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Transcript of Hearing - Day 1

Date: January 22, 2021

Case: Rochambeau, the French International School

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2 (5 to 8)

<p>5</p> <p>1 HEARING EXAMINER ROBESON: Thank you. A couple of</p> <p>2 rules. This hearing is being held obviously via Microsoft</p> <p>3 Teams. There are some special procedures that we ask</p> <p>4 parties to adhere to because of the Microsoft Teams format.</p> <p>5 If you hover in the center of your screen just to the right</p> <p>6 of center you will see a hand. If you wish to be recognized</p> <p>7 or if you wish to object, please raise -- please press that</p> <p>8 hand. I can see it when it goes on. If you're calling in</p> <p>9 by phone, you can't use the hand. So just please ask to be</p> <p>10 recognized.</p> <p>11 Avoid crosstalk, which means many people talking at</p> <p>12 once. That makes it much more difficult for the court</p> <p>13 reporter to get a clear transcript. In addition, we</p> <p>14 typically -- you are required to state your name and address</p> <p>15 for the record. We also ask you -- because of the Covid, we</p> <p>16 don't have people in the office. We also ask you to provide</p> <p>17 your email address so that we can send notices and</p> <p>18 information by email when -- and communications by email.</p> <p>19 Finally, for your presentation when you have a</p> <p>20 particular witness that you are about to present, it's very</p> <p>21 helpful to give me the exhibit numbers in advance of the</p> <p>22 testimony of the exhibits you're going to be referring to so</p> <p>23 that I can preload them on the screen. Okay. Would the</p> <p>24 parties -- with that, would the parties identify themselves</p> <p>25 for the record, please?</p>	<p>7</p> <p>1 have some certain formalities. What you say will be under</p> <p>2 oath and subject to cross-examination. Cross-examination is</p> <p>3 only a time to ask questions of the witness. It's not a</p> <p>4 time to testify. Everyone will get the opportunity to</p> <p>5 testify at some point in this hearing.</p> <p>6 Which brings me to how these hearings typically</p> <p>7 proceed. Everyone may make an opening statement. The</p> <p>8 Applicant proceeds with all his witnesses in the case. Each</p> <p>9 witness is open to cross-examination. Then those in</p> <p>10 opposition, Mr. Brown and anyone else, presents their case</p> <p>11 and that's your opportunity to testify. Afterwards, the</p> <p>12 Applicant gets what they called rebuttal testimony, again,</p> <p>13 subject to cross-examination. And then the parties get --</p> <p>14 may make closing statements. With that, are there any</p> <p>15 other -- are there any preliminary matters?</p> <p>16 MR. KLINE: Only that the -- I want to make sure that</p> <p>17 the affidavit of posting was in the record and was -- I</p> <p>18 don't know if I've got the most current exhibit list, but I</p> <p>19 know it was submitted and I just want to make sure that you</p> <p>20 have it.</p> <p>21 HEARING EXAMINER ROBESON: We do have it. With that,</p> <p>22 Mr. Kline, do you have an opening statement?</p> <p>23 MR. KLINE: I don't, Ms. -- Madam Chairman -- or</p> <p>24 Madam -- wrong word. Madam hearing examiner. I don't, and</p> <p>25 I don't because normally you would do that to try and orient</p>
<p>6</p> <p>1 MR. BROWN: Jody, you are muted.</p> <p>2 MR. KLINE: That's not the only time I will make that</p> <p>3 today I'm sure. Jody Klein speaking, attorney with Miller,</p> <p>4 Miller & Canby with offices at 200 B Monroe Street in</p> <p>5 Rockville, representing the Applicant or petitioner in this</p> <p>6 case, Rochambeau, the French International School.</p> <p>7 MR. BROWN: Okay. And David Brown of Knauf & Brown</p> <p>8 just down the street from Jody, representing the Maplewood</p> <p>9 Citizens Association.</p> <p>10 MR. MYERS: Allen Myers, president of the Maplewood</p> <p>11 Citizens Association.</p> <p>12 HEARING EXAMINER ROBESON: Thank you. Is there anyone</p> <p>13 on this call that is not on this -- in this hearing that is</p> <p>14 not going to be called as a witness by either Mr. Brown or</p> <p>15 Mr. Klein?</p> <p>16 MS. UMHOFFER: Yes. Becky Umhofer, I'm a resident near</p> <p>17 the property.</p> <p>18 HEARING EXAMINER ROBESON: Okay.</p> <p>19 MS. UMHOFFER: At 5031 Alta Vista Road.</p> <p>20 HEARING EXAMINER ROBESON: Okay. Anyone else?</p> <p>21 MR. SEID: Yes. David Seid, I'm a resident at 9605</p> <p>22 Alta Vista Terrace.</p> <p>23 HEARING EXAMINER ROBESON: Thank you. What we're</p> <p>24 going -- then I'm going to go through a little bit about the</p> <p>25 procedures for the hearing. They are informal, but they</p>	<p>8</p> <p>1 the hearing examiner to the facts of the case. And you're</p> <p>2 very helpful memo the other day with questions that you had</p> <p>3 made it clear that you were very familiar with the record of</p> <p>4 the case. And we are going to go into, maybe some would say</p> <p>5 laborious detail about the proposal. So I don't think I</p> <p>6 need to say anything upfront to educate you at all. We are</p> <p>7 just prepared -- I will say this. I think it's probably</p> <p>8 going to take certainly into this afternoon and maybe even</p> <p>9 into Monday depending on how the flow of the case goes.</p> <p>10 Thank you.</p> <p>11 HEARING EXAMINER ROBESON: All right. Mr. Brown?</p> <p>12 MR. BROWN: I do have an opening statement. Allen</p> <p>13 Myers, longtime Maplewood resident and president of the</p> <p>14 Citizens Association, will be Maplewood's only witness. The</p> <p>15 same circumstances that have turned this case into a remote</p> <p>16 hearing have precluded a formal vote of the citizens</p> <p>17 Association on the application today. But the Maplewood</p> <p>18 Citizens Association has authorized Mr. Myers to specify</p> <p>19 here for you the neighborhood impact concerns the</p> <p>20 application raises for Maplewood, which is centered</p> <p>21 primarily on local traffic impact.</p> <p>22 He will ask the hearing examiner to ensure that</p> <p>23 Maplewood's issues and concerns are adequately addressed.</p> <p>24 He will amplify on the views expressed to the Planning Board</p> <p>25 in Exhibit 53, which is duplicated at Exhibit 75(a). Under</p>

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3 (9 to 12)

<p style="text-align: right;">9</p> <p>1 this approach, Maplewood is not acting like a traditional 2 party opponent unalterably opposed to the application under 3 all circumstances. Maplewood recognizes however that there 4 are Maplewood residents who have gone further in expressing 5 opposition to the project, and you will hear from some of 6 them today.</p> <p>7 I am only representing Maplewood Citizens Association, 8 not any individual residents. Nevertheless, Maplewood has 9 authorized Mr. Myers to recommend to you for consideration 10 all Maplewood resident testimony, particularly since much of 11 what the individual residents have already expressed in 12 writing to you in Exhibit 77(a), (b), and (c), aligns 13 closely with Maplewood's concerns.</p> <p>14 Finally, in keeping with Maplewood's goal of 15 maintaining as much of a nonadversarial posture as can be in 16 this hearing, and expediting it hopefully, Mr. Myers and I 17 have agreed with your indulgence that -- and with the 18 indulgence of Mr. Kline, that we would try to further these 19 goals by taking advantage of -- and at the same time taking 20 advantage of Mr. Myers's many years in Maplewood and his 21 intimate knowledge of community impact issues.</p> <p>22 What I'm proposing is that his testimony, which I have 23 reviewed extensively and carefully, will be delivered as a 24 whole, not in a traditional Q&A format with me, and that he 25 will take the lead in asking any needed fact questions of</p>	<p style="text-align: right;">11</p> <p>1 saying is you are supervising his questions. That's what 2 I'm saying.</p> <p>3 MR. BROWN: And I've already done that by instructing 4 him not to be asking contentious types of cross-examination 5 questions intended to establish a legal or argumentative 6 point, but simply to make sure that if there are certain 7 facts that are in the knowledge of Mr. Kline's witnesses 8 that he feels it should be in the record, that those are 9 brought out.</p> <p>10 HEARING EXAMINER ROBESON: Okay. And you will 11 supervise his -- if --</p> <p>12 MR. BROWN: Yes.</p> <p>13 HEARING EXAMINER ROBESON: You don't have to ask the 14 questions, but if you feel like they don't comport to the 15 law, you need to stay -- you need to say so and rephrase or 16 whatever you wish to do.</p> <p>17 MR. BROWN: Happy to do so.</p> <p>18 HEARING EXAMINER ROBESON: Okay. Anything else? Well, 19 I hate to say this, I have one question on one of the 20 conditions that I thought of after I sent the email. And 21 that is -- and this is not for answering now. But that is; 22 there is a condition saying the Planning Board can alter 23 conditions. And I could -- you know, the Planning Board 24 can't unilaterally alter conditional use conditions. They 25 can't. They would have to amend a minor amendment. Unless</p>
<p style="text-align: right;">10</p> <p>1 the Applicant's witnesses. Not really traditional cross- 2 examination of a lawyer style, but just to make sure that if 3 there are some missing facts that he helps to fill the 4 factual record. I would expect to actively participate, not 5 to double up on the questioning of any witness, but 6 primarily and maybe almost exclusively to deal with some 7 legal issues that may arise.</p> <p>8 So I guess my question is, is this procedure acceptable 9 to you, Ms. Robeson-Hannan and Mr. Klein?</p> <p>10 MR. KLINE: Yeah --</p> <p>11 HEARING EXAMINER ROBESON: My concern is unauthorized 12 practice of law. So I don't have a problem, but I -- in 13 general with your approach. But the cross-examination, I 14 don't want to run afoul of that. Maybe he could ask -- Mr. 15 Myers could ask a question and, I don't know.</p> <p>16 I will hear from Mr. Kline.</p> <p>17 MR. KLINE: The Petitioner has no objection to Mr. 18 Brown's course of action. We agree Mr. Myers has a lot of 19 history. We've dealt with him for a long time and we know 20 the kind of questions he would ask and are prepared to 21 answer them on cross-examination. So I don't have any 22 problem with it.</p> <p>23 HEARING EXAMINER ROBESON: Well, let me do this. Mr. 24 Brown, if you believe that Mr. Myers questions are legally 25 sound you do not -- you may stay silent. But what I'm</p>	<p style="text-align: right;">12</p> <p>1 you're talking about, I suppose conditions imposed on the 2 preliminary plan.</p> <p>3 But the thing I want to stress today is, a lot of this 4 is deferred. A lot of the things that I need to find under 5 the staff report are deferred to preliminary plan. But I 6 need proof now that the standards can be met. With that, 7 the other thing I wanted to raise is --</p> <p>8 MR. KLINE: Ms. Robeson-Hannan, could I interject for a 9 second and ask a question? Did you -- could you draw my 10 attention to the condition that you said it concerned on?</p> <p>11 Because I didn't catch that myself and I would agree with 12 you completely the Planning Board has no authority to revise 13 a condition. Only the Board of Appeals and after hearing 14 from your office could do that. So what condition was that?</p> <p>15 HEARING EXAMINER ROBESON: Let me get the -- do you 16 know the --</p> <p>17 MR. KLINE: I have the staff report in front of me. So 18 if you can give me some guidance, I could --</p> <p>19 HEARING EXAMINER ROBESON: I need the exhibit list.</p> <p>20 MR. KLINE: One moment please, ma'am.</p> <p>21 HEARING EXAMINER ROBESON: I need to know what exhibit 22 it is.</p> <p>23 MR. KLINE: I understand. Give me one second. We 24 should be about -- 56.</p> <p>25 HEARING EXAMINER ROBESON: All right.</p>

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<p>13</p> <p>1 MR. KLINE: Technical staff report.</p> <p>2 HEARING EXAMINER ROBESON: Okay. Just a second. All</p> <p>3 right. Let me bring it up.</p> <p>4 MR. KLINE: And while you're doing that, if I can just</p> <p>5 sort of add we are familiar with a condition that you would</p> <p>6 normally recommend that would be if a preliminary -- a</p> <p>7 subsequent preliminary land to the granting of a conditional</p> <p>8 use amendment changed the conditional -- I'm sorry -- the</p> <p>9 special exception plan, that it would have to return to you</p> <p>10 and the Board of Appeals for amendment. And so we</p> <p>11 understand that would be our requirement and that the</p> <p>12 Planning Board would not be able to unilaterally amend</p> <p>13 something.</p> <p>14 HEARING EXAMINER ROBESON: Okay. It's condition number</p> <p>15 14. I hope you can -- on page 5.</p> <p>16 MR. KLINE: I'm looking at it.</p> <p>17 HEARING EXAMINER ROBESON: If you go down to D, last</p> <p>18 paragraph. Now they may be -- they can't -- see where it</p> <p>19 says the Planning Board may modify the conditions of</p> <p>20 approval including the maximum permitted enrollment?</p> <p>21 MR. KLINE: Is that one, two, or three? I don't see</p> <p>22 it.</p> <p>23 HEARING EXAMINER ROBESON: It --</p> <p>24 MR. KLINE: Oh, the last?</p> <p>25 FEMALE VOICE: Yeah.</p>	<p>15</p> <p>1 the time. And then we crafted a condition so that they</p> <p>2 would keep records of these logs. They don't have a</p> <p>3 reporting requirement, but we did give DPS -- say that they</p> <p>4 had to make records available, these records available.</p> <p>5 My question is, why can't you just have a system like</p> <p>6 that and add the mode of arrival without the whole TMP?</p> <p>7 MR. KLINE: Can I --</p> <p>8 HEARING EXAMINER ROBESON: Don't answer it now. I'm</p> <p>9 springing it --</p> <p>10 MR. KLINE: Okay. An interesting concept. And I</p> <p>11 understand your point and we will be getting to that</p> <p>12 eventually. And it will give our team an opportunity to</p> <p>13 kind of cogitate about it and we will have an answer for you</p> <p>14 when we get to that in our presentation.</p> <p>15 HEARING EXAMINER ROBESON: Thank you.</p> <p>16 MR. KLINE: But I do understand what you are reading in</p> <p>17 15 and I did not read that to be that the Planning Board</p> <p>18 thought they could change something that you and the Board</p> <p>19 of Appeals imposed on the Applicant. That's not correct.</p> <p>20 HEARING EXAMINER ROBESON: All right. Any other</p> <p>21 preliminary matters? Okay. With that, Mr. Kline, do you</p> <p>22 want to call your first witness?</p> <p>23 MR. KLINE: I do. And I just wanted to ask you one</p> <p>24 thing. You can see on the screen that you have both my</p> <p>25 visage as well as my lead witness, and the only witness that</p>
<p>14</p> <p>1 MR. KLINE: Okay, sure.</p> <p>2 HEARING EXAMINER ROBESON: It's 14(d), the very last</p> <p>3 paragraph.</p> <p>4 MR. KLINE: Okay. Well, I read that to -- okay. I</p> <p>5 agree with you. They would have the authority through the</p> <p>6 preliminary plan because it will have a cap also on it to</p> <p>7 order that if we -- if we were not able to demonstrate that</p> <p>8 we were complying with the trip cap limits, I can see the</p> <p>9 Planning Board through the TMP and through that agreement</p> <p>10 having the authority to tell us to reduce the enrollment,</p> <p>11 but not to increase it.</p> <p>12 HEARING EXAMINER ROBESON: Well, I get -- and the last</p> <p>13 thing is, I had a case recently, a very large daycare</p> <p>14 center, 200 to 300 students. I can't remember exactly, but</p> <p>15 large. And --</p> <p>16 MR. KLINE: Is this one that's been approved or is</p> <p>17 pending?</p> <p>18 HEARING EXAMINER ROBESON: Approved.</p> <p>19 MR. KLINE: Okay, thank you.</p> <p>20 HEARING EXAMINER ROBESON: And they had similar issues</p> <p>21 regarding traffic. And what we did in that -- I just --</p> <p>22 this is -- TMPs as I said in my question, can be burdensome</p> <p>23 to the citizens. So my question is, what we did in that</p> <p>24 case is, at least for the daycare center, they are required</p> <p>25 to login each person. And they also are required to login</p>	<p>16</p> <p>1 is going to be here with me today, Helene Fabre from the</p> <p>2 school. And I wanted to make sure that the camera was set</p> <p>3 up the way you would like it. I know you want to be a to</p> <p>4 have a close view of the witness. And is this set up okay?</p> <p>5 Or would you like me to concentrate on Ms. Fabre's face</p> <p>6 exclusively?</p> <p>7 HEARING EXAMINER ROBESON: Well, what I would like, is</p> <p>8 if you can -- if I have to monitor -- it's complicated, but</p> <p>9 to monitor the hands raised. It would be helpful, long</p> <p>10 story short, if she could somehow -- if you could switch</p> <p>11 places with her, unless -- because the monitor, the hands</p> <p>12 raised, it cuts off her face.</p> <p>13 MR. KLINE: Okay. That's a big production to move --</p> <p>14 HEARING EXAMINER ROBESON: The other possibility -- I</p> <p>15 have another suggestion. If she could, move further, maybe</p> <p>16 one chair down.</p> <p>17 MR. KLINE: Forward or back?</p> <p>18 HEARING EXAMINER ROBESON: Back.</p> <p>19 MR. KLINE: Very good.</p> <p>20 MS. FABRE: I can.</p> <p>21 MR. KLINE: Okay. Is the problem that our camera box</p> <p>22 is blocking the hand? Is that what the issue is?</p> <p>23 HEARING EXAMINER ROBESON: No, the problem is that</p> <p>24 under the Teams set up for me to monitor hands raised, I</p> <p>25 have to cut off some of the screen.</p>

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<p>17</p> <p>1 MR. KLINE: Okay.</p> <p>2 HEARING EXAMINER ROBESON: Now I can see her.</p> <p>3 MR. KLINE: And I'm going to --</p> <p>4 HEARING EXAMINER ROBESON: No, don't zoom in. Zoom</p> <p>5 out.</p> <p>6 MR. KLINE: Okay. Very good. Very good. Okay, and</p> <p>7 I'm ready when you are, ma'am.</p> <p>8 HEARING EXAMINER ROBESON: No, I -- you've got to zoom</p> <p>9 out somehow.</p> <p>10 MR. KLINE: Okay. Okay.</p> <p>11 HEARING EXAMINER ROBESON: Is Ms. Cross there?</p> <p>12 MR. KLINE: I think she may have dropped off.</p> <p>13 HEARING EXAMINER ROBESON: Okay, I can see her now.</p> <p>14 Thank you.</p> <p>15 MR. KLINE: Okay. Is that better for you?</p> <p>16 HEARING EXAMINER ROBESON: That's fine, thank you.</p> <p>17 MR. KLINE: Okay. Then I will begin if you are ready.</p> <p>18 HEARING EXAMINER ROBESON: Go ahead.</p> <p>19 MR. KLINE: Fine. Ms. Fabre, would you please state</p> <p>20 and spell your name for us?</p> <p>21 HEARING EXAMINER ROBESON: Wait. Wait. I --</p> <p>22 MR. KLINE: Yeah, right.</p> <p>23 HEARING EXAMINER ROBESON: I've got to --</p> <p>24 MR. KLINE: We need to swear her first, right?</p> <p>25 HEARING EXAMINER ROBESON: Yeah.</p>	<p>19</p> <p>1 MS. FABRE: I am, yes.</p> <p>2 MR. KLINE: Okay. Are the conditions contained in the</p> <p>3 staff report that's in the record acceptable to the</p> <p>4 Applicant?</p> <p>5 MS. FABRE: Yes, they are.</p> <p>6 MR. KLINE: Okay. Do you confirm that the French</p> <p>7 International School will abide by those conditions if the</p> <p>8 special exception amendment is granted?</p> <p>9 MS. FABRE: I do.</p> <p>10 MR. KLINE: Okay. And in the case, the question came</p> <p>11 up about compliance with conditions or any operational</p> <p>12 issues. Who would be the proper contact person at the</p> <p>13 school to be contacted for a discussion by someone from the</p> <p>14 public?</p> <p>15 MS. FABRE: I would be.</p> <p>16 MR. KLINE: And what is your telephone number and email</p> <p>17 address?</p> <p>18 MS. FABRE: So the telephone number is 301-530-8260 and</p> <p>19 the email address is FabreH@rochambeau; R-O-C-H-A-M-B-E-A-U;</p> <p>20 dot org.</p> <p>21 MR. KLINE: And I will also -- I just realized that I</p> <p>22 didn't ask her -- or didn't give you her email address at</p> <p>23 the beginning.</p> <p>24 HEARING EXAMINER ROBESON: The notice would go to you.</p> <p>25 MR. KLINE: Very good. Fine.</p>
<p>18</p> <p>1 MR. KLINE: Right.</p> <p>2 HEARING EXAMINER ROBESON: Please raise your right</p> <p>3 hand.</p> <p>4 Do you solemnly affirm under penalties of perjury that</p> <p>5 the statements you're about to make are the truth, the whole</p> <p>6 truth, and nothing but the truth?</p> <p>7 MS. FABRE: I do.</p> <p>8 HEARING EXAMINER ROBESON: Go ahead, Mr. Kline.</p> <p>9 MR. KLINE: Ms. Fabre, would you please state and spell</p> <p>10 your name for us?</p> <p>11 MS. FABRE: My name is Helene Farbe. This is spelled;</p> <p>12 H-E-L-E-N-E, F-A-B-R-E.</p> <p>13 MR. KLINE: Would you please state your professional</p> <p>14 address?</p> <p>15 MS. FABRE: My professional address is 9600 Forest Road</p> <p>16 in Bethesda, Maryland 20814.</p> <p>17 MR. KLINE: Would you please describe your affiliation</p> <p>18 with the petitioner in this case, Rochambeau, the French</p> <p>19 International School of Washington, D.C.?</p> <p>20 MS. FABRE: I am the executive director of the school.</p> <p>21 I have worked there for nine years. I am in charge of all</p> <p>22 the school's operations and also its financial</p> <p>23 sustainability.</p> <p>24 MR. KLINE: And you are authorized to speak on behalf</p> <p>25 of the school today?</p>	<p>20</p> <p>1 HEARING EXAMINER ROBESON: So I don't -- it's the</p> <p>2 people that aren't being called by an attorney.</p> <p>3 MR. KLINE: Oh, I see. Very good. Ms. Fabre, tell us</p> <p>4 what is Rochambeau, the French International School. Who is</p> <p>5 it? What is it?</p> <p>6 MS. FABRE: So Rochambeau, the French International</p> <p>7 School is a private school, a 501C(3) not-for-profit</p> <p>8 organization. The school was founded in 1955. It was</p> <p>9 originally located in the D.C. -- in D.C. And we have</p> <p>10 currently around 1,000 students of 80 different</p> <p>11 nationalities from pre-K to 12th grade.</p> <p>12 MR. KLINE: And it has an independent status?</p> <p>13 MS. FABRE: Well, the school is an independent, private</p> <p>14 school. We are funded by our own tuition revenues. Our</p> <p>15 connection with France is through an accreditation that we</p> <p>16 have with the French Ministry of education. So we can teach</p> <p>17 the French curriculum and deliver French diplomas, but we</p> <p>18 also deliver the American high school diploma as we are</p> <p>19 certified by the Maryland State Department of Education.</p> <p>20 MR. KLINE: And can you please give us an overview of</p> <p>21 the school's mission?</p> <p>22 MS. FABRE: Sure. Our mission is to create a</p> <p>23 multicultural learning environment built on a rigorous</p> <p>24 French curriculum, which is also accredited by the French</p> <p>25 Ministry of Education. We are actually part of a network of</p>

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<p>21</p> <p>1 about 450 French schools all over the world. 2 MR. KLINE: You probably said how long you've been 3 based in Montgomery County, but can you go back and repeat 4 that and then explain to the hearing examiner the 5 arrangement of the campuses associated with FIS. 6 MS. FABRE: Sure. So the school originally was just 7 one location in D.C. And as the enrollment grew in the '60s 8 and the school started to expand and look for different 9 locations, currently we operate the school from three 10 different campuses. And if you can open the Exhibit 63 and 11 go to slide number 13, that will show the different 12 locations we have. 13 MR. KLINE: Well, hold on for a second. 14 MS. FABRE: Slide 13, please. 15 HEARING EXAMINER ROBESON: My computer is slower. 16 MS. FABRE: This is it. 17 HEARING EXAMINER ROBESON: Okay. 18 MR. KLINE: Very good. Okay. So tell us what we have 19 here in what the identification is. 20 MS. FABRE: So what this map is showing is the location 21 of our three current locations and also the new site where 22 we would like to operate. So the first one is the Bradley 23 Boulevard school. 24 MR. KLINE: And can you tell the hearing examiner -- 25 MS. FABRE: It's the one on the left.</p>	<p>23</p> <p>1 Forest Road campus. So this is the one that's on the top 2 left, Forest Road. This -- we own this property that is 3 located at 9600 Forest Road in Bethesda. It serves students 4 aged 10 to 11 -- sorry -- 10 to 18. And the current 5 enrollment is 581 students. This campus is also operated 6 under a special exception and we do have a neighborhood 7 liaison committee that is working -- that is operational as 8 well. 9 MR. KLINE: And can you just give us a quick overview 10 of what I will call the circulation system that links the 11 campuses together? 12 MS. FABRE: I can. So if you can, please go to slide 13 21. 14 MR. KLINE: That's within that same exhibit? 15 MS. FABRE: Yeah, same exhibit. 16 HEARING EXAMINER ROBESON: Yeah, I'm just -- it's 17 pulling -- 18 MR. KLINE: I understand. I just didn't want you to go 19 look for Exhibit 21. 20 HEARING EXAMINER ROBESON: I don't -- hold on. I 21 apologize. Now, I don't think I'm on slide. I don't see 22 the slide numbers here. 23 MS. FABRE: They are the -- oh. 24 MR. KLINE: It would go by page. 25 HEARING EXAMINER ROBESON: I see. Okay, sorry.</p>
<p>22</p> <p>1 MR. KLINE: The one on the -- 2 MS. FABRE: The one on the left. 3 HEARING EXAMINER ROBESON: Okay. 4 MS. FABRE: We on this property. It is located -- 5 HEARING EXAMINER ROBESON: You are talking about 6 picture left, right? 7 MS. FABRE: Yes, correct. 8 HEARING EXAMINER ROBESON: Okay. 9 MS. FABRE: So that's -- we own that property, which is 10 located on 7108 Bradley Boulevard in Bethesda. That campus 11 currently serves students age 2 to 5 and we currently have 12 102 students in that campus. 13 MR. KLINE: And that property has -- is subject to a 14 special exception? 15 MS. FABRE: This property is subject to a special 16 exception, yes, correct. 17 MR. KLINE: Okay, fine. Please continue. 18 MS. FABRE: The second campus that we operate is the 19 one that is the farthest on the right-hand side, the 20 Rollingwood -- what we call the Rollingwood campus. We 21 actually lease this property from MCPS, Montgomery County 22 Public Schools. It is located on 3200 Woodbine Street, 23 Chevy Chase. It currently serves students aged 6 to 9 and 24 the current enrollment in that location is 314 students. 25 The third campus that we currently operate is the</p>	<p>24</p> <p>1 MR. KLINE: There should be a number at the bottom. 2 MS. FABRE: It's actually the last one. 3 HEARING EXAMINER ROBESON: This? 4 MS. FABRE: Yes. 5 MR. KLINE: There you go. 6 MS. FABRE: Excellent. So this is -- so we have three 7 campuses. We have families that have students in the 8 different locations. But we currently rely a lot on our 9 busing system. We have been operating bus transportation 10 since -- well, over -- for over 30 years by now. What you 11 can see here is the organize -- the way it is currently 12 organized. 13 We bus about 50 to 55 percent of our students. The hub 14 where all the bus routes come to in morning is the Forest 15 Road campus. So this is where -- this is the place where 16 all the bus routes actually arrive to and leave from for 17 each bus run. You can see that we also have buses that 18 serve the other campuses so that families don't have to 19 drive to all the different locations to drop off their 20 children. And then -- well, I think that's -- that shows 21 it. We have 12 bus routes. We have 12 bus routes with 14 22 buses. We keep two spare buses in case we have a breakdown. 23 And those bus routes are usually about an hour long. 24 HEARING EXAMINER ROBESON: I have a question. Just 25 where is one coming from?</p>

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<p>25</p> <p>1 MS. FABRE: One --</p> <p>2 MS. FABRE: Well, it's just showing -- for each</p> <p>3 location we are showing the number of buses that arrive and</p> <p>4 leave. So it means the one --</p> <p>5 HEARING EXAMINER ROBESON: Oh.</p> <p>6 MS. FABRE: The one is a D.C. route that actually stops</p> <p>7 in Chevy Chase on his way to the Forest Road campus. So</p> <p>8 there is one bus arriving and then the (inaudible).</p> <p>9 HEARING EXAMINER ROBESON: But that's coming from D.C.?</p> <p>10 MS. FABRE: It's coming from D.C. currently, yeah.</p> <p>11 HEARING EXAMINER ROBESON: Okay.</p> <p>12 MS. FABRE: Correct.</p> <p>13 MR. KLINE: So with that as background in terms of how</p> <p>14 your organization today -- how does the former FASEB</p> <p>15 property fit into the school's long-range plans and program?</p> <p>16 MS. FABRE: The school has led a strategy in the last</p> <p>17 eight years which is to grow its enrollment and we</p> <p>18 successfully done so. So the FASEB campus, the Rockville</p> <p>19 Pike campus actually fits in the overall plan. Our</p> <p>20 objective is to use this campus in order to consolidate our</p> <p>21 operations in actually two campuses. The school has worked</p> <p>22 on this consolidation project for over 20 years, but has</p> <p>23 always failed to either find the proper location or the</p> <p>24 necessary funding in order to finance it.</p> <p>25 Operating from three different campuses is very</p>	<p>27</p> <p>1 the operations. It will considerably simplify our</p> <p>2 organizational logistics. For the parents, it's also a</p> <p>3 simplification of their logistics by not having three</p> <p>4 campuses, but two. It will be easier for the parents, some</p> <p>5 parents. We do have quite a few families with kids on every</p> <p>6 single campus.</p> <p>7 It will also make it easier for parents to access and</p> <p>8 some afterschool activities. For example, the parents of</p> <p>9 the -- students, sorry, of the Bradley campus do not have</p> <p>10 to -- sorry -- can't be offered afterschool activities</p> <p>11 because of the restrictions of the special exception. So</p> <p>12 they have to come to another campus to get them. And</p> <p>13 finally, we will also -- for the parents, we will have a</p> <p>14 more attractive, fully renovated facility with larger dorm</p> <p>15 spaces for the children, which would be a benefit to them.</p> <p>16 Finally, to the public the -- based on the maps that we</p> <p>17 just looked at, I think you can see that right now our</p> <p>18 operations are spread between those three campuses. So by</p> <p>19 consolidating the operations into two locations, we will</p> <p>20 reduce the number of miles that our parents and our buses</p> <p>21 currently do. And the second aspect for the public is the</p> <p>22 enhancement of our reputation as a school do a diverse</p> <p>23 international population. Our families are local. They pay</p> <p>24 taxes. They spend money locally. They purchase properties</p> <p>25 in the vicinity of the school. So there is also an economic</p>
<p>26</p> <p>1 challenging. Obviously, it creates a lot of complexities.</p> <p>2 And the other aspect of why this objective is so important</p> <p>3 for us is that the leased facility in Rollingwood is already</p> <p>4 not up to par to the quality standard of the other campuses.</p> <p>5 And as a private school, this is a problem for us. In</p> <p>6 addition, thanks to the successful growth strategy that</p> <p>7 we've been leading over the last seven years, we have</p> <p>8 reached our maximum capacity and we need more space in order</p> <p>9 to continue our growth.</p> <p>10 MR. KLINE: And can you explain if you were to move out</p> <p>11 of those other two facilities, the disposition of the land</p> <p>12 that you are presently controlling?</p> <p>13 MS. FABRE: So the objective is to terminate the lease</p> <p>14 of the Rollingwood campus with Montgomery County Public</p> <p>15 Schools. It should be terminated at the end of the</p> <p>16 2021/2022 school year. As to the Bradley property, our plan</p> <p>17 is to sell it. It's been on the market for some time</p> <p>18 already. And we are just really close to signing a</p> <p>19 contract, a sale contract with another private school.</p> <p>20 MR. KLINE: And can you describe what I guess I would</p> <p>21 say the benefits to the universe of this consolidation --</p> <p>22 and when I say the universe, the school, the public, et</p> <p>23 cetera.</p> <p>24 MS. FABRE: Right. As I formally mentioned, the</p> <p>25 benefit for the school is really the gain in efficiency of</p>	<p>28</p> <p>1 impact for the County if we are growing our enrollment as we</p> <p>2 plan to.</p> <p>3 MR. KLINE: Ms. Robeson-Hannan, I wanted to take Ms.</p> <p>4 Fabre --</p> <p>5 HEARING EXAMINER ROBESON: You can just leave out</p> <p>6 Hannan.</p> <p>7 MR. KLINE: Thank you.</p> <p>8 HEARING EXAMINER ROBESON: I just respond to Robeson</p> <p>9 better. So go --</p> <p>10 MR. KLINE: Thank you. It makes it -- my memory is</p> <p>11 better that way too. In any event, I want to go to kind of</p> <p>12 the on-campus, the FASEB property now. And I don't --</p> <p>13 unfortunately don't have a copy of the exhibit list, of the</p> <p>14 what I call the presentation list. But probably one of the</p> <p>15 last entries that Ms. Johnson had a chance to load into your</p> <p>16 easily accessible list were four aerial photographs that</p> <p>17 were exhibits in the record -- I'm sorry, in the staff</p> <p>18 report. I thought having one of them up would just help Ms.</p> <p>19 Fabre's presentation just to flow --</p> <p>20 HEARING EXAMINER ROBESON: Okay. One moment. This is</p> <p>21 Exhibit 80(a). See if this is what you wish.</p> <p>22 MR. KLINE: The one that had all the numbers on it for</p> <p>23 all the different -- yeah, I think that would be a good one</p> <p>24 to work from. Okay. So Ms. Faber, using Exhibit 80(a),</p> <p>25 could you just basically tell us what's on the former FASEB</p>

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<p>29</p> <p>1 property and why it's of such interest to French 2 International School? 3 MS. FABRE: Well, the campus that you're looking at is 4 ideal to us because first it really looks great. It has a 5 college campus sort of look with two large brick buildings 6 with white columns, so it's very prestigious and really 7 nice. You can see the two buildings stamp number seven and 8 number four, six I guess. There is the E shaped building 9 and the first one which is number seven, those are the two 10 buildings that we are planning on using. 11 Our intention is to actually keep the buildings as they 12 are and mostly do interior renovations because we want to 13 preserve the aspects of those buildings and the overall look 14 of the campus. You can see that there is a parking lot, a 15 large parking lot, multistory parking lot. That's number 16 two which is adjacent to the Lee Building where we are going 17 to have our classroom spaces. We are planning -- 18 HEARING EXAMINER ROBESON: Now that's marked as parking 19 garage on the -- 20 MS. FABRE: Yes, my wrong. Yeah, parking garage I 21 meant, not parking lot. Sorry. 22 HEARING EXAMINER ROBESON: Okay. 23 MS. FABRE: So we are planning on keeping the parking 24 garage. It's obviously an asset. It has a large capacity 25 and will be useful for us. And then the as you can see that</p>	<p>31</p> <p>1 of the light gray area will be dedicated to the cars. I 2 think that covers it. 3 MR. KLINE: Ms. Fabre, when the application was filed, 4 it was filed in essence as a joint application with a then 5 current or then holder of the special exception, the 6 federated -- Federation of American Societies of 7 Experimental Biology. Yes, I have finally learned the whole 8 phrase, but it's easier to call it FASEB. So you filed it 9 originally with FASEB and the game plan at that time was 10 what relation between you and FASEB into the future. 11 MS. FABRE: Wait. That's correct. Originally we were 12 going to that we file the application together because 13 originally FASEB was going to stay on site. It was made 14 possible by the fact that in the original plan we were not 15 going to use the east wing building, which is number seven. 16 It's currently offices and we were going to keep this as a 17 separate building that that's where we would have rented 18 office spaces. And FASEB at the time was interested in 19 remaining in the campus until they could figure out what 20 their long-term plans were going to be. So that made sense 21 at the time to file a joint application. 22 MR. KLINE: And those circumstances or the predicates 23 for the joint application changed. Can you explain what 24 that is and what the result of that was? 25 MS. FABRE: So several things happened. First, the</p>
<p>30</p> <p>1 we are -- the only things that we're going to be building 2 really, and our architect will get into more details for 3 you, but the only things were going to be adding are the 4 play areas that are numbered 1, 8, 11, and 10, and 3, and 5. 5 So those play areas are going to be added next to the 6 existing construction so that we have the playground spaces 7 that we actually need for the children. 8 We also are going to make some modifications to the 9 roadway, which is the light gray circulation path that 10 you're looking at right now. And again, those C there -- 11 HEARING EXAMINER ROBESON: I see there is a triangle 12 that says C. 13 MS. FABRE: (Inaudible) 14 HEARING EXAMINER ROBESON: Exhibit A, and B, and A. 15 MS. FABRE: Right. Those A, B, C symbolize the gates. 16 HEARING EXAMINER ROBESON: Oh, okay. 17 MS. FABRE: So the property will be fully fenced and it 18 will be gated so that we control the access and we also 19 secure the access to the school. The -- what was I going to 20 say? So yeah, we're going to make some changes to the 21 roadway, some minor changes to the roadway so that we can 22 accommodate the circulation within the campus as safely as 23 possible. And as you can see, we will segregate the 24 circulation of the buses, which is the -- where the C gate 25 is. This loop will be dedicated to the buses where the rest</p>	<p>32</p> <p>1 need -- the needs from FASEB, of FASEB actually changed. 2 Their member societies, they were actually hosting member 3 societies and they used to lease the space to them. Those 4 member societies have decided, a large number of them have 5 to move back to closer to D.C. and they've left the campus. 6 So FASEB had more space than they actually needed. Carrying 7 the cost of the property became a burden for them. And for 8 financial reasons, the became really anxious to sell the 9 property. And finally because of the generated -- the 10 traffic generated by FASEB being a constraint on our 11 school's plans, it actually made sense to have them leave 12 the property. 13 MR. KLINE: So you eventually agreed with them to 14 settle and purchase the property? 15 MS. FABRE: That's correct. We have actually purchased 16 the property in March 2020. 17 MR. KLINE: And Ms. Robeson, that deed is an exhibit in 18 the record of the case. I'm not sure I see that. 19 HEARING EXAMINER ROBESON: I saw it. 20 MR. KLINE: Yeah. Very good. Sure. FASEB is 21 presently in place at all? Or when will they be completely 22 out for sure? 23 MS. FABRE: So FASEB still occupies some office space 24 in the east wing building. That's number seven on the map. 25 They have communicated their intention to leave the property</p>

