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# Transcript of Administrative Hearing

**Date:** August 18, 2017

**Case:** DBVR, Rockville, LP - Animal Boarding & Care

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Transcript of Administrative Hearing  
Conducted on August 18, 2017

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OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS

FOR MONTGOMERY COUNTY, MARYLAND

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In Re: :

DBVR, Rockville, LP : Case No.

Animal Boarding & Care : CU 17-15

Application of John Wesson :

-----x

HEARING

Before Hearing Examiner Lynn Robeson

Rockville, Maryland

Friday, August 18, 2017

9:49 a.m.

Job: 156608

Pages: 1 - 121

Transcribed by: Molly Bugher

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A P P E A R A N C E S

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3

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<p>5</p> <p>1 PROCEEDINGS</p> <p>2 LYNN ROBESON: I'm calling the case of DBVR Rockville</p> <p>3 LP; an application for a conditional use to operate an</p> <p>4 animal care and boarding facility at 11503 Rockville Pike,</p> <p>5 Rockville, Maryland, 20852, on land in the CR zone. The</p> <p>6 property is identified as Parcel A, August Heller property.</p> <p>7 Okay. If the parties could identify themselves for the</p> <p>8 record.</p> <p>9 SOO LEE-CHO: Morning. Soo Lee-Cho with the law firm</p> <p>10 of Miller, Miller, and Canby on behalf of the petitioner,</p> <p>11 Dr. Boyd's Vet Resorts. And I have witnesses which I can go</p> <p>12 through after the preliminaries.</p> <p>13 LYNN ROBESON: Yeah.</p> <p>14 SOO LEE-CHO: Okay.</p> <p>15 LYNN ROBESON: Is there anyone here today that is not</p> <p>16 going to be called by Ms. Cho? Yes, can you come forward?</p> <p>17 Let me say this; are you in opposition?</p> <p>18 FEMALE VOICE: No.</p> <p>19 LYNN ROBESON: No, you are in support.</p> <p>20 FEMALE VOICE: Mm-hm [affirmative].</p> <p>21 LYNN ROBESON: Okay. All right.</p> <p>22 SOO LEE-CHO: They are with the project team. They are</p> <p>23 just associates of the witnesses that have joined as</p> <p>24 backup.</p> <p>25 LYNN ROBESON: Okay. So is there anyone in opposition</p>	<p>7</p> <p>1 LYNN ROBESON: That notice went out.</p> <p>2 SOO LEE-CHO: Right.</p> <p>3 LYNN ROBESON: That was 10 days in advance of the</p> <p>4 hearing.</p> <p>5 SOO LEE-CHO: So that's been granted.</p> <p>6 LYNN ROBESON: Yeah.</p> <p>7 SOO LEE-CHO: Okay. Thank you.</p> <p>8 LYNN ROBESON: Okay. So why don't you proceed?</p> <p>9 SOO LEE-CHO: Sure. Before I get to a very brief</p> <p>10 opening statement, I just wanted to give you a preview of</p> <p>11 the witnesses that we will be presenting. The first witness</p> <p>12 will be Dr. John Wesson who is the petitioner, majority</p> <p>13 owner of Dr. Boyd's Vet Resort. The second in line would be</p> <p>14 our traffic engineer, Mr. David Nelson, to address the</p> <p>15 traffic questions that you raised. It's a bit out of order</p> <p>16 from my normal.</p> <p>17 LYNN ROBESON: Right.</p> <p>18 SOO LEE-CHO: But I would like to take care of those</p> <p>19 issues and allow Mr. Nelson to be excused from the hearing</p> <p>20 if the Hearing Examiner has no further need --</p> <p>21 LYNN ROBESON: That's fine.</p> <p>22 SOO LEE-CHO: Then we will move on to Mr. John Rubin,</p> <p>23 who is Dr. Boyd's chief safety and training officer who</p> <p>24 will address the behavioral science elements of our</p> <p>25 presentation which will go to the noise management issue</p>
<p>6</p> <p>1 here today? Seeing none, I do have the affidavit of posting</p> <p>2 and I'm going to add that to the record as Exhibit 33. All</p> <p>3 right. Okay. With that, are there any preliminary matters?</p> <p>4 SOO LEE-CHO: None that I am aware of other than, I</p> <p>5 guess the previous motion to amend which has most recently</p> <p>6 been further modified in terms of the landscape plans.</p> <p>7 LYNN ROBESON: Okay. Well, our -- what I'm going to</p> <p>8 have to do I believe, there is -- we generally keep the</p> <p>9 record open for 10 days to receive the transcript. And</p> <p>10 because this is a last-minute motion to amend, I'm going to</p> <p>11 allow anyone who has any comments on them. I also haven't</p> <p>12 heard from Staff as to how long it's going to take them to</p> <p>13 review the amendment because I have to refer any amendments</p> <p>14 back to Staff. So I'll keep -- I'm going to try -- Staff</p> <p>15 said that they would try to get back to me during the</p> <p>16 hearing this morning to see how long it would take to --</p> <p>17 for them to review the amendment. So the record is going to</p> <p>18 be open for at least 10 days. So I'm going to allow any</p> <p>19 objections or to the motion to amend to come in during that</p> <p>20 timeframe. All right. Okay. With that --</p> <p>21 SOO LEE-CHO: There was a previous motion to amend</p> <p>22 that had other elements in addition to the plans so we</p> <p>23 submitted a revised traffic statement --</p> <p>24 LYNN ROBESON: Right.</p> <p>25 SOO LEE-CHO: We got a statement of justification.</p>	<p>8</p> <p>1 that was also raised by the Hearing Examiner. Next will be</p> <p>2 commercial interior designer Robin Menge of GTM Architects,</p> <p>3 to provide information about the existing shell structure</p> <p>4 of the tenant space that's to be occupied by Dr. Boyd's and</p> <p>5 it's -- to assist with the soundproofing finding that we</p> <p>6 will need to make. Next will be our acoustical engineer</p> <p>7 that we brought on most recently, Miss Tracy Seymour, to be</p> <p>8 responsive to the Hearing Examiner's questioning relating</p> <p>9 to, again, noise attenuation, and noise impacts. And then</p> <p>10 finally, we will have Vic Bryant, our landscape architect,</p> <p>11 land planner, from Macris, Hendrix, and Glasscock, who</p> <p>12 normally I would have in the front end.</p> <p>13 LYNN ROBESON: I know.</p> <p>14 SOO LEE-CHO: But in this case, I think makes sense</p> <p>15 sort of bringing up the rear.</p> <p>16 LYNN ROBESON: Okay. All right.</p> <p>17 SOO LEE-CHO: Okay. So a very brief opening statements</p> <p>18 to orientate you to the site. I am looking at Exhibit 18,</p> <p>19 which is already in the record. If there is zoning vicinity</p> <p>20 map. The property is highlighted in blue. It is located at</p> <p>21 11503 Rockville Pike. It's in the northeast quadrant of the</p> <p>22 corner of Rockville Pike, Maryland 355, and Nicholson Lane.</p> <p>23 The zoning is CR 4.0.</p> <p>24 LYNN ROBESON: You don't have to go through that part.</p> <p>25 SOO LEE-CHO: Okay. Thank you.</p>

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<p style="text-align: right;">9</p> <p>1 LYNN ROBESON: I have it in the record.</p> <p>2 SOO LEE-CHO: Okay. We -- you will hear further from</p> <p>3 our land planner, but the Applicant accepts the Technical</p> <p>4 Staff's more narrower definition of the neighborhood. And</p> <p>5 just to give you a little bit of an orientation, this is</p> <p>6 the existing conditions plan, which is Exhibit 15, already</p> <p>7 in the record. The site is shown. You've got the Nuclear</p> <p>8 Regulatory Commission to the north. There is another retail</p> <p>9 center immediately to the south of the corner. You've got</p> <p>10 Rockville Pike and there is the -- there is a Strathmore</p> <p>11 Court condominium direct to the northeast which you've</p> <p>12 already honed in on. There is an auto repair on the site.</p> <p>13 It's a highly developed, commercial area. All right. With</p> <p>14 that, I will bring up Dr. Wesson.</p> <p>15 LYNN ROBESON: Okay. You didn't bring any puppies with</p> <p>16 you.</p> <p>17 JOHN WESSON: No.</p> <p>18 LYNN ROBESON: I was kind of looking forward to it.</p> <p>19 JOHN WESSON: I would love to have brought dogs.</p> <p>20 LYNN ROBESON: Actually, they can't get through</p> <p>21 security unless they are -- go ahead.</p> <p>22 SOO LEE-CHO: Okay.</p> <p>23 LYNN ROBESON: Sorry. Please raise your right hand. Do</p> <p>24 solemnly affirm under penalties of perjury that the</p> <p>25 statements you're about to make or the truth, the whole</p>	<p style="text-align: right;">11</p> <p>1 testimony and exhibits that are to be presented today by</p> <p>2 yourself as well as others on your behalf and by any</p> <p>3 conditions that the Hearing Examiner may include in the</p> <p>4 granting of this conditional use?</p> <p>5 JOHN WESSON: Yes.</p> <p>6 SOO LEE-CHO: Okay. Will you please give us a brief</p> <p>7 description of your education and professional training?</p> <p>8 JOHN WESSON: I received my bachelor's degree at</p> <p>9 Harvard University and my doctorate of veterinary medicine</p> <p>10 at the University of California, Davis School of Veterinary</p> <p>11 Medicine.</p> <p>12 SOO LEE-CHO: Why are you seeking this conditional</p> <p>13 use?</p> <p>14 JOHN WESSON: So our goal is, in addition to providing</p> <p>15 a full-service medical facility, to provide a unique resort</p> <p>16 for dogs and cats that has been designed by veterinarians</p> <p>17 and professional trainers to meet the behavioral needs of</p> <p>18 dogs and cats. It is an experience that is unique so far in</p> <p>19 our industry and we have integrated in with the dog and cat</p> <p>20 resort, a full-service hospital, training, and grooming. We</p> <p>21 are the only facility of our kind that is open 24 hours and</p> <p>22 constantly supervised by veterinarians and by professional</p> <p>23 trainers.</p> <p>24 LYNN ROBESON: Is it your understanding that animal</p> <p>25 boarding is, for medical reasons, permitted by right for</p>
<p style="text-align: right;">10</p> <p>1 truth, and nothing but the truth?</p> <p>2 JOHN WESSON: I do.</p> <p>3 LYNN ROBESON: Okay. Go ahead Ms. Cho.</p> <p>4 SOO LEE-CHO: Dr. Wesson, can you please state your</p> <p>5 full name for the record?</p> <p>6 JOHN WESSON: My name is John O. Wesson.</p> <p>7 SOO LEE-CHO: And your address?</p> <p>8 JOHN WESSON: 10808 Fox Hunt Lane, Potomac, Maryland</p> <p>9 20854.</p> <p>10 SOO LEE-CHO: What is your relationship to the</p> <p>11 petitioner Dr. Boyd's Vet Resort?</p> <p>12 JOHN WESSON: I am the majority owner of Dr. Boyd's</p> <p>13 Veterinary Resort in Rockville.</p> <p>14 SOO LEE-CHO: So would it be --</p> <p>15 LYNN ROBESON: DBVR?</p> <p>16 JOHN WESSON: I'm sorry, yes.</p> <p>17 LYNN ROBESON: You are the majority owner of DBVR</p> <p>18 Rockville LP?</p> <p>19 JOHN WESSON: Yes, that is correct.</p> <p>20 LYNN ROBESON: Okay.</p> <p>21 JOHN WESSON: Yes.</p> <p>22 SOO LEE-CHO: So would it be fair to say that you are</p> <p>23 the petitioner in this matter?</p> <p>24 JOHN WESSON: Yes.</p> <p>25 SOO LEE-CHO: Do you agree to be bound by all the</p>	<p style="text-align: right;">12</p> <p>1 your hospital?</p> <p>2 JOHN WESSON: Yes.</p> <p>3 SOO LEE-CHO: But it's your understanding that a</p> <p>4 conditional use is required for nonmedical boarding. Is</p> <p>5 that correct?</p> <p>6 JOHN WESSON: Yes.</p> <p>7 SOO LEE-CHO: Before we get into the specifics of why</p> <p>8 here and in this facility, could you just give a little</p> <p>9 background on the mission and philosophy of Dr. Boyd's and</p> <p>10 your existing facilities out in California? Just a little</p> <p>11 background.</p> <p>12 JOHN WESSON: Absolutely. We are unique because we</p> <p>13 really -- unlike the rest of our industry, if there is --</p> <p>14 could be said to be such a thing in which hospitals have</p> <p>15 added on boarding facilities or boarding facilities exist,</p> <p>16 but without veterinarians and without trainers. We really</p> <p>17 created something unique and we remain unique right now in</p> <p>18 the industry in which we really focus on the behavioral</p> <p>19 medical needs of dogs and cats. That is, both from the</p> <p>20 standpoint of facility designed to meet their behavioral</p> <p>21 health and medical needs and also from the standpoint of</p> <p>22 operational procedures and the rigor with which we run the</p> <p>23 facility and supervise their care. And it's --</p> <p>24 LYNN ROBESON: How do you control cats?</p> <p>25 JOHN WESSON: Exactly.</p>

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4 (13 to 16)

<p>13</p> <p>1 LYNN ROBESON: I'm just saying. I have --</p> <p>2 JOHN WESSON: I know.</p> <p>3 LYNN ROBESON: Anyway, that was --</p> <p>4 JOHN WESSON: Yeah.</p> <p>5 LYNN ROBESON: I just -- I don't know. It's been a</p> <p>6 crazy morning. I didn't mean to interrupt.</p> <p>7 JOHN WESSON: No, but to fairly answer your --</p> <p>8 LYNN ROBESON: I have cats, so I --</p> <p>9 JOHN WESSON: Yes, so do I. You know, to fairly answer</p> <p>10 your question, I think that we've really had a lot of</p> <p>11 experience and expertise on how to reduce stress. And so we</p> <p>12 have an exam room, for example, that is really the feline</p> <p>13 exam room where the design of the room, the use of things</p> <p>14 like a towel warmer, the way that we've also designed the</p> <p>15 part of the building which cats can board so that they can</p> <p>16 really meet their needs. So instead of animals being</p> <p>17 confined, they can move. They can demonstrate and exercise</p> <p>18 normal behaviors as if they were home. I think that's one</p> <p>19 of the areas where we find that our guests are a lot</p> <p>20 happier and healthier than in traditional boarding</p> <p>21 facilities.</p> <p>22 LYNN ROBESON: Okay. Good.</p> <p>23 SOO LEE-CHO: Can you tell us a little bit about your</p> <p>24 California facilities?</p> <p>25 JOHN WESSON: Yes. So the first facility in San Diego</p>	<p>15</p> <p>1 SOO LEE-CHO: And just very quickly; can you give us a</p> <p>2 sense of the sizes of the two California facilities and the</p> <p>3 number of animals that you manage? Just as a comparable to</p> <p>4 what we are proposing here in Rockville.</p> <p>5 JOHN WESSON: Yeah. So the San Diego facility is</p> <p>6 smaller. It's closer to 8000 square foot. The Irvine</p> <p>7 facility is quite a bit bigger at almost 25,000 square</p> <p>8 feet, whereas here, we are closer to 12,500 square feet.</p> <p>9 One of the really wonderful things about the Rockville</p> <p>10 facility is two-parted. One is that we've been able to</p> <p>11 benefit when it came time to design the facility. And we</p> <p>12 already had the operational protocols and procedures had</p> <p>13 reached a really mature state with -- and we really</p> <p>14 benefited from the experience of our California operations.</p> <p>15 But when it was time to design Rockville facility, we also</p> <p>16 benefited from all the lessons learned on exactly how</p> <p>17 things should flow and be laid out. And so to go back to</p> <p>18 the earlier question, in the Irvine facility, the maximum</p> <p>19 capacity is slightly greater. For instance, say</p> <p>20 Thanksgiving or Christmas holiday when we reach maximum</p> <p>21 capacity there is probably -- there is well over 200 dogs</p> <p>22 possible, dogs and cats possible in Irvine. I don't know</p> <p>23 the exact number down in San Diego. It's quite a bit</p> <p>24 smaller. I don't think that they can quite exceed 100 dogs</p> <p>25 because it's simply a smaller facility. But when we set out</p>
<p>14</p> <p>1 opened in December 2011, so it's over 5½ years old. The</p> <p>2 second, in Irvine, California, about an hour north, opened</p> <p>3 in December of 2014. And in each case, I think that both</p> <p>4 facilities were strongly embraced by their surrounding</p> <p>5 communities because our offering is unique. Everything from</p> <p>6 not only the experience that everyone has when they are</p> <p>7 there, but also our accessibility and our transparency. In</p> <p>8 other words, people can come in 24 hours a day to drop off</p> <p>9 and pick up. Staff are there to supervise 24 hours a day.</p> <p>10 Doctors are on call 24 hours a day. In fact, I think what's</p> <p>11 really interesting about this unique model when we first</p> <p>12 got it off the ground, is the degree to which even a</p> <p>13 nonmedical boarder is under medical supervision because we</p> <p>14 are still looking at how they are walking when they come</p> <p>15 through the door and what their skin and eyes and ears look</p> <p>16 like. We pay incredibly close attention and document what</p> <p>17 percentage of every meal they eat and whether or not a</p> <p>18 doctor needs to take a look at them while they are staying</p> <p>19 even if when they arrived they were a nonmedical boarder</p> <p>20 because they didn't require a doctor's exam or vaccination</p> <p>21 or a test. So I think that the quality of the experience</p> <p>22 that we provide is unique and I think that in those</p> <p>23 markets, we remain -- there is no direct competitor because</p> <p>24 no one really offers the experience or the facility or the</p> <p>25 supervision that we have.</p>	<p>16</p> <p>1 to design Rockville, one of the wonderful things was that</p> <p>2 with this completely open floor plan, which we've not had</p> <p>3 at the two California facilities; there were a lot of</p> <p>4 design constraints, a lot of spaces that couldn't be</p> <p>5 changed and walls that cannot be moved. We had a wonderful</p> <p>6 blank slate with the open floor plan of the previous</p> <p>7 Staples store. And we are really able to do the things</p> <p>8 we've always wanted to do with everything we've learned</p> <p>9 over the last five years.</p> <p>10 SOO LEE-CHO: And what brings you to the East Coast?</p> <p>11 JOHN WESSON: So I've lived here for the last seven</p> <p>12 years; a little over seven years. My wife's family are all</p> <p>13 here. So family drew us to the area. It's sort of a natural</p> <p>14 place for us to live as well. In fact, my -- John Boyd, my</p> <p>15 business partner, asked me repeatedly after I moved here to</p> <p>16 move back to California to partner with him in this new</p> <p>17 resort concept and I finally convinced him that this was --</p> <p>18 that I needed to bring the operation out here and that we</p> <p>19 needed to offer this in this county in this area and that I</p> <p>20 was personally committed to living here and that I thought</p> <p>21 this was a wonderful model to which no one offered even a</p> <p>22 close facsimile. It would be really great thing to bring to</p> <p>23 this area.</p> <p>24 SOO LEE-CHO: And you entered into a long-term lease</p> <p>25 with the landlord of the property Saul (phonetic) Centers</p>

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5 (17 to 20)

