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Transcript of Administrative Hearing

Date: April 17, 2020

Case: ELP Bethesda at Rock Spring, LLP

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Conducted on April 17, 2020

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1	1	1	3
2	MONTGOMERY COUNTY	2	A P P E A R A N C E S
3	OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS	3	ON BEHALF OF THE APPLICANT:
4	-----X	4	PATRICIA A. HARRIS, ESQUIRE
5	IN RE:) H-135	5	LERCH, EARLY & BREWER, CHARTERED
6	ELP BETHESDA AT ROCK SPRING, LLP)	6	7600 Wisconsin Avenue
7	-----X	7	Suite 700
8		8	Bethesda, Maryland 20814
9		9	301.986.1300
10		10	Also present:
11	Transcript of Proceedings	11	Scott Templin
12	Conducted virtually	12	Steve Montgomery
13	Friday, April 17, 2020	13	Jon S. Frey
14	9:30 a.m.	14	Carl Wilson
15		15	Rebecca Smondrowski
16	Before:	16	Somer Cross
17	LYNN A. ROBESON HANNAN,	17	Timothy Hoffman
18	Administrative Hearing Officer	18	Trini M. Rodriguez
19		19	
20		20	
21		21	
22		22	
23	Job No.: 283052	23	
24	Pages 1 - 76	24	
25	Reported by: Dianna C. Kilgalen	25	
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1	Transcript of Proceedings in the above-	1	C O N T E N T S
2	captioned matter, conducted virtually.	2	EXAMINATION OF STEVEN MONTGOMERY PAGE
3		3	BY MS. HARRIS: 11
4		4	
5		5	EXAMINATION OF TRINI M. RODRIGUEZ: PAGE
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13	Pursuant to agreement, before Dianna C.	13	
14	Kilgalen, Notary Public for the State of	14	
15	Maryland.	15	
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2 (5 to 8)

<p>5</p> <p>1 HEARING OFFICER ROBESON: My name is 2 Lynn Robeson Hannan. I am the hearing examiner 3 assigned to this case. 4 I'm calling the case of LMA H-135, an 5 application by ELP Bethesda at Rock Spring for a 6 rezoning from the CR 1.5, C-0.75, R-0.75, H-150 7 to the CRF 1.5 C-.75, R-1.5, H-150, for property 8 located at 10400 Fernwood Road, Bethesda, 9 Maryland. 10 My name is Lynn Robeson. I'm the 11 hearing examiner. Will the parties please 12 identify themselves for the record? 13 MS. HARRIS: Good morning. Pat Harris 14 with Lerch, Early & Brewer. 15 MR. MONTGOMERY: Steve Montgomery with 16 Erickson Living Management. 17 HEARING OFFICER ROBESON: Okay. It's 18 Pat. 19 MR. MONTGOMERY: Sorry. Excuse me. 20 HEARING OFFICER ROBESON: That's fine. 21 Is there anyone else on this remote hearing that 22 is not going to be called by Ms. Harris? 23 MS. HARRIS: Ms. Robeson, I believe we 24 have a couple people from Erickson, including 25 Scott Sowicki who is on the line, but I am not</p>	<p>7</p> <p>1 I just have one question that I didn't 2 e-mail about, but you don't have to address it 3 now. Just if somebody, whoever is appropriate, 4 can address it. I wasn't sure if this was 5 providing the 12.5 percent MPD use. I know about 6 12.5 percent is a public benefit. So I wasn't 7 clear on that. 8 So somewhere in your presentation, and 9 you don't have to do it now, if somebody could 10 answer that question, because that's often a 11 question I get from the council, and I wasn't 12 clear on it. 13 Anything else? 14 MS. HARRIS: I don't believe so. 15 HEARING OFFICER ROBESON: Okay. 16 Ms. Harris, do you have an opening statement? 17 MS. HARRIS: I do. Thank you. Good 18 morning. Pat Harris of Lerch, Early & Brewer 19 here on behalf of the applicant, ELP Bethesda. 20 As you noted, it is the local map 21 amendment to pursue the floating zone for this 22 property in accordance with Sections 5.1 and 5.3 23 of the zoning ordinance. The property is located 24 within the Rock Spring Sector Plan, and although 25 the sector plan is not on the list of exhibits,</p>
<p>6</p> <p>1 calling him as a witness. 2 HEARING OFFICER ROBESON: Okay. What 3 I'm really trying to get at is did anyone from 4 the public dial in to the hearing? Now, seeing 5 none -- hearing none, are there any preliminary 6 matters? 7 MS. HARRIS: I have one preliminary 8 matter, and that is if we are not speaking, do 9 you want our cameras off? I know that our 10 microphones should be off, but should the cameras 11 be off? 12 HEARING OFFICER ROBESON: No. You don't 13 need to do that. 14 MS. HARRIS: Okay. Thank you. 15 HEARING OFFICER ROBESON: I will say one 16 thing. There is a court reporter on the call and 17 she has asked that we be careful to pause. We 18 can't have cross talk because it's much more 19 difficult for her in the remote setting. 20 So if there's a question, and I'm guilty 21 of it, too, I interrupt people, if there's a 22 question, please, unless it's an objection but 23 since this is unopposed, I don't see this 24 happening, but just try to pause a little bit 25 between different conversations. All right?</p>	<p>8</p> <p>1 we ask that the hearing examiner take judicial 2 notice of the sector plan given that several of 3 our witnesses are going to reference the sector 4 plan. And that's the 2017 approved and adopted 5 Rock Spring Sector Plan. 6 HEARING OFFICER ROBESON: It is a public 7 document. So I don't have -- and it is published 8 on a public website. 9 MS. HARRIS: Thank you. In terms that 10 we have submitted an affidavit opposing, that is 11 Exhibit 56 A. We do have a positive staff report 12 in this case, Exhibit 52, as well as a positive 13 recommendation from the Planning Board, which was 14 Exhibit 54. 15 And then I would also note, and 16 Mr. Steve Montgomery is going to go into detail 17 on this, but we have met and shared this 18 application with the surrounding property owners 19 and communities, and there is no opposition to 20 this case. 21 So through our witnesses, you will hear 22 that the increase in the residential density as 23 requested by the floating zone is consistent with 24 the sector plan and meets all of the necessary 25 findings of Section 7.21 E of the zoning</p>

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3 (9 to 12)

<p>9</p> <p>1 ordinance.</p> <p>2 You will also hear that the sector plan</p> <p>3 actually anticipated the floating -- the use of</p> <p>4 the floating zone in cases like this to further</p> <p>5 design element within the Rock Spring Sector Plan</p> <p>6 area.</p> <p>7 We are going to be calling -- I will be</p> <p>8 calling Mr. Steve Montgomery, who is the</p> <p>9 representative from Erickson, first, followed by</p> <p>10 Trini Rodriguez, land planner and landscape</p> <p>11 architect, and Tim Hoffman, a civil engineer with</p> <p>12 Soltesz, and finally Carl Wilson with The Traffic</p> <p>13 Group.</p> <p>14 And if I may, before I get started, I</p> <p>15 can answer your MPDU question.</p> <p>16 HEARING OFFICER ROBESON: Okay.</p> <p>17 MS. HARRIS: And that is the requirement</p> <p>18 in this area is 15 percent MPDUs based on</p> <p>19 independent living units.</p> <p>20 HEARING OFFICER ROBESON: I see.</p> <p>21 MS. HARRIS: It's our intention and</p> <p>22 the -- the county is currently considering</p> <p>23 revisions to the MPDU regulations as they relate</p> <p>24 to senior housing projects.</p> <p>25 But our -- but we intend to comply with</p>	<p>11</p> <p>1 STEVEN MONTGOMERY, having been duly</p> <p>2 sworn, testified as follows:</p> <p>3 HEARING OFFICER ROBESON: Okay.</p> <p>4 Ms. Harris, go ahead.</p> <p>5 EXAMINATION BY COUNSEL FOR THE APPLICANT</p> <p>6 BY MS. HARRIS:</p> <p>7 Q. Thank you. Please state your full name,</p> <p>8 occupation and full business address for the</p> <p>9 record.</p> <p>10 A. Sure. Steven Montgomery. Occupation is</p> <p>11 Vice-President of Development Acquisitions for</p> <p>12 Erickson Living. Address is 701 Maiden Choice</p> <p>13 Lane. That is Catonsville, Maryland 21228.</p> <p>14 HEARING OFFICER ROBESON: Now,</p> <p>15 Mr. Montgomery, are you a S-T-E-V-E-N or a</p> <p>16 S-T-E-P-H-E-N?</p> <p>17 A. That's with a V.</p> <p>18 HEARING OFFICER ROBESON: Okay. Thank</p> <p>19 you. Go ahead.</p> <p>20 BY MS. HARRIS:</p> <p>21 Q. And how long have you been involved in</p> <p>22 Erickson Living and what are your</p> <p>23 responsibilities there?</p> <p>24 A. I have been involved with Erickson</p> <p>25 Living for almost 23 years. And my current</p>
<p>10</p> <p>1 the requirements that are in effect at the time</p> <p>2 that we go forward with the project. But the</p> <p>3 required -- the number will be 15 percent we</p> <p>4 anticipate, based on what the current law says.</p> <p>5 HEARING OFFICER ROBESON: What are they</p> <p>6 thinking of changing it to?</p> <p>7 MS. HARRIS: They are not thinking about</p> <p>8 changing the number, the percentage, but they</p> <p>9 recognize that senior living facilities present</p> <p>10 all kinds of challenges and are different than</p> <p>11 regular residential units.</p> <p>12 So they are contemplating more options</p> <p>13 for off-site housing, payments in lieu, things</p> <p>14 like that.</p> <p>15 HEARING OFFICER ROBESON: I see. Okay</p> <p>16 I'm just writing. Okay.</p> <p>17 MS. HARRIS: Okay. With that, we will</p> <p>18 call our first witness, Steve Montgomery.</p> <p>19 MR. MONTGOMERY: Good morning.</p> <p>20 MS. HARRIS: Steve, for the record can</p> <p>21 you state your name, your occupation and your</p> <p>22 full business address?</p> <p>23 HEARING OFFICER ROBESON: Wait. Wait.</p> <p>24 Let me -- let me swear him in first.</p> <p>25 MS. HARRIS: Okay. Sorry.</p>	<p>12</p> <p>1 responsibilities are assisting in the</p> <p>2 identification, acquisition and ultimately</p> <p>3 rezoning entitlements of properties for new</p> <p>4 commun -- new retirement communities for Erickson</p> <p>5 Living.</p> <p>6 Q. And what is ELP Bethesda's interest in</p> <p>7 the subject property?</p> <p>8 A. ELP is the ownership entity for the</p> <p>9 current Marriott headquarters property on</p> <p>10 Fernwood Road.</p> <p>11 Q. And does ELP currently own that</p> <p>12 property?</p> <p>13 A. We do, yes.</p> <p>14 Q. And the relationship between ELP</p> <p>15 Bethesda and Erickson Living?</p> <p>16 A. So ELP is a subsidiary, for lack of a</p> <p>17 better term, of Erickson Living Properties.</p> <p>18 Erickson Living Properties is an -- Erickson</p> <p>19 Living Management -- excuse me -- is an</p> <p>20 affiliated member of Erickson Living Properties.</p> <p>21 There is a number of relationships there</p> <p>22 that roll up to a single entity.</p> <p>23 Q. And are you familiar with this subject</p> <p>24 local map amendment?</p> <p>25 A. I am, yes.</p>

