

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY

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4831 WEST LANE, LLC : Case No. G-954
LOCAL MAP AMENDMENT G-954 : DPA 13-01
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A hearing in the above-entitled matter was held on April 8, 2013, commencing at 9:41 a.m., at the Office of Zoning and Administrative Hearings, 100 Maryland Avenue, 1st Floor Auditorium, Rockville, Maryland 20850 before:

Lynn A. Robeson
Hearing Examiner

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A P P E A R A N C E S

On Behalf of the Petitioner:

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On Behalf of the Respondent:
Patricia Harris, Esq.

* * * * *

Witnesses: Direct

William Landfair 19, 57

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P R O C E E D I N G S

1 MS. ROBESON: Okay. This is a continuation of the
2 public hearing of the matter of Local Map Amendment No. G-
3 954, filed by 4831 West Lane, LLC, which requests rezoning
4 from the R-60 zone to the TSR zone, a property known as 3901
5 Montgomery Lane, Lot 26, Block 13, and the West Lane right-
6 of-way associated with Lots 24, 25 and 26, Edgemoor
7 subdivision in Bethesda. It's also a public hearing on
8 Development Plan Amendment No. DPA 13-01 filed by 4831 West
9 Lane, LLC, which requests an amendment to the development of
10 plan approved by the district council on July 10, 2007, in
11 zoning application G-843. The applicant seeks an amendment
12 to increase the number of residential units and add an
13 additional 5,989 square feet of land area.

14 All right. First of all, thank, I thank the
15 parties very much for getting in all their exhibits on time.
16 That was very helpful to me. Is there anyone here that
17 wishes to testify that is not represented by Ms. Harris, Mr.
18 Abrams or Mr. Knopf? Okay. Seeing none, I am going to skip
19 that part and go to some -- first of all, will counsel
20 identify themselves for the record?

21 MS. HARRIS: Pat Harris, with Lerch, Early and
22 Brewer on behalf of the applicant. Good morning.

23 MS. ROBESON: Good morning.

24 MR. ABRAMS: Good morning. Stan Abrams on behalf

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1 of Sydney Homes townhouse community and Mr. Richard Lawch at
2 4810 Montgomery Avenue.

3 MS. ROBESON: Okay.

4 MR. ABRAMS: Montgomery Lane, excuse me.

5 MR. KNOFF: Norm Knopf from Knopf and Brown on
6 behalf of the Edgemoor Condominiums and the various
7 individuals I've listed in the filing with the --

8 MS. ROBESON: Okay. Thank you.

9 MR. KNOFF: I have a housekeeping matter when --

10 MS. ROBESON: Sure.

11 MR. KNOFF: -- it's appropriate to raise. I have
12 something before the County Council tomorrow which has been
13 scheduled, it's scheduled for a half an hour for the
14 Council.

15 MS. ROBESON: Yes.

16 MR. KNOFF: -- at 1:55.

17 MS. ROBESON: That's always a risk.

18 MR. KNOFF: That's the Council's scheduling. Yes.

19 MS. ROBESON: Yes.

20 MR. KNOFF: I was wondering whether perhaps we
21 could take a late lunch tomorrow or something like that
22 because --

23 MS. ROBESON: Well, that is -- I was going --
24 well, I was going to reschedule the site visit, but I think
25 that if you're at the Council, we couldn't do it that way

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1 either. We have quite a few dates reserved. How would the
2 parties feel about skipping tomorrow and then you don't need
3 the flexibility of, you know, having to break at a
4 particular time?

5 MR. KNOFF: Well, I'm -- this is scheduled for
6 1:55. I mean we can meet at least in the morning. They're
7 not going to meet -- they're not sitting as a District
8 Council until 1:55, so there's no danger of my being --

9 MS. ROBESON: All right. All right. I don't have
10 a problem with it. Does anyone else have a problem seeing
11 if we can accommodate Mr. Knopf's --

12 MR. ABRAMS: Then let's go for a morning session
13 up until a certain point and then recess it?

14 MS. ROBESON: Yes.

15 MR. ABRAMS: Okay.

16 MS. HARRIS: And then recess for the day or just
17 for the half hour that he needs, just so we can coordinate?

18 MS. ROBESON: The only problem with the Council is
19 you never really know when you're going to get on, so I
20 think that it's probably best just to recess for the day and
21 then you don't have to keep your experts here. You know, it
22 may be an hour, it may be an hour and a half, just depending
23 on what their schedule is. All right. Then we'll do that.

24 I had a few preliminary matters. I did receive
25 this flash drive, which is a video. It's Exhibit 106s and

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1 it's a video of seven days of the street view in front of
2 the subject property. We generally don't admit videos
3 because the Council does not have a way to view them. What
4 we can do, if you have somebody that can testify as to
5 what's on this tape, we do accept sworn testimony, but we
6 don't accept the actual video because the Council isn't
7 going to watch seven days of parking or non-parking or
8 however you want to phrase it.
9 MS. HARRIS: Two things, or a number of things.
10 One is actually the Hearing Examiner should have received
11 two tapes because one was submitted during the February 15th
12 filing and then there were, there was an additional tape on
13 the March 22nd. So I want to make sure that you, in fact,
14 received two.
15 MS. ROBESON: Okay.
16 MS. HARRIS: And then, if I understand correctly,
17 we did also submit pictures that were representative.
18 MS. ROBESON: I saw that.
19 MS. HARRIS: Okay. But so what you're suggesting
20 is that we then get a sworn statement from the party
21 responsible for the preparation of those?
22 MS. ROBESON: Exactly.
23 MS. HARRIS: Okay. And that can obviously then be
24 submitted into evidence?
25 MS. ROBESON: Yes, subject to --

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1 MS. HARRIS: Okay.
2 MS. ROBESON: -- the ability to cross-examine.
3 MS. HARRIS: Right.
4 MS. ROBESON: So you may have to bring the person
5 here to be subject to cross-examination.
6 MS. HARRIS: Right. Okay. That's acceptable.
7 MS. ROBESON: All right. So I am not going to
8 admit this and I will have to check through and see if
9 there's other videos in here.
10 MR. ABRAMS: What exhibit was that now?
11 MS. ROBESON: This is 106s. And I'm not going to
12 do it right now. I'll do it at a break when I can search
13 through the --
14 MR. ABRAMS: 106f?
15 MR. KNOPF: S.
16 MS. ROBESON: S as in Sam.
17 MR. ABRAMS: S? Okay.
18 MS. HARRIS: The other one was Exhibit 93 that was
19 submitted on March 15th and that was a flash drive.
20 MS. ROBESON: Okay. Then I'm going to treat that
21 one the same way, not admit it. I'm not going to change the
22 numbering of the exhibits at this point, but I'm going to
23 just note that that is -- I'm sorry, it was 99 what?
24 MS. HARRIS: It was 93.
25 MS. ROBESON: 93? Okay. So that is not admitted

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1 into the record. All right. The other matter is the site
2 visit. What I need to do with the site visit is schedule it
3 for a day and then have at least one more hearing where I
4 can put my observations on the record and you can ask me
5 questions or challenge my recommendations. There's some
6 procedural rules relating to site visits that I have to
7 observe. You are welcome to -- you will be welcome to
8 attend the site visit, but I can't speak with anyone because
9 I have no way of recording what is there.
10 So what we're going to do is schedule the site
11 visit and then come back at least one more day so you have
12 the, so I can put my observations on the record and you have
13 the ability to question me on those observations, all right?
14 So think about, you know, I don't want to extend the hearing
15 too long, but you may want to just think about which day
16 would be a good day -- I think one day I'm just going to do
17 the site visit and then a following day we'll come back for
18 the hearing, all right? Yes, sir?
19 MR. KNOPF: I would suggest that you may find it
20 helpful to have the site visit earlier rather than later to
21 help you follow the testimony that comes before you.
22 MS. ROBESON: All right. Well, I was going to
23 propose Thursday because I think that we're definitely going
24 to continue to have hearings through Friday. That would be
25 my guess. And --

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1 MR. KNOPF: I was working on the assumption we'll
2 have hearings the following week also, so --
3 MS. ROBESON: Yes, that's true. I can do Thursday
4 or I can do Monday.
5 MR. KNOPF: Thursday?
6 MS. HARRIS: Let's do Monday.
7 MS. ROBESON: It --
8 MR. ABRAMS: Monday is the hearing, isn't it?
9 MS. HARRIS: Yes.
10 MR. KNOPF: Yes, Monday is the hearing.
11 MS. HARRIS: Unfortunately, I have an all-day,
12 excuse me, an all-day meeting scheduled for Thursday.
13 MR. KNOPF: Oh.
14 MS. ROBESON: Okay.
15 MS. HARRIS: So that will not work.
16 MR. KNOPF: Oh.
17 MS. ROBESON: Okay. I can do, well, I can, in
18 lieu of a hearing here, technically a site visit is a
19 hearing. So I can do it Monday. I can do it Monday and in
20 lieu of a hearing here, I'll do the site visit and then we
21 can follow-up. We have work days scheduled next week.
22 MS. HARRIS: Would it be possible, just because I
23 know time schedules are tight, to have the site visit at a
24 certain time perhaps in the morning --
25 MS. ROBESON: Oh, yes, I have to --

1 MS. HARRIS: -- and then --
2 MS. ROBESON: I have to announce a time.
3 MS. HARRIS: Right. But then could we then resume
4 the hearings if you scheduled it for the morning, for
5 instance, then resume the hearing from 11:00 on or whatever
6 it may be just because we've put all, and I'm sure the other
7 opponents as well, have put their various witnesses on
8 notice to reserve certain days.
9 MS. ROBESON: Right. Well, we're going to finish
10 within this time period.
11 MS. HARRIS: Absolutely. I have that direction.
12 MS. ROBESON: We can do that. I guess my concern
13 is, well, maybe the best thing to do is to schedule it at,
14 for instance, 3 o'clock and we can come here first and then
15 do it in the afternoon.
16 MR. ABRAMS: Was there a problem with either
17 Wednesday or Friday of next week, or of this week?
18 MS. ROBESON: This week?
19 MR. ABRAMS: Yes.
20 MS. ROBESON: No. I mean I can do it --
21 MR. KNOFF: Yes, I would -- my only hesitancy is 3
22 o'clock because you're going to start running into rush hour
23 going either way.
24 MS. ROBESON: Well, I'm trying to avoid rush hour
25 in the morning, which coming from Columbia --

1 MR. KNOFF: At least it's early, though. Yes.
2 MS. ROBESON: -- is, it's going to take me, you
3 know, a couple of hours to get there, but I can do the
4 morning and hope for the best. Well, let's --
5 MR. KNOFF: Well, could we, let's see.
6 MS. ROBESON: I did not bring my calendar with me.
7 I will be flexible and attempt to get there. I can attempt
8 to get there by 10 o'clock, okay, and then we can do the
9 site visit and come back in the afternoon.
10 MR. KNOFF: This is on Friday you're talking --
11 which --
12 MS. ROBESON: We can do -- I'm waiting to hear
13 consensus from you all.
14 MR. KNOFF: Friday was one of the days you had
15 suggested for hearing, so I think we have those free? I
16 think --
17 MS. ROBESON: Yes, it should be a hearing day.
18 MR. KNOFF: So we have those free.
19 MR. ABRAMS: Friday is fine. That's the 12th?
20 Yes.
21 MR. KNOFF: That's fine for me.
22 MS. ROBESON: Is that acceptable to you?
23 MS. HARRIS: Unfortunately, well, first of all,
24 Friday is not a hearing day.
25 MR. KNOFF: It is.

1 MS. HARRIS: The 12th?
2 MR. ABRAMS: The 12th is not a hearing day, no.
3 MS. HARRIS: Correct.
4 MR. KNOFF: It wasn't?
5 MS. ROBESON: Oh.
6 MS. HARRIS: It is not. But --
7 MR. KNOFF: I thought it was Monday, Tuesday,
8 Friday?
9 MS. HARRIS: But although I'm not available, the
10 applicant is.
11 MR. KNOFF: I have Monday, Tuesday, Friday. Did I
12 write down the wrong date? Is it Monday, Tuesday, Wednesday
13 we're coming in?
14 MS. HARRIS: Could I suggest tomorrow at 3 o'clock
15 perhaps?
16 MS. ROBESON: I can't do that.
17 MS. HARRIS: Oh, okay.
18 MS. ROBESON: Plus, isn't that the day that --
19 MS. HARRIS: Oh --
20 MR. KNOFF: Yes, that's when I'm having a hearing.
21 MS. HARRIS: That's right. Sorry.
22 MS. ROBESON: Well, I think that we can't do it
23 tomorrow. We could try for --
24 MS. HARRIS: Wednesday morning?
25 MR. ABRAMS: Do you want to do it today?

1 MS. HARRIS: Did someone suggest that?
2 MS. ROBESON: We could try it today.
3 MR. ABRAMS: We'll do it today.
4 MS. ROBESON: I can do it for today in the
5 afternoon. Are you -- is that acceptable to you?
6 MS. HARRIS: That's acceptable to us.
7 MR. KNOFF: Yes.
8 MS. ROBESON: Okay.
9 MR. KNOFF: Sure.
10 MS. HARRIS: This was the only thing on our
11 schedule today.
12 MS. ROBESON: Okay. We'll, we can -- is that
13 acceptable to you?
14 MR. KNOFF: That's fine.
15 MR. ABRAMS: Yes.
16 MR. KNOFF: What time did you have in mind?
17 MS. ROBESON: Well, I think I better do it for 1
18 o'clock just to make sure that we have enough time. No?
19 MS. HARRIS: I mean I was, well, I mean -- I was
20 thinking a little later so we could get through at least two
21 or three of our witnesses, but whatever works.
22 MS. ROBESON: Okay, 2 o'clock?
23 MR. ABRAMS: No way.
24 MR. KNOFF: No way.
25 MR. ABRAMS: No, let's make it --

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1 MS. ROBESON: 2 o'clock, okay?
2 MR. KNOPF: So people still have to stop and when
3 to eat and travel.
4 MS. ROBESON: Well, I mean --
5 MS. HARRIS: That's fine.
6 MS. ROBESON: -- we've got to do it.
7 MS. HARRIS: Right. Right. Exactly.
8 MS. ROBESON: So let's just --
9 MS. HARRIS: And then it's 2 o'clock and then
10 after the site visit, the hearing is --
11 MS. ROBESON: Is adjourned, yes.
12 MS. HARRIS: -- adjourned for the day. Okay.
13 MS. ROBESON: And what I'll be doing is I will be
14 walking from the site east on Montgomery Lane, south to, I
15 think it's Hampden Lane, west to Arlington Road, north and
16 then to --
17 MR. KNOPF: Maybe we just better meet you
18 someplace.
19 MS. ROBESON: Well, I --
20 MR. KNOPF: We'll follow you, that's --
21 MS. HARRIS: Right.
22 MS. ROBESON: -- believe it or not, believe it or
23 not, I have to announce under the most recent case law or
24 the County Attorney is going to get mad at me if I don't
25 announce the route.

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1 MR. KNOPF: I see.
2 MS. ROBESON: So, so north to, I didn't expect to
3 do this right at the moment. I'll do it before we leave,
4 okay? I don't have the streets memorized. So we'll do it
5 before we leave, but I have to announce the route. So it's
6 generally going to be Montgomery Lane and then the perimeter
7 of the neighborhood, all right, that staff has defined. You
8 look confused.
9 MR. ABRAMS: So it's one street on each side,
10 north and south, and Woodmont and --
11 MR. KNOPF: Onto --
12 MS. ROBESON: Woodmont, yes.
13 MR. KNOPF: Yes. Okay.
14 MS. ROBESON: Okay?
15 MR. KNOPF: It makes sense.
16 MS. ROBESON: 2 o'clock, are we agreed? Okay.
17 MR. KNOPF: And where, at what point will you
18 start so we know where to find you?
19 MS. ROBESON: Oh, I'm going to start at the
20 subject property.
21 MR. KNOPF: The subject property, that's a clue.
22 Thank you.
23 MS. ROBESON: Yes. Yes. I'm going to do that.
24 MR. KNOPF: You better leave us now to find a
25 place to park.

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1 MS. ROBESON: And then when -- okay, no editorial
2 comments. And then when I go like this, no, when I finish
3 the route, I'm just going to get on the Metro and come back
4 here, all right? So we've done that.
5 All right. Are there -- I hesitate to ask this,
6 are there any other procedural matters?
7 MS. HARRIS: I have --
8 MS. ROBESON: Seeing none, no, go ahead.
9 MS. HARRIS: I have just a very minor one, which
10 is logistically -- several of our experts are going to be
11 wanting to use the easels, but there's -- I don't know if
12 that's a microphone on that table, so it's a little awkward
13 given the configuration of the room.
14 MS. ROBESON: Can we move the microphone to the
15 end of the table? Okay. We'll go off --
16 MS. HARRIS: Okay. And then --
17 MS. ROBESON: Do we need to go off the record for
18 a minute? No?
19 MS. HARRIS: Thank you.
20 MS. ROBESON: All right. Any more preliminary
21 matters? Seeing none, we will proceed with your first
22 witness.
23 MS. HARRIS: Thank you.
24 MR. KNOPF: Well, can I -- I do, I do have a
25 question. I presume since we've got a whole slew of new

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1 filings, I presume that's one of the things your witnesses
2 will be addressing, the 322 submission?
3 MS. HARRIS: I was going to make just a couple of
4 introductory remarks, if I may, and that was included in
5 there --
6 MR. KNOPF: Okay. Thank you.
7 MS. HARRIS: -- how we were going to introduce
8 various --
9 MS. ROBESON: We can have --
10 MS. HARRIS: -- exhibits.
11 MS. ROBESON: -- since it is an amended petition,
12 you can have a brief time just to summarize --
13 MS. HARRIS: Yes, thank you.
14 MS. ROBESON: -- sort of like a, an amended
15 opening statement.
16 MS. HARRIS: Thank you.
17 MS. ROBESON: But not too long.
18 MS. HARRIS: No, it will be very amended. Thank
19 you. For the record, Pat Harris with Lerch, Early and
20 Brewer here on behalf of the applicant, 4831 West Lane, LLC.
21 We welcome the opportunity to be able to continue this
22 hearing and present the project which was at the corner of
23 Montgomery Lane and West Lane. Since the last hearing, we
24 did have the opportunity to develop improved exhibits which
25 better describe the property and the surrounding environment

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1 and its context and we will be introducing those when the
2 various witnesses come up and we'll be referring to the
3 exhibit list from the zoning case so that there's no
4 confusion there.

5 We submitted exhibits on February 15th and March
6 22nd and also at the direction of the ZHE we did meet with
7 planning staff and, as you know, the Planning Board had a
8 hearing on March 7th. We received a positive staff report
9 and also a positive recommendation from the Planning Board
10 and that's in the record as Exhibit 105. Our first witness
11 will be Bill Landfair, who will further elaborate on the
12 Planning Board proceeding and then he will also be
13 addressing several questions that the Hearing Examiner
14 raised at the January 11th hearing.

