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Transcript of Hearing

Date: May 2, 2023

Case: Bullis School; In Re: (S-687-H)

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<p style="text-align: right;">5</p> <p>(Admitted prior to hearing unless noted)</p> <p>1 NUMBER DESCRIPTION ID/ADMIT</p> <p>2 38 Special Exception site plan</p> <p>3 39 Circulation Plan</p> <p>4 40 Fire Access Plan</p> <p>5 41 Landscape plan</p> <p>6 42 Landscape details</p> <p>7 43 Lighting Plan</p> <p>8 44 Lighting details</p> <p>9 45 Parking Exhibit</p> <p>10 46 Parking Exhibit Master Plan</p> <p>11 47 Level 0 floor plan</p> <p>12 48 Level 1 floor plan</p> <p>13 49 Level 2 floor plan</p> <p>14 50 Building elevations NW</p> <p>15 51 Building elevations SE</p> <p>16 52 Lower school rendering Plan Vies</p> <p>17 53 Lower school rendering view - Loop Rd N</p> <p>18 54 Lower school rendering view from playground</p> <p>19 55 Forest conservation plan</p> <p>20 56 Tree variance justification</p> <p>21 57 Approved SWM Concept plan</p> <p>22 58 SWM Concept letter Approved</p> <p>Notice of hearing and motion to amend</p> <p>24 E X H I B I T S</p> <p>25 (Admitted prior to hearing unless noted)</p>	<p style="text-align: right;">7</p> <p>1 the case -- this is a public hearing in the matter of the</p> <p>2 Board of Appeals case number S6878, the application of</p> <p>3 Bullis school to modify an existing special exception for --</p> <p>4 sorry -- a private educational institution located at 10601</p> <p>5 Falls Road, Potomac, Maryland. My name is Lynn Hannan. I'm</p> <p>6 the Hearing Examiner in this case, which means that I will</p> <p>7 listen to you today, take evidence, and make a</p> <p>8 recommendation to the Board of Appeals on whether this</p> <p>9 modification should be granted. If you disagree with my</p> <p>10 recommendation you may request oral argument before the</p> <p>11 Board of Appeals within 10 days after my decision is issued.</p> <p>12 Okay. Ms. Cho, I think you already identified yourself</p> <p>13 for the record. Is there anyone here -- oh, before -- is</p> <p>14 there anyone here that is not going to be called by Ms. Cho</p> <p>15 that has been --</p> <p>16 MS. BHATIA: Yeah, I think I am. Nobody called me.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: Okay. And what is</p> <p>18 your name?</p> <p>19 MS. BHATIA: My name is Kiran Bhatia.</p> <p>20 HEARING EXAMINER ROBESON HANNAN: Okay. Anyone else</p> <p>21 that is not going to be called by Ms. Cho. Go ahead.</p> <p>22 MS. LU: I'm not sure whether I'll be called or not.</p> <p>23 But my name is Mei Lu. I'm the owner of 10505 Democracy</p> <p>24 Boulevard.</p> <p>25 HEARING EXAMINER ROBESON HANNAN: Okay. When I say not</p>
<p style="text-align: right;">6</p> <p>1 NUMBER DESCRIPTION ID/ADMIT</p> <p>2 60 Landscape lighting review staff comments</p> <p>3 61 Application pre hearing statement</p> <p>4 62 Technical staff report</p> <p>5 63 Planning Board Transmittal Letter</p> <p>6 64 Email from LRH Headlights</p> <p>7 65 Affidavit of Posting 13/X</p> <p>8 66 2004 campus master plan 72/75</p> <p>9 67 View of loop road 109/X</p> <p>10 Exhibit List S-687 Bullis school Major Modification</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 R O C E E D I N G S</p> <p>25 HEARING EXAMINER ROBESON HANNAN: Okay. I am calling</p>	<p style="text-align: right;">8</p> <p>1 called by Ms. Cho, that means you're not with the Applicant</p> <p>2 team, if you have concerns about it. Is there any -- about</p> <p>3 the application. Is there anyone else here that --</p> <p>4 MR. CHIANG: Hi. My name is Lee Chiang. I'm the</p> <p>5 resident at 10517 Democracy Boulevard.</p> <p>6 HEARING EXAMINER ROBESON HANNAN: Okay. Anyone else?</p> <p>7 MR. AMILJAZIL: Yes, please. Do you hear me?</p> <p>8 HEARING EXAMINER ROBESON HANNAN: Yes, I can.</p> <p>9 MR. AMILJAZIL: My name is Amir Amiljazar. I'm in</p> <p>10 10513 Democracy Boulevard.</p> <p>11 HEARING EXAMINER ROBESON HANNAN: Okay. Anyone else?</p> <p>12 MS. HILLMAN: Yes. Hi. This is Becky Helman. I'm at</p> <p>13 10842 Nantucket Terrace behind Bullis.</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Okay. Anyone else?</p> <p>15 MR. FRIEND: My name is Alan Friends. I'm at 10509</p> <p>16 Democracy Boulevard.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: Thank you.</p> <p>18 COURT REPORTER: I'm sorry to interrupt. I'm getting</p> <p>19 some feedback.</p> <p>20 HEARING EXAMINER ROBESON HANNAN: Now I'm getting</p> <p>21 feedback. Can somebody make sure that all their background</p> <p>22 noises are either muted or you don't have another iPhone or</p> <p>23 something going at the same time. That's much better.</p> <p>24 Okay. Anyone else? Okay. I see some that don't look like</p> <p>25 they're with the Applicant, but we can proceed with what we</p>

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3 (9 to 12)

<p>9</p> <p>1 have for now. There's a couple of things about Teams 2 meetings that I just want to say up front. One is you have 3 to turn your camera on. Okay. So I see one person that's a 4 blur. You don't have to do it now, only when you testify. 5 So you're going to have to turn your camera on when you want 6 to say something. 7 MS. LEE-CHO: I'm sorry Ms. Hannan, did you say turn 8 your camera on or off? 9 HEARING EXAMINER ROBESON HANNAN: When you testify, you 10 should turn your camera -- you must turn your camera on. 11 MS. LEE-CHO: On. 12 HEARING EXAMINER ROBESON HANNAN: Okay. Two, for 13 Microsoft -- we're almost there with hybrid hearings soon, 14 but we're not there yet. So for the Microsoft Teams hearing 15 we ask that you not interrupt someone else unless you have 16 an objection to their testimony. And this is because the 17 court reporter has difficulty understanding what people are 18 saying when there are a lot of -- two people or however many 19 people talking at once. So pardon me. So you should -- you 20 can -- at the top of your screen you'll see a raise your 21 hand button. When you click that I will see it and you can 22 wait to be recognized. 23 The other thing is, please do not use the chat. We're 24 not allowed to have ex parte communications and I can't 25 monitor what's going on on the chat. So do not use it.</p>	<p>11</p> <p>1 it comes to your case. 2 The Applicant goes first and then the citizens goes 3 first and then the Applicant has rebuttal. Approval is 4 based on the criteria set forth in the zoning ordinance. So 5 direct your testimony to that because I may exclude 6 irrelevant, repetitive, and unreliable testimony and 7 evidence. So keep to the standards. And the standards of 8 the zoning ordinance all repeated in the staff report. 9 So with that, Ms. Cho, do you have -- and one other -- 10 I am pretty ill and I'm going to take this hearing as long 11 as I can so we don't hold anybody up. But I'm going to ask 12 the Applicant to -- I have read the staff report. I've read 13 the entire record. Not to go into extraneous testimony. If 14 you disagree with something on the staff report that's fine. 15 COURT REPORTER: Mr. Liu, can you please mute your mic? 16 MR. LIU: Yeah, I can do that. 17 HEARING EXAMINER ROBESON HANNAN: Thank you. Okay. So 18 we're going to proceed to Ms. Cho, your opening statements. 19 MS. LEE-CHO: Can we ask Mr. Liu to mute possibly? 20 There's feedback. Okay, perfect. 21 HEARING EXAMINER ROBESON HANNAN: There is a button at 22 the top of the page that says mic. 23 MS. LEE-CHO: I think he's good, yeah. 24 HEARING EXAMINER ROBESON HANNAN: Okay. 25 MS. LEE-CHO: Ms. Hannan, before I begin with the</p>
<p>10</p> <p>1 It's not part of the record and I don't want to see anything 2 that I'm not supposed to see. Okay. 3 You'll see that -- at the top of the screen you'll see 4 that this hearing is being recorded. The official 5 transcript is -- it's recorded verbatim anyway by the court 6 reporter. But we do a backup on Teams in case something 7 gets garbled. So that's why it's being recorded. And Teams 8 interacts best with Microsoft Edge or Chrome. It may not 9 perform well with Safari. So if you have a second browser 10 you may want to switch it up. Okay. 11 Now the order of proceeding is these hearings are 12 informal, but they do have certain formalities. Your 13 testimony is under oath and subject to cross-examination. 14 And there's an order of proceedings which are opening 15 statements, the Applicant's opening statements and if anyone 16 else -- but opening statements are not your turn to testify. 17 They're supposed to be just what you're going to prove. So 18 it's not an opportunity to testify. 19 So anybody's opening statement, the Applicant's case in 20 chief, each witnesses can be cross-examined by anybody who 21 is present, the opposition's case in chief, and again 22 anybody can be cross-examined. And then anybody -- or both 23 sides can do a closing statement. Cross-examination is your 24 opportunity only to ask questions about a witness testimony. 25 It is not your turn to testify. You will get a chance when</p>	<p>12</p> <p>1 opening statement, if we could -- if I could get some 2 clarification, a point of order on the order presentation 3 and the process. You indicated that opposition will have an 4 opportunity to cross-examine any of the Applicant witnesses. 5 I wonder if there is going to be a single representative on 6 behalf of the opposition or are you suggesting that any 7 individual who might be in opposition will be able to cross- 8 examine all of our witnesses. 9 HEARING EXAMINER ROBESON HANNAN: Well, is anyone here 10 willing to be kind of the spokesperson for the -- those in 11 opposition? Let's take it as it comes. And again, your 12 questions -- when you cross-examine, your questions have to 13 relate just to testimony. We also have a problem with -- 14 there used to be a thing with spokespersons, but there's 15 problems with -- now, or maybe they were always there, with 16 unauthorized practice. But we will try and keep your 17 questions pertinent to the testimony. And again, it's only 18 a time for questions, not a time to testify. 19 MS. LEE-CHO: And then in addition, I just wanted to 20 clarify, we do have individuals who have signed on that are 21 not going to be called by the Applicant, but they are with 22 the Applicant. In other words, they are representatives of 23 the school that are just monitoring or watching the 24 proceedings. Do you need everybody identified for the 25 record? And I noticed that there are a couple of phone</p>

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<p style="text-align: right;">13</p> <p>1 numbers, individuals who have joined by phone number that I 2 cannot recognize or I'm not sure who they are. 3 HEARING EXAMINER ROBESON HANNAN: No. Now I will say 4 when you testify, please -- everybody, please state your 5 name, street address, business, their street address and 6 email for the record because that gives us the opportunity 7 to get you notices much, much more quickly. So I will say 8 that. So let's go ahead. Ms. Cho, do you have an opening 9 statement? 10 MS. LEE-CHO: I do. And one last point of procedure. 11 I emailed the affidavit of posting. 12 HEARING EXAMINER ROBESON HANNAN: I saw that. 13 MS. LEE-CHO: So that needs to be marked as an exhibit 14 and entered. All right. 15 HEARING EXAMINER ROBESON HANNAN: Well wait just a 16 second. That will be Exhibit 65. 17 MS. LEE-CHO: All right. Then I will begin. Just 18 again for the record, Soo Lee-Cho with the law firm of 19 Bregman, Berbert, Schwartz, & Gilday. I'm a land-use 20 counsel on behalf of the Applicant, the Bullis school. I 21 would just provide a very brief overview of the modification 22 request just for those in attendance. I understand Ms. 23 Hannan that you read all of the materials, but I think it's 24 a very quick summary of why we are here would be helpful. 25 The school has been on this campus site since 1963.</p>	<p style="text-align: right;">15</p> <p>1 students in that level to not have their own designated 2 building. Their classes are accommodated in different 3 existing buildings on campus. And so this application seeks 4 to create a new lower school, a separate building for that 5 class of students. 6 You will see the updated 2023 campus master plan that 7 shows the siting of the school. In addition there are 8 associated improvements with the school that facilitate 9 circulation to the new building, fire access, complies with 10 fire access requirements and playfield -- relocates a 11 playground and -- but continues to utilize the existing 12 practice field as a playfield for -- primarily for the lower 13 school. We would seek to convert that playfield into a turf 14 field for just long-term maintenance and sustainability. 15 HEARING EXAMINER ROBESON HANNAN: Artificial turf? 16 MS. LEE-CHO: Artificial turf, correct. In addition, 17 operationally we're seeking an increase in the student 18 enrollment number from 900 to 1096. That's a 196 student 19 enrollment increase from the current approval of 900. 20 That's primarily for additional students within the lower 21 school. However, there are additional increases that will 22 be spread throughout the grade levels. Associated with that 23 enrollment increase were seeking a proportional increase in 24 staffing, faculty and staff from 223 to 272 to accommodate 25 the additional student population.</p>
<p style="text-align: right;">14</p> <p>1 That's when the school first acquired the Potomac property 2 and established a private educational institution. The last 3 major modification that the school underwent occurred in 4 2004 at which point the enrollment was increased from 600 to 5 900 and a number of facility improvements were proposed and 6 that was intended to serve as a long-term campus master plan 7 for the growth of the school. 8 Since 2004 there have been a number of administrative 9 modifications to adjust various elements of that campus 10 master plan that was deemed by the Board of Appeals not to 11 be intensifications of the original 2004 approval and so 12 were approved by administrative modification. We are here 13 today to present a new campus master plan, which we will be 14 calling in the record, the 2023 campus master plan. It 15 seeks to bring current all of the administrative 16 modifications that have occurred since the 2004 major 17 modification to accurately reflect on that campus -- on the 18 campus master plan what is existing today on the campus as 19 well as the approved -- previously approved but unbuilt 20 improvements that the school continues to desire to retain 21 as part of its long-term facilities buildout, but then also 22 proposes several new elements. 23 The main -- the main element being a new lower school 24 facility. The school is a K-12 private school. And so they 25 do have an existing lower school level, grade level, but the</p>	<p style="text-align: right;">16</p> <p>1 And then one other physical change that we're seeking 2 is just the ability to provide an enclosure over some 3 existing tennis courts that are currently outdoor and open 4 to the area. The school currently has a tennis bubble 5 adjacent to those open courts. And we're just seeking a 6 similar secondary inflatable tennis bubble over those tennis 7 courts. 8 And then finally just as I said, the 2023 campus master 9 plan in this application seeks to just update and that's all 10 of the previous existing approvals and operations. 11 Predominately the operations will just stay the same. There 12 is no real substantive change, but we just wanted to make 13 the record complete and bring all of those forward with this 14 application. So that is a general summary of why we are 15 here today. 16 The order of presentation that I have, we will begin 17 with the head of school, Mr. Christian Sullivan and then 18 proceed with our expert witnesses. Of the expert witnesses 19 I'll have the architect first testify on the lower school 20 building, Neil Murray. And then we'll proceed with Patrick 21 La Vay of Macris, Hendrix, Glascock, our civil engineer and 22 land planner. Then we'll proceed with the traffic 23 engineers, Chris Kabatt and Nancy Randall of Walden 24 Associates. So with that I would like to call Mr. Christian 25 Sullivan.</p>

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<p>17</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Mr. Sullivan, please 2 raise your right hand. 3 Do you solemnly affirm under penalties of perjury that 4 the statements you're about to make are the truth, the whole 5 truth, and nothing but the truth? 6 HEARING EXAMINER ROBESON HANNAN: Go ahead, Ms. Cho. 7 MS. LEE-CHO: Wonderful. Mr. Sullivan, can you please 8 state your address and official title? 9 MR. SULLIVAN: Yes. 10 HEARING EXAMINER ROBESON HANNAN: And email. 11 MS. LEE-CHO: Oh, and email, yes. 12 MR. SULLIVAN: Christian Sullivan, 10611 Falls Road. I 13 actually live on the campus of the school. I'm the head of 14 school. And my email address is 15 Christian_Sullivan@Bullis.org. 16 MS. LEE-CHO: Great. And how long have you served as 17 the head of school? 18 MR. SULLIVAN: Actually first before I answer that 19 question I would just like to thank Ms. Hannan, the staff, 20 the planning commission for processing and hearing our 21 application. I would also like to thank our expert 22 witnesses and those neighbors that have joined this morning 23 to both advocate for our project and those neighbors who 24 have joined to voice concerns. 25 It's been my experience as head at other schools that</p>	<p>19</p> <p>1 to accept just the most academic students, but enroll 2 students that bring a broad range of gifts to the school. 3 We aim to be holistic. We value the fine arts, 4 athletics, and other co-curricular activities, but we do 5 prioritize academic and intellectual life. That is however 6 though, without being a pressure cooker. We truly value the 7 wellness of our students and faculty. We have a very 8 developed health program. We have five counselors to 9 support our students and families. But at the same time we 10 endeavor to gain extraordinary results without inappropriate 11 pressure. We don't want to be the hot house. And our 12 college list this year is testament to that success. For 13 our 129 seniors, 12, almost 10 percent, are going to the Ivy 14 League, and others are going to a range of schools including 15 the best art schools in the country, Stanford, MIT, and 16 University of Maryland. 17 But here's what I'll say, most importantly Bullis aims 18 to partner with our parents to raise young people who are 19 ethical, have integrity, compassion, and respect for all. 20 We aim to raise good citizens who have a deep understanding 21 of their civic duty. 22 MS. LEE-CHO: Great. I've provided a brief overview of 23 the proposed modification. Is there anything you would like 24 to add to what I described as our current -- the school's 25 current application?</p>
<p>18</p> <p>1 through the school listening really closely and through 2 collaboration with the community, the neighborhood, the 3 school and ultimately the children are best served. So 4 thank you to you all. I was appointed to be head of school 5 at Bullis in October 2019 and began my tenure on July 1, 6 2020. Previously I was head of school in Seattle for 10 7 years, close to Seattle, and specifically came to Potomac to 8 take up this position. 9 MS. LEE-CHO: Great. Can you get us started by 10 describing -- giving us a little bit of background about the 11 Bullis school, its core values and programmatic goals and 12 objectives with this application? 13 MR. SULLIVAN: Sure. So since 1930, and as you said 14 since 1963 here in Potomac, Bullis has existed to serve the 15 community. Our mission is based on caring, challenge, and 16 community. And we aim to be a truly student centered 17 institution. Bullis is an independent school run by a 18 voluntary Board of Trustees. And being a K-12 and coed 19 school, we are actually one of the few schools of its type 20 in Montgomery County. 21 Bullis is very diverse ethnically, religiously, 22 socioeconomically. In fact next year we're going to devote 23 more than \$10.5 million every year (inaudible) financial aid 24 to ensure that Bullis is as accessible as possible to the 25 community. We have neuro-diversity as well. We don't aim</p>	<p>20</p> <p>1 MR. SULLIVAN: Not really. As you said it's 2 principally the lower school building, increase the 3 enrollment to 1096, the additional staffing, and the 4 inflatable bubble over the existing tennis courts. 5 MS. LEE-CHO: Great. And why is the school seeking to 6 build a new lower school and increase its enrollment cap at 7 this time? 8 MR. SULLIVAN: So perhaps it's best for me to give some 9 context. In September 2020 in the midst of the pandemic, 10 the Board of Trustees, the faculty, and I decided that the 11 school should open in person. We believe that because of 12 our campus and the resources that we have we could do it 13 safely and that that would be in the best interests of our 14 students and families. And indeed we were pretty much the 15 only school in the DMV to do this. 16 And recent research and evidence has shown that this 17 was indeed the right decision. That decision gave the 18 school, we believe, extraordinary momentum. Parents were 19 drawn to Bullis like never before. And in January 2021 the 20 Board of Trustees began a strategic planning process to 21 harness the momentum, to clarify our mission, and really 22 give us a roadmap to the future. It included the entire 23 community. We had over 100 meetings. Everything was 24 online. And that process resulted in a plan that was 25 ratified by the Board of Trustees in September 2021.</p>

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<p>21</p> <p>1 Essentially, that plan resulted in several important 2 clarifications.</p> <p>3 First we were going to be a student centered school. 4 We were going to maintain our diversity, prioritize wellness 5 and intellectual life, and ensure that we have the campus 6 that was going to serve all our students. And we realized 7 at that time that in order to do that we were going to have 8 to build a school -- 'a new building for the lower school 9 students. Currently the lower school students are housed in 10 a building that was built in the 1960s as a dormitory for 11 upper school students. Is not fit for purpose.</p> <p>12 The students can't see -- the younger students, the 13 kindergartners, literally can't see out the windows. And we 14 want to build a structure that will really serve the needs 15 of our younger students. Yes, there will be wonderful 16 homerooms, but in addition there will be science labs, there 17 will be a music room, a multipurpose room principally to 18 address our desire to have musical movement for the students 19 all the time, and a fantastic maker space too.</p> <p>20 That will also allow us then -- the lower school would 21 move out of what we call South Hall, this old dormitory 22 building. And that building will be refurbished internally. 23 We won't be changing the footprint. And the middle school 24 who are currently spread all over the school will have their 25 home base. They will move to South Hall and that will</p>	<p>23</p> <p>1 It's so imprecise. You know, in enrollment season you never 2 quite understand what your yield on applications will be. 3 So that will provide a little buffer and I believe that the 4 traffic study also reflected that number as possible for 5 this application.</p> <p>6 MS. LEE-CHO: Great. We will hear from the architect 7 regarding more specifics about the architectural design. 8 And you've touched upon a little bit about rightsizing the 9 building. Is there anything else about the layout and 10 design of the building that's been proposed that you would 11 like to add?</p> <p>12 MR. SULLIVAN: Only that we are trying to have a 13 very -- a highly functioning building, a building that fits 14 into the layout of the campus that is somewhat low-key but 15 is attractive to the community. It is built into an 16 elevation. So while it is three floors, most of the area it 17 looks like it's two floors. And we believe it's going to 18 meet the needs of our youngest children.</p> <p>19 MS. LEE-CHO: Great. And as I mentioned in my opening 20 statement there are aspects of the application that speaks 21 to just bring forward the previous 2004 approvals, 22 operations. Can you please walk us through just very 23 quickly some of those so we can get that in the record? I 24 believe it's summarized in the statement of justification 25 beginning on page 12, but just wanted to have you give your</p>
<p>22</p> <p>1 release 13 other classrooms for the upper school who are 2 also very crunched at the moment.</p> <p>3 Lastly, the strategic plan really identified what was 4 the right size of the school. That process of understanding 5 the right size has never really happened. And the Board of 6 Trustees identified the number of 1090 students as our right 7 size. And that number arose from a careful analysis of each 8 division. So the lower school is going to be 240 students. 9 And we get to that number by two sections in each grade of 10 16 each. So in kindergarten, first, and second grade there 11 will be 32 students in each grade.</p> <p>12 And that in third, fourth, and fifth there will be 13 three sections with 48 students in each grade. And that 14 comes to 240. In the middle school, it also happens to be 15 240 by chance. And that is because the sixth grade will be 16 70 students, the eighth-grade will be 80 students, and the 17 ninth grade will be 90 students.</p> <p>18 And the upper school will be 610 students, 140 in the 19 th grade, 150 in 10th, and 160 in both 11th and 12th. That 20 allows us to grow from the lower school and we believe 21 enroll the right students and be very competitive with our 22 peer schools.</p> <p>23 MS. LEE-CHO: So you said 1090. So the overall request 24 of 196 is to provide a little buffer? Or what is the 25 rationale?</p> <p>MR. SULLIVAN: To provide frankly a little buffer.</p>	<p>24</p> <p>1 input on why those aspects continue to be needed by the 2 school.</p> <p>3 MR. SULLIVAN: Sure. I'll sort of try and take us 4 through quite quickly. The school day isn't changing. We 5 are looking to begin at 8:00, finish the school day by 3:30. 6 Of course there are always activities in athletics that goes 7 later and sometimes there are afterschool programs as well. 8 Our buses do leave early in order to bring students in and 9 not add to the carpool issue. So we do have 13 bus routes 10 that leave as early as 6:00 in the morning and have done for 11 many years.</p> <p>12 We have a vibrant summer program that is run week to 13 week throughout the summer. It caters to students from 14 about 3 years old up to the age of 17 and is run from 8:00 15 in the morning to 4:00 at night. Enrollment of that is less 16 than the 900 students and we are proposing to maintain those 17 numbers. We have an afterschool program for our younger 18 students which occur mostly inside throughout the year.</p> <p>19 And while we prioritize the facilities obviously for 20 our own school use and for our summer camp, when possible we 21 to make our facilities available to community groups. So 22 for example, Pass Academy, Potomac Soccer, Bethesda Lacrosse 23 amongst others have used our facilities and are currently 24 using them. In recent years that has been deliberately 25 lessened both to reduce wear and tear on the campus and</p>

