

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY, MARYLAND

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:
PETITION OF LITTLE GENIUS :
MONTESSORI CENTER : Case No. SE 11-02-A
:
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A hearing in the above-entitled matter was held on September 6, 2013, commencing at 9:34 a.m., at the Office of Zoning and Administrative Hearings, 100 Maryland Avenue, Rita Davidson Memorial Hearing Room, Rockville, Maryland 20850 before:

Martin L. Grossman
Hearing Examiner

A P P E A R A N C E S

On Behalf of the Petitioner:

Mike Zhang

On Behalf of the Opposition:

James Green, Esq.

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* * * * *

Patricia McHugh		
By Ms. Zhang	80	81
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* * * * *

E X H I B I T S

Exhibit No.		Marked/Received
106	Summary of results of Survey of parents	19, 153
107	Petition for Enforcement	29, 153
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109	E-mail to Petitioner	29, 153
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* * * * *

Witnesses:	Direct	Cross	Redirect	Recross
Margaret Zhang	12			
By Mr. Green		20/114		
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Jane Lee	37			
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Liliana Simon	50			
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By Mr. Green				

1 PROCEEDINGS

2 MR. GROSSMAN: This is a public hearing in the

3 matter of Margaret Zhang, OZAH No. SE 11-02-A, request for

4 modification of the child care center special exception

5 granted on May 4, 2011, pursuant to Zoning Ordinance Section

6 59-G-2.13.1. The modification request, Exhibit 76, was

7 filed on May 20, 2013, and seeks to increase the permitted

8 enrollment of petitioner's operational Little Genius

9 Montessori Center from the 22 children permitted by the 2011

10 special exception to up to 30 children. The request was

11 filed pursuant to Condition 3 of the 2011 decision and is

12 further authorized by Zoning Ordinance Section 59-G-1.3(c).

13 The facility is located in petitioner's home at 14315 Marian

14 Drive, Rockville, Maryland, which is Lot 1, Block A, in the

15 Hunting Hill Estates subdivision. It is zoned R-200.

16 Notice of this hearing was issued on June 27, 2013. It's

17 Exhibit 89.

18 My name is Martin Grossman. I'm the hearing

19 examiner, which means I will take evidence here and write a

20 decision on the modification request. Will the parties

21 identify themselves, please, for the record? Ma'am, state

22 your name fully for the record, please.

23 MS. ZHANG: My name is Margaret Zhang, petitioner.

24 MR. GROSSMAN: Okay. And who did you bring with

25 you today?

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1 MS. ZANG: My husband, Shengyong Zhou.
2 MR. GROSSMAN: Okay. Sir, would you state your
3 name please?
4 MR. ZHOU: Mr. Shengyong Zhou, S-H-E-N-G-Y-O-N-G,
5 Zhou, Z-H-O-U.
6 MR. GROSSMAN: Okay. Mr. Zhou. Sir?
7 MR. ZHANG: Yes. Mike Zhang, brother of the
8 petitioner.
9 MR. GROSSMAN: Okay. All right. Sir?
10 MR. GREEN: Good morning, Mr. Grossman. Nice to
11 see you again. James Green. I'm a resident of Marian
12 Drive. I am not formally representing the residents of the
13 street. I'm here as an opponent and will assist the hearing
14 officer in whatever process you need from us, but I'm not --
15 MR. GROSSMAN: And as I recall, you're an
16 attorney?
17 MR. GREEN: I am an attorney. I'm admitted in the
18 state of New York and the District of Columbia.
19 MR. GROSSMAN: All right, sir. All right. And
20 then I see there are a number of people in the audience. Is
21 there anybody in the audience who wishes to be heard today,
22 let's say first of all in favor of this modification
23 request? All right. Well, I see all hands but one in that
24 category, so let's start with the left-hand side. Ma'am,
25 would you identify yourself, please?

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1 MS. SIMON: Liliana Simon.
2 MR. GROSSMAN: Liliana?
3 MS. SIMON: Liliana, L-I-L-I-A-N-A.
4 MS. ZHANG: Mr. Grossman, I have a list for you.
5 MR. GROSSMAN: Okay. Thank you, sir. All right.
6 Ma'am, you are?
7 MS. GEDNEY: I'm Catherine Gedney.
8 MR. GROSSMAN: Okay. Yes, ma'am?
9 MS. LEE: I'm Jane Lee, maiden name Jane Ho. I'm
10 not sure which is on there.
11 MR. GROSSMAN: It's Lih, L-I-H?
12 MS. LEE: No, L-E-E.
13 MR. GROSSMAN: Oh, I'm sorry. I'm sorry, yes,
14 first one, Jane --
15 MS. LEE: Jane Lee.
16 MR. GROSSMAN: Jane Lee?
17 MS. LEE: Yes.
18 MR. GROSSMAN: Okay.
19 MR. LIH: I'm Andrew Lih, that's L-I-H, is the
20 last name.
21 MR. GROSSMAN: Okay.
22 MS. CHEN-MAIN: I'm Joan Chen-Main.
23 MS. ADLER: Lauren Adler.
24 MR. RIPLEY: Keith Ripley.
25 MR. GROSSMAN: Sir?

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1 MR. COOK: Yes, sir, Bryan Cook, resident of
2 Marian Drive.
3 MR. GROSSMAN: Okay. And you're here in
4 opposition?
5 MR. COOK: That's correct, sir.
6 MR. GROSSMAN: As I recall, you testified at the
7 original hearing, as well as your family?
8 MR. COOK: Yes, sir.
9 MR. GROSSMAN: Okay. Okay. All right. Let me
10 explain a little bit about the nature of these proceedings
11 for those of you who have not been, were not at the original
12 or have not been, seen our administrative proceedings
13 before. It's a combination of formality and informality.
14 We are formal in the sense that all witnesses are sworn in;
15 they're subject to cross-examination; a court reporter is
16 here; everything is taken down. We proceed under rules of
17 evidence similar to a courtroom, but not quite as rigid.
18 The issue here is the modification of a special
19 exception that has already been granted, but it was limited
20 by its terms, Condition 3 of the May 4, 2011 decision, and
21 by the June 27, 2013 notice the scope of the review here is
22 limited as well. The scope of the review here is limited to
23 traffic volume, traffic safety and parking operations.
24 That's the, that's the limit of the review here in order to
25 determine whether allowing the requested increase in

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1 enrollment would unduly burden the general neighborhood.
2 And we're not here to evaluate the benefits or detriments
3 other than that of the special exception which has already
4 been granted. We will not re-review matters that were
5 already decided in the 2011 decision.
6 Now please note as a preliminary matter, please
7 note that my instructions, that per my instructions, that's
8 Exhibit 79 in the case, Ms. Zhang filed a revised statement
9 of operations that's in the file as Exhibit 96,
10 incorporating the conditions of my 2011 decision and
11 requested Technical Staff of the Maryland-National Capital
12 Park and Planning Commission, which we generally refer to as
13 Technical Staff, to review traffic volume, traffic safety
14 and parking operations for the period special exception has
15 been operational. Technical Staff did so in a memorandum to
16 me dated July 25, 2013. That's Exhibit 94(a) in the file.
17 By e-mail I then asked Technical Staff to
18 evaluate, quote, whether it will continue to function safely
19 and without unduly impacting the neighborhood, with regard
20 to traffic and parking, if the enrollment is increased to 30
21 children. And Mr. Kim of Technical Staff responded on July
22 29, 2013, stating, quote, based on my further evaluation of
23 the projected traffic volume, the parking demand for 30
24 children, it is projected that the site with the existing
25 vehicular access points and parking facility will continue

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1 to function safely and efficiently and the nearby road
 2 system will not be adversely impacted. That's Exhibit 95.
 3 The exhibit numbers for the modification request
 4 again at Exhibit No. 76. So we've just continued on the
 5 numbering system from the original case. The previously
 6 admitted exhibits in the original special exception case
 7 will be considered by me to the extent relevant here,
 8 relevant in this case.
 9 Are there any other preliminary matters, any other
 10 procedural or preliminary matters that you wish to raise?
 11 Ms. Zhang?
 12 MS. ZHANG: No.
 13 MR. GROSSMAN: No? All right. Mr. Green,
 14 anything else as a preliminary matter you wish to raise?
 15 MR. GREEN: No, sir.
 16 MR. GROSSMAN: All right. All right. We'll start
 17 out -- this is, Ms. Zhang, this is your request. Do you
 18 wish to make an opening statement or do you wish to call
 19 your first witness?
 20 MS. ZHANG: I would like to make a statement
 21 first.
 22 MR. GROSSMAN: Okay. You may. You may proceed
 23 now. I'll tell you what we'll do. First of all, for -- Mr.
 24 Green, are you going to be offering testimony here yourself?
 25 MR. GREEN: Depending on how you want to proceed,

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1 since I'm not formally representing anybody, I'll be happy
 2 to be under oath and give testimony. I think probably most
 3 of my presentation will be some cross-examination.
 4 MR. GROSSMAN: All right.
 5 MR. GREEN: But I'm prepared to testify if that's
 6 how you want it.
 7 MR. GROSSMAN: Well, I leave that up to you. If
 8 you are going to offer evidence here, it has to be under
 9 oath. That's --
 10 MR. GREEN: I do not expect to have any evidence,
 11 per se.
 12 MR. GROSSMAN: All right.
 13 MR. GREEN: So if it's okay with you and the
 14 petitioners, I'll just go ahead and do that as
 15 representation.
 16 MR. GROSSMAN: That's purely up to you as to
 17 whether you wish to offer evidence. But if you do, it has
 18 to be under oath.
 19 MR. GREEN: Yes, I do not expect to.
 20 MR. GROSSMAN: Okay. So for those of you at the
 21 table who will be offering evidence in the case, would you
 22 raise your right hand, please. Raise your right hand,
 23 please. And I take it, will your brother and your
 24 husband --
 25 MS. ZHANG: Yes.

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1 MR. GROSSMAN: -- be offering evidence here, too?
 2 MS. ZHANG: I --
 3 MR. ZHANG: Evidence, the testimony and I'm sure
 4 the evidence you are referring to is --
 5 MR. GROSSMAN: Testimony, will you be giving
 6 testimony?
 7 MR. ZHANG: Testimony? Yes.
 8 MR. GROSSMAN: Yes. Then raise your right hand,
 9 please. Raise your right hand please, sir.
 10 (Witnesses were sworn.)
 11 MR. GROSSMAN: All right. You are sworn in now.
 12 You may give your -- I'm going to consider your opening
 13 statement part of your testimony.
 14 MS. ZHANG: Okay.
 15 MR. GROSSMAN: Okay. Go ahead.
 16 MS. ZHANG: Dear Mr. Grossman, good morning.
 17 Thank you for the opportunity for me to present my
 18 application. My name is Margaret Zhang, the petitioner.
 19 I'm seeking a modification to a special exception SE 11-02
 20 to increase number of children at LGMC from 22 to 30. On
 21 May 4, 2011, Special Exception No. 11-02 was granted,
 22 allowed for capacity of 22 children at the LGMC facility
 23 subject to some conditions.
 24 I have updated each condition, how it had been
 25 satisfied and will continue to be satisfied requires

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1 modification in update statement of operations for
 2 modification which has been submitted August 6, 2013. This
 3 number is 96.
 4 Since approval of special exception, LGMC has
 5 expended considerable effort and cost to ensure compliance
 6 with the conditions set forth in the special exception. The
 7 building now complies with all applicable codes,
 8 regulations, directives and governmental requirements for up
 9 to 30 children.
 10 In the Hearing Examiner's opinion and conditions
 11 at page 59, Condition No. 3 states the number of children
 12 enrolled at the center shall not exceed 22 children, ages 18
 13 months to 6 years old, until approved by the Hearing
 14 Examiner after a follow-up hearing which may be scheduled
 15 after one year of operation under this special exemption.
 16 In no event shall the number of children exceed the number
 17 authorized by state licensing authorities and the ages of
 18 permit, the children will be determined by state licensing
 19 authorities. The follow-up hearing will be schedule if a
 20 request is received by Office of Zoning and Administrative
 21 Hearings from the petitioner after one year from the date of
 22 this opinion and decision.
 23 Concurrent with any such request, petitioner must
 24 ask Technical Staff to review traffic volume, traffic safety
 25 and the parking operations for the year of operations after

1 increased enrollment and to submit a report to the Hearing
2 Examiner with their findings. And if all are appearing
3 well, following our case to all parties and it will review
4 traffic and parking concerns raised by neighbors and
5 community, neighbors of community prior to determining
6 whether the number of children permitted outside should be
7 increased to 30.

8 LGMC has been operating at a capacity of 22
9 children for one year, compiled, all 17 combinations, with a
10 capacity limit of 22 children. We are still allowing this
11 for the LGMC to turn away many children from neighborhood
12 families. In order to meet the high demand for the LGMC
13 childcare service and to have a class size more appropriate
14 for a Montessori environment, LGMC needed to increase number
15 of children by eight for a total of 30 children.

16 The Montessori classroom students not only learn
17 from activities they work on themselves, but also from their
18 peers. An increase in class size will optimize classroom
19 for both learning and afar. Petitioner has requested the
20 Technical Staff to review traffic volume, traffic safety and
21 the parking operations. And the Technical Staff has
22 reviewed and submitted a report to the Hearing Examiner with
23 their findings.

24 In a memo submitted by Technical Staff to the
25 Hearing Examiner, the Technical Staff finds that operation

1 of the facility with increased enrollment of children does
2 not have an adverse effect on the nearby road system. The
3 site provided adequate queuing and storage area on the
4 circular driveway, not using the populous street. The
5 Technical Staff concludes that the existing vehicular access
6 points and internal calculation, circulation system with
7 adequate parking spaces provides safe and efficient traffic
8 operation in the site. It will continue to function safely
9 and efficiently and the nearby road system will not be
10 adversely impacted with 30 children. This is Exhibit No. 94
11 and 95.

12 Parents confirm Technical Staff's findings.
13 Summary of a parent survey on traffic safety and parking as
14 follows. 24 parents had difficulty with the survey. That's
15 Exhibit No. 98. Our parents answered yes to Question 1, do
16 you feel safe driving around the LGMC site? Question 2, do
17 you feel safe turning onto Marian Drive from Glen Mill Road?
18 Question 5, do you have a clear view of pedestrian or other
19 vehicles on Marian Drive? And Question 8, is it safe to
20 walk around the parking area with your children?

21 For Question 3 about traffic on Marian Drive, 75
22 percent, 18 out of 24, answered very light. 25 percent, six
23 out of 24, answered light. For answer 4, 88 percent, 21 out
24 of 24, answered that they hardly see any pedestrians on
25 Marian Drive, while 12 percent, three out of 24, indicated

1 they saw a few. For Question 6, the majority of parents, 71
2 percent, 17 out of 24, see one or two cars parked in the
3 LGMC's parking area when they arrive at LGMC. 25 percent,
4 six out of 24, experience three or four cars when they
5 arrive at LGMC. One parent has chosen both, one or two cars
6 on the street, or four cars.

7 For Question 7, is it easy to park and to turn
8 around in the parking area? 14 parents, which is 58
9 percent, can say that, indicated very easy. 10 parents, 42
10 percent, thought easy. For Question 9, generally when you
11 turn from Marian Drive onto Glen Hill Road, how many
12 vehicles are behind you? 19 parents, or 79 percent, said
13 none. Four parents, 17 percent, chose one vehicle. Only
14 one parent said two to three vehicles.

15 Last question, Question 10, usually how long does
16 it take you to turn on Glen Hill Road? Seven parents
17 answered almost no waiting time. Eight parents wrote less
18 than one minute. Eight answered about one to two minutes.
19 One parent did not use Glen Hill Road. That is total 67
20 percent answered no waiting or less than one minute, 33
21 percent answered they wait about one to two minutes.

22 Additionally, some neighbors express their support
23 too. Stacy Carr stated in her support letter that since
24 LGMC opened, I have not noticed any considerable increase in
25 traffic lately or at this intersection. I have seen one or

1 two cars at any given time parked on the driveway at LGMC
2 dropping off or picking up children. The change in traffic
3 volume and the parking issues, therefore, with additional
4 eight children would be negligible.

5 She also said that I do not believe an increase of
6 eight children will affect the safety of the section of
7 Marian Drive in any way. In Ms. Yu's support letter, they
8 said that we know that LGMC increase enrollment from 12 to
9 22 children last year, but we haven't noticed any change
10 regarding traffic on Marian Drive. It is still a very quiet
11 and a safe street to drive and walk on. We don't think an
12 increase of center's size of children will change the
13 traffic volume dramatically. They noticed that parents
14 drive into or leave the parking area with caution and
15 parking their car neatly.

16 Based on the Technical Staff review, parents'
17 survey results and the neighbors' support, I don't think
18 there would be very significant change on Marian Drive
19 traffic pattern after adding eight more children. Marian
20 Drive is a quiet street with light traffic. Montgomery
21 County Police Department record can prove that.

22 With the staggered arriving and departure time in
23 three hours, there are only two or three cars in each hour.
24 So the impact of increasing to eight children should be very
25 minimal, especially since three of the families are waitlist

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1 wants to enroll twins.
2 I ask the Hearing Examiner respectfully to approve
3 this modification so more families and the children can be
4 benefited. We truly appreciate your time and everything you
5 have done for my application. Thank you very much for your
6 time and consideration.
7 MR. GROSSMAN: You're welcome.
8 MS. ZHANG: Thank you.
9 MR. GROSSMAN: Would you like to have that written
10 statement marked and we can put it in the record since you
11 just read it verbatim and --
12 MS. ZHANG: Okay. I can give you another one.
13 It's a little bit messy. I revised --
14 MR. GROSSMAN: Okay.
15 MS. ZHANG: -- the --
16 MR. GROSSMAN: A copy of it?
17 MS. ZHANG: -- yes, a copy of another one.
18 MR. GROSSMAN: That would be fine. I'm glad I put
19 you under oath because that's kind of a combination of an
20 opening statement, evidence and a closing argument all in
21 one, which --
22 MS. ZHANG: You have another attorney.
23 MR. GROSSMAN: -- so consider that. That's
24 certainly part of your testimony in the case. Do you have
25 additional testimony that you wish to offer, yourself?

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1 MS. ZHANG: Myself?
2 MR. GROSSMAN: Yes.
3 MS. ZHANG: I would like --
4 MR. GROSSMAN: Any additional evidence other
5 than -- you may call witnesses, I'm just asking you --
6 MS. ZHANG: Uh-huh.
7 MR. GROSSMAN: -- if you personally have anything
8 else to say in the case?
9 MS. ZHANG: I, just because I summarized the
10 parents' survey, maybe it would be easier for you to --
11 MR. GROSSMAN: Okay. Sure.
12 MS. ZHANG: So that's paper.
13 MR. GROSSMAN: Have your husband bring that up and
14 be careful if there are any wires here. Thank you, sir.
15 All right. Well, I'm going to mark this as Exhibit 106, and
16 that's a summary of results of survey of parents. These
17 are all parents who have children attending your school, is
18 that --
19 MS. ZHANG: Currently enrolled.
20 MR. GROSSMAN: Okay.
21 (Exhibit No. 106 was marked for
22 identification.)
23 MR. GROSSMAN: Other than that, is there anything
24 else you personally wanted to say at this point?
25 MS. ZHANG: So far no.

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1 MR. GROSSMAN: Okay.
2 MS. ZHANG: Thank you.
3 MR. GROSSMAN: All right. Since you had a
4 testimonial aspect to this, I'm going to allow cross-
5 examination now of you before we have any other witnesses.
6 Mr. Green, do you have any cross-examination questions?
7 MR. GREEN: Just a few. Thank you.
8 CROSS-EXAMINATION
9 BY MR. GREEN:
10 Q Now, Ms. Zhang, you referenced in your statement
11 of the survey that the parents had filled out --
12 A Uh-huh.
13 Q -- Question 4, and I'm going to read it, it says,
14 do you see any pedestrians on Marian Drive? Your statement
15 indicated that people had circled either A, hardly any, or
16 B, a few. Does that mean that there are, in fact,
17 pedestrians on Marian Drive?
18 A I'm sorry, what's your question?
19 Q Does that, in fact, indicate that there are
20 pedestrians on Marian Drive?
21 A The question is do you see --
22 Q Okay.
23 A -- not a fact.
24 Q Do you see any?
25 A Yeah, that's right.

