

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS  
MONTGOMERY COUNTY, MARYLAND

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4831 WEST LANE, LLC : Case No. G-954  
Local Map Amendment No. G-954 : DPA 13-01  
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A hearing in the above-entitled matter was held on  
April 15, 2013, commencing at 9:38 a.m. in the Rita  
Davidson Memorial Hearing Room, 100 Maryland Avenue,  
Rockville, Maryland.

Lynn Robeson

Hearing Examiner

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C O N T E N T S

Witnesses:	Direct	Cross	Redirect	Recross
Cheryl Cort	8		--	--
By Mr. Abrams:		21		
By Mr. Knopf:		32		
Dan Reed	41		--	--
By Mr. Abrams:		43		
By Mr. Knopf:		45		
Marius Radulescu	46		215	
By Mr. Abrams:		112		225
By Mr. Knopf:		163		226
Christopher Kabatt	229			
By Mr. Abrams:		259		
By Mr. Knopf:				

P R O C E E D I N G S

1  
2 MS. ROBESON: This is a continuation of the public  
3 hearing in the matter of Local Map Amendment No. G-954 filed  
4 by 4831 West Lane, LLC, which requests rezoning from the R-  
5 60 to the TS-R zone, a property known as 4901 Montgomery  
6 Lane, Lot 26, Block 13, in the West Lane right-of-way  
7 associated with Lots 24, 25 and 26, Edgemoor subdivision,  
8 Bethesda.

9 It is also the public hearing on Development Plan  
10 Amendment No. DPA 13-01 filed by the same applicant, which  
11 requests and amendment to the development plan approved by  
12 the District Council on July 10th, 2007, in Zoning  
13 Application No. G-843.

14 Good morning, everyone. Are there any preliminary  
15 matters? Yes.

16 MS. HARRIS: I had just one. And that is, in our  
17 applicant's prehearing statement, we identified Chuck Irish  
18 as testifying as the civil engineer, and we submitted his  
19 resume. And then subsequently I've been referring to the  
20 fact that his colleague may be testifying. But in fact, it  
21 will be Chuck Irish testifying with respect to civil  
22 engineering and some land use surveying matters.

23 MS. ROBESON: All right. All right.

24 MR. ABRAMS: The only preliminary matter that I  
25 have is that Mr. Landfair, when he testified, was supposed

E X H I B I T S

Exhibit No.		Marked/Received
108	Development Plan with Marks	6
109	Mathematical Calculation of MPDU and Bonus Density	74

1 to provide some information on building coverages from the  
2 sector plan. He didn't have that available in response to  
3 the question.

4 MS. ROBESON: I thought that we had agreed that it  
5 was your burden to provide that information.

6 MR. ABRAMS: I thought we were talking about some  
7 other information, but if that's your ruling, that's your  
8 ruling.

9 MS. ROBESON: Oh, it could be. I don't have the  
10 transcript get to double check. Ms. Harris, is there a  
11 problem with him doing that?

12 MS. HARRIS: No. I am certain that Bill Landfair  
13 will be back up for redirect, and we can address it at that  
14 time.

15 MS. ROBESON: For rebuttal?

16 MS. HARRIS: Yes. Excuse me. Rebuttal.

17 MS. ROBESON: Is that sufficient?

18 MR. ABRAMS: Yes, ma'am. Yes.

19 MS. ROBESON: Okay.

20 MR. KNOPE: I don't have any preliminary matters.  
21 I'm hoping by the end of the day we might be able to get an  
22 estimate as to when my witnesses might be on, because  
23 they're trying to figure out what day they have to be here.

24 MS. ROBESON: I understand. I have one  
25 preliminary matter. There was a, I think it was the

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1 development plan that someone had put an X on. And I called  
2 it 108. But when I looked after the -- Exhibit No. 108.  
3 But when I looked at it after the hearing, it wasn't marked,  
4 unless I missed it.  
5 MS. HARRIS: It is not marked. It should be  
6 marked.  
7 MS. ROBESON: Okay. So for the record, we'll mark  
8 it as 108. And that is the marked development plan.  
9 (Exhibit No. 108 was marked for  
10 identification.)  
11 MS. HARRIS: And it's not duplicate. This says  
12 duplicate, but it has the measuring right there.  
13 MS. ROBESON: Right. It was a duplicate. Now  
14 it's not. Yes, sir?  
15 MR. KNOFF: One thing that just occurred to me, I  
16 forgot to look, do we have a revised exhibit list?  
17 MS. ROBESON: The exhibit list --  
18 MR. KNOFF: Typed up, I mean, from your office.  
19 MS. ROBESON: The exhibit list is identical except  
20 for 108. I didn't officially update.  
21 MR. ABRAMS: What is Exhibit No. 107?  
22 MS. ROBESON: Letter received 4/1/13 entering  
23 appearance of Stanley Abrams.  
24 MR. ABRAMS: Okay. Thank you.  
25 MS. HARRIS: Are you familiar with that one?

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1 MR. KNOFF: I did have, now that you mention it, I  
2 seem to recall, and now I'm doing it from memory. I wrote  
3 it down someplace, I don't know where. I'm not sure, at  
4 least I couldn't find, did Planning Board staff report a  
5 second staff report? I couldn't find that in the exhibit  
6 list.  
7 MS. ROBESON: Okay.  
8 MR. KNOFF: It may just be that I couldn't find  
9 it. It could be there, but I did look.  
10 MS. ROBESON: Right. 105. I am going to have our  
11 office change, I don't know how this started, but I'm going  
12 to change it from the first line being when it was received.  
13 MS. HARRIS: Is 105 the letter, or is that also  
14 the staff report.  
15 MR. KNOFF: That's just the letter, not the staff  
16 report.  
17 MS. ROBESON: Oh, you're looking for the staff  
18 report?  
19 MR. KNOFF: Yes.  
20 MS. ROBESON: I'm sorry.  
21 MR. KNOFF: I couldn't find it.  
22 MS. ROBESON: Well, I recall it being in the file.  
23 (Discussion off the record.)  
24 MS. ROBESON: I see what happened. It was  
25 forwarded to us as an attachment to the Planning Board's

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1 recommendation. So what I'm going to --  
2 MR. KNOFF: I didn't know that.  
3 MS. ROBESON: Yes. What I'm going to do is have  
4 them change this. And 105A, unless anyone has an objection,  
5 105A will be the Planning Board recommendation, and B will  
6 be the supplemental staff report.  
7 MR. KNOFF: Okay. Thank you.  
8 MS. ROBESON: Okay. All right. Anything else?  
9 Okay, Ms. Harris? Nothing? Ms. Harris?  
10 MS. HARRIS: Thank you. We'd like to call our  
11 first witness, which is Cheryl Cort from the Coalition for  
12 Smarter Growth.  
13 MS. ROBESON: All right. Please raise your right  
14 hand.  
15 (Witness sworn.)  
16 DIRECT EXAMINATION  
17 BY MS. HARRIS:  
18 Q Thank you. For the record, please state your  
19 name, address, and your organization.  
20 A My name is Cheryl Cort, and I am with the  
21 nonprofit called Coalition for Smarter Growth. And we are  
22 located at 316 F Street, Northeast, Suite 200, Washington,  
23 D.C. 20002.  
24 Q And your position at the coalition?  
25 A I'm the policy director.

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1 Q And can you just briefly describe what the mission  
2 of CSG is?  
3 A The organization works to ensure that  
4 transportation and development decisions in the Washington,  
5 D.C. region accommodate growth while revitalizing  
6 communities, providing for housing and travel choices, and  
7 conserving our natural historic areas.  
8 Q And are you familiar with the Bethesda CBD sector  
9 plan and also the TS-R zone?  
10 A Yes, I am.  
11 Q And are you familiar with the goals of the sector  
12 plan?  
13 A I am.  
14 Q And can you just briefly describe, you've reviewed  
15 the sector plan, is that correct?  
16 A Yes, I have.  
17 Q And can you just briefly describe what those goals  
18 are?  
19 A Yes. So the 1994 Bethesda CBD sector plan  
20 provides a vision of fostering a pedestrian environment  
21 encouraging a wide range of housing types for people of all  
22 incomes, ages, and physical abilities. In particular, the  
23 sector plan seeks to provide an adequate supply of housing,  
24 including affordable housing units to reinforce that  
25 Bethesda is a place to live as well as work.

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1 Q And in general, how would you compare CSG's  
 2 mission and goals to that of the Bethesda sector plan?  
 3 A CSG's mission and the sector plan goals share the  
 4 vision that the Bethesda CBD can be a place to concentrate  
 5 jobs and also allow for more people to live in the area and  
 6 take advantage of employment services and transit.  
 7 Especially important in this is the shared value of building  
 8 inclusive places where people of all incomes can be a part  
 9 of the Bethesda CBD and enjoy its many amenities and access  
 10 to jobs and services.  
 11 The sector plan's priority of housing near  
 12 transit, near Metro, and as a major employment center, along  
 13 with offering a diversity of housing choices and affordable  
 14 housing, are all critical elements to creating smart,  
 15 inclusive communities. The Coalition for Smarter Growth  
 16 works to achieve these goals throughout the Washington  
 17 Metropolitan region, and we're eager to support the  
 18 achievement of these goals in the Bethesda CBD.  
 19 Q And have you reviewed the proposed plans for this  
 20 project?  
 21 A Yes, I have.  
 22 Q In your opinion, does the proposed project further  
 23 the goals of CSG and if so, how?  
 24 A Yes. We believe that the proposed project is a  
 25 good example of achieving the goals that we see for the

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1 region. With the adoption of increased funding at the  
 2 Maryland State level, we also think that this provides an  
 3 even more urgent impetus to follow through on this kind of  
 4 an opportunity, because the purple line is more of a reality  
 5 today than it was a few days ago. So we're hoping that this  
 6 project can move forward and help us address our goals of  
 7 bringing more housing to high-quality transit.  
 8 Q And can you comment on this project with respect  
 9 to the diversity that it would provide?  
 10 A So this, as a multi-family residential project,  
 11 will enhance the housing choices and number of affordable  
 12 housing opportunities in very close proximity to the  
 13 Bethesda Metro Station, which also furthers the goals of the  
 14 Bethesda sector plan.  
 15 This is a great benefit to the County and to the  
 16 region because it's building more housing, especially more  
 17 housing in a job-rich area, next to Metro, in a job-rich  
 18 part of the region. And this reduces overall traffic in the  
 19 region, shortens commutes, and reduces household  
 20 transportation costs, and gives more moderate income  
 21 households access to jobs and amenities in a highly  
 22 desirable community.  
 23 Q What is your opinion with respect to the project  
 24 as it relates to the height, the location, and the design,  
 25 and especially with respect to the pedestrian environment

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1 that's being fostered?  
 2 MR. KNOPF: Excuse me. You're asking her for an  
 3 opinion. I'm not quite sure that's the right question.  
 4 You're not qualifying her as an expert.  
 5 MS. ROBESON: That's actually, can you rephrase it  
 6 in another way?  
 7 MS. HARRIS: Can I understand Mr. Knopf's  
 8 objection? I don't understand his objection.  
 9 MS. ROBESON: His objection is, you're asking her  
 10 for an opinion, and she's a fact witness, not an expert.  
 11 BY MS. HARRIS:  
 12 Q Okay. Does the proposed building foster a  
 13 pedestrian environment along Montgomery Lane?  
 14 A Yes.  
 15 MR. KNOPF: I still object, but --  
 16 MS. ROBESON: You know, she isn't qualified as a  
 17 land planner. She's here for the Coalition for Smarter  
 18 Growth. So I do have --  
 19 BY MS. HARRIS:  
 20 Q In your experience, in terms of other projects  
 21 that the Coalition of Smarter Growth has supported, how does  
 22 this project compare to those projects, especially with  
 23 respect to the pedestrian environment?  
 24 A Well, regarding our --  
 25 MR. ABRAMS: Objection. What other projects are

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1 you talking about?  
 2 BY MS. HARRIS:  
 3 Q Okay. Can you please identify some other  
 4 urbanized Metro sector projects that the Coalition has  
 5 supported?  
 6 A I just testified in support of a project close to  
 7 the Tenleytown Metro Station in the District of Columbia.  
 8 MR. ABRAMS: Objection.  
 9 MS. ROBESON: Basis?  
 10 MR. ABRAMS: The basis, it's not in Montgomery  
 11 County.  
 12 MS. HARRIS: That's irrelevant.  
 13 MS. ROBESON: She can, we've used urban comps  
 14 before from Washington. In fact, Mr. Doggett testified at  
 15 length to some things. So it's an urban environment. So  
 16 overruled.  
 17 THE WITNESS: So what's important, what I'd like  
 18 to talk about are the key principals of pedestrian-oriented  
 19 design. That's something that I spend a lot of time on in  
 20 terms of looking at developments around the region.  
 21 We want to see that we are creating buildings that  
 22 are supporting a more supportive pedestrian environment, an  
 23 environment that can help encourage people who walk more to  
 24 use transit more. And I see that this proposal is  
 25 consistent with that.

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1 And the key principals of that pedestrian-oriented  
2 design are bringing the building up to the sidewalk, so that  
3 it has a close relationship between the building and the  
4 public realm; and that there are doors and windows that are  
5 engaging that public realm, rather than a blank wall.  
6 So the build-to line, as it's called, the street  
7 wall, that there's a consistency along the public right-of-  
8 way that people walking on the sidewalk feel a sense of  
9 enclosure, that they have a relationship to the adjacent  
10 buildings. And that there's a consistency along the street  
11 wall.  
12 So we see that this project is placed fulfilling  
13 that or creating that consistent street wall along  
14 Montgomery Lane. And that the entrance placed on the corner  
15 of the building has helped to animate the main public  
16 street, which is Montgomery Lane.  
17 MS. ROBESON: Okay. All right. Again, you're  
18 bordering on expert testimony so, you know, I'd prefer if  
19 you could move on.  
20 MS. HARRIS: But I would say, I mean, the purpose  
21 of their organization is to promote projects that bring  
22 density and promote an urbanized environment. And as the  
23 policy director, I think she's quite capable of commenting  
24 on what the components of this project that, in fact,  
25 further that objective.

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1 MS. ROBESON: When you look at projects, do you,  
2 in addition to density and proximity to transit, do you look  
3 at, do you look at the streetscape? Because you really are,  
4 when you get into, it seems to me that any streetscape is a  
5 good streetscape. And when you're getting into details  
6 about bringing it closer, that's something I prefer to hear  
7 from a land planner.  
8 THE WITNESS: Well, I would say that it's not just  
9 about building a big building next to a Metro station. It's  
10 much more than that. I mean, we need to design communities  
11 that invite walking, that create, that we need to build  
12 buildings that are compatible with their neighbors, that  
13 support --  
14 MS. ROBESON: Okay, but --  
15 THE WITNESS: It's not just plopping down --  
16 MS. ROBESON: But you're not a land planner here  
17 to testify as to compatibility.  
18 THE WITNESS: But we're looking for improving  
19 transit ridership, for instance. So we want to make sure a  
20 building is supporting greater walkability. It's going to  
21 be generating more walk trips, basically, and encouraging  
22 more use of transit that's nearby.  
23 And that's not just about, it is, proximity is one  
24 element, but it's also the design itself, that the building  
25 needs to be supporting and inviting people to use their

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1 front doors to walk outside to get on the sidewalk and walk  
2 to the Metro station, as opposed to going down into the  
3 parking garage and drive off.  
4 So from a transit ridership perspective, in terms  
5 of fully taking advantage of transit ridership, design  
6 elements are important to make sure they are pedestrian-  
7 oriented so that it's not just about a place to live, that  
8 you go down in the parking garage and drive off; that that  
9 building engages with the public realm in a way that makes  
10 people want to walk for more of their trips, basically, so  
11 we can reduce driving. We can increase activity with local  
12 businesses. We can increase connection to transit, use of  
13 transit.  
14 MS. ROBESON: All right. Is that good enough for  
15 you?  
16 MS. HARRIS: That answer? That explanation of why  
17 she should be able to testify? Is your, that was  
18 satisfactory.  
19 MS. ROBESON: My concern is that she's expressing  
20 what essentially is an expert opinion, and she isn't  
21 qualified.  
22 MS. HARRIS: But I don't, if we assume that she's  
23 not an expert, take it for the weight that it's proffered.  
24 MS. ROBESON: All right. I was just going to  
25 suggest that. So we'll take it for the weight it deserves.

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1 MS. HARRIS: Thank you.  
2 BY MS. HARRIS:  
3 Q You touched on the importance of the pocket part.  
4 Can you briefly expand on that, please?  
5 A Yes. And you know, I have experienced, I've  
6 looked at other projects or certainly seen the build out of  
7 the public space requirements in Montgomery County. And  
8 It's possible, sometimes those don't really lead to the best  
9 outcomes, usually, in great public spaces.  
10 But what I think is proposed here is a very good  
11 solution to the public space requirement in a way that  
12 creates a very usable, a very urban space that's tightly  
13 connected to the building itself, so that it's not sort of  
14 isolated off on its own, but it actually has a relationship,  
15 and it basically is creating that public space that is the  
16 connection between the private space of the building and the  
17 public realm through the space that's the public urban space  
18 which is next to or opens onto the entrance of the building,  
19 and so creating that relationship between the private and  
20 the public.  
21 This is usable public space. People can meet  
22 their friends there, wait, and go off together. And so I  
23 see that the public, it's important that public space, as a  
24 principal, be animated in that it's connected to other  
25 activities. So --

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1 MS. ROBESON: Did you see the first design?  
2 THE WITNESS: The first design did not have a  
3 corner public space. It had it in the back on West Lane.  
4 MS. ROBESON: Right.  
5 THE WITNESS: Correct. Well, I think this is a  
6 far better solution. I mean, and I think that --  
7 MS. ROBESON: But you supported the other one,  
8 too, correct?  
9 THE WITNESS: Yeah, I mean, I think that this,  
10 what I'm saying is, this is a good solution because I think  
11 that the public space requirements are something of a, not a  
12 very well designed requirement for creating great public  
13 spaces. I think it's a bit more of a suburban solution  
14 that's being kind of shoehorned into a more urban place.  
15 But I think that this public space is a really good solution  
16 to that question.  
17 MS. ROBESON: Okay.  
18 THE WITNESS: Because it's creating that  
19 connection between the entrance where you have, you're  
20 creating, you're generating that pedestrian traffic, and  
21 then there is this usable place that's very sit-able, a  
22 place that people could sit and wait for friends. And so it  
23 creates that connection between that private space and the  
24 public realm. That's something that the government has an  
25 interest in, is creating that connection between private

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1 space and a usable public realm.  
2 MS. HARRIS: And actually I just want to clarify  
3 that the Coalition of Smarter Growth, we did not communicate  
4 this project to them until after the project was revised and  
5 the pocket park was proposed. So although they saw the  
6 prior proposal, which did not have the pocket park --  
7 MS. ROBESON: Okay. Well, she can testify to  
8 that, okay.  
9 MS. HARRIS: Okay.  
10 MR. KNOPF: I didn't want to interrupt her, but,  
11 and I understand the Chair's ruling, but I just want a  
12 continuing objection, because I think we've left off,  
13 because I don't hear any facts now. I just hear solely  
14 opinion, as if she were a land planner.  
15 MS. ROBESON: Objection noted. It's in for the  
16 weight it deserves. You can have a continuing objection.  
17 MR. KNOPF: Thank you.  
18 MS. ROBESON: Go ahead, Ms. Harris.  
19 BY MS. HARRIS:  
20 Q Thank you. And one final question, and that is,  
21 others have testified that the building will provide an  
22 average unit size of 860 square feet, including a total of  
23 120 units with 18 MPDU's. Can you please comment on this  
24 proposal as it relates to the development of the urban  
25 fabric within the Bethesda CBD and the CSG's goals?

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1 A So in terms of the contribution of a 120-unit  
2 building with 18 MPDU's, this is an important part of  
3 ensuring the Bethesda CBD can be an inclusive place where  
4 people can live and work, and where people of all incomes  
5 have the opportunity to live there.  
6 We, you know, we commend the foresight of the 1994  
7 plan which committed to this inclusive vision. This project  
8 advances that sector plan goal, and the goal of building  
9 inclusive mixed use, mixed income transit-oriented  
10 communities. This is certainly our goal.  
11 We spend a lot of time working on affordable  
12 housing as a part of transit-oriented development, and  
13 particularly in this case, with this part of the Bethesda  
14 central business district, which is intended to provide for  
15 more living opportunities in the downtown environment, it's  
16 a good compliment to the build-out happening in the area by  
17 providing slightly smaller units that are slightly more  
18 affordable, plus really maximizing its MPDU delivery.  
19 And that is something that is of a high priority  
20 to us. We actually organized a conference on inclusionary  
21 zoning and MPDU's last October to look at these issues in  
22 terms of the challenges facing it, and sort of the declining  
23 yield in MPDU's.  
24 We're concerned that Montgomery County zoning  
25 change is actually discouraging developers from taking

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1 advantage of the full density bonus to get the full 15  
2 percent of MPDU's. So we very much welcome this kind of a  
3 project in such an ideal, in such a desirable location.  
4 Q Thank you. Do you have anything else to add?  
5 A I just wanted to note that the building is, has a  
6 similar development envelope, or compatible envelope to  
7 similar building. And it's going to be providing more  
8 housing units, and more MPDU's, which is not only our goal,  
9 but also a sector plan goal of providing diversity of  
10 housing and affordability. So we think it's an important  
11 compliment and fulfillment of the sector plan. Thank you.  
12 MS. HARRIS: Thank you.  
13 MS. ROBESON: All right. Mr. Abrams.  
14 MR. ABRAMS: Yes. Just a few questions.  
15 CROSS EXAMINATION  
16 BY MR. ABRAMS:  
17 Q The Coalition for Smarter Growth requires, I  
18 guess, funding to operation, is that correct?  
19 A Yes.  
20 Q And is one of the funding entities the National  
21 Association of Realtors?  
22 A Yes.  
23 Q Is that the only funding you receive?  
24 A We just get a small grant from them, a few  
25 thousand dollars.

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1 Q Okay. Who else do you receive money from?  
2 A The majority of our funding is foundation funding.  
3 The vast majority is foundation funding, followed by  
4 individual dollars and a small component of corporate  
5 contributors.  
6 Q Are any of the other contributors related to the  
7 real estate industry or the development industry?  
8 A Yes.  
9 Q Such as?  
10 A I mean, there is a number of developers and  
11 architectural firms, transportation, planning firms.  
12 Q And have you testified on their behalf?  
13 A I have testified in support of projects that we  
14 believe fulfill our goals.  
15 Q And are some of these projects for members who  
16 have, are contributors?  
17 A We have received contributions from developers or,  
18 you know, some industry-related groups that have been on a  
19 project that we have supported. Yes.  
20 Q Okay. I noticed that in your testimony, you're  
21 referring to some notes.  
22 A Yes.  
23 Q Okay. Do those notes have questions?  
24 A Yes.  
25 Q Okay. Who prepared the questions?

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1 A Pat Harris prepared them.  
2 Q Do the notes also have responses to those  
3 individual questions?  
4 A Yes.  
5 Q And who prepared the responses?  
6 A I prepared those.  
7 Q Did you submit those to Pat Harris for review?  
8 A Well, not for review. I gave her, I sent them  
9 back, because I wanted to discuss any questions that I had  
10 about the project.  
11 Q Did you have any discussions with Pat Harris  
12 regarding the responses --  
13 MS. HARRIS: Objection. This is no more than  
14 consultation between someone who is speaking on behalf of  
15 the project and the attorney.  
16 MS. ROBESON: Well I think --  
17 MS. HARRIS: It's not out of the normal course of  
18 communications with --  
19 MS. ROBESON: I understand. I understand what  
20 you're saying. I think it is fair grounds if we get to  
21 impeach. Is this going to be impeachment?  
22 MR. ABRAMS: Yes, ma'am.  
23 MS. ROBESON: I think it is fair grounds for  
24 impeachment.  
25 BY MR. ABRAMS:

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1 Q Now, did Pat Harris suggest that you change  
2 anything in your statement?  
3 A No, and in fact, I asked Pat about, it looked to  
4 me like I wanted to understand the details of the heights of  
5 the adjacent buildings. And so I asked her to give me the  
6 specifics of the heights because I know that this building  
7 is 70 feet, and that I asked about the other buildings in  
8 the area, because one looked particularly, one of its  
9 neighbors looked particularly tall. And so I was told that  
10 that one is 110 feet. That's the Edgemoor, correct? And  
11 then I --  
12 MS. ROBESON: Well, do you know it's 110 feet?  
13 THE WITNESS: I was told it's 110 feet. But I  
14 didn't testify. I'm saying now, I was just getting a sense  
15 of the context in terms of the relationship between the  
16 height of this building and its compatibility with its  
17 neighbors. And from the drawings that I had seen, it looked  
18 like it was a very tall building. So I was asking about  
19 that.  
20 And then I know that there is the other building  
21 next to it that's planned but not built which I was told is  
22 65 feet. And so I was interested in the relationship. And  
23 if you look at the staff report for this, the West Lane  
24 project, it says that the zoning can be 65 feet plus  
25 additional for fulfilling the MPDU on site, basically. And

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1 so 70 feet. So it's a five-foot difference. It seems like  
2 a very good deal for the County, in terms of fulfilling the  
3 goal of the sector plan to provide all of the MPDU's on  
4 site.  
5 MS. ROBESON: Okay. But aside from fulfilling, I  
6 guess the disconnect I'm having is that when we have a fact  
7 witness you say how it furthers your goals.  
8 THE WITNESS: Okay  
9 MS. ROBESON: You don't say how it furthers the  
10 master plan goals.  
11 THE WITNESS: Okay.  
12 MS. ROBESON: So if you could address --  
13 THE WITNESS: Yes. So let me --  
14 MS. ROBESON: -- not compatibility.  
15 THE WITNESS: Right.  
16 MS. ROBESON: Well, no, you're on cross-  
17 examination now.  
18 THE WITNESS: Okay.  
19 MS. ROBESON: I'm just saying that, I'm just  
20 raising that.  
21 THE WITNESS: Okay.  
22 MS. ROBESON: Mr. Abrams.  
23 BY MR. ABRAMS:  
24 Q Yes, ma'am. You've reviewed the sector plan?  
25 A Yes.

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1 Q Okay. Do you recall any description in the TS-R  
2 district about mixed streets?  
3 A About, I'm sorry.  
4 Q Mixed streets?  
5 A Mixed streets. I do not.  
6 Q Do you know what the purpose of a mixed street is?  
7 A I do not.  
8 Q You also indicated that there were several  
9 important principals of pedestrian-oriented design, and you  
10 indicated that the cut out area at the corner was one  
11 example. Would pedestrian-oriented design be furthered if  
12 the, well, first of all, how much setback is there facing  
13 Montgomery Lane, exclusive of the cutout at the corner?  
14 A You mean to the building line?  
15 Q Yes.  
16 A To the public right-of-way?  
17 Q Yes.  
18 A I don't know. It's consistent with the street  
19 while along Montgomery Lane. I don't know specifically how  
20 many feet is the setback.  
21 Q Okay. If that building line were 10 feet, and it  
22 were moved further back into the center, toward the center  
23 of the project, to create an extension, I guess, of a pocket  
24 park, or places where people can sit and trees can be  
25 planted, would that facilitate a pedestrian-oriented design

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1 for this street?  
2 A I don't think that would support a more  
3 pedestrian-oriented design, and here is why. I mean, I feel  
4 like that's sort of like a suburban solution that doesn't  
5 recognize the important relationship between the building  
6 and the public right-of-way.  
7 We need to, in the past, the suburbs what we've  
8 seen is we push buildings back and create a lot of passive  
9 space in front of buildings, and disconnect the building's  
10 activities and relationship to the public right-of-way.  
11 This is where, as a pedestrian, you want to feel connected  
12 to the adjacent uses to the sidewalk you're walking on. And  
13 so it's important not to oversize parks.  
14 And so the park space here I think is an  
15 appropriate scale. It's not too big. To make it larger  
16 creates more of a disconnect between the activities in the  
17 building and the activities on the street, basically. And  
18 so you don't want to just push away and create sort of a  
19 passive sort of no man's land between a building and the  
20 public right-of-way. You want it to be an animated  
21 environment.  
22 Now, for instance, if this were a mixed use street  
23 with retail on the front, you would want retail fronting  
24 Montgomery Lane. But this is not. This is a residential  
25 district. And so the way to animate that public space is

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1 with that building entrance. That's a good solution.  
2 Q So you're advocating, or your group advocates  
3 solutions of hardscape materials as opposed to green space  
4 in pedestrian-oriented areas?  
5 MS. HARRIS: Objection. She didn't say that.  
6 THE WITNESS: We are --  
7 MR. ABRAMS: That's what I'm trying to find out.  
8 MS. ROBESON: It's fair on cross-examination. He  
9 can --  
10 THE WITNESS: We're interested in the  
11 compatibility of these buildings.  
12 MS. ROBESON: She's on the border of opinions, so  
13 go ahead, Mr. Abrams.  
14 BY MR. ABRAMS:  
15 Q Is that the response?  
16 MS. ROBESON: What's the response? I didn't hear  
17 it.  
18 THE WITNESS: In a more urban environment like  
19 this, you would be looking at a fair amount of hardscape to  
20 go along with green elements. It's about creating usable  
21 public spaces, someplace that is sit-able. A place that you  
22 could say, meet me at the bench in front of my entrance so  
23 that we can go to the store together.  
24 It's about creating places that have a sense of  
25 identity and connection to the surrounding uses, as opposed

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1 to a ballpark, a sort of passive use. That belongs a little  
2 bit farther away from so close to the Metro station in such  
3 an urban district.  
4 BY MR. ABRAMS:  
5 Q One of the other principals that you indicated I  
6 believe dealt with doors and windows being close to the  
7 right-of-way or sidewalks, things like that. Has that  
8 occurred in this project?  
9 A Well, the entrance, yes, you have windows  
10 overlooking the sidewalk on Montgomery Lane. And what's  
11 really important is to have that entrance coming to  
12 Montgomery Lane rather than on West Lane.  
13 For instance, if this were a mixed use project  
14 with retail, you would want the retail on Montgomery Lane.  
15 You would put the residential entrance --  
16 MS. ROBESON: Wait. This isn't hypotheticals.  
17 Okay. I really don't want to get into -- I have a question.  
18 Have you ever supported a project that varied a little from  
19 the street line from the building faces?  
20 THE WITNESS: Sure. You can have some variation.  
21 MS. ROBESON: Yes.  
22 THE WITNESS: But there's sort of a, you don't  
23 want to have --  
24 MS. ROBESON: No, that was my question.  
25 THE WITNESS: Okay.

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1 BY MR. ABRAMS:  
2 Q Are you familiar, well, I assume your response, I  
3 guess your response is that for an apartment building such  
4 as this, that a single entrance is what is important to your  
5 principals of pedestrian-oriented development?  
6 A What I like about the proposed design is bringing  
7 that entrance to the corner of Montgomery Lane and West  
8 Lane, and having it have a strong relationship with the  
9 pocket park there. And if that is fulfilling the principal  
10 of creating a pedestrian-oriented design where the entrance  
11 is engaging the main public street, which is Montgomery  
12 Lane.  
13 Q Would it be superior if individual units, carrying  
14 out this principals which you've indicated is important,  
15 would it be superior if the individual units on the ground  
16 floor had direct access, and there were windows from that  
17 unit having visibility out onto the sidewalk and the  
18 streets?  
19 A Well, there are windows. You're talking about,  
20 are you suggesting doors?  
21 Q Yes.  
22 A So in terms of doors, I don't know. I'd have to  
23 look at that project. I think that this is not a -- I mean,  
24 the length of the building, the frontage on Montgomery Lane  
25 does not appear to be too long in terms of having no

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1 entrances other than the one on the corner.  
2 Q Are you familiar with the apartment project over  
3 the Wheaton CBD Metro station?  
4 A I've heard of it, but I haven't reviewed the  
5 designs for it.  
6 Q Have you reviewed any projects where there are  
7 direct entrances to garden apartments or multi-family  
8 apartments where the entrances are from the street to  
9 individual units?  
10 A I've seen projects that have some mix of main  
11 entrances and individual unit entrances. Yes.  
12 Q And you believe that those projects are consistent  
13 with the goals of your organization?  
14 A I can be sure.  
15 Q Now, you are particularly indicating that the  
16 project supports more MPDU's in this area?  
17 A Yes.  
18 Q Do you know how the County currently defines  
19 moderate income projects?  
20 A 65 percent of area median income for the baseline  
21 is a 12 and a half percent requirement, with no bonus  
22 density. But the County has designed a bonus density up to  
23 22 percent to encourage developers to provide a full 15  
24 percent of those MPDU's at the 65 percent AIM level.  
25 Q Do you know if this project is going to be rental

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1 or condominium?  
2 A I don't know that it's been determined yet. We  
3 certainly, we are hopeful that it could be rental, since  
4 there's a lot of home ownership in this area. So it would  
5 be great if it were rental.  
6 Q And what would the rents be under the current  
7 level?  
8 A I would have to look at the price schedule in  
9 terms of the 65 percent, what is 65 percent AIM. And the  
10 other thing I will say is on rental, what would be helpful  
11 is that it's a 99-year period, control period for MPDU's,  
12 where it's, I think, a 30-year control period for home  
13 ownership.  
14 MR. ABRAMS: That's all the questions I have.  
15 MS. ROBESON: Mr. Knopf.  
16 MR. KNOPF: I have a few.  
17 CROSS-EXAMINATION  
18 BY MR. KNOPF:  
19 Q I believe your testimony was that you understood  
20 the facts of this project to provide a diversity of housing.  
21 That was one of the reasons that I did hear?  
22 A Yes. Yes.  
23 Q And is your diversity based on rental?  
24 A No, it's MPDU's. That's what's really critical  
25 here.

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1 Q So --  
2 A And the number of units.  
3 Q It's based on the number of units. Are you aware  
4 that there is not requirement for the number of units  
5 represented here, even in terms of MPDU's or total units is  
6 fixed. It could change.  
7 A Right. Well, the staff report talks about a  
8 variance from -- let me see. A number, there is some  
9 variability in terms of the predicted number of MPDU's.  
10 Q You're referring, they said somewhere from, they  
11 said around 100 in terms of dwelling units.  
12 A I think it's 120.  
13 Q Right. So 100-120, is that what you're referring  
14 to?  
15 A Right, and so there is some variation in terms of  
16 the number of MPDU's.  
17 Q And you're relying on that as part of your  
18 testimony that this provides a variety of housing, diversity  
19 of housing?  
20 A Yes, I mean --  
21 Q If I were to tell you that they could build one  
22 unit per floor, would that change your testimony?  
23 A Oh absolutely.  
24 Q So you would favor some kind of requirement here  
25 that they have to build a number of, at least the minimum

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1 number of units the staff is talking about?  
2 A I'm sorry, to what?  
3 Q Would you favor a requirement, as part of the  
4 approval of this project, that the applicant has to build at  
5 least the range of units that the staff is anticipating?  
6 A Yes.  
7 Q Now, are you aware, do you understand the way  
8 MPDU's work, that regardless of the design of the building,  
9 if the building has so many units, a certain number of  
10 units, the MPDU's are a percentage of that number of units?  
11 A Yes.  
12 Q So the number of MPDU units isn't necessarily  
13 based on the design?  
14 A Right, it's based on the total number of units.  
15 Q Right. And you had mentioned that you thought a  
16 design was important for fostering pedestrian walking on the  
17 spacing --  
18 A Yes.  
19 Q So it's important also there be compatibility?  
20 A Absolutely.  
21 Q And are you familiar with the term, urban village,  
22 as used in the sector plan?  
23 A Yes.  
24 Q And have you, what's your understanding of the  
25 facts of urban village in terms of whether those facts that

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1 go with an urban village are met here in this project?  
2 A Well, I'm not an expert on the term urban village  
3 from the sector plan. But I think it's the --  
4 MS. ROBESON: Well, you're not an expert.  
5 THE WITNESS: Okay. I mean, it's the idea that  
6 we're creating --  
7 MS. ROBESON: But you are, you know --  
8 THE WITNESS: I am an advocate. I mean, we're  
9 advocating for inclusive transit-oriented development.  
10 MS. ROBESON: You're an advocate, and that's good.  
11 Yes.  
12 THE WITNESS: I mean, urban village, the idea that  
13 we're creating a mixed-use environment where people could  
14 live and work, where their environment is very walkable.  
15 BY MR. KNOPF:  
16 Q You're saying work on the street in this area,  
17 mixed use?  
18 A No. In the, that there is close proximity between  
19 jobs and housing.  
20 Q And a walkable environment, would you agree that's  
21 very important to have aesthetically pleasing sidewalk areas  
22 to walk?  
23 A Yes.  
24 Q And would you agree with me that -- well, you had  
25 mentioned in terms of that walkable area and streetscape,

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1 the entrance way is very important.  
2 A Yes.  
3 Q Now, the entranceway, what's your understanding of  
4 how far back from the street the entrance doors are?  
5 A Well, the entrance is designed in a way that has  
6 the pocket part, the public urban space in front, and then  
7 the entrance coming around with a ramp on the side, and  
8 stairs on this side. In terms of its, I don't know the  
9 exact feet. The relationship to the street --  
10 Q Is more than 15 feet setback?  
11 A You know, I can't tell you the exact footage, but  
12 basically, it's creating enough of a -- the proportionality  
13 is there in terms of creating a connection between the  
14 entrance, the sidewalk, and the public space.  
15 Q And would you agree that we carry that that  
16 concept further, having plantings or park area and setting  
17 the building back more, all along Montgomery Lane. Wouldn't  
18 that carry out the same kind of thing?  
19 A No, see the problem with that is we're creating a  
20 more passive environment. We're sort of disconnecting the  
21 building and its relationship to the public space. In a  
22 more urban place you want, that walkability is actually  
23 related to feeling that you're in an engaged environment to  
24 where the buildings --  
25 Q You want to be engaged.