15 Our order, presentation of witnesses that we
16 indicated previously will be Mr. Landfair. We also have Mr.
17 Perry Berman as a land planner and then our architect,
18 Marius Redulescu; our transportation planner, Chris Kabat;
19 our landscape architect, David Judd; and then our civil
20 engineer, Mark Morlock. And so with that --

21 MS. ROBESON: All right. I think you --
22 MS. HARRIS: -- I will call Mr. Landfair.
23 MR. KNOPF: Is Mr. -- if I recall correctly, Mr.
24 Landfair was qualified as land planning?
25 MS. HARRIS: Correct.

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1 MR. KNOPF: So you're having two land planners?
2 MS. HARRIS: Yes.
3 MR. KNOPF: Thank you.
4 MS. ROBESON: I suspect that Mr. Berman is going
5 to tell us what the master plan really means.
6 MS. HARRIS: And I neglected to note that we also
7 have two other witnesses that we'll call at the end of our
8 expert witnesses, which is Cheryl Cort from the Coalition
9 for Smarter Growth and Dan Reed from the Action Committee
10 for Transit.
11 MS. ROBESON: Okay. Mr. Landfair, you were sworn
12 in last time and you're still under oath.
13 MR. LANDFAIR: Yes, ma'am.
14 MS. HARRIS: We're just logistically trying to
15 figure out where he should sit because he's going to be
16 getting up and down.
17 MS. ROBESON: Well, you can bring a chair to this
18 table if you wish. While he's doing that, I will note that
19 all the exhibits and testimony from the prior hearing are in
20 the record of this hearing, so you don't have to -- no one
21 has to re-introduce anything.
22 MS. HARRIS: Thank you. Thank you. What the
23 Exhibit 106a, which was submitted, is a revised development
24 plan and I think it may be helpful to start with the revised
25 development plan, explain what has changed and also explain

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1 the binding elements that several were edited as a result of
2 our visit back to the Planning Board.
3 MR. LANDFAIR: 106a?
4 MS. HARRIS: Correct.
5 MS. ROBESON: Just write duplicate on that because
6 we already have one in the file.
7 MR. LANDFAIR: Okay. Okay. The development plan
8 before you has been revised a number of ways. Firstly, it
9 now reflects a continuous setback along the western wall of
10 the building as it faces to the west, as it faces Lot 28,
11 which was previously approved for a TSR project. In
12 addition, we have amended a number of binding elements and
13 added a number of binding elements to the plan. These
14 include a setback provision starting at the 6th floor of the
15 building, that part of the building facade that fronts along
16 Montgomery Lane with the intent that it will reduced the
17 building mass and height as viewed from the street.
18 In addition, a binding element will limit the
19 lighting found in the rear outdoor amenity space that's
20 reserved for the residents to keep the lighting to a
21 manageable level, no more than 24 inches in height. There
22 is a binding element that echoes language found in the
23 technical staff report that will ensure conformance with the
24 public use space provisions that are proposed on this plan.
25 The plan also reflects a new design for the

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1 southeast corner of the building. We now have a scallop,
2 essentially a cut-out if you will, an arc, at the corner of
3 Montgomery Lane and West Lane and this now provides or
4 accommodates a pocket park which is approximately 1,000
5 square feet in size. I think previously they had been
6 referenced either on the record or in perhaps some materials
7 that were submitted suggesting it was 600 square feet in
8 size. It actually will measure approximately 1,000 square
9 feet in size. We'll note that this pocket park will take
10 its cues from the building itself and is convenient to the
11 corner, convenient to the crosswalks and will provide a very
12 comfortable public use space for both residents, visitors
13 and passersby. It will be equipped with seating areas,
14 landscaping, shade trees, et cetera.
15 MS. HARRIS: Thank you.
16 MS. ROBESON: What is the setback along that west
17 side? I mean how many feet is it set back?
18 MR. LANDFAIR: The building itself, above grade --
19 MS. ROBESON: Yes.
20 MR. LANDFAIR: -- is 12 feet.
21 MS. ROBESON: 12 feet? Okay.
22 MR. LANDFAIR: Right. And below grade, there is a
23 garage that looks down right to the parking lot.
24 MS. HARRIS: And just for clarification purposes,
25 that is a minimum of 12 feet?

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1 MR. LANDFAIR: Correct.
2 MS. HARRIS: Okay.
3 MR. LANDFAIR: Right.
4 MR. KNOPF: I'm sorry, I'm having trouble because
5 you have a nice back, but --
6 MS. ROBESON: I was thinking that. Could you just
7 angle the board more toward Mr. Knopf and Mr. Abrams because
8 I have the plan up here and I can see. And then you may
9 now, and you may want to stand, if you could move the second
10 easel back, you may want to stand on that side and that way
11 I can see and they can see.
12 MS. HARRIS: We also prepared a mini-packet if
13 that would be helpful if they don't have it, to have it at
14 the --
15 MS. ROBESON: Do you have the mini-packet?
16 MR. ABRAMS: We do.
17 MR. KNOPF: Have a mini --
18 MS. HARRIS: Okay.
19 MR. KNOPF: Yes.
20 MS. ROBESON: Okay.
21 MR. KNOPF: We do.
22 MS. ROBESON: But it would be nice, all of us need
23 to be able to see what you're testifying to, so how does
24 that work out?
25 MR. KNOPF: It sounds good.

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1 MS. ROBESON: Okay.
2 MR. KNOPF: But just ask, I'm sorry, 12, was it 12
3 feet?
4 MR. LANDFAIR: 12 feet, right.
5 MR. KNOPF: Was the --
6 MR. LANDFAIR: A minimum setback of a building
7 above-grade along the west side.
8 MR. KNOPF: The minimum setback?
9 MR. LANDFAIR: Right.
10 MR. KNOPF: Thank you.
11 MR. LANDFAIR: All right.
12 MS. ROBESON: Okay. You can keep going.
13 MR. LANDFAIR: Okay. Those are the changes that
14 have been made to the development plan since the last public
15 hearing.
16 MS. ROBESON: Okay. And what is going on with the
17 space at the north side of West Lane? I remember the
18 Planning Board -- is that going to be --
19 MR. LANDFAIR: Originally that was contemplated,
20 that was proposed --
21 MS. ROBESON: That was --
22 MR. LANDFAIR: -- to be public use space and there
23 were concerns raised by staff and the Planning Board and I
24 think the Hearing Examiner as well raised concerns about the
25 viability of that space as, quote, "Public use space,"

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1 unquote. And I know the citizens had concerns as well.
2 That space will still be open. It will be landscaped.
3 There will be hard scape treatment, but we are not counting
4 it towards the public use space requirement for the project.
5 MS. ROBESON: Okay. And are the transformers, I
6 see the pads are still showing on the plan?
7 MR. LANDFAIR: Yes.
8 MS. ROBESON: Are they going to be above-ground
9 still?
10 MR. LANDFAIR: Yes, they will be. Yes.
11 MS. ROBESON: Okay.
12 MR. LANDFAIR: But they'll be, they'll be
13 screened. So the view of the transformers will be
14 mitigated. They won't be completely hidden from view, but
15 the view will be mitigated.
16 MS. ROBESON: Okay.
17 MS. HARRIS: And, Mr. Landfair, is there a binding
18 element addressing the transformers?
19 MR. LANDFAIR: Yes.
20 MS. ROBESON: That's what I was just looking for.
21 I wanted to -- I see it, they'll screen the transformer
22 units along the northern property.
23 MR. LANDFAIR: Right. That had always been the
24 intent, but now it's a binding element.
25 MS. ROBESON: I see. Okay.

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1 MS. HARRIS: Thank you. By way of review, what is
2 the height in the FAR permitted by the zoning?
3 MR. LANDFAIR: Yes. The Zoning Ordinance permits
4 a, allows 3.5 FAR or maximum of 183 dwelling units per acre
5 when you're providing 15 percent MPDU's. The sector plan
6 cites 2.5 FAR and a 60-foot, I'm sorry, a 65-foot height
7 limitation. In this case with this project, we are
8 proposing 3.5 FAR and, of course, 70 feet in height, but we
9 feel that this is perfectly appropriate because we're taking
10 advantage of the MPDU bonus density which allows us to
11 increase the density to the 3.5, 3.05 FAR.
12 MS. HARRIS: And in the sector plan's
13 recommendation of 2.5 FAR and 65 feet, was that with or
14 without consideration of MPDU's?
15 MR. LANDFAIR: That was without the consideration
16 of MPDU's without the bonus, correct.
17 MR. KNOPF: Excuse me, I just want to clarify
18 something. You're saying the FAR 3.5?
19 MR. LANDFAIR: No, I'm sorry.
20 MS. ROBESON: 3.0 --
21 MR. KNOPF: 05? Okay.
22 MR. LANDFAIR: I corrected myself. 3.05.
23 MR. KNOPF: That's what it is. Sorry. Thank you.
24 MR. LANDFAIR: Sorry.
25 MS. ROBESON: You missed that part at the Planning

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1 Board where they increased it to 3.5.
2 MR. LANDFAIR: Surprise.
3 MS. HARRIS: And which they fully support.
4 MS. ROBESON: And let me just clarify one other
5 thing. Did, I thought I read that the setback, that the 6th
6 floor, instead of being nine feet is now 12 feet, is that
7 correct?
8 MR. LANDFAIR: Correct. It's a, we call it a step
9 back.
10 MS. ROBESON: Step back?
11 MR. LANDFAIR: Right.
12 MS. ROBESON: Yes.
13 MR. LANDFAIR: Right. Exactly.
14 MS. ROBESON: Okay. I just wanted to make sure I
15 was remembering that.
16 MR. LANDFAIR: Correct. And that's a binding
17 element on the plan.
18 MS. ROBESON: Okay.
19 MS. HARRIS: Exhibit 106b sets forth, which is a
20 comparative base plan, sets forth all the relevant
21 development standards and dimensions in the surrounding
22 neighborhood and provides a context for evaluating the
23 project and it showed compatibility and during the first --
24 MS. ROBESON: Is there a question there?
25 MS. HARRIS: Yes, sorry.

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1 MS. ROBESON: Just checking.
2 MS. HARRIS: The question is can you please
3 describe the surrounding neighborhood in the context of the
4 surrounding buildings and the dimensions and the FAR's just
5 to provide a reorientation given the depth of materials that
6 we went over almost two months ago?
7 MR. LANDFAIR: Sure. The subject property, of
8 course, is located in the northwest corner of West Lane and
9 Montgomery Lane and I'll start clockwise at roughly 1
10 o'clock. We have an existing project called Chase at
11 Bethesda 2, this project which was developed in the TSR zone
12 is 120 feet in height. Just to the south of that project is
13 the Edgemoor high rise which has a height of 100 feet.
14 MS. ROBESON: Can you point to that just so I know
15 -- okay.
16 MR. LANDFAIR: Here we go. And it has an FAR of
17 6.05. To the south confronting Montgomery Lane is a project
18 which it has yet to be built, but is approved known as 4901
19 Hampden Lane. That project was approved at 70 feet with an
20 FAR of 3.05. Moving to the west are the City Homes,
21 townhouses located along the south side of Montgomery Lane.
22 These have a height of approximately 50 feet, I'm sorry, 53
23 feet and an FAR of 1.8.
24 MS. HARRIS: Okay.
25 MR. LANDFAIR: Just to the south of the City Homes

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1 is a project that was approved, but not yet built known as
2 Hampden Lane. That has an approved height of 71 feet with
3 an FAR of 3.05. Further to the west at the corner of
4 Montgomery Lane and Arlington Road is a project known as
5 Edgemoor at Arlington. This is approved at a height of 46
6 feet with a 1.9 FAR.
7 So the south, I'm sorry, to the north a project
8 that's been approved in TSR, but not yet built, known as
9 Edgemoor at Arlington North. This project was approved at
10 48 feet with an FAR of 1.8 FAR. Coming full circle, a
11 project recently approved by the Planning Board known as
12 4825 Montgomery Lane. This project has a height approved at
13 65 feet with a 2.5 FAR.
14 MS. HARRIS: Thank you. I do want to go back to
15 the previous question just for one moment where you
16 indicated that the master plan, sector plan shows a maximum
17 of 2.5 and 65 feet. What does the Zoning Ordinance say with
18 respect to the standard in the TSR as, and when they may be
19 exceeded?
20 MR. LANDFAIR: They can be exceeded when you are
21 seeking additional density through the MPDU provisions.
22 MS. HARRIS: Thank you.
23 MR. KNOFF: May I just ask the, it's easier, the
24 record, the exhibit number that you're referring to in doing
25 those?

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1 MR. LANDFAIR: It's No. 106b.
2 MR. KNOFF: Thank you.
3 MS. ROBESON: Why don't you mark that as 106b
4 duplicate so we can keep track of what you're referring to.
5 MS. HARRIS: Thank you. We submitted, the
6 applicant submitted sections which are set forth as Exhibit
7 80 and can you please describe the relationship between the
8 north and the south side of the street --
9 MR. LANDFAIR: Sure.
10 MS. HARRIS: -- as it relates to the proposed
11 buildings, both existing and the proposed subject building?
12 MR. LANDFAIR: If I may, I'd like to continue to
13 refer to Exhibit 106b --
14 MS. ROBESON: All right.
15 MR. LANDFAIR: -- if possible?
16 MS. HARRIS: Yes. Do you have the section exhibit
17 there as well?
18 MR. LANDFAIR: I was just --
19 MS. HARRIS: If not, we can use one of the
20 miniaturized.
21 MR. LANDFAIR: Here you go.
22 MS. ROBESON: Okay. And the one you just put on,
23 oh. Okay. So what is that that you're putting on the
24 second easel, what exhibit?
25 MS. HARRIS: That's Exhibit 80.

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1 MS. ROBESON: Okay.
2 MR. LANDFAIR: Should I mark it as duplicate?
3 MS. ROBESON: Yes. And can you move that --
4 MS. HARRIS: I think she can't see.
5 MR. LANDFAIR: Yes. Yeah, I'll do that in just a
6 second.
7 MS. ROBESON: Somehow -- all right. That's fine.
8 MR. LANDFAIR: Is that all right?
9 MS. ROBESON: Yes.
10 MR. LANDFAIR: She can't see it.
11 MS. HARRIS: I think she's got one.
12 MS. ROBESON: I'm fine.
13 MS. HARRIS: The Hearing Examiner has it.
14 MS. ROBESON: I'm fine now. I've got it. Okay.
15 Let's move along.
16 MS. HARRIS: And I think it would be helpful if
17 you could please start off by referring back to the
18 comparative base plan --
19 MR. LANDFAIR: Sure.
20 MS. HARRIS: -- in terms of which section is taken
21 from where.
22 MR. LANDFAIR: Right. Okay. The first section is
23 the section from the Edgemoor high rise.
24 MS. ROBESON: Okay. So when you say the first
25 section, you're talking about --

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1 MR. LANDFAIR: At the top of Exhibit --
2 MS. ROBESON: -- the picture on --
3 MR. LANDFAIR: At the top of Exhibit 80.
4 MS. ROBESON: Okay.
5 MR. LANDFAIR: Exhibit 80 has three sections to
6 it.
7 MS. ROBESON: Right.
8 MR. LANDFAIR: And each section is through
9 Montgomery Lane. The first section at the top is a section
10 from Edgemoor high rise through to City Homes. The second
11 section is from 4825 Montgomery Lane --
12 MS. ROBESON: Or in the middle section.
13 MR. LANDFAIR: The middle section, right. And
14 then the bottom section is from our property across
15 Montgomery Lane to City Homes.
16 MS. ROBESON: Okay.
17 MR. LANDFAIR: So to begin with, at the top,
18 Edgemoor high rise to City Homes has a distance of
19 approximately 71 feet between the two buildings, building
20 face to building face. And 4825 is a distance of 66 feet
21 from building face to building face. And from our building
22 to City Homes, the distance of 73 feet. So in terms of the
23 relative distance between each building along Montgomery
24 Lane, the setback or distance between our building and the
25 confronting building, City Homes, is greater than other

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1 projects along Montgomery Lane.
2 MS. HARRIS: Can you also describe the step backs
3 of the subject building and the, whether the other two
4 buildings have step backs?
5 MR. LANDFAIR: Yes. Edgemoor high rise has no
6 step back to it, neither does 4825 Montgomery Lane. Our
7 building, of course, starting at the 6th floor has a step
8 back of 12 feet from the front building facade.
9 MS. HARRIS: And what is the relative height of
10 our building, of the City Homes, excuse me, and the
11 buildings that the City Homes was compared to?
12 MR. LANDFAIR: Relative height, Edgemoor high rise
13 is 100 feet in height. 4825 Montgomery Lane is 65 feet in
14 height. Our building to its topmost point is 70 feet, but
15 starting at the point where it steps back, it's
16 approximately 50 feet. So it's akin to, similar to the
17 overall height of City Homes at the step back.
18 MS. HARRIS: So it may be helpful just to make
19 sure that this exhibit is perfectly clear, if you can show
20 on the comparative base plan where one would be standing if
21 one were observing the sections as they were looking down
22 Montgomery Lane?
23 MR. LANDFAIR: Sure. Again, starting with the top
24 exhibit, the top section, you would be standing
25 approximately here. You'd be in the middle of the street

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1 looking towards the east, Edgemoor high rise to your left or
2 to the north side, City Homes to the south.
3 MS. HARRIS: And when you say here, you mean at
4 the southeast corner of the subject property?
5 MR. LANDFAIR: Correct. Looking at the middle
6 section, you would be standing in the middle of the
7 intersection between West Lane and Montgomery Lane, again,
8 looking towards the east. And for the third section, cross-
9 section, you would be standing just to the west of our
10 property in the street, again, looking towards the east.
11 MS. HARRIS: Thank you. You just provided a
12 thorough description of the immediately surrounding
13 properties. Can you please indicate which of these existing
14 and proposed projects exceed the height recommendations set
15 forth on page 39 of the section plan and with respect to
16 this question we'll be referring to Exhibit 106c.
17 MS. ROBESON: C?
18 MS. HARRIS: Yes.
19 MR. LANDFAIR: Referencing this exhibit, which
20 shows two things, it shows existing projects that are
21 exceeding the sector plan height recommendations and it
22 shows projects that are approved, but not yet built, which
23 also were approved exceeding the sector plan height
24 recommendations. Starting just to the northwest of the
25 subject property, our property, is an existing development

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1 known as Villages of Bethesda. This project was built with
2 height of 42 feet which exceeds the height limitation or
3 recommendation, I should say, in the sector plan of 35 feet.
4 Incidentally, we have a line drawn which approximates the
5 recommendation in the sector plan. There's a schematic
6 drawing in the sector plan which shows the boundary line, if
7 you will, the defining line between 35 feet and 65 feet.
8 MS. ROBESON: And that line that you're referring
9 to is a dashed gray --
10 MR. LANDFAIR: Yes.
11 MS. ROBESON: -- gray on this, dashed gray line
12 that buys, that runs to the rear of the properties along
13 Arlington Road, correct?
14 MR. LANDFAIR: Exactly right. It runs north-south
15 essentially along the rear property line of those properties
16 that are fronting along Arlington Road, correct. So to
17 begin with, again, Villages of Bethesda was built exceeding
18 the height recommendation of 35 feet. Edgemoor at Arlington
19 North, which has not yet been developed, is approved at 48
20 feet. To the south, Edgemoor at Arlington was built at 46
21 feet and Hampden Lane was approved at 71 feet. So there is
22 actually a segment of Hampden Lane at 71 feet proposed
23 within the area that was recommended for 35 feet in height.
24 MS. ROBESON: I thought there were step backs on
25 that?