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4 (13 to 16)

<p>13</p> <p>1 Q. And can you please describe generally a 2 description of Erickson Living and your product 3 and the ultimate project that will be developed? 4 A. So Erickson Living is a developer, owner 5 and operator, in many cases, of mid- to 6 large-scale continuing care retirement 7 communities. 8 As the name implies, it's a continuum of 9 care from independent living through higher 10 levels of care including assisted living, skilled 11 nursing and memory care. 12 Our facilities provide a full range of 13 services, including medical and health care on 14 site, as well as other social and dining 15 activities such that a person has the ability to 16 age in place in a very safe and secure location. 17 As it relates to the proposal today, it 18 is our -- the numbers have suggested and we will 19 talk about in a little bit, it is our intent to 20 get approvals for this property do a very similar 21 size community of potentially up to 1300 units 22 with a related number of health care units, about 23 210 assisted living and memory care units, and 24 another 50 skilled care nursing units that we 25 would propose to build over time and manage and</p>	<p>15</p> <p>1 a significant demand for a service-based housing 2 for seniors, for which we propose to try to 3 accommodate a small portion of that. 4 Q. And in addition to the actual medical 5 services and housing services, independent, 6 assisted and nursing, are there any other 7 holistic components of an Erickson Living 8 project? 9 A. There are, and I could spend, you know, 10 the next hour describing in detail all of those 11 services. But needless to say, it somewhat 12 follows the lineage of the company. 13 When I first came to Erickson Living 23 14 years ago, we were known as senior campus living. 15 And the analogy at that time was it was just like 16 being on a college campus, perhaps with a little 17 higher level of services. 18 But as I mentioned earlier, we -- our 19 focus is not on housing. It's a critical 20 component of this, but it's on health and 21 wellness of our residents. And we design 22 programs -- our facilities, clubs, et cetera, are 23 all focused on how to improve the lives and 24 quality of living for our seniors going forward. 25 Q. And how does the age of your residents</p>
<p>14</p> <p>1 operate, similar to the other 20 communities that 2 are currently in our portfolio around the 3 country. 4 Q. Thank you. And is there any retail 5 involved in this project? 6 A. Based on some interactions we have had 7 thus far, we are proposing upwards of about 8 15,000 square feet of what we have described as 9 neighborhood-serving retail. We are not certain 10 that we will get to that actual number. We think 11 it will be something less than that, as 12 envisioned by the Rock Spring Sector Plan. 13 Q. And while need is not a requirement for 14 this conditional use, can you nonetheless give a 15 little bit of a description of the need for this 16 type of project? 17 A. Sure. And we had made a -- related to 18 this presentation to the planning board I believe 19 two weeks ago, there was a study undertaken in 20 2018 by Montgomery County that is consistent with 21 what we are seeing around the country. 22 There is a significant growth in the 23 65-plus population projected over the next 20 to 24 30 years. So our proposal is anticipating that 25 in this area of Montgomery County, there will be</p>	<p>16</p> <p>1 affect your determinations regarding the physical 2 layout of your project? 3 A. So the average age of our -- one of our 4 residents is in the low 80s. The number is 5 changing. I have to update that pretty much on 6 an annual basis. 7 But we focus on the ability for folks to 8 be mobile, to socialize, to not have to rely on 9 their vehicle for needed services. So the design 10 of our campuses is set up so that you can go 11 through any number of services you may need, 12 whether it's a visit to a doctor, a visit to 13 exercise classes, all within our community. 14 Again, I can go in to a significant 15 amount of detail. But we've had 36-plus years of 16 experience with this type of customer and 17 refining and continuing to refine our product to 18 meet this very growing demand. 19 Q. Thank you. And what is Erickson's 20 particular interest in the subject property? 21 A. So as I mentioned a second ago, based on 22 the demographics and what we see in this portion 23 of Montgomery County, there's a very strong 24 demand for service-based housing for seniors and 25 a lack of product in the area. And we feel that</p>

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5 (17 to 20)

<p>17</p> <p>1 we will fit with our particular model a big 2 segment of that population. 3 Our focus is on middle to upper middle 4 income seniors, which we believe is an 5 under served portion of the market. Typically, 6 our competition is a very small size. The 7 average size of a CCRC nationally is somewhere 8 between 150 and 200 units of independent living. 9 We, as you've indicated, by this 10 proposal today, are significantly larger than 11 that. That drives our decision to be in a 12 location just like the Bethesda site where there 13 is a large growing, as I said a second ago, 14 population of seniors who will need this type of 15 service. 16 Q. Thank you. And has there been community 17 outreach in connection with this project? And if 18 so, can you briefly explain? 19 A. There was. We -- as Pat had mentioned 20 at the beginning, we had a meeting last fall in 21 November with the local community which was 22 primarily attended by the residents of Montgomery 23 Row which is an EYA community directly across the 24 street from the subject property. 25 I recall there was about -- probably</p>	<p>19</p> <p>1 say again what the shift -- what you anticipate 2 the shift and the maximum number of employees is? 3 A. Sure. So we expect upwards of between 4 600, 650 full-time employees. Approximately, 5 these are very rough numbers obviously at this 6 very early stage, somewhere close to 300 of those 7 600 would be on a shift starting between 7 a.m., 8 a combination of health care workers as well as 9 our administrative staff, up until 5 or 6 p.m. at 10 night. 11 The second shift starting typically 12 about 3 o'clock in the afternoon up until 11 13 o'clock at night, and it would be another 150 14 roughly of those folks. 15 And then the overnight shift from 16 11 p.m. to 7 a.m. would be the balance to get you 17 up to that total number that I refer to. 18 HEARING OFFICER ROBESON: And what is 19 the maximum number at one time that you expect to 20 be -- 21 A. So the numbers will fluctuate during the 22 day. But I think that the day shift that I 23 described would be close to the 300 number. That 24 is typically our busiest time, because you have 25 not only your health care workers and folks on</p>
<p>18</p> <p>1 about 30 folks, 30 to 40 folks who did attend. 2 There was no opposition to the project nor 3 questions about the timing and understanding what 4 it is we do. 5 We will be back to discuss in the future 6 with them as this project progresses through the 7 next steps of the process. But I think overall, 8 it was a positive meeting. 9 Q. Thank you. And then in terms of 10 employment, can you provide an indication of the 11 number of employees that this project will have? 12 A. Sure. Sure. And as noted in the 13 application, we expect at full build-out to be 14 somewhere north of 600 full-time employees. That 15 is several years out in our projections at this 16 point. 17 And generally, we find that those 18 employees will be approximately between 200 to 19 300 of those folks at any time during the day, 20 normal say 7 a.m. to 5 p.m. shift. And the 21 balance of those would be spread out over a 22 second shift in the evening, and then an 23 overnight shift, you know, that finishes up in 24 the morning based on our need for health care. 25 HEARING OFFICER ROBESON: Can you just</p>	<p>20</p> <p>1 the medical staff, but you also have the 2 administrative staff, obviously, the dining 3 facility folks. So that's typically our peak 4 period is during the day. 5 HEARING OFFICER ROBESON: Okay. Go 6 ahead. 7 BY MS. HARRIS: 8 Q. And then -- thank you. One final 9 question. And for this question, I think it 10 would be helpful to refer to Exhibit 24, the 11 phasing plan. 12 You had noted a moment ago that that 13 will take several years. Can you describe the 14 phasing plan? Can we pull that up, Ms. Robeson? 15 HEARING OFFICER ROBESON: Yes. I have 16 to do something on my computer to pull it up, but 17 I will do it right now. 18 MS. HARRIS: Thank you. 19 HEARING OFFICER ROBESON: What exhibit 20 was that? 21 MS. HARRIS: 24. 22 HEARING OFFICER ROBESON: Can you see 23 it? 24 MS. HARRIS: Yes. Thank you. 25 BY MS. HARRIS:</p>