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<p>25</p> <p>1 frankly to reduce surrounding traffic after hours. 2 We are looking to improve the facilities. As I 3 mentioned earlier, South Hall needs to be renovated inside 4 for the middle school and the footprint will not be 5 expanded. The dining hall is being expanded. That was 6 already, I believe included in the 2004 plan. And the Court 7 of Appeals approved a minor modification in December 2021 8 that has allowed us to expand our dining room. And that is 9 currently under construction. We may need temporary 10 trailers the house students. 11 When we refurbish South Hall we will need to put middle 12 school students somewhere. And we are looking to bring in 13 trailers to do that. And while there are no current plans, 14 the 2004 plan did include extensive improvements to our 15 athletic center including swimming pool and a new field 16 house as well as an improved tennis facility. While there 17 are no current plans to do that, we would like -- we do 18 desire to keep them in the plan, at some time in the future 19 may consider those improvements. 20 We are, as part of this plan, requesting that a bubble 21 be placed over -- that we get permission to put a bubble 22 over the four existing tennis courts. We have a sidewalk 23 that links the central campus to the athletic center. And 24 we're looking to -- and I know that one of our experts is 25 going to deal with this more deeply, but we are looking to</p>	<p>27</p> <p>1 waiting. And we have heavy screening that the school put in 2 several years ago between the field and the houses on 3 Democracy, large evergreen trees. We are very open and 4 actually propose providing much more tree screening right 5 there to ensure that headlights will not be a nuisance. And 6 of course added trees will mitigate noise. 7 I should add as well that the field will be smaller 8 than the current field. It will not be regulation size. 9 And actually many fewer games will be played there than ever 10 in the past. In fact, it's almost impossible for middle 11 school or upper school games to be played there. Actually 12 that field will get less formal game time than ever in the 13 past. 14 MS. LEE-CHO: Okay. And there was -- in testimony 15 before the Planning Board I think we heard from one of 16 our -- the schools neighbors that there was -- that the 17 former head of school might have made some verbal 18 commitments regarding the usage of the southwest corner of 19 the campus property adjacent to those homes. Are you aware 20 of any such commitments made by the school? 21 MR. SULLIVAN: I'm not. I don't have direct knowledge. 22 I have heard about conversations. I can only imagine that 23 in that context there could have been some conversation 24 about there would be no building structure in that area. 25 And that field is absolutely essential to the school. We</p>
<p>26</p> <p>1 expand the number of parking spaces from 504 spaces to 582. 2 New faculty housing is on the plan and storm water 3 management facilities as needed I think concludes my remarks 4 with this. 5 MS. LEE-CHO: Great. Thank you. Next I would like to 6 just ask you about your direct outreach efforts that were 7 undertaken prior to the filing of this application and 8 whether you met with any of the neighbors. 9 MR. SULLIVAN: Yes. We sent out 47 invitations to our 10 neighbors to come in to meet with me and a trustee at my 11 home. We had held two meetings. Two people came to one of 12 those meetings and one person came to the other. We shared 13 our preliminary plans and I appreciated the discussion and 14 some of the concerns that were raised then. And actually 15 since those meetings and since the Planning Board meeting we 16 have considered how we might address those concerns. We've 17 heard concerns about noise and the light from cars as they 18 proceed around the proposed loop drive which would go around 19 the smaller field that we are proposing. And we've 20 considered ways that we might mitigate those concerns. 21 I'm very interested in traffic calming measures. 22 Obviously that is an essential component of a school for 23 safety. But I do believe that slower driving will create 24 less noise and idling, of course, will be strongly 25 discouraged or even allowed -- disallowed while cars are</p>	<p>28</p> <p>1 need it for playtime. We've needed it for games in the 2 past. And the ability to sort of logically continue the 3 internal loop drive to facilitate safe circulation is 4 definitely not something that we would have ever let come up 5 for discussion. And I can assure you we would have never 6 have given that up from the school's perspective. 7 MS. LEE-CHO: Well, this is all I have for Mr. 8 Sullivan, Ms. Hannon. So if there are any questions from 9 you or from others here attending, I would open it up at 10 this point. 11 HEARING EXAMINER ROBESON HANNAN: Let's take questions. 12 Does anyone want to -- and again, it's not your turn to 13 testify, but you will get a chance to testify. Does anyone 14 have any questions for Mr. Sullivan? Seeing none, I just 15 have one question. Why -- first of all, we have a lot of 16 expert testimony on noise. And landscaping does not always 17 mitigate noise. So I'm just saying why do you have the 18 three -- if you have an expert witness that wants to address 19 this, that's fine. 20 MS. LEE-CHO: We do. We will address it further. 21 HEARING EXAMINER ROBESON HANNAN: Okay. 22 MS. BHATIA: I have a question. I have a question. My 23 name is Kiran Bhatia. I'm the first house on Democracy and 24 Falls. My house is the first one and my name is Kiran 25 Bhatia.</p>

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<p>29</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Okay, just --</p> <p>2 MS. BHATIA: And I'm --</p> <p>3 HEARING EXAMINER ROBESON HANNAN: Just a second. You</p> <p>4 can't testify now because you're not under oath. So can you</p> <p>5 just ask your question?</p> <p>6 MS. BHATIA: My question is this, because they didn't</p> <p>7 inform us and I'm hearing all different kind of things they</p> <p>8 are going to do it in the front of our houses or back of our</p> <p>9 houses. I'm really concerned about my property. My</p> <p>10 property value will go down because of the -- .</p> <p>11 HEARING EXAMINER ROBESON HANNAN: Wait. Wait. Just a</p> <p>12 second. Unfortunately we do have procedures. So what is</p> <p>13 your question? You will get a chance to say all of this.</p> <p>14 MS. BHATIA: My question is, I want to instead of Zoom</p> <p>15 meeting or another meeting I would like to see somebody. I</p> <p>16 would like to meet individually person-to-person. I would</p> <p>17 like to come. How come you don't hold that --</p> <p>18 HEARING EXAMINER ROBESON HANNAN: So your -- just a</p> <p>19 second. Just a second. Your question to Mr. Sullivan is</p> <p>20 would he be willing to meet in person with you?</p> <p>21 MS. BHATIA: Yes.</p> <p>22 MR. SULLIVAN: Absolutely. I've extended the</p> <p>23 invitation already. I'm sorry I didn't get the opportunity</p> <p>24 to meet the first time, but I would absolutely love to meet</p> <p>25 with you at some point in the future.</p>	<p>31</p> <p>1 children to be able to play on it regularly, even when it's</p> <p>2 wet, it's necessary for it to be turf. The children playing</p> <p>3 on it regularly, when it's wet will become a mud bath and</p> <p>4 frankly won't be usable. So it will be much smaller than</p> <p>5 the other turf fields that are both already on Bullis's</p> <p>6 campus and at many of the schools. It will be a very small</p> <p>7 turf field.</p> <p>8 I believe that the County does have a plan -- and</p> <p>9 really this is for the experts. But I believe that the</p> <p>10 County does have plans and does prioritize sidewalks and</p> <p>11 hiker-biker paths. But that plan is for the future. And of</p> <p>12 course Bullis would not be responsible for sidewalks or bike</p> <p>13 paths that are not adjacent to our property.</p> <p>14 MS. LU: So you're saying that the County plan to build</p> <p>15 sidewalks and bike lanes has nothing to do with the Bullis</p> <p>16 project?</p> <p>17 MR. SULLIVAN: I'd prefer to leave that -- the school</p> <p>18 has a memorandum of understanding with the County. And that</p> <p>19 is part of this process and is being dealt with by the</p> <p>20 Planning Board and by Ms. Cho Lee (sic).</p> <p>21 MS. LU: I'm just trying to understand. Is this kind</p> <p>22 of a trade-off between the school and the County in order to</p> <p>23 get this project approved to agree to build a sidewalk in</p> <p>24 the front?</p> <p>25 MR. SULLIVAN: So the school has had a memorandum of</p>
<p>30</p> <p>1 MS. BHATIA: Okay. Can you inform me about that?</p> <p>2 MR. SULLIVAN: Absolutely. We will be in touch.</p> <p>3 MS. BHATIA: Okay.</p> <p>4 UNIDENTIFIED SPEAKER: Did you raise your hand?</p> <p>5 MS. BHATIA: I'm not agreeing with whatever you guys</p> <p>6 are doing.</p> <p>7 HEARING EXAMINER ROBESON HANNAN: Okay. Just -- that</p> <p>8 was your question and he's answered. So we're just going</p> <p>9 to -- does anyone else have a question?</p> <p>10 MS. LU: Yes, Ms. Hannan. I couldn't find the button</p> <p>11 to raise my hand. Let me turn on my video. This is Mei. I</p> <p>12 actually have two questions. One is, was the consideration</p> <p>13 of the school to convert the field from grass to turf?</p> <p>14 There's a lot of environmental concerns, population and the</p> <p>15 pollution and keeping the environment healthy. So that's</p> <p>16 the first question. Why are you converting it to artificial</p> <p>17 turf?</p> <p>18 The second question is, I thought I heard someone was</p> <p>19 mentioning about maybe a requirement to build a sidewalk in</p> <p>20 front of our properties. That was never mentioned. Is that</p> <p>21 kind of a linked requirement or project linked to this</p> <p>22 project?</p> <p>23 MR. SULLIVAN: So let me take your first question. The</p> <p>24 intention is to turn it into a turf field because it will be</p> <p>25 smaller than the current field. And in order to get the</p>	<p>32</p> <p>1 understanding for many years with the County. And the</p> <p>2 school has a bond to build a sidewalk and a bike path at the</p> <p>3 same time that the County does it. As of that has been in</p> <p>4 existence for a long period of time. We remain committed to</p> <p>5 doing that under the terms of the memorandum of</p> <p>6 understanding. And I --</p> <p>7 HEARING EXAMINER ROBESON HANNAN: Mr. Sullivan, let me</p> <p>8 interrupt for a minute. By memorandum of understanding, do</p> <p>9 you mean essentially a contract? Not to get too legal, but</p> <p>10 she may not understand. Just to clarify for the record</p> <p>11 that --</p> <p>12 MR. SULLIVAN: Thank you. Thank you, Ms. Hannan.</p> <p>13 Indeed, I'm not a lawyer. I prefer to leave this to my</p> <p>14 Lori. But yes, essentially it is an agreement that the</p> <p>15 school had with the County. I believe it originated in</p> <p>16 2004. And that was that we would agree to fund and build</p> <p>17 the bike path and the sidewalk at the same time that the</p> <p>18 County took part -- took care of their portions of the</p> <p>19 biker-hiker trail.</p> <p>20 MS. LU: Thank you, Ms. Hannan. Yeah, I definitely</p> <p>21 didn't understand the meaning of the memorandum. Yeah,</p> <p>22 thanks. Thank you, very much.</p> <p>23 (Crosstalk)</p> <p>24 MS. LEE-CHO: We will have more information to provide</p> <p>25 some testimony from our experts on this issue.</p>

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<p>33</p> <p>1 MR. AMILJAZIL: Can I say something, please?</p> <p>2 (Crosstalk)</p> <p>3 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>4 MR. AMILJAZIL: My name is Amir Amiljazel, 10513</p> <p>5 Democracy Boulevard. I'm --</p> <p>6 HEARING EXAMINER ROBESON HANNAN: What is your email</p> <p>7 address?</p> <p>8 MR. AMILJAZIL: Actually they -- AcePressDC@gmail.com.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: Wait, you broke up.</p> <p>10 You broke up. Just a second. You broke up for a minute. I</p> <p>11 couldn't hear your email address.</p> <p>12 MR. AMILJAZIL: It's Acepressdc@gmail.com.</p> <p>13 HEARING EXAMINER ROBESON HANNAN: Okay, go ahead.</p> <p>14 MR. AMILJAZIL: When they want to build the Discovery</p> <p>15 Building, Mr. Gerald Bowman that time was the head of the</p> <p>16 school. They invite us to the school. We went to the</p> <p>17 school. We talked --</p> <p>18 HEARING EXAMINER ROBESON HANNAN: Just a second. Hold</p> <p>19 up. This is only the time for questions.</p> <p>20 MR. AMILJAZIL: I understand, but we're asking --</p> <p>21 HEARING EXAMINER ROBESON HANNAN: So if you have a</p> <p>22 question, please -- yes.</p> <p>23 MR. AMILJAZIL: I know, ma'am. But you asked me --</p> <p>24 asked if somebody say Mr. Boarman promised to not touch the</p> <p>25 playground, he did. He actually did promise to not touch</p>	<p>35</p> <p>1 MR. SULLIVAN: I don't know.</p> <p>2 MR. AMILJAZIL: If you don't know, but why you say</p> <p>3 actually you don't know he said he's not going to touch it?</p> <p>4 HEARING EXAMINER ROBESON HANNAN: Okay. He's already</p> <p>5 said he doesn't know of that agreement. So we're going to</p> <p>6 stop there. And you can explain further when it's your turn</p> <p>7 to testify.</p> <p>8 MR. AMILJAZIL: No problem, ma'am.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: Ms. Mei.</p> <p>10 MS. LU: Can I have other question?</p> <p>11 HEARING EXAMINER ROBESON HANNAN: Yes.</p> <p>12 MS. LU: So --</p> <p>13 MR. FRIEND: Can you hear me? This is Alan Friend.</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Wait a minute. Two</p> <p>15 people are talking. Ms. Mei has the floor. Do you have a</p> <p>16 question? Or is it Ms. Lu? I can't read this.</p> <p>17 MS. LU: It's the same thing. Ms. Lu, that's fine. So</p> <p>18 I'll keep the question quick. So I heard about the plan</p> <p>19 about building -- using the turf field and also the traffic,</p> <p>20 if you have a student -- close to 1100 students, the cars,</p> <p>21 that you're going to build behind our properties. Have you</p> <p>22 done any environmental studies of the car pollutions and how</p> <p>23 much pollution each car can produce and how much pollution</p> <p>24 that each tree can consume? Have you done any environmental</p> <p>25 studies?</p>
<p>34</p> <p>1 the playground to make anything at all so he actually put</p> <p>2 all those trees around our houses.</p> <p>3 MR. SULLIVAN: Is there a question? Sorry. Is there a</p> <p>4 question?</p> <p>5 MR. AMILJAZIL: That's the question because it's --</p> <p>6 you're saying that --</p> <p>7 HEARING EXAMINER ROBESON HANNAN: Okay, your</p> <p>8 question -- just a second. Just a second. Just a second.</p> <p>9 Your question of Mr. Sullivan is, wasn't there an agreement</p> <p>10 not to touch the playground?</p> <p>11 MR. AMILJAZIL: Exactly, that's it. It was verbal.</p> <p>12 MR. SULLIVAN: Okay. So is that the answer? I --</p> <p>13 there is nothing I have seen in writing. I don't believe</p> <p>14 there is anything in writing. I have not talked about this</p> <p>15 with Dr. Boarman. And it would surprise me that there would</p> <p>16 be a verbal commitment not to touch a playground that in any</p> <p>17 event would need to be repaired, moved, changed, updated.</p> <p>18 But I have no knowledge of any such agreement.</p> <p>19 MR. AMILJAZIL: Can I have -- I have a question. Did</p> <p>20 you have any agreement to actually put all those trees</p> <p>21 around our houses?</p> <p>22 MR. SULLIVAN: So sorry, Mr. Amiljazel, what is the</p> <p>23 question?</p> <p>24 MR. AMILJAZIL: I said it was a verbal to put all those</p> <p>25 trees around houses or it was in writing?</p>	<p>36</p> <p>1 MR. SULLIVAN: So let me just clarify first that while</p> <p>2 the intended population of the school will be 1090 students,</p> <p>3 a very small proportion of those will use the drive loop on</p> <p>4 any one day. The majority of those students as they come in</p> <p>5 to the school from Falls Road will turn left, every upper</p> <p>6 school and middle school student, which is about 850 of the</p> <p>7 1090 will turn left and not use the loop. So the only</p> <p>8 students that will use that loop are the lower school</p> <p>9 students who are not in buses. So it will be very</p> <p>10 significantly less than 200 students and many of those are</p> <p>11 carpooling as well. So I do want to clarify that point that</p> <p>12 it will be well less than 200 students a day that would use</p> <p>13 that entrance. And it is for about 15 -- well, between</p> <p>14 7:30, but really 7:40 and it finishes at 8:00 in the</p> <p>15 morning. And then from 3:00 to 3:20 in the afternoon. And</p> <p>16 the answer is no, we have not done any environmental studies</p> <p>17 associated with car pollution, which would I think be quite</p> <p>18 difficult given that we are surrounded by Democracy and</p> <p>19 Falls Road and trying to differentiate would I think be</p> <p>20 quite difficult.</p> <p>21 MS. LU: So will this -- your statement about having</p> <p>22 only lower school parents not taking the bus to take in the</p> <p>23 loop, will that be written in the contract in the project?</p> <p>24 MR. SULLIVAN: I haven't considered that. The nature</p> <p>25 of it is that there would be no reason for middle school and</p>

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<p>37</p> <p>1 upper school students to turn right and use that loop 2 because they couldn't get to where they need to go. So 3 frankly --MS. LU: Yes, if you tell them 4 HEARING EXAMINER ROBESON HANNAN: Okay. Okay. 5 MS. LU: (crosstalk) -- -- 6 MS. LU: -- in writing is not effective. 7 (Crosstalk) 8 HEARING EXAMINER ROBESON HANNAN: Just a second. Stop. 9 MS. LU: Sorry. 10 HEARING EXAMINER ROBESON HANNAN: Is that you don't 11 need a -- it could be a condition of approval. 12 MS. LU: Okay. 13 HEARING EXAMINER ROBESON HANNAN: But we don't argue 14 about whether -- that's what this hearing is for, to see if 15 there should -- one of the things that this hearing is for 16 is to see whether there should be conditions of approval to 17 mitigate any impacts, okay? 18 MS. LU: Sorry about that. So let me -- can I change 19 this to a question? 20 HEARING EXAMINER ROBESON HANNAN: What is your 21 question? 22 MS. LU: So Mr. Sullivan said that only the lower 23 school students' parents will use this route. So my 24 question is -- I thought I looked at the plan. You're going 25 to block the parking lot next to the South Hall, right? So</p>	<p>39</p> <p>1 MS. LEE-CHO: No. 2 MR. SULLIVAN: I haven't thought about that. 3 MS. LEE-CHO: I think on the circulation you -- we will 4 hear more testimony from our expert witnesses to explain the 5 exact circulation. But to answer your question, it is not 6 one way. It is a two way. What Mr. Sullivan I think is 7 describing is the predominant circulation at the drop off, 8 pickup operation of the school. 9 MS. LU: Okay. So your non-drop off pickup time, the 10 road can be used by any cars from any parent in the school, 11 right? 12 MS. LEE-CHO: Correct. 13 HEARING EXAMINER ROBESON HANNAN: Ms. Lee-Cho, you 14 can't answer. 15 MS. LEE-CHO: I'll ask Mr. Sullivan to answer. 16 HEARING EXAMINER ROBESON HANNAN: Yeah, but you know 17 what? I'm not sure he knows since he was looking uncertain. 18 Ms. Mei, I think there's going to be an expert that might be 19 able to answer your questions more specifically. And I 20 would suggest that we wait for the expert witness to delve 21 into this. 22 MS. LU: Okay. 23 MR. SULLIVAN: Thank you. 24 HEARING EXAMINER ROBESON HANNAN: You have good 25 questions, but I think Mr. Sullivan, he was looking a little</p>
<p>38</p> <p>1 how many routes will you have to have the traffic? So 2 you're talking about in the entrance turning left. That's 3 going to go through the big field and come out of Falls Road 4 gate, right? And the rest will all have to go through this 5 rerouting road and go to the -- 6 MR. SULLIVAN: No. No. So just to clarify. Once 7 again, students -- everyone comes in through the Falls Road 8 gate. Middle school and upper school students will turn 9 left and follow the road around. And parents can either 10 turn right and go to the cross campus road and then exit 11 through the Democracy gate as they currently do. Or they 12 can carry straight on down past tennis bubble, past my 13 house, and exit through the Falls Road gate. That is all 14 middle and upper school students. Lower school parents only 15 would turn right, proceed around the drive loop, drop their 16 lower school children off in front of the lower school, and 17 then turn right and exit through the Democracy gate. 18 MS. LEE-CHO: I should -- I just want to clarify that 19 we're talking about the drop off, pick up process, not 20 general usage of the internal road, drive network of the 21 school. 22 MR. SULLIVAN: Correct. 23 MS. LEE-CHO: Yeah. 24 MS. LU: Is this road one way? 25 MR. SULLIVAN: Yes.</p>	<p>40</p> <p>1 like he didn't know. So I suggest we wait for the expert. 2 MR. SULLIVAN: That's just my normal look. 3 HEARING EXAMINER ROBESON HANNAN: Okay. Anyone else? 4 MR. FRIEND: Yeah, I have a question. My name is Alan 5 Friend at 10509 Democracy Boulevard. Regarding the road -- 6 HEARING EXAMINER ROBESON HANNAN: An email? Email? 7 MR. FRIEND: AFriend114@aol.com. So my question to Mr. 8 Sullivan's, on the proposed sidewalk and bike lane that's 9 going in front of our properties, I assume that Bullis is 10 contracted to do that because they are funded through the 11 County from what I understand. But how much land is going 12 to be taken away from the front of our property in order to 13 put a bike lane and a sidewalk in? 14 MR. SULLIVAN: So let me clarify. Bullis is only 15 responsible for the bike lane and hiker path in front of its 16 own property. We have no jurisdiction, no interest in any 17 other pavements, sorry, sidewalk or biker path. And that is 18 a County endeavor that we are neutral about and are 19 obligated through the MOU that I previously discussed, the 20 agreement, the memorandum of understanding that the County 21 put before us I think in 2004. That is only in front of our 22 property at the County's behest. 23 MR. FRIEND: In front of your property, but how about 24 our properties? 25 MR. SULLIVAN: That's --</p>

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<p>41</p> <p>1 MR. FRIEND: I didn't see anything about 2004. We 2 didn't get any memorandums about that at all that I 3 remember. 4 HEARING EXAMINER ROBESON HANNAN: Well, just a second. 5 I think there is probably a witness. Typically he can only 6 construct what's in his right away. 7 MR. FRIEND: I understand. 8 HEARING EXAMINER ROBESON HANNAN: So with that said -- 9 MS. BHATIA: I understand also -- I agree with Mr. -- 10 we didn't get any information like that before. 11 HEARING EXAMINER ROBESON HANNAN: Okay. All right. 12 MS. BHATIA: So they -- 13 HEARING EXAMINER ROBESON HANNAN: Well -- 14 MS. BHATIA: Bullis must have recommend the County they 15 need the bike path and -- 16 HEARING EXAMINER ROBESON HANNAN: Okay, ma'am, it's not 17 your turn to testify. It sounds like you -- 18 MS. BHATIA: But we have -- when the subject is here we 19 have to raise our voice when subject is going 20 HEARING EXAMINER ROBESON HANNAN: I get -- 21 MS. BHATIA: Mr. Alan has raised the question. I have 22 to interfere and I have to agree with him. 23 (Crosstalk) 24 HEARING EXAMINER ROBESON HANNAN: No. 25 MS. BHATIA: I say a this is --</p>	<p>43</p> <p>1 MS. LEE-CHO: And actually it's not the 2004, but is 2 online at Exhibit 35A and 35B. 3 MR. FRIEND: Okay. 4 HEARING EXAMINER ROBESON HANNAN: Now you can download 5 these from our website. But we have to take -- I have 6 another hearing coming up. So you can download them, but 7 you have to do it today because we have to change the 8 website. Or there is a process, and I'm going to -- you can 9 also get all the application materials from Park and 10 Planning's website. And I'm going to show it to you. The 11 planning department website has -- everything has been filed 12 in the case. So you should be seeing -- if you have 13 questions about how to get to this from the planning 14 department's website, you can certainly ask Nana, or you can 15 ask the information counter at the planning department. 16 MR. FRIEND: Okay, thank you. Go ahead. You can move 17 forward for me. 18 HEARING EXAMINER ROBESON HANNAN: Thank you. Anyone 19 else? Okay. So we hope that through -- we have the ability 20 in this hearing to address concerns through conditions if 21 they're acceptable to the Applicant or even if -- we try to 22 listen to everybody. So I thank you for your patience and 23 we're going to proceed with -- Ms. Lee-Cho, do you have any 24 rebuttal or redirect? 25 MS. LEE-CHO: I do not.</p>
<p>42</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Okay. This is -- 2 MS. BHATIA: -- not 2004, no. 3 MS. LEE-CHO: Okay. Ma'am. Ma'am, this is an orderly 4 hearing subject to due process. You will get your time to 5 testify. Now right now we are listening to his, Mr. 6 Sullivan's testimony. There are other witnesses that will 7 address this. I understand it sounds like people are 8 very -- 9 MS. BHATIA: I'm sorry but I just want to -- 10 HEARING EXAMINER ROBESON HANNAN: No, don't -- you do 11 not interrupt me. 12 There will be other witnesses that will probably be 13 able to answer your question. So just don't open your 14 mouth, Mr. Sullivan. 15 Now, I understand. It sounds like people are feeling 16 that they weren't involved in the process for whatever 17 reason. Your questions I believe will be answered. But we 18 have to get to the experts. 19 MR. FRIEND: Ms. Hannon, one other question. Could we 20 get a copy of the 2004 memorandum to review? 21 MS. LEE-CHO: It is in the record. 22 MR. FRIEND: Where do we get the record? Can it be 23 emailed to us? 24 HEARING EXAMINER ROBESON HANNAN: It's online. Just a 25 second. It's online. If you -- whoops.</p>	<p>44</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Okay. And let's 2 proceed here. Okay. Let's proceed to your next witness. 3 MS. LEE-CHO: Thank you. And before I get -- just a 4 point of order. I had a similar hearing examiner hearing on 5 Friday at which we -- the Applicant team was able to pull 6 the relevant exhibits off of the OZAH website and share 7 screen as we proceed with testimony. Is that acceptable? 8 HEARING EXAMINER ROBESON HANNAN: That's fine, yes. 9 MS. LEE-CHO: Okay. I will have -- 10 HEARING EXAMINER ROBESON HANNAN: It's faster than me 11 trying to do it. 12 MS. LEE-CHO: It seemed to work more efficiently. I 13 will ask -- I'll be having Mr. Patrick La Vay share his 14 screen and assist with showing of exhibits as we proceed 15 with the testimony of Mr. Neil Murray, who is our architect. 16 HEARING EXAMINER ROBESON HANNAN: Okay, go ahead. 17 MS. LEE-CHO: Did you want to swear Mr. Murray in 18 first? 19 HEARING EXAMINER ROBESON HANNAN: I don't see -- oh, 20 wait. Are we going with Mr. La Vay or Mr. Murray? 21 MS. LEE-CHO: Well, Mr. La Vay will be using his share 22 function to pull the exhibits. 23 HEARING EXAMINER ROBESON HANNAN: Oh, I'm sorry. I 24 misunderstood what you said. 25 So Mr. Murray, can you raise your right hand?</p>