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1 A Yes, as opposed to kind of more bucolic --  
2 Q And what would you, I understand --  
3 A -- passive --  
4 Q -- I think you mentioned engaged if there were  
5 retail stores you'd want to be up near the street front,  
6 because I guess that's part of your engagement, is that what  
7 you're referring to?  
8 A Right.  
9 Q But what are you engaging in, looking along the  
10 apartment windows?  
11 A Well, you want people to sort of, you want, if you  
12 scream in the middle of the night, you want people to look  
13 out and see you on the sidewalk. You know, like the  
14 ultimate test in terms of like safety and walkability. So  
15 the windows and doors, I mean, this is, this carries forward  
16 the principals of the overlooking of an appropriate  
17 relation, proportionality between the windows overlooking  
18 the sidewalk so that people feel like they're connected to  
19 what's happening in this private space, and people in the  
20 private space are directly observing the public space.  
21 Q Would you agree with me that tree plantings along  
22 sidewalks, and then enhance walkability?  
23 A Oh, trees are very important.  
24 Q And benches?  
25 A You know, benches, it's sort of a question of how

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1 usable they are. There are a lot of benches throughout the  
2 Bethesda business district which aren't very well connected  
3 to their surroundings, aren't in a place that really make a  
4 lot of sense for someone who wants to sit there related to  
5 another activity.  
6 Q So that I understand, your association's position  
7 actually is, you would prefer to have the building line up  
8 closer to the sidewalk than to have benches and trees and  
9 other greenery?  
10 A Well, trees are very important in terms of the  
11 landscaping for the sidewalk right-of-way. But there's an  
12 important balance to be achieved between a private building  
13 that's supporting a public realm that is engaging the  
14 sidewalk, rather than creating a lot of distance and sort of  
15 a kind of passive environment.  
16 Q And this is your opinion. Do you have any factual  
17 example of where a building was setback say 15 feet, 20 feet  
18 from the sidewalk with benches and trees and that was found  
19 to be, turn people off? They were no longer engaged?  
20 A Well, I mean, there's a lot of sort of poorly  
21 designed and poorly used public space in Bethesda. I can't  
22 pull out the examples. Other people have certainly examined  
23 that kind of thing. I certainly have encountered it as I've  
24 walked around Bethesda.  
25 MR. KNOPF: Okay. Thank you. I have no further

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1 questions.  
2 MS. ROBESON: I have a question. Usually when we  
3 get somebody in here testifying on behalf of an organization  
4 they use the word we or our. And you've used a lot of  
5 words, I, in my opinion. And I guess my question is, you've  
6 clearly studied the plan. Do you have a board of directors  
7 that, is your organization governed by a board of directors?  
8 THE WITNESS: We are. Our fiscal agent is  
9 Piedmont Environmental Council, and then we are the board of  
10 directors. and then we have a Champions Council that is our  
11 advisory board. I work with my staff to review these kinds  
12 of transit-oriented development projects around the region,  
13 or fight bad projects. We do both. In fact, we --  
14 MS. ROBESON: And has your board studied this  
15 plan?  
16 THE WITNESS: No.  
17 MS. ROBESON: I mean, have they looked at the --  
18 THE WITNESS: That's the job of the staff.  
19 MS. ROBESON: Have they looked at the sector plan,  
20 your board?  
21 THE WITNESS: I have.  
22 MS. ROBESON: You have.  
23 THE WITNESS: Yes. We don't have the board look  
24 at every --  
25 MS. ROBESON: My question is, has your board?

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1 THE WITNESS: No. We don't have -- I mean, there  
2 are other processes, like there is the smart growth  
3 alliance, is sort of like a jury system where there is --  
4 MS. ROBESON: Well, okay. All right. All right.  
5 I have no further questions. I know you guys are going to  
6 redirect. I have to let you redirect, so Ms. Harris.  
7 MS. HARRIS: There will be no redirect if there is  
8 not any --  
9 MS. ROBESON: I mean, recross. But is there  
10 redirect?  
11 MS. HARRIS: Do they recross if there is no  
12 redirect?  
13 MS. ROBESON: No. Well, they do get to ask  
14 questions based on my questions. Do you have any questions  
15 based --  
16 MR. ABRAMS: No.  
17 MR. KNOPF: No.  
18 MS. ROBESON: Okay. Do you have redirect?  
19 MS. HARRIS: No, I don't. Thank you.  
20 MS. ROBESON: Okay. Thank you very much for  
21 coming.  
22 MS. HARRIS: Our next witness is Dan Reed with  
23 Action Committee for Transit.  
24 MS. ROBESON: Okay. Please raise your right hand?  
25 (Witness sworn.)

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1 MS. ROBESON: Thank you.  
2 DIRECT EXAMINATION  
3 BY MS. HARRIS:  
4 Q For the record, please state your name, address,  
5 and organization that you are representing?  
6 A The organization's address, too, right?  
7 Q Yes, please.  
8 A My name is Dan Reed. I'm with the Action  
9 Committee for Transit. Their address is P.O. Box 7074,  
10 Silver Spring, Maryland 20907.  
11 Q And what is your position with ACT?  
12 A I sit on their board. I'm a non-voting member.  
13 And I'm their chair of their land use committee.  
14 Q And what is ACT's mission, please?  
15 A The Action Committee for Transit's mission is to  
16 support stronger communities and better transit in  
17 Montgomery County. And they promote expanding transit in  
18 the County, and supporting land use. That, in turn,  
19 supports that transit.  
20 Q And is ACT's objective with respect to promoting  
21 transit consistent with the objectives of both the Bethesda  
22 sector plan and the County's?  
23 A I believe it is.  
24 Q Do you know the current modal split for Bethesda?  
25 A Let's see. I don't know it exactly, but it's

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1 fairly high. I mean, about, I'd say, gosh --

2 Q You don't know, though.

3 A It's high.

4 MR. ABRAMS: He said he didn't know.

5 MS. ROBESON: Yes.

6 BY MS. HARRIS:

7 Q All right. Okay. That's fine.

8 A I mean, I've done research on it. It's about 50

9 percent.

10 Q In an effort to promote transit use, what type of

11 housing product is desirable?

12 A Well, near transit you want to have the highest

13 density housing that you can get near it, so usually that

14 means multi-family housing.

15 Q And do you want, if you are given a certain land

16 area, is it more desirable in order to promote transit use

17 to have larger units and less units within a building, or a

18 more average size units, and more units?

19 A Well, the ideal to maximize density near transit

20 would be to have smaller units, and more units.

21 Q Okay. Thank you. And other than the, and is

22 proximity to Metro also important in promoting that use of

23 Metro?

24 A Absolutely. People will use transit if it's close

25 at hand.

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1 Q Thank you. Other than the fact that this, the

2 proposed project is close to the Metrorail, and also has a

3 desired density to promote transit ridership, are there any

4 other components of this project that would promote use of

5 Metro?

6 A Well, in addition to the density and the number of

7 units, I think the design supports transit-oriented

8 development. I think the building situation to the street

9 supports walkability to public transit. And I think the

10 size and mix of units also support transit by, you know,

11 providing a wider array of people access to one of the

12 region's major transit hubs.

13 MS. HARRIS: Thank you. I have no other questions

14 for the witness.

15 MS. ROBESON: All right. Cross-examination. Mr.

16 Abrams, sorry.

17 CROSS-EXAMINATION

18 BY MR. ABRAMS:

19 Q Have you supported, has your organization

20 supported other projects within the TS-R, transit station

21 residential district, in Bethesda?

22 A I don't know specifically if we've supported

23 projects I that zone.

24 Q Now, are you familiar with the principals in the

25 '94 BCC-CBD sector plan with respect to location of

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1 densities within the TS-R district?

2 A I'm familiar with the principals of the plan in

3 general, not necessarily that zone. The idea being that you

4 place the highest density at the Metro station, and you

5 taper from there.

6 Q Okay. Woodmont Avenue is closest to the Metro

7 station in terms of this district. Along Woodmont Avenue,

8 are there high-density projects?

9 A There are some, yes.

10 Q Do you know what they are?

11 A Having been there, I could point them out to you

12 if we were standing on the street, but I can't tell you

13 their names, maybe.

14 Q Are you aware of any step down in density and

15 height which is recommended in the sector plan?

16 MS. HARRIS: Objection. The witness didn't

17 testify to anything with respect to height.

18 MR. ABRAMS: Density.

19 MS. ROBESON: Well, yes.

20 MS. HARRIS: Density but not height.

21 THE WITNESS: Well, the highest densities are

22 going to be the closest to the Metro station.

23 BY MR. ABRAMS:

24 Q And has that occurred, if you know, within the TS-

25 R district?

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1 A I believe it has.

2 MR. ABRAMS: That's all the questions I have.

3 MS. ROBESON: All right. Mr. Knopf.

4 CROSS-EXAMINATION

5 BY MR. KNOPF:

6 Q I would just like to plagiarize the hearing

7 examiner's question. Has your testimony been reviewed by

8 the board of directors of your organization?

9 A Actually, it has. I, after meeting with the

10 applicant and Ms. Harris, we looked at, as a board, we

11 looked at some of the plans of the project. We talked about

12 the Bethesda plan. We talked about our goals and how this

13 project fit those goals. I drafted a letter which was then

14 reviewed by the board, which we submitted. And so the board

15 is fully in support of this project.

16 Q The letter is, the letter is what, that was

17 submitted? I didn't see you reading any prepared testimony,

18 so I was wondering how the board could have approved that

19 testimony?

20 A Well, I mean, the things that I am saying are in

21 line with what we wrote.

22 MR. KNOPF: I see. Okay. Thank you.

23 MS. ROBESON: All right. Redirect?

24 MS. HARRIS: No. Thank you.

25 MS. ROBESON: Thank you.

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1 THE WITNESS: Thank you.  
2 MS. HARRIS: Our next witness?  
3 MS. ROBESON: Yes.  
4 MS. HARRIS: Thank you.  
5 MS. ROBESON: For some reason, I couldn't get it  
6 out. Okay. Go ahead.  
7 MS. HARRIS: Is --  
8 MR. KNOPF: Just administratively. Is it just me,  
9 or could we get some air circulating in here?  
10 (Discussion off the record.)  
11 MS. ROBESON: Please raise your right hand.  
12 (Witness sworn.)  
13 DIRECT EXAMINATION  
14 BY MS. HARRIS:  
15 Q Thank you. Please state your full name and  
16 primary occupation.  
17 A Marius Radulescu. I'm an architect.  
18 Q And with whom are you an architect?  
19 A SK&I in Bethesda, Maryland.  
20 Q And the address for SK&I, please?  
21 A 7735 Old Georgetown Road, Bethesda, Maryland 200,  
22 20814.  
23 Q And your current position at SK&I, and your  
24 responsibilities?  
25 A I'm a senior associate, and I am the project

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1 designer for this project.  
2 Q And what is your educational background?  
3 A Well, I graduated and practice at the time as an  
4 architect.  
5 MR. ABRAMS: Can't hear you.  
6 MS. ROBESON: Yes, can you speak up a little bit.  
7 Thank you.  
8 THE WITNESS: Again the question?  
9 BY MS. HARRIS:  
10 Q How long -- oh, I asked you what your educational  
11 background was. Sorry.  
12 A I have an architectural degree from Pratt  
13 Institute in New York.  
14 Q Thank you. And in what year did you obtain that  
15 degree?  
16 A 1988.  
17 Q And have you been employed as an architect since  
18 1988?  
19 A Since before that.  
20 Q And have you ever been qualified --  
21 MS. ROBESON: Wait a minute. Go ahead.  
22 BY MS. HARRIS:  
23 Q Have you been qualified as an architect, as an  
24 architect, and if so, where?  
25 A Yes, in the District of Columbia.

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1 MS. ROBESON: As an expert in architecture.  
2 MS. HARRIS: Sorry.  
3 MS. ROBESON: That's fine.  
4 BY MS. HARRIS:  
5 Q As an expert in architecture. So you have not  
6 been qualified as an expert in architecture in Montgomery  
7 County?  
8 A I have not sat in this particular forum. However,  
9 I testified for several projects and various other entities  
10 for Montgomery County. But I don't remember --  
11 MS. ROBESON: What about, okay, what about courts?  
12 Have you ever qualified as an expert in one of the Maryland  
13 courts?  
14 THE WITNESS: No.  
15 MS. ROBESON: But you're licensed in Maryland.  
16 THE WITNESS: I am licensed in Maryland.  
17 BY MS. HARRIS:  
18 Q And how long have you practiced architecture in  
19 Maryland?  
20 A Since, I would say 2001.  
21 Q Okay. And have you worked on projects in  
22 Montgomery County?  
23 A Yes.  
24 Q So you're familiar with Montgomery County zoning,  
25 then?

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1 A Yes.  
2 Q And have you worked on other projects in the TS-R  
3 zone?  
4 A Yes, Lot 31, right in Bethesda, right a few blocks  
5 south of the subject property.  
6 Q And is it correct that your firm also worked on  
7 the prior project that was approved for this property on  
8 behalf of the Holiday Corporation?  
9 A Yes, we did.  
10 MS. HARRIS: I'd like to move Mr. Radulescu as an  
11 expert in the field of architecture and design.  
12 MS. ROBESON: Any objections?  
13 MR. ABRAMS: No objection.  
14 MS. ROBESON: He is qualified as an expert in  
15 architecture. Congratulations. Now you have another notch  
16 on your resume.  
17 BY MS. HARRIS:  
18 Q Yes. Now I want to focus on the West Lane  
19 project. But first I would like for you to describe you  
20 firm, SK&I's experience with respect to the projects  
21 surrounding the subject property?  
22 A Yes. I was going to this Exhibit No. 106F. We  
23 designed the Edgemoor, this project, and we designed the  
24 City Homes across the street.  
25 Q And what was the year, approximately, that the

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1 high-rise, Edgemoor, was designed?  
2 A I would say when I joined the firm in 2004, that  
3 project was already being built. So it's probably two three  
4 years prior.  
5 Q Okay.  
6 A Based on the construction documents that I've  
7 seen.  
8 Q And similarly with the city --  
9 A And similarly, those were done within the same  
10 time.  
11 MS. ROBESON: The City Homes?  
12 THE WITNESS: The City Homes, yes.  
13 BY MS. HARRIS:  
14 Q So your firm has a high level familiarity with the  
15 street, in terms of the design of the architecture, is that  
16 correct?  
17 A Yes.  
18 Q Are you familiar with the subject application, LMA  
19 G-954, and the Development Plan Amendment 13-01?  
20 A Yes, I am.  
21 Q And can you please describe what your  
22 responsibilities have been with respect to this project?  
23 A I've been the project architect or the project  
24 designer for this project?  
25 Q Have you had an opportunity to visit the site, and

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1 are you familiar with the surrounding area?  
2 A Outside of this.  
3 Q Have you visited the site on more than one  
4 occasion?  
5 A Probably a hundred times.  
6 MS. ROBESON: That's why you're so thin. Go  
7 ahead.  
8 BY MS. HARRIS:  
9 Q A lot of walking. During the first day hearings,  
10 we introduced an area which you just referred to, in fact,  
11 106F, which has been subsequently revised since it was first  
12 admitted to the record. Can you please explain what the  
13 changes have been since it was originally submitted to the  
14 record?  
15 A Yes. We did three changes. One was, we inserted  
16 HO, I forgot the term.  
17 Q The HOC building?  
18 A HOC building, which we didn't have before  
19 mentioned at that time when we first visited the exhibit.  
20 We linked this model to the latest model, so that will be --  
21 MS. ROBESON: When you say this, the transcript  
22 doesn't know --  
23 THE WITNESS: I'm sorry. So we linked the SAG  
24 project, the current property, subject property --  
25 MS. ROBESON: The subject project. Yes.

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1 THE WITNESS: -- the subject property to the  
2 overall mass, and we set an amount or just to make it clear  
3 that this is not a construction document or a drawing from  
4 which one could measure or build anything. It's just the  
5 illustration.  
6 MR. KNOPF: Excuse me. Are you saying, is he  
7 explaining this exhibit, or are you saying you're going to  
8 put in a new exhibit?  
9 MS. HARRIS: No, he's explaining this exhibit.  
10 MS. ROBESON: No.  
11 MR. KNOPF: I'm sorry. Thank you.  
12 THE WITNESS: Yes, I was explaining the difference  
13 between this one and all of these.  
14 MR. KNOPF: Thank you.  
15 BY MS. HARRIS:  
16 Q So it's correct to say that this exhibit, Exhibit  
17 No. 106F, should not be relied upon for determining  
18 setbacks. Is that correct?  
19 A Yes, absolutely. This is just an illustration to  
20 present the context on which the building is built so it  
21 shows you the location, also, it shows you the relation  
22 between the TS-R and CDB on this one. So it's just to  
23 present the context.  
24 Q Okay. And so similarly, it should not be used for  
25 determining heights either. Is that correct?

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1 A I would not. Yes, we don't use this one to  
2 determine heights.  
3 Q Thank you. Okay. Are you familiar with the  
4 Montgomery County zoning ordinance and the provisions of the  
5 TS-R zone as they relate to the urban design and development  
6 components for this project?  
7 A Yes.  
8 Q Please describe the basic concepts that were  
9 applied, and the principals upon which the design of the  
10 subject building and space?  
11 A Well, the starting point for this project was the  
12 zoning ordinance and I believe there is a second of 59-C-  
13 8.4, which sets some development standards. And that  
14 specifies a few things that we need to follow.  
15 Q Okay. And what I would like to do is just go  
16 through those development standards.  
17 MS. ROBESON: Okay.  
18 BY MS. HARRIS:  
19 Q And I'll ask the architect piece by piece --  
20 A I hope that I'm not going to miss anything.  
21 MS. ROBESON: Wait. You can't cross-talk because  
22 it won't come out.  
23 THE WITNESS: I'm sorry.  
24 MS. HARRIS: Okay.  
25 MS. ROBESON: Let her finish the question, and

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1 then you go ahead.  
2 BY MS. HARRIS:  
3 Q Okay. The section 59-C-8.4 requires a minimum lot  
4 area of 18,000 square feet. Has that been provided?  
5 A Yes.  
6 Q And can you please note what the square footage of  
7 the property is? Do you have that information?  
8 A Yes. One second. I do have it. The total is  
9 160,500 square feet.  
10 Q No, I'm talking about for the lot area.  
11 A Oh, the lot area. Yes, I'm sorry. The net lot is  
12 26,410. And the gross tract is 38,800.  
13 Q Thank you. The zoning ordinance provides for a  
14 maximum of 2.5 FAR unless an increase is proposed to  
15 accommodate MPDU's and associated bonus density. What is  
16 the proposed FAR?  
17 A The proposed FAR is 3.05.  
18 Q And does that include the MPDU's?  
19 A That includes the MPDU's, yes.  
20 Q Okay. And the section, the zoning ordinance  
21 section 59-C-8.4 also provides for maximum dwelling units  
22 per acre of 150 units per acre unless it is increased to  
23 accommodate more MPDU's. What is the units per acre of this  
24 project?  
25 A Right now we have 135. That is based on 120 units

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1 in the building. So if you stop only at 100 units in the  
2 units per acreage, you get to 135.  
3 Q Thank you. The public use space requirement is 10  
4 percent. What is the public use space being provided?  
5 A 10 percent.  
6 Q Okay. And the active/impassive rec area is  
7 required to be 20 percent. What is the percentage?  
8 A If I'm not mistaken it's actually 30 percent. I  
9 could be.  
10 Q This is the active and passive recreational space.  
11 A No, I'm referring to the total open space.  
12 Q Okay. So the total open space is required to be  
13 30 percent. Do you have a percentage as to what that is?  
14 A 30 percent.  
15 Q Okay. And then the active and passive rec space  
16 is required to be 20 percent. And are we meeting that  
17 requirement?  
18 A Yes, we do.  
19 Q Thank you. Can you please explain how another  
20 important provision of the zoning ordinance, which was 59-C-  
21 D.161(b) influenced your approach? And this is the  
22 provision that allows for increased height and density if  
23 additional MPDU's are being provided.  
24 A Yes, so that provision allows one --  
25 Q Actually, can I -- I want to scratch that

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1 question.  
2 MS. ROBESON: Okay.  
3 BY MS. HARRIS:  
4 Q I misspoke. The section that I just referred to  
5 is the section that requires compatibility with adjacent  
6 developments. Can you please indicate how that influenced  
7 your approach and your design?  
8 A Yes. Compatibility was what guided the design for  
9 the project.  
10 Q Okay. And will you get into the issue of  
11 compatibility later in your testimony?  
12 A Yes.  
13 Q Thank you. After you reviewed the base zoning  
14 ordinance requirements, what was the next thing that you  
15 did? And what did you take into consideration?  
16 A One of the important things that we looked at is,  
17 we were aware that the County, the County policies are  
18 encouraging density around transit centers. And the  
19 provision that allows you to increase density if you provide  
20 MPDU's.  
21 Q And there are two provisions of the zoning  
22 ordinance that relate to this. Can you please read 59-C-  
23 8.42(c)?  
24 MS. ROBESON: Well, do we have to read it, or can  
25 you just ask him about it?

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1 THE WITNESS: Yes, I can --  
2 MS. ROBESON: I don't want to mess your train of  
3 thought up.  
4 MS. HARRIS: That's okay. He can, I'll ask him a  
5 question about that.  
6 BY MS. HARRIS:  
7 Q Does 59-C-8.42 provide that the density of  
8 development may be increased above the maximums that the  
9 zoning ordinance provides if MPDU's above the 12.5 percent  
10 requirement are being provided?  
11 A Yes.  
12 Q And then does 59-D-1.61(a)(1) provide that if you  
13 are providing MPDU's in excess of the 12.5 percent  
14 requirement, that the sector plan requirements for both --  
15 excuse me, the sector plan recommendations with respect to  
16 both height and density may be exceeded?  
17 A Yes. It can mix in.  
18 Q And did you rely on both of those as you developed  
19 the design of this project?  
20 A Yes, we did. We relied on both provisions.  
21 Q And are there other projects within the TS-R zone  
22 that have similarly relied on those two sections?  
23 A Yes, we are aware of several projects in the same  
24 zone. And I can point to the on this exhibit.  
25 Q That would be helpful.

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1 A One is Hampden Lane.  
2 MS. ROBESON: Which is the building on the  
3 southwest, or north, northeast corner of Arlington and  
4 Hampden Lane.  
5 THE WITNESS: Yes, and the other one is 4901 --  
6 MS. ROBESON: Okay.  
7 THE WITNESS: -- I believe it's Hampden Lane.  
8 It's the one on west side of Woodmont Avenue between Hampden  
9 Lane and Montgomery Lane, which is this one.  
10 MS. ROBESON: Right.  
11 BY MS. HARRIS:  
12 Q And is it accurate with respect to the Hampden  
13 Lane project, as we noted, the sector plan does allow  
14 additional height in excess of the sector plan  
15 recommendation when MPDU's are provided. Does that project  
16 exceed the 35-foot height requirement?  
17 MS. ROBESON: Which project?  
18 BY MS. HARRIS:  
19 Q Does the Hampden Lane project exceed the 35-foot  
20 sector plan recommendation for height?  
21 A Yes, it does.  
22 Q And by how much? Are you aware?  
23 A The Hampden Lane project is, the maximum height is  
24 71, and it goes into the 35-foot zone. And we have an  
25 exhibit that shows how this project height works against the

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1 35-foot limit.  
2 MR. KNOPF: Excuse me, just on second. For sake  
3 of clarity, is there some way we can give that Hampden Lane  
4 a name? Because we have the 4901 Hampden Lane, and  
5 sometimes we just say Hampden Lane and it's very confusing  
6 as to which one we're referring to.  
7 MS. HARRIS: Why don't we refer to 4901 Hampden  
8 Lane as 4901, and this one can be Hampden Lane. Does that  
9 work?  
10 MR. KNOPF: As long as we all understanding.  
11 MS. ROBESON: For the record, okay.  
12 THE WITNESS: Yes, I believe both of them are on  
13 Hampden Lane.  
14 MS. ROBESON: That's fine. I think there is an  
15 exhibit somewhere that labels them that way. So that's  
16 fine.  
17 BY MS. HARRIS:  
18 Q I believe Mr. Landfair showed Exhibit No. 106E,  
19 which is the one that you were just referring to. But can  
20 you bring that one back up, because I think it makes a  
21 strong point.  
22 A You know the number?  
23 Q Here it is. That's 106E, which was previously  
24 introduced. So can you just explain the point you were just  
25 making?

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1 A So, this is the Hampden Lane project. This would  
2 be Hampden Lane. And this line, the dotted line represents  
3 the break between the 65 zone and the 35-foot zone, and it  
4 shows that a portion of this project, Hampden Lane, exceeds  
5 the height limitation on the 35-foot zone.  
6 Q Thank you. Okay. So you started your evaluation  
7 with the zoning ordinance, both the development standards  
8 and also the recommendations regarding height and density as  
9 they relate to MPDU's. And then did you next evaluate the  
10 sector plan?  
11 A Yes.  
12 Q And were there certain over-arching  
13 recommendations of the sector plan that helped guide your  
14 design?  
15 A Yes, there were several. One was increased  
16 density near Metro, housing diversity, and affordable  
17 housing.  
18 Q And in your opinion, would the addition of unit  
19 sizes that average 850 square feet, contribute to the goal  
20 of diversity in this TS-R zone?  
21 A Yes, absolutely. And I would like to note that in  
22 this particular area, there is a lack of rental units. So  
23 depending on how the project develops, I think that that  
24 will be beneficial for, to further the goals of the sector  
25 plan.

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1 Q But if a project were not rental, and I believe we  
2 heard earlier that that has not, there hasn't been a  
3 commitment to that, would the difference in the unit size in  
4 and of itself, lend to the diversity?  
5 A I think that presenting an option of what are  
6 diversity of unit types, and unit types that are probably  
7 smaller than what has been historically built, that would be  
8 beneficial to the objectives of the sector plan.  
9 Q And would the inclusion of MPDU's also contribute  
10 to that?  
11 A Absolutely. Yes.  
12 Q Okay. After evaluating the zoning ordinance and  
13 the sector plan, what next was involved in your evaluation  
14 of the appropriate designs for the property. Did you  
15 evaluate the surrounding development area?  
16 A Right. After we looked at the program itself, we  
17 looked to see what the site conditions are so we can design  
18 a project that will fit in the neighborhood. And probably  
19 we can use this exhibit --  
20 Q Actually --  
21 MS. ROBESON: What number?  
22 BY MS. HARRIS:  
23 Q Actually, I would prefer for you to rely upon the  
24 exhibit that shows the five surrounding buildings.  
25 A Okay.

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1 Q That one.  
2 MS. ROBESON: And what exhibit is that?  
3 BY MS. HARRIS:  
4 Q That is Exhibit 106G. So you previously indicated  
5 at least two of the projects on that board, SK&I designed,  
6 is that correct?  
7 A Yes. And those are the Edgemoor, which is --  
8 MS. ROBESON: Which is shown, is that labeled on  
9 the --  
10 THE WITNESS: Yes. Edgemoor high-rise.  
11 MS. ROBESON: All right.  
12 THE WITNESS: Then the other one that we designed  
13 was City Homes, which is this one, and it also is labeled.  
14 BY MS. HARRIS:  
15 Q If you could, could you go through all five  
16 projects that are shown on this Exhibit No. 106G, explaining  
17 the design of them, the height, and how their physical  
18 appearance played into your development of the subject  
19 building?  
20 A So the first image is the Edgemoor high-rise, as  
21 the name implies, is a high-rise project that has a height  
22 of approximately 100 feet. And that is measured from the  
23 top of the podium, not from the sidewalk.  
24 Then across the street there are a series of  
25 buildings, all of them one project, but it's called City

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1 Homes. There are probably five rows of these. And the  
2 height is approximately, 50, I could be wrong, but 52. We  
3 have an exhibit, actually, that has all the heights. So if  
4 I misspoke, we have a board to back me up.  
5 Then it's 4824 Montgomery Lane, which is the  
6 property right across from us on Montgomery Lane. So it's  
7 in between the high-rise Edgemoor, and SJG project, or the  
8 subject property.  
9 Then on Hampden Lane on the south there is the  
10 Hampden Lane project. And then on Woodmont Avenue we have  
11 4901 Hampden Lane. And what is interesting, there are  
12 variations in height and also a wide variation in style. So  
13 it's hard to pinpoint to one particular element. But all of  
14 them, they form a fabric which is actually quite diverse.  
15 So that is the context in which we designed our building.  
16 Q And going to the 4825 Montgomery Lane, what is the  
17 height of that building?  
18 A The height of this building is 65-foot to the  
19 roof, which means that if you have the parapet, the  
20 impression will put it over 69.  
21 Q And the parapet, can you just, for those that may  
22 not be familiar, please describe what the parapet is?  
23 A So the parapet is a low wall that sits on top of  
24 the roof, so if you have, let's say this is the roof, that  
25 will be a, called a parapet.

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1 MS. ROBESON: When you say that, you're talking  
2 about the bench wall in this --  
3 THE WITNESS: The low wall around the roof would  
4 be called a parapet.  
5 MS. ROBESON: Okay.  
6 BY MS. HARRIS:  
7 Q Thank you. And in terms of design, stylistically,  
8 if you had to describe the buildings that are set forth on  
9 106G, how would you characterize those?  
10 A Well, as I mentioned earlier, there's a variety of  
11 style on this, probably a neo-Georgian.  
12 MS. ROBESON: The Edgemoor high-rise?  
13 THE WITNESS: The Edgemoor. None of them are true  
14 styles, in other words, it's just a veneer that was  
15 employed, to give us a look. So this one would have a neo-  
16 Georgian look to it. Probably this one will have on this --  
17 MS. ROBESON: The City Homes you're talking about?  
18 THE WITNESS: The City Homes are more of a federal  
19 style.  
20 MS. ROBESON: A what style?  
21 THE WITNESS: A federal style.  
22 MS. ROBESON: Federal.  
23 THE WITNESS: Right.  
24 MS. ROBESON: Okay.  
25 THE WITNESS: This one, I could not really

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1 pinpoint. It's very boxy, so it doesn't fit into any type  
2 of, as I said --  
3 MS. ROBESON: What is that called?  
4 THE WITNESS: That is 4925 Montgomery Lane. So I  
5 cannot really say that it is anything in particular that  
6 points to a style. Those are fairly contemporary. When I  
7 say those, it's Hampden Lane.  
8 MS. ROBESON: When you say -- yes.  
9 THE WITNESS: Sorry. So the Hampden Lane is a  
10 very modern building, and so is 4909 Hampden Lane.  
11 MS. ROBESON: Okay.  
12 BY MS. HARRIS:  
13 Q And when you referred to the high-rise Edgemoor  
14 and City Homes, you said that they don't, they're  
15 representative of a style, but I assume you mean because  
16 they were built within the last 10 or 15 years, they're not  
17 true Georgian or true federal, is that correct?  
18 A Right, it's not a true Georgia, or true federal,  
19 as what we would learn in school. It is just a veneer to  
20 give an appearance of a certain time period.  
21 Q Okay. And then in regard to 4901 Hampden Lane,  
22 why did you use the image that's presented on 106G, as  
23 opposed to the image that was presented by Mr. Knopf last  
24 week in cross-examination. And I'm sorry, I don't know  
25 where we ended up finding that exhibit.

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1 MS. ROBESON: It's --  
2 MS. HARRIS: I know it's in the staff report of  
3 4901.  
4 MR. KNOPF: It's also, I believe, in the Council  
5 approved --  
6 MS. ROBESON: It's was in the resolution.  
7 MS. HARRIS: Okay.  
8 MR. KNOPF: Yes, Council --  
9 THE WITNESS: We believe that this is a more  
10 recent representation of what the building is going to look  
11 like.  
12 BY MS. HARRIS:  
13 Q And is it correct that the Council resolution, or  
14 at least the staff report, the reference actually noted that  
15 the image was from 2006 --  
16 A Yes. Yes.  
17 Q -- which was presented last week? Okay. Thank  
18 you. One other question regarding 4901, before you sit  
19 down, and unfortunately it's not visible from the image on  
20 106G, but we did note last week that there is a step back  
21 along Montgomery Lane for 4901.  
22 A And probably I can point to this exhibit, which is  
23 106F. So this is the 4901 Hampden Lane. And it shows that  
24 the corner of a building, so that will be the northwest  
25 corner of a building, is chopped up.

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1 MS. ROBESON: Where it fronts Montgomery Lane?  
2 THE WITNESS: Where it fronts Montgomery Lane.  
3 MS. ROBESON: Yes.  
4 THE WITNESS: But it's just a corner of a  
5 building. And actually, that's the step back, or whatever  
6 the name is.  
7 BY MS. HARRIS:  
8 Q And do you have an approximation of what that step  
9 back is, in terms of size of that?  
10 A Yes, an approximation, I'm extrapolating based on  
11 what I've seen. It fits, let's say, a living room and a  
12 balcony. So that's the size of the --  
13 Q And can you translate that into potential square  
14 footage?  
15 A I would say there will be many 14 by 18.  
16 Q Okay. So it's not a step back that goes all the  
17 way across Montgomery Lane, is that correct?  
18 A No. No, definitely not. Definitely not. It's  
19 just a corner of that.  
20 Q Thank you. So you evaluated the sector plan.  
21 Excuse me. You started with the zoning ordinance. And then  
22 you looked at the surrounding context in terms of what would  
23 potentially make the building compatible. Based on, can you  
24 describe what you did next in the process? Well, let me, if  
25 I could --

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1 A Yes.  
2 Q Based on the development standards, the sector  
3 plan recommendations, and the surrounding context, can you  
4 describe what decisions were made in terms of the height,  
5 scale, and massing decisions?  
6 A Sure. So in terms of styles, we concluded that  
7 there is a variety of stylistic. We cannot pinpoint to one  
8 particular area that we can copy into our building. But we  
9 look at several factors, such as scale, and I can address  
10 each one separately, if I may.  
11 Q And actually, I'm sorry, let me interrupt just one  
12 more time. We may want to, for answering this, it may be  
13 helpful to rely upon the elevations and the perspectives  
14 that were submitted to the record.  
15 A Yes.  
16 Q So feel free to refer to those in your testimony.  
17 MS. ROBESON: And can you identify this exhibit?  
18 THE WITNESS: This one is 71.  
19 MS. ROBESON: Thank you.  
20 THE WITNESS: So this exhibit is a perspective  
21 taken on Montgomery Lane from Arlington Road, more or less,  
22 looking west towards the library.  
23 BY MS. HARRIS:  
24 Q At Arlington Road or Woodmont, looking west?  
25 A Woodmont. I'm sorry. Towards Arlington.

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1 Q Okay.  
2 A So in terms of scale, we have a very large  
3 building on the east side, which is the Edgemoor, the  
4 Edgemoor high-rise.  
5 MS. ROBESON: Okay. Can you stand just there?  
6 THE WITNESS: Yes.  
7 MS. ROBESON: Now I can see it. I'm sorry.  
8 MS. HARRIS: Should we angle it more?  
9 MS. ROBESON: What?  
10 MS. HARRIS: Should we angle it more?  
11 MS. ROBESON: No.  
12 MS. HARRIS: Okay.  
13 MS. ROBESON: We need everybody to see it. His  
14 body was blocking it.  
15 THE WITNESS: So in terms of scale, we try to  
16 blend in between the very high high-rise, Edgemoor, and the  
17 stepping down which occurs towards Arlington Road. In terms  
18 of massing, we look at what's across the street and around  
19 us. So across the street being City Homes, the height is  
20 52-53. I forgot the exact number. But then what we did,  
21 instead of building height at 50 foot, so there is an  
22 appearance of a brick frontage that matches what is on the  
23 other side.  
24 In terms of appearance, as I said earlier, there  
25 is no one particular style that we wanted to copy, because

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1 it's not to use as a perfect model. But then what we did is  
2 have a, say, a contemporary interpretation of a classical  
3 style. This street, in particular, had more of a classical  
4 way of designing. So we did the same thing. We have a  
5 strong base. We have a middle, and we have a top. So we  
6 have these classical composition elements.  
7 In addition to that, stylistically, we have French  
8 balconies. We have this large curve out that is shown on  
9 our other exhibit.  
10 MS. HARRIS:  
11 Q Right there.  
12 A And the 76. So we were a large portion of a  
13 building that is scooped out, and where we have the  
14 entrance. We have various elements, as I point out. The  
15 first one is French balconies. We have this reading of bays  
16 and French windows, to look like to represent a typical  
17 residential building. Also we have a rustication of the  
18 base. And a rustication, basically, is a brick work out  
19 element, in which you set up the bricks in and out to create  
20 a different texture.  
21 Q Can you, there is another perspective looking  
22 east.  
23 A Yes.  
24 Q Can you show that, and to the extent that you may  
25 want to elaborate on anything you just said in terms of

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1 height, scale, or massing?  
2 A That's Exhibit No. 72. And it's an exhibit  
3 showing the perspective from Arlington looking west towards  
4 Woodmont Avenue. Our building, subject property, is on the  
5 left hand side. And it shows here. So what this exhibit  
6 shows is how we blend it in from the height of a high-rise,  
7 Edgemoor, and we are progressively going down towards  
8 Arlington Road. And it shows the relation between the  
9 frontage of our building that steps back that 50 feet across  
10 one half across the street toward City Homes.  
11 MR. KNOPF: Excuse me. How many feet did you say?  
12 THE WITNESS: We have a step back at 50 foot, at  
13 50 foot.  
14 MR. KNOPF: 50?  
15 THE WITNESS: Yes. So those are the architectural  
16 elements that we make. We also made our top in a lighter  
17 material, again to try to dissipate the height, and to  
18 distinguish the top of the building from the surrounding,  
19 from the rest of the building, which is the middle and the  
20 base.  
21 BY MS. HARRIS:  
22 Q The two buildings on Exhibit 72 that are in the  
23 foreground, referred to as the Edgemoor at Arlington and  
24 Edgemoor of Arlington North, what zone are they in. What,  
25 the sector plan recommends them for what height?

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1 A They recognize them to be 35 feet.  
2 Q And then can you show on that exhibit where the  
3 65-foot zone?  
4 A The 65-foot zone starts actually in between the  
5 subject property and Edgemoor at Arlington North.  
6 Q Okay.  
7 A Which is the building on the northwest corner  
8 of --  
9 MS. ROBESON: And in the foreground in the left on  
10 72?  
11 BY MS. HARRIS:  
12 Q Correct.  
13 A Yes.  
14 Q And others have testified to the fact that while  
15 the, that existing or proposed buildings in the 35-foot zone  
16 have what we're referring to as a step back, can you  
17 identify the -- you did, but do any of the other projects  
18 within the 65-foot zone have the step back that the subject  
19 is providing?  
20 A In the 65-foot zone?  
21 Q Yes.  
22 A No.  
23 Q And can you identify that on Exhibit 72? I mean,  
24 show, what's the height of the Sandy Spring building,  
25 please?

