# BOARD OF APPEALS for MONTGOMERY COUNTY

Stella B. Werner Council Office Building 100 Maryland Avenue, Suite 217 Rockville, Maryland Avenue http://www.montgomerycountymd.gov/boa/ (240) 777-6600

Case No. S-862-C [S-862, -A, -B]

## PETITION OF ROCHAMBEAU, THE FRENCH INTERNATIONAL SCHOOL OF WASHINGTON, DC

OPINION OF THE BOARD
(Opinion Adopted August 4, 2021)
(Effective Date of Opinion: August 30, 2021)

The Board of Appeals granted Case No. S-862 to the Federation of American Societies for Experimental Biology on March 30, 1983, to permit the extension of an existing private educational institution use. In addition to other lesser modifications, effective December 28, 2001, in Case Nos. S-862-A and A-5599, the Board granted a major modification of this private educational institution use and related variances, and effective May 20, 2005, in Case Nos. S-862-B and A-6008, the Board granted a second major modification of this special exception, with related variances. Effective April 20, 2018, the Board referred a transfer and major modification request from Jody S. Kline, Esquire, on behalf of his client, Rochambeau, the French International School of Washington, DC, to the Office of Zoning and Administrative Hearings as Board of Appeals' Case No. S-862-C, to hold a hearing and issue a report and recommendation. While the major modification was still pending, in a Resolution effective December 9, 2020, the Board granted an administrative modification transferring this special exception to Rochambeau, the French International School of Washington, DC, after that request was separated from the pending major modification request.

The Hearing Examiner for Montgomery County in the Office of Zoning and Administrative Hearings held public hearings on the major modification application on January 22, 2021, and January 25, 2021, and then remanded the matter back to Planning Staff for additional information and analysis. Following receipt of the requested information from Planning Staff, the Hearing Examiner held a third day of hearings on June 7, 2021, and on July 19, 2021, issued a Report and Recommendation recommending approval of the modification request with conditions. See Exhibits 142 (Notification) and 143 (Report and Recommendation).

The Board of Appeals received timely requests for oral argument from (1) George McKenna, David Seid, Carl Wilkerson, Maureen Wilkerson, and Becky Umhofer, (2) David Brown, Esquire, on behalf of the Maplewood Citizens Association, (3) Carl Wilkerson (in his individual capacity), and (4) Jody Kline, Esquire, on behalf of the Petitioner. In addition, Mr. Kline submitted opposition to the request for oral argument made by Mr. McKenna, Mr. Seid, Mr. Wilkerson, Ms. Wilkerson, and Ms. Umhofer, and to the request made by Mr. Brown on behalf of the Maplewood Citizens Association. See Exhibits 144 to 150.

The subject property is located at 9650 Rockville Pike, Bethesda, Maryland, 20814, in the R-60 Zone.

Decision of the Board:

Oral Argument DENIED.

Special Exception Modification GRANTED with conditions.

Due to COVID-19, the Board of Appeals considered the Hearing Examiner's Report and Recommendation, as well as the requests for oral argument and the opposition thereto, at a remote Worksession held on August 4, 2021, using Microsoft Teams. Mr. Kline, Mr. Brown, Mr. McKenna, Mr. Wilkerson, and Mr. Seid participated in the Worksession, as did Helene Fabre, Executive Director of Rochambeau, the French International School of Washington, DC, and Allen Myers, President of the Maplewood Citizens Association.

The Board first considered the requests for oral argument and the opposition thereto. After noting that the decision to grant or deny oral argument is discretionary on the part of the Board and is not an opportunity to present new evidence, the Chair invited the participants to briefly summarize why the Board should or should not hold oral argument.

Mr. McKenna stated that he and the other signatories to the first request for oral argument had three arguments for the Board to consider: (1) whether, in considering as a legal matter if overnight parking of school buses should be allowed on the School's Rockville Pike campus, compatibility with the neighborhood had been adequately considered; (2) the effect of emissions from school buses, including particulates, on the surrounding neighborhood, and the inapplicability of the study conducted at FIS's Forest Road campus to the new Rockville Pike campus; and (3) whether the noise emanating from buses, and the impact of that noise on the surrounding neighborhood, particularly during "nighttime" hours as defined in the County's Noise Ordinance (i.e. between 9:00 p.m. and 7:00 a.m.), had been adequately addressed. See Exhibits 144 and 148.

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<sup>&</sup>lt;sup>1</sup> Mr. Kline's request seeks changes to three of the conditions proposed by the Hearing Examiner.

Mr. Brown stated that the Maplewood Citizens Association is not opposed to the grant of this major modification, but is trying to "tweak" it to make it fit better with the neighborhood. He stated that his client is only concerned with the legality of parking buses ovemight on the School's Rockville Pike campus. Mr. Brown stated that whether a school bus should be considered a "heavy commercial vehicle" is a legal question, that he had presented a detailed analysis of this question to the Hearing Examiner (who he noted disagreed with him), and that he would like an opportunity to present this argument to the Board. See Exhibit 147.

Mr. Wilkerson stated that his request for oral argument added a few legal issues that the Hearing Examiner did not address, as follows: (1) the Transportation Management Plan allows an unlimited loophole for persons attending before-school or after-school care; (2) the routes for the shuttle buses running between the new Rockville Pike campus and the Forest Road campus would impact neighborhood roadways that are already heavily used; and (3) because the new Rockville Pike campus and the existing Forest Road campus are inextricably linked, the chronic gridlock at the Forest Road campus will be compounded by the new campus, and thus the Hearing Examiner should require that the current gridlock abatement mechanisms at the Forest Road campus be made permanent. See Exhibit 149.

Ms. Fabre thanked the Board members for their time, and stated that it was important to have the new campus operational by September to avoid a one-year deferral of its use.

Mr. Kline stated that the Board has adequate evidence to make a decision on the requested major modification. He stated that the Hearing Examiner had compiled a Report and Recommendation over 100 pages in length, and that he does not recall any of the matters raised for oral argument not being discussed. He noted, by way of illustrating the thorough job that the Hearing Examiner had done, that after two days of hearings, the Hearing Examiner had remanded the matter to Planning Staff to get answers to specific questions, including questions about noise and traffic. He stated that Planning Staff had addressed those questions, and had issued a second report with additional conditions. Mr. Kline stated that allowing overnight parking of school buses on the new Rockville Pike campus was a legal issue, that the Hearing Examiner had thoroughly analyzed this issue, that she had determined that the Zoning Ordinance definition of "heavy commercial vehicle" did not include school buses, and that reargumentwas not needed for the Board to decide the issue. Finally, Mr. Kline highlighted the finding of the Hearing Examiner, on page 85 of her Report and Recommendation, that "[g]iven the expert testimony and evidence presented on remand, the Hearing Examiner finds that noise from cars on the drive aisle, children in the play areas, and buses starting and stopping will not adversely affect surrounding properties," and noted her statement that there was no evidence in the record to contravene this expert analysis and opinion.

Mr. Myers stated that there was a document that he had introduced during the proceedings before the Hearing Examiner that dealt with compatibility in a similar situation

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and that he believes addresses the residents' concerns. He stated that this document was not considered by the Hearing Examiner and should have been.

