

SPECIAL EXCEPTION AMENDMENT CASE NO. S-2345B,  
GUIDEPOST A LLC



### Description

Special Exception Amendment application to reduce enrollment to a maximum of 180 students, extend the current hours of operation, and improve ADA accessibility of the Site at 7108 Bradley Boulevard, Bethesda.

No. S-2345B

Completed: January 14, 2022

MCPB

Item No.

January 27, 2022

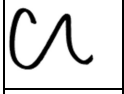
2425 Reddie Drive

Floor 14

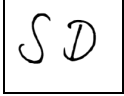
Wheaton, MD 20902



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#### LOCATION

7108 Bradley Boulevard, Bethesda

#### MASTER PLAN

1990 *Bethesda-Chevy Chase Master Plan*

#### ZONE

R-200

#### PROPERTY SIZE

2.41 acres

#### APPLICATION

S-2345B

#### ACCEPTANCE DATE

September 28, 2021

#### REVIEW BASIS

Article 59-G of the Zoning Ordinance in effect  
on October 29, 2014



### Summary:

- Staff recommends APPROVAL with conditions.
- The Special Exception for a Private Institution (S-2345) was first granted in 1998 and was later modified in 2000 (S-2345A).
- The Special Exception Amendment proposes to extend the current hours of operation to 7 AM - 7 PM, expand the ages of children admitted to the Private Educational Institution (for a Montessori school), and reduce the total enrollment from 200 students to 180.
- MCDOT and Planning Staff requested a gap analysis and queuing analysis along the Site's frontage on Bradley Boulevard as part of the Application to demonstrate that the parking on-site and the staggered arrival/dismissal schedule could accommodate parents arriving and leaving the Site without incurring queues on Bradley Boulevard.
- Staff has not received any correspondence for the Application.

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## SECTION 1: RECOMMENDATIONS AND CONDITIONS

### SPECIAL EXCEPTION AMENDMENT

Staff recommends approval of Guidepost A LLC, Special Exception Amendment No. 2345B, to extend the current hours of operation to 7:00 AM – 7:00 PM, expand the ages of children admitted to the Private Educational Institution (for a Montessori school), and reduce total enrollment from 200 students to 180. The following conditions of approval will replace and supersede all previous conditions of approval:

1. The Private Educational Institution must be limited to a maximum of 180 students and 25 employees (including teachers, administrators, and other staff).
2. The hours of operation are limited to Monday through Friday, 7:00 AM to 7:00 PM.
3. The Applicant must provide a minimum of 78 parking spaces on-site:
  - a. 25 for employees
  - b. 53 for drop-off/pick-up activities, visitors, and deliveries.
4. Use of the outdoor playground and recreational facilities will be staggered during the conditioned hours of operation.
5. Prior to issuance of the use and occupancy permit, the Applicant must submit the permit application for construction of a 5-foot sidewalk, with a 6-foot buffer on the southern side of Bradley Boulevard connecting the Site to the RideOn bus stop at Oak Forest Lane, east of the Site. The Applicant must reasonably pursue the issuance of the permit, and the sidewalk must be constructed and accepted by the Maryland Department of Transportation (MCDOT SHA) no later than two (2) years from issuance of the use and occupancy permit.
6. Prior to issuance of the use and occupancy permit, the Applicant must submit the permit application for the construction of a 5-foot by 12-foot bus shelter, real time transit display, and an ADA accessible pad at the existing bus stop located at the northwestern corner of Bradley Boulevard and Oak Forest Lane. The Applicant must reasonably pursue the issuance of the permit, and the bus shelter, real time transit display and ADA accessible pad must be constructed and accepted by the Montgomery County Department of Transportation (MCDOT) and MDOT SHA no later than two (2) years from issuance of the use and occupancy permit.

7. Construction must conform to the submitted Special Exception Amendment Site Plan (Sheet 2, July 2021), or as amended by the Board of Appeals.

## SECTION 2: SITE DESCRIPTION

### SITE DESCRIPTION

The Subject Property (“Property” or “Site”) is 7108 Bradley Boulevard in Bethesda, otherwise known as Lot 3, Block 3 of the Kefauver Tract - Bradley Hills Subdivision, as recorded among the Land Records of Montgomery County, Maryland at Plat No. 201; an approximately 5,500 square foot area that was mistakenly excluded from Lot 3 but is being incorporated through a concurrent minor plat of consolidation<sup>1</sup>; and part of Lot 15, Block 3 in the “Kefauver Tract - Bradley Hills” subdivision, recorded at Plat 4112, which is subject to a perpetual easement recorded at Liber 16499, Folio 28 for the benefit of Lot 3. (Collectively, the “Property”)<sup>2</sup>. It is improved with a long-standing structure measuring 16,181 square feet, that was originally built as a fire station, then later used as a church with a Montessori school, and most recently converted exclusively into a Private Education Institution for the Rochambeau French International School.

The 2.41-acre lot is located on Bradley Boulevard between the Capital Beltway and Burdette Road. The Property has a single, full-movement driveway on Bradley Boulevard.

The outdoor play area is located at the front of the Site and is enclosed by a wooden vertical board, opaque fencing measuring 6-feet in height. This same fence treatment is provided along the perimeter of the Site to screen the adjacent properties from the parking and trash receptacles in the rear of the Site.

On-street parking is not available on either of the Site’s frontages. Sidewalks are also not present within the vicinity of the Site.

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<sup>1</sup> This area, although not reflected in the square footage for Lot 3, has always been reflected on the Special Exception plans as part of the overall property. La Fondation Du Lycee Francais International De Washington is seeking a plat of consolidation, through the minor subdivision process, to correct this mistake.

<sup>2</sup> Guidepost A LLC is the contract purchaser of Lot 3 and the 5,550 square foot area that was mistakenly excluded from Lot 3, and will be the successor in interest to the easement on Lot 15. La Fondation Du Lycee Francais International De Washington has authorized Guidepost A LLC to submit this Special Exception Modification as demonstrated through the Letter of Authorization submitted concurrently with this Land Use Report.





*Figure 1: Aerial Photo of Subject Site (outlined in red)*

The Subject Property, which is currently developed, is located within the Cabin John Creek watershed which is a Use I-P<sup>3</sup> watershed. The Site is not associated with any areas of forest, 100-year flood plains, stream valley buffers, or areas of steep slopes. In general, the Site contains gentle slopes which rise towards the east. There are also a number of significant trees, both on and offsite, sized 24 inches in diameter-at-breast-height (DBH), as well as specimen trees of 30 inches or greater DBH. The soils associated with the Property are classified generally as silt loam and are not considered highly erodible or otherwise sensitive. There are no known rare, threatened, or endangered species on site. There are no known historic properties on or near the Site.

## NEIGHBORHOOD DESCRIPTION

The Staff-defined Neighborhood (outlined in blue in Figure 2) is generally bounded by the properties fronting along the southern side of Armat Drive to the north; Arrowwood Road to the south; Burdette

<sup>3</sup> Use I-P:

WATER CONTACT RECREATION, PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY

Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply, industrial water supply, and public water supply.