<p>17</p> <p>1 Inc.</p> <p>2 JOHN WESSON: Yes, we have.</p> <p>3 SOO LEE-CHO: And what is the term of that lease?</p> <p>4 JOHN WESSON: Ten years with the option to extend and</p> <p>5 it's been successful.</p> <p>6 SOO LEE-CHO: Is the unit, the tenant space,</p> <p>7 identified on the conditional use site plan?</p> <p>8 JOHN WESSON: Yes, it is.</p> <p>9 SOO LEE-CHO: And that's the area identified in red on</p> <p>10 the first sheet of the conditional use plan site?</p> <p>11 JOHN WESSON: Yes, it is.</p> <p>12 SOO LEE-CHO: This is the updated set. Did you want to</p> <p>13 enter this as an exhibit?</p> <p>14 LYNN ROBESON: Oh, yes. Wait (inaudible) from the</p> <p>15 motion to amend? I think it's already in the record. Let me</p> <p>16 just get the exhibit number for the -- so the transcript</p> <p>17 knows what we are talking about.</p> <p>18 SOO LEE-CHO: I see Exhibit 31 as a letter to you</p> <p>19 regarding the modification, but the subsection just says</p> <p>20 landscape plan and the (inaudible) for some reason.</p> <p>21 LYNN ROBESON: Okay. Well, then we better add it. So</p> <p>22 --</p> <p>23 SOO LEE-CHO: I did not -- submitted this in</p> <p>24 (inaudible)</p> <p>25 LYNN ROBESON: Okay. So you didn't -- so let's call --</p>	<p>19</p> <p>1 JOHN WESSON: Yes.</p> <p>2 LYNN ROBESON: The convalescent or --</p> <p>3 JOHN WESSON: Mm-hm [affirmative].</p> <p>4 LYNN ROBESON: Okay. All right.</p> <p>5 JOHN WESSON: Yes, I consider -- whether a dog is a</p> <p>6 patient or a guest, I count them all, absolutely. So we</p> <p>7 provide the full scope of services and then some, that any</p> <p>8 veterinary hospital would provide. On top of that, we</p> <p>9 provide daycare and boarding for dogs. Boarding for cats.</p> <p>10 We have a full-time trainer which is a very important</p> <p>11 differentiator. We have a full-time bathing and grooming</p> <p>12 Staff as well.</p> <p>13 SOO LEE-CHO: Will the animals be allowed to run,</p> <p>14 walk, or exercise outside of the designated outdoor play</p> <p>15 area?</p> <p>16 JOHN WESSON: No, they will not.</p> <p>17 SOO LEE-CHO: And would a conditional approval that</p> <p>18 limits the outdoor exercise to that designated area and not</p> <p>19 beyond the vet area and in the parking lot be acceptable to</p> <p>20 you?</p> <p>21 JOHN WESSON: Yes.</p> <p>22 LYNN ROBESON: I did have a question. You have -- I</p> <p>23 don't know if you're going to testify as to the operations,</p> <p>24 but there is a condition in the Staff Report saying no more</p> <p>25 than two people leave in the peak period. Typically, when</p>
<p>18</p> <p>1 let's change it. Strike the vicinity map and will call it</p> <p>2 -- what was this sheet? Revised Sheet 1?</p> <p>3 SOO LEE-CHO: Revised -- well, all three -- we just</p> <p>4 provided this set.</p> <p>5 LYNN ROBESON: Okay. A revised conditional use plan.</p> <p>6 SOO LEE-CHO: Yes. Plan set. So revised conditional</p> <p>7 use plan set.</p> <p>8 LYNN ROBESON: Okay.</p> <p>9 SOO LEE-CHO: So there are three sheets and then set.</p> <p>10 That will be Exhibit 31B.</p> <p>11 LYNN ROBESON: Okay. I have that. Yes, I don't know</p> <p>12 why it was marked as -- I have it. Okay. So that's correct.</p> <p>13 SOO LEE-CHO: All right. So you've provided a lot of</p> <p>14 information already that I had. Okay. Did we already cover</p> <p>15 the general scope of services that you intend to provide?</p> <p>16 JOHN WESSON: So the full scope of services beginning</p> <p>17 with the hospital; we are a full-service, fully equipped</p> <p>18 hospital so we provide wellness care, we provide surgery,</p> <p>19 dentistry, imaging both general and dental imaging and</p> <p>20 thermal imaging. We provide rehabilitation including</p> <p>21 therapeutic laser. We provide convalescent care so dogs who</p> <p>22 are recovering from surgery. We do provide hospitalized</p> <p>23 care as well.</p> <p>24 LYNN ROBESON: Are they counted as part of the dogs</p> <p>25 within the boarding facility?</p>	<p>20</p> <p>1 we have traffic issues like that, we make a condition</p> <p>2 setting Staff shift times. So are you -- now, I can't</p> <p>3 remember the exhibit that lists your Staff shift times.</p> <p>4 Maybe it's the traffic statement.</p> <p>5 MALE VOICE: Yes.</p> <p>6 LYNN ROBESON: But are you -- do you agree to a</p> <p>7 condition if -- of approval binding you to those staffing</p> <p>8 shifts?</p> <p>9 JOHN WESSON: Yes, and I think actually the best --</p> <p>10 yes, as a simple answer. And to expand on that a little</p> <p>11 bit, our shifts, because we are a 24-hour facility and</p> <p>12 because our clients; we noticed this very early in the</p> <p>13 operation in California because we were the first to offer</p> <p>14 only 24-hour operation and supervision, but also, in</p> <p>15 addition to that, 24-hour drop off and pick up. You can</p> <p>16 pick up or drop off at any hour with no penalty or no extra</p> <p>17 fee and that's completely unique. And so what we quickly</p> <p>18 found when we begin operating in California, everybody --</p> <p>19 all of our clients immediately understood what that meant</p> <p>20 and suddenly we had lots of people wanting to drop off at</p> <p>21 5:00 and 6:00 in the morning on the way to the airport or</p> <p>22 work, wanting to pick up after dinner; things like that. So</p> <p>23 my morning Staff starting time is 6:00 a.m. and my evening</p> <p>24 Staff work until 10:00 p.m. So our normal -- we've had to</p> <p>25 Staff for the way the world has responded to our business</p>

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6 (21 to 24)

<p>21</p> <p>1 model and so we, I think, can easily conform with that 2 requirement because that's how we actually run our business 3 because we need -- I need all of my Staff turning over at 4 off-peak times in order to operate. 5 LYNN ROBESON: Okay. Thank you. 6 SOO LEE-CHO: And just to clarify, when you say off- 7 peak, do you mean off-peak in terms of standard trip 8 generation peak periods or your operational peak periods? 9 JOHN WESSON: I mean in terms of the standard traffic 10 footprint, yes. 11 SOO LEE-CHO: Okay. Why don't we talk a little bit 12 about the outdoor yard and how you would intend to use and 13 manage the yard? First, in terms of the number of animals 14 and how many rotate. And then we will take care of the 15 waste management separate. 16 JOHN WESSON: Okay. So all of the yards, whether they 17 are the two main indoor yards -- there is actually three 18 indoor yards that -- shall I go to the diagram? 19 LYNN ROBESON: Let me -- 20 SOO LEE-CHO: If I could introduce a new exhibit at 21 this point to assist; this shows a bit of the site, but 22 it's the layout internally of both the indoor facility and 23 that this is the outdoor yard. 24 LYNN ROBESON: Okay. And so that would be 34. And how 25 would you describe that?</p>	<p>23</p> <p>1 -- let me back up. When a dog first arrives, has come to 2 our facility for the very first time, that dog is something 3 that we call a playtime cycle dog and this is a program 4 that John Rubin, our chief safety and training officer, has 5 created. That dog arrives as an unknown quantity. We don't 6 know how socialized that dog is, how appropriately behaved 7 around other dogs, people, respond to stimuli. So you can 8 essentially say that all dogs arrive sort of on probation 9 and our full-time trainer has to evaluate them and 10 determine that they show appropriate etiquette to be around 11 other dogs and to be exposed to time in the yard. And so 12 once a dog passes that evaluation test, which takes time. 13 It's a slow deliberate process. And sometimes people call 14 us to say, why is -- why did my dog only spend half the day 15 doing the activity that was expected of him? Because it 16 took that much time to methodically evaluate the dog and 17 make sure that we were characterizing it correctly and 18 placing it where it belongs. So these yards can be used for 19 anything from playgroups, when we are allowed to have a 20 full scale daycare operation, which boarders also 21 participate in once they've been screened. We can also use 22 it for training and rehabilitation or just basic exercise 23 if the dog is boarding, is not able to be with other dog, 24 but is taken out to get some exercise to get his wiggles 25 out, and be able to go to the bathroom, things like that.</p>
<p>22</p> <p>1 SOO LEE-CHO: The floor plan exhibit. 2 LYNN ROBESON: Why don't we start again? 3 JOHN WESSON: Okay. So referring to Exhibit -- 4 LYNN ROBESON: I'm sorry it's -- okay. You've marked 5 it. Okay. Thank you. 6 JOHN WESSON: Referring to Exhibit 34, this is a 7 layout of our facility that we created for our website as a 8 virtual tour. And so when you look here on the northeastern 9 corner of the indoor floor plan, you see two big yards that 10 we call rehab and training one and two. Then a smaller yard 11 towards the eastern side of the building called the 12 breakout yard. So this is the main indoor yards. So the 13 activities that would occur and there would be things like 14 rehabilitation sessions, training sessions. For instance, 15 we will eventually have, for rehabilitation, a water 16 treadmill in there, which is a wonderful tool. So dogs are 17 -- 18 LYNN ROBESON: You gotta love it. 19 JOHN WESSON: It's wonderful. People love watching it. 20 LYNN ROBESON: Can I go there? 21 SOO LEE-CHO: Yeah. Nobody drops off for that. 22 Everybody was to watch the water treadmill because it's so 23 neat. Because it has Plexiglas wall so you can see the 24 walking in the water, say you are recovering from a knee or 25 hip surgery. So to be -- for a dog to be in an indoor yard</p>	<p>24</p> <p>1 The two outside yards, which are not yet built, would have 2 very similar purposes. The benefit of the outside yards is 3 if you look around the entire perimeter of the outside 4 yards, which are the northeast corner of our property, you 5 will see really small, rectangular spaces with little gates 6 going into them, and we call those breakout yards as well. 7 So a trainer, for example, could be working with dogs and 8 rotate them in and out of the main yard as part of a 9 training session. It's an area that dogs can also go to if 10 they need to rest for a minute. And so the way the yards 11 are supervised is, in a simple scenario, if you have a 12 group of dogs playing together; so maybe there are 2 dogs, 13 10 dogs playing together. We are watching them carefully 14 because the yards are supervised 100 percent of the time. 15 No dog is outside of its bedroom unsupervised. It's either 16 on a leash or it's in the space directly supervised by a 17 trained person. And again, that person's been trained -- 18 LYNN ROBESON: How many -- when you are at the maximum 19 level outdoors; I think it's 60; how many Staff do you have 20 supervising? 21 JOHN WESSON: It will scale. You'd be surprised 22 though, that a group of dogs -- 60 is a theoretical maximum 23 for this size space. As a practical matter, that's not a 24 number to expect on a regular basis. We tend to rotate dogs 25 in small groups. Let them play together. Go have a rest.</p>

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7 (25 to 28)

<p>25</p> <p>1 Bring in another small group. Play for a while. Go have a 2 rest. Maybe time to eat. Things like that. Or have other 3 services in the facility. And for a group of dogs that is 4 -- all of whom have been screened to be socially compatible 5 with one another, in many cases, only one or two people can 6 supervise them because the etiquette is completely normal. 7 They are calm. They are quiet. They're social together. 8 They might as well be from the same family. They are all 9 displaying perfect behavior. Whenever a dog gets out of 10 line, they are immediately removed from the group. And that 11 can be permanent and refer to the trainer, or it can be 12 temporary to go have a rest and kind of calm down or catch 13 their breath, literally. I also carefully screen who can go 14 outside because -- part of that is medical. There are dogs 15 with various conditions who simply can't go outside unless 16 it's 65 degrees with no humidity. So there are a lot of 17 dogs, who for medical reasons, I will never allow outside. 18 There are also dogs who, for behavioral reasons, I will 19 never allow outside. And the dogs who need training and 20 need any attention from us to enforce proper etiquette, 21 have to stay indoors. 22 LYNN ROBESON: Okay. 23 SOO LEE-CHO: So based on the other locations of Dr. 24 Boyd's in California, can you generally describe what a 25 person might see or hear in the outdoor yards based on what</p>	<p>27</p> <p>1 have a calm, easy to manage etiquette because it is a 2 neutral space. All of the Staff, we all we wear black 3 scrubs. Everyone wears black from head to toe. The dogs are 4 also conditioned to our appearance. So even though a dog 5 might know me, a group of dogs my know me, if I walk in 6 like this, that might set up. Apparently, the clothes 7 really do make the man because they really do react 8 differently if I have to walk a plumber through the 9 building or if you come and you said I would really love to 10 see what it looks like back there and you're not sort of in 11 all black -- because I actually gave someone a tour for the 12 facility. She happened to be wearing all black that day and 13 the dogs almost just calmly moved past her like she was 14 Staff. It was really interesting. So that's sort of how -- 15 it's natural I guess is what I want to say, that the dogs 16 display this appropriate etiquette on neutral ground when 17 they've all been screened to be in social groups together. 18 LYNN ROBESON: Okay. 19 SOO LEE-CHO: Can you speak to waste management 20 practices? 21 JOHN WESSON: Absolutely. 22 SOO LEE-CHO: Both indoor and outdoor and what you 23 plan to do for the outdoor in particular. 24 JOHN WESSON: Absolutely. We will actually treat them 25 the same way. So in the indoor facility, we pick up</p>
<p>26</p> <p>1 you just described as your policies? 2 JOHN WESSON: Absolutely. So usually, for instance at 3 our Irvine, California facility, the play yards are 4 actually watched by WebCams. My entire facility is watched 5 by WebCams, but in Irvine, California, the WebCams that 6 monitor the play yards are also streamed to the website so 7 people will watch their dogs play during the day. And what 8 you see when you watch that video, which is the same as if 9 you are to visit the facility, is that you see dogs; some 10 of them are trotting around with each other. Some of them 11 are playing. A lot of them are walking. We also have play 12 structures where a lot of them are up just watching. A lot 13 of them are on trampoline beds resting together. It's a 14 very calm kind of thing. It's generally not rambunctious. 15 It's a lot more like a cocktail party then an athletic 16 event. You know what I mean? 17 LYNN ROBESON: I really want to go so I know -- 18 JOHN WESSON: Yeah. So that's what you see. And these 19 dogs, it's really interesting, these dogs are conditioned 20 -- first of all, they've been screened, but they are also 21 conditioned that this is, I believe the best word is 22 neutral territory. So for the dogs this is a safe place. 23 None of the dogs in that yard owns the yard. It's not his 24 yard. It's a shared space. So this is not his yard at home. 25 This is not his living room at home and so the dogs here</p>	<p>28</p> <p>1 immediately. And so a dog does anything on the floor 2 anywhere, it's immediately picked up. And so one of the 3 features that everyone remembers and photographs when they 4 see the design of indoor yards, is that -- I'm pointing 5 right now at the northern border of the building, the wall, 6 in Exhibit 34, where the indoor yards one and two meet. 7 LYNN ROBESON: And the indoor yards have the orange 8 kind -- are colored in the orange? 9 JOHN WESSON: Oh, yeah. The floor has a stain -- 10 LYNN ROBESON: Just for the record. 11 JOHN WESSON: Yes. 12 LYNN ROBESON: I'm pointing out what you are pointing 13 out. 14 JOHN WESSON: That's correct. Yeah, the background 15 color here is that orange-tan color. On the diagram, two 16 sort of notional play structures have been drawn. So right 17 at the northern wall at the very center between those two 18 yards, there is a tiny fenced in vestibule where there is a 19 mop sink which everyone would expect to see, and a normal 20 toilet, which not everyone would expect to see. And we have 21 found with experience, that by far the best way to 22 eliminate waste is to put it in a toilet and flush it. So 23 we don't store waste. A lot of places have a bag, a bucket, 24 trashcan, what have you. So we immediately remove waste. We 25 spot clean. So we use something called Cintas [phonetic]</p>



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<p style="text-align: right;">29</p> <p>1 Neutral which is a pH neutral disinfectant that kills all 2 of the bacterial and viral pathogens of interest to me and 3 my guests and it's very safe. So you mop or use an auto 4 scrubber. We have an auto scrubber machine that cleans all 5 the floors of the facility. Then the scooper, if you will, 6 is cleaned in the same disinfectant and then rests in a 7 bucket of disinfectant. So waste and odors are immediately 8 removed. And what we don't do, is have sort of a scheduled 9 cleaning time. We clean nonstop. And the outdoor yards will 10 also be cleaned. The company that makes the large auto 11 scrubber that does the entire interior, makes a smaller one 12 that's more suited to the arrangement of the outdoor space. 13 And so it's immediate spot cleaning. What we don't do that 14 you will see and a lot of animal shelters that we've found 15 is a poor way of cleaning, is take a hose and hose down the 16 entire area because it sounds thorough, but actually you're 17 spreading things. We prefer to clean up on the spot. So the 18 outside yard will be exactly as if it was the inside yard. 19 We will have a concrete surface. 20 LYNN ROBESON: So it's going down the public sewer 21 rather than -- 22 JOHN WESSON: It goes to the sewer. 23 LYNN ROBESON: Run off. 24 JOHN WESSON: That is correct. That is correct. The 25 only thing that will ever run off is clean rainwater when</p>	<p style="text-align: right;">31</p> <p>1 down, scrubs, sucks it all back up, and then all that goes 2 to sewer and it leaves a walkable service behind it. It's a 3 remarkable machine. 4 LYNN ROBESON: Okay. 5 SOO LEE-CHO: And just to -- for the outdoor yard, 6 hours of operation? 7 JOHN WESSON: Yes, by -- 8 SOO LEE-CHO: Can you state operation? 9 JOHN WESSON: Yes, we would be out there after 7:00 10 a.m. and in before 9:00 p.m. 11 SOO LEE-CHO: How would the medical waste; I assume 12 you have some medical waste that you handle for the 13 facility? 14 JOHN WESSON: Yes, we do. Yeah, it's a standard 15 procedure in the hospital. We have special, heavy-duty, 16 red, plastic containers that you would see in any medical 17 facility called sharps containers. I have a contractor 18 whose courier comes and takes it to a licensed incineration 19 facility. So all biohazard, everything is disposed of as it 20 would be in any hospital. 21 SOO LEE-CHO: And will you be providing supplies 22 typically sold as part of a vet practice at this location? 23 JOHN WESSON: The only products that we sell are 24 prescription diet. So there are special canine and feline 25 diets made by three manufacturers that are only to treat</p>
<p style="text-align: right;">30</p> <p>1 it rains, but we pick up and spot clean immediately. For 2 us, the place -- we also have, in the indoor, constant 3 fresh air. We don't recirculate air. And so the idea is 4 that anyone should be able to walk in any time and it will 5 look and smell clean. And the only way to do that is to 6 immediately spot clean everywhere. 7 LYNN ROBESON: Okay. 8 JOHN WESSON: And dispose. 9 SOO LEE-CHO: I'm not proffering this unless you are 10 interested. These are just auto scrubber information if you 11 would like. 12 LYNN ROBESON: Oh, let's take it in. Actually, it 13 wasn't concern for technical study. 14 JOHN WESSON: And the SDS sheets can -- the data 15 sheets for the Cintas Neutral can be provided as well. That 16 document -- shall I hand this to you? 17 LYNN ROBESON: Yes. Thanks. 18 JOHN WESSON: That -- 19 LYNN ROBESON: This will be 35 and I will call it spot 20 scrubber specs. 21 JOHN WESSON: These are wonderful because they -- each 22 one can do its entire assigned area on a battery charge. 23 There's no cords. The Staff actually argue over who gets to 24 use it and the neutral cleaner that we use is loaded into 25 that. If it's cleaner down. If put's water and cleaner</p>	<p style="text-align: right;">32</p> <p>1 medical conditions and can only be obtained by prescription 2 from a veterinarian and those are the only products that we 3 sell. 4 SOO LEE-CHO: You've already indicated the animal 5 boarding operation is 24 hours. What are the hours of 6 operation for the vet hospital? 7 JOHN WESSON: The hospital's office hours, if you want 8 to see a veterinarian, or Monday through Saturday from 9:00 9 a.m. until 6:00 p.m. 10 SOO LEE-CHO: And is that by appointment only? 11 JOHN WESSON: We do see walk-ins. Most of our 12 businesses is by appointment, but we will see walk-ins, 13 absolutely. 14 SOO LEE-CHO: Do you have a sense of how, 15 percentagewise, when you are in full operation, how much 16 are appointments and how much are -- do you have in terms 17 of drop in? 18 JOHN WESSON: Absolutely, I do. So at the moment, 19 since we're essentially a veterinary hospital right now, 90 20 percent of the doctor visits that we see every day are by 21 appointment. We -- 22 LYNN ROBESON: How are the appointments based? 23 JOHN WESSON: You mean someone will call on the phone 24 and it's -- 25 LYNN ROBESON: No.</p>

