



Transcript of Hearing

Date: January 23, 2026

Case: Korean Community Service Center

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Michigan #8598 | Nevada #089F | New Mexico #566

Transcript of Hearing
Conducted on January 23, 2026

1 (1 to 4)

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Transcript of Hearing
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2 (5 to 8)

5	<p>1 PROCEEDINGS</p> <p>2 THE HEARING EXAMINER: I'm calling the</p> <p>3 case of C -- well, CU2601, also known as CU17-12,</p> <p>4 Application of the Korean Community Service Center</p> <p>5 of Greater Washington Inc., located at 700</p> <p>6 Buckingham Drive, Silver Spring, Maryland 20191.</p> <p>7 Is there -- will the parties</p> <p>8 identify themselves for the record?</p> <p>9 MR. ROGERS: Yes. Will Rogers with the</p> <p>10 law firm of Bregman, Berbert, Schwartz & Gilday.</p> <p>11 Business address, 7315 Wisconsin Avenue, Bethesda,</p> <p>12 Maryland.</p> <p>13 THE HEARING EXAMINER: Yes.</p> <p>14 MS. LEE-CHO: Soo Lee -- Soo Lee-Cho</p> <p>15 with the law firm of Bregman, Berbert, Schwartz &</p> <p>16 Gilday, as well, on behalf of the Applicant.</p> <p>17 THE HEARING EXAMINER: Okay. And is</p> <p>18 there anyone here that is -- wants to oppose this?</p> <p>19 Okay, hearing none, I have a couple of preliminary</p> <p>20 matters, and one is I would like to add the</p> <p>21 Affidavit of Posting to the record. Mr. Rogers,</p> <p>22 can you bring it forward? Thank you. And this is</p> <p>23 going to be Exhibit 28.</p> <p>24 MR. ROGERS: Was that 38?</p> <p>25 THE HEARING EXAMINER: Twenty-eight.</p>	7
6	<p>1 MR. ROGERS: Twenty-eight. Thank you.</p> <p>2 (EXHIBIT 28 MARKED)</p> <p>3 THE HEARING EXAMINER: Okay. A couple</p> <p>4 of preliminary matters. This case, I don't know</p> <p>5 how it got titled the way it got titled, but I</p> <p>6 would like to issue an order using the Board of</p> <p>7 Appeals' practice of titling cases, officially</p> <p>8 recaptioning it to CU17-12-A, and I did check with</p> <p>9 the Board. And does anyone have an objection?</p> <p>10 MR. ROGERS: No, we don't have an</p> <p>11 objection to that. I would draw your attention to</p> <p>12 the fact that there was also a minor modification</p> <p>13 of the special -- or a conditional use --</p> <p>14 THE HEARING EXAMINER: Oh.</p> <p>15 MR. ROGERS: -- in 2018 that -- I don't</p> <p>16 think it made it into the staff report, but we have</p> <p>17 it with us today.</p> <p>18 THE HEARING EXAMINER: Okay.</p> <p>19 MR. ROGERS: But it -- it's that --</p> <p>20 THE HEARING EXAMINER: Was that 17-12A?</p> <p>21 MR. ROGERS: It was not A, because it</p> <p>22 was -- as a minor modification, I think typically</p> <p>23 they just retain the -- I don't think they get an</p> <p>24 A, unless it's a major modification; I don't know.</p> <p>25 But --</p>	8
	<p>1 THE HEARING EXAMINER: Well, it is what</p> <p>2 it is. So let me stick with 17-12K because I can't</p> <p>3 recaption the other case.</p> <p>4 MS. LEE-CHO: Would you like to have the</p> <p>5 --</p> <p>6 THE HEARING EXAMINER: Yes. If you</p> <p>7 would introduce that into the record, that would be</p> <p>8 helpful. And this will be Exhibit 29.</p> <p>9 (EXHIBIT 29 MARKED)</p> <p>10 THE HEARING EXAMINER: Okay. And this</p> <p>11 will be a -- the Hearing Examiner's order approving</p> <p>12 a minor modification to CU17-12.</p> <p>13 All right. What was -- I'll --</p> <p>14 I'll have somebody testify to it. I'm trying to</p> <p>15 find out -- let -- let me just a moment, and I just</p> <p>16 want to see what the minor mod was. A wall summon.</p> <p>17 Okay. Well, now that I think of it, I don't have</p> <p>18 to follow the Board of Appeals' practice, because</p> <p>19 this is a -- a CU. So I can just clarify --</p> <p>20 recaption the case, just 17-12.</p> <p>21 MS. LEE-CHO: Without the A?</p> <p>22 THE HEARING EXAMINER: Without the A.</p> <p>23 MS. LEE-CHO: I -- that's your</p> <p>24 prerogative. I -- I don't think that there's a</p> <p>25 required rule --</p>	

Transcript of Hearing
Conducted on January 23, 2026

3 (9 to 12)

<p style="text-align: right;">9</p> <p>1 THE HEARING EXAMINER: I'm glad you did, 2 because I don't think staff -- well, clearly staff 3 didn't pick up on it, so I appreciate it. 4 MS. LEE-CHO: But the Hearing Examiner 5 at that time did not add a letter. It's a minor -- 6 that is consistent with how the Board of Appeals 7 handles minor modification for special exceptions. 8 THE HEARING EXAMINER: Okay. 9 MS. LEE-CHO: So it is -- it -- tagging 10 this -- 11 THE HEARING EXAMINER: Well, wait. 12 Don't testify, but I -- I have no problem doing 17 13 12A. That's it. Okay. And did you receive my 14 questions on this from a review of the staff report? 15 MR. ROGERS: Yes, we did. And for the 16 most part, we're prepared to answer those during 17 the testimony as opposed to now. 18 THE HEARING EXAMINER: That's fine. 19 Okay. With that, Mr. Rogers would you please call 20 your first witness? 21 MR. ROGERS: Yeah. If it's okay, I have 22 a few opening remarks, and then -- 23 THE HEARING EXAMINER: Oh, okay. 24 Certainly. 25 MR. ROGERS: So you know, as you're</p>	<p style="text-align: right;">11</p> <p>1 the upper two levels of the existing structure, but 2 right now they're only in the basement. Two 3 additional employees, and an expansion of the 4 parking lot to meet the zoning requirements of the 5 expanded use. 6 And so, you have an overview of 7 what to expect. We're going to call Mr. La Vay 8 first to testify on engineering and land planning 9 issues, and then we're going to bring up Dr. Ji 10 Young-Cho, who is the executive director of the 11 Applicant, and she'll talk about the site 12 operations. And then we'll bring up Nick Driban to 13 talk about traffic engineering issues. And then at 14 the very end, we'll bring Mr. La Vay back up to 15 cover the necessary. 16 THE HEARING EXAMINER: Okay. 17 MR. ROGERS: And with that, we are ready 18 to call our first witness. 19 THE HEARING EXAMINER: Thank you. Your 20 first witness, I guess that's -- since Mr. La Vay 21 is at the table -- 22 MR. LA VAY: I'm here. 23 THE HEARING EXAMINER: Okay. Please 24 state your name and business address for the 25 record, and email.</p>
<p style="text-align: right;">10</p> <p>1 already aware, this is a case to modify CU17-12, 2 which was granted to the Korean Community Service 3 Center to operate a branch office in the basement 4 of the site at 700 Buckingham Drive. And as we've 5 already covered, this was initially designated 6 CU26-01, but we've -- we've covered that issue. 7 So prior to KCSC being on this 8 site, there was a special -- a special exception 9 for a medical office, which is something you noted 10 in your email, was conditioned to be abandoned 11 under the previous report. For whatever reason, 12 DPS didn't look into that, it didn't actually 13 happen. But you know, we -- we don't -- 14 THE HEARING EXAMINER: Well, they don't 15 act on that. I think you -- somebody has to notify 16 them that it's abandoned, and then they go forward. 17 MR. ROGERS: And in any case, we -- we 18 agree with the proposal -- 19 THE HEARING EXAMINER: Okay. 20 MR. ROGERS: -- to retain the condition 21 and -- and that'll happen on this go around, so we 22 don't have any objection to that. We just want to 23 talk a little bit about, you know, the present 24 modification doesn't propose any structural changes 25 to the site. What is proposed is expansion into</p>	<p style="text-align: right;">12</p> <p>1 MR. LA VAY: Oh, okay. Patrick La Vay 2 is my name, and our business address is 9220 3 Wightman Road, Suite 120, Montgomery Village, 4 Maryland. 5 THE HEARING EXAMINER: And what firm are 6 you with? 7 MR. LA VAY: Macris, Hendricks & 8 Glascock, also known as MHG. 9 THE HEARING EXAMINER: And your email? 10 MR. LA VAY: Playav@mhgpa.com. 11 THE HEARING EXAMINER: Okay. 12 MR. ROGERS: All right. 13 THE HEARING EXAMINER: Go ahead. 14 MR. ROGERS: Thank you. And I would 15 direct you to Mr. La Vay's resume, which is Exhibit 16 A to the Applicant's Statement of Justification, 17 and that's Exhibit 25 of the -- 18 THE HEARING EXAMINER: Thank you. 19 MR. ROGERS: -- public hearing. 20 (EXHIBIT 25 MARKED) 21 THE HEARING EXAMINER: Unless there's 22 some objection, he has already qualified in those 23 two areas. I think you mentioned land use and 24 there was one other one, engineering? 25 MR. LA VAY: Civil engineering, yes.</p>

Transcript of Hearing
Conducted on January 23, 2026

4 (13 to 16)

<p>13</p> <p>1 THE HEARING EXAMINER: Yes. So would --</p> <p>2 I'm going to qualify him as an expert without going</p> <p>3 through the voir dire.</p> <p>4 MR. ROGERS: All right. I appreciate</p> <p>5 that. So, first, we would like to -- if you could</p> <p>6 pull up Exhibit 21, Pages 6 and 7, and I'll give</p> <p>7 him a chance to get there.</p> <p>8 MR. ROGERS: Sorry. Page 6, please.</p> <p>9 Sorry. Page 6 of the report. So that would</p> <p>10 actually be probably 8 of the PDF. See the -- in</p> <p>11 the bottom right corner, the pages are --</p> <p>12 THE HEARING EXAMINER: One more.</p> <p>13 Whereupon,</p> <p>14 PATRICK G. LA VAY,</p> <p>15 being first duly sworn or affirmed to testify to</p> <p>16 the truth, the whole truth, and nothing but the</p> <p>17 truth, was examined and testified as follows:</p> <p>18 EXAMINATION BY COUNSEL FOR THE APPLICANT</p> <p>19 BY MR. ROGERS:</p> <p>20 Q Yeah.</p> <p>21 A This one?</p> <p>22 Q Yeah, just stay on that picture. So Mr.</p> <p>23 La Vay, can you please start by giving us a brief</p> <p>24 description of the subject property and where it is</p> <p>25 located?</p>	<p>15</p> <p>1 Q And in your opinion, has technical staff</p> <p>2 correctly identified the defined neighborhood for</p> <p>3 this case?</p> <p>4 A No. The technical staff erroneously</p> <p>5 used the original in -- in case CU17-12, the -- the</p> <p>6 boundary was defined by staff as shown on the</p> <p>7 screen now. During that hearing, Mr. Grossman at</p> <p>8 the time, along with the Applicant's experts</p> <p>9 narrowed down the boundary to a -- a boundary</p> <p>10 that's much more appropriate and is -- is shown on</p> <p>11 Page 7, I believe, of the Hearing Examiner's report</p> <p>12 from CU17-12. It's -- if you want to -- I don't</p> <p>13 know if you want to pull that up as an exhibit.</p> <p>14 Q Yeah -- yes. If you could now go to --</p> <p>15 it's -- I believe Page 45 of the same exhibit. Yes.</p> <p>16 A Yeah, so the -- the -- I -- I would</p> <p>17 agree with the -- what Mr. Grossman at the time</p> <p>18 agreed with, which is the boundary shown in -- in</p> <p>19 blue on this exhibit which is much more -- which is</p> <p>20 much smaller and more appropriate, given the nature</p> <p>21 of this use and its impacts in the surrounding area.</p> <p>22 Q And if you would, just for the clarity</p> <p>23 of the record, could you talk about the boundaries</p> <p>24 of that -- of that --</p> <p>25 A Yeah --</p>
<p>14</p> <p>1 A Sure. The property is, as -- as</p> <p>2 mentioned a few minutes ago, is at 700 Buckingham</p> <p>3 Drive in Silver Spring. It's located at the</p> <p>4 northeast corner of Buckingham Drive and University</p> <p>5 Boulevard East. It's an irregularly shaped lot,</p> <p>6 somewhat long and narrow, approximately -- a little</p> <p>7 over half an acre. It's currently improved with a</p> <p>8 three-story structure, although there's an exposed</p> <p>9 basement in the rear, so the structure is two</p> <p>10 stories exposed if you're looking from University</p> <p>11 Boulevard, and three stories in the back if you're</p> <p>12 standing in the parking lot north of Buckingham</p> <p>13 Drive.</p> <p>14 There is a surface parking lot that</p> <p>15 accommodates currently seven parking spaces to the</p> <p>16 rear of the structure where the main -- main</p> <p>17 entrance is located, and then the eastern half of</p> <p>18 the property is -- is unimproved with some tree</p> <p>19 cover, there's a shed and just, you know,</p> <p>20 vegetative cover.</p> <p>21 Q All right. And if we could back up to</p> <p>22 Page 5. Mr. La Vay, are you familiar with the</p> <p>23 defined neighborhood that was provided in the staff</p> <p>24 report?</p> <p>25 A Yes, I am.</p>	<p>16</p> <p>1 Q -- defined neighborhood?</p> <p>2 A -- sure. Like, the -- the -- the -- the</p> <p>3 limits of it?</p> <p>4 THE HEARING EXAMINER: So I -- I'm sorry</p> <p>5 to interrupt.</p> <p>6 MR. ROGERS: It's okay.</p> <p>7 THE HEARING EXAMINER: You agree with</p> <p>8 the smaller area for the reasons stated by Mr.</p> <p>9 Grossman in the original report?</p> <p>10 MR. LA VAY: That's correct.</p> <p>11 THE HEARING EXAMINER: Okay.</p> <p>12 MR. LA VAY: So the -- the boundary as</p> <p>13 -- as was defined then, that I agree with, is</p> <p>14 generally includes the confronting properties on</p> <p>15 the west side of University Boulevard. It extends</p> <p>16 northward towards there's a church and I don't want</p> <p>17 to -- I don't want to butcher the name. Church</p> <p>18 school is named -- I want to say Bezel, but that's</p> <p>19 not the name of it. Jarazel (sic) Church and</p> <p>20 Senior Housing Complex, yes, which are both special</p> <p>21 exceptions --</p> <p>22 THE HEARING EXAMINER: I think it's</p> <p>23 Jezreel.</p> <p>24 MR. LA VAY: Jezreel. Oh, Jezreel.</p> <p>25 Okay, yes. Excuse me.</p>

Transcript of Hearing
Conducted on January 23, 2026

5 (17 to 20)

<p>17</p> <p>1 THE HEARING EXAMINER: I did the 2 traditional use for the -- 3 MR. LA VAY: Yeah, which I believe -- 4 THE HEARING EXAMINER: -- the thing in 5 the rear -- the housing in the rear. 6 MR. LA VAY: Right, which I believe is a 7 -- the housing is the special exception use, the -- 8 the church and school are by right. But the 9 northern boundary extends to that property, and 10 then it runs south along its eastern property line, 11 jogs behind -- there are some town homes on, I 12 believe it's, Gloucester Knoll Road (sic), and then 13 the boundary follows Cornwall Street around to 14 Buckingham Place (sic), and then includes a few of 15 the properties that are confronted on the south. 16 BY MR. ROGERS: 17 Q And can you describe the zoning and the 18 type of uses that are typical in this previously 19 defined neighborhood? 20 A Yeah, so the zoning is almost entirely 21 R-60. There are -- there is only a small segment 22 just north of the -- the housing complex to the 23 north, the University Gardens housing complex, 24 there's a townhouse community that's zoned RT-12. 25 But everything else is -- is R-60 zoning.</p>	<p>19</p> <p>1 THE HEARING EXAMINER: Okay. 2 MR. ROGERS: All right. Can we now go 3 to Exhibit 8B, please? 4 (EXHIBIT 8B MARKED) 5 BY MR. ROGERS: 6 Q And you can maybe zoom in slightly on -- 7 on the left side of the exhibit where there's the 8 structure. And so, Mr. La Vay, now we're looking 9 at the existing condition site plan. Could you 10 just walk us through the existing conditions of the 11 site? 12 A Sure. Referring to Exhibit -- it was 8 13 -- 8A. 14 Q 8B. 15 A 8B -- excuse me -- that's on the screen, 16 the -- on the very west side of the property is 17 University Boulevard. On the south side of the 18 property you have Buckingham Drive as you noted on 19 the plan, and then the existing structure is tucked 20 into the eastern -- or western -- northwestern 21 quadrant of the property. Again, a two-story 22 exposed to the front on University Boulevard, three 23 stories in the rear where the parking lot is 24 located. 25 The dark shaded area to the -- to</p>
<p>18</p> <p>1 Almost all of the properties are 2 single family residential. As I mentioned, the -- 3 the church to the north, at -- at that property 4 that includes multifamily housing is a special 5 exception use. The property immediately north of 6 -- of the subject property is a senior housing 7 complex, University Gardens Apartments that is a 8 special exception use, and that also has -- on the 9 top of that building there's a -- I guess you would 10 classify it as a cell tower, although it's quite 11 small, it's one of the more modern ones. And 12 that's also a special -- special exception use. 13 But everything else -- and then this property is 14 conditional use only, but everything else is single 15 family residential. 16 THE HEARING EXAMINER: So how would you 17 characterize the neighborhood? Single family 18 residential with a few special exception uses or 19 institutional uses? 20 MR. LA VAY: Well, they -- they -- so 21 they are -- they are institutional in their nature, 22 but they are technically special exception uses as 23 they're -- as they were approved. But the -- the 24 community is predominantly single family 25 residential.</p>	<p>20</p> <p>1 the right of the structure, the east of the 2 structure is the parking lot that currently 3 accommodates seven parking spaces, and then east of 4 that parking lot is really just an open, vegetative 5 area that has a number of trees on it. There's 6 actually a sanitary sewer right of way that runs 7 through that portion of the property that I believe 8 provides service to the housing complex to the 9 north to give them sanitary service to Buckingham 10 Drive. 11 Q And then can you also -- 12 THE HEARING EXAMINER: Can I pause for 13 one minute? 14 MR. ROGERS: Sure. 15 THE HEARING EXAMINER: Can we get a 16 picture of Mr. -- can we have the exhibit and the 17 picture of Mr. La Vay? 18 THE REPORTER: While we -- while we do 19 that, can I just move your mic one more time; is 20 that okay? Or -- 21 THE HEARING EXAMINER: Let's go off the 22 record -- 23 THE REPORTER: Sure. 24 THE HEARING EXAMINER: -- for, you know, 25 a minute until the mic is corrected.</p>

Transcript of Hearing
Conducted on January 23, 2026

6 (21 to 24)

<p>21</p> <p>1 (A RECESS WAS TAKEN.)</p> <p>2 THE HEARING EXAMINER: Okay, we're back</p> <p>3 on the record after trying to resolve some</p> <p>4 technical issues about the -- with the hybrid</p> <p>5 display. But as the parties saw in -- when we were</p> <p>6 off the record, we don't really get a good picture</p> <p>7 of the witness testifying if we have the exhibit</p> <p>8 up. And so, do you have any objections to not</p> <p>9 having the witnesses -- the camera on the --</p> <p>10 showing on the witness while the exhibit's up?</p> <p>11 MR. ROGERS: The Applicant has no</p> <p>12 objection.</p> <p>13 THE HEARING EXAMINER: Okay. All right.</p> <p>14 Continue, Mr. La Vay.</p> <p>15 MR. LA VAY: Okay. So I think I was --</p> <p>16 I was pretty much through it. I was getting into</p> <p>17 -- there's, again, to the east of the existing</p> <p>18 parking lot, there is some existing tree cover. It</p> <p>19 actually also does provide some screening coming --</p> <p>20 looking west towards the property on Buckingham</p> <p>21 Drive, as well as from the north side of the</p> <p>22 property as well.</p> <p>23 BY MR. ROGERS:</p> <p>24 Q All right. And while we're on the</p> <p>25 existing conditions plan, just -- can -- just to</p>	<p>23</p> <p>1 Q So this is the conditional use plan</p> <p>2 cover sheet.</p> <p>3 MR. ROGERS: And if you would zoom in on</p> <p>4 that table on the right side of the screen? Yeah,</p> <p>5 you can zoom in further. We really just need to</p> <p>6 see -- yeah. And scroll down again. Thank you.</p> <p>7 Q So Mr. La Vay, can you describe how this</p> <p>8 site complies with the development standards of the</p> <p>9 R-60 zone?</p> <p>10 A Sure. The site as -- as shown in the</p> <p>11 table in the exhibit, the site complies with the</p> <p>12 minimum lot area, which is only 6,000 feet and the</p> <p>13 -- and I'll -- I'll focus right now on the -- on</p> <p>14 the R-60 standards, not the conditional use</p> <p>15 standards, just to be clear. The minimum lot area</p> <p>16 is well in excess of the 6,000 square foot minimum.</p> <p>17 The front, side, and rear setbacks all exceed those</p> <p>18 listed for the R-60 zone, and the principal</p> <p>19 building height is within the 35 feet allowed as</p> <p>20 well.</p> <p>21 Q All right. Now, as you mentioned,</p> <p>22 there's also specific use standards for a private</p> <p>23 club service organization found in Section 3.4.8.</p> <p>24 The first of those is the minimum lot area must be</p> <p>25 twice the minimum required for a detached house</p>
<p>22</p> <p>1 clarify, are there any changes proposed to the</p> <p>2 actual structure?</p> <p>3 A There's no exterior changes proposed to</p> <p>4 the structure.</p> <p>5 Q All right. So now we'll look at Exhibit</p> <p>6 8C, which is the conditional use site plan.</p> <p>7 (EXHIBIT 8C MARKED)</p> <p>8 Q And Mr. La Vay, if you would just</p> <p>9 describe the proposed changes that are found on</p> <p>10 this plan.</p> <p>11 A Sure. The -- the changes are -- are</p> <p>12 fairly minimal. There's an expansion of the</p> <p>13 parking lot to the east to accommodate five</p> <p>14 additional spaces on the east side and there's some</p> <p>15 restriping that would occur that actually would add</p> <p>16 a -- two additional spaces on the -- next to the</p> <p>17 building. And -- and then -- I'm -- well, we'll</p> <p>18 get into that in a different exhibit, but there's</p> <p>19 some landscape screening and so forth that's being</p> <p>20 proposed as well. So it's essentially just a minor</p> <p>21 expansion of the parking lot and some re-striping.</p> <p>22 MR. ROGERS: And if we can now go to</p> <p>23 Exhibit 8A.</p> <p>24 (EXHIBIT 8A MARKED)</p> <p>25 BY MR. ROGERS:</p>	<p>24</p> <p>1 building type in the zone. Does this site comply</p> <p>2 with that requirement?</p> <p>3 A Yes, that would require a 12,000 square</p> <p>4 foot lot, and this existing lot is 25,000 square</p> <p>5 feet. 25,602 square feet.</p> <p>6 Q And then the second is that the minimum</p> <p>7 lot width at the front line needs to be twice what</p> <p>8 is required for a detached house. Does the site</p> <p>9 meet that requirement?</p> <p>10 A Yes, that's correct. And I -- I will</p> <p>11 note a couple of these standards didn't make their</p> <p>12 way onto this data table, but we'd be glad to</p> <p>13 submit an updated table for the record, before the</p> <p>14 record closes. I did notice that in reviewing the</p> <p>15 case ahead of this hearing.</p> <p>16 THE HEARING EXAMINER: That would be</p> <p>17 wonderful.</p> <p>18 MR. LA VAY: Okay.</p> <p>19 THE HEARING EXAMINER: You have to</p> <p>20 submit it to staff, too.</p> <p>21 MR. LA VAY: Okay. Okay. And then</p> <p>22 that's the --</p> <p>23 THE HEARING EXAMINER: Staff of the</p> <p>24 Planning (indiscernible).</p> <p>25 MR. LA VAY: Right. Okay. And that's</p>

