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Transcript of Administrative Hearing

Date: December 7, 2018

Case: St. Anne's Episcopal Church

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4	In Re: :	4
5	The Application of :	5
6	ST. ANNE'S EPISCOPAL CHURCH : Case No.: CU 18-11	6
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9	HEARING	9
10	Before Hearing Examiner	10
11	MARTIN GROSSMAN	11
12	Rockville, Maryland	12
13	Friday, December 7, 2018	13
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7	100 Maryland Avenue	7
8	County Office Building, Room 200	8
9	Rockville, MD 20850	9
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17	Pursuant to agreement before Joseph Velazquez, a digital	17
18	reporter and notary public, in and for the State of Maryland.	18
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<p style="text-align: right;">6</p> <p style="text-align: center;">EXHIBITS</p> <p style="text-align: center;">(Retained by Attorney)</p> <p style="text-align: right;">PAGE</p> <p>1-49 Previously submitted</p> <p>50 Notice of possible conflicts in language Zoning ordinance 59-3.3.2.C.2.C 11</p> <p>51 Affidavit of Posting 14</p> <p>52 Resume of Kenneth Jones 54</p> <p>53 June 26, 2018 DPS Approval of storm Water concept plan 70</p> <p>54 Resume of John Kershner 88</p> <p>55A Rendering of elevations - view from church drive entry 96</p> <p>55B Rendering of elevations - view from drive entry 96</p> <p>56 Resume of Nicole White 109</p>	<p style="text-align: right;">8</p> <p>This hearing is conducted by the Office of Zoning and Administrative Hearings. My name is Martin Grossman. I will take evidence here and write a report and decision in this case. Will the parties identify themselves, please?</p> <p>MR. KLINE: Good morning Mr. Grossman. For the record, my name is Jody Kline. I'm an attorney with the law firm of Miller, Miller, & Canby with offices at 200 B Monroe Street here in Rockville. And I represent the applicant in this case, St. Anne's Episcopal Development -- I'm sorry -- Community Development Corporation.</p> <p>MR. GROSSMAN: All right. And generally at this time, I ask if anybody in the audience wishes to be heard who is not a witness to be called by Mr. Kline. As I see four gentleman in the audience and hearing nothing, I take it that there is nobody else who will be a witness here. All right. You've noted in your filings that you are going to have five witnesses. Is that still the case?</p> <p>MR. KLINE: That is correct.</p> <p>MR. GROSSMAN: Father Lee Davis, Mr. Ken Jones, Mr. Chris Everett, Mr. John Kershner, and Ms. Nicole White, who I don't see here.</p> <p>MR. KLINE: She, Mr. Kershner, and Ms. White were both told to arrive a little bit later knowing that we were going to take a little bit of time in the beginning.</p> <p>MR. GROSSMAN: Okay.</p>

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<p style="text-align: right;">9</p> <p>1 MR. KLINE: And Father Lee Davis is also on that list 2 and will be our leadoff speaker as well. 3 MR. GROSSMAN: Okay. All right. And I take it I hear 4 no opposition here. So I will proceed. Of course, if your 5 main client is here, I would explain these proceedings a 6 little bit. Is that -- 7 MR. KLINE: Yes, the principles of the Community 8 Development Corporation are present. 9 MR. GROSSMAN: Oh, okay. All right. Well, this is a 10 combination of formality and informality, in the sense that 11 the procedure is somewhat similar to a court room. All 12 witnesses are subject to cross-examination. They are all 13 sworn in. There is a court reporter who takes everything 14 down. We put a copy of the transcript, when it's received, 15 on our website. And we are a little less formal than a 16 courtroom, but essentially, the procedures are similar. And 17 this is an application for conditional use, which used to be 18 called a special exception, but this is a better name for it 19 because it is not a variance. It is a statutorily permitted 20 use if certain conditions are met as specified, somewhat 21 confusingly in this case, in the zoning ordinance. All 22 right. Let me turn to a few preliminary matters. The motion 23 to amend the plans noticed on November 6, 2018, was granted 24 automatically on November 16, 2018, without objection. And 25 if there are any further amendments, of course we need</p>	<p style="text-align: right;">11</p> <p>1 appears to me to be a technical error in the language of 2 zoning ordinance section 59-3.3.2.C.2.C, which refers to 3 subsections that are no longer -- that no longer exist, and 4 requires compliance with inconsistent limited use standards. 5 I've pointed this issue out to the drafters. I have some 6 language that explains in more detail what I'm talking about. 7 And I will -- maybe I will just exhibitize a copy of this and 8 give it to you. Let's see, what did I do with the exhibit 9 list? Here it is. 10 MR. KLINE: Here's an extra copy. 11 MR. GROSSMAN: Okay. Thanks. So we will call this 12 Exhibit 50. And you can tell me if you think I'm wrong about 13 this, or any suggestions that you may have. 14 MR. KLINE: Well, I didn't get a chance to read through. 15 What's the gist of the issue, Mr. Grossman, if you don't 16 mind? 17 MR. GROSSMAN: Yeah. I'll explain it in a second on 18 the -- 19 MR. KLINE: Okay. Sure. Sure. I'm sure Mr. Zionce 20 (phonetic) was disappointed to hear that you'd found an error 21 in his zoning ordinance. 22 MR. GROSSMAN: Well, he didn't say that. He just said 23 thank you. And maybe that will disagree with me, but I just 24 wanted to note it here since we are dealing with it. 25 MR. KLINE: Yeah.</p>
<p style="text-align: right;">10</p> <p>1 electronic copies of everything. Do you accept the findings 2 and analysis in the technical staff report that's Exhibits 45 3 and 47A, and the planning board letter of November 26, 2018, 4 that's Exhibit 49? 5 MR. KLINE: The conditions as recommended in the staff 6 report and then amended by the Planning Board's letter are 7 acceptable by the applicant. And Father Lee Davis will 8 confirm that in his testimony. 9 MR. GROSSMAN: And the findings in those -- 10 MR. KLINE: Yes. Yes, sir. 11 MR. GROSSMAN: -- are agreed to? 12 MR. KLINE: They are. 13 MR. GROSSMAN: Okay. All right. I would also like you 14 to have your transportation plan, or explain the discrepancy 15 between her new trip findings. That's 23 AM and 29 PM in 16 Exhibit 31, page 2. And technical staff's findings in that 17 report of 34 AM and 31 PM in Exhibit 45, page 14. 18 MR. KLINE: Okay. Since Ms. White is not here to hear 19 that queue, what I will probably do is when I call her as a 20 witness, ask if you can repeat that just give her a chance to 21 prepare. 22 MR. GROSSMAN: Okay. You like to remind me because I 23 thought we would be -- 24 MR. KLINE: I under -- that's why I'm writing it down. 25 MR. GROSSMAN: Now, I also want to note that there</p>	<p style="text-align: right;">12</p> <p>1 MR. GROSSMAN: Okay. Here it is. Here is the 2 explanation. It took a minute to read it. 3 MR. KLINE: Sure. 4 MR. GROSSMAN: Essentially, it refers back to sections 5 of the code that existed prior to the amendment by zoning 6 text amendment. And those were moved to a different 7 subsection. 8 MR. KLINE: I see. 9 MR. GROSSMAN: And the other question is one of applying 10 this -- the standard there, which calls for compliance with 11 all limited use standards. And the problem is that there are 12 two sets of limited use standards and they are inconsistent 13 with each other, in that one applies to seniors in one 14 applies to the disabled and limits the occupancy and one case 15 does -- 16 MR. KLINE: Oh, I see your point. Yeah, okay. 17 MR. GROSSMAN: So you're using the other one to disable. 18 And unless the person is both senior and disabled, you can't 19 apply that there. 20 MR. KLINE: Okay. 21 MR. GROSSMAN: So I just -- before we went any further, 22 I wanted to make sure that you understood this issue. I 23 guess we can interpret it as what they probably intended in 24 all of this. I suspect they didn't intend to not change the 25 statutory reference, and they didn't intend to have this</p>

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<p>13</p> <p>1 confusion about which set of limited use standards apply. 2 But we should all be on the same playing field. 3 MR. KLINE: Well, what I will do with Father Lee or Mr. 4 Everett, I will ask him a question of, did we anticipate that 5 it would be anyone with disabilities coming at all. We don't 6 want to preclude it I guess that we would be allowed to do 7 it. But I'm not sure that's what the target audience was 8 going to be. 9 MR. GROSSMAN: Right. I thought it was, if I read 10 remember in the papers, I think it set for seniors at this 11 point. 12 MR. KLINE: Yeah. 13 MR. GROSSMAN: And that disability -- those with 14 disabilities might be added later. But in terms of the 15 conditional use terms, I wanted to make sure that everybody 16 knew that this potential issue existed. 17 MR. KLINE: Sure. We can have a bit of a dialogue about 18 it when we get to that point of (inaudible). 19 MR. GROSSMAN: Okay. And I would like to hear at some 20 point, what changes, if any, and plans you would anticipate 21 from subdivision in this case. 22 MR. KLINE: Right. 23 MR. GROSSMAN: Are there any other preliminary or 24 procedural matters? 25 MR. KLINE: Only I would like to spend the affidavit of</p>	<p>15</p> <p>1 applicant. Basically I'm just going to have to sort of 2 describe it. There is a road that kind of loops around the 3 west side of the property and comes all the way up to, 4 actually the end of the zoning neighborhood is off the top of 5 Exhibit 32. Then there is some RT6.0 zoning on the east side 6 of Ridge Road, and that's a slightly different color. And 7 the staff's recommended zoning boundary -- or I'm sorry, 8 zoning analysis map neighborhood comes down the east side of 9 that zoned area, crosses the street at the bottom here 10 called -- I'm sorry. I can't read it. But then loops around 11 across 355. 12 MR. GROSSMAN: Right. 13 MR. KLINE: So essentially, the subject property is at 14 the center of the zoning neighborhood. And that is 15 acceptable to us. And I think that probably covers the areas 16 that reasonably would be influenced by the development that 17 we've got here. Using Exhibit 32 again, as you can see we 18 have single-family zoning northwest and west of us with 19 single-family development to the west and the southwest. To 20 the north of us, a vacant parcel. To the northwest further 21 beyond that, some institutional uses, public schools. On the 22 east side of Route 355 RT6.0 zoning with development of both 23 townhouses and group -- I'm sorry -- multifamily structures 24 along there. And then, again, single-family detached in the 25 lower southeast corner. So there is a mixture of</p>
<p>14</p> <p>1 posting, signed by Father Lee Davis indicating that the signs 2 were posted in a timely fashion, by Mr. Lowe, who is a guest 3 for today, and remain in place today. 4 MR. GROSSMAN: All right. 5 MR. KLINE: And I set -- I use plural. I believe it's 6 only one actually. 7 MR. GROSSMAN: Exhibit 51, for the affidavit of posting. 8 Okay. You may proceed. 9 MR. KLINE: Mr. Grossman, I think I'm going to do just a 10 little bit of an opening statement just to kind of narrow 11 down a couple of the issues. You basically asked if the 12 applicant was satisfied the findings in the staff report, and 13 the answer is yes. I think the zoning neighborhood defined 14 by the staff, I believe was consistent with what we had 15 suggested also. 16 MR. GROSSMAN: It looked pretty much identical. 17 MR. KLINE: Right. Exactly. So what I've done, is I 18 put a copy of the zoning vicinity map, which if I recall 19 correctly is Exhibit 32. And it's just mounted on a board. 20 So this is a copy of Exhibit 32. 21 MR. GROSSMAN: Okay. 22 MR. KLINE: The subject property is outlined in red in 23 the center of Exhibit 32 on the west side of Ridge Road, with 24 a little red dot on it. And the zoning neighborhood is 25 identified in the staff report, that was acceptable to the</p>	<p>16</p> <p>1 institutional, single-family detached, and attached dwelling, 2 and multifamily dwelling units within the area. There is 3 really only, within the zoning boundary, there is only one 4 other special exception, and that's in the lower right-hand 5 corner. It's a veterinary clinic approved in 1971, or 6 something like that, and still is in business and remains 7 there. I see there is a note -- a denial of either a 8 variance or a special exception north of us, but there is not 9 much zoning activity within the area in terms of other uses. 10 So we don't think there's anything that would change the 11 character of the neighborhood. And then as you identified, a 12 preliminary plan of subdivision will follow. In fact, it's 13 been filed. We have a number. We just have not activated it 14 until this process is completed. 15 MR. GROSSMAN: Right. 16 MR. KLINE: And that's -- I mentioned the adequate 17 public facilities sense, but it also has some effect on some 18 of the issues of what we are dealing with on the property in 19 terms of setbacks. And I was going to say, we did have a 20 variance originally. It was part of the application because 21 the grading of the site ended up having retaining walls that 22 were larger than 6'6". Staff had asked us to revise the Plan 23 on some things. And the serendipitous effect of that was to 24 reduce the amount of grading necessary. So retaining walls 25 came down. The variance went away. But you may have noticed</p>

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<p>17</p> <p>1 the staff report still picked up a couple of references to 2 that. And in fact, there are no variances. 3 MR. GROSSMAN: Right. 4 MR. KLINE: We did convert a variance application for a 5 separation between parking, which we will explain, into a 6 parking waiver situation, which I will go into a little 7 later. 8 MR. GROSSMAN: Right. Which was noticed in the notice 9 that was enacted a few days ago. 10 MR. KLINE: Yes, correct. Exactly. Right. So I knew 11 you knew about that. So that's basically the -- in terms of 12 background. And unless you had questions for me, I will call 13 Father Davis up. 14 MR. GROSSMAN: I do not. Of course, on the adequate 15 public facilities issue, since there will be subdivision, the 16 Hearing Examiner does not make a determination of the 17 adequacy of public facilities, that's made by statute. 18 That's made by the Planning Board at Subdivision. Although, 19 we do consider the issues relating thereto because they do 20 touch on some of the findings we have to make, such as the 21 impact of traffic and storm water management and so on. So 22 it would be an issue here, but not for us to make a final 23 determination regarding the adequacy of public facilities. 24 MR. KLINE: Yes, sir. Thank you. 25 MR. GROSSMAN: You may call your first witness then.</p>	<p>19</p> <p>1 the proposal that we come -- bring in here today? 2 REVEREND DAVIS: Yes, I would be. 3 MR. KLINE: Okay. So explain basically, what triggered 4 this within the Church in terms of why to create housing on 5 your property to support the elderly. 6 REVEREND DAVIS: First and foremost, we have a 7 responsibility as a Christian community to look out for those 8 who are someone in need in our community. So this is an 9 extension of our Christian calling to serve the community 10 around us. We have a long history at St. Anne's of serving 11 the senior community in Damascus. Back when the church was 12 first founded in the 50s, shortly thereafter, our church 13 established what is called -- what was called, Widening 14 Horizons, which was a group that provided social and other 15 needs to seniors in northern Montgomery County, specifically 16 the Damascus area. That lasted for many years until the 17 development of the Damascus Senior Center, which actually 18 then kind of absorbed what Widening Horizons was doing. So 19 the need was no longer there for the Church to operate the 20 activity for the seniors in the area. Since I've become 21 rector in 2012 of St. Anne's, we've noticed, and I've 22 personally worked with seniors who have retired and wanted to 23 continue to live in the area, but can no longer afford to do 24 so on a limited income. And they've had to -- been forced to 25 move out of the area further away from family and services,</p>
<p>18</p> <p>1 MR. KLINE: Father Lee. Sir, could you please give us 2 your name and spell your name? 3 REVEREND DAVIS: I'm the Reverend Lee; L-E-E; Davis; 4 D-A-V-I-S. 5 MR. GROSSMAN: All right. And will you state your 6 address, please? 7 REVEREND DAVIS: My home address is 2709 Loch; L-O-C-H; 8 Haven; H-A-V-E-N; Drive, in Ijamsville, Maryland 21754. 9 MR. GROSSMAN: Can you raise your right hand, please? 10 Do you swear or affirm to tell the truth, the whole truth, 11 and nothing but the truth under penalty of perjury? 12 REVEREND DAVIS: I do. 13 MR. GROSSMAN: All right. You may proceed Mr. Kline. 14 MR. KLINE: The record will not reflect how you are 15 dressed today, so this may seem sort of an unnecessary 16 question. Because you please explain your affiliation and 17 association with St. Anne's Episcopal Church? 18 REVEREND DAVIS: I am the rector of St. Anne's Episcopal 19 Church. In the Episcopal Church terminology, rector 20 indicates that I am in charge of a parish in a tenured 21 position, basically. I am responsible for not only the 22 spiritual well-being of my parish, but also for all the 23 administrative, and business functions of the parish, as well 24 as to oversee all outreach and ministry in our parish bounds. 25 MR. KLINE: All right. Would you be the champion for</p>	<p>20</p> <p>1 in order to find an affordable rent. So recognizing the need 2 in northern Montgomery County, we decided that the best use 3 of the property that we have would be to reach out and to 4 provide affordable housing for seniors. 5 MR. KLINE: All right. Is this considered an 6 archdiocese project or is this really parochial to your 7 church? 8 REVEREND DAVIS: Well, the Episcopal Church archdiocese 9 is the wrong term. 10 MR. KLINE: Term. 11 REVEREND DAVIS: We do have a diocese and oversight. We 12 are part of the Diocese of Washington, DC in northern 13 Montgomery County. Although we require diocesan approval to 14 encumber or to do any projects on church owned land, this is 15 a parochial parish project that has the full support of the 16 Diocese of Washington, DC. 17 MR. KLINE: All right. And how long have you been 18 working on this vision? 19 REVEREND DAVIS: We started exploring this current 20 project in about 2013. And I'm drawing a blank as to the 21 exact time that we got in contact with Mission First. I 22 think it was probably 2014. 23 MR. KLINE: Okay. You heard the dialogue I was having 24 with the Hearing Examiner about the suitability -- well, not 25 suitability. But being able to accommodate the needs of</p>