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<p>33</p> <p>1 JOHN WESSON: Sorry.</p> <p>2 LYNN ROBESON: I mean when you schedule appointments,</p> <p>3 like most medical clinics, they space them -- well, some</p> <p>4 space them 15 minutes apart.</p> <p>5 JOHN WESSON: We do 20, 40, and 60-minute</p> <p>6 appointments. For a new patient that we've never seen</p> <p>7 before, for routine exam, or an illness consult, it will</p> <p>8 generally be 40 minutes. A 20-minute appointment would</p> <p>9 usually be something like a brief recheck as a follow-up.</p> <p>10 For instance, say to a ear or an eye treatment. That might</p> <p>11 be a 20-minute appointment. Most appointment for 40 minutes</p> <p>12 and 60 as needed.</p> <p>13 LYNN ROBESON: The only reason I ask, and this is for</p> <p>14 the -- whoever is going to testify on adequacy of parking:</p> <p>15 you are within the range, but you also have to show that</p> <p>16 the number of parking spaces, the 95, is adequate to serve</p> <p>17 all the users on the site. So that's why I was asking about</p> <p>18 the timing of the visits.</p> <p>19 JOHN WESSON: I think another -- I think the second</p> <p>20 part of that then, is that in California, where -- so I</p> <p>21 spent half of every month from July of 2016 until January</p> <p>22 of 2017, as one of the veterinarians at the Irvine and San</p> <p>23 Diego, California resorts. When those facilities are</p> <p>24 running at the full capacity that we hope to run at here,</p> <p>25 on any given day, approximately -- usually a minimum of 50</p>	<p>35</p> <p>1 pilot. In naval aviation, we have a program called NATOPS,</p> <p>2 which is Naval Aviation Training and Operating Procedure</p> <p>3 Standardization. It means that if you fly a particular</p> <p>4 aircraft, no matter where you are in the world, no matter</p> <p>5 what squadron you are in, no matter who you fly with, it's</p> <p>6 learned the same way. It is fixed the same way. It's flown</p> <p>7 the same way. Everybody is on the same page and there's</p> <p>8 also a mechanism in which lessons learned are captured and</p> <p>9 spread. So if someone figure something out one day, either</p> <p>10 good or bad, that could change the way those things are</p> <p>11 done, there is a mechanism for that information to flow up</p> <p>12 the chain and then get put out everybody immediately. So we</p> <p>13 created a program that -- so my partner John Boyd liked</p> <p>14 that enough that we call it BTOPS which is just Boyd's</p> <p>15 Training and Operating Procedure Standardization. And it's</p> <p>16 quite rigorous. It's what we've done is -- before I</p> <p>17 partnered with them, we were already doing a really good</p> <p>18 job of documenting everything. So there is a checklist for</p> <p>19 every position for every part of the day. There is a list</p> <p>20 of duties and responsibilities. There is a training</p> <p>21 syllabus and there is a lot of supervision and we have a</p> <p>22 really robust structure as well. There is a general manager</p> <p>23 backed up by an assistant general manager who is underneath</p> <p>24 a director like me, veterinarian at each facility. There is</p> <p>25 a full-time training and safety officer, which again, is</p>
<p>34</p> <p>1 percent and usually upwards of 65 percent of all of the</p> <p>2 doctor's exams I performed in a given day, were drop-offs.</p> <p>3 So the dog was stopped off early in the morning for daycare</p> <p>4 or boarding and I saw it over the course of the day, but</p> <p>5 not as a schedule walk in appointment. So maybe in a full-</p> <p>6 scale boarding and day care environment, maybe only a third</p> <p>7 of my daily office visits would be with the dog or cat's</p> <p>8 owner in an exam room doing what you might call a</p> <p>9 traditional office visit. The rest of them were being seen</p> <p>10 by me over the course of their daycare or boarding stay.</p> <p>11 LYNN ROBESON: Okay.</p> <p>12 SOO LEE-CHO: I'm going to ask you next, to sort of</p> <p>13 help us understand the standardization that you've employed</p> <p>14 at Dr. Boyd's because it sounds quite standardized and I</p> <p>15 just want to understand how you control the human element</p> <p>16 to make sure that what you've described is maintained and</p> <p>17 sustained over time.</p> <p>18 JOHN WESSON: Absolutely. That's one of the most</p> <p>19 important things we do. And we created a really rigorous</p> <p>20 program so that we can not only -- so that we can only have</p> <p>21 standardization between San Diego and Irvine, which are</p> <p>22 only an hour's drive apart and therefore allow senior Staff</p> <p>23 to move back and forth for supervision, but how did we move</p> <p>24 it 3000 miles. So we created a program. I took the lead on</p> <p>25 this. My previous career, I was in the Navy and I was a</p>	<p>36</p> <p>1 unique; to have an experienced dog trainer in each facility</p> <p>2 who supervises a surprising number of aspects of the</p> <p>3 facility; how all the animals are handled, how everyone</p> <p>4 approaches them and integrates with the medical team. And</p> <p>5 then -- anyway, below the general manager, assistant</p> <p>6 general manager. We have assistant managers who cover three</p> <p>7 main areas of the facility; what we call concierges, but is</p> <p>8 most commonly regarded as reception, then the hospital, and</p> <p>9 then the resort. So what we've done is I've taken all of</p> <p>10 the documents that we've already had that describe what</p> <p>11 your checklist is, what your responsibilities are, and then</p> <p>12 procedures; how everything is done. We figure we have -- we</p> <p>13 know that this is a lot harder than it looks and we've</p> <p>14 taken a lot of time to make it look easy and to keep it</p> <p>15 flowing really well, but there is a method to it and we've</p> <p>16 found that when there is five ways to do something, usually</p> <p>17 one of those is absolutely correct and the other four cause</p> <p>18 things to go wrong. So people don't have the latitude to</p> <p>19 clean that sort of how they feel. We've figured out that</p> <p>20 there is a right way to do it is not only the most correct,</p> <p>21 but the most efficient. And we figured out patient should</p> <p>22 be checked in. How they should flow through the facility.</p> <p>23 How they should be evaluated medically, behaviorally, and</p> <p>24 so forth. And so I've taken all of that and we are</p> <p>25 integrating it into a web-based program that we've</p>

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10 (37 to 40)

<p>37</p> <p>1 developed. We learned is that because we are a unique 2 business, no one makes software to manage a business model 3 that's otherwise unique. So we use a cloud-based hospital 4 management program, but nobody out there at all makes a 5 resort management platform so we've invented it. We hired a 6 web development team and we created a software, a cloud- 7 based software package, that helps us manage the resort. 8 This program that I called BTOPS is being integrated into 9 that so that everyone has a standard syllabus they go 10 through. And so our first chance to really exercise after 11 creating it and refining in California, was with the 12 hiring, on boarding, and training of everyone for Rockville 13 where we had a discreet syllabus for everyone to go 14 through. And for that purpose, we brought John Reuben, our 15 chief safety and training officer, John Boyd, and several 16 other senior leaders from California out here to walk all 17 the new Staff through, step-by-step. So when everybody got 18 hired, they got a new hire packet by email. That wasn't 19 just the IRS forms, but also our Dr. Boyd's Basics, our 20 employee handbook, and the first couple of training 21 documents. And then at day three, they get another pile of 22 training documents. And then day five, we walk them through 23 everything including things like playacting scenarios and 24 so, how do we handle this dog? How do we then, when the 25 client comes to pick up the dog at the end of the day, give</p>	<p>39</p> <p>1 can I do for you? So we've created a virtual organization 2 both through a cloud-based phone system and software system 3 and through this BTOPS program modeled on my previous 4 career that really enforces standardization, keeps people 5 on the same page, provides a feedback mechanism because 6 people are coming up with better ideas all the time to 7 integrate. We found that standardization is absolutely the 8 only way to efficiently operate something complex with 9 multiple services and a lot of moving parts and know that 10 everybody is always on the same page. It even goes down to 11 the level of detail where if you call on the phone and say 12 I've got all the most common -- we got an FAQ of frequently 13 asked questions filed on all the websites. Well, there is a 14 few that are easy -- I've got a huge one that you could 15 just go to our website and read, but for the ones that 16 people would call about the most, I've actually got a 17 script that can be read on the phone. So if you call up and 18 say, well, my pet doesn't require canine influenza. Why do 19 you do that? Or why is your fecal test fancier and more 20 expensive than the one that my vet does? Or why do you 21 charge this? Can I get a break on that? There is a standard 22 script. So the no matter who answers the phone, no one is 23 ever winging it. There is an exact script that's meant to 24 be read naturally on the phone that explains the most 25 technically correct answer to that. So standardization goes</p>
<p>38</p> <p>1 a report card on how everything, the visit went? So we have 2 really codified it and we are now building this into our 3 online tool so that it becomes a management tool. How do we 4 manage that on a daily basis once someone is up and 5 running? So we can take anyone, screen them, hire them, and 6 plug them into a training syllabus. How do we, on a daily 7 basis, stay on top of this? So because we are a 24 hour a 8 day operation, you can't just have the morning crew and the 9 evening crew meet and talk and be done. So we have a series 10 of emails that go out to everyone every day. We have the 11 concierge news, we have the clinic news, we have the resort 12 news, and we have the general manager news. The three 13 general managers, San Diego, Irvine, and Rockville, are all 14 in constant touch. What we are working on as the next step 15 in our online school is actually create a chat channel for 16 them. But the other thing that I've told doctors that we 17 are hiring, say in California, is that maybe there is only 18 two doctors in San Diego and two in Irvine and two in 19 Rockville; that you should feel like you are part of a six 20 doctor virtual practice because we are always in touch with 21 each other. In fact, we have a phone system where if you 22 call the San Diego resort at say five in the morning 23 California time and the doctor is not there, they forward 24 the call as if it's in the same building to my desk and 25 Rockville and I can pick it up and say, hi Mrs. Jones, what</p>	<p>40</p> <p>1 down to every level of detail and that's the only way we 2 can see on the same page. 3 LYNN ROBESON: And you know, that raises a question in 4 my mind about; again, I'm back at the Staffing. It's not 5 just the hours, it's the number of people. 6 JOHN WESSON: Sure. 7 LYNN ROBESON: And you have, for the evening shift, I 8 think it's two people. Are you willing to be bound by the 9 number of employees on -- say you have the 200 dogs in the 10 peak period, is two enough, or is that going to fluctuate? 11 JOHN WESSON: Yeah, overnight, two people overnight is 12 sufficient because the dogs are not being exercised at 13 night. They are being supervised. So these are people who 14 are walking the building. They've got a to do list. There's 15 some admin to do. There's some cleaning to do. Then they 16 are making the rounds and they're just looking at all the 17 dogs to make sure everyone looks comfortable, no one is a 18 doctor to come in at 2:00 in the morning, things like that. 19 LYNN ROBESON: Okay. 20 JOHN WESSON: So the overnight Staff is primarily 21 supervisory. 22 LYNN ROBESON: Okay. 23 JOHN WESSON: Yeah. 24 SOO LEE-CHO: And just on that point, and the previous 25 question raised by the Hearing Examiner in terms of</p>

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11 (41 to 44)

<p>41</p> <p>1 adequacy of parking. It sounds to me that you have long- 2 term parkers, being your employees, and a short-term 3 parking need where you have drop-offs and appointments. So 4 in using Exhibit 34, could you indicate where you're going 5 to encourage your employees to park and where you envision 6 your short-term parking? 7 JOHN WESSON: Absolutely. So on Exhibit 34, to the 8 right side of the diagram, which is the east side, back of 9 the building, I have more than enough parking for all of my 10 Staff to park back there and enter the building. I'm 11 leaving the entire front area -- 12 LYNN ROBESON: Where is the main entrance? Is it on 13 the west side? 14 JOHN WESSON: So on the west side of Exhibit 34 where 15 you see Rockville Pike, there are two entrances to the 16 parking lot from Rockville Pike. 17 LYNN ROBESON: Yes, I see it. 18 JOHN WESSON: Then on the east side, going down to the 19 southeast corner of the property, there is a driveway that 20 goes down the back of the property to Nicholson Lane. So 21 you can enter from Nicholson Lane. You can enter and park 22 from Nicholson Lane coming from Rockville Pike. 23 LYNN ROBESON: Where is your reception area? I can't 24 -- 25 JOHN WESSON: My reception area is on the west side of</p>	<p>43</p> <p>1 very comfortable -- 2 LYNN ROBESON: I guess I was just concerned because 3 the Staff says 19 to 20. That includes the veterinary 4 clinic too? 5 JOHN WESSON: Yes. 6 LYNN ROBESON: I get it. 7 JOHN WESSON: Yes. 8 LYNN ROBESON: So how many on Staff? What's the 9 maximum Staff for the boarding facility or have you not 10 separated them? 11 JOHN WESSON: Do you mean on time at one moment or 12 total people employed by the business? 13 LYNN ROBESON: At one time. 14 JOHN WESSON: So at one time, I don't see us ever 15 exceeding 20 because -- 16 LYNN ROBESON: No, just for the boarding and care. 17 JOHN WESSON: Ah, just for the boarding and care. All 18 right. I would say that, generally speaking, if we were 19 doing boarding and daycare at full capacity right now, if 20 you walk in the door at 8:00 a.m., there will be two 21 receptionists, one of whom is doing reception work and 22 assisting with bringing dogs to and from the back. Then in 23 the back of the facility, there would be, right now, three 24 people who are responsible for what we call handling, which 25 is -- other people might call kennel technician, but ours</p>
<p>42</p> <p>1 the building shown in yellow to orange. The word concierge 2 is by a long, curved reception desk. 3 LYNN ROBESON: Okay. 4 JOHN WESSON: The main entrance to the building is 5 right where I'm pointing. Pretty much in the center of the 6 building, but on the southwestern corner of my portion of 7 the building. So the main entrance is on the front parking 8 lot of Rockville Pike. 9 LYNN ROBESON: Okay. 10 JOHN WESSON: And there is a Staff only entrance on 11 the back of the building on the east side, the northeast 12 side of the building. 13 LYNN ROBESON: Near the play area. 14 JOHN WESSON: Yes. 15 LYNN ROBESON: Okay. 16 JOHN WESSON: Yes. And we have -- I believe that we 17 have more than adequate parking for Staff in the back with 18 room to spare, and for clients in the front with room to 19 spare. 20 LYNN ROBESON: Okay. 21 SOO LEE-CHO: We stated in the statement of 22 operations, maximum capacity number for your employees. Can 23 you restate that for the record? 24 JOHN WESSON: Yes. I believe I said that 19 to 20 on- 25 site at a time was the maximum number. I think that's a</p>	<p>44</p> <p>1 do a lot more. And so we would probably need, right now, 2 maybe five people in the building for functions that 3 exclude the veterinary hospital. 4 LYNN ROBESON: Okay. I guess what I'm trying to get at 5 is, on your traffic -- now I can't find the exhibit. On 6 your traffic statement -- hold on one second. Where is the 7 revised one? Oh, here it is. You have a shift outline and a 8 shift B is your biggest shift; 1:30 p.m. to 9:30 p.m. And 9 you have a maximum of eight employees. Is that correct? 10 Because what I would do is put a condition of approval and 11 if you want to look at the exhibit, it's here. What I would 12 do is put a condition of approval saying these are your 13 shifts and the maximum number of employees on those shifts. 14 See that right there? 15 JOHN WESSON: Yes, I do. So I see where it says that 16 shift B, seven to eight Staff from 1:30 p.m. to 9:30 p.m. 17 Five, which is what I indicated would be the case if you 18 came in at 8:00 a.m. today. 19 LYNN ROBESON: Right. 20 JOHN WESSON: And shift C, two for overnight. That's a 21 pretty fair reflection. 22 LYNN ROBESON: Well, if I put it in there as a 23 condition, then it's a condition for both traffic and 24 parking. You would be bound by it. So I guess I'm saying, 25 are you willing to be bound by it?</p>

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12 (45 to 48)

