



**Planet Depos®**  
We Make It *Happen*™

---

# Transcript of Hearing

**Date:** August 25, 2022

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

**Planet Depos**

**Phone:** 888.433.3767

**Email:** [transcripts@planetdepos.com](mailto:transcripts@planetdepos.com)

**www.planetdepos.com**

Transcript of Hearing  
August 25, 2022

1 (1 to 4)

1	1	1	3
1	MONTGOMERY COUNTY	1	I N D E X
2	OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS	2	OPENING STATEMENTS PAGE
3	-----	3	Mr. Howard Gruenspecht 16
4	In Re: Case No.	4	Ms. Harris 23
5	MARTHA B. GUDELSKY CU 20-08	5	
6	CHILD DEVELOPMENT CENTER	6	WITNESSES DIRECT CROSS REDIRECT RECROSS
7	-----	7	Mr. Gruenspecht 31 62
8		8	Myrna Peralta 78 87 98/131 133
9	TRANSCRIPT OF AUDIO-RECORDED	9	Jennifer Lyon 99 110 127
10	HEARING	10	Christopher Karner 135 157 189
11	THURSDAY, AUGUST 25, 2022	11	
12	9:30 A.M.	12	REBUTTAL BY MR. GRUENSPECHT 193
13		13	
14		14	CLOSING STATEMENTS
15		15	MS. HARRIS 207
16		16	
17		17	
18		18	
19		19	
20		20	
21		21	
22		22	
23	Job No.: 457891	23	
24	Pages: 1 - 215	24	
25	Transcribed by: Christian Naaden	25	
1	2	1	4
1	A P P E A R A N C E S	1	E X H I B I T S
2	Sarah Behanna	2	
3	Montgomery County Office of Zoning and	3	86 Analysis for Original Project
4	Administrative Hearings	4	93 Proposed Playground Location
5	(1100167)	5	95 Amended Statement of Justification
6	100 Maryland Avenue	6	99 June 23rd Order
7	County Office Building, Room 200	7	106 Photo of Project Site from Mr. Gruenspecht's
8	Rockville, MD 20850	8	home
9	Phone: 240.777.6660	9	108 November 2020 Hearing Examiner's Record and
10		10	Decision
11		11	109 Karner Report on 1515 Rhode Island Avenue
12		12	111 October 2020 Hearing Transcript
13		13	112 Table Describing Threshold for Noise Ordinance
14		14	113 Property Photos
15		15	115 Prehearing Statement
16		16	
17		17	
18		18	
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	
25		25	

August 25, 2022

<p style="text-align: right;">5</p> <p>1 PROCEEDINGS</p> <p>2 MS. BYRNE: Welcome everyone. My name is</p> <p>3 Katie Byrne. I will be the hearing examiner for this</p> <p>4 case. This is a public hearing regarding the</p> <p>5 objection of the minor amendment approval filed by</p> <p>6 Mr. Howard Gruenspecht. Did I pronounce your name</p> <p>7 right, sir?</p> <p>8 MR. GRUENSPECHT: Yeah. Good enough.</p> <p>9 MS. BYRNE: Close enough? Well, please feel</p> <p>10 free -- any names I butcher, please, please correct</p> <p>11 me.</p> <p>12 MR. GRUENSPECHT: Not butchered. Please</p> <p>13 proceed.</p> <p>14 MS. BYRNE: All right. In the matter of CU</p> <p>15 20-08 Martha B. Gudelsky Child Development Center,</p> <p>16 located at 8901/8907 Colesville Road, Silver Spring,</p> <p>17 Maryland.</p> <p>18 I actually need to, now that I've jumped in</p> <p>19 there, make sure that the court reporter is on. If</p> <p>20 you could confirm and we're ready to go?</p> <p>21 MR. LORETE: Good morning, Ms. Byrne. This</p> <p>22 is Joe Lorete, the court reporter. I'm here and I'm</p> <p>23 ready.</p> <p>24 MS. BYRNE: Awesome. Thank you, Joe.</p> <p>25 MR. LORETE: You're welcome.</p>	<p style="text-align: right;">7</p> <p>1 If you disagree with my decision, you have</p> <p>2 10 days after the decision is issued to appeal it.</p> <p>3 So just want to check in, make sure we have everyone</p> <p>4 here. So Mr. Gruenspecht, I see you. You are the</p> <p>5 appellant in this matter.</p> <p>6 Do you have others here with you or in</p> <p>7 support that are going to be testifying?</p> <p>8 MR. GRUENSPECHT: No.</p> <p>9 MS. BYRNE: Okay. All right. And Ms.</p> <p>10 Rogers, I see you are here.</p> <p>11 MS. ROGERS: Good morning. Yes, I am here.</p> <p>12 MS. BYRNE: Yep. You're on -- you're on</p> <p>13 mute.</p> <p>14 MS. ROGERS: I should be on the phone as</p> <p>15 well. Okay.</p> <p>16 MS. BYRNE: Okay. All right, so you're the</p> <p>17 202 number then?</p> <p>18 MS. ROGERS: I am.</p> <p>19 MS. BYRNE: Okay, So Ms. --</p> <p>20 MS. ROGERS: In case I have internet</p> <p>21 issues, I joined both ways.</p> <p>22 MS. BYRNE: That's excellent. All right. So</p> <p>23 then I don't have to ask who the caller is then,</p> <p>24 it's you. Okay, 202 number. Perfect. All right. Who</p> <p>25 do you have with you today?</p>
<p style="text-align: right;">6</p> <p>1 MS. BYRNE: And then I'm going to check in</p> <p>2 really quickly with Lynn. Lynn, if you could start</p> <p>3 recording? And then once she starts that, everyone</p> <p>4 should see a record button, I believe.</p> <p>5 Don't think I have the ability to start</p> <p>6 that. We'll wait for that to happen in a second.</p> <p>7 Yes, I do not have that function ability. So while</p> <p>8 we wait for Lynn, I can go through some -- just some</p> <p>9 Teams housekeeping.</p> <p>10 I think just so that we all kind of know</p> <p>11 functionality. Issues are going to happen because</p> <p>12 we're in a virtual environment, so we'll do the best</p> <p>13 we can with what we have. Right? I always start that</p> <p>14 out at the very beginning.</p> <p>15 Even if you're really savvy at virtual</p> <p>16 meetings, sometimes things just don't work out,</p> <p>17 right? So we're all going to -- we're going to get</p> <p>18 through it together.</p> <p>19 So what we're going to happen today is that</p> <p>20 I'm going to listen to you. I'm going to take</p> <p>21 evidence and make a decision on whether the</p> <p>22 amendment substantially changes the nature,</p> <p>23 character or intensity of the conditional use and</p> <p>24 its effect on the immediate neighborhood pursuant to</p> <p>25 Section 59.7.3.1K2.</p>	<p style="text-align: right;">8</p> <p>1 MS. HARRIS: So actually, I'm Pat Harris</p> <p>2 with Lerch, Early and Brewer and I'm going to -- Liz</p> <p>3 and I are co-counsel, but I'm going to be taking the</p> <p>4 lead on this.</p> <p>5 MS. BYRNE: Perfect, okay.</p> <p>6 MS. HARRIS: Good morning.</p> <p>7 MS. BYRNE: Good morning. Ms. Harris taking</p> <p>8 the lead.</p> <p>9 MS. HARRIS: And it looks like our whole</p> <p>10 team is here.</p> <p>11 MS. BYRNE: All right. And who is on your</p> <p>12 team that's here?</p> <p>13 MS. HARRIS: We have Rita Regino who is</p> <p>14 representing the Martha B. Gudelsky Child</p> <p>15 Development Center. We have Myrna Peralta, who is</p> <p>16 the CEO of CentroNia. We have our architect,</p> <p>17 Jennifer Lyon.</p> <p>18 We have Joe Horton, who's assisting the</p> <p>19 applicant. And we have Chris Carner from Polysonics.</p> <p>20 MS. BYRNE: All right. All right, perfect.</p> <p>21 So then it looks like I guess we have everybody now</p> <p>22 who is participating. Everyone is here, so no need</p> <p>23 necessarily to go through everyone that we have.</p> <p>24 All right. Just some side notes on Teams.</p> <p>25 Teams works well with Edge or Chrome, so hopefully</p>

Transcript of Hearing  
August 25, 2022

3 (9 to 12)

<p>9</p> <p>1 you are logged in with Edge or Chrome. Safari, not 2 so great. For hearings, we ask that you not 3 interrupt each other or talk over each other. 4 This is for the [inaudible]. So remember 5 this is being recorded and transcribed, so please do 6 your best not to talk over each other. Also, if you 7 could use the raise your hand function, it's in 8 reactions. 9 The chat will be disabled. It's really hard 10 to monitor the chat, the raise the hand and -- and 11 juggle everything. So if you wish to speak, use the 12 raise the hand function. Also, when you're not 13 speaking, if everybody could use their mute buttons. 14 You'd be surprised at the background noise. 15 I will also mute myself and hope and pray that my 16 dogs do not bark. So we will also -- well, we only 17 have the one caller and that's fine. 18 I know that -- I believe it's *6 allows the 19 phone to mute and unmute, so Ms. Rogers, side note 20 there. That might help you. 21 When you testify, we ask that you please 22 have your camera on. Up to you whether you want to 23 keep it on or off when you're not testifying. So 24 completely up to you. I just started getting all my 25 notes here.</p>	<p>11</p> <p>1 will have an opportunity to cross examine you and 2 ask you questions. Then the responding party will 3 proceed and so I'll turn it over to Ms. Harris at 4 that point. 5 She will call her witnesses and as each one 6 of those witnesses speaks, Mr. Gruenspecht, you'll 7 have an opportunity to cross examine them as well. 8 MR. GRUENSPECHT: [inaudible] 9 MS. BYRNE: Yes? Do you have a question, 10 sir? 11 MR. GRUENSPECHT: Yeah. I do have a 12 question, thank you. 13 MS. BYRNE: Okay. 14 MR. GRUENSPECHT: So I understood from my 15 conversation with, I guess, Ms. Robeson Hannon? 16 MS. BYRNE: Mm-hmm. 17 MR. GRUENSPECHT: That I don't get to cross 18 examine the counsel or the applicant. Is that 19 correct? 20 MS. BYRNE: That's correct. You get to 21 cross examine their witnesses. 22 MR. GRUENSPECHT: Okay. 23 MS. BYRNE: So like you can't ask the 24 counsel questions -- 25 MR. GRUENSPECHT: Right.</p>
<p>10</p> <p>1 You also won't have the ability share 2 screen. So I'll go ahead and share screen. All of 3 the exhibits are up on our website. I've got our 4 website pulled up, so if there's a particular 5 exhibit you want to refer to, just let me know. 6 I'll pull it up, we'll share screen, and 7 everyone will be able to see that particular 8 exhibit. I was able to confirm, people were able to 9 turn on their cameras. We're able to speak. So 10 that's good. 11 Let's see. We've got the list of 12 participants here. And now we can go ahead and start 13 essentially with the procedural items. 14 So everything that you say will be under 15 oath. You may be asked certain questions about your 16 testimony. There may be cross examining and the 17 proceedings will follow in this order. So we'll have 18 opening statements. 19 It's -- if you wish to make an opening 20 statement, both parties will have an opportunity to 21 do that. It's perfectly -- it's optional. It's not 22 something you have to do. The appellant, which, Mr. 23 Gruenspecht, that's you. 24 You will go first and you will make a 25 presentation of your factual case and the opposition</p>	<p>12</p> <p>1 MS. BYRNE: -- but she's got a couple of 2 experts here today. 3 MR. GRUENSPECHT: Sure. 4 MS. BYRNE: So you can ask those experts 5 those questions. 6 MR. GRUENSPECHT: Sure. Okay. But again, 7 I'm not arguing with you because I'm not an 8 attorney, but I'm sort of serving as the counsel, 9 you know, for myself, and the question is why can I 10 be cross examined, but not -- 11 MS. BYRNE: Because -- 12 MR. GRUENSPECHT: Go ahead. Do you 13 understand my question? 14 MS. BYRNE: I do. I understand completely. 15 MR. GRUENSPECHT: Yeah. 16 MS. BYRNE: Because you are not an 17 attorney, right? It has everything to do with your 18 role. You are not only the appellant, but you are 19 presenting your case as the appellant. 20 MR. GRUENSPECHT: Right. 21 MS. BYRNE: So, like, for example, if I was 22 the appellant and Ms. Harris was my attorney or I 23 was the expert, you couldn't ask her questions. 24 MR. GRUENSPECHT: Right. 25 MS. BYRNE: But because you're serving a</p>

August 25, 2022

<p>13</p> <p>1 dual role, they can ask you questions as the</p> <p>2 appellant, not as the attorney. Does that make</p> <p>3 sense?</p> <p>4 MR. GRUENSPECHT: It does make sense, but I</p> <p>5 do want to say one thing.</p> <p>6 MS. BYRNE: Sure.</p> <p>7 MR. GRUENSPECHT: There are many documents</p> <p>8 that were prepared by Ms. Harris and Ms. Rogers and</p> <p>9 there are some concerns about the content of those</p> <p>10 documents. Okay? And those documents were relied</p> <p>11 upon in this case.</p> <p>12 So are you saying that I cannot question</p> <p>13 them about those documents?</p> <p>14 MS. BYRNE: You cannot question Ms. Harris</p> <p>15 or Ms. Rogers, that is correct. You can question --</p> <p>16 MR. GRUENSPECHT: So those documents --</p> <p>17 excuse me.</p> <p>18 MS. BYRNE: If the -- the witnesses speak</p> <p>19 to those documents, you can question the witness</p> <p>20 that speaks to that document. Does that make sense?</p> <p>21 MR. GRUENSPECHT: Okay. But they did not</p> <p>22 prepare those documents.</p> <p>23 MS. BYRNE: But they can speak to what's in</p> <p>24 the document. That's why they're called as</p> <p>25 witnesses.</p>	<p>15</p> <p>1 statements. So both parties will have an opportunity</p> <p>2 to make closing statements if they wish.</p> <p>3 And a reminder that cross examination is</p> <p>4 your opportunity only to ask questions of those</p> <p>5 witnesses. It's not necessarily your turn to</p> <p>6 testify. Sometimes it -- we can get sucked into</p> <p>7 that, because you hear a response and so then you</p> <p>8 start to talk, right? So remember, it's just</p> <p>9 questions.</p> <p>10 All right, the approval criteria for this</p> <p>11 particular hearing is based on the circumstances set</p> <p>12 forth in the zoning ordinance section, again,</p> <p>13 59.7.3.1K2. So again, please address in testimony</p> <p>14 that particular criteria.</p> <p>15 As the hearing examiner, I may exclude</p> <p>16 irrelevant, repetitive or unreliable testimony and</p> <p>17 any evidence. So before we get started, are there</p> <p>18 any preliminary issues?</p> <p>19 I think, Mr. Gruenspecht, we probably just</p> <p>20 talked about your preliminary [inaudible]</p> <p>21 questioning the attorneys, right? Any other</p> <p>22 preliminary issues before we start? All right.</p> <p>23 MS. HARRIS: Ms. Byrne, the one thing I</p> <p>24 would say is we have exhibits that were submitted,</p> <p>25 but I also have them up on my screen. If I would be</p>
<p>14</p> <p>1 MR. GRUENSPECHT: Okay. But not just the</p> <p>2 documents that they bring today, but the documents -</p> <p>3 - the statement of amended justification, for</p> <p>4 instance, and the prehearing statement. Those are</p> <p>5 not statements by the witnesses, those are</p> <p>6 statements by the counsel.</p> <p>7 MS. BYRNE: Understood, and you cannot ask</p> <p>8 them questions about that. You cannot ask them</p> <p>9 questions. You cannot ask the attorneys questions.</p> <p>10 MR. GRUENSPECHT: Right. That's fair. I</p> <p>11 mean, like it is what it is. I don't think it is</p> <p>12 fair, but it is what it is, so thank you for</p> <p>13 clarifying that.</p> <p>14 MS. BYRNE: Sure. Okay. So but we're -- now</p> <p>15 we're going through the order. We've got the</p> <p>16 appellant. We have the respondents. And then after</p> <p>17 witnesses come through, cross examination, then we</p> <p>18 have the rebuttal.</p> <p>19 So Mr. Gruenspecht, you'll have the last</p> <p>20 word and be able to provide any rebuttal testimony.</p> <p>21 I just want to talk about exhibits. All of the</p> <p>22 exhibits were uploaded onto the website. Are there</p> <p>23 any preliminary objections to any of the exhibits?</p> <p>24 Mr. Gruenspecht, Ms. Harris? No? Okay. All</p> <p>25 right. Sounds good. And at the end, we have closing</p>	<p>16</p> <p>1 able to click through just to calibrate them to our</p> <p>2 witness' testimony, if that's acceptable?</p> <p>3 MS. BYRNE: Sure. If you have the --</p> <p>4 because I do -- I think it is a -- you have the</p> <p>5 PowerPoint, right? And we have it uploaded as a PDF?</p> <p>6 MS. HARRIS: Correct.</p> <p>7 MS. BYRNE: So you would want to click</p> <p>8 through the PowerPoint with your witness? That's</p> <p>9 acceptable. That's fine.</p> <p>10 MS. HARRIS: Okay, thank you.</p> <p>11 MS. BYRNE: Because I don't have the</p> <p>12 ability to do that.</p> <p>13 MS. HARRIS: Okay.</p> <p>14 MS. BYRNE: I only have the static PDF, so</p> <p>15 that's fine. I think that would be easy for</p> <p>16 everyone. All right. So we'll go ahead and as</p> <p>17 everyone has seen that this is being recorded, just</p> <p>18 to confirm we're all aware of that.</p> <p>19 And so Mr. Gruenspecht, it's your turn to -</p> <p>20 - I'll offer you the chance for an opening statement</p> <p>21 and then Ms. Harris.</p> <p>22 OPENING STATEMENTS</p> <p>23 MR. GRUENSPECHT: All right. Well, thank</p> <p>24 you, Ms. Byrne, and thank you for setting up the</p> <p>25 hearing. I'm Howard Gruenspecht, here together with</p>

Transcript of Hearing  
August 25, 2022

5 (17 to 20)

<p>17</p> <p>1 my wife Susan.</p> <p>2 Own and live at 66 Ellsworth Heights</p> <p>3 Street, immediately across Ellsworth Drive from the</p> <p>4 proposed conditional use of the site of the old</p> <p>5 Silver Spring Library as a large daycare center.</p> <p>6 That's the subject of this hearing. I appreciate the</p> <p>7 opportunity to appear here today.</p> <p>8 As explained in my letter of July 5, I</p> <p>9 object to the June 23 order administratively</p> <p>10 approving the applicant's amendment to the</p> <p>11 conditional use as minor, because the change it</p> <p>12 makes by eliminating the building addition from the</p> <p>13 project originally approved in 2020 would</p> <p>14 significantly increase noise impacts from the</p> <p>15 project, thereby adversely and substantially</p> <p>16 impacting my use and peaceful enjoyment of my home.</p> <p>17 This is especially concerning because the</p> <p>18 proposed daycare facility opens at 7:00 a.m.</p> <p>19 The applicant's amendment eliminates,</p> <p>20 again, this proposed billing addition, an element of</p> <p>21 the project that was integral to the analysis and</p> <p>22 conclusions that required findings for conditional</p> <p>23 use were met in the original approval of the</p> <p>24 project. Thus, if the amendment were to be approved</p> <p>25 as minor, compliance with the required findings for</p>	<p>19</p> <p>1 treated as a major amendment.</p> <p>2 My testimony to establish these points will</p> <p>3 address the following four topics. First, provisions</p> <p>4 of the zoning and noise control -- noise control</p> <p>5 ordinances and their implications for my objection.</p> <p>6 Second, the intensity impacts of the</p> <p>7 elimination of the proposed building addition, which</p> <p>8 I will show have been most misstated and supplied by</p> <p>9 the applicant.</p> <p>10 Third, the record of the case, and what I</p> <p>11 mean by this, the complete record of the case, which</p> <p>12 provides strong evidence that the applicant's</p> <p>13 amendment would in fact, have a substantial adverse</p> <p>14 impact on the immediate neighborhood due to</p> <p>15 increased noise.</p> <p>16 The record also shows that the applicant's</p> <p>17 amendment would directly invalidate at least two of</p> <p>18 the required findings for conditional use reached in</p> <p>19 the 2020 decision for the original project.</p> <p>20 Again, that decision explicitly evaluated</p> <p>21 noise impacts from the proposed outdoor playground</p> <p>22 and repeatedly stressed the key role of the building</p> <p>23 addition in attenuating those impacts.</p> <p>24 However, the applicant's request for a</p> <p>25 minor amendment, Exhibit 87, and the applicant's</p>
<p>18</p> <p>1 the conditional use would no longer be demonstrated.</p> <p>2 Beyond my significant or specific concerns</p> <p>3 about the significant adverse noise impacts arising</p> <p>4 from the approved minor amendment, I believe that</p> <p>5 the letter and the spirit of the zoning ordinance do</p> <p>6 not allow for the use of a minor amendment process</p> <p>7 to circumvent the requirement to demonstrate all</p> <p>8 required findings for a conditional use.</p> <p>9 Allowing the use of a minor amendment</p> <p>10 process to make major changes in a project that</p> <p>11 adversely impact the surrounding neighborhood has</p> <p>12 broad and disturbing implications since the minor</p> <p>13 amendment process allows for no input from parties</p> <p>14 other than the applicant and becomes known to other</p> <p>15 affected parties only after the hearing examiner has</p> <p>16 issued an order.</p> <p>17 I realize that that's the process that's</p> <p>18 set out, but it is problematic. My objection can be</p> <p>19 summarized in two sentences.</p> <p>20 The applicant's amendment, in particular</p> <p>21 the elimination of the proposed billing addition in</p> <p>22 the originally approved project does not meet the</p> <p>23 criteria for a minor amendment, therefore under the</p> <p>24 zoning ordinance provisions governing this hearing,</p> <p>25 which Ms. Byrne has already referred to, it must be</p>	<p>20</p> <p>1 amended statement of justification, Exhibit 95, do</p> <p>2 not address noise impacts at all.</p> <p>3 I don't believe the word noise appears in</p> <p>4 those documents even though they're proposing to</p> <p>5 make a change that eliminates something that was</p> <p>6 repeatedly stressed as attenuating noise in the</p> <p>7 original approval.</p> <p>8 The applicant apparently recognizes that</p> <p>9 the record available prior to the June 23 order does</p> <p>10 not, in fact, demonstrate again or address noise</p> <p>11 impacts and apparently the applicant intends to</p> <p>12 introduce a new expert witness to provide new</p> <p>13 analysis related to noise impacts, which will</p> <p>14 obviously be hard for me to address before it's</p> <p>15 presented.</p> <p>16 So again, this is the nature of this</p> <p>17 process. Therefore, I will have to rely on cross</p> <p>18 examination of that witness to identify significant</p> <p>19 problems and issues in that analysis.</p> <p>20 Fourth, I will show at the opinion section</p> <p>21 of the June 23 order includes statements and</p> <p>22 conclusions that should be reconsidered in light of</p> <p>23 the full record and provisions of the zoning</p> <p>24 ordinance.</p> <p>25 So I am aware of the larger context</p>

Transcript of Hearing  
August 25, 2022

6 (21 to 24)

<p>21</p> <p>1 surrounding this project. In particular, the 2 amendment application notes that the county has 3 already entered into an agreement with the applicant 4 regarding minimum levels of enrollment at the 5 facility and that there are claims of increased 6 construction costs and a shortfall in project 7 funding as a motivation for its proposed amendment. 8       However, as Ms. Byrne indicated in her 9 introduction, neither the county's interest in this 10 facility's future operation nor the funding 11 shortfall, which is cited by the applicant, are 12 germane to this hearing, which focuses only on the 13 topics listed in section 597.3.1.K.2.B of the zoning 14 ordinance and the need to assure that required 15 findings for conditional use are not violated by the 16 applicant's amendment. 17       So a little bit more. While my objection to 18 the June 23 order has led to this hearing, the 19 applicant still bears the burden of showing that the 20 preponderance of the evidence on the record supports 21 its assertion that its proposed amendment is 22 properly classified as minor. 23       And again, the relevant record to be 24 considered is the record of the case from its 25 inception, not just recent or current claims made by</p>	<p>23</p> <p>1 today's hearing focuses only on the question of 2 whether or not the applicant's amendment, as filed, 3 is minor. 4       However, should my objection to its 5 approval as a minor amendment be sustained, I look 6 forward to working with all parties regarding my 7 substantive concerns and how they might be resolved. 8       That concludes my opening remarks. Thank 9 you very much. 10       MS. BYRNE: Thank you. Ms. Harris? 11       MS. HARRIS: Thank you. Good morning, Pat 12 Harris with Lerch, Early and Brewer and with me is 13 my co-counsel and partner, Liz Rogers. 14       We're here, as I noted, on behalf of the 15 Martha B. Gudelsky Child Development Center, 16 providing quality childcare to low income, working 17 families. 18       As everyone knows, the zoning hearing 19 examiner, back in November 2020, approved the 20 conditional use for CentroNia, the -- would be who 21 was the operator of the child development center at 22 the old Silver Spring Library site at 8901/8907 23 Colesville Road. 24       Unfortunately, and I say this by way of 25 background as to why we are here now, due to cost</p>
<p>22</p> <p>1 the applicant in an attempt to justify their 2 application. 3       My testimony and the cross examination will 4 show that the applicant's proposed amendment does 5 not meet that standard. In fact, the preponderance 6 of the evidence in the complete case record actually 7 supports sustaining my objection. 8       I also want to be clear that I'm not trying 9 to prevent the development of a daycare center at 10 the site of the Silver Spring Library. Notably, I 11 did not object to the November 2020 approval of the 12 original project. 13       I happen to believe that a variant of the 14 project that is substantially cheaper than the 15 original proposal, but still provides features that 16 significantly attenuate playground noise could avoid 17 the adverse neighborhood impacts that led me to 18 object to the June 23 order approving the 19 applicant's amendment. 20       So after being notified of my objection to 21 the June 23 order, Ms. Rogers, one of the 22 applicant's counsel, co-counsel, I guess, called me 23 and offered to meet with me to discuss my 24 substantive concerns. 25       I declined, given my understanding that</p>	<p>24</p> <p>1 constraints, including the cost of high construction 2 costs, which everyone has read about for the last 3 year or two, and the construction budget for the 4 nonprofit daycare center, the scope of the project 5 needed to be scaled back. 6       In doing so, we have proposed the 7 elimination of the 13,000 square foot rear addition 8 with associated site modifications. Importantly, the 9 operation, however, would remain the same. 10       The sole issue in this hearing is whether 11 the proposed modifications were appropriately 12 classified as a minor amendment as the hearing and 13 the examiner so classified them. 14       The code provides that a minor amendment is 15 one that, "Does not change the nature, character or 16 intensity of the conditional use to an extent that 17 substantial adverse effects on the surrounding 18 neighborhood could reasonably be expected when 19 considered in combination with the underlying 20 conditional use." 21       And I have to say, I think that we have 22 here somewhat of a novel contention that can an 23 amendment, that eliminates a large, two-story 24 addition such that the existing structure largely 25 remains unchanged, be considered an intensification</p>

August 25, 2022

<p style="text-align: right;">25</p> <p>1 that would trigger the need for a major amendment.</p> <p>2 You will hear through our witnesses that</p> <p>3 the proposed modification is indeed a minor</p> <p>4 amendment as park and planning staff recommended.</p> <p>5 And the hearing examiner previously and properly</p> <p>6 determined.</p> <p>7 This site is the former Silver Spring</p> <p>8 Library. It had been in operation for 60 years. It</p> <p>9 is still owned by the county.</p> <p>10 When the county selected the applicant,</p> <p>11 they made a determination that the provision of low</p> <p>12 -- of quality childcare for low income, working</p> <p>13 families, was a priority of the county. And in fact,</p> <p>14 they selected this use over many other uses that are</p> <p>15 also held in high regard in our priorities of the</p> <p>16 county, such as senior housing and affordable</p> <p>17 housing.</p> <p>18 Based on that selection, we pursued the</p> <p>19 conditional use. And actually, at the time, while we</p> <p>20 were working through the conditional use, we worked</p> <p>21 with representatives of Chelsea Court. That's the</p> <p>22 community in which Mr. Gruenspecht lives.</p> <p>23 Who had reached out to us to request a</p> <p>24 change in our application to make one of the</p> <p>25 driveways along Ellsworth a one-way driveway. And we</p>	<p style="text-align: right;">27</p> <p>1 That is, it is necessarily associated with</p> <p>2 the proposed use. I think everyone would acknowledge</p> <p>3 that. The ZHE also determined that there were no</p> <p>4 non-inherent characteristics associated with the</p> <p>5 proposed use.</p> <p>6 Given the distance of the playground from</p> <p>7 the residences, the background noise associated with</p> <p>8 the adjacent park, Colesville Road and the proposed</p> <p>9 operation, the applicant did not, at the time of the</p> <p>10 original conditional use, engage a noise consultant</p> <p>11 to conduct a study.</p> <p>12 There was no need. We determined there was</p> <p>13 no need and it was found that there was no need.</p> <p>14 And while there was testimony during the</p> <p>15 original hearing noting that the presence of the</p> <p>16 building addition would buffer some of the noise</p> <p>17 from the children playing in the outdoor playground,</p> <p>18 this was just one of the factors considered.</p> <p>19 Other factors were considered as well;</p> <p>20 including the distance from the nearby residential</p> <p>21 homes, the location of a playground next door, which</p> <p>22 included several play areas and a dog park.</p> <p>23 And I think this is a really important</p> <p>24 fact, that importantly there was never any testimony</p> <p>25 suggesting that without the addition, there would be</p>
<p style="text-align: right;">26</p> <p>1 did this willingly and gladly in order to be</p> <p>2 responsive to the needs of the neighborhood.</p> <p>3 As Mr. Gruenspecht noted, when we received</p> <p>4 his opposition to the classification of the</p> <p>5 application as a minor, we did reach out to him in</p> <p>6 hopes that we could try to resolve the issues.</p> <p>7 He made it perfectly clear that there was</p> <p>8 nothing to discuss, and we would -- it just would be</p> <p>9 vetted out at a hearing.</p> <p>10 MR. GRUENSPECHT: [inaudible]</p> <p>11 MS. BYRNE: She gets to finish, Mr.</p> <p>12 Gruenspecht.</p> <p>13 MR. GRUENSPECHT: Absolutely, but then I</p> <p>14 will make a comment if you will allow.</p> <p>15 MS. BYRNE: [inaudible]</p> <p>16 MR. GRUENSPECHT: That's fine.</p> <p>17 MS. HARRIS: Mr. Gruenspecht asserts that</p> <p>18 the noise levels from the playground that will</p> <p>19 result by eliminating the addition triggered the</p> <p>20 need for a major amendment.</p> <p>21 I think it's important to emphasize that</p> <p>22 consistent with the planning staff's recommendation,</p> <p>23 the zoning hearing examiner determined that noise,</p> <p>24 along with several other components, is an inherent</p> <p>25 characteristic of a childcare center.</p>	<p style="text-align: right;">28</p> <p>1 an adverse level of noise.</p> <p>2 We are where we are now and -- and we are</p> <p>3 now, and you will hear through our witnesses, that</p> <p>4 now we are presenting quantitative evidence through</p> <p>5 our noise consultant that in fact what we asserted</p> <p>6 and -- and testified to in the original hearing is,</p> <p>7 in fact, correct.</p> <p>8 That there will be no adverse noise to the</p> <p>9 adjacent neighbors.</p> <p>10 You will hear through our witnesses who</p> <p>11 will demonstrate that the elimination of the</p> <p>12 addition does not cause any substantial adverse</p> <p>13 effects, and that is the standard, and certainly</p> <p>14 none that could be reasonably be expected when</p> <p>15 considered in combination with the underlying</p> <p>16 conditions of the use since there are no other</p> <p>17 changes associated with the modification in terms of</p> <p>18 the operation of the childcare center.</p> <p>19 We will be calling three witnesses. As I</p> <p>20 indicated, Ms. Myrna Peralta, who is the CEO of</p> <p>21 CentroNia. She will testify as to the proposed use</p> <p>22 and operation. The hearing examiner heard from Ms.</p> <p>23 Peralta during the original conditional use hearing.</p> <p>24 You'll hear from our architect, Ms. Jen</p> <p>25 Lyon. She's with Mosely Architects and she will</p>



August 25, 2022

<p>29</p> <p>1 testify as to the physical characteristics 2 associated with the conditional use and the proposed 3 modification. 4 I would note that Ms. Lyon did not 5 participate in the prior hearing. After the 6 conditional use approval, the applicant engaged a 7 new architect to take the project forward. 8 And then you'll hear from Mr. Chris Carner 9 from Polysonics, who did in fact conduct the noise 10 analysis and, as I've already said, he is going to 11 testify that -- that the proposed modifications will 12 not result in any changes to exterior noise levels 13 that will have, "A substantially adverse effect on 14 the surrounding neighborhood when considered in 15 combination with the underlying use." 16 And then finally, I just want to note that 17 despite Mr. Gruenspecht's statement in his opening 18 remarks, the burden is in fact on him to -- to show 19 and demonstrate that these changes are characterized 20 -- or should be classified as a major, not a minor. 21 The hearing examiner previously determined 22 that the modifications were minor. Mr. Gruenspecht 23 objected to that. The burden is on him to show that 24 in fact it's a major. 25 So with that, we conclude our opening</p>	<p>31</p> <p>1 the -- reach out to neighborhood, to community, to 2 neighbors, just to talk about what it is and 3 sometimes it ends up being five more trees or 4 sometimes it ends up being six more shrubs. 5 You know what I mean? And -- and then that 6 could satisfy. 7 MR. GRUENSPECHT: As I said in my opening 8 remarks, I am perfectly happy to engage in that 9 consultation, but I don't think it can be -- my 10 understanding of what this hearing was about, which 11 was only to consider the minor amendment as proposed 12 and approved. Therefore, I did not want to have the 13 discussion at that time. 14 And as I indicated, I am not opposed to the 15 daycare center in Silver Spring. Okay? 16 MS. BYRNE: Right. I think -- sure, 17 understood. Understood where you're coming from. 18 DIRECT EXAMINATION 19 MR. GRUENSPECHT: Okay. So thank you. So I 20 guess the hearing examiner had asked that I don't be 21 repetitive and I certainly want to do my best to 22 comply. I will note, however, that I -- my factual 23 case builds on my opening statement and should be 24 considered in conjunction with that statement. 25 And again, briefly my objection is that the</p>
<p>30</p> <p>1 remarks. Thank you. 2 MS. BYRNE: Thank you. And Mr. Gruenspecht, 3 you can proceed with your -- with your factual case. 4 MR. GRUENSPECHT: Yeah. So I -- I did have 5 one -- one point, though, before I do that. 6 That I guess you can consider this a 7 factual case if you insist on doing so, but in terms 8 of the outreach to me, again, my understanding that 9 what this hearing was about was only the minor 10 amendment as proposed and that there was no 11 opportunity in discussions with Ms. Harris to change 12 the content of the minor amendment. 13 That is why I did not think it was 14 worthwhile to discuss my substantive concerns with 15 her. So -- 16 MS. BYRNE: Understood. 17 MR. GRUENSPECHT: Am I correct in my 18 assertion that the only thing this hearing about is 19 the amendment as proposed and there was no 20 opportunity to change or address my concerns prior 21 to this hearing? 22 MS. BYRNE: Well, what I will say, just for 23 future reference, Mr. Gruenspecht, is there are 24 times that applicants for conditional uses and 25 changes in their conditional uses, do reach out to</p>	<p>32</p> <p>1 applicant amendments elimination of the proposed 2 building included in the originally approved project 3 does not meet the criteria for a minor amendment, 4 therefore under the zoning ordinance provisions 5 [inaudible] hearing, it must be treated as a major 6 amendment where we could, in fact, discuss how to 7 fix it. 8 My opening statement identified four topic 9 areas to establish these points. I will now address 10 each of them in turn and then briefly summarize. So 11 let's begin. 12 So my first topic, like I guess so many 13 other discussions already, is the zoning ordinance 14 itself. It directly addresses what is to be 15 considered at this hearing when an objection is 16 raised to an order administratively [sic] approving 17 a minor amendment and again, quoting from this 18 section, the deciding body must suspend the 19 administrative amendment and conduct a public 20 hearing to consider whether the amendment 21 substantially changes the nature, character or 22 intensity of the conditional use or its effect on 23 the immediate neighborhood. 24 So intensity alone is mentioned by Ms. 25 Harris earlier, is not the deciding factor here. If</p>

August 25, 2022

<p>33</p> <p>1 the board of appeals determines that such impacts 2 are likely, then the amendment application must be 3 treated as a major amendment application and, quote, 4 the rest of my testimony will demonstrate that the 5 amendment does in fact substantially change several 6 of the listed factors and that the adverse impacts 7 on the immediate neighborhood are very likely. 8 In this regard, it's important also to 9 clarify what constitutes an adverse impact with 10 respect to noise. 11 So section 59.7.3.1.E.1.G of the zoning 12 ordinance requires the finding that the conditional 13 use will not cause undue harm to the neighborhood in 14 any of several listed categories which includes; the 15 use and peaceful enjoyment of abutting, confronting 16 properties, and of the general neighborhood with a 17 further, specific mention of noise impacts. 18 So can you please post Exhibit 112? 19 MS. BYRNE: Yes. 20 MR. GRUENSPECHT: This is the applicant's 21 exhibit. I don't see it. Is it up? 22 MS. BYRNE: Still working on getting it. 23 Just one sec. 24 MR. GRUENSPECHT: No problem. Give me time 25 to take a drink.</p>	<p>35</p> <p>1 Second, the noise ordinance also develops 2 the concept of noise disturbance, which is defined 3 in section 31B2 subsection M of the noise ordinance 4 as any noise that is one; unpleasant, annoying, 5 offensive, loud or obnoxious and the annoying, I 6 think keep in mind. 7 Two; unusual for the time of day and 8 location where it is produced or heard. And three; 9 detrimental to the health, comfort or safety of any 10 individual or to the reasonable enjoyment of 11 property. 12 So the definition of noise disturbance in 13 the noise ordinance tracks closely with the focus 14 and use of peaceful enjoyment of the neighboring 15 properties in the required findings under section 16 59.7.3.1.E.1.G of the zoning ordinance and is 17 clearly distinct from the definition of a noise 18 violation. 19 Specifically, even if the applicant was 20 able to convincingly demonstrate that there was no 21 noise violation, it would not rule out a noise 22 disturbance. 23 This is plainly apparent from section 31B5 24 subsection C, which provides examples of common 25 noise producing acts that violate the section if</p>
<p>34</p> <p>1 MS. BYRNE: 112? Is that -- 2 MR. GRUENSPECHT: Yep. 3 MS. BYRNE: 112. Is this the exhibit? 4 MR. GRUENSPECHT: I don't see it. 5 MS. BYRNE: How about -- all right. Hold 6 on. How about -- all right. Let's try this again. 7 How about now? 8 MS. HARRIS: Yes. 9 MS. BYRNE: Okay. 10 MR. GRUENSPECHT: If at first you don't 11 succeed. 12 MS. BYRNE: Just keep clicking. 13 MR. GRUENSPECHT: I can't quite see the 14 bottom of it, but it doesn't really matter for this 15 purpose. So this is Exhibit 112, submitted by the 16 applicants. It opens with a table describing 17 threshold for noise violations under the Montgomery 18 County noise ordinance. 19 Two points here. First, if the zoning 20 ordinance had intended to make noise violations the 21 focus of the consideration for adverse noise 22 impacts, it could have done so by directly 23 mentioning such violations. It does not do so, as I 24 think we all know. I won't go back and read that 25 ordinance.</p>	<p>36</p> <p>1 they exceed the noise level standards set in 2 subsection A, which is this table we're looking at, 3 subsection A, or create a noise disturbance. 4 Now, if you could scroll down the little 5 slide here, it would be helpful. Okay, that's good. 6 No, I'm sorry. Just the bottom of this slide. The 7 first slide is what I wanted. Just go up a little 8 bit more. No. Yeah. Perfect. Okay. 9 So you can see here that a -- that the 10 presentation here provides subsection A and B of the 11 noise level and noise disturbance violations, but 12 conveniently leaves out section C, which provides -- 13 makes the point that a noise violation and a noise 14 [inaudible] are different things. 15 This is kind of typical of -- of what the 16 presentation is. Thus, contrary to the impression 17 provided by the opening slide of Exhibit 112, the 18 presence or absence of a noise violation is not 19 dispositive to the assessment of undue harm from 20 noise impacts in a conditional use filing. 21 I have other important concerns with the 22 content of Exhibit 112, but those are better 23 addressed as part of my cross examination of the 24 applicant's expert witness, so I will raise them 25 then.</p>

August 25, 2022

<p>37</p> <p>1 Okay. So now that I've discussed the zoning 2 ordinance and the noise ordinance that has been 3 brought into this discussion by the applicant, I'll 4 turn to the topic -- 5 MS. BYRNE: All right, are you done with 6 it? 7 MR. GRUENSPECHT: You can get rid of the 8 slide. Yeah. Take it down. 9 MS. BYRNE: Are you done with it? Yes? 10 MR. GRUENSPECHT: Yeah. Thank you so much. 11 MS. BYRNE: Sure. 12 MR. GRUENSPECHT: And I know we're all 13 struggling with the Zoom nonsense or the -- in this 14 case, the Teams nonsense. 15 So now I want to turn to the topic of 16 intensity impacts. And again, Ms. Harris in her 17 opening presentation mentioned intensification. 18 Intensity is listed as a factor. It is a listed 19 factor. Again, not the only one in section 20 59.7.3.1.K.2.B. And, both the applicant and the 21 planning staff, have focused on it in their 22 respective analyses of why the applicant's amendment 23 is minor. 24 The views of the applicant and the planning 25 staff are respectively summarized in Exhibits 95 and</p>	<p>39</p> <p>1 so it's a little further up. Okay, there it is. 2 So the hearing examiner -- and that's that 3 staff has recruited a review of the proposed 4 [inaudible] of conditional use and have determined 5 that since the intensity of the use will not 6 increase, a minor amendment is appropriate. 7 So again, the whole focus seems to be on 8 intensity, which again, is only one among many 9 listed factors. So here's the idea. I do think I 10 have to talk to it, even though, again, it's not the 11 only factor. 12 So the amendment, again, the claims being 13 made are the amendment proposed by the applicant is 14 minor simply because it scales back the physical 15 intensity or it does not increase the intensity of 16 use. 17 I find these views problematical for two 18 reasons. First, the applicant's amendment does not 19 actually scale back or not increase intensity. 20 Rather, it is likely to substantially raise 21 the intensity of the use of the outdoor play area, 22 which based on the record in the case, is the most 23 important measure of intensity for assessing 24 neighborhood noise impacts. 25 The conditional use approved in 2020</p>
<p>38</p> <p>1 90 -- or respectively presented in Exhibits 95 and 2 97 and are summarized in Exhibit 99, which is the 3 June 23rd order. 4 I think -- could you bring up Exhibit 99, 5 the June 23rd order? 6 MS. BYRNE: And where would you like to go? 7 MR. GRUENSPECHT: Well, so the relevant 8 parts for the applicant, it would be the first 9 paragraph of section 4. Well, you went too far. 10 MS. BYRNE: [inaudible] 11 MR. GRUENSPECHT: Right? So as MG whatever, 12 the acronym I think represents the applicant, states 13 that the amendment is minor, because, and there's a, 14 "Merely states -- merely seeking to amend the 15 existing conditional use to scale back the physical 16 intensity and to maintain longstanding, existing 17 conditions on the property." 18 Well, as I'll discuss casually, I don't 19 know what physical intensity means, because the word 20 physical never appears in the zoning ordinance. But 21 I don't think it scales back the intensity and it 22 certainly doesn't maintain longstanding existing 23 conditions on the property. 24 So then the staff analysis of this is I 25 guess in the subsection two of the June 23rd order,</p>	<p>40</p> <p>1 decision is for a childcare center, you know, up to 2 180 children, 60 staff. Total floor area of 30,671 3 feet, inclusive of the 12,000 square foot addition 4 on the eastern side of the building. 5 The applicant's amendment would eliminate 6 the building addition, which reduces the gross floor 7 area of the building to less than 19,000 square 8 feet. 9 The amendment clearly states that the 10 center would serve the same number of children as in 11 the previously approved plan, but interior space per 12 child served by the center would be reduced by more 13 than 39 percent. 14 However, the outdoor play area approved in 15 the 2020 decision is largely unchanged by the 16 amendment. So the proposed 39 percent reduction in 17 gross floor areas of such a magnitude that one might 18 go to question whether such a change could ever 19 really be considered as minor. 20 You know, this is trying to fit an elephant 21 through a mouse hole. My own objection focuses 22 specifically on noise. A 39 percent reduction in 23 interior space per child served by the facility is 24 very likely to encourage increased use of the 25 outside play space to offset significantly more</p>

Transcript of Hearing  
August 25, 2022

11 (41 to 44)

<p>41</p> <p>1 cramped indoor facilities, resulting in a higher 2 intensity of use for the outdoor play area. 3 The noise impacts affecting the immediate 4 neighborhood, including my home, are directly linked 5 to the intensity of the use of the playground and 6 indeed, in the original record of decision, the 7 entire focus was on playground -- on noise was on 8 playground noise. 9 In his October 12, 2020, testimony, at page 10 112 of the hearing transcript, Mr. Olivera Sala, the 11 applicant's architectural expert, described the 12 elements of the building addition that would be 13 deleted by the applicant's amendment. 14 He stated, and I quote, "The new addition 15 will harbor additional classes, office space and a 16 community space that will be used for neighbors as 17 well as the -- as the -- as an indoor play area." 18 So the elimination of the project's indoor 19 play area further adds to the likelihood of a 20 substantial increase in the use intensity of the 21 outdoor playground and I understand that the 450 22 square foot community room is also going to be moved 23 into the existing space, which will further, you 24 know, cramp the situation. 25 So there's an increase in intensity of the</p>	<p>43</p> <p>1 for all approved conditional uses. Therefore, an 2 amendment that removes project feature used to 3 establish one or more of the required findings 4 cannot be considered as minor. 5 So again, 59.7.3.1.E.1.G requires that a 6 finding for a conditional use, and I quote, will not 7 cause undue harm to the neighborhood as a result of 8 non-inherent adverse effect alone or in combination 9 with inherent or non-inherent adverse effect in any 10 of the following categories. 11 So one is the use, peaceful enjoyment and 12 economic value or [inaudible] potential of abutting 13 and confronting properties. Two is traffic noise. 14 Owner discussed elimination or lack of parking. And 15 three is the health, safety or welfare of 16 neighboring residents, visitors or employees, end 17 quote. 18 So there is an analysis of this required 19 finding for the original project and that's 20 presented on pages 35 through 37 of the 2020 record 21 of decision. That's Exhibit 86. Can you bring it up, 22 please? 23 MS. BYRNE: Sure, 86. 24 MR. GRUENSPECHT: And I think you want to 25 go to page 35?</p>
<p>42</p> <p>1 use of the playground. And in fact, with respect to 2 noise, the playground is the center of the issue. 3 The second problem with the views of the 4 applicant and staff regarding intensity that is 5 scaled back, physical intensity, or the absence of 6 the increased intensity, that even if those were 7 properly found is not a sufficient basis to classify 8 the proposed amendment as minor. 9 And these are the factors that are quoted 10 in the opinion. Rather such a determination must 11 consider the full definition of a minor amendment, 12 which focuses directly on whether the amendment 13 changes the conditional use to such an extent of 14 substantial adverse impacts could reasonably -- on 15 the neighborhood could reasonably be expected. 16 And I think I can show that. So now let me 17 move to the third part of my testimony. Third part 18 of my testimony focuses on how the amendment 19 approved in the June 23rd order will directly 20 invalidate the analyses, included in the 2020 21 decision, showing that the project meets the 22 necessary findings required under 59.7.3.1.E.1.G and 23 the limited use standards for a daycare facility 24 under section 59.3.4.4.F3. 25 So required findings must be demonstrated</p>	<p>44</p> <p>1 MS. BYRNE: Okay. 2 MR. GRUENSPECHT: Okay, it -- let's save 3 the time for everybody. I think we all know what's 4 in there, but all right. 5 MS. BYRNE: Thirty -- all right. I'll try 6 to get there, 35. 7 MR. GRUENSPECHT: Yeah. Thank you for 8 bearing with me. 9 MS. BYRNE: Sure. 10 MR. GRUENSPECHT: You're getting close. 11 MS. BYRNE: Are we here? 12 MR. GRUENSPECHT: This is basically -- 13 right, dealing with this paragraph. And so again, 14 pages 35 through 37, I guess I'll come back to it a 15 little later, but the focus of this section of 35 to 16 37, is entirely on noise impacts in the immediate 17 neighborhood, particularly focusing on noise coming 18 from the outdoor play area. 19 This focus makes sense, given the 20 importance of noise to assessing the adverse impact 21 on the immediate neighborhood and the playground is 22 a dominant source of any such noise. 23 So review of the 2020 decision and the 24 hearing transcript shows that all of the analysis 25 and conclusions, regarding noise, and its impact on</p>

August 25, 2022

<p style="text-align: right;">45</p> <p>1 the neighborhood presented in the original approval  2 rely heavily on the role of the building addition  3 that is eliminated by the amendment as a critical  4 element in attenuating noise from the playground.  5 Can the examiner please display Exhibit  6 108?  7 MS. BYRNE: Sure.  8 MR. GRUENSPECHT: It's just one page, so --  9 MS. BYRNE: Okay.  10 MR. GRUENSPECHT: Okay. So this is a --  11 this exhibit is a marked-up version of the graphic  12 on page 13 of the document we were just looking at,  13 the November 2020 hearing examiner's record and  14 decision.  15 And it shows that my home, which is marked  16 by the X, is in the immediate neighborhood of the  17 proposed conditional use.  18 So again, the red X between the -- the two  19 legend boxes on the right -- on the bottom two  20 legend boxes on the right-hand side is the location  21 of my home. And the entire roughly rectangular area  22 shaded in red in this exhibit, so including areas  23 marked A and B, is the location of the two-story  24 building addition that is eliminated from the  25 project under the amendment approved as minor by the</p>	<p style="text-align: right;">47</p> <p>1 the key role of the building addition in limiting  2 noise. Quoting from pages 36 and 37 of the 2020  3 project approval, at the public hearing, Mr. Fox  4 opined that the distance and intervening building  5 will attenuate noise from the playground.  6 He testified that the play area is shielded  7 from Ellsworth Drive by the new addition. According  8 to Mr. Fox, the playground will be approximately 200  9 feet from the townhomes across Ellsworth Drive.  10 Because the playground is tucked away,  11 behind the building and the dog park, and due to the  12 distance to the nearest homes, noise impacts from  13 the playground will be so minimal that no limit on  14 the number of children that may be outside at one  15 time is necessary, end quote.  16 As shown by Exhibit 108, however, the  17 playground is no longer tucked away once the  18 building addition is eliminated from the project.  19 So in fact, Mr. Fox's full testimony goes  20 even further in emphasizing the importance of the  21 building addition for blocking noise. This is  22 contrary to Ms. Harris' opening statement.  23 On pages 101 to 102 of the October 2020  24 hearing transcript, which is Exhibit 111, you don't  25 have to show it or you can. The hearing examiner</p>
<p style="text-align: right;">46</p> <p>1 June 23rd order.  2 The two-story addition is approximately 30  3 feet high and also approximately 30 feet wide, I  4 think.  5 So since we understand the exhibit shows  6 that without area A of the building addition, there  7 is no sound barrier between the playground and the  8 townhomes along Ellsworth. Okay?  9 So returning back to Exhibit 86, you don't  10 have to turn to a particular page right now. Staff  11 state -- you can leave the page where we are at.  12 So staff statement regarding noise impacts  13 cited on page 36 of the original approval, is, and I  14 quote, "Potential noise issues associated with use  15 are addressed by the strategic playment [sic] of the  16 play area, which is adjacent to the dog park and  17 also located behind the building where it is  18 shielded from the adjacent residents to the south  19 and the east."  20 The applicant's expert witness on civil  21 engineering who, I think, was listed in the  22 prehearing statement for this hearing as appearing  23 today, but unfortunately, I guess is not able to  24 appear.  25 So that was Mr. Fox. He also testified on</p>	<p style="text-align: right;">48</p> <p>1 asks, and I quote, "And are you saying that with the  2 slope down toward the west side of this addition,  3 the slope down from Colesville to the west side of  4 the addition plus the addition itself, that has a  5 noise attenuating factor?"  6 Mr. Fox responds, and I quote, "The  7 addition would be the largest attenuating factor in  8 that." That's the applicant's own expert, in the  9 original approval, finds that the addition is not  10 just one among many factors attenuating noise, but  11 the largest or most important one.  12 Can the examiner please display Exhibit  13 106?  14 MS. BYRNE: Sure.  15 MR. GRUENSPECHT: All right. So this is a -  16 - thank you.  17 MS. BYRNE: Mm-hmm.  18 MR. GRUENSPECHT: This exhibit is a photo  19 of the project site from the main floor of my home,  20 and it shows that my home is actually at or slightly  21 above the level of the playground.  22 Therefore, my home actually has no sound  23 reducing benefit from the slope between the  24 playground and Ellsworth Drive that was cited in the  25 discussion between the hearing examiner and Mr. Fox.</p>

August 25, 2022

<p style="text-align: right;">49</p> <p>1 Again, Ellsworth Drive lies at the bottom.  2 There is a slope downward from the playground  3 towards Ellsworth Drive, but then the slope's back  4 up from Ellsworth Drive toward my home.  5 So finally, the hearing examiner's  6 conclusion on the required finding under -- I won't  7 read the whole provision number again -- points  8 directly to the staff statement and testimony from  9 the applicant's expert witness regarding noise  10 attenuation from the building addition.  11 So quoting from the 2020 decision, on page  12 37, based on staff's review and Mr. Fox's testimony,  13 "Noise from the play area will be attenuated by the  14 building addition and distance from neighboring  15 residential homes."  16 So to summarize my overall point on the  17 noise attenuation effect of the 30-foot-high  18 building addition, is repeatedly and prominently  19 cited by the applicant's own witnesses and the  20 planning staff and also by the hearing examiner's  21 analysis and conclusion in reaching the required  22 finding under 1G in the original approval. The  23 applicant's amendment removes this noise attenuation  24 by eliminating the building addition and  25 substantially increases noise in the neighborhood.</p>	<p style="text-align: right;">51</p> <p>1 as originally approved, the hearing examiner states,  2 and I quote, "The applicant's expert in civil  3 engineering testified that the location of the play  4 area behind new addition and the distance from  5 nearby residence's would mitigate noise impacts from  6 the use."  7 Again, the mitigation does not occur  8 without the 30-foot-high building addition that is  9 removed by the applicant's amendment resulting in a  10 substantial increase in noise applicants from the  11 playground.  12 So thus, a new analysis and conclusion  13 regarding the limited use standards under, whatever,  14 3.4.4.F.3 and the necessary finding under  15 7.3.1.E.1.G and the increased noise impacts on the  16 neighborhood is needed.  17 So I did also review the application for  18 the minor amendment and it's supporting documents.  19 Starting with the applicant's amendment  20 request, Exhibit 87, there is no discussion of  21 either noise impacts or required findings, despite  22 the fact that the amendment proposes to remove the  23 building addition that was repeatedly cited by the  24 applicant's own expert witnesses as well as by  25 planning staff and the hearing examiner as a key</p>
<p style="text-align: right;">50</p> <p>1 The same analysis of noise is directly  2 relevant to the limited use standards for a daycare  3 facility under section 59.3.4.4.F.III, which  4 empowers the hearing examiner to limit the number of  5 children outside at any one time.  6 Indeed, the inclusion of this power in the  7 zoning ordinance speaks directly to the high level  8 of consideration given to neighborhood noise impacts  9 with considering the approval of the conditional use  10 for a large daycare center.  11 The hearing examiner's analysis and  12 conclusion on page 41 and 42 of the original  13 approval notes that staff did not recommend any  14 particular limitations on the number of children  15 outside during playtimes.  16 It cites the expert testimony of Ms.  17 Peralta, who estimates no more than 60 children  18 would be in the outdoor play area at any one time.  19 However, even if Ms. Peralta's estimate was  20 reasonable for the original proposal, it needs to be  21 revisited, given that the applicant's amendment  22 reduces the interior floor area, per child, by 39  23 percent. And eliminates the indoor play area,  24 including that no limitations on the number of  25 children playing outdoors are needed for the project</p>	<p style="text-align: right;">52</p> <p>1 factor in attenuating noise from the outdoor  2 playground and was heavily relied upon in  3 establishing the required findings for approval of  4 the conditional use.  5 The only discussion addressing the required  6 findings under the amendment -- amended statement of  7 justification, Exhibit 95, and I think you should  8 bring that one up.  9 MS. BYRNE: Okay.  10 MR. GRUENSPECHT: So let's go to the  11 findings for approval section.  12 MS. BYRNE: There we go.  13 MR. GRUENSPECHT: There we go. Yeah. Now,  14 go down to -- we'll pick up -- down at the bottom.  15 It's E.1.G that I'm interested in, obviously,  16 because it's noise.  17 MS. BYRNE: All right.  18 MR. GRUENSPECHT: Okay. So here's a  19 restatement of E.1.G and now I'm interested in what  20 the hearing -- what the applicant says. So go down a  21 little further. It's -- I want to look at the  22 paragraph that's cut off. No, keep on -- yeah,  23 perfect. Okay.  24 So after stating E.1.G, there's a short  25 paragraph. It begins with the words, the hearing</p>

August 25, 2022

<p>53</p> <p>1 examiner.</p> <p>2 So that paragraph states the hearing</p> <p>3 examiner's conclusion from the 2020 approval, that</p> <p>4 there were no non-inherent adverse impacts</p> <p>5 associated with the original project and that the</p> <p>6 amendment does not change the enrollment or the</p> <p>7 location of the playground.</p> <p>8 In fact, it does change the location of the</p> <p>9 playground, but we'll get to that later. I guess we</p> <p>10 could get to that later.</p> <p>11 The paragraph -- so it describes basically,</p> <p>12 you know, the original situation, and then says, as</p> <p>13 such, the existing building and to my knowledge</p> <p>14 [inaudible] very little will continue to be</p> <p>15 compatible with the surrounding neighborhood.</p> <p>16 Indeed, the -- you know, sorry, I'm reading too far</p> <p>17 down.</p> <p>18 So as such, the minor amendment, you know,</p> <p>19 it will continue to provide adequate parking.</p> <p>20 Nothing to do with noise there. There is a change in</p> <p>21 the location of the playground. It's moved closer or</p> <p>22 extends closer to my home and the other homes on</p> <p>23 Ellsworth.</p> <p>24 And it says, as such, the minor amendment</p> <p>25 will not cause undue harm to the neighborhood. As a</p>	<p>55</p> <p>1 unchanged from their existing conditions.</p> <p>2 There is, of course, no playground at all</p> <p>3 on the site under existing conditions. So this claim</p> <p>4 is clearly not accurate.</p> <p>5 The prehearing statement does, however,</p> <p>6 indicate an intent to offer new testimony on noise</p> <p>7 impacts at today's hearing, despite the fact that</p> <p>8 the June 23rd order was issued without consideration</p> <p>9 of that testimony.</p> <p>10 So apparently, once I filed my objection to</p> <p>11 the June 23rd order, the applicant apparently</p> <p>12 realized that the record regarding noise impacts</p> <p>13 stemming from the minor amendment was deficient.</p> <p>14 I do have some significant concerns about</p> <p>15 the validity of the new testimony, but I will need</p> <p>16 to hear the testimony that is actually presented and</p> <p>17 rely on cross examination of the witness to explore</p> <p>18 its shortcomings.</p> <p>19 So the final part -- let's see. Can the</p> <p>20 hearing examiner please display Exhibit 99? The June</p> <p>21 23rd order?</p> <p>22 MS. BYRNE: Sure.</p> <p>23 MR. GRUENSPECHT: So -- and this is the</p> <p>24 last part of this testimony, and this section is</p> <p>25 shorter. So the final part of my testimony focuses</p>
<p>54</p> <p>1 result of non-inherent, adverse impacts alone or in</p> <p>2 combination with inherent adverse impacts, end</p> <p>3 quote.</p> <p>4 Clearly the as such sentence, which</p> <p>5 completely ignores the loss of sound attenuation</p> <p>6 from the existing building that's repeatedly cited</p> <p>7 in the original approval and the likely increased</p> <p>8 intensity of the playground noise due to elimination</p> <p>9 of the building addition does not logically or</p> <p>10 legally follow from the information provided above</p> <p>11 it.</p> <p>12 In other words, it's just a straight</p> <p>13 assertion with no evidence of any kind, even though</p> <p>14 they're removing what was, you know, again,</p> <p>15 extensively cited as the -- as the -- a key or the</p> <p>16 most important factor in the view of one of their</p> <p>17 expert witnesses in attenuating noise.</p> <p>18 The applicant's prehearing stating --</p> <p>19 statement for today's hearing, Exhibit 115, also</p> <p>20 ignores both the loss of sound attenuation and the</p> <p>21 likely impact of the increased intensity of a</p> <p>22 playground use due to elimination of the building</p> <p>23 addition.</p> <p>24 It again states that the exterior of the</p> <p>25 building and site improvements will largely remain</p>	<p>56</p> <p>1 directly on my objections to the analysis and</p> <p>2 conclusions stated in the opinion section of the</p> <p>3 June 23rd order, that's Exhibit 99. And that's what</p> <p>4 we have up here, so let's go to the opinion section.</p> <p>5 MS. BYRNE: Okay.</p> <p>6 MR. GRUENSPECHT: Okay. So I do understand</p> <p>7 that the hearing examiner inevitably uses</p> <p>8 information supplied by the parties to a matter in</p> <p>9 drafting an opinion.</p> <p>10 Indeed, as the hearing examiner explained</p> <p>11 in an email exchange with me, the very purpose of</p> <p>12 today's hearing is to examine whether the minor</p> <p>13 amendment process, which inherently provides no</p> <p>14 opportunity for input from interested parties other</p> <p>15 than the applicant until after the zoning office</p> <p>16 issues its determination, may have failed to</p> <p>17 adequately consider adverse factors that the</p> <p>18 applicant has neglected to include in its</p> <p>19 submissions made to the hearing examiner as part of</p> <p>20 their effort to attain approval of the proposed</p> <p>21 minor amendment.</p> <p>22 So again, I understand it's just the way</p> <p>23 it's set up and there's nothing the hearing examiner</p> <p>24 can do about it.</p> <p>25 So the first paragraph of the hearing</p>