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1 MR. LANDFAIR: There are. Hampden Lane, the
2 building, does step back from Arlington Road, but there is
3 an uppermost portion of that building which is 71 feet in
4 height. It's a small portion, but it's roughly right about
5 here. I'm pointing just to the west --
6 MS. ROBESON: When you say here --
7 MR. LANDFAIR: I'm pointing just to the west of
8 the demarcation line.
9 MS. HARRIS: Mr. Landfair, we have an exhibit
10 that's prepared that goes directly to the Madame Hearing --
11 MS. ROBESON: Okay.
12 MS. HARRIS: -- Examiner's question.
13 MS. ROBESON: Then we can, just go in the order
14 that you used -- I'll stop asking questions.
15 MS. HARRIS: I think actually since you posed the
16 question, it's a perfect time to show that exhibit.
17 MS. ROBESON: And this exhibit is? Which exhibit
18 is this?
19 MS. HARRIS: It's 106. I believe it's 106e.
20 MS. ROBESON: Okay.
21 MS. HARRIS: That's 106e.
22 MS. ROBESON: It looks like it. E as in egg?
23 MS. HARRIS: Excuse me?
24 MS. ROBESON: Oh, I was just saying --
25 MS. HARRIS: Oh.

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1 MS. ROBESON: -- it's E as in egg.
2 MS. HARRIS: Oh. Oh, okay.
3 MS. ROBESON: Or Easter or --
4 MR. LANDFAIR: So as the Hearing Examiner pointed
5 out, the building is designed to be step back from Arlington
6 Road.
7 MS. ROBESON: Now which building is this?
8 MR. LANDFAIR: I'm referring to the building, the
9 proposed building known as Hampden Lane --
10 MS. ROBESON: Okay.
11 MR. LANDFAIR: -- which is proposed to be located
12 in the northeast corner of Arlington Road and Hampden Lane -
13 -
14 MS. ROBESON: Okay.
15 MR. LANDFAIR: -- approved in the TSL zone.
16 MS. HARRIS: So can you point to it on the red,
17 the plan that has the red in the displays?
18 MS. ROBESON: I see it.
19 MS. HARRIS: That.
20 MS. ROBESON: Okay.
21 MR. LANDFAIR: So in this drawing, it's a
22 prospective, we're standing on the opposite side of Hampden
23 Lane looking really to the northwest at what the building
24 might look like. And, again you can see that it steps up,
25 that there is a portion of the building that greatly exceeds

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1 the 35-foot recommended height in the sector plan.
2 MS. ROBESON: And you said that portion of the
3 building that's 70 feet is just to the west --
4 MR. LANDFAIR: Correct.
5 MS. ROBESON: --
6 MR. LANDFAIR: -- a little bit to the west of the
7 demarcation line?
8 MR. LANDFAIR: Correct.
9 MS. ROBESON: Okay.
10 MR. LANDFAIR: Right.
11 MS. HARRIS: Thank you.
12 MR. LANDFAIR: Moving further to the east at the
13 corner of Woodmont Avenue and Montgomery Lane, there's a
14 project known as 4901 Hampden Lane, which has a building
15 height of 70 feet and that, of course, exceeds the 65 feet
16 recommended by the sector plan. Finally, turning to the
17 Edgemoor high rise on the north side of Montgomery Lane,
18 which is at 100 feet, exceeds 65 feet that was recommended
19 in the sector plan.
20 MS. ROBESON: Okay.
21 MS. HARRIS: Can you please explain the importance
22 of creating a continuous urban edge with respect to building
23 placement and in connection with the presentation he's going
24 to, Mr. Landfair will be relying on in Exhibit 77.
25 MS. ROBESON: Exhibit 77?

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1 MS. HARRIS: Yes. There it is.
2 MS. ROBESON: Do you want to mark that 77
3 duplicate so we're --
4 MR. LANDFAIR: Yes.
5 MS. ROBESON: All right.
6 MR. LANDFAIR: Okay. Importance of creating a
7 consistent street edge. The sector plan talks about this
8 and for a continuous building line or street edge, a
9 building wall or a facade near a sidewalk to achieve an
10 attractive and lively pedestrian environment. This is a
11 particularly important consideration for a street like
12 Montgomery Lane which is one of only two streets recommended
13 in the sector plans, a mixed street where there's an
14 emphasis on establishing a vital pedestrian linkage walking
15 environment, if you will.
16 The concept of street enclosure is so important
17 that where building facades don't exist, it's often very
18 helpful to have a wall or colonnades, some other
19 architecture to help maintain that continuous street line to
20 maintain a desirable rhythm and consistency. This concept
21 is even recognized with new zones that are now being
22 implemented in the County, for example, the CR zone, which
23 recognizes the value of a street edge and, consequently, the
24 public use space requirements have been reduced in part to
25 eliminate the dead spaces that might otherwise exist in

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1 front of buildings. So it's a very important concept. It's
2 one that's necessary to ensure a vital pedestrian street.
3 MS. HARRIS: Thank you. And related to this
4 question, could you please explain in your expert opinion
5 from a land planner's perspective what are the
6 characteristics of a positive streetscape and what features
7 contribute to this?
8 MR. LANDFAIR: Sure. To start with, of course,
9 within a street there are important elements like the width
10 of the pavement, the curve radii around the corner. You
11 know, if it's too broad, it makes for a less comfortable
12 walking experience. Other factors to consider would be even
13 the on-street parking, it would be the pavement materials
14 themselves that might be used curb to curb. But just as
15 importantly, a consideration is for the streetscape itself
16 and how it's implemented, the street trees with hard scape,
17 the street furnishings, lighting, all those elements all
18 contribute to make for a very walkable street.
19 Also, very importantly it's helpful to have a good
20 balance, if you will, between the pedestrian environment and
21 the vehicle environment. In other words, it's ideal to have
22 at least 50/50, 50 percent pedestrian, 50 percent vehicle.
23 If you can exceed that percentage with pedestrians, so much
24 the better.
25 Along our frontage, we have 26 feet of

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1 streetscape. When you include the streetscape that's on the
2 south side of Montgomery Lane in front of City Homes, you
3 add up another 27 feet. So in total, you have 53 feet of
4 pedestrian environment, if you will, compared to 21 feet of
5 pavement for the vehicles, all that contributes to a very
6 nice, very vital pedestrian experience for people walking
7 along there.
8 A good street requires a sense of transparency,
9 the ability to see and focus beyond the edges. This is
10 difficult to achieve, but we feel with the setbacks that
11 we're maintaining, the step back, our building is taking,
12 the pocket park that we have established at the corner of
13 the building, that we're achieving that sense of
14 transparency, if you will. Human scale is important along
15 the street and that goes back to maintaining the street
16 edge. It helps to maintain perspective.
17 The street should be visually rich in terms of the
18 variety of buildings and in terms of the colors and textures
19 and materials, the ground cover, the trees, the landscaping,
20 again, everything that is contributing to that streetscape.
21 It helps if it's rich and if there's a diverse design to it
22 and we feel we're contributing to that.
23 MS. HARRIS: Thank you. During the last hearing,
24 the Hearing Examiner had asked a question and I think it was
25 coined as the dos and don'ts of the sector plan. These

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1 appear on pages 42 through 50 and while the landscape
2 architect and the architect are going to address a number of
3 these, I would like you to comment please on the following.
4 One is the -- I'll just read the three that I'd like for you
5 to comment on. One is achieve a concentrated center, avoid
6 dispersal. That's on page 42. Achieve compatible
7 transitions. Avoid incompatible transitions. That's page
8 43. Avoid isolated spaces, page 46. I lied, there's a
9 couple more. There's five. Respond to existing pedestrian
10 movements. Avoid re-district, restricting pedestrian
11 movement and that's on page 50.
12 MR. LANDFAIR: Sure. I can go back and I can
13 reference Exhibit 106, duplicate exhibit. Or actually let
14 me, let me reference 106b. To start with, the property, our
15 property is in the transit station residential district.
16 We're immediately adjacent to the Metro core. We are
17 providing a concentrated amount of development here within
18 that district. We're not dispersing that development.
19 We're contributing to, again, keeping a concentrated center
20 of development in that immediate area.
21 We believe we've establishing a compatible
22 transition from the east to the west, from the Metro core
23 west to the single-family residential development that's
24 across Arlington Road. An important consideration is to
25 maintain compatibility with nearby single-family residential

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1 neighborhoods and this has been echoed by the Planning Board
2 in previous zoning cases for TSR zone in this immediate
3 area.
4 It's very important not to isolate any properties
5 when you're consolidating for redevelopment in the TSR zone.
6 The previous zoning application for this property that was
7 approved actually did end up isolating a single-family
8 property located at the corner here. It was unfortunate at
9 the time. It's still --
10 MS. ROBESON: When you say at the corner here, can
11 you just identify what corner you're --
12 MR. LANDFAIR: The northwest corner of the
13 intersection of West Lane and Montgomery Lane.
14 MS. ROBESON: Okay.
15 MR. LANDFAIR: There was a single-family
16 residential lot that was actually improved with a house that
17 had an office on it and that property was not consolidated
18 as part of a previous zoning application for the property.
19 We are including it, so we're not separating or isolating
20 any single-family residentially zoned property with our
21 zoning application. We are establishing this pocket park at
22 the corner which will help to provide usable, viable public
23 use space in a very public setting and will also contribute
24 to improving the pedestrian network for the area.
25 MS. HARRIS: Thank you. Another question that

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1 came up during the January 11th hearing that the Hearing
2 Examiner raised had to do with the relationship of the
3 housing policy which was pending at the time and still is
4 pending and the housing element which the Council did adopt
5 back in March of 2011 by Resolution 17-78 and that is set
6 forth in the record.
7 MS. ROBESON: Okay. Is there a question?
8 MS. HARRIS: Yes. Can you please describe, excuse
9 me --
10 MS. ROBESON: That's all right.
11 MS. HARRIS: Can you please describe how the
12 proposed project meets the furthers the goals of that
13 housing element?
14 MR. LANDFAIR: Certainly. The broad objectives of
15 that housing policy were focused on providing housing in the
16 County for seniors, for the disabled, providing for MPDU's,
17 providing affordable housing in the County.
18 MR. KNOFF: Excuse me.
19 MR. LANDFAIR: Yes.
20 MR. KNOFF: I'm sorry, I'm a little confused. You
21 said there was one thing, but it was pending and another was
22 adopted and you're talking about the pending now?
23 MR. LANDFAIR: No, I'm sorry.
24 MS. ROBESON: No, this is that element --
25 MR. LANDFAIR: I'm going back to the --

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1 MS. ROBESON: -- the housing element.
2 MR. LANDFAIR: -- the housing caused the element,
3 right.
4 MS. ROBESON: She, that was in her introductory
5 remarks to her questions.
6 MR. KNOFF: But his testimony started to talk
7 about policy.
8 MS. HARRIS: No, excuse me, it's the --
9 MR. KNOFF: That's why it got me confused.
10 MS. HARRIS: -- it's the, so the question is --
11 MS. ROBESON: Okay. Just -- okay. You can ask
12 that on cross-examination. He, Mr. Landfair, what
13 specifically are you addressing now?
14 MR. LANDFAIR: I'm addressing the housing
15 elements.
16 MS. ROBESON: Okay.
17 MR. KNOFF: Thank you. I'm sorry.
18 MS. HARRIS: And it is 106q of the exhibits?
19 MS. ROBESON: Yes, okay.
20 MR. LANDFAIR: The County recognizes through a
21 combination of factors the rising, excuse me, cost of land,
22 the availability of land, energy crisis, County
23 demographics, environmental considerations only in the
24 County to take a new approach with respect to providing
25 housing and the County is trying to achieve a balance in a

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1 convenient and sustainable approach to providing for this
2 housing.
3 There are a number of goals and objectives that
4 are stated and we believe we're meeting two of the three
5 goals and we're meeting all four objectives. With respect
6 to the goals, we're providing concentrated new housing and
7 mixed use transit oriented area. We're also encouraging and
8 we're providing, we're consistent, rather, with providing a
9 wider choice of housing types and neighborhoods. In other
10 words, we're providing a rental housing --
11 MS. ROBESON: Well, is it --
12 MR. LANDFAIR: -- affordable housing in an area --
13 MS. ROBESON: -- rental for sure? I thought you
14 weren't sure? Is it -- no talking please -- is it rental or
15 do you know?
16 MR. LANDFAIR: I'll retract the statement about
17 rental.
18 MS. ROBESON: Okay.
19 MR. LANDFAIR: We're providing smaller, more
20 efficient units --
21 MS. ROBESON: Okay.
22 MR. LANDFAIR: -- which are designed to appeal to
23 a particular demographic that we don't feel is, the needs
24 are being met in this immediate area.
25 MS. ROBESON: Okay.

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1 MR. LANDFAIR: With respect to objectives, again,
2 new housing in a transit-oriented area near jobs, near
3 employment centers, in this case downtown Bethesda, we are
4 providing, as I mentioned, smaller units, but more efficient
5 units with an emphasis on energy efficiency. This building
6 will be LEED certified, we're committed to that. There will
7 be a green roof associated with it. This is a transit-
8 oriented neighborhood. We feel we're fully consistent with
9 the housing neighborhood design objectives and we are also,
10 of course, contributing to a very pedestrian-friendly
11 network in the area.
12 MS. ROBESON: Thank you.
13 MS. HARRIS: Do the binding elements of the
14 development plan help further compatibility, ensure the
15 compatibility of the proposed property?
16 MR. LANDFAIR: Yes, they provide very specific
17 parameters to ensure that the development will be compatible
18 with the surrounding area. They address height, density,
19 MPDU's. They're very specific in terms of setbacks. They
20 even go so far as to cite the percentage of window glazing
21 to ensure, again, compatibility of the building with the
22 surrounding area, the building facade treatments, lighting,
23 the step back at the building starting at the 6th floor to
24 reduce the massing, to reduce the height as viewed from
25 Montgomery Lane. We would note that there are more binding

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1 elements on this particular development plan than what would
2 be typically found on a development plan of this type.
3 MS. ROBESON: Well, I don't think that
4 compatibility is measured in terms of a number of binding
5 elements, but --
6 MR. LANDFAIR: Understood.
7 MS. ROBESON: -- okay, go ahead. You -- I guess
8 it's an effort. Okay.
9 MR. ABRAMS: So it's like plebiscite of the
10 binding elements?
11 MS. HARRIS: And do the binding elements also, and
12 you mentioned this previously, but I just wanted you to
13 reiterate, refer back to the design conceptually of the
14 public use space?
15 MR. LANDFAIR: Yes, it does, to ensure that that
16 public use space fully is consistent with the expectations I
17 should say of planning staff, the Planning Board and
18 hopefully the community.
19 MS. HARRIS: Thank you. Can you please explain in
20 your expert opinion how this project will be in the public
21 interest?
22 MR. LANDFAIR: Certainly. This project conforms
23 with the recommendation, we believe substantially conforms
24 with the recommendations of the sector plan. The sector
25 plan specifically recommends the property for the TSR zone.

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1 We're consolidating single-family residentially zoned
2 property without isolating any adjacent properties. We're
3 providing multi-family residential units in close proximity
4 to the Bethesda court. We're providing MPDU's. We will
5 not, as will be testified to by witnesses following myself,
6 we will not have an adverse effect on public facilities,
7 including water and sewer services, transportation. With
8 respect to schools, this type of development will attract
9 younger professionals. It does not typically attract
10 families with children, so in terms of generating a lot of
11 new students for nearby schools, we don't anticipate that
12 that will be an issue.
13 MS. ROBESON: But did you pass this, I mean, I
14 guess for the record, even though it may not tend to do
15 that, you still have to pass the school's test, correct?
16 MR. LANDFAIR: Right.
17 MS. ROBESON: Is that going to be through another
18 witness or through you?
19 MS. HARRIS: I believe Mr. Landfair, and I would
20 need to double-check, I believe he testified to that on
21 January 11th.
22 MS. ROBESON: Earlier? Okay.
23 MS. HARRIS: But we will check, and if not, we'll
24 make sure we do that.
25 MS. ROBESON: Okay. All right. Go ahead.

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1 MR. LANDFAIR: On that, I would note that with
2 respect to, excuse me, the demographic that we're likely to
3 attract, we feel that it's consistent with the
4 recommendations of a recent task force that was established
5 by the County Executive seeking to find ways to attract a
6 younger population to the County. So I just throw that out
7 there.
8 MS. HARRIS: Thank you. We submitted as Exhibit
9 84 a revised surrounding development analysis and just so
10 that there's no misunderstanding, I would like for you to
11 just clarify what changes were made to that so it's clear
12 why that --
13 MR. LANDFAIR: Sure.
14 MS. HARRIS: -- that exhibit was revised and
15 submitted.
16 MR. LANDFAIR: The chart found in --
17 MS. ROBESON: I'm sorry, which exhibit is this?
18 MS. HARRIS: Exhibit 84.
19 MS. ROBESON: Okay.
20 MS. HARRIS: It's a chart.
21 MS. ROBESON: All right. Go ahead.
22 MR. LANDFAIR: The chart found in that exhibit
23 provided for the average unit sizes of the West Lane project
24 and the other TSR projects in the area. Previously, it
25 showed a range in the unit sizes above the subject property,

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1 as well as 4901 Hampden Lane, now provides the average unit
2 size for our project and 4901 Hampden Lane. In our case,
3 860 square feet. In the case of 4901 Hampden Lane, 2,150
4 square feet.

5 The overall relevance of this exhibit is to show
6 the overall units per acre in the TSR zone with the subject
7 property is still very low, approximately 53 to 56 units per
8 acre, and as such this density is still less than what was
9 envisioned given the area's proximity to Metro in a zone
10 which allows up to 150 units per acre. Secondly, the
11 project on its own will nearly double the number of MPDU's
12 in the area, which we think is an important consideration.

