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# Transcript of Hearing

**Date:** October 12, 2020

**Case:** Martha B. Gudelsky Child Development Center

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Conducted on October 12, 2020

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1	1	1	3
2	OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS	2	A P P E A R A N C E S
3	FOR MONTGOMERY COUNTY, MARYLAND	3	
4	-----x	4	ON BEHALF OF THE PETITIONER:
5	In Re: :	5	PATRICIA A. HARRIS, ESQUIRE
6	MARTHA B. GUDELSKY CHILD : Case No. CU 20-08	6	ELIZABETH C. ROGERS, ESQUIRE
7	DEVELOPMENT CENTER :	7	LERCH, EARLY & BREWER
8	-----x	8	7600 Wisconsin Avenue, Suite 700
9	HEARING	9	Bethesda, MD 20814
10	Before Hearing Examiner Lynn A. Robeson Hannan	10	(301) 986-1300
11	Conducted Virtually	11	Also present: Hearing Examiner Derek Baumgardner, Rita
12	Monday, October 12th, 2020	12	Regino, Myrna Peralta, Bradford Fox, Federico Olivera-Sala,
13	10:37 a.m. ET	13	Trini Rodriguez, Anne (Nancy) Randall
14		14	
15		15	
16		16	
17		17	
18		18	
19		19	
20		20	
21		21	
22		22	
23	Job No. 327955	23	
24	Pages: 1-216	24	
25	Transcribed by: Megan Wunsch, AAERT CET	25	
2	2	4	4
1	Hearing In Re Martha B. Gudelsky Child Development	1	C O N T E N T S
2	Center held virtually.	2	WITNESSES
3		3	Examination of Rita Regino
4		4	Examination of Myrna Peralta
5		5	Examination of Bradford Fox
6		6	Examination of Federico Olivera-Sala
7		7	Examination of Trini Rodriguez
8	Pursuant to agreement, before Merinda Evans, E-Notary	8	Examination of Anne (Nancy) Randall
9	Public in and for the State of Maryland.	9	Continued Examination of Myrna Peralta
10		10	Continued Examination of Anne (Nancy) Randall
11		11	
12		12	E X H I B I T S
13		13	(Exhibits marked prior to hearing.)
14		14	HEARING EXHIBITS
15		15	Exhibit 1 Conditional Use Application
16		16	Exhibit 2 Signed Intake Checklist
17		17	Exhibit 3 Approved NRI, FSD
18		18	Exhibit 4(a) Site Plan
19		19	Exhibit 4(f) A006 Elevations
20		20	Exhibit 4(g) Perspectives
21		21	Exhibit 4(h) A008 Perspectives
22		22	Exhibit 7 Certified Zoning Map
23		23	Exhibit 9(a) Circulation Plan
24		24	Exhibit 9(b) Circulation Plan
25		25	EXHIBITS CONTINUED ON FOLLOWING PAGE

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<p>10</p> <p>1 PROCEEDINGS</p> <p>2 (Exhibits marked prior to hearing.)</p> <p>3 HEARING EXAMINER ROBESON HANNAN: I apologize for</p> <p>4 that delay.</p> <p>5 So I am going to call -- call the case. This is a</p> <p>6 public hearing in the matter of Case No. 20-08, the</p> <p>7 application of the Martha Gudelsky Child Development Center,</p> <p>8 located on Colesville Road.</p> <p>9 My name is Lynn Robeson Hannan. I'm the Hearing</p> <p>10 Examiner, which means I'm going to listen to the testimony</p> <p>11 and will make a decision. That can be appealed to the Court</p> <p>12 of Appeals within ten days of the date of the decision.</p> <p>13 A couple of notes on today's meeting. As you know --</p> <p>14 as you have seen, we're in remote -- we're in a remote</p> <p>15 version. We're going to try and use the raise your hand</p> <p>16 feature down -- if you hover in the middle of your -- of your</p> <p>17 -- the screen, you'll see "raise your hand." If you wish to</p> <p>18 speak, please use that feature because it -- we can't have</p> <p>19 crosstalk. This is being recorded by a court reporter, and</p> <p>20 it's very difficult for her if we have multiple people</p> <p>21 speaking over each other at the same time.</p> <p>22 So, Derek, can you start the recording on this? Do</p> <p>23 you have that capability? I had to come in as a guest.</p> <p>24 HEARING EXAMINER BAUMGARTNER: Let me see if I do.</p> <p>25 One moment please.</p>	<p>12</p> <p>1 materials that we submitted at the end of last week, Ms.</p> <p>2 Robeson.</p> <p>3 The majority of the items that we submitted were</p> <p>4 intended just to provide clarity on the information that was</p> <p>5 already in the record. And, typically -- and I say typically</p> <p>6 meaning pre-COVID -- we would have that information</p> <p>7 introduced through testimony of our witnesses. But, given</p> <p>8 the remote nature, we had to get -- make sure that everything</p> <p>9 could be posted online in advance. What I'd like to do is</p> <p>10 just provide a little clarity to those materials now because</p> <p>11 I think it will help avoid future confusion.</p> <p>12 So one of the items that was submitted was queueing</p> <p>13 information; that was Exhibit 62. And that information was</p> <p>14 actually simply a prepackaging of information that had</p> <p>15 previously been included as an appendix to the traffic</p> <p>16 statement, which was Exhibit 26. However, because the</p> <p>17 Hearing Examiner had asked questions about that issue, we</p> <p>18 thought that it was beneficial to repackage it in order to</p> <p>19 more easily present that information. So it's simply</p> <p>20 information that was previously submitted, but we pulled it</p> <p>21 out of the report. The one piece of information that was new</p> <p>22 was the traffic -- the accident data. But, as our witness</p> <p>23 will testify, that has no significance to this case.</p> <p>24 The second package that we submitted related to</p> <p>25 signage. And signage was previously submitted in terms of</p>

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13	<p>1 the monument sign on Colesville Road had been shown both on</p> <p>2 the conditional use plan in the perspective and also on the</p> <p>3 architectural site plan, and then the plans also showed --the</p> <p>4 architectural elevations also previously showed the building-</p> <p>5 mounted signs, both on Colesville and Ellsworth. The one</p> <p>6 thing that that package did do is add one new sign, the</p> <p>7 monument sign on Ellsworth.</p> <p>8 The new sign package really was a -- primarily a</p> <p>9 refinement of what had been previously submitted, and it was</p> <p>10 based in part on what we just only recently learned from</p> <p>11 another case from the Hearing Examiner that you needed those</p> <p>12 -- information in advance of the Sign Review Board. We were</p> <p>13 not aware of -- of that. So --</p> <p>14 HEARING EXAMINER ROBESON HANNAN: No, no. I don't</p> <p>15 need it. The sign -- it's your choice, either one. You can</p> <p>16 go to the Sign Review Board or you can put it in. It just</p> <p>17 gives the Sign Review Board -- you still have to go to the</p> <p>18 Sign Review Board. It just gives the Sign Review Board the</p> <p>19 ability to defer to my decision.</p> <p>20 MS. HARRIS: I see. Okay. That's helpful to know.</p> <p>21 Thank you.</p> <p>22 So we are prepared -- with the Hearing Examiner's</p> <p>23 concurrence, we would like to make sure that that Exhibit</p> <p>24 68(d) is accepted.</p> <p>25 The final item that we submitted that I want to just</p>	15
14	<p>1 clarify as a preliminary matter, where we submitted red-line</p> <p>2 conditions, and those were intended, first of all, just</p> <p>3 because there was a lot of back and forth at the Planning</p> <p>4 Board to put it on one sheet what the Planning Board</p> <p>5 ultimately agreed to and then also highlight the further</p> <p>6 revisions that we intended to propose. The Planning Board,</p> <p>7 both at the Planning Board hearing and then in their letter</p> <p>8 to the Hearing Examiner, actually invited us to work out the</p> <p>9 details of the conditions with the Hearing Examiner.</p> <p>10 In connection with that, what we're recommending is</p> <p>11 -- are revisions to Conditions 2, 3, 13, and 14, and the</p> <p>12 deletion of Condition 15. And we're going to be prepared to</p> <p>13 -- through our witnesses to further discuss these, but, just</p> <p>14 very briefly.</p> <p>15 Condition 2 had to do with hours of operation, and</p> <p>16 the Hearing Examiner had asked for clarification or a</p> <p>17 question regarding those.</p> <p>18 Condition 3 had to do with arrival and departure</p> <p>19 times, and the Planning Board specifically said go work that</p> <p>20 detail out with the Hearing Examiner in a measure -- in a way</p> <p>21 that can be measured.</p> <p>22 And then Condition 15, which we deleted, was really</p> <p>23 at the direction of the Planning Board's transmittal letter</p> <p>24 where they're -- they said it was agreed to, to defer that</p> <p>25 issue until the time of preliminary plan.</p>	16
	<p>1 So what I --</p> <p>2 HEARING EXAMINER ROBESON HANNAN: Wait. Condition</p> <p>3 15, is that the park's parking spaces?</p> <p>4 MS. HARRIS: Yes, yes. And I would note there that</p> <p>5 the -- the issue with -- had nothing to do with the</p> <p>6 provision, the subsequent provision of the spaces. It had to</p> <p>7 do with how to document and work out the details.</p> <p>8 We're prepared to review all of those after you've</p> <p>9 had the benefit of hearing our testimony relating to those,</p> <p>10 but I wanted to, as a preliminary matter, explain why we had</p> <p>11 submitted those.</p> <p>12 HEARING EXAMINER ROBESON HANNAN: Okay. Let me just</p> <p>13 get those conditions. They were -- that was Exhibit -- I</p> <p>14 think it was 60- --</p> <p>15 MS. HARRIS: 66.</p> <p>16 HEARING EXAMINER ROBESON HANNAN: Oh, 66?</p> <p>17 MS. HARRIS: Yes.</p> <p>18 HEARING EXAMINER ROBESON HANNAN: Let me get back.</p> <p>19 All right. Okay.</p> <p>20 I guess this is where I am on this. I've -- I've got</p> <p>21 a landscape, lighting, and parking plan that I don't know the</p> <p>22 final details of. I've got a new sign. And I'm just,</p> <p>23 frankly, confused about why you're doing -- it's a mystery to</p> <p>24 me, and it shouldn't be at this stage, but it is -- I don't</p> <p>25 know why you want to be open until eleven o'clock. I've</p>	

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17	1 further explain -- 2 HEARING EXAMINER ROBESON HANNAN: I apologize for my 3 frustration, but it's just this case has come so far and it's 4 still a mystery. And I don't understand why that is, but, go 5 ahead. 6 MS. HARRIS: We hope that through our testimony we 7 will put the -- we will resolve the mystery for you this 8 morning. 9 So, with that, I have one technical question and then 10 we can start the case. 11 HEARING EXAMINER ROBESON HANNAN: And I can't defer 12 stuff like parking -- 13 MS. HARRIS: Yeah. 14 HEARING EXAMINER ROBESON HANNAN: -- to preliminary. 15 I -- you know, where does -- I've never -- I've never had 16 conditions that defer so much to preliminary plans. 17 MS. HARRIS: So in terms of the -- I'll just get into 18 the park parking now. In terms of the park parking, as I 19 said, there was no disagreement with providing the spaces. 20 So we actually will have a proposed condition -- it's not on 21 this sheet -- that just says -- that says that we would 22 provide 12 parking spaces during non-peak hours. But that 23 the only thing that we didn't -- and the point that we made 24 at the Planning Board was -- we did not think it was 25 necessary to have a public hearing on that issue. I mean --	19	1 HEARING EXAMINER ROBESON HANNAN: Well, let me -- 2 we'll reiterate it. Let's hear all the testimony, and then 3 we can reiterate it at the end. 4 MS. HARRIS: Okay. 5 HEARING EXAMINER ROBESON HANNAN: Okay? 6 MS. HARRIS: Yes. 7 HEARING EXAMINER ROBESON HANNAN: So I'm going to 8 make -- I just have to make a note, condition on parking 9 spaces, park parking spaces. Okay. 10 So I'm ready to go, and I do apologize for the delay. 11 MS. HARRIS: May I ask one technical question please? 12 When we're done talking, are we supposed to click the "lower 13 your hand" button? 14 HEARING EXAMINER ROBESON HANNAN: You click the hand 15 button again, yes -- 16 MS. HARRIS: Okay. 17 HEARING EXAMINER ROBESON HANNAN: -- or lower your 18 hand. Yes, thank you. 19 Now, in the meantime, I see more people have joined 20 the meeting. Is there anyone here that is not going to be -- 21 that would like to testify that will not be represented or 22 called by Ms. Harris and the Applicant? 23 You can use the hand button or you can say -- you 24 know, you can just identify yourselves. 25 Okay. Hearing none again, we can go forward, Ms.
18	1 HEARING EXAMINER ROBESON HANNAN: Well -- 2 MS. HARRIS: -- I'm sorry, not a public hearing, 3 excuse me, a formal agreement. 4 Parks was asking for a formal agreement, and we had 5 said we don't think it's necessary to have a formal 6 agreement. And what we're trying to avoid is entering in now 7 to a condition that says we need a formal agreement only to 8 realize that it's not necessary to have one and then we have 9 to go back and amend our conditional use approval. 10 So with respect -- and I -- we understand that -- 11 HEARING EXAMINER ROBESON HANNAN: But then you said 12 -- but then you took out the condition entirely requiring the 13 12 parking spaces. 14 MS. HARRIS: And it was -- right. That was at the 15 direction of the Planning Board that said we'll defer this, 16 but I -- what I would suggest with respect to that condition 17 is we reinsert a condition that says "up to 12 assigned 18 parking spaces must be made available for use by the adjacent 19 Ellsworth Urban Park during non-drop-off and pickup hours and 20 holidays by the Applicant." And we -- and -- 21 HEARING EXAMINER ROBESON HANNAN: Okay. 22 MS. HARRIS: -- I could repeat that if you want 23 because -- 24 HEARING EXAMINER ROBESON HANNAN: No, I got it. 25 MS. HARRIS: -- I guess you -- but you need to know.	20	1 Harris. 2 MS. HARRIS: Thank you. As I said, it's a -- this is 3 a conditional use application for a daycare center over 30 4 children, pursuant to Section 7.3.1 of the Montgomery County 5 Zoning Ordinance, and the property is 8901 and 8907 6 Colesville Road. It is the site of the former Silver Spring 7 Library site. It is 2.02 acres. 8 And, as you will hear, we've worked very closely with 9 the community. When the County first indicated that this 10 property was available, the County received several different 11 proposals, some of which were much more aggressive than the 12 subject proposal, including razing the building and 13 constructing a new multifamily building. One of the things 14 that was heard loud and clear from the community was they 15 wanted to see the library building retained and the open 16 space retained, and this proposal, as you will hear, does 17 just that. 18 We were pleased that the staff report included four 19 letters of support and similarly pleased with the planning 20 staff's recommendation of approval, which is Exhibit 38, and 21 the Planning Board's recommendation of approval, which is 22 Exhibit 37. 23 Through our witnesses, you'll hear that there's an 24 overwhelming need for the proposed childcare center. The 25 majority of the families that are served are low-income,

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<p>21</p> <p>1 working families. And while we recognize there's not a need 2 requirement in connection with a childcare center, this does 3 go to the master plan requirement about serving the needs of 4 this diverse community.</p> <p>5 You'll also hear through our testimony how the 6 proposal is consistent with the master plan, that it is 7 compatible with the neighborhood, and that it complies with 8 the conditional use requirements for childcare over 30 9 children.</p> <p>10 Our witnesses this morning will be two witnesses to 11 put this case in context, and that is Ms. Rita Regino who's 12 the president of the Martha B. Gudelsky Child Development 13 Center and then Ms. Myrna Peralta who's the CEO of CentroNia 14 which will be the operator. And then our expert witnesses 15 will be Brad Fox who's the civil engineer from Bohler 16 Engineering, Federico Olivera-Sala who's the architect with 17 Moya Design, Ms. Trini Rodriguez who's the landscape 18 architect from ParkerRodriguez, and then our transportation 19 planner Nancy Randall from Wells + Associates.</p> <p>20 So, with that, Ms. Robeson, if you don't have any 21 other initial comments, we would like to call our first 22 witness.</p> <p>23 HEARING EXAMINER ROBESON HANNAN: Okay. Thank you. 24 Go ahead.</p> <p>25 MS. HARRIS: Okay. Ms. Regino. And you're on mute,</p>	<p>23</p> <p>1 Colesville Road, Silver Spring Library, is where my family 2 chose to honor my mother's memory.</p> <p>3 It is through a child development center in her name 4 because she lived her entire adult life on Colesville Road 5 three blocks from the library. All of the children in our 6 family attended the neighborhood public schools: Parkside 7 Elementary, Montgomery Hills Middle, and Blair High.</p> <p>8 It was 2005, during a family meeting, that she 9 requested we identify a site to build a child development 10 center in Silver Spring. Even back in 2005, she recognized 11 our community need for affordable, professional childcare.</p> <p>12 My mother was always somebody who was involved in our 13 community. She was a part of the community and, throughout 14 her lifetime, she identified several projects to be done in 15 support of the greater community.</p> <p>16 Q Can you please explain MG CDC's actual interest in the 17 property at this point?</p> <p>18 A I'm not certain what you mean by that, Pat.</p> <p>19 Q How did the -- did the -- did the -- did MG CDC 20 respond to an RFP that the County had issued for the 21 property?</p> <p>22 A Yep. When the County requested RFPs for the site, we 23 determined this was the perfect location. It was to preserve 24 this building, which is beautiful in design. It's 25 proportional to the site. It was built by the master</p>
<p>22</p> <p>1 Rita.</p> <p>2 MS. REGINO: Still on mute. Okay. Now I'm on. 3 Thank you. Good morning.</p> <p>4 EXAMINATION OF RITA REGINO</p> <p>5 MS. HARRIS: Good morning. Can you please state your 6 name and full -- and your position for the record?</p> <p>7 MS. REGINO: My name is Rita Gudelsky Regino. I'm 8 president of Martha Gudelsky Child Development Center and one 9 of Martha Gudelsky's five children.</p> <p>10 MS. HARRIS: Thank you. Ms. Hannan, do you need to 11 swear them in before I go further?</p> <p>12 HEARING EXAMINER ROBESON HANNAN: Yes.</p> <p>13 MS. HARRIS: Thank you.</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Raise your right 15 hand.</p> <p>16 Do you solemnly affirm under penalties of perjury 17 that the statements you're about to make are the truth, the 18 whole truth, and nothing but the truth?</p> <p>19 THE WITNESS: I do.</p> <p>20 MS. HARRIS: Thank you. Thank you.</p> <p>21 BY MS. HARRIS:</p> <p>22 Q Can you please provide some background regarding 23 MG CDC?</p> <p>24 A Well, yes. And I'm glad I'm going to have a chance 25 before the technical testimonies to explain why 8901</p>	<p>24</p> <p>1 craftsmen of the 1950s. And because it was so close to our 2 home and a property that all of us had used, we thought this 3 is where this center should be.</p> <p>4 Q And did the County award the RFP to MG CDC?</p> <p>5 A Yes.</p> <p>6 Q And, at this point, do you have -- at what point in 7 the process will you have a long-term ground lease with the 8 County?</p> <p>9 A When we finish our preliminary.</p> <p>10 Q Thank you. Is there anything else that you would 11 like to add with -- in connection with MG CDC's relationship 12 with the property or CentroNia?</p> <p>13 A No. Thank you.</p> <p>14 MS. HARRIS: Thank you. So that -- that concludes 15 Ms. Regino's testimony. Ms. Robeson, I don't know if you 16 have any questions.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: No. My questions 18 -- thank you.</p> <p>19 Is there anyone here -- I keep seeing more -- is 20 there anyone in the meeting that would like to -- that is not 21 represented by Ms. Harris that would like to ask a question 22 of this witness?</p> <p>23 Okay. Seeing none, you may be excused. Thank you 24 for your testimony.</p> <p>25 THE WITNESS: Thank you.</p>

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<p>25</p> <p>1 MS. HARRIS: Our next witness is Myrna Peralta, the 2 CEO of CentroNia. 3 EXAMINATION OF MYRNA PERALTA 4 HEARING EXAMINER ROBESON HANNAN: Okay. Ms. Peralta, 5 please raise your right hand. 6 Do you solemnly affirm under penalties of perjury 7 that the statements you're about to make are the truth, the 8 whole truth, and nothing but the truth? 9 THE WITNESS: I do. 10 HEARING EXAMINER ROBESON HANNAN: Okay. Go ahead, 11 Ms. Harris. 12 MS. HARRIS: Thank you. 13 BY MS. HARRIS: 14 Q Ms. Peralta, can you please provide some background 15 on CentroNia? 16 <b>A First of all, I'm Myrna Peralta, and I'm CEO of</b> 17 <b>CentroNia. We will be operating --</b> 18 HEARING EXAMINER ROBESON HANNAN: Did she say her 19 business address? 20 MS. HARRIS: Oh, sorry. 21 Q And can you please state your business address? 22 <b>A Our business address is 1420 Columbia Road NW,</b> 23 <b>Washington, D.C. We have five centers and our very large</b> 24 <b>center in Takoma Park, Maryland.</b> 25 Q And have you met with the community to describe the</p>	<p>27</p> <p>1 and -- and supports us. 2 We are currently planning to serve children over the 3 ages of three months to five years of age. In some of our 4 centers -- a couple of our centers, we accept children as 5 young as six weeks old because that's what the demand is, and 6 we would like the flexibility to do that in this instance if 7 at all possible. 8 HEARING EXAMINER ROBESON HANNAN: Wait. Sorry. 9 THE WITNESS: Uh-huh. 10 HEARING EXAMINER ROBESON HANNAN: So you want -- you 11 want children six -- six weeks instead of three months? 12 THE WITNESS: Most of our centers -- like I said, if 13 it's three months, we're fine with that. Often, in a couple 14 of our sites, the demand has been for children six weeks and 15 above. 16 MS. HARRIS: So -- 17 THE WITNESS: And so we've adapted our -- our 18 enrollment to allow accepting them at that -- at that early 19 age in a couple of our other centers. So we were seeking 20 that kind of flexibility in the event that the community 21 asked us to serve children that young. 22 HEARING EXAMINER ROBESON HANNAN: Okay. 23 BY MS. HARRIS: 24 Q So, just to follow up on that, is it correct to say, 25 to better serve the community, you'd like the flexibility to</p>
<p>26</p> <p>1 conditional use application? 2 <b>A Yes, we have. In fact, we -- we met with the</b> 3 <b>community as part of the original RFP process back in October</b> 4 <b>of '17. And then we more recently, in June this year, we</b> 5 <b>held a meeting with the community virtually to discuss the</b> 6 <b>conditional use and subsequent preliminary plan application.</b> 7 Q Thank you. And can you provide a little bit of 8 description of CentroNia's -- first of all, the families that 9 you serve and also your general philosophy and approach to 10 providing childcare? 11 <b>A Okay. So CentroNia is an organization that is over</b> 12 <b>35 years old. We are nationally recognized as an educational</b> 13 <b>organization providing high-quality early learning for</b> 14 <b>children and families in the Washington, D.C. area. We're</b> 15 <b>proud to be able to afford high-quality early learning and</b> 16 <b>supportive services. We have a minimum of 75 percent of our</b> 17 <b>children are and will be served by this childcare center.</b> 18 <b>This means that 75 percent are under federal guidelines to</b> 19 <b>receive free and reduced lunches.</b> 20 <b>Our model, which is a bilingual multicultural model</b> 21 <b>embedded in the communities we serve. We have an</b> 22 <b>intergenerational community engagement process because we</b> 23 <b>believe in investing in the communities in which we sit, and</b> 24 <b>that means that there are all sorts of partnerships and</b> 25 <b>activities that we do with the community that surrounds us</b></p>	<p>28</p> <p>1 start at six -- to start at six weeks? 2 HEARING EXAMINER ROBESON HANNAN: That wasn't what 3 the Planning Board reviewed, was it? 4 MS. HARRIS: The -- the Statement of Operation that 5 was submitted did say three months. I -- and I think what 6 Ms. Peralta is saying -- 7 (Background noise.) 8 HEARING EXAMINER ROBESON HANNAN: I apologize. Just 9 one second. Okay. 10 THE WITNESS: So let me -- let me just say that from 11 an operator's point of view, it is certainly easier and for 12 us to -- 13 HEARING EXAMINER ROBESON HANNAN: Why didn't you say 14 this at the beginning, just out of curiosity? 15 THE WITNESS: Good question. I guess because we're 16 so used to doing three months to -- to five years that I 17 missed the -- the possibility that the community might want 18 us to do six weeks. But three months is our traditional 19 starting point, and if the -- if you feel that we need to 20 stick with that, we're fine with that. It's certainly easier 21 for us. I was just trying to build in as much flexibility to 22 be responsive to the community as possible. 23 BY MS. HARRIS: 24 Q Ms. Peralta, if I may. If you were to be able to 25 extend it to as young as six weeks -- I mean, six -- yes, six</p>



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8 (29 to 32)

<p style="text-align: right;">29</p> <p>1 weeks -- does that in any way change your -- the way the 2 center operates? 3 <b>A No. No.</b> 4 Q Okay. So you stated that in -- your preferred child 5 set is six weeks to five months. And then can you please -- 6 is there also an after-school program? And, if so, can you 7 explain how that works? 8 <b>A Okay. So we have before and after services for</b> 9 <b>children -- for our children -- or for our families. So let</b> 10 <b>me explain.</b> 11 <b>Most childcare centers run for -- from six and a half</b> 12 <b>to eight hours. We have an 11-hour day. And -- and that's</b> 13 <b>to reflect the realities of our working families. So there</b> 14 <b>are -- and COVID has impacted all of this, so I want to put</b> 15 <b>that to the side, but, under normal circumstances --</b> 16 HEARING EXAMINER ROBESON HANNAN: Now why do you have 17 an 11-hour day? Because night shift workers? 18 THE WITNESS: No, no. Seven to six is the standard 19 across most childcare providers. 20 HEARING EXAMINER ROBESON HANNAN: Right. Oh, I 21 thought -- but why do you want eleven? 22 THE WITNESS: Eleven o'clock -- so, two things. One 23 is that when we were dreaming and thinking about this 24 childcare center and ever since we put in our application, 25 we've gotten inquiries -- and this included from the County</p>	<p style="text-align: right;">31</p> <p>1 training, and most of that occurs between seven and nine, 2 seven and ten at night. 3 HEARING EXAMINER ROBESON HANNAN: You mean 7 p.m. -- 4 THE WITNESS: 7 p.m., yes, ma'am. Um-hmm. 5 HEARING EXAMINER ROBESON HANNAN: So -- so tell me 6 again what you're -- what you -- tell me again what you do 7 during those hours. 8 THE WITNESS: We do parent engagement so that would 9 be regular meetings with parents on programming activities. 10 We do things like tax clinic for our parents, information 11 sharing with our parents. It could be -- 12 HEARING EXAMINER ROBESON HANNAN: Well, that -- 13 that's really not a childcare center. That's another use. 14 THE WITNESS: But we -- okay. So we are a 15 comprehensive childcare center. Our belief is that if a 16 parent is -- 17 HEARING EXAMINER ROBESON HANNAN: What else do you do 18 with the parents? 19 THE WITNESS: Oh. We do all sorts of workshops with 20 them. We do what are called socialization meetings with 21 parents so that for, you know, new parents, having them take 22 their first aid, health-related activities, information 23 referral -- I mean, we do a lot of that reaching out and 24 engaging our parents in the evenings. 25 HEARING EXAMINER ROBESON HANNAN: I guess my concern</p>
<p style="text-align: right;">30</p> <p>1 -- whether or not we would ever consider doing a later -- a 2 later shift to accommodate, at that point, the restaurants 3 and -- and business community in the Silver Spring downtown 4 area. There are -- there were just a tremendous amount of 5 folks who work in the evenings. 6 And we don't -- we don't normally do evening 7 childcare, but we wanted to leave the option open in the 8 event that the business community did in fact want to pursue 9 that with us. 10 HEARING EXAMINER ROBESON HANNAN: I guess my concern 11 about that is, is this something you discussed with the 12 neighbors? Because you're right near, you know, Ellsworth 13 and some -- some -- have you discussed this with the 14 neighbors? 15 THE WITNESS: It was raised at the -- in fact it was 16 a community member, if I remember correctly, that raised it 17 at the -- during the RFP process, if we would ever be -- 18 think about offering evening. And it was also something 19 raised by the County itself during our RFP process. 20 HEARING EXAMINER ROBESON HANNAN: But did the 21 Statement of Operations include that? 22 THE WITNESS: No. Our normal operating hours are 23 seven to six for childcare -- direct childcare services. And 24 then in all of our centers, we are required to do parent 25 engagement, parent education, parent activities, teacher</p>	<p style="text-align: right;">32</p> <p>1 is I'm not sure if the community had notice of this. You 2 could generate quite a bit of activity at night, and nobody 3 would know it. Nobody knows about it. So that wasn't part 4 -- 5 MS. HARRIS: Ms. -- well, Ms. Hannan, I will say that 6 we -- although not required, we had a meeting with the 7 community to discuss the conditional use application. And, 8 as Ms. Peralta said at the beginning that the center takes a 9 comprehensive approach to childcare and that the parental 10 classes were certainly discussed at that meeting, so I don't 11 think it would be any surprise. 12 THE WITNESS: And so -- and so was teacher training, 13 teacher workshops, and -- and also part of our -- 14 HEARING EXAMINER ROBESON HANNAN: I guess -- okay. 15 Just a second. 16 I guess what concerns me is part of the reason we 17 file the Statement of Operations and all that is so that 18 people are on notice and it gets reviewed by the Planning 19 Board. 20 THE WITNESS: Um-hmm. 21 HEARING EXAMINER ROBESON HANNAN: And the first time 22 I saw the eleven o'clock was a Planning Board condition. 23 MS. HARRIS: I think the confusion is -- and I'm 24 going to put aside for one moment the -- the delivery of 25 childcare direct services that -- that were mentioned -- but</p>

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9 (33 to 36)

<p>33</p> <p>1 the parental support is a accessory or incidental use to the 2 primary provision of childcare. 3 HEARING EXAMINER ROBESON HANNAN: But I have no idea 4 how it operates. It's -- I guess what I'm getting at, 5 there's no -- nothing in this record that tells me in too 6 many ways how this is going to operate -- how many people, 7 what are the hours, how frequent is it -- nothing. 8 MS. HARRIS: Well -- 9 HEARING EXAMINER ROBESON HANNAN: I'm not saying the 10 goal isn't laudable. It is. 11 MS. HARRIS: I think you will hear -- 12 THE WITNESS: I -- I do believe -- 13 MS. HARRIS: -- from this that -- 14 THE WITNESS: Didn't we -- didn't we include that 15 evening activities would be two or three times a week and -- 16 and on -- and on a couple Saturdays a week [sic]? I thought 17 we put that in our narrative. 18 MS. HARRIS: I -- we will double check that, but that 19 was my recollection as well. 20 Ms. Robeson, I think you -- 21 HEARING EXAMINER ROBESON HANNAN: Well, is it going 22 to -- but I guess -- maybe -- maybe it's because the staff 23 report did not outline all the operations. I -- I just -- 24 THE WITNESS: So -- 25 HEARING EXAMINER ROBESON HANNAN: I'm looking for</p>	<p>35</p> <p>1 I will note, and you'll hear through Ms. Randall's 2 testimony, that the library itself was open to nine every 3 evening, except Sundays, and so -- 4 HEARING EXAMINER ROBESON HANNAN: I guess this 5 question is, you know, I still -- what is the impact? And 6 maybe we can address it of being open at nights, and now you 7 want eleven o'clock instead of nine o'clock. So -- 8 THE WITNESS: So the eleven -- the reference to 9 eleven o'clock dealt with the fact that when you have evening 10 hours, you then have to have our cleaning people come in, and 11 so the -- the suggestion that the meeting ends at nine and 12 the doors close at nine, trying to build into there the fact 13 that, you know, parents often stay after -- afterwards to -- 14 to -- to mingle and talk, and then our cleaning people have 15 to come in, so that I wanted to reflect real hours that we 16 would probably be open in order to -- before the center's 17 doors were -- were shut. 18 HEARING EXAMINER ROBESON HANNAN: Okay. 19 MS. HARRIS: And, again, I would note that this was 20 mentioned at the -- at the community meeting prior to the 21 conditional use and then also even one of those even further 22 preliminary meetings with the community. 23 HEARING EXAMINER ROBESON HANNAN: Okay. Well, how -- 24 I guess the question is, now the way your condition reads -- 25 and I just took the -- the thing off the screen -- now the</p>
<p>34</p> <p>1 your statement now. 2 THE WITNESS: So -- so let me -- while you're looking 3 at it, let me just say, I don't know of any childcare center 4 that doesn't conduct some evening activities in support of 5 the families and the communities in which they sit. 6 We don't open at seven and shut the doors at six. 7 There are all sorts of -- not -- not so much collateral, but 8 -- but complementary services that are required of us as a 9 licensed childcare center so that we've got to be able to 10 show our regulators that we are engaging our parents in 11 meaningful ways, whether it is a cooking class on how do you 12 prepare healthy foods for the children -- 13 HEARING EXAMINER ROBESON HANNAN: Well, I think -- 14 I'm just -- pardon me. I'm looking at your Land Use Report, 15 page 9. It says, The center will provide childcare services 16 between the hours of 7 a.m. and 6 p.m. 17 THE WITNESS: Right. And that's direct childcare, 18 yes. 19 MS. HARRIS: And then, Ms. Robeson, if you go down to 20 the next paragraph, it says, Although the childcare program 21 closes at six, the center will remain open until nine for 22 parent meetings, teacher/professional development, and 23 community activities. And it says, On average, that will 24 occur two to three times a week, additionally on Saturdays 25 ten to four.</p>	<p>36</p> <p>1 way the condition reads is you're -- you're open ever night 2 until eleven o'clock. 3 THE WITNESS: It wouldn't be every night. 4 HEARING EXAMINER ROBESON HANNAN: Well, can you 5 narrow it down? 6 MS. HARRIS: Well, let me -- let me first say the 7 request for eleven, as -- as noted -- and I -- we submit that 8 this wasn't in the initial statement -- was to be able to 9 accommodate the evening shift workers and frontline workers 10 if there determines to be a need. But, putting that aside 11 for a moment, the hours -- the hours -- the proposed hours 12 are seven to eleven, and -- and, again, that was to 13 accommodate the -- the -- the additional -- the expansion of 14 the direct services being provided. 15 THE WITNESS: If we made that decision. That is not 16 a -- it is very difficult to provide evening childcare hours, 17 and it's not something that we traditionally do. And so -- 18 and I want to be upfront about that. 19 HEARING EXAMINER ROBESON HANNAN: What decision are 20 you referring to? 21 THE WITNESS: Providing -- providing direct childcare 22 for an evening shift. 23 HEARING EXAMINER ROBESON HANNAN: So you haven't made 24 that decision? 25 THE WITNESS: No. And what -- that's what I said</p>