August 25, 2022

<p>57</p> <p>1 examiner quotes the applicant's view that the 2 amendment is minor because it amends the additional 3 -- conditional use to reduce physical intensity 4 while maintaining long term existing conditions on 5 the property. 6       So my earlier testimony has already shown 7 that the intensity calculations provided by the 8 applicant fail to reflect a likely increase in the 9 measure of intensity that is most directly relevant 10 to my objection regarding neighborhood noise 11 impacts, which were discussed in my earlier 12 testimony and the way noise impacts were handled in 13 the original approval also focused on the 14 playground. 15       Moreover, contrary to the applicant's 16 amendment statement of justification quoted above, 17 the amendment does not maintain longstanding 18 existing conditions on the property. 19       And again, this -- the new outdoor 20 playground, you know, and also, removal of the 30- 21 foot-high barrier that would have mitigated 22 playground noise in the conditional use as approved 23 in 2020. 24       So the first sentence in the second 25 paragraph of the opinion states the hearing</p>	<p>59</p> <p>1 any of the required findings under section 2 59.7.3.1.E and section 59.3.4.4.F or approval of 3 waivers. 4       Now, I think my earlier parts of my 5 testimony show clearly that the applicant's expert 6 witnesses and staff testimony in the original case, 7 relied heavily in the analysis and conclusions 8 concerning at least two of the required findings in 9 the 2020 approval of the original project on the key 10 role of the 30-foot-high building addition in 11 attenuating noise from the playground that would 12 otherwise affect the community. 13       You know, furthermore, the analysis and 14 conclusions reached in the 2020 decision rely on 15 estimates of playground noise and intensity to the 16 original project plan, which requires much more -- 17 which provides much more interior space per child 18 than the amendment and includes an inside play area. 19       And, frankly, I see nothing other than a 20 bold assertion by the applicant in the statement of 21 additional justification that the situation, you 22 know, is -- is maintained under the proposed 23 amendment and in that statement, the applicant 24 studiously ignores the previous statements of its 25 own expert witnesses to the contrary.</p>
<p>58</p> <p>1 examiner's agreement with the applicant and planning 2 staff that the amendment is minor. 3       I object to that, because the amendment 4 does change the nature, character, or intensity of 5 the -- and again, as I mentioned earlier in my 6 discussion of intensity, you know. Intensity seems 7 to be the only factor that was mentioned in the -- 8 you know, in the discussion. 9       In fact, I think it was calculated wrong. 10 But again, the -- the test is the nature, character, 11 or intensity of the conditional use to an extent 12 that's substantial and that adverse effects on the 13 surrounding neighborhood could presumably expected 14 when considered in consultation with the underlying 15 conditional use. 16       I believe I've shown this in the earlier 17 parts of my testimony. The discussion in the rest of 18 the second paragraph, [inaudible] the third and 19 fourth paragraphs have no bearing on my objection to 20 the amendment, which relates to increased noise from 21 the outdoor play area. 22       So let's go down to the fifth paragraph. 23 Upon review, state -- the first sentence states, and 24 I quote, upon review of the original approval, the 25 hearing examiner finds the amendment does not affect</p>	<p>60</p> <p>1       So we now arrive at the final paragraph of 2 the opinion section of the June 23rd order. 3       The first sentence reads, and I quote, 4 because the changes proposed by the applicant to 5 reduce the building size, provide additional 6 landscaping, maintain the [inaudible] elements of 7 the original approval, the hearing estimate 8 determines that it's a minor amendment that does not 9 change the nature, character or intensity of the 10 conditional use to an extent, that substantial 11 adverse effects on the surrounding neighborhood 12 could reasonably be expected when considered in 13 combination with the underlying conditional use. End 14 quote. 15       So that's the -- the statement of the 16 provision of law. My objection here is that even if 17 the amendment reduces the building size, which it 18 does; provides additional landscaping, which it 19 does; and remains -- maintains many programmatic 20 elements of the original approval, which it does. 21 None of those factors are mentioned in the zoning 22 ordinance definition of a minor amendment and those 23 findings alone are currently not sufficient to 24 determine that a proposed amendment is a minor one. 25       Rather, the applicable test for a minor</p>



August 25, 2022

<p style="text-align: right;">61</p> <p>1 amendment focuses directly on examination, whether  2 the amendment changes the conditional use to an  3 extent that substantial adverse impacts on the  4 surrounding neighborhood could reasonably be  5 expected when considered in combination with the  6 underlying conditional use.  7 The record and my testimony show that  8 reducing the building size by eliminating the  9 building addition has the effect of changing the  10 conditional use to an extent that substantial  11 adverse effects on the surrounding neighborhood  12 could reasonably be expected.  13 Therefore, in this case, reducing the  14 building size, by eliminating the building addition  15 that screens noise, and has been identified by the  16 applicant's expert witness as the main factor that  17 attenuates noise is actually a reason to reject the  18 proposed amendment as being a minor amendment.  19 With that, I've presented my factual  20 arguments in four relevant topic areas for the case.  21 I'll briefly summarize my entire case when  22 I make my concluding comments and will also address  23 in the concluded comments any information developed  24 during my cross examination of witnesses that will  25 testify on behalf of the applicant later in this</p>	<p style="text-align: right;">63</p> <p>1 <b>A. I certainly looked at the -- at the</b>  2 <b>presentation that you're going to go through with</b>  3 <b>your expert.</b>  4 Q. But did you independently either,  5 conduct a study or commission anyone to conduct a  6 study on noise?  7 <b>A. No, I did not.</b>  8 Q. Okay. Thank you. And when -- when did  9 you purchase your home?  10 <b>A. 2016.</b>  11 Q. And at that time, Ellsworth Park was in  12 existence. Is that correct?  13 <b>A. Yeah.</b>  14 Q. And do you know whether the dog park  15 that is within Ellsworth Park was completed at the  16 time you bought your home?  17 <b>A. I'm aware of -- I believe it was. I'm</b>  18 <b>not sure, but --</b>  19 Q. Okay. And are you aware that the hours  20 of operation at the park are 7:00 a.m. to 7:00 p.m.,  21 dawn to dusk?  22 <b>A. I've never looked it up, but I have no</b>  23 <b>-- you know.</b>  24 Q. You don't know?  25 <b>A. I'm not saying that -- I'm not saying</b></p>
<p style="text-align: right;">62</p> <p>1 hearing.  2 Thank you for your attention.  3 MS. BYRNE: All right. Thank you, Mr.  4 Gruenspecht. Ms. Harris, any cross?  5 CROSS EXAMINATION  6 BY MS. HARRIS:  7 Q. Yes, please. Thank you.  8 Good morning, Mr. Gruenspecht. I'm assuming  9 you have a college degree. Is that correct?  10 <b>A. Yeah. I have a PhD.</b>  11 Q. In what is your PhD?  12 <b>A. It doesn't -- it's not relevant to this</b>  13 <b>case.</b>  14 Q. So it's not in acoustics?  15 <b>A. What?</b>  16 Q. Have you -- are you -- do you have a  17 degree in any kind of acoustic related field?  18 <b>A. No.</b>  19 Q. And you're not an expert in noise, I'm  20 assuming?  21 <b>A. No. I know something about noise. On my</b>  22 <b>resume, it does not identify me as an expert in</b>  23 <b>noise.</b>  24 Q. And in connection with this proceeding,  25 did you conduct any type of noise analysis or study?</p>	<p style="text-align: right;">64</p> <p>1 <b>they're not.</b>  2 Q. And, to your knowledge, are there ever  3 users of the park there before 7:00 a.m. or after  4 7:00 p.m.?  5 <b>A. I mean, of what park? So the -- so the</b>  6 <b>-- let me tell you. If you're trying to, you know,</b>  7 <b>suggest something here, which I think you are. I do</b>  8 <b>hear noise from the dog park when the windows are</b>  9 <b>open in my house.</b>  10 <b>I do hear -- I do not hear it early in the</b>  11 <b>morning at 7:00 a.m. You know, the dog park is not,</b>  12 <b>I think on -- on weekdays, certainly the dog park is</b>  13 <b>not widely used at -- at those times of day, if</b>  14 <b>that's what you're getting at, or at least I don't</b>  15 <b>hear noise from it.</b>  16 Q. Mm-hmm.  17 <b>A. I mean, I'm not -- I don't have a -- a</b>  18 <b>camera that observes the dog park. But yes, the dog</b>  19 <b>park is there. Yes, the dog park is a sense of</b>  20 <b>noise. Yes, the dog park does not interfere with me</b>  21 <b>sleeping with the windows open in my house from 7:00</b>  22 <b>to 9:00 a.m. in the morning.</b>  23 <b>I have a feeling that people go to the dog</b>  24 <b>park when they have lots of time to play with their</b>  25 <b>dogs, not when they're taking their dogs out before</b></p>

August 25, 2022

<p>65</p> <p>1 work. I think they just go on the walk in their 2 neighborhood. 3 But again, [inaudible] pursue this. It 4 seems like a red herring, but please, proceed. 5 Q. Now, if you had to estimate when you do 6 hear noises from the dog park, if not in the 7 morning, do you have a sense of when you do hear 8 them? 9 A. Well, I mean, I hear them when I'm, you 10 know, up and it's in the -- usually in the, you 11 know, in the afternoon. 12 Q. After people are home from work? 13 Because as you said, that's when they have more 14 time? 15 A. Or on the weekends. Really, 16 predominantly on the weekend. I mean, you know, I -- 17 yeah. There's a dog park there. I'm not -- I'm not 18 saying I live in the middle of an enchanted forest, 19 okay? 20 Q. And then do you hear noise from -- 21 there's playgrounds -- besides the dog park, at the 22 park, there are also children's playground and play 23 area equipment. Is that correct? 24 A. Yes. In fact, I mean, I take my own 25 granddaughter to the playground, okay? I mean, you</p>	<p>67</p> <p>1 and anyone's, would be when you're sleeping and 2 between seven and eight in the morning or so? Is 3 that what you're saying? 4 A. I'm saying yeah, I am retired. I do 5 enjoy sleeping uninterrupted. I have trouble 6 sleeping. I do -- I do sleep with the -- we do sleep 7 with the windows open most of the year. 8 I will not say we sleep with the windows 9 open every day, because if it's 90 degrees at night 10 we're not sleeping with the windows open. 11 Q. Right. 12 A. When it's freezing in the winter, we're 13 not sleeping with the windows open. But generally, 14 we sleep with the windows open. 15 Q. So is it correct to say that one of 16 your concerns is hearing noise early in the morning 17 because it would disrupt your sleep? Is that what 18 I'm hearing? 19 A. Well, that's correct. 20 Q. Okay. And in your -- and again, do you 21 believe that the -- the proposed addition would also 22 block any noises that you may hear from the existing 23 playground or the existing dog park? 24 A. Again, I don't hear -- as I said, I 25 don't hear any noises from the existing playground.</p>
<p>66</p> <p>1 know, but sure, but I don't hear noise at seven in 2 the morning from the playground. 3 Playground is not in use at seven in the 4 morning. 5 Q. So when -- do you -- but do you, at 6 some point, during the day hear any noises from the 7 playground? 8 A. No, I actually don't. I actually do not 9 hear noises from the playground because of the 10 location. 11 I mean, we put up some of the charts of -- 12 my home was located -- I'm not that good on 13 directions, but I assume that there are other people 14 in my community who might hear noises from the 15 playground. But the playground is less of an issue 16 for me, I think, given where my home is. 17 Q. And when you hear -- to the extent you 18 hear the dog noises or the playground noises, are 19 they disruptive? 20 A. No. Not at the time of day that I hear 21 them, but -- 22 Q. Because that time of day is not seven 23 in the morning? 24 A. Because I'm awake. Yeah. 25 Q. And what -- so your area of concern,</p>	<p>68</p> <p>1 Q. From the dog park? 2 A. From the dog park, I thought there -- 3 you know, I would think that there could be some -- 4 some benefit there, even though, again, those noises 5 don't occur at the time that is of most interest to 6 me, but yeah. 7 You know, when I was looking at the 8 original project, I thought, oh, you know, this will 9 serve a good purpose for the neighborhood, the 10 community, and we'll -- you know, sure. I thought 11 there might be some additional benefit there. 12 But again, that benefit is not the -- the 13 issue, you know, here. The issue here is what the 14 conditional use does. 15 Q. And in Exhibit 106, moving on, it looks 16 like you took that picture -- actually I think there 17 was snow on the ground. Is that correct? That 18 picture was taken in the winter? 19 A. I'm not sure when I took it, but if 20 there was snow on the ground, it was probably not 21 taken in June or July. 22 Q. Is there a reason for that given -- 23 A. Nothing has moved since that picture, 24 so -- 25 Q. Is there a reason that it was taken in</p>

August 25, 2022

<p style="text-align: right;">69</p> <p>1 the winter when the leaves are off the trees? Just -</p> <p>2 - it just struck me that we're in the middle of</p> <p>3 leafy season and here we see a winter picture.</p> <p>4 <b>A. I don't know. I had taken it. I mean, I</b></p> <p>5 <b>obviously wasn't even aware of the -- of the order</b></p> <p>6 <b>until June. I mean, I was looking on my phone. I</b></p> <p>7 <b>just took it with my phone. I don't think there's</b></p> <p>8 <b>any particular reason.</b></p> <p>9 <b>Obviously, it wasn't -- didn't have to do</b></p> <p>10 <b>with the objection to the order. It is the clearest</b></p> <p>11 <b>picture I have, because of the -- the fact that</b></p> <p>12 <b>there are no trees, you know. But no, I don't really</b></p> <p>13 <b>think so.</b></p> <p>14 <b>It certainly had nothing to do with this</b></p> <p>15 <b>case if it was taken before the order was even</b></p> <p>16 <b>issued and I wasn't even aware there was a proposal</b></p> <p>17 <b>for a minor amendment, because of the way the</b></p> <p>18 <b>process is set up, which I think is unfortunate.</b></p> <p>19 <b>But again, I understand you're not</b></p> <p>20 <b>responsible for that and the hearing examiners are</b></p> <p>21 <b>not responsible for that.</b></p> <p>22 <b>Q. Okay. And then moving on, you had noted</b></p> <p>23 <b>the existing transcript, or the transcript from the</b></p> <p>24 <b>earlier hearing, and I'm going to turn your</b></p> <p>25 <b>attention to page 102. I believe you may have</b></p>	<p style="text-align: right;">71</p> <p>1 <b>on the same level. That is why I displayed the</b></p> <p>2 <b>exhibit.</b></p> <p>3 <b>Q. Do you know the elevation of your</b></p> <p>4 <b>property?</b></p> <p>5 <b>A. So in my case -- excuse me?</b></p> <p>6 <b>Q. Do you know the elevation of your</b></p> <p>7 <b>property?</b></p> <p>8 <b>A. I don't know the elevation of my</b></p> <p>9 <b>property.</b></p> <p>10 <b>Q. And do you know the elevation of the</b></p> <p>11 <b>playground?</b></p> <p>12 <b>A. It's fair that they're identical. Okay,</b></p> <p>13 <b>my property has -- has three levels. The main level</b></p> <p>14 <b>is the second level. The bedroom level is above it.</b></p> <p>15 <b>What I'm telling you is that my property is at or</b></p> <p>16 <b>above the -- the level elevation of the playground.</b></p> <p>17 <b>If you have any objection to that, state</b></p> <p>18 <b>it, okay? But no, I did not hire a sound engineer.</b></p> <p>19 <b>No, I did not take a -- what is the elevation of the</b></p> <p>20 <b>playground above sea -- above sea level? Do you have</b></p> <p>21 <b>that information?</b></p> <p>22 <b>Q. It is in the record, yes.</b></p> <p>23 <b>A. Okay. Do you have the information on</b></p> <p>24 <b>the elevation of my property?</b></p> <p>25 <b>Q. No, I don't.</b></p>
<p style="text-align: right;">70</p> <p>1 inadvertently said it was Mr. Fox testifying. It was</p> <p>2 Mr. Olivera Salla.</p> <p>3 But in any event, the hearing examiner</p> <p>4 states, and I'll quote, "And are you saying that</p> <p>5 with the slope down toward -- toward the west side</p> <p>6 of the addition, the slope down from Colesville Road</p> <p>7 to the west side of the addition plus the addition</p> <p>8 itself has noise attenuating factors?"</p> <p>9 <b>A. Right.</b></p> <p>10 <b>Q. So the hearing examiner, in her</b></p> <p>11 <b>question, was indicating that there was more than</b></p> <p>12 <b>one factor that was mitigating the noise. Is that</b></p> <p>13 <b>correct?</b></p> <p>14 <b>A. She did, but I also pointed out that in</b></p> <p>15 <b>my case, the slope is not a factor at all, because</b></p> <p>16 <b>there is no downward slope between my property and</b></p> <p>17 <b>the playground. That's --</b></p> <p>18 <b>Q. Do you know what the elevation of your</b></p> <p>19 <b>property is?</b></p> <p>20 <b>A. My -- my property is not located</b></p> <p>21 <b>immediately next to Ellsworth. So there's a slope</b></p> <p>22 <b>down from the playground toward Ellsworth Drive and</b></p> <p>23 <b>then there's a slope up from Ellsworth Drive toward</b></p> <p>24 <b>my property.</b></p> <p>25 <b>That leaves my property and the playground</b></p>	<p style="text-align: right;">72</p> <p>1 <b>A. Are you challenging my statement?</b></p> <p>2 <b>Q. Excuse me, this is my cross of you.</b></p> <p>3 <b>MS. BYRNE: Mr. -- Mr. Gruenspecht, you</b></p> <p>4 <b>have to let her -- you can only answer the questions</b></p> <p>5 <b>that she's asking.</b></p> <p>6 <b>THE WITNESS: All right.</b></p> <p>7 <b>MS. BYRNE: Okay? You're not allowed to ask</b></p> <p>8 <b>her questions.</b></p> <p>9 <b>THE WITNESS: No, I understand that. You</b></p> <p>10 <b>know, concerned about good faith here.</b></p> <p>11 <b>MS. BYRNE: [inaudible]</b></p> <p>12 <b>BY MS. HARRIS:</b></p> <p>13 <b>Q. Mr. Gruenspecht, would you agree that</b></p> <p>14 <b>your property is approximately 300 feet, 330 feet</b></p> <p>15 <b>from the border of the playground? Does that sound</b></p> <p>16 <b>accurate to you?</b></p> <p>17 <b>A. I understand that's your measurement.</b></p> <p>18 <b>I'm not challenging that. I haven't measured it.</b></p> <p>19 <b>Q. Okay. And would you agree that distance</b></p> <p>20 <b>is certainly a factor in terms of noise mitigation?</b></p> <p>21 <b>A. Absolutely.</b></p> <p>22 <b>Q. And generally speaking, one could have</b></p> <p>23 <b>-- and I'm not talking about this case now, just</b></p> <p>24 <b>more generally, that it's possible to have two</b></p> <p>25 <b>mitigating factors and when one factor is</b></p>

August 25, 2022

<p>73</p> <p>1 eliminated, it doesn't necessarily negate the impact 2 that the other or the effect that the other 3 mitigating factor has. Is that sort of as a general 4 rule, correct? 5 <b>A. So again, in my case there's no slope 6 factor.</b> 7 Q. I'm not talking about slope but let me 8 repeat. 9 <b>A. Well, I mean, the hearing examiner --</b> 10 Q. Did you not just testify that distance 11 was a factor? 12 <b>A. I don't know about -- I really can't 13 answer that question.</b> 14 Q. Because as a general -- 15 MS. BYRNE: Mr. Gruenspecht -- 16 MS. HARRIS: Go ahead. 17 THE WITNESS: Because you're -- you're 18 posing it as a general question and in fact the 19 record of the case refers to two specific factors, 20 so -- 21 MS. BYRNE: Mr. Gruenspecht, if I can jump 22 in on that. 23 When you were referring to the testimony 24 and the transcript, are you aware that page 101 of 25 that transcript, there was a line of questioning</p>	<p>75</p> <p>1 couldn't say that that's a possibility? 2 <b>A. All I can say is I can refer to the 3 information in the hearing examiner's record and the 4 factors there, which I quoted, and I believe 5 accurately.</b> 6 Q. And -- and you are aware that since the 7 hearing -- since the time of the hearing, we now 8 have a quantitative study that has -- by a noise 9 expert that has studied the actual impact. You're 10 aware of that? 11 <b>A. I'm aware you have a study. You know, 12 the way you've set this process up. I obviously -- 13 you know, you haven't presented any of that 14 information yet, so I'll wait until you present it 15 and then we'll discuss it.</b> 16 Q. Did you have an opportunity to review 17 our -- our -- our exhibits that we submitted to the 18 record? Including the -- the exhibits regarding the 19 noise study? 20 <b>A. I did look it over, but I can't really 21 interpret it without hearing it presented.</b> 22 Q. If it -- may I have one moment just to 23 consult with my co-counsel to see -- 24 MS. BYRNE: Sure. 25 BY MS. HARRIS:</p>
<p>74</p> <p>1 between Mr. Olivera Salla and the hearing examiner 2 regarding other factors, including distance, 3 proximity to the playground and the dog park? 4 THE WITNESS: Yeah. I think -- I think -- I 5 mean, if we want to discuss this, I think it would 6 be a good idea to bring up the relevant thing and we 7 can go through it. I mean, I need to see if I'm 8 going to comment on it. 9 MS. BYRNE: Mr. Gruenspecht, I'll just say 10 you only answer, obviously the question if you know 11 the answer to it. Right? 12 THE WITNESS: I don't -- I don't know the - 13 - I don't know the answer. If you bring it up we can 14 get -- we can resolve this if you want to. 15 BY MS. HARRIS: 16 Q. No. The point I'm getting at is first - 17 - 18 <b>A. If you just want to [inaudible] I can't 19 answer.</b> 20 Q. You can't answer the fact that if 21 there's four mitigating factors and one is 22 eliminated, it doesn't necessarily mean that the -- 23 the source of, in this case, noise, would 24 necessarily have an impact? 25 You can't -- just as a general rule, you</p>	<p>76</p> <p>1 Q. Mr. Gruenspecht, I believe the -- one 2 of the things that you testified to was you have an 3 understanding that the location of the playground 4 has changed. Is that correct? 5 <b>A. That's my understanding.</b> 6 Q. And -- and on what do you base that 7 understanding? 8 <b>A. On the original location of the 9 playground and the location of the playground as 10 shown in the conditional use.</b> 11 Q. Would you be surprised to hear that the 12 location of the playground has not changed at all? 13 <b>A. I'd be very surprised, and I would be 14 happy to examine the documents with you on the 15 screen and demonstrate that it has.</b> 16 MS. HARRIS: No further questions for Mr. 17 Gruenspecht, but I would note that our -- we will be 18 addressing that in connection with our witness' 19 testimony. 20 THE WITNESS: Yep. 21 MS. BYRNE: Okay. Thank you. And then Mr. 22 Gruenspecht, you'll have an opportunity to cross 23 examine the witness. All right. So I believe that 24 concludes Mr. Gruenspecht's case in chief and cross 25 examination, so Ms. Harris, we'll turn it over to</p>

August 25, 2022

<p>77</p> <p>1 you.</p> <p>2 MS. HARRIS: Thank you. So our first</p> <p>3 witness is Ms. Myrna Peralta.</p> <p>4 MS. BYRNE: You know what I just realized?</p> <p>5 MS. HARRIS: Yeah, you didn't swear --</p> <p>6 MS. BYRNE: I didn't swear anyone in. So</p> <p>7 Mr. Gruenspecht, I'm going to swear you in, I</p> <p>8 apologize, after the fact.</p> <p>9 And I'm -- I'm -- I'm a firm believer that</p> <p>10 you told me nothing but the truth, the whole truth,</p> <p>11 but if you don't mind, Mr. Gruenspecht, if you could</p> <p>12 raise your right hand and also Ms. Harris' first</p> <p>13 witness and I will swear you all in together at the</p> <p>14 same time.</p> <p>15 MR. GRUENSPECHT: So Ms. Harris is not</p> <p>16 obligated to tell the truth?</p> <p>17 MS. HARRIS: Excuse me?</p> <p>18 MS. BYRNE: So she's not a witness, sir.</p> <p>19 MR. GRUENSPECHT: Okay.</p> <p>20 MS. BYRNE: But I just -- just so you know,</p> <p>21 attorneys here are officers of Ms. Byrne, and they</p> <p>22 have an obligation, an ethical and a legal</p> <p>23 obligation to present information in an honest and</p> <p>24 fair manner.</p> <p>25 So I understand that you're frustrated in</p>	<p>79</p> <p>1 record, please state your full name and position?</p> <p>2 <b>A. My name is Myrna Peralta, and I am the</b></p> <p>3 <b>president and CEO of CentroNia.</b></p> <p>4 Q. And can you please remind the hearing</p> <p>5 examiner, and actually Ms. Byrne is the new hearing</p> <p>6 examiner, so can you just please briefly provide a</p> <p>7 little bit of background about CentroNia?</p> <p>8 <b>A. CentroNia is a community-based non-</b></p> <p>9 <b>profit childcare provider. We're nationally</b></p> <p>10 <b>recognized for our educational programming and</b></p> <p>11 <b>providing affordable, high quality early childcare.</b></p> <p>12 <b>We've been doing this, as I said, for 35</b></p> <p>13 <b>years and we currently have five locations in the</b></p> <p>14 <b>D.C. metropolitan area.</b></p> <p>15 <b>We work with not just our children, but</b></p> <p>16 <b>their families as part of our holistic approach and</b></p> <p>17 <b>we think that that's an important relationship with</b></p> <p>18 <b>our parents in order to develop a strong academic</b></p> <p>19 <b>success rate with our children.</b></p> <p>20 <b>We are unique to the extent that our high-</b></p> <p>21 <b>quality early learning is provided in an affordable</b></p> <p>22 <b>-- at an affordable price and we work primarily with</b></p> <p>23 <b>low income working families. A minimum of 75 percent</b></p> <p>24 <b>of our families are eligible for reduced and free</b></p> <p>25 <b>lunches.</b></p>
<p>78</p> <p>1 this entire process. Totally get it. Right? Totally</p> <p>2 get it. But please try not to take it out on the</p> <p>3 attorneys. Okay?</p> <p>4 MR. GRUENSPECHT: I certainly don't want to</p> <p>5 do that.</p> <p>6 SWEARING IN OF WITNESS HOWARD GRUENSPECHT</p> <p>7 SWEARING IN OF WITNESS MYRNA PERALTA</p> <p>8 MS. BYRNE: All right. So let's -- let's go</p> <p>9 with the swearing, how -- how about that? All right.</p> <p>10 So do you all solemnly swear that the</p> <p>11 testimony that you're providing today is the whole</p> <p>12 truth and nothing but the truth, so help you God?</p> <p>13 MR. GRUENSPECHT: I do.</p> <p>14 MS. PERALTA: I do.</p> <p>15 MS. BYRNE: Okay. All right. Thank you very</p> <p>16 much. And if you are not testifying, I would ask</p> <p>17 that you guys please mute your mics. All right. Ms.</p> <p>18 Harris, go ahead.</p> <p>19 MS. HARRIS: All right. And I would just</p> <p>20 note, for the record, we have no objection to the</p> <p>21 retroactive swearing in of Mr. Gruenspecht.</p> <p>22 MS. BYRNE: Awesome. Thank you.</p> <p>23 DIRECT EXAMINATION</p> <p>24 BY MS. HARRIS:</p> <p>25 Q. Okay. So Ms. Peralta, can you, for the</p>	<p>80</p> <p>1 <b>And specific to this project, we are</b></p> <p>2 <b>partners with the Gudelsky Family Foundation and --</b></p> <p>3 <b>but for their leadership and their willingness to</b></p> <p>4 <b>support us financially, both on the development of</b></p> <p>5 <b>the project, of the space, but also supporting us</b></p> <p>6 <b>operationally in the coming years, is -- is going to</b></p> <p>7 <b>sustain the Martha B. Gudelsky Childcare Development</b></p> <p>8 <b>Center for years to come.</b></p> <p>9 Q. Thank you. And what are the ages and</p> <p>10 overall number of the children to be served by</p> <p>11 CentroNia?</p> <p>12 <b>A. The minimum number of children we will</b></p> <p>13 <b>serve will be 120. We will have the capacity to</b></p> <p>14 <b>serve approximately 180. And that all has to do with</b></p> <p>15 <b>the configuration. If you have more classrooms that</b></p> <p>16 <b>serve pre-k, you have -- you can have more children.</b></p> <p>17 <b>If you have more classrooms that have</b></p> <p>18 <b>infants and toddlers, you end up having fewer</b></p> <p>19 <b>students, only because of the ratios that licensing</b></p> <p>20 <b>requires.</b></p> <p>21 <b>We will be serving children ages three to</b></p> <p>22 <b>five years of age, primarily -- three months. I'm</b></p> <p>23 <b>sorry, three months to five years of age, with the</b></p> <p>24 <b>ability to take children as early as six weeks if</b></p> <p>25 <b>the demand -- if there's a demand in the community</b></p>

<p>81</p> <p>1 for that age group.</p> <p>2 And then we traditionally provide after-</p> <p>3 care for children three up -- for children ages five</p> <p>4 to 13. And once again, that's if the community wants</p> <p>5 that kind of service from us. And that's usually</p> <p>6 4:00 to 6:00 p.m. and that is primarily homework.</p> <p>7 After-school opportunity for children to do</p> <p>8 homework and to do arts and enrichment activities.</p> <p>9 We do not engage that age group in playtime. This is</p> <p>10 an after-school enrichment and homework programming.</p> <p>11 So they're inside the whole time.</p> <p>12 Q. And is it correct that the proposed</p> <p>13 modification that eliminates the building has not</p> <p>14 changed the -- those enrollment numbers of the ages</p> <p>15 that you will serve? Is that a correct statement?</p> <p>16 A. No, it -- no, it has not. One of the</p> <p>17 things to remember is that -- so our -- the</p> <p>18 modifications we've had to make at the design level</p> <p>19 has not impacted our classrooms themselves.</p> <p>20 It's impacted everything else around it. So</p> <p>21 where -- an example might be, so where we had the</p> <p>22 community room at being approximately 900 square</p> <p>23 feet, that's been reduced to, you know, 450.</p> <p>24 So we sort of cut and looked at office</p> <p>25 spaces and our training facilities. All the things</p>	<p>83</p> <p>1 area at any one time.</p> <p>2 Q. And how many children are in one</p> <p>3 classroom?</p> <p>4 A. Maximum we can have under licensing is</p> <p>5 20 and that's for our three- to five-year-old's.</p> <p>6 Q. And do you ever have two classes of</p> <p>7 three- to five-year-old's and therefore two classes</p> <p>8 same age group who could use the playground at one</p> <p>9 time?</p> <p>10 A. We could. We could. No, we could. It's</p> <p>11 not usual, because once again, our classroom</p> <p>12 schedules are -- are set. We provide parents with</p> <p>13 the schedules so that every classroom has a</p> <p>14 dedicated period of time that they're outside in the</p> <p>15 play area.</p> <p>16 And so all the scheduling is designed to --</p> <p>17 to give that 20 to -- and it's 20 to 30 minutes that</p> <p>18 each classroom has outside. And they -- they're</p> <p>19 staggered as a way to ensure that everybody who</p> <p>20 needs to get outside in the given day, does.</p> <p>21 Q. Okay. And you noted that the morning</p> <p>22 hours, that the center opens at 7:00.</p> <p>23 A. Yeah.</p> <p>24 Q. What time, approximately, does the</p> <p>25 playground start to be used by the children?</p>
<p>82</p> <p>1 that are not in the classroom themselves, in order</p> <p>2 to make sure that we had the sufficient indoor space</p> <p>3 when necessary for our children.</p> <p>4 Q. Thank you. And what are the proposed</p> <p>5 hours of operation?</p> <p>6 A. 7:00 to 6:00.</p> <p>7 Q. And then are there --</p> <p>8 A. [inaudible] I'm sorry, that's 7:00 to</p> <p>9 6:00 daily and then some evening hours for parent</p> <p>10 meetings or community activities and then Saturdays</p> <p>11 9:00 to 4:00.</p> <p>12 Q. And then now let's sort of pivot to the</p> <p>13 heart of the issue here, which has to do with the</p> <p>14 playground. Are there limitations on the number of</p> <p>15 children that will be outdoors at any one time?</p> <p>16 A. Our license does not give us -- doesn't</p> <p>17 put any limitations on us. But in the childcare</p> <p>18 world, the mingling of classrooms is really frowned</p> <p>19 upon in many ways, because you want the play area --</p> <p>20 the play time is a time when the children in the</p> <p>21 classroom do further bonding together and do group</p> <p>22 activities and introducing other classrooms really</p> <p>23 disrupts that.</p> <p>24 And so we really -- try really hard not to</p> <p>25 have more than one classroom in the outdoor play</p>	<p>84</p> <p>1 A. Usually 10:00, on occasion 9:30, but</p> <p>2 never before 9:30. And that's because parents are</p> <p>3 dropping off the children up until 9:00 and up until</p> <p>4 that time, we also do breakfast and organizing the</p> <p>5 children for the day.</p> <p>6 So none of our scheduled outdoor activities</p> <p>7 begin before 9:30, but most happen at 10:00 -- start</p> <p>8 at 10:00.</p> <p>9 Q. And at what time do they likely end?</p> <p>10 A. Probably 5:30-ish at the latest. By --</p> <p>11 by then we want the children who are still there --</p> <p>12 because remember, parents pick up their children in</p> <p>13 a staggered basis starting at 3:30, 4:00, parents</p> <p>14 are already coming to take their children -- pick up</p> <p>15 their children.</p> <p>16 So by 5:00, 5:30, we have a very small</p> <p>17 number of children remaining. So there might be some</p> <p>18 children in the playground around 5:30, but parents</p> <p>19 pick them up in their classrooms.</p> <p>20 Q. And does the elimination of the</p> <p>21 addition in any way alter the operation of the</p> <p>22 playground from what was originally proposed?</p> <p>23 A. No. It does not.</p> <p>24 Q. And how many children -- I'm sorry. How</p> <p>25 many teachers are outside with the children?</p>

August 25, 2022

<p>85</p> <p>1 A. By -- by licensing regs, for every 20 2 children outside we need to have at least two -- two 3 teachers. We have three and all three teachers are 4 outside with the -- with the children. 5 Q. Okay. And can you give a sense of sort 6 of the overall use of the playground? In other 7 words, what's the frequency that the playground will 8 be used during any given day? 9 A. So if you figure we've got maybe six 10 classrooms right now and I'd have to look at the 11 specific number that each of them would have 30 12 minutes. And I say six, because that does not 13 include our infants and toddlers are not using the - 14 - the playground is designed for specific activities 15 that are geared to your three- to five-year-old's. 16 And so the -- and we're also looking at 17 different activities happening in smaller groups. So 18 the 20 children, you might have five children doing 19 one thing, five children doing another and -- and 20 that's how it works. 21 Q. So on any given day, so the hours -- I 22 mean, do you have a sense of how many hours a day? 23 A. Probably three -- probably three hours. 24 I would say three hours. Three to three and a half 25 hours a day the playground would be in use.</p>	<p>87</p> <p>1 residents on how do we deal with whatever the issue 2 is that comes up. 3 Q. [inaudible] 4 A. I want to stress that they will not be 5 hearing children playing in the playground before 6 9:30, 10:00 in the morning. It just -- it will not 7 happen. 8 MS. HARRIS: Thank you. I have no further 9 questions for Ms. Peralta. 10 MS. BYRNE: Mr. Gruenspecht, do you have 11 any questions of Ms. Peralta? You're on mute, sir. 12 MS. HARRIS: You're still on mute. 13 MS. BYRNE: There we go. 14 CROSS EXAMINATION 15 BY MR. GRUENSPECHT: 16 Q. So first of all, again, it seems like 17 the mission is great and all that stuff, so you 18 know, look forward to finding a way forward. But 19 could you please bring up Exhibit 111? 20 MS. BYRNE: Sure. 21 MR. GRUENSPECHT: And I guess turn to page 22 whatever, I mentioned it in my -- I think it's page 23 112 where I mention Mr. Olivera Salla. I just want 24 to go through that with -- 25 MS. BYRNE: All right. Can you guys see</p>
<p>86</p> <p>1 Q. And do you have other locations? Other 2 CentroNia locations that are approximate to 3 residential uses? 4 A. Oh, yes. Actually, they all are, except 5 -- of the five, four of them are in residential 6 areas. 7 Q. And have you ever received any kind of 8 complaints about the noise generated from the 9 playground? 10 A. Not about the noise, no. 11 Q. And is there anything else that you 12 would like to add? 13 A. The only thing I'd like to add is that, 14 you know, as a -- a childcare center, and I heard, 15 you know, Howard's comments that he's not 16 complaining to the presence of a childcare center. 17 I mean, I heard that clearly, but that we 18 work really hard to integrate ourselves into the 19 neighborhoods and the communities we serve and so -- 20 and -- and we become a real part of the life of 21 those communities. 22 And so if there's an issue or a problem, we 23 work with the communities to, you know, to resolve 24 them and we will do the same in -- in this setting. 25 And so we just look forward to working with the</p>	<p>88</p> <p>1 that? Page 112, is that -- 2 MR. GRUENSPECHT: I hope it is. 3 MS. BYRNE: Make it a little bigger here. 4 MR. GRUENSPECHT: It may not -- 5 MS. BYRNE: Is that better? 6 MR. GRUENSPECHT: Page 112, the hearing -- 7 Mr. Olivera Salla -- let's see, the -- well, maybe 8 go down further. I just -- I'm having trouble 9 finding -- okay, wait. I just saw it. 10 MS. BYRNE: Go back up? Okay. 11 MR. GRUENSPECHT: Yeah. I'm sorry. I 12 apologize for this. 13 MS. BYRNE: That's okay. 14 BY MR. GRUENSPECHT: 15 Q. I'm really trying to -- okay, here we 16 go. Okay. So again, thank you for your testimony and 17 thank you again for the good work of the -- of 18 CentroNia. 19 So in this section -- maybe a little bit 20 further. Again, I don't want to lose this, but I 21 want to go a little bit higher so you can see the 22 start of the original. Oh, good. Perfect. Okay. 23 So you know, Mr. Olivera Salla is talking 24 about the goals [inaudible] land architecture and a 25 lot of it, you know, kind of puffery. But then, you</p>

<p>89</p> <p>1 know, starting on line nine of page 112, he says the 2 building has approximately 20,000 square feet of 3 existing building. 4 We're adding 12,000 square feet right 5 behind the existing building. It will harbor 6 additional classes, office space, community space. 7 It'll be used for neighbors as well as an indoor 8 play area. 9 So in your testimony, you said like 10 wouldn't have any impact on the classrooms, that 11 cutting out this addition. 12 <b>A. Right.</b> 13 Q. But here it says that the addition 14 includes classrooms. It also says it includes the 15 community space. 16 <b>A. Right.</b> 17 Q. Which now, apparently, you're going to 18 provide in the existing building. Is that correct? 19 <b>A. Right. Yes.</b> 20 Q. And it says it also includes an indoor 21 play area. 22 <b>A. Yes.</b> 23 Q. Is that correct? 24 <b>A. Yes.</b> 25 Q. I mean, I don't know big that indoor</p>	<p>91</p> <p>1 Q. I feel like you said the classrooms 2 weren't changed by -- 3 <b>A. No. What I said is that the quality of 4 the activities inside each classroom. The idea -- we 5 have -- we're reducing the number of classrooms, but 6 the quality of the classroom space is not impacted. 7 So instead of having -- instead of having 8 eight pre-k classrooms, we're going to have four or 9 five. That -- that just deals with the number of 10 children.</b> 11 Q. Okay, but the -- but the amount of 12 indoor space per child is reduced by 39 percent, 13 right? 14 <b>A. The amount of space dedicated to 15 childcare would be reduced, yes.</b> 16 Q. Okay. And you're -- and you are losing 17 this 1,100 square foot indoor play area that was in 18 the addition? 19 <b>A. We are changing that space. So right 20 now, in the existing space, we had some open areas 21 for conference rooms and for training facilities and 22 we're simply going to convert that into indoor and 23 multiple use space.</b> 24 Q. So there'll be as much indoor play area 25 under the new plan as there would have been under</p>
<p>90</p> <p>1 play area was in the original proposal. Do you 2 happen to know? 3 <b>A. Yeah. It was like 1,100 square feet.</b> 4 Q. Okay. So a real big -- kind of a gym, 5 you know. 6 <b>A. Yes. Yes.</b> 7 Q. I mean, it seemed like -- seemed 8 actually like he was really trying to avoid using 9 the word gym, but whatever, go ahead. So are you 10 telling me that -- it says right here that -- that 11 there were classrooms in the addition. 12 <b>A. Right.</b> 13 Q. That the community space was in the 14 addition. 15 <b>A. Right.</b> 16 Q. So you're not going to have -- you're 17 going to have the community space in the addition. 18 You're going to have -- you're not going to have the 19 classrooms that were in the addition. 20 I mean, the community space that was in the 21 addition was going to go -- is now going to go into 22 the existing space. The classrooms in the addition, 23 you're not going to have. And you're not going to 24 have the indoor play area that was in the addition. 25 <b>A. So what's your question?</b></p>	<p>92</p> <p>1 the old plan? 2 <b>A. Well, there might be a little less, but 3 I don't know what -- why that's an issue.</b> 4 Q. Well, it's an issue because play area-- 5 you know, if -- if the children are going to be in 6 play area, again, it suggests the greater intensity, 7 possibly abuse. Obviously, you're not going to go 8 out in the dead of winter. 9 <b>A. Right.</b> 10 Q. You know, and -- and have them play in 11 the snow, just like I'm not going to open my windows 12 at night when it's, you know, freezing weather 13 outside. 14 MS. HARRIS: Excuse me. I'm going to object 15 that that sounds a little bit more like testimony 16 than simply questioning on cross. 17 BY MR. GRUENSPECHT: 18 Q. Okay, sure. Go ahead. Yeah. So the 19 reason, since the witness asked me why that mattered 20 is because I think it suggests the possibility of 21 more intensive use of the outdoor play area. Okay. 22 <b>A. No. It doesn't.</b> 23 Q. Well, it does to me. That's all. But 24 enough said. 25 <b>A. You don't -- operating a childcare</b></p>



August 25, 2022

<p style="text-align: right;">93</p> <p>1 center --</p> <p>2 Q. I do not.</p> <p>3 A. We -- we live -- we live on -- we exist</p> <p>4 on a very specific schedule, okay? Our children will</p> <p>5 go through the same schedule whether it's a 10,000</p> <p>6 square foot facility or a 50,000 square foot</p> <p>7 facility.</p> <p>8 The day-to-day operating activities and the</p> <p>9 -- and what we do with the children doesn't change.</p> <p>10 Q. All right. You testified that there</p> <p>11 would be no use of the playground before 9:30 a.m.?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Would you be willing to add an</p> <p>14 enforceable condition of the project that the</p> <p>15 playground could not be used before 9:30 a.m.?</p> <p>16 A. No. And I'll tell you why, okay? Under</p> <p>17 licensing regulations, if there's a fire in that</p> <p>18 building, we need to evacuate. Okay?</p> <p>19 If there is any kind of incident in your</p> <p>20 neighborhood and we have to deal with a community</p> <p>21 response, I can't agree to any limitations that</p> <p>22 could potentially put our children in harm's way.</p> <p>23 And so that, to me, is just not an</p> <p>24 acceptable. What I can say, is that to the extent</p> <p>25 that any operating activities in the playground,</p>	<p style="text-align: right;">95</p> <p>1 Between 7:00 and 9:00, which is when most</p> <p>2 children are coming in and are asked to all be there</p> <p>3 by 9:00, that is the breakfast period. And yeah, you</p> <p>4 have to understand how these classrooms operate.</p> <p>5 Children sort of stagger in and while they</p> <p>6 are staggering in, you have -- you may have a few</p> <p>7 children working on some, you know, coloring or</p> <p>8 whatever the activity might be, until all the</p> <p>9 children arrive and are on site.</p> <p>10 But they do not go outside until after</p> <p>11 breakfast, and breakfast goes until 9:00 at the --</p> <p>12 at the -- probably the earliest it shuts down.</p> <p>13 Q. But again, you would not agree to any</p> <p>14 kind of enforceable condition regarding the outdoor</p> <p>15 use of the playground before 9:30 a.m., even if it</p> <p>16 provided for all of the concerns that you mentioned</p> <p>17 with respect to disasters? Which are perfectly</p> <p>18 understandable. But you would not agree to such a</p> <p>19 condition anyway?</p> <p>20 A. I just don't think that kind of</p> <p>21 condition is enforceable. There are just too many</p> <p>22 variables. If we walk into the building and there's</p> <p>23 a strange smell, we might have the children in the</p> <p>24 classroom sort of wait outside until we figure out</p> <p>25 what it is and then they come back in.</p>
<p style="text-align: right;">94</p> <p>1 prior to 9:30, would be kept to a minimum. I mean,</p> <p>2 something to the effect that -- but I won't</p> <p>3 guarantee that our children won't be out there,</p> <p>4 because there are too many circumstances where they</p> <p>5 could be.</p> <p>6 Q. All right. I'm sorry, but that does not</p> <p>7 really consistent with your earlier testimony that</p> <p>8 the playground would not be used before 9:30 a.m.</p> <p>9 A. On a regular basis, it wouldn't be.</p> <p>10 Q. I think I'd be happy to write that</p> <p>11 condition in a way that, you know, would exclude</p> <p>12 fire and natural disaster and all the other things</p> <p>13 that you're citing. So will student --</p> <p>14 A. I -- I would not agree to that.</p> <p>15 Q. Okay. I understand that you would not</p> <p>16 agree to that, but again. All right. So let's go</p> <p>17 forward. Is it the case that when students arrive at</p> <p>18 the center, they're never, ever going to be playing</p> <p>19 outside?</p> <p>20 A. Never ever.</p> <p>21 Q. In the morning? In the playground?</p> <p>22 A. No. In the mornings, they arrive. They</p> <p>23 go into their classrooms. They get situated. They're</p> <p>24 served breakfast between -- let's assume they got</p> <p>25 there at 7:00.</p>	<p style="text-align: right;">96</p> <p>1 That wouldn't be playtime. That would be a</p> <p>2 bringing them outside as a holding place, okay? And</p> <p>3 so if what you're asking is, is there any way to</p> <p>4 guarantee that it will not be used as a playground</p> <p>5 before 9:30, that's a different issue from we'll</p> <p>6 never have children out there before 9:30.</p> <p>7 Q. So again -- again, I already offered,</p> <p>8 you know, again, the question I asked you was with</p> <p>9 conditions for these exceptional situations. But</p> <p>10 just leaving it up to your judgment, you know, I'm</p> <p>11 sorry, that -- while I respect you and all that --</p> <p>12 A. [inaudible]</p> <p>13 Q. It's just not enough for me, so.</p> <p>14 A. Okay. Well, and you don't operate a</p> <p>15 childcare center. I do.</p> <p>16 Q. I understand that.</p> <p>17 A. And I have done it for many years</p> <p>18 successfully and so I would -- I would question the</p> <p>19 need for a condition that has so many potential</p> <p>20 exceptions to it that I'm not willing to do any</p> <p>21 condition that could potentially put our operations</p> <p>22 and our children's health in danger. Period.</p> <p>23 Q. Again, I --</p> <p>24 MS. HARRIS: Ms. Byrne, if I could</p> <p>25 interject.</p>

August 25, 2022

<p>97</p> <p>1 MS. BYRNE: I think -- I think -- yeah, I</p> <p>2 think we need to move on, because --</p> <p>3 MR. GRUENSPECHT: Okay.</p> <p>4 MS. HARRIS: And also, if I could</p> <p>5 emphasize, the point of this hearing is to determine</p> <p>6 whether it's a major or a minor.</p> <p>7 MR. GRUENSPECHT: Exactly.</p> <p>8 MS. HARRIS: And if it is -- it has nothing</p> <p>9 to do with conditional approval.</p> <p>10 MR. GRUENSPECHT: Okay. [inaudible]</p> <p>11 MS. HARRIS: So I don't think any --</p> <p>12 MR. GRUENSPECHT: -- find a way forward as</p> <p>13 you tried to reach out to me before this event to</p> <p>14 do.</p> <p>15 MS. BYRNE: So, Mr. Gruenspecht, that --</p> <p>16 that would be -- could have been something that</p> <p>17 could have been handled before. It can actually also</p> <p>18 be a discussion that you can have after this hearing</p> <p>19 and before the decision is issued.</p> <p>20 But right now, the -- it's a -- it's a very</p> <p>21 narrow focus, right? The minor amendment.</p> <p>22 MR. GRUENSPECHT: Right.</p> <p>23 MS. BYRNE: So if you could please --</p> <p>24 MR. GRUENSPECHT: Right.</p> <p>25 MS. BYRNE: -- direct your questions to</p>	<p>99</p> <p>1 Lyon.</p> <p>2 MS. BYRNE: Okay. And Ms. Lyon, you are</p> <p>3 muted, and previously did you raise your hand and</p> <p>4 promise to tell the whole truth and nothing but the</p> <p>5 truth?</p> <p>6 MS. LYON: I -- I did not previously, so I</p> <p>7 can do that [inaudible].</p> <p>8 SWEARING IN OF WITNESS JENNIFER LYON</p> <p>9 MS. BYRNE: All right, well then let's --</p> <p>10 let's do it now. So Ms. Lyon, do you promise to tell</p> <p>11 the whole truth and nothing but the truth in your</p> <p>12 testimony this morning?</p> <p>13 MS. LYON: I do. Thank you.</p> <p>14 MS. BYRNE: Thank you.</p> <p>15 DIRECT EXAMINATION</p> <p>16 BY MS. HARRIS:</p> <p>17 Q. Hello, Ms. Lyon. For the record, can</p> <p>18 you please state your name and -- and profession?</p> <p>19 <b>A. My name is Jennifer Lyon, and I am an</b></p> <p>20 <b>architect.</b></p> <p>21 Q. And what is your professional and</p> <p>22 educational background?</p> <p>23 <b>A. I have been an architect for 20 years.</b></p> <p>24 <b>I currently am working at Mosely Architects in our</b></p> <p>25 <b>Baltimore office. My educational background is a</b></p>
<p>98</p> <p>1 your -- the burden of proof as to whether or not it</p> <p>2 was properly issued.</p> <p>3 MR. GRUENSPECHT: Okay. And I think my</p> <p>4 testimony did that but thank you.</p> <p>5 MS. BYRNE: Okay. And do you have more</p> <p>6 questions for Ms. Peralta?</p> <p>7 MR. GRUENSPECHT: None.</p> <p>8 MS. BYRNE: Okay, thank you. Ms. -- Ms.</p> <p>9 Harris, any redirect?</p> <p>10 REDIRECT EXAMINATION</p> <p>11 BY MS. HARRIS:</p> <p>12 Q. Just very briefly. Ms. Peralta, is it</p> <p>13 correct that licensing requires a certain number of</p> <p>14 square feet per child?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Per classroom? And -- and did the</p> <p>17 previous conditional use meet that requirement?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. And will the proposed modification meet</p> <p>20 that requirement?</p> <p>21 <b>A. Yes.</b></p> <p>22 MS. HARRIS: Thank you. No other questions.</p> <p>23 MS. BYRNE: All right. Your next witness</p> <p>24 then. Thank you, Ms. Peralta.</p> <p>25 MS. HARRIS: Is our architect, Ms. Jen</p>	<p>100</p> <p>1 <b>Bachelor of Science in building science and a</b></p> <p>2 <b>Bachelor of Architecture, both from Rensselaer</b></p> <p>3 <b>Polytechnic Institute.</b></p> <p>4 Q. And what is your current position at</p> <p>5 Mosely Architects?</p> <p>6 <b>A. Currently I'm a senior project manager</b></p> <p>7 <b>and Vice President at Mosely Architects. I oversee</b></p> <p>8 <b>the overall design and construction phases for</b></p> <p>9 <b>several projects as well as work with both internal</b></p> <p>10 <b>and external consultant teams as each project may</b></p> <p>11 <b>require.</b></p> <p>12 Q. And have you ever previously testified</p> <p>13 before the Montgomery County Office of Zoning in</p> <p>14 administrative hearings?</p> <p>15 <b>A. I have not.</b></p> <p>16 Q. Are you a licensed architect in the</p> <p>17 state of Maryland?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. And are you familiar with the</p> <p>20 Montgomery County Zoning Ordinance?</p> <p>21 <b>A. Yes.</b></p> <p>22 MS. HARRIS: We would move that Ms. Lyon be</p> <p>23 admitted as an expert in the field of architecture.</p> <p>24 Her resume was submitted as Exhibit 115.</p> <p>25 MS. BYRNE: Mr. Gruenspecht, any objection?</p>

August 25, 2022

<p>101</p> <p>1 I'm seeing --</p> <p>2 MR. GRUENSPECHT: No. No objection. No</p> <p>3 objection.</p> <p>4 MS. BYRNE: All right. Okay. Excellent,</p> <p>5 thank you.</p> <p>6 MS. HARRIS: Thank you. And --</p> <p>7 MS. BYRNE: So moved. So moved and so</p> <p>8 admitted. Yep.</p> <p>9 BY MS. HARRIS:</p> <p>10 Q. Are you familiar with the minor</p> <p>11 modification, which is the subject of this hearing?</p> <p>12 A. Yes.</p> <p>13 Q. And have you had a -- made a personal</p> <p>14 inspection of the property?</p> <p>15 A. Yes. I've personally visited the</p> <p>16 property and the building several times over the</p> <p>17 course of our design process.</p> <p>18 Q. And I am going to pull up Exhibit 113</p> <p>19 and if you could, could you please give an overview</p> <p>20 of the key features of the property and as needed,</p> <p>21 tell me and I will move through the -- I'll click</p> <p>22 through the PowerPoint.</p> <p>23 A. Okay. The property is a through lot</p> <p>24 located between Ellsworth Drive and Colesville Road,</p> <p>25 just outside the Silver Springs Central Business</p>	<p>103</p> <p>1 playground? Excuse me.</p> <p>2 A. That is correct.</p> <p>3 Q. Okay. And then --</p> <p>4 A. These are just additional photos. Slide</p> <p>5 six. Thank you. The proposed onsite playground</p> <p>6 facility will be located on the north side of the</p> <p>7 building between the existing building and the</p> <p>8 existing offsite dog park.</p> <p>9 The area in solid green is what I am</p> <p>10 referring to. The playground area will extend from</p> <p>11 west to east. That is left to right, along the</p> <p>12 length of the north side of the building.</p> <p>13 Although the playground area is shown</p> <p>14 extending up to the sidewalk along the interior</p> <p>15 parking lot, there is about a five-foot slope in</p> <p>16 this front area of the playground. That is the green</p> <p>17 hatched area to the right of the solid green area on</p> <p>18 the exhibit we are looking at right now.</p> <p>19 Q. And -- and this exhibit also shows a</p> <p>20 distance to Mr. Gruenspecht's property, is that</p> <p>21 correct?</p> <p>22 A. Correct.</p> <p>23 Q. And what is that distance?</p> <p>24 A. 331 feet.</p> <p>25 Q. And can you please describe the</p>
<p>102</p> <p>1 District.</p> <p>2 If you could go to slide three. There is a</p> <p>3 large intervening surface parking lot along</p> <p>4 Ellsworth Drive, which will remain, with slight</p> <p>5 modifications to accommodate accessible access and</p> <p>6 parking and will continue to provide a separation</p> <p>7 along with the existing and proposed landscaping to</p> <p>8 the confronting single family residential</p> <p>9 neighborhood.</p> <p>10 The existing building is over 60 years old</p> <p>11 and is a two-story brick veneer structure with</p> <p>12 concrete masonry unit bearing walls. Part of the</p> <p>13 lower story of the building is buried below ground</p> <p>14 due to the rising grades around the overall</p> <p>15 property.</p> <p>16 The existing roof structure is a wood</p> <p>17 framed sloped roof with asphalt shingles. Exterior</p> <p>18 window and -- windows and doors are aluminum framed</p> <p>19 units and an existing covered roof canopy at the</p> <p>20 upper floor entrance to the building is provided,</p> <p>21 which extends along -- across the existing vehicular</p> <p>22 driveway.</p> <p>23 Q. And on the -- and on -- is it correct</p> <p>24 that where my cursor is, is the approximate location</p> <p>25 of the proposed playground? Of the approved</p>	<p>104</p> <p>1 modifications that are proposed?</p> <p>2 A. Sure. As shown on Exhibit 93 --</p> <p>3 Q. Actually, just one moment. Maybe we --</p> <p>4 can you -- on my screen right now, can you please</p> <p>5 describe what -- what we're seeing?</p> <p>6 A. Sure. This is the proposed playground</p> <p>7 location on the north side of the existing building.</p> <p>8 A few different views from the sidewalk areas</p> <p>9 adjacent to the existing parking.</p> <p>10 The photo on the right shows that five-foot</p> <p>11 slope that I was just referring to.</p> <p>12 Q. So on the -- on the key plan, the green</p> <p>13 and white stripes, that essentially is denoting this</p> <p>14 area? Is that right?</p> <p>15 A. That's correct.</p> <p>16 Q. And then --</p> <p>17 A. This is just a few additional photos</p> <p>18 from the same location, just stepped back a little</p> <p>19 bit within the parking lot area.</p> <p>20 Q. And then this photo?</p> <p>21 A. This is from the opposite end of the</p> <p>22 site on Colesville Road. The side of the site</p> <p>23 looking towards the east where the playground --</p> <p>24 proposed playground area will be [inaudible].</p> <p>25 Q. Thank you. And then I want to turn to</p>

August 25, 2022

<p>105</p> <p>1 Exhibit 93 and Ms. Byrne, I can -- do you want to 2 bring that up or do you want me to bring that up? 3 MS. BYRNE: I was muted and talking, so 4 when I do this, it's my sign for I know I've been 5 muted. If you would like to go ahead and continue to 6 -- to share, that's great. 7 MS. HARRIS: It's my test to whether I can 8 do two things at once. 9 MS. BYRNE: It's amazing how this virtual 10 environment tells us if we -- if we could do that or 11 not. 12 BY MS. HARRIS: 13 Q. Yes. Okay, so now before you is Exhibit 14 93. Can you please describe the modifications, Ms. 15 Lyon? 16 A. Sure. The primary change is the 17 elimination of the proposed building addition due to 18 construction costs and the need to conform with the 19 construction budget for this nonprofit childcare 20 center. 21 Much of the exterior of the existing 22 building will remain in its architectural and 23 material composition as it has existed for the past 24 60 years. Minor improvements include replacement of 25 the existing roofing with new asphalt shingles.</p>	<p>107</p> <p>1 A. No, it has not. 2 Q. So the shape configuration and location 3 is exactly the same? 4 A. I believe there's a slight change in 5 the shape where the addition was -- was taken away, 6 but that's just a result of where the end of the 7 playground will actually end. 8 Q. And so does the playground move any 9 closer to the east under that configuration? 10 A. No, it does not. 11 Q. Thank you. And how will the children 12 who are inside, when they do go outside for their 13 scheduled playtime, how will they access the 14 playground area? 15 A. The children will access the playground 16 through the inside of the building through exterior 17 door openings. The interior circulation corridors 18 will lead to exterior doors, which will then lead to 19 the playground. 20 Q. So that children would go directly from 21 the building to the playground area? Is that 22 correct? 23 A. Correct. 24 Q. And are you familiar with the standard 25 -- actually, let me just -- for the benefit of</p>
<p>106</p> <p>1 Existing windows and doors will be replaced 2 as needed where damaged -- where they currently are 3 damaged or to accommodate entry location. The 4 interior of the existing building will be 5 reconfigured and constructed to meet the 6 programmatic needs of the approved center. 7 Q. Is there any -- I'm sorry. Is there any 8 need -- if you can tell me what sheet I should go 9 to, if -- if that would be helpful for anything you 10 just said or -- 11 A. I think that sheet right there, plan 12 sheet two, shows the existing conditions and 13 proposed demolition plan. The next sheet shows -- 14 this is plan sheet three. This shows the previous 15 plan with the addition -- proposed addition to the 16 east of the existing building. 17 This sheet is sheet number 3A. This is the 18 current plan for the project, which shows the 19 existing building remaining intact with the proposed 20 playground to the north of the facility. 21 Q. And I believe Mr. Gruenspecht had 22 testified that he thought that the location of the 23 playground was changing. Has it in fact changed from 24 the proposed -- from the previously approved to the 25 proposed?</p>	<p>108</p> <p>1 everyone, let me take that off the screen. 2 Are you familiar with the standard that is 3 applicable to the minor amendment of a conditional 4 use approval? 5 A. Yes. 6 Q. Which provides -- and that -- which 7 provides that a minor amendment is one that, "Does 8 not change the nature, character or intensity of the 9 conditional use to an extent that it's substantial 10 adverse effects on the surrounding neighborhood 11 could reasonably be expected when considered in 12 combination with the underlying conditional use." 13 You're familiar with that provision? 14 A. Yes, I am. 15 Q. And in your professional opinion, will 16 the proposed modification change the nature, 17 character or intensity of the conditional use? 18 A. No. 19 Q. And can you explain why? 20 A. I can elaborate, yes. The nature of the 21 use will remain unchanged. It will continue the 22 longstanding institutional use of -- at the 23 property. 24 The character of the property will remain 25 largely unchanged from the existing conditions,</p>