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12 (45 to 48)

<p style="text-align: right;">45</p> <p>1 Do you solemnly affirm under penalties of perjury that</p> <p>2 the statements you're about to make are the truth, the whole</p> <p>3 truth, and nothing but the truth?</p> <p>4 MR. MURRAY: I do.</p> <p>5 HEARING EXAMINER ROBESON HANNAN: Go ahead, Ms. Lee-</p> <p>6 Cho.</p> <p>7 MS. LEE-CHO: Mr. Murray, can you please again state</p> <p>8 your full name and occupation?</p> <p>9 MR. MURRAY: Sure. My name is Neil Murray; N-E-I-L,</p> <p>10 M-U-R-R-A-Y. I'm an architect with Hord, Copeland, Macht</p> <p>11 and we are located at 700 E. Pratt Street in Baltimore,</p> <p>12 Maryland.</p> <p>13 MS. LEE-CHO: And how long --</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Yeah, go ahead.</p> <p>15 MR. MURRAY: Sure. My email is NMurray@HCM2.com.</p> <p>16 HEARING EXAMINER ROBESON HANNAN: Thank you.</p> <p>17 MS. LEE-CHO: And how long have you been employed as an</p> <p>18 architect?</p> <p>19 MR. MURRAY: I've been an architect for almost 20</p> <p>20 years.</p> <p>21 MS. LEE-CHO: Can you please describe your professional</p> <p>22 and educational background very briefly and any --</p> <p>23 HEARING EXAMINER ROBESON HANNAN: Well, let me do this.</p> <p>24 Have you ever qualified as an expert before any other</p> <p>25 administrative boards or courts as an expert in</p>	<p style="text-align: right;">47</p> <p>1 correct?</p> <p>2 MR. MURRAY: Yes. I'm licensed in many states.</p> <p>3 Maryland is one of them. I'm also licensed in Maryland,</p> <p>4 Delaware, and Virginia.</p> <p>5 MS. LEE-CHO: Ms. Hannan --</p> <p>6 HEARING EXAMINER ROBESON HANNAN: Okay. Go ahead.</p> <p>7 MS. LEE-CHO: Mr. Murray's resume has been submitted as</p> <p>8 part of the Applicant's prehearing submission. And I would</p> <p>9 like to offer him as an expert in the field of architecture.</p> <p>10 MR. MURRAY: Does anyone have reason to believe that</p> <p>11 Mr. Murray is not an expert in architecture? Are there any</p> <p>12 objections to qualifying him that way? Okay. Hearing none,</p> <p>13 I'm going to qualify you as an expert in architecture.</p> <p>14 MR. MURRAY: Thank you.</p> <p>15 MS. LEE-CHO: All right. Now we'll proceed with having</p> <p>16 Mr. La Vay share his screen and bring up exhibits as Mr.</p> <p>17 Murray testifies. Mr. Murray --</p> <p>18 MR. MURRAY: Yeah, so he --</p> <p>19 MS. LEE-CHO: Go ahead. Go ahead.</p> <p>20 MR. MURRAY: Sorry. If you want me to take over Soo, I</p> <p>21 can.</p> <p>22 MS. LEE-CHO: Do you want to do it and said?</p> <p>23 MR. MURRAY: Yeah. Yeah.</p> <p>24 MS. LEE-CHO: Okay.</p> <p>25 MR. MURRAY: I want to thank everybody, like Mr.</p>
<p style="text-align: right;">46</p> <p>1 architecture?</p> <p>2 MR. MURRAY: No, ma'am.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: Okay. Go ahead Ms.</p> <p>4 Lee-Cho.</p> <p>5 MS. LEE-CHO: Can you please describe your professional</p> <p>6 and educational background and any professional designations</p> <p>7 or accreditations that you have received?</p> <p>8 MR. MURRAY: Sure. I'm a graduate of the University of</p> <p>9 Maryland at College Park. I have a masters of architecture</p> <p>10 with a certificate in urban design. I've worked with a few</p> <p>11 firms over my career. I spent a lot of my time working on</p> <p>12 educational projects, specifically focusing on private and</p> <p>13 independent schools in the mid-Atlantic region.</p> <p>14 MS. LEE-CHO: And did you say you're licensed ----</p> <p>15 HEARING EXAMINER ROBESON HANNAN: He has a</p> <p>16 (Crosstalk)</p> <p>17 MS. LEE-CHO: I'm sorry.</p> <p>18 MR. MURRAY: I'm sorry.</p> <p>19 MS. LEE-CHO: And you said your --</p> <p>20 HEARING EXAMINER ROBESON HANNAN: I said, Pierre the</p> <p>21 turtle.</p> <p>22 MR. MURRAY: Yes.</p> <p>23 HEARING EXAMINER ROBESON HANNAN: Okay. That has</p> <p>24 nothing to do with your expert qualifications.</p> <p>25 MS. LEE-CHO: You did say you are licensed in Maryland,</p>	<p style="text-align: right;">48</p> <p>1 Sullivan, for being here today. And we also believe that</p> <p>2 having an open process is great in understanding the</p> <p>3 construction of this new facility for the Bullis school.</p> <p>4 And we welcome the opportunity to listen to everybody's</p> <p>5 thoughts on the process. Being an architect we love</p> <p>6 graphics and images. So I'm going to be showing a bunch of</p> <p>7 the exhibits today that have the graphics that have been</p> <p>8 submitted previously.</p> <p>9 And we're going to talk through some of them to talk</p> <p>10 about the siting and the massing and the materiality of the</p> <p>11 building along with kind of some programmatic elements of</p> <p>12 it. So Pat, if you wouldn't mind bringing up what I think</p> <p>13 is 52, which is the rendered site plan.</p> <p>14 MS. LEE-CHO: And just before Mr. Murray starts I think</p> <p>15 I need to ask a question before he starts. So my question</p> <p>16 will be to ask him to walk us through the architectural</p> <p>17 plans and describe what considerations went into the design</p> <p>18 of the facility and both describing the interior and</p> <p>19 exterior design to meet the schools programmatic needs. So</p> <p>20 that will be the scope of his testimony.</p> <p>21 MR. MURRAY: Absolutely. Thank you.</p> <p>22 MR. LA VAY: Is everyone able to see that -- the image?</p> <p>23 MR. MURRAY: Yes Pat, we can see it.</p> <p>24 MS. LEE-CHO: And as you show images, if you could</p> <p>25 please identify for the record the exhibit number.</p>

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13 (49 to 52)

<p>49</p> <p>1 MR. MURRAY: Absolutely.</p> <p>2 MR. LA VAY: Sure.</p> <p>3 MR. MURRAY: I think this is Exhibit 52. Let me just</p> <p>4 check your --</p> <p>5 MR. LA VAY: Correct, it is.</p> <p>6 MR. MURRAY: Yeah, Exhibit 52. So what we are looking</p> <p>7 at right now is a rendered site plan of Bullis school. So</p> <p>8 this is kind of if you were a bird looking down on the site.</p> <p>9 It's an orthographic drawing which means it's done at scale.</p> <p>10 The buildings that are kind of shaded in gray are existing</p> <p>11 construction. And what -- our new facility is the kind of</p> <p>12 white shaded building marked lower school on kind of the</p> <p>13 middle left of the page there. You can also see the</p> <p>14 geometry of the new --</p> <p>15 HEARING EXAMINER ROBESON HANNAN: Mr. Murray, you can't</p> <p>16 say middle left of the page because the transcript doesn't</p> <p>17 understand what orientation --</p> <p>18 MR. MURRAY: Oh, okay.</p> <p>19 HEARING EXAMINER ROBESON HANNAN: If you want to say</p> <p>20 plan left or if you want to say the eastern side or on the</p> <p>21 west side east of the turf field, but you can't just say</p> <p>22 right or left.</p> <p>23 MR. MURRAY: Understood.</p> <p>24 MS. LEE-CHO: Ms. Hannan, would be helpful for Mr. La</p> <p>25 Vay to use his cursor? Is that going to be captured by --</p>	<p>51</p> <p>1 the exhibit text right there. That's great. So this is the</p> <p>2 lower level floor plan. So the massing of the building</p> <p>3 which is kind of the bulk envelope of the -- what we say is</p> <p>4 the bulk envelope of the structure here is on three levels.</p> <p>5 But what we have worked to do is to ensure that there</p> <p>6 are no three-level massings or three-level massing's within</p> <p>7 the overall massing itself. So in a way as the topography</p> <p>8 falls away from that existing corner, our building cascades</p> <p>9 down with it. So what we are seeing here on the lower</p> <p>10 level, the white and the kind of black lines on the south</p> <p>11 side of the page represent walls. And the gray area above</p> <p>12 represents retained earth.</p> <p>13 So you can see this lower level is in the overall</p> <p>14 massing mostly bounded by -- oh, there we go. Mostly</p> <p>15 bounded by ground there. This level which is on the south</p> <p>16 side of the structure is also the primary drop-off location</p> <p>17 for students in the mornings and pick up in the afternoon.</p> <p>18 What we have done is, for the building we've created a</p> <p>19 series of classroom pods that bind two grade levels</p> <p>20 together. So on the lower level we have the K and the 1</p> <p>21 classrooms and they are kind of learning commons which link</p> <p>22 those spaces together.</p> <p>23 In addition we have a secure entry vestibule that</p> <p>24 connects to the admin suite. And then some circulation that</p> <p>25 the students when they come in the building will bring them</p>
<p>50</p> <p>1 HEARING EXAMINER ROBESON HANNAN: No, the transcript</p> <p>2 doesn't capture that.</p> <p>3 MS. LEE-CHO: Okay. So this video is not --</p> <p>4 HEARING EXAMINER ROBESON HANNAN: If it's easier to use</p> <p>5 plan left or right, or down, or use a direction.</p> <p>6 MR. MURRAY: Sure. I guess what I'm speaking to a</p> <p>7 drawing then I will use the cardinal orientation of the</p> <p>8 sheep then. So up will be north, left will be west, east</p> <p>9 will be to the right and south will be down. I think that's</p> <p>10 just the easiest way to describe the facility. So anyway,</p> <p>11 on this image the lower school is white in rendering and it</p> <p>12 is labeled lower school. We have oriented this facility</p> <p>13 based on the -- where it was identified during the concept</p> <p>14 planning and master plan portion prior to HCM's arrival.</p> <p>15 And what we have done is kind of looked to balance the</p> <p>16 scale and massing of the facility to not only address kind</p> <p>17 of the littlest learners here on campus, but also look at</p> <p>18 how this building fits into the context of Bullis, how it</p> <p>19 relates to the structures that are already there. In</p> <p>20 addition, further left you can see the turf field as Mr.</p> <p>21 Sullivan talked about previously. So Pat, if you wouldn't</p> <p>22 mind opening up Exhibit 47, which is the zero level floor</p> <p>23 plan.</p> <p>24 MR. LA VAY: Bringing it right up. Can you see that?</p> <p>25 MR. MURRAY: Yeah, that's great. And everybody can see</p>	<p>52</p> <p>1 up to the next level. In addition there's also some</p> <p>2 mechanical space down here. There is a kind of soft curve</p> <p>3 to this lower level entry piece. And we felt that that</p> <p>4 would again soften the approach for the students coming and</p> <p>5 also break down the massing a bit more as well.</p> <p>6 So Pat, can you open up the next exhibit which is 48,</p> <p>7 which is the level 1 plan? So this is the level 1 plan.</p> <p>8 You can see that staircase on the east side coming up from</p> <p>9 the lower level. This will bring the 2, 3 and the 4, 5</p> <p>10 students up to this may level so that they can begin to</p> <p>11 access their classrooms as well. On this level we have the</p> <p>12 2, 3 academic classroom pods along with what we are calling</p> <p>13 the special swing. And these are those activities that Mr.</p> <p>14 Sullivan was talking about before that really begin to help</p> <p>15 and strengthen and define the curriculum at Bullis school.</p> <p>16 Those include a dedicated science classroom, movement</p> <p>17 multipurpose room, art classroom, music classroom, and then</p> <p>18 a library maker space. One of the great things about using</p> <p>19 the massing in the topography here is where able to get a</p> <p>20 direct outdoor connection from many of these classroom</p> <p>21 spaces to kind of was actually the roof of the lower level</p> <p>22 below to provide additional programming space.</p> <p>23 You can see there's some exterior doors there. And</p> <p>24 this will give the students, these little students an</p> <p>25 opportunity to get outside, enjoy the fresh air, and access</p>

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14 (53 to 56)

<p>53</p> <p>1 the grounds of Bullis much easier. Also located on this 2 level 1 is kind of what we're calling the campus entry. So 3 we have kind of this specific geometry that relates to the 4 current east-west access across campus. And our building 5 itself is kind of this entry moment of these little kids 6 onto the Bullis community.</p> <p>7 This is the launching point for their academic success. 8 And that's kind of -- you can see that vestibule on the 9 north side. And that connects to a lobby space outside of 10 the library. And then on the north side of that lobby space 11 we have classrooms and spaces dedicated to specialized 12 learning. Pat, can you bring up the next level? This is 13 Exhibit 49. This is the second floor plan. So here on 14 the -- this level 2, the only academic programming up here 15 are the 4, 5 classrooms along with their learning commons 16 space.</p> <p>17 There's some circulation elements that will bring you 18 down to the level I -- bring the students down to the level 19 1 special areas and their shared program resource pieces. 20 And then you can see that the remainder in this drawing 21 shows mainly roof conditions and how we've begun to kind of 22 breakdown the mass of the building. We have a combination 23 of both flat, sloped, and pitched roofs that we use kind of 24 the massing here.</p> <p>25 But as we work to the exterior of the building, what we</p>	<p>55</p> <p>1 pods, we have a masonry brick façade and it has punched 2 windows openings with some exterior doors, again, to be able 3 to access -- those students be able to access the Bullis's 4 campus.</p> <p>5 It has a metal roof on that -- sloped metal roof on 6 that portion of the facility. And then some accent trims 7 and masonry that go around the windows and create some 8 horizontal articulation to again be able to break up the 9 mass of the building. As we work back towards the kind of 10 Discovery Center portion of the campus we articulated the 11 building slightly differently.</p> <p>12 We have a little more glazing here. We have some that 13 kind of begin to balance out the massing against the 14 Discovery Center Discovery Center. And these are the more 15 public portions of the facility as well, public to the 16 campus. And so there is a different articulation that we 17 want to use along with some kind of wayfinding elements so 18 that people can understand where the building is from a 19 campuswide level which is that kind of fireplace or chimney 20 moment there that kind of anchors our entry canopy to that 21 campus level entry. This also some metal and masonry 22 articulation, masonry at the base and then metal at the 23 cornice or eave line.</p> <p>24 Pat, if you wouldn't mind going to the next one, 51. 25 So this is Exhibit 51. So this is kind of looking at the</p>
<p>54</p> <p>1 have tried to is engaged and relate to the existing and 2 historic architectures on Bullis's campus, specifically the 3 two main buildings that we have to respond to are the 4 existing South Hall would to the plan east, and then to the 5 Discovery Center which is to the plan north there. And both 6 of those buildings have slightly different architectures 7 about them. They have a similar color palette of materials. 8 And they help define the architecture on campus. And what 9 our building tries to do is begin to bridge the language 10 between the two of them and unify -- create a unified 11 exterior.</p> <p>12 So Pat, if you wouldn't mind bringing up the first set 13 of elevations, and that is Exhibit 50. Okay. What we are 14 looking at here, is this is the north elevation of the lower 15 school building. So this is roughly the elevation that is 16 adjacent to Falls Road. You can see that it's two stories 17 in it's massing. And it has two components to it. The 18 portion -- and on this page right, what you're seeing is 19 basically a technical drawing. You're seeing a building 20 both in this orthographic elevation and then its slightly 21 non-orthographic elevation.</p> <p>22 So the two stacked elevation there are just the same 23 elevation just looking at it directly on or slightly askew. 24 You can see with the portion of the building on the right 25 where we have the academic classrooms and their learning</p>	<p>56</p> <p>1 building from the south side. So this is the elevation at 2 the top of. And again, what you're seeing here is -- 3 talking about the lowest elevation to begin with is the -- 4 the darker tones represent the elevation that is closest to 5 the curb line. And then the shaded area which is in the 6 back, or the tones that have less saturation to them 7 represent a maxing that's fairly far away.</p> <p>8 It's over 100 feet away in its distance. And that 9 distance would not be perceived from the curb line. So this 10 is how we articulate the façades. And then the top 11 elevation you see that elevation fully in orthogonal 12 elevation and then with its materiality properly. At the 13 drop off area, which is that lower elevation, we again have 14 a combination of glazing and masonry. Daylight into the 15 classroom, we know that is important for young minds to 16 develop.</p> <p>17 We are using a masonry that we think helps anchor the 18 building to the earth a little more. And that we are also 19 using this lighter brick color which you saw on the other 20 elevation which is more of the -- we'll call it the 21 traditional Bullis brick color. So it matches almost 22 identical to the masonry and brick that you see -- you would 23 see on South Hall which is kind of -- would be located to 24 the plan right here in his articulation. And then again on 25 that upper bar there you see again those punched windows.</p>

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15 (57 to 60)

<p>57</p> <p>1 In the commons areas we are proposing larger areas of 2 glass. These are placed in those opportunities where we 3 want more light to get deep into the core of the building. 4 So we have a little more glazing in those places and then 5 some sunscreen that goes along with that. There are various 6 energy goes that we need to be -- and so this helps us 7 achieve those.</p> <p>8 Pat, do you think you could potentially go to, let's 9 see here, Exhibit 53? All right. So this is a rendered 10 view of that, of the North elevation of the building. So 11 again, we are elevated in this. So we're above the trees 12 that exist on Falls Road' right now. And again, you can see 13 how facing Falls Road is going to be primarily that massing 14 with the sloped roof and the punched openings and the accent 15 and trim. There is a small exterior gathering space outside 16 of those doors.</p> <p>17 And then you can see the massing begins to break down 18 as it moves into campus there with the canopy extending out 19 and then kind of the additional glazing as we get to the 20 edge of the building there. You can see that fireplace 21 chimney element really working to anchor the corner of the 22 building right there.</p> <p>23 Pat, do you think you could bring up the next view, 54? 24 And again, this is the south side massing and elevation -- 25 massing view of it. So again, we are elevated. We are like</p>	<p>59</p> <p>1 there. As we were to come down the hillside, so there will 2 be that kind of sloped path, which is that crisscrossing 3 element there.</p> <p>4 And that, there is a kind of hard surface sports court 5 that is on -- adjacent to the north side of the loop road. 6 And then there is the relocated playground equipment which 7 will be kind of adjacent to the pickup, drop off loop there. 8 In addition, there will be the turf field which is the final 9 program element that the students will have access to during 10 the course of the day.</p> <p>11 I believe that there will be additional expert 12 witnesses describing kind of some of the more technical 13 aspects of what go into this, but those are the programmatic 14 elements associated with the lower school. In addition --</p> <p>15 MS. LEE-CHO: Okay, thank you.</p> <p>16 MR. MURRAY: Sorry. There's some additional sidewalks 17 on the north and east side of the building that help improve 18 pedestrian circulation on campus.</p> <p>19 MS. LEE-CHO: Great. Thank you. Ms. Hannan, I have 20 nothing further from Mr. Murray.</p> <p>21 HEARING EXAMINER ROBESON HANNAN: Does anyone have any 22 questions regarding Mr. Murray's testimony related solely to 23 the architect?</p> <p>24 MS. LU: Yes, I have a question. This is Mei again. 25 Sorry, I have just a very question.</p>
<p>58</p> <p>1 a bird flying over the trees there. You can see the loop 2 road on the foreground. And then the entry to the lower 3 level, you see that darker masonry. There are some site 4 walls that we need to create in order to help retain a 5 portion of the earth.</p> <p>6 And then you can see kind of once we get above a 7 certain elevation of the building, that was switched over to 8 that kind of Bullis brick with the more traditional or more 9 campus centered detailing and tones there. In addition, 10 there is a slight material change for a -- we're looking 11 for a wood type product for that portion of the movement and 12 science. And then there is some -- you can begin to see 13 kind of the access that the students will have on the roof 14 of that K-1 wing in order to engage with their science 15 curriculum. So those are the exhibits that have been 16 submitted showing the character and -- of the building, the 17 scope inside.</p> <p>18 Soo, is there anything you would like me to clarify?</p> <p>19 MS. LEE-CHO: If you could -- did you go through the 20 outdoor programmatic areas associated with the lower school?</p> <p>21 MR. MURRAY: Sure. We can do that one more time. Pat, 22 can you bring up 52 again? So specifically, again, the 23 massing of the building itself is that white element. And 24 in the V of the white element you can see that there is that 25 outdoor roof access area dedicated to science that's out</p>	<p>60</p> <p>1 HEARING EXAMINER ROBESON HANNAN: It's okay.</p> <p>2 MS. LU: Can you hear me?</p> <p>3 MR. MURRAY: Yeah, I can hear you. Sounds good.</p> <p>4 MS. LU: Can you bring up the last graph? Last chart?</p> <p>5 HEARING EXAMINER ROBESON HANNAN: What was that a chart 6 of?</p> <p>7 MS. LU: I mean, the plan. So I want to understand. 8 So the playground, so that's much closer to us than before, 9 right? What was the old location? I feel like it was to 10 the north of the field before. Now it's like almost like 11 southeast of the turf which is much closer to our property 12 now. Is that right?</p> <p>13 MR. MURRAY: This is where we have -- the existing turf 14 field -- sorry. The existing playground is currently -- the 15 current playground would be built over its location with the 16 massing of the new lower school. So the -- we have located 17 the playground here to the, what's called the southwest side 18 of the lower school.</p> <p>19 MS. LU: Okay. So I'm right that the playground is 20 much closer than before to our properties; is that correct</p> <p>21 MR. MURRAY: It is. It's closer -- it's close to the 22 loop road, yes.</p> <p>23 MR. FRIEND: No, the question is, is that playground 24 behind any of our homes on Democracy Boulevard.</p> <p>25 HEARING EXAMINER ROBESON HANNAN: Wait, who's -- wait.</p>

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<p>61</p> <p>1 Wait. Who's speaking? Wait. You can't just jump in. It 2 has to be one -- 3 MR. FRIEND: I'm sorry. Alan Friend. 4 HEARING EXAMINER ROBESON HANNAN: Okay. Please use the 5 raise your hand button at the top. I'll share my screen. 6 MR. FRIEND: I got it. I got it. 7 HEARING EXAMINER ROBESON HANNAN: Okay. 8 MS. LU: And Ms. Hannan, I have one more question. So 9 that one. And also I saw Exhibit 45 talking about parking 10 exhibits. So it seems like there are also 14 parking's next 11 to the loop road right behind our properties. Is that 12 correct? 13 MR. MURRAY: I'm not here to speak about parking. 14 MS. LU: Okay. 15 HEARING EXAMINER ROBESON HANNAN: I think that would 16 be -- I had the same question Ms. Mei. Why did you put the 17 extra spaces there? Okay. Somebody's got something on in 18 the background. Please turn it off or mute it. Thank you. 19 Okay. 20 Now there's no condition -- the staff report says that 21 the building won't be more than 50 feet high. Is that 22 correct? 23 MR. MURRAY: That is correct, yes. 24 HEARING EXAMINER ROBESON HANNAN: So do you have a 25 problem with a condition saying the lower school won't be</p>	<p>63</p> <p>1 (Crosstalk) 2 MS. LEE-CHO: Yeah, Ms. Hannon, Mr. La Vay is our next 3 expert witness and he will be able to address that 4 HEARING EXAMINER ROBESON HANNAN: Okay, great. Okay, 5 great. Okay. So you will get an answer Mr. Friend. 6 MR. FRIEND: Thank you. 7 HEARING EXAMINER ROBESON HANNAN: Anything for the 8 architect? 9 MS. LU: Ms. Hannan, sorry. I just can't use the raise 10 hand button. So can I ask another question? 11 HEARING EXAMINER ROBESON HANNAN: Okay. 12 MS. LU: So Mr. Sullivan said earlier this loop road 13 will be only for the lower school parents and should be not 14 many. So why are you creating such a long loop road instead 15 of just going near the building and come out? 16 HEARING EXAMINER ROBESON HANNAN: Okay, I'm -- 17 MS. LEE-CHO: Ms. Hannan, again -- 18 HEARING EXAMINER ROBESON HANNAN: I hear your concern, 19 Ms. Mei. He's -- I don't want to say just the architect. 20 MR. MURRAY: It's okay. I can be just the architect. 21 We'll defer to Pat answer those types of questions. 22 HEARING EXAMINER ROBESON HANNAN: It is really -- he 23 didn't -- he really didn't testify to that. 24 MS. LU: Okay. Okay. Sorry. 25 HEARING EXAMINER ROBESON HANNAN: We're going to get</p>
<p>62</p> <p>1 more than 50 feet high? You don't have to answer. 2 Actually, that's for Mr. Sullivan probably so I'm throwing 3 it out there. Okay. Any other -- 4 MR. SULLIVAN: Sorry Ms. Hannan I -- 5 HEARING EXAMINER ROBESON HANNAN: Don't answer now. 6 You don't have to answer now. Now Mr. Friend is following 7 very well. I see his hand. So I'm going to recognize him. 8 MR. FRIEND: Thank you. My question is a follow-up to 9 Ms. Lu. On the playground it appears to me that is going to 10 be built behind some of the homes on Democracy Boulevard. I 11 can't render the drawing properly, but am I correct that is 12 going to be directly behind some of the properties? 13 MR. MURRAY: Pat, could you bring up the site plan 14 again? It's 52. I am going to -- since -- more so speaking 15 about the architecture for the building, I'm going to let 16 the civil engineer talk about the site layout and how we got 17 to that location. 18 MR. MURRAY: That's probably more appropriate. Mr. 19 Friend, I think we have -- fortunately we have a lot of 20 different expertise here. So we will get your question. 21 MR. FRIEND: If you can remember that question, I would 22 appreciate that being asked at the time he goes on. 23 MR. MURRAY: Understood. 24 HEARING EXAMINER ROBESON HANNAN: Or Mr. La Vay, are 25 you here?</p>	<p>64</p> <p>1 some more witnesses, okay? I understand. And it sounds 2 like everybody's got some concerns they really want to get 3 out. But we have to ask the person that can actually 4 address those concerns. 5 HEARING EXAMINER ROBESON HANNAN: Anything else? 6 Anybody else? Okay. Seeing none we will go -- were going 7 to take a five-minute break. You may -- don't leave the 8 meeting, but you may want to mute because sometimes people 9 talk and we can hear you during the break. So court 10 reporter, were going to go off the record and will be back 11 at 11:15. 12 COURT REPORTER: Stand by. 13 HEARING EXAMINER ROBESON HANNAN: Thank you. 14 (Off the record at 11:09 a.m., resuming at 11:21 a.m.) 15 COURT REPORTER: We are on the record. 16 HEARING EXAMINER ROBESON HANNAN: Thank you. Ms. Lee- 17 Cho, Mr. La Vay is up? 18 MS. LEE-CHO: Yes. 19 HEARING EXAMINER ROBESON HANNAN: Good morning Mr. La 20 Vay. 21 MR. LA VAY: Good morning Ms. Hannan. I hope you're 22 feeling better. 23 HEARING EXAMINER ROBESON HANNAN: I just blanked out. 24 I'm sorry. 25 Please raise your right hand.</p>

