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I. STATEMENT OF THE CASE

On November 4, 2020, the Board of Appeals referred the above-captioned petition to OZAH for a major amendment to a special exception for a private educational institution, pursuant to 59-A-4.22 of the Zoning Ordinance (2004) as made applicable by Section 59-7.7.1.B.1 of the Zoning Ordinance (2014) for a public hearing and written recommendation. Exhibits 2 & 3.

The application seeks to modify an existing special exception (S-686-D) held by The Landon School (“Landon” or “Applicant”) by implementing provisions of a Campus Master Plan to renovate existing buildings and facilities, construct a new building, increase enrollment in its summer camp program, and redesign campus transportation networks all in a three-phase development plan pursuant to 59.G.2.19 of the 2004 Zoning Ordinance. Exhibit 1.

The property is located at 6101 Wilson Lane, in Bethesda, Maryland. Pursuant to Section 7.7.1.B.1 and Section 7.7.1.B.3.c of the Montgomery County Zoning Ordinance, this Special Exception modification will be reviewed under the standards and procedures of the zoning ordinance in effect prior to October 29, 2014.

On July 2, 2021, Planning Staff issued its report recommending approval of the application with conditions. Exhibit 41(a). On July 15, 2021, the Planning Board issued its report affirming the findings and recommended conditions of Staff. Exhibit 44. Those conditions are as follows:

1. The Private Educational Institutional special exception use is granted to the Landon School ("School" or the "Applicant") and does not run with the land.
2. The Private Educational Institution is limited to the following:
 - a. A maximum total gross floor area of 361,100 square feet;
 - b. A maximum enrollment during the academic school year of 736 students and 190 staff (including teachers, administrators, janitorial staff, etc.).
 - c. A maximum enrollment during the summer camp (11 weeks, June-August) of 1,200 campers and 250 staff (including counselors, administrators, janitorial staff, etc.).
3. Hours of operation for the Subject Special Exception Amendment for the Landon School will be limited as follows (summer camp addressed in Condition No. 17):
 - a. Academic Schools days, including before-school and after-school care, Monday through Friday from 7:30 AM to 6:20 PM.
 - b. Special events, on weekends or outside peak travel hours on weekdays (6:30 AM – 9:30 AM and 4:00 PM – 7:00 PM) include but are not limited to:
 - i. Athletic events
 - ii. Theatrical Performances
 - iii. Parent-teacher Conferences
 - iv. Homecoming (traditionally in October)
 - v. Holiday Market (traditionally in December)
 - vi. Azalea Festival (traditionally in May)
 - vii. Graduation (traditionally in May)
4. The Applicant must dedicate along Wilson Lane (MD 188), in a form acceptable to the Maryland State Highway Administration, the necessary right-of-way to provide a width of 40 feet of dedicated right-of-way between the property line and right-of-way centerline in support of the master-planned right-of-way of 80 feet, total.
5. Prior to any above-ground building permit for Phase I improvements the Applicant will be required to install a concrete pad for the eastbound bus stop located on the Site frontage on Bradley Boulevard to meet Americans with Disabilities Act (ADA) accessibility design guidelines (8-foot by 5-foot concrete pad).
6. During the school year (September – June), entry from Bradley Boulevard during the morning drop-off period (7:30 AM – 8:10 AM) for parents or guardians will be restricted, and all parents and guardians will enter the Site from Wilson Lane. Staff, deliveries and other authorized vehicles will be permitted entry from Bradley Boulevard during this period by the vehicular security gate equipped with a readable sensor to allow registered vehicles access.
7. No vehicles may queue on the adjacent public streets while accessing the Site at any time.

8. The Landon School will continue to implement the previously approved Transportation Management Plan during the academic school year (S-686-C, 2002).
9. The Landon School shall keep the indoor rifle range building maintained in a state of good repair (both structurally and aesthetically) such that the appearance of the cinder block may be made as attractive as possible.
10. Parking:
 - a. The Applicant must provide a minimum of 301 and not to exceed 386 total vehicle parking spaces on-site at full build-out:
 - i. One parking space for each employee (includes teachers, administrators, janitorial staff, etc.).
 - ii. 0.25 parking spaces for all students in grades 9-12 or aged 16 and older.
 - b. All on-site parking facilities must be set back at least 25 feet from the rear property line and at least 16 feet from any side property line.
 - c. The Applicant must provide at least 20 short-term bicycle parking spaces on-site in compliance with the Montgomery County Bicycle Parking Design Guidelines.
11. Landscaping and Screening. Site landscaping and perimeter screening must be provided in accordance with the Special Exception Landscape Plan.
12. Lighting:
 - a. All new onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
 - b. All new onsite down-lights must have full cut-off or BUG-equivalent fixtures.
 - c. Deflectors will be installed on all new fixtures to prevent excess illumination and glare.
 - d. Illumination levels generated from on-site lighting must not exceed 0.1 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
13. The Applicant must comply with all tree-protection and tree-save measures shown on the approved Tree Save Plan for each phase of the Landon School Campus Master Plan (site plan). Tree-save measures not specified on the Tree Save Plan may be required by the M-NCPPC Forest Conservation Inspection Staff. A Tree Save Plan Submission will be required for all future land disturbing activities.
14. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit a five-year Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest clearing areas as shown on the Tree Save Plan. The MMA includes invasive species management control measures. All proposed measures should be chosen with consideration of the proximity to nearby streams and other environmentally sensitive areas. The use of herbicides should be avoided where possible.
15. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.

16. The Applicant must comply with the Montgomery County Department of Permitting Services requirements for stormwater management prior to the release of Sediment and Erosion Control permits.
17. Summer Camp
 - a. The Summer Camp is limited to a maximum registration of 1,200 campers and 250 staff during any of the sessions during the 11-week operational period between June and August.
 - b. Campers and staff may be on-site from 7:45 AM to 6:10 PM weekdays, including before-and after-camp care, with the main camp operating from 9:00 AM to 4:00 PM.
 - c. No outdoor group activities for groups of more 25 during the summer camp sessions will occur within 30 feet of Site's property line.
 - d. Noise associated with outdoor play will be limited to daytime hours during the week and will not begin prior to 8:00 AM.
 - e. The Landon School will implement the new, distinct Summer Camp Transportation Management Plan (TMP) during the 11-week sessions between June and August. Important elements of Summer Camp TMP include:
 - i. The Landon School will appoint a Transportation Coordinator responsible for coordinating and managing carpools and private bus routes and for the purpose of reducing motor vehicle trips to and from the Site.
 - ii. The Landon School will operate at least 4 private neighborhood/regional bus routes to reduce vehicle trips to and from the Site.
 - iii. The Landon School will continue to commission off-duty police officers at the Wilson Lane and Bradley Boulevard entrances to assist with egress transportation operations.
 - iv. The Landon School's events scheduler will ensure that activities on campus are organized so that they avoid traffic movements during peak travel periods (6:30 AM – 9:30 AM, 4:00 PM-7:00 PM).
 - v. The Landon School Summer Camp staff will be instructed to commute to and from the Site outside of the morning drop-off peak hour (7:15 -8:15 AM) and the afternoon pickup peak hour (4:30 PM – 5:30 PM).
18. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (MCDOT), in their letters dated January 25, 2021 and April 14, 2021 and hereby incorporates them as conditions of approval, except conditions 1,2,4, and 10 of the April 14, 2021 letter pertaining to right-of-way dedications and undergrounding utilities on along the Site frontages. The Applicant must comply with each of the recommendations as set forth in the letters, which MCDOT may amend if the amendments do not conflict with other conditions of Special Exception Amendment approval.
19. The Planning Board has reviewed and accepts the recommendations of the Maryland Department of Transportation State Highway Administration (MDOT SHA), in its letter dated May 14, 2021 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MDOT SHA may amend if the amendments do not conflict with other conditions of Special Exception Amendment approval.

20. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated June 8, 2021, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Special Exception Amendment approval.
21. Prior to submission of the demolition permit for the Torrey House, the applicant shall submit to the Historic Preservation Office a mitigation plan that incorporates educational opportunities with historic preservation efforts. This could be a multidisciplinary approach involving students with varying background and interests and supervision from educators and experienced professionals and should incorporate at least one of the suggestions offered by the Historic Preservation Commission in their May 9, 2021 letter to the Planning Board. The Historic Preservation Office will comment on the proposed plans within 10 business days of submission. Final copies of any deliverables, including but not limited to documentation, oral histories, or student projects should be offered to the Historic Preservation Office to be filed with the property records for the Master Plan Historic Site.

On July 2, 2021, following a Motion to Amend the application filed by Landon and receiving no opposition to the motion, OZAH granted the motion and scheduled this matter for a public hearing on August 2, 2021. Exhibit 39.

The public hearing proceeded as scheduled on August 2, 2021. The following individuals testified in support of the application: Jim Neill (on behalf of the Applicant), Aaron Smith (civil engineer), Katie Wagner (traffic and transportation engineer), William Spack (architect), and Bryan Stephenson (landscape architect). There were no members of the general public that testified and the hearing was uncontested. The record was left open for ten (10) days following the conclusion of testimony for the inclusion of the transcript, the posting affidavit, and any other post hearing documents. T. 150. The Applicant filed the posting affidavit and a list of proposed conditions of approval to clarify the conditions offered by the Applicant during the hearing, which were received and admitted. Exhibits 58 & 59.

After a thorough review of the record in this case, including all documents and testimony, the Hearing Examiner **RECOMMENDS APPROVAL** of the requested major amendment to the special exception for a private educational institution, pursuant to Section 59-G-1.3(c) of the 2004 Zoning Ordinance, with the conditions included in Part IV of this Report, for the following reasons.

II. FACTUAL BACKGROUND

A. Prior History

In 1950, the Montgomery County Board of Zoning Appeals first granted approval to operate a private school on the property in Case No. 927. Exhibit 41(a), p. 10. The Special Exception has been modified numerous times over the course of the last half century to enhance and renovate campus buildings, grounds, and expand operations, while retaining its primary use as a private educational campus known as The Landon School. *Id.* The most recent modifications occurred between 2009 and 2011, and include the installation of two baseball dugouts, a permit to erect a seasonal tennis bubble and small restroom facility, and approval to relocate restroom facilities. *Id.*¹

B. The Subject Property

Technical Staff ("Staff") provided the following description of the property:

The subject site ("Subject Property" or "Property") is located just south of Bradley Boulevard at 6101 Wilson Lane (MD 191). The Property, recorded as Parcel A (Plat No. 21110, dated 19991), consists of 69.74 acres (3,037,715 square feet). The Property has approximately 1,673 feet of frontage on Wilson Lane, 215 feet on Bradley Boulevard, 680 feet on Whittier Boulevard, 595 feet on Merrick Road, and 200 feet on Poe Road. The Property is surrounded by residentially zoned and developed properties along its northern, western, and eastern property lines. Other land uses in the area include Thomas W. Pyle Middle School on Wilson Lane and Hillmead Neighborhood Park on Bradley Boulevard. The Property is within the area encompassed by the 1990 Bethesda – Chevy Chase Master Plan (Master Plan).

¹ See Technical Staff Report, p. 10, for a full list of all modifications approved since 1950. (Exhibit 41(a))

Exhibit 41(a), p. 7. The property is zoned R-60 with a TDR 8.0 overlay and is currently improved with several academic and auxiliary buildings with a total existing building floor area of approximately 244,863 square feet. Exhibit 41(a), p. 7. The property is “just over 70 acres, about 75 acres on the campus there, roughly 16 buildings that range in age from the early 1800s to 1999.” T. 50. The property is also improved by 370 existing parking spaces and athletic facilities including several fields, an outdoor pool, tennis courts, and an athletic track. Exhibit 41(a), p. 7. “The balance of the site is open space with mature trees and other vegetation.” Exhibit 6, p. 3. The property has two vehicular access points via two driveway entrances, one on Wilson Lane and one on Bradley Boulevard. While both will remain to serve the school, Wilson Lane will be the primary entrance to the school and modifications to internal roadways and pedestrian pathways are proposed under this application to improve safety and circulation on campus. *Id.* There are forested buffers to the west, north, and east of the recorded lot in addition to a stream that runs down the west side. T. 82. Figure 7 below shows the proposed Campus Master Plan with existing and proposed buildings, reproduced from the Staff Report, p. 15.