The Board finds that the record compiled by the Hearing Examiner is thorough and exhaustive, and that the Report and Recommendation contains clear and detailed conditions of approval. Accordingly, after considering the written requests for oral argument and the statements made in support thereof, the Board finds that oral argument is not necessary to render a decision on this matter, and on a motion by John H. Pentecost, Chair, seconded by Bruce Goldensohn, Vice Chair, with Mary Gonzales, Richard Melnick, and Caryn Hines in agreement, denies the requests for oral argument. Having found the Report and Recommendation comprehensive, the Board adopts the Report and Recommendation issued by the Hearing Examiner, with the changes to Conditions 10, 11, and 22 requested by Mr. Kline, which the Board finds are minor enough to accommodate, and with the addition of a new Condition 31.2 Accordingly, the Board grants the major modification of this special exception with the following conditions:

- 1. The Petitioner shall be bound by all its testimony and exhibits of record, and by the testimony of its witnesses and representations of counsel identified in this report.
- 2. The Petitioner must comply with the terms of the approved special exception site plan (Exhibit 125), Landscape Plan (Exhibit 132(a)), and Lighting Plan (Exhibit 94(c)).
- 3. The Private Educational Institution is limited to a maximum total gross floor area of 203,891 square feet, comprised of the Lee Building (121,147 square feet), the East Wing Office Building and Atrium Connector (66,448 square feet), the Beaumont House (15,264 square feet), Outbuilding #1 (768 square feet) and Outbuilding #2 (264 square feet), not including the parking garage.
- 4. Maximum enrollment in the nursery and elementary schools will not exceed 200 nursery school students and 500 elementary school students for a total of 700 students.
- 5. Maximum enrollment in Supplemental Language classes ("Saturday School) is limited to a maximum daily enrollment of 500 students until three years after the program commences; thereafter daily enrollment must not exceed 700 students.
- 6. Maximum enrollment in Summer Camp is limited to a maximum daily enrollment not to exceed 500 children until three years after the program commences after which daily enrollment must not exceed 700 students.
- 7. The maximum number of Staff that may be on-site at one time shall not exceed:

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<sup>&</sup>lt;sup>2</sup> Following the Board's vote to deny oral argument and to adopt the Hearing Examiner's Report and Recommendation granting this major modification, with the changes requested by Mr. Kline to Conditions 10, 11, and 22, and with the addition of a new Condition 31, Mr. McKenna expressed appreciation for the Board requiring consideration of noise that occurs before 7:00 a.m., and indicated that such a study should also look at ambient background noise levels on Alta Vista Court. Mr. Seid requested that the study also include the two extra buses that will be parked separately from the other buses serving the campus.

- a. Academic classes: 126 staff.
- b. Supplemental language classes: 30 employees until three years after the program commences after which not more than 50 staff may be on-site at any one time.
- c. Summer Camp: 75 employees until three years after the program commences after which not more than 126 staff may be on-site at any one time.
- 8. Hours of operation shall be limited as follows:
- a. Nursery and Elementary School: 7:00 a.m. to 7:00 p.m. (Before-care staff may arrive at 6:30 a.m.)
  - b. Summer camps: 7:00 a.m. to 7:00 p.m.
  - c. Supplemental Language Classes: 8:30 a.m. to 5:00 p.m.
- 9. The Petitioner must comply at all times with the requirements of the Transportation Management Plan (Exhibit 105(a)), with the following revisions:
- a. Add a requirement that elementary students participating in the before-care program must arrive before 8:00 a.m.
- b. Delete the words "guidelines" and/or "policy" or "policies" wherever they appear in the TMP and substitute the word "requirement" or "requirements" if plural.
- c. At the top of page 4 of the TMP, delete the phrase "policies and guidelines as necessary" and substitute the phrase "TMP requirements" as follows:

The school's weekly newsletter will include transportation updates reminding parents and staff of TMP requirements.

d. Under "Outreach and Education" (Exhibit 105, p. 3) add the following bullet (Exhibit 105(a), p. 3):

Avoid making a U-turn on Alta Vista Road.

- e. Make the first four bullets under "Outreach and Education" (Exhibit 105(a), p. 3) applicable to Summer camps and Saturday classes.
  - f. Add the following to the list of violations of the TMP (Exhibit 105(a), p. 15):

Making a U-turn on Alta Vista Road.

- g. Under "Enforcement", make the following revisions (Exhibit 105(a), pp. 15-16):
- i. Amend the language to make a 3-day suspension mandatory for a fourth violation of a school day: "A fourth violation will result in a 3-day suspension from school."

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- ii. Add the following penalty for a fifth violation of the TMP for school days, summer camps and Saturday classes: "A fifth violation will result in expulsion from the program."
- h. Add the following to the Neighborhood Liaison Committee for this special exception:
  - i. A representative of the Bethesda Crest Homeowner's Association; and ii. A resident of Alta Vista Court.
- 10. The Petitioner shall post the data from its monitoring cameras on its website within 48 hours of the close of the daily activities recorded.
- 11. Within 30 days after issuance of a decision approving the modification application, Petitionermust apply for a permit from Montgomery County Department of Transportation and Montgomery County Department of Permitting Services to install a monitoring camera on Alta Vista Road as near as possible to its intersection with Rockville Pike, If permitted by MCDOT/MCDPS, the digital monitoring device must be installed prior to commencement of operations at the school, or within 30 days of permit approval if the permit is approved within 30 days of commencement of School operations or after beginning of School.
- 12. The Board of Appeals will retain jurisdiction over the special exception for a period of two years after commencement of operations to monitor compliance with the Transportation Management Plan (Exhibit 105(a), as conditioned) and review the impact on the Maplewood and Locust Hill neighborhoods of coordinated traffic operations between the Forest Road campus and the Rockville Pike campus from the school, the summer camps, and the Saturday classes; 60 days prior to the Board of Appeals review, FIS must submit a report to the Board of Appeals and the NLC informing of compliance with the trip caps, the number and type of TMP violations, all violations issued and penalties it has imposed, the most recent available accident data for the Maplewood and Locust Hill neighborhoods, and any recommendations of FIS and the NLC regarding the TMP. FIS shall notify the NLC of the date, time and place for the Board's consideration of its report at least 30 days before the consideration is scheduled.
- 13. Deliveries and trash pick-up will be scheduled to occur between 8:30 a.m. and 3:30 p.m.
- 14. FIS shall include a clause in its contract with trash and food delivery services that trucks will not use residential streets in the Maplewood and Locust Hill neighborhoods as defined in the TMP.
- 15. Buses taking children on off-site activities during the school day, summer camps, or Saturday classes, will adhere to the routes prescribed in the TMP.

- 16. Outdoor play may not begin prior to 8:00 a.m.
- 17. Outdoor lighting on play areas is prohibited.
- 18. Outdoor use of Beaumont House is prohibited.
- 19. Amplified music inside and outside Beaumont house is prohibited.
- 20. The Petitioner will not conduct any interscholastic or league competitive sporting activities on the playgrounds, except practice for such activities may take place on the field between 3:30 p.m. and 5:30 p.m.
- 21. Special Events must not be scheduled during weekday peak periods (6:30 a.m. to 9:30 a.m. and 4:00 p.m. to 7:00 p.m.)
- 22. Prior to the issuance of any Use and Occupancy Certificate associated with the Private Educational Institution use, the Petitioner must permanently close the following three vehicular access points:
  - a. the western Site driveway onto Alta Vista Terrace;
  - b. the adjacent parking lot to the north of the Site (emergency use is allowed); and
  - c. the northern Rockville Pike driveway.
- 23. Prior to the issuance of any Use and Occupancy Certificate on the Site, the Petitioner must complete construction of the Site access and frontage improvements, as required by the Maryland State Highway Administration. These improvements include, but are not limited to, consolidation of Rockville Pike driveways, construction of an acceleration and deceleration lane, and increasing the surface area of the bus stop to meet minimum ADA standards.
- 24. The Petitioner must replace the existing Rockville Pike sidewalk with new a five-foot-wide sidewalk, separated from the roadway by a vegetated buffer measuring at least six-feet wide.
- 25. The Petitioner must maintain, in conjunction with the French International School Forest Road campus (the "Secondary School"), a bus fleet of a least 15 buses in accordance with the Transportation Management Plan (Exhibit 105(a)).
- 26. No vehicles may queue on the adjacent public street(s) while accessing the Site.
- 27. The Petitioner must provide 15 long-term bicycle parking spaces for use by faculty and staff in a secure and weather protected area within the East Wing building garage. Any bicycle parking provided for students will be above and beyond this requirement.