13 MS. ROBESON: Define area.

14 MR. LANDFAIR: The area as defined by the
15 technical staff --

16 MS. ROBESON: The neighborhood or --

17 MR. LANDFAIR: -- surrounding area --

18 MS. ROBESON: -- the surrounding area defined by
19 technical staff?

20 MR. LANDFAIR: -- correct.

21 MS. ROBESON: Okay.

22 MR. LANDFAIR: That's my recollection. Thank you.

23 MS. HARRIS: Actually, it may be helpful just very
24 briefly to bring that exhibit up, which is Exhibit, Exhibit,
25 our numbering system 18.

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1 MR. LANDFAIR: Okay.

2 MS. HARRIS: Just so it's clear. It should be 18.

3 MS. ROBESON: Okay. And what's our numbering?

4 MS. HARRIS: So it's Exhibit 80.

5 MS. ROBESON: 80?

6 MS. HARRIS: 84, I'm sorry.

7 MS. ROBESON: Is that --

8 MS. HARRIS: 84.

9 MS. ROBESON: Do you know if that's a large
10 exhibit or a smaller exhibit?

11 MS. HARRIS: I believe it was a smaller exhibit.

12 MR. LANDFAIR: Ledger size.

13 MS. ROBESON: I'm sorry?

14 MR. LANDFAIR: Ledger size exhibit.

15 MS. ROBESON: Okay.

16 MS. HARRIS: And, Mr. Landfair, if you could,
17 while people are looking through that, if you could just
18 look, look at the projects that are included on there and
19 were all of those projects post-1994 sector plan?

20 MR. LANDFAIR: Yes.

21 MS. HARRIS: So they were either approved or
22 developed after the 1994 Bethesda sector plan?

23 MR. LANDFAIR: That's correct.

24 MS. HARRIS: Okay. Thank you.

25 MS. ROBESON: Okay. Okay, go ahead.

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1 MS. HARRIS: Okay. Now that -- the project was
2 sent back to the Planning Board on March 7th. There was a
3 positive staff report and the Planning Board had comment and
4 submitted a letter to the ZHE. I think it may be helpful
5 just to very briefly summarize the staff report and the
6 Planning Board's comments during the hearing.

7 MR. LANDFAIR: Sure. The planning staff in the
8 staff report found that the revised plan was responsive to
9 the Planning Board's previous direction, particularly with
10 respect to the public use space and shifting the location
11 more to the frontage of the property, the corner of the
12 property where it was truly public use space, accessible to
13 all. They found that particularly the curve building facade
14 was very effective in terms of accommodating that new pocket
15 park, that public use space. It also helped to reduce the
16 impact or the impression of the building along Montgomery
17 Lane because it reduces the width of the building as
18 measured along Montgomery Lane.

19 Further, the step back of the building starting on
20 the 6th floor they felt was very helpful in terms of, again,
21 mitigating the overall massing and height of the building as
22 viewed from Montgomery Lane. So they were pleased. The
23 Planning Board voted unanimously in support and approval.
24 They, again, also found the revised design to be compatible
25 with the surrounding area. They found the setbacks to be

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1 sufficient, including the 12-foot step back provision.

2 They also found the 12-foot set back that's being
3 maintained consistently along the west property line to be
4 adequate for compatibility purposes. And they found that
5 the density was necessary to achieve the critical mass on
6 the site in recognition in part of the provision and MPDU's.

7 I'll note that Commissioner Anderson found and
8 noted that the sector plan, because of its age, you know, in
9 his mind cannot be read literally on certain elements.

10 Nevertheless, it's still a very helpful guide and very
11 valuable guide and particularly with respect to affordable
12 housing and density at Metro and he felt that what is
13 proposed here was completely consistent with that.

14 MS. HARRIS: The proposed development plan that
15 was set forth and presented to the Planning Board on
16 December 20th, what was the -- did the Planning Board at
17 that time find that plan to be compatible?

18 MR. LANDFAIR: Yes, they did.

19 MS. HARRIS: And so, and did they find the subject
20 plan, which is now before the ZHE, to be compatible as well?

21 MR. LANDFAIR: Yes. Yes, they continued to make
22 the finding that it was a compatible plan. Again,
23 appreciating the changes that had been made to the
24 architecture as to the staff, the fact that we have this
25 scalloped corner, the reduced amount of building fronting

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1 along Montgomery Lane, step back, the setbacks, again, the
2 provision of the MPDU's, they found the public use space to
3 be well-designed. All of it made for, in their minds, a
4 better project.

5 MS. HARRIS: Thank you. So is it correct to say
6 that, in fact, they found it probably more compatible than
7 the previous --

8 MS. ROBESON: Okay.

9 MR. KNOFF: Objection.

10 MS. ROBESON: I'm going to, yes, the Planning
11 Board's recommendation, I hesitate to interrupt you again,
12 but the Planning Board recommendation speaks for itself. So
13 if we could move on to something else?

14 MS. HARRIS: Thank you. Okay. Certainly. Your
15 testimony has been quite extensive and I think it may be
16 helpful for you just in your, in your capacity as an expert
17 land planner to summarize the less important components of
18 the project and how it furthers the recommendations of the
19 second plan and why in your opinion is the project
20 compatible?

21 MR. LANDFAIR: Yes. The project meets the
22 overarching goals of the sector plan, including the
23 provisions of residential density near the Bethesda core
24 area, the provision of affordable housing to the provision
25 of MPDU's. We're providing smaller, more affordable units

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1 we believe are satisfying a market demand for high-quality
2 housing in this area. We're providing a variety of housing.
3 We feel we are consistent with the density provisions in
4 terms of the FAR that's proposed, the density that's
5 proposed in terms of units per acre. We believe that this
6 building will help to establish an appropriate transition
7 from the Bethesda core through the transit station
8 residential district west to the single-family residential
9 neighborhoods.

10 We believe the setbacks and the step back as
11 proposed will help to achieve compatibility. We believe the
12 pocket park and the streetscape enhancements will improve
13 significantly the pedestrian network that's along Montgomery
14 Lane and along West Lake. We believe that we are satisfying
15 all the other provisions and recommendations of the sector
16 plan, again, the step down and height, the architecture
17 itself mitigating particularly the massing along Montgomery
18 Lane. We believe that this building achieves good building,
19 good design proportions and we believe that through the
20 flexibility afforded by the TSR zone, we've taken full
21 advantage of designing a building that is compatible with
22 its neighbors.

23 MS. HARRIS: Thank you. Do you have anything else
24 to add in your expert opinion?

25 MR. LANDFAIR: Not at this time, no.

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1 MS. HARRIS: That concludes Mr. Landfair's
2 testimony.

3 MS. ROBESON: Thank you. Mr. Abrams?

4 MR. ABRAMS: Yes.

5 MR. ABRAMS: Mr. Landfair, what I'm going to do is
6 sort of work backwards, give you a few questions on your
7 testimony today and then go over the exhibits which have
8 been filed most recently and then previous to that so we'll
9 know that we're not heading in a forward direction, we're
10 sort of going backward.

11 MR. LANDFAIR: Sure.

12 MR. ABRAMS: As of today, you indicated, I think,
13 in your testimony that the corner cut out, the semi-circular
14 cut-out is about 1,000 square feet?

15 MR. LANDFAIR: Uh-huh. Correct.

16 MR. ABRAMS: That 1,000 square feet, does it not
17 also include the area in which was previously not cut out,
18 but set 10 foot back from the right-of-way?

19 MR. LANDFAIR: Yes, it does. In other words,
20 previously, the building did not have the scalloped and
21 maintained less of a set back, if you will, from the public
22 right-of-way line.

23 MR. ABRAMS: Okay. And wasn't that where the 680
24 feet came in, in other words, the amount of new net new
25 public use space being provided in the front area?

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1 MR. LANDFAIR: It's possible. I'd have to scale
2 it off as to why the 600 square feet was previously quoted
3 as the area that was being provided for public use space
4 there.

5 MR. ABRAMS: Now on Exhibit 106b, that's the
6 comparative chart for FAR in height? The first two projects
7 which you mentioned, could you repeat what those were? They
8 were along Woodmont Avenue.

9 MR. LANDFAIR: Yes. The Chase at Bethesda 2 and
10 the Edgemoor high rise.

11 MR. ABRAMS: Okay. When were those constructed or
12 approved?

13 MR. LANDFAIR: Chase at Bethesda, it's one of the
14 very first projects. It's been built for --

15 MR. LANDFAIR: Would you concede that those were
16 approved before 1994 sector plan?

17 MR. LANDFAIR: Not the Edgemoor high rise.

18 MR. ABRAMS: No, Chase.

19 MR. LANDFAIR: No, Chase? Yes, it could have been
20 as stated.

21 MR. ABRAMS: And that was the first one. Did you,
22 did you have another one before you got to the Edgemoor high
23 rise --

24 MR. LANDFAIR: No. No, I referenced the Chase at
25 Bethesda 2 and then the Edgemoor high rise.

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1 MR. ABRAMS: Okay. Exhibit 106c that you
2 testified to, these are the buildings which exceed the
3 height limits I think it was.
4 MR. LANDFAIR: Yes.
5 MR. ABRAMS: And specifically along Arlington
6 Road, where you had that dash line --
7 MR. LANDFAIR: Yes.
8 MR. ABRAMS: -- didn't the Council in each one of
9 those cases find that the buildings were in conformance or
10 at least compatible with the sector plan when they approved
11 those applications?
12 MR. LANDFAIR: Yes, they would have made that
13 finding.
14 MR. ABRAMS: Okay. And in those buildings,
15 particularly the one immediately west of the subject
16 property, there is, in fact, a 35-foot element, is there
17 not?
18 MR. LANDFAIR: That's correct. Yes.
19 MR. ABRAMS: And that 35-foot element is
20 recommended in the sector plan?
21 MR. LANDFAIR: That's correct.
22 MR. ABRAMS: All right. Now Exhibit 77, which you
23 just testified to, talking about a consistent building edge
24 --
25 MR. LANDFAIR: Yes.

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1 MR. ABRAMS: -- and you said that that was an
2 important concept?
3 MR. LANDFAIR: Yes.
4 MR. ABRAMS: Now is that a concept which is more
5 important than other sector plan concepts?
6 MR. LANDFAIR: It's not the most important, no.
7 MR. ABRAMS: Well, is it as important as height
8 density and scale of buildings in that district?
9 MR. LANDFAIR: I think height scale massing of the
10 buildings is probably a little more important than
11 establishing that --
12 MR. ABRAMS: A little more important?
13 MR. LANDFAIR: -- maybe slightly more important
14 than establishing that street edge, but it is still a very
15 important element, particularly along a street such as
16 Montgomery Lane which, again, is a mixed street, one of only
17 two of the sector plans.
18 MR. ABRAMS: And I think you testified that it was
19 important in terms of that exhibit for the pedestrian
20 experience to have appropriate street scaping and lighting
21 in accord with a sector plan?
22 MR. LANDFAIR: Yes.
23 MR. ABRAMS: Okay. Wouldn't wider sidewalks, more
24 public open space provide a better pedestrian experience
25 along Montgomery Lane than what is provided in the current

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1 plan?
2 MR. LANDFAIR: Not necessarily. And, of course,
3 what is being provided, 26th Street, from building face to
4 face and curb is still very substantial. There's -- it
5 exceeds virtually every other project that's been either
6 built or approved along Montgomery Lane. It gets back to
7 quality. It's not just the amount of area, it's the quality
8 of the space, how it's designed and what's being provided
9 with the mass space.
10 So in terms of what we're doing, we believe we are
11 providing a substantial amount of space both as measured
12 within our site itself as public use space, as well as
13 within the public realm, within the public right-of-way, but
14 also the quality that we're providing we believe is very
15 high.
16 MR. ABRAMS: In terms of the housing policy, one
17 of the elements of housing policy is to increase the level
18 of MPDU's throughout the County?
19 MR. LANDFAIR: Yes.
20 MR. ABRAMS: Couldn't that be done here in the
21 context of the sector plan recommendation for building 2.5
22 FAR with 100 dwelling units by basically mixing up the type
23 of units and how many MPDU's you provide? In other words,
24 you could provide more MPDU's than the minimum to comply
25 with the housing element and have fewer market rate units,

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1 could you not?
2 MR. LANDFAIR: Yes.
3 MR. ABRAMS: Okay. Now the Planning Board and the
4 staff, they addressed only two elements in the remand, did
5 they not?
6 MR. LANDFAIR: Yes.
7 MR. ABRAMS: Okay. And those elements dealt with
8 whether the public use space had been shifted to the front
9 of Montgomery Lane and the other one dealt with the scale of
10 the building?
11 MR. LANDFAIR: Yes.
12 MR. ABRAMS: Okay. And they didn't at all touch
13 upon the first Planning Board recommendation in terms of at
14 least the chairman's comments in that point in terms of what
15 the FAR and the number of units should be in light of what
16 the sector plan was?
17 MR. LANDFAIR: Correct.
18 MR. ABRAMS: Okay. So those are still out there
19 in terms of her comments? I'm going to go into a little
20 more in-depth with the last set of exhibits starting with
21 Exhibit 106. Okay. 106b specifically
22 MR. LANDFAIR: I'm sorry, remind me again which
23 one is 106b?
24 MS. ROBESON: I think that's it.
25 MR. LANDFAIR: There it is.

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1 MR. ABRAMS: That's it. That's it. Now can you
2 locate the Edgemoor at Arlington North?
3 MR. LANDFAIR: Yes. It's located just west of our
4 property in the northeast corner of Montgomery Lane and
5 Arlington Road.
6 MR. ABRAMS: Okay. That's listed in the
7 descriptive caption as being 71 feet in height?
8 MR. LANDFAIR: Well, it's actually listed here as
9 being 48 feet in height.
10 MR. ABRAMS: Excuse me, 48 feet in height.
11 MR. LANDFAIR: Correct. Right.
12 MR. ABRAMS: Is it not, does it not contain a
13 lower element --
14 MR. LANDFAIR: Yes, it does.
15 MR. ABRAMS: -- facing Arlington?
16 MR. LANDFAIR: Yes, it does.
17 MR. ABRAMS: And what height is the lower element?
18 MR. LANDFAIR: I believe it's 35 feet.
19 MR. ABRAMS: So that exhibit really isn't
20 completely accurate as to what the building heights are on
21 that building, is it?
22 MR. LANDFAIR: Well, this is a sense of what the
23 maximum height of that building is within that area that's
24 defined as 35 feet.
25 MR. ABRAMS: There's no, anywhere on that plan

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1 that says that this is why the 71 feet or 48 feet is there?
2 MR. LANDFAIR: The plan doesn't further define the
3 building footprint in terms of what parts of the building
4 step up, that's correct.
5 MR. ABRAMS: In other words, it's not really a
6 totally complete, accurate picture of what that building is
7 in terms of its height?
8 MR. LANDFAIR: It's accurate in terms of the
9 maximum height, but doesn't tell you the full story in terms
10 of the height of the building that it steps up, that's
11 correct.
12 MR. ABRAMS: Now the Hampden Lane apartments,
13 Hampden Lane, they're listed at 71 feet, is that correct?
14 MR. LANDFAIR: Correct.
15 MR. ABRAMS: Does any portion of the Hampden Lane
16 apartments closer to Arlington Road have a different height
17 or reduced height?
18 MR. LANDFAIR: Yes, it does, it steps down.
19 MR. ABRAMS: Okay. And what are the individual
20 steps as you go back from Arlington Road?
21 MR. LANDFAIR: I believe there are two steps
22 stepping down to 35 feet onto Arlington Road.
23 MR. ABRAMS: And that portion that steps back to
24 where the 71 feet starts, would you say that's approximately
25 20 percent of the total length of that building or 25

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1 percent? What percentage would you say?
2 MR. LANDFAIR: The percentage of the building that
3 exceeds the height limitation?
4 MR. ABRAMS: That is within the height, that is
5 with, that is lower than 71 feet?
6 MR. LANDFAIR: I would say it's probably about 25
7 percent of the building.
8 MR. ABRAMS: Okay.
9 MS. ROBESON: I'm sorry, how much?
10 MR. LANDFAIR: About 25 percent.
11 MR. ABRAMS: So in the exhibit as it's labeled is
12 not totally accurate, is it?
13 MS. HARRIS: I'm going to object. The witness has
14 testified that the heights listed on that plan indicate the
15 maximum height of all the projects plain and simple. I
16 think we established that.
17 MS. ROBESON: Okay.
18 MR. ABRAMS: There's --
19 MS. ROBESON: Do you want to respond?
20 MR. ABRAMS: Yes. They have an exhibit and it has
21 a height listed in it. What I'm trying to do is to develop
22 the fact that there are other heights associated with the
23 same buildings that they have a single number listed with.
24 And that is in terms of the conformance with the sector
25 plan.

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1 MS. ROBESON: Right. Hasn't he already said,
2 though, that it's the maximum?
3 MR. ABRAMS: Well, we don't know which buildings
4 other than --
5 MS. ROBESON: Oh.
6 MR. ABRAMS: I'm going building by building which
7 --
8 MS. ROBESON: Okay. All right.
9 MR. ABRAMS: -- which has the difference in
10 height.
11 MS. ROBESON: All right. Fine. You can continue.
12 MR. ABRAM: So, again, there are more than one
13 heights associated with the Hampden Lane apartments --
14 MR. LANDFAIR: Yes, there are.
15 MR. ABRAMS: -- and those are lower than 71 feet?
16 MS. LANDFAIR: Correct. Yes.
17 MR. ABRAMS: Okay. Now the Edgemoor at Arlington
18 is at what height?
19 MR. LANDFAIR: The Edgemoor at Arlington is at 46
20 feet.
21 MR. ABRAMS: And the Villages at Bethesda is at
22 what height?
23 MR. LANDFAIR: Villages at Bethesda is at 42 feet.
24 MR. ABRAMS: So the first tier of buildings east
25 of Arlington Road have its tallest height somewhere between

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1 42 and 48 feet?
2 MR. LANDFAIR: Correct.
3 MR. ABRAMS: Okay. On the south, yes, south side
4 of Montgomery Lane between Arlington and Woodmont Avenue,
5 the building heights gradually decrease in height from
6 Woodmont Avenue, isn't that correct?
7 MR. LANDFAIR: Yes.
8 MR. ABRAMS: And they're at 70 feet for 4901
9 Hampden Lane?
10 MR. LANDFAIR: Yes.
11 MR. ABRAMS: And then go to 53 feet according to
12 your chart or plan to the city homes?
13 MR. LANDFAIR: Correct.
14 MR. ABRAMS: And then go to 48 feet for Edgemoor
15 at Arlington?
16 MR. LANDFAIR: Yes.
17 MR. ABRAMS: Okay. Now on the north side of
18 Montgomery Avenue, the existing and approved building
19 heights, I believe, also decrease from Woodmont Avenue to
20 Arlington Road and those go from what to what?
21 MR. LANDFAIR: From 100 feet for the Edgemoor high
22 rise to 65 feet for the project known as 4825 Montgomery
23 Lane, to 70 feet for the West Lane project down to 48 feet
24 for Edgemoor at Arlington North.
25 MR. ABRAMS: But in terms of what has been

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1 approved for that area, that's not quite accurate, is it?
2 MR. LANDFAIR: What's that, sir?
3 MR. ABRAMS: The Holiday project that's been
4 approved for 48 feet?
5 MS. HARRIS: Objection. He didn't testify to the
6 Holiday, regarding the Holiday project.
7 MR. ABRAMS: Well, he testified as to building
8 heights and their compatibility.
9 MS. ROBESON: That's fair. Go ahead and answer
10 the question.
11 MR. ABRAMS: In terms of what has been approved
12 and what is existing is not the Holiday project at 48 feet?
13 MR. LANDFAIR: Yes, it was approved at a lower
14 height, that's correct.
15 MR. ABRAM: And it's a lower height than the Sandy
16 Spring building builder's project, is it not?
17 MS. ROBESON: Wait. Which one is the Sandy Spring
18 builders --
19 MR. LANDFAIR: Sandy Spring is also known as 4825
20 Montgomery Lane.
21 MR. ABRAMS: 4825.
22 MS. ROBESON: Okay.
23 MR. LANDFAIR: And so it's located directly
24 opposite on West Lane.
25 MS. ROBESON: The east side of West Lane?