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<p>21</p> <p>1 people with disabilities. Did you anticipate that your -- 2 that you would have any residents with disabilities? 3 REVEREND DAVIS: Although I would say that we -- it 4 would be our hope not to exclude anyone with disabilities, 5 the original intention of the project was to provide 6 affordable senior housing on an independent scale. 7 MR. KLINE: Should I ask the architect whether any units 8 will be fitted out to address disability? Or is that 9 something -- just modifications could be done if somebody 10 came in that fit in that category? 11 REVEREND DAVIS: I would say it's something that could 12 be done if modifications were necessary. 13 MR. KLINE: All right. 14 MR. GROSSMAN: Yeah, I mean, I don't think that the 15 statutory issue I raised should preclude the application from 16 having the flexibility that it needs to proceed. Because I 17 think that the clear intent of the Council in enacting it was 18 to allow both seniors and disabled. I just think that their 19 language -- there were language issues about that that I 20 noticed when I reviewed in anticipation of this hearing. 21 MR. KLINE: You mentioned Mission First. So to 22 implement the program, which you explain how -- what the 23 setup is and what's the vehicle for implementing the mission? 24 REVEREND DAVIS: By vehicle, I'm assuming you are 25 referring to the creation of the St. Anne's Episcopal</p>	<p>23</p> <p>1 MR. KLINE: Just looking at the church operations, how 2 does the insertion of the elderly -- how would the senior 3 housing -- how does the -- or does it alter the operation to 4 the church at all? 5 REVEREND DAVIS: No. Really, I don't think it alters 6 the operations of the church, but it enhances the operations 7 of the church. Many of the functions of the church will be 8 open to -- open to residents of the building and will provide 9 the church an opportunity for increased outreach to a 10 community in need. So with the exception, which is I guess 11 by mutual agreement between the two different parties -- I 12 guess what I'm trying to say is the busy times for the church 13 are going to be separate from the busy times of the senior 14 housing. So we don't anticipate that there will be any undue 15 interruption to church functions or to the functions of the 16 residents. 17 MR. KLINE: Well, and that's a good segue into my 18 question regarding the parking waiver. So the -- 19 MR. GROSSMAN: Can I stop you for a second? 20 MR. KLINE: Absolutely. 21 MR. GROSSMAN: As I understand it, as the rector, you 22 along with the wardens and vestrymen of St. Anne's Episcopal 23 Church are the owners of the property in question. Is that 24 correct? 25 REVEREND DAVIS: Correct.</p>
<p>22</p> <p>1 Community Development Corporation. 2 MR. KLINE: That is correct. 3 REVEREND DAVIS: So we are under oversight by a diocese. 4 And so therefore the application needed to be made to the 5 diocese for approval for the project. Of course the 6 diocese's main concerns are protecting church property and 7 protecting the overall parish status. So one of their 8 requirements first and foremost was that we create a 9 separate, nonprofit LLC in order to do the handling of the 10 senior project, and therefore completely separating, hence 11 the subdivision as well, the church lot from the lot where 12 the housing was provided, just as an extra protection for 13 both the diocese and the church building and parish itself. 14 Also the requirements from lenders require that these be on 15 separate lots. And for management purposes, it was easier to 16 have a separate corporation that was -- the structure mirrors 17 that of the church. The incorporation documents state that 18 the management or the Board, if you will, for the LLC mirrors 19 whatever the vestry is of the parish. 20 MR. KLINE: And you yourself will have a continuing role 21 through the Community Development Corporation? 22 REVEREND DAVIS: As rector of the parents, I am 23 therefore kind of president of the vestry and president of 24 the Corporation of the Church. And as such, I would be the 25 president of the Community Development Corporation as well.</p>	<p>24</p> <p>1 MR. GROSSMAN: All right. And so you have submitted an 2 ownership letter, I think it's Exhibit 7 here, indicating 3 that you are in agreement with this matter proceeding, the 4 application for the conditional use. 5 REVEREND DAVIS: Yes. 6 MR. GROSSMAN: Okay. And you are also, as I understand 7 it now, the president of the applicant. 8 REVEREND DAVIS: Correct. 9 MR. GROSSMAN: Okay. All right. Thank you. 10 MR. KLINE: Why don't you go ahead and -- and so the 11 relationship between ownership entity and the Development 12 Corporation will just be a lease arrangement between the two? 13 REVEREND DAVIS: Correct. 14 MR. KLINE: Okay. Where did I want to go with that? 15 MR. GROSSMAN: Your train of thought was the parking -- 16 MR. KLINE: Thank you. Thank you. That's exactly 17 right. That's exactly -- 18 MR. GROSSMAN: I lose my train of thought a lot of times 19 myself. 20 MR. KLINE: Thank you. Yeah. Because we do have the 21 parking waiver. And I would like you just explain to the 22 Hearing Examiner why you feel there should be no problems 23 with the operation of the elderly facility and the church 24 because of the characteristics of both of them in terms of 25 when they have their greatest parking demand.</p>

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<p>25</p> <p>1 REVEREND DAVIS: Obviously, the church's greatest 2 parking man is on Sundays, Sunday mornings to be exact. And 3 other certain holidays such as Christmas Eve and Easter. 4 Those times, we don't feel are typically times on early 5 Sunday mornings when families are going to necessarily be out 6 visiting the residents at the senior housing facility. We 7 actually -- the combined parking increases the, obviously the 8 parking available to the church, but I think combined we 9 have, if I'm correct, more parking than would be required for 10 current church use. So we don't feel that there's going to 11 be any times where the parking would be an issue. Obviously, 12 we will be working very close with the management property, 13 the management people who are running the property, to 14 coordinate schedules so that there are no conflicts as far as 15 that goes. So we don't foresee it being a problem. 16 MR. KLINE: All right. I was going to ask you about 17 community outreach. I mean, I guess as a church, you are 18 here in the community. But what have you done to basically 19 familiarize your neighbors with what's going to be happening 20 on the property? 21 REVEREND DAVIS: We are currently extensively involved 22 with different community organizations and we are well known 23 obviously throughout the Damascus community, having been 24 involved with the Damascus community for well over 50 years 25 now. We have very good relationships with various different</p>	<p>27</p> <p>1 out to neighborhoods that could possibly be affected. And 2 the only people that came, actually came to show support for 3 the project. 4 MR. KLINE: All right. So because of your longevity on 5 the site and your sort of assimilation into the community, do 6 you feel that the operation of this use as we described in 7 the application, can be conducted at this location without 8 having an adverse effect on the surrounding neighborhood? 9 REVEREND DAVIS: I think most definitely. I think if 10 anything, it will enhance the neighborhood. I think it will 11 enhance opportunities for the neighborhood to come together 12 as a community as well. We've taken -- and I'm sure the 13 engineer and architect will get into that as well, but we've 14 taken great pains to place the building in a certain way on 15 our property that would not affect any of our neighbors or 16 current views that neighbors have. 17 MR. GROSSMAN: Of course, Reverend Davis is not speaking 18 as a land planning expert. 19 REVEREND DAVIS: No. 20 MR. GROSSMAN: And I notice you don't have a land 21 planner, per se, in your thing. 22 MR. KLINE: Yeah. 23 MR. GROSSMAN: So I understand the reason for your 24 question, but I assume that you had Mr. Everett, who has done 25 other similar developments, who could speak somewhat to that.</p>
<p>26</p> <p>1 community organizations. One of the largest which is a long- 2 standing organization is called Damascus Y Women. They are a 3 group of Damascus area women who have been getting together 4 for years for outreach, community projects, learning. And 5 they currently do use our space to meet and have their 6 meetings. So they been one of the primary ways that we've 7 got information out into the community about the senior 8 housing project. They have been extremely supportive. 9 They've gone into their respective places of business or 10 other organizations and continue to talk up what we were 11 doing so the community was well aware of what we were doing. 12 And as such, we've, to my knowledge, have received no 13 objections to the project. In fact, we've continually 14 receive call supporting and asking when we are going to be 15 leasing. 16 MR. GROSSMAN: This been no formal opposition filed with 17 our office, nor with the Planning Department. 18 MR. KLINE: And you've conducted, I believe three 19 community meetings. One is a courtesy meeting in conjunction 20 with the conditional use. 21 REVEREND DAVIS: Correct. 22 MR. KLINE: And then twice as I recall, on the 23 preliminary plan of subdivision. 24 REVEREND DAVIS: Correct. We did have three meetings 25 open to the community where the required notices were sent</p>	<p>28</p> <p>1 Is that the idea? 2 MR. KLINE: He will be the operational maven. So you 3 are correct. 4 MR. GROSSMAN: Okay. 5 MR. KLINE: He probably has a good sense of what works 6 in this setting. 7 MR. GROSSMAN: All right. 8 MR. KLINE: I have no further questions. 9 MR. GROSSMAN: And I do not either. Thank you Reverend 10 Davis. 11 REVEREND DAVIS: Thank you. 12 MR. KLINE: Mr. Everett, I think you heard your name 13 mentioned. Mr. Everett, could you please state and spell 14 your name and give us your business address? 15 REVEREND EVERETT: Sure. My name is Christopher 16 Everett; C-H-R-I-S-T-O-P-H-E-R; Everett; E-V-E-R-E-T-T. I 17 work for Mission First located at 1330 New Hampshire Avenue 18 Northwest, Washington, DC. 19 MR. KLINE: And your function with Mission First is 20 what? 21 MR. EVERETT: I am a development manager for Mission 22 First. A development manager is responsible for -- 23 MR. GROSSMAN: Before you get into that, let me swear 24 you in. Would you raise your right hand, please? Do you 25 swear or affirm to tell the truth, the whole truth, and</p>

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<p>29</p> <p>1 nothing but the truth under penalty of perjury?</p> <p>2 MR. EVERETT: Yes.</p> <p>3 MR. GROSSMAN: All right. You may proceed.</p> <p>4 MR. EVERETT: Okay. Yeah. As development manager I</p> <p>5 represent or coordinate day-to-day operations for most of the</p> <p>6 activities for Mission First Housing Development Group.</p> <p>7 MR. KLINE: And just give us a quick overview of what</p> <p>8 Mission First is, its history, what it's involved in.</p> <p>9 MR. EVERETT: Sure. Mission First Housing Developer</p> <p>10 Group is a nonprofit developmental organization,</p> <p>11 headquartered in Philadelphia, Pennsylvania. We have an</p> <p>12 office in Washington, DC, which is where I'm employed. The</p> <p>13 office in Washington, DC covers the mid-Atlantic region where</p> <p>14 we do projects in the state of Maryland and Washington, DC.</p> <p>15 And our expertise is affordable housing development,</p> <p>16 specifically new construction, affordable housing development</p> <p>17 throughout this region.</p> <p>18 MR. KLINE: Okay. And to get the impact of the effect</p> <p>19 of the use however, I think Mr. Grossman was saying you</p> <p>20 probably have some experience in developing similar</p> <p>21 facilities. Can you explain what your experience is, so he</p> <p>22 understands that in terms of your comments you are going to</p> <p>23 make?</p> <p>24 MR. EVERETT: Sure. I have 10 years -- over 10 years of</p> <p>25 experience in affordable housing development throughout the</p>	<p>31</p> <p>1 fact finder based on that.</p> <p>2 MR. KLINE: Yeah, I actually thought I had a resume, but</p> <p>3 I see that's not the case. So we're going to let you brag</p> <p>4 about yourself a little bit. So tell us about your</p> <p>5 educational background and then a little bit more detail in</p> <p>6 terms of your career path.</p> <p>7 MR. EVERETT: Sure. So I graduated from Villanova</p> <p>8 University in 2004 with a degree in political science and</p> <p>9 philosophy. Attended George Washington University Law</p> <p>10 School. Graduated in 2007 with a juris doctorate. From</p> <p>11 there, went and worked for the Attorney General's Office of</p> <p>12 Economic Development specializing in affordable housing.</p> <p>13 From there, I worked for a private developer, William C.</p> <p>14 Smith Developing Corporation, for I believe around five</p> <p>15 years, specializing in the development of Hope Six projects</p> <p>16 and low-income housing projects in wards seven and eight of</p> <p>17 Washington, DC. And from there I worked with a community</p> <p>18 preservation development corporation where I specialized in</p> <p>19 similar projects for little bit over five years working in</p> <p>20 Richmond doing also low income housing, tax credits,</p> <p>21 affordable housing deals, and also senior projects. Since</p> <p>22 then I've transferred over to -- or transitioned over to</p> <p>23 Mission First Housing Development Group where I am currently.</p> <p>24 I've been here for -- I've been with this organization for</p> <p>25 little bit over one year, continuing my role as a development</p>
<p>30</p> <p>1 mid-Atlantic region, specializing in affordable housing and</p> <p>2 senior developments.</p> <p>3 MR. KLINE: So Mission First, explain Mission First's</p> <p>4 and the development -- Community Development Corporation and</p> <p>5 what you're going to be doing to move it to the process.</p> <p>6 MR. GROSSMAN: You are -- Mr. Kline, are you seeking to</p> <p>7 introduce Mr. Everett's testimony as expert testimony?</p> <p>8 MR. KLINE: I did not anticipate doing that. No, sir.</p> <p>9 MR. GROSSMAN: Okay.</p> <p>10 MR. KLINE: I mean, I could, given the fact that he's</p> <p>11 had 10 years of experience in terms of operating them. And</p> <p>12 that would maybe address the compatibility issue that you</p> <p>13 brought up a minute ago. I would be glad to qualify him if</p> <p>14 you would like.</p> <p>15 MR. GROSSMAN: Why don't we do that?</p> <p>16 MR. KLINE: Sure. Let me do this then.</p> <p>17 MR. GROSSMAN: I mean, if there were opposition in this</p> <p>18 case, this would be insufficient notice.</p> <p>19 MR. KLINE: Yes, I understand.</p> <p>20 MR. GROSSMAN: Since there isn't -- and an expert</p> <p>21 doesn't have to be somebody who has a particular degree in</p> <p>22 something.</p> <p>23 MR. KLINE: Yeah, sure.</p> <p>24 MR. GROSSMAN: But rather somebody who has knowledge</p> <p>25 beyond the ken of a layman who can offer assistance to the</p>	<p>32</p> <p>1 manager doing similar project management development</p> <p>2 management work with this organization.</p> <p>3 MR. KLINE: Would you have an estimate of how many</p> <p>4 dwelling units you've been responsible for getting on the</p> <p>5 ground?</p> <p>6 MR. EVERETT: Oh, geez.</p> <p>7 MR. KLINE: Anyway, I realize that was a trick question.</p> <p>8 MR. EVERETT: Yeah. I mean, I would say at this point,</p> <p>9 because of some of the larger scale jobs that we</p> <p>10 previously -- probably like the 2000 range of units I worked</p> <p>11 on.</p> <p>12 MR. KLINE: Are there any professional associations that</p> <p>13 someone in your role can belong to that helps you sort of</p> <p>14 keep up-to-date with what's going on in the industry?</p> <p>15 MR. EVERETT: Yes. Yes. Yeah. And through each --</p> <p>16 there are several, especially in the affordable housing,</p> <p>17 economic development group. HAND, Housing And Neighborhood</p> <p>18 Developers, is an organization that we are a part of. And</p> <p>19 I'm also a member of CNHED, Coalition for Nonprofit and</p> <p>20 Economic Development is another one that I participate in as</p> <p>21 well. Those would be the two that I -- my organization and</p> <p>22 myself have active memberships in and are involved in pretty</p> <p>23 heavily.</p> <p>24 MR. KLINE: And you feel that this experience gives you</p> <p>25 a good sense of how this project will work and what its</p>

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<p>33</p> <p>1 influence will be on the surrounding neighborhood?</p> <p>2 MR. EVERETT: Yes. Yes, I do.</p> <p>3 MR. KLINE: Okay. Well, let's get down to I guess the</p> <p>4 nuts and bolts then in terms of what -- how is it going to</p> <p>5 operate?</p> <p>6 MR. GROSSMAN: Well, before you get to the nuts and</p> <p>7 bolts, are you going to offer him?</p> <p>8 MR. KLINE: Well, I'm sorry. I guess I have got to</p> <p>9 offer him, don't I? Mr. Grossman, based on Mr. Everett's</p> <p>10 background, I guess 10 years or more in a wide range of</p> <p>11 functions within the industry of multiple multifamily housing</p> <p>12 development, particularly affordable developing, I would like</p> <p>13 to offer him as an expert in the development of affordable,</p> <p>14 multifamily housing for elderly.</p> <p>15 MR. GROSSMAN: Okay. So yeah, I jotted down what I</p> <p>16 anticipated. The developing of affordable and senior</p> <p>17 housing, and you say interfacing with the surrounding</p> <p>18 community. Is that a fair description Mr. Everett or --</p> <p>19 MR. KLINE: Well --</p> <p>20 MR. EVERETT: I would say so. I don't think there's</p> <p>21 ever been a project that I worked on where I haven't had to</p> <p>22 interface with the community and present.</p> <p>23 MR. GROSSMAN: Maybe interface is the wrong word.</p> <p>24 MR. KLINE: Yeah, right.</p> <p>25 MR. GROSSMAN: Do human resourcing.</p>	<p>35</p> <p>1 precise? So tell us how, basically, what do you consider the</p> <p>2 hours of operation of this facility? Is it 24 hours?</p> <p>3 MR. EVERETT: Yeah, so the hours of operation, business</p> <p>4 hours, are 9:00 to 5:00. That's when the leasing office</p> <p>5 would be there, and the staff would be at the facility. But</p> <p>6 it is -- it's an apartment building, so it will be open 24</p> <p>7 hours with just controlled access in and out of the facility</p> <p>8 for those that live there.</p> <p>9 MR. KLINE: And I realize the Hearing Examiner has read</p> <p>10 everything, but tell us how many units are going to be</p> <p>11 actually built in the project.</p> <p>12 MR. EVERETT: Yes, currently there will be 76</p> <p>13 apartments, dwelling units at the property.</p> <p>14 MR. KLINE: And do you have a sense of what the</p> <p>15 occupancy would be? And what I'm leading up to is, do you</p> <p>16 have a sense of how many residents that would likely be?</p> <p>17 MR. EVERETT: Yes. So we anticipate there would be 66</p> <p>18 one-bedrooms, 10 two-bedrooms. So that gets you to about 86</p> <p>19 bedrooms. So about 86 people.</p> <p>20 MR. KLINE: And will that -- does that say then, you</p> <p>21 estimate to be about 86 residents?</p> <p>22 MR. EVERETT: Correct.</p> <p>23 MR. KLINE: Or in that range?</p> <p>24 MR. EVERETT: Yes.</p> <p>25 MR. KLINE: So how many staff people do you have to have</p>
<p>34</p> <p>1 MR. KLINE: Well, I was trying to come up with something</p> <p>2 to got to the compatibility.</p> <p>3 MR. GROSSMAN: Okay.</p> <p>4 MR. KLINE: Qualified to testify as to the effects that</p> <p>5 a development of this type would have on the surrounding</p> <p>6 neighborhood.</p> <p>7 MR. GROSSMAN: Okay. And impacts.</p> <p>8 MR. EVERETT: Yeah.</p> <p>9 MR. GROSSMAN: Is that fair? On the surrounding</p> <p>10 neighborhood? All right. So I accept Mr. Everett as an</p> <p>11 expert on developing affordable and senior housing, and</p> <p>12 including the impacts on the surrounding neighborhood. I</p> <p>13 think that covers it.</p> <p>14 MR. KLINE: Congratulations.</p> <p>15 MR. EVERETT: Oh, thank you. I wasn't expecting that.</p> <p>16 MR. KLINE: Unexpected award for coming out today.</p> <p>17 MR. GROSSMAN: Right. Now you can tell your wife or</p> <p>18 significant other that you are an expert. My wife has never</p> <p>19 given me that credit, I can tell you.</p> <p>20 MR. EVERETT: That's funny.</p> <p>21 MR. KLINE: Mr. Everett, many of the conditional use</p> <p>22 applications that the Hearing Examiner sees sort of our open</p> <p>23 at a certain hour the day and closed at a certain hour of the</p> <p>24 day. So typically my question is; what are the hours of</p> <p>25 operation with something like this is maybe not quite so</p>	<p>36</p> <p>1 in order to be able to operate a facility of that size? And</p> <p>2 what are their functions?</p> <p>3 MR. EVERETT: Yeah, for this size and type of building,</p> <p>4 we anticipate that there will be two leasing staff people</p> <p>5 there, and one maintenance person. So a staff of -- full-</p> <p>6 time staff of three people at the property during those</p> <p>7 hours.</p> <p>8 MR. KLINE: And that's weekday? Or does it change at</p> <p>9 all weekday to weekend?</p> <p>10 MR. EVERETT: Yeah, there's a pretty big difference</p> <p>11 between Monday and Friday and the weekends. So Monday</p> <p>12 through Friday, 9:00 to 5:00, we expect all three folks to be</p> <p>13 there. On the weekends, we expect at most, it would be one</p> <p>14 person there taking care of just random maintenance items</p> <p>15 that weren't taken care of during the week.</p> <p>16 MR. GROSSMAN: And as I recall from the papers filed,</p> <p>17 there won't be any live-in staff.</p> <p>18 MR. EVERETT: Correct. Yeah, we don't have that plan,</p> <p>19 no.</p> <p>20 MR. KLINE: Well, your description of the functions</p> <p>21 suggests that you anticipate that the residents are going to</p> <p>22 be quite independent. They're not going to need to come to</p> <p>23 you for very much help at all.</p> <p>24 MR. EVERETT: Yeah. You know, at other facilities,</p> <p>25 senior properties, the term senior is interesting. It's 62</p>