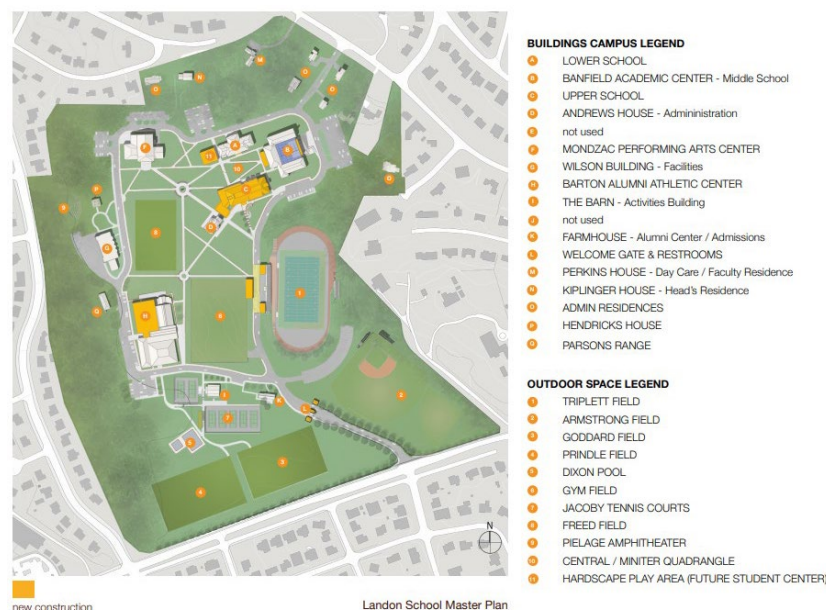


Figure 7 – Landon School's proposed Campus Master Plan Summary Report, Page 37

C. Surrounding Neighborhood

To determine the compatibility of the proposed use with the surrounding area, it is necessary to delineate the “surrounding neighborhood,” which is the area that will be most directly impacted by the proposed use. Once delineated, the Hearing Examiner must assess the character of the neighborhood and determine whether the impacts of the proposed conditional use will adversely affect that character.

Staff defines the neighborhood as developed primarily with single-family detached residential dwellings to the east, south, and west in the R-90 zone and with single-family detached residential buildings to the northeast in the R-60 zone across Bradley Boulevard. Exhibit 41(a), p. 11. Staff reproduced a Zoning Map, shown below as Figure 4, delineating the Staff defined neighborhood. Exhibit 41(a), p. 11. Four (4) conditional uses/special exceptions were identified in the staff defined neighborhood, shown below in Figure 5 on page 10. *Id.* at 12.

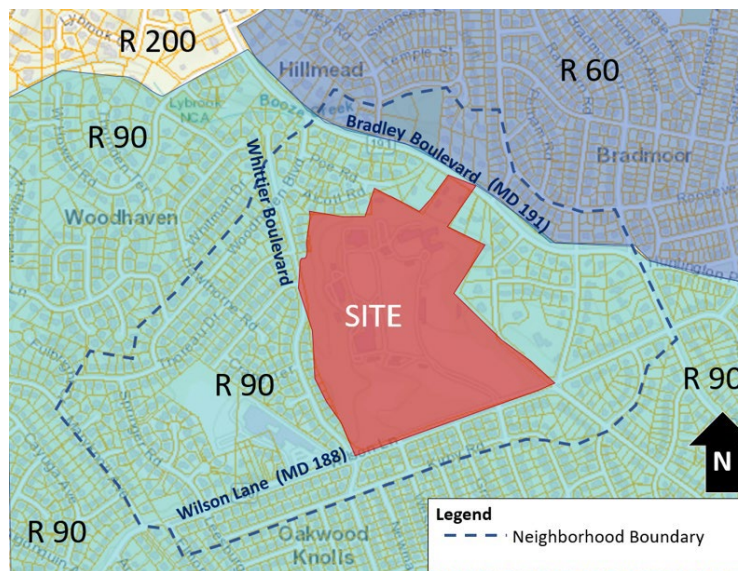


Figure 4 – Zoning Map with Defined Neighborhood

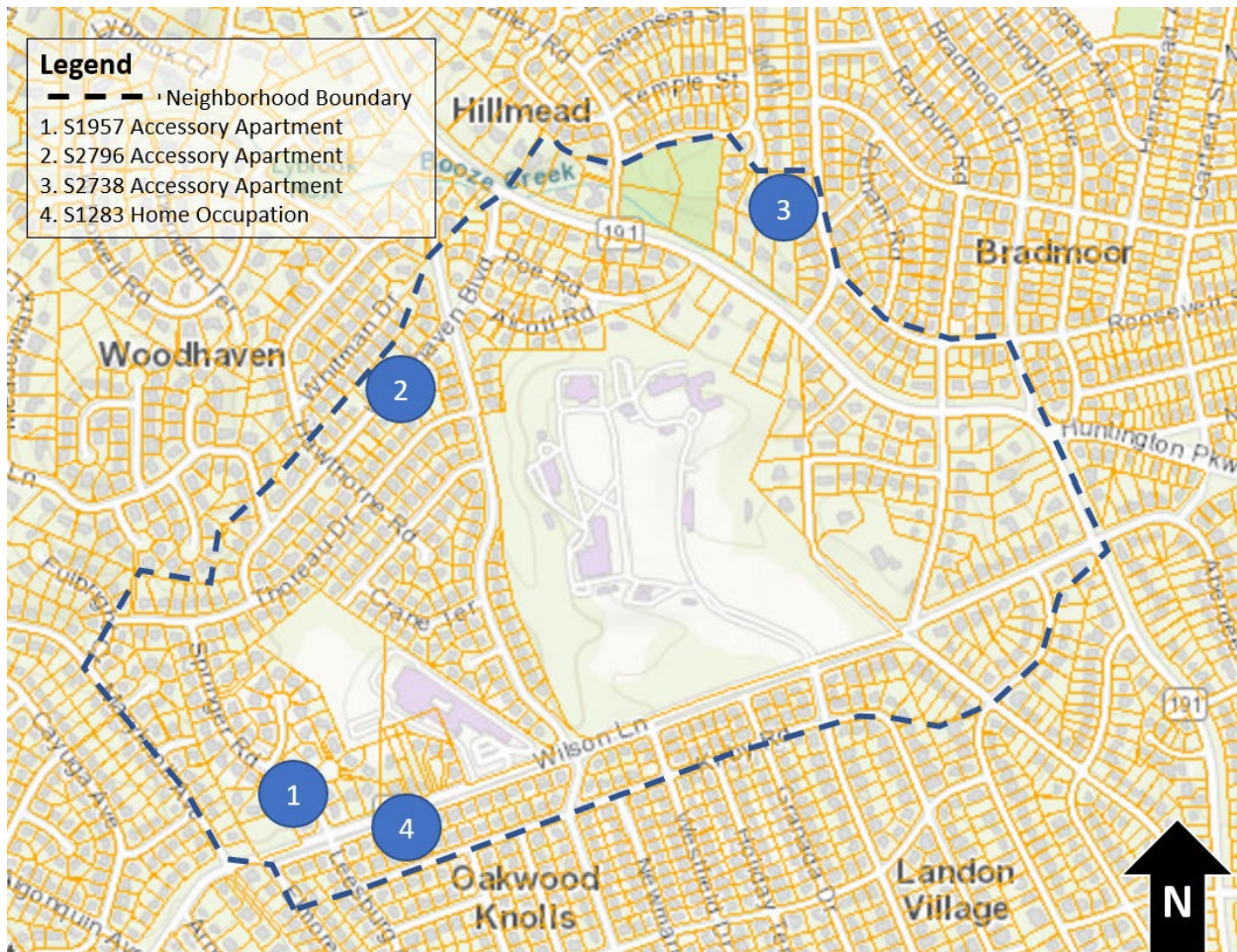


Figure 5 – Existing Conditional Uses and Special Exceptions within Defined Neighborhood

D. Master Plan

The property is located within the Mid-Bethesda Northern BCC Area of the 1990 Bethesda-Chevy Chase Master Plan. Staff advises that the proposed use is “consistent with the Master Plan, in terms of the nature and the appropriateness of the use, and it will be compatible with other adjacent uses including the residences surrounding the campus” and “[t]he use is intended to serve the community and meets the Master Plan objectives.” Exhibit 41(a), p. 32. Staff further states that the Master Plan supports the continued existence of the R-90 zone for the Subject Property and surrounding neighborhood and that Private Educational Institutions are allowed by special exception in the R-90 zone. Staff points to the language on page 33 of the Plan recommending

“the continued use, within the existing zoning of large land uses like private schools.” *Id.* Lastly, Staff notes that “these properties are recognized as an important private open space resource, particularly in an area that is largely developed like Bethesda.” *Id.*

E. Proposed Use & Operations

The application proposes to modify Special Exception S-686-D, as amended numerous times since 1950, to renovate and expand the existing Private Educational Institution. The existing (and continuing) special exception holder, The Landon School, is a private, nonsectarian school for boys, operating a Lower School serving grades 3-5, a Middle School serving grades 6-8, and an Upper School serving grades 9-12, with a total enrollment of 680 students with an approved cap of 736 students. Exhibit 41(a), p. 13; T. 21. Mr. Neill, the school's administrator, testified that Landon is “committed to the ethical, intellectual, and personal development of our students...” and the school is “committed to a model we refer to as the teacher coach mentor model, where the teachers are involved in all aspects of the boys' lives at school to help build strong relationship and promote the ends I mentioned above. Ours is a challenging program.” T. 21. Landon also offers a co-ed summer camp for students ages 3 ½ to 17, over 11 one-week sessions between the months of June and August. Exhibit 41(a), p. 13. With regard to the overall operations of the campus, Mr. Neill testified that Landon conducts ongoing academic, athletic, and extracurricular programming daily from late August through early June generally between the hours of 7:30 a.m. to 6:20 p.m. with 190 faculty and staff, and a summer camp from June through August, generally between the hours of 9:00 a.m. to 4:00 p.m. with extended care and a staff of 250 primarily seasonal employees. T. 23. Additional events and activities include Landon's Azalea Festival, performances, and athletic events that may extend into evening hours. *Id.*

Under this application, Landon seeks approval to increase the cap on enrollment for the

Summer Camp from 700 to 1,200 total students with 250 staff in a single session over the 11-week summer camp period between June and August. Exhibit 6. Additionally, Landon requests approval to upgrade and renovate existing buildings and facilities and construct a new school building and student facilities on site in furtherance of a long-term Campus Master Plan. *Id.* Landon does not propose any increase in enrollment for the school during the academic school year. The Campus Master Plan calls for improvements over three “phases” as indicated in Figure 10 below, and summarized as follows:

Phase 0:

- Fence & Welcome Center: Replacement of perimeter chain-link fence along Wilson Lane and replace the existing Security/welcome station with a new one, approximately 200 feet south (closer to the entrance) at the Wilson Lane entrance to campus.

Phase I:

- Arts Center: Renovation of the current Lower School building into an arts center with spaces below used for a maintenance facility.
- Lower School: Renovation of the current Middle School Building into a new Lower School.
- Middle School: Renovation of the current Upper School Building into a new shared Middle School/Upper School Building and student commons.
- The Quad: Creation of a new campus quad with pedestrian paths and play fields surrounded by the academic buildings.
- Upper School: Construction of a new Upper School to serve as the gateway to the academic campus. This will result in the relocation and renovation of Andrews House and the demolition of Torrey Hall.

Phase 2:

- Activities Center: Conversion of the C.W. Lansdale House and associated barn into a new hub of activity with the former being an Alumni Center or related administrative spaces and the latter serving as space to support tennis and swimming and to serve as a large gathering space;
- Amphitheater: General renovation;
- Mondzac Performing Arts Center: Interior and systems renovations;
- Athletic Expansion: Renovation of existing athletics building and expansion to include an indoor field house;
- Baseball fields: Regrading Near Meadows Field and additional berm for spectators;
- Fields: Expansion and upgrade of Gym field to serve as full size turf field. Renovation of Freed field;
- Game Day Plaza: A new plaza to support athletic activities on game days, serve as a staging ground for other outdoor school events, and improve pedestrian safety in the area;
- Perkins Day Care: Potential renovation and conversion of Perkins House to provide day care facilities for staff; and
- Tennis Courts: Relocation of the tennis courts and pool to create a new outdoor athletic complex/tennis club near where current pool is located. Realignment and replacement of turf on Prindle Field and Goddard Field to accommodate this.

Exhibit 41(a), p. 16. Phase 0 does not require approval through the underlying major modification process, and therefore only Phases 1 & 2 are addressed herein.