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<p>21</p> <p>1 Q. Mr. Montgomery, can you speak to the 2 various phases indicated on Exhibit 24 in terms 3 of build-out? 4 A. Yes. So the exhibit refers to Phases 5 I-A through I-B, Phase II, Phase III and Phase 6 IV. And this is how we anticipate, I guess, 7 development of the site. 8 And what may be tough to read on this 9 particular exhibit is that within each of those 10 phases, after Phase I-A, there are actually a 11 pair of buildings in each of the phases, with the 12 exception of Phase III. 13 So Phase I-A would be our initial phase, 14 which we would propose as a small 5,000 square 15 foot marketing facility. We would propose to get 16 site plan approval to construct and open that 17 facility prior to the start of construction on 18 any of the independent living units in the later 19 phases. 20 That gives us the opportunity to assess 21 and get reaction from the market as to what we 22 are proposing to build. 23 And based on what we expect with the 24 demographics I referenced earlier, we expect to 25 begin, probably within a reasonable say six-month</p>	<p>23</p> <p>1 As we would continue then into the 2 subsequent phase just to the north of the area we 3 are focused on, Phase I-C, there are another two 4 buildings in this area. 5 HEARING OFFICER ROBESON: Hold on one 6 second, please. 7 THE WITNESS: Sorry. 8 HEARING OFFICER ROBESON: Phase I-C. 9 A. I'm sorry. It's actually described as 10 Phase II. I have been using different 11 terminology. We just updated it. So it is Phase 12 II. My apologies. 13 HEARING OFFICER ROBESON: Go ahead. 14 A. So Phase II would be another two 15 buildings, similar size, so that with the 16 completion of independent living units only 17 within Phases 1-A and II, we would be very close 18 to a number of about 600 independent living units 19 on that portion of the campus. We are also 20 referring to this as our East Village for the 21 project. 22 Going forward, if you then scroll down 23 to your -- to the southwest of this on the 24 property, what is known as Phase III will 25 actually be built in two subphases. This is the</p>
<p>22</p> <p>1 period after Phase I-A, our marketing center, 2 opening, that we will begin construction on the 3 improvements for the first building within Phase 4 I-B, which would be approximately 170 to 180 5 independent living units as well as related 6 community support facilities, dining, medical, a 7 pool and other facilities to support the 8 residents in place. 9 We would then continue forward, based on 10 market demand, a second building in Phase I-B of 11 about the same number of units, about 170 to 180 12 apartments. We would commence construction on 13 that. 14 And I will note as we go through this 15 phasing, we build based on market demand. We 16 will not put up the entire facility and then 17 attempt to fill it. We will take a very measured 18 approach to make sure that we are, A, responding 19 to the market and as well building a product that 20 the market is seeking. 21 We have a history of adjusting 22 mid-development, whether it be a floor plan 23 design or something in one of our community 24 spaces, to make sure that we are responding to 25 the market as we go forward.</p>	<p>24</p> <p>1 health care component that I described earlier in 2 my presentation, the 210 units of assisted living 3 and memory care as well as 50 units of skilled 4 nursing. 5 So as we are getting to that somewhat of 6 a critical mass with the independent living 7 somewhere in the range of 600 units, we are 8 anticipating, and, again, subject to demand, we 9 will commence construction on a portion of the 10 Phase III. 11 About two-thirds of what you see on that 12 building footprint on the exhibit would be our 13 initial opening there. And our experience with 14 that as folks are moving into independent living, 15 they are either coming in knowing they have a 16 need for higher levels of care, or as they are 17 aging in place realizing that they or a spouse is 18 having, you know, issues that require another 19 level of care that we may not provide within our 20 independent living. This is where that, those 21 services, would be addressed and provided. 22 Then continuing from there, again, as I 23 mentioned before, based on market demand, just to 24 the north of this is the final phase, Phase IV, 25 which from this, it is also difficult to pick up,</p>

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<p>25</p> <p>1 but there are a total of three buildings which 2 would be the balance of approximately upwards of 3 700 units of independent living that we would 4 build again based on those three buildings based 5 on market demand. 6 HEARING OFFICER ROBESON: And I'm moving 7 the cursor. 8 THE WITNESS: Yes. 9 HEARING OFFICER ROBESON: I see the 10 label Phase IV. Just to the east of that label 11 is a long elongated outline. Is that the 12 building of Phase IV right there? 13 A. It's actually a footprint that we didn't 14 provide to you, and the details are still being 15 worked out. But there will actually be two 16 buildings within that elongated footprint. 17 HEARING OFFICER ROBESON: Okay. 18 A. The exact number of units to be 19 determined as we proceed forward with our design. 20 And then the third building, if you take your 21 cursor to the left is, just to the portion over 22 top of, there is an existing garage on the 23 property today, if you are familiar at all with 24 the layout of Marriott headquarters. 25 HEARING OFFICER ROBESON: Yes.</p>	<p>27</p> <p>1 represented by Ms. Harris that has questions of 2 this witness? 3 Hearing none, Ms. Harris, please call 4 your next witness. 5 MS. HARRIS: Thank you. Our next 6 witness is Trini Rodriguez. 7 (Whereupon, there was a technical 8 discussion off the record.) 9 TRINI RODRIGUEZ, having been duly sworn, 10 testified as follows: 11 EXAMINATION BY COUNSEL FOR THE APPLICANT 12 BY MS. HARRIS: 13 Q. Ms. Rodriguez, please state your full 14 name and primary occupation for the record. 15 A. Yeah. Good morning. My name is Trini 16 Rodriguez. I'm a planner and landscape architect 17 with the firm of Parker Rodriguez. 18 Q. And what is your educational background 19 and professional designations or accreditations? 20 A. I was trained initially as an architect, 21 as a professional architect. Then I pursued 22 studies in landscape architecture, master's in 23 landscape architecture, urban design, regional 24 planning. 25 And I have accreditations on -- as a</p>
<p>26</p> <p>1 A. And our proposal is to we are going to 2 remove approximately one half of that existing 3 garage so that we can build the elongated 4 building. And then to finish the build-out under 5 the numbers proposed in this application, we are 6 contemplating upwards of four levels of 7 independent living on a portion of -- on top of a 8 portion of that existing garage just to the right 9 of where your cursor is, if that makes some 10 sense. Exactly there. 11 HEARING OFFICER ROBESON: Adjacent to 12 the garage just to the west of the garage 13 internal drive project label? 14 A. Yes. It actually would be built on top 15 of the garage is what we are currently studying 16 with our architects and engineers. 17 HEARING OFFICER ROBESON: Okay. Thank 18 you. 19 MS. HARRIS: Thank you. I have no 20 further questions for Mr. Montgomery. 21 HEARING OFFICER ROBESON: Okay. 22 MS. HARRIS: I don't know if you do. 23 HEARING OFFICER ROBESON: Let me do 24 this. Is there anyone on this hearing that 25 hasn't yet spoken that has -- anyone not</p>	<p>28</p> <p>1 Certified Land Planner, AICP, and I'm a 2 registered landscape architect. 3 Q. And have you testified either before 4 this body or another comparable body as an expert 5 in land planning? 6 A. Yes, I have. Thank you. 7 MS. HARRIS: I would like to request 8 that Ms. Rodriguez be qualified as an expert in 9 land planning, and her résumé is in the record as 10 Exhibit 50. 11 HEARING OFFICER ROBESON: I will qualify 12 her as that. 13 MS. HARRIS: Thank you. 14 THE WITNESS: Thank you. 15 BY MS. HARRIS: 16 Q. So Ms. Rodriguez, are you familiar with 17 the local map amendment for the zoning plan 18 before the hearing examiner today? 19 A. Yes. I'm very familiar. I have been 20 working on it for, you know, many months now as a 21 multi-disciplinary team. And -- go ahead. 22 Q. If you could, at the beginning of the 23 hearing, Ms. Robeson identified the existing 24 zoning and the proposed zoning. Can you break -- 25 can you crystallize what the requested floating</p>

