



B. The Heights School Modification: Special Exception CBA-2197-C

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Completed: 1/8/15

Description

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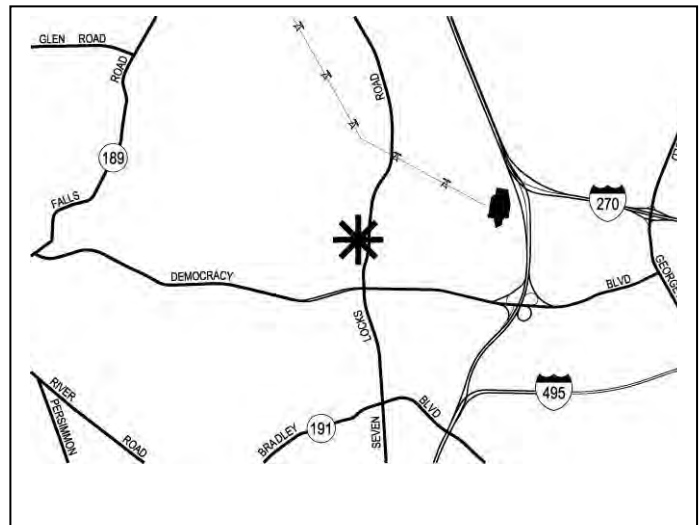
Request for a modification of the existing special exception for a private educational institution to make physical improvements to increase the number of students and staff, located at 10400 Seven Locks Road, 19.8 acres, R-90 Zone, Potomac Subregion Master Plan

Staff recommendation: Approval with conditions

Applicant: The Heights School

Filing date: May 10, 2013

Public Hearing Date: Scheduled by the Office of Zoning and Administrative Hearings for January 27, 2015



Summary

There are two items for the Planning Board review for the Heights School Modification:

- *A. Forest Conservation Plan Amendment, and
- B. Special Exception Modification

This memorandum covers the staff review and recommendation on the Special Exception Modification.

The proposed Heights School Special Exception Modification increases student enrollment, faculty and staff caps, extends the hours of operations, allows summer programs, and includes physical improvements that encompass a 15 year Campus Master Plan. The conditions recommended will assure community compatibility, the ongoing health and safety of the students, faculty, staff and community members, and consistency with the 2002 Potomac Subregion Master Plan. As conditioned, the Modification meets the specific and general requirements in the Zoning Ordinance Article 59-G for the Private Educational Institution use.

RECOMMENDATIONS AND CONDITIONS OF APPROVAL

1. All terms and conditions of the previously approved special exception shall remain in full force and effect, except as modified by this petition.
2. Physical improvements are limited to those shown on the site plan and the landscape and lighting plan, with modifications below.
3. Bring the accessible parking spaces into compliance.
4. Bring the site into compliance with all requirements of the Fire Lane Establishment Order signed October 21, 2014 (the Order requires compliance within 30 days).
5. Hours of operation for any onsite activity are permitted from 8:00 am to 6:30 pm during the academic year, and from 9:00 am to 3:00 pm during the summer. Staff may arrive on site at 7:00 am. Students arriving before 8:00 am may be accommodated indoors. Indoor basketball games may occur seasonally until 9:00 pm.
6. Evening and weekend activities extending until 10 pm – 11 pm in the evening will be limited to 50 per academic year.
7. Prior to the start of the 2015-2016 school year:
 - a. Construct a lead-in sidewalk from Seven Locks Road to the sidewalk at the gymnasium.
 - b. Exclude student play from the Category 1 Conservation Easement area on the west side of the middle school; notify staff and students and post signs on the fence.
 - c. Install a ball-restricting net, suitable for the types of balls used on the adjacent fields, on the south side of the soccer/lacrosse and baseball fields to reduce balls entering the properties to the south of the school.
 - d. Repair or replace fencing along the south property line in the vicinity of the playing fields.
 - e. Implement the Transportation Management Plan address predominately constrained parking on the site. An annual TMP report will be submitted to the Board of Appeals. In order to accommodate the faculty and student parking in site, the School will achieve a minimum 65% non-auto mode share in the morning for the entire student population. This consists of walking/biking, transit, shuttles, and carpooling with two or more students in a car. Achieving the non-auto mode share criterion for the student population will be measured once per year and on a normal school day when it is a full five-day school week.
 - f. Establish a Community Liaison Council (CLC) to address operational impacts, construction schedules, staging areas, faculty, staff and student populations, parking arrangements, and to answer questions and receive community input, if any. The CLC shall consist of school representatives, representatives of neighboring civic associations and homeowners associations, and adjacent and confronting property owners. The Heights School shall provide a calendar of events on their website to allow neighbors to have reasonable notice of campus events. Meetings will be held at least twice per calendar year. Minutes of the meetings and the calendars shall be provided to the CLC members and the Board of Appeals.
8. During the first available planting season, install all necessary screening plants (north, west and south sides) and trees providing shading of paved areas. In the event that the full 30 percent shading of paved areas cannot be achieved as the parking lot is currently configured, it should be reconfigured during construction of the garage, and all necessary shade trees planted during the soonest available planting season following reconfiguration. Drainage defects causing pooling along the western property line, if any, shall be corrected.
9. Provide a 'green screen' on both the east and south sides of the proposed garage.
10. No vehicles destined to the school are permitted to be stacked or queued on Seven Locks Road or adjacent roads during morning drop-off or afternoon pick-up periods.

11. The heights of light poles must not exceed 12 feet. Lighting along the property lines must not exceed 0.1 foot-candles.
12. Ball fields, tennis courts, and other outdoor sports facilities will not be used after sunset and will not be lighted. Tennis courts will not be covered.
13. Phasing recommendations:
 - a. During detailed design of each phase, make all efforts to attain the highest levels of sustainability.
 - b. Construct the garage prior to any other proposed structures. Until the Use and Occupancy Certificate has been issued for the proposed garage, Use and Occupancy Certificates for other proposed structures on the site shall not be issued. Simultaneous Use and Occupancy Certificates may be issued.
 - c. During construction of the garage, bring the existing surface parking lot into compliance with Article 59-E in regard to bike racks, motorcycle spaces, electric vehicle charging stations, and shading of paved areas.
 - d. Upon receipt of the Use and Occupancy Certificate for the garage, post signs designating a minimum of four visitor parking spaces near the Signature Building, and a minimum of three designated near the gym entry in the garage.
 - e. Until the Use and Occupancy Certificate has been issued for the proposed garage, the 2014-2015 student (529) and faculty/staff (74) levels will be the maximum populations permitted. Summer programs are limited to 200 students.
 - f. After the Use and Occupancy Certificate has been issued for the garage, the total student enrollment is limited to the maximum number of students that the school is able to appropriately manage with the facilities, faculty and staff available at the time. At no time should enrollment exceed 650 students. Summer program enrollment is limited to 200. Total faculty and staff are limited to 95.
14. Faculty, staff and students must not park on Seven Locks Road or neighborhood streets during normal school days, including during construction phases.
15. During construction of the parking garage only, the tennis courts may be used for temporary parking. Parking setbacks must be met, and screening must be in place.
16. The applicant must comply with all conditions of the Forest Conservation Plan.
17. Copies of the Final Forest Conservation Plan and Category 1 Conservation Easement documents must be kept at the Heights School and given to school maintenance staff and the school's landscaping company to assure compliance with the conditions of the Forest Conservation Plan.
18. Review under the Adequate Public Facilities (APF) is limited to student enrollment up to 650 students and 95 faculty and staff for the academic school year. Under the 2012-2016 Subdivision Staging Policy (SSP), the Potomac Area is inadequate under the transit test and adequate under roadway test; a TPAR payment of 25 percent of the Impact Tax is required.
19. The applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management concept approval letter dated February 27, 2014 Those conditions may be amended by MCDPS provided the amendments do not conflict with other conditions of the Special Exception approval.
20. Coordinate the Cabin John Creek storm drain outfall improvements with the M-NCPPC Park Development Division, 301-495-2535.
21. The applicant must comply with the conditions of Fire Access Plans dated July 25, 2013 and April 8, 2014. Those conditions may be amended by Montgomery County Fire and Rescue Services provided the amendments do not conflict with other conditions of the Special Exception approval.

22. The following corrections to the submitted drawings are required:
- a. On sheet C-101, Existing conditions plan, eight accessible spaces are shown. Four exist on site. At least five are required. When corrections are made on the property, show corrections on the sheet.
 - b. On sheet C-102, Special Exception Site Plan, twelve bike racks are shown. The application describes 24 (at least 13 are required). Correct to show 24. Confirm or correct label for number of large bus spaces. Show visitor spaces (four surface spaces, three spaces in the garage). On parking table, add accessible spaces, bike racks, motorcycle spaces, electric vehicle charging spaces, large bus spaces, small bus spaces, and visitor spaces. Label patterned area on north side of gym beside parking lot which may be synthetic turf.
 - c. On sheet C-104, Vehicle and Pedestrian Circulation Plan, the base map is inconsistent with others—correct to correspond with final sheet C-102. Bike racks should be included.
 - d. On sheets LP-100 to LP-102, show screening plants around tennis courts, on west property line adjacent to the middle school, and near south property line adjacent to the gym and ball fields. Show in plan and detail the ‘green screens’ to be located on the east and south sides of the parking garage. Add shade trees to parking lots and driveways to achieve a minimum of 30 percent shading at 15 years; reconfigure surface lot if needed. Show the on-site planting requirements from the Forest Conservation Plan Amendment. Show nets at the south end of baseball and soccer/lacrosse fields.

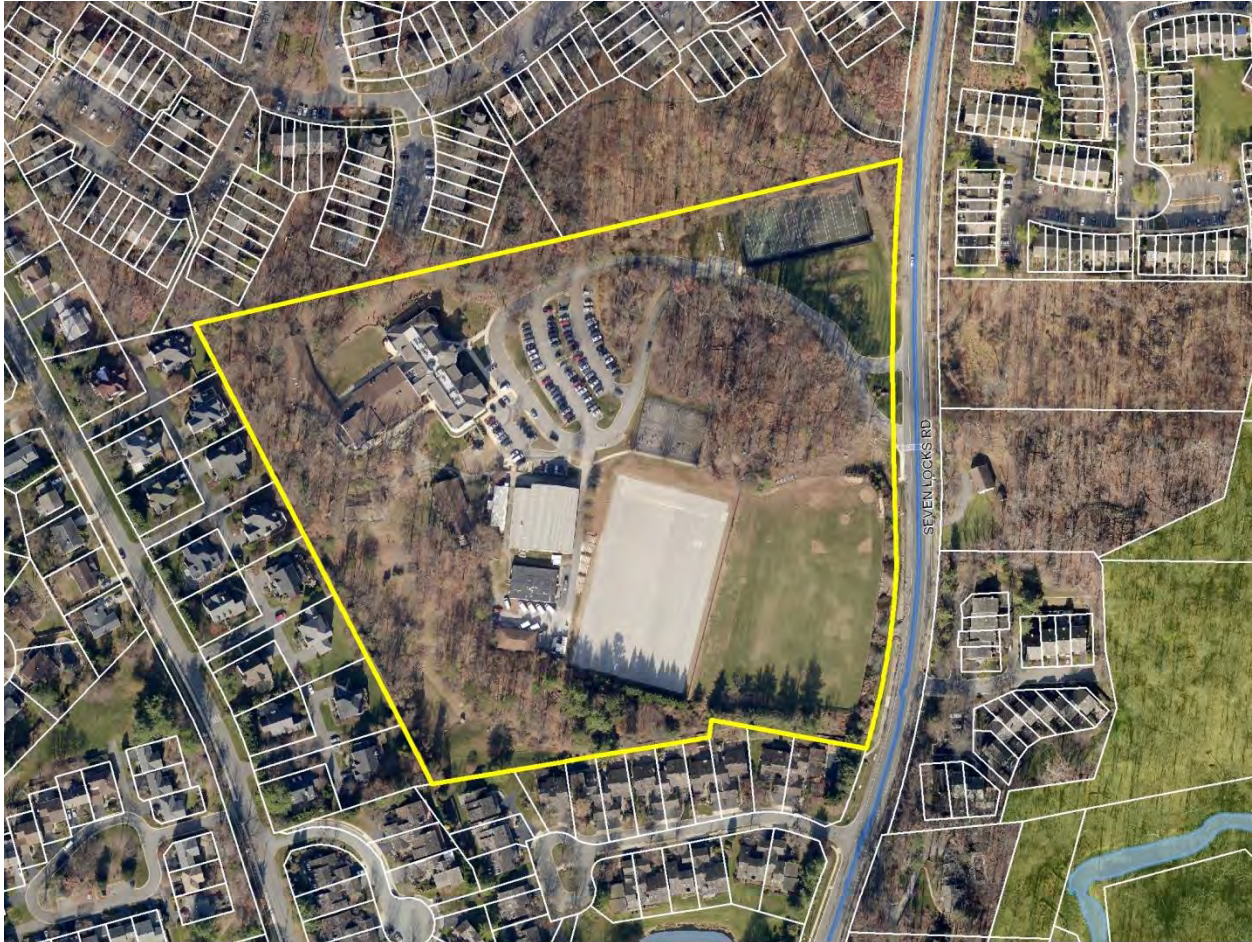
MODIFICATION TO AN EXISTING SPECIAL EXCEPTION

The Heights School seeks a modification to an existing special exception (CBA 2197-B) to operate a private educational institution pursuant to Zoning Code Section 59-G-2.19 and 59-G-1.3(c)(2). The modification includes a 15-year Campus Master Plan which includes the construction or replacement of multiple structures (a 32.6 percent increase in gross floor area plus a 155-car garage) and increasing the number of students (by 41.3 percent), faculty and staff (by 66.7 percent).

Guidance on modifications to existing special exceptions are provided for in the zoning ordinance under 59-G-1.3 (c)(4) as follows:

(4) The public hearing must be limited to consideration of the proposed modifications noted in the Board's notice of public hearing and to (1) discussion of those aspects of the special exception use that are directly related to those proposals, and (2) as limited by paragraph (a) below, the underlying special exception, if the modification proposes an expansion of the total floor area of all structures or buildings by more than 25%, or 7,500 square feet, whichever is less.

(A) After the close of the record of the proceedings, the Board must make a determination on the issues presented. The Board may reaffirm, amend, add to, delete or modify the existing terms and/or conditions of the special exception. The Board may require the underlying special exception to be brought into compliance with the general landscape, streetscape, pedestrian circulation, noise, and screening requirements of 59-G-1.26, if (1) the proposed modification expands the total floor area of all structures or buildings by more than 25%, or 7,500 square feet, whichever is less, and (2) the expansion, when considered in combination with the underlying special exception, changes the nature or character of the special exception to an extent that substantial adverse effects on the surrounding neighborhood could reasonably be expected.



2013 aerial photo of the Heights School

Current improvements on the site total 88,889 square feet of gross floor area, and there is currently an approval to replace the existing gymnasium, which increases that total to 151,827 square feet of existing or approved area. With this application, a total of 201,353 square feet is proposed on the site. This is an increase of 49,526 square feet or an increase of 32.6 percent. This significantly exceeds 25 percent or 7,500 square feet, whichever is less. As noted above, the applicant also seeks to increase the permitted student enrollment, faculty and staff caps. These proposed changes may change the nature and character of the special exception to the extent that substantial adverse effects on the surrounding neighborhood could reasonably be expected.

Staff recommends that the underlying special exception be brought into compliance with the general landscape, streetscape, pedestrian circulation, noise and screening requirements as follows:

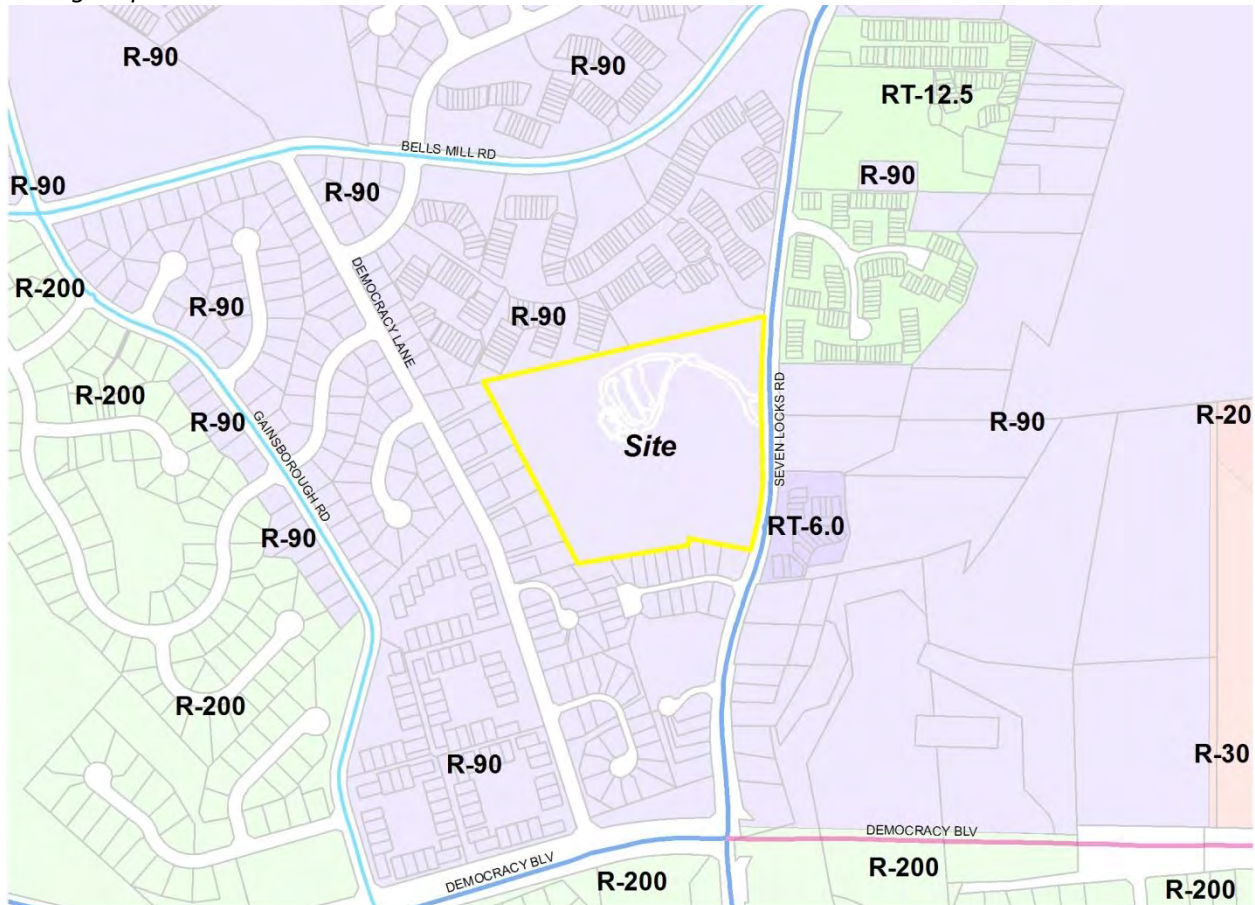
- To bring the pedestrian circulation into compliance, provide a lead-in sidewalk from Seven Locks Road. Further information about pedestrian circulation is provided in the master plan and general conditions sections below.
- To bring the landscape into compliance, provide shade trees in and around parking areas and the driveway so as to achieve a minimum of 30 percent canopy coverage of paved areas within 15 years. Locate shade trees outside of stormwater facilities to avoid future removals for stormwater facility maintenance. Further information is included in the master plan and parking sections below.

- To bring the screening into compliance, provide a row of shade-tolerant, native evergreen trees (e.g., American holly, *Ilex opaca*), along:
 - the northern fenceline and around the tennis courts, as shown on the previously approved landscape and lighting plan;
 - along the western fenceline parallel to the middle school where compatibility issues have been identified; and
 - along the southern fenceline parallel to the future gym, parking garage and playing fields, to provide the required screening when the existing plantings are removed for the construction of the gym, garage and reconstruction of the fields.

Further information on screening is included in the Community Correspondence and screening sections below.

As the expansion, together with the underlying special exception, may have substantial adverse effects on the surrounding neighborhood, the scope of this review includes the underlying special exception together with the modifications requested.

Zoning map



BACKGROUND

The Heights School is a private, independent preparatory school that offers a traditional liberal arts education to boys from third through twelfth grade. The school is located at 10400 Seven Locks Road, Potomac, on 19.818 acres. The property is a platted parcel, Parcel I, Block J, as shown on Plat 17656, and is zoned R-90. It is located in the Potomac Subregion Master Plan area.

The Heights School is located on the west side of Seven Locks Road between Democracy Boulevard and Bells Mill Road. The property is roughly square in outline, and slopes upward from its south corner on Seven Locks Road toward the center of the campus. From Seven Locks Road, the view of the school is dominated by a baseball diamond, a soccer/lacrosse field and tennis courts, with a forested slope and the entrance driveway between. From the road, the gymnasium is the most visible building, as it is sited behind and above the playing fields. The driveway begins at Seven Locks Road, curving north and west to climb upward, with forest on the left and tennis courts on the right. A seven-car parking lot and bleachers are located just beyond the tennis courts. The drive splits into a loop, with the entrance drive continuing straight uphill to the west and the exit loop, to the left, also uphill. The entrance drive is forested on both sides for a short distance, then parking appears on the left and the Signature Building appears directly ahead.