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<p>37</p> <p>1 and older. So we anticipate that a lot of folks that are 2 moving here will be young and able and still moving around. 3 And that's what we've seen at previous sites and we kind of 4 expect that here. 5 MR. KLINE: So you won't be providing any food service? 6 MR. EVERETT: No. No, not directly. What we have is we 7 work with a resident services coordinator that will, just to 8 better the experience for the residents, that will offer 9 health and wellness things that would come to the site. But 10 there isn't anything in our program currently that we see 11 that we will just offer it as part of this project. 12 MR. KLINE: And similarly, you wouldn't be providing any 13 medical attention or bringing pills to people at all? 14 MR. EVERETT: Yeah. That's not part of our program. 15 That's not part of what we do. 16 MR. GROSSMAN: If you do add disabled people to it, with 17 abuse somebody then in residence that would be able to assist 18 as needed or not? 19 MR. EVERETT: So typically, no. We do, as part of this 20 program that we have, the Low-Income Housing Tax Credit 21 Program, 5 percent of the units will be designed to meet 22 accessible standards. So we will have that planned in. But 23 if there is someone that needs any additional care, it 24 wouldn't be from our staff. They would bring that on and we 25 would accommodate that additional person.</p>	<p>39</p> <p>1 just with the overall plan of the building, you know, some of 2 the exhibits. But with these type of facilities we really 3 try to go in with some of the amenities to provide a really 4 nice lifestyle. So there will be a pretty nice community 5 center, wellness, cyber lounge that we design, access to 6 outside, a very nice patio. So we really try to amenitize 7 these even though it is affordable because this project will 8 be for the next 20, 30 years. So we want our residents to be 9 happy. So I think that's part one. Part two is that we do 10 work with a resident coordinator that will come in and work 11 with third-party vendors to bring in additional activities 12 and coordinate things for the residents. You know, holiday 13 parties throughout the years -- throughout the year. And 14 just to fill up the calendar and make it a very active, 15 engaged community. 16 MR. GROSSMAN: Well, you didn't mention that resident 17 coordinator in your list of the staff. Is that somebody 18 who's on the staff? 19 MR. EVERETT: They will not be there Monday through 20 Friday at the site. They roam from different facilities 21 throughout our entire portfolio. 22 MR. GROSSMAN: So a roaming resident coordinator. 23 MR. EVERETT: Yes. 24 MR. GROSSMAN: Okay. 25 MR. KLINE: Well, and just use that phrase, I know you</p>
<p>38</p> <p>1 MR. GROSSMAN: And is that typical of senior housing 2 that you have planned elsewhere by Mission First? 3 MR. EVERETT: Yes, it is. For something like this where 4 it's an independent living facility, just senior housing, 5 yeah, this is pretty standard. 6 MR. GROSSMAN: Okay. 7 MR. KLINE: Mr. Grossman is aware of the special 8 exception that Mount Jezreel secured about two years ago; now 9 is open and operating, correct? 10 MR. EVERETT: Yes. 11 MR. KLINE: All right. And they have the same model 12 that you're talking about here, right? 13 MR. EVERETT: Correct, yes. 14 MR. KLINE: If you need the case number for that, I can 15 do that for you. 16 MR. GROSSMAN: I would like to have it, yeah. 17 MR. KLINE: That is a Mission First project in 18 conjunction with a church on University Boulevard. 19 MR. GROSSMAN: Okay. 20 MR. KLINE: Well, then tell us what you will be doing 21 to, I guess I will say contribute to the lifestyle of the 22 people at residence. What would you be doing to try and make 23 their life more enjoyable and have more amenities living 24 here? 25 MR. EVERETT: Yeah, and I think this will be shown also</p>	<p>40</p> <p>1 talked about having other people with specialty areas. Do 2 you have roaming violin teachers going around or any other 3 services like that? 4 MR. EVERETT: But we try to do is we try to make sure 5 whatever is needed for St. Anne's is specific for St. Anne's. 6 So since this project is in Montgomery County, and Damascus, 7 we don't want to take everything that we are doing in the 8 Silver Spring or DC projects. We want to know what's best 9 for the community and the folks there. So it gets kind of 10 built up. It's really very organic. Like it just kind of 11 depends on what the residents want. That's the best model 12 that we've seen. So we take the input from the residents and 13 whatever they want is kind of what we look to try to build in 14 community outreach and partnering with the church, which is a 15 great resource. And I think that would be the best way. 16 MR. KLINE: Yeah. Well, you probably like the fact that 17 the church is there. It already has programs and core 18 values, but more in the way of programs that you can 19 basically piggyback on. 20 MR. EVERETT: Yeah, I think that's a huge advantage for 21 us at this property or at the site, is having St. Anne's 22 right there. That has a calendar of events and already 23 programming that I think the church, and the apartment 24 building, and the managers there will work together pretty 25 closely. That relationship will be pretty close.</p>

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<p>41</p> <p>1 MR. KLINE: How do you anticipate facilitating the 2 accessibility to the services that the elderly need? 3 Shopping? Entertainment? Medical services? How do you plan 4 on helping them take advantage of those services? 5 MR. EVERETT: Yeah, I think if there is any event that 6 we are hosting or planning, like with one of our third-party 7 vendors, or with the church, I think we will take the lead on 8 making sure that we secure transportation to and from that 9 event. And that's something that we can take on. I mean; 10 besides that, I think it would depend on the resources that 11 are available between Ride On and other transportation 12 services that are available on the site. 13 MR. KLINE: So you won't have a van on the property 14 itself? You will secure those services through the Damascus 15 community? 16 MR. EVERETT: Correct. 17 MR. GROSSMAN: Mr. Kline what's the -- one of the 18 requirements is a vicinity map showing major thoroughfares, 19 public transportation stops, and the location of commercial 20 medical and public services within a mile radius of the 21 proposed facility. What exhibit -- what's the exhibit 22 number? I see a local area map number 10. 23 MR. KLINE: Right. 24 MR. GROSSMAN: Do you happen to have a copy of that? 25 MR. KLINE: Actually, we do, sir. It was -- the</p>	<p>43</p> <p>1 basically put you at the intersection of Bethesda Church 2 Road, which is just the very end of the town center. 3 MR. GROSSMAN: Okay. So my question is -- I just wanted 4 to pull out a copy of that. It's Exhibit 10. There's 11, 5 12, 9. 6 MR. KLINE: I can bring this over if it will -- 7 MR. GROSSMAN: Ah-ha. No wonder I didn't see it. For 8 some reason there's no exhibit number on the copy I have in 9 here. So this should be 10. I don't know if I should ask 10 Reverend Davis why in God's name it's always the last plan 11 that you look for that you find it. All right. 12 REVEREND DAVIS: Because God's got a sense of humor. 13 MR. GROSSMAN: On the other hand, this doesn't show -- 14 this doesn't go as far as a mile to the south. Is there 15 some -- something that you provided that shows things within 16 the one-mile radius? Which is a requirement in subsection 17 C -- the last sentence; the application must include a 18 vicinity map showing major thoroughfares, public 19 transportation routes, stops, and locations of commercial, 20 medical, and public services within a mile radius of the 21 proposed facility. 22 MR. KLINE: And what -- I'm sorry. What section are you 23 in, sir? 24 MR. GROSSMAN: It's the last portion of the sections 25 that apply to it. The last portion of zoning ordinance</p>
<p>42</p> <p>1 engineer brought it with him today. I will put it up here 2 for you. 3 MR. GROSSMAN: Okay. So that's -- all right. 4 MR. KLINE: And it identifies -- it's in the record 5 already and it's rendered in the record as well. And it 6 highlights basically, some of the services like the Damascus 7 Community Center, things like that, that would provide the 8 services that are used. I guess the red is probably the 9 commercial core of downtown Damascus. 10 MR. GROSSMAN: Okay. So because Damascus core is quite 11 close, it's within just over one mile south of downtown 12 Damascus. And the statute calls for, with certain public 13 services et cetera, within one mile radius of the proposed 14 facility. Are you including the Damascus Center facilities 15 within that as being within one mile? I don't know if that 16 map has a radius on it or not. 17 MR. KLINE: Yeah. 18 MR. GROSSMAN: Does it? 19 MR. KLINE: If you don't mind a side conversation, Mr. 20 Jones, do you happen to know off the top of your head? 21 MR. JONES: What the scale there is? 22 MR. KLINE: Yeah. So one is 500 feet. I'm going to let 23 the engineer -- 24 MR. JONES: Yeah, it needs correct. So 52. That's 25 about one mile right there. It gets you -- one mile</p>	<p>44</p> <p>1 section 59-3.3.2.C. 2 MR. KLINE: Okay. So I see it. 3 MR. GROSSMAN: And then it goes down to two -- 4 MR. KLINE: Okay. I was looking at the conditional use 5 application. Okay. I see what you're saying. 6 MR. GROSSMAN: C-I, it's that first sub, subsection. 7 Maybe it's in here as part of one of the other things you 8 filed. 9 MR. KLINE: Well, I'm going to have -- 10 MR. GROSSMAN: Let's see; 14 is site and adjacent area 11 map. I don't think that goes that far out. 12 MR. KLINE: That's one it goes -- that covers 13 everything. That's the one that's got the broadest spectrum, 14 correct? 15 UNIDENTIFIED SPEAKER: (Inaudible). 16 MR. KLINE: Well, we are talking about number 10. 17 UNIDENTIFIED SPEAKER: Right. Which is the one that's 18 on the board. 19 MR. KLINE: Yeah. 20 MR. GROSSMAN: What about 14? Let's see what that. 21 MR. KLINE: Do you have one called site and adjacent -- 22 MR. JONES: There is this, which is that. That's just 23 the zone basically. 24 MR. KLINE: Okay. So that's the site and adjacent area? 25 MR. JONES: This is the site and adjacent area map.</p>

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<p>45</p> <p>1 MR. KLINE: Okay. So I would have to go through my 2 original application, Mr. Grossman. 3 MR. GROSSMAN: That doesn't go out -- that doesn't go 4 out a mile. 5 MR. JONES: No, it's essentially the same radius as the 6 other exhibit. 7 MR. KLINE: Right. -- Apparently we do not have the 8 exhibit that you are referring to. I looking here to find 9 the actual document. But it's something that we could 10 obviously provide very quickly. 11 MR. GROSSMAN: Okay. 12 MR. KLINE: Because I mean frankly, I always thought 13 that the -- that we would be telling you that we would be 14 basically running vehicles up to Damascus, but also down to 15 Germantown because there is certainly a lot more shopping 16 opportunity -- everybody was to go to Milestone, which is 17 essentially at the end of the road and has all the big 18 stores. So I figured we would be going to all those places. 19 And you probably should have something that shows you that. 20 MR. GROSSMAN: Yeah, but at the very least, something 21 that shows me a one-mile radius. 22 MR. KLINE: Yeah, okay. 23 MR. GROSSMAN: Even if it doesn't reset all the way to 24 some of these other things. And including the specific 25 things that are stated in the C subpart.</p>	<p>47</p> <p>1 property. 2 MR. KLINE: And going back to the reason why we 3 qualified you as an expert, based on your experience in 4 operating facilities of this type and your familiarity with 5 this property, do you feel that the proposed operation can be 6 conducted in a manner that would be consistent with the 7 character of the surrounding neighborhood? 8 MR. EVERETT: Yeah. Yes, I do believe so. I think 9 throughout this entire planning process with the design team, 10 that has been the goal throughout, to try to make sure that 11 it matches and that it's consistent with the community. I 12 also for us, it has a financial impact as well. We want it 13 to be, because that will also help secure the success of the 14 project. We've completed a market study as part of this to 15 make sure that the project from its features in its design, 16 that it's competitive with the market in order for it to 17 be -- the lease up to happen in a quick and fast pace, and 18 it's consistent with our belief as well. 19 MR. KLINE: A comment you just made remind me of the 20 question I overlooked to ask you earlier. And that is, would 21 you explain to the Hearing Examiner how you will be achieving 22 the affordability requirements of the zoning ordinance? 23 MR. EVERETT: Sure. So we're still working out the 24 final numbers with the area median income and affordability. 25 But without question, with the low income -- this being a</p>
<p>46</p> <p>1 MR. KLINE: We would -- if we, at the conclusion of the 2 hearing, if we can leave the record open, we will provide you 3 with exhibit -- 4 MR. GROSSMAN: Sure. 5 MR. KLINE: That will give you something at least of a 6 mile. And we will identify those uses as referenced in the 7 zoning ordinance. 8 MR. GROSSMAN: Send a copy to Staff as well. 9 MR. KLINE: Sure. Exactly. 10 MR. GROSSMAN: Okay. All right. 11 MR. KLINE: I guess regardless of whether we have an 12 exhibit that shows where you might be sending people, you 13 would be organizing junkets to these various options for 14 shopping, entertainment, and medical service? 15 MR. EVERETT: Correct, yes. Yes. 16 MR. KLINE: And I guess I would ask you as sort of the 17 primary operator the facility, are you comfortable with the 18 parking, shared parking arrangement for which we got 19 documentation in the record, that there will be adequate 20 parking for the facility when needed? 21 MR. EVERETT: Oh, yes, definitely. Yes, without 22 question. I think with 114 total parking spaces, and this 23 just being a 76 unit building, the shared parking agreement 24 with the church, I think we're pretty confident with the 25 number of parking spaces there, considering it's a senior</p>	<p>48</p> <p>1 Low-Income Tax Credit Program, a minimum of 40 percent of the 2 units, we anticipate something closer to 80 percent of the 3 units, will be low income. So it will be consistent with the 4 program requirements. 5 MR. KLINE: And achieving -- you may end up with a mix 6 of different incomes or percentages in order to satisfy the 7 zoning ordinance requirements in one way or another? 8 MR. EVERETT: Yes. Yes, without question. 9 MR. GROSSMAN: So you are talking about section small c 10 that we talked about before and small Roman numeral iii; a 11 minimum of 15 percent of the dwelling units is permanently 12 reserved for households of very low income, or 20 percent for 13 households of low income, or 30 percent for households of 14 NPDU income. You mentioned 40 percent, not what's in the 15 statute. And you said you will probably achieve 80 percent 16 of low income. So I'm not sure how that jives. 17 MR. KLINE: Well -- 18 MR. GROSSMAN: You say low income as defined by what? 19 MR. EVERETT: So our low income is defined by the Low 20 Income Housing Tax Credit Program, which is based on 60 21 percent of the area median income. My understanding, with 22 Montgomery County, low income is defined as I believe 66 23 percent. So my understanding is that we were exceeding just 24 what the limitation are of -- 25 MR. GROSSMAN: Sixty-six percent of what?</p>

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<p>49</p> <p>1 MR. EVERETT: Of the area median income.</p> <p>2 MR. GROSSMAN: Okay. Because the code section in</p> <p>3 question here gives three options. A minimum of 15 percent</p> <p>4 of the dwelling units permanently reserved for households of</p> <p>5 very low income. I'm not sure exactly how that's defined.</p> <p>6 Or 20 percent of households of low income. Or 30 percent of</p> <p>7 households with NPDU income. So if I understand what you are</p> <p>8 testifying, Mr. Everett, you are addressing the middle</p> <p>9 criteria of low income. Is that correct?</p> <p>10 MR. EVERETT: Correct, yes.</p> <p>11 MR. GROSSMAN: And you are saying that you are going to</p> <p>12 more than meet that 20 percent of -- and in fact, you may</p> <p>13 even approach 80 percent.</p> <p>14 MR. EVERETT: Correct.</p> <p>15 MR. GROSSMAN: Okay. Yes. All right.</p> <p>16 MR. EVERETT: If I can just -- yeah, we are mandated to</p> <p>17 at least have 40 percent. So we are start -- that's our</p> <p>18 baseline.</p> <p>19 MR. GROSSMAN: All right. By we -- who mandates you and</p> <p>20 who is we?</p> <p>21 MR. EVERETT: Correct. So it's the Low-Income Housing</p> <p>22 Tax Credit Program that will be administered through the</p> <p>23 State of Maryland in order to get the low-income housing tax</p> <p>24 credits that we will be applying for, for this project to</p> <p>25 move forward.</p>	<p>51</p> <p>1 what the fourth one I brought in the last two or three years.</p> <p>2 And usually at this point in time, the applicant is saying it</p> <p>3 will probably be a combination of some of those.</p> <p>4 MR. GROSSMAN: Okay.</p> <p>5 MR. KLINE: And we just don't know that yet. But I can</p> <p>6 promise you that we will meet -- we will end up meeting the</p> <p>7 number of units required, but we may have some in 15, some --</p> <p>8 let me rephrase that. Some in very low, some in medium-low,</p> <p>9 some in NPDU.</p> <p>10 MR. GROSSMAN: So let me look back at the condition</p> <p>11 proposed by staff in this regard, just so we make sure --</p> <p>12 that's number six of the proposed condition, which was not</p> <p>13 modified by the Planning Board. Prior to the approval of the</p> <p>14 subject of conditional use application, the applicant must</p> <p>15 demonstrate compliance with section 59-3.3.2C 2C3, that a</p> <p>16 minimum of 15 percent of the dwelling units -- they give you</p> <p>17 the choice. They left all three of the options there. And I</p> <p>18 don't see any problem with doing that as a condition. So I</p> <p>19 would just adopt something very similar to what --</p> <p>20 MR. KLINE: We are comfortable with this.</p> <p>21 MR. GROSSMAN: Okay.</p> <p>22 MR. KLINE: It gives them the flexibility to come up</p> <p>23 with a mix of uses that way.</p> <p>24 MR. GROSSMAN: Okay.</p> <p>25 MR. KLINE: And that does conclude my questions of Mr.</p>
<p>50</p> <p>1 MR. GROSSMAN: Okay. So that's a state requirement?</p> <p>2 MR. KLINE: And -- go ahead.</p> <p>3 MR. EVERETT: Yes, actually, it's federal, through the</p> <p>4 IRS.</p> <p>5 MR. GROSSMAN: Okay.</p> <p>6 MR. EVERETT: Yeah.</p> <p>7 MR. KLINE: What I was going to say, but there is a</p> <p>8 local, I guess I'll say enforcement or implementation</p> <p>9 function. And what he will be doing -- I'm sorry. What</p> <p>10 Mission First will be doing or what the community development</p> <p>11 operation, will be entering into a moderately priced dwelling</p> <p>12 unit agreement with the Department of Housing and Community</p> <p>13 Affairs for Montgomery County. And they will be locally sort</p> <p>14 of policing to make sure that they meet the numbers that he's</p> <p>15 talking about.</p> <p>16 MR. GROSSMAN: Okay. I mean, they have that other --</p> <p>17 the third category is 30 percent for households of NPDU</p> <p>18 income. So you do have three alternatives here.</p> <p>19 MR. KLINE: Exactly.</p> <p>20 MR. GROSSMAN: But as I understand, you're going -- at</p> <p>21 least the criteria you are asking to be judged on is the</p> <p>22 middle one, the low income.</p> <p>23 MR. KLINE: That's what his program is today.</p> <p>24 MR. GROSSMAN: Okay.</p> <p>25 MR. KLINE: I think -- this is probably, what question</p>	<p>52</p> <p>1 Everett.</p> <p>2 MR. GROSSMAN: And Mr. Everett, in terms of the</p> <p>3 community impacts, what about any community impacts from</p> <p>4 operations of this facility? I assume that your architect</p> <p>5 will address compatibility issues in terms of design.</p> <p>6 MR. KLINE: Yes, sir.</p> <p>7 MR. GROSSMAN: So just let me ask Mr. Everett about</p> <p>8 operational impacts.</p> <p>9 MR. EVERETT: Sure. I mean, you know, for something --</p> <p>10 especially for seniors, typically this is a -- it's a pretty</p> <p>11 quiet, serene project. I mean, the location of this, we</p> <p>12 expect very little disruption for something like this. It's</p> <p>13 only -- it's a 76 unit building. So the amount of activity</p> <p>14 coming and going from the site during the hours of 9:00 to</p> <p>15 5:00 would be pretty limited. I think we will have the</p> <p>16 construction period that will happen for about 18 months.</p> <p>17 But immediately after that, the disruption at the site and</p> <p>18 activity, it should blend in fairly well.</p> <p>19 MR. GROSSMAN: I know a question that has sometimes come</p> <p>20 up with facilities like this is the noise from backup</p> <p>21 generators and that thing. How was that designed in this</p> <p>22 one? Is that going to be addressed by your civil engineer or</p> <p>23 how is that?</p> <p>24 MR. KLINE: I would certainly ask the question of the</p> <p>25 architect.</p>

