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Transcript of Hearing

Date: September 30, 2022

Case: 1910 University, LLC

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Transcript of Hearing
September 30, 2022

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<p>1 MONTGOMERY COUNTY OFFICE OF ZONING</p> <p>2 AND ADMINISTRATIVE HEARINGS</p> <p>3 -----x</p> <p>4 In Re: :</p> <p>5 1910 UNIVERSITY, LLC : CU 22-04</p> <p>6 -----x</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11 HEARING</p> <p>12 BEFORE HEARING EXAMINER KATHLEEN E. BYRNE</p> <p>13 Conducted Virtually</p> <p>14 Friday, September 30, 2022</p> <p>15 9:30 a.m. EST</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Job No.: 456913</p> <p>24 Pages: 1 - 97</p> <p>25 Transcribed by: Darby Talbott</p> <p>1</p>	<p>3</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 ON BEHALF OF THE APPLICANT, 1910 UNIVERSITY, LLC:</p> <p>4 JODY S. KLINE, ESQUIRE</p> <p>5 MILLER, MILLER & CANBY</p> <p>6 200B Monroe Street</p> <p>7 Rockville, Maryland 20859</p> <p>8 (301) 762-5212</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 3</p>
<p>2</p> <p>1 Hearing conducted virtually.</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 Pursuant to Agreement, before Joe Lorete, Notary</p> <p>11 Public in and for the State of Maryland.</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 2</p>	<p>4</p> <p>1 C O N T E N T S</p> <p>2 PAGE</p> <p>3 Testimony of Elizabeth Everhart 14</p> <p>4 Testimony of Michael Goodman 26</p> <p>5 Testimony of Scott Matties 56</p> <p>6 Testimony of Nicole White 78</p> <p>7</p> <p>8</p> <p>9</p> <p>10 E X H I B I T S</p> <p>11 EXHIBIT PAGE</p> <p>12 Exhibit 35B Existing conditions 28</p> <p>13 Exhibit 35C Conditional use site plan 31</p> <p>14 Exhibit 37B Landscape plan 39</p> <p>15 Exhibit 41D Building images 58</p> <p>16 Exhibit 41E Building images 68</p> <p>17 Exhibit 41F Building images 70</p> <p>18 Exhibit 41G Building images 72</p> <p>19 Exhibit 41H Building images 73</p> <p>20 Exhibit 41L Massing information 61</p> <p>21 Exhibit 41M Building images 62</p> <p>22</p> <p>23</p> <p>24</p> <p>25 4</p>

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<p>5</p> <p>1 PROCEEDINGS</p> <p>2 THE HEARING EXAMINER: All right.</p> <p>3 Good morning. My name is Katie Byrne. I am the</p> <p>4 hearing examiner for today's hearing. We are here</p> <p>5 for matter CU 20 -- 22-04, 1910 University, LLC.</p> <p>6 This is a public hearing for</p> <p>7 conditional use application for an independent</p> <p>8 living facility for seniors or persons with</p> <p>9 disabilities.</p> <p>10 So today I will listen to testimony,</p> <p>11 review exhibits and evidence and then render an</p> <p>12 opinion on the application pursuant to the</p> <p>13 criteria set forth for conditional uses in</p> <p>14 Article 59, Section 7.3.1.</p> <p>15 If anyone disagrees with my decision,</p> <p>16 they may appeal it to the Board of Appeals within</p> <p>17 ten days after my decision.</p> <p>18 So at this point I want to identify</p> <p>19 who we have here today and the parties.</p> <p>20 Mr. Kline, I see you here.</p> <p>21 MR. KLINE: Good morning.</p> <p>22 THE HEARING EXAMINER: Good morning.</p> <p>23 Can you --</p> <p>24 MR. KLINE: Nice to finally meet you,</p> <p>25 Ms. Byrne. 5</p>	<p>7</p> <p>1 We have four witnesses today.</p> <p>2 THE HEARING EXAMINER: Okay.</p> <p>3 MR. KLINE: Would you like me to give</p> <p>4 you their names now or just let them introduce</p> <p>5 themselves later on?</p> <p>6 Well, actually, you have them all on</p> <p>7 the screen. So maybe that's the easy way to do</p> <p>8 it.</p> <p>9 THE HEARING EXAMINER: All right.</p> <p>10 That's fantastic. All right.</p> <p>11 MR. KLINE: So you have Ms. Elizabeth</p> <p>12 Everhart -- I won't ask anybody to spell it --</p> <p>13 Michael Goodman with VIKA Engineering; Scott</p> <p>14 Matties, architect with Wiencek Architects; and</p> <p>15 Nicole White with Symmetra Design, the traffic</p> <p>16 engineer.</p> <p>17 We do -- I know there's going to be</p> <p>18 another witness, not part of our team, but this in</p> <p>19 some ways is almost a joint venture between</p> <p>20 Mission First Housing and the Har Tzeon synagogue.</p> <p>21 And so the synagogue will have a</p> <p>22 representative speak at the end. I won't be</p> <p>23 calling him as a witness, but they have an</p> <p>24 important story to tell you also.</p> <p>25 THE HEARING EXAMINER: Okay, 7</p>
<p>6</p> <p>1 THE HEARING EXAMINER: Nice to meet</p> <p>2 you as well. So I guess I'm into month two here</p> <p>3 of my employment with Montgomery County. So it's</p> <p>4 been really great so far.</p> <p>5 If you could identify for me who you</p> <p>6 have with you and just so that I can --</p> <p>7 MR. KLINE: Sure, sure.</p> <p>8 THE HEARING EXAMINER: -- see who we</p> <p>9 have.</p> <p>10 MR. KLINE: Well, I'll start with</p> <p>11 myself. I'm Jody Kline. I'm an attorney with the</p> <p>12 law firm of Miller, Miller & Canby, with offices</p> <p>13 at 200B Monroe Street in Rockville.</p> <p>14 And unless your home has got an</p> <p>15 interesting interior design scheme, I'm guessing</p> <p>16 you're at the -- your office across the street</p> <p>17 from my office --</p> <p>18 THE HEARING EXAMINER: I am. I am in</p> <p>19 my office. I have two young Labs who just would</p> <p>20 potentially pop up on screen. So whenever I can</p> <p>21 help it, I will hold virtual hearings here in the</p> <p>22 office.</p> <p>23 MR. KLINE: Well, we're looking</p> <p>24 forward to having live hearings back in your</p> <p>25 building eventually. 6</p>	<p>8</p> <p>1 excellent. Okay. All right. Do we have anyone</p> <p>2 here in opposition?</p> <p>3 All right. So hearing none, I guess</p> <p>4 it should go fairly smoothly, then, today. All</p> <p>5 right. So there will not necessarily be any</p> <p>6 back-and-forth and potentially cross-examination.</p> <p>7 All right. Well, thank you, all. Up</p> <p>8 to you if you want to -- it's probably easier if</p> <p>9 you leave your cameras off unless you are</p> <p>10 testifying; right? Less distracting for you, less</p> <p>11 distracting for everyone else.</p> <p>12 So we're just -- I'm just going to go</p> <p>13 through a couple of Teams housekeeping issues.</p> <p>14 Works best with Edge or Chrome instead</p> <p>15 of Safari.</p> <p>16 For the court reporter, just like when</p> <p>17 we were in regular hearings, please try not to</p> <p>18 talk over each other. I know sometimes I'm guilty</p> <p>19 of that as well. I will do my best for the court</p> <p>20 reporter.</p> <p>21 And, Mr. Lorete, if you -- if you find</p> <p>22 that we are talking over each other, please feel</p> <p>23 free to speak up and say, "Stop talking over each</p> <p>24 other."</p> <p>25 Let's see. And, again, mute if you 8</p>

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<p>9</p> <p>1 are not speaking. 2 You'll notice that we're recording it, 3 but this is -- Teams recorder recording is really 4 only a backup for the court reporter. So we don't 5 really necessarily do anything with the Teams 6 recording, it's just a helping for the court 7 reporter. 8 Again, chat function has been 9 disabled. If you want to chime in, please raise 10 your hand. But, again, since there's no 11 opposition, I believe it should go fairly 12 straightforward. 13 You will not be able to share screen. 14 Actually, Mr. Kline, I will ask you, 15 for exhibits, do you want me to -- I have it ready 16 to go. I will pull them up as you need them, and 17 we can share screen with everybody that way. Does 18 that work for you. 19 MR. KLINE: I was going to ask you how 20 you like to do it. Because I know how 21 Ms. Robeson Hannan likes to do it. So when we 22 prepped all the witnesses, we basically gave them 23 the exhibit numbers and said, "Would you please 24 call up Exhibit 37B," and then work from that. 25 THE HEARING EXAMINER: Okay.</p>	<p>11</p> <p>1 Hello, sir. Could you please identify 2 yourself. 3 MR. BLEIWEIS: I guess you're talking 4 to me. 5 THE HEARING EXAMINER: I sure am. 6 MR. BLEIWEIS: Good morning. My name 7 is John Bleiweis, and I'm president of 8 congregation Har Tzeon-Agudath Achim. 9 THE HEARING EXAMINER: Well, thank you 10 so much for joining us. The way that we will 11 proceed today is we will hear from the applicant's 12 attorney. He will go through all of his 13 witnesses. And if you can hang out, I guess, 14 towards the end of the presentation, then we will 15 hear from you. 16 MR. BLEIWEIS: Great. 17 THE HEARING EXAMINER: All right. And 18 feel free to turn your camera off and mute until 19 we get to that point. 20 MR. BLEIWEIS: Great. Works for me. 21 Thank you. 22 THE HEARING EXAMINER: All right. 23 Sounds good. Thank you very much. 24 Great. Just trying to think. Any 25 other technical proceedings?</p>
<p>10</p> <p>1 MR. KLINE: So if you can do that, 2 that's great. 3 THE HEARING EXAMINER: Yeah. It -- 4 it -- it -- it's a comfort level. I really have 5 no preference. I have it ready to go. If the 6 speaker wishes to do it and share screen, I'm fine 7 with that too. Totally, totally up to you, 8 however you want to do it. 9 MR. KLINE: Well, maybe what I'll do 10 is just let each witness decide when they get 11 there. But I had prepped them to assume that they 12 would be asking you to call up certain exhibits. 13 THE HEARING EXAMINER: All right. I 14 can -- I can 100 percent do that. I know that 15 that's the way Ms. Hannan Robeson likes to do it 16 as well. So I've done it both ways now. So 17 either way. I have no real preference. But I 18 have it ready to go to pull everything up. 19 MR. KLINE: Ms. Byrne, I see you have 20 a new face on the screen. And since that was not 21 somebody who is -- we originally talked about, you 22 might want to ask the gentleman to introduce 23 himself and explain his role. 24 THE HEARING EXAMINER: Absolutely. 25 Thank you.</p>	<p>12</p> <p>1 MR. KLINE: Well, normally I would 2 start off by giving you an affidavit of posting, 3 but we've already sent that in to the 4 well-organized -- 5 THE HEARING EXAMINER: You have? 6 MR. KLINE: -- Ms. Johnson and can 7 confirm that it's still there. So that's okay. 8 Often the hearing examiner asks, 9 "Mr. Kline, do you want to make an opening 10 statement?" But I can tell you've read everything 11 and that you're well prepared, and this is a 12 fairly straightforward case. 13 So I don't think an opening statement 14 is necessary but for the comment I made earlier, 15 and that was this is almost a joint venture, and 16 you see Mr. Bleiweis, who will be talking later 17 on. 18 So I'll skip an opening statement and 19 just begin our presentation if you're okay with 20 that. 21 THE HEARING EXAMINER: That sounds 22 great, yeah. You know the process; you know the 23 procedure. We're not going to have any 24 cross-examination, there's not going to be any 25 opposition or objection. So we can just go</p>