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1 Q And they answered either hardly any --
2 A Uh-huh.
3 Q -- or a few. Does that indicate that, in fact,
4 there are pedestrians seen on Marian Drive?
5 A I'm not quite sure what your question is.
6 Q My question is does that survey indicate that the
7 people who filled out the survey do, in fact, see
8 pedestrians on Marian Drive?
9 (Discussion off the record.)
10 MR. GROSSMAN: Well, you can't --
11 MS. ZHANG: I think the question is --
12 MR. GROSSMAN: -- you can't help her in the middle
13 of cross-examination. Let's say this. I think that the
14 answers of the, in the survey speak for themselves. I think
15 you could ask this witness based on her own personal
16 observation whether she has seen pedestrians.
17 MR. GREEN: Mr. Hearing Examiner, my concern is
18 that when somebody has a survey that's been self-designed
19 and filled out by the people already at the school, and the
20 question is do you see many pedestrians, hardly any seems to
21 indicate that there are pedestrians.
22 MR. GROSSMAN: Right.
23 MR. GREEN: Our concern, and there will be direct
24 testimony from Mr. Cook, is that this is not without risk to
25 pedestrians. So I'm simply asking Ms. Zhang, who designed

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1 the survey, would she agree that hardly any or a few does,
2 in fact, indicate that there are pedestrians on Marian
3 Drive?
4 MR. GROSSMAN: Well, I understand. I understand
5 the question. I'm not sure where exactly, I guess, as
6 whether or not she agrees. Her survey results show what
7 they show. They are to some extent hearsay to the extent
8 they're offered to prove the truth of what's asserted
9 therein, they are hearsay. Hearsay is allowed if otherwise
10 reliable and probative in this kind of proceeding. On the
11 other hand, it affects the weight to which I would give that
12 kind of evidence.
13 MR. GREEN: I simply wanted --
14 MR. GROSSMAN: -- that we have.
15 MR. GREEN: -- a concurrence before we put on
16 testimony because it was made to sound like this is not at
17 issue and we're just simply trying to get the foundation and
18 I wanted Ms. Zhang to agree that hardly any isn't equivalent
19 to none.
20 MR. GROSSMAN: So, Ms. Zhang, do you agree that
21 there are some pedestrians on Marian Drive? Let's take it
22 based on your own observations, have you ever seen a
23 pedestrian on Marian Drive?
24 MS. ZHANG: Yes, I do see them, but this purpose
25 for this question is, literally means that parents

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1 experience, they experience, do they see a lot of
2 pedestrians or a few or hardly --
3 MR. GROSSMAN: Right.
4 MS. ZHANG: -- it's just the word very clearly
5 states, hardly any means most time they don't see
6 pedestrians.
7 MR. GROSSMAN: Well, it's, I mean you're
8 interpreting it with your own spin on it --
9 MS. ZHANG: Uh-huh.
10 MR. GROSSMAN: -- but the results are whatever the
11 results are and that's what I will take --
12 MR. GREEN: Mr. Grossman, I accept that answer.
13 MR. GROSSMAN: Right.
14 MR. GREEN: I think that she finally --
15 MR. GROSSMAN: Okay.
16 MR. GREEN: -- responded to my question.
17 MR. GROSSMAN: Okay.
18 BY MR. GREEN:
19 Q Ms. Zhang, during your, reading your statement,
20 you indicated with reference to Question No. 8, I'm sorry,
21 Question No. 10 that there are less than one minute that
22 some people answered less than one minute.
23 A Uh-huh.
24 Q Would you agree that the questionnaire does not
25 ask that question? You can refer to your testimony where

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1 you talk about it being an answer of less than one minute.
2 A Uh-huh.
3 Q Is there anything --
4 A Yes.
5 Q -- in Question 10 on your survey that says less
6 than one minute?
7 A That's about Question --
8 Q Question 10.
9 A -- option D, the parents can say whatever time
10 they --
11 Q But it doesn't say less than one minute, does it?
12 There's no option for less than one minute, is there?
13 A Yes, the parents did that, so I'm not -- I'm
14 asking them --
15 Q You testified --
16 A Uh-huh.
17 Q -- in your statement --
18 A Uh-huh.
19 Q -- that parents answered less than one minute.
20 A Yes.
21 Q I'm simply asking you to confirm that question
22 isn't there. People can put in a time --
23 A Uh-huh.
24 Q -- but there's no option that says less than one
25 minute, is there?

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1 A Some parents did write down less than one minute.
2 Q Ms. Zhang, do you recall in May of 2011 after Mr.,
3 after the Hearing Officer issued his opinion and decision,
4 there were a number of conditions that were imposed for the
5 granting of the addition up to 22, do you remember that,
6 that Hearing Examiner's decision?
7 A I'm sorry, what's your question again?
8 Q Do you recall the Hearing Examiner issuing an
9 opinion that had a number of conditions to granting your
10 petition --
11 A Of course.
12 Q -- in 2011? Okay. I'm going to draw your
13 attention to that and ask you -- if you have a copy, it
14 might be easier for you to look at it, but do you recall
15 Condition No. 6? It's on page 59 if that will make it
16 easier for you. Do you recall seeing that condition?
17 A Yes.
18 Q Okay. And would you agree that that condition
19 indicates that the staggering of drop offs is supposed to be
20 part of the contract with the parents?
21 A Yes.
22 Q Do you recall Condition No. 7? Do you recall
23 that?
24 A Yeah.
25 Q Okay. Do you recall that on May 15, 2011, I sent

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1 you a letter, do you recall that?
2 A May 5, '11?
3 Q Do you recall?
4 A No.
5 Q Okay. Let me refresh your recollection. Does
6 that refresh your recollection that I sent you a letter?
7 MR. GROSSMAN: Since you're referring to the
8 letter, and I don't think I've seen it, have you filed that
9 in the record?
10 MR. GREEN: Yes. It was in the record as our
11 petition for enforcement, so it should be in the record.
12 MR. GROSSMAN: Okay. Let's see.
13 MR. GREEN: If not, I'll be happy to submit
14 copies. I just want Ms. Zhang to let me know if she
15 remembers getting that letter.
16 MR. GROSSMAN: This -- refresh my recollection.
17 MR. GREEN: I'm sorry.
18 MR. GROSSMAN: Petitioner for enforcement filed --
19 MR. GREEN: Petition for enforcement was filed on
20 June 16, 2011.
21 MR. GROSSMAN: Okay. June 16, 2011. Let me see
22 what I've got on that date.
23 MR. GREEN: And attached to that was a copy of the
24 letter I'm referring to. Does that refresh your
25 recollection?

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1 MR. GROSSMAN: Hold on one second.
2 MR. GREEN: I'm sorry.
3 MR. GROSSMAN: I don't have anything in our record
4 regarding petition for enforcement.
5 MR. GREEN: We filed that on June 16, 2011.
6 MR. GROSSMAN: With whom?
7 MR. GREEN: With you. And you responded by saying
8 it was premature. I don't have a copy of your order, but
9 the petition for enforcement was filed with you on June
10 16th. I'll be happy to submit a copy of the --
11 MR. GROSSMAN: Yes, let's --
12 MR. GREEN: -- entire thing for the record.
13 MR. GROSSMAN: -- let's do that. I just don't see
14 a copy --
15 MR. GREEN: Okay. I'm happy to do that.
16 MR. GROSSMAN: -- in the record for whatever
17 reason.
18 MR. GREEN: I don't have copies with me, but I'll
19 be happy to submit those for the record.
20 MR. GROSSMAN: Okay.
21 MR. GREEN: Okay? It's not going to be a major
22 deal, I just want Ms. Zhang to refresh her recollection.
23 MR. GROSSMAN: All right.
24 MS. ZHANG: All right. I don't recall, no.
25 BY MR. GREEN:

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1 Q You don't recall?
2 A Yeah.
3 Q You still don't recall having seen that?
4 A Right.
5 Q Okay. May I have that back please?
6 A But I can go back to check my records.
7 Q Okay. Do you recall that following this letter, I
8 sent you an e-mail? Do you recall that? Do you recall me
9 sending you an e-mail?
10 A I don't know what e-mail you're talking about.
11 Q Let me refresh your recollection. Does that
12 refresh your recollection, that subsequent, sending you the
13 letter I sent you in that e-mail?
14 MR. GROSSMAN: Mr. Green, I think that the best
15 way to proceed is since you're showing her the documents,
16 let's have them marked now so we know what you're showing
17 her, okay? So let's first, the letter, the petition for
18 enforcement letter.
19 MR. GREEN: I'll give you the petition as well.
20 (Discussion off the record.)
21 MS. ZHANG: Have you sent to Mr. Grossman too?
22 MR. GREEN: I just asked -- that's not the
23 question. I just wanted to know if you recall seeing that
24 e-mail?
25 MR. ZHANG: The question is did you cc this e-mail

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1 to Mr. Grossman?
2 MR. GREEN: That's -- she doesn't get to ask me
3 questions. I get to ask her questions. Do you recall
4 seeing that?
5 MS. ZHANG: That's two years ago, so I --
6 BY MR. GREEN:
7 Q You don't?
8 A I don't have -- so I'm going to check back my
9 records.
10 MR. GROSSMAN: All right. Now we're going to say
11 the May 15 letter to Ms. Zhang, okay. So we'll say the
12 petition for enforcement is Exhibit 107.
13 (Exhibit No. 107 was marked for
14 identification.)
15 MR. GROSSMAN: Exhibit 108 is the letter to Ms.
16 Zhang. And I'll, we'll make a copy for -- you can keep
17 this, okay?
18 (Exhibit No. 108 was marked for
19 identification.)
20 MR. ZHANG: Can we have a copy as well please?
21 (Discussion off the record.)
22 MR. GROSSMAN: Exhibit 109 is the e-mail to
23 petitioner.
24 (Exhibit No. 109 was marked for
25 identification.)

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1 MR. GROSSMAN: Okay. Do you need to use these in
2 the course of this?
3 MR. GREEN: Yes. I'll give them back to you.
4 MR. GROSSMAN: Okay.
5 MR. GREEN: Thank you, Mr. Grossman.
6 BY MR. GREEN:
7 Q Ms. Zhang, my question then is very simple. Since
8 May of 2011, have you ever complied with my request to send
9 us copies of the contracts?
10 A I complied all the conditions gave by Mr.
11 Grossman.
12 MR. GROSSMAN: No, he's asking, he's asking did
13 you send Mr. Green copies of the contracts that you had
14 presumably with the people who attend the school? Did you
15 send him copies?
16 MS. ZHANG: I don't recall that, so I'll have to
17 go back to check my record.
18 MR. GROSSMAN: Okay.
19 MS. ZHANG: Sorry.
20 BY MR. GREEN:
21 Q Well, would it surprise you to know that we've
22 never seen those contracts even though we requested them two
23 years ago?
24 A I don't know if I received that. I don't know
25 what I did, so I'll have to go back to check my records.

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1 Q So you don't know if you received either a letter
2 or do you know?
3 A No, sir, I'm going to update my record.
4 Q Ms. Zhang, do you recall during your testimony at
5 the hearing in 2011 talking about the fact that you had
6 looked for, but had been unsuccessful, in obtaining
7 commercial space for your school?
8 A I don't think it's an issue today, all right?
9 MR. GROSSMAN: And I'll take that as an objection
10 to the question and I think that that's sustained. It's not
11 really an issue whether she looked for commercial space.
12 MR. GREEN: No further questions.
13 MR. GROSSMAN: Okay. Mr. Cook, do you have any
14 questions of Ms. Zhang?
15 MR. COOK: Has she ever sat --
16 BY MR. COOK:
17 Q Ms. Zhang, have you ever sat --
18 MR. GROSSMAN: If you do, I'd just ask you to come
19 forward here and sit at the table so, make sure the
20 microphone picks you up.
21 CROSS-EXAMINATION
22 BY MR. COOK:
23 Q Ms. Zhang, have you ever sat outside while your
24 patrons got in and out of their cars with their children?
25 A You mean if I sit outside to watch?

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1 Q To monitor the activities going in and out of your
2 driveway?
3 A We give policy, instruction to the parents, so the
4 parents know what to do.
5 Q Okay. Have you ever sat out there for an entire
6 period and watched your parents in and out with their kids?
7 A Yes, sometimes I do.
8 Q For an entire period of --
9 MR. GROSSMAN: What do you mean by an entire
10 period when --
11 MR. COOK: Well, the entire -- she has staggered
12 drop-offs and, you know, there's obviously an extended
13 period of hours where you've had drop-offs and pick-ups.
14 Have you ever sat out there and watched, because I have, so
15 I'm asking you if you have.
16 MS. ZHANG: I do not know exactly how long a time,
17 but I did monitor sometimes.
18 BY MR. COOK:
19 Q So you've never sat out there the entire time?
20 MR. GROSSMAN: Well, I think she's answered the
21 question. She doesn't know how long she's been out there,
22 but she has monitored sometimes.
23 BY MR. COOK:
24 Q Have you ever seen a child unattended and
25 wandering around your driveway?

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1 A No, never.
2 Q Okay. Because I have, but --
3 MR. GROSSMAN: Well, you have to -- you're not
4 under oath yet and you can't testify until you're under
5 oath.
6 BY MR. GREEN:
7 Q Have you ever received a violation from the state
8 or County as far as maintenance of your property?
9 A No.
10 Q Never?
11 A Never.
12 Q Okay. Have you ever arranged for off-street or
13 out of, off-street or off-property parking during your
14 parties or events that you have?
15 A Never.
16 Q You've never arranged for off-site parking during
17 your events that you hold often?
18 A I have to make sure question is do I have any
19 party not related to business?
20 Q The parties I've seen, my question is very
21 specific --
22 A Okay.
23 Q -- pursuant to the directive from Mr. Grossman.
24 Have you ever arranged for off-site parking during those
25 parties?

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1 A You mean --

2 MR. GROSSMAN: When you talk about -- just so I

3 understand your question. Are you talking about parties

4 that are school functions related or parties that she just

5 has?

6 MR. COOK: No, school function parties --

7 MR. GROSSMAN: School function?

8 MR. COOK: -- which she has numerous times a year.

9 MR. GROSSMAN: Okay.

10 BY MR. COOK:

11 Q Have you ever arranged for any off-site parking?

12 A Yes.

13 Q You have?

14 A Uh-huh.

15 Q Do you have a contract with an off-site situation?

16 A We have a contract in the parent enrollment

17 contract. They know the parking policy and we did have one

18 Chinese New Year party. We draw out a parking map. So

19 parents here can testify on the way I tell them specifically

20 they had to park and they used to have actual car issued to

21 park to the shopping center there. We can carpool together.

22 Q But you never contracted off-site parking for

23 those parents, you?

24 A When we have this need, when it's necessary, we

25 let the parents know.

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1 MR. GROSSMAN: No. But I think he's asking do you

2 have a specific contract with some outside entity in which,

3 for parking? Do you have any contract with some outside

4 entity for overflow parking?

5 MS. ZHANG: But I don't think it's necessary.

6 MR. GROSSMAN: Well, I'm, whether it's necessary

7 or not is another question.

8 MS. ZHANG: Uh-huh. Yeah.

9 MR. GROSSMAN: The question is do you have such a

10 contract?

11 MS. ZHANG: No. No.

12 MR. GROSSMAN: Okay.

13 BY MR. COOK:

14 Q Have you ever driven on Marian Drive during the

15 drop-off and pick-up hours? Have you ever driven on Marian

16 Drive during those periods of time?

17 A Sometimes, yes.

18 Q Okay. And you don't see that there's any danger

19 on a curvy drive, street?

20 A Not at all.

21 Q Okay. And you've walked on those, that period of

22 time during your pick-up and drop-off times as well?

23 A I don't recall I walked, but I did drive.

24 Q Okay.

25 MR. GREEN: No further questions.

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1 MR. GROSSMAN: Okay. All right. Do you have any

2 further statements to make yourself? We call it a redirect

3 as a result of the cross-examination. You don't have to

4 make any additional statement, I'm just asking you if you

5 do. It's a process in proceedings like this --

6 MS. ZHANG: Like explanation?

7 MR. GROSSMAN: -- they call it redirect. After

8 you have cross-examination, since it is in kind of narrative

9 form, it's a little unusual. Thank you, sir.

10 MS. ZHANG: Okay. May I have the copy of Mr.

11 Green's --

12 MR. GROSSMAN: I can, we can make copies.

13 MS. ZHANG: I cannot recall, yes, that was two

14 years ago, so I do not even have one.

15 MR. GROSSMAN: Yes, we can make copies --

16 MS. ZHANG: Thank you.

17 MR. GROSSMAN: -- for both sides. I'll take it

18 that you don't have any additional statement to make. You

19 have additional witnesses that you wish to call today?

20 MS. ZHANG: Yes, all the parents are willing to

21 do.

22 MR. GROSSMAN: All right. So --

23 MS. ZHANG: The first one is Jane Lee.

24 MR. GROSSMAN: Okay. Ms. Lee, can you come

25 forward? You can have a seat right at the end of the table

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1 there.

2 MS. LEE: Certainly.

3 MR. GROSSMAN: Would you -- I was going to say

4 would you raise your right hand, which you've anticipated.

5 (Witness sworn.)

6 MR. GROSSMAN: All right. You may proceed.

7 DIRECT EXAMINATION

8 MS. LEE: My name is Jane Lee. I am a resident

9 and taxpayer of Montgomery County. My son, Tyler, he is 3

10 years old, has been with LGMC, Little Genius Montessori

11 Center, almost two years now. I believe that I am

12 particularly qualified and relevant to speak to the safety

13 and traffic concerns regarding the current application for

14 exception. That is because I travel there every day, five

15 days a week. I drop my son off at 10:30 a.m. and I pick him

16 up at 6:00 p.m.

17 I can testify as to the conditions regarding

18 safety and traffic when I am there, which is perhaps the

19 most relevant portion of any concerns. What I witness is

20 this, that there is usually one or two other cars there in

21 the parking lot who are also there or dropping off their,

22 their children. When I pick up my son, there might be, I

23 think I've in the past two years I've experienced maybe at

24 the most four cars. And everybody seems to be very

25 obviously concerned for the safety of our children, but very

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1 orderly and it's almost self-regulating. We drive up, it's,
2 and the driveway, this is one of the reasons I picked the
3 school is because the way the parking is, it's a huge
4 parking space and a huge, I guess, what would you call it, a
5 driveway or like a half circular --
6 MR. GROSSMAN: Circular.
7 MS. LEE: -- drive through. Right. And it --
8 MR. GROSSMAN: I've actually see int.
9 MS. LEE: In addition to that, that's one of the
10 reasons I chose this school is because it's so easy to drive
11 up and when there are three or four other cars, they've
12 already parked in and, you know, parallel in a very orderly,
13 organized fashion in the more than ample parking space. And
14 so I do the same and I walk into the school. I pick up my
15 son. Obviously, my son is not permitted, nor any of the
16 students ever permitted to leave the school, inside the
17 school without either a teacher or the parents. That's part
18 of our agreement and that's, that's something as a parent I
19 need to make sure happens and, of course, for the past two
20 years it's always been this way.
21 And I walk with my son to my car and we get in the
22 car and we drive home. By that time I can tell you my son
23 is a voracious eater and he's very hungry. So we don't have
24 the time or any energy or the inclination to be walking
25 around or playing around or for whatever reason, you know,

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1 walking around the parking area there. We get in our car
2 and we go home. And I think from my observations it's been
3 the same with all the other parents.
4 I also have a very strong motivation for this
5 exception to be approved. I am one of the parents who have
6 twins in addition to my 3-year-old little boy that's on the
7 waiting list. And if this is approved, I have two kids in
8 addition to my one child who is going to be at the school,
9 however, there's going to be no additional cars added
10 because I'm already driving Tyler to school. My twins will
11 be in the same car. We don't have the wherewithal because
12 obviously we'd be taking different cars at different times.
13 So there's no impact for me or to the school or to the
14 community in terms of safety or volume or anything like that
15 if this special exception is approved.
16 And I implore you to consider -- I know that this
17 is not the purpose of this meeting, but it's really a very
18 vital service to the community. I grew up speaking Mandarin
19 Chinese and --
20 MR. GROSSMAN: But I'm not going to, there are
21 very specific limits --
22 MS. LEE: Sure.
23 MR. GROSSMAN: -- in the notice and the statute
24 under which this is done limits the inquiry to what's
25 specified in the notice.