Transcript of Hearing
Conducted on January 23, 2026

7 (25 to 28)

<p>25</p> <p>1 -- that's one of the ones that isn't on here. The 2 minimum -- twice the minimum requirement for lot 3 width at the front building line will be 50 feet, 4 and this lot at the front lot line on which we're 5 defining as University Boulevard is approximately 6 99 feet. 7 BY MR. ROGERS: 8 Q Great. And is the minimum open space 9 requirement of 50 percent met? 10 A Yes, there is 71 percent provided on 11 this property. 12 Q And just to clarify, that one is in the 13 table, correct? 14 A That -- that is, correct, yes. 15 Q Yes. And then is the lot coverage less 16 than the 15 percent maximum? 17 A Yes. We calculated the lot coverage at 18 about 8.4 percent. And that needs to be added as 19 well. 20 Q So now we'll move on to talking about 21 the general development standards under 59.6. And 22 so, I -- I believe that -- that some of that is on 23 this chart as well. So how many parking spaces 24 were required under Section 6.2.4, and how many 25 were provided?</p>	<p>27</p> <p>1 installed prior to the Zoning Text Amendment. 2 THE HEARING EXAMINER: Can you go back 3 through the chronology for me? This was approved 4 originally with a bike locker -- 5 MR. LA VAY: Correct. 6 THE HEARING EXAMINER: -- on the site, 7 and that's 17-12 -- 8 MR. LA VAY: Yeah. 9 THE HEARING EXAMINER: -- the original 10 -- okay. And then when was the Code changed? 11 MR. LA VAY: I believe the effective 12 date of the ZTA, and I don't have the exact ZTA in 13 front of me, but I might have it -- but -- 14 THE HEARING EXAMINER: Do you know the 15 number? 16 MR. ROGERS: Yes, we have a -- 17 THE HEARING EXAMINER: Well, can he 18 answer? 19 MR. LA VAY: Oh sure, I can just have a 20 look. 21 MR. ROGERS: Absolutely. 22 MR. LA VAY: Yeah. The -- the ZTA 23 number is 19-11 and its effective date was August 24 10th, 2020. 25 THE HEARING EXAMINER: I'm sorry. The</p>
<p>26</p> <p>1 A There's -- there are 12 spaces required 2 and 13 provided as shown on the conditional use 3 site plan. 4 Q And are those all standard? Is there 5 ADA? 6 A There -- there is one ADA van accessible 7 parking space being a lot of 25 spaces or less. 8 One ADA accessible parking space is required. 9 Q And then does the site comply with the 10 bicycle parking requirements under Section 6.2.4(c)? 11 A Yes. With the original case in -- in 12 conditional use 17-12, one bike rack -- well, and 13 one bicycle parking space is still required. How 14 -- although I will point out that in -- in -- in 15 2017, bike lockers were an allowed facility for -- 16 for long-term bike parking. There is actually one 17 bike locker on the site today. The Code has since 18 changed. In 2020, I believe, there was a Zoning 19 Text Amendment that altered the bike -- the 20 long-term bicycle parking design standards for 21 bicycle lockers -- 22 THE HEARING EXAMINER: I remember that. 23 MR. LA VAY: -- are -- are no longer an 24 accepted facility, but our -- our opinion here is 25 that this is a grandfathered -- the locker was</p>	<p>28</p> <p>1 -- August 10th? 2 MR. LA VAY: Correct. 3 THE HEARING EXAMINER: So you're saying 4 it's grandfathered as site design under 771(a)? 5 MR. LA VAY: Yeah. Yes, yes. The -- 6 the Code is a little bit unclear that -- that when 7 they -- when they made this change, there were no 8 provisions listed in the ZTA about existing bike 9 parking facilities being in compliance, but our -- 10 our -- our opinion is that, like any other 11 nonconformity that arises out of a -- a zoning 12 change, traditionally what's on the ground is 13 specifically -- 14 THE HEARING EXAMINER: So there is a 15 specific grandfather provision. 771(a)(i), for 16 existing site design. I've been a Hearing Examiner 17 way too long. So I -- I agree with you that it is 18 grandfathered. 19 MR. LA VAY: Yeah. 20 MR. ROGERS: And this is a question for 21 the Hearing Examiner. We do have the Zoning Text 22 Amendment. Would you like to -- 23 THE HEARING EXAMINER: I would like it, 24 please -- 25 MR. ROGERS: Okay.</p>

Transcript of Hearing
Conducted on January 23, 2026

8 (29 to 32)

29	<p>1 THE HEARING EXAMINER: -- if you don't</p> <p>2 mind. I'm stealing all your -- now, I have an</p> <p>3 Exhibit 30 -- oh, that -- no, that's Exhibit 29.</p> <p>4 MS. LEE-CHO: I believe we're on 30.</p> <p>5 THE HEARING EXAMINER: Yeah, okay. So --</p> <p>6 MR. ROGERS: Yeah, that's right.</p> <p>7 THE HEARING EXAMINER: So this is ZTA</p> <p>8 19-08 --</p> <p>9 MR. ROGERS: I believe it was 19-11, but</p> <p>10 now you have my paper.</p> <p>11 THE HEARING EXAMINER: That's ordinance</p> <p>12 number.</p> <p>13 MR. ROGERS: Okay, I'm sorry. Yes.</p> <p>14 THE HEARING EXAMINER: But good memory.</p> <p>15 Okay. I'll title it ZTA 19-08 Ordinance Number</p> <p>16 19-11. So your knowledge is not law.</p> <p>17 MR. ROGERS: Thank you. So now we'd</p> <p>18 like to move to Exhibit 16A, if you would.</p> <p>19 (EXHIBIT 16A MARKED)</p> <p>20 BY MR. ROGERS:</p> <p>21 Q And this is the -- this is Sheet 1 of 2</p> <p>22 of the Landscaping Plan. And can you please</p> <p>23 describe how the tree canopy and perimeter</p> <p>24 plantings are provided to comply with Section 6.2.9?</p> <p>25 A Sure. And I just want to make sure for</p>	31
30	<p>1 the record that the landscape plans that are</p> <p>2 outlined as 16A and 16B, are those the -- do we</p> <p>3 know if those are the ones that were submitted to</p> <p>4 technical staff following their comments?</p> <p>5 Q Yes.</p> <p>6 A There were just some minor changes. I</p> <p>7 just want to make sure I got the right one. Okay.</p> <p>8 Q Yes.</p> <p>9 A Okay. Sorry. Can you repeat the</p> <p>10 question?</p> <p>11 Q Yes. So can you describe how the tree</p> <p>12 canopy and perimeter plantings are provided to</p> <p>13 comply with Section 6.2.9 of the Zoning Ordinance?</p> <p>14 A Sure. Yeah, the -- the reference</p> <p>15 Section 6.2.9 of the Zoning Ordinance does require</p> <p>16 that parking lots for conditional uses with greater</p> <p>17 than, I believe, it's nine spaces, have to meet</p> <p>18 certain landscaping standards. One of them is --</p> <p>19 one of which is tree canopy cover of 25 percent</p> <p>20 shading of the paved areas at 20-year growth. And</p> <p>21 -- and the perimeter canopy trees that are provided</p> <p>22 in the plans, as shown in the plans and</p> <p>23 calculations, do meet that requirement.</p> <p>24 The parking lot also requires</p> <p>25 perimeter planting and screening and that is -- is</p>	32
	<p>1 achieved, as shown in the plans, with a combination</p> <p>2 of evergreens and -- and shade trees and ornamental</p> <p>3 trees surrounding the parking lot.</p> <p>4 Q And does the site's existing lighting</p> <p>5 comply with Section 6.4?</p> <p>6 A There -- well, 6.4 is referenced to</p> <p>7 excessive illumination leaving the property.</p> <p>8 There's actually no new lighting proposed. There</p> <p>9 actually isn't any lighting in this parking lot.</p> <p>10 Pole fixtures, that is. They're -- the only</p> <p>11 lighting that is out there is the existing wall</p> <p>12 packs on the building. But there is no new</p> <p>13 lighting proposed in the parking lot, and therefore</p> <p>14 -- but photometric analysis was not submitted with</p> <p>15 the application.</p> <p>16 THE HEARING EXAMINER: Well, 6.4.4(b)</p> <p>17 doesn't apply -- 6.4.4 doesn't apply to existing</p> <p>18 lighting.</p> <p>19 MR. LA VAY: Okay.</p> <p>20 THE HEARING EXAMINER: Just so --</p> <p>21 MR. LA VAY: Yeah.</p> <p>22 THE HEARING EXAMINER: So you're saying</p> <p>23 there's no change, no new lighting?</p> <p>24 MR. LA VAY: That's correct.</p> <p>25 BY MR. ROGERS:</p>	

Transcript of Hearing
Conducted on January 23, 2026

9 (33 to 36)

<p>33</p> <p>1 All staff had is, signage has to meet the 2 requirements of 7 or -- now, I'm blanking. Six -- 3 well, whatever. It has to meet the requirements in 4 Article 6.</p> <p>5 MR. ROGERS: So if I may, and you can 6 stop me if you want to, but that -- that -- the 7 original CU17-12 decision had the condition for no 8 signage. But then, that was the minor modification 9 that we introduced at the start of the year --</p> <p>10 THE HEARING EXAMINER: Oh, the wall sign.</p> <p>11 MR. ROGERS: -- and allowed the wall 12 sign.</p> <p>13 THE HEARING EXAMINER: Okay. Are you 14 proposing any new signage other than the wall sign?</p> <p>15 MR. ROGERS: No.</p> <p>16 MR. LA VAY: Well, which -- I just want 17 to clarify one thing. It's very minor. But the -- 18 the -- their accessible parking space, there is 19 actually an existing accessible parking space where 20 we're showing one, and it has an existing sign. I 21 -- I don't know for sure if it -- it fully complies 22 with current COMAR. There could possibly be a need 23 to add a van-accessible sign, which is, I -- I 24 think 12 inches by 18 inches. So I just want to 25 clarify for the record that as far as signage goes,</p>	<p>35</p> <p>1 think that actually wraps up what we're going to 2 talk about with Article 6. So I'm going to move on 3 now to some of the general findings, some of the 4 issues that need to be addressed there. So 5 starting with the master plan, what is the 6 applicable master plan for this area?</p> <p>7 A It's the 2000 East Silver Spring Master 8 Plan.</p> <p>9 Q And are you familiar with the relevant 10 provisions of this master plan?</p> <p>11 A Yes.</p> <p>12 Q So in your opinion, how is the 13 conditional use modification requested in this case 14 consistent with that master plan?</p> <p>15 A Well, the master plan doesn't have any 16 specific recommendations for this property, but it 17 does cite several goals and for the community for 18 -- to have service -- service need -- service uses, 19 community serving uses, religious and -- and 20 educational uses for the community, of which this 21 is one. There are mention -- there is reference to 22 -- I guess, since -- since it was written in 2000, 23 special exceptions being located in -- in 24 facilities that are consistent with the character 25 of surrounding communities and smaller structures,</p>
<p>34</p> <p>1 there could possibly be a need to have an 2 ADA-compliant COMAR signage added.</p> <p>3 BY MR. ROGERS:</p> <p>4 Q But we're not proposing new signage for 5 the --</p> <p>6 A No, no --</p> <p>7 Q -- for the KCSC.</p> <p>8 A -- no.</p> <p>9 THE HEARING EXAMINER: For the use --</p> <p>10 MR. LA VAY: Correct. Correct.</p> <p>11 Correct. Yeah.</p> <p>12 MR. ROGERS: Yes.</p> <p>13 THE HEARING EXAMINER: Okay. And do you 14 have an issue with the condition prohibiting 15 further -- you know, new signage or -- or maybe 16 that's something for another witness. So just 17 think about that, okay? You don't have to answer.</p> <p>18 MR. LA VAY: Okay.</p> <p>19 THE HEARING EXAMINER: All right. How 20 are we doing, Mr. La Vay?</p> <p>21 MR. LA VAY: Great. Having fun.</p> <p>22 THE HEARING EXAMINER: We're at Article 23 6. Yeah.</p> <p>24 BY MR. ROGERS:</p> <p>25 Q We're getting through the code. And I</p>	<p>36</p> <p>1 which this just is, being a former single family 2 residence.</p> <p>3 Q Given what you testified to earlier 4 about the scope of the defined neighborhood, do you 5 believe that anything about this proposal would 6 alter the residential character of the neighborhood?</p> <p>7 A No. I mean, there -- as I mentioned 8 moments ago, the -- the -- the existing structure 9 is not being modified on the exterior. The -- 10 there are some minor expansion -- there's a minor 11 expansion of the parking lot, although that is 12 being mitigated through the required landscaping 13 and screening.</p> <p>14 Q Can you identify the other special 15 exception -- and you did this a little bit earlier, 16 but if you could go back through the other special 17 exception uses and the defined neighborhood and 18 indicate whether the proposed modification, in 19 conjunction with other existing and approved 20 special exceptions, will increase the number, 21 intensity, or scope of conditional uses 22 sufficiently to affect the area adversely.</p> <p>23 A Sure. So starting with the property 24 immediately north of the site, which is the 25 University Garden (sic) Apartments, it's a senior</p>

Transcript of Hearing
Conducted on January 23, 2026

10 (37 to 40)

<p>37</p> <p>1 housing facility. That was a special exception 2 approved under Case S2639. As I mentioned, there's 3 also a cellular antenna -- antenna facility on that 4 structure that has its own special exception under 5 -- excuse me. That's S2639. Going back to the 6 University Garden (sic) Apartments, that was S1424. 7 I believe the townhouses on 8 Gloucester Knoll were originally approved as a 9 special exception, and then the Mount Jezreel 10 Baptist Church Senior Housing Facility, which is 11 north of the townhomes on Gloucester Knoll Road (sic) 12 is a special exception under Case Number S2877. 13 And I don't believe that -- this being an existing 14 conditional use, I don't believe this would -- this 15 provides any additional saturation in the area of 16 -- of conditional uses and special exceptions. 17 Q And then other than transportation 18 facilities, which will be covered later, do you 19 believe this site is served by adequate public 20 facilities? 21 A Yes. The -- the existing building has 22 community water and sewer service. We did, as part 23 of this application, receive -- even though there's 24 no alterations to the building, we did receive 25 approval of an updated Fire Department access plan</p>	<p>39</p> <p>1 THE HEARING EXAMINER: You don't get off 2 on that one. 3 MR. LA VAY: I -- I wasn't sure if they 4 were two questions. A non-inherent adverse impact 5 would be something that arises out of a particular 6 site location, a particular operational nature of 7 the use that would create an impact that is adverse 8 on the community that -- you know, something you 9 wouldn't expect from that particular use. 10 BY MR. ROGERS: 11 Q All right. And starting with the 12 inherent adverse impacts, have you identified any 13 of those that would be expected under this use? 14 A Yeah. It would -- it would be a surface 15 parking lot in -- in a residential rezoned 16 neighborhood. Trips to and from the site, 17 operating hours, perhaps noise at -- at certain 18 times. And I believe those are all of them. 19 Q Would -- would lighting be a -- a 20 potential -- 21 A Lighting would be a potential, although 22 in this case, as we mentioned, there's -- there's 23 no new lighting proposed, no -- no parking lot 24 lighting. 25 Q And did you identify any non-inherent</p>
<p>38</p> <p>1 from the Montgomery County Department of Permitting 2 Services, so fire and emergency service access is 3 adequate, and -- but yeah, that covers it. 4 Q All right. Yeah. And also could you 5 speak to whether there was any stormwater 6 management needed on this site? 7 A No. The -- the -- given this minor 8 nature of the disturbance associated with the 9 parking lot increase, it's exempt from stormwater 10 management under Chapter 19 of the County Code, 11 being an activity that involves less than 5,000 12 square feet of land disturbance. 13 Q All right. And can you please describe 14 for the record the difference between inherent and 15 non-inherent adverse impacts in the context of the 16 zoning ordinance? 17 A Sure. So an inherent impact is an 18 effect of a -- of a use that -- that -- that would 19 be expected for any -- any of the particular use 20 involved. It would be something you would expect 21 regardless of the user or the location. It's just 22 inherent to the nature of the use. Did you also 23 ask me about non-inherent? Sorry. 24 Q Yes, if you could just describe the 25 difference, yes, yes.</p>	<p>40</p> <p>1 adverse impacts for this proposed use. 2 A I did -- I did not. 3 MR. ROGERS: All right. And with that, 4 as I mentioned earlier, we will bring Mr. La Vay up 5 again later. But for right now, we'd like to call 6 our next witness. And that's -- 7 THE HEARING EXAMINER: That's -- that's 8 fine. 9 MR. ROGERS: Okay. 10 MS. LEE-CHO: Could we request just a 11 five-minute recess we -- to confer with the witness? 12 THE HEARING EXAMINER: Yeah, why don't 13 you make it ten so you have a little leeway because 14 -- we're off the record. 15 (A RECESS WAS TAKEN.) 16 THE HEARING EXAMINER: We're back on the 17 record. How would you like to proceed? 18 MR. ROGERS: Yeah, we're ready to call 19 our next witness. 20 THE HEARING EXAMINER: Please state your 21 name, business address, and email for the record. 22 DR. YOUNG-CHO: My name is Ji Young-Cho, 23 Executive Director of the Korean Community Services 24 Center -- 25 THE HEARING EXAMINER: Can you -- can</p>

Transcript of Hearing
Conducted on January 23, 2026

11 (41 to 44)

<p>41</p> <p>1 you stop for a minute? I can't hear you. 2 DR. YOUNG-CHO: Okay. 3 THE HEARING EXAMINER: Can you speak up 4 a little bit? 5 DR. YOUNG-CHO: Okay. My name is Ji 6 Young-Cho, Executive Director of Korean Community 7 Service Center of Greater Washington. Our office 8 is located -- can I say my phone? 9 MR. ROGERS: Do the main headquarters' 10 address. 11 DR. YOUNG-CHO: Yeah, so 7700 Little 12 Rivertown Pike, Suite Number 406, Annandale, 13 Virginia 22003. And my email address is 14 jycho@kcscgw.org. 15 THE HEARING EXAMINER: At K-C? 16 DR. YOUNG-CHO: Kcscgw.org. 17 THE HEARING EXAMINER: Dot what? 18 MR. ROGERS: Dot -- 19 DR. YOUNG-CHO: O, org. O-R-G. 20 THE HEARING EXAMINER: All right. 21 MS. LEE-CHO: O-R-G. 22 THE HEARING EXAMINER: O-R-G. I'm 23 sorry. For some reason, I'm having trouble hearing 24 you. 25 DR. YOUNG-CHO: I understand.</p>	<p>43</p> <p>1 priorities. I also lead the fundraising and 2 partnership effort and represent KCSC to funders, 3 government agencies, and community partners. 4 Q All right. So at this time, before we 5 jump into what we had planned, we want to address 6 the sign issue that was raised earlier. And so, if 7 you would, Dr. Cho, just talk a little bit about, 8 you know, the -- the issue the Hearing Examiner 9 raised with the signage and what -- what the 10 Applicant would like. 11 A Okay. Currently, our signage is located 12 in Buckingham Drive side, so if we can have another 13 signage, the University Boulevard side, that would 14 be very helpful. 15 Q I -- 16 THE HEARING EXAMINER: On -- on what 17 side? 18 DR. YOUNG-CHO: The Buckingham Drive. 19 Actually, our -- 20 THE HEARING EXAMINER: Oh, on Buckingham 21 Drive? 22 DR. YOUNG-CHO: Yes. 23 BY MR. ROGERS: 24 Q And -- and -- and just to clarify, 25 that's not something that you're proposing to do</p>
<p>42</p> <p>1 THE HEARING EXAMINER: So these are 2 projecting mics. These are just recording mics, so 3 -- 4 DR. YOUNG-CHO: Thank you. 5 THE HEARING EXAMINER: Okay. Go ahead. 6 Whereupon, 7 JI YOUNG-CHO, 8 being first duly sworn or affirmed to testify to 9 the truth, the whole truth, and nothing but the 10 truth, was examined and testified as follows: 11 EXAMINATION BY COUNSEL FOR THE APPLICANT 12 BY MR. ROGERS: 13 Q So how long have you been working for 14 the Korean Community Service center? 15 A 17 years. 16 Q And can you just talk a little bit about 17 what your role is as the executive director? 18 A I'm Executive Director of KCSC. My role 19 is to provide overall leadership and strategy 20 oversight to ensure the organization fulfills its 21 missions and the mission of serving the Korean 22 Americans and broader Maryland community. I 23 oversee programs, finances, and compliance, and 24 support and supervise senior staff and work closely 25 with the board of directors to set organizational</p>	<p>44</p> <p>1 right now as part of this application, but it -- it 2 -- it could be something you might want to do in 3 the future; is that -- 4 A Yes, yes. 5 THE HEARING EXAMINER: So -- okay, so 6 you're saying you don't want a condition 7 prohibiting signs? 8 DR. YOUNG-CHO: No. 9 MR. ROGERS: And -- and if I may, you 10 know, what we would propose as far as if -- if 11 there is any type of sign condition instead of, you 12 know, saying that no additional signage is allowed, 13 we would propose a condition that says something 14 along the lines of, new signage needs to be in 15 compliance with the sign ordinance, go to the Sign 16 Review Board -- 17 THE HEARING EXAMINER: Well, that -- 18 yeah, I don't even -- wouldn't even put a condition 19 on like that because that's not what you're 20 proposing now. So you would come in for -- just as 21 you did for the walls -- wall sign, you would come 22 in for a minor modification. 23 MR. ROGERS: And so, that -- that's kind 24 of what our concern is, is we were hoping that if 25 there was a need for a sign in the future, that</p>