<p>1 forward with the application. 2 So you can feel -- 3 MR. KLINE: You would want to -- 4 THE HEARING EXAMINER: -- feel free 5 to -- 6 MR. KLINE: But I have told the 7 witnesses they will -- should expect to be sworn. 8 Am I correct? 9 THE HEARING EXAMINER: Yes. 10 MR. KLINE: Yes, very good. 11 THE HEARING EXAMINER: Yes, you are 12 absolutely correct. So you can call your first 13 witness, and I will swear them in. 14 MR. KLINE: Fine. 15 Ms. Everhart, would you please state 16 and spell your name and give us your business 17 address. 18 THE WITNESS: Sure. Elizabeth 19 Everhart. That's E-V-E-R-H-A-R-T. Elizabeth with 20 a Z. And business address is 1330 New Hampshire 21 Avenue Northwest, Suite 116, Washington, D.C. 22 20036. 23 THE HEARING EXAMINER: And, 24 Ms. Everhart, if you could please raise your right 25 hand.</p> <p>13</p>	<p>1 A Right. 2 Q -- do it as well; right? 3 A That's right, yes. 4 Q Could we take a step back and, for 5 Ms. Byrne's benefit, just explain what is Mission 6 First group housing and your experience in the 7 Mid-Atlantic region. 8 A Sure. Mission First has been around since 9 1989. Our mission is to develop and manage safe, 10 sustainable homes for people in need, with a focus on 11 the vulnerable. 12 We have two main home bases, in 13 Philadelphia and in Washington D.C., and so we cover 14 the Mid-Atlantic region. 15 We currently house over 5,500 people in 16 4,000 units, with the primarily -- primary majority 17 of those being affordable housing units, rental 18 units. 19 Q Thank you. And the applicant in this 20 case is 1910 University, LLC. What is that 21 entity's relationship with Mission First? 22 A Mission First is the sole member of 1910 23 University, LLC. We've gone ahead and set up that 24 structuring for our future financing, Low-Income 25 Housing Tax Credits. I should have also mentioned</p> <p>15</p>
<p>1 Do you solemnly swear under penalty of 2 perjury that the truth -- that the statements you 3 make are going to be the whole truth and nothing 4 but the truth? 5 THE WITNESS: Yes. 6 THE HEARING EXAMINER: Thank you very 7 much. 8 Mr. Kline, you can proceed. 9 MR. KLINE: Thank you. 10 EXAMINATION BY COUNSEL FOR THE APPLICANT 11 BY MR. KLINE: 12 Q Ms. Everhart, you are associated with 13 the applicant, Mission First Housing Group? 14 A Yes. I'm a senior development manager 15 with Mission First. 16 Q So, and what's the scope of your 17 responsibility in terms of as it relates to this 18 application? 19 A I'm the development manager. So I'm 20 involved in the planning, the design, the financing, 21 the deal structuring, closing, overseeing 22 construction, and then turning over to property 23 management. So soup-to-nuts development. 24 Q And I gather securing all the 25 entitlements necessary to go ahead and --</p> <p>14</p>	<p>1 Mission First is a 501(c)(3) nonprofit. 2 Q And then you have a separate operating 3 company that would end up managing the project if 4 it's approved and constructed? 5 A That's right. Mission First has a sister 6 nonprofit called Columbus Property Management, and 7 they manage the vast majority of our rental units in 8 the Mid-Atlantic region and have a special -- 9 specialization in affordable housing and Low-Income 10 Housing Tax Credits. 11 Q I used a somewhat loose description of 12 this being kind of a joint venture between 13 yourself and Har Tzeon synagogue. What's the 14 genesis of the two of you getting together and the 15 arrangement between the two of you? 16 A Sure. So we did another project with a 17 religious institution down University Boulevard, 18 Mount Jezreel Baptist Church, at 426 University 19 Boulevard East. 20 So it was around that time that we were 21 introduced to Har Tzeon by someone in the Religious 22 Affairs division for the county. And, you know, they 23 were looking to make better use of their 24 underutilized property. They wanted an appropriate 25 and compatible use.</p> <p>16</p>

<p>17</p> <p>1 Mission First has done a lot of</p> <p>2 partnerships with faith-based institutions in the</p> <p>3 D.C. area. So we've worked with a lot of faith-based</p> <p>4 institutions. And, you know, we really and their</p> <p>5 focus as well is to redevelop the site for the</p> <p>6 long-term benefit of the community.</p> <p>7 So we were able to forge a partnership and</p> <p>8 come to an agreement on how to redevelop the site for</p> <p>9 the best use of both of us.</p> <p>10 Q In fact, this is your third appearance</p> <p>11 or your company's third appearance before the</p> <p>12 hearing examiner for a facility of this type in</p> <p>13 Montgomery County; correct?</p> <p>14 A That's right. Yeah, with a -- with a</p> <p>15 faith-based institution, that's right.</p> <p>16 Q Sure. Mount Jezreel, and the other</p> <p>17 one would be what?</p> <p>18 A St. Anne's Episcopal Church in Damascus,</p> <p>19 Maryland.</p> <p>20 Q Soon to be occupied; right?</p> <p>21 A Yes. Second level wood framing going up</p> <p>22 now.</p> <p>23 Q Very good. Fine.</p> <p>24 Well, so let's start talking about the</p> <p>25 physical aspects of the project. Give us the 17</p>	<p>19</p> <p>1 stay in place.</p> <p>2 Q Okay. So we know the number of units</p> <p>3 and the number of people. Tell us about the</p> <p>4 common facilities that would be accessible. I</p> <p>5 mean, I assume we don't have a cafeteria. Right?</p> <p>6 A That's right. So it is independent</p> <p>7 living. So they're individual apartments. There</p> <p>8 will be an on-site management office, and that will</p> <p>9 be staffed Monday to Fridays. There'll be a fitness</p> <p>10 room, a bike storage room, a community room with a</p> <p>11 raised patio, a roof terrace as well as some outdoor</p> <p>12 seating.</p> <p>13 And one thing that we worked on closely</p> <p>14 with the county planning department was providing</p> <p>15 pedestrian and bicycle access through the site so</p> <p>16 that Reddie Drive can be accessed, which comes</p> <p>17 directly to downtown, for those communities across</p> <p>18 University Boulevard.</p> <p>19 So we have a lot of connectivity that's</p> <p>20 part of the overall program at this site.</p> <p>21 Q The hearing examiner always wants to</p> <p>22 know what are the hours of operation. Do you</p> <p>23 claim that there are hours of operation for a</p> <p>24 facility like an apartment building?</p> <p>25 A Sure. So our staff will be on site 8:30 19</p>
<p>18</p> <p>1 overview of the program, how many units. What's</p> <p>2 going to happen there?</p> <p>3 A Sure. We're proposing a 90-unit building,</p> <p>4 a mix of primarily one-bedroom and also some</p> <p>5 two-bedroom units. We have -- it's a T-shaped</p> <p>6 building with the majority of the mass along</p> <p>7 University Boulevard and stepping back towards the</p> <p>8 single-family homes in the neighborhood. We really</p> <p>9 wanted to make sure that we paid attention to the --</p> <p>10 to the single-family homes that were located nearby.</p> <p>11 Overall, we anticipate having about 100 to</p> <p>12 120 residents in those 90 units. They are going to</p> <p>13 be age 62 and older, and we'll have 5 percent set</p> <p>14 aside for ADA-accessible units, for people in</p> <p>15 wheelchairs, as well as 2 percent set aside for</p> <p>16 hearing impaired or visually impaired individuals.</p> <p>17 Q So this is a category for the</p> <p>18 independent elderly. It sounds like your</p> <p>19 population actually is either older when it enters</p> <p>20 or ages in place.</p> <p>21 A That's right. We -- many of our</p> <p>22 buildings, once a resident moves in, it's they stay</p> <p>23 until they really need assisted living.</p> <p>24 So we often have residents who arrive and</p> <p>25 may continue to work for a while but then retire and 18</p>	<p>20</p> <p>1 to 5:00, Monday to Friday. We would have a total of</p> <p>2 three staff people at this site: a community</p> <p>3 manager, a maintenance tech, and a porter.</p> <p>4 So we have after-hours emergency call</p> <p>5 system and as well as a pretty high-tech security</p> <p>6 system with key fob access and cameras throughout the</p> <p>7 building that are recorded remotely and can be viewed</p> <p>8 by anyone on management and development staff at any</p> <p>9 time, so -- and by residents.</p> <p>10 Q Would you say your goal is to provide</p> <p>11 good shelter, or do you do some activation</p> <p>12 programs? I mean, do you do anything to try and</p> <p>13 provide services to the residents?</p> <p>14 A Yes. Our property management, Columbus</p> <p>15 Property Management, has a resident services arm. So</p> <p>16 one of the things they do upon initial occupancy is</p> <p>17 do a survey of the building, find out what kind of</p> <p>18 needs the residents may have, whether it's food</p> <p>19 insecurity, transportation issues, financial</p> <p>20 literacy, just, you know, opportunities to get</p> <p>21 together, Super Bowl.</p> <p>22 One thing we love is the synagogue has</p> <p>23 already a very active and popular bingo night, which</p> <p>24 I can assure you will be well attended by our</p> <p>25 residents. 20</p>

<p>21</p> <p>1 Q Great. You know that the zoning 2 ordinance does require us to provide certain 3 percentages of income groups. Would you explain 4 how this is being financed and how that translates 5 into delivery of affordable housing in the 6 project? 7 A Sure. So we're planning to develop this, 8 like most of our other projects, under the Low-Income 9 Housing Tax Credit program. And under that program, 10 an investor will provide equity to the project in 11 exchange for federal tax credits, and that equity 12 funds the overall construction of the building. 13 And on average we need to have at least 60 14 percent of area median income be the average income 15 across the entire building. 16 So we will more than meet the MPDU 17 requirements. We will be applying for tax-exempt 18 bond financing through the State of Maryland and 19 working with the Department of Housing and Community 20 Affairs for subordinate financing. 21 Q So your operation will satisfy the 22 Montgomery County Zoning Ordinance requirements 23 for providing affordable housing for this group? 24 A That's right. 25 Q Yeah, great. I guess I maybe should 21</p>	<p>23</p> <p>1 let people know who you are and what's happening? 2 A Sure. We hosted a community meeting last 3 year where we provided notices to all the surrounding 4 neighbors. We've obviously posted at the site, and 5 we've really only received positive feedback. 6 You know, some concerns about, well, will 7 it be noisy with lots of ambulances? Which, no, the 8 answer is not. 9 And, you know, I think there's not going 10 to be an issue with traffic, there's not going to be 11 an issue with schools, which are often sticking 12 points for affordable housing. 13 So I think everybody has viewed it as kind 14 of a win-win for the community. 15 Q You were probably happy when I -- when 16 you received those two emails that I forwarded to 17 yesterday from late support letters. 18 A Yes. That was great. 19 Q Great. 20 A Happy to see those. 21 Q Let me ask you this, then. Well, 22 based on your experience in terms of developing 23 these kind of properties and also operating them 24 in similar situations, is it your opinion that the 25 proposed use will cause any undue harm to the 23</p>
<p>22</p> <p>1 have asked you this question in the beginning 2 about in terms of location of this facility. Do 3 you find -- and you have other facilities in 4 similar semi-urban or urban-edge settings. Was 5 one of the attractions of the availability of 6 services for the elderly, and can you explain what 7 those might be? 8 A Sure. Well, the site is just in a 9 fantastic area, rapidly developing. Downtown Wheaton 10 is having major transformation. Close to the Red 11 Line metro, close to grocery store, bus access 12 directly in front of the site to multiple lines. 13 Walkability in the area to parks, to the shopping 14 center, the Wheaton mall. 15 And, again, it allows potentially seniors 16 who may own homes in the area but want to stay there 17 to downsize and remain in the community. 18 So I think, you know, we worked closely 19 with the synagogue and used their relationships in 20 the community, had very positive feedback from the 21 neighbors, despite being a multi-family building in a 22 majority single-family-home area. I think we did a 23 good job of making it an appropriate size and scale. 24 Q Could you explain Mission First and 25 the synagogue's efforts for community outreach to 22</p>	<p>24</p> <p>1 neighborhood due to the operations? Any condition 2 like noise, smell, lights that would be bothersome 3 or objectionable to surrounding neighbors? 4 A No, there should be none of that. 5 Q Is there anything that you can think 6 of about the operation of the facility that would 7 have an adverse effect on the use or peaceful 8 enjoyment for the surrounding properties? 9 A No. Hopefully it should improve it. 10 Q Yeah. You could tell these are not 11 phrases I come up with on my own; reading right 12 out of Zoning Ordinance. 13 And then let me ask the last one, and 14 that would be the conditions recommended in the 15 staff report and then the additional condition 16 added by the Montgomery County Planning Board, are 17 those all acceptable to the applicant? 18 A Yes, they are. 19 Q And it's the applicant's intention to 20 operate the facility in accordance with any terms 21 and conditions that Ms. Byrne may impose through 22 the approval process of the conditional use? 23 A That's correct. 24 MR. KLINE: Ms. Byrne, I have no 25 further questions. I'm sure Ms. Everhart would be 24</p>