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1 A The Sandy Spring building, which is the building  
2 between high-rise Edgemoor and the subject property, is 65-  
3 foot to the roof. And then there is a parapet of about  
4 four-feet on top of that.  
5 MS. ROBESON: Okay. So the Sandy Spring building  
6 is the one with the white --  
7 THE WITNESS: With a white top.  
8 MS. ROBESON: Okay.  
9 BY MS. HARRIS:  
10 Q And so that goes up from the, straight, straight  
11 up?  
12 A So from the point of measurement, goes up to 65  
13 foot, and the parapet.  
14 Q With no step back?  
15 A With no step back. No. As the exhibit shows,  
16 it's a straight. Right.  
17 Q I see. Okay. And similarly, for the high-rise  
18 Edgemoor?  
19 A For the high-rise Edgemoor, the height is 100-foot  
20 from the top of the base, not from the sidewalk. And the  
21 height is measured to a meet point in the roof, so probably  
22 would be that.  
23 Q Okay. And I believe Mr. Irish will get into more  
24 details in terms of the precise measurement of the high-  
25 rise, Edgemoor, because we've heard a lot about that. Thank

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1 you. And in terms, actually, it may be nice -- well,  
2 Exhibit 72, does that also identify the continuous street  
3 edge that the proposed building will be providing?  
4 A Yes. This exhibit shows that our building is set  
5 within a range of what the other buildings built or approved  
6 have established as a street.  
7 Q Thank you. Okay. Now, if the hearing examiner  
8 can bear with us for one moment, because the next question  
9 I'm going to ask may involve a mathematical, some math. And  
10 so if you can find a blank piece of paper, just so that we  
11 can work through this question, it may be the best way to  
12 show it.  
13 MR. KNOPF: Just a minute.  
14 MS. ROBESON: Wait.  
15 MR. KNOPF: If he's going to use the back of a  
16 current exhibit, that may not be allowed.  
17 MS. ROBESON: We need to mark it. Yes. Well, we  
18 can make it 109. But you have to mark it.  
19 (Exhibit No. 109 was marked for  
20 identification.)  
21 (Discussion off the record.)  
22 MS. HARRIS: I'm just going to use this one,  
23 because it's a lesser used exhibit.  
24 MS. ROBESON: Okay.  
25 MS. HARRIS: Instead of that one, I think it's

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1 easier.  
2 MS. ROBESON: So this is 109. And what is this  
3 going to be?  
4 MS. HARRIS: I'm sorry, what's it going to be? Is  
5 that what you just --  
6 MS. ROBESON: How would I title it?  
7 MS. HARRIS: Additional density and height to  
8 support the MPDU's.  
9 MS. ROBESON: Okay. Mathematical calculation of  
10 what?  
11 MS. HARRIS: Of MPDU's and bonus density.  
12 MS. ROBESON: Okay.  
13 THE WITNESS: And what number is this?  
14 MS. ROBESON: 109.  
15 BY MS. HARRIS:  
16 Q Thank you. Okay. So the zoning ordinance, and we  
17 noted this previously, 59-D-1.61(a)(1) provides that the  
18 height and density recommendations of the sector plan may be  
19 exceeded, quote, "To permit the construction of all MPDU's  
20 under 25, chapter 25A, including any bonus density units."  
21 The heights of the building exceeds the sector plan  
22 recommendation by five feet, as was testified. In order to  
23 reduce the height, in order to reduce the height by five  
24 feet, the top floor would need to be eliminated.  
25 So my question to you is, and if you can explain

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1 it, work through the numbers, is the top floor necessary to  
2 accommodate the bonus density as well as the MPDU's?  
3 A So this is not so much as a calculation as a way  
4 for us to identify how to make the building work. What we  
5 know is that at 2.5 density we have a square footage of  
6 97,010. And to get an MPDU density, we increase the total  
7 FAR to 3.05. So at 3.05, the total GSF, gross square  
8 footage, would be 118,352.  
9 Q And that number represents 22 percent increase, is  
10 that correct?  
11 A Right. That will increase to 22.2 increase --  
12 Q Okay.  
13 A -- for the MPDU's. So there is a delta of 21,342  
14 square feet. So in order to --  
15 MS. ROBESON: What's a delta?  
16 THE WITNESS: Delta is the difference between one  
17 number and another number. So in other words, the  
18 difference between 2.5 FAR and 3.05 FAR is 21,000 square  
19 feet.  
20 MS. ROBESON: Okay.  
21 THE WITNESS: So that would be the square footage  
22 needed to accommodate the MPDU's.  
23 BY MS. HARRIS:  
24 Q And I just want to verify something because, to  
25 make sure that the record is completely clear. That 22

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1 percent bonus density includes, does it include the  
2 additional MPDU's, because that's an additional 2.5 percent  
3 of MPDU's --  
4 A Yes, it includes.  
5 Q -- in addition to the regular bonus density that's  
6 permitted?  
7 A Yes. Right.  
8 Q Okay.  
9 A So this number represents the 2.5 percent  
10 increase.  
11 Q Okay.  
12 A So just looking at the numbers, say okay, we need  
13 an additional 21,342 square feet to accommodate the  
14 additional, the bonus. So also we look at the site, and  
15 there is only that much we can do, because we have streets,  
16 we have properties, we have setbacks. And also we have a  
17 step back of 50 foot.  
18 So what is left in terms of square footage, the  
19 footprint of the building. So the building roughly is that.  
20 So what is left is actually 15,800 square feet.  
21 Q So that number, that 15,800 is representative of  
22 one floor?  
23 A What's available to build.  
24 Q Okay.  
25 A So then if I look at this number and that number,



1 Also, the fact that we have punch windows, and we  
2 don't have large expansions of glass, and then we have  
3 windows that have the same mullion reading as those  
4 examples, other examples on the street, makes the building  
5 fit into the residential character of the street.

6 Q So you would say that the wall to window ratio, if  
7 you would, is comparable in the proposed building as it is  
8 in the other buildings?

9 A It's comparable to what you see in the surrounding  
10 areas.

11 Q And that helps promote the compatibility of it?

12 A Yes. That makes the building compatible to the  
13 surrounding architecture.

14 Q You noted early on that SK&I in fact had been the  
15 architect for the high-rise Edgemoor, and the City Homes,  
16 over 10 years ago, more than 10 years ago now. Can you  
17 discuss a little bit the evolution of the architectural  
18 style on the street?

19 A Probably the best way is to point to, again, go  
20 back to this exhibit just to --

21 Q 106.

22 MS. ROBESON: 106.

23 THE WITNESS: 106, just to present the larger  
24 context of the neighborhood. So if you look at those two  
25 buildings, which is the high-rise Edgemoor, the one that

1 SK&I designed over 10 years ago, and City Homes, none of the  
2 other buildings that we have presented today on Montgomery  
3 Lane were present. So the context was what you see on  
4 Arlington Road. So it's very 70 --

5 BY MS. HARRIS:

6 Q Woodmont Road. Woodmont.

7 A Woodmont Avenue. I'm sorry. So it was very '70-  
8 ish straight office, very cold. Now, the market at that  
9 time, the high-rise market has changed, has turned, so it  
10 was a demand for a building that has all the modern  
11 amenities, but has the veneer of a traditional look. But  
12 the building itself, again, it has all the -- actually it  
13 has elements of modern architecture, but it's like windows  
14 that didn't exist back then. So that was the context when  
15 SK&I designed these buildings.

16 So they were unique. They were breaking, let's  
17 say, new ground. They were nothing like those around them.  
18 So they created their own environments.

19 Q Okay. Does the proposed building have any impact  
20 on the City Homes, in terms of light in their houses?

21 A I will go back, the same exhibit. So --

22 MS. ROBESON: So 106F?

23 THE WITNESS: 106F. City Homes buildings sits  
24 across the subject property. And it is on the southern  
25 portion of the site. So in terms of sun, and in terms of

1 shadow, I would say that it is the other way around. The  
2 City Homes, probably in the winter solstice, would cast a  
3 shadow on the lower floors of the project subject. But in  
4 terms of lights and sun, subject property will have  
5 absolutely no impact on City Homes.

6 MS. ROBESON: And why is that?

7 THE WITNESS: Because the sun shines from the  
8 south. So the shadow will be cast on the subject property,  
9 not the other way around.

10 BY MS. HARRIS:

11 Q So there has been some discussion about, and  
12 suggestion by the opposition, of moving the subject building  
13 back 10 feet or so. So if the building were moved back 10  
14 feet, you're saying that that would have absolutely no  
15 effect whatsoever on the light and air of the City Homes?

16 A Right. It has no impact now. It will have no  
17 impact then.

18 Q Okay. Thank you. The proposed setback of 50 feet,  
19 when the building was, has been proposed in order to  
20 accommodate comments that we heard from the opponents, can  
21 you please describe why you think, what's achieved by that,  
22 by the 12-foot step back which occurs at the height of 50  
23 feet?

24 A I will point again to Exhibit 71 to illustrate it.  
25 This is the 50-foot frontage and shows the step back of 20

1 foot above that.

2 Q Excuse me one second. Can you refer to Exhibit  
3 72, just because I believe it's more apparent than that  
4 exhibit. Thank you.

5 A This is Exhibit 72 which shows the 50-foot  
6 frontage, and the step back above the 50-foot height.

7 MS. ROBESON: How high is -- okay, so the step  
8 back portion is 20 feet high?

9 THE WITNESS: Yes. Yes. So what it does, it  
10 creates a top of the, a top for the building without  
11 actually overwhelming the composition of the street, unless,  
12 let's say, the 48 --

13 MS. ROBESON: 25.

14 THE WITNESS: -- 25 --

15 MS. ROBESON: Montgomery Lane.

16 THE WITNESS: Anyway, so unlike this example, we  
17 have as step back. It achieves a meaningful terrace that is  
18 usable without actually creating a no man's land. You know,  
19 if there was terrace at the street, nobody will use. We  
20 wanted the top to be part of the composition, not just  
21 something that we are hiding there.

22 BY MS. HARRIS:

23 Q So on the street, the frontage of the building  
24 which is on the street is what height?

25 A The frontage of the street is 50 feet.

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1 Q Okay. And in comparison on that street, is it  
2 correct that to the west we have a 48-foot building. Across  
3 the street we have a 53-foot building.  
4 A Yes.  
5 Q We have a 65-foot building immediately to our  
6 east. And then further, we have a building that's at least  
7 100 feet.  
8 A 100 feet, yes. So that's the context in which  
9 this frontage of 50 foot exists.  
10 Q Thank you. And is it correct that the building  
11 that's 48 feet in height is in that recommended zone of 35  
12 feet?  
13 A Yes, as well.  
14 Q In your opinion, does the curved entrance that you  
15 referred to, help break up the building mass?  
16 A Yes. One thing, it just physically shortens the  
17 frontage of the building. So it takes away a third of the  
18 frontage. It creates an identifiable element. So for the  
19 street will be a positive experience to have a step back.  
20 Q And given that the building frontage is, can you  
21 comment on how that building frontage of 50 feet in height,  
22 how that relates to the pedestrian experience?  
23 A From the pedestrian experience, it will probably  
24 be the experience that one would fit in the middle of the  
25 block. In other words, it's a height compatible to City

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1 Homes across the street. So you have a very even, very  
2 balanced experience at this location.  
3 Q And is it correct that the upper stories step  
4 back, the portion that is between 50 and 70 feet, that will,  
5 in fact, be visible from certain vantage points, correct?  
6 A From most of the street, if you look directly up,  
7 you will see, probably, a foot maybe. You won't see that  
8 looking right across the street from where we're building.  
9 Q And is there anything wrong with that, or is it  
10 desirable to see the top of the building?  
11 A We want a building, we want the top not to  
12 disappear. We have nothing to hide on that top. So it's an  
13 integral part of the composition.  
14 Q And are there any practical considerations? Well,  
15 you mentioned the terrace, so that's adequate. And then can  
16 you please describe the location and size and height of the  
17 penthouse?  
18 A Yes.  
19 Q Or actually, why don't we back up for one moment.  
20 Why don't you generally explain what the purpose of the  
21 penthouse is?  
22 A All the buildings, the majority, or the vast  
23 majority of multi-story buildings have a penthouse. And the  
24 reason for that is, we need access for, you need to put  
25 mechanical equipment somewhere, and you have elevators that

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1 are much taller than actually a floor is. So all the  
2 buildings then have a couple of stories, and the multi-  
3 family will have some sort of a structure on the roof.  
4 Q Okay. And can you please describe and locate, or  
5 identify, I should say, the penthouse on the subject?  
6 A Yes, on Exhibit 72, you can see the penthouse on  
7 our building, right here.  
8 MS. ROBESON: Is that the brown --  
9 THE WITNESS: It's the brown --  
10 MS. ROBESON: -- on the top of the one that's  
11 showing.  
12 THE WITNESS: -- brown volume sticking slightly  
13 above the top.  
14 BY MS. HARRIS:  
15 Q And is it correct that that steps back from  
16 Montgomery Lane approximately 23 feet?  
17 A Let's see what I have.  
18 MS. ROBESON: From the right-of-way?  
19 BY MS. HARRIS:  
20 Q From the front of the building.  
21 A I could get this but I need to -- got it. So from  
22 Montgomery Lane, from the frontage, the penthouse is  
23 approximately 23-8, 23-10 feet.  
24 Q Okay. And then how far setback from West Lane?  
25 A From West Lane, approximately 26 feet, 25 and

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1 change.  
2 Q Okay. And is the height of the penthouse included  
3 in the height calculation?  
4 A No. On any building, the penthouse is not  
5 included.  
6 Q Okay. So when we refer to the height of one of  
7 the other buildings in the area --  
8 A Yes, that will not include the penthouse.  
9 Q That does not include the penthouse. Okay. The  
10 sector plan on page 84, in the sector plan and urban design  
11 guide, well, there's an illustration on page 84 of the  
12 sector plan. And then on page 88, are the urban design  
13 guide, which provides, "Design rooftops to achieve  
14 residential image by using hip roof, gables, turrets, and  
15 other types of pitched roof line."  
16 Now, I would note that, as we noted previously,  
17 opponents actually wants us to have a flat, wanted the  
18 applicant to propose a flat roof. But can you sort of point  
19 out --  
20 MR. ABRAMS: Object to her testimony. Has she got  
21 a question?  
22 MS. ROBESON: Sustained. Just point it out.  
23 MS. HARRIS: Ask the question. Okay.  
24 BY MS. HARRIS:  
25 Q The sector plan, we've noted, is 20 years old.

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1 But can you identify what you think the purpose of that  
2 recommendation was and how the proposed building is  
3 nonetheless achieving the goal?  
4 A Yes. If I look at this exhibit, it's clear that  
5 the objective was to create a residential character. But  
6 even on that exhibit --  
7 MS. ROBESON: Which exhibit?  
8 THE WITNESS: Not Exhibit. I'm sorry. Page 84 of  
9 the sector plan.  
10 MS. ROBESON: The sector plan.  
11 THE WITNESS: Right. There are two pictures, and  
12 they show you yes and no.  
13 MS. ROBESON: Okay.  
14 THE WITNESS: I mean, most of the pictorial  
15 exhibits there are yes and no. Do this, don't do that.  
16 MS. ROBESON: Yes.  
17 THE WITNESS: So even on that, they do show a flat  
18 roof. Now, so the objective of that is to promote a  
19 residential feel. But I would like, also, to point out that  
20 the sector plan, though it was good intention, was done 20  
21 years ago. And things have changed. Concern about the  
22 environment. The green roofs here, they existed 20 years  
23 ago, but they were not part of architecture culture, so to  
24 speak.  
25 So there are technologies which make some of the

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1 requirements obsolete. They need to be revisited regularly.  
2 But the spirit, I think, was there to promote residential  
3 architecture, was not to be prescriptive. Do exactly this.  
4 Do exactly that. So on that we achieved the goals.  
5 BY MS. HARRIS:  
6 Q And do the --  
7 MS. ROBESON: How do you achieve the goals, with  
8 the parapet roof, or are you saying this being residential  
9 in character?  
10 THE WITNESS: It is residential in character. But  
11 one of the things that the sector plan proposes or  
12 encourages is the use of other space. So we are doing that.  
13 We're providing access to the roof. You can, part of that  
14 roof you can be outdoors.  
15 MS. ROBESON: So you're going to have -- wait, I'm  
16 sorry. I thought you said you weren't going to have any  
17 outdoor use on the roof.  
18 MS. HARRIS: I believe the previous witness, Mr.  
19 Landfair, was unclear on that.  
20 MS. ROBESON: Okay.  
21 MS. HARRIS: So actually, maybe I should ask --  
22 MS. ROBESON: Why don't you tell us about what's  
23 going to go on, on the roof?  
24 THE WITNESS: On the roof, so we're going to have  
25 the penthouse. And we are going to provide access for the

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1 people, the tenants, or the residents, access to the roof.  
2 So the elevator will stop on that roof, and there is going  
3 to be two stairs going to the roof. And we're going to  
4 have, there is mechanical equipment like the majority, the  
5 vast majority of the roof is for the business.  
6 MS. ROBESON: Are you going to have any  
7 landscaping or improvements up there?  
8 THE WITNESS: We're going to have green roof.  
9 MS. ROBESON: Okay.  
10 THE WITNESS: Now, I wouldn't call it landscape.  
11 It's just a way to mitigate for the environmental and County  
12 issues.  
13 MS. ROBESON: And what exactly, what is green  
14 about the green roof?  
15 THE WITNESS: What is green roof, is, well,  
16 because green roof has some planting in it. I mean, it has  
17 plantings, so the planting gives you overall green color.  
18 Besides, the green is used today to illustrate a lot of  
19 environmental feature.  
20 But what a green roof does, it retains and it  
21 filters rain water. So you don't, when you have a rain, you  
22 don't dump the same water on the city system. So it filters  
23 and it retains, and it slowly drains the roof. So it  
24 mitigates --  
25 MS. ROBESON: I guess my question is, is there

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1 going to be any screening or trees? Is there going to be  
2 like trees around the penthouse or no?  
3 THE WITNESS: No, it's going to be just, the green  
4 roof has just low planting. And the purpose is, again, to  
5 mitigate environmental and energy issues.  
6 MS. ROBESON: Right.  
7 MS. HARRIS: But if I could clarify or ask the, I  
8 will ask the architect to clarify.  
9 MS. ROBESON: Ask him.  
10 BY MS. HARRIS:  
11 Q Is it correct that the green roof is used for  
12 storm water management purposes?  
13 A Yes.  
14 Q And is that on a different section of the roof  
15 than the recreational portion?  
16 A Yes.  
17 Q Okay. And so will the recreational portion of the  
18 roof be improved with such things as benches or chairs or  
19 things to allow people to enjoy the outdoors on an evening  
20 on the roof?  
21 A It could be improved with any number of tools. I  
22 don't think that we have been designed. I don't know the  
23 answer for that question, but yes, it can be improved.  
24 Q So there could likely be potted plants or  
25 potted --

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1 MS. ROBESON: Well, like, do you know if it's  
2 likely or not?  
3 THE WITNESS: We are --  
4 MR. KNOPF: That's what I was just going to ask.  
5 Are we now having an amendment to this?  
6 MS. ROBESON: Just a second. Just a second.  
7 MR. KNOPF: Excuse me. Sorry.  
8 MS. ROBESON: Was this part of your original, or  
9 were you silent on what's going to be up there?  
10 MS. HARRIS: Because it's typically it's a site  
11 plan item because there is nothing, except for the base of  
12 the space, it is really a furnishing question. So it's  
13 certainly not a zoning or development plan question. So I  
14 think as that, as the expert, as the architect has  
15 testified, there will be an outdoor recreational space which  
16 will be improved with --  
17 MS. ROBESON: Which could be improved with.  
18 MS. HARRIS: Well, it will be improved with  
19 portable or -- no permanent, not necessarily permanent  
20 features, but containers of landscaping and portable  
21 furniture.  
22 MS. ROBESON: Yes. I guess the real reason I was  
23 asking is, we had some projects with step back roofs to try  
24 and be compatible with, you know, other buildings. And they  
25 used actually trees on the roof to kind of mitigate the,

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1 mitigate the height. Is that part of your application, or  
2 not at this point?  
3 THE WITNESS: Not at this point, but I'll say if  
4 one puts trees on the roof, you need additional three foot  
5 of soil.  
6 MS. ROBESON: Okay.  
7 BY MS. HARRIS:  
8 Q Is it correct, however, that trees were  
9 contemplated likely in containers on the 50-foot step back  
10 area? And you can refer to Exhibit 72.  
11 MS. ROBESON: Well, that was my next question.  
12 Just a second. Just a second.  
13 THE WITNESS: We do have landscaping features in  
14 the public space.  
15 BY MS. HARRIS:  
16 Q And take and please examine the step back.  
17 MS. ROBESON: Yes, the step back.  
18 THE WITNESS: We do show landscaping feature in  
19 the step back zone. It is shown under Exhibit 17, too.  
20 MS. ROBESON: But that's not a binding element,  
21 correct?  
22 THE WITNESS: I don't know.  
23 MS. ROBESON: To your knowledge?  
24 THE WITNESS: I don't know.  
25 MS. ROBESON: Okay.

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1 BY MS. HARRIS:  
2 Q And is it correct, as you noted --  
3 MS. ROBESON: Just one second. Yes?  
4 MR. KNOPF: I have an objection. The witness is  
5 testifying regarding, as I understand it, regarding  
6 compliance with the sector plan, talking about compatibility  
7 and other features of the sector plan, like rooftops and so  
8 on. Unless that is made a binding element, or there's some  
9 kind of commitment. But I thought they were revising this,  
10 but now in response to the hearing examiner's questions, I  
11 understand they are saving whatever they are going to do to  
12 site plan. I don't think any reliance can be placed on  
13 that. It's just wasted effort.  
14 MS. ROBESON: I do, I do understand that, and I  
15 guess part of, we do have landscaping, in some cases, as  
16 part of binding elements.  
17 MR. KNOPF: Absolutely.  
18 MS. ROBESON: But I understand. I'm not sure it's  
19 an objection, but I understand that it's illustrative,  
20 only --  
21 MR. KNOPF: Illustrative.  
22 MS. ROBESON: -- illustrative, I guess.  
23 MR. KNOPF: I'm trying to save time, and talking  
24 about a lot of ethereal things that will disappear.  
25 MS. ROBESON: No, I understand.

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1 MS. HARRIS: And I understand what Mr. Knopf is  
2 saying, but I would also note that the vast majority of all  
3 the projects in the TS-R zone that have been approved had  
4 maybe three, five binding elements.  
5 MS. ROBESON: It's not a numerical thing, though.  
6 I mean, you're getting a lot of a tight site. And that's a  
7 good thing, maybe, you know, if it can be done right. I  
8 have had other projects on tight sites that do work a little  
9 more on the details.  
10 MS. HARRIS: Well, we've certainly listened over  
11 the course of the hearing, and we are, it is very likely  
12 that we will be proposing additional binding elements to be  
13 responsive to the comments that we've heard over the course  
14 of the hearing.  
15 MS. ROBESON: Okay. And, you know, to me it's not  
16 a numerical thing. Some of these projects are much older.  
17 Some, you know, are new. And we also have, I guess, the  
18 other -- a lot of your public interest argument is the  
19 MPDU's. And that's a great, you know, that is an element of  
20 public interest.  
21 One concern about that is that, you know, we just  
22 had a project, and I can't remember which one it was, right  
23 in this defined neighborhood, I think, that decreased, they  
24 had a minimum amount of units, and they just lowered the  
25 minimum because they said the real estate market is such



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1 have a read of large, small windows. Large, small windows.  
2 And we interlace those with French balconies readings.  
3 Besides we have this curve element where the entrance is.  
4 So for a short distance, or a short frontage, we achieve a  
5 lot of interest.  
6 Q Thank you. Moving on and going back to the zoning  
7 ordinance in terms of 59-C-8.52, which deals with parking,  
8 and it says, "Provide that off-street parking shall be  
9 located so as to have a minimal impact on adjacent  
10 residential properties." Can you please address how the  
11 project responds to this requirement? But you may take a  
12 sip of water first.  
13 A The parking is achieved by providing underground  
14 or below grade parking spaces.  
15 Q And so will those be visible, will the parking be  
16 visible from the street?  
17 A The parking will not be visible from the street.  
18 Q And is the access to the parking in a -- where is  
19 it located on the site with relation --  
20 A The access to the parking is located on the  
21 northeast corner of the building on West Lane.  
22 Q Thank you. And how many parking spaces and  
23 loading spaces will be available?  
24 A We have approximately 120 parking spaces that they  
25 provide for approximately a one to one ratio between the

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1 parking and the units. And in terms of service loading, we  
2 have three spaces. One is a lay by on Montgomery Lane. One  
3 is access from Montgomery Lane, but it's within the  
4 building. And one is below grade.  
5 Q And can you please --  
6 MS. ROBESON: I'm sorry. On Montgomery Lane or  
7 West Lane?  
8 THE WITNESS: I'm sorry. West Lane. All of them  
9 are West Lane.  
10 BY MS. HARRIS:  
11 Q And actually, it may be helpful to refer to  
12 Exhibit 89, which highlights these. I'm sorry. It's  
13 either -- I may have missed the --  
14 MR. KNOPF: Could I ask your witness to repeat  
15 what he said, because I got so confused when he said  
16 Montgomery Lane, I lost track of what you were saying.  
17 MS. HARRIS: Yes, I think it may be helpful, once  
18 we get the exhibit.  
19 MR. KNOPF: Thank you.  
20 THE WITNESS: I can repeat.  
21 BY MS. HARRIS:  
22 Q It's Exhibit 89. It's the --  
23 A So going back to the loading and service spaces.  
24 We have one lay by on West Lane. We have a loading space  
25 within the building, access from West Lane. And we have

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1 another space access from the garage entrance, below grade,  
2 in the garage. So it's a dedicated space in the garage for  
3 loading, for service purposes.  
4 Q And are you familiar with the size of the loading  
5 bay and what --  
6 A Yes.  
7 Q -- in terms of the height and what kind of trucks  
8 would be accommodated?  
9 A Yes, I am. The height, you can accommodate a  
10 panel truck, so like the UPS moving van.  
11 MS. ROBESON: For which space? I'm sorry?  
12 THE WITNESS: For the space --  
13 MS. ROBESON: That's outlined in red on Exhibit  
14 89?  
15 THE WITNESS: On Exhibit 89.  
16 MS. ROBESON: And that's inside the building?  
17 THE WITNESS: Inside the building.  
18 MS. ROBESON: Okay.  
19 THE WITNESS: And the space in the garage will  
20 accommodate the same panel van, UPS, U-Haul --  
21 BY MS. HARRIS:  
22 Q Type truck.  
23 A -- type truck.  
24 Q Thank you. And I believe the traffic consultant,  
25 as well, the civil engineer, will get into that in more

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1 detail. Can you please summarize the changes that are made  
2 to the building in response to the comments by staff and  
3 some of the comments?  
4 A Yes. Probably I could use Exhibit 106F.  
5 Q That's fine. And if you need to refer back to  
6 Exhibit 89, or the development plan.  
7 A Yes. Again, actually, this is probably a better  
8 exhibit. 89.  
9 Q Okay.  
10 A So the few comments, we got a few comments from  
11 the staff and also from the civic component. And we did  
12 several changes. One is to sit the entrance back. The  
13 entrance to the building used to be right on the corner of  
14 Montgomery and West Lane. And now we sit back, after we  
15 have this pocket park. So there is a pocket park between  
16 the Montgomery Lane and the entrance.  
17 Then we created this architectural element. So we  
18 curved the façade, where we have this concave element which  
19 forms, actually, the pocket park. And that is located at  
20 the intersection of West Lane and Montgomery Lane.  
21 We relocated or, yes, I guess relocated would be  
22 the public space. When we calculated for the public space,  
23 included a space in the back, say back in the back. But the  
24 public space was larger than needed. So then with the  
25 inclusion of the pocket park, all the public space is

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1 located on Montgomery Lane and West Lane.  
2 And then we have the corner experience. So I  
3 guess this would be the largest change that we to this  
4 architecture here, was to create this.  
5 Q And was the step back, you mentioned the upper  
6 story step back?  
7 A Oh yes, and we pulled the façade back 12 feet at  
8 the height of 50 foot, so we have the step back.  
9 Q Did the original design of the building include  
10 the off-street loading bay?  
11 A The off-street loading bay being the lay by?  
12 Q No, that. That one.  
13 A I don't think so. I could be wrong.  
14 Q Okay. And were articulations to the facades  
15 provided?  
16 A We have a few more articulations on the façade.  
17 The, let's say, more than half of the façade on West Lane  
18 was a street light. And now we have indentation to better  
19 create sort of a townhouse feel to the building.  
20 Q Thank you. There was discussion last week during  
21 the land planner's testimony, and questions from opposition  
22 counsel regarding whether the various changes that you just  
23 discussed resulted in a decrease in the overall square  
24 footage. Can you please identify whether, in fact, that  
25 occurred?

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1 A Yes. I believe that the --  
2 MS. ROBESON: In the square footage of the --  
3 THE WITNESS: Of the building.  
4 MS. HARRIS: Total building.  
5 MS. ROBESON: Total building. Okay.  
6 THE WITNESS: I think that the building originally  
7 was 118,341, I believe. But the current building is 116,000  
8 and change.  
9 BY MS. HARRIS:  
10 Q Okay. So there has been a slight decrease --  
11 A So there's a reduction, about 2,000 square feet.  
12 Q Okay. Is there anything else that you would like  
13 to add that we didn't cover in your testimony?  
14 A Well, I think I did cover a lot, but --  
15 Q Oh you just wait.  
16 A The only thing I would like to add is that all  
17 these exhibits, they show that how we thing, from an  
18 architectural perspective, that the building will actually  
19 benefit the entire area.  
20 MS. HARRIS: Thank you.  
21 MS. ROBESON: Thank you.  
22 MS. HARRIS: That concludes his testimony.  
23 MS. ROBESON: All right. It being almost noon, I  
24 am going to take a lunch break now, and we will be back at  
25 10 until 1:00. And I will check on the air conditioning.

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1 So we'll be back at 10 minutes -- yes, Ms. Harris?  
2 MS. HARRIS: I just wanted to get a sense of  
3 timing, because we were anticipating, just based on last  
4 week, that Mr. Radulescu may be up here for the rest of the  
5 afternoon. But if that's not the case, then we obviously  
6 want to give some of our other consultants a call, so they  
7 can be available. Can we get a sense of that before the  
8 lunch break?  
9 MS. ROBESON: Well, it's, you know, it's cross-  
10 examination and -- how close are they?  
11 MR. KNOPF: I'm not going to be as long as  
12 Landfair. I'm going to be much shorter.  
13 MS. HARRIS: An hour and a half?  
14 MR. KNOPF: I'd say for me, about an hour.  
15 MS. ROBESON: How close are your consultants?  
16 MS. HARRIS: I mean, how long would it take them  
17 to get here? One of them, a half an hour. Our traffic  
18 consultant could be here in half an hour.  
19 MS. ROBESON: I mean, I think that there is a  
20 possibility.  
21 MS. HARRIS: I think it sounds like it.  
22 MS. ROBESON: But you can't rely on what I say  
23 because I don't know what the cross-exam --  
24 MS. HARRIS: Mr. Abrams has been silent in his  
25 response. Do you have a sense of how long your cross-

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1 examination is going to take?  
2 MR. ABRAMS: A while.  
3 MS. HARRIS: Can you be a little bit more  
4 definite?  
5 THE WITNESS: I booked the whole week.  
6 MS. ROBESON: Well, I'll try to be flexible.  
7 MS. HARRIS: Okay.  
8 MS. ROBESON: And if we need to take a 15-minute  
9 recess, you know, if --  
10 MS. HARRIS: I'm going to call them early, one or  
11 two of them, per my notes.  
12 MR. ABRAMS: Who is your next witness?  
13 MS. HARRIS: Well, we've had, because -- I'm not  
14 sure. I'm going to need to juggle things around given the  
15 schedule. So I don't know at this point.  
16 MS. ROBESON: Are you sure we shouldn't schedule  
17 another hearing date? I'm kind of getting, I didn't expect,  
18 when we set the dates, that it would take so long.  
19 MS. HARRIS: Well, my approach is always better  
20 safe than sorry. We can always abandon the last one if we  
21 don't need it.  
22 MS. ROBESON: That was mine. I was wondering if  
23 you are available on an extra date.  
24 MS. HARRIS: I am.  
25 MS. ROBESON: Or we can set it, you know, we can

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1 see how it goes. It may be faster with the civil.  
2 MR. ABRAMS: I think our side is going to go a lot  
3 faster.  
4 MR. KNOPF: Yes. Ours also.  
5 MS. ROBESON: Well, it's up to you. Think about  
6 it. We don't have to decide right now. We can see how  
7 these are going to go.  
8 MS. HARRIS: Thank you.  
9 MS. ROBESON: All right. With that, now we're up  
10 to five until 1:00. So we're going to adjourn until, recess  
11 until then, and I will check on the air conditioning.  
12 MR. KNOPF: Thank you.  
13 (Whereupon, at 11:53 a.m., a luncheon recess was  
14 taken.)  
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1 AFTERNOON SESSION  
2 MS. ROBESON: For some reason our library no  
3 longer has the adopted Bethesda master plan. I've got every  
4 draft that there ever was, but I don't have the adopted one.  
5 MR. KNOPF: Are you referring to the CBD one, or  
6 the master plan?  
7 MS. ROBESON: CBD, central business district  
8 sector plan. So if the parties have one that you can  
9 submit, it doesn't have to be now, that you can submit into  
10 the record, that would be helpful. And, I mean, I have the  
11 one online, but as Mr. Knopf noted, the numbers don't sink  
12 up.  
13 MS. HARRIS: We can get you that. My apologies.  
14 I thought it was actually submitted with the application.  
15 And it may be, I wonder if there are copies in that former,  
16 you know, we originally filed a rezoning and development  
17 plan.  
18 MS. ROBESON: Right.  
19 MS. HARRIS: And then we had to refile. You may  
20 want to check there.  
21 MS. ROBESON: Oh, if it's in 9-12?  
22 MS. HARRIS: There may be four copies sitting  
23 there collecting dust.  
24 MS. ROBESON: I will double check.  
25 MS. HARRIS: Okay. And otherwise, we can get you

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1 one.  
2 MS. ROBESON: Okay. Thank you. All right. Ms.  
3 Harris. No, Mr. Abrams. You are here on cross-examination.  
4 I hope you ate and drank and we did turn the air  
5 conditioning on.  
6 MR. KNOPF: Yes. Thank you very much.  
7 MS. ROBESON: Okay. Go ahead, Mr. Abrams.  
8 CROSS-EXAMINATION  
9 BY MR. ABRAMS:  
10 Q Could you please repeat your testimony with  
11 respect to the gross square footage of this building?  
12 A Isn't the number in the application?  
13 Q Well, you're the architect. Do you know it?  
14 A But it is in application. Why do I need to  
15 memorize?  
16 MS. ROBESON: No, but you don't get to ask him  
17 that. You get to answer his questions.  
18 THE WITNESS: If I may --  
19 MS. ROBESON: Yes.  
20 THE WITNESS: My point is that there are a lot of  
21 numbers that I need to memorize, and that --  
22 MS. ROBESON: Well, if you can't recall it, you  
23 can either look at your plans or you can say you can't  
24 recall it.  
25 THE WITNESS: I will look at the plans.

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1 MS. HARRIS: And refer to the plan that you are  
2 looking at.  
3 BY MR. ABRAMS:  
4 Q Try 106A. You had that.  
5 MS. ROBESON: Can you show him what it looks like?  
6 MR. ABRAMS: Yes.  
7 MS. ROBESON: It's the development plan.  
8 BY MR. ABRAMS:  
9 Q The development plan.  
10 A I'm sorry. What was the question? What is the --  
11 Q Building coverage, yes, the square footage. Let's  
12 see, gross floor area?  
13 A 118,352.  
14 Q 118,352?  
15 A Yes.  
16 Q Okay. I think you said it was some other number  
17 other than that during the latter part of your testimony.  
18 Was there another number?  
19 A Was there another question? I mean, I don't --  
20 Q What I'm trying to do is make sure that everybody  
21 understands that the gross floor area is what is represented  
22 on 106A, and not through any other testimony.  
23 A Then I will say that I'm relying on this drawing,  
24 on these documents to get the number right, if I am wrong.  
25 MS. ROBESON: I think you said 116, but I could be

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1 wrong. Go ahead.  
2 MR. ABRAMS: I'd like these marked for  
3 identification.  
4 MS. ROBESON: Okay.  
5 MR. ABRAMS: Do I show you or can I put them up on  
6 the --  
7 MS. ROBESON: Have you provided them to the  
8 parties?  
9 MR. ABRAMS: No, I haven't.  
10 MS. ROBESON: Okay. Well, let me mark them.  
11 MS. HARRIS: Objection. I thought all exhibits  
12 were due, per the schedule that we have identified.  
13 MR. ABRAMS: Well, he's testified from these  
14 exhibits, or as to these exhibits. This is cross-  
15 examination.  
16 MS. HARRIS: I don't know what they are.  
17 MR. ABRAMS: Well, they are the site plan for  
18 4825.  
19 MS. HARRIS: Well, why wasn't that submitted as an  
20 exhibit per the exhibit schedule?  
21 MS. ROBESON: Can I see them? Because I did let  
22 you put in an exhibit of the calculations.  
23 MR. ABRAMS: The first one is notification and a  
24 map to the citizens. The second is a copy of the site plan.  
25 MS. ROBESON: For 4825?