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<p>37</p> <p>1 earlier. We wanted to give ourselves the flexibility because 2 it was a interest expressed at both our RFP process and 3 raised by the -- by the County, and we wanted just to -- like 4 I said, I didn't want to slam that door shut. That's all. 5 HEARING EXAMINER ROBESON HANNAN: I understand. I 6 guess I'm thinking, you know, are lights -- you know, if you 7 have pickups at eleven o'clock or 10:30 p.m., are you going 8 to have lights shining into people's homes? You know, when 9 we get daycares, there's certain issues that always show up, 10 and those issues -- 11 THE WITNESS: Yeah. 12 HEARING EXAMINER ROBESON HANNAN: -- haven't been 13 fleshed out in terms of full childcare and, you know, into 11 14 p.m. 15 THE WITNESS: Yeah. 16 HEARING EXAMINER ROBESON HANNAN: The other thing is, 17 as far as your community meetings, I guess my question is, 18 how many people are we -- I don't have any information about 19 how many people are we talking about in the evenings and, you 20 know, are their lights going to shine on everybody, and so 21 how many people are we talking about after 6 p.m.? What -- 22 THE WITNESS: Yeah. Traditionally -- first of all, 23 evening care is, once again, very -- very rare. 24 HEARING EXAMINER ROBESON HANNAN: Put the evening 25 care aside.</p>	<p>39</p> <p>1 the participation level, we're probably at around 30, 40 2 percent of our parents show up. 3 HEARING EXAMINER ROBESON HANNAN: Can you translate 4 that into what would be numbers for this facility? 5 THE WITNESS: Sure. So if our maximum is 180, 50 6 percent would be 90, so that we're probably looking at 7 between 70 to 75. 8 HEARING EXAMINER ROBESON HANNAN: So you're going to 9 -- 10 THE WITNESS: Maximal. 11 HEARING EXAMINER ROBESON HANNAN: -- fill -- you're 12 going to fill the parking lot almost? 13 THE WITNESS: We could, yes. I mean, technically, 14 you could, yes. 15 HEARING EXAMINER ROBESON HANNAN: Actually, for your 16 -- for it to achieve your goal, it would be good, but I'm 17 just trying to get a sense. 18 THE WITNESS: Um-hmm. 19 HEARING EXAMINER ROBESON HANNAN: And -- and how many 20 nights do you typically do that? 21 THE WITNESS: Parent meetings are probably no more 22 than twice a month. Teacher training or staff training 23 activities are probably at the same ratio, two or three times 24 a month. 25 And then, normally, we always get community requests</p>
<p>38</p> <p>1 THE WITNESS: Okay. 2 HEARING EXAMINER ROBESON HANNAN: Now I'm talking 3 about the parent support programing. 4 THE WITNESS: Okay. 5 HEARING EXAMINER ROBESON HANNAN: So because -- 6 MS. HARRIS: And I think the question is how many -- 7 HEARING EXAMINER ROBESON HANNAN: -- we don't know -- 8 we don't have any information on -- I mean, theoretically, 9 you could have 180 children at night. 10 THE WITNESS: No. 11 HEARING EXAMINER ROBESON HANNAN: But, you know, pick 12 a number. 13 THE WITNESS: Yeah. 14 HEARING EXAMINER ROBESON HANNAN: I -- I guess what 15 I'm saying is, usually these conditional uses are really 16 pretty much tied down as to what's going to happen. 17 THE WITNESS: Well, if -- if -- if -- 18 HEARING EXAMINER ROBESON HANNAN: Now let -- can I go 19 back one minute to the parent programming? 20 THE WITNESS: Yes. 21 HEARING EXAMINER ROBESON HANNAN: How many people do 22 you expect to come to these parent programs and at what 23 times? You said 7 p.m. 24 THE WITNESS: Most parent activities are seven to 25 nine. And we -- in -- in all of our centers, if we look at</p>	<p>40</p> <p>1 for use of the facility. So if I use our -- any of our other 2 current sites -- it could be a local non-profit that wants to 3 use the community room or it could be an artist group or it 4 could be a poetry reading group, whatever it is -- but we 5 get those requests very regularly. And so -- and all of 6 those activities would most likely occur in the community 7 room, so the entire -- 8 HEARING EXAMINER ROBESON HANNAN: If you -- but if -- 9 THE WITNESS: -- facility would not be open. 10 HEARING EXAMINER ROBESON HANNAN: -- use of the 11 community room isn't child daycare, is it? 12 THE WITNESS: The parenting -- 13 MS. HARRIS: Now -- I mean, that -- that technically 14 is not, but I would also say that the conditional use is not 15 necessary. I mean, it's similar to a church allowing, you 16 know, the Brownies to use their space, and that doesn't 17 require a conditional use. 18 THE WITNESS: Maybe I don't understand the question, 19 but parent engagement is part of our childcare licensing 20 requirement. 21 BY MS. HARRIS: 22 Q I think, Ms. Peralta, the Hearing Examiner's question 23 is, if the -- assume for a moment that the adjacent townhouse 24 community wants to have their annual meeting in your 25 community space.</p>

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11 (41 to 44)

<p style="text-align: right;">41</p> <p>1     <b>A Right.</b></p> <p>2     Q But that --</p> <p>3     <b>A Uh-huh.</b></p> <p>4     Q -- that's not directly related to childcare services.</p> <p>5     What you're doing at that point is doing something that the</p> <p>6     County wanted you to do, which is provide the community --</p> <p>7     make available community space to the community?</p> <p>8     <b>A Yeah. But it also reflects the fact that, you know,</b></p> <p>9     <b>this property, this space is a community space. And the idea</b></p> <p>10    <b>of -- and our philosophy is, as -- to be good neighbors, to</b></p> <p>11    <b>be in partnership with the community, that -- a community</b></p> <p>12    <b>asset, which is what this would eventually -- would be -- is</b></p> <p>13    <b>open and -- and available to the community as part of that</b></p> <p>14    <b>partnership that we believe is really important for the</b></p> <p>15    <b>success of our operation.</b></p> <p>16    HEARING EXAMINER ROBESON HANNAN: Okay. I guess what</p> <p>17    I'm struggling with are -- there's a lot of unknowns in this.</p> <p>18    Like -- you don't have to answer it now, but, basically, this</p> <p>19    could be in use 7 a.m. to 11 p.m. seven days a week.</p> <p>20    THE WITNESS: No.</p> <p>21    HEARING EXAMINER ROBESON HANNAN: Okay. So tell me</p> <p>22    what the hours are.</p> <p>23    THE WITNESS: Okay. What we are requesting is 7 a.m.</p> <p>24    to 11 p.m. --</p> <p>25    MS. HARRIS: Monday through Friday.</p>	<p style="text-align: right;">43</p> <p>1     HEARING EXAMINER ROBESON HANNAN: -- part of the</p> <p>2     analysis --</p> <p>3     THE WITNESS: Uh-huh.</p> <p>4     HEARING EXAMINER ROBESON HANNAN: -- what are you</p> <p>5     going to do when, because we are looking for what kind of</p> <p>6     impact you're going to have on the neighborhood. And unless</p> <p>7     we know what you're going to do when --</p> <p>8     THE WITNESS: Um-hmm.</p> <p>9     HEARING EXAMINER ROBESON HANNAN: -- we really can't</p> <p>10    understand what the impact might be.</p> <p>11    THE WITNESS: Well, you know, I have to -- I have to</p> <p>12    -- I have to say, it would be a whole lot easier for us and</p> <p>13    much more manageable -- okay -- if we opened our doors at</p> <p>14    seven and closed at six or at nine and said, "Regardless of</p> <p>15    what the community wants, we're not going to" -- "we're not</p> <p>16    available."</p> <p>17    I -- I would -- I would hate to do that because we</p> <p>18    made a commitment to the community at both of our hearings</p> <p>19    and to the County that this would be a community asset and</p> <p>20    something available to the community so that if a</p> <p>21    councilmember wanted to have a constituents meeting, if the</p> <p>22    rec department wanted to have a meeting with the -- with the</p> <p>23    --</p> <p>24    HEARING EXAMINER ROBESON HANNAN: It's like a down</p> <p>25    county citizen center, basically, is what you're asking for.</p>
<p style="text-align: right;">42</p> <p>1     THE WITNESS: Monday through Friday.</p> <p>2     MS. HARRIS: And then on Saturdays --</p> <p>3     THE WITNESS: On Saturdays, ten -- ten to --</p> <p>4     actually, ten to four is what we normally do on Saturdays.</p> <p>5     We try -- because we have to staff this, and there's just no</p> <p>6     way that -- that we -- we have no planned activities for</p> <p>7     Sundays, and Saturdays would be limited -- limited access.</p> <p>8     And during the weekdays --</p> <p>9     HEARING EXAMINER ROBESON HANNAN: What's the</p> <p>10    Saturdays limited access? What -- what's that?</p> <p>11    THE WITNESS: Those are usually in response to</p> <p>12    community requests. And --</p> <p>13    HEARING EXAMINER ROBESON HANNAN: You mean like for</p> <p>14    the room?</p> <p>15    THE WITNESS: Right, for the community room. Let's</p> <p>16    say that the -- that the home -- you know, the homeownership</p> <p>17    community down the road wants to do some kind of a event,</p> <p>18    that would be, in my mind, what we would like to be able to</p> <p>19    offer the community. If the community doesn't ask for the</p> <p>20    space, we would be closed. It is -- once again, you're</p> <p>21    asking for some very specifics, you know, what are you going</p> <p>22    to do, when. And what our experience --</p> <p>23    HEARING EXAMINER ROBESON HANNAN: That's what a</p> <p>24    conditional use is about. That's --</p> <p>25    THE WITNESS: Okay.</p>	<p style="text-align: right;">44</p> <p>1     THE WITNESS: It -- it is what -- it's what's been</p> <p>2     asked of us to be totally honest.</p> <p>3     HEARING EXAMINER ROBESON HANNAN: I understand.</p> <p>4     THE WITNESS: Yeah.</p> <p>5     HEARING EXAMINER ROBESON HANNAN: Ms. Harris, does</p> <p>6     your traffic report take into account the activities after</p> <p>7     six?</p> <p>8     MS. HARRIS: I'm going to defer to Ms. Randall on</p> <p>9     that. As you know, from an LATR standpoint, all they need to</p> <p>10    do is study the peak hour A.M. and P.M. --</p> <p>11    HEARING EXAMINER ROBESON HANNAN: Yeah.</p> <p>12    MS. HARRIS: -- and peak hour in the P.M. typically</p> <p>13    ends at seven.</p> <p>14    HEARING EXAMINER ROBESON HANNAN: Right.</p> <p>15    MS. HARRIS: But, again, I would note that the --</p> <p>16    HEARING EXAMINER ROBESON HANNAN: You've got people</p> <p>17    coming in at seven.</p> <p>18    MS. HARRIS: True. But note -- but I would note that</p> <p>19    --</p> <p>20    HEARING EXAMINER ROBESON HANNAN: Probably 6:30. If</p> <p>21    the event comes in at 7, they're coming in at 6:30 or 6:45.</p> <p>22    MS. HARRIS: Right. Though, again, Ms. Robeson, I</p> <p>23    would note that the library remained open until nine Monday</p> <p>24    through Friday, and that --</p> <p>25    HEARING EXAMINER ROBESON HANNAN: Well, that's not</p>

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12 (45 to 48)

<p style="text-align: right;">45</p> <p>1 this.</p> <p>2 MS. HARRIS: No. But from an impact to the</p> <p>3 neighborhood standpoint, of --</p> <p>4 HEARING EXAMINER ROBESON HANNAN: You say it's no</p> <p>5 harm, no foul, but we don't have a study of what it -- we</p> <p>6 don't have an analysis of what even the LATR might be.</p> <p>7 MS. HARRIS: I -- again, I'll defer to Ms. Randall,</p> <p>8 but I don't think that -- I don't think the LATR, because</p> <p>9 what they're concerned about, requires you to study outside</p> <p>10 those peak hours.</p> <p>11 HEARING EXAMINER ROBESON HANNAN: But I'm saying</p> <p>12 you're going to be in the peak hour.</p> <p>13 MS. HARRIS: Well, we have a study to say what the</p> <p>14 peak hour is.</p> <p>15 HEARING EXAMINER ROBESON HANNAN: Well, the peak --</p> <p>16 no, I mean, but peak hours are four to seven; right?</p> <p>17 MS. HARRIS: Right.</p> <p>18 HEARING EXAMINER ROBESON HANNAN: So you're going to</p> <p>19 have people coming in before seven o'clock.</p> <p>20 MS. HARRIS: And we have data to show what the peak</p> <p>21 hour is in the P.M. peak hour between four and seven.</p> <p>22 THE WITNESS: And most of the children --</p> <p>23 HEARING EXAMINER ROBESON HANNAN: But you don't --</p> <p>24 THE WITNESS: -- will be gone by then.</p> <p>25 HEARING EXAMINER ROBESON HANNAN: -- know what the</p>	<p style="text-align: right;">47</p> <p>1 -- and we don't offer that now in any of our centers. And</p> <p>2 the likelihood is that we wouldn't, but I wanted to keep the</p> <p>3 option open.</p> <p>4 HEARING EXAMINER ROBESON HANNAN: Okay. I do</p> <p>5 appreciate your -- your clarification of some of these</p> <p>6 things. I -- I know it probably feels like I'm grilling you,</p> <p>7 but --</p> <p>8 THE WITNESS: It's okay.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: -- I'm just trying</p> <p>10 to get to the bottom of what you want to do and -- what's the</p> <p>11 old saying? What you want to do and when do you want to do</p> <p>12 it. Okay.</p> <p>13 Ms. Harris, go ahead.</p> <p>14 MS. HARRIS: Thank you.</p> <p>15 BY MS. HARRIS:</p> <p>16 Q Ms. Peralta, at any one time, what would be the</p> <p>17 maximum number of children on the site?</p> <p>18 <b>A The maximum would be 180.</b></p> <p>19 Q Okay. And approximately what percentage of your</p> <p>20 families have more than one child at the center?</p> <p>21 <b>A In -- that average is between 20 and 25 percent.</b></p> <p>22 Q Okay.</p> <p>23 <b>A So we -- a parent will have an infant and then</b></p> <p>24 <b>perhaps a three or four year old in our -- in our -- in our</b></p> <p>25 <b>center.</b></p>
<p style="text-align: right;">46</p> <p>1 peak hour is if you never took into account -- oh, I guess</p> <p>2 I'm just trying to get to the fact -- I understand, and I</p> <p>3 don't mean to be -- your use sounds wonderful and very, very</p> <p>4 -- you know, serves a great purpose. And I understand that</p> <p>5 you're being asked to do a lot of things.</p> <p>6 Let's -- let's keep going.</p> <p>7 So what I'm gathering is the ten to four on Saturday</p> <p>8 is mostly for community use?</p> <p>9 THE WITNESS: Yes.</p> <p>10 HEARING EXAMINER ROBESON HANNAN: The seven to nine</p> <p>11 is some for --</p> <p>12 THE WITNESS: Parent engagement and -- and training,</p> <p>13 staff training.</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Some of it's for</p> <p>15 community use?</p> <p>16 THE WITNESS: Yes.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: And you could have</p> <p>18 70 to 75 people at the evening functions?</p> <p>19 THE WITNESS: We could, yes. Yes.</p> <p>20 HEARING EXAMINER ROBESON HANNAN: And then you're</p> <p>21 asking for -- and I know it's not you, it's a prompting from</p> <p>22 others -- but you're asking for childcare perhaps, you're not</p> <p>23 sure, to 11 p.m.?</p> <p>24 THE WITNESS: Yes. And that would be, once again,</p> <p>25 something that is very difficult to do and -- but -- and we</p>	<p style="text-align: right;">48</p> <p>1 Q Thank you. One of the questions, follow-up questions</p> <p>2 that the Hearing Examiner had, dealt with after-school</p> <p>3 services, so for the children that are older than five years</p> <p>4 old that are enrolled in elementary school.</p> <p>5 <b>A Um-hmm.</b></p> <p>6 Q Can you please describe operationally the before- and</p> <p>7 after-school service component of the program?</p> <p>8 <b>A Okay. So this is -- let's assume that schools are</b></p> <p>9 <b>open and operating as they normally would. Most -- most</b></p> <p>10 <b>elementary schools don't open their doors at seven in the</b></p> <p>11 <b>morning, and yet parents need to get to work and be at work</b></p> <p>12 <b>by eight-ish. So in all of our centers, we've got a before</b></p> <p>13 <b>-- before-school option that they can drop their -- let's say</b></p> <p>14 <b>their, you know, second grader or first grader at our site,</b></p> <p>15 <b>and we then would be responsible for getting them to the</b></p> <p>16 <b>school at the appropriate hour. They -- they come -- they</b></p> <p>17 <b>come to us, we actually feed them breakfast and then take</b></p> <p>18 <b>them to the school.</b></p> <p>19 <b>And you can reverse that in the back so that most</b></p> <p>20 <b>schools close 3:30, four o'clock, and parents simply can't</b></p> <p>21 <b>pick those children up. We make arrangements with the</b></p> <p>22 <b>school, we pick the children up, bring them to our center</b></p> <p>23 <b>where the parents can then pick them up by six.</b></p> <p>24 Q And when you say pick up, how -- how does that occur?</p> <p>25 What -- what type of vehicle does that -- is used to --</p>

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13 (49 to 52)

<p style="text-align: right;">49</p> <p>1 A It depends. If it's -- our before- and after-school 2 program is -- are relatively small. They usually are with 3 the siblings of -- of some of the infants or the younger 4 children we have, and so it's a much smaller program. We -- 5 in -- in our programs at our other sites, we use either a van 6 or a small school bus and do the pickup and -- and drop-off 7 at the school sites.</p> <p>8 Q Thank you. And how many employees will be employed 9 at the center?</p> <p>10 A Probably around 60.</p> <p>11 Q And are -- and -- and, at any one time, is it -- are 12 most of that -- is the majority of that number on site or is 13 it more shifts?</p> <p>14 A We don't do shifts in the traditional sense that the 15 -- that -- when you mention shifts. So once we get an idea 16 of our parents' schedules, and -- and we collect that data 17 from our parents, and so if we know that 50 percent of our, 18 you know, children are going to be there by eight o'clock, 19 then we look at our staffing patterns and -- but all -- all 20 staff are there by nine o'clock, for sure.</p> <p>21 Q And -- and for those staff that are -- need to be 22 ready and available to accept children at seven, what time of 23 the morning do they typically arrive at the center?</p> <p>24 A Most will get there between 6:30 and -- and seven. 25 They have to be in their classrooms, ready to go, so, at the</p>	<p style="text-align: right;">51</p> <p>1 THE WITNESS: About 40 percent come in between seven 2 and eight, yeah.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: And then what about 4 between eight and nine?</p> <p>5 THE WITNESS: You'll get another 40 percent.</p> <p>6 HEARING EXAMINER ROBESON HANNAN: Or -- I'm sorry. 7 Forty percent are there by seven. What about seven to eight? 8 How many are there around by eight?</p> <p>9 THE WITNESS: We'll have probably 70 percent of our 10 children in, in total, around -- between eight and 8:30ish.</p> <p>11 HEARING EXAMINER ROBESON HANNAN: Okay. And then the 12 balance, when do they stop coming in?</p> <p>13 THE WITNESS: We usually have all our children in by 14 ten.</p> <p>15 HEARING EXAMINER ROBESON HANNAN: Okay. And so your 16 staff start -- but you don't have -- staff must start leaving 17 at some time? You calculate staff by the number of children 18 that are going to be present at particular times, and you do 19 that by checking with the parents, saying, "What are your 20 schedules?"</p> <p>21 THE WITNESS: Right.</p> <p>22 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>23 THE WITNESS: Uh-huh.</p> <p>24 HEARING EXAMINER ROBESON HANNAN: What about leaving?</p> <p>25 THE WITNESS: So leaving is a little bit -- not so</p>
<p style="text-align: right;">50</p> <p>1 latest, probably quarter to seven most of them are in their 2 classrooms already.</p> <p>3 Q Okay. And in terms of arrival time and departure 4 time, can you explain the dynamic of how that occurs with 5 your families?</p> <p>6 A So all I can -- all I can draw from obviously is all 7 of our other centers and 35 years of experience. The -- the 8 percentages tend to be, you know, 40 -- around 40 percent 9 arrive, you know, seven to 7:30ish, eight o'clock maybe at 10 the latest. And then between, you know, eight and nine -- 11 actually, let me rephrase that.</p> <p>12 You get around 40 percent, 40 to 50 percent max, 13 around seven o'clock. I mean, that -- that is the -- some of 14 them arrive, you know, a few minutes before seven and are 15 waiting for us to open the doors. Between -- we'll get 16 between eight and maybe even ten o'clock, we have parents who 17 do have some shift work -- they work shifts, so they don't 18 have to be at work until later -- so we'll get parents who 19 are coming to the center, dropping off nine, 9:30, so that's 20 about, you know --</p> <p>21 HEARING EXAMINER ROBESON HANNAN: Well, so --</p> <p>22 A -- that's the schedule.</p> <p>23 HEARING EXAMINER ROBESON HANNAN: -- so do you have 24 like a breakdown of, okay, 40 and 50 percent are there by 7 25 a.m. -- is that what you said?</p>	<p style="text-align: right;">52</p> <p>1 much more complicated, it is -- we do a lot more juggling so 2 that as a -- as a class -- let's say a class of -- of 12 3 children, as the parents pick them up, we begin to 4 consolidate classrooms so that teachers then begin to leave. 5 Okay. If -- if between -- if between -- if by four o'clock 6 you've already lost 20 percent of your children, which is -- 7 would not be unusual, and between, you know, four and five, 8 you -- another 40 to 50 percent are picked up, that last hour 9 you begin to consolidate. And so teachers are able to -- to 10 -- or staff are able to leave.</p> <p>11 HEARING EXAMINER ROBESON HANNAN: I'm sorry. I 12 missed the -- the -- is it between -- you said 20 percent are 13 gone by three?</p> <p>14 THE WITNESS: By four o'clock.</p> <p>15 HEARING EXAMINER ROBESON HANNAN: By four.</p> <p>16 THE WITNESS: Right.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: And then what about 18 four to five?</p> <p>19 THE WITNESS: Four to five is around 40 percent.</p> <p>20 HEARING EXAMINER ROBESON HANNAN: And then five to 21 six is the balance?</p> <p>22 THE WITNESS: It's the balance. Yeah. And some of 23 those even -- you know, parents, you know, inevitably, "We're 24 running late," "We're not going to be there until 6:20," 25 "We're not going to be" --</p>

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14 (53 to 56)

<p>53</p> <p>1 HEARING EXAMINER ROBESON HANNAN: I never did that. 2 THE WITNESS: No, I'm sure you didn't. 3 HEARING EXAMINER ROBESON HANNAN: No, I never did. 4 (Laughter.) 5 THE WITNESS: And so we've got, you know, 5, 10 6 percent that invariably come in after six, but I didn't 7 reference that. 8 HEARING EXAMINER ROBESON HANNAN: Do you charge them 9 a dollar a minute? 10 THE WITNESS: We charge them something. I don't know 11 what it is right now. 12 HEARING EXAMINER ROBESON HANNAN: That was our 13 charge. 14 THE WITNESS: We -- we do try to incentivize them to 15 get there by six. 16 HEARING EXAMINER ROBESON HANNAN: Right. 17 BY MS. HARRIS: 18 Q Ms. Peralta, at what point in the process, meaning 19 once you open -- when you're starting to open your doors, do 20 you have any real certainty as to the parents' hours? 21 <b>A I'm not sure what --</b> 22 Q I mean, it sounds like, as you said at the -- at the 23 beginning of this discussion, this is based on your 24 experience from other centers. 25 <b>A Right.</b></p>	<p>55</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Let me ask you 2 something. The other one -- you gave me percentages based on 3 your experience at your other facilities -- 4 THE WITNESS: Yes. 5 HEARING EXAMINER ROBESON HANNAN: -- do they serve 6 the same clientele? 7 THE WITNESS: Yes, ma'am. They do. Yeah. All of 8 our centers are low-income, working parents. 9 HEARING EXAMINER ROBESON HANNAN: Okay. That -- 10 that's what I wanted to know. 11 BY MS. HARRIS: 12 Q And what percentage of your families do you 13 anticipate will arrive by public transportation? 14 <b>A Once again, all I can go by is history. Although, I</b> 15 <b>have to say, because of the location of the library as a</b> 16 <b>transportation hub, our experience has been, you know, 20 --</b> 17 <b>20, 30 percent use public transportation, and it could be</b> 18 <b>higher here because of the location near Metro and the bus</b> 19 <b>routes.</b> 20 Q And do you anticipate staff similarly relying on -- a 21 percentage of staff relying on public transportation? 22 <b>A Oh, yes. A good number of our staff do not have</b> 23 <b>vehicles.</b> 24 HEARING EXAMINER ROBESON HANNAN: Do you -- do you 25 have a -- a rough percentage of the number of staff at your</p>
<p>54</p> <p>1 Q What point will you know with some level of certainty 2 what the parents' hours will be for this center? 3 <b>A We won't know until we go through the enrollment</b> 4 <b>process. There's just no way to know. The -- what we do</b> 5 <b>know though is that the -- given the population we serve,</b> 6 <b>which is primarily low-income, working parents, are -- those</b> 7 <b>demographics basically tell us the flow of our parents coming</b> 8 <b>and goings. We've got around -- we anticipate around 20, 25</b> 9 <b>percent might be full tuition, and they tend to fluctuate in</b> 10 <b>terms of their arrivals and departures also. But we won't</b> 11 <b>know until we enroll our parents.</b> 12 Q So is it fair to say that at this point in the 13 process you need at least some level of flexibility in -- in 14 -- if in fact a condition's going to be imposed about 15 percentages that can arrive at any given time? 16 <b>A Flexibility's always preferred, but the fact is that,</b> 17 <b>if necessary, we'll work with our parents. We'll know their</b> 18 <b>work schedules, and if it is possible to -- to say to a</b> 19 <b>parent, you know, "Based on your work schedule, it would be</b> 20 <b>preferable for us if you came in between eight and nine or</b> 21 <b>between seven and eight," to the extent that we can suggest</b> 22 <b>and recommend to our parents a time slot, we would certainly</b> 23 <b>do that. It makes it easier for us if we know who's coming</b> 24 <b>in when.</b> 25 Q Okay. And --</p>	<p>56</p> <p>1 other facilities that take public transport? 2 THE WITNESS: Oh, yes. Yes, ma'am. Um-hmm. 3 HEARING EXAMINER ROBESON HANNAN: And what is that? 4 Do you know off -- 5 THE WITNESS: It differs at each site, but at our -- 6 we -- at our Takoma Park site, it's probably 20 to 30 7 percent. Here, in our D.C. sites, it's -- it's higher 8 because we're located near Metro stations. 9 HEARING EXAMINER ROBESON HANNAN: Are you near the 10 Takoma Park Metro or -- 11 THE WITNESS: No, not -- not within walking distance. 12 No. 13 HEARING EXAMINER ROBESON HANNAN: Okay. So -- 14 MS. HARRIS: Do -- 15 HEARING EXAMINER ROBESON HANNAN: -- but in D.C., it 16 tends higher? 17 THE WITNESS: Yes. Because we're only two blocks 18 away from the Metro here. 19 HEARING EXAMINER ROBESON HANNAN: Got you. 20 BY MS. HARRIS: 21 Q Do you have an estimate of what you would anticipate 22 it to be here? 23 <b>A I would have to say probably around 30 percent. And</b> 24 <b>I don't know what we wrote down; I'm just -- in my -- just</b> 25 <b>thinking about it. It -- the fact that the Silver Spring</b></p>

<p>57</p> <p>1 Metro Center is, what, four blocks away, is a strong 2 indicator that a good number of our staff. 3 We don't make any commitment to provide staff with 4 parking, and so we could in fact indicate that there is no 5 staff parking. That would -- that would not be unusual. So 6 we could in fact, you know, limit the number of staff that 7 would be given on-site parking. 8 Q Thank you. And can you explain how -- how are the 9 children dropped off and picked up? Is -- meaning, is there 10 a queue or are children walked into the center? And, if so, 11 what does that look like? 12 A At this site -- well, at all of our sites, parents -- 13 and licensing requires that the parents literally walk the 14 child into the facility. That is the case in any center for 15 infants and toddlers for sure. Excuse me. Only in an 16 emergency situation would a child, even a three or four year 17 old, be received by a staff outside the building and taken 18 into the facility. That would be a rare situation. We ask 19 that the parents bring the child in. 20 And it also goes to helping that relationship between 21 the teacher and the parents, that they see each other every 22 day, that they talk about is there anything going on that the 23 teacher needs to know about. So that -- that's how we handle 24 those. 25 Q And -- and how many minutes approximately does it</p>	<p>59</p> <p>1 walking distance of the center." It's a way to sort of 2 control the chaos -- 3 Q Um-hmm. 4 A -- and it works fine. 5 Q And are the special events center-wide in a -- during 6 a time period or do you have staggered events, like those -- 7 A The most -- probably the largest event is the, quote, 8 "graduations." Okay? And -- and that's because grandma and 9 every aunt and uncle wants to come and -- and view their 10 little, you know, toddler walking across the stage. At -- at 11 our Takoma Park site, which is similar in size to this -- 12 from an enrollment, we have 170-plus children there -- we use 13 the Silver Spring Convention Center down the street from the 14 library as the graduation site. And I suspect we would 15 probably do the same thing for any graduation services from 16 -- from this site. 17 Q Thank you. 18 HEARING EXAMINER ROBESON HANNAN: So they'll be off 19 site? 20 THE WITNESS: Yeah, most likely, only because the 21 number of people who want to come is just so huge. I mean, 22 we literally -- 23 HEARING EXAMINER ROBESON HANNAN: Does -- 24 THE WITNESS: -- you know -- at a graduation -- at 25 our Maryland -- last Maryland graduation, we must've had over</p>
<p>58</p> <p>1 take from the time a parent pulls -- parks their car and 2 walks the child in until the time they depart the center? 3 A Gosh. Ten minutes. Most parents are -- are in a 4 rush -- 5 Q Right. 6 A -- especially in the mornings, so that ten, fifteen 7 minute max. 8 Q Okay. Thank you. What area of the county do you 9 anticipate most of the families coming from for this site? 10 A We're expecting most to come from the Silver Spring 11 and Takoma Park communities. 12 Q Okay. Then this is another question following up on 13 a question the Hearing Examiner posed. In terms of special 14 events for parking -- 15 A Um-hmm. 16 Q -- such as graduations or Halloween parties -- 17 A Right. 18 Q -- can you explain how that will -- how parking will 19 be handled in those situations? 20 A Well, like we hold -- like -- like we handle it in 21 all of our sites, which is parents are -- it's recommended 22 that they use public parking, the garages. There's plenty of 23 garages in that area. And, you know, in the invitation, we 24 would probably say, "No parking on site. Please use public 25 transportation or use the public garages that are within</p>	<p>60</p> <p>1 200 people want -- you know, show up. 2 BY MS. HARRIS: 3 Q But is it safe to say that but for graduation you 4 wouldn't anticipate that level of -- 5 A Oh, no. Yeah, no. 6 Q -- participation for an event? 7 A Especially since we -- events are done by -- by the 8 children's ages, so you wouldn't have an infant-toddler event 9 that included the after -- I mean the three and four year old 10 parents. 11 HEARING EXAMINER ROBESON HANNAN: What about like 12 Halloween or Mother's -- well, not Mother's Day, but -- 13 THE WITNESS: Halloween -- 14 HEARING EXAMINER ROBESON HANNAN: -- Halloween or -- 15 THE WITNESS: Halloween, Easter, those -- those -- 16 those events are also basically staggered. So on Halloween, 17 we might do something with the -- with the toddlers between 18 nine and eleven, and then we might do the pre-Ks in the 19 afternoon. 20 MS. HARRIS: Thank you. 21 Q Now I'm going to move on to another topic, which is 22 waste management control. 23 A Um-hmm. 24 Q Can you please -- 25 HEARING EXAMINER ROBESON HANNAN: Wait. Before you</p>



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16 (61 to 64)