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<p>33</p> <p>1 at the end of February or middle of March.</p> <p>2 MR. KLINE: Are you -- does French International School</p> <p>3 occupy any space in the building today?</p> <p>4 MS. FABRE: No, not at all.</p> <p>5 MR. KLINE: Is there any work been going on on the</p> <p>6 property presently?</p> <p>7 MS. FABRE: Yes, there is. We have obtained our</p> <p>8 demolition permit and we have almost completed the</p> <p>9 demolition work mostly in the Lee Building, which is the E</p> <p>10 shaped building that you -- in dark gray that you can see on</p> <p>11 the map. So that's the work that has been going on. We</p> <p>12 have also removed hazardous material that was in there.</p> <p>13 MR. KLINE: And it is the French International School's</p> <p>14 intention to use the property, if at all, consistent with</p> <p>15 the current conditions of approval that FASEB enjoyed?</p> <p>16 MS. FABRE: Yes.</p> <p>17 MR. KLINE: Okay. And you have asked the Board of</p> <p>18 Appeals to transfer the special exception from FASEB to FIS,</p> <p>19 and that has been completed, correct?</p> <p>20 MS. FABRE: I confirm.</p> <p>21 MR. KLINE: And Madam hearing examiner, you have a copy</p> <p>22 of that Board of Appeals decision transferring the special</p> <p>23 exception in the record?</p> <p>24 HEARING EXAMINER ROBESON: Yes.</p> <p>25 MR. KLINE: Okay. You've given us a good overview of</p>	<p>35</p> <p>1 transform what is currently office spaces into classroom</p> <p>2 spaces. And now that FASEB is actually leaving the site, we</p> <p>3 are going to be using the east wing building in order to</p> <p>4 build two gymnasiums and a large library for the students</p> <p>5 with science labs and things like that. So that's really</p> <p>6 the major renovation we are going to be conducting. And Mr.</p> <p>7 Schlegel, our architect, will describe for you the extent of</p> <p>8 the renovation and the construction we are going to be doing</p> <p>9 in the coming months, hopefully.</p> <p>10 MR. KLINE: If the special exception amendment process</p> <p>11 proceeded in a normal course and the preliminary plan</p> <p>12 amendment did the same, when does the school feel it will be</p> <p>13 able to occupy this property and use it if the special</p> <p>14 exception amendment is granted?</p> <p>15 MS. FABRE: Well, if everything goes according to plan,</p> <p>16 we would like to open the campus for the nursery school</p> <p>17 students in January 2022. And then we would phase the rest</p> <p>18 of the transfer of the elementary school until probably</p> <p>19 either the spring or the summer of 2022. So basically, for</p> <p>20 the 2022/2023 back to school, everybody would be on this</p> <p>21 campus.</p> <p>22 MR. KLINE: That's a good segue to my next question.</p> <p>23 And that is; tell us what is the size that you plan for this</p> <p>24 (inaudible) and the grades and the different programs.</p> <p>25 MS. FABRE: Right. So the plan is -- the plan is to</p>
<p>34</p> <p>1 the campus. I guess I'll kind of ask you again why it's so</p> <p>2 usable for you and maybe get into how it's going to work for</p> <p>3 you on the property.</p> <p>4 MS. FABRE: Right. When we first visited the property</p> <p>5 in 2000 -- back in 2017, we really fell in love with it. We</p> <p>6 really love the aspect, the aesthetics. If you've been</p> <p>7 lucky enough to actually walk the site, it really looks like</p> <p>8 a college campus. It's very prestigious with the brick</p> <p>9 building and the white columns, as I mentioned before.</p> <p>10 There is a very large open field. There is a historical</p> <p>11 mansion that we really like and we will preserve as well.</p> <p>12 So we like the site. We like it's aesthetics and its</p> <p>13 cachet.</p> <p>14 Another reason is also its proximity to our main</p> <p>15 campus, the Forest Road campus. I don't know the exact</p> <p>16 distance, but it's not even 5 minutes driving and less than</p> <p>17 15 minutes walking distance. So it's proximity to our main</p> <p>18 campus made it also very attractive and convenient in that</p> <p>19 objective of consolidating the operations. And again,</p> <p>20 because we like the aesthetics of the buildings and the</p> <p>21 overall campus, we could picture that the only work we would</p> <p>22 have to do is doing interior renovation and adjustments to</p> <p>23 the roadways. But there was nothing major. We were</p> <p>24 planning on really keeping it as intact as possible.</p> <p>25 So the renovation will allow us to build -- to</p>	<p>36</p> <p>1 have a maximum of 700 students on this campus. The way it</p> <p>2 will be broken down is having 200 students in what we call</p> <p>3 our nursery school. In the French system the K grade level</p> <p>4 is included in the nursery school. So that goes -- it means</p> <p>5 that students from 2 to 5. And then we will have 500</p> <p>6 elementary school students aged 6 to 10. The average class</p> <p>7 size would be 18 students at the nursery school level and 20</p> <p>8 students at the elementary school level.</p> <p>9 MR. KLINE: How many students do you think you will be</p> <p>10 starting with? Is it just the students you have today who</p> <p>11 will be moving here?</p> <p>12 MS. FABRE: Well, the -- we currently have fewer</p> <p>13 students than the 700 that we would like to reach at some</p> <p>14 point. So when we move in the property, with our nursery</p> <p>15 school students we would have around 150 students. That's</p> <p>16 the number we currently have. And then by September, we</p> <p>17 think that about 420 elementary students would then join the</p> <p>18 nursery students.</p> <p>19 MR. KLINE: How long do you think it would be before</p> <p>20 you reach the maximum enrollment that the special exception</p> <p>21 amendment would allow you?</p> <p>22 MS. FABRE: Well, based on our strategy plan, it could</p> <p>23 take 5 to 8 years until we reach that maximum enrollment</p> <p>24 number.</p> <p>25 MR. KLINE: Thank you. So tell us about the staff and</p>

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<p>37</p> <p>1 administrators, the faculty and administrators necessary to 2 support the school. Can you break them down? Just give us 3 a sense of who they are and what they do. 4 MS. FABRE: Right. So we would have -- we've estimated 5 that we would need up to 200 staff members in order to 6 operate a campus. It may obviously vary from semester 7 depending on the school programs and the classes. But we 8 would have mostly faculty members, administrative staff, and 9 also maintenance, custodian personnel. And the last 10 category of personnel we would have on site would be more of 11 the hourly personnel that we employ for all the club 12 activities, the bus drivers, the bus managers, the lunch 13 supervision. So that's the plan. 14 MR. KLINE: In condition 1C recommended by the staff 15 said there should not be -- or there should be a maximum of 16 126 faculty and staff on site at any one time. And that is 17 your -- that's a commandment the school accepts? 18 MS. FABRE: Yes, I confirm. 19 MR. KLINE: All right. Before I get into the real nuts 20 and bolts of sort of how the school day-to-day works from 21 day-to-day. Would you provide the hearing examiner a 22 description to the best of your recollection over the last 23 two and half years of the outreach efforts, your 24 coordination with the community, what you try to do and the 25 frequency of communication with the community?</p>	<p>39</p> <p>1 7:00 so we can open before school daycare program at 7:00. 2 Then faculty and staff would begin to arrive between 7:00 3 and 7:30. Those beginning hours were shifted through the 4 process in order to avoid the traveling peak hours. 5 HEARING EXAMINER ROBESON: What do you mean by faculty 6 and staff? Who is "and staff"? 7 MS. FABRE: Staff is some administrative personnel that 8 would need to be there. Like when we opened the school, 9 there is faculty obviously, but we also have the school 10 secretaries, maybe one or two school directors. So that 11 would be -- that's what I mean. 12 HEARING EXAMINER ROBESON: Okay. 13 MR. KLINE: Would that include people helping managing 14 the circulation on the property? 15 HEARING EXAMINER ROBESON: Yes, managing the 16 circulation, the welcome of parents and children, correct. 17 We also need people to be there to answer the phone as when 18 a child is sick or parents are delayed or they want a 19 meeting, someone needs to pick up the phone. 20 Then the buses with the students would begin to arrive 21 at the new campus between 7:30 and 8:00 a.m. or else have a 22 different length so they don't all arrive at the same time. 23 So the timeframe would be a half hour between 7:30 and 8:00. 24 They would -- the first buses to arrive would drop off the 25 students and then continue their route with the secondary</p>
<p>38</p> <p>1 MS. FABRE: Sure. We have met with the neighborhood 2 Association several times. I think the first time was in 3 2017. We actually organized a full meeting at the Forest 4 Road campus. And we had quite a good attendance. We 5 presented our initial plan. But as you've seen, the plan 6 has changed quite a few times since then and we've met the 7 Association several times, either just the Board of 8 Directors, I guess that's how they are called, at Mr. 9 Myers's place. We've met there several times lately, 10 virtually. And we've also had meetings with the full 11 membership during one of their general assembly, in person. 12 And then we did another such meeting recently, virtually, 13 with all the membership that had -- that attended. 14 MR. KLINE: I guess we would say all the membership was 15 welcome to join. 16 MS. FABRE: Yes, it was open to everyone. 17 MR. KLINE: Yeah, all right. Thank you. Having said 18 that, I think the hearing examiner whose job it is to assess 19 the activity level on the property, would like to understand 20 how does the school wake up in the morning. And just walk 21 us through the day. 22 MS. FABRE: All right. So the first people to get on 23 site would be the bus drivers. They would arrive by 6:30 24 a.m. so the buses can actually depart the campus by 7:15. 25 We would also have daycare personnel arrive between 6:30 and</p>	<p>40</p> <p>1 school students to reach the Forest Road campus. 2 MR. KLINE: Can -- go ahead. Finish that sentence. 3 MS. FABRE: Those buses would actually -- those four 4 buses would serve as shuttles between the two schools, 5 allowing the carpooling of siblings between the two 6 campuses. And those shuttles are not extra buses. They are 7 part of the existing route. They just continue on after 8 they've done the drop off in the Rockville Pike campus. 9 MR. KLINE: And -- 10 MS. FABRE: Then the classes officially begin at 8:30. 11 They are conducted throughout the day all the way through 12 3:30 p.m. With a one hour long break, lunch break, and two 13 recess periods, one in the morning and one in the afternoon. 14 Then classes formally end at 3:30 p.m. And then the 15 children get to -- will go home at this time, will get on 16 the bus. So we have two bus runs in the afternoon, one at 17 3:40 and another one at 5:40. So the 3:40, the first bus 18 run will leave at that time. 19 Then at 4:00 the faculty staff will depart. Then the 20 buses will start returning from the first run. During this 21 time we will have club activities from 3:30 through 5:30. 22 At 5:30 our second bus run of the afternoon leaves. And 23 then some children will have the ability to stay for after 24 school daycare until 7:00 p.m. Between 6:30 and 7:00 all 25 the buses will return and then the daycare personnel will</p>

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41	<p>1 leave the facility.</p> <p>2 MR. KLINE: So that's what a day at the school looks</p> <p>3 like?</p> <p>4 MS. FABRE: Yes, it's a bit tedious, but that's what it</p> <p>5 is.</p> <p>6 MR. KLINE: Okay. Great. Well, as I mentioned, the</p> <p>7 hearing examiner give us a very helpful list of questions</p> <p>8 that I thought maybe this is the best time to address it.</p> <p>9 So I want to draw your attention to the outdoor activities.</p> <p>10 And maybe we could have that Exhibit 20 -- I'm sorry, it</p> <p>11 wasn't 20.</p> <p>12 HEARING EXAMINER ROBESON: 80(a)?</p> <p>13 MR. KLINE: Yeah, the site plan at the various tog</p> <p>14 lots labeled.</p> <p>15 HEARING EXAMINER ROBESON: Okay.</p> <p>16 MR. KLINE: And actually, now that I think about it,</p> <p>17 there is actually a separate one. I think it's the third</p> <p>18 slide and that group is actually those -- the play areas.</p> <p>19 HEARING EXAMINER ROBESON: No, the third slide is --</p> <p>20 how about 80-B. Hold on. The only one -- okay. I have --</p> <p>21 I have built a -- hold up a second. I've got to -- okay.</p> <p>22 This is 80-B.</p> <p>23 MR. KLINE: Yeah, it's not up on the screen. There we</p> <p>24 go. Okay.</p> <p>25 HEARING EXAMINER ROBESON: Now --</p>	43	<p>1 competitions. This isn't necessary in an elementary school.</p> <p>2 We don't -- we are not planning on having any competitions</p> <p>3 there or enter any --</p> <p>4 MR. KLINE: Right. And before you leave that --</p> <p>5 because the hearing examiner said -- when you say</p> <p>6 competition, isn't every -- aren't kids kicking ball. But</p> <p>7 you're not going to have any interscholastic -- nobody is</p> <p>8 going to be coming to the property to compete?</p> <p>9 MS. FABRE: No.</p> <p>10 MR. KLINE: All right. And therefore presumably no</p> <p>11 parents are going to be coming to practices or watching</p> <p>12 their child playing a game of any kind?</p> <p>13 MS. FABRE: No.</p> <p>14 MR. KLINE: All right. They are just recreational</p> <p>15 functions?</p> <p>16 MS. FABRE: Right.</p> <p>17 MR. KLINE: Great. Thank you.</p> <p>18 MS. FABRE: And then the -- number two is a hard</p> <p>19 surface playground where kids can -- elementary students</p> <p>20 will be playing. The area 7,725 square feet. Number three</p> <p>21 is a smaller playground which will be a soft playground with</p> <p>22 usual, traditional playground games. That's also going to</p> <p>23 be for elementary school students. And then number four is</p> <p>24 a playground, a soft playground that will be dedicated to</p> <p>25 nursery school students. And then number five is a smaller</p>
42	<p>1 MR. KLINE: All right. Could you go to --</p> <p>2 HEARING EXAMINER ROBESON: This is 80 -- oh, maybe it's</p> <p>3 80-C.</p> <p>4 MR. KLINE: I was going to say, could you go to the</p> <p>5 next one, please?</p> <p>6 HEARING EXAMINER ROBESON: I got it.</p> <p>7 MR. KLINE: There we go. There we go. That's it.</p> <p>8 Thank you. So Ms. Fabre, relaying to 80-C that has all of</p> <p>9 the outdoor play areas labeled, can you --</p> <p>10 HEARING EXAMINER ROBESON: This is 80(d).</p> <p>11 MR. KLINE: Thank you. Thank you.</p> <p>12 HEARING EXAMINER ROBESON: 8-0-D.</p> <p>13 MR. KLINE: Thank you.</p> <p>14 MS. FABRE: Not A-D-D. Okay. Go ahead.</p> <p>15 MR. KLINE: So why don't we just go ahead and using the</p> <p>16 legend over the left-hand corner that actually defines what</p> <p>17 each one is. Just kind of tell us what's the surface.</p> <p>18 What's the size? If you know. What's the function? And</p> <p>19 eventually we're going to get into how many kids are going</p> <p>20 to be out there. But tell us physically what they are all</p> <p>21 about first.</p> <p>22 MS. FABRE: Right. So our thought was, number one,</p> <p>23 it's a field that we are planning on having there. I think</p> <p>24 the area is indicated on the map. So with 18,990 square</p> <p>25 feet. It's not a playfield that will be used for any</p>	44	<p>1 playground that will be in the back of the two-year-old</p> <p>2 classes so they can have the added space with really smaller</p> <p>3 games, which is safer for them.</p> <p>4 MR. KLINE: So can you tell us, when do the kids use</p> <p>5 them? And how do they use them? And how are they managed</p> <p>6 while they are out there?</p> <p>7 MS. FABRE: Well, the -- as I mentioned earlier, in the</p> <p>8 French curriculum we tend to take more breaks than the</p> <p>9 American traditional schools. So students will have a</p> <p>10 recess in middle of the morning. They will have also -- so</p> <p>11 is about a 20 minutes recess when they will use that</p> <p>12 playground, those playgrounds. Then they will also have a</p> <p>13 one hour long lunch break, and that includes the time for</p> <p>14 the meal and the rest of the time which is about half an</p> <p>15 hour will be spent on the playground.</p> <p>16 And then later on, midafternoon, there is another 20</p> <p>17 minute long recess period where the kids will have access to</p> <p>18 the playground. So all those recess times are always under</p> <p>19 the supervision of our staff, either teachers, faculty, or</p> <p>20 monitors. The kids are never left alone. We will use -- we</p> <p>21 are planning on using all the playgrounds. There will be no</p> <p>22 outdoor activities or play before 8:00 a.m., which I think</p> <p>23 is important. And I'm trying to remember what other</p> <p>24 questions you had.</p> <p>25 HEARING EXAMINER ROBESON: Well, I have a question. So</p>

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12 (45 to 48)

<p>45</p> <p>1 does that mean that all students could be on the playground 2 at one time?</p> <p>3 MS. FABRE: No, that would be too many. We are 4 actually planning on staggering the recess times. To tell 5 you the truth, we haven't really worked those operational 6 plans down to the details yet. But it could be probably 7 between 200 and 300 students at one particular point in time 8 together.</p> <p>9 HEARING EXAMINER ROBESON: Just so you know, when we've 10 had these types of conditional uses before, we have, for 11 noise reasons, we have limits and specific hours on when -- 12 how many are going to be on the playground and at what 13 times. So I'm just letting you know that; 200 to 300 14 students is quite a few students.</p> <p>15 MR. KLINE: Well, and I understand your point. And 16 maybe we can talk about the -- you don't have any experience 17 on this property, but you do have experience at your other 18 three campuses. And do those numbers that you are talking 19 about, based on your experience at those places, think that 20 there could be an objectionable amount of noise?</p> <p>21 MS. FABRE: Well, we have this experience where our -- 22 on our other campuses the playground spaces are actually 23 adjacent to residential properties.</p> <p>24 MR. KLINE: Immediately adjacent?</p> <p>25 MS. FABRE: Immediately adjacent. And we've never had</p>	<p>47</p> <p>1 MS. FABRE: Of course. At all times there is adult 2 supervision to keep the children in order, I guess. It's 3 playtime, but we don't want things to get out of control. 4 We are -- the adults have to maintain the safety of the play 5 areas and make sure the students play safely and reasonably.</p> <p>6 HEARING EXAMINER ROBESON: How far is playground one 7 from that residence? Do you know?</p> <p>8 MR. KLINE: Ms. Robeson, I have the -- with me right 9 now as Exhibit 200, which is Exhibit 45(e) in your easy to 10 get to list. And I have dimensioned those off and I can 11 show them and Ms. Fabre can give you those dimensions.</p> <p>12 HEARING EXAMINER ROBESON: Well, let me just get 45. 13 Oh, that's one of these. Give me the dimensions. 14 Because -- oh, here it is. All right. Can you see that? 15 Right. So --</p> <p>16 MR. KLINE: So Ms. Fabre is looking at it, as I said, 17 Exhibit 45(e). And I asked her to --</p> <p>18 HEARING EXAMINER ROBESON: This is (b). 19 MR. KLINE: Okay. So then --</p> <p>20 HEARING EXAMINER ROBESON: Is that right? 21 MR. KLINE: Then you -- yeah, then this is the east 22 half (inaudible). 23 HEARING EXAMINER ROBESON: Okay. I'm sorry. Let me 24 get -- 25 MR. KLINE: On the other side.</p>
<p>46</p> <p>1 complaints. So I feel confident that --</p> <p>2 HEARING EXAMINER ROBESON: Now which property is that?</p> <p>3 MS. FABRE: That's the Bradley Boulevard. Our 4 playground is actually right in the backyard of private 5 residences. In the Rollingwood rented MCPS location, the 6 playgrounds are actually in the back of the building and 7 that they are just -- we have -- right behind that fence we 8 have residential houses. And in the Forest Road campus we 9 have a playground that we use for elementary school students 10 and also the one for the middle schoolers that is -- that 11 are surrounded by residential houses.</p> <p>12 HEARING EXAMINER ROBESON: And how many children do 13 they have out at one time?</p> <p>14 MS. FABRE: Well, in the Forest Road campus when the 15 middle school students are out there, it's about 350 16 students. At the back of the administrative building in 17 Forest Road where we had the playground for the elementary 18 students, it's about 100 students. We've had up to 19 (inaudible). In the Rollingwood campus it's in the vicinity 20 of the 150 students. And in Bradley, that's less because 21 the campus currently has 150 students and they also stagger 22 the time out because the playground is not that big. So I 23 would say it's probably around 60 students at a time.</p> <p>24 MR. KLINE: And there are supervisors or adults out 25 there managing them?</p>	<p>48</p> <p>1 HEARING EXAMINER ROBESON: All right.</p> <p>2 MR. KLINE: There we go. Great. Perfect. So let me 3 ask her that's what I have done, as you can see, I got a 4 scale. I measured off the distance from the edge of each of 5 the play areas.</p> <p>6 HEARING EXAMINER ROBESON: But you're not -- you're not 7 under oath. So just tell her --</p> <p>8 MR. KLINE: Fine. I have written the numbers on there 9 so she can read them. But I'm telling you that they are 10 scaled exactly.</p> <p>11 So Ms. Fabre, the play area, the one up in the upper 12 left-hand corner.</p> <p>13 MS. FABRE: The field?</p> <p>14 MR. KLINE: From the edge of the field to the closest 15 residence to the west is what distance (inaudible)?</p> <p>16 MS. FABRE: This is 43 feet.</p> <p>17 MR. KLINE: That would be --</p> <p>18 MS. FABRE: 100?</p> <p>19 MR. KLINE: 143 feet.</p> <p>20 MS. FABRE: I can't read your handwriting. 143 feet.</p> <p>21 HEARING EXAMINER ROBESON: What distance is this? 22 MS. FABRE: It's from --</p> <p>23 MR. KLINE: Let me do this. If I can, can you put --</p> <p>24 HEARING EXAMINER ROBESON: What area? Is it play area 25 1?</p>

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13 (49 to 52)

<p style="text-align: right;">49</p> <p>1 MR. KLINE: 1, yes.</p> <p>2 HEARING EXAMINER ROBESON: Okay. So what point to what</p> <p>3 point?</p> <p>4 MR. KLINE: From where your cursor is on the western</p> <p>5 edge of play area 1 to the -- if you move it to the West</p> <p>6 until you get to the point that's there you go. To the --</p> <p>7 the corner of that house --</p> <p>8 HEARING EXAMINER ROBESON: Well, from the midpoint</p> <p>9 north south of play area 1 to the closest dwelling.</p> <p>10 MR. KLINE: The -- that's exactly right. I measured</p> <p>11 what I thought was the closest distance between the top of</p> <p>12 the house and the edge of the field.</p> <p>13 HEARING EXAMINER ROBESON: Okay.</p> <p>14 MR. KLINE: And it came out 143 feet.</p> <p>15 HEARING EXAMINER ROBESON: All right.</p> <p>16 MR. KLINE: Okay. If you rotate down along the drive</p> <p>17 lane to the shaded area -- I don't remember what the number</p> <p>18 was.</p> <p>19 MS. FABRE: I have those numbers from Dana as well.</p> <p>20 MR. KLINE: Okay.</p> <p>21 MS. FABRE: So that's 45 feet. This one is 45. Is</p> <p>22 that what you have?</p> <p>23 MR. KLINE: From the shaded area to the house, Mr.</p> <p>24 Seid's house I believe it is, is actually 75 feet from the</p> <p>25 corner of the house to the edge of the field.</p>	<p style="text-align: right;">51</p> <p>1 HEARING EXAMINER ROBESON: (Inaudible).</p> <p>2 MR. KLINE: The numbers we've talked about are the</p> <p>3 residences that are closest to the play areas.</p> <p>4 HEARING EXAMINER ROBESON: Yeah.</p> <p>5 MR. KLINE: So I think that really covers your</p> <p>6 question.</p> <p>7 HEARING EXAMINER ROBESON: Okay.</p> <p>8 MR. KLINE: Okay. And --</p> <p>9 HEARING EXAMINER ROBESON: But you don't have any noise</p> <p>10 now?</p> <p>11 MS. FABRE: No, we don't.</p> <p>12 MR. KLINE: Yeah, we do not, no. That was -- and I</p> <p>13 will repeat the question, Ms. Fabre. You have situations</p> <p>14 where you have houses located at closer distances than we</p> <p>15 just talked about and in some cases as many kids at 350 at</p> <p>16 Forest Road. And you have had no objections to the noise</p> <p>17 generated by those students?</p> <p>18 MS. FABRE: That's correct.</p> <p>19 MR. KLINE: So I guess it's more anecdotal than it is</p> <p>20 scientific.</p> <p>21 THE COURT REPORTER: Excuse me. This is the court</p> <p>22 reporter. Someone is rustling papers. It's making it</p> <p>23 difficult for me to hear.</p> <p>24 MR. KLINE: Sorry. I've stopped and I don't think it</p> <p>25 will happen anymore.</p>
<p style="text-align: right;">50</p> <p>1 HEARING EXAMINER ROBESON: And when you say Mr. Seid's</p> <p>2 house, I think there is something that David and Lisa -- oh,</p> <p>3 okay. David and Lisa Seid. So it's marked on the plan.</p> <p>4 MR. KLINE: He introduced himself earlier.</p> <p>5 HEARING EXAMINER ROBESON: Okay.</p> <p>6 MR. KLINE: We met with them out on the property and</p> <p>7 that is his residence. And that is the house that is</p> <p>8 closest to the property on all sides. But the measurement</p> <p>9 is 75 feet from the house to the edge of the playfield.</p> <p>10 MS. FABRE: And then --</p> <p>11 MR. KLINE: And then if you go one page down, little</p> <p>12 bit further, I guess you would say the -- field number 3.</p> <p>13 HEARING EXAMINER ROBESON: Okay.</p> <p>14 MR. KLINE: It's not shaded (inaudible).</p> <p>15 MS. FABRE: It's white.</p> <p>16 HEARING EXAMINER ROBESON: It says -- it's labeled on</p> <p>17 the plan, proposed soft surface play area, 53 feet.</p> <p>18 MR. KLINE: So the scale dimension from the edge of</p> <p>19 that field to the side residence is 140 linear feet.</p> <p>20 HEARING EXAMINER ROBESON: All right.</p> <p>21 MR. KLINE: I have dimensions on the other half of this</p> <p>22 drawing for the houses to the south if you want us to do</p> <p>23 that. But the numbers we --</p> <p>24 HEARING EXAMINER ROBESON: Those -- I'm sorry. Whoops.</p> <p>25 MR. KLINE: And the numbers we've mentioned --</p>	<p style="text-align: right;">52</p> <p>1 THE COURT REPORTER: I appreciate it. Thank you.</p> <p>2 MR. KLINE: The hearing examiner asked us if you think</p> <p>3 the recreational fields will be used on the weekends at all.</p> <p>4 MS. FABRE: No, we don't plan on using them.</p> <p>5 MR. KLINE: Okay. Ms. Robeson, because you have so</p> <p>6 many questions, I was going to move away from the outdoor</p> <p>7 recreational facilities and talk about the evening</p> <p>8 activities because you asked about that. But you had so</p> <p>9 many questions, I want to make sure we answer them or give</p> <p>10 you definitive enough answers.</p> <p>11 HEARING EXAMINER ROBESON: Well, that's -- I will weigh</p> <p>12 that when I hear all -- the definitive nature is -- you</p> <p>13 know, I will weigh that.</p> <p>14 MR. KLINE: Sure.</p> <p>15 HEARING EXAMINER ROBESON: But you've given me what you</p> <p>16 have, I think. So thank you.</p> <p>17 MR. KLINE: Thank you. Thank you. Ms. Fabre, you in</p> <p>18 the application we've listed as they found in the staff</p> <p>19 report, an active evening activities, that there active</p> <p>20 activities at the school in the evening. And could you</p> <p>21 basically just give us an overview of what they are intended</p> <p>22 to accomplish?</p> <p>23 MS. FABRE: Well, the evening activities are mostly</p> <p>24 meetings with parents. During the school we have -- we meet</p> <p>25 parents every term to give them an update on their children.</p>

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14 (53 to 56)

<p>53</p> <p>1 So that would be the nature of these evening activities. We 2 also have around the year end time, some year-end shows that 3 we do. And we -- what else do we have? I don't know that 4 list. There you go. Oh. The back-to-school night is also 5 something else that obviously takes place in the evening. 6 And that's -- occasionally, once a year we have an 7 international meal for one grade at a time. 8 MR. KLINE: I see -- 9 HEARING EXAMINER ROBESON: Now when you say one grade 10 at a time, does that mean an international -- so that's 11 actually -- how far up do you go? 12 MS. FABRE: We go all the way up to fifth grade, but we 13 do one at a time, one grade at a time. So it's about 100 -- 14 it would be a maximum of 100 students, but not everybody 15 comes. 16 HEARING EXAMINER ROBESON: So that's five times a year? 17 MS. FABRE: It's -- it would happen five times a year, 18 yeah, total. We don't do that at the nursery school level. 19 HEARING EXAMINER ROBESON: I'm sorry? 20 MS. FABRE: We don't do that at the nursery school 21 level. So that would be five elementary grade levels. 22 HEARING EXAMINER ROBESON: And that's about 100 people? 23 Okay. How many people -- is there one back-to-school night? 24 Or is that staggered? I'm sorry. I -- I think you are 25 muted.</p>	<p>55</p> <p>1 MR. KLINE: Okay. 2 HEARING EXAMINER ROBESON: Now, you never -- do you 3 double up at like at international dinner at the same time 4 as one of the other evening events? 5 MS. FABRE: Sorry. I missed the beginning. You were 6 breaking up. I missed at the beginning of the question. 7 HEARING EXAMINER ROBESON: Okay. Are you -- do you 8 have more than one evening event on campus at the same time? 9 MS. FABRE: No. No, we don't. 10 HEARING EXAMINER ROBESON: Okay. So keep going with 11 the evening event. 12 MS. FABRE: Well, that's about it. We have the back- 13 to-school night. We have some regular parent teachers 14 meetings. So that would be the back-to-school night then 15 two evening for the parents, teachers meetings. And then 16 the international meal which is once a year for the five 17 grades. So that's it. 18 MR. KLINE: And could -- 19 HEARING EXAMINER ROBESON: And are the parent-teacher 20 meetings -- I'm getting an echo. 21 MS. FABRE: What is the question? 22 HEARING EXAMINER ROBESON: Let me try turning my phone 23 off. It could be that. Okay. Parent-teacher meetings, are 24 they -- what's their schedule? 25 MS. FABRE: Well, usually it -- a goes over an hour and</p>
<p>54</p> <p>1 MS. FABRE: Sorry. For some reason, yeah. So yeah, we 2 do stagger the back-to-school nights. We do. 3 HEARING EXAMINER ROBESON: So that's five times too? 4 MS. FABRE: We -- if we can do two at a time, we would. 5 But we have -- five days is -- five evenings is the maximum. 6 HEARING EXAMINER ROBESON: And how many -- what's your 7 attendance there? 8 MS. FABRE: It's not mandatory, but it's strongly 9 recommended for parents to attend. 10 HEARING EXAMINER ROBESON: In your experience -- 11 MS. FABRE: It's one parent a child. So it would be a 12 maximum of 100 parents at -- during the evening. But again, 13 not everybody comes at the same time. Some people arrive 14 late and they are having to be doing meetings that are kind 15 of organized through the hours. Some people only show up 16 for that individual meeting, which might be an hour later 17 than the actual, original start of the whole thing. So, 18 yeah, total that would be 100 maximum parents. 19 MR. KLINE: Let me ask the question this way, since the 20 hearing examiner is trying to get a sense of the activity. 21 What do you think the largest attendance -- 22 HEARING EXAMINER ROBESON: No, I want the details. I 23 would like her to go through how many -- 24 MR. KLINE: Each one? 25 HEARING EXAMINER ROBESON: -- times per year --</p>	<p>56</p> <p>1 a half and two hours. There is usually a (inaudible). 2 HEARING EXAMINER ROBESON: I mean, are they per grade? 3 I'm trying to get a sense of how much is going on over the 4 year in activity. 5 MS. FABRE: We usually do one evening per grade. So 6 here that would be five evenings for the elementary 7 students. 8 MR. KLINE: Ms. Robeson, if I can just try and inject 9 this question. Did I not hear you say that you thought 10 probably you would average maybe one evening event a month? 11 MS. FABRE: Yeah, it's a -- I think it's a fair 12 average, yeah. 13 HEARING EXAMINER ROBESON: Okay. 14 MR. KLINE: Did you hear it? 15 HEARING EXAMINER ROBESON: Yeah. 16 MR. KLINE: Did you hear that, Ms. Robeson? 17 MS. FABRE: I did, thank you. 18 MR. KLINE: Okay. 19 HEARING EXAMINER ROBESON: Did -- and what about 20 special events? 21 MS. FABRE: So the special events that we would have 22 would be like the graduations. We do graduations at the 23 fifth grade level and also at the kindergarten level because 24 this is our transition from the nursery school to elementary 25 school. And that happens obviously once a year in the</p>

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15 (57 to 60)

<p>57</p> <p>1 spring, in the late spring.</p> <p>2 HEARING EXAMINER ROBESON: What's your attendance</p> <p>3 there?</p> <p>4 MS. FABRE: Well, the --</p> <p>5 HEARING EXAMINER ROBESON: Because we just had a case</p> <p>6 where they actually had to rent Veterans Plaza or the Civic</p> <p>7 Center in Silver Spring because so many people showed up.</p> <p>8 So what are -- what is your attendance at those events?</p> <p>9 MS. FABRE: Well, we usually have -- let's say we have</p> <p>10 100 students. We are going to have about 150 adults I</p> <p>11 guess, coming for the event.</p> <p>12 HEARING EXAMINER ROBESON: Do you know?</p> <p>13 MS. FABRE: Not all students have their two parents</p> <p>14 coming to this event.</p> <p>15 HEARING EXAMINER ROBESON: Do you know?</p> <p>16 MS. FABRE: Yeah, that's what I've seen.</p> <p>17 HEARING EXAMINER ROBESON: (Inaudible).</p> <p>18 MS. FABRE: That's what I've seen.</p> <p>19 HEARING EXAMINER ROBESON: Okay, go ahead.</p> <p>20 MS. FABRE: That's what I've seen. We already do those</p> <p>21 things. So I know how many people come. We also -- I mean,</p> <p>22 we have people confirm their attendance. And yeah, it's</p> <p>23 about 150 parents for 100 students.</p> <p>24 HEARING EXAMINER ROBESON: Okay.</p> <p>25 MS. FABRE: So that would be one type of special event.</p>	<p>59</p> <p>1 MS. FABRE: Yeah, most except the year-end picnic,</p> <p>2 probably. Yeah. Those events are larger. But again, not</p> <p>3 everybody comes at the same time. Some people come between</p> <p>4 11:00 and 12:00. Others come between 12:00 and 1:00.</p> <p>5 People stay an hour, people stay (inaudible). So not</p> <p>6 everybody's there at the same time.</p> <p>7 HEARING EXAMINER ROBESON: I guess my concern is there</p> <p>8 is a lot of activity going on. Let me just -- so what about</p> <p>9 a condition saying no parents shall park on the street?</p> <p>10 MR. KLINE: We would have no problem with that. And I</p> <p>11 can even elaborate on that. Well, why don't you go ahead</p> <p>12 and address that question, because I know you've given it a</p> <p>13 lot of thought.</p> <p>14 MS. FABRE: Well, I think the way we've worked on this</p> <p>15 project is really to make sure that at no point in time our</p> <p>16 parents would park on the neighborhood street. The access</p> <p>17 is going to be on Rockville Pike. It's a long walk. There</p> <p>18 is no incentive to do that for the parents, especially</p> <p>19 parents of young children. This is something that we are</p> <p>20 going to explain to them and monitor. This is part of the</p> <p>21 TMP is about as well. So you know --</p> <p>22 HEARING EXAMINER ROBESON: We do that all the time. We</p> <p>23 have that in the condition -- a special exception process.</p> <p>24 We have requirements in your special exception conditions</p> <p>25 that you have in your contracts with the parents, you have</p>
<p>58</p> <p>1 We also have the beginning of the year picnic that we do.</p> <p>2 And also a spring fair in the late spring to kind of wrap up</p> <p>3 the school year. These are events that we already organize</p> <p>4 and the way we handle them so far is by -- attendance is</p> <p>5 pretty large. But the way we organize it is we partner with</p> <p>6 a nearby school in order to manage the parking and make sure</p> <p>7 that nobody parks on the streets.</p> <p>8 As I said before, we currently operate two out of three</p> <p>9 campuses under the restrictions of the current -- of a</p> <p>10 special exception. And we do know that we need to manage</p> <p>11 the impact of our events on the neighborhood. So when we do</p> <p>12 those events at the Forest Road campus we partner with the</p> <p>13 St. James School which is really next to us. And they let</p> <p>14 us use their parking lot and we occasionally help them when</p> <p>15 they need also, some help.</p> <p>16 Here I know that there is the Pooks Hill Marriott Hotel</p> <p>17 really close by. They have a very, very large parking lot</p> <p>18 because they do have events themselves. And they are</p> <p>19 willing to rent the parking lot. So I'm assuming that would</p> <p>20 be an option if need be.</p> <p>21 MR. KLINE: Ms. Fabre, you have available on the</p> <p>22 property, 281 parking spaces.</p> <p>23 MS. FABRE: Yes.</p> <p>24 MR. KLINE: So do you feel that would be adequate for</p> <p>25 most of the events?</p>	<p>60</p> <p>1 certain provisions.</p> <p>2 MS. FABRE: Right.</p> <p>3 HEARING EXAMINER ROBESON: So again, that doesn't mean</p> <p>4 you need a TMP.</p> <p>5 MS. FABRE: Okay. Well, we currently -- anyway, this</p> <p>6 is -- as I said, two of our sites are under special</p> <p>7 exception. We have this restriction and we make sure that</p> <p>8 does not happen.</p> <p>9 HEARING EXAMINER ROBESON: So you don't have a problem</p> <p>10 with the restriction?</p> <p>11 MS. FABRE: No, not at all. We -- not at all.</p> <p>12 MR. KLINE: And Ms. Robeson, let me ask a question and</p> <p>13 it will explain why we don't have any problems with the</p> <p>14 condition. Would you explain how the property will be</p> <p>15 fenced and why there will be no way to get onto the property</p> <p>16 except through the Rockville Pike entrance?</p> <p>17 MS. FABRE: Well, as I mentioned, the property will be</p> <p>18 entirely fenced with a six-foot high fence. So you don't</p> <p>19 really jump over the fence when you have an elementary or</p> <p>20 nursery school student with you. And there is no other</p> <p>21 access but the Rockville Pike entrance. So that's the</p> <p>22 situation.</p> <p>23 MR. KLINE: And one of the reasons that was done, one</p> <p>24 for security, but also to make sure nobody took the easy way</p> <p>25 out and just dropped their kid off at a back gate and let</p>

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16 (61 to 64)

<p>61</p> <p>1 them walk to class?</p> <p>2 MS. FABRE: Yes, as part of this long process it was --</p> <p>3 we assessed the opportunity to have a pedestrian gate in the</p> <p>4 back of the property in order to encourage families to walk</p> <p>5 to school for those who live in the neighborhood. But then</p> <p>6 we felt that there was too much of a risk that some parents</p> <p>7 would actually park on the neighborhood street and then walk</p> <p>8 their children to school. So we decided to give this idea</p> <p>9 up. And there is no other pedestrian access. The only</p> <p>10 access is through Rockville Pike.</p> <p>11 HEARING EXAMINER ROBESON: And is that true during the</p> <p>12 special events?</p> <p>13 MS. FABRE: Oh, yes. There is no other gates. So no,</p> <p>14 only one access.</p> <p>15 HEARING EXAMINER ROBESON: So how do the people that</p> <p>16 park in the Pooks Hill Marriot or St. James church? Are</p> <p>17 they shuttled to the school?</p> <p>18 MS. FABRE: Well, we have multiple -- we would have</p> <p>19 multiple options. Again, I haven't really worked all the</p> <p>20 details but yeah, we can shuttle them. Some people can</p> <p>21 walk. This is actually really within walking distance. So</p> <p>22 it's really open. But we had the buses to offer shuttles.</p> <p>23 It's easy enough.</p> <p>24 HEARING EXAMINER ROBESON: Well, usually these</p> <p>25 details -- I know you've spent -- I don't know why you -- I</p>	<p>63</p> <p>1 justification did kind of cover all those eventualities and</p> <p>2 that there is a -- there is a solution even if we don't</p> <p>3 have -- couldn't tell you how many buses we are going to run</p> <p>4 and where they are going to run from.</p> <p>5 And I use the term bus. So maybe that's kind of a good</p> <p>6 time to move to that. And the hearing examiner asked --</p> <p>7 didn't ask, but observed that you have taken a long time to</p> <p>8 get in front of her. And would you kind of explain -- well,</p> <p>9 let's put it this way.</p> <p>10 HEARING EXAMINER ROBESON: You know what? Is it</p> <p>11 relevant why they took so long or --</p> <p>12 MR. KLINE: Well, it is to some extent. But I'm not</p> <p>13 going to bore you with that information right now. You will</p> <p>14 hear it a little bit later when you hear from the traffic</p> <p>15 engineers about the iterations that we had to go through.</p> <p>16 But more particularly, from your point of view, Ms. Fabre,</p> <p>17 the busing program has made the biggest change in the</p> <p>18 traffic impact on the surrounding streets. And could you --</p> <p>19 HEARING EXAMINER ROBESON: Oh --</p> <p>20 MR. KLINE: I'm sorry.</p> <p>21 HEARING EXAMINER ROBESON: Go ahead. I see where</p> <p>22 you're going.</p> <p>23 MR. KLINE: Yeah. Okay. So could you basically</p> <p>24 explain to the hearing examiner why you feel you have a</p> <p>25 fine -- have finalized a busing program that will meet the</p>
<p>62</p> <p>1 don't want to know why this has been two years at the</p> <p>2 Planning Board. But these are details that are normally</p> <p>3 worked out at this time. So what I'm asking you to do is to</p> <p>4 look at some of these details because -- so you could</p> <p>5 operate a shuttle or people could walk.</p> <p>6 MS. FABRE: Correct.</p> <p>7 HEARING EXAMINER ROBESON: What if somebody's</p> <p>8 handicapped you would have the shuttle?</p> <p>9 MS. FABRE: Well, we have, as Mr. Kline mentioned, we</p> <p>10 have almost 300 parking spaces on site. So those -- any</p> <p>11 handicapped people would have access to the site and to our</p> <p>12 own parking spaces. It's more for the overflow that we</p> <p>13 would need additional, complementary parking spaces.</p> <p>14 HEARING EXAMINER ROBESON: Okay.</p> <p>15 MR. KLINE: Was there anything else you wanted to add</p> <p>16 about all that?</p> <p>17 MS. FABRE: No, I think we covered it.</p> <p>18 MR. KLINE: Thank you.</p> <p>19 MS. FABRE: Pretty thoroughly.</p> <p>20 HEARING EXAMINER ROBESON: Yeah, as you are probably</p> <p>21 feeling grilled, but --</p> <p>22 MR. KLINE: Well, the advantage of this application is</p> <p>23 that we have the experience to draw on from other campuses.</p> <p>24 We just don't have it on this property yet. So we have to</p> <p>25 estimate. But we thought that our statement of</p>	<p>64</p> <p>1 trip generation goals that are adequate to get this</p> <p>2 application approved?</p> <p>3 MS. FABRE: Well, we -- first we currently have a very</p> <p>4 robust busing system. Again, as I mentioned earlier on, we</p> <p>5 have been operating our own school busing services for over</p> <p>6 30 years. We have very experienced people, drivers that</p> <p>7 have been with us over 20 years. We currently own our bus</p> <p>8 fleet. We currently own 14 buses. So we can operate 12 bus</p> <p>9 routes. And we have the two spare buses in case of</p> <p>10 mechanical breakdowns. So we have the staff. We have the</p> <p>11 buses. We have the knowledge and the experience. And we</p> <p>12 feel we can be totally up to the task here.</p> <p>13 MR. KLINE: And I think I heard you say that you were</p> <p>14 busing -- or have in the past, bused as much as 50 percent</p> <p>15 of the student body. A higher percentage of students had</p> <p>16 need to be bused to fit them all into the FASEB property.</p> <p>17 So explain how you -- what you've done to your fleet, first</p> <p>18 of all, in terms of having more equipment to carry more</p> <p>19 people?</p> <p>20 MS. FABRE: Well, the plan once we reach the maximum</p> <p>21 enrollment of 700 students is actually to increase the</p> <p>22 number of bus routes from the current 12 that we have, up to</p> <p>23 17 bus routes. And those 17 bus routes would be served by</p> <p>24 four contracted bus routes and the rest would be operated by</p> <p>25 the school. So for us that would be one additional bus</p>