Transcript of Hearing
Conducted on January 23, 2026

12 (45 to 48)

<p>45</p> <p>1 could just go through the normal Sign Review Board 2 process, you know, if it complies with this 3 (indiscernible). 4 THE HEARING EXAMINER: Well, that -- 5 that only handles signs that don't meet the 6 requirements of -- you have to show it on the site 7 plan, or -- or you have to show it on the site 8 plan. You have to show it on the site plan either 9 way. Usually people come in with the sign, the 10 proposed sign during the conditional use. If you 11 want to add something to the conditional use, I can 12 leave the record open, but -- but just as the wall 13 sign, you -- you have to come back and modify the 14 conditional use. 15 MS. LEE-CHO: Then we would request that 16 the record -- during -- we may have to confer and 17 provide a sample, a -- a sign, a concept for -- 18 it's -- it's just that the existing wall sign is 19 near the entrance. It's on a wall. It's not 20 prominent. It's really for the parking lot, for 21 folks to just kind of understand where the entrance 22 is. It's more an entrance sign than anything else. 23 But because the KCSC also owns and 24 operates the adjacent senior apartment complex to 25 the north, there could be walkers or folks who come</p>	<p>47</p> <p>1 be happy to leave the record open if you want -- 2 one thing that helps you with the Review Board is 3 that if I -- if we do the sign as part of the 4 conditional use, then -- and I find it -- the 5 Hearing Examiner finds it compatible, then the Sign 6 Review Board doesn't have to review the 7 compatibility. If it doesn't comply with the R-60 8 -- 9 MS. LEE-CHO: Permission. 10 THE HEARING EXAMINER: -- which I think 11 is two by two. 12 MS. LEE-CHO: Right. So because we have 13 to update the data table, as you heard from Mr. La 14 Vay, just to incorporate, the record will -- will 15 be open for a period of time. I think that's 16 sufficient time for us to confirm -- 17 THE HEARING EXAMINER: And where would 18 the sign be on university? 19 MS. LEE-CHO: On that facade. 20 THE HEARING EXAMINER: On the facade of 21 the billing. 22 MS. LEE-CHO: Correct. 23 THE HEARING EXAMINER: So -- okay, and 24 maybe you can -- well, we don't know the size or 25 anything, I guess it would be whether it -- anyway,</p>
<p>46</p> <p>1 on the university side, and it would just be 2 helpful to have an identifier on that facade. That 3 we -- prior to the state, we didn't really think 4 about it, but we would like an opportunity to 5 confer further and submit something. 6 THE HEARING EXAMINER: Well, I can -- I 7 can leave the record open. I mean, the minor 8 modification, as you know, is a streamlined 9 process, but it's up to you. 10 MS. LEE-CHO: It -- it's supposed to be 11 a streamlined process. It -- it actually took a 12 bit of time. So -- 13 THE HEARING EXAMINER: Really? 14 MS. LEE-CHO: Yeah. It -- it was not a 15 streamlined -- maybe because it was early in the 16 conditional use -- 17 THE HEARING EXAMINER: Process? 18 MS. LEE-CHO: -- process. 19 THE HEARING EXAMINER: Well, you know -- 20 I'm not testifying, but there was some confusion 21 about jurisdiction. It -- it -- it was -- there 22 was some confusion based on the 2014 zoning 23 ordinance and that was resolved a couple of years 24 later. 25 So anyway, it's up to you. I would</p>	<p>48</p> <p>1 you submit a -- I'd be happy -- that if you'd like 2 to do it that way, I'd be happy to leave the record 3 open for the time you need to submit that. And I 4 can take amendments at this late date. That was 5 settled in -- I can't remember the case, but 6 anyway, so I'd be happy to -- 7 MS. LEE-CHO: Thank you. 8 THE HEARING EXAMINER: -- leave the 9 record open. 10 MR. ROGERS: Yeah. Thank you. So now 11 we'll jump into what we had planned. 12 BY MR. ROGERS: 13 Q So Dr. Cho, the previous special 14 exception approval was granted in May of 2017. How 15 long after that did it take to get this KCSC branch 16 office operational? 17 A The office officially opened in November 18 2017. 19 Q And since then, what kind of programs 20 and services have you been providing at this 21 location? 22 A Oh, a -- a wide variety of social 23 services are offered that focus on meeting 24 essential need for low income individuals, seniors, 25 and families in the community. Many of these are</p>

Transcript of Hearing
Conducted on January 23, 2026

13 (49 to 52)

<p>49</p> <p>1 directed toward helping people get access to things 2 like Social Security, Medicare, Medicaid, and food 3 assistance program like SNAP or WIC, and then 4 homeowner and rental tax credit. We also offer 5 small group classes for seniors through the Senior 6 Academy, such as art classes and smartphone classes. 7 Q And how many employees do you currently 8 have working in the Silver Spring office? 9 A There are currently three employees 10 working together. Two provide direct social 11 services, and the other third staff member support 12 program development. 13 Q And in addition to the three employees 14 that are at the site, the prior approval was 15 conditioned on the KCSC office occupying only the 16 basement so the upper two floors could be retained 17 for residential purposes. Does anyone still live 18 in that space? 19 A No. Someone did live there from 2016 to 20 2022, but not since. We have not had a new 21 resident move in because the Silver Spring office 22 was successful, and we realized that one day we 23 might want to try to use rest of the residence for 24 office spaces as well. 25 Q And let's talk a little bit about the</p>	<p>51</p> <p>1 initial assistance, and then schedule a follow-up 2 appointment. The walk-in are not necessarily 3 turned away, as we are a service organization, but 4 they are not also encouraged. 5 Q And so, how often are larger events held 6 at this office where there's several members coming 7 to participate in programming at the same time? 8 A The only group sessions are during the 9 Senior Academy, which runs for two eight weeks 10 session per year, and other larger KCSC group 11 programming such as educational seminars or 12 training are held at other KCSC locations because 13 they have bigger space for the programs. 14 Q And can you just describe a little bit 15 more about the Senior Academy, what kind of 16 activities are involved with that? 17 A Yes. Senior Academy classes are small 18 scale and structured and focused on practical daily 19 need, such as art classes and smartphone classes. 20 Sometimes we do provide community education 21 seminars or -- 22 THE HEARING EXAMINER: Did you say 23 smartphone classes? 24 DR. YOUNG-CHO: Smartphone classes. 25 They very popular. Yeah. They really like that.</p>
<p>50</p> <p>1 community members that -- that work at or that -- 2 that come to receive services. So if a new 3 community member wants to start receiving services 4 from KCSC, what is that process like? 5 A As part of the intake process, we 6 collect the name and address and email address of 7 any new client, and then under their consent -- 8 consent, the person is a member of our email list 9 serve so that we spread out the information and 10 resources through that mailing process, emailing 11 process. 12 Q And so, on a normal day where there's 13 nothing special going on how often do community 14 members, members of KCSC come to the office? 15 A Yeah, the Silver Spring Office averages 16 about 10 visitors on a normal day. 17 Q And are these -- are these by 18 appointment or do you take walk-ins as well? 19 A Services are typically provided by 20 appointment only. Our office is located right next 21 to University Gardens Senior Apartment, owned by 22 the Korean Community Senior Housing Corporation, 23 and sometimes seniors may come in even though they 24 haven't made any appointment. In those cases, the 25 staff typically try to provide some level of</p>	<p>52</p> <p>1 And then sometimes we do a public benefit 2 enrollment informational session as well. 3 Q And so, when you have the Senior 4 Academy, what time of day does that typically occur? 5 A All programs and services are currently 6 available at the Silver Spring office, including 7 Senior Academy, occur during our regular business 8 hours. Senior Academy classes in particular have 9 typically run from 10:30 a.m. To 12:30 p.m. 10 THE HEARING EXAMINER: Okay. So you go 11 -- you're going to have senior academic classes 12 during the day? 13 DR. YOUNG-CHO: Uh-huh. 14 THE HEARING EXAMINER: And I guess my 15 question is how that is accommodated with the 16 parking requirements and maybe we need to get Mr. 17 La Vay back, because when I read the staff report, 18 it said by appointment only, and then it said eight 19 evening -- evening events or something like that. 20 BY MR. ROGERS: 21 Q So Dr. Cho, when -- for the Senior 22 Academy classes, do you have -- do -- do -- can 23 people just come to that or they need to sign up to 24 -- to attend and is there some sort of limitation 25 on how many people attend?</p>

Transcript of Hearing
Conducted on January 23, 2026

14 (53 to 56)

<p>53</p> <p>1 A Right, of course it is not open. Just 2 like appointment for services, is a 3 registration-based program. So each semester we -- 4 we release the information to our members, and then 5 they have to sign up for the classes, so -- 6 THE HEARING EXAMINER: How -- how many 7 people are permitted in the classes? 8 DR. YOUNG-CHO: It's around ten, but 9 most of the members comes from the University 10 Garden (sic) next door under the offices, so they 11 don't drive at all. They don't have their own car 12 sometimes. So the -- relate to that classes, we 13 haven't had any issue to parking with that program. 14 BY MR. ROGERS: 15 Q So -- and, you know, just to clarify 16 what you're saying, so a -- a lot of the people 17 that attend these classes live right next door, so 18 you're saying they wouldn't drive a vehicle, is 19 that -- 20 A Yes. 21 Q Okay. 22 THE HEARING EXAMINER: Now, okay. How 23 can I ensure that you don't have 15 people? How -- 24 how can I -- can I limit the number? Because 25 you're going to need parking for -- you're going to</p>	<p>55</p> <p>1 but we are proposing five, to be clear. So 2 there'll be five in the future. There's three 3 right now. 4 THE HEARING EXAMINER: Was that in the 5 staff report? 6 MR. ROGERS: I -- I -- 7 MS. LEE-CHO: Yes. 8 MR. ROGERS: -- I believe so, yes. 9 MS. LEE-CHO: Two additional -- 10 MR. ROGERS: Two additional employees. 11 THE HEARING EXAMINER: Oh, two 12 additional. That's where I got confused. 13 DR. YOUNG-CHO: That's -- 14 THE HEARING EXAMINER: So you've got 15 five employees, you've got ten people in the 16 academic class, and there may be other people in 17 there that are -- you know, have individual 18 appointments. So -- and I -- so you're saying that 19 most of them don't drive? I mean, can you cap the 20 number of people that come to a class? I don't 21 want to curtail your -- I am a little worried about 22 the parking. 23 MR. ROGERS: Well -- 24 THE HEARING EXAMINER: Or do you have 25 any documentation of how many people don't drive?</p>
<p>54</p> <p>1 need parking for the class, the employees. I think 2 you have 13 parking spaces, so if you have a -- say 3 they did all drive, if I had a class with ten 4 people and -- I forget your employees, three 5 employees, but what if 12 people? So I guess, how 6 do I make sure that the parking is adequate? 7 BY MR. ROGERS: 8 Q Yeah. It -- Dr. Cho, I also ask -- have 9 you also had in the past where, because these are 10 seniors, again, you know, coming from different 11 facilities potentially, is -- is there pick up and 12 drop off as opposed to everyone driving? Is -- is 13 -- is there typically, like, a pickup, drop off 14 situation for this class? 15 A Actually of course we really need the 16 registration number so that we don't -- we don't go 17 for the -- more than ten people, just because of -- 18 we have small -- 19 THE HEARING EXAMINER: Well, you could 20 have -- say -- say this works. You could have ten 21 people in a class and you could have two employees 22 with individual appointments, so that's 12 23 visitors. And then how many employees do you have? 24 Three? Four? 25 MR. ROGERS: There's -- there's three,</p>	<p>56</p> <p>1 DR. YOUNG-CHO: I can provide it for you 2 because of the -- our registration could say who 3 will be from where, so the -- we can see the rest 4 of the residency, and then if it is University 5 Gardens, all the rest, then we can say they don't 6 drive for the classes. And if not, then we can 7 have -- but we -- but we haven't -- I'm sorry, but 8 we haven't had to think about that way before, 9 because we haven't had an issue related to that, 10 but if you want, we can provide that information 11 for you. 12 EXAMINATION BY COUNSEL FOR THE APPLICANT 13 BY MS. LEE-CHO: 14 Q If -- if I may. Dr. Cho, since 2017, 15 you've had these Senior Academy classes at this 16 location, correct? 17 A Yes. 18 Q And you've testified that how many 19 attendees for these classes at one time? 20 A Average, ten. 21 Q Ten? 22 A Yeah. 23 Q And that has been occurring on the site 24 since 2017? 25 A Yes, yes.</p>

Transcript of Hearing
Conducted on January 23, 2026

15 (57 to 60)

<p>57</p> <p>1 Q Are you -- are you proposing any type of 2 increase in -- in this average size of those 3 classes? 4 A No, because of the space limitation, we 5 always cap the number. 6 THE HEARING EXAMINER: But she now has 7 -- she's going to have two more employees who can 8 have individual -- so, individual appointments as 9 well as having the class. 10 MS. LEE-CHO: Correct. 11 Q So, you know, I guess my question is 12 that over this -- you've also had those 13 appointments going on at the same time of -- 14 A Uh-huh. 15 Q -- the Senior Academy classes, correct? 16 A Right, right. 17 Q So in those years of operation, have you 18 had a parking issue where there's inadequate 19 parking for both Senior Academy use, along with the 20 normal appointments that occur with your employees? 21 A I don't think so. Actually we haven't 22 had any issue related to the client parking at the 23 spot. The -- our sister organization, KCSH, 24 University Garden, we are -- we have allowed them 25 to use our parking space during the non-business</p>	<p>59</p> <p>1 University Gardens, and those are more likely to 2 drive -- 3 MS. LEE-CHO: Or not drive. 4 THE HEARING EXAMINER: Huh? 5 MR. ROGERS: No -- 6 MS. LEE-CHO: If they're University 7 Gardens -- 8 THE HEARING EXAMINER: I'm sorry. Yes, 9 you're right. 10 MS. LEE-CHO: And the age -- I mean, I 11 -- I -- if we can provide additional information of 12 the likelihood of drivers -- 13 THE HEARING EXAMINER: That would be 14 helpful. 15 MS. LEE-CHO: -- because the age -- the 16 age of these attendees would have some bearing. 17 The likelihood is that they are not driving and 18 they're being dropped off. 19 THE HEARING EXAMINER: I am -- I thought 20 the staff reporter said that it would be evening -- 21 well, are you -- do you have any objection to the 22 limitation on evening events or am I forgetting 23 those? 24 MS. LEE-CHO: No. 25 MR. ROGERS: We -- we -- we don't have</p>
<p>58</p> <p>1 hour. So sometimes the -- the residents or 2 visitors parked in our site during the night. And 3 sometimes, often, you know, they just stay there a 4 little bit over, you know, starting after the 5 business hours. In that case we contact -- 6 communicate with the management office so that it 7 can be resolved. 8 Q But in terms of the Senior Academy 9 attendees -- 10 A Yeah. 11 Q -- would you be able to provide some 12 information if you -- if you don't have it today, 13 just percentage wise, how many actually drive, the 14 ages -- 15 A Sure. 16 Q -- of the attendees of the Senior 17 Academy? 18 A Uh-huh. Uh-huh. 19 Q And -- 20 THE HEARING EXAMINER: Well, you -- 21 Q -- how many -- 22 THE HEARING EXAMINER: -- said you could 23 get the -- the -- their residence -- or their -- I 24 -- I don't need to know exactly where. You don't 25 have to give an address, but are they from</p>	<p>60</p> <p>1 an objection to the limit -- to -- to the condition 2 in the staff report about the number of evening 3 events. 4 THE HEARING EXAMINER: Okay. Okay. If 5 -- if you would kindly do that, I think that would 6 -- 7 BY MS. LEE-CHO 8 Q And I would also -- also, you have 9 Service (sic) Academy classes scheduled. On those 10 days do you -- do you direct your employees to, I 11 guess, not have as many appointments or the -- you 12 -- you self-regulate is what I'm trying -- 13 A Uh-huh. 14 Q -- to get at when -- on the days that -- 15 A That's a really good point. 16 THE HEARING EXAMINER: Do you limit 17 individual appointments on days you have classes, I 18 think that's what you're -- 19 DR. YOUNG-CHO: That's a really great 20 point because the -- our social service coordinator 21 actually is the same person to run the Senior 22 Academy program, so while we are running the senior 23 academy program, we don't have the client to come. 24 Yeah. That's a really great point, yeah. 25 THE HEARING EXAMINER: And is that going</p>

Transcript of Hearing
Conducted on January 23, 2026

16 (61 to 64)

<p>61</p> <p>1 to continue?</p> <p>2 DR. YOUNG-CHO: Yes. Yes.</p> <p>3 THE HEARING EXAMINER: Okay. If you</p> <p>4 could get me just something on -- you know, as I</p> <p>5 said, it doesn't have to be the exact address.</p> <p>6 DR. YOUNG-CHO: Uh-huh. Uh-huh.</p> <p>7 THE HEARING EXAMINER: Just say</p> <p>8 University Gardens. That would be helpful.</p> <p>9 DR. YOUNG-CHO: Okay, sure. I will.</p> <p>10 RE-EXAMINATION BY COUNSEL FOR THE APPLICANT</p> <p>11 BY MR. ROGERS:</p> <p>12 Q All right. Thank you. So now we'll get</p> <p>13 in more to what's being proposed. So why at this</p> <p>14 time is KCSC looking to move into the upper two</p> <p>15 floors of the site?</p> <p>16 A Yes. KCSC is requesting to use the</p> <p>17 upper floors in order to better meet the growing</p> <p>18 service needs of the seniors and community members</p> <p>19 we serve. Our current space is limited and does</p> <p>20 not adequately accommodate staff work areas or</p> <p>21 small and structured educational activities.</p> <p>22 Utilizing the upper floors will allow us to</p> <p>23 organize staff offices more efficiently and improve</p> <p>24 services delivery in more professional,</p> <p>25 confidential, and accessible manner. This use will</p>	<p>63</p> <p>1 A We have seen a growing need in two areas</p> <p>2 that require additional staff to address. One is</p> <p>3 the need to expand the services to Chinese American</p> <p>4 in Eastern Montgomery County. So we plan to hire a</p> <p>5 Chinese-speaking social service coordinator. We</p> <p>6 also have identified a need to expand services to</p> <p>7 survivors of domestic violence and sexual assault.</p> <p>8 So we intend to hire a Korean-speaking victim</p> <p>9 service coordinator as well.</p> <p>10 Q All right. And will the additional</p> <p>11 space and the number of employees allow you to</p> <p>12 offer services that are different from what KCSC</p> <p>13 has provided in the past?</p> <p>14 A The changes will allow KCSC to</p> <p>15 strengthen and more efficiently deliver its</p> <p>16 existing services, including social services for</p> <p>17 Korean American resident and the Senior Academy</p> <p>18 program, as well as to better support already</p> <p>19 planned service expansion such as social service</p> <p>20 for Chinese American resident and victim services</p> <p>21 for Korean American in the region.</p> <p>22 The expanded capacity will also</p> <p>23 improve access for underserved populations,</p> <p>24 including low income, seniors, and then</p> <p>25 Chinese-speaking resident by reducing barriers to</p>
<p>62</p> <p>1 support administrative and client service</p> <p>2 functions, and also -- but it will not result in</p> <p>3 large gatherings, public events, or increase the</p> <p>4 traffic at the site.</p> <p>5 Q All right. And so, another operational</p> <p>6 change that is proposed in this amendment is to</p> <p>7 move the hours that the office is open from 9:00 to</p> <p>8 5:00 to 8:00 to 4:00. And so, why -- why have you</p> <p>9 decided to change the operational hours of the</p> <p>10 office?</p> <p>11 A The KCSC's headquarter office is located</p> <p>12 in Annandale, Virginia, and we have also two more,</p> <p>13 the branch office in Maryland side, in addition to</p> <p>14 Silver Spring office. So -- but all other offices</p> <p>15 running from 8:00 a.m. to 4:00 p.m. schedule, so we</p> <p>16 would like to make them consistent and also</p> <p>17 (indiscernible) across the same site. And also,</p> <p>18 the most of our members are seniors and -- who</p> <p>19 tended to prefer earlier appointment over late</p> <p>20 afternoon. So that's the only reason that we would</p> <p>21 like to propose that.</p> <p>22 Q Right. And you've also proposed, as</p> <p>23 we've talked about, two additional employees at the</p> <p>24 office. And so, what do you plan for those two</p> <p>25 additional employees?</p>	<p>64</p> <p>1 culturally and linguistically appropriate services.</p> <p>2 Overall, this investment will increase access to</p> <p>3 essential services and contribute to improve the</p> <p>4 community health, stability, and the safety, while</p> <p>5 remaining consistent with KCSC's longstanding</p> <p>6 mission and services focused at this location.</p> <p>7 THE HEARING EXAMINER: Sounds like</p> <p>8 important work.</p> <p>9 DR. YOUNG-CHO: Yeah. Thanks so much.</p> <p>10 MR. ROGERS: And so, with that, we don't</p> <p>11 have any more questions for Dr. Cho. Do you have</p> <p>12 anything else?</p> <p>13 THE HEARING EXAMINER: No, just -- just</p> <p>14 the one thing about the parking.</p> <p>15 MR. ROGERS: Yeah.</p> <p>16 THE HEARING EXAMINER: So okay. Thank</p> <p>17 you very much.</p> <p>18 DR. YOUNG-CHO: Thank you so much.</p> <p>19 THE HEARING EXAMINER: And the summon,</p> <p>20 that was the second thing.</p> <p>21 MR. ROGERS: Right.</p> <p>22 THE HEARING EXAMINER: So think about</p> <p>23 how long you're going to need to prepare that so we</p> <p>24 can set the date for closing the record.</p> <p>25 MR. ROGERS: Okay.</p>

Transcript of Hearing
Conducted on January 23, 2026

17 (65 to 68)

