend colleges and universities throughout North American, Europe or anywhere in the world.

## **4. School Organization**

At present, Rochambeau operates from three (3) campuses within the suburban area of Montgomery County.

The facility at 7108 Bradley Boulevard, Bethesda is the School's *maternelle* branch campus providing education for children from two (2) years of age to kindergarten in seven (7) classes. Enrollment for the 2019 – 2020 academic year for this division of the School was 155 children.

The Rollingwood campus located at 3200 Woodbine Street, Chevy Chase is the School's current elementary level educational facility in which 342 students in first through fourth grades were enrolled in the current academic year, in fifteen classes.

The main campus is located at 9600 Forest Road, Bethesda, a half mile away from the proposed new campus, with enrollment for the 2019 – 2020 academic year of:

- 72 students in the 5<sup>th</sup> grade; and
- 529 students in the middle and high school.

### **III. APPLICANT'S OPERATIONS AND PHYSICAL IMPROVEMENTS**

#### **A. Campus Consolidation**

Rochambeau proposes to renovate, enhance and then occupy the existing improvements at 9650 Rockville Pike to replace the School's current facilities at 3200 Woodbine Street, Chevy Chase and 7108 Bradley Boulevard, Bethesda. Along with reassignment and student population growth, the new campus to be established at 9650 Rockville Pike will contain the following number of students:

	<b>Current (2019 – 2020 Academic Year)</b>	<b>Proposal</b>
Bradley Boulevard Campus	2 year old to Kindergarten 155 children	To be closed (and students transferred to Rockville Pike campus)
Rollingwood Campus	First through Fourth grades 342 children	To be closed (and students to be transferred to Rockville Pike campus)
Forest Road Campus	Fifth Grade through High School 72 children	<ul style="list-style-type: none"> <li>•Fifth grade (students transferred to Rockville Pike campus)</li> <li>•Sixth grade through High School students 700 students*</li> </ul>
Rockville Pike Campus	Not in use yet	Pre-kindergarten through Fifth grade 700 students*

\*At its opening, the Rockville Pike campus will have approximately 155 students transferred from the Bradley Boulevard campus, 342 students transferred from the Rollingwood campus, and 72 Fifth graders transferred from the Forest Road campus, for a total enrollment of approximately 569 children. The enrollment will then be allowed to grow to a maximum of 700 students.

As the figures above show, this rearrangement of facilities and programs will allow the School to consolidate students on to two campuses rather than three. Currently, the enrolled number of students in the nursery school and elementary school categories (Pre-Kindergarten through Fifth grade) is a total of 569 students but which are educated at three different facilities depending on the grade. This application proposes a consolidation of two of the schools on the new Rockville Pike campus which will allow the School to enroll more students in the Pre-kindergarten and elementary school levels and have them be associated with their more logical peers adding to the richness of the early childhood education that the School seeks to promote.

## **2. PROPOSED OPERATIONS**

### **a. Number of Students**

This Amended Special Exception Application for a private educational institution seeks approval to reconstruct and operate a school for up to 700 students in grades Pre-kindergarten through Fifth grade at the new facilities located at 9650 Rockville Pike. The limits per division are 200 students in the pre-school (maternelle) division and 500 in the elementary (elementaire) division.

As will be detailed elsewhere in this Statement, all students will be educated in existing academic buildings on the former FASEB campus totaling approximately 170,000 square feet of building area.

### **b. Hours of Operation**

The new Rockville Pike Campus will be operated as follows:

7:00AM – 8:30AM	Before school arrival and care
8:30AM	School Day commences
8:30AM – 3:30PM	Regular School day
3:30PM	Regular School day concludes; Dismissal
3:30PM – 5:30PM	After School activities
5:30PM – 7:30PM	After School care

These hours cover both indoor and outdoor activities.

### **c. Outdoor Activities**

Although the School will be in operation from 7:00 AM to 7:30 PM, outdoor activities for students will not occur during all of those hours.

Elementary aged children who are on campus before classes commence will be allowed to use outdoor facilities beginning at 8:00 AM. However, those activities are limited by the season and by the availability of daylight to illuminate outdoor activities.

The Applicant would like to provide the use of outdoor facilities for students in the “aftercare” and after-school activities programs limited also by climate/season and available daylight, up until 7:30 PM. However, the number of students enrolled in the aftercare program later than 5:30 PM is small and diminishes rapidly up to the closing at 7:30 PM.

**d. Staffing**

Up to 126 staff and faculty will be present on the Rockville Pike campus during any part of the typical academic school day. That number includes the following categories and number of personnel:

Faculty	83
Administrators	20
Nurses	2
Custodians	5
Bus drivers	16
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Total	126

Auxiliary staff that will be on the campus before and after the core hours of operation (i.e., 8:30AM – 3:30PM) include up to the following number of estimated employees and their specialties:

Daycare personnel	18
Recess/bus monitors	19
Cleaning crew	5
School club advisors	27
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Total	69
Total (core & auxiliary)	195

Due to differences in class teaching times, times for delivery of school programs and other factors, it is anticipated that not more than eighty-eight (88) staff – core and auxiliary - will be on the campus at the same time during any time of the day.

**e. Transportation**

There have been significant changes in the manner that Rochambeau intends to deliver and to remove children attending classes at the Rockville Pike campus, and the main Forest Road campus as well, since this special exception amendment (S-862-C) application was initiated.

Basically, Rochambeau proposes to expand its existing robust and successful busing program to bring more students to school via buses rather than by private motor cars in order to reduce the volume of vehicles to and from the new Rockville Pike campus. The new goal is to bus 30% of nursery school students (aged 5 or over) and 82% of the elementary school students resulting in approximately 471 students bused during the morning and 416 students bused during the afternoon dismissal periods. This program has dramatically reduced the number of vehicle trips to and from the new Rockville Pike campus.

In order to accomplish the aggressive busing program contemplated by Rochambeau, the School has increased the number of buses that it will use (19), and the number of routes that it will run (17), in order to have the geographical coverage needed to achieve the high student bus usage contemplated by the current busing program proposal. Bus service will be provided by fifteen (15) buses owned by the School and four (4) buses contracted by the School.

The sophisticated busing program proposed to be implemented by the School is explained in detail in the Traffic Impact Statement filed with this amended submission package but the essential elements of the program include:

1. The School will own and operate fifteen (15) buses all of which are 36 feet long and can carry up to 65 students.
2. Thirteen (13) buses will conduct daily drop-off and pick-up runs. Two (2) buses will remain on campus and will be held in reserve as back up vehicles for the working buses.
3. In addition, Rochambeau will contract with a private bus company for four (4) buses to conduct pick up and drop off routes for the areas most distant from the

Rockville Pike campus. Those buses will travel only to the main Forest Road campus and will not service the Rockville Pike campus.