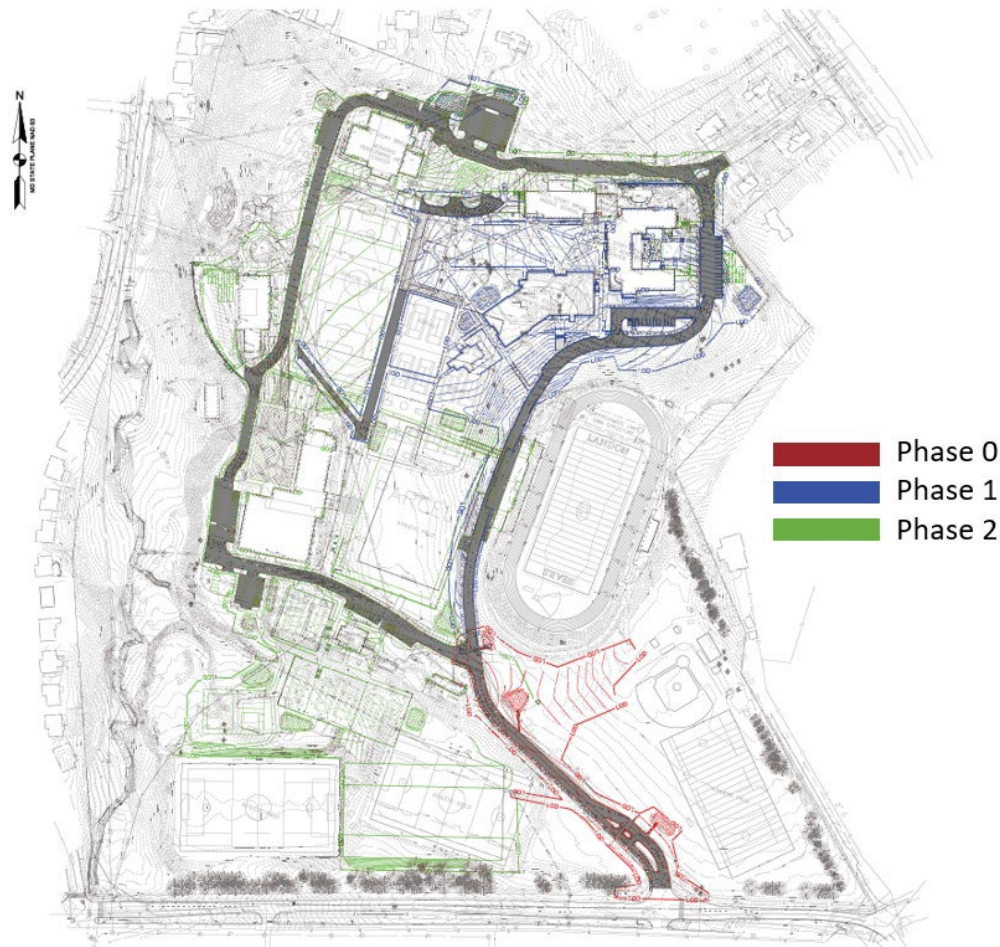
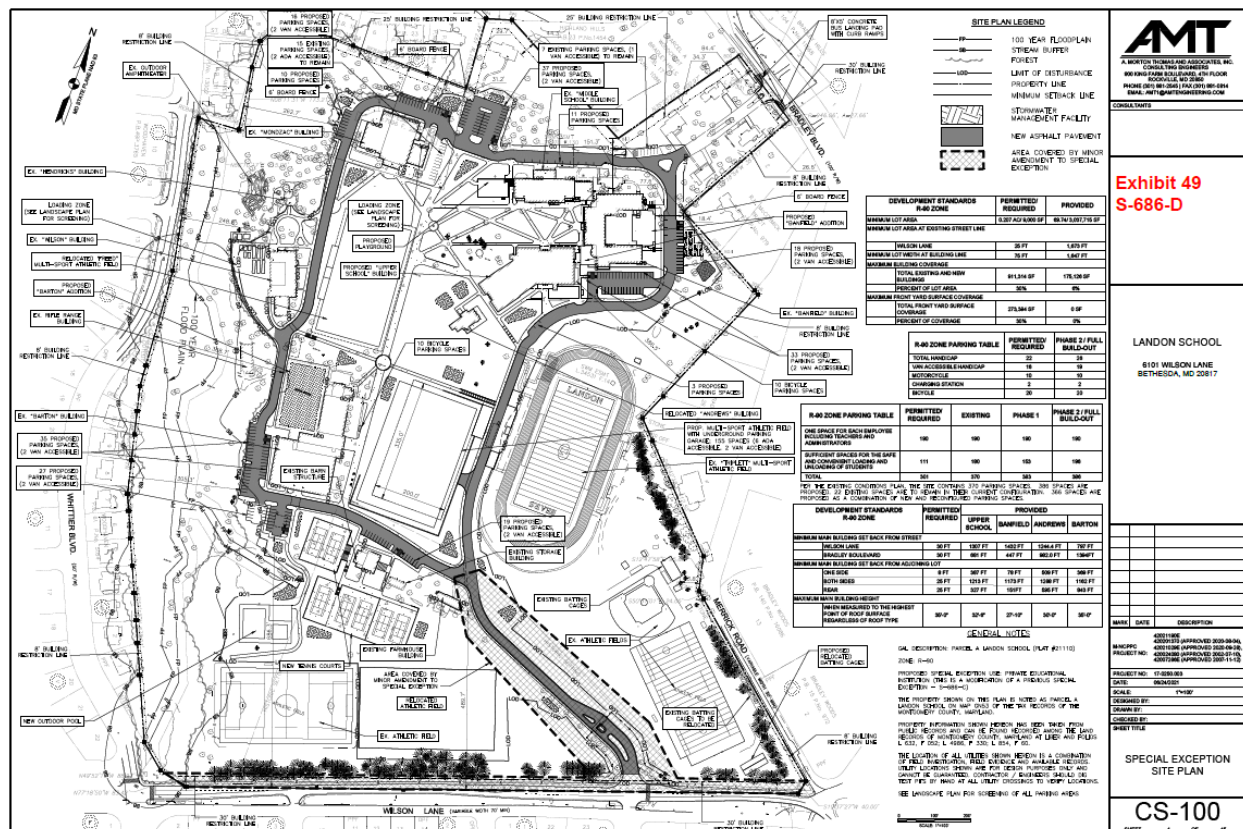


Figure 10: Proposed Phasing of the Landon School Campus Master Plan (site plan)

Mr. Neill testified that the strategic plan as promoted through the Master Plan provides improved safety and security, improved academic spaces, upgrades to and more efficient campus wide systems like HVAC, consolidation of students around an academic core, improvements to green space and landscaping, upgrades to athletic and parking facilities, and an increase in the summer camp enrollment. T. 24. “Following the implementation of the Landon School Campus Master Plan, the total square footage of development on the Property will increase from 244,863 square feet to 361,100 square feet with a future anticipated enrollment of 707 students, which is under the enrollment cap of 736 students.” Exhibit 41(a), p. 17.

Landon's site plan is shown below (Exhibit 49) which illustrates, among other aspects of the proposed renovation, existing and proposed buildings, parking areas, loading and drop off zones, roadways, sidewalks, and vehicular circulation via drive aisles, recreation facilities and athletic fields, setbacks, and various tables indicating the development and parking standards in this R-90 Zone.



Mr. Neill described the phased development plan to include constructing a new upper school, renovating the current upper school to be used as the middle school, moving the lower school out of its current home into the middle school, with the current lower school to become a visual arts building. T. 30. Further, the tennis courts would be moved towards the southern part of the campus by the swimming pool, and both would be upgraded, a turf field would replace the

gym field with parking underneath, and a field house would be added next to the current gymnasium facility. *Id.* With respect to roadways and campus circulation, the current interior road/driveway would be replaced with a loop road, and pedestrian access would be improved with walkways and a campus quad. T. 31. Mr. Neill testified that “there are no operational changes needed for the school itself” under this application. T. 32.

2. Signage

The application does not propose any new signage.

3. Access, Circulation, LATR, and Parking

a. Access & Circulation

Vehicular access to Landon is provided from two existing driveways with the main entrance located on Wilson Lane (MD 188) and a secondary entrance on Bradley Boulevard (MD 191), both public arterials maintained by the Maryland Department of Transportation, State Highway Administration (MDOT SHA). Exhibit 41(a), p. 22. Ms. Wagner, Landon's traffic expert, testified that all vehicles will enter from the south entrance to the campus off of Wilson Lane and will pass through a security gate that will have a through lane for vehicles that are registered on campus. Any vehicle that's not registered on campus will be required to stop at that security gate. T. 118. Ms. Wagner opined that providing two lanes will eliminate delays or queuing onto Wilson Lane. *Id.* Vehicles will proceed in a counter-clockwise direction around the campus with drop-off points for students at their respect Lower, Middle and Upper Schools with bypass lanes for vehicles to proceed safely around temporarily parked vehicles at drop-off locations to allow for unimpeded circulation. *Id.* Vehicles dropping off students at the Middle or Upper School can exit campus onto Bradley Boulevard with a right-turn-only restriction assisted by off-duty police officers that Landon currently utilizes to help vehicles exit the campus. Vehicles

dropping off at the Lower School will continue to circulate around campus and can exit via Bradley Boulevard or Wilson Lane. *Id.* Figures 10 & 11 shown below illustrate the proposed drop-off and pick-up vehicular circulation plans. Exhibit 56, p. 21-22.

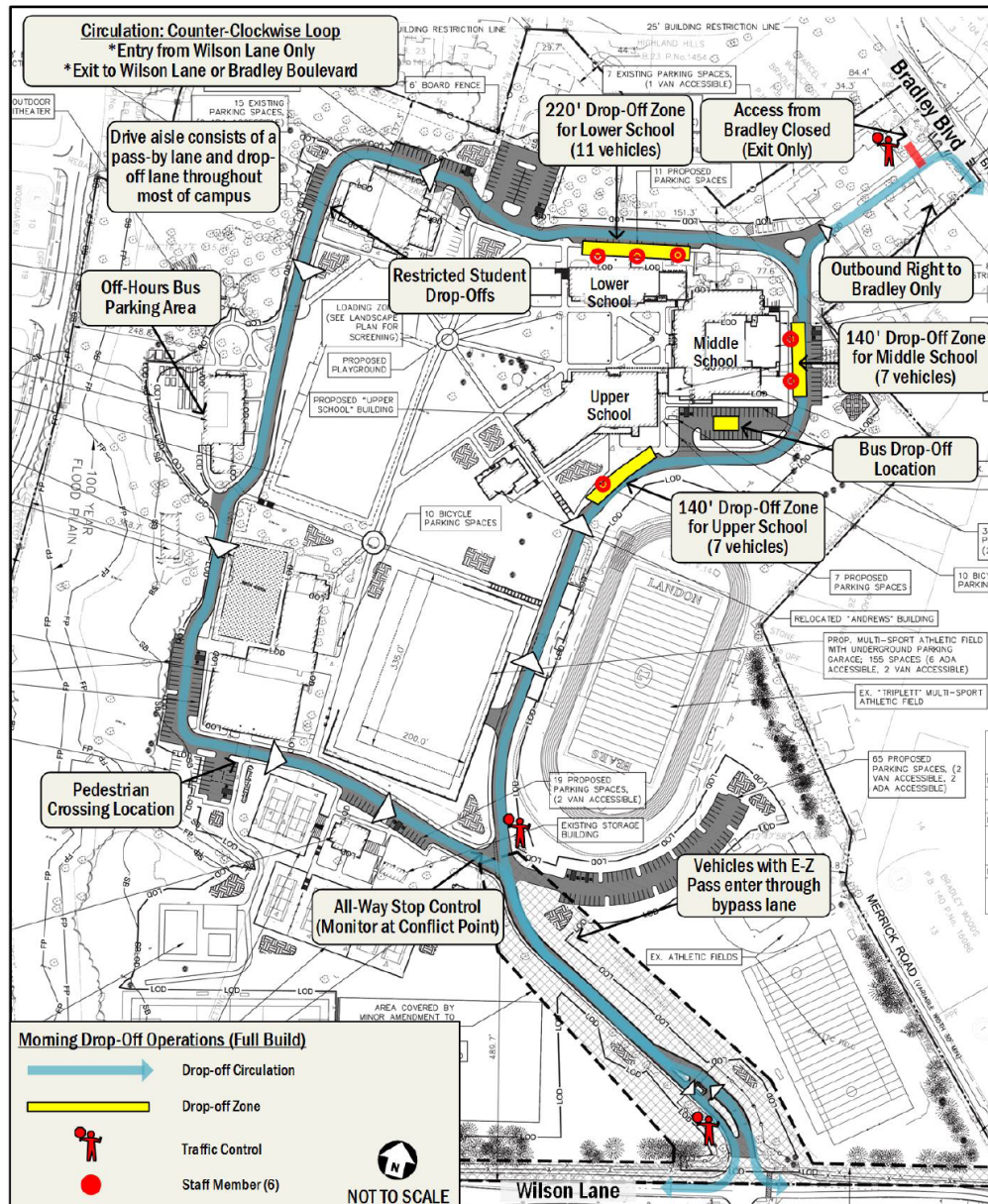


Figure 10: Proposed Morning Drop-Off Operations (Full Build)