<p>65</p> <p>1 THE HEARING EXAMINER: And I have to 2 have staff -- I'm required to send it back to staff. 3 MR. ROGERS: Okay. 4 THE HEARING EXAMINER: So figure that 5 they have to make a comment, too. 6 MR. ROGERS: Understood. 7 THE HEARING EXAMINER: Okay. 8 MR. ROGERS: All right. So at this time 9 we're ready to call our third witness. 10 THE HEARING EXAMINER: Please state your 11 name, business address, and email for the record. 12 MR. DRIBAN: Yes. Nick Driban. Last 13 name is D-R-I-B-A-N. Office address is 231 Najoles 14 Road, that's N-A-J-O-L-E-S, Suite 250, 15 Millersville, Maryland 21108. And my email is N 16 and my last name, D-R-I-B-A-N @lenharttraffic.com. 17 MR. ROGERS: And so, I'll remind the 18 Hearing Examiner that a resume was also provided 19 for Mr. Driban. It's in the Statement of 20 Justification. 21 THE HEARING EXAMINER: I saw that. And 22 you don't have to do the -- the resume I think is 23 sufficient to -- is -- have you ever qualified as 24 an expert before in what -- transportation planning 25 or transportation engineering?</p>	<p>67</p> <p>1 traffic statement for KCSC in this case? 2 A Yes, I did. 3 Q And what is the purpose of a traffic 4 statement for a conditional use application? 5 A So the purpose of a traffic statement is 6 to identify the transportation policy area that the 7 site is located in per the County's guidelines and 8 evaluate the number of trips, the volume of cars 9 coming to and from the site during the peak hours, 10 which is the -- the rush hour, the -- the busiest 11 hour in the morning and the busiest hour in the 12 evening. 13 Q And so, there -- there are established 14 guidelines for performing the analysis for the 15 traffic statement? 16 A Yes, that's correct. The guidelines are 17 well established by the county's Growth and 18 Infrastructure policy, which is the Adequate Public 19 Facilities Ordinance. And those -- that policy 20 then dictates the Local Area Transportation Review, 21 the LATR guidelines, which are the steps for 22 implementing the -- the GIP requirements. 23 Q And so, based on your analysis under 24 these guidelines, was a traffic impact study 25 necessary for the site?</p>
<p>66</p> <p>1 MR. DRIBAN: Traffic -- traffic 2 engineering and transportation planning typically. 3 THE HEARING EXAMINER: Okay. So -- 4 MR. DRIBAN: And I've qualified numerous 5 times here. 6 THE HEARING EXAMINER: Okay. I -- I'll 7 accept him as an expert in those areas. 8 MR. ROGERS: Thank you. We appreciate 9 that. So -- and just as a preliminary matter, we 10 did see in your email that you didn't see the 11 traffic statement in the record and -- 12 THE HEARING EXAMINER: It was there. 13 I'm sorry. 14 MR. ROGERS: That's okay. We -- we had 15 saw -- I didn't know if it was added after you 16 reviewed or before, but it -- you've seen it, so 17 perfect. So we'll go ahead and get started. 18 Whereupon, 19 NICK DRIBAN, 20 being first duly sworn or affirmed to testify to 21 the truth, the whole truth, and nothing but the 22 truth, was examined and testified as follows: 23 EXAMINATION BY COUNSEL FOR THE APPLICANT 24 BY MR. ROGERS: 25 Q So Mr. Driban, did you prepare the</p>	<p>68</p> <p>1 A No. So according to the LATR guidelines 2 in any case where a site generates fewer than 30 3 peak hour trips during both the morning and evening 4 peak hour traffic impact study is not required. 5 The impact of that site is considered de minimis. 6 Q Great. And so, getting into the 7 analysis a little bit, how did you actually go 8 about determining that there would be fewer than 30 9 peak hour trips at the site? 10 A Yeah. So in this case there are fewer 11 than 30 peak hour trips based on the county's 12 guidelines. That determination is made based on 13 the Institute for Transportation Engineers, the ITE 14 Trip Generation Manual. It's a -- it's a three 15 volume manual -- now, a lot of it is online, but it 16 used to be a three volume manual and that manual is 17 based on studies throughout the country that have 18 been conducted on various types of sites. So you 19 know, any -- any use you could think of, 20 residential, hotel, office building is included in 21 that manual and based on the studies that have been 22 conducted nationally they -- they've developed 23 rates and equations for determining how much 24 traffic that those types of sites will generate 25 during the morning and evening peak hour.</p>

Transcript of Hearing
Conducted on January 23, 2026

18 (69 to 72)

<p>69</p> <p>1 Montgomery County is -- is -- is 2 interesting and progressive in that they -- they 3 take those rates and they recognize that traffic in 4 Montgomery County and especially, you know, 5 different parts of the county is, you know, is 6 affected by transit, the ability to walk and bike 7 to sites. And so, the volume of cars coming to and 8 from a site is different based on different areas 9 of the county. And so, this site specifically we 10 analyzed as general office using the ITE Trip 11 Generation Manual 11th Edition, which was the 12 standard under the LATR guidelines through the end 13 of last year when this study was approved. They're 14 now using the 12th edition, but, again, at the time 15 this was approved, it was the 11th. And then those 16 rates are modified for the policy area that the 17 site is located in, which is Montgomery County's 18 Silver Spring Takoma Park area. 19 For that area, because there's such 20 good access to transit, sidewalks, you know, 21 bicycles, and alternate modes, they take the ITE 22 trip generation rates and they modify those by a 70 23 percent factor and that's codified in the LATR 24 guidelines. And so, that's how we arrived at the 25 total number of trips for the site. In this case,</p>	<p>71</p> <p>1 -- the trip generation manual rates, again, are -- 2 are based on studies of similarly sized offices 3 throughout the country. You know, and those office 4 uses could be -- could be anything, could be 5 similar to this. Could be, you know, a real estate 6 office where folks are coming in to talk to agents, 7 things like that. And so, you know, it accounts 8 for -- implicitly accounts for whether things like 9 appointments are required or not required, you 10 know. It's -- it's -- it's -- it's -- it's 11 applicable to any type of office space. 12 And so, especially given that 13 there's only five staff members here, you're really 14 sort of limited in -- in the amount of people that 15 could come to the site during the peak hours, which 16 is what's in the -- the county growth and 17 infrastructure policy and what's required to be 18 evaluated for -- for traffic impacts. So I don't 19 believe, you know -- based on, sort of -- sort of, 20 the staffing limitations, and also the general 21 methodology from the trip generation manual, I -- I 22 don't believe there's a need for a condition 23 requiring (indiscernible). 24 THE HEARING EXAMINER: I was actually a 25 little more worried about the parking than I was</p>
<p>70</p> <p>1 the total -- total trips for the office space being 2 proposed is eight a.m. peak hour trips and nine 3 p.m. peak hour trips, which is well below the -- 4 the 30 trip threshold where further study would be 5 required and specifically, you know, eight and nine 6 is therefore -- is therefore de minimis impact. 7 Q All right, great. And so, was this 8 analysis approved by Montgomery County planning 9 staff? 10 A Yes. The analysis was reviewed and 11 approved by Montgomery County staff, including 12 their transportation staff. 13 MR. ROGERS: And just for clarification, 14 the transportation adequacy form approval is in the 15 record. So -- so the other thing that we wanted to 16 talk about is in the Hearing Examiner's email prior 17 to the hearing. Ms. Robeson, you did mention the 18 -- the -- the potential for a condition that places 19 a limit on the number of appointments per day was a 20 question you raised. 21 Q So Mr. Driban, I would just ask you, 22 given the findings of your traffic statement, can 23 you give an opinion as to whether a condition of 24 that kind would be necessary in this case? 25 A In my opinion, it wouldn't be. So the</p>	<p>72</p> <p>1 about the -- the peak hours because they are so 2 low. But that's fine. Thank you. 3 BY MR. ROGERS 4 Q And so, last thing is, outside of trip 5 generation, are there any proposed changes to the 6 site or the operations that you believe could 7 potentially have an adverse impact on traffic? 8 A No, I -- I don't believe there is. 9 Again, it's -- it's a very low traffic-generating 10 use and, you know, the site access points are -- 11 have been in the configuration that they're in for, 12 since the site was -- was built, and so I don't 13 believe there's any adverse impacts as a result of 14 the -- the use. 15 THE HEARING EXAMINER: Okay. 16 MR. ROGERS: And that's all that I have 17 for Mr. Driban, if you're okay -- 18 THE HEARING EXAMINER: That was fine. 19 Thank you very much. 20 MR. DRIBAN: Thank you. 21 MR. ROGERS: And so, as I mentioned 22 earlier, the last thing we'd like to do is bring 23 Mr. La Vay back up to go through the findings. 24 THE HEARING EXAMINER: Here's a clean 25 notepad.</p>

Transcript of Hearing
Conducted on January 23, 2026

19 (73 to 76)

<p>73</p> <p>1 MR. DRIBAN: Like I said.</p> <p>2 THE HEARING EXAMINER: Okay. Mr. La</p> <p>3 Vay, you're still under oath.</p> <p>4 MR. DRIBAN: Ready.</p> <p>5 THE HEARING EXAMINER: Go ahead.</p> <p>6 MR. DRIBAN: I'm good. You ready?</p> <p>7 BY MR. ROGERS:</p> <p>8 Q I have it. So like I said, we're just</p> <p>9 going to recap the findings that are necessary for</p> <p>10 this report starting with the general findings of</p> <p>11 Section 7.3.1 E. Does this proposal satisfy or</p> <p>12 amend all previous approvals?</p> <p>13 A Yes.</p> <p>14 Q Does the proposed modification satisfy</p> <p>15 the requirements of the zone use standards under</p> <p>16 Article 59-3 and meet applicable general</p> <p>17 requirements under Article 59-6?</p> <p>18 A Yes, it does. As I testified to</p> <p>19 previously, the development standards are all met</p> <p>20 and outlined on the special except for conditional</p> <p>21 use site plans, both for 59-3 as well as 59-6 for</p> <p>22 parking, landscaping, and screening.</p> <p>23 Q And in your opinion do the proposed</p> <p>24 modifications substantially conform with the</p> <p>25 recommendations of the applicable master plan?</p>	<p>75</p> <p>1 this site served by adequate public services and</p> <p>2 facilities?</p> <p>3 A Yes, it is. As -- as I testified to</p> <p>4 earlier, water and sewer service is -- is adequate</p> <p>5 and -- and already provided. Fire -- fire and</p> <p>6 rescue service is adequate as -- as shown in the</p> <p>7 approved fire department access plan and stormwater</p> <p>8 management requirements are not entered.</p> <p>9 THE HEARING EXAMINER: Usually they</p> <p>10 include police are only a mile away but --</p> <p>11 MR. DRIBAN: Okay. Great.</p> <p>12 THE HEARING EXAMINER: We don't have to</p> <p>13 do that in this -- not too picky.</p> <p>14 MR. ROGERS: If I recall, I believe that</p> <p>15 information may be in the staff report and</p> <p>16 certainly in the previous hearing examination</p> <p>17 report.</p> <p>18 THE HEARING EXAMINER: I'm sure. I'll</p> <p>19 -- I'll look.</p> <p>20 BY MR. ROGERS:</p> <p>21 Q Yes. Do you -- and -- and sorry. I</p> <p>22 don't -- I don't think you quite got to it, but as</p> <p>23 far as the traffic facilities as well, based on</p> <p>24 what you heard from the previous testimony, are</p> <p>25 they adequate?</p>
<p>74</p> <p>1 A Yes. As I mentioned in my previous</p> <p>2 testimony, there's -- there's no specific</p> <p>3 recommendations for the property, although the --</p> <p>4 the use and -- and the setting are all consistent</p> <p>5 with the goals and recommendations of the master</p> <p>6 plan.</p> <p>7 Q And do you believe that the proposed use</p> <p>8 will alter the character of the surrounding</p> <p>9 neighborhood in a manner inconsistent with the plan?</p> <p>10 A No, I do not. As an existing</p> <p>11 conditional use with a -- located in a structure</p> <p>12 that's going to remain unchanged, I do not believe</p> <p>13 it will change the character of the neighborhood.</p> <p>14 Q And when evaluated in conjunction with</p> <p>15 existing and approved conditional uses in the</p> <p>16 surrounding area, will this modification increase</p> <p>17 the intensity or scope of conditional uses</p> <p>18 sufficiently to affect the area adversely or alter</p> <p>19 its residential character?</p> <p>20 A No, this will not, especially</p> <p>21 considering that it's an existing conditional use,</p> <p>22 so it's a -- just a minor adjustment to the</p> <p>23 operations.</p> <p>24 Q And given what you just heard from Mr.</p> <p>25 Driban, in addition to your previous testimony, is</p>	<p>76</p> <p>1 A Yes. As -- as mentioned in Mr. Driban's</p> <p>2 testimony.</p> <p>3 Q Do you believe this modification would</p> <p>4 cause undue harm to the neighborhood as a result of</p> <p>5 a non-inherent adverse effect alone or the</p> <p>6 combination of an inherent and a non-inherent</p> <p>7 adverse effect?</p> <p>8 A No, I do not. As I mentioned in my</p> <p>9 previous testimony, I do not believe this use has</p> <p>10 any non-inherent adverse impacts.</p> <p>11 Q And will any structure to be</p> <p>12 constructed, reconstructed, or altered under the</p> <p>13 conditional use be compatible with the character of</p> <p>14 the neighborhood?</p> <p>15 A Yes, it will. And there's no -- there's</p> <p>16 no changes to the structure. It's already</p> <p>17 compatible. It was formerly a home.</p> <p>18 Q All right. So then, moving on to the</p> <p>19 development standards of the R-60 zone, which you</p> <p>20 testified to earlier. Does the site meet all</p> <p>21 applicable requirements of Section 59 449B of the</p> <p>22 zoning ordinance, which are the R-60 zone standards?</p> <p>23 A It does as -- as shown on Exhibit 8A.</p> <p>24 Excuse me. And my previous testimony all of the</p> <p>25 standards for setbacks, building height, lot size,</p>

Transcript of Hearing
Conducted on January 23, 2026

20 (77 to 80)

<p>77</p> <p>1 et cetera, are all met for the R-60 zone.</p> <p>2 Q And then for the specific use -- oh,</p> <p>3 sorry.</p> <p>4 THE HEARING EXAMINER: Need to</p> <p>5 interrupt, but -- he already testified. Is there</p> <p>6 anything new he's going to testify to?</p> <p>7 MR. ROGERS: There is one more thing.</p> <p>8 THE HEARING EXAMINER: Why don't we get</p> <p>9 to that?</p> <p>10 BY MR. ROGERS:</p> <p>11 Q Okay. Okay. Understood. In the</p> <p>12 specific use standards, could you just define the</p> <p>13 use of private club service organization and give</p> <p>14 your opinion on whether Dr. Cho's testimony about</p> <p>15 the operations at KCSC comply with that definition?</p> <p>16 A Sure. I'm going to use my notes so I</p> <p>17 don't get the definition wrong here, but -- a</p> <p>18 private club service organization is defined as an</p> <p>19 association for civic, social, cultural, religious,</p> <p>20 literary, political, recreational, or like</p> <p>21 activities operated for the benefit of its members</p> <p>22 and not open to the public. And I think the</p> <p>23 testimony you heard from -- Dr. Cho does prove that</p> <p>24 this facility is -- does meet the definition of a</p> <p>25 private club service organization.</p>	<p>79</p> <p>1 standards.</p> <p>2 THE HEARING EXAMINER: Yeah.</p> <p>3 MR. DRIBAN: And that's -- that's --</p> <p>4 that's the conditional use cover sheet has those or</p> <p>5 substitute Exhibit A -- 8A with a new sheet.</p> <p>6 THE HEARING EXAMINER: Okay. And then</p> <p>7 we have the sign, correct?</p> <p>8 MS. LEE-CHO: Yes, that's correct.</p> <p>9 THE HEARING EXAMINER: So how long do</p> <p>10 you think you need to -- to add -- if you want to</p> <p>11 add it to the conditional use plan, how long do you</p> <p>12 think you would need to do that?</p> <p>13 MS. LEE-CHO: I think that we would --</p> <p>14 two weeks? Well, two -- a week for a decision to</p> <p>15 be made as to what we might want to propose. I</p> <p>16 would hope another week just to confer with</p> <p>17 planning staff.</p> <p>18 THE HEARING EXAMINER: That's fine, but</p> <p>19 then I have to build in time for planning staff to</p> <p>20 send me something.</p> <p>21 MS. LEE-CHO: You mean a formal</p> <p>22 supplemental report or something?</p> <p>23 THE HEARING EXAMINER: Yeah, they -- the</p> <p>24 code requires me to send every BPF page back to</p> <p>25 them, and then I -- so I need the modifications</p>
<p>78</p> <p>1 Q And then there's one other in the</p> <p>2 specific use standards. Is this site located in an</p> <p>3 area where private club service organizations are a</p> <p>4 limited use such that a site plan approval would be</p> <p>5 required?</p> <p>6 A No, in this particular case, it's a</p> <p>7 conditional use and therefore site plan is not</p> <p>8 required.</p> <p>9 Q And so, you know, as you mentioned, the</p> <p>10 other specific use standards he's testified to</p> <p>11 earlier in the general development standards.</p> <p>12 THE HEARING EXAMINER: And you'll submit</p> <p>13 an updated chart.</p> <p>14 MR. ROGERS: That's right.</p> <p>15 THE HEARING EXAMINER: Okay. That's</p> <p>16 fine.</p> <p>17 MR. ROGERS: So with that, that's all</p> <p>18 the questions that we have for Mr. La Vay.</p> <p>19 THE HEARING EXAMINER: Thank you very</p> <p>20 much. And thank you, Dr. Cho, for your</p> <p>21 comprehensive description of what you do. Just a</p> <p>22 couple of cleanup matters then, if you want. So we</p> <p>23 have the updated chart to add. The updated chart</p> <p>24 with the special --</p> <p>25 MR. DRIBAN: The conditional use</p>	<p>80</p> <p>1 submitted to us and to planning staff, and then</p> <p>2 time for planning staff to review it and get back</p> <p>3 to me.</p> <p>4 MS. LEE-CHO: So what I would request is</p> <p>5 to give us a week next week for us to confer</p> <p>6 internally, and then --</p> <p>7 THE HEARING EXAMINER: That's fine. I</p> <p>8 mean, I'm not rushing you, I just --</p> <p>9 MS. LEE-CHO: And if there's a decision</p> <p>10 to be made that the additional time for the record</p> <p>11 closing is something that would impact some --</p> <p>12 schedule that they have for funding, meeting</p> <p>13 funding deadlines, and they would --</p> <p>14 THE HEARING EXAMINER: Oh, that's a good</p> <p>15 point. Yeah.</p> <p>16 MS. LEE-CHO: -- you know, so they would</p> <p>17 prefer just to close the record. We will advise</p> <p>18 the hearing examiner and foreclose this whole --</p> <p>19 that issue. But if there is a desire and time is</p> <p>20 not an issue for the Applicant, you might need a</p> <p>21 period of 30 days, you know, to get a report back</p> <p>22 from --</p> <p>23 THE HEARING EXAMINER: Planning.</p> <p>24 MS. LEE-CHO: -- for us to -- from</p> <p>25 planning, inclusive of a supplemental report from</p>

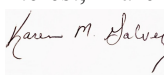
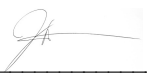
Transcript of Hearing
Conducted on January 23, 2026

21 (81 to 84)

81	1 planning. 2 THE HEARING EXAMINER: Now, I promise 3 that I would, if it comes -- well, I can't say 4 that, but I really don't think a minor modification 5 -- you don't have to take my word for it, but I'm 6 not sure if it would take as long as it apparently 7 took before, but it's your decision. So you'll get 8 back to me by January 30th about whether you want 9 to proceed? 10 MS. LEE-CHO: Correct. 11 THE HEARING EXAMINER: Okay. So since 12 that's open-ended, I'm -- I'm thinking that I can 13 leave the record open for 30 days, but I could 14 start writing my decision. You know, I don't want 15 you to wait 30 days -- if you get back to me on -- 16 I don't want to issue an order, keep extending the 17 record, but if you -- I can leave the record open 18 now for 30 days, but if you get back to me on 19 January 30th that you don't want to proceed, I can 20 begin writing my decision so you're not held up. 21 MS. LEE-CHO: That -- that would be -- 22 THE HEARING EXAMINER: Do you follow 23 what I'm saying? 24 MS. LEE-CHO: Yes. Absolutely. 25 THE HEARING EXAMINER: Is that	83	1 MS. LEE-CHO: Yes, correct. Correct. 2 MR. ROGERS: Yes, I guess -- I -- I 3 think March 2nd is the time. 4 MS. LEE-CHO: Thank you. 5 THE HEARING EXAMINER: So I'm going to 6 leave the record open until March 2nd, and then 7 you're going to get back to me by January 30th 8 about whether you want to proceed with an -- to 9 amend the application with a sign. 10 MS. LEE-CHO: Correct. 11 THE HEARING EXAMINER: Okay. And then 12 we have the -- the other thing. We have the 13 updated chart. We have the information from Dr. 14 Cho about the general location of who's attending 15 the senior academic classes. 16 MR. ROGERS: Correct. 17 THE HEARING EXAMINER: So when do you 18 think you could get that in? Now, I'm not rushing, 19 so just tell me a realistic -- I don't want you to 20 -- 21 MS. LEE-CHO: One -- one week? Two 22 weeks? For your decision. I think we can get 23 everything by a week. So January 30th. 24 THE HEARING EXAMINER: So January 30th. 25 So January 30th will be how you want to proceed on
82	1 acceptable to you? 2 MS. LEE-CHO: Yes, it is. 3 MR. DRIBAN: Yes. 4 THE HEARING EXAMINER: Okay, so I am 5 going to leave the record open to -- oh, 30 days -- 6 oh, I hate February. I'll leave the record open to 7 March 2nd; is that okay? 8 MS. LEE-CHO: Yes. 9 MR. ROGERS: Yes. 10 THE HEARING EXAMINER: I don't know if 11 that's exactly 30 days, but -- 12 MS. LEE-CHO: It's a little bit over, 13 maybe? 14 THE HEARING EXAMINER: Huh? 15 MR. ROGERS: Is this a leap year or not? 16 MS. LEE-CHO: Oh, I guess -- I got 20 -- 17 THE HEARING EXAMINER: It's not a leap 18 year. 19 MS. LEE-CHO: Well, 30 days would be 20 actually -- February 23rd. I mean -- 21 THE HEARING EXAMINER: From January 30th? 22 MS. LEE-CHO: Oh, from January 30th. 23 I'm sorry. I was counting from today. 24 THE HEARING EXAMINER: That's when 25 you're going to get back to me.	84	1 the sign, the updated table of zoning standards. 2 MS. LEE-CHO: Yes. 3 THE HEARING EXAMINER: And the 4 information on locations of where people attending 5 the academic -- 6 MS. LEE-CHO: Coming from. 7 THE HEARING EXAMINER: -- are coming 8 from, yes. That would help me a lot. I appreciate 9 you doing that. So I will send out an email just 10 outlined to you and the staff just outlining all of 11 this so it's in the record and we have our dates. 12 Is there anything else? 13 MS. LEE-CHO: I would just note that 14 staff responded to your email from a few days ago 15 and I think we've basically addressed most of -- 16 THE HEARING EXAMINER: Oh, I didn't see 17 the response. 18 MS. LEE-CHO: Ms. Clayborne indicated 19 that she would get back to you, but it's your 20 prerogative whether you want to curtail her efforts 21 if you're -- if you've been satisfied with some of 22 the answers that you've been provided today. 23 THE HEARING EXAMINER: Okay. Let me go 24 through her response and -- 25 MS. LEE-CHO: She actually didn't

Transcript of Hearing
Conducted on January 23, 2026

22 (85 to 88)

