

Item 7 - Correspondence

From: [Bogdan, Grace](#)
To: [MCP-Chair](#)
Subject: FW: Revised French School Letter
Date: Monday, July 18, 2022 9:13:34 AM
Attachments: [French school.pdf](#)

For 7/21 PB, item #7

From: Torma, Rebecca <Rebecca.Torma-Kim@montgomerycountymd.gov>
Sent: Friday, July 15, 2022 11:37 AM
To: Bogdan, Grace <grace.bogdan@montgomeryplanning.org>; Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>
Cc: Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; Somarajan, Deepak <deepak.somarajan@montgomerycountymd.gov>; Katie Wagner <klw@goroveslade.com>; Helene Fabre <fabreh@rochambeau.org>; jskline@mmcanby.com; Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>; Atiq Panjshiri <atiq.panjshiri@montgomerycountymd.gov>; Farhadi, Sam <Sam.Farhadi@montgomerycountymd.gov>; christopher.conklin@montgomerycountymd.gov; Henn, Hannah <Hannah.Henn@montgomerycountymd.gov>; Cupples, Tim <Tim.Cupples@montgomerycountymd.gov>; Paylor, Michael L. <Michael.Paylor@montgomerycountymd.gov>; Terry, Mark <Mark.Terry@montgomerycountymd.gov>; Yen, Oscar <Oscar.Yen@montgomerycountymd.gov>; Hamud, Kamal <Kamal.Hamud@montgomerycountymd.gov>; Rachtan, Piotr <Piotr.Rachtan@montgomerycountymd.gov>; Miller, Wayne G. <Wayne.Miller2@montgomerycountymd.gov>
Subject: Revised French School Letter

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

The revised letter is attached.

*******Please see the link below for new application process*******
<https://www.montgomerycountymd.gov/dot-dir/Resources/Files/DevRevApplication.pdf>

Rebecca Torma | Manager, Development Review
Director's Office | Department of Transportation
101 Monroe Street
10th Floor
Rockville MD 20850
(240) 777-2118 (work)
(240) 383-5252 (cell)
Rebecca.torma@montgomerycountymd.gov



For more helpful Cybersecurity Resources, visit: <https://www.cisa.gov/be-cyber-smart>



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

July 15, 2022

Ms. Grace Bogdan, Planner Coordinator
Downtown Planning Division
The Maryland-National Capital
Park & Planning Commission (M-NCPPC)
2425 Reedy Drive, 14th Floor
Wheaton, Maryland 20902

RE: Preliminary Plan No. 12002079B
Rochambeau-The French International School
Preliminary Plan & Traffic Impact Study Letter
REVISED LETTER

Dear Ms. Bogdan:

This letter supersedes the previous letter dated May 06, 2022. 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

1. 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.
2. 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

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

County Code Chapter 50 Section 4.2, MCDOT shall provide recommendations along MD 355 frontage for attention and consideration by MDSHA.

3. 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 Wayne.Miller2@montgomerycountymd.gov 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.
7. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

Traffic Impact Study (TIS)

The following comment is revised as part of this letter:

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 do not agree 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. Specifically, MCDOT is concerned that, , drivers exiting the school will be tempted to make unsafe maneuvers across multiple 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:

- MCDOT will monitor the traffic operations at the study intersections and cut through traffic through in affected neighborhoods for a period of 24 months from the time when the school begins its operation, including 1) operations at the school driveways; 2) functionality of the Cedar Lane U-turns; 3) adherence to turn/U-turn restrictions; 4) cut through traffic; and 5) complaints from residents. If changes to traffic control or implementation of traffic calming are determined to be needed during this period, the applicant will fund these measures through a Participation Agreement with MCDOT. The agreement will include a letter of credit, escrow account, or other suitable security instrument for the approximate cost of a full signal on MD 355, estimated at \$400,000. If necessary, MCDOT will use the available funds to install additional traffic controls or calming measures (with approval from MDSHA, if applicable). If further mitigation is not needed, the participation agreement will terminate at the conclusion of 24 months with release of remaining funds to the applicant.
- 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 deepak.somarajan@montgomerycountymd.gov or at (240)-777-2194.