Road to the east; and Redwood Avenue to the west. The Neighborhood is composed of primarily detached houses in the R-200 Zone. Directly abutting the Site on the north side of Bradley Boulevard is Our Lady of Bethesda Retreat Center and approximately 300 feet to the west is the Bradley Hills Animal Hospital. There are no other schools, day care centers or other special exceptions/conditional uses on-record located within the neighborhood boundary. Located just outside the western boundary of the neighborhood is the Pepco electric substation on the north side of Bradley Boulevard.



*Figure 2: Staff-defined Neighborhood*

## SECTION 3: PROJECT DESCRIPTION

### PREVIOUS APPROVALS

#### SPECIAL EXCEPTION NO. S-2345

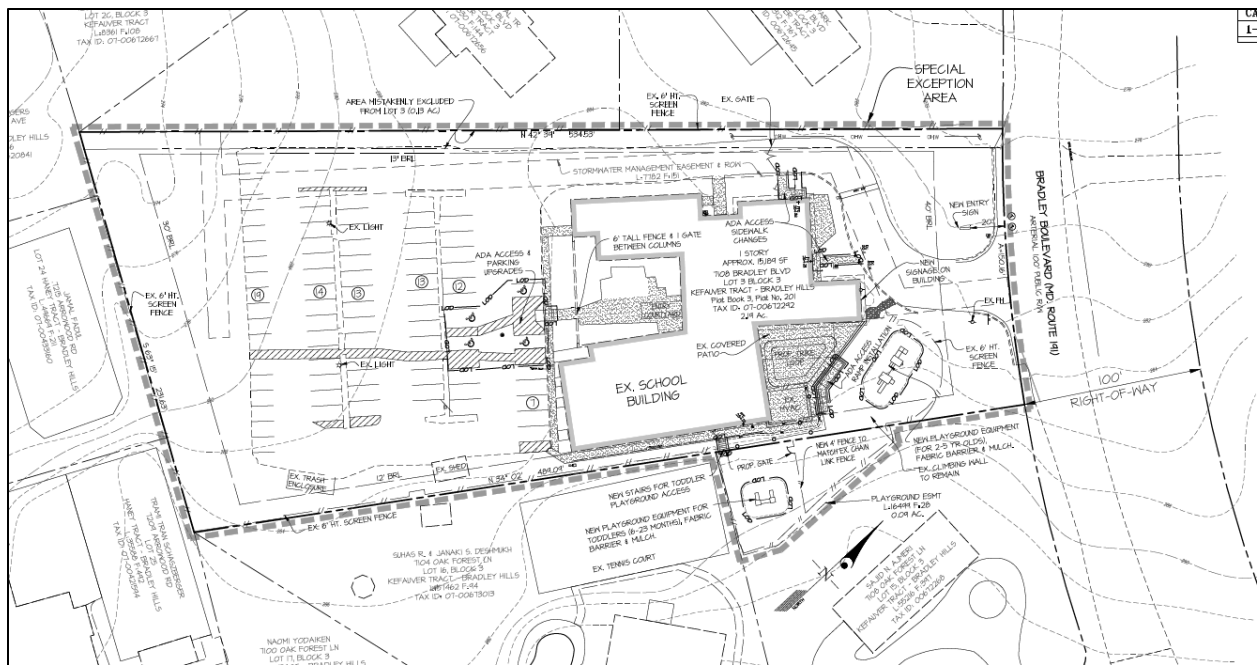
In 1998 the Site was approved for a Private Education Instruction for the Rochambeau French International School “French School” (Case No. S2345). The approval was for 200 students and 20 staff, with operational hours between 8:00 AM and 5:00 PM. Based on the results of the transportation impact study, specifically the traffic conditions in the evening peak hour, the Applicant was required to contribute funding to two minor improvements at the intersection of Seven Locks Road and Bradley Boulevard. Both improvements required adjustments to the traffic signal timing and striping new turn and/or through lanes.

#### SPECIAL EXCEPTION NO. S-2345A



In 2000 the Applicant returned to the Board of Appeals with a proposal to change the hours of operation to eliminate the potential impacts to the transportation network in the evening peak hour, and therefore relieve the Applicant of the condition of approval to fund improvements at the intersection of Seven Locks Road and Bradley Boulevard (Case No. 2345-A). The Applicant's petition was approved, and the school was permitted to open with a maximum student enrollment of 200 students and the hours of operation were set between 9:00 AM to 3:20 PM. The Applicant was also required to provide bus transportation for 36 students to reduce trips in and out of the Site. The Application also included minor physical modifications such as widening the driveway, installing an acceleration lane at the Site entrance, expansion of the play area in the front of the Site, and a canopy leading from the drop-off point in the front yard to the front door.

*Figure 3: Site Plan*



## PROPOSAL

The French School is leaving the Site and Guidepost A, LLC C/O Higher Ground Education, the ("Applicant") has acquired it with the intention of continuing a Private Education Institution use as a Montessori school with daycare and nursery instruction on the Site. The Applicant seeks approval for a reduction in enrollment with an expansion of the hours of operation. Specifically, the Applicant seeks approval for an enrollment of up to 180 students, aged 6-weeks to 13 years. The proposed hours of operation on the Site are from 7:00 AM to 7:00 PM. Interior renovations are proposed to accommodate the programmatic needs of the Montessori school. However, importantly, the Petitioner is not proposing any changes to the existing building square footage, footprint, or height. The exterior modifications are predominately limited to those required to accommodate ADA access. Other minor modifications are limited to those required as part of the routine maintenance of the building and



recreational facilities (e.g., replacement of playground equipment, repainting the exterior of the building, new signage to reflect the change in ownership etc.). The exterior building and parking lot lighting will remain unchanged, except to reduce glare along the western property line to comply with the requirement that lighting cannot exceed 0.1 footcandles along a rear or side property line

## ACCESS AND CIRCULATION

The existing driveway and parking lot will remain unchanged as proposed in the Application. The parking lot is located behind the building accessed by an approximately 380-foot drive aisle, which ensures there will be no queuing on adjacent streets. The parking lot consists of six (6) rows of parking spaces totaling to 78 (including four (4) ADA accessible spaces). There will be up to 25 employees on-site at any given time (including teachers, administrators, and staff). Assuming that all staff persons drive, there are 53 additional spaces for parents to use when dropping off and picking up their children, which meets the requirement for a Private Education Institution facility per the 2004 Zoning Ordinance to which the Site is subject for review<sup>4</sup>.