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- 28. The Petitioner must obtain approval of a Preliminary Plan of Subdivision per Chapter 50 of the Montgomery County Code after the final decision of the Board of Appeals on the Subject Application.
- 29. Prior to issuance of a Use and Occupancy permit, the Petitioner must obtain a variance from the Sign Review Board, for exceeding the maximum size, quantity and illumination of the proposed signage; copies of the sign permits shall be submitted to OZAH for its records.
- 30. The Petitioner and any successors in interest must obtain and satisfy the requirements of all Federal, State, and County licenses, regulations, and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception use as granted herein. The Petitioner and any successors in interest shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements, including the annual payment of special exception administrative fees assessed by the Department of Permitting Services.
- 31. The Petitioner must engage the service of professionals: (1) to perform noise and air pollution testing at the Rockville Pike campus in order to measure noise and pollutants/particulates attributable to the storage and use of all FIS buses at that location; and (2) to issue reports setting forth their findings. The report issued with respect to noise must assess the testing results in terms of compliance with the daytime and nightlime residential noise limits established in the Montgomery County Noise Ordinance, Chapter 31B of the County Code. The report issued with respect to pollutants/particulates must assess whether the concentrations of particulate matter and volatile organic compounds (hydrocarbons, nitrogen oxide, nitrogen dioxide, carbon monoxide and sulfur dioxide) comport with the National Ambient Air Quality Standards and any other air pollution standards set by the U.S. Environmental Protection Agency or relevant State or County agency.

Measurements of noise and air pollution must be taken on a representative school day during morning bus start-up (i.e. before 7:00 a.m.), as well as during the morning arrival and afternoon dismissal times.

The Petitionermust submit the results of this testing to the Board of Appeals no later than February 28, 2022. If the Board finds that the testing shows non-compliance with applicable standards, or otherwise finds the results of the testing to be of concern, the Board may, in its discretion, hold a hearing for the Petitioner to show why their bus operations should be allowed to continue, and may, with or without holding a hearing, add, modify, or delete conditions pertaining to the storage and use of buses in connection with this special exception use.

ATTACHMENT A

On a motion by John H. Pentecost, Chair, seconded by Richard Melnick, with Bruce Goldensohn, Vice Chair, with Mary Gonzales, and Caryn Hines in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

John H. Pentecost, Chair

Montgomery County Board of Appeals

Entered in the Opinion Book of the Board of Appeals for Montgomery County, Maryland this 30th day of August, 2021.

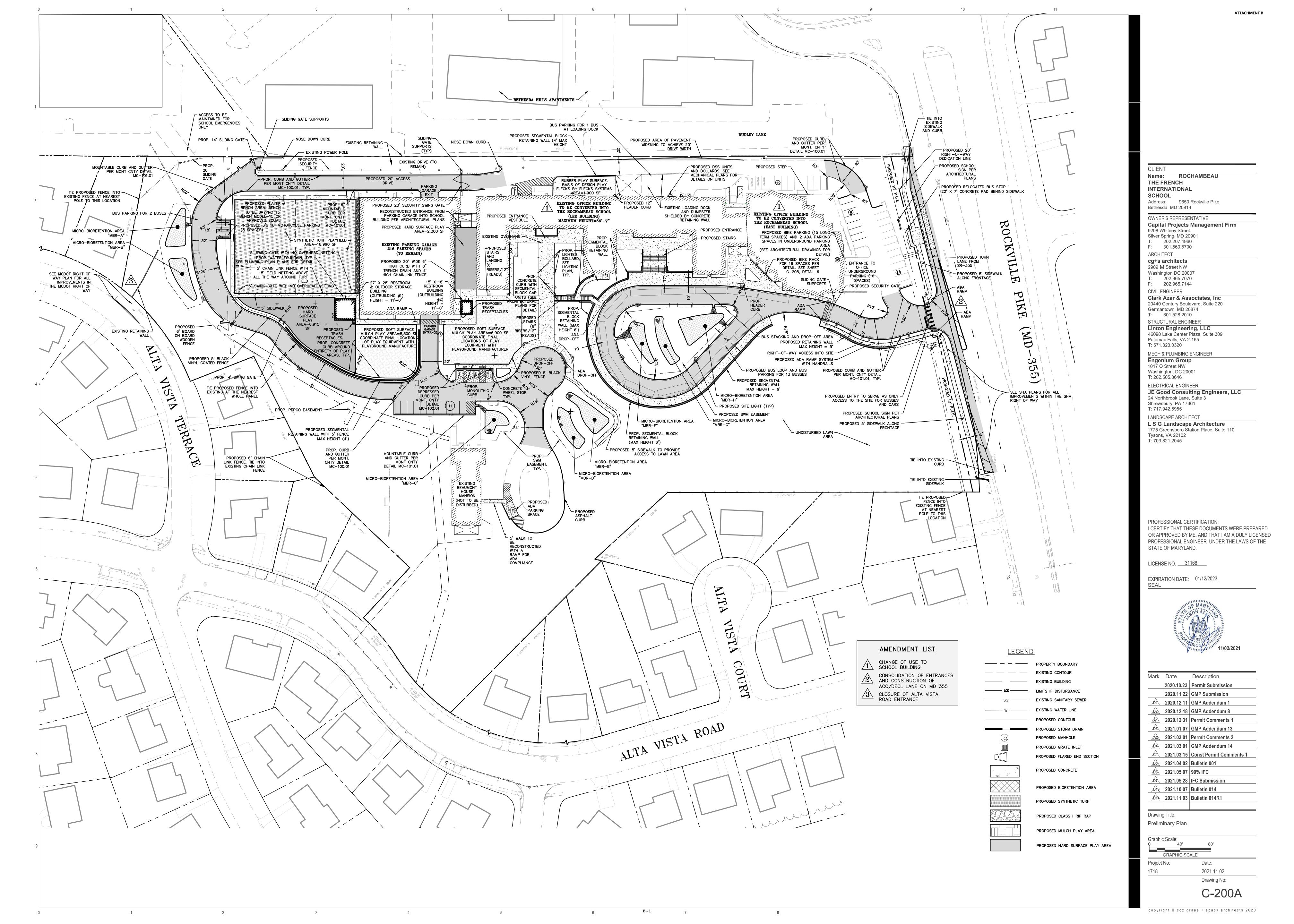
Barbara Jay

**Executive Director** 

### NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book. Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.





Marc Elrich County Executive Mitra Pedoeem Director

March 22, 2022

Ms. Dana Clark, PE Clark/Azar & Associates 20440 Century Blvd. Suite 220 Germantown, MD 20874

Re: Stormwater Management CONCEPT

**RECONFIRMATION** for French International

School

SWM Concept #:283635

Dear Ms. Clark:

Your request for a stormwater management reconfirmation for the above site has been evaluated. The original approved SWM concept dated October 22, 2020 is hereby reconfirmed. Please adhere to all conditions required as part of that approval.

If you have any questions regarding these actions, please feel free to contact me at 240-777-6202 or at mary.fertig@montgomerycvountymd.gov.