4. Four of the School's thirteen (13) daily operating buses will also conduct shuttle routes between the Rockville Pike and the Forest Road campuses. This service eliminates unnecessary trips by parents with children at both the Rockville Pike and Forest Road campuses that would otherwise require the driver to make drop-off and pick-up trips to both campuses. This "shuttle" program has the incidental benefit of reducing the total number of buses that will visit the Forest Road campus.

Reference to the LATR document submitted along with this narrative is encouraged in order to obtain the detailed machinations of Rochambeau's aggressive busing program.

**f. Overnight Bus Parking**

Because of the generous amount of space on the subject property, as is done with other private schools with special exceptions, school buses will be parked overnight on the Rockville Pike campus where they can be monitored and stored in a safe environment. Thirteen of the buses will be overnighed in the depressed area around the bus circle while two other buses will be stored in a location on campus to minimize their visibility and to reduce any noise from their operation. The contracted buses will, of course, be stored off-site at their home base of operations.

**g. School Activities**

The activities that will occur at the School are typical of a public or private nursery and elementary school. In addition to normal classroom education, there will be recesses and outdoor activities conducted on playgrounds, open spaces and fields surrounding the academic buildings;

Because of the broad international character of the student body at the School, it will have a rich program of events and cultural experiences for the students and for the School community. Because of the size of assembly space in the new academic setting, the School can conduct large school community events at either the new campus or at the Forest Road campus, depending on the nature of the event. Activities that are likely to occur on the Rockville Pike campus include:

- **Back to School Nights:** Using a parking garage containing 216 spaces, and additional parking elsewhere on the campus (total of 290 spaces), the School will be able to conduct “Back to School” nights scheduled for a few grades at a time rather than all grades on the same evening.
- **Admissions Open House:** These events will be conducted on four Friday mornings throughout the academic year for prospective elementary school students and on four Friday mornings and two Saturday mornings for the Kindergarten level.
- **Grandparents’ Day:** This event would occur during an afternoon in the month of May.
- **Kindergarten and Fifth Grade Graduations:** These events will be conducted on two separate half-days on the Rockville Pike campus.
- **Parent – Teacher Meetings:** These meetings are conducted during the school year and are spread out by grade level to avoid an influx of traffic to the campus all at one time.
- **Information Meetings for Major School Trips:** These organizational meetings will be conducted at the new Rockville Pike campus.
- **International Meal Evening:** These events will be conducted on the Rockville Pike campus, one or two grade levels at a time.
- **Year-End Chorale:** Twice a year there will be shows for the elementary school chorus which will be conducted on the Rockville Pike campus or at the Forest Road campus depending on the anticipated attendance at the event.
- **School Community Picnic:** A community picnic will be conducted once a year, in September. The venue of the

event will alternate annually between the Forest Road campus and the new Rockville Pike campus.

- **Fundraising Events:** The School conducts a variety of fundraising events (e.g., bingo night, movie night, Winter Fair) during the school year with a frequency of not more than ten events per year. The activities usually occur on Friday evenings and, less frequently on Saturdays.
- **Conferences:** As a center of bilingual education and culture in the Washington, D.C. area, Rochambeau conducts conferences on a variety of subjects approximately five times per year. Attendance at such events is typically less than 100 guests. The days of the week, the hours of the conferences and the staff assigned to the conference vary depending on the subject matter of the conference. Because these conferences often deal with subjects of general information, it is assumed that attendees will travel to the event by personal vehicle and will follow the commuting and distribution patterns of the School's student base as reflected in the Applicant's trip distribution information found in the submitted LATR Study.

If the primary focus of the conference is to educate the students, it would normally occur on a weekday within normal School hours. Staff would vary in number depending on the type of conference but it would never exceed 10 in number, and would be drawn from existing staff/faculty.

If the conference is intended to educate staff, or would be of interest to parents, the conference would more likely occur during the evening (7:00 PM – 9:00 PM) or on Saturday mornings (9:00 AM – 12:00 PM). Since

this type of conference would more likely involve a single speaker, or a small number of speakers, approximately three staff members would be adequate to manage the event.

#### **h. Saturday Classes**

The School wishes to address the heavy demand of children who desire to achieve a proficiency in the French language, both spoken and written. Accordingly, the School will offer Saturday classes outside of the School's regular curriculum and calendar that focus on these skills. Such a program will be open to students who are not presently enrolled at Rochambeau who wish to improve their facility with the French language. This program will be offered all calendar year long.

The enrollment of the Saturday classes is projected to be around 400 students at its inception, with 40 staff instructors at the beginning, growing to a maximum of 700 students, with 50 staff, within the next five to ten years.

The classes will begin at 8:30 AM and will end no later than 5:00 PM. Students may attend a morning session only (departing at 12:00 PM), an afternoon session only (departing at 5:00 PM) or both sessions (on campus by 8:30 AM, off campus by 5:00 PM).

It is estimated that the Saturday morning sessions will be the most popular and will attract 65% of the total enrollment. It is anticipated that 25% of the students enrolled will arrive via Applicant-operated bus ridership.

In previous submissions, the Applicant has offered a supplemental report from Gorove/Slade, the School's traffic engineers, confirming that the operation of Saturday classes will not have a detrimental effect on the surrounding roadway network and that the site generated traffic can be absorbed by the study area roadways due to lower Saturday traffic volumes on surrounding roadways resulting in additional transportation network capacity.

### **3. SUMMER PROGRAMS**

The French School offers several types of summer programs, including language camps and athletic camps. These programs are operated from the end of June to the last week of August, before school resumes. The hours of these camps extend from 7:00 AM to 7:00 PM with core hours of 8:30 AM to 5:00 PM. The enrollment at any one time will not exceed the

number of children (700) proposed to occupy the Rockville Pike campus. The staff necessary to manage the camp will not exceed 50 persons.

#### **4. TRAFFIC MANAGEMENT**

The organization and flow of vehicular traffic on the Rockville Pike campus will be heavily regulated and very efficient in its movement of vehicles.

Access and on-campus circulation has changed substantially since the original special exception amendment application was originally filed. This Third Amendment is the result of much discussion with and cooperation from regional transportation planning agencies including the State Highway Administration, the Montgomery County Department of Transportation and MNCPPC.