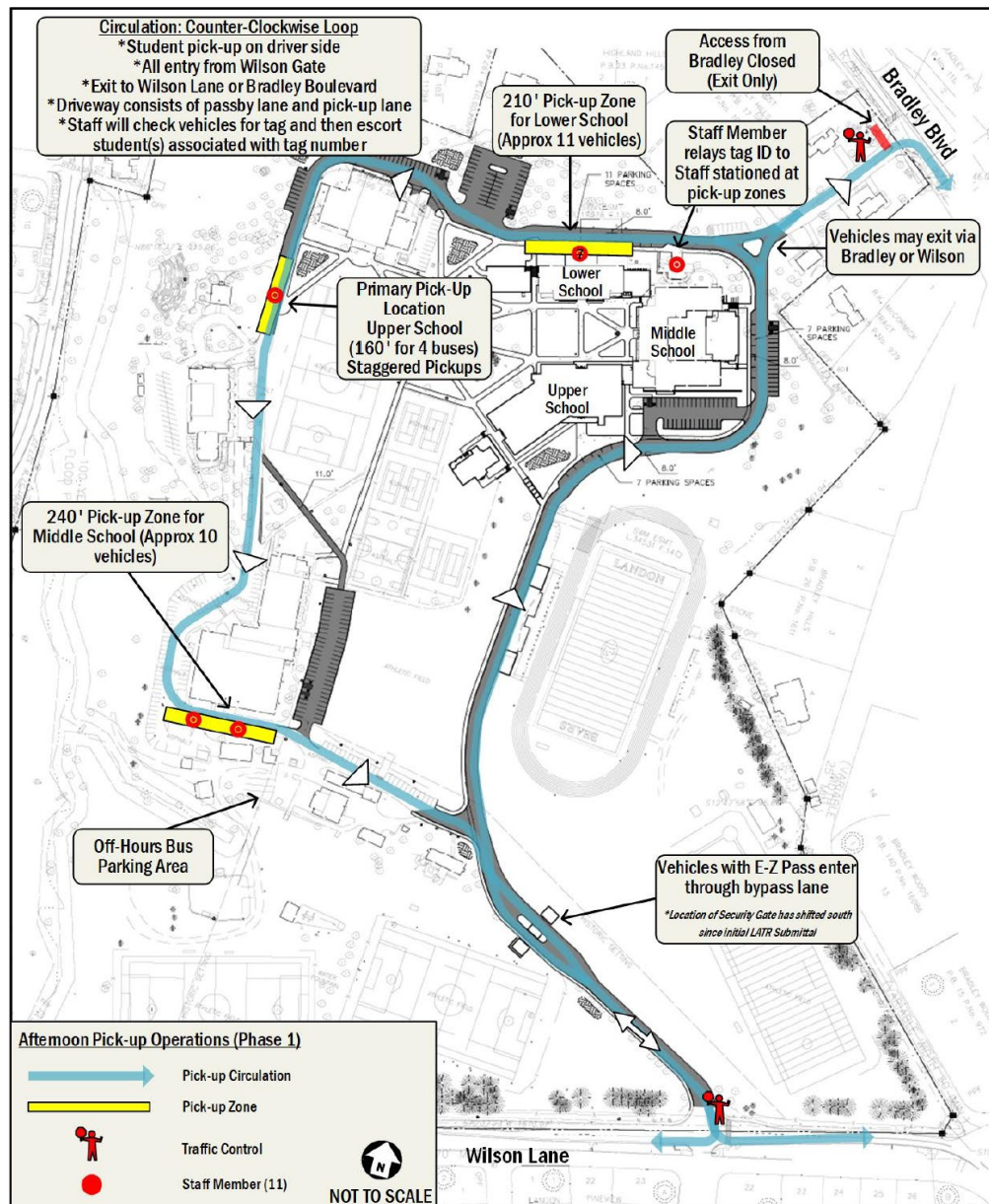


Figure 11: Proposed Afternoon Pick-Up Operations (Phase 1)

According to Staff, pedestrian access to Landon is provided by “the existing sidewalks on Wilson Lane which connect to the larger sidewalk network along Whittier Boulevard to the west and Aberdeen Road to the east.” Exhibit 41(a), p. 22. Landon also fronts partially on Whittier Boulevard, Merrick Road, and Poe Road, which are residential streets owned and maintained by the Montgomery County Department of Transportation (MCDOT). Staff notes that pedestrian access exists on these frontages in the form of informal trails leading to nearby residential areas

but these will be limited and/or eliminated under this application and access will be replaced by designated sidewalks along Wilson Lane and internally throughout the campus. *Id.* Pursuant to the school's Campus Master Plan, Landon states that an internal sidewalk system will be installed throughout the campus connecting to a new quad with pedestrian pathways to allow pedestrians to traverse the campus without potential conflicts with vehicles. T. 116; *See* Figure 16 below. Under this application and pursuant to the School's Campus Master Plan, new designated pick-up and drop-off areas will be established for students and parents. *See* Exhibit 56, pp. 21-22. Ms. Wagner testified that about 16 percent of the student population drives to school, 48 percent of the students are driven by a parent and 14 percent of the students either walk or take transit. 87 percent of staff members drive vehicles to campus and 13 percent of staff use some sort of non-auto transportation to get to campus. T. 122.

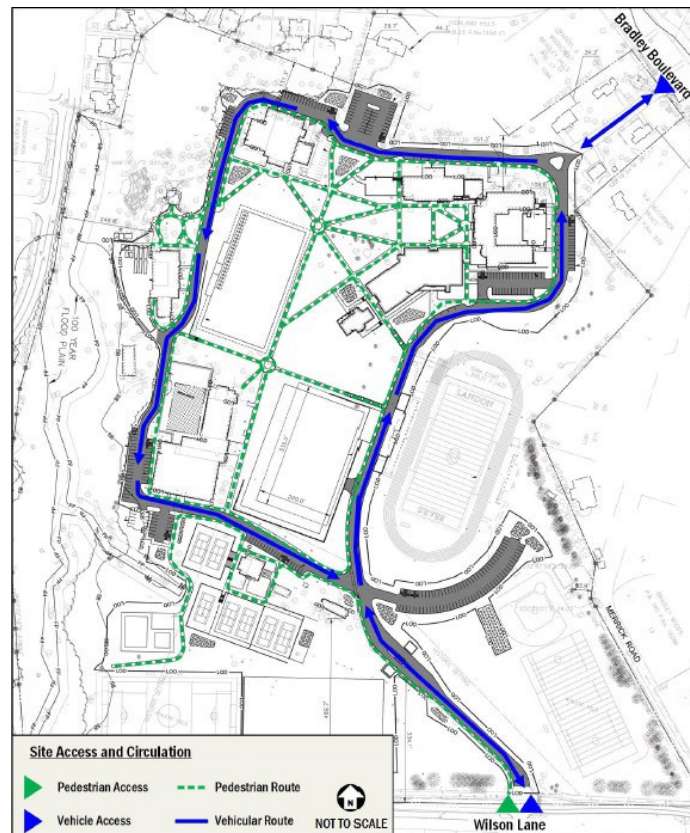


Figure 16: Proposed Site Circulation at Full Build-out of the Campus Master Plan

b. Local Area Transportation Review (LATR)

The underlying application requests to increase the established maximum cap on the summer camp enrollment from 700 to 1,200 campers for any one session offered between June and August. Landon submitted a Traffic Impact Study in compliance with the 2016-2020 Subdivision Staging Policy and 2017 Local Area Transportation Design Guidelines (LATR) to account for the requested increase in capacity. *See* Exhibit 54. For Landon's summer camp program, the trip generation rate was estimated based on driveway counts that captured the total number trips throughout the day, identified the peak travel hour, and tracked the specific modes of travel of each trip into and out of the campus. Exhibit 41(a), p. 35. Staff advises that Planning, MCDOT and MDOT SHA agreed to allow the Applicant to estimate a trip-per-camper rate based on the driveway counts of the most recent summer camp operations. *Id.* The Applicant's traffic study estimates an increase of 230 net new trips in the morning peak hour and -73 net new peak hour trips in the evening peak hour, after "applying a trip credit for the trips generated by the maximum number of students permitted for enrollment during the school year (736), which was previously studied and approved as part of S-686-C." *Id.* Staff explains that the net new trips in the evening peak hour results in a negative number because Summer Camp operations are different from the academic school year in which "a significant number of campers choose to enroll in the morning-only session, leaving in the middle of the day and not during the evening peak hour." *Id.* Therefore, the number of campers leaving in the evening peak hour during the Summer Camp is significantly fewer when compared to students leaving the campus during the evening peak hour of the academic school year.

The traffic study also evaluated a total of 6 intersections in proximity to the Site to evaluate traffic volumes, congestion, and queuing. Exhibit 41(a), pp. 37-39. The traffic study concluded

that “none of the study intersections exceed the congestion standard of 80 seconds” and “that the Total Future scenario will not increase congestion levels beyond the capacity standard, and therefore no mitigation is required.” *Id.* at 40. Ms. Wagner concluded that the proposed modifications to the special exception under this application satisfy the Local Area Transportation (LATR) review guidelines as the changes create no adverse effect on nearby roadway conditions, or pedestrian, and bicycle facilities. T. 130.

c. Parking

The Landon School currently provides 370 surface parking spaces across its campus. Exhibit 41(a), p. 28. Mr. Neill testified that “parking is scattered throughout the campus” including on certain athletic fields and along the existing driveway. T. 28. The completion of the Campus Master Plan, Phase 2, will result in parking being increased from 370 to 386 spaces. Exhibit 41(a), p. 28. Staff notes that “the proposed supply will meet the practical demand of a typical school day, for the typical day during the Summer Camp sessions and meet Zoning Requirements.” *Id.* Staff further advises that “the proposed parking for the site exceeds the minimum required for staff and students, per the County Code.” *Id.*

Mr. Neill testified that student parking in the surrounding community is not permitted and that “no students park in the surrounding communities and if they were to do so, that would be addressed pretty heavily by the institution.” T. 39. Among other parking improvements, Mr. Smith testified that “a new parking lot being introduced adjacent to the east of the new upper school building, and below the existing middle school building, that is probably the largest addition in terms of new parking on the campus as part of this application.” T. 88. Additional parking will also be provided near the relocated tennis courts and athletic facilities and a new underground parking garage in the center of campus underneath the athletic field. T. 91. Mr. Smith further

explained that the redevelopment preserves “the area of the large existing gravel parking lot on campus” and that existing parking around the Mondzac building is being enhanced and modified to head-in parking instead of parallel parking in coordination with neighbors with increased landscaped screening and fencing to address community concerns. T. 89.