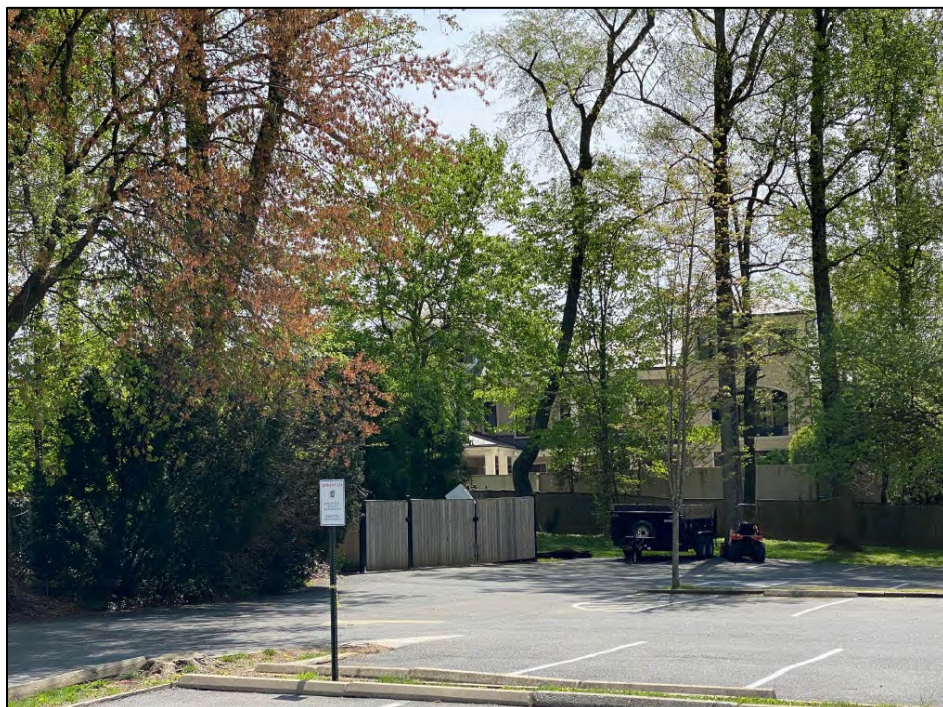
One bus stop is located approximately 175 feet to the east of the Site at Oak Forest Lane. It is serviced by RideOn Route 36 (loop), which connects the Bethesda Metrorail Station to the Bethesda neighborhoods just west of the Beltway. There are no sidewalks present on either side of Bradley Boulevard between Burdette Boulevard and the Capital Beltway.



<sup>4</sup> Site is subject to the Zoning Code Requirements in effect in 2004. Code citation Section 59-G-2.19(a)(4)a.1.d. specifically, adequacy of drop-off and pick-up areas for all programs and events, including on-site stacking space and traffic control to effectively deter queues of waiting vehicles from spilling over onto adjacent streets.



*Figure 4: Front view of the Site from Bradley Boulevard*





*Figure 6: Parking lot and trash enclosure in the rear of the Site*



*Figure 7: Open space and screening of western and southern boundaries of the Site*

## ENVIRONMENT

As the Site contains no streams, wetlands, or their buffers, or known habitats of rare, threatened, or endangered species, the Project is in conformance with the Environmental Guidelines. This Application is exempt from the requirements of Chapter 22A Forest Conservation Law (per Section 22-A-5(q)), because the total disturbance for the proposed use will not exceed a total of 5,000 square feet of forest or include any specimen or champion tree. The Forest Conservation Exemption, No. 42021230E, was confirmed by Planning Department Staff on June 14, 2021.

## SECTION 4: SPECIAL EXCEPTION FINDINGS AND ANALYSIS

### FINDINGS

Conditions for Granting a Special Exception Amendment- Section 59-G-1.2.1 Standards for Evaluation:

A special exception must not be granted without the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must

consider the inherent and non-inherent adverse effects of the 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. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with inherent adverse effects, are a sufficient basis to deny a special exception.

#### **Section 59-G-1.21. General Conditions**

**(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 zone.**

Pursuant to Section 59-C-1.31 of the Prior Zoning Ordinance, a Private Educational Institution is permitted as a Special Exception use in R-200 zones. This Site was previously approved for a Private Educational Institution on October 23, 1998 (Case No. S-2345), and later approved for an amendment on April 19, 2000, primarily to change the hours of operation (Case No. S-2345A). This amendment seeks to reduce the total enrollment by 20 students and extend the hours of operation to 7:00 AM – 7:00 PM.

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

The Private Educational Institution use will continue to comply with the requirements set forth in Section 59-G-2.19 and the development standards of the R-200 zone. The Application proposes minor changes to the exterior of the Site, which are needed to accommodate ADA access. The exterior building and parking lot lighting will remain unchanged, with some minor exceptions to reduce glare along the western Property line. All proposed changes are reflected on the Site Plan, attached to the staff report.

**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 inconsistent 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.**

The existing and proposed amendment to the Private Educational Institution use is subject to conformance with the 1990 *Bethesda Chevy Chase Master Plan*, which identifies the need for child day care uses throughout the plan area (pages 6, 20, and 33). The proposed expansion (both in terms of hours of operation and ages of children served) will further the goals and objectives of the Master Plan, by providing additional early childhood education services to support the existing and future residents within 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 existing building and site improvements, which have existed on the Property for the past 60 years will remain largely unchanged. The Applicant is proposing minor exterior modifications, which are predominately limited to those required to provide ADA access, through sidewalk modifications required to comply with current federal/state ADA accessibility standards.

Additionally, the Applicant is proposing minor modifications that are required for the routine maintenance of the building and recreational facilities, including repainting the exterior of the building, replacement of outdated playground equipment, updating building/site signage etc. Furthermore, the Applicant is proposing to continue the long-standing institutional use of the Property (originally a fire station, thereafter a church with Montessori school, and most-recently a Private Educational Institution operated by the French International School). The playground area and the sides and rear of the Property are all screened from adjacent property owners with a 6-foot tall wood, opaque fence.

The Site will continue to provide adequate parking onsite to accommodate pick-up and drop offs. Additionally, no changes are proposed to the vehicular access or on-site circulation. The current configuration provides adequate stacking area on-site (which can accommodate up to 32 cars), which will ensure no cars spill onto the adjacent roadway. Based on past experience at other Higher Ground private school sites, the average pick-up and drop-off time for each vehicle ranged between 10 and 15 minutes. Assuming all arrive in single-occupant vehicles (worst case), they will occupy 25 of the 78 spaces leaving 53 spaces for morning drop-off or afternoon pick-up. A worst-case scenario assumes all students are driven individually (no siblings) and arrive within one hour. During that time 45 spaces would be occupied every 15 minutes leaving 8 spaces empty<sup>5</sup>. Furthermore, the available queuing length from the

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<sup>5</sup> 180 divided by the 4, 15-minute periods in an hour. Or  $180/4=45$  spaces occupied;  $53-45=8$  unoccupied spaces.

corner of the building, around the parking lot to the school entrance at the rear of the building is 648 feet, providing significant queuing distance, if needed.

As such, the Special Exception will continue to be in harmony with the character of the surrounding neighborhood and importantly, will continue to provide necessary, neighborhood-serving early childhood education services to support the surrounding residential community.

Under Finding 9 the off-site traffic impacts are addressed.