<p>45</p> <p>1 JOHN WESSON: I'm trying to add up all the numbers 2 right now. 3 LYNN ROBESON: Well, why don't we do this? Here, you 4 can take this. 5 SOO LEE-CHO: I have it. 6 LYNN ROBESON: Okay. 7 JOHN WESSON: Okay. Soo has it. 8 LYNN ROBESON: I'm going to take a five-minute break 9 just to see if Staff has gone back to me about the record 10 and then we will go back on the record, okay? 11 SOO LEE-CHO: Okay. 12 (Off the record.) 13 (On the record.) 14 LYNN ROBESON: Mrs. Cho. 15 LYNN ROBESON: Ms. Cho. 16 SOO LEE-CHO: Yes. 17 LYNN ROBESON: Are the court reporters ready? Okay. 18 They're saying affirmative. We are back on the record. 19 LYNN ROBESON: Did you have the opportunity to review 20 the shifts in this statement? 21 JOHN WESSON: Yes, I did. I'm John Wesson. I did and 22 I can affirm that the report showing that up to eight Staff 23 who are boarding daycare resort Staff only is a number that 24 works for us. 25 LYNN ROBESON: And how about the other shifts? Do they</p>	<p>47</p> <p>1 JOHN WESSON: Thank you. 2 LYNN ROBESON: Mr. Nelson, please raise your right 3 hand. Do solemnly affirm under penalties of perjury that 4 the statements you are about to make are the truth, the 5 whole truth, and nothing but the truth? 6 DAVID NELSON: I do. 7 LYNN ROBESON: Okay. Before we start, Mr. Nelson has 8 testified before us as an expert, correct? 9 DAVID NELSON: Yes. 10 LYNN ROBESON: So we don't need to voir dire -- you 11 can submit the resume and that will be Exhibit 36. Now, if 12 you could remind me, I can't remember if you are a 13 transportation planner or traffic engineer or both. 14 DAVID NELSON: Actually, I would consider myself both. 15 LYNN ROBESON: Okay. I see that. Okay. Let me-- 16 then I will qualify you as an expert in transportation 17 planning and traffic engineering. 18 DAVID NELSON: Thank you. 19 LYNN ROBESON: Go ahead Ms. Cho. 20 SOO LEE-CHO: All right. Did you prepare the traffic 21 statements admitted in support of this conditional use 22 application? 23 DAVID NELSON: Yes, I did. 24 LYNN ROBESON: Can you please describe the approach of 25 method or analysis that you employed for the traffic</p>
<p>46</p> <p>1 work for you? 2 JOHN WESSON: Yes. Yes, the numbers as shown for only 3 resort Staff do work. 4 LYNN ROBESON: Okay. 5 JOHN WESSON: And I will, I believe, defer to Dave 6 Nelson, the traffic engineer, who is going to discuss this 7 in more detail. 8 LYNN ROBESON: That's fine. 9 SOO LEE-CHO: Just to clarify for the record, the 10 table shown on Page 2 of the traffic statement is intended 11 -- was intended to indicate shifts for the animal boarding 12 and care Staff only. Not necessarily -- not inclusive of 13 the vet. 14 LYNN ROBESON: I understand that. And the condition 15 will incorporate this, but only as applicable to the animal 16 boarding and care, not to the veterinary clinic. 17 SOO LEE-CHO: Right. Yes. 18 LYNN ROBESON: Okay. 19 SOO LEE-CHO: With that, I think we can ask, unless 20 the Hearing Examiner has any more questions for Dr. 21 Wesson. 22 LYNN ROBESON: No, I think I've questioned you enough. 23 SOO LEE-CHO: We can move on to Mr. David Nelson to 24 then wrap up the traffic issue. 25 LYNN ROBESON: Okay. Mr. Wesson, you may be excused.</p>	<p>48</p> <p>1 statement and your conclusions please? 2 DAVID NELSON: Does that -- does it have an exhibit 3 number? Just refer to the -- 4 SOO LEE-CHO: It is in the -- 5 LYNN ROBESON: I think it's 26B. 6 DAVID NELSON: Okay. 7 LYNN ROBESON: This document here? 8 DAVID NELSON: Yes. 9 SOO LEE-CHO: Yes, that is correct; 26B 10 LYNN ROBESON: 26B. 11 DAVID NELSON: Good. Well, two things I'm going to 12 refer to is that, 26B, and also the Staff Report. 13 LYNN ROBESON: Okay. 14 DAVID NELSON: And what happened on this case, is it's 15 kind of unique in that typically, we would be asked to take 16 a look at a site like this, confirm that it's consistent 17 with the previous approvals (inaudible) approval and as 18 long as we can show that the trips generated are less than 19 or equal to than what was previously approved, we are not 20 -- and in this case, as Dr. Wesson had pointed out, this is 21 a pretty unique use. So we spent a lot of time working 22 with him and also working with Staff to say, what's the 23 best way to evaluate is that we are all comfortable with 24 it. That's what is summarized in this -- my traffic 25 statement. So instead of reading it; there are several key</p>

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13 (49 to 52)

<p>49</p> <p>1 things I think are unique to this that I will point out. 2 Then if you have any specific questions, we can address 3 them. 4 LYNN ROBESON: Okay. Are you the person -- aside from 5 the APF, are you the person to address parking too or no? 6 DAVID NELSON: Actually Vic, Ms. Bryant will be the 7 one that does the parking causes. 8 LYNN ROBESON: Okay. All right. Okay, go ahead. 9 DAVID NELSON: Again, one of the things; typically, if 10 we have a use change we can go through-- the ITE has a 11 manual and we look at their trip rates or parking planning 12 has their own unique trip rates and we can just calculate 13 is out, write a letter, and we are done. In this case, the 14 boarding facilities are unique and more importantly, the 15 boarding facilities for Dr. Boyd's are very unique. They 16 are only-- 17 LYNN ROBESON: Within that subset. 18 DAVID NELSON: Within that subset so it's not like 19 there is a location in Baltimore, Washington, area we can 20 go look at. It's Southern California. And so we sat down 21 with Staff and said, what would be a good way to analyze 22 this. So we wanted to look at the components of traffic 23 and in this case, there are several. One of them is -- 24 that without was going to be a lot of work was the 25 employees. How do you define employees? When do they</p>	<p>51</p> <p>1 well, I guess you already did that analysis. 2 DAVID NELSON: Well, the analysis that starts on page 3 3 -- 4 LYNN ROBESON: Because they will be driving because 5 they have pets. 6 DAVID NELSON: Right. Exactly right. So that's what 7 the balance of this traffic statement discusses is how do 8 we, which is or the other uses, not employees, but you're 9 going to -- so it comes down to three primary components 10 which are shown on Page 4. You've got the hospital 11 patients, the boarding, and the daycare. The hospital 12 patients are by use, by right use. We really only looking 13 at for the numbers for the boarding and the daycare, but 14 when we analyze the site, we wanted to -- if we are 15 comparing it to what it was before, we've got to look at 16 the whole site and not just what the application is. 17 LYNN ROBESON: Right. 18 DAVID NELSON: Which is why we have the hospital 19 patients. The percentages that we have are not absolute, 20 but we -- so in general, what is the breakdown? Because we 21 have the capacity of 200 dogs, how does that breakdown 22 between these three components? So based on our discussions 23 with Dr. Wesson and Dr. Boyd, we figure about 20 percent is 24 hospital, 60 percent is daycare, and 20 percent -- I mean, 25 60 percent is boarding and about 20 percent is daycare.</p>
<p>50</p> <p>1 arrive? Would they not arrive? In this area, we spent a lot 2 of time working with clients trying to talk them -- you 3 need to adjust your employee schedules. You need to get 4 them out of their cars. In this case, before I said 5 anything, he said, well, you need to know that none of my 6 employees travel during the peak hour or the peak periods. 7 And we spent, during his testimony, we went through that. 8 There is a table on Page 2 of my report that breaks down 9 the shift operations. Basically, because it's a 24 hour 10 operation, they've adjusted their shifts so none of their 11 employees actually travel in or out during the peak hour. 12 He is willing-- I've heard that he is willing to accept 13 that as a condition. So that really makes life for me a 14 lot easier. The one thing I would note, that the Staff 15 Reports notes, that the metro's only 800 feet from here. 16 LYNN ROBESON: Right. 17 DAVID NELSON: All our talk is about cars; people 18 driving. It doesn't really apply, but it's possible that 19 their employees could ride by Metro and ride down here and 20 there would be no trips associated with that too. 21 LYNN ROBESON: I guess my question was, what about the 22 drop off and pickups? That was my question. 23 DAVID NELSON: Well, that's in -- that's what we will 24 get to. 25 LYNN ROBESON: Is it like a child care where you --</p>	<p>52</p> <p>1 One of the things we note in the report is, when the 2 boarding goes up, then they drop down on the daycare 3 because that's their primary business. So the boarding is 4 actually -- 5 LYNN ROBESON: Wait a minute. When the boarding -- 6 DAVID NELSON: When the boarding -- so in, say 7 Thanksgiving and Christmas, there may be a very large 8 demand for boarding. 9 LYNN ROBESON: Yes. 10 DAVID NELSON: So instead of 60 percent, it might be 11 80 percent. 12 LYNN ROBESON: I see. 13 DAVID NELSON: And when that happens, they say, well, 14 we can take many daycare dogs. 15 LYNN ROBESON: What's daycare? 16 DAVID NELSON: That's a dog that comes, gets dropped 17 off sometime during the day, and is picked up during the 18 day. 19 LYNN ROBESON: I see. Okay. I get it. I'm sorry. 20 DAVID NELSON: Right. So that's the two -- that's the 21 difference between those two. Daycare is a dog is there 22 for a 24-hour period. 23 LYNN ROBESON: I understand. Okay. 24 DAVID NELSON: Well, one of the things unique to this, 25 which I didn't understand up front, is I usually think of</p>

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14 (53 to 56)

<p>53</p> <p>1 daycare like for my kids we drop them off before you go to 2 work in you pick them up at night. Daycare for this use, 3 which again is unique, it's a 24-hour period. So you could 4 drop your dog off at noon one day and pick them up before 5 noon the next day. That's one day. That's not two days 6 like it would be for -- 7 LYNN ROBESON: Right. 8 DAVID NELSON: In the same thing with boarding. So 9 the boarding can actually be three days, four days, six 10 days, whatever. 11 LYNN ROBESON: I see. 12 DAVID NELSON: So that's the difference between the 13 two components. 14 LYNN ROBESON: Do you have any documentation about how 15 these trips are distributed in terms of time? Not 16 directionally? 17 DAVID NELSON: Well, we don't and that was something 18 that we were trying to keep the work level consistent with 19 the scope of what we are trying to prove. So that's why we 20 set out with Staff and said, what's a good way to do this. 21 So we took the basic breakdown of the components, the 22 boarding, the daycare, and hospital care, and we developed 23 what -- and because it's a 24 hour operation for two of 24 them and it's a 9 hour operation for the hospital. So 25 what's the average cost prohibitive the number of dogs and</p>	<p>55</p> <p>1 LYNN ROBESON: For daycare, do you recall the 2 standard; like child day care. Not dog daycare. For child 3 day care, do remember the -- there is a standard deduction 4 for pass by trips. I think it's 20 percent. 5 DAVID NELSON: I believe you are right. I don't know 6 exactly, but again, we didn't take the deduction for that 7 in our analysis, but we are noting that it -- we certainly 8 expect it. 9 LYNN ROBESON: Right. 10 DAVID NELSON: I really don't think personally or 11 professionally, that I would just drive there during the 12 peak hour if I didn't have to. That's one of the benefits 13 of this specific use is that there are no time constraints. 14 You don't have to; I've got to leave work today because I 15 got to get to my dog before 6:00. You can get there at 16 8:00 at night. You can get there 2:00 in the morning. 17 LYNN ROBESON: Right. 18 SOO LEE-CHO: And you also have -- I mean there's a 19 lot of users in this area weather is doctors and nurses 20 that work shift. There's a lot of shift operations. There 21 are people that -- they are coming back from their flight 22 and they stop and they pick up their dog. Most of the 23 boarding facilities, you have to wait the next day to come 24 get them. Their experience, based on my discussions Dr. -- 25 is they don't. They come and get the dog. That is one of</p>
<p>54</p> <p>1 the trips on the divided it by 24 hours, they breakdown 2 over certain number of -- an average for the day. We know 3 that it doesn't do that. So during the peak hours we said 4 we're going to assume 50 percent of that increase to give 5 us kind of a comfort factor on what happens during the peak 6 hours versus the nonpeak hours. So again, it's not 7 typical, but -- so we work with -- again, we spent a lot of 8 time with Staff saying, this is what we're going to do. 9 One of the things that gives us a feeling of comfort, 10 because we are saying this is what we expected the trips to 11 be, there are several things that in a normal traffic study 12 we would have used as deductions on the trips. In this 13 case -- 14 LYNN ROBESON: Like causeway? 15 DAVID NELSON: Like intercept trips or pass by trips. 16 If you are traveling to this site, say during 8:00 in the 17 morning, chances are, it's going to be a pass by trip. 18 It's on somebody going to be sitting at home and go, I'm 19 going to drive down Rockville Pike and got my dog off at 20 8:00 in the morning and go back home. It's going to be 21 somebody that maybe is to the south saying I'm going to 22 come, drop my dog off, and then I'm going to keep going to 23 work. So pass by trips is exactly right. Somebody that's 24 already on the road, they're just choosing to make that 25 trip.</p>	<p>56</p> <p>1 the main incentives that they offer that a lot don't. So 2 between -- again, we factored it up, came up with what we 3 considered a conservative number, and then keep in mind 4 that we didn't look at intercepts we didn't take into 5 account anybody because the White (inaudible) change 6 there's an awful lot of people that walk. 7 LYNN ROBESON: Right. 8 DAVID NELSON: When I just came through there this 9 morning, there were six people walking their dogs in this 10 area. So it wouldn't be unheard-of or unexpected to think 11 somebody's going to come and they are going to walk their 12 dog to daycare and back. We didn't deduct for that. We 13 didn't deduct for -- we assume that the boarding turns over 14 every day for the analysis. In reality, the board is going 15 to turn over maybe three, four, five days. So instead of 16 the 200 dogs turning over every 24 hours, it would be more 17 like maybe 60 to 70 percent turning over every hour -- 18 every day. So we felt comfortable that the numbers we have 19 -- and the main thing we had to prove is it's less than 20 what the previous use was and we looked at that as a 21 specialty retail and we are confident that it's below that 22 and Staff, when they did their analysis, concluded the same 23 thing. 24 LYNN ROBESON: Okay. All right. That is helpful. 25 Thank you.</p>

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15 (57 to 60)

<p>57</p> <p>1 SOO LEE-CHO: Okay. Thank you. The only thing that I 2 would ask in conclusion then, is for you to help us with 3 one of the required general findings for the approval on 4 this conditional use. So based on all that you said and 5 based upon the analysis that you've conducted for Dr. 6 Boyd's, in your professional opinion, will this proposed 7 use be served by adequate public services and facilities, 8 in particular, the public roads? 9 DAVID NELSON: Yes. 10 LYNN ROBESON: Okay. I just wondered if I could -- 11 you listed three things I think that made sure conclusions 12 conservative. One was you didn't deduct for pass time. 13 You assumed boarding -- 14 SOO LEE-CHO: Pass-by times. 15 LYNN ROBESON: Pass-by and I'm sorry, yeah. I love 16 this dog place. You assumed boarding, they would come and 17 pick up every day. What was the third thing? Do you 18 recall? I'll get it from the transcript. 19 DAVID NELSON: Well, we didn't include anybody that 20 would walk. 21 LYNN ROBESON: Oh, that's right. 22 DAVID NELSON: A pedestrian or metro. 23 LYNN ROBESON: All right. That's helpful. 24 DAVID NELSON: Okay. 25 LYNN ROBESON: All right. Thank you.</p>	<p>59</p> <p>1 SOO LEE-CHO: What is your role and title at Dr. 2 Boyd's? 3 JOHN RUBIN: I am the chief safety and training 4 officer. 5 SOO LEE-CHO: How long have you been with Dr. Boyd's? 6 JOHN RUBIN: Since the beginning which would be -- the 7 first resort opened in 2011, but I started working with 8 them on these resorts in 2010. 9 SOO LEE-CHO: Okay. Ms. Robeson -- 10 LYNN ROBESON: Are you asking to qualify him as an 11 expert? 12 SOO LEE-CHO: I would like to attempt to because I do 13 believe he does qualify based on his experience. 14 LYNN ROBESON: Okay. 15 SOO LEE-CHO: Behavior -- 16 LYNN ROBESON: Do I have his resume? 17 SOO LEE-CHO: I have it here. 18 LYNN ROBESON: Okay. Why don't you bring that up? 19 That will be 37. Thank you. And what is the expertise 20 you're trying to -- 21 SOO LEE-CHO: Canine behavioral science. 22 LYNN ROBESON: Science? 23 SOO LEE-CHO: Yes. 24 LYNN ROBESON: Okay. And what qualifies you to be an 25 expert in that field, education?</p>
<p>58</p> <p>1 DAVID NELSON: Thank you very much. 2 LYNN ROBESON: You may be excused. 3 DAVID NELSON: Thanks. 4 SOO LEE-CHO: Next, I would ask John Rubin to join me. 5 LYNN ROBESON: Okay. How do you spell your last name 6 Mr. Rubin? 7 JOHN RUBIN: R-U-B-I-N. 8 LYNN ROBESON: Okay. Please raise your right hand. 9 Do you solemnly affirm under penalties of perjury that the 10 statements you are about to make are the truth, the whole 11 truth, and nothing but the truth? 12 JOHN RUBIN: I do. 13 LYNN ROBESON: Thank you. 14 SOO LEE-CHO: Again, Mr. Rubin, John, can you please 15 state your name, your full name for the record? 16 JOHN RUBIN: John Rubin. 17 SOO LEE-CHO: And your business address? 18 JOHN RUBIN: Well, I work out of both the Irvine and 19 San Diego. Do you want both of those? 20 SOO LEE-CHO: Pick one. 21 JOHN RUBIN: I'll pick Irvine. 8645 Research Drive, 22 Irvine, California, 92618. 23 SOO LEE-CHO: Okay. And what is your profession? 24 JOHN RUBIN: I'm a canine behavior specialist/dog 25 trainer.</p>	<p>60</p> <p>1 JOHN RUBIN: Well, there is very limited -- 2 LYNN ROBESON: Training? 3 JOHN RUBIN: Yes, the very limited educational program 4 for that. Even animal behavior degrees are not canine 5 specific. So it's really more expertise in the field. The 6 definition of a canine specialist would be someone that has 7 spent years in the field of canine animal behavior; kind of 8 like Jane Goodall with the gorillas. It's very similar to 9 that. Or a horse trainer. You can look at horse trainers 10 in the same way. 11 LYNN ROBESON: Okay. And can you briefly describe 12 your experience in the field? 13 JOHN RUBIN: Well, I have spent almost 40 years in the 14 field. I started out as an employee and a volunteer at a 15 shelter when I was in Bloomington, Indiana. Then when I 16 moved to California, I started working with (inaudible) 17 horsemanship and natural horsemanship; then went into the 18 dog training end of it. It was kind of a two-year 19 transition. And started my own dog training company, 20 John's Natural Dog Training Company, in 1991. That still 21 exists. I, through that period as well, opened up several 22 doggie daycare facilities and a small boarding facility. 23 LYNN ROBESON: Okay. Do you want to add anything Ms. 24 Cho? Do want to ask him anything? 25 SOO LEE-CHO: Well, you've already indicated the</p>



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16 (61 to 64)