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<p>53</p> <p>1 MR. GROSSMAN: Okay.</p> <p>2 MR. KLINE: But if you have an opinion, feel free to</p> <p>3 offer it.</p> <p>4 MR. EVERETT: On the backup generator, I don't. I</p> <p>5 probably wouldn't be the best one to --</p> <p>6 MR. KLINE: All right. I will make sure Mr. Kershner</p> <p>7 answers your question, sir.</p> <p>8 MR. GROSSMAN: All right. Any other questions you have</p> <p>9 based on my questions?</p> <p>10 MR. KLINE: No, sir.</p> <p>11 MR. GROSSMAN: All right. Well, thank you very much Mr.</p> <p>12 Everett. You may be the only lawyer asked a question a</p> <p>13 questioner as to what you can do to make people's life more</p> <p>14 joyous.</p> <p>15 MR. KLINE: Good comment. Mr. Jones. Mr. Jones, could</p> <p>16 you please state and spell your name and give a short</p> <p>17 professional address?</p> <p>18 MR. JONES: Kenneth Jones; K-E-N-N-E-T-H, J-O-N-E-S. I</p> <p>19 work at Macris, Hendricks & Glascock. The address is 9220,</p> <p>20 Wightman Road; W-I-G-H-T-M-A-N; Suite 120, Montgomery</p> <p>21 Village, Maryland 20886.</p> <p>22 MR. GROSSMAN: Okay. So your first name is Kenneth, not</p> <p>23 Ken.</p> <p>24 MR. JONES: I go by Ken typically.</p> <p>25 MR. GROSSMAN: You go -- okay.</p>	<p>55</p> <p>1 I were talking about it. He has a very interesting story. I</p> <p>2 think I'm just going to let him tell his story about how he</p> <p>3 got to where he is.</p> <p>4 MR. GROSSMAN: All right.</p> <p>5 MR. JONES: Well, I've worked with Macris, Hendricks &</p> <p>6 Glascock for 16 years. I started in September of 2002.</p> <p>7 Before that I graduated from the University of Maryland. I</p> <p>8 have a Bachelor of Science in mathematics. And when I</p> <p>9 started at MHG, it was as a field surveyor. So I was in the</p> <p>10 field performing stakeout and obtaining topographic surveys</p> <p>11 with the survey instruments, ensuring that that information</p> <p>12 is accurate for the design and construction in accordance</p> <p>13 with accepted survey techniques and practices. A few years</p> <p>14 later in 2004, I transitioned from that role outside to</p> <p>15 inside the office and became a project designer focused on</p> <p>16 sediment control and storm water management design. I</p> <p>17 operated under that role for approximately 10 years. As my</p> <p>18 experience increased, I -- my scope of work expanded to</p> <p>19 include storm drain design, dam breach analyses, floodplain</p> <p>20 studies, and construction observation typically of storm</p> <p>21 water management facilities. In 2014, I became a project</p> <p>22 manager in charge of commercial, institutional, industrial</p> <p>23 projects. In this role, I communicate with our clients to</p> <p>24 understand their goals for development, analyze project</p> <p>25 scope, and prepare a schedule which accounts for approvals</p>
<p>54</p> <p>1 MR. JONES: My full name is Kenneth.</p> <p>2 MR. GROSSMAN: Okay. Would you raise your right hand,</p> <p>3 please? Do you swear or affirm to tell the truth, the whole</p> <p>4 truth, and nothing but the truth under penalty of perjury?</p> <p>5 MR. JONES: I do.</p> <p>6 MR. GROSSMAN: All right. You may proceed.</p> <p>7 MR. KLINE: Mr. Jones, what is your profession?</p> <p>8 MR. JONES: I am a project manager with Macris,</p> <p>9 Hendricks & Glascock.</p> <p>10 MR. KLINE: Have you ever qualified as an expert in</p> <p>11 civil engineering before Mr. Grossman, or a hearing of this</p> <p>12 type?</p> <p>13 MR. JONES: No, I have not.</p> <p>14 MR. KLINE: Mr. Grossman, I would like to offer a resume</p> <p>15 for Mr. Jones.</p> <p>16 MR. GROSSMAN: Okay. Somehow locate my exhibit list</p> <p>17 here.</p> <p>18 MR. KLINE: I think you are up to 52.</p> <p>19 MR. GROSSMAN: So Exhibit 52, resume of Kenneth Jones.</p> <p>20 All right.</p> <p>21 MR. KLINE: Mr. Grossman, going back to our previous</p> <p>22 witness; so this is a situation where I did want to qualify</p> <p>23 Mr. Jones as an expert, but he has not qualified in the past.</p> <p>24 So I did want to ask him some questions. And we have a</p> <p>25 way -- kind of a normal way of proceeding. But Mr. Jones and</p>	<p>56</p> <p>1 and permits. I organize, coordinate and direct a team of</p> <p>2 engineers and designers towards the design of a project. As</p> <p>3 far as my professional licensure, you can qualify to take</p> <p>4 that exam based on getting a civil engineering degree from an</p> <p>5 accredited university, which I did not have. So there is</p> <p>6 also a work experience option. And if you have 12 years of</p> <p>7 work experience that you demonstrate to the Board of</p> <p>8 Professional Engineers, 5 of which have been in a position of</p> <p>9 responsible charge, then that alone can make you eligible to</p> <p>10 take the PE exam, the civil principles and practice of</p> <p>11 engineering exam, which I was qualified for by the Board of</p> <p>12 Professional Engineers in 2015. I took the exam later that</p> <p>13 year and obtained licensure in early 2016.</p> <p>14 MR. GROSSMAN: And what's your license number?</p> <p>15 MR. JONES: 48232.</p> <p>16 MR. GROSSMAN: 48232?</p> <p>17 MR. JONES: Yes, sir.</p> <p>18 MR. GROSSMAN: And that's a Maryland license?</p> <p>19 MR. JONES: Correct. Is that --</p> <p>20 MR. GROSSMAN: For a professional engineer?</p> <p>21 MR. JONES: It's on the resume. Let me double check the</p> <p>22 number. I went blank. No, it's not on the resume. Yes,</p> <p>23 48232.</p> <p>24 MR. GROSSMAN: All right.</p> <p>25 MR. KLINE: And you are a member of what professional</p>

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<p>57</p> <p>1 associations?</p> <p>2 MR. JONES: I am a member of the American Society of</p> <p>3 Civil Engineers.</p> <p>4 MR. KLINE: And your role today is basically some hands-</p> <p>5 on engineering, but as much supervising others, preparing</p> <p>6 plans that you are responsible for?</p> <p>7 MR. JONES: Right. We have various departments in the</p> <p>8 office; landscape architecture, engineering, environmental.</p> <p>9 So I direct a team of designers in those various disciplines</p> <p>10 towards developing plans for -- associated with a particular</p> <p>11 project. In this case, obviously the St. Anne's senior</p> <p>12 housing project.</p> <p>13 MR. KLINE: Mr. Grossman, the reason I wanted to have</p> <p>14 you hear the story because I thought it was kind of telling</p> <p>15 that the Association of Civil Engineers will let you become a</p> <p>16 civil engineer if you can come in and show then you've been</p> <p>17 doing engineering work. And you don't even have to have --</p> <p>18 basically have a degree in that.</p> <p>19 MR. GROSSMAN: They used to do that for lawyers too,</p> <p>20 many years ago.</p> <p>21 MR. KLINE: I believe West Virginia might still allow</p> <p>22 you to come in if you've clerked for somebody a hundred</p> <p>23 years.</p> <p>24 MR. GROSSMAN: Really? Yeah, right. That's the way it</p> <p>25 used to be in a lot of states.</p>	<p>59</p> <p>1 MR. JONES: Yes, it is 11.</p> <p>2 MR. KLINE: Okay. It's an existing -- yeah, we didn't</p> <p>3 change that one. That's right. We didn't change existing</p> <p>4 conditions, right.</p> <p>5 MR. GROSSMAN: Existing conditions, right.</p> <p>6 MR. KLINE: Yeah, right. So it is number 11.</p> <p>7 MR. JONES: So this plan just shows the existing</p> <p>8 elements on the property today. The one exception I guess is</p> <p>9 it doesn't show a subdivision that is proposed. But the</p> <p>10 existing parcel, parcel A, is a little bit more than 10</p> <p>11 acres. It's on the west side of Ridge Road. I guess one</p> <p>12 thing of note that we've -- that affects a lot of aspects of</p> <p>13 this project is the significant amount of grade change across</p> <p>14 the property. Ridge Road is much, much lower than the rest</p> <p>15 of the site, which slopes up currently, quite steeply</p> <p>16 initially. It's sort of a plateau more or less where the</p> <p>17 building and the surface parking lot are located. And then</p> <p>18 beyond that, as you continue to the West, the set up</p> <p>19 rotation of about 90 degrees. There is more slope there.</p> <p>20 MR. GROSSMAN: Yeah, perhaps you could actually rotate.</p> <p>21 I actually, in my head, have rotated all of your plans 90</p> <p>22 degrees so that north is basically pointing up.</p> <p>23 MR. JONES: That's north right there.</p> <p>24 MR. GROSSMAN: Right.</p> <p>25 MR. JONES: So this is Ridge Road and --</p>
<p>58</p> <p>1 MR. KLINE: Yeah, exactly. So based on his, basically</p> <p>2 his educational background, professional associations, but</p> <p>3 more particularly his work experience, and the role he's</p> <p>4 evolved into overtime, I would like to offer Mr. Jones as an</p> <p>5 expert in civil engineering.</p> <p>6 MR. GROSSMAN: And I accept Mr. Jones as an expert in</p> <p>7 civil engineering.</p> <p>8 MR. JONES: Thank you.</p> <p>9 MR. KLINE: Thank you. Well, let's -- you brought a</p> <p>10 bunch of boards.</p> <p>11 MR. GROSSMAN: I did.</p> <p>12 MR. KLINE: So let's pull out board -- Mr. Grossman, I</p> <p>13 was going to have him kind to give you an overview of the</p> <p>14 property. I know you've read the file very meticulous</p> <p>15 before, but let's give sort of a base drawing just to kind of</p> <p>16 talk about the features of the property that are relevant to</p> <p>17 the design layout.</p> <p>18 MR. JONES: All right. I'm going to refer to the</p> <p>19 existing conditions plan. And Jody, if you could identify</p> <p>20 what you've given me?</p> <p>21 MR. KLINE: This is Exhibit 11 and I'm sorry, Mr.</p> <p>22 Grossman. That's not --</p> <p>23 MR. GROSSMAN: That's correct. Thank you.</p> <p>24 MR. KLINE: It's actually --</p> <p>25 MR. GROSSMAN: That's what it says on the exhibit list.</p>	<p>60</p> <p>1 MR. GROSSMAN: You can just leave it pointing that way.</p> <p>2 You know, -- no, the other way so that north is pointing up.</p> <p>3 MR. JONES: Oh, like that? Okay. In total, there's</p> <p>4 approximately 70 feet actually, of vertical grade change</p> <p>5 between the back line of the property and the frontage along</p> <p>6 Ridge Road.</p> <p>7 MR. GROSSMAN: You don't have to hold it at an angle</p> <p>8 like that. You can put it up. No, the other way so that</p> <p>9 north is basically --</p> <p>10 MR. KLINE: North is north.</p> <p>11 MR. JONES: Oh, like this?</p> <p>12 MR. GROSSMAN: Right.</p> <p>13 MR. JONES: Oh, okay. All right.</p> <p>14 MR. GROSSMAN: That's the way most people's brains work</p> <p>15 these days, including my own. And many expert witnesses who</p> <p>16 have appeared before me with charts that they have drawn, and</p> <p>17 they get confused because they don't have north pointing up.</p> <p>18 MR. JONES: Okay. There is an existing entrance to the</p> <p>19 site off of Ridge Road. As you can see, it's sort of snakes</p> <p>20 around the southern portion of the property before arriving</p> <p>21 at the church building and then accessing the existing</p> <p>22 parking lot back here. I believe there are 73 existing</p> <p>23 parking places currently. There is a playground right here</p> <p>24 at this location, which is enclosed by a fence.</p> <p>25 MR. GROSSMAN: Ken?</p>

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<p>61</p> <p>1 MR. JONES: Yes.</p> <p>2 MR. GROSSMAN: Since they are transcribing this, when</p> <p>3 you point to something, just sort of identify it.</p> <p>4 MR. JONES: Oh, pardon me.</p> <p>5 MR. GROSSMAN: Yeah.</p> <p>6 MR. JONES: There is a playground here, which is just</p> <p>7 off the east side of the church building. There is a storm</p> <p>8 water management facility, a sand filter.</p> <p>9 MR. GROSSMAN: I'm sorry. Would you point to the</p> <p>10 playground again?</p> <p>11 MR. JONES: Right here.</p> <p>12 MR. GROSSMAN: Okay, just off-- so east, southeast.</p> <p>13 Okay.</p> <p>14 MR. JONES: Yeah. Right. You can see the fencing line</p> <p>15 right there, which connects to that one wall of the church.</p> <p>16 And then there is an existing storm water management</p> <p>17 facility, a sand filter, just north of the surface parking</p> <p>18 lot. And then there is an existing residence on the property</p> <p>19 as well, which I understand is the home of a parishioner. Is</p> <p>20 that correct Father Lee?</p> <p>21 REVEREND DAVIS: It's the home of somebody who lost</p> <p>22 their house to a foreclosure that we are helping out.</p> <p>23 MR. GROSSMAN: That's the single-family house that's on</p> <p>24 the site?</p> <p>25 MR. JONES: Right here. Yeah. The church itself, I</p>	<p>63</p> <p>1 remaining portion for the church is somewhat unique in shape,</p> <p>2 but there are some reasons for that. The church building and</p> <p>3 the existing residence that we just described, the intent is</p> <p>4 to keep those on the same piece of property because the</p> <p>5 church is going to retain that facility and the use of it.</p> <p>6 Also too, there is an open space requirement that we are</p> <p>7 meeting, but we wanted to try to ensure that the percentage</p> <p>8 of open space for both properties is generally consistent.</p> <p>9 So that was also factored into the distribution of the lots.</p> <p>10 The senior housing lot, as it's currently shown, is proposed</p> <p>11 to be 3.44 acres. And the leftover, what will become the</p> <p>12 church lot, is 7.05 acres.</p> <p>13 MR. KLINE: And maybe I should ask, Mr. Grossman. Can</p> <p>14 you see the property lines for the lot? We will call that</p> <p>15 lot two. Can you see that?</p> <p>16 MR. GROSSMAN: Well, I'm familiar with where they are --</p> <p>17 MR. JONES: Right. You can -- it's less busy I think on</p> <p>18 the existing conditions plan there.</p> <p>19 MR. GROSSMAN: Yeah. Yes, I tried to check the setback</p> <p>20 requirements, and of course the zoning ordinance setback</p> <p>21 requirements were all modified by the subsections in this</p> <p>22 conditional use plan.</p> <p>23 MR. JONES: Right.</p> <p>24 MR. GROSSMAN: So it was a little bit difficult to</p> <p>25 follow through, but I actually found the markings on that</p>
<p>62</p> <p>1 guess the initial building was this sort of southwestern</p> <p>2 corner of what is the current footprint of the church.</p> <p>3 MR. GROSSMAN: Right.</p> <p>4 MR. JONES: I believe it was built in 1962. Then in</p> <p>5 2002, plans were prepared to build what is now currently the</p> <p>6 sanctuary. And that initial church building was transitioned</p> <p>7 to be, I believe, the classroom wing. But that's when the</p> <p>8 surfaced parking lot was installed in the sand filter was</p> <p>9 built back in 2002.</p> <p>10 MR. GROSSMAN: Okay.</p> <p>11 MR. JONES: Should I move on to the second one?</p> <p>12 MR. KLINE: I guess now we want to know what it's going</p> <p>13 to look like.</p> <p>14 MR. JONES: That's right. This is the conditional use</p> <p>15 site plan. This one was updated in November.</p> <p>16 MR. KLINE: And this would be 41. Do you have sheet one</p> <p>17 or two?</p> <p>18 MR. JONES: This is sheet one.</p> <p>19 MR. KLINE: Okay. So that would be 41A then.</p> <p>20 MR. GROSSMAN: All right. Yeah. And once again, can</p> <p>21 you turn it so that north is basically pointing up? Thank</p> <p>22 you.</p> <p>23 MR. JONES: The proposed development, I guess first we</p> <p>24 are proposing a subdivision for financing purposes, to put</p> <p>25 the senior housing facility on its own separate lot. The</p>	<p>64</p> <p>1 particular plan showing the distances and so on.</p> <p>2 MR. JONES: So we are proposing to build a four-story,</p> <p>3 76 unit senior housing facility. The gross floor area of</p> <p>4 which is approximately 73,400 square feet. Where this is</p> <p>5 located is basically -- it's in the surface parking lot that</p> <p>6 exists today. So with the loss of that parking, we are</p> <p>7 proposing an expanded scope of the surface parking lot around</p> <p>8 the facility in sort of two main areas. The first of which</p> <p>9 is this existing entrance drive would remain. We are not</p> <p>10 proposing a new entrance on Ridge Road. So that's</p> <p>11 essentially going to remain in place. But then what you</p> <p>12 start to get up to an elevation at the level of the church,</p> <p>13 we sort of spread this out and add a second tier of parking</p> <p>14 up the hill. That gets into the retaining walls that I think</p> <p>15 Jody touched on earlier.</p> <p>16 MR. GROSSMAN: I was curious about why you didn't have a</p> <p>17 second entrance put onto Ridge Road there, directly accessing</p> <p>18 the proposed development.</p> <p>19 MR. JONES: One of the reasons is grade change. The</p> <p>20 reason that this driveway snakes around like this is so that</p> <p>21 it can get up to the level of the church at a particular</p> <p>22 slope.</p> <p>23 MR. GROSSMAN: I see.</p> <p>24 MR. JONES: And where the placement of this facility was</p> <p>25 didn't lend itself, especially considering the fact that the</p>