Sincerely,

Rebecca Torma

For Deepak Somarajan, Engineer III
Development Review
Office of Transportation Policy

Ms. Grace Bogdan
Preliminary Plan No. 12002079B
July 15, 2022
Page 5

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 - Revised Letter 7-2022

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 Woodroffe | MDSHA-District 3 |
| | Atiq Panjshiri | MCDPS RWPR |
| | Sam Farhadi | MCDPS RWPR |
| | Chris Conklin | MCDOT Director |
| | Hannah Henn | MCDOT Deputy Director |
| | Tim Cupples | MCDOT Acting 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 |

From: [Bogdan, Grace](#)
To: [MCP-Chair](#)
Subject: FW: Rochambeau/ Notice of Violation (S-862-C)
Date: Monday, July 18, 2022 9:17:29 AM
Attachments: [S862-C \(CBA210\) RESCINDED NOV \(7-15-2022\).pdf](#)

For 7/21 PB, item #7

From: Cox, Barbara <Barbara.Cox@MontgomeryCountyMD.gov>
Sent: Friday, July 15, 2022 4:18 PM
To: jskline@mmcanby.com
Cc: Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Bogdan, Grace <grace.bogdan@montgomeryplanning.org>; Peck, Stephen <stephen.peck@montgomeryplanning.org>; Fuster, Marco <marco.fuster@montgomeryplanning.org>; Kronenberg, Robert <robert.kronenberg@montgomeryplanning.org>; davidseid3@gmail.com; Allen Myers <almyers@starpower.net>; Nichols, Greg <Greg.Nichols@montgomerycountymd.gov>; Lundy, Cynthia <Cynthia.Lundy@montgomerycountymd.gov>; Salazar, Victor <Victor.Salazar@montgomerycountymd.gov>; Jay, Barbara <Barbara.Jay@montgomerycountymd.gov>
Subject: RE: Rochambeau/ Notice of Violation (S-862-C)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good afternoon Mr. Kline,

Thank you for your email and attachments. Upon careful review and consideration of your letter and the detailed plans, I have rescinded the Notice of Violation issued on May 23, 2022 for Special Exception S-862-C (CBA-210). I have attached a copy of the rescinded NOV for your records.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Barbara Cox
Permitting & Code Compliance Inspector
Montgomery County Government
Dept. of Permitting Services (DPS)
Division of Zoning and Code Compliance
2425 Reedie Drive, 7th Floor
Wheaton, MD 20902
240-372-9620 (cell, 7:30 AM – 4:00 PM)
Barbara.cox@montgomerycountymd.gov

From: Jody Kline <jskline@mmcanby.com>

Sent: Friday, July 15, 2022 10:57 AM

To: Cox, Barbara <Barbara.Cox@MontgomeryCountyMD.gov>

Cc: Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Bogdan, Grace <grace.bogdan@montgomeryplanning.org>; stephen.peck@montgomeryplanning.org; Fuster, Marco <marco.fuster@montgomeryplanning.org>; Robert Kronenberg <robert.kronenberg@montgomeryplanning.org>; davidseid3@gmail.com; Allen Myers <almyers@starpower.net>

Subject: Rochambeau/ Notice of Violation

[EXTERNAL EMAIL]

Dear Ms. Cox. Would you please review the attached request that the NOV dated May 3, 2022 for Special Exception Case No. S-862-C be rescinded and revoked based on the information provided within the letter.

Thank you for your attention to this request.

Jody S. Kline

Attorney

200-B Monroe Street ☐ Rockville, MD 20850
T: 301.762.5212 ☐ F: 301.424.9673

[website](#) | [bio](#) | [vCard](#) | [confidentiality](#) | [email](#)

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From: no-reply@mmcanby.com <no-reply@mmcanby.com>

Sent: Friday, July 15, 2022 10:53 AM

To: Jody Kline <jskline@mmcanby.com>

Subject: Attached Image



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Montgomery County, Maryland
Department of Permitting Services
Division of Zoning & Code Compliance
2425 Reddie Drive, 7th Floor
Wheaton, Maryland 20902

SPECIAL EXCEPTION
NOTICE OF VIOLATION

Special Exception Premise Address: 9650 Rockville Pike, Bethesda, MD 20814

Special Exception Case #: S-862-C (CBA-210)