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17 (65 to 68)

<p style="text-align: right;">65</p> <p>1 route, meaning that we need to acquire an additional bus by 2 the time we reach that level of enrollment so that we can 3 have 15 buses in order to operate 13 routes ourselves. And 4 then the rest will be contracted. So we will be moving from 5 12 bus routes to 17 bus routes.</p> <p>6 MR. KLINE: I'm going to ask when we've finished the -- 7 this part of the testimony on what I will call the 8 operations side, to recall Ms. Fabre to talk in conjunction 9 with the traffic engineers later on because the busing and 10 how cars move is kind of all related there. But I think 11 it's premature to discuss it here.</p> <p>12 HEARING EXAMINER ROBESON: (Inaudible).</p> <p>13 MR. KLINE: But I wanted to ask you about -- I sense in 14 the letters I've seen that there is some skepticism that you 15 could get that many people to get their children to ride on 16 the bus. And would you explain why the school is confident 17 that you can deliver on what the use that you are proposing?</p> <p>18 MS. FABRE: Well, I think it comes back to the fact 19 that we are a responsible operator of a well-managed bus 20 system as we talk today. And this is really an integral 21 part of our program. The families trust the school for 22 being able to run that service safely and efficiently.</p> <p>23 And as I said, two of the three campuses that we 24 currently operate are under the restrictions of special 25 exceptions. That mandate will make mandatory some busing, a</p>	<p style="text-align: right;">67</p> <p>1 schools to include in their contracts with parents, you have 2 to come -- well, you -- maybe not that, but the busing 3 restrictions and things like that. So I guess what I'm -- 4 what I don't want to have to impose on the community if we 5 can do it here, is dealing with the Planning Board on the 6 TMP that has to be -- it just seems redundant. That's one.</p> <p>7 And why can't we address some of those issues through 8 the special exception? And I'm just saying that so 9 that's -- you don't have to answer it now. But we have 10 dealt with this before without having to use the TMP 11 mechanism, having to rely on something we've never seen and 12 is not in the record. So I'm just saying that -- yeah.</p> <p>13 MR. KLINE: Sure. Well, no problem. Let me ask one 14 question just to kind of finish that up. And that is, are 15 there any problems with busing all of the kids to the FASEB 16 campus? Or are there a group of kids who cannot be bused?</p> <p>17 MS. FABRE: Well, no. And I think at this point we are 18 almost busing all the students. The only students we are 19 not busing are too young, two and three-year-olds. But 20 otherwise, pretty much everybody is going to be bused.</p> <p>21 MR. KLINE: Yeah, that's what I wanted to get across is 22 we cannot bus everybody simply because three-year-olds just 23 aren't ready for that yet. And I think that's a matter of 24 law. But Ms. Robeson, maybe it's a good time to maybe have 25 a dialogue with you first. Not a dialogue. Let me just</p>
<p style="text-align: right;">66</p> <p>1 high proportion already. That's the case for the Forest 2 Road campus. So we have -- we know what it means to manage 3 this. We take it seriously. We know this is a condition to 4 our presence in those residential areas. And this is 5 something that we pay a great deal of attention to and we 6 are committed to it.</p> <p>7 Also, wanting to say that this is not an unusual 8 situation. A lot of (inaudible) operate with similar 9 restrictions. So the parents are aware of such restrictions 10 and we have no problem to just inform our parents, just like 11 we currently do for the Forest Road parents, to inform them 12 ahead of time, beforehand, what is to be expected, the 13 rules, what they can do and what they cannot do. And there 14 will be no option for them. It's part of the contract we 15 signed with them.</p> <p>16 MR. KLINE: Is there any limitation --</p> <p>17 HEARING EXAMINER ROBESON: I don't doubt -- just a 18 second. I don't doubt what you are saying at all. My 19 concern is, if -- why can't we put the restrictions in the 20 special exception? The discomfort I'm having is deferring 21 the restrictions to -- what we normally do is -- and I don't 22 know the conditions on your other special exceptions. I can 23 take a look. But why defer this to something we've never 24 seen the nuts and bolts of?</p> <p>25 So I'm just saying, we typically require private</p>	<p style="text-align: right;">68</p> <p>1 kind of explain. We have put forward, we think, a program 2 of elements that basically the traffic engineers will tell 3 you will limit the number of trips coming to the property. 4 And all the TMP is, is basically something that's the 5 enforcement mechanism to ensure that we comply with that. 6 We would --</p> <p>7 HEARING EXAMINER ROBESON: Well, the TMP at APF covers 8 LATR. It covers adequate public facilities. It doesn't 9 deal -- and let's do this. Let me hear, after we -- you 10 finish your presentation, I would like to hear from the 11 neighborhood and see what their concerns are, because our 12 job is not just LATR, it's also compatibility.</p> <p>13 MR. KLINE: I understand that. Sure. Sure.</p> <p>14 HEARING EXAMINER ROBESON: So let me do this. Let's 15 continue rather than get bogged down now. It sounds like 16 you've already worked out a deal with the planning 17 department on the LATR. But that may be true; I don't have 18 that in the record. So I need something for now. But let's 19 move on.</p> <p>20 MR. KLINE: Yeah. Okay.</p> <p>21 HEARING EXAMINER ROBESON: Let's continue your 22 presentation. I would like to hear from the opposition too, 23 okay?</p> <p>24 MR. KLINE: Okay. Well, can I just use a little bit 25 different description? I don't think we've worked out a</p>

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18 (69 to 72)

<p style="text-align: right;">69</p> <p>1 deal with Park and Planning on the LATR. 2 HEARING EXAMINER ROBESON: I -- 3 MR. KLINE: I think staff concluded that we satisfied 4 the LATR. 5 HEARING EXAMINER ROBESON: Point taken. Point taken. 6 MR. KLINE: Thank you. Thank you. 7 HEARING EXAMINER ROBESON: Okay. 8 MR. KLINE: Thank you. 9 HEARING EXAMINER ROBESON: That was bad phrasing. 10 MR. KLINE: I'm not -- 11 HEARING EXAMINER ROBESON: So I agree with you. Thank 12 you. 13 MR. KLINE: I wasn't correcting you. I was just trying 14 to give clarification. 15 HEARING EXAMINER ROBESON: Oh, I stand corrected. Go 16 ahead. 17 MR. KLINE: Well, I know that Mr. Myers is going to 18 want to ask this question. So all of this busing and all 19 this movement and because Forest Road remains a hub, does 20 this program, this busing and parallel drop of program, does 21 it increase the traffic impact on the Forest Road campus? 22 MS. FABRE: Well, we don't believe it would. It would 23 actually, probably even decrease, I would say for two 24 reasons. Right now the Forest Road campus is the hub. So 25 it means that all the buses arrive to the campus and leave</p>	<p style="text-align: right;">71</p> <p>1 you have the green -- sorry. I'm getting my colors wrong. 2 The yellow arrow that shows the four contracted buses that 3 arrive, drop off, and leave. So that's (inaudible). 4 HEARING EXAMINER ROBESON: Where are they coming -- 5 where are the four contracted buses coming from? 6 MS. FABRE: Those contracted buses would serve the D.C. 7 and Virginia areas. 8 HEARING EXAMINER ROBESON: Okay. 9 MS. FABRE: So those contractors, we already know who 10 they are and they are based also in those areas. So they 11 keep their buses at their locations. 12 MR. KLINE: And they would have no need to be driving 13 through the Maplewood streets? 14 MS. FABRE: No. No. 15 MR. KLINE: They would be on the major roads, right? 16 MS. FABRE: They would just arrive probably through Old 17 Georgetown Road. And that's currently the route for the 18 D.C. and Virginia routes. They use Old Georgetown Road, get 19 to Forest Road, drop off, and they leave the same way they 20 arrived. So no, they don't get near the Alta Vista Road 21 area or the Maplewood neighborhood. So that's why I think 22 that in terms of buses, the Forest Road campus would 23 actually see a decrease of the number of bus trips. 24 And also as the number of cars is concerned, I do think 25 that it will be either the same or even lower just because</p>
<p style="text-align: right;">70</p> <p>1 from the campus. And we looked at that diagram earlier. 2 There is quite a few movements. That also allows us to 3 reduce the number of cars that come to campus. Now with 4 this project, the idea is to make this new campus the hub. 5 And as a result of that, it will decrease the number of 6 buses that get to the Forest Road campus and leave from 7 there. There is actually an exhibit, if you would like to 8 pull it. That's number 63. And that's slide 17. 17. 9 HEARING EXAMINER ROBESON: I'm having -- sorry. 10 MR. KLINE: It's all right. We know it's close to 11 that. 12 MS. FABRE: Right. 13 MR. KLINE: Is that right? There we go. 14 MS. FABRE: So this is what it would look like. You 15 can see on the left-hand side the new campus, the Rockville 16 Pike campus. That would be the hub. So it means the 13 17 buses would arrive there to drop off the students and then 18 we -- as I originally, formerly explained, four those buses 19 will continue on to Forest Road. So that's the purple -- 20 our road that takes four shuttles out. And then the 21 shuttles at some point return to the Rockville Pike campus. 22 Now, when you focus on the Forest Road campus, you can 23 see those purple arrows arriving in that campus to drop off 24 the second grade students. And then they go back. That's 25 the pink arrow; go back to the Rockville Pike campus. And</p>	<p style="text-align: right;">72</p> <p>1 currently we have an elementary grade that is operated off 2 of Forest Road. It's the fifth grade level. And those 3 students would be relocated to the new campus. So we 4 actually transfer between 80 and 100 students from Forest 5 Road to Rockville Pike. 6 HEARING EXAMINER ROBESON: Okay. I see a hand up from 7 Ms. Umhofer. Forgive me if I'm mispronouncing that. Do you 8 want to be recognized Ms. Umhofer? 9 MS. UMHOFFER: Yes. I think the question I had earlier 10 at the moment has passed. 11 HEARING EXAMINER ROBESON: Well, wait. We will get the 12 time. Write it down. 13 MS. UMHOFFER: Okay. 14 HEARING EXAMINER ROBESON: And we will get to the point 15 for cross-examination. 16 MR. KLINE: Right. 17 MS. UMHOFFER: Okay, thank you. 18 HEARING EXAMINER ROBESON: Thank you for raising your 19 hand, virtually. 20 MR. KLINE: Ms. Robison, just so Ms. Umhofer knows, we 21 are probably about 10 minutes away from completing our 22 testimony. So she will get a chance to -- 23 HEARING EXAMINER ROBESON: Okay, thank you. 24 MR. KLINE: She will get a chance real quickly. Just a 25 quick question. You mentioned Beaumont House. I really</p>

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19 (73 to 76)

<p style="text-align: right;">73</p> <p>1 didn't ask you. How do you anticipate reusing that? You 2 heard the question about activity levels. Would it be used 3 for anything that would be contributing to that activity 4 level? 5 MS. FABRE: No. Our plan is to use it for either some 6 offices for the departments that are in contact with new 7 families like admissions and transportation, or use it for 8 Board meetings and committee meetings that we have. We 9 like -- the look of it, it's a little bit old-fashioned, but 10 we like it. A little bit quaint, as you say. And we want 11 to keep that because we like it. It's part of the identity 12 of the site I think. 13 MR. KLINE: Could I ask you about some of the other 14 programs? For instance, you have a vigorous French 15 educational program now, to basically use at this property 16 as well. And that would be Saturday classes. So could you 17 describe to the hearing examiner all the elements of that? 18 People coming, how long they are going to be there, how many 19 people? 20 MS. FABRE: Right. So the -- what we call the Saturday 21 classes are actually programs that we would offer French 22 classes to students that are not enrolled in our school, on 23 the weekdays. It usually families where there is a French 24 parent and they want the child to keep some connection with 25 the French and to learn how to read it and write it</p>	<p style="text-align: right;">75</p> <p>1 French school we always offer cooking lessons. So cooking, 2 and art, and French lessons. And then also combine this 3 with some soccer, basketball, ping-pong in the gym or 4 outside, weather permitting. So that's summer camp. 5 We plan on capping the program to 700 campers. The 6 maximum number of staff would be 126. And the hours of 7 operation will be from 7:00 a.m. to 7:00 p.m. because some 8 daycare services could be offered for the campus that would 9 need it. And same as the Saturday classes, we would commit 10 to using the busing for 25 percent of our campus as soon as 11 we exceed 150 students. Anyhow, in all circumstances the 12 number of trip would be capped to what the cap is for 13 typical schooldays. 14 MR. KLINE: And that's the goal of all these programs 15 is that no activity would exceed what the traffic studies 16 have shown the network will accept? 17 MS. FABRE: Correct. 18 MR. KLINE: All right. 19 HEARING EXAMINER ROBESON: Why 150? Why is that the 20 trigger for the shuttle bus? 21 MR. KLINE: We will be glad to give you an answer now, 22 but it will get into a lot more detail with traffic 23 engineers. 24 HEARING EXAMINER ROBESON: (Inaudible) I'm sorry. Go 25 ahead.</p>
<p style="text-align: right;">74</p> <p>1 properly. But they do attend American schools during the 2 week. The objective is to have a maximum of 700 students 3 during that program that would be conducted simply and 4 merely on Saturdays. 5 The number of staff that we plan on having for this 6 program is about 50, up to 50 personnel. The hours of 7 operations would be 8:30 in the morning to 5:00 p.m. in the 8 afternoon. The way it would be structured is giving the 9 opportunity for parents to do half days or full days. Most 10 people would do half days. And that would run from 11 September to June. As part of the plan, we would make 12 busing mandatory as soon as we exceed 150 students. And 13 that busing would be mandatory for about 25 percent -- for 14 25 percent of our students. 15 MR. KLINE: Would you similarly describe your summer 16 camp operation to the extent that you've developed the 17 program for that? 18 MS. FABRE: The summer camp program, the purpose of 19 that program would be to offer camp time to our students and 20 also to students that are not necessarily enrolled in our 21 school. The proposed program would involve some activities 22 and some French, usually French in the activities. So we -- 23 what we have previously done is to do -- combine 24 intellectual and physical activity during the day and we 25 would mix activities like programming, cooking. As a good</p>	<p style="text-align: right;">76</p> <p>1 MR. KLINE: No, no. I don't mind answering it simply 2 because it's good timing. 3 HEARING EXAMINER ROBESON: Well, let's -- 4 MR. KLINE: But nobody knows more about this than Ms. 5 Fabre anyway. 6 MS. FABRE: Well, we feel that after -- beyond 150 7 students the busing will help manage the impact of the 8 traffic basically. 9 MR. KLINE: Is the school year for the French 10 International School essentially equivalent what the typical 11 Montgomery County public schools school year is? 12 MS. FABRE: Yeah, we just -- just again, in the French 13 system we take a school break every seven weeks of school. 14 MR. KLINE: Wow. 15 MS. FABRE: So it extends the actual school year a bit. 16 But because we are certified by the Maryland State 17 Department of Education, we have to provide 117 days of 18 education to our students. So usually we start a little bit 19 before the public schools, before Labor Day, and we finish 20 the school year around June 22nd. 21 MR. KLINE: Ms. Fabre, I would like to ask you some 22 questions to kind of wrap this up. And would you refresh my 23 memory again about how long you have been a school 24 administrator? 25 MS. FABRE: Nine years.</p>

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20 (77 to 80)

<p>77</p> <p>1 MR. KLINE: Okay. With an enrollment on three campuses 2 of how many students? 3 MS. FABRE: 1,100. 4 MR. KLINE: 1,100, right. So in your opinion, is the 5 proposal that you've described today in harmony with the 6 general character of the surrounding neighborhood taking 7 into account the intensity of uses you've talked about and 8 the context in which it sits? 9 MS. FABRE: Yes, I think so. 10 MR. KLINE: Do you feel that the proposed use would 11 have any detrimental effect or have an effect on the 12 peaceful enjoyment or development of the surrounding 13 properties? 14 MS. FABRE: I don't. 15 MR. KLINE: Will the proposed use cause any 16 objectionable noise? We haven't talked about lights, but 17 let's just say noise or activity levels that would be 18 bothersome to surrounding properties? 19 MS. FABRE: I think it won't. 20 MR. KLINE: And is there anything that you can identify 21 about the operation, the proposed use, that might have a bad 22 effect on the health, safety, or welfare of people on the 23 campus or surrounding the campus? 24 MS. FABRE: No, there is not. 25 MR. KLINE: Okay. I have no further questions.</p>	<p>79</p> <p>1 contemplated using for emergency purposes only? 2 MS. FABRE: Yes. 3 MR. KLINE: And Mr. Seechy (phonetic) and Ms. Patterson 4 said, why don't you look in and see if you can use it more. 5 Would you please describe for the hearing examiner your 6 overture to the owner of the property, the Housing 7 Opportunities Commission of Montgomery County, and the 8 status of your discussions with them about that potential 9 use? 10 MS. FABRE: Yes. We have actually reached out and Mr. 11 Kline has sent several emails to the HOC in order to get 12 their feedback on the option of using that access, and we 13 haven't heard back from them so far. So we are still 14 waiting to hear back. 15 MR. KLINE: Thank you. That completes my questioning 16 of Ms. Fabre for this element of the presentation. I 17 believe her participation later on the more intense traffic 18 issues -- and I would like to reserve her to call her again 19 to assist in that. But that completes our testimony. 20 HEARING EXAMINER ROBESON: Okay. I have several hands 21 up. So it's time for questions. Ms. Umhofer was the first 22 to raise her hand. And then I'll take Mr. Myers. So Ms. 23 Umhofer, do you have a question you would like to ask? 24 MS. UMHOFFER: Yes. Really just two. On the slide 17 25 that they were showing the diagram of the shuttle bus</p>
<p>78</p> <p>1 Actually, I do have one more question. (Inaudible). I 2 don't have the actual exhibit number, but the Chairman's 3 letter to the hearing examiner with the result of the 4 Planning Board's action contained a paragraph, where two of 5 the commissioners asked you to quote, the Applicant evaluate 6 the potential future use of an existing or former easement 7 across the adjacent Pooks Hill Towers surface parking lot. 8 Ms. Robeson, to answer the question, would it be helpful for 9 you to have identification of where that driveway is 10 located? Or do you have it -- 11 HEARING EXAMINER ROBESON: No, I saw -- well, not for 12 my -- if you have an exhibit number, I can bring it up. But 13 I didn't locate it when I saw that on -- 14 MR. KLINE: Sure. Well, if we could go to one of 15 the -- those last exhibits I lost track of. The four site 16 excerpts from the staff report, any one of those would be 17 adequate. And it would be -- it would've been one of the 18 last exhibits I'm sure. Yeah, great. 19 So Ms. Fabre, where the yellow triangle A is located -- 20 MS. FABRE: Yes. 21 MR. KLINE: That is where there is a connection between 22 the FASEB property and the Pooks Hill Condominium property 23 to the northwest, correct? 24 MS. FABRE: That's correct, yes. 25 MR. KLINE: And that is a driveway that you</p>	<p>80</p> <p>1 system, if we can go back to that -- 2 HEARING EXAMINER ROBESON: Of, for the life of me I 3 can't remember -- 4 MR. KLINE: That would be 20, Exhibit 20. 5 HEARING EXAMINER ROBESON: Slide 17 -- 6 MR. KLINE: Yeah. 7 MS. UMHOFFER: That's what I wrote down. 8 MR. KLINE: Yeah. Well, it's page -- yeah, right. 9 HEARING EXAMINER ROBESON: I apologize. Do you 10 remember the exhibit number of that PowerPoint? 11 MS. UMHOFFER: 63. 12 HEARING EXAMINER ROBESON: 63? 13 MS. UMHOFFER: 63. 14 HEARING EXAMINER ROBESON: I'll burn that in my memory, 15 okay, so we don't have to keep going through this. Go 16 ahead. 17 MS. UMHOFFER: Thank you. 18 HEARING EXAMINER ROBESON: It should be on your screen. 19 MS. UMHOFFER: It is, thank you. So my question is, 20 these numbers of buses, my understanding from the prior 21 presentation is that each one of these buses will make three 22 trips. So what we are looking at is really -- and that's 23 how we get to the LATR. There were 68 bus trips in and out. 24 And I just want to ask if my understanding is correct. 25 MS. FABRE: One bus --</p>

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21 (81 to 84)

<p style="text-align: right;">81</p> <p>1 HEARING EXAMINER ROBESON: (Inaudible). Okay. Go 2 ahead. 3 MS. FABRE: I'm sorry. This diagram shows one bus run. 4 So that is what happens in one bus round. As I said in the 5 presentation of the operations, we have, during the day, 6 three bus runs, one in the morning and two in the afternoon. 7 MR. KLINE: Does that total 68 bus runs? 8 MS. FABRE: I don't know where the 68 comes from. 9 MR. KLINE: Oh, okay. Yeah. 10 MS. FABRE: But I would assume so, yeah. 11 MR. KLINE: Ms. Umhofer would -- good question. And 12 our transportation experts will testify about it in more 13 detail later. 14 MS. UMHOFFER: Okay. And then my -- I think I have two 15 extra questions about that mandatory busing that's been 16 proposed. One is you said almost everybody in the 17 elementary school is going to be bused. And I think I saw a 18 figure that said 75 percent. You mentioned that almost 19 everybody, but not the nursery school students. But I 20 wanted to clarify that that -- it's 75 percent of 21 elementary, right? 22 MS. FABRE: It's -- yeah. The average -- that number 23 is actually the average and it's correct. But that -- if 24 you look at the peak period, everybody will have to be 25 bused. So that's when I say we almost busing everybody</p>	<p style="text-align: right;">83</p> <p>1 MS. UMHOFFER: So that would -- or parents then, who 2 have say a fourth grader who have no siblings at the Forest 3 Road campus, could they drive to the Forest Road campus, 4 drop their child there, and have them arrive by bus at the 5 Rockville Pike campus just by taking the shuttle? 6 MS. FABRE: No. No, the plan is to assign the parents 7 to a campus depending on the age of the children that are 8 enrolled in the school. So they will be assigned to a 9 particular campus so that very thing you just described does 10 not happen. 11 MS. UMHOFFER: So what would prevent them from doing 12 that? 13 MS. FABRE: Well, we have already in place in the 14 Forest Road campus just -- again, using all our experience 15 of operating under a special exception, I have personally 16 implemented about four years ago a tag system where all 17 parents at start of the admission process are to register 18 with us and they receive a badge or a tag system that they 19 have to display in their car when they enter the campus. 20 And that allows us to identify who they are. Sorry. 21 HEARING EXAMINER ROBESON: But we possibly could do 22 that here. 23 MS. FABRE: That's the plan. The idea, I think we 24 explained it in the TMP. Our idea is that all parents are 25 going to have a tag --</p>
<p style="text-align: right;">82</p> <p>1 during the peak time, which is the 8:00, 9:00 time frame, we 2 are busing everybody. No one can enter the campus by car 3 except the students that have sibling at the nursery school 4 level. 5 HEARING EXAMINER ROBESON: Okay. I'm sorry. Now I'm 6 confused. So when you say peak time, are you talking about 7 LATR peak hour? 8 MS. FABRE: Yes. 9 HEARING EXAMINER ROBESON: So you are saying nobody can 10 get in the -- now, what about the preschool children? 11 MS. FABRE: Only the preschool -- only the preschoolers 12 will be authorized to drive to campus. And if they have a 13 sibling that is of elementary school age, that elementary 14 student will be authorized to be in the car and then be 15 driven to the campus. That's why technically we don't bus 16 in any -- everybody. And the average is the percentage that 17 Ms. Umhofer mentioned. 18 HEARING EXAMINER ROBESON: Thank you, Ms. Umhofer. And 19 thank you, Ms. Fabre. I'm getting it. Okay. 20 MS. UMHOFFER: I have -- okay. I have one last one, if 21 that's okay. When you say everyone is going to be bused, 22 does that include busing who might just be dropped at the 23 Forest Road campus and ride the shuttle bus to the Rockville 24 Pike campus? 25 MS. FABRE: That's anybody riding the bus.</p>	<p style="text-align: right;">84</p> <p>1 HEARING EXAMINER ROBESON: Yeah, I've seen the TMP, but 2 go ahead. 3 MS. FABRE: So the plan is that all parents will have a 4 tag. And that's something that is going to be handled at 5 the time by the admissions at the time of the registration 6 with the school. So we can identify who they are and they 7 are kind of assigned to a campus in terms of drop off and 8 busing. 9 MS. UMHOFFER: Okay, thank you. That's it for me. 10 HEARING EXAMINER ROBESON: Would you agree to that as a 11 condition of approval for this special exception? 12 MS. FABRE: It's already in the plan. So yes, of 13 course. 14 HEARING EXAMINER ROBESON: I -- 15 MR. KLINE: Yes. 16 MS. FABRE: Yes, in the plan, in the overall project 17 plan I meant. I'm sorry. 18 HEARING EXAMINER ROBESON: Okay. Ms. Umhofer, do you 19 have more questions? 20 MS. UMHOFFER: No, that's it for me. 21 HEARING EXAMINER ROBESON: Okay. I see Mr. Myers, Mr. 22 Seid, and Mr. Brown. Who would like to go first? Mr. 23 Myers, or -- Ms. Umhofer, could you lower your hand, so I 24 don't -- or turn your hand off. Thank you. Okay. Next, I 25 think Mr. Myers had his hand up.</p>

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22 (85 to 88)

<p>85</p> <p>1 MR. MYERS: Well --</p> <p>2 HEARING EXAMINER ROBESON: Go ahead.</p> <p>3 MR. MYERS: I don't know if you want rebuttal at this</p> <p>4 time because a lot of the things that have been said that I</p> <p>5 would rebut are in my testimony, that I will be presenting</p> <p>6 it in narrative form. But I do have some questions for Ms.</p> <p>7 Fabre.</p> <p>8 HEARING EXAMINER ROBESON: If you can limit it to</p> <p>9 questions that would be helpful.</p> <p>10 MR. MYERS: I will stick to questions at this time.</p> <p>11 You mentioned that there is no afterschool activities or</p> <p>12 limited -- at Bradley Boulevard campus. Why is that in the</p> <p>13 special exception?</p> <p>14 HEARING EXAMINER ROBESON: Ms. -- it's on mute.</p> <p>15 MS. FABRE: Oh, I'm sorry. The special exception of</p> <p>16 the Bradley campus specifies hours of operations that do not</p> <p>17 allow before and after school care services. So that's why</p> <p>18 we don't offer that.</p> <p>19 MR. MYERS: Yeah, but my question is why are those</p> <p>20 hours specified? And what is different with this campus?</p> <p>21 MS. FABRE: Well the -- at the time that the special</p> <p>22 exception was approved, I guess that's a compromise that was</p> <p>23 agreed by the school I guess. I was not there, but --</p> <p>24 MR. KLINE: If Mr. Myers wants me to elaborate, I am</p> <p>25 familiar with the conditional -- the special exception</p>	<p>87</p> <p>1 question. I will say I think the testimony was responding</p> <p>2 to a question from me. And frankly, I didn't think of</p> <p>3 that -- the issue that Mr. Seid is raising. So I think the</p> <p>4 Applicant was responding to my question.</p> <p>5 MR. MYERS: Okay.</p> <p>6 HEARING EXAMINER ROBESON: Go ahead Mr. Seid.</p> <p>7 MR. MYERS: Myers, I think you got me mixed up with</p> <p>8 (inaudible). One question. You mentioned that the Pooks</p> <p>9 Hill Marriott has agreed to lease their parking lot to you.</p> <p>10 MS. FABRE: (Inaudible).</p> <p>11 MR. MYERS: Pardon?</p> <p>12 MS. FABRE: (Inaudible).</p> <p>13 HEARING EXAMINER ROBESON: Let him -- let him --</p> <p>14 MR. MYERS: Well, you said that they would --</p> <p>15 HEARING EXAMINER ROBESON: Let him finish the question.</p> <p>16 MR. MYERS: That they were amenable to leasing the</p> <p>17 parking lot. Is that my understanding?</p> <p>18 MS. FABRE: Yes.</p> <p>19 MR. MYERS: Okay. Are you aware that there is a</p> <p>20 development proposal for that surface parking lot that has</p> <p>21 been approved?</p> <p>22 MS. FABRE: No.</p> <p>23 MR. MYERS: So that would mean that that parking lot</p> <p>24 would not be available to you.</p> <p>25 MS. FABRE: Okay.</p>
<p>86</p> <p>1 approvals for that campus.</p> <p>2 HEARING EXAMINER ROBESON: Well, you're not -- you're</p> <p>3 not under oath. Do we have the special exception in the</p> <p>4 record?</p> <p>5 MR. KLINE: Not for the Bradley Road campus.</p> <p>6 HEARING EXAMINER ROBESON: Okay. Can we get that</p> <p>7 special exception with the condition in the record? And</p> <p>8 then that may be helpful.</p> <p>9 MR. KLINE: Yes, ma'am.</p> <p>10 MR. MYERS: Okay. My second question is the distances</p> <p>11 that were shown on the map were to the homes, but not the</p> <p>12 property line. Considering the zoning ordinance -- not the</p> <p>13 zoning ordinance, the noise ordinance measures noise at the</p> <p>14 property line, why not the property line? Because people</p> <p>15 are out in their yards.</p> <p>16 MR. KLINE: May I answer that since I provided the</p> <p>17 numbers?</p> <p>18 HEARING EXAMINER ROBESON: No.</p> <p>19 MR. KLINE: And you don't happen to know the answer?</p> <p>20 MS. FABRE: I have the numbers.</p> <p>21 HEARING EXAMINER ROBESON: Don't question her Mr.</p> <p>22 Kline.</p> <p>23 MS. FABRE: I have the numbers.</p> <p>24 HEARING EXAMINER ROBESON: Mr. Kline, don't -- you</p> <p>25 don't need to answer. I think he was responding to a</p>	<p>88</p> <p>1 MR. MYERS: Okay, that's all I have.</p> <p>2 HEARING EXAMINER ROBESON: Well, the access easement</p> <p>3 from the HOC, was that to provide access to the Pooks Hill</p> <p>4 parking lot?</p> <p>5 MR. MYERS: You're talking about two different things</p> <p>6 here.</p> <p>7 HEARING EXAMINER ROBESON: No. No, I'm talk -- I'm</p> <p>8 asking Ms. Lafabre.</p> <p>9 MR. MYERS: Okay.</p> <p>10 HEARING EXAMINER ROBESON: I'm sorry, Fabre.</p> <p>11 MS. FABRE: That -- the -- this access was -- was</p> <p>12 discussed in order to assess the possibility to have some of</p> <p>13 the traffic be redirected to Pooks Hill Road directly</p> <p>14 instead of using the neighborhood.</p> <p>15 HEARING EXAMINER ROBESON: Where are they going to park</p> <p>16 on Pooks Hill Road?</p> <p>17 MS. FABRE: Nobody would (inaudible).</p> <p>18 HEARING EXAMINER ROBESON: That would mean they're</p> <p>19 going to drive to this access.</p> <p>20 MS. FABRE: They would drive, not park.</p> <p>21 HEARING EXAMINER ROBESON: I got it. I'm sorry. Go</p> <p>22 ahead. Mr. Seid, do you have additional questions?</p> <p>23 MR. MYERS: It was Mr. Myers. No, I don't. I --</p> <p>24 HEARING EXAMINER ROBESON: (Inaudible).</p> <p>25 MR. MYERS: I believe Mr. Brown does, though.</p>

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23 (89 to 92)

<p style="text-align: right;">89</p> <p>1 HEARING EXAMINER ROBESON: Mr. Seid, if you have 2 finished your questions, could you click your hand there? 3 MR. MYERS: Myers. 4 HEARING EXAMINER ROBESON: No, no. 5 MR. MYERS: And my hand isn't up. 6 HEARING EXAMINER ROBESON: Okay, keep going. 7 MR. MYERS: I'm through. I think Mr. Brown has some 8 questions. 9 HEARING EXAMINER ROBESON: Okay. I have Mr. -- I'm 10 sorry, Mr. Myers. Is it Mr. Seid that hasn't been 11 recognized yet? Because his hand is still up. 12 Mr. Seid? He's muted. Okay. We'll -- 13 MR. SEID: (Inaudible) hear me. Can you hear me? 14 HEARING EXAMINER ROBESON: Yes. 15 MR. SEID: Okay. I just had a couple of questions. I 16 wanted to clarify, will the playgrounds be utilized for the 17 Saturday school? 18 HEARING EXAMINER ROBESON: Was there -- I couldn't hear 19 an answer. Is Ms. Fabre muted? 20 MS. FABRE: Sorry. For some reason it muted. It mutes 21 just by itself. No. 22 MR. KLINE: You heard that? 23 MR. SEID: And I had a second question just to follow- 24 up from Alan Myers. As I understand, the distance that was 25 given by Jody before between the playground is the distance</p>	<p style="text-align: right;">91</p> <p>1 MS. FABRE: It's the gate that would be -- and so if 2 you take the northern driveway, it's going to be a two-way 3 street up to that B gate. At that level, the driveway 4 separates, to a one way -- kind of two one-way streets, one 5 that goes all the way to gate A and around so people can 6 access the parking garage. But when the parents or the 7 staff exits the parking garage, then they make a right and 8 they -- and then there is this B gate. And that portion is 9 kind of a one-way road until again, all the traffic is 10 combined at the level of the five that you can see on the 11 map. 12 MR. BROWN: What I'm trying to -- 13 MS. FABRE: Does that -- 14 MR. BROWN: Yeah. What I'm trying to understand is, 15 apparently there is no current agreement between you and HOC 16 with regard to inbound traffic at A. 17 MS. FABRE: But currently we are not using their 18 property. The only use of the property that is in the 19 application is for emergency vehicles only. So our traffic 20 is not going through their property at this point in time. 21 HEARING EXAMINER ROBESON: Wait, I'm sorry. 22 MR. BROWN: (Inaudible). 23 HEARING EXAMINER ROBESON: What property are you 24 referring to? The HOC property? 25 MS. FABRE: HOC property, yeah.</p>
<p style="text-align: right;">90</p> <p>1 to the house, not the property line. I want to confirm 2 that's correct. 3 MS. FABRE: It was the distance between the playground 4 and the residences, yes. 5 MR. SEID: Okay. And then I understand that you are 6 asking for a waiver for the setback too, that involves the 7 key road. You also need the waiver to the setback for the 8 location of the playground? 9 MR. KLINE: That goes beyond the scope of the 10 testimony. It will be answered by the next witness though, 11 Mr. Seid. So if I can defer it, please. 12 MR. SEID: Okay, thank you. That's it for me at the 13 moment. 14 HEARING EXAMINER ROBESON: Thank you. Mr. Brown? 15 MR. BROWN: I'm here. I would like to, if you could, 16 to bring up Exhibit 80(a) again. 17 HEARING EXAMINER ROBESON: Okay. You should be seeing 18 it. 19 MR. BROWN: Yes. Ms. Fabre, you talked about the 20 yellow -- orange triangles, A and B. And if I understand 21 your testimony correctly, you said that the access to the 22 Pooks -- the HOC facility and parking lot would be through 23 triangle A; is that correct? 24 MS. FABRE: Close to it, yes. 25 MR. BROWN: Well, what is triangle B about?</p>	<p style="text-align: right;">92</p> <p>1 HEARING EXAMINER ROBESON: But what allows emergency 2 vehicles? This B access allows you to use the HOC property 3 for emergency vehicles? 4 MS. FABRE: The A, that's the A. 5 HEARING EXAMINER ROBESON: Oh, the A. Okay. I 6 apologize. (inaudible). 7 MS. FABRE: Okay. 8 MR. BROWN: My question really is, is the B -- is the 9 ability to leave the property through the B gate also tied 10 up with your, so far, unfruitful discussions with HOC? 11 MS. FABRE: No. No. 12 MR. BROWN: So you have authorization to exit the 13 property through the outbound access gate B? Unrestricted 14 authorization? 15 MS. FABRE: Well that gate is on our property. 16 HEARING EXAMINER ROBESON: Well, where -- maybe this is 17 the issue. Because this plan doesn't show any break in 18 the -- 19 MS. FABRE: Do we want the circulation plan? 20 HEARING EXAMINER ROBESON: Well, I guess my question 21 is, I assume there is an opening where B (inaudible) 22 directly on to this, the road -- 23 MS. FABRE: The roadway, the northern roadway. 24 MR. KLINE: Could I either please ask to answer the 25 question or ask Ms. Clark to answer it in the next witness?</p>

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24 (93 to 96)

<p>93</p> <p>1 HEARING EXAMINER ROBESON: Sure.</p> <p>2 MR. KLINE: B is not a gate to an external piece of</p> <p>3 property. It is an internal gate to regulate cars coming</p> <p>4 and circulating on the property.</p> <p>5 MR. BROWN: (Inaudible).</p> <p>6 MR. KLINE: A is a gate to an adjacent property. B has</p> <p>7 nothing -- it controls circulation on the site, not off site</p> <p>8 traffic.</p> <p>9 HEARING EXAMINER ROBESON: Well, the next witness will</p> <p>10 explain all that.</p> <p>11 MR. KLINE: Correct, we will go into detail on that,</p> <p>12 yes.</p> <p>13 HEARING EXAMINER ROBESON: Mr. Brown, continue with any</p> <p>14 questions you have.</p> <p>15 MR. BROWN: All right. I would like Ms. Fabre to refer</p> <p>16 to Exhibit 71, which is a license agreement between FASEB</p> <p>17 and HOC.</p> <p>18 HEARING EXAMINER ROBESON: I apologize. My computer is</p> <p>19 a little -- I think this is it. Okay. Are you seeing it?</p> <p>20 MR. BROWN: I'm seeing it, yes.</p> <p>21 HEARING EXAMINER ROBESON: Okay. Go ahead.</p> <p>22 MR. BROWN: Ms. Fabre, can you expand why this document</p> <p>23 is in the file? It doesn't appear -- based on your</p> <p>24 testimony, it sounds to me like this agreement is no longer</p> <p>25 in effect. Is that right?</p>	<p>95</p> <p>1 unsigned and incomplete. It does not even include the</p> <p>2 exhibits that are referenced. And the document by its terms</p> <p>3 has a number of obligations that have to be met by the</p> <p>4 licensee including the payment of thousands of dollars of</p> <p>5 rent per year as well as maintenance obligations. There is</p> <p>6 no evidence in this record to suggest that this document</p> <p>7 reflects a live, operative agreement.</p> <p>8 MR. KLINE: Well, I didn't say it did. I just said</p> <p>9 it's basically been part of the history and will be the</p> <p>10 basis for negotiations (inaudible) which we were asked to</p> <p>11 pursue by the Park and Planning Commission.</p> <p>12 HEARING EXAMINER ROBESON: Well, okay. What I'm going</p> <p>13 to do is reserve admitting it right now.</p> <p>14 MR. KLINE: Sure, fine.</p> <p>15 HEARING EXAMINER ROBESON: If you have a later witness</p> <p>16 rather than testifying yourself, Mr. Kline, who can lay a</p> <p>17 foundation for it and why it's relevant, we will have the</p> <p>18 discussion again. But right now it -- I'm not admitting it.</p> <p>19 MR. BROWN: That's all I have. Thank you.</p> <p>20 HEARING EXAMINER ROBESON: Okay. I see a hand. Mr.</p> <p>21 Brown, can you remove your hand? A hand from Mary Gant.</p> <p>22 Ms. Gant, do you have questions?</p> <p>23 MS. GANT: Yes, I do. I would like to know exactly how</p> <p>24 many buses will drive down Alta Vista Road during the course</p> <p>25 of the entire day. I also want to know how many of the 150</p>
<p>94</p> <p>1 MS. FABRE: Yes, that's correct. I don't know why it's</p> <p>2 in the exhibits. I can't answer that question.</p> <p>3 MR. BROWN: Okay.</p> <p>4 HEARING EXAMINER ROBESON: So there is no license right</p> <p>5 now to use the HOC property?</p> <p>6 MS. FABRE: We don't have a signed agreement with them.</p> <p>7 Our lawyer actually has reached out to the HOC at the time</p> <p>8 of the purchase, but they have not responded. Just like</p> <p>9 they have not really responded to us when we contacted them</p> <p>10 recently for the -- to the Planning Board hearing.</p> <p>11 MR. BROWN: Thank you. Ms. Robeson, basically I would</p> <p>12 request that this exhibit be stricken from the record</p> <p>13 because it does not seem to have any bearing on any issue</p> <p>14 that you have to look at.</p> <p>15 HEARING EXAMINER ROBESON: Mr. Kline?</p> <p>16 MR. KLINE: I provided that -- well -- first of all --</p> <p>17 well, okay. Leave it in the record because it's important</p> <p>18 because it is basically -- covers an arrangement that is</p> <p>19 still in existence even though the document is not totally</p> <p>20 signed. And it's got a -- it's past its expiration date.</p> <p>21 But in fact, it is effectively used today and it will</p> <p>22 presumably be the basis for an extension on amendment of the</p> <p>23 agreement if HOC wants to allow us to continue it.</p> <p>24 MR. BROWN: I object to that as testimonial in nature.</p> <p>25 We need documentation that -- this particular document is</p>	<p>96</p> <p>1 students who will be attending the summer school before the</p> <p>2 bus program is implemented and how those students will be</p> <p>3 delivered to and picked up from the school. You know, each</p> <p>4 time a student is delivered --</p> <p>5 HEARING EXAMINER ROBESON: Okay, this is not -- you're</p> <p>6 not -- Ms. Gant, you're not under oath.</p> <p>7 MS. GANT: Yes.</p> <p>8 HEARING EXAMINER ROBESON: This is your time to ask</p> <p>9 questions. You will get a chance to give your testimony.</p> <p>10 MS. GANT: Okay. Well, my question is, how many buses</p> <p>11 and what kind of buses will they be? Will they be diesel</p> <p>12 buses that spew NOX and particulates? Or will they be</p> <p>13 gasoline powered, or electric powered? And how many?</p> <p>14 MS. FABRE: That's 12 buses and they are diesel buses.</p> <p>15 HEARING EXAMINER ROBESON: And I think she asked how</p> <p>16 many trips through the neighborhood (inaudible).</p> <p>17 MS. FABRE: 12 on Alta Vista.</p> <p>18 HEARING EXAMINER ROBESON: No, how many -- 12 plus 3</p> <p>19 times a day? Is that what you are saying?</p> <p>20 MS. FABRE: Four shuttle buses three times a day,</p> <p>21 that's 12.</p> <p>22 HEARING EXAMINER ROBESON: Well that -- okay. I guess</p> <p>23 then 12, so that's 24 trips to and fro, correct?</p> <p>24 MS. FABRE: (Inaudible).</p> <p>25 HEARING EXAMINER ROBESON: Twelve shuttle buses three</p>

