



Transcript of Hearing

Date: January 23, 2026
Case: Korean Community Service Center

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Transcript of Hearing
Conducted on January 23, 2026

1 (1 to 4)

1	1	3
2	2	
3 MONTGOMERY COUNTY OFFICE OF ZONING	3 ON BEHALF OF THE APPLICANT:	
4 AND ADMINISTRATIVE HEARINGS	4 WILLIAM J. ROGERS, ESQUIRE	
5 -----x	5 SOO LEE-CHO, ESQUIRE	
6 IN RE: : Case No.:	6 BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC	
7 KOREAN COMMUNITY CENTER, : CU 26-01	7 7315 Wisconsin Avenue, Suite 800 West	
8	8 Bethesda, Maryland 20814	
9	9 301.656.2707	
10	10	
11 HEARING	11 ALSO PRESENT:	
12 BEFORE LYNN ROBESON HANNAN, HEARING EXAMINER	12 PATRICK G. LA VAY, PE - Witness	
13 Rockville, Maryland	13 JI YOUNG-CHO PhD - Witness	
14 Friday, January 23, 2026	14 NICK DRIBAN, PE, PTOE - Witness	
15 9:32 a.m.	15	
16	16	
17	17	
18	18	
19	19	
20 Job No.: 615396	20	
21 Pages: 1 - 87	21	
22 Recorded By: Joe Wilson	22	
23	23	
24	24	
25	25	
2	2	4
1 Hearing, held at the location of:	1 C O N T E N T S	
2	2 EXAMINATION OF PATRICK G. LA VAY	PAGE
3	3 By Mr. Rogers	13
4 MONTGOMERY COUNTY OFFICE OF ZONING AND	4 EXAMINATION OF JI YOUNG-CHO	PAGE
5 ADMINISTRATIVE HEARINGS	5 By Mr. Rogers	36, 61
6 100 Maryland Avenue	6 By Ms. Lee-Cho	56
7 County Office Building, Room 200	7 EXAMINATION OF NICK DRIBAN	PAGE
8 Rockville, Maryland 20850	8 By Mr. Rogers	67
9	9	
10	10 E X H I B I T S	
11	11 (Retained by the Court)	
12 Pursuant to agreement, before Joe Wilson,	12 HEARING EXHIBIT	PAGE
13 Notary Public in and for the State of Maryland.	13 Exhibit 8A Conditional Use Plan	22
14	14 Cover Sheet	
15	15 Exhibit 8B Existing Conditions Plan	19
16	16 Exhibit 8C Conditional Use Site Plan	21
17	17 Exhibit 16A Landscape Plans Sheet 1 of 2	29
18	18 Exhibit 25 CV	12
19	19 Exhibit 28 Affidavit	6
20	20 Exhibit 29 Hearing Examiner's Order	7
21	21 Approving Minor Modification	
22	22 to CU17-12	
23	23	
24	24	
25	25	

Transcript of Hearing
Conducted on January 23, 2026

2 (5 to 8)

1 PROCEEDINGS

2 THE HEARING EXAMINER: I'm calling the
3 case of C -- well, CU2601, also known as CU17-12,
4 Application of the Korean Community Service Center
5 of Greater Washington Inc., located at 700
6 Buckingham Drive, Silver Spring, Maryland 20191.

7 Is there -- will the parties

8 identify themselves for the record?

9 MR. ROGERS: Yes. Will Rogers with the
10 law firm of Bregman, Berbert, Schwartz & Gilday.
11 Business address, 7315 Wisconsin Avenue, Bethesda,
12 Maryland.

13 THE HEARING EXAMINER: Yes.

14 MS. LEE-CHO: Soo Lee -- Soo Lee-Cho
15 with the law firm of Bregman, Berbert, Schwartz &
16 Gilday, as well, on behalf of the Applicant.

17 THE HEARING EXAMINER: Okay. And is
18 there anyone here that is -- wants to oppose this?
19 Okay, hearing none, I have a couple of preliminary
20 matters, and one is I would like to add the
21 Affidavit of Posting to the record. Mr. Rogers,
22 can you bring it forward? Thank you. And this is
23 going to be Exhibit 28.