Sincerely,

Mary Fertig

Mary M. Fertig, PE Senior Permitting Services Specialist Water Resources Section Division of Land Development Services

Cc: SM File #: 283635





### DEPARTMENT OF PERMITTING SERVICES

Marc Elrich County Executive Mitra Pedoeem Director

October 22, 2020

Ms. Dana Clark, PE Clark/Azar & Associates 20410 Century Blvd. Suite 230 Germantown, MD 20874

Re: SITE DEVELOPMENT STORMWATER

MANAGEMENT PLAN for French International School 9650 Rockville Pike Special Exception S-862-C

SM File #: 283635 Redevelopment

Tract Size/Zone: 11.2 ac/R-60 Total Concept Area: 5.63ac

Watershed/Class: Lower Rock Creek/Class III

### Dear Ms. Clark:

Based on a review by the Department of Permitting Services Review Staff, the Site Development Stormwater Management Plan for the above-mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via Micro-Bioretention and Infiltration/Permeable Paving under a proposed turf field.

The following **items** will need to be addressed **during** the final stormwater management design plan stage:

- A detailed review of the stormwater management computations will occur at the time of detailed plan review.
- 2. An engineered sediment control plan must be submitted for this development.
- All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
- 4. Landscaping in areas located within the stormwater management easement which are shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.



Ms. Dana Clark, PE October 22, 2020 Page 2 of 2

> Facilities with embankments that meet definitions established in MD 378 may require a Dam Breach Analysis for class determination and will be required to be designed according to all applicable requirements in MD-378.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mary Fertig at 240-777-6340 or at mary fertig@montgomerycountymd.gov.

Sincerely,

Mark C. Etheridge, Manager Water Resources Section

Mark Theridge

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Division of Land Development Services

MCE: MMF

CC:

N. Braunstein SM File # 283635

ESD: Required/Provided 21,780cf / 25,954cf PE: Target/Achieved: 1.8"/1.8" STRUCTURAL: N/A WAIVED: N/a



May 06, 2022

Ms. Grace Bogdan, Planner Coordinator Downcounty Planning Division The Maryland-National Capital Park & Planning Commission (M-NCPPC) 2425 Reedie Drive, 14<sup>th</sup> Floor Wheaton, Maryland 20902

RE: Preliminary Plan No. 12002079B

Rochambeau-The French International School

Preliminary Plan & Traffic Impact Study Letter

Dear Ms. Bogdan:

This letter is provided as a follow up to plan review performed by the Development Review Committee at its March 15, 2022, meeting. The Department of Transportation (MCDOT) has completed its review of the preliminary plan uploaded on eplans dated January 14, 2022; revised Traffic Impact Study (TIS) submitted by Grove Slade dated March 21, 2022; and the additional Traffic Signal Warrant Analysis submitted on March 20, 2022. Based on these documents and related discussions with Montgomery Planning and the Maryland State Highway Administration (MDSHA), MCDOT recommends approval of the plan subject to the following comments.

### **Preliminary Plan Comments**

- All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site
  plans should be submitted to the Montgomery County Department of Permitting Services in the
  package for record plats, storm drain, grading or paving plans, or application for access permit.
  Include this letter and all other correspondence from this department.
- The public street fronting the subject property is owned and maintained by MDSHA. Therefore, MCDOT's jurisdiction is limited to maintenance and operation of associated traffic signals on Rockville Pike (MD 355), sidewalk/shared use path, and bus stop/bus shelter. Per Montgomery

- County Code Chapter 50 Section 4.2, MCDOT shall provide recommendations along MD 355 frontage for attention and consideration by MDSHA.
- At or before the MDSHA permit/construction stage, please contact Mr. Wayne Miller of our Division of Transit Services regarding Ride On bus stop improvements and relocation as shown in the plan. Mr. Miller may be contacted at <u>Wayne.Miller2@montgomerycountymd.gov</u> or at 240 777-5836.
- 4. MCDOT recommends the following to be required by MDSHA of the applicant:
  - a. Design all access points and alleys to be at-grade with the sidewalk / sidepath, dropping down to street level between the sidewalk / sidepath and roadway.
  - b. The curve radius at the proposed driveway shall be as small as practicable to accommodate target design vehicles without intrusion into bicycle or pedestrian travel ways.
  - c. Provide a minimum 5 ft continuous clear pathway (no grates) along all public streets.
  - d. Upgrade pedestrian facilities at intersections along the site frontage & at adjacent intersections to comply with current ADA standards.
- 5. Sight Distance: MCDOT defers to MDSHA for sight distance approval on MD 355.
- 6. **Storm Drain Analysis:** The storm drain study is approved, and the applicant is not responsible for any downstream improvements to the exiting storm drain outfall. The portion of the site draining to MD 355 shall be approved by MDSHA.
- Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

### **Traffic Impact Study (TIS)**

The applicant submitted the initial traffic impact study for the French School in order to receive approval for a special exception from the Board of Appeals (BoA) for the proposed use of the property. At the BoA meeting, the BoA approved the exception with a condition on the site restricting school traffic from making a right turn at Alta Vista Road from Rockville Pike (MD-355). In addition, MDSHA has approved the installation of a physical barrier on southbound MD 355 to restrict the site traffic from crossing multiple lanes in an attempt to make a U-turn at Alta Vista Road to northbound MD-355. While the applicant completed a traffic study for the special exception, the preliminary plan is subject to the recently approved LATR Guidelines dated March 2022. The applicant was required to submit a revised traffic impact study to address the new guidelines. Also, a different traffic pattern must be considered from what was evaluated in the

original TIS because of the BoA condition barring vehicles exiting the French School from making a right turn onto Alta Vista Road. While the previous report showed that the applicant needed to mitigate the intersection of Pooks Hill and MD 355, the new report stated these improvements were not needed because of the change in traffic pattern. The revised TIS submitted by the applicant proposed that the site traffic be routed through an approximately 4-mile detour for cars exiting the school and seeking to head northbound on Rockville Pike (MD-355). The theoretical detour will use southbound Rockville Pike (MD-355) exiting the school, followed by a right turn onto Cedar Lane, a right turn onto Old Georgetown Road, a right onto Grosvenor Place, and finally a left on Rockville Pike (MD-355) in order to travel northbound. MCDOT feels strongly that it is unlikely cars will take this route and travel in a circle of four miles out of the way. Rather, it is more likely that they will use a shorter available option, such as a U-turn at the unsignalized intersection of Rockville Pike (MD-355) and Elsmere Avenue, a right turn at Elsmere and U-turn midblock to head back on northbound Rockville Pike (MD-355), or a prohibited right turn on Alta Vista to turn around in the neighborhood or drive through it. Because of the impractical routing of vehicles in the TIS and anticipated actual navigation choices, MCDOT requested the applicant to analyze the following:

- A traffic signal warrant analysis (half & full signal) at the proposed site entrance at Rockville Pike (MD-355).
- A traffic signal warrant analysis with the available traffic data at Rockville Pike (MD-355) and Elsmere Avenue (unsignalized intersection).

The results of the driveway access and Rockville Pike (MD-355) intersection in the report dated March 21, 2022, showed that the traffic signal is warranted at the school exit location; however due to operational concerns at Rockville Pike (MD-355) corridor, the applicant and MDSHA are not in agreement with MCDOT that a signal should be installed. The April 20, 2022, TIS report concluded that a traffic signal was not warranted at the Rockville Pike (MD-355) and Elsmere Avenue intersection. However, MCDOT maintains that a signal should be provided based on engineering judgment, safety, and anticipation of realistic human behavior in the absence of a signalized alternative to an extensive detour. Specifically, MCDOT is concerned that, in the absence of a new signal, drivers exiting the school will be tempted to make unsafe maneuvers across lanes on MD 355 in order to perform U-turns, or otherwise will be likely to enter neighborhood side streets in ways not contemplated by the TIS in order to save time and distance to travel northbound.