Petitioner Name: Rochambeau, The French International School of Washington, DC

FOR MONTGOMERY COUNTY, MARYLAND the undersigned issuer, being duly authorized, states that on **5-23-2022**, the recipient of this Notice: Rochambeau, The French International School of Washington, DC, c/o Jody Kline, Miller, Miller, and Canby, 200-B Monroe Street, Rockville, MD 20850, is notified of an existing violation of the Montgomery County Zoning Ordinance at the above-referenced premise address:

The following violation was observed on 5-23-2022 and is described as:

Violation of Section 59-G-1.3(a)(1):

1. Failure to comply with Condition #2 of the *Opinion of the Board* (effective 8-30-2021). Failure to comply with the approved Landscape Plan, Exhibit #132(a), by partially removing five (5) evergreen trees on the subject property near and abutting 9605 Alta Vista Terrace, in an area identified on the exhibit as "*Existing, Mature Evergreen Buffer, 8-10' O.C., 30' ht. to Remain.*"

The following corrective actions must be performed:

1. Obtain a modification to the Special Exception to permit the removal of the trees. Submit an amended landscape plan to the Board of Appeals for approval.
2. Install replacement landscaping in accordance with the approved, amended landscape plan.

Compliance Dates:

June 23, 2022 (Corrective Action #1)

September 30, 2022 (Corrective Action #2)

Issued By: Barbara Cox *Bj Cox*
Permitting & Code Compliance Inspector

5-23-2022

Phone: 240-372-9620 (cell, 7:30 AM – 4:00 PM)

Email: Barbara.cox@montgomerycountymd.gov

Emailed to: <mailto:jskline@mmcanby.com>

Sent via certified mail: Petitioner; Jody Kline

Case #454509



From: [Jody Kline](#)
To: [MCP-Chair](#)
Cc: [Dickel, Stephanie](#); [Bogdan, Grace](#)
Subject: FW: Attached Image
Date: Friday, July 15, 2022 10:40:19 AM
Attachments: [4231_001.pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Would you please see that the attached letter is forwarded to the Planning Board members for review before the subject matter (Preliminary Plan No. 1200209B) is considered by the Planning Board at its July 21 meeting.

Thank you.

Jody S. Kline

Attorney

[Miller, Miller & Canby](#)



200-B Monroe Street ☐ Rockville, MD 20850

T: 301.762.5212 ☐ F: 301.424.9673

[website](#) | [bio](#) | [vCard](#) | [confidentiality](#) | [email](#)

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From: no-reply@mmcanby.com <no-reply@mmcanby.com>

Sent: Friday, July 15, 2022 11:31 AM

To: Jody Kline <jskline@mmcanby.com>

Subject: Attached Image



200-B MONROE STREET, ROCKVILLE, MARYLAND 20850 P: 301.762.5212 F: 301.762.6044 WWW.MILLERMILLERCANBY.COM

Jody S. Kline
jskline@mmcanby.com

July 15, 2022

Montgomery County Planning Board
2425 Reedie Drive, 14th Floor
Wheaton, Maryland 20902

RE: Preliminary Plan No. 12002079B;
Application of Rochambeau, the French International School of
Washington, DC

Dear Chairman Anderson and Members of the Planning Board,

It is with extreme pleasure (and great relief) that Rochambeau, the French International School of Washington, DC, will appear before you next Thursday, July 21, 2022 for approval of Preliminary Plan No. 12002079B which will allow the School to open the doors in August, 2022 at its new campus for as many as 600 children in the School's pre-school (2 year old through kindergarten) and elementary (first grade through fifth grade) programs.

When this Preliminary Plan was initially filed in August, 2018, this was not supposed to be a difficult application to process. At that time, the only action proposed in the application was to convert the use of the property as designated in the Planning Board's 2006 opinion from "office" to "private educational institution" (because the trip generation rate for "office" use was used to calculate the traffic impact of the original owner of the property, the Federation of American Societies for Experimental Biology (FASEB)).

But the review of Rochambeau's companion special exception amendment application (Case No. S-862-C, filed on April 26, 2018, approved August 30, 2021) proved to be challenging due to perceived traffic impact of the School on Rockville Pike and surrounding residential neighborhoods. Rochambeau's traffic engineers and transportation planners, Gorove Slade, had to submit seven (7) separate versions of Traffic Impact Studies and companion Transportation Management Plans to finally secure approval from the State Highway Administration and MCDOT. Meanwhile, the County saw fit to update its Growth and Infrastructure Policy which added a whole new set of complex modal adequacy tests for vehicles, pedestrians, bicyclists and transit as part of the subdivision review process.