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25 (97 to 100)

<p style="text-align: right;">97</p> <p>1 times a day in and out, back and forth, it would be 24. No.</p> <p>2 MS. FABRE: No.</p> <p>3 HEARING EXAMINER ROBESON: Yeah.</p> <p>4 MR. KLINE: Well, we're getting -- we are doing our</p> <p>5 math right now.</p> <p>6 Ms. Gant, if I might. Our traffic engineers feel they</p> <p>7 have a more precise answer for you. And they will be</p> <p>8 testifying later on. I would ask if we could defer for the</p> <p>9 answer of that question until we get to them in our</p> <p>10 presentation because it's just taking too much time to share</p> <p>11 that information with Ms. Fabre right now.</p> <p>12 HEARING EXAMINER ROBESON: Ms. Gant, do you object?</p> <p>13 MS. GANT: (Inaudible).</p> <p>14 HEARING EXAMINER ROBESON: To asking your questions</p> <p>15 with the traffic engineers later?</p> <p>16 MS. GANT: I would be happy to. It seems like it's</p> <p>17 pretty simple math.</p> <p>18 HEARING EXAMINER ROBESON: Well, I will let them do it.</p> <p>19 I don't know if they are only looking through -- at the Alta</p> <p>20 Vista neighborhood or whether they are looking at the Pooks</p> <p>21 Hill neighborhood too. But we will reserve -- I will come</p> <p>22 back to that. I will make sure to come back to that.</p> <p>23 MS. GANT: Thank you.</p> <p>24 HEARING EXAMINER ROBESON: Because it's a question I</p> <p>25 have too. Any other questions, Ms. Gant?</p>	<p style="text-align: right;">99</p> <p>1 HEARING EXAMINER ROBESON: Ms. Gant, we're going to</p> <p>2 save that question too.</p> <p>3 MS. GANT: Thank you.</p> <p>4 HEARING EXAMINER ROBESON: Do you have any other</p> <p>5 questions?</p> <p>6 MS. GANT: Not at this time.</p> <p>7 HEARING EXAMINER ROBESON: Thank you.</p> <p>8 Before I go further, everyone that is -- that is asking</p> <p>9 questions, I'm going to ask you to get your address, street</p> <p>10 address, and email address to Nana Johnson of our office.</p> <p>11 Her email is Nana.Johnson@MontgomeryCountyMD.gov. That's</p> <p>12 one word. The reason I ask that it's just by appearing at</p> <p>13 the hearing, you're technically a party even if you don't</p> <p>14 testify later under oath. So please do that so we can get</p> <p>15 our communications out to the proper people, particularly</p> <p>16 the email address.</p> <p>17 Okay. With that, I see Maureen Wilkerson with a</p> <p>18 question. Ms. Wilkerson. Ms. Wilkerson, you are muted.</p> <p>19 Okay. Let's -- I see -- well, let's do this. Let's go</p> <p>20 to -- I see a hand for Ms. Umhofer again. Ms. Umhofer, do</p> <p>21 you have one more question?</p> <p>22 MS. UMHOFFER: Yes. Following up on what was just said</p> <p>23 about advising the parents about where to drive. Can you</p> <p>24 explain to us what -- how they will be instructed to drive?</p> <p>25 Particularly those parents will be leaving the campus and</p>
<p style="text-align: right;">98</p> <p>1 MS. GANT: I'm concerned about the summer program and</p> <p>2 the fact that there will be no bus service for the first 150</p> <p>3 students. That, by my calculations, is 300 car trips in and</p> <p>4 out of the campus unless (inaudible) there will be a couple</p> <p>5 of -- some students who belong to the same family. And then</p> <p>6 there will be an equal 300 some-odd trips in the afternoon.</p> <p>7 That's a lot of car traffic to add to Rockville Pike and to</p> <p>8 add to Alta Vista Road, and Pooks Hill Road.</p> <p>9 MR. KLINE: And are you asking just for confirmation</p> <p>10 that's the number?</p> <p>11 MS. GANT: I would like to know what your plan is to</p> <p>12 reduce car traffic during your summer programs.</p> <p>13 MS. FABRE: Well, the plan was that beyond 150</p> <p>14 students, the busing would be mandatory for 25 percent of</p> <p>15 those students. That's the plan.</p> <p>16 HEARING EXAMINER ROBESON: I think she's asking -- I</p> <p>17 think she's asking, do you have a plan for until you get to</p> <p>18 the 150 students for busing?</p> <p>19 MS. FABRE: Well, the same restrictions and</p> <p>20 recommendations would be given to the parents as to what</p> <p>21 route to use to arrive, what -- how to leave the campus. So</p> <p>22 all those restrictions would be applied to them as well,</p> <p>23 just like to the other parents.</p> <p>24 MR. KLINE: And I will add that the traffic engineers</p> <p>25 will explain the rationale for the 150 student number.</p>	<p style="text-align: right;">100</p> <p>1 heading (inaudible) on southbound Rockville Pike.</p> <p>2 HEARING EXAMINER ROBESON: Okay. Someone is talking.</p> <p>3 MS. UMHOFFER: Yeah, someone is not muted. And I want</p> <p>4 to know what specifically you are going to instruct the</p> <p>5 parents how they should proceed to points north, west, or</p> <p>6 east once they are forced to head south out of the campus.</p> <p>7 MS. FABRE: So right now the parents that will want to</p> <p>8 go north on Rockville Pike are actually making a right turn</p> <p>9 on Alta Vista and all the way through Pooks Hill so that</p> <p>10 they get to that light to make a left turn to authorize them</p> <p>11 to go north on the Pike. That's the plan.</p> <p>12 MS. UMHOFFER: So your LATR, I think it said they were</p> <p>13 going to be 518 -- or no, 700 something trips to campus a</p> <p>14 day. And you are saying all the personally operated</p> <p>15 vehicles that want to head anywhere other than south are</p> <p>16 going to be told to drive down my residential street?</p> <p>17 MS. FABRE: Well, I don't have the numbers in front of</p> <p>18 me. But this is part of the information that our traffic</p> <p>19 engineer is going to cover in a bit and detail the trips and</p> <p>20 the route, all the information that I think you're trying to</p> <p>21 get.</p> <p>22 MS. UMHOFFER: Okay. And what -- you mentioned the 12</p> <p>23 that I think you said 12 buses. I think you were referring</p> <p>24 to the shuttle bus routes.</p> <p>25 MS. FABRE: Yes.</p>

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26 (101 to 104)

<p>101</p> <p>1 MS. UMHOFFER: Are you -- does that mean that none of</p> <p>2 the other bus routes, again, this 68 total bus trips coming</p> <p>3 in and out of the campus, only the 12 shuttle routes would</p> <p>4 go down Alta Vista? Or is it possible that those other</p> <p>5 shuttle routes that they also want to head north and</p> <p>6 anywhere other than south on Rockville Pike, would also go</p> <p>7 down Rockville Pike? I mean go down Alta Vista?</p> <p>8 MS. FABRE: So the shuttle buses would definitely take</p> <p>9 that route and also some of our other buses if that's the</p> <p>10 route, yeah.</p> <p>11 MS. UMHOFFER: Okay. So 12 is not the right number?</p> <p>12 It's going to be much higher?</p> <p>13 MS. FABRE: 12 is (indiscernible) the shuttle.</p> <p>14 HEARING EXAMINER ROBESON: (Inaudible).</p> <p>15 MS. UMHOFFER: 68.</p> <p>16 MS. FABRE: Sorry --</p> <p>17 HEARING EXAMINER ROBESON: Okay. What I --</p> <p>18 MS. FABRE: Sorry, sorry, sorry. My mistake. So</p> <p>19 that's only the shuttles. Getting back to what I am seeing</p> <p>20 here, 12, that's the shuttles only. Sorry, no buses.</p> <p>21 MS. UMHOFFER: But all the personally operated vehicles?</p> <p>22 MS. FABRE: So yeah, no bus routes, just the shuttles</p> <p>23 and the vehicles, the cars.</p> <p>24 MS. UMHOFFER: Okay. That's it for me. Thanks.</p> <p>25 HEARING EXAMINER ROBESON: Okay. I see Ms. Wilkerson's</p>	<p>103</p> <p>1 it utilized. I think my answer, yes. When I said yes, I</p> <p>2 had in mind the weekday school operations which we were</p> <p>3 discussing at the time. But if that's a request, that's</p> <p>4 certainly something that we can agree to. And just --</p> <p>5 MS. WILKERSON: Well, I think --</p> <p>6 MS. FABRE: Just so you know, this program does not</p> <p>7 exist at the school so far. So this is also new. And this</p> <p>8 is more hypothetical than the actual school operations,</p> <p>9 which we are handling currently.</p> <p>10 MS. WILKERSON: Okay. But if I'm understanding, it</p> <p>11 could be agreeable that it would be inclusive at that point</p> <p>12 in time.</p> <p>13 MS. FABRE: Sure.</p> <p>14 MS. WILKERSON: Thank you.</p> <p>15 HEARING EXAMINER ROBESON: Okay. I see a hand raised</p> <p>16 for Mr. Myers. Ms. Wilkerson, are you finished?</p> <p>17 MS. WILKERSON: Yes. Yes, thank you.</p> <p>18 HEARING EXAMINER ROBESON: Okay. If you don't mind</p> <p>19 putting your hand down. Mr. Myers?</p> <p>20 MR. MYERS: This just came up. You do run a summer</p> <p>21 camp at the Forest Road campus, do you not?</p> <p>22 MS. FABRE: On and off. We haven't had one in the last</p> <p>23 three years.</p> <p>24 MR. MYERS: Okay. It's not authorized by your special</p> <p>25 exception, is it?</p>
<p>102</p> <p>1 hand again. But she is still muted. Ms. -- I see Carl</p> <p>2 Wilkerson. Wilkerson, I'm sorry. Ms. Wilkerson, do you</p> <p>3 have a question? Okay. What I'm going to do is move on,</p> <p>4 Mr. --</p> <p>5 MS. WILKERSON: Hello? Hello? I'm sorry.</p> <p>6 HEARING EXAMINER ROBESON: Yes, Ms. Wilkerson.</p> <p>7 MS. WILKERSON: This is she. I'm so sorry. I'm using</p> <p>8 my husband cell phone because my computer doesn't pick up a</p> <p>9 mic. I do have a small question. Thank you for being</p> <p>10 patient. And this goes to a question Becky had asked</p> <p>11 earlier about -- asked Ms. Fabre about potentially a fourth-</p> <p>12 grader being dropped at Forest Road for that shuttle. And</p> <p>13 Ms. Fabre mentioned that at admission process, I believe she</p> <p>14 said, parents are tagged so their vehicles are recognized</p> <p>15 and that is understood what the mode of transportation would</p> <p>16 be. My question is, will this process be utilized for the</p> <p>17 summer camps? Will there be tagging of parental vehicles?</p> <p>18 MS. FABRE: We had not planned on using that system for</p> <p>19 the camps, no.</p> <p>20 MS. WILKERSON: Well, I also asked because director</p> <p>21 Robeson asked you, I believe, should that become a condition</p> <p>22 of the approval. And I believe you said yes. You both were</p> <p>23 speaking in terms of the academic year, but I'm questioning</p> <p>24 could this be utilized during summer camp months.</p> <p>25 MS. FABRE: Well, I don't have any objection to having</p>	<p>104</p> <p>1 MS. FABRE: Well --</p> <p>2 HEARING EXAMINER ROBESON: If you know. If you don't</p> <p>3 know, just say you don't know.</p> <p>4 MS. FABRE: I don't know that it's -- it is not. I</p> <p>5 think we meet the neighbors quarterly and this has never</p> <p>6 come to the table. So I guess if that that was a problem,</p> <p>7 they would have said so.</p> <p>8 HEARING EXAMINER ROBESON: Any other questions, Mr.</p> <p>9 Myers?</p> <p>10 MR. MYERS: No. No, I may rebut that, but not at the</p> <p>11 present time.</p> <p>12 HEARING EXAMINER ROBESON: Okay. Okay. Any other</p> <p>13 questions?</p> <p>14 MS. FABRE: Before we can go to the bathroom.</p> <p>15 HEARING EXAMINER ROBESON: Before we can go to the</p> <p>16 bathroom? Now you need your mic muted.</p> <p>17 MR. KLINE: That's what the mute button is for.</p> <p>18 HEARING EXAMINER ROBESON: I think that is a hint and a</p> <p>19 method of controlling redirect. Mr. Kline, do you have any</p> <p>20 redirect?</p> <p>21 MR. KLINE: Thank you, no. I do realize that we have</p> <p>22 more information to share with some of the questions that</p> <p>23 were asked and we will get to that. But I don't have any</p> <p>24 redirect.</p> <p>25 HEARING EXAMINER ROBESON: Well I think we should have</p>

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27 (105 to 108)

<p style="text-align: right;">105</p> <p>1 your transportation people next. But that's up to you.</p> <p>2 Let's take a 10 minute recess. Or it's 12:04 I see. We can</p> <p>3 take a lunch if you would prefer.</p> <p>4 Mr. Brown, do you want to weigh in?</p> <p>5 MR. BROWN: I am ready to take a break or to proceed at</p> <p>6 your pleasure.</p> <p>7 HEARING EXAMINER ROBESON: This is what I would like to</p> <p>8 do. I would like to only take 45. We've got a lot to cover</p> <p>9 and we've only been through one witness. I would like to</p> <p>10 take a 45 minute lunch break, which would put us back here</p> <p>11 at 12:50, unless anyone has an objection.</p> <p>12 MR. KLINE: If you don't mind, could you make it 1:00?</p> <p>13 Simply because I asked to have meals brought into Ms. Fabre</p> <p>14 at 12:30 and I don't think we can get it finished in 20</p> <p>15 minutes. So 1:00 would be better for us if that's possible.</p> <p>16 HEARING EXAMINER ROBESON: Okay, 1:00. And do not</p> <p>17 leave. We will recess until 1:00. Do not leave. Do not</p> <p>18 press that red hang-up key, anybody. You can -- but I would</p> <p>19 ask that you mute your mic and your camera because people</p> <p>20 during the break, this meeting is still being recorded and</p> <p>21 they can see what you're doing or saying. But don't push</p> <p>22 the red hang-up button. All right. With that, we are going</p> <p>23 to recess until 1:00. And everybody stuff as much food as</p> <p>24 you can in. Okay. Thank you. Bye.</p> <p>25 (Lunch recess from 12:06 p.m. until 1:05 p.m.)</p>	<p style="text-align: right;">107</p> <p>1 a discrepancy from what she said and what's in the document.</p> <p>2 HEARING EXAMINER ROBESON: Okay. Is that in the</p> <p>3 record? And if so, what exhibit is it?</p> <p>4 MR. MYERS: I don't know if it's -- I don't know if</p> <p>5 it's -- I don't know how it's been exhibited on your -- I</p> <p>6 know it's on the record with the Planning Board.</p> <p>7 HEARING EXAMINER ROBESON: Well, it has to be in OZHA's</p> <p>8 record. Mr. Kline, let me get the exhibit list up.</p> <p>9 MR. KLINE: Yes, ma'am. I guess I wanted to understand</p> <p>10 the purpose of -- what is it? Is this a question? Is this</p> <p>11 testimony? What are we talking about?</p> <p>12 MR. MYERS: It's a question.</p> <p>13 HEARING EXAMINER ROBESON: Well, can you ask your</p> <p>14 question without the exhibit? And then maybe we can get the</p> <p>15 exhibit into the record later if we need to.</p> <p>16 MR. MYERS: Oh, okay. Let me ask the question. In her</p> <p>17 statement, Ms. Fabre said the parents will be directed to</p> <p>18 proceed through the neighborhood on Alta Vista Road. In the</p> <p>19 TMP that I'm referring to, it has a statement; parents will</p> <p>20 be educated on the site accessibility and encouraged to</p> <p>21 avoid making southbound U-turn movements along Rockville</p> <p>22 Pike, to not use neighborhood cut through routes, and to</p> <p>23 obey all peak period time restrictions. So the two don't</p> <p>24 match up. And I'm wondering why the discrepancy.</p> <p>25 MS. FABRE: What page is this?</p>
<p style="text-align: right;">106</p> <p>1 HEARING EXAMINER ROBESON: Are the parties ready?</p> <p>2 MR. KLINE: We have completed our dining and we are</p> <p>3 ready to go.</p> <p>4 MR. MYERS: Maplewood is ready. And I do have a</p> <p>5 question.</p> <p>6 HEARING EXAMINER ROBESON: I'm sorry. Are the parties</p> <p>7 ready?</p> <p>8 MR. MYERS: Yes.</p> <p>9 MR. KLINE: The Petitioner is ready.</p> <p>10 HEARING EXAMINER ROBESON: And the court reporter?</p> <p>11 THE COURT REPORTER: Yes, I'm here. I just have a</p> <p>12 quick question for Ms. Fabre. She said her address and I</p> <p>13 didn't quite catch that, her street name.</p> <p>14 MS. FABRE: Forest Road.</p> <p>15 THE COURT REPORTER: What is it? Lawrence Road?</p> <p>16 MS. FABRE: Forest; F, like Frank, O-R-E-S-T.</p> <p>17 THE COURT REPORTER: Okay, thank you. I'm ready.</p> <p>18 MS. FABRE: You're welcome.</p> <p>19 HEARING EXAMINER ROBESON: Thank you. All right. I</p> <p>20 hope everyone had a chance to eat something. Mr. Kline, I</p> <p>21 believe that oh, I have a hand up from Mr. Myers.</p> <p>22 MR. MYERS: Yeah, I do have a question. This relates</p> <p>23 to something Ms. Fabre said just before we went to lunch.</p> <p>24 If you have access, or I can bring it up on my screen, to</p> <p>25 the December 1st TMP filed with the Planning Board, there is</p>	<p style="text-align: right;">108</p> <p>1 MR. MYERS: It's on the -- it's in the TMP that you</p> <p>2 submitted December 1st to Park and Planning.</p> <p>3 MR. KLINE: Well then I suggest that Gorove/Slade who</p> <p>4 the author of that basically testifying. And Ms. Fabre will</p> <p>5 be available, at that point in time, we will put the two</p> <p>6 together.</p> <p>7 MR. MYERS: I'm fine --</p> <p>8 MR. KLINE: Pardon?</p> <p>9 MR. MYERS: I'm fine with that, Jody.</p> <p>10 MR. KLINE: All right.</p> <p>11 They are listening and they will pick it up and will</p> <p>12 have that conversation (inaudible).</p> <p>13 HEARING EXAMINER ROBESON: Now, Mr. Kline, if you sent</p> <p>14 it to Ms. Johnson, she can put it on the web, if we want to</p> <p>15 admit that as an exhibit.</p> <p>16 MR. KLINE: Ms. Robeson, my guess is that that is one</p> <p>17 of the exhibits that was submitted to be on your list of --</p> <p>18 to call up. I will have to ask the traffic engineers who</p> <p>19 gave them to me, but I bet you it's in there already and</p> <p>20 doesn't have to be (inaudible).</p> <p>21 MS. WAGNER: It's Exhibit 64(I).</p> <p>22 MR. KLINE: Thank you. That was Ms. Wagner, one of the</p> <p>23 traffic engineers. You heard that Ms. Robeson?</p> <p>24 HEARING EXAMINER ROBESON: I did. I did. I'm going</p> <p>25 through my list of exhibits here. 64 -- now let me share</p>

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28 (109 to 112)

<p>109</p> <p>1 my -- I don't think my screen is shared. So let me do that.</p> <p>2 MR. KLINE: Well, it may I have a dialogue with Ms.</p> <p>3 Wagner in the background? Because the -- your list of</p> <p>4 exhibits, 64(I) is a TMP dated October 19th, 2020. And</p> <p>5 that's not the same thing that Mr. Myers was talking about.</p> <p>6 MS. WAGNER: This is the only TMP we have submitted to</p> <p>7 anyone.</p> <p>8 HEARING EXAMINER ROBESON: (Inaudible).</p> <p>9 MR. KLINE: Mr. Myers. Mr. Myers.</p> <p>10 HEARING EXAMINER ROBESON: Who's speaking? Who just</p> <p>11 spoke?</p> <p>12 MS. WAGNER: This is Katie, Katie Wagner, the traffic</p> <p>13 engineer with Gorove/Slade.</p> <p>14 HEARING EXAMINER ROBESON: Okay. All right.</p> <p>15 (Inaudible).</p> <p>16 MR. KLINE: So can I ask --</p> <p>17 HEARING EXAMINER ROBESON: What I would like to do is</p> <p>18 this. Let's get the traffic -- Mr. Myers, I'm glad you</p> <p>19 pointed that out. If there is a more recent version, that</p> <p>20 should be in our record. What I would like to do is hear</p> <p>21 from the traffic engineers because there is people in</p> <p>22 opposition for this TMP that I -- that I'm behind on. So</p> <p>23 you guys know -- so I think it would be better to give us</p> <p>24 time to get that TMP in the record. And go -- Mr. Myers, I</p> <p>25 suggest you ask your questions of the traffic engineers,</p>	<p>111</p> <p>1 testimony, the landscape architect, and the architect who</p> <p>2 are all scheduled to testify. But I understand everybody is</p> <p>3 anxious to get to the traffic stuff. So can I call Ms.</p> <p>4 Clark to give us an understanding of the campus layout and</p> <p>5 then go to the traffic issues?</p> <p>6 HEARING EXAMINER ROBESON: That that's okay. Mr.</p> <p>7 Brown, do you have any objection to that?</p> <p>8 MR. BROWN: Not at all. Mr. Kline can proceed in</p> <p>9 whatever way he thinks makes the most sense.</p> <p>10 HEARING EXAMINER ROBESON: Okay. Go ahead, Mr. Kline.</p> <p>11 MR. KLINE: Very good. Ms. Clark, would you -- can you</p> <p>12 get your face on here? Because I think the hearing examiner</p> <p>13 would like to see you.</p> <p>14 MS. CLARK: Yes.</p> <p>15 HEARING EXAMINER ROBESON: In other words, turn your</p> <p>16 camera on.</p> <p>17 MS. CLARK: I did turn my camera on. Can you not</p> <p>18 here -- you see me? I see myself.</p> <p>19 HEARING EXAMINER ROBESON: Yes.</p> <p>20 MR. KLINE: Here we are. Thank you.</p> <p>21 HEARING EXAMINER ROBESON: Oh, I see. Now I get -- you</p> <p>22 have to talk before I see you.</p> <p>23 MS. CLARK: Oh, okay.</p> <p>24 HEARING EXAMINER ROBESON: Ms. Clark, please raise your</p> <p>25 right hand.</p>
<p>110</p> <p>1 unless there is something only Ms. Fabre can answer.</p> <p>2 MR. MYERS: I agree.</p> <p>3 HEARING EXAMINER ROBESON: So Mr. Kline, did you have</p> <p>4 time to consider whether your traffic engineers would be</p> <p>5 next?</p> <p>6 MR. KLINE: The answer is, I did have time to consider</p> <p>7 and I would like to make a proposal to you. My next</p> <p>8 scheduled witness was Ms. Clark, the civil engineer. And I</p> <p>9 thought that some of her testimony, which deals with the</p> <p>10 circulation on site and a lot of these on-site issues, but</p> <p>11 they kind of relate to where the buses, go and how it all</p> <p>12 circulates, was important to understand how everything</p> <p>13 works. I would like to put her on to give everybody an</p> <p>14 understanding of how things work on the campus, but then</p> <p>15 defer all of the nuts and bolts stuff, storm water</p> <p>16 management, fire, rescue, blah, blah, blah stuff, and bring</p> <p>17 on the traffic engineers then. And then go back --</p> <p>18 HEARING EXAMINER ROBESON: That's going to catch you on</p> <p>19 the blah, blah, blah stuff.</p> <p>20 MR. KLINE: Well, I think everybody would be --</p> <p>21 HEARING EXAMINER ROBESON: (Inaudible).</p> <p>22 MR. KLINE: I think everybody would have a better</p> <p>23 understanding of the transportation issues if they</p> <p>24 understood how it works on campus, just that part. And I</p> <p>25 would defer about probably half of the civil engineering</p>	<p>112</p> <p>1 Do you solemnly affirm under penalties of perjury that</p> <p>2 the statements you're about to make are the truth, the whole</p> <p>3 truth, and nothing but the truth?</p> <p>4 MS. CLARK: I do.</p> <p>5 MR. KLINE: Ms. Clark, would you please state and spell</p> <p>6 your name for us?</p> <p>7 MS. CLARK: Sure. Dana Clark; D-A-N-A, C-L-A-R-K.</p> <p>8 MR. KLINE: And Ms. Robeson, if I understand, you do</p> <p>9 not need her email address?</p> <p>10 MS. CLARK: No, just her street address.</p> <p>11 MR. KLINE: Ms. Clark, could you provide your business</p> <p>12 address for us, please?</p> <p>13 MS. CLARK: 20440 Century Boulevard, Suite 2020 -- or</p> <p>14 220, excuse me -- Germantown, Maryland.</p> <p>15 MR. KLINE: And what is your profession?</p> <p>16 MS. CLARK: Civil engineer.</p> <p>17 MR. KLINE: And with what civil engineering firm are</p> <p>18 you associated?</p> <p>19 MS. CLARK: Clark, Azar & Associates.</p> <p>20 MR. KLINE: Have you ever qualified as an expert in the</p> <p>21 field of civil engineering before a court of law or a board,</p> <p>22 commission panel, or hearing examiner like we are doing</p> <p>23 today?</p> <p>24 MS. CLARK: No, just the Planning Board.</p> <p>25 MR. KLINE: Okay. Would you please for the benefit of</p>

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29 (113 to 116)

<p>113</p> <p>1 the parties listening --</p> <p>2 Ms. Robeson, Ms. Clark's resume is in record with</p> <p>3 (inaudible). I will keep looking to find it.</p> <p>4 But Ms. Clark, could you please describe your</p> <p>5 educational background leading up to your civil engineering</p> <p>6 status?</p> <p>7 MS. CLARK: Sure. I have a bachelor's degree in civil</p> <p>8 engineering, a master's degree in civil engineering. I have</p> <p>9 14 years of experience. I'm a licensed civil engineer. I</p> <p>10 practice as a senior project manager in addition to being</p> <p>11 the president of Clark, Azar & Associates.</p> <p>12 MR. KLINE: And what is your registration number or</p> <p>13 certification number as a civil engineer in the state of</p> <p>14 Maryland?</p> <p>15 HEARING EXAMINER ROBESON: Well, no. Just are you</p> <p>16 licensed?</p> <p>17 MS. CLARK: Yes, I am licensed.</p> <p>18 HEARING EXAMINER ROBESON: Okay. Let me ask those who</p> <p>19 are in this hearing, is there any objection to qualifying</p> <p>20 Ms. Clark as an expert in civil engineering?</p> <p>21 MR. BROWN: No objection from Maplewood.</p> <p>22 HEARING EXAMINER ROBESON: Okay. I'm going to so</p> <p>23 qualify her, Mr. Kline. And you can proceed with your</p> <p>24 examination.</p> <p>25 MR. KLINE: Thank you, very much. Thank you, Mr.</p>	<p>115</p> <p>1 MS. CLARK: Yes.</p> <p>2 MR. KLINE: And Ms. Clark, remember, if you want to get</p> <p>3 into anything specific, you'll just have to give the hearing</p> <p>4 examiner about some guidance about where her cursor belongs.</p> <p>5 But if you want to go ahead, and using this 80(d), just</p> <p>6 going to give us an inventory or an explanation of how</p> <p>7 things work out there today.</p> <p>8 MS. CLARK: Yes. So presently there are two entrances</p> <p>9 off Rockwell Pike, a northern entrance at the northern --</p> <p>10 northeast -- yes -- property line. And then north --</p> <p>11 HEARING EXAMINER ROBESON: So my (inaudible). Hold on</p> <p>12 one second. The transcript doesn't know where my cursor is.</p> <p>13 So we've got to describe it. Or you've got to describe it.</p> <p>14 But I'm pointing to a gap in the red and the northeastern</p> <p>15 most portion of the site. Okay. Go ahead.</p> <p>16 MS. CLARK: Okay. Following that property line south</p> <p>17 past where those trees are, continuing on -- yes. About</p> <p>18 midway through the property line is the southernmost</p> <p>19 entrance off Rockville Pike.</p> <p>20 HEARING EXAMINER ROBESON: Which is also a gap in the</p> <p>21 red?</p> <p>22 MS. CLARK: Correct.</p> <p>23 HEARING EXAMINER ROBESON: Yes.</p> <p>24 MS. CLARK: Now presently, there is also an entrance</p> <p>25 off of Alta Vista Terrace at the back of the property along</p>
<p>114</p> <p>1 Brown.</p> <p>2 Ms. Clark, you heard my introduction to what we were</p> <p>3 trying to get you to talk about. Can you bring up for us</p> <p>4 the exhibit that you think is the best base drawing to work</p> <p>5 from to describe the campus and how it operates? I had</p> <p>6 written down existing C 100 existing conditions, but there</p> <p>7 is probably a better one that you think you could use. And</p> <p>8 could you tell us what one that would be?</p> <p>9 MS. CLARK: Sure. To show the existing conditions of</p> <p>10 the circulation pattern, I think that the 80(d) is probably</p> <p>11 the best from the staff report. Regrettably, we don't have</p> <p>12 an aerial of the existing, but that's the best one that we</p> <p>13 have.</p> <p>14 MR. KLINE: Ms. Robeson --</p> <p>15 MS. CLARK: So Exhibit 80(d), please.</p> <p>16 MR. KLINE: Thank you.</p> <p>17 HEARING EXAMINER ROBESON: Okay. I apologize. I'm</p> <p>18 just --</p> <p>19 MR. KLINE: No problem.</p> <p>20 HEARING EXAMINER ROBESON: I have to retrieve it a</p> <p>21 certain way or it won't show up. How's that?</p> <p>22 MR. KLINE: No problem.</p> <p>23 MS. CLARK: Yes, ma'am. This is an aerial of the</p> <p>24 existing site.</p> <p>25 HEARING EXAMINER ROBESON: And that's 80(d)?</p>	<p>116</p> <p>1 the -- not --</p> <p>2 HEARING EXAMINER ROBESON: That?</p> <p>3 MS. CLARK: Not there. Alta Vista Terrace. That's</p> <p>4 Alta Vista Road.</p> <p>5 HEARING EXAMINER ROBESON: Oh.</p> <p>6 MS. CLARK: It's the back, the westernmost property</p> <p>7 line. Yes. Adjacent to that residence. Well, there is the</p> <p>8 one there, that the HOA. But the one I'm speaking of is off</p> <p>9 of Alta Vista Terrace, farther south -- yeah, in the</p> <p>10 southwest corner. That's a two-way entry and exit to the</p> <p>11 Alta Vista Terrace that's presently used -- was presently</p> <p>12 used by FASEB.</p> <p>13 MR. KLINE: And the fourth driveway was located where?</p> <p>14 MS. CLARK: On the north east -- northwest property</p> <p>15 line through the Pooks Hill HOA Apartments we were speaking</p> <p>16 of earlier.</p> <p>17 MR. KLINE: Housing Opportunities Commission, HOC.</p> <p>18 MS. CLARK: HOC, excuse me.</p> <p>19 MR. KLINE: Yeah, okay. So four points of access to</p> <p>20 the property today, correct?</p> <p>21 MS. CLARK: Yeah.</p> <p>22 MR. KLINE: What other features of the property from a</p> <p>23 civil engineering point of view sort of dictated how the</p> <p>24 client's program could be layout or any major features if</p> <p>25 any?</p>

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30 (117 to 120)

<p>117</p> <p>1 MS. CLARK: Well, the primary restrictions was the</p> <p>2 buildings. The buildings are all to remain. So we had to</p> <p>3 work within those constraints. Primarily the northern</p> <p>4 property line does not permit excessive, additional routes</p> <p>5 that we could use. There was extensive restrictions because</p> <p>6 the buildings are pushed so far to the north property line.</p> <p>7 Additionally, there are an extensive number of large,</p> <p>8 significant trees on the property including four champion</p> <p>9 trees, which had to be worked around and could only be</p> <p>10 disturbed so much. As far as the site constraints, those</p> <p>11 are really the two big ones, the trees and the existing</p> <p>12 buildings.</p> <p>13 MR. KLINE: Since you can see our conversation is</p> <p>14 gravitating around traffic issues, would you explain why the</p> <p>15 Alta Vista Terrace existing driveway was (inaudible) and at</p> <p>16 whose insistence it be eliminated?</p> <p>17 MS. CLARK: The Alta Vista Terrace driveway was</p> <p>18 eliminated to mitigate and discourage traffic through the</p> <p>19 neighborhoods.</p> <p>20 MR. KLINE: And at the request of the Department of</p> <p>21 Transportation?</p> <p>22 MS. CLARK: Correct.</p> <p>23 MR. KLINE: All right. Would you explain --</p> <p>24 HEARING EXAMINER ROBESON: Is that Montgomery County?</p> <p>25 That's Montgomery County, right?</p>	<p>119</p> <p>1 HEARING EXAMINER ROBESON: You should be seeing it.</p> <p>2 MS. CLARK: Yeah. Okay. This is the easternmost site</p> <p>3 plan along Rockville Pike for the proposed conditions. And</p> <p>4 it shows the new proposed entrance off Rockville Pike, which</p> <p>5 consolidates the existing north and south entrances. This</p> <p>6 doesn't show, relatively speaking to the existing entrances</p> <p>7 where it is, but it is just north of the southernmost</p> <p>8 entrance. The gray area is proposed new pavement and that</p> <p>9 area along Rockville Pike is a proposed acceleration and</p> <p>10 deceleration lane, which will be in addition to the existing</p> <p>11 lanes on Rockville Pike currently, which will allow our</p> <p>12 traffic to get out of the existing travel way and onto the</p> <p>13 site without impeding the flow of traffic on Rockville Pike.</p> <p>14 MR. KLINE: And similarly, to the south is there</p> <p>15 adequate tapering there to allow cars to accelerate and</p> <p>16 merge into the southbound traffic?</p> <p>17 MS. CLARK: Yes, we provided the tapering and</p> <p>18 acceleration distance that we could based on the property</p> <p>19 that we have.</p> <p>20 MR. KLINE: All right. Is it timely then to go to an</p> <p>21 overall plan so you can see both drop off arrangements so</p> <p>22 you can explain how the circulation works on the site?</p> <p>23 MS. CLARK: Yes, I would like to move to the</p> <p>24 circulation plan, which is (inaudible). Jody, do you recall</p> <p>25 the circulation plan? Exhibit 37.</p>
<p>118</p> <p>1 MS. CLARK: Yes, Montgomery County Department of</p> <p>2 Transportation</p> <p>3 MR. KLINE: Ms. Fabre mentioned having a distinction</p> <p>4 between the bus circulation and drop off and the children's</p> <p>5 drop off in circulation. Would you just briefly describe</p> <p>6 why they had to be kept separate?</p> <p>7 MS. CLARK: Well, are finished with the existing</p> <p>8 conditions and the routing on the existing property? Would</p> <p>9 you like me to move to (inaudible)?</p> <p>10 MR. KLINE: Well, okay. All right. Let me withdraw</p> <p>11 the question and just ask you again, why did you have to</p> <p>12 eliminate at least one of the driveways and consolidate the</p> <p>13 driveways on Rockville Pike?</p> <p>14 MS. CLARK: We consolidated the driveways on Rockville</p> <p>15 Pike to meet SHA concerns regarding safety and sight</p> <p>16 distance and also the merge lane adjacent to Pooks Hill.</p> <p>17 They felt that our traffic was going to confer with that.</p> <p>18 MR. KLINE: Okay. And this drawing does not show any</p> <p>19 improvements along Rockville Pike. Can you briefly describe</p> <p>20 what the applicant has agreed to do to increase the width of</p> <p>21 Rockville Pike?</p> <p>22 MS. CLARK: Yes. I would like to move to an exhibit</p> <p>23 that shows that.</p> <p>24 MR. KLINE: And can you give us the number, please?</p> <p>25 MS. CLARK: Yes. 45(f), please.</p>	<p>120</p> <p>1 HEARING EXAMINER ROBESON: I'm coming. Okay, go ahead.</p> <p>2 MS. CLARK: Okay. These arrows show the circulation</p> <p>3 patterns coming off of Rockville Pike. Both buses and</p> <p>4 vehicles will use the same entrance. Buses will turn right</p> <p>5 and the blue line is the bus pathway. So buses will turn</p> <p>6 right into the site and followed the loop, the bus loop</p> <p>7 directly in front of the school, the main entrance to the</p> <p>8 school building. Yes. And then they will park, drop the</p> <p>9 children off. The children will then walk around the</p> <p>10 proposed sidewalk and into the main entrance at which time</p> <p>11 the buses will exit back out the way they came onto</p> <p>12 Rockville Pike and continue with their routes.</p> <p>13 MR. KLINE: Ms. Robeson, you've had an active cursor</p> <p>14 there. So I want to make sure you understood. Can you help</p> <p>15 Ms. Robeson put her cursor on the point where the actual</p> <p>16 drop-off occurs leading up to the steps into the entrance?</p> <p>17 MS. CLARK: Yes, right where the cursor was right</p> <p>18 there, that is the steps of the main entrance.</p> <p>19 HEARING EXAMINER ROBESON: The northern left -- the</p> <p>20 northern portion of the drop off?</p> <p>21 MS. CLARK: Yeah.</p> <p>22 MR. KLINE: And the lanes there are what width to allow</p> <p>23 for dual movement?</p> <p>24 MS. CLARK: They are -- they very actually. But at the</p> <p>25 most narrow point, 21 feet and then 24 feet, the majority --</p>