**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 Special Exception Amendment will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood. The Private Educational Institutional Use has existed on the Site since 2000 and existing building/site improvements have existed on the Property for approximately 60 years serving other uses. The existing use and improvements will remain largely unchanged. As stated previously, the Applicant is seeking to reduce the overall maximum student enrollment cap from 200 students to 180. The extended hours of operation will further the goals and objectives of the Master Plan and serve the surrounding neighborhood. And importantly, as demonstrated by the Transportation Impact Analysis submitted with the Application, the Subject Application will have no adverse vehicular impacts on the surrounding roadway network.

**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.**

The Private Educational Institution will not cause objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the Property. The existing site improvements and use will remain largely unchanged from its existing state. Any additional light fixtures on the building will use full cut-off fixtures and will not cause light to spill onto the surrounding properties. From a practical perspective, use of the outdoor playground and recreational facilities will continue to be staggered. Typical play times are planned for an approximately (1) hour period in the late morning and an approximately (2) hour period in the mid-afternoon. Additionally, these facilities will remain buffered from the surrounding residential uses. As such, the Amendment included in the Subject Application will have no adverse impacts on the surrounding community.

No significant changes to the existing lighting are proposed with the Application, and the photometric plan demonstrates that the existing lighting does not exceed the

maximum standards for Special Exceptions within residential zones, in compliance with Section 59-G-1.23 (lighting levels no higher than 0.1-foot candles alongside and rear lot lines).

- 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 sufficiently 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 Applicant is seeking to modify an existing Special Exception on the Property. As such, the Subject Application will not result in an increase in the number, intensity or scope of Special Exceptions in the surrounding neighborhood. Although the Applicant is seeking to extend the hours of operation, the Applicant is decreasing the number of enrollment and these changes will have no adverse impacts on the surrounding roadway network. The Transportation Impact study (TIS) results indicate that all the study intersections will operate within the standards for traffic adequacy as outlined in the 2021-2024 *Growth and Infrastructure Policy*, as adopted by the County Council. The outcomes of the TIS are discussed in further detail in Finding 9. As stated previously in this report, no significant changes to the existing lighting are proposed with the Application, and the photometric plan demonstrates that the existing lighting does not exceed the maximum standards for Special Exceptions within residential zones, in compliance with Section 59-G-1.23 (lighting levels no higher than 0.1-foot candles alongside and rear lot lines).

- 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 elsewhere in the zone.**

The proposed Amendment to the existing Special Exception will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area of the Property. The Amendment proposes continuation of an existing Private Education Institution use on the Property. As the Master Plan recognized, the early childhood education and day care services are necessary to support the existing and future residents in the surrounding neighborhood.

- 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.**

- (A) If the special exception use requires approval of a Preliminary Plan of subdivision, the Planning Board must determine the adequacy of public facilities in its subdivision review. In that case, approval of a Preliminary Plan of subdivision must be a condition of granting the special exception.**

**(B) If the Special Exception:**

- i. **does not require approval of a new Preliminary Plan of subdivision; and**
- ii. **the determination of adequate public facilities for the site is not currently valid for an impact that is the same as or greater than the Special Exception's impact;**

**Then the Board of Appeals or the Hearing Examiner must determine the adequacy of public facilities when it considers the Special Exception application. The Board of Appeals or the Hearing Examiner must consider whether the available public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the application was submitted.**

**(C) With regard to public roads, the Board or the Hearing Examiner must further find that the proposed development will not reduce the safety of vehicular or pedestrian traffic.**

The Site exists upon an existing lot and no additional right-of-way dedication is required. A finding for adequate public facilities can be made with this application; therefore, a Preliminary Plan of Subdivision will not be required. Prior to submitting the Application, the Applicant estimated that the proposed Special Exception Amendment would result in an additional 156 peak hour person trips in the morning (139 vehicles) and 187 peak hour person trips in the evening (113 vehicles)<sup>6</sup>. In compliance with the 2021-2024 *Growth and Infrastructure Policy* (GIP) and the 2021 *LATR Guidelines*, the Applicant submitted a Transportation Impact Study (TIS) with the Subject Application, as required for all projects estimated to generate more than 50 peak-hour person trips. MCDOT, MDOT SHA, and Planning Staff concurred with the Applicant's net trip generation estimates and came to consensus with the Applicant on a scope for the Transportation Impact Study.

| Table 1: Trip Generation Estimates of the Subject Application |              |                    |                |                   |                |
|---|--------------|--------------------|----------------|-------------------|----------------|
|   |              | Total Person Trips |                | Auto-Driver Trips |                |
| Proposed  |              | AM                 | PM             | AM                | PM             |
| Private School K-8  | 180 students | 230                | 0 <sup>1</sup> | 139               | 0 <sup>1</sup> |
| Daycare   | 180 students | 0 <sup>2</sup>     | 187            | 0 <sup>2</sup>    | 113            |

Source: Wells & Associates TIS dated July 23, 2021

<sup>1</sup> In an effort to estimate a conservative (higher) number of net new person trips, the Applicant applied the Private School K-8 Land Use code in the morning peak hour.

<sup>2</sup> In an effort to estimate a conservative (higher) number of net new person trips, the Applicant applied the Daycare Land Use code in the evening peak hour.

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<sup>6</sup> The Applicant opted for a conservative estimate of the transportation impacts and relinquished the opportunity to claim a credit for the existing use.



#### *Motor Vehicle Adequacy Test*

As a project estimated to generate fewer than 250 vehicle trips in the peak hour, the Applicant was directed to study one-tier of intersections, which in this case included a total of four (4), including the Site access. For consistency with prior approvals for the Special Exception on the site, the same four (4) intersections that were studied in 1998 (Case No. S-2345) and in 2000 (Case No. S-2345A) were included in the scope of this TIS. These intersections are included in Table 2 below.

| Table 2: Study Intersections                  |                      |                           |
|---|----------------------|---------------------------|
| Intersection                                  | Policy Area          | Congestion Standard       |
| 1. Bradley Boulevard/<br>Site Access Driveway | Bethesda/Chevy Chase | 80 sec. delay per vehicle |
| 2. Bradley Boulevard/<br>Seven Locks Road     | Potomac Policy Area  | CLV 1,450                 |
| 3. Bradley Boulevard/<br>Burdette Road        | Bethesda/Chevy Chase | 80 sec. delay per vehicle |
| 4. Bradley Boulevard/<br>Fernwood Road        | Bethesda/Chevy Chase | 80 sec. delay per vehicle |

Three (3) out of the four (4) intersections included in the study are located within the Bethesda/Chevy Chase Policy Area (Orange category) and they are analyzed on a standard of average vehicle delay (in seconds). The remaining intersection is located within the Potomac Policy Area (Yellow category) and it is analyzed based on a standard of a maximum Critical Lane Volume (CLV) of 1,450.