61	<p>1 do that, how many parents show up at these -- just, you know</p> <p>2 --</p> <p>3 THE WITNESS: Yeah.</p> <p>4 HEARING EXAMINER ROBESON HANNAN: -- to the best of</p> <p>5 your knowledge, how many parents show up at these events?</p> <p>6 THE WITNESS: It really differs, but probably max 20,</p> <p>7 30 percent because they're done during the day. And, you</p> <p>8 know, under -- once again, under normal conditions, these</p> <p>9 parents are working and can't -- don't have the luxury to --</p> <p>10 to take the breaks. So we -- we're ecstatic if we get 30 to</p> <p>11 40 percent.</p> <p>12 MS. HARRIS: Thank you.</p> <p>13 HEARING EXAMINER ROBESON HANNAN: I apologize. Go</p> <p>14 ahead.</p> <p>15 MS. HARRIS: No, no. No worries.</p> <p>16 BY MS. HARRIS:</p> <p>17 Q Okay. So now moving on to waste management, can you</p> <p>18 explain the waste collection and how that will occur?</p> <p>19 <b>A Well, I mean, waste management is -- is -- is near</b></p> <p>20 <b>and dear to my heart. We have a commercial kitchen, will be</b></p> <p>21 <b>on site.</b></p> <p>22 HEARING EXAMINER ROBESON HANNAN: Oh, you do.</p> <p>23 <b>A Excuse me. And -- and that's because we have a very</b></p> <p>24 <b>strong food -- food and nutrition program. And so we prepare</b></p> <p>25 <b>all our meals on site. And so trash pickup and -- is done</b></p>
62	<p>1 <b>every day, and we do it under contract with a -- with a waste</b></p> <p>2 <b>management company. So --</b></p> <p>3 HEARING EXAMINER ROBESON HANNAN: When -- what's your</p> <p>4 delivery schedule? I think I read between nine and three --</p> <p>5 is it every day a week?</p> <p>6 THE WITNESS: For deliveries? No. We usually plan</p> <p>7 -- I mean, that -- that's all scheduled. We know how much</p> <p>8 milk we need for the week, so deliveries are probably twice a</p> <p>9 week, max.</p> <p>10 HEARING EXAMINER ROBESON HANNAN: What about --</p> <p>11 MS. HARRIS: The nine to three was the condition</p> <p>12 imposed for the removal of the waste.</p> <p>13 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>14 THE WITNESS: Right.</p> <p>15 HEARING EXAMINER ROBESON HANNAN: Okay. I'm sorry.</p> <p>16 Go ahead.</p> <p>17 BY MS. HARRIS:</p> <p>18 Q In terms of the children playing outdoors, can you</p> <p>19 explain how -- operationally how that works at the center?</p> <p>20 <b>A So, when you think about, you know, outdoors play,</b></p> <p>21 <b>for a center like ours that has a significant number of</b></p> <p>22 <b>infants, they don't really play out -- we don't -- they don't</b></p> <p>23 <b>play outside. We have -- we go for buggy walks with them;</b></p> <p>24 <b>right? So when you're talking about outdoor play area,</b></p> <p>25 <b>you're talking about probably our toddlers and our pre-K</b></p>
63	<p>1 <b>classrooms.</b></p> <p>2 HEARING EXAMINER ROBESON HANNAN: And what percentage</p> <p>3 is that? What percentage are infants, and what percentage</p> <p>4 are toddler, pre-K?</p> <p>5 THE WITNESS: Okay. So our planned -- plan is for 30</p> <p>6 percent of our children to be infants. And -- let's see</p> <p>7 here.</p> <p>8 MS. HARRIS: Actually, our -- what our Statement of</p> <p>9 Operations, I believe it said 38 percent.</p> <p>10 THE WITNESS: Okay. Thirty-eight percent. I don't</p> <p>11 have --</p> <p>12 MS. HARRIS: Yeah.</p> <p>13 THE WITNESS: -- the numbers right in front of me</p> <p>14 here. And so that means you can only have a maximum of eight</p> <p>15 infants per classroom, so I think we're scheduled for five or</p> <p>16 six infant classrooms. We're probably talking about, you</p> <p>17 know, 40, 48 under the age of 12 months. We're looking at</p> <p>18 probably around --</p> <p>19 MS. HARRIS: It was -- we stated 20 -- 27 percent</p> <p>20 toddlers --</p> <p>21 THE WITNESS: Okay.</p> <p>22 MS. HARRIS: -- and 35 percent pre-K.</p> <p>23 THE WITNESS: Okay.</p> <p>24 HEARING EXAMINER ROBESON HANNAN: I'm sorry, Ms.</p> <p>25 Harris. I couldn't hear the -- what you said. Twenty-five</p>
64	<p>1 percent toddlers?</p> <p>2 MS. HARRIS: Twenty-seven percent toddlers.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: Twenty-seven. And</p> <p>4 35 pre-K?</p> <p>5 MS. HARRIS: Yes.</p> <p>6 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>7 THE WITNESS: And so with regards to the outdoor time</p> <p>8 you're talking about, those toddlers and pre-K children, all</p> <p>9 outdoor -- I mean, once again, once we do our daily</p> <p>10 programming, we're probably talking max of maybe 60 children</p> <p>11 at any one time outside.</p> <p>12 HEARING EXAMINER ROBESON HANNAN: That's a lot.</p> <p>13 THE WITNESS: It's a lot. And I'm saying --</p> <p>14 HEARING EXAMINER ROBESON HANNAN: I've actually had</p> <p>15 daycares where they've had to do noise studies.</p> <p>16 THE WITNESS: Yeah. That's --</p> <p>17 HEARING EXAMINER ROBESON HANNAN: So tell me about</p> <p>18 noise.</p> <p>19 THE WITNESS: Okay. So that's --</p> <p>20 HEARING EXAMINER ROBESON HANNAN: I know it's hidden</p> <p>21 away, but --</p> <p>22 THE WITNESS: Yeah. That 60 -- that 60 though</p> <p>23 includes the, you know, two or three infant classrooms. I'm</p> <p>24 talking about --</p> <p>25 HEARING EXAMINER ROBESON HANNAN: I see.</p>

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17 (65 to 68)

<p>65</p> <p>1 THE WITNESS: Yeah. In terms of children who would 2 be out of the center at any one time. 3 HEARING EXAMINER ROBESON HANNAN: Okay. 4 THE WITNESS: And so you're probably looking at two 5 pre-K classrooms at any one time, and so -- and so the 6 outdoor playtime is staggered throughout the day. 7 HEARING EXAMINER ROBESON HANNAN: So two pre-K 8 classrooms at any one time? 9 THE WITNESS: Um-hmm. Yeah. 10 HEARING EXAMINER ROBESON HANNAN: And do you object 11 to a condition like that? 12 THE WITNESS: Well, I mean, I would've -- I -- I 13 don't want any conditions. 14 (Laughter.) 15 HEARING EXAMINER ROBESON HANNAN: I know. 16 THE WITNESS: But -- but we could live with it if we 17 had to. 18 HEARING EXAMINER ROBESON HANNAN: Well, think about 19 it. 20 THE WITNESS: Okay. 21 HEARING EXAMINER ROBESON HANNAN: And if there's -- 22 because one thing we really don't have -- just think about 23 it. 24 THE WITNESS: Yeah. Like I said, I would be -- the 25 reality is -- is that we don't ever want all of our children</p>	<p>67</p> <p>1 HEARING EXAMINER ROBESON HANNAN: -- (indiscernible) 2 -- 3 THE WITNESS: Well, across the -- across the street 4 are -- are -- is subsidized housing. It's got some -- 5 HEARING EXAMINER ROBESON HANNAN: Oh, it's pretty far 6 away. 7 THE WITNESS: Yeah, yeah. But -- 8 MS. HARRIS: Ms. Robeson, when you think about 9 imposing -- the need to impose this condition, I would just 10 note the proximity to Colesville Road and the traffic that 11 that -- or the noise that that generates and the proximity to 12 a park that includes a dog park, in terms of whether in fact 13 the noise generated from the children here is in any way 14 going to exceed the background noise that's going to be 15 present, given the surrounding area. 16 HEARING EXAMINER ROBESON HANNAN: Okay. 17 MS. HARRIS: So, with that, that concludes my 18 questions for Ms. Peralta unless the Hearing Examiner has 19 additional questions for her. 20 HEARING EXAMINER ROBESON HANNAN: No. I think -- 21 thank you, Ms. Peralta. That was very helpful. 22 THE WITNESS: You're welcome, ma'am. 23 HEARING EXAMINER ROBESON HANNAN: No. Is there 24 anyone in this meeting that is not represented by Ms. Harris 25 that would like to ask a question of Ms. Peralta?</p>
<p>66</p> <p>1 out at the same time from a management point of view, from a 2 safety -- 3 HEARING EXAMINER ROBESON HANNAN: Right. 4 THE WITNESS: -- point of view. So if we -- if I had 5 -- 6 HEARING EXAMINER ROBESON HANNAN: What number of 7 children is two pre-K classrooms? Like 20 or -- 8 THE WITNESS: It depends on -- pre-Ks can go from 16 9 to 18 per classroom 10 HEARING EXAMINER ROBESON HANNAN: Okay. 11 THE WITNESS: Yeah. Yeah. 12 HEARING EXAMINER ROBESON HANNAN: All right. 13 THE WITNESS: I would -- I would love if -- if we -- 14 if I knew that I didn't have to worry that if we had, you 15 know, 50 of our pre-K children out and about that that would 16 be okay, but -- but we stagger it, so it -- 17 HEARING EXAMINER ROBESON HANNAN: How many go out in 18 your other -- is -- are your -- did you say one of your other 19 facilities is near to this size? 20 THE WITNESS: It's at the -- it's at the crossroads 21 at University and New Hampshire. 22 HEARING EXAMINER ROBESON HANNAN: And how many go 23 outside -- is that in a residential neighborhood like this is 24 -- 25 THE WITNESS: No, no.</p>	<p>68</p> <p>1 Okay. Hearing none, you may be excused and thank you 2 for your time and your testimony. 3 MS. HARRIS: Thank you very much. 4 THE WITNESS: Thank you. 5 MS. HARRIS: So our next witness will be Brad Fox 6 from Bohler Engineering. 7 HEARING EXAMINER ROBESON HANNAN: Okay. 8 MS. HARRIS: Mr. Fox. 9 HEARING EXAMINER ROBESON HANNAN: I'm waiting to see 10 him. Oh, there he is. Okay. 11 EXAMINATION OF BRADFORD FOX 12 HEARING EXAMINER ROBESON HANNAN: Mr. Fox, kindly 13 raise your right hand. 14 Do you solemnly affirm under penalties of perjury 15 that the statements you're about to make are the truth, the 16 whole truth, and nothing but the truth? 17 THE WITNESS: I do. 18 HEARING EXAMINER ROBESON HANNAN: Okay. Go ahead. 19 MS. HARRIS: And, if I could, I'm trying to find Mr. 20 Fox on my screen, just because it makes it a little easier. 21 Huh. 22 MR. OLIVERA-SALA: I believe his camera is not on. 23 HEARING EXAMINER ROBESON HANNAN: No, I can see him. 24 I've got him pinned. I mean in Microsoft Team speak. 25 MS. HARRIS: Okay. Hold on.</p>

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18 (69 to 72)

<p>69</p> <p>1 MS. ROGERS: Brad, I think if you just keep talking, 2 your photo will pop up on Pat's screen. 3 THE WITNESS: Yeah, and I -- and I raised my hand. 4 MS. HARRIS: There you are. Thank you. 5 THE WITNESS: Okay. Very -- 6 MS. HARRIS: Just hard to talk to someone if you 7 can't see their face. 8 THE WITNESS: Understood. 9 MS. HARRIS: Thank you. 10 BY MS. HARRIS: 11 Q Mr. Fox, can you please state your full name, primary 12 occupation, and address for the record? 13 <b>A Yes. Bradford Fox. I'm a civil engineer with Bohler</b> 14 <b>Engineering. And the address is 16701 Melford Boulevard,</b> 15 <b>Suite 310, Bowie, Maryland 20715.</b> 16 Q Thank you. 17 MS. HARRIS: Ms. Robeson, do you want to swear him in 18 before we proceed or attest to -- 19 HEARING EXAMINER ROBESON HANNAN: Oh, I thought I -- 20 for some reason, I thought I did. Do you -- kindly raise 21 your right hand. 22 Do you solemnly affirm under penalties of perjury 23 that the statements you're about to make are the truth, the 24 whole truth, and nothing but the truth? 25 THE WITNESS: I do.</p>	<p>71</p> <p>1 site survey. We review the site conditions and the 2 suitability for the proposed use. 3 After that is complete, you know, we take a look at 4 the zoning ordinance and -- and look at how the project would 5 conform with the -- with the R-60 zone. We compare it 6 against the master plan for conformance. In this case, 7 that's the 2000 Approved and Adopted North and West Silver 8 Spring Master Plan. 9 And then, after that, along with the architect, we 10 assist with the site layout and the design to ensure it's 11 compatible with the surrounding neighborhood and, you know, 12 meets all -- all code requirements. 13 Q And then -- 14 A And then -- 15 Q Oh, I'm sorry. Go ahead. 16 A Um-hmm. And then -- and then Bohler proceeds to 17 prepare the civil plans, the conditional use site plan, the 18 NRI, FSD, the FCP, the stormwater concept, sight distance 19 study -- a lot of the exhibits prepared. 20 Q And have you made a personal inspection of the 21 property? 22 A I have. 23 Q And please describe the location and general 24 characteristics of the property. And it may be helpful to 25 pull up the most recent conditional use plan perhaps.</p>
<p>70</p> <p>1 HEARING EXAMINER ROBESON HANNAN: I apologize. State 2 your name and business address for the record please. 3 THE WITNESS: Okay. Bradford Fox with Bohler 4 Engineering, and the business address is 16701 Melford 5 Boulevard, Suite 310, Bowie, Maryland 20715. 6 MS. HARRIS: We have a consistent witness. 7 Mr. Fox has been -- I would note that Mr. Fox has 8 testified numerous times and been qualified as an expert; 9 however, if the Hearing Examiner would like for me to go 10 through his credentials and have him qualified, I can 11 certainly. 12 HEARING EXAMINER ROBESON HANNAN: No. He has 13 qualified as a civil engineer several times before me. 14 Is there anyone on this hearing that objects to Mr. 15 Fox being qualified as an expert in civil engineering? 16 Okay. Seeing and hearing none, you're so qualified. 17 MS. HARRIS: Thank you. 18 BY MS. HARRIS: 19 Q Mr. Fox, are you familiar with the conditional use 20 before us today, CU 20-08? 21 <b>A Yes.</b> 22 Q And can you please describe generally the scope of 23 services that Bohler was contracted to do for this 24 application and petitioner? 25 <b>A Yes. We get involved early on. We do an existing</b></p>	<p>72</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Can you give me -- 2 I think it's -- yeah, it is -- sorry. 3 MS. ROGERS: It's 68(a). 4 HEARING EXAMINER ROBESON HANNAN: Thank you. I'm 5 sorry. Just a second. 6 Okay. Do you see it? 7 MS. HARRIS: No. You have the -- "co" is showing on 8 your screen. 9 HEARING EXAMINER ROBESON HANNAN: Now what -- now do 10 you see it? 11 MS. HARRIS: Yeah, that's -- yes. All right. Okay. 12 BY MS. HARRIS: 13 Q So, Mr. Fox, using this as a reference, can you 14 please describe the location and general characteristics of 15 the property? 16 <b>A Yeah. I'll start off with the -- the existing</b> 17 <b>conditions. This is the former Silver Spring Library</b> 18 <b>building.</b> 19 <b>In its existing condition, there's no stormwater</b> 20 <b>management facilities on site. There's also no threatened or</b> 21 <b>endangered species, no floodplain and protected soils, no</b> 22 <b>forest is on site, and it's not within a special protection</b> 23 <b>area.</b> 24 <b>The site itself is bounded on the east side by</b> 25 <b>Ellsworth, on the west side by Colesville. To the south is</b></p>

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19 (73 to 76)

<p style="text-align: right;">73</p> <p>1 the 12-story Colesville Towers mixed-use building. And then</p> <p>2 to the north, there's a -- a parking area that's included</p> <p>3 with this site, but there's also the dog park and the -- the</p> <p>4 Ellsworth Urban Park.</p> <p>5 Q And -- thank you. And then can you please describe</p> <p>6 the vehicular access and circulation being proposed as part</p> <p>7 of the childcare center.</p> <p>8 A Yes. The proposed conditions -- recently, we changed</p> <p>9 it to the -- to the north access off of Ellsworth Drive would</p> <p>10 be enter only. And the --</p> <p>11 HEARING EXAMINER ROBESON HANNAN: Do you see the</p> <p>12 cursor on the screen? Am I -- Mr. Fox, am I entering with my</p> <p>13 cursor the correct place for access?</p> <p>14 THE WITNESS: It's a little further south. It's</p> <p>15 covered up by height, but there's a -- there's an arrow in</p> <p>16 there, if you -- if you zoom in a little bit.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: Right here. Okay.</p> <p>18 THE WITNESS: Correct. Yep.</p> <p>19 HEARING EXAMINER ROBESON HANNAN: Right here.</p> <p>20 THE WITNESS: Um-hmm. Yep.</p> <p>21 HEARING EXAMINER ROBESON HANNAN: For the record, I'm</p> <p>22 pointing to an arrow just above the words "Ellsworth Drive"</p> <p>23 that is pointing west into the drive aisle. All right. Go</p> <p>24 ahead. I'm sorry.</p> <p>25 A Okay. And then the -- the south exit on Ellsworth</p>	<p style="text-align: right;">75</p> <p>1 making that change because the community wanted to make sure</p> <p>2 that there was no -- there was a limitation on cut-through</p> <p>3 traffic through their townhouse community.</p> <p>4 HEARING EXAMINER ROBESON HANNAN: Okay. Go ahead,</p> <p>5 Mr. Fox.</p> <p>6 MS. HARRIS: Okay. Thank you.</p> <p>7 BY MS. HARRIS:</p> <p>8 Q And so do these points of ingress and egress meet the</p> <p>9 sight distance requirements?</p> <p>10 A Yes. And there's an exhibit in there --</p> <p>11 Q That's Exhibit 61.</p> <p>12 HEARING EXAMINER ROBESON HANNAN: That's a recent</p> <p>13 one; right?</p> <p>14 THE WITNESS: Correct.</p> <p>15 MS. HARRIS: Yes.</p> <p>16 THE WITNESS: Exhibit 61?</p> <p>17 Q Yes. And what does that show?</p> <p>18 A It shows sufficient sight distance. I was out there</p> <p>19 also at the site and inspected it, and there is good</p> <p>20 visibility to the cars that will be heading southbound on</p> <p>21 Ellsworth when you're trying to make the right turn out to</p> <p>22 proceed to Spring Street.</p> <p>23 Q Thank you. And how wide is the drive aisle in the</p> <p>24 front of the main entrance on -- on -- on the eastern facing</p> <p>25 facade?</p>
<p style="text-align: right;">74</p> <p>1 Drive will be the only exit point for the site. And then you</p> <p>2 also have an entry point off of Colesville Road that allows</p> <p>3 you to enter from the west and proceed east across the site.</p> <p>4 Q And exits on to Ellsworth, are they precluded from</p> <p>5 going north on Ellsworth?</p> <p>6 A Yes. There's -- there's no ability to take a left</p> <p>7 turn out. It's a right-turn only.</p> <p>8 Q Okay. Thank you.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: But the northern</p> <p>10 exit on Ellsworth is a full movement; correct?</p> <p>11 THE WITNESS: Negative. That's -- that's going to be</p> <p>12 entry only now. So --</p> <p>13 HEARING EXAMINER ROBESON HANNAN: Oh, it is?</p> <p>14 THE WITNESS: Correct. As it exists today, it's full</p> <p>15 movement, except you still cannot make the left because</p> <p>16 Ellsworth north of there is -- is a one-lane road headed</p> <p>17 southbound. But you -- in the existing conditions, it is an</p> <p>18 exit point. And as part of this application, we're making it</p> <p>19 entry only.</p> <p>20 MS. HARRIS: And, Ms. Robeson, I would note that that</p> <p>21 change was made after we were approached by the president of</p> <p>22 the civic association from the townhouse homes on September</p> <p>23 22nd --</p> <p>24 HEARING EXAMINER ROBESON HANNAN: Um-hmm.</p> <p>25 MS. HARRIS: -- who asked us if we would consider</p>	<p style="text-align: right;">76</p> <p>1 A Yeah. So the --</p> <p>2 Q So the Ellsworth side of the property.</p> <p>3 A Correct. Which would be considered the -- the rear</p> <p>4 access, but it is -- it is going to be a primary access point</p> <p>5 for the -- for the folks dropping off kids. So the drive-</p> <p>6 through back there is one way from -- from north to south,</p> <p>7 and it's --</p> <p>8 HEARING EXAMINER ROBESON HANNAN: Okay. So it's not</p> <p>9 two-way traffic?</p> <p>10 THE WITNESS: Correct.</p> <p>11 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>12 THE WITNESS: Correct.</p> <p>13 A So it's one way, from north to south, and there's --</p> <p>14 there's a traffic aerial on -- on the screen there. And then</p> <p>15 the overall width is 22 feet, and that allows 10 feet for a</p> <p>16 loading truck or a drop-off to happen there and then a</p> <p>17 vehicle to be able to pass that stopped truck in the</p> <p>18 remaining 12 feet.</p> <p>19 Q And in terms of fire access, can you explain fire</p> <p>20 access to this site? And, particularly, will the drive aisle</p> <p>21 that you were just mentioning be used for fire access?</p> <p>22 A That drive aisle will be used as a secondary access.</p> <p>23 And perhaps if we could pull up Exhibit 48. Yes.</p> <p>24 So in the existing conditions on the library, there's</p> <p>25 an overhang that -- I think it has an 11-foot clearance over</p>

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20 (77 to 80)

<p style="text-align: right;">77</p> <p>1 the drive aisle that goes from Colesville to Ellsworth. And</p> <p>2 that overhang is being removed as part of this project to</p> <p>3 allow a fire truck to safely traverse the site from west to</p> <p>4 east, coming off of Colesville and then out onto Ellsworth,</p> <p>5 and that path is indicated in green here on -- on Exhibit 48.</p> <p>6 HEARING EXAMINER ROBESON HANNAN: Um-hmm.</p> <p>7 A It's fully code compliant. We worked with the fire</p> <p>8 marshal on it. And it provides access to the -- to the front</p> <p>9 entrance of the building, which is also the address side of</p> <p>10 the building.</p> <p>11 In addition to that primary access, there's a</p> <p>12 secondary access through the rear entry, the one adjacent to</p> <p>13 Ellsworth Drive, that allows for a fire apparatus to pull in,</p> <p>14 park in the drive-through area, but they're unable to make</p> <p>15 the -- the turning movements to exit through the typical</p> <p>16 egress point.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: Okay. That was my</p> <p>18 question. Okay.</p> <p>19 THE WITNESS: Yeah. So they're able to pull in --</p> <p>20 HEARING EXAMINER ROBESON HANNAN: They have to back</p> <p>21 up to get out?</p> <p>22 THE WITNESS: Correct. But they're able --</p> <p>23 HEARING EXAMINER ROBESON HANNAN: Like -- have to</p> <p>24 back up to get in; right?</p> <p>25 THE WITNESS: They do not. They're able to pull in</p>	<p style="text-align: right;">79</p> <p>1 neighborhood delineation that the staff report set forth?</p> <p>2 A I do.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: Well, is he the</p> <p>4 person to define the neighborhood? Don't -- wouldn't Ms.</p> <p>5 Rodriguez do that?</p> <p>6 MS. HARRIS: Ms. Rodriguez can do that.</p> <p>7 HEARING EXAMINER ROBESON HANNAN: Well, you can go</p> <p>8 ahead and say it, Mr. Fox, but --</p> <p>9 THE WITNESS: Um-hmm.</p> <p>10 HEARING EXAMINER ROBESON HANNAN: -- usually civil</p> <p>11 engineers don't do that part. But that's okay. I'll listen.</p> <p>12 A Okay. Yes, I did agree with staff's delineation,</p> <p>13 which is Spring Street to the south, Pershing Drive to the</p> <p>14 east, Woodside Parkside -- Parkway to the north, and Fairview</p> <p>15 Road to the west.</p> <p>16 Q Thank you.</p> <p>17 MS. HARRIS: We will -- given the Hearing Examiner's</p> <p>18 comment, I will ask Ms. Rodriguez to comment on the character</p> <p>19 of the surrounding area as well. Have you --</p> <p>20 HEARING EXAMINER ROBESON HANNAN: What -- what</p> <p>21 exhibit is the staff report?</p> <p>22 MS. HARRIS: 38 --</p> <p>23 HEARING EXAMINER ROBESON HANNAN: Thank you.</p> <p>24 MS. HARRIS: -- or 37. I can't remember which one.</p> <p>25 HEARING EXAMINER ROBESON HANNAN: 38.</p>
<p style="text-align: right;">78</p> <p>1 in one movement. And then to exit, they need to back.</p> <p>2 MS. HARRIS: Thank you.</p> <p>3 BY MS. HARRIS:</p> <p>4 Q And -- though may I follow up with that. Is -- is it</p> <p>5 a non-standard condition for a fire truck to have to back up</p> <p>6 to -- once -- in -- in leaving a site?</p> <p>7 A No. That happens quite often. The fire marshal has</p> <p>8 maximum lengths for backing. And, in this case, since it was</p> <p>9 the secondary access, it -- it was no issue.</p> <p>10 Q Thank you. Moving to the front of the site -- and</p> <p>11 I'm not sure we can use this plan. I think we may need to go</p> <p>12 back to the conditional use plan again.</p> <p>13 HEARING EXAMINER ROBESON HANNAN: I'm sorry. Was</p> <p>14 that 48? No.</p> <p>15 MS. HARRIS: What we were just referring to was 48,</p> <p>16 but the -- it was 60- --</p> <p>17 MS. ROGERS: Eight, 68(a).</p> <p>18 Q Can you please explain the proposed dedication for</p> <p>19 the site?</p> <p>20 A Yes. There's a dedication, right-of-way dedication,</p> <p>21 along Colesville Road to take it to the recommended width of</p> <p>22 the master plan, which is 60 feet. So there's approximately</p> <p>23 22-foot width of dedication along there. And it's 4,151</p> <p>24 square feet of property area.</p> <p>25 Q Thank you. And do you agree with the surrounding</p>	<p style="text-align: right;">80</p> <p>1 MS. HARRIS: 38. It was a couple of pages in where</p> <p>2 they had a map, their -- keep going.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: All right. I -- I</p> <p>4 just wanted to -- I couldn't remember it off the top of my</p> <p>5 head, so that's fine.</p> <p>6 BY MS. HARRIS:</p> <p>7 Q And, Mr. Fox, what is the property zoned?</p> <p>8 A R-60.</p> <p>9 Q And is a childcare center for more than 30 children</p> <p>10 permitted in the R-60 zone?</p> <p>11 A As a conditional use.</p> <p>12 Q And can you please explain the overall planning</p> <p>13 concepts or -- for the development proposal?</p> <p>14 A Yeah. So the plan is to reuse the existing building</p> <p>15 in the site with a goal to minimize the impacts to the</p> <p>16 existing building in the sight design. And then the</p> <p>17 building's being redesigned to meet the -- the needs of the</p> <p>18 childcare center. So the -- the Applicant's proposing a two-</p> <p>19 story addition on the east side and then substantial interior</p> <p>20 renovations.</p> <p>21 From a civil perspective, the -- the northern parking</p> <p>22 parcel is being not really changed at all. And then the rest</p> <p>23 of the site --</p> <p>24 HEARING EXAMINER ROBESON HANNAN: Well, what do you</p> <p>25 mean that's not really been changed at all?</p>

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21 (81 to 84)

<p>81</p> <p>1 MS. HARRIS: If we could go to that -- if we could 2 put up 68(a) again, I think that would be helpful. 3 HEARING EXAMINER ROBESON HANNAN: Sorry, guys. 4 Okay. Go ahead, Mr. Fox. 5 MS. HARRIS: Ms. Robeson, the -- the code section of 6 the -- 7 HEARING EXAMINER ROBESON HANNAN: Oh. 8 MS. HARRIS: -- website is up again. 9 HEARING EXAMINER ROBESON HANNAN: Okay. 10 MS. HARRIS: It's not up yet. 11 HEARING EXAMINER ROBESON HANNAN: Yeah, I know. 12 MS. HARRIS: Do you want me to do that? 13 HEARING EXAMINER ROBESON HANNAN: I think I'm almost 14 there. Okay. 15 THE WITNESS: Okay. Great. 16 MS. HARRIS: So -- 17 THE WITNESS: So the question was, what are we doing 18 on the northern parking parcel? 19 HEARING EXAMINER ROBESON HANNAN: Yeah. 20 THE WITNESS: Currently, all we're doing is -- is a 21 little bit of time work at the very, you know, lower extent, 22 the south property line between these two parcels. 23 HEARING EXAMINER ROBESON HANNAN: Okay. 24 THE WITNESS: And then we're proposing upgrading the 25 light fixtures, but maintaining the actual pole locations.</p>	<p>83</p> <p>1 <b>provide 89 spaces, and 93 are required by code.</b> 2 Q And will this be -- will the 89 spaces be adequate to 3 serve the needs of this property? 4 <b>A Yes. There's some areas in the building that we</b> 5 <b>talked about previously for the community center that will</b> 6 <b>not have daycare uses in there as a -- as a primary function.</b> 7 <b>So that's -- that's affecting the parking count. There's</b> 8 <b>also the --</b> 9 HEARING EXAMINER ROBESON HANNAN: How much area? 10 THE WITNESS: Hmm? It's about 3,000 square feet or 11 approximately three parking spaces. 12 MS. HARRIS: I think he's referring to the civic 13 community room. 14 HEARING EXAMINER ROBESON HANNAN: That's what I 15 wondered okay. 16 THE WITNESS: Correct. Yep. 17 <b>A And then, as we heard earlier, a lot of the drop-offs</b> 18 <b>will be staggered, so at no one point will all the vehicles</b> 19 <b>be in the parking lot. And also, you know, the parking is</b> 20 <b>typically used for a very short period of time of, you know,</b> 21 <b>10 to 15 minutes for the drop-off. And then Ms. Randall will</b> 22 <b>testify later regarding the actual traffic breakdown that</b> 23 <b>goes along with that in peak hours, but, due to those</b> 24 <b>reasons, the -- the 89 spaces provided on site should be</b> 25 <b>sufficient.</b></p>
<p>82</p> <p>1 So that's really to modernize the lighting and -- and provide 2 a safer environment. 3 BY MS. HARRIS: 4 Q But there are no -- are there any other changes 5 occurring to that northern parcel? 6 <b>A No.</b> 7 Q Thank you. Does the center comply with the lot 8 density and coverage requirements of the R-60 zone? 9 <b>A Yes, yes. As indicated in the table on this -- on</b> 10 <b>this page.</b> 11 Q And does it comply with the placement or setback 12 requirements of the R-60 zone? 13 <b>A Yes.</b> 14 Q And will adequate -- how many parking spaces will be 15 provided on the site? 16 <b>A I believe we have another exhibit. I don't know if</b> 17 <b>we want to pull that up now while we go --</b> 18 Q Do you know the number? 19 <b>A Yeah. The -- Exhibit 65.</b> 20 HEARING EXAMINER ROBESON HANNAN: I have a table -- I 21 have that that's a table -- a chart of -- 22 MS. HARRIS: Yes. 23 HEARING EXAMINER ROBESON HANNAN: -- waivers. Okay. 24 <b>A Yeah. So, as we talk about parking, I'll get into</b> 25 <b>this table. Currently, the conditional use proposes to</b></p>	<p>84</p> <p>1 Q Thank you. And then the -- the zoning ordinance also 2 requires certain standards when a parking facility has ten or 3 more spaces. And staying with the chart that's on your 4 screen, can you explain what waivers the Applicant is seeking 5 based on the -- the parking -- the -- if you could scroll 6 down a little bit more, lower on the page. Little bit -- no, 7 right there. Great. 8 The side parking setbacks, the landscape island, the 9 -- and -- I'm sorry, just the side parking setbacks, and then 10 Ms. Rodriguez will testify to the other things. 11 <b>A Yeah. So the zoning code requires that there be two</b> 12 <b>times the minimum side setback. And, currently, the existing</b> 13 <b>northern side setbacks do not conform to this standard, but</b> 14 <b>that's the area that we're not proposing any changes. We're</b> 15 <b>trying to reuse the existing parking layout and the existing</b> 16 <b>site layout. And then along those two borders, neither one</b> 17 <b>of those property lines is a -- is adjacent to a detached</b> 18 <b>residential use. So the southern portion of the parking lot</b> 19 <b>would be adjacent to the EOF zone and also the Colesville</b> 20 <b>Towers, 12-story, mixed-use building. And then the northern</b> 21 <b>parking lot would be adjacent to the Ellsworth Urban Park.</b> 22 Q And so -- and so do you believe that this waiver can 23 be granted without any adverse impact? 24 <b>A Correct. Correct, yes. And the -- and then the</b> 25 <b>setback along Ellsworth to maintain the residential character</b></p>

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22 (85 to 88)

<p style="text-align: right;">85</p> <p>1 and the pedestrian-friendly street along there will be 2 provided. 3 Q Okay. And how will trash and loading be accommodated 4 on the site? 5 HEARING EXAMINER ROBESON HANNAN: Well -- well, you 6 finish this, and I'll save some questions. Go ahead. How 7 will -- 8 Q How will trash and loading be accommodated? 9 A One loading space will be provided in the -- the 10 drive-through that we discussed previously and with -- with 11 the room for vehicle pass-by when a -- when a truck is in 12 there unloading or loading. And then the trash is in the 13 southeast corner of the site and was worked out that -- that 14 that should -- that was the best place on the site to end up 15 putting it. 16 Q Okay. And then let's talk about site lighting for a 17 moment. Can you explain what's being proposed and how that 18 relates to the -- or the requirements of the ordinance? 19 A Yes. As I previously mentioned, we're upgrading the 20 lighting on the site and the photometrics plan -- the old 21 number was 44. I don't know if it got a new number when it 22 was resubmitted. 23 Q I don't think -- 24 MS. ROGERS: 44 is the most recent. 25 A Okay. So 44, which is on the screen, it's sideways,</p>	<p style="text-align: right;">87</p> <p>1 you know, there might be a .6 that's close to that property 2 line. Along Ellsworth, there's some .7s and some .8s, would 3 stretch into Ellsworth. But because that's a public right- 4 of-way, the light dies down long before it hits the other 5 side of the right-of-way, and the additional light is 6 recommended for safety, adjacent to the -- to the right-of- 7 way. 8 HEARING EXAMINER ROBESON HANNAN: What's -- what's 9 light level at the, I guess it would be the eastern side of 10 Ellsworth? 11 THE WITNESS: Yeah. The -- the numbers that -- where 12 you see numbers along the eastern side of Ellsworth -- 13 HEARING EXAMINER ROBESON HANNAN: Yeah. 14 THE WITNESS: -- those are all zeroes -- 15 HEARING EXAMINER ROBESON HANNAN: That's -- 16 THE WITNESS: -- so -- 17 HEARING EXAMINER ROBESON HANNAN: Okay. 18 THE WITNESS: Yep. 19 HEARING EXAMINER ROBESON HANNAN: Thank you. 20 BY MS. HARRIS: 21 Q And the ordinance provides that the Hearing Examiner 22 can approve an alternative method of compliance for lighting 23 if it is determined that there is a development constraint, 24 such as an existing building or structure which precludes 25 safer, efficient development under the lighting requirements.</p>
<p style="text-align: right;">86</p> <p>1 but you can see the lighting, the photometrics that we're 2 proposing, the upgrades to the lights. There are two areas 3 where lighting exceeds half a foot-candle at the property 4 boundary. One of those is along Ellsworth Drive, and the 5 other is along the south boundary. Along Ellsworth -- 6 HEARING EXAMINER ROBESON HANNAN: Where is it along 7 -- where is it along Ellsworth Drive? 8 THE WITNESS: If you look right along the -- the exit 9 -- or the entrance we just talked about, and there's an A1 -- 10 yeah, along that -- along that property line, you have the -- 11 the A1 lighting type. 12 HEARING EXAMINER ROBESON HANNAN: Okay. 13 THE WITNESS: Yes. Undemeath -- 14 HEARING EXAMINER ROBESON HANNAN: And then how about 15 the southern property line? 16 THE WITNESS: The southern property line, if you 17 look, it's -- it's very minor, but it would be right where it 18 says, Lots 8 to 13, Spring Village, Plat No. 1759. 19 HEARING EXAMINER ROBESON HANNAN: Okay. 20 THE WITNESS: Correct. Yeah. 21 BY MS. HARRIS: 22 Q And what are the -- what are the foot-candles in that 23 area? 24 A Along the south property line, it exceed -- it's 25 right at .5 along the property line, along the south, and,</p>	<p style="text-align: right;">88</p> <p>1 Can you please describe the constraints? I think you 2 touched on this, but can you reiterate the constraints that 3 result in the proposed lighting? 4 A Yeah. We were trying to maintain the existing pole 5 locations and also the existing site layout, so we were 6 limited in where we could place lighting. But, on top of 7 that, because of the use of the daycare center, we wanted to 8 make sure that we had adequate safety lighting, especially in 9 the winter months when pickup and drop-off will be happening 10 in the dark. 11 Q Thank you. And, in your mind, does the proposed 12 alternative method satisfy the intent of the Division 6.4.2, 13 modify the functional results or performance standards, the 14 minimum amount necessary to accommodate the constraints, 15 provide necessary mitigation to alleviate any adverse 16 impacts, and is in the public interest? 17 A Yes. That's a four-point question, so I'll take it 18 one at a time. 19 The intent, yes, it does satisfy the intent, which 20 we're merely seeking to ensure adequate safety lighting 21 within the parking facilities. And there's been -- and it 22 won't impact the other properties. 23 The minimal amount necessary, yeah. As I said, we're 24 barely over the .5 along the south, and the -- and the .7 25 along Ellsworth is recommended.</p>