August 25, 2022

<p style="text-align: right;">109</p> <p>1 which have been a part of the community for over 60</p> <p>2 years.</p> <p>3 The proposed modifications will not</p> <p>4 increase the intensity of the conditional use.</p> <p>5 Petitioner is proposing to eliminate an</p> <p>6 approximately 13,000 square foot two-story building</p> <p>7 addition.</p> <p>8 As a result, the physical massing and size</p> <p>9 of the building will be much less intense than</p> <p>10 originally approved.</p> <p>11 Q. Thank you. And in your professional</p> <p>12 opinion, will the proposed modification have any,</p> <p>13 "Substantial adverse effects on the surrounding</p> <p>14 neighborhood that could be reasonably -- which could</p> <p>15 be reasonably expected?"</p> <p>16 A. No. As Ms. Peralta testified to, the</p> <p>17 operational characteristics of the daycare will</p> <p>18 naturally limit the number of children outside at</p> <p>19 any given time. The playground facility continues to</p> <p>20 be located adjacent to the existing dog park and</p> <p>21 approximately 230 feet away from the nearest</p> <p>22 residential townhouse.</p> <p>23 Additionally, although the application is</p> <p>24 eliminating the building addition given the rise in</p> <p>25 construction costs that render it financially</p>	<p style="text-align: right;">111</p> <p>1 were there?</p> <p>2 MS. HARRIS: Objection. That's out of her</p> <p>3 field of expertise. She's an expert in architecture.</p> <p>4 We will be putting up our noise consultant. And she</p> <p>5 didn't testify to it, so it's outside the scope of</p> <p>6 her testimony.</p> <p>7 MS. BYRNE: She is correct that it is</p> <p>8 outside the scope of her testimony. But I guess to</p> <p>9 the extent -- I hear your objection, Ms. Harris. I</p> <p>10 believe it's a valid objection. But again, this is a</p> <p>11 little bit of an informal process, so if you can</p> <p>12 speak to that, Ms. Lyon, please do.</p> <p>13 If you cannot, state that as well, because</p> <p>14 I do believe that that will be covered later.</p> <p>15 THE WITNESS: Can you repeat the question,</p> <p>16 please?</p> <p>17 MS. BYRNE: Mr. Gruenspecht, she asked you</p> <p>18 to repeat the question.</p> <p>19 BY MR. GRUENSPECHT:</p> <p>20 Q. Yeah, so the question is, does a --</p> <p>21 does a -- does a 30-foot-high building provide noise</p> <p>22 attenuation? I guess it's a -- I'm not saying that -</p> <p>23 - I'm not asking you to testify that there's a lot</p> <p>24 of noise or anything.</p> <p>25 I'm just asking you to testify does -- does</p>
<p style="text-align: right;">110</p> <p>1 infeasible for this nonprofit childcare center, the</p> <p>2 existing building, landscaping, intervening road and</p> <p>3 parking lot will all continue to provide a buffer</p> <p>4 from the surrounding residential uses.</p> <p>5 Q. Thank you. Is there anything else that</p> <p>6 you would like to add to your testimony?</p> <p>7 A. No. Thank you.</p> <p>8 MS. HARRIS: I have no further questions of</p> <p>9 Ms. Lyon.</p> <p>10 MS. BYRNE: Thank you. Mr. Gruenspecht? And</p> <p>11 Ms. Harris, I might rely on you to -- to pull the</p> <p>12 exhibits back up just in case Mr. Gruenspecht has</p> <p>13 any questions on those.</p> <p>14 MR. GRUENSPECHT: Yeah. Sure. All right. So</p> <p>15 I will ask you maybe to bring some exhibits up too</p> <p>16 that are different from the ones that were just</p> <p>17 brought up.</p> <p>18 MS. HARRIS: Sure.</p> <p>19 CROSS EXAMINATION</p> <p>20 BY MR. GRUENSPECHT:</p> <p>21 Q. But first of all, thank you, Ms. Lyons</p> <p>22 for your testimony -- Ms. Lyon. So the -- you stated</p> <p>23 the -- you removed the building addition. Does the</p> <p>24 building addition -- would the building addition</p> <p>25 provide, in your opinion, noise attenuation if it</p>	<p style="text-align: right;">112</p> <p>1 a 30-foot-high building provide noise attenuation?</p> <p>2 A. No, I do not -- I believe it does not.</p> <p>3 Q. Okay. That's interesting. All right.</p> <p>4 You testified that the reason the proposed building</p> <p>5 addition is being eliminated is due to rising</p> <p>6 construction cost. Is that correct?</p> <p>7 A. That is correct.</p> <p>8 Q. Do you know for a fact that it is only</p> <p>9 rising construction cost and not the sort of a</p> <p>10 change maybe in the contribution being made by the</p> <p>11 project sponsor, you know, to the center?</p> <p>12 MS. HARRIS: Objection. That's irrelevant.</p> <p>13 That's totally irrelevant to this.</p> <p>14 MR. GRUENSPECHT: Well, if it's relevant to</p> <p>15 say that it's because of cost, I don't understand</p> <p>16 why it's -- it's just that to doesn't meet the</p> <p>17 budget, right? And it's not necessarily because of</p> <p>18 cost?</p> <p>19 MS. HARRIS: I want to wait until the</p> <p>20 hearing examiner rules.</p> <p>21 MS. BYRNE: Actually -- actually, Mr.</p> <p>22 Gruenspecht, I don't think that that -- I understand</p> <p>23 that this is the -- what Ms. Lyon has provided, but</p> <p>24 I think that question -- like I believe she's an</p> <p>25 architect, so asking her the financial wherewithal</p>

<p>113</p> <p>1 of the organization isn't really on point.</p> <p>2 MR. GRUENSPECHT: She did testify to that</p> <p>3 voluntarily.</p> <p>4 MS. BYRNE: So I guess the better question</p> <p>5 would be, Ms. Lyon, do you know of any other reason</p> <p>6 other than escalating costs as to why the project is</p> <p>7 being scaled down?</p> <p>8 BY MR. GRUENSPECHT:</p> <p>9 Q. All right, thank you. All right, so let</p> <p>10 me ask the question.</p> <p>11 <b>A. No, I do not.</b></p> <p>12 Q. Yeah. Go ahead, please.</p> <p>13 <b>A. No. I do not.</b></p> <p>14 Q. Ms. Lyons, are you aware that cost --</p> <p>15 do you know that cost is the only reason why the</p> <p>16 project is being scaled down?</p> <p>17 <b>A. Do I know that construction cost is the</b></p> <p>18 <b>only -- only reason?</b></p> <p>19 Q. Construction cost increases are the</p> <p>20 only reason that the project is being scaled down?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. Okay. Thank you. Okay. So now we're</p> <p>23 going to go back to look at the location of the play</p> <p>24 area, which you testified to. Can you bring up</p> <p>25 Exhibit 86, page 13?</p>	<p>115</p> <p>1 let's go to Exhibit 113.</p> <p>2 MS. BYRNE: All right.</p> <p>3 BY MR. GRUENSPECHT:</p> <p>4 Q. And I want to go down to the exhibit</p> <p>5 further down. Uh-huh. Here we've arrived. Okay. Ms.</p> <p>6 Lyons, the playground, is this the playground in the</p> <p>7 proposed -- in the -- sorry, proposed in the minor</p> <p>8 amendment?</p> <p>9 <b>A. Yeah.</b></p> <p>10 Q. The bo- -- including both the solid</p> <p>11 green area and the hatched area?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. All right. Can you please describe the</p> <p>14 change in the right ha- -- in the right-hand</p> <p>15 boundary of the playground compared with that in the</p> <p>16 original conditional use?</p> <p>17 <b>A. The area in the sloped hatch is sloping</b></p> <p>18 <b>-- is an existing ground condition that is sloping</b></p> <p>19 <b>down towards the parking lot.</b></p> <p>20 Q. Right. I'm talking about --</p> <p>21 <b>A. It's not a flat area that --</b></p> <p>22 Q. Right.</p> <p>23 <b>A. -- will be easily -- that will be used.</b></p> <p>24 Q. Right.</p> <p>25 <b>A. It does extend over the propo- -- the</b></p>
<p>114</p> <p>1 MS. BYRNE: I'll go -- I'll go ahead and do</p> <p>2 that, Ms. Harris.</p> <p>3 MR. GRUENSPECHT: Yeah.</p> <p>4 MS. BYRNE: 86 page 13?</p> <p>5 MR. GRUENSPECHT: Right.</p> <p>6 MS. BYRNE: There's 86.</p> <p>7 BY MR. GRUENSPECHT:</p> <p>8 Q. This picture. Okay. So thi- -- so this</p> <p>9 is a diagram from the original record of decision.</p> <p>10 You can see that the boundary of -- so I'll call</p> <p>11 your attention to the boundary of the right-hand</p> <p>12 boundary of the play area. Looking at the graphic,</p> <p>13 do you agree that the playground ends, you know, at</p> <p>14 the left-hand wall of the building addition included</p> <p>15 under the approved conditional use?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. Okay. Do you also see that the right-</p> <p>18 hand boundary of the playground is almost perfectly</p> <p>19 aligned with the vertical solid line representing</p> <p>20 the property boundary?</p> <p>21 <b>A. To the north?</b></p> <p>22 Q. To the north, the vertical property</p> <p>23 boundary.</p> <p>24 <b>A. Yes.</b></p> <p>25 MR. GRUENSPECHT: Okay. Thank you. Now</p>	<p>116</p> <p>1 <b>property line that was referenced in the previous</b></p> <p>2 <b>exhibit because it's in the existing condition.</b></p> <p>3 Q. Because what?</p> <p>4 <b>A. Because it's the existing condition. In</b></p> <p>5 <b>the previous exhibit where the addition was --</b></p> <p>6 Q. Mm-hmm.</p> <p>7 <b>A. -- aligning with the base of the</b></p> <p>8 <b>existing building and the property line --</b></p> <p>9 Q. Mm-hmm.</p> <p>10 <b>A. -- the back area was being regraded and</b></p> <p>11 <b>be- -- and was going to be all flat across the back</b></p> <p>12 <b>of the building.</b></p> <p>13 Q. Mm-hmm. Now --</p> <p>14 <b>A. The solid green area that's shown on</b></p> <p>15 <b>this exhibit as a flat space --</b></p> <p>16 Q. Mm-hmm.</p> <p>17 <b>A. -- is less than what was previously</b></p> <p>18 <b>going to be provided as a flat space with the</b></p> <p>19 <b>addition.</b></p> <p>20 Q. Yeah.</p> <p>21 <b>A. As a --</b></p> <p>22 Q. Thank you. So -- so my concern does not</p> <p>23 relate to the flatness or the slope of the</p> <p>24 playground, it concerns the area of the playground.</p> <p>25 So is the area of the playground expanded toward the</p>

August 25, 2022

<p>117</p> <p>1 east relative to the proposed use plan, the initial 2 approved use? 3 <b>A. Visually, you can say it is extended 4 past the property line that you referenced 5 previously. But that is because it's an existing 6 condition.</b> 7 Q. Ex- -- excuse me. Could you explain the 8 existing condition that mandates the extension of 9 the area of the playground to the east? Couldn't -- 10 couldn't a fence be placed anywhere? 11 <b>A. Could a fence be placed?</b> 12 Q. Yeah. Co- -- could you -- co- -- I 13 assume the playground is enclosed. Right? You're not 14 letting the -- 15 <b>A. There is --</b> 16 Q. --children wander off? 17 <b>A. It's an enclosure around the 18 playground. Yes. And the fence --</b> 19 Q. Wait, so -- 20 <b>A. -- to where that arrow actually is 21 ending.</b> 22 Q. Right. Exactly. So is there something 23 that precludes the playground being maintained as 24 the area -- regardless of slope, I'm talking about 25 area, as the area that was in the existing approved</p>	<p>119</p> <p>1 examine the witness. 2 MS. BYRNE: So yeah. Hang -- hang -- hang 3 tight for a minute, Ms. [inaudible] I'm -- I'm going 4 to rely on your attorney if we need to -- to bring 5 you back in here. So I guess -- I guess the -- the 6 question that Mr. Gruenspecht is trying to get at, 7 and for clarity for all involved is, understood that 8 the grade no longer will change. So the question is, 9 does that create an expansion of the play area? Or 10 is this just a graded area or a non-graded area? 11 THE WITNESS: It's an -- it's a existing 12 sloping area that will not be changing. 13 MS. BYRNE: All right. Will it be included 14 in the playground? 15 FEMALE 1: No. 16 THE WITNESS: No. 17 MS. BYRNE: Okay. That -- that -- I think 18 that's the question. Right? This dark -- does this - 19 - this -- just for my own clarification, this dark 20 green area represents the playground that will be. 21 This will remain unchanged because there will no 22 longer be a building. But is this -- this part and 23 parcel the play area or just open space? 24 THE WITNESS: Open space. 25 MS BYRNE: Okay. Thank you. I think -- I</p>
<p>118</p> <p>1 conditional use? 2 <b>A. I -- I guess. I'm sorry, I'm not 3 understanding your question.</b> 4 Q. Well -- 5 MS. BYRNE: I -- I think I might be able to 6 help here. I guess the question is that the shaded - 7 - the striped, green area, right where I have my 8 cursor, did that exist or not exist in the -- in the 9 original plan? And I -- I -- I'm -- what I'm hearing 10 is it did not exist because it would have been 11 graded out for the building. Is that correct? 12 THE WITNESS: That is correct. 13 MS. BYRNE: All right. So if we take the 14 site conditions as they are, then what happens here? 15 BY MR. GRUENSPECHT: 16 Q. You've extended the area of the 17 playground. 18 <b>A. For the most part --</b> 19 Q. I'm not talking about the grading; I'm 20 talking about the area. There's addition- -- 21 <b>A. For the most part --</b> 22 FEMALE 1: Can I -- can I say something 23 there? That -- 24 THE WITNESS: No. I don't -- 25 MR. GRUENSPECHT: Excuse me. I'm trying to</p>	<p>120</p> <p>1 think that's helpful. 2 BY MR. GRUENSPECHT: 3 Q. So thank you. I -- I am confused. I'm 4 looking at the red box on the right hand side of 5 this picture that describes this hatched area, the 6 full hatched area, part of which was not in any part 7 of the playground in the original approved plan that 8 describes the hatched area, the complete hatched 9 area, as play area at Silver Spring site. 10 So is the hatched area the entire hatched 11 area, including areas that were not part of the 12 solid green area in the original plan part of -- now 13 part of the play area? As the box says on the plan 14 that you put up. And I'm asking this of the witness, 15 not on the counsel. 16 <b>A. The box area does -- does read play 17 area. However, due to the slope of the site, that 18 area is not ideal as a -- as -- to be included in 19 the play area.</b> 20 Q. All right. I -- I might -- I might 21 agree with you. But since it is included in the play 22 area, and since it does extend beyond the boundary 23 of the play area in the original approved 24 conditional use, I will ask you again, is the 25 statement made that there is no change in the</p>

August 25, 2022

<p>121</p> <p>1 location of the playground facilities accurate? And</p> <p>2 you testified to that in your testimony that there</p> <p>3 was no change.</p> <p>4 <b>A. Correct.</b></p> <p>5 Q. Excuse me?</p> <p>6 <b>A. Correct.</b></p> <p>7 Q. Correct what you testified or correct</p> <p>8 that there's no change?</p> <p>9 MS. BYRNE: I get -- I -- I believe she</p> <p>10 testified that her prior testimony was correct, that</p> <p>11 there's no change in the play area. I think where</p> <p>12 it's confusing is that the striped, green area is</p> <p>13 clearly marked clay -- play area.</p> <p>14 But what I just heard you say, Ms. Lyon,</p> <p>15 and please correct me if I'm wrong, is that the</p> <p>16 striped area is not suitable for play. It will only</p> <p>17 be open space. And if that's the case, then is this</p> <p>18 red box incorrectly labeled?</p> <p>19 THE WITNESS: It is. It should say open</p> <p>20 space and not play area.</p> <p>21 MR. GRUENSPECHT: Okay. So -- so my</p> <p>22 understanding then -- all right. So let's go to the</p> <p>23 approved conditional use, which I guess is exhibit -</p> <p>24 - I'm trying to remember.</p> <p>25 MS. BYRNE: See here, is it 99? I think</p>	<p>123</p> <p>1 113, that includes the -- the shaded, hatched figure</p> <p>2 in 113, is the -- is this the boundary of the play</p> <p>3 area in the applicant's amendment as approved?</p> <p>4 MALE 1: Yes.</p> <p>5 MR. GRUENSPECHT: Excuse me?</p> <p>6 MS. BYRNE: I guess this question is for</p> <p>7 you, Ms. Lyon.</p> <p>8 THE WITNESS: I guess I -- I'm -- I'm</p> <p>9 confused at how to answer this question, honestly.</p> <p>10 MR. GRUENSPECHT: Look --</p> <p>11 MS. BYRNE: Okay. Maybe I can help. I</p> <p>12 believe what Mr. Gruenspecht is asking is that the</p> <p>13 minor modification was submitted, this is the plan</p> <p>14 that was attached to the minor modification. And as</p> <p>15 part of the minor modification, was this plan part</p> <p>16 and parcel of it? Is that what you're trying to ask</p> <p>17 her, Mr. Gruenspecht?</p> <p>18 MR. GRUENSPECHT: Yeah. I'm trying to ask</p> <p>19 has the area of the playground changed from what it</p> <p>20 was in the original approved conditional use to</p> <p>21 extend the playground further to the east? I mean, I</p> <p>22 know what the answer is. There's a desire just to</p> <p>23 not say it, which is very frustrating.</p> <p>24 MS. BYRNE: What -- what I -- what I</p> <p>25 believe I'm hearing based on -- I mean, I don't --</p>
<p>122</p> <p>1 it's 99.</p> <p>2 MR. GRUENSPECHT: Ninety-nine -- 99.</p> <p>3 MS. BYRNE: There we go.</p> <p>4 MR. GRUENSPECHT: We're partying like it's</p> <p>5 1999. Okay. Fair enough. Go down to the -- to the --</p> <p>6 to the pictures. Keep on going -- keep on going.</p> <p>7 MS. BYRNE: Am I going to --? I'm going to</p> <p>8 all the.</p> <p>9 MR. GRUENSPECHT: Yeah. Keep on going.</p> <p>10 MS. BYRNE: I'm going to start [inaudible]</p> <p>11 --</p> <p>12 MR. GRUENSPECHT: You might be --</p> <p>13 MS. BYRNE: -- and work the way down.</p> <p>14 MR. GRUENSPECHT: You might've been there.</p> <p>15 Keep on going. That's the original conditional use.</p> <p>16 MS. BYRNE: See, here.</p> <p>17 MR. GRUENSPECHT: A little bit further.</p> <p>18 MS. BYRNE: This one?</p> <p>19 MR. GRUENSPECHT: No. Next one. Ah, here we</p> <p>20 go. Okay. So here's the picture again, another. So</p> <p>21 is the play area -- I don't mean to be obnoxious,</p> <p>22 but it seems like there's an effort to try to avoid</p> <p>23 saying what's obvious.</p> <p>24 So this -- do you believe that the whole</p> <p>25 space, which is very similar to the space in figure</p>	<p>124</p> <p>1 THE WITNESS: No. I had --</p> <p>2 MS. BYRNE: I don't want to beat the dead</p> <p>3 horse. But it appears that the slope, based on her</p> <p>4 testimony before and the photographs that were</p> <p>5 presented, is -- really isn't suitable as a play</p> <p>6 area, but it was marked as a play area, and it</p> <p>7 should have been marked more as green space, open</p> <p>8 space.</p> <p>9 MR. GRUENSPECHT: Yeah.</p> <p>10 MS. BYRNE: So --</p> <p>11 THE WITNESS: That's accurate.</p> <p>12 MS. BYRNE: Okay.</p> <p>13 THE WITNES: The play -- the play area has</p> <p>14 not extended any further to the east. The open area,</p> <p>15 the grassy open area which is existing is now open</p> <p>16 to physical connection to the -- towards the parking</p> <p>17 lot.</p> <p>18 MS. BYRNE: I hope --</p> <p>19 THE WITNESS: Because the addition is no</p> <p>20 longer there.</p> <p>21 MR. GRUENSPECHT: I would say that -- all</p> <p>22 right. I guess I'm not testifying, but the -- the --</p> <p>23 the graphic seems to show the play area has extended</p> <p>24 to the east. You said that was --</p> <p>25 MS. BYRNE: And Mr. -- and Mr. -- Mr.</p>



<p>125</p> <p>1 Gruenspecht, you can tell me all about it in the 2 rebuttal. 3 MR. GRUENSPECHT: It's also extended to the 4 south. Thank you. This ridiculous, but fair enough. 5 MS. BYRNE: Any more questions for this 6 witness, sir? 7 BY MR. GRUENSPECHT: 8 Q. You believe the statement that there's 9 no change to the location of the play area is 10 accurate? That's a question for the witness. 11 <b>A. Yes. I believe that is accurate.</b> 12 MR. GRUENSPECHT: All right. No more 13 questions. 14 MS. BYRNE: Thank you. And Ms. Harris, do 15 you want to take a moment to talk to your client? 16 Because I see she has her hand raised. I'll leave -- 17 I'll leave that up to you. 18 MS. HARRIS: Talk online to my client? Is 19 that -- 20 [talking over each other] 21 MS. BYRNE: Well, she's raised her hand. 22 MS. HARRIS: Can we take a -- can we take a 23 five minute or a ten-minute reprieve? Is that what 24 you're suggesting? 25 MS. BYRNE: Yeah. Well -- well, you know</p>	<p>127</p> <p>1 remain open. So if everybody could just mute, turn 2 your camera off, if -- so to speak, and then we will 3 come back for the -- in 12:15. One moment. 4 MS. HARRIS: 1:15. 5 MS. BYRNE: 1:15. 6 [Recess Taken] 7 MS. BYRNE: All right, I'll go ahead and -- 8 do you want me to pull it up? Or do you want to pull 9 it up? 10 MS. HARRIS: Yeah. I'll put it up. 11 MS. BYRNE: Okay. Because then you can use 12 your cursor to -- to point. 13 REDIRECT EXAMINATION 14 BY MS. HARRIS: 15 Q. Yes. Okay. So Ms. Lyon, there was a lot 16 of discussion previously about the use of the two 17 areas that are labeled play area on this Exhibit 113 18 -- 115 -- 115. Excuse me. Can you li- -- can you 19 explain the green area as opposed to the striped 20 area? 21 <b>A. Yeah. The solid green area is the</b> 22 <b>intended operational play area space for the</b> 23 <b>children, with playground equipment. That's their</b> 24 <b>active space. This bright area to the right is the</b> 25 <b>sloping existing conditions of the ground that is</b></p>
<p>126</p> <p>1 what? It's 12 o'clock. So interesting. I think this 2 is -- this is probably a good time for us to have a 3 conversation. So Ms. Harris, you have how many more 4 witnesses? 5 MS. HARRIS: One. 6 MS. BYRNE: One. All right. How do we feel 7 about taking a 15-minute break and then powering 8 through? If -- if -- if there's some hangry people 9 in the crowd, I completely get that as well. And we 10 can take a longer break, a 30-minute break to allow 11 everybody maybe a chance to get something to eat, 12 and then come back, and we can finish up. So look -- 13 looking for a consensus here. 14 MS. HARRIS: My vote would be a 10, 15- 15 minute break, a restroom break, if nothing else, and 16 then -- 17 MS. BYRNE: That was a good suggestion. 18 MS. HARRIS: -- we power through. But I'm 19 open to other suggestions. 20 MS. BYRNE: Mr. Gruenspecht, how do you 21 feel about that? 22 MR. GRUENSPECHT: That's fine with me. 23 MS. BYRNE: Okay. All right. Let's take a 24 15-minute break. So everything will -- the record 25 will continue to run, it will re- -- everything will</p>	<p>128</p> <p>1 <b>open space.</b> 2 Q. Will it -- will that area be actively 3 used for play area? 4 <b>A. No. It will not be used as active play</b> 5 <b>area.</b> 6 Q. And do you have any -- and how will it 7 not be? Do you know? 8 <b>A. I believe that the operational folks at</b> 9 <b>CentroNia will provide -- with the teachers that</b> 10 <b>will be out there, they will be able to limit access</b> 11 <b>to that sloping area while they're out there with</b> 12 <b>the children, as well as positioning of some of the</b> 13 <b>boundary of the equipment roughly along those two --</b> 14 <b>that line where the two areas are -- are adjoining.</b> 15 Q. And is it correct that the plan that we 16 see now, that doesn't show any of the play equipment 17 or features? Is that correct? Okay. It sounds like, 18 actually, this is a line of questions that will 19 bring Ms. Peralta back on during redirect for. One 20 last question, Ms. Lyon, and that is on this plan 21 you see the 331 feet, which Mr. Karner will get into 22 the relevance of that, but can you identify from 23 where that 330 feet is measured as it relates to our 24 playground? In other words, what -- 25 <b>A. As it's measured to -- to what is being</b></p>

August 25, 2022

<p>129</p> <p>1 shown, it's -- it's -- the 331 feet measurement is -</p> <p>2 -</p> <p>3 Q. Let me. Here, I'll help you. Let me ask</p> <p>4 it a different way. This is 330 feet, is it measured</p> <p>5 to that portion of the playground that you just</p> <p>6 testified to would not have active play area within</p> <p>7 it?</p> <p>8 A. Yes. It is.</p> <p>9 Q. Okay. Thank you.</p> <p>10 A. Thank you.</p> <p>11 Q. I have --</p> <p>12 MS. BYRNE: Actually, I have one question</p> <p>13 for Ms. Lyon, and then obviously, Ms. Harris, if you</p> <p>14 have redirect after I -- after I ask her. You talked</p> <p>15 about the standard for the minor amendment and</p> <p>16 specifically talked about the nature of the</p> <p>17 conditional use.</p> <p>18 So daycare not changing. Right? It's the</p> <p>19 nature of the con- -- it's your assertion that the</p> <p>20 daycare nature hasn't changed, the character of the</p> <p>21 -- of the building, I guess, itself, and the use</p> <p>22 hasn't changed.</p> <p>23 But then we get into -- I think there's</p> <p>24 been a lot of time spent on the word intensity. Can</p> <p>25 you explain to me, in your opinion, why this is --</p>	<p>131</p> <p>1 mind.</p> <p>2 MS. BYRNE: Sounds good.</p> <p>3 MS. HARRIS: So, Ms. Peralta, are you</p> <p>4 there?</p> <p>5 MS. PERALTA: Yeah. I'm here.</p> <p>6 MS. HARRIS: I think you need to turn on</p> <p>7 your camera. Okay.</p> <p>8 MS. PERALTA: Yeah.</p> <p>9 REDIRECT EXAMINATION</p> <p>10 BY MS. HARRIS:</p> <p>11 Q. So Ms. Lyon testified that the green</p> <p>12 area is the active operational playground space.</p> <p>13 A. Right.</p> <p>14 Q. Is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. And how will that space physically be</p> <p>17 delineated from that steep slope?</p> <p>18 A. We will need to -- and -- and we -- we</p> <p>19 do this at a couple of other sites. We'll put up</p> <p>20 either flowerbeds or equipment that blocks access to</p> <p>21 the slope area. The slope area is a real, real</p> <p>22 concern for a safety issue. And we will use either</p> <p>23 just barriers, some of them could be -- we could do</p> <p>24 some bushes, you can do planters. You can do all</p> <p>25 sorts of things in order to prevent the children</p>
<p>130</p> <p>1 why the removal of the structure doesn't create an</p> <p>2 intensity?</p> <p>3 THE WITNESS: The removal of the addition</p> <p>4 does not create an intensity because the physical</p> <p>5 massing of the existing building will be -- is -- is</p> <p>6 what is there now, there is no increase in the</p> <p>7 physical massing intensity of the pro- -- the</p> <p>8 building as a whole.</p> <p>9 MS. BYRNE: All right. Thank you.</p> <p>10 MS. HARRIS: And I would note on -- with</p> <p>11 that, I mean, again, Mr. Karner will get into other</p> <p>12 levels of potential intensity and how the</p> <p>13 elimination relates to that.</p> <p>14 MS. BYRNE: That -- that's what I thought I</p> <p>15 heard her say, I just wanted to clarify for my note</p> <p>16 that it -- that it related to the -- the physical</p> <p>17 structure. All right. Thank you. All right. Ms.</p> <p>18 Harris, do you want to bring Ms. Peralta back? Or do</p> <p>19 you want to -- to go to -- to your -- your noise</p> <p>20 person?</p> <p>21 MS. HARRIS: Actually, I think it makes</p> <p>22 more sense to bring Ms. Peralta back just while this</p> <p>23 is --</p> <p>24 MS. BYRNE: Okay.</p> <p>25 MS. HARRIS: -- just fresh in everyone's</p>	<p>132</p> <p>1 from entering the slope area.</p> <p>2 Q. So just to be clear, the green area is</p> <p>3 where the active outdoor play will occur?</p> <p>4 A. Right. If you remember the -- the</p> <p>5 sloped area would have been eliminated by the -- by</p> <p>6 the building. And -- and so with the returning back</p> <p>7 to the -- the available space, or the current space,</p> <p>8 we've already anticipated needing to put up some --</p> <p>9 like I said, some equipment, and barriers, and</p> <p>10 things that will prevent the children from going</p> <p>11 into the sloped area.</p> <p>12 MS. HARRIS: Thank you. No further</p> <p>13 questions.</p> <p>14 MS. BYRNE: Since we've brought Ms. Peralta</p> <p>15 back, Mr. Gruenspecht, you have an opportunity to</p> <p>16 cross-examine her again. And I -- and if you</p> <p>17 wouldn't mind both lowering your hands, because</p> <p>18 that's all I'm going to see now for the -- the rest</p> <p>19 of the time.</p> <p>20 MR. GRUENSPECHT: Okay. I'm happy to lower</p> <p>21 my hand. Thank you.</p> <p>22 MS. BYRNE: Thank you. Thank you, Ms.</p> <p>23 Peralta. You're welcome. And -- and again, Mr.</p> <p>24 Gruenspecht, your questions on cross are limited to</p> <p>25 what Ms. Peralta just testified to regarding their</p>

<p>133</p> <p>1 use of the play space.</p> <p>2 MR. GRUENSPECHT: Mm-hmm.</p> <p>3 MS. HARRIS: Wait, I'm not clear. Is Mr.</p> <p>4 Gruenspecht going to ask Ms. Peralta questions? Or</p> <p>5 did he not have --?</p> <p>6 MS. BYRNE: That -- actually, that's a very</p> <p>7 good question. That's why I thought you had raised</p> <p>8 your hand, Mr. Gruenspecht. Was that --</p> <p>9 MR. GRUENSPECHT: Sure.</p> <p>10 MS. BYRNE: Am I incorrect?</p> <p>11 MR. GRUENSPECHT: So sorry.</p> <p>12 MS. BYRNE: Is it more of a statement or a</p> <p>13 question?</p> <p>14 MR. GRUENSPECHT: I'm having trou- -- I'm</p> <p>15 having trouble managing the technology. So I</p> <p>16 apologize. But yeah. I was going to ask her a</p> <p>17 question about what she just said.</p> <p>18 MS. BYRNE: Okay.</p> <p>19 MR. GRUENSPECHT: Is that okay? Is this the</p> <p>20 right time.</p> <p>21 MS. BYRNE: This is the right time.</p> <p>22 RE CROSS EXAMINATION</p> <p>23 BY MR. GRUENSPECHT:</p> <p>24 Q. Okay. So, you know, it does strike me</p> <p>25 that we talk about flower beds and other things we</p>	<p>135</p> <p>1 area that was play area in the original proposal, so</p> <p>2 that you could still have your planters at -- at</p> <p>3 what you define as the active play area, but not</p> <p>4 expand the fenced in playground. Thank you. Part of</p> <p>5 that -- so -- yeah.</p> <p>6 MS. BYRNE: Right. So that -- that was</p> <p>7 actually more of a statement, Mr. Gruenspecht, and</p> <p>8 we'll -- we'll take that statement. So if that's it</p> <p>9 for Ms. Peralta, I think we can move on to your next</p> <p>10 witness, Ms. Harris.</p> <p>11 MS. HARRIS: Thank you. And this is our</p> <p>12 final wis- -- witness. And it's Mr. Chris Karner.</p> <p>13 SWEARING IN OF WITNESS CHRISTOPHER KARNER</p> <p>14 MS. BYRNE: Thank you. Mr. -- Mr. Karner,</p> <p>15 let's raise your hand. Let's -- let's just go ahead</p> <p>16 and swear you in even if you swore in with everybody</p> <p>17 else earlier. Do you promise to tell the whole truth</p> <p>18 and no- --?</p> <p>19 MR. KARNER: I do.</p> <p>20 MS. BYRNE: Thank you very much.</p> <p>21 DIRECT EXAMINATION</p> <p>22 BY MS. HARRIS:</p> <p>23 Q. Welcome Mr. Karner. Can you please</p> <p>24 state your full name and primary occupation for the</p> <p>25 record?</p>
<p>134</p> <p>1 could do. But if this is not supposed to be part of</p> <p>2 the play -- you know, if this is not what you call</p> <p>3 active play area --</p> <p>4 A. Mm-hmm.</p> <p>5 Q. -- you know, which is a very nebulous</p> <p>6 kind of term. So my question is, why not just put a</p> <p>7 fence around the play area that you intend to be</p> <p>8 used as play area? And then one could be more</p> <p>9 confident that -- you know, what you're saying, and</p> <p>10 again, I -- I like what you're saying. But it's kind</p> <p>11 of -- it's just like saying, there won't be people</p> <p>12 in before 9:30, but I won't commit to it. You know,</p> <p>13 it's --</p> <p>14 A. I'll tell you why. Aesthetically, I</p> <p>15 just think that flower beds, and natural, you know -</p> <p>16 - a fence is -- is -- is -- is my second or third</p> <p>17 choice. And so, you know, you try to put the most</p> <p>18 aesthetic things. We could put planters in there</p> <p>19 where the children could, you know, grow herbs. I</p> <p>20 mean, we like to be creative. That's all. And so a</p> <p>21 fence is not -- a fence is not out of the question.</p> <p>22 But we'd like to -- I think we can be more creative</p> <p>23 than that.</p> <p>24 Q. Okay. Well, I do appreciate that</p> <p>25 answer. Let me just suggest maybe a fence around the</p>	<p>136</p> <p>1 A. Christopher Karner, I'm an acoustic</p> <p>2 consultant.</p> <p>3 Q. And can you please describe your</p> <p>4 professional and educational background, and any</p> <p>5 pro- -- accreditations or designations that you may</p> <p>6 have?</p> <p>7 A. I have a Bachelor of Arts from Columbia</p> <p>8 College, Chicago in acoustics and have been working</p> <p>9 for 19 years as a acoustic consultant.</p> <p>10 Q. And who's your current employer?</p> <p>11 A. Polysonics.</p> <p>12 Q. And what is your current position at</p> <p>13 Polysonics?</p> <p>14 A. I'm a senior consultant.</p> <p>15 Q. And so what do you do as a senior</p> <p>16 consultant?</p> <p>17 A. I have a wide range of roles, but it's</p> <p>18 all related to noise and acoustics. So for</p> <p>19 environmental noise, I do a lot of traffic, railway,</p> <p>20 aircraft, [inaudible], anything that makes noise</p> <p>21 environmentally. I work either with the homeowners</p> <p>22 to try to help quiet the noise or the -- the bus- --</p> <p>23 the owners of that noise to work with that.</p> <p>24 I also do interior noise for -- which is</p> <p>25 for schools, residences, offices. And other -- other</p>

August 25, 2022

<p style="text-align: right;">137</p> <p>1 <b>noise sources, data centers, wastewater management,</b>  2 <b>just anything that's making noise, you know, we work</b>  3 <b>-- we will work on that.</b>  4 Q. And when you say you do noise, does  5 that mean you measure noise as well as whatever else  6 you may do with [inaudible]?  7 <b>A. Yeah. Sure. So we -- we do noise</b>  8 <b>modeling, we do noise measurement, we do, you know,</b>  9 <b>meetings and other consulting, lots of reports and</b>  10 <b>things like that.</b>  11 Q. And have you ever testified before the  12 Montgomery County Office of Zoning in administrative  13 hearings --  14 <b>A. Yeah.</b>  15 Q. -- as an expert? Have you ever  16 testified anywhere else as an expert?  17 <b>A. Yes. At Loudoun County Board of Zoning</b>  18 <b>Appeals, and Fairfax Board Zoning Appeals, and then</b>  19 <b>for Hartford County in Maryland.</b>  20 MS. HARRIS: And your re- -- we have  21 submitted Mr. Karner's resume as Exhibit 115, and we  22 would offer him as an expert.  23 MS. BYRNE: Mr. Gruenspecht?  24 MR. GRUENSPECHT: No objection.  25 MS. BYRNE: Okay. So -- so admitted --</p>	<p style="text-align: right;">139</p> <p>1 And then I'll go to the zoomed in map, aerial photo,  2 I should say.  3 <b>A. I -- I think you got to wait. So I</b>  4 <b>understand it's in the central business dist- --</b>  5 <b>district of Silver Spring. It's -- Colesville Road,</b>  6 <b>I think, is south of this, which has six lanes. And</b>  7 <b>then Ellsworth Drive, which is, I think, on the</b>  8 <b>right of that drawing there.</b>  9 <b>There's the dog park, which we've already</b>  10 <b>discussed and then Ellsworth Urban Park, which has</b>  11 <b>tennis courts and playgrounds. There's the townhouse</b>  12 <b>community and the closest townhouse, I think someone</b>  13 <b>-- we've measured at 244 feet from the building, and</b>  14 <b>267 feet from the playground. And then to the south</b>  15 <b>of all this is a high-rise multifamily building.</b>  16 <b>And I would -- I would say to that I -- I</b>  17 <b>visit -- when I went to the site in terms of noi- --</b>  18 <b>I think of it in terms of noise. So you could hear</b>  19 <b>the background noise was traffic, I could hear kids</b>  20 <b>at the playground, there was some insect noise from</b>  21 <b>the trees, I think the cicadas are out. And then</b>  22 <b>some HVAC units.</b>  23 Q. And then when you were out there, did  24 you actually take noise measurements, existing noise  25 levels?</p>
<p style="text-align: right;">138</p> <p>1 MS. HARRIS: Thank you.  2 MS. BYRNE: -- as an expert.  3 BY MS. HARRIS:  4 Q. So Mr. Karner, are you familiar with  5 the original approved conditional use and the  6 modifications of the proposed subject amendment?  7 <b>A. Yes. I reviewed the plans for the</b>  8 <b>conditional use and the requested amendment. You</b>  9 <b>know, I've heard Jen's testimony regarding the</b>  10 <b>modifications and the discussion we had now. And I</b>  11 <b>understand that the main modification is the noise</b>  12 <b>with respect to elimination of the proposed building</b>  13 <b>addition.</b>  14 Q. And have you visited this site in  15 person?  16 <b>A. Yes. I visited the site I think a</b>  17 <b>couple of weeks ago to do noise measurements and</b>  18 <b>just to walk around.</b>  19 Q. And did you observe the surrounding  20 area when you were onsite?  21 <b>A. Yes.</b>  22 Q. And could you -- and I'm going to bring  23 up Exhibit 100 -- 113, which I had up previously.  24 Can you describe --? Sorry, hold on one second. Can  25 you describe the surrounding area for us, please?</p>	<p style="text-align: right;">140</p> <p>1 <b>A. Yes. We did on August 15th, 2022.</b>  2 Q. Okay. And now I'm going to move over to  3 Exhibit 112. And are you familiar with the  4 Montgomery County Noise Ordinance?  5 <b>A. Yes.</b>  6 Q. And what does -- what does it say in  7 terms of allowable noise?  8 <b>A. Sure. So you're right. The -- earlier,</b>  9 <b>you know, this shows kind of a summary, we didn't</b>  10 <b>show the whole noise ordinance. But the -- they</b>  11 <b>allow for noise receiving areas for daytime noise.</b>  12 <b>So this is 7:00 a.m. to 10:00 p.m., 67 for non-</b>  13 <b>residential and 65 for residential noise areas.</b>  14 <b>And then there's penalties if it's a tonal</b>  15 <b>noise. And then if it crosses non-residential and</b>  16 <b>residential, they use the stricter one. And then</b>  17 <b>there's also the noise disturbance, which was</b>  18 <b>discussed earlier.</b>  19 Q. And can you explain the basic  20 principles of noise for those of us that are laymen  21 in this field?  22 <b>A. Yeah. So I -- I -- we included this</b>  23 <b>slide to kind of understand for later when we</b>  24 <b>discuss all -- all the noise stuff so it's -- you</b>  25 <b>know, it's not a mystery. For sound as a point</b></p>

August 25, 2022

<p>141</p> <p>1 source such as a person talking, or -- it -- it</p> <p>2 every -- so every -- it reduces 6 dB per doubling of</p> <p>3 distance. So at one foot, you walk a foot away, it's</p> <p>4 going to go down by 6 dB, and then you'd have to go</p> <p>5 four feet for another six, and so on.</p> <p>6 So that's the formula there that 20 times</p> <p>7 log of distance one over distance two, and that's</p> <p>8 how we come up with how much reduction is going to</p> <p>9 be if you give me two distances. So if I measure it</p> <p>10 one distance, and I measure it the other, it's --</p> <p>11 that's the reduction that I'm going to get.</p> <p>12 The next one is sound level perception. So</p> <p>13 this is how people perceive sound changes. So a one</p> <p>14 to two dB change is considered barely noticeable.</p> <p>15 You may notice it, barely. Three dB is considered a</p> <p>16 just noticeable difference. Five dB is clearly</p> <p>17 noticeable, and then 10 dB, even though it's -- it's</p> <p>18 10, you perceive it as twice as loud.</p> <p>19 Later on, we'll talk about indoor noise.</p> <p>20 And HUD says that most houses of standard</p> <p>21 construction, meaning off the shelf windows, vinyl</p> <p>22 siding, you know, off the shelf doors is 20 dB for</p> <p>23 standard construction. And that is with windows and</p> <p>24 doors closed, I would add.</p> <p>25 To the right is an excerpt from a textbook</p>	<p>143</p> <p>1 Q. Yes. Okay. Uh-huh. Go ahead.</p> <p>2 A. So we will get to the numbers. So this</p> <p>3 is where we -- we went to Takoma Park. So when we</p> <p>4 started, they asked how loud is the -- is the actual</p> <p>5 kids playing in a playground? And that's not just a</p> <p>6 number we can pull from anywhere and have it be a</p> <p>7 reliable number.</p> <p>8 So we went to an existing CentroNia in</p> <p>9 Takoma Park, set up right next to the playground,</p> <p>10 five feet away from the fence. And, you know -- and</p> <p>11 then we would be able to use that calculation for</p> <p>12 the 331 distance, which we'll discuss later.</p> <p>13 And then we went to the Silver Spring</p> <p>14 location, and walked around, and took various</p> <p>15 measurements at the townhouses. They were all pretty</p> <p>16 similar. So -- as you'll see in the next couple</p> <p>17 slides.</p> <p>18 Q. And so when you say they were all</p> <p>19 pretty similar, the sounds around the property were</p> <p>20 all pretty similar?</p> <p>21 A. Yeah. For M1, M2, M3 --</p> <p>22 Q. Okay.</p> <p>23 A. -- on the right. Yes.</p> <p>24 Q. Got it. Okay. This slide --</p> <p>25 A. So this is the existing daycare in</p>
<p>142</p> <p>1 that I'm not going to go through the whole thing,</p> <p>2 but it shows, you know, where speech is, how we</p> <p>3 perceive it, if it's faint, very faint, loud, and so</p> <p>4 on. And just some examples of what they are.</p> <p>5 So for Montgomery County, it's 65 during</p> <p>6 the day, you can see that that's in the -- towards</p> <p>7 the high end of speech. So I might be speaking at</p> <p>8 65. I -- I don't think people speak at 50. I'm</p> <p>9 pretty quiet, and I'm probably around 60. So it's</p> <p>10 somewhere around highway traffic, it's -- it would</p> <p>11 be considered loud the 65, the Montgomery County</p> <p>12 limit. You know, take that as you will.</p> <p>13 And then -- and then you start getting to</p> <p>14 damagingly loud noise, like 80, and 100, and so on.</p> <p>15 But I would add that it says threshold of hearing</p> <p>16 loss, long term exposure, 80. That's if -- hearing</p> <p>17 80 dB for four years, eight hours a day. It's not --</p> <p>18 Q. Thank you.</p> <p>19 A. -- one single 80 event.</p> <p>20 Q. And in your professional opinion, how</p> <p>21 much noise would be generated by the outdoor</p> <p>22 playground for the proposed center?</p> <p>23 A. I think can we can -- can we build to</p> <p>24 that? So -- just because the next slide talks about</p> <p>25 the measurement locations.</p>	<p>144</p> <p>1 Takoma Park. You can kind of tell from the chart on</p> <p>2 the left that we measured for an hour, there were 19</p> <p>3 students out. And -- and I sat and wrote down peak</p> <p>4 events. That's what that table is on the top right.</p> <p>5 If a ki- -- it's generally, the kids are talking or</p> <p>6 yelling. And so that's the events is all them</p> <p>7 yelling.</p> <p>8 The loudest event was 83 dB. Again, that's</p> <p>9 five feet from the fence, and they were pretty</p> <p>10 close. The loudest peaks on the chart on the left</p> <p>11 were not due to the children. So it doesn't</p> <p>12 necessarily reflect the kids were making all these</p> <p>13 noise, the -- a garbage truck came, there was people</p> <p>14 driving by and honking horns, and aircraft events,</p> <p>15 and other things like that. So just -- just --</p> <p>16 sorry. Go ahead.</p> <p>17 Q. No. So I think you were going to</p> <p>18 clarify what I was going to ask, proceed.</p> <p>19 A. Okay. So -- but the loudest measured</p> <p>20 noise was that 10:16, 14 a.m. 83 dB, you know,</p> <p>21 measured at five feet from the edge of the</p> <p>22 playground.</p> <p>23 Q. Okay. And then -- so knowing that</p> <p>24 that's actual quantitative evidence that you took at</p> <p>25 Takoma Park, then what did you do as it applies to</p>

<p>145</p> <p>1 this site?</p> <p>2 A. Sure. So using that, it might be easier</p> <p>3 to move to the -- to the next slide. Yeah. So --</p> <p>4 Q. This one?</p> <p>5 A. -- now that we --</p> <p>6 Q. Uh-huh.</p> <p>7 A. Yeah. Now that we know that, you know,</p> <p>8 based on an hour of kids playing at the -- CentroNia</p> <p>9 kids playing at the playground that 83 dB is at five</p> <p>10 feet -- and again, we're picking the loudest thing</p> <p>11 that we measured, we're not picking average, we're</p> <p>12 picking the loudest thing we did. We can compare</p> <p>13 that to the background noise at the existing -- or</p> <p>14 at the Silver Spring location.</p> <p>15 And so these are -- on the screen are some</p> <p>16 of the results. So M1, the average noise level was</p> <p>17 50, M2 was 49, 3 was 53. And then there's the</p> <p>18 minimum noise levels. So noise isn't just you know,</p> <p>19 a flat line, it has peaks and valleys as you saw in</p> <p>20 the previous slide. So we also included the maximum</p> <p>21 and minimum noise level.</p> <p>22 So the quietest we measured at all three</p> <p>23 locations was 46. And in general, the overall noise</p> <p>24 level was low 50s, I would say. Does that --?</p> <p>25 Q. And does the overall sort of -- does</p>	<p>147</p> <p>1 The noise levels that we measured at the</p> <p>2 existing location, the quietest thing we measured</p> <p>3 was 46 dB. Now, granted, that's middle of the day,</p> <p>4 it probably gets quieter at nighttime, but they're</p> <p>5 not out in the playground at the nighttime.</p> <p>6 So I -- I really think that the noise</p> <p>7 levels, they might spike and peak throughout the</p> <p>8 day, but 46 is pretty quiet. It's likely</p> <p>9 representative of -- or it's -- at least it's</p> <p>10 representative what the quietest thing we measured</p> <p>11 at the site. So the loudest kid we measured is equal</p> <p>12 to the background noise level at the site.</p> <p>13 And then there's indoor levels, which is</p> <p>14 just taking those outdoor levels and subtracting 20.</p> <p>15 And this was, you know, to make sure that -- make</p> <p>16 sure there weren't any concerns of, will these kids</p> <p>17 be heard inside? And 26 dB for that max event and</p> <p>18 18, the earlier chart had residential noise levels,</p> <p>19 and both 26 and 18 were below normal background</p> <p>20 house noise.</p> <p>21 Q. So that's the -- those are the levels</p> <p>22 at Ms. -- from the playground to Mr. Gruenspecht's</p> <p>23 house if he's standing out in his front porch, or if</p> <p>24 he's inside the house. Correct? The two differences.</p> <p>25 A. Correct.</p>
<p>146</p> <p>1 that represent generally an average? Or what's --?</p> <p>2 A. Yeah. So that was -- I -- I did, I</p> <p>3 think, a minute at each location and so that's the</p> <p>4 average noise level during that minute.</p> <p>5 Q. Okay. So then, wha- -- so what do --</p> <p>6 then what do you do? And ---</p> <p>7 A. Sure. So it goes back to that earlier</p> <p>8 slide that if we know that 83 dB is the loudest</p> <p>9 event there from the -- from the children, and 75, I</p> <p>10 just took the average of all those events. That's</p> <p>11 what that 75 is.</p> <p>12 And if you take that 20 times log five feet</p> <p>13 over 331 feet, you get a 36 dB reduction. So then</p> <p>14 you would reduce 36 from 83, and reduce 36 from 75.</p> <p>15 And this is just how sound moves through the air.</p> <p>16 So then you would have, if the loudest kid</p> <p>17 is 83 at 331 feet, it's 46 dB at the townhouse at</p> <p>18 331. Referring back to the chart earlier, it's below</p> <p>19 speech level, speech levels started at around 50.</p> <p>20 It's considered a moderate noise level.</p> <p>21 And then the average noise event, so this</p> <p>22 is everything I measured during that hour, it's a 38</p> <p>23 dB event. And it's equal to soft stereo and music.</p> <p>24 Comparing those, I think that might be in the next</p> <p>25 slide, but I'm just going to mention it anyway.</p>	<p>148</p> <p>1 Q. Okay. And then what about -- well, a</p> <p>2 couple of questions. First of all, and those levels</p> <p>3 are below the allowable noise ordinance.</p> <p>4 A. Right -- right. They are well below the</p> <p>5 65 allowed by Montgomery County.</p> <p>6 Q. And then what about the closest</p> <p>7 townhouse? Did you take a look at that? And what --</p> <p>8 what would the levels be there?</p> <p>9 A. Yes. I do. What was I going to say? We</p> <p>10 -- yeah. We did look at that. Let me look at those</p> <p>11 numbers real quick. Because I don't think we did</p> <p>12 that on the slide.</p> <p>13 Q. Let me also ask you another question.</p> <p>14 When -- are these numbers based on 20 children</p> <p>15 outside or 40 children based outside?</p> <p>16 A. So the numbers on the left, I think,</p> <p>17 are based on 20, because where there's 19 kids</p> <p>18 there. And I -- I do want to say that I don't</p> <p>19 necessarily think 40 kids will be louder. I do think</p> <p>20 that a loud event might occur more often.</p> <p>21 It does -- just because -- it doesn't -- if</p> <p>22 you have 20 kids and 20 kids, it doesn't -- you</p> <p>23 know, they may not yell at the same time. But let's</p> <p>24 assume that they do, that the same event happened,</p> <p>25 two kids are yelling. If you double a noise level,</p>

August 25, 2022

<p style="text-align: right;">149</p> <p>1 or double a noise source, it increases by 3 dB. So</p> <p>2 that 83 would become 86. And I think that that's the</p> <p>3 noise levels that we're referring to on the right.</p> <p>4 Q. So the ones on the right actually are</p> <p>5 reflective of if -- as if there were 40 children in</p> <p>6 the playground, not 20. That's what you're saying?</p> <p>7 A. No. I -- no. I don't think the math</p> <p>8 works out that way.</p> <p>9 Q. Okay.</p> <p>10 A. So it'd be 86 minus 36. So it would be</p> <p>11 50 then, max event. If you had two kids being as</p> <p>12 loud as we measured, which again, I do -- I think</p> <p>13 that's a hypothetical worst-case scenario, may or</p> <p>14 may not match reality.</p> <p>15 Q. And again, still considerably lower</p> <p>16 than the noise ordinance?</p> <p>17 A. Yes.</p> <p>18 MALE 1: Excuse me?</p> <p>19 THE WITNESS: And I -- I -- I did want to</p> <p>20 bring up, it's not in the notes, but we -- we</p> <p>21 approach this from both the noise ordinance and from</p> <p>22 the noise disturbance. And that's why we measured</p> <p>23 the background noise levels.</p> <p>24 And so we wanted to show here's the noise</p> <p>25 of the children versus the background noise, and</p>	<p style="text-align: right;">151</p> <p>1 testified, 230 approximately.</p> <p>2 A. Okay. I -- 230. Okay. So, sorry. I --</p> <p>3 it -- it's a strange coincidence, but yeah. It would</p> <p>4 be eight -- it would be the same at the closest for</p> <p>5 20 kids as it would be at the far distance for 40</p> <p>6 kids. So the -- the other will have noise levels of</p> <p>7 83 dB with 19 kids.</p> <p>8 Oh, I'm -- I'm sorry. That's the wrong --</p> <p>9 yeah. I -- I'm sorry. Just -- so it's a 3 dB</p> <p>10 difference at 230 feet. So it would be slightly</p> <p>11 louder. So 49 for them with the 20 -- with the 20</p> <p>12 kids, and so 30, 41. So just -- just add three to</p> <p>13 everything.</p> <p>14 Q. Okay. And -- and you -- just because</p> <p>15 there was a lot of back and forth, and that may have</p> <p>16 been a little confusing, and my apologies. Can you</p> <p>17 just briefly summarize what the -- restate that</p> <p>18 again and as it relates to the general noise level?</p> <p>19 A. Sure. No. I understand. So the noise</p> <p>20 levels here are representative of 20 kids. So that's</p> <p>21 what the -- shown on the screen. So we're -- I'm</p> <p>22 just going to stick with max event. It's 83 with 20</p> <p>23 kids, hypothetically, it could be 86 with 40 kids.</p> <p>24 That's at five feet. At 331 feet, it's 46 with 20</p> <p>25 kids, 49 with 40 kids. And then if you shrink that</p>
<p style="text-align: right;">150</p> <p>1 here's the noise of the children versus the -- the</p> <p>2 zoning ordinance. And so we -- we were cognizant of</p> <p>3 the noise disturbance environment.</p> <p>4 Q. So -- okay. So just to be clear, if at</p> <p>5 Mr. Gruenspecht's house, if there were 40 children</p> <p>6 out on the playground at one time, what would --</p> <p>7 what would the -- what would the indoor and outdoor</p> <p>8 numbers be?</p> <p>9 A. The -- so yeah. So, sorry. It's 49 if</p> <p>10 you have -- that's the loudness level, it would be</p> <p>11 49 at the property line, so outside, and then minus</p> <p>12 20 of that would be 29 inside.</p> <p>13 Q. Okay. And then I think I interrupted</p> <p>14 you, the levels at -- or you were headed toward,</p> <p>15 while none of the other neighbors have brought this</p> <p>16 issue up, just to clar- -- or just make sure</p> <p>17 everything's okay. Did you take a look at what the</p> <p>18 measurements would be at the closest residence? And</p> <p>19 if so, what are those?</p> <p>20 A. Could you mind asking that in a second,</p> <p>21 or giving you time to --</p> <p>22 Q. Certainly.</p> <p>23 A. -- check for that? Do you know that</p> <p>24 second distance?</p> <p>25 Q. Two-hundred and -- I believe it was</p>	<p style="text-align: right;">152</p> <p>1 down to 230, it's 52 with 40 kids, and 49 with 20</p> <p>2 kids.</p> <p>3 Q. Got it. Thank you.</p> <p>4 A. I don't know if that's clearer. But</p> <p>5 it's all accurate, at least.</p> <p>6 Q. Okay -- okay. And so, just to be clear,</p> <p>7 these noise -- the noise levels were taken without</p> <p>8 the addition. Is that correct?</p> <p>9 A. Correct. So when we measured from the</p> <p>10 playground, the re- -- at Takoma Park, there was</p> <p>11 nothing between us and the children, just a bar</p> <p>12 fence. And we did not include any kind of mitigation</p> <p>13 in our calculations, there was no modeling. It's</p> <p>14 just sound traveling through air. It's not taking to</p> <p>15 account the existing building, or any other</p> <p>16 buildings in the way.</p> <p>17 Q. Okay. And in your professional opinion,</p> <p>18 is there any need for any further mitigation giving</p> <p>19 these -- given these noise levels?</p> <p>20 A. Could you go to the next slide?</p> <p>21 Q. Mm-hmm.</p> <p>22 A. So this is kind of summarizing</p> <p>23 everything. But the background noise that we</p> <p>24 measured was 46 to 59. The max event with 20 kids</p> <p>25 that we measured was 46, so that's equal to the</p>

<p>153</p> <p>1 background noise. If you have 40 kids, and I -- if 2 two of them yelled at the same time, it would be 49, 3 which would be a three dB increase. 4 Which as you remember earlier, it's 5 considered a just noticeable difference. Meaning you 6 would go, oh, you can -- you can kind of hear that, 7 maybe. And then again, that assumes that they're -- 8 they're at the max measured level. But the average 9 event that we measured during that hour was eight dB 10 less than the background noise. 11 So those -- an average only with the 12 exception of that loudest noise, you -- it would be 13 inaudible. So let's assume that they'll be audible 14 sometimes, is what the conclusion says. They'll be 15 audible, that doesn't mean it's a disturbance, it 16 just means there'll be just noticeable of the 17 background noise. But never within the house with 18 the windows closed will they be audible. 19 And then there -- all the noise levels that 20 we showed calculated out to the houses are well 21 below the 65 limit. And, you know, like I said, it's 22 a just noticeable difference, which is not the same 23 thing as a noise disturbance. 24 Q. And when you said that you were out 25 there and you measured noise, you measured the</p>	<p>155</p> <p>1 adverse effects on the surrounding neighborhood that 2 could be reasonably expected? 3 A. I would not consider a 3 dB increase 4 over background noise to be substantial. So -- 5 Q.: And -- and not substantial? And also, 6 not -- I -- I assume from that, and not causing any 7 adverse effects? 8 A. Correct. 9 Q. And in your opinion, and I think 10 already asked this, but I'll re-ask it, in your 11 professional opinion, are any additional mitigation 12 strategies required to mitigate the noise from the 13 playground? 14 A. No. None are required per the county 15 code. 16 Q. And just out of curiosity, when you've 17 been engaged by other clients to do this kind of 18 work, are there ever instances where you do 19 recommend mitigation? 20 A. So we tend to work with requirements or 21 -- only, not recommendations. We would not be well- 22 liked if we recommended expensive things that 23 weren't needed. So yes. There was a sim- -- not as 24 similar project, but we had a project in DC at The 25 Darcy Hotel, which I think some of the people are</p>
<p>154</p> <p>1 background noise. So if someone's sitting in their 2 house with their window open, will they hear noise 3 from the outside based on -- 4 A. Yes. 5 Q. -- noise that you heard? 6 A. Yes. They will hear the same -- more or 7 less the same kind of background noise that we 8 measured. 9 Q. And I heard -- I saw Mr. Gruenspecht 10 shaking his head, yes, yes, I hear noise with my 11 windows open. 12 A. Yeah. A lot -- yeah. If you're opening 13 your windows, the expectation of not hearing noise 14 is fair. 15 Q. Okay. And are you familiar with the 16 standard that's applicable to the minor amendment of 17 a conditional use, which states that a minor 18 amendment is one that does not change the nature, 19 character, or intensity of the conditional use to an 20 extent that substantial adverse effects on the 21 surrounding neighborhood could reasonably be 22 expected? 23 A. Yes. 24 Q. And in your professional opinion, will 25 the proposed modifications have any substantial</p>	<p>156</p> <p>1 familiar with. 2 They were concerned because they wanted to 3 turn their backyard patio into, like, a party area 4 for weddings, and just adults singing, and being 5 loud, and cheering, and whatnot. So they made a 6 glass, plexiglass enclosure, just -- and they had 7 residences within the courtyard, two high-rise 8 residences. 9 So yes. They -- we helped with 10 recommendations on materials and stuff. But the -- 11 them putting that in there was not up to the 12 residents. It was The Darcy Hotel that wanted to do 13 that so they could have these kinds of raucous 14 parties without disturbing the neighbors. 15 Q. And then in that case, you did 16 recommend mitigation. Is that correct? 17 A. We provided -- we advised on 18 mitigation. 19 Q. Okay. Good. Is there anything else that 20 you would like to add in your testimony? 21 A. No. 22 MS. HARRIS: Thank you. That concludes my 23 questions of Mr. Karner. 24 MS. BYRNE: Mr. Gruenspecht, do you have 25 any questions for Mr. Karner?</p>