<p>85</p> <p>1 respond. She just said she'll get back to you. 2 THE HEARING EXAMINER: Oh. I get it. 3 Okay. 4 MR. ROGERS: It's not her response. 5 THE HEARING EXAMINER: Okay. All right, 6 with -- and well, I'll also let her know that there 7 may be a sign amendment coming. Okay. Is there 8 anything else? Have we done all our details? 9 MR. ROGERS: I don't have -- 10 THE HEARING EXAMINER: Okay. With that, 11 I'm going to adjourn the case with the record open 12 until 3-2-26 for the items we discussed and only 13 the items we discussed. So I don't want people 14 writing in letters at the last minute and that 15 stuff. Thank you very much. I do appreciate your 16 time. 17 (Off the record at 11:18 a.m.) 18 19 20 21 22 23 24 25</p>	<p>87</p> <p>1 CERTIFICATE OF TRANSCRIBER 2 I, Karen M. Galvez, do hereby certify 3 that this transcript was prepared from the digital 4 audio recording of the foregoing proceeding; that 5 said proceedings were reduced to typewriting under 6 my supervision; that said transcript is a true and 7 accurate record of the proceedings to the best of 8 my knowledge, skills, and ability; and that I am 9 neither counsel for, related to, nor employed by 10 any of the parties to the case and have no 11 interest, financial or otherwise, in its outcome. 12  13 _____ 14 15 KAREN M. GALVEZ 16 PLANET DEPOS, LLC 17 January 30, 2026 18 19 20 21 22 23 24 25</p>
<p>86</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC 2 I, Joe Wilson, the officer before 3 whom the foregoing proceedings were taken, do hereby 4 certify that any witness(es) in the foregoing 5 proceedings were fully sworn; that the proceedings 6 were recorded by me and thereafter reduced to 7 typewriting by a qualified transcriptionist; that 8 said digital audio recording of said proceedings 9 are a true and accurate record to the best of my 10 knowledge, skills, and ability; and that I am 11 neither counsel for, related to, nor employed by 12 any of the parties to this case and have no 13 interest, financial or otherwise, in its outcome. 14 15  16 _____ 17 JOE WILSON, NOTARY PUBLIC 18 FOR THE STATE OF MARYLAND 19 January 30, 2026 20 21 22 23 24 25</p>	

A			
a) (i) 28:15	accepted 26:24	82:20, 84:25	adjustment 74:22
abandoned 10:10, 10:16	access 37:25, 38:2, 49:1, 63:23, 64:2, 69:20, 72:10, 75:7	ada 26:5, 26:6, 26:8	administrative 1:2, 2:5, 62:1
ability 69:6, 86:10, 87:8	accessible 26:6, 26:8, 33:18, 33:19, 61:25	ada-compliant 34:2	adverse 38:15, 39:4, 39:7, 39:12, 40:1, 72:7, 72:13, 76:5, 76:7, 76:10
able 58:11	accommodate 22:13, 61:20	add 5:20, 9:5, 22:15, 33:23, 45:11, 78:23, 79:10, 79:11	adversely 36:22, 74:18
about 10:23, 11:11, 11:13, 15:23, 21:4, 25:18, 25:20, 28:8, 34:17, 35:2, 36:4, 36:5, 38:23, 42:16, 43:7, 46:4, 46:21, 49:25, 50:16, 51:15, 55:21, 56:8, 60:2, 62:23, 64:14, 64:22, 68:8, 70:16, 71:25, 72:1, 77:14, 81:8, 83:8, 83:14	accommodated 52:15	added 25:18, 34:2, 66:15	advise 80:17
absolutely 27:21, 81:24	accommodates 14:15, 20:3	addition 49:13, 62:13, 74:25	affect 36:22, 74:18
academic 52:11, 55:16, 83:15, 84:5	according 68:1	additional 11:3, 22:14, 22:16, 37:15, 44:12, 55:9, 55:10, 55:12, 59:11, 62:23, 62:25, 63:2, 63:10, 80:10	affected 69:6
academy 49:6, 51:9, 51:15, 51:17, 52:4, 52:7, 52:8, 52:22, 56:15, 57:15, 57:19, 58:8, 58:17, 60:9, 60:22, 60:23, 63:17	accounts 71:7, 71:8	address 5:11, 11:24, 12:2, 40:21, 41:10, 41:13, 43:5, 50:6, 58:25, 61:5, 63:2, 65:11, 65:13	affidavit 4:19, 5:21
accept 66:7	accurate 86:9, 87:7	addressed 35:4, 84:15	affirmed 13:15, 42:8, 66:20
acceptable 82:1	achieved 31:1	adequacy 70:14	after 21:3, 48:15, 58:4, 66:15
	acre 14:7	adequate 37:19, 38:3, 54:6, 67:18, 75:1, 75:4, 75:6, 75:25	afternoon 62:20
	across 62:17	adequately 61:20	again 19:21, 21:17, 23:6, 40:5, 54:10, 69:14, 71:1, 72:9
	act 10:15	adjacent 45:24	age 59:10, 59:15, 59:16
	activities 51:16, 61:21, 77:21	adjourn 85:11	agencies 43:3
	activity 38:11		agents 71:6
	actual 22:2		ages 58:14
	actually 10:12, 13:10, 20:6, 21:19, 22:15, 26:16, 31:8, 31:9, 33:19, 35:1, 43:19, 46:11, 54:15, 57:21, 58:13, 60:21, 68:7, 71:24,		ago 14:2, 36:8, 84:14
			agree 10:18, 15:17, 16:7, 16:13,

28:17 agreed 15:18 agreement 2:12 ahead 12:13, 24:15, 32:19, 42:5, 66:17, 73:5 all 7:13, 12:12, 13:4, 14:21, 18:1, 19:2, 21:13, 21:24, 22:5, 23:17, 23:21, 26:4, 29:2, 33:1, 34:19, 38:4, 38:13, 39:11, 39:18, 40:3, 41:20, 43:4, 52:5, 53:11, 54:3, 56:5, 61:12, 62:5, 62:14, 63:10, 65:8, 70:7, 72:16, 73:12, 73:19, 74:4, 76:18, 76:20, 76:24, 77:1, 78:17, 84:10, 85:5, 85:8 allow 61:22, 63:11, 63:14 allowed 23:19, 26:15, 33:11, 44:12, 57:24 almost 17:20, 18:1 alone 76:5 along 15:8, 17:10, 44:14, 57:19 already 10:1, 10:5,	12:22, 63:18, 75:5, 76:16, 77:5 also 3:11, 5:3, 6:12, 8:6, 12:8, 18:8, 18:12, 20:11, 21:19, 23:22, 30:24, 37:3, 38:4, 38:22, 43:1, 45:23, 49:4, 51:4, 54:8, 54:9, 57:12, 60:8, 62:2, 62:12, 62:16, 62:17, 62:22, 63:6, 63:22, 65:18, 71:20, 85:6 alter 36:6, 74:8, 74:18 alterations 37:24 altered 26:19, 76:12 alternate 69:21 although 14:8, 18:10, 26:14, 36:11, 39:21, 74:3 always 57:5 amend 73:12, 83:9 amendment 26:19, 27:1, 28:22, 62:6, 85:7 amendments 48:4 american 63:3, 63:17, 63:20, 63:21 americans 42:22	amount 71:14 analysis 31:14, 67:14, 67:23, 68:7, 70:8, 70:10 analyzed 69:10 annandale 41:12, 62:12 another 8:13, 34:16, 43:12, 62:5, 79:16 answer 9:16, 27:18, 34:17 answers 84:22 antenna 37:3 any 10:17, 10:22, 10:24, 21:8, 22:1, 28:10, 31:9, 32:21, 33:14, 35:15, 37:15, 38:5, 38:19, 39:12, 39:25, 44:11, 50:7, 50:24, 53:13, 55:25, 57:1, 57:22, 59:21, 64:11, 68:2, 68:19, 71:11, 72:5, 72:13, 76:10, 76:11, 86:4, 86:12, 87:10 anyone 5:18, 6:9, 49:17 anything 36:5, 45:22, 47:25, 64:12, 71:4, 77:6, 84:12, 85:8 anyway 46:25, 47:25,	48:6 apartment 45:24, 50:21 apartments 18:7, 36:25, 37:6 apparently 81:6 appeals 6:7, 7:18, 9:6 applicable 35:6, 71:11, 73:16, 73:25, 76:21 applicant 1:6, 3:3, 5:16, 11:11, 13:18, 21:11, 42:11, 43:10, 56:12, 61:10, 66:23, 80:20 applicant's 12:16, 15:8 application 5:4, 31:15, 32:22, 37:23, 44:1, 67:4, 83:9 apply 31:17 appointment 50:18, 50:20, 50:24, 51:2, 52:18, 53:2, 62:19 appointments 54:22, 55:18, 57:8, 57:13, 57:20, 60:11, 60:17, 70:19, 71:9 appreciate 9:3, 13:4, 66:8, 84:8, 85:15 appropriate 15:10, 15:20, 64:1 approval 37:25, 48:14,
---	--	--	---

Transcript of Hearing
Conducted on January 23, 2026

25

49:14, 70:14, 78:4 approvals 73:12 approved 18:23, 27:3, 36:19, 37:2, 37:8, 69:13, 69:15, 70:8, 70:11, 74:15, 75:7 approving 4:21, 7:11 approximately 14:6, 25:5 area 15:21, 16:8, 19:25, 20:5, 23:12, 23:15, 23:24, 35:6, 36:22, 37:15, 67:6, 67:20, 69:16, 69:18, 69:19, 74:16, 74:18, 78:3 areas 12:23, 30:20, 61:20, 63:1, 66:7, 69:8 arises 28:11, 39:5 around 10:21, 17:13, 53:8 arrived 69:24 art 49:6, 51:19 article 33:4, 34:22, 35:2, 73:16, 73:17 assault 63:7 assistance 49:3, 51:1 associated 38:8	association 77:19 attend 52:24, 52:25, 53:17 attendees 56:19, 58:9, 58:16, 59:16 attending 83:14, 84:4 attention 6:11, 8:25 audio 86:8, 87:4 august 27:23, 28:1 available 52:6 avenue 2:6, 3:7, 5:11 average 56:20, 57:2 averages 50:15 aware 10:1 away 51:3, 75:10 <hr/> <div style="text-align: center;">B</div> <hr/> b 31:16 back 11:14, 14:11, 14:21, 21:2, 27:2, 36:16, 37:5, 40:16, 45:13, 52:17, 65:2, 72:23, 79:24, 80:2, 80:21, 81:8, 81:15, 81:18, 82:25, 83:7, 84:19, 85:1 baptist 37:10 barriers 63:25	based 46:22, 67:23, 68:11, 68:12, 68:17, 68:21, 69:8, 71:2, 71:19, 75:23 basement 10:3, 11:2, 14:9, 49:16 basically 84:15 bearing 59:16 because 6:21, 7:2, 7:18, 9:2, 32:1, 32:18, 40:13, 44:19, 45:23, 46:15, 47:12, 49:21, 51:12, 52:17, 53:24, 54:9, 54:17, 56:2, 56:9, 57:4, 59:15, 60:20, 69:19, 72:1 been 28:16, 32:2, 42:13, 48:20, 56:23, 68:18, 68:21, 72:11, 84:21, 84:22 before 1:12, 2:12, 24:13, 43:4, 56:8, 65:24, 66:16, 81:7, 86:2 begin 81:20 behalf 3:3, 5:16 behind 17:11 being 10:7, 13:15, 22:19, 26:7, 28:9, 35:23,	36:1, 36:9, 36:12, 37:13, 38:11, 42:8, 59:18, 61:13, 66:20, 70:1 believe 15:11, 15:15, 17:3, 17:6, 17:12, 20:7, 25:22, 26:18, 27:11, 29:4, 29:9, 30:17, 32:2, 32:12, 36:5, 37:7, 37:13, 37:14, 37:19, 39:18, 55:8, 71:19, 71:22, 72:6, 72:8, 72:13, 74:7, 74:12, 75:14, 76:3, 76:9 below 70:3 benefit 52:1, 77:21 berbert 3:6, 5:10, 5:15 best 86:9, 87:7 bethesda 3:8, 5:11 better 61:17, 63:18 between 38:14 bezel 16:18 bicycle 26:10, 26:13, 26:20, 26:21 bicycles 69:21 bigger 51:13 bike 26:12, 26:15, 26:16, 26:17,
--	--	---	--

26:19, 27:4, 28:8, 69:6 billing 47:21 bit 10:23, 28:6, 36:15, 41:4, 42:16, 43:7, 46:12, 49:25, 51:14, 58:4, 68:7, 82:12 blanking 33:2 blue 15:19 board 6:6, 6:9, 7:18, 9:6, 42:25, 44:16, 45:1, 47:2, 47:6 both 16:20, 32:10, 57:19, 68:3, 73:21 bottom 13:11 boulevard 14:5, 14:11, 16:15, 19:17, 19:22, 25:5, 43:13 boundaries 15:23 boundary 15:6, 15:9, 15:18, 16:12, 17:9, 17:13 bpf 79:24 branch 10:3, 48:15, 62:13 bregman 3:6, 5:10, 5:15 brief 13:23 bring 5:22, 8:24,	11:9, 11:12, 11:14, 40:4, 72:22 broader 42:22 buckingham 5:6, 10:4, 14:2, 14:4, 14:12, 17:14, 19:18, 20:9, 21:20, 43:12, 43:18, 43:20 build 79:19 building 2:7, 18:9, 22:17, 23:19, 24:1, 25:3, 31:12, 37:21, 37:24, 68:20, 76:25 built 72:12 busiest 67:10, 67:11 business 5:11, 11:24, 12:2, 40:21, 52:7, 58:5, 65:11 butcher 16:17 <hr/> C <hr/> c 26:10 calculated 25:17 calculations 30:23 call 9:19, 11:7, 11:18, 40:5, 40:18, 65:9 calling 5:2 camera 21:9	can't 7:2, 41:1, 48:5, 81:3 canopy 29:23, 30:12, 30:19, 30:21 cap 55:19, 57:5 capacity 63:22 car 53:11 cars 67:8, 69:7 case 1:5, 5:3, 6:4, 7:3, 7:20, 10:1, 10:17, 15:3, 15:5, 24:15, 26:11, 35:13, 37:2, 37:12, 39:22, 48:5, 58:5, 67:1, 68:2, 68:10, 69:25, 70:24, 78:6, 85:11, 86:12, 87:10 cases 6:7, 50:24 cause 76:4 cell 18:10 cellular 37:3 center 1:5, 5:4, 10:3, 40:24, 41:7, 42:14 certain 30:18, 39:17 certainly 9:24, 75:16 certificate 86:1, 87:1 certify 86:4, 87:2 cetera 77:1	chance 13:7 change 28:7, 28:12, 31:23, 62:6, 62:9, 74:13 changed 26:18, 27:10 changes 10:24, 22:1, 22:3, 22:9, 22:11, 30:6, 63:14, 72:5, 76:16 chapter 38:10 character 35:24, 36:6, 74:8, 74:13, 74:19, 76:13 characterize 18:17 chart 25:23, 78:13, 78:23, 83:13 check 6:8 chinese 63:3, 63:20 chinese-speaking 63:5, 63:25 cho 43:7, 48:13, 52:21, 54:8, 56:14, 64:11, 77:23, 78:20, 83:14 cho's 77:14 chronology 27:3 church 16:16, 16:17, 16:19, 17:8, 18:3, 37:10 cite 35:17 civic 77:19
---	--	---	--

Transcript of Hearing
Conducted on January 23, 2026

27

civil 12:25 clarification 70:13 clarify 7:19, 22:1, 25:12, 32:1, 33:17, 33:25, 43:24, 53:15 clarity 15:22 class 54:1, 54:3, 54:14, 54:21, 55:16, 55:20, 57:9 classes 49:5, 49:6, 51:17, 51:19, 51:23, 51:24, 52:8, 52:11, 52:22, 53:5, 53:7, 53:12, 53:17, 56:6, 56:15, 56:19, 57:3, 57:15, 60:9, 60:17, 83:15 classify 18:10 clayborne 84:18 clean 72:24 cleanup 78:22 clear 23:15, 55:1 clearly 9:2 client 50:7, 57:22, 60:23, 62:1 close 80:17 closely 42:24 closes 24:14	closing 64:24, 80:11 club 23:23, 77:13, 77:18, 77:25, 78:3 code 26:17, 27:10, 28:6, 34:25, 38:10, 79:24 codified 69:23 collect 50:6 com 12:10, 65:16 comar 33:22, 34:2 combination 31:1, 76:6 come 44:20, 44:21, 45:9, 45:13, 45:25, 50:2, 50:14, 50:23, 52:23, 55:20, 60:23, 71:15 comes 53:9, 81:3 coming 21:19, 51:6, 54:10, 67:9, 69:7, 71:6, 84:6, 84:7, 85:7 comment 65:5 comments 30:4 communicate 58:6 communities 35:25 community 1:5, 5:4, 10:2, 17:24, 18:24, 35:17, 35:19, 35:20, 37:22, 39:8, 40:23,	41:6, 42:14, 42:22, 43:3, 48:25, 50:1, 50:3, 50:13, 50:22, 51:20, 61:18, 64:4 compatibility 47:7 compatible 47:5, 76:13, 76:17 complex 16:20, 17:22, 17:23, 18:7, 20:8, 45:24 compliance 28:9, 32:10, 42:23, 44:15 complies 23:8, 23:11, 33:21, 45:2 comply 24:1, 26:9, 29:24, 30:13, 31:5, 47:7, 77:15 comprehensive 78:21 computer 8:6 concept 45:17 concern 44:24 condition 10:20, 19:9, 32:25, 33:7, 34:14, 44:6, 44:11, 44:13, 44:18, 60:1, 70:18, 70:23, 71:22 conditional 4:13, 4:16, 6:13, 8:13, 18:14, 22:6, 23:1, 23:14, 26:2, 26:12,	30:16, 35:13, 36:21, 37:14, 37:16, 45:10, 45:11, 45:14, 46:16, 47:4, 67:4, 73:20, 74:11, 74:15, 74:17, 74:21, 76:13, 78:7, 78:25, 79:4, 79:11 conditioned 10:10, 49:15 conditions 4:15, 19:10, 21:25 conducted 68:18, 68:22 confer 40:11, 45:16, 46:5, 79:16, 80:5 confidential 61:25 configuration 72:11 confirm 47:16 conform 73:24 confronted 17:15 confronting 16:14 confused 32:8, 55:12 confusion 32:2, 46:20, 46:22 conjunction 36:19, 74:14 consent 50:7, 50:8 considered 68:5 considering 74:21 consistent 9:6, 35:14,
--	--	--	--

<p>35:24, 62:16, 64:5, 74:4 constructed 76:12 contact 58:5 context 38:15 continue 21:14, 61:1 contribute 64:3 coordinator 60:20, 63:5, 63:9 copy 8:4 corner 13:11, 14:4 cornwall 17:13 corporation 50:22 correct 16:10, 24:10, 25:13, 25:14, 27:5, 28:2, 31:24, 34:10, 34:11, 47:22, 56:16, 57:10, 57:15, 67:16, 79:7, 79:8, 81:10, 83:1, 83:10, 83:16 corrected 20:25 correctly 15:2 could 13:5, 14:21, 15:14, 15:23, 19:9, 32:1, 33:22, 34:1, 36:16, 38:4, 38:24, 40:10, 44:2, 45:1, 45:25, 49:16, 54:19, 54:20,</p>	<p>54:21, 56:2, 58:22, 61:4, 68:19, 71:4, 71:5, 71:15, 72:6, 77:12, 81:13, 83:18 counsel 13:18, 42:11, 56:12, 61:10, 66:23, 86:11, 87:9 counting 82:23 country 68:17, 71:3 county 1:1, 2:4, 2:7, 38:1, 38:10, 63:4, 69:1, 69:4, 69:5, 69:9, 70:8, 70:11, 71:16 county's 67:7, 67:17, 68:11, 69:17 couple 5:19, 6:3, 24:11, 46:23, 78:22 course 53:1, 54:15 court 4:11, 86:1 cover 4:14, 11:15, 14:19, 14:20, 21:18, 23:2, 30:19, 79:4 coverage 25:15, 25:17 covered 10:5, 10:6, 37:18 covers 38:3 create 39:7 created 32:2</p>	<p>credit 49:4 cu 1:6, 4:22, 5:3, 7:12, 7:19, 10:1, 10:6, 15:5, 15:12, 33:7 cu--a 6:8 cultural 77:19 culturally 64:1 current 33:22, 61:19 currently 14:7, 14:15, 20:2, 43:11, 49:7, 49:9, 52:5 curtail 55:21, 84:20 cv 4:18</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>d-r-i-b-a-n 65:13, 65:16 daily 51:18 dark 19:25 data 24:12, 47:13 date 27:12, 27:23, 48:4, 64:24 dates 84:11 day 49:22, 50:12, 50:16, 52:4, 52:12, 70:19 days 60:10, 60:14, 60:17, 80:21, 81:13, 81:15, 81:18, 82:5,</p>	<p>82:11, 82:19, 84:14 de 68:5, 70:6 deadlines 80:13 decided 62:9 decision 33:7, 79:14, 80:9, 81:7, 81:14, 81:20, 83:22 define 77:12 defined 14:23, 15:2, 15:6, 16:1, 16:13, 17:19, 36:4, 36:17, 77:18 defining 25:5 definition 77:15, 77:17, 77:24 deliver 63:15 delivery 61:24 department 37:25, 38:1, 75:7 depos 87:16 describe 17:17, 22:9, 23:7, 29:23, 30:11, 38:13, 38:24, 51:14 description 13:24, 78:21 design 26:20, 28:4, 28:16 designated 10:5 desire 80:19</p>
--	--	--	--