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1 MS. LEE: Okay. Also, I wanted to point out that
2 the, the Marian Drive to Glen Mill turn area, when I am
3 there, I'm usually the only car waiting on Marian Drive to
4 turn onto Glen Mill. And it takes me approximately, it
5 depends on the time of day when, in the, when I drop him off
6 in the mornings there's no wait. In the afternoons there's
7 a wait of maybe, I don't know, less than a minute. You
8 know, there's really -- I don't, I'm not quite certain what
9 the concern is, but there seems to be in my personal
10 experience no problems whatsoever getting to and from the
11 school.
12 I wanted to also address, I guess, some of the
13 things that I heard from the neighbors. The survey that we
14 filled out, even though it was designed certainly by school
15 and we as the parents answered them, I think there was a
16 comment that was kind of uncomfortable for me and as --
17 MR. GREEN: Objection.
18 MS. LEE: -- a statement it was self-serving.
19 MR. GROSSMAN: All right. He's -- I take it the
20 objection is to her characterizing --
21 MR. GREEN: Characterization, no foundation and --
22 MR. GROSSMAN: I think it's --
23 MR. GREEN: -- irrelevant.
24 MR. GROSSMAN: -- I think it's, yes. I don't
25 think it, why don't you state your opinion without getting

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1 into the characterization of the question.
2 MS. LEE: Sure. Well, I address that because I'm
3 one of those parents that signed my name and dated this
4 document, this survey. And so I, I guess I want to point
5 out that I was honest and forthright and accurate in my
6 responses to this survey.
7 MR. GREEN: Objection. Relevance.
8 MR. GROSSMAN: Well, I'll overrule that objection.
9 I think she can characterize her own statement and you can
10 cross-examine her on that. I don't know that any, by the
11 way, I don't know that there was an implication that any of
12 the answers by the parents were dishonest. I think that
13 what you're responding to is the implication that there
14 were, that perhaps Ms. Zhang was reading something into the
15 answers that wasn't there or that her, the way the question
16 was phrased left out something that she was then assuming
17 that was in there. So it didn't have anything to do with
18 the honesty of those who were responding.
19 MS. LEE: Thank you.
20 MR. GROSSMAN: That was my reading of the
21 question.
22 MS. LEE: I appreciate that.
23 MR. GROSSMAN: Sure.
24 MS. LEE: I hope so. I mean in terms of, I guess,
25 the relevance and the importance of these surveys and/or

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1 answers, I guess we are the parties, you know, Ms. Zhang and
2 her school, they are a resident of Marian Drive. So I think
3 she has as much concern for the safety and --
4 MR. GREEN: Objection.
5 MR. GROSSMAN: And your objection is?
6 MR. GREEN: Characterizing what Ms. Zhang does or
7 does not believe is inappropriate.
8 MR. GROSSMAN: I think that's fair. On the other
9 hand, this is witness's lay observations, so I'll let her
10 continue.
11 MS. LEE: Thank you. She has as much at stake as
12 a private resident, as well as an operator of the school. I
13 as a parent, obviously my prime concern is the safety and
14 well-being of my child and hopefully this approved, my
15 children. So, you know, that was the purpose of answering
16 the survey and providing the responses and, you know, the, I
17 guess the reliability or, you know, whatever, the relevance,
18 the weight of the survey for me.
19 I also wanted to state that I do have a contract
20 with this school and it is my understanding that other
21 parents do as well, but they can speak to that themselves
22 when they get up here. Part of my contract states very
23 clearly that I am to stagger, that there are slots for drop-
24 off and pick-up times and I promise in my contract to drop
25 my son off. We have the latest slots due to our family and

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1 job conditions. But I drop my son off at 10:30 and I pick
2 him up at 6:00 p.m. So we are considered in the latest
3 slot. And that I can testify to is in my contract.
4 Now I also, I'm glad that Ms. Zhang, hopefully,
5 she didn't provide a copy of the contract that I signed to
6 anybody other than a government or a court entity because
7 that has my private information on there, my name, my
8 address, my son's name, address, birth date, telephone
9 number. I mean this is not something, it's not a public
10 document that I --
11 MR. GREEN: Objection. Nothing in my questions
12 asked for a signed contract. I simply asked if you were
13 ever given a copy of the contract.
14 MR. GROSSMAN: All right.
15 MS. LEE: Okay.
16 MR. GROSSMAN: I think that certainly your
17 question certainly could have been taken and I think it
18 actually did ask for copies of the contracts that people
19 signed. So --
20 MR. GREEN: If I was unclear that all I wanted was
21 a blank copy, which is what my letter specifically says.
22 MR. GROSSMAN: Okay.
23 MS. LEE: Okay.
24 MR. GROSSMAN: And, by the way, if copies of those
25 contracts were provided to us, I don't have the power to

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1 seal. These are all public records. They would be on the
2 public record.
3 MS. LEE: Right. I would hope that --
4 MR. GROSSMAN: So you said to government
5 entities --
6 MS. LEE: Yeah.
7 MR. GROSSMAN: -- it might be okay.
8 MS. LEE: Oh, okay.
9 MR. GROSSMAN: We're --
10 MS. LEE: Okay.
11 MR. GROSSMAN: -- we are, everything that's filed
12 with us --
13 MS. LEE: Okay.
14 MR. GROSSMAN: -- is public. I don't have the
15 power to seal it.
16 MS. LEE: Okay. All right. Then I would request
17 that if those contracts, at least the contract that I signed
18 and probably other parents feel the same, was not provided,
19 that they not be provided to Mr. Green. You know, certainly
20 I have no problem with the school providing a blank,
21 unsigned contract without my identifying information or my
22 son's identifying information.
23 MR. GROSSMAN: I think that's fair.
24 MS. LEE: Okay. Also, in terms of the, quote,
25 unquote, several events at the school, I take pride in

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1 participating. I'm one of those participating mothers in my
2 son's life and school life, even at this young age, and so
3 if there is an event at the school, you can be sure I'm
4 going to be there just like I am here today.
5 I attended two events in the past year, two. It
6 was a Chinese New Year event and a parent information night.
7 So I don't want, I guess, it's not accurate based on my
8 experience and observation that, you know, the school has
9 parties every night or has events or meetings every night.
10 MR. GREEN: Objection.
11 MR. GROSSMAN: What's your objection?
12 MR. GREEN: Mischaracterization. There was no
13 testimony that there were parties every night.
14 MR. ZHANG: No, but she's --
15 MR. GREEN: I understand but, Your Honor, this is
16 going to be on a record in which somebody is making
17 characterizations about a question asked by one of the
18 residents. We're allowed to have our objections. And for
19 her to say parties every night, there was no indication or
20 inference that there were parties every night. So this is a
21 mischaracterization. I want my objection on the record.
22 MR. GROSSMAN: And your objection is on the
23 record.
24 MR. GREEN: Thank you.
25 MR. GROSSMAN: And I'm going to overrule it and

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1 let her testify. Go ahead.
2 MS. LEE: Thank you. In terms of the events that
3 I did attend, the parents night, it, there weren't that many
4 other cars. It was more than I normally see, the three or
5 four cars when I drop off my son. However, it was
6 completely contained. There was adequate room for me to get
7 in and then leave before the other parents. And there was,
8 you know, no, no danger, there was no accidents or anything
9 like that and there was plenty of parking space. That was
10 my recollection of parents' information night.
11 In terms of Chinese New Year, which was, you know,
12 there were a lot more cars in attendance, but prior to that
13 Ms. Zhang gave me a map and asked me on the night of the
14 party was there any special need for me to leave early or
15 what. And so she had a diagram and a very clear map with a
16 sequence of, okay, the parents that need to leave earlier,
17 you would park one, two, three, four, five, and she had it
18 all drawn out. And so I remember by the time I got there I
19 parked in my designated parking spot and, again, there was
20 no problems. So, anyway, so that's what I have to say about
21 that.
22 As for the, I guess the safety of Marian Drive,
23 whether there are any pedestrians, at least in the times
24 that I drop off and pick up my child, I don't see any
25 pedestrians. I guess that would be expected because during

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1 those times people probably are already at work or I don't
2 know, or those that don't work it's not, you know, it's not
3 a, it's not a weekend time, it's not a leisurely, I guess,
4 time, so I guess that's the reason why I don't see any
5 pedestrians. So I, you know, I've never had any concerns or
6 issues about that.
7 And I think that's, I guess in summary I believe
8 that the addition of eight more students, especially when
9 two out of those students are not going to add any
10 additional cars, is not going to unduly burden the traffic
11 volume, the traffic safety or the parking operations at the
12 school.
13 MR. GROSSMAN: Okay. All right. Ms. Zhang, do
14 you have any additional questions of this witness?
15 MS. ZHANG: Yes, I do.
16 MR. GROSSMAN: All right.
17 BY MS. ZHANG:
18 Q And, Ms. Lee, your son attends center when we have
19 12 and also 22, so do you have, see anything, for
20 instance --
21 A Yes. That is right. My son, Tyler -- I, we
22 experienced, personally experienced the transition. When we
23 first went, it was 12 students and then later it became 22
24 students. So he was there and I was there when this
25 transition occurred. And I haven't noticed any difference

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1 whatsoever. The only thing that's a positive thing is there
2 is, the classes are very structured and much more, I guess,
3 you know, substantial now, you know, it's preschool, it's
4 daycare, because there's additional students. But in terms
5 of outside of the classroom, I haven't experienced any
6 additional impact or difference whatsoever between 12 to 22
7 students.
8 MR. GROSSMAN: Cross-examination, Mr. Green?
9 MR. GREEN: Yes, just briefly.
10 CROSS-EXAMINATION
11 BY MR. GREEN:
12 Q Ma'am, you said that you drop off your child at
13 10:30 and pick up at 6:00 p.m., is that correct?
14 A Yes.
15 Q And are you aware that the school is open from
16 7:30 until 6:30?
17 A Yes.
18 Q Have you ever dropped off your child at 7:30?
19 A In the morning?
20 Q I the morning.
21 A No.
22 Q At 8 o'clock?
23 A Once.
24 Q Okay. At 8:30?
25 A No.

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1 Q Would you agree that 10:30 is generally not
2 considered rush hour?
3 A Sure.
4 Q Would you also agree that there is going to be
5 more traffic during rush hour, from 7:30 to 8:30, than
6 10:30?
7 A Well, I'm not a traffic expert, so I don't know.
8 Q So you don't know?
9 A Right.
10 Q Okay.
11 MR. GREEN: No further questions of this witness.
12 MR. GROSSMAN: Mr. Cook, did you have any
13 questions of this witness?
14 MR. COOK: A couple of small questions.
15 CROSS-EXAMINATION
16 BY MR. COOK:
17 Q Do you live on Marian Drive?
18 A No, I do not.
19 Q Do you own property on Marian Drive?
20 A No, I do not, but my child goes there every single
21 day.
22 Q Do you -- I understand that. Do you -- how many
23 sidewalks exist against Marian Drive?
24 MR. GROSSMAN: You mean --
25 BY MR. COOK:

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1 Q For pedestrian traffic, how many sidewalks do you
2 see?
3 A In front of the school?
4 Q Yes.
5 A I don't think there is a sidewalk in front of the
6 school.
7 Q That's correct, there is no sidewalk. How many
8 times a day do you go in and out of Marian Drive?
9 A Twice a day at least.
10 Q Thank you.
11 MR. GROSSMAN: Okay. All right. Is there
12 anything else you wanted to add in response?
13 MS. LEE: No, Your Honor.
14 MR. GROSSMAN: All right. Thank you, Ms. Lee.
15 MS. LEE: Thank you.
16 MR. GROSSMAN: Appreciate your taking your time to
17 come down here and sharing your evidence with us.
18 MS. LEE: Thank you.
19 MR. GROSSMAN: All right. Ms. Zhang, your next
20 witness?
21 MS. ZHANG: Next one, it's Lily.
22 DIRECT EXAMINATION
23 MR. GROSSMAN: State your name please.
24 MS. SIMON: Liliana Simon.
25 MR. GROSSMAN: I'm sorry, say it again?

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1 MS. SIMON: Liliana Simon.
2 MR. GROSSMAN: Okay. And also I should have asked
3 you, Ms. Lee, because we will send out a copy of our
4 decision to you for your address. Would you state your
5 address for the record please?
6 MS. LEE: Certainly.
7 MR. GROSSMAN: You can just state it.
8 MS. LEE: 4600 Brad Court, Rockville, Maryland
9 20854.
10 MR. GROSSMAN: Okay. All right. Ms. Simon, would
11 you raise your right hand, please?
12 (Witness sworn.)
13 MR. GROSSMAN: All right. Would you state your
14 full name and address please?
15 MS. SIMON: Liliana Simon, 12 Pasture Brook Court,
16 Rockville, Maryland 20854.
17 MR. GROSSMAN: All right. And what did you wish
18 to say?
19 MS. SIMON: So I'm here in support of the school.
20 I attest that I answered this questionnaire. I think
21 parking is safe. I think the traffic on Marian Drive is
22 very light. More specifics, I have seen mainly Joe in the
23 parking lot fill times when I drop off and pick up my
24 children, so I just feel like they monitor what is happening
25 in the parking lot. I have seen Margaret actually in front

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1 of the school fill times looking at the traffic on Marian
2 Drive. So I also feel that they are concerned about what is
3 happening outside the school as well.
4 The very few pedestrians that I have seen and I
5 want to make sure that they are, I have seen them really
6 rarely where usually people who are related to the school.
7 I have never seen anyone, any pedestrian who was not related
8 to the school and those were either a teacher or sometimes a
9 parent who had dropped off into the school. When I've seen
10 people walking, indeed, there's no sidewalk on Marian Drive.
11 Usually they are walking not on the road, they are walking
12 on the, in front of, in the front yard by the grass area.
13 In terms of the traffic on Marian Drive and
14 turning into Glen Mill Road, certainly Glen Mill Road is a
15 busier street. The, I, I would say that there is at most
16 one car behind me when I'm turning. Usually there aren't
17 any cars behind me. And the way really depends, if you're
18 going to turn right or left into Glen Mill Road. Clearly,
19 if you're going to do a right turn, it's usually faster than
20 if you are going to do a left turn. It just depends a
21 little bit on the time of the day, but even I, I guess I
22 should have started by saying that I have been with the
23 school for a year. I've had two children enrolled last year
24 in the school. Now I have one child. The other one
25 graduated and went to kindergarten.

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1 MR. GROSSMAN: Do you have a particular time slot
2 that you drop off and pick up?
3 MS. SIMON: Yeah. I usually drop off between,
4 around 8:30, between 8:30 and 9:00, usually around 8:30,
5 8:45. And I usually pick them up around 5:00.
6 MR. GROSSMAN: Okay.
7 MS. SIMON: And usually sometimes my husband does
8 the pick up and drop off, but usually I'm the one who does
9 it. I also would like to mention about the parties or
10 events that I testify. For the last year we've had two
11 events. I've attended both events. One is for the parents
12 back to night school. I want to say also that there were no
13 kids in that event, so it was just adults. Again, I don't
14 recall that parking was an issue at all.
15 The other event was the Chinese New Year where the
16 kids were present. That was an event that was more attended
17 and clearly the school had prepared parking and they had
18 sent letters that they had diagrams, they had people in the
19 parking lot. I think, as I recall, at least two people were
20 in the parking lot, two or three people directing where
21 people should park, directing when people were leaving. It
22 was very organized. They did ask that people, if the
23 parents had more than one car that people would carpool.
24 Clearly, we did that. So, clearly, it was a very thoughtful
25 process.

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1 That's it. And I think, in fact, that I would
2 prefer if the contract, a signed contract is not given to a
3 neighbor.
4 MR. GROSSMAN: I'm not going to require that the
5 contracts be distributed --
6 MS. SIMON: Thank you. I appreciate that.
7 MR. GROSSMAN: -- out and, the filled in
8 contracts.
9 MS. SIMON: I think that's it. And in summary,
10 I'm very supportive of the school. I think it's, I really
11 don't feel that increasing the number of students by eight,
12 either if they are siblings or not siblings, it would make a
13 difference in the area community.
14 MR. GROSSMAN: All right.
15 MS. SIMON: Thanks.
16 MR. GROSSMAN: Ms. Zhang, do you have any
17 additional questions of this witness?
18 MS. ZHANG: Nothing.
19 MR. GROSSMAN: All right. Any cross-examination?
20 MR. GREEN: Just very brief.
21 CROSS-EXAMINATION
22 BY MR. GREEN:
23 Q You indicated your drop-off time is around 8:30 to
24 8:45. Do you not have a specific time as per your contract?
25 A It's, there is a time in the contract, however,

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1 it's, as I said I usually drop off the kids between 8:30 and
2 8:45. It's flexible.
3 Q Could I ask you what time your, without going into
4 personal information, what time your contract specifies that
5 you drop off?
6 A It's immaterial.
7 MR. GROSSMAN: No, no he's entitled to ask that
8 question.
9 MS. SIMON: Okay. It's, I think it's, I think
10 it's 9:00 or --
11 BY MR. GREEN:
12 Q So your contract says 9:00, but you drop off
13 between 8:30 and 8:45?
14 A That may be correct.
15 Q Okay. Do you live on Marian Drive?
16 A I don't.
17 Q I don't believe you gave your address for the
18 record, so I don't know --
19 A I did give my address.
20 Q -- exactly -- what?
21 MR. GROSSMAN: Yes, she did.
22 MS. SIMON: I did give my address.
23 BY MR. GREEN:
24 Q Does anybody operate a daycare center or a school
25 on your street?

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1 A No.
2 MR. GREEN: No further questions.
3 MR. GROSSMAN: Mr. Cook.
4 (Discussion off the record.)
5 BY MR. COOK:
6 Q You mentioned that you, when you see people --
7 MR. GROSSMAN: Hold on a second. You can't talk
8 to the witness while she's being questioned.
9 CROSS-EXAMINATION
10 BY MR. COOK:
11 Q You mentioned when you see pedestrians walking,
12 mostly on the grass, right, isn't that what you mentioned
13 before?
14 A Yes.
15 Q Why do you think that?
16 A Because there's no sidewalk.
17 Q All right. But then possibly walking on the
18 street might be a little dangerous?
19 A I'm not going to interpret.
20 Q Thank you.
21 MR. GROSSMAN: All right. Thank you very much.
22 Ms. Zhang, your next witness? Oh, I'll tell you, before you
23 call your next witness, I noticed that we have two things
24 that are in the file that should be made part of the record.
25 One of them is affidavit of posting, that is an affidavit

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1 that a notice sign has been posted appropriately in the
2 neighborhood regarding this modification request. And it
3 should be left posted until you receive, actually it should
4 remain posted until 30 days after my decision was issued.
5 All right. That will be Exhibit 110, the affidavit of
6 posting.
7 (Exhibit No. 110 was marked for
8 identification.)
9 MR. GROSSMAN: Then I also notice there's a letter
10 that we received from a Margaret Rogers. That's Exhibit
11 111.
12 (Exhibit No. 111 was marked for
13 identification.)
14 MR. GROSSMAN: All right. Now you may call your
15 next witness.
16 MS. ZHANG: Sorry.
17 MR. GROSSMAN: Yes?
18 MS. SIMON: May I --
19 MR. GROSSMAN: I'll invite you forward, yes, and
20 return.
21 MS. SIMON: And correct something? I am not sure
22 if my, if my, about the contract. I have signed that
23 contract earlier and maybe the time is not my, my time in
24 the contract may be, they really say 8:30 and not 9:00
25 a.m. --

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1 MR. GROSSMAN: Okay.
2 MS. SIMON: -- for my drop-off.
3 MR. GROSSMAN: All right. Any cross-examination
4 on that further, on that -- okay.
5 MS. SIMON: Thank you.
6 MR. GROSSMAN: Thank you. All right. Ms. Zhang.
7 MS. ZHANG: Lauren and Keith.
8 DIRECT EXAMINATION
9 MR. GROSSMAN: Okay. Oh, one at a time. All
10 right. Ms. Adler, would you state your full name and
11 address please?
12 MS. ADLER: Lauren Adler, 10 Hunters Gate Court,
13 Silver Spring, Maryland 20904.
14 MR. GROSSMAN: Would you raise your right hand?
15 (Witness sworn.)
16 MR. GROSSMAN: All right. You may proceed.
17 MS. ADLER: I am here today in support of the
18 school. I think I'm in a, well, Keith, my daughter's
19 father, and I are in a unique position from some of the
20 other parents here. My parents actually live across Glen
21 Mill Road in the houses. So unlike the other parents, we
22 don't normally drive there. We do walk. We are
23 pedestrians, but as the first house on Marian Drive, I
24 wouldn't say we walk down Marian Drive. We cross Glen Mill
25 Road and go straight into the house on the school's

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1 property. So we're not walking down Marian Drive.
2 As parents, we don't feel that this is unsafe for
3 our child. There's not enough traffic that we can't get
4 across Glen Mill Road. We've never had to wait more than a
5 minute to cross Glen Mill Road. There's breaks in traffic.
6 MR. GROSSMAN: What time is your drop off time and
7 what time is your pick up time?
8 MS. ADLER: 9:00 and 5:00. So her father actually
9 takes the bus from Silver Spring. There's actually a bus
10 stop at the corner of Marian Drive and Glen Mill Road. So I
11 wouldn't say it's not safe if you put a public bus stop
12 right there. Again, the, it's on, right outside their
13 property. So you're walking on the grass of their property
14 right into the school. And I pick her up. There's been
15 maybe a couple times I've driven because of bad weather, but
16 for the most part we walk over and, you know, he takes the
17 bus and walks her in.
18 MR. GROSSMAN: All right. Anything else?
19 MS. ADLER: Uhn-huh.
20 MR. GROSSMAN: Ms. Zhang, any questions of this
21 witness?
22 BY MS. ZHANG:
23 Q Have you observed any, excuse me, observed any
24 traffic on Marian Drive?
25 A We see very little traffic when we're walking. We

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1 don't have any problems in the parking lot or going in and
2 out of Marian Drive. We've lived in, right across Glen Mill
3 Road for over 20 years and while the traffic has increased
4 on Glen Mill Road, I wouldn't say it has anything to do with
5 the school or Marian Drive. I mean there used to be
6 cornfields over there and now it's a shopping center and --
7 so we know the area very well. You know, Wooten Parkway is
8 always backed up at rush hour. It's backed up into the high
9 school, into the elementary school. That's rush hour. But
10 it has nothing to do with this school or turning in or out
11 of this school.
12 MR. GROSSMAN: All right.
13 BY MS. ZHANG:
14 Q Have you ever seen any --
15 MR. GROSSMAN: Can you keep your voice up a little
16 bit because the court reporter has to hear you, too.
17 BY MS. ZHANG:
18 Q Have you experienced any long wait in line at the
19 intersection?
20 A No.
21 MR. GROSSMAN: I didn't quite hear what you said,
22 has there been a long waiting line for what?
23 MS. ZHANG: Like several cars waiting get out of
24 Marian Drive.
25 MR. GROSSMAN: Oh, to get out of Marian Drive?

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1 No?
2 MS. ADLER: The times that I've driven or even
3 when we're walking past the most I've ever seen is one,
4 maybe two cars, and I can't even attest that all of those
5 are from the school. It could have been. We're just
6 walking past a car.
7 MR. GROSSMAN: All right. Mr. Green?
8 MR. GREEN: I believe Mr. Cook has some questions.
9 MR. GROSSMAN: Mr. Cook.
10 MR. GREEN: I don't.
11 MR. COOK: Yes.
12 CROSS-EXAMINATION
13 BY MR. COOK:
14 Q I didn't catch your name, so excuse me.
15 A Lauren.
16 Q Lauren.
17 MR. GROSSMAN: Lauren Adler.
18 BY MR. COOK:
19 Q Ms. Adler, so you, your drop off is at 9:00 and
20 5:00, correct?
21 A Uh-huh.
22 Q And you cross Glen Mill Road --
23 A Glen Mill Road.
24 Q -- directly to the Zhang's property at 9 o'clock
25 in the morning and 5 o'clock p.m.?