##### **a. Rockville Pike Entrances**

The FASEB campus presently has two curb cuts (right in/right out) on southbound Rockville Pike (MD 355). In order to better organize turning movements, and to increase acceleration/deceleration lane lengths around a single central driveway, after substantial discussion with public transportation planning and traffic engineering agencies, Rochambeau proposes to close the northernmost driveway to Rockville Pike and consolidate it with a relocated (60 feet to the north) southernmost driveway which will be redesigned to facilitate on and off movement of vehicles entering and exiting the campus.

##### **b. Widening of Paved Area of Rockville Pike**

In order to facilitate turning movements onto and off the campus, and to improve thru movement volume and speed on Rockville Pike, Rochambeau will construct extended acceleration and deceleration lanes on either side of the new consolidated driveway so that vehicles using the driveway will have as much of the school's frontage on Rockville Pike as is possible to decelerate or accelerate, as the case may be.

##### **c. Bus Traffic**

All of the School's buses will enter or exit the campus through the to-be-consolidated and relocated Rockville Pike driveway. As a result of the redesign of on-site circulation routes, after entering the campus, buses will proceed directly forward to a bus loop located in front of the School's second entrance door. The bus loop is long enough to accommodate the School's entire daily fleet of thirteen (13) operating buses without backups onto Rockville Pike or even to the perpendicular drive that will serve personal vehicles destined

for drop-off and pick-up at the second drop-off point designated exclusively for automobiles and not buses.

The fifteen (15) buses owned by the School will all be stored overnight in the main bus loop or at other screened locations on the campus.

**d. Drop-Off and Pick-Up of Pre-School Children**

The School requires that pre-school children be delivered and signed in, or picked up and signed out, at a registration desk in the new main academic building (Lee Hall). Therefore, for those vehicles containing a preschooler, they will enter the property at the new consolidated driveway. The vehicle will then immediately turn right and will proceed north via a drive lane through a small parking area between Rockville Pike and a school building (East Wing Building). The vehicle will then turn left and will proceed along an existing driveway parallel to the northern property line of the site. The vehicle will then loop around the academic buildings and will enter the parking garage from the underside of the loop lane. After parking in the garage, a parent or custodian will walk the child or children to a classroom or to the registration point.

The reverse would occur at the time of pick up. From the circle in front of the School's main entrance, the driver will proceed through the parking garage, will enter the northern drive lane, will proceed to the east toward Rockville Pike and will then follow the reverse of the entrance pattern that brought the vehicle on to the campus and will proceed southbound on Rockville Pike to its next destination.

**e. Elementary School Children Participating in After School Activities**

Most elementary school children (82%) are expected to be bused to school in the morning. But some of these children plan to stay after school for various School-sponsored activities. Therefore, there may not be buses available for them to return home when those activities are completed. For that reason, they will have to be picked up by a private vehicle.

So that private cars do not mix with buses on the main loop (where buses will be stored after their route(s) are completed), pick-ups of students after the normal departure times will be handled at a pick up point to the west of the main bus loop driveway but not connected to that roadway. To be more specific, vehicles conducting after school pick-ups will travel the same entry and departure routes as will a driver of a pre-school child who will be using

the northern loop road around the academic buildings. But, instead of parking in the garage, such a vehicle will stop on the circle to the east drive lane that leads to the south entrance of the garage. Students who have completed their after school activities will be waiting at that turn around circle for pick-up. (This circle also provides a drop-off and pick-up point for students requiring ADA accessible access to and from the School). In inclement weather, students will await pick-up inside Lee Building which has a clear view and easy accessibility to the pick-up point.

Those vehicles will then exit the property by driving through the garage, along the northern access driveway, south through the small parking area between the School buildings and Rockville Pike to then execute a left turn onto the bus loop driveway which will lead to the driveway on Rockville Pike. This treatment of the small number of after-school attendees will provide efficient pick-up of such students and will segregate this vehicle traffic from bus circulation and storage.

**f. Rochambeau Faculty and Staff**

Faculty and staff will be allowed to park in the existing parking structure already located on the campus. Faculty and staff will access and depart from the campus in accordance with the same guidance given to parent drivers (i.e., avoid U-Turns at Alta Vista Road, Rockville Pike intersection) and in accordance with the same circulation patterns that parent drivers will follow.

**g. Alta Vista Terrace Entrance/Exist**

A major change in this amended proposal from the current pattern of vehicle ingress/egress and on-site circulation for the FASEB campus is the elimination of the driveway on the west side of the campus connecting to Alta Vista Terrace. Although FASEB was authorized to have up to 80 vehicles enter and exit the campus via an Alta Vista Terrace driveway, it has been determined that this entrance/exit should be eliminated. This action is being taken for two reasons: first, the driveway has been a source of tension with the adjacent Maplewood neighborhood; and, second it has been determined that the French International School, with its robust busing program, operates more efficiently with a single entrance/exit to Rockville Pike thus eliminating any School-bound or School-generated traffic traversing the Maplewood residential neighborhood. So, while Rochambeau will retain an entrance/exit through an adjacent Pooks Hill residential development for emergency use only, all traffic to and

from the campus will rely on the Rockville Pike driveway and the Alta Vista Terrace driveway will be closed. The driveway itself will be physically removed and the necessary improvements (e.g., curbing) will be installed along Alta Vista Terrace.

**B. FEDERATION OF AMERICAN SOCIETIES  
FOR EXPERIMENTAL BIOLOGY**

**1. FASEB Phase Out**

FASEB will transfer its special exception approval and will eventually terminate its presence on the Rockville Pike campus. This proposal differs from FASEB's original program. FASEB will have vacated the campus due to construction activities by the time that Rochambeau is ready to open for classes.

**IV. LAND USE ISSUES**

**A. Appropriateness of Use**

The location of the property is an appropriate setting for the School. The new campus is in close proximity to the main Forest Road campus which will allow the School to operate more efficiently instead of operating from three separate and more distant sites. Another advantage of having the two schools located close to each other is the fact that total vehicle miles traveled, for both the School's buses and parents' personal vehicles, will be reduced and travel time for students will be less.

Another advantage of the new campus is that it already embodies the characteristics of an academic complex. The existing buildings look like academic facilities and the grounds of the property are very suggestive of an educational campus. Indeed, the property has carried a zoning use designation of "educational institution, private" since 1977 when the Board of Appeals applied that designation to the FASEB property.

The Rockville Pike campus will not rely on through traffic traversing residential neighborhoods in order to access the campus as a result of elimination of the driveway connecting to Alta Vista Terrace.