24 MR. ROGERS: Was that 38?

25 THE HEARING EXAMINER: Twenty-eight.

5

1 THE HEARING EXAMINER: Well, it is what
2 it is. So let me stick with 17-12K because I can't
3 recaption the other case.

4 MS. LEE-CHO: Would you like to have the
5 --

6 THE HEARING EXAMINER: Yes. If you
7 would introduce that into the record, that would be
8 helpful. And this will be Exhibit 29.

9 (EXHIBIT 29 MARKED)

10 THE HEARING EXAMINER: Okay. And this
11 will be a -- the Hearing Examiner's order approving
12 a minor modification to CU17-12.

13 All right. What was -- I'll --

14 I'll have somebody testify to it. I'm trying to
15 find out -- let -- let me just a moment, and I just
16 want to see what the minor mod was. A wall summon.
17 Okay. Well, now that I think of it, I don't have
18 to follow the Board of Appeals' practice, because
19 this is a -- a CU. So I can just clarify --
20 recaption the case, just 17-12.

21 MS. LEE-CHO: Without the A?

22 THE HEARING EXAMINER: Without the A.

23 MS. LEE-CHO: I -- that's your

24 prerogative. I -- I don't think that there's a

25 required rule --

1 MR. ROGERS: Twenty-eight. Thank you.

2 (EXHIBIT 28 MARKED)

3 THE HEARING EXAMINER: Okay. A couple
4 of preliminary matters. This case, I don't know
5 how it got titled the way it got titled, but I
6 would like to issue an order using the Board of
7 Appeals' practice of titling cases, officially
8 recaptioning it to CU17-12-A, and I did check with
9 the Board. And does anyone have an objection?

10 MR. ROGERS: No, we don't have an
11 objection to that. I would draw your attention to
12 the fact that there was also a minor modification
13 of the special -- or a conditional use --

14 THE HEARING EXAMINER: Oh.

15 MR. ROGERS: -- in 2018 that -- I don't
16 think it made it into the staff report, but we have
17 it with us today.

18 THE HEARING EXAMINER: Okay.

19 MR. ROGERS: But it -- it's that --

20 THE HEARING EXAMINER: Was that 17-12A?

21 MR. ROGERS: It was not A, because it
22 was -- as a minor modification, I think typically
23 they just retain the -- I don't think they get an
24 A, unless it's a major modification; I don't know.
25 But --

6

1 THE HEARING EXAMINER: Okay.

2 MS. LEE-CHO: -- to follow.

3 THE HEARING EXAMINER: Do you have a
4 copy of this, Mr. Rogers?

5 MR. ROGERS: That -- that's what I have.

6 I have it also on the computer, but --

7 THE HEARING EXAMINER: Okay.

8 MR. ROGERS: Yeah.

9 MS. LEE-CHO: Ms. Hannan?

10 THE HEARING EXAMINER: Yeah.

11 MS. LEE-CHO: I would just -- this is a
12 personal opinion. I do think that for future, if
13 there is another major modification for conditional
14 use, it would be helpful to -- to differentiate
15 from --

16 THE HEARING EXAMINER: The different
17 modifications?

18 MS. LEE-CHO: Yes.

19 THE HEARING EXAMINER: I think it would
20 help staff as well.

21 MS. LEE-CHO: Right. So --

22 THE HEARING EXAMINER: Okay.

23 MS. LEE-CHO: Your first inclination, I
24 think, is a good idea. We -- we wanted to bring
25 this minor to your attention.

8

Transcript of Hearing
Conducted on January 23, 2026

3 (9 to 12)

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

9

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.

10

12

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

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: Plavay@mhpca.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.

Transcript of Hearing
Conducted on January 23, 2026

4 (13 to 16)

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

Transcript of Hearing
Conducted on January 23, 2026

5 (17 to 20)

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.

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.

17 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

18 20
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.

Transcript of Hearing
Conducted on January 23, 2026

6 (21 to 24)

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

Transcript of Hearing
Conducted on January 23, 2026

7 (25 to 28)

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?

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

25

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

26

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.