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1 MR. ABRAMS: Yes.  
2 MS. ROBESON: Well, you can, you know, I don't  
3 want to -- you're right. We were supposed to have -- what's  
4 your point?  
5 MR. ABRAMS: The point is, he testified in his  
6 direct testimony today that the 4825 Sandy Spring building  
7 is 65 feet, plus four feet for the parapet wall. This  
8 shows, the site plan shows that it's 60 feet plus four feet  
9 for the parapet.  
10 MS. ROBESON: Okay. Well, why don't you ask him  
11 that instead of introducing the exhibit?  
12 BY MR. ABRAMS:  
13 Q Have you looked at the site plan for 4825  
14 Montgomery Lane?  
15 A For the buildings outside the subject property, I  
16 was relying on documents provided by the civil.  
17 MS. ROBESON: By who?  
18 THE WITNESS: By the civil engineer.  
19 BY MR. ABRAMS:  
20 Q And what documents were those?  
21 A Various site plans, using the process of designing  
22 the building.  
23 Q Did you rely upon a site plan which was filed on  
24 February 15, 2013, for 4825?  
25 A No, I relied only on what was provided by our

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1 team.  
2 Q Okay. If there is a site plan which says 60 feet  
3 plus four feet for the parapet wall for 4825, you have no  
4 way of contesting that at this point in time, do you?  
5 A I have no way of -- I'm sorry. Paraphrase?  
6 Q Can you contest that the site plan filed for 4825  
7 shows a building height of 60 feet, plus a four foot parapet  
8 wall?  
9 A That's a document that I'm not familiar with, so I  
10 cannot say one way or another.  
11 Q So it's possible that your testimony as to a 65-  
12 foot building with a four-foot parapet wall could be in  
13 error?  
14 A If the information that was provided to me was in  
15 error, I would assume that that would be the case.  
16 Q Now, in terms of the height of City Homes, how is  
17 that, how is that measurement conducted?  
18 A The measurement was --  
19 MS. HARRIS: Objection. The applicant, the  
20 witness did not testify as to how the buildings were  
21 measured. He's, it's outside his field, where the other  
22 witnesses could very easily answer the question.  
23 MS. ROBESON: Well, he did say that the heights  
24 were from the podium. Where are you going with this?  
25 MR. ABRAMS: Well, I'm going to show that the

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1 heights, slab-to-slab, which I believe he testified is  
2 somewhere, in an ordinary townhouse project would be  
3 somewhere around 10 feet seven or eight inches.  
4 MS. ROBESON: Okay. Yes, he did go into that.  
5 And also, he did testify to relative heights. So to that  
6 extent, I don't know if, I don't think where Mr. Abrams is  
7 going is to say it doesn't meet the zoning ordinance.  
8 MS. HARRIS: I think he's asking the witness,  
9 though, how the measurement was determined. And --  
10 MS. ROBESON: Yes, and I think that he did go into  
11 heights, as far as his testimony. If you can't answer, if  
12 you don't know the answer, you can simply say that.  
13 THE WITNESS: So the question is how, I just want  
14 to understand. How was the height of the City Homes  
15 determined?  
16 MS. ROBESON: The City Homes.  
17 MR. ABRAMS: City Homes.  
18 THE WITNESS: Yes.  
19 MS. ROBESON: You testified a number of times that  
20 I think it was 52 feet in height.  
21 THE WITNESS: Right. And all the heights, with  
22 the exception of the building that we designed, were  
23 provided by the team. So I do not have the methodology of  
24 how that dimension was decided.  
25 BY MR. ABRAMS:

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1 Q Okay. But you testified that in terms of the  
2 representative townhouse, that the calculations of slab-to-  
3 slab would be around 10 feet eight inches?  
4 A I did not say anything about the slab-to-slab  
5 height other than our building. The slab-to-slab reference  
6 was for the design of the subject property.  
7 MS. ROBESON: But didn't you compare that with the  
8 typical height? I thought you --  
9 THE WITNESS: Yes. A typical height, well, a  
10 typical height may refer to any buildings done anywhere.  
11 MS. ROBESON: In a floor.  
12 THE WITNESS: In a floor.  
13 MS. ROBESON: Yes.  
14 THE WITNESS: In other words, if I refer to a  
15 typical height, I would say that a typical height today  
16 would be 10 foot. That would be any building from Miami to  
17 Seattle.  
18 MS. ROBESON: Okay. All right.  
19 THE WITNESS: Including City Homes.  
20 BY MR. ABRAMS:  
21 Q Including City Homes?  
22 A Yes, but it's not specific to City Homes. It's  
23 any building.  
24 Q Okay. Okay. I understand. Now, if that's the  
25 case, wouldn't City Homes be based on a 53-foot height limit

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1 that you've indicated previously, really, wouldn't City  
2 Homes calculation, slab-to-slab, be 42 feet eight inches,  
3 rather than 53 feet?  
4 A This will be, if I answer this question, it will  
5 be pure speculation, because I don't know anything about  
6 what's inside the City Homes. So maybe I shouldn't answer.  
7 MS. ROBESON: So your answer is, you don't know.  
8 BY MR. ABRAMS:  
9 Q You don't know.  
10 A I do not know what's inside the walls of City  
11 Homes.  
12 Q Now, on Exhibit 72, which I think is an  
13 architect's rendering of the buildings --  
14 A Yes.  
15 Q -- at Montgomery Lane, is this to be an accurate  
16 representation of what's there now?  
17 A Define accurate.  
18 MS. ROBESON: No, you have to answer. You don't  
19 get to ask --  
20 THE WITNESS: The reason I'm asking is, accurate  
21 is a subjective matter. It's not, accurate is not 10 feet  
22 or 15 feet. It's a subjective interpretation, yes.  
23 MS. ROBESON: Okay. You have to tell him in what  
24 ways it may be accurate or if there is something that  
25 didn't, is not accurate, you have to say what is not, it's

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1 not to scale?  
2 MS. HARRIS: Can Mr. Abrams clarify the question,  
3 because did he say existing and approved or just existing.  
4 MR. ABRAMS: Existing.  
5 MS. HARRIS: What's existing?  
6 THE WITNESS: Well, I suppose that that's  
7 existing, and this is existing.  
8 MS. ROBESON: The two on the front I know are  
9 existing.  
10 MR. ABRAMS: No.  
11 MS. ROBESON: Oh, the Arlington North?  
12 THE WITNESS: The Edgemoor is highlighted, is  
13 existing.  
14 MS. ROBESON: Is existing.  
15 THE WITNESS: And the Edgemoor at Arlington --  
16 MS. ROBESON: Right.  
17 THE WITNESS: -- is existing.  
18 MS. ROBESON: I get the Edgemoor.  
19 THE WITNESS: And the City Homes that probably you  
20 can see already is existing. So as to accuracy, we took a  
21 photograph, and we, in this building, I know that is  
22 accurate.  
23 MS. ROBESON: You're pointing to your building,  
24 the subject property?  
25 THE WITNESS: Right. So it's, accuracy again is a

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1 subjective. But not only, it implies a certain standard.  
2 What is that certain standard? It's accurate as humanly  
3 possible with today's technology.  
4 BY MR. ABRAMS:  
5 Q Now, in terms of what has been approved, is that  
6 an accurate representation?  
7 A What has been approved again, with today's  
8 technology, meaning a digital camera and computer, this is  
9 accurate as it gets.  
10 Q With reference to the flowering trees on the front  
11 of the Hampden Lane building, do they exist or are they an  
12 artistic representation?  
13 A Since I haven't done the rendering myself --  
14 MS. HARRIS: On which building? Can Mr. Abrams  
15 clarify the building? You said the Hampden --  
16 MR. ABRAMS: The Edgemoor. Excuse me.  
17 MS. ROBESON: Wait, which Edgemoor? The front  
18 one?  
19 BY MR. ABRAMS:  
20 Q The one to the front as you face it.  
21 A In terms of --  
22 MS. ROBESON: Exhibit 72. Okay.  
23 THE WITNESS: Can I rephrase my answer?  
24 MS. ROBESON: Yes.  
25 THE WITNESS: In terms of buildings, with today's

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1 technologies, we are as accurate as possible. In terms of  
2 birds and clouds, no.  
3 MS. ROBESON: Or trees? His question was trees.  
4 THE WITNESS: These trees are accurate  
5 interpretation of what we intend. And those trees again are  
6 probably, yes. But these, I don't know.  
7 MS. ROBESON: Okay. So what you pointed to was  
8 the landscaping on your building.  
9 THE WITNESS: The landscape. Yes.  
10 MS. ROBESON: Okay.  
11 BY MR. ABRAMS:  
12 Q Okay. But the flowering trees that are in the  
13 upper left and upper right corner, are artistic license that  
14 the architect has taken?  
15 A Yes.  
16 Q And the same with the flowering trees fronting on  
17 Arlington Road.  
18 A Now, I haven't done the rendering. I know about  
19 the buildings. And that's it. If you come to this, the  
20 facts of rendering are the sky, the birds, I cannot tell you  
21 how they are done.  
22 MS. ROBESON: But what about the trees? Did you  
23 do the trees?  
24 THE WITNESS: No.  
25 MS. ROBESON: Okay.

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1 BY MR. ABRAMS:  
2 Q Do you have any idea what the representative  
3 height of those trees would be?  
4 A No, I do not.  
5 Q Now, you talked about the development standards,  
6 and Ms. Harris went through a number of zoning ordinance  
7 development standards with you this morning. Does meeting  
8 all of those development standards mean that a project is  
9 conclusively compatible with a neighborhood?  
10 A Meeting those standards, yes, would be in the  
11 direction of having a compatible project.  
12 Q So, if you meet all those standards, i.e., you're  
13 compatible with the neighborhood?  
14 A I would say that if you don't meet the standards,  
15 probably you're not going to be compatible.  
16 Q Can we reverse that and try to answer the  
17 question. If you meet all those standards, is your project  
18 compatible with the neighborhood?  
19 A Our project is compatible with the neighborhood.  
20 Q If you meet all those standards?  
21 A If. We believe we meet those standards.  
22 Q Now, the project as currently submitted barely  
23 meets, has the minimum for public use and private use space,  
24 is that correct?  
25 A It meets the requirement for public use.

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1 Q The minimum requirement?  
2 A It meets what is required. Yes.  
3 Q 10 feet is --  
4 MS. ROBESON: Mr. Radulescu, I think what he's  
5 asking is, does it exceed the minimum requirement?  
6 THE WITNESS: No.  
7 MS. ROBESON: It doesn't.  
8 BY MR. ABRAMS:  
9 Q Originally, when the project was applied for, when  
10 this application was filed, and up through the Planning  
11 Commission, first Planning Commission meeting, was there 14  
12 percent public use space?  
13 A I believe it, I don't know the exact number, but  
14 it was probably that. I don't have, what is in the document  
15 is what is real. I don't remember all these numbers..  
16 Q Well, there was a difference between what is  
17 submitted now and what was submitted then, correct? In  
18 terms of the amount of public use space?  
19 A You're asking me to remember what was submitted  
20 first time versus that time and see if there was a  
21 difference.  
22 Q Yes.  
23 A I don't know. I know what is now.  
24 MS. ROBESON: Wait. You don't --  
25 THE WITNESS: I just, I just really cannot

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1 memorize all the pages of all the -- I can testify what is  
2 present here. What was submitted in November, I'm sure if  
3 it was submitted, that's what was submitted. So in other  
4 words, I did not commit to memory numbers from the past. I  
5 just --  
6 MS. HARRIS: I believe that was testified to by  
7 Mr. Landfair, so the answer is in the record.  
8 MR. ABRAMS: Well, we also got representations  
9 from counsel that some of these questions are more  
10 appropriate for the architect. And I want to get into some  
11 of these figures that are in the development plan.  
12 BY MR. ABRAMS:  
13 Q You prepared the development plan, didn't you?  
14 MS. ROBESON: He testified to it, and as you said,  
15 these are his exhibits. So I'm going to let him do it.  
16 MR. ABRAMS: Okay.  
17 MS. ROBESON: Mr. Radulescu, to the extent you  
18 can, can you try to remember the numbers, even if you have  
19 to refer to the prior development plan, which may be help?  
20 THE WITNESS: Can I ask a question? If he refers,  
21 Mr. Abrams knows the number, can he just say, in the past it  
22 was this number and now it is this number?  
23 MS. ROBESON: But if you don't know the answer, is  
24 that --  
25 THE WITNESS: I don't know the answer. That's the

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1 obvious.  
2 MS. ROBESON: Well, let's get the prior  
3 development plan up here, and that may make things more  
4 simple, which I think is, is it 67? 2/15/13. Or is that  
5 the revised on?  
6 MS. HARRIS: No, that's the revised. It would  
7 have come in. It would have been one of the very early  
8 numbers.  
9 MS. ROBESON: Oh, well, there's one on 11, but I  
10 think there's one after that, too.  
11 MR. ABRAMS: Well, it's Exhibit 11, and that was  
12 revised in January.  
13 MS. ROBESON: Yes, right before the hearing. But  
14 your question goes to --  
15 BY MR. ABRAMS:  
16 Q Compare Exhibit 11 to --  
17 MS. ROBESON: Okay.  
18 BY MR. ABRAMS:  
19 Q -- what is currently the public use space?  
20 MS. ROBESON: So do you have access? Do you want  
21 my Exhibit 11?  
22 MS. HARRIS: Yes. That would be helpful, if you  
23 don't mind.  
24 MS. ROBESON: I had to change the order. Here is  
25 Exhibit 11.

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1 MS. HARRIS: May I approach to where he needs to  
2 look to expedite the process, or no?  
3 THE WITNESS: Yes, I see the number.  
4 MS. ROBESON: Okay.  
5 THE WITNESS: Yes, so the number on DP-01 --  
6 MS. ROBESON: It's Exhibit 11.  
7 THE WITNESS: -- Exhibit 11 is 4,092 square feet.  
8 BY MR. ABRAMS:  
9 Q Okay. That same open space, public open space  
10 calculation for the current plan is what?  
11 A The current number is 2,841 square feet.  
12 Q And that represents a difference between 10  
13 percent in the current plan and 14 percent in the original  
14 plan?  
15 A This is 10 percent. The percentage of the old  
16 plan, we can do a calculation, but --  
17 Q Isn't it on the plan?  
18 A It doesn't, there is no percentage. It just says,  
19 public space required and proposed. It has the numbers.  
20 Oh, it says 14 percent. I'm sorry.  
21 Q So there is 4 percent difference?  
22 A Yes.  
23 Q And that equates to, let's see, I'm not sure I  
24 have the arithmetic, but it's almost several thousand square  
25 feet, isn't it?

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1 A It will be, no, several thousand would be, let's  
2 say, what is number?  
3 MS. ROBESON: I have 1,251.  
4 THE WITNESS: Yes. 1,200.  
5 BY MR. ABRAMS:  
6 Q 1,200 square feet?  
7 A Yes.  
8 Q 1,200 square feet. Okay. And most of that area  
9 in the original plan for public use open space, or a lot of  
10 it, was in the rear of the building to the north, correct?  
11 A Right.  
12 Q All right. And the overall size of the building  
13 has not changed in terms of the gross floor area between the  
14 original plan and the current plan, is that correct?  
15 A Probably yes.  
16 Q Is it or isn't it?  
17 A I have to go back to the original plan and --  
18 MS. ROBESON: Take your time.  
19 THE WITNESS: We have the same number.  
20 BY MR. ABRAMS:  
21 Q Same number?  
22 A Yes.  
23 Q So the first floor area has not changed, even  
24 though the public use space has changed?  
25 A The public space, well, the change between 14

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1 percent and 10 percent?  
2 Q Yes.  
3 A We used to include the rear of the, some of it is  
4 part of the public space. And that's why it was 14 percent.  
5 We took that one out, and bringing it down to 10.  
6 Q Okay. Now, the private recreational space, that  
7 hasn't changed between Exhibit 11 and this exhibit, has it?  
8 A It looks identical. Active, passive. Yours does.  
9 Q It looks like what?  
10 A Identical, yes.  
11 Q And the original plan showed a 15 foot setback in  
12 the southwest corner, did it not?  
13 A Southwest corner. Yes.  
14 Q The current plan shows 13 feet?  
15 A 12.  
16 Q Okay. Now, in light of the reduction in the  
17 public use space, and in light of the fact that the private  
18 use space hasn't changed, and in light of the fact that the  
19 gross floor area of the building hasn't changed, what  
20 happened to the 1,200 square feet that was the difference in  
21 public use space?  
22 A It's probably how we assign the public space  
23 space, mean that we took that one out. We may have not  
24 added it to the -- I cannot really, I know what the public  
25 space is right now, but if I don't know if this number that

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1 used to be public space was added back to the open space.  
2 Probably it was not. It could be. I really don't know  
3 what, why the public space has reduced, and no other number  
4 has increased.  
5 Q So you don't know why?  
6 A No.  
7 Q Doesn't it seem odd to you that it would not be  
8 reduced, as an architect?  
9 A As an architect, if the consensus was to exclude  
10 that space from public use space, would I include it in a  
11 private space? Probably not.  
12 Q No, the point is, has the building become bigger?  
13 A The building has not become bigger. It's the  
14 same.  
15 Q I know that's what the plans say, but if you have  
16 1,200 square feet of space --  
17 A Yes.  
18 Q -- which is now reduced in size, that space can't  
19 evaporate in the air. It's got to be put someplace,  
20 wouldn't it?  
21 MS. HARRIS: I'm going to object. Mr. Landfair  
22 testified very clearly and very extensively to the fact that  
23 the area in the northern portion of the property which was  
24 previously counted a public use space which makes up that  
25 1,200 square feet, is no longer counted for a public use

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1 space. It wasn't added anywhere else. That's the answer.  
2 MS. ROBESON: No, but, well, first of all, you did  
3 defer, we did defer these questions to the architect.  
4 Second, I don't think that's what Mr. Abrams is asking. I  
5 think he's saying that the numbers don't add up. He's  
6 saying that if the building footprint hasn't changed --  
7 well, wait. He's saying, if the gross floor area hasn't  
8 changed, and the private recreational space amount hasn't  
9 changed, and the original plan showed more of a setback,  
10 then where is the 1,251 square feet. And I'm going to let  
11 him answer.  
12 THE WITNESS: I may be wrong with the math, after  
13 all, I'm an architect. But if I add those things, it looks  
14 like the building should get smaller, not larger, if  
15 anything.  
16 BY MR. ABRAMS:  
17 Q Correct.  
18 A But it didn't, because maybe this area within -- I  
19 can testify, well, I can testify, I do not know what  
20 happened to that number. But this one stayed the same. The  
21 building stayed the same. And we calculated the public  
22 space, excluding the 1,200 square feet from the back.  
23 MS. ROBESON: What --  
24 THE WITNESS: So we excluded --  
25 MS. ROBESON: Yes. From the public space. I

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1 think you -- okay. I understand.  
2 MR. ABRAMS: I'm glad you do.  
3 MS. ROBESON: Well, you know, maybe -- okay. Go  
4 ahead.  
5 BY MR. ABRAMS:  
6 Q Now, those projects which are abutting this  
7 property or confronting the property, are any of them taller  
8 than what's proposed? Abutting or confronting, that's the  
9 key words?  
10 A No, they are not taller.  
11 Q Are any of them with a higher FAR than this  
12 project?  
13 A I do not know the FAR of the other projects.  
14 Q Now, with reference to 4901 Woodmont Lane, and I  
15 think you referenced Exhibit 106G --  
16 MS. ROBESON: Wait, that's Hampden Lane, right?  
17 4901 --  
18 BY MR. ABRAMS:  
19 Q Hampden Lane. Yes. That project is on Woodmont  
20 Avenue, correct?  
21 A Yes.  
22 Q And under the sector plan, aren't the tallest most  
23 intensive buildings supposed to be on Woodmont Avenue?  
24 A I don't think so.  
25 Q You don't know or --

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1 A I don't know.  
2 Q The Hampden Lane project in the northeast corner  
3 of Arlington Road, Hampden Lane, does that have a series of  
4 step backs from Arlington Road?  
5 A It has step backs from Arlington Road, yes.  
6 Q Do you know what the height is for each, on each  
7 of those step backs?  
8 A I know the top step is at 70 feet or 71 feet.  
9 Q But you don't know what the --  
10 A The middle steps, no, I do not know.  
11 Q Now, I think you testified that the volume of  
12 space, you attempted to take the volume of space and sort of  
13 pack it in to a limited building area, is that correct?  
14 A To mitigate the height. To minimize the height.  
15 Q To minimize the height. Could you have varied  
16 the size of the units, or varied the mix of the units, also,  
17 without increasing the height of the building? In other  
18 words, more efficiencies and one bedrooms, than two and  
19 three bedrooms, things of that nature?  
20 A The envelope of the building is based on the FAR.  
21 Q Correct.  
22 A And FAR gives you a total GSF. So having a unit  
23 smaller than larger, doesn't change the overall envelope of  
24 the unit.  
25 Q No, that's not what I'm saying. Couldn't you have

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1 gotten the same number of units without raising the height  
2 of the building or the FAR?  
3 A That's, I cannot really see the -- I don't  
4 understand the question as to this project. So can I have,  
5 in a building, instead of having one-bedroom, two-bedroom,  
6 can I have only efficiencies?  
7 Q Well, can you have a mixture of smaller units than  
8 what you're proposing here without raising the height of the  
9 building, and still come out with 100 dwelling units to the  
10 acre?  
11 A No, because the number, the 100, the building was  
12 designed for the allowable GSF, not for -- and the number of  
13 units is a result of the GSF, not the other -- a result of  
14 the GSF, not the other way around.  
15 In other words, you don't design the mass of the  
16 building based on number of units. You see what the zone  
17 allows you to, there's a value on it, a square footage, and  
18 you see how many units in the current market conditions,  
19 whatever you want to assume, could fit. You don't say, I'm  
20 going to build maybe 100 units and then see how big it's  
21 going to get.  
22 Q Is there any rule of thumb used by architects in  
23 terms of the number of units which would make a project  
24 minimally, economically acceptable?  
25 A It depends on the market, on the zoning and on the

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1 market.  
2 Q Now, when was it decided that this roof area was  
3 going to be a green roof?  
4 A I cannot point to a specific day, but it was part  
5 of the design process. So I cannot say that in the first  
6 month or first week or first -- it's part of the design  
7 process, in the process of analyzing different requirements  
8 including code, energy, zoning, so on and so forth. You end  
9 up with a conclusion that a green roof has to be implemented  
10 into the project.  
11 Q When you do a project of this nature, don't you  
12 design each floor, in other words, what's on the floor?  
13 A At the end of the design, yes, you have an idea  
14 what's on the floor, yes.  
15 Q In other words, you don't have any floor  
16 elevation, floor plans for this specific project?  
17 A At this stage, no.  
18 Q So can you point to anything within the plans that  
19 you worked on, or the plans that you're familiar with, which  
20 indicate that the top floor is to be a green space?  
21 MS. ROBESON: Green roof.  
22 BY MR. ABRAMS:  
23 Q Green roof, or what that green roof is to contain?  
24 A I do not recall to any exhibit that points to a  
25 green roof representation.

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1 Q Now, was the roof ever envisioned to be part of  
2 the private open space recreation facilities or areas?  
3 A I believe a portion of the roof, yes, was  
4 intended.  
5 Q When was that decided?  
6 A Within the design process.  
7 Q Before the application was filed?  
8 A I do not recall.  
9 Q In terms of that private recreation space, since  
10 square footage devoted to that type of area has not changed  
11 from the original square footage in the first development  
12 plan, was that included among that figure?  
13 A I do not know.  
14 Q Where is the private open space going, besides the  
15 area to the north and the area to the east? Is there any in  
16 the building? Private recreation open space?  
17 A Yes, we have a large amount on the west side of  
18 the property, between the property line and the building.  
19 Q And space to the rear?  
20 A I don't know if the space to the rear was  
21 calculated, included in after we strike it from the public  
22 space. I don't know.  
23 Q And you don't know whether that space, the space  
24 in the rear, constitutes the totality of the square  
25 footage --

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1 A I do not.  
2 Q -- of the private use space?  
3 A I do not.  
4 Q Now, in terms of a green roof, what is proposed  
5 here in terms of materials to make it a green roof?  
6 MS. HARRIS: Objection. That's a question for the  
7 civil engineer. It goes straight to storm water management.  
8 The civil engineer will be testifying to that.  
9 MS. ROBESON: But he testified --  
10 MS. HARRIS: That there would be one there. I  
11 don't think the architect knows the components of a green  
12 roof.  
13 MR. ABRAMS: Well, he better, or else he's going  
14 to have a problem in terms of the weight of that roof.  
15 MS. HARRIS: I think he knows --  
16 MS. ROBESON: Well, to the extent you can. I  
17 mean, you did say there would be three foot of soil on it.  
18 And so I assume you're familiar with some of the  
19 requirements. So Mr. Abrams, repeat, can you repeat your  
20 question?  
21 BY MR. ABRAMS:  
22 Q What type of materials will comprise the proposed  
23 green roof on the top level?  
24 A Generally the green roof, and I don't know exactly  
25 what manufacturer, because there are variations. Generally,

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1 there is a water retention portion, a filtration portion,  
2 and a water channeling portion. So there are these layers  
3 that go on top of a regular roof.  
4 Q Is there space on that green roof to plant trees?  
5 A No.  
6 Q Is there space on the green roof to have these  
7 large planter berms or boxes?  
8 A Usually, well, there is probably, but usually  
9 that's a different system. Green roof is not a landscape.  
10 It's not one system, and you cannot just add trees. You  
11 have to get probably the proper system that may include  
12 trees. But right now, this one doesn't have this way to get  
13 any trees for the reason that you mentioned, that it will  
14 add weight. But of more concern is adding height.  
15 Q Okay. So is it safe to say at this point in time  
16 that this project will not have any trees or shrubbery on  
17 the roof?  
18 A This project, at this stage, will not have, as  
19 part of the green roof, any trees. As part of the green  
20 roof.  
21 MS. ROBESON: But there's another part of the  
22 roof, correct?  
23 THE WITNESS: There are several components. It's  
24 the green roof, the penthouse that we talked about --  
25 MS. ROBESON: Right.

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1 THE WITNESS: -- and then there is a public access  
2 or a residents access space. So those are the components.  
3 Within the green roof, at this stage, I don't think that we  
4 anticipate planting any trees.  
5 BY MR. ABRAMS:  
6 Q Okay. So the public use space on the roof will  
7 not include any green roof area?  
8 A The public space can include any accessories. You  
9 can bring a lounge chair. You can have potted plants.  
10 Q Where is the public use space on the development  
11 plan, in terms of the roof element? Where is it going?  
12 A I don't know if we have an exhibit. We don't have  
13 an exhibit.  
14 MS. ROBESON: Do you know?  
15 BY MR. ABRAMS:  
16 Q Can you show us on the development plan? I'm  
17 assuming that the building goes straight up in the air.  
18 A Well, this is the roof. And I am pointing to the  
19 subject property. So this is the penthouse. So the access  
20 needs to be in the proximity of the penthouse, so you have  
21 access to it. So I anticipate that it's not going to be  
22 there because you don't have access.  
23 Q So it will be towards the front portion which  
24 faces the street?  
25 A It could be, it could be in the front. It could

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1 be to the left or to the right, but in the proximity of the  
2 penthouse for the need to have access.  
3 Q Will there be an parapet wall up there?  
4 A The parapet wall around the -- no.  
5 Q Now, how high from the floor of that roof to the  
6 edge of the building, is that -- in other words, I'm  
7 concerned about the safety. If somebody goes out on that  
8 roof area, I mean, is there going to be railings? Is there  
9 going --  
10 A Of course there will be a railing, yes.  
11 Q There will be railings up there.  
12 A Yes.  
13 Q Now, could you go back to, I think it's Exhibit  
14 89, which was the site plan showing the loading spaces.  
15 MS. ROBESON: I'm sorry, showing what spaces?  
16 MR. ABRAMS: Loading spaces off of West Lane.  
17 MS. ROBESON: Okay.  
18 BY MR. ABRAMS:  
19 Q Okay. Now, the area in red, that is for what type  
20 of vehicles?  
21 A Those are for loading of vehicles.  
22 Q Okay. The garage space, that is for --  
23 A The garage is just an entrance.  
24 Q Just the red, outlined in red.  
25 A This is the loading areas.

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1 Q Yes. For what type of vehicles?  
2 A I think it's a U-Haul panel van.  
3 Q Okay.  
4 MS. ROBESON: UPS?  
5 THE WITNESS: U-Haul.  
6 MS. ROBESON: U-Haul.  
7 THE WITNESS: Panel van.  
8 MS. ROBESON: Okay.  
9 BY MR. ABRAMS:  
10 Q So no residents of the building use that area to  
11 access their parking spaces?  
12 A There is a different access for the parking.  
13 Q Okay. So there is, what, like a small loading  
14 dock at the end of the smaller --  
15 A This is a loading area, a loading dock, and then  
16 adjacent to it is the entrance to the underground parking.  
17 Q Okay. And how deep is that into the building?  
18 A How deep is it in height?  
19 Q No, feet, you know, going from the edge of the  
20 building?  
21 A This dimension?  
22 Q Yes.  
23 A Yes, I have the numbers. Just one second. This  
24 dimension is 12 foot wide by 22 foot deep.  
25 Q Okay. Is it a level area, or does it go in a

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1 downward slope?  
2 A This is flat.  
3 Q Flat. Now, let's go to the portion above that,  
4 the garage entrance. Is that the entrance that the  
5 occupants of the building use?  
6 A Yes.  
7 Q Is that also the entrance that moving van is going  
8 to use?  
9 A This one is access to an additional service  
10 loading moving space.  
11 Q So will the residents and movers, service trucks  
12 use that larger space?  
13 A Correct.  
14 Q Now, is that level, or is that in a downward  
15 grade?  
16 A To get to the level spaces, you have to use an  
17 incline or a ramp.  
18 Q And how deep is that ramp to the loading dock?  
19 A The ramp to the loading dock is what the code  
20 requires. And it is, to be exact here is eight foot for the  
21 first 10 feet, well, eight percent for the first 10 feet, 16  
22 percent, another eight for the last 10 feet. And then you  
23 get to a flat area.  
24 Q How much distance from the garage door entrance to  
25 the loading dock is that?

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1 A From the garage, I don't know, but I can scale it,  
2 if you want an approximate number. So it will be 70,  
3 another 150.  
4 Q 150 feet. How wide is this building?  
5 A The garage -- you asked how much is from the  
6 entrance to the loading space.  
7 Q Right.  
8 A And I would say the number is around 200 feet. In  
9 other words, you have to drive into the building that much  
10 for the building.  
11 Q How wide is this building?  
12 A I don't remember that. I'm not sure. Yes.  
13 Q Why don't you scale it off? Do you have a scale?  
14 A Yes, I do. But if I may, is there a question  
15 other than the scale? The back is approximately 80 feet.  
16 Q 80 feet?  
17 A Yes.  
18 Q Okay. So it's not 200 feet. So again, I ask  
19 you --  
20 A You didn't ask how wide it is. You asked how much  
21 is from the entrance to the loading area.  
22 Q Right.  
23 A And I answered. 200 feet.  
24 Q So it's 200 feet, yet the building is only 80 feet  
25 wide?

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1 A Yes.  
2 Q Okay. That's because you're going on a downward  
3 plane?  
4 A Yes.  
5 Q That's a pretty steep grade, isn't it?  
6 A No. It's what the code allows. We are not doing  
7 anything that is against what the code allows.  
8 Q Do you have any idea what the code allows in terms  
9 of a driveway to an ordinary single-family residential lot?  
10 MS. HARRIS: Objection.  
11 THE WITNESS: For a single family, no, because  
12 this is not a single family.  
13 BY MR. ABRAMS:  
14 Q I understand that.  
15 A I do not know. If I design a single family, I  
16 will research the code. Right now, I'm designing this, so  
17 that's what I can testify.  
18 Q Are trucks going to back into that area?  
19 A the trucks could go front or back. But if I were  
20 driver, I would go front.  
21 Q If you were a driver, you'd go front?  
22 A Yes.  
23 Q And you'd carry everything out the back and carry  
24 it all around?  
25 A I don't.

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1 MS. ROBESON: He didn't testify on circulation.  
2 So I would save that.  
3 MR. ABRAMS: I just find some of these answers  
4 kind of interesting.  
5 MS. ROBESON: Let's save that for your traffic  
6 engineer.  
7 MS. HARRIS: And the civil engineer.  
8 MS. ROBESON: Civil engineer.  
9 BY MR. ABRAMS:  
10 Q Okay. Now, when a building is constructed on  
11 ground that is at a higher elevation than the surrounding  
12 land, doesn't the height and the bulk and the scale of the  
13 building become more visible to passersby on the street,  
14 neighboring residents?  
15 A If the building is built on a slope --  
16 Q No. If the building is built on a ridge line,  
17 let's say --  
18 A Yes.  
19 Q -- higher than the surrounding area, does the  
20 building height, bulk and scale become more visible and  
21 pronounced to the surrounding neighborhood and people that  
22 are walking by that building?  
23 A If a building is built on top of a hill, rather  
24 than on the bottom of the hill, by the nature of the  
25 geography, it would be more visible.

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1 Q Now, isn't this building on a ground elevation  
2 along West Lane, which is among the highest elevation  
3 between Woodmont Avenue and Arlington Road?  
4 MS. HARRIS: Objection. The architect didn't  
5 testify about elevations.  
6 MS. ROBESON: He testified as to compatibility and  
7 height. And I think this goes to that.  
8 MS. HARRIS: I don't think he knows the  
9 elevations.  
10 MS. ROBESON: Well, he can say that.  
11 THE WITNESS: Can you repeat, please?  
12 BY MR. ABRAMS:  
13 Q Isn't the proposed ground elevation along West  
14 Lane among the highest elevation on the properties between  
15 Woodmont Avenue and Arlington Road?  
16 A The highest point of the street is probably here,  
17 which, and I'm pointing to 4325 --  
18 MS. HARRIS: 4825.  
19 THE WITNESS: 4825.  
20 MS. ROBESON: 4825 West Lane?  
21 THE WITNESS: West Lane. And then from this  
22 point, that would be the peak.  
23 MS. ROBESON: And that's on Montgomery Lane?  
24 THE WITNESS: On Montgomery, and then to slope  
25 back to Arlington Road and back to, or down to Woodmont

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1 Avenue.  
2 BY MR. ABRAMS:  
3 Q What is that elevation point feet, as opposed to  
4 the elevation point on which building height was measured?  
5 A I do not know.  
6 Q Okay. Is it the architect's function to prepare  
7 drawings for buildings of certain heights and other  
8 dimensions?  
9 A We are designing the building, yes.  
10 Q You haven't done that yet?  
11 A Yes, we did, and --  
12 MS. ROBESON: Just a second. Let him answer,  
13 unless you want to, are you going to object?  
14 MS. HARRIS: I was going to object and say, the  
15 civil engineer will get into great depth about the  
16 elevations of the surrounding areas.  
17 MS. ROBESON: Okay.  
18 MR. ABRAMS: Well, the question was, don't you, if  
19 you're an architect, don't you have to know the elevations  
20 around as well as how high your building is going to be.  
21 MS. ROBESON: All right. Go ahead and ask that.  
22 THE WITNESS: The answer is, yes.  
23 BY MR. ABRAMS:  
24 Q Okay. Now, in light of that answer, what was the  
25 elevation that you pointed to on Montgomery Avenue, and what

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1 is the elevation that height was measured from for this  
2 building?  
3 A For the subject property, the major eight was  
4 335.80 feet.  
5 Q Okay.  
6 A As to the height of the other properties, I do not  
7 know.  
8 Q Well, you pointed to the highest elevation --  
9 A Yes, I did.  
10 Q -- in the area.  
11 A Yes, because walking the site, I know that that is  
12 the highest --  
13 Q But you don't know specifically?  
14 A I do not know specifically what the height is.  
15 Q Now, when you design a building, do you consult  
16 the guidelines, objectives, and limits with are included in  
17 an area master plan or sector plan?  
18 A Yes.  
19 Q Did you do that in designing this project?  
20 A Yes.  
21 Q Now, the master plan or sector plan speaks of a  
22 transition in building heights. When you say point A and  
23 point B, what does that mean?  
24 A That refers to a tenting between a high point to a  
25 low point. And what it means is that the buildings need to

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1 fall within this tenting concept.  
2 Q So basically you're talking about a tenting  
3 concept?  
4 A Yes.  
5 Q Now, was a transition in height achieved in this  
6 TS-R district prior to the filing of this application for  
7 this property?  
8 A So the question is, what happened before we  
9 started the project? I do not know what happened. I mean,  
10 I do not know what other projects have done prior to our  
11 project.  
12 Q Well, you were part of preparing the exhibits --  
13 A Yes.  
14 Q -- which have been put into evidence, which shows  
15 building heights for various projects, were you not?  
16 A Yes, but it shows the context without, in other  
17 words, our analysis for the tenting was with our project.  
18 Q Are you familiar with the Holiday project --  
19 A Yes.  
20 Q -- for this property?  
21 A Yes.  
22 Q And what was that?  
23 A I mean, I know that was done in our office.  
24 Familiar is a relative term.  
25 Q Do you know the height limits which were obtained

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1 for the buildings and the height of the Holiday project?  
2 A No. No.  
3 Q Now, on page 84 of the sector plan, in the after  
4 version on the bottom of that page --  
5 A Yes.  
6 Q -- the building, I assume, is facing Arlington  
7 Road. Is that flat roofed?  
8 A The lower left hand side --  
9 Q Yes.  
10 A -- is a flat roof. Yes.  
11 Q Okay.  
12 MS. HARRIS: Just to confirm, did you mean  
13 Arlington or Woodmont?  
14 BY MR. ABRAMS:  
15 Q Arlington. Isn't this Arlington Road?  
16 A Actually, I don't know. This is probably  
17 Woodmont, based on the right hand side high-rise building,  
18 which is called the Chase, I believe.  
19 Q Okay. So this is looking westward.  
20 A This is looking westward. And I think that you  
21 can barely see a little building that probably is the  
22 library, at the end of the street.  
23 Q Okay.  
24 A Just a tiny --  
25 Q On top of the building in the lower left hand

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1 corner, is that supposed to be a representation of a green  
2 roof, the trees?  
3 A I don't think that when this plan was done, green  
4 roof was in our vernacular yet.  
5 Q Okay. You went over some of the paragraphs on  
6 page 40 of the sector plan. I think one of them was a step  
7 down of building heights from the Bethesda Metro Center?  
8 A Yes.  
9 Q To achieve compatible transitions. Now, isn't it  
10 a fact that the building heights on both sides of this  
11 property are lower than --  
12 A The immediate adjacent buildings are lower, yes.  
13 Q So the step down from the west, from the east,  
14 going down to the west, when it comes to this property,  
15 there is somewhat of a blip in the step down, is that  
16 correct?  
17 A There is an accent, yes.  
18 Q An accent?  
19 A Yes.  
20 Q An architectural --  
21 A Is that an architectural step? Okay. Number  
22 three says, "Achieve an infill character for new development  
23 by dividing large projects into several buildings. There  
24 has been no attempt to do that on this property, has there?  
25 A Sure it was. First of all, large is again a

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1 qualitative figure, not quantitative. So I don't think that  
2 you can qualify this project as large, looking at what  
3 happens on the street. I mean, after all, we have high-rise  
4 edge on this. So based on that alone, the project is not  
5 that large.  
6 Then we do have architectural elements to address  
7 that very issue. We step the building back, and we do have  
8 an architectural element, the curving at the intersection of  
9 Montgomery and West Lane, which again is mitigating or  
10 trying to address this potential issues.  
11 Q And number five, what sculptural elements have  
12 contributed to the visual interest in the skyline on the  
13 roof area?  
14 A I think that the most dominant one is the curved  
15 concave entrance element.  
16 Q Now, when this project was initially proposed, it  
17 did not have the step downs on the sixth and seven floors,  
18 is that correct?  
19 A Yes.  
20 Q Weren't those types of elements recommended or  
21 requested by the City Homes community, in meetings with the  
22 applicant?  
23 A I know that some of the elements were requested,  
24 but I don't know by whom. It could have been by the staff  
25 or by the civic groups with an interest in the project.