The Signature Building (containing classrooms, administration, library, chapel, dining and comprised of three wings), two log houses (classrooms), a maintenance building, two portable classrooms and a gym are the main structures on the site. Outdoor athletic facilities include a baseball field, a rectangular field used for soccer and lacrosse, basketball courts and tennis courts. The parking is centrally located, with classroom buildings to the west and the gym, maintenance building and two portable classrooms to the south. Several undefined play areas are located between the parking lot and the western edge of the property.

A replacement for the gym was approved with the prior Special Exception Modification, reviewed by the Planning Board in 2000. It has not yet been built.

Physical Improvements

The Modification application includes several physical improvements to the site. The applicant proposes to build a new lower school building, replace the gym and middle school with new structures, remove the two portable buildings and the maintenance building, and add a new theater/music/dining hall. The baseball and soccer fields will be reconfigured such that a parking garage can be located under the soccer field, and the existing parking lot will be reconfigured to create a forecourt for the Signature Building.

The table below summarizes the proposed additions, removals and replacement of structures.

	Structure	Existing GSF	Remove	New	Total GSF	Existing uses	Proposed uses
Lower School	Log House # 1	2,563	0	0	2,563	Classrooms/ related	No change
	Log House # 2	5,082	0	0	5,082	Classrooms/ related	No change
	New Lower School Bldg	0	0	8.654	8,654	N/A	Classrooms/ related

	Structure	Existing GSF	Remove	New	Total GSF	Existing uses	Proposed uses
Middle School	West wing of Signature Bldg	7,042	7,042	20,183	20,183	Classrooms/related	Classrooms/related
	Middle wing of Signature Bldg	19,913	0	0	19,913	Classrooms/library/related	No change
Upper School	East wing of Signature Bldg	36,125	0	0	36,125	Classrooms/admin/related	No change
Other Facilities	<i>Gymnasium (previously approved)</i>	<i>10,644</i>	<i>10,644</i>	<i>73,582</i>	<i>73,582</i>	<i>Phys ed/related</i>	<i>Phys ed/facilities maintenance</i>
	Portable #1	1,499	1,499	0	0	Classrooms	--
	Portable #2	4,225	4,225	0	0	Classrooms	--
	Maintenance building	1,796	1,796	0	0	Facilities management	--
	New theater, music, dining hall	0	0	35,251	35,251	--	Theatrical arts /campus dining hall
	Parking garage under field			155 spaces	155 spaces	--	155 parking spaces
	TOTAL	88,889	25,206	137,670	201,353		

This tabulation appears to represent a 126.5 percent increase in gross floor area (excluding the parking garage), but staff notes that the gymnasium is currently approved. Staff calculates that the proposed Campus Master Plan represents a 32.6 percent increase from the currently existing and approved gross floor area.

Students, Faculty and Staff

The Modification application also requests an increase in student, faculty and staff levels, as shown in the table below. The Heights School's explanation for the over-enrollment in students and faculty is attached.

	Permitted	Actual	Proposed
Students	460	529 in 2014/15 511 in 2013/14 486 in 2012/13	650
Faculty/staff	57	74	95
Students per acre	23.2	26.7	32.8

The Modification proposes a 41.3 percent increase in the student population from the existing approval. As shown in the table, the current populations are in excess of the current approval; the proposal represents a 22.9 percent increase in student population from the 2014/15 student population. The proposal increases faculty and staff by 66.7 percent from the existing approval and by 28.3 percent from the current population.

Staff notes that in January 2015, the Heights School website lists 72 faculty members; no maintenance, custodial, transportation, grounds and lunch staff names are listed. Some of these services may be provided on a contract basis. For traffic and parking calculations, it is necessary to count everyone who is on the campus on a daily basis. For instance, someone providing daily assistance with lunch service would be counted while a landscaping crew on campus for a few hours once per week or less would not.

The special exception site plan shows the campus at buildout.



Hours

The school day currently runs from 8:20 am to 3:05 pm. Facilities personnel arrive on campus at 7:00 am, and students begin to arrive at 7:30. After school athletic games are normally completed by 6:30 pm, except basketball games which usually occur from 6:00 pm to 9:00 pm. Other events, such as Open Houses, Parent-Teacher Conferences, a family Christmas Party, a Spring Play, and graduation ceremonies, occur on weekday or weekend evenings. They generally conclude by 10pm to 11 pm.

The Heights School has been operating a summer program for “a maximum of 200 boys at any one time” since 1980. Hours are from 9:00 am to 3:00 pm, Monday through Friday. No change is proposed.

Phasing

The applicant seeks flexibility in the phasing of construction as donor families may make facility-specific gifts, which would put that facility at the top of the construction schedule. If something such as that does not occur, the school would prioritize thus:

- New lower school building
- New middle school building
- New gymnasium with parking structure and athletic field construction
- Reorganization of existing parking lot and creation of a forecourt and walkways.

SPECIAL EXCEPTION HISTORY

The Heights School was founded in 1969, and was originally located in the District of Columbia. It moved its operations to the Seven Locks Road site beginning in 1978. The special exception history for the Seven Locks Road site begins with a Montessori school.

May 1967

The Inverness School was located on 38 acres.

A Montessori school for children from age three to third grade.

208 students (an increase from 164) and 20-24 employees.

Hours from 9-3, five days per week.

Summer day camp.

30 parking spaces plus additional for visitors.

Three buses and three station wagons were provided.

Property to be fenced to prevent students from trespassing.

Unknown date

No documentation found – information based on subsequent approvals

McLean School – Inverness Campus assumes operation on 38 acres.

Grades 1 to 9, 208 students, 200 summer day campers.

May 1978

The Heights School seeks permission to assume operation on 25 of the 38 acres.

Retain approval for 208 students, begin with grades 3 to 7, about 100 students, for the first year or two.

30% of students will take shuttle buses, 60% will carpool, 10% will drive with parents.

McLean School will continue day camp operation for three years.

May 1980

Acreage given as 24.89637 acres.

Requests student enrollment increase from 208 to 350 and to build additional facilities. Summer camp for 200 boys.

Move all students from DC campus to Seven Locks campus. Include full high school (grades 3-12).

Hours from 8:30 to 4:00.

Occasional meetings or activities in the evenings or on weekends—no more than one evening activity per week with a maximum of 30-40 people.

Transportation via private cars, carpools, future feeder bus. Parking for 63 cars—25 for students.

Parking lot lights not to exceed 12 feet in height.

April 1989

Request reduction in acreage; sell 5.0788 acres to Saddlebrook Development Corp.
New total is 19.818 acres.

September 1994

Request permission to construct a temporary two-room classroom structure beside gym.
Student enrollment allowed is 350. September 1994 enrollment expected at 240.

August 1996

Request increase from 350 to 400 students.

Add facilities in two phases: a lower school classroom building; a library/all purpose room; an outdoor pool; a half size practice field; a maintenance building; four tennis courts and a pavilion; a "signature" building for the high school, administration, a chapel, a dining hall and an activities center; a baseball field; expand the practice field to a full field; removal of two modular classrooms. Phase 3 to include an expanded gymnasium.

AP classes require smaller classes-wait lists at all levels.

Tennis courts not to be covered or lighted.

March 2000

Increase students from 400 to 460 and staff from 55 to 57. Enrollment is 425.

Add two basketball courts, delete baseball field, modify tennis courts, expand gym.

Modify traffic circulation. Increase parking to 117. Lights to be similar to existing, not to exceed 12 feet tall. No lighting of basketball or tennis courts. Add screening plants along northern property.

School bus and van service provided to 70 students. Carpooling encouraged.

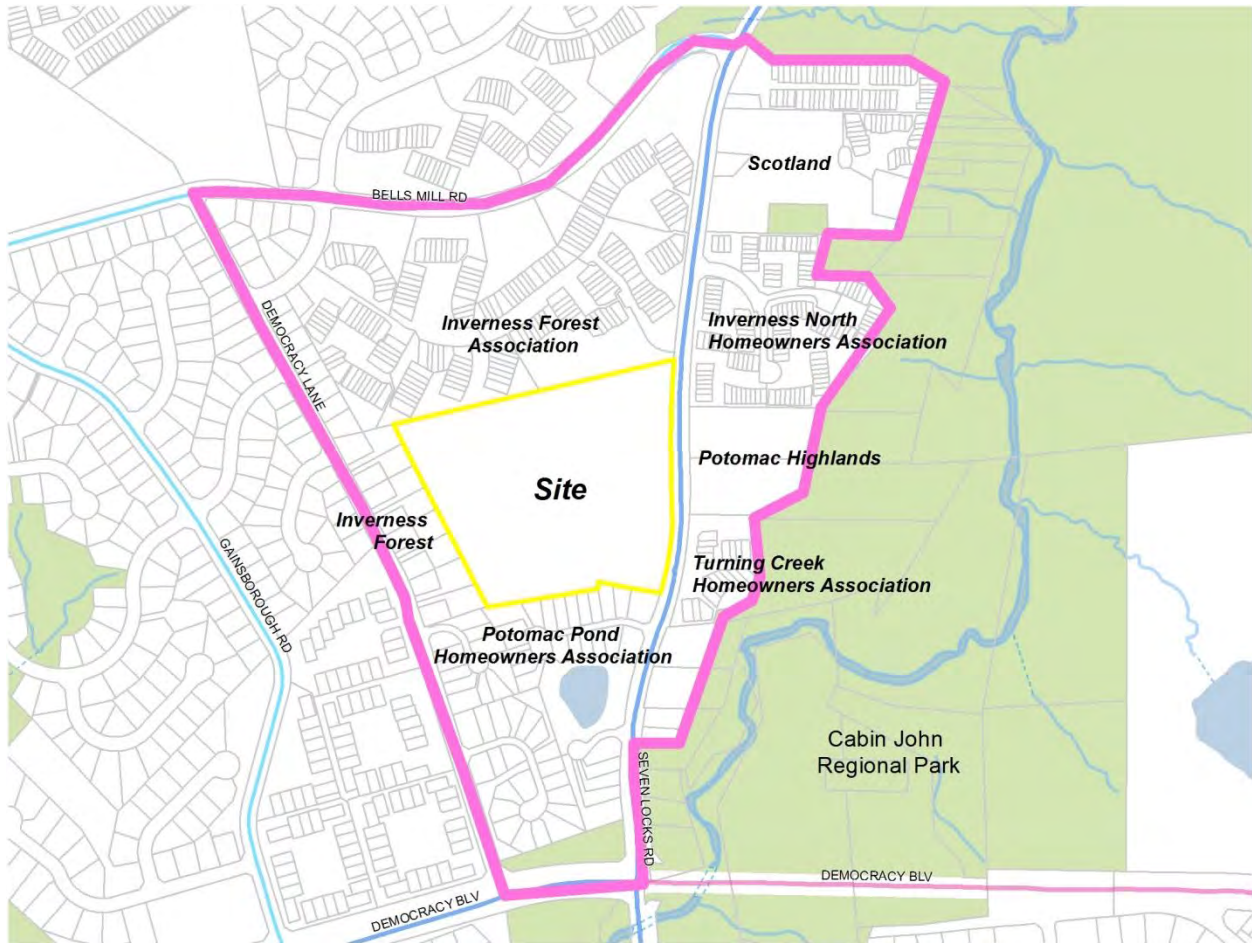
Reorganize recruitment and admissions to prevent future over-enrollment.

2001-2014

There were multiple filings with the Board of Appeals including annual reports, minor modifications and a variance to increase tennis court fence height; modify the Signature Building and Gymnasium; add 20-foot netting at the baseball field; install a modular building; and add dugouts at the baseball field.

NEIGHBORHOOD DESCRIPTION

Staff identifies the neighborhood as the area most affected by the presence of the school including traffic, noise and activity. The neighborhood is bounded on the north by Bells Mill Road, on the east by Cabin John Regional Park, on the south by Democracy Boulevard, and on the west by Democracy Lane. The neighborhood is comprised of single family detached and attached houses in the R-90, RT-6 and RT-12.5 zones.



Neighborhood map

MASTER PLAN CONFORMANCE

The Heights School is located within the 2002 Potomac Subregion Master Plan area. The Master Plan is comprised of four community areas; the school is located within the Potomac Community Area. Parts of six watersheds are located within the Master Plan area; the school is located within the Cabin John Creek watershed. The Master Plan includes several applicable recommendations, including a Special Exception Policy.

To assure conformance with the Potomac Subregion Master Plan, staff recommends that all efforts be made toward sustainable site and building design. Specific recommendations are provided below.

“This Master Plan is based on environmental principles. The Subregion embodies the “green wedge” concept, and is an integral component of the County’s ‘Wedges and Corridors’ planning policy. Its significant and unique natural resources and its semi-rural character are supported by local neighborhood centers, trails and bikeways, and a two-lane road network. Accordingly, this Plan’s land use, transportation, and community facility recommendations are all made in consideration of environmental objectives. Environmental sustainability is recommended as the most critical policy determinant in a Subregion so defined by its natural resources (Land Use and Zoning Plan, Environmental Principles, p. 33).”

The proposed modifications include replacing outdated structures with more energy efficient buildings (LEED certification or equivalent is currently required for buildings that are 10,000 square feet or greater in size), as well as stormwater improvements that will reduce some of the existing impacts of the current campus. The campus master plan is an opportunity to create an outstanding example of sustainable design. Staff recommends that the applicant take full advantage of this opportunity as each part of the campus master plan is implemented—this is an educational opportunity for the students while the resulting efficiencies and improvements benefit both the campus and the community.

The Master Plan’s Design Principles include more detailed recommendations:

These principles are designed to preserve the Subregion’s green and rural character, while creating a pedestrian and bicycle-friendly environment. These principles are also intended to create cohesive, attractive, and efficient community centers that not only provide needed goods and services, but that create an enduring community image.

To create environmentally sustainable development:

- *Design and locate parking lots and structures to minimize impervious surfaces.*
- *Adequately shade parking facilities and include shade tree planting areas within parking lots.*
- *Provide storm water management according to current standards and retrofit projects for currently untreated sites. Incorporate alternative techniques that increase filtration and enhance natural hydrology, such as small bioretention areas, rooftop gardens, disconnection of impervious cover, alternative pavers, soil amendments and conditioning, or other landscaping techniques.*

Provide facilities that promote transit use, walking and biking as alternatives to car trips.

- *Provide incentives to minimize car trips such as fringe parking lots and shuttle services to Metro, (Design Principles, pp. 33-34).*

The proposed pedestrian and bike facilities will help connect the campus to the Subregion, making it more cohesive, attractive and efficient. To promote transit, walking and biking, the applicant will implement a Transportation Management Plan that includes providing bus services and shuttles to Metro and establishing programs and incentives for carpooling and taking transit. To promote walking and biking, the school is installing a new lead-in sidewalk and bike racks.

To create environmentally sustainable development, significant improvements in stormwater treatment will be provided. The proposed facilities, including green roofs, micro-bioretention facilities, a biofilter, and structural vaults, will provide partial compensation for areas that currently have little or no stormwater management.¹

The additional recommendations for environmentally sustainable development have not been addressed. The proposed parking structure maximizes the utility of the site by placing an artificial turf field on top of it, but the total impervious surface area due to parking is being substantially increased. No shading of the existing or proposed parking is proposed. Staff notes that some of the shade trees included in past approvals have been lost and not replaced.

For consistency with the Master Plan’s Design Principles, staff recommends:

¹ DPS Water Resources Division letter dated February 27, 2014

- Implement stormwater improvements at the earliest opportunity. Increase the partial compensation being provided to the greatest extent practicable at each phase of development.
- To promote transit and carpooling, implement the TMP by or before the beginning of the 2015-2016 school year.
- To promote walking and biking, install the lead-in sidewalk and bike racks by the beginning of the 2015-2016 school year.
- To minimize impervious surfaces created by parking lots, convert some surface parking area to planting areas during garage construction. Sufficient area should be converted to meet the requirements of 59-E-2.83, Parking and loading facilities for special exception uses in residential zones.
- Provide shade trees throughout and adjacent to the existing parking lots and driveways to provide canopy coverage of at least 30 percent of paved areas within 15 years, which is the minimum required by 59-E-2.83.

The Master Plan provides several recommendations regarding special exceptions, covered in the next two excerpts.

Avoid excessive concentration of special exceptions along major transportation corridors, (Plan Highlights, pp. 1-2).

Seven Locks Road is a major transportation corridor in the subregion. A concentration of special exceptions exist along the road currently, including a sports club, a quarry, a telephone facility, a private school, daycare facilities, a roadside market, and two swimming pools. The proposed increases in faculty, staff and students does not increase the number of uses but will increase the concentration. The proposed TMP will reduce trips in the corridor, so provides mitigation for this increase.

This Plan endorses guidelines for locating special exception uses in residential areas...

Special exception uses, as identified in the Montgomery County Zoning Ordinance, may be approved by the Board of Appeals or the Hearing Examiner if they meet the specific standards and requirements for a use, and the general conditions for special exceptions as set forth in the Zoning Ordinance. A special exception may be denied if the concentration of such uses is deemed to be excessive or if it is inconsistent with Master Plan recommendations. The Master Plan seeks to provide guidelines that will protect residential areas while also attempting to meet important policy goals.

Recommendations

- *Limit the impacts of existing special exceptions in established neighborhoods. Increase the scrutiny in reviewing special exception applications for highly visible sites and properties adjacent to the Chesapeake & Ohio National Historical Park.*
- *Avoid an excessive concentration of special exceptions along major transportation corridors.*

Sites along these corridors are more vulnerable to over-concentration because they have high visibility. Uses that might diminish safety or reduce capacity of roadways with too many access points or conflicting turn movements should be discouraged.

- *Protect the Chesapeake & Ohio Canal National Historical Park, major transportation corridors and residential communities from incompatible design of special exception uses.*

In the design and review of special exception uses, the following guidelines shall be followed, in addition to those stated for special exception uses in the Zoning Ordinance:

- Adhere to Zoning Ordinance requirements to examine compatibility with the architecture of the adjoining neighborhood. The Council is considering amendments to strengthen this section of the Zoning Ordinance.*
- Parking should be located and landscaped to minimize commercial appearance. In situations where side or rear yard parking is not available, front yard parking should be allowed only if it can be adequately landscaped and screened.*
- Efforts should be made to enhance or augment screening and buffering as viewed from abutting residential areas and major roadways.*

There are a number of private educational institutions in the planning area and concerns have been raised about parking and traffic problems caused by queueing for drop-off and pick-up. The Council is considering amendments to the special exceptions provisions in the Zoning Ordinance to address these issues," (Special Exception Policy, pp. 35-36).

No change to access points or turning movements along Seven Locks Road is being proposed.

The proposed parking structure will be set back from Seven Locks Road, but will be clearly visible due to topography. The applicant proposes a 'green screen' on the east side of the parking structure facing the road, which will reduce the visual impact. A 'green screen' should be added on the south side of the structure for compatibility with the adjacent residences.

During construction, the applicant proposes to use the tennis courts as a parking area. This will be highly visible to both cars on the road and neighbors to the north and east, negatively impacting the character of the neighborhood. The master plan recommends against parking that presents a 'commercial appearance.' Use of this area should be restricted to construction of the parking garage only. Previous approvals have included evergreen screening on the north and east sides of the tennis courts, but it does not appear to be in place. This should be rectified promptly.

Additional screening is recommended (some noted previously) as follows:

- Provide screening along the northern property line and around the tennis courts consistent with previous approvals (see above).
- The proposed 'green screen' on the east side of the parking garage will reduce the visual impact of the garage when seen from Seven Locks Road; it is recommended. This treatment should be continued to the south side of the garage, where the garage will face the Potomac Pond community.
- The existing evergreen plantings on the south side of the playing fields will be lost during reconstruction of the fields. They should be replaced by new, shade-tolerant evergreen plantings. Because of the necessary fire access area adjacent to the garage and gym, the evergreens should be planted closer to the property line.
- Shade-tolerant evergreen plantings should also be planted on the west side of the property near the fenceline parallel to the middle school.
- Add the above items to the final landscape plan.

The Cabin John Creek watershed is the most urbanized of the Subregion....

Intense development has created 20 percent imperviousness in almost two thirds of the watershed. As a result, the base flow in the creek is lower than normal and flows during storms are much greater. These variances in flow, along with the amount of pollutants and sediment that are washed into the creek from hard surfaces, contribute to degraded water and habitat quality, including a highly eroded stream channel.

Two subwatersheds within the planning area, in the vicinity of Gainsborough Road and I-270, have poor stream quality and high levels of erosion. Uncontrolled storm water runoff and channelization have resulted in significant impacts. The remaining subwatersheds along the western side of the mainstem have good stream condition, and generally have less dense development with more storm water runoff controls. The mainstem itself is classified as fair and is surrounded by high quality forest buffers, (Cabin John Creek Watershed, pp. 18-19).

Currently, parts of the Heights School campus have little or no stormwater management, so while the imperviousness of the site is proposed to increase substantially, the addition of stormwater facilities is anticipated to have some positive impact on the watershed. Increasing the canopy coverage on the existing paved areas as recommended will further aid these efforts. The school also proposes to reconstruct and stabilize the storm drain outfall to Cabin John Creek. These improvements are discussed more fully in §59-G-1.21(9).