<p>25</p> <p>1 glad to answer any questions you have for her. 2 THE HEARING EXAMINER: Well, thank 3 you, Ms. Everhart. I think the -- the application 4 was very good. I think staff's report, also very 5 good, covered a lot of things. 6 This is very straightforward. So I 7 really don't have any additional questions for 8 you. You covered the outreach to the community, 9 you covered concerns and issues that they may or 10 may not have. 11 So I really have nothing else to ask. 12 MR. KLINE: Thank you. 13 THE HEARING EXAMINER: Thank you. 14 THE WITNESS: Thank you. 15 MR. KLINE: Then I'd -- if 16 Ms. Everhart can remain around because we may need 17 her again. 18 But, otherwise, then I'd call 19 Mr. Goodman, our civil engineer. 20 THE HEARING EXAMINER: Sounds good. 21 And, Mr. Goodman, before you get 22 started, if you could raise your right hand for 23 me. 24 Do you promise and swear to tell the 25 truth, the whole truth, and nothing but the truth? 25</p>	<p>27</p> <p>1 all of the plans with a civil engineering aspect 2 to them that are included in the file? 3 A That's correct. 4 Q All right. Mr. Goodman, have you ever 5 qualified as a civil engineer -- as an expert 6 witness as a civil engineer in a case before the 7 hearing examiner or some other court of law or 8 similar body? 9 A Yes, I have, for -- for this, for 10 Montgomery County, I have. It was about 10 or 12 11 years ago. So it's been a little while, but it was a 12 medical office building (indiscernible). 13 Q Do you remember which hearing examiner 14 that was? 15 A I don't. I don't. 16 Q Okay. 17 A Yeah. 18 THE HEARING EXAMINER: Well, 19 definitely wasn't me. 20 THE WITNESS: Yeah, definitely wasn't 21 you. I'm sure of that. 22 MR. KLINE: Well, Ms. Byrne, you have 23 Mr. Goodman's résumé in the file. 24 THE HEARING EXAMINER: I do. 25 MR. KLINE: Based on his extensive 27</p>
<p>26</p> <p>1 THE WITNESS: Yes, I do. 2 THE HEARING EXAMINER: Thank you very 3 much. 4 EXAMINATION BY COUNSEL FOR THE APPLICANT 5 BY MR. KLINE: 6 Q Mr. Goodman, give us -- well, I guess 7 we have your full name on the screen, so 8 Mr. Lorete can figure that out easily enough, and 9 you don't need to spell it either for that reason. 10 But tell us what is your profession 11 and the firm with which you're associated. 12 A Sure. I'm a professional engineer 13 specializing in civil engineering. I work for VIKA 14 Maryland. I've been doing work in Montgomery County 15 now for about 25 years. 16 Q And be a little broader in terms of 17 the description of what you do. What do you 18 touch? 19 A Sure. So I largely oversee a group of 20 engineers, planners, and landscape architects on a 21 variety of projects, such as us doing anything from 22 stormwater management to lighting plans to site plans 23 and largely overseeing that work. 24 Q And in this instance, you either 25 prepared yourself or supervise the preparation of 26</p>	<p>28</p> <p>1 experience and previous qualification, I'd like to 2 offer him as an expert in the field of civil 3 engineering. 4 THE HEARING EXAMINER: He's accepted. 5 MR. KLINE: Great. 6 BY MR. KLINE: 7 Q So, Mike, now we get to the hard part 8 where you've got to get exhibits up on the screen 9 and explain what they mean. 10 And you heard my dialogue with 11 Ms. Byrne. If you know the order which you'd like 12 to prepare, would you just tell her what exhibit 13 you'd like her to pull up, and then you can go 14 ahead and proceed in the order you feel 15 appropriate. 16 A Sure. And, I mean, if I have the option 17 to share my screen and use my cursor, I found that 18 it's often more effective in describing things -- 19 THE HEARING EXAMINER: Perfectly -- 20 perfectly acceptable to me. 21 THE WITNESS: Great. 22 THE HEARING EXAMINER: So if you'd 23 like to just do the -- go forward with the 24 exhibits, that works. 25 (Exhibit 35B, previously marked, was 28</p>

<p>29</p> <p>1 introduced.)</p> <p>2 A So I assume you can see my screen now.</p> <p>3 I've got the Existing Conditions exhibit up. It's</p> <p>4 35 --</p> <p>5 THE HEARING EXAMINER: Which number is</p> <p>6 that?</p> <p>7 THE WITNESS: 35B, as in boy.</p> <p>8 THE HEARING EXAMINER: Okay. Okay.</p> <p>9 A And I'm going to proceed by just</p> <p>10 describing the existing conditions of the site and</p> <p>11 the surrounding properties.</p> <p>12 The site is bound by University Boulevard</p> <p>13 to the north. North is kind of to the top right of</p> <p>14 this sheet. Otherwise, it's surrounded by</p> <p>15 single-family houses that are all zoned R-60.</p> <p>16 On the rear of the property, Reedie Drive</p> <p>17 terminates at the end of the property. And then</p> <p>18 Reedie Drive also is across the street on the other</p> <p>19 side of the property.</p> <p>20 There is a little bit of PD zoning</p> <p>21 confronting us, but otherwise it is all R-60 that</p> <p>22 surrounds the property.</p> <p>23 The existing buildings on the property are</p> <p>24 being used for religious purposes, for the most part,</p> <p>25 and their accessory uses, I guess I'd say. The 29</p>	<p>31</p> <p>1 mentioned the food bank. So you've got, what,</p> <p>2 maybe a former residence or something on the</p> <p>3 northern parts of the property, and that's been</p> <p>4 converted to a food bank?</p> <p>5 A Yeah. What this -- the northern portion</p> <p>6 of the property appears that it was originally a</p> <p>7 single-family house that has been converted to a food</p> <p>8 bank that the synagogue operates.</p> <p>9 Q Okay, thank you.</p> <p>10 A So I guess -- should I just continue with</p> <p>11 the outline?</p> <p>12 Q Yeah, I think you covered the existing</p> <p>13 condition, so maybe you'd either go to the</p> <p>14 conditional use plan or whatever you think is the</p> <p>15 next exhibit you'd like to discuss.</p> <p>16 (Exhibit 35C, previously marked, was</p> <p>17 introduced.)</p> <p>18 A Okay, all right, sure. So this is the</p> <p>19 conditional use site plan. It's Exhibit 35C. The --</p> <p>20 Q And, Mike, can I maybe -- can I depart</p> <p>21 from the outline I gave you and ask you to kind of</p> <p>22 start off by explaining to Ms. Byrne the</p> <p>23 allocation of the land areas to facilitate the</p> <p>24 joint venture we're talking about.</p> <p>25 We have to re-subdivide the property 31</p>
<p>30</p> <p>1 synagogue itself and where the services are held are</p> <p>2 towards the south portion of the property.</p> <p>3 The north portion of the property, it's --</p> <p>4 I understand it's being used as a food bank.</p> <p>5 Otherwise, the site is largely -- has some fields of</p> <p>6 parking around the site as well as some open space</p> <p>7 and associated, you know, play equipment that the</p> <p>8 congregation uses.</p> <p>9 For the existing access to this site,</p> <p>10 there is no vehicular access from Reedie Drive to</p> <p>11 the, I guess, west. And the vehicular access, the</p> <p>12 ingress is at the center of the site on University</p> <p>13 Boulevard. It is right now a right in, and left in</p> <p>14 is -- is also allowed.</p> <p>15 The vehicles would then travel through the</p> <p>16 site, and they can circulate around the building</p> <p>17 completely until they get to another curb cut that</p> <p>18 exists on University Boulevard, and that's restricted</p> <p>19 to a right out only.</p> <p>20 Right now there is signage that does not</p> <p>21 allow egress from the property at the location that</p> <p>22 ingress occurs.</p> <p>23 All right. I think that would sum up the</p> <p>24 existing conditions.</p> <p>25 Q Just elaborate on one thing. You 30</p>	<p>32</p> <p>1 in order to break it up into two lots; correct?</p> <p>2 A Yes, that's right. There's one property</p> <p>3 that's commonly owned today, and it's going to be</p> <p>4 re-subdivided so that there will be two different</p> <p>5 properties, two different parcels.</p> <p>6 The line of subdivision, it follows</p> <p>7 through the center of the site. And I can zoom in.</p> <p>8 You can see it. It splits here with a radius until</p> <p>9 it gets to a point, and then it terminates at this</p> <p>10 triangular parcel that ends here.</p> <p>11 And on the north side of the property is</p> <p>12 where the senior housing will be placed; on the south</p> <p>13 side of the property is where the synagogue will</p> <p>14 continue to operate.</p> <p>15 THE HEARING EXAMINER: Okay.</p> <p>16 Q And you can -- you can have -- you can</p> <p>17 sort of answer my leading question I'm about to</p> <p>18 ask, but that is: So the game plan, the property</p> <p>19 is under contract today, so the northern lot is to</p> <p>20 be acquired by Mission First Housing?</p> <p>21 A Yes, that's correct. And there will be</p> <p>22 shared access and parking and other agreements that</p> <p>23 the two properties are going to undergo to make sure</p> <p>24 that they can continue to operate in the future.</p> <p>25 Q And the -- and the -- well, and 32</p>

<p>33</p> <p>1 then -- so there will be new construction on the 2 northern half and then reconstruction on the 3 southern half that, I guess, Mr. Bleiweis can 4 describe later on when he talks. Am I correct on 5 that?</p> <p>6 A It is new construction for the senior 7 housing. And there will be new site construction for 8 the synagogue, but the existing synagogue building is 9 going to largely remain in place and have some 10 improvements.</p> <p>11 There is a portion of the synagogue, the 12 existing synagogue buildings that will be demolished. 13 It's a little bit hard to see, but this is a portion 14 of the existing synagogue building that will be 15 demolished to allow for the additional parking that 16 both property owners would be using.</p> <p>17 Q Sorry to have interrupted your flow of 18 your presentation, but I want to kind of have 19 Ms. Byrne be familiar with the legal relationship 20 between the properties and the parties.</p> <p>21 So go ahead and continue with your 22 presentation on the conditional use plan.</p> <p>23 A Sure, no problem. And please, you know, 24 if it's okay, feel free to ask questions if I am 25 missing something. 33</p>	<p>35</p> <p>1 they would continue on and park in some of the shared 2 parking that's on the synagogue property.</p> <p>3 So that's the main entry. And so we did 4 discuss the entrance and the parking.</p> <p>5 The exiting of the site, it would either 6 be from leaving from the main entrance again onto 7 University Boulevard, which would have a restriction 8 of a right out only, it would not allow for a left 9 out, or they could exit through the curb cut that 10 exists, where, again, it would still be a right out 11 only. There is an existing median that prevents 12 that, any kind of left out here.</p> <p>13 At the main -- what I'm calling the main 14 entrance, there is an existing traffic signal as 15 well. It is for pedestrians only. You can see that 16 there is an existing crosswalk that cuts across 17 University Boulevard, and that's largely what that 18 signal is going to be. That signal is not going to 19 be altered by this application.</p> <p>20 I'm just -- sorry, I'm looking at the -- 21 my notes here. The -- there is going to be some open 22 space for the residents in the rear of the property 23 for their use that will be landscaped, and there are 24 some seating areas as well.</p> <p>25 One of the items that we worked with staff 35</p>
<p>34</p> <p>1 The focus of the conditional use site plan 2 is the senior housing property. We did work with the 3 architect to site the building in a manner that would 4 be most suitable for the constraints of the property.</p> <p>5 You can see we've got a portion of the 6 building that's parallel with University Boulevard 7 and a portion that is more parallel with the north 8 and west property line. And this kind of T or L 9 configuration was efficient for the architecture, but 10 it was also very well designed to accommodate the 11 properties.</p> <p>12 We are meeting all the setback 13 requirements. We're using a 30-foot setback for 14 University and 25-foot setback for other adjoining 15 properties. In those cases, we are typically larger 16 than the minimum but for a couple of pinch points 17 where we were right near 25 feet.</p> <p>18 The main entry of the building is in the, 19 I'll say, elbow of the T or the L. So you can see, 20 when visitors or residents come, they come into the 21 site, and we've established a drop-off location right 22 at that main entry location.</p> <p>23 And then there's the possibility to exit 24 that drop-off and either go back and park in some 25 spaces that are on the senior housing property or 34</p>	<p>36</p> <p>1 on was this pedestrian connection. It was a part of 2 the master plan, and we -- we were siting this 3 pedestrian connection to be in a location that best 4 suits not only allowing for connection between Reddie 5 Drive to University Boulevard but also make it in a 6 way that it wouldn't be disruptive to the senior 7 housing use or the synagogue use where they would 8 have the public crossing through these spaces.</p> <p>9 It really -- the proposed alignment of 10 this path is one that's very simple and 11 straightforward and it doesn't create conflicts 12 between parking crossings, where crosswalks were 13 needed, or, you know, have people crossing in front 14 of the -- you know, the drop-off area at the main 15 entrance or, you know, likewise for the synagogue.</p> <p>16 The path that's being installed, there is 17 going to be some fencing on both sides of it. On the 18 senior housing side of the fencing, there will be 19 fencing material that's going to be able to be seen 20 through so that the residents would be able to have 21 eyes on the path.</p> <p>22 We did feel like the single-family uses 23 and given the proximity of the houses, we felt like a 24 privacy fence would be more appropriate along those 25 property lines. 36</p>