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17 (65 to 68)

<p>65</p> <p>1 existing sand filter was going to remain, to have a similar 2 condition to actually get up to that level. So it seemed to 3 make more sense and be less of an impact to continue to 4 utilize the existing entrance drive. 5 MR. KLINE: Can you give the Hearing Examiner just a 6 sense of the grade change between three -- I'm sorry -- Ridge 7 Road and the platform where the housing for the elderly 8 building would be? 9 MR. JONES: It's approximately 40 feet. There are some 10 additional -- and so I was describing the parking layout. So 11 there are sort of two main drive aisles. There is the one 12 here, which is more or less consistent with the church is 13 drive aisle. 14 MR. GROSSMAN: Here being? 15 MR. JONES: Sorry. Just to the west side of the church 16 building. 17 MR. GROSSMAN: Okay. 18 MR. JONES: There is an existing drop-off loop that they 19 have there today, which will essentially remain. And then to 20 the west of that, which is vertically as you go up, would be 21 a second-tier of parking that extends then also to the west 22 side of the proposed senior housing facility. 23 MR. GROSSMAN: Okay. 24 MR. JONES: Sort of taking the turn and moving back 25 towards Ridge Road, there would be a parking lot here as</p>	<p>67</p> <p>1 that's associated with trying to make the parking lot more 2 efficient in this case, is the grade change, because as that 3 footprint expands, you can only go so steep in a parking lot 4 and we are chasing grade essentially as you go up the slopes. 5 It allows us to try to bring that in and reduce the spreading 6 of that impact as much as possible in terms of grading. 7 MR. GROSSMAN: Right. 8 MR. JONES: Other improvements besides the parking and 9 the new building, I mentioned the existing sand filter, which 10 is on the north side of the senior housing facility, would 11 remain. 12 MR. GROSSMAN: That's a storm water management facility? 13 MR. JONES: That is correct. 14 MR. GROSSMAN: Okay. 15 MR. JONES: There is a pavilion, which is proposed just 16 to the southeast of the church building, with the patio area 17 in front of it. My understanding is that would be used for 18 outdoor church activities, as a meeting area, especially when 19 the weather is nice. The existing playground that I 20 described earlier will remain. We are proposing sidewalks 21 around the building, I guess all along the frontage, which is 22 the south side of the senior housing facility. A sidewalk 23 would be in place which would be able to collect people as 24 they come walking in from the parking area to get to the 25 front of the front entrance of the building, which is located</p>
<p>66</p> <p>1 well. 2 MR. GROSSMAN: Here being? 3 MR. JONES: Here being between the church and the senior 4 housing facility. 5 MR. GROSSMAN: Okay. 6 MR. JONES: It has parking bays on each side and this is 7 essentially where our proposed division line between the two 8 properties would be located. 9 MR. GROSSMAN: All right. So it has parking on each 10 side of the proposed lot break. 11 MR. JONES: Yes, that is correct. 12 MR. KLINE: Can you just kind of give a -- maybe a 13 self -- an explanation of the efficiency of having a double 14 loaded drive aisle? 15 MR. JONES: Right. So there is a minimum width, which 16 is 20 feet for a drive aisle, anywhere we have two direction 17 traffic or that has perpendicular parking off of it. So the 18 most way to efficiently -- you're already paying for 20 feet 19 of paving essentially, in terms of the footprint and the 20 imperviousness, the most efficient use would be that parking 21 on both sides of that to get you up to your required numbers. 22 So like I mentioned, we have three main drive aisles. And 23 the way out of this site, I tried to utilize as many of 24 the -- have perpendicular parking on both sides of those 25 drive aisles as much as possible. I guess the other impact</p>	<p>68</p> <p>1 basically in the center where the angle of the senior housing 2 facility occurs. And then there is already an existing 3 concrete sidewalk area at the drop off at the church 4 entrance. We would be extending that around down towards the 5 south, towards Ridge Road, which would then have a connection 6 over to the pedestrian -- the pavilion area that I described 7 and the patio area. And again, there is a grade change issue 8 going on. Not quite as substantial as the one from Ridge 9 Road, but there is a drop off because this is essentially a 10 walkout condition with the existing church as it is today. 11 So we have to get down to that level as we go around the 12 side. 13 MR. GROSSMAN: So the grade change on Ridge Road is 14 substantially higher? 15 MR. JONES: Lower. 16 MR. GROSSMAN: Lower, okay. 17 MR. JONES: Lower. Yeah, this is -- the entrance grade 18 here is approximately a 690 elevation. The first floors are 19 around a 730. And it's up to about a 770 in the back. 20 MR. GROSSMAN: So storm water drains towards Ridge Road. 21 Is that -- 22 MR. JONES: That's correct, yeah. So there are two 23 existing culverts. There is sort of a ridge in the middle of 24 the site where you have a drainage area, a larger drainage 25 area, one which gets directed to the south and then one sort</p>

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<p>69</p> <p>1 of to the north. There is an existing culvert here. 2 MR. GROSSMAN: Here being? 3 MR. JONES: On the north side of the property, just at 4 the northern end of the property frontage. 5 MR. GROSSMAN: Okay. 6 MR. JONES: And basically, sort of mirrored that on the 7 southern end just within the property frontage, is another 8 culvert that conveys drainage from the west side of Ridge 9 Road to the east side of Ridge Road. 10 MR. GROSSMAN: Now, are those existing now? 11 MR. JONES: Those are existing culverts, yes. 12 MR. GROSSMAN: Are there any changes planned? I saw you 13 had a storm water management concept plan, but I didn't 14 notice, particularly, any changes. What, if anything, is 15 being added or subtracted in terms of storm water management? 16 MR. JONES: So we do have an approved storm water 17 management concept from DPS. 18 MR. GROSSMAN: Oh, I haven't seen the approval. Is that 19 in the record somewhere? 20 MR. KLINE: It was not an attachment to the staff 21 report. I noticed that myself. I may have it here in my 22 briefcase. 23 MR. JONES: I have a copy. 24 MR. KLINE: Oh, you've got it? 25 MR. JONES: Mm-hm (affirmative).</p>	<p>71</p> <p>1 on the south side of the church and the proposed parking area 2 here in this location. The drop off loop that I mentioned 3 previously at the church entrance, is a prime location for 4 another micro bioretention facility. And then the parking 5 island, I guess, which sort of separates this lower -- the 6 lower tier to the west of the church and the upper tier of 7 the parking just to the west of that, also works pretty well 8 to have a bioswale in that facility -- in that space. To 9 manage the rooftop runoff from the proposed building, we have 10 a micro bioretention facility just to the northeast. Off the 11 back of that the bulk of the roof drains will be directed and 12 that micro bioretention facility. Throughout the parking 13 lot, sort of -- I guess the conveyance mechanism to most of 14 those stormwater practices that I just described is a surface 15 runoff as much as possible. But then each of those would 16 have an overflow of storm drain inlet in which will connect 17 to a larger storm drain network, most of which is going to be 18 conveyed into the sand filter in the back, which is going to 19 be remaining. Those two culverts that I described earlier 20 that run under Ridge Road will remain in place. With the 21 preliminary plan we will be preparing a drainage study, which 22 will get reviewed by DOT. Or I guess in this case, maybe SHA 23 or both because it's a state highway right-of-way. 24 HEARING EXAMINER GROSSMAN: All right. So you've added 25 four or five bio retention facilities and will be making</p>
<p>70</p> <p>1 MR. GROSSMAN: Yeah, we should -- 2 MR. KLINE: Yeah. No, I agree. Why don't you provide 3 it to Mr. Grossman -- do you have a drawing that shows storm 4 water concept? 5 MR. JONES: I had the stormwater concept. 6 MR. KLINE: All right. 7 MR. GROSSMAN: Thank you. All right. So this is going 8 to be Exhibit 53. And that is the DPS approval of proposed 9 stormwater management concept plan. It should say, DPS June 10 26, 2018 approval. Okay. And so what, if anything, is added 11 to the existing storm water management on the premises? 12 MR. JONES: This is Exhibit 30. This is the stormwater 13 management concept plan, which was approved by DPS. I 14 mentioned the existing sand fill. I've already rotated this 15 so that north is up. That's the existing sand fill, so that 16 will remain. But the development is in accordance with 17 Maryland 2009 stormwater law and implementation of 18 environmental site design practices. So in this case, what 19 that means is we have a series of micro bioretention 20 facilities as well as a bioswale that we are installing. 21 It's really sort of integrated into the surface parking lots 22 that are proposed. Sort of moving, I guess, from south to 23 north, we have two bioretention facilities, which are off of 24 the existing drive aisle that comes up into the church 25 building. There is another bioretention facility here it is</p>	<p>72</p> <p>1 other changes. 2 MR. JONES: Correct. 3 HEARING EXAMINER GROSSMAN: And it's your testimony that 4 you will achieve environmental site design standards that are 5 current? 6 MR. JONES: That is correct. 7 HEARING EXAMINER GROSSMAN: And will the changes that 8 you've planned, and storm water management improve the 9 situation regarding storm water management flow off of the 10 property? 11 MR. JONES: The levels to which the site is currently 12 managed are -- of those regulations that the State have 13 described have been updated since 2002 when the central was 14 originally implemented. The intent of which is to further 15 reduce and distribute the amount of storm water treatment 16 around the site. The idea there is that we're trying to 17 achieve runoff characteristics more similar to woods in good 18 condition rather than having everything going to one common 19 point, which in this case, was the older sand field to the 20 North. We have smaller micro drainage areas throughout the 21 site and so we're achieving a more distributed method of 22 stormwater treatment. 23 HEARING EXAMINER GROSSMAN: So the bottom line of my 24 question is will this improve the situation? Will your new 25 storm water management situation improve the storm water</p>

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<p style="text-align: right;">73</p> <p>1 management situation for your neighbors?</p> <p>2 MR. JONES: The treatment of runoff and the pollution</p> <p>3 that it creates would be improved by the development, yes.</p> <p>4 In terms of the larger storm runoff, which would be beyond</p> <p>5 sort of the quality level of treatment that the storm water</p> <p>6 management practices I just described would provide, we're</p> <p>7 not going -- the existing infrastructure, the culverts that</p> <p>8 convey runoff under 27 are adequate under current and</p> <p>9 proposed conditions.</p> <p>10 HEARING EXAMINER GROSSMAN: So you're telling me that it</p> <p>11 will improve the quality, but not the quantity because the</p> <p>12 quantity already meets standards? Is that what you're</p> <p>13 saying?</p> <p>14 MR. JONES: The quantity of runoff is -- the existing</p> <p>15 infrastructure is adequate to convey the quantity of the</p> <p>16 existing runoff. I can't say that we are decreasing the</p> <p>17 10-year storm runoff, which is the size of the stormwater</p> <p>18 method that we usually look at for what you're describing for</p> <p>19 large storm events.</p> <p>20 HEARING EXAMINER GROSSMAN: All right. Okay. Thank</p> <p>21 you.</p> <p>22 MR. JONES: Uh-huh.</p> <p>23 MR. KLINE: Before you leave, or before we got into the</p> <p>24 stormwater management we were talking about pedestrian</p> <p>25 movement. And I know there was a lot of talk about half-way</p>	<p style="text-align: right;">75</p> <p>1 culverts, but also downstream of that the channels in which</p> <p>2 those drainage ways are conveyed to.</p> <p>3 HEARING EXAMINER GROSSMAN: All right. What I'm trying</p> <p>4 to find out, Mr. Jones, is whether or not this project will</p> <p>5 impose adverse impacts on the community around it. And one</p> <p>6 of those potential adverse impacts is storm water drainage.</p> <p>7 The question of whether or not there are adequate public</p> <p>8 facilities in terms of stormwater management is not what's</p> <p>9 really before me because that's going to be decided by the</p> <p>10 Planning Board at Subdivision. Only before me is the</p> <p>11 question of impacts on the community. So what I'm trying to</p> <p>12 get from you is a sense of whether or not this project, with</p> <p>13 all of the its improved stormwater management, or with the</p> <p>14 addition of whatever stormwater management, bio retention</p> <p>15 facilities, and other facilities will result in any negative</p> <p>16 impacts from storm water management on the surrounding</p> <p>17 community.</p> <p>18 MR. JONES: No.</p> <p>19 HEARING EXAMINER GROSSMAN: Okay.</p> <p>20 MR. JONES: That's based on the fact that the downstream</p> <p>21 system can convey the runoff, both existing and proposed.</p> <p>22 HEARING EXAMINER GROSSMAN: Okay. Do you, if I</p> <p>23 understood what you said earlier the actual amount of runoff</p> <p>24 would be greater, but it can be controlled as to -- if I</p> <p>25 understood what you were saying?</p>
<p style="text-align: right;">74</p> <p>1 around the campus.</p> <p>2 MR. JONES: Yes.</p> <p>3 MR. KLINE: And --</p> <p>4 HEARING EXAMINER GROSSMAN: Can I interrupt you for one</p> <p>5 more second on that?</p> <p>6 MR. KLINE: Yes.</p> <p>7 HEARING EXAMINER GROSSMAN: So you're nodding --</p> <p>8 MR. KLINE: We're going back to stormwater management.</p> <p>9 HEARING EXAMINER GROSSMAN: Yes. And you're not -- you</p> <p>10 can't say that you're reducing the amount of stormwater</p> <p>11 runoff to the neighborhood, can you say whether you are</p> <p>12 increasing the amount of stormwater runoff to the</p> <p>13 neighborhood by this project?</p> <p>14 MR. JONES: I think it would be increased, yes. Because</p> <p>15 the level of management that the State requires is the</p> <p>16 quality portion of it. It's anything up to and including a</p> <p>17 one-year storm event. The -- for larger storm purposes for</p> <p>18 storm drain infrastructure for example, you look at a more</p> <p>19 intense rainstorm event than that. But we're not required to</p> <p>20 provide management for onsite typically. And because -- and</p> <p>21 that's based on the capacity of existing infrastructure. The</p> <p>22 culverts that run though here are conveyed through stream</p> <p>23 channels and they don't -- it's not like we're directing it.</p> <p>24 It doesn't go into someone's back yard I guess. There's</p> <p>25 existing infrastructure, not just in terms of the storm drain</p>	<p style="text-align: right;">76</p> <p>1 MR. JONES: Yes. It may be, I would have to go back and</p> <p>2 double check those numbers, I guess. But that's -- there's</p> <p>3 not a net -- there's not a significant increase in existing</p> <p>4 to proposed.</p> <p>5 HEARING EXAMINER GROSSMAN: Okay.</p> <p>6 MR. JONES: Such that it would exacerbate or propose</p> <p>7 a -- that would impact negatively the downstream community.</p> <p>8 HEARING EXAMINER GROSSMAN: Okay. All right. Thank</p> <p>9 you.</p> <p>10 MR. KLINE: Can you put up my zoning vicinity map? It</p> <p>11 was the exhibit on the bottom. The old one in the back.</p> <p>12 UNIDENTIFIED SPEAKER: That one?</p> <p>13 MR. KLINE: Yeah. So I -- all right. So looking at</p> <p>14 zoning and vicinity map number 32, my question is; under</p> <p>15 existing conditions is there any adjacent property -- what</p> <p>16 adjacent properties are actually affected by sheet-flow off</p> <p>17 the property today?</p> <p>18 MR. JONES: Route 27.</p> <p>19 MR. KLINE: All right. There is no adjacent single-</p> <p>20 family detached residence that's getting any water from off</p> <p>21 our property is there?</p> <p>22 MR. JONES: That's correct.</p> <p>23 MR. KLINE: Okay. So all we're doing is we're</p> <p>24 putting -- everything is still going onto Route 27 but it's</p> <p>25 not having any effect on any existing developed property</p>

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20 (77 to 80)