Two-Lane Road Policy

The two-lane road policy is intended to preserve the community's visual aspect and character by discouraging the expansion of existing roadways from two to four lanes. The policy retains the rights-of-way and setbacks during the subdivision process, and while those rights-of-way may never develop, their preservation enhances safety, allows for intersection improvements, leaves potential for pedestrian and bicycle facilities, and provides space to offset the effects of auto emissions and roadway noise. Visual screening for residences also becomes possible when ample rights-of-way are preserved....

With the exception of a few locations at the Subregion's northern and eastern periphery, there are currently no roads in the Subregion wider than two lanes. The combined effect of low-density zoning and a network of two-lane roads contributes to the area's desirable semi-rural ambience.

Recommendation

- *Maintain the 1980 Potomac Subregion Plan's system of two-lane roads with limited opportunity to expand road capacity," (p. 109).*

The Heights School is located on Seven Locks Road, a two-lane arterial road with a recommended minimum right-of-way width of 80 feet (p. 115). The Heights School previously dedicated 40 feet of right-of-way from the centerline of the road (Plat 12396 dated April 17, 1979). No changes are being proposed to the road. The Transportation section of this report contains further details.

Biking in the Subregion, as in the rest of the County, is a popular recreational activity and a growing commuter option....

- *Complete the Class I/Class II bikeway along Seven Locks Road from Wooton Parkway to River Road.*

Portions of Seven Locks Road, from River Road to Bradley Boulevard and Post Oak Road to Wooton Parkway already have Class I bikeways (although some sections may be less than eight feet wide). The middle section of this stretch contains a wide paved shoulder that could be used as a Class II bikeway. The northern and southern sections should be connected with a Class I bikeway from Post Oak Road to Bradley Boulevard, serving as a north-south connection for the Subregion that will also link to east-west routes.

The frontage of the Heights School currently contains a wide paved shoulder used for biking, running and walking. The bikeway recommendations have been updated by the 2005 Countywide Bikeways Functional Plan to provide a dual bikeway, with funding in the CIP beginning in 2018. These improvements are shown on the site plan.

TRANSPORTATION

Site Access, Parking, and Public Transportation

The site is located off of and to the west of Seven Locks Road between Bells Mill Road and Democracy Boulevard. Access to the site is currently from Seven Locks Road via two full access entrances that are approximately 100 feet apart. The Applicant is not proposing to alter the site access points and no new ones are being proposed.

The Applicant proposes to construct a five-foot lead in sidewalk along the southern side of their driveway from Seven Locks Road to the existing sidewalk network located around the school buildings. The sidewalk will connect to an existing sidewalk on Seven Locks Road that leads to the existing bus stop on the southbound side of the road as well as to an existing crosswalk that connects to the bus stop on the northbound side of the road. These improvements were made several years ago at the request of the Heights School for the benefit of their students.

During the normal school day, parking will be provided on-site. In the interim, parking will be provided on surface lots. Ultimately parking will be provided on surface lots and a below surface parking lot that will be constructed under the athletic field that is located closest to the gymnasium. It is anticipated that 255 parking spaces will be provided when the site is fully built out, and 159 spaces will be located in the below surface parking lot. Motorcycle and future electric vehicle charging stations are also being provided and are included in the 255 total future parking spaces. Bicycle racks (24) will be provided and dispersed at the school's main entrance and at the gymnasium.

During special events that require more parking than can be accommodated on site, arrangements have been made to provide up to 30 parking spaces at Pauline Bett Addie Tennis Center in Cabin John Regional Park to transport people back and forth with shuttle buses. Staff has confirmed that more than 30 spaces can be arranged with the Department of Parks, should more be needed in the future. Additional parking conditions are in the Transportation Management Plan.

Ride-On Route 47 provides bus service on Seven Locks Road adjacent to the site. The route connects Rockville Metrorail Station to the Bethesda Metrorail Station with 30 minute headways Monday through

Friday. As mentioned above, the closest bus stops are in front of the school on Seven Locks Road. Ride-On Route 42 also provides service in proximity to the site running along Democracy Boulevard. The route connects Montgomery Mall to the White Flint Metrorail Station with 30 minute headways Monday through Friday. Both Ride-On routes operate on Saturday and Sunday with 30 minute headways.

Transportation Management Plan

Traffic Management at the Main Entrance Driveway and Seven Locks Road

The School hires an off-duty Montgomery County Police officer on school days in the morning to direct traffic at the school's main entrance. An off-duty Montgomery County Police officer is also hired for designated events. The School will continue to employ off-duty Montgomery County Police officer to manage traffic at the school's main entrance and will monitor afternoon dismissal as well as other events to determine if off-duty police officer should be hired to help manage traffic during these times.

Queueing and Circulation Plan for Student Drop-off and Pick-up

According to a supplemental memorandum from the Applicant's transportation consultant dated August 20, 2013, there is sufficient queueing on-site for student drop off and pick-up operations so that traffic does not spill back beyond the driveway entrances onto Seven Locks Road. With the proposed increase in student enrollment, and based on a possible student drop-off and pick-up plan, queueing associated with student drop-off and pick-up is not expected to spill back onto Seven Locks Road nor impede traffic circulation on site.

Special Event Parking

The School has made arrangements for off-site nearby parking and to transport people using shuttle buses.

Parking and Trip Mitigation

Due to constrained parking on-site, trip mitigation strategies are recommended. The strategies consist of establishing a Transportation Coordinator that will enroll the school in programs to assist faculty and students with commuting to school. Additional strategies also consist of a shuttle bus to the Grosvenor Metrorail Station, public transportation through the use of the Ride-On bus, a bus program for students, and carpools. Many of these services are currently being offered by the school and the Transportation Management Plan will enhance these strategies and have the Transportation Coordinator enroll the school in new programs. The staging of parking facilities is also recommended, as discussed elsewhere in this report.

Master Plan Transportation Facilities

The 2002 Approved and Adopted Potomac Subregion Master Plan and 2005 Countywide Bikeways Functional Master Plan contain the following recommendations for nearby roadway and bikeway facilities:

- Seven Locks Road: An arterial road (A-79) with two travel lanes (one lane in each direction) and a minimum right-of-way of 80 feet (page 115 of the Potomac Subregion Master Plan).
- A dual bikeway (DB-3) on Seven Locks Road in front of the Subject site. The dual bikeway designation consists of a shared used path and signed shared roadway (page 43 of the Bikeways Functional Master Plan).

The Montgomery County Capital Improvement Plan (FY15-20) has a pedestrian facilities/bikeways improvement on Seven Locks Road (P501303) from Montrose Road to Bradley Boulevard. The project provides for pedestrian and bicycle improvements for dual bicycle facilities (on-road and off-road), and enhanced, continuous pedestrian facilities along Seven Locks Road. The project is broken down into three phases: Phase I provides dual bikeway and pedestrian facilities on Seven Locks Road from Montrose Road to Tuckerman Lane including the bike path on Montrose Road and the improvements to the Tuckerman Lane intersection. Phase II, which includes the Heights School site, provides a dual bikeway and pedestrian facilities for the segment of Seven Locks Road from Tuckerman Lane to Democracy Boulevard. This project is currently on hold, but the CIP has allocated expenditures for the project to begin in FY2018.

Adequate Public Facilities Review (APF)

As conditioned, the subject Special Exception Modification for the proposed increase in student enrollment cap from 460 to 650 students and associated increase in faculty and staff from a cap of 57 to 95 faculty and staff will satisfy the LATR and TPAR requirements of the Adequate Public Facilities (APF) review. Two new buildings and one building tear down and replacement are planned as part of the increase in enrollment. The two new buildings are a Lower School building and Theatre/Music/Dining Hall. The Middle School building is proposed to be torn down and replaced. A replacement for the existing gym was previously approved.

Trip Generation

The peak-hour trip generation estimated for the proposed development was based on the existing traffic to the site, during the 2011-2012 academic school year when the student enrollment was 486 students, and the proposed increase in student population based on the new enrollment cap. The trip generation rates included in the *LATR & TPAR Guidelines* were not used as the makeup of the school consists of grades 3-12, and the guidelines state that private schools with 400 or more students in grades K-8 should conduct a special study. The makeup of the school does not fit exactly into the categories in the *LATR & TPAR Guidelines* for trip generation rates; however, the method done to estimate future traffic generated by the proposed increase in student enrollment is acceptable to staff. A site trip generation summary is presented in Site Trip Generation table below, which shows that the proposed development would generate a total of 147 new peak-hour trips during weekday morning peak period and 22 new peak-hour trips during weekday evening peak period. The School has a dismissal time before the evening peak hour, so two PM peak hours are reported. The School would still generate peak hour trips during the Commuter PM peak hour due to afterschool events related to sports, concerts, or other activities.

Site Trip Generation

Trip Generation Estimates	Student Enrollment	AM Peak Hour			School PM Peak Hour			Commuter PM Peak Hour		
		In	Out	Total	In	Out	Total	In	Out	Total
Existing Peak Trips (2011-12)	486	269	168	437	121	170	291	28	38	66
Additional Site Trips (34% increase)	650	<u>91</u>	<u>57</u>	<u>147</u>	<u>41</u>	<u>57</u>	<u>98</u>	<u>9</u>	<u>13</u>	<u>22</u>
Total Future Trips		360	225	584	162	227	389	37	51	88

Local Area Transportation Review (LATR)

A traffic study dated October 17, 2014, was submitted to determine the impact of the proposed development on the area transportation system. Five local intersections were identified as critical

intersections for analysis to determine whether they meet the applicable congestion standard as well as the two driveway locations. All intersections are located in the Potomac Policy Area with a Critical Lane Volume (CLV) standard of 1,450. The proposed development trips were added to the existing and the background traffic (trips generated from approved but unbuilt developments) to determine the total future traffic. The total future traffic was assigned to the critical intersections to evaluate the total future CLVs. The result of CLV calculation is shown in the Summary of Critical Lane Volume Calculations table below.

Summary of Critical Lane Volume (CLV) Calculations

Intersection	CLV Standard	Existing Traffic			Background Traffic		Total Future Traffic		
		AM Peak	School PM Peak	PM Peak	AM Peak	PM Peak	AM Peak	School PM Peak	PM Peak
Seven Locks Road & Tuckerman Road	1,450	1,514	1,073	1,090	1,323	1,063	1,339	1,044	1,066
Seven Locks Road & Bell Mills Road	1,450	1,073	818	818	1,074	824	1,103	828	828
Seven Locks Road & School Driveway North	1,450	794	602	910	801	926	842	638	990
Seven Locks Road & School Driveway South	1,450	1,011	850	1,023	1,012	1,023	1,244	622	1,045
Seven Locks Road & Democracy Boulevard	1,450	883	1,028	1,152	755	1,130	778	1,039	1,133
Seven Locks Road & Bradley Boulevard	1,450	1,310	1,197	1,352	1,312	1,200	1,335	1,372	1,204
Democracy Boulevard & Westlake Drive	1,450	829	678	951	870	1,032	888	744	1,032

As shown in the table, all intersections analyzed except for one are currently operating at acceptable CLV congestion standards. The intersection of Seven Locks Road and Tuckerman Road currently operates at an unacceptable CLV. However, as part of the approval for Westfield Shoppingtown Montgomery Mall (Preliminary Plan No. 12005018A) they are conditioned to provide funding to improve this intersection. The improvement is to reconfigure the eastbound right-turn lane on Tuckerman Road and make it a combined through/right-turn lane. The applicant has fully committed to fund this improvement and the construction will be done by Montgomery County Department of Transportation.

After the improvement at Seven Locks and Tuckerman Road is assumed, all intersections will operate at an acceptable CLV under the background development condition, and under the total future traffic condition with the proposed use on the Subject Property.

Transportation Policy Area Review (TPAR)

The Property is located in the Potomac East Policy Area. According to the 2012-2016 Subdivision Staging Policy (SSP), the Potomac Area is inadequate under the transit test and adequate under roadway test; therefore, a TPAR payment of 25 percent of the Impact Tax is required.

Transportation Summary

The Special Exception has been evaluated by staff, the Montgomery County Department of Transportation (MCDOT), and the Montgomery County Department of Fire and Rescue Services, all of

which support the transportation elements of the Plan. Staff finds the existing access to the site, as shown on the Special Exception Site Plan, to be adequate to serve the traffic generated by the development. Staff also finds that the internal walkways and right-of-way dedication on Seven Locks Road for future pedestrian/bicycle improvements to be constructed by MCDOT as shown on the Special Exception will provide adequate movement of pedestrian traffic.

ENVIRONMENT

The Special Exception modification meets the requirements of the Environmental Guidelines, the Forest Conservation Law and Stormwater Management regulations.

Environmental Guidelines

The site is located within the Cabin John Creek watershed, a Use I/IP watershed. The Countywide Stream Protection Strategy rates the tributaries in this watershed as in fair overall condition. This Property is not located within a Special Protection Area or Primary Management Area. There are no streams, floodplains, wetlands, or environmental buffers on or affecting the site.

Forest Conservation

This Property is subject to the Chapter 22A Montgomery County Forest Conservation Law and has an approved Final Forest Conservation Plan (FFCP) dated March 27, 2000. The site is subject to the forest conservation law because it is a special exception on a tract of land greater than 40,000 square feet. The Subject Property totals 19.8 acres and is identified as Parcel I, Block J. The Applicant has submitted an amendment to the FFCP which will satisfy all required elements under Chapter 22A. Forest conservation is fully detailed in a separate Staff Report in conjunction with this Item.

Stormwater Management

A review of Department of Permitting Services Stormwater Management Concept approval is included with the review of adequate public services and facilities, including storm drainage, in §59-G-1.21(9) below.

COMMUNITY COMMENTS

Staff has received correspondence from several neighbors, from the homeowners' association to the south, and a petition from the residents on the west side of the campus. Two items were responses to queries made during a community meeting held by the school in November 2013, one email expresses support, and four emails and the petition with twelve signatures oppose the application, expressing concerns about past, present, and future conditions at the school.

Past and current impacts attributed to the school include:

- excessive noise during unmonitored recess periods
- concentrated noise and activity near houses to the west of the school
- lack of adherence to student and staff maximums
- runoff, erosion
- trespass and pranks (vandalism)
- baseballs striking houses (photos of dozens provided)
- construction noise, oil spillage, dirt and dust.

Future concerns include:

- significant increases in the existing negative impacts, above
- population density – the request is for too many students for this site
- late hours extending until 11 pm seven nights per week
- expectations that proposed student and staff maximums will be exceeded again
- the taller middle school building proposed near the western property line will block views
- safety concerns
- lack of needed facilities (e.g., walkways, parking) (enrollment increases should not precede facilities)
- expectation of more noise lasting later in the evenings
- later hours requiring additional lighting for safety would encourage further evening activity
- expected difficulties selling houses near the school resulting in lower values
- construction noise and disruptions.

Neighbors noted the positive aspect of having a well-regarded school as a neighbor and the school's general responsiveness to their concerns. The correspondence received to the date of this report is attached and summarized below:

November 11, 2013. Applicant's attorney responding to a request made during a community meeting from **Ms. Elise Vernick**, neighbor at 8042 Inverness Ridge Road. A copy of the plans and information about the mailing list used for notifying neighbors was provided.

November 11, 2013. Applicant's attorney responding to a request made during a community meeting from **Mr. Alireza Amir-Ghassemi**, neighbor at 10513 Democracy Lane. A copy of the plans and information about the maximum student enrollment (650) and faculty (95) being requested in the special exception modification was provided.

February 28, 2014 (received date). **Thomas N. Williams**, neighbor at 10509 Democracy Lane, writes in opposition to the expansion due to negative impacts on quality of life and property values:

- There is a history of excessive noise at approximately 8 am, 10:30 am, and noon, as well as during afternoon and evening times.
- More students will equal more noise.
- Extending hours to 11 pm seven days per week will exacerbate the noise problem.
- Since the school is operating above the allowed enrollment limit, future enrollment will exceed the proposed expansion levels.
- Neighborhood aesthetics: a two-story building in place of the existing middle school atop a hill will block views.
- Noise from schools causes buyers to become less interested resulting in longer marketing times and potentially lower property values. The expansion of the school would be a material fact requiring disclosure to potential homebuyers.

March 4, 2014. **Alireza Amir-Ghassemi**, neighbor at 10513 Democracy Lane, writes in opposition to the expansion described in a November 2013 community meeting. Opposition is based on experience as an immediate neighbor. The expansion will exacerbate and multiply the adverse effects on quality of life and property values.

- Negative impacts of noise and activity during opening, closing and recesses, and after hour activities and functions.

- Sometimes overwhelming noise from construction during the last decade has been nearly constant for long periods.
- This is a high ratio of students per acre, and the configuration is not uniform. About 70 percent of the students, faculty and staff will be concentrated in 15 percent of the school's premises which is adjacent to their property. This will exacerbate the situation during construction and multiply the adverse effects later. This is not in harmony with the neighbors and their quality of life.
- The plan has ambiguous aspects; apparently the new middle school will be larger and a service road for it is not shown. Replacing the one-story middle school building, which sits at a higher elevation than the neighboring houses with a 35-foot tall building will obstruct the horizon and views, may amplify noise, and affect aesthetic aspects.
- During rain and snowmelt, water flows down the hill and forms pools of water behind the fence. New construction, removing trees, and soil erosion will exacerbate the situation.

March 8, 2014. Petition from **twelve residents of The Courts at Democracy**, along the western property line, in opposition to:

- The proposed density
- The height of the middle school replacement building, and
- The hours being extended to 11 pm, seven days per week

Rationale:

- Approximately 70 percent of the students, faculty and staff are proposed to be concentrated in approximately 15 percent of the site which is located very near to their homes.
- The school chooses to have recess and play areas at the back of the buildings directly abutting many homes
- This proximity amplifies the noise levels during unmonitored recess several times each day
- Noise levels will rise with expanded student enrollment
- Replacing the existing middle school, which sits on a hill overlooking neighboring properties, will constitute a visual barrier
- Construction issues, new services roads and loss of trees are additional concerns
- These issues will translate into devalued sales prices

March 13, 2014 (received date). **Mr. and Mrs. Bruce Pollekoff**, neighbors at 10501 Democracy Lane, write in opposition to the expansion due to negative impacts on quality of life and property values:

- There is a history of excessive noise at approximately 8 am, 10:30 am, and noon.
- More students will equal more noise.
- Extending hours to 11 pm seven days will exacerbate the noise problem.
- Since the school is violating the maximum student zoning restriction, future enrollment will exceed the proposed expansion levels, based on current track record.
- Neighborhood aesthetics: a two-story building in place of the existing middle school atop a hill will block views.
- Noise from schools causes buyers to become less interested in properties resulting in longer marketing times and potentially lower property values. The expansion of the school would be a material fact requiring disclosure to potential homebuyers.

November 24, 2014. **Sandra Lora Cremers**, neighbor at 10411 Democracy Lane, writes in support of the school's request for modification.

- They have lived immediately adjacent to the school for four years and have a clear view of the school's backyard.
- Living near a highly regarded school like The Heights adds value to their property.
- The proposed improvements will be on par with many of the premier private schools in the region.
- Noise from kids playing outdoors brings necessary life into residential neighborhoods.
- The school has always been a good, responsive neighbor to the surrounding community.

December 31, 2014. Larry Freeman (Potomac Pond Homeowners Association president), and Gene Feinberg, and John Reghi (residents of Potomac Pond), 8100 Appalachian Terrace, write in opposition due to intensification of the negative issues that currently affect them including noise levels, traffic on Seven Locks Road, student foot traffic through their property, stormwater overflow, baseballs and other hard balls being hit or thrown over the fence, and incidents of deliberate, destructive and dangerous pranks.

- Preferred Option 1 – No increase. The school should buy a bigger property if they want a larger student body. No other all boys school has a comparable student per acre ratio, nor do co-ed schools except those without baseball fields [a table of populations and acreages is included—see correspondence attachment]. Issues include noise, off-campus track activities, shortcuts through private properties, pranks (damaging homes and cars parked in driveways) which will increase with the proposed student body growth. The school pays for damage when it's clearly caused by students, but that does not fully mitigate for the homeowner's disruption and safety concerns.
- Option 2 – impose restrictions to reduce the adverse effects on neighbors.
 - To assure that student growth does not exceed the capacity of the facilities, the facilities needed to accommodate any growth (reorganized parking, forecourt, walkways, parking structure) must be completed before increases in students and faculty is allowed.
 - To minimize noise and assure safety, no outdoor sports activities after 'evening nautical twilight.' The proposed hours, Monday through Friday, 7 am to 9 pm, could result in safety issues, leading to the need for high intensity lighting for outdoor night activities.
 - To minimize 'balls over fence' incidents [photos of dozens of collected balls included in original], no rental or use of outdoor sports facilities where at least one team is not entirely comprised of Heights School students or staff.
 - Raise the height of the chain link fence running parallel to Grand Teton Drive to at least the height of the one the runs parallel to Seven Locks Road, and extend it to at least 400 feet from home plate.
 - To stop trespass and reduce the risk of injury, employ traffic controllers, security personnel and/or camera recording devices to prevent students from using a short cut between Grand Teton Drive and the campus' south property line. Continuous usage has caused a 'five-foot drop dirt slide' that stops against wooden fences; breaching these aging wooden fences would result in an eight-foot fall onto hard surface patios below.
 - Limit the use of the proposed theater to activities directly associated with the school, and which end before 10 pm, Sunday through Thursday.
 - Limit new construction to weekday daytime hours. Take steps to assure that construction is minimally invasive to adjoining home. Assure that County noise regulations are not exceeded. Previous major construction at the school resulted in oil spillage and significant problems with noise, dirt and dust.