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17 (65 to 68)

<p>65</p> <p>1 Do you solemnly affirm under penalties of perjury that</p> <p>2 the statements you're about to make are the truth, the whole</p> <p>3 truth, and nothing but the truth?</p> <p>4 MR. LA VAY: I do.</p> <p>5 HEARING EXAMINER ROBESON HANNAN: Go ahead, Ms. Lee-</p> <p>6 Cho.</p> <p>7 MS. LEE-CHO: Let's start with just having you state</p> <p>8 your full name and occupation for the record, please.</p> <p>9 MR. LA VAY: Sure. My name is Patrick La Vay. The</p> <p>10 last name is spelled; L-A, space, capital V as in Victor,</p> <p>11 A-Y. I am a vice president of MHG also a civil engineer and</p> <p>12 senior land development project manager.</p> <p>13 MS. LEE-CHO: Ms. Hannan, I know that you --</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Yeah. Well, I was</p> <p>15 going to say Mr. La Vay has testified many times before OZHA</p> <p>16 as an expert in civil engineering. Does anyone object to</p> <p>17 qualifying him as an expert?</p> <p>18 MS. LEE-CHO: Well, before you ask that question, Ms.</p> <p>19 Hannan, in addition to his expertise in civil engineering</p> <p>20 based on his number of years as project manager of numerous</p> <p>21 projects, conditional uses and special exceptions in the</p> <p>22 county and his familiarity with the County's master plan</p> <p>23 requirements and other regulatory requirements of the</p> <p>24 County, I would also like to have him testify to land</p> <p>25 planning related as an expert.</p>	<p>67</p> <p>1 White Oak Self Storage. The local map amendment number was</p> <p>2 H-147 and the conditional use for was CU23-02.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: Thank you.</p> <p>4 MS. LEE-CHO: Thank you.</p> <p>5 HEARING EXAMINER ROBESON HANNAN: Okay. With no</p> <p>6 objection I am going to qualify him as an expert in land</p> <p>7 planning and civil engineering.</p> <p>8 MS. LEE-CHO: So why don't we begin by having you</p> <p>9 describe the subject property generally and speaking to the</p> <p>10 surrounding neighborhood that was delineated by the</p> <p>11 technical staff. I would like to ask you whether you would</p> <p>12 agree with that delineation.</p> <p>13 MR. LA VAY: Sure. I will start with the larger, which</p> <p>14 would be the neighborhood down to the as referenced in the</p> <p>15 staff report, technical staff report, which was exhibit -- I</p> <p>16 lost my exhibit numbers here. Give me one second. Give me</p> <p>17 one second. My computer is doing a blip here. Here we go.</p> <p>18 MS. LEE-CHO: And Pat, are you good with sharing</p> <p>19 exhibits and testifying at the same time?</p> <p>20 MR. LA VAY: Yeah, I can do that.</p> <p>21 HEARING EXAMINER ROBESON HANNAN: Here. I can share</p> <p>22 it. I've got it up.</p> <p>23 MR. LA VAY: It was exhibit -- yeah, it was Exhibit 62</p> <p>24 of the staff report.</p> <p>25 HEARING EXAMINER ROBESON HANNAN: Right.</p>
<p>66</p> <p>1 MR. LA VAY: I can add to that that I was qualified</p> <p>2 before Kathryn Byrne for those matters for a conditional and</p> <p>3 local map amendment case. I can reference those case</p> <p>4 numbers if you need.</p> <p>5 HEARING EXAMINER ROBESON HANNAN: Okay. If that's the</p> <p>6 case and you were qualified, I will accept you as an expert</p> <p>7 in land planning and engineering.</p> <p>8 MS. LEE-CHO: Civil engineering.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: Civil and planning.</p> <p>10 All right.</p> <p>11 MS. LEE-CHO: And hearing --</p> <p>12 HEARING EXAMINER ROBESON HANNAN: Give me -- I'm sorry.</p> <p>13 Give me one moment. I'm just -- I'm sorry. Can we go off</p> <p>14 the record for two minutes with --</p> <p>15 COURT REPORTER: Stand by.</p> <p>16 (Off the record at 11:24 a.m., resuming at 11:25 a.m.)</p> <p>17 COURT REPORTER: We on the record.</p> <p>18 HEARING EXAMINER ROBESON HANNAN: Thank you.</p> <p>19 MS. LEE-CHO: Before -- going back to Mr. La Vay's</p> <p>20 statement, the other cases that he was qualified for land</p> <p>21 planning, I would like him to reference those case numbers</p> <p>22 for the record.</p> <p>23 HEARING EXAMINER ROBESON HANNAN: Very well.</p> <p>24 MR. LA VAY: Sure. It was a combined local map</p> <p>25 amendment and conditional use for a project by the name of</p>	<p>68</p> <p>1 MR. LA VAY: We need someone to mute themselves.</p> <p>2 Yeah, at any rate the staff report included the</p> <p>3 neighborhood delineation boundary that was asked for by</p> <p>4 staff. And that the yellow boundary you see here. And I</p> <p>5 have no objections to that being the neighborhood for</p> <p>6 purposes of this case. I can then refer to exhibits --</p> <p>7 excuse me. Went back to the exhibit list here. The campus</p> <p>8 master plan which would be Exhibit 36 to describe the</p> <p>9 general property.</p> <p>10 So the entire campus of Bullis as a whole is just under</p> <p>11 102 acres. What we refer to as the main campus is 77 acres.</p> <p>12 And that is the western developed part of the site. So if</p> <p>13 you see on the screen, the darker green areas that sort of</p> <p>14 have polygonal shapes, those are forest conservation areas.</p> <p>15 Everything to the west of that is the 77 acre parcel that we</p> <p>16 consider to be the main campus which is where the majority</p> <p>17 of the improvements -- really all of the improvements for</p> <p>18 the school and its facilities are located.</p> <p>19 There is a property we refer to as the Topper property</p> <p>20 which is east of that boundary I discussed. And that is</p> <p>21 approximately 25 acres. This 11 residential lots of</p> <p>22 approximately 2 acres each that were bought in 2011 in a</p> <p>23 subdivision named Kentsdale Estates that the school acquired</p> <p>24 all but one of those. One of them was developed with a</p> <p>25 home. And those currently are undeveloped aside from the</p>

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18 (69 to 72)

<p>69</p> <p>1 existing infrastructure that remains from an old house you 2 see on the screen to the southeast, that sort of looped 3 driveway. 4 Generally speaking, access to the site, all access 5 comes into the property from Falls Road at the main entrance 6 which is on the west side of this image. You can see the 7 sort of main artery that comes into the site and will be 8 described further in testimony. There is traffic 9 circulation that splits in two directions. There are exits 10 to the property at Falls Road to the north end of the page, 11 north of where you see the stadium facility. And then 12 there's also an exit to the south of the property on the 13 Democracy Boulevard. 14 There is currently no vehicle or connectivity to the 15 property I described as the Topper property. As you can see 16 on this image the developed areas are really combined 17 together and the white buildings are structures that are 18 existing. The darker shade of brown structures our future 19 buildings both by this application and things that have been 20 previously approved and not built yet. The main academic 21 campus is located fairly close to the Falls Road entrance. 22 It's combined in a quad style campus. And then there is a 23 sort of athletic campus to the north and the east of the 24 property where athletic fields, the stadium are located as 25 well.</p>	<p>71</p> <p>1 have the capability of bringing it up unless you can share 2 it on -- you have it. 3 MR. MURRAY: I have it. 4 MS. LEE-CHO: I think it would be -- just answer the 5 last line of questions about the playground location, we 6 just wanted to show its relative location on the campus 7 master plan. 8 HEARING EXAMINER ROBESON HANNAN: Well, you can do that 9 from -- I can do it from the -- can I do it from the NRIFSD? 10 MS. LEE-CHO: No, actually the 2004 campus master plan 11 was the long-range plan for the campus showing the future 12 location of the playground. 13 HEARING EXAMINER ROBESON HANNAN: Oh, I see. Okay. 14 MS. LEE-CHO: So Pat, can you bring that up? 15 MR. LA VAY: Sure, yeah. 16 MS. LEE-CHO: And we can enter it -- 17 HEARING EXAMINER ROBESON HANNAN: This is not in the 18 record? 19 MS. LEE-CHO: Not in this record, but is in the record 20 of the school's previous approval under case F687, F and G. 21 We can -- if I can bring it up we can enter it as a separate 22 exhibit into this case. Are you able to bring it up, Pat? 23 MR. LA VAY: Yeah, is that okay? 24 MS. LEE-CHO: Yeah. And then we'll enter it as a new 25 exhibit, Exhibit 66.</p>
<p>70</p> <p>1 As I mentioned previously, the darker green areas on 2 property, the larger dark green areas are Category I forest 3 conservation easements and is approximately 27½ acres of the 4 total that is placed in those conservation easements. There 5 are also two conservation easements on the Topper property 6 which are delineated by the dashed black lines that sort of 7 run diagonally across that Topper property to the east as 8 well. 9 MS. LEE-CHO: Great. So are you done describing the 10 property at this point? 11 MR. LA VAY: Yes. 12 MS. LEE-CHO: At this point I would like you to speak 13 to and provide clarification on the 2004 campus master plan 14 versus what we today in the 2023. In your opinion, as the 15 school's 2004 campus master plan served its intended 16 purpose? 17 MR. LA VAY: Yes, that -- 18 MS. LEE-CHO: And to have the 2004 master plan 19 available just -- maybe I should bring it up. 20 MR. LA VAY: I do. I don't -- I don't know if that's a 21 specific exhibit in here, but I do have it handy if you need 22 to bring it up separately. I think it may actually help a 23 few of the questions that were -- 24 HEARING EXAMINER ROBESON HANNAN: Well, I don't have -- 25 we don't have the capability. If it's on the record I don't</p>	<p>72</p> <p>1 COURT REPORTER: Terribly sorry for the interruption. 2 But whoever has the phone number starting with 13 and ending 3 with 71, I do need you to mute yourself. 4 HEARING EXAMINER ROBESON HANNAN: Okay, go ahead. 5 Thank you. 6 MS. LEE-CHO: Oh Pat -- 7 MR. LA VAY: Go ahead. 8 MS. LEE-CHO: Yeah. Let's just answer the playground 9 question. This is the first, can you explain what it is 10 that we are looking at? 11 MR. LA VAY: Yes. So you're looking at the 2004 master 12 plan as it was at a point in history only revised for the 13 property acquired in 2011. And that's mentioned in the top 14 of this page. I think the original 2004 master plan was 15 obviously before the Topper property was acquired. So that 16 would be the one difference perhaps in this image and what 17 may otherwise be found in the record. Although I believe 18 this is the record as well somewhere. So what you're seeing 19 here -- 20 MS. LEE-CHO: So then -- 21 MR. LA VAY: Oh, go ahead. 22 MS. LEE-CHO: If I could ask you, this obviously 23 predates the Discovery Center construction on the property. 24 Could you do a close-in view of the, at the time, the lower 25 school building that was proposed at the time?</p>

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19 (73 to 76)

<p>73</p> <p>1 MR. LA VAY: I'm going to zoom in here to the corner 2 here. So what you're seeing now is the homes, the 8 homes 3 that line Democracy Boulevard that are to the southwest 4 year, that the turf field that's been described, it's 5 labeled here as athletic field and in a slightly different 6 orientation. The lower school is this foresighted structure 7 here that's sort of a donut-shaped with the number three on 8 it. And then the playground area is labeled here as 15, is 9 the darker brown just to the west of the motor pool 10 maintenance facility. 11 MS. LEE-CHO: And in your opinion is the playground 12 that's shown on the 2004 campus master plan on approximate 13 location to what is being proposed under today's 14 application? 15 MR. LA VAY: Yes. It's very, very close. In fact I 16 think perhaps the southernmost tip of this is slightly 17 closer to the first home on Democracy Boulevard going from 18 east to west that as you may have seen and you'll see in 19 some other exhibits, that this leg here, this other leg of 20 the L has actually been turned to the east. So it's 21 actually in some ways further away from some of these homes. 22 But the same general location. 23 MS. LEE-CHO: So I would request that this 2004 campus 24 master plan version be entered into the exhibit list as 25 Exhibit 66.</p>	<p>75</p> <p>1 MS. LEE-CHO: So Pat, based on -- in your opinion, has 2 this school's 2004 campus master plan serve its intended 3 purpose? 4 MR. LA VAY: Yes. The main purpose of the 2004 master 5 plan was to guide the school's enrollment growth and its 6 facilities to support a 900 student enrollment. 7 MS. LEE-CHO: And what is the purpose of the present 8 2023 campus master plan? 9 MR. LA VAY: It is to increase the enrollment from 900 10 students to 1096 students with a proportional increase of 11 staff from 223 to 272, as well as implementing the new lower 12 school facility that was shown in the 2004 plan, although a 13 slightly different design in orientation, while providing a 14 stable relationship to the remaining campus, enhanced 15 particular circulation and queuing, and maintaining the 16 previously unbuilt improvements that were shown on the 2004 17 plan. 18 MS. LEE-CHO: I'm using -- now if we can move to the 19 Exhibit 45 and 46, if you could explain some of the parking 20 facilities that are on the campus and what's changing with 21 the lower school project as well as was in the future plan 22 for improving the campus. 23 MR. LA VAY: Yes. Let me just get my exhibits. I had 24 to go from one computer to another. Okay. Can you see the 25 screen?</p>
<p>74</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Any objections? 2 Hearing none, I will admit it as Exhibit 66. 3 (Exhibit 66 was admitted.) 4 MS. LEE-CHO: Thank you. 5 MR. LA VAY: Do I need to do something specific with 6 this to make sure that this particular point gets -- 7 HEARING EXAMINER ROBESON HANNAN: Yes, you need to send 8 it to Sarah Behanna of our office. 9 MR. LA VAY: I'm just going to make a note. 10 HEARING EXAMINER ROBESON HANNAN: And she'll -- 11 MR. LA VAY: She'll mark the exhibit number on it? 12 HEARING EXAMINER ROBESON HANNAN: She'll mark the 13 exhibit, yes. 14 MR. LA VAY: Okay. 15 MS. LEE-CHO: Okay. 16 (Crosstalk) 17 HEARING EXAMINER ROBESON HANNAN: Please, who's 18 speaking? 19 MS. LU: This is Mei. 20 HEARING EXAMINER ROBESON HANNAN: Okay. 21 MS. LU: May I ask a question? 22 HEARING EXAMINER ROBESON HANNAN: Not yet. Let him 23 finish and then you can ask the question. 24 MS. LU: Okay. 25 HEARING EXAMINER ROBESON HANNAN: Go ahead, Mr. La Vay.</p>	<p>76</p> <p>1 MS. LEE-CHO: Yes. 2 MR. LA VAY: So what you see here is Exhibit 45 and 3 this is a parking exhibit to delineate the number of parking 4 spaces that will be on the campus as a whole once the lower 5 school facility is implemented. And they are spread around 6 the campus quite a bit. As you can see, the number of 7 spaces as counted by these yellow circles with blue outlines 8 are just numbers to delineate counts in each area. But the 9 number of parking spaces after the construction of the lower 10 school facility will be 480. That is a slight reduction 11 from what exists today. 12 MS. LEE-CHO: And if you could do a close-in view of 13 the southwest corner of this plan and confirm that there are 14 some parallel parking spaces proposed along the new turf 15 field. 16 MR. LA VAY: Correct. Yes. So there was a need to -- 17 there is a need to accommodate some parking in the vicinity 18 of this building for operations, for visitors, et cetera. 19 We did look at a number of different ways to accommodate or 20 to explore and providing that parking and felt that rather 21 than having a conglomerated parking field say behind these 22 homes next to this field, that would be more efficient use 23 of impervious areas and less of an impact to parallel spaces 24 where things like lights aren't pointed towards homes and so 25 forth along the loop road in the limited sections.</p>

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20 (77 to 80)

<p style="text-align: right;">77</p> <p>1 MS. LEE-CHO: And there appears to be what looks like a 2 parking facility of 21 spaces right across from the lower 3 school. Can you identify in actuality what those spaces 4 are? 5 MR. LA VAY: Yes, that's an existing facility, parking 6 facility where mainly school buses and maintenance and 7 operational vehicles are parked for the campus. They have a 8 facilities building there where they also work on those 9 vehicles and store some of their materials. That facility 10 will get slightly smaller. I believe this -- you can kind 11 of see it to the west of the number 21. The corner of that 12 facility is being chopped off to allow this loop road to 13 continue past through there. But the majority of that field 14 will remain parking field (indiscernible). 15 MS. LEE-CHO: So are you saying that the 21 spaces are 16 not passenger vehicles, but school buses and other facility 17 maintenance vehicles? 18 MR. LA VAY: Correct. There may be let's say one or 19 two vehicles that get parked there that are for staff, they 20 are part of the facility staff. But the majority of the 21 vehicles there are buses or operational vehicles, campus 22 facility vehicles that are not coming and going on a daily 23 basis. 24 MS. LEE-CHO: And that has been -- that's an existing 25 condition and long-term -- it's been that based on the</p>	<p style="text-align: right;">79</p> <p>1 And again, those were approved prior but have not been 2 built yet and maybe built in the future. And then there's a 3 slight reduction. There's a reduction of I think 61 spaces 4 on the far east side where the indoor athletic facility is 5 shown because that would be built over an existing parking 6 field, excuse me. And this plan, once implemented, if 7 anything was implemented and built there would be 597 spaces 8 on the campus. 9 MS. LEE-CHO: By using this exhibit I would like to ask 10 you to provide some clarification on some of the 11 conversation and questions that we've heard regarding the 12 Falls Road bike path and the Democracy bike path. If you 13 could identify where those two improvements will be located 14 on this exhibit. 15 MR. LA VAY: Sure. Just generally speaking those 16 are -- those paths are a result of Montgomery County 17 planning policy. Master plan of highways, bicycle master 18 plan, local master plans all have long-term visions for 19 roadway widths and pedestrian and bicycle transit 20 facilities. And so what we discuss about those improvements 21 are really derived from the county master plans. And when 22 you have a development application the County then would 23 typically ask a property owner or developer to actually fund 24 or implement those improvements. 25 Along Democracy Boulevard the facility would be an 8</p>
<p style="text-align: right;">78</p> <p>1 campus -- use of that lot has been for maintenance and bus 2 parking; is that correct? 3 MR. LA VAY: That's correct. That was also part of the 4 2004 campus master plan. 5 MS. LEE-CHO: Can we move to Exhibit 46? And if you 6 could, walk us through the long-term parking improvements 7 being planned for implementation in the future. 8 MR. LA VAY: Yes. So this version actually marks of 9 the campus master plan since the campus master plan shows 10 facilities that are still planned, but not constructed. And 11 again, those are the items that are in the darker brown and 12 they include this lower school facility that we are here to 13 discuss today, but also as you move east along the campus -- 14 well actually we are here to discuss also the quote/unquote 15 bubble for the 8 existing tennis courts. And in the Far 16 East of the campus there is a future indoor athletic 17 facility that was part of the 2004 plan. 18 To support those facilities as well as any future 19 growth of the school. There are additional parking spaces 20 that were approved by prior amendments, particularly the 21 2004 plan, that are not built. Those are actually in a 22 darker shade of gray. I'm sure it's probably hard to see at 23 this scale, but they are -- those spaces are delineated by 24 the red circles with red writing, sprinkled around the 25 campus.</p>	<p style="text-align: right;">80</p> <p>1 foot wide shared -- what we call a shared use path. So it's 2 an asphalt path intended to be used by folks walking or 3 riding bicycles. That would be separated from the paving 4 surface that you see today by I believe it's 8 feet with 5 what we refer to as a landscape buffer where there would be 6 some additional street trees and streetlights. And then 7 again, the 8 foot wide asphalt path. 8 On Falls Road, similarly the prior agreement was for -- 9 and the MOU was discussed earlier -- was an 8 foot wide 10 asphalt path, similar separation from Falls Road although 11 there is a meandering nature to it given some of the 12 constraints on Falls Road with topography and utilities and 13 so forth, and trees. But generally and again, similar 14 separation from the roadway and also an 8 foot wide path. 15 The County is re-exploring -- the County has -- I guess, 16 they're planning more of them. 17 And typical bike paths now these days are closer to 11 18 feet center. I believe the County is looking at changing 19 the design of the Falls Road bike path as the whole master 20 plan much further beyond the site in both directions to be 21 10 feet. So while it is shown as 8 feet here that very well 22 may become 10 feet in the future. 23 MS. LEE-CHO: So when we talk about the Falls Road, the 24 County's Falls Road bike path project, can you give us a 25 sense of the starting point and end point of that CIP,</p>

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21 (81 to 84)

<p>81</p> <p>1 capital improvement project.</p> <p>2 MR. LA VAY: Yeah, I don't have the CIP in front of me.</p> <p>3 I believe it's 5 miles. And the starting point I believe is</p> <p>4 close to 270. Do you mind if I bring up the CIP?</p> <p>5 MS. LEE-CHO: I don't think there is a need to bring it</p> <p>6 up. Just if you could just speak to --</p> <p>7 MR. LA VAY: Yeah, it's essentially -- I believe it's a</p> <p>8 5 mile network from -- and we're roughly in the middle going</p> <p>9 north on Falls Road and then south. I don't have the</p> <p>10 terminal points in front of me, but I believe it's about</p> <p>11 approximately 5 miles.</p> <p>12 MS. LEE-CHO: The portion that is covered by the MOU,</p> <p>13 or contract, or agreement that we've been talking about</p> <p>14 between the Bullis school and Montgomery County, what</p> <p>15 exactly -- using this exhibit, what portion would cover it</p> <p>16 under the MOU?</p> <p>17 MR. LA VAY: That would cover the extents of the</p> <p>18 property frontage. So what's colored from -- on Falls Road</p> <p>19 going from west to east, the entirety of the property</p> <p>20 frontage. And on the western edge the property stops one</p> <p>21 lot short of the intersection of Falls and Democracy. And</p> <p>22 then on the east edge it's directly in front of the Falls</p> <p>23 Road Golf Course right before the curve as you're heading</p> <p>24 north on Falls Road.</p> <p>25 MS. LEE-CHO: So again, just to be clear, it's -- the</p>	<p>83</p> <p>1 say that the core purpose of the MOU and its addendum is to</p> <p>2 manage the timing of -- for the school's portion?</p> <p>3 MR. LA VAY: Yes. Yes. The school is absolutely</p> <p>4 required to build. It's just a matter of time.</p> <p>5 MS. LEE-CHO: Were you in a meeting with MCDOT more</p> <p>6 recently where the parties discussed executing a second</p> <p>7 addendum to the MOU to update certain provisions?</p> <p>8 MR. LA VAY: Yes.</p> <p>9 MS. LEE-CHO: And under the terms of a second addendum</p> <p>10 being discussed with the DOT, when -- again, when will the</p> <p>11 school be required to construct its construction of the</p> <p>12 Falls Road bike path?</p> <p>13 MR. LA VAY: There's no specific date at this time.</p> <p>14 Excuse me. The MOU is intended to ensure that the County</p> <p>15 notifies the school as soon as the funding is in place and</p> <p>16 restored for that pathway. I say restored because there was</p> <p>17 funding at some point in history that then dried up for the</p> <p>18 design. And then at that time the school and DOT are to</p> <p>19 work together on a potential construction schedule.</p> <p>20 Obviously there would be permitting to do with both parties.</p> <p>21 MS. LEE-CHO: And if we can also speak a little bit</p> <p>22 about the Democracy frontage portion which you had mentioned</p> <p>23 that there is a bike path contemplated on that project as</p> <p>24 well. Again, using this exhibit, what is the school -- what</p> <p>25 portion of the Democracy path is the school -- would be the</p>
<p>82</p> <p>1 school's responsibility to construct its frontage portion of</p> <p>2 the Falls Road bike path is only across its property</p> <p>3 frontage along Falls Road; is that correct?</p> <p>4 MR. LA VAY: That is correct. The County has a master</p> <p>5 plan to build a remaining facility, the 5 mile facility</p> <p>6 north and south of here, but the school would only be</p> <p>7 responsible for building its frontage.</p> <p>8 MS. LEE-CHO: And what is the purpose of this, the core</p> <p>9 purpose of the MOU and the subsequent first addendum that</p> <p>10 was executed between the school and the County?</p> <p>11 MR. LA VAY: It really was to ensure that this path is</p> <p>12 constructed in close coordination with MCDOT. Anytime one</p> <p>13 of these site facilities is constructed it does present</p> <p>14 challenges with regards to alignments, especially when</p> <p>15 there's a larger capital improvement projects on either end</p> <p>16 of it. But also particularly for safety and how that -- if</p> <p>17 and when the school initiated this, how you would get on and</p> <p>18 off of this facility if the rest of the network was not</p> <p>19 built yet.</p> <p>20 And that was really the nexus -- part of the nexus for</p> <p>21 the MOU as well as I believe there was some -- back then</p> <p>22 when the MOU was first done there was some uncertainty of</p> <p>23 whether or not Falls Road may get straightened out by the</p> <p>24 state Highway administration.</p> <p>25 MS. LEE-CHO: So to paraphrase, would it be correct to</p>	<p>84</p> <p>1 school's responsibility?</p> <p>2 MR. LA VAY: The school's responsibility would</p> <p>3 similarly be only along its frontage which is the colored</p> <p>4 area. Now I will say that on Democracy it's a little bit</p> <p>5 different because the Topper property, which again is the</p> <p>6 residential subdivision that was purchased in 2011 to the</p> <p>7 east, was not part of this requirement for the bike path.</p> <p>8 So it's going from, on this image, the area along Democracy</p> <p>9 that's colored in the darker green which again represents</p> <p>10 the forest conservation easements, it's really that area.</p> <p>11 So going from the west edge towards the east. It's kind of</p> <p>12 in the middle of the arc in Democracy Road. And that's the</p> <p>13 extents of the bike paths. That bike path has --</p> <p>14 MS. LEE-CHO: So along --</p> <p>15 MR. LA VAY: Go ahead.</p> <p>16 MS. LEE-CHO: So along -- just to be clear, along the</p> <p>17 Democracy alignment where you see the change in coloration</p> <p>18 between the dark green forest conservation area and the</p> <p>19 light green of the Topper property, you're saying that</p> <p>20 that's where the school's current sidewalk obligation ends?</p> <p>21 MR. LA VAY: Yes.</p> <p>22 MS. LEE-CHO: There has been some question about the</p> <p>23 Democracy sidewalk and the potential impact along the homes</p> <p>24 along -- at the corner of Falls and Democracy. Is that at</p> <p>25 all a part of this application?</p>