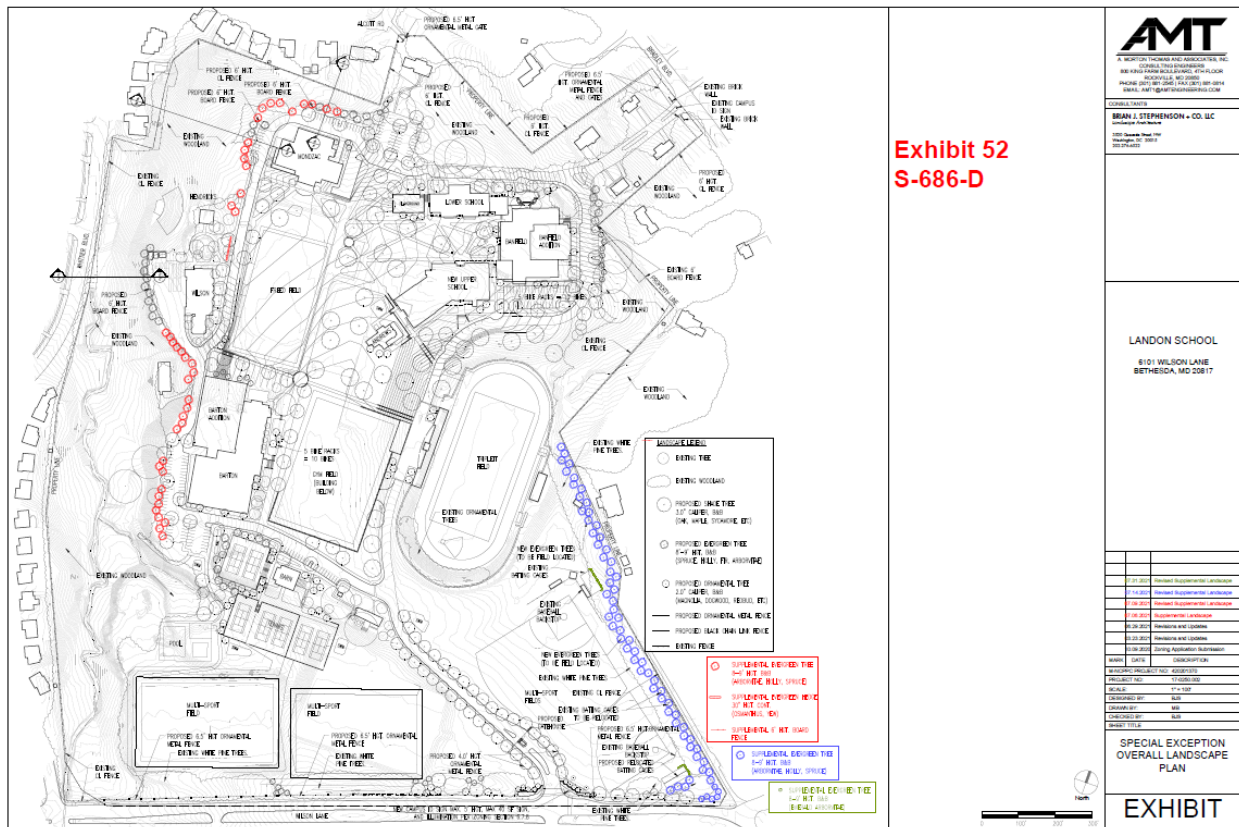
4. Landscaping and Lighting

a. Landscape Plan

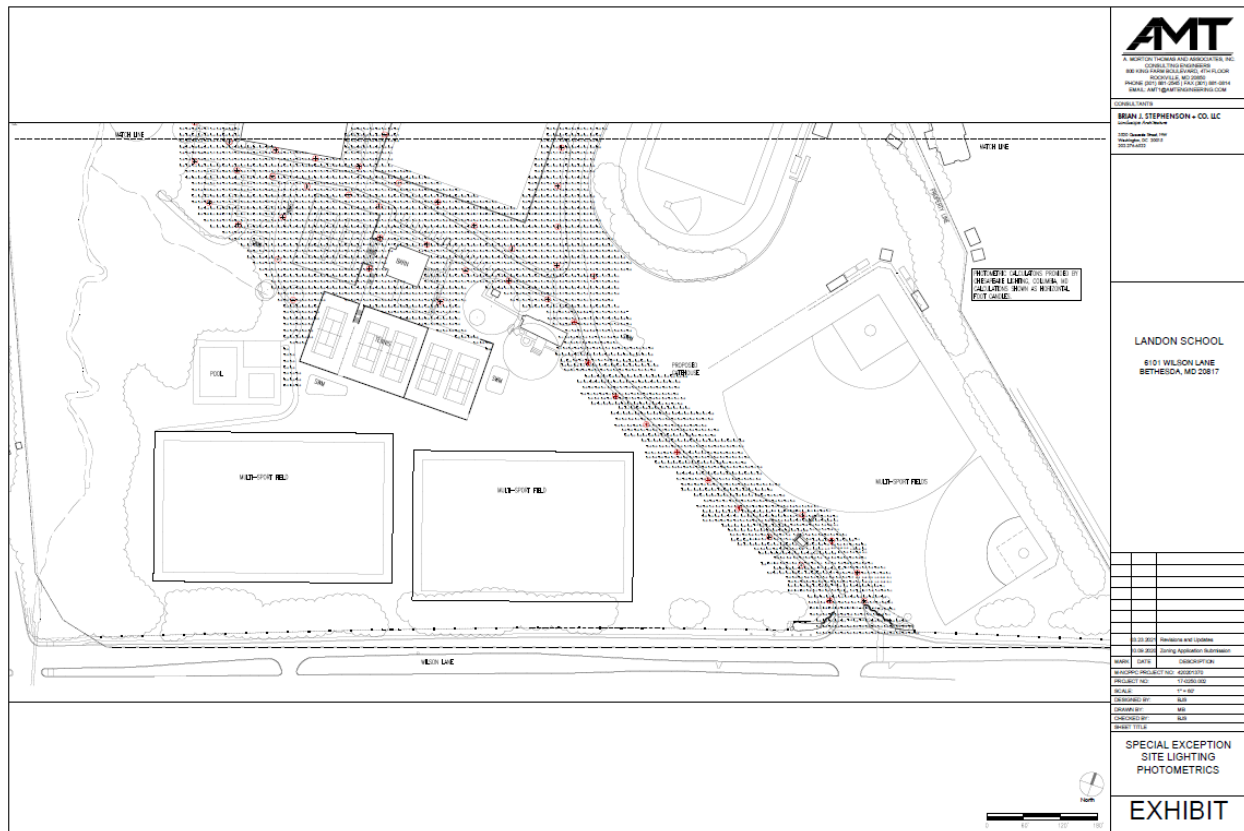
Staff advises that the property is extensively landscaped with trees, shrubs, grass, and flowering plants. Exhibit 41(a), p. 30. The Applicant indicates that impacts to landscaping will be minimized where possible, with the majority of the existing buildings and grounds maintained in their existing condition. Mr. Stephenson, Landon's landscape architect, testified that the approach for landscaping was to “essentially build upon the existing campus landscape while accommodating the new buildings, the road and walkway [sic] changes, and maintaining the character of the site.” T. 135-136. The landscape plan includes “advance replacement or infill replacement of older trees” which are at the end of their natural lives, and “planting the next generation of trees that can take their place as well as adding new shade and evergreen screens in parking [lots], satisfying canopy and interior parking lot requirements under the Zoning Ordinance.” T. 137.

The Applicant further indicates that the proposed renovations, upgrades, and new construction will allow Landon to become compliant with current standards for ADA, stormwater management, circulation and access, and building codes. Mr. Stephenson testified that the Landscape Plan has been revised at the request of community members to further screen school activities including parking activity from the viewshed of neighboring residential homes with supplemental plantings including additional evergreen and edge screening. T. 139; *See* Exhibit

42(c). Further, batting cages were relocated away from the property line along Merrick Road and additional screening is proposed to provide a “green wall” to block the view of the cages from Merrick Road. T. 141. Mr. Stephenson concluded that all development standards for the zoning district and special exception use related to parking, parking lots, landscaping, coverage, screening, and canopy are satisfied under the proposed plan. Applicant's revised summary Landscape Plan is shown below:



location.” Exhibit 41(a), p. 50. Mr. Stephenson, Landon’s landscape architect, testified that lighting provided presents “no impacts to the adjacent community.” T. 135.



Photometric Plan – Exhibit 33(b)

D. Environmental Issues

According to Staff, no forested stream buffer will be impacted by the project, the property is not within a special protection area, and the project will increase the developed area by approximately 25%. Exhibit 41(a), p. 30. Landon applied for and was granted a Forest Conservation Exemption Request (No. 42020129E) on September 28, 2020. Exhibit 30(h). The exemption approval specifies that the Applicant must submit a new Forest Conservation Exemption Application and Tree Save Plan for each construction phase, in order to verify that the construction project is within the limits of disturbance as shown on approved exemption number

42021029E and that the conditions of 22A-5(t)(1) are being met. Landon submitted an updated and approved Natural Resources Inventory (NRI), issued on September 28, 2020. *See* Exhibit 26.

Staff advises that while the underlying application is subject to Chapter 22A Forest Conservation Law, it is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(t)(1) for modification to an existing special exception approved before July 1, 1991. Exhibit 41(a), p. 30. Staff advises that “although many large mature trees will be cut and removed...” the project meets the requirements of Section 22A-5(t)(1) (Forest Conservation Law) for modifications to existing, non-residential developed property in which no more than 5,000 square feet of forest² is cleared, as the modification does not result in the cutting, clearing, or grading of any forest in a stream buffer, does not require the approval of a new subdivision or special exception plan, and does not increase the developed area by more than 50%. Staff opines that, as conditioned, this Application satisfies all requirements of Chapter 22A, Forest Conservation Law. Exhibit 41(a), p. 30. “The proposed project is to be completed in different phases with multiple sediment control permits.” *Id* at 31. Staff further recommends that the Applicant submit a Maintenance and Management Agreement which includes invasive species management/control measures. *Id*.

The site does not currently support any stormwater management facilities. Exhibit 41(a), p. 30. Stormwater management will be provided using Environmental Site Design (ESD) practices to the Maximum Extent Practicable (MEP) including mitigation through micro-bioretenion planters. Exhibit 41(a), p. 31. Landon submitted their Stormwater Management Concept Plan to DPS in July 2020. Exhibit 19. Staff concluded that the application meets the stormwater management requirements of Chapter 19 of the County Code. Exhibit 41(a), p. 31.

² 4,667 square feet of forest will be cleared under the proposed plans. Exhibit 41(a), p. 30.

F. Historic Preservation

Landon states that some of the buildings on the property are historically significant: the C.W. Lansdale House was constructed in the mid-1800s and was designated by the Montgomery County Historic Preservation Commission (the "HPC") as an historic setting/viewshed in 1990. Exhibit 3, p. 3. In 2002, the remainder of the Landon School property was deemed eligible for listing in the Maryland Inventory of Historic Places and the National Register of Historic Places and, collectively, the C.W. Lansdale House and school campus are referred to as the "eligible C.W. Lansdale House/Landon School historical district." *Id.* Other structures have historical significance which are explained in more detail in the Historical Summary and Evaluation, submitted as Exhibit 11. Condition number 21 offered by the Planning Commission and accepted by the Applicant, relates to the agreed to historic preservation of Torrey House through "creative mitigation." T. 61.

F. Community Response

Staff advised that the Head of School, Mr. Neill, attempted to convene the neighborhood liaison committee by reaching out several times to the surrounding neighborhood associations registered in the M-NCPPC contact database but received no response. Exhibit 41(a), p. 56. The Applicant met with adjoining neighbors who had previously expressed interest in campus operations eight times between November 2019 and February of 2020, and met with representatives from the Kenwood Park Neighborhood Group, the Woodhaven neighborhood, and the Burning Tree Village Neighborhood Group. *Id.* Community members expressed concerns about operational and noise impacts associated with the location of campus activities. In response, the Applicant conducted a noise study and met with neighborhood representatives to discuss the results of the study. The Applicant agreed to certain mitigation measures to reduce noise and

traffic concerns including additional screening and moving athletic facilities (e.g. batting cages), among other concessions. *See* Exhibits 42, 42(a), 42(b), and 42(c). These commitments are incorporated into the revised Site Plan and into this recommendation for approval via the conditions of approval in Section IV below. Staff also advises that they received correspondence from the community raising concerns about potential impacts from a new point of access on the Site. As there is no indication in the plans presented under this application of such an addition, it is not addressed below.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A special exception is a zoning device that authorizes certain uses provided that pre-set legislative standards are met. Pre-set legislative standards are both specific and general. The special exception is also evaluated in a site-specific context because there may be locations where it is not appropriate. "The appropriate standard to be used in determining whether a requested special exception would have an adverse effect and, therefore, should be denied, is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception." *Montgomery County v. Butler*, 417 Md. 271, 275 (2010).

Weighing all the testimony and evidence of record under a "preponderance of the evidence" standard (see Code §59-G-1.21(a)), the Hearing Examiner concludes that the proposed special exception, with the conditions recommended at the end of this report, would satisfy all the specific and general requirements for the use and does not present any adverse effects above and beyond those inherently associated with such a use.