<p>61</p> <p>1 number of years that you have experience; over 40 you 2 indicated, is that correct? 3 JOHN RUBIN: Close to. 4 SOO LEE-CHO: Okay. 5 LYNN ROBESON: Is this -- do you -- there is no 6 license for this? 7 JOHN RUBIN: Well, you don't have to have an actual 8 license to be a dog trainer. I have a CGC certification 9 from the AKC to train therapy and service dogs. I also -- 10 SOO LEE-CHO: can you explain those initials? 11 JOHN RUBIN: Yeah. Canine Good Citizen, which is what 12 a dog needs to do to go through or have certification for 13 before they can go into therapy or service dog work. 14 SOO LEE-CHO: Okay. 15 JOHN RUBIN: As well as I have several obedience 16 titles, companion dog, companion dog excellence, which I've 17 done -- 18 LYNN ROBESON: And then what are they? Just -- 19 JOHN RUBIN: Those are obedience titles to the 20 American Kennel Club as well. 21 LYNN ROBESON: But I don't know what obedience title 22 means. 23 JOHN RUBIN: Competition so, where you actually go in 24 and you are showing competition obedience and formal 25 obedience.</p>	<p>63</p> <p>1 are really conscientious about making sure we have a 2 behavioral rapport on every dog that comes in. We do 3 what's called an IEP which is very similar to what special- 4 education students go through. So we have our own IEP 5 which has its subjective and objective portions too. Then 6 we go through with the client, and as well, our part is 7 evaluating the dog. So that is constantly updated and 8 evaluated for every dog. Some dogs are young when they 9 come in so we have a process as they mature and develop and 10 they can change. So we really, really are conscientious 11 about learning about the dog. That's what I really am -- 12 do with Dr. Boyd's is kind of be the dog's advocate and 13 training the Staff to learn more about canine behavior so 14 they are able to really understand the dogs, whether it be 15 a PTC coordinator or a regular shift coordinator or the 16 trainer. I work with all those people as well is really 17 closely with the management Staff. I'm in constant 18 medication with the managers in San Diego, Irvine, and over 19 here in Rockville. As Dr. Wesson spoke earlier, we have 20 Webcams. So I'm able to, in real time, look at the yards 21 that these dogs are in no matter what location I'm at and 22 be able to work with Staff pretty much throughout the day 23 in every location, if they need. 24 SOO LEE-CHO: Will there be situations when there 25 might be moments of more dog barking and if so, how are</p>
<p>62</p> <p>1 LYNN ROBESON: Okay. I will qualify him as an expert 2 as a canine specialist and dog trainer, correct? 3 SOO LEE-CHO: Correct. 4 LYNN ROBESON: All right. You're qualified. Now you 5 can be an expert. You can hire yourself out. 6 SOO LEE-CHO: Thank you. 7 JOHN RUBIN: John, Mr. Rubin, how will the caretakers 8 and trainers at Dr. Boyd's be able to manage up to 200 dogs 9 at the facility without adversely impacting the surrounding 10 neighborhood, in particular with regard to noise. 11 JOHN RUBIN: Well, obviously, we're talking about the 12 issue of dogs barking. So when we have dogs come into the 13 facility, the Staff has already been trained and we have a 14 real set protocol for when dogs come in, that they are 15 evaluated and assessed. This is a period. It's not just 16 20 minutes. It's usually over about a 30 day period that 17 we will be evaluating these dogs to determine if they are 18 dogs they could be free to go into the yards, whether is 19 the indoor yards or the outdoor yards. Or if they're going 20 to be what we call PTC dogs which is playtime cycle dogs. 21 Those are dogs that will be cycled in small groups that the 22 dogs can identify with because sometimes they will have 23 behavioral issues. We don't want to throw one dog into a 24 group of good dogs and kind of create that situation where 25 one bad apple is going to disrupt the whole barrel. So we</p>	<p>64</p> <p>1 those handled 2 JOHN RUBIN: Well, nobody can really say what is a 3 peak period for dogs to be barking. Typically, what we do 4 and what our protocol is, when a dog comes in. Let's it's 5 already been assessed. It's a good dog. It can go in the 6 yard. Some dogs need to do what we call hot laps where 7 they just need to get a lot of energy out because they are 8 really excited to be at the facility. Dogs are really 9 anxious to be there and see their friends and play. So we 10 typically will do that in the indoor facility before we put 11 them outside. When you look at barking, it's really going 12 to come, as all in canine behavior does, through three 13 basic areas. You have defense barking, you have 14 pack/social barking, and then you have prey/predator 15 barking. Prey/predator barking is pretty much eliminated. 16 Any dog that we are going to be feeding are going to be in 17 the rooms individually for feeding. We have no toys or 18 possessions in the yard that the dogs could actually fight 19 over or get into argument over. So we pretty much 20 eliminated any of the prey/predator barking. When it comes 21 to the pack social barking, that barking is going to really 22 come out at play. So some dogs get over stimulated and one 23 of the responses that they can have to being over 24 stimulated, or symptoms if you want to call it that, is 25 barking because they can get really excited. So that's</p>

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17 (65 to 68)

<p style="text-align: right;">65</p> <p>1 where those dogs would be inside if they were that type of 2 personality. So -- and even at the same time, we are 3 really strict about trying to limit the amount of barking 4 that dogs do across the board. So every handler in every 5 yard, we basically just use squirt water bottles which are 6 very humane and safe. It's just to redirect the dogs 7 because a lot of times they're barking because it's like 8 this dog's friend is tired out. He's laying down on his 9 bed. He doesn't want to play anymore and this dog is like, 10 come on. Let's play. Let's play. So we can give them a 11 no and redirect them and move them on. Or if we need to 12 be, be able to lease them up and remove them and get them a 13 little time out if we need to do that. So we are always on 14 top of trying to reduce the number, or I should say, reduce 15 the stress levels that are in the dogs or the anxiety that 16 they might have. Probably-- and then getting back to the 17 defense barking, that's probably the most common form of 18 barking that people are going to be familiar with, which 19 typically, is their guardian quality; sounding the alarm. 20 Here's a threat. Here's a threat. Here's a noise. We 21 don't see near the same amount that an individual would see 22 at the home because dogs are den animals and they're very 23 territorial. So their home and the yard is where they're 24 mainly going to show that alarm barking. When they come to 25 the facility, it's considered neutral territory and because</p>	<p style="text-align: right;">67</p> <p>1 occur? 2 JOHN RUBIN: Well, again, you could say, okay, we have 3 a group of dogs that are starting to bark excessively over 4 here. Typically, there's pre-indicators to that, let's say 5 incident. What we do is we really have identified these 6 pre-indicators to a situation like that. So we are going 7 to make sure that these dogs that could be potential bad 8 apples in the yard, aren't in the yard. There's a lot of 9 prevention that goes into that. If there is a situation 10 where dogs start barking, they are immediately corrected 11 and/or removed. And so -- 12 SOO LEE-CHO: So are you saying that because of your 13 identification of pre-indicators and your protocols, that 14 you do not have, generally, group barking activities? 15 JOHN RUBIN: We do not. 16 SOO LEE-CHO: Experience -- 17 JOHN RUBIN: If we have 20 dogs in yard, we don't have 18 20 dogs barking, no. There might be random bark here and 19 there, but we don't. It's pretty amazing actually. You 20 know, the daycare facilities that I had in San Diego were 21 actually in residential areas. So again, we were really, 22 really on top of making sure that these dogs were quiet 23 because they can play quietly and they are comfortable. If 24 they're not stressed out or have anxiety, which is probably 25 one of the larger reasons that dogs bark, next to the alarm</p>
<p style="text-align: right;">66</p> <p>1 there are so many other dogs that they might be with, they 2 have this pack social mentality where they don't feel like 3 they need to be so protective or on guard because they've 4 got a lot of troops around them. So usually, it's really, 5 really limited as far as coming from that. The fact that 6 we wear black scrubs, identifies everyone that works at the 7 facility in every and each department so they really don't 8 say, oh, that someone different, because they are dressed 9 differently. It's amazing. We have people come in Irvine, 10 and we can have quite a few dogs there and they will come 11 in and they are like, we can hear the music. Where's all 12 the barking dogs? Because so many people used to going into 13 a boarding facility and having to put headphones on. Not 14 in our facility. It is very, very quiet. 15 LYNN ROBESON: Irvine is your larger facility, right? 16 SOO LEE-CHO: Mm-hm [affirmative], that's the really 17 big one; 25,000 square feet. So we are working with 18 management on down into the Staff into the yards because we 19 -- these yards are always supervised by handlers. We are 20 constantly monitoring the dogs. It's not just the handler 21 in the yards because we do have the webcams so the owners 22 can see their dogs. But we from a management level can 23 also be monitoring the dogs in the yards as well. 24 SOO LEE-CHO: So you might have already addressed 25 this, but how do you control the group barking that might</p>	<p style="text-align: right;">68</p> <p>1 barking, it's very quiet. 2 SOO LEE-CHO: All right. Thank you. Do you have 3 anything you wanted to add to Dr. Wesson's testimony about 4 how the indoor yards -- or have you -- do you believe 5 you've covered -- 6 JOHN RUBIN: Well, I would say one thing; the training 7 of Staff is paramount with our organization. When we have 8 new employees or current employees, not only do they 9 familiarize themselves with the BTOPS as Dr. Wesson 10 explained, but we are really involved with what we call the 11 boots on the ground from the management team side, and 12 making sure that these employees not only are well-trained, 13 but we evaluate the dogs and the employees. My Staff will 14 have certain dogs that could be level one, two, three, or 15 four, and we have handlers who could be level one, two, 16 three or four because obviously, we have new hires or we 17 have novice handlers and we have experience handlers and 18 the we have master handlers. So we are really making sure 19 that we got the right people with the right dogs. So we 20 really take that into account that we are not going to have 21 an issue because we've got someone who can't handle this 22 dog's barking because they are not experienced enough to be 23 able to handle it. So we always make sure that we got the 24 right people with the right dogs. 25 LYNN ROBESON: Okay.</p>

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18 (69 to 72)

<p>69</p> <p>1 SOO LEE-CHO: Anything further.</p> <p>2 LYNN ROBESON: No, I don't. Thank you.</p> <p>3 JOHN RUBIN: Thank you.</p> <p>4 LYNN ROBESON: Do you do individual training for dogs?</p> <p>5 JOHN RUBIN: Yes.</p> <p>6 LYNN ROBESON: I'm just -- it's not for me.</p> <p>7 JOHN RUBIN: We do.</p> <p>8 SOO LEE-CHO: All right. Next would be Ms. Robin</p> <p>9 Menge. I always get your name --</p> <p>10 MS. MENGE: You are not the only one.</p> <p>11 SOO LEE-CHO: Menge?</p> <p>12 ROBIN MENGE: Yes.</p> <p>13 LYNN ROBESON: Please raise your right hand. Do you</p> <p>14 solemnly affirm under penalties of perjury that the</p> <p>15 statements you're about to make are the truth, the whole</p> <p>16 truth, and nothing but the truth?</p> <p>17 ROBIN MENGE: I do.</p> <p>18 LYNN ROBESON: Thank you.</p> <p>19 SOO LEE-CHO: Ms. Menge, can you please state your</p> <p>20 full name for the record?</p> <p>21 ROBIN MENGE: Robin Menge.</p> <p>22 SOO LEE-CHO: And your business address?</p> <p>23 ROBIN MENGE: 7735 Old Georgetown Road, Bethesda.</p> <p>24 LYNN ROBESON: Okay. Can you spell Menge, please?</p> <p>25 ROBIN MENGE: M-E-N-G-E.</p>	<p>71</p> <p>1 design project you've done? Is that what you're saying?</p> <p>2 ROBIN MENGE: It's a partial list of them. I've been</p> <p>3 doing this for 30 years.</p> <p>4 LYNN ROBESON: Okay.</p> <p>5 ROBIN MENGE: So it's partial.</p> <p>6 LYNN ROBESON: All right. I am qualifying her as an</p> <p>7 expert in commercial interior design.</p> <p>8 SOO LEE-CHO: All right. Have you visited the site,</p> <p>9 and are you familiar with the subject project and</p> <p>10 surrounding area?</p> <p>11 ROBIN MENGE: I am.</p> <p>12 SOO LEE-CHO: Okay. And you prepared the floor plan</p> <p>13 that is Exhibit 34? Is that correct?</p> <p>14 ROBIN MENGE: Yes. We prepared the permit documents.</p> <p>15 SOO LEE-CHO: Okay. Can you just briefly, again,</p> <p>16 describe for the record the unit, the tenant space, that is</p> <p>17 going to be occupied, or is occupied by Dr. Boyd's,</p> <p>18 including the interior layout --</p> <p>19 ROBIN MENGE: Sure.</p> <p>20 SOO LEE-CHO: -- for the site?</p> <p>21 LYNN ROBESON: I don't think referring to -- just for</p> <p>22 the record, you'll be referring to Exhibit 34, and we'll</p> <p>23 need an electronic version of that. Okay. Why don't you</p> <p>24 bring that up now and I'll make that 34A.</p> <p>25 SOO LEE-CHO: This has a bunch of other things on</p>
<p>70</p> <p>1 LYNN ROBESON: Okay. Thank you.</p> <p>2 ROBIN MENGE: Mm-hmm.</p> <p>3 SOO LEE-CHO: And your profession?</p> <p>4 ROBIN MENGE: So, I am a -- I'm an interior architect,</p> <p>5 interior design.</p> <p>6 SOO LEE-CHO: So I have Ms. Menge's resume. It</p> <p>7 describes her work experience and professional training.</p> <p>8 LYNN ROBESON: And that will be 38. And how are you</p> <p>9 going to qualify her? As an interior architect?</p> <p>10 SOO LEE-CHO: Yes. Commercial interior design, yes is</p> <p>11 probably the most accurate description.</p> <p>12 LYNN ROBESON: And are you licensed? Do you have a</p> <p>13 licensing --</p> <p>14 ROBIN MENGE: I am not licensed. I have always worked</p> <p>15 in architecture firms with licensed architectural</p> <p>16 professionals who (crosstalk)</p> <p>17 LYNN ROBESON: And do they oversee your work?</p> <p>18 ROBIN MENGE: Yes.</p> <p>19 LYNN ROBESON: I will accept her. Have you ever</p> <p>20 testified as an expert before?</p> <p>21 ROBIN MENGE: No, I have not.</p> <p>22 LYNN ROBESON: Okay. I'm sorry. Can you tell me the</p> <p>23 specialty again?</p> <p>24 SOO LEE-CHO: Commercial interior design.</p> <p>25 LYNN ROBESON: And this resume lists the interior</p>	<p>72</p> <p>1 there. It's not just that.</p> <p>2 LYNN ROBESON: Oh. Okay. Well, let me --</p> <p>3 SOO LEE-CHO: Maybe at the end or --</p> <p>4 LYNN ROBESON: Let's -- I'll get you. I will make it</p> <p>5 39. Okay.</p> <p>6 SOO LEE-CHO: I'm sorry. I skipped 37. Which one was</p> <p>7 37?</p> <p>8 LYNN ROBESON: Resume of John Reuben.</p> <p>9 SOO LEE-CHO: Oh. Got it. Okay. Thirty-nine is the</p> <p>10 disc.</p> <p>11 LYNN ROBESON: Okay. Go ahead.</p> <p>12 MS. MENGE: Okay. So the facility was a formal --</p> <p>13 former Staples retail store, with another retail facility</p> <p>14 next-door, it used to be a Casual Male. The building was</p> <p>15 completely vacant. We created a new separation wall between</p> <p>16 Dr. Boyd's and the vacant suite next-door and because we</p> <p>17 did have a wide-open space, as Dr. Wesson mentioned. We</p> <p>18 worked closely with Dr. Wesson in gathering all the</p> <p>19 information that they had learned from the California</p> <p>20 locations and how the flow was to work in the space. So you</p> <p>21 come in the main entrance doors which were existing and you</p> <p>22 come into the waiting area here. Which is --</p> <p>23 LYNN ROBESON: Now, when you say here, you have to</p> <p>24 identify it so --</p> <p>25 ROBIN MENGE: Okay.</p>

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19 (73 to 76)

<p style="text-align: right;">73</p> <p>1 LYNN ROBESON: -- the transcript -- is that the darker 2 tan area? 3 ROBIN MENGE: Yes. 4 LYNN ROBESON: Is it labeled reception? 5 ROBIN MENGE: It's labeled seating area here. 6 LYNN ROBESON: Okay. 7 ROBIN MENGE: So on the west side of the building is 8 the main entrance coming into the seating area right in the 9 middle. To the left is the concierge with reception desks 10 where people are greeted and guided it to the right 11 location. 12 LYNN ROBESON: So that's on the east side of the 13 building, the semicircle. 14 ROBIN MENGE: The northwest. 15 LYNN ROBESON: Northwest? 16 ROBIN MENGE: Northwest side of the building. 17 LYNN ROBESON: Yeah. 18 ROBIN MENGE: And then just past the seating area to 19 the east are three exam rooms, and that pretty much 20 comprises the kind of public area. And then you're guided 21 back to the other areas. So north of the concierge area is 22 the grooming facility. So you're brought back there. To the 23 east of the grooming area are the restrooms, and then you 24 continue back and it's housekeeping and Staff areas. 25 Straight behind to the east of the exam rooms is the</p>	<p style="text-align: right;">75</p> <p>1 closely with Dr. Wesson's group and as far as behavioral 2 and how they maintain separation amongst the dog 3 population. 4 SOO LEE-CHO: Are the internal fencing's light within 5 the runs, are they also made of the vinyl? 6 ROBIN MENGE: Yes. 7 SOO LEE-CHO: Okay. 8 ROBIN MENGE: And within those areas will be some 9 umbrellas and picnic table and stuff-- 10 LYNN ROBESON: For Staff? 11 ROBIN MENGE: And plantings. Yes. Yeah. And plantings. 12 SOO LEE-CHO: Okay. 13 ROBIN MENGE: Offering some shade as well. 14 SOO LEE-CHO: Well, could you clarify, the picnic 15 area, the tables, they're not for Staff, they're dogs -- 16 ROBIN MENGE: No, it's for climbing. 17 LYNN ROBESON: Although, climbing purposes. 18 ROBIN MENGE: Yeah. No, they're not going to be eating 19 out there or -- actually they are working. So they are not 20 sitting and -- 21 SOO LEE-CHO: Yeah. Sorry. 22 LYNN ROBESON: I think the Staff-- 23 SOO LEE-CHO: I misunderstood. 24 LYNN ROBESON: -- was confused about that too. Because 25 he kept telling me there's picnic tables for the Staff.</p>
<p style="text-align: right;">74</p> <p>1 hospital, and that's where -- within there is the actual 2 operating room and lab areas and x-ray areas, things like 3 that. And continuing through there to the east you come 4 into the play yard area and the bedrooms here, which are 5 the wards for recuperation; where the actual beds are for 6 the dogs. So they're enclosed into separate rooms in the 7 southwest -- southeast corner of the building. And the 8 northeast is where the open play yards are, and in the far 9 northeast is the isolation room for patients that need to 10 be segregated from the rest of the population. And then out 11 through the northeast corner of the building is the exit 12 out into the play yard. 13 LYNN ROBESON: Okay. 14 SOO LEE-CHO: Could you tell us a little bit more 15 about the outdoor play yard in terms of size, design, and 16 amenities? 17 ROBIN MENGE: Yeah. So the overall size of the outdoor 18 play yard is about 65½ feet wide left to right, east to 19 west, and about 45½ north to south; has concrete on the 20 ground cover and then fencing around the perimeter will be 21 8 feet white the vinyl fencing. And then interior to it are 22 segregated areas long and narrow of dog runs around the 23 perimeter, which are also separated by fencing. And then 24 two play yards for training in the center, also separated 25 by fencing. So I think that was something that we worked</p>	<p style="text-align: right;">76</p> <p>1 Okay. 2 ROBIN MENGE: No. It's for dogs to climb. Similar to 3 the facilities in the indoor training areas. 4 LYNN ROBESON: Okay. 5 ROBIN MENGE: There are climbing structures. 6 LYNN ROBESON: Okay. 7 SOO LEE-CHO: Are you able to talk about the 8 plantings, or could -- I guess that's -- we'll -- 9 ROBIN MENGE: I think (crosstalk) 10 SOO LEE-CHO: We'll like -- okay, for Vic. Okay. Are 11 you familiar with the outdoor yard requirements of Section 12 59 3 5 1 C 2 of the zoning ordinance? 13 ROBIN MENGE: Yeah. So it's allowed with that use, as 14 long as it's not abutting a residential neighborhood and 15 this is a CR zoning, so it's not applicable because it's 16 not within 50 feet of a residential neighborhood; and then 17 also because we won't be operating the outdoor area after 18 9:00 p.m. or before 7:00 a.m. 19 LYNN ROBESON: What do you do in the winter when it's 20 dark at 9:00 p.m., or at 6:00, 4:30? 21 ROBIN MENGE: They won't be outside. There's no 22 exterior lighting. 23 LYNN ROBESON: So dark is that the -- 24 ROBIN MENGE: Dark, mm-hmm. 25 LYNN ROBESON: Yeah.</p>

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20 (77 to 80)