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22 (85 to 88)

<p>85</p> <p>1 MR. LA VAY: No. If that were ever done it would be 2 done by the County on its own.</p> <p>3 MS. LEE-CHO: Is there -- has there been some 4 discussion also to bring the Democracy path and the timing 5 of construction within the MOU second addendum document 6 being discussed with DOT as well?</p> <p>7 MR. LA VAY: There has been. As of now that path has 8 been fully bonded and permitted. It was a requirement of 9 the recording of the -- for the campus. Like Falls Road 10 though anytime you install a partial off-road bicycle 11 facility it presents challenges for entering and exiting 12 such a facility. They can create safety concerns and I 13 think the school recognizes those and would like to use the 14 opportunity of the MOU discussions to perhaps roll that into 15 any plans the county may have for Democracy as well.</p> <p>16 MS. LEE-CHO: And as part of the technical staff review 17 on this issue and the Planning Board's transmittal of 18 recommendation for approval, was there a condition 19 recommended from the Planning Board that relates to the 20 Falls Road path?</p> <p>21 MR. LA VAY: Yes, the recommended condition is that the 22 path is the responsibility of the school to construct with 23 the timing of such to be negotiated with DOT and the MOU 24 we've been discussing.</p> <p>25 MS. LEE-CHO: And the further amendment of the MOU, is</p>	<p>87</p> <p>1 as follows. The Applicant must construct an 11 foot wide 2 side path along the frontage of Falls Road. Prior to the 3 use and occupancy of the lower school building the Applicant 4 must enter into a new MOU with MCDOT which will determine 5 the ultimate width, alignment, and timing of construction of 6 the site path.</p> <p>7 MS. LEE-CHO: Okay, thank you. At this point I would 8 like Mr. La Vay to go through the general standards for 9 approval of special exception. As he going to those 10 standards I will be having him address a number of land 11 planning related issues inclusive of compatibility issues.</p> <p>12 Maybe it might be good --</p> <p>13 HEARING EXAMINER ROBESON HANNAN: Well, wait a minute. 14 Before we get -- I have a question. Is the playing field, 15 the new artificial turf playing field, is that limited to 16 children from the lower school?</p> <p>17 MR. LA VAY: I don't believe --</p> <p>18 HEARING EXAMINER ROBESON HANNAN: And maybe that's for 19 Mr. Sullivan. And is that for intramural sports or 20 intermural sports? In other words, are you going to have 21 teams from other -- outside the school be playing there? Or 22 if you don't know just tell me. I'll re-ask -- not yet, but 23 at some point I'll go back -- I'll circle back around to Mr. 24 Sullivan.</p> <p>25 MR. LA VAY: Yeah, I can at least speak to -- and I can</p>
<p>86</p> <p>1 that required to be obtained by the school by a certain 2 time?</p> <p>3 MR. LA VAY: Yes, I believe the final -- I don't have 4 in front of me, but if I need to I can refer to the final 5 letter of transmittal from the Planning Board. But I 6 believe it was before use and occupancy of the building the 7 MOU must be ratified.</p> <p>8 MS. LEE-CHO: And the building is the lower school? I 9 believe --</p> <p>10 MR. LA VAY: Excuse me, the lower school building, yes.</p> <p>11 MS. LEE-CHO: So prior to use and occupancy of the 12 lower school, the school must enter into an updated MOU with 13 the DOT; is that correct?</p> <p>14 MR. LA VAY: That's correct. And we need to -- again, 15 if I need to bring up the transmitted letter from the 16 Planning Board I believe there is a specific recommendation 17 number in there.</p> <p>18 MS. LEE-CHO: Yes, I believe that's under exhibit -- 19 that's in the exhibit list. Yes, Exhibit 63. So can you 20 read the condition that's in the middle of that page?</p> <p>21 MR. LA VAY: Yeah. So I have Exhibit 63 on the screen 22 which is the letter from the Montgomery County Planning 23 Board dated April 19 to the Office of Zoning and 24 Administrative Hearings, which clarifies a slight revision 25 to the staff recommended condition number 2 that would read</p>	<p>88</p> <p>1 let Mr. Sullivan speak to the operational nature of it. But 2 I can say that the size of that facility is not competition 3 level size. So the predominant use of it will be for lower 4 school activities. There may be other programs whether it's 5 summer camps, other uses that may come into play. But the 6 size of that facility will not support competition level 7 play.</p> <p>8 HEARING EXAMINER ROBESON HANNAN: And do you plan to 9 have -- and maybe this is for Mr. Sullivan -- any amplified 10 music or loudspeakers there?</p> <p>11 MR. LA VAY: No, there's no noise or sound equipment 12 proposed. There are no field lights proposed as well.</p> <p>13 MS. LEE-CHO: If I might, Ms. Hannan, follow-up.</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Just one second. Why 15 are the parking spaces there?</p> <p>16 MR. LA VAY: They are there to support the lower 17 school. They just are placed alongside the loop road. 18 Since we already need to provide a loop road for fire 19 access, for queueing of drop off activities, placing the 20 spaces parallel to the road are less of an impact than say a 21 larger organized parking lot.</p> <p>22 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>23 MS. LEE-CHO: I do have a follow-up for Mr. La Vay on 24 the field question. You testified that the proposed turf 25 field resized, it will not be sufficiently large enough to</p>

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23 (89 to 92)

<p>89</p> <p>1 host competition, regulation size field. It will just be 2 for relatively practice, predominantly the lower school. 3 Can you speak to the current field and whether the current 4 field size allows for -- would allow for competitions and -- 5 MR. LA VAY: Yeah. The current field is much larger. 6 I believe it has historically been used for field hockey, at 7 least field hockey practice. I'm not sure about games. I 8 don't know whether the school has ever used it for formal 9 games, but I certainly believe some of the upper school 10 practices, again field hockey as an example, have used that 11 facility. It is much larger today and it will be getting 12 significantly smaller. 13 MS. LEE-CHO: Thank you. Maybe we can have Mr. 14 Sullivan come back very briefly and address the intended use 15 of the field. 16 HEARING EXAMINER ROBESON HANNAN: Yeah, not quite yet. 17 MS. LEE-CHO: Okay. 18 MR. LA VAY: There is a hand up as well. 19 HEARING EXAMINER ROBESON HANNAN: I've got to finish 20 one witness at a time. 21 MS. LEE-CHO: Oh, understood. Very good. Well, at 22 this point I might suggest that any questions related to 23 what we've currently covered, we could do and then move into 24 the general standards. And there will be much more 25 testimony that Mr. La Vay will give. So I didn't want to</p>	<p>91</p> <p>1 Mr. La Vay, Ms. Lee-Cho, keep going. 2 MS. LEE-CHO: And just one more question about the turf 3 field. On the 2004 master plan, Mr. La Vay, was the lower 4 school turf field identified as a potential artificial turf 5 field? Or is that something that was specified in the 6 campus master plan? 7 MR. LA VAY: It was listed as athletic field. I don't 8 believe it was specifically addressed as what the surfacing 9 would be. 10 MS. LEE-CHO: All right. If we can move to the general 11 standards then, I would ask you to -- first, are you 12 familiar with section 59 G-121 of the 2004 zoning ordinance? 13 MR. LA VAY: Yes, I am. Yes, the -- that section of 14 the zoning ordinance, excuse me, requires consideration of 15 inherent and non-inherent adverse impacts on nearby 16 properties and the general neighborhood from the proposed 17 use at the proposed location 18 MS. LEE-CHO: And are you familiar with inherent 19 effects that have been found in other private educational 20 institution cases by the hearing examiner's office? 21 MR. LA VAY: Yes. 22 MS. LEE-CHO: And what are those inherent effects of a 23 private educational institution? 24 MR. LA VAY: Larger visible structures, parking 25 facilities, queuing facilities, lighting of such facilities,</p>
<p>90</p> <p>1 get too far if there were some questions. 2 HEARING EXAMINER ROBESON HANNAN: I gotcha. But let's 3 stick with one witness because cross-examination gets -- so 4 go ahead. Go ahead and finish it with Mr. La Vay. 5 And for those listening, what we're doing is having a 6 follow-up witness answer the questions at a later date -- 7 no, not later date, later time, answer the questions I just 8 asked about the use of the lower field, the turf field I 9 mean. Okay. So let's go through. Let's finish with Mr. -- 10 Amir Amiljazel, is that correct? 11 MR. AMILJAZIL: Yes, that's correct. I have a 12 question. 13 HEARING EXAMINER ROBESON HANNAN: Well, not yet. Not 14 yet. 15 Mr. AMILJAZIL: I want to -- 16 HEARING EXAMINER ROBESON HANNAN: He's not finished 17 yet. 18 MR. AMILJAZIL: Just a question. Just a question, 19 ma'am. 20 HEARING EXAMINER ROBESON HANNAN: You'll -- he's not 21 finished yet. So we're going to finish him and then you get 22 to -- keep your hand up and then you get a chance to 23 testify. I mean, then you get a chance to ask the question. 24 So this is his, like, chance to testify. You'll have a 25 chance to ask your question.</p>	<p>92</p> <p>1 traffic generation, new impervious surfaces are all inherent 2 impacts. 3 MS. LEE-CHO: And what are the inherent impacts 4 implicated by what the school is proposing under the current 5 application in your opinion? 6 MR. LA VAY: I think that would be much of the same, 7 again, a larger visible structure, i.e. the building, the 8 new loop road facility, the parking along the loop road 9 facility, the traffic generation and the queuing, and the 10 new impervious surfaces that are being created. 11 MS. LEE-CHO: Are noise from activities part of an 12 inherent effect of the school? 13 MR. LA VAY: They are. Although compared to some other 14 uses the noise of a school and its associated activities is 15 much less than say some other uses. 16 MS. LEE-CHO: And are there features that are existing 17 on the property in the area that we are talking about for 18 the lower school proposal, that in your opinion, will help 19 mitigate these inherent effects? 20 MR. LA VAY: Yes. I believe Mr. Sullivan mentioned 21 previously that at some point in history there was a very 22 large hedge, I believe Leyland Cypress trees that were 23 planted not on the property line, but relatively close to 24 the property line that adjoins the 8 homes on Democracy 25 Boulevard. Those have become very large and mature. I</p>

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24 (93 to 96)

<p style="text-align: right;">93</p> <p>1 believe they are 20 to 30 feet tall and they are very dense. 2 They will provide, and do provide quite a bit of screening 3 that will assist with the school impacts particularly. In 4 fact those were deemed both by Park and Planning staff and 5 the Department of Permitting Services zoning staff to be 6 sufficient to meet the standards of screening required by a 7 special exception for this use. 8 MS. LEE-CHO: And what is the -- can you give a 9 measurement of distance between the property lines of the 10 homes along Democracy and, for example, the loop road, the 11 edge of pavement? Is there a setback that you would adhere 12 to? 13 MR. LA VAY: Yes, we had extensive discussions with the 14 Department of Permitting Services and Park and Planning, 15 zoning and planning staff about whether or not to quantify 16 the loop road even when the wasn't parking along it as a 17 parking facility or not. The purpose of setbacks certainly 18 on this boundary we're discussing, there was parking. So 19 it's subject to the setback requirements in section 59 E of 20 the zoning ordinance which relates to parking. And that 21 required setback is, I believe is 2 times required side yard 22 for a building in the zone which I believe is 34 feet. And 23 we are actually setback 36 feet with this new parking. 24 MS. LEE-CHO: And are there additional measures are 25 being proposed by the school further to prevent any adverse</p>	<p style="text-align: right;">95</p> <p>1 MS. LEE-CHO: In your opinion are there any non- 2 inherent adverse effects that might warrant a denial of this 3 application? 4 MR. LA VAY: No, again, all these things we described 5 are inherent to a private educational facility. The school 6 will continue to operate at much lower enrollment levels 7 than other public and private facilities in similar 8 settings. And it's certainly well below -- there is a 9 maximum student density allowed in 59 G 2.19 of the code 10 which is a special exception standards which I believe is 87 11 students per acre. They are well below that number. And 12 the new building and the exterior spaces, the loop road, 13 these are all typical for an educational institution. And 14 again, many of these items, particularly the building and 15 the playground will be substantially similar in their size 16 and location to the 2004 master plan and the existing 17 conditions, particularly with the playground. 18 MS. LEE-CHO: There have been some questions related -- 19 and concerns about noise associated with the playground in 20 particular and car noises as it travels around the loop. Do 21 you have an opinion on those issues that you would like to 22 render? 23 MR. LA VAY: Yeah, so -- with school facilities, 24 typically noise is not -- the noise levels are not high 25 enough to generate a formal mitigation requirement.</p>
<p style="text-align: right;">94</p> <p>1 impacts? 2 MR. LA VAY: Yeah. So along with Falls Road 3 particularly, there -- that hedge I described doesn't exist 4 today. And because we have a parking facility there is -- 5 there are extreme measures that are required by the zoning 6 code. So there is a very specific screening scheme being 7 implemented along Falls Road to create a hedge of similar, 8 but with different material. 9 All of the light fixtures also along the road have been 10 designed to be what's considered to be full cutoff which 11 means there's almost no upward or rear lights spillage. And 12 we have a photometric study in the record as Exhibit 11, the 13 photometric plan exhibit as Exhibit 43 and 44 which show 14 that the elimination at the property line of these 8 homes 15 in the rear is 0.1 footcandles or less, which is a 16 requirement of the special exception standards. I believe 17 it's 59 1.23 . 18 MS. LEE-CHO: And along -- there is limited lighting 19 being provided; is that correct for safety purposes along 20 the loop road? 21 MR. LA VAY: That's correct. The lighting is just 22 intended to light the loop road and parking facilities for 23 safety purposes. There is no lighting proposed to 24 illuminate the field say, like, you would see on a 25 competition athletic field.</p>	<p style="text-align: right;">96</p> <p>1 Typically noise mitigation is surrounded by highway speeds 2 or higher road speeds, much larger volume traffic or perhaps 3 equipment, things like that of a little bit more industrial 4 nature. So it's not something we see on school sites as 5 been mitigated. 6 Unfortunately due to the organic nature of landscaping 7 it doesn't provide a quantifiable noise barrier. But I 8 think there's some perceived reduction in noise by 9 landscaping, but it's not something that can be quantified 10 per se. 11 MS. LEE-CHO: And you mentioned noise from a highway, 12 or road noise. Can you describe -- we're calling it a loop 13 road, loop drive. Can you just better help us understand 14 what it is that we're talking about in terms of the internal 15 drive that would serve the lower school and the relative 16 speed of the vehicles traveling on it? 17 MR. LA VAY: Yeah, so I'm going to bring back up the 18 campus master plan here, which is Exhibit 36, if you don't 19 mind. Share my screen. You guys see that? 20 MS. LEE-CHO: Yes. 21 HEARING EXAMINER ROBESON HANNAN: Yes. 22 MR. LA VAY: All right, zoom in here a little bit. 23 Okay. So just taking a step back for a second. As you can 24 see here in this image the lower school is labeled -- it's 25 the darker -- it has a border in the darker brown and the</p>

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25 (97 to 100)

<p style="text-align: right;">97</p> <p>1 center is more of a tan. That's been placed over the top of 2 the existing loop road that's there today. And I think as 3 Neil may have testified, Mr. Murray may have testified, the 4 buildings placement is really too integrate it with the rest 5 of the academic facility of the campus. 6 If not for placing it over the existing loop road the 7 building would be separated by a road from the rest of the 8 campus. And this being a lower school, is a very negative 9 practice to have to have kids crossing a roadway or a 10 parking facility to get to other buildings on the campus, 11 say Founders Hall where there is a dining facility and so 12 forth. So the loop road goes over the back of the building 13 as you see here to mitigate that. 14 Again, also to provide fire access but also perhaps 15 most importantly to provide queuing for pickup and drop-off 16 operations and allows cars to, during those times, those 17 three short times in the mornings and the afternoons to 18 queue and to pick up students while not impacting the local 19 road network. 20 And Soo, I forgot I'm not -- 21 MS. LEE-CHO: Yeah, relative -- does the relative speed 22 of the cars that will be going through here. 23 MR. LA VAY: Oh, speed, yes. Yes. Sorry. Sorry. 24 Yes. So the school does have signage around its campus 25 about speed. And of course with children and parents and</p>	<p style="text-align: right;">99</p> <p>1 campus. How is that achieved by this loop road as it wraps 2 around the athletic field? 3 MR. LA VAY: Well just that. I think it was a question 4 earlier about why the loop road may not just go just 5 southwest of the building and cut the corner so to speak. 6 But any of those scenarios would require students to cross 7 such a facility. So the road actually wraps around all of 8 the facilities that are supporting this lower school, all 9 the exterior facilities so that you really don't have any of 10 those conflicts at all. 11 MS. LEE-CHO: Great. So in your opinion, what is the 12 noise impact from vehicles as a result of this project? 13 MR. LA VAY: It's very little. I think the average -- 14 in advance of this hearing -- and I'll be clear, I'm not an 15 acoustical engineer. But I did some research on automotive 16 noise and I think the average decibel level of a car idling 17 today is like 40 dB, which is 30 dB below or more below the 18 noise ordinance threshold for noise. So it's extremely low 19 in terms of sound from vehicles. 20 MS. LEE-CHO: And what is your opinion relative to 21 noise caused by the playground and its location, approximate 22 location the homes? 23 MR. LA VAY: Well, I think that again it's not a level 24 of noise that is typically quantified as an adverse impact. 25 The school also -- the lower school population I believe it</p>
<p style="text-align: right;">98</p> <p>1 everybody and a lot of staff on site the need to keep cars 2 going slow is extremely important to the school like it is 3 for any educational institution. They do have some areas 4 where there are speed bumps and things. But the expected 5 speeds here would be very, very low for several reasons. 6 One, during those queuing operations you're going to 7 have cars moving slowly toward dropping their kids off and 8 leaving. And that doesn't happen at a high speed. There's 9 also quite a bit of meandering here that is traffic common 10 in nature. And the school again typically does things like 11 signage and speed bumps and so forth to promote very low 12 speeds. So the speeds you're going to see here will be 15 13 mph or lower. I think there's actually some signs on the 14 campus today that say that. But very low speeds don't 15 generate much noise. 16 And as we all know, modern vehicles are getting quieter 17 and quieter with electric vehicles, hybrids, et cetera. So 18 the vehicle noise here is nothing compared to what you see 19 from say a major roadway where the speed can be in the 40, 20 50 mile-per-hour range. 21 MS. LEE-CHO: And just to reiterate what you I think 22 alluded to earlier, which is for lower school kids, the 23 importance of not forcing them to cross a road even an 24 internal road as they go back and forth from their 25 classrooms to playgrounds and other facilities on the</p>	<p style="text-align: right;">100</p> <p>1 was testified earlier is in the 200s. It's much lower than 2 you would see for say a public school where the typical core 3 capacity for a Montgomery County public school is 740 4 students. So the noise levels -- and again, those cases 5 which we put on a number of them, noise is actually not 6 something that needs to be mitigated. It's not to a level 7 where it's causing issues. 8 MS. LEE-CHO: And are you aware of the school's 9 operational -- current operations in terms of whether they 10 have the entire, all of the lower school classes outside at 11 the same time? Or whether it's managed in a staggered 12 operational format? 13 MR. LA VAY: I believe it's staggered. It's a lot of 14 children to manage at once if they are all out there. 15 Except for maybe any sort of special events I don't believe 16 that the children are all out there at once. 17 MS. LEE-CHO: And I don't know if this is more 18 appropriate for going back to Mr. Sullivan, but are you 19 aware of a range of numbers of children that are out there 20 on average on any given day at a time? 21 MR. LA VAY: I would defer to Mr. Sullivan for the 22 specifics of that. I've witnessed -- in my various visits 23 to the site I have witnessed children on the existing 24 playground, but I don't have the exact number. 25 MS. LEE-CHO: We didn't need to ask you this question,</p>

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<p>101</p> <p>1 but in support of your testimony, you've been on the site 2 and walked the site and familiar with the property; is that 3 correct? 4 MR. LA VAY: Yes, I've been to the campus many, many 5 times. 6 MS. LEE-CHO: And how long has Macris, Hendricks, and 7 Glascock, and you yourself served as a civil engineer for 8 the school projects? 9 MR. LA VAY: Our history with Bullis, as a firm, goes 10 back to 2004 I believe, when there was some stadium upgrades 11 done. I personally got involved with the campus in 2012 and 12 have been assisting the campus with land planning and 13 several related hearing matters since 2012. So 11 years. 14 MS. LEE-CHO: Let's move on to the general standards 15 found in 59 G 121A A 1. And just can you confirm that the 16 proposed use is a permissible special exception in the zone? 17 MR. LA VAY: Yes. Private educational facilities or 18 institutions specifically are permitted by a special 19 exception in the zone, RA2 20 MS. LEE-CHO: And in the RA2 zone, because this was 21 asked earlier, what is the maximum building height? 22 MR. LA VAY: It's 50 feet. So there really -- the 23 zoning already covers the maximum building height that we 24 referenced. 25 MS. LEE-CHO: Great. 59 G 1.21 A 3 indicates that --</p>	<p>103</p> <p>1 understanding is that nothing additional was added specific 2 to that, but the Council had suggested that those matters 3 would be addressed by subsequent zoning code modifications. 4 So the current zoning code I believe addresses those issues 5 as well is the local area transportation review policies 6 which our traffic engineer will speak to later. 7 MS. LEE-CHO: Was there a concern about -- on like 8 roadway queuing caused by private schools? 9 MR. LA VAY: Yes. Yes. And it was historically an 10 issue that the Bullis does benefit from a larger campus and 11 again, this new loop road will provide the necessary 12 infrastructure to ensure that queuing -- all of the traffic 13 queuing remains on site and does not spill into the public 14 roadway. 15 MS. LEE-CHO: And yes, we will have more on the 16 circulation and queuing issues covered by experts. Going -- 17 moving forward under section 59 G 1.21 A 4. In your 18 opinion -- 19 HEARING EXAMINER ROBESON HANNAN: Well wait. On the 20 master plan, aren't there special exception guidelines? 21 MR. LA VAY: There were. 22 HEARING EXAMINER ROBESON HANNAN: I've done many of 23 these in Potomac. 24 MR. LA VAY: The master plan had some general language 25 about special exceptions. If you give me one second I'm</p>
<p>102</p> <p>1 requires a finding that the hearing examiner find that the 2 case will be consistent -- the proposed application will be 3 consistent to the general plan for the fiscal development of 4 the district and including any master plan. Are you 5 familiar with the applicable master plan for the property? 6 MR. LA VAY: Yes. The property is within the 2002 7 adopted Potomac subregion master plan. The property itself 8 is not specifically mentioned in that plan. 9 MS. LEE-CHO: Is there anything -- okay. Is there 10 anything regarding the master plan that is implicated by 11 this application? 12 MR. LA VAY: Well, I think a couple of things. The 13 master plan does speak to some other broader goals. Some of 14 them are -- a lot of them are environmental related. Both 15 forest conservation and water quality are big components. 16 This will not affect at all any of the campus's forest 17 conservation again, the 27½ acres they have on site of 18 forest conservation will remain intact. And this 19 development will provide 100 percent new storm water 20 management for water quality and quantity purposes in 21 accordance with the latest regulations. 22 I believe there was also some sort of late discussion 23 when the master plan was being adopted about private 24 educational institutions and their impact on the 25 transportation networks of the local master plan. And my</p>	<p>104</p> <p>1 going to pull up the section of the plan if you don't mind. 2 HEARING EXAMINER ROBESON HANNAN: Okay. So I have 3 it -- 4 MR. LA VAY: I apologize. I have -- 5 HEARING EXAMINER ROBESON HANNAN: I have it on page 1 6 and 2, Avoid an excessive concentration of special 7 exceptions on major transportation corridors. But there's 8 somewhere else -- 9 MR. LA VAY: It's page 35 of the master plan. There's 10 a special exception policy. 11 HEARING EXAMINER ROBESON HANNAN: Yes, that's what 12 I'm -- 13 MR. LA VAY: Yeah, there's two recommendations. The 14 one you referenced was the avoiding the excessive 15 concentration of special exceptions, which I would say here 16 I don't believe that applies even though we're the only one 17 I believe. There may be a senior housing facility at the 18 old tennis facility across the street, but certainly not an 19 overwhelming concentration of special exceptions. The other 20 recommendation was to limit the impacts of existing special 21 exceptions in established neighborhoods and to increase the 22 scrutiny in reviewing special exception applications for 23 highly visible sites and properties adjacent to the 24 Chesapeake and Ohio Canal National Historic Park. 25 HEARING EXAMINER ROBESON HANNAN: Right. But then it</p>