<p style="text-align: right;">37</p> <p>1 The path will have some landscaping, but 2 in general we're trying to keep it to be lower types 3 of landscaping so that, you know, a person walking 4 through is going to feel safe, that they can see well 5 and in the distance. 6 Likewise, with the alignment, we tried to 7 avoid any kinds of sharp ends that it would make it 8 where, you know, you don't have a long sight distance 9 as you're walking the path. 10 There is going to be some light bollards 11 along this path as well, and we've strategically 12 placed them and located them so that the lighting 13 levels would be adequate for safety but also not 14 exceeding the lighting requirements of the Montgomery 15 County code. 16 Q Mike, it may not be necessary, but can 17 you elaborate on the phrase "bollard" and what 18 that means in terms of height? 19 A Sure, yeah, thank you. The light bollard 20 is usually, you know, maybe three or four feet high 21 as opposed to a standard light that would be 10, 12, 22 15 feet high. 23 Those taller lights tend to do a good job 24 of spreading light out well, where you need less of 25 them. Whereas the light bollards, you typically need 37</p>	<p style="text-align: right;">39</p> <p>1 forwarded over the fire approval, they forwarded 2 over FHA's letter. So everything you're saying is 3 tracking right along with, with everything that I 4 had. 5 And that's good news about, you know, 6 your forest conservation as well. Forest 7 conservation and stormwater management, always two 8 sticking points; right? 9 THE WITNESS: Yeah. They don't make 10 it easy. 11 THE HEARING EXAMINER: Not in 12 Maryland, especially for stormwater management. 13 No, understood. So that's good. You're ahead of 14 the game. 15 THE WITNESS: That's right. 16 BY MR. KLINE: 17 Q So, Mike, maybe that's a good segue 18 into the landscaping plan itself in terms of if 19 you want to call that up as an exhibit or at least 20 describe how you're going to lush up the site. 21 (Exhibit 37B, previously marked, was 22 introduced.) 23 A Sure. So now I've turned on Exhibit 37B, 24 as in boy. And you can see on the landscape plan 25 there's a series of trees. We are going to have 39</p>
<p style="text-align: right;">38</p> <p>1 more of them to provide enough lighting, but they 2 also don't have as much of a spillover onto adjacent 3 properties. 4 Q Thank you. 5 A Feel like I might have gone a little bit 6 offscript here just with the flow of things. We do 7 have approvals for water and sewer. We do have 8 approvals for stormwater management. We have 9 approval for fire access. We have approval for 10 forest conservation. 11 There were several significant trees that 12 we received variances for, for the removal or impact 13 to, and those trees that are significant and are 14 being impacted are going to be mitigated with 15 additional plantings on site. 16 We are meeting our forest conservation 17 through off-site banking. And if off-site banking is 18 not available, then staff allowed us to have fee in 19 lieu as an option as well. 20 MR. KLINE: Ms. Byrne, does all that 21 lingo makes sense to you? 22 THE HEARING EXAMINER: It does. 23 MR. KLINE: Okay. 24 THE HEARING EXAMINER: And Planning 25 staff, actually, I asked a few things, they 38</p>	<p style="text-align: right;">40</p> <p>1 street trees along University Boulevard as well that 2 we're installing. 3 You can also see that -- and I should have 4 described it before, but the -- there's a path that's 5 going to be installed along University Boulevard. 6 It's going to be set back from the curb such that 7 there will be a green panel between the curb and the 8 sidewalk. 9 So, you know, when you're walking on the 10 street, you're going to -- you're not going to -- 11 today the existing condition is that, you know, 12 you're right on the curb. We'll have it so that 13 there will be that green strip between. And that'll 14 be for the length of the property that we install 15 that, that tree panel. 16 The -- the -- in addition to the trees on 17 University Boulevard, there will be landscaping in 18 front of the building in that 30-foot setback zone. 19 We'll have some trees and some groundcover. 20 At the pedestrian passthrough between 21 Reddie and University, there's also going to be a 22 series of trees where we can put it in and, as I 23 mentioned, low groundcover. 24 The open space is going to have some -- a 25 mix of ornamental and shade trees to allow for, you 40</p>

<p>41</p> <p>1 know, both shade and some color during the seasons. 2 There's some groundcover that will also be installed, 3 and you can see it kind of meanders through the 4 property to complement the sidewalk that's in the 5 back. 6 There is going to be a seating area near 7 the entry for residents. And then along the proposed 8 parking lot, there's going to be some additional 9 shade trees installed, both in the -- along the 10 property line that's going to be put in place but 11 also some trees on the synagogue property. 12 We are proposing some trees in the rear of 13 the property for the synagogue. And we did leave an 14 open space for the synagogue's use for, you know, an 15 outdoor amenity zone. 16 And I think that's all I have for 17 landscaping. 18 Q So this is where we would normally go 19 over the lighting issue. I don't think you 20 necessarily need to pull up the photometric plan, 21 but can you confirm that that photometric plan 22 does show the foot-candle readings at the 23 perimeter of the property never exceeds 0.1 24 foot-candles? 25 A Yes, that's correct. 41</p>	<p>43</p> <p>1 independent elderly facility is one parking space 2 per unit. So that theoretically would have 3 required 90 parking spaces to serve the building. 4 However, there is a section in the 5 zoning ordinance that I'm -- I'm -- I'll give you 6 a citation, if you want it, or I'll just tell you 7 where it is. But it's basically in a section 8 called restricted housing for -- restrictive 9 parking for senior housing. 10 It's 59.6.2 -- bear with me here -- 11 .3.1.2.b, and it basically says for the 12 independent elderly housing, the requirement can 13 be reduced to .5 spaces per unit. 14 So that results in the number of 15 parking spaces required to accommodate the needs 16 of the building or the residents of the building 17 being 45 spaces, or one-half, per dwelling unit. 18 And then there's an independent 19 parking requirement of one -- .5 spaces per 20 employee. And you heard Ms. Everhart testify that 21 we would have three employees at a max on site at 22 any given time. So rounding up, that means you 23 have to have two spaces to take care of the 24 employees. 25 So the parking requirement for the 43</p>
<p>42</p> <p>1 Q I heard you mention sewer and water. 2 Can you just confirm that all other utilities 3 necessary to operate the building will be 4 available to serve the building? 5 A Yes, that's correct. The utilities are 6 available. Both water and sewer have adequacy. 7 We've received confirmation from WSSC on that, and 8 we've also done our storm drain analysis to show that 9 the existing facilities are adequate for that as 10 well. 11 MR. KLINE: Ms. Byrne, I would -- 12 probably at this point, I would normally ask 13 Mr. Goodman a question about parking, to run 14 through the parking tabulations. 15 But if you don't mind, I'd like to do 16 that myself simply because the computations rely 17 on some obscure provisions in the zoning 18 ordinance. Not that Mike is not familiar with 19 them, but I thought maybe I could -- because it's 20 more of a legal issue than it is a civil 21 engineering issue. 22 THE HEARING EXAMINER: Yeah, no, I'm 23 perfectly fine with that. 24 MR. KLINE: Sure. So here's how 25 everything works. The parking rate for an 42</p>	<p>44</p> <p>1 elderly housing building is 45 plus 2, or 47. 2 On the other side of the coin, when 3 the synagogue is redeveloped, they want to end up 4 with having a principal hall of worship that would 5 accommodate 200 people. The base parking 6 requirement in our zoning ordinance for house of 7 worship is one parking space per four seats in the 8 main worship hall. 9 However, there is a provision that 10 basically says for religious institutions that 11 have a large observant requirement -- in other 12 words, people who walk to church, the conservative 13 synagogues -- that can be reduced to 0.125 parking 14 spaces per seat. 15 So with a 200-seat congregation hall 16 at multiple -- when multiplied at 1.25, you only 17 need to have 25 spaces instead of the 50 that 18 otherwise would have been required under the basic 19 rate. 20 So that comes up with a total parking 21 requirement for the two uses upon redevelopment -- 22 development of the new elderly housing and 23 redevelopment of the synagogue of a total of 72 24 spaces. 25 Mr. Goodman can confirm for you and 44</p>

<p>45</p> <p>1 show you, if you'd like to see, that we have 93 2 spaces on the property. So we exceed -- the 3 number of parking spaces available exceeds the 4 requirement for each of the two uses. 5 The problem is, as Mike was 6 explaining, because of where we had to draw the 7 lines to separate the two properties, we could not 8 get all of the elderly housing parking spaces on 9 the elderly housing lot. 10 BY MR. KLINE: 11 Q Mike, maybe you could take your -- 12 maybe blow it up a little bit and kind of show us 13 where we do have the spaces that are on the 14 elderly housing lot. 15 A Sure. There's -- there's seven parking 16 spaces that are somewhat adjacent to the main entry, 17 and then there's another three spaces that are just 18 at the exit of the drop-off. Two of those three 19 spaces are designated as accessible. 20 THE HEARING EXAMINER: Okay. And then 21 the bulk is on the other side. 22 THE WITNESS: That's right. And 23 it's -- and it's in the front of the building, of 24 this synagogue building. That's where the 25 accessible parking spaces are as well. And then, 45</p>	<p>47</p> <p>1 the -- apparently a majority of the people that 2 worship at this synagogue walk to the synagogue 3 because of it being a conservative synagogue. 4 And Mr. Bleiweis can give you a better 5 explanation than I can. Bottom line being we feel 6 that we have a more than adequate surplus of 7 spaces available; we just need to share them a 8 little bit. 9 And the shared parking agreement will 10 basically have provisions ensuring that the two 11 entities will work together so we -- we're not 12 going to have a grandparents party on Saturday at 13 the Mission First at the same time the synagogue 14 would be having its hours of worship. So we'll 15 respect each other's sort of peak demand periods. 16 But we feel that this is adequate to 17 take care of the parking requirements for both 18 uses. 19 THE HEARING EXAMINER: Okay. Well, I 20 mean, you have -- what you said, you had 93 across 21 the two. You need 47 on the senior housing site. 22 So, so long as that parking agreement identifies 23 the required for both and, you know, there's -- 24 there's no issue there. 25 MR. KLINE: Yes, ma'am. And I should 47</p>
<p>46</p> <p>1 as you go around the building, there's existing 2 parking in the rear along the property line, 3 existing parking before we get into this alley 4 area, and then we're proposing some new parking up 5 along University Boulevard and as you exit on that 6 secondary egress. 7 THE HEARING EXAMINER: Okay. 8 MR. KLINE: So in the abstract we have 9 a requirement for 72 spaces. We can provide 93. 10 We just can't provide them on the lots for each of 11 the attended users. 12 So the synagogue has agreed with 13 Mission First to enter into a shared parking 14 agreement, which Mission First has done at the 15 St. Anne's Episcopal Church site in Damascus, and 16 I'm sure it'll work successfully. 17 So we're providing ten of the parking 18 spaces on the Mission First property and then have 19 the right to use 30 -- up to 37 spaces on the 20 synagogue's lot when that's actually created. 21 And there's a -- as I said, there's a 22 surplus of 21 spaces. So everybody, both Mission 23 First and the synagogue, as Mr. Bleiweis will 24 explain a little bit more in more detail on the 25 observant function or factor where so many of 46</p>	<p>48</p> <p>1 say that as part of the preliminary plan of 2 subdivision process that Mike is going to just 3 kind of review for you when we finish up here, 4 that will be -- 5 THE HEARING EXAMINER: Okay, good. 6 MR. KLINE: We'll be obligated to 7 provide that document as part of the preliminary 8 plan so legal counsel at Park and Planning can 9 confirm that it's enforceable and will actually 10 work the way we say it will. 11 THE HEARING EXAMINER: Excellent. 12 MR. KLINE: Okay. So with the 13 questions of parking having been disposed of, I 14 think what I'd probably ask Mike. Yeah. 15 BY MR. KLINE: 16 Q Just tell us, explain to Ms. Byrne 17 where we are in the subdivision process and how it 18 will flow out of the conditional use if granted. 19 A Sure. Our next step in the process is to 20 establish our Planning Board date for the preliminary 21 plan. And assuming that we receive that approval, we 22 would then proceed with actually preparing the record 23 plat that would subdivide the two properties. 24 And then it -- it could be -- a closing 25 could occur between the two entities concurrent with 48</p>