<p style="text-align: right;">77</p> <p>1 SOO LEE-CHO: All right. Can you tell us a little bit 2 about the tenant unit shell space? 3 ROBIN MENGE: Sure. 4 SOO LEE-CHO: Can you describe the construction type 5 and material of the existing commercial structure to be 6 occupied by Dr. Boyd's? 7 ROBIN MENGE: Yeah. So the existing structure 8 perimeter is a combination of CMU, concrete masonry units 9 and store front, which is glass with metal framing. The 10 roof is a metal framed truss roof, steel trussed roof with 11 insulation. 12 LYNN ROBESON: Wait. Can I stop you one minute. 13 ROBIN MENGE: Sure. 14 LYNN ROBESON: Staff's Condition of Approval, they 15 have a long Condition of Approval; Condition 7 on Page 2 16 relating to exterior lighting. Is it your statement that 17 that is not applicable? 18 SOO LEE-CHO: That's correct. 19 ROBIN MENGE: That's correct. My understanding was 20 that if any lights were to be -- that these are the 21 requirements, but our plans never showed lighting. 22 LYNN ROBESON: Well, you're limited to what's on the 23 plan. Are you saying the Applicant's going to agree to no 24 exterior lighting as a condition of approval? 25 ROBIN MENGE: Yes.</p>	<p style="text-align: right;">79</p> <p>1 perimeter. And then separating Dr. Boyd's space from the 2 adjoining space is a fully floor to deck drywall partition 3 with steel studs and insulation. 4 SOO LEE-CHO: And what was included in the 5 construction of the demising wall to assist with 6 soundproofing? 7 ROBIN MENGE: So we used a wider studs size, higher 8 gauge, or lower gauge, and insulation. And the wall goes 9 deck to deck. And then there's sealant at the top of the 10 deck where the drywall meets the roof. There's a sealant on 11 the top and as well as on the floor. 12 LYNN ROBESON: Now, is that only on the interior wall, 13 or is that all around the outside of the building? 14 ROBIN MENGE: That is just on the interior of the wall 15 separating from north to south Dr. Boyd's facility from the 16 adjacent facility. Around the perimeter where there is 17 concrete block it remained concrete block which is a 18 soundproof material. The only place that drywall was 19 included was in the -- on the north wall in the restrooms 20 which was existing as well as in the grooming area. And 21 then along the -- 22 LYNN ROBESON: Well, I guess my question is what -- 23 are other areas on the exterior going to be able to hear 24 the dogs from outside the facility? 25 ROBIN MENGE: That's something that --</p>
<p style="text-align: right;">78</p> <p>1 LYNN ROBESON: Okay. Give me one second here. 2 SOO LEE-CHO: Oh. Clarification, no additional 3 lighting. There's no lighting in the outdoor area, or 4 outdoor yard. There's -- there is lighting existing in the 5 commercial building for the parking lot and -- 6 LYNN ROBESON: Yeah. But that -- that's not subject to 7 the new requirements. 8 SOO LEE-CHO: Right, so -- 9 LYNN ROBESON: So that -- this Condition 7 wouldn't 10 apply to those. 11 SOO LEE-CHO: Yeah. 12 LYNN ROBESON: Is that correct? 13 SOO LEE-CHO: Correct. 14 ROBIN MENGE: So Applicant is not proposing any new 15 exterior lighting. 16 LYNN ROBESON: That's what I wanted to check. Okay. 17 All right, I apologize. 18 ROBIN MENGE: That's okay. 19 LYNN ROBESON: Go -- I was confused because you're 20 saying no, and then I'm seeing this condition. So all 21 right. Go ahead. 22 ROBIN MENGE: So that building envelope is a 23 combination of CMU, concrete, masonry units and store front 24 which is glass and aluminum framing. We have a steel, metal 25 roof with steel trusses with insulation around the</p>	<p style="text-align: right;">80</p> <p>1 SOO LEE-CHO: (inaudible) will be testifying to that. 2 LYNN ROBESON: Okay. 3 ROBIN MENGE: (inaudible) That's been tested. 4 SOO LEE-CHO: So this information about the 5 construction type of material of the building, is that what 6 you provided to the acoustical engineer retained on this 7 matter to assist in their evaluation? 8 ROBIN MENGE: Yes. Yes. 9 SOO LEE-CHO: Okay. I don't have anything further. 10 LYNN ROBESON: Okay. Thank you. You may be excused. 11 SOO LEE-CHO: And now we'll have Ms. Seymour. 12 LYNN ROBESON: Okay. Now you know the question. 13 TRACY SEYMOUR: Yes. 14 LYNN ROBESON: Please raise your right hand. Do you 15 solemnly affirm under penalties of perjury that the 16 statements you're about to make are the truth, the whole 17 truth, and nothing but the truth? 18 TRACY SEYMOUR: Yes. 19 LYNN ROBESON: Okay. 20 SOO LEE-CHO: Ms. Seymour, for the record, please 21 state your full name and spell your last name, please. 22 TRACY SEYMOUR: Tracy Patricia Seymour, and it's 23 spelled S-E-Y-M-O-U-R. 24 LYNN ROBESON: Okay. I'm just going to ask you how you 25 spell Tracy.</p>

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21 (81 to 84)

<p>81</p> <p>1 TRACY SEYMOUR: T-R-A-C-Y. 2 LYNN ROBESON: C-Y. Okay. Go ahead. 3 SOO LEE-CHO: And what is your business address? 4 TRACY SEYMOUR: 10245 Old Columbia Road in Columbia, 5 Maryland. 6 SOO LEE-CHO: And what is your profession? 7 TRACY SEYMOUR: I am a civil engineer with a specialty 8 in acoustics. 9 SOO LEE-CHO: By -- 10 LYNN ROBESON: Are you licensed in Maryland? 11 TRACY SEYMOUR: I am licensed in Maryland since 2003. 12 SOO LEE-CHO: And I have Ms. Seymour's resume to 13 present. I'll ask, have you ever been qualified as an 14 expert witness in Montgomery County before the Hearing 15 Examiner or Board of Trustees? 16 TRACY SEYMOUR: I have not been qualified in 17 Montgomery County. I have, however, been qualified in 18 Baltimore County. 19 LYNN ROBESON: Okay. And that the specialty is what 20 again? 21 SOO LEE-CHO: Acoustical engineering. 22 LYNN ROBESON: And this will be 40. Go ahead. 23 SOO LEE-CHO: Could you please describe your education 24 and professional training? 25 TRACY SEYMOUR: I have a bachelor of science from the</p>	<p>83</p> <p>1 SOO LEE-CHO: And if I might ask, Ms. Seymour to use 2 the red dot stickers to indicate her points of testing to 3 use -- 4 LYNN ROBESON: Okay. 5 TRACY SEYMOUR: So we had -- 6 LYNN ROBESON: Don't block a word. If it's -- you can 7 put it in the general location. 8 TRACY SEYMOUR: Okay. 9 SOO LEE-CHO: Below -- 10 LYNN ROBESON: You can put it outside the floor plan 11 there. 12 TRACY SEYMOUR: Okay. 13 LYNN ROBESON: That's fine, thank you. 14 TRACY SEYMOUR: So in this location we had a noise 15 meter located inside the salon and a noise meter located 10 16 feet out from the face of the building. And we conducted 17 simultaneous noise measurements. We did noise measurement 18 with just the existing conditions and then we did a noise 19 measurement with simulated dog barking noise inside the 20 building. 21 LYNN ROBESON: Okay. 22 TRACY SEYMOUR: So we -- I've done research to assess 23 the barking decibel level of a dog and an average noise 24 level is 85 decibels and I've done that by just doing 25 research as well I have done testing at an existing kennel</p>
<p>82</p> <p>1 University of Maryland in civil engineering. I have -- 2 LYNN ROBESON: Is -- Okay. I don't mean to stop you. 3 I've accepted her -- 4 SOO LEE-CHO: All you have. I didn't know if you 5 wanted -- 6 LYNN ROBESON: Yeah. 7 SOO LEE-CHO: -- to continue the voir dire. 8 LYNN ROBESON: Okay. 9 SOO LEE-CHO: All right. Are you familiar with the 10 requirements for noise attenuation described in the zoning 11 ordinance for animal boarding and care? 12 TRACY SEYMOUR: Yes, I am. 13 SOO LEE-CHO: In the CR zone. 14 TRACY SEYMOUR: Okay. And have you assessed to the 15 sound reduction capabilities of the existing commercial 16 structure? 17 TRACY SEYMOUR: Yes, I have. And I have done that by 18 performing noise measurements at the existing site at two 19 locations in the building. The first location that we 20 tested was in the grooming salon, which was right over 21 here. We had a noise meter -- 22 LYNN ROBESON: Okay. You're pointing to the very 23 northwest corner of the building. 24 TRACY SEYMOUR: The northwest corner of the building, 25 correct.</p>	<p>84</p> <p>1 -- testing what the actual dogs are barking, the sound 2 levels. 3 SOO LEE-CHO: Okay. 4 TRACY SEYMOUR: So we did those two tests both with 5 and without the simulated dog barking noise. I was 6 personally located on the outside of the building. The 7 noise results did not show that there was any noise 8 transference and myself being outside, I did not hear 9 anything of the dog barking. 10 LYNN ROBESON: Okay. 11 TRACY SEYMOUR: And we also performed the same 12 exercise over at the isolation room. 13 LYNN ROBESON: Which is the northeast corner of the 14 large building. 15 TRACY SEYMOUR: Yes, and we and results. 16 LYNN ROBESON: Okay. 17 SOO LEE-CHO: I did not hear any dog barking noise and 18 the noise measurements did not indicate that there was any 19 transfer of dog barking noise through the building. 20 LYNN ROBESON: Okay. 21 SOO LEE-CHO: Did you already mentioned -- 22 LYNN ROBESON: Did you do any testing in the interior 23 wall? 24 TRACY SEYMOUR: No, I did not. Those are the -- the 25 only tests that were performed.</p>

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22 (85 to 88)

<p>85</p> <p>1 LYNN ROBESON: Okay.</p> <p>2 TRACY SEYMOUR: Inside the buildings.</p> <p>3 SOO LEE-CHO: And what is your understanding of the</p> <p>4 STC rating for the walls of this tenant space?</p> <p>5 TRACY SEYMOUR: Well, the sound transmission class is</p> <p>6 a function -- it's a rating of how much a material will</p> <p>7 reduce noise levels if you have a noise source on one side</p> <p>8 and that material and how much it will reduce it. So for</p> <p>9 example, if the STC rating is 30 your noise source of 85</p> <p>10 would be reduced down to 55.</p> <p>11 SOO LEE-CHO: Okay.</p> <p>12 LYNN ROBESON: What's the STC rating on the interior</p> <p>13 wall?</p> <p>14 TRACY SEYMOUR: I did not evaluate the predicted STC</p> <p>15 rating from the plans because the site is already</p> <p>16 constructed and in place and it was my judgment that the</p> <p>17 best way to assure that the building was blocking noise was</p> <p>18 to do the noise measurements, and assess it that method.</p> <p>19 SOO LEE-CHO: Could I have one minute?</p> <p>20 LYNN ROBESON: Sure. Well, why don't we take five and</p> <p>21 (inaudible)</p> <p>22 SOO LEE-CHO: Yes.</p> <p>23 LYNN ROBESON: Okay.</p> <p>24 (Off the record.)</p> <p>25 (On the record.)</p>	<p>87</p> <p>1 existing building shell that you performed, will the zoning</p> <p>2 ordinance standard found in section 3 5 1 B 2 ii, that any</p> <p>3 part of a building used for animal boarding or care must be</p> <p>4 soundproofed. Would that be satisfied in this case?</p> <p>5 TRACY SEYMOUR: Yes.</p> <p>6 LYNN ROBESON: Okay. Thank you.</p> <p>7 TRACY SEYMOUR: Okay.</p> <p>8 LYNN ROBESON: And how many more witnesses do you</p> <p>9 have?</p> <p>10 SOO LEE-CHO: One.</p> <p>11 LYNN ROBESON: Okay.</p> <p>12 LYNN ROBESON: Ms. Bryant. Okay. Please raise your</p> <p>13 right hand. Do you solemnly affirm under penalties of</p> <p>14 perjury that the statements you are about to make are the</p> <p>15 truth, the whole truth, and nothing but the truth?</p> <p>16 VICTORIA BRYANT: Yes.</p> <p>17 LYNN ROBESON: Okay. Go ahead Ms. Cho.</p> <p>18 SOO LEE-CHO: Ms. Bryant, please state your full name</p> <p>19 for the record.</p> <p>20 VICTORIA BRYANT: Victoria Bryant.</p> <p>21 SOO LEE-CHO: Can you spell your last name?</p> <p>22 VICTORIA BRYANT: B-R-Y-A-N-T.</p> <p>23 SOO LEE-CHO: And can you provide your business</p> <p>24 address?</p> <p>25 VICTORIA BRYANT: 9220 Wightman and that's W-I-G-H-T-</p>
<p>86</p> <p>1 LYNN ROBESON: Go ahead Ms. --</p> <p>2 SOO LEE-CHO: Yes, thank you. Ms. Seymour, could you</p> <p>3 provide additional information on the STC rating of the</p> <p>4 demising wall?</p> <p>5 TRACY SEYMOUR: I was informed by the interior</p> <p>6 designer that the STC rating on the interior wall is 50.</p> <p>7 SOO LEE-CHO: So what does that mean for the</p> <p>8 soundproofing ability of the wall?</p> <p>9 TRACY SEYMOUR: Well, if an 85 decibels noise level</p> <p>10 were to happen on one side, then on the opposite side that</p> <p>11 would be -- a 35 decibel level would be recognized.</p> <p>12 LYNN ROBESON: Okay.</p> <p>13 TRACY SEYMOUR: And also, for perception a 50 decibel</p> <p>14 reduction would be perceived as is 32 times quieter than if</p> <p>15 someone heard that noise on one side with the 85, and on</p> <p>16 the other side with the 35 decibel.</p> <p>17 SOO LEE-CHO: Okay. And the 85 decibel, just to</p> <p>18 clarify for the record, is what is approximate?</p> <p>19 TRACY SEYMOUR: Is -- an estimation of an average dog</p> <p>20 bark sound.</p> <p>21 LYNN ROBESON: Okay.</p> <p>22 TRACY SEYMOUR: Sound level.</p> <p>23 LYNN ROBESON: All right. Thank you.</p> <p>24 SOO LEE-CHO: All right. So in closing, in your</p> <p>25 professional opinion, from the noise measurements of the</p>	<p>88</p> <p>1 M-A-N. Wightman Road, Suite 120, Montgomery Village,</p> <p>2 Maryland.</p> <p>3 SOO LEE-CHO: And your profession?</p> <p>4 VICTORIA BRYANT: I'm a landscape architect,</p> <p>5 registered.</p> <p>6 SOO LEE-CHO: Okay. I believe Ms. Bryant has been</p> <p>7 previously --</p> <p>8 LYNN ROBESON: Oh yes, she has. So, are you qualifying</p> <p>9 her as a land planner, or a landscape architect, or both?</p> <p>10 SOO LEE-CHO: Both.</p> <p>11 LYNN ROBESON: Okay. And I know that -- I'm going to</p> <p>12 mark her resume. She has qualified before the Hearing</p> <p>13 Examiner before as an expert in both.</p> <p>14 SOO LEE-CHO: That would be 41?</p> <p>15 LYNN ROBESON: Yes. Okay.</p> <p>16 SOO LEE-CHO: All right.</p> <p>17 LYNN ROBESON: When you're ready.</p> <p>18 SOO LEE-CHO: Could you -- Ms. Bryant, can you just</p> <p>19 briefly discuss the surrounding neighborhood boundary and</p> <p>20 whether you have any concerns with Technical Staff's more</p> <p>21 narrow definition.</p> <p>22 LYNN ROBESON: You know, I do have one question. Are</p> <p>23 you going to addressed why you made the change in the</p> <p>24 landscape?</p> <p>25 SOO LEE-CHO: Yes. Yes.</p>

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23 (89 to 92)

<p>89</p> <p>1 LYNN ROBESON: Okay.</p> <p>2 VICTORIA BRYANT: Just real quick. Exhibit 15, which</p> <p>3 is the --</p> <p>4 LYNN ROBESON: Surrounding --</p> <p>5 VICTORIA BRYANT: -- existing conditions, sorry. The</p> <p>6 existing condition plan C101, shows the site and is located</p> <p>7 in the center of the plan and then the surrounding uses are</p> <p>8 around the site with rock filled pipe. Maryland Route 355</p> <p>9 running kind of in a slightly north/south direction with</p> <p>10 Wilson Lane at the bottom. Or Nicholson Lane, sorry, at the</p> <p>11 southern end of the site. And our description of the</p> <p>12 surrounding area was basically Citadel to Marinelli to</p> <p>13 Woodglen Road to the west and then Nicholson Lane to the</p> <p>14 south. Staff had identified it pretty much --</p> <p>15 LYNN ROBESON: I like your area better.</p> <p>16 VICTORIA BRYANT: It was a little --</p> <p>17 LYNN ROBESON: To be honest I was --</p> <p>18 SOO LEE-CHO: It's a little (crosstalk) with a little</p> <p>19 questioning Staff, why don't you address your area --</p> <p>20 VICTORIA BRYANT: Okay.</p> <p>21 LYNN ROBESON: So that's little more inclusive?</p> <p>22 SOO LEE-CHO: I could clarify, we were further down.</p> <p>23 VICTORIA BRYANT: Oh. Sorry.</p> <p>24 VICTORIA BRYANT: Yeah. We were the next block down</p> <p>25 which was --</p>	<p>91</p> <p>1 Drive to the west, and as it would have extended through to</p> <p>2 --</p> <p>3 LYNN ROBESON: Right.</p> <p>4 VICTORIA BRYANT: -- Marinelli if it had extended. And</p> <p>5 then Executive Boulevard, which -- oh there. Sorry.</p> <p>6 Executive Boulevard to the south. Again, if it extended it</p> <p>7 would have hit over into Huff Court and then coming up</p> <p>8 along Huff Court and Citadel Avenue to the east.</p> <p>9 LYNN ROBESON: Okay.</p> <p>10 VICTORIA BRYANT: That was our area. And you can see</p> <p>11 on this map, you can also see that they're all red, which</p> <p>12 is the CR zone.</p> <p>13 LYNN ROBESON: The CR zone. Okay.</p> <p>14 VICTORIA BRYANT: And they are generally all three to</p> <p>15 four -- there's -- as you head to west it starts to step</p> <p>16 down a little more to the 2.5 as kind --</p> <p>17 LYNN ROBESON: Okay. And how would you characterize</p> <p>18 the area?</p> <p>19 VICTORIA BRYANT: It is predominantly large-scale</p> <p>20 commercial buildings that are it's a little -- a little</p> <p>21 like 1980s type development where you have more of a</p> <p>22 building that surrounded by a little bit of parking and</p> <p>23 some green space. Although there is -- those facilities are</p> <p>24 starting to change over with the new White Flint Master</p> <p>25 Plan; and in fact, the site that where looking at as part</p>
<p>90</p> <p>1 LYNN ROBESON: Because the traffic is going to impact.</p> <p>2 SOO LEE-CHO: Right.</p> <p>3 LYNN ROBESON: So anyway, just let's hear about your</p> <p>4 area.</p> <p>5 VICTORIA BRYANT: Okay.</p> <p>6 LYNN ROBESON: And how you would characterize it.</p> <p>7 Okay.</p> <p>8 VICTORIA BRYANT: And I would say that both my</p> <p>9 description or our area and the Staff's area were both the</p> <p>10 CR zone and they were all contained 3.0 and 4.0 zones. And</p> <p>11 there were three -- 200 to 300 foot heights for both those</p> <p>12 areas.</p> <p>13 LYNN ROBESON: Now where did your area end on the</p> <p>14 south?</p> <p>15 SOO LEE-CHO: It -- would security pictures be --</p> <p>16 VICTORIA BRYANT: Yeah.</p> <p>17 LYNN ROBESON: Okay. Thank you. It was Executive</p> <p>18 Boulevard -- thank you.</p> <p>19 VICTORIA BRYANT: To the south.</p> <p>20 SOO LEE-CHO: You might want to use the zoning</p> <p>21 vicinity map.</p> <p>22 VICTORIA BRYANT: Yeah. Exhibit 18, I think shows it a</p> <p>23 little better. So again, Exhibit 18, the site is outlined</p> <p>24 in blue and it's in the center of the plan. We included, as</p> <p>25 a neighborhood area, Marinelli Road to the north, Woodglen</p>	<p>92</p> <p>1 of a sketch plan that is that taking advantage of the new</p> <p>2 zoning in the area.</p> <p>3 LYNN ROBESON: Okay.</p> <p>4 VICTORIA BRYANT: And again, it is similar Staff in</p> <p>5 that it is all CR zone and it's supposed to be mixed use,</p> <p>6 predominantly with a commercial component to it.</p> <p>7 LYNN ROBESON: Okay. That's the area now.</p> <p>8 SOO LEE-CHO: Why don't we start with the landscape</p> <p>9 plan divisions and then we can talk about the parking</p> <p>10 adequacy. So if you can -- the revised landscape plan is</p> <p>11 Exhibit 31A. Can you please describe the changes made most</p> <p>12 recently to the landscape plan?</p> <p>13 VICTORIA BRYANT: Okay. As we were going through the</p> <p>14 review of this with Park and Planning Technical Staff, they</p> <p>15 had asked us to revise the plan in terms of the material --</p> <p>16 surface material that was being used in the yard. And when</p> <p>17 we finally came to a conclusion as to how we were going to</p> <p>18 do it, and it was a harder surface than what we had</p> <p>19 originally intended, the grades for the yard start and they</p> <p>20 kind of go in front of the northwest being the high point</p> <p>21 and head towards the southeast as being a low point. The</p> <p>22 system that we had before was it had more under drain</p> <p>23 systems and was going to take the water into the storm</p> <p>24 drain system. We ended up discharging that out to the</p> <p>25 parking lot. So under the old scenario we had a (inaudible)</p>