A. Standard for Evaluation

The standard for evaluation prescribed in Code § 59-G-1.2.1 requires consideration of the inherent and non-inherent adverse effects of the proposed use, at the proposed location, on nearby properties and the general neighborhood. Inherent adverse effects are “the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations.” Code § 59-G-1.2.1. 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.” *Id.* Non-inherent adverse effects, alone or in conjunction with inherent effects, are a sufficient basis to deny a special exception.

Staff have identified seven characteristics to consider in analyzing inherent and non-inherent effects: size, scale, scope, light, noise, traffic and environment. For this application, analysis of inherent and non-inherent adverse effects must establish what physical and operational characteristics are necessarily associated with the proposed Private Educational Institution and accessory summer camp. Characteristics of the proposed use that are consistent with the characteristics thus identified will be considered inherent adverse effects. Physical and operational characteristics of the proposed use that are not consistent with the characteristics thus identified, or adverse effects created by unusual site conditions, will be considered non-inherent adverse effects. The inherent and non-inherent effects thus identified must be analyzed in the context of the subject property and the general neighborhood to determine whether these effects are acceptable or would create adverse impacts sufficient to result in denial. Staff identified the following inherent generic physical and operational characteristics associated with a Private Educational Institution with accessory summer camp:

...buildings to house student and camper activities, parking for students/campers and staff, pick-up and drop-off areas and times, outdoor play areas and fields, trash removal and deliveries, and sufficient lighting. Exhibit 41(a), p. 41.

Staff found that “the effects of these criteria are minimal and would not create adverse impacts sufficient to result in denial of the Application.” Exhibit 41(a), p. 41. Staff further opined that the inherent aspects of the increased summer camp enrollment at Landon “have been planned and designed to have minimal impact on the neighborhood.” *Id.* Staff notes that adequate parking is provided to accommodate both the school and summer camp program satisfying development standards, buildings and facilities will be substantially distanced from nearby residences with substantial vegetative screening and fencing, and noise associated with outdoor play will be limited to daytime hours during the week and will not begin prior to 8:00 AM. *Id.* Trash collection and deliveries will be relocated to the Wilson Building on the northwestern corner of the campus while some delivery services will remain directed to the Mondzac Performing Arts Building with additional screening for loading and delivery areas. *Id.*

Staff opines that the scale of the proposed renovations and construction of the new Upper School building, an improved internal vehicular circulation system, onsite parking areas, lighting, and general activities and operations described are characteristics typically associated with a Private Educational Institution. Exhibit 41(a), p. 42. Traffic analyses conducted for the proposed internal roadway configuration pursuant to the Campus Master Plan concluded that the Plan “will not have a detrimental impact on the surrounding transportation network” and “the surrounding transportation network can accommodate an enrollment cap of 1,200 summer campers during the Landon School Summer Camp.” Exhibit 10, p. 1. Landon also completed a traffic study in compliance with the 2016-2020 Subdivision Staging Policy and 2017 Local Area Transportation Design Guidelines (LATR) which supported these conclusions. Exhibit 41(a), p. 35. Staff found

that “vehicular and pedestrian movement surrounding the site would be safe, adequate, and efficient.” Exhibit 41(a), p. 42. Lastly, Staff did not identify any non-inherent adverse impacts associated with the proposed modifications. *Id.*

Conclusion: Based on the evidence in the record, the Hearing Examiner finds that the proposed modifications to the existing special exception use are inherent effects that are minimal in nature and do not create adverse impacts to the subject property or to adjacent properties sufficient to warrant denial of the application. The Hearing Examiner further finds that there is no evidence in the record to indicate any non-inherent effects of the proposed modifications to the existing special exception.

B. General Standards

The general standards for a special exception are found in Section 59-G-1.21(a). The Technical Staff Report and the Petitioners' written evidence and testimony provide sufficient evidence that the general standards would be satisfied in this case, as outlined below.

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

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

Conclusion: A Private Educational Institution is permitted as a special exception in the R-90 zone per Zoning Ordinance Section 59-C-1.3 1 (D). The Landon School has had approval for a Special Exception Private Educational Institution use at this property since 1950.

(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.

Conclusion: The proposed use as a Private Educational Institution complies with the standards and requirements set forth for the use in Code §59-G-2.42, as detailed in Part III.C, below.

(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 special exception must be consistent with any recommendation in an approved and adopted 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.

Staff opined that the proposed Special Exception Amendment is consistent with the applicable provisions of the 1990 Bethesda-Chevy Chase Master Plan in that it maintains the current approved special exception use with renovations to achieve Landon's Campus Master Plan goals. Exhibit 41(a), p. 43. Staff further states that the proposed renovations of buildings and athletic facilities remain compatible with the existing use and adjacent residential community by maintaining substantial setbacks buffered and screened by appropriate landscaping where the property directly abuts single family homes. *Id.* Further, Staff advises that the Campus Master Plan retains and protects historic structures including the C.W. Lansdale House as well as a farmhouse, barn, and surrounding grounds and its environmental setting as recommended by the 1990 Bethesda-Chevy Chase Master Plan. *Id.* The school is identified in the Master Plan as a special exception that should continue, "as it is a long-standing stable use within the plan area." Exhibit 41(a), p. 45.

Conclusion: The Hearing Examiner finds that the proposed use as a Private Educational Institution as amended under this application will be consistent with the Master Plan, as did Technical Staff and the Planning Board, for the reasons set forth in Part II.D. of this Report. The existing special

exception is being modified predominantly through campus renovations under this application, with the addition of one new academic building and increased capacity for the existing summer camp program, all consistent with the goals contained in the Plan to maintain this property and its grounds under the current use.

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

The evidence indicates that the proposed renovations and new Upper School building will use design and architectural elements in keeping with the campus's current design and style. Upgrading campus amenities are likewise proposed to fit within the general scheme of the campus Master Plan and enrollment at the school is not proposed to increase as result of the improvements. Internal roadway and pedestrian sidewalks are proposed that Landon asserts will limit vehicle and pedestrian interaction and create a safer and more harmonious campus. On-site parking will be modified to limit parking along internal roadways and provide safer access to school buildings and pick-up/drop-off sites will better accommodate the flow of student access to their respective school buildings. With respect to new construction, Mr. Spack testified that "the buildings are brick, they have sloped roofs which are slate, which are very consistent with the architecture of the campus." T. 65. Mr. Spack further testified that proposed improvements to existing buildings on campus include mostly interior renovations with exterior renovations limited to "replacing conditions that already exist," like façade, "[b]ut the intent is that from a material standpoint, from a massing and scale standpoint, these buildings are very compatible with the existing architecture." *Id.* Ms. Wagner testified that the Campus Master Plan, of which the underlying application implements, "looks to address [the] safety of pedestrians and students on campus and will not have an effect on the transportation networks surrounding the school property." T. 129.

Conclusion: The Hearing Examiner finds that the application satisfies these criteria. Based on the evidence in this record and having no contrary evidence to rebut the evidence and testimony, the Hearing Examiner finds that the proposed renovations and new Upper School building are designed to fit in with existing campus design which remains compatible and in harmony with the general character of the surrounding community. During the academic year, Landon is not proposing an increase in enrollment of students and therefore the intensity and character of activity will not be impacted by the proposed renovations. The increase in enrollment of the summer camp will not substantially impact existing operations to any degree that would render the proposed increase inharmonious with the current campus, the surrounding community, or overall operations especially given the inherent limited time period in which the summer camp program runs.

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

The application primarily proposes renovations to existing buildings and facilities with no increase in enrollment or activity during the academic year, and only a modest increase in enrollment during the limited summer camp program. Mr. Spack testified that the proposed improvements are “compatible with the surrounding structures. And architecturally, have little if any impact on them.” T. 66. Mr. Smith testified that the proposed use is consistent with the existing use with only minor modifications to existing conditions. T. 96. There is no evidence in the record to suggest that renovations, the new Upper School building, upgrading facilities, internal roadways and pedestrian access will be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood. “The changes are modest. While we are increasing the square footage by necessity, we're doing it in a way that is separated

from the perimeter of the campus, and focused on the core [away neighboring properties and public roads].” T. 67.

Conclusion: Due to the limited increased capacity on site (summer camp program only), and the screening, landscaping, stormwater management, and other site elements proposed as evaluated throughout this Report, the evidence supports the conclusion that the proposed use would not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site. The Hearing Examiner finds that that the application satisfies this standard.

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

The application proposes primarily renovations to existing buildings and facilities with no increase in enrollment or activity during the academic year, and only a modest increase in enrollment during the limited summer camp program. There is no evidence in the record to suggest that renovations, the new Upper School building, upgrading facilities, internal roadways and pedestrian access will cause objectional sites, sounds, smells, dust or particulates, light or other similar impacts above and beyond those existing at present and typical of a school campus. The application does not propose an increased intensity of use that would cause objectionable impacts to the property or surrounding properties. Mr. Smith testified that the modifications proposed are “not going to generate any more impact than what's there under the existing conditions.” T. 102.

Conclusion: With site design elements including enhanced screening and landscaping, as well as improved stormwater management and alteration of existing roadways, circulation, and parking areas with enhanced screening, the proposed renovations will cause no objectionable impacts. The Hearing Examiner finds that this standard has been satisfied.

(7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.

The Landon School has operated on this site since 1936, and as a special exception since 1950. The school is identified in the 1990 Bethesda Chevy Chase Master Plan as a special exception that should continue, "as it is a long-standing stable use within the plan area." Exhibit 41(a), p. 45. The application proposes renovations to the existing school and associated summer camp without increasing overall enrollment or capacity consistent with the Master Plan. Mr. Smith testified that there are four other special exceptions in the area, three of which are accessory apartments and one is a home occupation. T. 81.

Conclusion: Based on this record, the Hearing Examiner finds that the underlying application 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. Moreover, the Landon School special exception is expressly identified in the 1990 Bethesda Chevy Chase Master Plan as a special exception that should be continued.

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

The underlying application proposes renovations to modernize buildings and facilities to current standards including ADA compliance and increased vehicular and pedestrian safety by creating a new circulation pattern with additional planned parking areas. Ms. Wagner testified that Landon's campus currently has multiple "conflict points" between vehicles and pedestrians and the implementation of the Campus Master Plan through better vehicle circulation and pedestrian

walkways will increase safety for students, faculty, staff, and visitors. T. 130. The renovations planned will include additional screening and will maintain existing landscaping to the extent possible to support the existing design of the campus. Stormwater mitigation will be added throughout the property where there is currently none, to ameliorate runoff to the surrounding community. Mr. Smith testified that there has not been any development on the campus for a number of years and the proposed enhancement of storm water management facilities on site will result in improved environmental conditions. T. 103.

Conclusion: The evidence supports the conclusion that the proposed use would not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site. Of these, the factors most relevant to this application concern parking, traffic, noise, and environmental quality. The Hearing Examiner finds that the proposed renovations and modifications to circulation, parking, landscaping, and stormwater mitigation will satisfy this standard.

(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.

(i) If the special exception use requires approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of granting the special exception. If the special exception does not require approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Board of Appeals when the special exception is considered. The adequacy of public facilities review must include the Local Area Transportation Review and the Policy Area Review, as required in the applicable Annual Growth Policy.

Staff advises that the Special Exception use is not subject to approval of a future Preliminary Plan of Subdivision. Exhibit 41(a), p. 45. Staff found that the Property is served by adequate public facilities. Exhibit 41(a), p. 45. According to the Traffic Impact Study, the

proposed modifications will not have a detrimental impact on the surrounding transportation network, adequate water category W-1 and sewer category S-1 facilities currently serve the use, the nearest fire station is approximately 2.2 miles away and the nearest police station is approximately 1.9 miles away. *Id.* Both Staff and Landon's traffic engineer, Ms. Wagner, stated that LATR is satisfied for both the modifications proposed under the Campus Master Plan and the increased summer camp enrollment. Exhibit 41(a), pp. 35-79; T. 127-130; *See also* Exhibit 56. Landon also submitted traffic management plans for both the academic year and summer camp programs. Exhibits 53 & 54. The Hearing Examiner finds that the modifications proposed under this application do not increase intensity of use on the site overall during the academic year and the increased enrollment for the summer camp program is nominal.

Conclusion: The Hearing Examiner finds that the property and use will be served by adequate public services and facilities. The property and use are already served by adequate services and facilities and the proposed modifications do not overly burden these services and facilities and the changes proposed do not substantially increase the intensity of use or capacity of the campus.

(ii) With regard to findings relating to public roads, the Board, the Hearing Examiner, or the District Council, as the case may be, must further determine that the proposal will not reduce the safety of vehicular or pedestrian traffic.