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23 (89 to 92)

<p style="text-align: right;">89</p> <p>1 <b>Provide necessary mitigation, there's no adverse</b> 2 <b>impact to the adjoining properties. And, as we just stated,</b> 3 <b>you know, by the time you get to the -- to the eastern edge</b> 4 <b>of Ellsworth, it'll all be at zero.</b> 5 <b>And then public interest, there is a lot of use of</b> 6 <b>this site, and it's in the public interest to have it safely</b> 7 <b>lit and -- and -- and to have it safe for not only the use</b> 8 <b>but also the community.</b> 9 Q Thank you. And did the Planning Board and staff 10 support the request for the waiver of the setback -- parking 11 setback and also the alternative compliance for the lighting? 12 <b>A Yes. And that's on pages 21 to 24 in the staff</b> 13 <b>report.</b> 14 Q And then did they also agree with your evaluation of 15 the project's compliance with the R-60 zone standards? 16 <b>A Yes.</b> 17 Q I want to ask you several questions about adequate 18 public facilities, but, before I do that, I want to go back 19 to a question regarding the preliminary forest conservation 20 plan. Did -- were you required to prepare one in connection 21 with this project? 22 <b>A Yes. And it went in with the conditional use plan.</b> 23 Q And did the Planning Board approve that preliminary 24 forest conservation plan? 25 <b>A They did. And the site's required to have 0.33 acres</b></p>	<p style="text-align: right;">91</p> <p>1 flexibility to require -- 2 HEARING EXAMINER ROBESON HANNAN: Well, we always 3 approve precise fixtures. We always have lights with the 4 fixtures -- 5 MS. HARRIS: Um-hmm. 6 HEARING EXAMINER ROBESON HANNAN: -- shown on the 7 lighting plan. 8 MS. HARRIS: What I -- 9 HEARING EXAMINER ROBESON HANNAN: So what's -- what's 10 the big deal? 11 MS. HARRIS: I don't know that it's a big deal. I 12 would say that I think they want the ability to either -- 13 even further enhance the -- the -- the project, whether it's, 14 you know, requesting minor modifications or additional -- 15 HEARING EXAMINER ROBESON HANNAN: Well, we're just 16 guessing then. You don't know what their specific concerns 17 are. 18 MS. HARRIS: I don't think they -- I don't think they 19 had concerns. I think they wanted the ability to further 20 enhance the project. And my -- my -- in this -- my 21 contention is that if the further modifications only 22 supplement and enhance and already -- a plan that's already 23 determined to comply with the requirements, they should have 24 that -- there's no reason that they can't have that ability 25 to do that.</p>
<p style="text-align: right;">90</p> <p>1 <b>of off-site forest retention.</b> 2 Q Thank you. 3 HEARING EXAMINER ROBESON HANNAN: Before we move on, 4 I had some questions about the lighting. How -- staff wrote 5 that the lighting won't be finalized until preliminary plan. 6 Why is that? What do you have to change? 7 He said the lighting, parking, and landscaping are 8 subject to change at preliminary plan. Why is that? 9 THE WITNESS: I think that is based on staff's desire 10 to have a little flexibility if they wish to revise lighting, 11 parking, or landscaping. 12 HEARING EXAMINER ROBESON HANNAN: But why would they 13 want to? 14 MS. HARRIS: If I could. I think that the only thing 15 they would want to do is potentially -- well, let me first 16 start off by staff made a finding that the plan as presented 17 meets -- 18 HEARING EXAMINER ROBESON HANNAN: I understand that, 19 but then they have a condition saying -- 20 MS. HARRIS: I -- I think -- 21 HEARING EXAMINER ROBESON HANNAN: -- look at lighting 22 -- I mean, you're already needing waivers. Why do they want 23 to look at lighting, landscaping -- I don't get that. 24 MS. HARRIS: I think because that's a detail in terms 25 of the precise fixture, for instance, that they may want</p>	<p style="text-align: right;">92</p> <p>1 HEARING EXAMINER ROBESON HANNAN: I guess my position 2 though is, you know, one man's enhance is another man's, you 3 know, maybe I don't like that so much. So, I guess, you 4 know, that's the thing. Nobody knows how it might end up. 5 MS. HARRIS: I would say that any condition that only 6 decreased the foot-candles further -- 7 HEARING EXAMINER ROBESON HANNAN: I -- I can't -- 8 MS. HARRIS: Okay. 9 HEARING EXAMINER ROBESON HANNAN: -- I'm not going to 10 argue. I can't say it. And I don't know why we're in that 11 position here because staff -- you know, it's long precedent 12 that it has to be finalized now. Why even submit light pole 13 things if they're going to change because people don't know? 14 But we'll get to it later. 15 MS. HARRIS: Again, I would -- I would say that it's 16 details that don't affect the underlying finding of that. 17 HEARING EXAMINER ROBESON HANNAN: But we don't know 18 because we don't know what the details are. 19 Okay. Well, we're -- 20 MS. HARRIS: So there could be a condition that the 21 -- that any change in this cannot adversely affect the 22 underlying finding, and, again meaning lowering of -- 23 HEARING EXAMINER ROBESON HANNAN: Well, why can't you 24 just -- 25 MS. HARRIS: -- seeing a foot-candle.</p>



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24 (93 to 96)

<p style="text-align: right;">93</p> <p>1 HEARING EXAMINER ROBESON HANNAN: -- come back for a 2 minor amendment? If they -- if it's so minor, you can come 3 back for a minor amendment. 4 MS. HARRIS: Ms. Robeson, after -- once we get 5 through the testimony, I was prepared to further discuss 6 this. 7 HEARING EXAMINER ROBESON HANNAN: Oh, okay. I just 8 thought Mr. Fox knew, you know -- I don't -- knew what -- 9 what -- why staff put that in there. But if they don't -- if 10 he doesn't -- he would've been the one to ask -- but if he 11 doesn't, I'll let it go for now. 12 MS. HARRIS: Okay. 13 BY MS. HARRIS: 14 Q Then moving on to adequate public facilities. Have 15 you evaluated the availability of water, sewer, and gas, and 16 other utilities at the location? And were they adequate to 17 serve the proposed development? 18 <b>A Yes. There is adequate gas, electric, power, water,</b> 19 <b>and sewer. The property's in a water and sewer category of</b> 20 <b>W-1, S-1. A hydraulic planning analysis will happen with</b> 21 <b>WSSC during the preliminary plan. We don't foresee any</b> 22 <b>issues there. And the site had all the existing utilities</b> 23 <b>running to it, so there -- there won't be any issues.</b> 24 Q And is there a stormwater management concept required 25 for this project?</p>	<p style="text-align: right;">95</p> <p>1 Q So your stormwater management -- and you're adding 2 stormwater management; is that correct? 3 <b>A Correct.</b> 4 Q And I believe you said this at the very beginning 5 when you were going over the site conditions, but is there -- 6 is the site located within a special protection area? 7 <b>A No, it is not. So there will be no additional water</b> 8 <b>quality measures necessary other than the storm -- what was</b> 9 <b>worked out on the stormwater concept.</b> 10 Q Thank you. For a childcare center over 30 people -- 11 30 children, there's certain standards that are required. 12 Have you reviewed those standards? 13 <b>A I have.</b> 14 Q Okay. And so I'm going to go through those and then 15 we can address the relevant -- 16 <b>A Okay.</b> 17 Q -- ones. 18 MS. HARRIS: Ms. Robeson, did you want to say 19 something? 20 HEARING EXAMINER ROBESON HANNAN: No. Go ahead. 21 MS. HARRIS: Okay. 22 Q Section 3.4.4.F.2.b.1 provides that all parking must 23 be behind the front building line; however, required parking 24 may be located between the structure and the street where the 25 Hearing Examiner finds that such parking is safe and -- and</p>
<p style="text-align: right;">94</p> <p>1 <b>A There is. The stormwater management concept plan is</b> 2 <b>currently under final review with DPS. As I mentioned at the</b> 3 <b>very beginning, there's no existing stormwater management</b> 4 <b>on site, and we're proposing to provide stormwater management</b> 5 <b>for the area of disturbance that's currently proposed for</b> 6 <b>this project. And we're -- we're in for final review and</b> 7 <b>approval.</b> 8 HEARING EXAMINER ROBESON HANNAN: Do you have a 9 timeline on that or -- 10 THE WITNESS: We don't have a timeline. It was 11 resubmitted last week to address some minor comments. Our 12 reviewer was forwarding it to her supervisor for signature, 13 but DPS is currently in the midst of a move to Wheaton, and, 14 therefore, they're -- they're kind of backed up on paperwork. 15 HEARING EXAMINER ROBESON HANNAN: Who was -- who was 16 the reviewer? 17 THE WITNESS: Mary Fertig. 18 HEARING EXAMINER ROBESON HANNAN: How do you spell 19 the last name? 20 THE WITNESS: F-E-R-T-I-G. 21 HEARING EXAMINER ROBESON HANNAN: Okay. All right. 22 BY MS. HARRIS: 23 Q And is there any stormwater management on the site 24 today? 25 <b>A No.</b></p>	<p style="text-align: right;">96</p> <p>1 not detrimental to the neighborhood, accessible and 2 compatible with surrounding properties. 3 Can you speak to this, the existing condition and the 4 Hearing Examiner's ability to approve the parking as 5 proposed? 6 <b>A Yes. So the property is a through lot that has two</b> 7 <b>frontages.</b> 8 <b>First, I'll talk about Colesville. That's the -- the</b> 9 <b>side of the building's addressed off is Colesville Road, and</b> 10 <b>it also -- architecturally, it reads as the front, the</b> 11 <b>building front. And there's -- there's limited direct</b> 12 <b>pedestrian access along this -- this facade.</b> 13 <b>You can see on the screen there's a small parking</b> 14 <b>area located in the -- in the southwest corner of the</b> 15 <b>property, and it's being expanded for -- for several reasons,</b> 16 <b>but it provides some extra spaces. It also provides more</b> 17 <b>direct fire access. This parking area is significantly set</b> 18 <b>back from Colesville Road. It's about 49 feet off the -- off</b> 19 <b>the roadway. And it's largely obstructed from the -- from</b> 20 <b>the street view. And if you think of the Colesville Tower</b> 21 <b>building as much closer to the -- to the right-of-way line</b> 22 <b>than that parking line is, so it's hidden back even though it</b> 23 <b>is along the front. And --</b> 24 HEARING EXAMINER ROBESON HANNAN: I'm just going to 25 move to the landscape plan for a minute. I can -- because</p>

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25 (97 to 100)

97	<p>1 that -- I'm just -- would like to know what is the buffer</p> <p>2 between those parkings -- well, I see you've got some trees</p> <p>3 shown there. Just a second. Can you see that --</p> <p>4 MS. HARRIS: Yes.</p> <p>5 HEARING EXAMINER ROBESON HANNAN: -- conditional use</p> <p>6 plan? So these are new plantings, and I take it they're</p> <p>7 designed to screen the parking spaces?</p> <p>8 MS. HARRIS: I think --</p> <p>9 THE WITNESS: I'd like to defer that --</p> <p>10 MS. HARRIS: -- that may be a --</p> <p>11 HEARING EXAMINER ROBESON HANNAN: I'm sorry?</p> <p>12 THE WITNESS: Yeah. I'd like to defer that question</p> <p>13 to the landscape architect.</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>15 THE WITNESS: She's going to testify in a little bit.</p> <p>16 HEARING EXAMINER ROBESON HANNAN: Okay. That's fine.</p> <p>17 <b>A Okay. So that's the Colesville Road side.</b></p> <p>18 <b>The east facade is also, you know, the drop-off area</b></p> <p>19 <b>plus along the -- it's a brand-new building entrance back</b></p> <p>20 <b>there. It's an existing parking lot, so the spaces closest</b></p> <p>21 <b>to Ellsworth are all existing and will remain in that</b></p> <p>22 <b>condition. And then we're, you know, redesigning the</b></p> <p>23 <b>interior of the parking lot to, you know, allow for the</b></p> <p>24 <b>building expansion and also the -- the drop-off area. But</b></p> <p>25 <b>this is an existing condition, and the location of this</b></p>
98	<p>1 parking is safe and not detrimental to the neighborhood.</p> <p>2 Correct, right where your cursor is.</p> <p>3 That parking is separated from the street by</p> <p>4 approximately 20 feet. There's a significant grade change</p> <p>5 along there, and it further screens those -- those parking</p> <p>6 spaces. And it'll continue to -- to operate in a manner</p> <p>7 that's -- that's consistent and with -- with what's out there</p> <p>8 existing today with -- it'd be compatible with the</p> <p>9 surrounding properties.</p> <p>10 Q So, in your opinion, do you believe that the Hearing</p> <p>11 Examiner can approve these spaces consistent with the</p> <p>12 requirements of Section 3.4.4?</p> <p>13 <b>A Yes, based on those reasons.</b></p> <p>14 Q And is there adequate space on site to accommodate</p> <p>15 the drop-off and pickup of children?</p> <p>16 <b>A Yes. As we mentioned several times, they'll need to</b></p> <p>17 <b>park; therefore, you know, the -- the number of parking</b></p> <p>18 <b>spaces is required. And safe access to the -- to the</b></p> <p>19 <b>building will be provided by the sidewalk upgrades and the</b></p> <p>20 <b>pedestrian facilities.</b></p> <p>21 MS. HARRIS: And, Ms. Robeson, I would note that our</p> <p>22 traffic consultant will go into a little bit more detail on</p> <p>23 that front.</p> <p>24 HEARING EXAMINER ROBESON HANNAN: Okay. Thanks.</p> <p>25 Q Given the property's location in R-60 zone, the</p>
99	<p>1 daycare center must be located in a site containing a minimum</p> <p>2 of 500 square feet of land area per person. Does the project</p> <p>3 meet this requirement?</p> <p>4 <b>A Yes. Currently, the property is 9,000 -- 95,906</b></p> <p>5 <b>square feet or approximately 2.2 acres. After the</b></p> <p>6 <b>dedication, it'll be 91,755 square feet. These numbers are</b></p> <p>7 <b>all in the table on the conditional use plan, and I forget</b></p> <p>8 <b>what number -- 68(c)?</b></p> <p>9 Q 68(a).</p> <p>10 <b>A 68(a)? Correct. And then, so based on a maximum</b></p> <p>11 <b>enrollment of 180 students, we'll have approximately 509</b></p> <p>12 <b>square feet of land per student.</b></p> <p>13 Q And I want to go back for a moment, and -- and this</p> <p>14 goes a little bit to the Hearing Examiner's questions for Ms.</p> <p>15 Peralta about the -- potentially limiting the number of</p> <p>16 children at the -- within the playground area. Can you show</p> <p>17 where that playground is located in context of the</p> <p>18 surrounding area?</p> <p>19 <b>A Yes. The playground is --</b></p> <p>20 HEARING EXAMINER ROBESON HANNAN: We're looking at</p> <p>21 Exhibit 68(a)? That's what you're using; correct?</p> <p>22 THE WITNESS: Correct. 68(a), the conditional use</p> <p>23 plan.</p> <p>24 <b>A And on the north side of the existing building is the</b></p> <p>25 <b>proposed playground area. And that's going to be shielded</b></p>
100	<p>1 largely from Ellsworth Drive by the proposed building</p> <p>2 expansion. And also, you know, there's a significant grade</p> <p>3 change there.</p> <p>4 And then directly north of that proposed playground</p> <p>5 area --</p> <p>6 HEARING EXAMINER ROBESON HANNAN: Does the grade</p> <p>7 change -- which way does it slope? I can't see the little</p> <p>8 numbers.</p> <p>9 THE WITNESS: It -- it drops. The play --</p> <p>10 HEARING EXAMINER ROBESON HANNAN: It drops --</p> <p>11 THE WITNESS: -- grade is higher.</p> <p>12 HEARING EXAMINER ROBESON HANNAN: -- towards the</p> <p>13 building?</p> <p>14 THE WITNESS: It drops towards Ellsworth, since it's</p> <p>15 --</p> <p>16 HEARING EXAMINER ROBESON HANNAN: Towards Ellsworth.</p> <p>17 THE WITNESS: Yeah.</p> <p>18 HEARING EXAMINER ROBESON HANNAN: I understand.</p> <p>19 THE WITNESS: Yeah.</p> <p>20 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>21 <b>A So -- and there's a significant slope there also</b></p> <p>22 <b>between the -- the dog park to the north, coming down to the</b></p> <p>23 <b>north parking area. And --</b></p> <p>24 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>25 <b>A Yeah. And then further north, there's another</b></p>

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26 (101 to 104)

<p>101</p> <p>1 <b>playground in the Ellsworth Urban Park that is geared towards</b></p> <p>2 <b>children.</b></p> <p>3 HEARING EXAMINER ROBESON HANNAN: Is that shown on</p> <p>4 this plan, the other playground, the Urban Park playground?</p> <p>5 THE WITNESS: No. It'd be a little -- a little</p> <p>6 further north. You can most likely see it on the staff</p> <p>7 report surrounding area aerial. It would be north -- it'd be</p> <p>8 up where those tables are.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>10 BY MS. HARRIS:</p> <p>11 Q And can you give a rough estimate of the distance</p> <p>12 between the -- the proposed playground on the site to the</p> <p>13 townhomes to the east, in a sense of the linear feet?</p> <p>14 <b>A Yes. Bear with me. I'm trying to find an exhibit to</b></p> <p>15 <b>show this.</b></p> <p>16 HEARING EXAMINER ROBESON HANNAN: Existing</p> <p>17 conditions?</p> <p>18 THE WITNESS: Yeah. I was looking for the distance</p> <p>19 of the -- of the northern parking area, but we can do this</p> <p>20 based on the -- on the building.</p> <p>21 Q And --</p> <p>22 <b>A So if we look at 68(a), the -- the building setback</b></p> <p>23 <b>along Ellsworth is 90 feet. You zoom --</b></p> <p>24 HEARING EXAMINER ROBESON HANNAN: Along -- along</p> <p>25 Ellsworth?</p>	<p>103</p> <p>1 <b>A No. I think, based on the fact that there is the --</b></p> <p>2 <b>the urban park directly north, plus the dog park, plus the</b></p> <p>3 <b>building shielding this, and it's -- and it's tucked away</b></p> <p>4 <b>here close to the building on the north side, and the</b></p> <p>5 <b>distance from the existing townhomes, I think any impacts</b></p> <p>6 <b>would be minimal.</b></p> <p>7 Q Thank you. Then we're going to turn to the approvals</p> <p>8 that are required for any conditional use under Section</p> <p>9 7.3.1.E, and I'm going to walk through those conditions, and</p> <p>10 I want your opinion on those.</p> <p>11 The first one is Subsection A requires the</p> <p>12 conditional use satisfy any applicable previous approvals.</p> <p>13 Are there any previous approvals on this site?</p> <p>14 <b>A No.</b></p> <p>15 Q And Subsection B, does the project satisfy the</p> <p>16 requirements of the zone use -- use standards and applicable</p> <p>17 general requirements under 59-6 of the zoning ordinance?</p> <p>18 <b>A Yes. As previously discussed, the project satisfies</b></p> <p>19 <b>the requirements of the R-60 zone and the use standards</b></p> <p>20 <b>contained in Section 59-3.4.4.f and also the general</b></p> <p>21 <b>requirements of 59-6.</b></p> <p>22 Q And I recognize that Ms. Rodriguez is going to talk</p> <p>23 about master plan compliance, but is there anything that you,</p> <p>24 from your expertise, that you want to comment on with respect</p> <p>25 to master plan conformance?</p>
<p>102</p> <p>1 FEMALE SPEAKER: Yeah.</p> <p>2 THE WITNESS: Along Ellsworth.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>4 <b>A So then -- so then if you look at the width of that</b></p> <p>5 <b>building, which I would estimate it conservatively 30 feet,</b></p> <p>6 <b>plus the Ellsworth Drive right-of-way of 70 feet, you're --</b></p> <p>7 <b>you're approaching 200 feet from the townhomes.</b></p> <p>8 HEARING EXAMINER ROBESON HANNAN: And are you saying</p> <p>9 that with the slope down toward the -- toward the west side</p> <p>10 of this addition, the slope down from Colesville to the west</p> <p>11 side of the addition plus the addition itself, that has a</p> <p>12 noise attenuating factor?</p> <p>13 MR. OLIVERA-SALA: Sure.</p> <p>14 THE WITNESS: The addition would be the largest</p> <p>15 attenuating factor in that, the addition in the vegetation.</p> <p>16 The playground itself will sit up on top of that hill, and --</p> <p>17 and it'll be above the parking area, which then the parking</p> <p>18 area is above Ellsworth Drive.</p> <p>19 HEARING EXAMINER ROBESON HANNAN: Okay. All right.</p> <p>20 BY MS. HARRIS:</p> <p>21 Q So, in your opinion, is there any need, from a noise</p> <p>22 factor, to -- and I'm recognizing you're not a noise expert,</p> <p>23 but just based on the distance and the physical and</p> <p>24 structural impairments -- to limit the number of children in</p> <p>25 the -- in the play area from a noise perspective?</p>	<p>104</p> <p>1 <b>A Yes. It's -- you know, the -- a couple of the</b></p> <p>2 <b>highlights are, you know, it's a reinvestment in an existing</b></p> <p>3 <b>building and a continuance of a -- of a use that serves the</b></p> <p>4 <b>community. So it's needed in this area, you know, and</b></p> <p>5 <b>affordable childcare services are -- are wanted. It also</b></p> <p>6 <b>complies with a lot of the specific criteria for reviewing</b></p> <p>7 <b>special exceptions as outlined in the master plan.</b></p> <p>8 Q Thank you. With respect to Subsection D, which has</p> <p>9 to do with the harmonious nature of the project, our</p> <p>10 architect will testify to that.</p> <p>11 Subsection E requires that the conditional use will</p> <p>12 not, when evaluated with -- in conjunction with existing and</p> <p>13 approved conditional uses in any neighboring residential</p> <p>14 detached zone, increase the number, intensity, or scope of</p> <p>15 the conditional uses sufficiently to affect the area</p> <p>16 adversely or alter the predominantly residential nature of</p> <p>17 the area. Can you comment on this please?</p> <p>18 <b>A Yeah. It won't alter the area. The property has</b></p> <p>19 <b>long since been used for an institutional use from the</b></p> <p>20 <b>library and then now the daycare. And it -- although it is a</b></p> <p>21 <b>-- a new conditional use in the surrounding neighborhood, it</b></p> <p>22 <b>will not affect the area adversely nor will it alter the</b></p> <p>23 <b>residential character.</b></p> <p>24 Q Okay.</p> <p>25 <b>A And, you know, the conditional use will continue,</b></p>

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27 (105 to 108)

<p>105</p> <p>1 <b>that institutional use that was recommended in the master</b> 2 <b>plan.</b> 3 Q Thank you. Section 7.3.1.E.1 requires a finding that 4 the project will serve -- be served by adequate public 5 services and facilities. You previously testified on this, 6 but can you please summarize? 7 A Yeah. You'll hear about traffic later from the 8 traffic engineer, but there's adequate water, sewer, 9 electric, gas, all utilities. And then we discussed fire 10 access at length, and there's also, you know, police, fire, 11 and health care in accordance with the subdivision staging 12 policy, and APF will further be determined during the feature 13 preliminary planning process. 14 Q Section 7.3.1.E.1.g requires that the conditional use 15 will not cause undue harm to the neighborhood as a result of 16 non-inherent adverse effects alone or a combination of 17 inherent and non-inherent adverse effects. In your 18 professional opinion, will the conditional use cause any harm 19 to the surrounding neighborhood as a result of the non- 20 inherent -- as a result of a non-inherent adverse effect? 21 A So I don't believe there are any non-inherent adverse 22 impacts. And then staff identified the following is inherent 23 effects for a daycare center, which would be vehicular trips 24 to and from the site, outdoor play areas, noise generated by 25 the children, and drop-off and pickup areas, and lighting.</p>	<p>107</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Let's -- if -- if 2 no one has an issue, let's take just a half-hour lunch break, 3 if that's okay. If you need more, let me know. I just want 4 to make sure that my being late doesn't delay this into, you 5 know, late or too late. So if everybody's agreeable, we can 6 do a half-hour lunch break and be back at -- well, we can be 7 back at 1:35. 8 MS. HARRIS: That works. 9 HEARING EXAMINER ROBESON HANNAN: Is that okay? 10 MS. HARRIS: Yes. 11 HEARING EXAMINER ROBESON HANNAN: Okay. We're going 12 to go off the record until 1:35 then. 13 (A recess was taken.) 14 HEARING EXAMINER ROBESON HANNAN: Is everyone here? 15 Is everyone ready? 16 MS. HARRIS: Yes. 17 HEARING EXAMINER ROBESON HANNAN: And I did manage to 18 get this recording now, so we have that as backup. 19 So let's -- Ms. Harris, I -- you -- I think we 20 finished with Mr. Fox. Who do you have up next? 21 MS. HARRIS: Mr. Federico Olivera-Sala, the architect 22 from Moya Design. 23 HEARING EXAMINER ROBESON HANNAN: Okay. Mr. Olivera- 24 Sala, can you please say something because your picture's -- 25 oh, there you are. Okay. I've got you.</p>
<p>106</p> <p>1 So we agree with that. There are no additional inherent 2 effects associated with the center and no non-inherent 3 adverse affects. 4 Q Okay. And, in your professional opinion, does the 5 proposed conditional use satisfy all of the applicable code 6 requirements? 7 A Yes. 8 Q Is there anything else you'd like to add? 9 A No. 10 MS. HARRIS: That concludes our -- Mr. Fox's 11 testimony, Ms. Robeson. 12 HEARING EXAMINER ROBESON HANNAN: Okay. Ms. Harris, 13 think about this. If the child daycare extended to 11 p.m., 14 wouldn't that be non-inherent? Because I've never had one 15 extend to 11 p.m., and I never had a community use of a 16 facility combined with a daycare care ever. So just think 17 about that. 18 I think what we're going to do is take a short lunch 19 break. You still have Ms. Randall -- 20 MS. HARRIS: And, well, Mr. -- sorry. 21 HEARING EXAMINER ROBESON HANNAN: Olivera-Sala? 22 MS. HARRIS: Yes. Thank you. Our architect and then 23 our landscape architect and then our traffic consultant -- 24 HEARING EXAMINER ROBESON HANNAN: Okay. 25 MS. HARRIS: -- so three more witnesses.</p>	<p>108</p> <p>1 EXAMINATION OF FEDERICO OLIVERA-SALA 2 MR. OLIVERA-SALA: I'm here. 3 HEARING EXAMINER ROBESON HANNAN: I see you. Please 4 raise your right hand. 5 Do you solemnly affirm under penalties of perjury 6 that the statements you're about to make are the truth, the 7 whole truth, and nothing but the truth? 8 THE WITNESS: I do. 9 HEARING EXAMINER ROBESON HANNAN: Okay. Go ahead, 10 Ms. Harris. 11 MS. HARRIS: Thank you. 12 BY MS. HARRIS: 13 Q Can you please state your full name and primary 14 occupation and address for the record? 15 A Yes. For the record, my name is Federico Olivera- 16 Sala. I can spell it if you need. I can -- sometimes it's 17 kind of weird. 18 HEARING EXAMINER ROBESON HANNAN: Why don't you spell 19 it for the court reporter. 20 THE WITNESS: Yes. It's F-E-D-E-R-I-C-O, and my last 21 name is a two-word last name, O-L-I-V-E-R-A, space or hyphen, 22 S as Sam, A-L-A. 23 HEARING EXAMINER ROBESON HANNAN: Thank you. 24 Q Thank you. And can you please describe your 25 professional and educational background?</p>

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28 (109 to 112)

<p>109</p> <p>1 A Yes. I'm an architect by training, and I'm a 2 principal at the design studio at Moya Design Partners. 3 And my background and education, I studied in the 4 University of Belgrano and the School of Architecture in 5 Buenos Aires, Argentina. I took a six-year program, which is 6 equal -- equals to a bachelor's and master's combined in the 7 U.S. I graduated in 1994 with the title of architect, and I 8 serve as a professor of urban studio in that same school for 9 about six years. 10 In 2000, I immigrated to the U.S., and I worked for 11 18 years at SK+I Architectural Design Group as a design 12 principal and prior to joining Moya Design Partners as a 13 partner and design principal in 2018. 14 Q Thank you. 15 HEARING EXAMINER ROBESON HANNAN: And are you -- are 16 you licensed to practice in Maryland? 17 THE WITNESS: No. 18 HEARING EXAMINER ROBESON HANNAN: Okay. 19 Q So given that you're not licensed to practice, how 20 does that -- how is that handled at Moya Design? 21 A We have several licensed architects, and I work under 22 the partners -- 23 HEARING EXAMINER ROBESON HANNAN: Okay. 24 A -- that is licensed as well. 25 Q And are you --</p>	<p>111</p> <p>1 MS. HARRIS: Thank you. 2 THE WITNESS: Thank you. 3 BY MS. HARRIS: 4 Q Are you familiar with the conditional use plan that's 5 before the Hearing Examiner today? 6 A Yes. And I'm -- I'm the design architect for this 7 project as well. 8 Q And so what does that mean in terms of what your 9 responsibilities were? 10 A Well, obviously I'm in charge of making sure that 11 it's compliance with -- with -- with the zone and also the 12 master plan. And I oversee the -- the design process 13 throughout. 14 Q Okay. And can you please describe the basic 15 principles and design concepts that were applied in the 16 adaptive reuse of this existing building? 17 A Yes. Well, the goal of these projects, first -- 18 first and foremost, is -- is an apt to reuse of the existing 19 former library building, and we took that with great pride 20 and as a great challenge. It's a great piece of 21 architecture, and we think that it's -- it's important to us 22 that we enhance the building but also enhance what that glory 23 of era that that building had in its new form in 2020. 24 The goal is that blend -- is to blend all the new 25 seamlessly from the inside point of view and from the</p>
<p>110</p> <p>1 HEARING EXAMINER ROBESON HANNAN: All right. Thank 2 you. 3 Q -- familiar with the Montgomery County Zoning 4 Ordinance? 5 A Yes. 6 Q And would you consider that a strong working 7 knowledge of that -- of that law? 8 A Yes. And, also, I -- I'm -- I've been working for 9 the last 19 years in Montgomery County. I'm very familiar 10 with the -- with the regulation. Also, I'm very familiar 11 with the processes that are part of the entitlement, such as 12 preliminary plans, site plan, sketch plan, and, in this case, 13 conditional use. Sorry. 14 And -- and, also, I served as advisory panel for 15 Montgomery County for the code rewrite as well. The current 16 code has been rewrite recently, and I was part of the panel 17 that advised Montgomery County. 18 Q And when you say code rewrite, I assume you're 19 referring to the zoning ordinance? 20 A Yes. That's correct. 21 MS. HARRIS: Okay. Based on all that, Ms. Robeson, I 22 would move that Mr. Olivera-Sala be qualified as a expert in 23 architecture. 24 HEARING EXAMINER ROBESON HANNAN: I'll qualify him as 25 an expert in architecture. Thank you.</p>	<p>112</p> <p>1 exterior. Even though we -- we want to blend with the 2 exterior, we want to make sure that the existing portion of 3 the building is easily recognized. The treatment of the 4 additional -- addition, it's also tied to the original 5 architecture of the original building in a way that respects 6 the building but also creates the -- the articulation 7 necessary to -- to be mindful of the surroundings and the 8 neighborhood. 9 The building has approximately -- excuse me -- about 10 20,000 square feet of existing building, and we're adding 11 12,000 square feet in a two-story addition at the east side 12 of the parcel, right behind -- right behind the existing 13 building. The new addition will harbor additional classes, 14 office space, and a community space that will be used for 15 neighbors as well as the -- as the -- as an indoor play area. 16 Q And would it be helpful for you -- is there any 17 reason to pull up the architectural elevations to elaborate 18 on anything you just said -- 19 A Sure, yes. 20 MS. HARRIS: -- or, Ms. Robeson, would that be 21 helpful for you? 22 A Yes, of course. 23 Q So that is Exhibit 52(f). 24 HEARING EXAMINER ROBESON HANNAN: Okay. It should be 25 up.</p>

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29 (113 to 116)