Thomas Williams and Larry Freeman have requested to be made parties of record.

The school's negative impacts on the neighbors as described are significant. Staff recommends several actions to reduce or mitigate the existing and future impacts:

- The student, faculty and staff levels appear to currently exceed levels that are compatible with neighbors. Campus population levels should be stabilized for the first phase of construction, and only increased if and when appropriate facilities and faculty are in place to manage student increases appropriately.
- The area on the west side of the middle school building, where the noise complaints are originating, is narrow—the school's buildings are closest to the neighboring houses in this location. Currently, a Category 1 Conservation Easement provides a buffer in this area. However, there is a gazebo and a covered bench in the easement area, and the area shows signs of being used as a play area. As part of the Forest Conservation Amendment, the structures will be removed from the easement area, and a split rail fence will be placed to delineate the area. In order for this area to provide the necessary buffer for the neighbors, it should not be used as a play area. Staff and students should be instructed that the area is not to be used for play, and signs should be posted on the split rail fence as a reminder.
- Screening should be provided in this area. Shade-tolerant native, evergreen plantings should be planted close to the property line. Coordinate plantings with an M-NCPPC inspector.
- This area should be inspected for pooling and other drainage defects. Any such defects should be corrected.
- Fences on the south side of the property in the area of the baseball and soccer fields should be inspected and repaired or replaced, as appropriate, to prevent students from trespassing.
- Nets to keep baseballs and other hard balls within the school property need to be placed at the southern end of the baseball and soccer/lacrosse fields.
- Screening should be placed near the southern property line near the baseball and soccer fields to replace the screening plants on the southern ends of the fields that will be lost with the reconstruction of the fields.
- The neighbors indicate that the noise from the campus is excessive and concentrated. The school's regular academic hours begin at 8:20 am and end at 3:05 pm. The applicant requests "core hours of activity" during the school year from 7:00 am to 9:00 pm, Monday through Friday. The previously approved hours of operation were from Monday through Friday from 8:30 am to 4:00 pm, so the change is considerable. Staff recommends that onsite activities be permitted from 8:00 am to 6:30 pm during the academic year, and from 9:00 am to 3:00 pm during the summer. Staff may arrive at 7:00 am. Students arriving before 8:00 am may be accommodated indoors (for example, in the gym or the library). Indoor basketball games may occur seasonally until about 9:00 pm. The school has also requested permission for up to 50 events per year during evenings and weekends, ending at 10 pm-11 pm. Staff recommends that the schedule of these events be provided to neighbors with as much advance notice as possible.
- Last, staff recommends that the applicant establish a Community Liaison Council consisting of school representatives, representatives of neighboring civic associations and homeowners associations, and the abutting and confronting residents. The CLC should meet at least twice annually to address operational impacts, construction schedules, staging areas, faculty, staff and student populations, parking arrangements, and to answer questions and receive community input. Minutes of the meetings and the school's calendar of events shall be provided to the CLC members and the Board of Appeals.

Many of the issues described by neighbors are non-inherent adverse effects, which will be covered in the next section. In addition to their non-inherent nature, staff believes these recommendations are

necessary to protect nearby properties and assure that the school and its operations are compatible with the surrounding community (§59-G-1.22(a))

REVIEW OF DIVISION 59-G SPECIAL EXCEPTIONS

The standard for evaluation (§59-G-1.2.1) requires consideration of the inherent and non-inherent adverse effects on nearby properties and the general neighborhood from the proposed use at the proposed location.

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.

Inherent adverse effects of a private institutional facility include a significant number of students, faculty and staff, buildings and facilities for academic and athletic programs, parking, traffic, noise, lighting and signage.

Non-inherent impacts, with recommended conditions to address each, are detailed below.

The Heights School property has several physical constraints that limit the area that can be used for structures, parking, and athletics; staff considers these constraints to be non-inherent. There are stormwater and forest conservation easements on the property, and steeply sloping land on the south and west sides of the campus. These characteristics limit the available space on the campus for structures, playing fields and many other academic or athletic uses.

On the south, between the playing fields and the Potomac Pond properties, some slopes exceed 40 percent. Baseballs and other hardballs fall down onto houses and into yards from the playing fields above. The recommended fencing and netting for these non-inherent effects is described in the previous section.

On the west, between the maintenance building and a stormwater facility, slopes exceed 30 percent. This area is unsuitable for buildings or playing fields, resulting in concentrated uses elsewhere. Further north on this side of the campus, there is a narrow area, approximately 80 feet wide, close to the neighboring properties, with a concentration of school buildings and adjacent play areas. Students have lockers on the porches on the side of the building, and amenities such as a pond, a gazebo and a covered bench are located here. This concentration of uses and proximity to houses results in excessive noise and activity impacts on the neighbors.

Noise and activity, such as the sound of students playing during recess, is an inherent adverse effect. In circumstances where the particular configuration of the site results in excessive noise impacts to the neighboring properties, staff considers the excessive noise to become a non-inherent impact.

As noted in the previous section, the neighbors to the west, nearest the middle school, report that the noise levels at their properties are excessive. Recommendations are included in that section. Staff would

add a recommendation that when the middle school building is replaced, it be designed with lockers located indoors.

Enrollment of students is inherent to a private educational institution, but enrollment levels that are out of scale with the available facilities or the neighborhood should be considered to be non-inherent. Staff believes that requiring the school not to increase enrollment, faculty and staff levels faster than it can accommodate the increased population on campus is appropriate to avoid transforming an inherent adverse effect into a non-inherent one. The current parking facilities are out of scale and insufficient for the current student, faculty and staff levels (described below). Staff recommends:

- A Transportation Management Plan to mitigate current parking deficiencies (as provided)
- Offsite parking and shuttles for events (as provided)
- Garage construction **prior** to enrollment, faculty and staff increases.

The applicant prioritizes the new lower and middle school buildings before the construction of the parking and gym, without reference to student, faculty and staff increases. The proposed TMP is anticipated to correct current parking deficiencies and increase safety at current populations, but the proposed parking garage is necessary for increasing student, faculty and staff populations. Without all three provisions above, staff believes the site facilities will be inadequate and the proposed increase in student, faculty and staff levels should be considered as a non-inherent basis for denial.

The existing and proposed facilities on the site cannot meet the stormwater management requirements of the site; only partial compensation is provided in the Stormwater Management Concept request, with a fee in lieu required for the uncompensated amount. This non-inherent effect is due to the topography of the site and the multitude of academic and athletic facilities connected by impervious surfaces—i.e., roads and walkways. The campus master plan is anticipated to take 15 years to implement, and includes the construction of four major buildings as well as a parking garage. Future construction will be subject to the stormwater management regulations in place at the time of permitting, which may or may not be the same as current regulations. It is possible that future stormwater regulations will be more limiting, and that the full campus buildout, as proposed, will have to be scaled back. Therefore, enrollment should be phased and limited to the level that can be accommodated by the facilities in place at the time. The ultimate requested levels of 650 students and 95 faculty and staff members should occur after the facilities are in place.

Summer programs can have non-inherent adverse effects in some instances. The proposed level of 200 boys at any one time (as approved in 1980) has been in place since before the Heights School purchased the property in 1978. Proposed hours are 9:00 am to 3:00 pm, Monday through Friday. Staff does not recommend any mitigation for continuation of the summer programs.

§59-G-1.21 General Conditions

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

(1) Is a permissible special exception in the zone.

Private educational institutions are permissible special exceptions in the R-90 zone.

(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 application complies with the standards and requirements of Division 59-G-2, as conditioned in that section.

(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.

As described earlier, this site is located in the 2002 Potomac Subregion Master Plan area. To be consistent with the master plan recommendations, several recommendations are included in the Master Plan section above.

(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.

With the conditions recommended elsewhere in this report, the proposal will be in harmony with the general character of the neighborhood considering population density, design, scale, and bulk of any new structures, intensity and character of activity, traffic and parking conditions, and number of similar uses.

(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.

Neighbors indicate that excessive noise from the school is detrimental to the use, peaceful enjoyment, and economic value of their properties, and that expansion of the school and its operation will exacerbate these negative effects. As mitigation, staff recommends that certain parts of the school property be excluded from play areas, and recommends the addition or repair of fencing, netting and screening, as described elsewhere.

(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.

With the conditions recommended elsewhere in this report, the proposal will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the site.

(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 plan do not alter the nature of an area.

The proposed special exception modification, in conjunction with existing and approved special exceptions in the neighborhood, will not 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.

(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.

To assure the health, safety, security, morals and general welfare of residents, visitors and workers, implementation of the Fire Lane Establishment Order, the Fire Access Plan, and the addition of nets along the south sides of the playing fields to prevent stray balls from leaving the property are recommended.

(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 property is served by adequate public schools, police protection, water and sewer.

Fire and Rescue Service (FRS) staff approved the school's Fire Access Plan on July 25, 2013. Following revisions to the forest conservation easements, FRS staff issued a second approval, April 8, 2014, based on those revisions. A Fire Lane Establishment Order was filed on September 24, 2014 and signed on October 21, 2014, requiring the posting and enforcement of fire lane signs within 30 days. Parking continues in the designated fire lanes, and signs had not been posted as of December 29, 2014. Staff has been advised that an amended Fire Lane Establishment Order is under discussion with FRS which would permit some parking along driveways for some period of time. No confirmation has been received.

The Department of Permitting Services has found the applicant's Stormwater Management Concept Request to be adequate (letter dated February 27, 2014). As proposed in the Concept, the "facilities provide partial compensation for areas of the site that have no or minimal stormwater management." Because only partial compensation is being achieved on the site, a stormwater management waiver

contribution will be required. One condition relates to concerns raised by the Potomac Pond Homeowners Association, to the south of the school:

8. Sediment control plan submittals that proposed any construction that will drain to the Inverness Forest pond must include large storm analysis. The analysis is to show safe conveyance to the pond and determine that there will be no increase in the pond’s designed 10 and 100 year peak discharges or surface elevation (p. 2).

The letter notes that the Heights School proposes to reconstruct and stabilize the storm drain outfall to Cabin John Creek, subject to approvals by the M-NCPPC and Montgomery County Department of Environmental Protection.

The Concept approval is to be amended at each phase of development, including interim stages, with detailed computation reviews at that time. “Stormwater runoff is not to exceed the capacity of downstream storm drain systems.”

Staff finds that the proposal will be served by adequate public facilities.

(b) Nothing in this Article relieves an applicant from complying with all requirements to obtain a building permit or any other approval required by law. The Board's finding of any facts regarding public facilities does not bind any other agency or department which approves or licenses the project.

This is understood.

(c) The applicant for a special exception has the burden of proof to show that the proposed use satisfies all applicable general and specific standards under this Article. This burden includes the burden of going forward with the evidence, and the burden of persuasion on all questions of fact.

This is understood.

§59-G-1.23 General Development Standards

(a) 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.

The proposal meets the General Development Standards for the R-90 zone, as shown in the Development Standards table below.

R-90 Development Standards	Required	Provided
Lot area and width; minimum net lot area	9,000 sf	19.818 acres (863,296 sf)
Minimum lot width at front building line	75 feet	971.4 feet
Minimum lot width at street line	25 feet	983.6 feet
Minimum setback from street	30 feet	261.2 feet
Setback from adjoining lot		
- One side	8 feet	53.4 feet
- Both sides	25 feet	116.3 feet
- Rear	25 feet	68.4 feet

R-90 Development Standards	Required	Provided
Maximum building height	35 feet	35 feet
Maximum percentage of net lot area that may be covered by buildings, including accessory buildings	30 percent	18 percent
Maximum percentage of the area of the front yard that can be covered by surfaced area...	30 percent	18 percent
Parking setbacks (59-E-2.83(b))		
- Front	30 feet	254.1 feet
- Side (117 spaces) (2X side setback)	16 feet	80.5 and 53.4 feet
- Side (255 spaces) (2X side setback + 10 feet)	26 feet	same
- Rear	25 feet	186.7 feet

Parking Requirements

(b) *Special exceptions are subject to all relevant requirements of Article 59-E.*

The parking requirements for a private educational facility include:

- The general parking requirements covering the number of accessible car and van spaces, bike racks, motorcycle spaces, and electric vehicle charging spaces required;
- Space requirements private educational facilities; and
- Additional parking requirements for special exception uses in residential zones.

The proposed modification partially reconfigures the existing surface parking areas, and adds a one level garage with 155 spaces below the reconfigured rectangular field. The table below describes the parking as described in the Applicant’s statement. There are four anomalies to be addressed.

Type of parking space	Existing	At buildout
Total passenger vehicle spaces	117*	255
Accessible (van)	2 (2 req.)	4 (2 req.)
Accessible (car)	2** (3 req.)	6 (5 req.)
Motorcycle (2% up to 10 maximum)	0 (3 req.)	6 (6 req.)
Electric vehicle charging space (1 per 100)	0 (2 req.)	3 (3 req.)
Bicycle (1 per 20 up to 20 maximum)	0 (6 req.)	24 *** (13 req.)
Bus (small)	7	0
Bus (large)	2	4****
<p>*Staff has identified 10 bus or van spaces and 130 vehicle spaces currently in use, as described below **6 are shown on the Existing Conditions Plan, C-101, but only 2 were found during site visits. The remaining four spaces and their access aisles are currently being used for general parking. ***The Applicant’s statement describes 24 bike racks proposed; 12 appear on drawings. ****The Applicant’s statements describe 5 buses currently being used, and 4 bus parking spaces proposed; drawings show 3 spaces.</p>		

The first item (*) noted in the table above relates to the number of spaces on the site. This is due to two items:

- The school currently has six marked car and two full size bus parking spaces in use in drive aisles/fire lanes (as designated in the Fire Lane Establishment Order) nearest the basketball courts. These spaces are not included in the existing calculation.

- Adjacent to the existing maintenance building, staff observed parked vehicles; 2013 aerial photos show five cars/trucks and seven small buses/vans parked in this area.

During site visits, staff has identified six small buses and two large passenger vans with The Heights School painted on them that remain on-site overnight, and two full size buses that park on-site during the day and possibly overnight. Two aisles for accessible parking spots are also being used for parking. By staff's calculations, there are currently at least ten bus or van parking spaces and 130 passenger vehicle spaces in use on school days. This will be covered in more detail below.

The second item (***) noted in the table, the discrepancy between accessible parking requirements as shown on the plan, and as existing on the site must be corrected immediately. For parking lots with 101 to 150 spaces, a minimum of two van-accessible spaces and three accessible spaces with a 60-inch access aisle are required. Four of the accessible spaces and their two aisles are being used as six general purpose parking spaces. During site visits and in aerial photos, staff also observed the school's small buses and passenger vans being parked in the accessible spaces.

The third item (****) noted on the table, the discrepancy of 12 or 24 bike racks, should be corrected to be consistent between various parts of the submission. At least 13 bike racks are required.

The last item (****) noted on the table is the discrepancy in the number of full size bus parking spaces. It should be determined whether three or four bus spaces can be accommodated in the space provided, and corrections made to the statement or drawings, as appropriate.

In addition, the Second Amended Statement of Operations indicates that five buses are currently in use (p. 8), which is consistent with staff's onsite observations of at least two buses leaving the site in morning following student drop off. It is unclear where these buses are stored during the day and in the evening. No spaces are being provided for the six small buses and two large vans. As they sometimes park in the general or accessible spaces in the main lot, eight spaces must be reserved for them.

Based upon the existing buses on the site or in use and the enrollment projected from 486 students at the time of the traffic study, staff estimates that 650 students will require an increase in the number of large buses from five to seven, and an increase in small buses or vans from eight to eleven. Parking should accommodate all necessary buses and vans, unless they are confirmed to be stored offsite during both day and evening hours.

§59-E-2.83 Parking and Loading facilities for special exception uses in residential zones.

This Section applies 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 un-shaded paved areas.

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

The existing surface parking facilities are centrally located on the site, and are generally screened by forested areas and buildings.

(b) 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. The following additional setbacks must be provided for each parking facility:

(1) if 150 to 199 parking spaces are provided, the required side and rear parking facility setbacks must be increased by 5 feet;

(2) if 200 or more parking spaces are provided, the required side and rear parking facility setbacks must be increased by 10 feet.

The existing and proposed parking meets the required setbacks, as shown on the development table. (Different setbacks are shown because they will increase as parking is added and modified during build out of the campus, the setbacks will change.) If the tennis courts are temporarily used for parking during construction of the garage, cars should not be permitted to park within the setback area.

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

A "green screen" is proposed on the garage to provide screening. Existing parking areas are adequately screened. If the tennis courts are used for parking during construction of the garage, supplemental screening may be necessary.

(d) Shading of paved areas. Trees must be planted and maintained throughout the parking facility to assure 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 school site is not currently in compliance with the existing landscape plan regarding shade trees in the parking area. Consistency with the Potomac Subregion Master Plan calls for shading in the parking area and reduced impervious levels. The Forest Conservation Plan Amendment requires the planting of 15 shade trees on the site. Shade trees are generally recommended by DEP to help control stormwater runoff and cool water,² which is an important benefit to the watershed as the proposed stormwater facilities only provides partial compensation. Shading the paved areas is recommended as a supplement to the specific special exception requirements (§59-G-1.22(a)) to protect nearby properties and the general neighborhood.

Staff recommends that sufficient shade trees be planted and maintained throughout the parking facilities to provide shading of at least 30 percent of the paved area, including driveways, within 15 years of approval of this amendment.

² <https://www.montgomerycountymd.gov/dep/tree/tree-benefits.html>

*(e) **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, 2002, is a conforming use.

The applicant proposes to reconfigure the existing surface parking, which will reduce the number of spaces to 96 surface spaces, and add a garage under the soccer field with an additional 155 spaces.

The number of parking spaces required for a private educational institution is described in §59-E-3.7: **Educational institution, private.** *One parking space for each employee, including teachers and administrators, plus sufficient off-street parking space for the safe and convenient loading and unloading of students, plus additional facilities for all student parking.*

Based upon the current number of faculty and staff, at least 74 spaces are needed to satisfy the zoning minimum, plus additional facilities for student parking. The application indicates that there are currently 117 spaces; with 74 staff members, that leaves 43 spaces for students and visitors.

Currently, parked cars are blocking drive aisles and fire lanes. Staff has identified 130 vehicle spaces and ten bus or van spaces currently in use, plus additional vehicles parking in three areas:

- Parking in drive aisle/fire lanes near the Signature Building
- Parking on the endcaps of the parking bays
- Parking in the drive aisles near Seven Locks Road during afternoon activities

The existing parking is insufficient. In considering how much parking is needed for the existing needs, staff considered parking calculations for uses related to those existing or proposed on the Heights School campus:

Parking requirement	Spaces	Calculation
Current zoning ordinance (October 30, 2014)	169	One space per employee plus 0.25 space for each student in grades 9 through 12
Theater (only)	116	One space for each four seats
Recreational facilities (only)	736	Ten spaces for each 1,000 sf of gross floor area
Child daycare	204	One space per employee plus one space for each six children

The 130 vehicles spaces and ten bus spaces are insufficient for 74 employees and 529 students, the child daycare space calculation appears closest to the existing demand. By that calculation, 163 spaces should be provided for the current populations, and as shown on the table, 204 spaces at buildout.

The requested modification includes the construction of a garage under the rectangular field which will provide an additional 155 spaces. The current small lot west of the main lot is proposed for reconfiguration into a courtyard area (which will also provide necessary stormwater management facilities); that will reduce the surface parking to 96 spaces. At final buildout, a total of 255 spaces is proposed.

	Observed 2014	Changes by August 2015	Surface reconfigured	Garage	Totals: garage plus surface reconfiguration
Spaces	130	117	96	159	255
Handicapped	4	5 req.	4	6	10 (7 req.)
Visitor	0	4*	4*	3*	7*
Charging	0	2 req.	1	2	3
Bus	10	10 (2 moved)			3 (or 4) (long)
Motorcycle (2% req)	0	3 req.	2	4	6
Bicycle (1 per 20 req)	0	6 req.	12? (5 reg.)	0 (8 req)	24 (13 req.)
*Estimated demand based upon staff observations of cars parking in drive aisles/fire lanes near the main entry of the Signature Building.					

At buildout, with 255 spaces and 95 faculty and staff members, there will be 160 spaces remaining for students and visitors. Together with the parking provisions included in the applicant's Transportation Management Plan, staff finds the total number of parking spaces to be adequate. Should it be necessary to reconfigure the existing parking lot to provide the necessary 30 percent shade tree canopy coverage, up to ten spaces may be removed.

Management and staging are needed for the existing and interim parking conditions. As noted above, the current parking is unsafe. The proposed Transportation Management Plan is crafted to provide an expeditious remedy for the existing safety issues.