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1 Q Now, that occurred, that element occurred after  
2 comments were received by members of the Planning Board. Am  
3 I right?  
4 A I honestly don't know.  
5 Q You weren't there at that meeting?  
6 A No, but I do not know with the time line of when  
7 things occurred.  
8 Q Now, page 44 of the sector plan, the last  
9 paragraph and this first sentence, and I quote, in addition  
10 to the development of the urban and linear open spaces,  
11 there is a need to provide more traditional parks and green  
12 open spaces within the sector plan area as Bethesda  
13 continues to grow. Do you see that?  
14 A Yes.  
15 Q Now, in light of that language, does that fulfill,  
16 is the building as planned with the hardscape area in front  
17 of the concave cutout? Does it fulfill that language?  
18 A First of all, I would like to address this in a  
19 larger context. When we design the building, we look at the  
20 sector plan, the zoning, or all the other elements such as  
21 fire safety code, in totality. We don't look and have a  
22 check list and say what we'll do. But it's not like one  
23 particular element makes or breaks. We have to look at the  
24 totality. So is there a way, or is there a possibility that  
25 one request gets into a conflict with another request. For

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1 instance, is the desire to have a pedestrian meaningful and  
2 friendly street get into a conflict of creating a park? Is  
3 there a park responding to the need to increase density next  
4 to the Metro? So all these things need to be viewed in  
5 totality.  
6 First of all, a park, I don't think that you can  
7 do in combining four lots. That's not really a park. I  
8 mean, if we talk about a meaningful place in which we can  
9 plant and we can landscape, can have a picnic or whatever,  
10 play, you cannot do the park under certain conditions no  
11 matter what.  
12 But then, in looking at the totality and providing  
13 a respite, if you want, a place where you can break and you  
14 can socialize a little bit, yes, we are providing that in  
15 the spirit of the sector.  
16 Q Apparently there weren't enough traditional parks,  
17 open spaces, when this was adopted within the transit  
18 station area. And they put this language in for a purpose.  
19 Now, by a 10-foot area in the front, which is a green space  
20 in the front, open green space, does that in and of itself  
21 meet this recommendation of providing more open space,  
22 traditional park area where people sit, have trees, relax,  
23 as we see.  
24 A The 10-foot also need to be seen adjacent to the  
25 other semi-circular space that we created. So it's not just

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1 one in isolation. So this complex of spaces, they allow for  
2 one to take a break, sit on a bench, have a conversation,  
3 meet friends, just read a paper. So in that spirit, we  
4 absolutely 100 percent.  
5 Q Now, on page 83 of the sector plan, and the top  
6 representative buildings, do you see those?  
7 A Yes.  
8 Q And that page is entitled, "Low-rise, high-density  
9 housing prototype." So what does that mean to you, when you  
10 look at that page and that portion of the page?  
11 A What does it mean? I think that what this one  
12 shows, probably a guideline is the relation between the  
13 street and the other buildings is actually, if I look at the  
14 whole page, I think that they are again in totality of the  
15 page it shows that you bring the building to the street and  
16 you shift the private space in the middle of the block. And  
17 the top drawing is, in fact, a section through the right  
18 hand side, lower right hand side sketch.  
19 Q So that is representative of low-rise high-density  
20 housing prototype?  
21 A It is representative of certain type of housing  
22 problem.  
23 Q How many floors are on those representative cross-  
24 sections?  
25 A Six.

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1 Q Okay. And you're proposing?  
2 A Seven.  
3 Q There's a little guy on the left hand, at the top  
4 of the drawing, there's a little guy going up stairs. Is  
5 that supposed to represent something?  
6 A Is it okay to speculate on what is the intention  
7 of that guy?  
8 MS. ROBESON: Just answer to the extent you know.  
9 THE WITNESS: I suppose that that's an intention  
10 to show somebody who instead of accessing the first floor is  
11 accessing the second floor, which is a little unusual, but  
12 be it as it may.  
13 BY MR. ABRAMS:  
14 Q But it's an access point?  
15 A Yeah, on the second floor, to go back to the first  
16 floor.  
17 Q Now, were there ever bay windows proposed for this  
18 project?  
19 A We are proposing a bay window reading.  
20 MS. ROBESON: I'm sorry?  
21 THE WITNESS: We are proposing a bay window  
22 reading. In other words, a disposition of windows to look  
23 like a bay window. So the way we group them, and the  
24 appearance of the window will look like what a bay window  
25 would look like.

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1 BY MR. ABRAMS:  
2 Q And was that to make the building appear more  
3 residential?  
4 A Yes.  
5 Q That has been deleted, has it not?  
6 A No.  
7 Q Are you sure?  
8 A Let's go back to the middle page. I'm referring  
9 to Exhibit 106F. And I'm pointing to this grouping of  
10 windows that mimic a bay window.  
11 Q The bay windows were a binding element.  
12 A I do not know.  
13 Q But they're no longer a binding element, if they  
14 were originally a binding element?  
15 A I do not know. I can only point to the design.  
16 Q Now, did you design the way by of West Lane, or  
17 was that done by the engineer?  
18 A No that was done by the engineer.  
19 Q Do you know whether the garage access is going to  
20 be secured in any way?  
21 A I do not know. That is part of the building  
22 management. It can be secured, but I don't know if it's  
23 going to be secured.  
24 Q You don't know whether there's going to be a gate  
25 there or --

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1 A There is going to be a door.  
 2 Q -- a door there?  
 3 A Here is going to be a door, yes.  
 4 Q Now, if the Holiday project had a four-story  
 5 element which proceed towards Montgomery Lane, and this  
 6 applicant picked up lot 26 since that project was approved,  
 7 is there any reason why a four-story element couldn't cross  
 8 lot 26?  
 9 A Firstly, I did not work on the Holiday project. I  
 10 know that our office has done it, but I did not work on it.  
 11 Q Did you consult any information on the Holiday  
 12 project in your work on this project?  
 13 A I don't remember. I don't remember.  
 14 Q As an architect, you wouldn't look at the history,  
 15 the development history of the specific property that you're  
 16 designing?  
 17 A As an architect, I'll looking at the existing  
 18 conditions on the site.  
 19 Q But you don't look at the approved plans for the  
 20 site previously?  
 21 A No.  
 22 Q Now, the new circular entrance at the corner, I  
 23 think Mr. Landfair testified that that was about 1,000  
 24 square feet total?  
 25 A Yeah, I'm not sure what he said.

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1 Q You don't know how many square feet?  
 2 A Well, I'm not sure how he measured, but I know  
 3 they are radius of that circle. That I know.  
 4 Q And do you know that part of that radius also  
 5 included the 10-foot setback area which was originally in  
 6 the first set of drawings?  
 7 A The circle, no. It's outside the 10-foot setback.  
 8 Q Now, who determined the height of the City Homes  
 9 building to be 53 feet?  
 10 A I believe was, and I'm not sure, I believe it was  
 11 done by the civil engineer, in documents provided by the  
 12 civil engineer. But I could be wrong.  
 13 Q But you didn't determine that height?  
 14 A No, we did not.  
 15 Q If you were told, this is the number that you use  
 16 in your testimony, correct?  
 17 A I'm sorry?  
 18 Q If you were told this by somebody else, you used  
 19 that figure in your testimony?  
 20 A Yes.  
 21 Q Now, the 12-foot setback along Montgomery Lane,  
 22 that was done at the suggestion of the Planning Commission?  
 23 A It was done as a, yes, it was done as a  
 24 recommendation. But I'm not sure it was the Planning  
 25 Commission or the city group.

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1 Q Now, what was the purpose of the inset area?  
 2 A The purpose was to respond to a concern raised by  
 3 either the Planning, the staff or the city zoning group.  
 4 Q Concern about what?  
 5 A I suppose by -- I don't know.  
 6 MS. HARRIS: Can we clarify what the question,  
 7 what area he's talking about?  
 8 MR. ABRAMS: The 12-foot inset.  
 9 MS. ROBESON: You mean the scallop or the arc?  
 10 MR. ABRAMS: No, the setback along Montgomery Lane  
 11 from the fifth, from the sixth, the seventh floor.  
 12 MS. ROBESON: Okay.  
 13 THE WITNESS: I do not know what the reasoning. I  
 14 just know that it was a request.  
 15 BY MR. ABRAMS:  
 16 Q Would I have anything to do with the mass and  
 17 scale of the building?  
 18 A I do not know. I do not know now what the  
 19 reasoning was for making that request.  
 20 Q Were you ever advised the reason for it?  
 21 A I don't remember.  
 22 Q If the purpose was to break up the mass and scale  
 23 of the building, has it fulfilled that purpose?  
 24 A Yes.  
 25 Q Would the fulfillment of the breakup of the mass

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1 and scale of that building be enhanced if that 12-foot inset  
 2 went around the West Lane frontage, as well as the  
 3 Montgomery Lane frontage?  
 4 A I don't think it will have an effect on the  
 5 appearance of the building.  
 6 Q You don't?  
 7 A I don't.  
 8 Q Okay. The Hampden Lane project, the big building,  
 9 how close to the City Homes townhomes is that project?  
 10 A Just to make sure, are you referring to --  
 11 Q Along Hampden Lane and Arlington Road.  
 12 A So how close is Hampden Lane project --  
 13 Q Yes. How close are the buildings in the Hampden  
 14 Lane project to be from the property line or the building  
 15 line of the City Homes?  
 16 A Zero feet. How close is this to that?  
 17 Q Yes.  
 18 A Zero feet. It's like touching.  
 19 Q Okay. It goes right up to the property line?  
 20 A Yes.  
 21 Q And it's 71-feet high in a portion of that area,  
 22 right?  
 23 A Yes.  
 24 Q What's going to happen to the view of somebody on  
 25 one of those end units, closest to the Hampden Lane, trying

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1 to look, I guess, south, southeast, southwest, or northwest  
2 out of their apartments?  
3 A Can I ask you a question?  
4 MS. ROBESON: Well --  
5 THE WITNESS: No, but the reason I ask that, I  
6 didn't design this, none of this project. So what does  
7 it -- I mean, whoever --  
8 MS. ROBESON: Okay, but to your knowledge, you do  
9 have to try and answer the question. And so if you're at  
10 the end, southernmost unit of City Homes, and you want to  
11 look northwest --  
12 THE WITNESS: If you want to look northwest, it  
13 doesn't --  
14 BY MR. ABRAMS:  
15 Q No, southwest.  
16 MS. ROBESON: I'm sorry.  
17 BY MR. ABRAMS:  
18 Q If you are in, and I'm pointing to the  
19 southernmost units --  
20 MS. ROBESON: Of City Homes.  
21 BY MR. ABRAMS:  
22 Q -- City Homes. If you want to look either in a  
23 southwest direction, or a southeast direction, what are you  
24 going to see?  
25 A You are going to see this building, West Lane --

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1 Q So basically, the only relief that those people  
2 down here are going to have, is a view across the alley and  
3 the commons in front of their property, the street, and this  
4 building here. So that's the limitation of their view?  
5 MR. KNOPF: This building here, please?  
6 MS. ROBESON: The subject property.  
7 BY MR. ABRAMS:  
8 Q The subject property.  
9 A Well, no, they can look across the alleyway.  
10 Q To another building.  
11 A But that was the case when the building was  
12 designed and when they bought it.  
13 MR. ABRAMS: That's all the questions I have.  
14 MS. ROBESON: Thank you. Mr. Knopf. Round two,  
15 Mr. Radulescu.  
16 CROSS-EXAMINATION  
17 BY MR. KNOPF:  
18 Q If I remember correctly, part of your testimony,  
19 you said that among the changes in the building from the  
20 original proposal, there were articulations or some other  
21 changes made on West Way to make the building more  
22 compatible, or whatever. I want you to focus on those. I'm  
23 not quite sure what those are. If you could show us  
24 something, or explain verbally what is going on?  
25 A Yes, I can refer to Exhibit 106B. And I'm

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1 pointing to a line on the east side of the building, going  
2 north/south. That line, the perimeter of the building, that  
3 wall was straight, and now it has indentations.  
4 Q And how big are those indentations?  
5 A The depth is about five-foot, I would say.  
6 Q I'm sorry, but indentations every foot, every 50  
7 feet.  
8 A Oh, yes.  
9 Q I'm just trying to understand what this is.  
10 A Yes. I think it is 24-foot, 12-foot, 24-foot, 12-  
11 foot, 24-foot.  
12 Q And what is the purpose of making those  
13 indentations? What were you trying to achieve by that?  
14 A Well, we're trying to respond to a concern raised  
15 by somebody outside our team, and to make the building even  
16 more residential.  
17 Q Would I be correct in saying, by making  
18 indentations in the -- let me ask, how long is that? Are we  
19 about 100 feet? Or just roughly?  
20 A Probably, I would say, yes, let's say 100 and  
21 something feet.  
22 Q So the purpose of making indentations you said  
23 every 20 some feet, is that --  
24 A Roughly every 12 to 24 feet, there is a 12-foot  
25 indentation, or a setback.

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1 Q A setback. Does that sort of make the building  
2 appear not as one wall, but breaks it up into separate --  
3 A To give it even more residential feel, that's what  
4 we have it for. To enhance that residential feel.  
5 Q Well, I understand, but I'm having trouble  
6 understanding what you mean by residential. I mean, because  
7 it breaks the wall up into separate units to make it appear  
8 residential?  
9 A No, no, no. We design the building to look  
10 residential, but there were some opinions that it is not  
11 residential enough. So to address those concerns, we have  
12 broke down that length of the wall even more than it was  
13 broken down before.  
14 Q Into separate --  
15 A Into separate readable independent, yes --  
16 Q And did you, readable independent. That's what I  
17 wanted to know. And did you do the same thing along  
18 Montgomery Lane?  
19 A Montgomery Lane is a very short --  
20 Q No, the question is, did you do the same thing  
21 along Montgomery Lane?  
22 A Yes, we did but we did it differently.  
23 Q How different?  
24 A Yes.  
25 Q What did you, did you break it up every 12 to 24

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1 feet?  
2 A No, we did one big break.  
3 Q One big break?  
4 A Yes.  
5 Q Where is that one big break?  
6 A It is this.  
7 Q The corner.  
8 A Because it is semi-circular break, that was it.  
9 Q So not counting the break, I know we've been  
10 through this before, but refresh my recollection, what's the  
11 length along Montgomery Lane from the western boundary,  
12 western corner, to the indentation, not --  
13 A That dimension?  
14 Q Yes. Was that 80 feet, if I remember correctly?  
15 A That dimension is 70 foot eight inches.  
16 Q 70 feet. All right.  
17 A Not 70, 70-8.  
18 Q 78?  
19 A Eight inches.  
20 Q Eight, sorry. Thank you. So that's not broken up  
21 in to 12 or 24?  
22 A Yes. 70, no.  
23 Q It's just one solid?  
24 A Well, it's not solid.  
25 Q I mean it's --

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1 A It has a reading of bay readings and regular  
2 windows.  
3 Q Bay windows. Okay. Now, is there any, would you  
4 agree with me that if you made some indentations such as  
5 that were on West Lane, and actually made them, I don't know  
6 if it's the right term, deeper than one foot, it would be  
7 more like separate indents, more like a townhouse?  
8 A I do not agree.  
9 Q You don't. All right. Well, let's look at the  
10 building next door. You have 106. You have looked at that.  
11 It was 106F and 106G. If you would put both of those up, I  
12 would appreciate it. They're both color.  
13 A Well, I mean --  
14 Q One is the aerial and the other is the various  
15 buildings. One is the aerial.  
16 MS. HARRIS: I think it's in there. I think it's  
17 in that group.  
18 BY MR. KNOPF:  
19 Q Thank you. Looking at 106F, I'm focusing your  
20 attention now on 4825, I think it's 4825 Montgomery Lane,  
21 although it's been referred to as West Lane. I believe it's  
22 Montgomery Lane. Whatever, 4825. Wherever that is. I'm  
23 looking at 106F. About how, what's the frontage along  
24 Montgomery Lane on that? Is that 70 feet, 50 feet, 40 feet?  
25 A You're referring to --

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1 Q Yes.  
2 A What is the frontage? I don't know. We can scale  
3 that. We didn't design that, sir.  
4 Q Right. Is it more or less than the frontage that  
5 you have on your building, without counting the curve?  
6 A Just by looking at this Exhibit 106F --  
7 Q Yes.  
8 A -- it looks like the brick area is almost the  
9 same.  
10 Q You're estimating?  
11 A Yes.  
12 Q Okay. Now, looking at 4825, isn't that designed  
13 in a way so that its broken up so that there is  
14 architecturally, or you can explain it to me, because I  
15 don't know the terms --  
16 A Yes.  
17 Q -- architecturally or setbacks or something? It's  
18 broken up in to what, at least three or four different  
19 buildings?  
20 A Gladly. This is put on this street, you know.  
21 It's a shoebox which has been clad. There's no relief.  
22 There is no setback. It's just a straight exterior building  
23 with a solid base with garage doors.  
24 Q No, I'm -- sorry, I'm asking you to focus on  
25 Montgomery Lane, not West Lane.

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1 A Montgomery Lane. Yes, sir.  
2 Q That's why I find it helpful to look at 106F.  
3 A Okay. So going back to --  
4 Q I said 106F. When I look at that, don't I see on  
5 one section, say to the west, it has one kind of windows.  
6 When you get in the middle it has another kind of windows.  
7 And when you get to the east it has another kind of windows?  
8 So it's sort of reads, it reads as three -- it breaks up  
9 this into sort of like three units, doesn't it? Or am I  
10 reading that wrong?  
11 A No, it reads as three windows. I wouldn't say --  
12 Q I mean, three units?  
13 A No, it reads as three windows.  
14 Q Three windows.  
15 A But you pointed out, there is one window, second  
16 and third.  
17 Q No, I -- yes, there's three windows to the west  
18 facing Montgomery Lane. Is that correct?  
19 A Yes.  
20 Q Right. But then, when we go to the east, is the  
21 western portion set back? Is that what those -- let me, if  
22 I may approach. It may be easier.  
23 MS. ROBESON: You may.  
24 BY MR. KNOPF:  
25 Q I don't know the right terminology. My reading is

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1 wrong that this, sort of what would you call that feature?  
2 Brick or stone?  
3 A Cornerstone.  
4 Q It's what?  
5 A Cornerstone.  
6 Q Cornerstone. Does that mean that this is set  
7 back, the western part is set back?  
8 A Well, the cornerstone doesn't mean anything. The  
9 drawing shows the setback.  
10 Q Oh, so it is setback. So a portion of the  
11 buildings is set back?  
12 A Yes.  
13 Q And would I be, would it be fair to say that it's  
14 set back more than a foot?  
15 A You tell me.  
16 Q No --  
17 MS. ROBESON: You can't, you can't say that. You  
18 have to try and answer his question.  
19 BY MR. KNOPF:  
20 Q That's not an indentation is it?  
21 A Even if I didn't design the building.  
22 MS. ROBESON: Well, if you know.  
23 THE WITNESS: I don't know. I didn't do it. I  
24 don't know as a fact what that dimension is.  
25 MS. ROBESON: You know it's set back, but you

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1 don't know by how much?  
2 THE WITNESS: Yes.  
3 MS. ROBESON: All right.  
4 BY MR. KNOPF:  
5 Q What I'm trying to get at, I don't want to prolong  
6 this. I'm trying, doesn't this building looking at 106F,  
7 doesn't the building as it fronts Montgomery, and you're  
8 looking straight at it, appear to be divided in some way, or  
9 separated into three separate parts?  
10 A I would say that the building has made no attempt  
11 to break the mass in a way compatible to actually the rest  
12 of the street.  
13 Q I see. But would you agree with me, it does make  
14 attempt to break the mass? You may not like the  
15 compatibility part.  
16 A No.  
17 Q No?  
18 A Because breaking the mass is not just cut in the  
19 building. You are trying to achieve a goal, is that  
20 correct?  
21 Q I'm trying to reduce the bulk and mass of this  
22 facing this, and would you agree with me --  
23 A I understand.  
24 Q -- that by varying the window treatments, by  
25 having a, I forgot what you called it, but the stone work

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1 going down --  
2 MS. ROBESON: Cornerstones.  
3 BY MR. KNOPF:  
4 Q -- cornerstones, that that is, that is a breaking  
5 of the mass?  
6 A No, I disagree completely.  
7 Q I see. All right. Let me, now, is it not, is  
8 that, do I see a doorway? I'm sorry, I'm looking at, this  
9 says 81, but I think it's 106, 106E, I think.  
10 MS. ROBESON: That's 81?  
11 MR. KNOPF: Well, this says 81. I think it was  
12 106.  
13 MS. HARRIS: The difference was the most recently  
14 one, which is 106 something, had the names of the buildings  
15 at the bottom.  
16 MR. KNOPF: I was using, that's why I was  
17 referring to 106.  
18 MS. ROBESON: I'm sorry. I missed it.  
19 MR. KNOPF: Well, it doesn't matter. This has the  
20 same pictures. I just, I just was surprised to see 81, when  
21 I said for the transcript purposes that we were dealing with  
22 106F and 106G.  
23 MS. ROBESON: Right. I understand. Is it 106C?  
24 MR. KNOPF: I think it's F and G.  
25 MS. ROBESON: F is the aerial. G is surrounding

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1 an approved TSO?  
2 MR. KNOPF: Yes, that's what this is.  
3 MS. HARRIS: That's it.  
4 MR. KNOPF: Yes.  
5 MS. HARRIS: Can you put it up?  
6 MR. KNOPF: No, we can use this. It's the same.  
7 MS. ROBESON: Well, I'd like the other one, just  
8 for the record. It's easier when we're referring to the  
9 building names.  
10 MS. HARRIS: 15, Marius.  
11 THE WITNESS: 15.  
12 MS. HARRIS: Yes, it should be 15.  
13 THE WITNESS: That's 81.  
14 MS. HARRIS: No, that's it.  
15 MS. ROBESON: We had it this morning, I think.  
16 MS. HARRIS: Yes, we did. Try seven, Marius.  
17 MS. ROBESON: Well, I mean, he can proceed with  
18 81. I was just -- now, we turned one over. No, it wasn't  
19 that one.  
20 THE WITNESS: Got it.  
21 MR. KNOPF: Good for you.  
22 MS. ROBESON: Now we're looking at 106G. Correct?  
23 MS. HARRIS: Correct.  
24 MS. ROBESON: That's what it says.  
25 MR. KNOPF: 106G. Just to make the record clear,

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1 4825, it does say Montgomery Lane.  
2 MS. ROBESON: Oh, it does say Montgomery.  
3 MR. KNOFF: Yes, it is Montgomery Lane.  
4 MS. ROBESON: Okay.  
5 BY MR. KNOFF:  
6 Q Would you agree with me that --  
7 MS. HARRIS: Can you move back a little bit?  
8 BY MR. KNOFF:  
9 Q Sorry. The depiction of 4825 Montgomery Lane on  
10 106G basically is an orientation looking into West Lane  
11 rather than looking at the building from the front into  
12 Montgomery, from the front of Montgomery?  
13 A I wouldn't say. I mean, I would know what  
14 orientation it is now, based on that image.  
15 Q Well, would you know whether a depiction in the  
16 lower right hand corner of 4825 Montgomery Lane, is that an  
17 entrance way, a doorway there?  
18 A It looks like a, it looks like a door, yes.  
19 Q Okay. All right. Now, the, to refresh everyone's  
20 memory, the number of dwelling units per acre for this site,  
21 if I'm correct, it's 135?  
22 A Yes.  
23 Q And the sector plan, would you agree with me that  
24 the sector plan calls for a range of a minimum of 45  
25 dwelling units, and they say would maybe average out at

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1 about 100? Do you recall that, in the sector plan?  
2 A I do not know.  
3 Q You don't know?  
4 A No.  
5 Q But you've nevertheless concluded that you don't  
6 know but you concluded that this did meet the sector plan's  
7 density requirements without knowing that?  
8 A When we set out to design the building, we use all  
9 the applicable codes or regulations. The fact that one, the  
10 building incorporates those, I really cannot remember all  
11 the names or all the where they came from.  
12 Q All right. Well, then, let me do this another  
13 way. I believe you, part of your testimony, you explained  
14 that if you lowered, took off a floor of this building, it  
15 would be harder to get the number of units you want?  
16 A It would be harder to get the square footage  
17 necessary for the bonus density.  
18 Q For the bonus density. Well, it would harder,  
19 therefore, it would be harder to get the total number --  
20 well, back up. Couldn't you have, if you had a -- how many  
21 MPDU's does this building provide under your proposal? Is it  
22 15 or 18?  
23 A I believe it's 18.  
24 Q 18. All right. So if you had 100 dwelling units  
25 of a size, smaller size of dwelling units than the average

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1 size you're proposing here, couldn't you put in another 18  
2 MPDU's and still have say six floors?  
3 A Well, I think that if I read the code correctly,  
4 at 100 units, the MPDU's will be only 15.  
5 Q Excuse me. Okay. Whatever the math. 120.  
6 A And then the 15 percent is based not on any number  
7 of units. It's based on getting bonus density. And the  
8 bonus density is based on the net lot. And the net lot is  
9 based on FAR. So there's a whole mathematical calculation.  
10 We start with that, not with the number of units. The  
11 number of units results based on those facts. The FAR --  
12 MS. ROBESON: Well, I think when you say that you  
13 have 120 units, you must have a size unit. Like I've had  
14 other architects testify that they use, I forget what it is,  
15 1,000 square feet per unit to design the building. So you  
16 must allocate that space to come up with a total unit count.  
17 You must allocate a size of units.  
18 THE WITNESS: Yes, but what I wanted to say, the  
19 process starts with what's available. And that is a total  
20 square footage, based either from --  
21 MS. ROBESON: Right. But I think what Mr. Knopf  
22 is asking is, could you get the same number of units.  
23 Don't, say you're not designing to fill in the maximum FAR.  
24 Okay. Just pretend you're not filling in that 3.05. You  
25 are simply designing for X number of units. I think his

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1 question is, is it possible to design smaller units, and not  
2 have this in the same amount of units in six floors?  
3 THE WITNESS: You can design smaller units or  
4 larger units. So a number of units can result in a smaller  
5 or a larger building.  
6 MS. ROBESON: That's what I wanted to know.  
7 BY MR. KNOFF:  
8 Q So we could get, let's say, to get 18 MPDU's, we  
9 have to have 120 total units. Am I correct to say, you  
10 could get 120 units in a seven-story building, or you could  
11 get 120 units in a six-story building, but the units  
12 obviously would be smaller in the six-story building?  
13 A I'm afraid that my answer needs to be put in the  
14 right context. In other words, you can say yes or no to a  
15 question.  
16 Q Yes, that's what I want you to do.  
17 A Yes, but the --  
18 MS. ROBESON: That's what you have to do. I mean,  
19 if you can do it, you are supposed to answer. I already  
20 heard what you said about the context, and I understand  
21 that. But now you need to answer his question, and just  
22 answer his question.  
23 THE WITNESS: So the question is --  
24 BY MR. KNOFF:  
25 Q Could you get the same --

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1 A Can I --

2 Q I'm sorry. Go on. You remember the question.

3 A Can I get the same amount of units in a smaller

4 building?

5 Q Yes, but with the understanding that they would

6 be, the average unit would be smaller than it would be if

7 it's in a seven-story building. The six-story building

8 would have smaller units than the seven-story.

9 A I believe, I can say no because then the units

10 would be at the size that is not marketable.

11 Q Okay. Let's back up.

12 MS. ROBESON: So what is the marketable size?

13 THE WITNESS: I believe that I would just say

14 1,000 average. But there are units that are two-bedrooms,

15 that are one-bedroom, but --

16 MS. ROBESON: As an average.

17 THE WITNESS: I do know, it would not be specific

18 to this project, I would say that depending where you are,

19 if you are designing in downtown or in New York or in the,

20 let's say Gaithersburg, would be the size --

21 MS. ROBESON: Wait a minute. You just said that

22 if you reduce the size, they units wouldn't be marketable.

23 THE WITNESS: Yes.

24 MS. ROBESON: So you must have an idea of some

25 marketable size.

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1 THE WITNESS: Right. And I will say that what we

2 have right now on the drawing is in the interest of numbers

3 is what the team believes is a marketable result.

4 MS. ROBESON: But do you know, do you know if

5 smaller units would be marketable?

6 THE WITNESS: That, I would say that is not my

7 role to define what is marketable and what is not.

8 MS. ROBESON: That's fair.

9 BY MR. KNOPF:

10 Q I see. Well, let me ask, on the Exhibit 106A,

11 which is the development plan, it lists something like five

12 efficiencies, 29 one-bedroom, six, 42 one-bedroom with den,

13 seven one-bedroom, I'm sorry, 26 two-bedroom. Is your

14 understanding that what's set forth here is in stone, in

15 other words, you know that only market rate you can only

16 have five efficiencies. You won't be able to sell six?

17 A I don't believe that is set in stone, but I don't,

18 this is, again, the program doesn't come from the architect.

19 Q I see, but from an architectural expertise, not

20 from a marketing expertise, would you agree with me that a

21 six-story building can have the same number of units as a

22 seven-story building, but they would just be smaller?

23 A Hypothetically, yes.

24 Q All right. Thank you. Okay, now, one other

25 thing. But obviously, as you get to a smaller building,

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1 less stories, less square footage, you're saying, your

2 testimony is, it becomes more difficult to put in more units

3 because you're saying there's a market considerations that

4 come into effect?

5 A It's more difficult. Yes.

6 Q Yes. Now, are you aware, you've read the sector

7 plan, correct?

8 A Yes.

9 Q And the sector plan recommends on Montgomery Lane

10 that the stories, they average from three to six stories, is

11 that correct?

12 A On Montgomery Lane? No, I don't --

13 Q No. Do you not recall the urban village concept?

14 A Right now I don't.

15 Q Well, let's --

16 MS. ROBESON: You've browbeat him too much. You

17 remembered it before the hearing.

18 BY MR. KNOPF:

19 Q Well, just work on the assumption that there is a

20 three to six-story recommendation for along Montgomery Lane.

21 Would you agree with me, then, that if the sector plan talks

22 about 100 foot, sorry, 100 DU's in the transit station area,

23 so all of Bethesda, would you agree with me that perhaps the

24 sector plan was not calling for the maximum number, or even

25 the average number of dwelling units on Montgomery Lane,

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1 since they're shrinking it down to three to six stories,

2 that perhaps the sector plan, talking about the whole

3 transit station district was saying, you've got to put more

4 in some other place where we don't have that height

5 limitation?

6 A I would say that the sector plan talks about the

7 transit. And then as you go some other place, meaning you

8 still need to be within a certain distance from the transit

9 areas.

10 Q But the sector plan, assume it talks about a

11 minimum of 45 dwelling units. And the transit station, are

12 you aware of how many units, total, you can have in the

13 transit station zone, TS-R zone?

14 A How many dwelling units in the total TS-R zone?

15 Q No, per acre?

16 A Well, I think that I --

17 Q Are you aware that --

18 A -- I wrote that there is a maximum of 150.

19 Q Right. But would you agree with me that by the

20 sector plan, assuming it's correct, because I understand you

21 don't recall, the sector plan is calling for three to six

22 stories along Montgomery Lane, that it was not home for the

23 maximum of 150 dwelling units along this area, or perhaps

24 not even 100, which they said might be the average?

25 A Yes, but the zoning, my interpretation is clear,

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1 that you can exceed those numbers if you provide MPDU's.  
2 Q I understand. But are you suggesting that they  
3 can exceed the three to six story limit to unlimited  
4 heights, up to 100, up to 150, if, or whatever --  
5 A Well, I think that --  
6 Q -- height limit as long as they make the MPDU's?  
7 A I believe that as long as you look at the totality  
8 of the skylines, and you are in that, you can exceed to  
9 fulfill the goal of the sector plan. Yes.  
10 Q Right, but the goal of the sector plan is, the  
11 whole sector plan area, including the large area that has  
12 the TS-R zone, is that correct?  
13 A You're still specific now, and it's too -- sorry  
14 but it's too legalistic. What --  
15 Q Well, would you agree with me that the goals to be  
16 achieved are not all, not the total number of units the  
17 goals seek to achieve are supposed to be put on one street,  
18 but are supposed to be put all around the TS-R zone?  
19 A But we are not, we are not designing other  
20 streets. We are designing just one building.  
21 Q Right. Now, just to look at, and I forgot what  
22 the number is, the one behind you, 106 --  
23 A 106G.  
24 Q Okay. Now, the building in the left hand corner,  
25 Hampden Lane, I believe we've been referring to that, right?

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1 A Yes.  
2 Q And you, if I remember your testimony correctly,  
3 you said that you were looking at that building and keeping  
4 in mind how you would design your building, to try to make  
5 it compatible with the buildings in the area?  
6 A We look at the overall concept.  
7 Q Right. So you relied on that to some degree to see  
8 what's going on in the area?  
9 A Yes.  
10 Q Okay. And would you agree with me that that  
11 building on Hampden Lane looks across Hampden Lane into  
12 commercial strip shopping center?  
13 A Yes.  
14 Q So there's quite a difference in what one might  
15 architecturally create on one side of a street that looks  
16 into commercial, as compared to what's going on on  
17 Montgomery Lane, isn't that correct?  
18 A Right, but the back doesn't look into a commercial  
19 street.  
20 Q You're not looking at the back here. Let me get  
21 the front.  
22 A We are talking about one building. There's the  
23 back and the front. And the impact, the impact would be  
24 around the building, not only one side.  
25 Q Well, let's take a look at another building, for

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1 example. On the right hand corner you have 4901 Hampden  
2 Lane. Now, as you know, just let me reflect for the record,  
3 we do not agree that that is an accurate representation of  
4 what's going on. But assuming, assuming, I understand you  
5 relied on that representation, and began trying to figure  
6 out whether your building was compatible, the side of your  
7 buildings, is that correct?  
8 A We rely on all of this, yes.  
9 Q Right. Now, doesn't that building, 4901, the view  
10 that we have, doesn't that face across Woodmont?  
11 A Yes. Yes, it does.  
12 Q And could you, and could you go to the other  
13 exhibit and explain your exhibit? What are you looking at  
14 across the street on Woodmont? Isn't it solid commercial  
15 office building type things along that street?  
16 A What I believe, that this is residential.  
17 Q Right. But when you look behind and you look  
18 north, it's a solid canyon of commercial and --  
19 A Well, up to a point, then this is canyon  
20 residential. This is canyon residential. So it's a mixed  
21 canyon.  
22 Q But it's quite -- right. Okay. But there's not a  
23 canyon, not yet anyhow, on Montgomery Lane?  
24 A No, it is not going to be --  
25 Q Okay.

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1 A -- unless somebody builds another Edgemoor on the  
2 other side.  
3 Q Thank you. I got a little bit lost, and if you  
4 bear with me, I'm going back to the loading and those areas  
5 because I couldn't quite find that. If you could find that,  
6 you had an exhibit with red markings on it which showed the  
7 loading areas, which you were using.  
8 By the way, as long as you are looking at that,  
9 you talked about bay windows, that reads as a bay window.  
10 Why don't you put in a real bay window?  
11 A That would decrease the setbacks. So we would  
12 project closer to the surrounding buildings.  
13 Q But if you pulled the building -- how far out  
14 would a bay window stick out, a real bay window?  
15 A It probably depends.  
16 Q But the minimum, that it looks like a real one,  
17 not a reading one. Six feet, 10 feet, eight feet, five? I'm  
18 just --  
19 A No, it would be in the order of maybe 18 inches  
20 to, depending on the scale of the building, of course, but  
21 if you look at the, I don't know, there are no other, but  
22 single-family home would be that big.  
23 Q That big meaning --  
24 MS. ROBESON: When you say that big, no, it's  
25 okay.

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1 THE WITNESS: It would be, let's say 18 inches,  
2 two feet.  
3 MS. ROBESON: 18 inches.  
4 BY MR. KNOPF:  
5 Q Two feet. All right. So if we set the building  
6 back two-feet more from the property line, you could still  
7 put in two feet of bay window, and we wouldn't be protruding  
8 into the setback.  
9 A If the goal would be to check a number, in other  
10 words, to judge a building by the number of feet, and not  
11 look at any other aspect of the building, what you want to  
12 achieve, what the goals are, it probably is correct. But  
13 that wasn't our --  
14 Q I want to understand. That was my idea, not  
15 yours.  
16 A So what is the number of exhibit that you are --  
17 Q Well, it's 106A marked up with the --  
18 A 106A.  
19 Q -- but I don't know that that's the one that has  
20 the markings on it. It's the same plan with red markings on  
21 it. Mr. Abrams asked you a number of questions about that.  
22 MS. HARRIS: Is that the one you wanted, Mr.  
23 Knopf?  
24 MR. KNOPF: Yes. Yes.  
25 MS. ROBESON: And what is that? 80?

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1 THE WITNESS: 89.  
2 MS. ROBESON: 89.  
3 BY MR. KNOPF:  
4 Q Sorry. You explained this, but I'm just a little  
5 bit lost. There is a garage loading area, I understand,  
6 going down into the garage. And then there is something I  
7 will call a surface level loading area. Is that all right  
8 to say? Could you point that -- right. Now, is that,  
9 that's into the building?  
10 A Yes, into the building.  
11 Q So there would be a door or --  
12 A There will be a door, yes.  
13 Q I thought we had testimony from Mr. Landfair that  
14 when one made the three, the hammerhead turn, they would  
15 have to back up into that loading area to turn around. Am I  
16 misunderstanding that?  
17 A I don't know what Mr. Landfair said.  
18 Q But if there's going to be a door there, they  
19 obviously couldn't.  
20 A Well, if you say you couldn't, that means that you  
21 cannot get into a building unless you have a door.  
22 Q No, I mean, somebody not getting into the  
23 building, just turning around, not using that loading area,  
24 just wanting to turn around so they could use the --  
25 A I don't know what Mr. Landfair said.