<p>29</p> <p>1 zone application is for?</p> <p>2 A. Sure. So as the hearing examiner</p> <p>3 described before, we are rezoning the property</p> <p>4 from CR 1.5, C.75, R.75 H-150 to the CR floating</p> <p>5 Zone 1.5, C.75, R1.5 and H-150.</p> <p>6 And what I would like to highlight is</p> <p>7 that actually, the overall density and height</p> <p>8 remain the same as originally in the original</p> <p>9 zone, and we are only increasing the residential</p> <p>10 density from .75 to 1.5.</p> <p>11 Q. Thank you. And can you please describe</p> <p>12 the scope of services that were involved in your</p> <p>13 preparation for this hearing --</p> <p>14 A. Sure.</p> <p>15 Q. -- and this application?</p> <p>16 A. Right. So I was part of a multi-</p> <p>17 disciplinary team, and I think some of the</p> <p>18 witnesses speaking today were part of that team</p> <p>19 including, you know, additionally architects and</p> <p>20 other professionals.</p> <p>21 I personally, you know, assisted in the</p> <p>22 preparation of plans, including the floating zone</p> <p>23 plan, and also helped on the preparation of the</p> <p>24 land use report, as well as analyzing, you know,</p> <p>25 all of the recommendations of the sector plan,</p>	<p>31</p> <p>1 headquarters for the Marriott organization, which</p> <p>2 will be vacating this property and moving to</p> <p>3 downtown Bethesda.</p> <p>4 As you can see in this aerial, it's</p> <p>5 basically comprised of a very large office</p> <p>6 building located in the center surrounded by a</p> <p>7 lot of surface parking, and, as described before,</p> <p>8 there is an existing parking structure to the</p> <p>9 west of the property that has several stories.</p> <p>10 The property is bound to the north by</p> <p>11 Fernwood. That creates sort of an arc that</p> <p>12 sweeps to the east. And to the south, we have</p> <p>13 the Thomas Branch. That is an environmental</p> <p>14 area. It's a stream valley.</p> <p>15 And then to the west we have 270, and</p> <p>16 buffering that, there is a wooded area and a</p> <p>17 surface parking lot.</p> <p>18 BY MS. HARRIS:</p> <p>19 Q. And what is the size of the property?</p> <p>20 A. So the total site is 37 acres. That's</p> <p>21 the gross tract of prior dedications, and that</p> <p>22 has resulted in a net acreage of 33.64.</p> <p>23 Q. And what is the surrounding neighborhood</p> <p>24 and character of the property, and as you know,</p> <p>25 the -- for purposes of determining compatibility,</p>
<p>30</p> <p>1 the guidelines and the framework of those plans.</p> <p>2 Q. Thank you. My next couple of questions</p> <p>3 are related to describing the adjacent property.</p> <p>4 And so I -- we can pull up the zoning map. I</p> <p>5 guess we should pull up the zoning map first</p> <p>6 followed by the aerial.</p> <p>7 So Ms. Robeson, the zoning map is</p> <p>8 Exhibit 31. We can use -- we can start with the</p> <p>9 aerial since that is up.</p> <p>10 HEARING OFFICER ROBESON: Okay. Hold</p> <p>11 on. I have to --</p> <p>12 MS. HARRIS: Yes.</p> <p>13 Q. So Ms. Rodriguez, can you generally</p> <p>14 describe the subject property in terms of the</p> <p>15 existing features on it, what it's bound by and a</p> <p>16 general explanation of the property and its</p> <p>17 location, please?</p> <p>18 A. Sure. Sure. I'm just going to get an</p> <p>19 exhibit a little closer. This one is so small on</p> <p>20 my screen. My eyes don't work very well.</p> <p>21 HEARING OFFICER ROBESON: We can try</p> <p>22 and --</p> <p>23 A. This is fine. This is fine. I have one</p> <p>24 right here. Don't worry. This is perfect. So</p> <p>25 as you know, the property is currently the</p>	<p>32</p> <p>1 the staff identified as surrounding neighborhood.</p> <p>2 A. Right. Right. I do agree. I do have</p> <p>3 that exhibit right here, and I know that it is in</p> <p>4 the record. I do agree that that's a very</p> <p>5 appropriate surrounding neighborhood definition</p> <p>6 and configuration.</p> <p>7 HEARING OFFICER ROBESON: The staff</p> <p>8 report is 52, right?</p> <p>9 MS. HARRIS: Correct.</p> <p>10 HEARING OFFICER ROBESON: Right.</p> <p>11 A. There is just one particular exhibit --</p> <p>12 HEARING OFFICER ROBESON: Can you see</p> <p>13 the staff report on the --</p> <p>14 A. Yes. Yes. Page 3. Exactly. That is</p> <p>15 it. Yes.</p> <p>16 BY MS. HARRIS:</p> <p>17 Q. So can you, Ms. Rodriguez, quickly</p> <p>18 identify what is within the surrounding</p> <p>19 neighborhood?</p> <p>20 A. Right. So it's, as you can see, sort of</p> <p>21 squinting, squint eye test, you can see that it's</p> <p>22 predominantly commercial. Basically, the way</p> <p>23 that this whole area is developed, it's suburban</p> <p>24 offices mostly surrounded by parking or parking</p> <p>25 structures.</p>

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<p>33</p> <p>1 To the north, you can see there are 2 several office buildings and as well as to the 3 east, there is Montgomery Row, which is a 4 townhouse development. That was actually 5 developed prior to the sector plan. 6 And then to the south of our property 7 immediately, there is an office complex with two 8 parking structures as well as the Marriott Hotel. 9 And then to the west, we have mostly 10 commercial properties. There is the big 11 Westfield Mall with other commercial properties 12 to the north of West Lake Terrace. 13 There is one multi-family use that has 14 been approved and will be developed which is the 15 old Ourisman Ford site. 16 Q. Thank you. And do you agree with this 17 delineation of the surrounding neighborhood? 18 A. I do. 19 MS. HARRIS: Thank you. 20 HEARING OFFICER ROBESON: And can you 21 characterize the neighborhood? 22 A. Yeah. I think -- I think I would 23 describe it as heavily commercial, very suburban 24 in nature, larger roadways with buildings sort of 25 isolated individual elements within their</p>	<p>35</p> <p>1 facility would further the recommendations of the 2 sector plan as you just described them? 3 A. Yes. Yes, I do. 4 Q. Now I want to move to your description 5 of the floating zone plan which is Exhibit 42. 6 And what I would like for you to do is walk 7 through the floating zone plan. 8 And there were -- there are three sheets 9 to this. The first is a summary page and then 10 it's -- because of the large size of the site, 11 it's divided in to two sections. 12 A. I think we can use the overall. 13 MS. HARRIS: Okay. 14 A. Yeah. 15 HEARING OFFICER ROBESON: Do you have 16 that? Can you see this exhibit? 17 A. I have it on my own screen up here. So 18 if you can follow -- 19 HEARING OFFICER ROBESON: Can you see it 20 on the screen? 21 MS. HARRIS: Yes. 22 HEARING OFFICER ROBESON: Okay. That's 23 what I wanted to know. 24 MS. HARRIS: Thank you. I appreciate 25 it.</p>
<p>34</p> <p>1 parcels. 2 HEARING OFFICER ROBESON: Do you see 3 that changing with the approval of the Ourisman 4 site? 5 A. Yes. Actually, I think that's what the 6 sector plan really envisioned. What's 7 unfortunate is that, obviously, you know, as 8 trends change, economic things change, there is 9 not that much demand for these offices in this 10 kind of environment. 11 So the sector plan envisions creating a 12 much more interconnected system of uses. Instead 13 of isolated single uses, they envision more a 14 mixed use, which is really what people want. So 15 that's what the sector plan has been setting, and 16 that's what these new developments are actually 17 sort of bringing to the table. 18 And I will testify, you know, later, I 19 think this is sort of an ideal site to start that 20 process. 21 HEARING OFFICER ROBESON: Okay. All 22 right. Thank you. 23 BY MS. HARRIS: 24 Q. So do you believe that the proposed 25 application that would accommodate the Erickson</p>	<p>36</p> <p>1 A. Okay. So, you know, this exhibit sort 2 of shows the entire framework. I would like to 3 sort of first describe kind of like the access 4 points. You can see we have three access points 5 that have been aligned with either existing roads 6 or curb cuts. They are located at existing 7 signal light intersections. 8 This plan actually will remove one of 9 the right in, right outs that exists currently 10 along Fernwood. From those exit points -- 11 HEARING OFFICER ROBESON: Can you 12 identify -- the access points, do they align with 13 Rockledge Drive and (inaudible) -- 14 A. Yes. 15 HEARING OFFICER ROBESON: Where is the 16 third one? 17 A. It's to the east and south. 18 HEARING OFFICER ROBESON: Is it labeled 19 relocated shared interest drive private? 20 A. Correct. And it is across the existing 21 Camalier property. 22 HEARING OFFICER ROBESON: Okay. What 23 I'm going to ask you to do, because -- is just 24 when you refer to things on this plan, if you can 25 come up with a way to describe, you know, so when</p>

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<p>37</p> <p>1 we read the record transcript, we will know what 2 you are talking about. 3 A. Absolutely. I will do that. So from 4 those three points on Rockledge, Rock Spring as 5 well as the relocated entrance to the south, we 6 start the street framework. 7 As you can see, the idea is to create a 8 grid of streets and to break up the large 9 property in to blocks that are of more 10 proportionate size. There is an interconnected 11 system of streets, and those streets are being 12 treated as, you know, you know, normal streets 13 with driveways, on-street parking, street trees. 14 I would like to also highlight that the 15 relocated entrance, which extends into the side, 16 is a road that was moved from the stream valley 17 buffer and it was pulled out of that. 18 The only portion that remains within the 19 stream valley buffer is the area that is used 20 currently to access the property to the south, 21 the one that I described before, the two office 22 buildings and the Marriott Hotel. 23 So that's the only full access road that 24 particular property has to Fernwood is from that 25 location. So it's an important access to that.</p>	<p>39</p> <p>1 Spring Drive and that second relocated entrance. 2 That Civic Green is one and a half acres of open 3 space, public open space. 4 To the south of that, we have a linear 5 park that we have created through that entire 6 Thomas Branch. We are proposing to actually -- 7 HEARING OFFICER ROBESON: That's labeled 8 linear park public open space? 9 A. Correct. It's labeled linear park pubic 10 open space, and it continues, it wraps around to 11 the west side. It's also labeled linear park 12 public open space. It moves to the north and 13 ties in to Fernwood Road. So it creates sort of 14 a green necklace around the property. 15 That entire area is -- and I will 16 describe in more detail later -- is 8.5 acres. 17 And that will total about -- 18 HEARING OFFICER ROBESON: Is that plus 19 or minus the open -- the park? 20 A. No. The park is in addition. So this 21 will be a total of about 10 acres of open space, 22 which I will testify later exceeds the 23 requirements. So the internal road system. 24 I want to highlight that the maximum 25 height is 150 but that our buildings will be</p>
<p>38</p> <p>1 In addition, you can see that this road 2 system will actually divide the property, and the 3 way that it has been envisioned is the creation 4 of two villages. The West Village is to the east 5 of what's currently labeled as the connector 6 internal road. 7 And that village, as described by 8 Mr. Montgomery before, includes Building A and B 9 to the south, which was labeled before as Phase 10 I-B And then to the north of that central 11 internal drive, there is Buildings C and D as 12 well as a marketing center. 13 The West Village then is to the west of 14 that connector road, and it includes Buildings E, 15 F, G and the health center to the south. On that 16 West Village, also you have the garage which is 17 that arced structure to the west of the property. 18 And then further to the west, there is 19 the linear park and open space, which you can see 20 the existing wooded areas. 21 In terms of the open space, I would like 22 to highlight that we have provided a large system 23 of open space. First and foremost is the 24 creation of a Civic Green which is located 25 between the intersection at the entrance of Rock</p>	<p>40</p> <p>1 ranging in height between 7 and 13 stories. We 2 also have that one-story pavilion. 3 I know Mr. Montgomery described the 4 phasing. And I also wanted to just highlight 5 that we will have not only the residential units 6 that he described and the 5,000 square foot of 7 retail, but also this project provides about two 8 and a half acres of common open space. 9 And that common open space is described 10 as those areas between the buildings that were 11 described before and all of the -- 12 HEARING OFFICER ROBESON: So for 13 instance, Building B and Building A both have 14 courtyard-like things entitled common open space 15 underground parking. 16 A. Correct. 17 HEARING OFFICER ROBESON: The same with 18 Building D and Building C, the same with Plaza. 19 No. Is Plaza part of it common open space or no? 20 A. No, it isn't, but it is an amenity. It 21 is actually designed -- I won't go into all the 22 granular details, but it's designed as a place 23 that will allow for flexible use. So it can be 24 used for events or it can be used as a dropoff. 25 So it has a number of functions. But we</p>