Therefore, we strongly recommend the following to be considered by the Planning Board for the safe traffic operation and to avoid the cut through traffic along the neighborhood:

- The applicant shall contribute to Montgomery County, an amount equivalent to the cost of full signal warranted at the driveway at the time of this approval, which is currently estimated at \$400,000. MCDOT will act as the steward of this contribution and take future responsibilities associated with pursuit of a signal on MD 355 and absolve the applicant of future obligations to seek signal approval and installation. If MCDOT can reach an agreement with MDSHA to install a signal, it will use the funds and be responsible for design, permits, and installation of the signal. If upon MCDOT's best effort to seek approval from MDSHA for a signal, MDSHA does not approve installation of the device, MCDOT will use the \$400,000 to construct traffic calming devices and other safety mitigation on surrounding neighborhood streets that are observed to have any traffic impacts or challenges associated with traffic volumes added to the area from the school.
- MCDOT acknowledges the BoA Condition #11 of the special exception Case # S-862-C
  per Montgomery County Code 49-11 that suggests pursuit of a traffic camera, we submit
  that the most expeditious path for the applicant would be to install the camera outside the
  public right-of-way through direct agreement with neighborhood residents for installation
  on private property.

Alternatively, MCDOT's recommends that the applicant and area residents consider the option of the applicant contracting with a traffic count consultant to collect and analyze traffic data at predetermined frequencies. Rather than install permanently located (and therefore detectable by drivers) cameras on surrounding neighborhood streets, use of contracted traffic counts by consultants allows for flexibility in location so that data can be collected wherever area residents are detecting any negative traffic impacts.

If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our Development Review Team Engineer for this project at <a href="mailto:deepak.somarajan@montgomerycountymd.gov">deepak.somarajan@montgomerycountymd.gov</a> or at (240)-777-2194.

Sincerely.

Deepak Somarajan, Engineer III

Deepak Somarajan

**Development Review** 

Office of Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Preliminary Plan\ 12002079B-Rochambeau-The French International School\ Letter\ 2022.05.02 MCDOT Letter to P&P re French School - Final Letter

cc: Sharepoint Correspondence folder FY'22

cce: Katie Wagner Gorove/Slade Associates, Inc.

Helene Legal-Fabre Chief Operating Officer, Rochambeau

Jody Kline Miller, Miller & Canby

Katie Mencarini MNCPPC

Kwesi WoodroffeMDSHA-District 3Atiq PanjshiriMCDPS RWPRSam FarhadiMCDPS RWPRChris ConklinMCDOT Director

Hannah Henn MCDOT Deputy Director

Michael L. Paylor MCDOT DTEO
Mark Terry MCDOT DTEO
Oscar Yen MCDOT DTEO
Kamal Hamud MCDOT DTEO
Piotr Rachtan MCDOT DTEO
Wayne Miller MCDOT DTS
Rebecca Torma MCDOT OTP

Larry Hogan G**AFTACHMENT C** 

Boyd K. Rutherford Lt. Governor

James F. Ports, Jr. Secretary

Tim Smith, P.E.

Administrator

June 16, 2022.

Ms. Katie Wagner Gorove/Slade 1140 Connecticut Avenue, Suite 600 Washington DC 20036

Dear Ms. Katie Wagner:

Thank you for the opportunity to review the Post Issuance Traffic Impact Study (TIS) submittal, prepared by Gorove/Slade, for the proposed Rochambeau - French International School development (18APMO02221), located on MD 355 (Rockville Pike) in Montgomery County, Maryland. The State Highway Administration (SHA) review is complete, and we are pleased to respond.

We are recommending <u>Conditional Approval</u> of the TIS. We still have outstanding concerns on some of the information in the Synchro analysis that will need to be addressed; however, we feel that those concerns can be addressed as we continue to coordinate on the review and approval of the Traffic Management Plan (TMP).

Please submit electronically (via our online system <a href="https://mdotsha.force.com/accesspermit">https://mdotsha.force.com/accesspermit</a>) the TMP, all supporting documentation, and a point-by-point response addressing the comments listed in the attachment, to the Access Management Division. Please reference the SHA tracking number on any future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <a href="https://www.roads.maryland.gov/mdotsha/pages/amd.aspx">https://www.roads.maryland.gov/mdotsha/pages/amd.aspx</a>.

If you have any questions, or require additional information, please contact Mr. Kwesi Woodroffe at 301-513-7347, by using our toll-free number in Maryland only at 1-800-876-4742 (x7347) or via email at <a href="mailto:kwoodroffe@mdot.maryland.gov">kwoodroffe@mdot.maryland.gov</a> or <a href="mailto:shaamdpermits@mdot.maryland.gov">shaamdpermits@mdot.maryland.gov</a>.

Sincerely,

for Erica Rigby, P.E. District Engineer

ER/kw

Ms. Katie Wagner

SHA Tracking No.: 18APMO02221

Page 2 of 2 June 16, 2022

cc: Mr. Mr. Yeshitla Argaw, SHA - TDSD

Ms. Rola Daher, SHA – TFAD

Mr. Matthew Folden, M-NCPPC

Mr. Joseph Moges, SHA District #3 Traffic

Ms. Hélène Legal-Fabre, ROCHAMBEAU - The French International School

Mr. Scott Holcomb, SHA – TFAD

Mr. Robert Owolabi, SHA District 3 Traffic

Mr. Alvin Powell, SHA District 3 Traffic

Ms. Kathleen Reilly, M-NCPPC

Ms. Thomasina Saxon, SHA – RIPD

Mr. Deepak Somarajan, Montgomery County

Mr. William Stroud, SHA – TDSD

Ms. Rebecca Torma, Montgomery County

Mr. Kwesi Woodroffe, SHA District #3 Regional Engineer

### **Dana Clark**

From: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>

**Sent:** Friday, February 11, 2022 11:28 AM

To: Dana Clark

**Subject:** Re: French International School

**Attachments:** image002.jpg; FASEB - FA Approval 2020.pdf

If the plan has not changed, further review is not required.

Sent from my iPhone

On Feb 11, 2022, at 10:56 AM, Dana Clark <dclark@clarkazar.com> wrote:

### [EXTERNAL EMAIL]

Ms. LeBaw,

Good morning. We have an approved Fire Access Plan and Fire Lane order from you dated 11/20/2020 and attached. The plan has not changed. However, as part of our Preliminary Plan review, M-NCPPC is requesting confirmation from you that an additional review will not be required. Can you please confirm?

Thank you,

### **Dana Clark, PE**

President

Clark | Azar & Associates, Inc.

20440 Century Boulevard, Suite 220 Germantown, MD 20874

p: (301) 528-2010 | d: (240) 912-3494 | c: (727) 612-6382

dclark@clarkazar.com | www.clarkazar.com

MDOT MBE/DBE/SBE Cert. #17-740 NAICS 541330

This e-mail may contain confidential and privileged material for the sole use of the intended recipient. Any unauthorized review, use or distribution by others is strictly prohibited. If you have received this message i error, please advise the sender by reply e-mail and delete the message. Thank you.



## Department of Permitting Services Fire Department Access and Water Supply Comments

**DATE:** 10-Nov-20

TO: Sean Lindaman - slindaman@clarkazar.com

Clark | Azar & Ass

FROM: Marie LaBaw

RE: Rochambeau - French International School

9650 Rockville Pike

### PLAN APPROVED

1. Review based only upon information contained on the plan submitted **08-Oct-20** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.