28

Transcript of Hearing
Conducted on January 23, 2026

8 (29 to 32)

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

Transcript of Hearing
Conducted on January 23, 2026

9 (33 to 36)

33
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.
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 --
10 THE HEARING EXAMINER: Oh, the wall sign.
11 MR. ROGERS: -- and allowed the wall
12 sign.
13 THE HEARING EXAMINER: Okay. Are you
14 proposing any new signage other than the wall sign?
15 MR. ROGERS: No.
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,

35
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?
7 **A It's the 2000 East Silver Spring Master**
8 **Plan.**
9 Q And are you familiar with the relevant
10 provisions of this master plan?
11 **A Yes.**
12 Q So in your opinion, how is the
13 conditional use modification requested in this case
14 consistent with that master plan?
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,**

34
1 there could possibly be a need to have an
2 ADA-compliant COMAR signage added.
3 BY MR. ROGERS:
4 Q But we're not proposing new signage for
5 the --
6 **A No, no --**
7 Q -- for the KCSC.
8 **A -- no.**
9 THE HEARING EXAMINER: For the use --
10 MR. LA VAY: Correct. Correct.
11 Correct. Yeah.
12 MR. ROGERS: Yes.
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.
18 MR. LA VAY: Okay.
19 THE HEARING EXAMINER: All right. How
20 are we doing, Mr. La Vay?
21 MR. LA VAY: Great. Having fun.
22 THE HEARING EXAMINER: We're at Article
23 6. Yeah.
24 BY MR. ROGERS:
25 Q We're getting through the code. And I

36
1 **which this just is, being a former single family**
2 **residence.**
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?
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.**
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.
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

Transcript of Hearing
Conducted on January 23, 2026

10 (37 to 40)

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

38 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.

39

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

40

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

Transcript of Hearing
Conducted on January 23, 2026

11 (41 to 44)

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.

41

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

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

42

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

44

Transcript of Hearing
Conducted on January 23, 2026

12 (45 to 48)

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

45

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,

47

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

46

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**

48

Transcript of Hearing
Conducted on January 23, 2026

13 (49 to 52)

49
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

51
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.

50
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

52
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?

Transcript of Hearing
Conducted on January 23, 2026

14 (53 to 56)

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

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,

53

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?

54

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.

55

Transcript of Hearing
Conducted on January 23, 2026

15 (57 to 60)

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**

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

57 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

58 60
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 your -- 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

Transcript of Hearing
Conducted on January 23, 2026

16 (61 to 64)

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

Transcript of Hearing
Conducted on January 23, 2026

17 (65 to 68)

<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>	65	<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>	67
<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>	66	<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>	68

Transcript of Hearing
Conducted on January 23, 2026

18 (69 to 72)

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,

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

69

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

70

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.

71

Transcript of Hearing
Conducted on January 23, 2026

19 (73 to 76)

	73	1 this site served by adequate public services and 2 facilities? 3 A Yes, it is. As -- as I testified to 4 earlier, water and sewer service is -- is adequate 5 and -- and already provided. Fire -- fire and 6 rescue service is adequate as -- as shown in the 7 approved fire department access plan and stormwater 8 management requirements are not entered.	75
1	74	9 THE HEARING EXAMINER: Usually they 10 include police are only a mile away but --	
2	75	11 MR. DRIBAN: Okay. Great.	
3	76	12 THE HEARING EXAMINER: We don't have to 13 do that in this -- not too picky.	
4	77	14 MR. ROGERS: If I recall, I believe that 15 information may be in the staff report and 16 certainly in the previous hearing examination 17 report.	
5	78	18 THE HEARING EXAMINER: I'm sure. I'll 19 -- I'll look.	
6	79	20 BY MR. ROGERS:	
7	80	21 Q Yes. Do you -- and -- and sorry. I 22 don't -- I don't think you quite got to it, but as 23 far as the traffic facilities as well, based on 24 what you heard from the previous testimony, are 25 they adequate?	
8	81	1 A Yes. As I mentioned in my previous 2 testimony, there's -- there's no specific 3 recommendations for the property, although the -- 4 the use and -- and the setting are all consistent 5 with the goals and recommendations of the master 6 plan.	76
9	82	7 Q And do you believe that the proposed use 8 will alter the character of the surrounding 9 neighborhood in a manner inconsistent with the plan?	
10	83	10 A No, I do not. As an existing 11 conditional use with a -- located in a structure 12 that's going to remain unchanged, I do not believe 13 it will change the character of the neighborhood.	
11	84	14 Q And when evaluated in conjunction with 15 existing and approved conditional uses in the 16 surrounding area, will this modification increase 17 the intensity or scope of conditional uses 18 sufficiently to affect the area adversely or alter 19 its residential character?	
12	85	20 A No, this will not, especially 21 considering that it's an existing conditional use, 22 so it's a -- just a minor adjustment to the 23 operations.	
13	86	24 Q And given what you just heard from Mr. 25 Driban, in addition to your previous testimony, is	