In any event, Rochambeau is finally able to appear before you and advise you that all of the conditions recommended in the Staff's July 11, 2022 Report are acceptable to the School as written.

The Staff Report refers to an unfortunate incident where trees on the School's property located adjacent to a private residence at 9605 Alta Vista Terrace were removed. Rochambeau is contesting the determination by the Montgomery County Department of Permitting Services that the removal of the trees was in violation of the Landscape Plan approved as part of Special Exception Amendment No. S-862-C but the School acknowledges that the manner in which the trees were removed was disturbing and disruptive to the adjacent property owner and the School has worked with Staff, DPS and the property owner on a planting (24 holly, arborvitae, red cedar and white pines trees) and screening (six foot board on board fence) plan to mitigate the effects of this unfortunate event.

The only point that the Applicant wishes to stress to the Board is its strong objection to a recommendation contained in the Department of Transportation letter dated May 6, 2022 regarding a monetary contribution (\$400,000.00) toward a new traffic signal at the School's entrance, or to apply the funds 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." Rochambeau vigorously opposes this recommended condition because:

1. MDOT SHA finds a traffic signal installed at the School's entrance not to be operationally acceptable to SHA.
2. Such a traffic signal is not required to satisfy the adequate public facilities test for this application.
3. The requirement is beyond the scope of the LATR Guidelines.
4. Such a signal or a program of traffic calming and safety measures is unnecessary. Under the School's heavily scrutinized Transportation Management Plan, no vehicles associated with the School are allowed to drive on the neighborhood streets and the measures to ensure this goal are described in the TMP.
5. The request for the contribution is unprecedented.

Rochambeau is prepared to explain at the July 21 public hearing how it has spent a tremendous amount of time to devise a sophisticated electronic license plate monitoring system whereby vehicles departing the School's campus that fail to comply with commitments that parent drivers will be required to make as part of enrollment in the School will be identified and a series of sanctions will be activated. In summary, Rochambeau is confident that traffic generated by the School will not have an adverse effect on surrounding neighborhood streets and that Rochambeau should not be responsible for mitigating the impacts of "cut thru" traffic that it has not generated.

Rochambeau looks forward to appearing before the Planning Board on July 21 to describe the importance of and benefits of its new campus and how it plans to assimilate into its magnificent new home for its younger students.

Thank you for your consideration of these preliminary comments.

Sincerely Yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "Jody Kline". The signature is written in a cursive, slightly stylized font. The "J" is large and loops around the "o". The "K" is also large and loops around the "l". The "ine" is written in a more fluid, cursive style.

Jody S. Kline

CC: Grace Bogdan
Katie Mencarini
Stephanie Dickel
Elza Hisel-McCoy
Robert Kronenberg
Rebecca Torma
Deepak Somerajan
Helene Fabre, Rochambeau

JSK:kdf

From: [Levine, Richard](#)
To: [MCP-Chair](#)
Subject: 7-21-22 Item 7 Locust Hill Statement
Date: Wednesday, July 20, 2022 9:55:12 AM
Attachments: [Locust Hill Statement, 7-21-22 Item 7, FIS.pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Chair Casey:

Attached please find the prepared statement of the Locust Hill Citizens Association regarding Agenda Item 7, Rochambeau- The French International School.

I will provide an oral summary of that statement via Zoom at the Thursday session.

Please acknowledge receipt.

Richard Levine
Locust Hill Citizens Association

SUBMITTED STATEMENT OF RICHARD LEVINE
9402 Locust Hill Road, Bethesda, MD 20814

ON BEHALF OF THE LOCUST HILL CITIZENS ASSOCIATION
TO THE MONTGOMERY COUNTY PLANNING BOARD

RE: Item 7, ROCHAMBEAU- THE FRENCH INTERNATIONAL SCHOOL

JULY 21, 2022

Chair Anderson and Members of the Board:

Locust Hill is a single-family neighborhood on the east side of Rockville Pike, from the Beltway south to Cedar Lane. The portion of our community north of the Alta Vista Road/Bellevue Drive intersection with the Pike is directly opposite Applicant French International School's ("FIS") campus.