| Table 3: Study Intersection Impact Analysis   |                           |          |      |          |      |              |      |
|---|---------------------------|----------|------|----------|------|--------------|------|
| Intersection                                  | Congestion Standard       | Existing |      | Pipeline |      | Total Future |      |
|   |                           | AM       | PM   | AM       | PM   | AM           | PM   |
| 1. Bradley Boulevard/<br>Site Access Driveway | 80 sec. delay per vehicle | 0.0      | 0.0  | 0.7      | 0.0  | 1.9          | 1.6  |
| 2. Bradley Boulevard/<br>Seven Locks Road     | CLV 1,450                 | 1211     | 1117 | 1225     | 1121 | 1241         | 1143 |
| 3. Bradley Boulevard/<br>Burdette Road        | 80 sec. delay per vehicle | 11.1     | 9.4  | 11.6     | 9.5  | 11.6         | 9.1  |
| 4. Bradley Boulevard/<br>Fernwood Road        | 80 sec. delay per vehicle | 22.6     | 13.4 | 24.3     | 14.0 | 25.1         | 14.0 |

Source: Wells & Associates TIS dated July 23, 2021

For all studies of transportation impact analysis, Applicants are required to analyze three (3) scenarios that build on each other. The first scenario is existing conditions to determine the baseline. The second scenario adds trips estimated for approved but unbuilt development within the vicinity of the Site to the existing conditions (pipeline). The third scenario adds the trips estimated to be generated by the Site to the previous scenario which already includes the baseline. This helps to determine the isolated impact of the proposed development (total future). The outcomes of these scenarios are summarized in Table 3 above.

The Applicant was also required to conduct a queuing analysis to determine if a turn lane for traffic traveling westbound would be needed to access the Site to avoid unacceptable levels of congestion in front of the Site. The Applicant complied with the request and MDOT SHA and MCDOT determined that a westbound left turn lane on Bradley Boulevard in front of the Site was not necessary. It was also determined that an acceleration lane would not be required on the Site frontage for motorists merging into east-bound traffic on Bradley Boulevard.

The TIS was reviewed by MDOT SHA, MCDOT, and Planning staff and it was determined that the proposed changes to the enrollment and hours of operation of the Special Exception included in the petition for the Amendment, will not exceed the standard for congestion at any of the four (4) intersections evaluated. The three (3) intersections in the BCC Policy Area would not

experience delays more than 80 seconds (the highest being 25 seconds) and the one Potomac Policy Area intersection would not have a CLV greater than 1,450 (only 1,241). For this reason, mitigation for motor vehicle adequacy was not required.

Per the *2021 LATR Guidelines*, all projects that are estimated to generate 50 or more person trips within either the morning or evening peak hours, must also evaluate modal adequacy for bicycle, pedestrian and transit modes. A project that generates more than 200 net new person trips, but fewer than 349 in the peak hour, must conduct a Tier 3 study of all of the modal adequacy tests. A Vision Zero statement is also required. The following includes a summary of each modal adequacy test and conclusions from the Vision Zero Statement.

#### *Bicycle Adequacy*

A Tier 3 Bicycle Adequacy Test requires evaluation of the Bicycle Level of Traffic Stress on all roadways within 900 feet of the Site boundary. All roadways within the scope of study with an LTS value higher than 2, which also have master-planned bicycle facilities that if implemented will reduce the existing LTS value down to 2 or lower, may require mitigation. Based on the Applicant's evaluation, the future shared use pathway along the north side of Bradley Boulevard (between I-495 and Aberdeen Road), as recommended in the 2018 Bicycle Master Plan, would achieve the maximum LTS value per the 2021 LATR.

#### *Pedestrian Adequacy*

A Tier 3 Pedestrian Adequacy Test requires evaluation of the Pedestrian Level of Comfort (PLOC) on all roadways within 900 feet of the Site boundary, and a review of ADA accessibility standards along all roadways within 450 feet of the Site boundary. All roadways classified as a Primary Residential Roadway or higher (excluding Controlled Major Highways and Freeways) that have a PLOC value of 2 (Somewhat Uncomfortable) or higher, must mitigate to a PLOC level of 2 or lower. An analysis of ADA accessibility within 450 feet of the Site boundary is also required.

Street lighting within the Tier 3 boundary is also reviewed and may require improvements to lights that do not meet the design standards or are malfunctioning.

#### *Bus Transit Adequacy*

A Tier 3 Bus Transit Adequacy Test requires evaluation of 3 bus stops and associated amenities within 1,300 feet of the Site boundary. If there are deficiencies related to bus shelters having real-time travel displays, safe and efficient accessible paths to the bus stop and ADA accessible pads, and the quality and existence of amenities such as trashcans, seating, overhead shelters, etc., some of these improvements may be required.

#### *Vision Zero Statement*

The Applicant was required to analyze severe and fatal crash data within the last five (5) years within the vicinity of the Site. One (1) crash site was identified, which consisted of a rear- end collision between a motorist and a bicyclist in June of 2015. The outcome of the crash was minor and not severe, and therefore no further analysis was required.

The Applicant was required to conduct four (4) speed studies within the vicinity of the Site, and they included the following:

1. Bradley Boulevard: between the Capital Beltway and Redwood Avenue
2. Bradley Boulevard: between Burdette Road and Fernwood Road
3. Burdette Road: between Greenwood Road and Bradley Boulevard
4. Burdette Road: between Hillmead Road and Bradley Boulevard

The studies were conducted in May of 2021 in accordance with the 2021 *LATR Guidelines*. It was determined that segments 1 and 2 (both on Bradley Boulevard) recorded 85<sup>th</sup> percentile speeds that were in excess of the posted speed limit (35 mph). In accordance with the *LATR Guidelines* the Applicant is required to make suggestions to address travel speeds and the Applicant recommended that permanent speed enforcement cameras be installed within the segments studied on Bradley Boulevard<sup>7</sup>.

#### *Mitigation*

The results of the TIS indicate that there are deficiencies with the pedestrian, bicycle and bus transit transportation networks. For example, there are no sidewalks along Bradley Boulevard within the vicinity of the Site. Additionally, the level of traffic stress for bicyclists on Bradley Road is higher than 2 (the threshold for mitigation) and a shared use path is master planned on the north side of Bradley Road. Finally, the three (3) existing bus stops identified within the scoped boundary of the TIS are marked with flags and are without shelters or other amenities. The *LATR Guidelines* allow for reasonable improvements to be required based on many factors including proportionality and the feasibility of construction.

While there are deficiencies for the non-motorized and bus transit travel modes within the vicinity of the Site, many of the projects identified for mitigation are infeasible due to the alignment of the public-right-of-way dedicated along Bradley Boulevard. Planning staff, MDOT SHA, and MCDOT agreed that the priority in this area is to provide an ADA accessible, and comfortable pedestrian connection to the existing bus stop on Oak Forest Road. Therefore, the Applicant will install approximately 180 feet of buffered sidewalk along the south side of Bradley Boulevard to connect to the existing bus stop at Oak Forest Road and will also upgrade the stop by installing a new shelter with real time transit

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<sup>7</sup> Per the 2021 *LATR*, Applicants are required to make suggestions for strategies or facilities to address excessive traffic speeds but are not required to participate in their implementation.



display and ADA accessible pad. In accordance with the GIP, and consistent with the *LATR Guidelines*, Planning staff, in conjunction with MDOT SHA, and MCDOT determined the following improvements are reasonable:

- A 6-foot sidewalk, with a 5-foot buffer along the south side of Bradley Boulevard connecting the Site and the bus stop east of the Site at Oak Forest Lane.
- A new bus shelter, with real time transit display, and an ADA accessible pad at the bus stop at Oak Forest Lane.