The Campus Master Plan is described as a 15-year plan. Should student, faculty and staff levels increase prior to the construction of the garage, the safety issues may recur. Even if the existing campus population remains as it is today, parking pressure will increase when the number of spaces is reduced to bring the site into compliance. The alternative options considered were:

- Do nothing. The unsafe conditions would remain.
- Reduce student and employee populations to levels that can be parked. In mid-year, this option seems impractical. In the longer term, the option seemed contrary to the school's goals.
- Allow parking in the tennis courts. This option negatively impacts both the students and the neighbors, and is in conflict with the Potomac Subregion Master Plan.
- Allow parking on the basketball courts. This option primarily impacts the students, but moving play areas from the center of campus, it would likely have a secondary result in adding more noise and activity negatively impacting the neighbors to the west.

Staff did not consider any of these options viable. The accessible parking and fire lane requirements must be addressed immediately. The Transportation Management Plan should be fully implemented by the beginning of the 2015-2016 school year, with the most readily applied elements of the TMP put in place immediately to provide relief for the current situation.

Staff believes the TMP is viable for the existing campus populations. Prior to any student, faculty or staff increases above the existing levels (529 and 74), staff recommends that the construction of the garage be complete and Use and Occupancy Certificates received. At the same point in time, all of the existing parking on the property should be brought into full compliance with current parking regulations (Article 59-E).

(c) **Minimum frontage...**

This section is not applicable.

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

An amendment to the existing forest conservation accompanies this report.

(e) **Water quality plan...**

This section is not applicable.

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

A monumental sign is currently located at the driveway entrance on Seven Locks Road. No change is proposed.

(g) **Building compatibility in residential zones.** *Any structure that is constructed, reconstructed or altered under a special exception in a residential zone must be well related to the surrounding area in its siting, landscaping, 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.*

The applicant's 59-G Statement of Compliance describes the proposed changes as "compatible both with the existing structures and with the neighborhood in scale, bulk, height, materials and textures,... well related to the surrounding areas, nicely landscaped, divided into distinct planes and textures, and extensively fenestrated. None of the proposed new buildings and expansions exceed the 35 foot... height limit applicable in the R-90 zone. In addition,... the present application includes a proposed ADA compliant lead-in sidewalk to improve accessibility onto and around the campus" (p. 9). The Statement also states, "[t]he exterior architecture of the School's existing and proposed buildings, including the Middle School renovation/addition and the new Lower School building, are proposed to be similar in style to the gabled roof designs of the single-family homes that is predominant in the area," (p. 10).

Staff finds the proposed buildings to be compatible in appearance with the surrounding residential uses.

(h) **Lighting in residential zones.** *All outdoor lighting must be located, shielded, landscaped, or otherwise buffered so that no direct light intrudes into an adjacent residential property. The following lighting standards must be met unless the Board requires different standards for a recreational facility or to improve public safety:*

- (1) *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.*

The landscape and lighting plans submitted with this application confirm that lighting will not exceed 0.1 foot candles along the side and rear lot lines.

Staff recommends retaining the lighting conditions from prior approvals:

- New lights must be shielded and no more than twelve feet tall
- The athletic facilities, including both fields, basketball courts and tennis court are to remain uncovered and unlighted

§59-G-2.19 EDUCATIONAL INSTITUTION, PRIVATE

Following are the requirements necessary to grant special exception approval for a Private Educational Institution.

(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;

Based upon the applicant's traffic study, the proposed modification of the private educational institutional use will not constitute a nuisance because of traffic. As conditioned above that the necessary facilities and faculty must be adequate for any student increases, the modification will not constitute a nuisance based upon the number of students. To reduce neighborhood impacts from noise and physical activity, staff recommends mitigation efforts in two areas, the west and the south, as previously described. With the conditions provided, the use will not constitute a nuisance.

(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...

As noted previously, the buildings will be compatible with other buildings in the surrounding neighborhood.

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

Staff finds no evidence indicating that the school, alone or in combination with other uses, affect adversely or change the present character of future development of the surrounding residential community.

(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;

The site's access is directly onto an arterial roadway; minimal traffic impact is anticipated on nearby residential streets as a result of the proposed increase in pupils per acre.

b) Proximity to arterial roads and major highways;

As noted previously, the site has direct access onto an arterial roadway. The proposal, with the Transportation Management Plan recommended, meets the LATR guidelines, as described in the Transportation section of this report.

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

A Transportation Management Plan is being provided to assure that there is adequate parking for faculty, staff, visitors and students and to minimize impacts to roads in the vicinity.

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

There are adequate drop-off and pick-up areas within the campus for all programs and events. The school employs off-duty police officers at the entrance on Seven Locks Road to assure that queuing vehicles do not spill onto adjacent streets.

2. Noise or type of physical activity;

As noted in the discussion on Community Correspondence, neighbors to the west of the property in the vicinity of the middle school indicate that the current level of noise and physical activity of the students is loud and intrusive; it should be anticipated that the noise and activity levels will increase with increases in enrollment, as requested. As stated above, to reduce the noise and physical activity impacts on these residents, staff recommends that student play be excluded from the Category I Conservation Easement area surrounding the middle school.

Neighbors to the south are negatively impacted by students cutting through these properties and playing pranks, and by safety issues relating to the numerous baseballs and other hard balls falling onto houses and into yards. Fencing in this area should be repaired or replaced, and nets, similar to those recently placed along Seven Locks Road, to confine baseballs and lacrosse balls should be placed at the south end of the playing fields.

3. Character, percentage, and density of existing development and zoning in the community;

To the south and west of the property are single family detached dwellings in the R-90 Zone. To the north is a townhouse community, also in the R-90 zone. Confronting the school to the east, across Seven Locks Road, are two townhouse communities in the RT-6 and RT-12.5 zones, with a vacant property in between which has been approved for additional townhouses in the R-90 zone. This is a single-family neighborhood. For compatibility, the students per acre density should be maintained at a moderate level to assure that residents have peaceful enjoyment of their yards and outdoor spaces.

4. Topography of the land to be used for the special exception; and

The topography is highest in the northwest where the largest school buildings are located, dropping sharply to the south near the western property line, and more gradually to the southeast corner of the site. The steepest part of the site leads to stormwater facilities and is forested. The more gently sloping areas to the southeast have been terraced to create playing fields. The site is sufficiently steep that ADA compliant sidewalks and walkways require switchbacks and handrails, and ADA access to the garage is limited to use of an elevator in the gymnasium.

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.

At 529 students, the current density per acre for the Heights School is 26.7 students per acre. With the proposed population of 650 students, the density is about 32.8 students per acre. Neighbors state that the proposed density per acre is excessive for the site. In order to evaluate those concerns, staff obtained information from the Board of Appeals regarding currently approved private educational institutions and their student populations. The table below, sorted by property size, provides a brief summary.

In general, staff found that smaller sites have much higher ratios of students per acre; the Heights School is a larger site with density roughly in the middle of that size group. Larger sites appear to have more variability relating to site constraints, athletic facilities and parking. Schools on all sizes of sites have Transportation Management Plans, Community Liaison Councils, and provide regular reports to the Board of Appeals. Based on a review of aerial photographs, the site constraints for the Heights School appear to be more extensive than for other schools of similar students per acre density. This observation is consistent with reports from the neighbors that the majority of activity is concentrated in a relatively small area which is located in close proximity to their homes.

Case # and Name	Students	Acres	Students per acre	Faculty /Staff	Notes
S-1456-B Concord Hill School 6050 Wisconsin Avenue, Chevy Chase	100	0.86	116.3		Community Council meets twice annually; limited outdoor areas
S-2500 Primary Montessori Day School 14138 Travilah Road, Potomac	150	1.95	76.9	18	TMP; Ages 2 to 3 rd grade
S-2822 The Siena School 1300 Forest Glen Road, Silver Spring	225	2.7	83.3	55	TMP; 7 am to 7:30 pm; adjacent to park
S-2345 The French International School 7108 Bradley Blvd and 7108 Oak Forest Lane, Bethesda	200	2.9	69.0		Limited outdoor play area

Case # and Name	Students	Acres	Students per acre	Faculty /Staff	Notes
S-2250 O.G. Ltd./Flower Hill Country Day 8515 Emory Grove Road, Gaithersburg	242	4.7	51.5		Open play area
S-2405 Chelsea School 711 Pershing Drive, Silver Spring	200	4.87	41.1	79	Site now being redeveloped
S-2287 Circle, Inc (Seneca Academy) 15601 Germantown Road, Darnestown	208	6.45	32.2	24	Play equipment and blacktop
S-688-E The Barnesville School, Inc. 21830 Peach Tree Road, Barnesville	252 + 30 extended daycare	10.718	26.3	28	Ballfields
S-411-A French School 9600 Forest Road, Bethesda	850	12.54	67.8		Community Liaison Council; ballfields and track
CBA-2904 Green Acres School, Inc. 11701 Danville Drive, Rockville	320	13.86	23.1		Ballfield
CBA-268 The German School 8617 Chateau Drive, Potomac	650	16.93	38.4	102	MOU with neighbors; TMP; student driving limited to top 2 grades
CBA-2197-C The Heights School 10400 Seven Locks Road, Potomac	650	19.818	32.8	95	Ballfields; TMP
CBA-1174 Holton-Arms School 7303 River Road, Potomac	665 + 20 daycare	21	32.6		Ballfields; courts; 300 parking spaces
S-687-B The Bullis School 10601 Falls Road, Potomac	900	24.86	36.2		Ballfields; track; TMP; yearly status report
S-285-E The Norwood School, Inc. 8821 River Road, Bethesda	600	38.1	15.7	200	TMP, 6 bus minimum, Community Liaison Council
CBA-1261 Barrie School 13500 Layhill Road, Silver Spring	716	44.86	16.0	85	Ballfields; pool; 214 parking spaces

The review of other schools in the area confirms staff's belief that it may be possible to accommodate up to 650 students on this site, but that it isn't a certainty. As discussed elsewhere, staff recommends initiating a TMP, creating a Community Liaison Council, restricting certain play areas, and limiting

increases in student, faculty and staff populations to incrementally coincide with or follow the provision of necessary facilities, starting with the parking garage.

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

Buffering is needed in several locations. Evergreen screening is recommended on the west and south sides of campus to buffer neighbors from existing sports and recreation activities. Screening is also recommended on the north side of the campus, as included in previous approvals. Recreational activities should be set back on the west side for the distance provided by the Category 1 Conservation Easement adjacent to the middle school. Appropriately-sized nets should be added to the south side of the ballfields to stop stray balls from leaving the property.

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

The Heights School provides art education programs, artistic performances, indoor and outdoor recreation programs, and summer day camps. A Transportation Management Program is proposed. Measures include busing, Metro shuttles, carpools, a Transportation Coordinator, Kids Ride Free, Commuter Connections, Special Event offsite parking with shuttles, an off-duty police officer to manage traffic at Seven Locks Road, and an annual audited report.

(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.

(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.

The Heights School summer day camp is current approved for 200 participants on site at one time. This number is confirmed by the Modification. Hours are from 9:00 am to 3:00 pm, Monday through Friday. Staff has found no specific approvals for the artistic performances or indoor and outdoor recreation programs that exist or as proposed. The applicant describes these types of activities together with an extensive list of other activities (Back-To-School nights, an auction, reunions, PTA fundraisers, Open Houses, Fathers Club BBQ, a Christmas Around the World Party, several concerts, a play, Fall Garden Party, Parent Lecture Series, and graduation), and indicates that there will be no more than 50 of these events in an academic year (Second Amended Statement of Operations, pp. 15-18).

While enrollment remains at their current levels, staff recommends limiting these programs and activities to no more than 50 events per year, provided that noise levels are not excessive. A schedule of these events should be provided to the community. At such time that enrollment levels rise, staff would request that the Community Liaison Council provide input. It is not clear to staff whether varsity basketball games are being included in this total. If they are not, 16-20 additional evening activities might be anticipated, for a total of nearly 70 events within approximately ten months of the year.

(d) Site plan.

(1) 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.

(2) 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.

Such a site plan has been submitted.

(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 subsection is not currently applicable. The applicant indicates that in the future they may seek to obtain formal recognition as a 'religious organization' from the State of Maryland (p. 13, Petitioner's Section 59-G Statement of Compliance, October 23, 2014).

(f) Nonconforming uses...

This subsection is not applicable.

(g) Public Buildings...

This subsection is not applicable.

(h) Applications filed before May 6, 2002...

This subsection is not applicable.

SUMMARY

Staff finds that the Heights School Special Exception Modification request meets the specific and general requirements in the Zoning Ordinance for the Private Educational Institution use, with the provision of the conditions above.

ATTACHMENTS:

- Attachment 1: Site photos
- Attachment 2: Applicant's letter of explanation for exceeding enrollment caps dated Oct 21, 2014
- Attachment 3: Community correspondence
- Attachment 4: Transportation Management Plan
- Attachment 5: Fire Access Plan approval dated July 25, 2013 and April 8, 2014
- Attachment 6: Fire Lane Establishment Order dated September 24, 2014, signed October 21, 2014
- Attachment 7: Stormwater Management Concept Approval dated February 27, 2014
- Attachment 8: MCDOT correspondence dated Oct 15, 2014

The Heights School - CBA-2197-C
Site photos

2013 aerial photo of vicinity



Seven Locks Road (school on left)



View from baseball field uphill toward soccer/lacrosse field



Signature Buildings (new wing)



Log House (to remain)



Log House (to remain)



Middle section of Signature Building (1999 – to remain)



Middle school wing of signature building (to be replaced with a new 2-story wing)



West side of middle school wing with outdoor lockers



Gym (to be removed - replacement previously approved)



Maintenance building (to be removed—functions will be incorporated into new gym)



Large portable (to be removed)



Small portable (to be removed)



Parking lot at tennis courts



Main parking lot



Fire lane at Signature Building



Parking overflow



Large buses (fire lane near basketball courts)



Small buses (large spaces not required)



Fire lane near basketball courts



Morning drop off area



Existing pedestrian path from Seven Locks Road



View into The Valley (log cabin visible through trees)



Slide in the Valley (Courts at Democracy community behind)_



Gazebo in easement area (to be removed – Courts at Democracy behind)



Covered bench in easement area (to be removed)



View downhill toward Potomac Ponds community



View from behind the Signature Building toward Inverness Forest



New dugouts (2014)



Bus stop at driveway





The Heights School

10400 Seven Locks Road ■ Potomac, Maryland 20854 ■ T: 301.365.4300 ■ F: 301.365.4303

10/21/2014

Office of the Hearing Examiner
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, MD 20850

RE: The Heights School;
Case No. CBA-2197-C;
Letter of Explanation re Enrollment Issue

Dear Hearing Examiner:

This letter is intended to describe the circumstances that led to The Heights exceeding its enrollment capacity as set by the County and more importantly offer our apology and suggest why this will not happen again.

In order to understand how we find ourselves in this position, I think it's necessary to put the matter in context. In September 2007, we opened our new academic building with great pride. In order to complete the construction, we secured a \$20 million tax-exempt loan from Chevy Chase Bank. The School's enrollment had been steady and within the County limit. We had no reason to think that demand would change and fully anticipated that the bulk of the income we needed to service our debt would be provided through tuition from a fully enrolled student body. In addition, our positive outlook was boosted by a steady increase in gift income from happy Heights' parents. All was looking well. And then the economy collapsed.

The collapse impacted us in a number of ways. First, it created a fear that we would experience a decline in enrollment particularly within our core market – large Catholic families – a group particularly affected by the recession. Based on the decline being experienced at other independent schools in the area, we anticipated a decline of up to 15%, which translated into a potential loss of tuition income of about \$675,000 over the next three years. This was a very scary possibility.

Second, the collapse virtually eliminated the potential to create a new source of income for the School from a growing endowment. In 2005, the School launched an effort to build an endowment that over time would become a new source of income to help cover rising operating costs. Over the 5-year period from 2007-12, the earnings from our

The Heights School

endowment were projected to average about \$380,000 per year. Instead, the return on our endowment during that period amounted to approximately \$85,000 per year.

Finally, as the collapse took hold, demand for financial aid from our core families was growing rapidly. An increase in financial aid has the same affect on a school's finances that a drop in enrollment has, i.e., it reduces the tuition income available to meet operating expenses. Since 2007-08, financial aid spending has more than doubled, representing a loss of about \$1.3 million of income.

Faced with these troubling and unexpected developments, we entered the 2008-09 enrollment season with the idea that we needed to increase the number of enrollment contracts offered to applicants in excess of what we had done in prior years to counter the anticipated decrease in enrollment. To our surprise, our yield (% of contracts accepted) exceeded that of prior years, resulting in an enrollment that for the first time in the School's history exceeded the County limit by ten. Even with this result, we continued to believe that the potential impact on enrollment created by the collapse of the economy was simply delayed and not averted. So we continued the expanded enrollment strategy adopted for 2008-09 for another two years.

As it turns out, the anticipated drop in enrollment never materialized. As a matter of fact, since 2008 enrollment demand has risen sharply. Though puzzling, this presented us with an opportunity to manage the School's finances through a 3 – 5 year period of financial stress created by feeble earnings on our endowment and a growing demand for financial aid. It was our intent, once through the crisis, to steadily re-adjust our enrollment levels to be within County limits. However, as it turns, the worst was yet to come.

In 2010 Chevy Chase Bank, the School's banker since its founding in Potomac in 1979, was sold to Capital One Bank, setting the stage for the single greatest challenge to its survival the School has had to face. At our introductory meeting, Capital One advised us that per the terms of our loan agreement a re-appraisal of our property would be necessary. As expected, the appraisal showed a decline in value, which put us in default of our loan-to-value covenant. This forced a restructure of our debt including the buy-down of the original loan amount by \$4.5 million. The \$4.5 million was taken from our endowment, which eliminated for the foreseeable future the opportunity for investment earnings to be a source of additional income needed to meet operating costs.

Though fundraising efforts were generating higher gift income, it wasn't enough to make up the financial shortfalls we were facing. We needed a survival plan and decided our only option was to continue to take advantage of the growing demand to generate more tuition through additional students.

The Heights School

In 2012, while planning the update of our Campus Master Plan, we realized we needed to include a request to increase our enrollment cap to 650 and address our over-enrollment, which at present has reached 529 as of the beginning of the 2014-15 academic year. We have always believed that the ideal size for our student body that provides the optimum level of student to facility interaction so central to our mission is 630 - 635. Our request to lift the enrollment cap to 650 is simply an expression of a sincere desire to never again find ourselves in a situation where we violate the limit set by the County.

In summary, what began as an overreaction to the collapse of the economy, developed into a survival strategy for the School. In hindsight, at least at the start of this development, it seems that we lacked adequate confidence in ourselves and overreacted to the concerns of the time. However, the consequences of the failed economy on the School – a dramatic rise in the need for financial aid by our core families and a loss of endowment principal and investment earnings - caused us to continue down a path that has put us at odds with the County, an outcome we never desired. Our hope is that the County will accept our apology, recognize that our intentions were not to violate the parameters it establishes for our inclusion in this community and allow us to continue to be a valuable contributor to the County and the educational opportunities for which the County is known.

As the Administrator most responsible for this situation, if there are any questions regarding this matter, please know that I would welcome the opportunity to provide any additional information at any time.

Thank you for your patience and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Philip J. McGovern", written in black ink. The signature is fluid and extends across the width of the text area below it.

Philip J. McGovern
Chief Financial Officer

Law Offices Of
MILLER, MILLER & CANBY
MM&C
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200-B MONROE STREET, ROCKVILLE, MARYLAND 20850 P: 301.762.5212 F: 301.424.9673 WWW.MILLERMILLERCANBY.COM

All attorneys admitted in Maryland and where indicated.

PATRICK C. MCKEEVER (DC)
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JOSEPH P. SUNTUM
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 ROBERT E. GOUGH
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 HELEN M. WHELAN (DC, WV)

MICHAEL G. CAMPBELL (DC, VA)
 SOO LEE-CHO (CA)
 AMY C.H. GRASSO (DC)
 DAMON B. OROBONA (DC)
 DIANE E. FEUERHERD

SLCHO@MMCANBY.COM

November 11, 2013

Ms. Elise Vernick
 8042 Inverness Ridge Road
 Potomac, MD 20854

RE: The Heights School;
 Special Exception Modification Case No. CBA-2197-C

Dear Ms. Vernick:

Thank you for attending last week's neighbor meeting hosted at The Heights School. The presentation was intended to inform the School's neighbors of its overall plans to address future growth needs and to present, in that regard, the specifics relative to the above referenced special exception modification application, which seeks to update the School's Campus Master Plan. We hope you found it to be informative.

As requested, enclosed please find a copy of the plans presented at the meeting, which include a Campus Master Plan, Existing Conditions Plan, Building Elevations and Stormwater Management Concept Plan. I am enclosing 11 x 17 sized versions of the plans for your convenience. I can provide a full size copy of the Stormwater Management Concept Plan if you would prefer. Please let me know and I will have it sent to you under separate cover.

I also checked the mailing list we used to send out the invitations for the neighbor meeting. Along with individual adjacent and confronting property owners, an invitation was sent to each of the following homeowner associations. If any of the addresses need to be updated, please let me know and we will make sure it is corrected on future mailing lists used by our office as well as the Office of Zoning and Administrative Hearings on this matter.