<p>113</p> <p>1 THE WITNESS: Yeah, it is up. It's also rotated, but</p> <p>2 --</p> <p>3 HEARING EXAMINER ROBESON HANNAN: Unfortunately, it</p> <p>4 is -- I -- well, can you testify to it? I know it's not</p> <p>5 north side up, but --</p> <p>6 THE WITNESS: It's not a problem. It's not a</p> <p>7 problem. I can refer to top of the page, the bottom of the</p> <p>8 page for reference.</p> <p>9 So if you wouldn't mind panning up a little bit so we</p> <p>10 can see the entire site.</p> <p>11 HEARING EXAMINER ROBESON HANNAN: Sure.</p> <p>12 THE WITNESS: We only see half of it.</p> <p>13 HEARING EXAMINER ROBESON HANNAN: Okay. How is that?</p> <p>14 MS. HARRIS: It didn't work.</p> <p>15 THE WITNESS: It's still the same, but I think I can</p> <p>16 probably -- so --</p> <p>17 HEARING EXAMINER ROBESON HANNAN: Is that better?</p> <p>18 THE WITNESS: No.</p> <p>19 HEARING EXAMINER ROBESON HANNAN: Okay. Is it too</p> <p>20 small or too large?</p> <p>21 THE WITNESS: I think it's -- the side is cut three-</p> <p>22 quarters down. There's still a quarter -- but I -- it's</p> <p>23 okay. I think I can --</p> <p>24 HEARING EXAMINER ROBESON HANNAN: Wait just a second.</p> <p>25 Let me do this again. How's that? No better?</p>	<p>115</p> <p>1 think we have -- we have perspectives or elevations. I'm not</p> <p>2 sure if they are part of this same exhibit or -- that -- that</p> <p>3 can prove that the building seamlessly connect one another</p> <p>4 and being very respectful of the existing and the new as a</p> <p>5 complementary attachment to the building.</p> <p>6 HEARING EXAMINER ROBESON HANNAN: Do you know -- do</p> <p>7 you want to point me to an exhibit that illustrates what you</p> <p>8 want to say or --</p> <p>9 MS. HARRIS: I believe it's 52(f).</p> <p>10 HEARING EXAMINER ROBESON HANNAN: F, okay. I, again</p> <p>11 -- this is not a good day. Are you seeing 52(f) here</p> <p>12 sideways?</p> <p>13 THE WITNESS: Not yet.</p> <p>14 MS. HARRIS: No. I think this was 52(a).</p> <p>15 HEARING EXAMINER ROBESON HANNAN: Okay. Try it now.</p> <p>16 MS. HARRIS: That may be harder to look at that way.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: Can -- can you pull</p> <p>18 -- can you turn your computer sideways?</p> <p>19 (Laughter.)</p> <p>20 HEARING EXAMINER ROBESON HANNAN: I'm sorry. I do</p> <p>21 not know what -- why this will not rotate.</p> <p>22 THE WITNESS: I'll do my best to explain in a way</p> <p>23 that is comprehensible.</p> <p>24 So the -- the very left image is the view from</p> <p>25 Colesville Road and pretty much it is what you see today.</p>
<p>114</p> <p>1 THE WITNESS: Yep, yep.</p> <p>2 MS. HARRIS: Now we can see the whole thing. Thank</p> <p>3 you.</p> <p>4 THE WITNESS: Yeah. So I'll refer to -- I mean, the</p> <p>5 west is the south of the page -- well, or the bottom of the</p> <p>6 page, where Colesville Road is, and the top of the page is</p> <p>7 Ellsworth, which would be the east for just for reference.</p> <p>8 HEARING EXAMINER ROBESON HANNAN: I apologize for</p> <p>9 that.</p> <p>10 THE WITNESS: That's okay. Not a problem.</p> <p>11 So what you see from the dashed line towards the</p> <p>12 bottom of the page is the existing library, and the existing</p> <p>13 library will remain as such with minor modifications. And we</p> <p>14 are attaching the addition to the east, or the top of the</p> <p>15 page in this case.</p> <p>16 The -- the idea, because of the grade and it is our</p> <p>17 understanding that the designer of the former library took</p> <p>18 the character of the building as a residential articulation</p> <p>19 in the fenestration of the facade in a reminiscence of the</p> <p>20 architecture of Frank Lloyd Wright, which would make the</p> <p>21 present on Colesville Road almost look like a house instead</p> <p>22 of being a public library.</p> <p>23 So, piggyback on that, I think we took the cues for</p> <p>24 the building to continue to be in the same vein. So the</p> <p>25 articulation and the fenestration of the facades -- and I</p>	<p>116</p> <p>1 You cannot tell that there's an addition on the building</p> <p>2 because it happens on the back.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>4 THE WITNESS: When -- when you go to the next one</p> <p>5 over, moving from left to right, what is labeled A and detail</p> <p>6 number 3, exterior elevation -- yes, this one -- you can see</p> <p>7 how the -- the site slowly rolls down and the addition sits</p> <p>8 right behind revealing the two-story portion of it.</p> <p>9 MS. HARRIS: Ms. Robeson, I think if you right click</p> <p>10 and then it says rotate --</p> <p>11 HEARING EXAMINER ROBESON HANNAN: No, I've been</p> <p>12 trying to right click for about --</p> <p>13 MS. HARRIS: Okay.</p> <p>14 HEARING EXAMINER ROBESON HANNAN: -- I tried -- I</p> <p>15 practiced this earlier. I wasn't -- I have a Apple computer,</p> <p>16 and I must not have been right clicking. There we go.</p> <p>17 MS. HARRIS: No, it didn't -- on the screen, it</p> <p>18 hasn't changed.</p> <p>19 THE WITNESS: Maybe you have to refresh and --</p> <p>20 HEARING EXAMINER ROBESON HANNAN: I do.</p> <p>21 THE WITNESS: -- and share again.</p> <p>22 HEARING EXAMINER ROBESON HANNAN: I do. It's coming.</p> <p>23 Okay. Right.</p> <p>24 Thank you, Ms. Harris. I wasn't putting my two</p> <p>25 fingers in the right place.</p>

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30 (117 to 120)

<p>117</p> <p>1 THE REPORTER: Excuse me, excuse me.</p> <p>2 THE WITNESS: So as I was saying --</p> <p>3 THE REPORTER: Excuse me, excuse me.</p> <p>4 THE WITNESS: -- in the elevation that you see in the</p> <p>5 center up until --</p> <p>6 THE REPORTER: Excuse me. This is the court</p> <p>7 reporter. There seems to be some background noise.</p> <p>8 THE WITNESS: I'm sorry. What?</p> <p>9 HEARING EXAMINER ROBESON HANNAN: Can people mute?</p> <p>10 THE REPORTER: There seems to be a background</p> <p>11 conversation going on.</p> <p>12 HEARING EXAMINER ROBESON HANNAN: Okay. How is it</p> <p>13 now? I just muted someone.</p> <p>14 THE REPORTER: Oh, yeah. That's better. Thank you.</p> <p>15 THE WITNESS: Yes.</p> <p>16 HEARING EXAMINER ROBESON HANNAN: Okay. Now --</p> <p>17 THE WITNESS: So, as I was saying, in detail -- oops.</p> <p>18 HEARING EXAMINER ROBESON HANNAN: I got it. I got</p> <p>19 it. I didn't get rid of it. Go ahead.</p> <p>20 THE WITNESS: Okay. So, as you can see in detail 3,</p> <p>21 the exterior elevation, that's the existing main facade up to</p> <p>22 that point -- yeah, right -- right there, that's the existing</p> <p>23 facade. And we think that the existing building, it was</p> <p>24 designed in that way for a reason, to -- obviously to be</p> <p>25 contextual to a residential neighborhood, and we feel that it</p>	<p>119</p> <p>1 MS. HARRIS: My apologies. I was on mute.</p> <p>2 BY HEARING EXAMINER ROBESON HANNAN:</p> <p>3 Q Is it your opinion that the project complies with R-</p> <p>4 60 development standards?</p> <p>5 A Yes. As -- as the civil engineer, Brad Fox, said,</p> <p>6 yeah, it does comply for setbacks and -- and coverage. And</p> <p>7 -- and we think it is an appropriate use for -- for this</p> <p>8 neighborhood, given the fact that we are preserving the</p> <p>9 character of the building and serving a community that --</p> <p>10 that needs this -- this public use.</p> <p>11 Q And how does the -- how does the plan respond to the</p> <p>12 recommendations of the master plan?</p> <p>13 A Well, the -- the master plan, obviously in the</p> <p>14 special exception policy sector plan, includes some one other</p> <p>15 recommendation that we have to evaluate the special exception</p> <p>16 uses along major highways to minimize non-residential</p> <p>17 appearance.</p> <p>18 And size, number of signs, visibility, and number of</p> <p>19 parking, and traffic generation, and intrusive lighting are</p> <p>20 things that are key to -- to be evaluated. And I think we --</p> <p>21 we've already touched on all those points, and I think the</p> <p>22 way that the project lays out in -- in the -- in the site</p> <p>23 doesn't create any adverse effect.</p> <p>24 Q Thank you. And in terms of interior lighting, will</p> <p>25 it stay on overnight?</p>
<p>118</p> <p>1 is appropriate and so carry the same materials and breaking</p> <p>2 the building horizontally with the use of stone and brick</p> <p>3 creates that more horizontal reading of the building, as you</p> <p>4 would see like those houses that are like ranchers that are</p> <p>5 extended within the site.</p> <p>6 We are planning to preserve the existing access to</p> <p>7 the building where you see those two little shapes of persons</p> <p>8 that are right there in the same detail. Yes, that's the</p> <p>9 existing entrance to the -- to the library today, and it will</p> <p>10 be our entrance -- a secondary entrance for -- for the</p> <p>11 daycare, and it will be a new entrance on the Ellsworth side,</p> <p>12 right where the drop-off area in the exhibits that we saw</p> <p>13 before.</p> <p>14 The next facade over, which is labeled under detail</p> <p>15 2, is the -- is the elevation that it -- that the</p> <p>16 neighborhood would see on Ellsworth side. And, as you can</p> <p>17 see, the -- the way that we articulated the facade and is</p> <p>18 broken horizontally to create that same reading of -- of an</p> <p>19 extended low structure within -- within the landscape.</p> <p>20 HEARING EXAMINER ROBESON HANNAN: Thank you.</p> <p>21 THE WITNESS: Yep. There -- there are other --</p> <p>22 MS. HARRIS: It's not here.</p> <p>23 THE WITNESS: -- also perspectives too that we can</p> <p>24 show, but --</p> <p>25 FEMALE SPEAKER: Okay.</p>	<p>120</p> <p>1 A The -- once the building is closed, there will be no</p> <p>2 lights -- only just emergency lighting for -- because it's</p> <p>3 required by code.</p> <p>4 Q Okay. And then, in your professional opinion, will</p> <p>5 there be any adverse impact on the neighborhood as a result</p> <p>6 of the exterior or interior lighting?</p> <p>7 A I believe no.</p> <p>8 Q And where is the building mechanical equipment</p> <p>9 located?</p> <p>10 A The building, if I -- as you can see, the building --</p> <p>11 the original roof is a -- is a hip roof which four-sided</p> <p>12 slopes. So the new addition will have mechanical equipment</p> <p>13 that it will be hidden behind the hip roof. And in the</p> <p>14 portion that there -- in the back, that there's no hip roof,</p> <p>15 it's only a section that is a flat roof, it will be screened</p> <p>16 with a screen system.</p> <p>17 Q Thank you. And then I -- now I want to move to</p> <p>18 signage. Can you please -- and I think -- let me get my</p> <p>19 exhibit number. I want you to, if you could, briefly</p> <p>20 describe the proposed signage.</p> <p>21 A Yes. I think --</p> <p>22 MS. HARRIS: And if, Ms. Robeson --</p> <p>23 HEARING EXAMINER ROBESON HANNAN: Let me get to the</p> <p>24 exhibit number.</p> <p>25 MS. HARRIS: 68(b).</p>

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31 (121 to 124)

<p>121</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Oh, it's right side 2 up. What am I doing? 3 (Laughter.) 4 HEARING EXAMINER ROBESON HANNAN: Go ahead. Or, 5 wait. 6 Okay. It should be up. 7 <b>A Yes. So this is a multi-page document. So if you --</b> 8 <b>I mean, this is obviously the cover page, and this is the</b> 9 <b>view from -- from Ellsworth. But, yes, just get -- if you --</b> 10 <b>yes.</b> 11 <b>So the -- we're proposing two monument signs on the</b> 12 <b>site, what you can see, this V-shape along Colesville Road</b> 13 <b>and a flat -- the flat version of that V-shape on -- on the</b> 14 <b>Ellsworth side. There are also additional exhibits that</b> 15 <b>shows the dimensions and -- and -- and -- yeah, and</b> 16 <b>perspectives as well. The -- the -- we believe that the --</b> 17 <b>the presence of those signages are minimum, but they still</b> 18 <b>show a readable signage and to provide proper way finding.</b> 19 <b>If you may scroll back again, I just want to point</b> 20 <b>out the two locations for additional signage that we have</b> 21 <b>that is part of the facades, which are these two little</b> 22 <b>arrows. Yes, this one over here and the one on the -- on the</b> 23 <b>Ellsworth side as well. Those are just regular channel pin</b> 24 <b>letters that are attached to the facade.</b> 25 Q And -- and, Mr. Olivera-Sala, is there an alternative</p>	<p>123</p> <p>1 move to your right -- 2 MS. HARRIS: There. 3 THE WITNESS: -- you will see the other one as well. 4 That's right after the dedication line. 5 HEARING EXAMINER ROBESON HANNAN: I see it. 6 MS. HARRIS: So this plan actually had been submitted 7 and a notice had -- amendment had gone out regarding the 8 modifications to this plan, so -- 9 HEARING EXAMINER ROBESON HANNAN: Right. 10 MS. HARRIS: -- the only revised -- revision to the 11 sign package, the 68 -- Exhibit 68(b) was the -- showing the 12 monument sign along Ellsworth Avenue. 13 HEARING EXAMINER ROBESON HANNAN: Okay. 14 MS. HARRIS: That was the one issue. So, Ms. 15 Robeson, I know we had requested, but I don't know that you 16 had made a determination, whether this -- this exhibit will 17 in fact be submitted to the record, but we would like to 18 request that. 19 MS. ROGERS: And if I could add -- 20 HEARING EXAMINER ROBESON HANNAN: The signage, yes. 21 Okay, that's fine. I'll admit it. 22 MS. HARRIS: Thank you. 23 (Exhibit 68(b) admitted into the record.) 24 BY MS. HARRIS: 25 Q So you may have touched on this, but will -- in your</p>
<p>122</p> <p>1 location along Colesville Road for the monument sign? And, 2 if so, why? 3 <b>A Yes. There is an alternative location. The reason</b> 4 <b>being is that we need approval from State Highway for the</b> 5 <b>location within the right-of-way, so, therefore, we're</b> 6 <b>proposing another location if we don't get granted for that</b> 7 <b>location.</b> 8 HEARING EXAMINER ROBESON HANNAN: And where is the 9 other location? Maybe I'm misunderstanding you. Is there a 10 -- go ahead. 11 MS. ROGERS: If you pull up -- can -- Exhibit 68(a), 12 the conditional use site plan, shows the two locations. 13 THE WITNESS: There you go. Yep. 14 MS. HARRIS: And, Ms. Robeson, I would say that when 15 this plan was initially proposed, it was not clear whether we 16 were going to have to dedicate along the frontage of 17 Colesville Road, but then it -- 18 HEARING EXAMINER ROBESON HANNAN: I see. 19 MS. HARRIS: -- became clear through working with 20 staff that we would need to dedicate, and there's a question 21 of whether SHA would permit the signage, which is why there's 22 an alternative sign location. 23 THE WITNESS: And -- and there you can see within the 24 hatched area of this dedication, the original, yeah, 25 location, that V-shape structure over there. And then if you</p>	<p>124</p> <p>1 professional opinion, will the signage be compatible with the 2 surrounding neighborhood? 3 <b>A Yes, we do. And we took sort of a visual survey on</b> 4 <b>what the signage along Colesville Road, and these are within</b> 5 <b>the similar size and configuration.</b> 6 Q Thank you. And then, in terms of the conditional use 7 requirements, 7 -- Section 7.3.1.E.1 requires that the 8 proposed development be harmonious with and will not alter 9 the character of the surrounding neighborhood in a manner 10 inconsistent with the plan. In your expert opinion and as an 11 architect, please explain how this project is harmonious and 12 compatible with the surrounding area. 13 <b>A As discussed before in my testimony, the project will</b> 14 <b>be harmonious with the existing character of the surrounding</b> 15 <b>neighborhood. The project, it actually uses the existing</b> 16 <b>building for -- for preservation purposes, but also as an</b> 17 <b>enhancement. The proposed two-story addition complements and</b> 18 <b>seamlessly blends old and new to preserve the existing</b> 19 <b>architectural character of the site.</b> 20 <b>Landscape -- sorry, excuse me -- landscaping works in</b> 21 <b>tandem with architecture to soften and screen the building.</b> 22 <b>And -- and my colleague will -- will discuss landscape design</b> 23 <b>later.</b> 24 Q So, in your professional opinion, does the 25 conditional use application satisfy all applicable code</p>



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125	<p>1 requirements pertaining to architecture and urban design?</p> <p>2 <b>A Yes, I believe so.</b></p> <p>3 MS. HARRIS: Thank you. I have no further questions</p> <p>4 for this witness.</p> <p>5 HEARING EXAMINER ROBESON HANNAN: Okay. There -- is</p> <p>6 there anyone on this hearing that's not represented by -- by</p> <p>7 Ms. -- Ms. Harris that would like to -- you can press the</p> <p>8 hand button on the -- you can hover in the middle of the</p> <p>9 screen. Is there anyone that would like to ask him</p> <p>10 questions?</p> <p>11 Okay. Seeing none, I will -- you may be excused.</p> <p>12 MS. HARRIS: Thank you.</p> <p>13 THE WITNESS: Thank you.</p> <p>14 MS. HARRIS: Our next witness is Trini Rodriguez, the</p> <p>15 landscape architect.</p> <p>16 EXAMINATION OF TRINI RODRIGUEZ</p> <p>17 HEARING EXAMINER ROBESON HANNAN: Okay. Ms.</p> <p>18 Rodriguez. Where is she?</p> <p>19 MS. RODRIGUEZ: Good afternoon. Can you hear me?</p> <p>20 Can you see me?</p> <p>21 MS. HARRIS: Yes.</p> <p>22 HEARING EXAMINER ROBESON HANNAN: Got you now. Hold</p> <p>23 on one second.</p> <p>24 Can you raise your right hand.</p> <p>25 Do you solemnly affirm under penalties of perjury</p>	127	<p>1 <b>first name. I'm a landscape architect; it's a primary</b></p> <p>2 <b>occupation. I'm also an architect by training and a planner</b></p> <p>3 <b>and register --</b></p> <p>4 HEARING EXAMINER ROBESON HANNAN: Just a minute. I'm</p> <p>5 not sure I swore you in.</p> <p>6 THE WITNESS: Oh. So --</p> <p>7 MS. HARRIS: Yes, you did.</p> <p>8 HEARING EXAMINER ROBESON HANNAN: I did? Okay.</p> <p>9 THE WITNESS: You did, but I can do it again.</p> <p>10 HEARING EXAMINER ROBESON HANNAN: No, no. It's okay.</p> <p>11 go ahead.</p> <p>12 THE WITNESS: Okay. I'm sorry. I lost a little bit</p> <p>13 --</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Now you qualified</p> <p>15 as an expert in land planning before --</p> <p>16 THE WITNESS: Correct.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: -- correct?</p> <p>18 (Crosstalk.)</p> <p>19 THE WITNESS: Landscape architecture and land</p> <p>20 planning, many times, yes.</p> <p>21 MS. HARRIS: So I can -- if it's acceptable, we will</p> <p>22 forego the numerous questions and -- and request that Ms.</p> <p>23 Rodriguez be qualified as a expert in landscape architecture</p> <p>24 and planning.</p> <p>25 HEARING EXAMINER ROBESON HANNAN: I'll qualify her as</p>
126	<p>1 that the statements you're about to make are the truth, the</p> <p>2 whole truth, and nothing but the truth?</p> <p>3 (No audible response.)</p> <p>4 MS. HARRIS: We still --</p> <p>5 HEARING EXAMINER ROBESON HANNAN: I think you may --</p> <p>6 are you muted?</p> <p>7 THE WITNESS: I am not.</p> <p>8 HEARING EXAMINER ROBESON HANNAN: Well --</p> <p>9 THE WITNESS: Is that a problem? Let me see here.</p> <p>10 HEARING EXAMINER ROBESON HANNAN: Now I can hear you.</p> <p>11 Whatever you just did --</p> <p>12 THE WITNESS: Let me use these. Is this better? Is</p> <p>13 this better?</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Can the -- I can't</p> <p>15 -- your volume is very low.</p> <p>16 THE WITNESS: Even this is very low?</p> <p>17 MS. HARRIS: That's better.</p> <p>18 HEARING EXAMINER ROBESON HANNAN: That's better.</p> <p>19 THE WITNESS: Absolutely. Okay. I think this should</p> <p>20 work.</p> <p>21 MS. HARRIS: Good.</p> <p>22 BY MS. HARRIS:</p> <p>23 Q Can you please state your full name, address --</p> <p>24 professional address, and your business.</p> <p>25 <b>A Sure. My name is Trini Rodriguez. T-R-I-N-I is my</b></p>	128	<p>1 such.</p> <p>2 MS. HARRIS: Thank you.</p> <p>3 BY MS. HARRIS:</p> <p>4 Q And are you familiar with the conditional use, which</p> <p>5 is subject of today's hearing?</p> <p>6 <b>A Yes, I am.</b></p> <p>7 Q And can you please describe what your tasks were in</p> <p>8 connection with the conditional use plan?</p> <p>9 <b>A Sure. Myself and my team designed the landscape</b></p> <p>10 <b>architecture for the building. As you -- you know, as</b></p> <p>11 <b>everyone has been testifying, this is a very unique adaptive</b></p> <p>12 <b>reuse for this site. Our goals were to really meet the</b></p> <p>13 <b>programmatic needs of the new childcare center while</b></p> <p>14 <b>preserving, you know, the compatibility with the surrounding</b></p> <p>15 <b>community, neighborhood, the adjacent park, and remain in</b></p> <p>16 <b>compliance with all the kind of requirements -- zoning</b></p> <p>17 <b>ordinance, as well as the forest conservation law.</b></p> <p>18 Q And what landscaping is being proposed in connection</p> <p>19 with this project?</p> <p>20 <b>A So we're -- we were designing within the confines of</b></p> <p>21 <b>the existing site, as -- as you know. The landscape has been</b></p> <p>22 <b>conceived to enhance the existing facility and the adaptive</b></p> <p>23 <b>reuse in a manner that sort of feeds seamlessly. We've</b></p> <p>24 <b>concentrated in creating, you know, the outdoor amenity</b></p> <p>25 <b>areas, the playground for the -- for the childcare center, as</b></p>

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<p>129</p> <p>1 well as the treatments of the surrounding spaces and trying 2 to do so complementing the existing vocabulary that is there. 3 Q And when Mr. Fox was testifying, the Hearing Examiner 4 raised a question about the landscaping that's provided to 5 buffer the parking spaces along the western property line. 6 Can you explain? Are those existing -- 7 A Yeah. 8 Q -- or -- 9 A No. Those are -- those are actually new. So this 10 particular site has always exhibited this large lawn area. 11 And one of the things that -- you know, in front of the 12 building, along Colesville Road -- one of the things that we 13 were doing as a team was to sort of preserve that character, 14 which really set the building frontage. 15 As you saw in the site plan, we added a few 16 additional spaces along the southern edge of the property, 17 and we created -- sort of bookended that with additional 18 planting, which you notice on the plan, that provides a 19 buffering -- 20 HEARING EXAMINER ROBESON HANNAN: Excuse me one 21 second. Is the most recent landscape plan Exhibit 49? 22 THE WITNESS: Yes. Actually, 50 has the planting and 23 49 is kind of like the overall hardscape, so you may want to 24 pull up 50. 25 HEARING EXAMINER ROBESON HANNAN: Okay.</p>	<p>131</p> <p>1 and that stayed open. 2 HEARING EXAMINER ROBESON HANNAN: I see. 3 Q So in your -- 4 A In -- 5 Q Go ahead. Sorry. 6 A I was just going to say, so we did do some additional 7 planting to the south. You can see the trees that have been 8 put at the edge of the -- of the driveway. And then on the 9 right-hand side, which is the new sort of drop-off area, off 10 Ellsworth, we also did some additional planting along the 11 roadway as well as in the center island, resulting in a 12 larger number of new planting that really will further, you 13 know, enhance it of how that new approach looks. 14 Q And so, in your opinion, does the proposed 15 landscaping contribute to the project's overall compatibility 16 with the surrounding area? 17 A Yes, I think it very much enhances what's there. And 18 I think what you can see by visiting the site today is that 19 while still being maintained by the County, you -- you can 20 feel that this property really needs to come up with a -- you 21 know, be reused and -- and -- and new life brought into it. 22 Q Thank you. Going to the surrounding neighborhood, 23 the technical staff report, Exhibit 38, outlines -- 24 delineates the surrounding neighborhood. Can you describe 25 the character please?</p>
<p>130</p> <p>1 THE WITNESS: I think I have it here myself on the 2 side. Excuse me, I just have to look sideways. But I 3 believe you -- you're pulling it up as well. 4 HEARING EXAMINER ROBESON HANNAN: Yep. 5 THE WITNESS: Correct. Great. Thank you. Yeah, 6 this is helpful. 7 A So you can see that we've done additional planting, 8 then kind of bookending those additional parking spaces, and 9 we have a sidewalk that actually snakes -- you know, sort of 10 moves through those four trees that allows people to go into 11 the front door, not directly. 12 HEARING EXAMINER ROBESON HANNAN: Wait, are you 13 talking on the -- which side are you talking -- 14 THE WITNESS: Sorry. It's on the left-hand side, off 15 Colesville, so -- 16 HEARING EXAMINER ROBESON HANNAN: Oh. 17 THE WITNESS: -- we're discussing those -- you know, 18 that space over there. It's sort of that open green which 19 fronts the building and kind of sets that stage. 20 A The supplemental planting that was done, that you can 21 see here, are these four trees at the bottom of the page, 22 right, to the left of those parking spaces, and then some 23 additional planting next to the playground, correct, to kind 24 of soften that edge as well and kind of bookend the main 25 facade of the building, which is that center piece, correct,</p>	<p>132</p> <p>1 A Yeah. So the -- you know, I don't know if the 2 graphic -- yeah. Maybe can we pull the graphic up? 3 MS. HARRIS: Should we -- yeah. Ms. Robeson -- 4 HEARING EXAMINER ROBESON HANNAN: Sorry. You want to 5 go to Exhibit 38? 6 MS. HARRIS: Yes. 7 HEARING EXAMINER ROBESON HANNAN: I can do that. 8 Hold on. And it was page -- 9 THE WITNESS: Right. It's page -- 10 MS. HARRIS: Six. 11 THE WITNESS: -- one second. 12 MS. HARRIS: Page 6. 13 THE WITNESS: Correct. 14 MS. HARRIS: Is that 6? There you go. Good. 15 THE WITNESS: Right. 16 A So as you can see outlined in blue, that's been the 17 surrounding neighborhood that we submitted, which the staff 18 agreed with us. It basically encompasses the area bounded by 19 Spring Street to the south, Pershing Drive to the east, 20 Woodside Parkway to the north, and Fairview Road to the west. 21 In general, you can see that -- in that area, it's 22 mostly residential with some commercial uses sort of closer 23 to -- to the downtown. 24 Q And, in your professional opinion, will the proposed 25 development impact the character of the surrounding</p>

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<p>133</p> <p>1 neighborhood?</p> <p>2 A No, no.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: What was the -- how</p> <p>4 did you characterize the neighborhood?</p> <p>5 THE WITNESS: So it was mostly residential. I mean</p> <p>6 the neighborhood properties are zoned R-60, R -- RT-12.5, and</p> <p>7 EOF 3 in a hundred-foot zones, but the neighborhood is mostly</p> <p>8 -- is predominantly residential, but it has some commercial</p> <p>9 uses and a high -- a high-rise residential, which is</p> <p>10 immediately to the south of -- of our project, but it is --</p> <p>11 all those uses are closer to the center -- to the downtown,</p> <p>12 to the south.</p> <p>13 Q Would you say that the -- that the surrounding area</p> <p>14 as you move northward gets more residential in nature only?</p> <p>15 A Right, right. And it actually transitions from a</p> <p>16 downtown sort of higher density as it moves north to lower.</p> <p>17 Q Thank you. Okay. And what's the relevant master</p> <p>18 plan for this property?</p> <p>19 A It's the 2000 West and North Silver Spring Master</p> <p>20 Plan.</p> <p>21 Q And have you reviewed that document?</p> <p>22 A Yes, I have.</p> <p>23 Q And, based on your review, is the proposed</p> <p>24 development in substantial conformance with the master plan?</p> <p>25 A Yes. Yes, it does. I mean, I think the master plan</p>	<p>135</p> <p>1 modifications have been designed to stay very compatible in</p> <p>2 terms of scale and character and making it sort of almost</p> <p>3 seamlessly fit into the site as it is today.</p> <p>4 Q Thank you.</p> <p>5 A I think I should probably talk a little bit about</p> <p>6 kind of some of the recommendations that talk about the</p> <p>7 enhancement of a natural environment, and I think one of the</p> <p>8 things that you've heard through the testimony today is that</p> <p>9 we are definitely improving a lot of the things around the</p> <p>10 site, including adding stormwater management, which is --</p> <p>11 there's nothing on it today.</p> <p>12 We have used, you know, existing open space, we're</p> <p>13 enhancing it. We're providing the right transitions to the</p> <p>14 park, and I think this kind of complements it and -- and</p> <p>15 integrates it seamlessly.</p> <p>16 And then, lastly, I mean, I think we -- you know, we</p> <p>17 -- you know, as an adaptive reuse, generally, you don't do</p> <p>18 any streetscape improvements. We're doing the dedication, as</p> <p>19 Mr. Fox talked about, but we are adding a few trees that the</p> <p>20 staff had recommended along Ellsworth Drive.</p> <p>21 HEARING EXAMINER ROBESON HANNAN: Did your review of</p> <p>22 the compatibility of this use envision daycare ending at 11</p> <p>23 p.m.?</p> <p>24 THE WITNESS: Well, I think -- I think what --</p> <p>25 HEARING EXAMINER ROBESON HANNAN: Did it?</p>
<p>134</p> <p>1 reconfirmed the R-60 zoning. It didn't have a particular,</p> <p>2 specific use for that, but identified as remain -- for this</p> <p>3 property, but identified as remaining public and</p> <p>4 institutional use, which -- which it is.</p> <p>5 I think what we're doing -- obviously as part of the</p> <p>6 master plan, it was pretty clear -- I was going to read one</p> <p>7 line from the master line that -- or I'm going to paraphrase</p> <p>8 -- that they -- so the -- basically, the population changing</p> <p>9 and, as it changed, requiring additional services, listing,</p> <p>10 you know --</p> <p>11 HEARING EXAMINER ROBESON HANNAN: What page is that?</p> <p>12 What page is that?</p> <p>13 THE WITNESS: That's page 15.</p> <p>14 A And it says a variety of local services, daily</p> <p>15 committed life: retail and other small businesses, religious</p> <p>16 institutions, schools, parks and recreation facilities. And,</p> <p>17 basically, this particular facility and reuse of this will</p> <p>18 provide those services as listed and as recommended there.</p> <p>19 In addition, I think this will stabilize, you know,</p> <p>20 the community because really having an empty facility is not</p> <p>21 a good thing on any neighborhood. So I think that really</p> <p>22 helps to stabilize that -- a community -- and integrate</p> <p>23 within it.</p> <p>24 And I think, as we -- as you've heard throughout</p> <p>25 everybody's testimony, the proposed building and all the</p>	<p>136</p> <p>1 THE WITNESS: -- Ms. Peralta had testified to was the</p> <p>2 childcare use will -- will operate until six in the</p> <p>3 afternoon, and then they'll have sort of some complementary</p> <p>4 uses that come with that. I think that's not unusual, you</p> <p>5 know, on a lot of these things. I mean, schools have them,</p> <p>6 and schools are in the middle of neighborhoods --</p> <p>7 HEARING EXAMINER ROBESON HANNAN: Okay. That's --</p> <p>8 THE WITNESS: -- all the time.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: -- that's not what</p> <p>10 I was asking, but go ahead.</p> <p>11 THE WITNESS: Sorry. Sorry.</p> <p>12 MS. HARRIS: But I would also -- Ms. Robeson, I would</p> <p>13 say that this witness, to the extent there may be impacts</p> <p>14 from an extended hours, that's from an operational aspect,</p> <p>15 and this witness -- I don't know that it changes any of the</p> <p>16 physical design components, whether it be landscaping or</p> <p>17 compatibility.</p> <p>18 HEARING EXAMINER ROBESON HANNAN: Yeah. I just</p> <p>19 thought as a land planner, she would --</p> <p>20 THE WITNESS: Um-hmm.</p> <p>21 HEARING EXAMINER ROBESON HANNAN: -- have input on</p> <p>22 the operational characteristics, but go ahead. It's okay.</p> <p>23 THE WITNESS: Yeah.</p> <p>24 HEARING EXAMINER ROBESON HANNAN: We can move on.</p> <p>25 THE WITNESS: Okay.</p>

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<p>137</p> <p>1 BY MS. HARRIS:</p> <p>2 Q Is there anything else, Ms. Rodriguez, you wanted to</p> <p>3 add in terms of the master plan compliant -- conformance?</p> <p>4 A You know, I think -- I think I pretty much talked</p> <p>5 about that. I mean, I think we could talk a little bit about</p> <p>6 the special exception part of the master plan which it --</p> <p>7 it's there to ensure that, you know, especially inception --</p> <p>8 exceptions, uses like this one could take place within --</p> <p>9 within the area. You know, I think -- especially as it</p> <p>10 relates to special exception uses along major highways, the</p> <p>11 requirements to minimize the residential -- the non-</p> <p>12 residential appearance, which I believe Mr. Olivera-Sala</p> <p>13 really touched on -- quite a bit on that. On the number of</p> <p>14 signs, I think he did the same thing.</p> <p>15 And then in terms of the visibility and the amount of</p> <p>16 parking, I think -- as you know, the parking is mostly in the</p> <p>17 rear. You know, it's been buffered. And, as you will see on</p> <p>18 some of the later testimonies by Ms. Randall, you can also</p> <p>19 see how that -- the site works in a manner that is -- doesn't</p> <p>20 impact the traffic of the neighborhood.</p> <p>21 HEARING EXAMINER ROBESON HANNAN: What about the</p> <p>22 overconcentration -- I forget exactly which -- you know, you</p> <p>23 can't have an overconcentration of conditional uses to the</p> <p>24 extent it alters the surrounding area. You -- the staff</p> <p>25 report lists quite a few conditional uses.</p>	<p>139</p> <p>1 A Well, they'll have to satisfy that themselves. Is</p> <p>2 that what you're asking me? I mean, a lot of these --</p> <p>3 Q That's what I'm saying.</p> <p>4 A -- uses -- yeah.</p> <p>5 Q Is a major distinction between this special exception</p> <p>6 and those that are listed, most of which are within single-</p> <p>7 family homes --</p> <p>8 A Absolutely, yeah.</p> <p>9 Q -- the difference that this was built as an</p> <p>10 institutional use that can accommodate the -- the proposed</p> <p>11 use?</p> <p>12 A Correct, correct. These are all -- you know, those</p> <p>13 are all small -- smaller uses, using, you know, their</p> <p>14 facilities. This -- this is a community -- you know, a use</p> <p>15 that benefits the community and it uses the facility that is</p> <p>16 there with all the services.</p> <p>17 Q And are there any single-family homes surrounding</p> <p>18 this -- the subject site, immediately surrounding?</p> <p>19 A Yeah. So across the street from -- on Colesville,</p> <p>20 there's a church and a few -- I'm looking at the picture,</p> <p>21 excuse me -- and a few single-family residential units that</p> <p>22 are kind of kitty-corner. And then across from Ellsworth, we</p> <p>23 have townhouses that are about 200 feet away from the edge of</p> <p>24 the structure, as Mr. Fox described before. To the north, we</p> <p>25 do have the park which provides all that buffer. And then to</p>
<p>138</p> <p>1 THE WITNESS: Right. Yeah. There's a list on --</p> <p>2 whatever -- I have it right here, on page -- just right --</p> <p>3 right under the -- the description of the neighborhood, yes.</p> <p>4 That list on page 6, right. Yes. And -- and --</p> <p>5 HEARING EXAMINER ROBESON HANNAN: So why doesn't the</p> <p>6 addition of this add to -- you know, this is a pretty</p> <p>7 significant use --</p> <p>8 THE WITNESS: Yeah. Well, most of -- most of these</p> <p>9 uses are pretty much kind of self-serving. I mean, this is a</p> <p>10 use that serves the community.</p> <p>11 HEARING EXAMINER ROBESON HANNAN: Are -- are self --</p> <p>12 THE WITNESS: Well, I mean, they're businesses that</p> <p>13 -- that are, you know, for lucrative use. I mean, this is a</p> <p>14 service that none of these are being -- provide to the</p> <p>15 community. You know, a child -- you know, as -- and I read</p> <p>16 before -- the master plan envisioned the needing of services,</p> <p>17 and this provides a very -- a very much needed services in a</p> <p>18 downtown area.</p> <p>19 BY MS. HARRIS:</p> <p>20 Q Could I also -- to the extent there's special</p> <p>21 exceptions that are permitted in existing residential uses --</p> <p>22 homes, do those provide --</p> <p>23 A Yes.</p> <p>24 Q -- are those designed to provide -- necessarily</p> <p>25 provide adequate parking?</p>	<p>140</p> <p>1 the south, we have the multi-family building, which is</p> <p>2 existing there.</p> <p>3 Q So your opinion is the site --</p> <p>4 HEARING EXAMINER ROBESON HANNAN: That's the high-</p> <p>5 rise.</p> <p>6 THE WITNESS: High-rise, yeah.</p> <p>7 Q Is this site embedded within a single-family</p> <p>8 neighborhood -- single-family detached residential</p> <p>9 neighborhood?</p> <p>10 A Well, it isn't embedded within -- no. It isn't.</p> <p>11 Q And the fact that it's on a major corridor, does that</p> <p>12 make a difference in terms of the conditional use?</p> <p>13 A Well, it -- you know, it -- it actually -- you know,</p> <p>14 the corridor itself provides some of that separation from the</p> <p>15 uses around it, especially to the -- to the west, Colesville.</p> <p>16 Um-hmm.</p> <p>17 Q Okay. Hold on one moment.</p> <p>18 And did staff agree with you that the -- that the</p> <p>19 proposed plan is consistent -- in substantial conformance</p> <p>20 with the master plan?</p> <p>21 A Yes. I think they -- their staff report, you know,</p> <p>22 goes through that in pages 9 through 10, and then -- of the</p> <p>23 findings.</p> <p>24 Q Thank you. Okay. Now I'd like to pull up again --</p> <p>25 we're going to talk about the remaining parking waivers that</p>