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1 A Well, her father will testify in the morning. He
2 drops her off in the morning. I pick her up.
3 Q Okay. Both of which are technically rush hour,
4 correct?
5 A Correct.
6 Q And where exactly do you cross Glen Mill Road?
7 A Right where the bus stop -- so when I cross in the
8 afternoon, it's right across from the bus stop.
9 Q Okay.
10 A So there's a jogging path --
11 Q Right.
12 A -- along Glen Mill Road right there.
13 Q Right.
14 A I, there's a little patch of grass. I go down the
15 patch of grass, wait for a break in cars, there's long
16 enough breaks that I'm not running across the street or
17 anything.
18 Q All right.
19 A I cross right over into, you know, it's maybe
20 three or four steps --
21 Q So is there a crosswalk there?
22 A -- into the -- no, there's no crosswalk.
23 Q So you jaywalk across the street with your child,
24 cross them at rush hour traffic, correct?
25 A And I feel that that's safe.

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1 Q Have you ever walked up Marian Drive?
2 A No, I've never walked past their house.
3 Q Okay.
4 A I have no reason to.
5 Q Thank you.
6 MR. GROSSMAN: All right. Thank you very much,
7 Ms. Adler, for coming down and taking your time. Now, Mr.
8 Ripley? Okay. Would you state your full name, Mr. Ripley,
9 and your address?
10 MR. RIPLEY: Keith Ripley, 10 Hunter's Gate Court,
11 Silver Spring, Maryland.
12 MR. GROSSMAN: All right. Would you raise your
13 right hand please?
14 (Witness sworn.)
15 MR. GROSSMAN: All right. You may proceed.
16 MR. RIPLEY: Like Lauren said, I drop our daughter
17 off every morning about 9 o'clock. We get off the bus on
18 the opposite side of Glen Mill Road and we just cross over
19 and walk on this zone. There's usually not many cars coming
20 out of Marian Drive, you know, hardly anyone in the parking
21 lot. About 9:00, you know, a lot of kids are already there,
22 so, you know, it's not busy or anything.
23 MR. GROSSMAN: I guess I misunderstood. I thought
24 that Ms. Adler said that her parents live across the road
25 and then you walked across -- you say you take the bus?

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1 MR. RIPLEY: She does. I do. I take the bus --
2 MR. GROSSMAN: Okay.
3 MR. RIPLEY: -- in the morning with her.
4 MR. GROSSMAN: Okay. So you take the bus in the
5 morning and you stop at the bus stop across Glen Mill Road
6 and then you cross?
7 MR. RIPLEY: Uh-huh.
8 MR. GROSSMAN: I see. Okay.
9 MR. RIPLEY: Yes. Yes. And it's usually no
10 problem getting her in or out, you know.
11 MR. GROSSMAN: I'm sorry, no problem --
12 MR. RIPLEY: No, there's usually no problem, you
13 know, getting her in. There's no traffic right there on the
14 corner. It's just, you know, we cross over. You just walk
15 right into the driveway and then I take her in.
16 MR. GROSSMAN: Ms. Zhang, did you have any
17 questions for this witness?
18 DIRECT EXAMINATION
19 BY MS. ZHANG:
20 Q Do you know what time in the morning you drop off
21 MacKenzie?
22 A Usually about 9:00, 9:00 or a little after.
23 Q Uh-huh. Have you seen any pedestrians on the road
24 except the two of you?
25 A No.

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1 Q And have you --
2 MR. GROSSMAN: Try to keep your voice up, Ms.
3 Zhang.
4 MS. ZHANG: I'm sorry.
5 BY MS. ZHANG:
6 Q Have you seen any traffic or cars on Marian Drive?
7 A No, not many, one or two.
8 Q Thank you.
9 MR. GROSSMAN: Cross-examination?
10 CROSS-EXAMINATION
11 BY MR. COOK:
12 Q How old is your child?
13 A She's 4.
14 Q Four? So at 9:00 a.m. you cross Glen Mill Road
15 without, at rush hour traffic without a crosswalk --
16 A Yes.
17 Q -- approaching Ms. Zhang's house with your 4-year-
18 old child --
19 A Yes.
20 Q -- across two lanes of traffic --
21 A I carry her.
22 Q -- coming both ways?
23 A Yes.
24 Q Okay.
25 MR. COOK: No further questions.

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1 MR. GROSSMAN: All right. Thank you very much.
 2 Thank you. Next witness, Ms. Zhang.
 3 MS. ZHANG: Joan Main.
 4 MR. GROSSMAN: This is --
 5 MS. ZHANG: Joan Main.
 6 MR. GROSSMAN: Listed as Joan Chen-Main?
 7 MS. ZHANG: Joan Chen, yeah, Chen-Main.
 8 MS. MAIN: I'm Joan Chen-Main and I --
 9 MR. GROSSMAN: State your address please.
 10 MS. MAIN: Oh, 807 Leverton Road, Rockville,
 11 Maryland 20852.
 12 MR. GROSSMAN: And would you raise your right hand
 13 please?
 14 (Witness sworn.)
 15 MR. GROSSMAN: All right. You may proceed.
 16 MS. MAIN: I have been a LGMC parent for three
 17 full years, so this is our fourth year. So when my older
 18 son started, LGMC only had 12 students. So Ms. Zhang asked
 19 me to specifically to talk about the difference between our
 20 parking experience when there were 12 children versus now
 21 when there are 22 children.
 22 And I would say that, well, there is one thing
 23 that changed in our situation which is that I used to be a
 24 late drop-off parent. I used to like, like commute, I used
 25 to drop off maybe not quite as late, maybe like 9:30, 10:00

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1 and so at that time I would very rarely see any other cars.
 2 And I would tend to be a late drop-off, sorry, late pick up
 3 parent. I would pick up around 5:30. And at that time when
 4 there were 12 students, I would see considerably more
 5 parents picking up. It was a hot pick up time. So at that
 6 time maybe I would see anywhere from, I don't know, maybe
 7 one to maybe four other cars. Like I think four would be
 8 very unusual, but maybe, maybe, definitely no more than
 9 four.
 10 And now I've signed up for the early slot, the
 11 early drop-off slot. So now I drop off, I have the 8:30 to
 12 9 o'clock drop-off slot and I pick up early, after 4:30, I
 13 think between 4:30 and 4:45. And so now because I do early
 14 drop off and pick up, I, for drop off, it is not uncommon
 15 for there to be no other cars. Sometimes there is -- often
 16 maybe I will run into somebody either coming in or coming --
 17 it's not that unusual to run into somebody coming out, so
 18 maybe one other -- there's one other family that had to do
 19 the drop-off at the same time because there's a time range
 20 and we don't arrive there right on the dot at 8:40 or
 21 something. So we went still maybe not to see each other so
 22 much during the less popular drop-off times and almost
 23 nobody else is picking up at 4:30 or 4:45. So it's pretty
 24 typical also for me not so see any other cars during pick up
 25 or maybe, maybe up to, maybe up to two other cars.

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1 So the main differences that I see are that before
 2 when we had 12 students, we sort of staggered without
 3 coordination and now there's a scheduled stagger pick-up and
 4 drop-off. I don't really worry about parking. The circular
 5 drive has been widened so that you can, you can park and
 6 then, at least for me, I mean we have, we have sedans, so I,
 7 you know, there could be a car parked in the circular
 8 driveway and then another car that passes if really
 9 necessary, but I've never, I've never actually, after they
 10 finished their renovation, we didn't really use the circular
 11 drive so much, so I didn't really pass cars in the circular
 12 drive.
 13 And so from my experience, the traffic on Marian
 14 has been negligible since LGMC is right on the corner. For
 15 me, I, you know, I drive to the Zhang's driveway and I turn
 16 in there and then I come out. So from our experience, it
 17 hasn't really changed very much since the, since the
 18 increase in enrollment. So that -- and we also, when they
 19 had, we've only, what's the right word, we've only had,
 20 we're only aware of two school events a year also, the back
 21 to school night and the Chinese New Year party. So
 22 that's -- and I don't think that that has changed between
 23 when there were 12 students and when there were 22 students.
 24 So that's, I think that's all that I had to say.
 25 MR. GROSSMAN: All right. Ms. Zhang, anything,

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1 any other questions?
 2 MS. ZHANG: No.
 3 MR. GROSSMAN: Any cross-examination, Mr. Green?
 4 MR. GREEN: Just very briefly.
 5 CROSS-EXAMINATION
 6 BY MR. GREEN:
 7 Q You indicated you drop off in the circle and go
 8 back out. You go out to where Glen Mill and Marian come
 9 together?
 10 A That is where I go out. I don't always, I don't
 11 always use the circle.
 12 Q But you always exit Marian Drive going toward Glen
 13 Mill Road?
 14 A Yes, there was a very, well, there was a very
 15 brief time when my grandmother was in the Lutheran home, so
 16 sometimes I went out, I don't know the name of that road.
 17 Q Mary Knoll.
 18 A Yes, I think Mary Knoll.
 19 Q Okay.
 20 A But that was, that was, thankfully, a very brief
 21 time. So usually -- and now the plan --
 22 Q So --
 23 A -- is just to go on Glen Mill.
 24 Q So you're not aware of traffic or pedestrians
 25 going up Marian Drive from where you leave to go down Marian

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1 Drive, is that correct?
2 A No.
3 MR. GREEN: No further questions.
4 MR. GROSSMAN: Up and down, up being left?
5 MR. GREEN: Up being as you come out to the left
6 down where the curve is, yes.
7 MR. GROSSMAN: Did you have any questions?
8 MR. COOK: No, sir.
9 MR. GROSSMAN: Thank you very much, ma'am.
10 Appreciate your coming down here and spending your time to
11 share your information.
12 MS. MAIN: Okay.
13 MR. GROSSMAN: Thank you. All right. Next
14 witness?
15 (Discussion off the record.)
16 MR. LIH: So my name is Andrew Lih, last name is
17 spelled L-I-H. Do you need my address or --
18 MR. GROSSMAN: Yes, sir.
19 MR. LIH: Okay. The address is 9719 Glynshire
20 Way, Potomac, Maryland 20854.
21 MR. GROSSMAN: Would you raise your right hand
22 please?
23 MR. LIH: Sure.
24 (Witness sworn.)
25 MR. GROSSMAN: All right. You may proceed.

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1 MR. LIH: Thank you. Thank you for having me here
2 today. My name is Andrew Lih. I'm resident of Potomac and
3 a proud product of Montgomery County schools my entire life.
4 So I'm here in support of the motion to add students without
5 affecting the climate and neighborhood, and to respectful of
6 neighbors of the Little Genius Montessori School. And
7 everything I have seen from my visits to the facility and
8 talking with parents indicates that this has been so
9 regarding parking, traffic safety and children being
10 supervised on the premises.
11 So I'm a little bit different in that my children
12 are twin boys currently on the waiting list to Little Genius
13 Montessori. And there are other parents on the waiting list
14 as well also with twins. So my suggestion is we should try
15 to check the Maryland water because something funny is
16 happening here in a good way, that we're having lots of
17 twins.
18 So to add to Ms. Lee's testimony, her addition of
19 her twins if this is approved would add no impact. If my
20 twins were admitted with an expansion of the numbers, it
21 would only add one additional car. So this, so right off
22 the bat you have the four of the eight students adding only
23 one carload to the existing load. So I'm quite encouraged
24 by something like that if the expansion goes through.
25 And it's to say that I don't take this expansion

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1 lightly. I'm very sympathetic to the two gentlemen here. I
2 think they have every right to be concerned about the nature
3 of what happens to their neighborhood and I think this is a
4 good process that we have. And the reason why I take this
5 seriously is because I am a professor at American University
6 and there's a lot of issues like this there as well, of the
7 school operating in a residential neighborhood. And one of
8 the things that we have is a good neighbor policy. Every
9 single student, every single faculty member when they agree
10 to go to AU abides by the good neighborhood policy, meaning
11 that you do not park on residential streets, you keep the
12 noise level down, you're respectful of neighbors. And I'm a
13 huge supporter of that because it makes for good community,
14 it makes for good relations all around. So I would not
15 choose to engage with Little Genius Montessori if I was not
16 assured that this was the case as well with this school.
17 So to my knowledge there has been no reported
18 accidents or pedestrian accidents in that area at all from
19 what I can, from what I have heard about checks with the
20 Montgomery County Police Department. There have been no
21 street parking related issues to my knowledge which gives me
22 a lot of good vibes about the arrangement that the school
23 has with the neighborhood. And everything I've seen from my
24 visits shows that it's a very responsible environment. In
25 fact, the first time we visited on a morning, I wasn't sure

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1 we were in the right place. I said this place is so quiet,
2 I don't see any kids, are we at the right location? So that
3 was a good indication off the bat that this is a school that
4 was respectful of its environment.
5 As I mentioned, hopefully the addition of eight
6 more slots means much fewer than eight additional cars and
7 it seems like that would be the case. So, you know, we've
8 seen that Montgomery County does have this need for more
9 bilingual education in that we don't have a lot of options
10 in this area and I'm hoping that this would go through and
11 that there would be minimal impact on the neighborhood
12 around there.
13 MR. GROSSMAN: All right.
14 MR. LIH: Thank you.
15 MR. GROSSMAN: Thank you. Ms. Zhang, any
16 questions?
17 MS. ZHANG: No, sir.
18 MR. GROSSMAN: Any cross-examination?
19 MR. GREEN: Just very briefly.
20 CROSS-EXAMINATION
21 BY MR. GREEN:
22 Q Professor Lih, thank you for your comments
23 respecting our position. Just for the record, you do not
24 live on Marian Drive?
25 A I do not.

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1 Q And are there any daycare centers or schools on
2 the street where you live?
3 A Actually there is.
4 Q Okay.
5 A Right across the street there is one with, I
6 believe, eight kids and we have a very good relationship
7 with them.
8 Q Do you know whether that school has ever sought to
9 expand the enrollment?
10 A They have sought to expand in the past and I think
11 they expanded to eight and that's where it sits now.
12 Q That many?
13 A Yeah.
14 Q Okay. So not 30?
15 A Not to my knowledge.
16 Q Okay.
17 MR. GREEN: No further questions.
18 MR. GROSSMAN: Mr. Cook, any questions?
19 MR. COOK: No.
20 MR. GROSSMAN: All right. Thank you very much --
21 MR. LIH: Thank you.
22 MR. GROSSMAN: -- Professor Lih, for coming down
23 here and taking your time to share the information you have.
24 All right. The next witness, Ms. Zhang?
25 MS. ZHANG: Catherine.

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1 MR. GROSSMAN: Ms. Gedney.
2 MS. ZAMARIN: Hi.
3 MR. GROSSMAN: Hi. Would you state your full name
4 and address please?
5 MS. GEDNEY: Yes. My name is Catherine Gedney, Z-
6 A-M-A-R-I-N, Gedney. I live at 1002 Kennon, that's K-E-N-N-
7 O-N, Court, Rockville, Maryland 20851.
8 MR. GROSSMAN: Would you raise your right hand
9 please?
10 (Witness sworn.)
11 MR. GROSSMAN: All right. You may proceed.
12 MS. GEDNEY: I'm here in support of the school. I
13 have a 3-year-old Chinese daughter, so we were thrilled to
14 be able to send her to this school. And I'd just like to
15 concur with the rest of the parents in, when I evaluated the
16 school and in my experience for the last year, I have felt
17 very safe going in and out of the school. I have felt that
18 the school has been very respectful of the neighborhood and
19 put these measures in place, including our contracts,
20 including specifics on parking when we're in the area.
21 And from my personal observations of the other
22 parents and the staff of the school, they are very
23 respectful when they enter and leave. I do not see reckless
24 driving. I don't see people acting without regard for other
25 people around them. I have seen pedestrians on Marian

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1 Drive. I've seen runners. I'm a runner and I'm a cyclist.
2 I'm very aware of those types of situations. I would run on
3 Marian Drive. I would run on, I do run on the Millennium
4 Trail, which is right across the street. I am very aware
5 when I'm in the area because there are cyclists that come
6 through because of that trail and oftentimes they're in the
7 street.
8 So I, being a cyclist and a runner, I feel like I
9 observe these types of things regularly. I bike all over
10 Montgomery County. And there's definitely areas where I
11 would not bike. Yes, there is a lot of traffic on that main
12 intersection, but when I exit the school --
13 MR. GROSSMAN: By the main intersection, you're
14 talking about Glen Mill Drive?
15 MS. GEDNEY: Yes, Glen Mill and 28th, that light,
16 I do see a lot of traffic. But when I exit out of the
17 school, I am 90 percent of the time the only car exiting. I
18 make a left. I would say I have never waited more than 20
19 to 30 seconds to make that left. My drop-off time is
20 between 8:45 and 9:00. Because I am under oath, I am going
21 to confess I am often late. My pick-up time is about 5:00.
22 And my husband also filled out the survey. I
23 didn't fill out the survey, he did. And I think those are
24 being turned in to you. He also indicated no issues when
25 arriving or leaving.

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1 But I do want to say, you know, I feel like the
2 staff and the other parents are very respectful people. If
3 there are measures that you feel or anyone feels that we
4 need to put into place, we're willing to do that because we
5 want the center to continue to serve the community and we
6 want our children to be safe and we want other people around
7 us to be safe as well.
8 MR. GROSSMAN: All right. Any questions, Ms.
9 Zhang?
10 MS. ZHANG: No thanks.
11 MR. GROSSMAN: Any questions?
12 MR. GREEN: No.
13 MR. GROSSMAN: Mr. Cook?
14 MR. COOK: No.
15 MR. GROSSMAN: Thank you very much.
16 MS. GEDNEY: Oh, okay.
17 MR. GROSSMAN: I appreciate your, once again,
18 taking your time --
19 MS. GEDNEY: Yes.
20 MR. GROSSMAN: -- to share your views on this.
21 MS. GEDNEY: Thank you.
22 MR. GROSSMAN: Thank you.
23 MS. GEDNEY: Thank you.
24 MR. GROSSMAN: All right. Next witness?
25 MS. ZHANG: Patti.

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1 MS. MCHUGH: Hello.
 2 MR. GROSSMAN: State your full name please.
 3 MS. MCHUGH: Patricia Li, L-I, McHugh, M-C-H-U-G-
 4 H.
 5 MR. GROSSMAN: All right. And would you raise
 6 your right hand please?
 7 (Witness sworn.)
 8 MR. GROSSMAN: All right. You may proceed.
 9 MS. MCHUGH: My name is Patti. I live at 10240
 10 Lakewood Drive in Rockville, Maryland. I am a product of
 11 Montgomery County Public Schools via Lakewood, Frost and
 12 Wootton. I am also a product of the Montessori system as
 13 well. So I am very familiar with Montgomery County schools
 14 and the Montessori system in general.
 15 Living at Lakewood all my life for 35 years, I'm
 16 very familiar with the traffic patterns from Glen Mill and
 17 Darnestown Road and Marian Drive. I have actually been
 18 sending my daughter for, since June of this year, so it's
 19 been a couple of months, or actually May, April or May of
 20 this year, and I've never encountered any kind of traffic
 21 problems or, you know, heavy wait times at Marian Drive. I
 22 actually access the school, since I am south of the area, I
 23 actually access the school from Marian Knolls, Marian Knolls
 24 Drive?
 25 MR. GREEN: Mary Knolls.