The application proposes modifications to the internal circulation of vehicles and pedestrians through new internal road and sidewalks linking up academic buildings, athletic facilities, recreational and arts buildings, with a new campus quad. Staff advises that "The School's Campus Master Plan envisions consolidating the internal roadway network such that forms an outer ring road around the buildings, in a one-way operation, significantly reduces potential conflicts with both pedestrians and other vehicles. The Transportation Impact Study

determined the new internal roadway configuration will not result in queuing on the adjacent roadway networks.” Exhibit 41(a), p. 46.; *See also* Exhibits 54 & 56.

Conclusion: Based on a thorough review of this record, the Hearing Examiner finds that the proposal will not reduce the safety of vehicular or pedestrian traffic.

C. Specific Standards

The specific standards for a Private Educational Institutions are found in §59-G-2.19. The relevant provisions of this section and the Hearing Examiner's findings for each are as follows:

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

(1) the private educational institutional use will not constitute a nuisance because of traffic, number of students, noise, type of physical activity, or any other element which is incompatible with the environment and character of the surrounding neighborhood;

The proposed amendments does not increase overall enrollment during the academic year and with the exception of new construction for a new Upper School building, the remaining modifications consist of renovations to existing buildings, athletic, recreation, and arts facilities, along with a modest increase in summer camp enrollment capacity. Consequently, as existing school operations do not constitute a nuisance because of traffic, number of students, noise, type of physical activity, or any other element, the requested modifications likewise will not constitute a nuisance under these standards.

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

Staff opines that the proposed renovations and infill development have been “carefully designed to be architecturally compatible with the surrounding area.” Exhibit 41(a), p. 51. Staff also states that the property’s large size of nearly 70 acres allows buildings to be set back from property lines with substantial screening to mitigate any design elements “perceived as incompatible with the surrounding neighborhood.” *Id.*

(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 and Landon identified four other special exceptions in the surrounded neighborhood which consisted of accessory dwelling units and a home occupation, none of which singularly or in combination with the proposed modifications to the school will result in any adverse changes to the character or future development of the surrounding residential community. As the proposed modifications to the campus primarily renovate, modernize, and improve upon existing buildings and facilities, the Hearing Examiner finds that this standard is satisfied.

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

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

1. Traffic patterns, including:

- a) Impact of increased traffic on residential streets;**
- b) Proximity to arterial roads and major highways;**
- c) Provision of measures for Transportation Demand Management as defined in Section 42A-21 of the Montgomery County Code;**
- d) Adequacy of drop-off and pick-up areas for all programs and events, including on-site stacking space and traffic control to effectively deter queues of waiting vehicles from spilling over onto adjacent streets; and**

2. Noise or type of physical activity;

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

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

5. Density greater than 87 pupils per acre may be permitted only if the Board finds that (i) the program of instruction, special characteristics of students, or other circumstances justify reduced space and facility requirements; (ii) the additional density will not adversely affect adjacent properties; (iii) additional traffic generated by the additional density will not adversely affect the surrounding streets.

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. As shown on the site plan the existing and proposed locations of athletic facilities are well set back from the property lines. Further, as shown on the Landscape Plan, adequate buffers will be provided where athletic facilities may be visible to adjacent residential properties. A 6-foot fence is proposed, surrounding the property which also helps to provide screening of activities on school grounds from the adjacent properties.

(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.

(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.

(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.

(1) 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.

Staff advises that the surrounding community is zoned R-90 and contains moderate density residential uses, as well as other educational institutions. Exhibit 41(a), p. 53. Current enrollment for the Landon School during the academic year is already established at 736 pupils from prior Board approval and is not proposed to increase under this application.

Staff further advises that since 2002 Landon "has implemented a Transportation Management Plan during the academic school year and continues to take measures to reduce the number of cars traveling to and from the Property each day." Exhibit 41(a), p. 52. Landon submitted a new Summer Camp Transportation Management Plan with the underlying application which includes three (3) components: (1) the minimization of vehicular traffic; (2) the management

of on-site traffic; and (3) the distribution of traffic away from the surrounding roadways' peak hours. Exhibit 53, p. 1. Staff reviewed The Landon School's Campus Master Plan which includes the implementation of designated pick-up and drop-off areas and found that the Plan "will create predictable behavior, reduce queuing, and reduce time spent on campus during the pick-up and drop-off periods." Exhibit 41(a), p. 52. Ms. Wagner testified that the Campus Master Plan, of which the underlying application implements, "looks to address [the] safety of pedestrians and students on campus and will not have an effect on the transportation networks surrounding the school property." T. 129. While Landon's educational campus and summer camp program will certainly produce noises associated with a school and a summer camp, Staff found that those noises would be mitigated by ample setbacks from all property lines, as well as adequate buffering and vegetative screening. Exhibit 41(a), p. 53.

According to Staff, the campus topography varies in elevation with large flat areas spread throughout the campus to accommodate athletic fields and campus activities with forested, steep slopes associated with the stream valley running along the west side of campus. Exhibit 41(a), p. 53. The campus generally sits at a higher elevation than the surrounding properties and contains a drainage divide that runs from north to south through its center. *Id.* Stormwater runoff from the campus generally drains to the east to a shallow stream or to the west to the existing stream valley and ultimately drains to the north and west towards Bulls Run and then Cabin John Creek. Staff notes that the proposed development will focus on the existing developed areas of campus and will not alter the existing natural drainage divide running through the center of campus. Minor grading improvements are proposed, however, to accommodate the new development while providing ADA compliant access and improved drainage to new stormwater management facilities.

There is no request to increase enrollment under the subject application, and with the approved enrollment cap in effect of 736 maximum students, the Special Exception will continue to provide only 10.5 students per acre, substantially below the threshold enrollment of 87 pupils per acre. Exhibit 41(a), p. 53. The subject application does request an expansion of Summer Camp enrollment to a maximum of 1,200 campers, which would still only provide 17 students per acre, again, below the threshold number.

The underlying application includes a phased development plan for the Landon School campus regarding academic, athletic, recreational, and arts buildings and facilities but also includes a request to increase the total enrollment of the existing summer camp program to 1,200 campers. There is no evidence in the record to indicate that the summer camp program in combination with other activities of the school, will have an adverse effect on the surrounding neighborhood due to traffic, noise, lighting, or parking, or the intensity, frequency, or duration of activities. Traffic Management Plans are in place for both academic and summer terms and hours of operation along with daily operations of the school and camp will remain consistent with existing operations.

The Applicant submitted a site plan showing the full build-out in all three phases of the Campus Master Plan. Exhibit 49. Staff advises that the site plan demonstrates compliance with all development standards in Section 59-C-1.32. Exhibit 41(a), p. 55. The existing buildings to be renovated and the new Upper School building are located throughout the property but are not located on the periphery where they can be seen by neighboring lots or public roads due to the setbacks and dense vegetation around the perimeter of the property. *Id.* Following review, Staff found that “there will be no adverse effects on the surrounding community.” Exhibit 41(a), p. 55.

As shown on the site plan, the existing and proposed locations of athletic facilities are well set back from the property lines and adequate buffers will be provided where athletic facilities may be visible to adjacent residential properties including a proposed 6-foot tall fence surrounding the property for additional screening. *Id.*; *See* Exhibit 49.

D. Development Standards

In addition to the general and specific special exception standards, special exception uses must also meet all requirements of the underlying zone, in this case, the R-90 Zone, as required by Section 59-G-1.23. These standards, along with the Hearing Examiner's findings on each standard, are set forth below:

(a) Development Standards.

Special exceptions are subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in Section G-1.23 or in Section G-2 [private educational institutions].

Staff found that the proposed modifications to existing buildings, the new Upper School building, parking, and all other aspects of this application meet the Development Standards for the R-90 zone, as previously approved by the Board of Appeals (Case 927). Exhibit 41(a), p. 46. According to Staff, the parcel was recorded in 1999 as an irregularly shaped 69.74-acre site. *Id.* The following table, marked as Table 4 in the Technical Staff Report but reproduced below as Table 4 (part 1) and Table 4 (part 2), summarize development standards for the proposed use and development (Exhibit 41(a), p. 47). Mr. Smith testified that the proposed redevelopment complies with all development standards of the R-90 zone.

Table 4 – Part 1

Table 4: R-90 Zone Data Table¹		
	Required/ Approved	Proposed
Lot Area (SF/ Acres)	9,000 (0.20)	3,037,715 (69.74)
Minimum Lot Width at Existing Street Line		
Wilson Lane	25 feet	1,673 feet
Minimum width at Building Line	75 feet	1,647 feet
Maximum Lot Coverage	911,315 square feet 30%	175,126 square feet 6%
Building Setback Requirements, min.¹		
Upper School		
Street (Wilson Lane)	30 feet	1,307 feet
Street (Bradley Boulevard)	30 feet	681 feet
Side	One side: 8 feet	387 feet
Sum of both Sides	25 feet	1,213 feet
Rear	25 feet	327 feet
Banfield Building		
Street (Wilson Lane)	30 feet	1,432 feet
Street (Bradley Boulevard)	30 feet	447 feet
Side	One side: 8 feet	78 feet
Sum of both Sides	25 feet	1,173 feet
Rear	25 feet	151 feet
Andrews Building		
Street (Wilson Lane)	30 feet	1,244 feet
Street (Bradley Boulevard)	30 feet	982 feet
Side	One side: 8 feet	509 feet
Sum of both Sides	25 feet	1,288 feet
Rear	25 feet	595 feet
Barton Building		
Street (Wilson Lane)	30 feet	797 feet
Street (Bradley Boulevard)	30 feet	1,394 feet
Side	One side: 8 feet	369 feet
Sum of both Sides	25 feet	1,162 feet
Rear	25 feet	843 feet

¹ Section 59-C-1.32 Development Standards

¹ All buildings are treated as main buildings. All buildings included in the table are either modified or will be new construction as a result of approval of the Application.

Table 4 – Part 2

Table 4: R-90 Zone Data Table Contd.		
	Required/ Approved	Proposed
Building Height, max.		
Upper School	35 feet	35 feet
Banfield Building	35 feet	28 feet
Andrews Building	35 feet	30 feet
Barton Building	35 feet	35 feet
Building Coverage, max.	35%	6% (175,126 square feet)
Parking		
Vehicle		
Employees	190 spaces ³	190 spaces
Students	111 spaces	283 spaces
Total	301 spaces	461 spaces ⁴
Bicycle	20 spaces	20 spaces
Motorcycle	10 spaces	10 spaces
Loading	1 space	2 spaces ⁵

³ 1 space for each staff member including teachers and administrators and 0.25 spaces per pupil aged 16 and older.

⁴ This includes a total of 26 ADA spaces (19 van accessible) and 2 charging stations for electric vehicles

⁵ These loading spaces exist on the campus today. No changes are proposed as part of the Application.

(b) Parking requirements.

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

The provisions of Section 59-E-2.83 state:

Parking and Loading facility standards apply to an off-street parking facility for a special exception use that is located in a one-family residential zone if 3 or more parking spaces are provided. These standards are intended to mitigate potential adverse visual, noise, and environmental impacts of parking facilities on adjacent properties. In addition, these requirements improve the compatibility and attractiveness of parking facilities, promote pedestrian-friendly streets, and provide relief from unshaded paved areas. These provisions are as follows:

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

The proposed parking areas are located throughout the site adjacent to campus buildings and are not visible from any public road frontage. Exhibit 41(a), p. 48. The campus currently enjoys dense, mature planted vegetation and semi-forested buffers surrounding much of the perimeter and throughout the campus to further screen parking areas from view of adjacent properties and public roads. *See* Exhibit 52. The Hearing Examiner finds that this standard is satisfied.

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.

All setbacks meet or exceed ordinance requirement under this application. *See* Table 4 above. The Hearing Examiner finds that this standard is satisfied.

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

and loading facility must be at least 3 feet high and consist of evergreen landscaping, a solid wood fence, or masonry wall.

According to Staff, parking and loading facilities will be sited away from the street right-of-way and designed to be effectively screened from abutting lots through the use of a mix of ornamental, evergreen and shade trees, shrubs, and perennials. Exhibit 41(a), p. 49. The Applicant revised their landscape plan several times prior to the hearing at the request of neighboring property owners to more effectively mitigate sight and sounds. Exhibits 42(c) and 45; *See* Exhibit 52. The Hearing Examiner finds that this standard is satisfied.