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24 (93 to 96)

<p>93</p> <p>1 facility that was on -- that surrounded the southeast 2 corner. So half of it was on the south side of the yard and 3 the other half was on the east side of the yard. But that 4 is exactly where all of the water drains from this facility 5 and since we're not putting it underground we are letting 6 it run off across the surface where it was dumping all the 7 water into the planter that was in this corner. And we 8 wanted to get to get that planter out of the corner because 9 that was just going to let all of the water go into the 10 planter and then under the surface of the parking lot, and 11 we were concerned that during the winter and the freeze 12 thaw cycles that this would have a detrimental effect to 13 the retaining area. So we moved it around the corner and -- 14 LYNN ROBESON: To -- when you say the corner to the -- 15 VICTORIA BRYANT: Yeah, we moved it to the southwest 16 -- 17 LYNN ROBESON: -- west? South side? 18 VICTORIA BRYANT: Yeah. We moved it west to be 19 completely on the south side of the yard, pretty much 20 centered in the middle of that edge. 21 LYNN ROBESON: Okay. 22 VICTORIA BRYANT: Plant material stayed the same. We 23 just, again, changed the slight configuration and moved it 24 over. In a lot of ways, I think it's actually a better 25 location because it's on the south side of the yard and</p>	<p>95</p> <p>1 three uses all have different parking requirements. We are 2 in the reduced parking -- let me make sure I've got that 3 right. Sorry. Let me just make sure I got the needs. 4 Reduced parking. 5 LYNN ROBESON: I think it is area. 6 VICTORIA BRYANT: Area. Just area is the word I was 7 looking for. 8 LYNN ROBESON: Yeah. 9 VICTORIA BRYANT: Reduced parking area, which gives 10 you a minimum and maximum and you can actually ask for 11 waivers to go below that, which we are not doing. So for 12 the veterinary hospital if you look at the maximum number, 13 we can with 5.5 employees per shift, which gave us 14 14 spaces. 15 LYNN ROBESON: What exhibit are you looking at? Oh, 16 you're looking at a note. What exhibit? Is that 34B? Or -- 17 SOO LEE-CHO: 31B. 18 LYNN ROBESON: 31B. 19 SOO LEE-CHO: Yes, it's the development standards 20 table. 21 LYNN ROBESON: Oh. Okay. 22 VICTORIA BRYANT: The development standards and it's 23 the vehicle section 624B. I'm sorry. 24 LYNN ROBESON: Okay. 25 VICTORIA BRYANT: And we've identified the three types</p>
<p>94</p> <p>1 will provide more shade. Whereas, with half of it on the -- 2 when half of it was on the east side before, it just -- the 3 way the sun works in this area it just wouldn't provide -- 4 it provides more shadows on the -- 5 LYNN ROBESON: Okay. 6 VICTORIA BRYANT: Play area. But that was the it was a 7 technical issue that just kind of got a little lost in the 8 shuffle when we were redesigning it. 9 LYNN ROBESON: In the waste treatment -- 10 VICTORIA BRYANT: In the waste. 11 LYNN ROBESON: Right. Okay. 12 SOO LEE-CHO: Great. Can you address the issue of 13 parking adequacy for the proposed use as well as the 14 potential future occupancy of the other retail space for 15 the site? 16 VICTORIA BRYANT: (inaudible) at Exhibit 31B which has 17 the development standards table added and from a parking 18 standpoint and you had brought up the question of whether 19 it would be adequate, our table breaks down the three uses 20 that are proposed for the site. One is the veterinary 21 office/hospital, one is the existing 8000 square feet of 22 retail, and the other one is the animal boarding care 23 facility conditional use that we're looking at. 24 SOO LEE-CHO: Right. 25 VICTORIA BRYANT: So we broke it down into -- those</p>	<p>96</p> <p>1 of parking requirements. And again, the min-max the minimum 2 for the veterinary hospital is 6, the maximum is 14, based 3 on employees. Plus you have to have doctors who are 4 practicing simultaneous, which we came up with two spaces 5 minimum, four spaces maximum. And then boarding care 6 facility was a maximum of 14 spaces. 7 SOO LEE-CHO: Minimum. 8 VICTORIA BRYANT: Minimum of 14 spaces and a maximum 9 of 41 based off of 13.5 employees, which is more than we're 10 actually proffering. I believe we're proffering eight 11 maximum. And then the retail was based off of 1000 square 12 feet that's 3½ or 6 depending on the maximum. If you look 13 at those numbers and look at the maximum required of the 14 conditional use in the veterinary hospital, things that we 15 kind of have control of, then it's 59 spaces that we would 16 use if the maximum possible number of people based off of 17 the chart. And that's a high number. Then we get to those 18 36 spaces left over for the 8000 square feet of retail. And 19 if you look at the retail requirements it's 28 to 48, so 20 we're almost -- we're two spaces off of being in the mid to 21 point of the minimum and the maximum 22 LYNN ROBESON: Okay. 23 VICTORIA BRYANT: And if you think of it the way those 24 retail numbers are done, 3.5 percent of parking space would 25 probably be more typical of a space that was the size and</p>

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25 (97 to 100)

<p>97</p> <p>1 shape where the six would be more like a Target or a 2 Walmart. So the fact that were in the middle of that 3 number, I think that would, you know, help alleviate it. 4 And most of the parking that we do, it takes one to five 5 minutes to drop your dog off at the daycare facility from 6 so is a very high turnover of parking, so there's not going 7 to be a lot of people sitting and spending a lot of time 8 there. They're going to drop their dog off and head out. 9 LYNN ROBESON: Okay. That's helpful. 10 SOO LEE-CHO: Could you go ahead and, while we're on 11 the development standards table, help us satisfy the 12 requirement that we meet all the requirements of the zone? 13 VICTORIA BRYANT: Okay. 14 SOO LEE-CHO: Applicable requirements. 15 VICTORIA BRYANT: Applicable requirements. Just going 16 through it real quick, we're a general building type owner 17 under the CR zone, but because we're an existing structure 18 that has been -- that was permanent in approximately 1990, 19 we don't have to comply with all of the requirements of the 20 zone, per Section -- 21 LYNN ROBESON: 771A. 22 VICTORIA BRYANT: Right. So open space, we're not -- 23 LYNN ROBESON: Although the exercise area would. 24 Correct? 25 SOO LEE-CHO: Yeah.</p>	<p>99</p> <p>1 your position on that for the outdoor area? 2 VICTORIA BRYANT: We are not subject to because the 3 landscaping requirements are all about different uses 4 between each other -- between these uses and zones and we 5 don't have any residential zones around use, even though we 6 have a residential use, it's a residential zone. And so 7 therefore we are not subject to the landscape screening. 8 LYNN ROBESON: Right. 9 VICTORIA BRYANT: So that was -- the open space is not 10 applicable. We have the lot size is minimum fronts and 11 backs, VRLs are not applicable. The density we're below the 12 .5 that's required, the standard method in the CR zone, 13 that's the maximum we can do under standard methods. 14 Significant (inaudible) .5. Building placement, we just 15 identified them although were not subject to any setbacks. 16 They're all zero. The front of the building is 98 feet from 17 the property line, which is the frontage on 355. We have a 18 zero setback on the side yard to the north, and 170 foot 19 setback from the rear of the property, from the east side 20 of the building to the, I'm sorry -- the backside of the 21 building to the east side of the property. And then parking 22 setbacks are not applicable per the exemption in non- 23 conforming section as is the building -- 24 LYNN ROBESON: So it's your position that the setbacks 25 apply only to the structure and not to the play area?</p>
<p>98</p> <p>1 VICTORIA BRYANT: Would be subject to it? 2 LYNN ROBESON: Yeah. 3 VICTORIA BRYANT: It's not a structure. 4 SOO LEE-CHO: Not a structure. 5 LYNN ROBESON: Well, it's site design. 6 VICTORIA BRYANT: It's site design. Well, again, I 7 don't think that the site design requires that we meet the 8 open space requirements. Let me just take a quick look. 9 LYNN ROBESON: No. It doesn't. 10 VICTORIA BRYANT: Yeah. 11 LYNN ROBESON: It means you would have to -- 12 VICTORIA BRYANT: Zoning or structure being conforming 13 under the Section. 14 SOO LEE-CHO: That's about footprint and -- 15 LYNN ROBESON: No. The -- I don't have the CR zone 16 with me. It would have to meet setbacks and things like 17 that because it's not part of the site design. 18 VICTORIA BRYANT: And I'll get into that. Because we 19 do meet them where we're required under the zone. 20 LYNN ROBESON: Okay. 21 VICTORIA BRYANT: And where that particular section of 22 the zone it says that if you're not -- if your subject to 23 seven, 771 A 1 then we're not, you know -- you don't have 24 to comply with that section. 25 LYNN ROBESON: And what about the landscaping? What's</p>	<p>100</p> <p>1 VICTORIA BRYANT: Yes because the play area is not a 2 structure. 3 LYNN ROBESON: Right. Although the fence is. But 4 there's a separate exemption for fences under 6. 5 VICTORIA BRYANT: Yes. 6 LYNN ROBESON: Six point something. 7 VICTORIA BRYANT: Yes, there is. 8 LYNN ROBESON: I don't mean to -- 9 VICTORIA BRYANT: No, no that's -- 10 LYNN ROBESON: -- I don't know why Staff doesn't -- 11 SOO LEE-CHO: Yeah (inaudible) 12 LYNN ROBESON: I'll get my -- do you mind if I get my 13 zoning ordinance? Because I don't want to have to revisit 14 this by email later. 15 SOO LEE-CHO: Sure. 16 LYNN ROBESON: I'm going to go off for a few seconds. 17 I'll be right back. 18 (Off the record.) 19 (On the record.) 20 LYNN ROBESON: Okay. We're back on the record. There 21 is an exemption for fences at six point something. Well, 22 actually we can waive -- 23 VICTORIA BRYANT: Okay. 24 LYNN ROBESON: We can waive the requirement, I think. 25 Now, that's only for single-family residential. Where</p>

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26 (101 to 104)

101	103
<p>1 parking designed are exempt. I don't think the open space 2 applies at all. 3 SOO LEE-CHO: So it's 59 6 4 3 C. 4 LYNN ROBESON: Six, four, three. 5 SOO LEE-CHO: That's where, at least the exemptions 6 for building lines and setbacks are for fences and walls. 7 LYNN ROBESON: Which? Six what? 8 SOO LEE-CHO: 6 4 3 C, Page 6-26. Is that what you 9 were thinking of? 10 LYNN ROBESON: Yes. 11 SOO LEE-CHO: Yeah. 12 LYNN ROBESON: How tall are these walls? 13 SOO LEE-CHO: Eight feet. 14 LYNN ROBESON: I mean fences. 15 VICTORIA BRYANT: Eight feet. 16 LYNN ROBESON: Oh. 17 SOO LEE-CHO: That's exactly (inaudible) 18 LYNN ROBESON: Did they -- I have 6.5 feet they waive. 19 SOO LEE-CHO: Mm-hmm. 20 VICTORIA BRYANT: Yes. Exemption to building -- 21 SOO LEE-CHO: So, I mean it is compliant with -- the 22 setbacks are what? 23 VICTORIA BRYANT: Any kind of fence for exemption -- 24 LYNN ROBESON: Yeah, what are the setbacks? 25 VICTORIA BRYANT: Zero.</p>	<p>1 standard method of development standards of the zoning 2 ordinance can you please state for the Hearing Examiner the 3 required setback for the fence? 4 VICTORIA BRYANT: On Page 4-79 in Section 4 5 3 C 3. 5 The setback for front, side, and rear are zeros. And we do 6 not have an alley, so we don't -- 7 LYNN ROBESON: And you're exempt just looking at it, I 8 think you're exempt. What about the build to area? 9 SOO LEE-CHO: For the fence? 10 LYNN ROBESON: Yeah. I don't think the build to -- 11 there's nothing (inaudible) the build to area doesn't 12 apply, I don't think. 13 VICTORIA BRYANT: Yeah, the build to area does not 14 apply because it's a percent of building façade and we're 15 not a building façade. 16 LYNN ROBESON: Right. Okay. 17 VICTORIA BRYANT: Okay. 18 LYNN ROBESON: We're good. 19 SOO LEE-CHO: All right. 20 LYNN ROBESON: I just -- 21 VICTORIA BRYANT: The highest (inaudible) is existing 22 and in form does not -- is not applicable. 23 LYNN ROBESON: Right. None of that is applicable. 24 VICTORIA BRYANT: None of that is applicable. No. 25 SOO LEE-CHO: Could you also run through the bike</p>
102	104
<p>1 SOO LEE-CHO: Zero. 2 LYNN ROBESON: Okay. 3 SOO LEE-CHO: So it's not an issue. 4 LYNN ROBESON: Yeah. I'm sorry. I just know from doing 5 our reports that if I let the issues go and then I'm stuck 6 halfway. I don't want to have to delay. 7 VICTORIA BRYANT: No. That's fine. 8 LYNN ROBESON: I'd rather get it all out now and 9 figure it out. Okay. 10 VICTORIA BRYANT: So yes. The fences are within the 11 allowable setback. 12 LYNN ROBESON: Where is the -- that must be in Article 13 4, the development standards for the CR zone. I think she 14 assumed that it was all grandfathered. So bear with me for 15 one moment. I just don't want to delay the report, or the 16 decision over something like this. 17 SOO LEE-CHO: So the CR zone is Page 4-78, are the 18 development standards; 4-79. 19 LYNN ROBESON: Okay. Thanks. 20 SOO LEE-CHO: Would the fence fall under an accessory 21 restructure setback requirement, or main building? Oh, it 22 has to be the main building. So we're under -- it's still 23 zero. 24 LYNN ROBESON: (inaudible). Yeah they're all zero. 25 SOO LEE-CHO: Ms. Bryant, looking at the CR zone</p>	<p>1 parking requirements and whether there are any applicable 2 to this case? 3 VICTORIA BRYANT: Bike parking is not required. 4 LYNN ROBESON: Really? 5 VICTORIA BRYANT: We do provide bike parking though. 6 LYNN ROBESON: I know. I'm just surprised because 7 every other case, I'm even getting childcares in the 8 single-family homes have a bike parking -- 9 SOO LEE-CHO: Yeah. 10 VICTORIA BRYANT: Where is it. 11 LYNN ROBESON: It's okay. You don't have to -- I mean 12 if you looked at it -- 13 VICTORIA BRYANT: Yes. 14 LYNN ROBESON: -- and it doesn't apply -- 15 VICTORIA BRYANT: It doesn't apply. 16 LYNN ROBESON: -- then I will figure that out. But I 17 -- 18 SOO LEE-CHO: On this point if I could proffer. We 19 requested a legal zoning interpretation from Park and 20 Planning Staff, and that was their determination. 21 LYNN ROBESON: Wait. You mean a single-family -- a 22 little day care for 12 people in a single-family home has 23 to have a bike, and you guys don't? 24 SOO LEE-CHO: Because they -- when you look at the 25 Section 59 6 2 4 C where the bicycle --</p>

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27 (105 to 108)