Lastly, the site has the advantage of being located near Metro stops (Grosvenor and Medical Center) which can be used by teachers and administrators to access the School by Metro or by the public bus system and will likely be bus stops operated by the School to transport students to the new campus.

In terms of the surrounding area, the new campus is adjacent to not only single family residences but also to multi-family residential development and is close to commercial

development (Pooks Hill Marriott hotel). Single family residences about the property on two sides (west and south) and are located across Rockville Pike (east). The Applicant's proposal to eliminate a driveway on the west side of the campus connecting to Alta Vista Terrace, and will rely on a robust busing system to carry students to and from the Rockville Pike campus, will result in the reduction of School-oriented traffic passing through the Maplewood community streets.

In conclusion, operations on this site for over forty years as a private educational institution demonstrate that the School and the surrounding residential uses can coexist. To strengthen the separation between institutional and residential uses, Rochambeau seeks to eliminate the ingress/egress movements to the campus from Alta Vista Terrace approved by the Board of Appeals more than 18 years ago.

#### **B. Zoning and Master Plan**

The Subject Property is located within the planning area for the Bethesda-Chevy Chase Master Plan ("Master Plan"), which was approved and adopted in 1990.

The proposal substantially conforms to the recommendations of the Master Plan, is harmonious with, and will not alter the character of the surrounding neighborhood in a manner inconsistent with the Plan. The underlying R-60 zone does allow the requested use by (under today's Zoning Ordinance) conditional use. Therefore, a PEI is permitted by right in the zone in which it is located. The 1990 B-CC contains no specific recommendations for the former FASEB property presumably since the institutional use at this location has become a well-established neighborhood feature.

### **V. BACKGROUND INFORMATION**

#### **A. Site Description**

The Subject Property is located at 9650 Rockville Pike (MD Route 355), Bethesda, approximately one hundred (100) feet south of that road's intersection with Pooks Hill Road.

The property is a single platted lot containing 11.20 acres (488.247 square feet) of land area. The platted lot is known as "Lot 1, LOCUS VITAE" and was recorded in 2002 as Plat No. 22288.

The property is rhomboidal in shape with approximately 450 feet of frontage along Rockville Pike, the eastern edge of the property. The property also has sections of

frontage on Alta Vista Terrace and Alta Vista Road on the western and southwestern edges of the property. As described herein, an existing connection to Alta Vista Terrace will be removed and sole ingress and egress to the campus will be from a single driveway on Rockville Pike. (The School will retain an existing driveway through a multi-family residential community to the north for emergency purposes only).

The property is improved today with a single, large (five story) academic building totaling approximately 110,000 square feet of gross floor area (“Lee Building”). At the eastern end of the main academic building is a three story semi-detached structure known as the “East Wing” containing approximately 55,000 square feet of building area. On the western end of the main building complex is a parking structure containing 216 parking spaces. The campus also contains several structures remaining from when the property was devoted to purely residential use (e.g., mansion, car barn) and some service buildings installed in conjunction with FASEB’s operations on the property. Plans included with this application show which of these buildings will be removed and which will be retained.

The bulk of the current campus is wooded, or covered with significant tree stands or is open lawn area, much of which is proposed to be retained in this Applicant’s proposal.

#### **B. Surrounding Neighborhood**

The proposed new campus for Rochambeau is located on the dividing lane between single-family detached uses and multi-family / commercial uses adjacent to or in close proximity to the Capital Beltway (Interstate 495).

To the east, west and south lay residential neighborhoods developed largely with single-family detached residences in the Maplewood Estates (south, west) and the Locust Hill (east) neighborhoods. Abutting land to the north is developed exclusively with multi-family residential structures in various forms such as garden apartments, condominiums and high rises. Another prominent feature in the neighborhood to the north is the Pooks Hill Marriott hotel located on land zoned in a commercial classification.

#### **C. “Surrounding Neighborhood” for Purposes of Zoning Analysis**

In a previous submission, the Applicant provided a graphic depicting the area that the Applicant considers appropriate for the “surrounding neighborhood” for zoning analysis purposes. The boundaries of the recommended “surrounding neighborhood are roughly equidistant on all sides and follow logical natural (Rock Creek) or manmade (e.g., Beltway,

major streets or roads) features and encompass the area that could be influenced by operations on the Rochambeau campus.

#### **D. Proposed Project**

It is Rochambeau's intention to maintain the Subject Property in as much of its current state as is possible. The School proposes removal of some vestigial structures that are no longer necessary to operate the School as envisioned by Rochambeau. But, generally speaking, all important physical and natural features of the campus will be retained except for changes necessary to accommodate on campus traffic circulation and use of outdoor areas for active recreation for the students (e.g., soft surface play areas, hard surface play areas, synthetic turf play field), the most notable change in circulation being the closure of a driveway connection to Alta Vista Terrace on the west side of the campus.

The only new construction will be a small "outbuilding" ("Proposed Restroom / Storage Building") to be constructed to the west of the existing parking garage. This building will sit adjacent to the synthetic turf play field and will provide toilet facilities and storage for uses on the athletic field.

#### **E. Building, Signage and Identification**

The Applicant's submission contains information about identification and way finding signs proposed to be installed on the campus. There will be two ground-mounted monument signs facing Rockville Pike and a wall-mounted sign affixed to the East Wing Building. School signs will also be located above the two sets of doors for the Lee Building (presumably to be renamed).

The proposed signage is appropriate for the setting and the circumstances in order to provide valuable early identification of the School's location and entrance so that turning movements can be made safely and efficiently.

The Applicant recognizes that the signage proposed, however appropriate in context, exceeds the amount of allowed by the Zoning Ordinance for signage in a residential zone. The Applicant requests that through the Special Exception amendment process that the proposed signage be found to be appropriate and acceptable subject to necessary sign variances being obtained from the County Sign Review Board after completion of the special exception review process.

## **F. Zoning and Subdivision History**

### **1. Zoning History**

Special Exceptions have covered the Subject Property since 1953. Initially, the FASEB operation was approved under the special exception category of “Scientific Society Headquarters”. When that category was deleted from the Zoning Ordinance, FASEB converted its zoning approval to a “private educational institution” (Case No. S-862, July 6, 1977). FASEB and its affiliated scientific societies have been operating on the Subject Property since 1977 under the umbrella of its PEI special exception which has been periodically amended. Attached to an earlier version of this Statement is a summary of the opinions and resolutions of the Board of Appeals related to FASEB and its operations as a private educational institution.

### **2. Subdivision History**

The subject property is a platted parcel of land known as Lot 1, “LOCUS VITAE,” recorded on September 6, 2002 as Plat No. 22288. The acreage shown on the Plat is 11.20862 acres of land (488,247 square feet).