<p>157</p> <p>1 MR. GRUENSPECHT: Oh, I -- I have many 2 questions, actually. Because this is clearly 3 critical testimony. So shall we proceed? 4 MS. BYRNE: Go ahead. 5 CROSS EXAMINATION 6 BY MR. GRUENSPECHT: 7 Q. So I'd like -- can you put this 8 presentation on the screen, the stack version? I'd 9 like you to be controlling it. Thank you. 10 MS. BYRNE: Sure. No problem. Ms. Harris, 11 do you want to stop sharing? 12 MS. HARRIS: Oh, sorry. 13 MS. BYRNE: I'll go ahead. That's all 14 right, no worries. I will go ahead and share the 15 PowerPoint. The -- there it is. It's 112, I believe. 16 Which I actually already have up. Okay. 17 BY MR. GRUENSPECHT: 18 Q. Perfect. Thank you so much. So -- so 19 page 1, where we are, starts with extended 20 discussion of, you know, maximum allowable noise 21 levels, and the county noise control ordinance. 22 So Mr. Karner, do you believe that an 23 adverse noise impact significantly affecting the 24 enjoyment and use of neighboring properties, as 25 considered in the necessary findings in the zoning</p>	<p>159</p> <p>1 Q. Right. But you -- but a violation is 2 not a prerequisite here under the zoning. Is that 3 correct? I think that's what you just said. 4 <b>A. I -- I don't understand that question.</b> 5 Q. Okay -- okay. Do you believe -- I think 6 the object is to get me to go on. So I will go on. 7 Do you believe that a noise disturbance can occur 8 without a noise violation? That's a yes or no 9 question. 10 <b>A. Sure. Yeah. I'm -- I'm not Montgomery</b> 11 <b>County to say what a noise disturbance is or not.</b> 12 <b>But --</b> 13 Q. Well -- 14 <b>A. Yes.</b> 15 Q. Okay. Thank you. 16 <b>A. As -- as I mentioned about the urban or</b> 17 <b>rural areas.</b> 18 Q. Okay. 19 <b>A. It could [inaudible].</b> 20 Q. Yeah, yeah, yeah. But the answer is 21 yes. Right? Okay. So, Mr. Karner, when were you 22 first engaged by the applicant to evaluate the noise 23 impacts of the proposed Silver Spring daycare 24 playground? 25 <b>A. I don't know the answer to that</b></p>
<p>158</p> <p>1 ordinance, can only occur if the conditional use 2 results in violation of the maximum allowable noise 3 limits in your table? 4 <b>A. We looked at it in both ways, both from</b> 5 <b>a noise disturbance and the maximum allowable noise</b> 6 <b>level percentage.</b> 7 Q. So I guess, what's the answer to my 8 question? 9 <b>A. Can you rephrase it?</b> 10 Q. Sure. Do you believe that an adverse 11 noise impact significantly affecting enjoyment in 12 the use can only occur if the conditional use 13 results in a violation of the maximum allowable 14 noise limits in your table? 15 <b>A. It's not my table. But --</b> 16 Q. Well, it's in your presentation. It 17 says Polysonics on the bottom. So -- 18 <b>A. Okay. I -- I understand. But wi- -- it</b> 19 <b>is what Montgomery County chose to do, choice --</b> 20 <b>chose to have on there. So it depends on the site</b> 21 <b>whether a noise disturbance would -- if you were in</b> 22 <b>a rural area, a noise level of 65 from mechanical</b> 23 <b>equipment or something else would be a disturbance.</b> 24 <b>But if you're in an urban area, 65 may not be a</b> 25 <b>noise disturbance. So it's con- -- it's conditional.</b></p>	<p>160</p> <p>1 <b>offhand. Polysonics have been working in -- on the</b> 2 <b>project internally, an AV group, and then they</b> 3 <b>passed it along to me. So give me a second, I can</b> 4 <b>check that. Yeah. It was early August.</b> 5 Q. Early August. Okay. Thank you. Okay. 6 Since -- here's a question that I asked a previous 7 witness who didn't seem to be able to answer it. But 8 you are a sound expert. Is that correct? 9 <b>A. Sure.</b> 10 Q. Sure. Okay. 11 <b>A. Yeah.</b> 12 Q. So in your capacity as a sound expert, 13 what do you think -- what do you -- do you think a 14 30 foot high, 30 foot wide building would have a 15 significant ability to act as a barrier to sound 16 reaching the other side of the building? And I'm not 17 suggesting that, you know, the amount of sound is 18 large or low, but how much attenuation would you 19 think such a structure would provide? 20 <b>A. So if you're okay with some caveats, I</b> 21 <b>--</b> 22 Q. Caveats are fine. 23 <b>A. Okay. So the first caveat, assuming</b> 24 <b>that the noise source is lower than the roof, and</b> 25 <b>the receiver is lower than the roof, and that</b></p>

<p>161</p> <p>1 there's some kind of visual barrier in there. The 2 second being -- and I don't -- is that the noise 3 would be audible if the building weren't there. So 4 somebody stepping on a leaf -- 5 Q. Yeah. 6 A. -- building or not, it's not going to 7 be audible. 8 Q. Sure, sure. 9 A. So yes. 10 Q. I'm just asking how much reduction you 11 get; I'm not asserting -- 12 A. Yeah. It -- it really -- it's -- it's a 13 complicated question. There's no easy answer to 14 that. But the general assumption is about 10 dB of 15 reduction if there's a building that meets all 16 those, if it completely blocks the line of sight 17 plus a little bit, and the noise is loud enough to 18 go over it. 19 Q. It's -- it's -- it's interesting. I -- 20 I want to remind you of your testimony in The Darcy 21 Hotel case that you mentioned. 22 A. Mm-hmm. 23 Q. And you said that you'd get 26 decibels 24 of noise reduction for a quarter inch of cleared, 25 tempered, single pane of glass.</p>	<p>163</p> <p>1 I -- which we mentioned was least 20 dB, and if it's 2 a brick building, it's 30 dB, that's for -- the 3 sound is diffracting over the top of the house. 4 Q. Right. 5 A. So if, for example, all of these 6 highway barriers that you see along the roadway, as 7 tall as they are, they're only trying to achieve 8 seven -- per Federal Highway Administration, a seven 9 dB reduction. 10 Q. Right. 11 A. That's because the sound is going over 12 the thing. 13 Q. Right. Right, right, right. 14 A. So -- 15 Q. Under- -- understand. 16 A. So yeah. Plexiglass, if you made a 17 plexiglass building, the sound would still go over 18 it. There's no 20 dB -- 19 Q. Okay. 20 A. -- reduction. 21 Q. Fair enough. Yeah. Okay. Got it. Thank 22 you, I appreciate that. And I really appreciate your 23 effort to answer, you know, honestly. So did you 24 personally conduct the noise measurements at the 25 existing Takoma Park daycare and the proposed Silver</p>
<p>162</p> <p>1 A. Mm-hmm. 2 Q. And 19 decibels of noise reduction for 3 a three eight-inch polycarbonate panel. Is that 4 correct? 5 A. Yes. 6 Q. I'll bring it up if you want. 7 A. No. I -- I recall. 8 Q. Okay. So you're telling me that a 30 9 foot high, 30 foot wide building would provide 10 10 decibels? 11 A. Correct. And so some -- yes. I'm just 12 going to say that. I -- I am happy to answer follow- 13 up questions. 14 Q. Excuse me? 15 A. I'm happy to answer follow-up questions 16 about that. 17 Q. Okay. Can you explain why a quarter 18 inch pane of glass has a -- has a larger sound 19 blocking effect than a 30-foot high, 30 foot wide 20 building? 21 A. So The Darcy thing was an enclosure, it 22 did not have openings and gaps. There was nowhere -- 23 Q. Right. 24 A. -- for the sound to go, except through 25 the material. If you're talking about a house, which</p>	<p>164</p> <p>1 Spring daycare I -- in the -- you know, as shown on 2 your chart that are cited in the presentation? 3 A. Yes. 4 Q. And when did you conduct those? You 5 mentioned April 15th earlier, but I -- I don't -- is 6 that for both Silver Spring and Takoma Park? Or -- 7 A. Yeah. I did both at the same day. So it 8 was probably both were August 15th. 9 Q. August 15th, I'm sorry. Not April 15th. 10 Perfect. So you said you spent one hour at Takoma 11 Park, I guess from 10:00 to 11:00 on August 15th. Is 12 that correct? 13 A. Correct. 14 Q. And then at Silver Spring, you spent 15 how much time? I mean, how much did you measure? I 16 don't -- I don't physically care how much time you 17 were there. How much measurement did you do? 18 A. No. I understand. I did those three 19 measurements; they were about a minute each 20 location. 21 Q. One minute each. And what time of day? 22 A. I think it was in the afternoon. I can 23 -- I can tell you. 24 Q. That's fine. Afternoon is good. 25 A. Just a second. Yeah. It was --</p>

<p>165</p> <p>1 Q. Early af- -- early afternoon?</p> <p>2 <b>A. Yeah.</b></p> <p>3 Q. Yeah. Okay.</p> <p>4 <b>A. Yeah. Early afternoon.</b></p> <p>5 Q. All right. So can you please go to</p> <p>6 slide three of this presentation? Perfect. Okay. So</p> <p>7 slide three of the presentation shows the</p> <p>8 measurement points for noise at the two daycare</p> <p>9 sites. Right? Or -- or the -- sorry, the daycare</p> <p>10 sites and the ambient in Silver Spring. Are the</p> <p>11 actual point of measurements represented by the</p> <p>12 subscript C in each of the graphs next to the word</p> <p>13 measurement on the left hand one, and next to the</p> <p>14 M1, M2, M3 on the right hand one?</p> <p>15 <b>A. Oh, it -- it's a point. But the</b></p> <p>16 <b>[inaudible].</b></p> <p>17 Q. Yeah. But it's a point, like, near</p> <p>18 where that C is?</p> <p>19 <b>A. Yeah. At the black.</b></p> <p>20 Q. Oh, I see it. Oh, wait. I see. It's</p> <p>21 just -- it's just you wrote the word over the point.</p> <p>22 <b>A. Yeah. It -- it's a Google Maps thing.</b></p> <p>23 Q. Got it, no problem. Understood. So the</p> <p>24 Takoma location appears to be about five feet from</p> <p>25 the playground fence line. Is that correct?</p>	<p>167</p> <p>1 do you think the -- the measurements that I just</p> <p>2 cited are a reasonable, you know, estimate in view</p> <p>3 of your visit to the site?</p> <p>4 <b>A. I will take your word for it, it does</b></p> <p>5 <b>not sound unreasonable.</b></p> <p>6 Q. Okay. Right. I -- I thank you, I</p> <p>7 appreciate that. So when was the noise data you</p> <p>8 collected analyzed to develop the results that are</p> <p>9 presented in pages, slides 4, 5, and 6 of your</p> <p>10 presentation?</p> <p>11 <b>A. You're asking the day of the analysis?</b></p> <p>12 Q. No. I'm -- well, I mean, whatever. I</p> <p>13 mean, when was the analysis completed? If you --</p> <p>14 <b>A. It has been ongoing up until we --</b></p> <p>15 <b>these slides were submitted. So the analysis</b></p> <p>16 <b>initially was made on the same day, but we have been</b></p> <p>17 <b>tweaking it since --</b></p> <p>18 Q. Perfect.</p> <p>19 <b>A. -- further questions.</b></p> <p>20 Q. Perfect. Okay. So was an analysis</p> <p>21 report ever prepared, or just this presentation?</p> <p>22 <b>A. This presentation.</b></p> <p>23 Q. That's it? No analysis report. Okay. So</p> <p>24 I guess my question is, when did you first share any</p> <p>25 results regarding the noise impacts of the proposed</p>
<p>166</p> <p>1 <b>A. Correct.</b></p> <p>2 Q. Correct. Also, what's your estimate of</p> <p>3 the length and width of the Takoma playground, which</p> <p>4 you can see there, I think, in the picture?</p> <p>5 <b>A. I don't know that information.</b></p> <p>6 Q. You have any idea? Well, what --</p> <p>7 <b>A. Yeah. It could be measured. But no. I -</b></p> <p>8 <b>- I don't know.</b></p> <p>9 Q. Okay. Well, let me -- I mean, so -- so</p> <p>10 I went out there and measured it, and the -- the --</p> <p>11 the side of the playground along the site where you</p> <p>12 took your measurement where your dot is, is about 80</p> <p>13 feet. And the dimension the other way in the parking</p> <p>14 lot is about 60 feet. And I see that it's not quite</p> <p>15 a rectangle, it's a trapezoid. But --</p> <p>16 MS. HARRIS: Objection. That sounds like</p> <p>17 testimony.</p> <p>18 MR. GRUENSPECHT: Yeah. I'm asking him if</p> <p>19 he's -- if that's --</p> <p>20 MS. HARRIS: I didn't hear a question.</p> <p>21 MR. GRUENSPECHT: All right.</p> <p>22 MS. BYRNE: She -- she's right, Mr. -- Mr.</p> <p>23 --</p> <p>24 BY MR. GRUENSPECHT:</p> <p>25 Q. My question is, do you think that's --</p>	<p>168</p> <p>1 Silver Spring daycare playground with the applicant?</p> <p>2 I mean, you took the measurements on August 15th.</p> <p>3 When did you first --?</p> <p>4 <b>A. Yeah. August 15th, I made the slide,</b></p> <p>5 <b>made the first draft.</b></p> <p>6 Q. And you discussed it with the</p> <p>7 applicant?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Okay. So given the timeline you just</p> <p>10 laid out, can you explain on what basis, the summary</p> <p>11 of expert testimony -- expert testimony in the</p> <p>12 applicants pre-hearing statement filed on July 26th</p> <p>13 states that you will, and I quote, testify and</p> <p>14 demonstrate that modifications, and I'll add in the</p> <p>15 proposed minor amendment, will not result in any</p> <p>16 changes to exterior noise levels that will have a</p> <p>17 substantially adverse effect on the surrounding</p> <p>18 neighborhood, end quote.</p> <p>19 MS. HARRIS: Objection. He's asking our</p> <p>20 witness something that our witness didn't draft.</p> <p>21 MR. GRUENSPECHT: And I'm not allowed to</p> <p>22 ask you. Is that correct?</p> <p>23 MS. HARRIS: That's correct.</p> <p>24 MS. BYRNE: That's correct. So -- and the</p> <p>25 witness can't actually answer that question, because</p>

August 25, 2022

<p>169</p> <p>1 it's not a document that he prepared. But your 2 point's been taken Mr. Gruenspecht. 3 BY MR. GRUENSPECHT: 4 Q. But you put -- I'm asking the witness; 5 did you provide any basis at the time of the filing 6 of that statement for such a statement? That's a 7 question I presumably can ask the witness. Is that 8 correct? 9 <b>A. I -- I was not involved with the 10 project at that time.</b> 11 Q. Thank you. Well, I guess it speaks to 12 some of the matters in the record here. Okay. So 13 please display page 6 of this presentation. Okay. 14 MS. BYRNE: Think this is 6. Correct? Yes. 15 MR. GRUENSPECHT: I think it -- let me see. 16 It's very hard. Unfortunately, I'm not -- okay. So 17 this page, that's correct. Thank you so much. 18 MS. BYRNE: Mm-hmm. 19 BY MR. GRUENSPECHT: 20 Q. This page provides estimated noise 21 locations, estimated noise impacts at my location 22 from the proposed Silver Spring daycare as I 23 understand it. I also understand that your estimate 24 uses the standard inverse square root formula 20 25 times the log of distance one divided by distance</p>	<p>171</p> <p>1 <b>A. Correct.</b> 2 Q. We're doing good. Would you agree that 3 the calculations made using this formula are very 4 sensitive to the value of distance one? So that's 5 the five feet. 6 <b>A. Yeah.</b> 7 Q. For example, if distance one was 30 8 feet rather than five feet, noise reduction at 331 9 feet would be 21 decibels rather than 36 decibels. 10 Is that correct? I think -- 11 <b>A. Yes.</b> 12 Q. -- you can you can look that up easily. 13 <b>A. Yes. It's correct.</b> 14 Q. Okay. And if distance one is 40 feet, 15 noise reduction at 331 feet is about 18 decibels. Is 16 that correct? 17 <b>A. That's correct.</b> 18 Q. Okay. So we already -- I already 19 mentioned to you that the overall size of the 20 outdoor playground at Takoma Park is about 80 feet 21 along the wall where you took your measurements, and 22 60 feet along one of the other walls with the 23 trapezoid. You can look at your picture. Let's go 24 look at your picture on -- on slide three, I guess. 25 Yeah. So again, I'm looking at the -- the -</p>
<p>170</p> <p>1 two, which is what you illustrate on page 2 of your 2 presentation to show the reduction of noise with 3 increasing distance. Is that correct? It's not a 4 trick question, I promise. 5 <b>A. I answered, correct. I'm sorry if it --</b> 6 Q. Oh, I'm sorry. I didn't hear you. There 7 might be trick questions later. 8 MS. BYRNE: What decibel was that? 9 MR. GRUENSPECHT: I like that. 10 THE WITNESS: I don't know. 11 BY MR. GRUENSPECHT: 12 Q. No. This is meant to be a friendly 13 process, I do understand it. So your calculation 14 uses five feet for distance one in the formula based 15 on your collection of noise data at the Takoma care 16 -- daycare playground, and 331 feet for distance 17 two, which figure six of Exhibit 113 shows as the 18 estimated difference -- estimated distance from the 19 Silver Spring daycare playground to my residence. Is 20 that correct? 21 <b>A. Correct.</b> 22 Q. Correct. So using these values, you 23 calculate a noise reduction of 36 decibels between 24 the Silver Spring daycare playground and my 25 residence. Is that correct?</p>	<p>172</p> <p>1 - the fenced in area of the -- of the playground. So 2 --and you mentioned, you said that that was not 3 surprising to you, although you did say you did not 4 measure it yourself. Is that correct? I'm just 5 saying what you just said. 6 <b>A. I -- I did not measure the distance.</b> 7 <b>That's correct.</b> 8 Q. Yeah. That's right. Okay. So doesn't 9 the playground noise measure picked up by your noise 10 meter at the Takoma location come from all over the 11 playground, not just from children standing at the 12 fence within five feet of your noise meter? And 13 again, since the -- your meter was five feet back 14 from the fence, someone standing five feet from your 15 noise meter would have had to be directly in front 16 of your noise meter with their face against the 17 fence. 18 <b>A. Correct. And I did see that. That was 19 not unusual for the children.</b> 20 Q. Yeah. Okay. So given that the noise 21 comes from all over the playground, not just from 22 children standing at the fence within five feet of 23 your noise meter, isn't the midpoint of the 24 playground, which is about 35 feet from the location 25 of your noise meter a more -- a more appropriate</p>

August 25, 2022

<p>173</p> <p>1 value for distance one?</p> <p>2 In other words, the playground noise you</p> <p>3 measured at your location five feet from the fence</p> <p>4 was already significantly attenuated by the distance</p> <p>5 between the point where the noise is made and the</p> <p>6 time it reaches the meter.</p> <p>7 <b>A. No. I don't believe that.</b></p> <p>8 Q. Okay. So you believe -- okay. So please</p> <p>9 explain why you think your -- the distance from your</p> <p>10 meter to the fence immediately in front of your</p> <p>11 meter is the right distance to be used when the</p> <p>12 noise is being made all over the playground?</p> <p>13 <b>A. The noise is being made all over the</b></p> <p>14 <b>playground, I don't disagree with that. That is why</b></p> <p>15 <b>we measured for the full hour, and also why we chose</b></p> <p>16 <b>the loudest noise level. So if the loudest noise</b></p> <p>17 <b>level we measured was 83 dB, if a child was 35 feet</b></p> <p>18 <b>away during that event, from the fence, so that</b></p> <p>19 <b>means that child was 100 dB making noise, which is -</b></p> <p>20 <b>- is not possible.</b></p> <p>21 <b>Similar, if you take the whole 80 feet, you</b></p> <p>22 <b>know, they were a hun- -- you know, 107 dB. So the</b></p> <p>23 <b>reason we chose -- I -- I agree for most of the</b></p> <p>24 <b>noise events that the children were not at the</b></p> <p>25 <b>loudest nearest the property line. But that's why we</b></p>	<p>175</p> <p>1 playground, you know, and be recorded as 83</p> <p>2 decibels. But what about the average sound? I mean,</p> <p>3 why is the average sound being computed based on</p> <p>4 five foot of distance? Certainly, the average sound,</p> <p>5 I would think, would reflect sound all over the</p> <p>6 playground.</p> <p>7 <b>A. Yes. I would agree with that.</b></p> <p>8 Q. So would the midpoint distance be</p> <p>9 appropriate there?</p> <p>10 <b>A. No. And for the reasons we explained</b></p> <p>11 <b>that the playground is an area, and that we -- we</b></p> <p>12 <b>did not focus on the average sound level in our</b></p> <p>13 <b>analysis. It's -- it's just --</b></p> <p>14 Q. Well, I'm sorry. You presented the</p> <p>15 average sound levels in the discussion you had</p> <p>16 previously on your slides, and also in the</p> <p>17 discussion you had previously with -- so -- so let -</p> <p>18 - let's start to page 6 again.</p> <p>19 <b>A. Yeah -- no. Sure. We presented it, but</b></p> <p>20 <b>we didn't focus on it. We knew --</b></p> <p>21 Q. Oh, okay.</p> <p>22 <b>A. -- we focused on the loudest level. I</b></p> <p>23 <b>don't -- I wouldn't -- I just presented the -- I</b></p> <p>24 <b>pre- -- we presented them as, here's what --</b></p> <p>25 Q. All right.</p>
<p>174</p> <p>1 <b>focused on the loudest one. And in addition, the</b></p> <p>2 <b>initial measurement, the 331 is taken from the edge</b></p> <p>3 <b>of the green play space, not the [inaudible].</b></p> <p>4 Q. That's -- so honestly, I'll get to the</p> <p>5 331, I promise you.</p> <p>6 <b>A. Okay.</b></p> <p>7 Q. Because I am trying to be fair -- I am</p> <p>8 trying to be --</p> <p>9 <b>A. But our five feet represent -- we</b></p> <p>10 <b>consider the playground as an area source, meaning</b></p> <p>11 <b>that the edge of it is where the meter should be.</b></p> <p>12 <b>And frankly, I think if I put a meter in the center</b></p> <p>13 <b>of the playground, it might disrupt the</b></p> <p>14 <b>measurements. I don't think the children noticed the</b></p> <p>15 <b>microphone, but they would've --</b></p> <p>16 Q. Oh, I'm not --</p> <p>17 <b>A. -- noticed a tripod.</b></p> <p>18 Q. Right. So -- and I would -- I would</p> <p>19 agree with your latter statement, I'm no- -- I'm not</p> <p>20 objecting to your location of the meter. I'm</p> <p>21 objecting to the interpretation that you use in</p> <p>22 applying the distance formula. Okay? To be clear.</p> <p>23 So again -- so you mentioned something with</p> <p>24 respect to the loudest sound and saying that</p> <p>25 couldn't have been emitted from the center of the</p>	<p>176</p> <p>1 <b>A. -- we measured. But --</b></p> <p>2 Q. No. They're -- look -- look. I'm -- I'm</p> <p>3 not, you know -- I think I've made -- you know, this</p> <p>4 is a goo- -- useful conversation, I think. So you</p> <p>5 think that for the average level, the midpoint is</p> <p>6 potentially -- certainly more appropriate than the</p> <p>7 five feet. Is that correct?</p> <p>8 <b>A. No. I -- I still think that the</b></p> <p>9 <b>measurement was in the correct location for the</b></p> <p>10 <b>analysis that we were doing.</b></p> <p>11 Q. I'm talking about the analysis of the</p> <p>12 average now. You just said it would be different for</p> <p>13 the average than for the loudest noise.</p> <p>14 <b>A. It's -- no. I -- I -- the average --</b></p> <p>15 <b>yeah. There was distan- -- there's different</b></p> <p>16 <b>distances for the measurement location --</b></p> <p>17 Q. So --</p> <p>18 <b>A. -- for the average noise level.</b></p> <p>19 Q. Yeah. So what would --?</p> <p>20 <b>A. And much as in the future playground,</b></p> <p>21 <b>there will be children throughout the playground.</b></p> <p>22 Q. Of course it will be -- of course it</p> <p>23 will be.</p> <p>24 <b>A. Yeah.</b></p> <p>25 Q. And you deal with this all the time in</p>

<p>177</p> <p>1 your work.</p> <p>2 <b>A. Yeah.</b></p> <p>3 Q. But I'm telling you, I'm -- I'm just</p> <p>4 trying to decide, you know, understand from you, the</p> <p>5 expert, what you think. If you were measuring,</p> <p>6 again, from an area source with, you know, noise</p> <p>7 located, you know, let's say randomly throughout</p> <p>8 that area, and you were measuring from a boundary,</p> <p>9 what would you -- what distance would you use?</p> <p>10 Would you use the distance to the midpoint?</p> <p>11 Again, not for the loudest sound, just for the</p> <p>12 average sound. I think you do in other work. I mean,</p> <p>13 I can show you. But -- but I'd like you to just, you</p> <p>14 know, be clear about it.</p> <p>15 <b>A. It -- it would depend on the situation.</b></p> <p>16 <b>I don't -- I don't think I would measure in the</b></p> <p>17 <b>middle of this playground even given a choice to</b></p> <p>18 <b>redo it.</b></p> <p>19 Q. Okay. No. Because I would say my</p> <p>20 concern reflects the fact that, you know, the -- the</p> <p>21 -- the --</p> <p>22 MS. HARRIS: Objection. That's testimony.</p> <p>23 MR. GRUENSPECHT: Yeah.</p> <p>24 MS. BYRNE: It is testimony. You can -- you</p> <p>25 can definitely follow up with that --</p>	<p>179</p> <p>1 Q. When measured at what distance?</p> <p>2 <b>A. Usually five feet is the normal</b></p> <p>3 <b>measuring distance.</b></p> <p>4 Q. Okay. So -- so you were saying it might</p> <p>5 be 85, you know, for whatever. But you measured it</p> <p>6 at 83.</p> <p>7 <b>A. Okay.</b></p> <p>8 Q. But you don't know how far the person</p> <p>9 actually was.</p> <p>10 <b>A. No.</b></p> <p>11 Q. Or the person who -- or the recording</p> <p>12 of 80, you don't know how far the person actually</p> <p>13 was, but you used five.</p> <p>14 <b>A. Five feet from the edge of the</b></p> <p>15 <b>playground. But yes. I --</b></p> <p>16 MS. BYRNE: Mr. -- Mr. Gruenspecht, I -- I</p> <p>17 think you're -- I think we understand the point that</p> <p>18 you're making.</p> <p>19 BY MR. GRUENSPECHT:</p> <p>20 Q. Okay. Well, I'm making more than a</p> <p>21 point, I'm actually going to go into, you know,</p> <p>22 discuss this further. So -- okay. So again, turning</p> <p>23 back to slide six of your presentation, and again,</p> <p>24 I'm not questioning the -- the measurements of the</p> <p>25 83 and the 75.</p>
<p>178</p> <p>1 MR. GRUENSPECHT: I didn't say it. Yep. I</p> <p>2 will say it.</p> <p>3 MS. BYRNE: -- in a rebuttal.</p> <p>4 BY MR. GRUENSPECHT:</p> <p>5 Q. I'll say it later. I get it. No. I</p> <p>6 think the witness is trying hard. So again, you</p> <p>7 record the 83 as the maximum. And I think you made</p> <p>8 an argument that the midpoint would not be</p> <p>9 appropriate for that.</p> <p>10 But would the five feet strictly apply</p> <p>11 unless that maximum sound was being made by the</p> <p>12 person literally against the fence, directly into</p> <p>13 your sound device? I'm not saying what the</p> <p>14 substitute would be now. I'm just saying, you don't</p> <p>15 know where the person actually was when that was</p> <p>16 recorded. Is that right?</p> <p>17 <b>A. That's correct.</b></p> <p>18 Q. Okay. And do you think five feet is the</p> <p>19 -- the representative best guess as to where the</p> <p>20 person might have been?</p> <p>21 <b>A. I don't know where the person might</b></p> <p>22 <b>have been. But I do know that -- and even based on</b></p> <p>23 <b>the earlier charts, that 85 is an elevated noise</b></p> <p>24 <b>level, it's not a typical noise level for someone to</b></p> <p>25 <b>be yelling.</b></p>	<p>180</p> <p>1 You know, I am questioning the at five</p> <p>2 feet, because some of those measurements reflect</p> <p>3 noise taken at a much longer distance. Certainly,</p> <p>4 the average, and to an unknown extent the maximum.</p> <p>5 If the existing playground noise, and I</p> <p>6 know you don't necessarily agree with this, was in</p> <p>7 fact measured at a distance of 35 feet rather than</p> <p>8 five feet, doesn't the application of the standard</p> <p>9 noise propagation formula extrapolating to a 31 --</p> <p>10 331-foot distance provide a reduction of only 19</p> <p>11 decibels, rather than the 36 decibels of reduction</p> <p>12 you calculated?</p> <p>13 <b>A. That formula would be correct. But I --</b></p> <p>14 <b>I disagree.</b></p> <p>15 Q. I understand. You already made clear</p> <p>16 that you would not recommend that. Okay? So using</p> <p>17 the 19 decibel reduction, wouldn't the estimated</p> <p>18 outdoor playground noise level at 331 feet shown</p> <p>19 that the right hand side of slide six, be 63</p> <p>20 decibels for the max event, and 55 decibels for the</p> <p>21 average event? Rather than the much lower --</p> <p>22 MS. HARRIS: I'm going to object to this</p> <p>23 question. The expert explained his ex- -- his</p> <p>24 expertise as to why he measured how he did. Mr. Gru-</p> <p>25 -- Gruenspecht can come up with any hypothetical</p>

August 25, 2022

<p>181</p> <p>1 different measurement, and we can go through a 2 mathematical equation. It's not what the expert did, 3 and I don't see the relevance in it. 4 MR. GRUENSPECHT: All right. Look, you 5 know, it's not fair to ask the architect about the 6 playground area, it's not fair to ask the sound 7 expert about sound calculations. You know, this is 8 getting out of hand a little bit, I think. 9 MS. BYRNE: Mis- -- Mr. Gruenspecht -- 10 MR. GRUENSPECHT: And not from my side. 11 MS. BYRNE: -- what we have in front of us 12 is measurements done by the expert. So what you're 13 asking him is a hypothetical. So you're asking him 14 to do his calculations in a different way that would 15 end up with a different result. 16 MR. GRUENSPECHT: And I'm not telling him 17 to agree to that result. I'm just trying to get the 18 sound expert's estimate on what the implications of 19 that different calculation would be. I'm not trying 20 to change his testimony. 21 MS. BYRNE: So let's -- let's -- let's look 22 at it a different way. And I'm going to split the 23 baby a little bit here. The -- what you're asking 24 for is to do the calculations a different way. So 25 I'm going to ask the expert, is it -- would you do</p>	<p>183</p> <p>1 time, so give me time. 2 MS. BYRNE: It's -- you know, it's a little 3 trial and error sometimes, but we'll get there. 4 BY MR. GRUENSPECHT: 5 Q. Okay. Right. But you would agree -- 6 well, I don't think you would agree. I'll say, do 7 you agree that -- that five feet, when your meter is 8 five feet from the fence line, is the absolute most 9 favorable assumption that could have been made to 10 maximize your estimate of the noise reduction for 11 both the peak measure and the average measure? 12 <b>A. We did not try to favor the client at</b> 13 <b>all, we just -- we measured and --</b> 14 Q. I didn't ask you -- 15 <b>A. -- calculated.</b> 16 Q. -- if you tried to favor the client. I 17 asked you if five feet is the assumption that 18 produces the largest possible noise reduction for 19 both the peak, whatever the -- the maximum event and 20 the average event. I'm not impugning you. 21 <b>A. I don't understand the question then.</b> 22 <b>The -- the distance --</b> 23 MS. BYRNE: I think -- I think what he's 24 asking is, is five feet the norm? Is five feet 25 designed to get the maximum event?</p>
<p>182</p> <p>1 the calculations the way that Mr. Gruenspecht is 2 asking? Is that something that you would do in your 3 normal course? 4 THE WITNESS: No. Because it assumes -- if 5 you're going to take my 83 and add 35 feet to it, 6 it's arbitrary because it -- and it's -- it's an 7 arbitrary noise level. Much -- much as we measured, 8 a person cannot be that loud that they're 83 dB at 9 35 feet, you can't have both somebody's in the 10 average location, and pick the maximum measured 11 noise level. The -- those two things are -- are not 12 related. You can't benefit from the loud noise, but 13 then also benefit from the distance. 14 MS. BYRNE: Okay. 15 THE WITNESS : It's an impossibly loud 16 child. 17 MR. GRUENSPECHT: Okay. I -- I do 18 understand that answer. Thank you. 19 MS. BYRNE: All right. So let's go ahead 20 and move on to the next question. 21 MR. GRUENSPECHT: Okay. I'm just trying to, 22 you know, figure out how to phrase these things 23 within your boundaries. 24 MS. BYRNE: Un- -- understood, understood. 25 MR. GRUENSPECHT: Takes me a little bit of</p>	<p>184</p> <p>1 MR. GRUENSPECHT: I didn't say what it was 2 designed to do. I'm saying, would it, since the 3 meter is five feet from the fence? 4 THE WITNESS: That -- that was the distance 5 from the fence, the -- the distances were fixed. The 6 -- we did not -- 7 BY MR. GRUENSPECHT: 8 Q. But not the distance to the voice 9 source, those were not fixed. Okay. I -- I think we 10 understand. So again, your presentation drew a 11 distinction between inside noise and outside noise. 12 So does the rule apply when the windows are open? 13 And the answer I think you've already alluded to. 14 But -- 15 <b>A. It's -- it's no. It's no.</b> 16 Q. Okay. So the -- is the outside noise 17 representative of the situation when the windows are 18 open? 19 <b>A. It's somewhere in between. There is</b> 20 <b>some reduction because you only have a small hole</b> 21 <b>versus --</b> 22 Q. Area, right. Exactly. 23 <b>A. Yeah. A smaller area. I don't have the</b> 24 <b>number in front of me of what that reduction would</b> 25 <b>be.</b></p>

August 25, 2022

<p>185</p> <p>1 Q. Sure. And of course, you know, and I</p> <p>2 think this was already alluded to earlier, there are</p> <p>3 other people who -- effects would be, you know,</p> <p>4 larger because they're closer to the building. And I</p> <p>5 would point out that the witness was very happy to</p> <p>6 make --</p> <p>7 MS. HARRIS: Objection.</p> <p>8 MR. GRUENSPECHT: -- calculations.</p> <p>9 MS. HARRIS: Objection.</p> <p>10 MS. BYRNE: Yep. Mr. Gruenspecht, again,</p> <p>11 try not to make --</p> <p>12 MR. GRUENSPECHT: Yeah.</p> <p>13 MS. BYRNE: -- statements.</p> <p>14 MR. GRUENSPECHT: Right. I -- right, right.</p> <p>15 So I'm not allowed to suggest hypothetical</p> <p>16 presentations, only the counsel, I get that. Okay.</p> <p>17 That seems to be the situation.</p> <p>18 MS. BYRNE: It -- it's not a -- it's not a</p> <p>19 hypothetical. I just --</p> <p>20 MR. GRUENSPECHT: Well, no.</p> <p>21 MS. BYRNE: -- everything needs to be</p> <p>22 phrased in the form of a question, sir. That's all.</p> <p>23 MR. GRUENSPECHT: Oh, okay. Just like</p> <p>24 Jeopardy. Got it. Okay.</p> <p>25 MS. BYRNE: No.</p>	<p>187</p> <p>1 MS. BYRNE: Sure.</p> <p>2 BY MR. GRUENSPECHT:</p> <p>3 Q. Right. It's also, I think, on a</p> <p>4 previous slide, but this will work. You notice that</p> <p>5 all them are clustered kind of right around</p> <p>6 Ellsworth Drive, whereas my house is further back of</p> <p>7 Ellsworth Drive.</p> <p>8 So given what you cited as a six decibel</p> <p>9 attenuation of noise with a doubling of distance at</p> <p>10 the top of page two, and also I believe in your oral</p> <p>11 testimony, wouldn't ambient noise levels at my</p> <p>12 residence be lower than the figure shown on your</p> <p>13 table for locations -- not would be, I'll say,</p> <p>14 likely to be lower than figures shown in your table</p> <p>15 for locations M1, M2, M3 -- on M1, M2, M3?</p> <p>16 A. I -- I understand. I didn't want to go</p> <p>17 too far into the site.</p> <p>18 Q. I don't blame you. No. I understand why</p> <p>19 you did it. I'm just asking a question about what --</p> <p>20 A. Yeah. I -- I'm starting -- I'm just</p> <p>21 explaining that -- why we didn't.</p> <p>22 Q. Yeah.</p> <p>23 A. But we presented overall minimum and</p> <p>24 maximum noise level. If you note, the minimum noise</p> <p>25 level is equal in all accounts, the max is probably</p>
<p>186</p> <p>1 BY MR. GRUENSPECHT:</p> <p>2 Q. So I was trying to make a joke, but I</p> <p>3 know I come off as too serious a person. But all</p> <p>4 right. So if in fact, one -- one used longer</p> <p>5 distances, would the -- the -- the -- the</p> <p>6 calculations on the right hand side of this chart,</p> <p>7 you know, show higher for distance one in</p> <p>8 particular, because it's much more sensitive to</p> <p>9 distance one than distance two. Would those show</p> <p>10 higher values for the outdoor playground noise</p> <p>11 levels at 331 feet?</p> <p>12 A. Yes. If you change the inputs into the</p> <p>13 formula, the -- the set, the results --</p> <p>14 Q. Right.</p> <p>15 A. -- would change.</p> <p>16 Q. Okay. Good. So now let's -- we're going</p> <p>17 to get through this. So now let's go back to</p> <p>18 extrapolating the noise impacts of the playground to</p> <p>19 my hou- -- to my residence. And you -- you focused</p> <p>20 on the actual measured distance from my playground</p> <p>21 to the house, which is the 331 feet that was</p> <p>22 mentioned.</p> <p>23 However, when looking at the measurements</p> <p>24 site shown on slide five, I believe it is, can you</p> <p>25 go backwards?</p>	<p>188</p> <p>1 a car driving down Ellsworth. I agree that if you</p> <p>2 mer- -- moved further away from the roadway, a car</p> <p>3 driving by would be quieter. But the minimum noise</p> <p>4 level of all three being equal tells me that there's</p> <p>5 other consistent noise sources in the background</p> <p>6 besides this roadway.</p> <p>7 MR. GRUENSHPECHT: Got it. Okay. Just a</p> <p>8 couple more. We already talked a little bit about</p> <p>9 the noise attenuation from a 30-foot high, 30-foot-</p> <p>10 wide building. We already talked about the noise</p> <p>11 attenuation levels from various barriers that could</p> <p>12 be used that wouldn't necessarily be expensive. So I</p> <p>13 don't think we have to do more there.</p> <p>14 All right. So I guess I will save the rest</p> <p>15 of my comments about this analysis for the -- I</p> <p>16 don't know, what you call rebuttal, or --</p> <p>17 MS. BYRNE: Rebuttal's a good -- a good</p> <p>18 word.</p> <p>19 MR. GRUENSPECHT: Conclusion, whatever.</p> <p>20 MS. BYRNE: That gets you -- gets you where</p> <p>21 -- gets you where you need to --</p> <p>22 MR. GRUENSPECHT: Okay.</p> <p>23 MS. BYRNE: -- need to go.</p> <p>24 MR. GRUENSPECHT: Got it.</p> <p>25 MS. BYRNE: Ms. Harris -- yeah. Ms. Harris,</p>



<p>189</p> <p>1 any redirect?</p> <p>2 REDIRECT EXAMINATION</p> <p>3 BY MS. HARRIS:</p> <p>4 Q. Yes. Just a few, please. Mr. Karner,</p> <p>5 Mr. Gruenspecht made the point that the -- or</p> <p>6 questioned whether an adverse impact could occur</p> <p>7 even if the noise levels were below the allowable 65</p> <p>8 dBA per code.</p> <p>9 So the -- so the question is, how much</p> <p>10 lower, and we'll take the worst case scenario, of</p> <p>11 outside? How much lower is the outside noise level</p> <p>12 from the allowable 65 dBA? If you could go back to</p> <p>13 that, I think that the chart that was just up had</p> <p>14 that number.</p> <p>15 A. Oh, sure. So the av- -- the quietest</p> <p>16 noise level was 46. And then again, the county limit</p> <p>17 is 65.</p> <p>18 Q. And that's from the outside. Correct?</p> <p>19 A. Yes.</p> <p>20 Q. And just by way of example, what would</p> <p>21 a 46 dBA equate to versus a 65 in terms of sound?</p> <p>22 A. Yeah. So a 46 is -- going back to the</p> <p>23 things that have been submitted, it's somewhere</p> <p>24 between a background of an office, which it's a</p> <p>25 pretty typical -- if you have sound masking in your</p>	<p>191</p> <p>1 from the beginning, was -- all my stuff. We -- we</p> <p>2 thought -- we weren't sure what our scope was going</p> <p>3 to be for the project yet. And so if there would be</p> <p>4 modeling, or there'd be measurements, or what it was</p> <p>5 going to be.</p> <p>6 So without knowing how loud CentroNia</p> <p>7 daycares are, we -- I tried to find a source of how</p> <p>8 loud a daycare center would be. And that was</p> <p>9 something -- let's see, that I found, and a program</p> <p>10 we called had a sound plan, and they have a lot of</p> <p>11 noise sources for just various items that you could</p> <p>12 plug into the model.</p> <p>13 And so there was a German study, I can't</p> <p>14 pronounce it or -- or say what it was. But they said</p> <p>15 that emissions from playing children would be -- the</p> <p>16 sound power would be 88 dB, meaning sound power is</p> <p>17 not five feet, but zero feet. Right -- right? Im- --</p> <p>18 impossible. You can't measure it because you can't</p> <p>19 measure at zero feet.</p> <p>20 But that the loudest -- at zero feet, a</p> <p>21 loud child playing would be 88 dB. And so that -- we</p> <p>22 were going to start with that level, but we -- you</p> <p>23 know, we did not pursue it. I -- the -- the source</p> <p>24 is long, I don't have the paper in front of me to</p> <p>25 accurately say, I can just refer that it came from</p>
<p>190</p> <p>1 office, that's a pretty typical level to set it to.</p> <p>2 You can talk over it, maybe you don't hear</p> <p>3 incidental noise. Sixty-five is kind of close to a</p> <p>4 roa- -- a roadway, any near roadway.</p> <p>5 Q. In terms of your preparation for this</p> <p>6 matter, did you -- do you recall that you had a</p> <p>7 conversation with the architect, Lynn -- Jen Lyon on</p> <p>8 July 25th?</p> <p>9 A. Yes. I think when it all started out.</p> <p>10 Q. And can you -- and I'll note that July</p> <p>11 26th was prior to the re- -- the submission of the</p> <p>12 pre-hearing statement. And while you hadn't</p> <p>13 conducted your analysis at that part, given that you</p> <p>14 have 19 years of experience, can you just generally</p> <p>15 summarize what your conversation was with respect to</p> <p>16 this matter? And also, I believe you had referenced</p> <p>17 a German study. Is that correct?</p> <p>18 A. That's correct. And I think we did not</p> <p>19 present that, I thought it would be distracting. So</p> <p>20 before we did any kind of measurement, we looked at</p> <p>21 65 versus the distance from the daycare center and</p> <p>22 saying, how loud would the children need to be to</p> <p>23 exceed 65? And it was impossibly loud, it was 116</p> <p>24 dB. So well, that was not possible.</p> <p>25 The other approach and, like I said, it was</p>	<p>192</p> <p>1 this program.</p> <p>2 But it does serve an example of what kind</p> <p>3 of noise levels you could expect from a child. So at</p> <p>4 zero feet, it's 88 dB. But again, that's not what we</p> <p>5 used in our -- we didn't use those numbers in our</p> <p>6 analysis.</p> <p>7 Q. But at that time, were you reasonably</p> <p>8 confident, although you hadn't conducted your study,</p> <p>9 that you did not anticipate the noise level to be an</p> <p>10 issue? Is that a fair statement?</p> <p>11 A. That -- that's correct. Well, without</p> <p>12 knowing the back- -- we wanted to know more about</p> <p>13 the background noise of the site. And so -- but</p> <p>14 comparing to the 65 dB, it was not possible for 40</p> <p>15 kids to exceed 65 dB.</p> <p>16 MS. HARRIS: Thank you. I have no further</p> <p>17 questions at Mr. Kra- -- Karner unless my co-counsel</p> <p>18 has anything that she'd like to ask.</p> <p>19 MS. BYRNE: All right. Thank you. That's</p> <p>20 very helpful, Mr. Karner.</p> <p>21 MR. GRUENSPECHT: Thank you also.</p> <p>22 MS. BYRNE: All right. So I believe that</p> <p>23 concludes. Ms. Harris, is that your case in chief?</p> <p>24 MS. HARRIS: That is our case in chief. All</p> <p>25 right. Mr. Gruenspecht, you now have the opportunity</p>

August 25, 2022

<p>193</p> <p>1 for rebuttal. So all the things that you wanted to</p> <p>2 say before, please say them now.</p> <p>3 MR. GRUENSPECHT: No. They will just come</p> <p>4 out as a random set of comments of an old man. So I</p> <p>5 have to be very careful and control myself.</p> <p>6 MS. BYRNE: Understood.</p> <p>7 MR. GRUENSPECHT: I'm just trying to -- let</p> <p>8 me get my act together here.</p> <p>9 MS. BYRNE: Sure.</p> <p>10 REBUTTAL</p> <p>11 MR. GRUENSPECHT: Dear. All right. So -- so</p> <p>12 I mean, I guess what -- I'm going to go first to</p> <p>13 actually one of the exhibits, if I can.</p> <p>14 MS. BYRNE: Sure. Which one?</p> <p>15 MR. GRUENSPECHT: Which I did -- wasn't</p> <p>16 planning to bring up, but I guess I'll have to.</p> <p>17 Exhibit 109, the Karner report on 1515 Rhode Island</p> <p>18 Avenue.</p> <p>19 MS. BYRNE: I was going to ask you about</p> <p>20 that.</p> <p>21 MR. GRUENSPECHT: Hmm?</p> <p>22 MS. BYRNE: I was going to ask you about</p> <p>23 that.</p> <p>24 MR. GRUENSPECHT: Oh, well, see? I, you</p> <p>25 know, aga- -- again, I -- I do feel compelled not to</p>	<p>195</p> <p>1 know, the data analysis that he presents in this</p> <p>2 report that he described as being related to this</p> <p>3 hotel terrace. And he described it accurately. So he</p> <p>4 talks about a person and -- and how to measure, you</p> <p>5 know, what a person speaking on the terrace, what</p> <p>6 effect that would have on a certain distance, the</p> <p>7 distance to the wall.</p> <p>8 And he says, you know, any -- in the third</p> <p>9 paragraph there, he says, the -- the speech from</p> <p>10 people is a point source, just like the yelling of a</p> <p>11 child is a point source, and it decreases 6 dB for</p> <p>12 doubling of distance. And then he says, the center</p> <p>13 of the terrace is approximately 58 feet from the</p> <p>14 closest facade of the buildings to the west, and 50</p> <p>15 -- you know, and whatever many feet from the facade</p> <p>16 from the bushes to the -- to the east.</p> <p>17 And interestingly enough, you know, in</p> <p>18 trying to measure what the reduction in noise is,</p> <p>19 you know, from people speaking on the terrace, he</p> <p>20 indeed cites a calculation from the center of the</p> <p>21 terrace. You know, so this is not just some crazy</p> <p>22 idea that -- that I've brought up. And again, I -- I</p> <p>23 do understand that in all likelihood, the -- the</p> <p>24 student, you know, yelling at being recorded at 83</p> <p>25 decibels, five feet back from the fence was not</p>
<p>194</p> <p>1 -- not to go too crazy on this process. I got to say</p> <p>2 --</p> <p>3 MS. BYRNE: Okay.</p> <p>4 MR. GRUENSPECHT: -- this is a -- it's a</p> <p>5 lesson to me. Okay. So go to page -- page 13 of the</p> <p>6 file, which is page 5 of his report on the matter.</p> <p>7 You have to go further, that's page 8 of the file.</p> <p>8 MS. BYRNE: Oh, I'm sorry.</p> <p>9 MR. GRUENSPECHT: Oh, no. No problem.</p> <p>10 MS. BYRNE: No. I think -- I thought it was</p> <p>11 page --</p> <p>12 MR. GRUENSPECHT: Oh, there's the --</p> <p>13 there's the report. And it's page 5 of the report.</p> <p>14 MS. BYRNE: Page 5.</p> <p>15 MR. GRUENSPECHT: It's -- yeah.</p> <p>16 MS. BYRNE: Okay.</p> <p>17 MR. GRUENSPECHT: So it's -- so it's hard</p> <p>18 to get the whole page up. So give me the data</p> <p>19 analysis part first.</p> <p>20 MS. BYRNE: Oh, so that -- the table is</p> <p>21 what you want?</p> <p>22 MR. GRUENSPECHT: Further down -- no.</p> <p>23 Further down.</p> <p>24 MS. BYRNE: Okay. That's it.</p> <p>25 MR. GRUENSPECHT: Okay. So this is, you</p>	<p>196</p> <p>1 standing at the center.</p> <p>2 But again, this effort to, you know -- what</p> <p>3 I do is make extremely favorable assumptions for</p> <p>4 the, you know -- for the distance, average distance</p> <p>5 to be used in the formula is -- is really a problem.</p> <p>6 And doing it in the more conventional way,</p> <p>7 in the way that Mr. Darcy -- sorry that Mr. Karner</p> <p>8 has done this in The Darcy Hotel case, would indeed</p> <p>9 lead to a very significant reduction in the</p> <p>10 attenuation of sound. And that would lead to much</p> <p>11 higher outside levels at my home. And please bring</p> <p>12 up again, Mr. Darcy's presentation, Exhibit 112. And</p> <p>13 go back to his little sound primer, which is very</p> <p>14 useful. Second page, ah, okay.</p> <p>15 So if the noise, the reduction due to</p> <p>16 distance, if distance one was, again, you know,</p> <p>17 measured from the midpoint, which might be, again,</p> <p>18 suitable for the average, might be less suitable for</p> <p>19 the maximum. But certainly, greater than five feet</p> <p>20 is definitely suitable for the maximum. You'd be</p> <p>21 bringing those impacts up by the difference between</p> <p>22 36 decibels and 19 decibels or 17 decibels.</p> <p>23 And if you add 17 decibels to the values he</p> <p>24 presents, you would find that you are in the loud</p> <p>25 range. Okay. And if you made those calculations for</p>

August 25, 2022

<p>197</p> <p>1 the other buildings, as Ms. Harris asked the other -  2 - you know, asked the expert to do, you would find  3 that you are getting to the top of the loud range,  4 and you'd be looking at things like the noise of a  5 sev- -- 757 aircraft cabin during flight.  6 And again, if you look at this chart, if  7 you look even lower, if you're looking at something  8 -- I call your attention to near highway traffic in  9 the middle of this chart. And it says, when greater  10 than 55 decibels, road and rail traffic annoy most  11 people, annoy. And the word annoying also appears in  12 the noise disturbance accurate.  13 And again, at these distance -- well, at  14 these greater distances for distance one and the  15 formula, you are talking about, you know, that being  16 a low end of the range, and a 757 cabin for my  17 neighbor's being at the high end of the range.  18 So I mean, I get, you know, what the  19 applicant's trying to do here. They didn't -- they  20 relied on the building to attenuate the noise. I was  21 satisfied with that. They removed the building for  22 whatever reason.  23 They decided that it wasn't worth putting  24 up either a glass wall or polycarbonate panels to  25 substitute, and kind of went naked. They did not</p>	<p>199</p> <p>1 whatever is convenient now. And second, ignore  2 inconsistency with arguments previously made.  3 One false assertion repeatedly made is that  4 the proposed amendment maintains or largely  5 maintains existing conditions at the site, at the  6 project site, which does not have an outdoor  7 playground of any size, let alone a massive one that  8 would start in use as early as 7:00 a.m. as  9 permitted. And I do note that the applicant is not  10 willing to add a binding restriction to limit  11 playground use prior to 9:30 a.m.  12 Another set of false assertions relates to  13 intensity or physical intensity. The latter term,  14 which I believe is totally undefined and does not  15 come up in the zoning ordinance, there's no  16 discussion of physical intensity.  17 Another is that the required findings  18 related to noise for the approved conditional use  19 continue to be met, despite the removal of a project  20 feature, repeatedly identified in the original  21 record by its own expert witnesses as key to sound  22 attenuation.  23 A fourth false assertion, which came up in  24 my cross-examination of Ms. Lyons, is that there is  25 no change in the location of the playground. And I</p>
<p>198</p> <p>1 expect an objection, they got one, and then are  2 scrambling. But it's not convincing. So now let me  3 go back to my on, you know -- on track more  4 temperate remarks.  5 So I objected to the June 23rd order  6 because the preponderance of the evidence does --  7 does not support the applicant's assertion that its  8 proposed amendment is properly classified as minor.  9 Importantly, the relevant record to be  10 considered includes the record of the case from its  11 inception, not just the recent claims being made by  12 the applicant in an attempt to justify their  13 amendment application. My testimony and the cross-  14 examination show that a reasonable consideration of  15 the complete record shows the evidence supports my  16 position that the amendment is likely to have  17 impacts that preclude its classification as a minor  18 amendment.  19 When I was a graduate student many years  20 ago, one of my advisors told me to prove it or lose  21 it when preparing papers or presentations. The  22 applicant's amended statement of justification for  23 its amendment, which were relied upon by the hearing  24 examiner in drafting the June 23rd order, adopts a  25 different two-pronged strategy. First, assert</p>	<p>200</p> <p>1 understand that we're playing games about the active  2 playground versus the inactive playground. I mean,  3 to me, the playground is the area enclosed by the  4 playground fence.  5 And indeed, as shown on the plans, even  6 though the witnesses don't, you know, want to  7 address it, and apparently, I'm not able to make  8 them do it, is that the area of the playground has  9 expanded in the direction of my home.  10 So numerous other assertions in the  11 applicant's recent documents simply state a claim  12 that is convenient without providing any specific  13 evidence to support it, thus violating the prove it  14 or lose it principle.  15 The key ex- -- example of ignoring  16 inconsistency with previous arguments that are no  17 longer convenient for the applicant involves several  18 strong statements made by the applicant's own  19 witnesses in the original record regarding sound  20 attenuation from the building addition. Which was  21 extensively relied upon by the hearing examiner as a  22 basis for granting approval of the original project.  23 Notably, the applicant's more recent  24 documents include absolutely no discussion  25 explaining why sound attenuation from the building</p>

August 25, 2022

<p style="text-align: right;">201</p> <p>1 addition in the original proposal no longer matters  2 at all for limiting noise impacts or demonstrating  3 several of the required findings.  4 So again, the applicants eliminates an  5 element of the project originally approved that was  6 integral to the analysis and conclusions that  7 required findings for conditional use were met. So  8 thus, if the amendment were to be approved as minor,  9 compliance with required findings for the  10 conditional use would no longer be demonstrated.  11 A matter I couldn't address at all in my  12 own factual presentation involves new claims made at  13 the hearing by the applicant's expert witness on  14 noise propagation. After hearing his testimony and  15 cross-examining the witness, it is apparent that the  16 claims being made relied very heavily, and that's a  17 modest statement, on the use of a five foot as  18 distance one in his calculation.  19 I've identified other work that he has done  20 that shows he typically does measure from the center  21 of a -- of a site in -- in calculating noise at a --  22 at a -- you know, from the noise attenuation or  23 noise reduction to a -- to a distant point. And  24 that, you know, five, for whatever reason, and I  25 don't want to cast aspersions, because another thing</p>	<p style="text-align: right;">203</p> <p>1 is shorter. But again, it's distance one that's the  2 key measure.  3 The estimates of current ambient noise  4 presented near my home re- -- can reflect data  5 collected much closer to Ellsworth Drive than my  6 residence, traffic is the most important source of  7 noise.  8 So after making the necessary adjustments  9 to distance one and distance two parameters, the  10 testimony from the new expert witness actually  11 confirms, rather than refutes, the extensive  12 discussion of the previous record, including  13 previous testimony from the applicant's own  14 witnesses regarding the importance of a significant  15 barrier to attenuate noise.  16 And indeed, in the original hearing, that  17 testimony was relied upon to demonstrate the absence  18 of adverse noise impacts and noise related required  19 findings.  20 Finally, the cross-examination responses of  21 the sound expert also shows that noise impacts  22 resulting from the minor amendment could easily be  23 mitigated using solid barriers of glass or  24 polycarbonate, as he has discussed in other recent  25 consulting work. And I won't take you back to the</p>
<p style="text-align: right;">202</p> <p>1 my advisor taught me is never assume what's in  2 someone else's head. And I won't do that.  3 But there's no question that the use of  4 five feet as distance one is -- and I would say, in  5 addition to being on the edge of the playground,  6 it's an edge assumption that strongly favors the  7 applicant's position and is convenient for the  8 applicant but is not representative in any way.  9 So I believe that there were large mistakes  10 in extrapolating the noise data from the existing  11 Takoma Park daycare site to my home in Silver Spring  12 through a significant overstatement of noise  13 reduction resulting from use of an implausible value  14 for distance one.  15 And correcting these mistakes, using the  16 same approach the expert has used in other cases,  17 results in much larger estimated noise impacts than  18 those included in the presentation we've seen today.  19 Using the expert witness's own chart of  20 noise impacts, not mine, the effect is to move  21 outside playground noise impacts from the barely  22 audible range that he mentioned in his direct  23 testimony to the loud portion of the range. And the  24 effects are worse for other homes in my  25 neighborhood, as I've indicated because distance two</p>	<p style="text-align: right;">204</p> <p>1 Darcy testimony, but it's right there.  2 So the amendment did not include such  3 provisions, which would be much cheaper than the  4 building extension that the applicant dropped from  5 the project through a cost concern. It's also  6 unclear why the applicant decided to take advantage  7 of the deletion to the building to extend the  8 playground down the hill, in a manner that brings  9 the playground noise closer to my home.  10 A double whammy when considered together  11 with the removal of the building extension, which  12 blocks the noise in the original approved plan.  13 Nothing stops the applicant from limiting the area  14 encompassed by the playground fence to the area in  15 the original conditional use plan, which would then  16 make honest the statement in the amended statement  17 of justification that there's no change in the  18 location of the playground. Because there is.  19 And frankly, although the cross-examination  20 process was not able to show that due to evasion on  21 the part of the witnesses, I think we all understand  22 that. So beyond my significant specific concerns  23 regarding the approved minor amendment, I believe  24 the letter and the spirit of the zoning ordinance  25 don't allow for use of the minor amendment process</p>

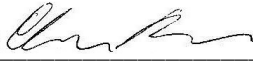
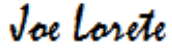
August 25, 2022

<p style="text-align: right;">205</p> <p>1 to circumvent the requirement to demonstrate all 2 required findings for conditional use. 3 And allowing this to -- process to make 4 major changes in a project that adve- -- adversely 5 impact the surrounding neighborhood has broad and 6 disturbing applications. Again, since the minor 7 amendment process allows for no input from parties 8 other than the applicant. And becomes known to other 9 affected parties only after the hearing examiner has 10 issued an order. 11 I do think this puts the hearing examiners 12 in a very bad position. Because I wonder if some of 13 these issues were aired in advance of the issuance 14 of that order, that order would actually have been 15 issued as it was. 16 And I also believe, that it's awkward for 17 the hearing examiners, frankly. Because they've now 18 gone on the record. But, you know, the hearing 19 examiner has to consider reversing a prior order 20 that he or she or one -- in this case, a colleague, 21 might not have issued given access to a fuller set 22 of inputs from a variety of interested parties. 23 It requires a lot of courage to look afresh 24 at a decision already made, and possibly reverse it 25 given fuller consideration of the entire record of</p>	<p style="text-align: right;">207</p> <p>1 this is not just an unsupported assertion. I did not 2 object to the November 20 approval of the original 3 project. 4 I also believe a variant of the project 5 that is substantially cheaper than the original 6 proposal, but still provides noise mitigation 7 features that significantly attenuate playground 8 noise could avoid the adverse neighborhood impacts 9 that led me to object to the June 23rd order. And 10 again, I look forward to working with all the 11 parties regarding my substantive concerns and how 12 they might be resolved. Thank you. 13 MS. BYRNE: Ms. Harris, do you have any 14 closing? 15 CLOSING STATEMENTS 16 MS. HARRIS: Yes. Thank you. First of all, 17 thank you Ms. Byrne for your time this -- today. As 18 the -- as the ZHA originally determined, the 19 proposed modification is, in fact, minor in nature. 20 It -- there's elimination of a mass 13,000 square 21 feet of building. There's essentially no revisions 22 to the existing structure. There's no changes in 23 operation to the -- the previously approved use. 24 More importantly, and through the testimony 25 of our expert, Mr. Karner, the applicant</p>
<p style="text-align: right;">206</p> <p>1 the matter, not just the unsubstantiated or 2 incorrect claims made by the applicant. And I've 3 shown many. 4 At this point, all I can do is offer my 5 thanks to the hearing examiner. And her excellent 6 support staff for helping me, a complete -- a 7 completely naive person in these matters, I would 8 say, understand the rules and procedures governing 9 this hearing. And I'm sorry I couldn't have been 10 more professional because I don't understand fully 11 all the rules. 12 I now put my case in the hands of the 13 hearing examiner and hope, in the words of Spike 14 Lee, that she will do the right thing. If she does, 15 I'd be happy to work with the applicant and others 16 to address these -- my concerns, substantive 17 concerns through the major amendment process. So as 18 I noted at the start of this hearing, I oppose the 19 minor amendment. 20 But I'm not trying to prevent the 21 development of the daycare center at the site of the 22 Silver Spring Library. I do not insist that the 23 daycare center be exactly the one that was approved 24 in the original approved conditional use. You know, 25 unlike so many of the applicant's recent claims,</p>	<p style="text-align: right;">208</p> <p>1 demonstrated that the proposed modifications will 2 not result in any changes to exterior noise levels 3 that will substantially, adversely affect the 4 surrounding neighborhood when considered in 5 combination with the underlying use. 6 As Mr. Karner testified, the distance -- 7 first of all, the distance between the subject 8 playground and Mr. Gruenspecht's house is over the 9 length of a football field, we should keep that in 10 mind. And with that distance, the noise will be well 11 below the 65 dBA allowed by the county. 12 And while we recognize that conditional 13 uses, that the standards are sort of a starting 14 point, but that doesn't necessarily prove that 15 there's no adverse effect, the -- the -- our expert 16 explained that the exterior noise would be barely 17 audible from Mr. Gruenspecht's house from the 18 exterior. 19 Based on that, he further concluded that no 20 mitigation is necessary. There's not the need for 21 plexiglass or some other material, because there's 22 not going to be an adverse effect that -- that would 23 lead to mitigation. 24 I think it's also important to bring up, 25 Mr. Gruenspecht raised this issue. And -- and in</p>