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1 MS. MCHUGH: Right. And exit the school sometimes
 2 left on Glen Mill, sometimes right on Glen Mill since I work
 3 right here in Rockville. I am pretty flexible where I go.
 4 Where Marian is, I notice too that there's no
 5 sidewalk in that area, so there's very little pedestrians.
 6 I hardly almost never have seen a pedestrian on that side of
 7 Glen Mill Road. Since the newly built sidewalk is on the
 8 other side across from Marian, you see more pedestrians on
 9 that side and especially since the bus stop is over there as
 10 well.
 11 I found the staff to be very respectful of the
 12 neighborhood. They are very in control of all their
 13 surroundings and their students. I found this school
 14 actually, you know, word of mouth because this is the only
 15 Chinese-emergent Montessori in the area that I know of.
 16 And, you know, having a child that is of mixed race, half
 17 Chinese, half, you know, Caucasian, I find it very important
 18 that I utilize the Montessori to educate my child,
 19 especially through the Montessori program since I am a
 20 product of it.
 21 You know, being American-born Chinese, I --
 22 MR. GROSSMAN: Well, let's take -- I don't want to
 23 interrupt you, but this is a very narrowly focused --
 24 MS. MCHUGH: Okay.
 25 MR. GROSSMAN: -- inquiry as to traffic and

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1 pedestrian and parking issues.
 2 MS. MCHUGH: Okay. So I only, I only make -- I
 3 sometimes make a left and sometimes make a right on Marian.
 4 But most of the time to drop off, I make a right onto
 5 Marian, left on Glen Mill, and then picking up I go back to
 6 my home going left on Marian Drive.
 7 MR. GROSSMAN: Okay. And do you run into any
 8 traffic issues or pedestrian encounters in doing that?
 9 MS. MCHUGH: No. Parking is also very organized.
 10 I drop off between 8:00 and 8:30 in the morning and pick up
 11 between 5:00 and 5:30.
 12 MR. GROSSMAN: Okay. Anything else you wish to
 13 add?
 14 MS. MCHUGH: No.
 15 MR. GROSSMAN: All right. Ms. Zhang, any
 16 questions?
 17 DIRECT EXAMINATION
 18 BY MS. ZHANG:
 19 Q Sometimes you do pass, drive on Marian Drive, so
 20 the, do you experience a lot of traffic on Marian Drive?
 21 A No, hardly any.
 22 Q And we already said pedestrian and parking.
 23 MR. GROSSMAN: I'm sorry, I couldn't hear that,
 24 but --
 25 MS. ZHANG: She already mentioned the pedestrians

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1 producing any, a lot of pedestrian --
 2 MS. MCHUGH: No. Since there's no sidewalk on
 3 that side, almost never see any pedestrians on that side of
 4 the road. Occasionally you'll see some on the other side of
 5 Glen Mill.
 6 BY MS. ZHANG:
 7 Q Of Glen Mill Road?
 8 A But Marian, no.
 9 Q Thank you, ma'am.
 10 MR. GROSSMAN: Cross-examination?
 11 MR. GREEN: I just want to get a clarification
 12 from that last question.
 13 CROSS-EXAMINATION
 14 BY MR. GREEN:
 15 Q We're only talking at this point about pedestrian
 16 traffic on Marian. What was your answer about pedestrian
 17 traffic on Marian?
 18 A Almost never.
 19 Q Almost never? But you do have, you have seen
 20 pedestrians on Marian?
 21 A Maybe one resident within the last couple of
 22 months that I --
 23 Q How would you know that person was a resident?
 24 A I assumed that because it's a, it's, you know, one
 25 or two people, you know, looking like they're leisurely

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1 walking in, on Marian Road.
2 Q But you don't know for sure that those are
3 residents or people who just walk down Marian Drive?
4 A No.
5 Q Okay.
6 MR. GREEN: I don't have anything further.
7 MR. GROSSMAN: Mr. Cook?
8 MR. COOK: No, sir.
9 MR. GROSSMAN: Thank you very much for coming down
10 here and spending your time to share your views. All right.
11 Additional witnesses?
12 MS. ZHANG: Janet.
13 MS. JING: My name is Janet Jing. I live in
14 Gaithersburg, Maryland, 14123 Forest Ridge Drive North,
15 20878.
16 MR. GROSSMAN: Would you raise your right hand
17 please?
18 (Witness sworn.)
19 MR. GROSSMAN: All right. You may proceed.
20 MS. JING: Yes. My daughter, Eta (phonetic sp.)
21 Jing has been sending to this school since she was 1 1/2
22 years old, which is the November of 2011. It was really
23 nice school, quiet, organized, clean. We never have the
24 safety concern at the school or around the school.
25 This year when this school increased the number of

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1 the children, I barely even noticed there is increase of
2 traffic. My drop-off time is anytime from 9:00 to 9:30;
3 pick-up time usually is between 5:30 to 6 o'clock. And most
4 the time I see the, most of the cars, number of cars I see
5 in the parking lot, including myself, no more than three or
6 four. Usually it's one or two.
7 I do, I did see people walk on the street or in
8 the street. That is in the past more than one half years,
9 no more than three people I believe. I should say between
10 two to three times in one and one half years I see people
11 walk on that street. And the traffic is very light.
12 When we pick up our child, we do not turn right,
13 we do not go to Glen Mill Road. We turn left instead. So
14 there's no traffic. When I drop off my child, I do turn on
15 Glen Mill Road and then make a left on Glen Mill Road.
16 Barely there's a car behind me. If there is, usually it's
17 one if there is. Waiting time is very short. I would say
18 like less than a half minute I can make a left turn.
19 And the parking lot is very safe. Parents parking
20 in a way that we were told how to park and we are veered off
21 if there are anybody or a child around in the parking lot.
22 And the parents are very responsible as well to watch their
23 kids. That's, to me I don't have any concern of my child to
24 go to that school and the safety of the school.
25 MR. GROSSMAN: All right. Ms. Zhang, any

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1 questions?
2 MS. ZHANG: Yes.
3 DIRECT EXAMINATION
4 BY MR. ZHANG:
5 Q Sometimes you do turn left on Marian Drive. Have
6 you seen any pedestrians or traffic on Marian Drive?
7 A As I said, it's more than 1 1/2 years total
8 number of people walk on that street I see no more than
9 three times.
10 Q Thank you.
11 MR. GROSSMAN: Cross-examination?
12 MR. GREEN: No.
13 MR. COOK: I do have a question.
14 CROSS-EXAMINATION
15 BY MR. COOK:
16 Q So you said your drop-off time is around 9:00?
17 A 9:00 to 9:30.
18 Q And your pick-up, 5:00 to 5:30?
19 A 5:30 to 6:00.
20 Q 5:30 to 6:00?
21 A Yes.
22 Q And do you find it strange that almost everyone
23 here has said the same time?
24 A Well, I just came in. My time usually is close to
25 9:30 --

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1 Q Right.
2 A -- because I work at the NIST, it's very close.
3 So my time is very close to 9:30 and very quick for me to
4 get to work.
5 Q Have you ever seen a chart of when the other
6 parents are supposed to pick up or versus yourself?
7 A I do. I do. Usually I see one, one woman too.
8 The most I see including my car, which also including
9 staff's car, there's usually one car in the parking lot.
10 It's the staff's car. No more than four cars in the parking
11 lot is the most I've seen.
12 Q But the most people who have gotten up today and
13 said that their drop-off time is around 9:00 and their pick-
14 up is around 5:00.
15 A The parents --
16 MR. GROSSMAN: I don't know if that's a fair
17 characterization --
18 MS. ZHANG: No. No. No.
19 MR. GROSSMAN: -- because you say around, but
20 that's a big around, but there have been 8:30 to 9:00.
21 You've got --
22 MS. JING: The parents just before me --
23 MR. GROSSMAN: Hold on one second --
24 MS. JING: -- the lady --
25 MR. GROSSMAN: -- hold on one second, Ms. Jing.

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1 MS. JING: I didn't hear her.
2 MR. GROSSMAN: We've had 8:00 to 8:30, 9:00 to
3 9:30. So I don't know -- let's not characterize what the
4 testimony has been because I'm not sure that what around
5 means.
6 MR. COOK: Okay. Thank you.
7 MR. GROSSMAN: All right. Anything further?
8 (No response.)
9 MR. GROSSMAN: All right. Thank you, Ms. Jing.
10 Appreciate it. All right. Any additional witnesses?
11 MS. ZHANG: Michael, you're the last one.
12 MR. ZHANG: Yes, I'm the one, but I'm wondering
13 the opponent also want to do the testimony. Probably I can
14 do the, my testimony with closing statement if you --
15 MR. GROSSMAN: No, you have to testify in your
16 case-in-chief, that is if you have testimony to offer, you
17 should offer it now.
18 MR. ZHANG: Okay.
19 MR. GROSSMAN: And if that's your, if you're
20 offering testimony, Mr. Zhang.
21 MR. ZHANG: Yes.
22 MR. GROSSMAN: Okay. All right. And I have sworn
23 you in earlier --
24 MR. ZHANG: Yes.
25 MR. GROSSMAN: -- with the other people at the

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1 bench.
2 MR. ZHANG: Okay.
3 MR. GROSSMAN: So you're under oath. You may
4 proceed.
5 MR. ZHANG: Okay. Thanks. Thanks, Mr. Grossman,
6 and everybody for giving me this opportunity to do my
7 testimony. And I attended the last hearing as well and I,
8 did allow further research also. If you recall, I also made
9 a recording on that.
10 MR. GROSSMAN: I recall that.
11 MR. ZHANG: Yes. And as a way first convince
12 myself that it's a safe road and no traffic or parking issue
13 before I tell to anybody, including the Hearing Examiner.
14 So based on my experience from last year, I drive during
15 rush hour, go back and forth to the work and come back from
16 work.
17 I, that's my usual path, so I always pass in front
18 of the center. So I don't, as I experienced before and
19 tested last time, is it still the same? I really don't see
20 any car over there waiting to exit out or get in. So
21 because that's a short moment, I cannot say just because I
22 don't see and nobody will see. So this time I want to go
23 green, I don't want to drive, burn the gas. Still the video
24 recording every five, 10 minutes. I did convenience
25 recording for that intersection of Marian Drive and Glen

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1 Mill Road. So I don't need to burn gas, I don't waste time
2 and, but I do have the continued recording between September
3 3 to 5th, that's Tuesday to Thursday, videoing rush hour.
4 That can give more detailed information to first tell me,
5 tell myself, okay, that's the case, not just because I drive
6 over there. I looked to take a peak at one second and
7 nobody there. So it's still the truth, still true like
8 that.
9 For instance, like September 5th, 3rd in the
10 morning, 58 cars goes through that, that intersection.
11 MR. GROSSMAN: 58 cars go through which
12 intersection?
13 MR. ZHANG: The Marian Drive and Glen Mill Road.
14 Like 57 of them pass through within, let's see, yes, within
15 one minute. And one, if you want the other one, the
16 leftover one, that one take one minute, 14 seconds. So I
17 would say I do not count the percentage like 95 percent or
18 over pass through within one minute.
19 MR. GROSSMAN: All right. So just that I know,
20 this was, this observation was made when? What date?
21 MR. ZHANG: The date is September 3rd --
22 MR. GROSSMAN: September 3rd?
23 MR. ZHANG: -- to the 5th. Yeah. That's Tuesday
24 to Thursday.
25 MR. GROSSMAN: All right. Well, the 58 cars, what

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1 time of day on which date?
2 MR. ZHANG: That is September 4th, sorry, yes,
3 yes, September 4th. The example I gave to you, that's
4 September 4th. That is Wednesday. Sorry.
5 MR. GROSSMAN: September 4th, Wednesday, what
6 time?
7 MR. ZHANG: That's between 7:45 to 9:35.
8 MR. GROSSMAN: 7:45 to 9:35?
9 MR. ZHANG: Yeah.
10 MR. GROSSMAN: Okay. A.M.?
11 MR. ZHANG: A.M., yes.
12 MR. GROSSMAN: Okay. And so your observation is
13 that 58 cars passed through the intersection of Marian Drive
14 and Glen Mill Road on Wednesday, September 4th, between 7:45
15 and 9:35 and of those 58 cars, 57 were able to negotiate the
16 intersection within one minute and one took one minute and
17 14 seconds?
18 MR. ZHANG: Correct.
19 MR. GROSSMAN: Is that correct?
20 MR. ZHANG: Yes, that's correct. So that's giving
21 me a sense of the traffic volume because I don't see any and
22 as I said last time, I drive over there, I really don't see.
23 I want to confirm myself that's still the case after hearing
24 them the prove the 22 still in this, the center, and I want
25 to make sure that's still the case.

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1 For the parking, I think we already have very
2 detailed information last time, including the interactive
3 photo and video clip, and it proved the parking is really
4 not an issue and that people can get in and out very easily.
5 That's because this, that's the feature of the center. It's
6 not going to change from last time to this time. So I don't
7 see any parking issue there.

8 MR. GREEN: Objection. Objection to the
9 characterization of what is and is not an issue. He can
10 testify that he doesn't think it causes a problem, but I
11 don't think he can testify that there's no issue. There is
12 an issue. You yourself have stated that's one of the
13 issues.

14 MR. GROSSMAN: He means it in the sense that --
15 MR. GREEN: I understand what he --
16 MR. GROSSMAN: -- you characterized it. He means
17 it in the sense that it's not --
18 MR. GREEN: I understand what he means. I just --
19 MR. GROSSMAN: -- a problem.
20 MR. GREEN: -- as long as it's going to be on the
21 record, I just want to make sure the record is clear --
22 MR. GROSSMAN: All right. Overruled. Overrule --
23 MR. GREEN: -- there is an issue.
24 MR. GROSSMAN: -- the objection. I don't think we
25 have to parse the language that carefully here. All right.

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1 Go ahead, sir.
2 MR. ZHANG: Yeah. I'm not a lawyer, not an
3 attorney and I'm not sure exactly even the term. You have
4 the legal term over there, but I just as a lay person to
5 tell what I experienced, what I saw.
6 MR. GROSSMAN: I think I understood what you mean.
7 MR. ZHANG: Yeah.
8 MR. GROSSMAN: You don't see a problem?
9 MR. ZHANG: Yeah, I don't see any problem and I
10 can easily get in and out. I don't see people packed the
11 car, waiting with the kids, I don't see that.
12 MR. GROSSMAN: All right.
13 MR. ZHANG: So I just want to tell my personal
14 experience to confirm myself first it's not the issue, it's
15 still, still very comfortable to get in and out for the
16 parking. For the safety, it's really hard for me to,
17 because it's so quiet, so safe, straight as I demonstrated
18 last time with, also this time and you barely see anybody
19 walking over there if you drive through that community.
20 Even during rush hour, you hardly see any vehicles on the
21 road.
22 I also talked, I think, I'm not sure I talked last
23 time, I tried to explain that why even during the rush hour
24 I'm the only vehicle driving over here and it seems like --
25 I did a little research last time, also this time. I guess

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1 the money ball exit for this community, like an exit over
2 here for this, this community is one of the reasons because
3 we have like three exits on the Glen Mill Road, one big one
4 of the Shady Grove Road. Many we know the community we will
5 go through that big exit to either Shady Grove Road or Glen
6 Mill Road.
7 And this one, Marian Drive and Glen Mill Road, is
8 a minor one, barely, not many people to go over here. And
9 even the parent, they can go out and they invert easily,
10 quickly. So that's, I guess that's why I don't see any. If
11 I don't have video recording, I will say, okay, based on my
12 experience there will be a zero. But, you know, based on
13 the recording, yes, I did see the vehicle and, but we can
14 get in and out very, very quickly. So --
15 MR. GROSSMAN: All right.
16 MR. ZHANG: -- I can testify to that. So for, I
17 really don't see any penetration on the road and I believe
18 last time I think the neighbor raised the same concern about
19 the no sidewalk. I think the Technical Staff made that very
20 clearly even we don't have sidewalk, that's by design and
21 the whole road, why, I don't remember the exact number. Not
22 just paved at all. The grass road that probably, probably
23 anybody can walk comfortably and safely on the grass.
24 There's no limits there. It's not, not private property you
25 cannot cross or what. That's probably -- you can walk there

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1 whenever you want. You can bike, you can walk. So the
2 neighbors' concern regarding no sidewalk is, I think, not
3 relevant over here because you can always walk on the grass.
4 Some people prefer that way because I think I heard many
5 neighbors, they don't want to build a sidewalk because that
6 will have less green space. So I think the sidewalk issue
7 raised, all concern raised by the neighbor based on the
8 traffic stop opinion in the report, that's really not an
9 issue. The pedestrians have enough space to walk safely on
10 the grass.
11 MR. GROSSMAN: Mr. Zhang, where do you live?
12 MR. ZHANG: I live in North Potomac. It is a
13 little bit north of Rockville.
14 MR. GROSSMAN: What's your specific address?
15 MR. ZHANG: Oh, eight, sorry, I should have gave
16 you that at the very beginning.
17 MR. GROSSMAN: I should have asked.
18 MR. ZHANG: Yes. 8 Ranch Court, North Potomac,
19 zip code 20878.
20 MR. GROSSMAN: All right.
21 MR. ZHANG: Yeah. When I go to work, I need to
22 drive past the center all the time. The reason, two. One,
23 I can bypass two traffic lights going through the Glen Mill
24 Road and go through Dandy and then go to the 270 directly
25 without any traffic light. Two, I do want to take a little,

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1 take a peak of this condition of this, in this action
2 because I know we are going to have hearings, so I pay
3 attention over there.
4 I really don't see any car over there, but I,
5 that's not with no car at all because it's hard to tell, you
6 know --
7 MR. GROSSMAN: All right. Let's not repeat this.
8 MR. ZHANG: Yes.
9 MR. GROSSMAN: You've testified about that.
10 MR. ZHANG: Yeah.
11 MR. GROSSMAN: Is there anything else that you
12 need to add?
13 MR. ZHANG: Yeah. I want to respond for the, a
14 couple issues raised by the neighbor earlier like agreement.
15 I don't, as far as I know, I don't recall anything like this
16 and I believe Mr. Grossman, the hearing examiner not hear
17 anything about that. The center does have the agreement on
18 the web. That's public. That's -- anybody can click and
19 download by themselves. And --
20 (Discussion off the record.)
21 MR. ZHANG: Yes, the copy I have right now, I
22 just, yesterday I go to their website and click and download
23 that and print out by myself. So this, that's not a secret
24 at all.
25 MR. GROSSMAN: Okay. Hold on one second.

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1 MR. ZHANG: Now --
2 MR. GROSSMAN: Hold on. Hold on. Let's -- a copy
3 has just been handed me. I take it that, Ms. Zhang, this is
4 a copy of your basic blank contract?
5 MS. ZHANG: Yes.
6 MR. GROSSMAN: Okay. So we'll mark this as
7 Exhibit 112.
8 (Exhibit 112 was marked for
9 identification.)
10 Mr. Green, have you seen this yet?
11 MR. GREEN: That's the one I've been asking for
12 since May of 2011 and --
13 MR. GROSSMAN: All right.
14 MR. GREEN: -- if it had been that easy to find,
15 all somebody had to say was --
16 MR. GROSSMAN: Did you --
17 MR. GREEN: -- click on the website.
18 MR. GROSSMAN: Would you please hand this copy to
19 Mr. Green so he can take a look at it?
20 MR. GREEN: Excuse me. Do you want to testify
21 again so I can cross-examine?
22 MR. GROSSMAN: I'm sorry. Wait, sir --
23 MR. GREEN: I don't like being told by a person
24 sitting in the lobby in the argument that I'm rude. It's
25 inappropriate. If she wants to take the stand --

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1 MR. GROSSMAN: I didn't hear her say that, but --
2 MR. GREEN: -- I'll be happy to cross-examine her.
3 MR. GROSSMAN: Mr. Green --
4 MR. GREEN: I'm sorry, sir, we had this last time.
5 MR. GROSSMAN: Mr. Green --
6 MR. GREEN: This is a witness.
7 MR. GROSSMAN: Mr. Green, you can address me.
8 MR. GREEN: I am addressing you.
9 MR. GROSSMAN: Well, no, but you turned around and
10 spoke to the audience. You can address me.
11 MR. GREEN: But the audience addressed a comment
12 to me that I'm rude.
13 MR. GROSSMAN: I didn't hear --
14 MR. GREEN: I did.
15 MR. GROSSMAN: All right. That's fine.
16 MR. GREEN: Thank you, Mr. Grossman.
17 MR. GROSSMAN: If you have a problem, then the
18 next time, then address it to me.
19 MR. GREEN: I'll be happy to.
20 MR. GROSSMAN: Thank you. Okay. Do you have that
21 Exhibit 112? All right. Mr. Zhang, do you have anything
22 else you wish to say?
23 MR. ZHANG: Yes. Sorry for the interruption.
24 Based on, to continue the parking, I think we already, I
25 think that they already present the agreement. Inside the

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1 agreement page 2, we do have parking inside the agreement
2 like letting the parents know when you drop off your kids
3 and pick up, you always are in the parking lot, never
4 parking on the Marian Drive. So that's, stated that very
5 clear.
6 And also I want to mention that if by law, by any
7 government agency or by the Hearing Examiner require the
8 petitioner to provide any document, we are willing to. But
9 if a neighbor ask a favor to, oh, can you give me a copy? I
10 think the petitioner have full right not doing so if they
11 feel that's not, feel not appropriate to do that. And I
12 think if the neighbor just makes that the case like I asked
13 them and you don't give me and that's a way to say the
14 petitioner is not doing something right or do, I don't,
15 personally I don't agree with that if the Hearing
16 Examiner --
17 MR. GROSSMAN: I don't understand what you, that,
18 what's the point?
19 MR. ZHANG: Yes. I'm saying if the government
20 agency or Hearing Examiner require the petitioner to provide
21 any document to whoever, think that's need, and the
22 petitioner, definitely we need to prove that. But if a
23 neighbor send personal e-mail to me or to the petitioner or
24 to somebody ask, okay, can you give me this, can you give me
25 that, I think the petitioner don't have that obligation to

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1 provide whatever they're asking for.
2 MR. GROSSMAN: Okay.
3 MR. ZHANG: That's my point.
4 MR. GROSSMAN: I understand.
5 MR. ZHANG: For the parent and the kids, the
6 safety concern or question the neighbor asks, it seems like
7 they peek, I'm not sure of the right word, for the center
8 for awhile and appreciate that concern. That's actually, I
9 think, that how -- but from my standing, the case, once we,
10 once parent sign off the kids, we have the full supervise
11 for the kid for their own case and they are, have the full
12 responsibility or authority to take care of their own kids
13 and bring them to their vehicle and get back home. And I
14 think the parents care more than anybody else for their own
15 kids' safety, so I really want, the point I want to make is
16 the neighbor resist kind of saying I'm not sure what they
17 mean, but for me it's really got me confused. I don't
18 understand what this kind of concern regarding the parent to
19 bring their children to their vehicle and get home. So I
20 think the parents care much, much more than anybody else.
21 If any have any safety or security issue, parent
22 is the most concerned one, not anybody else. That's -- I'm
23 waiting for any more concrete data or evidence to say
24 anything regarding this, but I just want to raise my, make
25 that point.