Transcript of Hearing
Conducted on January 23, 2026

20 (77 to 80)

1 **et cetera, are all met for the R-60 zone.**

2 Q And then for the specific use -- oh,
3 sorry.

4 THE HEARING EXAMINER: Need to
5 interrupt, but -- he already testified. Is there
6 anything new he's going to testify to?

7 MR. ROGERS: There is one more thing.

8 THE HEARING EXAMINER: Why don't we get
9 to that?

10 BY MR. ROGERS:

11 Q Okay. Okay. Understood. In the
12 specific use standards, could you just define the
13 use of private club service organization and give
14 your opinion on whether Dr. Cho's testimony about
15 the operations at KCSC comply with that definition?

16 **A Sure. I'm going to use my notes so I
17 don't get the definition wrong here, but -- a
18 private club service organization is defined as an
19 association for civic, social, cultural, religious,
20 literary, political, recreational, or like
21 activities operated for the benefit of its members
22 and not open to the public. And I think the
23 testimony you heard from -- Dr. Cho does prove that
24 this facility is -- does meet the definition of a
25 private club service organization.**

1 Q And then there's one other in the
2 specific use standards. Is this site located in an
3 area where private club service organizations are a
4 limited use such that a site plan approval would be
5 required?

6 **A No, in this particular case, it's a
7 conditional use and therefore site plan is not
8 required.**

9 Q And so, you know, as you mentioned, the
10 other specific use standards he's testified to
11 earlier in the general development standards.

12 THE HEARING EXAMINER: And you'll submit
13 an updated chart.

14 MR. ROGERS: That's right.

15 THE HEARING EXAMINER: Okay. That's
16 fine.

17 MR. ROGERS: So with that, that's all
18 the questions that we have for Mr. La Vay.

19 THE HEARING EXAMINER: Thank you very
20 much. And thank you, Dr. Cho, for your
21 comprehensive description of what you do. Just a
22 couple of cleanup matters then, if you want. So we
23 have the updated chart to add. The updated chart
24 with the special --

25 MR. DRIBAN: The conditional use

77

1 standards.

2 THE HEARING EXAMINER: Yeah.

3 MR. DRIBAN: And that's -- that's --

4 that's the conditional use cover sheet has those or
5 substitute Exhibit A -- 8A with a new sheet.

6 THE HEARING EXAMINER: Okay. And then
7 we have the sign, correct?

8 MS. LEE-CHO: Yes, that's correct.

9 THE HEARING EXAMINER: So how long do
10 you think you need to -- to add -- if you want to
11 add it to the conditional use plan, how long do you
12 think you would need to do that?

13 MS. LEE-CHO: I think that we would --
14 two weeks? Well, two -- a week for a decision to
15 be made as to what we might want to propose. I
16 would hope another week just to confer with
17 planning staff.

18 THE HEARING EXAMINER: That's fine, but
19 then I have to build in time for planning staff to
20 send me something.

21 MS. LEE-CHO: You mean a formal
22 supplemental report or something?

23 THE HEARING EXAMINER: Yeah, they -- the
24 code requires me to send every BPF page back to
25 them, and then I -- so I need the modifications

78

1 submitted to us and to planning staff, and then
2 time for planning staff to review it and get back
3 to me.