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<p>121</p> <p>1 the whole rest of the loop.</p> <p>2 MR. KLINE: Okay. So is the -- and do we have a sense</p> <p>3 of what's the maximum number of buses using that at any</p> <p>4 given time?</p> <p>5 MS. CLARK: There is space around the loop for parking</p> <p>6 for 13 buses at one time without double stacking them. So</p> <p>7 those are 13 single stacked buses.</p> <p>8 MR. KLINE: So we are -- are we comfortable that there</p> <p>9 is plenty enough stacking rent that no bus would back out</p> <p>10 onto the Pike?</p> <p>11 MS. CLARK: Yes, that's just within the circular loop</p> <p>12 itself. That's before they even pass through -- back onto</p> <p>13 the drive aisle to exit.</p> <p>14 MR. KLINE: While we are down that working area, what's</p> <p>15 the orange indication right as the split starts to occur?</p> <p>16 Is that a gate?</p> <p>17 MS. CLARK: Correct. That is the security gate for the</p> <p>18 bus loop.</p> <p>19 MR. KLINE: Okay. And that goes back to the questions</p> <p>20 from Mr. Brown earlier about the three different gates. And</p> <p>21 that's the one that controls the movement on the bus circle.</p> <p>22 MS. CLARK: Yes. All 13 buses can be parked prior to</p> <p>23 that gate.</p> <p>24 MR. KLINE: Thank you.</p> <p>25 MS. CLARK: Within the campus.</p>	<p>123</p> <p>1 point, that's where security gate A is located, at the</p> <p>2 western portion of that northernmost drive. Yes. Then the</p> <p>3 vehicular cars will continue around the circle, the</p> <p>4 perimeter drive. Those that's the little boxes shown along</p> <p>5 the drive are cars. Those are the -- presumably the</p> <p>6 stacking.</p> <p>7 At which point -- once they circle around to where they</p> <p>8 could either continue on to drop off in the parent drop-off</p> <p>9 circle, which would only be for elementary school kids</p> <p>10 attending a before program, as those would be the only</p> <p>11 elementary school's not bused. Otherwise, they are all</p> <p>12 nursery school children are dropped off inside the parking</p> <p>13 garage. So you would turn left into the parking garage</p> <p>14 or --</p> <p>15 MR. KLINE: Ms. Clark, I think you need to help</p> <p>16 identify that. We are looking at these green boxes and that</p> <p>17 red perpendicular line. That's the drive lane through the</p> <p>18 garage there?</p> <p>19 MS. CLARK: Yes.</p> <p>20 MR. KLINE: Okay. So they would make a left-hand turn</p> <p>21 to proceed into the garage?</p> <p>22 MS. CLARK: Yes. At which point they would park in the</p> <p>23 parking garage and enter the western entrance of the Lee</p> <p>24 Building through a covered walkway. Now --</p> <p>25 MR. KLINE: For what purpose?</p>
<p>122</p> <p>1 MR. KLINE: Yeah.</p> <p>2 HEARING EXAMINER ROBESON: When you say -- okay. On</p> <p>3 the east or west of the gate?</p> <p>4 MS. CLARK: The west.</p> <p>5 HEARING EXAMINER ROBESON: Okay.</p> <p>6 MR. KLINE: Would a reference to -- about the buses or</p> <p>7 do want to then move to the vehicle circulation?</p> <p>8 MS. CLARK: Was that a question for me? Okay.</p> <p>9 MR. KLINE: Yeah. Yeah.</p> <p>10 MS. CLARK: I didn't know if you are asking Ms.</p> <p>11 Robeson.</p> <p>12 MR. KLINE: Yeah. Are you -- are you finished with bus</p> <p>13 drop off operation?</p> <p>14 MS. CLARK: I am, yes.</p> <p>15 MR. KLINE: Okay. So go ahead and tell us about the</p> <p>16 vehicular circulation then.</p> <p>17 MS. CLARK: Similarly, the vehicles will enter the</p> <p>18 deceleration lane, turn right into the campus, and continue</p> <p>19 right along that orange line through the existing parking</p> <p>20 lot, then circle around left through that -- the northern</p> <p>21 driveway, which is being expanded to allow for fire access.</p> <p>22 Then the incoming cars will take the northern -- there</p> <p>23 is a dual route, drive aisle on the northwestern portion.</p> <p>24 Yes. So the incoming cars will take the northernmost drive</p> <p>25 aisle, which is existing, and continue around. At that</p>	<p>124</p> <p>1 MS. CLARK: To drop off nursery school children.</p> <p>2 MR. KLINE: Okay.</p> <p>3 MS. CLARK: As they need to be accompanied into the</p> <p>4 building with their parents.</p> <p>5 MR. KLINE: So then take us back to the parent who has</p> <p>6 dropped their child off at the circle and get them off the</p> <p>7 campus, which is presumably the same way the parent who has</p> <p>8 dropped off their child to be registered departs the campus.</p> <p>9 MS. CLARK: Okay. The parent who has dropped off their</p> <p>10 child in the circle would then continue back around the way</p> <p>11 that they came and exit through this -- either through the</p> <p>12 parking garage or all the way back around the loop -- yes --</p> <p>13 and take that southernmost northern drive aisle and then</p> <p>14 circle back out through the entrance and exit to Rockville</p> <p>15 Pike.</p> <p>16 MR. KLINE: And going back to a question I probably</p> <p>17 asked prematurely earlier about why have we separated those</p> <p>18 two functions and those two types of vehicle movements?</p> <p>19 MS. CLARK: It's preferred, especially at this age, to</p> <p>20 have a separation between bus and vehicular traffic for the</p> <p>21 safety of the students. Also, the bus loop and the parent</p> <p>22 drop-off circle are separated vertically by a minimum of 14</p> <p>23 feet of grade differential. So there was really no ability</p> <p>24 to connect the two anyway.</p> <p>25 MR. KLINE: Ms. Clark, do you think there's anything</p>

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<p>125</p> <p>1 else and that the hearing examiner and the audience that 2 listening ought to know about -- regarding this internal 3 circulation before we bring in the traffic engineers? Or 4 are you prepared to just assist them in the next discussion 5 about the more traffic related issues? 6 Anything else you want to add? 7 MS. CLARK: I think the most important thing to note is 8 the extensive amount of vehicular stacking on the site. 9 Between the entrance to the parking garage and the four core 10 the two drives split, there is 1,500 linear feet of 11 stacking. That's more than 80 cars. So I know that -- 12 HEARING EXAMINER ROBESON: I missed the point, or the 13 location of where you're talking about. 14 MS. CLARK: Okay. So from that point where you are, 15 where the vehicular split off from the buses. 16 HEARING EXAMINER ROBESON: Okay. 17 MS. CLARK: At that point within the site -- yes. They 18 are totally off Rockville Pike and away from the buses at 19 that point. 20 HEARING EXAMINER ROBESON: Okay. 21 MS. CLARK: From that point, around the perimeter loop 22 to the point where they enter the parking garage, yes. 23 HEARING EXAMINER ROBESON: Okay. 24 MS. CLARK: Is 1,500 linear feet, which is about 80 25 cars of stacking.</p>	<p>127</p> <p>1 one we were discussing earlier. 2 HEARING EXAMINER ROBESON: That's A on 80(a), I think. 3 MS. CLARK: Yeah. 4 HEARING EXAMINER ROBESON: Okay. 5 MS. CLARK: That's the one that's currently graded for 6 emergency vehicular access only. So it's not paved. The 7 issue in question, we would pave it and use it for 8 vehicular -- for vehicles to depart should that proceed. 9 HEARING EXAMINER ROBESON: Okay. Now what about B? 10 MS. CLARK: B is the third vehicular gate, which closes 11 off access to the property. A, B, and C are all access 12 points to the property and have fences associated with them 13 that fence off the entire property. 14 HEARING EXAMINER ROBESON: Okay. Why have them as 15 gates though? I mean if we're not going to use them? 16 MS. CLARK: They are being used for security gates. 17 They'll be open during peak hours, but otherwise they'll be 18 closed and only open with key cards and such. 19 HEARING EXAMINER ROBESON: Why have them open for peak 20 hours? 21 MS. CLARK: The intention is to keep the flow of 22 traffic moving so the gate wasn't opening and closing for 23 every vehicle. 24 HEARING EXAMINER ROBESON: Okay. Well, are you talking 25 about B? A is going to be closed, period, right?</p>
<p>126</p> <p>1 HEARING EXAMINER ROBESON: Okay. 2 MS. CLARK: That's more than I've seen on any school 3 campus. 4 That's all I would have to add, Jody, before we move to 5 Katie. I can assist with any specifics as you requested. 6 MR. KLINE: Sure. 7 So Ms. Robeson, I probably have another hour and a half 8 of testimony. Or at least, an hour of testimony for Ms. 9 Clark, all the things that are requirements of the zoning 10 ordinance. But they're not really traffic related, so I'm 11 comfortable reserving her until a later time, and asking her 12 to be available to assist the Gorove/Slade traffic engineers 13 to get into the details of the off-site traffic issues. Are 14 you okay with that? 15 HEARING EXAMINER ROBESON: I'm fine with that. While 16 she's here though, I just had a question. Where -- I 17 remember in 80, one of the '80s there was access here. 18 There were multiple access points. 19 MS. CLARK: Yes. That is -- those two access -- 20 HEARING EXAMINER ROBESON: What -- going back to -- 21 what Exhibit where we are, 37. Where are those -- are those 22 accesses shown on Exhibit 37? 23 MS. CLARK: No. They are proposed to be closed. Well, 24 the Alta Vista is absolutely proposed to be closed. The 25 Pooks Hill to the northwest is the one -- near A -- is the</p>	<p>128</p> <p>1 MS. CLARK: A is a gate. It's not the entrance. The 2 entrance is just near A. 3 HEARING EXAMINER ROBESON: What -- can you describe 4 physically what's there now? I don't understand what's the 5 difference between gate and entrance. I thought the gates 6 were the entrance. 7 MS. CLARK: Okay. So if we can go to Exhibit 45(b). 8 Oh no, that's not the one I want; 45(c), excuse me. I think 9 it will be easier to see. 10 Okay. This is the existing conditions demolition plan 11 for the western portion of the property. So that the 12 parking deck and the existing surface to parking lot that 13 exists on the west side. 14 HEARING EXAMINER ROBESON: Yes. 15 MS. CLARK: So in the northwest corner of the property, 16 you can see the gray area is existing pavement. 17 HEARING EXAMINER ROBESON: Right. 18 MS. CLARK: That's the existing drive access point that 19 is currently proposed to be closed. 20 HEARING EXAMINER ROBESON: Okay. That's A on the 21 other -- on the Exhibit AD that we did -- 22 MS. CLARK: A -- the per the legend on that Exhibit, A, 23 B, and C are just location of the proposed access gates. 24 They were referring to A because A is near this existing 25 drive. But A does not correspond to the existing drive.</p>

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<p>129</p> <p>1 HEARING EXAMINER ROBESON: That's where I was getting 2 confused.</p> <p>3 MR. KLINE: Dana, can you make a distinction between 4 gates and entrance points, or security gates? I think the 5 use of the term for both is confusing everything. A is an 6 access point off-site which has a gate as well.</p> <p>7 MS. CLARK: No. A is just a gate. It's not an access 8 point.</p> <p>9 MR. KLINE: Okay. So --</p> <p>10 MS. CLARK: There are the --</p> <p>11 MR. KLINE: So if it's teamed with B and those to 12 control access to the property then?</p> <p>13 MS. CLARK: Correct. There are two driveways. There 14 is the northernmost driveway and then the southernmost dual 15 driveways towards the back of the site. They are not dual 16 in the existing conditions that this plan is showing. If we 17 can go back to 37. Okay. So because there are two 18 driveways, in order to secure the campus we need two gates, 19 that are security gates within the fence that open and 20 closed to allow for vehicles to pass.</p> <p>21 HEARING EXAMINER ROBESON: Okay. Got it. Thank you.</p> <p>22 MS. CLARK: Sure.</p> <p>23 HEARING EXAMINER ROBESON: I'm sorry to take so much 24 time.</p> <p>25 MS. CLARK: If that's clarified, Jody, I think that I</p>	<p>131</p> <p>1 MS. CLARK: I said the existing access point off Alta 2 Vista is proposed to be closed, removed.</p> <p>3 MR. MYERS: Okay. Just --</p> <p>4 MS. CLARK: Restored to curb.</p> <p>5 MR. MYERS: Okay.</p> <p>6 MS. CLARK: And the access points, A, B, and C are 7 proposed gates to secure the facility.</p> <p>8 MR. MYERS: Okay. I'm fine.</p> <p>9 HEARING EXAMINER ROBESON: Okay. Any other questions?</p> <p>10 MR. KLINE: And as a correction; if I can ask, Ms. 11 Clark; is it Alta Vista Road, or Alta Vista Terrace?</p> <p>12 MS. CLARK: Alta Vista Terrace.</p> <p>13 MR. KLINE: Thank you.</p> <p>14 HEARING EXAMINER ROBESON: Okay. Mr. Myers, do you 15 have any other questions?</p> <p>16 MR. MYERS: No, I don't. I see Mr. Brown does though.</p> <p>17 HEARING EXAMINER ROBESON: Okay. Can you lower your 18 hand and Mr. Brown, you go ahead.</p> <p>19 MR. BROWN: Would you please refer back to Exhibit 20 45(c)?</p> <p>21 HEARING EXAMINER ROBESON: This is 45(c).</p> <p>22 MR. BROWN: Yeah. Up in the upper left-hand corner, 23 there is an arrow, just above your cursor there the arrow 24 above that, and it reads, existing access to adjacent 25 apartment complex and Pooks Hill Road (to remain). I</p>
<p>130</p> <p>1 can move on with Katie.</p> <p>2 MR. KLINE: Well that's what I was going to -- Ms. 3 Robeson you may want to subject Ms. Clark to cross 4 examination on these questions and now, just to dispose of 5 them because it will be a while before we get back to this 6 subject again.</p> <p>7 HEARING EXAMINER ROBESON: Yes. Does anyone have 8 questions for Ms. Waggoner (sic)? Okay. I see Mr. Myers.</p> <p>9 MR. MYERS: The question is; you stated --</p> <p>10 HEARING EXAMINER ROBESON: I mean Ms. -- I'm sorry. Go 11 ahead.</p> <p>12 MR. MYERS: You stated that the access points off of 13 Alta Vista Road was far entrance and exit; is that your 14 understanding?</p> <p>15 MS. CLARK: In the existing condition, yes.</p> <p>16 MR. MYERS: You're wrong.</p> <p>17 HEARING EXAMINER ROBESON: Okay.</p> <p>18 MR. MYERS: Okay. I know. I know. I -- it wasn't.</p> <p>19 And you also said that they would be open during peak 20 periods, the access point off of Alta Vista Road because in 21 the material we got it would be taken out and --</p> <p>22 MS. CLARK: No, that's not what I said.</p> <p>23 MR. MYERS: Okay.</p> <p>24 HEARING EXAMINER ROBESON: What did you say? It's 25 closed for --</p>	<p>132</p> <p>1 believe this is the matter that I was discussing earlier 2 with the director concerning the fact that there is no 3 current arrangement with the HOC property for the use of 4 this access point. Am I talking about -- is the diagram 5 that I've just referred to the same thing?</p> <p>6 MS. CLARK: Yes. That's the existing portion of the 7 drive off of our property, which is to remain because it's 8 not our property.</p> <p>9 MR. BROWN: And if I understand correctly, that there 10 may be some future conclusion of negotiations that would 11 make access to Pooks Hill Road through that property 12 available; is that correct?</p> <p>13 MS. CLARK: There is that potential, yes.</p> <p>14 MR. BROWN: So what would have to be done at the 15 property line to fulfill that?</p> <p>16 MS. CLARK: To fulfill that, we would have to pave in a 17 connection point between the existing off-site drive which 18 is to remain and our curb line -- our proposed drive aisle 19 curb line.</p> <p>20 HEARING EXAMINER ROBESON: And would the proposed drive 21 aisle curb line be this -- where would the proposed curb 22 aisle drive be?</p> <p>23 MS. CLARK: That would be -- this is all existing. 24 Everything on this plan.</p> <p>25 HEARING EXAMINER ROBESON: Right. Right, right.</p>

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<p>133</p> <p>1 MS. CLARK: So I would need to move back to 45-E. 2 Okay. So on this sheet you can see up in the north -- 3 HEARING EXAMINER ROBESON: I -- 4 MS. CLARK: -- the top corner that that existing access 5 is to be maintained off the property. Now -- yes, correct. 6 So we would have to form a pavement connection between that 7 existing drive and our proposed driveway, approximately 60 8 feet between the two. 9 HEARING EXAMINER ROBESON: Okay. 10 MR. BROWN: That's all I have, thank you. 11 HEARING EXAMINER ROBESON: Okay. Let me see. I think 12 Ms. Umhofer has a question. 13 MS. UMHOFFER: Yes. Sorry. On Alta Vista Terrace 14 access point that I know you are anticipating closing, do 15 you know what the current special amendment -- I believe it 16 restricts the number of trips that can go through that 17 access point; and do you know what those current 18 restrictions are? 19 MS. CLARK: The limits are 80 trips. 20 MS. UMHOFFER: Okay. So your closing and access point 21 that only allowed 80 trips per day? 22 MS. CLARK: Correct. 23 MS. UMHOFFER: Okay. And you're doing that because the 24 Department of Transportation wanted you to minimize traffic 25 through the neighborhood?</p>	<p>135</p> <p>1 lot or is that an interior security? 2 MS. CLARK: Correct. All these gates are interior 3 security gates. We have a detail with in the Exhibits if 4 that would help; 80(e). 5 MS. GANZ: So at the present your plan would be to have 6 an entrance off of the Rockville Pike, and then, depending 7 on your negotiations with the HOC an entrance and exit 8 through their property? 9 MS. CLARK: Potentially, yes. That could be added. At 10 present time it's just off Rockville Pike 11 MS. GANT: Thank you. 12 MS. CLARK: These are the gates, the security gates and 13 that are in line with the security fence that we are 14 referring to at the A, B, and C locations. 15 MS. GANT: Okay. 16 MR. KLINE: Ms. Robeson, it's Mr. Kline speaking. 17 Could I just ask a quick redirect of Ms. Clark in response 18 to a question from Ms. Umhofer, please? 19 HEARING EXAMINER ROBESON: Well, just -- are Ms. 20 Umhofer and Ms. Gant, are you finished with your questions? 21 MS. GANT: Thank you. For the present time. 22 HEARING EXAMINER ROBESON: Okay. Then if you could 23 both put your hands down and does anyone else have any 24 questions? 25 Okay. Seeing none, and hearing none, go ahead, Mr.</p>
<p>134</p> <p>1 MS. CLARK: Correct. 2 MS. UMHOFFER: So is it consistent with that goal to 3 then route traffic down Alta Vista Road from Rockville Pike? 4 MS. CLARK: The goals of the routing are really a 5 traffic related question, not really an internal circulation 6 question. So I would have to defer to Katie on that. 7 MS. UMHOFFER: Okay. 8 HEARING EXAMINER ROBESON: Okay. Ms. Gant? 9 MS. GANT: When you talked about the current entrance 10 on Alta Vista Road, you said it would be closed at the curb. 11 But will that then leave an opening where children could be 12 dropped off and walk into the campus? Or is the gate itself 13 actually going to be closed permanently with a fence? 14 MS. CLARK: The curb will be removed at the right of 15 way line at Alta Vista Terrace, so the whole drive from Alta 16 Vista Terrace into our property will be removed. And the 17 fence will not have a gate at that point. There will be no 18 gates other than those which are shown, the A, B, and C we 19 were initially referring to. So there would be no 20 pedestrian access on the backside of the property for 21 parents to have a way in to do that. Helen was discussing 22 that earlier. 23 MS. GANZ: I have a quick question about gates, what 24 you referred to as gate B; does that allow some kind of 25 access from Pooks Hill Road, or the neighbor, or a parking</p>	<p>136</p> <p>1 Kline. 2 MR. KLINE: Ms. Clark, the answer to a question from 3 Ms. Umhofer was 80 trips a day on the Alta Vista driveway? 4 MS. CLARK: Yes. 5 MR. KLINE: Okay. Is it not more accurate to say that 6 80 employees at FASEB had fobs that allowed them access to 7 come and go through that gate? 8 MS. CLARK: Correct. It was regulated. 9 MR. KLINE: So there could be more than 80 trips, that 10 would just be incoming, and you could have more during the 11 day? 12 MS. CLARK: Correct. 13 MR. KLINE: All right. Thank you. 14 HEARING EXAMINER ROBESON: Well, isn't a trip -- a trip 15 for LATR purposes is in -- one in, and one out, so it would 16 be 160 trips, 80 employees. 17 MR. KLINE: That is -- the math is correct, yes. 18 HEARING EXAMINER ROBESON: Okay. All right. But 19 that's, as I understand it, that's a being eliminated; 20 unless you get a -- I'm not going to say deal, unless you 21 reach agreement with the HOC? 22 MR. KLINE: You are correct in that -- 23 MS. CLARK: Those are two separate entrances. 24 MR. KLINE: Yeah, you are correct that the Alta Vista 25 Terrace is being closed and no access, pedestrian or</p>

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<p>137</p> <p>1 vehicular at all.</p> <p>2 HEARING EXAMINER ROBESON: Okay. And where is the</p> <p>3 HO -- I'm sorry, but where is the HOC easement?</p> <p>4 MS. CLARK: That's the one at the northwestern corner</p> <p>5 that we were showing we would have to make the connection</p> <p>6 to. If we go back to 45-B. Oh, 45-C.</p> <p>7 HEARING EXAMINER ROBESON: Oh, no. I'm sorry. There</p> <p>8 we go. Can you see that?</p> <p>9 MS. CLARK: No.</p> <p>10 MR. KLINE: Not yet.</p> <p>11 MS. CLARK: Okay. So the HOC access point is the</p> <p>12 northwestern most access point. The Alta Vista access point</p> <p>13 is the southwestern -- yes, that one.</p> <p>14 HEARING EXAMINER ROBESON: Okay. Thank you.</p> <p>15 Okay. Do you have any more redirect, Mr. Kline?</p> <p>16 MR. KLINE: No, thank you.</p> <p>17 HEARING EXAMINER ROBESON: Okay. Thank you, Ms. Clark.</p> <p>18 You can be excused for now on recall -- subject to recall.</p> <p>19 All right Mr. Kline, your next witness?</p> <p>20 MR. KLINE: Ms. Wagner, would you please put your face</p> <p>21 up on the screen so we can see you sworn?</p> <p>22 MS. WAGNER: Yes, I am here.</p> <p>23 HEARING EXAMINER ROBESON: Okay. Please --</p> <p>24 MR. KLINE: The hearing examiner would like to see you,</p> <p>25 Katie.</p>	<p>139</p> <p>1 MS. WAGNER: 1140 Connecticut Avenue, Suite 600,</p> <p>2 Washington, D.C. 20036.</p> <p>3 MR. KLINE: And what is your profession?</p> <p>4 MS. WAGNER: Transportation engineer.</p> <p>5 MR. KLINE: And do you include within that of being a</p> <p>6 traffic engineer as well?</p> <p>7 MS. WAGNER: Yes, I do.</p> <p>8 MR. KLINE: And with what firm are you associated?</p> <p>9 MS. WAGNER: Gorove/Slade and Associates.</p> <p>10 MR. KLINE: Of traffic engineering and transportation</p> <p>11 planning before the Office of the Zoning and Administrative</p> <p>12 Hearings in Montgomery County?</p> <p>13 MS. WAGNER: I have, yes.</p> <p>14 MR. KLINE: How recently?</p> <p>15 MS. WAGNER: On October 30th, 2020.</p> <p>16 MR. KLINE: And what was the case?</p> <p>17 MS. WAGNER: It was an assisted living facility, one on</p> <p>18 Liberty Mill Road.</p> <p>19 MR. KLINE: And Mr. Baumgartner accepted you as an</p> <p>20 expert in those fields?</p> <p>21 MS. WAGNER: Yes.</p> <p>22 MR. KLINE: Ms. Robeson, as a result of Ms. Wagner's</p> <p>23 recent qualification as an expert in traffic engineering and</p> <p>24 transportation planning, I'd like to offer her again in that</p> <p>25 capacity.</p>
<p>138</p> <p>1 HEARING EXAMINER ROBESON: I have her now.</p> <p>2 MS. WAGNER: Yeah.</p> <p>3 HEARING EXAMINER ROBESON: Can you raise your right</p> <p>4 hand? Do you solemnly swear --</p> <p>5 MS. WAGNER: I think --</p> <p>6 HEARING EXAMINER ROBESON: Yes.</p> <p>7 MS. WAGNER: I'm sorry, Jody was Erwin going to go at</p> <p>8 the same time as me.</p> <p>9 HEARING EXAMINER ROBESON: No, one at a time. Just for</p> <p>10 the transcript.</p> <p>11 MS. WAGNER: Okay.</p> <p>12 HEARING EXAMINER ROBESON: Do you solemnly affirm under</p> <p>13 penalties of perjury that the statements you are about to</p> <p>14 make are the truth, the whole truth, and nothing but the</p> <p>15 truth?</p> <p>16 MS. WAGNER: I do.</p> <p>17 HEARING EXAMINER ROBESON: Okay. Do you have another</p> <p>18 witness you'd like to swear in right now?</p> <p>19 MR. KLINE: Not at this time.</p> <p>20 HEARING EXAMINER ROBESON: Okay.</p> <p>21 MR. KLINE: Ms. Wagner, would you please state and</p> <p>22 spell your name?</p> <p>23 MS. WAGNER: Katherine, K-A-T-H-E-R-I-N-E, Wagner,</p> <p>24 W-A-G-N-E-R.</p> <p>25 MR. KLINE: And what is your professional address?</p>	<p>140</p> <p>1 HEARING EXAMINER ROBESON: And transportation planning?</p> <p>2 MR. KLINE: Both come into play and they -- and Ms.</p> <p>3 Wagner has indicated that she is qualified in both.</p> <p>4 HEARING EXAMINER ROBESON: Okay. Any objections?</p> <p>5 Neither seen nor --</p> <p>6 MR. BROWN: No objection.</p> <p>7 HEARING EXAMINER ROBESON: -- hear -- okay. Neither</p> <p>8 seen nor hearing any, you are so qualified.</p> <p>9 MR. KLINE: Ms. Wagner, I was going to ask you to kind</p> <p>10 of give us the -- before you begin, the nuts and bolts, all</p> <p>11 the numbers that you're going to bore us with. But I was</p> <p>12 going to ask you to give us an overview. But I think Ms.</p> <p>13 Clark has done a good job of pointing out. But when you</p> <p>14 folks, Gorove/Slade, was brought in, you had a piece of</p> <p>15 property that had four points of access; is that correct?</p> <p>16 MS. WAGNER: Yes.</p> <p>17 MR. KLINE: Okay. The problem -- well, then go ahead</p> <p>18 and please describe your methodology of preparing a traffic</p> <p>19 impact statement and what your initial findings and</p> <p>20 conclusions were.</p> <p>21 MS. WAGNER: Yes. So we scoped the LATR traffic study.</p> <p>22 We (inaudible) Montgomery County Park and Planning staff,</p> <p>23 SHA staff as well as Montgomery County DOT staff and</p> <p>24 prepared the LATR following the 2017 LATR guidelines. Our</p> <p>25 final conclusions of the project was that it will not have a</p>

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<p>141</p> <p>1 detrimental impact to the transportation network. And</p> <p>2 assuming that all the planned site elements, the</p> <p>3 transportation management and the proposed mitigation</p> <p>4 measures are implemented.</p> <p>5 MR. KLINE: In Gorove/Slade's opinion that submission</p> <p>6 met the standards and requirements of the local area</p> <p>7 transportation review guidelines?</p> <p>8 MS. WAGNER: Yes.</p> <p>9 MR. KLINE: Okay. When that study was reviewed by Park</p> <p>10 and Planning, SHA, and DOT what feedback did you get and</p> <p>11 what process did that initiate?</p> <p>12 MS. WAGNER: Yes. So we received initial feedback</p> <p>13 regarding this traffic study. There were a few concerns</p> <p>14 that staff had regarding the traffic study, and we worked</p> <p>15 with them to resolve them. The first being associated with</p> <p>16 the access configuration available for the project. I think</p> <p>17 it would be helpful to pull up Exhibit 63, and so we can see</p> <p>18 an overall view of the site.</p> <p>19 MR. KLINE: Is that a specific Exhibit, or is that a</p> <p>20 PowerPoint presentation?</p> <p>21 MS. WAGNER: It's the PowerPoint presentation.</p> <p>22 MR. KLINE: So can you give the page that you'd like</p> <p>23 out of that PowerPoint?</p> <p>24 MS. WAGNER: Yes. I would like to see page -- I think</p> <p>25 page 8 would be the most helpful.</p>	<p>143</p> <p>1 committing to parent education, encouraging and providing</p> <p>2 safe routes to and from the school in order to not attempt</p> <p>3 that movement. They also -- the school is also committed</p> <p>4 to, as mitigation, installing flexible barriers, or some</p> <p>5 sort of separation between -- along the turn lane so that</p> <p>6 vehicles cannot attempt the weaving maneuver to get into</p> <p>7 that southbound U-turn to head north on Rockville Pike.</p> <p>8 The next issue that we worked through with staff was</p> <p>9 the number of vehicles in the original LATR --</p> <p>10 HEARING EXAMINER ROBESON: Did you -- I'm sorry. Did</p> <p>11 you say education of parents on alternative routes? Is that</p> <p>12 what you said?</p> <p>13 MS. WAGNER: Yes. Yeah, just to be able to -- that</p> <p>14 once to really a private school has the opportunity to</p> <p>15 educate parents how they can get to and from the school</p> <p>16 safely in order to not make that U-turn. That they will --</p> <p>17 that is included as part of the TMP to make sure that</p> <p>18 they're doing observations and making sure that that</p> <p>19 maneuver is not being made by parents and staff.</p> <p>20 Did you have any other questions about the U-turn?</p> <p>21 Because it was a very issue --</p> <p>22 HEARING EXAMINER ROBESON: Yeah. I think -- so I'm at</p> <p>23 the point where -- well, this is for Mr. Kline later. But I</p> <p>24 don't know, at the end of the day what the TMP is going to</p> <p>25 say. So whatever conditions, I would like specific</p>
<p>142</p> <p>1 HEARING EXAMINER ROBESON: Okay. Getting there. Go</p> <p>2 ahead. Can you see it?</p> <p>3 MS. WAGNER: Yeah. So any vehicle, you're familiar</p> <p>4 with where the site driveway is at this point. Any vehicle</p> <p>5 exiting the site has to turn right to go to exit the site.</p> <p>6 Not everybody wants to head south on Rockville Pike so the</p> <p>7 issue became how do you get vehicles to turn -- to be able</p> <p>8 to head north of the site. And there is a U-turn that</p> <p>9 can -- is possible for -- somebody is echoing. For vehicles</p> <p>10 exiting the site to be able to turn -- and you exit the site</p> <p>11 south and are able to make the U-turn at Alta Vista Road to</p> <p>12 travel north.</p> <p>13 Staff was concerned about vehicles exiting the site and</p> <p>14 traveling south and then making a U-turn at Alta Vista to</p> <p>15 travel north onto Rockville Pike.</p> <p>16 HEARING EXAMINER ROBESON: Is there light at Alta Vista</p> <p>17 and Rockville Pike?</p> <p>18 MS. WAGNER: Yes, there is. So the issue was staff was</p> <p>19 concerned about vehicles exiting the site, trying to make</p> <p>20 that U-turn to travel north and when they were doing that,</p> <p>21 and attempting that movement they would have to weave across</p> <p>22 three lanes of traffic. And so that became a safety concern</p> <p>23 for staff. That was the first issue that we needed to work</p> <p>24 through.</p> <p>25 The way that we worked through that was the school</p>	<p>144</p> <p>1 conditions in the special exception because I don't know</p> <p>2 what's going to go on with the TMP.</p> <p>3 MS. WAGNER: Okay. Yes, we can definitely -- we'll</p> <p>4 talk about the TMP at the end because I think there's a lot</p> <p>5 of issues that go into there. The next thing that we worked</p> <p>6 with staff was regarding the number of trips that were being</p> <p>7 generated by the school that we worked through multiple</p> <p>8 iterations with staff to reduce the number of trips going to</p> <p>9 and from the school. The things that the school did to</p> <p>10 mitigate those trips is making bussing mandatory for all</p> <p>11 elementary school students that are not --</p> <p>12 HEARING EXAMINER ROBESON: Slow down.</p> <p>13 MS. WAGNER: Sorry. I can actually go to an Exhibit</p> <p>14 that --</p> <p>15 HEARING EXAMINER ROBESON: I'm taking notes, I</p> <p>16 apologize.</p> <p>17 MS. WAGNER: No, you're fine.</p> <p>18 HEARING EXAMINER ROBESON: Made bussing mandatory for</p> <p>19 elementary school students. I think Ms. Faber said unless</p> <p>20 they had a preschooler.</p> <p>21 MS. WAGNER: Yeah, I can describe that a little bit</p> <p>22 more for you. So the intent was to get every kid on the bus</p> <p>23 that we can the school is providing, as you heard a before</p> <p>24 and after school program. The function of this program is t</p> <p>25 twofold. To serve the parents and the community to provide</p>

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<p>145</p> <p>1 an opportunity that before and after school care is -- the 2 school did a survey and that is a very -- that's something 3 that the parents really wanted to be provided. And because 4 of the special exceptions that the other schools are not 5 able to be provided. The other thing that this does is that 6 it spreads out the impact of the trips to and from the 7 school on the roadway network that were not all arriving at 8 one time so any child that is in elementary school 9 participating in that before and after school care is 10 allowed to be dropped off on campus and the other exception 11 to the mandatory busing for elementary school students is if 12 they have a simple aim at in the nursery program that they 13 are allowed to be in the car with their sibling. So those 14 are the exceptions to the mandatory busing. 15 HEARING EXAMINER ROBESON: Okay. 16 HEARING EXAMINER ROBESON: 17 MS. WAGNER: The original plan of the project included 18 an office component that the school was going to occupy the 19 west side of the site and there was 55,000 square foot of 20 office that they were going to allow FASEB to stay in and as 21 the trips became more of an issue they identified that as a 22 way to reduce the number of trips to and from the school. 23 So that was another thing that the school -- 24 HEARING EXAMINER ROBESON: Did the school eliminate the 25 FAFSA portion?</p>	<p>147</p> <p>1 the school to really address the U-turn issue to provide a 2 way for vehicles to travel north on Rockville Pike instead 3 of having to make the U-turn. 4 In the end DOT -- MCDOT rejected that driveway for two 5 reasons. One, they thought that that would encourage more 6 trips associated with the school through the neighborhood 7 and really wanted to eliminate any impact on the 8 neighborhood. And that was why it was not part of the 9 original plan. Then, the other thing is there is a 10 northbound left turn restriction at the intersection of 11 Rockville Pike and Alta Vista. And so that turn restriction 12 would need to be eliminated. And that turn restriction is 13 in the morning peak hour. 14 MR. KLINE: Ms. Wagner -- hey Ms. Wagner, before you go 15 on could you take a step back and elaborate on Ms. Clark's 16 testimony in terms of the (inaudible). 17 MS. WAGNER: Sorry Jody, you cut out. You're on mute 18 now. 19 MR. KLINE: Sorry. Thank you. What I want you to do 20 is elaborate on Ms. Clark's comments about the new lanes 21 along the front of the property and in the context of the 22 hearing examiner's question about crash data. One, do you 23 have any crash data and secondly how was the accel/decel 24 intended to address that issue? 25 MS. WAGNER: Yes. So we have provided an acceleration</p>
<p>146</p> <p>1 MS. WAGNER: Sorry, yes. I'm sorry. I misspoke. To 2 eliminate the FAFSA portion of the project. And then, the 3 other thing that the school did to really reduce the number 4 of trips and the impact on the roadway network was looking 5 at when staff was arriving to and from the school and to 6 make sure that those times were spread out throughout the 7 day so that staff was not arriving all of the same time with 8 the students; that it was spread out. And so staff 9 schedules were adjusted to accommodate that. 10 HEARING EXAMINER ROBESON: Is there any requirement for 11 staff -- how close are you to a bus -- is there any 12 requirement for staff to take buses? 13 MS. WAGNER: There is not. But that is one -- that is 14 one measure that the school can also reduce the number of 15 trips is by providing more opportunities for the school 16 staff to take buses. There is a bus stop directly in front 17 of the site, so there is plenty of opportunity for staff to 18 ride the bus. 19 HEARING EXAMINER ROBESON: Okay. Keep going. 20 MS. WAGNER: As you've heard from Dana, another thing 21 that we did was really look at the site access and what 22 worked best for the local roadway network as well as the 23 community. We spent quite a few months working with staff 24 to identify if Alta Vista, either Terrace or Road driveway 25 was acceptable rule would be something that would work for</p>	<p>148</p> <p>1 and deceleration lane. Do you know what Exhibit was that? 2 Are I guess we can just go to the site plan which is -- 3 MS. CLARK: 45(e). 4 MS. WAGNER: 45(e). 5 MS. CLARK: 45(f), excuse me. 45(f). 6 HEARING EXAMINER ROBESON: This one? 7 MS. WAGNER: No that -- 8 HEARING EXAMINER ROBESON: Okay. Okay. Hold on. 9 MS. CLARK: 45-F, I think it's all the way to the 10 right. There you go. 11 MS. WAGNER: Yeah. So as your traveling southbound on 12 Rockville Pike and there are four travel lanes in front of 13 the site they merge into three travel lanes. And so staff 14 was -- so we worked with SHA quite extensively to figure out 15 a way to improve that condition. The way that we were able 16 to do this was by consolidating the two driveways into one, 17 any time that you reduce the number of access points to any 18 property reduces the likelihood of conflict points. 19 And so the other thing that we wanted to do with this 20 configuration by providing the acceleration and deceleration 21 lane was to really look at travel speeds and to make sure 22 that vehicles entering and exiting the site would not 23 interfere with the travel speeds on Rockville Pike, 24 specifically because the bus system is so robust and there 25 are buses associated with the school that will be coming in</p>

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<p>149</p> <p>1 and out. They wanted to make sure that there's an area for 2 buses to get up to speed and have plenty of room to turn out 3 of the site without impacting the vehicles on Rockville 4 Pike. 5 We did look at crash data for the local area and two 6 incidents were identified. Data was available between 2012 7 and 2016. There was one incident north of the site at the 8 Pooks Hill intersection involving a left turning vehicle. 9 The other incident was within the neighborhood and it was 10 with a pedestrian on Pooks Hill during the night. 11 MR. KLINE: Please continue, Ms. Wagner. 12 MS. WAGNER: Okay. A couple of other things that we 13 worked with the staff was regarding that HOC driveway, that 14 North driveway that we -- that Dana talked about Park and 15 Planning staff originally, as we were brainstorming 16 different access points for the school eliminated that 17 option as they were concerned about relying on a private 18 property to provide access to another private property and 19 that an agreement like that may go away or something like 20 that. So that's why that was not part of the final plan. I 21 will say that the traffic impacts with (inaudible) if we are 22 able to reach an agreement will not change the findings of 23 our traffic study as vehicles using that driveway were 24 already assumed to be at the Pooks Hill intersection it 25 would just reduce the number of trips traveling through the</p>	<p>151</p> <p>1 the same section of Pooks Hill -- you know, some of this is 2 noticed. Pooks Hill look at your site plan and say of the 3 traffic so not going to come through here? 4 MS. WAGNER: If you go to Exhibit 63 -- oh what is it? 5 63 -- oh yeah, 263, the PowerPoint and you scroll up, it's 6 page 8. Yes, that one. If you are able to zoom in a little 7 bit I can kind of explain what Jody was describing. 8 HEARING EXAMINER ROBESON: Oop, how did that happen? 9 Okay. Let me try this. No, that's not it. All right. 10 MS. WAGNER: I think if you post the plus button on the 11 other side. 12 HEARING EXAMINER ROBESON: That's what I was -- 13 MS. WAGNER: There you go. 14 HEARING EXAMINER ROBESON: -- doing before but it 15 wasn't showing. Okay. Let's try this. 16 MS. WAGNER: There you go. 17 So if you're able to see, at the intersection of Alta 18 Vista and Linton, right in the middle of that graphic, there 19 is 57 cars that are turning right, and then there's 57 cars 20 going straight, and then there's 57 cars on Pooks Hill. 21 What we're saying is that those cars are -- would just 22 instead of traveling on Alta Vista, they would just jump out 23 onto Pooks Hill. And so they are already assumed to be 24 there, it's just cutting down on the distance and that they 25 would be driving.</p>
<p>150</p> <p>1 neighborhood. 2 HEARING EXAMINER ROBESON: Will wait a minute. Wait. 3 Wait. Wait. But if nobody in Pooks Hill -- if you did that 4 Pooks Hill intersection you would have to come back here for 5 an amendment. I'm just saying. 6 Mr. Kline, do you disagree? 7 MR. KLINE: I don't disagree that Ms. Wagner has an 8 answer to that. We're improving it anyway. 9 Ms. Wagner. 10 HEARING EXAMINER ROBESON: Yes, but I guess what I'm 11 saying is what's before me right now -- 12 MS. WAGNER: Not -- 13 HEARING EXAMINER ROBESON: Right now you don't have the 14 access, correct? 15 MR. KLINE: Well, I'd -- this is Jody Kline speaking. 16 I disagree with Mr. Brown about the relevance of the 17 document. But suffice it to say that the Applicant has 18 accepted a condition that it will improve the Pooks Hill 19 intersection with the plan we have on the table today. What 20 Ms. Wagner wants to tell you is the trips will either go on 21 Alta Vista Road and up to Pooks Hill or through the HOC 22 property to Pooks Hill so the same number of trips get there 23 and we're going to make an improvement regardless of which 24 one is ultimately approved. 25 HEARING EXAMINER ROBESON: I guess my question is, is</p>	<p>152</p> <p>1 And we are -- 2 HEARING EXAMINER ROBESON: Well, I -- 3 MS. WAGNER: -- proposing to make improvements at the 4 Pooks Hill intersection to address the trips that are there. 5 HEARING EXAMINER ROBESON: What Pooks Hill 6 intersection? The one right here leaving the site? 7 MS. WAGNER: At the intersection of Pooks Hill and 8 Rockville Pike there are improvements to allow for two left 9 turn lanes farther than there currently are. 10 HEARING EXAMINER ROBESON: Is that -- that's not a 11 condition of approval. 12 MS. WAGNER: Jody, I believe it is; isn't it? 13 HEARING EXAMINER ROBESON: You're -- 14 MR. KLINE: I believe it is, Ms. Robeson, but let me 15 just double check that. We certainly have drawn up designs 16 for it so I believe we expected that would be the case. 17 HEARING EXAMINER ROBESON: And are the two turn 18 lanes -- okay. That's to prevent -- to provide capacity to 19 keep from stacking up through Pooks Hill Road. 20 MS. WAGNER: Exactly. 21 HEARING EXAMINER ROBESON: Go ahead. We'll look it up 22 later. 23 MS. WAGNER: Yeah. And then, the last thing we really 24 worked through with staff was addressing the Saturday and 25 summer school programs that, as you heard before that they</p>