Transcript of Hearing
Conducted on January 23, 2026

29

<p>detached 23:25, 24:8 details 85:8 determination 68:12 determining 68:8, 68:23 developed 68:22 development 23:8, 25:21, 49:12, 73:19, 76:19, 78:11 dictates 67:20 difference 38:14, 38:25 different 8:16, 22:18, 54:10, 63:12, 69:5, 69:8 differentiate 8:14 digital 86:8, 87:3 dire 13:3 direct 12:15, 49:10, 60:10 directed 49:1 director 11:10, 40:23, 41:6, 42:17, 42:18 directors 42:25 discussed 85:12, 85:13 display 21:5 disturbance 38:8, 38:12 documentation 55:25 doing 9:12, 34:20,</p>	<p>84:9 domestic 63:7 done 85:8 door 53:10, 53:17 dot 41:17, 41:18 down 15:9, 23:6 dps 10:12 dr 11:9, 40:22, 41:2, 41:5, 41:11, 41:16, 41:19, 41:25, 42:4, 43:7, 43:18, 43:22, 44:8, 48:13, 51:24, 52:13, 52:21, 53:8, 54:8, 55:13, 56:1, 56:14, 60:19, 61:2, 61:6, 61:9, 64:9, 64:11, 64:18, 77:14, 77:23, 78:20, 83:13 draw 6:11 driban 3:14, 4:7, 11:12, 65:12, 65:19, 66:1, 66:4, 66:19, 66:25, 70:21, 72:17, 72:20, 73:1, 73:4, 73:6, 74:25, 75:11, 78:25, 79:3, 82:3 driban's 76:1 drive 5:6, 10:4,</p>	<p>14:3, 14:4, 14:13, 19:18, 20:10, 21:21, 43:12, 43:18, 43:21, 53:11, 53:18, 54:3, 55:19, 55:25, 56:6, 58:13, 59:2, 59:3 drivers 59:12 driving 54:12, 59:17 drop 54:12, 54:13 dropped 59:18 duly 13:15, 42:8, 66:20 during 9:16, 15:7, 45:10, 45:16, 51:8, 52:7, 52:12, 57:25, 58:2, 67:9, 68:3, 68:25, 71:15</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>each 53:3 earlier 36:3, 36:15, 40:4, 43:6, 62:19, 72:22, 75:4, 76:20, 78:11 early 46:15 east 14:5, 20:1, 20:3, 21:17, 22:13, 22:14, 35:7 eastern 14:17, 17:10, 19:20, 63:4</p>	<p>edition 69:11, 69:14 education 51:20 educational 35:20, 51:11, 61:21 effect 38:18, 76:5, 76:7 effective 27:11, 27:23 efficiently 61:23, 63:15 effort 43:2 efforts 84:20 eight 51:9, 52:18, 70:2, 70:5 either 45:8 else 17:25, 18:13, 18:14, 45:22, 64:12, 84:12, 85:8 email 10:10, 11:25, 12:9, 40:21, 41:13, 50:6, 50:8, 65:11, 65:15, 66:10, 70:16, 84:9, 84:14 emailing 50:10 emergency 38:2 employed 86:11, 87:9 employees 11:3, 49:7, 49:9, 49:13, 54:1, 54:4, 54:5, 54:21, 54:23, 55:10,</p>
--	--	---	---

55:15, 57:7, 57:20, 60:10, 62:23, 62:25, 63:11 encouraged 51:4 end 11:14, 69:12 engineering 11:8, 11:13, 12:24, 12:25, 65:25, 66:2 engineers 68:13 enrollment 52:2 ensure 42:20, 53:23 entered 75:8 entirely 17:20 entrance 14:17, 45:19, 45:21, 45:22 equations 68:23 erroneously 15:4 error 32:12 especially 69:4, 71:12, 74:20 esquire 3:4, 3:5 essential 48:24, 64:3 essentially 22:20 established 67:13, 67:17 estate 71:5 et 77:1 evaluate 67:8	evaluated 71:18, 74:14 even 37:23, 44:18, 50:23 evening 52:19, 59:20, 59:22, 60:2, 67:12, 68:3, 68:25 events 51:5, 52:19, 59:22, 60:3, 62:3 ever 65:23 evergreens 31:2 every 79:24 everyone 54:12 everything 17:25, 18:13, 18:14, 83:23 exact 27:12, 61:5 exactly 58:24, 82:11 examination 4:2, 4:4, 4:7, 13:18, 42:11, 56:12, 66:23, 75:16 examined 13:17, 42:10, 66:22 examiner's 4:20, 7:11, 15:11, 70:16 exceed 23:17 except 73:20 exception 10:8, 17:7, 18:5, 18:8, 18:12, 18:18,	18:22, 36:15, 36:17, 37:1, 37:4, 37:9, 37:12, 48:14 exceptions 9:7, 16:21, 35:23, 36:20, 37:16 excess 23:16 excessive 31:7 excuse 16:25, 19:15, 37:5, 76:24 executive 11:10, 40:23, 41:6, 42:17, 42:18 exempt 38:9 exhibit 4:12, 4:13, 4:15, 4:16, 4:17, 4:18, 4:19, 4:20, 5:23, 6:2, 7:8, 7:9, 12:15, 12:17, 12:20, 13:6, 15:13, 15:15, 15:19, 19:3, 19:4, 19:7, 19:12, 20:16, 21:7, 22:5, 22:7, 22:18, 22:23, 22:24, 23:11, 29:3, 29:18, 29:19, 76:23, 79:5 exhibit's 21:10 existing 4:15, 11:1, 19:9, 19:10, 19:19, 21:17, 21:18, 21:25, 24:4, 28:8,	28:16, 31:4, 31:11, 31:17, 33:19, 33:20, 36:8, 36:19, 37:13, 37:21, 45:18, 63:16, 74:10, 74:15, 74:21 expand 63:3, 63:6 expanded 11:5, 63:22 expansion 10:25, 11:3, 22:12, 22:21, 36:10, 36:11, 63:19 expect 11:7, 38:20, 39:9 expected 38:19, 39:13 expert 13:2, 65:24, 66:7 experts 15:8 exposed 14:8, 14:10, 19:22 extending 81:16 extends 16:15, 17:9 exterior 22:3, 36:9
<hr/>			
F			
<hr/>			
facade 46:2, 47:19, 47:20 facilities 28:9, 35:24, 37:18, 37:20, 54:11, 67:19, 75:2, 75:23 facility 26:15, 26:24,			

37:1, 37:3, 37:10, 77:24 fact 6:12 factor 69:23 fairly 22:12 familiar 14:22, 35:9 families 48:25 family 18:2, 18:15, 18:17, 18:24, 36:1 far 33:25, 44:10, 75:23 february 82:6, 82:20 feet 23:12, 23:19, 24:5, 25:3, 25:6, 38:12 few 9:22, 14:2, 17:14, 18:18, 84:14 fewer 68:2, 68:8, 68:10 figure 65:4 finances 42:23 financial 86:13, 87:11 find 7:15, 32:13, 47:4 findings 35:3, 70:22, 72:23, 73:9, 73:10 finds 47:5 fine 9:18, 40:8,	72:2, 72:18, 78:16, 79:18, 80:7 fire 37:25, 38:2, 75:5, 75:7 firm 5:10, 5:15, 12:5 first 8:23, 9:20, 11:8, 11:18, 11:20, 13:5, 13:15, 23:24, 42:8, 66:20 five 22:13, 55:1, 55:2, 55:15, 71:13 five-minute 40:11 fixtures 31:10 floors 49:16, 61:15, 61:17, 61:22 focus 23:13, 48:23 focused 51:18, 64:6 folks 45:21, 45:25, 71:6 follow 7:18, 8:2, 81:22 follow-up 51:1 following 30:4 follows 13:17, 17:13, 42:10, 66:22 food 49:2 foot 23:16, 24:4 foreclose 80:18	foregoing 86:3, 86:4, 87:4 forget 54:4 forgetting 59:22 form 70:14 formal 79:21 former 36:1 formerly 76:17 forth 22:19 forward 5:22, 10:16 found 22:9, 23:23 four 54:24 friday 1:14 front 19:22, 23:17, 24:7, 25:3, 25:4, 27:13 fulfills 42:20 fully 33:21, 86:5 fun 34:21 functions 62:2 funders 43:2 funding 80:12, 80:13 fundraising 43:1 further 23:5, 34:15, 46:5, 70:4 future 8:12, 44:3,	44:25, 55:2 <hr/> G <hr/> galvez 87:2, 87:15 garden 36:25, 37:6, 53:10, 57:24 gardens 17:23, 18:7, 50:21, 56:5, 59:1, 59:7, 61:8 gatherings 62:3 general 25:21, 35:3, 69:10, 71:20, 73:10, 73:16, 78:11, 83:14 generally 16:14 generate 68:24 generates 68:2 generation 68:14, 69:11, 69:22, 71:1, 71:21, 72:5 getting 21:16, 34:25, 68:6 gilday 3:6, 5:10, 5:16 gip 67:22 give 13:6, 20:9, 58:25, 70:23, 77:13, 80:5 given 15:20, 36:3, 38:7, 70:22, 71:12, 74:24 giving 13:23 glad 9:1, 24:12
---	---	--	---

glascock 12:8 glouster 17:12, 37:8, 37:11 go 10:16, 10:21, 12:13, 15:14, 19:2, 20:21, 22:22, 27:2, 32:19, 36:16, 42:5, 44:15, 45:1, 52:10, 54:16, 66:17, 68:7, 72:23, 73:5, 84:23 goals 35:17, 74:5 goes 33:25 going 5:23, 11:7, 11:9, 13:2, 32:18, 35:1, 35:2, 37:5, 50:13, 52:11, 53:25, 57:7, 57:13, 60:25, 64:23, 73:9, 74:12, 77:6, 77:16, 82:5, 82:25, 83:5, 83:7, 85:11 good 8:24, 21:6, 29:14, 60:15, 69:20, 73:6, 80:14 government 43:3 grandfather 28:15 grandfathered 26:25, 28:4, 28:18 granted 10:2, 48:14 great 25:8, 34:21,	60:19, 60:24, 68:6, 70:7, 75:11 greater 5:5, 30:16, 41:7 grossman 15:7, 15:17, 16:9 ground 28:12 group 49:5, 51:8, 51:10 growing 61:17, 63:1 growth 30:20, 67:17, 71:16 guess 11:20, 18:9, 35:22, 47:25, 52:14, 54:5, 57:11, 60:11, 82:16, 83:2 guidelines 67:7, 67:14, 67:16, 67:21, 67:24, 68:1, 68:12, 69:12, 69:24 <hr/> H <hr/> half 14:7, 14:17 handles 9:7, 45:5 hannan 1:12, 8:9 happen 10:13, 10:21 happy 47:1, 48:1, 48:2, 48:6 harm 76:4 hate 82:6	headquarter 62:11 headquarters 41:9 health 64:4 hear 41:1 heard 47:13, 74:24, 75:24, 77:23 hearings 1:2, 2:5 height 23:19, 76:25 held 2:1, 51:5, 51:12, 81:20 help 8:20, 84:8 helpful 7:8, 8:14, 43:14, 46:2, 59:14, 61:8 helping 49:1 helps 47:2 hendricks 12:7 here 5:18, 11:22, 25:1, 26:24, 66:5, 71:13, 77:17 here's 72:24 hereby 86:3, 87:2 hire 63:4, 63:8 home 76:17 homeowner 49:4 homes 17:11 hope 79:16	hoping 44:24 hotel 68:20 hour 58:1, 67:10, 67:11, 68:3, 68:4, 68:9, 68:11, 68:25, 70:2, 70:3 hours 39:17, 52:8, 58:5, 62:7, 62:9, 67:9, 71:15, 72:1 house 23:25, 24:8 housing 16:20, 17:5, 17:7, 17:22, 17:23, 18:4, 18:6, 20:8, 37:1, 37:10, 50:22 huh 59:4, 82:14 hybrid 21:4 <hr/> I <hr/> idea 8:24 identified 15:2, 39:12, 63:6 identifier 46:2 identify 5:8, 36:14, 39:25, 67:6 illumination 31:7 immediately 18:5, 36:24 impact 38:17, 39:4, 39:7, 67:24, 68:4, 68:5,
--	---	---	--

70:6, 72:7, 80:11 impacts 15:21, 38:15, 39:12, 40:1, 71:18, 72:13, 76:10 implementing 67:22 implicitly 71:8 important 64:8 improve 61:23, 63:23, 64:3 improved 14:7 inadequate 57:18 inc 5:5 inches 33:24 inclination 8:23 include 75:10 included 68:20 includes 16:14, 17:14, 18:4 including 52:6, 63:16, 63:24, 70:11 inclusive 80:25 income 48:24, 63:24 inconsistent 74:9 incorporate 47:14 increase 36:20, 38:9, 57:2, 62:3, 64:2, 74:16	indicate 36:18 indicated 84:18 individual 54:22, 55:17, 57:8, 60:17 individuals 48:24 information 50:9, 53:4, 56:10, 58:12, 59:11, 75:15, 83:13, 84:4 informational 52:2 infrastructure 67:18, 71:17 inherent 38:14, 38:17, 38:22, 39:12, 76:6 initial 51:1 initially 10:5 installed 27:1 instead 44:11 institute 68:13 institutional 18:19, 18:21 intake 50:5 intend 63:8 intensity 36:21, 74:17 interest 86:13, 87:11 interesting 69:2 internally 80:6 interrupt 16:5, 77:5	introduce 7:7 introduced 33:9 investment 64:2 involved 38:20, 51:16 involves 38:11 irregularly 14:5 issue 6:6, 10:6, 34:14, 43:6, 43:8, 53:13, 56:9, 57:18, 57:22, 80:19, 80:20, 81:16 issues 11:9, 11:13, 21:4, 35:4 ite 68:13, 69:10, 69:21 items 85:12, 85:13	86:2, 86:17 jogs 17:11 jump 43:5, 48:11 jurisdiction 46:21 justification 12:16, 65:20 jycho@kcscgw 41:14
			K
			k 7:2 k-c 41:15 karen 87:2, 87:15 kcsc 10:7, 34:7, 42:18, 43:2, 45:23, 48:15, 49:15, 50:4, 50:14, 51:10, 51:12, 61:14, 61:16, 63:12, 63:14, 67:1, 77:15 kcsc's 62:11, 64:5 kcscgw 41:16 kcsh 57:23 keep 81:16 kind 44:23, 45:21, 48:19, 51:15, 70:24 kindly 60:5 knoll 17:12, 37:8, 37:11 know 6:4, 6:24,
		J	
		january 1:14, 81:8, 81:19, 82:21, 82:22, 83:7, 83:23, 83:24, 83:25, 86:19, 87:17 jarazel 16:19 jezreel 16:23, 16:24, 37:9 ji 3:13, 4:4, 11:9, 40:22, 41:5, 42:7 job 1:20 joe 1:22, 2:12,	

<p>9:25, 10:13, 10:23, 14:19, 15:13, 20:24, 27:14, 30:3, 33:21, 34:15, 39:8, 43:8, 44:10, 44:12, 45:2, 46:8, 46:19, 47:24, 53:15, 54:10, 55:17, 57:11, 58:3, 58:4, 58:24, 61:4, 66:15, 68:19, 69:4, 69:5, 69:20, 70:5, 71:3, 71:5, 71:7, 71:10, 71:19, 72:10, 78:9, 80:16, 80:21, 81:14, 82:10, 85:6 knowledge 29:16, 86:10, 87:8 known 5:3, 12:8 korean 1:5, 5:4, 10:2, 40:23, 41:6, 42:14, 42:21, 50:22, 63:17, 63:21 korean-speaking 63:8</p>	<p>19:8, 20:17, 21:14, 21:15, 22:8, 23:7, 24:18, 24:21, 24:25, 26:23, 27:5, 27:8, 27:11, 27:19, 27:22, 28:2, 28:5, 28:19, 31:19, 31:21, 31:24, 32:7, 32:9, 32:16, 33:16, 34:10, 34:18, 34:20, 34:21, 39:3, 40:4, 47:13, 52:17, 72:23, 73:2, 78:18 land 11:8, 12:23, 38:12 landscape 4:17, 22:19, 30:1 landscaping 29:22, 30:18, 36:12, 73:22 large 62:3 larger 51:5, 51:10 last 65:12, 65:16, 69:13, 72:4, 72:22, 85:14 late 48:4, 62:19 later 37:18, 40:5, 46:24 latr 67:21, 68:1, 69:12, 69:23 law 5:10, 5:15, 29:16 lead 43:1</p>	<p>leadership 42:19 leap 82:15, 82:17 leave 45:12, 46:7, 47:1, 48:2, 48:8, 81:13, 81:17, 82:5, 82:6, 83:6 leaving 31:7 lee 5:14 lee-cho 3:5, 4:6, 5:14, 7:4, 7:21, 7:23, 8:2, 8:9, 8:11, 8:18, 8:21, 8:23, 9:4, 9:9, 29:4, 40:10, 41:21, 45:15, 46:10, 46:14, 46:18, 47:9, 47:12, 47:19, 47:22, 48:7, 55:7, 55:9, 56:13, 57:10, 59:3, 59:6, 59:10, 59:15, 59:24, 60:7, 79:8, 79:13, 79:21, 80:4, 80:9, 80:16, 80:24, 81:10, 81:21, 81:24, 82:2, 82:8, 82:12, 82:16, 82:19, 82:22, 83:1, 83:4, 83:10, 83:21, 84:2, 84:6, 84:13, 84:18, 84:25 leeway 40:13 left 19:7</p>	<p>less 25:15, 26:7, 38:11 let's 20:21, 49:25 letter 9:5 letters 85:14 level 50:25 levels 11:1 lighting 31:4, 31:8, 31:9, 31:11, 31:13, 31:18, 31:23, 32:10, 32:11, 39:19, 39:21, 39:23, 39:24 likelihood 59:12, 59:17 likely 59:1 limit 53:24, 60:1, 60:16, 70:19 limitation 52:24, 57:4, 59:22 limitations 71:20 limited 61:19, 71:14, 78:4 limits 16:3 line 17:10, 24:7, 25:3, 25:4 lines 44:14 linguistically 64:1 list 50:8 listed 23:18, 28:8</p>
--	---	--	--

literary 77:20 little 10:23, 14:6, 28:6, 36:15, 40:13, 41:4, 41:11, 42:16, 43:7, 49:25, 51:14, 55:21, 58:4, 68:7, 71:25, 82:12 live 49:17, 49:19, 53:17 llc 3:6, 87:16 local 67:20 located 5:5, 13:25, 14:3, 14:17, 19:24, 35:23, 41:8, 43:11, 50:20, 62:11, 67:7, 69:17, 74:11, 78:2 location 2:1, 38:21, 39:6, 48:21, 56:16, 64:6, 83:14 locations 51:12, 84:4 locker 26:17, 26:25, 27:4 lockers 26:15, 26:21 long 14:6, 28:17, 42:13, 48:15, 64:23, 79:9, 79:11, 81:6 long-term 26:16, 26:20 longer 26:23 longstanding 64:5	look 10:12, 22:5, 27:20, 75:19 looking 14:10, 19:8, 21:20, 61:14 lot 11:4, 14:5, 14:12, 14:14, 19:23, 20:2, 20:4, 21:18, 22:13, 22:21, 23:12, 23:15, 23:24, 24:4, 24:7, 25:2, 25:4, 25:15, 25:17, 26:7, 30:24, 31:3, 31:9, 31:13, 36:11, 38:9, 39:15, 39:23, 45:20, 53:16, 68:15, 76:25, 84:8 lots 30:16 low 48:24, 63:24, 72:2, 72:9 lynn 1:12 <hr/> M <hr/> macris 12:7 made 6:16, 28:7, 50:24, 68:12, 79:15, 80:10 mailing 50:10 main 14:16, 41:9 major 6:24, 8:13 make 24:11, 29:25, 30:7, 40:13, 54:6, 62:16, 65:5 management 38:6, 38:10, 58:6, 75:8 manner 61:25, 74:9 manual 68:14, 68:15, 68:16, 68:21, 69:11, 71:1, 71:21 many 25:23, 25:24, 48:25, 49:7, 52:25, 53:6, 54:23, 55:25, 56:18, 58:13, 58:21, 60:11 march 82:7, 83:3, 83:6 marked 6:2, 7:9, 12:20, 19:4, 22:7, 22:24, 29:19 maryland 1:13, 2:6, 2:8, 2:13, 3:8, 5:6, 5:12, 12:4, 42:22, 62:13, 65:15, 86:18 master 35:5, 35:6, 35:7, 35:10, 35:14, 35:15, 73:25, 74:5 matter 66:9 matters 5:20, 6:4, 78:22 maximum 25:16 maybe 19:6, 34:15, 46:15, 47:24, 52:16, 82:13 mean 36:7, 46:7, 55:19, 59:10, 79:21, 80:8, 82:20 medicaid 49:2 medical 10:9 medicare 49:2 meet 11:4, 24:9, 30:17, 30:23, 33:1, 33:3, 45:5, 61:17, 73:16, 76:20, 77:24 meeting 48:23, 80:12 member 49:11, 50:3, 50:8 members 50:1, 50:14, 51:6, 53:4, 53:9, 61:18, 62:18, 71:13, 77:21 memory 29:14 mention 32:10, 35:21, 70:17 mentioned 12:23, 14:2, 18:2, 23:21, 32:11, 36:7, 37:2, 39:22, 40:4, 72:21, 74:1, 76:1, 76:8, 78:9 met 25:9, 73:19, 77:1 methodology 71:21
--	--

Transcript of Hearing
Conducted on January 23, 2026

36

mhg 12:8 mic 20:19, 20:25 mics 42:2 might 27:13, 44:2, 49:23, 79:15, 80:20 mile 75:10 millersville 65:15 mind 29:2 minimal 22:12 minimis 68:5, 70:6 minimum 23:12, 23:15, 23:16, 23:24, 23:25, 24:6, 25:2, 25:8 minor 4:21, 6:12, 6:22, 7:12, 7:16, 8:25, 9:5, 9:7, 22:20, 30:6, 33:8, 33:17, 36:10, 38:7, 44:22, 46:7, 74:22, 81:4 minute 20:13, 20:25, 41:1, 85:14 minutes 14:2 mission 42:21, 64:6 missions 42:21 mitigated 36:12 mod 7:16	modern 18:11 modes 69:21 modification 4:21, 6:12, 6:22, 6:24, 7:12, 8:13, 9:7, 10:24, 33:8, 35:13, 36:18, 44:22, 46:8, 73:14, 74:16, 76:3, 81:4 modifications 8:17, 73:24, 79:25 modified 36:9, 69:16 modify 10:1, 45:13, 69:22 moment 7:15 moments 36:8 montgomery 1:1, 2:4, 12:3, 38:1, 63:4, 69:1, 69:4, 69:17, 70:8, 70:11 more 13:12, 15:10, 15:19, 15:20, 18:11, 20:19, 45:22, 51:15, 54:17, 57:7, 59:1, 61:13, 61:23, 61:24, 62:12, 63:15, 64:11, 71:25, 77:7 morning 67:11, 68:3, 68:25 most 9:16, 53:9, 55:19, 62:18,	84:15 mount 37:9 move 20:19, 25:20, 29:18, 35:2, 49:21, 61:14, 62:7 moving 76:18 much 15:10, 15:19, 15:20, 21:16, 64:9, 64:17, 64:18, 68:23, 72:19, 78:20, 85:15 multifamily 18:4 must 23:24 <hr/> <p style="text-align: center;">N</p> <hr/> n-a-j-o-l-e-s 65:14 najoles 65:13 name 11:24, 12:2, 16:17, 16:19, 40:21, 40:22, 41:5, 50:6, 65:11, 65:13, 65:16 named 16:18 narrow 14:6 narrowed 15:9 nationally 68:22 nature 15:20, 18:21, 38:8, 38:22, 39:6 near 45:19	necessarily 51:2 necessary 11:15, 67:25, 70:24, 73:9 need 23:5, 33:22, 34:1, 35:4, 35:18, 44:25, 48:3, 48:24, 51:19, 52:16, 52:23, 53:25, 54:1, 54:15, 58:24, 63:1, 63:3, 63:6, 64:23, 71:22, 77:4, 79:10, 79:12, 79:25, 80:20 needed 38:6 needs 24:7, 25:18, 44:14, 61:18 neighborhood 14:23, 15:2, 16:1, 17:19, 18:17, 36:4, 36:6, 36:17, 39:16, 74:9, 74:13, 76:4, 76:14 neither 86:11, 87:9 new 31:8, 31:12, 31:23, 32:11, 32:21, 32:23, 32:25, 33:14, 34:4, 34:15, 39:23, 44:14, 49:20, 50:2, 50:7, 77:6, 79:5 next 22:16, 40:6, 40:19, 50:20, 53:10, 53:17, 80:5
---	---	---	--