Rochambeau’s predecessor in title, FASEB, last amended the preliminary plan for the subject property in 2006. (Preliminary Plan Amendment No. 1-02079A). The Planning Board’s Opinion of approval in that case reads, in relevant part:

“1. Limit development to an expansion of the existing office building to add an additional 40,000 square feet of office use for a total of 210,000 square feet that includes the previously approved 50,000 square foot office building currently under construction, and renovation/reconstruction of the 120,000 square foot Lee Building.”

Notwithstanding the fact that the FASEB facilities carried a zoning classification as a “private educational institution,” Staff of MNCPPC considers the change in occupancy from FASEB to Rochambeau to be a “change in use” since the preliminary plan approvals for the subject property analyze the use of the property as “office use.” Accordingly, Rochambeau has been advised that upon successful completion of the special exception amendment process, the School must apply for a preliminary plan of subdivision amendment to change the approved use of the property from “office” to “private educational institution” or “school.”

### **G. Master Plan**

The Subject Property is located within the Approved and Adopted 1990 Bethesda-Chevy Chase Master Plan area. Of course, FASEB was well established in 1990 and was in operation when the Master Plan was adopted. The Master Plan confirmed R-60 zoning for the Subject Property. Even though FASEB had been in existence for some time when the Plan was published, and although there is a section of the Plan focusing on the Pooks Hill area, there is no specific mention of the Subject Property in the Plan, presumably because the private educational institution had well integrated itself into the surrounding primarily residential neighborhood.

### **H. Community Interaction**

The Applicant has conducted multiple face-to-face meetings with residents of the surrounding neighborhood or representatives of the Maplewood Homeowners Association including meetings sponsored by the School, a community meeting organized by representatives of the Maplewood Homeowners Association and the Petitioner and personal meetings with officers of the Association.

## **VI. ZONING ANALYSIS**

### **A. Inherent and Non-Inherent Characteristics**

A special exception amendment should be granted based on findings required by section 59-G-1 of the Zoning Ordinance. In particular, Section 59-G-1.21 states that the Board of Appeals “. . . must consider the inherent and non-inherent adverse effects [of a proposed use] on nearby properties and the general neighborhood at the proposed location irrespective of adverse effects the use might have if established elsewhere in the zone.”

In reviewing other private educational institution applications, the Office of Zoning and Administrative Hearings, and the Technical Staff of M-NCPPC, have identified the following inherent adverse effects associated with private educational institutions which are listed below and addressed in order:

#### **1. Number of Students, Faculty and Staff**

As described elsewhere in this Statement, Rochambeau will ultimately have up to 700 children enrolled in classes on this campus, and that number will not be reached for some years. Maximum staffing to accommodate a total enrollment of 700 students will include 126 faculty, administrators and staff and up to 69 auxiliary staff. Given the large size of the Subject Property (11.20 acres), and its “insulation” from the surrounding residential

neighborhood, the Applicant believes that the continued operation of a private educational institution on the property as proposed herein will not have an adverse effect on the surrounding general neighborhood. Traffic generated by the faculty, staff and parents of the students has certainly been an issue for the Applicant to contend with which it has successfully accomplished.

Section 59-G-2.19(a)(4)a5 of the Zoning Ordinance states that density of a private school of more than 87 pupils per acre requires special attention and special consideration. Under that standard, 995 students could be enrolled at this campus before any special review would be considered necessary. Therefore, an enrollment of 700 students, and the faculty and staff to support such enrollment, is not out of scale for this setting and Section 59-G-2.19(a)(4)a5 is satisfied.

## **2. Buildings and Facilities for Academic and Athletic Programs**

Generally speaking, the Applicant intends to use only those buildings that already exist on the Subject Property and which already, because of their design, create an “academic” character for the property. The most significant change in the existing buildings is the “gutting” of part of the second and third floors of the existing East Building to create a gymnasium for indoor, covered sports and community activities.

The size, mass and height of the principal buildings on the campus have in previous special exception reviews been found to be appropriate and the modest amount of new construction will not alter this conclusion.

## **3. Parking**

Rochambeau is in the rare position of being a school with a four-story parking garage so that it does not need large areas of surface parking to accommodate its parking needs. Structured parking and on-campus parking will provide a total of 290 parking spaces, 8 motorcycle spaces and 1 loading space, which is adequate to satisfy the needs of the faculty, administrators, staff and visitors that will be parking on the campus. Therefore, parking for the daily operation of the School is deemed to be more than satisfactory. For special events that might draw large numbers of parents or families, these events will be scheduled to occur for only a few grades at a time so that visitors will not exhaust available parking on site; or the event may be conducted on the main Forest Road campus.

Related to parking is the fact that long drive lanes existing on the property create substantial space for queueing and stacking of vehicles so that there is virtually no

possibility of cars not being able to enter the campus due to driveway congestion thus causing backups onto Rockville Pike.

#### **4. Traffic**

An extremely comprehensive Local Area Transportation Review prepared by Gorove/Slade & Associates, and updated multiple times, conclusively demonstrates that there will be no adverse effect from traffic at the Subject Property by the introduction of Rochambeau's operations to this campus.

The Subject Property is already approved for up to 210,000 square feet of office use (not all built out) which provides an indication of the capacity of the surrounding transportation network.

Secondly, the School has developed a sophisticated and aggressive busing system that proposes that 30% of all nursery school students (aged 5 or over) and 82% of elementary school students will be bused to the Rockville Pike campus resulting in 471 students being bused in the morning and 416 students bused in the afternoon dismissal period by seventeen (17) bus routes operated by School drivers (13) and four (4) contracted buses.

Furthermore, the School will implement several programs (e.g., expand Before and After-School programs, schedule arrival and departure of faculty and staff) so that trips to and from the campus during the peak hour will be reduced.

In summary, Rochambeau can demonstrate empirically, and through its extensive experience, that its traffic management measures will ensure that there will be no adverse effects caused by its operation due to traffic.

#### **5. Noise**

Noise is an inherent characteristic of schools. However, Rochambeau is less likely to create noise that might have an adverse for several reasons. Most of the School's outdoor activities will be concentrated in designated hard surface, soft surface and synthetic turf play areas located on the western side of the campus. In this sector, the density of adjacent residents is low; no residence will abut an outdoor play area or field.

Rochambeau will not use the synthetic turf field for competitive activities. Furthermore, the play areas will not be in use all of the time. They will be used during recess and other break periods during the day. There will be adult monitors to ensure that play activities do not generate noise that would be objectionable to surrounding residents.