However, one aspect of FIS's Traffic Management Plan ("TMP") affects the portion of Locust Hill between the FIS campus and Cedar Lane: the requirement that exiting FIS drop-off and pick-up traffic wishing to go northbound on the Pike not make a U-turn at the Alta Vista Road left/U turn signal, but continue southbound to the Cedar Lane intersection to make their U-turns. Locust Hill is concerned that the result may impact traffic and cause lengthy queues at the Cedar Lane signal and the left turn lanes prior to Cedar Lane. This in turn will create incentives for FIS and non-FIS traffic to: 1) use available left turn lanes from southbound Rockville Pike to turn into the Locust Hill neighborhood and quickly drive back out after turning around, or 2) to use our neighborhood as a cut-through short-cut to Cedar Lane.

Changes to the timing of the Cedar Lane left turn signal in mitigation of this additional traffic remain under discussion between FIS and the State Highway Administration. SHA's June 16, 2022, Conditional Approval letter indicates that the phasing and timing of the left turn signal facing southbound Rockville Pike at Cedar Lane remains to be resolved; this is the reason for SHA's requested additional information regarding FIS's "Synchro analysis." Similarly, on page 24 of its Report, Planning Staff recommends additional analysis of FIS's proposed double left-turn cycle solution to mitigate additional traffic queuing resulting from FIS-generated U-turn traffic.

It is our neighborhood's experience that any increase in the length of traffic queues waiting to make left/U-turns at Cedar Lane will incentivize traffic to cut-through our neighborhood on the way to Cedar Lane if those queues reach up to, or north of, Locust Hill Road. Indeed, because some of that cut-through traffic may be headed toward the Stone Ridge School's entrance on Cedar Lane, Locust Hill has worked closely with Stone Ridge both to instruct members of the Stone Ridge community not to cut-through our neighborhood to reach the Cedar Lane entrance *and* to reduce incentives for Stone Ridge traffic to do so, including by minimizing queue length at Cedar Lane. These mutual efforts included discussions with SHA that resulted in the signal's current phasing to permit both green arrow and flashing red arrow for am left turns. Stone Ridge has advised us of its interest in making its insights and experience available to FIS and SHA in their traffic queue mitigation discussions.

As a result, Locust Hill requested that FIS:

1. Modify its TMP to add Locust Hill to the membership of its Neighborhood Liaison Council, and to clarify that its instructions to parents and staff expressly clarify that they are not to cut-through Locust Hill neighborhood streets: and
2. Help ensure that SHA works cooperatively with Locust Hill and Stone Ridge in finalizing those aspects of the TMP that may affect left turn traffic queues Cedar Lane.

We are happy to report that, after coordinating with Planning Department staff, on July 13 FIS received Board of Appeals approval to add Locust Hill to the FIS Neighborhood Liaison Committee and was directed to submit the revised TMP for the record. I understand FIS will do so with the editorial revisions we requested. (The formal Board of Appeal minutes have not yet been published.)

However, while FIS (and its traffic consultants) have stated that they will work with us to ensure Locust Hill and Stone Ridge have input into the discussions with SHA regarding TMP finalization, we have to date received no response to our request from SHA. Consequently, we request that the Board direct FIS to work with the Planning Department staff to facilitate SHA's collaboration with Locust Hill and Stone Ridge and incorporate that directive through the highlighted addition language in new Condition 15:

15. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“SHA”) in its letter dated June 16, 2022, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval. ***The Applicant is directed to work with Planning Department staff to ensure SHA collaboration with the Locust Hill Citizens Association and the Stone Ridge School to minimize incentives for neighborhood cut-through traffic resulting from increased traffic queues at Cedar Lane.***

Thanks for listening to Locust Hill’s concerns. We look forward to the Board’s adding the requested language directed at facilitating SHA’s collaborations with our community.

From: [Carl Wilkerson](#)
To: Chair@mncppc-mc.org
Subject: Correct Version of Comments on French International School hearing Preliminary Plan Amendment No 12002079B)
Date: Wednesday, July 20, 2022 3:22:04 PM
Attachments: [FIS Planning Board CW letter 1.pdf](#)
Importance: High

To the Planning Board Chair:

I submitted the comments below in advance of the July 22, 2022, hearing about Preliminary Plan Amendment 12002079B from the French International School. My comments were submitted within the required time frame set forth on the Planning Board website (12 noon the day preceding the hearing).