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<p>41</p> <p>1 are not even including that as part of the open 2 space. It is available. It is public, but it 3 is, you know -- the ones that were described 4 before are internal to the building. They are 5 predominantly green and provide amenities to the 6 residents.</p> <p>7 HEARING OFFICER ROBESON: When you say 8 open to the public for the plaza, is that the 9 general public or -- or residents of the 10 facility?</p> <p>11 A. Well, there are no barriers here. 12 Generally, that area is open. The streets are 13 open, you know. So the courtyards are really 14 internal to the buildings. These ones are part 15 of the street system. The plaza is part of the 16 street system.</p> <p>17 I also would like to highlight the 18 parking, because we are providing about 1800 19 spaces of parking. Half of it will be 20 underground. And that will be a structure that 21 is below Buildings A, B, C and D. And the 22 courtyards described before will be built on top 23 of that parking structure.</p> <p>24 The parking is -- access of the 25 roadways, especially the roadway to the south,</p>	<p>43</p> <p>1 the relevant sector plan, in this case the 2017 2 Rock Spring Sector Plan.</p> <p>3 Can you opine as to whether this 4 application does, in fact, comply?</p> <p>5 A. Yes. So we have analyzed the sector 6 plan quite a bit. You know, obviously, the 7 general goals were classified as, you know, land 8 use and urban design, environmental 9 sustainability, community facilities, 10 transportation and connectivity, and this plan 11 actually addresses all of those.</p> <p>12 With the greater mix of uses that we are 13 supporting that addresses some of those issues, 14 not only are we providing residential, which is a 15 desired use within the sector plan, but we are 16 also adding about 650 employees.</p> <p>17 The plan concentrates the buildings 18 along the central -- the central spine. And as I 19 was describing before, Building D on the plan 20 that is still on the screen, which is along 21 Fernwood, that is what the plan describes as the 22 central spine and is one of the major goals in 23 creating this new framework and this new more 24 urban sense.</p> <p>25 HEARING OFFICER ROBESON: I'm sorry.</p>
<p>42</p> <p>1 the relocated roadway to the south provides 2 access to parking, as well as the connector 3 roadway, it allows access to the underground 4 parking.</p> <p>5 The parking structure is accessed off 6 the roadway in the rear of Buildings E, F and the 7 health care.</p> <p>8 HEARING OFFICER ROBESON: When you say 9 in the rear, you mean to the west?</p> <p>10 A. To the west.</p> <p>11 HEARING OFFICER ROBESON: Okay.</p> <p>12 A. Correct, to the west of Buildings, E, F 13 and the health care.</p> <p>14 HEARING OFFICER ROBESON: Thank you.</p> <p>15 BY MS. HARRIS:</p> <p>16 Q. Is there anything else, Trini, that you 17 want to add in terms of the floating zone plan 18 before we move on?</p> <p>19 A. No. I think I just wanted to highlight 20 the stream restoration as part of that, but we 21 will be touching on that a little later as well.</p> <p>22 Q. Okay. Thank you. And moving on to the 23 specific requirements of the zoning ordinance for 24 floating zone, Section 59 7.21 E 2 requires that 25 the applicant's plan substantially conform with</p>	<p>44</p> <p>1 Where is the central spine?</p> <p>2 A. So the sector plan describes a central 3 spine that basically runs along Fernwood, and it 4 turns on Rock Spring. And that spine ties all 5 the way out to Old Georgetown Road.</p> <p>6 So it's an obstructed spine that runs 7 through the center of the Rock Spring area. In 8 our particular case, the portion of that spine is 9 Fernwood Road from the Rock Spring intersection 10 to the west.</p> <p>11 HEARING OFFICER ROBESON: Okay. So the 12 spine would continue along the central internal 13 drive?</p> <p>14 A. No. No. No. No. No. It's along 15 Fernwood. It's only -- it's relatively --</p> <p>16 HEARING OFFICER ROBESON: Okay.</p> <p>17 A. Yeah. Yeah. So I don't know that we 18 need to pull it up. But it's -- in the sector 19 plan, there is a specific graphic that --</p> <p>20 HEARING OFFICER ROBESON: I do recall -- 21 I don't have the sector plan downloaded.</p> <p>22 MS. HARRIS: If I may just make 23 reference to page 18 of the sector plan where 24 that central spine is shown.</p> <p>25 HEARING OFFICER ROBESON: Okay. All</p>

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<p>45</p> <p>1 right.</p> <p>2 A. So in essence -- and you will see that</p> <p>3 it refers several times because it is one of the</p> <p>4 major goals in creating this more urban setting.</p> <p>5 So aside from that part, the goals of the plan</p> <p>6 are to develop this property, especially fill of</p> <p>7 the surface parking lots.</p> <p>8 As you can see, this property not only</p> <p>9 does not have surface parking lots, but it</p> <p>10 creates that sense of urbanity by creating that</p> <p>11 grid of streets.</p> <p>12 Also they want to increase the</p> <p>13 accessibility to green space. So not only are we</p> <p>14 creating or providing this new Civic Green which</p> <p>15 is part of the recommendations of the plan, but</p> <p>16 we are also trying to introduce linear park,</p> <p>17 which I described as sort of the green necklace</p> <p>18 around the community that has trails and it</p> <p>19 provides an interconnected system of pedestrian</p> <p>20 circulation and connections.</p> <p>21 And then, of course, one of the other</p> <p>22 goals was to create compact development patterns</p> <p>23 which is with buildings fronting streets and</p> <p>24 create a much more pedestrian friendly</p> <p>25 environment, which is something that is very much</p>	<p>47</p> <p>1 area recognized the ability to put this floating</p> <p>2 zone for properties like this, especially here,</p> <p>3 but it will -- it required a major public</p> <p>4 benefit. And one of the things that was done is</p> <p>5 provide the Civic Green, which is that one and a</p> <p>6 half acres that will be -- that will comprise,</p> <p>7 you know, active uses.</p> <p>8 It is -- and I will describe it in more</p> <p>9 detail later. But it is -- it is envisioned as a</p> <p>10 multi-generational facility. It will accommodate</p> <p>11 peoples of all ages. It includes a large green</p> <p>12 area that will be activated and a number of</p> <p>13 activity modes.</p> <p>14 And just sort of to finally sort of tie</p> <p>15 down the -- how the sector plan envisioned this</p> <p>16 floating zone, it allowed for actually densities</p> <p>17 to increase up to 2.59 FAR and height of 200</p> <p>18 feet. And this property's only increasing the</p> <p>19 residential FAR to one and a half and a height to</p> <p>20 150.</p> <p>21 BY MS. HARRIS:</p> <p>22 Q. Thank you. That was helpful. Moving on</p> <p>23 to the next requirement, which is Subsection B,</p> <p>24 which requires that the proposed floating zone</p> <p>25 plan further the public interest.</p>
<p>46</p> <p>1 missing in this area.</p> <p>2 So the sector plan also has -- you know,</p> <p>3 within the sector plan, there is a very specific</p> <p>4 area that relates to our property, which is</p> <p>5 labeled as the Rock Spring Center Mixed Use for</p> <p>6 Business Campus District.</p> <p>7 So when you look at the specific</p> <p>8 recommendations of that area that one anticipated</p> <p>9 that this site would rezone, they could</p> <p>10 anticipate that probably the use of this facility</p> <p>11 would be a harder one to adapt even the nature of</p> <p>12 that particular structure and the way that it was</p> <p>13 laid out.</p> <p>14 So it envisioned the use of a floating</p> <p>15 zone, which would allow for flexibility when the</p> <p>16 changes in circumstances, like is happening with</p> <p>17 the Marriott headquarters which will be</p> <p>18 relocated.</p> <p>19 So the master plan anticipated that</p> <p>20 change in the landscape. There is currently</p> <p>21 decreasing office demand which is very evident.</p> <p>22 So they wanted to allow a path for this, you</p> <p>23 know, this to happen, and provide for alternative</p> <p>24 uses which is what this plan is doing.</p> <p>25 So in addition, the master plan for this</p>	<p>48</p> <p>1 In your opinion, does this plan do that,</p> <p>2 and if so, how?</p> <p>3 A. Yes. So, you know, for one, we are</p> <p>4 providing for senior housing which is very much a</p> <p>5 needed use in our area. You know, it -- you</p> <p>6 know, the fact that this property could lay</p> <p>7 vacant would have not been a good use for the</p> <p>8 area.</p> <p>9 I believe that the redevelopment of this</p> <p>10 area not only will contribute to sort of, you</p> <p>11 know, create that synergy, but will actually</p> <p>12 become a catalyst for redevelopment of the entire</p> <p>13 area.</p> <p>14 In addition, you know, this -- the</p> <p>15 development of this site with this use will</p> <p>16 actually create no demand of school children. So</p> <p>17 no burdens to the existing schools. It also</p> <p>18 generates less traffic, which our traffic</p> <p>19 consultant will testify to that later on.</p> <p>20 With providing the Civic Greens and the</p> <p>21 linear park and the trail network, which total</p> <p>22 about 10 acres as described before, where only</p> <p>23 3.3 of that was required as part of the</p> <p>24 standards, will also have -- provide 650</p> <p>25 full-time employees, and all of these will be</p>