<p style="text-align: right;">77</p> <p>1 beside us?</p> <p>2 MR. JONES: Correct.</p> <p>3 MR. KLINE: Because I think normally your concern is,</p> <p>4 are you going to be increasing flow on somebody's backyard.</p> <p>5 HEARING EXAMINER GROSSMAN: Right. I mean it doesn't</p> <p>6 necessarily have to be only single-family dwellings, it could</p> <p>7 be anybody else's property.</p> <p>8 MR. KLINE: Understood.</p> <p>9 HEARING EXAMINER GROSSMAN: But I'm trying to make sure</p> <p>10 that the proposal is not going to damage the neighbors.</p> <p>11 MR. KLINE: Correct. So we're dumping it the same place</p> <p>12 where it's going today, correct?</p> <p>13 MR. JONES: Well, like I -- yes, which is those two</p> <p>14 culverts that convey under 27.</p> <p>15 MR. KLINE: Okay. No further questions. And you were</p> <p>16 going to tell us where we're going to parade around the</p> <p>17 property.</p> <p>18 MR. JONES: Right. This is the landscape plan, which is</p> <p>19 one of the updated ones, exhibited number --</p> <p>20 MR. KLINE: Are you -- which sheet are you using, 1 or</p> <p>21 2?</p> <p>22 MR. JONES: One.</p> <p>23 MR. KLINE: Okay. So that would be 41C.</p> <p>24 MR. JONES: Correct. There is a natural surface path or</p> <p>25 circulation route proposed around the property.</p>	<p style="text-align: right;">79</p> <p>1 parking lot for the conditional use property, a senior</p> <p>2 housing property, tree canopy, and the parking lot perimeter</p> <p>3 planting requirements. I guess the only area where that's</p> <p>4 not actually the case is on the shared property boundary</p> <p>5 between the senior housing facility and the church because</p> <p>6 we've got the property line that goes right down the drive</p> <p>7 aisle, but there are exceptions in the zoning ordinance for</p> <p>8 when you have a parking lot that abuts another parking lot</p> <p>9 right on the opposite side.</p> <p>10 HEARING EXAMINER GROSSMAN: Do you have a citation for</p> <p>11 that exception in the zoning ordinance?</p> <p>12 MR. JONES: Yes, it's actually shown on the landscape</p> <p>13 plan, 6.2.9.C.3.B.</p> <p>14 HEARING EXAMINER GROSSMAN: Okay. All right.</p> <p>15 MR. KLINE: So you've put up what now?</p> <p>16 MR. JONES: I'm going on to forest conservation now.</p> <p>17 MR. KLINE: And you've got sheet?</p> <p>18 MR. JONES: 1 of 2.</p> <p>19 MR. KLINE: Okay. So that would be Exhibit 41F you're</p> <p>20 about to testify from.</p> <p>21 MR. JONES: There was a forest -- with the 2002</p> <p>22 development of the church expansion that I mentioned earlier,</p> <p>23 there was a forest conservation plan that was approved at</p> <p>24 that time. FC number -- the number was FC-02011. And so</p> <p>25 this is an amendment to that previously approved forest</p>
<p style="text-align: right;">78</p> <p>1 HEARING EXAMINER GROSSMAN: Oh, well, now you're upside</p> <p>2 down.</p> <p>3 MR. KLINE: So you're at the south now.</p> <p>4 HEARING EXAMINER GROSSMAN: There we go.</p> <p>5 MR. JONES: There is a natural surface trail that's</p> <p>6 proposed around the property. That connects to the sidewalk</p> <p>7 network that I described earlier, but then also provides --</p> <p>8 there's already an existing trail system actually. It's sort</p> <p>9 of above the existing parking lot in this area here which is</p> <p>10 fairly wooded.</p> <p>11 HEARING EXAMINER GROSSMAN: That's in the northwest</p> <p>12 corner?</p> <p>13 MR. JONES: It's the western side, yeah. Basically all</p> <p>14 up and down this western side of the property. It's an</p> <p>15 existing natural surface path. And so to provide another</p> <p>16 amenity for the residents, our intent was to expand that, and</p> <p>17 it was just this heavy or dark line shown on the landscape</p> <p>18 plan to provide sort of a walking path around, basically the</p> <p>19 whole perimeter of the property.</p> <p>20 MR. KLINE: Thank you. Did you want to talk about</p> <p>21 forest conservation or is that the logical next step?</p> <p>22 MR. JONES: We can talk about that. Yes. Well, first</p> <p>23 of all since we have it up here, I guess the landscaping</p> <p>24 plan. We are meeting the requirements of the zoning</p> <p>25 ordinance in terms of the minimum landscape area of the</p>	<p style="text-align: right;">80</p> <p>1 conservation plan. There was 2.35 acres of forest</p> <p>2 conservation easement which was proposed by that plan and we</p> <p>3 are modifying the limits of that slightly, but still end up</p> <p>4 with that total of 2.35 acres forested area. And as you can</p> <p>5 see on the forest conservation plan the dark shaded areas are</p> <p>6 those areas which are going to be in a forest conservation</p> <p>7 easement once the amendment is approved by Park and Planning,</p> <p>8 which would occur at the preliminary plan phase.</p> <p>9 HEARING EXAMINER GROSSMAN: Okay.</p> <p>10 MR. JONES: The lighting plan I guess, next. This is a</p> <p>11 copy of the lighting plan, which is exhibit --</p> <p>12 MR. KLINE: Which is Exhibit -- go ahead.</p> <p>13 MR. JONES: I don't know what --</p> <p>14 MR. KLINE: Exhibit -- I presume it's 24 or 25. This is</p> <p>15 the --</p> <p>16 HEARING EXAMINER GROSSMAN: Yeah, that's not one that is</p> <p>17 changed.</p> <p>18 MR. KLINE: Yeah. Right.</p> <p>19 MR. JONES: Yeah, this is 23.</p> <p>20 HEARING EXAMINER GROSSMAN: No, no, no, 23 is Planning</p> <p>21 Notes and details. Site lighting --</p> <p>22 MR. JONES: This is 24.</p> <p>23 HEARING EXAMINER GROSSMAN: -- calculations is 24.</p> <p>24 MR. JONES: Yeah.</p> <p>25 HEARING EXAMINER GROSSMAN: Site lighting specs and</p>

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21 (81 to 84)

<p>81</p> <p>1 schedules 25.</p> <p>2 MR. JONES: MAC did not prepare this plan. This was</p> <p>3 prepared by the electrical engineer from Kibart (phonetic).</p> <p>4 But I have reviewed this plan. The requirements of that</p> <p>5 zoning ordinance is for conditional use --</p> <p>6 HEARING EXAMINER GROSSMAN: 0.1 foot --</p> <p>7 MR. JONES: -- 0.1 foot candles or less at any lot line</p> <p>8 that abuts a lot with a detached house building not located</p> <p>9 in commercial or residential or employment zone. This plan</p> <p>10 has the foot candle readings around the entire perimeter of</p> <p>11 the senior house housing lot shown on it. Around all of</p> <p>12 the -- I guess basically all of the property boundaries, the</p> <p>13 readings is 0.0 foot candles at the property line and again</p> <p>14 the only area where that's not actually the case is the</p> <p>15 shared property line where it runs down the drive aisle</p> <p>16 between the church and the senior housing facility because we</p> <p>17 do have lights that are proposed just, you know, in the</p> <p>18 parking alley and beyond that where the foot candle readings</p> <p>19 are higher than that.</p> <p>20 MR. KLINE: And Mr. Grossman, we're relying on the</p> <p>21 provisions of section 59-6.4.3.C. I'm sorry, .E, rather.</p> <p>22 HEARING EXAMINER GROSSMAN: So 59-6.4.3.E?</p> <p>23 MR. KLINE: Yes. Titled conditional uses. And</p> <p>24 basically it says you've got to be at 0.1 foot candles if the</p> <p>25 adjacent property has a detached house on it. And since we've</p>	<p>83</p> <p>1 (Recess 11:22 a.m. to 11:35 a.m.)</p> <p>2 HEARING EXAMINER GROSSMAN: We are back on the record.</p> <p>3 MR. KLINE: Thank you for that break, Mr. Grossman.</p> <p>4 HEARING EXAMINER GROSSMAN: Certainly.</p> <p>5 MR. KLINE: We're ready if you are.</p> <p>6 HEARING EXAMINER GROSSMAN: You may proceed.</p> <p>7 MR. KLINE: Okay. Mr. Jones, you know where you are, so</p> <p>8 we'll just let you continue.</p> <p>9 MR. JONES: I just have a couple of other things I</p> <p>10 wanted to touch on. Utility services to the property. There</p> <p>11 is a 16-inch water main that runs up and down Ridge Road.</p> <p>12 And so we are proposing a connection into the main at this</p> <p>13 point with a new water meter.</p> <p>14 HEARING EXAMINER GROSSMAN: At this point being?</p> <p>15 MR. JONES: Essentially the mid-point of the property</p> <p>16 frontage, just south of, I believe it's Trolley Terrace, I</p> <p>17 think is the roadway here, that intersects with Ridge Road</p> <p>18 from the east side. Sewer. There is an existing sewer</p> <p>19 manhole that is within WSS easement just to the east of the</p> <p>20 existing sand filter off of Ridge Road. That would be sewer</p> <p>21 service from the church currently connects into. As you can</p> <p>22 see we're sort of blocking that. We are putting the new</p> <p>23 building right where that sewer line currently connects to.</p> <p>24 And so the sewer discharges from the senior housing facility</p> <p>25 will come to a manhole which will also receive the sewer line</p>
<p>82</p> <p>1 got a parking lot and a church beside us we thought we were</p> <p>2 able to exceed that.</p> <p>3 MR. JONES: Right. I'm going to talk about utility</p> <p>4 service next unless you had --</p> <p>5 MR. KLINE: Mr. Grossman, could I make a suggestion?</p> <p>6 Could we take a break for a second?</p> <p>7 HEARING EXAMINER GROSSMAN: Sure.</p> <p>8 MR. KLINE: And -- but I was hoping to take the</p> <p>9 opportunity before we did that, if you could repeat the</p> <p>10 question you wanted to have Ms. White address because she's</p> <p>11 here and it would give -- not only could I take a break for a</p> <p>12 second, but that would give Ms. White a chance to reconcile</p> <p>13 your question.</p> <p>14 HEARING EXAMINER GROSSMAN: When I went over the</p> <p>15 materials in preparation for this hearing I noticed that your</p> <p>16 findings regarding new trips was 23 AM and 29 PM in Exhibit</p> <p>17 31, page 2. But Technical Staff's findings in their report,</p> <p>18 Exhibit 45 page 14, was 34 AM and 31 PM. So I'd like you to</p> <p>19 explain why there is that discrepancy.</p> <p>20 MS. WHITE: All right. Hold on one moment.</p> <p>21 HEARING EXAMINER GROSSMAN: And we should -- until 11:30</p> <p>22 time enough for you?</p> <p>23 MR. KLINE: That's great. That would be fine.</p> <p>24 HEARING EXAMINER GROSSMAN: Okay. All right. So we'll</p> <p>25 recess until 11:30.</p>	<p>84</p> <p>1 that comes from the church. And that will get routed around</p> <p>2 the new building but then connect to the same termination</p> <p>3 point in the existing easement.</p> <p>4 HEARING EXAMINER GROSSMAN: So what is the water and</p> <p>5 sewer ratings?</p> <p>6 MR. JONES: The sewer category and the water category</p> <p>7 are W1 and S1.</p> <p>8 HEARING EXAMINER GROSSMAN: Okay. And they are adequate</p> <p>9 to handle the proposed facility?</p> <p>10 MR. JONES: Yes. I'm not aware of any inadequacies in</p> <p>11 the system. There is also an natural gas line that runs,</p> <p>12 Washington Gas, I believe it runs up and down Ridge Road.</p> <p>13 The church currently has a connection for gas service from</p> <p>14 that main and so there would be an additional one added for</p> <p>15 the senior housing facility for natural gas service.</p> <p>16 HEARING EXAMINER GROSSMAN: Okay.</p> <p>17 MR. JONES: There is an existing transformer that</p> <p>18 provides power to the church which will need to get relocated</p> <p>19 with the update to the parking layout, but we had that</p> <p>20 specified in the plan, a new transformer location which would</p> <p>21 provide power to the church and the senior housing facility.</p> <p>22 HEARING EXAMINER GROSSMAN: Okay.</p> <p>23 MR. JONES: That's all I have.</p> <p>24 MR. KLINE: Mr. Jones, in your professional, and now</p> <p>25 expert opinion, the project will therefore be served by</p>

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22 (85 to 88)

<p style="text-align: right;">85</p> <p>1 adequate public services?</p> <p>2 MR. JONES: Yes, it will.</p> <p>3 MR. KLINE: Okay. Does the application comply with all</p> <p>4 the relevant development standards for both the use, design,</p> <p>5 and the various other issues we deal with, parking, lighting,</p> <p>6 and landscaping?</p> <p>7 MR. JONES: It does.</p> <p>8 MR. KLINE: It complies with all those standards in the</p> <p>9 zoning ordinance?</p> <p>10 MR. JONES: Yes, it does.</p> <p>11 MR. KLINE: Okay.</p> <p>12 HEARING EXAMINER GROSSMAN: I take it, except to the</p> <p>13 extent you need a waiver for the parking set back.</p> <p>14 MR. KLINE: Good point, yes sir, correct.</p> <p>15 MR. JONES: Assuming the waiver request is granted.</p> <p>16 MR. KLINE: True. From an engineering point of view,</p> <p>17 and it kind of goes back to the dialogue about the storm</p> <p>18 water management, is there anything about this from an</p> <p>19 engineering point of view that would have an adverse effect</p> <p>20 on the surrounding properties?</p> <p>21 MR. JONES: In my opinion, no.</p> <p>22 MR. KLINE: Okay. And is there anything about it that</p> <p>23 you can see from an engineering point of view that would have</p> <p>24 an effect on the health, safety, and welfare of the residents</p> <p>25 around us, on the property, visiting, or in the general</p>	<p style="text-align: right;">87</p> <p>1 limit, so the required state sight distances of 555 feet, and</p> <p>2 we are looking to the left a little bit more than 2400 feet,</p> <p>3 and to the right a little bit more than 1700 feet. This</p> <p>4 hasn't been submitted to Park and Planning yet, but it will</p> <p>5 be going in with the preliminary plan.</p> <p>6 MR. KLINE: Okay. So site distance is quite adequate?</p> <p>7 MR. JONES: Yes.</p> <p>8 HEARING EXAMINER GROSSMAN: And a question that I raised</p> <p>9 earlier about any potential noise from generators, a backup</p> <p>10 generator? Has that issue been looked at at all?</p> <p>11 MR. JONES: Not by MHG. We'll be doing tests.</p> <p>12 MR. KLINE: The architect is prepared to testify about</p> <p>13 that.</p> <p>14 HEARING EXAMINER GROSSMAN: Okay. All right.</p> <p>15 MR. JONES: The generator it is located on the</p> <p>16 conditional use site plan behind the church, which would be</p> <p>17 just -- excuse me, behind the senior housing facility which</p> <p>18 would be just to the north east of the buildings where it's</p> <p>19 located.</p> <p>20 HEARING EXAMINER GROSSMAN: Okay.</p> <p>21 MR. JONES: I can certainly speak to that.</p> <p>22 HEARING EXAMINER GROSSMAN: All right. I have no other</p> <p>23 questions. Thank you very much, Mr. Jones.</p> <p>24 MR. JONES: Thank you.</p> <p>25 MR. KLINE: Mr. Kershner, would you like to join us?</p>
<p style="text-align: right;">86</p> <p>1 neighborhood?</p> <p>2 MR. JONES: Not an adverse affect, no.</p> <p>3 MR. KLINE: Thank you. No further questions of Mr.</p> <p>4 Jones.</p> <p>5 HEARING EXAMINER GROSSMAN: Was any investigation into</p> <p>6 sightlines, so you have a little bit more traffic I suppose,</p> <p>7 perhaps this is a question best left to the transportation</p> <p>8 expert, but was there a site line --</p> <p>9 MR. KLINE: Actually this is the right person to ask</p> <p>10 simply because he's done a tremendous amount of work on Ridge</p> <p>11 Road because, as you saw, there was some discussion about</p> <p>12 having a bike path along the right-of-way.</p> <p>13 HEARING EXAMINER GROSSMAN: Right.</p> <p>14 MR. KLINE: So he's very familiar with the lines of</p> <p>15 sight.</p> <p>16 HEARING EXAMINER GROSSMAN: Mr. Jones?</p> <p>17 MR. JONES: Yeah, we actually, MHG prepared a site</p> <p>18 distance study.</p> <p>19 HEARING EXAMINER GROSSMAN: MHG?</p> <p>20 MR. JONES: MHG, Macris, Hendricks & Glascock.</p> <p>21 HEARING EXAMINER GROSSMAN: Oh, okay.</p> <p>22 MR. JONES: Prepared a site distance study, and we found</p> <p>23 that the site distance at the existing entrance</p> <p>24 substantially -- it far exceeds the requirements based upon</p> <p>25 the speed limit of the road, a 40 mile-an-hour posted speed</p>	<p style="text-align: right;">88</p> <p>1 MR. KERSHNER: Sure. Good morning.</p> <p>2 HEARING EXAMINER GROSSMAN: Good morning.</p> <p>3 MR. KLINE: Mr. Kershner, could you please state and</p> <p>4 spell your name and give us your business address?</p> <p>5 MR. KERSHNER: John Kershner, J-O-H-N,</p> <p>6 K-E-R-S-C-H-N-E-R. I'm with Zavos Architecture+Design and</p> <p>7 we're at 323 West Patrick Street, in Frederick, Maryland</p> <p>8 21701.</p> <p>9 HEARING EXAMINER GROSSMAN: All right. Do you swear or</p> <p>10 affirm to tell the truth, the whole truth and nothing but the</p> <p>11 truth under penalty of perjury?</p> <p>12 MR. KERSHNER: I do.</p> <p>13 HEARING EXAMINER GROSSMAN: All right. You may proceed.</p> <p>14 MR. KLINE: Mr. Kershner, what is your profession?</p> <p>15 MR. KERSHNER: I'm a project manager at Zavos</p> <p>16 Architecture and Design.</p> <p>17 MR. KLINE: Mr. Grossman, I would like to offer a resume</p> <p>18 for Mr. Kershner, and ask it being made an exhibit in the</p> <p>19 record.</p> <p>20 HEARING EXAMINER GROSSMAN: All right. That will be</p> <p>21 Exhibit 54. That is the resume of John Kershner.</p> <p>22 MR. KLINE: Mr. Kershner, I'm not sure how -- I know a</p> <p>23 lot of your work has been in Frederick County. I'm not sure</p> <p>24 how they do it up there, but have you ever qualified as an</p> <p>25 expert in the field of architecture in a court of law or a</p>

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23 (89 to 92)