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1 Q Okay. And you said that was, I believe, 22 feet  
2 deep?  
3 A It was, I believe, it was I believe 22 by 12. I  
4 have to go back to the notes.  
5 Q Okay. That's what you did, I agree with that.  
6 That's what my notes reflect, yes.  
7 A Okay.  
8 Q Now, if somebody is unloading there, what, I guess  
9 at the end of the 22 feet, if there is what? So what do you  
10 do when you unload? That's what I'm --  
11 A You, I figure there is a door, and you get into a  
12 corridor and you get into the building.  
13 Q So there must be an elevator there, or no, do you  
14 have to go down to the garage to use that elevator?  
15 A No, no, no. You can go back to where the elevator  
16 is. But through the building.  
17 Q To get to the elevator in the front of the  
18 building, toward the front of the building?  
19 A Yes, where they are there. Where the elevator is,  
20 yes. So you unload and you walk what you unload to the  
21 elevator.  
22 Q Through the lobby?  
23 A No, not through the lobby, through a corridor.  
24 The lobby is --  
25 Q If I'm unloading furniture, for example, how do I,

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1 how do I -- I thought you said that they may be able to  
2 unload furniture here.  
3 A Yes. You just unload the furniture, and you push  
4 it or you carry it or whatever you do, and go to the  
5 elevator. You don't go to through the lobby. The lobby is  
6 here. Okay.  
7 Q Is it the same elevator lobby?  
8 A I think I can explain.  
9 Q I think that's what I'm asking.  
10 A The elevator is in between the loading dock and  
11 the entrance. So if you come from one side, you come from  
12 the entrance to the elevator. You come from the other side,  
13 from the loading dock to the elevator. You don't have to  
14 cross into the lobby.  
15 Q So actually, if you move the elevator a little bit  
16 further away from Montgomery Lane, you'd be closer to the  
17 loading area?  
18 A But further away from the entrance.  
19 Q I understand. Well, that reminds me, and thank  
20 you for reminding me, the building, I'm sorry, the building  
21 in depth from Montgomery Lane to the end of the building  
22 footprint, yes, how long is that?  
23 A I believe it's 209 feet.  
24 Q 209 feet.  
25 A But I will rely on what has been submitted rather

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1 than on my --  
2 Q Well, just roughly. Let's just say roughly --  
3 A Yes.  
4 Q -- 200 feet. I'm not trying to do this exactly.  
5 Now, there will be units toward the rear of the building, is  
6 that correct?  
7 A Yes.  
8 Q And what's your rough estimate of somebody in the  
9 last unit, how far would they have to walk to get to the  
10 elevator in the front of the building?  
11 A Let's say they'll have to walk two-thirds.  
12 Q Two-thirds, so 170 --  
13 A No, it's two-thirds minus the depth --  
14 Q Thank you.  
15 A -- of the unit. So it's from 209 minus 60, 149,  
16 divided by -- so about 70 feet. I don't know. I'm just  
17 saying.  
18 Q 70 feet.  
19 A It's just --  
20 Q Roughly. Would you agree with me, though, if you  
21 move the elevators back from Montgomery Lane, that they  
22 would be closer to those back units?  
23 A But this unit would be further away.  
24 Q I understand. So it's a trade-off. Some units  
25 are closer, and some units aren't. Okay. Thank you. Now,

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1 to get back to my original question, sorry. I'm a little --  
2 now, is it your understanding if a UPS truck, just  
3 delivering packages, would not be using the loading dock?  
4 They would be using the lay by, is that it?  
5 A Yes, because a UPS truck would be there, and I  
6 don't want the traffic can speed more by, but that's why.  
7 Q Okay. Just one last thing. I'm totally lost.  
8 You got my truck in the basement, but I'm not quite sure why  
9 I have to go 120 feet. I'm not going down 120 feet. You  
10 said there was some huge, kind of a number, some huge number  
11 of footage that the truck had to go to get to the loading  
12 dock. And it was more than the width of the building.  
13 Could you explain that? That's what I'm a little bit lost  
14 on. I don't understand that.  
15 A Well, I don't see the relevance of how much a  
16 truck would have to drive into the building to park.  
17 MS. ROBESON: But that's not up to you. I'm  
18 sorry. You said it was 200 feet.  
19 THE WITNESS: Yes, I gave a number. Yes.  
20 MS. ROBESON: And can you explain --  
21 MR. KNOPF: Yes, please.  
22 MS. ROBESON: -- how you arrived at that number?  
23 THE WITNESS: Yes. I calculate, so from the end  
24 of the building, which is on the northeast corner, so you go  
25 into the building. You go down the ramp, then you make a

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1 turn, and then you make a turn and then you park somewhere  
2 here. So then I approximated a height, the length from the  
3 entrance to where the van would start.  
4 BY MR. KNOPF:  
5 Q I see, because -- now I think I understand,  
6 because that's where the elevators are to take the things  
7 upstairs?  
8 A As I mentioned before in that graphic explanation  
9 of how we packed the building. In trying to pack the  
10 building in the most efficient way, we found not only that  
11 the elevators would occupy less space if they are where they  
12 are right now, but also that the loading dock, because how  
13 the building is configured, will be a large area that they  
14 could use. So it's not only just a space. It's more room  
15 to unload with boxes, whatever, unpack. So, but then you  
16 have to just drive a few more feet otherwise.  
17 MR. KNOPF: And I presume, I'm going to ask Ms.  
18 Harris, this, we'll have, I don't want to ask him questions,  
19 if we're going to have a traffic person that can explain  
20 this, or am I wrong?  
21 MS. ROBESON: The on-site circulation?  
22 MR. KNOPF: Yes.  
23 MS. HARRIS: He will testify to the on-site  
24 circulation, but the civil engineer prepared the turning  
25 radius diagram. And so those questions should be directed

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1 toward the civil engineer.  
2 MR. KNOPF: So he would explain the loading and  
3 unloading area in the basement? I just don't -- or do I ask  
4 this witness?  
5 MS. ROBESON: Someone is going to explain the  
6 loading and unloading, how the circulation, the on-site  
7 circulation.  
8 MS. HARRIS: Yes, that will be Mr. Irish.  
9 MR. KNOPF: Okay, because I have other questions.  
10 I don't want to ask --  
11 MS. ROBESON: Yes. Thank you.  
12 MR. KNOPF: But if I weren't going to have  
13 someone, I was going to stay with him. All right. Just a  
14 minute. Let me see if I have any more questions. By the  
15 way, will the civil engineer or someone be testifying as to  
16 all of the exhibits that Mr. Abrams asked questions about  
17 that the witness said he didn't prepare? Is somebody going  
18 to then validate these exhibits?  
19 MS. ROBESON: Well, Mr. Radulescu, did you prepare  
20 that aerial?  
21 THE WITNESS: Yes.  
22 MS. ROBESON: And that was based on other  
23 information that was provided to you, correct?  
24 THE WITNESS: Yes.  
25 MS. ROBESON: And what about the elevations, the

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1 ones with the geese? Remember that.  
2 THE WITNESS: That was prepared by a renderer,  
3 based on the information that he got from the team.  
4 MS. ROBESON: Okay. And that was, I'm sorry,  
5 prepared by who?  
6 THE WITNESS: A renderer. A professional  
7 renderer.  
8 MS. ROBESON: Okay. Was it prepared under your  
9 supervision?  
10 THE WITNESS: Yes.  
11 MS. ROBESON: And what about the one with the line  
12 showing the height, the division?  
13 THE WITNESS: This one, we prepared the exhibit,  
14 however, the location of the line came from the team, and  
15 the photographs --  
16 MS. ROBESON: Who on the team?  
17 THE WITNESS: Well, the civil engineer told us  
18 what the 35-foot zone was.  
19 MS. ROBESON: Okay. All right.  
20 THE WITNESS: The picture came from what I think  
21 is a public record.  
22 MS. HARRIS: Correct.  
23 MS. ROBESON: Yes, the site plan.  
24 THE WITNESS: But we put together that image.  
25 MS. ROBESON: Okay. All right. So some of your

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1 exhibits are based on the information that the civil  
2 engineer provided you.  
3 THE WITNESS: Yes.  
4 MS. ROBESON: But you supervised the preparation  
5 of these?  
6 THE WITNESS: Some of the exhibits, just like that  
7 one or this one.  
8 BY MR. KNOPF:  
9 Q Speaking of, thank you for reminding me. Speaking  
10 of the birds, that picture that we have of the birds, the  
11 photo, if you could get that one, please? Could you explain  
12 to us where, if somebody were taking that picture, apart  
13 from the birds and the trees, where would they be standing?  
14 Where was that picture taken from? What were we viewing this  
15 from? Were we on the opposite side of Arlington?  
16 A This is Arlington Road.  
17 Q Right. But I mean, is the person, where is that  
18 view from the standing in the library parking lot? I'm  
19 trying to understand who would see that? Is that realistic.  
20 Is anybody going to be able to even stand where that picture  
21 is taken from?  
22 A Well, if nobody was standing, how would they take  
23 that picture. So by the fact --  
24 Q This is all computerized, is it not?  
25 A The picture is. In other words --

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1 Q The computer didn't have to stand someplace then.  
2 A Well, these buildings are real buildings.  
3 MS. ROBESON: Well, let me do this. I thought you  
4 testified that you took an existing picture.  
5 THE WITNESS: We took pictures from the  
6 surrounding area, and we used those in the preparation of  
7 the exhibit.  
8 MS. ROBESON: Okay.  
9 THE WITNESS: So we have, I don't know, 100  
10 pictures from around this. And we choose picture that shows  
11 the street.  
12 MS. ROBESON: Does that answer your question.  
13 BY MR. KNOPF:  
14 Q Well, not, I'm trying -- after this project is  
15 built, let's assume it looks exactly as you depict there,  
16 where would one have to be to see that view? Where would  
17 one have to stand? Does that help?  
18 A We'll have to see to, yes, to stand on Arlington  
19 Road on the west side of Arlington Road.  
20 Q All right. And they would see from there, then,  
21 the top two stories of your building, even though they are  
22 set back. Is that correct?  
23 A From Arlington Road, yes.  
24 Q And I believe you said that you are building,  
25 you're not trying to hide the top two stories. People can

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1 see them.  
2 A Right.  
3 Q Now, if I'm walking across the street, where, in  
4 your view, if any place, and I'm walking down Montgomery  
5 Lane, where would I stop seeing those top two stories?  
6 A When you are in front of the building.  
7 Q We're directly in front of the building?  
8 A Yes.  
9 Q So that I'm walking toward the building, either  
10 from Arlington or from Woodmont, I could see the tops?  
11 A Yes.  
12 Q Okay. Thank you. That's helpful. Okay. Now,  
13 you mentioned on the rooftop there may be some use, and I  
14 want to get into it, either private or public use space on  
15 the rooftop? Correct? You're considering that.  
16 A Yes. Access to the roof.  
17 Q Right.  
18 A The residents have access to the roof.  
19 Q Now, if that's the case, would that mean that the  
20 rooftop penthouse would have to be higher, because the  
21 elevator would go up to the roof?  
22 A Yes.  
23 Q So it would be higher?  
24 A The elevator will have to, will have to stop at  
25 the roof, yes.

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1 Q So then that means we're talking about another 15  
2 feet above what we have now?  
3 A For the elevator housing, yes.  
4 Q So we already have, if I'm not mistaken, I think  
5 you estimate, someone estimated, let me rephrase that, I  
6 think Mr. Landfair said we were talking about 15 feet for  
7 the penthouse. Now we're saying that we add another 15  
8 feet --  
9 A No, no.  
10 Q -- to bring that elevator up?  
11 A No. 15 foot will be the top of the elevator hoist  
12 weight.  
13 MS. ROBESON: I'm sorry, I couldn't understand the  
14 last word you said.  
15 THE WITNESS: Hoist weight.  
16 MS. ROBESON: Okay.  
17 THE WITNESS: Which is basically, the elevator has  
18 some space from the last stop to allow for mechanical from  
19 the gears and whatever they have.  
20 MS. ROBESON: Okay.  
21 THE WITNESS: So that one is always higher than  
22 floor to floor.  
23 MS. ROBESON: I see. So how high would,  
24 approximately, the penthouse be, if that's active public use  
25 space?

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1 THE WITNESS: The penthouse, I believe we have it  
2 at 10 or 11 feet. But the elevator sticks out to 15 feet.  
3 MS. ROBESON: All right.  
4 BY MR. KNOFF:  
5 Q And that, with the understanding that the elevator  
6 may have to go all the way up to the top, to the rooftop  
7 level?  
8 A That includes where the stop is, yes, includes the  
9 stop of the top floor.  
10 Q You've been talking about having a green roof, or  
11 some portion of the roof being green. Is, pardon my  
12 ignorance, but there is an LEED, is that what it's called?  
13 MS. ROBESON: LEED.  
14 MR. KNOFF: LEED. Yes.  
15 MS. ROBESON: Certification.  
16 BY MR. KNOFF:  
17 Q LEED certification. Does that have standards for  
18 green roofs?  
19 A No. Green roof, to achieve LEED, and this is  
20 outside the subject here, but you have several tools that  
21 you need to achieve. And you can do a green roof, but it's  
22 not necessary. They don't, LEED doesn't require, it's not a  
23 prerequisite to achieve LEED.  
24 Q Right, but if one says a green roof, is that in  
25 the architectural are, or some other area, imply that

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1 there's a certain definition that has, certain standards  
2 that have to be met? Or one can just say, I have a green  
3 roof, and I put a potted palm up, and that's my green roof.  
4 And somebody else has something else  
5 A No there is, a green roof is an integral part of  
6 the mechanical or planning in this case, the calculations  
7 for the building. In other words, it's not something you  
8 just throw away. It needs to be calculated. In other  
9 words, it's a precise element into the building.  
10 Q And that's what we're going to have the civil  
11 engineer talk about?  
12 MS. HARRIS: Yes. It's a storm water management  
13 component.  
14 MR. KNOFF: Okay.  
15 MS. HARRIS: And Mr. Irish will testify to that.  
16 MR. KNOFF: Thank you.  
17 BY MR. KNOFF:  
18 Q So the remainder, any portion of the roof that's  
19 not a green roof, but may be a public or private space,  
20 that's just up to the discretion of the management as to  
21 what they want to put there? That's not needing some kind  
22 of definition like a green room?  
23 A No, that will not be part of our green roof.  
24 Q Okay. Just give me one -- looking at 100, the  
25 exhibit on the right, I think it's 106F, yes, the -- just

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1 trying to see. Your penthouse feature, that's a product,  
2 where that's located on the roof is a product of where the  
3 elevators are, is that correct?  
4 A The elevator overrun, which is a small link, a  
5 small area, that represents that elevator.  
6 Q And do you have something on the rooftop structure  
7 for the HVAC system?  
8 A We are going to have, yes, also some other vents.  
9 Q Is that depicted there, or it is not?  
10 A No, none of the buildings show any mechanical  
11 representation of what the buildings have. None of the, I  
12 would say, proposed buildings that we depict here, go into  
13 that detail.  
14 Q Well, let's look at the existing building.  
15 A Yes.  
16 Q Well, let's back up first. Let me stay with your  
17 building. Do you mean, in addition to this roof, do I  
18 understand you correct that this penthouse feature relates  
19 to the elevator?  
20 A Yes.  
21 Q And there are going to be additional penthouse  
22 features that might related to the HVAC?  
23 A No, that will not be penthouse, but it will have  
24 some mechanical equipment.  
25 Q And will that be, what height will that be,

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1 roughly?  
2 A I mean, four feet. Four foot six. Three foot 10.  
3 Around that number.  
4 Q And what are we talking about? Five feet in  
5 length? 25 feet in length?  
6 A I don't know that. We didn't go through a  
7 mechanical analysis. But generally speaking, we will have  
8 some mechanical to cool the building.  
9 Q I see. But now you say, I understand on the  
10 buildings that are proposed that you didn't go into that  
11 detail, but I thought this was an aerial photo of existing  
12 buildings. Wouldn't that show the existing rooftop  
13 structures?  
14 A Well, yes. This one, for instance, the rooftop  
15 here shows clearly the various mechanical towers.  
16 Q And there's quite a lot there, isn't there?  
17 A Well, it's quite a lot, yes.  
18 Q So you couldn't see any of that from Montgomery  
19 Lane, would you? Because is there a roof --  
20 A Well, at that height, you could not.  
21 Q But even without the height, isn't their rooftop  
22 structures that block that, that screen that from Montgomery  
23 Lane?  
24 A Usually all this equipment you build a screen so  
25 you don't look at it.

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1 Q Now, in terms of the existing buildings on  
2 Arlington, I guess it's Little Edgemoor? I'm not sure. The  
3 one south of Edgemoor that exists.  
4 A South of Edgemoor?  
5 Q On Arlington.  
6 MS. ROBESON: On Arlington.  
7 THE WITNESS: On Arlington.  
8 MS. ROBESON: Yes.  
9 BY MR. KNOPF:  
10 Q Right there.  
11 A This one?  
12 Q Yes. That shows its rooftop structures also,  
13 doesn't it?  
14 MS. ROBESON: That's south of Montgomery Lane.  
15 BY MR. KNOPF:  
16 Q Excuse me. I meant Montgomery Lane. Sorry.  
17 A This is Edgemoor at Arlington.  
18 Q Edgemoor what?  
19 MS. ROBESON: At Arlington.  
20 THE WITNESS: At Arlington.  
21 BY MR. KNOPF:  
22 Q Oh, at Arlington. Sorry.  
23 A And it shows mechanical.  
24 Q Right, and there's quite a lot of mechanical stuff  
25 there, isn't there? I mean, it's a large area covering it.

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1 A It shows the mechanical. It shows probably a  
2 penthouse, whatever it shows.  
3 Q I see. Okay. And, all right. Now, where, where  
4 are the mechanical features? You say building have this on  
5 them in City Homes, on the top of the roof. I don't see  
6 anything there.  
7 A They will have it somewhere. If it's not on the  
8 roof, it will be on the yard. I mean, it has to be  
9 someplace, outside.  
10 Q You will agree with me, though, it's not on the  
11 roof?  
12 A I don't know about all these other ones, I don't  
13 know what they represent. So I really don't know where they  
14 are.  
15 Q Okay. Thank you. Just before I forget, is there  
16 anything else, I should ask, that might go on the roof, that  
17 isn't depicted here, that nobody asked you about?  
18 A Well, you shouldn't ask anything else. Sorry.  
19 Q Maybe, I don't know what else. Do satellite  
20 dishes go up there? I don't know what else is considered  
21 likely. Do you have any comment on that?  
22 A Satellite dishes?  
23 Q You know, for TV?  
24 A Well, usually it is fiber optics these days. That  
25 will be the sector plan for 1994.

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1 MR. KNOPF: Okay. I have no further questions.  
2 Thank you.  
3 MS. ROBESON: All right. Ms. Harris.  
4 MS. HARRIS: Can we take a 10-minute break?  
5 MS. ROBESON: No. Yes. Go ahead. 3:15.  
6 MS. HARRIS: Okay. That's perfect.  
7 MS. ROBESON: Is that okay?  
8 (Whereupon, at 3:05 p.m., a brief recess was  
9 taken.)  
10 MS. ROBESON: We're back on the record.  
11 MR. KNOPF: Madam Hearing Examiner, in the break I  
12 realized I asked my questions by going around the building,  
13 and I forgot to get to the west side. I had a few questions  
14 on the west side. I wonder whether I could ask those before  
15 she does the cross-examination, or redirect.  
16 MS. ROBESON: All right. Go ahead.  
17 MR. KNOPF: Thank you.  
18 MS. ROBESON: If you can make it expeditious.  
19 BY MR. KNOPF:  
20 Q Okay, maybe 106A, again, that's the site plan.  
21 MS. ROBESON: Or development plan.  
22 MR. KNOPF: Sorry. Development plan.  
23 MS. ROBESON: That's good.  
24 BY MR. KNOPF:  
25 Q Yes. The west side of the building, as originally

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1 proposed, was 15 feet from the property line. And now at  
2 the closest point it's 12 feet, is that correct?  
3 A Yes.  
4 Q And could you please explain, I'm going to put it  
5 as colloquially as possible, what's there between -- it has  
6 12 feet, and as you start at the street level and go all the  
7 way to the back, what kind of space do we have, and what is  
8 the use proposed for that? Yes.  
9 A So on the west side of the subject property, in  
10 between the building and the property line, we have a  
11 garden, or an whatever, a space.  
12 MS. ROBESON: What's going to be in the 12 feet?  
13 THE WITNESS: Oh, in the 12 feet it's going to be  
14 pavers and plantings.  
15 BY MR. KNOPF:  
16 Q Where is the, is there an alley type situation in  
17 terms of that there's the building line and then there's  
18 another building or wall immediately to the left?  
19 A No, no. There's a zoning, there's a space, and  
20 there is a driveway, then there is a space.  
21 Q In the driveway. And whose driveway is that?  
22 MS. ROBESON: On the other property?  
23 THE WITNESS: Edgemoor Road, Arlington North.  
24 BY MR. KNOPF:  
25 Q On the other property there's a driveway?

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1 A Yes.  
2 Q And is there a garage there, then, that they go  
3 down to?  
4 A Well, I suppose. I don't know. I suppose at the  
5 end of the driveway there is a garage, but I don't know.  
6 Q So then there would need to be, the driveway would  
7 presumably go down, if the garage is under the building, is  
8 that correct?  
9 A I know there is a driveway. What that driveway  
10 does, I don't know.  
11 Q You don't know, but it's not surface parking on  
12 that site?  
13 A As I remember, there's a driveway and there are,  
14 there is a wall about here. So there's a driveway, and  
15 there is a space, and there is a wall right here. Actually,  
16 this exhibit probably shows the condition.  
17 Q Okay, so --  
18 A So that will be 106B.  
19 MS. ROBESON: Okay.  
20 THE WITNESS: So this is our building, west wall.  
21 There is a space, 12 foot --  
22 BY MR. KNOPF:  
23 Q The 12-foot --  
24 A -- the property line. Then there is this  
25 driveway. Then there is another space and then the building

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1 Edgemoor at Arlington North starts.  
2 Q And that would be, as we think we had testimony,  
3 that the building goes back up to 48 feet in height, as  
4 opposed to the, adjoins to the rear of your property?  
5 A We already have testimony on that.  
6 MS. ROBESON: Well, you --  
7 THE WITNESS: I don't know.  
8 BY MR. KNOPF:  
9 Q You don't know. Okay. Well, what I'm trying to  
10 -- okay, so there is a driveway, and you have 12 feet on  
11 your property, that you're familiar with.  
12 A Yes. Right.  
13 Q Then is there a fence, a wall that would be on  
14 your property to keep you from going into the driveway?  
15 A Yes.  
16 Q So we have 12 feet from the building into a fence  
17 or wall, and units would look out in that 12-foot area, I  
18 mean, if they had windows over there?  
19 A Right.  
20 Q Okay. And does, has the applicant proposed what  
21 use would be there, or what it would be, what landscaping,  
22 and what it's going to look like?  
23 MS. HARRIS: The landscape architect will be able,  
24 who will be testifying tomorrow will be able to give  
25 details.

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1 MS. ROBESON: Thank you.  
2 MR. KNOPF: Okay.  
3 THE WITNESS: But just to clarify the space, if  
4 you look at the building, your site will not stop at 12-  
5 foot, if that is a concern.  
6 BY MR. KNOPF:  
7 Q Even if I look out the window --  
8 A The property line is not the site element. You  
9 can look beyond it.  
10 Q Into the 48-foot building, assuming it's 48?  
11 A Into the other building.  
12 Q Okay. Now, if you go back, it seems to open up a  
13 little more. Is that --  
14 A Quite a bit, yes.  
15 Q Yes. And there seems to be some markings there.  
16 Is that for some features, or looking from a distance here.  
17 A Well, the landscape architect will testify.  
18 Q Okay.  
19 A But it is a nice feature.  
20 Q Okay. And just my last question, going around the  
21 west, if you could take that down and -- wait a minute.  
22 What happened? No, take the other one down, too. I'm  
23 trying to get to the photo behind it. Sorry. I forgot this  
24 was there.  
25 A This one?

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1 Q Yes. Now, if I remember correctly, you testified  
2 that one of the reasons, one of the design features you took  
3 into consideration in your building -- two design features,  
4 one is, you wanted it along the street edge, and the other  
5 is you wanted, I think you said you went up so far, was it  
6 four stories or five stories, and you hit a certain feature,  
7 and that was compatible with the other features at that  
8 height?  
9 I'm sorry, now I'm getting into testimony, but do  
10 you know what I mean? I think that you had said that there  
11 was a, you had talked about there was a top, a middle -- a  
12 bottom, a middle and a top.  
13 A Yes.  
14 Q And I think you had said you got up around, was it  
15 40 feet, or four stories or something, and then you hit a  
16 feature that marked, separated one of those elements from  
17 the other?  
18 A If you refer to the step back.  
19 Q No, I was talking about the other buildings on the  
20 street, you were talking about. Like the townhouses across  
21 the street. Didn't you say that they went up so far, and  
22 then had a marked element?  
23 A I don't think that I talked about the  
24 architectural --  
25 Q That wasn't, all right. Never mind. Then your

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1 building, you said it went up so far and then it was marked  
2 by the setback? Is that it?  
3 A There's a step back at 50-foot. Yes.  
4 Q Right. Okay. There's a setback. Okay. And I  
5 thought that, you didn't testify that that setback then was  
6 compatible with the way the features, or the character of  
7 the street, that others were setback like that?  
8 A I'm sure that I mentioned that the whole building  
9 is, we feel it is very compatible to the architecture of the  
10 street.  
11 Q But am I also correct that you said one of the  
12 features that you were after is to have the street edging  
13 lined up with the street, so there was a uniform straight  
14 edge?  
15 A What I think, at that point, goal of the sector  
16 plan is to have a street.  
17 Q The street edge.  
18 A So therefore you want the buildings to be pretty  
19 much in line to form a street.  
20 Q To line up along the street in a uniform way sort  
21 of?  
22 A To form a frontage.  
23 Q I see.  
24 A The lineup doesn't have to be within quarter inch,  
25 but pretty much --

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1 Q I see.  
2 A -- form an edge so you create this ambiance of a  
3 street with buildings left and right.  
4 Q All right. Now, looking at one, what exhibit is  
5 this?  
6 A This is number 72.  
7 Q Okay, number 72. I want to, I was trying to  
8 notice that straight down the street, and so I started at  
9 the corner of Arlington and Montgomery, and I went past the  
10 first building which we understand is to be built. And I  
11 went in straight and I ran straight into your building  
12 rather than smooth surface. And then I went beyond your  
13 building, and I ran smack into another building, which is  
14 4825, rather than some straight streetscape down there.  
15 So I was wondering what you were talking about  
16 when you said your building had to be close to the street in  
17 order to line up with everybody else?  
18 A I think the smack thing that you mentioned is just  
19 a visual, a visual effect that you will see in any city, in  
20 any space, when you have buildings. And I will explain why.  
21 Because if you look from this point, you will always see the  
22 sight of the building. In here you have a street. So there  
23 is a certain distance. So the site is always exposed.  
24 But that's not, will be the same thing. If I sit  
25 on the other side of the street, in other words, instead of

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1 being on the south side of Montgomery, I will be on north  
2 side, I will see the smacks of this building.  
3 Q Okay.  
4 A So this is just something that one would expect to  
5 see when you have buildings aligned. You will see the  
6 front, but you see also the side.  
7 Q Well, I'm looking at 106B, and I see 4825  
8 Montgomery Lane, it's filled in. That seems, unless my  
9 eyesight is off, which could well be, it seems this is in  
10 front of your building. That's not just an optical  
11 illusion, is it, that the building has permission to build  
12 out further, doesn't it?  
13 MS. HARRIS: Mr. Landfair testified to that fact.  
14 MR. KNOPF: Well, I'm thinking maybe he wasn't  
15 aware of that when he testified.  
16 BY MR. KNOPF:  
17 Q Are you aware that that building, 4825, is going  
18 to stick out closer to Montgomery Lane than your building?  
19 A We are aware of what you see in these exhibits.  
20 Q All right. And you are still saying that it's  
21 important that your building not, that your building has to  
22 be located exactly where it is to be lined up with the  
23 streetscape?  
24 A No. Actually, I was specifically saying, we don't  
25 have to be exactly. And I said, quarter inch. I just give

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1 a feeling. I think it's about the feeling. It's not about  
2 the numbers. You reach, you have to reach a certain  
3 quality, not quantity.  
4 Q All right. And just my last question here. You  
5 talk about, if I'm not mistaken, the residential character  
6 of the building, in your opinion, on Montgomery Lane. And  
7 you mentioned windows and reading of bay windows, and so on.  
8 Would you agree with me, I'm looking at the windows facing  
9 Arlington.  
10 A Yes.  
11 Q Those aren't residential windows, are they?  
12 Either on the fifth and sixth and seventh floors? Or even  
13 down on the lower floors. They look to me like sort of  
14 commercial office building windows.  
15 A That's your interpretation. You know, they are,  
16 for one, I mean, just simple thing, the number of mullions,  
17 the density, the graphic appearance of the windows with the  
18 small glass areas, and the reason of the mullions, that's  
19 very residential. And you have already for a French  
20 balcony, that's also residential.  
21 Now, I'll grant you there are many office  
22 buildings which want to look residential. So if you do that  
23 comparison, you can say that, you know, the building looks  
24 not as residential. But that's just because other buildings  
25 try to emulate a residential building.

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1 Q But am I correct that you build the windows that  
2 face Arlington are a different design that the windows that  
3 face Montgomery?  
4 A No, you are not correct.  
5 Q Those are the same windows?  
6 A We have several window types. And what you see  
7 here is one of them. On this exhibit, it shows that there  
8 is a written of say window type A, window type B, and so on  
9 and so forth. So what you see in that corner is, see window  
10 type, I'll call it type A.  
11 Q And it is, the ones facing Arlington type A or  
12 type B?  
13 A On all facades we have this variation so as to  
14 break the monotony.  
15 MR. KNOPF: Thank you. I have no further  
16 questions.  
17 MS. ROBESON: All right. We'll try again. Ms.  
18 Harris?  
19 MS. HARRIS: Thank you.  
20 REDIRECT EXAMINATION  
21 BY MS. HARRIS:  
22 Q And just because it's fresh on everyone's mind,  
23 I'll just ask the question, are the windows that you were  
24 just describing similar to the ones of the Edgemoor at  
25 Arlington, which is built?

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1 A I would say --  
2 Q Go ahead.  
3 A Yes, the windows generally are very similar. And  
4 again, it's given by how the mullions are disposed and  
5 arranged.  
6 Q Thank you. Mr., I'm forgetting who, opponent's  
7 counsel, excuse me, noted that the site plan for 4825  
8 indicates that that, the site plan that's been filed  
9 indicates a height of 60 feet with a parapet of four feet.  
10 And we had previously testified that the height was 65 feet  
11 and a parapet of four. Where did the 65 feet and four come  
12 from?  
13 A I think the information came from what has been  
14 approved, or the zoning stage.  
15 Q So at the zoning stage it was 65 feet and four?  
16 A Right.  
17 Q And then potentially this subsequent change at  
18 site plan may reduce it slightly?  
19 A It could be, yes.  
20 Q Okay. Thanks. Can you please refer to the  
21 development plan, which is 106A, I believe? Right there.  
22 Your hand is on it. And I just want to clarify what the  
23 active and passive, so you need to look at the numbers that  
24 are specified on the development plan, the active and  
25 passive development standard requirement in the zone, and

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1 what is being provided? So the requirement is 20 percent.  
2 And what does the development plan indicate the active and  
3 passive recreational space is?  
4 A 26 percent.  
5 Q Okay. And so when you add that 26 percent with  
6 the 10 percent from the public use space, our total open  
7 space that we're providing is?  
8 A Would be 36 percent.  
9 Q And the requirement is 30 percent?  
10 A 30 percent.  
11 Q Okay. Thank you. I want to go to a couple of  
12 questions on the roof, if you will. So just to be clear,  
13 the green roof, which is a storm water management component,  
14 is separate and apart from the recreational space. Is that  
15 correct?  
16 A Yes, correct.  
17 Q And the mechanical area, and I'm going to refer to  
18 106F, the mechanical area that you identified that our  
19 building has, which it seems like all of the other, most of  
20 the other buildings except for perhaps a townhouse --  
21 MS. ROBESON: Well, if you could just ask him the  
22 question.  
23 BY MS. HARRIS:  
24 Q Okay. The mechanical area that our building will  
25 provide, it's common and typical of other buildings, of

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1 other commercial and residential buildings, correct?  
2 A Yes. All the vast majority of buildings will have  
3 mechanical on the roof.  
4 Q And you indicated that the screen wall or the  
5 equipment will be screened, is that correct?  
6 A Yes. I don't know if there is a requirement, but  
7 we'll screen the, it's customary to screen the mechanical  
8 area.  
9 Q And will that area be visible from the street,  
10 given --  
11 A No, because there is always a setback that you  
12 maintain.  
13 Q Okay. Then why, the 106F, opponent's counsel was  
14 referring to the fact that those equipment, that mechanical  
15 equipment is visible. But can you explain why it's visible  
16 on 106F? Is it because of the angle of that picture?  
17 A What is the, on which building?  
18 Q On all of the. I mean, the reason that you can  
19 see them, explain why on that photo, on that Exhibit, 106F,  
20 you can see the mechanical?  
21 A If you take a view from a satellite or from up  
22 high, you see the roof, everything that is on the roof.  
23 MS. ROBESON: But I thought I saw it on one of  
24 your elevations, on the one from Arlington Road, taken from  
25 Arlington Road looking east towards Woodmont, because you

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1 pointed it out.  
2 THE WITNESS: Oh, yes.  
3 BY MS. HARRIS:  
4 Q But if you can go to the prospectus, that was the  
5 penthouse. I was referring to the mechanical area.  
6 MS. ROBESON: Oh, you're referring to the HVAC?  
7 THE WITNESS: Yes, I was --  
8 MS. HARRIS: Yes, exactly.  
9 MS. ROBESON: Okay. Okay. All right.  
10 MR. KNOPF: I'm sorry. The mechanical area is  
11 different than the elevator area, is that what you're  
12 saying?  
13 MS. HARRIS: Yes.  
14 MR. KNOPF: I'm sorry. I missed that. Thank you.  
15 BY MS. HARRIS:  
16 Q In terms of the penthouse, you testified that the  
17 elevator override is just a small portion of the penthouse,  
18 correct?  
19 A Yes.  
20 Q And can you give an approximation of the area,  
21 what the dimension is?  
22 A Well, it's the footprint of two elevators. So 11  
23 by 22, approximately --  
24 Q Okay.  
25 A -- to give an approximation of what an elevator,

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1 and that depends on the manufacturer, where we are getting  
2 it from.  
3 Q And you testified previously that the sector plan  
4 recommends recreational space on the roof, correct?  
5 A Yes.  
6 Q In order to meet ADA requirements, is it necessary  
7 for an elevator to go to the roof?  
8 A Absolutely. Stairs would not suffice. You have  
9 to have level or flat accessible means of getting there.  
10 Q Okay. So in order to satisfy that sector plan  
11 recommendation, we need to have an elevator come to the  
12 roof?  
13 A We have to bring the elevator stop all the way to  
14 the roof.  
15 Q On page 44 and 45 of the sector plan having to do  
16 with open space, on the left hand, on page 44, as Mr. Abrams  
17 noted that the bottom paragraph refers to urban open space,  
18 can you take a look at page 45 which identified the title of  
19 that plan?  
20 A Open space concept.  
21 Q And is urban open space identified in the legend?  
22 A Yes. I cannot think of what they said the first  
23 word but --  
24 Q It says urban.  
25 A Urban. Yes.

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1 Q Okay. It's in script?  
2 A It's in, yes.  
3 MS. ROBESON: It's okay. You're just not supposed  
4 to prompt him, but it does --  
5 MS. HARRIS: He was just reading.  
6 MS. ROBESON: -- I'm not going to argue that it  
7 says urban. So go ahead.  
8 BY MS. HARRIS:  
9 Q If you can identify the subject property on that  
10 plan, and can you please describe whether or not there is an  
11 urban open space designation for our property on page 45 of  
12 the sector plan?  
13 A Yeah, I have to -- it's a tiny diagram, so I have  
14 to put -- I don't see that. No, I don't see any hatching  
15 that the legend shows as urban open space.  
16 Q But there are other urban open spaces designated  
17 throughout the sector plan, right?  
18 A There are. Yes.  
19 Q Okay, just none on our property?  
20 A No.  
21 Q Thank you. Is the, is the sector plan goal to  
22 maximize density at the Metro station?  
23 A I believe it is, yes.  
24 Q And is it also the sector plan goal, and a goal of  
25 the housing element to promote affordable housing?

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1 A Yes.  
2 Q But the zoning ordinance also requires a  
3 requirement of compatibility, correct?  
4 A Yes.  
5 Q And the sector plan also provides that you can  
6 exceed the height and density --  
7 A Yes, it does.  
8 Q -- to achieve the goal of affordable housing?  
9 A Yes.  
10 Q So how does, can you please explain how that  
11 compatibility component fits into that picture?  
12 A Compatibility was, to us as architects, was the  
13 most important. So in a way, we took it to heart. So we  
14 look at the surrounding area. We look at what is allowed,  
15 what is not allowed, what the sector plan recommends, and we  
16 implement these elements. We compose a building that we  
17 believe articulates all these guidelines and promotes what  
18 the zoning plan, and what the sector plan recommends. And  
19 it's very compatible to what is on Montgomery Lane.  
20 Q Thank you. And then I want to refer to, I'm  
21 forgetting the number, the plan that shows the five  
22 different elevations, I mean, the five different projects?  
23 106 something?  
24 MS. ROBESON: G? No.  
25 BY MS. HARRIS:

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1 Q Yes. 106G. Are all of these projects located, on  
2 106G, located within the TS-R district?  
3 A Yes, they are.  
4 Q So they all needed to comply with the development  
5 standards of the TS-R zone, is that correct?  
6 A Yes.  
7 Q And they are all located within the Bethesda  
8 sector plan district?  
9 A Yes. Yes, they are.  
10 Q So they, presumably, when they were approved,  
11 needed to also comply with the recommendation of the sector  
12 plan?  
13 A Yes.  
14 Q And in your mind, are all of those projects  
15 compatible?  
16 A Yes, I believe --  
17 Q But are they all also stylistically and visually  
18 different?  
19 A No, but just to give one example to what Edgemoor  
20 was, really, nothing was looking like that when it was  
21 built. And therefore, well, not therefore, but the  
22 architect or the developer, whatever, they concluded that  
23 this is the right place to do it for what they were trying  
24 to achieve back then.  
25 These buildings have been for a different

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1 condition. But we are not looking at one particular  
2 building to see if it meets or if it doesn't. We look at  
3 the whole ensemble of buildings. And in a way, they all  
4 have a similar scale. Yes, some of them have more glass,  
5 less glass. But they are trying to achieve or to bring the  
6 neighborhood together into a comprehensive, let's say, look  
7 or feel. So all of them, yes, they are compatible.  
8 Q So even though their style is different, they're  
9 compatible?  
10 A Yes.  
11 Q Okay.  
12 A Again, compatibility does not mean same.  
13 Q And if you were to then add a sixth drawing on  
14 that 106G rendering, which would be the subject property,  
15 would your conclusion change?  
16 A No, absolutely. They're fitting right in.  
17 Q To the fabric of the neighborhood --  
18 A To the fabric, right.  
19 Q -- in terms of the stylistically and  
20 compatibility?  
21 A Yes, or more specifically, to Montgomery Lane.  
22 MS. HARRIS: Okay. Thank you. I don't think I  
23 have any more questions for Mr. Radulescu. That was all.  
24 MS. ROBESON: Okay. Recross, Mr. Abrams?  
25 RECCROSS-EXAMINATION

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1 BY MR. ABRAMS:  
2 Q If compatibility was so important, why did the  
3 applicant wait until after the Planning Board meeting and  
4 discussions with staff to put in the concave element on the  
5 front? Why not do it, if it was so important to being  
6 compatible to begin with?  
7 A Because I believe when we designed the building,  
8 we designed it from the get go to meet what we believed are  
9 the criteria. So we never design a building saying, you  
10 know, I'm going to try not to do that and if they catch it  
11 we will do it. No. The building from the get go is trying  
12 to be as compatible as we feel it should be.  
13 Q And the building from the get go basically maxed  
14 out height, density, bulk, mass.  
15 A From the get go the program didn't change. I  
16 mean, this is, this was --  
17 Q Yes or no?  
18 A Well, since the program didn't change, I'm not  
19 sure what --  
20 Q Well, from the very beginning --  
21 A Yes.  
22 Q -- the subject and the instructions that were  
23 probably given to you were to maximize the development of  
24 this property. Isn't that correct?  
25 A I believe it is, yes.