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<p>141</p> <p>1 are needed, so it may be helpful to pull up Exhibit 65.</p> <p>2 In terms of the requirements related to a parking</p> <p>3 facility with more than ten spaces, Mr. Fox testified about</p> <p>4 the setback requirement, but, Ms. Rodriguez, I believe there</p> <p>5 are three additional landscape requirements. Can you briefly</p> <p>6 identify those and the requests --</p> <p>7 <b>A Right.</b></p> <p>8 Q -- requests associated with those?</p> <p>9 <b>A So -- yeah. We're requesting three waivers. One is</b></p> <p>10 <b>Section 6.2.9.C.1, which is the landscape islands. That</b></p> <p>11 <b>requires islands to be a minimal of a hundred feet -- square</b></p> <p>12 <b>feet and it should comprise at least, you know, 5 percent of</b></p> <p>13 <b>the total area of the -- of the parking lot.</b></p> <p>14 <b>As -- as you know, we are not changing -- that</b></p> <p>15 <b>parking lot and the existing islands are too small. The one</b></p> <p>16 <b>thing about this particular parking lot is that it is</b></p> <p>17 <b>surrounded by quite a bit of green on all sides. So the</b></p> <p>18 <b>staff agree with us that the waiver for the islands, as well</b></p> <p>19 <b>as the tree canopy and the perimeter planting which are the</b></p> <p>20 <b>two other waivers seeked [sic] in this table, were warranted</b></p> <p>21 <b>since we're reusing the parking lot as it is. And it has</b></p> <p>22 <b>worked properly.</b></p> <p>23 <b>The one thing in addition to just the -- the buffers</b></p> <p>24 <b>and the green planting around it is that we do -- it is</b></p> <p>25 <b>elevated from Ellsworth, so the grade change actually helps</b></p>	<p>143</p> <p>1 is -- it is elevated, and you're absolutely right, but we do</p> <p>2 believe that is not -- not needed.</p> <p>3 BY MS. HARRIS:</p> <p>4 Q Can -- I want to just stay on that for a second more.</p> <p>5 When you say it's elevated, can you explain the grade</p> <p>6 elevation --</p> <p>7 <b>A There's a grade --</b></p> <p>8 Q -- changes between --</p> <p>9 <b>A -- yeah. There's a grade change between the -- where</b></p> <p>10 <b>the parking lot is with respect to Ellsworth. So as you</b></p> <p>11 <b>enter this side and turn right to that parking lot, the</b></p> <p>12 <b>parking lot has this light ascent that moves up and creates a</b></p> <p>13 <b>great separation between the -- the two.</b></p> <p>14 HEARING EXAMINER ROBESON HANNAN: The slope is from</p> <p>15 north to south or east -- or west to east?</p> <p>16 THE WITNESS: So it's west to east. Um-hmm.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: But I don't see how</p> <p>18 that buffers them from the lights.</p> <p>19 THE WITNESS: Yeah, right. No. So we're a little</p> <p>20 bit elevated. They are much farther. I don't know exactly</p> <p>21 the exact elevation, but they have some plantings in front of</p> <p>22 their buildings and their bioretention areas that could</p> <p>23 provide some additional buffer.</p> <p>24 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>25 THE WITNESS: I'm just looking at --</p>
<p>142</p> <p>1 <b>to further provide the -- the buffering required.</b></p> <p>2 Q So, in your opinion, is the requested -- do the land</p> <p>3 -- do the requested landscape waivers satisfy the intent of</p> <p>4 Section 6.2.1 which is to, quote, Ensure that adequate</p> <p>5 parking is provided in a safe and efficient manner?</p> <p>6 <b>A Yes, I think so.</b></p> <p>7 Q Thank you. And does the zoning ordinance require any</p> <p>8 additional planning or buffering in connection with the</p> <p>9 conditional use?</p> <p>10 <b>A No.</b></p> <p>11 HEARING EXAMINER ROBESON HANNAN: Did you look at</p> <p>12 parking car lights going into the townhouse -- the townhouses</p> <p>13 are right across the street from --</p> <p>14 THE WITNESS: Yeah.</p> <p>15 HEARING EXAMINER ROBESON HANNAN: -- Ellsworth.</p> <p>16 THE WITNESS: Yeah.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: Did you look at</p> <p>18 that issue?</p> <p>19 THE WITNESS: So, yes, we looked into that. I mean,</p> <p>20 the -- the houses are pretty -- pretty far away. It's -- you</p> <p>21 know, it's almost like a block away when you -- you know,</p> <p>22 it's 200 feet, so almost. So the -- you know, the thinking</p> <p>23 is that, you know, there is some additional buffer plantings</p> <p>24 across the street on the -- on the side. We believe that</p> <p>25 those are probably, you know, muted from -- from that, but it</p>	<p>144</p> <p>1 MS. HARRIS: Thank you.</p> <p>2 HEARING EXAMINER ROBESON HANNAN: Wait. Let me just</p> <p>3 take a look.</p> <p>4 They -- I'm talking -- you're saying the northern</p> <p>5 part of the parking lot is -- is higher?</p> <p>6 THE WITNESS: Yes.</p> <p>7 HEARING EXAMINER ROBESON HANNAN: So the -- this --</p> <p>8 the western side of the parking lot is higher than Ellsworth?</p> <p>9 THE WITNESS: Well, yeah, let me describe it. So as</p> <p>10 you turn in from Ellsworth and you turn right, the site</p> <p>11 ascends up towards the north, and the result is light ascent</p> <p>12 towards the west, which is the --</p> <p>13 HEARING EXAMINER ROBESON HANNAN: Oh.</p> <p>14 THE WITNESS: -- way it drains.</p> <p>15 HEARING EXAMINER ROBESON HANNAN: So it goes both</p> <p>16 ways?</p> <p>17 THE WITNESS: Yes. Yeah, it's tilted.</p> <p>18 HEARING EXAMINER ROBESON HANNAN: So what buffers</p> <p>19 these cars on the -- on the eastern --</p> <p>20 THE WITNESS: Right.</p> <p>21 HEARING EXAMINER ROBESON HANNAN: -- side? What</p> <p>22 keeps their headlights from shining in?</p> <p>23 THE WITNESS: Yeah. So, currently, there is no -- no</p> <p>24 planting proposed there. There are two trees that are being</p> <p>25 provided on Ellsworth, so that will provide some buffering.</p>

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<p>145</p> <p>1 And then we also have -- the townhouses have some trees 2 planted in front. They have a wall and some street plantings 3 there providing some additional buffer. 4 BY MS. HARRIS: 5 Q And, actually -- and maybe we need a plan. Can you 6 describe when -- when cars are exiting the site, and maybe -- 7 can you describe the situation of the townhouses across the 8 street from that southern entrance? 9 A So when you come into the site off Ellsworth, as I 10 said, you go either south to drop off or to the other parking 11 lot, or you turn right and you go north to the parking lot. 12 When you leave the parking lot, you come across the drive, 13 all the way to the bottom -- to the south, and they leave the 14 site only going south on Ellsworth. 15 Q Right. 16 A And -- 17 HEARING EXAMINER ROBESON HANNAN: So you're not going 18 to see them exit, but they may -- 19 THE WITNESS: No. 20 HEARING EXAMINER ROBESON HANNAN: -- see them park -- 21 THE WITNESS: Yeah, they're -- 22 HEARING EXAMINER ROBESON HANNAN: -- along these 23 roads. 24 MALE SPEAKER: You know, they might. Yeah. 25 THE WITNESS: Sorry. Can you -- I'm sorry, can you</p>	<p>147</p> <p>1 Q But, Ms. Rodriguez, can you please -- and I know -- 2 when the library was in operation, is the condition that 3 we're discussing any different than the -- what occurred when 4 the library was in operation and open until 9 o'clock at 5 night? 6 A Yeah, no. This is exact same conditions. That's 7 what's been happening and -- and -- you know, to our 8 knowledge, there's never been a complaint about any lights 9 shining or anything. So -- but we did add some trees there, 10 which I think will soften also that -- that edge. 11 MS. HARRIS: Thank you. 12 HEARING EXAMINER ROBESON HANNAN: Okay. 13 MS. HARRIS: Any other -- that completes my questions 14 of this witness. Is there anything else that you would like 15 to add, Ms. Rodriguez? 16 THE WITNESS: No. Thank you. 17 HEARING EXAMINER ROBESON HANNAN: Okay. Is there 18 anyone else that would like to ask Ms. Rodriguez a question? 19 Okay. Neither seeing or hearing one, Ms. Rodriguez, 20 you may be excused. Thank you. 21 THE WITNESS: Thank you. 22 MS. HARRIS: So our final witness is Nancy Randall. 23 EXAMINATION OF ANNE (NANCY) RANDALL 24 HEARING EXAMINER ROBESON HANNAN: Okay. Ms. Randall, 25 can you speak a little bit and you'll come up?</p>
<p>146</p> <p>1 repeat that? 2 HEARING EXAMINER ROBESON HANNAN: I said -- wait a 3 minute. Do you have -- do you have the landscape plan up? 4 MS. ROGERS: Yes. We see Exhibit 50 up. 5 HEARING EXAMINER ROBESON HANNAN: Yeah. Okay. Right 6 here, if people, you know, come in either way, they can park 7 here with their headlights here or they can park here with 8 their headlights there. 9 THE WITNESS: Correct. 10 HEARING EXAMINER ROBESON HANNAN: But, either way, 11 they're going to see headlights. 12 THE WITNESS: Yeah. 13 MS. PERALTA: Which is what currently happens. 14 THE WITNESS: Right. And what we did is we planned 15 this -- 16 HEARING EXAMINER ROBESON HANNAN: Just one at a time. 17 Excuse me. 18 MALE SPEAKER: Yeah. 19 HEARING EXAMINER ROBESON HANNAN: You'll get a chance 20 to -- was that Ms. -- you'll get a chance to speak again if 21 you want to, but I can only have one person speaking at a 22 time. Was that Ms. Peralta? 23 MS. PERALTA: Yes, I apologize for that. Yes. 24 HEARING EXAMINER ROBESON HANNAN: Yeah, okay. 25 BY MS. HARRIS:</p>	<p>148</p> <p>1 MS. RANDALL: Yes. 2 HEARING EXAMINER ROBESON HANNAN: Hi, Ms. Randall. 3 MS. RANDALL: Hello. Can you hear me okay? 4 HEARING EXAMINER ROBESON HANNAN: Fine. 5 MS. RANDALL: Great. 6 HEARING EXAMINER ROBESON HANNAN: Can you raise your 7 right hand. 8 Do you solemnly affirm under penalties of perjury 9 that the statements you're about to make are the truth, the 10 whole truth, and nothing but the truth? 11 THE WITNESS: I do. 12 HEARING EXAMINER ROBESON HANNAN: All right. Go 13 ahead, Ms. Harris. 14 MS. HARRIS: Thank you. 15 BY MS. HARRIS: 16 Q Can you please state your full name, occupation, and 17 business address for the record? 18 A For the record, my legal name is Anne M. Randall. I 19 go by Nancy. My business address is 1110 -- it's been a long 20 time since I've been in that office -- Bonifant Street in 21 Silver Spring, Maryland. I work for Wells + Associates. 22 MS. HARRIS: Thank you. And of all our witnesses, 23 Ms. Randall has probably testified before this body more so 24 as an expert than any of the others that were previously 25 qualified.</p>

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149	<p>1 HEARING EXAMINER ROBESON HANNAN: I could probably</p> <p>2 tell you her résumé.</p> <p>3 (Laughter.)</p> <p>4 HEARING EXAMINER ROBESON HANNAN: I do know that</p> <p>5 she's a -- both a transportation planner and a traffic</p> <p>6 engineer -- no, you're --</p> <p>7 THE WITNESS: No.</p> <p>8 HEARING EXAMINER ROBESON HANNAN: -- just a</p> <p>9 transportation planner.</p> <p>10 THE WITNESS: Thank you. Yes.</p> <p>11 HEARING EXAMINER ROBESON HANNAN: Okay. So do I hear</p> <p>12 any objections to Ms. Randall testifying as an expert in</p> <p>13 transportation planning?</p> <p>14 Okay. Seeing and hearing none, you're -- you're so</p> <p>15 qualified, Ms. Randall.</p> <p>16 THE WITNESS: Thank you.</p> <p>17 BY MS. HARRIS:</p> <p>18 Q So, Ms. Randall, are you familiar with the zoning</p> <p>19 ordinance requirement that the Petitioner must satisfy which</p> <p>20 requires a conditional use application not to cause undue</p> <p>21 harm with respect to the traffic and that there be adequate</p> <p>22 traffic capacity to accommodate the use?</p> <p>23 <b>A I am.</b></p> <p>24 Q And are you familiar with the subject conditional use</p> <p>25 application?</p>	151	<p>1 <b>A Sure. Prepared a traffic impact study in accordance</b></p> <p>2 <b>with the LATR guidelines. We also reviewed the plan for site</b></p> <p>3 <b>circulation, internal queueing, child drop-off as it relates</b></p> <p>4 <b>to the traffic aspects of that. We also consulted with not</b></p> <p>5 <b>just park and planning staff, which is always required, but</b></p> <p>6 <b>also with MCDOT and the Maryland State Highway Administration</b></p> <p>7 <b>in relation to this project.</b></p> <p>8 Q And have you made a personal inspection of the</p> <p>9 property?</p> <p>10 <b>A I have. And, in fact, I'd drive by this site when I</b></p> <p>11 <b>was going into the office every day, both in the morning and</b></p> <p>12 <b>the afternoon. Colesville was my choice route for coming in</b></p> <p>13 <b>and out of Silver Spring.</b></p> <p>14 Q And can you please describe how the vehicles</p> <p>15 currently enter and exit the subject property and the</p> <p>16 proposed access for the property?</p> <p>17 <b>A Sure. Currently, when it was operating as the</b></p> <p>18 <b>library, there is a single access point on Colesville Road.</b></p> <p>19 <b>It is an inbound; that's inbound to the property from</b></p> <p>20 <b>Colesville. It's a one-way entrance into the property. The</b></p> <p>21 <b>northern side access on Ellsworth today is all movements --</b></p> <p>22 <b>well, I shouldn't say all movements, but it's a full-access</b></p> <p>23 <b>intersection. But just to the north of that entrance is</b></p> <p>24 <b>Ellsworth, and that's one way coming into the edge of the</b></p> <p>25 <b>property, alongside of the access.</b></p>
150	<p>1 <b>A I am.</b></p> <p>2 Q Can you please describe what your responsibilities</p> <p>3 were?</p> <p>4 <b>A I prepared a traffic impact study in accordance with</b></p> <p>5 <b>the LATR standards. We --</b></p> <p>6 HEARING EXAMINER ROBESON HANNAN: Sorry. Excuse me</p> <p>7 one second. I'm really sorry --</p> <p>8 THE WITNESS: Sure.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: -- to do this.</p> <p>10 Someone has interference going. Does everyone have their</p> <p>11 phones --</p> <p>12 THE WITNESS: It could be the fan on my computer.</p> <p>13 It's been on for a while.</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Okay. All right.</p> <p>15 That's okay then. Just --</p> <p>16 THE WITNESS: That is what it is.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: -- we'll keep</p> <p>18 going.</p> <p>19 THE WITNESS: Yeah. If everybody else is muted out</p> <p>20 besides the three of us, it's probably my computer fan. It</p> <p>21 should go off in a moment or two.</p> <p>22 HEARING EXAMINER ROBESON HANNAN: Go ahead.</p> <p>23 <b>A Okay. So --</b></p> <p>24 Q So you were explaining what you were -- what your</p> <p>25 responsibilities were.</p>	152	<p>1 HEARING EXAMINER ROBESON HANNAN: Ellsworth --</p> <p>2 Ellsworth is one way south?</p> <p>3 THE WITNESS: Ellsworth is one way south to the</p> <p>4 entrance of our property -- actually just slightly north of</p> <p>5 that. So my --</p> <p>6 MS. HARRIS: Nancy -- Nancy, before you go on, maybe</p> <p>7 just -- it may be helpful to have the site plan up --</p> <p>8 THE WITNESS: It would be.</p> <p>9 MS. HARRIS: -- the conditional use plan up, once</p> <p>10 again.</p> <p>11 THE WITNESS: Yes. It would be very helpful.</p> <p>12 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>13 MS. HARRIS: So that is 68(a).</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Right.</p> <p>15 THE WITNESS: And I apologize. I'm going to look</p> <p>16 away from you because I'm looking at my computer screen on my</p> <p>17 laptop --</p> <p>18 HEARING EXAMINER ROBESON HANNAN: That's okay.</p> <p>19 THE WITNESS: -- but I have a larger monitor, so it's</p> <p>20 a little easier for me if you don't mind.</p> <p>21 HEARING EXAMINER ROBESON HANNAN: Okay. Can you see</p> <p>22 it? You should see it.</p> <p>23 THE WITNESS: I can. I can. If you can zoom in on</p> <p>24 the northern site access where it joins the existing surface</p> <p>25 parking lot, just north of the building itself.</p>

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<p>153</p> <p>1 HEARING EXAMINER ROBESON HANNAN: I think it's right</p> <p>2 here.</p> <p>3 THE WITNESS: Yes. There you go. And you can see</p> <p>4 how the road has been narrowed on the east side. There's</p> <p>5 like a little cutout.</p> <p>6 HEARING EXAMINER ROBESON HANNAN: Oh, I do see that.</p> <p>7 Yes.</p> <p>8 THE WITNESS: Yes. And so that section of Ellsworth</p> <p>9 is actually one way, southbound. And the driveway across the</p> <p>10 street from our entrance that goes into the community -- the</p> <p>11 townhouse community --</p> <p>12 HEARING EXAMINER ROBESON HANNAN: Is that this?</p> <p>13 THE WITNESS: Yes. And --</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Near the marking</p> <p>15 "approximate location"?</p> <p>16 THE WITNESS: Well, a little bit further north, where</p> <p>17 it says --</p> <p>18 HEARING EXAMINER ROBESON HANNAN: Oh, this.</p> <p>19 THE WITNESS: There you go. Right there.</p> <p>20 HEARING EXAMINER ROBESON HANNAN: Says "access."</p> <p>21 THE WITNESS: And that --</p> <p>22 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>23 THE WITNESS: -- that access is restricted to</p> <p>24 residents only. It's a private street.</p> <p>25 HEARING EXAMINER ROBESON HANNAN: They have so many</p>	<p>155</p> <p>1 library configuration was two way, and the southern access</p> <p>2 was right-out only.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>4 THE WITNESS: And in this change in plan, we're</p> <p>5 making that northern access left-in only and the outbound</p> <p>6 movement right-out only.</p> <p>7 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>8 THE WITNESS: So --</p> <p>9 HEARING EXAMINER ROBESON HANNAN: But it could also</p> <p>10 be for southbound traffic that could be right-in?</p> <p>11 THE WITNESS: It could. It could. That's certainly</p> <p>12 -- that's true, if the community wants to come in. You're</p> <p>13 absolutely right. So you could enter it from that direction</p> <p>14 as well.</p> <p>15 But this facilitated -- by doing this, this -- we</p> <p>16 made sure that individuals would not impact that residential</p> <p>17 neighborhood.</p> <p>18 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>19 THE WITNESS: You know, even though it's signed,</p> <p>20 there's no gate, there's nothing really unless somebody is</p> <p>21 out there policing it. Because it's a private road, there</p> <p>22 was nothing to --</p> <p>23 HEARING EXAMINER ROBESON HANNAN: Right.</p> <p>24 THE WITNESS: -- prohibit it other than a sign. So</p> <p>25 in coordination with the community, we changed that.</p>
<p>154</p> <p>1 one-way roads down there.</p> <p>2 THE WITNESS: Yes, they do.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: I think because</p> <p>4 people were -- I had a case once, but --</p> <p>5 THE WITNESS: Yeah, yeah.</p> <p>6 HEARING EXAMINER ROBESON HANNAN: -- anyway, go</p> <p>7 ahead.</p> <p>8 THE WITNESS: So that's also one way. So today,</p> <p>9 while technically you could make an inbound and an outbound</p> <p>10 movement at that entrance, it really was all you could do as</p> <p>11 a visitor to the library was to make a right-hand turn out of</p> <p>12 that entrance. And unless you were a resident of the</p> <p>13 immediate community, you couldn't turn into that community.</p> <p>14 So that access allowed for both inbound and outbound, but the</p> <p>15 outbound really made no sense from this project plan since</p> <p>16 you couldn't turn left.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: Can you go</p> <p>18 northbound on Ellsworth and turn left? I just am trying to</p> <p>19 understand it.</p> <p>20 THE WITNESS: Yes, you can. You can. It's two way</p> <p>21 up to --</p> <p>22 HEARING EXAMINER ROBESON HANNAN: Until here?</p> <p>23 THE WITNESS: -- the location where it chokes. Yes.</p> <p>24 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>25 THE WITNESS: Yes. So the northern access under the</p>	<p>156</p> <p>1 And so that's the change in the access point and the</p> <p>2 only change in the access points for the site.</p> <p>3 MS. HARRIS: And now I want to focus on the queuing</p> <p>4 and storage --</p> <p>5 HEARING EXAMINER ROBESON HANNAN: Now when -- I'm</p> <p>6 sorry, Ms. Harris. I'm trying to keep track. When was that</p> <p>7 change?</p> <p>8 MS. HARRIS: So we had a discussion with the adjacent</p> <p>9 neighbor, the -- on September 22nd.</p> <p>10 HEARING EXAMINER ROBESON HANNAN: Had -- did we do a</p> <p>11 -- I remember doing a motion --</p> <p>12 MS. HARRIS: Yes.</p> <p>13 HEARING EXAMINER ROBESON HANNAN: -- to amend. Is --</p> <p>14 was that included in --</p> <p>15 MS. HARRIS: Yes.</p> <p>16 HEARING EXAMINER ROBESON HANNAN: -- that motion to</p> <p>17 amend? Okay. That was my question. Go ahead.</p> <p>18 BY MS. HARRIS:</p> <p>19 Q Okay. So now I want to focus on the queues and the</p> <p>20 storage capacity on the site.</p> <p>21 MS. HARRIS: And to some extent, Ms. Robeson, this</p> <p>22 gets to the question of what the Planning Board had asked</p> <p>23 about, the number of arrivals at any one given period of</p> <p>24 time. So we're explaining what the site is capable of</p> <p>25 accommodating in terms of drop-off and pickup times.</p>



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157	<p>1 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>2 <b>A Right. So the first thing to note is coming off of</b></p> <p>3 <b>Colesville Road, where we potentially could have a queueing</b></p> <p>4 <b>issue coming down that inbound area, the first thing to note</b></p> <p>5 <b>is that the parking spaces that are immediately adjacent to</b></p> <p>6 <b>the front of the building, facing Colesville Road, those</b></p> <p>7 <b>parking spaces are reserved for teachers and for visitors.</b></p> <p>8 <b>And by visitors, we mean individuals who are scheduled to</b></p> <p>9 <b>come in after 9 o'clock in the morning. So there won't be</b></p> <p>10 <b>interruptions --</b></p> <p>11 HEARING EXAMINER ROBESON HANNAN: But there's nothing</p> <p>12 conditioning that.</p> <p>13 THE WITNESS: Other than the signing that will be</p> <p>14 placed. And -- and -- and if it needs to be a condition, it</p> <p>15 can be a condition. It will be reserved for teachers and</p> <p>16 visitors at that location to make sure that there's no</p> <p>17 interruption of someone backing out of one of those parking</p> <p>18 spaces when --</p> <p>19 HEARING EXAMINER ROBESON HANNAN: I wondered about</p> <p>20 that. Okay.</p> <p>21 THE WITNESS: Yeah. When students are being brought</p> <p>22 to the school.</p> <p>23 HEARING EXAMINER ROBESON HANNAN: So you're going to</p> <p>24 have a -- you're trying to ensure a free flow --</p> <p>25 THE WITNESS: Exactly.</p>	159
158	<p>1 HEARING EXAMINER ROBESON HANNAN: -- to the drop-off</p> <p>2 next to Ellsworth?</p> <p>3 THE WITNESS: That's correct. That's absolutely</p> <p>4 correct.</p> <p>5 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>6 THE WITNESS: And the distance that is available all</p> <p>7 the way in from Colesville Road, all the way until you get to</p> <p>8 the parking area that is adjacent to the eastern end of the</p> <p>9 building -- again, sorry, I keep looking over at the larger</p> <p>10 plan -- but the eastern end of the building is 250 feet.</p> <p>11 HEARING EXAMINER ROBESON HANNAN: And there's an</p> <p>12 access -- there's a two-way access aisle right after the</p> <p>13 parking spaces that front Ellsworth, if I'm reading this</p> <p>14 right.</p> <p>15 THE WITNESS: That -- that's correct. That's</p> <p>16 correct.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: So they can flow up</p> <p>18 there to the northern parking lot?</p> <p>19 THE WITNESS: Exactly. They can.</p> <p>20 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>21 THE WITNESS: And that allows -- just -- just in case</p> <p>22 there was something to occur at the corner, the eastern end</p> <p>23 of the building, you've got stacking enough for between 10</p> <p>24 and 12 cars at that location.</p> <p>25 HEARING EXAMINER ROBESON HANNAN: Just along the</p>	160
	<p>1 southern --</p> <p>2 THE WITNESS: Just along the southern boundary, more</p> <p>3 than sufficient stacking if there were some incident that</p> <p>4 occurred at that corner. They've got free -- as you pointed</p> <p>5 out, they've got free access, two-way drive aisle to get to</p> <p>6 this parking in front of the building as well as the larger</p> <p>7 parking lot to the north.</p> <p>8 HEARING EXAMINER ROBESON HANNAN: The only thing is</p> <p>9 I'm not sure how many kids are coming in. Like, most of</p> <p>10 these, they actually have it down to every 15-minute</p> <p>11 increments how many children are going to be coming in. So I</p> <p>12 guess the question is, staggering-wise, you know, how are you</p> <p>13 going to do it? How does it work?</p> <p>14 THE WITNESS: And that's one of the things that we</p> <p>15 were looking at in terms of staggering and why we were asking</p> <p>16 for -- instead of by children, staggering by the number of</p> <p>17 vehicles that can be served in the course of an hour. If you</p> <p>18 do the number of children, there may be two or three children</p> <p>19 in --</p> <p>20 HEARING EXAMINER ROBESON HANNAN: Right.</p> <p>21 THE WITNESS: -- a vehicle. And you also may have a</p> <p>22 van that's bringing in children for the after care from a</p> <p>23 nearby elementary school. So doing it based on children</p> <p>24 doesn't really express the concern over the transportation --</p> <p>25 HEARING EXAMINER ROBESON HANNAN: Yes. Correct.</p>	
	<p>1 THE WITNESS: -- part of this.</p> <p>2 And so in -- knowing the processing and how many --</p> <p>3 as Myrna had testified to earlier, the typical time is</p> <p>4 between 10 and 15 minutes per student for drop-off, pickup</p> <p>5 being a little bit less time. If we assumed that it was 20</p> <p>6 minutes -- let's say the worst case was 20, then we're --</p> <p>7 we're going to be serving in that time frame -- and I know</p> <p>8 that I'm kind of skipping out of where I was -- but you would</p> <p>9 be able to handle with ease 70 cars coming through in that</p> <p>10 time frame.</p> <p>11 If you look at our parking lot, we've got 89 parking</p> <p>12 spaces, 40 of which are going to be served by or used by</p> <p>13 staff, so that leaves 49 --</p> <p>14 HEARING EXAMINER ROBESON HANNAN: I thought that you</p> <p>15 had 60.</p> <p>16 THE WITNESS: Well, keep in mind that we've got</p> <p>17 public transportation, and that 60 on site, not for the --</p> <p>18 not all 60 come in during the rush time frame, so we've got a</p> <p>19 lot of people coming by public transportation, walking,</p> <p>20 biking.</p> <p>21 But we have 40 spaces reserved for staff. That</p> <p>22 leaves 49 spaces for the parents and students coming in. And</p> <p>23 if we assume a 20-minute interval, I can turn that parking</p> <p>24 lot over three times in an hour, which more than serves the</p> <p>25 population.</p>	

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161	<p>1 And that's why -- we understand why it's been done in</p> <p>2 past cases where parking has been limited, some of the</p> <p>3 smaller daycares where they were kind of squeezing things in,</p> <p>4 but this has more than sufficient room for queueing. Within</p> <p>5 the site, it has a very large parking area. And in some of</p> <p>6 the other smaller daycares, they don't have the same process</p> <p>7 where the child is brought in by the parent and brought in</p> <p>8 and spend that time and then go back out again.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: Well, most of them</p> <p>10 do have that process, but they say they can get them in and</p> <p>11 out in three minutes. I just had a case that said they can</p> <p>12 get them --</p> <p>13 THE WITNESS: Yeah. Well --</p> <p>14 HEARING EXAMINER ROBESON HANNAN: -- in and out in</p> <p>15 three minutes.</p> <p>16 THE WITNESS: Yeah. Well, we've looked at this from</p> <p>17 20 minutes and know that we've got sufficient parking and</p> <p>18 sufficient queueing on site.</p> <p>19 BY MS. HARRIS:</p> <p>20 Q And, Ms. Randall, when you said three times over -- I</p> <p>21 think is the term you used --</p> <p>22 <b>A Yes.</b></p> <p>23 Q -- so even assuming 20-minute drop-off or pickup</p> <p>24 interval are the amount of time it takes a parent, that three</p> <p>25 times over, how many cars per hour could the parking lot</p>	163	<p>1 problem that they're trying to solve for.</p> <p>2 THE WITNESS: Yeah.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: Well, that's the --</p> <p>4 so, okay. Now was that A.M. or does this count for P.M. too?</p> <p>5 THE WITNESS: A count for both.</p> <p>6 HEARING EXAMINER ROBESON HANNAN: It -- is -- because</p> <p>7 you're going to have -- okay. We're not into LATR yet.</p> <p>8 THE WITNESS: No, we're not into LATR yet.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: Okay. So you've</p> <p>10 got -- you've got stacking for 10 to 20.</p> <p>11 THE WITNESS: And that's before they've even</p> <p>12 circulated within the parking lot.</p> <p>13 HEARING EXAMINER ROBESON HANNAN: Yes.</p> <p>14 MS. HARRIS: It was 10 to 12.</p> <p>15 THE WITNESS: Yeah.</p> <p>16 MS. HARRIS: Ten to 12.</p> <p>17 THE WITNESS: Ten to 12. Ten to 12.</p> <p>18 MS. HARRIS: Right.</p> <p>19 THE WITNESS: Before they've even circulated within</p> <p>20 the parking lot.</p> <p>21 HEARING EXAMINER ROBESON HANNAN: I'm sorry, I'm</p> <p>22 taking notes. You can disappear --</p> <p>23 THE WITNESS: No, that's fine.</p> <p>24 HEARING EXAMINER ROBESON HANNAN: -- if you want</p> <p>25 because I'm writing.</p>
162	<p>1 accommodate?</p> <p>2 <b>A Yeah. And I'm going to do the math very, very</b></p> <p>3 <b>quickly. I had my notes, but I dropped them on the floor, so</b></p> <p>4 <b>I didn't want to disappear too.</b></p> <p>5 (Laughter.)</p> <p>6 <b>A Sorry about that.</b></p> <p>7 Q We'll let you go. You can go down and pick them up.</p> <p>8 <b>A So if we've got 49 parking spaces times three, I'm</b></p> <p>9 <b>147 vehicles that can be handled in that hour.</b></p> <p>10 Q And how many are you proposing as a condition of --</p> <p>11 <b>A Seventy.</b></p> <p>12 Q Seventy. So half --</p> <p>13 <b>A Essentially half.</b></p> <p>14 Q Yes. Thank you. And so, in your professional</p> <p>15 opinion, the -- imposing a condition of 70 vehicle trips --</p> <p>16 HEARING EXAMINER ROBESON HANNAN: Why didn't staff</p> <p>17 come up with this? Why didn't you do this -- that was never</p> <p>18 --</p> <p>19 THE WITNESS: We -- we -- we didn't have -- they came</p> <p>20 up with it. They never contacted -- I -- I don't know how</p> <p>21 they came up with it.</p> <p>22 MS. HARRIS: And we made the argument to them --</p> <p>23 actually, we made the argument both at -- at the hearing as</p> <p>24 well, what you heard from Ms. Randall, that monitoring</p> <p>25 children really doesn't get -- you're not addressing the</p>	164	<p>1 THE WITNESS: Yeah, I did. I ducked down to get my</p> <p>2 pad.</p> <p>3 (Laughter.)</p> <p>4 HEARING EXAMINER ROBESON HANNAN: So how -- so then I</p> <p>5 guess the question, and maybe this is for Ms. Paltera [sic],</p> <p>6 how are you going to limit car -- 70 -- so you're talking of</p> <p>7 a limitation of 70 vehicles per hour or per --</p> <p>8 THE WITNESS: In -- inbound. That's correct.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: Per hour?</p> <p>10 THE WITNESS: Per hour.</p> <p>11 HEARING EXAMINER ROBESON HANNAN: Although, according</p> <p>12 to what she said -- and I'll get back to you, Ms. Paltera --</p> <p>13 according to what she said, the bulk of them come -- I've --</p> <p>14 20 -- no, 40 percent arrive by seven is what I have, 7 a.m.,</p> <p>15 and then another 30 percent arrive between seven and 8:30.</p> <p>16 MALE SPEAKER: 40.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: So --</p> <p>18 THE WITNESS: Well, I -- I have -- what I wrote down</p> <p>19 -- and it goes to the SoJ that was written -- that the first</p> <p>20 wave coming in was going to be around 20 percent, the second</p> <p>21 wave 40 percent, and that's within -- between eight and nine</p> <p>22 -- sorry, between seven and eight -- and then --</p> <p>23 HEARING EXAMINER ROBESON HANNAN: Wait. Okay. But I</p> <p>24 think she just said -- because I was writing it pretty</p> <p>25 carefully -- well, maybe that was staff. I'm really -- okay.</p>