## **6. Lighting**

The FASEB campus is already fitted out with light fixtures for safety, visibility and security. Rochambeau will add some lighting due to the fact that its users of the property are younger in age than the scientists presently populating the campus and the younger future campus population deserve lighting that guides them in a safe and efficient manner. The amended lighting plan and photometric study attached herewith demonstrate how existing and supplemental lighting will not cause any adverse effects.

## **7. Signage**

Included with this Special Exception Amendment application is a proposed set of signage drawings (Sheet A-108 and A-109) that discreetly announce the presence of Rochambeau. A sign variance or variances will be necessary to implement the signage program submitted as part of this application.

## **8. Outdoor Play Areas**

Section VI.A.5 of this Statement mentions outdoor play areas in the context of potentially objectionable noise generation. There are five organized play areas designated on the site plan. Two of them are “soft surface” (mulch) play areas which will contain equipment (yet to be determined) that will be safe and appropriate for the age groups that will use them. All of the five play areas are located close to the academic building so that children will not have long distances to walk during recesses and break periods.

The hard surface play areas (7,780 and 2,350 square feet in size respectively) will allow for games and activities that cannot be conducted on soft surfaces.

The synthetic turf play field (19,000 square feet, plus or minus) will allow for games and other outdoor activities and team sports. But the field will not be lighted and will not be used for competitive or interscholastic events.

Use of all of these areas will be restricted to weekday, daytime activities.

## **9. Pre-School and After-School Activities**

Rochambeau will continue to offer pre-school (7:00 am. – 8:30 am.) and after school (3:30 pm. – 7:00 pm.) sessions. All students and staff will have left the campus by 7:30 pm. The School finds this service to be very valuable to the parents of student by giving them more flexibility to drop off and pick up children at times consistent with the parents’ work schedules.

This program also benefits the School and the surrounding community by reducing vehicle trips during commuter peak hours. By shifting trips to “shoulder” periods before and after peak hours, the volume of school-bound or school-generated traffic is reduced during periods when roads are most congested.

#### **10. Deliveries and Trash Pick Up**

Deliveries and trash pick-up will occur on the new Rockville Pike campus as they do today at the main Forest Road campus. That is, they will occur during normal school hours, outside of the peaks in school traffic. A dumpster and trash receptacles will be located along the northern driveway screened by concrete retaining walls.

#### **11. Summer School / Summer Camp Drop Offs and Picks Ups**

Summer programs will be conducted but will not exceed the limit of 700 children, the same as the regular school calendar year. Summer operations for school and/or camps will operate the same as do passenger vehicle and bus arrivals and departures during the normal academic year. Furthermore, with substantial area for queueing and stacking of both cars and buses in separate drop off and pick up areas, there is no possibility that vehicles will block traffic on southbound Rockville Pike.

#### **B. Conformance with the General Conditions of Section 59-G-1.21**

This Application by Rochambeau for major modification of existing Special Exception S-862-B conforms with the standards for the granting of an amendment of a special exception in the following manner.

*(a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:*

*(1) is a permissible special exception in the R-60 zone.*

A private educational institution is a special exception use in the R-60 zone and has existed on this property since 1977.

*(2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible*

*with nearby property and, in itself, is not sufficient to require a special exception to be granted.*

This Application for major amendment contains all of the information necessary to demonstrate that the proposal by Rochambeau complies with all of the general standards and requirements for special exceptions and for this proposed use in particular.

*(3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be consistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.*

As noted in this Statement, the applicable Master Plan, the Approved 1990 Bethesda – Chevy Chase Master Plan, contains no specific recommendations for the Subject Property. The Plan does, however, confirm R-60 zoning for the property and the proposed continued use as a private educational institution is permitted by special exception in this zone. The proposed use is, therefore, consistent with the zoning and land use recommendations contained in the 1990 Plan. Since the property was already in use as a private educational institution in 1990 when the Plan was adopted, the Master Plan obviously treated the use as an accepted and compatible land use feature of the planning area.

*(4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.*

The fact that a private educational use has existed on the Subject Property since 1977 (and even earlier under a previous “Scientific Society Headquarters” special exception) shows that the use can be designed and operated in harmony with its surroundings. The

introduction of Rochambeau's use of the property will change little of the physical improvements that currently existing on the campus. The replacement of children for scientists or office workers should not alter the essential character of the facility as a private educational institution and it is anticipated that Rochambeau will continue its predecessor's reputation as a "good neighbor".

(5) *Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

The proposed use, as the continuation of a private educational institution in place for more than 40 years, is shown in this Application to not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood for the numerous reasons stated herein.

(6) *Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

Private schools can cause conditions or activities that might be objectionable to neighbors. However, that will not be the case with Rochambeau.

Traffic to and from a private school can cause congestion. However, the School's robust busing program means that a significant percentage of students will arrive and depart by bus rather than by a passenger vehicle (which creates two trips each time it drops off or picks up at the School). Therefore, Rochambeau has taken aggressive steps to reduce vehicle traffic to the site.

Additionally, outdoor activities for students are a) scheduled during periods of the day when they should not be bothersome to nearby residents and b) are conducted on play areas that are generally removed from areas with high residential densities.

(7) *Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one family residential area, increase the number, intensity, or scope of special*

*exception uses sufficient to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.*

The current FASEB special exception is certainly the largest, and longest standing, special exception in the area. There are three other special exceptions located within the defined zoning neighborhood but they allow only accessory apartments. Therefore, this proposed amendment of Special Exception No. S-862-C will not “tip the scales” so that the character of neighborhood begins to change with the granting of Rochambeau’s request.

*(8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established in the zone.*

Rochambeau intends to maintain and operate the Subject Property in a manner that will not adversely affect the health, safety, security, morals or general welfare of residents, visitors, workers or students on the campus and will demonstrate that fact during the review process of this amended application.

*(9) Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

It is not expected that the introduction of Rochambeau operations on what was formerly FASEB’s campus will create a greater demand for public services. All infrastructure elements are in place to operate the proposed school with no adverse impact on public services. A thorough traffic study included herein demonstrates that the surrounding transportation network is adequate to accommodate all traffic destined to and from the School.