<p style="text-align: right;">89</p> <p>1 hearing of this type before someone like a hearing examiner 2 or a planning, or a commission? 3 MR. KERSHNER: Not of this type, no. 4 MR. KLINE: Okay. Well then, we need to go through and 5 kind of explain what's in your resume, so the Hearing 6 Examiner can conclude if you're eligible to be an expert to 7 testify. 8 MR. KERSHNER: Sure. 9 MR. KLINE: Basically, tell us what your educational 10 training is. 11 MR. KERSHNER: My training is in architecture. I have a 12 five-year bachelor's degree in architecture. 13 MR. KLINE: From which institution? 14 MR. KERSHNER: Andrews University in Michigan. And I 15 worked in Chicago for about 10 years on multi-family 16 buildings, condominiums, and dormitories and that sort of 17 project. 18 MR. KLINE: And you're doing the actual design? 19 MR. KERSHNER: Correct. 20 MR. KLINE: Ensuring compliance with code requirements? 21 MR. KERSHNER: Correct. 22 MR. KLINE: Dealing with the other professionals such as 23 structural engineers, electrical engineers? 24 MR. KERSHNER: All consultants, yeah. 25 MR. KLINE: Okay. So since you've been with Zavos, what</p>	<p style="text-align: right;">91</p> <p>1 MR. KERSHNER: Correct. Yes. 2 HEARING EXAMINER GROSSMAN: And what's his -- I take it 3 you've -- you produced some elevations and floor plans here. 4 MR. KERSHNER: Yes. 5 HEARING EXAMINER GROSSMAN: Were they certified by Mr. 6 Zavos? 7 MR. KERSHNER: Yes. Actually Donna Rosano in our office 8 is also licensed in the State of Maryland, and she has 9 stamped some previous drawings for this project. 10 HEARING EXAMINER GROSSMAN: All right. You mentioned 11 that you have a five-year bachelor's in architecture. What 12 does that mean? What's a five-year versus a four-year? I'm 13 not sure why you made that distinction. 14 MR. KERSHNER: There are different tracks to becoming 15 eligible to test for licensing and architecture. There's a 16 four-year plus two-year Master program, or there is a five- 17 year professional degree that qualifies you to test. 18 HEARING EXAMINER GROSSMAN: I see. And you took the 19 five-year professional course? 20 MR. KERSHNER: Took the five-year option, yeah. 21 HEARING EXAMINER GROSSMAN: And did you ever take an 22 exam for licensure? 23 MR. KERSHNER: I have not. 24 HEARING EXAMINER GROSSMAN: Mr. Kline? 25 MR. KLINE: He certainly has the background and the work</p>
<p style="text-align: right;">90</p> <p>1 has your concentration area been there? 2 MR. KERSHNER: So for the last four years at Zavos I 3 have been working on multi-family affordable housing as well 4 as senior housing similar to this. 5 MR. KLINE: So the extent to which you've actually been 6 practicing architecture is 10 years, or is it more than that? 7 MR. KERSHNER: It's about 15 years of experience. 8 MR. KLINE: Okay. Fine. And you have done multi-family 9 affordable housing projects before? 10 MR. KERSHNER: Correct, the last four years at Zavos. 11 MR. KLINE: Okay. Based on -- oh yeah, and I should 12 ask, what professional organizations you belong to? 13 MR. KERSHNER: None. 14 MR. KLINE: Okay. Mr. Grossman's going to ask you 15 what's your license number, or your cert -- you're certified? 16 MR. KERSHNER: I am not licensed. 17 MR. KLINE: Not licensed? In this state or any state? 18 MR. KERSHNER: In any state. 19 MR. KLINE: Okay. All right. 20 MR. KERSHNER: I work under Bruce Zavos. 21 MR. KLINE: I see. 22 MR. KERSHNER: And another individual at Zavos 23 Architecture+Design. 24 HEARING EXAMINER GROSSMAN: And does Zavos, Mr. Zavos is 25 a licensed architect?</p>	<p style="text-align: right;">92</p> <p>1 experience. He doesn't have, I guess, the licensure, and I 2 frankly haven't had that occur before. So I will offer him 3 as an expert in the field based on his experience, but I 4 understand you may see it differently. 5 HEARING EXAMINER GROSSMAN: Well, once again, I mean an 6 expert in this type of proceeding does not have to be 7 licensed. Does not even have to have a degree of a 8 particular kind, but has to have demonstrated the ability to 9 offer evidence beyond the ken of laymen, which would be of 10 assistance to the fact-finder and I think that in this case 11 Mr. Kershner will be able to do so. So I will allow him as 12 an expert in architecture based on his experience and degree 13 and background. 14 MR. KLINE: Thank you, sir. 15 MR. KERSHNER: Thank you, sir. 16 MR. KLINE: I did put up on the board some elevations 17 and some perspectives that you had prepared. But let me take 18 you more to the background. Maybe we need the site plan up 19 for a bit. 20 MR. KERSHNER: Yeah. 21 MR. KLINE: But because there's been discussion about 22 the orientation of the building on the lot because that was 23 important for this property, so can -- and let me get you -- 24 can you get one of the site plans up there? 25 UNIDENTIFIED SPEAKER: Uh-huh.</p>

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24 (93 to 96)

<p style="text-align: right;">93</p> <p>1 MR. KLINE: So when the project was brought to your 2 attention, can you just kind of explain how you looked at the 3 property and what you felt needed to be done in order to get 4 the optimum orientation of the property. 5 MR. KERSHNER: Should I discuss the history of why we 6 ended up where we are, or just the current -- 7 MR. KLINE: Well no, some of the evolution of maybe 8 where we started and where we ended up is probably valuable 9 for the Hearing Examiner, yeah. 10 MR. KERSHNER: Okay. So I would say that topography of 11 the site determined many of the positioning decisions that we 12 made. We initially investigated locating the building on the 13 west -- northwest portion of the site, we're due north of the 14 church on kind of a tiered design. But decided that was not 15 as appropriate because it would potentially impact the 16 neighboring properties. We decided to take it to the lower, 17 flatter section east of the church, where the current parking 18 lot is located. And that would have the least impact on 19 neighbors. The other thing that we took into consideration 20 was the connection to the existing church, and the impact 21 that it would have between church parishioners and residents 22 of the new building. We felt like that would create the best 23 length between the two. 24 MR. KLINE: Okay. You can go ahead and continue as you 25 would like.</p>	<p style="text-align: right;">95</p> <p>1 MR. KERSHNER: No. These have not changed. 2 MR. KLINE: Okay. 3 HEARING EXAMINER GROSSMAN: Okay. 4 MR. KLINE: All right. 5 HEARING EXAMINER GROSSMAN: So the only things we don't 6 have, and we also have the floor plan in the record as 19, 7 the schematic flow plan. So what we don't have is your 8 images of, I presume, top and bottom of that board are what 9 you anticipate the facility will look like? 10 MR. KERSHNER: Correct. 11 HEARING EXAMINER GROSSMAN: Okay. 12 MR. KERSHNER: Yeah. 13 HEARING EXAMINER GROSSMAN: So it's not really a 14 photograph, it's -- 15 MR. KERSHNER: It's a rendering. 16 HEARING EXAMINER GROSSMAN: -- an image, a rendering. 17 MR. KERSHNER: Yeah. 18 HEARING EXAMINER GROSSMAN: Would you -- let's mark 19 those as -- do you have copies of those by the way? 20 Additional copies of those photos? 21 MR. KERSHNER: Yes. I can provide those. 22 HEARING EXAMINER GROSSMAN: Okay. 23 MR. KLINE: I'll take these off the boards when we're 24 finished and put them in the record if that's okay. 25 HEARING EXAMINER GROSSMAN: Okay. And we'll call that</p>
<p style="text-align: right;">94</p> <p>1 MR. KERSHNER: Sure. Let's see. Kind of -- mostly with 2 other questions about the siting of the new building, I'll 3 move to the design and the flow of the plan. 4 HEARING EXAMINER GROSSMAN: Okay. Yes, let's do that. 5 MR. KLINE: And Mr. Kershner, before you do that let 6 me -- I want to make sure that we've got exhibits that are 7 either in the record, or about to be in the record. 8 HEARING EXAMINER GROSSMAN: I don't see the photos. 9 MR. KLINE: Yeah, I definitely think the perspective 10 drawings are not in the record. 11 HEARING EXAMINER GROSSMAN: Right. 12 MR. KLINE: And I'm not so sure -- can we mark these as 13 new exhibits, Mr. Grossman? I don't think there's 14 substantial changes from -- well actually let me ask Mr. 15 Kershner. What's on the board on the left are the most 16 recent set of elevations you've provided to me. Are those 17 markedly different than what the original set would have 18 been? 19 MR. KERSHNER: How far are we talking back? 20 HEARING EXAMINER GROSSMAN: Well, we have in the record 21 currently -- let's see, elevations is 15, elevations cover 22 sheet. 23 MR. KLINE: Yeah. We were using -- 24 HEARING EXAMINER GROSSMAN: And then 16 was east, west, 25 and 17 northwest, north and south.</p>	<p style="text-align: right;">96</p> <p>1 Exhibits 55A and B. 2 MR. KLINE: Okay. Can -- they have different labels. 3 Can I suggest maybe making them separate exhibits? 4 HEARING EXAMINER GROSSMAN: Yes. 5 MR. KLINE: So the one on the top, which I think you 6 called 55A, it says view from church drive entry. 7 HEARING EXAMINER GROSSMAN: Okay. That's view of 8 proposed building from -- 9 MR. KLINE: Church drive entry. 10 HEARING EXAMINER GROSSMAN: Church drive entry is 55A. 11 And 55B? 12 MR. KLINE: It is the view from drive entry. 13 MR. KERSHNER: That's the main drive off of Ridge Road. 14 HEARING EXAMINER GROSSMAN: So it's view of proposed 15 building from -- 16 MR. KERSHNER: From drive entry, or site entry. 17 HEARING EXAMINER GROSSMAN: From site entry, okay. 18 MR. KERSHNER: Would you like to talk about the 19 renderings first then? 20 MR. KLINE: Whichever way you think is the best way to 21 do it. I just think that when we get to the board on the 22 left you're going to need to explain what -- where -- what 23 each view is. 24 MR. KERSHNER: Right. 25 HEARING EXAMINER GROSSMAN: I'll need electronic copies</p>

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25 (97 to 100)

<p>97</p> <p>1 of those, too.</p> <p>2 MR. KLINE: Yes, sir.</p> <p>3 HEARING EXAMINER GROSSMAN: Okay.</p> <p>4 MR. KERSHNER: I think we can start with Exhibit 55B</p> <p>5 then.</p> <p>6 HEARING EXAMINER GROSSMAN: Okay.</p> <p>7 MR. KERSHNER: Which is the view from the site and drive</p> <p>8 entry. It's from the lower portion of the site as you first</p> <p>9 come in, and that's -- so the church would be here on the</p> <p>10 left.</p> <p>11 HEARING EXAMINER GROSSMAN: Okay.</p> <p>12 MR. KERSHNER: And this shows the front façade, as well</p> <p>13 as the end facade that faces the drive entry.</p> <p>14 HEARING EXAMINER GROSSMAN: It doesn't -- I mean what</p> <p>15 I'm seeing, you said to the left. Am I seeing the church</p> <p>16 building, or only see the proposed --</p> <p>17 MR. KERSHNER: You can see one little section of the</p> <p>18 church.</p> <p>19 HEARING EXAMINER GROSSMAN: I see. At the extreme left</p> <p>20 of it.</p> <p>21 MR. KERSHNER: Yes.</p> <p>22 HEARING EXAMINER GROSSMAN: But the remainder, the</p> <p>23 colored portion there --</p> <p>24 MR. KERSHNER: That's all the new building.</p> <p>25 HEARING EXAMINER GROSSMAN: All the new building. Okay.</p>	<p>99</p> <p>1 MR. KERSHNER: Yeah.</p> <p>2 HEARING EXAMINER GROSSMAN: I see, okay.</p> <p>3 MR. KERSHNER: But we opted to provide residential units</p> <p>4 instead of the parking, and make the footprint of the</p> <p>5 building smaller.</p> <p>6 HEARING EXAMINER GROSSMAN: When you provided additional</p> <p>7 residential units, that made the footprint smaller? Or you</p> <p>8 just went higher? What -- I don't quite understand.</p> <p>9 MR. KERSHNER: We replaced the parking with units, and</p> <p>10 made the footprint of the building smaller.</p> <p>11 HEARING EXAMINER GROSSMAN: I see. So there was surface</p> <p>12 parking underneath the units, is that what you're saying?</p> <p>13 MR. KERSHNER: Yes.</p> <p>14 HEARING EXAMINER GROSSMAN: I see. Okay. All right.</p> <p>15 MR. KERSHNER: So the height of the building stays the</p> <p>16 same, the number of levels stays the same.</p> <p>17 HEARING EXAMINER GROSSMAN: All right.</p> <p>18 MR. KERSHNER: So again, the main elements are the</p> <p>19 vertical stair towers, and the elevator tower at the, kind of</p> <p>20 centralized core of the building. The elbow of the building.</p> <p>21 All public activities initiate at the main entry to the</p> <p>22 building and are located on the first level. As you can see</p> <p>23 on the first-floor plan here -- do we have an exhibit number</p> <p>24 for the floor plan?</p> <p>25 HEARING EXAMINER GROSSMAN: Yes, the floor plan is 19.</p>
<p>98</p> <p>1 MR. KERSHNER: So to talk about the general design of</p> <p>2 the building, initially we wanted to emulate a podium style</p> <p>3 look -- style building. And I think we've been successful</p> <p>4 with that. The main elements are called out by the vertical</p> <p>5 circulation. The elevator tower, the stair towers on the end</p> <p>6 of the building.</p> <p>7 HEARING EXAMINER GROSSMAN: What do you mean by a podium</p> <p>8 style building? What does that mean?</p> <p>9 MR. KERSHNER: A podium--</p> <p>10 HEARING EXAMINER GROSSMAN: Well, I know what a podium</p> <p>11 is, but I'm not sure what it means in this --</p> <p>12 MR. KLINE: You would have parking underneath.</p> <p>13 MR. KERSHNER: Typically you would have parking</p> <p>14 underneath.</p> <p>15 HEARING EXAMINER GROSSMAN: All right.</p> <p>16 MR. KERSHNER: But we wanted to carry the style of that</p> <p>17 kind of building to a building that doesn't have the parking</p> <p>18 underneath.</p> <p>19 HEARING EXAMINER GROSSMAN: Okay.</p> <p>20 MR. KERSHNER: So that's what it refers to.</p> <p>21 HEARING EXAMINER GROSSMAN: Any particular reason for</p> <p>22 that?</p> <p>23 MR. KERSHNER: We initially had a podium design for the</p> <p>24 building with parking.</p> <p>25 HEARING EXAMINER GROSSMAN: I see, underneath it?</p>	<p>100</p> <p>1 MR. KLINE: Yes.</p> <p>2 MR. KERSHNER: So Exhibit 19 has the first-floor plan</p> <p>3 and the typical floor plan which is second through fourth.</p> <p>4 So all of the common activities take place off of the central</p> <p>5 core and then spread out to the north end of the building.</p> <p>6 We have a small patio outside of the main entry to the</p> <p>7 building that will be used by residents, as well as a</p> <p>8 community room, fitness area, computer room, conference</p> <p>9 areas, just general spaces for residents to gather and to</p> <p>10 have events. There is a small section of area to the south</p> <p>11 of the main lobby that has offices for management.</p> <p>12 HEARING EXAMINER GROSSMAN: Okay.</p> <p>13 MR. KERSHNER: The circulation of the building itself is</p> <p>14 pretty straightforward. Again, the centralized core, you go</p> <p>15 up or out from that to a double corridor. Units on each side</p> <p>16 of the corridor, and that's -- it's a typical floor plan from</p> <p>17 the second level up.</p> <p>18 HEARING EXAMINER GROSSMAN: Typical of what? You said</p> <p>19 typical floor plan.</p> <p>20 MR. KERSHNER: It's the same, second, third, and fourth</p> <p>21 are the same plans.</p> <p>22 HEARING EXAMINER GROSSMAN: I see. All right.</p> <p>23 MR. KERSHNER: Any questions on the floor plan?</p> <p>24 HEARING EXAMINER GROSSMAN: No.</p> <p>25 MR. KERSHNER: As you can see in the rendering exhibits,</p>

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26 (101 to 104)

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1 the main materials that we're using are going to be cement
2 poured panels, cement-based product. Masonry at the lower
3 level, and then punched openings for the windows. Functional
4 sunshades are located on the appropriate elevations, the west
5 and the south elevations. You can kind of see them on the --
6 so it's only on this face, the west and the northwest and the
7 south face of the building where they're actually serving a
8 function to shade windows and units.

9 HEARING EXAMINER GROSSMAN: All right.

10 MR. KERSHNER: The panels themselves will be broken up
11 by different colors to create a visual interest to the
12 façade. The colors will be in line with the surroundings.
13 Nothing too dramatic; they've got to be determined though.
14 Speaking to the height of the building, the high point of the
15 roof is located just about 42 feet above grade. The main
16 vertical elements project above that to a max height of 53
17 feet above grade.

18 HEARING EXAMINER GROSSMAN: Let's see. I have the
19 height of the building as, yes 45 feet. Is that correct?

20 MR. KERSHNER: Yes, I've got to the max roof height 43
21 feet.

22 HEARING EXAMINER GROSSMAN: Okay.

23 MR. KERSHNER: Or 42 feet, sorry.

24 HEARING EXAMINER GROSSMAN: So actually you're principal
25 building height on the plans, it says 45 feet.

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1 MR. KLINE: Yeah.

2 HEARING EXAMINER GROSSMAN: I mean not that that's, you
3 know, being lowering, the maximum is 60 feet under the
4 specific provisions of -- it's not an important distinction,
5 but it is different from what the plan says.

6 MR. JONES: I can speak to that discrepancy.

7 HEARING EXAMINER GROSSMAN: All right, sir.

8 MR. JONES: I think it has to do with the measuring
9 point. I think your 42 feet is from the first-floor
10 elevation, is that correct?

11 MR. KERSHNER: Correct, to the roof high point --
12 parapet.

13 MR. JONES: Right. Whereas the building height as
14 presented on the conditional use site plan is calculated
15 based on where the grade of the property frontage that fronts
16 the right-of-way, which in this case is -- I'm looking at the
17 site plan -- the conditional use site plan. Which in this
18 case is the eastern side of the property. So it's the
19 average grade along these two frontages, which is how the --
20 that's why they're slightly different.

21 HEARING EXAMINER GROSSMAN: Okay.

22 MR. JONES: It's a little bit lower than (inaudible) the
23 first floor.

24 HEARING EXAMINER GROSSMAN: All right.

25 MR. KLINE: What -- Mr. Grossman, well actually Mr.

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1 Grossman had a couple of questions. So first of all, we have
2 a generator.

3 MR. KERSHNER: Sure.

4 MR. KLINE: Mr. Jones located it. Describe what you
5 know about the generator.

6 MR. KERSHNER: Yeah. So the generator is going to be
7 located on the rear side of the building. The east side --
8 northeast side.

9 HEARING EXAMINER GROSSMAN: Okay.

10 MR. KERSHNER: The impact of that location is minimal as
11 there are no real adjacent properties located right by the
12 generator.

13 HEARING EXAMINER GROSSMAN: Because they have to be
14 tested every so often. I forget if it's monthly or every
15 couple of weeks.

16 MR. KERSHNER: Correct. We're also planning to screen
17 the generator which will provide a sound and visual damper.

18 HEARING EXAMINER GROSSMAN: I take it you will be
19 consistent with sound regulations in the County?

20 MR. KERSHNER: Correct, yes.

21 HEARING EXAMINER GROSSMAN: And you said you're going to
22 screen it. How are you going to screen it?

23 MR. KERSHNER: I'm not sure right now.

24 MR. KLINE: What would be a typical solution?

25 MR. KERSHNER: I don't know. Kind of our mechanical

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1 engineer could provide details on that if required. I can't
2 speak to that.

3 HEARING EXAMINER GROSSMAN: Okay.

4 MR. KLINE: Well, it takes me coming down to the \$64,000
5 question, and that is; how does this building relate to its
6 location and its neighborhood? The zoning ordinance standard
7 is, is it compatible with the surrounding area? And would
8 you explain why, in your professional opinion, this building
9 has been designed to be compatible with this setting?

10 MR. KERSHNER: Right. We looked at the existing church
11 building and this design, I think is in harmony with the
12 existing church building which is the main structure that it
13 would be adjacent to. I can't say that the design will be
14 compatible or in harmony with the surrounding residences
15 because of the different type of building, the different use.
16 But I can say that the impact will be very minimal given the
17 distance from surrounding properties, as well as screening in
18 the form of trees and landscaping, and topography.