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165	1 You tell me. 2 I'm going to ask Ms. Paltera. 3 MS. PERALTA: Yes, I'm here. 4 HEARING EXAMINER ROBESON HANNAN: Help. 5 MS. PERALTA: Okay. So -- 6 HEARING EXAMINER ROBESON HANNAN: I've failed my 7 notes. How many children are coming in between seven and 8 eight? 9 MS. PERALTA: Okay. Between -- between seven and 10 eight, we usually get 40 percent, and I think what you are 11 referencing about the 20 is that because we have a percentage 12 that are there already, when the doors open, you've got a 13 group of them coming in like between quarter of seven and 14 seven, who are basically just waiting for the doors to open, 15 and that could be upwards of, you know, 15 to 20 percent 16 sometimes. 17 But for pure purposes of trying to -- it's seven -- 18 between seven to eight, we probably have minimum of 40 19 percent. And then between eight and nine, another 40 20 percent. And then between nine and ten, you could have 15 to 21 20 percent. By ten o'clock, everybody's usually there. 22 HEARING EXAMINER ROBESON HANNAN: So translated into 23 -- well, you can't -- you're -- you're going by children, Ms. 24 Paltera; correct? 25 MS. PERALTA: Yes.	167	1 THE WITNESS: Um-hmm. 2 MS. HARRIS: May I -- Ms. Robeson, let me add two 3 other things to your -- 4 HEARING EXAMINER ROBESON HANNAN: Yes. 5 MS. HARRIS: -- not to confuse the matter more. 6 There's 180 children maximum at one time. At least 20 7 percent of them are coming by public transportation and at 8 least 20 percent of the families have siblings, so you need 9 to keep those two things into -- you have to take that into 10 account as well. 11 HEARING EXAMINER ROBESON HANNAN: Okay. Can you do 12 me a favor? Can you -- and you just saw -- I think I just 13 stood up and you got a close-up of my ID, but how many -- I 14 want to know how many cars are coming in in a particular 15 hour? 16 THE WITNESS: And -- and I think if we go to the LATR 17 study, and I can give you those details, and we can come back 18 -- 19 HEARING EXAMINER ROBESON HANNAN: Okay. 20 THE WITNESS: -- to these questions. 21 HEARING EXAMINER ROBESON HANNAN: Okay. 22 THE WITNESS: Maybe that's the way to proceed with 23 this, Pat. Because I think it'll be easier to explain the 24 trip generation through that process. 25 MS. HARRIS: Okay. Then do you want to turn -- let's
166	1 HEARING EXAMINER ROBESON HANNAN: Okay. So if -- 2 even if we discount that, I'm trying to get down to how many 3 cars are coming when. 4 MS. HARRIS: Right. 5 MS. PERALTA: So -- 6 HEARING EXAMINER ROBESON HANNAN: I can say seven -- 7 MS. PERALTA: And -- and I think -- 8 HEARING EXAMINER ROBESON HANNAN: Go ahead. 9 MS. PERALTA: I think Nancy did the numbers. Once we 10 -- once we x-ed out the numbers that -- the percentages that 11 might be taking public transportation or walking -- because 12 we do expect some to be coming from the community itself -- I 13 think, Nancy, you did the numbers on that, didn't you? 14 THE WITNESS: We did. And -- and my numbers are 15 coming from the actual trip generation. As you're aware, 16 Silver Spring has adjustment factors for mode split. In this 17 case, the staff asked us to make a couple of extra 18 modifications to that, and we followed what they wanted us to 19 do. And -- 20 HEARING EXAMINER ROBESON HANNAN: Well, let me just 21 -- okay. Forget LATR -- 22 THE WITNESS: The car, yes. 23 HEARING EXAMINER ROBESON HANNAN: -- and the trip 24 generation. Because I'm trying to figure out if this'll work 25 on the ground.	168	1 turn to the LATR, and can you explain -- 2 HEARING EXAMINER ROBESON HANNAN: I'm trying. I 3 really am trying. 4 THE WITNESS: No, no. I think -- 5 MS. HARRIS: We appreciate it. 6 THE WITNESS: -- it's much easier to go to that, so 7 you understand the numbers, and then I can take those -- 8 HEARING EXAMINER ROBESON HANNAN: Well, there's no 9 explanation in the staff report about how they got to those 10 numbers, and I'm just -- this whole -- 11 THE WITNESS: Yeah, over my head. 12 HEARING EXAMINER ROBESON HANNAN: -- this whole case, 13 I've been trying to figure out. 14 Okay. Go ahead. 15 THE WITNESS: Okay. So we prepared a traffic study 16 in accordance with the LATR guidelines. We looked at 17 existing background and total future. By background, we mean 18 any approved developments in the area. We had a -- and I'm 19 going to -- I hope you don't mind I'm going to be looking at 20 my document. I no longer can have my document in front of me 21 being away, so I'm going to go to specific pages in -- in my 22 report. If you need a particular page number, I'm -- I'm 23 happy to just reference that. But we had a total of -- 24 trying to get to it. 25 We had a total of eight intersections that we looked

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<p>169</p> <p>1 at, the first intersection being Dale Drive and Colesville 2 Road, the second being our driveway across from Noyes and 3 Colesville Road, the third at Spring Street and Colesville 4 Road, the fourth being the spur of Ellsworth Drive, then 5 Spring, Ellsworth Drive, and Cedar is the fifth, then Cedar 6 and -- I always forget the name of the street, and I 7 apologize -- is Pershing, and then the site access across 8 from the apartments.</p> <p>9 And what we did in this analysis as a worst case was 10 to look at that intersection both with the inbound volume and 11 the outbound volume as being one intersection across from the 12 townhomes. So we were looking at this as a worst-case 13 scenario because clearly the right-turn volume would be not 14 added into that calculation, coming out of our site, but we 15 looked at it as a single access point.</p> <p>16 And then we also looked at intersection eight at 17 Springvale Road and Ellsworth.</p> <p>18 We had -- sorry, scrolling through pages -- we had 19 all of the intersections, save one, the -- were operating 20 well within the county standard. The intersection of 21 Colesville and Dale Drive, under existing conditions, fails 22 to meet the standard today.</p> <p>23 HEARING EXAMINER ROBESON HANNAN: Miserably. Sorry. 24 THE WITNESS: Pardon? 25 HEARING EXAMINER ROBESON HANNAN: I said miserably,</p>	<p>171</p> <p>1 page 6 of the report. 2 So in our trip generation analysis -- 3 HEARING EXAMINER ROBESON HANNAN: Do you see it on my 4 screen? Are you seeing it on my screen? 5 THE WITNESS: I am. Thank you. Thank you very much. 6 Yes. Thanks for these old eyes scrolling in. 7 So the trip generation follows ITE. The first two 8 columns under the heading -- under the red heading of ITE 9 Trip Generation, you can see what the library used to 10 generate based on ITE and the size of that library facility 11 and then what the childcare center is going to generate. 12 Childcare is based on the number of students, but it's 13 capturing all of the trips that come and go from a site, both 14 from delivery and teachers and the kids coming in -- in 15 however -- whatever type of vehicle they're coming in; it's 16 capturing that. 17 And then we go through the process of adjusting those 18 numbers per the LATR guidelines to account for modal split. 19 It should be noted we did not take credit for the 20 trips on the road generated by the site for two reasons. 21 One, the library has been closed. It was and is -- 22 HEARING EXAMINER ROBESON HANNAN: Okay. That was my 23 next question, but I didn't see it on here. 24 THE WITNESS: No -- no reduction for that. 25 HEARING EXAMINER ROBESON HANNAN: Okay.</p>
<p>170</p> <p>1 fails miserably. 2 THE WITNESS: Yeah. Yeah, yeah, yeah. I drive 3 through it as well. 4 We included a total of seven background developments 5 that staff asked us to include, including the redo of 8787 6 Georgia Avenue, The Blairs, City Place, Filmore -- quite a 7 number of projects in the general vicinity of the site. We 8 added those trips to the area network. And, again, the 9 intersections were operating all -- were operating well, with 10 the exception again of Colesville and Dale. 11 It should be noted that Colesville and Dale passes in 12 the -- in the evening peak hour; it fails in the morning peak 13 hour. That's where the biggest delay occurs. 14 Then we did -- added our site to the overall 15 intersection analysis, and our site trip generation is 16 located in the report -- again, my apologies -- to say I'm 17 not -- I'm not a big fan of remote. I miss having my pages. 18 HEARING EXAMINER ROBESON HANNAN: What are you 19 looking for? 20 THE WITNESS: I'm looking for my trip generation 21 table that's towards the beginning of the report. 22 HEARING EXAMINER ROBESON HANNAN: Oh, here. 23 THE WITNESS: Found it. All right. It is -- 24 HEARING EXAMINER ROBESON HANNAN: What page? 25 THE WITNESS: -- on page 12 of the PDF, and it is</p>	<p>172</p> <p>1 THE WITNESS: There -- there are -- there was like a 2 used book facility in the site. But, again, we just 3 subtracted the -- that traffic from the -- that traffic from 4 the driveway, but we didn't subtract it from the rest of the 5 system. Okay? Just from the driveways. And in the morning 6 peak hour, that used book facility was closed anyway, so it 7 was kind of a non -- it was a non-plus. There weren't that 8 many vehicles coming and going from that facility. 9 And we took no reduction again for the library 10 because of course the library had been closed when we did the 11 counts. 12 So we took the volumes that are shown under 13 childcare, adjusted those, and you can see that they're 14 expecting auto driver -- now this is 118 vehicles in the 15 morning peak hour and 119 in the evening peak hour. Now 16 that's the total, the combination of both inbound and 17 outbound. 18 And then it takes -- it generates 185 person trips in 19 the morning, 187 in the evening. So you can see there's a 20 fairly heavy mode split there in terms of transit, walking, 21 bicycle, whatever it may be. There are numerous bus 22 facilities. In the back of this report, we provided a full 23 summary of all of the different -- different bus routes, 24 transit -- purple line is opening up at the library site. 25 That'll be the closest station -- the current library, the</p>

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<p>173</p> <p>1 new library -- up off at the corner of Wayne. And I think 2 it's Wayne and Fenton if I remember correctly. 3 HEARING EXAMINER ROBESON HANNAN: Okay. 4 THE WITNESS: Yeah. So we went through that process, 5 and then we took the trips -- just the vehicle trips, and 6 that is shown in another table toward the back of the report, 7 we took the vehicle trips that are generated by this site and 8 assigned them to the road network, and I'll get you that 9 specific page, and that is located on the document page 26. 10 Right. 11 And, as you can see, A.M. peak hour, we're 12 anticipating 63 vehicles to enter in one hour and 55 exit. 13 And in the P.M. peak hour, 56 inbound and 63 outbound. For 14 -- 15 HEARING EXAMINER ROBESON HANNAN: What's the peak 16 hour here? 17 THE WITNESS: For the peak hour, yes. And this is -- 18 HEARING EXAMINER ROBESON HANNAN: Is -- is the peak 19 hour? 20 THE WITNESS: Yeah. I thought you might ask that 21 question. In going through and looking at each and every one 22 of the counts that we did, it depended on the intersection, 23 but they ranged from 4:30 to 5:30, from five to six, from 24 5:15 to 6:15, but at no time did any of our study 25 intersections did the peak hour occur between six and 7 p.m.</p>	<p>175</p> <p>1 looking -- let me get there again. We were just looking at 2 -- and you should be able to see it on your screen -- it says 3 childcare center in in the morning, 63 trips; out in the -- 4 in and out in the evening, 63 trips is the highest. 5 THE WITNESS: Um-hmm. 6 HEARING EXAMINER ROBESON HANNAN: Do you -- in your 7 opinion as the operator, does -- do these trips reflect -- 8 aside from, you know, how they're manipulated under LATR -- 9 is this a -- to the best of your knowledge, does this 10 accurately show the number of trips that will be coming in in 11 -- at -- at maximum levels? 12 THE WITNESS: Peak A.M., 63. Yes -- 13 HEARING EXAMINER ROBESON HANNAN: Peak is 63 and 63. 14 THE WITNESS: Yeah. 15 HEARING EXAMINER ROBESON HANNAN: Just go with that. 16 THE WITNESS: Without -- without this showing the -- 17 the -- if the peak hour in the morning is between seven and 18 eight -- I'm assuming that's what that refers to there? It's 19 -- 20 HEARING EXAMINER ROBESON HANNAN: It's -- no, no. 21 It's different. Can you -- 22 MS. RANDALL: Well, let me -- let me explain. 23 HEARING EXAMINER ROBESON HANNAN: Let me just go 24 through. Can you give me an idea -- you say 40 percent of 25 the cars are coming in between seven and eight.</p>
<p>174</p> <p>1 They were all some variation between four through 6:30. 2 And when we do our analyses, we don't look and find a 3 single peak hour that we would then apply and adjust all 4 counts to. We take the highest one hour of volume that 5 occurs -- 6 HEARING EXAMINER ROBESON HANNAN: Oh, that's right. 7 THE WITNESS: -- in each and every intersection. 8 HEARING EXAMINER ROBESON HANNAN: I forgot that. 9 THE WITNESS: Right. Yeah. So we applied this 10 number, the trip generation. They anticipate that this is 11 going to be the peak time for the center in the morning peak 12 hour and in the evening peak hour as it relates to the 13 adjacent street. And so we applied this high -- this number 14 to the street traffic. 15 HEARING EXAMINER ROBESON HANNAN: Ms. Palatra -- or 16 -- I'm sorry, Paltra. 17 MS. PERALTA: That's -- 18 HEARING EXAMINER ROBESON HANNAN: I apologize. Can I 19 hear from you a second? 20 MS. PERALTA: Sure. 21 HEARING EXAMINER ROBESON HANNAN: You're still under 22 oath. 23 MS. PERALTA: Yes, ma'am. 24 CONTINUED EXAMINATION OF MYRNA PERALTA 25 HEARING EXAMINER ROBESON HANNAN: Now we were just</p>	<p>176</p> <p>1 MS. RANDALL: Um-hmm. 2 HEARING EXAMINER ROBESON HANNAN: So say we discount 3 the total enrollment -- and this is conservative -- say we 4 discount the total enrollment by 20 percent, and that's for 5 transit. 6 THE WITNESS: Okay. 7 MS. RANDALL: Um-hmm. 8 HEARING EXAMINER ROBESON HANNAN: Now I'm not dealing 9 with the double family thing yet -- 10 THE WITNESS: Right. Okay. 11 HEARING EXAMINER ROBESON HANNAN: -- the one family. 12 So we have 180 children times .80, so I get 144 children. 13 And if 40 percent come -- of that times -- I get 60 children 14 coming in. 15 MS. RANDALL: Um-hmm. 16 THE WITNESS: Um-hmm. Yeah. 17 HEARING EXAMINER ROBESON HANNAN: And so -- which 18 kind of gels -- so is it fair to say -- is that a -- is that 19 a ballpark figure of how many might come in between seven to 20 eight? 21 THE WITNESS: Yes, ma'am. It is. 22 HEARING EXAMINER ROBESON HANNAN: Now let's -- 23 THE WITNESS: Um-hmm. 24 HEARING EXAMINER ROBESON HANNAN: -- let's take eight 25 to nine -- no --</p>

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177	1 THE WITNESS: Um-hmm. 2 HEARING EXAMINER ROBESON HANNAN: -- am I right, 3 wrong? 4 MS. RANDALL: Yes. 5 HEARING EXAMINER ROBESON HANNAN: I'm wrong? Eight 6 to nine. 7 THE WITNESS: Right. 8 MS. RANDALL: It would be that same 40 percent, so 9 you duplicate that number. 10 HEARING EXAMINER ROBESON HANNAN: Same 40 percent. 11 So again we're talking about 60 cars, which gels with your 12 trip generation roughly, your trip generation table. 13 MS. RANDALL: It does. It does. 14 HEARING EXAMINER ROBESON HANNAN: Yeah. 15 MS. RANDALL: And -- and the reason why I put forward 16 the number 70 is you could have a teacher, for whatever 17 reason was late that day, you could have UPS, you could have 18 a couple of things that occur. Making sure that Myrna was 19 not in violation -- 20 HEARING EXAMINER ROBESON HANNAN: Right. 21 MS. RANDALL: -- things that occur, that's why I 22 bumped it up the way I -- 23 THE WITNESS: Yeah. And the more likely is neither 24 of those two. The more likely is a parent running late. 25 MS. RANDALL: Yeah.	179	1 fact that each parking space arguably, conservatively, would 2 be occupied 20 minutes. 3 MS. RANDALL: Right. 4 HEARING EXAMINER ROBESON HANNAN: Okay. I -- I know 5 it took me a long time to get there. I apologize, but I 6 understand now. Something makes sense. That's good. 7 MS. HARRIS: And it again -- go ahead. 8 HEARING EXAMINER ROBESON HANNAN: So then -- so your 9 condition -- your condition is 70 children -- 10 MS. RANDALL: No, vehicles. 11 MS. HARRIS: Vehicles. 12 HEARING EXAMINER ROBESON HANNAN: Seventy vehicles. 13 MS. RANDALL: Be entering. Vehicles entering. 14 HEARING EXAMINER ROBESON HANNAN: Okay. I 15 understand. 16 MS. RANDALL: And I apologize. I'm going to step up 17 and close my door. My cat is being very noisy, so -- before 18 he comes in the room and gets noisier. 19 HEARING EXAMINER ROBESON HANNAN: Well, I have one 20 question from -- for Ms. Peralta. It's for Ms. Peralta. You 21 can get your kitty. 22 MS. RANDALL: No, no, he's -- I realized I did close 23 my door. I'm just hearing him very loudly at the door, so -- 24 HEARING EXAMINER ROBESON HANNAN: Ms. Peralta, how 25 are you going to enforce that 70 vehicles per hour?
178	1 THE WITNESS: So we wanted -- 2 HEARING EXAMINER ROBESON HANNAN: Right. 3 THE WITNESS: -- to give ourselves a little bit of -- 4 of some -- 5 HEARING EXAMINER ROBESON HANNAN: I was never late. 6 THE WITNESS: You were never late. Well, I wish -- 7 HEARING EXAMINER ROBESON HANNAN: Hey, wait a minute. 8 (Laughter.) 9 MS. HARRIS: If I could, I think the important thing 10 about thinking about the 70 is going back to the number that 11 Nancy indicated, that 147 number, about the turnover on the 12 parking lot, even if you assume each parent's taking 20 13 minutes to walk their child in and then leave the parking 14 lot. 15 MS. RANDALL: Yes. 16 MS. HARRIS: That -- 17 MS. RANDALL: In all the times you -- 18 MS. HARRIS: -- the 147 could be accommodating -- 19 HEARING EXAMINER ROBESON HANNAN: Wait, wait, 147 was 20 -- oh. You got 147 per hour. 21 THE WITNESS: In and out, yeah. 22 MS. HARRIS: That could be accommodated based on 20- 23 minute -- 24 MS. RANDALL: I -- I could help you guys -- 25 MS. HARRIS: -- the number of parking spaces and the	180	1 THE WITNESS: We do a fairly extensive parent 2 orientation before they begin to bring the children in. And 3 there are several key points that -- that we make. In every 4 center we have, you know, parking is one of those. And 5 enforcement, at the end of the day, if parents consistently 6 violate, their contracts are terminated. 7 HEARING EXAMINER ROBESON HANNAN: Oh, because you're 8 going to make -- make -- is something in your contract -- is 9 there something in your contract giving them a time or a 10 window? 11 THE WITNESS: We don't give them a time or a window. 12 What we do is we -- once again, like I said, once they submit 13 their applications, we look at their work schedules, and then 14 we work with every family to try to get some agreement with 15 them with regards to drop-off and pickup. 16 Let's say that we had a hundred applications, 120 17 with multiples in -- children in them, and let's say 60 18 percent wanted to come in at seven to eight o'clock as 19 opposed to 40 percent. At that point, we would have to sit 20 down and look and work with every family to see if we could 21 push them to a later start time. 22 Technically, we could -- we could impose such a 23 condition, but it would mean that it would be part of the 24 actual selection process. So once we hit the mark of 40 25 percent of our families have already indicated that, you

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181	<p>1 know, they need to come in between seven and eight, if your 2 application was up next and you also said you had to come in 3 at that time period, we might -- we need to look at do we go 4 to the next person because we don't want to be in violation 5 of our, you know -- so, at the selection process, we'd have 6 to look at that.</p> <p>7 HEARING EXAMINER ROBESON HANNAN: Ms. Harris, can you 8 think of a condition that would give some reassurance that -- 9 I'm going way above what the planning -- if I say 70 -- 70 -- 10 can you just say you will not enroll, you know, I don't know 11 -- I can't think of the condition now, but --</p> <p>12 MS. HARRIS: I think the condition -- well, first of 13 all, I would say similar to what any other conditions, 14 there's --</p> <p>15 HEARING EXAMINER ROBESON HANNAN: I'm saying, how do 16 I -- how do we enforce that there's only -- you -- you 17 proposed a condition, and now I can't find it.</p> <p>18 MS. HARRIS: Right. The condition we proposed was 19 the Applicant must schedule staggered drop-off and pickup of 20 children in any given one-hour period. The maximum number of 21 vehicles dropping off children in the morning and picking up 22 children in the afternoon/evening shall not exceed 70.</p> <p>23 MS. RANDALL: And maybe there is a way to provide 24 that monitoring at the beginning of the school simply --</p> <p>25 MS. HARRIS: Well, let me ask a question. Why is</p>	183	<p>1 ensure that they get 70 -- it's great to say they'll get 70 2 trips, but --</p> <p>3 MS. RANDALL: Well, if there are --</p> <p>4 HEARING EXAMINER ROBESON HANNAN: What's going to be 5 out there counting the number of trips, I guess, is --</p> <p>6 MS. RANDALL: Yeah, but --</p> <p>7 MS. HARRIS: Let me say one thing. I think we came 8 up with the 70 --</p> <p>9 (Crosstalk.)</p> <p>10 MS. HARRIS: -- because we knew that that was 11 something that we will easily be able to accommodate. I know 12 that doesn't go to the enforcement, but I think that goes to 13 why we think 70 is an appropriate number.</p> <p>14 HEARING EXAMINER ROBESON HANNAN: How about this, Ms. 15 Peralta -- I -- I have an idea.</p> <p>16 THE WITNESS: I have one too.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: Okay. You give me 18 yours, and then I'll give you mine.</p> <p>19 THE WITNESS: Mine is more from a monitoring. Every 20 family has to sign in and -- sign in their children when they 21 pick them up and when they leave. And so part of that 22 monitoring is inherent in the procedures we have in place.</p> <p>23 And --</p> <p>24 HEARING EXAMINER ROBESON HANNAN: So you wouldn't 25 have to do anything?</p>
182	<p>1 that -- why necessarily does there need to be enforcement 2 mechanism? And I say that meaning it's no different than a 3 lot of other conditions. You know, if there's a violation of 4 the condition, then there's repercussions because you're out 5 of compliance with your conditional use.</p> <p>6 HEARING EXAMINER ROBESON HANNAN: Well, we've had 7 cases before where the daycare was not able to enforce the 8 staggered times. And so what we started doing, and this was 9 many years ago, is at least giving the daycare --</p> <p>10 (Background interruption.)</p> <p>11 HEARING EXAMINER ROBESON HANNAN: If it becomes 12 evident that they can't -- they're not able to control, it 13 gives the -- they put language in the daycare agreement 14 saying you can be dismissed from daycare if this happens. 15 Because they were saying -- the childcare centers were saying 16 to us, well, we can't kick them out for this. And so we 17 asked them to put language in their contract saying it can be 18 a -- you know, you can lose your enrollment if you don't 19 stick to your time. So --</p> <p>20 MS. HARRIS: Well, I would be a little uncomfortable 21 with that if -- if -- unless not sticking to your time meant 22 we violated the 70 trips. You know, if --</p> <p>23 HEARING EXAMINER ROBESON HANNAN: That -- I know 24 that. That's what I meant. But, I guess, how are you going 25 to make it so that they get 70 trips? How are you going to</p>	184	<p>1 THE WITNESS: No.</p> <p>2 MS. RANDALL: Right.</p> <p>3 THE WITNESS: Right, exactly. So we know that by the 4 -- if somebody signs in their child at, you know, 7:05, you 5 can bet that they were there before seven; right? Because --</p> <p>6 HEARING EXAMINER ROBESON HANNAN: Right.</p> <p>7 THE WITNESS: -- they parked their cars and had to 8 walk their child into the center.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: Right.</p> <p>10 THE WITNESS: And so we can, from a monitoring point 11 of view, put that in place so that if the County came back 12 and said, you know, "We want to see" -- "we want to get an 13 idea of what this" --</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Oh, that -- now 15 that's a good idea.</p> <p>16 THE WITNESS: You know.</p> <p>17 MS. RANDALL: Yeah.</p> <p>18 THE WITNESS: But that's part of what --</p> <p>19 MS. RANDALL: One --</p> <p>20 THE WITNESS: -- we do anyway. So, yeah.</p> <p>21 MS. RANDALL: Yeah. And, Myrna, one more thing needs 22 to be added to that: just because you have a student coming 23 in at 7:15 --</p> <p>24 THE WITNESS: Um-hmm.</p> <p>25 MS. RANDALL: -- did the parent drive.</p>

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<p>185</p> <p>1 THE WITNESS: Right, no. And --</p> <p>2 MS. RANDALL: So --</p> <p>3 THE WITNESS: -- and --</p> <p>4 MS. RANDALL: -- did they come by public</p> <p>5 transportation? That --</p> <p>6 THE WITNESS: -- but we would know that. We would</p> <p>7 know that also.</p> <p>8 MS. RANDALL: Yeah, exactly. So there could be some</p> <p>9 note on your intake so that you know whether or not they came</p> <p>10 by vehicle because that's what the community is concerned</p> <p>11 about.</p> <p>12 THE WITNESS: And how many children came in that</p> <p>13 vehicle.</p> <p>14 MS. RANDALL: Exactly.</p> <p>15 THE WITNESS: All of that data, we would have</p> <p>16 available.</p> <p>17 MS. RANDALL: Yes.</p> <p>18 MS. HARRIS: And then, if it ever became a problem,</p> <p>19 then the -- then the County has -- can go to the provider and</p> <p>20 look at the logs --</p> <p>21 HEARING EXAMINER ROBESON HANNAN: Exactly.</p> <p>22 MS. HARRIS: -- and see if in fact we're compliant or</p> <p>23 not.</p> <p>24 THE WITNESS: Exactly.</p> <p>25 MS. RANDALL: Yeah.</p>	<p>187</p> <p>1 vehicles or children, the times they log in and get picked</p> <p>2 up, and making those records available to the County if they</p> <p>3 need to, and then we'll stick with the -- and then you can</p> <p>4 stick with the 70 trips per hour.</p> <p>5 FEMALE SPEAKER: Um-hmm.</p> <p>6 FEMALE SPEAKER: Right.</p> <p>7 HEARING EXAMINER ROBESON HANNAN: All right.</p> <p>8 FEMALE SPEAKER: Yeah.</p> <p>9 MS. RANDALL: And just to make sure it's 70 entering,</p> <p>10 you could do it 70 exiting in the evening peak hour if -- if</p> <p>11 you wanted to go there, but it was -- I did not want this to</p> <p>12 be confused as the combination of both inbound and outbound.</p> <p>13 MS. HARRIS: Correct. The vehicle on the site.</p> <p>14 MS. RANDALL: Right, exactly.</p> <p>15 HEARING EXAMINER ROBESON HANNAN: Or it could say</p> <p>16 picking up. Well, vehicle on the site. That's good.</p> <p>17 MS. RANDALL: Yeah. Because when we did our traffic</p> <p>18 study, the combined total of both the inbound and the</p> <p>19 outbound was 118 and 119 thousand, when we did our traffic</p> <p>20 study. And that's the entire hour of both combination of</p> <p>21 inbound and outbound, and morning is 118 -- this is on the</p> <p>22 page you have up -- and then 119 in the evening peak hour:</p> <p>23 56 in, 63 out in the evening.</p> <p>24 MS. HARRIS: So, Ms. Randall, I just have a few --</p> <p>25 with that, I just have a few additional questions.</p>
<p>186</p> <p>1 HEARING EXAMINER ROBESON HANNAN: So if the -- and</p> <p>2 that -- the way we've done that before is say that we have a</p> <p>3 condition that you, you know, make records of when students</p> <p>4 are arriving, and the -- and then the County has the</p> <p>5 reasonable right to access those records -- you know, it</p> <p>6 doesn't even have to be the child name, just, you know, the</p> <p>7 number of people -- that the County has reasonable right to</p> <p>8 access those records during normal business hours or</p> <p>9 something like that.</p> <p>10 THE WITNESS: So the -- that is part of our contract</p> <p>11 with the County anyway. We have to submit those records in</p> <p>12 order to get paid. So --</p> <p>13 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>14 THE WITNESS: -- so we have to maintain those -- that</p> <p>15 kind of data on a regular basis anyway.</p> <p>16 HEARING EXAMINER ROBESON HANNAN: Okay. So -- so</p> <p>17 we've got -- maybe we've got a plan for a condition --</p> <p>18 THE WITNESS: Okay.</p> <p>19 HEARING EXAMINER ROBESON HANNAN: -- if I can</p> <p>20 remember it by the time -- that searching for Wi-Fi this</p> <p>21 morning, I think it just -- I guess it's life in the age of</p> <p>22 COVID.</p> <p>23 THE WITNESS: Yes.</p> <p>24 HEARING EXAMINER ROBESON HANNAN: Okay. So there's a</p> <p>25 potential condition for maintaining records of the number of</p>	<p>188</p> <p>1 CONTINUED EXAMINATION OF ANNE (NANCY) RANDALL</p> <p>2 BY MS. HARRIS:</p> <p>3 Q We did -- you had -- we had submitted supplemental</p> <p>4 information. One was the queue information, which we've gone</p> <p>5 over exhaustively. The other one was crash and safety data.</p> <p>6 Can you just briefly explain what that -- why we submitted</p> <p>7 that and what the implications were?</p> <p>8 A Well, if -- if I could, I'd like to go back because</p> <p>9 the queue we've gone through internal to the site, but I</p> <p>10 know, Ms. Hannan, that you also have questions about queues</p> <p>11 on the exterior of the site, for vehicles turning into the</p> <p>12 property and making sure that we're not overloading this</p> <p>13 system out on Colesville Road or out on Ellsworth.</p> <p>14 So contained within our LATR study, both of those</p> <p>15 intersections are unsignalized and the queue data is there</p> <p>16 within the LATR. We took that information and summarized it</p> <p>17 in the table for you along with the accident --</p> <p>18 HEARING EXAMINER ROBESON HANNAN: Yeah, I'm looking</p> <p>19 -- okay. I'm looking for the exhibit. It was --</p> <p>20 MS. HARRIS: Within the report or within the --</p> <p>21 THE WITNESS: Within the supplemental study. I'm</p> <p>22 just letting her know that -- I'm just letting you know that</p> <p>23 that data was contained in the LATR study. It's just that --</p> <p>24 HEARING EXAMINER ROBESON HANNAN: Oh.</p> <p>25 THE WITNESS: -- it -- it -- it's hard to find in</p>



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<p>189</p> <p>1 those printouts, and so I wanted to summarize that for you in</p> <p>2 a table format. And then again all of the synchro HCM</p> <p>3 reports were reprinted in that supplemental analysis for you</p> <p>4 to see.</p> <p>5 HEARING EXAMINER ROBESON HANNAN: I saw the synchros</p> <p>6 because I was interested in the delay analysis, but I didn't</p> <p>7 see the --</p> <p>8 THE WITNESS: Yeah.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: -- accident data.</p> <p>10 THE WITNESS: The accident data was contained within</p> <p>11 that document.</p> <p>12 HEARING EXAMINER ROBESON HANNAN: Okay. All right.</p> <p>13 THE WITNESS: At the very back of it.</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Go over the key --</p> <p>15 I'm just trying to find the exhibit.</p> <p>16 MS. ROGERS: I think you should -- I think you're</p> <p>17 looking for Exhibit 62.</p> <p>18 HEARING EXAMINER ROBESON HANNAN: Oh, you're right.</p> <p>19 Thank you very much.</p> <p>20 THE WITNESS: Okay. So the opening letter is two</p> <p>21 pages long, and there's a table on page 3 of the document</p> <p>22 that summarizes the queues at the intersection of Colesville</p> <p>23 and Noyes and our driveway. And, essentially, there are no</p> <p>24 queues that occur. The -- if you're familiar, which I'm sure</p> <p>25 you are, when you're driving southbound in the morning peak</p>	<p>191</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Okay. Hold on.</p> <p>2 Hold on.</p> <p>3 Are you seeing it now?</p> <p>4 MS. REGINO: Yes.</p> <p>5 THE WITNESS: Yes, that's the one. And these numbers</p> <p>6 are expression in feet, not in automobiles. So there is --</p> <p>7 there is limited to no queue at all at this location.</p> <p>8 HEARING EXAMINER ROBESON HANNAN: And then you've got</p> <p>9 the stacking on site.</p> <p>10 THE WITNESS: Exactly. They have plenty of stacking</p> <p>11 internal to the site, so no one will be waiting externally</p> <p>12 for traffic on Colesville Road, and, more importantly, they</p> <p>13 won't be waiting internally to the site.</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>15 BY MS. HARRIS:</p> <p>16 Q And then, Nancy, the accident data, if you could just</p> <p>17 speak briefly --</p> <p>18 <b>A Yeah. So that's the next page on this.</b></p> <p>19 HEARING EXAMINER ROBESON HANNAN: I have it up. Can</p> <p>20 you see it?</p> <p>21 THE WITNESS: I can. Thank you very much.</p> <p>22 <b>A So over the course of almost four years -- 2017,</b></p> <p>23 <b>2018, 2019, and 2020 -- that's January through the end of</b></p> <p>24 <b>August of this year -- there were a total of four accidents</b></p> <p>25 <b>that occurred here at this location, at our -- generally our</b></p>
<p>190</p> <p>1 hour, there is very little outbound volume that is opposing</p> <p>2 you to make that left-hand turn.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: I was worried about</p> <p>4 southbound queues in the morning turning left.</p> <p>5 THE WITNESS: Exactly. Exactly. And so I have</p> <p>6 limited to no queues, and I can tell you from personal</p> <p>7 experience driving down Colesville Road when the lane use is</p> <p>8 changed overhead, you have two northbound lanes and four</p> <p>9 southbound lanes --</p> <p>10 HEARING EXAMINER ROBESON HANNAN: Oh, that's right.</p> <p>11 Yes.</p> <p>12 THE WITNESS: Yeah. And that's -- that left-most</p> <p>13 southbound lane essentially becomes a left turn at the next</p> <p>14 intersection at Spring Street where you actually get a green</p> <p>15 signal to turn left at that location. And so that queue is</p> <p>16 not terribly long for both that left, and it allows you to</p> <p>17 also stack and make the left at here, at the driveway into</p> <p>18 the entrance.</p> <p>19 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>20 MS. REGINO: Excuse me, Nancy. Could you please put</p> <p>21 the chart you're referencing on screen?</p> <p>22 HEARING EXAMINER ROBESON HANNAN: I don't -- you</p> <p>23 don't have it on the screen?</p> <p>24 MS. REGINO: Not on mine, no.</p> <p>25 THE REPORTER: Who is that speaking?</p>	<p>192</p> <p>1 <b>driveway and Noyes. And the reason why I say generally at</b></p> <p>2 <b>our driveway, there is an existing driveway, almost</b></p> <p>3 <b>immediately adjacent to ours, that goes into the residential</b></p> <p>4 <b>tower.</b></p> <p>5 HEARING EXAMINER ROBESON HANNAN: Right.</p> <p>6 <b>A There was a single accident that occurred in 2017.</b></p> <p>7 <b>It was a vehicle that was heading southbound in the morning</b></p> <p>8 <b>peak hour and turning left, and they were hit by a vehicle</b></p> <p>9 <b>going northbound, so they -- and we have no information</b></p> <p>10 <b>unfortunately as to what the cause of that accident was --</b></p> <p>11 <b>driver error -- they don't give us that information anymore.</b></p> <p>12 <b>They just tell us that it was a right-angled collision, where</b></p> <p>13 <b>two vehicles came at angles to one another. But what I can't</b></p> <p>14 <b>tell from this is whether it occurred at our driveway or</b></p> <p>15 <b>whether it occurred at the residential driveway.</b></p> <p>16 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>17 <b>A Unfortunately, the way the accident data is now</b></p> <p>18 <b>coming across, it doesn't give us the exact location. I</b></p> <p>19 <b>suspect --</b></p> <p>20 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>21 <b>A -- but I don't know for certain, and you'll find in</b></p> <p>22 <b>the previous -- or in the next couple of pages where I give</b></p> <p>23 <b>you absolute detail on all four of these intersections, this</b></p> <p>24 <b>intersection has a slightly different latitude and longitude</b></p> <p>25 <b>from the other three. And I can only surmise that it may be</b></p>