**C. Compliance with the General Development Standards of Section 59-G-1.23**

The subject special exception amendment proposal satisfies the general development standard requirements of Section 59-G-1.23 of the Zoning Ordinance as follows:

*(a) **Development Standards.** Special exceptions are subject to the development standards of the applicable zone where the*

*special exception is located, except when the standard is specified in Section G-1.23 or in the Section 2.19.*

The following table summarizes the information found elsewhere in the special exception amendment package and shows that the application complies with the standards of the underlying R-60 zone and the dimensional standards for a private educational institution:

<b>Standards</b>	<b>Required</b>	<b>Proposed</b>
Minimum Lot Area	6,000 sq. ft.	11.20 acres (488,247 SF)
Minimum Lot Width at Street Line	25 ft.	395 ft. +/-
Minimum Building Setback from adjoining lot		
--side lot line	8/ 18 ft.	Min. 52 ft. +/-
--rear lot line	20 ft.	Min. 77 ft. +/-
Maximum Building Height	35 feet	61 ft. (existing)

*(b) **Parking requirements.** Special exceptions are subject to all relevant requirements of Article 59-59-E 2.83 and 59-E-2.81 of the Zoning Ordinance.*

*The provisions of Section 59E-2.83 state:*

***Parking and Loading facilities for special exception uses in residential zone . . . These standards are intended to mitigate potential adverse visual, noise, and environmental impacts of parking facilities on adjacent properties. In addition, these requirements improve the compatibility and attractiveness of parking facilities, promote pedestrian-friendly streets, and provide relief from unshaded paced areas. These provisions are as follows:***

*(a) **Location.** Parking facilities must be located to maintain a residential character and a pedestrian-friendly street orientation.”*

Rochambeau is fortunate to have substantial amounts of parking located in structured settings including the parking garage on the west end of the academic building complex. So much of the parking on site is enclosed and out of sight. Surface parking, where it exists, is set back from the perimeter of the property and is found in small groupings or along campus drive lanes. The bulk of overnight bus parking will be located on the traffic circle dedicated to bus deliveries where topography, vegetation and distance from the property perimeter will make it difficult to see the buses stored on site overnight. The buses will be parked inside a secure area protected by fencing and a security gate.

***Setbacks.*** Each parking and loading facility, including each entrance and exist driveway, must be set back a distance not less than the applicable building front and rear yard and twice the building side yard required in the zone.

Rochambeau's internal vehicular circulation system will rely largely on the driveways that already exist on the property. But parking spaces that are proposed will be located at least in conformance with the front (25') and rear (20') yard setbacks and twice the minimum side yard (8') setback.

***Screening.*** Each parking and loading facility, including driveway and dumpster areas, must be effectively screened from all abutting lots. Screening must be provided in a manner that is compatible with the area's residential character. Screening must be at least 6 feet high, and must consist of evergreen landscaping, a solid wood fence, a masonry wall, a berm, or a combination of them. Along all street right-of-ways, screening of any parking and loading facility must be at least 3 feet high and consist of evergreen landscaping, a solid wood fence, or masonry wall.

All parking on site has been sited away from perimeter property lines so that natural existing vegetation, or supplemental plantings, will screen parking vehicles from off-site locations.

***Shading of paved areas.*** *Trees must be planted and maintained throughout the parking facility to ensure that at least 30 percent of the paved areas, including driveways, are shaded. Shading must be calculated by using the area of the tree crown at 15 years after the parking facility is built.*

The FASEB campus has the significant advantage of having many tall, mature specimen trees on the campus of which cover much of the parking areas and drive lanes on the property. That condition, along with supplemental plantings, will satisfy the tree coverage requirements.

***Compliance Requirement.*** *For any cumulative enlargement of a surface parking facility that is greater than 50% of the total parking area approved before May 6, 2002, the entire off-street parking facility must be brought into conformance with this section. An existing surface parking facility included as part of a special exception granted before May 6, 2001, is a confirming use.*

(c) ***Minimum frontage.*** *In the following special exceptions, the Board may waive the requirements for a minimum frontage at the street line if the Board finds that the facilities for ingress and egress of vehicular traffic are adequate to meet the requirements of Section 59-G-1.21;*

Not applicable.

### **Required number**

Parking for the proposed uses on the Subject Property satisfy the requirements of Section 59-E-3.1 in the following manner:

**PARKING TABULATION**

<b>Use</b>	<b>Required</b>	<b>Provided</b>
Private Education	1 per staff 1.0 x 88 – 88  (maximum staff on campus at any given time)	291
<b>TOTAL</b>	88	291

(d) **Forest Conservation.** *If a special exception is subject to Chapter 22A, the Board must consider the preliminary forest conservation plan required by that Chapter when approving the special exception application and must not approve a special exception that conflicts with the preliminary forest conservation plan.*

A companion Preliminary Forest Conservation Plan application will be filed promptly after this initial resubmission and will be processed and approved simultaneously with this special exception amendment application. That PFCP application demonstrates compliance with all aspects of Chapter 22A of the County Code.

(e) **Water quality plan.**

Not applicable. The property is not located in a Special Protection Area (SPA).

(f) **Signs.** *The display of a sign must comply with Article 59-F.*

A discreet sign package is proposed for the combined uses on the property. A sign variance or variances are anticipated to be necessary to install all of the desired signs.

(g) **Building compatibility in residential zones.** *Any structure that is constructed, reconstructed, or altered under a special exception in a residential zone must be well related to the surrounding area in its siting, landscaping, bulk, height, materials, and textures, and must have a residential appearance where appropriate. Large building elevations must be divided into distinct planes by wall offsets or architectural articulation to achieve compatible scale and massing.*

Almost all of the buildings proposed to be retained in this special exception amendment application have been previously approved as being compatible and well related to the surrounding residential development. The only major new construction is interior to the East Building to accommodate a gymnasium. There will be little architectural changes to the exterior of the existing building and there will be no footprint increases of existing buildings.

A second element of new construction, an outbuilding containing bathrooms and a storage room, will be constructed of the same materials as surrounding structures, both on and off site, and will be compatible in appearance with surrounding residences.

*(h) **Lighting in residential zones.** All outdoor lighting must be located, shielded, landscaped, or otherwise buffered so that no direct light intrudes into an adjacent residential property. The following lighting standards must be met unless the Board requires different standards for a recreational facility or to improve public safety: (1) Luminaries must incorporate a glare and spill light control device to minimize glare and light trespass; (2) Lighting levels along the side and rear lot lines must not exceed 0.1 footcandles.*

Existing lighting fixtures on campus will be retained but may, in some cases, be relocated or supplemented due to new circulation routes on the campus. New fixtures are shown in the enclosed Lighting Plan and will be used to facilitate way finding on the campus during periods of darkness.

As shown on the attached photometric plan, footcandles from all lighting sources will not exceed 0.1 footcandles along the side and rear lot lines.