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1 MR. GROSSMAN: Okay.
2 MR. ZHANG: For people or vehicle, anything beyond
3 the center, I think that's out of question regarding the
4 center like Glen Mill Drive or even further, or how parents
5 want to take their children back home. I think that's
6 totally up to the parent. We really have the children's
7 safety and the comfort in mind and always remind the parents
8 to parking orderly or in, in/out orderly, yeah.
9 MR. GROSSMAN: But I don't think -- the issue
10 isn't how parents take their children home as an issue in
11 and of itself, just that I think the question is going to
12 their ability to observe any particular direction. I think
13 that's why those questions were asked if that's your
14 concern.
15 MR. ZHANG: Actually --
16 MR. GROSSMAN: Okay?
17 MR. ZHANG: -- I just want to make that clear so
18 you know what I'm talking about because I heard the neighbor
19 questioning, cross-exam the one parent and say, okay, so you
20 just walk with your kids across the street like that. So
21 I'm trying to make the point --
22 MR. GROSSMAN: I understand.
23 MR. ZHANG: -- yes.
24 MR. GROSSMAN: I understand.
25 MR. ZHANG: So that's, that's totally up to the

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1 parent and we can remind the parent to, yes, but that's just
2 a suggestion. It's totally up to the parent once they
3 bring -- like if you're leaving the home and you're driving
4 the car straight, you have two options like myself. You
5 can, okay, go all the way like very, very far away try to
6 cross walking and go over there or you just take cautious,
7 walk cautiously and you see no vehicle, okay, that's safe
8 sometimes, run with me. So I sometimes do that with my
9 daughter and like in my working place, we have two buildings
10 over there, I can't walk very far away --
11 MR. GROSSMAN: All right. Let's not go too far
12 afield. I understand you.
13 MR. ZHANG: Yes. So I just want to make that
14 clear. That's my personal opinion. That's really up to the
15 parent to take care of this kind of issue.
16 MR. GROSSMAN: Okay.
17 MR. ZHANG: If the neighbor is that as safety
18 issue regarding the day center, I think it's not valid.
19 MR. GROSSMAN: Yes, that's not an issue before me,
20 how the parent crossed the street.
21 MR. ZHANG: So, yeah, based on the -- I think
22 petitioner and the parent already, should very clearly
23 follow their experience and we do have summarized in the
24 court regarding the survey. I think it's a very good one
25 and it seems like the neighbor raised the concern, okay,

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1 this is not, it's designed by the center. That's true. And
2 it seems like they have some suspicious, a few, some of the
3 questions trying to lead to answer. I think that's, they
4 are trying to make the point. I read this, sir, very
5 carefully and I know not even one single survey is perfect
6 and like the neighbor raised the question regarding the
7 number, number 10, I think the petitioner is very
8 considerate to everybody's opinion. That's why I leave the
9 last choice. So if you don't like my choice, choose yours.
10 You just tell me about how many minutes, how many seconds.
11 I think that should cover everything.
12 So this gives the parent a full ability to express
13 themselves, how is your own experience. It's not
14 something -- okay, I only give you choice. Okay, one second
15 or two second, nothing else. You either choose one second
16 or two seconds. You have no other choice.
17 No, this survey I think is not perfect at all.
18 Definitely nobody real perfect. But for this particular
19 one, neighbor raised up, I think we gave the parent full
20 opportunity to tell their own story, their experience. So
21 for the Question No. 4 the neighbor raised, like penetration
22 on the road, I feel really, really bad when I hear the
23 question of, or question the petitioner regarding this
24 question. They're trying to be the petitioner to the
25 conclusion honestly they're trying to get. I'm not a

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1 lawyer. I'm not an attorney, but --
2 MR. GROSSMAN: Let's --
3 MR. ZHANG: Yeah.
4 MR. GROSSMAN: So let's just, let's not
5 characterize the questions that were asked on cross-
6 examination. They were legitimate cross-examination
7 questions.
8 MR. ZHANG: Yeah.
9 MR. GROSSMAN: You can have your opinion about --
10 MR. ZHANG: Yeah.
11 MR. GROSSMAN: -- about the nature of the
12 examination, but --
13 MR. ZHANG: Yeah, I think the --
14 MR. GROSSMAN: -- but that's not really relevant.
15 MR. ZHANG: Yeah. That's so clear, parents are to
16 answer that question quite clearly. That's the purely fact,
17 yeah.
18 MR. GROSSMAN: I'm sorry, what's your objection?
19 MR. COOK: Objection.
20 MR. GROSSMAN: Yes.
21 MR. COOK: Repetitive in nature, unimportant --
22 MR. GROSSMAN: It is --
23 MR. COOK: -- to the situation.
24 MR. GROSSMAN: It is repetitive. Let's stick to
25 what you're offering in your testimony.

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1 MR. ZHANG: Yeah. Based on the parenting report
2 and I think hearing them also receive the report from
3 Technical Staff, and they already respond back the last
4 year, all the operation, traffic safety, I don't want to
5 repeat the whole thing and there's no adversity and no --
6 MR. GROSSMAN: You don't have to repeat anything.
7 MR. ZHANG: Yeah. Yeah. Also, I think I
8 appreciate the Hearing Examiner specifically asking exactly
9 I not only want to know last year, I also want to know
10 what's your view if the day care center release ten to eight
11 more children.
12 MR. GROSSMAN: Yes.
13 MR. ZHANG: So I think the Technical Staff also
14 replied to you back and say it's true that the traffic and
15 the safety will still not be an issue and that the day care
16 center can -- I don't remember exact words, but the answer
17 is no issue there. So sorry I used very, yeah, not that
18 technical, but that's the answer confirmed by the Technical
19 Staff.
20 So based on my experience, the video recording and
21 the parent survey and the Technical Staff report, all came
22 is the conclusion that the traffic volume is very, very
23 light and the safety is, really is not the issue. Parking
24 is very spacious parking and based on these three items,
25 hearing them specified at the very beginning of this

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1 hearing, I, from my personal view it's really, it's not an
2 issue. Considering the eight additional kids, we will be --
3 MR. COOK: Objection. Repetitive.
4 MR. ZHANG: -- to the extent --
5 MR. GROSSMAN: He's just summarizing. That's
6 fine.
7 MR. ZHANG: Yeah. Yeah. Consider eight kids will
8 be added to the day care center if this modification
9 approved. Considering the stack of time for street,
10 different period of time, so only and either two or three
11 vehicle being each hour. That's the worst scenario. It
12 considers the train of the parents only like, and fall, more
13 kids on the end of one more vehicle. That makes this even
14 more minimum impact for this community.
15 MR. GROSSMAN: Okay.
16 MR. ZHANG: So, yeah.
17 MR. GROSSMAN: All right.
18 MR. ZHANG: I really appreciate your time to hear
19 this long testimony and I really respectfully ask the
20 Hearing Examiner to approve this exemption so the long
21 waiting parent can get their kids enrolled and they can save
22 their right time. Right now like some parents need to drop
23 one --
24 MR. GROSSMAN: Let's not get into things that are
25 not --

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1 MR. ZHANG: Yeah. Yeah. I think the parents also
2 will appreciate your approval for this expansion. So --
3 MR. GROSSMAN: All right.
4 MR. ZHANG: -- thanks a lot.
5 MR. GROSSMAN: Ms. Zhang, did you have any
6 questions of your brother?
7 MS. ZHANG: No.
8 MR. GROSSMAN: All right. Cross-examination?
9 MR. GREEN: Thank you.
10 MR. GROSSMAN: By the way, Mr. Green, are you
11 finished with Exhibit --
12 MR. GREEN: Can I hold onto it because I do have
13 some questions on it.
14 MR. GROSSMAN: Sure. Sure.
15 MR. GREEN: Thank you.
16 MR. GROSSMAN: Don't forget to return it to me
17 first, though.
18 MR. GREEN: Oh, absolutely.
19 MR. GROSSMAN: Thank you.
20 CROSS-EXAMINATION
21 BY MR. GREEN:
22 Q Mr. Zhang, you indicated that on, I believe you
23 said Wednesday, September 4th, you watched the traffic
24 between 7:45 and 9:35 in the morning, is that correct?
25 A Sorry, I was looking for something. I apologize

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1 for that.

2 Q I believe you, I believe you testified that on

3 September 4th you watched the traffic exiting Marian Drive

4 onto Glen Mill Road between 7:45 and 9:35 and observed 58

5 cars, is that correct?

6 A Correct.

7 Q Okay. Where were you located when you were

8 watching that?

9 A Not watching. You misunderstand that. I went

10 green. That means I don't want to burn gas to drive on the

11 road. I just put the camera and watched --

12 Q Where were you, where were you, where were you

13 standing or sitting?

14 A Inside the house, not mine. That's the camera

15 inside the house.

16 Q Okay. Again, I'm not quite sure I understand.

17 I'm asking where you saw the 58 cars between 7:45 and 9:35?

18 A These 58 cars is for the intersection of Marian

19 Drive and Glen Mill Road.

20 Q Okay.

21 A The camera --

22 MR. GROSSMAN: Where were you located --

23 MR. GREEN: Where were --

24 MR. GROSSMAN: -- when you observed this? Where

25 were you located?

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1 MR. ZHANG: That's inside the house, inside --

2 MR. GROSSMAN: Inside of what house?

3 MR. ZHANG: Inside of the day care center.

4 MR. GREEN: The --

5 MR. GROSSMAN: Inside the day care center?

6 MR. ZHANG: Yes, correct.

7 BY MR. GREEN:

8 Q Okay. So there's a camera in the daycare center

9 that you were able to record the traffic exiting Marian

10 Drive?

11 A Correct.

12 Q Okay. Now you've been sitting here the whole

13 time. You've heard a number of witnesses talk about very

14 little traffic on Marian Drive. Do you consider 58 cars in

15 less than two hours very little traffic on a residential

16 street?

17 A If you take car exits like one second, two

18 seconds, you really don't see any car over there. Even 58

19 sounds a lot, but this car, you exit out in five seconds and

20 people, once they drive over here, you don't see any car

21 over there. That's not in conflict with any testimony of

22 the parents.

23 Q I, sir, I didn't ask you whether it was in

24 conflict. I simply said to you do you believe that 58 cars

25 in less than two hours on what has been characterized as a

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1 quiet, residential street is not very many cars?

2 A I don't think that's many cars considering the

3 rush hour.

4 Q Okay. You indicated that you thought the parents

5 were mostly concerned or primarily concerned with the safety

6 of their children. Do you agree with that?

7 A Yeah.

8 Q Okay. And would you also agree that those of us

9 who live on Marian Drive and have children or grandchildren

10 would also be concerned with the safety of our children and

11 grandchildren?

12 A Of course.

13 Q Okay. Are you aware that near where the daycare

14 center is a Montgomery County school bus drop-off and pick-

15 up?

16 A Yes, I am.

17 Q Okay. So if you were living on Marian Drive and

18 your children were walking down Marian Drive to that bus

19 stop at about 8:15, you would agree that those parents

20 living on Marian Drive would also be concerned about the

21 safety of their children?

22 A They should consider the concern of their safety,

23 but it's not really the daycare center.

24 Q Okay. I didn't ask you that. I asked you whether

25 or not you would agree that the parents of children and

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1 grandchildren on Marian Drive walking Marian Drive to the

2 bus stop would have the same concern for safety as the

3 parents who drop off their children at the daycare center,

4 yes or no?

5 A So before I answer that question, may I ask what

6 state bus you are, what school bus you're talking about?

7 MR. GROSSMAN: No, he's entitled to, he's entitled

8 to ask that question.

9 MR. GREEN: I asked you --

10 MR. GROSSMAN: Do you consider, do you consider

11 that those parents would have the same concern for the

12 safety of their children as the parents dropping off at the

13 daycare center?

14 MR. ZHANG: Of course.

15 MR. GROSSMAN: Okay.

16 MR. ZHANG: All the time.

17 BY MR. GREEN:

18 Q Okay. Do you -- excuse me, Mr. Grossman, could

19 you please admonish this witness. I'm trying to do my job.

20 I'm trying to do what I've been asked to do for the street

21 and I have been hearing this lady continually comment on my

22 demeanor and my job. Could you please admonish her or ask

23 her to leave?

24 MR. GROSSMAN: Okay.

25 MR. ZHANG: Objection.

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1 MR. GROSSMAN: Hold on. Hold on one second.
2 MR. GREEN: You don't get to object.
3 MR. GROSSMAN: Hold on one second.
4 MS. LEE: Your Honor, I'm sorry.
5 MR. GREEN: I just don't need the comments.
6 MR. GROSSMAN: Hold on. Hold on. Mr. Green,
7 please.
8 MR. GREEN: Okay.
9 MR. GROSSMAN: Yes, ma'am?
10 MS. LEE: Your Honor, I was just simply saying
11 that, you know, if this other party testifying, I assume
12 he's in the same position as we are, he can get up and
13 object and I was, I thought we had the same right. So I was
14 just saying --
15 MR. GROSSMAN: No.
16 MS. LEE: -- there should be an objection because
17 it's calling for an opinion --
18 MR. GROSSMAN: Well, hold on. Hold on one second.
19 MS. LEE: -- of some other parents.
20 MR. GROSSMAN: What you --
21 MS. LEE: I don't know --
22 MR. GROSSMAN: -- can't do is you can't have a
23 conversation going on in the audience. If you have an
24 objection to a question that's asked, you can raise an
25 objection if you want.

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1 MS. LEE: Okay. I didn't know I had that right.
2 MR. GROSSMAN: You have to speak up and say --
3 MS. LEE: Okay.
4 MR. GROSSMAN: -- objection.
5 MS. LEE: Okay.
6 MR. GROSSMAN: Okay? This -- it's an unusual kind
7 of proceeding here, but we try to recognize that there may
8 be concerns from other parties who have testified. So if
9 you do have an objection to a question, you can say I have
10 an objection.
11 MS. LEE: Okay.
12 MR. GROSSMAN: But you can't while he's trying to
13 ask his questions be talking in the audience, okay?
14 MS. LEE: I thought I had to tell them.
15 MR. GROSSMAN: Okay. Do you have an objection to
16 a question that's asked?
17 MS. LEE: Yes, that last question, but I guess he
18 answered it.
19 MR. GROSSMAN: And what's your objection to that
20 question?
21 MS. LEE: Was that he was asking for his opinion
22 about what other parents' opinions would be about the safety
23 of their children. I don't --
24 MR. GROSSMAN: Well, he's --
25 MS. LEE: -- how he could possibly form an

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1 opinion, he's not --
2 MR. GROSSMAN: Because he testified about the
3 parents from the daycare center as to what their concerns
4 would be about safety, so I think it was a fair area for him
5 to go into as to whether or not there would be an equal
6 concern by parents in the neighborhood and I think that's a
7 fair, to be fair to both sides. So I'll overrule that
8 objection. All right. Go ahead.
9 BY MR. GREEN:
10 Q Mr. Zhang, do you have an official capacity at the
11 daycare center? Are you an owner, an officer, an employee?
12 A No.
13 MR. GREEN: Okay. Then I would like, Mr.
14 Grossman, with your permission, this is the first time I had
15 ever gotten to see this enrollment agreement --
16 MR. GROSSMAN: Right.
17 MR. GREEN: -- and since Mr. Zhang is not an
18 official, I would like to direct my questions to Ms. Zhang
19 if that's okay?
20 MR. GROSSMAN: Well, let's finish with Mr. Zhang
21 first because --
22 MR. GREEN: I have not further questions for Mr.
23 Zhang.
24 MR. GROSSMAN: Okay. Mr. Cook, did you have any
25 questions for Mr. Zhang?

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1 CROSS-EXAMINATION
2 BY MR. COOK:
3 Q Do you have any background as an engineer or a
4 traffic coordinator?
5 A I am an engineer, but not a traffic engineer.
6 Q Okay. So you have no background in traffic
7 coordination or engineering?
8 A Correct.
9 Q Okay.
10 MR. COOK: No further questions.
11 MR. GROSSMAN: Okay. All right. We'll allow you
12 to continue your cross-examination of Ms. Zhang. Thank you,
13 Mr. Zhang.
14 MR. ZHANG: Thank you.
15 FURTHER CROSS-EXAMINATION
16 BY MR. GREEN:
17 Q Ms. Zhang, I asked you earlier about the
18 enrollment agreement and I had asked you whether you had
19 ever sent me a copy at my request and I have now for the
20 first time actually had a chance to look at this. I'm going
21 to draw your attention to Mr. Grossman's earlier decision
22 and I'm going to refer you to Question No. 6 or, excuse me,
23 Decision, Condition No. 6. And I'm going to read part of
24 that into the record.
25 Arrival and departure shall be staggered between

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1 7:30 and 10:30, 3:00 p.m. and 6:30, so that no more than 10
2 vehicles are arriving during any one-hour period. Do you
3 recall that being one of the conditions?
4 A Yeah.
5 Q Okay. And then the next sentence says, this
6 arrangement must be enforced through contractual agreement
7 between the operator of the daycare center and the parents.
8 I'm going to ask, hand you Exhibit 112, which is the
9 enrollment agreement --
10 A Uh-huh.
11 Q -- and ask you to please show me where in that
12 agreement Condition 6 is complied with?
13 A On page 3, arrive time, pick-up time.
14 Q Okay. What that says is simply that, I'm sorry,
15 would you show me where on page 3?
16 (Discussion off the record.)
17 MR. GREEN: Okay.
18 BY MR. GREEN:
19 Q Where does that say, pardon me, where does that
20 say arrival and departure times for the children shall be
21 staggered between 7:30 and 10:30 and 3:00 p.m. and 6:30 so
22 that there are no more than 10 vehicles arriving during any
23 one-hour period, this arrangement must be enforced through
24 contractual arrangement. Where you've pointed to me is it
25 simply says the parents get to put down their arrival time

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1 and their pick-up time. Could you please explain to me how
2 you find that complies with the condition imposed on you in
3 2011?
4 A That is for the staggered time. I have a schedule
5 and different parents come different time. So --
6 Q Where does that contract say, and I'll repeat
7 again --
8 A -- and --
9 Q -- must be --
10 MS. LEE: Objection. Your Honor, she's answered.
11 You've answered.
12 MR. GROSSMAN: Yes. I'm going to step in here for
13 a second too, Mr. Green. It doesn't say that, and I did not
14 mean to imply that everything that the parent fills out has
15 to schedule this, these arrivals and departures. She is to
16 keep the schedule. She would have the contractual
17 arrangement so that she would make sure that the specified
18 slots don't violate the condition. It's not that the
19 contract itself has to specify all of the time arrivals.
20 MR. GREEN: That's fine.
21 BY MR. GREEN:
22 Q I will ask then, what evidence has been presented
23 other than people saying I get there between around 9:30 and
24 9:45, or around 5:00 and around 5:15, that meets the
25 condition that says no more than 10 cars shall be there at

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1 any one hour period?
2 MR. GROSSMAN: This is not an enforcement
3 proceeding. This proceeding is a proceeding to determine
4 whether or not she will be allowed to have additional
5 enrollees in the school and so the question, the question
6 before me is whether or not there's a presentation of an
7 actual problem with traffic and with parking and with safety
8 in the neighborhood. That's the real question.
9 MR. GREEN: Okay. That --
10 MR. GROSSMAN: This is not the enforcement, this
11 is not an enforcement proceeding.
12 MR. GREEN: May I have that back please, Ms.
13 Zhang? May I have it back, please? I may deal with that in
14 a post-hearing brief, but let me go on.
15 BY MR. GREEN:
16 Q Question 7, petitioner must provide, must provide
17 in its contracts with patrons of the facility that
18 automobiles are not to be parked on Marian Drive while
19 dropping off or picking up children. Could you please point
20 out to me where in that it is provided?
21 A On page 2.
22 Q Could you read what you believe meets that
23 condition?
24 A On the parking policy? When I drop off and pick
25 up my children, I will always park in the parking lot.