August 25, 2022

<p style="text-align: right;">209</p> <p>1 doing so, if it was so important, perhaps he should  2 have thought about hiring an expert to prove his  3 case.  4       Instead, what he did, and he admitted -- he  5 self-admitted that he's not an expert in noise. He  6 took our noise consultants testimony and tried to  7 discredit it, whether it was having to do with the  8 measurements, or why he appro- -- the measurements,  9 or why he appropriately measured from the point that  10 he did. And he offered just hypotheticals in its  11 place.  12       The reason that we didn't initially have a  13 noise consultant on the first case is that we didn't  14 think it was an issue. It was brought up as an issue  15 by Mr. Gruenspecht. And so what did we do? We hired  16 an expert who did an analysis to prove, in fact,  17 that it's not an issue. And what we were doing was  18 proving a negative.  19       I mean, so the fact that we didn't have a  20 noise expert originally is -- is of no material  21 effect. What we've done now is that that we've had  22 expert testimony showing that there is no adverse  23 effect. I think it's also important to emphasize  24 that -- that what the standard is. It's a  25 substantial adverse effect. The slightest audible</p>	<p style="text-align: right;">211</p> <p>1 recognize the intricacies of the Montgomery County  2 Zoning Ordinance when it comes to inherent and non-  3 inherent characteristics.  4       And as -- as section 7.31 e.g. says, the --  5 the qual- -- the test is, will not cause undue harm  6 to the neighborhood as a result of non-inherent  7 adverse effects alone, or in combination with  8 inherent effects. And the hearing examiner  9 previously found that there are no non-adverse  10 effects in this matter.  11       Finally, I -- I would note again that Mr. -  12 - Mr. Gruenspecht's allegations about the noise are  13 totally speculative. There was no evidence, he's not  14 an expert. And I would -- I would finally note that  15 -- and I -- I just -- I need to say this.  16       That I find it extremely unfortunate that  17 this nonprofit childcare center has had to use some  18 of its valuable resources, now, we've been at this  19 now for five hours, I believe, making the case that  20 the elimination of the addition is not going to  21 cause an adverse impact, and that in fact, the --  22 the change is minor in nature, and was properly  23 determined to be a minor modification to the  24 originally approved conditional use.  25       I believe that our evidence fully supports</p>
<p style="text-align: right;">210</p> <p>1 noise from children does not create a substantial  2 adverse effect.  3       And while maybe it would create an adverse  4 effect in certain settings, and those settings maybe  5 being a sensitive laboratory situation, or certain  6 areas of a hospital, this property is on the edge of  7 the Silver Springs central business district, it's  8 next to a park. Mr. Gruenspecht even admitted that  9 he can hear noises from the park.  10       It's surrounded by dense urban development,  11 there's a high-rise across the street, there's  12 townhouses. He's within a townhouse development,  13 there's a six lane Colesville Road arterial, and  14 other busy roads in the area. So noises do exist.  15       Every time someone from Chelsea Courts  16 leaves their house, they hear noises. Mr.  17 Gruenspecht said it, our -- and our -- and our civ-  18 -- and our expert also confirmed that. And the no- -  19 - the additive noise of this child -- of the  20 playground is in no way substantially going to  21 create a substantially adverse eff- -- effect.  22       The other thing to note is, and I  23 recognize, and Mr. Gruenspecht said this, is that  24 he's not an expert in zoning. And for those of us  25 that live and breathe this stuff every day, we</p>	<p style="text-align: right;">212</p> <p>1 that, and that the -- this should be the end of thi-  2 -- this proceeding. I would recommend that the  3 record be closed, except for the 10-day allowance,  4 only to allow the transcript into -- into the  5 record. And with that, again, we appreciate your  6 time. And -- and -- and that concludes our  7 testimony. Thank you.  8       MS. BYRNE: All right. Thank you.  9       MS. HARRIS: Oh, sorry. That's me.  10       MS. BYRNE: All right. No -- no worries. We  11 are at the end, as we just talked about for the  12 record. Everyone agreed there were no objections to  13 the exhibits, the exhibits that are submitted are  14 going to be part of the record.  15       The -- technically the record will remain  16 open for 10 days in order for the transcript to be  17 created. So once the transcript is created and  18 provided, but re- -- the record itself is closed now  19 to all other documents. And then the decision will  20 be rendered within 30 days of when I receive that  21 transcript, which is essentially, I would hope, 40  22 days from now. Right? So making that assumption that  23 I get that transcript within 10 days, and then 30  24 days from this point forward.  25       MR. GRUENSPECHT: Sounds --</p>

August 25, 2022

<p style="text-align: right;">213</p> <p>1 MS. BYRNE: Doesn't that sound like I just  2 did the math, right? Right. Ten and -- 10 and 30 --  3 MR. GRUENSPECHT: Forty days.  4 MS. BYRNE: -- sounds like 40.  5 MR. GRUENSPECHT: Forty days and 40 nights.  6 MS. BYRNE: There you go. I appreciate  7 everybody's participation today and share of  8 information. And I think that's all we have. All  9 right. Everybody go take a bathroom break. And thank  10 you so much, and my decision will be out shortly.  11 MR. GRUENSPECHT: Thanks to you and your  12 staff. Thank you.  13 MS. BYRNE: Thank you.  14 MS. HARRIS: Thank you very much.  15 [End of Proceedings 2:05 p.m.]  16  17  18  19  20  21  22  23  24  25</p>	<p style="text-align: right;">215</p> <p>1 CERTIFICATE OF TRANSCRIBER  2 I, Chris Naaden, a transcriber, hereby declare  3 under penalty of perjury that to the best of my  4 ability from the audio recordings and supporting  5 information; and that I am neither counsel for,  6 related to, nor employed by any of the parties to  7 this case and have no interest, financial or  8 otherwise, in its outcome, the above 214 pages  9 contain a full, true and correct transcription of  10 the tape-recording that I received regarding the  11 event listed on the caption on page 1.  12  13 I further declare that I have no interest  14 in the event of the action.  15  16   17 _____  18 August 31, 2022  19 Chris Naaden  20  21 (457891, Martha B. Gudelsky Child Development  22 Center, 8-25-2022)  23  24  25</p>
<p style="text-align: right;">214</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC  2 I, Joe Lorete, the officer  3 before whom the foregoing deposition was taken, do  4 hereby certify that said proceedings were  5 electronically recorded by me; and that I am  6 neither counsel for, related to, nor employed by  7 any of the parties to this case and have no  8 interest, financial or otherwise, in its outcome.  9 IN WITNESS WHEREOF, I have hereunto set  10 my hand and affixed my notarial seal this 6th day  11 of September, 2022.  12  13   14 _____  15 JOE LORETE, NOTARY PUBLIC,  16 FOR THE STATE OF MARYLAND  17  18  19  20  21  22  23  24  25</p>	

A			
<b>ability</b> 6:5, 6:7, 10:1, 16:12, 80:24, 160:15, 215:4 <b>able</b> 10:7, 10:8, 10:9, 14:20, 16:1, 35:20, 46:23, 118:5, 128:10, 143:11, 160:7, 200:7, 204:20 <b>about</b> 10:15, 13:9, 13:13, 14:8, 14:21, 15:20, 18:3, 24:2, 30:9, 30:18, 31:2, 31:10, 34:5, 34:6, 34:7, 55:14, 56:24, 62:21, 72:10, 72:23, 73:7, 73:12, 78:9, 79:7, 86:8, 86:10, 88:24, 103:15, 115:20, 117:24, 118:19, 118:20, 125:1, 126:7, 126:21, 127:16, 129:15, 129:16, 133:17, 133:25, 141:19, 142:24, 148:1, 148:6, 159:16, 161:14, 162:16, 162:25, 164:19, 165:24, 166:12, 166:14, 171:15, 171:20, 172:24, 175:2, 176:11, 177:14, 181:5, 181:7, 187:19, 188:8, 188:10, 188:15, 192:12, 193:19,	193:22, 195:4, 197:15, 200:1, 209:2, 211:12, 212:11 <b>above</b> 48:21, 54:10, 57:16, 71:14, 71:16, 71:20, 215:8 <b>absence</b> 36:18, 42:5, 203:17 <b>absolute</b> 183:8 <b>absolutely</b> 26:13, 72:21, 200:24 <b>abuse</b> 92:7 <b>abutting</b> 33:15, 43:12 <b>academic</b> 79:18 <b>acceptable</b> 16:2, 16:9, 93:24 <b>access</b> 102:5, 107:13, 107:15, 128:10, 131:20, 205:21 <b>accessible</b> 102:5 <b>accommodate</b> 102:5, 106:3 <b>according</b> 47:7 <b>account</b> 152:15 <b>accounts</b> 187:25 <b>accreditations</b> 136:5 <b>accurate</b> 55:4, 72:16, 121:1, 124:11, 125:10, 125:11, 152:5, 197:12 <b>accurately</b> 75:5, 191:25,	195:3 <b>achieve</b> 163:7 <b>acknowledge</b> 27:2 <b>acoustic</b> 62:17, 136:1, 136:9 <b>acoustics</b> 62:14, 136:8, 136:18 <b>acronym</b> 38:12 <b>across</b> 17:3, 47:9, 102:21, 116:11, 210:11 <b>act</b> 160:15, 193:8 <b>action</b> 215:14 <b>active</b> 127:24, 128:4, 129:6, 131:12, 132:3, 134:3, 135:3, 200:1 <b>actively</b> 128:2 <b>activities</b> 81:8, 82:10, 82:22, 84:6, 85:14, 85:17, 91:4, 93:8, 93:25 <b>activity</b> 95:8 <b>acts</b> 35:25 <b>actual</b> 75:9, 143:4, 144:24, 165:11, 186:20 <b>actually</b> 5:18, 8:1, 22:6, 25:19, 39:19, 48:20, 48:22, 55:16, 61:17, 66:8,	68:16, 79:5, 86:4, 90:8, 97:17, 104:3, 107:7, 107:25, 112:21, 117:20, 128:18, 129:12, 130:21, 133:6, 135:7, 139:24, 149:4, 157:2, 157:16, 168:25, 178:15, 179:9, 179:12, 179:21, 193:13, 203:10, 205:14 <b>add</b> 86:12, 86:13, 93:13, 110:6, 141:24, 142:15, 151:12, 156:20, 168:14, 182:5, 196:23, 199:10 <b>adding</b> 89:4 <b>addition</b> 17:12, 17:20, 18:21, 19:7, 19:23, 24:7, 24:24, 26:19, 27:16, 27:25, 28:12, 40:3, 40:6, 41:12, 41:14, 45:2, 45:24, 46:2, 46:6, 47:1, 47:7, 47:18, 47:21, 48:2, 48:4, 48:7, 48:9, 49:10, 49:14, 49:18, 49:24, 51:4, 51:8, 51:23, 54:9, 54:23, 59:10, 61:9, 61:14, 67:21, 70:6, 70:7, 84:21, 89:11, 89:13, 90:11, 90:14, 90:17,



90:19, 90:21, 90:22, 90:24, 91:18, 105:17, 106:15, 107:5, 109:7, 109:24, 110:23, 110:24, 112:5, 114:14, 116:5, 116:19, 118:20, 124:19, 130:3, 138:13, 152:8, 174:1, 200:20, 201:1, 202:5, 211:20 <b>additional</b> 41:15, 57:2, 59:21, 60:5, 60:18, 68:11, 89:6, 103:4, 104:17, 155:11 <b>additionally</b> 109:23 <b>additive</b> 210:19 <b>address</b> 15:13, 19:3, 20:2, 20:10, 20:14, 30:20, 32:9, 61:22, 200:7, 201:11, 206:16 <b>addressed</b> 36:23, 46:15 <b>addresses</b> 32:14 <b>addressing</b> 52:5, 76:18 <b>adds</b> 41:19 <b>adequate</b> 53:19 <b>adequately</b> 56:17 <b>adjacent</b> 27:8, 28:9, 46:16, 46:18, 104:9, 109:20 <b>adjoining</b> 128:14	<b>adjustments</b> 203:8 <b>administratingly</b> 32:16 <b>administration</b> 163:8 <b>administrative</b> 1:2, 2:4, 32:19, 100:14, 137:12 <b>administratively</b> 17:9 <b>admitted</b> 100:23, 101:8, 137:25, 209:4, 210:8 <b>adopts</b> 198:24 <b>adults</b> 156:4 <b>advance</b> 205:13 <b>advantage</b> 204:6 <b>adve</b> 205:4 <b>adverse</b> 18:3, 19:13, 22:17, 24:17, 28:1, 28:8, 28:12, 29:13, 33:6, 33:9, 34:21, 42:14, 43:8, 43:9, 44:20, 53:4, 54:1, 54:2, 56:17, 58:12, 60:11, 61:3, 61:11, 108:10, 109:13, 154:20, 155:1, 155:7, 157:23, 158:10, 168:17, 189:6, 203:18, 207:8, 208:15, 208:22, 209:22, 209:25, 210:2, 210:3, 210:21, 211:7,	211:21 <b>adversely</b> 17:15, 18:11, 205:4, 208:3 <b>advised</b> 156:17 <b>advisor</b> 202:1 <b>advisors</b> 198:20 <b>aerial</b> 139:1 <b>aesthetic</b> 134:18 <b>aesthetically</b> 134:14 <b>af</b> 165:1 <b>affect</b> 58:25, 59:12, 208:3 <b>affected</b> 18:15, 205:9 <b>affecting</b> 41:3, 157:23, 158:11 <b>affixed</b> 214:10 <b>affordable</b> 25:16, 79:11, 79:21, 79:22 <b>afresh</b> 205:23 <b>after</b> 7:2, 14:16, 18:15, 22:20, 29:5, 52:24, 56:15, 64:3, 65:12, 77:8, 81:2, 95:10, 97:18, 129:14, 201:14, 203:8, 205:9 <b>after-school</b> 81:7, 81:10 <b>afternoon</b> 65:11, 164:22, 164:24, 165:1,	165:4 <b>aga</b> 193:25 <b>again</b> 12:6, 15:12, 15:13, 17:20, 19:20, 20:10, 20:16, 21:23, 30:8, 31:25, 32:17, 34:6, 37:16, 37:19, 39:7, 39:8, 39:10, 39:12, 43:5, 44:13, 45:18, 49:1, 49:7, 51:7, 54:14, 54:24, 56:22, 57:19, 58:5, 58:10, 65:3, 67:20, 67:24, 68:4, 68:12, 69:19, 73:5, 81:4, 83:11, 87:16, 88:16, 88:17, 88:20, 92:6, 94:16, 95:13, 96:7, 96:8, 96:23, 111:10, 120:24, 122:20, 130:11, 132:16, 132:23, 134:10, 144:8, 145:10, 149:12, 149:15, 151:18, 153:7, 171:25, 172:13, 174:23, 175:18, 177:6, 177:11, 178:6, 179:22, 179:23, 184:10, 185:10, 189:16, 192:4, 193:25, 195:22, 196:2, 196:12, 196:16, 196:17, 197:6, 197:13, 201:4, 203:1, 205:6, 207:10, 211:11,
--	--	--	---

212:5 <b>against</b> 172:16, 178:12 <b>age</b> 80:22, 80:23, 81:1, 81:9, 83:8 <b>ages</b> 80:9, 80:21, 81:3, 81:14 <b>ago</b> 138:17, 198:20 <b>agree</b> 72:13, 72:19, 93:21, 94:14, 94:16, 95:13, 95:18, 114:13, 120:21, 171:2, 173:23, 174:19, 175:7, 180:6, 181:17, 183:5, 183:6, 183:7, 188:1 <b>agreed</b> 212:12 <b>agreement</b> 21:3, 58:1 <b>ah</b> 122:19, 196:14 <b>ahead</b> 10:2, 10:12, 12:12, 16:16, 73:16, 78:18, 90:9, 92:18, 105:5, 113:12, 114:1, 127:7, 135:15, 143:1, 144:16, 157:4, 157:13, 157:14, 182:19 <b>air</b> 146:15, 152:14 <b>aircraft</b> 136:20, 144:14, 197:5 <b>aired</b> 205:13 <b>aligned</b> 114:19	<b>aligning</b> 116:7 <b>allegations</b> 211:12 <b>allow</b> 18:6, 26:14, 126:10, 140:11, 204:25, 212:4 <b>allowable</b> 140:7, 148:3, 157:20, 158:2, 158:5, 158:13, 189:7, 189:12 <b>allowance</b> 212:3 <b>allowed</b> 72:7, 148:5, 168:21, 185:15, 208:11 <b>allowing</b> 18:9, 205:3 <b>allows</b> 9:18, 18:13, 205:7 <b>alluded</b> 184:13, 185:2 <b>almost</b> 114:18 <b>alone</b> 32:24, 43:8, 54:1, 60:23, 199:7, 211:7 <b>along</b> 25:25, 26:24, 46:8, 102:3, 102:7, 102:21, 103:11, 103:14, 128:13, 160:3, 163:6, 166:11, 171:21, 171:22 <b>already</b> 18:25, 21:3, 29:10, 32:13, 57:6, 84:14, 96:7, 132:8, 139:9, 155:10, 157:16, 171:18, 173:4, 180:15,	184:13, 185:2, 188:8, 188:10, 205:24 <b>also</b> 9:6, 9:12, 9:15, 9:16, 10:1, 15:25, 19:16, 22:8, 25:15, 27:3, 33:8, 35:1, 41:22, 46:3, 46:17, 46:25, 49:20, 51:17, 54:19, 57:13, 57:20, 61:22, 65:22, 67:21, 70:14, 77:12, 80:5, 84:4, 85:16, 89:14, 89:20, 97:4, 97:17, 103:19, 114:17, 125:3, 136:24, 140:17, 145:20, 148:13, 155:5, 166:2, 169:23, 173:15, 175:16, 182:13, 187:3, 187:10, 190:16, 192:21, 197:11, 203:21, 204:5, 205:16, 207:4, 208:24, 209:23, 210:18 <b>alter</b> 84:21 <b>although</b> 103:13, 109:23, 172:3, 192:8, 204:19 <b>aluminum</b> 102:18 <b>always</b> 6:13 <b>amazing</b> 105:9 <b>ambient</b> 165:10, 187:11, 203:3	<b>amend</b> 38:14 <b>amended</b> 4:5, 14:3, 20:1, 52:6, 198:22, 204:16 <b>amendments</b> 32:1 <b>amends</b> 57:2 <b>among</b> 39:8, 48:10 <b>amount</b> 91:11, 91:14, 160:17 <b>analyses</b> 37:22, 42:20 <b>analysis</b> 4:3, 17:21, 20:13, 20:19, 29:10, 38:24, 43:18, 44:24, 49:21, 50:1, 50:11, 51:12, 56:1, 59:7, 59:13, 62:25, 167:11, 167:13, 167:15, 167:20, 167:23, 175:13, 176:10, 176:11, 188:15, 190:13, 192:6, 194:19, 195:1, 201:6, 209:16 <b>analyzed</b> 167:8 <b>annoy</b> 197:10, 197:11 <b>annoying</b> 35:4, 35:5, 197:11 <b>another</b> 85:19, 122:20, 141:5, 148:13, 199:12, 199:17, 201:25 <b>answer</b> 72:4, 73:13,
--	--	---	--

74:10, 74:11, 74:13, 74:19, 74:20, 123:9, 123:22, 134:25, 158:7, 159:20, 159:25, 160:7, 161:13, 162:12, 162:15, 163:23, 168:25, 182:18, 184:13 <b>answered</b> 170:5 <b>anticipate</b> 192:9 <b>anticipated</b> 132:8 <b>any</b> 5:10, 14:20, 14:23, 15:17, 15:18, 15:21, 27:24, 28:12, 29:12, 33:14, 35:4, 35:9, 43:9, 44:22, 50:5, 50:13, 50:18, 54:13, 59:1, 61:23, 62:4, 62:17, 62:25, 66:6, 67:22, 67:25, 69:8, 70:3, 71:17, 75:13, 82:15, 82:17, 83:1, 84:21, 85:8, 85:21, 86:7, 87:11, 89:10, 93:19, 93:21, 93:25, 95:13, 96:3, 96:20, 97:11, 98:9, 100:25, 106:7, 107:8, 109:12, 109:19, 110:13, 113:5, 120:6, 124:14, 125:5, 128:6, 128:16, 136:4, 147:16, 152:12,	152:15, 152:18, 154:25, 155:6, 155:11, 156:25, 166:6, 167:24, 168:15, 169:5, 180:25, 189:1, 190:4, 190:20, 195:8, 199:7, 200:12, 202:8, 207:13, 208:2, 214:7, 215:6 <b>anyone</b> 63:5, 77:6 <b>anyone's</b> 67:1 <b>anything</b> 86:11, 106:9, 110:5, 111:24, 136:20, 137:2, 156:19, 192:18 <b>anyway</b> 95:19, 146:25 <b>anywhere</b> 117:10, 137:16, 143:6 <b>apologies</b> 151:16 <b>apologize</b> 77:8, 88:12, 133:16 <b>apparent</b> 35:23, 201:15 <b>apparently</b> 20:8, 20:11, 55:10, 55:11, 89:17, 200:7 <b>appeal</b> 7:2 <b>appeals</b> 33:1, 137:18 <b>appear</b> 17:7, 46:24 <b>appearing</b> 46:22 <b>appears</b> 20:3, 38:20, 124:3, 165:24, 197:11	<b>appellant</b> 7:5, 10:22, 12:18, 12:19, 12:22, 13:2, 14:16 <b>applicable</b> 60:25, 108:3, 154:16 <b>applicant</b> 8:19, 11:18, 18:14, 19:9, 20:8, 20:11, 21:3, 21:11, 21:19, 22:1, 25:10, 27:9, 29:6, 32:1, 35:19, 37:3, 37:20, 37:24, 38:8, 38:12, 39:13, 42:4, 52:20, 55:11, 56:15, 56:18, 57:8, 58:1, 59:20, 59:23, 60:4, 61:25, 159:22, 168:1, 168:7, 198:12, 199:9, 200:17, 202:8, 204:4, 204:6, 204:13, 205:8, 206:2, 206:15, 207:25 <b>applicant's</b> 17:10, 17:19, 18:20, 19:12, 19:16, 19:24, 19:25, 21:16, 22:4, 22:19, 22:22, 23:2, 33:20, 36:24, 37:22, 39:18, 40:5, 41:11, 41:13, 46:20, 48:8, 49:9, 49:19, 49:23, 50:21, 51:2, 51:9, 51:19, 51:24, 54:18,	57:1, 57:15, 59:5, 61:16, 123:3, 197:19, 198:7, 198:22, 200:11, 200:18, 200:23, 201:13, 202:7, 203:13, 206:25 <b>applicants</b> 30:24, 34:16, 51:10, 168:12, 201:4 <b>application</b> 21:2, 22:2, 25:24, 26:5, 33:2, 33:3, 51:17, 109:23, 180:8, 198:13 <b>applications</b> 205:6 <b>applies</b> 144:25 <b>apply</b> 178:10, 184:12 <b>applying</b> 174:22 <b>appreciate</b> 17:6, 134:24, 163:22, 167:7, 212:5, 213:6 <b>appro</b> 209:8 <b>approach</b> 79:16, 149:21, 190:25, 202:16 <b>appropriate</b> 39:6, 172:25, 175:9, 176:6, 178:9 <b>appropriately</b> 24:11, 209:9 <b>approval</b> 5:5, 15:10, 17:23, 20:7, 22:11, 23:5, 29:6, 45:1, 46:13, 47:3, 48:9, 49:22,
--	---	---	---

50:9, 50:13, 52:3, 52:11, 53:3, 54:7, 56:20, 57:13, 58:24, 59:2, 59:9, 60:7, 60:20, 97:9, 108:4, 200:22, 207:2 <b>approved</b> 17:13, 17:24, 18:4, 18:22, 23:19, 31:12, 32:2, 39:25, 40:11, 40:14, 42:19, 43:1, 45:25, 51:1, 57:22, 102:25, 106:6, 106:24, 109:10, 114:15, 117:2, 117:25, 120:7, 120:23, 121:23, 123:3, 123:20, 138:5, 199:18, 201:5, 201:8, 204:12, 204:23, 206:23, 206:24, 207:23, 211:24 <b>approving</b> 17:10, 22:18, 32:16 <b>approximate</b> 86:2, 102:24 <b>approximately</b> 46:2, 46:3, 47:8, 72:14, 80:14, 81:22, 83:24, 89:2, 109:6, 109:21, 151:1, 195:13 <b>april</b> 164:5, 164:9 <b>arbitrary</b> 182:6, 182:7 <b>architect</b> 8:16, 28:24, 29:7, 98:25,	99:20, 99:23, 100:16, 112:25, 181:5, 190:7 <b>architects</b> 28:25, 99:24, 100:5, 100:7 <b>architectural</b> 41:11, 105:22 <b>architecture</b> 88:24, 100:2, 100:23, 111:3 <b>area-</b> 92:4 <b>areas</b> 27:22, 32:9, 40:17, 45:22, 61:20, 86:6, 91:20, 104:8, 120:11, 127:17, 128:14, 140:11, 140:13, 159:17, 210:6 <b>arguing</b> 12:7 <b>argument</b> 178:8 <b>arguments</b> 61:20, 199:2, 200:16 <b>arising</b> 18:3 <b>around</b> 81:20, 84:18, 102:14, 117:17, 134:7, 134:25, 138:18, 142:9, 142:10, 143:14, 143:19, 146:19, 187:5 <b>arrive</b> 60:1, 94:17, 94:22, 95:9 <b>arrived</b> 115:5 <b>arrow</b> 117:20 <b>arterial</b> 210:13	<b>arts</b> 81:8, 136:7 <b>asked</b> 10:15, 31:20, 92:19, 95:2, 96:8, 111:17, 143:4, 155:10, 160:6, 183:17, 197:1, 197:2 <b>asking</b> 72:5, 96:3, 111:23, 111:25, 112:25, 120:14, 123:12, 150:20, 161:10, 166:18, 167:11, 168:19, 169:4, 181:13, 181:23, 182:2, 183:24, 187:19 <b>asks</b> 48:1 <b>aspersions</b> 201:25 <b>asphalt</b> 102:17, 105:25 <b>assert</b> 198:25 <b>asserted</b> 28:5 <b>asserting</b> 161:11 <b>assertion</b> 21:21, 30:18, 54:13, 59:20, 129:19, 198:7, 199:3, 199:23, 207:1 <b>assertions</b> 199:12, 200:10 <b>asserts</b> 26:17 <b>assessing</b> 39:23, 44:20 <b>assessment</b> 36:19 <b>assisting</b> 8:18 <b>associated</b> 24:8, 27:1,	27:4, 27:7, 28:17, 29:2, 46:14, 53:5 <b>assume</b> 66:13, 94:24, 117:13, 148:24, 153:13, 155:6, 202:1 <b>assumes</b> 153:7, 182:4 <b>assuming</b> 62:8, 62:20, 160:23 <b>assumption</b> 161:14, 183:9, 183:17, 202:6, 212:22 <b>assumptions</b> 196:3 <b>assure</b> 21:14 <b>attached</b> 123:14 <b>attain</b> 56:20 <b>attempt</b> 22:1, 198:12 <b>attention</b> 62:2, 69:25, 114:11, 197:8 <b>attenuate</b> 22:16, 47:5, 197:20, 203:15, 207:7 <b>attenuated</b> 49:13, 173:4 <b>attenuates</b> 61:17 <b>attenuating</b> 19:23, 20:6, 45:4, 48:5, 48:7, 48:10, 52:1, 54:17, 59:11, 70:8 <b>attenuation</b> 49:10, 49:17, 49:23, 54:5, 54:20, 110:25,
--	---	--	---

111:22, 112:1, 160:18, 187:9, 188:9, 188:11, 196:10, 199:22, 200:20, 200:25, 201:22 <b>attorney</b> 12:8, 12:17, 12:22, 13:2, 119:4 <b>attorneys</b> 14:9, 15:21, 77:21, 78:3 <b>audible</b> 153:13, 153:15, 153:18, 161:3, 161:7, 202:22, 208:17, 209:25 <b>audio</b> 215:4 <b>audio-recorded</b> 1:9 <b>august</b> 1:11, 140:1, 160:4, 160:5, 164:8, 164:9, 164:11, 168:2, 168:4, 215:18 <b>av</b> 160:2, 189:15 <b>available</b> 20:9, 132:7 <b>avenue</b> 2:6, 4:11, 193:18 <b>average</b> 145:11, 145:16, 146:1, 146:4, 146:10, 146:21, 153:8, 153:11, 175:2, 175:3, 175:4, 175:12, 175:15, 176:5, 176:12, 176:13, 176:14, 176:18, 177:12, 180:4, 180:21, 182:10, 183:11, 183:20,	196:4, 196:18 <b>avoid</b> 22:16, 90:8, 122:22, 207:8 <b>awake</b> 66:24 <b>aware</b> 16:18, 20:25, 63:17, 63:19, 69:5, 69:16, 73:24, 75:6, 75:10, 75:11, 113:14 <b>away</b> 47:10, 47:17, 107:5, 109:21, 141:3, 143:10, 173:18, 188:2 <b>awesome</b> 5:24, 78:22 <b>awkward</b> 205:16 <hr/> <b>B</b> <hr/> <b>b2</b> 35:3 <b>b5</b> 35:23 <b>baby</b> 181:23 <b>bachelor</b> 100:1, 100:2, 136:7 <b>back</b> 23:19, 24:5, 34:24, 38:15, 38:21, 39:14, 39:19, 42:5, 44:14, 46:9, 49:3, 88:10, 95:25, 104:18, 110:12, 113:23, 116:10, 116:11, 119:5, 126:12, 127:3, 128:19, 130:18, 130:22, 132:6, 132:15, 146:7, 146:18,	151:15, 172:13, 179:23, 186:17, 187:6, 189:12, 189:22, 192:12, 195:25, 196:13, 198:3, 203:25 <b>background</b> 9:14, 23:25, 27:7, 79:7, 99:22, 99:25, 136:4, 139:19, 145:13, 147:12, 147:19, 149:23, 149:25, 152:23, 153:1, 153:10, 153:17, 154:1, 154:7, 155:4, 188:5, 189:24, 192:13 <b>backwards</b> 186:25 <b>backyard</b> 156:3 <b>bad</b> 205:12 <b>baltimore</b> 99:25 <b>bar</b> 152:11 <b>barely</b> 141:14, 141:15, 202:21, 208:16 <b>bark</b> 9:16 <b>barrier</b> 46:7, 57:21, 160:15, 161:1, 203:15 <b>barriers</b> 131:23, 132:9, 163:6, 188:11, 203:23 <b>base</b> 76:6, 116:7 <b>based</b> 15:11, 25:18, 39:22, 49:12, 123:25, 124:3,	145:8, 148:14, 148:15, 148:17, 154:3, 170:14, 175:3, 178:22, 208:19 <b>basic</b> 140:19 <b>basically</b> 44:12, 53:11 <b>basis</b> 42:7, 84:13, 94:9, 168:10, 169:5, 200:22 <b>bathroom</b> 213:9 <b>bearing</b> 44:8, 58:19, 102:12 <b>bears</b> 21:19 <b>beat</b> 124:2 <b>because</b> 6:11, 12:7, 12:11, 12:16, 12:25, 15:7, 16:4, 16:11, 17:11, 17:17, 38:13, 38:19, 39:14, 47:10, 52:16, 57:2, 58:3, 60:4, 65:13, 66:9, 66:22, 66:24, 67:9, 67:17, 69:11, 69:17, 70:15, 73:14, 73:17, 80:19, 82:19, 83:11, 84:2, 84:12, 85:12, 92:4, 92:20, 94:4, 97:2, 111:13, 112:15, 112:17, 116:2, 116:3, 116:4, 117:5, 118:10, 119:21, 124:19, 125:16,
---	---	---	---

<p>127:11, 130:4, 132:17, 142:24, 148:11, 148:17, 148:21, 151:14, 156:2, 157:2, 163:11, 168:25, 174:7, 177:19, 180:2, 182:4, 182:6, 184:20, 185:4, 186:8, 191:18, 198:6, 201:25, 202:25, 204:18, 205:12, 205:17, 206:10, 208:21</p> <p><b>become</b> 86:20, 149:2</p> <p><b>becomes</b> 18:14, 205:8</p> <p><b>bedroom</b> 71:14</p> <p><b>beds</b> 133:25, 134:15</p> <p><b>been</b> 19:8, 25:8, 37:2, 61:15, 79:12, 81:23, 91:25, 97:16, 97:17, 99:23, 105:4, 109:1, 118:10, 122:14, 124:7, 129:24, 132:5, 136:8, 151:16, 155:17, 160:1, 167:14, 167:16, 169:2, 174:25, 178:20, 178:22, 183:9, 189:23, 205:14, 206:9, 211:18</p> <p><b>before</b> 15:17, 15:22, 20:14, 30:5, 64:3, 64:25, 69:15, 84:2, 84:7, 87:5, 93:11, 93:15, 94:8, 95:15,</p>	<p>96:5, 96:6, 97:13, 97:17, 97:19, 100:13, 105:13, 124:4, 134:12, 137:11, 190:20, 193:2, 214:3</p> <p><b>begin</b> 32:11, 84:7</p> <p><b>beginning</b> 6:14, 191:1</p> <p><b>begins</b> 52:25</p> <p><b>behalf</b> 23:14, 61:25</p> <p><b>behanna</b> 2:2</p> <p><b>behind</b> 46:17, 47:11, 51:4, 89:5</p> <p><b>being</b> 9:5, 16:17, 22:20, 31:3, 31:4, 39:12, 61:18, 81:22, 112:5, 112:10, 113:7, 113:16, 113:20, 116:10, 117:23, 128:25, 149:11, 156:4, 161:2, 173:12, 173:13, 175:3, 178:11, 188:4, 195:2, 195:24, 197:15, 197:17, 198:11, 201:16, 202:5, 210:5</p> <p><b>believe</b> 6:4, 9:18, 18:4, 20:3, 22:13, 58:16, 63:17, 67:21, 69:25, 75:4, 76:1, 76:23, 106:21, 107:4, 111:10, 111:14, 112:2, 112:24, 121:9, 122:24,</p>	<p>123:12, 123:25, 125:8, 125:11, 128:8, 150:25, 157:15, 157:22, 158:10, 159:5, 159:7, 173:7, 173:8, 186:24, 187:10, 190:16, 192:22, 199:14, 202:9, 204:23, 205:16, 207:4, 211:19, 211:25</p> <p><b>believer</b> 77:9</p> <p><b>below</b> 102:13, 146:18, 147:19, 148:3, 148:4, 153:21, 189:7, 208:11</p> <p><b>benefit</b> 48:23, 68:4, 68:11, 68:12, 107:25, 182:12, 182:13</p> <p><b>besides</b> 65:21, 188:6</p> <p><b>best</b> 6:12, 9:6, 31:21, 178:19, 215:3</p> <p><b>better</b> 36:22, 88:5, 113:4</p> <p><b>between</b> 45:18, 46:7, 48:23, 48:25, 67:2, 70:16, 74:1, 94:24, 95:1, 101:24, 103:7, 152:11, 170:23, 173:5, 184:11, 184:19, 189:24, 196:21, 208:7</p> <p><b>beyond</b> 18:2, 120:22, 204:22</p> <p><b>big</b> 89:25, 90:4</p>	<p><b>bigger</b> 88:3</p> <p><b>billing</b> 17:20, 18:21</p> <p><b>binding</b> 199:10</p> <p><b>bit</b> 21:17, 36:8, 79:7, 88:19, 88:21, 92:15, 104:19, 111:11, 122:17, 161:17, 181:8, 181:23, 182:25, 188:8</p> <p><b>black</b> 165:19</p> <p><b>blame</b> 187:18</p> <p><b>block</b> 67:22</p> <p><b>blocking</b> 47:21, 162:19</p> <p><b>blocks</b> 131:20, 161:16, 204:12</p> <p><b>bo</b> 115:10</p> <p><b>board</b> 33:1, 137:17, 137:18</p> <p><b>body</b> 32:18</p> <p><b>bold</b> 59:20</p> <p><b>bonding</b> 82:21</p> <p><b>border</b> 72:15</p> <p><b>both</b> 7:21, 10:20, 15:1, 37:20, 54:20, 80:4, 100:2, 100:9, 115:10, 132:17, 147:19, 149:21, 158:4, 164:6, 164:7, 164:8, 182:9, 183:11,</p>
---	--	--	--

183:19 <b>bottom</b> 34:14, 36:6, 45:19, 49:1, 52:14, 158:17 <b>bought</b> 63:16 <b>boundaries</b> 182:23 <b>boundary</b> 114:10, 114:11, 114:12, 114:18, 114:20, 114:23, 115:15, 120:22, 123:2, 128:13, 177:8 <b>box</b> 120:4, 120:13, 120:16, 121:18 <b>boxes</b> 45:19, 45:20 <b>break</b> 126:7, 126:10, 126:15, 126:24, 213:9 <b>breakfast</b> 84:4, 94:24, 95:3, 95:11 <b>breathe</b> 210:25 <b>brewer</b> 8:2, 23:12 <b>brick</b> 102:11, 163:2 <b>briefly</b> 31:25, 32:10, 61:21, 79:6, 98:12, 151:17 <b>bright</b> 127:24 <b>bring</b> 14:2, 38:4, 43:21, 52:8, 74:6, 74:13, 87:19, 105:2, 110:15, 113:24, 119:4, 128:19, 130:18, 130:22,	138:22, 149:20, 162:6, 193:16, 196:11, 208:24 <b>bringing</b> 96:2, 196:21 <b>brings</b> 204:8 <b>broad</b> 18:12, 205:5 <b>brought</b> 37:3, 110:17, 132:14, 150:15, 195:22, 209:14 <b>budget</b> 24:3, 105:19, 112:17 <b>buffer</b> 27:16, 110:3 <b>build</b> 142:23 <b>building</b> 2:7, 17:12, 19:7, 19:22, 27:16, 32:2, 40:4, 40:6, 40:7, 41:12, 45:2, 45:24, 46:6, 46:17, 47:1, 47:4, 47:11, 47:18, 47:21, 49:10, 49:14, 49:18, 49:24, 51:8, 51:23, 53:13, 54:6, 54:9, 54:22, 54:25, 59:10, 60:5, 60:17, 61:8, 61:9, 61:14, 81:13, 89:2, 89:3, 89:5, 89:18, 93:18, 95:22, 100:1, 101:16, 102:10, 102:13, 102:20, 103:7, 103:12, 104:7, 105:17, 105:22, 106:4,	106:16, 106:19, 107:16, 107:21, 109:6, 109:9, 109:24, 110:2, 110:23, 110:24, 111:21, 112:1, 112:4, 114:14, 116:8, 116:12, 118:11, 119:22, 129:21, 130:5, 130:8, 132:6, 138:12, 139:13, 139:15, 152:15, 160:14, 160:16, 161:3, 161:6, 161:15, 162:9, 162:20, 163:2, 163:17, 185:4, 188:10, 197:20, 197:21, 200:20, 200:25, 204:4, 204:7, 204:11, 207:21 <b>buildings</b> 152:16, 195:14, 197:1 <b>builds</b> 31:23 <b>burden</b> 21:19, 29:18, 29:23, 98:1 <b>buried</b> 102:13 <b>bus</b> 136:22 <b>bushes</b> 131:24, 195:16 <b>business</b> 101:25, 139:4, 210:7 <b>busy</b> 210:14 <b>butcher</b> 5:10 <b>butchered</b> 5:12 <b>button</b> 6:4	<b>buttons</b> 9:13 <hr/> <b>C</b> <hr/> <b>cabin</b> 197:5, 197:16 <b>calculate</b> 170:23 <b>calculated</b> 58:9, 153:20, 180:12, 183:15 <b>calculating</b> 201:21 <b>calculation</b> 143:11, 170:13, 181:19, 195:20, 201:18 <b>calculations</b> 57:7, 152:13, 171:3, 181:7, 181:14, 181:24, 182:1, 185:8, 186:6, 196:25 <b>calibrate</b> 16:1 <b>call</b> 11:5, 114:10, 134:2, 188:16, 197:8 <b>called</b> 13:24, 22:22, 191:10 <b>caller</b> 7:23, 9:17 <b>calling</b> 28:19 <b>came</b> 144:13, 191:25, 199:23 <b>camera</b> 9:22, 64:18, 127:2, 131:7 <b>cameras</b> 10:9 <b>can't</b> 11:23, 34:13, 73:12, 74:18, 74:20, 74:25,
---	--	--	---

75:20, 93:21, 168:25, 182:9, 182:12, 191:13, 191:18 <b>cannot</b> 13:12, 13:14, 14:7, 14:8, 14:9, 43:4, 111:13, 182:8 <b>canopy</b> 102:19 <b>capacity</b> 80:13, 160:12 <b>caption</b> 215:11 <b>car</b> 188:1, 188:2 <b>care</b> 81:3, 164:16, 170:15 <b>careful</b> 193:5 <b>carner</b> 8:19, 29:8 <b>case</b> 1:4, 5:4, 7:20, 10:25, 12:19, 13:11, 19:10, 19:11, 21:24, 22:6, 30:3, 30:7, 31:23, 37:14, 39:22, 59:6, 61:13, 61:20, 61:21, 62:13, 69:15, 70:15, 71:5, 72:23, 73:5, 73:19, 74:23, 76:24, 94:17, 110:12, 121:17, 156:15, 161:21, 189:10, 192:23, 192:24, 196:8, 198:10, 205:20, 206:12, 209:3, 209:13, 211:19, 214:7, 215:7 <b>cases</b> 202:16	<b>cast</b> 201:25 <b>casually</b> 38:18 <b>categories</b> 33:14, 43:10 <b>cause</b> 28:12, 33:13, 43:7, 53:25, 211:5, 211:21 <b>causing</b> 155:6 <b>caveat</b> 160:23 <b>caveats</b> 160:20, 160:22 <b>center</b> 1:6, 5:15, 8:15, 17:5, 22:9, 23:15, 23:21, 24:4, 26:25, 28:18, 31:15, 40:1, 40:10, 40:12, 42:2, 50:10, 80:8, 83:22, 86:14, 86:16, 93:1, 94:18, 96:15, 105:20, 106:6, 110:1, 112:11, 142:22, 174:12, 174:25, 190:21, 191:8, 195:12, 195:20, 196:1, 201:20, 206:21, 206:23, 211:17, 215:22 <b>centers</b> 137:1 <b>central</b> 101:25, 139:4, 210:7 <b>centronia</b> 8:16, 23:20, 28:21, 79:3, 79:7, 79:8, 80:11, 86:2, 88:18, 128:9,	143:8, 145:8, 191:6 <b>ceo</b> 8:16, 28:20, 79:3 <b>certain</b> 10:15, 98:13, 195:6, 210:4, 210:5 <b>certainly</b> 28:13, 31:21, 38:22, 63:1, 64:12, 69:14, 72:20, 78:4, 150:22, 175:4, 176:6, 180:3, 196:19 <b>certificate</b> 214:1, 215:1 <b>certify</b> 214:4 <b>challenging</b> 72:1, 72:18 <b>chance</b> 16:20, 126:11 <b>change</b> 17:11, 20:5, 24:15, 25:24, 30:11, 30:20, 33:5, 40:18, 53:6, 53:8, 53:20, 58:4, 60:9, 93:9, 105:16, 107:4, 108:8, 108:16, 112:10, 115:14, 119:8, 120:25, 121:3, 121:8, 121:11, 125:9, 141:14, 154:18, 181:20, 186:12, 186:15, 199:25, 204:17, 211:22 <b>changed</b> 76:4, 76:12, 81:14, 91:2, 106:23, 123:19, 129:20, 129:22	<b>changes</b> 6:22, 18:10, 28:17, 29:12, 29:19, 30:25, 32:21, 42:13, 60:4, 61:2, 141:13, 168:16, 205:4, 207:22, 208:2 <b>changing</b> 61:9, 91:19, 106:23, 119:12, 129:18 <b>character</b> 6:23, 24:15, 32:21, 58:4, 58:10, 60:9, 108:8, 108:17, 108:24, 129:20, 154:19 <b>characteristic</b> 26:25 <b>characteristics</b> 27:4, 29:1, 109:17, 211:3 <b>characterized</b> 29:19 <b>chart</b> 144:1, 144:10, 146:18, 147:18, 164:2, 186:6, 189:13, 197:6, 197:9, 202:19 <b>charts</b> 66:11, 178:23 <b>chat</b> 9:9, 9:10 <b>cheaper</b> 22:14, 204:3, 207:5 <b>check</b> 6:1, 7:3, 150:23, 160:4 <b>cheering</b> 156:5 <b>chelsea</b> 25:21, 210:15 <b>chicago</b> 136:8
--	--	---	---



<b>chief</b> 76:24, 192:23, 192:24 <b>child</b> 1:6, 5:15, 8:14, 23:15, 23:21, 40:12, 40:23, 50:22, 59:17, 91:12, 98:14, 173:17, 173:19, 182:16, 191:21, 192:3, 195:11, 210:19, 215:21 <b>childcare</b> 23:16, 25:12, 26:25, 28:18, 40:1, 79:9, 79:11, 80:7, 82:17, 86:14, 86:16, 91:15, 92:25, 96:15, 105:19, 110:1, 211:17 <b>children</b> 27:17, 40:2, 40:10, 47:14, 50:5, 50:14, 50:17, 50:25, 79:15, 79:19, 80:10, 80:12, 80:16, 80:21, 80:24, 81:3, 81:7, 82:3, 82:15, 82:20, 83:2, 83:25, 84:3, 84:5, 84:11, 84:12, 84:14, 84:15, 84:17, 84:18, 84:24, 84:25, 85:2, 85:4, 85:18, 85:19, 87:5, 91:10, 92:5, 93:4, 93:9, 93:22, 94:3, 95:2, 95:5, 95:7,	95:9, 95:23, 96:6, 107:11, 107:15, 107:20, 109:18, 127:23, 128:12, 131:25, 132:10, 134:19, 144:11, 146:9, 148:14, 148:15, 149:5, 149:25, 150:1, 150:5, 152:11, 172:11, 172:19, 172:22, 173:24, 174:14, 176:21, 190:22, 191:15, 210:1 <b>children's</b> 65:22, 96:22 <b>choice</b> 134:17, 158:19, 177:17 <b>chose</b> 158:19, 158:20, 173:15, 173:23 <b>chris</b> 8:19, 29:8, 135:12, 215:2, 215:19 <b>christian</b> 1:25 <b>christopher</b> 3:10, 135:13, 136:1 <b>chrome</b> 8:25, 9:1 <b>cicadas</b> 139:21 <b>circulation</b> 107:17 <b>circumstances</b> 15:11, 94:4 <b>circumvent</b> 18:7, 205:1 <b>cited</b> 21:11, 46:13, 48:24, 49:19, 51:23, 54:6, 54:15, 164:2, 167:2, 187:8	<b>cites</b> 50:16, 195:20 <b>citing</b> 94:13 <b>civ</b> 210:17 <b>civil</b> 46:20, 51:2 <b>claim</b> 55:3, 200:11 <b>claims</b> 21:5, 21:25, 39:12, 198:11, 201:12, 201:16, 206:2, 206:25 <b>clar</b> 150:16 <b>clarification</b> 119:19 <b>clarify</b> 33:9, 130:15, 144:18 <b>clarifying</b> 14:13 <b>clarity</b> 119:7 <b>classes</b> 41:15, 83:6, 83:7, 89:6 <b>classification</b> 26:4, 198:17 <b>classified</b> 21:22, 24:12, 24:13, 29:20, 198:8 <b>classify</b> 42:7 <b>classroom</b> 82:1, 82:21, 82:25, 83:3, 83:11, 83:13, 83:18, 91:4, 91:6, 95:24, 98:16 <b>classrooms</b> 80:15, 80:17, 81:19, 82:18, 82:22, 84:19,	85:10, 89:10, 89:14, 90:11, 90:19, 90:22, 91:1, 91:5, 91:8, 94:23, 95:4 <b>clay</b> 121:13 <b>clear</b> 22:8, 26:7, 132:2, 133:3, 150:4, 152:6, 174:22, 177:14, 180:15 <b>cleared</b> 161:24 <b>clearer</b> 152:4 <b>clearest</b> 69:10 <b>clearly</b> 35:17, 40:9, 54:4, 55:4, 59:5, 86:17, 121:13, 141:16, 157:2 <b>click</b> 16:1, 16:7, 101:21 <b>clicking</b> 34:12 <b>client</b> 125:15, 125:18, 183:12, 183:16 <b>clients</b> 155:17 <b>close</b> 5:9, 44:10, 144:10, 190:3 <b>closed</b> 141:24, 153:18, 212:3, 212:18 <b>closely</b> 35:13 <b>closer</b> 53:21, 53:22, 107:9, 185:4, 203:5, 204:9
---	---	--	---

<b>closest</b> 139:12, 148:6, 150:18, 151:4, 195:14 <b>closing</b> 3:14, 14:25, 15:2, 207:14, 207:15 <b>clustered</b> 187:5 <b>co-counsel</b> 8:3, 22:22, 23:13, 75:23, 192:17 <b>code</b> 24:14, 155:15, 189:8 <b>cognizant</b> 150:2 <b>coincidence</b> 151:3 <b>colesville</b> 5:16, 23:23, 27:8, 48:3, 70:6, 101:24, 104:22, 139:5, 210:13 <b>colleague</b> 205:20 <b>collected</b> 167:8, 203:5 <b>collection</b> 170:15 <b>college</b> 62:9, 136:8 <b>coloring</b> 95:7 <b>columbia</b> 136:7 <b>combination</b> 24:19, 28:15, 29:15, 43:8, 54:2, 60:13, 61:5, 108:12, 208:5, 211:7 <b>come</b> 14:17, 44:14, 80:8, 95:25,	126:12, 127:3, 141:8, 172:10, 180:25, 186:3, 193:3, 199:15 <b>comes</b> 87:2, 172:21, 211:2 <b>comfort</b> 35:9 <b>coming</b> 31:17, 44:17, 80:6, 84:14, 95:2 <b>comment</b> 26:14, 74:8 <b>comments</b> 61:22, 61:23, 86:15, 188:15, 193:4 <b>commission</b> 63:5 <b>commit</b> 134:12 <b>common</b> 35:24 <b>communities</b> 86:19, 86:21, 86:23 <b>community</b> 25:22, 31:1, 41:16, 41:22, 59:12, 66:14, 68:10, 80:25, 81:4, 81:22, 82:10, 89:6, 89:15, 90:13, 90:17, 90:20, 93:20, 109:1, 139:12 <b>community-based</b> 79:8 <b>compare</b> 145:12 <b>compared</b> 115:15 <b>comparing</b> 146:24, 192:14 <b>compatible</b> 53:15	<b>compelled</b> 193:25 <b>complaining</b> 86:16 <b>complaints</b> 86:8 <b>complete</b> 19:11, 22:6, 120:8, 198:15, 206:6 <b>completed</b> 63:15, 167:13 <b>completely</b> 9:24, 12:14, 54:5, 126:9, 161:16, 206:7 <b>compliance</b> 17:25, 201:9 <b>complicated</b> 161:13 <b>comply</b> 31:22 <b>components</b> 26:24 <b>composition</b> 105:23 <b>computed</b> 175:3 <b>con</b> 129:19, 158:25 <b>concept</b> 35:2 <b>concern</b> 66:25, 116:22, 131:22, 177:20, 204:5 <b>concerned</b> 72:10, 156:2 <b>concerning</b> 17:17, 59:8 <b>concerns</b> 13:9, 18:2, 22:24, 23:7, 30:14, 30:20, 36:21, 55:14, 67:16, 95:16, 116:24, 147:16, 204:22, 206:16,	206:17, 207:11 <b>conclude</b> 29:25 <b>concluded</b> 61:23, 208:19 <b>concludes</b> 23:8, 76:24, 156:22, 192:23, 212:6 <b>concluding</b> 61:22 <b>conclusion</b> 49:6, 49:21, 50:12, 51:12, 53:3, 153:14, 188:19 <b>conclusions</b> 17:22, 20:22, 44:25, 56:2, 59:7, 59:14, 201:6 <b>concrete</b> 102:12 <b>condition</b> 93:14, 94:11, 95:14, 95:19, 95:21, 96:19, 96:21, 115:18, 116:2, 116:4, 117:6, 117:8 <b>conditional</b> 6:23, 17:4, 17:11, 17:22, 18:1, 18:8, 19:18, 21:15, 23:20, 24:16, 24:20, 25:19, 25:20, 27:10, 28:23, 29:2, 29:6, 30:24, 30:25, 32:22, 33:12, 36:20, 38:15, 39:4, 39:25, 42:13, 43:1, 43:6, 45:17, 50:9, 52:4, 57:3, 57:22, 58:11,
---	--	---	--

58:15, 60:10, 60:13, 61:2, 61:6, 61:10, 68:14, 76:10, 97:9, 98:17, 108:3, 108:9, 108:12, 108:17, 109:4, 114:15, 115:16, 118:1, 120:24, 121:23, 122:15, 123:20, 129:17, 138:5, 138:8, 154:17, 154:19, 158:1, 158:12, 158:25, 199:18, 201:7, 201:10, 204:15, 205:2, 206:24, 208:12, 211:24 <b>conditions</b> 28:16, 38:17, 38:23, 55:1, 55:3, 57:4, 57:18, 96:9, 106:12, 108:25, 118:14, 127:25, 199:5 <b>conduct</b> 27:11, 29:9, 32:19, 62:25, 63:5, 163:24, 164:4 <b>conducted</b> 190:13, 192:8 <b>conference</b> 91:21 <b>confident</b> 134:9, 192:8 <b>configuration</b> 80:15, 107:2, 107:9 <b>confirm</b> 5:20, 10:8, 16:18 <b>confirmed</b> 210:18 <b>confirms</b> 203:11	<b>conform</b> 105:18 <b>confronting</b> 33:15, 43:13, 102:8 <b>confused</b> 120:3, 123:9 <b>confusing</b> 121:12, 151:16 <b>conjunction</b> 31:24 <b>connection</b> 62:24, 76:18, 124:16 <b>consensus</b> 126:13 <b>consider</b> 30:6, 31:11, 32:20, 42:11, 56:17, 155:3, 174:10, 205:19 <b>considerably</b> 149:15 <b>consideration</b> 34:21, 50:8, 55:8, 198:14, 205:25 <b>considered</b> 21:24, 24:19, 24:25, 27:18, 27:19, 28:15, 29:14, 31:24, 32:15, 40:19, 43:4, 58:14, 60:12, 61:5, 108:11, 141:14, 141:15, 142:11, 146:20, 153:5, 157:25, 198:10, 204:10, 208:4 <b>considering</b> 50:9 <b>consistent</b> 26:22, 94:7, 188:5 <b>constitutes</b> 33:9 <b>constraints</b> 24:1	<b>constructed</b> 106:5 <b>construction</b> 21:6, 24:1, 24:3, 100:8, 105:18, 105:19, 109:25, 112:6, 112:9, 113:17, 113:19, 141:21, 141:23 <b>consult</b> 75:23 <b>consultant</b> 27:10, 28:5, 100:10, 111:4, 136:2, 136:9, 136:14, 136:16, 209:13 <b>consultants</b> 209:6 <b>consultation</b> 31:9, 58:14 <b>consulting</b> 137:9, 203:25 <b>contain</b> 215:9 <b>content</b> 13:9, 30:12, 36:22 <b>contention</b> 24:22 <b>context</b> 20:25 <b>continue</b> 53:14, 53:19, 102:6, 105:5, 108:21, 110:3, 126:25, 199:19 <b>continues</b> 109:19 <b>contrary</b> 36:16, 47:22, 57:15, 59:25 <b>contribution</b> 112:10 <b>control</b> 19:4, 157:21, 193:5	<b>controlling</b> 157:9 <b>convenient</b> 199:1, 200:12, 200:17, 202:7 <b>conveniently</b> 36:12 <b>conventional</b> 196:6 <b>conversation</b> 11:15, 126:3, 176:4, 190:7, 190:15 <b>convert</b> 91:22 <b>convincing</b> 198:2 <b>convincingly</b> 35:20 <b>correct</b> 5:10, 11:19, 11:20, 13:15, 16:6, 28:7, 30:17, 62:9, 63:12, 65:23, 67:15, 67:19, 68:17, 70:13, 73:4, 76:4, 81:12, 81:15, 89:18, 89:23, 98:13, 102:23, 103:2, 103:21, 103:22, 104:15, 107:22, 107:23, 111:7, 112:6, 112:7, 118:11, 118:12, 121:4, 121:6, 121:7, 121:10, 121:15, 128:15, 128:17, 131:14, 147:24, 147:25, 152:8, 152:9, 155:8, 156:16, 159:3, 160:8, 162:4, 162:11, 164:12, 164:13, 165:25, 166:1, 166:2,
---	---	---	---

168:22, 168:23, 168:24, 169:8, 169:14, 169:17, 170:3, 170:5, 170:20, 170:21, 170:22, 170:25, 171:1, 171:10, 171:13, 171:16, 171:17, 172:4, 172:7, 172:18, 176:7, 176:9, 178:17, 180:13, 189:18, 190:17, 190:18, 192:11, 215:9 <b>correcting</b> 202:15 <b>corridors</b> 107:17 <b>cost</b> 23:25, 24:1, 112:6, 112:9, 112:15, 112:18, 113:14, 113:15, 113:17, 113:19, 204:5 <b>costs</b> 21:6, 24:2, 105:18, 109:25, 113:6 <b>could</b> 5:20, 6:2, 9:7, 9:13, 22:16, 24:18, 26:6, 28:14, 31:6, 32:6, 34:22, 36:4, 38:4, 40:18, 42:14, 42:15, 53:10, 58:13, 60:12, 61:4, 61:12, 68:3, 72:22, 77:11, 83:8, 83:10, 87:19, 93:15, 93:22, 94:5, 96:21, 96:24, 97:4, 97:16, 97:17,	97:23, 101:19, 102:2, 105:10, 108:11, 109:14, 117:7, 117:11, 117:12, 127:1, 131:23, 134:1, 134:8, 134:18, 134:19, 135:2, 138:22, 139:18, 139:19, 150:20, 151:23, 152:20, 154:21, 155:2, 156:13, 159:19, 166:7, 183:9, 188:11, 189:6, 189:12, 191:11, 192:3, 203:22, 207:8 <b>couldn't</b> 12:23, 75:1, 117:9, 117:10, 174:25, 201:11, 206:9 <b>counsel</b> 11:18, 11:24, 12:8, 14:6, 22:22, 120:15, 185:16, 214:6, 215:5 <b>county</b> 1:1, 2:3, 2:7, 21:2, 25:9, 25:10, 25:13, 25:16, 34:18, 100:13, 100:20, 137:12, 137:17, 137:19, 140:4, 142:5, 142:11, 148:5, 155:14, 157:21, 158:19, 159:11, 189:16, 208:11, 211:1 <b>county's</b> 21:9 <b>couple</b> 12:1, 131:19, 138:17, 143:16, 148:2, 188:8	<b>courage</b> 205:23 <b>course</b> 55:2, 101:17, 176:22, 182:3, 185:1 <b>court</b> 5:19, 5:22, 25:21, 214:1 <b>courts</b> 139:11, 210:15 <b>courtyard</b> 156:7 <b>covered</b> 102:19, 111:14 <b>cramp</b> 41:24 <b>cramped</b> 41:1 <b>crazy</b> 194:1, 195:21 <b>create</b> 36:3, 119:9, 130:1, 130:4, 210:1, 210:3, 210:21 <b>created</b> 212:17 <b>creative</b> 134:20, 134:22 <b>criteria</b> 15:10, 15:14, 18:23, 32:3 <b>critical</b> 45:3, 157:3 <b>cross</b> 3:6, 10:16, 11:1, 11:7, 11:17, 11:21, 12:10, 14:17, 15:3, 20:17, 22:3, 36:23, 55:17, 61:24, 62:4, 62:5, 72:2, 76:22, 76:24, 87:14, 92:16, 110:19, 132:24, 157:5,	198:13 <b>cross-examination</b> 199:24, 203:20, 204:19 <b>cross-examine</b> 132:16 <b>cross-examining</b> 201:15 <b>crosses</b> 140:15 <b>crowd</b> 126:9 <b>cu</b> 1:5, 5:14 <b>curiosity</b> 155:16 <b>current</b> 21:25, 100:4, 106:18, 132:7, 136:10, 136:12, 203:3 <b>currently</b> 60:23, 79:13, 99:24, 100:6, 106:2 <b>cursor</b> 102:24, 118:8, 127:12 <b>cut</b> 52:22, 81:24 <b>cutting</b> 89:11 <hr/> D <hr/> <b>daily</b> 82:9 <b>damaged</b> 106:2, 106:3 <b>damagingly</b> 142:14 <b>danger</b> 96:22 <b>darcy</b> 155:25, 156:12, 161:20, 162:21, 196:7, 196:8, 204:1 <b>darcy's</b> 196:12
---	---	--	--

<p><b>dark</b> 119:18, 119:19</p> <p><b>data</b> 137:1, 167:7, 170:15, 194:18, 195:1, 202:10, 203:4</p> <p><b>dawn</b> 63:21</p> <p><b>day</b> 35:7, 64:13, 66:6, 66:20, 66:22, 67:9, 83:20, 84:5, 85:8, 85:21, 85:22, 85:25, 142:6, 142:17, 147:3, 147:8, 164:7, 164:21, 167:11, 167:16, 210:25, 212:3, 214:10</p> <p><b>day-to-day</b> 93:8</p> <p><b>daycare</b> 17:5, 17:18, 22:9, 24:4, 31:15, 42:23, 50:2, 50:10, 109:17, 129:18, 129:20, 143:25, 159:23, 163:25, 164:1, 165:8, 165:9, 168:1, 169:22, 170:16, 170:19, 170:24, 190:21, 191:8, 202:11, 206:21, 206:23</p> <p><b>daycares</b> 191:7</p> <p><b>days</b> 7:2, 212:16, 212:20, 212:22, 212:23, 212:24, 213:3, 213:5</p> <p><b>daytime</b> 140:11</p>	<p><b>db</b> 141:2, 141:4, 141:14, 141:15, 141:16, 141:17, 141:22, 142:17, 144:8, 144:20, 145:9, 146:8, 146:13, 146:17, 146:23, 147:3, 147:17, 149:1, 151:7, 151:9, 153:3, 153:9, 155:3, 161:14, 163:1, 163:2, 163:9, 163:18, 173:17, 173:19, 173:22, 182:8, 190:24, 191:16, 191:21, 192:4, 192:14, 192:15, 195:11</p> <p><b>dba</b> 189:8, 189:12, 189:21, 208:11</p> <p><b>dc</b> 155:24</p> <p><b>dead</b> 92:8, 124:2</p> <p><b>deal</b> 87:1, 93:20, 176:25</p> <p><b>dealing</b> 44:13</p> <p><b>deals</b> 91:9</p> <p><b>dear</b> 193:11</p> <p><b>decibel</b> 170:8, 180:17, 187:8</p> <p><b>decibels</b> 161:23, 162:2, 162:10, 170:23, 171:9, 171:15, 175:2, 180:11, 180:20, 195:25, 196:22, 196:23, 197:10</p>	<p><b>decide</b> 177:4</p> <p><b>decided</b> 197:23, 204:6</p> <p><b>deciding</b> 32:18, 32:25</p> <p><b>decision</b> 4:10, 6:21, 7:1, 7:2, 19:19, 19:20, 40:1, 40:15, 41:6, 42:21, 43:21, 44:23, 45:14, 49:11, 59:14, 97:19, 114:9, 205:24, 212:19, 213:10</p> <p><b>declare</b> 215:2, 215:13</p> <p><b>declined</b> 22:25</p> <p><b>decreases</b> 195:11</p> <p><b>dedicated</b> 83:14, 91:14</p> <p><b>deficient</b> 55:13</p> <p><b>define</b> 135:3</p> <p><b>defined</b> 35:2</p> <p><b>definitely</b> 177:25, 196:20</p> <p><b>definition</b> 35:12, 35:17, 42:11, 60:22</p> <p><b>degree</b> 62:9, 62:17</p> <p><b>degrees</b> 67:9</p> <p><b>deleted</b> 41:13</p> <p><b>deletion</b> 204:7</p> <p><b>delineated</b> 131:17</p> <p><b>demand</b> 80:25</p>	<p><b>demolition</b> 106:13</p> <p><b>demonstrate</b> 18:7, 20:10, 28:11, 29:19, 33:4, 35:20, 76:15, 168:14, 203:17, 205:1</p> <p><b>demonstrated</b> 18:1, 42:25, 201:10, 208:1</p> <p><b>demonstrating</b> 201:2</p> <p><b>denoting</b> 104:13</p> <p><b>dense</b> 210:10</p> <p><b>depend</b> 177:15</p> <p><b>depends</b> 158:20</p> <p><b>deposition</b> 214:3</p> <p><b>describe</b> 103:25, 104:5, 105:14, 115:13, 136:3, 138:24, 138:25</p> <p><b>described</b> 41:11, 195:2, 195:3</p> <p><b>describes</b> 53:11, 120:5, 120:8</p> <p><b>describing</b> 4:13, 34:16</p> <p><b>design</b> 81:18, 100:8, 101:17</p> <p><b>designations</b> 136:5</p> <p><b>designed</b> 83:16, 85:14, 183:25, 184:2</p> <p><b>desire</b> 123:22</p> <p><b>despite</b> 29:17, 51:21,</p>
--	---	--	--