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<p>105</p> <p>1 says parking should be located and landscaped to minimize 2 commercial appearance. 3 MR. LA VAY: Right, which we would say the provisions 4 in the zoning ordinance for parking screening, the special 5 exception parking and screening requirements would comply 6 with that recommendation. 7 HEARING EXAMINER ROBESON HANNAN: An effort should be 8 made to enhance or augment screening or buffering. 9 MR. LA VAY: Yeah. So what I don't think I mentioned 10 in my testimony earlier about the loop road, there is 11 already in addition to that -- well physically on the side 12 where the parking abuts the adjacent property areas. There 13 is additional landscaping being proposed beyond the hedge 14 that's there today. The road will be lined with street 15 trees as well as landscaped stormwater management 16 facilities. 17 HEARING EXAMINER ROBESON HANNAN: Okay. 18 MS. LEE-CHO: Pat, can you bring up the landscape 19 exhibit that shows with color the additional plantings that 20 the school is proffering? 21 MR. LA VAY: Yes, and I failed to mention that. 22 MS. LEE-CHO: And these are plantings in addition to 23 what was shown to the Planning Board, Ms. Hannan. This was 24 mentioned by Mr. Sullivan as having heard some of the 25 testimony at the Planning Board and concerns raised. The</p>	<p>107</p> <p>1 plantings that Mr. La Vay is indicating will -- the specific 2 species we will follow up -- 3 HEARING EXAMINER ROBESON HANNAN: Yeah, but I need -- 4 but I need to know the specifics at this hearing at some 5 point. 6 MR. LA VAY: I can speak to the general species. 7 HEARING EXAMINER ROBESON HANNAN: Why don't you bring 8 the exhibit up? 9 MR. LA VAY: Yes. Let me see here. Okay. Can you 10 guys see that? 11 HEARING EXAMINER ROBESON HANNAN: Yes. 12 MR. LA VAY: Okay. So what you're seeing here in black 13 and white is the zoomed in area, zoomed in view of the loop 14 road. The rectangular shape in the center of this image is 15 the sports field. 16 HEARING EXAMINER ROBESON HANNAN: So this will be -- 17 what are we -- where are we? Is it 67? 18 MS. LEE-CHO: Yes. 19 MR. LA VAY: Maybe we call it something -- 20 HEARING EXAMINER ROBESON HANNAN: And how would you 21 describe this? 22 MR. LA VAY: This would be supplemental landscape 23 exhibit. 24 HEARING EXAMINER ROBESON HANNAN: Okay. And does 25 anyone object to entering this exhibit in the record?</p>
<p>106</p> <p>1 school directed Mr. La Vay to come up with a plan to add 2 even more row screening plants. 3 MR. LA VAY: Yeah, so I think -- 4 HEARING EXAMINER ROBESON HANNAN: Which exhibit? Which 5 exhibit is that? 6 MS. LEE-CHO: It is a new exhibit that we would like to 7 enter as 67. 8 HEARING EXAMINER ROBESON HANNAN: Okay. 9 MR. LA VAY: Yeah, this would be a new Exhibit 67. It 10 is a conceptual exhibit so we would need to supplement with 11 a final version where the actual individual species of 12 plants and so forth are quantified. But this is just 13 intended to show the general nature of the -- 14 HEARING EXAMINER ROBESON HANNAN: Yes. The only thing 15 is -- well, just a timing issue. If you want this to be 16 your exhibit, you don't -- we can't delegate approval of 17 landscaping to another agency. So whatever you're doing to 18 supplement the landscaping, you're going to have to pin it 19 down in this proceeding. You don't have to do it in this 20 hearing, but we can't just open ended say okay, Park and 21 Planning will deal with this. 22 MS. LEE-CHO: I don't think we need to have that. Park 23 and Planning approved the existing screen plants as 24 sufficient, those tall evergreens as sufficient for 25 screening. What we're presenting today are additional</p>	<p>108</p> <p>1 Hearing none, go ahead Mr. La Vay. What are we looking at? 2 (Exhibit 67 was admitted.) 3 MR. LA VAY: So this is a zoomed in view of the loop 4 road to the west of the new lower school facility. The 5 rectangular shape that is on angle here in the center is the 6 sports field. Again, the loop road is the dark shaded area 7 between the darker lines. What you can see in black and 8 white and all the circles are the lined street trees that 9 will line this loop road. And then to the north here you 10 see an area of densely -- dense circles. And that's all 11 screening material for Falls Road, which show -- 12 MS. LEE-CHO: And Pat, before you leave that, because 13 we were talking about the master plan and its 14 recommendations for additional screening. Is that the 15 reason why these additional plantings along Falls Road was 16 required by technical staff? 17 MR. LA VAY: It was twofold. It was one for that 18 reason, but also they did determine that the loop road as a 19 whole would be considered a parking facility even when there 20 wasn't parking on it. So they wanted to ensure that both we 21 met the master plan condition, but also we're covered in 22 terms of the zoning screening requirement. 23 MS. LEE-CHO: Great. 24 MR. LA VAY: I should point out in the top left of this 25 image you can see in the red box, that's a photo from the</p>

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28 (109 to 112)

<p>109</p> <p>1 ground of the existing hedge that exists. The loop road 2 will be -- 3 MS. LEE-CHO: What's the approximate height of those 4 trees? 5 MR. LA VAY: They vary. Sort of the center of them is 6 a little bit shorter, but about 30 feet, 20 to 30 feet. I 7 would say 20 being the lowest. Maybe even more than 30 8 feet. 9 HEARING EXAMINER ROBESON HANNAN: Are they Leyland 10 Cypress? 11 MR. LA VAY: Yes. 12 HEARING EXAMINER ROBESON HANNAN: Okay. 13 MS. LEE-CHO: And can you identify on the plan -- I 14 think if you could go close in that what circles actually 15 identify these trees on the plan view? 16 MR. LA VAY: Yeah, if you can see my hand here. I will 17 describe it. There's a series of circles that have a 18 treelike shape to them. And they line -- they are actually 19 in board of the school's property by a good 20 feet in some 20 locations, a little bit less in some others. But they 21 line -- essentially run with the property line in terms of 22 their orientation all the way across this area. And that 23 will remain. The new improvements will happen in board to 24 the side of these trees. We've designed the new improvement 25 such that it will not sacrifice the health of the existing</p>	<p>111</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Exactly. 2 MS. LEE-CHO: Now Pat, could you -- 3 HEARING EXAMINER ROBESON HANNAN: Go ahead. 4 MS. LEE-CHO: Could you also describe in green the bio 5 retention facilities that -- on plan view it doesn't look 6 like there are trees. But can you describe the planting 7 that will be in the bio retention area and whether that will 8 provide screening as well? 9 MR. LA VAY: Sure. So the roadways -- well, I guess 10 everybody doesn't know. The bio retention is a storm water 11 management practice that's required by County and state law 12 for development. And the way the County handles -- or the 13 sole authority for their design and the planting design 14 within them falls with the Department of Permitting Services 15 under a separate approval process. 16 So when we submit landscape plans particularly for 17 special exceptions or site plans, any planning document that 18 goes to the County, the Department of Permitting Services is 19 always specific to say that those drawings don't govern the 20 landscape paintings in the stormwater facilities. That's 21 under our purview. So it's a long-winded way of saying that 22 the green areas on there, not the circles, but the sort of 23 odd shapes, the stormwater facilities, will have heavy 24 landscape in them. It is not shown on this plan. But that 25 typically involves, or includes I should say, trees,</p>
<p>110</p> <p>1 trees to a point where they need to be removed. 2 HEARING EXAMINER ROBESON HANNAN: Okay. Well, we need 3 the actual species and locations of the plantings. 4 MR. LA VAY: Yeah. So the locations of the 5 supplemental plantings are the green dots you see here. 6 HEARING EXAMINER ROBESON HANNAN: Right. 7 MR. LA VAY: And those would be very similar to what's 8 being proposed along Falls Road. It would be a range of 9 different materials spread together, evergreen shrubs which 10 would be -- we have dwarf holly, viburnum, and mountain 11 laurels. Those would typically go in at about 36 inches of 12 height and then grow from there. But they would provide 13 that additional screening. 14 HEARING EXAMINER ROBESON HANNAN: Okay. I just -- this 15 isn't a landscape plan. What I need is a landscape plan. 16 And I need staff to look at it. And they're very good. I'm 17 required to refer anything like this back to them. They are 18 very good about doing it quickly. But I'm just letting you 19 know we can leave the record open for their review. But I 20 need a landscape plan with the actual species and what 21 you're planning to do. 22 MR. LA VAY: Right. So what we would do, is we would 23 take -- this is a screenshot of the existing landscape plan. 24 We would take that and revise it to include all of these 25 specifics and then submit that. That was our plan.</p>	<p>112</p> <p>1 grasses, and shrubs just like any other facility. It's just 2 that there is a slight depression because it's a miniature 3 storm water management facility. 4 MS. LEE-CHO: And there have been some concerns raised 5 with possible headlights with light intrusion from 6 headlights of cars going around the loop drive. Can you 7 address whether the existing landscaping coupled with this 8 additional proposed landscaping, in your opinion, will 9 substantially limit any adverse impacts caused by headlight 10 intrusion? 11 MR. LA VAY: Yeah. So the screening requirements that 12 are the basis for both what's existing and then we're going 13 to supplement from there, it's derived from the zoning code. 14 And that zoning requirement as a requirement that is 15 intended to mitigate parking, lights from parking and seeing 16 cars. And the trees that are there today are beyond the 17 minimum requirements here. And this will only add to that. 18 So yes, it will provide substantial buffering of any lights 19 and so forth. The nice thing about this is that the 20 majority of that loop road on that boundary is actually 21 parallel to the property line. So there's a lot less light 22 then you would say if it was angled more towards properties. 23 MS. LEE-CHO: So are you saying that the zoning 24 ordinance allows for hedges and planting to serve as the 25 screening mechanism for headlight intrusion?</p>

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29 (113 to 116)

<p>113</p> <p>1 MR. LA VAY: Yes, there's a quantified screening for 2 any parking facility. This quantified screening and it 3 depends on whether you are talking residential or not, but 4 yes, there is a quantified measure and it does give you the 5 option to have a hedge I believe, at least 6 feet in height 6 as a way of meeting that requirement.</p> <p>7 MS. LEE-CHO: Were there any questions on this, Ms. 8 Hannan? We'll move off of this exhibit.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: Okay, thank you. No, 10 I don't have any. And Ms. Lu Mei, I see your hand raised. 11 We will get to you. So just keep it up and we will get to 12 you. Go ahead Ms. Lee-Cho.</p> <p>13 MS. LEE-CHO: And let's move on in the general 14 standards subject for which says that and I would ask you 15 Mr. La Vay, in your opinion, would this application be in 16 harmony with the general character of the neighborhood 17 considering population density, design, scale, and bulk of 18 any proposed new instructors intensity and character of 19 activity, traffic, and parking conditions and number of 20 similar uses? I think we've covered a lot of this, but in 21 particular I would like you to speak again to the density of 22 development under the zoning ordinance.</p> <p>23 MR. LA VAY: Sure. Yeah, I was able to locate that in 24 between questions. The zoning ordinance has as a maximum of 25 87 students per acre, which is the maximum. And in the case</p>	<p>115</p> <p>1 MS. LEE-CHO: Moving on to subsection 5. In your 2 opinion will this application be detrimental to the use, 3 peaceful enjoyment, economic value, or development of 4 surrounding properties or the general neighborhood at the 5 subject site?</p> <p>6 MR. LA VAY: No. As mentioned earlier the private 7 school use is existing and it's a typical use for an area 8 like this. The changes being proposed are substantially 9 similar to what was in the 2004 plan. And there are no non- 10 inherent adverse impacts.</p> <p>11 MS. LEE-CHO: And under subsection 6, in your opinion, 12 will this application cause objectionable noise, vibration, 13 fumes, odors, dust, illumination, glare, or physical 14 activity at the subject site that is objectionable?</p> <p>15 MR. LA VAY: No.</p> <p>16 MS. LEE-CHO: Subsection 7 says -- in your opinion, 17 under subsection 7, if you would render your opinion as to 18 whether this application when evaluated in conjunction with 19 existing and approved special exceptions in neighboring area 20 will increase the number and intensity of special exceptions 21 to affect the area adversely, or alter the predominant 22 residential nature of the area?</p> <p>23 MR. LA VAY: No. As mentioned previously, there is 24 only one other special exception in the area in a completely 25 different use, and the school has been in existence for</p>
<p>114</p> <p>1 of 1096 students that equates to 10.75 students per acre. 2 So it's well below the population density limitations for a 3 special exception use in section 59 G 219.</p> <p>4 MS. LEE-CHO: Great. And I think you've already 5 mentioned that the setback of the loop road is -- the zoning 6 ordinance requirements. Can you restate just so we have it 7 here?</p> <p>8 MR. LA VAY: Yes, the setback requirement is 34 feet, 9 which represents two times the minimum side yard required 10 for a structure. And the loop road is setback 36 feet. So 11 it exceeds that requirement.</p> <p>12 MS. LEE-CHO: And was that dimension and requirement 13 confirmed by the Department of Permitting Services as what 14 is required in this case?</p> <p>15 MR. LA VAY: Yes. In fact, during technical staff's 16 review they had us add additional dimensions just to make 17 sure it was abundantly clear that we met that setback 18 requirement.</p> <p>19 MS. LEE-CHO: Let me --</p> <p>20 MR. LA VAY: As well as the Falls Road setback.</p> <p>21 MS. LEE-CHO: Can you just restate? Because I don't 22 think we said in the record what the Falls Road setback was. 23 Or is.</p> <p>24 MR. LA VAY: 50 feet from Falls Road. 50 feet, and 25 that was confirmed again by multiple dimensions.</p>	<p>116</p> <p>1 almost 60 years which predates most of the neighboring homes 2 and, as I mentioned earlier, the facility is compatible with 3 the surrounding community.</p> <p>4 MS. LEE-CHO: I do think that the technical staff had 5 some information on special exceptions in the area on page 6 5. Can you look at page 5 of the staff report and speak to 7 that?</p> <p>8 MR. LA VAY: Sure. Yes, there are -- and so staff -- I 9 should be clear, I was referring to the general frontage or 10 adjoining properties. The staff did look at the entirety of 11 the neighborhood and they listed four, the home at Tennis 12 Lane, the senior living -- the Brandywine Senior Living as 13 well as the skilled nursing facility which are quantified as 14 two different ones. And then, Normandy Farms, which again, 15 is right across the street. And the Falls Road Golf Course 16 as well. It's actually not the golf course itself, it's 17 just that there's a telecom tower on the site.</p> <p>18 MS. LEE-CHO: And again, the Bullis School special 19 exception probably predated a number of those special 20 exceptions, 1963.</p> <p>21 MR. LA VAY: Sure. Yeah.</p> <p>22 MS. LEE-CHO: Under subsection 8, in your opinion, will 23 this application -- approval of this application cause any 24 adverse effects to the health, safety, security, morals or 25 general welfare of residents, visitors, or workers in the</p>

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30 (117 to 120)

<p>117</p> <p>1 area at the subject site?</p> <p>2 MR. LA VAY: No. And in fact, I think the design of</p> <p>3 the facility and the improvements has been really designed</p> <p>4 to do the opposite to ensure that the health and safety of</p> <p>5 the students as well as any visitors, employees, and while</p> <p>6 also attempting to minimize impacts on surrounding</p> <p>7 neighborhoods, with enhanced screening, both existing and</p> <p>8 new.</p> <p>9 MS. LEE-CHO: And under subsection 9, in your opinion,</p> <p>10 will this application be served by adequate public</p> <p>11 facilities including schools, police, fire protection,</p> <p>12 water, sanitary sewer, public roads, storm drainage and</p> <p>13 other public facilities, and in particular, if you could</p> <p>14 focus on the fire excess plan at this point?</p> <p>15 MR. LA VAY: Sure. Adequate public facility review was</p> <p>16 a part of technical staff review and we did receive approval</p> <p>17 from a number of outside agencies to confirm. With regards</p> <p>18 to fire access, that does get reviewed by Montgomery County</p> <p>19 Department of Permitting Services fire access and water</p> <p>20 supply. We do have an approved plan for this facility that</p> <p>21 shows how fire circulation is provided around the building</p> <p>22 around the loop road as well as access to the main front of</p> <p>23 the building and the annunciator panel, and so forth. And</p> <p>24 that is a -- that plan actually is an extension of several</p> <p>25 other fire access plans that have been approved on the</p>	<p>119</p> <p>1 MS. LEE-CHO: Yes.</p> <p>2 MR. LA VAY: She will testify.</p> <p>3 MS. LEE-CHO: We'll hear more on that. And can you</p> <p>4 speak to the forest conservation plan and the tree variance</p> <p>5 that was applied in support of this application?</p> <p>6 MR. LA VAY: Yes. So the campus has an approved forest</p> <p>7 conservation plan for the campus as a whole and, again, as I</p> <p>8 mentioned earlier, that includes a little over 27-1/2 acres</p> <p>9 of Category I Conservation Easement Forest retained. This</p> <p>10 development does not impact any of that existing forest.</p> <p>11 There's no forest removed, no forest impacted. There is</p> <p>12 one tree of diameter at breast height of 30 inches that has</p> <p>13 --</p> <p>14 (Off the record discussion with Planet Depos Court</p> <p>15 Reporter, technical issues.)</p> <p>16 MS. LEE-CHO: All right.</p> <p>17 MR. LA VAY: So they can't just --</p> <p>18 HEARING EXAMINER ROBESON HANNAN: Are we almost -- I'm</p> <p>19 getting concerned Ms. Lee-Cho, because I want people to have</p> <p>20 an opportunity to testify, citizens. And how many more</p> <p>21 witnesses do you have?</p> <p>22 MS. LEE-CHO: So I think we have maybe a half hour left</p> <p>23 with Mr. La Vay. And then we have our traffic experts.</p> <p>24 Chris Kabatt will be describing the LATR traffic study. And</p> <p>25 Ms. Randall is one that will be talking about on-site and</p>
<p>118</p> <p>1 campus as a whole, and it was found that this project did</p> <p>2 not provide any negative impacts to the fire access of the</p> <p>3 campus as a whole.</p> <p>4 And in regards to drainage and storm water management</p> <p>5 there was also an approved Storm Water Concepts Plan through</p> <p>6 the Department of Permitting Services, which addresses water</p> <p>7 control quality and quantity control issues for the site</p> <p>8 development area.</p> <p>9 MS. LEE-CHO: And I believe the approved fire access</p> <p>10 plan is included as Exhibit 40?</p> <p>11 MR. LA VA: Let me confirm for you here. This is taking</p> <p>12 a second to load itself. Yes, Exhibit 40 would be the final</p> <p>13 fire access plan. I say that because very early on in the</p> <p>14 process we had gotten a fire access plan approved and then</p> <p>15 we had to modify it just for the final design of the</p> <p>16 building. But Exhibit 40 represents the final version as</p> <p>17 approved.</p> <p>18 MS. LEE-CHO: And the stormwater approved concept plan</p> <p>19 and approval letter, is it Exhibit 57 and 58?</p> <p>20 MR. LA VAY: That is correct. I should also mention</p> <p>21 that with adequate public facility review we will hear</p> <p>22 testimony from our traffic engineer about the County's local</p> <p>23 area transportation review and growth policy compliance.</p> <p>24 HEARING EXAMINER ROBESON HANNAN: Well, is it Ms.</p> <p>25 Randall or who's the traffic --</p>	<p>120</p> <p>1 off-site transportation management and state highway issues.</p> <p>2 HEARING EXAMINER ROBESON HANNAN: And we also have to</p> <p>3 fit in some time to eat. So you know, a lot of what he's</p> <p>4 saying is in the staff report. Can we say -- is there</p> <p>5 anything that you have to add to the staff report? Because</p> <p>6 the staff report --</p> <p>7 MS. LEE-CHO: Why don't we -- yeah, why don't we do</p> <p>8 that?</p> <p>9 HEARING EXAMINER ROBESON HANNAN: Because I don't have</p> <p>10 any --</p> <p>11 MS. LEE-CHO: We covered a lot.</p> <p>12 HEARING EXAMINER ROBESON HANNAN: I hear that -- I'm</p> <p>13 sensing that a lot of people would like to say something.</p> <p>14 And I'm trying to get this through hopefully in one day. So</p> <p>15 anything you can do to expedite that would be helpful.</p> <p>16 MS. LEE-CHO: I typically have -- and I was going to</p> <p>17 have Mr. La Vay go through the specific standards for the</p> <p>18 record, but I know that Mr. La Vay has reviewed both the</p> <p>19 statement of the location, detailed analysis of the specific</p> <p>20 standards, and the staff report with regard to the specific</p> <p>21 standards. And if it's amenable to you Ms. Hannan, then I'm</p> <p>22 happy to make him -- have him make a general statement as to</p> <p>23 his review and concurrence and/adding of any testimony that</p> <p>24 he would like to supplement and move on.</p> <p>25 HEARING EXAMINER ROBESON HANNAN: That's fine. Did you</p>

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<p>121</p> <p>1 get that question, Mr. La Vay?</p> <p>2 MR. LA VAY: I think I did, yes. So I can say that I</p> <p>3 do believe the application complies with relevant sections</p> <p>4 of the 2004 zoning ordinance, particularly the special</p> <p>5 exception requirements and 59 G 121 A and 59 G 2.19, excuse</p> <p>6 me, as well as 59 1.23. I believe the plans and documents</p> <p>7 submitted and as well as the staff report do show compliance</p> <p>8 with all of those measures, provisions, excuse me. I'll</p> <p>9 also say that with regards to the RA2 zone, section 59 -- I</p> <p>10 don't have that in front of me for some reason. But the RA2</p> <p>11 zone --</p> <p>12 HEARING EXAMINER ROBESON HANNAN: You don't have to --</p> <p>13 Yeah, the --</p> <p>14 MR. LA VAY: The RA2 zone development standards we</p> <p>15 would just be going through the list of setbacks, building</p> <p>16 heights, all that. The site does, and the development does,</p> <p>17 comply with that section of the code as well as 59 E which</p> <p>18 includes the parking and landscaping requirements as well as</p> <p>19 screening for special such uses.</p> <p>20 HEARING EXAMINER ROBESON HANNAN: Okay, thank you.</p> <p>21 With that I'm going to take questions for Mr. La Vay. And</p> <p>22 Ms. Mei Lu has been patiently raising her hand. What would</p> <p>23 you like to ask Ms. -- oh, I'm sorry. Ms. Lee-Cho, go</p> <p>24 ahead.</p> <p>25 MS. LEE-CHO: Before we move on to questions of Mr. La</p>	<p>123</p> <p>1 MS. LU: Okay. That was kind of my question about if</p> <p>2 you don't expect a lot of traffic on the road, why are you</p> <p>3 designing a two-way road. And that's the first question.</p> <p>4 Second question is the parking along the road you said</p> <p>5 is mainly just for people going inside the building, for the</p> <p>6 building, not for the activities on the field. They are not</p> <p>7 supposed to have games and everything. But it's so far from</p> <p>8 the building. Why are you building the parking lots right</p> <p>9 behind our properties?</p> <p>10 And then the third question is, I think you mentioned</p> <p>11 about you are designing this loop road so that students can</p> <p>12 get to the field without crossing any internal road. But</p> <p>13 currently they are crossing internal road and parking lot to</p> <p>14 get to the playground.</p> <p>15 MR. LA VAY: Yes. I can --</p> <p>16 MS. LU: And so why are you making that change?</p> <p>17 MR. LA VAY: So going back, I think there were three</p> <p>18 questions. The first --</p> <p>19 HEARING EXAMINER ROBESON HANNAN: Do you remember them</p> <p>20 all? There were three questions.</p> <p>21 MR. LA VAY: Yeah. Yeah.</p> <p>22 MS. LU: That's correct.</p> <p>23 MR. LA VAY: Okay. The first was about the width of</p> <p>24 the loop road. And the answer to that is that fire access</p> <p>25 whether one way or not, requires a 20 foot clear width. So</p>
<p>122</p> <p>1 Vay, I to also know that there are other individuals who</p> <p>2 have been waiting to give their testimony and then leave so</p> <p>3 that they are not held up. I believe they would like to</p> <p>4 sort of get in before the 2:00 hour. So maybe you can</p> <p>5 consider how we manage that.</p> <p>6 HEARING EXAMINER ROBESON HANNAN: Well, I can offer</p> <p>7 everybody the opportunity to testify now. And then that may</p> <p>8 help give Ms. Randall and Mr. Kabatt, you know, may focus</p> <p>9 their testimony. I can do that.</p> <p>10 MS. LEE-CHO: I think that might be a good idea so that</p> <p>11 those that have to leave may do so and not miss out on the</p> <p>12 opportunity to give a statement.</p> <p>13 HEARING EXAMINER ROBESON HANNAN: Okay. Well, let me</p> <p>14 just get Ms. Mei Lu's question.</p> <p>15 MS. LU: Okay.</p> <p>16 HEARING EXAMINER ROBESON HANNAN: Ms. Mei Lu, go ahead.</p> <p>17 MS. LU: Okay, thank you. I do have a couple of</p> <p>18 questions regarding the loop road. And then another</p> <p>19 question about the playground. So regarding the loop road,</p> <p>20 so just to confirm, it's a two-way road or one-way?</p> <p>21 MR. LA VAY: It's designed to facilitate two-way</p> <p>22 traffic if necessary, particularly for fire events the truck</p> <p>23 and coming from any direction if there is a need to fight a</p> <p>24 fire. But the predominant traffic flow of the campus as</p> <p>25 planned and will be testified later, will be one way.</p>	<p>124</p> <p>1 you just inherently have the room for two-way traffic when</p> <p>2 you have to provide fire access. I'll also say that, you</p> <p>3 know, in the event of a car were to break down or be</p> <p>4 stopped, you know, you also would like to have the ability</p> <p>5 for cars to get around that, a bypass mechanism, which is</p> <p>6 the base or the nexus for this -- the width of the road,</p> <p>7 fire access, most importantly, but then that secondary</p> <p>8 consideration. The parking, while somewhat remote from the</p> <p>9 building is still fairly close. There just really isn't</p> <p>10 room for a parking facility anywhere closer to the building.</p> <p>11 And we've already placed spaces on the other side of the</p> <p>12 street as well. And again, they were done in a parallel</p> <p>13 nature it will limit the impacts on the surrounding property</p> <p>14 owners. And lastly, with regards to the existing road, did</p> <p>15 you point out exactly on these conditions, and that's a very</p> <p>16 concerning to the school that the children have to cross the</p> <p>17 road currently to get to the playground, which you know, is</p> <p>18 a very concerning configuration as well as there's a lot of</p> <p>19 resources needed to make sure that happened safely.</p> <p>20 MS. LU: Well, the parallel parking, I'm looking at the</p> <p>21 master plan, you can certainly add more parallel parking</p> <p>22 along Falls Road, instead of adding it to the, you know, on</p> <p>23 the property side.</p> <p>24 MR. LA VAY: Well, the Falls Road side does have a</p> <p>25 setback requirement. And that's why you see the spaces that</p>