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1 MR. LANDFAIR: Correct.
2 MS. ROBESON: Okay.
3 MR. ABRAMS: And then you get eventually down
4 again to Arlington Road at 35 feet?
5 MR. LANDFAIR: Yes.
6 MR. ABRAMS: Okay. Isn't that a gradual
7 transition in terms of height?
8 MR. LANDFAIR: Yes, I would characterize it as
9 such.
10 MR. ABRAMS: Isn't that also possibly what is
11 meant by the tent-like effect in the sector plan?
12 MR. LANDFAIR: That's consistent with the tent-
13 like effect, yes.
14 MR. ABRAMS: So what's there now is consistent
15 with the tent-like effect in the sector plan or what's
16 approved for there on Montgomery Lane?
17 MR. LANDFAIR: You could make that statement, yes.
18 MR. ABRAMS: I just did. Okay.
19 MS. ROBESON: But what's your opinion actually?
20 MR. LANDFAIR: Yes, in my opinion I feel that it
21 does, well, it has been approved previously, what is built,
22 but then also what we hope will be approved --
23 MS. ROBESON: No, no. I want just a specific
24 answer to Mr. Abrams' question. You said you could make
25 that statement?

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1 MR. LANDFAIR: Yes.
2 MS. ROBESON: My question is in your opinion is it
3 consistent with the tent-like effect?
4 MR. LANDFAIR: Yes, it is.
5 MS. ROBESON: Okay. That's what I wanted to know.
6 Go ahead, Mr. Abrams.
7 MR. ABRAMS: Thank you. The transition in height
8 effect which is called for in the sector plan somewhat
9 becomes disrupted when you insert a 71-foot building into
10 that transitional line.
11 MR. LANDFAIR: I would not characterize it as
12 disruptive, or disruptive rather, no. I think it is still
13 consistent with the overall tent effect that is being
14 achieved or recommended by the plan.
15 MR. ABRAMS: Okay. If you took side view
16 elevation line, the previous set of questions you had a
17 straight line --
18 MR. LANDFAIR: Sure.
19 MR. ABRAMS: -- going from --
20 MR. LANDFAIR: Right.
21 MR. ABRAMS: -- Woodmont to Arlington --
22 MR. LANDFAIR: Yes.
23 MR. ABRAMS: -- with the 71-foot, we have somewhat
24 of a bump in that and if you put a penthouse on top of that
25 bump, is one proposed here in your, in yes?

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1 MR. LANDFAIR: Not for people. No, there's HVAC
2 equipment and such but, yes, there is a projection, if you
3 will. There is space that is accommodating equipment and
4 such. It's not habitable space which is located on top of
5 the building above the seventh floor.
6 MR. ABRAMS: Nonetheless, it's space on top of the
7 building?
8 MR. LANDFAIR: True.
9 MR. ABRAMS: And how high is that?
10 MR. LANDFAIR: That would be another 10 or 15
11 feet.
12 MR. ABRAMS: Okay. Is there an equivalent space
13 on top of the Sandy Spring building?
14 MR. LANDFAIR: On top of the Sandy Spring
15 building? There is, yes.
16 MR. ABRAMS: 10-foot high?
17 MR. LANDFAIR: Approximately.
18 MR. ABRAMS: Are you sure?
19 MR. LANDFAIR: I'd have to check the record, but
20 it does exist.
21 MR. ABRAMS: Okay. Based on your testimony just a
22 few minutes ago, isn't the subject project, the West Lane
23 building, surrounded on all sides by buildings with lower
24 heights?
25 MR. LANDFAIR: Yes.

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1 MR. ABRAMS: Is it also, based upon your Exhibit
2 106b surrounded by buildings where the FAR's are also noted
3 and lower or at least the same as recommended in the sector
4 plan?
5 MR. LANDFAIR: Yes.
6 MR. ABRAMS: And those projects do include MPDU's?
7 MR. LANDFAIR: Yes, they do or will.
8 MR. ABRAMS: Okay. Therefore, if you compare the
9 responses with Exhibit 106h -- can you put that up -- which
10 compares heights and densities --
11 MS. HARRIS: 106h is the bar chart?
12 MS. ROBESON: This exhibit?
13 MS. HARRIS: Oh, no, that's the --
14 MR. ABRAMS: This is this one, yes.
15 MS. ROBESON: Which exhibit?
16 MR. ABRAMS: This is the red and blue --
17 MS. ROBESON: Okay.
18 MR. ABRAMS: -- bar chart.
19 MS. ROBESON: So that is 106h?
20 MR. ABRAMS: That's 106h. When you look at sheet
21 106h, exhibit at 106h, you're comparing heights and
22 densities --
23 MR. LANDFAIR: Yes.
24 MR. ABRAMS: -- for three projects?
25 MR. LANDFAIR: Yes.

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1 MS. HARRIS: Objection. We didn't present this
2 exhibit. It's in the, it was submitted as one of our
3 exhibits, but the witness did not testify to this exhibit.
4 MS. ROBESON: Are you going to have a witness
5 testify to this exhibit, because it is in the record? You
6 did submit it. And he did testify as to heights and
7 densities --
8 MR. ABRAMS: Yes.
9 MS. ROBESON: -- which --
10 MR. ABRAMS: And I got this exhibit from Mr.
11 Landfair. It was mailed or --
12 MS. ROBESON: Well, I --
13 MR. ABRAMS: -- delivered to me.
14 MS. ROBESON: Okay. It doesn't matter. I don't
15 care who provided it. It does relate to height and density,
16 which is what he spoke with, spoke about and it is in the
17 record. So you can answer the question.
18 MR. LANDFAIR: Sure.
19 MR. ABRAMS: This compares heights and densities
20 of three projects, correct?
21 MR. LANDFAIR: Yes, it does.
22 MR. ABRAMS: Okay. Is it really complete in terms
23 of a comparison for this particular street?
24 MR. LANDFAIR: No, it's only referencing three
25 projects.

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1 MR. ABRAMS: Okay. It doesn't include the
2 Edgemoor at Arlington, does it?
3 MR. LANDFAIR: No.
4 MR. ABRAMS: Doesn't include the Edgemoor at
5 Arlington North, does it?
6 MR. LANDFAIR: No.
7 MR. ABRAMS: Doesn't include the Villages at
8 Bethesda, does it?
9 MR. LANDFAIR: No.
10 MR. ABRAMS: Doesn't include the Sandy Spring
11 builder's project, does it?
12 MR. LANDFAIR: No.
13 MR. ABRAMS: Wouldn't it have been more complete
14 and not as, I hate to use the word misleading, if you
15 included in your bar chart all of those projects?
16 MR. LANDFAIR: I would have been more
17 comprehensive, but it would not have been necessarily more
18 accurate.
19 MR. ABRAMS: Now on Exhibit 106c, that's the one
20 where the sector plan supposedly has been exceeded?
21 MR. LANDFAIR: Oh, the height?
22 MR. ABRAMS: This building.
23 MR. LANDFAIR: Yes.
24 MR. ABRAMS: This one here.
25 MR. LANDFAIR: This is simply 106, I'm sorry.

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1 MR. ABRAMS: Can you explain to the Examiner why
2 the Villages of Bethesda, the Edgemont, Edgemoor, excuse me,
3 at Arlington and the Edgemoor at Arlington North are
4 depicted as existing at approved projects which exceed the
5 sector plan height limits?
6 MR. LANDFAIR: Why?
7 MR. ABRAMS: Yes.
8 MR. LANDFAIR: Because we're trying to draw a
9 comparison between surrounding projects approved and/or
10 built in the area with our project and we're trying to show
11 it in relationship to the sector plan recommendation
12 particularly with respect to the height, 35 feet versus 65
13 feet.
14 MR. ABRAMS: Now there are elements in each one of
15 those projects which are within the sector plan height
16 limits, are there not?
17 MR. LANDFAIR: Yes, there are.
18 MR. ABRAMS: So, again, the chart which indicates
19 deficiencies only is partially correct in terms of those
20 portions of the building which are higher than the height
21 limits?
22 MR. LANDFAIR: Partially correct in the sense of
23 we're showing maximums versus the step effect of those
24 buildings.
25 MR. ABRAMS: Well, if only 10 percent of the

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1 building, if any one of those buildings had been higher than
2 indicated in the sector plan, would you still show the
3 height of that 10 percent?
4 MR. LANDFAIR: If only 10 percent?
5 MR. ABRAMS: Yes.
6 MR. LANDFAIR: I don't know. I don't know.
7 MR. ABRAMS: On Exhibit 106e, that's the line
8 which identify the 35-foot zone?
9 MR. LANDFAIR: Yes.
10 MR. ABRAMS: 65-foot zone?
11 MR. LANDFAIR: Yep.
12 MR. ABRAMS: Is there a 70-foot zone anywhere?
13 MR. LANDFAIR: No.
14 MR. ABRAMS: Why?
15 MR. LANDFAIR: Why?
16 MR. ABRAMS: Yeah.
17 MR. LANDFAIR: We just wanted to show the
18 difference between those two particular height
19 recommendations.
20 MR. ABRAMS: So it's pick and choose as to what
21 you want to show?
22 MR. LANDFAIR: We want to focus on those projects,
23 again, that were immediately adjacent or confronting our own
24 and/or along Montgomery Lane.
25 MR. ABRAMS: All right. Let's go to 106f, which

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1 is the aerial photo.
2 MR. LANDFAIR: Yes.
3 MR. ABRAMS: Okay. You're familiar with this
4 exhibit?
5 MR. LANDFAIR: Yes, I am.
6 MR. ABRAMS: And you've testified from this
7 exhibit?
8 MR. LANDFAIR: I believe so, yes.
9 MR. ABRAMS: This exhibit is not to scale, is it?
10 MR. LANDFAIR: It's taken from a Google image, so
11 it is difficult to provide a very precise scale, but it's,
12 in terms of its purpose showing comparison with other
13 projects built or approved along Montgomery Lane, we feel it
14 is adequate.
15 MR. ABRAMS: Well, what scale is it at?
16 MR. LANDFAIR: There is no scale actually shown on
17 it. It's not a plan view meaning you're not looking
18 straight down, so it would be difficult anyway to scale off
19 anything on it. It's looking at the area from an angle,
20 birds eye view if you will.
21 MR. ABRAMS: So the scale would depend upon what
22 the angle is that you, that it was shot at?
23 MR. LANDFAIR: Correct. Right.
24 MR. ABRAMS: Now you can, you've used the aerial
25 photographs before, have you not --

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1 MR. LANDFAIR: Sure.
2 MR. ABRAMS: -- in your testimony?
3 MR. LANDFAIR: Sure.
4 MR. ABRAMS: And while choosing an angle, you can
5 show certain things --
6 MS. HARRIS: Objection. While this is in the
7 record, as are all the exhibits, Mr. Landfair did not
8 testify to this. The purpose of this exhibit was not to
9 show precise dimensions or setbacks and one of our other
10 experts was going to use it just for contextual purposes. I
11 think it's being misconstrued for the purpose that it's in
12 the record.
13 MS. ROBESON: Well, that is something that you can
14 bring out on redirect. I think it's fair for cross-
15 examination and, you know, I understand that and I think
16 that you can bring it out on redirect. Go ahead, Mr.
17 Abrams.
18 MR. ABRAMS: In terms of what you want to show on
19 an aerial photograph, you can sort of change the visual that
20 you get by looking at it from different angles, can you not?
21 MR. LANDFAIR: You can, sure.
22 MR. ABRAMS: And any reason why this particular
23 angle was taken?
24 MR. LANDFAIR: No, I think --
25 MS. ROBESON: If you know?

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1 MR. LANDFAIR: I don't know. I would have to, I
2 would speculate as to why. I think it gives a very clear
3 impression of certainly the north side of Montgomery Lane.
4 MS. ROBESON: Well, is this speculation or just, I
5 mean if you --
6 MR. LANDFAIR: It's my speculation. I did not
7 prepare the exhibit.
8 MS. ROBESON: Then just say you don't -- I don't
9 want to hear you speculate, his --
10 MR. LANDFAIR: That's fine.
11 MS. ROBESON: -- his speculation about it.
12 MR. LANDFAIR: I don't know why this particular
13 angle was chosen.
14 MR. ABRAMS: Okay. Do you have Exhibit 83 at
15 hand?
16 MR. LANDFAIR: What exhibit is 83?
17 MS. ROBESON: That was 83.
18 MS. LANDFAIR: That was 83?
19 MR. ABRAMS: 83 was previous --
20 MS. ROBESON: Yes, I think it -- this is what I
21 have as 83.
22 MR. ABRAMS: It's another aerial photograph.
23 MR. LANDFAIR: Okay.
24 MS. ROBESON: It's a different aerial photograph?
25 MR. ABRAMS: Yes.

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1 MS. ROBESON: Okay.
2 MR. ABRAMS: Do you have 83 or not?
3 MR. LANDFAIR: I do not have it.
4 MS. ROBESON: Is that it?
5 MR. LANDFAIR: Is that 83?
6 MR. ABRAMS: No, it's not. It's not the same.
7 MR. LANDFAIR: This is dated March 22, 2013?
8 MR. ABRAMS: This is dated February 16th.
9 MS. ROBESON: 15th.
10 MR. ABRAMS: Okay. I have 83, take a look at it,
11 I have 83. It's dated February 15 --
12 MR. LANDFAIR: Okay.
13 MS. ROBESON: -- 2013.
14 MR. LANDFAIR: Okay. So this is not 83, this is,
15 we've marked it as --
16 MS. ROBESON: If you know? I mean --
17 MS. ROBESON: The issue is that this witness --
18 MS. ROBESON: You can use --
19 MS. HARRIS: -- didn't, wasn't involved in the
20 preparation of this exhibit.
21 MS. ROBESON: And that's fine. He doesn't have to
22 speculate, he can simply say he doesn't know. Who did
23 prepare these --
24 MS. HARRIS: The architect and he was prepared to
25 speak to them.

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1 MS. ROBESON: Mr. Abrams, do you want to reserve
2 your questions for the --
3 MR. ABRAMS: Yes, I want to repeat the questions
4 with the architect.
5 MR. LANDFAIR: The aerial photograph will be
6 addressed by our architect's testimony.
7 MS. ROBESON: Well, do you know if -- Mr. Abrams,
8 repeat your question.
9 MR. ABRAMS: Are you familiar with Exhibit 83?
10 MR. LANDFAIR: I am in that a variation of this
11 Exhibit 106f.
12 MR. ABRAMS: Now can we address if there are any
13 variations in those exhibits, and I'll ask you questions so
14 you don't have to scan the exhibit right now. To your
15 knowledge are there any variations, let me ask you --
16 MR. LANDFAIR: I don't know.
17 MR. ABRAMS: You don't know? When you compare
18 Exhibit -- what's the most recent one though?
19 MR. LANDFAIR: 106f.
20 MR. ABRAMS: 106f with Exhibit 83, the spaces
21 between West Lane and the face of the applicant's building
22 on West Lane appear to be different?
23 MR. LANDFAIR: I think on Exhibit 83 it's wider,
24 it's more, it's deeper if you will versus 106 where it has
25 been narrowed up so that it's a more accurate representation

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1 of the plan.
2 MR. ABRAMS: Okay. So you're saying Exhibit 83 is
3 more accurate --
4 MR. LANDFAIR: No, I'm saying 106 --
5 MR. ABRAMS: -- or Exhibit 106f is more accurate?
6 MR. LANDFAIR: Correct. Yes.
7 MR. ABRAMS: And the other exhibit is inaccurate?
8 MR. LANDFAIR: Only with respect to the
9 prospective of that area between the street and the
10 building, yes.
11 MR. ABRAMS: Now the setback of the buildings for
12 both exhibits is supposed to be 10 feet from Montgomery
13 Lane, is that correct?
14 MR. LANDFAIR: Correct.
15 MR. ABRAMS: The most current aerial, Exhibit
16 106f, is set back between the applicant's building and West
17 Lane appear to be greater than 10 feet as compared to the
18 front of the applicant's building and the 10 feet setback on
19 Montgomery Lane, is that what it appears to be to you?
20 MR. LANDFAIR: I'd have to scale it off and, of
21 course, it's difficult to scale without a proper scale to
22 the exhibit.
23 MR. ABRAMS: Now the setback of the Sandy Spring
24 building across from the subject property, is that supposed
25 to be set back an equal 10 feet from Montgomery Lane?

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1 MR. LANDFAIR: I don't know offhand. I'd have to
2 double check.
3 MR. ABRAMS: Now on both aerial photographs,
4 Exhibit 106f and Exhibit 83, the top two floors are depicted
5 as setback 12 feet supposedly?
6 MR. LANDFAIR: Yes, step back, yes.
7 MR. ABRAMS: And that is from the west corner of
8 the building all the way over to the eastern corner of the
9 building, is that correct?
10 MR. LANDFAIR: Before it starts to scallop, yes.
11 MR. ABRAMS: So it doesn't include a scallop?
12 MR. LANDFAIR: Well, it includes the scallop, then
13 it rounds the scallop to the eastern-most part of the
14 building facade along West Lane.
15 MR. ABRAMS: So you're only setting the building
16 back outside of the scalloped area?
17 MR. LANDFAIR: The top two floors?
18 MR. ABRAMS: You're including the scalloped area
19 as part of that 12-foot step back.
20 MR. ABRAMS: Okay.
21 MR. LANDFAIR: Yes.
22 MR. ABRAMS: Just so we make sure --
23 MR. LANDFAIR: Yes.
24 MR. ABRAMS: -- it includes the 10-foot setback
25 area --

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1 MR. LANDFAIR: Yes.
2 MR. ABRAMS: -- okay? Once it goes around the
3 scallop --
4 MR. LANDFAIR: Yes.
5 MR. ABRAMS: -- on West Lane?
6 MR. LANDFAIR: Yes, correct.
7 MR. ABRAMS: That setback is 12 feet?
8 MR. LANDFAIR: Yes, the step back, yes, 12 feet.
9 MR. ABRAMS: And that's consistent with the
10 binding elements on the plan?
11 MR. LANDFAIR: Yes.
12 MR. ABRAMS: Now also on Exhibit 106f, where is
13 the HOC building?
14 MR. LANDFAIR: It's along Hampden Lane. It's
15 immediately to the east of what is known as the Hampden Lane
16 project here. It's in a beige color. It's not realized
17 with any real details.
18 MS. ROBESON: So it's immediately --
19 MR. LANDFAIR: It's basically --
20 MS. ROBESON: -- to the left or right, just for
21 the record, I need to --
22 MR. LANDFAIR: For the record, it's on the north
23 side of Hampden Lane approximately equal distance between
24 Arlington Road and Woodmont Avenue.
25 MS. ROBESON: Okay.