<p>49</p> <p>1 the record plat process. And we'll also be preparing</p> <p>2 the construction documents.</p> <p>3 Q Mr. Goodman, Ms. Robeson Hannan would</p> <p>4 be mad if I didn't ask you the question about</p> <p>5 where's the trash storage and pickup and how's it</p> <p>6 going to work?</p> <p>7 A Sure. Using the same exhibit, the loading</p> <p>8 for the property is at this location, this little</p> <p>9 lay-by right here, it's large enough to fit like a</p> <p>10 10-by-30 truck, which is kind of a standard type of</p> <p>11 box truck. That where the loading will occur. It</p> <p>12 will also be where the trash is picked up.</p> <p>13 This area right here allows for --</p> <p>14 Q And -- and because this is being</p> <p>15 transcribed, you're pointing at the southern end</p> <p>16 of the -- the -- of the vertical element of the</p> <p>17 multi-family building?</p> <p>18 A Yeah. As you enter into the property from</p> <p>19 the main entrance, on the left there is a space</p> <p>20 that's designated as loading. And across the drive</p> <p>21 aisle from that, there are some entrances that lead</p> <p>22 to the trash room, and the trash would be taken out</p> <p>23 when the trash comes, and the trash would be loaded</p> <p>24 up, and then it would exit out of the property again.</p> <p>25 THE HEARING EXAMINER: I'm making an 49</p>	<p>51</p> <p>1 questions of Mr. Goodman.</p> <p>2 THE HEARING EXAMINER: Just a quick</p> <p>3 question. So in the subdivision process, what</p> <p>4 would your -- what's your estimated timeline? So</p> <p>5 assuming planning, you get the Planning Board</p> <p>6 date, you get the yes, what -- what would that</p> <p>7 normal timeline look for from the yes to record</p> <p>8 plat to closing to construction documents? So</p> <p>9 what kind of timeline are you looking at?</p> <p>10 THE WITNESS: It's -- it's a great</p> <p>11 question.</p> <p>12 (Laughter.)</p> <p>13 THE HEARING EXAMINER: I know -- I</p> <p>14 know -- I know it's kind of -- it's one of these</p> <p>15 wildcard questions. I know a lot of it depends on</p> <p>16 when you get in front of Planning Board, a lot of</p> <p>17 it depends on, you know, when you get that yes.</p> <p>18 And then, you know, just in my head,</p> <p>19 just trying to figure out the timelines.</p> <p>20 THE WITNESS: Generally speaking, once</p> <p>21 we get the Planning Board's approval of the</p> <p>22 preliminary plan, it would take about five or six</p> <p>23 months to get a plat recorded.</p> <p>24 THE HEARING EXAMINER: Okay.</p> <p>25 THE WITNESS: And typically it would 51</p>
<p>50</p> <p>1 assumption that it was designed to be away from</p> <p>2 single family, closest to University Boulevard and</p> <p>3 at the end of where the units are.</p> <p>4 THE WITNESS: Yes. Thank you very</p> <p>5 much.</p> <p>6 Q So let me do kind of a couple wrap-up</p> <p>7 questions, then. In your professional opinion as</p> <p>8 a civil engineer, will the proposed facility be</p> <p>9 adequately served by public facilities? Meaning,</p> <p>10 water, sewer, all the other things other than</p> <p>11 traffic?</p> <p>12 A Yes.</p> <p>13 Q Okay. Is there anything from an</p> <p>14 engineering perspective where this use would have</p> <p>15 an adverse effect on the use, peaceful enjoyment,</p> <p>16 or development potential of adjoining or abutting</p> <p>17 properties?</p> <p>18 A No.</p> <p>19 Q And from an engineering perspective,</p> <p>20 is there anything about the operation of the</p> <p>21 facility that would have an adverse effect on the</p> <p>22 health, safety, or welfare of residents, visitors,</p> <p>23 or people attending the synagogue?</p> <p>24 A No, it would not.</p> <p>25 MR. KLINE: I have no further 50</p>	<p>52</p> <p>1 be a few months after that that we would have all</p> <p>2 permits in hand. It's not completely contingent</p> <p>3 on the record plat, but there are several permits</p> <p>4 that would require the record plat to be recorded.</p> <p>5 And then, you know, that subsequently</p> <p>6 allows us to complete the plan approval and</p> <p>7 permitting process with those agencies.</p> <p>8 THE HEARING EXAMINER: Okay. All</p> <p>9 right, that's helpful. Every jurisdiction is a</p> <p>10 little different, and there's a lot of</p> <p>11 chicken-and-egg things. So just, you know -- just</p> <p>12 trying to wrap my brain around how long it would</p> <p>13 take after that would happen for you.</p> <p>14 MR. KLINE: Well, and if I can</p> <p>15 elaborate on that, simply because I realize you're</p> <p>16 kind of learning how we do things in Montgomery</p> <p>17 County. And were you to not file the preliminary</p> <p>18 plan until after you had the conditional use,</p> <p>19 you'd actually be stretching things out.</p> <p>20 So what we did is we filed the</p> <p>21 preliminary plan somewhat contemporaneous with the</p> <p>22 filing of conditional use application.</p> <p>23 And the way Park and Planning handles</p> <p>24 it is they said -- they will say we will take your</p> <p>25 preliminary plan to what they call the Development 52</p>

<p>53</p> <p>1 Review Committee, where everybody will critique 2 it, tell the applicant what needs to be done in 3 order to make an approval by the Planning Board. 4 And then it goes on a shelf and waits 5 until the conditional use is granted. Because 6 Park and Planning doesn't want to waste time 7 reviewing a plan when the underlying zoning 8 approval is not there. 9 But upon the publication of your 10 decision, that will essentially activate that 11 file. And normally they would look for a Planning 12 Board hearing date within 120 days after that. 13 But because this has already gone 14 through the conditional use review process, a lot 15 of the same things is duplicated. So we would 16 probably expect to be able to get to the Planning 17 Board in maybe a 90-day timeframe after your 18 opinion is published, and then you got the five or 19 six months that Mike described about the record 20 plat after that. 21 So we have a ways to go, but we've 22 overlapped them and sure tried to shorten some of 23 the process. 24 THE HEARING EXAMINER: For me the 25 overlapping is great because that means that 53</p>	<p>55</p> <p>1 MR. KLINE: Hopefully so. In any 2 event, I had no further questions of Mr. Goodman, 3 unless you had some more. 4 THE HEARING EXAMINER: No, that's 5 excellent. Thank you. That's very helpful. 6 THE WITNESS: All right. Thank you 7 very much. 8 MR. KLINE: I'd like to call our next 9 witness, Mr. Scott Matties. And Mr. Matties, I'll 10 bet, is going to love to tell you how we're going 11 to get all that trash down to that location that 12 you just heard about. 13 THE HEARING EXAMINER: Excellent. 14 MR. KLINE: Mr. Matties, would you 15 please introduce yourself. 16 THE WITNESS: Yeah, good morning. I 17 am Scott Matties. I'm with Wiencek + Associates 18 Architects + Planners. We are located at 1100 19 Vermont Avenue in Washington, D.C. 20005. 20 THE HEARING EXAMINER: And, 21 Mr. Matties, I would like to swear you in, so if 22 you could raise your right hand. 23 Do you promise to tell the truth, the 24 whole truth, and nothing but the truth? 25 THE WITNESS: I do. 55</p>
<p>54</p> <p>1 you've already provided things to Planning staff. 2 That means Planning staff has more a detailed 3 review, which also helps me review the application 4 in going forward. 5 So I appreciate the -- the fact that 6 you did things at the same time because that makes 7 my process shorter, and then at the end of the day 8 it makes your process shorter. No, I appreciate 9 that. 10 MR. KLINE: And one other thing I'll 11 say is sort of an idiosyncrasy of the Montgomery 12 County process: The conditional use process does 13 not require a community meeting before you file. 14 Most applicants do it simply because 15 it's good public relations, but it's not 16 mandatory. However, a preliminary plan does 17 require a public meeting. 18 So what we did is we put the two 19 together and accomplished in our community meeting 20 a courtesy meeting for the conditional use and the 21 required meeting for the -- for the preliminary 22 plan. So we got that done at the same time. 23 THE HEARING EXAMINER: Which is why 24 you have no opposition, because you did the 25 appropriate community outreach. 54</p>	<p>56</p> <p>1 EXAMINATION BY COUNSEL FOR THE APPLICANT 2 BY MR. KLINE: 3 Q It has been submitted to the hearing 4 examiner, but can you just give us a brief 5 overview of your experience and then ending up 6 with if you have ever qualified as an expert in 7 the field of architecture before a hearing 8 examiner like Ms. Byrne or court of law or 9 something of that similar -- 10 A Sure. I've been practicing architecture 11 for more than 30 years at Wiencek + Associates. I 12 am -- my title is executive vice president and studio 13 director, which means I have a function that is part 14 of the management of the firm broadly and with a 15 concentration, so to speak, as studio director in 16 overseeing projects more broadly across the office in 17 terms of design quality and quality of production 18 documents. 19 On some projects I have a more hands-on, 20 day-to-day role, and this is one of them. I have 21 spent, you know -- along with the team we have 22 internally, I've been involved in this project since 23 the beginning, very involved in the design, and will 24 continue to be involved in the design. 25 I have been qualified as an expert witness 56</p>

<p>57</p> <p>1 in the District for both the Board of Zoning 2 Adjustment and the Zoning Commission. 3 MR. KLINE: Based on that experience 4 and his explanation of his work, I'd like to offer 5 him as an expert in the field of architecture. 6 THE HEARING EXAMINER: Accepted. 7 BY MR. KLINE: 8 Q Mr. Matties, as I told you, you know 9 this a lot better than I do, so I'm just going to 10 let you just go through whatever exhibit you'd 11 like to put up. We know where the building sits. 12 We don't know what it looks like. 13 But I probably would ask you to, first 14 of all, kind of describe the orientation of the 15 building and why you kind of laid it out the way 16 you did. 17 A Sure. And I'll be happy to share as well, 18 as Mr. Goodman did, to -- 19 THE HEARING EXAMINER: Sure. 20 Q -- be able to gesture at things. 21 THE HEARING EXAMINER: Absolutely. If 22 that's easier for you, that works for me as well. 23 THE WITNESS: Great. 24 Good? Can you see it? 25 THE HEARING EXAMINER: Yes. 57</p>	<p>59</p> <p>1 approaching Georgia Avenue, it becomes more 2 commercial with some small-scale pad, commercial-type 3 facilities. There's a town home development to the 4 to the west as well. 5 But the scale, the -- the physical scale 6 of buildings to the north are generally relatively 7 low scale, one to three stories. 8 To the south is the -- I'll call it the 9 Reddie Drive context to the south. There's a couple 10 other street names there. But that's a, you know, 11 pretty straightforward single-family detached-home 12 neighborhood. They're almost all one story, 13 relatively small lots. But, you know, a very nice, 14 quiet, residential street kind of neighborhood. 15 So we have these two contexts in which 16 we're trying to, you know, design a new building to 17 fit. 18 The only other -- the couple other 19 constraints that we worked with, there is a little 20 bit of topography -- is not a particularly steep 21 site, but there's a bit of topography. High point is 22 sort of up here, at the north/northwest corner, 23 slopes down to this area here as Reddie Drive 24 terminates into the property from the west. 25 So that's a minor constraint. And I think 59</p>
<p>58</p> <p>1 THE WITNESS: Great. 2 (Exhibit 41D, previously marked, was 3 introduced.) 4 A So I'm on Exhibit 41D. And just to 5 briefly supplement Mr. Goodman's testimony relative 6 to the context and the siting, some of the site 7 constraints, there's really two contexts that we were 8 responding to. There's the University Boulevard 9 context to the north. And it's -- it's not cardinal 10 north/south, so I'm going to use north and south for 11 the most part, even though it's probably northeast 12 and southwest. 13 But to the north is University Boulevard. 14 As we know, it's a very busy road. It's a six-lane 15 arterial, state highway. The context -- the physical 16 context of the building forms nearby are the remnants 17 of single-family neighborhoods. We have that 18 definitely to the east and north across University 19 Boulevard. 20 But a lot -- you know, many of those or 21 most of those sort of have backyards facing 22 University. They don't engage the street. Some of 23 them have been converted to commercial use, not 24 unlike the food bank building that's on the property. 25 As you move sort of to the west 58</p>	<p>60</p> <p>1 the nature of how that slopes actually helps us in 2 terms of relating to the neighborhood. And we'll see 3 that three dimensionally in a moment. 4 The other constraint, as has already been 5 mentioned, is, you know, the location of that ingress 6 off of University. We're keeping that in the same 7 position. We're basically reusing both the existing 8 curb cuts. 9 So that has defined -- effectively defined 10 the parcel for our new building to the northwest of 11 that so that, you know -- giving the synagogue to 12 remain its position on the site. 13 So based on that, we -- as you can see, as 14 was also mentioned, it's a T-shaped building. We 15 have a north wing that's a little bit taller, and 16 we've oriented that parallel to University Boulevard. 17 And we know that this is hopefully the 18 first of many very nice buildings along University 19 Boulevard as that corridor begins to redevelop over 20 time. 21 But we've oriented that parallel to 22 University in order to create a somewhat more urban 23 street wall along that frontage, given the 24 anticipated future context. 25 We've given -- and I'll mention this when 60</p>