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

According to Staff, that Zoning Ordinance requires a minimum of 30% of the paved area be shaded, requiring a minimum of 24,550 square feet of canopy coverage for this property. Exhibit 41(a), p. 49. The Applicant proposes 28,391 square feet of mature tree canopy, satisfying this requirement. *Id.* The Hearing Examiner finds that this standard is satisfied.

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

Staff advises that the proposed increase of 18 vehicular spaces across all three phases of proposed development do not result of an enlargement of 50% or more of the total parking area. Exhibit 41(a), p. 49. Therefore, this provision is not applicable to this application.

(c) Minimum frontage. "In the following special exceptions, the Board may waive the requirements for a minimum frontage at the street line if the Board finds that the facilities for ingress and egress of vehicular traffic are adequate to meet the requirements of section 59-G-1.21: (1) Rifle, pistol and skeet-shooting range, outdoor..."

This provision is not applicable to the proposed special exception use.

(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.

This application is subject to Chapter 22A of the Forest Conservation law. Landon submitted a Forest Conservation Exemption request and was approved on September 28, 2020. Exhibit 30(h). Along with their exemption request, the Applicant submitted a simplified Natural Resources Inventory and Forest Stand Delineation (NRI/FSD) as the proposal is a modification to an existing, developed, non-residential property, which was approved on August 4, 2020. Exhibit 30(f). In approving the Forest Conservation Exemption, Planning found that 4,667 square feet of forest is to be cleared, increasing the developed area by 25%, in compliance with Chapter 22A. *Id.* The Hearing Examiner finds that this standard is satisfied.

(e) Water quality plan.

Staff advises that this provision is not applicable to this application, as the property is not in a Special Protection Area (SPA). Exhibit 30(h), p. 1; Exhibit 41(a), p. 50.

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

New signs are not proposed under this application.

(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.

Staff opined that the design proposed for renovation, new structures, and infill “respects the existing architecture by maintaining the rhythm of façades, materials, massing, scale and color.” Exhibit 41(a), p. 50. Staff further advises that the renovated building new infill proposed

are "internal to the Site and not visible from the public rights-of-way." *Id.* The Hearing Examiner finds that this standard is satisfied.

(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.

Landon's lighting and photometric plan indicates that lighting levels will not exceed the 0.1 footcandles permitted under Section 59-G-1.23(h) of the Zoning Ordinance. Exhibit 33(b). Staff found that lighting was appropriate and complied with Ordinance requirements as depicted in the lighting and photometric plan. Exhibit 41(a), p. 50. Mr. Smith testified that lighting will not emanate onto adjacent properties because of the substantial distance between campus buildings and facilities and neighboring properties and the significant existing landscape buffers and enhanced screening that will remain or be supplemented at the completion of all phases of development. T. 102. Based on this record and as conditioned below, the Hearing Examiner finds that this standard is satisfied.

IV. Conclusion and Recommendation

Accordingly, based on the foregoing findings and conclusions and a thorough review of the entire record, I recommend that the requested modification to S-686-D, which requests the renovation and expansion of a special exception (Private Educational Institution) held by The Landon School located at 6101 Wilson Lane, in Bethesda, Maryland, in the R-90 Zone, be **granted with the following conditions:**

1. The Private Educational Institutional special exception use is granted to the Landon School ("School" or the "Applicant") and does not run with the land.
2. The Private Educational Institution is limited to the following:

- a. A maximum total gross floor area of 361,100 square feet;
 - b. A maximum enrollment during the academic school year of 736 students and 190 staff (including teachers, administrators, janitorial staff, etc.).
 - c. A maximum enrollment during the summer camp (11 weeks, June-August) of 1,200 campers and 250 staff (including counselors, administrators, janitorial staff, etc.).
3. Hours of operation for the Subject Special Exception Amendment for the Landon School will be limited as follows (summer camp addressed in Condition No. 17):
 - a. Academic Schools days, including before-school and after-school care, Monday through Friday from 7:30 AM to 6:20 PM.
 - b. Special events, on weekends or outside peak travel hours on weekdays (6:30 AM – 9:30 AM and 4:00 PM – 7:00 PM) include but are not limited to:
 - i. Athletic events
 - ii. Theatrical Performances
 - iii. Parent-teacher Conferences
 - iv. Homecoming (traditionally in October)
 - v. Holiday Market (traditionally in December)
 - vi. Azalea Festival (traditionally in May)
 - vii. Graduation (traditionally in May)
4. The Applicant must dedicate along Wilson Lane (MD 188), in a form acceptable to the Maryland State Highway Administration, the necessary right-of-way to provide a width of 40 feet of dedicated right-of way between the property line and right-of-way centerline in support of the master-planned right-of-way of 80 feet, total.
5. Prior to any above-ground building permit for Phase I improvements the Applicant will be required to install a concrete pad for the eastbound bus stop located on the Site frontage on Bradley Boulevard to meet Americans with Disabilities Act (ADA) accessibility design guidelines (8-foot by 5-foot concrete pad).
6. During the school year (September – June), entry from Bradley Boulevard during the morning drop-off period (7:30 AM – 8:10 AM) for parents or guardians will be restricted, and all parents and guardians will enter the Site from Wilson Lane. Staff, deliveries and other authorized vehicles will be permitted entry from Bradley Boulevard during this period by the vehicular security gate equipped with a readable sensor to allow registered vehicles access.
7. No vehicles may queue on the adjacent public streets while accessing the Site at any time.
8. The Landon School will continue to implement the previously approved Transportation Management Plan during the academic school year (S-686-C, 2002).
9. The Landon School shall keep the indoor rifle range building maintained in a state of good repair (both structurally and aesthetically) such that the appearance of the cinder block may be made as attractive as possible.
10. Parking:
 - a. The Applicant must provide a minimum of 301 and not to exceed 386 total vehicle parking spaces on-site at full build-out:

- i. One parking space for each employee (includes teachers, administrators, janitorial staff, etc.).
 - ii. 0.25 parking spaces for all students in grades 9-12 or aged 16 and older.
- b. All on-site parking facilities must be set back at least 25 feet from the rear property line and at least 16 feet from any side property line.
- c. The Applicant must provide at least 20 short-term bicycle parking spaces on-site in compliance with the Montgomery County Bicycle Parking Design Guidelines.
- 11. Landscaping and Screening. Site landscaping and perimeter screening must be provided in accordance with the Special Exception Landscape Plan.
- 12. Lighting:
 - a. All new onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
 - b. All new onsite down-lights must have full cut-off or BUG-equivalent fixtures.
 - c. Deflectors will be installed on all new fixtures to prevent excess illumination and glare.
 - d. Illumination levels generated from on-site lighting must not exceed 0.1 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
- 13. The Applicant must comply with all tree-protection and tree-save measures shown on the approved Tree Save Plan for each phase of the Landon School Campus Master Plan (site plan). Tree-save measures not specified on the Tree Save Plan may be required by the M-NCPPC Forest Conservation Inspection Staff. A Tree Save Plan Submission will be required for all future land disturbing activities.
- 14. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit a five-year Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest clearing areas as shown on the Tree Save Plan. The MMA includes invasive species management control measures. All proposed measures should be chosen with consideration of the proximity to nearby streams and other environmentally sensitive areas. The use of herbicides should be avoided where possible.
- 15. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- 16. The Applicant must comply with the Montgomery County Department of Permitting Services requirements for stormwater management prior to the release of Sediment and Erosion Control permits.
- 17. Summer Camp:
 - a. The Summer Camp is limited to a maximum registration of 1,200 campers and 250 staff during any of the sessions during the 11-week operational period between June and August.
 - b. Campers and staff may be on-site from 7:45 AM to 6:10 PM weekdays, including before-and after-camp care, with the main camp operating from 9:00 AM to 4:00 PM.

- c. No outdoor group activities for groups of more than 25 during the summer camp sessions will occur within 30 feet of Site's property line.
 - d. Noise associated with outdoor play will be limited to daytime hours during the week and will not begin prior to 8:00 AM.
 - e. The Landon School will implement the new, distinct Summer Camp Transportation Management Plan (TMP) during the 11-week sessions between June and August. Important elements of Summer Camp TMP include:
 - i. The Landon School will appoint a Transportation Coordinator responsible for coordinating and managing carpools and private bus routes and for the purpose of reducing motor vehicle trips to and from the Site.
 - ii. The Landon School will operate at least 4 private neighborhood/regional bus routes to reduce vehicle trips to and from the Site.
 - iii. The Landon School will continue to commission off-duty police officers at the Wilson Lane and Bradley Boulevard entrances to assist with egress transportation operations.
 - iv. The Landon School's events scheduler will ensure that activities on campus are organized so that they avoid traffic movements during peak travel periods (6:30 AM – 9:30 AM, 4:00 PM-7:00 PM).
 - v. The Landon School Summer Camp staff will be instructed to commute to and from the Site outside of the morning drop-off peak hour (7:15 -8:15 AM) and the afternoon pickup peak hour (4:30 PM – 5:30 PM).
18. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (MCDOT), in their letters dated January 25, 2021 and April 14, 2021 and hereby incorporates them as conditions of approval, except conditions 1,2,4, and 10 of the April 14, 2021 letter pertaining to right-of-way dedications and undergrounding utilities on along the Site frontages. The Applicant must comply with each of the recommendations as set forth in the letters, which MCDOT may amend if the amendments do not conflict with other conditions of Special Exception Amendment approval.
19. The Planning Board has reviewed and accepts the recommendations of the Maryland Department of Transportation State Highway Administration (MDOT SHA), in its letter dated May 14, 2021 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MDOT SHA may amend if the amendments do not conflict with other conditions of Special Exception Amendment approval.
20. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated June 8, 2021, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Special Exception Amendment approval.
21. Prior to submission of the demolition permit for the Torrey House, the applicant shall submit to the Historic Preservation Office a mitigation plan that incorporates educational opportunities with historic preservation efforts. This could be a

multidisciplinary approach involving students with varying background and interests and supervision from educators and experienced professionals and should incorporate at least one of the suggestions offered by the Historic Preservation Commission in their May 9, 2021 letter to the Planning Board. The Historic Preservation Office will comment on the proposed plans within 10 business days of submission. Final copies of any deliverables, including but not limited to documentation, oral histories, or student projects should be offered to the Historic Preservation Office to be filed with the property records for the Master Plan Historic Site.

22. During drop-off and pick-up, motorists will be routed one-way, in a counter-clockwise direction, around the campus loop road.
23. The Landon School will back busses into parking spaces on the Site in the afternoon/evenings such that they will not beep when leaving in the morning.
24. The Landon School will construct 6-foot high fence between the parking spaces and the private residences along Alcott Road, adjacent to the Mondzac building, to block noise and headlights from cars parking.
25. The Landon School will communicate to contractors that they are not to use Whittier Boulevard for staging or access to the school campus. The Landon School will also communicate to contractors that they are avoid use of Whittier Boulevard when traveling to and from the campus.
26. The Landon will limit exterior construction activity to 7:00 am – 8:00 pm during the week and 9:00 am to 8:00 pm on Saturdays. Later hours will be limited to specific events like concrete pours or potential weather delay work.
27. Landon will limit the use of regular maintenance equipment (i.e. electric leaf blowers, mowers and snow blowers) to the hours between 7:00 am and 7:00 pm for and will communicate, as appropriate, regarding times after 8:00 am when extended use of louder machines (e.g. gas powered leaf blowers and chain saws) may be necessary.
28. Prior to obtaining the first building permit, The Landon School will provide neighbors with an email or telephone contact to timely address any community concerns from operations

LANDON CONDITION AS A COMMITMENT TO MERRICK ROAD NEIGHBORS

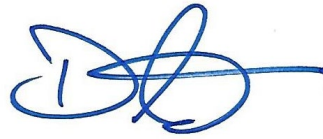
29. No paved parking in the area between the football stadium and baseball field is permitted.

LANDON CONDITIONS REFLECTING COMMITMENTS TO THE WOODHAVEN COMMUNITY

30. Landon will allow for two-way traffic along the southern portion of the loop road at all times, such that students and others who park in the gym parking lot will not need to drive around the entire loop road.
31. Expansion of Barton Athletic Center will consist of an approximately 25,250 square foot covered addition no higher than the current building. The addition will be architecturally compatible with the character of the existing campus and the west

- facade will be designed to mitigate, and potentially reduce, the impact of interior lighting on that side of campus.
32. Landon will set up a community access portal on its website that allows neighbors to sign up for the receipt of Landon communications, which shall include notice of upcoming school, construction and/or unusual noise events.

Issued this 9th day of September 2021.



Derek J. Baumgardner
Hearing Examiner