Transcript of Hearing
Conducted on January 23, 2026

37

nick 3:14, 4:7, 11:12, 65:12, 66:19 night 58:2 nine 30:17, 70:2, 70:5 noise 39:17 non-business 57:25 non-inherent 38:15, 38:23, 39:4, 39:25, 76:5, 76:6, 76:10 nonconformity 28:11 none 5:19 normal 45:1, 50:12, 50:16, 57:20 north 14:12, 17:22, 17:23, 18:3, 18:5, 20:9, 21:21, 36:24, 37:11, 45:25 northeast 14:4 northern 17:9 northward 16:16 northwestern 19:20 notary 2:13, 86:1, 86:17 note 24:11, 84:13 noted 10:9, 19:18 notepad 72:25	notes 77:16 nothing 13:16, 42:9, 50:13, 66:21 notice 24:14 notify 10:15 november 48:17 number 20:5, 27:15, 27:23, 29:12, 29:15, 36:20, 37:12, 41:12, 53:24, 54:16, 55:20, 57:5, 60:2, 63:11, 67:8, 69:25, 70:19 numerous 66:4 <hr/> O <hr/> o-r-g 41:19, 41:21, 41:22 oath 73:3 objection 6:9, 6:11, 10:22, 12:22, 21:12, 59:21, 60:1 objections 21:8 occupying 49:15 occur 22:15, 52:4, 52:7, 57:20 occurring 56:23 offer 49:4, 63:12 offered 48:23	office 1:1, 2:4, 2:7, 10:3, 10:9, 41:7, 48:16, 48:17, 49:8, 49:15, 49:21, 49:24, 50:14, 50:15, 50:20, 51:6, 52:6, 58:6, 62:7, 62:10, 62:11, 62:13, 62:14, 62:24, 65:13, 68:20, 69:10, 70:1, 71:3, 71:6, 71:11 officer 86:2 offices 53:10, 61:23, 62:14, 71:2 officially 6:7, 48:17 often 50:13, 51:5, 58:3 oh 6:14, 9:23, 12:1, 16:24, 27:19, 29:3, 33:10, 43:20, 48:22, 55:11, 77:2, 80:14, 82:5, 82:6, 82:16, 82:22, 84:16, 85:2 okay 5:17, 5:19, 6:3, 6:18, 7:10, 7:17, 8:1, 8:7, 8:22, 9:8, 9:13, 9:19, 9:21, 9:23, 10:19, 11:16, 11:23, 12:1, 12:11, 16:6, 16:11, 16:25, 19:1, 20:20, 21:2, 21:13, 21:15, 24:18, 24:21, 24:25, 27:10, 28:25, 29:5, 29:13, 29:15, 30:7, 30:9, 31:19, 32:19, 33:13, 34:13, 34:17, 34:18, 40:9, 41:2, 41:5, 42:5, 43:11, 44:5, 47:23, 52:10, 53:21, 53:22, 60:4, 61:3, 61:9, 64:16, 64:25, 65:3, 65:7, 66:3, 66:6, 66:14, 72:15, 72:17, 73:2, 75:11, 77:11, 78:15, 79:6, 81:11, 82:4, 82:7, 83:11, 84:23, 85:3, 85:5, 85:7, 85:10 one 5:20, 12:24, 13:12, 13:21, 18:11, 20:13, 20:19, 25:1, 25:12, 26:6, 26:8, 26:12, 26:13, 26:16, 30:7, 30:18, 30:19, 32:4, 33:17, 33:20, 35:21, 39:2, 47:2, 49:22, 56:19, 63:2, 64:14, 77:7, 78:1, 83:21 ones 18:11, 25:1, 30:3 online 68:15
---	---	--

<p>only 11:2, 17:21, 18:14, 23:12, 31:10, 45:5, 49:15, 50:20, 51:8, 52:18, 62:20, 71:13, 75:10, 85:12</p> <p>open 20:4, 25:8, 45:12, 46:7, 47:1, 47:15, 48:3, 48:9, 53:1, 62:7, 77:22, 81:13, 81:17, 82:5, 82:6, 83:6, 85:11</p> <p>open-ended 81:12</p> <p>opened 48:17</p> <p>opening 9:22</p> <p>operate 10:3</p> <p>operated 77:21</p> <p>operates 45:24</p> <p>operating 39:17</p> <p>operation 57:17</p> <p>operational 39:6, 48:16, 62:5, 62:9</p> <p>operations 11:12, 72:6, 74:23, 77:15</p> <p>opinion 8:12, 15:1, 26:24, 28:10, 35:12, 70:23, 70:25, 73:23, 77:14</p> <p>opportunity 46:4</p>	<p>oppose 5:18</p> <p>opposed 9:17, 54:12</p> <p>order 4:20, 6:6, 7:11, 61:17, 81:16</p> <p>ordinance 29:11, 29:15, 30:13, 30:15, 38:16, 44:15, 46:23, 67:19, 76:22</p> <p>org 41:14, 41:16, 41:19</p> <p>organization 23:23, 42:20, 51:3, 57:23, 77:13, 77:18, 77:25</p> <p>organizational 42:25</p> <p>organizations 78:3</p> <p>organize 61:23</p> <p>original 15:5, 16:9, 26:11, 27:9, 33:7</p> <p>originally 27:4, 37:8</p> <p>ornamental 31:2</p> <p>other 7:3, 12:24, 28:10, 33:14, 36:14, 36:16, 36:19, 37:17, 49:11, 51:10, 51:12, 55:16, 62:14, 70:15, 78:1, 78:10, 83:12</p> <p>otherwise 86:13, 87:11</p>	<p>out 7:15, 26:14, 28:11, 31:11, 39:5, 50:9, 84:9</p> <p>outcome 86:13, 87:11</p> <p>outlined 30:2, 73:20, 84:10</p> <p>outlining 84:10</p> <p>outside 72:4</p> <p>over 14:7, 57:12, 58:4, 62:19, 82:12</p> <p>overall 42:19, 64:2</p> <p>oversee 42:23</p> <p>oversight 42:20</p> <p>overview 11:6</p> <p>own 37:4, 53:11</p> <p>owned 50:21</p> <p>owns 45:23</p> <hr/> <p>P</p> <hr/> <p>packs 31:12</p> <p>page 4:2, 4:4, 4:7, 4:12, 13:8, 13:9, 14:22, 15:11, 15:15, 32:13, 79:24</p> <p>pages 1:21, 13:6, 13:11</p> <p>paper 29:10</p> <p>park 69:18</p>	<p>parked 58:2</p> <p>parking 11:4, 14:12, 14:14, 14:15, 19:23, 20:2, 20:3, 20:4, 21:18, 22:13, 22:21, 25:23, 26:7, 26:8, 26:10, 26:13, 26:16, 26:20, 28:9, 30:16, 30:24, 31:3, 31:9, 31:13, 33:18, 33:19, 36:11, 38:9, 39:15, 39:23, 45:20, 52:16, 53:13, 53:25, 54:1, 54:2, 54:6, 55:22, 57:18, 57:19, 57:22, 57:25, 64:14, 71:25, 73:22</p> <p>part 9:16, 37:22, 44:1, 47:3, 50:5</p> <p>participate 51:7</p> <p>particular 38:19, 39:5, 39:6, 39:9, 52:8, 78:6</p> <p>parties 5:7, 21:5, 86:12, 87:10</p> <p>partners 43:3</p> <p>partnership 43:2</p> <p>parts 69:5</p> <p>past 54:9, 63:13</p> <p>patrick 3:12, 4:2,</p>
--	---	--	---

Transcript of Hearing
Conducted on January 23, 2026

39

12:1, 13:14 pause 20:12 paved 30:20 pdf 13:10 pe 3:12, 3:14 peak 67:9, 68:3, 68:4, 68:9, 68:11, 68:25, 70:2, 70:3, 71:15, 72:1 people 45:9, 49:1, 52:23, 52:25, 53:7, 53:16, 53:23, 54:4, 54:5, 54:17, 54:21, 55:15, 55:16, 55:20, 55:25, 71:14, 84:4, 85:13 percent 25:9, 25:10, 25:16, 25:18, 30:19, 69:23 percentage 58:13 perfect 66:17 performing 67:14 perhaps 39:17 perimeter 29:23, 30:12, 30:21, 30:25 period 47:15, 80:21 permission 47:9 permitted 53:7 permitting 38:1	person 50:8, 60:21 personal 8:12 phd 3:13 phone 41:8 photometric 31:14, 32:4, 32:19 pick 9:3, 54:11 pickup 54:13 picky 75:13 picture 13:22, 20:16, 20:17, 21:6 pike 41:12 place 17:14 places 70:18 plan 4:13, 4:15, 4:16, 19:9, 19:19, 21:25, 22:6, 22:10, 23:1, 26:3, 29:22, 32:4, 35:5, 35:6, 35:8, 35:10, 35:14, 35:15, 37:25, 45:7, 45:8, 62:24, 63:4, 73:25, 74:6, 74:9, 75:7, 78:4, 78:7, 79:11 planet 87:16 planned 43:5, 48:11, 63:19 planning 11:8, 24:24,	65:24, 66:2, 70:8, 79:17, 79:19, 80:1, 80:2, 80:23, 80:25, 81:1 plans 4:17, 30:1, 30:22, 31:1, 73:21 planting 30:25 plantings 29:24, 30:12 playay@mhgpa 12:10 please 9:19, 11:23, 13:8, 13:23, 19:3, 28:24, 29:22, 38:13, 40:20, 65:10 point 26:14, 60:15, 60:20, 60:24, 80:15 points 72:10 pole 31:10 police 75:10 policy 67:6, 67:18, 67:19, 69:16, 71:17 political 77:20 popular 51:25 populations 63:23 portion 20:7 possibly 33:22, 34:1 posting 5:21 potential 39:20, 39:21,	70:18 potentially 54:11, 72:7 practical 51:18 practice 6:7, 7:18 predominantly 18:24 prefer 62:19, 80:17 preliminary 5:19, 6:4, 66:9 prepare 64:23, 66:25 prepared 9:16, 87:3 prerogative 7:24, 84:20 present 3:11, 10:23 pretty 21:16 previous 10:11, 48:13, 73:12, 74:1, 74:25, 75:16, 75:24, 76:9, 76:24 previously 17:18, 73:19 principal 23:18 prior 10:7, 27:1, 46:3, 49:14, 70:16 priorities 43:1 private 23:22, 77:13, 77:18, 77:25, 78:3 probably 13:10 problem 9:12, 32:25 proceed 40:17, 81:9,
---	---	---	---

81:19, 83:8, 83:25 proceeding 87:4 proceedings 86:3, 86:5, 86:8, 87:5, 87:7 process 45:2, 46:9, 46:11, 46:17, 46:18, 50:4, 50:5, 50:10, 50:11 professional 61:24 program 49:3, 49:12, 53:3, 53:13, 60:22, 60:23, 63:18 programming 51:7, 51:11 programs 42:23, 48:19, 51:13, 52:5 progressive 69:2 prohibiting 32:25, 34:14, 44:7 projecting 42:2 prominent 45:20 promise 81:2 properties 16:14, 17:15, 18:1 property 13:24, 14:1, 14:18, 17:9, 17:10, 18:3, 18:5, 18:6, 18:13, 19:16, 19:18, 19:21, 20:7, 21:20, 21:22, 25:11,	31:7, 35:16, 36:23, 74:3 proposal 10:18, 36:5, 73:11 propose 10:24, 44:10, 44:13, 62:21, 79:15 proposed 10:25, 22:1, 22:3, 22:9, 22:20, 31:8, 31:13, 32:21, 36:18, 39:23, 40:1, 45:10, 61:13, 62:6, 62:22, 70:2, 72:5, 73:14, 73:23, 74:7 proposing 33:14, 34:4, 43:25, 44:20, 55:1, 57:1 prove 77:23 provide 21:19, 42:19, 45:17, 49:10, 50:25, 51:20, 56:1, 56:10, 58:11, 59:11 provided 14:23, 25:10, 25:25, 26:2, 29:24, 30:12, 30:21, 50:19, 63:13, 65:18, 75:5, 84:22 provides 20:8, 37:15 providing 48:20 provision 28:15 provisions 28:8, 35:10 ptoe 3:14	public 2:13, 12:19, 37:19, 52:1, 62:3, 67:18, 75:1, 77:22, 86:1, 86:17 pull 13:6, 15:13 purpose 67:3, 67:5 purposes 49:17 pursuant 2:12 put 44:18 <hr/> Q <hr/> quadrant 19:21 qualified 12:22, 65:23, 66:4, 86:7 qualify 13:2 question 28:20, 30:10, 32:18, 52:15, 57:11, 70:20 questions 9:14, 39:4, 64:11, 78:18 quite 18:10, 75:22 <hr/> R <hr/> r 17:21, 17:25, 23:9, 23:14, 23:18, 47:7, 76:19, 76:22, 77:1 rack 26:12 raised 32:18, 43:6, 43:9, 70:20 rates 68:23, 69:3,	69:16, 69:22, 71:1 rd 82:20 re-examination 61:10 re-stripping 22:21 read 52:17 ready 11:17, 40:18, 65:9, 73:4, 73:6 real 71:5 realistic 83:19 realized 49:22 really 20:4, 21:6, 23:5, 45:20, 46:3, 46:13, 51:25, 54:15, 60:15, 60:19, 60:24, 71:13, 81:4 rear 14:9, 14:16, 17:5, 19:23, 23:17 reason 10:11, 41:23, 62:20 reasons 16:8 recall 75:14 recap 73:9 recaption 7:3, 7:20 recaptioning 6:8 receive 9:13, 37:23, 37:24, 50:2 receiving 50:3
--	---	---	--

Transcript of Hearing
Conducted on January 23, 2026

41

recess 21:1, 40:11, 40:15 recognize 69:3 recommendations 35:16, 73:25, 74:3, 74:5 reconstructed 76:12 record 5:8, 5:21, 7:7, 11:25, 15:23, 20:22, 21:3, 21:6, 24:13, 24:14, 30:1, 33:25, 38:14, 40:14, 40:17, 40:21, 45:12, 45:16, 46:7, 47:1, 47:14, 48:2, 48:9, 64:24, 65:11, 66:11, 70:15, 80:10, 80:17, 81:13, 81:17, 82:5, 82:6, 83:6, 84:11, 85:11, 85:17, 86:9, 87:7 recorded 1:22, 86:6 recording 42:2, 86:8, 87:4 recreational 77:20 reduced 86:6, 87:5 reducing 63:25 reference 30:14, 32:3, 32:13, 35:21 referenced 31:6 referring 19:12	regardless 38:21 region 63:21 registration 54:16, 56:2 registration-bas- ed 53:3 regular 52:7 relate 53:12 related 56:9, 57:22, 86:11, 87:9 release 53:4 relevant 35:9 religious 35:19, 77:19 remain 74:12 remaining 64:5 remarks 9:22 remember 26:22, 48:5 remind 65:17 rental 49:4 repeat 30:9 report 6:16, 9:14, 10:11, 13:9, 14:24, 15:11, 16:9, 32:3, 32:9, 32:14, 32:19, 52:17, 55:5, 60:2, 73:10, 75:15, 75:17, 79:22, 80:21, 80:25 reporter 20:18, 20:23,	59:20, 86:1 represent 43:2 request 40:10, 45:15, 80:4 requested 35:13 requesting 61:16 require 24:3, 30:15, 63:2 required 7:25, 23:25, 24:8, 25:24, 26:1, 26:8, 26:13, 36:12, 65:2, 68:4, 70:5, 71:9, 71:17, 78:5, 78:8 requirement 24:2, 24:9, 25:2, 25:9, 30:23 requirements 11:4, 26:10, 33:2, 33:3, 45:6, 52:16, 67:22, 73:15, 73:17, 75:8, 76:21 requires 30:24, 79:24 requiring 71:23 rescue 75:6 residence 36:2, 49:23, 58:23 residency 56:4 resident 49:21, 63:17, 63:20, 63:25 residential 18:2, 18:15,	18:18, 18:25, 36:6, 39:15, 49:17, 68:20, 74:19 residents 58:1 resolve 21:3 resolved 46:23, 58:7 resources 50:10 respond 85:1 responded 84:14 response 84:17, 84:24, 85:4 rest 49:23, 56:3, 56:5 restriping 22:15 result 62:2, 72:13, 76:4 resume 12:15, 65:18, 65:22 retain 6:23, 10:20 retained 4:11, 49:16 review 9:14, 44:16, 45:1, 47:2, 47:6, 67:20, 80:2 reviewed 66:16, 70:10 reviewing 24:14 rezoned 39:15 right 7:13, 8:21, 11:2, 12:12,
---	---	---	--

Transcript of Hearing
Conducted on January 23, 2026

42

13:4, 13:11, 14:21, 17:6, 17:8, 19:2, 20:1, 20:6, 21:13, 21:24, 22:5, 23:4, 23:13, 23:21, 24:25, 29:6, 30:7, 34:19, 38:4, 38:13, 39:11, 40:3, 40:5, 41:20, 43:4, 44:1, 47:12, 50:20, 53:1, 53:17, 55:3, 57:16, 59:9, 61:12, 62:5, 62:22, 63:10, 64:21, 65:8, 70:7, 76:18, 78:14, 85:5 rivertown 41:12 road 12:3, 17:12, 37:11, 65:14 robeson 1:12, 70:17 rockville 1:13, 2:8 role 42:17, 42:18 room 2:7 rt 17:24 rule 7:25 run 52:9, 60:21 running 60:22, 62:15 runs 17:10, 20:6, 51:9 rush 67:10	rushing 80:8, 83:18 <hr/> s <hr/> safety 64:4 said 52:18, 58:22, 59:20, 61:5, 73:1, 73:8, 85:1, 86:8, 87:5, 87:6 same 15:15, 51:7, 57:13, 60:21, 62:17 sample 45:17 sanitary 20:6, 20:9 satisfied 84:21 satisfy 73:11, 73:14 saturation 37:15 saw 21:5, 32:16, 65:21, 66:15 say 16:18, 41:8, 51:22, 54:2, 54:20, 56:2, 56:5, 61:7, 81:3 saying 28:3, 31:22, 44:6, 44:12, 53:16, 53:18, 55:18, 81:23 says 44:13 scale 51:18 schedule 51:1, 62:15, 80:12 scheduled 60:9	school 16:18, 17:8 schwartz 3:6, 5:10, 5:15 scope 36:4, 36:21, 74:17 screen 15:7, 19:15, 23:4 screening 21:19, 22:19, 30:25, 36:13, 73:22 scroll 23:6 second 24:6, 64:20 section 23:23, 25:24, 26:10, 29:24, 30:13, 30:15, 31:5, 73:11, 76:21 security 49:2 see 7:16, 13:10, 23:6, 32:19, 56:3, 66:10, 84:16 seen 63:1, 66:16 segment 17:21 self-regulate 60:12 semester 53:3 seminars 51:11, 51:21 send 65:2, 79:20, 79:24, 84:9 senior 16:20, 18:6, 36:25, 37:10, 42:24, 45:24,	49:5, 50:21, 50:22, 51:9, 51:15, 51:17, 52:3, 52:7, 52:8, 52:11, 52:21, 56:15, 57:15, 57:19, 58:8, 58:16, 60:21, 60:22, 63:17, 83:15 seniors 48:24, 49:5, 50:23, 54:10, 61:18, 62:18, 63:24 serve 50:9, 61:19 served 37:19, 75:1 service 5:4, 10:2, 20:8, 20:9, 23:23, 35:18, 37:22, 38:2, 41:7, 42:14, 51:3, 60:9, 60:20, 61:18, 62:1, 63:5, 63:9, 63:19, 75:4, 75:6, 77:13, 77:18, 77:25, 78:3 services 38:2, 40:23, 48:20, 48:23, 49:11, 50:2, 50:3, 50:19, 52:5, 53:2, 61:24, 63:3, 63:6, 63:12, 63:16, 63:20, 64:1, 64:3, 64:6, 75:1 serving 35:19, 42:21 session 51:10, 52:2 sessions 51:8
--	---	---	--

set 42:25, 64:24 setbacks 23:17, 76:25 setting 74:4 settled 48:5 seven 14:15, 20:3 several 35:17, 51:6 sewer 20:6, 37:22, 75:4 sexual 63:7 shade 31:2 shaded 19:25 shading 30:20 shaped 14:5 she'll 11:11, 85:1 shed 14:19 sheet 4:14, 4:17, 23:2, 29:21, 79:4, 79:5 show 45:6, 45:7, 45:8 showing 21:10, 33:20 shown 15:6, 15:10, 15:18, 23:10, 26:2, 30:22, 31:1, 75:6, 76:23 sic 16:19, 17:12, 17:14, 36:25, 37:6, 37:11,	53:10, 60:9 side 16:15, 19:7, 19:16, 19:17, 21:21, 22:14, 23:4, 23:17, 43:12, 43:13, 43:17, 46:1, 62:13 sidewalks 69:20 sign 33:10, 33:12, 33:14, 33:20, 33:23, 43:6, 44:11, 44:15, 44:21, 44:25, 45:1, 45:9, 45:10, 45:13, 45:17, 45:18, 45:22, 47:3, 47:5, 47:18, 52:23, 53:5, 79:7, 83:9, 84:1, 85:7 signage 32:21, 32:23, 32:25, 33:1, 33:8, 33:14, 33:25, 34:2, 34:4, 34:15, 43:9, 43:11, 43:13, 44:12, 44:14 signature-snmnt 87:12 signature-y8kzx 86:15 signs 44:7, 45:5 silver 5:6, 14:3, 35:7, 49:8, 49:21, 50:15, 52:6, 62:14, 69:18 similar 71:5	similarly 71:2 since 11:20, 26:17, 35:22, 48:19, 49:20, 56:14, 56:24, 72:12, 81:11 single 18:2, 18:14, 18:17, 18:24, 36:1 sister 57:23 site 4:16, 10:4, 10:8, 10:25, 11:11, 19:9, 19:11, 22:6, 23:8, 23:10, 23:11, 24:1, 24:8, 26:3, 26:9, 26:17, 27:6, 28:4, 28:16, 36:24, 37:19, 38:6, 39:6, 39:16, 45:6, 45:7, 45:8, 49:14, 56:23, 58:2, 61:15, 62:4, 62:17, 67:7, 67:9, 67:25, 68:2, 68:5, 68:9, 69:8, 69:9, 69:17, 69:25, 71:15, 72:6, 72:10, 72:12, 73:21, 75:1, 76:20, 78:2, 78:4, 78:7 site's 31:4 sites 68:18, 68:24, 69:7 situation 54:14	six 33:2 size 47:24, 57:2, 76:25 sized 71:2 skills 86:10, 87:8 slightly 19:6 small 17:21, 18:11, 49:5, 51:17, 54:18, 61:21 smaller 15:20, 16:8, 35:25 smartphone 49:6, 51:19, 51:23, 51:24 snap 49:3 social 48:22, 49:2, 49:10, 60:20, 63:5, 63:16, 63:19, 77:19 some 12:22, 14:18, 17:11, 21:3, 21:18, 21:19, 22:14, 22:19, 22:21, 25:22, 30:6, 32:2, 35:3, 36:10, 41:23, 46:20, 46:22, 50:25, 52:24, 58:11, 59:16, 80:11, 84:21 somebody 7:14, 10:15 someone 49:19 something 10:9, 34:16, 38:20, 39:5,
--	---	--	---