<p>49</p> <p>1 done complying within the zoning standards. 2 Q. Thank you. Subsection C requires that 3 the proposed floating zone plan satisfy the 4 intent and standards of the CRF floating zone, 5 and to the extent necessary to ensure capability, 6 meet the other applicable standards of the zoning 7 ordinance. 8 Can you please comment on this and how 9 this project satisfies that requirement? 10 A. So the intent of the floating zone has, 11 you know, three basic categories. One is 12 implement the comprehensive plan objectives, 13 encourages the appropriate use of land and 14 protects established neighborhoods. 15 As it relates to the plan objectives, as 16 we described before, you know, it complies with 17 the sector plan. I think we elaborated quite a 18 bit on that and so did the staff in their staff 19 report. 20 It proposes, you know, balance of uses. 21 It also -- these uses can be served by the 22 existing infrastructure. The public facilities 23 are in place to propose these service uses. It 24 will be, as I mentioned before, less amount on 25 the roads, no school impact.</p>	<p>51</p> <p>1 And they are really, you know, as I 2 described the character of the community before, 3 the area before, these roads, you know, are so 4 large, the character of the area is, you know, 5 just very vehicular. It doesn't have that 6 pedestrian feeling. It doesn't feel good or you 7 don't even feel safe being on those. 8 So with this new term and new actions 9 that the county is taking, this road diet is 10 actually reducing the width of the roadway, per 11 se, eliminating some of the travel lanes and 12 creating more of a pedestrian environment on each 13 side. 14 So it creates street tree edges, 15 sidewalks, bike lanes. All of that makes a much 16 more urban character and a much more pedestrian 17 friendly environment. So along the road frontage 18 on Fernwood, that road diet will be implemented. 19 And as part of that, the vehicular -- a bike lane 20 will be added. 21 In terms of appropriate use of land, you 22 know, the zone provided the flexibility for, you 23 know, the changes in economic and demographics. 24 And it's pretty clear, as I described before, 25 that the changes in economics have taken place in</p>
<p>50</p> <p>1 And I think that traffic, the civil 2 engineer will further elaborate on, on the 3 availability of public facilities, which are 4 already, you know, very much in place. 5 In addition, the plan allowed for 6 flexibility to respond to circulation and land 7 use patterns. So one of the things that we are 8 doing and this has been -- actually, the sector 9 plan recommended that, is implementation of the 10 road diet and the provision of actually a bike 11 path, which we are doing along the frontage of 12 Fernwood Road. 13 HEARING OFFICER ROBESON: I didn't -- 14 can I just -- I didn't understand what you said 15 about road. You said something road. I heard 16 diet. 17 A. Yes. Sorry. And actually, the civil 18 engineer will explain that in more detail. 19 HEARING OFFICER ROBESON: But that's 20 okay. I didn't -- I heard diet. 21 A. That's okay. Yes. It's very much a 22 trendy term nowadays. Our roadways were designed 23 quite large and, you know, with change in land 24 use patterns, what we are finding out is that 25 these roads are actually not used to capacity.</p>	<p>52</p> <p>1 that an office is not what it was, certainly not 2 for these type of office uses as well as 3 demographics, which is pretty clear that we are 4 needing more residential and especially senior 5 housing. 6 So this is a very appropriate type of 7 development in response to that. I also think 8 this is a large site that is ideally suited to 9 providing these kind of continuing care 10 communities. 11 It's very difficult to find these kind 12 of sites. And this is ideal to provide housing 13 and health care for a growing population. It's 14 also served by, you know, we have health care 15 facilities in the immediate area. So it's, you 16 know, a wonderful opportunity. 17 Also in terms of environmental 18 sustainability, we are doing the stream 19 restoration, obviously, the acres -- the ten 20 acres of open space and the relocation of the 21 roadway away from the stream valley buffer. 22 Then in terms of protecting established 23 neighborhoods, you know, this is compatible with 24 the surrounding area. You know, it is primarily 25 commercial. And what we are doing is creating</p>

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<p>53</p> <p>1 this framework with streets that are framed by 2 buildings and will be relocated, so more towards 3 the interior. 4 In addition, the architectural team is 5 working and has been working on the articulation 6 and mapping of the size, which will be something 7 that will had been dealt with in the next steps. 8 But it is -- it will contribute to the 9 compatibility aspect of this. 10 And then lastly, I think in terms of the 11 purpose of the CR floating zone, it's important 12 to be clear, you know, that we are already zoned 13 CR. And, you know, the floating zone allowed for 14 that flexibility, which the intention was to 15 enable these kind of interventions, which is what 16 we are doing. 17 And as I mentioned before, this is a 18 hybrid that provides residential and employment 19 at the same time. 20 I think the last thing on that would be 21 the development standards which I think, you 22 know, they were both in the staff report as well 23 as the land use report. And if you want me to, I 24 can go through that. 25 But that table basically summarizes the</p>	<p>55</p> <p>1 It's very well defined. 2 You have the Fernwood Road on the north 3 and east. You have the stream valley buffer. 4 You have Route 270, the wooded buffer that we are 5 creating. So in essence, we are creating a 6 framework that, with all of those elements, 7 provide for, you know, a compatible development. 8 One thing that I want to still highlight 9 is that that creation of the spine and our 10 buildings fronting that was a major goal of the 11 plan, and it sets that framework for urbanity. 12 You know, it provides for desired land 13 use diversity, which is what we are doing in that 14 urban framework. So I truly believe that this 15 does create that compatibility. 16 MS. HARRIS: Thank you. Did the hearing 17 examiner have a question? 18 HEARING OFFICER ROBESON: No. 19 BY MS. HARRIS: 20 Q. Okay. Then in summary, is it your 21 professional opinion that the floating zone plan 22 satisfies Section 59 7.2. 1 A, B, C and D? 23 A. I do. 24 Q. And is it your professional opinion with 25 respect to land use planning that the floating</p>
<p>54</p> <p>1 fact that all of those standards are exceeded -- 2 I mean met or exceeded. 3 HEARING OFFICER ROBESON: You don't have 4 to go through all of them. If you feel that the 5 staff report accurately sets them out, that's 6 fine. 7 BY MS. HARRIS: 8 Q. And then the final condition that I want 9 you to address, please, is Subsection D, which 10 requires the proposed floating zone to be 11 compatible with the existing improved adjacent 12 development. 13 I know you have touched on this. But 14 can you elaborate, please? 15 A. Yeah. I think, you know, in the 16 probably -- I will err on the side of sounding 17 like a broken record, but I really feel very 18 strongly -- 19 HEARING OFFICER ROBESON: I am not sure 20 the criteria are redundant. But I'm just making 21 an editorial comment. 22 A. Yeah. But it's important to highlight 23 that this site is really well suited for this, 24 for this transformation. It is -- you know, it's 25 bound by very, very clear elements, you know.</p>	<p>56</p> <p>1 zone satisfies all of the applicable zoning 2 requirements? 3 A. I do. And I think what it does is sets 4 the stage of the framework, because a lot of 5 those details will be worked, you know, in the 6 next steps of the plan as we go through, you 7 know, the, you know, forest conservation, storm 8 management. All the division codes, you know, 9 all of that will be part of the next steps. 10 Q. And what are those next steps in terms 11 of the entitlements that will take place at Parks 12 and Planning? 13 A. So we will go through sketch plans, 14 preliminary plan and site plan approvals as well 15 as APS testing, and, you know, all the public 16 facilities testing. 17 Q. Thank you. Is there anything else that 18 you would like to add with respect to this 19 project? 20 A. No. I think the proposed local plan 21 amendment -- plan amendment complies with the 22 intended purposes and standards of the floating 23 zone. I think it is consistent with the sector 24 plan. 25 And as I have been working with staff</p>