2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

\*\*\* Renovating existing building with an existing FDC to remain \*\*\*

### **Letter of Transmittal**

Date:		U&{ à^¦Â Ê2020							
То:		S Marie LaBaw, PhD, PE Department of Permitting Services 255 Rockville Pike Rockville, MD 20850							
Job No.		&' ) "\$\$(							
Subject:		Rochambeau, the French International School - Fire Lane Order							
We are sending you the following:  □ Next Day Service □ U.S. Mail □ Second Day Service □ Certified Mail □ Other:									
No.	Copies	Date	Description						
	2 10/7/2020 Fire Access Plan 5 5 School Signage Plan								
These are transmitted: ☐ For your use ☒ For review and comment ☐ As requested ☐ Other:  Remarks: Please see the attached fire access plan and fire lane order for the proposed remodeling of 9650 Rockville Pike, Bethesda, MD 20814 for the French International School.									
Signed									



October 8, 2020

S Marie LaBaw, PhD, PE Department of Permitting Services 255 Rockville Pike Rockville, MD 20850

Dear Ms. LaBaw:

### FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from ommisions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SML\* 43 DATE: 1/10/2020

The Rochambeau French International School is in the process of securing permits to upgrade an existing commercial building into a new school. During the process of preparing the site plan, the performance of the existing office building, an additional existing building (the Beaumont House) and the existing parking garage were evaluated and found to be non-compliant. No building improvements are being proposed for the parking structure or the Beaumont House. The accompanying drawings demonstrates the proposed improvements allow all the structures on site to comply with Executive Regulation 08-16.

On behalf of the Rochambeau French International School, we formally request your concurrence of the provided fire access coverage as shown. Thank you and as always:

Respectfully,

Sean Lindaman, P.E. Project Manager

PROPERTY OF MARKET OF MARK

10/8/2020

PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND

LICENSE NO.: 38909 EXPIRATION DATE: 12/29/2020



### MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

Date: 10/5/2020

<u>Fi</u>	re Lane Establishment Order
Fire Lane has been established as descr and paint curbs/pavement as identified will authorize the enforcement of this F this order must be achieved within 30 d • One or more structures • The road or accessway on the subject road has	y County Code, 1971, as amended, you are hereby notified that a ribed in this order. You are hereby ordered to post fire lane signs below. When signs or paint work has been completed, this order fire Lane by appropriate police or fire officials. Compliance with lays of receipt when any of the following conditions are met: addressed from the subject road are occupied; is available for use and at least one building permit for an address been issued; or is necessary fire department access.
LOCATION: Rochambeau	ı, The French International School
9650 Rockvil	lle Pike, Bethesda, MD 20814
	reas where indicated by signs and/or paint.  for location of sign placement)  Signs must be posted so that it is not possible to park a vehicle without being in sight of a sign. Signs may be no further apart than 100 feet.
PAINT (See attached diagram wi	hen painting is required)  Paint must be traffic yellow with lines of  Sufficient width to be readily identifiable/ readable by motor vehicle operators.
Cc: Fire Code Enforcement Section	Signature of Order Writer/I.D. #
Attachment: Fire Lane Diagram	

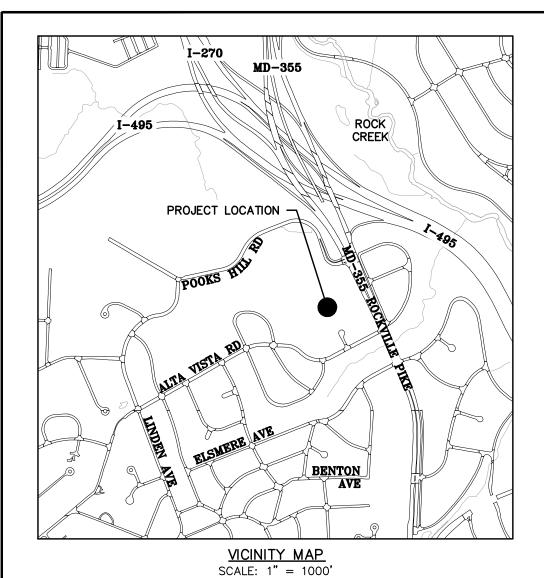
2

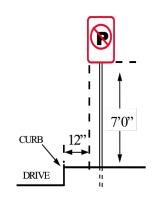
### FIRE LANE ESTABLISHMENT FORM

BUILDING OR SUBDIVISION NAME: Hochambe	au, The French International School				
FIRE LANE LOCATION/ADDRESS: 9650 Rockville	e Pike, Bethesda, MD 20814				
See attached drawing for designated fire lanes:					
I have received the drawing and instructions for instal by state or local government.	ling the designated fire lanes on property not owned				
NAME AND TITLE OF PROPERTY REPRESENTA	TIVE				
NAME: Helene Fabre	TLE: Executive Director				
NAME: Helene Fabre  SIGNATURE: PHONE: 240-479-2204					
PHONE: 240-479-2204	OATE:				
ADDRESS (where processed order will be mailed): Rochambeau, The French International School 9600 Forest Rd, Bethesda, MD 20814					
The designated fire lanes are the minimum necessary for Section 22-33 of the Fire Safety Code.					
NAME:S	SIGNATURE:				
STA.#: I.D.#: I	DATE:				
Comments:					
Fig. Laws Installed Day Onlaw					
<u>Fire Lane Installed Per Order</u>					
NAME:	DATE:				

C - 16

0092N/23





### SIGN PLACEMENT DIAGRAM

**S1** 





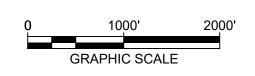


FIRE LANE SIGNS

FIRE LANE

### **GENERAL NOTES:**

- 1. SIGNS TO BE CONSISTENT WITH THE MONTGOMERY COUNTY FIRE AND RESCUE (MCFR) GUIDELINES
- 2. FIRE LANE SIGNS TO BE 12" WIDE BY 18" HIGH





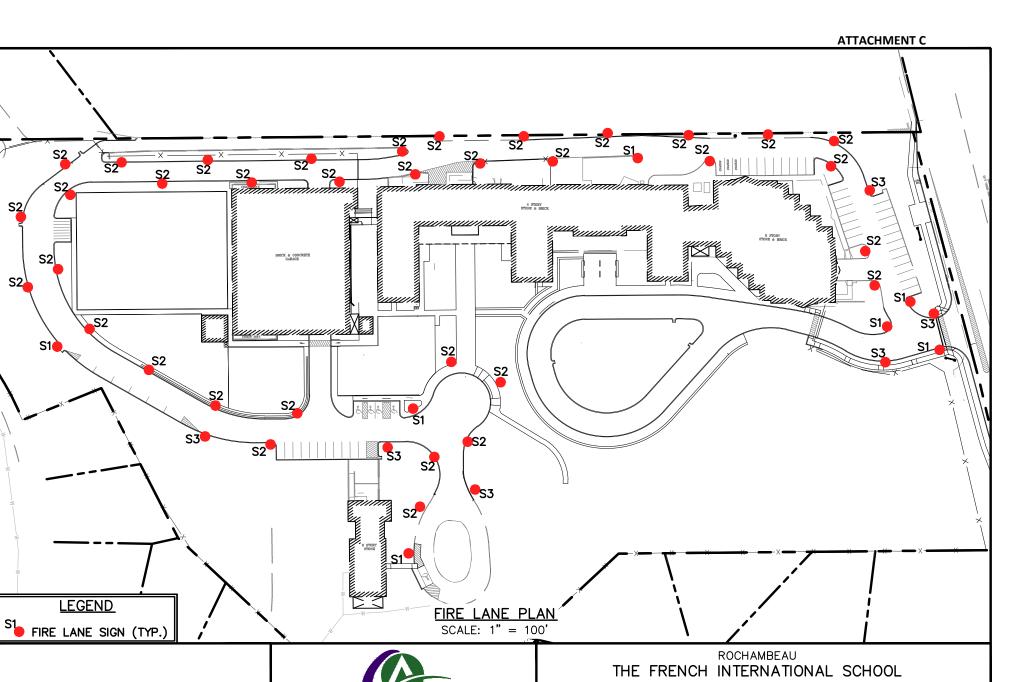
### **CLARK | AZAR & ASSOCIATES**

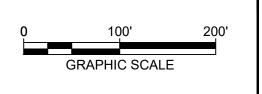
20440 Century Blvd, Suite 220 Germantown, MD. 20874 T(301) 528-2010 www.clarkazar.com A Woman Owned Small Business