39:8, 43:25, 44:2, 44:13, 45:11, 46:5, 52:19, 61:4, 79:20, 79:22, 80:11 sometimes 50:23, 51:20, 52:1, 53:12, 58:1, 58:3 somewhat 14:6 soo 3:5, 5:14 sorry 13:8, 13:9, 16:4, 27:25, 29:13, 30:9, 38:23, 41:23, 56:7, 59:8, 66:13, 75:21, 77:3, 82:23 sort 52:24, 71:14, 71:19 sounds 64:7 south 17:10, 17:15, 19:17 space 25:8, 26:7, 26:8, 26:13, 33:18, 33:19, 49:18, 51:13, 57:4, 57:25, 61:19, 63:11, 70:1, 71:11 spaces 14:15, 20:3, 22:14, 22:16, 25:23, 26:1, 26:7, 30:17, 49:24, 54:2 speak 38:5, 41:3 special 6:13, 9:7,	10:8, 16:20, 17:7, 18:4, 18:8, 18:12, 18:18, 18:22, 35:23, 36:14, 36:16, 36:20, 37:1, 37:4, 37:9, 37:12, 37:16, 48:13, 50:13, 73:20, 78:24 specific 23:22, 28:15, 35:16, 74:2, 77:2, 77:12, 78:2, 78:10 specifically 28:13, 69:9, 70:5 spot 57:23 spread 50:9 spring 5:6, 14:3, 35:7, 49:8, 49:21, 50:15, 52:6, 62:14, 69:18 square 23:16, 24:3, 24:4, 24:5, 38:12 stability 64:4 staff 6:16, 8:20, 9:2, 9:14, 14:23, 15:1, 15:4, 15:6, 24:20, 24:23, 30:4, 32:3, 32:9, 32:14, 33:1, 42:24, 49:11, 50:25, 52:17, 55:5, 59:20, 60:2, 61:20, 61:23,	63:2, 65:2, 70:9, 70:11, 70:12, 71:13, 75:15, 79:17, 79:19, 80:1, 80:2, 84:10, 84:14 staffing 71:20 standard 26:4, 69:12 standards 23:8, 23:14, 23:15, 23:22, 24:11, 25:21, 26:20, 30:18, 73:15, 73:19, 76:19, 76:22, 76:25, 77:12, 78:2, 78:10, 78:11, 79:1, 84:1 standing 14:12 start 13:23, 33:9, 50:3, 81:14 started 66:17 starting 35:5, 36:23, 39:11, 58:4, 73:10 state 2:13, 11:24, 40:20, 46:3, 65:10, 86:18 stated 16:8 statement 12:16, 65:19, 66:11, 67:1, 67:4, 67:5, 67:15, 70:22 stay 13:22, 58:3 stealing 29:2	steps 67:21 stick 7:2 still 26:13, 49:17, 73:3 stop 33:6, 41:1 stories 14:10, 14:11, 19:23 stormwater 38:5, 38:9, 75:7 strategy 42:19 streamlined 46:8, 46:11, 46:15 street 17:13 strengthen 63:15 structural 10:24 structure 11:1, 14:8, 14:9, 14:16, 19:8, 19:19, 20:1, 20:2, 22:2, 22:4, 36:8, 37:4, 74:11, 76:11, 76:16 structured 51:18, 61:21 structures 35:25 studies 68:17, 68:21, 71:2 study 67:24, 68:4, 69:13, 70:4 stuff 85:15 subject 13:24, 18:6
--	--	--	--

Transcript of Hearing
Conducted on January 23, 2026

45

<p>submit 24:13, 24:20, 46:5, 48:1, 48:3, 78:12 submitted 30:3, 31:14, 32:4, 80:1 substantially 73:24 substitute 79:5 successful 49:22 sufficient 47:16, 65:23 sufficiently 36:22, 74:18 suite 3:7, 12:3, 41:12, 65:14 summon 7:16, 64:19 supervise 42:24 supervision 87:6 supplemental 79:22, 80:25 support 42:24, 49:11, 62:1, 63:18 supposed 46:10 sure 14:1, 16:2, 19:12, 20:14, 20:23, 22:11, 23:10, 27:19, 29:25, 30:7, 30:14, 33:21, 36:23, 38:17, 39:3, 54:6, 58:15, 61:9, 75:18, 77:16, 81:6 surface 14:14, 39:14 surrounding 15:21, 31:3,</p>	<p>35:25, 74:8, 74:16 survivors 63:7 sworn 13:15, 42:8, 66:20, 86:5 <hr/><p style="text-align: center;">T<hr/>table 11:21, 23:4, 23:11, 24:12, 24:13, 25:13, 47:13, 84:1 tagging 9:9 take 48:4, 48:15, 50:18, 69:3, 69:21, 81:5, 81:6 taken 21:1, 40:15, 86:3 takoma 69:18 talk 10:23, 11:11, 11:13, 15:23, 35:2, 42:16, 43:7, 49:25, 70:16, 71:6 talked 62:23 talking 25:20 tax 49:4 technical 15:1, 15:4, 21:4, 30:4 technically 18:22 tell 83:19 ten 40:13, 53:8, 54:3, 54:17,</p> </p>	<p>54:20, 55:15, 56:20, 56:21 tended 62:19 terms 58:8 testified 13:17, 36:3, 42:10, 56:18, 66:22, 73:18, 75:3, 76:20, 77:5, 78:10 testify 7:14, 9:12, 11:8, 13:15, 42:8, 66:20, 77:6 testifying 21:7, 46:20 testimony 9:17, 74:2, 74:25, 75:24, 76:2, 76:9, 76:24, 77:14, 77:23 text 26:19, 27:1, 28:21 th 27:24, 28:1, 69:11, 69:14, 69:15, 81:8, 81:19, 82:21, 82:22, 83:7, 83:23, 83:24, 83:25 thank 5:22, 6:1, 11:19, 12:14, 12:18, 23:6, 29:17, 42:4, 48:7, 48:10, 61:12, 64:16, 64:18, 66:8, 72:2, 72:19, 72:20, 78:19, 78:20, 83:4, 85:15</p>	<p>thanks 64:9 themselves 5:8 thereafter 86:6 therefore 31:13, 70:6, 78:7 thing 17:4, 33:17, 47:2, 64:14, 64:20, 70:15, 72:4, 72:22, 77:7, 83:12 things 49:1, 71:7, 71:8 think 6:16, 6:22, 6:23, 7:17, 7:24, 8:12, 8:19, 8:24, 9:2, 10:15, 12:23, 16:22, 21:15, 33:24, 34:17, 35:1, 46:3, 47:10, 47:15, 54:1, 56:8, 57:21, 60:5, 60:18, 64:22, 65:22, 68:19, 75:22, 77:22, 79:10, 79:12, 79:13, 81:4, 83:3, 83:18, 83:22, 84:15 thinking 81:12 third 49:11, 65:9 thought 59:19 three 14:11, 19:22, 49:9, 49:13, 54:4, 54:24, 54:25, 55:2,</p>
--	--	---	--

Transcript of Hearing
Conducted on January 23, 2026

46

68:14, 68:16 three-story 14:8 threshold 70:4 through 13:3, 19:10, 20:7, 21:16, 27:3, 34:25, 36:12, 36:16, 45:1, 49:5, 50:10, 69:12, 72:23, 84:24 throughout 68:17, 71:3 time 9:5, 15:8, 15:17, 20:19, 43:4, 46:12, 47:15, 47:16, 48:3, 51:7, 52:4, 56:19, 57:13, 61:14, 65:8, 69:14, 79:19, 80:2, 80:10, 80:19, 83:3, 85:16 times 39:18, 66:5 title 29:15 titled 6:5 titling 6:7 today 6:17, 26:17, 58:12, 82:23, 84:22 together 49:10 took 46:11, 81:7 top 18:9 total 69:25, 70:1 toward 49:1	towards 16:16, 21:20 tower 18:10 town 17:11 townhomes 37:11 townhouse 17:24 townhouses 37:7 traditional 17:2 traditionally 28:12 traffic 11:13, 62:4, 66:1, 66:11, 67:1, 67:3, 67:5, 67:15, 67:24, 68:4, 68:24, 69:3, 70:22, 71:18, 72:7, 75:23 traffic-generati- ng 72:9 training 51:12 transcriber 87:1 transcript 87:3, 87:6 transcriptionist 86:7 transit 69:6, 69:20 transportation 37:17, 65:24, 65:25, 66:2, 67:6, 67:20, 68:13, 70:12, 70:14 tree 14:18, 21:18, 29:23, 30:11, 30:19	trees 20:5, 30:21, 31:2, 31:3 trip 68:14, 69:10, 69:22, 70:4, 71:1, 71:21, 72:4 trips 39:16, 67:8, 68:3, 68:9, 68:11, 69:25, 70:1, 70:2, 70:3 trouble 41:23 true 86:9, 87:6 truth 13:16, 13:17, 42:9, 42:10, 66:21, 66:22 try 49:23, 50:25 trying 7:14, 21:3, 60:12 tucked 19:19 turned 51:3 twenty-eight 5:25, 6:1 twice 23:25, 24:7, 25:2 two 11:1, 11:2, 12:23, 14:9, 22:16, 39:4, 47:11, 49:10, 49:16, 51:9, 54:21, 55:9, 55:10, 55:11, 57:7, 61:14, 62:12, 62:23, 62:24, 63:1, 79:14, 83:21 two-story 19:21	type 17:18, 24:1, 44:11, 57:1, 71:11 types 68:18, 68:24 typewriting 86:7, 87:5 typical 17:18 typically 6:22, 50:19, 50:25, 52:4, 52:9, 54:13, 66:2 <hr/> U <hr/> uh-huh 52:13, 57:14, 58:18, 60:13, 61:6 unchanged 74:12 unclear 28:6 under 10:11, 25:21, 25:24, 26:10, 28:4, 37:2, 37:4, 37:12, 38:10, 39:13, 50:7, 53:10, 67:23, 69:12, 73:3, 73:15, 73:17, 76:12, 87:5 underserved 63:23 understand 41:25, 45:21 understood 65:6, 77:11 undue 76:4 unimproved 14:18 university 14:4, 14:10,
---	--	--	---

Transcript of Hearing
Conducted on January 23, 2026

47

<p>16:15, 17:23, 18:7, 19:17, 19:22, 25:5, 36:25, 37:6, 43:13, 46:1, 47:18, 50:21, 53:9, 56:4, 57:24, 59:1, 59:6, 61:8 unless 6:24, 12:21 until 20:25, 83:6, 85:12 update 47:13 updated 24:13, 37:25, 78:13, 78:23, 83:13, 84:1 upper 11:1, 49:16, 61:14, 61:17, 61:22 use 4:13, 4:16, 6:13, 8:14, 11:5, 12:23, 15:21, 17:2, 17:7, 18:5, 18:8, 18:12, 18:14, 22:6, 23:1, 23:14, 23:22, 26:2, 26:12, 34:9, 35:13, 37:14, 38:18, 38:19, 38:22, 39:7, 39:9, 39:13, 40:1, 45:10, 45:11, 45:14, 46:16, 47:4, 49:23, 57:19, 57:25, 61:16, 61:25, 67:4, 68:19, 72:10, 72:14, 73:15, 73:21, 74:4,</p>	<p>74:7, 74:11, 74:21, 76:9, 76:13, 77:2, 77:12, 77:13, 77:16, 78:2, 78:4, 78:7, 78:10, 78:25, 79:4, 79:11 user 38:21 uses 17:18, 18:18, 18:19, 18:22, 30:16, 35:18, 35:19, 35:20, 36:17, 36:21, 37:16, 71:4, 74:15, 74:17 using 6:6, 69:10, 69:14 usually 45:9, 75:9 utilizing 61:22</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>van 26:6 van-accessible 33:23 variety 48:22 various 68:18 vay 3:12, 4:2, 11:7, 11:14, 11:20, 11:22, 12:1, 12:7, 12:10, 12:25, 13:14, 13:23, 14:22, 16:10, 16:12, 16:24, 17:3, 17:6, 18:20, 19:8, 20:17, 21:14, 21:15, 22:8,</p>	<p>23:7, 24:18, 24:21, 24:25, 26:23, 27:5, 27:8, 27:11, 27:19, 27:22, 28:2, 28:5, 28:19, 31:19, 31:21, 31:24, 32:7, 32:9, 32:16, 33:16, 34:10, 34:18, 34:20, 34:21, 39:3, 40:4, 47:14, 52:17, 72:23, 73:3, 78:18 vay's 12:15 vegetative 14:20, 20:4 vehicle 53:18 victim 63:8, 63:20 village 12:3 violence 63:7 virginia 41:13, 62:12 visitors 50:16, 54:23, 58:2 voir 13:3 volume 67:8, 68:15, 68:16, 69:7</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wait 9:11, 81:15 walk 19:10, 69:6 walk-in 51:2 walk-ins 50:18</p>	<p>walkers 45:25 wall 7:16, 31:11, 33:10, 33:11, 33:14, 44:21, 45:12, 45:18, 45:19 walls 44:21 want 7:16, 10:22, 15:12, 15:13, 16:16, 16:17, 16:18, 29:25, 30:7, 32:13, 33:6, 33:16, 33:24, 43:5, 44:2, 44:6, 45:11, 47:1, 49:23, 55:21, 56:10, 78:22, 79:10, 79:15, 81:8, 81:14, 81:16, 81:19, 83:8, 83:19, 83:25, 84:20, 85:13 wanted 8:24, 70:15 wants 5:18, 50:3 washington 5:5, 41:7 water 37:22, 75:4 way 6:5, 20:6, 24:12, 28:17, 45:9, 48:2, 56:8 we'll 11:12, 11:14, 22:5, 22:17, 25:20, 48:11, 61:12, 66:17 we're 9:16, 11:7, 11:9, 19:8,</p>
---	--	--	--

Transcript of Hearing
Conducted on January 23, 2026

48

21:2, 21:24, 25:4, 29:4, 33:20, 34:4, 34:22, 34:25, 35:1, 40:14, 40:16, 40:18, 65:9, 73:8 we've 10:4, 10:6, 62:23, 84:15 week 79:14, 79:16, 80:5, 83:21, 83:23 weeks 51:9, 79:14, 83:22 west 3:7, 16:15, 19:16, 21:20 western 19:20 whatever 10:11, 33:3 whereupon 13:13, 42:6, 66:18 whether 36:18, 38:5, 47:25, 70:23, 71:8, 77:14, 81:8, 83:8, 84:20 whole 13:16, 42:9, 66:21, 80:18 wic 49:3 wide 48:22 width 24:7, 25:3 wightman 12:3 william 3:4 wilson 1:22, 2:12,	86:2, 86:17 wisconsin 3:7, 5:11 wise 58:13 within 23:19 without 7:21, 7:22, 13:2 witness 3:12, 3:13, 3:14, 9:20, 11:18, 11:20, 21:7, 21:10, 34:16, 40:6, 40:11, 40:19, 65:9 witness(es) 86:4 witnesses 21:9 wonderful 24:17 word 81:5 work 42:24, 50:1, 61:20, 64:8 working 42:13, 49:8, 49:10 works 54:20 worried 55:21, 71:25 wouldn't 39:9, 44:18, 53:18, 70:25 wraps 35:1 writing 81:14, 81:20, 85:14 written 35:22 wrong 77:17	y yeah 8:8, 8:10, 9:21, 13:20, 13:22, 15:14, 15:16, 15:25, 17:3, 17:20, 23:4, 23:6, 27:8, 27:22, 28:5, 28:19, 29:5, 29:6, 30:14, 31:21, 32:5, 32:7, 32:9, 34:11, 34:23, 38:3, 38:4, 39:14, 40:12, 40:18, 41:11, 44:18, 46:14, 48:10, 50:15, 51:25, 54:8, 56:22, 58:10, 60:24, 64:9, 64:15, 68:10, 79:2, 79:23, 80:15 year 30:20, 33:9, 51:10, 69:13, 82:15, 82:18 years 42:15, 46:23, 57:17 young-cho 3:13, 4:4, 11:10, 40:22, 41:2, 41:5, 41:6, 41:11, 41:16, 41:19, 41:25, 42:4, 42:7, 43:18, 43:22, 44:8, 51:24, 52:13, 53:8, 55:13, 56:1, 60:19, 61:2, 61:6, 61:9, 64:9, 64:18	z zone 23:9, 23:18, 24:1, 73:15, 76:19, 76:22, 77:1 zoned 17:24 zoning 1:1, 2:4, 11:4, 17:17, 17:20, 17:25, 26:18, 27:1, 28:11, 28:21, 30:13, 30:15, 38:16, 46:22, 76:22, 84:1 zoom 19:6, 23:3, 23:5 zta 27:12, 27:22, 28:8, 29:7, 29:15 .1 73:11 .2707 3:9 .4 25:24, 26:10, 31:16, 31:17 .8 23:23 .9 29:24, 30:13, 30:15 0 00 62:7, 62:8, 62:15 01 1:6, 10:6 08 29:8, 29:15
---	--	---	--

Transcript of Hearing
Conducted on January 23, 2026

49

<div>1</div> <div>10</div> <div>27:24, 28:1, 50:16, 52:9</div> <div>100</div> <div>2:6</div> <div>11</div> <div>27:23, 29:9, 29:16, 69:11, 69:15, 85:17</div> <div>12</div> <div>4:18, 4:22, 5:3, 6:8, 6:20, 7:2, 7:12, 7:20, 9:13, 10:1, 15:5, 15:12, 17:24, 26:1, 26:12, 27:7, 33:7, 33:24, 52:9, 54:5, 54:22, 69:14</div> <div>12,000</div> <div>24:3</div> <div>120</div> <div>12:3</div> <div>13</div> <div>4:3, 26:2, 54:2</div> <div>1424</div> <div>37:6</div> <div>15</div> <div>25:16, 53:23</div> <div>16</div> <div>4:17, 29:18, 29:19, 30:2</div> <div>17</div> <div>4:22, 5:3, 6:8, 6:20, 7:2, 7:12, 7:20, 9:12, 10:1, 15:5, 15:12, 26:12, 27:7, 33:7, 42:15</div> <div>18</div> <div>33:24, 85:17</div> <div>19</div> <div>4:15, 27:23, 29:8, 29:9,</div>	<div>29:15, 29:16, 38:10</div> <div>2</div> <div>20</div> <div>30:20, 82:16</div> <div>200</div> <div>2:7</div> <div>2000</div> <div>35:7, 35:22</div> <div>2014</div> <div>46:22</div> <div>2016</div> <div>49:19</div> <div>2017</div> <div>26:15, 48:14, 48:18, 56:14, 56:24</div> <div>2018</div> <div>6:15</div> <div>20191</div> <div>5:6</div> <div>2020</div> <div>26:18, 27:24</div> <div>2022</div> <div>49:20</div> <div>2026</div> <div>1:14, 86:19, 87:17</div> <div>20814</div> <div>3:8</div> <div>20850</div> <div>2:8</div> <div>21</div> <div>4:16, 13:6</div> <div>21108</div> <div>65:15</div> <div>22</div> <div>4:13</div> <div>22003</div> <div>41:13</div> <div>23</div> <div>1:14, 82:20</div> <div>231</div> <div>65:13</div> <div>25</div> <div>4:18, 12:17, 12:20, 26:7,</div>	<div>30:19</div> <div>25,000</div> <div>24:4</div> <div>25,602</div> <div>24:5</div> <div>250</div> <div>65:14</div> <div>26</div> <div>1:6, 10:6, 85:12</div> <div>2601</div> <div>5:3</div> <div>2639</div> <div>37:2, 37:5</div> <div>28</div> <div>4:19, 5:23, 6:2</div> <div>2877</div> <div>37:12</div> <div>29</div> <div>4:17, 4:20, 7:8, 7:9, 29:3</div> <div>2nd</div> <div>82:7, 83:3, 83:6</div> <div>3</div> <div>3</div> <div>73:16, 73:21</div> <div>3-2</div> <div>85:12</div> <div>3.4</div> <div>23:23</div> <div>30</div> <div>29:3, 29:4, 52:9, 68:2, 68:8, 68:11, 70:4, 80:21, 81:8, 81:13, 81:15, 81:18, 81:19, 82:5, 82:11, 82:19, 82:21, 82:22, 83:7, 83:23, 83:24, 83:25, 86:19, 87:17</div> <div>301.656</div> <div>3:9</div> <div>32</div> <div>1:15</div>	<div>35</div> <div>23:19</div> <div>36</div> <div>4:5</div> <div>38</div> <div>5:24</div> <div>4</div> <div>4</div> <div>62:8, 62:15</div> <div>406</div> <div>41:12</div> <div>449</div> <div>76:21</div> <div>45</div> <div>15:15</div> <div>5</div> <div>5</div> <div>62:8</div> <div>5,000</div> <div>38:11</div> <div>50</div> <div>25:3, 25:9</div> <div>56</div> <div>4:6</div> <div>59</div> <div>73:16, 73:17, 73:21, 76:21</div> <div>59.6</div> <div>25:21</div> <div>6</div> <div>6</div> <div>73:17, 73:21</div> <div>6,000</div> <div>23:12, 23:16</div> <div>6.2</div> <div>25:24, 26:10, 29:24, 30:13, 30:15</div> <div>6.4</div> <div>31:5, 31:6, 31:16, 31:17</div> <div>60</div> <div>17:21, 17:25, 23:9, 23:14, 23:18, 47:7,</div>
--	--	---	--

76:19, 76:22, 77:1 61 4:5 615396 1:20 67 4:8 <hr/> 7 <hr/> 7.3 73:11 70 69:22 700 5:5, 10:4, 14:2 71 25:10 7315 3:7, 5:11 7700 41:11 771 28:4, 28:15 <hr/> 8 <hr/> 8 62:8, 62:15 8.4 25:18 800 3:7 87 1:21 8a 4:13, 19:13, 22:23, 22:24, 76:23, 79:5 8b 4:15, 19:3, 19:4, 19:14, 19:15 8c 4:16, 22:6, 22:7 <hr/> 9 <hr/> 9 1:15, 62:7	9220 12:2 99 25:6 <hr/> @ <hr/> @lenharttraffic 65:16	
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