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1 MR. ABRAMS: It's a U-shaped appendage?
2 MR. LANDFAIR: Yes. Yes, it is.
3 MR. ABRAMS: Now that building is how tall?
4 MR. LANDFAIR: I don't know.
5 MR. ABRAMS: Is it shorter than the 71-foot --
6 MR. LANDFAIR: Yes, it is.
7 MR. ABRAMS: -- which --
8 MR. LANDFAIR: It's approximately the same height
9 as the adjacent City Homes.
10 MR. ABRAMS: It doesn't look like it, like 106f,
11 does it?
12 MR. LANDFAIR: In terms of the prospective, it's a
13 flat roof building.
14 MR. ABRAMS: So is that part of the problem with
15 the utilization of aerial -- the top of the, in terms of
16 measuring heights or comparing heights?
17 MS. HARRIS: Objection. The exhibit was not
18 presented to go to the heights of the buildings. We have
19 another exhibit specifically prepared for that that the
20 witness had reviewed.
21 MR. ABRAMS: This exhibit shows the relative
22 heights of sections --
23 MS. ROBESON: No. I guess --
24 MR. ABRAMS: -- of focus.
25 MS. ROBESON: -- when I looked at it, I thought it

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1 was to compare the compatibility in part of the heights and
2 the setbacks between proposed and existing. So you can
3 answer the question, Mr. Landfair.
4 MR. LANDFAIR: In terms of --
5 MS. ROBESON: If -- to your knowledge -- Mr.
6 Abrams, can you repeat the question? Isn't there a problem?
7 No. You know, if he didn't prepare the exhibit, I think I
8 would prefer to hear it from the architect as to the
9 accuracy of this exhibit as opposed to what's on the ground.
10 MR. ABRAMS: Well, I'm not specifically asking him
11 about the accuracy of the exhibit, I'm just asking him what
12 it purports to show in terms of the relative heights between
13 two buildings.
14 MR. LANDFAIR: It's showing a building that is
15 approximately the same height as the adjacent City Homes
16 buildings located to the north. It is showing a building
17 that has no setback, side yard setbacks, but has a U-shaped
18 courtyard to provide air and light in part for its own use,
19 but also for the adjacent City Homes property to the north.
20 MR. ABRAMS: And you made that statement without
21 knowing the height of the HOC building?
22 MR. LANDFAIR: Correct. I know what the setbacks
23 are from having observed out in the field.
24 MR. ABRAMS: Okay. Let's do, you can be seated,
25 Mr., if you wish. 106j, that's the Planning Board hearing

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1 transcript which was submitted along with that package of
2 exhibits. Have you reviewed that?
3 MR. LANDFAIR: Yes.
4 MR. ABRAMS: Okay. Now the chairman commented in
5 the first excerpt that densities in the sector plan were not
6 followed and this changed the neighborhood density and
7 character in a way that leads us in a different situation
8 than what the sector plan originally contemplated in 1994.
9 Is that a fair summary?
10 MR. LANDFAIR: Yes.
11 MR. ABRAMS: Okay.
12 MR. LANDFAIR: Yes.
13 MR. ABRAMS: Now the sector plan recommended an
14 FAR of 2.5 and then in parens it's got 100 dwelling units
15 per acre, is that correct?
16 MR. LANDFAIR: Yes.
17 MR. ABRAMS: Okay. Now what has occurred in this
18 TSR district is that less density is on the ground since the
19 sector plan was adopted, is that a correct or accurate
20 statement?
21 MR. LANDFAIR: That's a correct statement.
22 MR. ABRAMS: Okay. So isn't the character of this
23 neighborhood less dense than what is recommended in the
24 sector plan?
25 MR. LANDFAIR: Yes.

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1 MR. ABRAMS: If this is true for the purposes of
2 evaluating compatibility according to the Planning Board
3 chairman, it appears that this project is to be compared to
4 the existing and approved conditions on the ground relative
5 to density and height rather than what the sector plan
6 recommended, that's her feeling?
7 MR. LANDFAIR: That's her opinion, yes.
8 MR. ABRAMS: Okay. Do you share that opinion?
9 MR. LANDFAIR: No.
10 MR. ABRAMS: Now is this somewhat consistent in
11 terms of the portion of the quoted statements given in this
12 exhibit with a second full quotation by the chairman to the
13 effect, and I think it's a quote, it's meaning the subject
14 property more than the plan is originally written and it's
15 especially more than the current on-the-ground pattern of
16 development, well, there in light of what's developed around
17 it. So she's pretty firm in her feeling that you really
18 look at what's around it in terms of the density height to
19 determine if there's a compatibility?
20 MR. LANDFAIR: Yes.
21 MR. ABRAMS: Okay. On Exhibit 106d, which is
22 reflecting surrounding property under supporting the
23 application, is it not true that at least two of the four
24 supporting applicants are developers with their own projects
25 in this neighborhood?

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1 MR. LANDFAIR: Yes.
2 MR. ABRAMS: Okay. Is it unusual for a developer
3 not to support projects in their own neighborhood?
4 MR. LANDFAIR: It's not unusual.
5 MR. ABRAMS: Highly unusual?
6 MR. LANDFAIR: No, it's not unusual.
7 MR. ABRAMS: Not unusual for them --
8 MR. LANDFAIR: Right.
9 MR. ABRAMS: -- to oppose?
10 MR. LANDFAIR: No, it would be highly unusual for
11 them to oppose.
12 MR. ABRAMS: Okay. Thank you. Now from the
13 standpoint of the Villages of Bethesda, they were another
14 one that you say recommended the approval or supports this
15 application?
16 MR. LANDFAIR: Yes.
17 MR. ABRAMS: Now they were essentially given a
18 setback which they wanted, correct?
19 MR. LANDFAIR: Yes.
20 MR. ABRAMS: And that's adjoining a, the open
21 recreation area --
22 MR. LANDFAIR: Yes.
23 MR. ABRAMS: -- for this building?
24 MR. LANDFAIR: Yes.
25 MR. ABRAMS: So they essentially got what they

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1 want?
2 MR. LANDFAIR: Yes.
3 MR. ABRAMS: And that was 15 feet?
4 MR. LANDFAIR: Right.
5 MR. ABRAMS: Okay. Yet the people in the Edgemoor
6 at Arlington North only get 12 feet?
7 MR. LANDFAIR: Yes.
8 MR. ABRAMS: Okay. Why?
9 MR. LANDFAIR: We felt that it's for purposes of
10 establishing compatibility, first of all, it's greater than,
11 I believe, than what was originally approved for the
12 previous development on the property, but regardless, we
13 feel that given the overall massing of our building, that it
14 is still an appropriate setback. Further, in comparison to
15 what other projects in the immediate area have provided
16 which in some cases is nothing, we feel that it is
17 appropriate, particularly also in light of the design for
18 Edgemoor at Arlington North in terms of its relationship to
19 the common property line with us. So in total, we believe
20 that it will be a compatible setback.
21 MR. ABRAMS: The last property I think which was
22 mentioned in support is the owner of the single family home
23 across West Lane?
24 MR. LANDFAIR: Yes.
25 MR. ABRAMS: Okay. And his basic concern was

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1 screening of those utility --
2 MR. LANDFAIR: Transformers.
3 MR. ABRAMS: -- transformers? And he got that,
4 right?
5 MR. LANDFAIR: Yes.
6 MR. ABRAMS: Okay.
7 MR. LANDFAIR: It's part of a binding element,
8 correct.
9 MR. ABRAMS: Now in terms of the City Homes people
10 --
11 MR. LANDFAIR: Uh-huh.
12 MR. ABRAMS: -- they wanted a number of things and
13 you were in meetings with them, were you not?
14 MR. LANDFAIR: Or members of the consulting team.
15 I didn't personally attend those meetings.
16 MR. ABRAMS: Well, yes.
17 MR. LANDFAIR: Yes.
18 MR. ABRAMS: Now City Homes requested certain
19 things?
20 MR. LANDFAIR: I believe so.
21 MR. ABRAMS: They wanted more than a 10-foot
22 setback from Montgomery Lane?
23 MR. LANDFAIR: Yes.
24 MR. ABRAMS: Now the exception of the punched out
25 area, the new entrance, they didn't get that, did they?

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1 MR. LANDFAIR: There was no other increase on that
2 side.
3 MR. ABRAMS: Okay. Now with reference to the way
4 by on West Lane --
5 MR. LANDFAIR: Way by, yes.
6 MR. ABRAMS: Okay. They wanted a larger way by,
7 did they not?
8 MR. LANDFAIR: I believe so.
9 MR. ABRAMS: Okay. There's no larger way by shown
10 on your development plan, is there?
11 MR. LANDFAIR: It has not been increased in size.
12 MR. ABRAMS: In terms of the height, they wanted a
13 reduction in height from 70 to 65 feet, I believe?
14 MR. LANDFAIR: Yes.
15 MR. ABRAMS: Did they get that?
16 MR. LANDFAIR: The height remains the same.
17 MR. ABRAMS: Is it a fair characterization to say
18 that basically most of the other property owners got what
19 they wanted with the exception of City Homes?
20 MR. LANDFAIR: If their interests were narrowly
21 defined in terms of what you just stated in terms of those
22 setbacks and such, then they're disappointed. But there are
23 other elements of the project, most notably the scallop, the
24 inset at the corner and the proposed pocket park which will
25 benefit everyone including, I would imagine, the residents

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1 of City Homes.
2 MR. ABRAMS: Well, it benefits mostly the project
3 in terms of providing an attractive entrance, does it not?
4 MR. LANDFAIR: Yes, it does.
5 MR. ABRAMS: So if somebody would have to walk up
6 that area if they were walking along Montgomery Lane, to
7 even know that park area was there, would they not?
8 MR. LANDFAIR: Well, it would be readily seen from
9 up and down Montgomery Lane.
10 MR. ABRAMS: Now Exhibit 83, if you can go back up
11 there, Bill, the extension of West Lane --
12 MR. LANDFAIR: Sorry, 83 is exhibit --
13 MR. ABRAMS: Exhibit 83 is the aerial photograph.
14 MR. LANDFAIR: Oh.
15 MR. ABRAMS: It's basically the --
16 MR. LANDFAIR: An older version, the February
17 version of the aerial photograph?
18 MR. ABRAMS: Yes.
19 MR. LANDFAIR: Got you.
20 MR. ABRAMS: The earlier version. And West Lane,
21 it seems to extend back to a point parallel with the big
22 Edgemoor, the rear of the big Edgemoor apartment building?
23 MR. LANDFAIR: Correct.
24 MR. ABRAMS: Is that, in fact, accurate on the
25 ground?

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1 MR. LANDFAIR: It doesn't extend quite that far.
2 In the aerial photograph, it shows a light red pattern and
3 at that furthest most light red pattern, which is where the
4 text for West Lane is shown, it probably stops maybe around
5 the letter N.
6 MR. ABRAMS: Now is there to be a cul-de-sac
7 there?
8 MR. LANDFAIR: No.
9 MR. ABRAMS: Is there to be a hammerhead
10 turnaround there?
11 MR. LANDFAIR: Yes, there will be some additional
12 pavement to ensure that it more fully meets today's
13 standards, but it will not be a full cul-de-sac.
14 MR. ABRAMS: Have you submitted that in terms of
15 any plan in evidence?
16 MR. LANDFAIR: It is shown on the development
17 plan, the reference is --
18 MR. ABRAMS: Shown on the development plan?
19 MR. LANDFAIR: Yeah.
20 MS. ROBESON: Help me out and tell me what a
21 hammerhead turnaround is, Mr. Landfair.
22 MR. LANDFAIR: Essentially --
23 MS. ROBESON: Mr. Abrams is beyond my vocabulary
24 here.
25 MR. ABRAMS: It's like a T.

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1 MS. ROBESON: No, no, not you.
2 MR. ABRAMS: Oh, I'm, oh, I'm sorry.
3 MS. ROBESON: He can, I'll let him tell me.
4 MR. LANDFAIR: It can have any number of shapes to
5 it. In this case it is, it's actually more square in shape
6 than anything else, but it essentially is just enough paving
7 and on the development plan it shows repaving boundaries.
8 MS. ROBESON: Okay.
9 MR. LANDFAIR: In other words, it's implied that
10 we will improve the area there of the so-called hammerhead
11 turnaround.
12 MS. ROBESON: So the sidewalks are going to come
13 to a terminus?
14 MR. LANDFAIR: Correct.
15 MS. ROBESON: And the rest is going to be --
16 MR. LANDFAIR: And there --
17 MS. ROBESON: -- paving?
18 MR. LANDFAIR: Right. It comes to a terminus at
19 Lot 35 driveway entrance and then there will be some
20 additional paving to ensure, again, that this hammerhead or
21 turnaround area will be sufficient to accommodate turning
22 movements for vehicles.
23 MS. ROBESON: Okay. I'm sorry to interrupt, Mr.
24 Abrams. Go back. I mean you can continue with your
25 question.

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1 MR. ABRAMS: My question was is that to be the
2 turnaround area at the end of West Lane?
3 MR. LANDFAIR: Yes.
4 MR. ABRAMS: Okay. So there's not going to be any
5 further improvement other than what's shown on Exhibit 106a
6 for the turnaround?
7 MR. LANDFAIR: As shown on the development plan.
8 MR. ABRAMS: 106a?
9 MR. LANDFAIR: Yes.
10 MR. ABRAMS: Okay. And has all of that area been
11 acquired by the County?
12 MR. LANDFAIR: It's within the public right-of-
13 way.
14 MR. ABRAMS: Okay. Development, well, this is
15 Exhibit 84? I'm not sure -- do you have a copy of that?
16 Yes, that's the chart.
17 MR. LANDFAIR: The chart, okay. Yes. Yes.
18 MR. ABRAMS: The subject property, the SJG West
19 Lane --
20 MR. LANDFAIR: Yes.
21 MR. ABRAMS: Okay. That has the highest number of
22 dwelling units per acre in this chart, does it not?
23 MR. LANDFAIR: Correct. Yes.
24 MR. ABRAMS: Okay. And it's even higher than the
25 Edgemoor high rise, correct?

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1 MR. LANDFAIR: Correct.
2 MR. ABRAMS: Okay. And on this list where is the
3 HOC building?
4 MR. LANDFAIR: It's not on this list.
5 MR. ABRAMS: Why not?
6 MR. LANDFAIR: Well, in part, of course, the HOC
7 building was approved to satisfy the MPD requirements for
8 the high rise at Edgemoor.
9 MR. ABRAMS: But you're comparing total number of
10 units, units per acre, land area, average unit size, total
11 MPDU's. So why wasn't it included?
12 MR. LANDFAIR: I think the intent was to show what
13 is being provided within the properties themselves as
14 opposed to what the obligation might have been offsite or
15 elsewhere in the area.
16 MR. ABRAMS: I'm not sure I understand in terms of
17 what this exhibit is showing.
18 MR. LANDFAIR: I think the intent was to show the
19 density on the property as built or as approved not to
20 include projects or developments that are built elsewhere
21 which were built just to satisfy the MPDU requirements for
22 that use, in other words, the high rise at Edgemoor.
23 MR. ABRAMS: Could you have included it?
24 MR. LANDFAIR: Yes, we could have included it. We
25 did not --

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1 MR. ABRAMS: But you didn't?
2 MR. LANDFAIR: We did not.
3 MR. ABRAMS: Okay. And that would have affected
4 the total number of MPDU's?
5 MR. LANDFAIR: Yes, it would have.
6 MR. ABRAMS: Possibly affected the average unit
7 size?
8 MR. LANDFAIR: Yes.
9 MR. ABRAMS: Units per acre, it would have
10 affected that?
11 MR. LANDFAIR: Yes.
12 MR. ABRAMS: Total number of units?
13 MR. LANDFAIR: Yes.
14 MR. ABRAMS: Okay. So all of these bottom figures
15 essentially would have been affected by inclusion?
16 MR. LANDFAIR: Inclusion of the HOC development,
17 yes.
18 MR. ABRAMS: Correct. You have additional space
19 on this page. Mr. Landfair, why didn't you compare the
20 FAR's of these projects?
21 MR. LANDFAIR: Why didn't we?
22 MR. ABRAMS: Yes.
23 MR. LANDFAIR: I don't know offhand. I did not
24 prepare the exhibit. It certainly could have been done.
25 MR. ABRAMS: Okay. According to -- I asked you

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1 some questions about an exhibit which was received at the
2 public area shortly after the first public hearing in this
3 case and I think it's marked in the record as, I've got it
4 as development plan amendment Exhibit 60. It is --
5 MS. ROBESON: I'm sorry, what number?
6 MR. ABRAMS: DPA Exhibit 60. That is a sector
7 plan recommendations chart comparison of projects being in
8 compliance with the sector plan? I can find it for you,
9 Bill, to show you what I'm talking about.
10 MR. LANDFAIR: I don't have it here.
11 MS. ROBESON: Do you know if it was a large
12 drawing or --
13 MR. ABRAMS: Well, the one I have is on one of
14 these --
15 MS. ROBESON: Oh, okay.
16 MR. ABRAMS: -- spiral binder.
17 MS. ROBESON: Okay. I think I have it as a large,
18 well, I'm sorry, did you say 60?
19 MR. ABRAMS: Development plan amendment 60, that
20 was the other listing that we were using.
21 MS. ROBESON: I have a 67 as the development plan.
22 MR. ABRAMS: Is that -- oh, here it is. Well, the
23 one I have was received from Pat -- Mrs. Harris with a No.
24 60 at the bottom.
25 MS. ROBESON: Okay.