<p>61</p> <p>1 we get into some three dimension, but we've 2 highlighted the -- architecturally we've highlighted 3 the corner as you enter, enter the property. So 4 that's the taller of the two wings. And I will refer 5 to this as the north wing. That's how we think of 6 it.</p> <p>7 The south wing that heads down, down into 8 the left on the page, toward Reddie Drive, we 9 conceive of as the south wing. So, you know, we call 10 it that.</p> <p>11 But that drops a story. It steps down a 12 story from the north wing, and it continues to step 13 down as it approaches Reddie Avenue -- sorry, Reddie 14 Drive. And there's a three-story portion here that 15 we get very close to the directly adjacent 16 single-family homes.</p> <p>17 I think Mr. Goodman had covered the site 18 circulation aspects that I was going to mention, so 19 let me just jump to the building design. And I'm 20 going to go to Exhibit 41L and talk about the 21 massing.</p> <p>22 (Exhibit 41L, previously marked, was 23 introduced.)</p> <p>24 So here you see two perspective views, 25 both from the University Drive context, the lower one 61</p>	<p>63</p> <p>1 that will remain. And you can see as we've come in 2 on the right of this image, we've entered the site 3 from University. You can see that building form that 4 wraps around.</p> <p>5 And here in this zone is the one place 6 that we have sort of a five-stories-above-grade 7 condition. But, again, the -- how the topography 8 helps us, you know, that's because the topography has 9 fallen away at that point. However, that's the most 10 interior to the site. It has -- when -- so therefore 11 will have the least impact on direct neighbors.</p> <p>12 And you can see here the stepdown to the 13 south wing that, as we've dropped a story, we've 14 come, you know, heading toward Reddie and we've 15 dropped another story. So we're three stories 16 directly adjacent to Reddie.</p> <p>17 And you can see the image above was taken 18 sort of from the backyard of the adjacent neighbor. 19 Doesn't show all the beautiful landscaping that 20 Mr. Goodman's team will be providing.</p> <p>21 But here you can get a sense of where 22 we're three stories and, you know, because the topo 23 is moving up, it's feeling like two and a half 24 stories. So we've dropped a story and tried to use 25 the topography to our advantage to help reduce the 63</p>
<p>62</p> <p>1 sort of starting from the west looking toward the 2 east, and you see we have a four-story -- apparent 3 four-story building form.</p> <p>4 And, again, this is where the topography 5 helps us if this is, you know, measured from the high 6 point of the topography.</p> <p>7 So we're four stories heading east on 8 University. As the topography falls away, the view, 9 the perspective view above that, is showing the 10 perspective looking from the east or from the -- from 11 the -- almost at the entry point of the site.</p> <p>12 And here you see that we've dropped a 13 story here as well, too, and changed the materiality 14 in building form to create a marker at the entry. So 15 we got a little bit of a massing change, a little 16 material change to allow the site entry to have some 17 presence approaching from University Drive.</p> <p>18 As we move around, kind of transition, I'm 19 just going to walk around the building back and forth 20 and talk about a couple different things. So I'm on 21 Exhibit 41M now.</p> <p>22 (Exhibit 41M, previously marked, was 23 introduced.)</p> <p>24 The image to the -- below is sort of -- is 25 the view from the synagogue front door, effectively, 62</p>	<p>64</p> <p>1 scale of the building directly adjacent to the 2 neighbors.</p> <p>3 That was primary effort there.</p> <p>4 So the basic question is how tall is this 5 building. So there's the quantitative, which was 6 included in the height compatibility exhibit. I'm 7 not going to go through that now.</p> <p>8 But based on the zoning definition, where 9 a building height measuring point is along University 10 Drive, to the top of our highest roof, we're only 11 about 46 1/2 feet, which is, you know, substantially 12 below the zoning, what's allowed for zoning and 13 what's, you know, expected as part of the height 14 compatibility standards.</p> <p>15 But qualitatively, as, you know, we kind 16 of look at how does this building feel in terms of 17 height from the neighborhood, from that perspective, 18 what we have is -- again, we had this -- a focus on 19 four stories stepping down to three.</p> <p>20 So, again, I'm on Exhibit 41L again.</p> <p>21 Going to walk around very quickly the same sequence.</p> <p>22 We're four stories above grade at the far 23 west edge above existing grading and final grade. As 24 we transition down -- or to the -- to the east and 25 enter the site, we begin to get a little bit of five 64</p>

<p>65</p> <p>1 stories above direct adjacent grade. 2 Whoops, sorry, hit the wrong one. 3 Again, I'm on Exhibit 41M. 4 So, again, there's that small amount of 5 the building -- footprint of the perimeter of the 6 building that has a five story above, apparent, above 7 existing grade. So that's just apparent height. But 8 then we step down to three, and we step down to -- 9 sorry, we step down four, and then we step down to 10 three. 11 So the perception of the building around 12 the periphery, particularly as it's, you know -- the 13 visual impact from neighboring properties from the 14 public way, it's generally a four- down to 15 three-story building in its height. 16 The way that we then further begin to look 17 at the material palette and how we use sort of what I 18 would call fine massing of the building -- i.e., 19 including bay projections, some ins and some outs, 20 some material changes -- we're further trying to 21 break down the massing and the apparent height of the 22 building using those methods. 23 So, again, going around, starting where I 24 was at on 41L, we're using brick. Our material 25 palette is a residential material palette. It's a 65</p>	<p>67</p> <p>1 And then moving to the -- again, to 2 Exhibit 41M, we've used the same buff brick at the 3 main pedestrian building entry, is a -- is a marker 4 to distinguish entry and give that a special quality. 5 And we've introduced bays. You saw them 6 on the front as well. But in here we have bay 7 projections that are part of the units, for the most 8 part, except a little bit here on the ground floor. 9 I'll show you the interior of that in a minute. 10 But, again, using these bay projections 11 helps give it a residential character and, again, 12 helps kind of break down the mass so that it feels 13 more compatible. 14 Q Mr. Matties, before you leave 41L, 15 could you point out where the sign's going to be 16 located? And it's almost not even noticeable you 17 have it so discreet. 18 A It's -- yeah, it fits in beautifully, I 19 think. So we do have a monument sign. It's here 20 near the entry. If I zoom in on this, it's basically 21 right here in the yard in front, directly adjacent to 22 the (inaudible) ingress. And you can see just a 23 little monument sign here and here. 24 THE HEARING EXAMINER: Sounds good, 25 thank you. 67</p>
<p>66</p> <p>1 combination of brick veneer and painted siding, fiber 2 cement siding. 3 Looking at the surrounding neighborhood, 4 there's a lot of red brick. So we have chosen red 5 brick. And fortunately the Mission First folks are 6 fans of red brick as well. So we're going with the 7 red brick, primarily a red brick palette. It fits 8 well with the neighborhood, we think, and makes for a 9 nice color palette in combination with the siding 10 color. 11 So that's our primary material. But we're 12 taking that up generally three stories and setting a 13 cornice on. The top story in all conditions, except 14 where we step down to three, the top story is always 15 siding. So we're emphasizing -- though we're four 16 stories above natural grade here, we're emphasizing 17 the three stories, again, to help break down the 18 scale and the mass of the building using the material 19 palette. 20 As we -- again, we head toward the -- to 21 the east, we see that we've changed to a buff brick 22 in two locations, you know, the special conditions on 23 site, as I mentioned earlier this, marking the entry 24 to the site. Here we've used a lighter brick, a buff 25 brick color. 66</p>	<p>68</p> <p>1 A I wanted to talk a little bit now about 2 resident life. And I'm going to track through the 3 plans and give you a sense of how the building is 4 organized internally. 5 (Exhibit 41E, previously marked, was 6 introduced.) 7 So I'm on Exhibit 41E. This is what we 8 call the terrace level, and that's the level that 9 kind of, you know, embeds itself into the topography. 10 In the -- in the -- the northwest corner, there's, 11 you know, a fair amount of unexcavated area just 12 because of the way the topography works. We're down 13 at grade here. The drop-off that Mr. Goodman noted 14 is here. 15 I'll zoom in on this so we can see it a 16 little bit better. 17 So the main entry is here on this level, 18 and that is, we think, a real advantage to, you know, 19 provide some privacy, so to speak, or some cover from 20 the very busy University Boulevard. It's a -- it's 21 a -- it's a nicer place to kind of arrive and drop 22 off. It's not such a busy environment. 23 The main entry is here at the intersection 24 of the two wings and on this ground floor terrace 25 level. Yeah, it's what you would typically see. 68</p>

<p style="text-align: right;">69</p> <p>1 There's a lot, there's lobby, there's some lounge 2 space, some social spaces for residents, some of 3 which are just, you know, furnished through living 4 room kinds of spaces. Some will be more like a 5 business center to allow access to computer 6 equipment, et cetera, maybe a little library. 7 There's an administrative suite for the 8 management team directly adjacent to the lobby. And 9 on this level, now all of this you see on this north 10 edge is all below grade. So there's no fenestration 11 available up here. So that's where we have our 12 utility spaces: electrical room, water room, 13 et cetera. 14 This facade here is all above grade and 15 all -- has access to light. So we have a fitness 16 center, a yoga, a little yoga studio. 17 The bike room is here on this level, and 18 we -- providing 23 spaces for bikes per the zoning 19 requirement. There is a direct access out. It's at 20 the end of this corridor. So folks don't have to 21 drag their bikes through the lobby. There's a -- you 22 know, through a -- probably a fob system, there's an 23 access at the end of this corridor that -- for easy 24 access into the bike room. 25 And here is the trash room internally that 69</p>	<p style="text-align: right;">71</p> <p>1 the intersection of the wings. It has to go up to 2 the top, and we're -- you know, we're dropping this 3 story down at the fourth floor. So at that point we 4 have kind of another social hub. That happens on 5 every floor. There is a laundry facility. 6 And then this, this is the way Mission 7 First likes to have, operate their facilities. 8 There's a common laundry per floor for residents to 9 use as opposed to having laundry in each unit. 10 There's a small lounge associated with that. 11 And then here at the intersection of the 12 wings, we have these slots that have large areas of 13 glass that allow some public light. And we do that 14 at the end of corridors as well. We have the 15 opportunity for natural light and public circulation 16 areas within the building. 17 Now, a lot of times you don't see that in 18 apartment buildings. And in our opinion, 19 particularly with seniors, it really helps residents 20 maintain a connection with the exterior and with the 21 community. 22 On this floor directly above that terrace 23 level, we have a large multipurpose room. It has an 24 outdoor patio that sits above the grade directly 25 adjacent. So there's no access from the patio down 71</p>
<p style="text-align: right;">70</p> <p>1 was mentioned previously. So you can see the lay-by 2 here that Mr. Goodman mentioned. Trash truck can 3 wait here, go inside, get the Dumpster, pull it out 4 by a ramp, unload, put the Dumpster back. 5 So it is as far away from neighboring -- 6 the neighboring residential neighborhood as we could 7 put it. Easy access in and out from University 8 Boulevard. 9 The housing you can see, beginning to see 10 here, is pretty straightforward in its organization. 11 It's a double-loaded corridor. It's primarily 12 one-bedroom units. There are a few stacks of twos, 13 typically at the corners, and you'll see that. But 14 they're, you know, one-bedroom, 650-ish, on average, 15 square foot apartments, one bedroom, one bath. 16 The two-bedroom units, some of which are 17 one bedroom, one and a half bath to give a little 18 extra for the use of that. 19 The elevator -- and I'll go to a typical 20 floor -- so I'm going to go to the first floor. I'm 21 on Exhibit 41F. 22 (Exhibit 41F, previously marked, was 23 introduced.) 24 So this is the floor above. And a couple 25 things to note here. The elevator bank is located at 70</p>	<p style="text-align: right;">72</p> <p>1 to the streetscape, but it sits, you know, half a 2 story or so above the streetscape, and it'll be a 3 nice environment for residents to kind of sit and 4 people watch or car watch along University Boulevard. 5 On the typical floor -- and I will go to 6 Exhibit 41G -- it just repeats, you know, it's pretty 7 straightforward, the social hub, circulation and 8 social hub at the middle. 9 (Exhibit 41G, previously marked, was 10 introduced.) 11 And then it's just the north wing and the 12 south wing. And as I mentioned, the two-bedroom 13 units that we have tend to be at the corner because 14 those are relatively easy to get -- to work with a 15 corner. It's very helpful with a two-bedroom unit. 16 Here on the third floor, this is where we 17 drop off a story, and we have a small outdoor terrace 18 here that faces the Reddie context. It's not -- you 19 know, this -- this -- it's only sized to allow, you 20 know, one or two folks at a time. 21 Really it's meant to be sort of more 22 private and contemplative and quiet time, so to 23 speak, as opposed to the -- to the patio out front, 24 which is clearly going to be much more busy in terms 25 of what happens and what's visible from there. 72</p>