**D. Conformance with the Specific Standards for Private Educational Institutions (Section 59-G-2.19)**

The proposal by Rochambeau satisfies the standards for the granting (or amendment) of a special exception for a private educational institution in the following manner:

*(a) **Generally.** A lot, tract, or parcel or land may be allowed to be used for a private educational institution if the Board finds that:*

*(1) the private educational institutional use will not constitute a nuisance because of traffic, number of students, noise, type of*

*physical activity, or any other element which is incompatible with the environment and character of the surrounding neighborhood.*

A private educational institution has been approved for operation on the Subject Property since 1977. This proposal of Rochambeau is constructed in such a manner that the proposed private school use of the campus will not constitute a nuisance due to traffic, activity or new construction as explained elsewhere in this Statement.

*(2) except for buildings and additions completed, or for which a building permit has been obtained before (date of adoption [April 2, 2002], the private educational institution must be in a building architecturally compatible with other buildings in the surrounding neighborhood, and if the private educational institution will be located on a lot, tract, or parcel of land of 2 acres or less, in either an undeveloped area or an area substantially developed with single family homes, the exterior architecture of the building must be similar to a single family home design, and at least comparable to any existing homes in the immediate neighborhood;*

The Subject Property is 11.20 acres in size so structures located on the land do not have to be “. . . similar to a single family home design.”

In point of fact, the existing buildings that will be reused have been found numerous times, through the review of Special Exception No. S-862, to be in keeping with the character of the zoning area and architecturally compatible with other buildings in the surrounding neighborhood.

*(3) the private educational institution will not, in and of itself, or in combination with other existing uses, affect adversely or change the present character of future development of the surrounding residential community; and*

The long history of FASEB's presence in this location has proven that a PEI can be operated at this site in a fashion that will not adversely change the present character of the surrounding residential neighborhood. Because of retention and reuse of existing structures, and

because of Rochambeau's controlled operations, there are no aspects of the combined uses that will adversely affect or alter the character of the surrounding neighborhoods.

The "surrounding neighborhood" identified by the Applicant does not have many zoning deviations that in conjunction with the proposal by Rochambeau would alter the character of the neighborhood. In fact, all of the zoning activity in the "surrounding neighborhood", that is, accessory apartments, are single family residential in nature.

Since the proposal by Rochambeau merely continues the use of 9650 Rockville Pike as a private educational institution, its presence does not affect the character of the "neighborhood."

*(4) the private educational institution must conform with the following standards in addition to the general development standards as specified in Section G-1.23:*

*a. **Density.** The allowable number of pupils per acre permitted to occupy the premises at any one time must be specified by the Board considering the following factors:*

*1. Traffic patterns, including:*

*a) Impact of increased traffic on residential streets;*

*b) Proximity to arterial roads and major highways;*

*c) Provisions of measures for Transportation Demand Management as defined in Section 42A-21 of the Montgomery County Code:*

*d) Adequacy of drop-off and pick-up areas for all programs and events, including on-site stacking space and traffic controls to effectively deter queues of waiting vehicles from spilling over onto adjacent streets; and*

*2. Noise of type of physical activity;*

3. *Character, percentage, and density of existing development and zoning in the community;*
4. *Topography of the land to be used for the special exception; and*
5. *Density greater than 87 pupils per acre may be permitted only if the Board finds that (i) the program of instruction, special characteristics of students, or other circumstances justify reduced space and facility requirements; (ii) the additional density will not adversely affect adjacent properties; (iii) additional traffic generated by the additional density will not adversely affect the surrounding streets.*

Rochambeau intends to operate at a density that will not exceed 62 students per acre, well below the threshold (87) that requires special justification. All of the factors listed above are addressed in this application demonstrating that operation of a private school for up to 700 students will not be more than the property can and will accommodate.

*b. **Buffer.** All outdoor sports and recreation facilities must be located, landscaped or otherwise buffered so that the activities associated with the facilities will not constitute an intrusion into adjacent residential properties. The facility must be designed and sited to protect adjacent properties. The facility must be designed and sited to protect adjacent properties from noise, spill light, stray balls and other objectionable impacts by providing appropriate screening measures, such as sufficient setbacks, evergreen landscaping, solid fences and walls.*

Rochambeau has located its outdoor play areas in order to maximize separation from surrounding residences. No recreational area will abut land improved with a single-family residence and the active recreation synthetic turf play field is separated from any residences by

an internal driveway, parking spaces and a vegetated buffer strip of land. Since none of the play areas will have field lights, the Applicant does not expect that any neighbor will suffer any adverse effects due to noise, light spillage or stray balls.

*(b) If a Private Educational Institution operates or allows its facilities by lease or other arrangement to be used for: (i) tutoring and college entrance exam preparatory courses, (ii) art education programs, (iii) artistic performances, (iv) indoor and outdoor recreation programs, or (v) summer day camps, the Board must find, in addition to the other required findings for the grant of a Private Education Institution special exception, that the activities in combination with other activities of the institution, will not have an adverse effect on the surrounding neighborhood due to traffic, noise, lighting, or parking, or the intensity, frequency, or duration of activities. In evaluating traffic impacts on the community, the Board must take into consideration the total cumulative number of expected car trips generated by the regular academic program and the after school or summer programs, whether or not the traffic exceeds the capacity must be approved by the Board. The Board may limit the number of participants and frequency of events authorized in this section.*

Rochambeau does intend to have summer programs, both academic and recreational in nature. The specifics of these programs have not yet been established, but they will be conducted within the scope of operations described herein for the School's academic year in terms of number of children, number of staff, hours of operation, bus service and drop-off / pick-up policies and practices. Given that the School is expected to operate without any adverse effects to the surrounding neighborhood, the same is expected to be true for the summer activities.

*(d) **Site plan.***

*(1) In addition to submitting such other information as may be required, an application shall submit with his application a site plan of proposed development. Such plan*

*shall show the size and shape of the subject property, the location thereon of all buildings and structures, the area devoted to parking and recreation facilities, all access roads and drives, the topography and existing major vegetation features, the proposed grading, landscaping and screening plans and such other features necessary for the evaluation of the plan.*

The Special Exception Site Plan submitted with this Application satisfies this requirement.

V. **CONCLUSION**

The Subject Property has been used since 1954 in a manner giving it the appearance and purpose of an academic facility which it has been so designated for zoning purposes since 1977. This proposal by Rochambeau will merely continue the property's historical use and will strengthen the character that the property has achieved.

As explained in this Statement, the amendment application meets all of the requirements for the transfer of the subject special exception and warrants confirmation of the use of the Subject Property as a private educational institution for this petitioner.

Respectfully submitted,

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