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1 MR. ABRAMS: So I'm not sure that was the --
2 MS. ROBESON: I believe at that point we were on a
3 different numbering system because we were on the
4 development plan amendment exhibit list, so it's not 60 on
5 this list.
6 MS. ROBESON: Okay.
7 MR. ABRAMS: So --
8 MS. ROBESON: Do you know the date --
9 MS. HARRIS: We --
10 MS. ROBESON: -- of what Mr. Abrams is referring
11 to?
12 MS. HARRIS: Not offhand, but we submitted it --
13 MS. ROBESON: I mean I'm asking Mr. Abrams, do you
14 have the date?
15 MR. ABRAMS: There is no date on this sheet when
16 it was sent over. The -- no, I don't have a date for it.
17 The original page is labeled 08 on a copy that I have.
18 MS. ROBESON: Okay.
19 MR. ABRAMS: And then when it was sent over to me
20 by counsel, it had No. 60 on it.
21 MS. ROBESON: Okay. Let me just see what 60 is on
22 the exhibit list.
23 MR. KNOPF: It's -- are you talking, is this what
24 you're talking -- I have it marked Exhibit 52 with a
25 question mark if that's any help, and the DPA file, not in

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1 the --
2 MR. ABRAMS: Well, the DPA file, that's where I'm
3 getting this from. I have Exhibit 60 sector plan comparison
4 with development plan.
5 MR. KNOPF: 53?
6 MR. ABRAMS: And I wrote this in because we were
7 receiving exhibits as we went along.
8 MS. ROBESON: Right.
9 MR. KNOPF: No, I do -- it is Exhibit 60. I mean
10 I have it marked 60.
11 MR. ABRAMS: You have it 60.
12 MS. ROBESON: I have it on the --
13 MR. KNOPF: I'm backing you up.
14 MS. ROBESON: -- DPA file. I have it as 60,
15 sector plan recommendation.
16 MR. KNOPF: Yes.
17 MR. ABRAMS: Yes, sector plan comparison with
18 development plan. Is that a chart?
19 MR. KNOPF: It says sector plan recommendation.
20 MS. ROBESON: This on DPA 13-01 it says sector
21 plan recommendation. On G-954, it says letter from Randall
22 Rothstein expressing --
23 MR. ABRAMS: No, it's a sector plan
24 recommendations.
25 MS. ROBESON: Okay. So, okay, I'm looking in the

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1 wrong file.
2 MR. ABRAMS: Well, this is what we're talking
3 about. Do you have that?
4 MS. ROBESON: Okay. Go ahead. Do you have it,
5 Mr. Landfair?
6 MS. HARRIS: We don't have a copy of it.
7 MS. ROBESON: Okay.
8 MR. ABRAMS: Well, why don't you just use this?
9 MS. HARRIS: Well, does he have it?
10 MR. LANDFAIR: Yes, I do.
11 MS. HARRIS: Oh, you have it?
12 MR. ABRAMS: You do?
13 MS. HARRIS: Yes.
14 MR. ABRAMS: Yes, that's it.
15 MR. LANDFAIR: Yes.
16 MR. ABRAMS: Okay. Can you go down the column for
17 SJG?
18 MR. LANDFAIR: Yes.
19 MR. ABRAMS: And you have the first row where it
20 says low rise and then you have yes. I assume that you mean
21 that SJG is low rise?
22 MR. LANDFAIR: Yes.
23 MR. ABRAMS: And that conforms with the sector
24 plan recommendation?
25 MR. LANDFAIR: Yes.

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1 MR. ABRAMS: Okay. SJG project is really not low
2 rise as defined by the sector plan, is it?
3 MR. LANDFAIR: We believe it is consistent with
4 the heights that are recommended and allowed in the sector
5 plan whether it would be characterized as low rise or mid-
6 rise, under the building code it's characterized as low
7 rise.
8 MR. ABRAMS: Well, the question wasn't the
9 building code.
10 MR. LANDFAIR: I understand. I understand.
11 MR. ABRAMS: The question was the sector plan in
12 terms of the heading --
13 MR. LANDFAIR: Yes.
14 MR. ABRAMS: -- for this community --
15 MR. LANDFAIR: Yes.
16 MR. ABRAMS: -- says low rise and then you compare
17 that to the height table or the height map.
18 MR. LANDFAIR: Yes.
19 MR. ABRAMS: 65 feet apparently is the outside
20 maximum for low rise, wouldn't you agree with that?
21 MR. LANDFAIR: Yes.
22 MR. ABRAMS: Okay. So this is 70 feet, which
23 exceeds the 65 foot sector plan definition by five feet?
24 MR. LANDFAIR: Yes.
25 MR. ABRAMS: Plus you have the 10 foot above that

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1 for the --
2 MR. LANDFAIR: The penthouse for the mechanical --
3 MR. ABRAMS: -- penthouse?
4 MR. LANDFAIR: -- equipment, et cetera, yes.
5 MR. ABRAMS: Now the high rise at Edgemoor, you
6 indicated that it's not high density? The high rise at
7 Edgemoor is 102 dwelling units per acre, is it not?
8 MR. LANDFAIR: Yes.
9 MR. ABRAMS: And isn't that more density than is
10 recommended in the sector plan for the transit station area
11 in terms of development?
12 MR. LANDFAIR: Yes, it is.
13 MR. ABRAMS: Okay. So shouldn't that really no be
14 a yes in that column and, likewise, the SJG in terms of the
15 low rise element I just asked you about, instead of a yes
16 should be a no?
17 MR. LANDFAIR: It could be quantified that way,
18 yes.
19 MR. ABRAMS: Okay. And then you have the third
20 category, appear to be townhouses with three to six floors
21 with units on every level?
22 MR. LANDFAIR: Yes. Uh-huh.
23 MR. ABRAMS: And you have City Homes as a no, that
24 it doesn't comply with that?
25 MR. LANDFAIR: Right.

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1 MR. ABRAMS: How do you arrive at that when not
2 only it appears to be townhouses but, in fact, three to six
3 floors aren't, in fact, townhouses?
4 MR. LANDFAIR: Right. City Homes has a unique
5 orientation to it. It doesn't -- it presents the end units
6 to Montgomery Lane. Perhaps if they were oriented directly
7 along Montgomery Lane, we could have characterized them
8 better as, again, appearing to be townhouses. Certainly,
9 they are technically speaking townhouses, but in terms of
10 appearing to be townhouses, we would have quantified them as
11 most definitely townhouses if the orientation had been
12 different if they were fronting along Montgomery Lane as
13 opposed to turning their end units to Montgomery Lane.
14 MR. ABRAMS: So because you're standing on
15 Montgomery Lane as opposed to standing in the new areas --
16 MR. LANDFAIR: Yes.
17 MR. ABRAMS: -- you classify them one way as
18 opposed to another way?
19 MR. LANDFAIR: Yes.
20 MR. ABRAMS: All right.
21 MR. LANDFAIR: For purposes of this particular --
22 MR. ABRAMS: For the nature and the character of
23 the actual buildings and their use is a townhouse?
24 MR. LANDFAIR: Yes. I think we've characterized
25 it that way in our own documentation. Certainly, public

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1 record has done so as well.
2 MR. ABRAMS: Okay. Now we come down to a column
3 that says parking underground for in rear decks?
4 MR. LANDFAIR: Right.
5 MR. ABRAMS: And, again, unfortunately City Homes
6 strikes that and you've got no there --
7 MR. LANDFAIR: Yes.
8 MR. ABRAMS: -- as being, conforming with the
9 sector plan?
10 MR. LANDFAIR: Right.
11 MR. ABRAMS: Okay. What's the purpose of that
12 recommendation in the sector plan?
13 MR. LANDFAIR: I think the purpose is to take the
14 cars off the street, to mitigate the view of the cars.
15 It's, you know, obviously there are other ways to achieve
16 that. Certainly City Homes did so with the garages that
17 they proffer. But in the sector plan itself, it talks about
18 underground parking. So we're --
19 MR. ABRAMS: So in terms with meeting the purpose
20 of that recommendation in the sector plan, it's met with the
21 garages, is it not?
22 MR. LANDFAIR: You could say the intent is met
23 with the garages, yes.
24 MR. ABRAMS: Well, I could say that. Is that what
25 you say?

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1 MR. LANDFAIR: Yes.

2 MR. ABRAMS: Okay. So that could be a yes?

3 MR. LANDFAIR: Yes.

4 MR. ABRAMS: Okay, yes. Now higher building

5 coverage, where in the sector plan does it have building

6 coverages for individual parcels or just as a general

7 statement or something like that?

8 MR. LANDFAIR: Offhand, I don't recollect the

9 chapter or the page, but perhaps at some point during

10 intermission I can find it.

11 MR. ABRAMS: I wish you would.

12 MR. LANDFAIR: Good.

13 MR. ABRAMS: Okay.

14 MS. ROBESON: Is there an intermission? Is there

15 food in the lobby? No, go ahead. We'll give you a break

16 after Mr. Abrams finishes his cross.

17 MR. ABRAMS: He needs a break before that because

18 I'm not --

19 MS. ROBESON: I'm not going --

20 MR. ABRAMS: -- I'm nowhere near --

21 MS. ROBESON: I'm not going there.

22 MR. ABRAMS: What?

23 MR. ROBESON: All right. So go ahead.

24 MR. ABRAMS: All right.

25 MR. LANDFAIR: I'll be happy to review the plan --

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1 MR. ABRAMS: Thank you.

2 MR. LANDFAIR: -- on that particular subject, yes.

3 MR. ABRAMS: Okay. There's a couple of exhibits

4 dealing with height and, again, unfortunately, I have go

5 back to the development plan amendment file, Exhibit 61 in

6 that file.

7 MS. ROBESON: Okay.

8 MR. ABRAMS: Okay. City Homes's height is shown

9 as 55 feet to 61, yes, 55 feet, but the heights on Exhibit

10 91 show City Homes at a 53-foot height limit. I mean which

11 one is correct, that's all I want to know, in your

12 estimation?

13 MR. LANDFAIR: Is this the exhibit you were

14 speaking of?

15 MR. ABRAMS: Yes, I think so.

16 MR. KNOPF: Which number is that?

17 MR. ABRAMS: DPA Exhibit 61 and current Exhibit

18 91.

19 MR. LANDFAIR: The current exhibit is consistent

20 with the height that's noted here. They're both reflecting

21 53 feet.

22 MR. ABRAMS: 52 feet?

23 MR. LANDFAIR: 53 feet.

24 MR. ABRAMS: So it's 53 feet, not 55 feet?

25 MR. LANDFAIR: Correct. Both exhibits are showing

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1 the same thing.

2 MR. ABRAMS: DPA Exhibit 61 shows 55?

3 MR. LANDFAIR: Well, I'm referencing this exhibit.

4 MR. ABRAMS: Let me see if he has that.

5 MR. KNOPF: That's not the one that's, we got

6 marked 61. 61 and 55, it's not 55. He has a different

7 exhibit.

8 MR. ABRAMS: Let me see it.

9 MS. ROBESON: I have -- is this what he's

10 referring to?

11 MR. KNOPF: He is, but this is what --

12 MR. ABRAMS: Yes.

13 MR. KNOPF: -- 61 is.

14 MR. ABRAMS: Yes. This is 53, right?

15 MR. LANDFAIR: Right. That's 53, which is what is

16 shown on our composite exhibit that I have previously

17 referenced.

18 MR. ABRAMS: And you showed --

19 MR. KNOPF: I think that's 60.

20 MS. ROBESON: I have this as 61.

21 MR. KNOPF: 61?

22 MR. ABRAMS: 61 shows 55 feet.

23 MR. KNOPF: Yes.

24 MR. LANDFAIR: This is an earlier --

25 MS. ROBESON: Wait a minute. Wait a minute. I

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1 just, I want to make sure we're on the right exhibits here.

2 MR. ABRAMS: Yes.

3 MS. ROBESON: I have this as being 61. Is that

4 not what you have?

5 MR. ABRAMS: That's not what was put on --

6 MR. KNOPF: This is --

7 MR. ABRAMS: -- exhibits which were delivered to

8 us.

9 MR. KNOPF: This is the DPA. Are you looking at

10 the DPA --

11 MR. ABRAMS: The DPA exhibit.

12 MR. KNOPF: -- or the, that may make all the

13 difference.

14 MS. ROBESON: Okay. All right. I understand.

15 Sorry about that. Go ahead.

16 MR. ABRAMS: Okay. One says 55. One says 53.

17 MR. LANDFAIR: I didn't prepare the exhibit you're

18 referencing. I can't -- 53 feet is the accurate

19 measurement, height. We've got --

20 MS. ROBESON: Which one is accurate?

21 MR. LANDFAIR: 53 feet is accurate and we have

22 background data which, we being my firm was responsible for

23 measuring the heights of those buildings.

24 MS. ROBESON: Okay.

25 MR. LANDFAIR: I did not prepare the exhibit that

1 Mr. Abrams was referencing which shows 55 feet.
 2 MS. ROBESON: Okay.
 3 MR. LANDFAIR: 53 feet, which is what is shown on
 4 our composite drawing which is Exhibit 106b, as well as on
 5 the earlier submitted height comparison drawing, they're all
 6 showing 53 feet.
 7 MS. ROBESON: Okay.
 8 MR. ABRAMS: Do you know where the 55 foot number
 9 came from?
 10 MR. LANDFAIR: I don't know. It could be
 11 something as simple as a typo.
 12 MR. ABRAMS: Now going back to the aerial
 13 photographs --
 14 MR. LANDFAIR: Yes.
 15 MR. ABRAMS: -- Mr. Landfair, doesn't the relative
 16 height fall back or fall down toward both Woodmont Avenue
 17 and Arlington Road from the subject, from say West Lane?
 18 MR. LANDFAIR: Well, if you're comparing it
 19 directly with the two immediately adjacent projects that
 20 have been approved, the heights of those projects are less.
 21 MR. ABRAMS: No, I'm talking about ground
 22 elevations.
 23 MR. LANDFAIR: Ground elevation. The actual
 24 highest point of the ground elevation is just east of our
 25 property and Montgomery Lane itself. So it's roughly

1 directly opposite what is now known as 4825 Montgomery Lane.
 2 MR. ABRAMS: And that's where you measured your
 3 building height from?
 4 MR. LANDFAIR: That's not where we measured our
 5 building height. For the West Lane project, no, we measured
 6 it along West Lane.
 7 MR. ABRAMS: Okay. But basically that area from
 8 that point as the highest point extending back along West
 9 Lane --
 10 MR. LANDFAIR: Yes.
 11 MR. ABRAMS: -- that's basically the same height,
 12 is it not?
 13 MR. LANDFAIR: It's several feet higher.
 14 MR. ABRAMS: Several feet higher?
 15 MR. LANDFAIR: Yes.
 16 MR. ABRAMS: Going to the north?
 17 MR. LANDFAIR: As compared to the center of
 18 Montgomery Lane just to the east of our property.
 19 MR. ABRAMS: Okay. I want to go east and west,
 20 okay? From that high point --
 21 MR. LANDFAIR: It does fall.
 22 MR. ABRAMS: -- it does fall?
 23 MR. LANDFAIR: The elevation of the street does
 24 fall in both directions.
 25 MR. ABRAMS: Okay. And how much does it fall in

1 one direction and how much does it fall in the other
 2 direction to each of those streets?
 3 MR. LANDFAIR: Offhand, I don't recollect. It's
 4 certainly several feet. I'd have to review the record.
 5 MR. ABRAMS: So when you're estimating heights in
 6 terms of some of the exhibits you've testified from --
 7 MR. LANDFAIR: Each one has its own building
 8 height measurement point.
 9 MR. ABRAMS: Correct.
 10 MR. LANDFAIR: Yes.
 11 MR. ABRAMS: And so if there's a building which is
 12 65 feet in height, but on a lower elevation, that's
 13 different than being on the same elevation and the effect
 14 and impact on the community is different, isn't it?
 15 MR. LANDFAIR: Well, it depends. You know, if
 16 you're walking along the street, I mean you're, as the eye,
 17 you know, you're tracking the building and your perceived
 18 height of the building is going to be relative to the
 19 immediate surrounding area that you're in. You're not going
 20 to be comparing the height of that building from say a
 21 measuring height, measuring point 100 feet, 200, 300 feet
 22 away, which could be lower. It could give you a perceived
 23 height difference.
 24 MR. ABRAMS: Well, if you're on lower elevation
 25 toward Arlington Road and you're a pedestrian and you're

1 walking up Montgomery Lane and you see a building on a
 2 higher elevation, isn't that building going to appear taller
 3 --
 4 MR. LANDFAIR: Sure.
 5 MR. ABRAMS: -- than the building at Arlington
 6 Road?
 7 MR. LANDFAIR: It could, yes.
 8 MR. ABRAMS: So, and that curves, as you go up
 9 toward West Lane and away from West Lane toward Woodmont?
 10 MR. LANDFAIR: Yes.
 11 MR. ABRAMS: All right. What time are we going?
 12 MS. ROBESON: Well, I'm thinking that we can go
 13 comfortably, because I want everybody to have the
 14 opportunity to get to the site, I was going to cut it off at
 15 12:30 and that gives an hour and a half to eat lunch and get
 16 there. How much more do you have because I think that
 17 rather than starting more cross-examination --
 18 MR. ABRAMS: Well, I've got probably another 2
 19 1/2, 3 hours.
 20 MS. ROBESON: Of cross-examination?
 21 MR. ABRAMS: Oh, yes.
 22 MS. ROBESON: You can't like streamline that?
 23 There aren't, there are only like 300 exhibits. How can you
 24 --
 25 MR. ABRAMS: Well, every time the exhibits change

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1 and Lord knows there have been, what, four or five
2 iterations of development plans and exhibits, we have
3 prepare questions as to each because if you won't accept it
4 all into the record, we want to make sure that you
5 understand which are correct, which are not correct, unless
6 you're going to exclude from --
7 MS. ROBESON: Okay.
8 MR. ABRAMS: -- the record --
9 MS. ROBESON: Well, I can't categorically say
10 you're limited to X amount of cross-examination right now,
11 but we will make sure that you're following the rules of
12 cross-examination. And if that's the case, then we're going
13 to go until 12:15 to give people a little bit of comfort
14 room. And I had one question that I would like to get in
15 the midst of all of Mr. Abram's questions which is -- and
16 I'm not sure you're the witness to answer this, but on that
17 aerial photograph, I think it's 106f is the aerial
18 photograph, it shows the HVAC up at the front. Is that the
19 HVAC that's sticking up on there?
20 MR. LANDFAIR: Well, it's the penthouse which is
21 non-habitable space.
22 MS. ROBESON: Right. That's going to have --
23 MR. LANDFAIR: -- which would include the HVAC.
24 MS. ROBESON: -- the mechanical equipment?
25 MR. LANDFAIR: I'll let the architect speak to