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1 Q And that's what you've attempted to do throughout,  
2 correct?  
3 A We are always trying to respond to the program,  
4 yes.  
5 Q And the current plan maximizes the development  
6 compatibility or probability for this project, correct?  
7 A Yes, based on the numbers.  
8 Q So you can't go up in terms of intensity, density.  
9 You can only go down, is that right?  
10 A You can go up. We choose not to. In other words,  
11 we demonstrated how we believe that the sector plan or the  
12 sector zoning, actually, allows you to go up, providing you  
13 -- provided you provide -- provided you provide the MPDU's.  
14 But we demonstrated how we tried to pack the building in the  
15 most efficient way as to minimize what otherwise the zoning  
16 allows you to do.  
17 MR. ABRAMS: No further questions.  
18 MS. ROBESON: Thank you. Mr. Knopf.  
19 MR. KNOPF: Just a couple, yes.  
20 RE-CROSS-EXAMINATION  
21 BY MR. KNOPF:  
22 Q On the compatibility issue, you said that in your  
23 opinion this was, your project was compatible with the  
24 sector plan's requirements for the TS-R zone. Do you know  
25 how the boundaries on the TS-R zone in the center business

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1 district of Bethesda, or roughly how many acres we're  
2 dealing with?  
3 A No, I do not.  
4 Q Would you agree with me it's considerably larger  
5 than the area along Montgomery Lane?  
6 A Since I don't know, I cannot agree or disagree.  
7 Q But you said it was compatible with the TS-R zone  
8 development, but you don't know where that development  
9 occurs, where it's located?  
10 A Offhand I do not know. It's probably I mentioned  
11 that before that when we designed the building, there are  
12 several documents that we need to take into consideration.  
13 I do not remember that exactly is what I notice at the end  
14 when we deliver a project, it has to meet all these height  
15 limits, wherever they came from.  
16 Q Would you agree with me that in determining  
17 compatibility, the most important area to look at for  
18 compatibility in this case would be Montgomery Lane between  
19 Arlington and Woodmont?  
20 A That was a priority for us.  
21 Q Priority. Okay. And are you aware, when you  
22 decided whether this was compatible or not, are you aware of  
23 what the requirements were on the prior sector plan, and how  
24 they were changed on the current sector plan in terms of  
25 lowering heights or other design features?

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1 A I do not, I do not know the history of the sector  
2 plans.  
3 Q You don't. Would you find relevant that the prior  
4 sector plan allowed a much higher building than the higher  
5 buildings than what are allowed here?  
6 A I'm not familiar with the prior sector plan.  
7 Q Would you find relevant that the, I'm now quoting  
8 from pages 12-13 of the sector plan, that the 1994 sector  
9 plan, now I'll quote, "Replaced the higher building heights  
10 for this area with a concept of lower rise urban village  
11 with building heights ranging from three to six stories with  
12 structure parking on both." Were you aware of that change?  
13 A I think that we touched about the sixth floor  
14 height. The building is a low-rise. Currently, the subject  
15 property is a low-rise.  
16 Q You just skipped from three to six floors. What  
17 happened to the three and four stories, floors. It says,  
18 "From three to six stories." Were you aware of that change  
19 when you gave your opinion as to compatibility with the  
20 sector plan? That's all I'm asking.  
21 A I'm sorry. Go?  
22 Q Were you aware of this language that I read to you  
23 changing the prior sector plan?  
24 A I am not, I am not familiar with the prior sector  
25 plan.

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1 MR. KNOPF: All right. Thank you. I have no  
2 further questions.  
3 MS. ROBESON: All right. You may be excused.  
4 MS. HARRIS: Thank you.  
5 MS. ROBESON: Ms. Harris, your next witness.  
6 MS. HARRIS: Yes. It is the traffic consultant,  
7 so if I could, Mr. Radulescu is free to --  
8 MS. ROBESON: He may leave. Yes.  
9 MS. HARRIS: -- go back to his other job. Thank  
10 you. Thank you. We'll be calling Chris Kabatt, our traffic  
11 consultant.  
12 MS. ROBESON: I recognize him. Please raise your  
13 right hand.  
14 (Witness sworn.)  
15 DIRECT EXAMINATION  
16 BY MS. HARRIS:  
17 Q For the record, please state your full name and  
18 occupation?  
19 A Chris, Christopher L. Kabatt. I'm a  
20 transportation engineer and planner with Wells and  
21 Associates. And I'm a registered professional engineer in  
22 Maryland.  
23 Q And what's the address of Wells and Associates?  
24 A We just moved.  
25 Q That wasn't a trick question. I promise.

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1 A I have the old address on here, but we moved. We  
2 have an office located at 8730 Georgia Avenue, Suite 200, in  
3 Silver Spring, Maryland.

4 Q Thank you. And how long have you been a  
5 transportation planner?

6 A 15 years.

7 Q What are your responsibilities in that position  
8 with Wells and Associates?

9 A I oversee the preparation of traffic impact  
10 studies and provide consultation and expert testimony on  
11 transportation aspects of projects including access,  
12 circulation, parking, and the impact of adjacent  
13 transportation facilities.

14 Q And have you testified before as an expert before  
15 the hearing examiner of Montgomery County?

16 A I have. The latest case was Chelsey Court.

17 MS. HARRIS: So I give Mr. Kabatt as an expert in  
18 transportation planning.

19 MS. ROBESON: Any objections?

20 MR. ABRAMS: No objections.

21 MS. ROBESON: All right. You're qualified as an  
22 expert in transportation engineering.

23 MS. HARRIS: Thank you.

24 THE WITNESS: I would like to apologize for the  
25 attire. I was anticipating going on tomorrow; therefore, no

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1 tie.

2 MS. ROBESON: No, we forgive tie-less people. So  
3 that's fine.

4 BY MS. HARRIS:

5 Q Are you familiar with local map amendment G-954  
6 and the subject development plan currently in that I'm  
7 showing?

8 A Yes, I am.

9 Q And can you please describe the responsibilities  
10 that Wells and Associates had with regard to the rezoning  
11 and development plan?

12 A Yes, we prepared a local area transportation  
13 review and a policy area mobility review, known as the  
14 traffic study, traffic impact study, for the West Lane  
15 project. We observed traffic and parking on the adjacent  
16 streets, and we reviewed the proposed plans for vehicular  
17 circulation, and we analyzed the County requirements  
18 included in the LATR and PAMR.

19 Q And have you made a personal inspection of the  
20 property, and are you familiar with the area surrounding the  
21 property?

22 A Yes, I visited the site on many occasions, and I  
23 am very familiar with Bethesda.

24 Q Thank you. Can you please describe, and this is  
25 in response to a question the hearing examiner raised after

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1 the site visit, in terms of the general circulation of the  
2 area, including development patterns, and also identifying  
3 where the one-way circulation is on Montgomery Lane? And  
4 you may want to refer, probably what's best is, it may be  
5 the aerial. That may be the best, 106F, perhaps.

6 A Sure.

7 Q Or I'm sorry, yes, the composite plan may be the  
8 best one. So this is 106B.

9 A 106B.

10 Q So if you could describe the general circulation,  
11 the one way portion of Montgomery Lane where the stop sign  
12 is, and how regular traffic, as well as deliveries, with  
13 their transportation pattern is?

14 A Okay. I'm going to start from the east and move  
15 west. The site is west of Woodmont Avenue, which is a  
16 north-south arterial roadway in Bethesda. It happens in  
17 this section of Bethesda, Woodmont Avenue, this one way  
18 southbound from Old Georgetown Road, south through  
19 Montgomery Lane as it turns east. And then it continues one  
20 way southbound through to Hampden Lane.

21 Montgomery Lane from Woodmont Avenue west towards  
22 Arlington Road, is a one-way section starting at Woodmont  
23 Avenue to just about the point of West Lane. It's a one-way  
24 section, westbound, and then it's a two-way street as you  
25 proceed to Arlington Road. And it operates under a traffic

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1 signal control at Arlington Road. The West Lane, Montgomery  
2 Lane intersection is a stop-controlled intersection where  
3 West Lane stops and Montgomery Lane has no control.

4 So to get to the West Lane site and general  
5 circulation in the area, you have southbound traffic on  
6 Woodmont Avenue. And then they could either go straight  
7 down Woodmont Avenue, or they could turn right onto  
8 Montgomery Lane and proceed out to the West Lane, to the  
9 Town Homes or the Edgemoor high-rise, and then out to  
10 Arlington Road,

11 To get to Montgomery Lane and the uses along it,  
12 if you were coming from the south, you would approach from  
13 Arlington Road.

14 MS. ROBESON: Do you know why they put the do not  
15 enter at that point on the street for eastbound traffic.

16 What functionally, do you know what the purpose of that is?

17 THE WITNESS: I believe it has to do with the  
18 desire to improve Woodmont Avenue and Montgomery Lane, and  
19 for pedestrians.

20 MS. ROBESON: Okay.

21 THE WITNESS: And then also along, the sector plan  
22 does call for the consideration of a one-way section along  
23 Montgomery Lane. But I understand it to be all geared  
24 towards improving the pedestrian environment in the Woodmont  
25 area.

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1 MS. ROBESON: Okay. Thank you.  
2 BY MS. HARRIS:  
3 Q Did you and your firm prepare a written report  
4 comparing the existing uses on the site with the proposed  
5 uses set forth in the development plan?  
6 A Yes. The results are documented in the traffic  
7 study. The existing uses general 16 a.m. peak hour trips,  
8 and 11 p.m. peak hour trips, based on driveway counts that  
9 we took. Assuming 120 dwelling units, the proposed project  
10 would add 20 trips to the road network during the a.m. peak  
11 hour, and 25 trips during the p.m. peak hour. This is  
12 approximately one car every two and a half to three minutes.  
13 Q And are you familiar with the Montgomery County  
14 local area transportation review and policy area mobility  
15 review guidelines, as well as TPAR, I should add.  
16 MS. ROBESON: I was going to say --  
17 MS. HARRIS: I know, this is dated.  
18 MS. ROBESON: -- do you still have PAMR? How  
19 about TPAR? Well, go ahead.  
20 MS. HARRIS: Well, we have an option for, still  
21 there is a period of time that some projects have an option  
22 to go either.  
23 MS. ROBESON: Okay.  
24 THE WITNESS: I am familiar with it, and we can  
25 talk about TPAR later, but I am familiar with that as well.

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1 BY MS. HARRIS:  
2 Q And is the proposed rezoning subject to the LATR  
3 review? For simplicity, because of the PAMR/TPAR shift,  
4 let's focus on LATR first, and then we'll get into PAMR. So  
5 is the proposed rezoning subject to LATR?  
6 A Yes, it is, because of the 120 dwelling units,  
7 they are expected to generate 36 peak hour trips during the  
8 a.m., and also during the p.m. peak hour. And that triggers  
9 the LATR requirement. If a site generates 30 or more peak  
10 hour trips, you have to do a traffic study.  
11 Q And how about PAMR or TPAR, what would be the  
12 requirements for the site under PAMR or TPAR?  
13 A Well, the time that we did the traffic study, it  
14 was PAMR, and now it is TPAR. I think it's if you generate  
15 more than three peak hour trips, you would have to go under  
16 that review. And I would say in both cases, this project  
17 would satisfy it's requirement, whether it was PAMR or TPAR,  
18 since it is in the CBD, it would be exempt from the tax or  
19 the test.  
20 Q The test. And so when this project goes forward  
21 under preliminary plan, it would be under the TPAR, is that  
22 correct?  
23 A It would be under TPAR.  
24 Q Okay. Thank you. Can you summarize your findings  
25 with respect to the traffic study?

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1 A Yes. Again, this is assuming up to 120 dwelling  
2 units. The proposed 72 additional dwelling units, that's in  
3 addition to the 48 that had been previously approved, so 48  
4 plus 72 is 120. But if we just focus on the 72, the 72  
5 dwelling units would generate 22 a.m. peak hour trips, and  
6 22 p.m. peak hour trips. The total 120 dwelling units would  
7 generate 36 a.m. peak hour trips, and 36 p.m. peak hour  
8 trips.  
9 As stated previously, this is an increase of only  
10 20 morning and 25 evening peak hour trips compared to the  
11 existing development on the site. The existing commercial  
12 uses located within the single-family structures on the  
13 property already generates 16 a.m. trips and 11 p.m. peak  
14 hour trips.  
15 It is important to note that the anticipated  
16 number of vehicles generated by the residential building is  
17 based on unit count, not marking spaces. The subject  
18 property, while providing up to 72 more units than the  
19 previous approval is providing only 38 more parking spaces.  
20 Also, as reflected in the Bethesda CBD trip rates,  
21 not all parked vehicles will leave or return to the West  
22 Lane site during the same peak hour.  
23 Q So I want to ask you a couple of questions about  
24 that. So while -- so it's the LATR that says you need to  
25 base it on unit count, right? Is that correct? The number

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1 of units?  
2 A Yes.  
3 Q And so even though we are only providing 38 more  
4 parking spaces, we're providing 72 more units. So it's  
5 based on the difference, and it's based on the 72 units, not  
6 the 38 parking spaces?  
7 A Correct. The trip rate is number of trips per  
8 residential unit.  
9 Q Okay. But in your opinion, if you were, if it  
10 were based on the number of parking spaces, and you're  
11 providing less parking spaces, what would that do to the  
12 difference between the two?  
13 A Well, if it was based on the number of parking  
14 spaces, obviously, the rate would be different, I would  
15 presume. But in this case, it would be our adding 72 more  
16 dwelling units, but only 28 more parking spaces. And so  
17 logic would say that that impact may be less than based on  
18 the unit count.  
19 Q Okay. Thank you. You can continue.  
20 A Okay. An LATR study is required since the  
21 proposed development will general 30 or more peak hour  
22 trips. The critical lane volume analysis shows that all  
23 three studied intersections would operate and would continue  
24 to operate, or they do operate and they would continue to  
25 operate within the 1,800 CLV congestion standard for the

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1 Bethesda CBD. This is with the proposed West Lane project  
2 and the other pipeline projects in the vicinity.  
3 Even considering, if you would consider the most  
4 stringent congestion standard in the County, a CLV standard  
5 of 1,350, that is for the rural east and rural west policy  
6 areas, these intersections would still operate adequately  
7 within that congestion standard.  
8 Q And what were the three intersections that you  
9 evaluated?  
10 A We evaluated the Woodmont and Montgomery Lane  
11 intersection, the Montgomery Lane and West Lane, and also  
12 Montgomery Lane and Arlington Road.  
13 Q Thank you.  
14 A I could talk about PAMR here, the PAMR mitigation  
15 would have been, the PAMR mitigation requirement would have  
16 been fully mitigated for both the morning and evening peak  
17 hours per our traffic study. There's a test you do where  
18 you consider both the Countywide and CBD rates.  
19 But now that TPAR has replaced PAMR, and you would  
20 do that test during your preliminary plan or at site plan  
21 review, you would likely go under the TPAR test. And again,  
22 as stated earlier, since this site is in the CBD, there is  
23 no requirement.  
24 MS. ROBESON: There's no policy area congestion  
25 level at all?

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1 THE WITNESS: Well, there is a, you do 25 percent  
2 of the impact tax for the Bethesda Chevy Chase policy area,  
3 but because you're in the CBD you're exempt from that 25  
4 percent.  
5 MS. ROBESON: Okay.  
6 BY MS. HARRIS:  
7 Q Can you more specifically describe the traffic  
8 capacity at the Arlington Road and Montgomery Lane  
9 intersection, and within Montgomery Lane itself?  
10 A Yes. First, as documented in the study, and  
11 mentioned, the Montgomery Lane intersection with Arlington  
12 Road currently operates, and will continue to operate well  
13 within the congestion standard for the Bethesda CBD. The  
14 fact that it's operating at 27 and 42 percent capacity  
15 during the a.m. and p.m. peak hours, based on the critical  
16 lane volume calculations.  
17 Second, we went a step further and evaluated the  
18 peak hour levels of service, and the vehicle queues at the  
19 Arlington Road, Montgomery Lane intersection, and along  
20 Montgomery Lane, the Montgomery Lane approach, using the  
21 highway capacity manual methodology.  
22 We took into account lane width, number of travel  
23 lanes, and the operation of the traffic signal at the  
24 Arlington Road intersection with Montgomery Lane. We used  
25 the highway capacity manual methodology, because it allows

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1 us to evaluate vehicle queues.  
2 The results of the level of service and the queue  
3 analysis confirm the intersection and the Montgomery Lane  
4 approach at Arlington Road operates at acceptable levels  
5 during both the a.m. and p.m. peak hours. In fact, the  
6 Montgomery Lane approach currently operates at only two to  
7 13 percent capacity.  
8 Vehicle queues were calculated at 22 to 50 feet,  
9 or  
10 that equates to one to two vehicles, assuming that a vehicle  
11 is --  
12 MS. ROBESON: Did you use the queuing study  
13 methodology in the LATR guidelines, or did you just use the  
14 highway capacity manual to get to study the queues?  
15 THE WITNESS: We used the highway capacity manual.  
16 MS. ROBESON: Okay.  
17 THE WITNESS: Which is an accepted practice, per  
18 the guidelines --  
19 MS. ROBESON: Right.  
20 THE WITNESS: -- and that the County uses.  
21 BY MS. HARRIS:  
22 Q And I wanted --  
23 A I'm sorry.  
24 Q Go ahead.  
25 A I just wanted to --

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1 Q Okay.  
2 A -- finish up this point. The vehicles on  
3 Montgomery Lane are able to turn left and right onto  
4 Arlington Road during the green phase of the traffic signal.  
5 And thirdly, Montgomery Lane is classified as a mixed street  
6 in the sector plan, and a business street according to  
7 Montgomery County's master plan of highways and transit  
8 ways.  
9 The sector plan defines a mixed street as one with  
10 limited capacity. Montgomery Lane is approximately 20 feet  
11 wide with on-street parking on the one-way segment of  
12 Montgomery Lane, limiting capacity, the on-street parking.  
13 The street currently operates with a limited capacity of  
14 only 2 to 13 percent on the approach.  
15 Q So the fact that the sector plan calls for a mixed  
16 street, and then notes that a mixed street should function  
17 at limited capacity, is it your opinion that a street that  
18 functions within two to 13 percent of its total capacity is  
19 functioning at limited capacity?  
20 A Yes.  
21 Q Okay. And I'd like to introduce Exhibit 87 which  
22 were photos that showed, that represented what Mr. Kabatt  
23 has just testified to in terms of the level of activity on  
24 the street.  
25 MR. KNOPF: Those were already introduced.

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1 MS. HARRIS: You're correct. I want to reference  
2 Exhibit 87, and just ask Mr. Kabatt a question regarding  
3 those. Thank you. Okay.  
4 BY MS. HARRIS:  
5 Q So based on your traffic study, your quantitative  
6 traffic LATR study, plus your personal observations of the  
7 site, are the photos that are displayed on Exhibit 87  
8 reflective of what your conclusions were from the LATR?  
9 A Yes. As I said, I've been out there numerous  
10 times. And we were out there also during the peak hours  
11 when we, that's the focus of our study. And our field  
12 observations that confirm our results.  
13 MS. ROBESON: Okay. Can you just describe where  
14 these photos, what vantage point they were taken from?  
15 THE WITNESS: Okay. The photo on the, if you're  
16 looking at the board on the left side, is from Woodmont  
17 Avenue, looking west along Montgomery Lane.  
18 MS. ROBESON: Okay.  
19 THE WITNESS: If you're looking at the one-way  
20 section.  
21 MS. ROBESON: And the --  
22 THE WITNESS: And then the photo on the right side  
23 of the board, it looks like it's taken from the West Lane  
24 intersection looking west towards Arlington Road. You can  
25 see two vehicle, one appearing to be, wanting to turn left,

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1 and one when you turn right towards Arlington Road.  
2 BY MS. HARRIS:  
3 Q Thank you. Did you quantify the development  
4 plan's effect on capacity at the Arlington Road and  
5 Montgomery Lane intersection, and within Montgomery Lane?  
6 A Yes. Again, based on the critical lane volume  
7 analysis, the intersection would operate at 29 to 44 percent  
8 capacity during the a.m. and p.m. peak hours with the  
9 development plan, and also with the background development  
10 in the area. This is a 2 percent increase from existing  
11 conditions.  
12 Based on the highway capacity manual methodology,  
13 the Montgomery Lane approach would operate at 3 to 15  
14 percent capacity. This is with the proposal and with the  
15 pipeline projects. And this is also, this is only an  
16 increase of 1 to 2 percent from the existing condition. The  
17 impact of the West Lane proposal is imperceptible.  
18 Q Okay. And so from a transportation perspective,  
19 how would you characterize the development plan's effect on  
20 traffic capacity?  
21 A It's insignificant in terms of actual vehicles.  
22 The development plan for the 120 dwelling units would add  
23 only 24 and 20 vehicles at Arlington Road, Montgomery Lane  
24 intersection during the a.m. and p.m. peak hours. This is  
25 approximately two during the a.m. peak hour, and one percent

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1 of existing traffic at that intersection. To put this in  
2 perspective, traffic counts can vary up to 10 percent on a  
3 daily basis.  
4 Q Thank you. I want to move onto vehicle  
5 circulation. With regard to vehicle circulation, did you  
6 observe existing vehicle operations on Montgomery Lane?  
7 A Yes. I have observed the parked vehicles outside  
8 of the designated areas, particularly on the one-way section  
9 on the south side of the street.  
10 Q And can you please describe any observed vehicle  
11 queues?  
12 A As noted previously, we calculated vehicle queues  
13 on westbound Montgomery Lane during the a.m. and p.m. peak  
14 hours. The results indicated vehicle queues of 22 feet and  
15 50 feet, one or two vehicle on Montgomery Lane during the  
16 peak hours. These queues were confirmed by our field  
17 observations.  
18 Q And the next couple of questions I had related to  
19 queuing, but maybe you can summarize that. Is there  
20 anything else that you can add with respect to queuing in  
21 this area?  
22 A Well, let me --  
23 Q I think you hit most of those points, but go  
24 ahead.  
25 A Yes, we did. And then let me, we did confirm

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1 those queues based on field observations, and then we  
2 projected them out to the future condition with the pipeline  
3 projects and with West Lane, and with the proposed West Lane  
4 project and pipeline projects included in the traffic study,  
5 the vehicle queues are anticipated to increase to 37 feet  
6 and 57 feet. This is essentially the same queue as the  
7 existing conditions.  
8 I would note, as we see in Bethesda, that other  
9 roads have queues along them that extend a lot, that are a  
10 lot longer than one or two vehicles. Montgomery Lane is  
11 limited and part of that is because of that one way section.  
12 Q Okay. Thank you.  
13 MS. ROBESON: Wait. Are you saying that the 37 to  
14 57 is typical of other roads in Bethesda? Is that what your  
15 point was?  
16 THE WITNESS: No. I'm saying that Montgomery  
17 Lane, the queues along Montgomery Lane may be less than some  
18 of these other sites, such as Elm Street or Bethesda Avenue.  
19 BY MS. HARRIS:  
20 Q So that you would expect those other streets --  
21 did I interrupt? I'm sorry.  
22 MS. ROBESON: No. Go ahead.  
23 BY MS. HARRIS:  
24 Q Okay. That you would expect those other streets  
25 to potentially have longer queues than 37 to 57 feet?

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1 A Yes.

2 Q And that's 37 to 57 continues to be one to two

3 cars, is that correct?

4 A Yes. It assumes that, in queue analysis you

5 assume that a vehicle is 25 feet long, and that assumes for

6 the car itself. And then the gap that is provided in

7 between cars.

8 Q So from a transportation perspective, again, how

9 would you characterize the development plan's effect on the

10 queues?

11 A It's minimal, imperceptible, even with the

12 increase, even with the increases attributable to the

13 background projects. That's also included in the

14 calculation.

15 Q Okay. And then can you describe how the vehicles

16 will, how vehicles currently enter and exit the existing

17 property, which is comprised of four separate lots with four

18 separate improvements?

19 A Yes. Currently there are four curb cuts for the

20 four existing structures for the commercial uses on the

21 property. There is one on Montgomery Lane, and there are

22 three on West Lane.

23 Q And can you please describe the proposed access

24 for the building that's being proposed by the applicant?

25 A The four existing driveways will be consolidated

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1 into driveways. The northernmost driveway leads the

2 vehicles into the parking garage. The other driveway, just

3 south of the garage access will be used by service vehicles

4 and delivery vans. A service corridor connects the service

5 space to the front lobby. Most importantly, the curb cut on

6 Montgomery Lane will be eliminated.

7 Q And are you familiar with other projects that

8 provide a service corridor from the loading to the lobby?

9 Is that a common occurrence?

10 A Yes. It is. The service corridor may not be, or

11 the loading space may not be provided right next to the

12 lobby and residential buildings like to have their service

13 separated from their main lobby. So there is typically a

14 corridor of some sort that connects the loading dock to the

15 elevators.

16 Q In your opinion will the vehicular access be safe,

17 efficient, and adequate?

18 A Yes. The dedication on West Lane will result in

19 50 feet of right-of-way with a 22-foot section of paving,

20 which is more than adequate to handle the forecasted

21 traffic. The driveway is located on the northernmost

22 portion of the building, providing separation of vehicles

23 and pedestrians, as the lobby is located at the corner of

24 Montgomery Lane and West Lane.

25 Montgomery Lane would continue to operate well

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1 within the congestion standard, adequately accommodate

2 existing and pipeline traffic, as well as the proposed West

3 Lane trips.

4 One of the two curb cuts, one of the two curb cuts

5 has been provided solely for access to a dedicated loading

6 and service bay. Both the location and the use of the

7 proposed operational controls will force loading and service

8 vehicles to access the property from West Lane, removing

9 them from Montgomery Lane so as to prevent the type of

10 congestion that's created at the adjacent buildings.

11 A lay-by lane will also be constructed on West

12 Lane. We also, we raised this issue with DOT about the

13 additional, an additional lay-by lane on Montgomery Lane, a

14 lot of lanes --

15 Q Yes.

16 A -- and DOT appears agreeable, based on these

17 recent conversations with the project team. To the extent

18 the neighbors are concerned about existing service vehicles

19 parking, this would be beneficial.

20 MS. ROBESON: Wait. What would be beneficial?

21 THE WITNESS: If there was a lay-by lane on

22 Montgomery Lane.

23 MS. ROBESON: Okay.

24 THE WITNESS: We could, this issue can be further

25 addressed at the preliminary plan or site plan.

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1 BY MS. HARRIS:

2 Q Thank you. With regard to parking, is it your

3 opinion that the project will provide a sufficient number of

4 spaces?

5 A The project will provide approximately 120 parking

6 spaces, which is more than sufficient, whether this project

7 is rental or condo. It is anticipated that most of the MPDU

8 units will not own cars. This would free up approximately

9 nine parking spaces for visitors.

10 MS. ROBESON: What is your ratio? What's the

11 calculation for required parking here?

12 THE WITNESS: It's one per unit, and then the MPDU

13 is calculated at 50 percent of that parking rate, so one

14 every two units.

15 MS. ROBESON: Okay.

16 THE WITNESS: The U.S. Census data for this tract

17 surrounding the subject site, according to that U.S. Census

18 data, approximately 36 percent of renters have no vehicles.

19 This would mean a minimum of 43 units will not have a car if

20 this building is rental. And this also does not, that 43

21 does not take into account the 18 MPDU's. This is more than

22 enough space for residents as well as providing some spaces

23 for guest parking.

24 BY MS. HARRIS:

25 Q And was that census tract information taken from

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1 the area with the census tract within which this building is  
2 located?

3 A Yes. And I would also note that there are  
4 numerous public parking garages, or there are public parking  
5 garages within walking distance of this site.

6 Q Thank you. With regard to loading, and I'm going  
7 to note up front that as I indicated previously, the civil  
8 engineer is going to be testifying to actual turning  
9 movements. So we'll save that for him. But does a  
10 development plan provide a sufficient number of loading  
11 spaces to meet applicable county requirements?

12 A It does. The County does not have any loading  
13 requirements. It does have loading guidelines which DOT  
14 frequently waives or modifies. The building satisfies the  
15 loading guidelines with the provision of the West Lane lay-  
16 by. In addition to this space and the lay-by, the project  
17 is providing two additional loading spaces for service  
18 vehicles, one within the parking garage, and one in the  
19 interior loading service bay along West Lane.

20 The project team met with DOT in the spring of  
21 2012, at which time the applicant was providing one loading  
22 area, the lay-by on West Lane. And DOT determined at that  
23 time the one loading space was sufficient. The addition of  
24 the two service loading areas only improves the situation.

25 Q Thank you. Can you please explain the deliveries

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1 from an operational standpoint?

2 A The building loading bay provides a door to the  
3 interior corridor which will be required for deliveries.  
4 For convenience, delivery trucks will want to use this bay  
5 as the loading bay --

6 MS. ROBESON: Wait. Which? Not the one that goes  
7 down into the -- there is an exhibit somewhere that is  
8 marked in red that shows all the -- thank you. Is that 89?

9 MS. HARRIS: 89.

10 MS. ROBESON: Okay. Is the loading bay you're  
11 talking about the northernmost red outline there?

12 THE WITNESS: Yes, that was the loading bay I was  
13 referring to.

14 MS. ROBESON: Okay. Could you just continue? I  
15 just mean --

16 THE WITNESS: Sure. The loading bay, the northern  
17 loading bay that's in the building, I then access off of  
18 West Lane, would be connected to the lobby by a service  
19 corridor. It would be require that deliveries and move-ins,  
20 move-outs would occur through that service corridor, and not  
21 through the main lobby.

22 It's also proximate to the lay-by lane, so even if  
23 a van was delivering and using the lay-by lane, they would  
24 be required to go through the service corridor, not through  
25 the main entrance, the lobby.

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1 MS. ROBESON: Now, how are people going to know  
2 that they have to go there to load and unload?

3 THE WITNESS: Well, I could imagine here, like  
4 most residential buildings, when you would move in, you're  
5 speaking to the leasing agents, and they would --

6 MS. ROBESON: I'm talking about delivery people.

7 THE WITNESS: Delivery people, they could be  
8 advised via signs. They could go up to the front door and  
9 the person working the desk could tell them that you're not  
10 allowed to load through this doorway. So they may try,  
11 attempt it once, but the UPS driver or the FedEx who  
12 typically do the same route, that they would then know to go  
13 somewhere else.

14 And then it could be that other deliveries, that  
15 the resident would have to tell them to please use the  
16 service corridor. And again, the applicant is committing to  
17 no deliveries or services through that main door. So it  
18 would be their enforcement and their policy not to allow  
19 anybody through that front door.

20 MS. HARRIS: I would note that the applicant will  
21 speak to this. They've done this on other buildings, so  
22 they can shed even further light on operationally, how they  
23 will make sure it works.

24 MS. ROBESON: Okay.

25 THE WITNESS: We're still, there's a couple of

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1 other points.

2 BY MS. HARRIS:

3 Q Do you have a sense of, from your experience and  
4 observation, when for instance the FedEx truck, when they  
5 come up to the building and make a delivery, do you have an  
6 estimate of how long that would, how long the truck would  
7 actually be there?

8 A Based on our observations in this area, the FedEx  
9 truck would likely take five minutes or so for a building.  
10 And this would be similar for other mail deliveries, UPS  
11 deliveries. The loading bay would not be occupied by these  
12 vehicles, the UPS or FedEx for extended periods of time.

13 Q So even --

14 MS. ROBESON: And what kind of vehicle can go in  
15 the loading, the red loading bay?

16 THE WITNESS: Well, that loading bay is 22 feet  
17 deep, and I believe it's 12 feet high. And that would  
18 accommodate your typical UPS or FedEx delivery van or truck.

19 MS. ROBESON: Okay.

20 BY MS. HARRIS:

21 Q So that even if the FedEx truck came for say four  
22 times a day, which I think that may be high, but it would be  
23 a total of, what, 20 minutes that the FedEx truck would be  
24 occupying the loading space? Is that correct?

25 A Correct.

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1 Q Okay. Has anyone else reviewed the proposed  
2 rezoning and development plan in terms of traffic impact?  
3 A Yes. Maryland National Capital Park and Planning  
4 Commission's development review staff, and the  
5 transportation staff has reviewed the application.  
6 Q And did they determine that the vehicular access  
7 will be safe, adequate, and efficient?  
8 A They have, with the necessary frontage  
9 dedications, the corner truncation, roadway and sidewalk  
10 improvements, and additional loading area off of West Lane,  
11 staff concluded, quote, "Its impact on the overall traffic  
12 flow in the area will not severely degrade the pedestrian  
13 and vehicular environment on Montgomery Lane," end quote.  
14 Q And I would note that the civil engineer will  
15 testify further with respect to the dedications and  
16 truncations that we'll be referring. The ZHA, on her site  
17 visit noted that Montgomery Lane appeared to be narrow. Can  
18 you please address this?  
19 A Again, as Ms. Harris was saying, the engineer will  
20 testify to the widening of Montgomery Lane. But I would  
21 like to add one comment regarding the operational, from an  
22 operational standpoint. The sector plan did not envision  
23 parking on the south side of Montgomery Lane. You can refer  
24 to page 180 of the sector plan, Exhibit 106K.  
25 Q Okay. Hold on one moment. It may be helpful if

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1 we get 106K up here. 106K, which was -- I'm sorry. Yes,  
2 that is the sector plan.  
3 A Yes.  
4 Q Okay. And that was page 180-181. Okay.  
5 MR. KNOPF: Page what was that?  
6 MS. HARRIS: 180 and 181.  
7 MR. KNOPF: Thank you.  
8 BY MS. HARRIS:  
9 Q And so it was submitted and is noted as 106K,  
10 Exhibit.  
11 A If Montgomery Lane did not provide that parking on  
12 the south side, as was envisioned in the sector plan, the  
13 scenario of a delivery truck stopped for a delivery would  
14 not present any problems. In other words, you wouldn't have  
15 the parking and then the delivery vans.  
16 MS. ROBESON: Okay. I'd like to understand this.  
17 I just don't have your same book. Is there a diagram that  
18 you have on 181?  
19 THE WITNESS: Yes. It's figure 5.12, 5.12.  
20 MS. ROBESON: Okay. No, I got it now.  
21 THE WITNESS: And the text below the image for the  
22 West Lane, or excuse me, the Montgomery Lane street is the  
23 illustration on the top of the page.  
24 MS. ROBESON: Okay.  
25 THE WITNESS: It says, proposed Montgomery Lane,

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1 52 feet right-of-way, two lanes with parking on one side  
2 only. And you can see the parking, the parking lanes on the  
3 north side. And that is what is on that section of West  
4 Lane in front of, or excuse me, on Montgomery Lane, in front  
5 of the high-rise at Edgemoor, the cut-outs for the parking.  
6 MS. ROBESON: Okay. So how did it get there?  
7 THE WITNESS: Well, DOT, I'm not sure of the  
8 history, but DOT could do what they want inside their right-  
9 of-way, and because this is a one-way section, assuming they  
10 determined that parking could be provided on that south  
11 side.  
12 MS. ROBESON: Okay.  
13 BY MS. HARRIS:  
14 Q Thank you. Similarly, the ZHA commented that West  
15 Lane appeared to be, commented on the width of West Lane.  
16 Can you please comment on this, and functionally how it  
17 would operate, given the width?  
18 A Okay. Once again, the engineer will, the civil  
19 engineer will testify as to the widening of West Lane.  
20 There is no parking permitted on West Lane, and the most  
21 important thing to remember is that cars traveling on West  
22 Lane will be traveling at unusually low speeds,  
23 approximately five to 10 miles an hour. It's a very short  
24 segment of roadway. And you'd be turning from Montgomery  
25 Lane. So you're going to be going from five miles an hour

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1 up to maybe 10 miles an hour, to get to a driveway.  
2 Each lane on West Lane is 11-foot wide. Put this  
3 in perspective. The travel lanes on the Capital Beltway are  
4 12-foot wide. And we all know that the speeds on the  
5 Capital Beltway exceed 55 miles an hour.  
6 I would also like to note that Connecticut Avenue  
7 through Chevy Chase has 10-foot wide lanes, and there's a  
8 posted speed limit there of 30 miles an hour.  
9 Q So in your view is the 11-foot wide width, the  
10 lanes at 11-foot wide, adequate to serve the traffic on West  
11 Lane?  
12 A Yes. It's more than adequate.  
13 Q Is there anything else you would like to add to  
14 your testimony?  
15 A I just want to reiterate that based on the field  
16 observations, the traffic study, and the capacity and queue  
17 analyses, that Montgomery Lane would operate safely,  
18 adequately and efficiently with the proposed West Lane  
19 project.  
20 MS. ROBESON: Okay. Is that all?  
21 MS. HARRIS: That concludes Mr. Kabatt's  
22 testimony.  
23 MS. ROBESON: Okay. Mr. Abrams.  
24 MR. ABRAMS: How long do we anticipate going  
25 today?