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<p>153</p> <p>1 will be limited to the same number of students, 700 2 students, as the school. And bussing will become a 3 requirement once the school reaches 150 students. The 4 direct impacts of the Saturday and summer classes were not 5 studied on the roadway network. This is due to the fact 6 that traffic volumes on a Saturday and during the summer are 7 not nearly as high as traffic volumes that would be on the 8 roadway network during a typical weekday. 9 So the -- so that's why the specific impacts were not 10 studied. The 150 students was chosen by staff as a limit to 11 when they needed to start implementing buses was twofold. 12 One, to give the school an opportunity to grow the programs. 13 As you've heard they're not programs now. The other reason 14 that it gave them up to 150 students before busing became 15 implemented was because if you look at the trip generation 16 for the project 150 -- and this might be helpful if you 17 scroll up on this exhibit, I think three slides. 18 HEARING EXAMINER ROBESON: Sorry. Let me just -- okay. 19 MS. WAGNER: Keep going, one more. I think you're 20 going down. 21 HEARING EXAMINER ROBESON: Oh. 22 MS. WAGNER: One more. There you go. Oh, down. 23 So if you look at the AM peak hour, the number of trips 24 associated with the school is 330 students. As we heard 25 earlier that's 150 students are going to be dropped off and</p>	<p>155</p> <p>1 is this your suggested routes for parents? 2 MS. WAGNER: So what this graphic is showing is showing 3 the number of vehicles -- the net new number of vehicles. 4 So that we -- there are approved trips for the office 5 development on the roadway network. And so this graphic is 6 showing what the net new number of trips are. The 7 graphic -- 8 HEARING EXAMINER ROBESON: I think new during peak 9 hour, correct? 10 MS. WAGNER: Yes, during peak hour, yes. Yes, and the 11 peak hour times that we studied were 7:30 to 8:30 a.m., 3:00 12 to 4:00 p.m. and 5:00 to 6:00 p.m. 13 HEARING EXAMINER ROBESON: Okay. Keep going. 14 MS. WAGNER: Jody? 15 MR. KLINE: Ms. Wagner, you've got better notes than 16 I've got so I'll just let you continue as you would like to 17 proceed. 18 MS. WAGNER: So I think a few of the other question 19 that were in -- that we received yesterday was about the 20 queuing and weaving analysis. So those were provided in the 21 LATR. The LATR is Exhibit 64(b) and the analysis results 22 are for both the queuing and the weaving are found on pages 23 50 to 54. 24 HEARING EXAMINER ROBESON: Okay. The queuing and 25 weaving analysis for the Rockville -- was it just the</p>
<p>154</p> <p>1 then 150 students are going to be leaving. And then, 30 2 staff members can arrive during the AM peak hour. And the 3 school will still be under the trip caps. That's assuming 4 no siblings and 30 staff. And so that's why the 150 number 5 was implemented. It was also, that having to bus 25 percent 6 of a 50 student program when they first start was just not a 7 feasible condition for the school to have to follow. 8 So those are the main things that we worked through 9 with staff. 10 HEARING EXAMINER ROBESON: Do you know how wide the 11 roads -- how wide is Alta Vista? 12 MS. WAGNER: I think Dana would be able to provide that 13 answer. 14 HEARING EXAMINER ROBESON: Okay. It's all right. I'm 15 sure someone will. Because LATR just looks at -- well, 16 anyway. Okay. 17 MS. WAGNER: Alta Vista is 34 feet wide, approximately. 18 MS. CLARK: Yeah, I was going to verify, 34. 19 HEARING EXAMINER ROBESON: So 16 foot travel lanes. Is 20 it curb and gutter or is it -- do they have sidewalks? 21 MS. WAGNER: Alta Vista does have sidewalks, yes. 22 HEARING EXAMINER ROBESON: Now is this your proposed -- 23 this is just the neighbor -- this exhibit that I'm pointing 24 to, page 8 of 63, this is just to show the turn 25 restrictions. Those aren't the suggested routes you're --</p>	<p>156</p> <p>1 Rockville Pike intersection? 2 MS. WAGNER: Yes. 3 HEARING EXAMINER ROBESON: The access road and then the 4 U-turn possibility on Rockville Pike? 5 MS. WAGNER: Yeah, that's where we did the weaving 6 analysis and then the queuing analysis was for all of our 7 study intersections on Rockville Pike. 8 And then, we also -- from the LATR we refined our 9 analysis a little bit more. And more queuing analysis is 10 found in Exhibit 64(p). I think that we (inaudible) unless 11 there are any other questions about the driveways or 12 anything like that I think that we can move on to the 13 discussion about the TMP. 14 MR. KLINE: Before you do that, Ms. Wagner, but we sort 15 of set a foundation for the question I'm about to ask. What 16 I hear the hearing examiner say is acknowledges that the 17 traffic, the TIS may or may not -- but let's say it was 18 prepared in accordance with the LATR guidelines, but that is 19 not the only subject that she has to look at. And she has 20 lots of others in front of her from people saying adding any 21 new traffic, particularly bus traffic into our neighborhood 22 is not a good thing. It's either bothersome or even unsafe. 23 From a professional point of view is the road network 24 within the Maplewood neighborhood, can it accommodate the 25 traffic that you show on this exhibit and not have an</p>

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<p>157</p> <p>1 adverse effect on the neighborhood either from obnoxiousness 2 or safety? 3 MS. WAGNER: Yes, that is correct. That we have worked 4 with -- extensively with SHA, with MC DOT, with Park and 5 Planning staff to review the safety of the Rockville Pike 6 intersections as well as throughout the neighborhoods, and 7 following through the turn restrictions that are currently 8 in place, and future turn restrictions that the neighbors 9 could put in place. We looked at the bus routing to and 10 from the school. I think that that was one thing that we 11 haven't quite touched on. 12 And if you could go down just a few slides to the one 13 that shows the bus routes I can just kind of talk about that 14 really quickly to answer questions. I think one more. 15 Yeah. This will be great. 16 So this is a tricky subject because it's such a robust 17 program that the school is providing, and I'll do my best to 18 describe it. 19 HEARING EXAMINER ROBESON: Well, the part -- before you 20 start this I do have a question. Do you know the widths and 21 whether sidewalks are present on all the routes that are 22 shown on that -- was it slide 8? 23 MS. WAGNER: There are sidewalks along Pooks Hill and 24 Alta Vista. 25 HEARING EXAMINER ROBESON: But I don't recall seeing</p>	<p>159</p> <p>1 either make a left or right and to be able to travel north 2 on the appropriate route to get to get them closer to their 3 final destination. 4 MR. KLINE: Okay. So they would -- 5 HEARING EXAMINER ROBESON: Was that studied? 6 MR. KLINE: -- proceed -- ma'am? 7 HEARING EXAMINER ROBESON: Was that studied? 8 MS. WAGNER: That is a condition of the SHA approval 9 that if that is in place that we will have to study that. 10 MR. KLINE: So what you're saying is you go south on 11 Rockville Pike to Cedar, and you go west on Cedar to old 12 Georgetown, and then you proceed north to get to wherever it 13 is you want to go north? 14 MS. WAGNER: Right. 15 MR. KLINE: So the only issue is what are the number of 16 cars that are making a right-hand turn onto Alta Vista and 17 then show the diffusion within the neighborhood? 18 MS. WAGNER: Yes. If you go to actually the figure 19 right below it, it shows the exact number. So we -- 20 throughout this whole process wanted to honor the current 21 agreement with FAFSA and the neighborhood. We understand 22 that that agreement is not necessarily moving forward, but 23 we really wanted to respect that, and were able to -- and as 24 a reminder that's 80 vehicles. That 80 employees have 25 badges to be able to travel in and out of the campus through</p>
<p>158</p> <p>1 sidewalks on Linden, but I could be wrong. 2 MS. WAGNER: There are sidewalks on Linden. 3 HEARING EXAMINER ROBESON: And Beech? 4 MS. WAGNER: I don't believe there are sidewalks on all 5 of Beech, but we are not proposing -- oh no, there are 6 sidewalks on Beech. I'm sorry, there are sidewalks on 7 Beech. 8 HEARING EXAMINER ROBESON: Are there -- just what I'd 9 like to know, and you can gather the information and, you 10 know, on rebuttal bring it back what I want to know is how 11 wide these roads are, and whether there's curb and gutter, 12 and whether there is sidewalks. 13 MS. WAGNER: Okay. We can definitely provide that 14 information. 15 HEARING EXAMINER ROBESON: Thank you. Let's go down 16 (inaudible) questions and (inaudible) here. 17 MS. WAGNER: There we go. 18 MR. KLINE: Katie, before you lay that, let me just 19 kind of go back through the exhibit you had before. The 20 alternative for departing parents leaving the driveway and 21 heading south, if they don't turn at Alta Vista, then what 22 is their next logical movement to make in order to get to go 23 north? 24 MS. WAGNER: The next logical movement would be for 25 them to be able to travel south to Cedar Lane and then</p>	<p>160</p> <p>1 the Alta Vista Terrace driveway. 2 And so in the morning peak hour we have 80 vehicles 3 turning onto Alta Vista Road, and then either turning left 4 at Linden, or turning right at Linden. And we looked at 5 vehicles turning onto -- turning right onto Linden to 6 really -- we recognize that not all vehicles traveling north 7 wanted to turn left at Pooks Hill; that they may have 8 destinations west of the site. And then, the rest of the 9 vehicles were assumed to travel on to Pooks Hill Road to be 10 able to travel north at the intersection of Pooks Hill and 11 Rockville Pike. 12 The purple numbers represent bus trips, and so there 13 will be no -- there are lots of turn restrictions so parents 14 are not able to drive between the two schools. 15 MR. KLINE: And your point is that there is no more 16 trips being diverted into the neighborhood now than -- or 17 that FASEB but had permission to do itself? 18 MS. WAGNER: Correct. 19 MR. KLINE: Okay. 20 HEARING EXAMINER ROBESON: Did FASEB have the buses? 21 MS. WAGNER: No, they did not. 22 MR. KLINE: No. And I realize that buses are a 23 different issue that I assume you're going to get to a 24 little bit further on. I just want to try and get an order 25 of magnitude of what is the amount of encroachment into the</p>

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<p>161</p> <p>1 neighborhood, and you've given us those numbers. 2 So go ahead and continue wherever you were -- 3 HEARING EXAMINER ROBESON: That's what the purple is; 4 the difference between this the FASEB special exception? 5 MS. WAGNER: No, it's the buses. 6 HEARING EXAMINER ROBESON: Ms. Wagoner, I'm sorry. 7 What -- just tell me what the purple numbers are. 8 MS. WAGNER: The bus trips. 9 HEARING EXAMINER ROBESON: I'm sorry? 10 MS. WAGNER: The bus trips, yes. 11 MR. KLINE: Oh they are the buses. Okay. 12 HEARING EXAMINER ROBESON: So is this -- what I have up 13 his page 9 of Exhibit 63. So what I hear you saying is -- 14 and I want to get this straight. The black numbers are 15 what? 16 MS. WAGNER: Vehicle trips. 17 HEARING EXAMINER ROBESON: And are they -- and they are 18 the vehicle trips of peak hour? 19 MS. WAGNER: Yes. 20 HEARING EXAMINER ROBESON: And that includes school 21 closing? I mean, the 3:30 or whenever it is peak hour? 22 MS. WAGNER: Yes. 23 HEARING EXAMINER ROBESON: Okay. And then (inaudible) 24 bus trips? I thought you said somewhere there was a 25 comparison between this and the existing -- for the prior</p>	<p>163</p> <p>1 MR. KLINE: So you go ahead. Yeah. 2 I'm meeting do you think you're ready -- 3 HEARING EXAMINER ROBESON: Now, I apologize. Before 4 you roll, I see two hands up. Are they questions for cross- 5 examination, Mr. Myers and Mr. Seid? 6 MR. MYERS: Yes. 7 HEARING EXAMINER ROBESON: Okay. Then keep your hands 8 up. I just wanted to make sure nothing else was going on. 9 Go ahead, Ms. Wagoner. 10 MR. KLINE: So Ms. Wagner you indicated there was a 11 time to get into the TMP and I guess I wanted to have a, to 12 go back to something I said before. I believe the 13 Gorove/Slade's report and its presentation sets forth a 14 prima facie case that we have satisfied the LATR 15 requirements and we do not believe that there's an adverse 16 impact on the neighborhood by the volume of trips, both 17 vehicle and buses that you heard Ms. Wagoner just described. 18 I realize this is not universally accepted but I'm just 19 saying that I think that that was the Applicant's intention. 20 And that the TMP itself is the enforcement device to make 21 sure that the commitments we make to show the numbers that 22 are up there is actually -- there's tools there to ensure 23 that those numbers are achieved. 24 HEARING EXAMINER ROBESON: Well -- 25 MR. KLINE: And I guess before --</p>
<p>162</p> <p>1 use, or whatever they FASEB? 2 MS. WAGNER: Yeah, that's on the graphic just one 3 above. They look very similar. This one is representing -- 4 HEARING EXAMINER ROBESON: I apologize. 5 MS. WAGNER: No worries. We just got a lot of 6 questions from the neighbors and is so we wanted to make 7 sure that we presented both graphics when we last spoke to 8 them. 9 HEARING EXAMINER ROBESON: So slide 8; for the record, 10 slide 8 is the number of trips above FASEB? 11 MS. WAGNER: Yes. Yeah. And so you can see that there 12 are some negative trips, but just different routing that -- 13 HEARING EXAMINER ROBESON: Okay. So for instance right 14 on -- okay. I see it. I understand it now. I did not 15 understand it. 16 MS. WAGNER: Yeah, it's confusing because there were 17 too graphics that were -- 18 HEARING EXAMINER ROBESON: All right. Go ahead. Thank 19 you. You can continue Mr. Kline with your questions, sir. 20 MS. WAGNER: Jody? 21 HEARING EXAMINER ROBESON: Mr. Kline? 22 MR. KLINE: Ms. Wagner, I was letting you just roll 23 forward through your presentation. I did not have any more 24 questions at this time. 25 HEARING EXAMINER ROBESON: Okay. Well --</p>	<p>164</p> <p>1 HEARING EXAMINER ROBESON: -- there's nothing binding. 2 I mean I don't want to upset the apple cart, but I want to 3 make sure -- let's go -- there's nothing binding in the 4 special exception with that -- I don't want to think that 5 I'm approving something and I haven't seen the TMP. I don't 6 know what the clauses are. I don't know -- that's my 7 concern. If you want to repeat the provisions -- if you can 8 say okay, if we do X, Y, and Z, all right, and I can make 9 those -- the other thing is it takes the enforcement from 10 DPS, the special exceptions from DPS and shifts it to the 11 Planning Board. If I just refer to the TMP, then it 12 doesn't -- it eliminates DPS's enforcement. 13 MR. KLINE: Well, I guess there's two things I'd say 14 about that. One, the TMP is in the record. I know people 15 have said they haven't seen it but it's been available on 16 the records at Park and Planning. It's in your files, it's 17 available to be looked at. 18 HEARING EXAMINER ROBESON: But that was not the latest 19 iteration. If I understood what Mr., I think it was Myers, 20 say. 21 MS. WAGNER: We've only prepared one dated October 19. 22 It may have been submitted at a later date. 23 MR. MYER: The TMP there on their website, I can't find 24 the October one there. I find a December 1. If the October 25 is buried in another submission then it's maybe there but I</p>

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<p>165</p> <p>1 can't find it by looking at dates on their -- on the Park 2 and Planning website. 3 HEARING EXAMINER ROBESON: Well, let's do this. I have 4 an idea. Let's go through the TMP and if we can lift out 5 conditions from what you're proposing in the TMP and put 6 them in the special exception I have less of a problem. 7 MR. KLINE: Ms. Robeson, let me have my little soapbox 8 for a second then. We would be glad to have you accept the 9 TMP that we've submitted and make it a condition of the 10 special exception. There are numbers on the tables that Ms. 11 Wagner's got that say not more than a certain number of 12 trips in the a.m. peak hour, and we've said the TMP make 13 sure that happens. We could commit to those things. We can 14 commit to the TMP. 15 The letters you received the last for conditions that 16 go beyond that and I don't happen to agree with your premise 17 that it's less burdensome for the neighborhood to enforce a 18 TMP than it is a special exception condition because if 19 you'll let me go through something you know very well. If 20 somebody felt -- well, let's say you put a condition in that 21 says that no buses can drive through Maplewood. If somebody 22 saw a Rochambeau bus driving through the neighborhood they 23 would have to go to the Montgomery County Department of 24 Permitting Services and file a complaint, or go to the board 25 of appeals and file a complaint. It would get it referred</p>	<p>167</p> <p>1 but I -- the answer -- 2 HEARING EXAMINER ROBESON: I think -- 3 MR. KLINE: -- is you -- 4 HEARING EXAMINER ROBESON: -- I draft TMPs. I used to 5 do it when I was with Linowes and Blocher. 6 MR. KLINE: Okay. 7 HEARING EXAMINER ROBESON: I drafted TMPs for West 8 Farm. 9 MR. KLINE: And did you ever see DPS involved in it? 10 No, you didn't. You saw Alex Akhimien (phonetic) at Park 11 and Planning Commission would take a look at those surveys 12 whenever they were done and say you've got more cars coming 13 out in the peak hour then you're supposed to -- 14 HEARING EXAMINER ROBESON: Mr. Kline -- 15 MR. KLINE: -- and I expect you to do something to 16 correct it. 17 HEARING EXAMINER ROBESON: But we are talking apples 18 and oranges here. Okay. What I am reluctant to do is just 19 say adopt this -- it will -- what I can't do under Potomac 20 Constellation (phonetic) is to defer something to another 21 agency. I have to make findings right now. 22 So I guess I could say you could give me a TMP, and you 23 could say if it's a different in any respect to this TMP 24 then you'd have to come back. We could do that. But I am 25 very concerned -- you know, I don't want to get -- and also,</p>
<p>166</p> <p>1 to DPS, then have to investigate it, and basically, come 2 back and say you are in violation if you could find it -- 3 Most people avoid having to get DPS to implement 4 conditions simply because they don't think they're very good 5 at it. And I -- 6 HEARING EXAMINER ROBESON: Well -- 7 MR. KLINE: I'm saying to you that -- 8 HEARING EXAMINER ROBESON: Okay. You -- 9 MR. KLINE: -- the Planning Board, and the staff at 10 Park and Planning, and DOT have a better process through the 11 TMP of basically, policing what's going on than DPS has. So 12 I think it's actually you're doing a disservice to the 13 community to ask them to make these conditions to the 14 special exception. 15 HEARING EXAMINER ROBESON: Does the -- 16 MR. KLINE: We could live with it, but I'm not sure 17 you're doing anything for the neighbors. 18 HEARING EXAMINER ROBESON: So you're testifying that 19 the Planning board does a better job than DPS? 20 MR. KLINE: I would say that the Planning Board -- 21 HEARING EXAMINER ROBESON: You're testifying -- you're 22 testifying. So I'm -- 23 MR. KLINE: I am arguing a legal point based on my 24 experience. I'll have Mr. Welke who managed the TMP, not 25 managed but saw TMPs when he worked at Park and Planning --</p>	<p>168</p> <p>1 we don't generally do conditions like what staff suggested 2 in this case. You can't just say there'll be no queuing on 3 Rockville Pike. I mean who's going to enforce that? So we 4 don't do that. 5 We typically go through a number of things that are 6 directly enforceable. They have to have this, a contract 7 with -- they have to have a contract -- you know, I don't 8 know what your TMP, the current TMP says, but I'm not 9 willing when I make my findings to say I'll just rely on a 10 document I've never seen before -- in the final of which I 11 haven't seen. 12 And the TMP that just controls peak hours. There may 13 be things in this conditional use that are related to peak 14 hour. Certainly, three trips of 17 buses, that's a lot of 15 bus traffic, no matter how you look at it. And I don't know 16 if it's three -- I can't remember. I saw something with 17, 17 and then Ms. Fabre said 12 so will go through that. So 18 forget -- I just want to know -- let's do this. Let's 19 forget the TMP part of it and go through with me how you 20 propose to restrict traffic, reduce trips. Let's just do 21 that, and then we'll worry about the mechanism later. 22 MR. KLINE: Well, I probably actually would go back to 23 your earlier idea about time of the TMP because we could 24 construct conditions for you that we could live with and -- 25 but I'm not sure this would be the right forum to try and do</p>

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<p>169</p> <p>1 that. But we could come up with things - -but I --</p> <p>2 HEARING EXAMINER ROBESON: But we do that all the time</p> <p>3 in conditional use cases. That's the purpose of the</p> <p>4 hearing.</p> <p>5 MR. KLINE: Yes, I understand. But --</p> <p>6 HEARING EXAMINER ROBESON: You know, my feeling is the</p> <p>7 Planning Board, sometimes they're -- they get so focused on</p> <p>8 their part of the process that it doesn't -- they don't --</p> <p>9 it doesn't matter. Let's -- I would like to just here what</p> <p>10 you're proposing -- what you're proposing to reduce trips.</p> <p>11 And then, maybe we'll go through the neighborhood. I would</p> <p>12 like to hear what they have to say.</p> <p>13 MR. KLINE: Okay. So Ms. Wagner, we talked about</p> <p>14 transportation network improvements that are intended to</p> <p>15 improve safety and access to the property, correct?</p> <p>16 MS. WAGNER: Yes.</p> <p>17 MR. KLINE: Okay. So beyond that what would you say</p> <p>18 are the measures by which we feel the trip generation</p> <p>19 satisfies the LATR? I think you --</p> <p>20 HEARING EXAMINER ROBESON: I think -- just one more</p> <p>21 thing about the TMP. At least in my experience, and I have</p> <p>22 to go whatever the recent thing is; they set goals and</p> <p>23 incentives. They monitor the goals and incentives. What</p> <p>24 I'd like to do is just ensure -- well, go ahead. Just</p> <p>25 let's --</p>	<p>171</p> <p>1 MR. KLINE: Unfortunately, Ms. Robeson, they're in the</p> <p>2 TMP.</p> <p>3 HEARING EXAMINER ROBESON: Well, the proposed TMP.</p> <p>4 They're in the TMP. Okay. Where are the rules?</p> <p>5 MS. WAGNER: So the document, we can just walk through</p> <p>6 the document really quickly because -- and we don't have to</p> <p>7 read everything.</p> <p>8 HEARING EXAMINER ROBESON: And I --</p> <p>9 MS. WAGNER: But --</p> <p>10 HEARING EXAMINER ROBESON: Go ahead.</p> <p>11 MS. WAGNER: Yeah. So we submitted this to MC DOT, to</p> <p>12 park in planning staff, and to SHA staff. And this is just</p> <p>13 for your information, we have received comments from SHA</p> <p>14 about some of the refinements inside the TMP that I think</p> <p>15 one of the issues that we really worked with them on was</p> <p>16 regarding site access and the safety of that Rockville Pike</p> <p>17 driveway. And so those are some of the refinements that</p> <p>18 we've put into this document and to how that they can stay</p> <p>19 involved in the process of monitoring the TMP.</p> <p>20 The TMP outlines three main points. It's -- we are</p> <p>21 trying to outline transportation demand management practices</p> <p>22 at this school will undertake and then also options that</p> <p>23 they can undertake to help them keep at their trip caps.</p> <p>24 This document also includes operations and management plan,</p> <p>25 really just everything that we've talked about today as far</p>
<p>170</p> <p>1 MR. KLINE: No. No, I don't -- Ms. Robeson, actually</p> <p>2 I'd love to hear you finish that phrase because I'm looking</p> <p>3 for ideas that would be appealing to you that we could</p> <p>4 basically, construct.</p> <p>5 HEARING EXAMINER ROBESON: I understand. And so what</p> <p>6 I'd like to do is hear what you're proposing, how you're</p> <p>7 proposing to reduce traffic, and let's go from there.</p> <p>8 MR. KLINE: Fine. So Ms. Wagner, I think this is</p> <p>9 probably repetitive, but give us the four or five measures</p> <p>10 that we are doing to reduce traffic. We're first of all,</p> <p>11 moving more children to be delivered before peak hours and</p> <p>12 after peak hours, correct?</p> <p>13 MS. WAGNER: Correct. Providing before and after</p> <p>14 school care.</p> <p>15 MR. KLINE: Okay. We are having employees come to work</p> <p>16 before hours and leave before peak hours?</p> <p>17 MS. WAGNER: Correct.</p> <p>18 MR. KLINE: We're having rules about -- in terms of how</p> <p>19 cars can drive through the campus. There has to be -- there</p> <p>20 can only be one upper -- well --</p> <p>21 HEARING EXAMINER ROBESON: Well, talk to me about that.</p> <p>22 Who's -- what rules are you talking about? Where are these</p> <p>23 rules?</p> <p>24 MS. WAGNER: I think it would be helpful to pull up</p> <p>25 Exhibit 64(I).</p>	<p>172</p> <p>1 as circulation, how the campus is going to be managed on</p> <p>2 site, staffing, things like that.</p> <p>3 And then the last thing that this document works</p> <p>4 through is the monitoring plan. And that's on the last</p> <p>5 page -- last few pages of the document. And so really --</p> <p>6 and again, it's the operations plan just to make sure that</p> <p>7 everybody knows what's happening and so then on page 13 of</p> <p>8 the document --</p> <p>9 HEARING EXAMINER ROBESON: What page --</p> <p>10 MS. WAGNER: -- is where we --</p> <p>11 HEARING EXAMINER ROBESON: What page is the</p> <p>12 enforcement?</p> <p>13 MS. WAGNER: Page 13.</p> <p>14 HEARING EXAMINER ROBESON: Now, how will you monitor --</p> <p>15 or are you saying -- okay. Keep going.</p> <p>16 MS. WAGNER: Hey, Dana can you go on mute?</p> <p>17 So the monitoring program is really to enforce the trip</p> <p>18 caps and they will be reported to the various agencies, to</p> <p>19 Park and Planning, to SHA, as well as MC DOT, the</p> <p>20 neighborhood liaison committee that we also on this document</p> <p>21 incorporates the community outreach, and the board of</p> <p>22 appeals. And then, it goes through that there will be trip</p> <p>23 counts that will have to be monitored between the time</p> <p>24 periods identified here and to make sure that they stay</p> <p>25 within the peak hours identified in the LATR traffic study</p>

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<p>173</p> <p>1 and the staff report.</p> <p>2 As well as provide additional information to staff</p> <p>3 regarding operate (inaudible) in the report providing</p> <p>4 additional information regarding the operations. One issue</p> <p>5 that they really wanted to make sure didn't happen was</p> <p>6 queuing onto Rockville Pike. And that any changes that are</p> <p>7 going to be made to the TMP or to the school program also</p> <p>8 need to be identified in the report.</p> <p>9 HEARING EXAMINER ROBESON: Okay. What was this --</p> <p>10 okay. Just, I'm going to let the community testify before I</p> <p>11 ask more questions. So if you have anything else, let me</p> <p>12 know.</p> <p>13 MR. KLINE: Testify, or cross-examination?</p> <p>14 HEARING EXAMINER ROBESON: Either one.</p> <p>15 MR. KLINE: Okay.</p> <p>16 HEARING EXAMINER ROBESON: Who was --</p> <p>17 MR. KLINE: I was --</p> <p>18 HEARING EXAMINER ROBESON: Well, I did have a question</p> <p>19 and I think it was what I sent you. Who's the</p> <p>20 representative of Montgomery County? (inaudible) that mean?</p> <p>21 MS. WAGNER: Well --</p> <p>22 HEARING EXAMINER ROBESON: Is it (indiscernible)? Is</p> <p>23 it --</p> <p>24 MS. WAGNER: It would be Park and Planning, yes.</p> <p>25 HEARING EXAMINER ROBESON: So Park and Planning would</p>	<p>175</p> <p>1 we started this.</p> <p>2 HEARING EXAMINER ROBESON: I think Jody had gray --</p> <p>3 well anyway. Never mind.</p> <p>4 MR. MYERS: Can I ask the questions that I have for</p> <p>5 Katie?</p> <p>6 HEARING EXAMINER ROBESON: Yes.</p> <p>7 MR. MYERS: In the simplest form, are there any</p> <p>8 Metrorail stations near the site?</p> <p>9 MS. WAGNER: There is a Metrorail station one mile</p> <p>10 south.</p> <p>11 MR. MYERS: Not north?</p> <p>12 MS. WAGNER: And north, yes there is a station north.</p> <p>13 MR. MYERS: Okay. Thank you, for making that point.</p> <p>14 How does the northbound traffic from 355 in the morning</p> <p>15 especially, reach the school?</p> <p>16 MS. WAGNER: The northbound traffic in the morning</p> <p>17 reach the school?</p> <p>18 MR. MYERS: Uh-huh. People are going to have to get in</p> <p>19 the school of their coming from the south, they're going</p> <p>20 north on Rockville Pike.</p> <p>21 MS. WAGNER: They make a U-turn at the Pooks Hill and</p> <p>22 Rockville Pike intersection.</p> <p>23 MR. MYERS: Do you expect this to be an easy movement?</p> <p>24 MS. WAGNER: I expect them to make the movement when</p> <p>25 they have the available green time.</p>
<p>174</p> <p>1 be -- okay.</p> <p>2 MS. WAGNER: And SHA has identified that they would</p> <p>3 also like to be somebody on this coordination committee as</p> <p>4 well.</p> <p>5 MR. KLINE: I was going to go find Marty Clauber</p> <p>6 (phonetic)</p> <p>7 MR. MYERS: Yeah, that was --</p> <p>8 HEARING EXAMINER ROBESON: Okay.</p> <p>9 MR. MYERS: Jody, that was where the reference came</p> <p>10 from. I mentioned -- I'll mention in my testimony tomorrow,</p> <p>11 but that was -- he was the individual who served on the NLC</p> <p>12 for the French School when it was first devised. But since</p> <p>13 he'd left there's been nobody from the county on that NLC.</p> <p>14 HEARING EXAMINER ROBESON: Well, I had -- that's my</p> <p>15 other concern. They stopped doing these liaison committees</p> <p>16 because people leave and they don't get replaced.</p> <p>17 MR. MYERS: Not from our neighborhood. I make sure.</p> <p>18 If they don't go I go.</p> <p>19 HEARING EXAMINER ROBESON: Well, I just want to say</p> <p>20 that the reference to Marty Clauber dated Mr. Kline, me, and</p> <p>21 Mr. Myers.</p> <p>22 MR. MYERS: No. No, no, no, no. I've been doing this</p> <p>23 for over 40 years.</p> <p>24 HEARING EXAMINER ROBESON: There you go. So have I.</p> <p>25 MR. MYERS: Both Jody and I didn't have gray hair when</p>	<p>176</p> <p>1 MR. MYERS: Debatable. We'll talk about that tomorrow.</p> <p>2 Lastly, did your studies regarding traffic through the</p> <p>3 neighborhood involving any vehicles making you returns on</p> <p>4 Alta Vista Road, or using Alta Vista Terrace to turn around</p> <p>5 and come back out with a traffic light at Rockville Pike?</p> <p>6 MS. WAGNER: Absolutely not.</p> <p>7 MR. MYERS: I think that's everything I had. I -- if</p> <p>8 you want my comment about the rear gate I can give it to you</p> <p>9 now. Otherwise, I'll reserve it for tomorrow.</p> <p>10 HEARING EXAMINER ROBESON: If you don't mind reserving</p> <p>11 it for tomorrow.</p> <p>12 MR. MYERS: Sure.</p> <p>13 HEARING EXAMINER ROBESON: Don't forget it.</p> <p>14 MR. MYERS: I won't forget it. It's written in</p> <p>15 already.</p> <p>16 HEARING EXAMINER ROBESON: Okay. No more questions,</p> <p>17 Mr. Myers?</p> <p>18 MR. MYERS: Oh yeah. Because we've got this document</p> <p>19 up, if you go to page 3 of the document. No, this was the</p> <p>20 TMP.</p> <p>21 HEARING EXAMINER ROBESON: I think that's what I have</p> <p>22 up.</p> <p>23 MR. MYERS: Yeah. Yeah. Okay. Yeah, page 3. Got it.</p> <p>24 Right there. Stop.</p> <p>25 Okay. Read the language -- I'll ask Katie to read this</p>

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<p>177</p> <p>1 language. The last sentence of the first bullet point under 2 outreach and education, and compare that to the statement 3 made by Ms. Fabre earlier on before we even had lunch. 4 MS. WAGNER: Yes. "Parents will be educated on the 5 side accessibility and encouraged to avoid making the 6 southbound U-turn movement along Rockville Pike; to not use 7 any neighborhood cut through routes, and to obey all peak 8 period turn restrictions." 9 That was identified as part of the TMP to really focus 10 on safety of the parents and staff traveling to and from the 11 school, as well as other vehicles on Rockville Pike. 12 MR. MYERS: Right. But before the break Ms. Fabre said 13 that the residents would be told to go through, make a right 14 turn on Alta Vista Road to go north. How do you prepare 15 those? 16 MS. WAGNER: Yes. We are saying that that is not 17 considered a cut through route that the volumes are similar 18 to what is out there today, and that the school is part of 19 the community and will be traveling local roadway network to 20 make safe maneuvers to and from the school. 21 MR. MYERS: Now, let's see with -- will deal with that 22 tomorrow, I think. 23 HEARING EXAMINER ROBESON: Oh, I apologize. I was 24 looking for an exhibit I wanted to see. Go ahead Mr. Myers. 25 MR. MYERS: No, I was going to say we can deal with</p>	<p>179</p> <p>1 parking, or move it to one side of the road. What is your 2 plan to cope with increased traffic on Alta Vista Road? I'm 3 also very concerned about the summer traffic with 150 4 students. Parents don't, as opposed to an employee, don't 5 come to the school stay. They come, they drop off, they 6 come back in the afternoon. That could be a maximum of 600 7 trips during each and every day. And this is -- Rockville 8 Pike is very busy with NIH and it's 17,000, and I'm not sure 9 how many there are now at Walter Reed, but they increase the 10 traffic going and thereby 4,700 commuters a day when they 11 closed Walter Reed in D.C. and moved it to Bethesda. 12 Traffic on that road is very, very congested, starting 13 at 6:30 in the morning. 14 HEARING EXAMINER ROBESON: Okay. Ms. Umhofer, (sic) I 15 need to -- you will get a chance to testify. I need to keep 16 you two questions. 17 MS. GANT: Okay. So what is the real plan to eliminate 18 the number of people who will be driving to the campus 19 before you reach that maximum of 150 students? 20 MS. WAGNER: So the school will be subject to the same 21 trip caps as -- the summer program and the Saturday program 22 will be subject to the same trip caps that is allowed for 23 the typical weekday. And the 150 students mimics the trip 24 generation just as you described, that is approved for the 25 school on a typical weekday. That 150 trips and, 150 trips</p>
<p>178</p> <p>1 that tomorrow, but there is an inconsistency between that 2 statement and the statement made by Ms. Fabre right before 3 the break that traffic would be told to turn right on Alta 4 Vista Road to head north. 5 HEARING EXAMINER ROBESON: Well, I guess there's a 6 difference between encouraged and required. But yes, I 7 understand. 8 MR. MYERS: Okay. 9 HEARING EXAMINER ROBESON: Go ahead, do you have more 10 questions? 11 MR. MYERS: No, I don't at this time. I think I'll let 12 the other residents who've got their hands up speak. 13 HEARING EXAMINER ROBESON: Okay. Ms. Gant? 14 Ms. Gant? 15 MS. GANT: I'm ready. I had to unmute myself. I'm 16 very concerned about the concept of Alta Vista Road as a cut 17 through. The French International School is not part of our 18 neighborhood. Our children can't go there. And it's a 19 neighborhood street. It has -- is 34 feet wide, but we park 20 on either side of that street, and some people park their 21 cars -- there are two in front of my house right now, who 22 belong to other neighbors because they don't have any other 23 place to park those cars. 24 And I'm very concerned that as traffic would increase 25 on Alta Vista Road that some might think we should eliminate</p>	<p>180</p> <p>1 out, as well as 30 trips by staff for that summer program 2 will still be less than -- will be equal to what is approved 3 for the school on a typical weekday. 4 And then, once that number is reached the bussing 5 program will be implemented to be able to stay under those 6 trip caps. The other question was how to reduce traffic on 7 Alta Vista Road. We are providing a robust bus system, 8 bussing all the possible students to and from the campus, 9 really to work with the community and keep as many vehicles 10 off the roadway network as possible. And to provide 11 opportunities -- more opportunities than currently are 12 available between the two campuses for siblings to carpool 13 and to only have one parent -- one drop off location instead 14 of multiple drop-off locations. 15 HEARING EXAMINER ROBESON: Is parking permitted on both 16 sides along the bus loop? 17 MS. GANT: Yes. On Alta Vista Road. And we park 18 there. This is a residential neighborhood. 19 HEARING EXAMINER ROBESON: Ms. Gant, I'm sorry. I 20 thought -- you're not under oath yet and your time will come 21 and if Ms. Wagner doesn't have an answer I'll wait for her. 22 MS. WAGNER: I don't know for sure. 23 HEARING EXAMINER ROBESON: How big are the buses, 24 widthwise? 25 MS. WAGNER: I believe that they are 9 by 36 feet.</p>

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<p>181</p> <p>1 That is my guess.</p> <p>2 HEARING EXAMINER ROBESON: So if there was parking,</p> <p>3 they usually give six feet widths -- more than six feet</p> <p>4 widths for two cars. So if there's parking on both sides of</p> <p>5 the road and the road is 34 feet, then you've got two and</p> <p>6 two, twenty-two feet. And then how big are the buses?</p> <p>7 Wide?</p> <p>8 MS. WAGNER: About nine feet, mirrors to mirrors.</p> <p>9 HEARING EXAMINER ROBESON: So you've got -- and I can't</p> <p>10 remember. I've had this issue been other cases, and I can't</p> <p>11 remember how much width that assign to a residential</p> <p>12 vehicle, but it's roughly -- you know, by my calculations</p> <p>13 you've got about three feet of -- four feet depending on how</p> <p>14 wide you give a car, you've got about three feet to four</p> <p>15 feet of clearance, with parking on both sides of the roads.</p> <p>16 MS. WAGNER: Yes. And there are buses that travel on</p> <p>17 these roads today, both for the French School as well as</p> <p>18 Montgomery County Public Schools that travel in these roads.</p> <p>19 HEARING EXAMINER ROBESON: But they aren't at the</p> <p>20 volumes once your use is --</p> <p>21 MS. WAGNER: Yes. And I will clarify that the --</p> <p>22 HEARING EXAMINER ROBESON: You said the County Public</p> <p>23 Schools, so are all the routes shown on that exhibit page --</p> <p>24 slide 8 of -- are they all --</p> <p>25 MS. WAGNER: Not --</p>	<p>183</p> <p>1 have -- how do the buses come?</p> <p>2 MS. WAGNER: So the buses will be coming -- they're</p> <p>3 all -- we -- 13 of the bus routes will all be stored on the</p> <p>4 Rockville Pike campus. They will depart the school in the</p> <p>5 morning to go pick up students throughout the DMV area.</p> <p>6 They will not be traveling through the neighborhood at that</p> <p>7 time. There will be for contracted buses that are not part</p> <p>8 of the FIS fleet, and those buses will arrive at the Forest</p> <p>9 Road campus. These details are provided in both the LATR as</p> <p>10 in the traffic study. Those buses will arrive at the Forest</p> <p>11 Road campus to drop off Forest Road students. And those</p> <p>12 routes will serve --those buses will then depart the campus.</p> <p>13 Four of the --</p> <p>14 HEARING EXAMINER ROBESON: So -- go ahead.</p> <p>15 MS. WAGNER: -- French -- four of the French</p> <p>16 International School buses will arrive at the Forest Road</p> <p>17 campus and serve as a shuttle to the Rockville Pike campus.</p> <p>18 Similarly --</p> <p>19 HEARING EXAMINER ROBESON: Okay. So they --</p> <p>20 MS. WAGNER: -- four buses --</p> <p>21 HEARING EXAMINER ROBESON: Just a second. They would</p> <p>22 follow this on slide 63, page 9, they would follow one of</p> <p>23 these blue routes to get to the --</p> <p>24 MS. WAGNER: Yes, exactly.</p> <p>25 HEARING EXAMINER ROBESON: Okay. So they could go</p>
<p>182</p> <p>1 HEARING EXAMINER ROBESON: -- bus routes?</p> <p>2 MS. WAGNER: So not all the bus routes will be</p> <p>3 traveling through the neighborhood. I want to make that</p> <p>4 really clear, that only the shuttles between the two schools</p> <p>5 will be traveling through the neighborhood. That the buses</p> <p>6 connecting will travel on Alta Vista to get to travel west</p> <p>7 and on Pooks Hill to travel east between the two campuses.</p> <p>8 All bus routes that are not a shuttle route will not to be</p> <p>9 permitted to drive through the -- will not be routed through</p> <p>10 the neighborhood. They will be traveling on --</p> <p>11 HEARING EXAMINER ROBESON: So the bus routes will be --</p> <p>12 I'm looking at page 9 of Exhibit 63. Can you see it?</p> <p>13 MS. WAGNER: Not yet.</p> <p>14 HEARING EXAMINER ROBESON: Okay. Hold on one second.</p> <p>15 Now, can you see it?</p> <p>16 MS. WAGNER: Yes.</p> <p>17 HEARING EXAMINER ROBESON: How many of the routes that</p> <p>18 you show here are currently MCPSS bus routes?</p> <p>19 MS. WAGNER: No, we do not show any MCPS bus routes on</p> <p>20 this graphic. These are only the school shuttles, and any</p> <p>21 buses that are traveling through the neighborhood.</p> <p>22 HEARING EXAMINER ROBESON: Okay. Why don't you -- I</p> <p>23 don't understand, what you mean shuttles?</p> <p>24 MS. WAGNER: That --</p> <p>25 HEARING EXAMINER ROBESON: I thought you were going to</p>	<p>184</p> <p>1 north from Alta Vista or south from Pooks Hill.</p> <p>2 MS. WAGNER: They have to go south. So to get from</p> <p>3 forest Road campus to the Pooks heel campus -- sorry. From</p> <p>4 the forest Road campus to the FASEB campus they have to</p> <p>5 travel on Beech to Pooks Hill and then turn right into the</p> <p>6 campus. Yeah. To get from the FASEB campus to the Forest</p> <p>7 Road campus they have to turn -- go south on Rockville Pike,</p> <p>8 turn onto Alta Vista, turn onto Linden, yeah, and then get</p> <p>9 to the Forest Road campus.</p> <p>10 And so it's important to note that when we say bus</p> <p>11 routes and shuttle routes it's really that they are very</p> <p>12 similar we are assuming when they're picking up and dropping</p> <p>13 off students away from the campuses. And then the shuttles</p> <p>14 are the same buses, they are just extending their route from</p> <p>15 one campus to the other to provide shuttle service for</p> <p>16 siblings and people that were on those other bus routes to</p> <p>17 consolidate so not every -- not all 13 buses have to drop</p> <p>18 off at both campuses.</p> <p>19 HEARING EXAMINER ROBESON: So the bus routes. Are they</p> <p>20 all going to be -- -- is your testimony that no bus routes</p> <p>21 are going to be interior to this neighborhood?</p> <p>22 MS. WAGNER: That is correct.</p> <p>23 HEARING EXAMINER ROBESON: Except the shuttles?</p> <p>24 MS. WAGNER: Correct, yes.</p> <p>25 HEARING EXAMINER ROBESON: And the shuttles though, are</p>