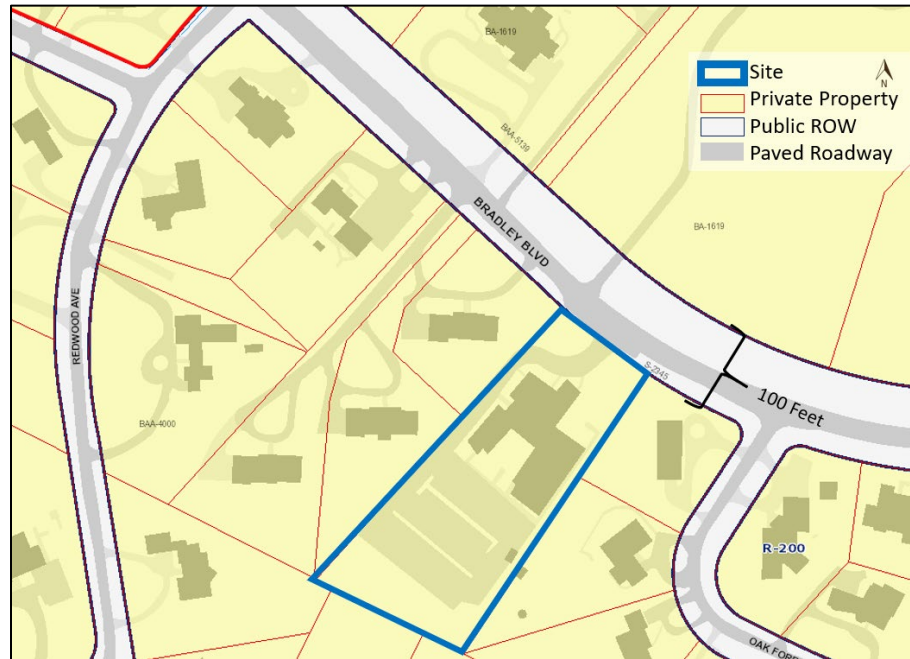


Figure 8: Public Right-of-Way Exhibit

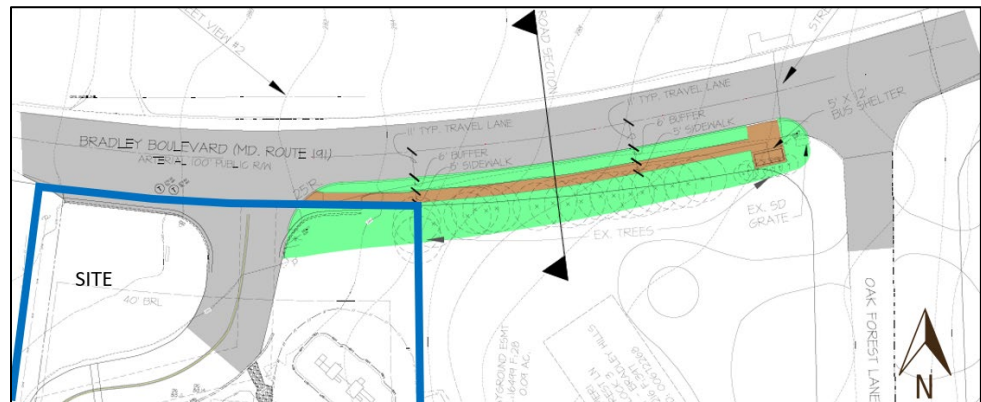


Figure 9: Mitigation Exhibit

In conclusion, and in accordance with the 2021-2024 *Growth and Infrastructure Policy*, the Applicant was required to evaluate potential transportation safety

deficiencies by conducting modal adequacy tests on the existing pedestrian, bicycle, and bus transit networks. Additionally, a Vision Zero Statement was required. As conditioned, the Applicant will be required to construct a buffered sidewalk along the south side of Bradley Boulevard between the Site and Oak Forest Lane and install an ADA accessible bus pad and new bus shelter. These improvements will increase the safety of vehicular and pedestrian traffic around the Property. In addition, these improvements will upgrade the bus stop, making it ADA accessible and making it much easier for employees in particular, to use public transportation to get to the Site.

A Preliminary Plan of subdivision will not be required for the proposed Amendment, and therefore the Board of Appeals must make the final determination of the adequacy of the public facilities. Although the Board of Appeals makes the final determination on the adequacy of public facilities, Planning staff has determined that public facilities and services are available and will be adequate to serve the proposed development. The Subject Property is served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service which has determined that the Subject Property will continue to have appropriate access for fire and rescue vehicles. Other public facilities and services, such as electrical, telecommunications, gas, police stations, firehouses, and health services are operating according to the 2021-2024 *Growth and Infrastructure Policy* and will be adequate to serve the Property.

## **Development Standards**

### **59-G-1.23 General Development Standards**

#### **(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 Section G-2.19.**

The proposed Special Exception Amendment meets the Development Standards for the R-200 zone, as approved through Board of Appeals Case S-2345. The following table summarizes the property development standards for the proposed use and development.

| <b>Table 4: R-200 Zone Data Table<sup>1</sup></b>      |                           |                                       |
|--|---------------------------|---------------------------------------|
|  | <b>Required/ Approved</b> | <b>Proposed/Existing</b>              |
| <b>Lot Area (square feet/acres)</b>                    | No minimum                | 104,979.6 square feet<br>(2.41 acres) |
| <b>Minimum Lot Width (feet)</b>                        | 25 feet                   | 160.5 feet                            |
| <b>Maximum Lot Coverage</b>                            | 26,300 square feet<br>25% | 161,181 square feet<br>15%            |
| <b>Building Setback Requirements, min.<sup>1</sup></b> |                           |                                       |
| Front  | 40 feet                   | 85 feet                               |
| Side   | 12 feet                   | 12 feet                               |
| Sum of both Sides                                      | 25 feet                   | 49 feet                               |
| Rear   | 30 feet                   | 230 feet                              |
| <b>Building Height, max.</b>                           | 50 feet                   | 30 feet                               |
| <b>Lot Coverage, Front Yard max.</b>                   | 30%                       | 30%                                   |
| <b>Parking<sup>2</sup></b>                             |                           |                                       |
| <b>Vehicle</b>   |                           |                                       |
| Employees  | 25 spaces <sup>3</sup>    | 25 spaces                             |
| Visitors   |                           | 53 spaces                             |
| Total  |                           | 78 total spaces <sup>4</sup>          |
| <b>Bicycle</b>   | 3 spaces <sup>5</sup>     | 4 spaces                              |
| <b>Motorcycle</b>                                      | 1 space <sup>6</sup>      | 2 space                               |
| <b>Parking Setbacks minimum<sup>7</sup></b>            |                           |                                       |
| Front  | 40 feet                   | 269 feet                              |
| Side   | 24 feet                   | 20.2 feet <sup>8</sup>                |
| Rear   | 30 feet                   | 45 feet                               |
| <b>Shading of Parking Areas (min)</b>                  | 30%                       | 33.8%                                 |

<sup>1</sup> Section 59-C-1.32 Development Standards

<sup>2</sup> Section 59-E-3.7

<sup>3</sup> 1 space for each staff member including teachers and administrators and additional spaces needed for adequate pick-up and drop-off of students.