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<p>57</p> <p>1 along the process, it really follows the 2 guidelines that were also part of that. I know 3 that's not required, but it is something that 4 staff really is -- feels very strongly about. 5 I think it is in the public interest, 6 and it does not negatively affect the character 7 of the community. So I think it is -- it was -- 8 it was intended for this property to, you know, 9 instead of lay vacant, to actually be the 10 transformational aspect that brings to this. 11 I truly believe this will be a catalyst 12 and it will really help the Rock Spring area sort 13 of become what the master plan intended. 14 MS. HARRIS: Thank you. I have no more 15 questions for Ms. Rodriguez. 16 HEARING OFFICER ROBESON: Okay. Just -- 17 thank you. Just for the record, is there anyone 18 not represented by Ms. Harris that wishes to ask 19 questions at this time? Hearing none, thank you 20 Ms. Rodriguez. 21 Ms. Harris, you may call your next 22 witness. 23 MS. HARRIS: Thank you. And that would 24 be Timothy Hoffman, civil engineer with Soltesz. 25 HEARING OFFICER ROBESON: Mr. Hoffman,</p>	<p>59</p> <p>1 getting a little more detail. 2 HEARING OFFICER ROBESON: Okay. I 3 wasn't -- go ahead then. 4 BY MS. HARRIS: 5 Q. Okay. So please explain your 6 educational background. 7 A. Thank you. I received my bachelor of 8 science in civil and environmental engineering 9 from University of Vermont. I then worked for 10 Montgomery County Environmental Protection and 11 various other firms within Montgomery County over 12 the last 18 years, as well as a volunteer in 13 environmental engineering for Peace Corps. 14 Q. Are you a licensed professional civil 15 engineer? 16 A. I am. 17 MS. HARRIS: Thank you. And as I noted, 18 Mr. Hoffman has not previously testified as an 19 expert in civil engineering, but I would like to 20 have him qualified as such based on his academic 21 record, and perhaps equally important, his 18 22 years of experience. 23 A. And I have also served on the Maryland 24 BIA land development committees and Montgomery 25 County Department of Permitting Services storm</p>
<p>58</p> <p>1 can you please raise your right hand? 2 TIMOTHY HOFFMAN, having been duly sworn, 3 testified as follows: 4 HEARING OFFICER ROBESON: Okay. Go 5 ahead, Ms. Harris. 6 MS. HARRIS: Thank you. 7 EXAMINATION BY COUNSEL FOR THE APPLICANT 8 BY MS. HARRIS: 9 Q. Mr. Hoffman, for the record, please 10 state your full name and primary occupation. 11 A. My name is Timothy Andrew Hoffman. I'm 12 an associate and civil engineer at Soltesz. 13 Q. And how long have you been a civil 14 engineer? 15 A. I've been actually employed as a civil 16 engineer for almost 18 years. 17 Q. And how many years at Soltesz? 18 A. Going on 10 years. 19 Q. And can you explain your educational 20 background, please? 21 HEARING OFFICER ROBESON: Well, just I 22 just -- just a second. I'm sorry to interrupt. 23 Has he qualified as an expert witness in a court 24 or before OZAH. 25 MS. HARRIS: No. That is why I was</p>	<p>60</p> <p>1 water products committees. 2 HEARING OFFICER ROBESON: Okay. Just 3 for the record, you may want to explain what is 4 -- BIA is Building Industry Association? 5 A. Thank you. Yes. So the Building 6 Industry Association. 7 HEARING OFFICER ROBESON: You don't have 8 to tell me. I just -- I didn't want to -- for 9 the record, just so we know what BIA is. Okay. 10 I will qualify him as an expert in civil 11 engineering. 12 MS. HARRIS: Thank you. 13 BY MS. HARRIS: 14 Q. Can you explain what -- what your 15 responsibilities were in connection with this 16 application? 17 A. My responsibilities included support for 18 feasibility and development of the floating zone 19 plan application as well as the narrative and 20 schematics for storm water management and review 21 of the civil engineering aspects of the site. 22 Q. Thank you. And did you, in connection 23 with the application, prepare the preliminary 24 storm water management concept? 25 A. Yes, I did. So as part of the limited</p>

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<p style="text-align: right;">61</p> <p>1 map amendment, a storm water narrative, what was 2 submitted, the narrative explains what are both 3 the existing and the proposed storm water in a 4 conceptual level. Shall I go on? 5 Q. An can you just very generally describe 6 what that is at this point? 7 A. Yes. The existing site has a storm 8 water wet pond as well as several oil separators, 9 sand filters, which are older types of storm 10 water facilities. 11 The narrative explains how the existing 12 wet pond will remain but the older facilities 13 that are on site for the existing surface parking 14 will be replaced with new storm water management, 15 including micro bioretention which are planted 16 surface features for storm water, as well as 17 grass swales, and those will work in concert with 18 the existing storm water pond for storm water 19 management for the new impervious areas. 20 Q. Has this plan been vetted or in any way 21 shared with the Department of Permitting 22 Services? 23 A. Yes. A preapplication meeting was done 24 with Montgomery County Department of Permitting 25 Services Water Resources, where we discussed both</p>	<p style="text-align: right;">63</p> <p>1 A. As the staff report has indicated, yes. 2 Q. Thank you. And do you conclude pursuant 3 to zoning ordinance Section 5.1.2 A2 that the 4 proposed use is in balance and supported by the 5 existing and planned infrastructure in the sector 6 plan area? 7 A. Yes, I do. 8 MS. HARRIS: Thank you. Those are -- 9 that completes my questioning of Mr. Hoffman. 10 HEARING OFFICER ROBESON: Thank you. Is 11 there anyone on this conference call that is not 12 represented by Ms. Harris that would like to ask 13 this witness any questions? 14 Hearing none, you may be excused. 15 MS. HARRIS: Thank you. 16 HEARING OFFICER ROBESON: Okay. Go 17 ahead, Ms. Harris. 18 MS. HARRIS: So our final witness is 19 Mr. Carl Wilson, the transportation engineer. 20 HEARING OFFICER ROBESON: Thank you. 21 Mr. Wilson, is he new to this? 22 MS. HARRIS: It looks like he's on. 23 Carl I think you are on, but your camera is not 24 on and your voice is not on. 25 MR. WILSON: Sorry. I just had a hiccup</p>
<p style="text-align: right;">62</p> <p>1 the existing facilities and proposed facilities, 2 and our intent to provide storm water management 3 to the maximum extent practicable. 4 Q. Thank you. And is the property located 5 within a special protection area? 6 A. It is not. 7 Q. And have you reviewed the 2017 Rock 8 Spring Sector Plan? 9 A. Yes. 10 Q. And are there any road dedications 11 required in connection with the development of 12 this property? 13 A. There are not. 14 Q. Going to the adequacy of public 15 facilities, in terms of utilities, is there 16 adequate gas, water and electric to accommodate 17 the proposed project? 18 A. Yes, per the report. 19 Q. When you say report, are you referring 20 to the staff report? 21 A. I apologize. Per the staff report, I 22 will confirm, yes, as well as any letters from 23 the utility agencies. 24 Q. Thank you. And is there adequate police 25 and ambulance service to accommodate this site?</p>	<p style="text-align: right;">64</p> <p>1 there. I'm back on now. 2 HEARING OFFICER ROBESON: We still need 3 your camera. There we go. 4 MS. HARRIS: Thank you. 5 HEARING OFFICER ROBESON: Mr. Wilson, 6 please raise your right hand. 7 CARL WILSON, having been duly sworn, 8 testified as follows: 9 HEARING OFFICER ROBESON: Okay. Go 10 ahead, Ms. Harris. 11 MS. HARRIS: Thank you. 12 EXAMINATION BY COUNSEL FOR THE APPLICANT 13 BY MS. HARRIS: 14 Q. Mr. Wilson, can you please state your 15 primary occupation? 16 A. Sure. I'm a traffic engineer with The 17 Traffic Group. 18 Q. And have you previously qualified as an 19 expert in traffic engineering either before this 20 body or any other comparable body? 21 A. Yes, I have, before this body before and 22 then others in the past as well. 23 Q. Others within the state of Maryland? 24 A. Yes. 25 MS. HARRIS: Thank you. I can go in to</p>

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<p>65</p> <p>1 more elaboration of Mr. Wilson's expertise. 2 HEARING OFFICER ROBESON: Well, I just 3 have one question. Are you licensed in the state 4 of Maryland? 5 A. Yes. I'm a licensed professional 6 engineer, and I'm also a certified professional 7 traffic operations engineer and road safety 8 professional. 9 HEARING OFFICER ROBESON: Okay. That -- 10 that answers the question. Go ahead, Ms. Harris. 11 MS. HARRIS: Thank you. 12 BY MS. HARRIS: 13 Q. Are you familiar with the subject 14 floating zone application, Mr. Wilson? 15 A. Yes, I am. 16 Q. Thank you. And what were you asked to 17 do in connection with this application? 18 A. We prepared a traffic statement for this 19 site. Basically, what we did was we took a look 20 at what was existing on site, was the traffic 21 generated by the current office use, and compared 22 that to what is proposed for the CCRC use. 23 Q. And I would note that that is Exhibit 12 24 of the record. And what was your conclusion 25 based on that evaluation?</p>	<p>67</p> <p>1 Planning, Maryland National Park and Planning 2 Commission, uses to establish the adequacy on the 3 roads. 4 Q. So if there is adequate capacity now and 5 the number of trips is being reduced 6 significantly, can you please state what your 7 opinion is about the future capacity to 8 accommodate the use? 9 A. We believe that the future use could be 10 accommodated on the roads based on what is 11 proposed. 12 Q. Thank you. And is it your opinion that 13 proposed use is in the public interest? 14 A. It is, yes, because, again, it's 15 generating fewer trips than are out there today. 16 Q. Thank you. Section 5.1.2 A2, one of the 17 intents of the CR floating zone is to ensure that 18 the proposed use is in balance with and supported 19 by the existing plan infrastructure and the 20 sector plan. 21 Are you aware of any plan infrastructure 22 and will the project be supported by this 23 infrastructure? 24 A. Yeah. The big thing that is proposed in 25 this area along our frontage is the road diet.</p>
<p>66</p> <p>1 A. Currently, the site generates 2 approximately 755 a.m. peak hour trips and 3 796 p.m. peak hour trips based on Montgomery 4 County rates. When it gets reconstructed with up 5 to the 1,560 units, the combination of 6 independent living units, assisted living units 7 and skilled nursing, we would be down to 218 8 morning peak hour trips and 250 evening peak hour 9 trips. 10 So it's a net reduction during the 11 morning of 537 trips and during the evening of 12 546 trips. 13 Q. And is there currently capacity to 14 accommodate the existing use on the site? 15 A. Yes. We took a look at traffic counts 16 at the three intersections, the three site access 17 intersections on Fernwood, at Rockledge at Rock 18 Spring Drive and we will call it Democracy Plaza, 19 which is that signalized intersection farthest to 20 the south on the site. 21 And each of those are currently below 22 the CLV threshold for the area. 23 Q. When you said CLV, you mean? 24 A. That is the critical lane volume. That 25 is basically the standard of care that Park and</p>	<p>68</p> <p>1 And Ms. Rodriguez had alluded to that in her 2 testimony. 3 And that is something that can be 4 accommodated. And basically, what the road diet 5 would do would take the existing section of 6 Fernwood Road and reduce it from two travel lanes 7 in each direction to a single travel lane in each 8 direction. 9 We did actually look at the capacity for 10 that to occur as well. And we believe that we 11 still would have adequate capacity below that CLV 12 threshold to accommodate the road diet. 13 Q. Thank you. And is this property -- is 14 this property served -- currently served by 15 public transportation? 16 A. It is, yes. It's actually got three bus 17 stops located along the frontage. Just to the 18 north of Rock Spring Drive, almost where the 19 existing right in-right out is on the property, 20 there is a bus stop that is served by the Metro 21 J2 line. 22 It's also served by Ride On bus routes 23 6, 26, 47 and 96, and that actually gives the 24 property quite a bit of connectivity to many 25 different transit sources. So the J2 line, that</p>