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32 (125 to 128)

<p>125</p> <p>1 actually, they stop when you get to Falls Road, there's</p> <p>2 actually a much larger setback requirement on Falls Road.</p> <p>3 And that's why there's no additional spaces over there.</p> <p>4 MS. LU: Okay. My next set of questions are around the</p> <p>5 location of the playground, and the field. Can you give me,</p> <p>6 like approximately, how far it is from our property line to</p> <p>7 the edge of the field and the playground?</p> <p>8 MR. LA VAY: Yeah, it's about 100 -- and so to the</p> <p>9 playground is about 125 feet. If I understand where you</p> <p>10 live Ms. Lu. I understand you're the second house inward</p> <p>11 from the east, I believe? It's about 125 feet. And the</p> <p>12 playing field similarly is about -- let me see here.</p> <p>13 UNIDENTIFIED SPEAKER: What on earth are they doing?</p> <p>14 MR. LA VAY: It's about 70 feet. To your property</p> <p>15 line, and your home is setback another 50 or 60 feet from</p> <p>16 there.</p> <p>17 MS. LU: Wait. So why are you saying the playground is</p> <p>18 125, like an extra 50 feet? It looks to me it's right --</p> <p>19 HEARING EXAMINER ROBESON HANNAN: Wait a minute. Just</p> <p>20 a second. Somebody is -- somebody needs to mute themselves.</p> <p>21 COURT REPORTER: It's whoever's phone number starts</p> <p>22 with 19 and ends in 89.</p> <p>23 HEARING EXAMINER ROBESON HANNAN: Please mute. Please</p> <p>24 be sure to mute yourself. Thank you. Go ahead.</p> <p>25 MR. LA VAY: The closest corner of that -- the closest</p>	<p>127</p> <p>1 the current plan are substantially similar. The location</p> <p>2 today, while still in the general area, is further away.</p> <p>3 MS. LU: Right. And also there's a big slope from the</p> <p>4 playground to the field so there is no way there is --</p> <p>5 anything built there. So the playground is very far from</p> <p>6 our properties now, but now it's, like, close to 100 feet</p> <p>7 away. Yeah, so you know, I don't think this current plan</p> <p>8 is, like, consistent with the 2004 plan. It was pretty</p> <p>9 misleading. I made the playground, especially with the</p> <p>10 majority of the sets, or verticals are probably now.</p> <p>11 MR. LA VAY: In 2000 --</p> <p>12 HEARING EXAMINER ROBESON HANNAN: Okay. Well --</p> <p>13 MS. LU: Right?</p> <p>14 MR. LA VAY: I can just --</p> <p>15 HEARING EXAMINER ROBESON HANNAN: What's the</p> <p>16 difference -- okay. Just a second. There is an existing</p> <p>17 condition, there is the 2004 plan, and there is this. Okay.</p> <p>18 It sounds to me like the 2004 plan was never implemented; am</p> <p>19 I hearing that correctly?</p> <p>20 MR. LA VAY: The lower school as shown and its</p> <p>21 associated playground on the 2004 plan have not been</p> <p>22 constructed.</p> <p>23 HEARING EXAMINER ROBESON HANNAN: Okay. So how far is</p> <p>24 the current -- but they were approved.</p> <p>25 MR. LA VAY: Yes.</p>
<p>126</p> <p>1 corner of the playground to your property is 105 feet,</p> <p>2 excuse me. And then, the closest point of the field to your</p> <p>3 property is 75 feet.</p> <p>4 MS. LU: So what's the closest to Frank's house? The</p> <p>5 first house from the playground?</p> <p>6 MR. LA VAY: Well, it's the same actually because the</p> <p>7 playground is parallel to the property line.</p> <p>8 MS. LU: Right. But I --</p> <p>9 MR. LA VAY: So similarly, 105 feet to the property</p> <p>10 line.</p> <p>11 MS. LU: 105, not 120?</p> <p>12 MR. LA VAY: Yeah. 105. Excuse me.</p> <p>13 MS. LU: Okay. So I -- you know, you're showing us the</p> <p>14 2004 master plan, and you are saying, like, the current</p> <p>15 location of the playground is pretty much the same as the</p> <p>16 old plan. Which is kind of odd because when I look at it</p> <p>17 from -- when I look out from my back yard the playground is,</p> <p>18 like, over 150 feet away. It's pretty far.</p> <p>19 MR. LA VAY: Yeah, to be clear, the existing location</p> <p>20 is different than what's shown on the 2004 master plan. So</p> <p>21 we have sort of three points of reference. One good be</p> <p>22 what's on the ground today. One would be what was</p> <p>23 envisioned in 2004 when the lower school was constructed --</p> <p>24 to be constructed. And then one what would be today, and my</p> <p>25 comments were to say that what's on the 2004 plan and was on</p>	<p>128</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Okay. So just for</p> <p>2 the record, how far is the current playground, and if you</p> <p>3 need another exhibit I can get -- how far is the current</p> <p>4 playground from Ms. -- oh, this doesn't have anything. Do</p> <p>5 you know how far the current playground is?</p> <p>6 MR. LA VAY: It's from the closest corner to Ms. Lu's</p> <p>7 property, the current playground is 243 feet.</p> <p>8 HEARING EXAMINER ROBESON HANNAN: Okay. And then, how</p> <p>9 far was the -- how far away it was the 2004 playground?</p> <p>10 MR. LA VAY: That, I need to -- just give me one</p> <p>11 second. From Ms. Lu's property?</p> <p>12 HEARING EXAMINER ROBESON HANNAN: Yes.</p> <p>13 MR. LA VAY: Okay. Sorry, I'm going between a lot of</p> <p>14 screens here.</p> <p>15 HEARING EXAMINER ROBESON HANNAN: But you're an</p> <p>16 engineer.</p> <p>17 MR. LA VAY: I would say about 110 feet.</p> <p>18 HEARING EXAMINER ROBESON HANNAN: That's the 2004 plan?</p> <p>19 MR. LA VAY: 2004 plan. And if we pull up the --</p> <p>20 HEARING EXAMINER ROBESON HANNAN: And they -- this --</p> <p>21 the one shown on this conditional use plan is 105 feet.</p> <p>22 MR. LA VAY: Yes, the closest corner.</p> <p>23 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>24 MR. LA VAY: And because the loop road is not shown on</p> <p>25 the 2004 plan, it's a little bit confusing as to where</p>

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33 (129 to 132)

<p style="text-align: right;">129</p> <p>1 everything was, sort of in reference.</p> <p>2 HEARING EXAMINER ROBESON HANNAN: I understand. I</p> <p>3 understand. Okay. Ms. Lu, it's just time for questions,</p> <p>4 now, were going to go to testimony. Did you have anything</p> <p>5 else you wanted to ask?</p> <p>6 MS. LU: No, I just want to get the same kind of</p> <p>7 notation, so whatever it says on the 2004 plan was not</p> <p>8 implemented. What's the current location? How far is it?</p> <p>9 MR. LA VAY: The current location is --</p> <p>10 HEARING EXAMINER ROBESON HANNAN: He said --</p> <p>11 MR. LA VAY: -- is 143 feet.</p> <p>12 MS. LU: How much?</p> <p>13 MR. LA VAY: I think I said 243, didn't I?</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Yes. He said 243.</p> <p>15 MS. LU: Okay. Sorry, I missed that.</p> <p>16 HEARING EXAMINER ROBESON HANNAN: Okay. So I have a</p> <p>17 number of hands up. Are you done, Ms. Lu Mei, just for</p> <p>18 questions for him?</p> <p>19 MS. LU: Yes. Yes. Thank you.</p> <p>20 HEARING EXAMINER ROBESON HANNAN: Okay. Then I have,</p> <p>21 Mr. Jason Sherman.</p> <p>22 MR. SHERMAN: Yes. I'm here.</p> <p>23 HEARING EXAMINER ROBESON HANNAN: Do you have questions</p> <p>24 for Mr. La Vay?</p> <p>25 MR. SHERMAN: I wanted to make a statement on behalf</p>	<p style="text-align: right;">131</p> <p>1 vehicles. So the parallel parking actually allows</p> <p>2 individuals to leave their vehicle as opposed to just</p> <p>3 queuing and drop off.</p> <p>4 MR. FRIEND: Okay. So if you have the loop road going</p> <p>5 and the cars going through and you have parallel parking,</p> <p>6 and your letting people off, is that traffic going to stop</p> <p>7 every time a person is getting out of their car so there</p> <p>8 will not be any accidents?</p> <p>9 MR. LA VAY: Well, this gets into traffic management,</p> <p>10 but most of the time the people that are coming to park and</p> <p>11 stay are not coming and parking and staying during the --</p> <p>12 the majority of the heavy drop-off and pickup hours. These</p> <p>13 are people that come before, let's say staff, or someone</p> <p>14 that comes after for a meeting with the teacher or something</p> <p>15 like that. These are not intended to be used during the</p> <p>16 peak drop-off periods where you have that concern. But, if</p> <p>17 you did, there is ample room for that operation to occur.</p> <p>18 MR. FRIEND: Okay. And how about the side-by-side on</p> <p>19 the playground?</p> <p>20 MR. LA VAY: Yeah. If it's okay with Ms. Hannan, I can</p> <p>21 make an attempt at doing that. It might be a little bit</p> <p>22 difficult getting the screen size, but I can do my best to</p> <p>23 try that. And maybe zoom into the area. Does that sound</p> <p>24 good?</p> <p>25 HEARING EXAMINER ROBESON HANNAN: Okay. But I am</p>
<p style="text-align: right;">130</p> <p>1 of supporting.</p> <p>2 HEARING EXAMINER ROBESON HANNAN: Okay. We're going to</p> <p>3 get there. Let me finish with Mr. La Vay at first. Does</p> <p>4 anyone have else have questions for Mr. La Vay?</p> <p>5 MR. FRIEND: Yeah, I do. Alan Friend.</p> <p>6 HEARING EXAMINER ROBESON HANNAN: Okay, Mr. Friend, go</p> <p>7 ahead.</p> <p>8 MR. FRIEND: Okay. Is there any way of pulling up a</p> <p>9 side-by-side comparison of the 2004 plan and the 2023 plan</p> <p>10 so that you can take a look at where that playground is?</p> <p>11 Because it is getting much, much closer to the property.</p> <p>12 And obviously, because of that, there will be a lot more</p> <p>13 noise that will be generated from that playground area.</p> <p>14 That's the first question.</p> <p>15 The second thing is the parallel parking is directly</p> <p>16 behind -- it is directly behind my house. And Mr. Amir's</p> <p>17 house as well. Why do you need parallel parking? I don't</p> <p>18 understand. If you have a loop road, you don't need</p> <p>19 parallel parking. Why does it have to be there in the first</p> <p>20 place? It doesn't -- it has no purpose.</p> <p>21 MR. LA VAY: Right. I'm going to answer the question</p> <p>22 first and then moved back to the exhibit, a side-by-side</p> <p>23 comparison. The loop road without the parking, the loop</p> <p>24 road itself, if there were no parking on it, then cars could</p> <p>25 not stop to leave their vehicle. There can only be attended</p>	<p style="text-align: right;">132</p> <p>1 getting some concerns. Yeah, go ahead and do it.</p> <p>2 MR. LA VAY: Why is that working. Give me one second.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: If you --</p> <p>4 MR. LA VAY: I think I can do it. I just need to --</p> <p>5 HEARING EXAMINER ROBESON HANNAN: Let me do this while</p> <p>6 you're doing that, Mr. La Vay, let me go to Mr. Sherman.</p> <p>7 MR. LA VAY: Okay.</p> <p>8 HEARING EXAMINER ROBESON HANNAN: Because my guess is</p> <p>9 he has to leave. So we're going to jump a little bit out of</p> <p>10 order. And Mr. La Vay, and Mr. Friend, will get back to</p> <p>11 this. But only go to Mr. Sherman and let him testify while</p> <p>12 you're trying to get the two side-by-side.</p> <p>13 MR. LA VAY: That's fine.</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Mr. Sherman?</p> <p>15 MR. SHERMAN: Yes.</p> <p>16 HEARING EXAMINER ROBESON HANNAN: Please raise your</p> <p>17 right hand.</p> <p>18 Do you solemnly affirm under penalties of perjury that</p> <p>19 the statements you're about to make are the truth, the whole</p> <p>20 truth, and nothing but the truth?</p> <p>21 MR. SHERMAN: I do, yes.</p> <p>22 HEARING EXAMINER ROBESON HANNAN: And please state your</p> <p>23 name, address, and email address for the record.</p> <p>24 MR. SHERMAN: My name is Jason Sherman. My address is</p> <p>25 5 Stapleford Hall Court, Potomac, Maryland 20854. I believe</p>

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<p>133</p> <p>1 I'm in the affected area. And what was the last?</p> <p>2 HEARING EXAMINER ROBESON HANNAN: Email address.</p> <p>3 MR. SHERMAN: It's ShermanJason@gmail.com. Sherman,</p> <p>4 S-H-E-R-M-A-N, J-A-S-O-N.</p> <p>5 HEARING EXAMINER ROBESON HANNAN: Okay. Thank you. Go</p> <p>6 ahead.</p> <p>7 MR. SHERMAN: So I wanted to make a statement in</p> <p>8 support of the lower school expansion. First, I'm a</p> <p>9 graduate of Bullis in 1996. I currently have two children</p> <p>10 that attend the school, one who is 10 years old, in fourth</p> <p>11 grade, and the other who is in kindergarten, and six years</p> <p>12 old. And I have a 15 month old who probably will be coming</p> <p>13 down the pike. And so, obviously, I have a vested interest</p> <p>14 in children getting educated.</p> <p>15 I do firmly believe that anytime a community can invest</p> <p>16 in its children that's positive, and investment should</p> <p>17 always go towards that. Having lived in Potomac since 1988</p> <p>18 and driving down the Falls Road all the time, I see</p> <p>19 multimillion dollar homes going up on Falls Road, so I do</p> <p>20 think that property values will do just fine there. I</p> <p>21 happen to own a residential real estate brokerage, so I'm</p> <p>22 familiar with that. Bullis is a wonderful school. They</p> <p>23 really treat their teachers, their faculty, and their</p> <p>24 students wonderfully. It's been a great experience for my</p> <p>25 kids. And any chance they had to sort of enlarge that and</p>	<p>135</p> <p>1 areas. If that would help.</p> <p>2 HEARING EXAMINER ROBESON HANNAN: Well, is there anyone</p> <p>3 else here that has to leave? Okay. Go ahead. Bring them</p> <p>4 up one by one.</p> <p>5 MR. LA VAY: Okay. Go back to the right screen here.</p> <p>6 Okay. So what you're seeing on here, I'm going to zoom into</p> <p>7 the area in question that the eight homes are lining the</p> <p>8 area and white here with the house shapes. This is the 2004</p> <p>9 plan. And the lower school facility is shown with the three</p> <p>10 circled in the middle. And then, the playground is this L-</p> <p>11 shaped area of brown area that lines the motor vehicle pool.</p> <p>12 And that dimension of 110 feet I was giving is from the</p> <p>13 closest corner here over to the property line in this</p> <p>14 direction. I'm showing my hand going to the south and</p> <p>15 slightly to the west, to Ms. Liu's property.</p> <p>16 The 2006 the plan, so let me just give you one more</p> <p>17 shot at that. So again, playground is L-shaped, motor pool</p> <p>18 is here.</p> <p>19 HEARING EXAMINER ROBESON HANNAN: Wait. This is 2004,</p> <p>20 right?</p> <p>21 MR. LA VAY: Sorry, 2004 plan. Excuse me.</p> <p>22 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>23 MR. LA VAY: Yet 2004 plan. Now, the 2023 plan here</p> <p>24 actually has the playground here and so that L-shaped piece</p> <p>25 which was right in here. So this distance is almost the</p>
<p>134</p> <p>1 help educate more kids in the community, I think that that</p> <p>2 is an overwhelming positive thing. It's why I've chosen to</p> <p>3 send my kids there.</p> <p>4 I think that as someone who doesn't drop off at a</p> <p>5 minimum three days a week, and is out on the road between 7</p> <p>6 and 8 a.m. every day, Bullis does a fantastic job there. At</p> <p>7 minimum, two police people out working, plus they have</p> <p>8 security for flow of traffic. There's rarely much noise</p> <p>9 that I ever hear. I don't think I've ever heard a car horn</p> <p>10 honk. It may have happened, just not happened while I was</p> <p>11 driving there. So I think it would be a good thing. It</p> <p>12 would be a positive for the community. And even if my kids</p> <p>13 weren't there, I think more children running around</p> <p>14 laughing, learning, in our community draws people in and</p> <p>15 makes a better experience for all those around it. So</p> <p>16 that's my statement.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: Thank you. Anyone</p> <p>18 have questions? Okay. Hearing now on, you may be excused.</p> <p>19 Now, Mr. La Vay, how you doing at getting the two up</p> <p>20 there?</p> <p>21 MR. LA VAY: I'm having trouble, admittedly.</p> <p>22 HEARING EXAMINER ROBESON HANNAN: Okay. He may not be</p> <p>23 able --</p> <p>24 MR. LA VAY: For some reason I think I -- I certainly</p> <p>25 can bring them up one by one and we can focus in on the</p>	<p>136</p> <p>1 same as the distance I showed from where my hand is to the</p> <p>2 property line. So it's really, generally, in the same area</p> <p>3 again. The other one just hug the side of the motor pool</p> <p>4 here versus a being -- there's no section up north of the</p> <p>5 motor pool.</p> <p>6 HEARING EXAMINER ROBESON HANNAN: Well, what is the</p> <p>7 separate brown area? It looks like the playground is</p> <p>8 bifurcated by some kind of walkway or something.</p> <p>9 MR. LA VAY: Yes.</p> <p>10 HEARING EXAMINER ROBESON HANNAN: Are you measuring</p> <p>11 from the lower portion to Ms. Liu's house?</p> <p>12 MR. LA VAY: Actually, from here to here.</p> <p>13 HEARING EXAMINER ROBESON HANNAN: From where to where?</p> <p>14 MR. LA VAY: Where I just drew a red line.</p> <p>15 HEARING EXAMINER ROBESON HANNAN: Okay. So you're --</p> <p>16 that closest distance from that ballpark to the playground</p> <p>17 to Ms. Lu's house is what you showing?</p> <p>18 MR. LA VAY: Yep.</p> <p>19 HEARING EXAMINER ROBESON HANNAN: And that's the 110</p> <p>20 feet?</p> <p>21 MR. LA VAY: 105 feet.</p> <p>22 HEARING EXAMINER ROBESON HANNAN: No 105 feet?</p> <p>23 MR. LA VAY: It is the --</p> <p>24 MR. FRIEND: And you're bringing the playground closer</p> <p>25 to the property line?</p>

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<p>137</p> <p>1 MR. LA VAY: Yeah, approximately 5 feet. From its</p> <p>2 master --</p> <p>3 MR. FRIEND: So 174 feet versus 105?</p> <p>4 HEARING EXAMINER ROBESON HANNAN: No.</p> <p>5 MR. LA VAY: No. The existing location which is -- if</p> <p>6 I can just use this tool again is, you know, like where the</p> <p>7 red line points now, that's in the existing location, not</p> <p>8 the 204 master plan location, but the existing location of</p> <p>9 the facility that was built in 2010, that's 200, I don't</p> <p>10 know if it was 234 feet.</p> <p>11 MR. FRIEND: Okay.</p> <p>12 HEARING EXAMINER ROBESON HANNAN: I have 243.</p> <p>13 MR. LA VAY: 243, sorry, I got it a little backwards</p> <p>14 there.</p> <p>15 HEARING EXAMINER ROBESON HANNAN: Yeah.</p> <p>16 MR. LA VAY: So if I draw here with my mouse, the 2004</p> <p>17 plan had something like, I'm just being very rough here, but</p> <p>18 something like this is the shape of the playground, you</p> <p>19 know. So you just take this and if it was 105 feet you</p> <p>20 swing over --</p> <p>21 HEARING EXAMINER ROBESON HANNAN: Well, I feel -- I</p> <p>22 can't capture that in the transcript.</p> <p>23 MR. LA VAY: Okay.</p> <p>24 HEARING EXAMINER ROBESON HANNAN: Unless you want to</p> <p>25 take a screenshot of what you just did and submit that --</p>	<p>139</p> <p>1 this motor pool area here that is really not for parents,</p> <p>2 teachers, it's really just for the facility staff. So when</p> <p>3 you look at the number of spaces that are provided to the</p> <p>4 west and the south of the building that number is not very</p> <p>5 high. And while the spaces along the loop road to the south</p> <p>6 it may not be used all day and every day, there are times</p> <p>7 when they need more parking spaces in close proximity to the</p> <p>8 lower school, and they will utilize them. They may not be</p> <p>9 used on a daily basis, but at some point in time people will</p> <p>10 need to use those and walk.</p> <p>11 And if you've ever been to the campus, you know, a lot</p> <p>12 of the parking today is separated from the buildings by</p> <p>13 quite a distance where you have to walk a similar distance.</p> <p>14 MR. FRIEND: Okay. I don't agree with it but all</p> <p>15 testified later on.</p> <p>16 HEARING EXAMINER ROBESON HANNAN: Okay. Thank you, Mr.</p> <p>17 Friend.</p> <p>18 Mr. Liu, Gang.</p> <p>19 MR. LIU: Yeah, I have a question and also a statement</p> <p>20 if possible.</p> <p>21 HEARING EXAMINER ROBESON HANNAN: No, you can't do the</p> <p>22 statement. You can ask a question. If you if you can ask a</p> <p>23 question were going to start taking individual statements.</p> <p>24 MR. LIU: Okay. Let me just ask the question quickly.</p> <p>25 So did I hear it's going to have lights on the access road?</p>
<p>138</p> <p>1 MR. LA VAY: Oh no, I was just describing the</p> <p>2 playground in the 2004 plan was further from its location</p> <p>3 shown in the 2023 plan. It was shifted to the east, and it</p> <p>4 wraps the Western and Northern inns of the motor pool so</p> <p>5 that dimension to Ms. Lu's property goes from 2023 it's more</p> <p>6 a north-south dimension but then it would be on an angle and</p> <p>7 get slightly further away in the 2004 plan.</p> <p>8 MR. FRIEND: So it will be protected more by</p> <p>9 shrubbery's that are going in?</p> <p>10 MR. LA VAY: Yet there's -- I mean there's quite a bit</p> <p>11 of additional landscaping that's planned versus what was</p> <p>12 shown in the 2004 plan, in addition to what we've offered --</p> <p>13 the Applicant has offered up today for additional.</p> <p>14 MR. FRIEND: Okay. So let me go to the parking though.</p> <p>15 What's the purpose of that -- the parallel parking over</p> <p>16 there since the school is all the way up on top going to the</p> <p>17 north, and the parking is all the way down to the South?</p> <p>18 Parallel parking? I still don't understand why that is</p> <p>19 needed for the athletic field for the loop road.</p> <p>20 MR. LA VAY: So the parking, as you can see, and</p> <p>21 pointed out there is parking in close proximity to the</p> <p>22 lowest -- to the actual building. There is some on the west</p> <p>23 side and there is some south of the facility. The main</p> <p>24 entrance to the facility is along the south side of the</p> <p>25 buildings. And there is very little here. And there is</p>	<p>140</p> <p>1 MR. LA VAY: That's correct, there will be lights to</p> <p>2 light the road. We have a photometric study -- eight</p> <p>3 lighting and photometric study that is Exhibits 43 and 44 in</p> <p>4 the record, and they do show that the lights -- the lights</p> <p>5 at the property line with all of the homes will be less than</p> <p>6 0.1 foot candles which is the prescribed -- basically, there</p> <p>7 won't be any illumination, back illumination towards your</p> <p>8 properties.</p> <p>9 MR. LIU: Okay so you don't think we can see it or</p> <p>10 notice the lights over there. Okay. So it's going to be</p> <p>11 lit all day long -- well, at night?</p> <p>12 MR. LA VAY: Just at night for security purposes, yes.</p> <p>13 MR. LIU: Okay. That's my question.</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Okay. Mr. Alex</p> <p>15 Walther?</p> <p>16 MS. ALEXANDRA WALTHER: Hello. Hi. Sorry, I am</p> <p>17 someone in support of the Bullis, so I am -- was not --</p> <p>18 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>19 MS. WALTHER: -- making a question. I do have to go</p> <p>20 pick up my daughter from Bullis so I was hoping to do so.</p> <p>21 When you said that earlier, I did not have enough time. I'm</p> <p>22 a little clunky with the text here.</p> <p>23 HEARING EXAMINER ROBESON HANNAN: Okay. Let me just</p> <p>24 check one thing really quickly. Does anyone have any more</p> <p>25 questions of Mr. La Vay?</p>