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<p>185</p> <p>1 the same what? I can't remember nine foot wide vehicles?</p> <p>2 MS. WAGNER: I'm corrected, they're eight foot wide.</p> <p>3 HEARING EXAMINER ROBESON: Well, do you know for sure?</p> <p>4 MS. WAGNER: I've been told by the team that they're</p> <p>5 eight feet wide.</p> <p>6 HEARING EXAMINER ROBESON: Your consultant team?</p> <p>7 MS. WAGNER: Yes.</p> <p>8 HEARING EXAMINER ROBESON: Okay. So it's only the</p> <p>9 shuttles that will using the Maplewood roads? Maplewood</p> <p>10 area roads?</p> <p>11 MS. WAGNER: That is correct.</p> <p>12 HEARING EXAMINER ROBESON: Okay. I apologize. I</p> <p>13 jumped in on Ms. -- I think it was Ms. Gant's questions. So</p> <p>14 I'm going to turn it back to her.</p> <p>15 MS. GANT: I don't have any more questions, now. Thank</p> <p>16 you very much.</p> <p>17 HEARING EXAMINER ROBESON: Okay. Ms. Gant, can you put</p> <p>18 your hand down and the next up I have is Becky Umhofer. Ms.</p> <p>19 Umhofer?</p> <p>20 MS. UMHOFFER: Thanks. I want to ask the witness, given</p> <p>21 that the Department of Transportation advised you to close</p> <p>22 off the Alta Vista Terrace entrance to minimize traffic</p> <p>23 through the neighborhood, why did you not base your plan on</p> <p>24 advising parents and staff to proceed down to West Cedar</p> <p>25 instead of cutting through Alta Vista neighborhood -- on</p>	<p>187</p> <p>1 third exception for just someone that says it's a hardship?</p> <p>2 MS. WAGNER: Yes, that is correct. Thank you for</p> <p>3 pointing that out.</p> <p>4 MS. UMHOFFER: All right. I want to go back to your</p> <p>5 slides that you were looking at. It was Exhibit 63 on slide</p> <p>6 8 and 9.</p> <p>7 MS. WAGNER: I think we were just there. Yeah.</p> <p>8 HEARING EXAMINER ROBESON: This is 9, and this is 7.</p> <p>9 Just a second. This is 8.</p> <p>10 MS. UMHOFFER: Okay. So here what I want to</p> <p>11 understand -- I know on the next slide you said that the</p> <p>12 numbers just reflected the peak hour traffic.</p> <p>13 MS. WAGNER: Yes.</p> <p>14 MS. UMHOFFER: So not all of the traffic that would be</p> <p>15 going through the neighborhood.</p> <p>16 MS. WAGNER: Right.</p> <p>17 MS. UMHOFFER: So on slide 8 where you've done the</p> <p>18 comparison to the 80 employees is, I think, what you've</p> <p>19 tried to represent here, are you also comparing it to just</p> <p>20 the peak hour trips?</p> <p>21 MS. WAGNER: Yes. All of our analysis is focused on</p> <p>22 the peak hours, the three peak hours.</p> <p>23 MS. UMHOFFER: So what would be the total trips? I</p> <p>24 mean, this is just one hour.</p> <p>25 MS. WAGNER: I do not have that number.</p>
<p>186</p> <p>1 Alta Vista Road?</p> <p>2 MS. WAGNER: Because had we done that I don't think</p> <p>3 that people -- I don't think that our -- it would have been</p> <p>4 believe that no traffic cutting through -- will be traveling</p> <p>5 through the neighborhood. And so I think that we wanted to</p> <p>6 provide an accurate representation of the likelihood of how</p> <p>7 vehicles will travel.</p> <p>8 MS. UMHOFFER: Okay. Thanks. Was there any concern</p> <p>9 about the capacity at West Cedar posing a problem at the</p> <p>10 West Cedar and Rockville Pike intersection such that it</p> <p>11 couldn't handle the traffic if it did proceed down there?</p> <p>12 MS. WAGNER: No. We've taken a look at that just</p> <p>13 because -- in case a turn restriction is in place at</p> <p>14 Rockville Pike and Alta Vista, and we do not have concerns</p> <p>15 about the capacity for vehicles at this interlane</p> <p>16 intersection.</p> <p>17 HEARING EXAMINER ROBESON: When you -- I'm sorry. When</p> <p>18 you say capacity, are you talking LATR congestion levels?</p> <p>19 MS. WAGNER: We are talking about those -- yes, LATR</p> <p>20 congestion levels as well as we looked at queuing capacity</p> <p>21 at that right -- the southbound right turn.</p> <p>22 MS. UMHOFFER: Okay. And when you speak about the</p> <p>23 mandatory busing for elementary school students you</p> <p>24 mentioned two exceptions, kids that are in before or after</p> <p>25 care, and also siblings and nursery care. Isn't there a</p>	<p>188</p> <p>1 MS. UMHOFFER: So they would not be equivalent to the 80</p> <p>2 people presumably because one hour you're showing is over</p> <p>3 it, but it would be much more presumably?</p> <p>4 MS. WAGNER: It -- yes. These are the peak hours, the</p> <p>5 highest generators of the traffic.</p> <p>6 MS. UMHOFFER: But it's just one of many hours?</p> <p>7 MS. WAGNER: Yes.</p> <p>8 MS. UMHOFFER: Okay. So -- and I just want to clarify</p> <p>9 because I think there's been some confusion about what these</p> <p>10 blue routes are. I think you did say these are going to be</p> <p>11 the suggested routes that are going to be -- that parents</p> <p>12 are going to be advised to use; am I right?</p> <p>13 MS. WAGNER: These are the routes that were analyzed.</p> <p>14 We will also suggest Cedar Lane option for parents. It's</p> <p>15 really -- the routes that will be suggested to parents are</p> <p>16 focused on the safety of everyone exiting the site and we'll</p> <p>17 be providing other opportunities to travel north that are</p> <p>18 not making a U-turn at the Alta Vista and Rockville Pike</p> <p>19 intersection.</p> <p>20 HEARING EXAMINER ROBESON: Instead of, and we've done</p> <p>21 this before, instead of suggesting them, what about putting</p> <p>22 them in your contract and making them mandatory and subject</p> <p>23 to being kicked out of the school if they don't use them?</p> <p>24 MS. WAGNER: I will have to let the school speak for</p> <p>25 that, but that was the goal of the TMP is to -- any turn</p>

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<p>189</p> <p>1 restrictions that the school will follow those. And 2 enforcement mechanisms will need to also be in place for 3 that. 4 MS. UMHOFFER: Okay. And my last question is you just 5 testified that no buses other than the shuttle buses will 6 use any of the neighborhood roads. And I wonder, can you 7 show us in the document where that's a condition of the 8 amendment or where it's in the transportation management 9 plan? 10 MS. WAGNER: I don't know off the top of my head if 11 it's in there. But we are happy, when we finalize the TMP 12 to have that be language that's included in there. 13 MS. UMHOFFER: Okay because right now I don't believe 14 it's anywhere. And so it's just your word that's subject to 15 change unless it gets documented. 16 MS. WAGNER: Correct. Yeah. And that's why we -- the 17 TMP is still a draft and we understand that there's 18 community input as well as reviewing agency input to 19 finalize the TMP. 20 MS. UMHOFFER: And that's all I have. 21 MS. WAGNER: Thank you. 22 HEARING EXAMINER ROBESON: I had a question. Why not 23 just mandate that they use Cedar Road? Except for the 24 shuttles. 25 MS. WAGNER: I think that if we do that we will analyze</p>	<p>191</p> <p>1 MR. WILKERSON: And does it make a point that they are 2 concerned about cut through traffic on Linden Avenue between 3 Pooks Hill and Beech Avenue? 4 MS. WAGNER: Yes. 5 MR. WILKERSON: Did you state that none of the traffic, 6 or parents or buses would be cut through traffic because 7 they originated in the neighborhood? 8 MS. WAGNER: That is our understanding. 9 MR. WILKERSON: And so four of the contracted buses 10 that will be coming from outside of the neighborhood, will 11 enter the neighborhood and will shuttle between the two 12 schools. As a technical matter, are you saying that is not 13 cut through traffic when those out of the neighborhood buses 14 come in to cut through the neighborhood? 15 MS. WAGNER: We consider that the buses traveling 16 between the Forest Road campus, which is in the 17 neighborhood, as well as the Rockville Pike campus, the 18 shuttles between those two schools would be considered 19 neighborhood vehicles. 20 MR. WILKERSON: Okay. And I'm not sure I understood 21 when you explained that the parents and the buses would not 22 constitute cut through traffic according to the, I think you 23 said the LATF; could you help me better understand your 24 position there? 25 MS. WAGNER: Yes. We believe that the vehicles</p>
<p>190</p> <p>1 it that per SHA requirement. I think that our only concern 2 was about mandating Cedar Lane was an enforcement mechanism 3 but we are happy to have that be something that the school 4 has to follow. 5 HEARING EXAMINER ROBESON: I mean why not just 6 eliminate all routes in the neighborhood? 7 MS. WAGNER: Yes, the school could do that. 8 HEARING EXAMINER ROBESON: So you would not have buses 9 in the -- I call them buses versus shuttles. You wouldn't 10 have buses in the neighborhood, you would only have shuttles 11 three times a day? 12 MS. WAGNER: Yes. 13 HEARING EXAMINER ROBESON: Right. I'm just saying. 14 MS. WAGNER: Yes. 15 HEARING EXAMINER ROBESON: Anyway. Keep -- I'm sorry. 16 Who was asking questions? Ms. Umhofer? 17 MS. UMHOFFER: I'm finished. 18 HEARING EXAMINER ROBESON: Okay. So can you turn your 19 hand off, or put your hand down, or click on the hand. 20 Thank you. 21 Mr. Carl Wilkerson? 22 MR. WILKERSON: Yeah. Thank you. I'm speaking by 23 phone. I had a question for Ms. Wagner. Ms. Wagner, are 24 you familiar with the 1990 Bethesda Chevy Chase master plan? 25 MS. WAGNER: Yes.</p>	<p>192</p> <p>1 traveling through the neighborhood are vehicles associated 2 with the school that are trying to maneuver the local 3 roadway network in a safe manner. And as they are within 4 the neighborhood, they are just traveling through the 5 neighborhood to be able to safely travel north on Rockville 6 Pike. 7 MR. WILKERSON: So you're saying parents that came from 8 Alexandria and cuts through the neighborhood to get to the 9 school is not cut through traffic? 10 MS. WAGNER: We believe that they are traveling to a 11 destination within the neighborhood. 12 MR. WILKERSON: No further questions. Thank you. 13 HEARING EXAMINER ROBESON: Thank you. Can you put your 14 hand down, please, Mr. Wilkerson? 15 MR. WILKERSON: Will do. 16 HEARING EXAMINER ROBESON: Mr. Myers, you're next up. 17 And then Mr. Camerillo (phonetic). 18 MR. MYERS: Okay. I have one more important question 19 that I neglected to ask, and then one in respect to your 20 line of questioning on the width of the roads. 21 The improvements at Pooks Hill Road at 355, will that 22 affect the right turn lane onto 355 for southbound traffic? 23 MS. WAGNER: No, it will not. 24 MR. MYERS: Okay. That's -- the second question, Beech 25 Avenue is the narrowest of the roads of which the shuttle is</p>

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<p>193</p> <p>1 going to operate; what is its width?</p> <p>2 MS. WAGNER: I do not know that off the top of my head.</p> <p>3 MR. MYERS: Okay. It's an important fact because it is</p> <p>4 a narrow road. It's not the same width as the other roads.</p> <p>5 HEARING EXAMINER ROBESON: Which road are you talking</p> <p>6 about?</p> <p>7 MR. MYERS: Beech Avenue. It runs between Linden and</p> <p>8 old Georgetown Road.</p> <p>9 HEARING EXAMINER ROBESON: Right. Right. Right. I</p> <p>10 just couldn't -- you blanked out for a minute on my --</p> <p>11 MR. MYERS: Okay.</p> <p>12 HEARING EXAMINER ROBESON: How wide is Cedar; do you</p> <p>13 know?</p> <p>14 MR. MYERS: West Cedar?</p> <p>15 HEARING EXAMINER ROBESON: No, no. I'm asking Ms.</p> <p>16 Wagner.</p> <p>17 MS. WAGNER: It's a multilane road. It's one lane in</p> <p>18 each direction with turn lanes. At the intersection of</p> <p>19 Rockville Pike and Cedar Lane, it's one, two -- six lanes</p> <p>20 wide, seven lanes wide, and narrows down as it -- as you</p> <p>21 travel west on Cedar Lane.</p> <p>22 HEARING EXAMINER ROBESON: All right. Do you have more</p> <p>23 questions, Mr. Myers?</p> <p>24 MR. MYERS: I just lowered my hand. I -- I would --</p> <p>25 HEARING EXAMINER ROBESON: Oh, okay.</p>	<p>195</p> <p>1 don't know why I can't -- well he has his mute button on.</p> <p>2 So let's proceed. Seeing no other questions Mr. Kline,</p> <p>3 do you have redirect?</p> <p>4 MR. KLINE: The only redirect I would have is, Ms.</p> <p>5 Wagner, you hear this -- earlier -- yeah, this morning. It</p> <p>6 was sometime today, the number 68, and it didn't ring a bell</p> <p>7 to any of us. So can you tell us what that means? Is there</p> <p>8 68 vehicles, buses, whatever it is going through the</p> <p>9 neighborhood?</p> <p>10 HEARING EXAMINER ROBESON: No, wait. Now I can't hear</p> <p>11 Ms. Wagner.</p> <p>12 MS. WAGNER: Sorry. Sorry, I put myself on mute. The</p> <p>13 number 68 actually it's -- I think it's in this PowerPoint</p> <p>14 presentation, if you go up just a few slides, it's on page</p> <p>15 5. There you go. And you can --</p> <p>16 HEARING EXAMINER ROBESON: Oh no. I messed up. I'm --</p> <p>17 MS. WAGNER: No, you're fine. You're fine. There you</p> <p>18 go.</p> <p>19 HEARING EXAMINER ROBESON: I (inaudible) this stuff.</p> <p>20 MS. WAGNER: There you go, that graphic. Yeah. So</p> <p>21 this graphic just shows the breakdown of vehicles traveling</p> <p>22 to and from the site. If you look at the columns for buses,</p> <p>23 that just indicates when buses are arriving and departing</p> <p>24 the campus. Then there 68 buses that are arriving and</p> <p>25 departing the campus between 3:00 and 7:30 p.m. and then</p>
<p>194</p> <p>1 MR. MYERS: I would like the answer though on the -- I</p> <p>2 think it's important to know the width of Beech Avenue.</p> <p>3 HEARING EXAMINER ROBESON: Can you provide that you</p> <p>4 don't -- if you don't have it now --</p> <p>5 MR. MYERS: I don't have it, that's--</p> <p>6 MS. WAGNER: It looks like it's about 30 feet wide.</p> <p>7 HEARING EXAMINER ROBESON: Well, do you know? I</p> <p>8 think -- this is what I'm going to suggest. I don't know</p> <p>9 what about means. Can somebody go measure it, or do</p> <p>10 whatever they need to do and get us that information,</p> <p>11 please?</p> <p>12 MS. WAGNER: Yes, we will follow up with sidewalks --</p> <p>13 HEARING EXAMINER ROBESON: And also -- yeah.</p> <p>14 MS. WAGNER: Sidewalks and roadway widths. We have</p> <p>15 that down as an exit that we will provide to you.</p> <p>16 HEARING EXAMINER ROBESON: I thank you very much.</p> <p>17 MS. WAGNER: You're welcome.</p> <p>18 HEARING EXAMINER ROBESON: Okay. Are we ready for Mr.</p> <p>19 Camerillo? Go ahead Mr. Camerillo, you're up.</p> <p>20 Mr. Camerillo? Oh dear. Mr. Camerillo?</p> <p>21 For the record, I'm not hearing any response to my --</p> <p>22 from Mr. Camerillo. That's what the silence (inaudible).</p> <p>23 Mr. Camerillo, are you there? Okay. What I'm going to</p> <p>24 do is go forward and if Mr. Camerillo comes back to us he</p> <p>25 can ask the question at any time during this hearing. I</p>	<p>196</p> <p>1 there's 34 buses departing and -- entering and exiting the</p> <p>2 campus in the morning time period.</p> <p>3 MR. KLINE: And tell us what that means. I mean,</p> <p>4 there's obviously double movement. So break it down into</p> <p>5 what it is.</p> <p>6 MS. WAGNER: So it's that there are buses stored on the</p> <p>7 campus and they will be leaving the campus to go pick up</p> <p>8 students on their routes, again as we talked about</p> <p>9 previously. Those are bus routes. They will not be</p> <p>10 traveling through the neighborhood. And as they come back</p> <p>11 to the Rockville Pike and the Forest Road campus they will</p> <p>12 drop off students. And then some of the buses will arrive</p> <p>13 at the Forest Road and serve as a shuttle to come back to</p> <p>14 the Rockville Pike campus as well as buses will do the same</p> <p>15 at the Rockville Pike campus and then serve as a shuttle to</p> <p>16 go to the Forest Road campus. And those four shuttles each</p> <p>17 direction will be the only ones traveling through the</p> <p>18 neighborhood.</p> <p>19 MR. KLINE: So there will not be 68 bus trips through</p> <p>20 the Maplewood neighborhood during the normal school day?</p> <p>21 MS. WAGNER: Correct.</p> <p>22 MR. KLINE: Thank you. No further questions.</p> <p>23 HEARING EXAMINER ROBESON: Okay. With that I think Ms.</p> <p>24 Wagner, thank you very much. You're grace under fire. All</p> <p>25 of you are.</p>

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<p>197</p> <p>1 I suggest we take a 10 minute break. Who would your 2 next witness be the engineer, Jody? 3 MR. KLINE: Yeah. Well, that was going to be my 4 comment. I think I'd go back and finish Ms. Clark on all of 5 the non-traffic issues that we have to take care of. And 6 that will probably get us to a point in time when we are 7 ready to call it a day, and come back on Monday and just 8 start on the traffic again. Because you've given us an 9 awful lot of stuff to talk out and get you more information. 10 HEARING EXAMINER ROBESON: I know. I'm -- wait, I hear 11 somebody talking. Is somebody trying to talk? 12 UNIDENTIFIED SPEAKER: Ma'am? 13 HEARING EXAMINER ROBESON: Hello? 14 UNIDENTIFIED SPEAKER: Hello. 15 UNIDENTIFIED SPEAKER: You have two people on the phone 16 and they are -- 17 HEARING EXAMINER ROBESON: Maybe I'm mishearing. All 18 right. With that, let's take a 10-minute break, we'll come 19 back at 3:35 and then we'll start on the last -- or how 20 about 3:40 and then we'll start on the last witness. 21 Okay. With that, we're in recess. Don't leave the 22 meeting. 23 (Recess) 24 HEARING EXAMINER ROBESON: I see Mr. Brown and I see 25 Ms. Clark.</p>	<p>199</p> <p>1 every tree or every planting on the property. 2 HEARING EXAMINER ROBESON: No. 3 MR. KLINE: Okay. 4 HEARING EXAMINER ROBESON: Thank you. 5 MR. KLINE: Ms. Clark, do you recall that you've 6 already been qualified. Are you ready to go forward? 7 HEARING EXAMINER ROBESON: And sworn. 8 MS. CLARK: Yes. 9 MR. KLINE: Yeah, right. 10 HEARING EXAMINER ROBESON: Go ahead. 11 MR. KLINE: And I think we probably did a pretty good 12 job of talking about your -- the circulation system. There 13 is one thing I wanted to ask you go because you've brought 14 to my attention it's of concern to you. Condition number 15 15 talks about -- and uses language that you brought to my 16 attention. 17 Madam hearing examiner, condition number 15 in the 18 staff report reads -- sorry. Reads, "Prior to issuance of 19 the final use and occupancy certificate for the PEI, the 20 Applicant must restore disturbed areas along the former Alta 21 Vista Terrace driveway and the Rockville Pike frontage. The 22 concept makes sense to us, but the engineers being very 23 meticulous people said restore can be a misleading phrase. 24 And what we want to do is get a sense of what you had in 25 mind there. Or what staff had in mind, or maybe have Ms.</p>
<p>198</p> <p>1 MR. KLINE: The Petitioner is ready to move forward. 2 HEARING EXAMINER ROBESON: Thank you. Why don't you go 3 forward, Mr. Kline? 4 MR. KLINE: Sure. And let me begin by just -- as I 5 said before. Given what I think I have in here for Ms. 6 Clark and it's less interesting than what we've been talking 7 about, but I think it will probably take an hour or so. So 8 I would think that we would probably finish up. And I've 9 already told the architect in the landscape architect I do 10 not think we would get to them this afternoon. So I believe 11 that Ms. Clark would be our only other witness this 12 afternoon. Does that sound okay to you? 13 HEARING EXAMINER ROBESON: Yes. And how many more 14 witnesses do you have? 15 MR. KLINE: We do have the landscape architect. We 16 have an architect, and we have -- you heard from -- part of 17 the traffic engineering team, and we also have one other 18 traffic engineer, a former county DOT and Park and Planning 19 employee, Mr. Ron Welke. So I guess I got three new 20 witnesses. But it's -- I think given the way the case is 21 rolling out, the two nontraffic witnesses should not take 22 very long. Or, I could do a streamlined version of the 23 presentation. 24 HEARING EXAMINER ROBESON: Okay. 25 MR. KLINE: I don't think you need to know the size of</p>	<p>200</p> <p>1 Clark give you a different reading. Because they pointed 2 out, Jody, if something said -- we read that condition we 3 meet we can't do anything until we're off the bonds. In 4 other words, long after we've completed all the construction 5 work and quote, and done the restoration, but the bonds 6 haven't been released. 7 So Ms. Clark, did you have any suggestions about how to 8 change that, or, if you would, just explain your view of the 9 language as it reads today? 10 HEARING EXAMINER ROBESON: Can you remind me of the 11 exhibit number? 12 MR. KLINE: Sure. The staff report is number 47, I 13 think. Staff report is 56. And page 5 on Exhibit 56. 14 HEARING EXAMINER ROBESON: Let me go there. There, 15 condition 15? 16 MR. KLINE: Yes, ma'am. And it's in the second line, 17 Applicant must restore disturbed areas. And I was asking 18 Ms. Clark if she could explain her reservations about that 19 language and whether she had any linguistic changes that 20 might make it more palatable. 21 Ms. Clark? 22 MS. CLARK: Yes. Are concerned with restore is that 23 it's very broad. It's not really quantifiable. Obviously, 24 we'll have to complete the construction and all the 25 inspections will have to be completed. But in terms of</p>

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<p>201</p> <p>1 restored, like Jody said, does that mean they have to get 2 off the bond? I think that we would just want some kind of 3 specific clarification as to what would constitute 4 restoration. 5 HEARING EXAMINER ROBESON: Well, what does your 6 landscape plan show for that area? 7 MR. KLINE: Well, I can have Mr. Norden testify about 8 that. But he does show it, basically all cleaned up and 9 probably curb and gutter back along Alta Vista Terrace as 10 well. 11 MS. CLARK: Yes. I mean the condition along Alta Vista 12 would just be restored in such that when the driveway is 13 removed we'll restore, install curb and gutter to maintain a 14 continuance of curb and gutter along the roadway, and then 15 that area will be seeded and sodded and planted. I'm not 16 really concerned about Alta Vista. It's more the Rockville 17 Pike that I'm concerned about. 18 The plantings along the Rockville Pike frontage are 19 actually going to be fairly limited because of the 20 accel/decel lane we are adding, the buffer to the sidewalk, 21 the new sidewalk, and then the public utility easements 22 which are behind those which we cannot plant in. So the 23 addition of new plantings along Rockville Pike will be 24 relatively limited. I know that we have to satisfy the 25 zoning ordinance, so that's an issue we have to --</p>	<p>203</p> <p>1 question I should ask you and I'm sure Mr. Seid is still 2 with us, but you recall him asking a question earlier on 3 about did we need a waiver or variance for the location of 4 the recreational areas? 5 Can I ask, is Mr. Seid still here listening? 6 Okay. 7 MR. SEID: I am listening. I am here, I'm listening. 8 I'm actually transporting my daughter back to college so 9 I'm -- but I am listening. I can't take -- 10 MR. KLINE: Okay. Very quick. 11 MR. SEID: But I am listening. 12 MR. KLINE: I didn't want you to think we forgot your 13 question. 14 So Ms. Clark, would you please explain why we needed a 15 variance for the drive lane but don't need one for the 16 recreational areas? 17 MS. CLARK: Sure. We need a variance for the drive 18 lane because we are too close to the -- we don't meet the 19 setback, and it's considered a parking way. And it would 20 be -- we couldn't adjust the turf field anymore to make it a 21 usable size. The turf field is already less than half of a 22 soccer field so was already quite small even though it looks 23 rather large on the plan, as a soccer field is quite small. 24 And the playground areas were a particular concern for the 25 French School and being able to maximize those such and that</p>
<p>202</p> <p>1 HEARING EXAMINER ROBESON: Well, for the zoning -- this 2 is for future prelim -- I don't know why they put this in 3 here but some of these are preliminary plan conditions on 4 page 5 and some are (inaudible) conditions. So I don't 5 know -- I meant to ask why you needed a variance because 6 typically the variances, they go to the board of appeals and 7 are referred to us in conjunction with the thing. But I -- 8 you know, whatever. 9 But 15, my answer is from the conditional use -- or 10 special exception process that it's whatever you put on your 11 landscape plan has to be there. 12 MS. CLARK: Sure. That wouldn't be a problem. 13 HEARING EXAMINER ROBESON: I have -- 14 MS. CLARK: I think the biggest issue is just it being 15 tied to the bonds. 16 HEARING EXAMINER ROBESON: I have (inaudible) more -- I 17 would -- we typically have a condition saying all 18 improvements on the property must conform to the conditional 19 use plan, the landscape plan, the lighting plan, all your 20 plans, or the main plans. So I think -- 21 MS. CLARK: That wouldn't be an issue. 22 HEARING EXAMINER ROBESON: This is not my condition. 23 And as far as I'm concerned you just do what's on your 24 landscape plan. 25 MR. KLINE: Okay. Fine. And Ms. Clark, one other</p>	<p>204</p> <p>1 they could accommodate the 700 students that they are 2 proposing. 3 And the driveway, we had already narrowed it to 22 4 feet, which is the minimum that the County would allow for 5 two way traffic, so that's why we needed the variance to be 6 able to accommodate those play spaces and also have the 7 driveway. We eliminated the adjacent parking to minimize it 8 to the greatest extent possible. We did have parallel 9 parking along the drive which we eliminated. 10 MR. KLINE: Mr. Seid, I hope that answered your 11 question. 12 MS. CLARK: But we do not need a waiver or a variance 13 for the playground areas. 14 MR. SEID: Yes. Yes, it did. Thank you. 15 MR. KLINE: Great. Let us -- 16 HEARING EXAMINER ROBESON: Before you start again, I 17 see Mr. Myers's hand up. 18 MR. MYERS: I was just going to respond because I had 19 an email from Mr. Seid, that he was in his car. So I wanted 20 to make sure you knew that he was still around, but he 21 answered you. 22 MR. KLINE: Great. 23 HEARING EXAMINER ROBESON: Thank you. 24 MR. KLINE: Well, enjoy your trip, sir. 25 But since Mr. Myers has been speaking, let's give him</p>

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<p style="text-align: right;">205</p> <p>1 something that I know he wants to sink his teeth into. So</p> <p>2 Ms. Clark, could you put up an exhibit that would highlight</p> <p>3 the bus parking area and explain to the hearing examiner</p> <p>4 it's off hours use?</p> <p>5 MS. CLARK: Sure. That's --</p> <p>6 MR. KLINE: And which exhibit would you like her to</p> <p>7 pull up?</p> <p>8 MS. CLARK: Exhibit 68, please.</p> <p>9 HEARING EXAMINER ROBESON: I couldn't hear you. What?</p> <p>10 MS. CLARK: 68, please.</p> <p>11 HEARING EXAMINER ROBESON: Okay. It should be on the</p> <p>12 screen.</p> <p>13 MS. CLARK: Okay.</p> <p>14 MR. KLINE: So you've got the cross section up there.</p> <p>15 And I think I would maybe like to make that the second</p> <p>16 exhibit. Can you give us the more of a site plan image</p> <p>17 first, the right hand side of the campus maybe?</p> <p>18 MS. CLARK: Sure. That would be 45-F.</p> <p>19 HEARING EXAMINER ROBESON: Are you seeing it?</p> <p>20 MS. CLARK: Yes.</p> <p>21 MR. KLINE: Yes. It came up. So Ms. Clark, using</p> <p>22 Exhibit 45(f), and I know you talked about this earlier,</p> <p>23 but, basically explain how the client's going to handle bus</p> <p>24 storage?</p> <p>25 MS. CLARK: Okay, as shown on this plan, we have</p>	<p style="text-align: right;">207</p> <p>1 MS. CLARK: Sure, so cross section AA, which is on top,</p> <p>2 shows the bus just directly above the cursor, and you'll see</p> <p>3 that the bus is not as high, the dashed line represents the</p> <p>4 approximate grade of the house.</p> <p>5 MR. KLINE: To the south, or to the left.</p> <p>6 MS. CLARK: Yes, exactly, that's the closest</p> <p>7 residential property to the bus loop. It's 120 feet away.</p> <p>8 So there's an 11 foot grade differential between the</p> <p>9 property line, and the bus loop, so the buses are 11 feet</p> <p>10 vertically lower than the property. Additionally we've</p> <p>11 added the trees to show that there is an extensive existing</p> <p>12 buffer between these, the residence and the bus loop, and</p> <p>13 we're also adding additional trees. And then the wall</p> <p>14 itself, will serve as additional barriers for noise and</p> <p>15 fumes, and such. So the compilation of all of those we</p> <p>16 believe will properly buffer the buses.</p> <p>17 MR. KLINE: So the buses will be in -- basically,</p> <p>18 abutting the retaining wall and that should contain the</p> <p>19 noise?</p> <p>20 MS. CLARK: Well the wall abuts the sidewalk, so --</p> <p>21 MR. KLINE: Okay. Okay.</p> <p>22 MS. CLARK: There's a sidewalk between the bus loop and</p> <p>23 the pavement area of the bus loop and the wall.</p> <p>24 MR. KLINE: Gotcha, and what is that a three, four,</p> <p>25 five feet wide, sidewalk?</p>
<p style="text-align: right;">206</p> <p>1 storage space for 13 buses. Those are those light</p> <p>2 rectangles within the bus loop area, those represent the 13</p> <p>3 buses. So as shown -- as I was saying earlier, those are</p> <p>4 within the property of the gate. The gate is shown -- yes,</p> <p>5 right there -- adjacent to the front east building.</p> <p>6 MR. KLINE: And they would be there from close of</p> <p>7 business after the last run in the afternoon, until early</p> <p>8 the next morning?</p> <p>9 MS. CLARK: Correct.</p> <p>10 MR. KLINE: Okay, and there have been concerns</p> <p>11 expressed about visibility, noise, and fumes, and could you</p> <p>12 please explain why, from a civil engineering point of view,</p> <p>13 you think those concerns are probably understandable, but</p> <p>14 probably are not realistic.</p> <p>15 MS. CLARK: Okay, so adjacent to the bus loop, you can</p> <p>16 see that dotted area, that's a 12 foot sidewalk, and</p> <p>17 adjacent to that is a heavier line, that line represents a</p> <p>18 retaining wall that is on the order of 6 to 8 feet high.</p> <p>19 Now the buses are on the low side of the retaining wall,</p> <p>20 which is shown in that cross section, the first exhibit,</p> <p>21 Exhibit 68. So essentially, the buses are sunken in below</p> <p>22 the existing grade.</p> <p>23 MR. KLINE: So you've got Exhibit 68 now, so why don't</p> <p>24 you go ahead and walk us through each of the two cross</p> <p>25 sections to show your point.</p>	<p style="text-align: right;">208</p> <p>1 MS. CLARK: The sidewalk is eight, I believe.</p> <p>2 MR. KLINE: Okay, thank you. And in any event in your</p> <p>3 professional and civil engineering experience, you believe</p> <p>4 that retaining wall will substantially contain the noise,</p> <p>5 and fumes?</p> <p>6 MS. CLARK: I think that the total package, between the</p> <p>7 wall, the physical horizontal distance, and the vertical</p> <p>8 distance, in addition with the trees, I think it's kind of a</p> <p>9 package deal in terms of being able to mitigate all of those</p> <p>10 issues.</p> <p>11 MR. KLINE: Thank you, I was going to ask you questions</p> <p>12 about the recreational areas, but I think we probably</p> <p>13 covered that pretty well, but is there any equipment to be</p> <p>14 installed in those areas?</p> <p>15 MS. CLARK: Yes, the hard surface play area adjacent to</p> <p>16 the turf field, will have basketball hoops, the mulch play</p> <p>17 areas will have standard school age appropriate equipment,</p> <p>18 and the two year old area will also have age appropriate</p> <p>19 equipment.</p> <p>20 MR. KLINE: And that two year old area, is that the</p> <p>21 number 5 on the north side of the building?</p> <p>22 MS. CLARK: Yes.</p> <p>23 MR. KLINE: Yeah, okay, fine thank you. And there is,</p> <p>24 is there any lighting associated with the luminair, to</p> <p>25 illuminate the play areas?</p>

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<p style="text-align: right;">209</p> <p>1 MS. CLARK: No, there's only the site lighting and the 2 building. The site lighting that is provided for safe 3 pedestrian and vehicular access, and the building lighting. 4 There is no specific field or play area lighting such that 5 they could be used at night. 6 MR. KLINE: We probably talked about this, but I'll 7 reiterate it, the school's position on perimeter fencing, 8 could you describe where it will be located? Whether it has 9 gates and what it will look like? 10 MS. CLARK: Yes. There's an existing chain link fence 11 around the entirety of the property, a majority of that 12 fence will remain as existing, along the back sides of the 13 property, and then we will provide -- 14 MR. KLINE: Back side meaning west, or north or what? 15 MS. CLARK: West and south. 16 MR. KLINE: Okay, thank you. 17 MS. CLARK: And then along the Rockville Pike frontage 18 we will install a new aluminum, more ornamental fence that 19 will be in line with the character of the security gates 20 that we are proposing, which we discussed earlier. 21 MR. KLINE: Okay, and the purpose for the perimeter 22 fencing is what? 23 MS. CLARK: Security, primarily, that's of paramount 24 concern to the school. 25 MR. KLINE: And there will be no gates, like at the</p>	<p style="text-align: right;">211</p> <p>1 MR. KLINE: Does it go far enough to the west to show 2 the loading dock area, Ms. Clark? 3 MS. CLARK: Yes. 4 MR. KLINE: Okay, well go ahead then, lead the hearing 5 examiner's cursor to the location on the north side of the 6 existing buildings and explain its location and its 7 function. 8 MS. CLARK: Okay, it is north of your cursor, there is 9 a note right there that has two arrows, just -- yes, right 10 there 11 HEARING EXAMINER ROBESON: Just for the record, it says 12 existing loading dock and dumpster shielded by concrete 13 retaining wall. Okay go ahead. 14 MR. KLINE: I think you just answered my question. 15 HEARING EXAMINER ROBESON: Oh. 16 MR. KLINE: No, that's okay. Ms. Clark, what is it and 17 what's it going to look like? 18 MS. CLARK: I think it's important to note that the 19 loading dock is existing, and the loading dock is also below 20 grade. So the loading dock itself is 10 feet, I believe, 21 below the grade of the northern driveway, hence the 22 retaining wall. So it is sunken in and well shielded by 23 that wall and the grade differential. 24 MR. KLINE: Do you have any sense of what the usage of 25 it is, the frequency or the hours of operation or anything?</p>
<p style="text-align: right;">210</p> <p>1 Forest Road campus like they have a gate where you push a 2 button, there'll be no gates to be able to get in on the 3 perimeter correct? 4 MS. CLARK: No, the only gates are the three that we've 5 shown in previous exhibits. 6 MR. KLINE: And then the, what I guess I'll call the 7 circulation gates, or the entry gates, the triangles A, B, 8 and C; those are there basically, just to block those lanes 9 off so the interior campus is secure during off hours, is 10 that correct? 11 MS. CLARK: Correct. Because of the proximity of the 12 northern drive to the existing property line, there is no 13 ability to construct a fence along that north property line, 14 as a result, gates A, B, and C all tie into, well B, and C 15 tie into the buildings, so the buildings actually serve as 16 the eastern most security, to close off the fence, and to 17 provide a secure perimeter. 18 MR. KLINE: Thank you, could you, could you cite the, 19 what I'll call the eastside campus site plan so that the 20 hearing examiner could pull up, because I want to ask you a 21 question about the loading dock and the dumpster, which I 22 think are probably shown on that, that plan. 23 MS. CLARK: Yes, 45-F please. 24 HEARING EXAMINER ROBESON: Okay. Just one second. 25 Okay. This?</p>	<p style="text-align: right;">212</p> <p>1 MS. CLARK: I do not, no. 2 MR. KLINE: Okay. Thank you. There was a condition 3 recommended in the staff report that the Applicant has have 4 accepted, so could we say that whatever that condition is 5 acceptable to the Applicant? I don't see it right now, 6 but -- 7 HEARING EXAMINER ROBESON: Well, you could certainly 8 say that. Pick up, service and deliveries will be limited 9 to Monday through Friday between 8:30 and 3:30, under 2C. 10 MR. KLINE: Oh, yeah, here we go, 2C, that would have 11 been in our statement of justification and operation so that 12 would be acceptable to the Applicant. 13 HEARING EXAMINER ROBESON: Okay. 14 MR. KLINE: Ms. Clark, something I know you like. 15 HEARING EXAMINER ROBESON: Will the loading deliveries 16 come -- they'll come, what am I trying to say, do they have 17 to cut through the neighborhood? Or can they come down 18 Rockville Pike? 19 MR. KLINE: Well, we have, maybe Ms. Clark can answer 20 it, or maybe Ms. Fabre who is sitting here with me, could 21 answer it. 22 HEARING EXAMINER ROBESON: Let me just, you don't have 23 to answer until the end, but what about the condition 24 saying, they can't, I don't know if you -- whether for LATR 25 purposes, but can you just say they can't approach from Old</p>

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<p style="text-align: right;">213</p> <p>1 Georgetown Road, or something like that? Do they -- can't 2 we say that they have to enter on Rockville Pike? 3 MR. KLINE: Oh, well they definitely have to enter on 4 Rockville Pike, so there's no question about that, I believe 5 that we could definitely accept a condition like that, I 6 can't imagine why somebody would want to drive a trash truck 7 through the neighborhood when you're beside major roadways, 8 but let us just double check on that and we'll give you an 9 answer on Monday. 10 HEARING EXAMINER ROBESON: Okay. 11 MR. KLINE: That does sound reasonable though. 12 HEARING EXAMINER ROBESON: Okay. 13 MR. KLINE: Would you put up whatever exhibit you want 14 to use to give us an explanation of the storm water 15 management concept plan? 16 MS. CLARK: Sure. 17 MR. KLINE: Looks like 18-A. 18 MS. CLARK: 18-A yes. 19 HEARING EXAMINER ROBESON: Are you seeing it? 20 MR. KLINE: Yes ma'am, thank you. 21 MS. CLARK: Yes, but this isn't the most recent 22 version, so I would like to change to 45-I, please. I and J 23 they two all in one exhibit, both sides, or one. 24 HEARING EXAMINER ROBESON: It takes -- these were -- 25 okay. You should be seeing it now.</p>	<p style="text-align: right;">215</p> <p>1 requirements, so that it meets all environmental site design 2 requirements, including quantity and quality. We're doing 3 that via eight micro bioretention areas and an infiltration 4 trench underneath the turf field. 5 HEARING EXAMINER ROBESON: Okay. 6 MS. CLARK: And those are shown, there are two on the 7 far west side of the drive; continue west 8 HEARING EXAMINER ROBESON: I'm sorry 9 MS. CLARK: Those two right there. 10 HEARING EXAMINER ROBESON: I kept looking for them, I 11 see them, and then here? 12 MS. CLARK: One there, on the other side. 13 HEARING EXAMINER ROBESON: When you say there, I'm 14 pointing just below the drop off loop for the individual 15 drop offs, and then to the southeast of that loop. 16 MS. CLARK: Correct. And the remaining three are 17 within the interior of the bus loop. 18 HEARING EXAMINER ROBESON: Okay. 19 MS. CLARK: So this concept has been -- the stormwater 20 concept and the site development concept have been approved 21 by Montgomery County, and the, this final stormwater permit 22 package is under review currently. So this has been deemed 23 acceptable. 24 HEARING EXAMINER ROBESON: Okay. 25 MR. KLINE: And Madam hearing examiner, there is a</p>
<p style="text-align: right;">214</p> <p>1 MS. CLARK: Yes, ma'am. 2 HEARING EXAMINER ROBESON: Thank you. 3 MR. KLINE: Go ahead, Ms. Clark. 4 MS. CLARK: Okay. So in the existing condition, 5 there's very little storm drainage on site, and staying most 6 of which the existing runoff runs directly into the road, 7 into Rockville Pike and is collected by curb inlets, without 8 any prior collection on site. There is also very limited 9 existing stormwater management on site for quality or 10 quantity control, there's only an underground system within 11 the east parking lot. 12 HEARING EXAMINER ROBESON: Wait, I'm sorry, I couldn't 13 hear cause there was some kind of rustling, some kind of 14 noise. Can you tell me again where the existing, what did 15 you say? I heard the stormwater drains onto, into gutters 16 on Rockville Pike, outlets at Rockville Pike. What else 17 were you saying? 18 MS. CLARK: Sure. The only stormwater management 19 system that exists onsite, is an underground system within 20 the eastern most parking lot, in front of the east building. 21 Other than that, the stormwater is unmanaged, untreated and 22 mostly just runs off via sheet flow. 23 HEARING EXAMINER ROBESON: Okay. 24 MS. CLARK: So our proposal was designed to meet all 25 existing Montgomery County and state stormwater management</p>	<p style="text-align: right;">216</p> <p>1 letter from MCDTS, I believe attached to the staff report, 2 confirming that. 3 HEARING EXAMINER ROBESON: I saw that, I did see that. 4 MR. KLINE: Ms. Clark, or Ms. Robeson, if you could go 5 back to the exhibit you had before the one you are 6 displaying right now, which is I guess the east half of the 7 property. 8 HEARING EXAMINER ROBESON: I think it's the second 9 sheet of this. 10 MR. KLINE: Yeah, probably so, that's exactly what I 11 had in mind. Sure. Ms. Clark, the lots that are 12 immediately south of the bus loop, one of them was Mr. 13 McKillen, or whatever it was, 14 HEARING EXAMINER ROBESON: McKenna. 15 MR. KLINE: McKenna right. And Mr. McKenna wrote and 16 testified before the Planning Board that he was concerned 17 about stormwater management, would you explain what the 18 situation is and what we're doing to try and, I won't say 19 mitigate, but not exacerbate the situation. 20 MS. CLARK: Yes, Mr. McKenna's property is actually 21 just off this page, 22 HEARING EXAMINER ROBESON: Okay. 23 MS. CLARK: To the southwest on Alta Vista Court. I 24 think actually, 18 might be better to go to, even though 25 it's slightly outdated, it at least covers the area.</p>