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1 MS. ROBESON: How long is your cross-examination?  
2 MR. ABRAMS: Approximately an hour.  
3 MS. ROBESON: Okay.  
4 MR. ABRAMS: I'm bringing it up because my bride  
5 has certain plans for this evening.  
6 MS. HARRIS: If I could just given, I mean, a  
7 normal work day, typically, for all of us in the room,  
8 probably doesn't end at 4:30. And given the tight hearing  
9 schedule, I would think that at least he can get his cross  
10 in, and then we can decide.  
11 MS. ROBESON: Yes. I'd like to go until 5:30, if  
12 we can do that, unless you want to let Mr. Knopf go. But  
13 I'd like to be able to go 5:30.  
14 MR. ABRAMS: Why don't I let Mr. Knopf do it?  
15 MS. HARRIS: I object to that, just because the  
16 normal -- my sense is that there is more going on than Mr.  
17 Abrams' bride waiting for him. And the normal course of  
18 questioning has been Mr. Abrams and then Mr. Knopf. I see  
19 no reason to change that at this point.  
20 MS. ROBESON: Well, hold on. Let me think.  
21 MR. ABRAMS: Well, is the object not to bring this  
22 witness back? Is that what we're shooting for?  
23 MS. ROBESON: Yes. Well, what I'm shooting for is  
24 to get this case done.  
25 MR. ABRAMS: We all are.

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1 MS. ROBESON: Yes. And I would like to go to  
2 5:30. If you want to figure out a way we can do that,  
3 because otherwise we're not going to get it done.  
4 MR. ABRAMS: Could I make a phone call, take a  
5 five-minute recess?  
6 MS. ROBESON: We could take a five-minute recess.  
7 (Whereupon, at 4:31 p.m., a brief recess was  
8 taken.)  
9 MS. ROBESON: Cross-examination.  
10 CROSS-EXAMINATION  
11 BY MR. ABRAMS:  
12 Q All right. The lay-by on Montgomery Lane that you  
13 were talking about a potential possibility for, was that  
14 something investigated with DOT?  
15 A Yes, back in earlier discussions. But there have  
16 been some recent discussions with the project team regarding  
17 a lay-by on Montgomery Lane, and they seem receptive.  
18 Q Okay. So that would create a six-foot indentation  
19 or depth into the curb on Montgomery Lane?  
20 A Yes.  
21 Q And that would be six feet closer to the building?  
22 A Yes, it would be on the north side.  
23 Q And would that cause the sidewalk to be pushed  
24 back at all?  
25 A I have not seen a design of it, but -- I'm just

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1 now sure without seeing a design. It would either be taking  
2 away the grass panel or moving the sidewalk further north.  
3 It's possible.  
4 Q Montgomery Lane in this area is the pedestrian  
5 pathway, isn't it?  
6 A It is, it does accommodate pedestrians, the mixed  
7 use street.  
8 Q Well, as opposed to West Lane, Montgomery Lane is  
9 the pedestrian way from Arlington up to Woodmont Avenue,  
10 isn't it?  
11 A That's correct.  
12 Q So you're taking away a potential, or moving the  
13 sidewalk back towards the applicant's building if the lay-by  
14 is installed on Montgomery Lane?  
15 A Yes, I would say the sidewalk would move closer to  
16 the building, and it could. But you could, you have 52-feet  
17 of right-of-way. And so you get other travel lanes.  
18 MS. ROBESON: Wait. 50-feet of right-of-way  
19 where, on Montgomery? Not on Montgomery.  
20 THE WITNESS: Montgomery Lane will have 52-feet of  
21 right-of-way.  
22 MS. ROBESON: Okay.  
23 THE WITNESS: And so you would have your two  
24 travel lanes for your vehicles, and then those are, that  
25 takes up 20 feet. And then, I guess if you did it from the

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1 center line, you would have your --  
2 MS. ROBESON: That's 32 feet.  
3 THE WITNESS: You have 32 feet, but assume that  
4 you split that in half, because of taking the measurements  
5 from the center line, you could still put in a lay-by lane  
6 and have half of it sidewalk on the west side.  
7 BY MR. ABRAMS:  
8 Q Well, the lay-by lane would be on the north side,  
9 not the south side of Montgomery Lane?  
10 A It would be on the north side. That's what we're  
11 talking about.  
12 Q And a lay-by in that area, assuming that you have  
13 UPS and Federal Express trucks, and other deliveries and  
14 service people using that lay-by, they would have to walk  
15 all the way around the corner to get to the restricted  
16 delivery entrance, would they not?  
17 A Well, this would be in addition to service bay  
18 that's within the building, the service space that's within  
19 the garage, and then also the lay-by on West Lane. And you  
20 could anticipate that someone delivering to the West Lane  
21 project building would try to park as close to that service  
22 corridor as possible.  
23 Q Okay, but that one is tied up. Okay. They go  
24 back down around to Montgomery Lane. Now, that means they  
25 have to carry their packages, or put it on a cart of some

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1 sort, and wheel it all the way around to this restricted  
2 delivery entrance. Is that what we're talking about?  
3 A If there was a lay-by lane on Montgomery, if they  
4 park there they would have to cart it. Yes.  
5 Q Now, it's likely that UPS or Federal Express, the  
6 delivery services, when they make deliveries, they try to  
7 make as many in one location as they have boxes or packages  
8 available for delivery. Is that correct?  
9 A That's my understanding.  
10 Q So when you say it takes about five minutes for a  
11 delivery to be made on average on those types of companies,  
12 are you talking about a single box to a single destination?  
13 A No, to a building, like a residential building,  
14 120 units or so. They would take several boxes and drop  
15 them off.  
16 Q So you could have anywhere between one and a half  
17 dozen, or a dozen boxes, and it all takes five minutes?  
18 A Yes. And I think the reason is, is because they  
19 don't go to the individual units delivering the packages.  
20 They go to the front desk and they have them on their cart,  
21 and they unload them. And it's the person at the front desk  
22 that typically, that notifies the resident that they have a  
23 delivery.  
24 Q Is that the operational aspect that has been  
25 labeled as a part of a binding element in this case?

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1 MS. HARRIS: Objection. We're not in a -- I  
2 mean --  
3 MS. ROBESON: That's okay. He can. It's not  
4 really a basis of cross-exam. I understand what you're  
5 saying, but he can answer.  
6 THE WITNESS: I do not know offhand.  
7 BY MR. ABRAMS:  
8 Q You don't know. Okay. Is there any parking along  
9 the western portion of Montgomery Lane, any parking  
10 permitted?  
11 A On Montgomery Lane there is no on-street parking  
12 west of West Lane.  
13 Q So it's prohibited by signage?  
14 A I don't recall if there are signs out there saying  
15 no parking.  
16 Q Well how else would it be prohibited?  
17 A There are just two travel lanes. I think it's  
18 understood. I'm just not certain that -- I don't recall if  
19 I saw no parking signs out there.  
20 Q If parking were prohibited in that section of  
21 Montgomery Lane, where were the cars parked for the  
22 buildings along Montgomery Lane?  
23 A If parking was -- could you repeat that?  
24 Q If parking was prohibited from West Lane west to  
25 Arlington Boulevard, along Montgomery Lane, and we're not

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1 talking about people with parking spaces in buildings, but  
2 visitors, service people, to buildings other than the  
3 applicant's building, where would they park here?  
4 A Well, they would have to park in the designated  
5 parking areas along Montgomery Lane that's closer to  
6 Woodmont Avenue. Or they would have to park on the adjacent  
7 streets that have on-street parking.  
8 Q Does West Lane permit parking?  
9 A No, it does not.  
10 Q Now, if somebody came up from Arlington Road into  
11 Montgomery Lane, and wanted to get to Woodmont Avenue, what  
12 would happen?  
13 A They would have to turn around using West Lane.  
14 They could not, you could not travel legally from Arlington  
15 Road east to Woodmont Avenue. You would have to turn  
16 around.  
17 Q Is there any signage to prevent people from making  
18 that mistake?  
19 A There is. Bear with me one second. I don't  
20 recall if there's a no outlet sign at the intersection on  
21 Arlington Road. I do know that there is a do not enter sign  
22 at West Lane.  
23 Q Now, did you or somebody else prepare the LAR  
24 traffic impact analysis?  
25 A Well, I prepared the study. There were other

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1 associates in our firm that helped with preparing it. But  
2 ultimately, I prepared the study.  
3 Q Okay. In preparing the LAR analysis, are you  
4 assigned critical intersections by the Planning Commission  
5 staff to analyze as part of your analysis?  
6 A Yes, we scope the traffic study with staff, and  
7 they identify the intersections to be analyzed.  
8 Q What were the intersections?  
9 A Arlington Road and Montgomery Lane, the  
10 intersection of Montgomery Lane and West Lane. And then the  
11 intersection of Montgomery Lane and Woodmont Avenue.  
12 Q Now, as part of the preparation of your analysis,  
13 do you count cars on the road going through these critical  
14 intersections?  
15 A Yes.  
16 Q And that's an important, if not a critical task in  
17 your analysis, is that correct?  
18 A It's an important task, yes.  
19 Q Now, why is it so important?  
20 A Well, those existing accounts are used as the  
21 basis of the critical lane volume analysis, to start with  
22 existing traffic counts.  
23 Q And when did you conduct these counts?  
24 A The counts were taken in April of 2012.  
25 Q And how did you count the traffic movements

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1 through the critical intersections in this case?  
2 A There are actual people at the intersection, and  
3 they have counter boxes, and they record every vehicle that  
4 goes through the intersection, turns left, and turns right.  
5 Q Do they have hand counters or is this a tube that  
6 is laid across the street?  
7 A They're hand counters. They're a box and you have  
8 corresponding buttons for each movement at the intersection,  
9 and press those buttons to record the vehicle.  
10 Q And are these boxes checked regularly for their  
11 accuracy?  
12 A The boxes are checked, and more thoroughly, what  
13 we do is the output or the counts that we get, we compare  
14 them to historic counts in the area at adjacent  
15 intersections, to make sure that they are in line with  
16 traffic in the area.  
17 Q So these counts are made by people who monitor the  
18 hours at these intersections for the total period of time  
19 that's reflected in your traffic report?  
20 A Per the guidelines, we collect the traffic counts  
21 from 6:30 to 9:30 a.m., and then from 4:00 p.m. to 7:00 p.m.  
22 Q But people are physically there to monitor and  
23 count the traffic, as opposed to putting a mechanical device  
24 at the intersection, leaving and then coming back and  
25 picking up the device?

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1 A That's correct.  
2 Q Now, what are the existing dimensions of the  
3 right-of-way for Montgomery Lane, existing right-of-way?  
4 A Do you want me, the cross-section? Excuse me.  
5 Q What are the existing right-of-ways for Montgomery  
6 Lane in front of this property?  
7 A I know that, I'm not sure what the existing right-  
8 of-way width is. I know that in front of this project, in  
9 the future it'll be 52 feet.  
10 MS. HARRIS: As I noted, the civil engineer will  
11 be testifying.  
12 BY MR. ABRAMS:  
13 Q Well, how do you know how much you have to  
14 dedicate if you don't know the existing right-of-ways?  
15 MS. HARRIS: Objection. The witness only said  
16 that the roads will be dedicated. He didn't specify an  
17 amount. And as I said, the civil engineer is going to go  
18 into great detail on this.  
19 MS. ROBESON: Okay. What is the lane width right  
20 now on Montgomery Lane?  
21 THE WITNESS: It's, Montgomery Lane is 20-feet  
22 wide, so --  
23 MS. ROBESON: 10 feet each.  
24 THE WITNESS: -- 10 feet each, in front of the  
25 site.

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1 BY MR. ABRAMS:  
2 Q A 20-foot width is, is that the same as the width  
3 of a drive isle on a two-way parking area, parking lot?  
4 A In a parking lot, the drive isles can vary in  
5 width, just like on roadways.  
6 Q What's the minimum required?  
7 A For two-way, 10-foot lanes are typically --  
8 Q A 10-foot lane in each direction, right?  
9 A Yes.  
10 Q Okay. So this is about the same with as you would  
11 find in a drive isle in a parking lot that has a 20-foot --  
12 A Drive isle.  
13 Q -- drive isle?  
14 A Could be, yes.  
15 Q And what is the existing paved width on West Lane?  
16 A West Lane varies in width, existing. I don't have  
17 the existing width numbers here in front of me. But again,  
18 the future would be two 11-foot travel lanes.  
19 Q Okay. So existing, it wouldn't be any wider than  
20 Montgomery Lane, would it? You've been out there observing.  
21 A I've been out there. Yes. From my visits, I  
22 don't believe that where West Lane is wider today than  
23 Montgomery Lane.  
24 Q So you're saying, within a 52-foot right-of-way  
25 that's proposed for Montgomery Lane, there will be two 11-

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1 foot sections, one moving in one direction, and one moving  
2 in another direction? Is that how you describe what is  
3 proposed?  
4 A On Montgomery Lane, along the site frontage,  
5 anyway, I believe where it's being held at 10-foot, it's  
6 still a 20-foot travel lane, two 10-foot lanes.  
7 Q Okay. So the actual paved section isn't proposed  
8 to be any wider than it is currently, is that right?  
9 A That's my understanding.  
10 Q Now, these 20-foot paved sections, are they about  
11 the same width in the road code, which is the minimum  
12 requirements for a tertiary or low road or standard  
13 secondary residential street?  
14 A Yes, tertiary streets are a type of a travel lane.  
15 Q So it's very similar to a tertiary street then?  
16 A As far as lane width.  
17 Q All right. Are tertiary streets typically located  
18 in low-density, low traffic volume areas?  
19 A There are tertiary streets in the Bethesda, in  
20 Bethesda. There are tertiary streets in the Bethesda-Chevy  
21 Chase policy area.  
22 Q Have they been associated and described with 20-  
23 foot sections in the CBD for any other street other than  
24 Montgomery Lane?  
25 A In the CBD?

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1 MS. HARRIS: Objection. The question suggests  
2 that Montgomery Lane has been classified as a tertiary  
3 street. I don't think that's been established by any means.  
4 MR. ABRAMS: No.  
5 MS. ROBESON: No, he didn't say that. He said  
6 it's similar. And he's, Mr. Kabatt said it's similar.  
7 MS. HARRIS: Okay.  
8 MS. ROBESON: So he can keep going.  
9 THE WITNESS: I don't know of any streets  
10 classified as tertiary within the CBD. And I'm not certain  
11 of actual lane widths on each road in the CBD. But 10 to  
12 12-foot lanes are typical in both rural and in your urban  
13 areas.  
14 BY MR. ABRAMS:  
15 Q Would they be typical serving a high-density  
16 portion of the CBD?  
17 A Yes, you could use 10-foot lanes in a high-density  
18 street.  
19 Q I know you could. Is that reasonable from a  
20 traffic engineering standpoint?  
21 A Again, 10 to 12-foot travel lanes are adequate for  
22 CBD streets.  
23 Q Would such 20-foot wide streets be found serving  
24 projects which have densities of 120 units to the acre?  
25 A Yes, I think DOT's standards, and they take into

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1 the context of the uses that the road is serving. And this  
2 road, Montgomery Lane, has a one-way section on it. And it  
3 serves residential, it directly serves residential units.  
4 And based on our studies and observations, it's more than  
5 adequate, the section that, the pavement section that's  
6 provided.  
7 Q Is there a lane standard for CBD streets for  
8 operational two way CBD streets, in other words, how wide  
9 they would have to be?  
10 A They County does have their design standards. But  
11 again, DOT agreed previously, because it's built, that this  
12 road at 25 feet would be adequate.  
13 Q So is it fair to say that the design standards  
14 would have required something more, but DOT feels that  
15 operationally this is satisfactory?  
16 A I think the classification of a mixed use street  
17 and DOT would not have approved something that's inadequate.  
18 So if you want more, they could, they have the right-of-way.  
19 They could provide a wider street, if they determine that  
20 10-feet, 10-foot travel lanes was appropriate.  
21 Q Have you conducted a formal parking study of  
22 Montgomery Lane?  
23 A No.  
24 Q Have you seen any photographs which show traffic  
25 congestion on the upper, I'll say, the eastern portion of

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1 Montgomery Lane?  
2 A Yes, I have.  
3 Q And in terms of the traffic, and I am specifically  
4 referring to Exhibit 56B little 6, little 7. Do you have  
5 copies of these?  
6 A Can I get a copy?  
7 MS. HARRIS: What exhibit is it?  
8 MR. ABRAMS: It was part of our prehearing  
9 submission.  
10 (Discussion off the record.)  
11 MS. ROBESON: I have it as 56B. This one, right?  
12 And then there is a letter from Lee Cunningham?  
13 (Discussion off the record.)  
14 BY MR. ABRAMS:  
15 Q Okay. This is 56B. Call it 56B. And it's a  
16 series of four photographs. Have you seen these before?  
17 A I've seen these photos, yes.  
18 Q Okay. Now --  
19 MS. HARRIS: I'd like to object on the basis of,  
20 those haven't been authenticated. We have no idea what date  
21 they were taken, what time of day they were taken, by whom  
22 they were taken.  
23 MS. ROBESON: Well, he can do that. Are you  
24 planning to have a witness do that, Mr. Abrams?  
25 MR. ABRAMS: Yes.

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1 MS. ROBESON: Why don't you save your cross-  
2 examination on the foundation then.  
3 MR. ABRAMS: Well, can we bring him back?  
4 MS. ROBESON: No, I'm saying, use them. I'm  
5 saying use these --  
6 MR. ABRAMS: Use them now.  
7 MS. ROBESON: -- and she can cross-examine.  
8 BY MR. ABRAMS:  
9 Q Now, the conditions which are shown on these  
10 photographs, now, if somebody wanted, if a truck wanted to  
11 pass, how would they pass under these conditions? Pass up  
12 and down Montgomery Lane?  
13 A Well, it looks like they would have to, one  
14 vehicle would have to turn onto West Lane or a street, or  
15 pull over in order to yield to the other vehicle.  
16 Q So it's pretty tight in this area, is it not?  
17 A Well, I would suggest that, or it appears that the  
18 vehicles that are stopped are parked, I believe are in the  
19 non-designated parking areas, make the street narrow.  
20 Q Okay, so that's a problem, irrespective of a  
21 parking plan that the applicant has in accommodating in  
22 these pictures. Do they exist today?  
23 A They exist today. Yes.  
24 Q And if you add more cars coming out of that  
25 building, is it likely to assume that the situation

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1 reflected in those photographs in Exhibit 56B would stay the  
2 same or be even worse?  
3 A As we concluded, I think that where the additional  
4 vehicles generated by this project would be imperceptible.  
5 Q Imperceptible from what standpoint?  
6 A Well, just, there's trips on the street today, the  
7 existing uses, and the redevelopment would generate only 20  
8 to 25 additional trips. I could get the exact numbers in my  
9 testimony, but it was, the proposed project would add 20 to  
10 25 additional trips. I don't perceive this to be a problem  
11 beyond more than what's happening today.  
12 Q You don't perceive there to be a double parking  
13 problem?  
14 A No, I have seen that, I have seen vehicle parked  
15 outside of the allowed parking areas, the parking on the  
16 south side and then the parking on the north side. So I  
17 recognize that there is a problem of people parking  
18 illegally out there.  
19 Q What about additional rush hour trips as opposed  
20 to just additional trips during the 24-hour day period?  
21 A Our study does focus on the rush hours, the peak  
22 hours.  
23 Q And you say there's going to be no deterioration  
24 in traffic circulation during rush hour on Montgomery Lane  
25 and West Lane?

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1 A That's correct. Staff also concluded that.  
2 Q Now, will on-street parking be reduced by  
3 development of the Sandy Spring project at 4825 Montgomery  
4 Lane?  
5 A Not to my knowledge.  
6 Q Well, doesn't that project show four driveways  
7 where none exist currently?  
8 A I don't know the answer.  
9 Q I'll show you Exhibit 81, top right hand corner,  
10 that is the architectural perspective for the Sandy Spring  
11 building. Have you seen this before?  
12 A I have.  
13 Q Now, there are four garage doors there? Each one  
14 of those, do you know, has a curb cut into West Lane?  
15 A Yes, they're on West Lane.  
16 Q Would the fact that it's not there now, but will  
17 be in the future, will that reduce parking on West Lane?  
18 A No, because there is no on-street parking on West  
19 Lane.  
20 Q Okay. So there's no on-street parking on West  
21 Lane. There's no on-street parking on this section of  
22 Montgomery Lane or West Lane?  
23 A That's correct. There's no on-street parking on  
24 West Lane or on the western section of Montgomery Lane.  
25 Q Now, basically, the apartment units, they park,

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1 with the exception of the MPDU units, on the basis of one  
2 space per unit, correct?  
3 A Well, I believe that's what is going to be  
4 provided, is approximately one space per unit.  
5 Q That will be provided. Now, this area isn't  
6 within a parking lot district, is it?  
7 A I'm not certain.  
8 Q Well, those areas that are not within a parking  
9 lot district have to provide the minimum required parking,  
10 is that correct?  
11 A Correct.  
12 Q And are we saying that what is being provided is  
13 the minimum required, or what is being provided is more than  
14 the minimum required? And if so, how much more?  
15 A I'm just going to look at the development plan.  
16 This is 108. They're providing the, per the development  
17 program on 108, they're providing the required parking.  
18 Q The minimum required parking? Is that what you're  
19 saying?  
20 A Yes. According to this, there is the base  
21 residential parking. Then you get a credit for proximity to  
22 Metro. And then you get a credit for the transit station  
23 development area. So they are --  
24 Q Okay. In actuality, how many spaces are being  
25 provided versus how many units are there in the building

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1 that they are using for the model for this?  
2 A I understand that the ultimate, the parking spaces  
3 will be determined later at site plan, the exact number.  
4 But per the Exhibit 108, the development plan, there will  
5 be, it's showing a total of 123 parking spaces provided, and  
6 123 required.  
7 Q Okay. Suppose people have like dinner parties  
8 where they have numerous guests invited, or they have car  
9 parties, whatever, that there's more guests than there are  
10 spaces available in the building garage to accommodate them.  
11 Where are they going to park?  
12 A Well, they could park in the public parking garage  
13 that's to the north by the Metro station. Then there's also  
14 other private parking garages in the area that are used.  
15 And there's also some on-street parking proximate to the  
16 site, just not adjacent to the site, immediately adjacent to  
17 the subject property.  
18 Q So there really isn't any extra parking within the  
19 building to accommodate those people, is there?  
20 A Well, we, based on the number of units, and the  
21 one, if you do the one, if you narrow it down to one space  
22 per unit, that's what they'd be parking. But the market  
23 conditions actually suggest that one space would not be --  
24 one space per unit would not be used. It would be something  
25 lower, as evidence in that Census data. It suggested that,

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1 the Census data says that 36 percent of rental units do not  
2 have cars, in this area.  
3 Q But there is no guarantee that this will occur at  
4 this one?  
5 A All I can say is what -- you can't guarantee it,  
6 but you can just point to the evidence of what actually  
7 occurs in the marketplace.  
8 Q Would you categorize parking in this area as being  
9 at a premium?  
10 A For residential?  
11 Q Yes, well, for any use?  
12 A I would not categorize that. Parking with public  
13 parking garage in the private garages without problems. But  
14 that's a personal experience.  
15 Q And how far away is the closest private garage  
16 that's available for use?  
17 A I know there is a private garage up here, and I'm  
18 looking at Exhibit, looks like it's 106F. It's an aerial  
19 image.  
20 MS. ROBESON: Yes.  
21 THE WITNESS: I note, I know there's a private  
22 garage underneath the building that's on the east side of  
23 Woodmont Avenue and south of Montgomery Lane. There's also  
24 a private garage in the office building that's on the north  
25 side of Montgomery Lane, and east of Woodmont Avenue.

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1 There's also another private garage that's underneath, Metro  
2 3, that complex where Bethesda Metro is. That's a private  
3 garage, and that's east of Woodmont Avenue, north of North  
4 Lane.  
5 BY MR. ABRAMS:  
6 Q Okay. So do all these private garages require the  
7 crossing of Woodmont Avenue?  
8 A Yes, they do.  
9 Q Okay. And do they also require at least a two or  
10 three or four block walk to the subject center?  
11 A Yes, I guess it's one, could stretch it to two  
12 blocks. It's actually one block.  
13 Q That's the closest one. The furthest one is more  
14 than two blocks?  
15 A The one I talked about under Metro Three, that  
16 would be one block. It's one block to the north and one  
17 block to the east, so two blocks.  
18 Q So it's two blocks away?  
19 A Yes.  
20 Q And that's talking and not as the crow flies,  
21 correct?  
22 A Yes, you would walk along Woodmont Avenue and then  
23 along Montgomery Lane.  
24 Q Now, the proximity to Metro and public parking  
25 lots and garages, they are not really a factor when

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1 considering service vehicles, delivery vehicles, those types  
2 of vehicular trips, are they?  
3 A Delivery vehicles would, they'd like to go  
4 directly to the building.  
5 Q Right. So Metro, being in close proximity to  
6 Metro is no advantage in terms of those types of trips?  
7 A Well, I guess so, yes. I haven't seen a FedEx  
8 person using Metro.  
9 Q Carrying boxes? I would doubt it. And how many  
10 cars did you say could be accommodated in the existing wait  
11 by, the one that's proposed to be on West Lane? How many  
12 cars can be accommodated in that wait line?  
13 A Approximately two.  
14 Q And how many trucks can be accommodated, and of  
15 what size?  
16 A Well, if it was, say, if, again, you're different  
17 sizes. If you're a 30-foot truck, that would take up,  
18 essentially, the whole lay-by lane. So one. You could  
19 potentially get two UPS trucks or delivery vans in that lay-  
20 by on West Lane.  
21 Q So if there was one in there, the driver of  
22 another truck of equal size or greater size, would have to  
23 find some space to park somewhere in that vicinity to make  
24 the delivery, or a service truck?  
25 A Well, I think you could get two, again, you could

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1 get two service vans or deliveries. You could get two in  
2 there. But if there were two in there, you would still have  
3 the opportunity to use the, there is the actually loading  
4 dock, loading berth within the building.  
5 Q And that can accommodate how many trucks of the  
6 size that you are speaking of?  
7 A The berth in the building is 22 feet long. So  
8 that would handle your service vehicles and UPS or FedEx  
9 delivery vans.  
10 Q Okay. Now, I'm interested in the larger trucks,  
11 the moving vans. There is an exhibit up there that was a  
12 copy of a development plan, but it had markings on it. And  
13 I think --  
14 MS. ROBESON: 108?  
15 BY MR. ABRAMS:  
16 Q Exhibit 108. If it is possible, I would like this  
17 witness to mark on that exhibit -- to show us where the  
18 moving trucks, how the moving trucks proceed in and out of  
19 that building?  
20 MS. HARRIS: Objection or just clarification. As  
21 I said, the civil engineer is going to discuss turning  
22 movements. He can, this witness can show general patterns.  
23 But turning radiuses should be left to the civil.  
24 BY MR. ABRAMS:  
25 Q All right. First of all, before you do that,

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1 where is your understanding of the loading dock, position of  
2 the loading dock for the moving vans and the larger  
3 vehicles? Can you put a line with your initials by it?  
4 MS. ROBESON: Go ahead.  
5 THE WITNESS: Well, the lay-by on West Lane --  
6 BY MR. ABRAMS:  
7 Q No, I'm talking about the garage.  
8 A Oh, the garage. This doesn't show the garage.  
9 This shows the --  
10 Q It shows --  
11 A It shows the service space.  
12 Q Do you know where the garage entrance is, in  
13 relationship to this service area? Doesn't this say garage  
14 entrance?  
15 A There is a garage entrance to the north here.  
16 Q Okay. Where is the loading dock for that garage  
17 entrance?  
18 A Are you referring to the loading space within the  
19 garage?  
20 MS. HARRIS: Objection. The traffic engineer is  
21 not an architect. He didn't design the parking layout of  
22 the building.  
23 MS. ROBESON: But he is testifying to site  
24 circulation. So if you can answer, that would be good.  
25 THE WITNESS: I would like to see the, do we have

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1 an exhibit showing the garage, so I could show it to him?  
2 MR. ABRAMS: I wish we did. There has been  
3 testimony --  
4 MS. ROBESON: If you don't know, if you're not  
5 familiar, just --  
6 THE WITNESS: I don't know the exact location  
7 within the garage. I do know that the applicant is  
8 committing to providing a space within the garage for a  
9 service vehicle.  
10 BY MR. ABRAMS:  
11 Q And that space, do you know how high the entrance  
12 is to that garage door access? If you don't, just say you  
13 don't.  
14 A I don't know. I don't know the height. I think  
15 any garage would be 98 inches as your minimum to get ADA  
16 requirement. So it would have to be at least 98 inches.  
17 Q 98 inches?  
18 A Which is like nine, or eight-feet-six inches.  
19 Q Is that going to accommodate a moving van, that  
20 height?  
21 A It would accommodate a -- there's different size  
22 moving vans. It would accommodate a standard U-Haul van.  
23 Q I'm talking about the standard North American, you  
24 know, whatever companies are out there.  
25 MS. ROBESON: Van Lines, or something?

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1 THE WITNESS: It would not accommodate a tractor  
2 trailer or a 30-foot box truck. No.  
3 BY MR. ABRAMS:  
4 Q So you couldn't, where it says garage entrance on  
5 Exhibit 108, you couldn't fit into that area in a tractor  
6 trailer or very large moving truck?  
7 A You wouldn't be able to proceed down into the  
8 garage.  
9 Q You wouldn't. Why?  
10 A You wouldn't be able to -- a tractor trailer would  
11 not be able to -- going through a garage, a tractor trailer  
12 is, they can be up to 12 to 14 feet in height.  
13 Q Okay. So we're talking about loading and  
14 unloading in the way-by, is that right?  
15 A Yes. But if you add the 30 foot single unit  
16 vehicle, the 30 foot truck that we're talking about --  
17 Q I'm not talking about the big ones.  
18 A What the --  
19 MS. ROBESON: The moving, the tractor trailers.  
20 BY MR. ABRAMS:  
21 Q Tractor trailer type moving vans?  
22 MS. HARRIS: Objection. The question assume that  
23 a tractor trailer would be used to move people into this  
24 building, and I don't think that's been established.  
25 MS. ROBESON: It hasn't been established, but he

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1 can ask the question.  
2 MS. HARRIS: Okay.  
3 BY MR. ABRAMS:  
4 Q I asked the question.  
5 A Well, should a tractor trailer want to deliver to  
6 this site, again, I didn't prepare the turning movements,  
7 but they would either have to pull up and do some kind of --  
8 they would have to turn around to get into the loading lay-  
9 by lane.  
10 Q So you didn't have anything to do with the design  
11 of the garage or the loading docks from the garage, their  
12 location, and whether they fit a safe and efficient  
13 circulation pattern?  
14 A I did not design them.  
15 Q All right. That's fair enough. Now, if you had a  
16 regular U-Haul truck, could that fit in either one of those  
17 areas, the garage entrance or that furthest area directly  
18 below the garage entrance?  
19 A There are U-Haul trucks that would fit in the --  
20 there are U-Haul trucks that would fit in the loading space.  
21 Q And are there --  
22 MS. ROBESON: What's the biggest, I'm sorry.  
23 MR. ABRAMS: Yes.  
24 MS. ROBESON: What's the biggest truck that could  
25 fit in the loading space? Because U-Haul trucks have like,

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1 you know, they come in different sizes. So I guess what I'm  
2 trying to get a sense of is the biggest truck that could fit  
3 in that loading space?  
4 THE WITNESS: It would be a 20-foot truck.  
5 Because it's 22 feet.  
6 MS. ROBESON: Is that like a UPS truck? 20 feet  
7 high or --  
8 THE WITNESS: 20 feet long.  
9 MS. ROBESON: Long. Okay.  
10 THE WITNESS: There are U-Haul trucks that you  
11 could get that are 20 feet or less.  
12 MS. ROBESON: Okay.  
13 BY MR. ABRAMS:  
14 Q Now, the building entrance is actually located on  
15 the corner, correct?  
16 A The lobby is --  
17 Q Building entrance?  
18 A Yes.  
19 Q Yes. The public entrance to the building?  
20 A Yes.  
21 Q Now, most people go to a public entrance, such as  
22 the one proposed on the corner, to seek entry to the  
23 building, whether they are visitors or delivery service  
24 personnel.  
25 A A visitor would likely go to the lobby, the corner

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1 entrance. The delivery, they would, if it's their first  
2 time there and no one notified them, I'd assume that they  
3 would walk up to the lobby and then they would be directed  
4 to the service area.  
5 Q So they would have to come back out to their  
6 vehicle, and find a space, whether it's in the way-by or in  
7 the loading area, correct?  
8 A Yes, and they could be parked in the lay-by ready.  
9 Q And if those areas were occupied, they would sit  
10 in their truck and wait for a vacancy? What would they do?  
11 A I guess I would assume they would have to wait for  
12 a vacant spot.  
13 Q Where will the handicapped visitors to the  
14 building enter the building, do you know?  
15 MS. HARRIS: Objection.  
16 MR. ABRAMS: Well, I'm getting to handicapped  
17 parking. I guess this is a foundation for that type of  
18 question.  
19 BY MR. ABRAMS:  
20 Q Is there any handicapped parking provided?  
21 A Within the garage, they would have to meet their  
22 ADA --  
23 Q How about outside?  
24 A Outside?  
25 Q Yes. Like, I guess in a parking lot they have

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1 little signs that say, handicapped parking?  
2 A I don't believe any of the marked on-street spaces  
3 on Montgomery Lane are marked for handicapped spaces only.  
4 Q Now, if you've had a moving van, a laundry van,  
5 would that take up most of the space on West Lane, in terms  
6 of negotiating that street?  
7 A If we're talking about these large moving vans,  
8 one, you just don't -- again, the marketplace, they just  
9 don't occur at these types of buildings and locations on a  
10 frequent, you know, you just don't see it coming to these  
11 buildings. They typically try to, they would consolidate  
12 their -- they would consolidate to a smaller truck. We're  
13 looking at apartment units here that are the sizes probably  
14 wouldn't fill up a large truck. But regardless --  
15 Q Are you familiar with moving services which have  
16 several different customers, put smaller loads to make up  
17 one load for a specific area?  
18 A Yes, I do know that that occurs.  
19 Q Okay. And that's fairly common when you're  
20 outside of a metropolitan area such as this, when you have a  
21 long distance haul. Okay.  
22 A Right.  
23 Q So it's conceivable that that could happen more  
24 than occasionally?  
25 A Well, I think that may happen because they are

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1 transporting across the country or wherever they're coming  
2 from. But once they get to the local area, they would then  
3 have to use a smaller truck to access the building.  
4 Q Is that a normal practice for a long distance  
5 mover, to transfer those smaller trucks when they reach a  
6 destination?  
7 A It occurs, yes.  
8 Q Is that a normal occurrence?  
9 A Well, I do know in urban areas that they do  
10 transfer the freight or the goods to smaller vehicles.  
11 Q Do you know the width of the moving van?  
12 A Of a moving van?  
13 Q Of a tractor trailer type moving van?  
14 A Those large tractor trailers are, they are about  
15 12-foot-one, the large tractor trailers tend to --  
16 Q So if any of them --  
17 A Excuse me. Excuse me. Not 12 feet wide. The  
18 large tractor trailers, they're about eight feet wide.  
19 Q So that the van on the back of the tractor trailer  
20 is eight feet wide?  
21 A Yes.  
22 Q Now, in terms of a grade of the driveway, is a 14  
23 or 15 percent grade considered to be steep?  
24 MS. HARRIS: Objection. I believe the question is  
25 outside the scope of, first of all, what the witness

1 testified to. And too, outside his scope of expertise.  
2 He's a traffic engineer, not an architect or a civil  
3 engineer.

4 MS. ROBESON: Mr. Abrams, I don't know if -- I  
5 tend to agree with Ms. Harris on this one. I think that  
6 might be a question for the civil. Is the civil engineer  
7 going to be able to answer questions like that?

8 MS. HARRIS: Yes.

9 MS. ROBESON: Okay.

10 MS. HARRIS: It's a long list for that civil  
11 engineer.

12 MS. ROBESON: Yes.

13 MR. ABRAMS: That's all the questions I have.

14 MS. ROBESON: All right. Mr. Knopf, how long do  
15 you think yours will take?

16 MR. KNOPF: I guess a half an hour.

17 MS. HARRIS: I'm sorry, what was your answer?

18 MR. KNOPF: I'm guessing half an hour.

19 MS. ROBESON: Okay.

20 MR. KNOPF: Assuming we all don't fall asleep  
21 during that time.

22 MS. ROBESON: Well, I would like Mr. Kabatt to  
23 come back tomorrow morning, if that's possible?

24 MS. HARRIS: That's possible. Yes.

25 MS. ROBESON: Okay. So what I'm going to do

1 tonight is, or tomorrow morning, is check with my office and  
2 for one additional hearing date. And we will continue this  
3 case until tomorrow at 9:30. And you may leave your  
4 exhibits in here, because we can lock this room, unless you  
5 don't wish to.

6 MS. HARRIS: When you check with your office,  
7 you'll have a number of dates, just given --

8 MS. ROBESON: Yes.

9 MS. HARRIS: Okay.

10 MS. ROBESON: I'm going to get a couple of back-  
11 ups.

12 MS. HARRIS: I appreciate it. Thank you.

13 MS. ROBESON: Mr. Knopf, were you going to say  
14 something?

15 MR. KNOPF: No, I'm just pondering. It's very  
16 tempting. I'm leaving here and I don't have to work tonight  
17 on this.

18 MS. ROBESON: And not know where it is. Okay.

19 MR. KNOPF: I appreciate it.

20 MS. ROBESON: We are off the record.

21 (Whereupon, at 5:41 p.m., the hearing was  
22 adjourned.)

23  
24  
25

. Digitally signed by Teresa S. Hinds

ELECTRONIC CERTIFICATE

DEPOSITION SERVICES, INC., hereby certifies that  
the attached pages represent an accurate transcript of the  
electronic sound recording of the proceedings before the  
Office of Zoning and Administrative Hearings in the matter  
of:

4831 West Lane, LLC

Local Map Amendment No. G-954

4831 West Lane, LLC

Development Plan Amendment No. DPA 13-01

By:

\_\_\_\_\_  
Teresa S. Hinds, Transcriber

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