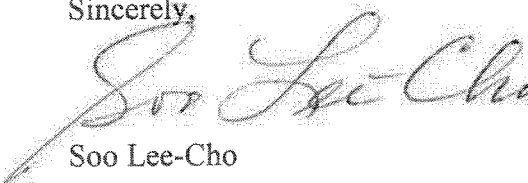
- (1) Inverness Forest Association, Inc.
 P.O. Box 34428
 Bethesda, MD 20817

- (2) Inverness North Homeowner Association Inc.
c/o Simmons Management Group Inc.
8911 60th Avenue
Berwyn Heights, MD 20740

- (3) Turning Creek Homeowners Association Inc.
c/o Armstrong Association
2567 Chain Bridge Road
Vienna, VA 22180

Again, thank you for your interest in this matter. Please do not hesitate to contact me if you have any questions and/or require any additional information.

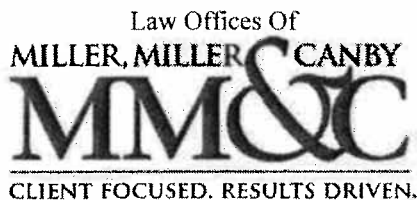
Sincerely,

A handwritten signature in cursive script that reads "Soo Lee-Cho". The signature is written in dark ink and is positioned above the printed name.

Soo Lee-Cho

Enclosures

- cc: Leslie Saville
Alvaro de Vincente
Phil McGovern
Jerry Hadley
Joanna Schmickel
Aaron Smith
Robert Dennis



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 DAMON B. OROBONA (DC)
 DIANE E. FEUERHERD

SLCHO@MMCANBY.COM

November 11, 2013

Mr. Alireza Amir-Ghassemi
 10513 Democracy Lane
 Potomac, MD 20854

RE: The Heights School;
 Special Exception Modification Case No. CBA-2197-C

Dear Mr. Amir-Ghassemi:

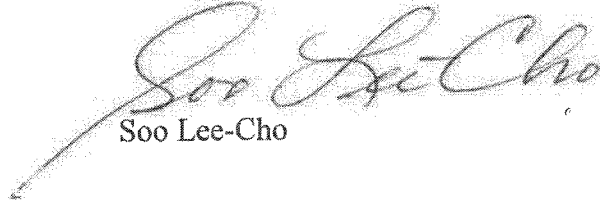
Thank you for attending last week’s neighbor meeting hosted at The Heights School. The presentation was intended to inform the School’s neighbors of its overall plans to address future growth needs and to present, in that regard, the specifics relative to the above referenced special exception modification application, which seeks to update the School’s Campus Master Plan. We hope you found it to be informative.

I am writing in response to your request for a copy of the Campus Master Plan that was presented at the meeting. Also enclosed are copies of the Existing Conditions Plan, Building Elevations and Stormwater Management Concept Plan that were presented. In addition, I understand that you inquired about the maximum student enrollment and faculty member figures being requested by the School under the above referenced special exception modification application. Those figures are 650 students and 95 full-time faculty members.

Again, on behalf of The Heights School, thank you for attending the neighbor meeting and for your interest in this matter.

Please do not hesitate to contact me if you have any questions and/or require any additional information.

Sincerely,



Soo Lee-Cho

Enclosures

cc: Leslie Saville
Alvaro de Vincente
Phil McGovern
Jerry Hadley
Joanna Schmickel
Aaron Smith
Robert Dennis

Mr. Thomas N. Williams
10509 Democracy Lane
Potomac, MD 20854

Office of Zoning and
FEB 28 2014
Administrative Hearings

Regarding: CBA-2197-C, The Heights School

Ms. Ellen Forbes
Office Services Coordinator
Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, MD 20850

Dear Ms. Forbes,

Please consider this formal notice of my opposition to the proposed plan to expand the Heights School, based on its potential negative impact on the quality of life and the property values in neighboring homes.

Quality of Life

a. Potential Impact on Noise Levels

There already exists a history of complaints to the school about excessive noise during preschool and recess periods, approximately 8 am, 10:30 am and 12:00 PM as well as afternoon and even evening times. More students will equal more noise and extending the hours of operation to 11 pm seven days a week will only exacerbate the problem. Additionally, it is my understanding that the school is currently operating above the allowed enrollment limit, which demonstrates that future enrollments will exceed even the proposed expansion levels.

b. Potential Impact on Neighborhood Aesthetics

Building a new 2 story building in place of the old middle school will obstruct the view from the neighboring properties, especially since the site of the structure sits atop a hillside overlooking them.

Property Values

Although having schools in or near a neighborhood can have many positive aspects, adverse impacts on neighboring properties can be suffered as well. Part of the purpose of zoning codes is to restrict expansion or construction when it could negatively impact neighbors. When noise levels increase homebuyers become less interested resulting in longer marketing times and potentially lower property values. The plan, if approved, would become a material fact which homesellers in our community would need to disclose to potential homebuyers.

Please consider these points carefully and register this opposition with your Office.


Thomas N. Williams – 301-983-8008 williams@mris.com

EXHIBIT NO. 28
REFERRAL NO. CBA 2197-C

Office of Zoning and
MAR 07 2014
Administrative Hearings

Alireza Amir-Ghassemi
10513 Democracy Lane
Potomac, MD 20854
Tel. 301 299 5825

March 4, 2014

Re.: CBA-2197-C, the Heights School

Ms. Ellen Forbes
Office Services Coordinator
Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, MD 20850

Dear Ms. Forbes,

I am writing to register my opposition with your office regarding the proposed plan to expand the School, as demonstrated on community meeting November 2013 and Board of Appeals update. My opposition is based on past experiences as immediate neighbor of the school and the fact that elements of the expansion will exacerbate and multiply the adverse effects on our quality of life as well as property values in the neighborhood.

1. As immediate neighbor of the school and due to the configuration of the structures and topography of the school, my home is exposed to high levels of noise during opening, closing and recesses and after hour activities and functions of the school. The exposure is not limited to the noise but there are physical activities which have occasionally caused concern. I have been sensitive and understanding to the issues of school and have cooperated as much as possible and school has been quick to mitigate and correct the situations upon my call.
2. Due to construction activities in the school during the past decade, noise levels have been almost constant for long periods, and although the construction was behind the existing structure, the noise had been overwhelming at times.
3. Activities of young children during school hours are natural and necessary. I think the situation is mostly due to high ratio of student body per acre (one of the highest among similar schools), the configuration of the physical plant and non-uniform use of the land. Requested student enrollment and faculty is projected for 650 students and 90 faculty members. An examination of the projected master plan of the school reveals that about 70 percent of the student body and faculty/staff will be concentrated in only 15 percent of the school premises, which happens to be adjacent to our properties. Obviously this will exacerbate the existing problems during the construction and multiply the adverse effects later. Zoning codes as well as exemptions are to harmonize and consider neighborhoods and their quality of life.
4. Master plan has ambiguous aspects. Apparently the new middle school building will be larger and will require service road/s which is not shown on the master plan. The existing one story building at a high elevation with respect to our property is already imposing. Replacing it with a building 35 feet high will totally obscure our view and horizon and may cause amplification of the noise levels and effect aesthetic aspects.
5. During rain and melting snow there is high flow of water down the hill which forms pools of water behind the fence. New construction (during and after construction), removing trees and soil erosion will exacerbate the situation.

Sincerely,


Alireza Amir-Ghassemi

EXHIBIT NO. 29
REFERRAL NO. CBA 2197-C

Office of Zoning and Administrative Hearings
 100 Maryland Avenue, Room 200
 Rockville, MD 20850

March 8, 2014

Regarding: CBA-2197-C, The Heights School

The undersigned immediate neighbors of the Heights School are opposed to the proposed special exception allowing certain expansion of the School for the reasons of negative impact on our quality of life and property values. We recognize the rights and needs of the Heights School to plan, but in harmony with the community and especially the rights and needs of its immediate neighbors.

Specifically, we are opposed to:

1. Raising the allowed student enrollment above its current allowed level, which already makes the Heights School one of the most densely populated area private schools in terms of students per acre.
2. The demolition of the Middle School and construction of a two story replacement.
3. The extension of hours of operation to 11 pm seven days a week.

Rationale: The Courts at Democracy, 4 courts of 4 homes each, backs up to the northwest corner of the School property. It is in that section of the School's property that approximately 70 percent of the student body and faculty/staff will be concentrated – an area representing only 15 percent of the school premises and lying adjacent to our properties. The proximity of the school buildings to the nearby homes in our neighborhood amplifies the impact of the high student noise levels during unmonitored outside recess periods several times each day. This proximity becomes critical due to the School's choice to have recess and play areas in back of the school buildings directly abutting many of our homes. This noise level will continue to climb as the student enrollment expands. Additionally, the middle school, which sits on a hill overlooking some of our properties, if replaced by a taller building will constitute an even greater visual barrier to our neighborhood. Construction issues, new service roads and loss of trees are additional concerns. All of these proposed issues will translate into devalued sales prices for our properties as potential buyers anticipate and/or experience more noise and visual obstruction.

Summary: Our opposition to CBA-2197-C, Heights School Proposal is based on its negative impact on the quality of life and property values of the Courts of Democracy on Democracy Lane.

(Signatures on Attached Pages)

cc/Leslie Saville, ASLA
 M-NCPPC, Area 3
 8787 Georgia Avenue
 Silver Spring, MD 20902

Opposition to CBA-2197-C, Heights School Proposal

Thomas N. Williams
Name THOMAS N. WILLIAMS

10509 Democracy Lane
Address

Rebecca Williams
Name REBECCA WILLIAMS

10509 Democracy Lane
Address

Linda Pollekoff
Name Linda Pollekoff

10501 Democracy Lane
Address

Bruce Pollekoff
Name Bruce Pollekoff

10501 Democracy Lane
Address

Mona Fisher
Name MONA FISHER

10503 Democracy Lane
Address

B. Fischer
Name B. FISHER

10503 Democracy Lane
Address

Daniel Bensimon
Name DANIEL BENSIMON

10515 Democracy Lane
Address

Alireza Amir-Ghassemi
Name Alireza Amir-Ghassemi

10513 DEMOCRACY LANE
Address

Behjat Alemi, MD
Name Behjat Alemi

10513 DEMOCRACY LANE
Address

Behjat Alemi

Opposition to CBA-2197-C, Heights School Proposal

Christine K. Fisher
Name CHRISTINE K. FISHER

10511 DEMOCRACY LN
Address POTOMAC, MD. 20854

E. L. Reznovic
Name EVA REZMOVIC

10505 Democracy Ln; Potomac MD 2085
Address

Victor Reznovic
Name VICTOR REZMOVIC

10505 Democracy Lane, Potomac, MD 2085
Address

Name

Address

Name

Address

Name

Address

Name

Address

Name

Address

Name

Address

Mr. & Mrs. Bruce Pollekoff
10501 Democracy Lane
Potomac, MD 20854

Office of Zoning and
MAR 13 2014
Administrative Hearings

Regarding: CBA-2197-C, The Heights School

Ms. Ellen Forbes
Office Services Coordinator
Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, MD 20850

Dear Ms. Forbes,

This letter will confirm our notice of opposition to the proposed plan to expand the Heights School, based on its potential negative impact on the quality of life and the property values in neighboring homes.

Quality of Life

a. Potential Impact on Noise Levels

There already exists a history of complaints to the school about excessive noise during preschool and recess periods, approximately 8 am, 10:30 am and 12:00 PM. More students will equal more noise and extending the hours of operation to 11 pm seven days a week will exacerbate the problem. Additionally, it is my understanding that the school is already violating the maximum student zoning restriction which suggest that future enrollment will exceed the even the proposed expanded levels, based on current track record.

b. Potential Impact on Neighborhood Aesthetics

Building a new 2 story building in place of the old lower school will obstruct the view from the neighboring properties, especially since the site of the structure sits atop a hillside overlooking them.

Property Values

Although having schools in or near a neighborhood can have many positive aspects, adverse impacts on neighboring properties can be suffered as well. Part of the purpose of zoning codes is to restrict expansion or construction when it could negatively impact neighbors. When noise levels increase homebuyers become less interested. Thus longer marketing time and potentially lower property values. The plan, if approved, would become a material fact which would need to be disclosed to potential homebuyers.

Please consider these points carefully and register this opposition with your Office.

Linda & Bruce Pollekoff



EXHIBIT NO. 31
REFERRAL NO. CBA 2197-C

Forbes, Ellen

From: Forbes, Ellen
Sent: Thursday, December 04, 2014 3:29 PM
To: 'cremersmd@gmail.com'
Subject: The Heights School

Ms. Cremers,

I am in receipt of your e-mail, dated 11/24/14, stating your support for the Heights School. However, in order for it to be part of our legal record, I'll need to have your signature on the e-mail. I have inserted the following statement from our website www.montgomerycountymd.gov/ozah, should you have any questions.

Requirements for Submissions to Public Record in OZAH Cases

The Office of Zoning and Administrative Hearings does not accept unsigned e-mails and/or letters for submission into a case record, except from County agencies or parties of record whose email addresses are known to us. Other unsigned submissions will not become a part of the official record until the Office receives them in a signed document. This assurance is necessary in order to protect the integrity of the legal record we are creating. You may send your signed document as an e-mail PDF attachment addressed to OZAH@montgomerycountymd.gov, or send your signed document to this office via US Mail addressed to Office of Zoning and Administrative Hearings, 100 Maryland Avenue, Room 200, Rockville, MD 20850. You may also fax your signed document to 240-777-6665, or you may hand deliver it to our office. Your signed letter will become a part of the official case record, which is open to the public. If you have any questions, please call our office at 240-777-6660.

Thank you, Ms. Cremers.

Have a good day.

Ellen Forbes
Office Services Coordinator
Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850
P: 240-777-6663
F: 240-777-6665
ellen.forbes@montgomerycountymd.gov

Forbes, Ellen

From: Sandy Cremers <boxmeerboxmeer@gmail.com>
Sent: Monday, November 24, 2014 8:26 PM
To: Forbes, Ellen
Subject: Fwd: Petition of The Heights School Special Exception Case No. CBA-2197-C

Begin forwarded message:

From: Sandy Cremers <cremersmd@gmail.com>
Date: November 24, 2014 at 8:23:36 PM EST
To: "Lynn.Robeson@montgomerycountymd.gov"
 <Lynn.Robeson@montgomerycountymd.gov>
Cc: "Ellen.Forbes@montgomerycountymd.gov" <Ellen.Forbes@montgomerycountymd.gov>, "slcho@mmcanby.com" <slcho@mmcanby.com>
Subject: **Petition of The Heights School Special Exception Case No. CBA-2197-C**

November 24, 2014

Lynn Robeson, Esq.

Office of Zoning and Administrative Hearings

Stella B. Werner Council Office Building

100 Maryland Avenue, Room 200

Rockville, MD 20850

RE: Petition of The Heights School
 Special Exception Case No. CBA-2197-C

Dear Ms. Robeson,

We are writing to express our support for The Heights School's request to modify its special exception approval in Case No. CBA-2197-C. We are long-time residents of Montgomery County, having lived in our current home on Democracy Lane for about 4 years. Our home is located immediately adjacent to the School property to the west/south. From our rear yard, we have a clear view of the School's backyard.

We support the School's proposal to update its Campus Master Plan. As an adjacent property owner, it has always been our belief that living near a highly regarded private school such as The Heights has added value to our property. The

proposed Theatre/Dining Hall and expanded Middle School building, along with the reconstructed athletic fields and gymnasium, will, in our view, upgrade the level of programming and amenities on campus to be on par with many of the premier private schools in the region.

While it is to be expected that a campus full of energetic boys may have issues such as noise from kids playing outdoors, this is the kind of impact that we believe brings necessary life into a residential neighborhood. We would note that the School has always been a good responsive neighbor to the surrounding community.

Thank you for your consideration of these comments.

Best personal regards,

Sandra Lora Cremers, MD, FACS
10411 Democracy Lane,
Potomac, MD 20854

cc: Soo Lee-Cho, Esq.

Miller Miller & Canby

200-B Monroe Street

Rockville, MD 20850

slcho@mmcanby.com

Ellen Forbes

Ellen.Forbes@montgomerycountymd.gov

Saville, Leslie

From: Freeman, Larry <lfreeman@alionscience.com>
Sent: Wednesday, December 31, 2014 8:25 AM
To: Saville, Leslie
Cc: Ellen.Forbes@montgomerycountymd.gov
Subject: FW: Issues Related to Heights School Proposal (CBA-2197-C) As it Effects Nearby Potomac Pond Homes to the South
Attachments: Reghi Photo Homes & Fence Line P1020512.jpg; Reghi Photo Drum against Fence P1020505.jpg; Rehgi Baseball Photo 8001_c.jpg; Heights School Issues R-6.2.doc; YC-IMG_2622.JPG; The Heights School vicinity 2013.jpg

Ms. Saville,

Sorry for the confusing order the attachments are in (my lack of skill & foresight); these could be sent reordered if desired.

Probably best to first access last attachment (Heights School vicinity~1.jpg) to get a feel for the relative location of the Heights School & the Potomac Pond homes (PPH); the School is bounded in yellow & the Potomac Pond homes include all those to the South (i.e. Below)of the School bounded by the School (and homes to the West of it) to the north, Seven Locks RD. to the East, & Democracy Lane to the West.

Following that I suggest reading the Word (Heights School Issues attachment) as these describe the views/of the undersigned parties (as well as that of the remaining Potomac Pond homeowners.)

Included are four of photos that are intended to support the issues raised above. The first photo shows several of the homes that border the School. White lines in the photo are due to a torn up section of the rope netting that the school uses beyond the chain link fence to complete fencing of its boundaries. Note the severe elevation difference between the back of the homes & the School property that actually border the school.

The second photo shows a construction drum opposite one of the gaps in the fence. It was evidently put in by the school as a response to our concerns. I assume it was hoped that by leaning the drum against a post it would reduce the likelihood of someone crashing thru the weaker fence slats.

The third photo shows the number of balls hit or thrown over the fence that have landed in the backyard, roof, or even in the front yard collected by the homeowner at 8001 Grand Teton; this homeowner has lived there fewer than 5 years, the fifth attachment is a similar collection of 'over the fence' balls from another bordering homeowner.

Below please find contact information for those who have been directly involved in preparing this material & with the exception of myself (due to prolonged illness), will be available to testify at the 27 January hearing.

Larry Freeman
 8100 Appalachian Terrace
 301-469-5087
 email 'lfreeman@Alionscience.com'

Gene Feinberg,

8104 Appalachian Terrace
301-365-1628
email 'genefeinberg@verizon.net' or 'genefeinberg@gmail.com'

John Reghi
8001 Grand Teton Drive
301-605-7422 (Home)
808-428-7619 (cell)
email 'Reghi882@comcast.net'

Finally, my sincerest thanks for all the assistance you've provided.

Larry

Heights School Expansion (CBA-2197-C) Issues

BACKGROUND: Relationship between Potomac Pond residents and the Heights School:

Potomac Pond is a community just to the south of Heights School that consists of 38 homes on three cul-de-sacs.

- 21 homes on Grand Teton Drive (off of Seven Locks Road); the back and/or side yards of about a dozen of these homes abut the south boundary of the Heights School property.
- 12 homes on Appalachian Terrace (off of Democracy Lane); the back and side yard of one of these homes abuts the south boundary of the Heights School property.
- 5 homes on Matterhorn Court (off of Seven Locks Road).
- Property connecting the above homes including a 1 acre pond, lawns, walkways, wooded areas and a small pond-side sitting area are owned & maintained in common by the 38 homeowners.

Note also that part of the Heights School's Storm Water Drainage System empties in our pond (located between Grand Teton Drive and Matterhorn Court), which in turn empties into the County Storm Water Drainage System

With the exception of specific issues relating to homeowners immediately bordering the School our residents and the Home Owners Association itself have had reasonable relationships with the Heights School over the years, but we do have concerns about how the proposed expansion will result in expanding additional issues that impact us, including but not limited to noise levels, traffic on Seven Locks Road, foot traffic by students through our properties, storm water overflow into our Storm Water Drainage System, baseballs and other hard balls being hit or thrown over the fence, and perhaps most importantly, the incidents of deliberate destructive, even dangerous pranks. Our views are presented below.

Option 1-(Much Preferred) Just Say NO; if Heights wants a bigger student body they should move to a bigger property.

As proposed Heights would have dramatically higher student/acreage than any other Montgomery County Boys school (see **Table 1 following page**). No other all boys K-12 school in Montgomery County has comparable student/acre ratio nor does any of the coed schools except those without baseball fields. Attendant noise, off campus track activities, intrusion into our private properties (often used by students as a 'shortcut' and pranks (including what appears to be deliberate efforts to cause damage to abutting homes and even cars parked in their driveway) will nearly double given recent previously approved (400 to 460) plus now proposed student body growth. Although, when approached, the School has paid for damage that was clearly the result of its (or its students) activities, however this does not fully mitigate the homeowner's disruption and safety concerns.