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<p>217</p> <p>1 HEARING EXAMINER ROBESON: Is he on this one, or no?</p> <p>2 MS. CLARK: No, he's on the other side, but it's just,</p> <p>3 it's not included on the sheet, either of them. Could we go</p> <p>4 back to Exhibit 18 please?</p> <p>5 HEARING EXAMINER ROBESON: This is 18(a) through (c).</p> <p>6 MS. CLARK: Yes.</p> <p>7 HEARING EXAMINER ROBESON: It takes a little while to</p> <p>8 load, so.</p> <p>9 MS. CLARK: Yeah, there's a lot on this sheet.</p> <p>10 HEARING EXAMINER ROBESON: Yeah.</p> <p>11 MS. CLARK: Mr. McKenna is that triangular piece, 5015</p> <p>12 on Alta Vista Court.</p> <p>13 MR. KLINE: Sort of like at 11:00?</p> <p>14 MS. CLARK: It's not Alta Vista Road, it's farther to</p> <p>15 the west, or the east, excuse me,</p> <p>16 MR. KLINE: Oh. Okay. Behind some of your legend</p> <p>17 materials?</p> <p>18 MS. CLARK: Yes, there's been note, the, the cul-de-</p> <p>19 sac, it's Alta Vista Circle, we were okay on that plan.</p> <p>20 MR. KLINE: Yeah.</p> <p>21 MS. CLARK: I think we scrolled too far.</p> <p>22 MR. KLINE: There we go.</p> <p>23 MS. CLARK: Oh,</p> <p>24 MR. KLINE: It's the one at 1:00 or 3:00 probably.</p> <p>25 HEARING EXAMINER ROBESON: I can't believe I did that.</p>	<p>219</p> <p>1 problem, we are not adding storm drainage into what is</p> <p>2 already going to his property. His situation should remain</p> <p>3 the same.</p> <p>4 MR. KLINE: So, tell us what's the nature and the</p> <p>5 slope, the topography of the property, I mean, what, I</p> <p>6 guess, is immediately north of his lot is just grass or</p> <p>7 trees or what?</p> <p>8 MS. CLARK: It's trees, it's well covered in</p> <p>9 vegetation, it's relatively steep, but it is vegetated.</p> <p>10 MR. KLINE: And sheet flow across that property from</p> <p>11 the improved part, the buildings is what's causing whatever</p> <p>12 impact is occurring on his property?</p> <p>13 MS. CLARK: No. Really, the -- it's just the vegetated</p> <p>14 areas, the Beaumont House Circle, which is that paved area,</p> <p>15 north? Yes, that one. That area drains away from his</p> <p>16 property, so paved areas really don't contribute to his</p> <p>17 problem. It's really just an issue of pervious areas that</p> <p>18 drain directly to his property, which we are not disturbing</p> <p>19 those areas, so we are not exacerbating his problem.</p> <p>20 MR. KLINE: So is that line with the annotations just</p> <p>21 north of the house's circle, does that stand for the limits</p> <p>22 of disturbance?</p> <p>23 MS. CLARK: Yes.</p> <p>24 MR. KLINE: All right, so the area between that line</p> <p>25 and his property line is going to be in a forest</p>
<p>218</p> <p>1 Okay. We'll get there.</p> <p>2 MS. CLARK: Number, sheet 1 would actually be better,</p> <p>3 this is existing conditions, so.</p> <p>4 HEARING EXAMINER ROBESON: But is his property here?</p> <p>5 MS. CLARK: Yes, his property is here.</p> <p>6 HEARING EXAMINER ROBESON: Well,</p> <p>7 MS. CLARK: It's fine, we can use this one.</p> <p>8 HEARING EXAMINER ROBESON: I'll try to go to, this, I</p> <p>9 think is sheet 1.</p> <p>10 MS. CLARK: Yes. This is the --</p> <p>11 HEARING EXAMINER ROBESON: Okay.</p> <p>12 MS. CLARK: Let's go with this one.</p> <p>13 HEARING EXAMINER ROBESON: So, go down more?</p> <p>14 MR. KLINE: No, go right more.</p> <p>15 MS. CLARK: Right more, yes, 5015; it's labeled in kind</p> <p>16 of the larger shadow letters on the cul-de-sac.</p> <p>17 HEARING EXAMINER ROBESON: I see, here, 5015, Lot 9.</p> <p>18 MS. CLARK: Yes.</p> <p>19 MR. KLINE: So, what is, what is the current situation,</p> <p>20 that's giving him concern?</p> <p>21 MS. CLARK: Currently, Mr. McKenna has drainage from</p> <p>22 the property that drains onto his property, now his concern</p> <p>23 was that we were going to exacerbate this problem. The</p> <p>24 drainage area in question is outside of our limits of</p> <p>25 disturbance; as a result, we are not exacerbating the</p>	<p>220</p> <p>1 conservation easement?</p> <p>2 MS. CLARK: Yes.</p> <p>3 MR. KLINE: All right. So you would be precluded from</p> <p>4 doing any stormwater management work in that area in any</p> <p>5 event, right?</p> <p>6 MS. CLARK: Once the easements are recorded, yes.</p> <p>7 MR. KLINE: So we advised him the other day that we</p> <p>8 would not exacerbate the problem, but couldn't correct it</p> <p>9 either.</p> <p>10 MS. CLARK: Correct.</p> <p>11 MR. KLINE: Right, no further questions.</p> <p>12 Take us back and give us a little more information</p> <p>13 about the Rockville Pike frontage improvements you went into</p> <p>14 good detail about the new accel/decel lanes, I guess I'd</p> <p>15 like to take you from the new curb line on the property,</p> <p>16 cause there are other improvements within that area that the</p> <p>17 public expects you to make.</p> <p>18 MS. CLARK: Okay, Exhibit 45(f), please?</p> <p>19 HEARING EXAMINER ROBESON: Sorry, go ahead.</p> <p>20 MS. CLARK: That's it.</p> <p>21 HEARING EXAMINER ROBESON: No, wait. There</p> <p>22 MS. CLARK: Yep. Okay, so as I spoke before, the gray</p> <p>23 shaded area is areas of new pavement, the accel/decel lane</p> <p>24 is shaded just off of Rockville Pike. In addition to the</p> <p>25 accel/decel lane, there is an existing sidewalk now that's</p>

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<p style="text-align: right;">221</p> <p>1 directly adjacent to Rockville Pike. The only thing that 2 separates the pedestrians from vehicles is a six inch 3 vertical curb. There's no horizontal separation. So since 4 the sidewalk has to be removed, to provide area for the 5 accel/decel lane, we are providing a new five-foot sidewalk 6 that has a six foot grass buffer between the edge of curb, 7 and the sidewalk. 8 So this gives us -- we'll still have the six inch 9 vertical separation, but we'll also have the six foot grass 10 buffer separation, which greatly improves pedestrian safety 11 along the sidewalk. Additionally there is an existing bus 12 stop along our -- adjacent to our northern entrance, the 13 existing northern entrance, that needs to be removed as 14 we're removing that entrance. As a result, we are 15 relocating the bus stop just south of your cursor. That 16 large area of concrete, yes. 17 MR. KLINE: So it's at the northern end of the frontage 18 of the property, but not all the way to the north. 19 MS. CLARK: Correct. It's the closest location that we 20 could get to meet the bus requirements, within reasonable 21 proximity to the existing bus stop. 22 HEARING EXAMINER ROBESON: And that'll be ADA 23 compatible, right? 24 MS. CLARK: Yes, it'll be ADA compliant, the existing 25 bus stop is not, so that would be an improvement.</p>	<p style="text-align: right;">223</p> <p>1 then the western most building being the existing parking 2 garage. 3 MR. KLINE: So maybe what I'll do is just ask you to 4 walk, upwards, on this exhibit, or north or west from 5 Rockville Pike, that first pink strip is what? Surface 6 parking spaces? 7 MS. CLARK: Those are existing surface parking spaces, 8 which are to remain. 9 MR. KLINE: That same true, I guess, for the small bay 10 across the drive lane from that? 11 MS. CLARK: Yes. 12 MR. KLINE: Okay, the, you've highlighted the pink 13 footprint of the building, and that's because of underground 14 parking underneath the building? 15 MS. CLARK: Yes, the east wing building has 16 spaces, 16 15 spaces, underneath of it. 17 MR. KLINE: Okay, so, I guess, the major parking is in 18 the pink box up north of the blue buildings. Describe that 19 facility, what it is. 20 MS. CLARK: That is a 4-story parking garage, with 216 21 spaces. 22 MR. KLINE: Okay, so can you for the hearing examiner 23 go through the parking computations for a private 24 educational institution for required and provided? 25 MS. CLARK: Yes, the existing parking requirements are</p>
<p style="text-align: right;">222</p> <p>1 MR. KLINE: Ms. Clark, your firm conducted and 2 submitted a sight distance analysis and you probably 3 prepared that before the accel/decel lanes were proposed, am 4 I right on that? 5 MS. CLARK: Yes. 6 MR. KLINE: Okay, so what is the significance of the 7 change now in the additional paving on south of the northern 8 part of the property? Is that sight distance analysis 9 improved or changed at all? 10 MS. CLARK: It's really the same, because of the way 11 the Montgomery County requires sight distance and FHA 12 requires sight distance to be measured, it's six feet back 13 from the proposed curb line, but it's not looking directly 14 to your left, it's looking out towards the interior lane. 15 Therefore we still have upwards of 400, 500 feet of sight 16 distance, all the way to the Pooks Hill intersection. 17 MR. KLINE: Okay. I was going to ask you about parking 18 was going to ask if Ms. Robeson could put up Exhibit 70, the 19 parking study? Great. Good exhibit. So would you explain 20 what all these colors show us, first of all, and then walk 21 us through the parking calculations. 22 MS. CLARK: Sure. These colors are showing the -- well 23 most of them are for existing buildings. The blue building 24 being the main Lee Building, the southern-most, or, yeah, 25 eastern-most, building being the east wing building. And</p>	<p style="text-align: right;">224</p> <p>1 1 per staff, and the existing -- the max staff at one time 2 is 126. So we need to provide at least 126 parking spaces, 3 we are providing 281 parking spaces, with the majority of 4 them being in the garage. 5 HEARING EXAMINER ROBESON: I apologize, what was the 6 minimum? 7 MS. CLARK: 126. 8 HEARING EXAMINER ROBESON: Okay, thank you. 9 MR. KLINE: And similarly, I guess, the little pink 10 strips, both west and north of the parking garage along the 11 drive lanes, entering the school. 12 MS. CLARK: Yes, all the way on top are the motorcycle 13 parking spaces that are required for zoning. The ones, if 14 you continue around the loop, those parallel spaces, I 15 actually alluded to earlier, have been, have since been 16 removed to limit our need for the variance. We wanted, even 17 though we couldn't meet the setback requirements, we wanted 18 to make a good faith effort and remove those parking spaces, 19 to do the -- 20 HEARING EXAMINER ROBESON: Are you referring to the 21 pink parking spaces or the blue parking spaces? 22 MS. CLARK: Yes, those six pink parking spaces. 23 HEARING EXAMINER ROBESON: Okay, they were removed? 24 MS. CLARK: They have been removed. The bus parking 25 spaces, those we're showing three but there's only a need</p>

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<p style="text-align: right;">225</p> <p>1 for two now, are the parking spaces for the spare buses, 2 that are only used when the other buses break down. 3 MR. KLINE: And, so they are dormant and pretty much 4 sit there most of the day, as far as I know, yeah. 5 MR. KLINE: All right. Ms. Clark, I wanted to talk 6 about the -- and hopefully Mr. Seid's still listening. Talk 7 about the separation from his house and the drive lane. Can 8 you pull up an exhibit that would be a good one to work 9 with? 10 MS. CLARK: 45-E, I believe. 11 HEARING EXAMINER ROBESON: Okay. 12 MR. KLINE: Great. Could -- Ms. Robeson are you 13 familiar with where Mr. Seid's residence is located? Did 14 you want to put your cursor on it? 15 HEARING EXAMINER ROBESON: I said at one point, and 16 MR. KLINE: Yeah, it's the one that I'll say it about, 17 7:00 there it is, that's it, great. 18 MS. CLARK: The closest residence to the drive aisle. 19 HEARING EXAMINER ROBESON: So it's labeled on this 20 exhibit, Exhibit 45(e). 21 MR. KLINE: Very good. Ms. Clark would just repeat 22 for, just repeat some of the problem of why there was a 23 necessity for the parking variance, the parking waiver. 24 MS. CLARK: The necessity is because we really couldn't 25 shift or narrow the drive aisle, any more than we already</p>	<p style="text-align: right;">227</p> <p>1 because there's more than 200 parking spaces, correct? 2 MS. CLARK: Yes. 3 MR. KLINE: All right, so there's a 30 -- where there's 4 30 yard setback is one thing, but there's a required setback 5 of any part of a drive lane of 30 feet from a property line, 6 adjacent residential property line. Am I correctly stating 7 that? 8 MS. CLARK: Yes. 9 MR. KLINE: Okay, and today the drive lane after you've 10 manipulated, to some extent, is set how far away from the 11 property line? 12 MS. CLARK: 16 feet. 13 MR. KLINE: Okay, and therefore we need -- 14 HEARING EXAMINER ROBESON: What's the required setback 15 in terms of feet? 16 MS. CLARK: 20. 17 MR. KLINE: Well -- 18 HEARING EXAMINER ROBESON: 20, and you're 16 so you 19 need a variance for 4? 20 MR. KLINE: Well I, actually -- please. Mr. Folden's 21 staff report didn't pick it up and he reported it after he 22 corrected it at the board with the Planning Board, but when 23 you have a parking on site greater than 200 spaces, they add 24 another 10 feet to the double, the already doubled setback. 25 HEARING EXAMINER ROBESON: Okay, so what's the required</p>
<p style="text-align: right;">226</p> <p>1 did. 2 HEARING EXAMINER ROBESON: Before you start, I've heard 3 waiver, and variance. 4 MR. KLINE: Yeah, I stand corrected I should have used 5 the term, waiver. Thank you. 6 HEARING EXAMINER ROBESON: Okay, so this is a waiver 7 under, wait, I'm in the wrong zoning ordinance. Okay. Is 8 this something that has to go before the board -- has to be 9 the subject of a variance application with the board of 10 appeals? 11 MR. KLINE: And one was filed with the board and was 12 supposedly transferred to you to be picked up in this 13 hearing. 14 HEARING EXAMINER ROBESON: Okay, because I don't, I 15 haven't seen that. 16 MR. KLINE: Yeah, well it may well not have gotten over 17 to you yet. 18 HEARING EXAMINER ROBESON: Okay, 19 MR. KLINE: But go one step back, Ms. Clark and explain 20 why we have to give special attention to parking facilities 21 when we're doing special exceptions in residential zones. 22 MS. CLARK: Well there's a required setback that needs 23 to be met. 24 MR. KLINE: And in this case, they're doubled because 25 it's a special exception and then increased by 10 feet</p>	<p style="text-align: right;">228</p> <p>1 setback? 2 MR. KLINE: That would be the side yard setback, in the 3 R-60 zone, which must be 10 feet. 4 HEARING EXAMINER ROBESON: And then double that? 5 MR. KLINE: And then add 10 feet more. 6 HEARING EXAMINER ROBESON: So triple it, so 7 approximately 30 feet. 8 MR. KLINE: Correct. 9 HEARING EXAMINER ROBESON: And how much is the setback 10 that you are, that's shown on those plans? 11 MR. KLINE: Ms. Clark? 12 MS. CLARK: Sixteen feet. 13 HEARING EXAMINER ROBESON: Okay, so you need a waiver 14 of approximately 14 feet. 15 MR. KLINE: Right. 16 HEARING EXAMINER ROBESON: (inaudible). 17 MR. KLINE: Well, your math is right, Ms. Robeson. 18 And Ms. Clark, I'm not sure you were one of them, but 19 representatives of the school had met with Mr. Seid on the 20 property, to explain what we're doing and what we're trying 21 to do to minimize that impact, correct? 22 MS. CLARK: Correct. The landscape architect met with 23 him on site to discuss the trees that were going to be 24 removed, and the trees that were going to remain and the 25 trees that were going to be added.</p>

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58 (229 to 232)

<p>229</p> <p>1 HEARING EXAMINER ROBESON: Okay, can I just stop you 2 for a minute. We can't -- okay, so we're going to have to 3 have -- I don't know what the provisions are for notice of 4 variances, but we need some lead time to give the proper 5 notice of public hearing of the variance. So I guess, I 6 should -- let me explore the issue more. I was just 7 thinking through, I was hoping to get everything here, 8 MR. KLINE: I understand, Ms. Robeson, and I'll have a 9 memo for you on Monday explaining all that. I understand 10 your point. 11 HEARING EXAMINER ROBESON: All right, but I'm just 12 saying I can't -- I don't know if we'll be able to approve 13 it at the same, or deny it or decide it at the same, in 14 conjunction with this, but go ahead. 15 MR. KLINE: Okay, what I was going to do is -- that 16 really kind of completed my questions about this, but since 17 Mr. Seid is in a car traveling somewhere, he probably 18 doesn't want to listen to me any longer than necessary. I 19 wanted to offer Ms. Clark as an opportunity for cross- 20 examination should he want to ask any questions, if he's 21 still listening. 22 HEARING EXAMINER ROBESON: I do not see him, on the 23 call, so what I'm going to do is allow him, since we're 24 coming back anyway on Monday. We can start, if Ms. Clark 25 can be here again, we can start with questions from him, of</p>	<p>231</p> <p>1 MR. KLINE: Are you comfortable with the transmission 2 and treatment capacity of the sewer lines, and the water 3 lines? 4 MS. CLARK: Yes. 5 MR. KLINE: Okay. Thank you. How about gas, phone, 6 microwave, everything else. 7 MS. CLARK: Yes. 8 MR. KLINE: Okay, and during your investigation, did 9 you pick up any concerns about availability or response time 10 of the police services or fire and rescue services? 11 MS. CLARK: There were no issues with that. 12 MR. KLINE: Thank you, but I had to use that term fire 13 and rescue services, has this plan been reviewed by Ms. 14 Lamar at DPS Fire Rescue Services and met her approval? 15 MS. CLARK: Yes, it's been reviewed and approved by 16 her. 17 MS. KLINE: Thank you. 18 HEARING EXAMINER ROBESON: I think that's in the fire 19 access plan, and her email in the record. 20 MR. KLINE: It's about a five or six page document, you 21 are correct. 22 Ms. Clark, from a civil engineering perspective, is 23 there anything about the Rochambeau proposal that would 24 adversely affect or change the present character or future 25 development potential of the surrounding properties?</p>
<p>230</p> <p>1 Ms. Clark. 2 MS. CLARK: Sure. 3 MR. KLINE: That's fine. 4 HEARING EXAMINER ROBESON: Because I don't see him 5 listed on the call right now. 6 MR. KLINE: Well, he's taking his daughter back to 7 college, he's probably got more interesting things to do. 8 HEARING EXAMINER ROBESON: Well, I see two phone 9 numbers, but I don't know who they are, so, anyway. I see 10 hands up with questions. Are you finished your direct Mr. 11 Kline? 12 MR. KLINE: I've got maybe five questions. 13 HEARING EXAMINER ROBESON: Okay. No, I'm not rushing 14 you, I just -- 15 MR. KLINE: Sure. Sure. 16 HEARING EXAMINER ROBESON: For some reason, I thought 17 you were finished, go ahead. 18 MR. KLINE: Ms. Clark, not something I'd mentioned to 19 you before, but I should ask you, about the adequacy of 20 public facilities. Could you please describe the 21 availability and capability of dry and wet utilities to 22 serve the property and other public facilities needed by the 23 school? 24 MS. CLARK: Yes, they're existing utilities provided by 25 WSC and PEPSCO that we will be utilizing.</p>	<p>232</p> <p>1 MS. CLARK: No, I don't believe so. 2 MR. KLINE: Does the application comply with the 3 general development standards for the zone, in which it's 4 specified or the zone, or the standards for private 5 educational institution? 6 MS. CLARK: Yes, I believe so. 7 MR. KLINE: Are the outdoor recreation areas located 8 and buffered, so that activities will not constitute an 9 intrusion into adjacent residential properties? 10 MS. CLARK: Yes, I believe so. 11 MR. KLINE: From an engineering perspective will the 12 proposed use be in harmony with the general character of the 13 surrounding neighborhood? 14 MS. CLARK: Yes. 15 MR. KLINE: Do you feel that from a civil engineering 16 perspective that the proposed use will have any detrimental 17 impact on surrounding properties, such as stormwater 18 management other impacts that have an engineering 19 foundation? 20 MS. CLARK: No. 21 MR. KLINE: And is there any reason for us to be 22 concerned about the proposed use adversely affecting the 23 health, safety and welfare of the students, the faculty, the 24 staff, and the surrounding residents? 25 MS. CLARK: No.</p>

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<p>233</p> <p>1 MR. KLINE: I have no further questions of Ms. Clark.</p> <p>2 HEARING EXAMINER ROBESON: Okay. Cross-examination, I</p> <p>3 see Mr. Wilkerson has his hand up.</p> <p>4 Mr. Wilkerson, you're on mute. We can -- oh, there he</p> <p>5 is, Mr. Wilkerson? Okay, I'm seeing that he's off mute, but</p> <p>6 I do not hear him. Let me move to Mr. Myers, and I will</p> <p>7 make a note to come back.</p> <p>8 MR. MYERS: Just one question, in terms of the</p> <p>9 distances from the bus lanes to the property line, which is</p> <p>10 where a noise ordinance applies, what is the distance from</p> <p>11 the bus lane to the nearest property, along Alta Vista --</p> <p>12 MS. CLARK: One hundred twenty feet.</p> <p>13 MR. MYERS: So that's to the house or to the property.</p> <p>14 MS. CLARK: To the property line.</p> <p>15 MR. MYERS: Okay.</p> <p>16 HEARING EXAMINER ROBESON: Wait. Now, I'm -- okay.</p> <p>17 Ask your question again.</p> <p>18 MR. MYERS: Okay. I asked what the distance was from</p> <p>19 the bus lane to the property line, the nearest house on Alta</p> <p>20 Vista Court.</p> <p>21 MS. CLARK: It's 115 feet.</p> <p>22 MR. MYERS: Okay.</p> <p>23 HEARING EXAMINER ROBESON: To the house?</p> <p>24 MS. CLARK: No, to the property line.</p> <p>25 HEARING EXAMINER ROBESON: Okay, were you asking</p>	<p>235</p> <p>1 for a time period?</p> <p>2 MS. CLARK: We've not conducted those specific studies,</p> <p>3 but the school's going to have to meet the County noise</p> <p>4 ordinance and they're aware of that and should there prove</p> <p>5 to be issues, they're going to have to remedy those issues.</p> <p>6 MR. WILKERSON: Well, I'm trying to get my arms</p> <p>7 around --</p> <p>8 HEARING EXAMINER ROBESON: That's enforced by the</p> <p>9 police, talk about enforcement issues, go ahead.</p> <p>10 MR. WILKERSON: Ma'am when you say --</p> <p>11 HEARING EXAMINER ROBESON: It would be nice to</p> <p>12 demonstrate, right now, whether it does or it doesn't.</p> <p>13 MS. CLARK: I think that's a situation that's</p> <p>14 impossible for us to create and test, right now, because the</p> <p>15 bus loop doesn't exist, so we can't remedy, we can't create</p> <p>16 those conditions.</p> <p>17 HEARING EXAMINER ROBESON: Well, usually there's a</p> <p>18 noise, an acoustical engineer -- anyway, and he estimates</p> <p>19 the decibel levels of those levels of buses. I've been in</p> <p>20 too many special exceptions over the years, they have done</p> <p>21 it, it does require another expert though. Go ahead.</p> <p>22 MR. WILKERSON: So Ms. Clark, you said it would</p> <p>23 substantially mitigate, how do I translate that? Does that</p> <p>24 mean, 25 percent less, 50 percent, 75 percent what does</p> <p>25 substantially mitigate mean in your professional opinion?</p>
<p>234</p> <p>1 about -- Mr. Myers, were you asking about the distance to</p> <p>2 the house, or the property line?</p> <p>3 MR. MYERS: No, because the noise ordinance applies to</p> <p>4 property line; that's why I asked about the property line.</p> <p>5 HEARING EXAMINER ROBESON: Okay. So it's 115 feet. Do</p> <p>6 you have any other questions Mr. Myer?</p> <p>7 MR. MYERS: No, but whatever I have to say about buses</p> <p>8 and I know Jody interested in what I have to say, is going</p> <p>9 to wait until Monday.</p> <p>10 HEARING EXAMINER ROBESON: Okay. I see</p> <p>11 MR. WILKERSON: This is Carl Wilkerson, I'm back on, I</p> <p>12 forgot to star 6 muting on the phone, if you're ready.</p> <p>13 HEARING EXAMINER ROBESON: Okay. Sir, we are happy</p> <p>14 you've returned, go ahead.</p> <p>15 MR. WILKERSON: Ms. Clark, you had mentioned an area</p> <p>16 where the buses will be stored, that because they are below</p> <p>17 grade because there is a wall, because of trees, and because</p> <p>18 of the distance from the nearest property, that it would</p> <p>19 substantially mitigate the noise and the pollution. Do I</p> <p>20 understand that correctly?</p> <p>21 MS. CLARK: Yes.</p> <p>22 MR. WILKERSON: And in terms of the volume of noise and</p> <p>23 pollution, have you estimated for example, the decibel</p> <p>24 levels or the particulate matter levels for 12 buses that</p> <p>25 get there at 6:30 in the morning and warm up their engines</p>	<p>236</p> <p>1 MS. CLARK: I really can't quantify that.</p> <p>2 MR. WILKERSON: So I'm still lost, then what does</p> <p>3 substantially mitigate mean?</p> <p>4 MS. CLARK: We're going to be -- as I said, they're</p> <p>5 going to have to meet the standards and the law, which is</p> <p>6 the noise ordinance, so those requirements will have to be</p> <p>7 below those.</p> <p>8 HEARING EXAMINER ROBESON: Okay. But our test is, is</p> <p>9 there going to be any undo impact from noise, and so just</p> <p>10 putting a condition on it doesn't demonstrate to me that</p> <p>11 there's no adverse impact due to these things.</p> <p>12 MS. CLARK: I don't think that we could say that there</p> <p>13 will be no impact whatsoever.</p> <p>14 HEARING EXAMINER ROBESON: Okay.</p> <p>15 MS. CLARK: It'll be, I can't say that they won't be</p> <p>16 able to hear the buses at all. I don't -- I believe that</p> <p>17 they probably will, but I think that we'll be able to meet</p> <p>18 the standard of the noise ordinance.</p> <p>19 MR. WILKERSON: Okay, again, I just want to clarify my</p> <p>20 understanding of your professional opinion. So you're not</p> <p>21 really clarifying what substantially mitigate means, what</p> <p>22 you're saying is that the school would meet whatever the</p> <p>23 respective county noise and pollution ordinances are; is</p> <p>24 that correct?</p> <p>25 MS. CLARK: Correct.</p>

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<p style="text-align: right;">237</p> <p>1 MR. WILKERSON: Okay, let me move to the two stormwater 2 management ponds on the upper side of the property on the 3 west side. 4 HEARING EXAMINER ROBESON: Will you remind me what, 5 exhibit is this storm water? 6 MS. CLARK: I would use, 45-D. Oh, wait. No, where 7 did the -- 45-I and J, excuse me. 8 HEARING EXAMINER ROBESON: Okay. We should be looking 9 at it. 10 MS. CLARK: Yes. 11 MR. WILKERSON: I think that's it. The question I 12 wanted to ask you, is that storm water management ponds are 13 designed to collect overflow during heavy rain periods and 14 then to dissipate more slowly into the drainage system. Is 15 it true that at times storm water management ponds absorb 16 more water than they can handle, in say aberrational rain 17 periods that they overflow on their banks. 18 MS. CLARK: These facilities are not quantity control 19 facilities, which are what you would describe a large 20 quantity pond that is just to detain water in a large flow 21 event. These facilities are designed, they're only two feet 22 deep on the surface, so they're designed to treat the low 23 flow events, for water quality. In which case, after a foot 24 of ponding, they would overflow into a storm water inlet 25 that serves as their overflow protection. So they have an</p>	<p style="text-align: right;">239</p> <p>1 MR. WILKERSON: Well, except with regard to the surface 2 on the playing field, that was already, currently is 3 permeable surface area, the grass area. 4 MS. CLARK: No, it's a parking lot. 5 MR. WILKERSON: Well, not all of it, but, most of it. 6 But in any event, you also mentioned that there were 7 drainage tubes beneath the turf field, is that correct? 8 MS. CLARK: Yes, the turf field is a synthetic turf 9 field, so it's designed to infiltrate water, such that very 10 little runoff from a 10 or 20 year storm would perc. There 11 is an infiltration of stone layer beneath the field that 12 allows the water to percolate through it, and into the 13 ground water table. So the field itself really wouldn't be 14 similar to a parking lot at all. Because a parking lot 15 there's no infiltration whatsoever, it just runs off 16 immediately, the field's going to infiltrate those lower 17 events. 18 MR. WILKERSON: Okay. Thank you very much Ms. Clark, 19 no further questions. 20 HEARING EXAMINER ROBESON: Thank you. Ms. Umhofer. 21 MS. UMHOFFER: Yes, thank you. I had a question about 22 the conservation easement, there was a slide earlier that 23 showed the area in which the current witness testified they 24 could not do anything and they wouldn't be exacerbating the 25 problem. We have erosion from that area as well onto my</p>
<p style="text-align: right;">238</p> <p>1 outlet for larger flow events. 2 MR. WILKERSON: And do you know what the diameter of 3 the pipe is for the larger outflow? 4 MS. CLARK: Twelve inches on those two. 5 MR. WILKERSON: So do you know what cubic volume of 6 water that can absorb per minute? 7 MS. CLARK: I have those numbers but I don't have them 8 committed to memory. The quantity control component, the 9 pipes that we're designing meet the capacity requirements 10 for a 10-year storm event. That's the county requirement, 11 we don't design storm drainage to a higher flow event, a 12 hundred year type storm, it's just not the standard of care 13 that we do. 14 MR. WILKERSON: Okay. That's very helpful, so if we 15 had a 10 year, or 20 year, or 100 year storm, it could 16 theoretically overflow and go into the yards there on Alta 17 Vista Terrace, correct? 18 MS. CLARK: Potentially. They're designed for a 10 19 year, if you got more than that, there would be the 20 potential for overflow, but as I stated earlier, there's 21 currently no storm water management on site. So this is 22 actually an increase in management for the existing 23 condition. So I don't think it would be mitigating or 24 exacerbating any, we can't create more of a problem than 25 already exists.</p>	<p style="text-align: right;">240</p> <p>1 property, and I am aware that there is very large sinkhole 2 currently in that zone, and I'm wondering what the 3 conservation easement, what would be the impact of them 4 addressing this very large sinkhole that's currently roped 5 off with yellow tape. 6 MS. CLARK: The purpose of a conservation easement is 7 to protect the trees, the existing trees. So as a result of 8 that, Park and Planning wouldn't allow us to do anything 9 that would cause impact to those trees, which any type of 10 erosion control remedies would do. 11 HEARING EXAMINER ROBESON: They have approved waivers 12 for storm -- anyway, 13 MS. UMHOFFER: Okay. So it shouldn't impact if there's 14 literally a sinkhole, which there is, would they be able to 15 address that appropriately, if it didn't impact the trees? 16 MS. CLARK: This is the first I'm hearing, this is on 17 the Frenchgold property? Or, is this on your property? 18 MS. UMHOFFER: No, it's on the Frenchgold property, it's 19 just north of the -- no, just east of the house currently. 20 HEARING EXAMINER ROBESON: Which house? 21 MS. CLARK: The Beaumont house? 22 MS. UMHOFFER: Yes. 23 HEARING EXAMINER ROBESON: Ms.-- 24 Ms. UMHOFFER: Not east, south, it's between the 25 Beaumont House and sort of the gazebo area.</p>

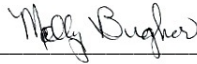
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<p>241</p> <p>1 HEARING EXAMINER ROBESON: Ms. Clark, can you give me 2 an exhibit where I might understand this? 3 MS. CLARK: Which one? 4 HEARING EXAMINER ROBESON: What about, what about just 5 the site plan? 6 MS. CLARK: That's fine, I'm trying to -- I'm not sure 7 if the site plan goes far enough south, yes, okay, we can go 8 with that. 9 HEARING EXAMINER ROBESON: Which -- 10 MS. CLARK: 45-E. 11 HEARING EXAMINER ROBESON: Okay, are you seeing -- is 12 everyone seeing this? 13 MS. CLARK: No, not yet. 14 HEARING EXAMINER ROBESON: Okay. Now you should be. 15 Okay. Do we see it? 16 MS. CLARK: Yes. 17 HEARING EXAMINER ROBESON: Okay. Ms. Umhofer, are you 18 on a phone or are you -- 19 MS. UMHOFFER: I'm here, I just moved locations, I'm on, 20 I'm on the meet, Google Meet. 21 HEARING EXAMINER ROBESON: Okay, is -- 22 MS. UMHOFFER: I can see it. 23 HEARING EXAMINER ROBESON: Okay, can you describe for 24 us where, what you're talking -- where the -- your 25 description was, sinkhole. Can you describe --</p>	<p>243</p> <p>1 MS. CLARK: This is the first I'm hearing of this, but 2 I think it would be primarily a maintenance issue for the 3 school, that they should look into, but I'm not sure that it 4 would impact our storm water design, as that area is quite 5 far out of our area of disturbance. 6 MS. UMHOFFER: I just want to make sure that the 7 conservation easement wouldn't prevent them from taking care 8 of it. 9 MS. CLARK: It shouldn't, no. Depending on what 10 mitigation was required. I'd have to look to see if that's 11 part of the easement area, though. That was going to be 12 part of the forest conservation discussion with the 13 landscape architect. 14 MS. UMHOFFER: That's all that I have for now. 15 HEARING EXAMINER ROBESON: Okay. I still -- Mr. 16 Wilkerson's hand is up. Mr. Wilkerson, do you-- 17 MR. WILKERSON: I'm sorry, I neglected to check that 18 off, I will put my hand down, thank you. 19 MS. ROBERSON: Okay. 20 MR. WILKERSON: It's off. Thank you. 21 HEARING EXAMINER ROBESON: Thank you. 22 I see no other hands up. Does anyone else have a 23 question for Ms. Clark? 24 Okay. Hearing and seeing none, Mr. Kline do you have 25 redirect?</p>
<p>242</p> <p>1 MS. UMHOFFER: Right. I think, is this the house, let's 2 see, can you point to where we think the house is? 3 MS. CLARK: The house is just east of the cursor. 4 MS. UMHOFFER: Okay, thank you, so if we -- 5 MS. CLARK: Well, yeah. Just it's outlined, right 6 there, the cursor's on the house. 7 HEARING EXAMINER ROBESON: Oh, oh, there's a hatched 8 outline there? 9 MS. CLARK: Yes. 10 HEARING EXAMINER ROBESON: I see it. Okay, thank you 11 for that. 12 MS. CLARK: It's the existing mansion type house, to 13 remain. 14 MS. UMHOFFER: So it is south of that house and it's, 15 there are a lot of -- I believe it started -- it looks like 16 there were pavers and one of the pavers fell in, on that 17 edge of the house. That it's now, I'd say it looks like a 18 six-foot in diameter sinkhole. And it just makes a lot of 19 sense to me because we get dirt running off onto our 20 property just south of there, every rain. 21 MR. KLINE: Ms. Robeson, can you scroll up a little 22 bit, to see if we can see the pergola, which I think Ms. 23 Umhofer mentioned? 24 MS. CLARK: It's off the page, Jody. 25 HEARING EXAMINER ROBESON: It's off the page, yeah.</p>	<p>244</p> <p>1 MR. KLINE: I have no questions, I would say that our 2 presentation is finished for the day. 3 HEARING EXAMINER ROBESON: Okay, with that, we will 4 adjourn this hearing until 9:30 Monday. If those who asked 5 questions today, this is really important, so we can get 6 notice of everything to you, can you contact Nanna Johnson 7 of OZHA with your name, address, and email, and that would, 8 that really helps us keep in touch with you. 9 Mr. Kline there's been a couple of things I think you 10 mentioned that we need to see. 11 Mr. Myers, you mentioned the TMP but it's not in our 12 record. 13 MR. MYERS: Correct. 14 HEARING EXAMINER ROBESON: Do you want to -- not today 15 but on Monday, would you kindly submit that? And -- 16 MR. MYERS: I can make a PDF, of it and send it in. 17 You want me to send to her? 18 HEARING EXAMINER ROBESON: Nanna, yes please. 19 MR. MYERS: I will do so, she already has my contact 20 information, I was just going, typing you a message, she's 21 already got it. 22 MR. KLINE: Could you please send it to us also Mr. 23 Myers? Because frankly we don't have in our file either. 24 MR. MYERS: Yeah, well it came from you, I think. But 25 anyway, I'll get it to you. I'll copy you on it Jody.</p>

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<p>245</p> <p>1 MR. KLINE: Thank you.</p> <p>2 HEARING EXAMINER ROBESON: Okay, anything else?</p> <p>3 Mr. Brown?</p> <p>4 MR. BROWN: All I can say is I hope this doesn't go</p> <p>5 into Tuesday afternoon, because I have a vaccine</p> <p>6 appointment, in the afternoon.</p> <p>7 HEARING EXAMINER ROBESON: Oh, you don't want to mess</p> <p>8 that up.</p> <p>9 MR. MYER: Hey, I'm older than you are and I don't have</p> <p>10 one yet.</p> <p>11 HEARING EXAMINER ROBESON: Oh, I do --</p> <p>12 MR. BROWN: You have to be a certain age,</p> <p>13 MR. MYER: I am over that age.</p> <p>14 MR. KLINE: I didn't realize that Mr. Brown was over</p> <p>15 75?</p> <p>16 HEARING EXAMINER ROBESON: I do have one thing on</p> <p>17 Monday, I have an immediate family member that is going in,</p> <p>18 I may have to take some calls, I have an immediate family</p> <p>19 member that is going into hospice, and I don't get them,</p> <p>20 it's just huge, I don't think they'll be, maybe one or two</p> <p>21 and that's all, okay?</p> <p>22 All right with that, we will all see each other, Monday</p> <p>23 January 25th at 9:30, thank you very much for participating,</p> <p>24 and we'll see you next Monday.</p> <p>25 MR. BROWN: Good afternoon, all.</p>	<p>247</p> <p>1 CERTIFICATE OF TRANSCRIBER</p> <p>2 I, Molly Bugher, do hereby certify that the foregoing</p> <p>3 transcript is a true and correct record of the recorded</p> <p>4 proceedings; that said proceedings were transcribed to the</p> <p>5 best of my ability from the audio recording as provided; and</p> <p>6 that I am neither counsel for, related to, nor employed by</p> <p>7 and of the parties to this case and have no interest,</p> <p>8 financial or otherwise, in its outcome.</p> <p>9</p> <p>10</p> <p>11 </p> <p>12 _____</p> <p>13 Molly Bugher, CDLT-161</p> <p>14 February 2, 2021</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>246</p> <p>1 HEARING EXAMINER ROBESON: Good bye.</p> <p>2 (The recording was concluded.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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