4 MS. LEE-CHO: So what I would request is
5 to give us a week next week for us to confer
6 internally, and then --

7 THE HEARING EXAMINER: That's fine. I
8 mean, I'm not rushing you, I just --

9 MS. LEE-CHO: And if there's a decision
10 to be made that the additional time for the record
11 closing is something that would impact some --
12 schedule that they have for funding, meeting
13 funding deadlines, and they would --

14 THE HEARING EXAMINER: Oh, that's a good
15 point. Yeah.

16 MS. LEE-CHO: -- you know, so they would
17 prefer just to close the record. We will advise
18 the hearing examiner and foreclose this whole --
19 that issue. But if there is a desire and time is
20 not an issue for the Applicant, you might need a
21 period of 30 days, you know, to get a report back
22 from --

23 THE HEARING EXAMINER: Planning.

24 MS. LEE-CHO: -- for us to -- from
25 planning, inclusive of a supplemental report from

79

Transcript of Hearing
Conducted on January 23, 2026

21 (81 to 84)

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

81

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

83

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.

82

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

84

Transcript of Hearing
Conducted on January 23, 2026

22 (85 to 88)

85

87

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.)

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1 CERTIFICATE OF TRANSCRIBER
2 I, Karen M. Galvez, do hereby certify
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12 *Karen M. Galvez*
13

14 _____

15 KAREN M. GALVEZ
16 PLANET DEPOS, LLC

17 January 30, 2026

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25

86

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14

15 *JW*
16 _____

17 JOE WILSON, NOTARY PUBLIC
18 FOR THE STATE OF MARYLAND
19 January 30, 2026

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Transcript of Hearing
Conducted on January 23, 2026

23

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

Transcript of Hearing
Conducted on January 23, 2026

24

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

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

Transcript of Hearing
Conducted on January 23, 2026

26

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

Transcript of Hearing
Conducted on January 23, 2026

28

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,	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	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	 D 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, 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
--	---	--	--

Transcript of Hearing
Conducted on January 23, 2026

29

detached 23:25, 24:8	84:9	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	edition 69:11, 69:14
details 85:8	domestic 63:7	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	education 51:20
determination 68:12	done 85:8	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	educational 35:20, 51:11, 61:21
determining 68:8, 68:23	door 53:10, 53:17	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	effect 38:18, 76:5, 76:7
developed 68:22	dot 41:17, 41:18	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	effective 27:11, 27:23
development 23:8, 25:21, 49:12, 73:19, 76:19, 78:11	down 15:9, 23:6	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	efficiently 61:23, 63:15
dictates 67:20	dps 10:12	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	effort 43:2
difference 38:14, 38:25	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	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	efforts 84:20
different 8:16, 22:18, 54:10, 63:12, 69:5, 69:8	dropped 59:18	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	eight 51:9, 52:18, 70:2, 70:5
differentiate 8:14	duly 13:15, 42:8, 66:20	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	either 45:8
digital 86:8, 87:3	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	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	else 17:25, 18:13, 18:14, 45:22, 64:12, 84:12, 85:8
dire 13:3	E		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
direct 12:15, 49:10, 60:10	each 53:3		emailing 50:10
directed 49:1	earlier 36:3, 36:15, 40:4, 43:6, 62:19, 72:22, 75:4, 76:20, 78:11		emergency 38:2
director 11:10, 40:23, 41:6, 42:17, 42:18	early 46:15		employed 86:11, 87:9
directors 42:25	east 14:5, 20:1, 20:3, 21:17, 22:13, 22:14, 35:7		employees 11:3, 49:7, 49:9, 49:13, 54:1, 54:4, 54:5, 54:21, 54:23, 55:10,
discussed 85:12, 85:13	driban's 14:17, 17:10, 19:20, 63:4		
display 21:5			
disturbance 38:8, 38:12			
documentation 55:25			
doing 9:12, 34:20,			

Transcript of Hearing
Conducted on January 23, 2026

30

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
F			
		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,	

Transcript of Hearing
Conducted on January 23, 2026

31

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

Transcript of Hearing
Conducted on January 23, 2026

32

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

Transcript of Hearing
Conducted on January 23, 2026

33

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,

Transcript of Hearing
Conducted on January 23, 2026

34

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	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	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	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
	L		
la 3:12, 4:2, 11:7, 11:14, 11:20, 11:22, 12:1, 12:7, 12:10, 12:15, 12:25, 13:14, 13:23, 14:22, 16:10, 16:12, 16:24, 17:3, 17:6, 18:20,	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		