<sup>4</sup> This includes a total of 4 ADA spaces.

<sup>5</sup> Section 59-E-2.3.(a) requires 1 bicycle parking space for every 20 spaces within a parking lot of 50 or more vehicle parking spaces. No more than 20 spaces are required,

<sup>6</sup> Section 59-E-2.3(d) requires all parking facilities with 50 or more parking spaces to provide motorcycle parking equal to 2 percent of the total number of vehicle parking spaces. No more than 10 shall be required on any one lot.

<sup>7</sup> Section 59-E-2.83 Parking and Loading facilities for special exception uses in a residential zone.

<sup>8</sup> Section 59-E. 2.8.3.(e) Any existing surface parking facility included as part of a special exception granted before May 6, 2002 is a conforming use. Special Exception S-2345 for the Site was first granted in 1998.

## **Parking requirements.**

**Special exceptions are subject to all relevant requirements of Section 59-E 2.83 and 59-E 2.81 of the Zoning Ordinance.**

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

**Parking and Loading facility standards apply to an off-street parking facility for a special exception use that is located in a one-family residential zone if 3 or more parking spaces are provided. 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 paved areas. These provisions are as follows:**

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

The existing parking lot is located at the rear of the building and no major changes to the design and circulation of the parking lot are proposed with the Subject Application. As conditioned, the Applicant will improve both pedestrian and transit circulation to the Site with a new sidewalk along the south side of Bradley Boulevard between the Site and Oak Forest Lane and a new bus shelter at the existing stop on the northwest corner of Oak Forest Lane and Bradley Boulevard.

**Setbacks. Each parking and loading facility, including each entrance and exit 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.**

As summarized in Table 4 of this report, the existing parking and loading facilities on the Site conform with the required setbacks for Special Exceptions within the R-200 zone.

**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 rights-of-way, 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.**

The parking lot is located at the rear of the lot and is buffered from adjacent residential lots with a 6-foot tall, opaque wooden fence and several existing canopy trees.

**Shading of paved areas. Trees must be planted and maintained throughout the parking facility to ensure that at least 30 percent of the paved area, 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 Landscape Plan included with the Subject Application demonstrates that 33.8% of the paved areas are and will continue to be shaded.

**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 conforming use.**

The Applicant proposes minor changes to the parking layout such that it can accommodate four (4) ADA accessible parking spaces. These changes will not expand the existing footprint of the parking lot.

**(b) 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: (1) Rifle, pistol and skeet-shooting range, outdoor...”**

This finding is not applicable because the Special Exception Amendment meets the minimum requirements for frontage at the street line and is not proposing a use that identified in the list.

**(c) 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.**

Exemption from Article II of the Montgomery County Code, Chapter 22A was confirmed by Montgomery County Planning Staff in its letter dated June 14, 2021. This Applicant meets the requirements of an exemption under 22A-5(q)(3) because the total disturbance area for the proposal will not exceed 10,000 square feet, and clearing will not exceed a total of 5,000 square feet of forest or include any specimen or champion tree. No forest, specimen, or champion tree will be cleared.

**(d) Water quality plan.**

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

**(f) 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, scale, 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.**

- (g) 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) Luminaires 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 foot candles.**

A water quality plan was not required as part of the Application.

Existing signage will only be updated to reflect new ownership of the Private Education Institution and as such is relatively minor.

The Applicant is not proposing any changes to the existing building square footage, footprint or height. The exterior modifications proposed are primarily limited to those required to provide ADA access to the site and building. As such, the existing, single-story building, which was initially constructed in 1961 and to our knowledge has changed very little since that time, will continue to be compatible with the surrounding neighborhood.

No significant changes to the existing lighting are proposed with the Application, and the photometrics plan demonstrates that the existing lighting does not exceed the maximum standards for Special Exceptions within residential zones, in compliance with Section 59-G-1.23 (lighting levels no higher than 0.1 foot candles along the side and rear lot lines). These limited site modifications are shown on the Special Exception Site Plan submitted with this Subject Application and attached to the staff report.

#### **Section 59-G-2.19. Educational Institutions, Private**

- a) Generally. A lot, tract or parcel of 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;**

The proposed Special Exception Amendment will not have adverse impacts on the surrounding neighborhood. The Applicant is proposing to decrease the overall student enrollment from 200 students to 180 students. The activities associated with the proposed Private Education Institution will be similar to those that have existed on the Property for decades. The Applicant is proposing to replace the playground equipment, given its age and current condition. However, the Petitioner is not proposing modifications to the outdoor playground location or overall area. The Applicant will closely coordinate the number of children/classrooms outside at any given time. While the Applicant is proposing to extend the hours of operation, the Applicant submitted a Traffic Impact Analysis prepared by its traffic consultant, Wells & Associates, which demonstrates that the proposed expansion of hours will not have any adverse impacts on the surrounding roadway network.

**(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;**

No changes are proposed to the existing building square footage, footprint or height. Exterior modifications are limited to those necessary to accommodate ADA access. The existing building has existed, largely in its current condition, since 1961. As such, the existing building will continue to be compatible with the surrounding neighborhood, as the Planning Board and Board of Appeals previously found in recommending and approving the Special Exception in 1998 and 2000.

**(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 or future development of the surrounding residential community; and**

The Applicant is proposing to maintain the existing, longstanding Private Educational Institution use of the Property. The French International School has operated on the Property for more than two decades, and the Property was used for a church and Montessori school before that. As such, the proposed Special Exception modification will not change the nature or character of the Property and surrounding 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) **Provision 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 control to effectively deter queues of waiting vehicles from spilling over onto adjacent streets; and**
  2. **Noise or 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.**



The Applicant is seeking to reduce the maximum enrollment capacity from 200 students to 180 students. The Site will continue to provide adequate parking onsite to accommodate pick-up and drop offs. Additionally, no changes are proposed to the vehicular access or on-site circulation – the current configuration provides adequate stacking area on site (which can accommodate up to 32 cars), which will ensure no cars spill onto the adjacent roadway. Based on past experience at other Higher Ground private school sites, the average pick-up and drop-off time for each vehicle ranged between 10 and 15 minutes. Assuming all arrive in single-occupant vehicles (worst case), they will occupy 25 of the 78 spaces leaving 53 spaces for morning drop-off or afternoon pick-up. A worst-case scenario assumes all students are driven individually (no siblings) and arrive within one hour. During that time 45 spaces would be occupied every 15 minutes leaving 8 spaces empty<sup>8</sup>. Furthermore, the available queuing length from the corner of the building, around the parking lot to the school entrance at the rear of the building is 648 feet, providing significant queuing distance, if needed.