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<p>193</p> <p>1 that offset at -- because our entrance lines up with Noyes</p> <p>2 and this other one is slightly south of our intersection and</p> <p>3 Noyes, so it's possible that it happened at that other</p> <p>4 location, but I -- I -- I don't -- can't tell you. But</p> <p>5 there's no trend here at all.</p> <p>6 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>7 Q Thank you. From a transportation -- now I'm going to</p> <p>8 the necessary findings of Section 7.3.1.E. So --</p> <p>9 A I -- I -- I did want to get on the record with</p> <p>10 regards to the LATR. We didn't go through the mitigation</p> <p>11 that we need to make at Colesville. I know it was contained</p> <p>12 in the report, but we are mitigating the intersection of</p> <p>13 Colesville and Dale Drive and fully mitigating our impact and</p> <p>14 getting it back -- better at background.</p> <p>15 State Highway Administration and MCDOT actually asked</p> <p>16 us to expand our study after we submitted it and look at the</p> <p>17 entire Colesville corridor in terms of synchro. Yeah. Much</p> <p>18 to my client's dismay.</p> <p>19 HEARING EXAMINER ROBESON HANNAN: Everybody wants a</p> <p>20 piece of this. But, anyway.</p> <p>21 THE WITNESS: Yeah.</p> <p>22 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>23 THE WITNESS: Yeah.</p> <p>24 HEARING EXAMINER ROBESON HANNAN: So you synchro</p> <p>25 analysis for the corridor.</p>	<p>195</p> <p>1 expense, but it's not -- it's not like building a brand-new</p> <p>2 intersection or putting in a brand-new signal at hundreds of</p> <p>3 thousands of dollars, so, yeah.</p> <p>4 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>5 BY MS. HARRIS:</p> <p>6 Q Okay. So now moving on to the -- the necessary</p> <p>7 findings. From a transportation perspective, how would you</p> <p>8 characterize the daycare center's effect on traffic capacity</p> <p>9 with respect to its impact on public roads as required by the</p> <p>10 zoning ordinance?</p> <p>11 A The impact of this project can be fully mitigated,</p> <p>12 and the transportation system is adequate to serve the</p> <p>13 proposed project.</p> <p>14 Q And what are the inherent characteristics of a</p> <p>15 childcare center?</p> <p>16 A Traffic inbound, traffic outbound.</p> <p>17 Q And do you agree that --</p> <p>18 A Dropping off children, picking them up.</p> <p>19 Q And do you agree with the inherent characteristics</p> <p>20 identified by staff?</p> <p>21 A I do.</p> <p>22 Q And are there any non-inherent characteristics</p> <p>23 related to traffic -- traffic with the childcare center?</p> <p>24 A No.</p> <p>25 Q And is the property -- and, finally, and a number of</p>
<p>194</p> <p>1 THE WITNESS: Yes. Yes. We looked at the entire</p> <p>2 corridor. We are making timing changes to the intersection</p> <p>3 of Colesville and Dale. And those timing changes will help</p> <p>4 the progression between Colesville and Dale as well as Sligo</p> <p>5 Creek down at the bottom of the hill. All of these changes</p> <p>6 help the whole progression along the roadway in the morning</p> <p>7 peak hour.</p> <p>8 HEARING EXAMINER ROBESON HANNAN: But does it get</p> <p>9 Dale out of -- out of failure in the morning?</p> <p>10 THE WITNESS: It does not. But under the LATR</p> <p>11 guidelines, we are required to get this back -- better than</p> <p>12 background, and that's what we're doing with this condition</p> <p>13 -- with this mitigation. We're making things better with us</p> <p>14 than without us.</p> <p>15 MS. HARRIS: And I would note that this improvement</p> <p>16 is reflected in Condition -- Proposed Condition No. 5.</p> <p>17 THE WITNESS: Correct.</p> <p>18 HEARING EXAMINER ROBESON HANNAN: Are they going to</p> <p>19 make other people contribute to it too?</p> <p>20 THE WITNESS: Well, the -- the --</p> <p>21 HEARING EXAMINER ROBESON HANNAN: Well, that's</p> <p>22 neither here nor there.</p> <p>23 THE WITNESS: Yeah, no. It's --</p> <p>24 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>25 THE WITNESS: -- it is -- it is -- clearly, it's an</p>	<p>196</p> <p>1 people have referenced public transportation, but is the</p> <p>2 property served by public transportation? And can you</p> <p>3 provide a little detail on that?</p> <p>4 A Yes. It's got Ride On bus. It's got MTA bus</p> <p>5 service. It's got the Metro, Silver Spring Metro, the red</p> <p>6 line. It's soon to, cross our fingers, will have the purple</p> <p>7 line. And with all of those -- not to mention the fact that</p> <p>8 it is serving a more local community, we hope that there will</p> <p>9 be a number of people that will walk to this site. And so</p> <p>10 it's serving the area, as Myrna indicated, of Takoma Park and</p> <p>11 Silver Spring, so there's opportunity --</p> <p>12 HEARING EXAMINER ROBESON HANNAN: How early does</p> <p>13 transit run, how late?</p> <p>14 THE WITNESS: The transit runs a lot. I mean,</p> <p>15 clearly, the headway is during the morning --</p> <p>16 HEARING EXAMINER ROBESON HANNAN: How late?</p> <p>17 THE WITNESS: It depends on the line.</p> <p>18 HEARING EXAMINER ROBESON HANNAN: Not in -- no, not</p> <p>19 in terms of delay. I mean at night.</p> <p>20 THE WITNESS: I -- I thought that -- I'm not sure the</p> <p>21 last, the absolute last run, but I'll look it up and have an</p> <p>22 answer for you in about three minutes. But they -- whatever</p> <p>23 the MTA service is, I've seen buses as late as 11 o'clock at</p> <p>24 night when I've driven home late from the office. But I'll</p> <p>25 find the last run on some of these.</p>

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197	<p>1 HEARING EXAMINER ROBESON HANNAN: Thank you.</p> <p>2 THE WITNESS: But all of the data is contained within</p> <p>3 the traffic impact study. We pulled up the full route and</p> <p>4 their schedules, and that's contained in the appendix.</p> <p>5 MS. HARRIS: Thank you.</p> <p>6 HEARING EXAMINER ROBESON HANNAN: Thank you.</p> <p>7 THE WITNESS: Yeah.</p> <p>8 MS. HARRIS: I have -- that was very complete and</p> <p>9 comprehensive. I have no other questions for Ms. Randall.</p> <p>10 HEARING EXAMINER ROBESON HANNAN: I'm thinking. I</p> <p>11 don't think I do either. Thank you.</p> <p>12 THE WITNESS: You're very welcome.</p> <p>13 HEARING EXAMINER ROBESON HANNAN: Thank you. Okay.</p> <p>14 You may be excused and feed your kitty or --</p> <p>15 (Laughter.)</p> <p>16 THE WITNESS: He'll get over it. He's just --</p> <p>17 MS. HARRIS: Ms. Robeson, what I would like to do at</p> <p>18 this point is go through the conditions, the draft conditions</p> <p>19 that we proposed. Based on some of the things we've</p> <p>20 discussed, there's a slight modification that I think will --</p> <p>21 that --</p> <p>22 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>23 MS. HARRIS: -- is consistent with your comments.</p> <p>24 So Condition No. 2, which had to do with the hours of</p> <p>25 operation, after our sidebar discussion during our break, as</p>	199	<p>1 activities?</p> <p>2 MS. PERALTA: Gosh, we call them depending on what</p> <p>3 the activity is. So I would just say for after-hours</p> <p>4 activities.</p> <p>5 HEARING EXAMINER ROBESON HANNAN: Now -- okay. Now</p> <p>6 the community -- okay. Go ahead. You finish your -- is that</p> <p>7 okay? 7 a.m. to 6 p.m. for childcare?</p> <p>8 MS. PERALTA: Um-hmm.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: Seven -- or six to</p> <p>10 nine for community or childcare-related activities?</p> <p>11 MS. PERALTA: That would be acceptable, yes.</p> <p>12 MS. HARRIS: And then the ten to four on Saturday.</p> <p>13 MS. PERALTA: Saturdays.</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Yes.</p> <p>15 MS. HARRIS: Okay. And I just want to clarify -- I</p> <p>16 think this is implicit -- that obviously teachers get to</p> <p>17 their rooms earlier than -- get to the center earlier than</p> <p>18 seven to set up and get the day --</p> <p>19 HEARING EXAMINER ROBESON HANNAN: Right.</p> <p>20 MS. HARRIS: -- you know, the center ready to go for</p> <p>21 the day.</p> <p>22 HEARING EXAMINER ROBESON HANNAN: Right.</p> <p>23 MS. HARRIS: Okay. Thank you.</p> <p>24 HEARING EXAMINER ROBESON HANNAN: Might make it 6:30</p> <p>25 to 6:30 for childcare if that helps.</p>
198	<p>1 we noted, the Statement of Operation indicated that the hours</p> <p>2 of delivery for childcare services was seven to six, but that</p> <p>3 the center would be open until nine in the evenings for, I'll</p> <p>4 call them extracurriculars, be it the parental programs or</p> <p>5 use by the community, and it all -- and that Statement of</p> <p>6 Operations also noted that the facility would be used from</p> <p>7 ten to four.</p> <p>8 So backing off our eleven o'clock, we would recommend</p> <p>9 hours of operation --</p> <p>10 HEARING EXAMINER ROBESON HANNAN: (Indiscernible).</p> <p>11 MS. HARRIS: -- of seven to nine Monday through</p> <p>12 Friday and ten to four on Saturday, recognizing that if the</p> <p>13 County needs this center to stay open to serve those -- those</p> <p>14 workers who are either staff workers or frontline workers or</p> <p>15 whatever they may be, we recognize we'll need to come back</p> <p>16 for a modification of the hours of operation.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: I would love -- I</p> <p>18 would love it. I was going -- I really just don't think it's</p> <p>19 been vetted out. And it's a good -- you know, it's an</p> <p>20 interesting idea, but I don't think it's been vetted out</p> <p>21 enough.</p> <p>22 What I could do is this. I can say 7 a.m. to 6 p.m.</p> <p>23 for childcare, and then 7 p.m. or 6 p.m. to 9 p.m. for -- I</p> <p>24 don't know how you want to phrase those other activities.</p> <p>25 What -- what do you call them? Community or parental support</p>	200	<p>1 MR. OLIVERA-SALA: And, if I may add, I don't think</p> <p>2 the -- I mean, the cleaning crew has been addressed after the</p> <p>3 whole day has been -- I mean, the center is closed, but --</p> <p>4 HEARING EXAMINER ROBESON HANNAN: Well, I'm just</p> <p>5 talking open for --</p> <p>6 MS. PERALTA: Yeah, yeah. Yeah.</p> <p>7 HEARING EXAMINER ROBESON HANNAN: -- childcare --</p> <p>8 MR. OLIVERA-SALA: Okay.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: -- not -- not --</p> <p>10 MS. PERALTA: Yeah.</p> <p>11 HEARING EXAMINER ROBESON HANNAN: -- you know,</p> <p>12 maintenance and that type of thing, just open for childcare.</p> <p>13 MS. PERALTA: I would -- I would ask that we leave it</p> <p>14 seven to six only because if we say we're open at 6:30 to the</p> <p>15 public, that means they'll be getting there at 6:15 expecting</p> <p>16 us to be open at 6:30. So --</p> <p>17 HEARING EXAMINER ROBESON HANNAN: Okay. That's fine.</p> <p>18 MS. PERALTA: Okay.</p> <p>19 HEARING EXAMINER ROBESON HANNAN: And then six to</p> <p>20 nine, we can have community and --</p> <p>21 MS. PERALTA: We can do parental and community</p> <p>22 activities.</p> <p>23 HEARING EXAMINER ROBESON HANNAN: Parental and</p> <p>24 community activities. And then ten to four on Saturday,</p> <p>25 parental and community activities?</p>

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<p>1 MS. PERALTA: They should be the same, yes. Uh-huh.</p> <p>2 HEARING EXAMINER ROBESON HANNAN: Okay. Okay. I'm</p> <p>3 good with that.</p> <p>4 MS. PERALTA: Okay. So am I.</p> <p>5 MS. HARRIS: Good. Thank you.</p> <p>6 And then the next condition, Condition No. 3, I think</p> <p>7 the condition as we drafted it should be acceptable except</p> <p>8 that you wanted to add additional language in about the --</p> <p>9 the center's obligation to monitor.</p> <p>10 HEARING EXAMINER ROBESON HANNAN: Maintain --</p> <p>11 maintain records and monitor arrival times and make them</p> <p>12 available to -- I think the enforcement arm is DPS, so --</p> <p>13 Department of Permitting Services -- so I would just say and</p> <p>14 make them available to the Department of Permitting Services</p> <p>15 during normal business -- regular business hours.</p> <p>16 MS. PERALTA: As requested. If requested, yeah.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: As requested.</p> <p>18 MS. PERALTA: Yeah.</p> <p>19 HEARING EXAMINER ROBESON HANNAN: I don't think we</p> <p>20 need -- because you're under the capacity for the parking, I</p> <p>21 don't think we need an affirmative reporting requirement, so</p> <p>22 just as requested.</p> <p>23 MS. HARRIS: Okay. Thank you. I think that works</p> <p>24 for everyone.</p> <p>25 Number 13, we had added language -- number 13 reads,</p>	<p>1 for a certain period of time, and you can submit something.</p> <p>2 You can get together with staff and submit something, and --</p> <p>3 but I -- I've never had a condition -- and, I'll be honest,</p> <p>4 I'm just very uncomfortable with that.</p> <p>5 MS. HARRIS: Well, let me say a couple things with</p> <p>6 respect to that. We had pulled a number of cases that</p> <p>7 provide that -- and I'll just read for example, and then I</p> <p>8 can give you the case citations.</p> <p>9 The Applicant must obtain approval of a preliminary</p> <p>10 plan of subdivision per Chapter 50 of the Montgomery County</p> <p>11 Code, and then it goes on to say, Any changes to the approved</p> <p>12 conditional use site plan necessitated by approval of a</p> <p>13 preliminary plan must be filed with OZAH.</p> <p>14 Implicit in that is that when you go on to those</p> <p>15 subsequent --</p> <p>16 HEARING EXAMINER ROBESON HANNAN: What case is that?</p> <p>17 MS. HARRIS: Okay. So that's Case 17-02.</p> <p>18 HEARING EXAMINER ROBESON HANNAN: What's the name of</p> <p>19 that case?</p> <p>20 MS. HARRIS: In the Matter of Arden Courts of</p> <p>21 Germantown, Maryland.</p> <p>22 HEARING EXAMINER ROBESON HANNAN: I did that case.</p> <p>23 Okay.</p> <p>24 MS. HARRIS: And then -- I mean, I'll give you a</p> <p>25 series of cases because the language is almost similar in all</p>
202	204
<p>1 The Applicant must obtain approval of a preliminary plan of</p> <p>2 subdivision, per Chapter 50 of the Montgomery County Code,</p> <p>3 after the final decision of the hearing examiner on the</p> <p>4 subject application. If material -- and then we added the</p> <p>5 language, If material changes to the site plan or other plans</p> <p>6 filed in this case are required at subdivision, Petitioner</p> <p>7 must file a copy of the revised site and related plans with</p> <p>8 the OZAH.</p> <p>9 That language was similar to language that we --</p> <p>10 appears in numerous other conditional uses. And it just --</p> <p>11 HEARING EXAMINER ROBESON HANNAN: What -- what</p> <p>12 exhibit is the -- the -- oh, here, I got it.</p> <p>13 MS. HARRIS: The draft conditions?</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Yeah. I have them</p> <p>15 up now. Oh, gee, sorry. Hold on one second.</p> <p>16 Okay. Okay. So now we're on 13.</p> <p>17 MS. HARRIS: Right.</p> <p>18 HEARING EXAMINER ROBESON HANNAN: We don't really</p> <p>19 have -- you know, you'd have to show me those conditions</p> <p>20 because I've never had landscaping, lighting, and -- what's</p> <p>21 the other one -- parking open at this stage in the game. I</p> <p>22 mean, this is like a site plan. And I just -- I don't want</p> <p>23 to ding you guys, but I -- I don't feel like I can do it.</p> <p>24 I've never had that many things open.</p> <p>25 I mean, if you want, I could leave the record open</p>	<p>1 these cases. 17-04. And I know you did --</p> <p>2 HEARING EXAMINER ROBESON HANNAN: What case is that?</p> <p>3 MS. HARRIS: This is in the Matter of Parkview at</p> <p>4 Aspen Hill, and I know you did that one because I did this</p> <p>5 one.</p> <p>6 HEARING EXAMINER ROBESON HANNAN: Right.</p> <p>7 MS. HARRIS: 15-06.</p> <p>8 HEARING EXAMINER ROBESON HANNAN: I guess the thing</p> <p>9 is, why the lighting plan?</p> <p>10 MS. HARRIS: So let me just --</p> <p>11 HEARING EXAMINER ROBESON HANNAN: I don't get it. I</p> <p>12 mean, are you --</p> <p>13 MS. HARRIS: I think -- well, all I'm doing is</p> <p>14 surmising. Typically -- and I don't know if it is on our</p> <p>15 plan, I need to go back to check -- but, typically, landscape</p> <p>16 and lighting is on the same plan. And so it may have been</p> <p>17 more of a vernacular of saying the landscape and lighting</p> <p>18 plan.</p> <p>19 I would note that I have another case actually -- now</p> <p>20 this was from 2001, and this was the Board of Appeals, but</p> <p>21 they actually say in this case, they say, The Applicant must</p> <p>22 obtain approval by MNCPPC technical staff of its final</p> <p>23 landscape and lighting plan.</p> <p>24 HEARING EXAMINER ROBESON HANNAN: What date is that?</p> <p>25 MS. HARRIS: 2001.</p>

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<p>205</p> <p>1 HEARING EXAMINER ROBESON HANNAN: But that's -- 2 that's the exact situation that's in that -- the case I sent 3 you earlier. That's exactly what was in that situation, and 4 that case was recently affirmed. And -- 5 MS. HARRIS: But that case -- well, that case was 6 1997, and this -- like I just said, this -- this case, which 7 was Case No. 24-75, S 24-75, was 2001. And I think, Ms. 8 Robeson, that the distinction in the Concerned Citizens case, 9 the way I read that was, they needed -- they left open that 10 condition because they need to further modify the landscaping 11 plan in order to make a finding that it was in fact 12 compliant. 13 Here, the situation is we have a complaint plan. Any 14 additional revisions to it would merely be enhancements or 15 supplementary. 16 I mean, if anything, I could see -- 17 HEARING EXAMINER ROBESON HANNAN: But we -- you know, 18 I hate -- I understand what you're saying, but one man's 19 enhancement is another man's -- you know, beauty is in the 20 eye of a beholder. So who's to say what's enhanced and what 21 isn't enhanced? 22 MS. HARRIS: Well, I would say -- 23 HEARING EXAMINER ROBESON HANNAN: And I don't know if 24 they're going to do something to the -- I guess the thing 25 that really bothers me is the lighting. You're already</p>	<p>207</p> <p>1 my general curiosity, I'd like to know. No, I wouldn't hold 2 you up for my general curiosity. I just would like to 3 understand how big a deal we're talking about. 4 MS. HARRIS: I understand. I mean, and here's 5 another example, by way of example. If the light fixture 6 that we've spec'd is no longer available, I mean, maybe -- 7 you know, things like that come up during -- can come up. 8 HEARING EXAMINER ROBESON HANNAN: Well, let's find 9 out. 10 MS. HARRIS: Okay. 11 HEARING EXAMINER ROBESON HANNAN: Because I don't 12 know if they're talking about, you know, getting another 13 shielded light fixture. I don't know if they're talking 14 about adding lights in the right-of-way. I don't know. So 15 let me get a sense from staff, and maybe we'll both be happy. 16 MS. HARRIS: Okay. And we appreciate that your 17 objective, I think, as you said in your email, is our 18 objective, that we're just very eager to get this use on 19 line. And so to the extent that, hoping -- 20 HEARING EXAMINER ROBESON HANNAN: I understand, and 21 I'm not going to give them a huge amount of time. I just -- 22 I just don't know what I'm okaying, you know? 23 MS. HARRIS: Okay. 24 HEARING EXAMINER ROBESON HANNAN: So I guess that's 25 -- that's the thing that's making me uncomfortable.</p>
<p>206</p> <p>1 getting a waiver. I have no idea why they want to look at 2 the lighting. Light isn't even -- lighting isn't even a 3 preliminary plan issue. 4 MS. HARRIS: So whether -- 5 HEARING EXAMINER ROBESON HANNAN: So why are they 6 looking at it? 7 MS. HARRIS: I -- all I can do is surmise, but I 8 think you could address your concern by stating that if any 9 changes to a lighting plan that result in an increase in 10 foot-candles, that would need to come back to you for a 11 modification. 12 But if it -- assume for a moment, just speculating, 13 that they -- they wanted additional revisions to the lighting 14 which lower the foot-candles. Why would -- that should be of 15 no issue. 16 HEARING EXAMINER ROBESON HANNAN: Well, you and I are 17 both in the dark, it sounds to me, because we don't know why 18 they want that condition in there. So let me do this. Let 19 me -- I do understand your point that they couldn't first 20 make a determination that it met the standards. I get that. 21 Let me go back to staff and say, "Why is this condition 22 there," since neither you or I can answer it and we're just 23 speculating. And -- 24 MS. HARRIS: That's -- 25 HEARING EXAMINER ROBESON HANNAN: -- I just, just for</p>	<p>208</p> <p>1 MS. HARRIS: Okay. 2 HEARING EXAMINER ROBESON HANNAN: So if it's just a 3 little bit, you know, they want to -- but why -- I've never 4 had a condition like that. So I'll -- I'll -- let me talk to 5 them. I have to run some of these -- the traffic condition 6 by them, but Ms. Randall was very helpful on that one. 7 MS. HARRIS: Okay. 8 HEARING EXAMINER ROBESON HANNAN: I appreciate your 9 working to address my concerns. Some of these conditions do 10 address those concerns. 11 MS. HARRIS: So the final condition, as I said at the 12 onset of the hearing, the No. 15, we had -- the reason we had 13 deleted that was because of the Planning Board letter that 14 said that would defer to preliminary plan; however, I 15 understand your comment that you need to know for -- for 16 evaluation purposes. So what I would recommend is that we 17 retain the first -- that we retain the first sentence of 18 Condition No. 15, and -- because that's really what -- what 19 you need to evaluate, and then we can work out a preliminary 20 plan, the logistics. 21 HEARING EXAMINER ROBESON HANNAN: I'm just going to 22 say, yes, that's fine. 23 MS. HARRIS: Okay. 24 HEARING EXAMINER ROBESON HANNAN: I mean, I don't 25 know what -- I don't care what kind of agreement you come to.</p>


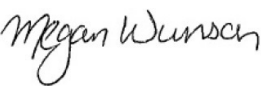
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53 (209 to 212)

<p>209</p> <p>1 MS. HARRIS: Exactly.</p> <p>2 HEARING EXAMINER ROBESON HANNAN: I'm more concerned</p> <p>3 that a minimum of 12 assigned parking spaces be available --</p> <p>4 I would just stop at "a minimum of 12 assigned" -- do you</p> <p>5 want them during -- non-drop-off and pickup --</p> <p>6 MS. HARRIS: Right.</p> <p>7 HEARING EXAMINER ROBESON HANNAN: -- hours? Okay.</p> <p>8 I'm sorry. Yeah.</p> <p>9 MS. HARRIS: So retention of the first sentence?</p> <p>10 HEARING EXAMINER ROBESON HANNAN: Yeah. Right.</p> <p>11 MS. HARRIS: That works. And then that concludes the</p> <p>12 discussion on the -- on the conditions.</p> <p>13 And then, in closing, I would just, you know,</p> <p>14 reiterate what our consultants already said, that this is,</p> <p>15 one, a very important use and a needed use that complies with</p> <p>16 the standards of the code and is in substantial conformance</p> <p>17 with the master plan. And we urge your support of the</p> <p>18 application. And --</p> <p>19 HEARING EXAMINER ROBESON HANNAN: I thank you. And I</p> <p>20 -- I -- I want to apologize again for coming in late.</p> <p>21 MS. HARRIS: It's the world we live in.</p> <p>22 (Laughter.)</p> <p>23 HEARING EXAMINER ROBESON HANNAN: I guess. I got a</p> <p>24 room at the County Council Office Building, so I'm -- anyway.</p> <p>25 MS. PERALTA: Pat, can I make a -- I wanted to follow</p>	<p>211</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Yeah.</p> <p>2 MS. HARRIS: -- I think she took it down.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: Yeah.</p> <p>4 MS. HARRIS: Does anyone -- Trini, you're on mute.</p> <p>5 MS. RODRIGUEZ: Sorry. Can you hear me?</p> <p>6 MS. HARRIS: Yes.</p> <p>7 MS. RODRIGUEZ: Okay. No, I was actually going to --</p> <p>8 you know, Ms. Peralta already made that point of the angle of</p> <p>9 the townhouses which actually helps mitigate that issue that</p> <p>10 you had raised before, Ms. Robeson. So no need to reiterate</p> <p>11 that again.</p> <p>12 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>13 MS. RODRIGUEZ: That's why I had raised my hand.</p> <p>14 Sorry.</p> <p>15 HEARING EXAMINER ROBESON HANNAN: That's all right.</p> <p>16 MS. HARRIS: So that concludes our presentation.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: Thank you very --</p> <p>18 thank you all very much.</p> <p>19 MS. PERALTA: Thank you.</p> <p>20 HEARING EXAMINER ROBESON HANNAN: Ms. Harris --</p> <p>21 MS. HARRIS: Yes.</p> <p>22 HEARING EXAMINER ROBESON HANNAN: -- can you send me</p> <p>23 the conditions that -- with the changes we agreed to, and</p> <p>24 I'll look them over? And if I don't like -- if they're not</p> <p>25 what I thought I was agreeing to, I let -- I'll let you know.</p>
<p>210</p> <p>1 up, just one final thing, on Ms. Robeson's point about</p> <p>2 parking and the parking lights.</p> <p>3 MS. HARRIS: Yes.</p> <p>4 MS. PERALTA: If you -- if -- those of us who have</p> <p>5 visited the site, the -- those townhouses were built at an</p> <p>6 angle, and that's an important -- they're not -- the</p> <p>7 headlights wouldn't be directly into the windows. Everything</p> <p>8 is angled. And that was, I think, part of the -- when the</p> <p>9 development was being used -- being built --</p> <p>10 HEARING EXAMINER ROBESON HANNAN: You missed your</p> <p>11 calling, Ms. Peralta.</p> <p>12 MS. PERALTA: I missed my calling.</p> <p>13 (Laughter.)</p> <p>14 MS. PERALTA: Anyway, I just wanted to put that on</p> <p>15 the record.</p> <p>16 HEARING EXAMINER ROBESON HANNAN: Okay. Thank you.</p> <p>17 Anything else, Ms. Harris?</p> <p>18 MS. HARRIS: I don't think so, though we don't have</p> <p>19 the benefit of me sort of looking around the room at our</p> <p>20 team, so if you can give me just one moment, just to say does</p> <p>21 any --</p> <p>22 HEARING EXAMINER ROBESON HANNAN: Wait. There might</p> <p>23 be two hands up. Oh, Ms. Rodriguez -- Ms. -- is Ms.</p> <p>24 Rodriguez's hand up? No.</p> <p>25 MS. HARRIS: It was, but --</p>	<p>212</p> <p>1 But would you mind doing -- you or Ms. Rogers -- who maybe</p> <p>2 had time to write them better than myself --</p> <p>3 MS. HARRIS: Yes, definitely. Definitely. We can</p> <p>4 get those to you if --</p> <p>5 HEARING EXAMINER ROBESON HANNAN: I -- I --</p> <p>6 MS. HARRIS: -- by today or tomorrow.</p> <p>7 HEARING EXAMINER ROBESON HANNAN: I would appreciate</p> <p>8 that. And I'm going to -- I have to leave the record open</p> <p>9 for ten days. What I would like to do is run the traffic</p> <p>10 condition by staff and get some information about why they</p> <p>11 wanted to -- to -- what kind of changes they're envisioning</p> <p>12 at preliminary plan, if any. So we don't get the transcript</p> <p>13 for ten business days. So that would be November 1st, I</p> <p>14 think -- no, sorry -- November 11th, which is Veterans Day --</p> <p>15 no --</p> <p>16 MS. HARRIS: The 27th. Wouldn't it be October 27th?</p> <p>17 HEARING EXAMINER ROBESON HANNAN: Yes.</p> <p>18 MS. PERALTA: Yeah, the 27th is the eleventh day,</p> <p>19 since -- from today.</p> <p>20 HEARING EXAMINER ROBESON HANNAN: Right. Let me do</p> <p>21 this. What I'm going to ask for is getting the comments --</p> <p>22 if I could get their comments by the 23rd --</p> <p>23 MS. HARRIS: When you say "their comments," staff's?</p> <p>24 HEARING EXAMINER ROBESON HANNAN: Yeah.</p> <p>25 MS. HARRIS: Okay.</p>

Transcript of Hearing  
Conducted on October 12, 2020

54 (213 to 216)

<p>213</p> <p>1 HEARING EXAMINER ROBESON HANNAN: And then I don't</p> <p>2 know how long you might want to respond. I have to give</p> <p>3 everybody an opportunity to respond, or I can make their</p> <p>4 comments due -- if they can do it in a week, I can make them</p> <p>5 due the 19th, and then your comments would be due the 23rd.</p> <p>6 MS. HARRIS: That works.</p> <p>7 HEARING EXAMINER ROBESON HANNAN: So I'm going to</p> <p>8 leave the record open for comments by staff on the 19th and</p> <p>9 then your follow-up comments would be due on the 23rd.</p> <p>10 MS. PERALTA: Okay.</p> <p>11 HEARING EXAMINER ROBESON HANNAN: And then hopefully</p> <p>12 we'll have the transcript, and we'll close the record, and --</p> <p>13 okay. So the record will close on the 23rd. All right.</p> <p>14 With that, I have 30 days after the 23rd to issue my</p> <p>15 decision. Unfortunately, we have a lot of case -- sometimes</p> <p>16 I'm able to say I'll get it out as -- you know, in a week. I</p> <p>17 don't know if that's going to -- I can tell you that's not</p> <p>18 going to happen here. But we do have 30 days. If you</p> <p>19 disagree with my decision, you have the ability to appeal the</p> <p>20 decision to the Board of Appeals within ten days.</p> <p>21 Ms. Harris knows all about this, so --</p> <p>22 MS. PERALTA: Okay.</p> <p>23 HEARING EXAMINER ROBESON HANNAN: Okay. Thank you</p> <p>24 very much.</p> <p>25 MS. PERALTA: Thank you.</p>	<p>215</p> <p>1 CERTIFICATE OF COURT REPORTER - E-NOTARY PUBLIC</p> <p>2</p> <p>3</p> <p>4 I, Merinda Evans, the officer before whom the foregoing</p> <p>5 proceedings were taken, do hereby certify that said</p> <p>6 proceedings were electronically recorded by me; and that I am</p> <p>7 neither counsel for, related to, nor employed by any of the</p> <p>8 parties to this case and have no interest, financial or</p> <p>9 otherwise, in its outcome.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 </p> <p>15</p> <p>16 _____</p> <p>17 Merinda Evans, Court Reporter</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>
<p>214</p> <p>1 HEARING EXAMINER ROBESON HANNAN: And, with that, I'm</p> <p>2 going to adjourn the hearing with the record closing on the</p> <p>3 23rd.</p> <p>4 (Off the record at 3:59 p.m.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</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>	<p>216</p> <p>1 CERTIFICATE OF TRANSCRIBER</p> <p>2</p> <p>3</p> <p>4 I, Megan Wunsch, do hereby certify that</p> <p>5 the foregoing transcript is a true and correct record of the</p> <p>6 recorded proceedings; that said proceedings were transcribed</p> <p>7 to the best of my ability from the audio recording and</p> <p>8 supporting information; and that I am neither counsel for,</p> <p>9 related to, nor employed by any of the parties to this case</p> <p>10 and have no interest, financial or otherwise, in its outcome.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 </p> <p>16</p> <p>17 _____</p> <p>18 Megan Wunsch, AAERT CET</p> <p>19 October 20, 2020</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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