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<p>69</p> <p>1 actually provides connectivity. It's called the 2 Bethesda Silver Spring line operated by Metro. 3 And that actually runs from the 4 Montgomery Mall Transit Center, stops at NIH and 5 then three main Metro stations at Medical Center, 6 Bethesda and Silver Spring. It has connectivity 7 to each of those Metro rail stations. 8 The Ride On Route 6, Parkside, 9 Grosvenor, Strathmore and then to Montgomery Mall 10 Transit Center. Route 26, that provides service 11 from Glenmont Metro, to Aspen Hill, Wheaton 12 Woods, Twinbrook Metro station, White Flint Metro 13 station, and then to the Montgomery Mall Transit 14 Center. 15 Route 47, that provides connectivity to 16 Rockville Metro station, and then stops along 17 Maryland Avenue, Park Hill, Seven Locks, 18 Montgomery Mall Transit Center and then up to the 19 Bethesda Metro station. 20 Finally, Route 96, that provides 21 connectivity from Grosvenor Metro station, 22 Tuckerman Lane, Long Spring Park and then 23 ultimately Montgomery Mall Transit Center. 24 So in addition to the connectivity of 25 the bus transit lines, it has significant</p>	<p>71</p> <p>1 I don't understand what you did to -- to compare. 2 You took the existing CLVs or the proposed CLVs? 3 A. Sure. We took counts in May 2019. So 4 that was back when everything was running normal 5 in terms of traffic. We compared those counts at 6 each of the three intersections along Rockledge 7 Drive, at Rock Spring Drive and then at Democracy 8 Plaza. 9 We looked at each of those, and we 10 determined that the CLVs for each of those is 11 currently below the threshold standards. So, for 12 example, the threshold, I believe, is 1,500 in 13 this area. Our CLVs were 697 in the morning and 14 1029 at Rockledge under existing conditions. 15 Looking down, down the street at 16 Democracy Plaza, we were at 502 and 672 for our 17 CLV. So well below. And then moving -- sorry -- 18 back up to the north at Rock Spring right in the 19 center, there were 574 and 625. 20 And that's really what is suggesting 21 that the road diet would be helpful in this area. 22 Because the through volumes along Fernwood are 23 actually relatively low under existing 24 conditions. 25 So the whole idea of the road diet is to</p>
<p>70</p> <p>1 availability of Metro rail stations that are 2 served right in front of the property. 3 Q. Thank you. That is helpful. In 4 conclusion, is it your professional opinion that 5 the subject rezoning application pursuant to 6 Section 59 7.2.1 E2E generates traffic that does 7 not exceed the critical lane volume or volume 8 capacity ratio standards as applicable under the 9 planning board's LATR guidelines? 10 A. Yes. I agree with that. 11 Q. Thank you. Do you have any other 12 comments or observations you would like to make? 13 HEARING OFFICER ROBESON: Well, I had -- 14 I have a question. Have you actually run the 15 numbers under the proposed road diet plan? 16 A. We did, yes. We took a look at the CLV 17 basically taking the existing shared through 18 right lane on the outside and basically 19 converting the intersections, converting that to 20 basically to a single travel lane in each 21 direction. 22 The other -- the other component to that 23 is that today, there are like along, for 24 example -- 25 HEARING OFFICER ROBESON: Just a second.</p>	<p>72</p> <p>1 try to make better use of the space that is 2 there. It's about an 80-foot -- about an 80-foot 3 right of way. And basically, the road diet would 4 just try to take it from a very auto centric type 5 use and make it more compatible to the pedestrian 6 uses and potential bicycle uses out there as 7 well. 8 HEARING OFFICER ROBESON: All right. 9 A. So if we take -- go ahead. 10 HEARING OFFICER ROBESON: Let me 11 interrupt for a moment. Did you take your 12 projected traffic and run a CLV analysis based on 13 the road diet, or did you say it's so under 14 utilized right now or that the volumes are so low 15 right now, that given your reduction in traffic, 16 you believe that the capacity will be sufficient? 17 A. We -- we ran the existing volumes today 18 through the potential road diet. Okay. So -- so 19 we never reduced it any further to account for 20 our trips. So -- so we basically took that 21 existing lane use today that is a through lane 22 and a shared through right lane along Fernwood 23 generally and we reran the CLV analysis as if it 24 had a separate left turn lane, through lane and 25 short right turn lane, you know, throughout this</p>

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<p>73</p> <p>1 section under the existing volumes. Take those 2 exact same volumes from May 2019 -- 3 HEARING OFFICER ROBESON: I see. 4 A. -- and we still found that there's 5 adequate capacity with the existing volumes. So 6 ours would even be lower than that once the CCRC 7 is built. 8 HEARING OFFICER ROBESON: I understand. 9 Okay. Thank you. 10 MS. HARRIS: And I have no further 11 questions for Mr. Wilson. 12 HEARING OFFICER ROBESON: Okay. Is 13 there anyone on this call that is not represented 14 by Ms. Harris that wishes to ask Mr. Wilson a 15 question? Okay. 16 Hearing none, thank you very much, 17 Mr. Wilson. 18 MR. WILSON: You are welcome. 19 MS. HARRIS: I would just like to make a 20 very brief closing statement. Through our 21 witnesses, we have demonstrated that the request 22 for the rezoning that would increase the R 23 designation from .75 to 1.5 is appropriate for 24 this site. 25 It's consistent with the master plan.</p>	<p>75</p> <p>1 concludes, and I don't believe there are any 2 other matters. We want to thank the hearing 3 examiner. 4 I think the virtual format worked very 5 well. We appreciate all the preliminary steps 6 necessary to make it run smoothly. 7 HEARING OFFICER ROBESON: I appreciate 8 everyone's help as well. So thank you very much. 9 And I told you what to expect but you already 10 know that. So with that, I am going to adjourn 11 this hearing. 12 MS. HARRIS: Thank you. Take care. 13 HEARING OFFICER ROBESON: Goodbye. 14 15 (Off the record at 11:03 a.m.) 16 17 18 19 20 21 22 23 24 25</p>
<p>74</p> <p>1 It's certainly in the public interest. I think 2 the two things to focus on is the fact that no 3 school children will be identified -- will be 4 generated, and that the traffic is less than the 5 existing conditions. 6 The LMA satisfies the zoning ordinance 7 requirements, including the floating zone 8 requirements of Section 59.5. And we have 9 demonstrated that the LMA meets all of the 10 findings necessary under 59 7.2.1 E. 11 And that concludes our presentation. 12 Thank you. 13 HEARING OFFICER ROBESON: Okay. Thank 14 you very much. I'm going to leave the record 15 open for ten business days to receive the 16 transcript. 17 After that, as you know, I have 45 days 18 to issue a recommendation to the county council. 19 You will receive notification. If you disagree 20 with anything I recommend, you may request oral 21 argument with the county council. And you will 22 receive notification of the procedures for that. 23 Is there anything else, any other matter 24 that needs to be addressed? 25 MS. HARRIS: I believe that -- that</p>	<p>76</p> <p>1 CERTIFICATE OF SHORTHAND REPORTER 2 NOTARY PUBLIC 3 I, Dianna C. Kilgalen, the officer 4 before whom the foregoing deposition was taken, 5 do hereby certify that the foregoing transcript 6 is a true and correct record of the proceedings 7 taken; that said proceedings were taken by me 8 stenographically and thereafter reduced to 9 typewriting under my direction; and that I am 10 neither counsel for, related to, nor employed by 11 any of the parties to this case and have no 12 interest, financial or otherwise, in its outcome. 13 IN WITNESS WHEREOF, I have hereunto set 14 my hand and affixed my notarial seal this 23rd 15 day of April, 2020. 16 My commission expires June 28th, 2021. 17 18 19 20 21 22 23 24 25</p> <p> _____ NOTARY PUBLIC IN AND FOR THE STATE OF MARYLAND COUNTY OF HARFORD</p>

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a2	54:5	add	42:17, 56:18
63:3, 67:16	acquisition	added	51:20
ability	12:2	adding	43:16
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