55:7, 199:19 <b>determination</b> 25:11, 42:10, 56:16 <b>determine</b> 60:24, 97:5 <b>determined</b> 25:6, 26:23, 27:3, 27:12, 29:21, 39:4, 207:18, 211:23 <b>determines</b> 33:1, 60:8 <b>detrimental</b> 35:9 <b>develop</b> 79:18, 167:8 <b>developed</b> 61:23 <b>development</b> 1:6, 5:15, 8:15, 22:9, 23:15, 23:21, 80:4, 80:7, 206:21, 210:10, 210:12, 215:21 <b>develops</b> 35:1 <b>device</b> 178:13 <b>diagram</b> 114:9 <b>difference</b> 141:16, 151:10, 153:5, 153:22, 170:18, 196:21 <b>differences</b> 147:24 <b>different</b> 36:14, 85:17, 96:5, 104:8, 110:16, 129:4, 176:12, 176:15, 181:1, 181:14, 181:15, 181:19, 181:22, 181:24, 198:25 <b>diffracting</b> 163:3	<b>dimension</b> 166:13 <b>direct</b> 3:6, 31:18, 78:23, 97:25, 99:15, 135:21, 202:22 <b>direction</b> 200:9 <b>directions</b> 66:13 <b>directly</b> 19:17, 32:14, 34:22, 41:4, 42:12, 42:19, 49:8, 50:1, 50:7, 56:1, 57:9, 61:1, 107:20, 172:15, 178:12 <b>disabled</b> 9:9 <b>disagree</b> 7:1, 173:14, 180:14 <b>disaster</b> 94:12 <b>disasters</b> 95:17 <b>discredit</b> 209:7 <b>discuss</b> 22:23, 26:8, 30:14, 32:6, 38:18, 74:5, 75:15, 140:24, 143:12, 179:22 <b>discussed</b> 37:1, 43:14, 57:11, 139:10, 140:18, 168:6, 203:24 <b>discussion</b> 31:13, 37:3, 48:25, 51:20, 52:5, 58:6, 58:8, 58:17, 97:18, 127:16,	138:10, 157:20, 175:15, 175:17, 199:16, 200:24, 203:12 <b>discussions</b> 30:11, 32:13 <b>display</b> 45:5, 48:12, 55:20, 169:13 <b>displayed</b> 71:1 <b>dispositive</b> 36:19 <b>disrupt</b> 67:17, 174:13 <b>disruptive</b> 66:19 <b>disrupts</b> 82:23 <b>dist</b> 139:4 <b>distan</b> 176:15 <b>distance</b> 27:6, 27:20, 47:4, 47:12, 49:14, 51:4, 72:19, 73:10, 74:2, 103:20, 103:23, 141:3, 141:7, 141:10, 143:12, 150:24, 151:5, 169:25, 170:3, 170:14, 170:16, 170:18, 171:4, 171:7, 171:14, 172:6, 173:1, 173:4, 173:9, 173:11, 174:22, 175:4, 175:8, 177:9, 177:10, 179:1, 179:3, 180:3, 180:7, 180:10, 182:13, 183:22, 184:4, 184:8, 186:7, 186:9, 186:20, 187:9,	190:21, 195:6, 195:7, 195:12, 196:4, 196:16, 197:13, 197:14, 201:18, 202:4, 202:14, 202:25, 203:1, 203:9, 208:6, 208:7, 208:10 <b>distances</b> 141:9, 176:16, 184:5, 186:5, 197:14 <b>distant</b> 201:23 <b>distinct</b> 35:17 <b>distinction</b> 184:11 <b>distracting</b> 190:19 <b>district</b> 102:1, 139:5, 210:7 <b>disturbance</b> 35:2, 35:12, 35:22, 36:3, 36:11, 140:17, 149:22, 150:3, 153:15, 153:23, 158:5, 158:21, 158:23, 158:25, 159:7, 159:11, 197:12 <b>disturbing</b> 18:12, 156:14, 205:6 <b>divided</b> 169:25 <b>document</b> 13:20, 13:24, 45:12, 169:1 <b>documents</b> 13:7, 13:10, 13:13, 13:16, 13:19, 13:22, 14:2, 20:4, 51:18, 76:14,
--	---	---	--

200:11, 200:24, 212:19 <b>dog</b> 27:22, 46:16, 47:11, 63:14, 64:8, 64:11, 64:12, 64:18, 64:19, 64:20, 64:23, 65:6, 65:17, 65:21, 66:18, 67:23, 68:1, 68:2, 74:3, 103:8, 109:20, 139:9 <b>dogs</b> 9:16, 64:25 <b>doing</b> 24:6, 30:7, 79:12, 85:18, 85:19, 171:2, 176:10, 196:6, 209:1, 209:17 <b>dominant</b> 44:22 <b>done</b> 34:22, 37:5, 37:9, 96:17, 181:12, 196:8, 201:19, 209:21 <b>door</b> 27:21, 107:17 <b>doors</b> 102:18, 106:1, 107:18, 141:22, 141:24 <b>dot</b> 166:12 <b>double</b> 148:25, 149:1, 204:10 <b>doubling</b> 141:2, 187:9, 195:12 <b>down</b> 36:4, 37:8, 48:2, 48:3, 52:14, 52:20, 53:17, 58:22,	70:5, 70:6, 70:22, 88:8, 95:12, 113:7, 113:16, 113:20, 115:4, 115:5, 115:19, 122:5, 122:13, 141:4, 144:3, 152:1, 188:1, 194:22, 194:23, 204:8 <b>downward</b> 49:2, 70:16 <b>draft</b> 168:5, 168:20 <b>drafting</b> 56:9, 198:24 <b>drawing</b> 139:8 <b>drew</b> 184:10 <b>drink</b> 33:25 <b>drive</b> 17:3, 47:7, 47:9, 48:24, 49:1, 49:3, 49:4, 70:22, 70:23, 101:24, 102:4, 139:7, 187:6, 187:7, 203:5 <b>driveway</b> 25:25, 102:22 <b>driveways</b> 25:25 <b>driving</b> 144:14, 188:1, 188:3 <b>dropped</b> 204:4 <b>dropping</b> 84:3 <b>dual</b> 13:1 <b>due</b> 19:14, 23:25, 47:11, 54:8, 54:22, 102:14,	105:17, 112:5, 120:17, 144:11, 196:15, 204:20 <b>during</b> 27:14, 28:23, 50:15, 61:24, 66:6, 85:8, 128:19, 142:5, 146:4, 146:22, 153:9, 173:18, 197:5 <b>dusk</b> 63:21 <hr/> <b>E</b> <hr/> <b>each</b> 9:3, 9:6, 11:5, 32:10, 83:18, 85:11, 91:4, 100:10, 125:20, 146:3, 164:19, 164:21, 165:12 <b>earlier</b> 32:25, 57:6, 57:11, 58:5, 58:16, 59:4, 69:24, 94:7, 135:17, 140:8, 140:18, 146:7, 146:18, 147:18, 153:4, 164:5, 178:23, 185:2 <b>earliest</b> 95:12 <b>early</b> 8:2, 23:12, 64:10, 67:16, 79:11, 79:21, 80:24, 160:4, 160:5, 165:1, 165:4, 199:8 <b>easier</b> 145:2 <b>easily</b> 115:23, 171:12, 203:22 <b>east</b> 46:19, 103:11,	104:23, 106:16, 107:9, 117:1, 117:9, 123:21, 124:14, 124:24, 195:16 <b>eastern</b> 40:4 <b>easy</b> 16:15, 161:13 <b>eat</b> 126:11 <b>economic</b> 43:12 <b>edge</b> 8:25, 9:1, 144:21, 174:2, 174:11, 179:14, 202:5, 202:6, 210:6 <b>educational</b> 79:10, 99:22, 99:25, 136:4 <b>eff</b> 210:21 <b>effect</b> 6:24, 29:13, 32:22, 43:8, 43:9, 49:17, 61:9, 73:2, 94:2, 162:19, 168:17, 195:6, 202:20, 208:15, 208:22, 209:21, 209:23, 209:25, 210:2, 210:4, 210:21 <b>effects</b> 24:17, 28:13, 58:12, 60:11, 61:11, 108:10, 109:13, 154:20, 155:1, 155:7, 185:3, 202:24, 211:7, 211:8, 211:10 <b>effort</b> 56:20, 122:22, 163:23, 196:2
---	--	--	--

<b>eight</b> 67:2, 91:8, 142:17, 151:4, 153:9 <b>eight-inch</b> 162:3 <b>either</b> 51:21, 63:4, 131:20, 131:22, 136:21, 197:24 <b>elaborate</b> 108:20 <b>electronically</b> 214:5 <b>element</b> 17:20, 45:4, 201:5 <b>elements</b> 41:12, 60:6, 60:20 <b>elephant</b> 40:20 <b>elevated</b> 178:23 <b>elevation</b> 70:18, 71:3, 71:6, 71:8, 71:10, 71:16, 71:19, 71:24 <b>eligible</b> 79:24 <b>eliminate</b> 40:5, 109:5 <b>eliminated</b> 45:3, 45:24, 47:18, 73:1, 74:22, 112:5, 132:5 <b>eliminates</b> 17:19, 20:5, 24:23, 50:23, 81:13, 201:4 <b>eliminating</b> 17:12, 26:19, 49:24, 61:8, 61:14, 109:24 <b>elimination</b> 18:21, 19:7,	24:7, 28:11, 32:1, 41:18, 43:14, 54:8, 54:22, 84:20, 105:17, 130:13, 138:12, 207:20, 211:20 <b>ellsworth</b> 17:2, 17:3, 25:25, 46:8, 47:7, 47:9, 48:24, 49:1, 49:3, 49:4, 53:23, 63:11, 63:15, 70:21, 70:22, 70:23, 101:24, 102:4, 139:7, 139:10, 187:6, 187:7, 188:1, 203:5 <b>else</b> 81:20, 86:11, 110:5, 126:15, 135:17, 137:5, 137:16, 156:19, 158:23 <b>else's</b> 202:2 <b>email</b> 56:11 <b>emissions</b> 191:15 <b>emitted</b> 174:25 <b>emphasize</b> 26:21, 97:5, 209:23 <b>emphasizing</b> 47:20 <b>employed</b> 214:6, 215:6 <b>employees</b> 43:16 <b>employer</b> 136:10 <b>empowers</b> 50:4 <b>enchanted</b> 65:18	<b>enclosed</b> 117:13, 200:3 <b>enclosure</b> 117:17, 156:6, 162:21 <b>encompassed</b> 204:14 <b>encourage</b> 40:24 <b>end</b> 14:25, 43:16, 47:15, 54:2, 60:13, 80:18, 84:9, 104:21, 107:6, 107:7, 142:7, 168:18, 181:15, 197:16, 197:17, 212:1, 212:11, 213:15 <b>ending</b> 117:21 <b>ends</b> 31:3, 31:4, 114:13 <b>enforceable</b> 93:14, 95:14, 95:21 <b>engage</b> 27:10, 31:8, 81:9 <b>engaged</b> 29:6, 155:17, 159:22 <b>engineer</b> 71:18 <b>engineering</b> 46:21, 51:3 <b>enjoy</b> 67:5 <b>enjoyment</b> 17:16, 33:15, 35:10, 35:14, 43:11, 157:24, 158:11 <b>enough</b> 5:8, 5:9, 92:24, 96:13, 122:5, 125:4,	161:17, 163:21, 195:17 <b>enrichment</b> 81:8, 81:10 <b>enrollment</b> 21:4, 53:6, 81:14 <b>ensure</b> 83:19 <b>entered</b> 21:3 <b>entering</b> 132:1 <b>entire</b> 41:7, 45:21, 61:21, 78:1, 120:10, 205:25 <b>entirely</b> 44:16 <b>entrance</b> 102:20 <b>entry</b> 106:3 <b>environment</b> 6:12, 105:10, 150:3 <b>environmental</b> 136:19 <b>environmentally</b> 136:21 <b>equal</b> 146:23, 147:11, 152:25, 187:25, 188:4 <b>equate</b> 189:21 <b>equation</b> 181:2 <b>equipment</b> 65:23, 127:23, 128:13, 128:16, 131:20, 132:9, 158:23 <b>error</b> 183:3 <b>escalating</b> 113:6 <b>especially</b> 17:17
--	--	--	---



<b>essentially</b> 10:13, 104:13, 207:21, 212:21 <b>establish</b> 19:2, 32:9, 43:3 <b>establishing</b> 52:3 <b>estimate</b> 50:19, 60:7, 65:5, 166:2, 167:2, 169:23, 181:18, 183:10 <b>estimated</b> 169:20, 169:21, 170:18, 180:17, 202:17 <b>estimates</b> 50:17, 59:15, 203:3 <b>ethical</b> 77:22 <b>evacuate</b> 93:18 <b>evaluate</b> 159:22 <b>evaluated</b> 19:20 <b>evasion</b> 204:20 <b>even</b> 6:15, 20:4, 35:19, 39:10, 42:6, 47:20, 50:19, 54:13, 60:16, 68:4, 69:5, 69:15, 69:16, 95:15, 135:16, 141:17, 177:17, 178:22, 189:7, 197:7, 200:5, 210:8 <b>evening</b> 82:9 <b>event</b> 70:3, 97:13, 142:19, 144:8, 146:9, 146:21,	146:23, 147:17, 148:20, 148:24, 149:11, 151:22, 152:24, 153:9, 173:18, 180:20, 180:21, 183:19, 183:20, 183:25, 215:11, 215:14 <b>events</b> 144:4, 144:6, 144:14, 146:10, 173:24 <b>ever</b> 40:18, 64:2, 83:6, 86:7, 94:18, 94:20, 100:12, 137:11, 137:15, 155:18, 167:21 <b>every</b> 67:9, 83:13, 85:1, 141:2, 210:15, 210:25 <b>everybody</b> 8:21, 9:13, 44:3, 83:19, 126:11, 127:1, 135:16, 213:9 <b>everybody's</b> 213:7 <b>everyone</b> 5:2, 6:3, 7:3, 8:22, 8:23, 10:7, 16:16, 16:17, 23:18, 24:2, 27:2, 108:1, 212:12 <b>everyone's</b> 130:25 <b>everything</b> 9:11, 10:14, 12:17, 81:20, 126:24, 126:25, 146:22, 151:13, 152:23, 185:21 <b>everything's</b> 150:17 <b>evidence</b> 6:21, 15:17,	19:12, 21:20, 22:6, 28:4, 54:13, 144:24, 198:6, 198:15, 200:13, 211:13, 211:25 <b>ex</b> 117:7, 180:23, 200:15 <b>exactly</b> 97:7, 107:3, 117:22, 184:22, 206:23 <b>examination</b> 14:17, 15:3, 20:18, 22:3, 31:18, 36:23, 55:17, 61:1, 61:24, 62:5, 76:25, 78:23, 87:14, 98:10, 99:15, 110:19, 127:13, 131:9, 133:22, 135:21, 157:5, 189:2, 198:14 <b>examine</b> 11:1, 11:7, 11:18, 11:21, 56:12, 76:14, 76:23, 119:1 <b>examined</b> 12:10 <b>examiner</b> 5:3, 15:15, 18:15, 23:19, 24:13, 25:5, 26:23, 28:22, 29:21, 31:20, 39:2, 45:5, 47:25, 48:12, 48:25, 50:4, 51:1, 51:25, 53:1, 55:20, 56:7, 56:10, 56:19, 56:23, 57:1, 58:25, 70:3, 70:10,	73:9, 74:1, 79:5, 79:6, 112:20, 198:24, 200:21, 205:9, 205:19, 206:5, 206:13, 211:8 <b>examiner's</b> 4:9, 45:13, 49:5, 49:20, 50:11, 53:3, 58:1, 75:3 <b>examiners</b> 69:20, 205:11, 205:17 <b>examining</b> 10:16 <b>example</b> 12:21, 81:21, 163:5, 171:7, 189:20, 192:2, 200:15 <b>examples</b> 35:24, 142:4 <b>exceed</b> 36:1, 190:23, 192:15 <b>excellent</b> 7:22, 101:4, 206:5 <b>except</b> 86:4, 162:24, 212:3 <b>exception</b> 153:12 <b>exceptional</b> 96:9 <b>exceptions</b> 96:20 <b>excerpt</b> 141:25 <b>exchange</b> 56:11 <b>exclude</b> 15:15, 94:11 <b>excuse</b> 13:17, 71:5, 72:2, 77:17, 92:14, 103:1,
--	---	---	--

117:7, 118:25, 121:5, 123:5, 127:18, 149:18, 162:14 <b>exhibit</b> 10:5, 10:8, 19:25, 20:1, 33:18, 33:21, 34:3, 34:15, 36:17, 36:22, 38:2, 38:4, 43:21, 45:5, 45:11, 45:22, 46:5, 46:9, 47:16, 47:24, 48:12, 48:18, 51:20, 52:7, 54:19, 55:20, 56:3, 68:15, 71:2, 87:19, 100:24, 101:18, 103:18, 103:19, 104:2, 105:1, 105:13, 113:25, 115:1, 115:4, 116:2, 116:5, 116:15, 121:23, 127:17, 137:21, 138:23, 140:3, 170:17, 193:17, 196:12 <b>exhibits</b> 10:3, 14:21, 14:22, 14:23, 15:24, 37:25, 38:1, 75:17, 75:18, 110:12, 110:15, 193:13, 212:13 <b>exist</b> 93:3, 118:8, 118:10, 210:14 <b>existed</b> 105:23 <b>existence</b> 63:12 <b>existing</b> 24:24, 38:15,	38:16, 38:22, 41:23, 53:13, 54:6, 55:1, 55:3, 57:4, 57:18, 67:22, 67:23, 67:25, 69:23, 89:3, 89:5, 89:18, 90:22, 91:20, 102:7, 102:10, 102:16, 102:19, 102:21, 103:7, 103:8, 104:7, 104:9, 105:21, 105:25, 106:1, 106:4, 106:12, 106:16, 106:19, 108:25, 109:20, 110:2, 115:18, 116:2, 116:4, 116:8, 117:5, 117:8, 117:25, 119:11, 124:15, 127:25, 130:5, 139:24, 143:8, 143:25, 145:13, 147:2, 152:15, 163:25, 180:5, 199:5, 202:10, 207:22 <b>expand</b> 135:4 <b>expanded</b> 116:25, 200:9 <b>expansion</b> 119:9 <b>expect</b> 192:3, 198:1 <b>expectation</b> 154:13 <b>expected</b> 24:18, 28:14, 42:15, 58:13, 60:12, 61:5, 61:12, 108:11, 109:15, 154:22, 155:2 <b>expensive</b> 155:22, 188:12	<b>experience</b> 190:14 <b>expert</b> 12:23, 20:12, 36:24, 41:11, 46:20, 48:8, 49:9, 50:16, 51:2, 51:24, 54:17, 59:5, 59:25, 61:16, 62:19, 62:22, 63:3, 75:9, 100:23, 111:3, 137:15, 137:16, 137:22, 138:2, 160:8, 160:12, 168:11, 177:5, 180:23, 181:2, 181:7, 181:12, 181:25, 197:2, 199:21, 201:13, 202:16, 202:19, 203:10, 203:21, 207:25, 208:15, 209:2, 209:5, 209:16, 209:20, 209:22, 210:18, 210:24, 211:14 <b>expert's</b> 181:18 <b>expertise</b> 111:3, 180:24 <b>experts</b> 12:2, 12:4 <b>explain</b> 108:19, 117:7, 127:19, 129:25, 140:19, 162:17, 168:10, 173:9 <b>explained</b> 17:8, 56:10, 175:10, 180:23, 208:16 <b>explaining</b> 187:21, 200:25 <b>explicitly</b> 19:20 <b>explore</b> 55:17	<b>exposure</b> 142:16 <b>extend</b> 103:10, 115:25, 120:22, 123:21, 204:7 <b>extended</b> 117:3, 118:16, 124:14, 124:23, 125:3, 157:19 <b>extending</b> 103:14 <b>extends</b> 53:22, 102:21 <b>extension</b> 117:8, 204:4, 204:11 <b>extensive</b> 203:11 <b>extensively</b> 54:15, 200:21 <b>extent</b> 24:16, 42:13, 58:11, 60:10, 61:3, 61:10, 66:17, 79:20, 93:24, 108:9, 111:9, 154:20, 180:4 <b>exterior</b> 29:12, 54:24, 102:17, 105:21, 107:16, 107:18, 168:16, 208:2, 208:16, 208:18 <b>external</b> 100:10 <b>extrapolating</b> 180:9, 186:18, 202:10 <b>extremely</b> 196:3, 211:16 <hr/> <b>F</b> <hr/> <b>f3</b> 42:24 <b>facade</b> 195:14, 195:15
---	--	---	--

<b>face</b> 172:16 <b>facilities</b> 41:1, 81:25, 91:21, 121:1 <b>facility</b> 17:18, 21:5, 40:23, 42:23, 50:3, 93:6, 93:7, 103:6, 106:20, 109:19 <b>facility's</b> 21:10 <b>fact</b> 19:13, 20:10, 22:5, 25:13, 27:24, 28:5, 28:7, 29:9, 29:18, 29:24, 32:6, 33:5, 42:1, 47:19, 51:22, 53:8, 55:7, 58:9, 65:24, 69:11, 73:18, 74:20, 77:8, 106:23, 112:8, 177:20, 180:7, 186:4, 207:19, 209:16, 209:19, 211:21 <b>factor</b> 32:25, 37:18, 37:19, 39:11, 48:5, 48:7, 52:1, 54:16, 58:7, 61:16, 70:12, 70:15, 72:20, 72:25, 73:3, 73:6, 73:11 <b>factors</b> 27:18, 27:19, 33:6, 39:9, 42:9, 48:10, 56:17, 60:21, 70:8, 72:25, 73:19, 74:2, 74:21, 75:4	<b>factual</b> 10:25, 30:3, 30:7, 31:22, 61:19, 201:12 <b>fail</b> 57:8 <b>failed</b> 56:16 <b>faint</b> 142:3 <b>fair</b> 14:10, 14:12, 71:12, 77:24, 122:5, 125:4, 154:14, 163:21, 174:7, 181:5, 181:6, 192:10 <b>fairfax</b> 137:18 <b>faith</b> 72:10 <b>false</b> 199:3, 199:12, 199:23 <b>familiar</b> 100:19, 101:10, 107:24, 108:2, 108:13, 138:4, 140:3, 154:15, 156:1 <b>families</b> 23:17, 25:13, 79:16, 79:23, 79:24 <b>family</b> 80:2, 102:8 <b>far</b> 38:9, 53:16, 151:5, 179:8, 179:12, 187:17 <b>favor</b> 183:12, 183:16 <b>favorable</b> 183:9, 196:3 <b>favors</b> 202:6 <b>feature</b> 43:2, 199:20	<b>features</b> 22:15, 101:20, 128:17, 207:7 <b>federal</b> 163:8 <b>feel</b> 5:9, 91:1, 126:6, 126:21, 193:25 <b>feeling</b> 64:23 <b>feet</b> 40:3, 40:8, 46:3, 47:9, 72:14, 81:23, 89:2, 89:4, 90:3, 98:14, 103:24, 109:21, 128:21, 128:23, 129:1, 129:4, 139:13, 139:14, 141:5, 143:10, 144:9, 144:21, 145:10, 146:12, 146:13, 146:17, 151:10, 151:24, 165:24, 166:13, 166:14, 170:14, 170:16, 171:5, 171:8, 171:9, 171:14, 171:15, 171:20, 171:22, 172:12, 172:13, 172:14, 172:22, 172:24, 173:3, 173:17, 173:21, 174:9, 176:7, 178:10, 178:18, 179:2, 179:14, 180:2, 180:7, 180:8, 180:18, 182:5, 182:9, 183:7, 183:8, 183:17, 183:24, 184:3, 186:11, 186:21, 191:17, 191:19, 191:20, 192:4, 195:13, 195:15, 195:25, 196:19, 202:4, 207:21 <b>female</b> 118:22, 119:15 <b>fence</b> 117:10, 117:11, 117:18, 134:7, 134:16, 134:21, 134:25, 143:10, 144:9, 152:12, 165:25, 172:12, 172:14, 172:17, 172:22, 173:3, 173:10, 173:18, 178:12, 183:8, 184:3, 184:5, 195:25, 200:4, 204:14 <b>fenced</b> 135:4, 172:1 <b>few</b> 95:6, 104:8, 104:17, 189:4 <b>fewer</b> 80:18 <b>field</b> 62:17, 100:23, 111:3, 140:21, 208:9 <b>fifth</b> 58:22 <b>figure</b> 85:9, 95:24, 122:25, 123:1, 170:17, 182:22, 187:12 <b>figures</b> 187:14 <b>file</b> 194:6, 194:7 <b>filed</b> 5:5, 23:2, 55:10, 168:12 <b>filing</b> 36:20, 169:5 <b>final</b> 55:19, 55:25,
--	---	---

60:1, 135:12 <b>finally</b> 29:16, 49:5, 203:20, 211:11, 211:14 <b>financial</b> 112:25, 214:8, 215:7 <b>financially</b> 80:4, 109:25 <b>find</b> 39:17, 97:12, 191:7, 196:24, 197:2, 211:16 <b>finding</b> 33:12, 43:6, 43:19, 49:6, 49:22, 51:14, 87:18, 88:9 <b>findings</b> 17:22, 17:25, 18:8, 19:18, 21:15, 35:15, 42:22, 42:25, 43:3, 51:21, 52:3, 52:6, 52:11, 59:1, 59:8, 60:23, 157:25, 199:17, 201:3, 201:7, 201:9, 203:19, 205:2 <b>finds</b> 48:9, 58:25 <b>fine</b> 9:17, 16:9, 16:15, 26:16, 126:22, 160:22, 164:24 <b>finish</b> 26:11, 126:12 <b>fire</b> 93:17, 94:12 <b>firm</b> 77:9 <b>first</b> 10:24, 19:3, 32:12, 34:10,	34:19, 36:7, 38:8, 39:18, 56:25, 57:24, 58:23, 60:3, 74:16, 77:2, 77:12, 87:16, 110:21, 148:2, 159:22, 160:23, 167:24, 168:3, 168:5, 193:12, 194:19, 198:25, 207:16, 208:7, 209:13 <b>fit</b> 40:20 <b>five</b> 31:3, 79:13, 80:22, 80:23, 81:3, 85:18, 85:19, 86:5, 91:9, 125:23, 141:16, 143:10, 144:9, 144:21, 145:9, 146:12, 151:24, 165:24, 170:14, 171:5, 171:8, 172:12, 172:13, 172:14, 172:22, 173:3, 174:9, 175:4, 176:7, 178:10, 178:18, 179:2, 179:13, 179:14, 180:1, 180:8, 183:7, 183:8, 183:17, 183:24, 184:3, 186:24, 191:17, 195:25, 196:19, 201:17, 201:24, 202:4, 211:19 <b>five-foot</b> 103:15, 104:10 <b>five-year-old's</b> 83:5, 83:7, 85:15 <b>fix</b> 32:7	<b>fixed</b> 184:5, 184:9 <b>flat</b> 115:21, 116:11, 116:15, 116:18, 145:19 <b>flatness</b> 116:23 <b>flight</b> 197:5 <b>floor</b> 40:2, 40:6, 40:17, 48:19, 50:22, 102:20 <b>flower</b> 133:25, 134:15 <b>flowerbeds</b> 131:20 <b>focus</b> 34:21, 35:13, 39:7, 41:7, 44:15, 44:19, 97:21, 175:12, 175:20 <b>focused</b> 37:21, 57:13, 174:1, 175:22, 186:19 <b>focuses</b> 21:12, 23:1, 40:21, 42:12, 42:18, 55:25, 61:1 <b>focusing</b> 44:17 <b>folks</b> 128:8 <b>follow</b> 10:17, 54:10, 162:12, 177:25 <b>follow-up</b> 162:15 <b>following</b> 19:3, 43:10 <b>foot</b> 24:7, 40:3, 41:22, 91:17, 93:6, 109:6,	141:3, 160:14, 162:9, 162:19, 175:4, 180:10, 188:9, 201:17 <b>foot-high</b> 49:17, 51:8, 57:21, 59:10, 111:21, 112:1 <b>football</b> 208:9 <b>foregoing</b> 214:3 <b>forest</b> 65:18 <b>form</b> 185:22 <b>former</b> 25:7 <b>formula</b> 141:6, 169:24, 170:14, 171:3, 174:22, 180:9, 180:13, 186:13, 196:5, 197:15 <b>forth</b> 15:12, 151:15 <b>forty</b> 213:3, 213:5 <b>forward</b> 23:6, 29:7, 86:25, 87:18, 94:17, 97:12, 207:10, 212:24 <b>found</b> 27:13, 42:7, 191:9, 211:9 <b>foundation</b> 80:2 <b>four</b> 19:3, 32:8, 61:20, 74:21, 86:5, 91:8, 141:5, 142:17 <b>fourth</b> 20:20, 58:19, 199:23 <b>fox</b> 46:25, 47:3,
---	--	--	--

47:8, 48:6, 48:25, 70:1 <b>fox's</b> 47:19, 49:12 <b>framed</b> 102:17, 102:18 <b>frankly</b> 59:19, 174:12, 204:19, 205:17 <b>free</b> 5:10, 79:24 <b>freezing</b> 67:12, 92:12 <b>frequency</b> 85:7 <b>fresh</b> 130:25 <b>friendly</b> 170:12 <b>front</b> 103:16, 147:23, 172:15, 173:10, 181:11, 184:24, 191:24 <b>frowned</b> 82:18 <b>frustrated</b> 77:25 <b>frustrating</b> 123:23 <b>full</b> 20:23, 42:11, 47:19, 79:1, 120:6, 135:24, 173:15, 215:9 <b>fuller</b> 205:21, 205:25 <b>fully</b> 206:10, 211:25 <b>function</b> 6:7, 9:7, 9:12 <b>functionality</b> 6:11 <b>funding</b> 21:7, 21:10 <b>further</b> 33:17, 39:1, 41:19, 41:23,	47:20, 52:21, 76:16, 82:21, 87:8, 88:8, 88:20, 110:8, 115:5, 122:17, 123:21, 124:14, 132:12, 152:18, 167:19, 179:22, 187:6, 188:2, 192:16, 194:7, 194:22, 194:23, 208:19, 215:13 <b>furthermore</b> 59:13 <b>future</b> 21:10, 30:23, 176:20 <hr/> <b>G</b> <hr/> <b>games</b> 200:1 <b>gaps</b> 162:22 <b>garbage</b> 144:13 <b>geared</b> 85:15 <b>general</b> 33:16, 73:3, 73:14, 73:18, 74:25, 145:23, 151:18, 161:14 <b>generally</b> 67:13, 72:22, 72:24, 144:5, 146:1, 190:14 <b>generated</b> 86:8, 142:21 <b>german</b> 190:17, 191:13 <b>germane</b> 21:12 <b>getting</b> 9:24, 33:22, 44:10, 64:14, 74:16, 142:13, 181:8, 197:3 <b>give</b> 33:24, 82:16,	83:17, 85:5, 101:19, 141:9, 160:3, 183:1, 194:18 <b>given</b> 22:25, 27:6, 44:19, 50:8, 50:21, 66:16, 68:22, 83:20, 85:8, 85:21, 109:19, 109:24, 152:19, 168:9, 172:20, 177:17, 187:8, 190:13, 205:21, 205:25 <b>giving</b> 150:21, 152:18 <b>gladly</b> 26:1 <b>glass</b> 156:6, 161:25, 162:18, 197:24, 203:23 <b>go</b> 5:20, 6:8, 8:23, 10:2, 10:12, 10:24, 12:12, 16:16, 34:24, 36:7, 38:6, 40:18, 43:25, 52:10, 52:12, 52:13, 52:14, 52:20, 56:4, 58:22, 63:2, 64:23, 65:1, 73:16, 74:7, 78:8, 78:18, 87:13, 87:24, 88:8, 88:10, 88:16, 88:21, 90:9, 90:21, 92:7, 92:18, 93:5, 94:16, 94:23, 95:10, 102:2, 105:5, 106:8, 107:12, 107:20, 113:12, 113:23,	114:1, 115:1, 115:4, 121:22, 122:3, 122:5, 122:20, 127:7, 130:19, 135:15, 139:1, 141:4, 142:1, 143:1, 144:16, 152:20, 153:6, 157:4, 157:13, 157:14, 159:6, 161:18, 162:24, 163:17, 165:5, 171:23, 179:21, 181:1, 182:19, 186:17, 186:25, 187:16, 188:23, 189:12, 193:12, 194:1, 194:5, 194:7, 196:13, 198:3, 213:6, 213:9 <b>goals</b> 88:24 <b>god</b> 78:12 <b>goes</b> 47:19, 95:11, 146:7 <b>going</b> 6:1, 6:11, 6:17, 6:19, 6:20, 7:7, 8:2, 8:3, 14:15, 29:10, 41:22, 63:2, 69:24, 74:8, 77:7, 80:6, 89:17, 90:16, 90:17, 90:18, 90:21, 90:23, 91:8, 91:22, 92:5, 92:7, 92:11, 92:14, 94:18, 101:18, 113:23, 116:11, 116:18, 119:3, 122:6, 122:7, 122:9, 122:10, 122:15,
--	---	---	---

132:10, 132:18, 133:4, 133:16, 138:22, 140:2, 141:4, 141:8, 141:11, 142:1, 144:17, 144:18, 146:25, 148:9, 151:22, 161:6, 162:12, 163:11, 179:21, 180:22, 181:22, 181:25, 182:5, 186:16, 189:22, 191:2, 191:5, 191:22, 193:12, 193:19, 193:22, 208:22, 210:20, 211:20, 212:14 <b>gone</b> 205:18 <b>goo</b> 176:4 <b>good</b> 5:8, 5:21, 7:11, 8:6, 8:7, 10:10, 14:25, 23:11, 36:5, 62:8, 66:12, 68:9, 72:10, 74:6, 88:17, 88:22, 126:2, 126:17, 131:2, 133:7, 156:19, 164:24, 171:2, 186:16, 188:17 <b>google</b> 165:22 <b>governing</b> 18:24, 206:8 <b>grade</b> 119:8 <b>graded</b> 118:11, 119:10 <b>grades</b> 102:14 <b>grading</b> 118:19 <b>graduate</b> 198:19	<b>granddaughter</b> 65:25 <b>granted</b> 147:3 <b>granting</b> 200:22 <b>graphic</b> 45:11, 114:12, 124:23 <b>graphs</b> 165:12 <b>grassy</b> 124:15 <b>great</b> 9:2, 87:17, 105:6 <b>greater</b> 92:6, 196:19, 197:9, 197:14 <b>green</b> 103:9, 103:16, 103:17, 104:12, 115:11, 116:14, 118:7, 119:20, 120:12, 121:12, 124:7, 127:19, 127:21, 131:11, 132:2, 174:3 <b>gross</b> 40:6, 40:17 <b>ground</b> 68:17, 68:20, 102:13, 115:18, 127:25 <b>group</b> 81:1, 81:9, 82:21, 83:8, 160:2 <b>groups</b> 85:17 <b>grow</b> 134:19 <b>gru</b> 180:24 <b>gruenspecht</b> 188:7 <b>gruenspecht's</b> 4:7, 29:17,	76:24, 103:20, 147:22, 150:5, 208:8, 208:17, 211:12 <b>guarantee</b> 94:3, 96:4 <b>gudelsky</b> 1:5, 5:15, 8:14, 23:15, 80:2, 80:7, 215:21 <b>guess</b> 8:21, 11:15, 22:22, 30:6, 31:20, 32:12, 38:25, 44:14, 46:23, 53:9, 87:21, 111:8, 111:22, 113:4, 118:2, 118:6, 119:5, 121:23, 123:6, 123:8, 124:22, 129:21, 158:7, 164:11, 167:24, 169:11, 171:24, 178:19, 188:14, 193:12, 193:16 <b>guys</b> 78:17, 87:25 <b>gym</b> 90:4, 90:9 <hr/> <b>H</b> <hr/> <b>ha</b> 115:14 <b>half</b> 85:24 <b>hand</b> 9:7, 9:10, 9:12, 77:12, 99:3, 114:18, 120:4, 125:16, 125:21, 132:21, 133:8, 135:15, 165:13, 165:14, 180:19, 181:8, 186:6, 214:10	<b>handled</b> 57:12, 97:17 <b>hands</b> 132:17, 206:12 <b>hang</b> 119:2 <b>hangry</b> 126:8 <b>hannon</b> 11:15 <b>happen</b> 6:6, 6:11, 6:19, 22:13, 84:7, 87:7, 90:2 <b>happened</b> 148:24 <b>happening</b> 85:17 <b>happens</b> 118:14 <b>happy</b> 31:8, 76:14, 94:10, 132:20, 162:12, 162:15, 185:5, 206:15 <b>harbor</b> 41:15, 89:5 <b>hard</b> 9:9, 20:14, 82:24, 86:18, 169:16, 178:6, 194:17 <b>harm</b> 33:13, 36:19, 43:7, 53:25, 211:5 <b>harm's</b> 93:22 <b>hartford</b> 137:19 <b>hatch</b> 115:17 <b>hatched</b> 103:17, 115:11, 120:5, 120:6, 120:8, 120:10, 123:1 <b>head</b> 154:10, 202:2
--	--	---	---

<b>headed</b> 150:14	129:3, 136:22	46:3, 50:7, 79:11, 79:20, 142:7, 160:14, 162:9, 162:19, 188:9, 197:17	49:15, 53:22, 202:24
<b>health</b> 35:9, 43:15, 96:22	<b>helped</b> 156:9	<b>high-rise</b> 139:15, 156:7, 210:11	<b>homework</b> 81:6, 81:8, 81:10
<b>hear</b> 15:7, 25:2, 28:3, 28:10, 28:24, 29:8, 55:16, 64:8, 64:10, 64:15, 65:6, 65:7, 65:9, 65:20, 66:1, 66:6, 66:9, 66:14, 66:17, 66:18, 66:20, 67:22, 67:24, 67:25, 76:11, 111:9, 139:18, 139:19, 153:6, 154:2, 154:6, 154:10, 166:20, 170:6, 190:2, 210:9, 210:16	<b>helpful</b> 36:5, 106:9, 120:1, 192:20	<b>higher</b> 41:1, 88:21, 186:7, 186:10, 196:11	<b>honest</b> 77:23, 204:16
<b>heard</b> 28:22, 35:8, 86:14, 86:17, 121:14, 130:15, 138:9, 147:17, 154:5, 154:9	<b>helping</b> 206:6	<b>highway</b> 142:10, 163:6, 163:8, 197:8	<b>honestly</b> 123:9, 163:23, 174:4
<b>hearings</b> 1:2, 2:4, 9:2, 100:14, 137:13	<b>herbs</b> 134:19	<b>hill</b> 204:8	<b>honking</b> 144:14
<b>heart</b> 82:13	<b>here</b> 5:22, 7:4, 7:6, 7:10, 7:11, 8:10, 8:12, 8:22, 9:25, 10:12, 12:2, 16:25, 17:7, 23:14, 23:25, 24:22, 32:25, 34:19, 36:5, 36:9, 36:10, 44:11, 56:4, 60:16, 64:7, 68:13, 69:3, 72:10, 77:21, 82:13, 88:3, 88:15, 89:13, 90:10, 115:5, 118:6, 118:14, 119:5, 121:25, 122:16, 122:19, 126:13, 129:3, 131:5, 151:20, 159:2, 169:12, 181:23, 193:8, 197:19	<b>hire</b> 71:18	<b>hope</b> 9:15, 88:2, 124:18, 206:13, 212:21
<b>heavily</b> 45:2, 52:2, 59:7, 201:16	<b>here's</b> 39:9, 52:18, 122:20, 149:24, 150:1, 160:6, 175:24	<b>hired</b> 209:15	<b>hopefully</b> 8:25
<b>heights</b> 17:2	<b>hereby</b> 214:4, 215:2	<b>hiring</b> 209:2	<b>hopes</b> 26:6
<b>held</b> 25:15	<b>hereunto</b> 214:9	<b>hmm</b> 193:21	<b>horns</b> 144:14
<b>hello</b> 99:17	<b>herring</b> 65:4	<b>hold</b> 34:5, 138:24	<b>horse</b> 124:3
<b>help</b> 9:20, 78:12, 118:6, 123:11,	<b>high</b> 24:1, 25:15,	<b>holding</b> 96:2	<b>horton</b> 8:18
		<b>hole</b> 40:21, 184:20	<b>hospital</b> 210:6
		<b>holistic</b> 79:16	<b>hotel</b> 155:25, 156:12, 161:21, 195:3, 196:8
		<b>home</b> 4:8, 17:16, 41:4, 45:15, 45:21, 48:19, 48:20, 48:22, 49:4, 53:22, 63:9, 63:16, 65:12, 66:12, 66:16, 196:11, 200:9, 202:11, 203:4, 204:9	<b>hou</b> 186:19
		<b>homeowners</b> 136:21	<b>hour</b> 144:2, 145:8, 146:22, 153:9, 164:10, 173:15
		<b>homes</b> 27:21, 47:12,	<b>hours</b> 63:19, 82:5, 82:9, 83:22, 85:21, 85:22, 85:23, 85:24, 85:25, 142:17, 211:19
			<b>house</b> 64:9, 64:21, 147:20, 147:23,

147:24, 150:5, 153:17, 154:2, 162:25, 163:3, 186:21, 187:6, 208:8, 208:17, 210:16 <b>housekeeping</b> 6:9 <b>houses</b> 141:20, 153:20 <b>housing</b> 25:16, 25:17 <b>howard</b> 3:3, 5:6, 16:25, 78:6 <b>howard's</b> 86:15 <b>however</b> 19:24, 21:8, 23:4, 24:9, 31:22, 40:14, 47:16, 50:19, 55:5, 120:17, 186:23 <b>hud</b> 141:20 <b>hun</b> 173:22 <b>hvac</b> 139:22 <b>hypothetical</b> 149:13, 180:25, 181:13, 185:15, 185:19 <b>hypothetically</b> 151:23 <b>hypotheticals</b> 209:10	<b>identified</b> 32:8, 61:15, 199:20, 201:19 <b>identify</b> 20:18, 62:22, 128:22 <b>ignore</b> 199:1 <b>ignores</b> 54:5, 54:20, 59:24 <b>ignoring</b> 200:15 <b>iii</b> 50:3 <b>illustrate</b> 170:1 <b>im</b> 191:17 <b>immediate</b> 6:24, 19:14, 32:23, 33:7, 41:3, 44:16, 44:21, 45:16 <b>immediately</b> 17:3, 70:21, 173:10 <b>impact</b> 18:11, 19:14, 33:9, 44:20, 44:25, 54:21, 73:1, 74:24, 75:9, 89:10, 157:23, 158:11, 189:6, 205:5, 211:21 <b>impacted</b> 81:19, 81:20, 91:6 <b>impacting</b> 17:16 <b>impacts</b> 17:14, 18:3, 19:6, 19:21, 19:23, 20:2, 20:11, 20:13, 22:17, 33:1, 33:6, 33:17,	34:22, 36:20, 37:16, 39:24, 41:3, 42:14, 44:16, 46:12, 47:12, 50:8, 51:5, 51:15, 51:21, 53:4, 54:1, 54:2, 55:7, 55:12, 57:11, 57:12, 61:3, 159:23, 167:25, 169:21, 186:18, 196:21, 198:17, 201:2, 202:17, 202:20, 202:21, 203:18, 203:21, 207:8 <b>implausible</b> 202:13 <b>implications</b> 18:12, 19:5, 181:18 <b>importance</b> 44:20, 47:20, 203:14 <b>important</b> 26:21, 27:23, 33:8, 36:21, 39:23, 48:11, 54:16, 79:17, 203:6, 208:24, 209:1, 209:23 <b>importantly</b> 24:8, 27:24, 198:9, 207:24 <b>impossible</b> 191:18 <b>impossibly</b> 182:15, 190:23 <b>impression</b> 36:16 <b>improvements</b> 54:25, 105:24 <b>impugning</b> 183:20 <b>inactive</b> 200:2 <b>inadvertently</b> 70:1	<b>inception</b> 21:25, 198:11 <b>inch</b> 161:24, 162:18 <b>incident</b> 93:19 <b>incidental</b> 190:3 <b>include</b> 56:18, 85:13, 105:24, 152:12, 200:24, 204:2 <b>included</b> 27:22, 32:2, 42:20, 114:14, 119:13, 120:18, 120:21, 140:22, 145:20, 202:18 <b>includes</b> 20:21, 33:14, 59:18, 89:14, 89:20, 123:1, 198:10 <b>including</b> 24:1, 27:20, 41:4, 45:22, 50:24, 74:2, 75:18, 115:10, 120:11, 203:12 <b>inclusion</b> 50:6 <b>inclusive</b> 40:3 <b>income</b> 23:16, 25:12, 79:23 <b>inconsistency</b> 199:2, 200:16 <b>incorrect</b> 133:10, 206:2 <b>incorrectly</b> 121:18 <b>increase</b> 17:14, 39:6, 39:15, 39:19, 41:20, 41:25, 51:10, 57:8, 109:4, 130:6,
<b>I</b>			
<b>idea</b> 39:9, 74:6, 91:4, 166:6, 195:22 <b>ideal</b> 120:18 <b>identical</b> 71:12			



153:3, 155:3 <b>increased</b> 19:15, 21:5, 40:24, 42:6, 51:15, 54:7, 54:21, 58:20 <b>increases</b> 49:25, 113:19, 149:1 <b>increasing</b> 170:3 <b>indeed</b> 25:3, 41:6, 50:6, 53:16, 56:10, 195:20, 196:8, 200:5, 203:16 <b>independently</b> 63:4 <b>indicate</b> 55:6 <b>indicated</b> 21:8, 28:20, 31:14, 202:25 <b>indicating</b> 70:11 <b>individual</b> 35:10 <b>indoor</b> 41:1, 41:17, 41:18, 50:23, 82:2, 89:7, 89:20, 89:25, 90:24, 91:12, 91:17, 91:22, 91:24, 141:19, 147:13, 150:7 <b>inevitably</b> 56:7 <b>infants</b> 80:18, 85:13 <b>infeasible</b> 110:1 <b>informal</b> 111:11 <b>information</b> 54:10, 56:8, 61:23, 71:21,	71:23, 75:3, 75:14, 77:23, 166:5, 213:8, 215:5 <b>inherent</b> 26:24, 43:9, 54:2, 211:2, 211:3, 211:8 <b>inherently</b> 56:13 <b>initial</b> 117:1, 174:2 <b>initially</b> 167:16, 209:12 <b>input</b> 18:13, 56:14, 205:7 <b>inputs</b> 186:12, 205:22 <b>insect</b> 139:20 <b>inside</b> 59:18, 81:11, 91:4, 107:12, 107:16, 147:17, 147:24, 150:12, 184:11 <b>insist</b> 30:7, 206:22 <b>inspection</b> 101:14 <b>instance</b> 14:4 <b>instances</b> 155:18 <b>instead</b> 91:7, 209:4 <b>institute</b> 100:3 <b>institutional</b> 108:22 <b>intact</b> 106:19 <b>integral</b> 17:21, 201:6 <b>integrate</b> 86:18 <b>intend</b> 134:7	<b>intended</b> 34:20, 127:22 <b>intends</b> 20:11 <b>intense</b> 109:9 <b>intensification</b> 24:25, 37:17 <b>intensity</b> 6:23, 19:6, 24:16, 32:22, 32:24, 37:16, 37:18, 38:16, 38:19, 38:21, 39:5, 39:8, 39:15, 39:19, 39:21, 39:23, 41:2, 41:5, 41:20, 41:25, 42:4, 42:5, 42:6, 54:8, 54:21, 57:3, 57:7, 57:9, 58:4, 58:6, 58:11, 59:15, 60:9, 92:6, 108:8, 108:17, 109:4, 129:24, 130:2, 130:4, 130:7, 130:12, 154:19, 199:13, 199:16 <b>intensive</b> 92:21 <b>intent</b> 55:6 <b>interest</b> 21:9, 68:5, 214:8, 215:7, 215:13 <b>interested</b> 52:15, 52:19, 56:14, 205:22 <b>interesting</b> 112:3, 126:1, 161:19 <b>interestingly</b> 195:17	<b>interfere</b> 64:20 <b>interior</b> 40:11, 40:23, 50:22, 59:17, 103:14, 106:4, 107:17, 136:24 <b>interject</b> 96:25 <b>internal</b> 100:9 <b>internally</b> 160:2 <b>internet</b> 7:20 <b>interpret</b> 75:21 <b>interpretation</b> 174:21 <b>interrupt</b> 9:3 <b>interrupted</b> 150:13 <b>intervening</b> 47:4, 102:3, 110:2 <b>intricacies</b> 211:1 <b>introduce</b> 20:12 <b>introducing</b> 82:22 <b>introduction</b> 21:9 <b>invalidate</b> 19:17, 42:20 <b>inverse</b> 169:24 <b>involved</b> 119:7, 169:9 <b>involves</b> 200:17, 201:12 <b>irrelevant</b> 15:16, 112:12, 112:13 <b>island</b> 4:11, 193:17 <b>issuance</b> 205:13
--	---	---	--

<b>issue</b> 24:10, 42:2, 66:15, 68:13, 82:13, 86:22, 87:1, 92:3, 92:4, 96:5, 131:22, 150:16, 192:10, 208:25, 209:14, 209:17 <b>issued</b> 7:2, 18:16, 55:8, 69:16, 97:19, 98:2, 205:10, 205:15, 205:21 <b>issues</b> 6:11, 7:21, 15:18, 15:22, 20:19, 26:6, 46:14, 56:16, 205:13 <b>it'd</b> 149:10 <b>it'll</b> 89:7 <b>items</b> 10:13, 191:11 <b>itself</b> 32:14, 48:4, 70:8, 129:21, 212:18	214:15 <b>joined</b> 7:21 <b>joke</b> 186:2 <b>judgment</b> 96:10 <b>juggle</b> 9:11 <b>july</b> 17:8, 68:21, 168:12, 190:8, 190:10 <b>jump</b> 73:21 <b>jumped</b> 5:18 <b>june</b> 4:6, 17:9, 20:9, 20:21, 21:18, 22:18, 22:21, 38:3, 38:5, 38:25, 42:19, 46:1, 55:8, 55:11, 55:20, 56:3, 60:2, 68:21, 69:6, 198:5, 198:24, 207:9 <b>justification</b> 4:5, 14:3, 20:1, 52:7, 57:16, 59:21, 198:22, 204:17 <b>justify</b> 22:1, 198:12	159:21, 189:4, 192:17, 192:20, 193:17, 196:7, 207:25, 208:6 <b>karner's</b> 137:21 <b>katie</b> 5:3 <b>keep</b> 9:23, 34:12, 35:6, 52:22, 122:6, 122:9, 122:15, 208:9 <b>kept</b> 94:1 <b>key</b> 19:22, 47:1, 51:25, 54:15, 59:9, 101:20, 104:12, 199:21, 200:15, 203:2 <b>ki</b> 144:5 <b>kid</b> 146:16, 147:11 <b>kids</b> 139:19, 143:5, 144:5, 144:12, 145:8, 145:9, 147:16, 148:17, 148:19, 148:22, 148:25, 149:11, 151:5, 151:6, 151:7, 151:12, 151:20, 151:23, 151:25, 152:1, 152:2, 152:24, 153:1, 192:15 <b>kind</b> 6:10, 36:15, 54:13, 62:17, 81:5, 86:7, 88:25, 90:4, 93:19, 95:14, 95:20, 134:6, 134:10, 140:9, 140:23, 144:1, 152:12, 152:22, 153:6, 154:7, 155:17, 161:1, 187:5, 190:3, 190:20, 192:2, 197:25 <b>kinds</b> 156:13 <b>knew</b> 175:20 <b>knowing</b> 144:23, 191:6, 192:12 <b>knowledge</b> 53:13, 64:2 <b>known</b> 18:14, 205:8 <b>knows</b> 23:18 <b>kra</b> 192:17	153:6, 154:7, 155:17, 161:1, 187:5, 190:3, 190:20, 192:2, 197:25 <b>kinds</b> 156:13 <b>knew</b> 175:20 <b>knowing</b> 144:23, 191:6, 192:12 <b>knowledge</b> 53:13, 64:2 <b>known</b> 18:14, 205:8 <b>knows</b> 23:18 <b>kra</b> 192:17
<b>J</b>			
<b>jen</b> 28:24, 98:25, 190:7 <b>jen's</b> 138:9 <b>jennifer</b> 3:9, 8:17, 99:8, 99:19 <b>jeopardy</b> 185:24 <b>job</b> 1:23 <b>joe</b> 5:22, 5:24, 8:18, 214:2,	<b>k2</b> 6:25, 15:13 <b>karner</b> 3:10, 4:11, 128:21, 130:11, 135:12, 135:13, 135:14, 135:19, 135:23, 136:1, 138:4, 156:23, 156:25, 157:22,	159:21, 189:4, 192:17, 192:20, 193:17, 196:7, 207:25, 208:6 <b>karner's</b> 137:21 <b>katie</b> 5:3 <b>keep</b> 9:23, 34:12, 35:6, 52:22, 122:6, 122:9, 122:15, 208:9 <b>kept</b> 94:1 <b>key</b> 19:22, 47:1, 51:25, 54:15, 59:9, 101:20, 104:12, 199:21, 200:15, 203:2 <b>ki</b> 144:5 <b>kid</b> 146:16, 147:11 <b>kids</b> 139:19, 143:5, 144:5, 144:12, 145:8, 145:9, 147:16, 148:17, 148:19, 148:22, 148:25, 149:11, 151:5, 151:6, 151:7, 151:12, 151:20, 151:23, 151:25, 152:1, 152:2, 152:24, 153:1, 192:15 <b>kind</b> 6:10, 36:15, 54:13, 62:17, 81:5, 86:7, 88:25, 90:4, 93:19, 95:14, 95:20, 134:6, 134:10, 140:9, 140:23, 144:1, 152:12, 152:22, 153:6, 154:7, 155:17, 161:1, 187:5, 190:3, 190:20, 192:2, 197:25 <b>kinds</b> 156:13 <b>knew</b> 175:20 <b>knowing</b> 144:23, 191:6, 192:12 <b>knowledge</b> 53:13, 64:2 <b>known</b> 18:14, 205:8 <b>knows</b> 23:18 <b>kra</b> 192:17	153:6, 154:7, 155:17, 161:1, 187:5, 190:3, 190:20, 192:2, 197:25 <b>kinds</b> 156:13 <b>knew</b> 175:20 <b>knowing</b> 144:23, 191:6, 192:12 <b>knowledge</b> 53:13, 64:2 <b>known</b> 18:14, 205:8 <b>knows</b> 23:18 <b>kra</b> 192:17
<b>L</b>			
		<b>labeled</b> 121:18, 127:17 <b>laboratory</b> 210:5 <b>lack</b> 43:14 <b>laid</b> 168:10 <b>land</b> 88:24 <b>landscaping</b> 60:6, 60:18, 102:7, 110:2 <b>lane</b> 210:13 <b>lanes</b> 139:6 <b>large</b> 17:5, 24:23, 50:10, 102:3, 160:18, 202:9 <b>largely</b> 24:24, 40:15, 54:25, 108:25, 199:4 <b>larger</b> 20:25, 162:18,	

<p>185:4, 202:17  <b>largest</b>  48:7, 48:11,  183:18  <b>last</b>  14:19, 24:2,  55:24, 128:20  <b>later</b>  44:15, 53:9,  53:10, 61:25,  111:14, 140:23,  141:19, 143:12,  170:7, 178:5  <b>latest</b>  84:10  <b>latter</b>  174:19, 199:13  <b>law</b>  60:16  <b>laymen</b>  140:20  <b>lead</b>  8:4, 8:8,  107:18, 196:9,  196:10, 208:23  <b>leadership</b>  80:3  <b>leaf</b>  161:4  <b>leafy</b>  69:3  <b>learning</b>  79:21  <b>least</b>  19:17, 59:8,  64:14, 85:2,  147:9, 152:5,  163:1  <b>leave</b>  46:11, 125:16,  125:17  <b>leaves</b>  36:12, 69:1,  70:25, 210:16  <b>leaving</b>  96:10  <b>led</b>  21:18, 22:17,</p>	<p>207:9  <b>lee</b>  206:14  <b>left</b>  103:11, 144:2,  144:10, 148:16,  165:13  <b>left-hand</b>  114:14  <b>legal</b>  77:22  <b>legally</b>  54:10  <b>legend</b>  45:19, 45:20  <b>length</b>  103:12, 166:3,  208:9  <b>lerch</b>  8:2, 23:12  <b>less</b>  40:7, 66:15,  92:2, 109:9,  116:17, 153:10,  154:7, 196:18  <b>lesson</b>  194:5  <b>let's</b>  10:11, 32:11,  34:6, 44:2,  52:10, 55:19,  56:4, 58:22,  78:8, 82:12,  88:7, 94:16,  94:24, 99:9,  99:10, 115:1,  121:22, 126:23,  135:15, 148:23,  153:13, 171:23,  175:18, 177:7,  181:21, 182:19,  186:16, 186:17,  191:9  <b>letter</b>  17:8, 18:5,  204:24  <b>letting</b>  117:14</p>	<p><b>level</b>  28:1, 36:1,  36:11, 48:21,  50:7, 71:1,  71:13, 71:14,  71:16, 71:20,  81:18, 141:12,  145:16, 145:21,  145:24, 146:4,  146:19, 146:20,  147:12, 148:25,  150:10, 151:18,  153:8, 158:6,  158:22, 173:16,  173:17, 175:12,  175:22, 176:5,  176:18, 178:24,  180:18, 182:7,  182:11, 187:24,  187:25, 188:4,  189:11, 189:16,  190:1, 191:22,  192:9  <b>levels</b>  21:4, 26:18,  29:12, 71:13,  130:12, 139:25,  145:18, 146:19,  147:1, 147:7,  147:13, 147:14,  147:18, 147:21,  148:2, 148:8,  149:3, 149:23,  150:14, 151:6,  151:20, 152:7,  152:19, 153:19,  157:21, 168:16,  175:15, 186:11,  187:11, 188:11,  189:7, 192:3,  196:11, 208:2  <b>li</b>  127:18  <b>library</b>  17:5, 22:10,  23:22, 25:8,  206:22  <b>license</b>  82:16</p>	<p><b>licensed</b>  100:16  <b>licensing</b>  80:19, 83:4,  85:1, 93:17,  98:13  <b>lies</b>  49:1  <b>life</b>  86:20  <b>light</b>  20:22  <b>liked</b>  155:22  <b>likelihood</b>  41:19, 195:23  <b>likely</b>  33:2, 33:7,  39:20, 40:24,  54:7, 54:21,  57:8, 84:9,  147:8, 187:14,  198:16  <b>limit</b>  47:13, 50:4,  109:18, 128:10,  142:12, 153:21,  189:16, 199:10  <b>limitations</b>  50:14, 50:24,  82:14, 82:17,  93:21  <b>limited</b>  42:23, 50:2,  51:13, 132:24  <b>limiting</b>  47:1, 201:2,  204:13  <b>limits</b>  158:3, 158:14  <b>line</b>  73:25, 89:1,  114:19, 116:1,  116:8, 117:4,  128:14, 128:18,  145:19, 150:11,  161:16, 165:25,  173:25, 183:8</p>
---	--	---	--