Given the overall land area of 2.41 acres, and maximum enrollment of 180 students, the proposed Special Exception will have a maximum of 75 students per acre, which is below the maximum threshold of 87 pupils per acre permitted by Section 59-G-2.19(a)(5).

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

The outdoor recreational amenities will remain largely unchanged by the Subject Application. The primary outdoor playground area is located in the northeast portion of the Property and is adequately buffered from the adjacent single-family homes by landscaping and a privacy fence. The Petitioner is proposing to replace the existing playground equipment, given its current age and condition. As such, the outdoor play areas will not have any objectionable impacts on the adjacent residential neighbors.

- 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 of the road. A transportation management plan that identifies measures for reducing demand for road capacity must be approved by**

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<sup>8</sup> 180 divided by the 4, 15-minute periods in an hour. Or  $180/4=45$  spaces occupied;  $53-45=8$  unoccupied spaces.

**the Board. The Board may limit the number of participants and frequency of events authorized in this section.**

This finding is not applicable. The Petitioner does not propose additional activities on the Property.

**c) Programs Existing before April 22, 2002.**

- 1. Where previously approved by the Board, a private educational institution may continue the operation of (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, whether such programs include students or non-students of the school, if the number of participants and frequency of events for programs authorized in 59-G-2.19(b) are established in the Board's approval.**

The Subject Application proposes to amend the previously approved Special Exception for a Private Educational Institution on the Site. Previous approvals were granted in 1998 and 2000. No additional activities such as tutoring, exam predatory courses, art education programs, or summer day camps were previously approved for the Site and none are proposed with the Subject Application.

- 2. Where not previously approved by the Board, such programs may continue until April 22, 2004. Before April 22, 2004, the underlying special exception must be modified to operate such programs, whether such programs include students or non-students of the school. The Board may establish a limit on the number of participants and frequency of events for authorized programs.**

**d) Site plan.**

- 3. In addition to submitting such other information as may be required, an applicant 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.**

A Site plan was submitted with the Application for review by Planning, Department of Permitting, MCDOT, and MDOT SHA staff. Staff determined that the submittal was complete and in compliance with the Development Standards for the R-200 zone per Section 59-C-1.32 and Section 59-G-2.19 for Educational Institutions, Private. As conditioned, all modifications to the Site must comply with the submitted and reviewed Site Plan.

- 4. No special exception, building permit or certificate of occupancy shall be granted or issued except in accordance with a site plan of development approved by the board. In reviewing a proposed site plan of development the board may condition its approval thereof on such amendments to the plan as shall be determined necessary**

**by the board to assure a compatible development which will have no adverse effect on the surrounding community, and which will meet all requirements of this chapter. Any departure from a site plan of development as finally approved by the board shall be cause for revocation of the special exception, building permit or certificate of occupancy, in the manner provided by law.**

As conditioned, all exterior modifications to the Site will comply with the Site plan included with the Subject Application.

- e) Exemptions. The requirements of Section G-2.19 do not apply to the use of any lot, lots or tract of land for any private educational institution, or parochial school, which is located in a building or on premises owned or leased by any church or religious organization, the government of the United States, the State of Maryland or any agency thereof, Montgomery County or any incorporated village or town within Montgomery County. This exemption does not apply to any private educational institution which received approval by the Board of Appeals to operate a private educational institution special exception in a building or on a lot, lots or tract of land that was not owned or leased by any church or religious organization at the time the Board of Appeal's decision was issued.**

This finding is not applicable. The existing Special Exception is not located within a building or the premises owned or leased by a church or religious organization.

- f) Nonconforming uses. Nothing in this chapter shall prevent any existing private educational institution which obtained a special exception prior to the effective date of this chapter, from continuing its use to the full extent authorized under the resolution granting the respective special exception, subject, however, to division 59-G-4 of this chapter.**

The Special Exception on the Site was first approved in 1998, and therefore the Special Exception Amendment is not a non-conforming use.

- g) Public Buildings.**
- 1. A special exception is not required for any private educational institution that is located in a building or on premises that have been used for a public school or that are owned or leased by Montgomery County.**
  - 2. However, site plan review under Division 59-D-3 is required for:**
    - i) construction of a private educational institution on vacant land owned or leased by Montgomery County; or**
    - ii) any cumulative increase that is greater than 15% or 7,500 square feet, whichever is less, in the gross floor area, as it existed on February 1, 2000, of a private educational institution located in a building that has been used for a public school or that is owned or leased by Montgomery County. Site plan review is not required for: (i) an increase in floor area of a private educational institution located in a building that has been used for a public school or that is owned or leased by Montgomery County if a request for review under mandatory referral was submitted to the Planning Board on or before February 1, 2000, or (ii) any portable classroom used by a private**

**educational institution that is located on property owned or leased by Montgomery County and that is in place for less than one year.**

The Subject Application is not seeking approval for new construction. The Special Exception exists on the Site today. The Subject Application is proposing minor alterations outside the existing building which will not increase the square footage of the building by more than 15% or 7,500 square feet.

- h) Applications filed before May 6, 2002. Any application filed before May 6, 2002 for a private educational institution special exception or modification of a private educational institutional special exception must comply with the requirements of Article 59-G and Article 59-E in effect at the time the special exception was filed.**

This finding is not applicable. The Subject Application was filed after May 6, 2002.

## SECTION 5: COMMUNITY OUTREACH

A voluntary pre-submission community meeting was held virtually through the Go-To Meeting platform with an optional dial-in number for those not joining online. The meeting was held on Wednesday, June 23, 2021 and commenced at 6:30pm. One community member attended the meeting.

As of the date of posting of this Staff Report, Staff has not received any comments in opposition from the community.

## SECTION 6: CONCLUSION

The proposed conditional use complies with the general conditions and standards of a Private Educational Institution, subject to the recommended conditions of approval. The proposed use meets the findings set forth in Section 59.G-2.19 of the 2004 Zoning Ordinance, is consistent with the goals and recommendations of the 1990 *Bethesda-Chevy Chase Master Plan*, will not alter the residential character of the surrounding neighborhood, and will not result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval with conditions.

## ATTACHMENTS

*Attachment A: Forest Conservation Applicability for Conditional Uses/Special Exceptions*

*Attachment B: Site Plan, Landscape Plan, Photometrics Plan, LATR Mitigation Exhibit*

*Attachment C: Subdivision Plat 201*

*Attachment D: Transportation Impact Study (July 23, 2021)*

*Attachment E: Agency Approval Letters*