<p>73</p> <p>1 (Exhibit 41H, previously marked, was 2 introduced.) 3 And then lastly, at the top of my 4 Exhibit 41H, this is where the north wing terminates. 5 This is the last story, the north wing only. And 6 here we do have an additional outdoor space, a roof 7 terrace at the top of the building. Again, that's 8 sort of directly above, at the top of the building, 9 above the community room and the patio along 10 University Boulevard. 11 That gives -- the reason for that is a 12 couple things. One, it's a little bit -- again, it's 13 more outdoor space for residents, but it also helped 14 us in terms of the massing to give that corner at the 15 entry of the property and the sort of most prominent 16 corner of the building, to give it a little bit more 17 presence. That was part of the strategy to locate 18 that terrace in that position. 19 I think -- I think that's all I wanted to 20 cover. I was going to talk a little bit about the 21 landscape plan only at the context of more outdoor 22 space for residents, but I think Mr. Goodman covered 23 that perfectly well. I don't think we need to circle 24 back to that. 25 THE HEARING EXAMINER: Quick question. 73</p>	<p>75</p> <p>1 design, compatible with the character of the 2 surrounding neighborhood? 3 A Yes. 4 Q Okay. Can you elaborate on it since 5 you've done such a good job of already saying 6 that? 7 A Sure. I think the -- what we've really 8 worked hard to do is to provide space for the desired 9 program. And it is a residential use, so that 10 generally fits in. It's a different form of 11 residential use, but it's certainly a residential 12 use. 13 We've organized the building and worked on 14 the massing to respond to the two different contexts, 15 the University Boulevard context, which is a much 16 more commercial and busy context, and step down our 17 building. 18 As we head south toward the more -- well, 19 not the more, the single-family detached neighborhood 20 of Reddie Drive, stepping down as low as three 21 stories directly adjacent. 22 Q From your expert architect's point of 23 view, is there anything about the proposed use, 24 either in terms of its design or its operation, 25 that would have an adverse effect on the peaceful 75</p>
<p>74</p> <p>1 Looking at your roof structure, so the green 2 shading, is that green for any particular reason? 3 Is there vegetation there? Or is it -- 4 THE WITNESS: Yes, it is. That's 5 intended as green roof. 6 THE HEARING EXAMINER: Okay. 7 THE WITNESS: And it's part of the 8 stormwater management system. 9 THE HEARING EXAMINER: Excellent. 10 Okay. Thank you. 11 BY MR. KLINE: 12 Q Scott, do the -- do the units in the 13 front of the building have -- on the ground floor, 14 I should say, have access to the outside? 15 A No, they do not. No, they don't. 16 Q Thank you. 17 Does that kind of complete your 18 run-through of the building itself, then? 19 A It does, and -- and -- but, of course, I'm 20 happy to answer any questions. 21 Q Sure. Well, the -- sort of putting 22 into the context of what the zoning ordinance is 23 looking for, I think you covered it. 24 But in your professional opinion, is 25 the building, because of its materials and its 74</p>	<p>76</p> <p>1 enjoyment of the surrounding neighbors, 2 surrounding properties? 3 A No. 4 Q Okay. 5 MR. KLINE: Ms. Byrne, I have no 6 further questions of Mr. Matties' very thorough 7 presentation. 8 THE HEARING EXAMINER: That's awesome. 9 Thank you. I have no questions either. It was 10 helpful about the green roof, and I appreciate the 11 characterization of moving from University 12 Boulevard to the single-family dwellings and the 13 design elements that you incorporated. 14 THE WITNESS: Thank you. 15 MR. KLINE: I'll call our next witness 16 in, Ms. Byrne. 17 THE HEARING EXAMINER: Okay, thank 18 you. 19 MR. KLINE: Ms. White, would you 20 please introduce yourself and give us your name 21 and address. 22 THE WITNESS: Hi, yes. Good morning. 23 My name is Nicole White. I am founding principal 24 of Symmetra Design. I'm a traffic engineer, a 25 licensed professional engineer, and a professional 76</p>

<p>77</p> <p>1 traffic operations engineer. 2 Our office is located at 727 15th 3 Street Northwest, Washington, D.C. 4 THE HEARING EXAMINER: And, Ms. White, 5 if you wouldn't mind, please raise your right 6 hand. 7 Do you promise to tell the truth, the 8 whole truth, and nothing but the truth? 9 THE WITNESS: I do. 10 THE HEARING EXAMINER: Thank you very 11 much. 12 And, Mr. Matties, if you could stop 13 sharing screen, and then Ms. White, I think, 14 should -- and then, Ms. White, if -- up to you, if 15 you would like to use your exhibits or if you'd 16 like me to pull them up. 17 THE WITNESS: I don't have a -- 18 anything to share. I mean -- 19 THE HEARING EXAMINER: All right. 20 Well, then -- 21 THE WITNESS: -- unless it comes up 22 that you have a question, I can -- 23 THE HEARING EXAMINER: That is 24 perfectly fine. 25 THE WITNESS: I'm pretty brief today, 77</p>	<p>79</p> <p>1 Local Area Transportation Review Guidelines. The 2 study exemption outlined the morning and evening peak 3 hour vehicle trips and person trips. 4 Vehicle trips were calculated using the 5 Institute of Transportation Engineers Trip Generation 6 Manual. Person trips were calculated using the 7 Wheaton CBD policy area auto mode split factor. 8 The independent living facility for 9 seniors is projected to generate fewer than 50 peak 10 hour person trips; therefore, only a transportation 11 study exemption statement was required. 12 THE HEARING EXAMINER: And I'm going 13 to accept Ms. White as an expert. 14 THE WITNESS: Oh, thank you. 15 MR. KLINE: Thank you. 16 THE WITNESS: We've jumped ahead a 17 little. 18 THE HEARING EXAMINER: I know you were 19 waiting -- I know you were waiting with bated 20 breath for me to say it, so there we go. 21 THE WITNESS: Absolutely. 22 MR. KLINE: Well, she did sound like 23 she knew what she was talking about, didn't she? 24 THE HEARING EXAMINER: She sure did. 25 Okay, continue. 79</p>
<p>78</p> <p>1 I think. 2 THE HEARING EXAMINER: All right, 3 sounds good. 4 MR. KLINE: Ms. White's résumé is part 5 of our pre-hearing statement. 6 EXAMINATION BY COUNSEL FOR THE APPLICANT 7 BY MR. KLINE: 8 Q Ms. White, I'll make it easy. Have 9 you ever qualified as an expert in traffic 10 engineering and transportation planning before the 11 hearing examiner in Montgomery County? 12 A Yes, I have. 13 Q How recently? 14 A Most recently on April 22nd with the 15 Audubon Naturalist Society case. 16 Q A case heard by Ms. Robeson Hannon? 17 A Yes, that's correct. 18 Q That's correct? Very good. 19 Ms. White, you know how I do this; I 20 just get out of your way. So would you please -- 21 you've prepared a traffic statement that's in the 22 record. Would you please explain your methodology 23 and your findings and conclusions. 24 A Absolutely. So we prepared a 25 transportation study exemption in accordance with 78</p>	<p>80</p> <p>1 BY MR. KLINE: 2 Q Well, yeah, and why don't you just 3 explain the significance of that, what the LATR 4 Guidelines tell us and why we have that 50 number. 5 A Sure. The LATR guidelines outline 50 peak 6 hour person trips as the threshold for requiring a 7 full traffic impact study, and we were -- let's see. 8 We were at -- for person trips for the a.m. peak 9 hour, we were at 28; and for the p.m. peak hour, we 10 were at 39. 11 So we submitted a transportation study 12 exemption since it was minimal trips. 13 Q In your professional opinion, then, is 14 the transportation network surrounding the 15 property adequate to accommodate the trips that 16 would be generated by the senior housing project? 17 A Yes, it is. The proposed use will 18 generate very little vehicular traffic. 19 Q You're familiar with the condition 20 that the Planning Board recommended adding in 21 about the turning movements. Would you explain to 22 the hearing examiner why that's been put in there? 23 And maybe we -- it would help if we could have 24 the -- see the conditional site plan exhibit, 25 which I think was 35C. 80</p>

<p>81</p> <p>1 THE HEARING EXAMINER: I'll share 2 that. It may be easier. 3 MR. KLINE: Thank you, thank you. 4 A Sure. Mr. Goodman went over the existing 5 circulation plan during his presentation and talked 6 about currently it at Reddie Drive -- across from 7 Reddie Drive there is -- egress is restricted. 8 Moving forward, the site access would 9 accommodate inbound from a left turn inbound and a 10 right turn inbound, and it would allow for a right 11 turn outbound. 12 After staff coordinated with the State 13 Highway, State Highway wanted to restrict left turns 14 out in order to accommodate safe operations. And so 15 there is a condition to install a sign that would 16 restrict left turns out of the site. 17 Q Ms. White, the exhibit we got out 18 there doesn't show as well as I thought it was 19 going to, but would you explain kind of the angle 20 of Reddie Drive on the east side of University 21 Boulevard that makes it kind of complicated as to 22 how all the movements should occur? 23 THE HEARING EXAMINER: Would you like 24 me to pull the circulation plan up? Would that be 25 helpful? 81</p>	<p>83</p> <p>1 shown on this exhibit? 2 A Yeah, we don't have any concern with 3 circulation at all. So I think it was well 4 described, and there's no adverse impact there. 5 Q So using the Zoning Ordinance 6 language, it's safe, adequate, and efficient in 7 your professional opinion? 8 A Yes, it is. 9 MR. KLINE: I don't believe that I 10 have any other questions for Ms. White. 11 THE HEARING EXAMINER: Okay. Very 12 helpful, Ms. White. Thank you for explaining -- 13 actually giving me the number of trips, and you 14 explained how and why you went through the 15 exemption. Circulation plan is very 16 straightforward. Understand there will be no left 17 turn. So, good to know. 18 THE WITNESS: Thank you very much. 19 THE HEARING EXAMINER: Thank you. 20 MR. KLINE: Ms. Byrne, that does 21 complete what I would say is the applicant's case 22 in chief. But as I said, there is still an 23 important element to hear from the synagogue. 24 So I guess I will step back and let 25 Mr. Bleiweis join us and share with you his 83</p>
<p>82</p> <p>1 MR. KLINE: That would be great. 2 THE HEARING EXAMINER: Okay, I think I 3 have that. 4 MR. KLINE: Because that's -- yeah. 5 THE HEARING EXAMINER: Let's see. 6 Share screen again. There we go. Can you guys 7 see this one? 8 MR. KLINE: There we go. Yeah. 9 A It is -- maybe I have slow Wi-Fi. It's 10 slow to load. Okay, there we go. Perfect. 11 And so you can't see across the street as 12 much, but State Highway did not have as much of a 13 concern with alignment; however, the intersection, 14 when we heard it was a pedestrian signal and there is 15 no signal head controlling on the outbound movement 16 for the driveway. It does control Reddie Drive. 17 And so, therefore, since there is no 18 signal head to control any left turn movement, then 19 it would be restricted to right turn only. 20 THE HEARING EXAMINER: Okay. 21 MR. KLINE: Well, and thanks for 22 bringing these up, Ms. Byrne, because it allows me 23 to ask a question of Ms. White. 24 Q Have you had a chance to study the 25 circulation as described by Mr. Goodman and as 82</p>	<p>84</p> <p>1 perspective on all this. 2 THE HEARING EXAMINER: Sounds good. 3 Hello, Mr. Bleiweis. 4 MR. BLEIWEIS: Hello. Can you -- you 5 can see me all right? 6 THE HEARING EXAMINER: I can. I can 7 see you just fine. And if you don't mind, just 8 because I'm going to swear you in, and you're -- 9 essentially you're providing information to the 10 hearing officer, so we're going to go ahead and 11 swear you in. 12 Could you raise your right hand for 13 me. 14 MR. BLEIWEIS: Not a problem. 15 THE HEARING EXAMINER: Do you promise 16 to tell the truth, the whole truth, and nothing 17 but the truth? 18 MR. BLEIWEIS: Absolutely, I do. 19 THE HEARING EXAMINER: Awesome. Thank 20 you. 21 So what can you tell me? 22 MR. BLEIWEIS: Well, as I said, I'm 23 currently serving as the president of Har 24 Tzeon-Agudath Achim, and I just wanted to thank 25 you for the opportunity to speak with you today. 84</p>

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22 (85 to 88)