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1 that if I may?
2 MS. ROBESON: Okay. Well, let me just get my
3 question out.
4 MR. LANDFAIR: Sure.
5 MS. ROBESON: My question is is it, I suppose that
6 is over the core, well, is there any way to move that back
7 further from Montgomery Lane? I didn't realize that was 10,
8 an additional 10 feet. So I'm just throwing that out there.
9 Maybe there is or maybe there isn't, I don't know, but --
10 and with that, I think that how about one more question, or
11 no. What's your next question, because I have to make sure
12 everybody has an opportunity to get to the site visit. I've
13 been scolded about what I need to do with the site visit.
14 So I need to make sure everybody has an opportunity to get
15 there. So if you can finish your question and his answer by
16 12:15, we'll do that.
17 MR. ABRAMS: Okay. I'm trying to eliminate
18 questions so that I streamline this.
19 MS. ROBESON: Because I still have to tell you
20 what my route is going to be.
21 MR. ABRAMS: Oh, what your what is going to --
22 MS. ROBESON: My route.
23 MS. HARRIS: Route.
24 MR. ABRAMS: Oh, route.
25 MS. HARRIS: Hearing Examiner, while Mr. Abrams is

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1 looking at that, I have a procedural question.
2 MS. ROBESON: Yes.
3 MS. HARRIS: And that is especially given the
4 extent of his cross-examination, whether it be two or three
5 hours or whatever, I would request that we have an
6 opportunity to ask Mr. Landfair redirect questions before
7 Mr. Knopf goes on with his cross-examination, otherwise it
8 will get highly confusing.
9 MS. ROBESON: I think we can handle it. I'm going
10 to stick to the typical order and, plus, I may have
11 additional questions. So you can clean up the whole thing
12 at once.
13 MR. KNOPF: I have --
14 MS. ROBESON: Yes, sir?
15 MR, KNOPF: -- scheduling. I think I must have
16 written down the wrong date. Are we going -- I understand
17 we're doing tomorrow?
18 MS. ROBESON: No, today.
19 MR. KNOPF: I mean today. We're skipping, we're
20 doing Tuesday not at all or doing the morning?
21 MR. ABRAMS: Just the morning.
22 MR. KNOPF: The morning and Tuesday?
23 MS. ROBESON: Yes.
24 MR. KNOPF: And then when is the next hearing
25 date? I wrote down Friday --

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1 MS. ROBESON: You know what, I had --
2 MR. KNOPF: -- and I --
3 MS. ROBESON: She did not --
4 MR. ABRAMS: That's a week from this Friday.
5 MS. ROBESON: Monday, Tuesday --
6 MR. KNOPF: It's not Monday, Tuesday? It's not
7 just Friday?
8 MS. HARRIS: No.
9 MR. KNOPF: It's not this Thursday?
10 MS. ROBESON: No.
11 MR. KNOPF: Well, better yet. Okay.
12 MS. HARRIS: It's the 8th and 9th of this week.
13 MR. KNOPF: Oh, and then the next week it's --
14 MS. HARRIS: And then it's next week for four --
15 MR. KNOPF: -- next week I had down --
16 MS. HARRIS: -- days.
17 MR. KNOPF: -- Monday, Tuesday, Wednesday.
18 MS. ROBESON: Well, we are not going to need any
19 more hearing dates. We are going to finish this within
20 those reserved hearing dates.
21 MR. KNOPF: I'm just trying to understand what
22 dates were reserved.
23 MS. ROBESON: Oh.
24 MR. KNOPF: I'm not making it, no, I just, I think
25 I may have written down the wrong dates, that's all.

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1 MS. ROBESON: Oh, okay.
2 MR. KNOFF: That's all I'm saying.
3 MS. ROBESON: We have -- I don't have the, our
4 official calendar with us, but they are written down on the,
5 or I can bring it --
6 MR. KNOFF: All right. That's all right. So it's
7 -- okay. So it's just this week, it's just tomorrow --
8 MS. ROBESON: Right.
9 MR. KNOFF: -- morning at, morning, that's fine.
10 Thank you. I just wrote down Friday for some reason and
11 that's not correct.
12 MS. ROBESON: Well, I can check it. Why don't we
13 do this.
14 MR. KNOFF: No, everybody agrees with you, so I'm
15 the one out. That's fine.
16 MS. ROBESON: Okay.
17 MR. KNOFF: That's fine. And then next week we're
18 doing Monday, Tuesday, if we need it, Monday, Tuesday,
19 Wednesday, right?
20 MS. ROBESON: I don't have the calendar with the
21 additional dates. Why don't we do this. Let me take a 5-
22 minute recess. I'll come back with the calendar of the
23 official dates and then, Mr. Abrams, I think I'm just going
24 to describe the route and we'll do the site visit, okay?
25 All right.

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1 MR. ABRAMS: One more question?
2 MS. ROBESON: We're taking a 5-minute recess.
3 (Recess)
4 MS. ROBESON: Okay. We're back on the record.
5 The hearing dates that I have are April 8th, today;
6 tomorrow, the 9th; next Monday the 15th; Tuesday the 16th;
7 Wednesday the 17th; Friday the 19th. So that's what I have.
8 Now, you know, dependent -- yes, did you want to say
9 something?
10 MS. HARRIS: The only thing I wanted to say
11 because I was absolutely respect your goal of making sure we
12 don't need any more hearing dates --
13 MS. ROBESON: Yes.
14 MS. HARRIS: -- but between recessing early today
15 for the site visit --
16 MS. ROBESON: And tomorrow.
17 MS. HARRIS: -- and tomorrow, I feel like we're
18 cutting out almost one day and so --
19 MS. ROBESON: Then I think what we're going to do,
20 Mr. Knopf, we will break when you have to be up -- is it a
21 long item do you expect up a the District Council?
22 MR. KNOFF: It could be. It could be. It's a
23 very complicated item.
24 MS. ROBESON: Well, then I would --
25 MR. KNOFF: And I never can predict what the

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1 Council is going to do.
2 MS. ROBESON: Yes. Well, then I agree with Ms.
3 Harris. I think we need to add a back-up day. And right
4 now I have, we've been staying away from Thursdays because
5 so many of the attorneys have conflicts with the Planning
6 Board. So I could add in Monday, April 22nd.
7 MR. ABRAMS: I will be out of town.
8 MS. ROBESON: Okay. Well, I have, I can see if we
9 can get this room tomorrow the 10th, I mean, I'm sorry,
10 Wednesday, April 10th.
11 MS. HARRIS: I have two, the 10th and the 11th --
12 based on the hearing scheduled that was established and with
13 all due respect to Mr. Knopf, I mean everyone has juggled
14 their schedules knowing that these dates have existed for
15 the last two months. So in preparation for my other hearing
16 case that I have starting at the end of this month, I have -
17 -
18 MS. ROBESON: Costco?
19 MS. HARRIS: Yes, I have two --
20 MS. ROBESON: That's why we did it in April.
21 MS. HARRIS: I know. And so on this coming
22 Wednesday and Thursday, I have all-day meetings with respect
23 to that case.
24 MS. ROBESON: So, Mr. Knopf --
25 MR. KNOFF: 9th --

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1 MS. ROBESON: -- you don't have co-counsel that
2 could attend either here or there tomorrow for --
3 MR. KNOFF: No, no, this is --
4 MS. ROBESON: -- a brief period of time?
5 MR. KNOFF: This is something that is legislation
6 and we were drafting it collectively and it's, I can't, and
7 I did not schedule it on Tuesday. This was in the Council,
8 sort of emerged out of nowhere. They picked that Tuesday.
9 I had no control over that.
10 MS. ROBESON: Well, I have April 18th.
11 MR. KNOFF: I can't -- that's Planning Board day
12 and I have two matters on --
13 MS. ROBESON: I have Monday the 22nd.
14 MR. ABRAMS: I will be out of town.
15 MS. ROBESON: Thursday the 25th.
16 MR. KNOFF: I don't think I have --
17 MR. ABRAMS: That's fine.
18 MR. KNOFF: I have to double-check that --
19 MS. ROBESON: Well --
20 MR. KNOFF: -- it sounds all right.
21 MS. ROBESON: You know, I do agree with Ms.
22 Harris. I know how the Council works and you don't have any
23 control over their schedule. I have Friday the 12th, this
24 Friday the 12th.
25 MR. ABRAMS: That's fine with me.

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1 MS. HARRIS: I can't do that.
2 MR. ABRAMS: You can't do that?
3 MS. HARRIS: No.
4 MR. KNOFF: Well, the 25th would mean, that would
5 be good because we may not need it. I mean that, that would
6 be toward the end.
7 MS. ROBESON: Thursday the 25th?
8 MR. KNOFF: I don't believe I have something. I
9 have to check, but I don't believe I have anything on.
10 MS. HARRIS: My next hearing is the 26th if that's
11 the only day we can go, but my client is out of town that
12 day I think.
13 MS. ROBESON: Well, does she -- Ms. Wilshire, do
14 you have anyone that you can send in your place?
15 MS. WILSHIRE: No.
16 MS. ROBESON: Well, then, you know, Mr. Knopf
17 really does not have control over the Council. What we can
18 do if nobody has any days, I can put it in for May.
19 MR. ABRAMS: I suggest you put it into May in any
20 event because I think we're going to want closing argument.
21 I mean I'm perfectly willing -- any date that you've
22 suggested thus far except for the 22nd I'm perfectly willing
23 to do, you know, and I'll stay in the evening hours if you
24 wanted to do that.
25 MS. HARRIS: Based on the Council's schedule

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1 tomorrow, I mean here's another suggestion --
2 MS. ROBESON: What I could -- yes?
3 MS. HARRIS: Knowing that this could be a 15-
4 minute item or maybe just an hour item --
5 MR. KNOFF: It's --
6 MS. HARRIS: -- can we assume that we will recess
7 if Mr., I mean reconvene if Mr. Knopf is available at 3:00
8 and if he is available, you know, as soon as he's available,
9 we can all reconvene? It may mean an hour break. It may
10 mean an hour and a half break, but then at least we'll have
11 another three hours or so --
12 MR. KNOFF: It could be two hours.
13 MS. HARRIS: -- to continue tomorrow.
14 MR. KNOFF: I just know this is a very complicated
15 matter and highly contentious. They put it down, you know,
16 but you never can say. They put it down --
17 MS. HARRIS: What is it?
18 MR. KNOFF: -- for a half an hour. It's zoning
19 tech amendments and small lots. It's been kicking around
20 for years and --
21 MS. ROBESON: Okay.
22 MR. KNOFF: -- you know the developer is on one
23 side, the citizen, you know, the whole thing. But you can
24 never tell. It could take 10 minutes. It could take three
25 hours. You just don't know. It's so complicated that I

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1 suspect the Council is going to need to get lectured a
2 little bit by their staff as to what's going on.
3 MS. HARRIS: Is it a work session?
4 MR. KNOFF: No, no, it's a legislative section.
5 MS. HARRIS: Will you have an opportunity to
6 speak?
7 MR. KNOFF: I suspect I will because we drafted
8 the, it's a long story, it's a committee that was put
9 together, developers and citizens.
10 MS. ROBESON: Well, okay. I, you know, I think I
11 said I would schedule this case for Thursday with the caveat
12 that you, I -- or for Tuesday with the caveat that that's
13 the day the Council meets.
14 MR. KNOFF: Right.
15 MS. ROBESON: I do feel since this schedule has
16 been set for such a long time that we have to do something
17 to follow through on it. What I'll do is, if we can get the
18 court reporter to stay late, I'm willing to convene for two
19 hours to allow you to get your whatever you need done at the
20 District Council and come back and go into the evening. You
21 know, we can do that. I don't know what else to tell you,
22 but that's the best I think we're going to do because I
23 agree. I think that we're going to need all five hearing
24 days or six, all right? So be prepared to bring dinner.
25 MS. HARRIS: This is for tomorrow evening?

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1 MS. ROBESON: Yes. Well, what I think -- when is
2 your item, 1:55 at the District Council?
3 MR. KNOFF: Yes, I think that's, yes, yes.
4 MS. ROBESON: 1:55 at the District Council? And I
5 do understand the legislation and it is complicated.
6 MR. KNOFF: Yes, and I, my understanding was that
7 whenever hearings, they start to schedule on Tuesdays and
8 Thursdays with the understanding that Council, might,
9 something might come up beyond their control and they have
10 to be a little bending there.
11 MS. ROBESON: Well, the only other thing I have is
12 to push it to May. That's the only other option.
13 MR. KNOFF: Well, that may be better.
14 MS. ROBESON: Ms. Harris --
15 MR. KNOFF: I mean I'd hate to have everybody sit
16 around.
17 MS. ROBESON: But I think she's in the middle of
18 Costco, although we just accommodated Costco already. The
19 best, I think what we're going to do is do as I said, give
20 you two hours at the County Council and reconvene and maybe
21 you can get a sense from Mr. Zion as to what extent he's
22 briefed the Council in advance and we can talk at a specific
23 time to come back into the hearing tomorrow.
24 MR. KNOFF: I would be happy to.
25 MS. ROBESON: Okay.

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1 MR. KNOPF: The committee report just got released
2 on Friday and so that's why --
3 MS. ROBESON: Yes. Well, you, I would suggest
4 talking to Mr. Zion and explaining the situation and asking
5 him if he has a sense of how long the item is going to be.
6 MR. ABRAMS: Yes. If it's not a public hearing,
7 they could take it out of order of some sort.
8 MS. ROBESON: Well, that's the other possibility.
9 MR. KNOPF: Yes.
10 MS. ROBESON: So I think, is it just up for
11 adoption, it's not the public hearing, correct?
12 MR. KNOPF: No, it's not a public hearing, but
13 it's --
14 MS. ROBESON: But I know it's, I do understand
15 that it's complicated.
16 MR. KNOPF: You may get, have to interpret it.
17 MS. ROBESON: So that's what we'll do. Now before
18 I forget, I'm going to give you my route and I'm going to
19 start at the southeast -- I'm going to start at the corner
20 of Montgomery Lane and Woodmont, okay? I've changed my --
21 MR. KNOPF: Oh, it's different.
22 MS. ROBESON: Yes, I did, because I figured the
23 backtracking. And then I'm going to proceed west on
24 Montgomery Lane up to the end of West Lane, continue further
25 west on Montgomery Lane, turn right at Arlington, right at

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1 Edgemoor, south on Woodmont all the way down to Hampden, I
2 believe, and then I'm going to head west on Hampden, north
3 on Arlington and then head back out.
4 MR. KNOPF: Are you not going up West Lane at all?
5 MS. ROBESON: I am.
6 MR. KNOPF: Oh, I'm sorry. I missed -- I got you
7 west to West Lane, but then you're going to go -- okay.
8 MS. ROBESON: Yes, I'm going to go, I'm going to
9 start at Woodmont and Montgomery, go, proceed west on
10 Montgomery to West Lane to the, go up West Lane --
11 MR. KNOPF: West Lane.
12 MS. ROBESON: -- to the end. And, again, you can
13 be present, but I'm not going to speak with anyone because I
14 don't have a way to record our conversation. And so I will
15 put my impressions on the record tomorrow. Yes?
16 MS. HARRIS: May I go back to the scheduling item
17 just for one second?
18 MS. ROBESON: Sure, if you have a date in May --
19 MS. HARRIS: No, it -- no. Just looking at the
20 Council --
21 MS. ROBESON: I will vouch for Mr. Knopf. It is a
22 complicated piece of legislation.
23 MS. HARRIS: Okay. But I notice that the Council
24 get allotted, and we all know that the Council can be wrong
25 in their allotment of time, but 35 minutes for three items,

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1 for action on three items. So, again, in the spirit of
2 efficiency, I would hate for everyone to be sitting around
3 for two hours if, in fact, his item takes 10 minutes. Is
4 there a way that we can --
5 MS. ROBESON: Well, I need on the, I need a way on
6 the record to inform everybody it's time to come back. So
7 that's the problem. I have to have a time set so everybody
8 knows when to come back. I just can't call around the
9 building and say it's time to come back. So I don't have a
10 solution other than to give him -- Mr. Knopf, if you want to
11 talk to Mr. Zion tomorrow and tomorrow morning you can give
12 us an estimate, we can do it that way. But I can't just
13 say, you know --
14 MR. ABRAMS: On the site visit, will you be going
15 down or up Hampden Lane between Arlington and Woodmont?
16 MS. ROBESON: Yes.
17 MR. ABRAMS: Okay.
18 MS. ROBESON: Yes. The other option is if -- let
19 me, I'll check this tomorrow, but perhaps I can just -- does
20 everyone have access to a computer so they can stream the
21 Council or know when the Council comes back? I could, I'm
22 seeing nods in the affirmative. The other thing I could do
23 is I need to check this, but I could double-check whether
24 that's sufficient to say when the count, when Mr. Knopf's
25 item is finished, we'll come back.

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1 MR. ABRAMS: Will you be able on the site visit to
2 go like behind certain buildings or do you have to stay in
3 the right-of-way?
4 MS. ROBESON: I don't want to trespass. I can
5 walk up West Lane and I assume I have permission to go on
6 the subject property to the rear? Can you affirmatively for
7 the record just say yes.
8 MS. HARRIS: Yes, you have.
9 MS. ROBESON: Okay.
10 MR. ABRAMS: Okay. We were thinking of going
11 behind the Hampden Lane apartments which are next to City
12 Homes.
13 MS. ROBESON: Behind the Hampden Lane apartments?
14 Oh, the Hampden Lane is the large project that the --
15 MR. ABRAMS: Yes, to get a reference in terms of
16 the height to the City Homes.
17 MS. ROBESON: I understand. Okay. Well, what
18 about walking down one of the driveways or the, I don't know
19 if that's public space or not, but I could walk down one of
20 the alleys --
21 MR. KNOPF: Of City Homes.
22 MS. ROBESON: -- of City Place.
23 MR. ABRAMS: Well, you mean, is that what -- okay.
24 Well --
25 MS. ROBESON: Well, I hope not, but yes.

1 MR. ABRAMS: My clients would like you to see it
2 from both sides. So if there's an alleyway or something
3 along Hampden Lane that takes you into the back of that
4 section --

5 MS. ROBESON: You want me to see the back of the
6 HOC?

7 MR. ABRAMS: Back of the Hampden Lane building and
8 the HOC building, yes.

9 MS. ROBESON: I will try. If I see an
10 opportunity, I will try.

11 MR. ABRAMS: Okay. And then you could walk up if
12 you want to going to the City Homes muse on the other side
13 because I want you to get a picture of both sides, okay?

14 MS. ROBESON: Okay.

15 MR. ABRAMS: It's a vision line.

16 MS. ROBESON: Okay. I understand it. I will try
17 to do so.

18 MR. ABRAMS: Thank you.

19 MS. ROBESON: So with that, we're going to
20 continue the hearing until 2 o'clock at the route I've
21 described and then after that we will reconvene at 9:30 on
22 April 9th, Tuesday, April 9th. Thank you.

23 (Whereupon, at 12:35 p.m., the hearing was
24 concluded.)

25

C E R T I F I C A T E

DEPOSITION SERVICES, INC., hereby certifies that
the attached pages represent an accurate transcript of the
electronic sound recording of the proceedings before the
Office of Zoning and Administrative Hearings for Montgomery
County in the matter of:

4831 WEST LANE, LLC
LOCAL MAP AMENDMENT G-954

By:

Tracy Hahn, Transcriber

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