ROCHAMBEAU THE FRENCH INTERNATIONAL SCHOOL 9650 ROCKVILLE PIKE BETHESDA, MD 20814

FIRE LANE ORDER

JOB NO.: 235,004 SHEET NUMBER: 1 OF 2 SCALE: 1" = 1000'DATE: OCTOBER 2020



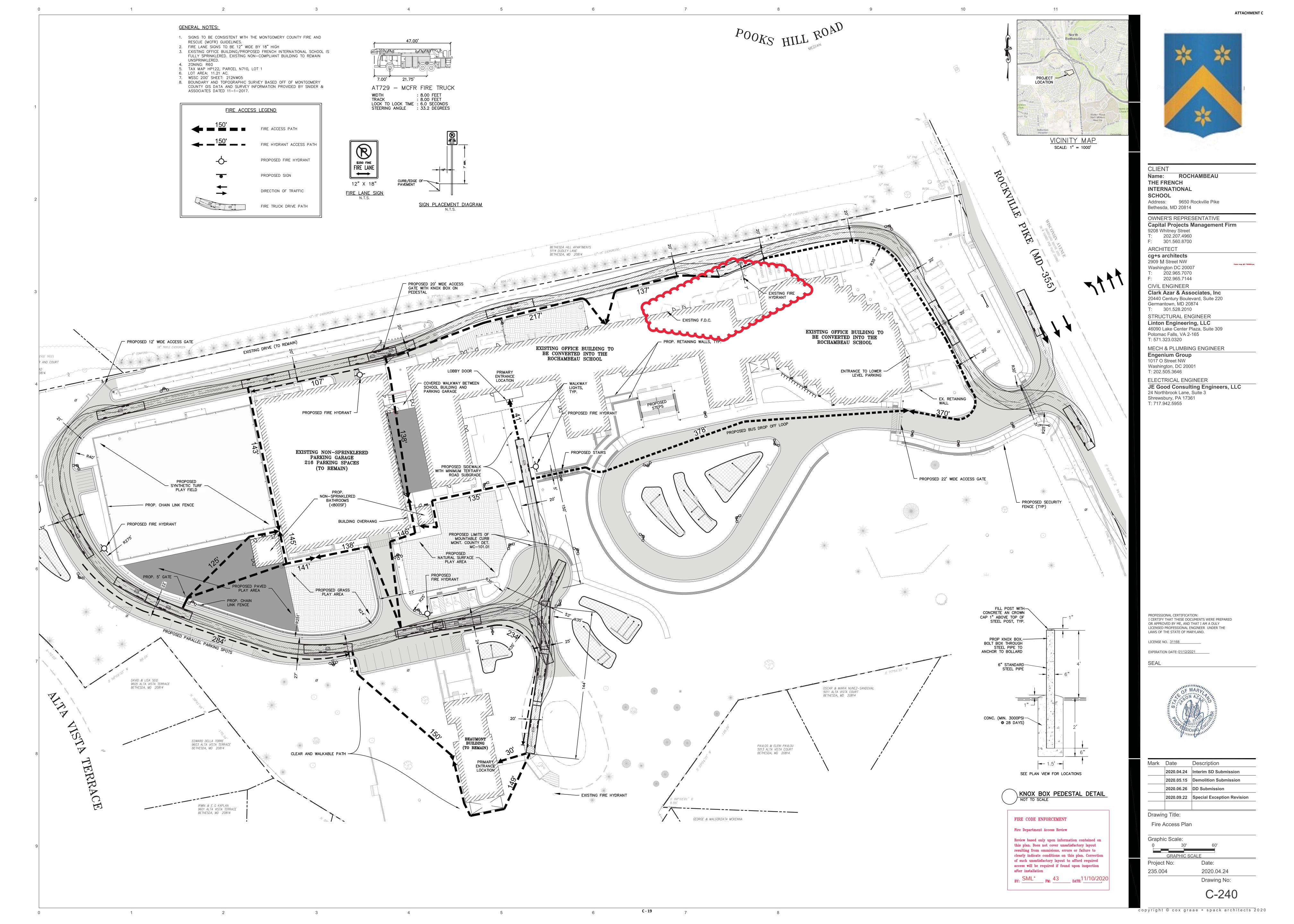


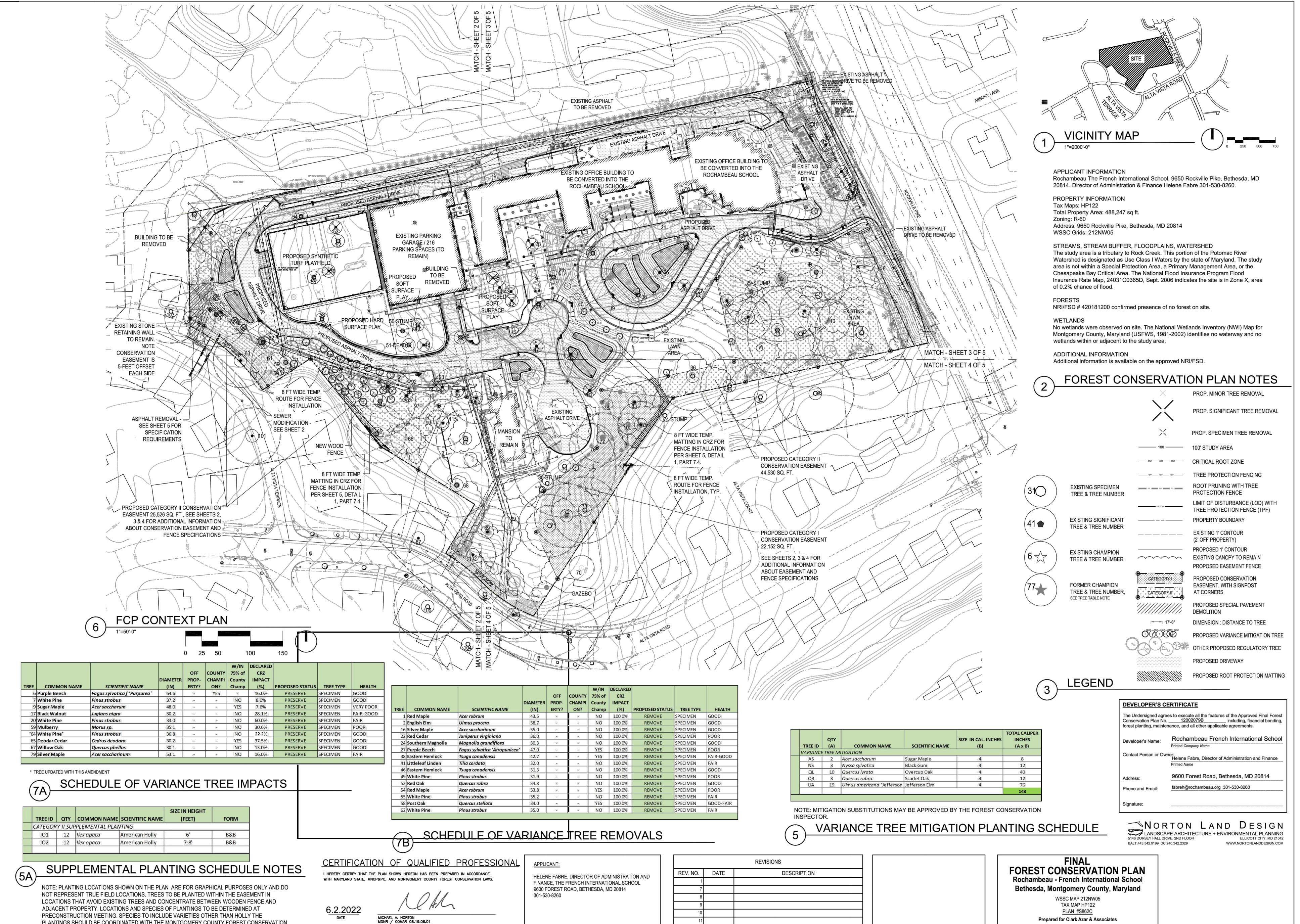
S2

# **CLARK | AZAR & ASSOCIATES**

20440 Century Blvd, Suite 220 Germantown, MD. 20874 T(301) 528-2010 www.clarkazar.com A Woman Owned Small Business 9650 ROCKVILLE PIKE BETHESDA, MD 20814 FIRE LANE ORDER