Transcript of Hearing
Conducted on January 23, 2026

35

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

Transcript of Hearing
Conducted on January 23, 2026

36

mhg 12:8	modern 18:11	84:15	necessarily 51:2
mic 20:19, 20:25	modes 69:21	mount 37:9	necessary 11:15, 67:25, 70:24, 73:9
mics 42:2	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	move 20:19, 25:20, 29:18, 35:2, 49:21, 61:14, 62:7	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
might 27:13, 44:2, 49:23, 79:15, 80:20	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	needed 38:6
mile 75:10	modified 36:9, 69:16	multifamily 18:4	needs 24:7, 25:18, 44:14, 61:18
millersville 65:15	modify 10:1, 45:13, 69:22	must 23:24	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
mind 29:2	moment 7:15	N	neither 86:11, 87:9
minimal 22:12	moments 36:8	n-a-j-o-l-e-s 65:14	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
minimis 68:5, 70:6	montgomery 1:1, 2:4, 12:3, 38:1, 63:4, 69:1, 69:4, 69:17, 70:8, 70:11	najoles 65:13	
minimum 23:12, 23:15, 23:16, 23:24, 23:25, 24:6, 25:2, 25:8	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	name 11:24, 12:2, 16:17, 16:19, 40:21, 40:22, 41:5, 50:6, 65:11, 65:13, 65:16	
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	morning 67:11, 68:3, 68:25	named 16:18	
minute 20:13, 20:25, 41:1, 85:14	most 9:16, 53:9, 55:19, 62:18,	narrow 14:6	
minutes 14:2		narrowed 15:9	
mission 42:21, 64:6		nationally 68:22	
missions 42:21		nature 15:20, 18:21, 38:8, 38:22, 39:6	
mitigated 36:12		near 45:19	
mod 7:16			

Transcript of Hearing
Conducted on January 23, 2026

37

nick 3:14, 4:7, 11:12, 65:12, 66:19	notes 77:16	office 1:1, 2:4, 2:7, nothing 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, november 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 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	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, 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 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
---	-----------------------	---	---

Transcript of Hearing
Conducted on January 23, 2026

38

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	oppose 5:18 opposed 9:17, 54:12 order 4:20, 6:6, 7:11, 61:17, 81:16 ordinance 29:11, 29:15, 30:13, 30:15, 38:16, 44:15, 46:23, 67:19, 76:22 org 41:14, 41:16, 41:19 organization 23:23, 42:20, 51:3, 57:23, 77:13, 77:18, 77:25 organizational 42:25 organizations 78:3 organize 61:23 original 15:5, 16:9, 26:11, 27:9, 33:7 originally 27:4, 37:8 ornamental 31:2 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 otherwise 86:13, 87:11	out 7:15, 26:14, 28:11, 31:11, 39:5, 50:9, 84:9 outcome 86:13, 87:11 outlined 30:2, 73:20, 84:10 outlining 84:10 outside 72:4 over 14:7, 57:12, 58:4, 62:19, 82:12 overall 42:19, 64:2 oversee 42:23 oversight 42:20 overview 11:6 own 37:4, 53:11 owned 50:21 owns 45:23	parked 58:2 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 part 9:16, 37:22, 44:1, 47:3, 50:5 participate 51:7 particular 38:19, 39:5, 39:6, 39:9, 52:8, 78:6 parties 5:7, 21:5, 86:12, 87:10 partners 43:3 partnership 43:2 parts 69:5 past 54:9, 63:13 patrick 3:12, 4:2,
P			
	packs 31:12	page 4:2, 4:4, 4:7, 4:12, 13:8, 13:9, 14:22, 15:11, 15:15, 32:13, 79:24	packs 31:12
		pages 1:21, 13:6, 13:11	page 4:2, 4:4, 4:7, 4:12, 13:8, 13:9, 14:22, 15:11, 15:15, 32:13, 79:24
		paper 29:10	paper 29:10
		park 69:18	park 69:18