Table 1: Montgomery Country Private Schools - Students/Acre

Private School	Enrollment	Campus Size (acres)	Students/Acre	Type	Notes
Heights, present	470	20	24	Boys	
Heights, proposed	650	20	33	Boys	
Heights Future?	750	20	38	Boys	1
Bullis	745	102	7	Coed	
Georgetown Prep	490	90	5	Boys	
German	620	17	36	Coed	2
Holton Arms	658	57	12	Girls	
Holy Cross	520	28	19	Girls	
Stone Ridge	660	35	19	Girls	
Landon	675	75	9	Boys	
McLean	350	9	39	Coed	3

NOTES

- 1. Informally cited by School officials as the 'real' goal; a particular concern because it is generally understood that the School regularly exceeds the approved student census limit.**
- 2. No Baseball, 3 gyms & indoor pool instead of acreage.**
- 3. No Baseball.**

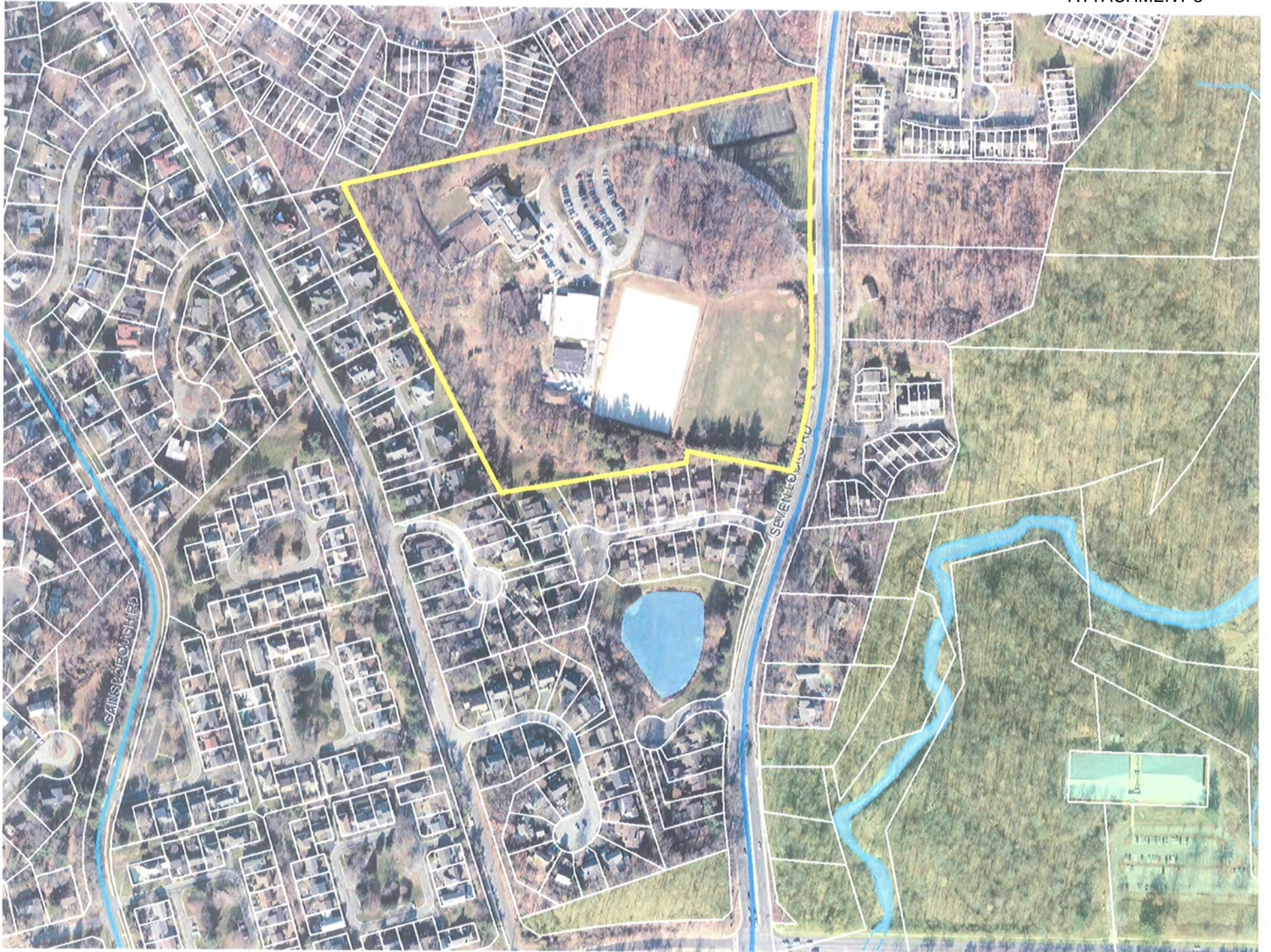
Option 2- Impose restrictions that reduce the adverse effects of Heights school student growth on neighboring properties.

- A. Do not permit 'open' or the School's proposed order of new building construction or immediate growth of student body; rather School should be required to complete non income producing elements (e.g. reorganization of existing parking and creation of a forecourt for the main academic building and walkway system along with underground parking structure and athletic field) before completion of facilities that allow for student expansion (e.g. New & expanded buildings). Concern is that otherwise student growth would come first possibly followed by 'lack of funds' to support timely completion of those facilities that are needed to properly accommodate that growth. This is particularly an issue because, as proposed, the School's student/faculty growth could start much sooner than major projects such as the underground garage could be completed. Reversing the order of construction and time phasing the allowed growth as described here would assure against that eventuality. Said simply – The facilities needed to accommodate growth should be completed BEFORE growth is allowed
- B. No outdoor sport activities after 'evening nautical twilight' (~20 minutes before sunset); i.e., all such activities in progress must be terminated at this time and no such activities are permitted to start after this time. The most recent School submission states "Hours of operation during the academic year: 7:00 am to 9:00 pm, Monday through Friday, which includes standard after-school sports and extracurricular activities". On this basis, our concerns are 1) there could be standard after-school sports and extracurricular activities that don't have to end until or after 9 pm, well after dark during much of year; a noise pollution & safety hazard; 2) there could be non-standard outdoor activities that have no time restriction; and 3) Heights School may subsequently use activities allowed under current proposal to request additional exterior high intensity lighting for outdoor night activities (particularly as a safety issue) & thus present sight line illumination interference.
- C. No rental or use of outdoor playing fields for competitions or practices that not have at least one team (a 'team' being one that consist of a single player (e.g. tennis) to many players (e.g. baseball)) made up entirely of current Heights school employees or registered students. Concern is that use of field (possibly as a rental) by teams involving only schools from other areas and /or more experienced players may extend 'balls over the fence' incidents
- D. Require that height of chain link fence that runs East to West paralleling Grand Teton Drive be raised at least to the same level as that which runs North to South paralleling Seven Locks RD and be extended to a point that is at least 400 feet from home plate.
- E. Employ Traffic Controllers at School entrance during peak ingress & egress times as well as security personnel (and /or camera recording devices) during these hours to assure that chain link fence and remaining area bordering the north side Grand Teton

properties are not being broached or otherwise misused by students (this widely used short cut is particularly dangerous as continuous usage by School's students has created a ~ 5 foot drop dirt slide that stops against wooden fences bordering backyard of North side Grand Teton homes; broaching these aging wood fences could cause an ~ 8 foot drop onto a hard surface patio below) {for a better understanding see separately attached photos}

F. Limit the use of the proposed new 'theater' to those activities that are directly associated with the School and that end before 10 PM Sunday through Thursday

G, Limit new construction activity to weekday/daytime hours. Furthermore, take steps to assure that construction is minimally invasive to adjoining homes and that County noise regulations are not exceeded. (Previous major construction at the school in an oil spillage, as well as significant noise/dirt/dust problems)











Installation Instructions

- Where Using Screws:**
1. Place the largest Pouch on wall, with the bottom.
 2. For a second wall, drill 1/2" holes in north of the first location. For holes in the first location, use 1/2" x 1/4" screws.
 3. Mark top of the smaller of the two pouches on the first pouch. Mark with a pencil the top of the second pouch. Repeat Step 2.
- Where Using Tapes:**
1. Remove the two pouches of the same size from the box. Mark with a pencil the top of the first pouch. Mark with a pencil the top of the second pouch. Repeat Step 2.

Instructions Relatives À La Pose:

- Lorsque des vis sont employées:**
1. Placer la plus grande poche sur le mur. Faire une marque sur la base & trouper au-dessus de la trace de vis.
 2. Pour un mur en bois, percez des trous dans le mur & insérez des vis dans les trous.
 3. Pour un mur en plâtre ou en ciment, percez des trous dans le mur & insérez des vis dans les trous.
 4. Répétez l'étape 2 pour chaque poche & trouper.
- Lorsque des adhésifs sont employés:**
1. Retirez les deux poches de la même taille de la boîte. Marquez le haut de la première poche. Marquez le haut de la seconde poche. Répétez l'étape 2.

Instrucciones De Instalacion:

- Cuando usa tornillos:**
1. Coloque el bolsillo de mayor tamaño en la pared. Marque la pared donde irán colocados los tornillos.
 2. Para una pared de madera, perforar agujeros de 1/2" para los tornillos, perforar agujeros de 1/4" para los tornillos, marque y trace la línea de perforación para el primer bolsillo.
 3. Marque el otro bolsillo de la misma manera.
 4. Repita el paso 2 para cada bolsillo adicional.
- Cuando usa cinta adhesiva:**
1. Retire los cinco pares de bolsillos idénticos de la pared. Marque el punto de perforación de los bolsillos de la pared & la línea de perforación de los bolsillos de la pared.

Keene



Office of Zoning and
NOV 20 2013
Administrative Hearings

Lynn Robeson
Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

Dear Ms Robeson,

I would like to be included in any notification of hearings or other events concerning the proposed special exception for growth and expansion at the Heights School. I am a concerned neighbor.



Thomas N. Williams
10509 Democracy Lane
Potomac, MD 20854

EXHIBIT NO. 22
REFERRAL NO. CBA 2197-C

Forbes, Ellen

From: Robeson, Lynn
Sent: Wednesday, November 13, 2013 4:02 PM
To: 'TOM WILLIAMS'
Cc: Forbes, Ellen; 'Soo Lee-Cho'
Subject: RE: Heights School Special Exception

Mr. Williams, thank you for this e-mail. Unfortunately, our office only accepts signed submissions into the record of the case. We do accept electronic signatures, or you may send you request in writing to my attention at:

Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

You may also scan in a written, signed copy and e-mail that to us.

Assuming your signed request follows promptly, we will begin providing you with any notices issued in the case.

Because I am the Hearing Examiner assigned to the case, I am not able to communicate with you outside of the record and without copies to other parties. Should you have further questions regarding the case, please contact our administrative clerk, Ellen Forbes, at (240) 777-6660.

Thank you for your e-mail.

From: TOM WILLIAMS [mailto:tomw@lnf.com]
Sent: Wednesday, November 13, 2013 8:11 AM
To: Robeson, Lynn
Subject: Heights School Special Exception

Lynn,
I am an interested neighbor of the Heights School and, as such, would like to be included in any notifications involving the potential expansion of that school.

Thank you.

Tom Williams
10509 Democracy Lane
Potomac, MD 20854
301-983-8008
williams@mris.com

November 20, 2014

From: Larry Freeman
8100 Appalachian Terrace
Potomac MD, 20854

Office of Zoning and
NOV 20 2014
Administrative Hearings

To: Montgomery County Hearing Examiner
100 Maryland Avenue, Room 200
Rockville MD, 20085

Please register me as a "Party of Record" for matters concerning the HEIGHTS SCHOOL Special Exception Modification as stated on the Office of Zoning and Administrative Hearings – Hearings Schedule – November 7, 2014.

As I do not have easy access to FAX reception I'd much appreciate confirmation & follow up information either by email – 'lfreeman@alionscience.com' (preferred) or conventional postal mail to the address above.

Thank you,



Larry Freeman

EXHIBIT NO. 66
REFERRAL NO. CBA 2197-C

The Heights School
Transportation Management Plan
December 30, 2014

Introduction

The following document describes the transportation management strategies to be employed by the Heights School in implementation of its proposal to increase its enrollment cap from 460 to 650 students as well as increase the faculty/staff cap from 57 to 95. The measures will be implemented at the beginning of the 2015-16 school year. The School recognizes that the opportunity to increase enrollment will bring with it the need to actively manage traffic generated by its operations to minimize the impact of an increased student body, onsite parking and circulation, and potentially, traffic growth in the area's transportation network.

Background

The Heights School campus comprises almost twenty acres, and fronts on Seven Locks Road between Democracy Blvd and Tuckerman Lane. As a result of a special exception modification in 1980, the School relocated what was formerly its primary entrance from Democracy Lane on the (then) west border of the campus to Seven Locks Road. A subsequent modification in 2000 required the School to construct a bi-furcated driveway at Seven Locks Road, so that southbound and northbound traffic entering and exiting the campus from Seven Locks Road each occupies its own traffic lane.

The School's academic day runs from 8:20 AM to 3:05 PM. In addition to the hours for academic classes, a variety of athletic and special events held on campus throughout the school year extend into evening hours. As such, the campus' core hours of operation extend to 9:00 PM to accommodate its after-school athletics and extracurricular activities as more fully described in the Statement of Operations.

Purpose

The Transportation Management Plan is to:

- Manage the circulation of traffic at the School's driveway at Seven Locks Road;
- Manage on-site traffic circulation to effectively direct student drop-off and pick-up areas and coordinate on-site parking by faculty, staff, and students;
- Minimize the volume of traffic entering and exiting the campus through parking management and promoting, encouraging, and expanding existing transportation options and programs such as carpooling, use of public and private bus service, and walking and biking; and,

- Designate a staff member as Transportation Coordinator with the responsibility of coordination with faculty, staff and families in the implementation of measures deployed under the Transportation Management Plan.

Measures to be Employed

The Transportation Management Plan will employ the following measures to manage traffic and parking demand and encourage use of alternative transportation choices.

Traffic Management at Main Driveway

- On school days, from 7:50 AM to 8:30 AM, an off-duty member of the Montgomery County Police force will direct traffic on Seven Locks Road at the School's driveway entrances.
- Off-duty members of the Montgomery County Police will be employed to direct traffic at the entrance on Seven Locks Road for other designated events such as the Garden Party, Christmas Party, Auction and Graduation ceremonies.
- The School will regularly monitor any bottlenecks created at the entrance during other times of the day, e.g. afternoon pick up, and after school on-site events (not listed above) such as athletic contests, dramatic productions, etc. to determine if additional assistance, such as hiring an off-duty Montgomery County Police officer(s), is needed with traffic direction.

On-Site Circulation and Parking Management

- During morning drop off and afternoon pick up, the School's two hired buses will be assigned designated places to stand so as not to impede traffic flow while unloading or unloading riders.
- During afternoon drop off, at least two designated staff members will manage the queuing and movement of vehicles in the traffic lanes.
- Establish a permit parking program.
- In preparation for the 2015-16 school year, undertake a study of vehicular parking on school campus during the school day, with the goal of establishing a parking fee structure that discourages unnecessary use of vehicles and encourages use of public transportation, private bus transportation or carpools.
- Any parking striped in the fire lane will be permanently removed in accordance with an approved fire lane order, as may be modified or amended by the Office of the Fire Marshal.

- Student and faculty parking during school days will not be permitted on Seven Locks Road.
- Any parking plan associated with the phasing of constructing improvements (facilities) on site shall not include the use of parking on Seven Locks Road.
- As discussed in detail in the attached Supplemental TIS Memorandum (August 20, 2013) and depicted in Figure 2 included therein, the School has a plan for alternative circulation and student drop off and pick up operations should queuing on site necessitate implementation of such a plan. The drop off / pick up site options include one along the main driveway around to the Gymnasium, one within the parking aisle of the faculty/student surface lot and one within the smaller surface lot south of the main building.

Special Event Parking

- For several of the School's special events for which parking demand may be anticipated to exceed on-site parking capacity, the School is able to arrange for shuttle service between the campus to nearby parking facilities owned/operated by Montgomery Parks at the Cabin John Regional Park.
- The School will continue to closely monitor the parking demand generated by all of its special events and amend its annual arrangement with Montgomery Parks to include additional events as necessary. Of note are the School's annual Fall Garden Party and Christmas Party that may require supplemental off-site parking in future academic years. .
- Construction of the proposed structured parking garage may negate the need for the above special event parking measures, but will be determined in consultation with the surrounding neighborhood associations at one of the biannual neighborhood meetings. Notification will be sent to M-NCPPC staff for review and concurrence if special event parking measures are no longer needed with appropriate justification, such as a parking study.

Trip Mitigation Strategies

- The Transportation Coordinator will provide transit assistance to all parents, students, and faculty and staff as well as provide information on all applicable programs available prior to beginning of each school year.
 - Available programs such as Kids Ride Free offered by Montgomery County Ride-On and Commuter Connections offered by the Metropolitan Washington Council of Governments (MWCOG) will be promoted by the School and Transportation Coordinator.

- The School and Transportation Coordinator will establish a Smart Benefits program available through the Washington Area Metropolitan Transit Authority (WMATA) for faculty and staff.
- The Transportation Coordinator will enroll the School in the Commuter Connections program.
- Metro Shuttle – each morning and afternoon, a shuttle bus operates between our campus and the Grosvenor Metrorail Stop in Rockville. The number of shuttle buses operating between the Grosvenor Metrorail Station and the School will be evaluated periodically (at least twice a year during the school year) to determine if additional shuttle buses are needed.
- Public Transportation – the Ride-On Bus #49 has stops on both sides of Seven Locks Road immediately outside the campus entrance. As noted above the School will assist any students currently taking public transportation and help them enroll in programs offered by Montgomery County Ride-On.
- Bus Program –Currently the Heights School has a successful bus program with two buses that provide daily transportation to and from the School for approximately 90 students from Northern Virginia. Each bus can accommodate a maximum of 45 students and are filled to capacity. The number of buses operating from Northern Virginia will be determined prior to the start of the school year to ensure that all students wishing to ride a bus will be accommodated. Additional buses will be added as needed.
- Carpools – The Heights School publishes a zip code list that assists school families interested in carpooling to and from school to find and contact like-minded families. Approximately 50% of students currently carpool to the school campus. The Transportation Coordinator will be authorized to undertake the following steps to encourage and support carpooling at the School:
 - Before commencement of each academic year, the School will conduct a survey of the parents of students regarding a student’s travel patterns and his interest in opportunities to travel to school by public transportation, private bus transportation, or multiple occupancy vehicles (carpools).
 - The Transportation Coordinator will use this information to create an area map for parent/student review showing the location of families involved in existing carpools or families interested in forming carpools sorted into geographical areas.

- The Transportation Coordinator will also establish and maintain a carpool registry at the School's reception desk so that carpool formation can be fostered during the entire school year, or, alternatively, so that short term carpooling arrangements can be made.
- Parents of students will be encouraged in literature and publications mailed by the School to organize carpools from the information provided by the Transportation Coordinator, or to consult the Transportation Coordinator for further assistance.

Goal and Reporting

In order to accommodate the faculty and student parking in site, the School will achieve a minimum 65% non-auto mode share in the morning for the entire student population. This consists of walking/biking, transit, shuttles, and carpooling with two or more students in a car.

The Transportation Coordinator will prepare an annual audited report describing carpooling, busing, transit, and parking efforts along with data of these efforts. The report will contain site driveway counts, number of buses providing service to the School including number of students on the buses, student, faculty and staff parking permits issued, and carpoolers with the number of carpools and number of students in the car. Site driveway monitoring will include at least one traffic count on a representative day during the school year prior to enrollment decisions for the following school year. The report will be provided to the Planning Department, Faculty and Staff, Parents, and the neighboring Home Owners Associations prior to enrollment decisions for the following school year. This is to ensure that the measures mentioned in the TMP are working and/or if adjustments need to be made.



symmetra design

MEMORANDUM

TO: Ki-Kim Maryland National Capitol Park and Planning Commission

CC: Soo Lee-Cho Miller, Miler & Canby
 Jerry Hadley The Heights School
 Phil McGovern The Heights School

FROM: Samantha Williams Symmetra Design
 Nicole White, PE, PTOE Symmetra Design

DATE: August 20, 2013

RE: Supplemental Transportation Impact Study (TIS) Memorandum

INTRODUCTION

Per the request of M-NCPPC, the following memorandum outlines existing and future site access, circulation and queuing at The Heights School in Potomac, Maryland. This document supplements the May 8, 2013 Transportation Impact Study (TIS) that analyzed transportation and traffic impacts associated with expanding the school's current student and faculty caps in conjunction with the Campus Master Plan¹ submission to Montgomery County.

This memorandum also includes an amendment to the Future Conditions parking section of the May 8, 2013 TIS (pg. 20) and includes a statement regarding the applicant's agreement to comply with the Transportation Policy Area Review (TPAR) payment requirement.

SITE ACCESS AND CIRCULATION

The school manages a two-driveway system that provides access from Seven Locks Road. Both driveways provide inbound and outbound access for school traffic with the north driveway serving traffic to/from the north and the south driveway serving traffic to/from the south.

¹ The plan includes three new or expanded buildings planned: a new Lower School building, an expanded Middle School building and a new Theatre/Music/Dining Hall. Additionally, a below grade parking structure is proposed to be constructed under the existing turf field.

727 15th Street, NW
 Suite 1000
 Washington, DC 20005

T 202-370-6000
 F 202-370-6001

www.symmetradesign.com

Transportation Planning, Traffic Engineering

The Heights School TIS Supplemental Memorandum
August 20, 2013
Page 2 of 10

Within the campus, the upper portion of the driveway consists of a one-lane inbound/one-lane outbound loop system. See **Figure 1** for an illustration of vehicular circulation on-campus.