JOB NO.: 235.004 SHEET NUMBER: 2 OF 2 SCALE: 1" = 100' DATE: OCTOBER 2020



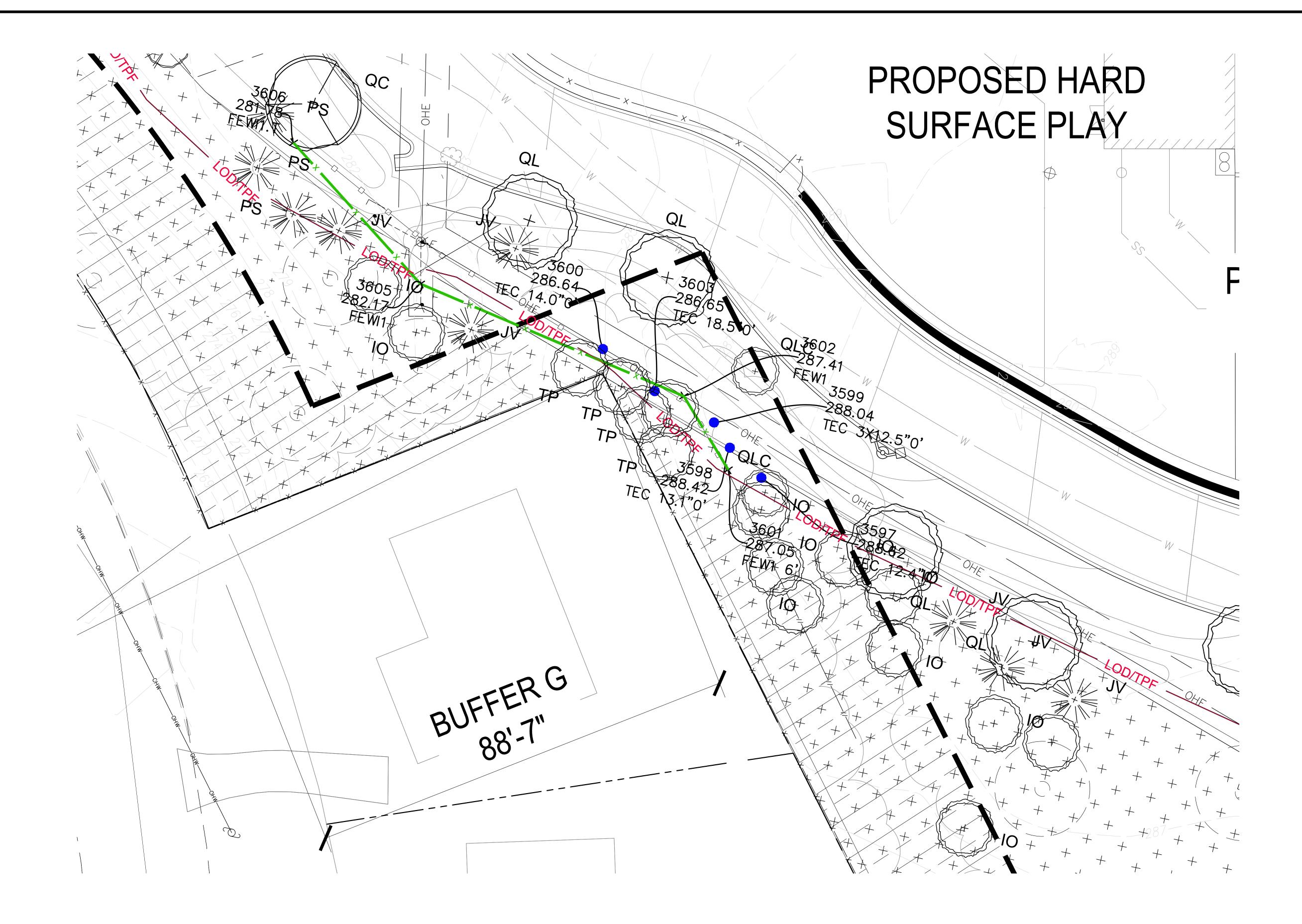


PLANTINGS SHOULD BE COORDINATED WITH THE MONTGOMERY COUNTY FOREST CONSERVATION

QUALIFIED PROFESSIONAL

FFCP SHEET 2

revised AUGUST 18, 2021



NOTES:
1. SEE PLANT SCHEDULE (L402) FOR PROPOSED PLANT TYPE AND SIZES.
2. BIORETENTION PLANTINGS ARE ISOLATED ON L401A.

VICINITY MAP SCALE: 1"=500'-0"

EVERGREEN TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME
+	JV	6	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR
	Sd	3	PINUS STROBUS	WHITE PINE
+	TS	5	THUJA STANDISHII	GREEN GIANT
+	Ю	10	ILEX OPACA	AMERICAN HOLLY

# LEGEND

PROPOSED VARIANCE MITIGATION TREE + + PROPOSED TREE FOR SCREENING AND PERIPHERAL PARKING CREDIT

PROPOSED EVERGREEN OR ORNAMENTAL TREE FOR SCREENING CREDIT

EXISTING SPECIMEN OR SIGNIFICANT TREES PROPOSED TO REMAIN (SEE FCP) CANOPY TREE FOR PARKING AREA CREDIT

PROPOSED MICRO BIORETENTION
SWM FACILITY. PLANTINGS TO BE
SUBMITTED WITH SW PLAN PROPOSED CATEGORY I CONSERVATION EASEMENT

> PROPOSED CATEGORY II CONSERVATION EASEMENT

PROPOSED LARGE SHRUB

—--— PARCEL BOUNDARY

PROPOSED SMALL SHRUB LIMIT OF DISTURBANCE PARKING AREA & DRIVEWAY

EXISTING, MATURE EVERGREEN BUFFER, 8-10' O.C., 30' HT. TO

SOIL PROFILE REBUILDING



PROPOSED 6' ORNAMENTAL PICKET FENCE





PROFESSIONAL CERTIFICATION:
I CERTIFY THAT THESE DOCUMENTS WERE PREPARED
OR APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE
LAWS OF THE STATE OF MARYLAND. LICENSE NO. <u>31168</u> EXPIRATION DATE: 01/12/2023

# ROCHAMBEAU THE FRENCH INTERNATIONAL SCHOOL OF WASHINGTON D.C.

FASEB PROPERTY 9650 ROCKVILLE PIKE BETHESDA, MD

Э.	DATE	DESCRIPTION	DATE:	JUNE 2022	SHEET TITLE	
<u>1</u>	06/06/22	REVISED LANDSCAPE PLAN	CAA PROJECT NO.:	235.004		
			DRAWN BY:	DWC	LANDSCAPE PLAN	L401
			CHECKED BY:	JA		
	I					