Transcript of Hearing
Conducted on January 23, 2026

39

12:1, 13:14	person	65:24, 66:2, 70:8, 79:17, 79:19, 80:1, 80:2, 80:23, 80:25, 81:1	70:18
pause	50:8, 60:21		potentially
20:12	personal	54:11, 72:7	
paved	8:12		practical
30:20	phd	51:18	
pdf	3:13		practice
13:10	phone	6:7, 7:18	
pe	41:8		predominantly
3:12, 3:14	photometric	18:24	
peak	31:14, 32:4, 32:19		prefer
67:9, 68:3, 68:4, 68:9, 68:11, 68:25, 70:2, 70:3, 71:15, 72:1	pick	62:19, 80:17	
people	9:3, 54:11		preliminary
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	pickup	5:19, 6:4, 66:9	
percent	54:13		prepare
25:9, 25:10, 25:16, 25:18, 30:19, 69:23	picky	64:23, 66:25	
percentage	75:13		prepared
58:13	picture	9:16, 87:3	
perfect	13:22, 20:16, 20:17, 21:6		prerogative
66:17	pike	7:24, 84:20	
performing	41:12		present
67:14	place	3:11, 10:23	
perhaps	17:14		pretty
39:17	places	21:16	
perimeter	70:18		previous
29:23, 30:12, 30:21, 30:25	plan	10:11, 48:13, 73:12, 74:1, 74:25, 75:16, 75:24, 76:9, 76:24	
period	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		previously
47:15, 80:21	planet	17:18, 73:19	
permission	87:16		principal
47:9	planned	23:18	
permitted	43:5, 48:11, 63:19		prior
53:7	planning	10:7, 27:1, 46:3, 49:14, 70:16	
permitting	11:8, 24:24,		priorities
38:1		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,	

Transcript of Hearing
Conducted on January 23, 2026

40

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	69:16, 69:22, 71:1 rd 82:20 re-examination 61:10 re-striping 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-based 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 S 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
--	--	---	--

Transcript of Hearing
Conducted on January 23, 2026

43

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

Transcript of Hearing
Conducted on January 23, 2026

44

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

submit 24:13, 24:20, 46:5, 48:1, 48:3, 78:12	35:25, 74:8, 74:16	54:20, 55:15, 56:20, 56:21	thanks 64:9
submitted 30:3, 31:14, 32:4, 80:1	survivors 63:7	tended 62:19	themselves 5:8
substantially 73:24	sworn 13:15, 42:8, 66:20, 86:5	terms 58:8	thereafter 86:6
	T	testified 13:17, 36:3, 42:10, 56:18, 66:22, 73:18, 75:3, 76:20, 77:5, 78:10	therefore 31:13, 70:6, 78:7
substitute 79:5	table 11:21, 23:4, 23:11, 24:12, 24:13, 25:13, 47:13, 84:1	testify 7:14, 9:12, 11:8, 13:15, 42:8, 66:20, 77:6	thing 17:4, 33:17, 47:2, 64:14, 64:20, 70:15, 72:4, 72:22, 77:7, 83:12
successful 49:22	tagging 9:9	testifying 21:7, 46:20	things 49:1, 71:7, 71:8
sufficient 47:16, 65:23	take 48:4, 48:15, 50:18, 69:3, 69:21, 81:5, 81:6	testimony 9:17, 74:2, 74:25, 75:24, 76:2, 76:9, 76:24, 77:14, 77:23	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
sufficiently 36:22, 74:18	takoma 69:18	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	thinking 81:12
suite 3:7, 12:3, 41:12, 65:14	talk 10:23, 11:11, 11:13, 15:23, 35:2, 42:16, 43:7, 49:25, 70:16, 71:6	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	third 49:11, 65:9
summon 7:16, 64:19	tax 49:4		thought 59:19
supervise 42:24	technical 15:1, 15:4, 21:4, 30:4		three 14:11, 19:22, 49:9, 49:13, 54:4, 54:24, 54:25, 55:2,
supervision 87:6	technically 18:22		
supplemental 79:22, 80:25	tell 83:19		
support 42:24, 49:11, 62:1, 63:18	ten 40:13, 53:8, 54:3, 54:17,		
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,			

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-generating 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 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

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,	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	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	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,

Transcript of Hearing
Conducted on January 23, 2026

48

		Y		Z
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	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	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	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

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

Transcript of Hearing
Conducted on January 23, 2026

50

76:19, 76:22,
77:1

61

4:5

615396

1:20

67

4:8

7

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

8

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

9

9
1:15, 62:7

9220

12:2

99

25:6

@

@lenharttraffic

65:16