19 MR. KLINE: To elaborate on that, if you're on Ridge
20 Road, and the Hearing Examiner has heard about the grade
21 differential, will the building be visible from traffic on
22 Ridge Road?

23 MR. KERSHNER: Very minimally.

24 MR. KLINE: Okay. And then the houses to the west of
25 this, are they over a ridge line? Will they be able to see

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27 (105 to 108)

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1 much of the buildings?
2 MR. KERSHNER: I don't think they will based on the
3 existing forests, the trees.
4 HEARING EXAMINER GROSSMAN: I take it except for the --
5 there is one house on site, correct?
6 MR. KERSHNER: Correct.
7 HEARING EXAMINER GROSSMAN: That will be able to view
8 it, but you're talking about anything off site?
9 MR. KERSHNER: Correct.
10 MR. KLINE: I interrupted Mr. Grossman. You had a
11 question for him?
12 HEARING EXAMINER GROSSMAN: Well, you said you can't say
13 it will be compatible with offsite properties, but it will
14 have minimal impact on them because of distance and
15 screening. So when you say you can't say it will be
16 compatible, in other words you're saying that the building
17 materials and style of building is not similar to single
18 family residences, but --
19 MR. KERSHNER: In general, yes.
20 HEARING EXAMINER GROSSMAN: Right. But I just want to
21 get a sense of when you say that it -- that it will be
22 minimally visible due to distance and screening, does that
23 render it compatible with the neighborhood in that sense?
24 MR. KERSHNER: I believe it does because of the site
25 positioning.

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1 HEARING EXAMINER GROSSMAN: Okay. And I notice that
2 the -- what about the colors of the structure, is that
3 similar to the existing church colors?
4 MR. KERSHNER: The final colors have not yet been
5 determined but we will work with the church colors to be
6 compatible with them.
7 HEARING EXAMINER GROSSMAN: Well, I was looking at the
8 photo on page 3 of the technical staff report of the church
9 which has a combination of brown, similar to the brown you've
10 depicted in your images.
11 MR. KERSHNER: Sure.
12 HEARING EXAMINER GROSSMAN: And white and gray, similar
13 to what you have depicted in your images. Is that the intent
14 of those images? You said that you haven't finalized the
15 color.
16 MR. KERSHNER: Right. The intent is to work with the
17 existing church as well for selecting colors.
18 HEARING EXAMINER GROSSMAN: Okay. Well, when do you
19 make these color selections?
20 MR. KERSHNER: We have taken into account the color
21 selection in our renderings and taken our -- provided our
22 best opinion of what they should be. Final colors will come
23 at a later point.
24 HEARING EXAMINER GROSSMAN: Well, that's my question.
25 When is that later point?

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1 MR. KERSHNER: Prior to construction.
2 HEARING EXAMINER GROSSMAN: Well --
3 MR. KLINE: Yeah.
4 MR. KERSHNER: I'm not sure --
5 HEARING EXAMINER GROSSMAN: Here's the point. The point
6 is this is the hearing at which the impact on the
7 neighborhood is determined.
8 MR. KERSHNER: Sure.
9 HEARING EXAMINER GROSSMAN: And so color, although it
10 may be sufficiently distant and well screened by forest, et
11 cetera so that it's not a significant factor here, it is
12 something that we ought to be able to consider.
13 MR. KERSHNER: Absolutely. And we have considered that
14 to this point.
15 HEARING EXAMINER GROSSMAN: Well, I know, but you're
16 implying, well not even implying, you're stating that it
17 could be changed.
18 MR. KERSHNER: Until we get final material selection we
19 can't determine a final color.
20 MR. KLINE: Can I try? Can I try this Mr. Grossman?
21 HEARING EXAMINER GROSSMAN: All right.
22 MR. KLINE: What is -- would there be significant -- I
23 mean are we talking about the difference between using
24 Benjamin Moore or another paint company or are we -- would
25 there be significant changes in that palate of colors that

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1 we're showing?
2 MR. KERSHNER: I don't anticipate significant color
3 changes.
4 MR. KLINE: So you're just being very meticulous and
5 saying, we don't know the actual product line yet or that
6 sort of --
7 MR. KERSHNER: Right. Different product lines have
8 different options.
9 HEARING EXAMINER GROSSMAN: Well, I guess I'll be
10 meticulous in saying that if there are changes that you have
11 to come back here with a request to amend it -- amend the
12 plans.
13 MR. KLINE: And that's a reasonable condition, sure.
14 HEARING EXAMINER GROSSMAN: Okay. Anything else?
15 MR. KLINE: With the compatibility issue discussed that
16 is the conclusion of my questions for Mr. Kershner, yes.
17 HEARING EXAMINER GROSSMAN: Okay. Thank you, Mr.
18 Kershner.
19 MR. KERSHNER: Thank, you.
20 MR. KLINE: Ms. White.
21 HEARING EXAMINER GROSSMAN: Good afternoon, Ms. White.
22 MS. WHITE: Good afternoon.
23 HEARING EXAMINER GROSSMAN: You made it to the
24 afternoon.
25 MS. WHITE: Yeah.

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28 (109 to 112)

109	1 MR. KLINE: Ms. White, would you please state and spell 2 your name and give us your business address? 3 MS. WHITE: Sure. Nicole White, N-I-C-O-L-E. White, 4 W-H-I-T-E. Symmetra Design located at 727 15th Street 5 Northwest, Washington, DC. 6 HEARING EXAMINER GROSSMAN: Ms. White, would you raise 7 your right hand, please? Do you swear or affirm to tell the 8 truth, the whole truth, and nothing but the truth under 9 penalty of perjury? 10 MS. WHITE: I do. 11 HEARING EXAMINER GROSSMAN: All right. You may proceed, 12 Mr. Kline. 13 MR. KLINE: Ms. White, what is your profession? 14 MS. WHITE: Traffic Engineer. 15 MR. KLINE: Mr. Grossman, I'd like to offer into the 16 record a resume for Ms. White. 17 HEARING EXAMINER GROSSMAN: All right. 18 MR. KLINE: And ask that she be accepted as an expert in 19 transportation planning based on her previous qualification 20 before you. 21 HEARING EXAMINER GROSSMAN: All right. And that would 22 be Exhibit 56. Resume of Nicole White. So Ms. White did you 23 testify in the Height School? 24 MS. WHITE: Yes, I did. 25 HEARING EXAMINER GROSSMAN: I recall that. And you were	111	1 adjustment due to the policy area in the Local Area 2 Transportation Review guidelines and compared those trips to 3 the 50 trip threshold and found that the trips were fewer 4 than required to do a full traffic study. 5 HEARING EXAMINER GROSSMAN: And that's Exhibit 31, your 6 transportation study exemption? 7 MR. KLINE: Yes, sir. 8 HEARING EXAMINER GROSSMAN: Okay. 9 MR. KLINE: Based on that work and based on your onsite 10 observations because I know you've been out there, is it your 11 opinion that the transportation network is adequate to 12 accommodate the trips that will be generated by the proposed 13 facility? 14 MS. WHITE: Yeah. I think given that it's below the 15 threshold it's safe to assume that it is. 16 MR. KLINE: WE don't even worry about it at that level, 17 right? 18 MS. WHITE: Exactly. 19 MR. KLINE: Okay. Fine. Mr. Grossman had a question 20 that we had a chance to give you a chance to try and 21 reconcile some numbers in the two different reports. 22 MS. WHITE: Sure. 23 MR. KLINE: Can you tell me what you found when you took 24 a look at that? 25 MS. WHITE: Yeah, if I can just see this.
110	1 accepted as an expert in traffic engineering as well as 2 transportation planning? 3 MS. WHITE: Planning, yes sir. 4 HEARING EXAMINER GROSSMAN: Okay. All right. Any other 5 questions of this witness? 6 MR. KLINE: I'd like to -- no questions, just like to 7 offer her as an expert based on her previous qualification 8 before this body. 9 HEARING EXAMINER GROSSMAN: All right. I accept Ms. 10 White as an expert in traffic engineering and transportation 11 planning. 12 MR. KLINE: Thank you. Ms. White, you didn't have to 13 prepare a traffic impact analysis for this project. Can you 14 explain why that was the case? 15 MS. WHITE: Yes. As outlined in Montgomery County Local 16 Area Transportation review, projects that are projected to 17 generate less than 50 total weekday peak hour person trips 18 need to only submit a transportation study exemption 19 statement. 20 MR. KLINE: And you prepared such a document? 21 MS. WHITE: Yes, we did. 22 MR. KLINE: And can you just give us a quick review of 23 your methodology and your findings and conclusions? 24 MS. WHITE: Sure. We used the Institute of 25 Transportation Engineers to generate trips. We made	112	1 MR. KLINE: Yeah. 2 MS. WHITE: So there's the paragraph that outlines a 3 slightly different total of AM and PM peak hour trips. The 4 rate for the calculation in the County's report is not 5 specified so the only thing that I can offer as a difference 6 in the number is the ITE recently updated its trip generation 7 manual and our report was based on the 9th edition and then 8 it looks like the County may have updated to the 10th 9 edition, and therefore they have slightly higher total trips, 10 still below the 50 trips that I show. 11 HEARING EXAMINER GROSSMAN: And when was the 10th 12 edition put out? 13 MS. WHITE: I would say within the last year. 14 HEARING EXAMINER GROSSMAN: Okay. 15 MR. KLINE: Mr. Grossman, normally the transportation 16 planner's memo would have been an attachment to the staff 17 report but it wasn't in this case and that's -- if that had 18 been there maybe we would have been able to pick up and 19 answer your question a little bit more directly. 20 MS. WHITE: Yeah. And so I'm not -- I mean that's the 21 only thing that stands out to me as a difference because they 22 used the same number of units and their note rate is provides 23 so I mean this is speculation that we could certainly confirm 24 if you would like. 25 HEARING EXAMINER GROSSMAN: Okay. So I take it that

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29 (113 to 116)

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1 whichever set of numbers you use yours in Exhibit 31, page 2
2 which is 23 AM trips and 29 PM person trips, or Staff's
3 findings on Exhibit 45, page 14 where they say 34 AM trips
4 and 31 PM trips, all of them being person trips, I take it
5 that in either case that you would meet the LATR guidelines
6 and not have to file a full traffic study?
7 MS. WHITE: That is correct, it's still below the 50
8 threshold. The peak hour threshold.
9 HEARING EXAMINER GROSSMAN: All right. You may proceed.
10 MR. KLINE: Actually, I don't have anywhere else to go.
11 We meet the -- basically the traffic guidelines in terms of
12 what to prepare and they say the impact is going to be less
13 and wouldn't have any impact on the road system.
14 HEARING EXAMINER GROSSMAN: All right. And from looking
15 at this proposed project, is the access and internal
16 circulation proposed here safe and efficient?
17 MS. WHITE: So we have examined the access and we
18 compared that to the State Highway Administration's
19 guidelines in looking at the need for various acceleration
20 and deceleration lanes and found that the access as is
21 currently in place is adequate. In viewing those guidelines
22 the scope of our services did not look at internal
23 circulation, so I would not comment specifically on that.
24 HEARING EXAMINER GROSSMAN: All right. Is there
25 anything in this project that indicates any adverse impact on

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1 safety of employees, pedestrians, anybody in the area
2 utilizing this proposed development?
3 MS. WHITE: Yeah, based on our scope of review in
4 determining that a traffic study was not warranted that would
5 be the extent of our review don it, and so we have nothing to
6 offer beyond that.
7 HEARING EXAMINER GROSSMAN: Nothing regarding?
8 MS. WHITE: No adverse impact or issues based on our
9 limited scope of study.
10 HEARING EXAMINER GROSSMAN: And so you didn't analyze
11 pedestrian access or that kind of thing?
12 MS. WHITE: That is correct.
13 HEARING EXAMINER GROSSMAN: Or bicycle access, which was
14 an issue discussed in the technical staff report?
15 MS. WHITE: We participated in a limited basis on
16 looking at the bicycle as it relates to impacts to a
17 potential turn lane and that discussion with State Highway,
18 but other than that we really just is limited to what is
19 outlined in my memorandum.
20 HEARING EXAMINER GROSSMAN: You don't offer an opinion
21 on that?
22 MS. WHITE: I would not.
23 HEARING EXAMINER GROSSMAN: Okay. All right. Any other
24 questions you have Mr. Kline?
25 MR. KLINE: No, sir.

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1 HEARING EXAMINER GROSSMAN: All right. Thank you,
2 ma'am
3 MS. WHITE: Thank you.
4 MR. KLINE: Mr. Grossman, that concludes the Applicant's
5 presentation. I know you give me an opportunity to have a
6 wrap-up, but frankly you know everything's -- the staff
7 report's quite thorough even though it's a first report for
8 Mr. Estes the author, he did a very organized fashion. I do
9 realize that we overlooked one point to make. Your -- when
10 you sit down and write your report you'll say they didn't say
11 anything about signage and that's because we're not sure how
12 we're going to handle the signage yet, so we're not asking
13 for signage at this point in time. I think what is going to
14 happen is I'll probably come back to you and ask for an
15 administrative modification when we finally decide what it is
16 we want to do and where we want to put it.
17 HEARING EXAMINER GROSSMAN: Right. I saw that Staff
18 indicated that you weren't asking for signage, but when I
19 actually read the papers submitted it did indicate that you
20 would intend to have an entry sign of some sort, you just
21 hadn't figured out the contours of it yet.
22 THE WITNESS: That is a good description. There is a
23 sign that exists today. It's adequate until we get going,
24 when we finally know what we want to look like we'll come
25 back to you and ask for permission.

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1 HEARING EXAMINER GROSSMAN: Right. And I would likely
2 have a condition which allows of that process. That is
3 noting that if you do elect to have a sign it would have to
4 either meet the residential requirements of two square feet,
5 or obtain a sign variance. But in any case a permit from the
6 Department of Permitting Services, which you would file a
7 copy of with my office.
8 MR. KLINE: That is an acceptable condition.
9 HEARING EXAMINER GROSSMAN: Okay. All right.
10 MR. KLINE: So if we could kind of summarize what I
11 think I still owe you. One, we will prepare a plan that
12 basically satisfies the information of services available to
13 the residents within a mile distance in both directions.
14 HEARING EXAMINER GROSSMAN: Right.
15 MR. KLINE: We'll get that for you.
16 HEARING EXAMINER GROSSMAN: Okay. A radius of a mile.
17 MR. KLINE: Pardon?
18 HEARING EXAMINER GROSSMAN: A radius of a mile.
19 MR. KLINE: Yeah, right. And we'll simultaneously
20 transmit it to Mr. Estes. If you want him to comment on it
21 I'll let you tell him that, or should I do that? Did you
22 want him to comment on it?
23 HEARING EXAMINER GROSSMAN: Well, I always give
24 Technical Staff the opportunity of commenting. So I think we
25 can make that time period co-extensive with the time period

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30 (117 to 120)

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1 in getting the transcript, so I don't think it's going to
2 cause any delay.
3 MR. KLINE: Okay. Great. And I need to provide you
4 with electronic copies of the -- basically the two
5 prospective drawings that we put in the record, 55A and 55B.
6 HEARING EXAMINER GROSSMAN: As well as the new plan that
7 you're planning to file. The vicinity.
8 MR. KLINE: Yeah, well obviously, yes, sure.
9 HEARING EXAMINER GROSSMAN: I think that covers that.
10 MR. KLINE: Okay.
11 HEARING EXAMINER GROSSMAN: I take it that you would
12 like to admit all the exhibits into evidence?
13 MR. KLINE: Everything that's in the record already we
14 would ask they be made exhibits in the record. Formal
15 exhibits in the record.
16 HEARING EXAMINER GROSSMAN: All right. Yes, and I
17 would -- I will admit Exhibits 1 through 56 and their
18 subparts as well as the additional vicinity plan that you
19 will be filing and the electronic copies which you will be
20 filing.
21 MR. KLINE: We will bring one plan and a disc that will
22 have the other two things on it.
23 HEARING EXAMINER GROSSMAN: Right. So they will be
24 admitted. All right. Let's see, in terms of the record
25 closing; so how much time do you need to get this additional

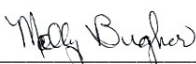
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1 vicinity map and the electronic copies?
2 MR. KLINE: If I can have one second?
3 HEARING EXAMINER GROSSMAN: Okay.
4 MR. KLINE: You normally need five days, seven days to
5 get the transcript?
6 HEARING EXAMINER GROSSMAN: Actually a total of 10,
7 actually 11 if you have a Friday hearing.
8 MR. KLINE: Well, let's say I'm confident we can have
9 everything here before you get the transcript.
10 HEARING EXAMINER GROSSMAN: Yeah. We'd like to make
11 sure that -- what I was going to do is I'll try to give Staff
12 the 10 days to respond to that.
13 MR. KLINE: Okay.
14 HEARING EXAMINER GROSSMAN: Which I think is a
15 reasonable period. So this is December 7, so give me a date
16 by which you will produce the vicinity plan, et cetera.
17 MR. KLINE: Mr. Jones --
18 HEARING EXAMINER GROSSMAN: That's December 14?
19 MR. KLINE: -- thinks that he probably needs until next
20 Friday.
21 HEARING EXAMINER GROSSMAN: Okay.
22 MR. KLINE: So we will submit to you on the 13th -- by
23 the 13th --
24 HEARING EXAMINER GROSSMAN: That's the 14th.
25 MR. KLINE: I'm sorry. You're right. Today's the 7th.

1 Right.
2 HEARING EXAMINER GROSSMAN: Okay. So December 14,
3 filing of additional vicinity plan and electronic copies of
4 that and the images in Exhibits 55A and B. And so we give
5 the Staff until December 24, which I believe is Christmas Eve
6 to file any comments. And do you want time after that in
7 which to reply to any staff comments or do you just want the
8 record to close on that date?
9 MR. KLINE: Given the subject matter I can't imagine
10 there would be anything that I could add to the subject. Sol
11 I would say upon receipt of either comments from Staff or
12 their indication they have no comments then I think I will
13 not comment, and you can close the record.
14 HEARING EXAMINER GROSSMAN: Okay. So you want the
15 record to close on December 24, close of business?
16 MR. KLINE: That would be okay with us.
17 HEARING EXAMINER GROSSMAN: Okay. So Staff comments and
18 record close on 12/24/18. Okay. Is there anything else that
19 we need to cover?
20 MR. KLINE: I don't think so, sir.
21 HEARING EXAMINER GROSSMAN: All right. Then thank you
22 very much all and you're adjourned. Have a good weekend.
23 Hopefully it won't snow us out on Monday.
24 (Off the record at 12:23 p.m.)
25

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1 CERTIFICATE OF TRANSCRIBER
2 I, Molly Bugher, do hereby certify that the foregoing
3 transcript is a true and correct record of the recorded
4 proceedings; that said proceedings were transcribed to the
5 best of my ability from the audio recording and supporting
6 information; and that I am neither counsel for, related to,
7 nor employed by any of the parties to this case and have no
8 interest, financial or otherwise, in its outcome.
9

10 
11 _____
12 Molly Bugher
13 DATE: December 18, 2018

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