<p>105</p> <p>1 LYNN ROBESON: Wait a minute; and 59 6 --</p> <p>2 SOO LEE-CHO: Six.</p> <p>3 LYNN ROBESON: -- 2 4.</p> <p>4 SOO LEE-CHO: Two, four C.</p> <p>5 LYNN ROBESON: The parking. Okay; 59 6. Hold on one</p> <p>6 second. But, what does the table -- isn't there a table</p> <p>7 here that tells?</p> <p>8 SOO LEE-CHO: Yes, that's the table. There is no use,</p> <p>9 or use group category for animal services and vet clinics.</p> <p>10 That was the determination because it is not listed on this</p> <p>11 table that there is no parking -- bicycle parking</p> <p>12 requirement.</p> <p>13 MS. BRYANT: I guess they never saw the Wizard of Oz,</p> <p>14 and she carries Toto in her basket? (Laughter)</p> <p>15 LYNN ROBESON: No. I'm thinking the employees. I mean</p> <p>16 why have a commercial use with employees --</p> <p>17 SOO LEE-CHO: We asked the same question, but because</p> <p>18 --</p> <p>19 LYNN ROBESON: Okay. How many bike spaces do you have?</p> <p>20 VICTORIA BRYANT: We have two.</p> <p>21 LYNN ROBESON: Two. Pretend for a moment that this</p> <p>22 were -- bike spaces would be required. How many bike spaces</p> <p>23 would you need?</p> <p>24 SOO LEE-CHO: Is it retail? No, this is parking.</p> <p>25 VICTORIA BRYANT: Parking. Oh.</p>	<p>107</p> <p>1 VICTORIA BRYANT: And that allows for one bike on</p> <p>2 either side. So those are the two spaces.</p> <p>3 LYNN ROBESON: Okay. That's --</p> <p>4 SOO LEE-CHO: (inaudible)</p> <p>5 VICTORIA BRYANT: Oh there's two. Sorry. Two.</p> <p>6 LYNN ROBESON: Two?</p> <p>7 VICTORIA BRYANT: Two.</p> <p>8 LYNN ROBESON: That allowed two bikes on either --</p> <p>9 VICTORIA BRYANT: So that would be four parking</p> <p>10 spaces.</p> <p>11 LYNN ROBESON: Your (inaudible) -- you didn't even</p> <p>12 need that interpretation. Sorry. Are they shown on the site</p> <p>13 plan?</p> <p>14 VICTORIA BRYANT: They are not.</p> <p>15 LYNN ROBESON: They should be. I'm sorry.</p> <p>16 VICTORIA BRYANT: Yeah.</p> <p>17 LYNN ROBESON: I mean they are supposed to be shown on</p> <p>18 the site plan. I don't know why Staff didn't -- every other</p> <p>19 site plan I have requires them to be shown. Right.</p> <p>20 SOO LEE-CHO: Because they're -- they were deemed not</p> <p>21 applicable.</p> <p>22 LYNN ROBESON: That is the first I've ever heard that</p> <p>23 interpretation. I -- so do -- let's do this. Please provide</p> <p>24 another site plan just showing -- I'm sorry to cause you</p> <p>25 expense, but it's my name on the dotted line. Just add --</p>
<p>106</p> <p>1 SOO LEE-CHO: And it's just (inaudible)</p> <p>2 LYNN ROBESON: I mean I have to find C.</p> <p>3 VICTORIA BRYANT: One space would be required, for</p> <p>4 10,000 square feet. So we'd be two spaces.</p> <p>5 LYNN ROBESON: So you're good to go. You know --</p> <p>6 VICTORIA BRYANT: And I know that Dr. Wesson has told</p> <p>7 me that, you know, they have space in the building if</p> <p>8 somebody needs -- like, if one of their employees really</p> <p>9 wanted long-term parking they could probably just address</p> <p>10 that by providing space inside the facility.</p> <p>11 LYNN ROBESON: Yeah. But do you know if the space that</p> <p>12 they require, has all these requirements on it?</p> <p>13 VICTORIA BRYANT: Requirements. Right, in place. Yes.</p> <p>14 LYNN ROBESON: I'm just saying.</p> <p>15 VICTORIA BRYANT: Yeah, they -- we've done them for</p> <p>16 apartment buildings and it's pretty excessive, the amount</p> <p>17 of space that's required for long-term bike parking.</p> <p>18 LYNN ROBESON: So do you have two spaces that meet,</p> <p>19 otherwise and meet the park -- bicycle storage, whatever</p> <p>20 they call it?</p> <p>21 VICTORIA BRYANT: Yes. At the front of the building on</p> <p>22 the west side that faces 355 in the northwest corner</p> <p>23 there's a single inverted the bike, which is just a basic</p> <p>24 pipe with a --</p> <p>25 LYNN ROBESON: Yeah.</p>	<p>108</p> <p>1 show where the two spaces are. And that's all I need.</p> <p>2 SOO LEE-CHO: Can they be hand-drawn?</p> <p>3 LYNN ROBESON: No. They have to be profession -- I</p> <p>4 can't accept them hand-drawn. So just give me a new site</p> <p>5 plan with the two spaces.</p> <p>6 SOO LEE-CHO: So we will provide, because the</p> <p>7 landscape plan, everything is tied into each other, so</p> <p>8 we'll --</p> <p>9 LYNN ROBESON: I have never heard of that</p> <p>10 interpretation. We will provide a full set.</p> <p>11 VICTORIA BRYANT: (inaudible) or something.</p> <p>12 SOO LEE-CHO: So there's two inverted bike racks?</p> <p>13 VICTORIA BRYANT: Two inverted bike racks.</p> <p>14 SOO LEE-CHO: And that was installed by the</p> <p>15 landlord/owner, was it not?</p> <p>16 VICTORIA BRYANT: It was. But (inaudible)</p> <p>17 LYNN ROBESON: Huh?</p> <p>18 SOO LEE-CHO: It was recently installed by the land --</p> <p>19 landlord.</p> <p>20 LYNN ROBESON: That's great.</p> <p>21 VICTORIA BRYANT: Which is why the (inaudible)</p> <p>22 LYNN ROBESON: That's awesome.</p> <p>23 VICTORIA BRYANT: We'll add them.</p> <p>24 LYNN ROBESON: That's wonderful.</p> <p>25 SOO LEE-CHO: All right. Should we move on to the use</p>

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28 (109 to 112)

<p>109</p> <p>1 standards of Division 59 3? Can you say for the record how 2 we are in compliance? 3 VICTORIA BRYANT: We are in compliance, as I mentioned 4 on the (inaudible) here. And since we are an existing 5 structure for the 7.7 1 A, we are exempt from a lot of the 6 requirements. 7 SOO LEE-CHO: Well, I meant the animal boarding care 8 use. The specific use standards. 9 VICTORIA BRYANT: Oh. Okay. 10 SOO LEE-CHO: Sections 3 5 1 B 2 B ii. 11 VICTORIA BRYANT: Sorry. 12 LYNN ROBESON: Okay. 13 SOO LEE-CHO: Is that right? 25? 14 VICTORIA BRYANT: In the CR zone the animal boarding 15 care is allowed. Let me find the chart. Per Section, yeah, 16 59 3 1 6. 17 LYNN ROBESON: Do you mean -- let me just get this 18 straight. Oh, because of boarding and care is not listed in 19 -- and why aren't the bicycle spaces required? 20 SOO LEE-CHO: Because neither a vet hospital or an 21 animal boarding care is listed in the bicycle schedule. 22 LYNN ROBESON: Okay. Go ahead. 23 VICTORIA BRYANT: So in the CR zone, employment zones, 24 animal and boarding care is -- must be soundproofed and the 25 attorney, I mean the architect's already testified to this.</p>	<p>111</p> <p>1 feet from the building itself, and 150 feet from the 2 nearest outdoor space, usable space, which is a basketball 3 court. Then, you know, as the sound person testified, you 4 know, and Dr. Boyd and our training expert said, that 5 there's just, you know that the noise is not significant 6 enough to really warrant too much concern. So, you know, 7 between the distance and the space we're also sitting -- 8 LYNN ROBESON: No. I understand. 9 VICTORIA BRYANT: Yeah. 10 LYNN ROBESON: You don't have to keep going. 11 VICTORIA BRYANT: Okay. 12 LYNN ROBESON: And I -- even though I don't -- I 13 understand that interpretation because it's not listed, but 14 anyway, go ahead. 15 VICTORIA BRYANT: And again, there will be no dogs 16 from 9:00 p.m. to 7:00 a.m. 17 LYNN ROBESON: Right. 18 VICTORIA BRYANT: And most people would typically be 19 at work during the time that the dogs -- 20 LYNN ROBESON: And that will be a condition of 21 approval. So -- 22 VICTORIA BRYANT: Right. 23 LYNN ROBESON: Okay. 24 SOO LEE-CHO: All right. Great. Then can you quickly 25 just -- or generally state whether Article 59 6</p>
<p>110</p> <p>1 LYNN ROBESON: Right. 2 VICTORIA BRYANT: As long -- as well as our sound 3 expert. In the CR zone and outdoor exercise yard must be 4 set back 50 feet from any residential zone, but again, we 5 don't have any residential zones here. 6 LYNN ROBESON: What are the condos up there? Are they 7 CR? 8 VICTORIA BRYANT: They are CR. They are just condos. 9 There's no other use there, but they are the CR -- 10 LYNN ROBESON: (inaudible) chart, CR 4. 11 VICTORIA BRYANT: Yes. CR 4 C 3.5 and R 3.5 are the 12 (inaudible) feet. 13 LYNN ROBESON: Well, how far are the -- so that's not 14 a residential zone even though it's 100 percent 15 residential? 16 SOO LEE-CHO: 17 VICTORIA BRYANT: Yeah. The idea with these CR zone is 18 that it is not your -- you know, we're moving away from our 19 typical zoning ordinances and the CR zone is a mixed use 20 zone that is intended to be compact development. We're not 21 trying to separate things out so much. We're not trying to 22 put these big large buffers between uses. We're saying if 23 you have a mixed use development you're going to have all 24 of these people sitting on top of each other in different 25 kinds of uses. But in this particular instance we are 200</p>	<p>112</p> <p>1 requirements are applicable on this case? 2 VICTORIA BRYANT: Okay. 6.1, site access. We have 3 sufficient site access to the property. 4 LYNN ROBESON: Well, I think that only applies to new 5 site access. 6 VICTORIA BRYANT: Right. 7 LYNN ROBESON: And yours is existing, correct? 8 VICTORIA BRYANT: Right. Ours is existing. And we do 9 have three points of access to -- 10 LYNN ROBESON: Oh. Okay. 11 VICTORIA BRYANT: -- the site. So, as I say, I think 12 we have access covered. We do have one motorcycle parking 13 space, two bicycle parking spaces, and -- 14 LYNN ROBESON: Four, right? 15 VICTORIA BRYANT: Sorry. Four bicycle parking spaces. 16 Thank you; and four handicapped spaces, which one of -- one 17 of which is a van accessible. 18 LYNN ROBESON: Okay. 19 VICTORIA BRYANT: And that has to do a little bit too 20 when we get into the number of existing parking spaces 21 before and after; the van parking took up two -- 22 VICTORIA BRYANT: -- some of that space. The parking 23 spaces. 24 SOO LEE-CHO: So that was a question that I think the 25 Hearing Examiner had, in terms of the correct number. How</p>

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29 (113 to 116)

<p>113</p> <p>1 many spaces were taken out for the exercise yard and how 2 many were taken out for the van accessible space? 3 VICTORIA BRYANT: Right. So we have -- we lost a space 4 in the front of the property on the west side that faces 5 355. Because we do not have any -- there was no van 6 accessible handicap spaces on the site as it existed so we 7 created one, which meant we had to lose a space for the 8 eight foot accessible aisle. And the remainder of the 9 spaces were taken up by the construction of the yard in the 10 back. So we ended up with a total of 95 spaces. 11 LYNN ROBESON: Yeah. Okay. Thanks. 12 SOO LEE-CHO: Is there anything else in Article 59 6 13 that is applicable to this case? 14 VICTORIA BRYANT: Let me see. We have not talked about 15 -- the one the we would mention is division 6.7 signs. 16 We're using the existing sign that it is already there, and 17 under Section 6.72B allows for changing of copy, which is 18 -- the sign will have a new name. 19 LYNN ROBESON: That is -- mm-hmm. 20 SOO LEE-CHO: All right. In your opinion, will this 21 proposed use substantially conform with the recommendations 22 of the applicable master plan? 23 VICTORIA BRYANT: Yes. It is the Nuclear Regulatory 24 Commission District under the 2010 White Flint Sector Plan. 25 It proposes primarily non-residential uses in this area.</p>	<p>115</p> <p>1 VICTORIA BRYANT: Okay. That sounds good. I do agree 2 with Technical Staff Report. I'm trying to think if there's 3 -- 4 LYNN ROBESON: Take your time. 5 VICTORIA BRYANT: Yeah. No. I would agree with the 6 Staff Report and I think that, you know, big issues of 7 waste and noise have been addressed by others that have 8 testified today. 9 LYNN ROBESON: Okay. Are you going to address adequacy 10 of fire and utilities and all that? 11 VICTORIA BRYANT: I can do that. 12 LYNN ROBESON: Okay. 13 VICTORIA BRYANT: Obviously we have no impact to 14 schools. 15 LYNN ROBESON: Correct. Well, you are your own school. 16 (Laughter) 17 VICTORIA BRYANT: The site is already serviced by 18 water, sanitary sewer, and public storm drains and have 19 been deemed adequate. The traffic engineers testified to 20 the public road systems. The police and fire protection 21 area is considered to be adequate, and that's it. 22 LYNN ROBESON: Okay. 23 VICTORIA BRYANT: Oh. And then storm water management. 24 We're not subject to the current law because we're under 25 5000 square feet of impact disturbance.</p>
<p>114</p> <p>1 And again, it's an interim use until the sketch plan that 2 was previously approved, which is -- I'll get you the 3 sketch plan number; 32014001A which was approved on May 4 2nd, 2014. It does not conflict with any of the approvals 5 that were -- 6 LYNN ROBESON: Okay. 7 VICTORIA BRYANT: -- a part of that. 8 LYNN ROBESON: That's helpful. Thank you. 9 SOO LEE-CHO: Next, I want to ask you just very 10 quickly to run -- to help us run through the other general 11 findings. Based upon your familiarity with Dr. Boyd's 12 proposed operations, and the subject property, will the 13 proposed use be harmonious with, and not alter the 14 character of the surrounding neighborhood in a manner 15 inconsistent with the plan? 16 VICTORIA BRYANT: It will be harmonious. It's a 17 commercial use in nature, and it is -- will not change the 18 character of the neighborhood. 19 SOO LEE-CHO: Will the proposed -- 20 LYNN ROBESON: You know. Rather than run through all 21 the findings, do you have, I think the Technical Staff 22 Report sets out the findings for each of the general 23 findings. Do you agree with the Technical Staff Report, and 24 is there anything you would like to add to it? And we can 25 do it that way.</p>	<p>116</p> <p>1 SOO LEE-CHO: And the hearing -- 2 LYNN ROBESON: Because the only impact is the dog 3 exercise area? 4 VICTORIA BRYANT: Yes. The dogs. And (inaudible) the 5 31 B, the LOD basically follows the new proposed curb 6 that's going to enclose the space, which runs along the 7 south side of the yard, and along the east side of the 8 yard. 9 LYNN ROBESON: Okay. 10 VICTORIA BRYANT: So it's a pretty small impact. 11 LYNN ROBESON: Okay. 12 SOO LEE-CHO: And we entered into the record as 13 Exhibit 12 a letter submitted to Mark Etheridge requesting 14 confirmation of storm water exemption. We did receive an 15 email response from him -- 16 LYNN ROBESON: Oh. I'll take that in please. 17 SOO LEE-CHO: I did not bring it with me -- 18 LYNN ROBESON: But guess what, the records going to be 19 open. 20 SOO LEE-CHO: -- but I will provide to you. 21 LYNN ROBESON: Okay. 22 SOO LEE-CHO: But that was the basis of the Technical 23 Staff's conclusion that the storm water was adequate. 24 LYNN ROBESON: That's fine. 25 VICTORIA BRYANT: I have a copy of that.</p>

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30 (117 to 120)

<p>117</p> <p>1 SOO LEE-CHO: Oh you do have it. Okay.</p> <p>2 LYNN ROBESON: Okay. And actually thank you for that</p> <p>3 explanation on the CR zone because we have that as an issue</p> <p>4 in another case that it's 100 percent very high residential</p> <p>5 development that is exempt from a lot of things because</p> <p>6 it's -- they consider it commercial.</p> <p>7 VICTORIA BRYANT: Well, it's -- and it's supposed to</p> <p>8 be, you know, more urban zone which is unusual for the</p> <p>9 County, but that's the direction they're heading.</p> <p>10 LYNN ROBESON: It just seemed odd because the County</p> <p>11 is so strong on, you know, encouraging pedestrian -- I mean</p> <p>12 bike and non-auto modes of transit, I guess that it seemed</p> <p>13 odd. But I'm certainly glad; I don't know whether I'm going</p> <p>14 to decide it's required or not, but very glad you have four</p> <p>15 spaces. And if you wouldn't mind, well, even if you do</p> <p>16 mind, I'm asking you to show them on the site plan. Okay.</p> <p>17 SOO LEE-CHO: Okay.</p> <p>18 LYNN ROBESON: Everything, believe it or not, is</p> <p>19 supposed to be shown on the site plan. So -- all right. And</p> <p>20 then, so this will be Exhibit -- I've torn up my file.</p> <p>21 SOO LEE-CHO: I would propose calling it --</p> <p>22 LYNN ROBESON: Pardon me.</p> <p>23 SOO LEE-CHO: -- email confirmation in regard to storm</p> <p>24 water management exemptions.</p> <p>25 LYNN ROBESON: Well, I'm just going to call it email</p>	<p>119</p> <p>1 probably going to be sufficient. I don't even know if</p> <p>2 they'll have any further comments. But I am required to</p> <p>3 send it back. So the record's going to be open for two</p> <p>4 weeks from today. It will close two weeks from today. It's</p> <p>5 during that time also, anyone who has any objections to the</p> <p>6 modification, which I doubt, since no opposition is here, I</p> <p>7 doubt there will be. But I will have to entertain them. And</p> <p>8 you will submit a revised site plan within two weeks,</p> <p>9 correct, showing the bicycle spaces.</p> <p>10 SOO LEE-CHO: Yes.</p> <p>11 LYNN ROBESON: And -- okay. So with that I have 30</p> <p>12 days to write my report and decision. And we will issue</p> <p>13 that, you'll get notification that it's been issued and you</p> <p>14 have 10 days if you disagree with anything that I decide in</p> <p>15 the case, you have 10 days to appeal that to -- or request</p> <p>16 oral argument from the Board of Appeals. Everything the</p> <p>17 Board of Appeals will decide the case on is what has been</p> <p>18 introduced today. There's no more evidence, so you know,</p> <p>19 one last chance. Speak now or forever hold your peace. And</p> <p>20 that's it. Anyone have any final comments?</p> <p>21 SOO LEE-CHO: So I have --</p> <p>22 LYNN ROBESON: I see none.</p> <p>23 SOO LEE-CHO: -- close of business September 1st as</p> <p>24 being the record closing.</p> <p>25 LYNN ROBESON: Yes. Close of record.</p>
<p>118</p> <p>1 from Mark Etheridge -- May 17, 2017 email from Mark</p> <p>2 Etheridge. And that would be, I have 42. Is that where you</p> <p>3 are?</p> <p>4 SOO LEE-CHO: Yes.</p> <p>5 LYNN ROBESON: Okay. Is there anything else you would</p> <p>6 like to bring up?</p> <p>7 SOO LEE-CHO: There is not. Just briefly I would, in</p> <p>8 closing, state that we believe the proposed Application</p> <p>9 satisfies both the general and specific conditions required</p> <p>10 for this conditional use, and it's in a commercial setting,</p> <p>11 completely appropriate in the location. Nothing about the</p> <p>12 proposed use would create non-inherent adverse effects, and</p> <p>13 everything that we've presented in terms of its activity is</p> <p>14 inherent to a typical animal boarding facility. So with</p> <p>15 that, we would close our case.</p> <p>16 LYNN ROBESON: Thank you so much.</p> <p>17 SOO LEE-CHO: You too.</p> <p>18 LYNN ROBESON: And I do appreciate everyone's time. It</p> <p>19 was actually a very interesting, fascinating operations</p> <p>20 testimony. Okay. With that, I'm going to leave the record</p> <p>21 open for two weeks and I'm required to send it back for</p> <p>22 Staff to see if there's any changes, or any further</p> <p>23 comments on the revision. And I haven't been able to speak</p> <p>24 with Staff about their schedule, just based on what you've</p> <p>25 testified and submitted today, I think two weeks is</p>	<p>120</p> <p>1 SOO LEE-CHO: Yes.</p> <p>2 LYNN ROBESON: Yeah. So -- and then my report will due</p> <p>3 -- be due 30 days. We try to get it out earlier, but we</p> <p>4 can't always do that. So with that, thank you very much.</p> <p>5 SOO LEE-CHO: Thank you.</p> <p>6 LYNN ROBESON: And I've got to talk to you about my</p> <p>7 aunt's dog. (Laughter) I didn't want to say it -- (audio</p> <p>8 ends abruptly)</p> <p>9 (Off the record at 12:46 p.m.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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CERTIFICATE OF TRANSCRIBER

I, Molly Bugher, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording as provided; and that I am neither counsel for, related to, nor employed by and of the parties to this case and have no interest, financial or otherwise, in its outcome.



MOLLY BUGHER

August 29, 2017