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The Heights School TIS Supplemental Memorandum
 August 20, 2013
 Page 3 of 10

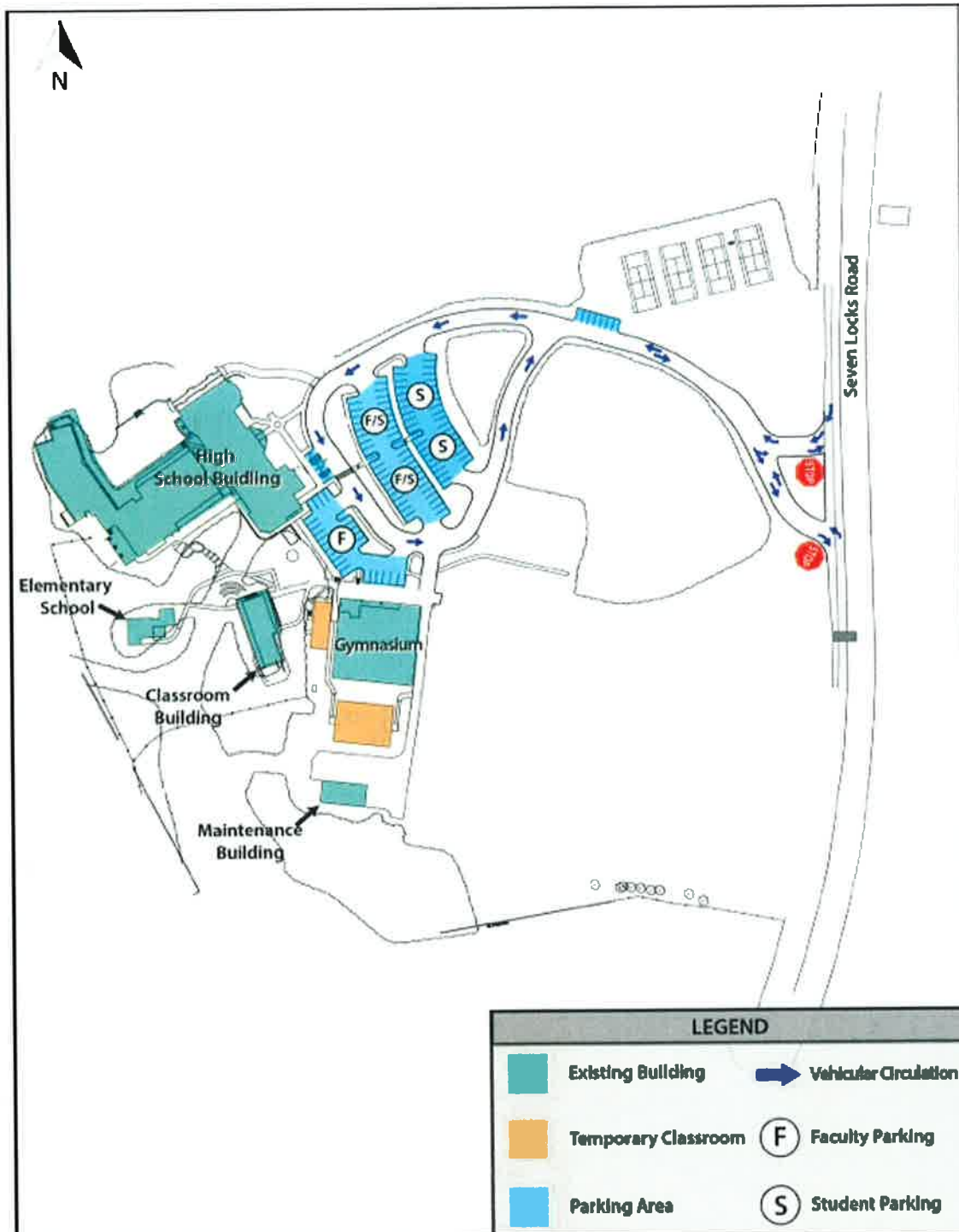


Figure 1: On-campus Vehicular Circulation

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DROP-OFF AND PICK-UP OPERATIONS

There are three drop-off/pick-up locations within the campus where vehicles queue. The first is along the main driveway around to the Gymnasium, the second is located in the parking aisle of the faculty/student surface lot and the third is within the smaller surface lot south of the main building (see Figure 2). The smaller surface lot is typically used by lower school parents since this drop-off location provides closest access to the Elementary School Building. In total, the inbound driveway (from the main entrance back to the access from Seven Locks Road), the location in the parking aisle of the faculty/student surface lot, and the stacking space within the smaller surface lot can accommodate a maximum capacity of approximately 66 vehicles².

The school day starts at 8:20 AM. Drop-off begins as early as 7:30 AM with the peak activity occurring between 7:50 AM and 8:15 AM. During this period, two to three faculty/staff members are stationed along the driveway to help facilitate operations. An off-duty officer is stationed at the entrance to the school during the morning from 7:45 AM to 8:15 AM to manage traffic flow.

In the afternoon, the school day ends at 3:05 PM. Parents begin arriving for pick-up around 2:40 PM with the peak activity occurring between 2:45 PM and 3:20 PM.

² The vehicle capacity was calculated measuring the distance of available storage at each location (excluding the crosswalk along the main driveway between the main building and the Gym) and dividing by 20 feet per vehicle (including space between vehicles).

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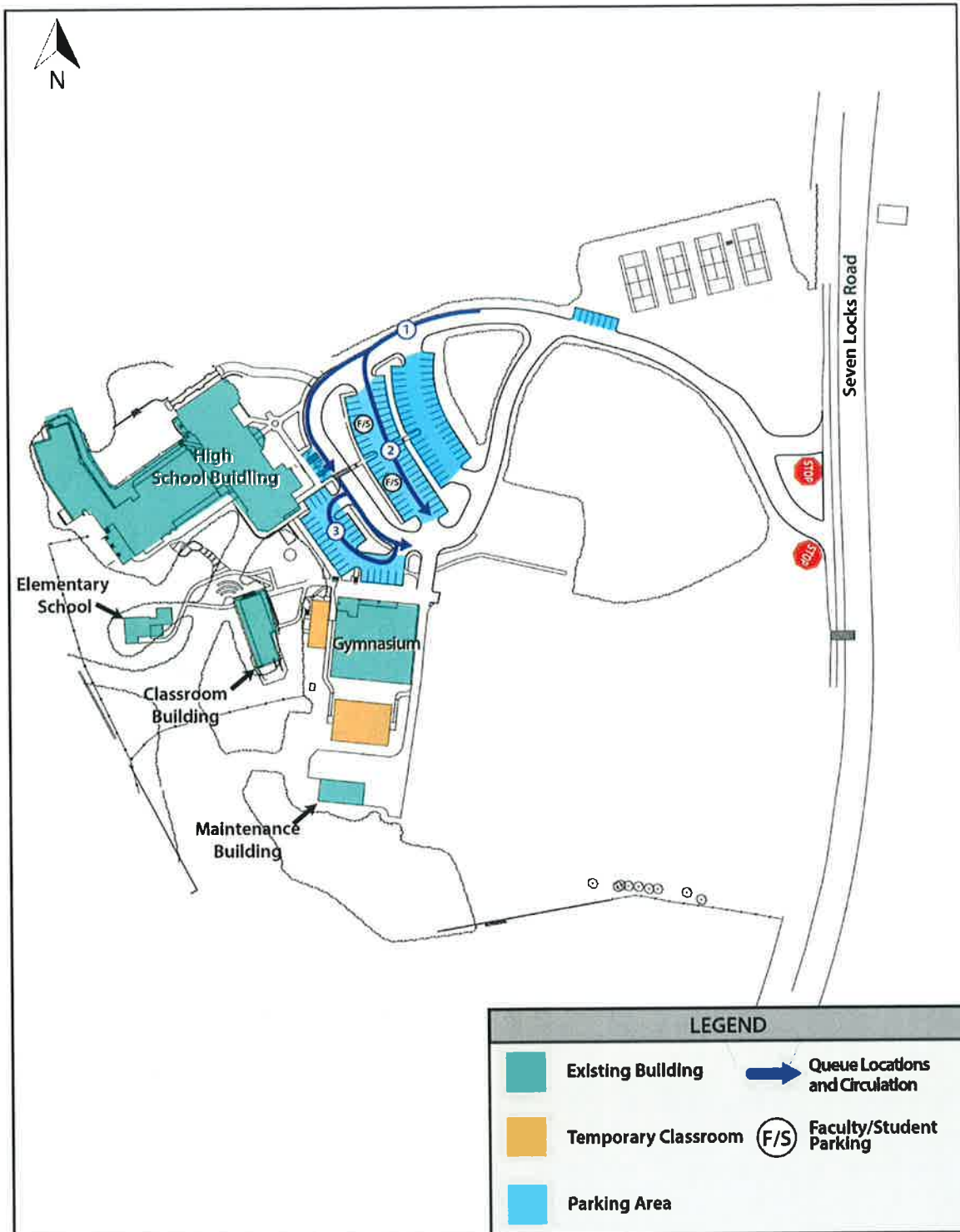


Figure 2: Drop-off/Pick-up Queue Locations and Circulation

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EXISTING AND FUTURE QUEUING

The longest queue, along the main driveway, usually occurs during afternoon pick-up and extends about midway between the student surface lot and the inbound/outbound driveway split (see **Figure 3** for an illustration).³ This represents a maximum queue along the main driveway of about 520 feet or 26 vehicles. In total, the driveway and pick-up locations within internal surface lots can store about 66 vehicles⁴ therefore the existing 26 car maximum queue is accommodated on-site. All queuing is maintained with the school's property during both the morning drop-off and afternoon pick-up.

³ This information was reported from The Heights School

⁴ Based on current circulation patterns.

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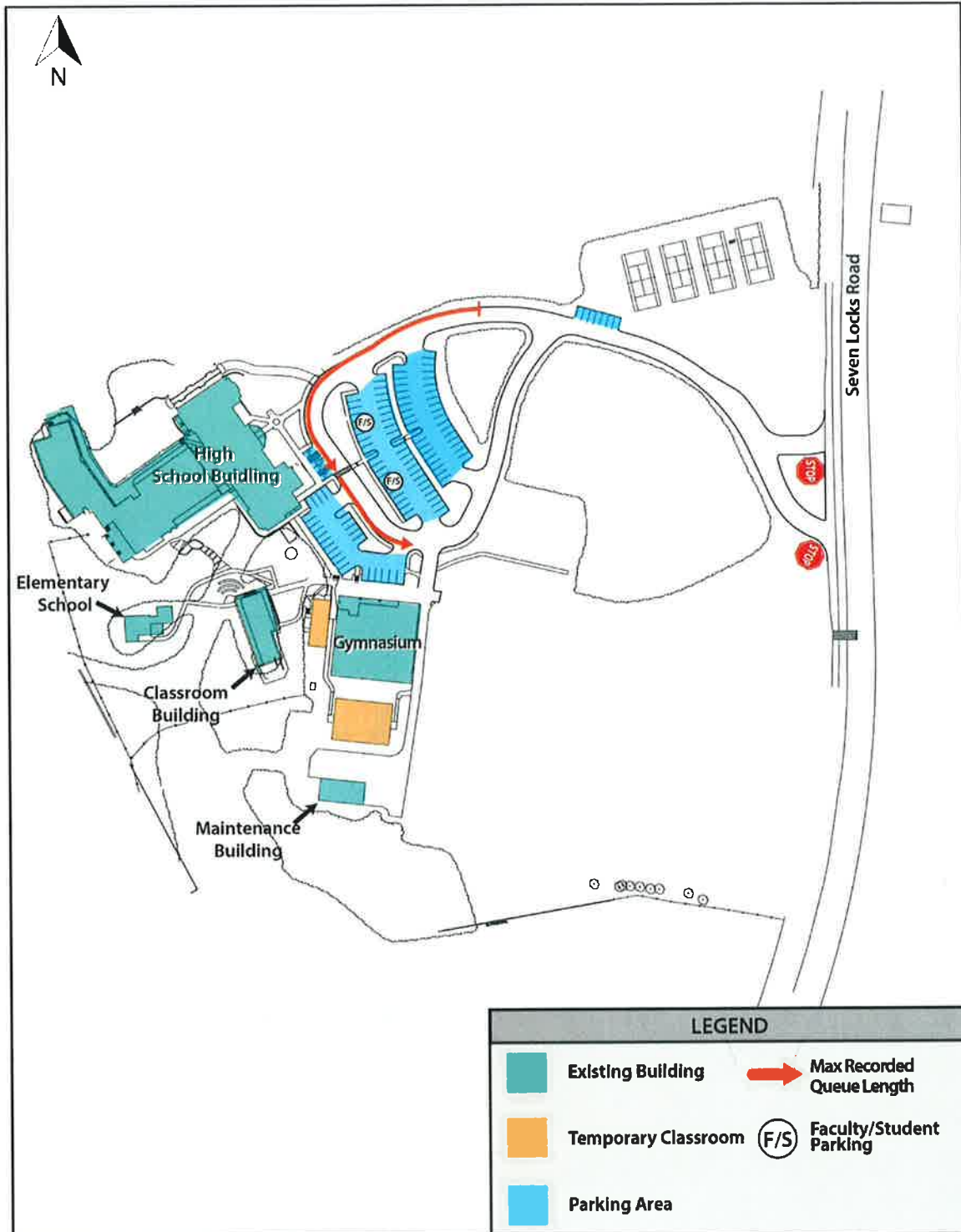


Figure 2: Maximum Reported Queue Length (pick-up)

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With the Heights School Campus Master Plan, the small surface parking lot (location 3) would be eliminated and result in a loss of about 7 existing storage spaces. This loss would however be mitigated with use of the parking aisle in the lower parking area for additional queuing storage. In the future, the campus would have a total of 70 spaces for queuing including the main driveway, the parking aisle in the faculty/student surface lot and the new location in the parking aisle of the lower surface parking lot. Figure 3 is an illustration of future queue locations and circulation.

Considering the projected 34% increase in enrollment⁵ the existing maximum queue was also increased by 34% to project future queuing conditions. The school's proposed enrollment cap is 650 students. This calculation assumes the participation in the bus program, after school activities and carpool are expected to remain the same in the future and as such a linear projection was applied.

In the future, the maximum queue length along the main driveway is expected to increase by 9 car lengths from 26 to 35 during the pick-up period. The future available storage capacity of 70 vehicles is sufficient to accommodate both existing and future queuing within the school's property.

⁵ Projected enrollment increases were based on the school's student enrollment of 486 at the time when counts were conducted representing a 34% increase in enrollment

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Figure 3: Future Drop-off/Pick-up Queue Locations and Circulation

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PARKING

The May 2013 TIS included a future parking supply of 239 parking spaces (89 surface parking and 150 below grade). The latest plan proposes a total of 252 parking spaces, of which 96 will be surface parking and 156 will be below grade.

TPAR

In accordance with the LATR/TPAR Guidelines, the applicant agrees to pay the applicable TPAR payment which is 25% of Department of Permitting Services (DPS) Impact tax rates for a private school (i.e. 25% x \$0.95 per sq. ft GFA new/expanded building).

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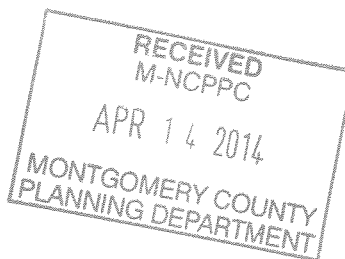


FIRE MARSHAL COMMENTS

DATE: 25-Jul-13
TO: Aaron Smith
A Morton Thomas
FROM: Marie LaBaw
RE: The Heights School
CBA-2197-B/C

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **25-Jul-13** .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.





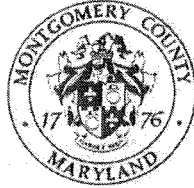
FIRE MARSHAL COMMENTS

DATE: 08-Apr-14
TO: Aaron Smith
A Morton Thomas
FROM: Marie LaBaw
RE: The Heights School
CBA-2197-B/C

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **08-Apr-14** .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.

***** Review of revised forest conservation easements only *****



MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

Isiah Leggett
County Executive

Steve Lohr
Interim Fire Chief

Date: Sept. 24, 2014

Fire Lane Establishment Order

Pursuant to Section 22-33, Montgomery County Code, 1971, as amended, you are hereby notified that a Fire Lane has been established as described in this order. You are hereby ordered to post fire lane signs and paint curbs/pavement as identified below. When signs or paint work has been completed, this order will authorize the enforcement of this Fire Lane by appropriate police or fire officials. Compliance with this order must be achieved within 30 days of receipt when any of the following conditions are met:

- One or more structures addressed from the subject road are occupied;
- The road or accessway is available for use and at least one building permit for an address on the subject road has been issued; or
- The road or accessway is necessary fire department access.

LOCATION: 10400 Seven Locks Road

Potomac, Maryland 20854

Delineate all areas where indicated by signs and/or paint.

SIGNS -- (See attached diagram for location of sign placement)



(Red letters on white background)

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 when painting is required)

Paint must be traffic yellow with lines of sufficient width to be readily identifiable/readable by motor vehicle operators.


 Signature of Order Writer/I.D. #

Cc: Fire Code Enforcement Section
Attachment: Fire Lane Diagram

2

FIRE LANE ESTABLISHMENT FORM

BUILDING OR SUBDIVISION NAME: The Heights School
 FIRE LANE LOCATION/ADDRESS: 10400 Seven Locks Road
Potomac, Maryland 20854

See attached drawing for designated fire lanes:

I have received the drawing and instructions for installing the designated fire lanes on property not owned by state or local government.

NAME AND TITLE OF PROPERTY REPRESENTATIVE

NAME: Mr. Jerry Hadley TITLE: Business Manager

SIGNATURE: 

PHONE: 301-366-0227 Ext. 124 DATE: September 24, 2014

ADDRESS (where processed order will be mailed):

The Heights School, 10400 Seven Locks Road, Potomac, Maryland 20854

The designated fire lanes are the minimum necessary for fire/rescue access and are in accordance with Section 22-33 of the Fire Safety Code.

NAME: Marie LaBaw SIGNATURE: 

STA.#: CE I.D.#: LS1189 DATE: 10/21/14

Comments: _____

Fire Lane Installed Per Order

NAME: _____ DATE: _____

0092N/23



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

February 27, 2014

Mr. Robert Dennis, P.E.
A. Morton Thomas and Associates, Inc.
12750 Twinbrook Parkway
Rockville, Maryland 20852

Re: Stormwater Management **CONCEPT** Request
for The Heights School / Inverness Forest
Preliminary Plan #:
SM File #: 253753
Tract Size/Zone: 19.82 Acres / R-90
Total Concept Area: 11.92 Acres
Lots/Block:
Parcel(s): 1
Watershed: Cabin John Creek

Dear Mr. Dennis:

Based on a review by the Department of Permitting Services (DPS) Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals for redevelopment via Environmental Site Design (ESD) to the maximum extent practicable (MEP) along with structural water quality facilities. Facilities provide partial compensation for areas of the site that have no or minimal stormwater management. Two existing sand filters and two existing dry ponds will be removed and replaced with new stormwater management facilities. The existing facilities near the tennis courts will be replaced with two micro-bioretenention facilities and a new sand filter. The existing stormwater facilities located in the southwest corner of the property will be replaced with two micro-bioretenention facilities and underground detention pipes. The underground detention pipes will provide 10-year and 100-year control to assure the off-site storm drain capacity is not exceeded and that the downstream Inverness Forest pond functions safely with no increase in the 10-year and 100-year peak discharge or water surface elevation. Two existing drywells will remain. The Environmental Site Design proposed includes green roof, six micro-bioretenention facilities and a biofilter. Three volume based structural stormfilter vaults will treat additional required stormwater volume. A partial waiver of stormwater management is also requested. This project is proposed to be submitted in a series of separate development stages.

Additionally, The Heights School proposes to reconstruct and stabilize the storm drain outfall to Cabin John Creek. Plans for the outfall improvements will be subject to approvals from the Maryland National Capital Park and Planning Commission (MNCPPC), Montgomery County Department of Transportation and Montgomery County Department of Permitting Services (MCDEP).

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Maryland Department of the Environment Standards and Specifications for Topsoiling.



Mr. Robert Dennis, P.E.
February 27, 2014
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2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Landscaping 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.
6. A stormwater management waiver contribution must be paid in full with the issuance of the first sediment control permit. The amount will be calculated based on what is required by Regulation at that time.
7. This stormwater management concept must be formally revised prior to sediment control plan submittal for each phase of development. The revision must reflect specific sediment control and stormwater management concept conformance for that specific plan. The concept must show how stormwater management is to be provided (including interim as required) and must meet the regulations in place at the time. Stormwater runoff is not to exceed the capacity of downstream storm drain systems.
8. Sediment control plan submittals that propose any construction that will drain to the Inverness Forest pond must include large storm analysis. The analysis is to show safe conveyance to the pond and determine that there will be no increase in the pond's designed 10 and 100 year peak discharges or surface elevation.

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 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.

Mr. Robert Dennis, P.E.
February 27, 2014
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If you have any questions regarding these actions, please feel free to contact Ellen Rader at 240-777-6336.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: ebr: CN253753.TheHeights3.EBR

cc: C. Conlon
SM File # 253753

ESD Acres:	11.92
STRUCTURAL Acres:	11.92
WAIVED Acres:	11.92