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1 Under no circumstance will I park my vehicle on Marian
2 Drive.
3 MR. GROSSMAN: Do you find that to be inadequate,
4 Mr. Green?
5 MR. GREEN: No, I do not. I just want it read
6 into the record because the other one I find the same, that
7 it should be in the contract that they be staggered, but
8 it's not. So --
9 MR. GROSSMAN: Well, it's in the record if it's in
10 Exhibit 1, it's in that exhibit.
11 MR. GREEN: I understand.
12 MR. GROSSMAN: Okay.
13 (Discussion off the record.)
14 MR. GREEN: Nothing further.
15 MR. GROSSMAN: All right. Thank you. All right.
16 And if you're finished, would you mind handing it --
17 MR. GREEN: Yes. I just asked Mr. Cook to give it
18 back to you.
19 MR. GROSSMAN: All right. Do you have any further
20 witnesses, Ms. Zhang?
21 MS. ZHANG: My husband, Zhou, assuming they are
22 going to --
23 MR. GROSSMAN: Did you wish to say something, sir?
24 MR. ZHOU: Yes, I do.
25 MR. GROSSMAN: All right. Would you --

1 MR. ZHOU: Just a simply -- say something.
 2 MR. GROSSMAN: I already swore you in.
 3 MR. ZHOU: Yeah.
 4 MR. GROSSMAN: Yes, sir? I swore you in
 5 initially.
 6 MR. ZHOU: Yeah. Okay. Yeah. You know, it's, I,
 7 I live there, you know, it's about five years already. You
 8 know, I know exactly, you know, Marian Drive, what is the
 9 condition, you know. You know, for Marian Drive, this is,
 10 this is really, you know, it's a quite place, you know. No
 11 matter who says is it noisy, is it not safe, you know, it's
 12 true, it's true, you know, really, you know, as I, every
 13 day, you know, I can through a window I can see it's, you
 14 know, it's Marian Drive traffic situation, you know, every
 15 day.
 16 Also, you know, it's very, is who, who seeing.
 17 It's true. It's true, you know. It's not a lot of traffic.
 18 Camera, you know, you know, you see is a lot traffic
 19 congestion, you know. We did this, you know, camera, you
 20 know, already, you know. So this is, I want to say this is
 21 for safety. You know, safety is a parent's -- they take
 22 care safety, you know. Of course, we take safety also, you
 23 know. If there's no safety, no, you don't have to trouble,
 24 I have trouble. You know, safety is very, very important
 25 for us. That matter you see something, you don't need to

1 see something. We take care very well. Safety is very,
 2 very important for us.
 3 This is another over there. You know, they're not
 4 your neighbor or our children. Safety is very good. Safety
 5 is very important. I know that. You know, so this is why
 6 we always talk as, you know, as a teacher, patience, you
 7 know, be careful, it's safety, you know. This, you know, if
 8 safety have problem, we have to take care because this is
 9 our property, you know.
 10 MR. GROSSMAN: Okay.
 11 MR. ZHOU: So this is why. For parking, you know,
 12 for parking area, you know, a lot of parents already see.
 13 We have told parents how to parking one by one, you know.
 14 Of course, sometimes, you know, parents may be parking a
 15 little better, not in the street if you, you know, normally
 16 parents parking is very good, no problem. Also we have,
 17 every year we have two parties. It's the new year and
 18 another one is called parent's conference, you know. My
 19 wife, Margaret, always, you know, tell parents how to
 20 parking, you know.
 21 Also, I go out, I go out, you know, and check. I
 22 tell them please parking here, parking over there. It's
 23 like in order. So it's, I think it's, you know, we, we just
 24 follow -- you give us 17, what's it called, how do you say,
 25 condition. Yeah, we just follow this, follow this rule, you

1 know.
 2 For it's the traffic, you know, I already see -- I
 3 guess I can through my home, even a basement I can see is
 4 the Glen Mill Road and the Marian Drive. It's over there,
 5 traffic, traffic situation, you know. I know exactly what
 6 happened, you know. So it's -- currently I talked to -- you
 7 know, most of the neighbors are very nice. I, you know, so
 8 I, I, usually I go out. I like to go out.
 9 MR. GROSSMAN: Well, let's keep this to the issues
 10 that are here. If you have anything else to add regarding
 11 traffic, parking or safety --
 12 MR. ZHOU: Yes.
 13 MR. GROSSMAN: -- let's not --
 14 MR. ZHOU: So this is what I, I usually go out. I
 15 check is the traffic, you know, is it safety, you know, I
 16 just along our area. I take a look. You know, sometimes I
 17 can see neighbor, some neighbor, most neighbors they are
 18 very nice to me, you know, so I, I say hi. They say hi, you
 19 know.
 20 MR. GREEN: Objection.
 21 MR. ZHOU: Yeah. That's it.
 22 MR. GROSSMAN: Yes, I --
 23 MR. ZHOU: You know --
 24 MR. GROSSMAN: -- I'm going to sustain that.
 25 Let's -- you have to keep --

1 MR. ZHOU: I check, I check every traffic every
 2 day.
 3 MR. GROSSMAN: Okay.
 4 MR. ZHOU: When you're out -- what I'm talking
 5 about is traffic safety, you know. So that's not, I do not,
 6 I don't think we have any issue.
 7 MR. GROSSMAN: Okay.
 8 MR. ZHOU: This is, I was also as the last
 9 sentence I just want to say thank you, you know, approve the
 10 22 last time, you know. Also I thank you. A lot of parents
 11 are here, you know, to support us, you know. I just want to
 12 say, you know, my English may be, maybe some of you, and you
 13 don't understand it.
 14 MR. GROSSMAN: All right.
 15 MR. ZHOU: Yes.
 16 MR. GROSSMAN: I think I understand your point
 17 though, sir.
 18 MR. ZHOU: Yeah. Okay. Yeah. I just want to say
 19 the truth is I didn't want to talk truly. I didn't want to
 20 say something. That's it.
 21 MR. GROSSMAN: Okay. Thank you, sir. Any cross-
 22 examination?
 23 MR. GREEN: None.
 24 MR. GROSSMAN: Okay. All right. Let's take a
 25 five minute break before we hear the opposition case. So

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1 it's 12 o'clock. We'll come back at five after 12:00.
 2 (Recess.)
 3 MR. GROSSMAN: And turning to the opposition case,
 4 Mr. Green, did you wish to testify?
 5 MR. GREEN: I do not plan to testify. I believe
 6 Mr. Cook would like to testify.
 7 MR. GROSSMAN: All right. Mr. Cook, would you
 8 state your full name please?
 9 MR. COOK: Bryan Cook.
 10 MR. GROSSMAN: All right. And your address?
 11 MR. COOK: 14301 Marian Drive, Rockville.
 12 MR. GROSSMAN: All right. Would you raise your
 13 right hand please?
 14 (Witness sworn.)
 15 MR. GROSSMAN: All right. You may proceed.
 16 MR. COOK: Before getting into my firsthand
 17 opinion of the safety issues and concerns that exist on the
 18 street, I would like to bring up the traffic study that was
 19 conducted by the County. I believe that the traffic study
 20 is woefully inadequate. Even in the case of Mr. Kim, who is
 21 the County's traffic planning coordinator for Area 3, he
 22 brings up that the site generates less than peak hours in
 23 accordance with LATR guidelines and, therefore, does not
 24 require a full traffic survey.
 25 Even by its nature, I mean the proponents for the

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1 daycare have already suggested that there is significant
 2 traffic in the morning. It's upwards of 50 to 60 vehicles
 3 that are leaving the site, coming to the site and generated
 4 by the neighborhood. Even by its nature of the upgrade or
 5 additional attendees to the daycare of being of 30, the fact
 6 that it will generate 30 peak traffic visits just by the
 7 nature of the request.
 8 MR. GROSSMAN: Well, first of all, let's identify
 9 -- the exhibit you're talking about is the initial exhibit
 10 that, the traffic study done by Technical Staff, you can,
 11 Exhibit 94(a) is memorandum to me of July 25, 2013?
 12 MR. COOK: That's correct, sir.
 13 MR. GROSSMAN: And then his response to my e-mail
 14 question to him --
 15 MR. COOK: Right.
 16 MR. GROSSMAN: -- Exhibit 95, his response of July
 17 29, 2013?
 18 MR. COOK: That's correct. I don't believe the
 19 County has identified, studied or provided adequate study
 20 and I don't think the petitioner has done any sort of
 21 traffic study on their own. The County study is by its
 22 nature inadequate to make a decision on this subject. Just
 23 because the County coordinator says, oh yeah, it's fine, 30,
 24 you know, the addition of the 30 children doesn't, you know,
 25 it doesn't require anything, he's saying in his initial

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1 investigation that 30 peak trips, peak hour trips requires a
 2 full traffic study.
 3 The nature of the request being up to 30 students,
 4 plus instructors of some amount because there's a certain
 5 guideline that the state requires per amount of students,
 6 and I'm not exactly sure what that is, but I believe they
 7 have to have at least two to three personnel on staff all
 8 the time. There's going to be more than 30 visits per rush
 9 hour and that doesn't include any general visits because you
 10 have 30 people and you can't assume that you're going to
 11 have twins to every single situation because we have to look
 12 at this as a long-term petition, not just today's petition
 13 where there may be a set of twins here or a set of twins
 14 there. We have to look to tomorrow where each individual
 15 person will arrive in an individual vehicle which will
 16 generate at least 30 peak visits, peak hour visits. So the
 17 study that was done by the County and the Zoning Office is
 18 woefully inadequate to make a decision on this subject in my
 19 opinion.
 20 MR. GROSSMAN: Okay.
 21 MR. GREEN: As one of the few people in this room
 22 who actually lives on the street and can provide firsthand
 23 knowledge and information regarding the safety, I have
 24 actually walked my children to the bus stop which is in
 25 front of the petitioner's location on numerous occasions and

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1 I can tell you that the street without the petitioner having
 2 a daycare is dangerous. The lack of sidewalk, the curve
 3 that is stated in -- the curve that's involved in front of
 4 the petitioner's house which is a dramatic curve that has a
 5 bit of vertical drop-off, as well as a large curve which
 6 gives you a blind sight view, these are all things that were
 7 discussed during the initial petition.
 8 MR. GROSSMAN: Yes.
 9 MR. GREEN: But the reality is is that you cannot
 10 walk on that road in any way, shape or form, especially
 11 being, having children next to you, without a severe hazard
 12 being, occurring. I've walked on plenty of streets in my
 13 lifetime. I've walked down New York City streets with my
 14 children and I can tell you that I probably feel safer in
 15 downtown New York City in Manhattan walking on a street than
 16 I do on Marian Drive in most cases because of the speeding
 17 that occurs, because of the traffic, and because of the
 18 inherent issues with the street itself having a curve,
 19 having a vertical drop-off and it is dangerous. And there's
 20 no sidewalk whatsoever. And to ask everybody to, whether it
 21 be bike or walk on the grass is simply not, you know, an
 22 appropriate request. So there is a severe danger inherently
 23 to that site without the addition of any additional traffic.
 24 The petitioner bringing presently 22 vehicles in
 25 the morning and 22 vehicles at night is a danger. I have

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1 observed it in my own vehicle. There is erratic behavior
2 occurring from a lot of these visitors, meaning that they
3 come in different ways, they turn out. They're coming in at
4 one entrance, turning out in the other. They're coming in
5 the same entrance that they're coming out of. They're
6 making U-turns in the, making three point turns in the
7 petitioner's parking area which is really not a parking
8 area, it's a driveway. They are, there's four and five cars
9 parked there at once with more people coming in. The
10 petitioners are bringing in, the people who, belonging to
11 the daycare are actually bringing more children to the site
12 when they come to pick up their other children. There are
13 children being, running around the parking lot or the
14 driveway as the petitioners are picking up their other
15 children. Do I know if these are the actual daycare
16 children or if it's people who, children who they're
17 bringing to pick up their daycare children? I can't testify
18 to that, but I know there are sole children, minors,
19 wandering around that driveway as other people are driving
20 and picking up and cars are in motion. That I know. I have
21 seen it with my own eyes on multiple occasions.
22 There, you know, besides the fact that they're not
23 in total compliance with your initial order, besides the
24 fact that they're not maintaining their property to the
25 appropriate specifications, there are complaints in the

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1 County system of them not maintaining different elements of
2 their property. But the street cannot handle an additional
3 60 vehicles a day going in and out of this property.
4 MR. GROSSMAN: An additional 60 vehicles?
5 MR. GREEN: Thirty in the morning and 30 at night
6 is 60 vehicles.
7 MR. GROSSMAN: Well, first of all, we're talking
8 here about the addition of eight children, not --
9 MR. GREEN: Right.
10 MR. GROSSMAN: -- 60 vehicles.
11 MR. GREEN: Well, we're talking 30 in the morning
12 and 30 at night, plus personnel who are actually --
13 MR. GROSSMAN: Well, first of all, based on the
14 testimony here, even if you took all of the children, you
15 know, if you, even if you assumed that I approved the
16 additional children, there wouldn't be 30 vehicles, you
17 know, based on the testimony we have in the record here,
18 but, so that's one point. But we're talking here only about
19 the addition of the eight children and there's been
20 testimony that there would not be eight vehicles, in
21 addition, arriving from the eight additional children.
22 MR. GREEN: You're assuming that --
23 MR. GROSSMAN: So I'm not sure --
24 MR. GREEN: -- today there's twins, tomorrow
25 there's not going to be twins. This is an approval that

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1 will span multiple years, is that correct?
2 MR. GROSSMAN: I understand.
3 MR. GREEN: So this is not approval which can make
4 assumptions on whether there's twins being, you know, you're
5 not putting any caveats that there has to be a certain
6 amount of twins in the --
7 MR. GROSSMAN: I agree and that's a reasonable
8 point, but on the same, by the same token I do have to go by
9 the evidence that's presented to me, just as I have to go by
10 the traffic study that's presented to me or if you have an
11 alternative traffic study that an expert on your side has
12 done, I'd have to look at that too.
13 MR. GREEN: No. I just don't think there's been
14 an adequate traffic study.
15 MR. GROSSMAN: I understand.
16 MR. GREEN: So, you know, you're making a -- you
17 already made an approval, your office made an approval up to
18 22 --
19 MR. GROSSMAN: Right.
20 MR. GREEN: -- people and there was no traffic
21 study done then.
22 MR. GROSSMAN: No, no, there was a traffic study
23 done.
24 MR. GREEN: It was their basic traffic study.
25 MR. GROSSMAN: Well, it was a traffic study done

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1 by the Technical Staff then in which they had approved or
2 recommended approval up to 30 --
3 MR. GREEN: Right.
4 MR. GROSSMAN: -- at that point. So there was an
5 initial study. I cut back to see whether or not additional
6 problems were created up to the point of 22 given the
7 observations and testimony of the neighbors. But there had
8 already been a traffic study based on a request to have 30.
9 MR. GREEN: Yeah. There's a significant amount of
10 traffic on that street that has never been -- you have 15
11 houses on that street with an estimated of one or two cars
12 leaving each house per day and now you have 60, 70, 80, 100.
13 You're talking four to five times the amount of traffic on
14 that street than is normal.
15 MR. GROSSMAN: Sixty, 70, 80, 100? I don't
16 understand what your figures are from.
17 MR. GREEN: Each trip, you're having a trip per
18 house is 15 to 30 trips per day and you have 30 to 60 trips
19 coming from this daycare per day.
20 MR. GROSSMAN: You're making an --
21 MR. GREEN: It's --
22 MR. GROSSMAN: -- assumption about that, but I
23 don't know --
24 MR. GREEN: I am making an --
25 MR. GROSSMAN: -- that that's the case.

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1 MR. GREEN: I am making assumptions. I have no
2 formal --
3 MR. GROSSMAN: Right. Right.
4 MR. GREEN: -- background to base this --
5 MR. GROSSMAN: Okay.
6 MR. GREEN: -- but it is a multiple times of
7 traffic than is normal on this street.
8 MR. GROSSMAN: Well, certainly the daycare center
9 adds more traffic during certain discreet periods of time,
10 during the drop off and pick up time. It adds some traffic
11 to the neighborhood, there's no doubt about that.
12 MR. GREEN: It's --
13 MR. GROSSMAN: The question is whether or not it
14 adds traffic such that it creates a safety hazard or such an
15 imposition on the community that it shouldn't be allowed in
16 spite of the fact the Council when it permits this special
17 exception assumes that there is going to be some additional
18 burden on the community that so the real question is is
19 there something about this operation which creates hazards
20 that are not inherent in the nature of the special
21 exception. And I'm sure that when we had the initial
22 hearing, I discussed that with the audience then. I didn't
23 this time around, but there is a fact that the zoning
24 ordinance allows this type of special exception and it also
25 specifically provides that just because there are inherent

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1 adverse effects on the community from this type of special
2 exception, it cannot be the basis for denying the special
3 exception.
4 So if a little bit -- I understand that there are
5 other, there's other language in the code which I think
6 misleads people to think that if there is some additional
7 adverse effect on the community, that that automatically
8 means that it has to be denied. Well, that's not the case.
9 The statute specifically provides that inherent adverse
10 effects alone are not a sufficient basis to deny a special
11 exception. So we have to leaven whatever we look at here by
12 that consideration, that there's a policy decision made and
13 this, I'm not a policy maker here, I am a neutral party
14 adjudicating the facts based on the policy set out by the
15 Council in the zoning ordinance. And so we have to take
16 into account that the Council has made a decision that even
17 though there are going to be some adverse effects from a
18 special exception on the community that in their balance of
19 the beneficial effects of the special exception to the
20 County in general outweigh it unless there are non-inherent
21 adverse effects from a particular operation. So that's what
22 I have to look at when I analyze this.
23 MR. GREEN: Understood. In this case, the non-
24 inherent adverse effects, because you have a vertical drop
25 and a curve that are located directly in front of this

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1 particular daycare, make it extremely hazardous. You're
2 unable to walk without fear of your life. I have seen kids,
3 you know, and when I say some kids, there's multiple pick-
4 ups from bus stops during the course of a morning. You're
5 talking staggered 7:30, 8 o'clock, 8:30, 8:45 probably at
6 the latest and the reality is there's kids walking to that
7 area by themselves. It is dangerous.
8 I have other neighbors who have expressed their
9 concern with me. It is dangerous to bike down that road.
10 MS. LEE: Objection, Your Honor. That's hearsay.
11 He's testifying. His neighbors are not here.
12 MR. GROSSMAN: I understand and this type of body
13 allows a certain amount of hearsay, but I agree with you
14 that that particular position, that is his recitation of
15 what other neighbors have said, should not be admissible in
16 this case.
17 MR. GREEN: I have seen children who have walked
18 to that bus stop by themselves and in my opinion, being a
19 driver in a vehicle driving next to them, I am overly
20 cautious because of the situation. And that, to some degree
21 that's inherently not the responsibility of the daycare and
22 it is not their fault, but it's an inherent flaw on that
23 area and of that neighborhood --
24 MR. GROSSMAN: Well --
25 MR. GREEN: -- that causes an extreme danger in

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1 that location right at the peak, right at the entrance of
2 this daycare. Adding additional vehicles only makes matters
3 worse. It only exuberates what the problems are that are on
4 that street. The street was never designed to have that
5 type of vehicle load. It was designed in a 1955 plat of 15
6 homes that was, you know, of large, platted lands, R-200
7 zoning. It was designed to have a very low vehicle load.
8 And your traffic coordination has, they mentioned nothing
9 about that, but that's really the reality. It got street
10 lights 12 months ago and they're very, very sparse street
11 lights as it is, but it never had lighting at night. So
12 you're talking these, the daycare having events at night
13 with, you know, bringing 20 plus vehicles to the site in
14 certain instances and there was never lighting. Now there
15 happens to be some very low-end lighting, but the inherent
16 flaws that are on this street and the inherent lack of
17 design, you know, create a problem. And they created a
18 problem before the daycare was even, you know, though about
19 years ago and now it's just exuberating, it's making it
20 worse.
21 MR. GROSSMAN: Right.
22 MR. GREEN: And adding more kids makes it even
23 more worse.
24 MR. GROSSMAN: I understand.
25 MR. GREEN: That's it. I have nothing else.

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1 MR. GROSSMAN: All right. Ms. Zhang, any cross-
2 examination of this witness?
3 MS. ZHANG: Yes.
4 MR. GROSSMAN: Hold on one second, ma'am. Any
5 cross-examination, Ms. Zhang?
6 MS. ZHANG: Yes.
7 MR. GROSSMAN: Yes? Go ahead, you can ask him
8 questions if you wish based on his testimony.
9 CROSS-EXAMINATION
10 BY MS. ZHANG:
11 Q Mr. Cook, you said you saw some children walk to
12 the bus stop. When? What time?
13 A It happens all the time. There's children that
14 walk to -- because that bus stop is for middle school, as
15 well as high school. There's middle schoolers that are
16 walking past my house down to your house --
17 Q Uh-huh. What time?
18 A -- almost every morning.
19 Q Do you know what time the --
20 A Give or take, 8 o'clock in the morning.
21 Q I have schedule, bus schedule.
22 MR. GROSSMAN: Well, we can't -- this is only your
23 opportunity. You can offer rebuttal evidence, but right now
24 this is your opportunity to cross-examine him. So if you
25 have questions of him, you can ask them.

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1 MS. ZHANG: Okay.
2 BY MS. ZHANG:
3 Q So do you have specific time, what time the, you
4 saw the children go to that bus stop?
5 A I've already answered that question.
6 Q Okay.
7 A It's, give or take, 8 o'clock, somewhere in that
8 neighborhood.
9 Q When they go to school?
10 A And then there's additional, there's additional
11 bus stops at 8:40, 8:35.
12 Q For?
13 A Elementary school --
14 Q Elementary school?
15 A -- as you're aware.
16 Q Uh-huh. How many children at that stop?
17 A Which stop?
18 Q You mentioned in front of my property?
19 A At least one.
20 Q One, one child?
21 A At least one.
22 Q They walk in front of my property?
23 A There is at least one middle school child and
24 there's obviously more than one elementary school child that
25 walks to those bus stops.

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1 Q I mean where the stop, exactly stop site --
2 A The stop site --
3 Q -- please?
4 A -- is at your mailbox.
5 Q Okay. Not in front of my house?
6 A It's at your mailbox in your driveway as you
7 requested it from the state, from the County, as you
8 requested it from the bus stop.
9 Q Sir, I'm asking how many children are going to
10 take --
11 MR. GROSSMAN: Well, he's answered that. He
12 said --
13 MR. GREEN: I already answered your question.
14 MR. GROSSMAN: -- at least one.
15 MS. ZHANG: Uh-huh.
16 MR. GROSSMAN: That's one middle school student.
17 MS. ZHANG: Okay. First, yeah, first he said in
18 front of my property. Now he said it's mailbox. So --
19 MR. GROSSMAN: Well, I guess that's --
20 MR. GREEN: It's in front of your property.
21 MR. GROSSMAN: It's --
22 MS. ZHANG: That is quite different --
23 MR. GROSSMAN: -- I think, broadly in front of
24 your property.
25 MS. ZHANG: -- because if the mailbox side, the

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1 parents don't pass that area and --
2 MR. GROSSMAN: I understand, but you can introduce
3 rebuttal evidence about that if you want after his
4 testimony, but --
5 MS. ZHANG: Okay.
6 MR. GROSSMAN: -- for cross-examination purposes,
7 he's already answered in front of the mailbox.
8 MS. ZHANG: I see. Okay.
9 BY MS. ZHANG:
10 Q You said light, the street light added when?
11 A It was a couple years ago, 18 months, 2 years ago,
12 somewhere in that neighborhood.
13 Q Not what you said, either two months ago?
14 A I did not say two months ago.
15 MR. GROSSMAN: No, I don't think he said two
16 months.
17 MS. ZHANG: Okay. I heard -- so it's a couple
18 years ago?
19 MR. GROSSMAN: He said, I think he said --
20 MR. COOK: You heard incorrectly.
21 BY MS. ZHANG:
22 Q A couple years ago?
23 A Correct.
24 Q Yeah, it might be that. That's it.
25 MR. GROSSMAN: Okay. Ms. Lee, did you have some

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1 questions? Come forward and have a seat --
2 MS. LEE: Yes, Your Honor. Thank you.
3 MR. GROSSMAN: -- with counsel.
4 CROSS-EXAMINATION
5 BY MS. LEE:
6 Q Is it Mr. Green?
7 A Cook.
8 Q I'm sorry, Mr. Cook. Sorry. Are you a traffic
9 engineer?
10 A No, I'm not.
11 Q Okay. Are you qualified or do you have experience
12 in any capacity to formulate or analyze or make opinions
13 regarding traffic?
14 A As I said at the beginning of my testimony, those
15 are my opinions.
16 Q Okay. Do you have in your possession any
17 technical or other data or any other basis to support your
18 personal opinion that this daycare exacerbates traffic or
19 safety in any way?
20 A As I said, it was my opinion.
21 Q So you have not hired any expert or qualified
22 party to conduct a traffic or safety impact study to refute
23 the Montgomery County study?
24 A The Montgomery County study is inadequate in my
25 opinion.