I discovered that my comments that were pasted into the email lost their formatting. I have attached a PDF of my comments that retained the formatting. **Please use the above attached PDF version instead. It is easier to read and contains lost highlights. Please put the attached PDF in the record on the above cited preliminary plan amendment.**

Please let me know if you have any questions. I can be reached at 240.462.4486. Thank you.

From: Carl Wilkerson
Sent: Wednesday, July 20, 2022 12:00 PM
To: Chair@mncppc-mc.org <Chair@mncppc-mc.org>
Subject: Comments on French International School hearing

July 20, 2022

Written comments of Carl B. Wilkerson (5214 Acacia Avenue, Bethesda, MD) on French International School Hearing Before Montgomery County Planning Commission on July 21, 2022 (Preliminary Plan Amendment No 12002079B)

1. Explicit Standards, Monitoring, Enforcement and Penalties Needed.

Any action by the Planning Board must have unequivocal benchmarks for performance, continuous monitoring, and enforcement and penalties for violations because the French International School (FIS) has chronically disregarded conditions of its special exceptions, for decades, to the detriment of the Maplewood Neighborhood. Regrettably, FIS has a track record of ignoring conditions of its special exceptions. For example, FIS disregarded its forest conservation plan that was the subject of recent special exception variance. Similarly, it repeatedly violates its special exception at the Forest Road campus by running camps, including to outside groups. Ms. Fabre simply dismissed the

violation numerous times during the recent special exception hearing by saying "nobody complained." That is no justification for a blatant, knowing and serial zoning violations. As another example of FIS disregard for county requirements, FIS stored many school buses on the Forest Road campus even though it violated the law. The OZAH examiner wrote a blistering report chastising this intentionally violative behavior and forced the school to store the buses off of the campus. In sum, FIS regularly disregards county conditions and standards. Every aspect of it's regulatory request needs to be crystal clear and provide monitoring, enforcement and severe penalties for violations.

Montgomery Planning Board members have been unequivocal in condemning the regular and intentional noncompliance by FIS on regulatory conditions:

Public Policy simply does not permit the grant of additional consideration to a party that has violated the conditions of an existing special exception.

This record is replete with examples of disregard by the School [FIS] of conditions which this Board has imposed on the special exception which permitted the operation of the school. While the present hearing record is also full of assurances that, in the future, such transgressions will not take place, these assurances coming at the last moment, carry little weight.

The fact remains that the school has disregarded it obligations to the Board and the surrounding community, and that the grant of the modification, no matter how limited, will send the wrong signal to the community about the willingness of the Board to insist on prompt and punctilious adherence to every condition of a special exception...

I applaud my fellow members for their imposition of strict conditions on future expansion of the school. They too must have been troubled by the past record of this institution. Our difference in approach is that, on this record, I am not willing to for forgive and forget...

Instead of convincing me ot the merits of this request, these letters merely indicate to me that the school, in spite of its distinguished patronage, saw fit to violate the terms of the special exception.

If we do not insist on the adherence to our regulations, how can we insist on adherence by the average citizen?

[Citation: Page 8 of the Board of Appeals on Case No. 411-A on Petition of French International School (1989)].

Clearly, FIS has been a decades long chronic violator of County regulations and standards. The Planning Board should not reward or ignore the behavior of FIS, and should impose strict, enforced and penalized conditions under review at the July 21, 2022 hearing.

1. \$400,000 MCDOT Recommendation

The MCDOT recommendation to remedy further traffic violations by the school with a \$400,000 FIS expenditure is entirely appropriate given the high likelihood of cross traffic through the neighborhood in contravention of the Special Exception.

1. Forest Conservation Plan Violations

To obtain its special exception for the new school, FIS emphasized at the multiple hearings that it

would preserve the trees according to its forest conservation plan. It disregarded the plan and clear cut many trees in the drawings of the preserved vegetation. FIS incurred a violation, which the Zoning Board declined to reverse. Perversely, the Planning Board reversed based on flimsy rationale that the drawings were merely aspirational and could be revised at will by the FIS. The forest conservation plan was an essential part of the granted special exception and is not a carte blanche to do whatever FIS chooses to do. This is another example of FIS making representations to obtain relief and then turning around and disregarding the conditions and representations. The Planning Board lacks authority to overrule the approved conservation plan approved in the special exception by the Board of Zoning Appeals and OZAH.

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