<p>85</p> <p>1 And I want to tell you about, from our 2 perspective, why we've joined with Mission First 3 and are very proud to be part of this effort to 4 bring affordable senior housing to the 5 Wheaton/Silver Spring area. 6 Let me say at the outset that what 7 started for us as a commercial venture quickly 8 became, to us, a win-win-win, which included a win 9 for the Wheaton/Silver Spring community and the 10 local Jewish community. 11 I won't repeat what Mission First and 12 all the expert folks have said before about the 13 benefits of the project, but I want to talk with 14 you about what it means to HTAA and how we know it 15 will benefit others. 16 I don't have to tell you about the 17 lack of senior affordable housing. And the 18 creation of housing is a primary goal for 19 Montgomery County and -- but please note that our 20 property is in Wheaton and adjacent to Kemp Mill, 21 which is home of the largest concentration of 22 traditionally observant Jews in the metro area. 23 Yet there's no affordable senior 24 housing available to this community, which 25 requires Jewish resources such as supermarkets and</p> <p>85</p>	<p>87</p> <p>1 allowed constant access to all of our neighbors 2 through its property. It's a great shortcut for 3 people going to the metro and connecting to the 4 trails leading into Wheaton Regional Park. 5 But sadly, in the last few years, 6 we've had to chain off our gate because of the 7 alarming rise in anti-Semitic incidents. We were 8 told to do so by the county police and the 9 national Secure Jewish network. 10 It's been a problem for all of us and 11 the entire community, which now will be remedied 12 through the design of this new pedestrian path 13 that was explained in this presentation. It will 14 be safe and convenient for everyone. And we want 15 to thank Mission First and the Park and Planning 16 staff for making this happen. 17 So as this project is completed, the 18 members of HTAA look forward to sharing resources 19 and life events with our new neighbors and to be 20 able to continue to serve the larger community as 21 we have since 1955. 22 Thank you very much. 23 THE HEARING EXAMINER: Thank you, Mr. 24 Bleiweis. 25 MR. KLINE: Might I ask a question,</p> <p>87</p>
<p>86</p> <p>1 synagogues in close proximity to their homes. 2 So currently as people age, they must 3 leave the community and the Jewish institutions 4 located in the community. HTAA has already had 5 inquiries from members of this community on how 6 they can apply for an apartment here. 7 On an environmental note, our 8 synagogue was started almost 70 years ago when 9 there were far fewer environmental constraints 10 having to do with stormwater management then, and 11 we are aware that our current systems aren't 12 environmentally friendly. 13 It's no urban legend that a stream 14 runs underground very close to our property, the 15 Wheaton branch, and the stream runs into Sligo 16 Creek. And Mission First will be upgrading all 17 the stormwater concerns on our property as they 18 build their project. 19 And this is a clear benefit for the 20 surrounding community and a watershed that has 21 been targeted by the county for immediate help. 22 Finally, I know that all of us are 23 aware of the new walkway that will be built from 24 Reddie Drive to our property. And HTAA has tried 25 to be a good neighbor since the 1950s and has</p> <p>86</p>	<p>88</p> <p>1 please? May I ask a question, Ms. Byrne? 2 THE HEARING EXAMINER: Yes, 3 absolutely. 4 MR. KLINE: Mr. Bleiweis, I'd like to 5 take advantage of your experience. You heard me 6 talk about the parking calculations and in 7 particular the one related to the credit or the 8 discount that's allowed, which the Zoning 9 Ordinance language is for religious -- place of 10 religious assembly. 11 The hearing examiner can approve a 12 parking rate of 0.125 per fixed seat for religious 13 assembly used by a congregation whose religious 14 beliefs prohibit the use of motor vehicles in 15 traveling to and from religious services conducted 16 on their Sabbath and principal holidays. 17 And I'm not -- I don't feel I did a 18 very good job of giving the hearing examiner 19 enough evidence as to why your congregation fits 20 in that category. So could you help us understand 21 basically what are the commuting features of your 22 parishioners. 23 MR. BLEIWEIS: Well, we are a 24 conservative synagogue, and some of our members 25 drive to services, but some of our members walk to</p> <p>88</p>

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23 (89 to 92)

<p>89</p> <p>1 services also.</p> <p>2 And, you know, I don't have an exact</p> <p>3 amount or percentage, but I would say, you know,</p> <p>4 probably a third to a half of our folks walk and</p> <p>5 live in the -- they live in the neighborhoods</p> <p>6 across University Boulevard, and some live in Kemp</p> <p>7 Mill and actually walk through the woods over</p> <p>8 there.</p> <p>9 We have -- we've had a declining</p> <p>10 membership over the years in our synagogue.</p> <p>11 Currently we have 150 members. And on a typical</p> <p>12 Saturday, you know, we have services really,</p> <p>13 really on Saturday, for the most part.</p> <p>14 We did have services, small services,</p> <p>15 during the week and in the evenings. But since</p> <p>16 Zoom, since COVID, we -- you know, we've been</p> <p>17 doing those over Zoom. And we started last year</p> <p>18 to resume Saturday services in person as well as</p> <p>19 Zoom.</p> <p>20 On a typical Saturday, we may have 50</p> <p>21 to 75 people there. Of that, as I say, maybe a</p> <p>22 third walk. And then, you know, so of the -- of</p> <p>23 the rest, there's, you know, usually -- usually</p> <p>24 couples. So there's not -- not all that many cars</p> <p>25 coming. 89</p>	<p>91</p> <p>1 you know, both ways, if need be.</p> <p>2 So I think we're good in that regard.</p> <p>3 MR. KLINE: Well, thank you, because</p> <p>4 that was the evidence that the hearing examiner is</p> <p>5 specifically directed to make a conclusion on; and</p> <p>6 I didn't feel I'd given her enough background, so</p> <p>7 that's very helpful. Thank you.</p> <p>8 MR. BLEIWEIS: Okay.</p> <p>9 THE HEARING EXAMINER: You gave me the</p> <p>10 practical application of the code. That's great.</p> <p>11 MR. KLINE: Yeah, right.</p> <p>12 THE HEARING EXAMINER: Excellent.</p> <p>13 One -- I have one quick question for you,</p> <p>14 Mr. Bleiweis. The current food -- is the food</p> <p>15 bank currently operating on the property, or is it</p> <p>16 no --</p> <p>17 MR. BLEIWEIS: You know, I think they</p> <p>18 are, but they're leaving very soon.</p> <p>19 THE HEARING EXAMINER: Okay. That</p> <p>20 was -- that was my next question.</p> <p>21 MR. BLEIWEIS: Within a couple of</p> <p>22 months. If they're still there, then it's not for</p> <p>23 much longer. They have -- they found alternate</p> <p>24 space, and they're transitioning away.</p> <p>25 THE HEARING EXAMINER: So it's a 91</p>
<p>90</p> <p>1 Our peak attendance is during the</p> <p>2 Jewish High Holidays, which are typically -- like</p> <p>3 now we're in the middle of the Jewish New Year,</p> <p>4 which was the beginning of the week, and then Yom</p> <p>5 Kippur. Those are where we have the highest</p> <p>6 attendance ever, you know, for the year.</p> <p>7 And even there, these days not -- not</p> <p>8 many -- not -- the whole -- the whole membership</p> <p>9 does not show up. Particularly since we started</p> <p>10 using Zoom, I think, you know, more and more</p> <p>11 people just stay home and Zoom into the services.</p> <p>12 So we don't anticipate any problem at</p> <p>13 all with parking at this point.</p> <p>14 MR. KLINE: And that was the punch</p> <p>15 line I wanted to get to; that knowing you're going</p> <p>16 to be sharing parking with the people living in a</p> <p>17 building who aren't going to be maybe moving</p> <p>18 around as much, you still feel there's adequate</p> <p>19 parking to accommodate both of your demands?</p> <p>20 MR. BLEIWEIS: Yes, yes. I believe</p> <p>21 there will be. And as we had talked about with</p> <p>22 Mission First, there's a -- and I think you</p> <p>23 mentioned earlier, there's going to be a joint --</p> <p>24 a parking agreement written that will allow for us</p> <p>25 to share, you know, share unused parking, both -- 90</p>	<p>92</p> <p>1 tenanted space, then?</p> <p>2 MR. BLEIWEIS: I'm sorry?</p> <p>3 THE HEARING EXAMINER: They were</p> <p>4 acting as a tenant; it wasn't an offshoot of -- of</p> <p>5 the existing operation that you have there with</p> <p>6 the synagogue.</p> <p>7 MR. BLEIWEIS: That's correct, they</p> <p>8 were tenants.</p> <p>9 THE HEARING EXAMINER: Okay.</p> <p>10 MR. BLEIWEIS: Tenants on the</p> <p>11 property. And they -- but when we, you know, told</p> <p>12 them that the property is going to be sold, they</p> <p>13 looked for and found other space. They're just</p> <p>14 waiting for it to be ready.</p> <p>15 THE HEARING EXAMINER: Okay.</p> <p>16 Excellent. Thank you. That was the only question</p> <p>17 I had necessarily about the current conditions and</p> <p>18 operation.</p> <p>19 MR. BLEIWEIS: Okay, great. Thank</p> <p>20 you.</p> <p>21 THE HEARING EXAMINER: Thank you.</p> <p>22 Mr. Kline, do you have anything else</p> <p>23 for Mr. Bleiweis?</p> <p>24 MR. KLINE: No, and that -- I believe</p> <p>25 that completes our joint presentation to you. 92</p>

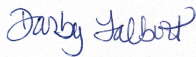
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<p>93</p> <p>1 Normally I'm in a position where the 2 hearing examiner at this point in time or your 3 colleague, the director, he's usually told me 4 several things that she wanted that I didn't 5 provide. 6 So I'll -- I'll -- if you -- there's 7 anything you feel you still need, this is the 8 opportunity for you to tell me what that is so I 9 get it in to you before the record closes. 10 THE HEARING EXAMINER: No, I think 11 we're good. I did have the questions about 12 subdivision, which you answered. I reviewed -- 13 took -- I mean, this is a pretty ideal site for 14 you in that there's not a lot of crazy 15 configuration with setbacks, there's, yeah, 16 nothing -- nothing jumped out at me, particularly 17 when we got the fire analysis and we have -- FHA 18 has already done the review. 19 It's clearly that the trips are under 20 50s. You know, we've identified -- I haven't 21 heard anything from opposition; we've only gotten 22 support. 23 So based on what I have from staff and 24 based on what you submitted, particularly with the 25 amended statement of justification, I can't think 93</p>	<p>95</p> <p>1 oh, I do need to tell you. So we will have a 2 transcript, and the transcript will be provided in 3 about 10 days. So the record will remain open for 4 the next 10 days. 5 Upon the completion of me receiving 6 the transcripts, we have 30 days in order to issue 7 the written decision. Let me make sure -- let me 8 pull my cheat sheet back up, make sure I'm not 9 forgetting to tell you guys anything. 10 So right now testimony is closed. A 11 decision will be rendered within 30 days of when 12 the record is finally closed. 13 So essentially you'll have something 14 for me within 40 days from now. 15 All right. And if there's no further 16 questions, everyone, again, have a great day. 17 MR. KLINE: Thank you very much. 18 (Off the record at 11:17 a.m.) 19 20 21 22 23 24 25 95</p>
<p>94</p> <p>1 of anything else to ask you for. 2 MR. KLINE: I like Mr. Bleiweis's 3 phrase of win-win-win. It's not often we can 4 bring something that nice to you. But in this 5 case, it's achievable. 6 THE HEARING EXAMINER: I appreciate 7 it. 8 MR. KLINE: Great. 9 THE HEARING EXAMINER: All right. 10 Well, if -- if there's -- would you like any kind 11 of close or anything else you'd like to say before 12 we wrap up? 13 MR. KLINE: No, I think everything was 14 pretty straightforward. The flow of the evidence 15 was both complete and smooth. And even the -- 16 even the exhibits all worked out very nicely. 17 So, no, I have nothing to add, and 18 that completes our presentation. 19 THE HEARING EXAMINER: Sounds good. 20 Thank you very much. 21 Well, I appreciate everyone's time 22 today, appreciate the thoroughness of the 23 examination, and I hope you all have a wonderful 24 day. 25 That concludes our hearing. And -- 94</p>	<p>96</p> <p>1 CERTIFICATE OF COURT REPORTER 2 I, Joe Lorete, the officer before whom 3 the foregoing proceedings were taken, do hereby 4 certify that said proceedings were electronically 5 recorded by me; and that I am neither counsel for, 6 related to, nor employed by any of the parties to 7 this case and have no interest, financial or 8 otherwise, in its outcome. 9 10 11 <i>Joe Lorete</i> 12 _____ 13 Joe Lorete, Court Reporter 14 15 16 17 18 19 20 21 22 23 24 25 96</p>

CERTIFICATE OF TRANSCRIBER

I, Darby Talbott, do hereby certify
that the foregoing transcript is a true and
correct record of the recorded proceedings; that
said proceedings were transcribed to the best of
my ability from the audio recording and supporting
information; and that I am neither counsel for,
related to, nor employed by any of the parties to
this case and have no interest, financial or
otherwise, in its outcome.



Darby Talbott

October 10, 2022

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