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1 Q Okay. My question was have you hired --
2 A No, I have not hired my own --
3 Q -- any expert?
4 A -- engineer. No, that's not correct.
5 Q All right. And do you have any specific facts
6 such as a specific incident or accident or occurrence that
7 you can cite to that demonstrates that has ever been or
8 currently is a safety or traffic issue at this location?
9 A No. But I assure you if there is an accident, the
10 Montessori school will be held liable. I assure you of
11 that.
12 Q Okay. But do you have any specific incidents that
13 you know of that have occurred?
14 A No, I do not. I did not mention any.
15 Q Let's see. You testified that you've made a lot
16 of observations of erratic parent behavior and driving,
17 children running around, et cetera. What specific dates and
18 times did you make these observations?
19 A I do have specific dates and time. I will forward
20 my information to Mr. Grossman or to your office.
21 MR. GROSSMAN: Well, but you're here now. Can you
22 answer the question?
23 MR. COOK: I don't the exact dates and times, but
24 there's been multiple occasions.
25 BY MS. LEE:

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1 Q So, no, you don't have that? Do you have any
2 pictures or other evidence --
3 A I do have pictures.
4 Q -- of this?
5 A I do have pictures. I just don't have them --
6 Q Do you have that --
7 A I do not have them with me today.
8 MR. GROSSMAN: You can't forward factual material
9 to me after the hearing.
10 MR. COOK: I understand.
11 MR. GROSSMAN: That's, that's what the hearing is
12 for.
13 MR. COOK: Understood.
14 BY MS. LEE:
15 Q Well, where were you when you allegedly observed
16 these incidences? Where were you physically?
17 A What incidences?
18 Q Whatever it is that you referred to that, this
19 erratic behavior or children running around?
20 A Since I live on the street, I'm on the street
21 almost every single -- I am on the street almost every
22 single day, at least twice a day. I walk on the street. I
23 ride my bicycle on the street. I'm on the street --
24 Q So --
25 A -- in front of --

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1 Q -- you --
2 A -- in front of Ms. Zhang's house.
3 Q So you were standing in front of Ms. Zhang's house
4 observing these things?
5 A Sometimes. Sometimes in my vehicle. Sometimes at
6 my neighbor's house adjacent to Ms. Zhang's house.
7 Q So are you saying that you stopped your vehicle
8 repeatedly on, in front of Ms. Zhang's house to observe
9 these things?
10 A No, I'm not.
11 Q Are you employed?
12 A Am I employed? Yes.
13 MR. GREEN: Objection.
14 MR. GROSSMAN: Why is that pertinent? Yes. I'll
15 sustain --
16 MS. LEE: Because that goes to the timing and
17 credibility --
18 MR. GROSSMAN: No.
19 MS. LEE: -- of the times that he --
20 MR. GROSSMAN: No, I --
21 MS. LEE: -- would say he's --
22 MR. GROSSMAN: No, you may not answer that
23 question.
24 BY MS. LEE:
25 Q Okay. You stated that the twins situation is only

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1 temporary and, therefore, it's not a, I guess, a valid
2 concern or a valid, I guess --
3 MR. GROSSMAN: Factor to be considered.
4 MS. LEE: -- factor to be considered because of the
5 twin situation is only temporary, yet you testified you are
6 concerned for your children who have to walk, I guess, to
7 this bus stop or travel in the area. May I ask, if I cannot
8 ask, how old your children are, but are your children likely
9 to stay at the same stage and age of need?
10 MR. GROSSMAN: I don't understand that question.
11 Everybody changes.
12 MR. COOK: Or I can tell you that --
13 MS. LEE: Right.
14 MS. COOK: -- obviously my children --
15 MS. LEE: Well, I guess that was --
16 MR. COOK: -- are not going to stay the same age -
17 -
18 MR. GROSSMAN: Well, I'll let him respond because
19 you seem to want to respond.
20 MR. COOK: -- but the reality is then they go to
21 middle school and then there's going to be a middle school
22 bus at the same location. And then they're going to go to
23 high school and there's going to be a high school bus at the
24 same location. It's irrelevant, your comments are
25 irrelevant because they are going to be wandering around the

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1 street in the morning and they are going to go to the bus
2 stop which is going to be located there for the next 10 plus
3 years.
4 BY MS. LEE:
5 Q Okay. So out of those --
6 A And with the twins situation, what I said was you
7 cannot make an assumption that your traffic count is lower
8 due to the fact that you have twins as an enrolled party
9 because next year you may not have those twins, they might
10 be individuals as the same enrolled party.
11 MR. GROSSMAN: And I think there's a valid point
12 there, that is, that if I were to approve this, I wouldn't
13 approve it only for people who have twins.
14 MS. LEE: Sure.
15 MR. GROSSMAN: And so there is a possibility that
16 there would be more traffic if people did not have twins.
17 On the other hand, I also have to take into account the
18 evidence that's before me and that is that it would not,
19 there is the situation right now which would not require it.
20 So it does have -- his point is a valid point.
21 MS. LEE: Certainly.
22 MR. GROSSMAN: Right.
23 MS. LEE: Absolutely. But would you agree that
24 there's also a possibility that triplets could enroll or
25 quadruplets? I mean that's just --

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1 MR. GROSSMAN: Right. I don't think one can, I
2 cannot assume that every enrollee means an additional car.
3 MS. LEE: Yes.
4 MR. GROSSMAN: So, and just as I cannot assume
5 that everybody is going to have twins.
6 MS. LEE: Correct. All right. That's -- no
7 further questions, Mr. Grossman.
8 MR. GROSSMAN: Okay. Thank you.
9 MR. ZHANG: May I ask a question, Mr. Grossman?
10 MR. GROSSMAN: Go ahead, Mr. Zhang.
11 BY MR. ZHANG:
12 Q Mr. Cook, in your testimony you mentioned a curve
13 on the Marian Drive. Have you, may I, what's the degree of
14 that curve?
15 A I'm sorry, I don't understand your question.
16 Q The grade?
17 MR. GROSSMAN: He's asking what's the degree of
18 the curve that you mentioned.
19 MR. COOK: I don't know the degree of the curve.
20 BY MR. ZHANG:
21 Q Okay. You also mentioned a vertical drop. Have
22 you measured the degree of the vertical drop?
23 A There is a vertical drop.
24 Q In your testimony you mentioned you walk with your
25 children on the Marian Drive. You walk on the paved road or

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1 you walk on the grass?
2 A Both.
3 Q Did you feel safe?
4 A No.
5 Q How, what's, how you feel the safety over there,
6 is it very dangerous?
7 A Yes.
8 Q Okay. So basically you feel very dangerous, but
9 you're still walking with your kids over there?
10 A Yes.
11 Q Okay.
12 A Do I have a choice? They have to go to school.
13 Q So in your testimony you mentioned in the parking
14 lot you saw --
15 A Unattended children, yes.
16 Q Do you have evidence for that?
17 MR. GROSSMAN: Well, his testimony is evidence.
18 MR. COOK: That's my evidence.
19 MR. GROSSMAN: That's what his observation is.
20 MR. COOK: I've seen multiple, multiple occasions
21 of unattended children.
22 BY MR. ZHANG:
23 Q Can you tell me the time? Date?
24 A No, I can't, but I have seen them on multiple
25 occasions.

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1 Q Okay. Do you aware this expansion request is not
2 asserted just to eight?
3 A I'm not aware of what you're talking about.
4 Q Let me rephrase my question. Do you, are you
5 aware this --
6 A That it's an increase up to 30, yes, I understand.
7 Q Okay. So how many times you in and out of Marian
8 Drive every day roughly?
9 A Two, three, four times a day.
10 Q Okay. In your testimony you mentioned, I don't
11 understand Mr. Grossman's perhaps same question because I
12 cannot ask at that moment. You mentioned like 70, 80, what,
13 what do you mean?
14 A I don't know your question.
15 Q You mentioned that it could be 15 times of
16 whatever the number you gave and --
17 A No, I said it's a substantial number of times more
18 than the street is designed to hold.
19 Q No, no, no. My question is --
20 A With 15 houses and 1955 developed neighborhood,
21 the addition of the 30 children in the daycare is a
22 substantial increase, multiple times the number of
23 traditional traffic without the daycare included on the
24 street.
25 Q If I hear correctly, you're actually talking about

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1 the neighbor like your house, your own --
2 A I'm talking about normal behavior.
3 Q Like I just want your explanation for the number
4 you got, like 70, 80, or even more, what's that number refer
5 to?
6 A I recall I gave 70 or 80 or more.
7 Q I think, Mr. Grossman, asked the same question --
8 A Many times --
9 Q -- during your testimony and I --
10 MR. GREEN: Objection.
11 MR. ZHANG: -- I did not hear --
12 MR. GREEN: Objection.
13 MR. ZHANG: -- your answer. I just asked --
14 MR. GREEN: Objection.
15 MR. GROSSMAN: Hold it. Hold it. Hold it.
16 MR. ZHANG: Yeah. Yeah.
17 MR. GREEN: Objection. Argumentative, repetitive
18 and irrelevant.
19 MR. ZHANG: So basically you, you are saying --
20 MR. GROSSMAN: Hold on. Hold on, Mr. Zhang.
21 MR. ZHANG: Sorry.
22 MR. GROSSMAN: Hold on. Once an objection is
23 made, I have to rule on the objection. I'm going to sustain
24 the objection. That is that this has been asked and
25 answered. He said that he didn't recall giving those

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1 numbers. That's his answer.
2 MR. ZHANG: Okay. Sorry about that.
3 MR. GROSSMAN: Sure. No problem. Okay. Ms.
4 Zhang, no, you can't have back and forth -- you'll have an
5 opportunity --
6 MS. ZHANG: But I have one question I wanted to
7 clarify that he said to the violation --
8 MR. GROSSMAN: No, you can't have a second shot at
9 cross-examination, I'm sorry. You had, yourself and your
10 brother, that's it for cross-examination of the witness.
11 That's --
12 MS. ZHANG: Okay.
13 MR. GROSSMAN: -- in fairness here. All right.
14 Is there any other evidence by the opposition?
15 MR. GREEN: Mr. Grossman, thank you very much.
16 MR. GROSSMAN: Thank you, Mr. Cook. Appreciate
17 your coming down here to share your concerns and views. All
18 right. Do you wish to make a closing statement?
19 MS. ZHANG: Can I ask Mike to do that?
20 MR. GROSSMAN: Your brother to make the closing
21 statement? Okay. You don't have to repeat, by the way,
22 what you've already said. I understand and I take that as
23 your, from your evidence that you presented if you do not
24 wish to elaborate on that.
25 MR. ZHANG: Yes. First of all, let me thank the

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1 Hearing Examiner and everybody giving the time to --
2 MR. GROSSMAN: Certainly.
3 MR. ZHANG: -- give their testimony, also give
4 their closing statement. And I just want to save everybody
5 time. I'm not going to repeat everything and just want to
6 summarize what we have regarding these three items the
7 Hearing Examiner mentioned that's the key point of today's
8 hearing regarding traffic volume and safety and parking. So
9 based on the testimony of all the parents and in my personal
10 experience, the video recording and the Technical Staff
11 report, so the traffic volume is really, really light and a
12 minimum, for this expansion, for eight kids, additional
13 eight kids and the considered stack time, so additional
14 vehicle and to the traffic volume will be two or three
15 vehicles each hour. So that's really -- I don't want to use
16 the word you know, but that's really insignificant. The
17 impact for the community will be very, very minimum.
18 For the parking and all the presentation we did to
19 hearing them last time is really very clear and I don't want
20 to repeat that. I just want to mention again the
21 petitioner's parking space actually more than County
22 required, like County only required 10 for 30 children and
23 the petitioner have 11 over there. And also plus the
24 circular driveway, that's not required, but we have very
25 spacious circular driveway. Like the Technical Staff

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1 mentioned, they have 20, 200 feet long circular driveway to
2 do any queuing that's needed.
3 And also consider the event, that's the big event,
4 and there's some -- I think that's the, have more vehicle in
5 that property even during that Chinese New Year event,
6 nobody needed to park their vehicle in the actual parking
7 space somewhere else. They still have enough parking over
8 there. And as the parents testified and all has been
9 organized very nicely, orderly and they don't have that kind
10 of need for parking anywhere else.
11 For the safety and for my personal experience
12 based on my driving experience, also recording all the
13 videotape I present last time, it's a very quiet and safe
14 area, a safe road. And I cannot believe if I feel very
15 dangerous road, I will ever walk with my daughter over
16 there. I cannot imagine -- I will play with my bike on that
17 very dangerous road all the time. I will never do that kind
18 of thing on this kind of road if I feel very, very dangerous
19 with my kids.
20 So with the grass, very wide grass area beside the
21 paved road of Marian Drive, and the parent have the full
22 privilege to walk on this public grass road. I will never
23 walk with my daughter on the paved road, I feel that is
24 unsafe. And I know the side of grass I can walk safely and
25 easily and I will not risk my life and my daughter's life if

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1 I feel unsafe. So I really feel unbelievable some parents
2 can do that, unless there's emergency like fire or
3 earthquake or something.
4 MR. GROSSMAN: Let's stick to the topic.
5 MR. ZHANG: Oh, yeah. Yeah. Sorry.
6 MR. GROSSMAN: Okay.
7 MR. ZHANG: So for these three items hearing that
8 I mentioned and based on all this evidence I have, all the
9 concrete data we got from Technical Staff and also the
10 personal opinion from all the parents, and we can see that
11 so obviously the traffic volume is not, not an issue right
12 now and additional eight children will not cause any
13 significant increase for the traffic volume.
14 And the parking is the feature there is not going
15 to change. And out of report we got from technical services
16 last time, that's based on, that's hearing them mention,
17 that's based on the 30 children, not based on the 22. The
18 Hearing Examiner is nice enough for the neighborhood just to
19 give them opportunity, gave us the opportunity to, over
20 there how it goes with 22 children. I appreciate that
21 fairness and based on the one year operation, don't see any
22 security issue based on the police department report, no
23 accident report on Marian Drive. And based on the parents'
24 testimony, it's very safe and traffic volume is minimum for
25 people to easily, to in and out either left turn or right

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1 turn.
2 So, yeah, I appreciate your time to listen to all
3 of this long testimony from everybody, including mine, and I
4 really appreciate the opportunity to do my own testimony
5 also through this closing statement for, yeah, for the, for
6 the past, the neighbor, Mr. Cook mentioned, and I did a
7 little research for the school bus stop. Actually, that
8 stop --
9 MR. GROSSMAN: No, no, no. This is -- you don't
10 have an opportunity now to add additional evidence.
11 MR. ZHANG: Yeah. Let me --
12 MR. GROSSMAN: This is just the closing --
13 MR. ZHANG: Yeah.
14 MR. GROSSMAN: -- summary.
15 MR. ZHANG: So that bus stop is not in front of
16 the petitioner's house, so I really don't see that bus is an
17 issue because that's beyond the property of the petitioner.
18 I can provide the detailed stop and --
19 MR. GROSSMAN: No, you can't -- we're not going to
20 provide additional evidence after the hearing date because
21 then it's not available for cross-examination. I mean I do
22 keep the record open to get, wait for the transcript for 10
23 days, but I don't keep it open for additional factual
24 information that might, that ought to be subject to cross-
25 examination. Sometimes there are plans that are discussed

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1 in a, you know, formal plans and we keep the record open for
2 those kinds of things, but not anything that would fairly be
3 subject to further cross-examination. So there will be no
4 additional evidence presented after today.
5 MR. ZHANG: Okay.
6 MR. GROSSMAN: I take it --
7 MR. ZHANG: Yeah. Yeah. Thank you so much.
8 MR. GROSSMAN: All right. We have -- if there's
9 no objection, I will admit into evidence all of the new
10 exhibits, Exhibits 76 through 112.
11 MR. GREEN: No objection.
12 MR. GROSSMAN: All right. They are admitted.
13 (Exhibit Nos. 76 through 112 were
14 received into evidence.
15 MR. GROSSMAN: All right. Mr. Green, do you have
16 a summary closing?
17 MR. GREEN: Mr. Grossman, just again thank you for
18 your time and patience. The street residents will waive
19 closing argument. I would just ask at this point since I
20 did not have a chance to see that contract until today, I'd
21 like to review it and if during that time in the record, I
22 wanted to submit something. I doubt I will, but I just
23 wanted to make sure I would have that opportunity since I
24 just saw that, that contract and have been asking for it for
25 two years.

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1 MR. GROSSMAN: Well, my problem is the same,
2 depending on what you would submit, then I would have to
3 give the other side an opportunity to --
4 MR. GREEN: It will not be evidence. It would
5 simply be a closing statement based on that.
6 MR. GROSSMAN: A commentary on it?
7 MR. GREEN: And I doubt I'll do it. I just, I
8 just have not had enough chance to look at it, so --
9 MR. GROSSMAN: All right. Why don't we do this.
10 If you decide to do so, please let me know. Today is the
11 sixth. Let me know by September 11th.
12 MR. GREEN: That would be fine.
13 MR. GROSSMAN: And, you know, you can use e-mail
14 and send a copy to Ms. Zhang --
15 MR. GREEN: That will be fine.
16 MR. GROSSMAN: -- same time. And then if they
17 decide that they wish to respond, they can let me know and
18 then I will further extend the record. Why don't we say --
19 well, I guess I won't have to. I'll just keep the record
20 open until the 16th of September. I guess that would be
21 Monday. And let me see.
22 MR. GREEN: The 16th is a Monday.
23 MR. GROSSMAN: Okay. So the record will close at
24 the close of business on September 16, 2013. If you elect
25 to file something by September 11th, then I would expect any

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1 response, if you wish to file the response, to be filed by
2 September 16th.
3 MR. GREEN: And I would also just ask --
4 MR. GROSSMAN: Is that fair enough?
5 MR. GREEN: -- him, since you have the only copies
6 of the exhibits we presented today, if your staff could send
7 me the three I presented, as well as the contract?
8 MR. GROSSMAN: Yes. Actually if you want to wait
9 at the end of the hearing --
10 MR. GREEN: I was going to say if you can do it,
11 I --
12 MR. GROSSMAN: -- they can make a copy for you
13 right away.
14 MR. GREEN: -- certainly don't want to
15 inconvenience anyone, but that would be great.
16 MR. GROSSMAN: No, inconvenience.
17 MR. GREEN: With that, thank you. No further
18 comments or questions.
19 MR. GROSSMAN: Okay.
20 MR. ZHANG: I just want to clarify the September
21 16th, end of September 16th, right?
22 MR. GROSSMAN: Yes, the close of business. That
23 will be 5 o'clock on September 16 --
24 MR. ZHANG: 16.
25 MR. GROSSMAN: -- if you have any response. We're

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1 not going to file anything unless Mr. Green decides he is
2 going to file something and then you would, by September
3 11th you would have to file it and then you would have until
4 September 16th, close of business, to file something and the
5 record would close at the close of business on September
6 16th.
7 MR. ZHANG: Okay.
8 MR. GROSSMAN: Okay?
9 MR. ZHANG: So one more thing --
10 MR. GROSSMAN: By then we should have a transcript
11 too. We usually put our transcripts up on the website too.
12 MR. ZHANG: Okay.
13 MR. GROSSMAN: When we file our decision, you will
14 receive a copy of the decision and as will Mr. Green and Mr.
15 Cook and the other participants here, and we will also put
16 it on our website. Is there anything further that we need
17 to cover?
18 MR. ZHANG: Thank you.
19 MR. GROSSMAN: Hearing nothing, I thank you very
20 much, everybody, and you're adjourned.
21 MS. ZHANG: Thank you.
22 MR. ZHANG: Thank you.
23 MR. GROSSMAN: All right. So now let's see, Mr.
24 Green, you want a copy of Exhibit 112?
25 MR. GREEN: 112 and 107, eight and nine, I

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1 believe.
2 (Whereupon, at 12:47 p.m., the hearing was
3 concluded.)
4
5
6 C E R T I F I C A T E
7 DEPOSITION SERVICES, INC., hereby certifies that
8 the attached pages represent an accurate transcript of the
9 electronic sound recording of the proceedings before the
10 Office of Zoning and Administrative Hearings for Montgomery
11 County in the matter of:
12 Petition of Margaret Zhang
13 Special Exception No. SE-11-02
14
15
16 By:
17
18
19 _____
20 Tracy Hahn, Transcriber
21
22
23
24
25

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