<b>linked</b> 41:4 <b>list</b> 10:11 <b>listed</b> 21:13, 33:6, 33:14, 37:18, 39:9, 46:21, 215:11 <b>listen</b> 6:20 <b>literally</b> 178:12 <b>little</b> 21:17, 36:4, 36:7, 39:1, 44:15, 52:21, 53:14, 79:7, 88:3, 88:19, 88:21, 92:2, 92:15, 104:18, 111:11, 122:17, 151:16, 161:17, 181:8, 181:23, 182:25, 183:2, 188:8, 196:13 <b>live</b> 17:2, 65:18, 93:3, 210:25 <b>lives</b> 25:22 <b>liz</b> 8:2, 23:13 <b>located</b> 5:16, 46:17, 66:12, 70:20, 101:24, 103:6, 109:20, 177:7 <b>location</b> 4:4, 27:21, 35:8, 45:20, 45:23, 51:3, 53:7, 53:8, 53:21, 66:10, 76:3, 76:8, 76:9, 76:12, 102:24, 104:7, 104:18, 106:3,	106:22, 107:2, 113:23, 121:1, 125:9, 143:14, 145:14, 146:3, 147:2, 164:20, 165:24, 169:21, 172:10, 172:24, 173:3, 174:20, 176:9, 176:16, 182:10, 199:25, 204:18 <b>locations</b> 79:13, 86:1, 86:2, 142:25, 145:23, 169:21, 187:13, 187:15 <b>log</b> 141:7, 146:12, 169:25 <b>logged</b> 9:1 <b>logically</b> 54:9 <b>long</b> 57:4, 142:16, 191:24 <b>longer</b> 18:1, 47:17, 119:8, 119:22, 124:20, 126:10, 180:3, 186:4, 200:17, 201:1, 201:10 <b>longstanding</b> 38:16, 38:22, 57:17, 108:22 <b>look</b> 23:5, 52:21, 75:20, 85:10, 86:25, 87:18, 113:23, 123:10, 126:12, 148:7, 148:10, 150:17, 171:12, 171:23, 171:24, 176:2, 181:4, 181:21, 197:6, 197:7, 205:23, 207:10	<b>looked</b> 63:1, 63:22, 81:24, 158:4, 190:20 <b>looking</b> 36:2, 45:12, 68:7, 69:6, 85:16, 103:18, 104:23, 114:12, 120:4, 126:13, 171:25, 186:23, 197:4, 197:7 <b>looks</b> 8:9, 8:21, 68:15 <b>lorete</b> 5:21, 5:22, 5:25, 214:2, 214:15 <b>lose</b> 88:20, 198:20, 200:14 <b>losing</b> 91:16 <b>loss</b> 54:5, 54:20, 142:16 <b>lot</b> 88:25, 101:23, 102:3, 103:15, 104:19, 110:3, 111:23, 115:19, 124:17, 127:15, 129:24, 136:19, 151:15, 154:12, 166:14, 191:10, 205:23 <b>lots</b> 64:24, 137:9 <b>loud</b> 35:5, 141:18, 142:3, 142:11, 142:14, 143:4, 148:20, 149:12, 156:5, 161:17, 182:8, 182:12, 182:15, 190:22, 190:23, 191:6,	191:8, 191:21, 196:24, 197:3, 202:23 <b>louder</b> 148:19, 151:11 <b>loudest</b> 144:8, 144:10, 144:19, 145:10, 145:12, 146:8, 146:16, 147:11, 153:12, 173:16, 173:25, 174:1, 174:24, 175:22, 176:13, 177:11, 191:20 <b>loudness</b> 150:10 <b>loudoun</b> 137:17 <b>low</b> 23:16, 25:11, 25:12, 79:23, 145:24, 160:18, 197:16 <b>lower</b> 102:13, 132:20, 149:15, 160:24, 160:25, 180:21, 187:12, 187:14, 189:10, 189:11, 197:7 <b>lowering</b> 132:17 <b>lunches</b> 79:25 <b>lynn</b> 6:2, 6:8, 190:7 <b>lyon</b> 3:9, 8:17, 28:25, 29:4, 99:1, 99:2, 99:6, 99:8, 99:10, 99:13, 99:17, 99:19, 100:22, 105:15, 110:9, 110:22, 111:12, 112:23, 113:5, 121:14,
---	--	--	---

123:7, 127:15, 128:20, 129:13, 131:11, 190:7 <b>lyons</b> 110:21, 113:14, 115:6, 199:24	199:5 <b>major</b> 18:10, 19:1, 25:1, 26:20, 29:20, 29:24, 32:5, 33:3, 97:6, 205:4, 206:17 <b>make</b> 5:19, 6:21, 7:3, 10:19, 10:24, 13:2, 13:4, 13:20, 15:2, 18:10, 20:5, 25:24, 26:14, 34:20, 61:22, 81:18, 82:2, 88:3, 147:15, 150:16, 185:6, 185:11, 186:2, 196:3, 200:7, 204:16, 205:3 <b>makes</b> 17:12, 36:13, 44:19, 130:21, 136:20 <b>making</b> 137:2, 144:12, 173:19, 179:18, 179:20, 203:8, 211:19, 212:22 <b>male</b> 123:4, 149:18 <b>man</b> 193:4 <b>management</b> 137:1 <b>manager</b> 100:6 <b>managing</b> 133:15 <b>mandates</b> 117:8 <b>manner</b> 77:24, 204:8 <b>many</b> 13:7, 25:14,	32:12, 39:8, 48:10, 60:19, 82:19, 83:2, 84:24, 84:25, 85:22, 94:4, 95:21, 96:17, 96:19, 126:3, 157:1, 195:15, 198:19, 206:3, 206:25 <b>map</b> 139:1 <b>maps</b> 165:22 <b>marked</b> 45:15, 45:23, 121:13, 124:6, 124:7 <b>marked-up</b> 45:11 <b>martha</b> 1:5, 5:15, 8:14, 23:15, 80:7, 215:21 <b>maryland</b> 2:6, 5:17, 100:17, 137:19, 214:16 <b>masking</b> 189:25 <b>masonry</b> 102:12 <b>mass</b> 207:20 <b>massing</b> 109:8, 130:5, 130:7 <b>massive</b> 199:7 <b>match</b> 149:14 <b>material</b> 105:23, 162:25, 208:21, 209:20 <b>materials</b> 156:10 <b>math</b> 149:7, 213:2	<b>mathematical</b> 181:2 <b>matter</b> 5:14, 7:5, 34:14, 56:8, 190:6, 190:16, 194:6, 201:11, 206:1, 211:10 <b>mattered</b> 92:19 <b>matters</b> 169:12, 201:1, 206:7 <b>max</b> 147:17, 149:11, 151:22, 152:24, 153:8, 180:20, 187:25 <b>maximize</b> 183:10 <b>maximum</b> 83:4, 145:20, 157:20, 158:2, 158:5, 158:13, 178:7, 178:11, 180:4, 182:10, 183:19, 183:25, 187:24, 196:19, 196:20 <b>maybe</b> 85:9, 88:7, 88:19, 104:3, 110:15, 112:10, 123:11, 126:11, 134:25, 153:7, 190:2, 210:3, 210:4 <b>md</b> 2:8 <b>mean</b> 14:11, 19:11, 31:5, 64:5, 64:17, 65:9, 65:16, 65:24, 65:25, 66:11, 69:4, 69:6, 73:9, 74:5, 74:7, 74:22,
--	--	--	--

85:22, 86:17, 89:25, 90:7, 90:20, 94:1, 122:21, 123:21, 123:25, 130:11, 134:20, 137:5, 153:15, 164:15, 166:9, 167:12, 167:13, 168:2, 175:2, 177:12, 193:12, 197:18, 200:2, 209:19 <b>meaning</b> 141:21, 153:5, 174:10, 191:16 <b>means</b> 38:19, 153:16, 173:19 <b>meant</b> 170:12 <b>measure</b> 39:23, 57:9, 137:5, 141:9, 141:10, 164:15, 172:4, 172:6, 172:9, 177:16, 183:11, 191:18, 191:19, 195:4, 195:18, 201:20, 203:2 <b>measured</b> 72:18, 128:23, 128:25, 129:4, 139:13, 144:2, 144:19, 144:21, 145:11, 145:22, 146:22, 147:1, 147:2, 147:10, 147:11, 149:12, 149:22, 152:9, 152:24, 152:25, 153:8, 153:9, 153:25, 154:8, 166:7, 166:10, 173:3, 173:15, 173:17, 176:1, 179:1, 179:5, 180:7, 180:24,	182:7, 182:10, 183:13, 186:20, 196:17, 209:9 <b>measurement</b> 72:17, 129:1, 137:8, 142:25, 164:17, 165:8, 165:13, 166:12, 174:2, 176:9, 176:16, 181:1, 190:20 <b>measurements</b> 138:17, 139:24, 143:15, 150:18, 163:24, 164:19, 165:11, 167:1, 168:2, 171:21, 174:14, 179:24, 180:2, 181:12, 186:23, 191:4, 209:8 <b>measuring</b> 177:5, 177:8, 179:3 <b>mechanical</b> 158:22 <b>meet</b> 18:22, 22:5, 22:23, 32:3, 98:17, 98:19, 106:5, 112:16 <b>meetings</b> 6:16, 82:10, 137:9 <b>meets</b> 42:21, 161:15 <b>mention</b> 33:17, 87:23, 146:25 <b>mentioned</b> 32:24, 37:17, 58:5, 58:7, 60:21, 87:22, 95:16, 159:16, 161:21, 163:1, 164:5, 171:19, 172:2, 174:23, 186:22, 202:22	<b>mentioning</b> 34:23 <b>mer</b> 188:2 <b>merely</b> 38:14 <b>met</b> 17:23, 199:19, 201:7 <b>meter</b> 172:10, 172:12, 172:13, 172:15, 172:16, 172:23, 172:25, 173:6, 173:10, 173:11, 174:11, 174:12, 174:20, 183:7, 184:3 <b>metropolitan</b> 79:14 <b>mg</b> 38:11 <b>microphone</b> 174:15 <b>mics</b> 78:17 <b>middle</b> 65:18, 69:2, 147:3, 177:17, 197:9 <b>midpoint</b> 172:23, 175:8, 176:5, 177:10, 178:8, 196:17 <b>might</b> 9:20, 23:7, 40:17, 66:14, 68:11, 81:21, 84:17, 85:18, 92:2, 95:8, 95:23, 110:11, 118:5, 120:20, 122:12, 142:7, 145:2, 146:24, 147:7, 148:20, 170:7, 174:13, 178:20, 178:21, 179:4, 196:17,	196:18, 205:21, 207:12 <b>might've</b> 122:14 <b>mind</b> 35:6, 77:11, 131:1, 132:17, 150:20, 208:10 <b>mine</b> 202:20 <b>mingling</b> 82:18 <b>minimal</b> 47:13 <b>minimum</b> 21:4, 79:23, 80:12, 94:1, 145:18, 145:21, 187:23, 187:24, 188:3 <b>minor</b> 5:5, 17:11, 17:25, 18:4, 18:6, 18:9, 18:12, 18:23, 19:25, 21:22, 23:3, 23:5, 24:12, 24:14, 25:3, 26:5, 29:20, 29:22, 30:9, 30:12, 31:11, 32:3, 32:17, 37:23, 38:13, 39:6, 39:14, 40:19, 42:8, 42:11, 43:4, 45:25, 51:18, 53:18, 53:24, 55:13, 56:12, 56:21, 57:2, 58:2, 60:8, 60:22, 60:24, 60:25, 61:18, 69:17, 97:6, 97:21, 101:10, 105:24, 108:3, 108:7, 115:7, 123:13,
---	--	---	--

123:14, 123:15, 129:15, 154:16, 154:17, 168:15, 198:8, 198:17, 201:8, 203:22, 204:23, 204:25, 205:6, 206:19, 207:19, 211:22, 211:23 <b>minus</b> 149:10, 150:11 <b>minute</b> 119:3, 125:23, 126:7, 126:10, 126:15, 126:24, 146:3, 146:4, 164:19, 164:21 <b>minutes</b> 83:17, 85:12 <b>mis</b> 181:9 <b>mission</b> 87:17 <b>misstated</b> 19:8 <b>mistakes</b> 202:9, 202:15 <b>mitigate</b> 51:5, 155:12 <b>mitigated</b> 57:21, 203:23 <b>mitigating</b> 70:12, 72:25, 73:3, 74:21 <b>mitigation</b> 51:7, 72:20, 152:12, 152:18, 155:11, 155:19, 156:16, 156:18, 207:6, 208:20, 208:23 <b>mm-hmm</b> 11:16, 48:17, 64:16, 116:6, 116:9, 116:13, 116:16, 133:2, 134:4, 152:21, 161:22, 162:1,	169:18 <b>model</b> 191:12 <b>modeling</b> 137:8, 152:13, 191:4 <b>moderate</b> 146:20 <b>modest</b> 201:17 <b>modification</b> 25:3, 28:17, 29:3, 81:13, 98:19, 101:11, 108:16, 109:12, 123:13, 123:14, 123:15, 138:11, 207:19, 211:23 <b>modifications</b> 24:8, 24:11, 29:11, 29:22, 81:18, 102:5, 104:1, 105:14, 109:3, 138:6, 138:10, 154:25, 168:14, 208:1 <b>moment</b> 75:22, 104:3, 125:15, 127:3 <b>monitor</b> 9:10 <b>montgomery</b> 1:1, 2:3, 34:17, 100:13, 100:20, 137:12, 140:4, 142:5, 142:11, 148:5, 158:19, 159:10, 211:1 <b>months</b> 80:22, 80:23 <b>more</b> 21:17, 31:3, 31:4, 36:8, 40:12, 40:25, 43:3, 50:17, 59:16, 59:17, 65:13, 70:11,	72:24, 80:15, 80:16, 80:17, 82:25, 92:15, 92:21, 98:5, 124:7, 125:5, 125:12, 126:3, 130:22, 133:12, 134:8, 134:22, 135:7, 148:20, 154:6, 172:25, 176:6, 179:20, 186:8, 188:8, 188:13, 192:12, 196:6, 198:3, 200:23, 206:10, 207:24 <b>moreover</b> 57:15 <b>morning</b> 5:21, 7:11, 8:6, 8:7, 23:11, 62:8, 64:11, 64:22, 65:7, 66:2, 66:4, 66:23, 67:2, 67:16, 83:21, 87:6, 94:21, 99:12 <b>mornings</b> 94:22 <b>mosely</b> 28:25, 99:24, 100:5, 100:7 <b>most</b> 19:8, 39:22, 48:11, 54:16, 57:9, 67:7, 68:5, 84:7, 95:1, 118:18, 118:21, 134:17, 141:20, 173:23, 183:8, 197:10, 203:6 <b>motivation</b> 21:7 <b>mouse</b> 40:21 <b>move</b> 42:17, 97:2,	100:22, 101:21, 107:8, 135:9, 140:2, 145:3, 182:20, 202:20 <b>moved</b> 41:22, 53:21, 68:23, 101:7, 188:2 <b>moves</b> 146:15 <b>moving</b> 68:15, 69:22 <b>much</b> 23:9, 37:10, 59:16, 59:17, 78:16, 91:24, 105:21, 109:9, 135:20, 141:8, 142:21, 157:18, 160:18, 161:10, 164:15, 164:16, 164:17, 169:17, 176:20, 180:3, 180:21, 182:7, 186:8, 189:9, 189:11, 196:10, 202:17, 203:5, 204:3, 213:10, 213:14 <b>multifamily</b> 139:15 <b>multiple</b> 91:23 <b>music</b> 146:23 <b>must</b> 18:25, 32:5, 32:18, 33:2, 42:10, 42:25 <b>mute</b> 7:13, 9:13, 9:15, 9:19, 78:17, 87:11, 87:12, 127:1 <b>muted</b> 99:3, 105:3, 105:5 <b>myrna</b> 3:8, 8:15,
--	--	--	--

28:20, 77:3, 78:7, 79:2 <b>myself</b> 9:15, 12:9, 193:5 <b>mystery</b> 140:25	<b>necessarily</b> 8:23, 15:5, 27:1, 73:1, 74:22, 74:24, 112:17, 144:12, 148:19, 180:6, 188:12, 208:14 <b>necessary</b> 42:22, 47:15, 51:14, 82:3, 157:25, 203:8, 208:20 <b>need</b> 5:18, 8:22, 21:14, 25:1, 26:20, 27:12, 27:13, 55:15, 74:7, 85:2, 93:18, 96:19, 97:2, 105:18, 106:8, 119:4, 131:6, 131:18, 152:18, 188:21, 188:23, 190:22, 208:20, 211:15 <b>needed</b> 24:5, 50:25, 51:16, 101:20, 106:2, 155:23 <b>needing</b> 132:8 <b>needs</b> 26:2, 50:20, 83:20, 106:6, 185:21 <b>negate</b> 73:1 <b>negative</b> 209:18 <b>neglected</b> 56:18 <b>neighbor's</b> 197:17 <b>neighborhood</b> 6:24, 18:11, 19:14, 22:17, 24:18, 26:2, 29:14, 31:1,	32:23, 33:7, 33:13, 33:16, 39:24, 41:4, 42:15, 43:7, 44:17, 44:21, 45:1, 45:16, 49:25, 50:8, 51:16, 53:15, 53:25, 57:10, 58:13, 60:11, 61:4, 61:11, 65:2, 68:9, 93:20, 102:9, 108:10, 109:14, 154:21, 155:1, 168:18, 202:25, 205:5, 207:8, 208:4, 211:6 <b>neighborhoods</b> 86:19 <b>neighboring</b> 35:14, 43:16, 49:14, 157:24 <b>neighbors</b> 28:9, 31:2, 41:16, 89:7, 150:15, 156:14 <b>neither</b> 21:9, 214:6, 215:5 <b>never</b> 27:24, 38:20, 63:22, 84:2, 94:18, 94:20, 96:6, 153:17, 202:1 <b>new</b> 20:12, 29:7, 41:14, 47:7, 51:4, 51:12, 55:6, 55:15, 57:19, 79:5, 91:25, 105:25, 201:12, 203:10 <b>next</b> 27:21, 70:21, 98:23, 106:13, 122:19, 135:9,	141:12, 142:24, 143:9, 143:16, 145:3, 146:24, 152:20, 165:12, 165:13, 182:20, 210:8 <b>night</b> 67:9, 92:12 <b>nights</b> 213:5 <b>nighttime</b> 147:4, 147:5 <b>nine</b> 89:1 <b>ninety-nine</b> 122:2 <b>noi</b> 139:17 <b>noises</b> 65:6, 66:6, 66:9, 66:14, 66:18, 67:22, 67:25, 68:4, 210:9, 210:14, 210:16 <b>non</b> 79:8, 140:12, 211:2 <b>non-adverse</b> 211:9 <b>non-graded</b> 119:10 <b>non-inherent</b> 27:4, 43:8, 43:9, 53:4, 54:1, 211:6 <b>non-residential</b> 140:15 <b>none</b> 28:14, 60:21, 84:6, 98:7, 150:15, 155:14 <b>nonprofit</b> 24:4, 105:19, 110:1, 211:17 <b>nonsense</b> 37:13, 37:14 <b>norm</b> 183:24
<b>N</b>			
<b>naaden</b> 1:25, 215:2, 215:19 <b>naive</b> 206:7 <b>naked</b> 197:25 <b>name</b> 5:2, 5:6, 79:1, 79:2, 99:18, 99:19, 135:24 <b>names</b> 5:10 <b>narrow</b> 97:21 <b>nationally</b> 79:9 <b>natural</b> 94:12, 134:15 <b>naturally</b> 109:18 <b>nature</b> 6:22, 20:16, 24:15, 32:21, 58:4, 58:10, 60:9, 108:8, 108:16, 108:20, 129:16, 129:19, 129:20, 154:18, 207:19, 211:22 <b>near</b> 165:17, 190:4, 197:8, 203:4 <b>nearby</b> 27:20, 51:5 <b>nearest</b> 47:12, 109:21, 173:25 <b>nebulous</b> 134:5			



<b>normal</b> 147:19, 179:2, 182:3 <b>north</b> 103:6, 103:12, 104:7, 106:20, 114:21, 114:22 <b>nose</b> 19:4 <b>notably</b> 22:10, 200:23 <b>notarial</b> 214:10 <b>notary</b> 214:1, 214:15 <b>note</b> 9:19, 29:4, 29:16, 31:22, 76:17, 78:20, 130:10, 130:15, 187:24, 190:10, 199:9, 210:22, 211:11, 211:14 <b>noted</b> 23:14, 26:3, 69:22, 83:21, 206:18 <b>notes</b> 8:24, 9:25, 21:2, 50:13, 149:20 <b>nothing</b> 26:8, 53:20, 56:23, 59:19, 68:23, 69:14, 77:10, 78:12, 97:8, 99:4, 99:11, 126:15, 152:11, 204:13 <b>notice</b> 141:15, 187:4 <b>noticeable</b> 141:14, 141:16, 141:17, 153:5, 153:16, 153:22 <b>noticed</b> 174:14, 174:17 <b>notified</b> 22:20	<b>noting</b> 27:15 <b>novel</b> 24:22 <b>november</b> 4:9, 22:11, 23:19, 45:13, 207:2 <b>nowhere</b> 162:22 <b>number</b> 7:17, 7:24, 40:10, 47:14, 49:7, 50:4, 50:14, 50:24, 80:10, 80:12, 82:14, 84:17, 85:11, 91:5, 91:9, 98:13, 106:17, 109:18, 143:6, 143:7, 184:24, 189:14 <b>numbers</b> 81:14, 143:2, 148:11, 148:14, 148:16, 150:8, 192:5 <b>numerous</b> 200:10 <hr/> <b>O</b> <hr/> <b>o'clock</b> 126:1 <b>oath</b> 10:15 <b>object</b> 17:9, 22:11, 22:18, 58:3, 92:14, 159:6, 180:22, 207:2, 207:9 <b>objected</b> 29:23, 198:5 <b>objecting</b> 174:20, 174:21 <b>objection</b> 5:5, 18:18, 19:5, 21:17,	22:7, 22:20, 23:4, 31:25, 32:15, 40:21, 55:10, 57:10, 58:19, 60:16, 69:10, 71:17, 78:20, 100:25, 101:2, 101:3, 111:2, 111:9, 111:10, 112:12, 137:24, 166:16, 168:19, 177:22, 185:7, 185:9, 198:1 <b>objections</b> 14:23, 56:1, 212:12 <b>obligated</b> 77:16 <b>obligation</b> 77:22, 77:23 <b>obnoxious</b> 35:5, 122:21 <b>observe</b> 138:19 <b>observes</b> 64:18 <b>obvious</b> 122:23 <b>obviously</b> 20:14, 52:15, 69:5, 69:9, 74:10, 75:12, 92:7, 129:13 <b>occasion</b> 84:1 <b>occupation</b> 135:24 <b>occur</b> 51:7, 68:5, 132:3, 148:20, 158:1, 158:12, 159:7, 189:6 <b>october</b> 4:12, 41:9, 47:23 <b>offensive</b> 35:5	<b>offer</b> 16:20, 55:6, 137:22, 206:4 <b>offered</b> 22:23, 96:7, 209:10 <b>offhand</b> 160:1 <b>office</b> 1:2, 2:3, 2:7, 41:15, 56:15, 81:24, 89:6, 99:25, 100:13, 137:12, 189:24, 190:1 <b>officer</b> 214:2 <b>officers</b> 77:21 <b>offices</b> 136:25 <b>offset</b> 40:25 <b>offsite</b> 103:8 <b>often</b> 148:20 <b>oh</b> 68:8, 86:4, 88:22, 151:8, 153:6, 157:1, 157:12, 165:15, 165:20, 170:6, 174:16, 175:21, 185:23, 189:15, 193:24, 194:8, 194:9, 194:12, 194:20, 212:9 <b>old</b> 17:4, 23:22, 92:1, 102:10, 193:4 <b>olivera</b> 41:10, 70:2, 74:1, 87:23, 88:7, 88:23 <b>once</b> 6:3, 47:17,
---	--	--	---

55:10, 81:4, 83:11, 105:8, 212:17 <b>one</b> 9:17, 11:5, 13:5, 15:23, 22:21, 24:15, 25:24, 27:18, 30:5, 33:23, 35:4, 37:19, 39:8, 40:17, 43:3, 43:11, 45:8, 47:14, 48:10, 48:11, 50:5, 50:18, 52:8, 54:16, 60:24, 67:15, 70:12, 72:22, 72:25, 74:21, 75:22, 76:1, 81:16, 82:15, 82:25, 83:1, 83:2, 83:8, 85:19, 104:3, 108:7, 122:18, 122:19, 126:5, 126:6, 127:3, 128:19, 129:12, 134:8, 138:24, 140:16, 141:3, 141:7, 141:10, 141:12, 141:13, 142:19, 145:4, 150:6, 154:18, 164:10, 164:21, 165:13, 165:14, 169:25, 170:14, 171:4, 171:7, 171:14, 171:22, 173:1, 174:1, 186:4, 186:7, 186:9, 193:13, 193:14, 196:16, 197:14, 198:1, 198:20, 199:3, 199:7, 201:18, 202:4, 202:14, 203:1, 203:9,	205:20, 206:23 <b>one-way</b> 25:25 <b>ones</b> 110:16, 149:4 <b>ongoing</b> 167:14 <b>online</b> 125:18 <b>only</b> 9:16, 12:18, 15:4, 16:14, 18:15, 21:12, 23:1, 30:9, 30:18, 31:11, 37:19, 39:8, 39:11, 52:5, 58:7, 72:4, 74:10, 80:19, 86:13, 112:8, 113:15, 113:18, 113:20, 121:16, 153:11, 155:21, 158:1, 158:12, 163:7, 180:10, 184:20, 185:16, 205:9, 212:4 <b>onsite</b> 103:5, 138:20 <b>open</b> 64:9, 64:21, 67:7, 67:9, 67:10, 67:13, 67:14, 91:20, 92:11, 119:23, 119:24, 121:17, 121:19, 124:7, 124:14, 124:15, 126:19, 127:1, 128:1, 154:2, 154:11, 184:12, 184:18, 212:16 <b>opening</b> 3:2, 10:18, 10:19, 16:20, 16:22, 23:8, 29:17, 29:25, 31:7, 31:23,	32:8, 36:17, 37:17, 47:22, 154:12 <b>openings</b> 107:17, 162:22 <b>opens</b> 17:18, 34:16, 83:22 <b>operate</b> 95:4, 96:14 <b>operating</b> 92:25, 93:8, 93:25 <b>operation</b> 21:10, 24:9, 25:8, 27:9, 28:18, 28:22, 63:20, 82:5, 84:21, 207:23 <b>operational</b> 109:17, 127:22, 128:8, 131:12 <b>operationally</b> 80:6 <b>operations</b> 96:21 <b>operator</b> 23:21 <b>opined</b> 47:4 <b>opinion</b> 20:20, 42:10, 56:2, 56:4, 56:9, 57:25, 60:2, 108:15, 109:12, 110:25, 129:25, 142:20, 152:17, 154:24, 155:9, 155:11 <b>opportunity</b> 10:20, 11:1, 11:7, 15:1, 15:4, 17:7, 30:11, 30:20, 56:14, 75:16, 76:22, 81:7, 132:15, 192:25 <b>oppose</b> 206:18	<b>opposed</b> 31:14, 127:19 <b>opposite</b> 104:21 <b>opposition</b> 10:25, 26:4 <b>optional</b> 10:21 <b>oral</b> 187:10 <b>order</b> 4:6, 10:17, 14:15, 17:9, 18:16, 20:9, 20:21, 21:18, 22:18, 22:21, 26:1, 32:16, 38:3, 38:5, 38:25, 42:19, 46:1, 55:8, 55:11, 55:21, 56:3, 60:2, 69:5, 69:10, 69:15, 79:18, 82:1, 131:25, 198:5, 198:24, 205:10, 205:14, 205:19, 207:9, 212:16 <b>ordinance</b> 4:13 <b>ordinance</b> 15:12, 18:5, 18:24, 20:24, 21:14, 32:4, 32:13, 33:12, 34:18, 34:20, 34:25, 35:1, 35:3, 35:13, 35:16, 37:2, 38:20, 50:7, 60:22, 100:20, 140:4, 140:10, 148:3, 149:16, 149:21, 150:2, 157:21, 158:1, 199:15, 204:24, 211:2
---	--	--	---

<b>ordinances</b> 19:5 <b>organization</b> 113:1 <b>organizing</b> 84:4 <b>original</b> 4:3, 17:23, 19:19, 20:7, 22:12, 22:15, 27:10, 27:15, 28:6, 28:23, 41:6, 43:19, 45:1, 46:13, 48:9, 49:22, 50:12, 50:20, 53:5, 53:12, 54:7, 57:13, 58:24, 59:6, 59:9, 59:16, 60:7, 60:20, 68:8, 76:8, 88:22, 90:1, 114:9, 115:16, 118:9, 120:7, 120:12, 120:23, 122:15, 123:20, 135:1, 138:5, 199:20, 200:19, 200:22, 201:1, 203:16, 204:12, 204:15, 206:24, 207:2, 207:5 <b>originally</b> 17:13, 18:22, 32:2, 51:1, 84:22, 109:10, 201:5, 207:18, 209:20, 211:24 <b>other</b> 9:3, 9:6, 15:21, 18:14, 25:14, 26:24, 27:19, 28:16, 32:13, 36:21, 53:22, 54:12, 56:14, 59:19, 66:13, 73:2,	74:2, 82:22, 85:6, 86:1, 94:12, 98:22, 113:5, 113:6, 125:20, 126:19, 128:24, 130:11, 131:19, 133:25, 136:25, 137:9, 141:10, 144:15, 150:15, 151:6, 152:15, 155:17, 160:16, 166:13, 171:22, 173:2, 177:12, 185:3, 188:5, 190:25, 197:1, 200:10, 201:19, 202:16, 202:24, 203:24, 205:8, 208:21, 210:14, 210:22, 212:19 <b>others</b> 7:6, 206:15 <b>otherwise</b> 59:12, 214:8, 215:8 <b>ourselves</b> 86:18 <b>out</b> 6:14, 6:16, 18:18, 25:23, 26:5, 26:9, 30:25, 31:1, 35:21, 36:12, 64:25, 70:14, 78:2, 89:11, 92:8, 94:3, 95:24, 96:6, 97:13, 111:2, 118:11, 128:10, 128:11, 134:21, 139:21, 139:23, 144:3, 147:5, 147:23, 149:8, 150:6, 153:20, 153:24, 155:16, 166:10, 168:10, 181:8, 182:22,	185:5, 190:9, 193:4, 213:10 <b>outcome</b> 214:8, 215:8 <b>outdoor</b> 19:21, 27:17, 39:21, 40:14, 41:2, 41:21, 44:18, 50:18, 52:1, 57:19, 58:21, 82:25, 84:6, 92:21, 95:14, 132:3, 142:21, 147:14, 150:7, 171:20, 180:18, 186:10, 199:6 <b>outdoors</b> 50:25, 82:15 <b>outreach</b> 30:8 <b>outside</b> 40:25, 47:14, 50:5, 50:15, 83:14, 83:18, 83:20, 84:25, 85:2, 85:4, 92:13, 94:19, 95:10, 95:24, 96:2, 101:25, 107:12, 109:18, 111:5, 111:8, 148:15, 150:11, 154:3, 184:11, 184:16, 189:11, 189:18, 196:11, 202:21 <b>over</b> 9:3, 9:6, 11:3, 25:14, 75:20, 76:25, 101:16, 102:10, 109:1, 115:25, 125:20, 140:2, 141:7, 146:13, 155:4, 161:18, 163:3, 163:11, 163:17, 165:21, 172:10,	172:21, 173:12, 173:13, 175:5, 190:2, 208:8 <b>overall</b> 49:16, 80:10, 85:6, 100:8, 102:14, 145:23, 145:25, 171:19, 187:23 <b>oversee</b> 100:7 <b>overstatement</b> 202:12 <b>overview</b> 101:19 <b>own</b> 17:2, 40:21, 48:8, 49:19, 51:24, 59:25, 65:24, 119:19, 199:21, 200:18, 201:12, 202:19, 203:13 <b>owned</b> 25:9 <b>owner</b> 43:14 <b>owners</b> 136:23 <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <b>page</b> 3:2, 41:9, 43:25, 45:8, 45:12, 46:10, 46:11, 46:13, 49:11, 50:12, 69:25, 73:24, 87:21, 87:22, 88:1, 88:6, 89:1, 113:25, 114:4, 157:19, 169:13, 169:17, 169:20, 170:1, 175:18, 187:10, 194:5, 194:6, 194:7, 194:11, 194:13, 194:14,
---	--	---	---

194:18, 196:14, 215:11 <b>pages</b> 1:24, 43:20, 44:14, 47:2, 47:23, 167:9, 215:8 <b>pane</b> 161:25, 162:18 <b>panel</b> 162:3 <b>panels</b> 197:24 <b>paper</b> 191:24 <b>papers</b> 198:21 <b>paragraph</b> 38:9, 44:13, 52:22, 52:25, 53:2, 53:11, 56:25, 57:25, 58:18, 58:22, 60:1, 195:9 <b>paragraphs</b> 58:19 <b>parameters</b> 203:9 <b>parcel</b> 119:23, 123:16 <b>parent</b> 82:9 <b>parents</b> 79:18, 83:12, 84:2, 84:12, 84:13, 84:18 <b>park</b> 25:4, 27:8, 27:22, 46:16, 47:11, 63:11, 63:14, 63:15, 63:20, 64:3, 64:5, 64:8, 64:11, 64:12, 64:18, 64:19, 64:20, 64:24, 65:6, 65:17, 65:21, 65:22,	67:23, 68:1, 68:2, 74:3, 103:8, 109:20, 139:9, 139:10, 143:3, 143:9, 144:1, 144:25, 152:10, 163:25, 164:6, 164:11, 171:20, 202:11, 210:8, 210:9 <b>parking</b> 43:14, 53:19, 102:3, 102:6, 103:15, 104:9, 104:19, 110:3, 115:19, 124:16, 166:13 <b>part</b> 36:23, 42:17, 55:19, 55:24, 55:25, 56:19, 79:16, 86:20, 102:12, 109:1, 118:18, 118:21, 119:22, 120:6, 120:11, 120:12, 120:13, 123:15, 134:1, 135:4, 190:13, 194:19, 204:21, 212:14 <b>participants</b> 10:12 <b>participate</b> 29:5 <b>participating</b> 8:22 <b>participation</b> 213:7 <b>particular</b> 10:4, 10:7, 15:11, 15:14, 18:20, 21:1, 46:10, 50:14, 69:8, 186:8 <b>particularly</b> 44:17 <b>parties</b> 10:20, 15:1,	18:13, 18:15, 23:6, 56:8, 56:14, 156:14, 205:7, 205:9, 205:22, 207:11, 214:7, 215:6 <b>partner</b> 23:13 <b>partners</b> 80:2 <b>parts</b> 38:8, 58:17, 59:4 <b>party</b> 11:2, 156:3 <b>partying</b> 122:4 <b>passed</b> 160:3 <b>past</b> 105:23, 117:4 <b>pat</b> 8:1, 23:11 <b>patio</b> 156:3 <b>pdf</b> 16:5, 16:14 <b>peaceful</b> 17:16, 33:15, 35:14, 43:11 <b>peak</b> 144:3, 147:7, 183:11, 183:19 <b>peaks</b> 144:10, 145:19 <b>penalties</b> 140:14 <b>penalty</b> 215:3 <b>people</b> 10:8, 64:23, 65:12, 66:13, 126:8, 134:11, 141:13, 142:8, 144:13, 155:25, 185:3, 195:10, 195:19, 197:11 <b>peralta</b> 3:8, 8:15,	28:20, 28:23, 50:17, 77:3, 78:7, 78:14, 78:25, 79:2, 87:9, 87:11, 98:6, 98:12, 98:24, 109:16, 128:19, 130:18, 130:22, 131:3, 131:5, 131:8, 132:14, 132:23, 132:25, 133:4, 135:9 <b>peralta's</b> 50:19 <b>perceive</b> 141:13, 141:18, 142:3 <b>percent</b> 40:13, 40:16, 40:22, 50:23, 79:23, 91:12 <b>percentage</b> 158:6 <b>perception</b> 141:12 <b>perfect</b> 7:24, 8:5, 8:20, 36:8, 52:23, 88:22, 157:18, 164:10, 165:6, 167:18, 167:20 <b>perfectly</b> 10:21, 26:7, 31:8, 95:17, 114:18 <b>perhaps</b> 209:1 <b>period</b> 83:14, 95:3, 96:22 <b>perjury</b> 215:3 <b>permitted</b> 199:9 <b>person</b> 130:20, 138:15,
--	---	---	--

141:1, 178:12, 178:15, 178:20, 178:21, 179:8, 179:11, 179:12, 182:8, 186:3, 195:4, 195:5, 206:7 <b>personal</b> 101:13 <b>personally</b> 101:15, 163:24 <b>petitioner</b> 109:5 <b>phases</b> 100:8 <b>phd</b> 62:10, 62:11 <b>phone</b> 2:9, 7:14, 9:19, 69:6, 69:7 <b>photo</b> 4:7, 48:18, 104:10, 104:20, 139:1 <b>photographs</b> 124:4 <b>photos</b> 4:14, 103:4, 104:17 <b>phrase</b> 182:22 <b>phrased</b> 185:22 <b>physical</b> 29:1, 38:15, 38:19, 38:20, 39:14, 42:5, 57:3, 109:8, 124:16, 130:4, 130:7, 130:16, 199:13, 199:16 <b>physically</b> 131:16, 164:16 <b>pick</b> 52:14, 84:12, 84:14, 84:19, 182:10 <b>picked</b> 172:9	<b>picking</b> 145:10, 145:11, 145:12 <b>picture</b> 68:16, 68:18, 68:23, 69:3, 69:11, 114:8, 120:5, 122:20, 166:4, 171:23, 171:24 <b>pictures</b> 122:6 <b>pivot</b> 82:12 <b>place</b> 96:2, 209:11 <b>placed</b> 117:10, 117:11 <b>plainly</b> 35:23 <b>plan</b> 40:11, 59:16, 91:25, 92:1, 104:12, 106:11, 106:13, 106:14, 106:15, 106:18, 117:1, 118:9, 120:7, 120:12, 120:13, 123:13, 123:15, 128:15, 128:20, 191:10, 204:12, 204:15 <b>planning</b> 25:4, 26:22, 37:21, 37:24, 49:20, 51:25, 58:1, 193:16 <b>plans</b> 138:7, 200:5 <b>planters</b> 131:24, 134:18, 135:2 <b>play</b> 27:22, 39:21, 40:14, 40:25, 41:2, 41:17, 41:19, 44:18, 46:16, 47:6,	49:13, 50:18, 50:23, 51:3, 58:21, 59:18, 64:24, 65:22, 82:19, 82:20, 82:25, 83:15, 89:8, 89:21, 90:1, 90:24, 91:17, 91:24, 92:4, 92:6, 92:10, 92:21, 113:23, 114:12, 119:9, 119:23, 120:9, 120:13, 120:16, 120:19, 120:21, 120:23, 121:11, 121:13, 121:16, 121:20, 122:21, 123:2, 124:5, 124:6, 124:13, 124:23, 125:9, 127:17, 127:22, 128:3, 128:4, 128:16, 129:6, 132:3, 133:1, 134:2, 134:3, 134:7, 134:8, 135:1, 135:3, 174:3 <b>playgrounds</b> 65:21, 139:11 <b>playing</b> 27:17, 50:25, 87:5, 94:18, 143:5, 145:8, 145:9, 191:15, 191:21, 200:1 <b>playment</b> 46:15 <b>playtime</b> 81:9, 96:1, 107:13 <b>playtimes</b> 50:15 <b>please</b> 5:9, 5:10, 5:12, 9:5, 9:21, 15:13, 33:18,	43:22, 45:5, 48:12, 55:20, 62:7, 65:4, 78:2, 78:17, 79:1, 79:4, 79:6, 87:19, 97:23, 99:18, 101:19, 103:25, 104:4, 105:14, 111:12, 111:16, 113:12, 115:13, 121:15, 135:23, 136:3, 138:25, 165:5, 169:13, 173:8, 189:4, 193:2, 196:11 <b>plexiglass</b> 156:6, 163:16, 163:17, 208:21 <b>plug</b> 191:12 <b>plus</b> 48:4, 70:7, 161:17 <b>point</b> 11:4, 30:5, 36:13, 49:16, 66:6, 74:16, 97:5, 113:1, 127:12, 140:25, 165:11, 165:15, 165:17, 165:21, 173:5, 179:17, 179:21, 185:5, 189:5, 195:10, 195:11, 201:23, 206:4, 208:14, 209:9, 212:24 <b>point's</b> 169:2 <b>pointed</b> 70:14 <b>points</b> 19:2, 32:9, 34:19, 49:7, 165:8 <b>polycarbonate</b> 162:3, 197:24,
---	---	--	--

<p>203:24  <b>polysonics</b>  8:19, 29:9,  136:11, 136:13,  158:17, 160:1  <b>polytechnic</b>  100:3  <b>porch</b>  147:23  <b>portion</b>  129:5, 202:23  <b>posing</b>  73:18  <b>position</b>  79:1, 100:4,  136:12, 198:16,  202:7, 205:12  <b>positioning</b>  128:12  <b>possibility</b>  75:1, 92:20  <b>possible</b>  72:24, 173:20,  183:18, 190:24,  192:14  <b>possibly</b>  92:7, 205:24  <b>post</b>  33:18  <b>potential</b>  43:12, 46:14,  96:19, 130:12  <b>potentially</b>  93:22, 96:21,  176:6  <b>power</b>  50:6, 126:18,  191:16  <b>powering</b>  126:7  <b>powerpoint</b>  16:5, 16:8,  101:22, 157:15  <b>pray</b>  9:15  <b>pre</b>  175:24  <b>pre-hearing</b>  168:12, 190:12</p>	<p><b>pre-k</b>  80:16, 91:8  <b>preclude</b>  198:17  <b>precludes</b>  117:23  <b>predominantly</b>  65:16  <b>prehearing</b>  4:15, 14:4,  46:22, 54:18,  55:5  <b>preliminary</b>  14:23, 15:18,  15:20, 15:22  <b>preparation</b>  190:5  <b>prepare</b>  13:22  <b>prepared</b>  13:8, 167:21,  169:1  <b>preparing</b>  198:21  <b>preponderance</b>  21:20, 22:5,  198:6  <b>prerequisite</b>  159:2  <b>presence</b>  27:15, 36:18,  86:16  <b>present</b>  75:14, 77:23,  190:19  <b>presentation</b>  10:25, 36:10,  36:16, 37:17,  63:2, 157:8,  158:16, 164:2,  165:6, 165:7,  167:10, 167:21,  167:22, 169:13,  170:2, 179:23,  184:10, 196:12,  201:12, 202:18  <b>presentations</b>  185:16, 198:21</p>	<p><b>presented</b>  20:15, 38:1,  43:20, 45:1,  55:16, 61:19,  75:13, 75:21,  124:5, 167:9,  175:14, 175:19,  175:23, 175:24,  187:23, 203:4  <b>presenting</b>  12:19, 28:4  <b>presents</b>  195:1, 196:24  <b>president</b>  79:3, 100:7  <b>presumably</b>  58:13, 169:7  <b>pretty</b>  142:9, 143:15,  143:19, 143:20,  144:9, 147:8,  189:25, 190:1  <b>prevent</b>  22:9, 131:25,  132:10, 206:20  <b>previous</b>  59:24, 98:17,  106:14, 116:1,  116:5, 145:20,  160:6, 187:4,  200:16, 203:12,  203:13  <b>previously</b>  25:5, 29:21,  40:11, 99:3,  99:6, 100:12,  106:24, 116:17,  117:5, 127:16,  138:23, 175:16,  175:17, 199:2,  207:23, 211:9  <b>price</b>  79:22  <b>primarily</b>  79:22, 80:22,  81:6  <b>primary</b>  105:16, 135:24</p>	<p><b>primer</b>  196:13  <b>principle</b>  200:14  <b>principles</b>  140:20  <b>prior</b>  20:9, 29:5,  30:20, 94:1,  121:10, 190:11,  199:11, 205:19  <b>priorities</b>  25:15  <b>priority</b>  25:13  <b>pro</b>  130:7, 136:5  <b>probably</b>  15:19, 68:20,  84:10, 85:23,  95:12, 126:2,  142:9, 147:4,  164:8, 187:25  <b>problem</b>  33:24, 42:3,  86:22, 157:10,  165:23, 194:9,  196:5  <b>problematic</b>  18:18  <b>problematical</b>  39:17  <b>problems</b>  20:19  <b>procedural</b>  10:13  <b>procedures</b>  206:8  <b>proceed</b>  5:13, 11:3,  30:3, 65:4,  144:18, 157:3  <b>proceeding</b>  62:24, 212:2  <b>proceedings</b>  10:17, 213:15,  214:4  <b>process</b>  18:6, 18:10,</p>
--	---	---	---

18:13, 18:17, 20:17, 56:13, 69:18, 75:12, 78:1, 101:17, 111:11, 170:13, 194:1, 204:20, 204:25, 205:3, 205:7, 206:17 <b>produced</b> 35:8 <b>produces</b> 183:18 <b>producing</b> 35:25 <b>profession</b> 99:18 <b>professional</b> 99:21, 108:15, 109:11, 136:4, 142:20, 152:17, 154:24, 155:11, 206:10 <b>profit</b> 79:9 <b>program</b> 191:9, 192:1 <b>programmatic</b> 60:19, 106:6 <b>programming</b> 79:10, 81:10 <b>project</b> 4:3, 4:7, 17:13, 17:15, 17:21, 17:24, 18:10, 18:22, 19:19, 21:1, 21:6, 22:12, 22:14, 24:4, 29:7, 32:2, 42:21, 43:2, 43:19, 45:25, 47:3, 47:18, 48:19, 50:25, 53:5, 59:9, 59:16, 68:8, 80:1, 80:5, 93:14, 100:6, 100:10, 106:18,	112:11, 113:6, 113:16, 113:20, 155:24, 160:2, 169:10, 191:3, 199:6, 199:19, 200:22, 201:5, 204:5, 205:4, 207:3, 207:4 <b>project's</b> 41:18 <b>projects</b> 100:9 <b>prominently</b> 49:18 <b>promise</b> 99:4, 99:10, 135:17, 170:4, 174:5 <b>pronounce</b> 5:6, 191:14 <b>proof</b> 98:1 <b>propagation</b> 180:9, 201:14 <b>properly</b> 21:22, 25:5, 42:7, 98:2, 198:8, 211:22 <b>properties</b> 33:16, 35:15, 43:13, 157:24 <b>property</b> 4:14, 35:11, 38:17, 38:23, 57:5, 57:18, 70:16, 70:19, 70:20, 70:24, 70:25, 71:4, 71:7, 71:9, 71:13, 71:15, 71:24, 72:14, 101:14, 101:16, 101:20, 101:23, 102:15, 103:20, 108:23, 108:24, 114:20, 114:22, 116:1, 116:8, 117:4, 143:19,	150:11, 173:25, 210:6 <b>propo</b> 115:25 <b>proposal</b> 22:15, 50:20, 69:16, 90:1, 135:1, 201:1, 207:6 <b>proposed</b> 4:4, 17:4, 17:18, 17:20, 18:21, 19:7, 19:21, 21:7, 21:21, 22:4, 24:6, 24:11, 25:3, 27:2, 27:5, 27:8, 28:21, 29:2, 29:11, 30:10, 30:19, 31:11, 32:1, 39:3, 39:13, 40:16, 42:8, 45:17, 56:20, 59:22, 60:4, 60:24, 61:18, 67:21, 81:12, 82:4, 84:22, 98:19, 102:7, 102:25, 103:5, 104:1, 104:6, 104:24, 105:17, 106:13, 106:15, 106:19, 106:24, 106:25, 108:16, 109:3, 109:12, 112:4, 115:7, 117:1, 138:6, 138:12, 142:22, 154:25, 159:23, 163:25, 167:25, 168:15, 169:22, 198:8, 199:4, 207:19, 208:1 <b>proposes</b> 51:22 <b>proposing</b> 20:4, 109:5	<b>prove</b> 198:20, 200:13, 208:14, 209:2, 209:16 <b>provide</b> 14:20, 20:12, 53:19, 60:5, 79:6, 81:2, 83:12, 89:18, 102:6, 110:3, 110:25, 111:21, 112:1, 128:9, 160:19, 162:9, 169:5, 180:10 <b>provided</b> 36:17, 54:10, 57:7, 79:21, 95:16, 102:20, 112:23, 116:18, 156:17, 212:18 <b>provider</b> 79:9 <b>provides</b> 19:12, 22:15, 24:14, 35:24, 36:10, 36:12, 56:13, 59:17, 60:18, 108:6, 108:7, 169:20, 207:6 <b>providing</b> 23:16, 78:11, 79:11, 200:12 <b>proving</b> 209:18 <b>provision</b> 25:11, 49:7, 60:16, 108:13 <b>provisions</b> 18:24, 19:3, 20:23, 32:4, 204:3 <b>proximity</b> 74:3 <b>public</b> 5:4, 32:19, 47:3, 214:1, 214:15
---	--	---	--

<p><b>puffery</b> 88:25</p> <p><b>pull</b> 10:6, 101:18, 110:11, 127:8, 143:6</p> <p><b>pulled</b> 10:4</p> <p><b>purchase</b> 63:9</p> <p><b>purpose</b> 34:15, 56:11, 68:9</p> <p><b>pursuant</b> 6:24</p> <p><b>pursue</b> 65:3, 191:23</p> <p><b>pursued</b> 25:18</p> <p><b>put</b> 66:11, 82:17, 93:22, 96:21, 120:14, 127:10, 131:19, 132:8, 134:6, 134:17, 134:18, 157:7, 169:4, 174:12, 206:12</p> <p><b>puts</b> 205:11</p> <p><b>putting</b> 111:4, 156:11, 197:23</p>	<p>12:9, 12:13, 13:12, 13:14, 13:15, 13:19, 23:1, 40:18, 70:11, 73:13, 73:18, 74:10, 90:25, 96:8, 96:18, 111:15, 111:18, 111:20, 112:24, 113:4, 113:10, 118:3, 118:6, 119:6, 119:8, 119:18, 123:6, 123:9, 125:10, 128:20, 129:12, 133:7, 133:13, 133:17, 134:6, 134:21, 148:13, 158:8, 159:4, 159:9, 160:6, 161:13, 166:20, 166:25, 167:24, 168:25, 169:7, 170:4, 180:23, 182:20, 183:21, 185:22, 187:19, 189:9, 202:3</p> <p><b>questioned</b> 189:6</p> <p><b>questioning</b> 15:21, 73:25, 92:16, 179:24, 180:1</p> <p><b>questions</b> 10:15, 11:2, 11:24, 12:5, 12:23, 13:1, 14:8, 14:9, 15:4, 15:9, 72:4, 72:8, 76:16, 87:9, 87:11, 97:25, 98:6, 98:22, 110:8, 110:13, 125:5, 125:13, 128:18, 132:13, 132:24, 133:4,</p>	<p>148:2, 156:23, 156:25, 157:2, 162:13, 162:15, 167:19, 170:7, 192:17</p> <p><b>quick</b> 148:11</p> <p><b>quickly</b> 6:2</p> <p><b>quiet</b> 136:22, 142:9, 147:8</p> <p><b>quieter</b> 147:4, 188:3</p> <p><b>quietest</b> 145:22, 147:2, 147:10, 189:15</p> <p><b>quite</b> 34:13, 166:14</p> <p><b>quote</b> 33:3, 41:14, 43:6, 43:17, 46:14, 47:15, 48:1, 48:6, 51:2, 54:3, 58:24, 60:3, 60:14, 70:4, 168:13, 168:18</p> <p><b>quoted</b> 42:9, 57:16, 75:4</p> <p><b>quotes</b> 57:1</p> <p><b>quoting</b> 32:17, 47:2, 49:11</p>	<p>125:21, 133:7, 208:25</p> <p><b>random</b> 193:4</p> <p><b>randomly</b> 177:7</p> <p><b>range</b> 136:17, 196:25, 197:3, 197:16, 197:17, 202:22, 202:23</p> <p><b>rate</b> 79:19</p> <p><b>rather</b> 39:20, 42:10, 60:25, 171:8, 171:9, 180:7, 180:11, 180:21, 203:11</p> <p><b>ratios</b> 80:19</p> <p><b>raucous</b> 156:13</p> <p><b>rd</b> 4:6, 38:3, 38:5, 38:25, 42:19, 46:1, 55:8, 55:11, 55:21, 56:3, 60:2, 198:5, 198:24, 207:9</p> <p><b>re-ask</b> 155:10</p> <p><b>reach</b> 26:5, 30:25, 31:1, 97:13</p> <p><b>reached</b> 19:18, 25:23, 59:14</p> <p><b>reaches</b> 173:6</p> <p><b>reaching</b> 49:21, 160:16</p> <p><b>reactions</b> 9:8</p> <p><b>read</b> 24:2, 34:24, 49:7, 120:16</p>
<p><b>Q</b></p> <p><b>qual</b> 211:5</p> <p><b>quality</b> 23:16, 25:12, 79:11, 79:21, 91:3, 91:6</p> <p><b>quantitative</b> 28:4, 75:8, 144:24</p> <p><b>quarter</b> 161:24, 162:17</p> <p><b>question</b> 11:9, 11:12,</p>		<p><b>R</b></p> <p><b>rail</b> 197:10</p> <p><b>railway</b> 136:19</p> <p><b>raise</b> 9:7, 9:10, 9:12, 36:24, 39:20, 77:12, 99:3, 135:15</p> <p><b>raised</b> 32:16, 125:16,</p>	



<b>reading</b> 53:16 <b>reads</b> 60:3 <b>ready</b> 5:20, 5:23 <b>real</b> 86:20, 90:4, 131:21, 148:11 <b>reality</b> 149:14 <b>realize</b> 18:17 <b>realized</b> 55:12, 77:4 <b>really</b> 6:2, 6:15, 9:9, 27:23, 34:14, 40:19, 65:15, 69:12, 73:12, 75:20, 82:18, 82:22, 82:24, 86:18, 88:15, 90:8, 94:7, 113:1, 124:5, 147:6, 161:12, 163:22, 196:5 <b>rear</b> 24:7 <b>reason</b> 61:17, 68:22, 68:25, 69:8, 92:19, 112:4, 113:5, 113:15, 113:18, 113:20, 173:23, 197:22, 201:24, 209:12 <b>reasonable</b> 35:10, 50:20, 167:2, 198:14 <b>reasonably</b> 24:18, 28:14, 42:14, 42:15, 60:12, 61:4, 61:12, 108:11, 109:14, 109:15, 154:21, 155:2, 192:7	<b>reasons</b> 39:18, 175:10 <b>rebuttal</b> 3:12, 14:18, 14:20, 125:2, 178:3, 188:16, 193:1, 193:10 <b>rebuttal's</b> 188:17 <b>recall</b> 162:7, 190:6 <b>receive</b> 212:20 <b>received</b> 26:3, 86:7, 215:10 <b>receiver</b> 160:25 <b>receiving</b> 140:11 <b>recent</b> 21:25, 198:11, 200:11, 200:23, 203:24, 206:25 <b>recess</b> 127:6 <b>recognize</b> 208:12, 210:23, 211:1 <b>recognized</b> 79:10 <b>recognizes</b> 20:8 <b>recommend</b> 50:13, 155:19, 156:16, 180:16, 212:2 <b>recommendation</b> 26:22 <b>recommendations</b> 155:21, 156:10 <b>recommended</b> 25:4, 155:22 <b>reconfigured</b> 106:5 <b>reconsidered</b> 20:22 <b>record</b> 4:9, 6:4,	19:10, 19:11, 19:16, 20:9, 20:23, 21:20, 21:23, 21:24, 22:6, 39:22, 41:6, 43:20, 45:13, 55:12, 61:7, 71:22, 73:19, 75:3, 75:18, 78:20, 79:1, 99:17, 114:9, 126:24, 135:25, 169:12, 178:7, 198:9, 198:10, 198:15, 199:21, 200:19, 203:12, 205:18, 205:25, 212:3, 212:5, 212:12, 212:14, 212:15, 212:18 <b>recorded</b> 9:5, 16:17, 175:1, 178:16, 195:24, 214:5 <b>recording</b> 6:3, 179:11 <b>recordings</b> 215:4 <b>recross</b> 3:6, 133:22 <b>recruited</b> 39:3 <b>rectangle</b> 166:15 <b>rectangular</b> 45:21 <b>red</b> 45:18, 45:22, 65:4, 120:4, 121:18 <b>redirect</b> 3:6, 98:9, 98:10, 127:13, 128:19, 129:14, 131:9, 189:1, 189:2 <b>redo</b> 177:18	<b>reduce</b> 57:3, 60:5, 146:14 <b>reduced</b> 40:12, 79:24, 81:23, 91:12, 91:15 <b>reduces</b> 40:6, 50:22, 60:17, 141:2 <b>reducing</b> 48:23, 61:8, 61:13, 91:5 <b>reduction</b> 40:16, 40:22, 141:8, 141:11, 146:13, 161:10, 161:15, 161:24, 162:2, 163:9, 163:20, 170:2, 170:23, 171:8, 171:15, 180:10, 180:11, 180:17, 183:10, 183:18, 184:20, 184:24, 195:18, 196:9, 196:15, 201:23, 202:13 <b>refer</b> 10:5, 75:2, 191:25 <b>reference</b> 30:23 <b>referenced</b> 116:1, 117:4, 190:16 <b>referred</b> 18:25 <b>referring</b> 73:23, 103:10, 104:11, 146:18, 149:3 <b>refers</b> 73:19 <b>reflect</b> 57:8, 144:12, 175:5, 180:2, 203:4
--	--	---	---

<b>reflective</b> 149:5 <b>reflects</b> 177:20 <b>refutes</b> 203:11 <b>regard</b> 25:15, 33:8 <b>regarding</b> 5:4, 21:4, 23:6, 42:4, 44:25, 46:12, 49:9, 51:13, 55:12, 57:10, 74:2, 75:18, 95:14, 132:25, 138:9, 167:25, 200:19, 203:14, 204:23, 207:11, 215:10 <b>regardless</b> 117:24 <b>regino</b> 8:13 <b>regraded</b> 116:10 <b>regs</b> 85:1 <b>regular</b> 94:9 <b>regulations</b> 93:17 <b>reject</b> 61:17 <b>relate</b> 116:23 <b>related</b> 20:13, 62:17, 130:16, 136:18, 182:12, 195:2, 199:18, 203:18, 214:6, 215:6 <b>relates</b> 58:20, 128:23, 130:13, 151:18, 199:12 <b>relationship</b> 79:17	<b>relative</b> 117:1 <b>relevance</b> 128:22, 181:3 <b>relevant</b> 21:23, 38:7, 50:2, 57:9, 61:20, 62:12, 74:6, 112:14, 198:9 <b>reliable</b> 143:7 <b>relied</b> 13:10, 52:2, 59:7, 197:20, 198:23, 200:21, 201:16, 203:17 <b>rely</b> 20:17, 45:2, 55:17, 59:14, 110:11, 119:4 <b>remain</b> 24:9, 54:25, 102:4, 105:22, 108:21, 108:24, 119:21, 127:1, 212:15 <b>remaining</b> 84:17, 106:19 <b>remains</b> 24:25, 60:19 <b>remarks</b> 23:8, 29:18, 30:1, 31:8, 198:4 <b>remember</b> 9:4, 15:8, 81:17, 84:12, 121:24, 132:4, 153:4 <b>remind</b> 79:4, 161:20 <b>reminder</b> 15:3 <b>removal</b> 57:20, 130:1, 130:3, 199:19, 204:11	<b>remove</b> 51:22 <b>removed</b> 51:9, 110:23, 197:21 <b>removes</b> 43:2, 49:23 <b>removing</b> 54:14 <b>render</b> 109:25 <b>rendered</b> 212:20 <b>rensselaer</b> 100:2 <b>repeat</b> 73:8, 111:15, 111:18 <b>repeatedly</b> 19:22, 20:6, 49:18, 51:23, 54:6, 199:3, 199:20 <b>repetitive</b> 15:16, 31:21 <b>rephrase</b> 158:9 <b>replaced</b> 106:1 <b>replacement</b> 105:24 <b>report</b> 4:11, 167:21, 167:23, 193:17, 194:6, 194:13, 195:2 <b>reporter</b> 5:19, 5:22, 214:1 <b>reports</b> 137:9 <b>represent</b> 146:1, 174:9 <b>representative</b> 147:9, 147:10, 151:20, 178:19, 184:17, 202:8 <b>representatives</b> 25:21	<b>represented</b> 165:11 <b>representing</b> 8:14, 114:19 <b>represents</b> 38:12, 119:20 <b>reprieve</b> 125:23 <b>request</b> 19:24, 25:23, 51:20 <b>requested</b> 138:8 <b>require</b> 100:11 <b>required</b> 17:22, 17:25, 18:8, 19:18, 21:14, 35:15, 42:22, 42:25, 43:3, 43:18, 49:6, 49:21, 51:21, 52:3, 52:5, 59:1, 59:8, 155:12, 155:14, 199:17, 201:3, 201:7, 201:9, 203:18, 205:2 <b>requirement</b> 18:7, 98:17, 98:20, 205:1 <b>requirements</b> 155:20 <b>requires</b> 33:12, 43:5, 59:16, 80:20, 98:13, 205:23 <b>residence</b> 150:18, 170:19, 170:25, 186:19, 187:12, 203:6 <b>residence's</b> 51:5 <b>residences</b> 27:7, 136:25, 156:7, 156:8 <b>residential</b> 27:20, 49:15,
--	---	---	--

86:3, 86:5, 102:8, 109:22, 110:4, 140:13, 140:16, 147:18 <b>residents</b> 43:16, 46:18, 87:1, 156:12 <b>resolve</b> 26:6, 74:14, 86:23 <b>resolved</b> 23:7, 207:12 <b>resources</b> 211:18 <b>respect</b> 33:10, 42:1, 95:17, 96:11, 138:12, 174:24, 190:15 <b>respective</b> 37:22 <b>respectively</b> 37:25, 38:1 <b>respondents</b> 14:16 <b>responding</b> 11:2 <b>responds</b> 48:6 <b>response</b> 15:7, 93:21 <b>responses</b> 203:20 <b>responsible</b> 69:20, 69:21 <b>responsive</b> 26:2 <b>rest</b> 33:4, 58:17, 132:18, 188:14 <b>restate</b> 151:17 <b>restatement</b> 52:19 <b>restriction</b> 199:10 <b>restroom</b> 126:15	<b>result</b> 26:19, 29:12, 43:7, 54:1, 107:6, 109:8, 168:15, 181:15, 181:17, 208:2, 211:6 <b>resulting</b> 41:1, 51:9, 202:13, 203:22 <b>results</b> 145:16, 158:2, 158:13, 167:8, 167:25, 186:13, 202:17 <b>resume</b> 62:22, 100:24, 137:21 <b>retired</b> 67:4 <b>retroactive</b> 78:21 <b>returning</b> 46:9, 132:6 <b>reverse</b> 205:24 <b>reversing</b> 205:19 <b>review</b> 39:3, 44:23, 49:12, 51:17, 58:23, 58:24, 75:16 <b>reviewed</b> 138:7 <b>revisions</b> 207:21 <b>revisited</b> 50:21 <b>rhode</b> 4:11, 193:17 <b>rid</b> 37:7 <b>ridiculous</b> 125:4 <b>right-hand</b> 45:20, 114:11, 115:14	<b>rise</b> 109:24 <b>rising</b> 102:14, 112:5, 112:9 <b>rita</b> 8:13 <b>roa</b> 190:4 <b>road</b> 5:16, 23:23, 27:8, 70:6, 101:24, 104:22, 110:2, 139:5, 197:10, 210:13 <b>roads</b> 210:14 <b>roadway</b> 163:6, 188:2, 188:6, 190:4 <b>robeson</b> 11:15 <b>rockville</b> 2:8 <b>rogers</b> 7:10, 7:11, 7:14, 7:18, 7:20, 9:19, 13:8, 13:15, 22:21, 23:13 <b>role</b> 12:18, 13:1, 19:22, 45:2, 47:1, 59:10 <b>roles</b> 136:17 <b>roof</b> 102:16, 102:17, 102:19, 160:24, 160:25 <b>roofing</b> 105:25 <b>room</b> 2:7, 41:22, 81:22 <b>rooms</b> 91:21 <b>root</b> 169:24	<b>roughly</b> 45:21, 128:13 <b>rule</b> 35:21, 73:4, 74:25, 184:12 <b>rules</b> 112:20, 206:8, 206:11 <b>run</b> 126:25 <b>rural</b> 158:22, 159:17 <hr/> <b>S</b> <hr/> <b>safari</b> 9:1 <b>safety</b> 35:9, 43:15, 131:22 <b>said</b> 29:10, 31:7, 65:13, 67:24, 70:1, 79:12, 89:9, 91:1, 91:3, 92:24, 106:10, 124:24, 132:9, 133:17, 153:21, 153:24, 159:3, 161:23, 164:10, 172:2, 172:5, 176:12, 190:25, 191:14, 210:17, 210:23, 214:4 <b>sala</b> 41:10 <b>salla</b> 70:2, 74:1, 87:23, 88:7, 88:23 <b>same</b> 24:9, 40:10, 50:1, 71:1, 77:14, 83:8, 86:24, 93:5, 104:18, 107:3, 148:23, 148:24, 151:4, 153:2,
---	---	--	---

153:22, 154:6, 154:7, 164:7, 167:16, 202:16 <b>sarah</b> 2:2 <b>sat</b> 144:3 <b>satisfied</b> 197:21 <b>satisfy</b> 31:6 <b>saturdays</b> 82:10 <b>save</b> 44:2, 188:14 <b>savvy</b> 6:15 <b>saw</b> 88:9, 145:19, 154:9 <b>say</b> 10:14, 13:5, 15:24, 23:24, 24:21, 30:22, 67:8, 67:15, 74:9, 75:1, 75:2, 85:12, 85:24, 93:24, 112:15, 117:3, 118:22, 121:14, 121:19, 123:23, 124:21, 130:15, 137:4, 139:2, 139:16, 140:6, 143:18, 145:24, 148:9, 148:18, 159:11, 162:12, 172:3, 177:7, 177:19, 178:1, 178:2, 178:5, 183:6, 184:1, 187:13, 191:14, 191:25, 193:2, 194:1, 202:4, 206:8, 211:15 <b>saying</b> 13:12, 48:1, 63:25, 65:18,	67:3, 67:4, 70:4, 111:22, 122:23, 134:9, 134:10, 134:11, 149:6, 172:5, 174:24, 178:13, 178:14, 179:4, 184:2, 190:22 <b>says</b> 52:20, 53:12, 53:24, 89:1, 89:13, 89:14, 89:20, 90:10, 120:13, 141:20, 142:15, 153:14, 158:17, 195:8, 195:9, 195:12, 197:9, 211:4 <b>scale</b> 38:15, 39:19 <b>scaled</b> 24:5, 42:5, 113:7, 113:16, 113:20 <b>scales</b> 38:21, 39:14 <b>scenario</b> 149:13, 189:10 <b>schedule</b> 93:4, 93:5 <b>scheduled</b> 84:6, 107:13 <b>schedules</b> 83:12, 83:13 <b>scheduling</b> 83:16 <b>schools</b> 136:25 <b>science</b> 100:1 <b>scope</b> 24:4, 111:5, 111:8, 191:2 <b>scrambling</b> 198:2 <b>screen</b> 10:2, 10:6, 15:25, 76:15,	104:4, 108:1, 145:15, 151:21, 157:8 <b>screens</b> 61:15 <b>scroll</b> 36:4 <b>sea</b> 71:20 <b>seal</b> 214:10 <b>season</b> 69:3 <b>sec</b> 33:23 <b>second</b> 6:6, 19:6, 35:1, 42:3, 57:24, 58:18, 71:14, 134:16, 138:24, 150:20, 150:24, 160:3, 161:2, 164:25, 196:14, 199:1 <b>section</b> 6:25, 15:12, 20:20, 21:13, 32:18, 33:11, 35:3, 35:15, 35:23, 35:25, 36:12, 37:19, 38:9, 42:24, 44:15, 50:3, 52:11, 55:24, 56:2, 56:4, 59:1, 59:2, 60:2, 88:19, 211:4 <b>see</b> 6:4, 7:4, 7:10, 10:7, 10:11, 33:21, 34:4, 34:13, 36:9, 55:19, 59:19, 69:3, 74:7, 75:23, 87:25, 88:7, 88:21, 114:10, 114:17,	121:25, 122:16, 125:16, 128:16, 128:21, 132:18, 142:6, 143:16, 163:6, 165:20, 166:4, 166:14, 169:15, 172:18, 181:3, 191:9, 193:24 <b>seeing</b> 101:1, 104:5 <b>seeking</b> 38:14 <b>seem</b> 160:7 <b>seemed</b> 90:7 <b>seems</b> 39:7, 58:6, 65:4, 87:16, 122:22, 124:23, 185:17 <b>seen</b> 16:17, 202:18 <b>selected</b> 25:10, 25:14 <b>selection</b> 25:18 <b>self-admitted</b> 209:5 <b>senior</b> 25:16, 100:6, 136:14, 136:15 <b>sense</b> 13:3, 13:4, 13:20, 44:19, 64:19, 65:7, 85:5, 85:22, 130:22 <b>sensitive</b> 171:4, 186:8, 210:5 <b>sentence</b> 54:4, 57:24, 58:23, 60:3 <b>sentences</b> 18:19 <b>separation</b> 102:6
---	---	---	--

<b>september</b> 214:11 <b>serious</b> 186:3 <b>serve</b> 40:10, 68:9, 80:13, 80:14, 80:16, 81:15, 86:19, 192:2 <b>served</b> 40:12, 40:23, 80:10, 94:24 <b>service</b> 81:5 <b>serving</b> 12:8, 12:25, 80:21 <b>set</b> 15:11, 18:18, 36:1, 56:23, 69:18, 75:12, 83:12, 143:9, 186:13, 190:1, 193:4, 199:12, 205:21, 214:9 <b>setting</b> 16:24, 86:24 <b>settings</b> 210:4 <b>sev</b> 197:5 <b>seven</b> 66:1, 66:3, 66:22, 67:2, 163:8 <b>several</b> 26:24, 27:22, 33:5, 33:14, 100:9, 101:16, 200:17, 201:3 <b>shaded</b> 45:22, 118:6, 123:1 <b>shaking</b> 154:10 <b>shall</b> 157:3 <b>shape</b> 107:2, 107:5	<b>share</b> 10:1, 10:2, 10:6, 105:6, 157:14, 167:24, 213:7 <b>sharing</b> 157:11 <b>she'd</b> 192:18 <b>sheet</b> 106:8, 106:11, 106:12, 106:13, 106:14, 106:17 <b>shelf</b> 141:21, 141:22 <b>shielded</b> 46:18, 47:6 <b>shingles</b> 102:17, 105:25 <b>short</b> 52:24 <b>shortcomings</b> 55:18 <b>shorter</b> 55:25, 203:1 <b>shortfall</b> 21:6, 21:11 <b>shortly</b> 213:10 <b>should</b> 6:4, 7:14, 20:22, 23:4, 29:20, 31:23, 52:7, 106:8, 121:19, 124:7, 139:2, 174:11, 208:9, 209:1, 212:1 <b>show</b> 19:8, 20:20, 22:4, 29:18, 29:23, 42:16, 47:25, 59:5, 61:7, 124:23, 128:16, 140:10, 149:24, 170:2, 177:13, 186:7, 186:9, 198:14,	204:20 <b>showed</b> 153:20 <b>showing</b> 21:19, 42:21, 209:22 <b>shown</b> 47:16, 57:6, 58:16, 76:10, 103:13, 104:2, 116:14, 129:1, 151:21, 164:1, 180:18, 186:24, 187:12, 187:14, 200:5, 206:3 <b>shows</b> 19:16, 44:24, 45:15, 46:5, 48:20, 103:19, 104:10, 106:12, 106:13, 106:14, 106:18, 140:9, 142:2, 165:7, 170:17, 198:15, 201:20, 203:21 <b>shrink</b> 151:25 <b>shrubs</b> 31:4 <b>shuts</b> 95:12 <b>sic</b> 32:16, 46:15 <b>side</b> 8:24, 9:19, 40:4, 45:20, 48:2, 48:3, 70:5, 70:7, 103:6, 103:12, 104:7, 104:22, 120:4, 160:16, 166:11, 180:19, 181:10, 186:6 <b>sidewalk</b> 103:14, 104:8 <b>siding</b> 141:22 <b>sight</b> 161:16	<b>sign</b> 105:4 <b>signature-5tmlq</b> 215:16 <b>signature-b7fzp</b> 214:13 <b>significant</b> 18:2, 18:3, 20:18, 55:14, 160:15, 196:9, 202:12, 203:14, 204:22 <b>significantly</b> 17:14, 22:16, 40:25, 157:23, 158:11, 173:4, 207:7 <b>silver</b> 5:16, 17:5, 22:10, 23:22, 25:7, 31:15, 101:25, 120:9, 139:5, 143:13, 145:14, 159:23, 163:25, 164:6, 164:14, 165:10, 168:1, 169:22, 170:19, 170:24, 202:11, 206:22, 210:7 <b>sim</b> 155:23 <b>similar</b> 122:25, 143:16, 143:19, 143:20, 155:24, 173:21 <b>simply</b> 39:14, 91:22, 92:16, 200:11 <b>since</b> 18:12, 28:16, 39:5, 46:5, 68:23, 75:6, 75:7, 92:19, 120:21, 120:22, 132:14, 160:6, 167:17, 172:13, 184:2, 205:6
---	---	--	--

<p><b>singing</b> 156:4</p> <p><b>single</b> 102:8, 142:19, 161:25</p> <p><b>sir</b> 5:7, 11:10, 77:18, 87:11, 93:12, 125:6, 185:22</p> <p><b>site</b> 4:7, 17:4, 22:10, 23:22, 24:8, 25:7, 48:19, 54:25, 55:3, 95:9, 104:22, 118:14, 120:9, 120:17, 138:14, 138:16, 139:17, 145:1, 147:11, 147:12, 158:20, 166:11, 167:3, 186:24, 187:17, 192:13, 199:5, 199:6, 201:21, 202:11, 206:21</p> <p><b>sites</b> 131:19, 165:9, 165:10</p> <p><b>sitting</b> 154:1</p> <p><b>situated</b> 94:23</p> <p><b>situation</b> 41:24, 53:12, 59:21, 177:15, 184:17, 185:17, 210:5</p> <p><b>situations</b> 96:9</p> <p><b>six</b> 31:4, 80:24, 85:9, 85:12, 103:5, 139:6, 141:5, 170:17, 179:23, 180:19, 187:8, 210:13</p>	<p><b>sixty-five</b> 190:3</p> <p><b>size</b> 60:5, 60:17, 61:8, 61:14, 109:8, 171:19, 199:7</p> <p><b>sleep</b> 67:6, 67:8, 67:14, 67:17</p> <p><b>sleeping</b> 64:21, 67:1, 67:5, 67:6, 67:10, 67:13</p> <p><b>slide</b> 36:5, 36:6, 36:7, 36:17, 37:8, 102:2, 103:4, 140:23, 142:24, 143:24, 145:3, 145:20, 146:8, 146:25, 148:12, 152:20, 165:6, 165:7, 168:4, 171:24, 179:23, 180:19, 186:24, 187:4</p> <p><b>slides</b> 143:17, 167:9, 167:15, 175:16</p> <p><b>slight</b> 102:4, 107:4</p> <p><b>slightest</b> 209:25</p> <p><b>slightly</b> 48:20, 151:10</p> <p><b>slope</b> 48:2, 48:3, 48:23, 49:2, 70:5, 70:6, 70:15, 70:16, 70:21, 70:23, 73:5, 73:7, 103:15, 104:11, 116:23, 117:24, 120:17, 124:3, 131:17, 131:21, 132:1</p>	<p><b>slope's</b> 49:3</p> <p><b>sloped</b> 102:17, 115:17, 132:5, 132:11</p> <p><b>sloping</b> 115:17, 115:18, 119:12, 127:25, 128:11</p> <p><b>small</b> 84:16, 184:20</p> <p><b>smaller</b> 85:17, 184:23</p> <p><b>smell</b> 95:23</p> <p><b>snow</b> 68:17, 68:20, 92:11</p> <p><b>soft</b> 146:23</p> <p><b>sole</b> 24:10</p> <p><b>solemnly</b> 78:10</p> <p><b>solid</b> 103:9, 103:17, 114:19, 115:10, 116:14, 120:12, 127:21, 203:23</p> <p><b>some</b> 6:8, 8:24, 13:9, 27:16, 55:14, 66:6, 66:11, 68:3, 68:4, 68:11, 82:9, 84:17, 91:20, 95:7, 110:15, 126:8, 128:12, 131:23, 131:24, 132:8, 132:9, 139:20, 139:22, 142:4, 145:15, 155:25, 160:20, 161:1, 162:11, 169:12, 180:2, 184:20, 195:21, 205:12, 208:21, 211:17</p>	<p><b>somebody</b> 161:4</p> <p><b>somebody's</b> 182:9</p> <p><b>someone</b> 139:12, 172:14, 178:24, 202:2, 210:15</p> <p><b>someone's</b> 154:1</p> <p><b>something</b> 10:22, 20:5, 62:21, 64:7, 94:2, 97:16, 117:22, 118:22, 126:11, 158:23, 168:20, 174:23, 182:2, 191:9, 197:7</p> <p><b>sometimes</b> 6:16, 15:6, 31:3, 31:4, 153:14, 183:3</p> <p><b>somewhat</b> 24:22</p> <p><b>somewhere</b> 142:10, 184:19, 189:23</p> <p><b>sorry</b> 36:6, 53:16, 80:23, 82:8, 84:24, 88:11, 94:6, 96:11, 106:7, 115:7, 118:2, 133:11, 138:24, 144:16, 150:9, 151:2, 151:8, 151:9, 157:12, 164:9, 165:9, 170:5, 170:6, 175:14, 194:8, 196:7, 206:9, 212:9</p> <p><b>sort</b> 12:8, 73:3, 81:24, 82:12, 85:5, 95:5, 95:24, 112:9,</p>
--	---	--	--

145:25, 208:13 <b>sorts</b> 131:25 <b>sound</b> 46:7, 48:22, 54:5, 54:20, 71:18, 72:15, 140:25, 141:12, 141:13, 146:15, 152:14, 160:8, 160:12, 160:15, 160:17, 162:18, 162:24, 163:3, 163:11, 163:17, 167:5, 174:24, 175:2, 175:3, 175:4, 175:5, 175:12, 175:15, 177:11, 177:12, 178:11, 178:13, 181:6, 181:7, 181:18, 189:21, 189:25, 191:10, 191:16, 196:10, 196:13, 199:21, 200:19, 200:25, 203:21, 213:1 <b>sounds</b> 14:25, 92:15, 128:17, 131:2, 143:19, 166:16, 212:25, 213:4 <b>source</b> 44:22, 74:23, 141:1, 149:1, 160:24, 174:10, 177:6, 184:9, 191:7, 191:23, 195:10, 195:11, 203:6 <b>sources</b> 137:1, 188:5, 191:11 <b>south</b> 46:18, 125:4, 139:6, 139:14 <b>space</b> 40:11, 40:23,	40:25, 41:15, 41:16, 41:23, 59:17, 80:5, 82:2, 89:6, 89:15, 90:13, 90:17, 90:20, 90:22, 91:6, 91:12, 91:14, 91:19, 91:20, 91:23, 116:15, 116:18, 119:23, 119:24, 121:17, 121:20, 122:25, 124:7, 124:8, 127:22, 127:24, 128:1, 131:12, 131:16, 132:7, 133:1, 174:3 <b>spaces</b> 81:25 <b>speak</b> 9:11, 10:9, 13:18, 13:23, 111:12, 127:2, 142:8 <b>speaking</b> 9:13, 72:22, 142:7, 195:5, 195:19 <b>speaks</b> 11:6, 13:20, 50:7, 169:11 <b>specific</b> 18:2, 33:17, 73:19, 80:1, 85:11, 85:14, 93:4, 200:12, 204:22 <b>specifically</b> 35:19, 40:22, 129:16 <b>speculative</b> 211:13 <b>speech</b> 142:2, 142:7, 146:19, 195:9 <b>spent</b> 129:24, 164:10,	164:14 <b>spike</b> 147:7, 206:13 <b>spirit</b> 18:5, 204:24 <b>split</b> 181:22 <b>sponsor</b> 112:11 <b>spring</b> 5:16, 17:5, 22:10, 23:22, 25:7, 31:15, 120:9, 139:5, 143:13, 145:14, 159:23, 164:1, 164:6, 164:14, 165:10, 168:1, 169:22, 170:19, 170:24, 202:11, 206:22 <b>springs</b> 101:25, 210:7 <b>square</b> 24:7, 40:3, 40:7, 41:22, 81:22, 89:2, 89:4, 90:3, 91:17, 93:6, 98:14, 109:6, 169:24, 207:20 <b>stack</b> 157:8 <b>staff</b> 25:4, 37:21, 37:25, 38:24, 39:3, 40:2, 42:4, 46:10, 46:12, 49:8, 49:20, 50:13, 51:25, 58:2, 59:6, 206:6, 213:12 <b>staff's</b> 26:22, 49:12 <b>stagger</b> 95:5 <b>staggered</b> 83:19, 84:13	<b>staggering</b> 95:6 <b>standard</b> 22:5, 28:13, 107:24, 108:2, 129:15, 141:20, 141:23, 154:16, 169:24, 180:8, 209:24 <b>standards</b> 36:1, 42:23, 50:2, 51:13, 208:13 <b>standing</b> 147:23, 172:11, 172:14, 172:22, 196:1 <b>start</b> 6:2, 6:5, 6:13, 10:12, 15:8, 15:22, 83:25, 84:7, 88:22, 122:10, 142:13, 175:18, 191:22, 199:8, 206:18 <b>started</b> 9:24, 15:17, 143:4, 146:19, 190:9 <b>starting</b> 51:19, 84:13, 89:1, 187:20, 208:13 <b>starts</b> 6:3, 157:19 <b>state</b> 46:11, 58:23, 71:17, 79:1, 99:18, 100:17, 111:13, 135:24, 200:11, 214:16 <b>stated</b> 41:14, 56:2, 110:22 <b>statement</b> 4:5, 4:15, 10:20, 14:3, 14:4, 16:20,
---	---	--	--

20:1, 29:17, 31:23, 31:24, 32:8, 46:12, 46:22, 47:22, 49:8, 52:6, 54:19, 55:5, 57:16, 59:20, 59:23, 60:15, 72:1, 81:15, 120:25, 125:8, 133:12, 135:7, 135:8, 168:12, 169:6, 174:19, 190:12, 192:10, 198:22, 201:17, 204:16 <b>statements</b> 3:2, 3:14, 10:18, 14:5, 14:6, 15:1, 15:2, 16:22, 20:21, 59:24, 185:13, 200:18, 207:15 <b>states</b> 38:12, 38:14, 40:9, 51:1, 53:2, 54:24, 57:25, 58:23, 70:4, 154:17, 168:13 <b>static</b> 16:14 <b>stating</b> 52:24, 54:18 <b>station</b> 57:25 <b>steep</b> 131:17 <b>stemming</b> 55:13 <b>stepped</b> 104:18 <b>stepping</b> 161:4 <b>stereo</b> 146:23 <b>stick</b> 151:22	<b>still</b> 21:19, 22:15, 25:9, 33:22, 84:11, 87:12, 135:2, 149:15, 163:17, 176:8, 207:6 <b>stop</b> 157:11 <b>stops</b> 204:13 <b>story</b> 102:13 <b>straight</b> 54:12 <b>strange</b> 95:23, 151:3 <b>strategic</b> 46:15 <b>strategies</b> 155:12 <b>strategy</b> 198:25 <b>street</b> 17:3, 210:11 <b>stress</b> 87:4 <b>stressed</b> 19:22, 20:6 <b>stricter</b> 140:16 <b>strictly</b> 178:10 <b>strike</b> 133:24 <b>striped</b> 118:7, 121:12, 121:16, 127:19 <b>stripes</b> 104:13 <b>strong</b> 19:12, 79:18, 200:18 <b>strongly</b> 202:6 <b>struck</b> 69:2 <b>structure</b> 24:24, 102:11,	102:16, 130:1, 130:17, 160:19, 207:22 <b>struggling</b> 37:13 <b>student</b> 94:13, 195:24, 198:19 <b>students</b> 80:19, 94:17, 144:3 <b>studied</b> 75:9 <b>studiously</b> 59:24 <b>study</b> 27:11, 62:25, 63:5, 63:6, 75:8, 75:11, 75:19, 190:17, 191:13, 192:8 <b>stuff</b> 87:17, 140:24, 156:10, 191:1, 210:25 <b>subject</b> 17:6, 101:11, 138:6, 208:7 <b>submission</b> 190:11 <b>submissions</b> 56:19 <b>submitted</b> 15:24, 34:15, 75:17, 100:24, 123:13, 137:21, 167:15, 189:23, 212:13 <b>subscript</b> 165:12 <b>subsection</b> 35:3, 35:24, 36:2, 36:3, 36:10, 38:25 <b>substantial</b> 19:13, 24:17, 28:12, 41:20, 42:14, 51:10,	58:12, 60:10, 61:3, 61:10, 108:9, 109:13, 154:20, 154:25, 155:4, 155:5, 209:25, 210:1 <b>substantially</b> 6:22, 17:15, 22:14, 29:13, 32:21, 33:5, 39:20, 49:25, 168:17, 207:5, 208:3, 210:20, 210:21 <b>substantive</b> 22:24, 23:7, 30:14, 206:16, 207:11 <b>substitute</b> 178:14, 197:25 <b>subtracting</b> 147:14 <b>succeed</b> 34:11 <b>success</b> 79:19 <b>successfully</b> 96:18 <b>sucked</b> 15:6 <b>sufficient</b> 42:7, 60:23, 82:2 <b>suggest</b> 64:7, 134:25, 185:15 <b>suggesting</b> 27:25, 125:24, 160:17 <b>suggestion</b> 126:17 <b>suggestions</b> 126:19 <b>suggests</b> 92:6, 92:20 <b>suitable</b> 121:16, 124:5, 196:18, 196:20
--	---	--	---



<b>summarize</b> 32:10, 49:16, 61:21, 151:17, 190:15 <b>summarized</b> 18:19, 37:25, 38:2 <b>summarizing</b> 152:22 <b>summary</b> 140:9, 168:10 <b>supplied</b> 19:8, 56:8 <b>support</b> 7:7, 80:4, 198:7, 200:13, 206:6 <b>supporting</b> 51:18, 80:5, 215:4 <b>supports</b> 21:20, 22:7, 198:15, 211:25 <b>supposed</b> 134:1 <b>sure</b> 5:19, 7:3, 12:3, 12:6, 13:6, 14:14, 16:3, 31:16, 37:11, 43:23, 44:9, 45:7, 48:14, 55:22, 63:18, 66:1, 68:10, 68:19, 75:24, 82:2, 87:20, 92:18, 104:2, 104:6, 105:16, 110:14, 110:18, 133:9, 137:7, 140:8, 145:2, 146:7, 147:15, 147:16, 150:16, 151:19, 157:10, 158:10, 159:10, 160:9, 160:10, 161:8, 175:19, 185:1,	187:1, 189:15, 191:2, 193:9, 193:14 <b>surface</b> 102:3 <b>surprised</b> 9:14, 76:11, 76:13 <b>surprising</b> 172:3 <b>surrounded</b> 210:10 <b>surrounding</b> 18:11, 21:1, 24:17, 29:14, 53:15, 58:13, 60:11, 61:4, 61:11, 108:10, 109:13, 110:4, 138:19, 138:25, 154:21, 155:1, 168:17, 205:5, 208:4 <b>susan</b> 17:1 <b>suspend</b> 32:18 <b>sustain</b> 80:7 <b>sustained</b> 23:5 <b>sustaining</b> 22:7 <b>swear</b> 77:5, 77:6, 77:7, 77:13, 78:10, 135:16 <b>swearing</b> 78:6, 78:7, 78:9, 78:21, 99:8, 135:13 <b>swore</b> 135:16 <hr/> <b>T</b> <hr/> <b>table</b> 4:13, 34:16, 36:2, 144:4,	158:3, 158:14, 158:15, 187:13, 187:14, 194:20 <b>take</b> 6:20, 29:7, 33:25, 37:8, 65:24, 71:19, 78:2, 80:24, 84:14, 108:1, 118:13, 125:15, 125:22, 126:10, 126:23, 135:8, 139:24, 142:12, 146:12, 148:7, 150:17, 167:4, 173:21, 182:5, 189:10, 203:25, 204:6, 213:9 <b>taken</b> 68:18, 68:21, 68:25, 69:4, 69:15, 107:5, 127:6, 152:7, 169:2, 174:2, 180:3, 214:3 <b>takes</b> 182:25 <b>taking</b> 8:3, 8:7, 64:25, 126:7, 147:14, 152:14 <b>takoma</b> 143:3, 143:9, 144:1, 144:25, 152:10, 163:25, 164:6, 164:10, 165:24, 166:3, 170:15, 171:20, 172:10, 202:11 <b>talk</b> 9:3, 9:6, 14:21, 15:8, 31:2, 39:10, 125:15, 125:18, 133:25, 141:19, 190:2 <b>talked</b> 15:20, 129:14,	129:16, 188:8, 188:10, 212:11 <b>talking</b> 72:23, 73:7, 88:23, 105:3, 115:20, 117:24, 118:19, 118:20, 125:20, 141:1, 144:5, 162:25, 176:11, 197:15 <b>talks</b> 142:24, 195:4 <b>tall</b> 163:7 <b>tape-recording</b> 215:10 <b>taught</b> 202:1 <b>teachers</b> 84:25, 85:3, 128:9 <b>team</b> 8:10, 8:12 <b>teams</b> 6:9, 8:24, 8:25, 37:14, 100:10 <b>technically</b> 212:15 <b>technology</b> 133:15 <b>tell</b> 64:6, 77:16, 93:16, 99:4, 99:10, 101:21, 106:8, 125:1, 134:14, 135:17, 144:1, 164:23 <b>telling</b> 71:15, 90:10, 162:8, 177:3, 181:16 <b>tells</b> 105:10, 188:4 <b>temperate</b> 198:4 <b>tempered</b> 161:25
---	--	--	--

<p><b>ten</b> 213:2</p> <p><b>ten-minute</b> 125:23</p> <p><b>tend</b> 155:20</p> <p><b>tennis</b> 139:11</p> <p><b>term</b> 57:4, 134:6, 142:16, 199:13</p> <p><b>terms</b> 28:17, 30:7, 72:20, 139:17, 139:18, 140:7, 189:21, 190:5</p> <p><b>terrace</b> 195:3, 195:5, 195:13, 195:19, 195:21</p> <p><b>test</b> 58:10, 60:25, 105:7, 211:5</p> <p><b>testified</b> 28:6, 46:25, 47:6, 51:3, 76:2, 93:10, 100:12, 106:22, 109:16, 112:4, 113:24, 121:2, 121:7, 121:10, 129:6, 131:11, 132:25, 137:11, 137:16, 151:1, 208:6</p> <p><b>testify</b> 9:21, 15:6, 28:21, 29:1, 29:11, 61:25, 73:10, 111:5, 111:23, 111:25, 113:2, 168:13</p> <p><b>testifying</b> 7:7, 9:23, 70:1, 78:16, 124:22</p> <p><b>testimony</b> 10:16, 14:20,</p>	<p>15:13, 15:16, 16:2, 19:2, 22:3, 27:14, 27:24, 33:4, 41:9, 42:17, 42:18, 47:19, 49:8, 49:12, 50:16, 55:6, 55:9, 55:15, 55:16, 55:24, 55:25, 57:6, 57:12, 58:17, 59:5, 59:6, 61:7, 73:23, 76:19, 78:11, 88:16, 89:9, 92:15, 94:7, 98:4, 99:12, 110:6, 110:22, 111:6, 111:8, 121:2, 121:10, 124:4, 138:9, 156:20, 157:3, 161:20, 166:17, 168:11, 177:22, 177:24, 181:20, 187:11, 198:13, 201:14, 202:23, 203:10, 203:13, 203:17, 204:1, 207:24, 209:6, 209:22, 212:7</p> <p><b>textbook</b> 141:25</p> <p><b>th</b> 140:1, 164:5, 164:8, 164:9, 164:11, 168:2, 168:4, 168:12, 190:8, 190:11</p> <p><b>thank</b> 5:24, 11:12, 14:12, 16:10, 16:23, 16:24, 23:8, 23:10, 23:11, 30:1, 30:2, 31:19, 37:10, 44:7,</p>	<p>48:16, 62:2, 62:3, 62:7, 63:8, 76:21, 77:2, 78:15, 78:22, 80:9, 82:4, 87:8, 88:16, 88:17, 98:4, 98:8, 98:22, 98:24, 99:13, 99:14, 101:5, 101:6, 103:5, 104:25, 107:11, 109:11, 110:5, 110:7, 110:10, 110:21, 113:9, 113:22, 114:25, 116:22, 119:25, 120:3, 125:4, 125:14, 129:9, 129:10, 130:9, 130:17, 132:12, 132:21, 132:22, 135:4, 135:11, 135:14, 135:20, 138:1, 142:18, 152:3, 156:22, 157:9, 157:18, 159:15, 160:5, 163:21, 167:6, 169:11, 169:17, 182:18, 192:16, 192:19, 192:21, 207:12, 207:16, 207:17, 212:7, 212:8, 213:9, 213:12, 213:13, 213:14</p> <p><b>thanks</b> 206:5, 213:11</p> <p><b>themselves</b> 81:19, 82:1</p> <p><b>thereby</b> 17:15</p> <p><b>therefore</b> 18:23, 20:17, 31:12, 32:4, 43:1, 48:22, 61:13, 83:7</p>	<p><b>thi</b> 114:8, 212:1</p> <p><b>thing</b> 13:5, 15:23, 30:18, 74:6, 85:19, 86:13, 142:1, 145:10, 145:12, 147:2, 147:10, 153:23, 162:21, 163:12, 165:22, 201:25, 206:14, 210:22</p> <p><b>things</b> 6:16, 36:14, 76:2, 81:17, 81:25, 94:12, 105:8, 131:25, 132:10, 133:25, 134:18, 137:10, 144:15, 155:22, 182:11, 182:22, 189:23, 193:1, 197:4</p> <p><b>third</b> 19:10, 42:17, 58:18, 134:16, 195:8</p> <p><b>thirty</b> 44:5</p> <p><b>thought</b> 68:2, 68:8, 68:10, 106:22, 130:14, 133:7, 190:19, 191:2, 194:10, 209:2</p> <p><b>three</b> 28:19, 35:8, 43:15, 71:13, 80:21, 80:22, 80:23, 81:3, 83:5, 83:7, 85:3, 85:15, 85:23, 85:24, 102:2, 106:14, 141:15, 145:22, 151:12, 153:3, 162:3, 164:18, 165:6, 165:7,</p>
--	--	--	--

171:24, 188:4 <b>threshold</b> 4:13, 34:17, 142:15 <b>through</b> 6:8, 6:18, 8:23, 14:15, 14:17, 16:1, 16:8, 25:2, 25:20, 28:3, 28:4, 28:10, 40:21, 43:20, 44:14, 63:2, 74:7, 87:24, 93:5, 101:21, 101:22, 101:23, 107:16, 126:8, 126:18, 142:1, 146:15, 152:14, 162:24, 181:1, 186:17, 202:12, 204:5, 206:17, 207:24 <b>throughout</b> 147:7, 176:21, 177:7 <b>thursday</b> 1:11 <b>tight</b> 119:3 <b>time</b> 25:19, 27:9, 31:13, 33:24, 35:7, 44:3, 47:15, 50:5, 50:18, 63:11, 63:16, 64:24, 65:14, 66:20, 66:22, 68:5, 75:7, 77:14, 81:11, 82:15, 82:20, 83:1, 83:9, 83:14, 83:24, 84:4, 84:9, 109:19, 126:2, 129:24, 132:19, 133:20, 133:21, 148:23,	150:6, 150:21, 153:2, 164:15, 164:16, 164:21, 169:5, 169:10, 173:6, 176:25, 183:1, 192:7, 207:17, 210:15, 212:6 <b>timeline</b> 168:9 <b>times</b> 30:24, 64:13, 101:16, 141:6, 146:12, 169:25 <b>today</b> 6:19, 7:25, 12:2, 14:2, 17:7, 46:23, 78:11, 202:18, 207:17, 213:7 <b>today's</b> 23:1, 54:19, 55:7, 56:12 <b>toddlers</b> 80:18, 85:13 <b>together</b> 6:18, 16:25, 77:13, 82:21, 193:8, 204:10 <b>told</b> 77:10, 198:20 <b>tonal</b> 140:14 <b>took</b> 68:16, 68:19, 69:7, 143:14, 144:24, 146:10, 166:12, 168:2, 171:21, 209:6 <b>top</b> 144:4, 163:3, 187:10, 197:3 <b>topic</b> 32:8, 32:12, 37:4, 37:15, 61:20 <b>topics</b> 19:3, 21:13	<b>total</b> 40:2 <b>totally</b> 78:1, 112:13, 199:14, 211:13 <b>toward</b> 48:2, 49:4, 70:5, 70:22, 70:23, 116:25, 150:14 <b>towards</b> 49:3, 104:23, 115:19, 124:16, 142:6 <b>townhomes</b> 46:8, 47:9 <b>townhouse</b> 109:22, 139:11, 139:12, 146:17, 148:7, 210:12 <b>townhouses</b> 143:15, 210:12 <b>track</b> 198:3 <b>tracks</b> 35:13 <b>traditionally</b> 81:2 <b>traffic</b> 43:13, 136:19, 139:19, 142:10, 197:8, 197:10, 203:6 <b>training</b> 81:25, 91:21 <b>transcribed</b> 1:25, 9:5 <b>transcriber</b> 215:1, 215:2 <b>transcript</b> 1:9, 4:12, 41:10, 44:24, 47:24, 69:23, 73:24, 73:25, 212:4, 212:16, 212:17, 212:21, 212:23 <b>transcription</b> 215:9	<b>trapezoid</b> 166:15, 171:23 <b>traveling</b> 152:14 <b>treated</b> 19:1, 32:5, 33:3 <b>trees</b> 31:3, 69:1, 69:12, 139:21 <b>trial</b> 183:3 <b>trick</b> 170:4, 170:7 <b>tried</b> 97:13, 183:16, 191:7, 209:6 <b>trigger</b> 25:1 <b>triggered</b> 26:19 <b>tripod</b> 174:17 <b>trou</b> 133:14 <b>trouble</b> 67:5, 88:8, 133:15 <b>truck</b> 144:13 <b>true</b> 215:9 <b>truth</b> 77:10, 77:16, 78:12, 99:4, 99:5, 99:11, 135:17 <b>try</b> 26:6, 34:6, 44:5, 78:2, 82:24, 122:22, 134:17, 136:22, 183:12, 185:11 <b>trying</b> 22:8, 40:20, 64:6, 88:15, 90:8, 118:25, 119:6, 121:24,
---	---	---	--

123:16, 123:18, 163:7, 174:7, 174:8, 177:4, 178:6, 181:17, 181:19, 182:21, 186:2, 193:7, 195:18, 197:19, 206:20 <b>tucked</b> 47:10, 47:17 <b>turn</b> 10:9, 11:3, 15:5, 16:19, 32:10, 37:4, 37:15, 46:10, 69:24, 76:25, 87:21, 104:25, 127:1, 131:6, 156:3 <b>turning</b> 179:22 <b>tweaking</b> 167:17 <b>twice</b> 141:18 <b>two</b> 18:19, 19:17, 24:3, 34:19, 35:7, 38:25, 39:17, 43:13, 45:18, 45:19, 59:8, 72:24, 73:19, 83:6, 83:7, 85:2, 105:8, 106:12, 127:16, 128:13, 128:14, 141:7, 141:9, 141:14, 147:24, 148:25, 149:11, 153:2, 156:7, 165:8, 170:1, 170:17, 182:11, 186:9, 187:10, 202:25, 203:9 <b>two-hundred</b> 150:25 <b>two-pronged</b> 198:25	<b>two-story</b> 24:23, 45:23, 46:2, 102:11, 109:6 <b>type</b> 62:25 <b>typical</b> 36:15, 178:24, 189:25, 190:1 <b>typically</b> 201:20 <hr/> <b>U</b> <hr/> <b>uh-huh</b> 115:5, 143:1, 145:6 <b>un</b> 182:24 <b>unchanged</b> 24:25, 40:15, 55:1, 108:21, 108:25, 119:21 <b>unclear</b> 204:6 <b>undefined</b> 199:14 <b>under</b> 10:14, 18:23, 32:4, 34:17, 35:15, 42:22, 42:24, 45:25, 49:6, 49:22, 50:3, 51:13, 51:14, 52:6, 55:3, 59:1, 59:22, 83:4, 91:25, 93:16, 107:9, 114:15, 159:2, 163:15, 215:3 <b>underlying</b> 24:19, 28:15, 29:15, 58:14, 60:13, 61:6, 108:12, 208:5 <b>understand</b> 12:13, 12:14, 41:21, 46:5,	56:6, 56:22, 69:19, 72:9, 72:17, 77:25, 94:15, 95:4, 96:16, 112:15, 112:22, 138:11, 139:4, 140:23, 151:19, 158:18, 159:4, 163:15, 164:18, 169:23, 170:13, 177:4, 179:17, 180:15, 182:18, 183:21, 184:10, 187:16, 187:18, 195:23, 200:1, 204:21, 206:8, 206:10 <b>understandable</b> 95:18 <b>understanding</b> 22:25, 30:8, 31:10, 76:3, 76:5, 76:7, 118:3, 121:22 <b>understood</b> 11:14, 14:7, 30:16, 31:17, 119:7, 165:23, 182:24, 193:6 <b>undue</b> 33:13, 36:19, 43:7, 53:25, 211:5 <b>unfortunate</b> 69:18, 211:16 <b>unfortunately</b> 23:24, 46:23, 169:16 <b>uninterrupted</b> 67:5 <b>unique</b> 79:20 <b>unit</b> 102:12 <b>units</b> 102:19, 139:22 <b>unknown</b> 180:4	<b>unless</b> 178:11, 192:17 <b>unlike</b> 206:25 <b>unmute</b> 9:19 <b>unpleasant</b> 35:4 <b>unreasonable</b> 167:5 <b>unreliable</b> 15:16 <b>unsubstantiated</b> 206:1 <b>unsupported</b> 207:1 <b>until</b> 56:15, 69:6, 75:14, 84:3, 95:8, 95:10, 95:11, 95:24, 112:19, 167:14 <b>unusual</b> 35:7, 172:19 <b>uploaded</b> 14:22, 16:5 <b>upper</b> 102:20 <b>urban</b> 139:10, 158:24, 159:16, 210:10 <b>useful</b> 176:4, 196:14 <b>users</b> 64:3 <b>uses</b> 25:14, 30:24, 30:25, 43:1, 56:7, 86:3, 110:4, 169:24, 170:14, 208:13 <b>using</b> 85:13, 90:8, 145:2, 170:22, 171:3, 180:16, 202:15, 202:19, 203:23 <b>usual</b> 83:11
---	--	--	---

<b>usually</b> 65:10, 81:5, 84:1, 179:2	42:3, 104:8 <b>vinyl</b> 141:21 <b>violate</b> 35:25 <b>violated</b> 21:15 <b>violating</b> 200:13 <b>violation</b> 35:18, 35:21, 36:13, 36:18, 158:2, 158:13, 159:1, 159:8 <b>violations</b> 34:17, 34:20, 34:23, 36:11 <b>virtual</b> 6:12, 6:15, 105:9 <b>visit</b> 139:17, 167:3 <b>visited</b> 101:15, 138:14, 138:16 <b>visitors</b> 43:16 <b>visual</b> 161:1 <b>visually</b> 117:3 <b>voice</b> 184:8 <b>voluntarily</b> 113:3 <b>vote</b> 126:14	138:18, 141:3 <b>walked</b> 143:14 <b>wall</b> 114:14, 171:21, 195:7, 197:24 <b>walls</b> 102:12, 171:22 <b>wander</b> 117:16 <b>want</b> 7:3, 9:22, 10:5, 13:5, 14:21, 16:7, 22:8, 29:16, 31:12, 31:21, 37:15, 43:24, 52:21, 74:5, 74:14, 74:18, 78:4, 82:19, 84:11, 87:4, 87:23, 88:20, 88:21, 104:25, 105:1, 105:2, 112:19, 115:4, 124:2, 125:15, 127:8, 130:18, 130:19, 148:18, 149:19, 157:11, 161:20, 162:6, 187:16, 194:21, 200:6, 201:25 <b>wanted</b> 36:7, 130:15, 149:24, 156:2, 156:12, 192:12, 193:1 <b>wants</b> 81:4 <b>wastewater</b> 137:1 <b>way</b> 23:24, 56:22, 57:12, 69:17, 75:12, 83:19, 84:21, 87:18, 93:22, 94:11, 96:3, 97:12,	122:13, 129:4, 149:8, 152:16, 166:13, 181:14, 181:22, 181:24, 182:1, 189:20, 196:6, 196:7, 202:8, 210:20 <b>ways</b> 7:21, 82:19, 158:4 <b>we'll</b> 6:6, 6:12, 10:6, 10:17, 16:16, 52:14, 53:9, 68:10, 75:15, 76:25, 96:5, 131:19, 135:8, 141:19, 143:12, 183:3, 189:10 <b>we're</b> 5:20, 6:12, 6:17, 6:19, 10:9, 14:14, 14:15, 16:18, 23:14, 36:2, 37:12, 67:10, 67:12, 69:2, 79:9, 85:16, 89:4, 91:5, 91:8, 91:22, 104:5, 113:22, 122:4, 145:10, 145:11, 149:3, 151:21, 171:2, 186:16, 200:1 <b>we've</b> 10:11, 14:15, 79:12, 81:18, 85:9, 115:5, 132:8, 132:14, 139:9, 139:13, 202:18, 209:21, 211:18 <b>weather</b> 92:12 <b>website</b> 10:3, 10:4,
<b>v</b>	<b>W</b>		
<b>valid</b> 111:10 <b>validity</b> 55:15 <b>valleys</b> 145:19 <b>valuable</b> 211:18 <b>value</b> 43:12, 171:4, 173:1, 202:13 <b>values</b> 170:22, 186:10, 196:23 <b>variables</b> 95:22 <b>variant</b> 22:13, 207:4 <b>variety</b> 205:22 <b>various</b> 143:14, 188:11, 191:11 <b>vehicular</b> 102:21 <b>veneer</b> 102:11 <b>version</b> 45:11, 157:8 <b>versus</b> 149:25, 150:1, 184:21, 189:21, 190:21, 200:2 <b>vertical</b> 114:19, 114:22 <b>vetted</b> 26:9 <b>vice</b> 100:7 <b>view</b> 54:16, 57:1, 167:2 <b>views</b> 37:24, 39:17,	<b>wait</b> 6:6, 6:8, 75:14, 88:9, 95:24, 112:19, 117:19, 133:3, 139:3, 165:20 <b>waivers</b> 59:3 <b>walk</b> 65:1, 95:22,		

14:22 <b>weddings</b> 156:4 <b>weekdays</b> 64:12 <b>weekend</b> 65:16 <b>weekends</b> 65:15 <b>weeks</b> 80:24, 138:17 <b>welcome</b> 5:2, 5:25, 132:23, 135:23 <b>welfare</b> 43:15 <b>went</b> 38:9, 139:17, 143:3, 143:8, 143:13, 166:10, 197:25 <b>weren't</b> 91:2, 147:16, 155:23, 161:3, 191:2 <b>west</b> 48:2, 48:3, 70:5, 70:7, 103:11, 195:14 <b>wha</b> 146:5 <b>whammy</b> 204:10 <b>whatever</b> 38:11, 51:13, 87:1, 87:22, 90:9, 95:8, 137:5, 167:12, 179:5, 183:19, 188:19, 195:15, 197:22, 199:1, 201:24 <b>whatnot</b> 156:5 <b>whereas</b> 187:6 <b>whereof</b> 214:9	<b>wherewithal</b> 112:25 <b>whether</b> 6:21, 9:22, 23:2, 24:10, 32:20, 40:18, 42:12, 56:12, 61:1, 63:14, 93:5, 97:6, 98:1, 105:7, 158:21, 189:6, 209:7 <b>white</b> 104:13 <b>whole</b> 8:9, 39:7, 49:7, 77:10, 78:11, 81:11, 99:4, 99:11, 122:24, 130:8, 135:17, 140:10, 142:1, 173:21, 194:18 <b>wi</b> 158:18 <b>wide</b> 46:3, 136:17, 160:14, 162:9, 162:19, 188:10 <b>widely</b> 64:13 <b>width</b> 166:3 <b>wife</b> 17:1 <b>willing</b> 93:13, 96:20, 199:10 <b>willingly</b> 26:1 <b>willingness</b> 80:3 <b>window</b> 102:18, 154:2 <b>windows</b> 64:8, 64:21, 67:7, 67:8, 67:10, 67:13,	67:14, 92:11, 102:18, 106:1, 141:21, 141:23, 153:18, 154:11, 154:13, 184:12, 184:17 <b>winter</b> 67:12, 68:18, 69:1, 69:3, 92:8 <b>wis</b> 135:12 <b>wish</b> 9:11, 10:19, 15:2 <b>within</b> 63:15, 104:19, 129:6, 153:17, 156:7, 172:12, 172:22, 182:23, 210:12, 212:20, 212:23 <b>without</b> 27:25, 46:6, 51:8, 55:8, 75:21, 152:7, 156:14, 159:8, 191:6, 192:11, 200:12 <b>witnes</b> 124:13 <b>witness</b> 13:19, 16:2, 16:8, 20:12, 20:18, 36:24, 46:20, 49:9, 55:17, 61:16, 72:6, 72:9, 73:17, 74:4, 74:12, 76:18, 76:20, 76:23, 77:3, 77:13, 77:18, 78:6, 78:7, 92:19, 98:23, 99:8, 111:15, 118:12, 118:24, 119:1, 119:11, 119:16, 119:24, 120:14,	121:19, 123:8, 124:1, 124:11, 124:19, 125:6, 125:10, 130:3, 135:10, 135:12, 135:13, 149:19, 160:7, 168:20, 168:25, 169:4, 169:7, 170:10, 178:6, 182:4, 182:15, 184:4, 185:5, 201:13, 201:15, 203:10, 214:9 <b>witness's</b> 202:19 <b>witnesses</b> 3:6, 11:5, 11:6, 11:21, 13:18, 13:25, 14:5, 14:17, 15:5, 25:2, 28:3, 28:10, 28:19, 49:19, 51:24, 54:17, 59:6, 59:25, 61:24, 126:4, 199:21, 200:6, 200:19, 203:14, 204:21 <b>wonder</b> 205:12 <b>wood</b> 102:16 <b>word</b> 14:20, 20:3, 38:19, 90:9, 129:24, 165:12, 165:21, 167:4, 188:18, 197:11 <b>words</b> 52:25, 54:12, 85:7, 128:24, 173:2, 206:13 <b>work</b> 6:16, 65:1, 65:12, 79:15, 79:22, 86:18,
--	---	---	--

86:23, 88:17, 100:9, 122:13, 136:21, 136:23, 137:2, 137:3, 155:18, 155:20, 177:1, 177:12, 187:4, 201:19, 203:25, 206:15 <b>worked</b> 25:20 <b>working</b> 23:6, 23:16, 25:12, 25:20, 33:22, 79:23, 86:25, 95:7, 99:24, 136:8, 160:1, 207:10 <b>works</b> 8:25, 85:20, 149:8 <b>world</b> 82:18 <b>worries</b> 157:14, 212:10 <b>worse</b> 202:24 <b>worst</b> 189:10 <b>worst-case</b> 149:13 <b>worth</b> 197:23 <b>worthwhile</b> 30:14 <b>wou</b> 139:16 <b>would've</b> 174:15 <b>wouldn't</b> 89:10, 94:9, 96:1, 132:17, 175:23, 180:17, 187:11, 188:12 <b>write</b> 94:10 <b>wrong</b> 58:9, 121:15, 151:8	<b>wrote</b> 144:3, 165:21 <hr/> <b>y</b> <hr/> <b>yeah</b> 5:8, 11:11, 12:15, 30:4, 36:8, 37:8, 37:10, 44:7, 52:13, 52:22, 62:10, 63:13, 65:17, 66:24, 67:4, 68:6, 74:4, 77:5, 83:23, 88:11, 90:3, 92:18, 95:3, 97:1, 110:14, 111:20, 113:12, 114:3, 115:9, 116:20, 117:12, 119:2, 122:9, 123:18, 124:9, 125:25, 127:10, 127:21, 131:5, 131:8, 133:16, 135:5, 137:7, 137:14, 140:22, 143:21, 145:3, 145:7, 146:2, 148:10, 150:9, 151:3, 151:9, 154:12, 159:10, 159:20, 160:4, 160:11, 161:5, 161:12, 163:16, 163:21, 164:7, 164:25, 165:2, 165:3, 165:4, 165:17, 165:19, 165:22, 166:7, 166:18, 168:4, 171:6, 171:25, 172:8, 172:20, 175:19, 176:15, 176:19, 176:24, 177:2, 177:23, 184:23, 185:12, 187:20,	187:22, 188:25, 189:22, 194:15 <b>year</b> 24:3, 67:7 <b>years</b> 25:8, 79:13, 80:6, 80:8, 80:22, 80:23, 96:17, 99:23, 102:10, 105:24, 109:2, 136:9, 142:17, 190:14, 198:19 <b>yell</b> 148:23 <b>yelled</b> 153:2 <b>yelling</b> 144:6, 144:7, 148:25, 178:25, 195:10, 195:24 <b>yep</b> 7:12, 34:2, 76:20, 101:8, 178:1, 185:10 <b>yourself</b> 172:4 <hr/> <b>z</b> <hr/> <b>zero</b> 191:17, 191:19, 191:20, 192:4 <b>zha</b> 207:18 <b>zhe</b> 27:3 <b>zoning</b> 1:2, 2:3, 15:12, 18:5, 18:24, 19:4, 20:23, 21:13, 23:18, 26:23, 32:4, 32:13, 33:11, 34:19, 35:16, 37:1, 38:20, 50:7, 56:15, 60:21, 100:13, 100:20,	137:12, 137:17, 137:18, 150:2, 157:25, 159:2, 199:15, 204:24, 210:24, 211:2 <b>zoom</b> 37:13 <b>zoomed</b> 139:1 <hr/> <b>.</b> <hr/> <b>.1</b> 6:25, 15:13, 21:13, 33:11, 35:16, 37:20, 42:22, 43:5, 51:15, 52:15, 52:19, 52:24, 59:2 <b>.2</b> 21:13, 37:20 <b>.3</b> 6:25, 15:13, 33:11, 35:16, 37:20, 42:22, 43:5, 51:14, 59:2 <b>.4</b> 42:24, 50:3, 51:14, 59:2 <b>.6660</b> 2:9 <hr/> <b>0</b> <hr/> <b>00</b> 17:18, 63:20, 64:3, 64:4, 64:11, 64:21, 64:22, 81:6, 82:6, 82:8, 82:9, 82:11, 83:22, 84:1, 84:3, 84:7, 84:8, 84:13, 84:16, 87:6, 94:25, 95:1, 95:3, 95:11, 140:12, 164:11,
--	---	---	--

199:8 <b>05</b> 213:15 <b>08</b> 1:5, 5:15 <hr/> <b>1</b> <hr/> <b>1</b> 118:22, 119:15, 123:4, 127:4, 127:5, 149:18 <b>1,100</b> 90:3, 91:17 <b>10</b> 7:2, 84:1, 84:7, 84:8, 87:6, 126:14, 140:12, 141:17, 141:18, 144:20, 161:14, 162:9, 164:11, 212:3, 212:16, 212:23, 213:2 <b>10,000</b> 93:5 <b>100</b> 2:6, 138:23, 142:14, 173:19 <b>101</b> 47:23, 73:24 <b>102</b> 47:23, 69:25 <b>106</b> 4:7, 48:13, 68:15 <b>107</b> 173:22 <b>108</b> 4:9, 45:6, 47:16 <b>109</b> 4:11, 193:17 <b>11</b> 164:11 <b>110</b> 3:9 <b>1100167</b> 2:5	<b>111</b> 4:12, 47:24, 87:19 <b>112</b> 4:13, 33:18, 34:1, 34:3, 34:15, 36:17, 36:22, 41:10, 87:23, 88:1, 88:6, 89:1, 140:3, 157:15, 196:12 <b>113</b> 4:14, 101:18, 115:1, 123:1, 123:2, 127:17, 138:23, 170:17 <b>115</b> 4:15, 54:19, 100:24, 127:18, 137:21 <b>116</b> 190:23 <b>12</b> 41:9, 126:1, 127:3 <b>12,000</b> 40:3, 89:4 <b>120</b> 80:13 <b>127</b> 3:9 <b>13</b> 45:12, 81:4, 113:25, 114:4, 194:5 <b>13,000</b> 24:7, 109:6, 207:20 <b>131</b> 3:8 <b>133</b> 3:8 <b>135</b> 3:10 <b>14</b> 144:20 <b>15</b> 126:7, 126:14,	126:24, 127:3, 127:4, 127:5, 140:1, 164:5, 164:8, 164:9, 164:11, 168:2, 168:4 <b>1515</b> 4:11, 193:17 <b>157</b> 3:10 <b>16</b> 3:3, 144:20 <b>17</b> 196:22, 196:23 <b>18</b> 147:18, 147:19, 171:15 <b>180</b> 40:2, 80:14 <b>189</b> 3:10 <b>19</b> 136:9, 144:2, 148:17, 151:7, 162:2, 180:10, 180:17, 190:14, 196:22 <b>19,000</b> 40:7 <b>193</b> 3:12 <b>1999</b> 122:5 <b>1g</b> 49:22 <hr/> <b>2</b> <hr/> <b>2</b> 213:15 <b>20</b> 1:5, 5:15, 83:5, 83:17, 85:1, 85:18, 99:23, 141:6, 141:22, 146:12, 147:14, 148:14, 148:17, 148:22, 149:6, 150:12,	151:5, 151:11, 151:20, 151:22, 151:24, 152:1, 152:24, 163:1, 163:18, 169:24, 207:2 <b>20,000</b> 89:2 <b>200</b> 2:7, 47:8 <b>2016</b> 63:10 <b>202</b> 7:17, 7:24 <b>2020</b> 4:9, 4:12, 17:13, 19:19, 22:11, 23:19, 39:25, 40:15, 41:9, 42:20, 43:20, 44:23, 45:13, 47:2, 47:23, 49:11, 53:3, 57:23, 59:9, 59:14 <b>2022</b> 1:11, 140:1, 214:11, 215:18, 215:22 <b>207</b> 3:15 <b>20850</b> 2:8 <b>21</b> 171:9 <b>214</b> 215:8 <b>215</b> 1:24 <b>23</b> 3:4, 4:6, 17:9, 20:9, 20:21, 21:18, 22:18, 22:21, 38:3, 38:5, 38:25, 42:19, 46:1, 55:8, 55:11, 55:21, 56:3,
--	--	--	---



<p>60:2, 198:5, 198:24, 207:9 <b>230</b> 109:21, 151:1, 151:2, 151:10, 152:1 <b>240.777</b> 2:9 <b>244</b> 139:13 <b>25</b> 1:11, 190:8, 215:22 <b>26</b> 147:17, 147:19, 161:23, 168:12, 190:11 <b>267</b> 139:14 <b>29</b> 150:12</p> <hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <p><b>3</b> 84:13 <b>3.4</b> 51:14 <b>30</b> 1:12, 46:2, 46:3, 49:17, 51:8, 57:20, 59:10, 83:17, 84:1, 84:2, 84:7, 84:10, 84:13, 84:16, 84:18, 85:11, 87:6, 93:11, 93:15, 94:1, 94:8, 95:15, 96:5, 96:6, 111:21, 112:1, 126:10, 134:12, 151:12, 160:14, 162:8, 162:9, 162:19, 163:2, 171:7, 188:9, 199:11, 212:20, 212:23, 213:2</p>	<p><b>30,671</b> 40:2 <b>300</b> 72:14 <b>31</b> 3:7, 35:3, 35:23, 180:9, 215:18 <b>330</b> 72:14, 128:23, 129:4 <b>331</b> 103:24, 128:21, 129:1, 143:12, 146:13, 146:17, 146:18, 151:24, 170:16, 171:8, 171:15, 174:2, 174:5, 180:10, 180:18, 186:11, 186:21 <b>35</b> 43:20, 43:25, 44:6, 44:14, 44:15, 79:12, 172:24, 173:17, 180:7, 182:5, 182:9 <b>36</b> 46:13, 47:2, 146:13, 146:14, 149:10, 170:23, 171:9, 180:11, 196:22 <b>37</b> 43:20, 44:14, 44:16, 47:2, 49:12 <b>38</b> 146:22 <b>39</b> 40:13, 40:16, 40:22, 50:22, 91:12 <b>3a</b> 106:17</p> <hr/> <p style="text-align: center;"><b>4</b></p> <hr/> <p><b>4</b> 81:6, 82:11,</p>	<p>84:13 <b>40</b> 148:15, 148:19, 149:5, 150:5, 151:5, 151:23, 151:25, 152:1, 153:1, 171:14, 192:14, 212:21, 213:4, 213:5 <b>41</b> 50:12, 151:12 <b>42</b> 50:12 <b>450</b> 41:21, 81:23 <b>457891</b> 1:23, 215:21 <b>46</b> 145:23, 146:17, 147:3, 147:8, 151:24, 152:24, 152:25, 189:16, 189:21, 189:22 <b>49</b> 145:17, 150:9, 150:11, 151:11, 151:25, 152:1, 153:2</p> <hr/> <p style="text-align: center;"><b>5</b></p> <hr/> <p><b>5</b> 84:16, 84:18 <b>50</b> 142:8, 145:17, 145:24, 146:19, 149:11, 195:14 <b>50,000</b> 93:6 <b>52</b> 152:1 <b>53</b> 145:17 <b>55</b> 180:20, 197:10 <b>58</b> 195:13 <b>59</b> 59:2, 152:24</p>	<p><b>59.3</b> 42:24, 50:3, 59:2 <b>59.7</b> 6:25, 15:13, 33:11, 35:16, 37:20, 42:22, 43:5, 59:2 <b>597.3</b> 21:13 <b>5:-ish</b> 84:10</p> <hr/> <p style="text-align: center;"><b>6</b></p> <hr/> <p><b>6</b> 9:18, 81:6, 82:6, 82:9 <b>60</b> 25:8, 40:2, 50:17, 102:10, 105:24, 109:1, 142:9, 166:14, 171:22 <b>62</b> 3:7 <b>63</b> 180:19 <b>65</b> 140:13, 142:5, 142:8, 142:11, 148:5, 153:21, 158:22, 158:24, 189:7, 189:12, 189:17, 189:21, 190:21, 190:23, 192:14, 192:15, 208:11 <b>66</b> 17:2 <b>67</b> 140:12 <b>6th</b> 214:10</p> <hr/> <p style="text-align: center;"><b>7</b></p> <hr/> <p><b>7</b> 17:18, 63:20, 64:3, 64:4,</p>
--	--	--	--

64:11, 64:21, 82:6, 82:8, 83:22, 94:25, 95:1, 140:12, 199:8 <b>7.3</b> 51:15 <b>7.31</b> 211:4 <b>75</b> 79:23, 146:9, 146:11, 146:14, 179:25 <b>757</b> 197:5, 197:16 <b>78</b> 3:8	192:4 <b>8901</b> 5:16, 23:22 <b>8907</b> 5:16, 23:22	
<hr/> <b>8</b> <hr/>	<hr/> <b>9</b> <hr/>	
<b>8-</b> 215:22 <b>80</b> 142:14, 142:16, 142:17, 142:19, 166:12, 171:20, 173:21, 179:12 <b>83</b> 144:8, 144:20, 145:9, 146:8, 146:14, 146:17, 149:2, 151:7, 151:22, 173:17, 175:1, 178:7, 179:6, 179:25, 182:5, 182:8, 195:24 <b>85</b> 178:23, 179:5 <b>86</b> 4:3, 43:21, 43:23, 46:9, 113:25, 114:4, 114:6, 149:2, 149:10, 151:23 <b>87</b> 3:8, 19:25, 51:20 <b>88</b> 191:16, 191:21,	1:12, 64:22, 82:11, 84:1, 84:2, 84:3, 84:7, 87:6, 93:11, 93:15, 94:1, 94:8, 95:1, 95:3, 95:11, 95:15, 96:5, 96:6, 134:12, 199:11 <b>90</b> 38:1, 67:9 <b>900</b> 81:22 <b>93</b> 4:4, 104:2, 105:1, 105:14 <b>95</b> 4:5, 20:1, 37:25, 38:1, 52:7 <b>97</b> 38:2 <b>98</b> 3:8 <b>99</b> 3:9, 4:6, 38:2, 38:4, 55:20, 56:3, 121:25, 122:1, 122:2	