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36 (141 to 144)

<p>141</p> <p>1 Okay. Hearing on, we will move on to you. Please 2 raise your right hand. Please state your name, address, and 3 email -- oh 4 Do you solemnly affirm under penalties of perjury that 5 the statements you're about to make are the truth, the whole 6 truth, and nothing but the truth? 7 MS. WALTHER: I do. 8 HEARING EXAMINER ROBESON HANNAN: Okay. Go ahead, 9 please. 10 MS. WALTHER: My name is Alexandra Walther. My address 11 is 8925 Harvest Square Court, Potomac, 20854. My email 12 address is Alex, A-L-E-X, dot C, dot Walther, W-A-L-T-H-E-R, 13 @Gmail.com (alex.c.walther@gmail.com), and I have attended 14 this session today to be in support of the plan said that 15 Bullis has. 16 I am a very interested party. I do have a 6-year-old 17 first grader at the school, and a new resident to Maryland. 18 Just got here in June, and we purposely purchased our home 19 at Harvest Square Court to be in close proximity to the 20 school. The school is just such an asset to the community. 21 The distance from our home to the school, as someone that 22 does drop off and pick up 95 percent of the time for the 23 school year, I can't leave my home at 7:45, and she's 24 walking up the stairs to school, very happily, at 7:50, and 25 I'm back at my home within a few minutes after that.</p>	<p>143</p> <p>1 But before we move on to testimony, I think there are others 2 who probably want to make statements. And have a schedule 3 issue. So you might want to -- 4 HEARING EXAMINER ROBESON HANNAN: Well, it's up to you. 5 I mean, were looking in the going into a second day right 6 now because I've got to give people a chance to eat. But 7 I'll go ahead and do that because I do want to hear from the 8 neighbors that live close by. 9 Is there anyone else here that would like to make a 10 short statement in support of the school? 11 MR. GANG LIU: I want to make a statement here as soon 12 as possible. I thought we all got to make a statement, 13 but -- 14 HEARING EXAMINER ROBESON HANNAN: Well, that's what I 15 was going to ask you. There's two witnesses that are coming 16 up that deal with traffic. If you want to -- if your 17 concerns are traffic and circulation and the amount of cars 18 and everything like that, you may want to wait and hear from 19 them. Or, we can do everybody's -- everybody from outside, 20 we can take 1/2 hour lunch, come back and do everybody, all 21 the individual statements. 22 MR. LIU: I would like to make a statement here though. 23 I'm quite familiar with the situation. I'm one of the 24 families who owns this eight properties, and also two of my 25 boys go to school.</p>
<p>142</p> <p>1 The grounds are absolutely beautiful. I do volunteer a 2 lot at the school so I am on campus quite a bit. I do not 3 drive usually when I'm on campus. It's more walking, 4 everything is very accessible. The grounds, again, are 5 beautiful, so there is a lot of taking in that scenery. I 6 think the additions that that are being discussed will only 7 improve upon that, and it's not only for the aesthetics, but 8 it's also, of course, for the kids, more space, more things 9 that are tailored to, of course, their lower heights. These 10 are all things that are going to go towards that goal. And 11 so I just want to make sure that my testimony was heard 12 before I had to leave to go get her. I am currently in 13 Virginia, so yes. 14 HEARING EXAMINER ROBESON HANNAN: Okay. Well thank 15 you. 16 MS. WALTHER: Thank you. 17 HEARING EXAMINER ROBESON HANNAN: Any questions from 18 anyone? Okay. Hearing none, you can be excused. Thank 19 you. 20 MS. WALTHER: Thank you, so much, Ms. Hannan. 21 We are finished with Mr. La Vay. The question is, 22 we've got Mr. Kabatt, and basically Mr. -- what's Ms. Wells 23 going to testify to, Ms. Lee-Cho? 24 MS. LEE-CHO: Transportation management and circulation 25 issues, as well as State Highway administration frontage.</p>	<p>144</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Are you -- so -- 2 MR. LIU: The third. 3 HEARING EXAMINER ROBESON HANNAN: I see it. It's a 4 block E, Lot 8 on Exhibit 38. 5 MR. LIU: Yeah. 6 HEARING EXAMINER ROBESON HANNAN: You're here? 7 MR. LIU: Huh? 8 HEARING EXAMINER ROBESON HANNAN: You're block E, Lot 9 8, Exhibit 38? 10 MR. LIU: Yeah, Gang Liu. 11 HEARING EXAMINER ROBESON HANNAN: Yes. Okay. Go 12 ahead. 13 MR. LIU: Okay. 14 MS. LEE-CHO: Do you want to swear him in? 15 HEARING EXAMINER ROBESON HANNAN: Please raise your 16 right hand. 17 Do you solemnly affirm under penalties of perjury that 18 the statements you're about to make are the truth, the whole 19 truth, and nothing but the truth? 20 MR. LIU: Yes, I do. 21 HEARING EXAMINER ROBESON HANNAN: Please state your 22 name, address, and email address for the record. 23 MR. LIU: Okay. My name is Gang Liu, and I live in 24 the 10525 Democracy Boulevard. My email address is 25 gang1601@gmail.com.</p>

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<p>145</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Okay. Go ahead.</p> <p>2 MR. LIU: Okay. I thank you for letting me speak.</p> <p>3 I -- you know, I have two boys who go to school. I've been</p> <p>4 living in this location for seven years. My two boys, one</p> <p>5 is in middle school and one is in high school. You know, I</p> <p>6 think these efforts are very informative, either you</p> <p>7 supported it or are against it. This is a very informative.</p> <p>8 A lot of my neighbors was stating that in 2004 they wouldn't</p> <p>9 note those plans. But now, I feel this is like a very</p> <p>10 informative information.</p> <p>11 Now since my kids go to school I pay probably a little</p> <p>12 more attention to it. So earlier when Ms. Sullivan</p> <p>13 mentioned that they reach to all of the families, I'm one of</p> <p>14 the families that Ms. Sullivan -- so they go through the</p> <p>15 plans and all that. I also tell them, the concerns and all</p> <p>16 that I have and stuff like that. And so the Bullis school,</p> <p>17 I'm in support. I'm speaking today in support of the</p> <p>18 school's proposal to construct the new low school buildings</p> <p>19 and loop drive and also increase enrollment.</p> <p>20 It's pretty critical for people to testify, but this --</p> <p>21 Bullis is a very beautiful school. It's a neighborhood</p> <p>22 school, they have a large campus, everybody will be walking</p> <p>23 in the campus, beautiful. And a lot of open spaces. You</p> <p>24 know, I'm very happy as a neighbor to the school. Not</p> <p>25 just --</p>	<p>147</p> <p>1 traffic in the Falls Road, otherwise, you know, the people</p> <p>2 will be queued up in the public road. And now, all the</p> <p>3 traffic is to go into the campus to queue up there. But</p> <p>4 that manages so well in the morning when we drop up the kids</p> <p>5 off, it's very quick. It usually takes -- you know, the</p> <p>6 Holdcroft falls takes probably 15, 20 minutes from start to</p> <p>7 finish.</p> <p>8 For the pickup, even better because -- I don't know</p> <p>9 about the lower school, but the middle school and high</p> <p>10 school, they have a little bit of a gap in there, so there</p> <p>11 is staff there. And also, the people go up to the field,</p> <p>12 they might access on the Falls Road. Well, there's two</p> <p>13 access there for the people to pick up. One is on the</p> <p>14 Democracy Boulevard, one is on the Falls Road. So that,</p> <p>15 during the pickup time, I barely ever see any impact to the</p> <p>16 traffic on the road.</p> <p>17 In terms of the field. The field, I do hear some</p> <p>18 noises from the lower school kids playing in the afternoons.</p> <p>19 They -- when I go outside. If I'm in the back yard I can</p> <p>20 hear them, mostly the kids just laughing and shouting or</p> <p>21 stuff like that. But there are no horns or no whistles</p> <p>22 because I never see any games played there. Even though, I</p> <p>23 think, right now they were saying the field is big enough to</p> <p>24 play regular games, but I never see any game played there.</p> <p>25 So the new plan, (indiscernible) so it will never play</p>
<p>146</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>2 MR. LIU: -- the parents of the two boys that goes</p> <p>3 there. The school is very involved in the community.</p> <p>4 Everybody in the school is also very involved in the</p> <p>5 community and as a -- someone earlier mentioned about the</p> <p>6 summer schools, a lot of people attend the local communities</p> <p>7 attend the summer school, the camps, not summer schools,</p> <p>8 summer camps. Not just the people that attend Bullis, but</p> <p>9 just the local communities uses it. So they're provided</p> <p>10 those for the communities.</p> <p>11 Now, I -- so a couple of concern that people are</p> <p>12 probably having, one is traffic. Traffic pickup and drop-</p> <p>13 off. I do drive my kids to school even though they live</p> <p>14 right next to it because they have some heavy athletic</p> <p>15 equipment, like their hockey bags and stuff like that so we</p> <p>16 have to take them there. So I'm very familiar with the</p> <p>17 process and Bullis does a very good job to manage that</p> <p>18 process. As the people were saying there's always cops on</p> <p>19 the front gate directing traffic. Inside at each corner</p> <p>20 they always have staff to directing traffic as well. And</p> <p>21 the speed inside the campus is a very slow speed so you</p> <p>22 rarely have any noises.</p> <p>23 So that, you know, it's a good thing. And the access</p> <p>24 road, in my opinion, you know, it may not be good for the</p> <p>25 people right next to it, but the entry queue up all the</p>	<p>148</p> <p>1 any regulated games because it's not big enough to</p> <p>2 accommodate that so that is a good thing. So the one thing</p> <p>3 about the lighting, that's if -- I could imagine that was</p> <p>4 probably a year ago when the school reached out to the</p> <p>5 neighbors and I met with Ms. Sullivan, so I was talking</p> <p>6 about the lights, because it comes around. So currently,</p> <p>7 there's so many evergreens that live there and then the</p> <p>8 school also proposed -- when they hear those concerns they</p> <p>9 proposed adding more plants over there. So I don't really</p> <p>10 think that any impact -- I don't have any concerns with</p> <p>11 that. Probably, you know, it's a very, very low impact to</p> <p>12 me.</p> <p>13 So earlier I think - -yeah, that's when we were talking</p> <p>14 about the headlights. And the -- it's you know, in the</p> <p>15 previous hearing I heard some people talking about the</p> <p>16 property values. But actually, I understand everybody's</p> <p>17 concerns but I don't really see that happening. I did some</p> <p>18 research -- things that people -- their houses are close to</p> <p>19 the school, some articles was quoting the real estate agent</p> <p>20 saying it's -- they never heard people say oh, I don't want</p> <p>21 a house because it's so close to the school.</p> <p>22 So just like a previous person said, they moved here</p> <p>23 specifically because of the school. This is -- Bullis is a</p> <p>24 very nice school. It's -- a lot of people loves it and I</p> <p>25 know that one of my boy's friends family moved from Virginia</p>

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<p>149</p> <p>1 to attend school here because they loved the school and they</p> <p>2 didn't want a long commute so they just moved here. And I</p> <p>3 know there's in connection to the students here in the</p> <p>4 school, and they also have spent money here and provide the</p> <p>5 economy for their own community and they also have to buy a</p> <p>6 house or rent a house. So those actually will improve the</p> <p>7 value of the property, which I don't really like that but</p> <p>8 it's probably a very good until your tax goes up.</p> <p>9 MS. CARLA RAMPY: Can I say something, I don't have</p> <p>10 that much time and --</p> <p>11 HEARING EXAMINER ROBESON HANNAN: Who's speaking?</p> <p>12 MR. LIU: Okay.</p> <p>13 MS. RAMPY: This is Carla Rampy, I live off of 1 --</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Wait. Wait. Mr.</p> <p>15 Liu, I do get the gist of what you're saying and you don't</p> <p>16 think it will affect property values. Is there anything --</p> <p>17 are you willing to let Ms. Rampy go now or?</p> <p>18 MR. LIU: Yes. It's --</p> <p>19 MS. RAMPY: I just wanted, like 2 minutes.</p> <p>20 HEARING EXAMINER ROBESON HANNAN: No, no, just --</p> <p>21 MS. RAMPY: I'm at work and I --</p> <p>22 HEARING EXAMINER ROBESON HANNAN: Just stop.</p> <p>23 MS. RAMPY: -- must get back.</p> <p>24 HEARING EXAMINER ROBESON HANNAN: Just stop. Okay.</p> <p>25 Raise your right hand. Unmute yourself.</p>	<p>151</p> <p>1 We live fairly close to the school, walking distance, and</p> <p>2 there is some noise, but it's not -- it's typical, you know,</p> <p>3 school noise. And I feel like a lot of the neighborhood</p> <p>4 just loves of the Bullis community just simply because they</p> <p>5 offer not only arts events and just, like, sporting events,</p> <p>6 but also in appreciation for diversity and just a lot of</p> <p>7 enrichment programs for the area. So I feel, personally,</p> <p>8 that that having a lower school be renovated and can benefit</p> <p>9 a lot more students. And I know the school is also really</p> <p>10 excited about bringing on more students and having the</p> <p>11 facilities would be great.</p> <p>12 The traffic is a typical with a lot of schools, but I</p> <p>13 think it's going to actually help the situation on Falls and</p> <p>14 Democracy. We live right off Democracy so it doesn't really</p> <p>15 cause that much confusion to be quite honest. There's a lot</p> <p>16 of traffic cops there, they direct the traffic, and in fact,</p> <p>17 the renovations are going to help that situation with the</p> <p>18 congestion on those two roads. But I think it's just an</p> <p>19 amazing school and an amazing staff and I feel like it would</p> <p>20 really benefit the community to keep going with their</p> <p>21 initiative of enrichment and diversity programs for the</p> <p>22 area.</p> <p>23 HEARING EXAMINER ROBESON HANNAN: Thank you. Any</p> <p>24 questions? Okay. Seeing a nun, I'm going to go to Ms.</p> <p>25 Becky Hellman.</p>
<p>150</p> <p>1 MS. RAMPY: Okay.</p> <p>2 HEARING EXAMINER ROBESON HANNAN: Do you solemnly</p> <p>3 affirm under penalties of perjury that the statements you're</p> <p>4 about to make are the truth, the whole truth, and nothing</p> <p>5 but the truth?</p> <p>6 MS. RAMPY: Yes, I do.</p> <p>7 HEARING EXAMINER ROBESON HANNAN: Please state your</p> <p>8 name, address, and email address for the record.</p> <p>9 MS. RAMPY: Carla Rampy, 10204 Iron Gate Road, Potomac,</p> <p>10 Maryland, 20854. My email address is bbrlove23@gmail.com.</p> <p>11 HEARING EXAMINER ROBESON HANNAN: Okay. Go ahead.</p> <p>12 MS. LEE-CHO: Ms. Hannan can you stop sharing your</p> <p>13 screen? Because I'm getting a double screen effect.</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Okay. Go ahead.</p> <p>15 MS. LEE-CHO: Thank you.</p> <p>16 HEARING EXAMINER ROBESON HANNAN: Go ahead, Ms. Rampy.</p> <p>17 MS. RAMPY: I'm not -- I -- the community has really</p> <p>18 benefited from Bullis. We have two -- actually, we</p> <p>19 almost -- we have a son that is now going to Northwestern on</p> <p>20 a tennis scholarship due to the great tennis facilities and</p> <p>21 that Bullis has provided. We have two daughters, one</p> <p>22 daughter in the first grade, and another that's about to go</p> <p>23 to kindergarten. And that the community has really</p> <p>24 benefited from the facilities that Bullis. The teachers,</p> <p>25 the activities that that they provide, the arts activities.</p>	<p>152</p> <p>1 MR. LIU: I want to say something --</p> <p>2 HEARING EXAMINER ROBESON HANNAN: No, you can't. Ms.</p> <p>3 Becky Helman.</p> <p>4 MS. BECKY HELMAN: Yes.</p> <p>5 HEARING EXAMINER ROBESON HANNAN: Please raise your</p> <p>6 right hand.</p> <p>7 Do you solemnly affirm under penalties of perjury that</p> <p>8 the statements you're about to make her the truth, the whole</p> <p>9 truth, and nothing but the truth?</p> <p>10 MS. HELMAN: I do.</p> <p>11 HEARING EXAMINER ROBESON HANNAN: Could you state your</p> <p>12 name, email address and street address for the record?</p> <p>13 MS. HELMAN: Becky Helman. My street address is 10842</p> <p>14 Nantucket Terrace, Potomac 20854. My email address is</p> <p>15 bhelman@gmail.com.</p> <p>16 HEARING EXAMINER ROBESON HANNAN: Okay. Go ahead,</p> <p>17 please.</p> <p>18 MS. HELMAN: I live, basically, right behind the</p> <p>19 baseball area on the school, near the track and field. And</p> <p>20 I've been here for 37 years. So I've seen the school grow</p> <p>21 from a total of 500 students, I think, to know what it is.</p> <p>22 And we've never had an issue with it. Not with the noise</p> <p>23 component because if there are games that that are late that</p> <p>24 normally stop by 9:00 to 10:00 p.m. never an issue with the</p> <p>25 traffic because the weight you all have done the traffic</p>

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<p>153</p> <p>1 flow with the traffic cops and kids, and go at different 2 times, especially in the afternoon.</p> <p>3 I think that the sense of community that it brings is 4 remarkable. And I think it is a good enhancement for this 5 area. I don't have any clones as far as, now granted, I'm 6 not going to be affected by lighting or anything like that, 7 but it's just been a good community value area for us. And 8 when I moved into this place I was a young and newly 9 pregnant, so eventually my children did go to Bullis.</p> <p>10 But I've seen the enhancement of everything that they 11 have done whether it's building the Blair center, or 12 building the library, and none of that impacted the 13 surrounding neighbors. So I think they have a really good 14 system and I can't say enough good things about the school, 15 and the faculty, and the way everything is always handled 16 with the surrounding neighbors.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: Thank you. Any 18 questions? Okay. Hearing none, you may be excused.</p> <p>19 Mr. Liu, do you want to say one more thing? He may 20 have gone for the moment.</p> <p>21 MR. LIU: No, earlier I was talking about the noise, 22 the kids shouting, and laughing, if I was in the back yard. 23 But if I'm inside with the window closed, I never heard 24 anything. So I am not really -- the noise level, I don't 25 think it was a reason to -- usually, even if you -- for the</p>	<p>155</p> <p>1 10513 Democracy Boulevard. And my email address is 2 acepressdc@Gmail.com.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>4 MR. AMILJAZIL: Now, the main portion --</p> <p>5 HEARING EXAMINER ROBESON HANNAN: I'm sorry. Can 6 you -- I'm sorry. Can you tell me your email address? I'm 7 not sure I got it.</p> <p>8 MR. AMILJAZIL: A-C-E P-R-E-S-S-D-C at gmail.com.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: Okay. Thank you.</p> <p>10 MR. AMILJAZIL: You are welcome.</p> <p>11 HEARING EXAMINER ROBESON HANNAN: Go ahead.</p> <p>12 MR. AMILJAZIL: It's no question that Bullis school is 13 a good school. But the Bullis school is for rich, rich 14 people, not ordinary people around that actually Democracy 15 Boulevard. With the 55,000 per year for each person 100 16 percent I cannot afford to put my children at that school.</p> <p>17 Now, most of the people coming from and going to 18 Bullis, they come from a distance, not close by. Our house 19 is actually connected to the playground and this building -- 20 the subject building, this is going to bring 245 more cars 21 on top of 900, at least 900 cars, they come to the -- 22 actually Falls Road and out from Democracy Boulevard.</p> <p>23 Ms. Mi Lu asked Mr. Sullivan, did you guys do anything 24 for environmental study. And he said no, and because of the 25 Falls Road and Democracy Boulevard we cannot do such a</p>
<p>154</p> <p>1 when I was in the back yard, it's only like the afternoon 2 when they are out. And usually, if they were talking about 3 it it's the staff. So it's a very short period of time they 4 have people -- the kids with the -- you know, I do hear the 5 noises when I'm in the back yard, but I don't hear it when 6 I'm inside the house.</p> <p>7 HEARING EXAMINER ROBESON HANNAN: Okay. Thank you. 8 Any questions based on that? Okay.</p> <p>9 Mr. Amiljazel.</p> <p>10 MR. AMIR AMILJAZIL: I'm here.</p> <p>11 HEARING EXAMINER ROBESON HANNAN: Did I get that right?</p> <p>12 MR. AMILJAZIL: Yes, you did. Can I testify because I 13 have a store --</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Yes, you may.</p> <p>15 MR. AMILJAZIL: And I have --</p> <p>16 HEARING EXAMINER ROBESON HANNAN: Sure. Please raise 17 your right hand.</p> <p>18 Do you solemnly affirm under penalties of perjury that 19 the statements you're about to make are the truth, the whole 20 truth, and nothing but the truth?</p> <p>21 MR. AMILJAZIL: Yes. Yes ma'am.</p> <p>22 HEARING EXAMINER ROBESON HANNAN: Please state your 23 name, address, email address for the record.</p> <p>24 MR. AMILJAZIL: No problem. My name is Amir Amiljazel, 25 and with my wife Morgata Amiljazel, we are owner of the</p>	<p>156</p> <p>1 thing. the 900 cars come from, actually to the outside of 2 our, you know, to go inside the Bullis and comes out twice a 3 day, that's environmental. That then shows with all of this 4 actually stuff they do, they don't care about us.</p> <p>5 We are eight houses. Maybe one of the houses, actually 6 Mr. Liu, Gang Liu was because it was actually a cousin or 7 something goes to there, everybody else unhappy because of 8 the sound, because of the CO, because of the traffic, 9 because of everything is happened back there. We are all 10 senior citizens. We are taxpayers and Bullis school doesn't 11 pay any tax. And we need the help. Just help us, you know, 12 we are against it. We are against this.</p> <p>13 And they say Bullis school is from 1965 or something. 14 They weren't -- they didn't have 900 students. It was small 15 when they moved back there. Right now it's raise, raise, 16 raise by 900. It's enough. They make more than like \$500 17 million per year. And that's enough, 900. That's it.</p> <p>18 That's the only thing I'm asking for.</p> <p>19 HEARING EXAMINER ROBESON HANNAN: I understand. Thank 20 you. Are there any -- do you hear the playground noise now?</p> <p>21 MR. AMILJAZIL: Yes, ma'am. Always if the playground 22 has the noise and Mr. Gang Liu says when they open the door 23 they hear. No, we hear it when actually the window is 24 closed too. Now, those -- and he says because the cars come 25 right now they cannot play there and that he is not going to</p>

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<p>157</p> <p>1 actually hear any noise. Then, it was a noise and it's</p> <p>2 been, you know, a car comes not that we are peeved, you</p> <p>3 know, at the kid playing. Always it has a sound, no matter</p> <p>4 what.</p> <p>5 HEARING EXAMINER ROBESON HANNAN: Are the hours --</p> <p>6 MR. AMILJAZIL: It's close.</p> <p>7 HEARING EXAMINER ROBESON HANNAN: -- of the play are</p> <p>8 limited? To your knowledge?</p> <p>9 MR. AMILJAZIL: Let me tell you something. Sometimes</p> <p>10 because of the big building they -- the discovery they make,</p> <p>11 still around 4:00 in the morning and I hear the car actually</p> <p>12 the big cars, that bring their stuff to their -- actually</p> <p>13 Bullis and when they go in the back the back sound of the</p> <p>14 beep, beep, beep, 4:00 in the morning. I wake up 4:00 in</p> <p>15 the morning. That one, that's one of the sounds.</p> <p>16 When they're playing it's a sound. And then they want</p> <p>17 to make it actually the building, it's going to be actually</p> <p>18 sound, it's going to be dust, it's going to be actually</p> <p>19 pollution, all of this is going to come. When they build it</p> <p>20 those lines around it -- the playground, it's going to be</p> <p>21 actually -- they have to make a road. It still is going to</p> <p>22 be sound. It still is going to be actually, you know, CO2</p> <p>23 and stuff back there.</p> <p>24 UNIDENTIFIED SPEAKER: And the lighting.</p> <p>25 MR. AMILJAZIL: And the lighting. In the night,</p>	<p>159</p> <p>1 MS. LU: Sure, if I may. Do I need to --</p> <p>2 HEARING EXAMINER ROBESON HANNAN: Please raise your</p> <p>3 right hand. I don't think I --</p> <p>4 Do you solemnly affirm under penalties of perjury that</p> <p>5 the statements you're about to make are the truth, the whole</p> <p>6 truth, and nothing but the truth?</p> <p>7 MS. LU: Yes, I do.</p> <p>8 HEARING EXAMINER ROBESON HANNAN: Okay. Please state</p> <p>9 your name, address and email address for the record.</p> <p>10 MS. LU: My name is Mei Lu, M-E-I, L-U. I live in</p> <p>11 10505 Democracy Boulevard. We are one of the eight houses</p> <p>12 right next to the school. My email address is</p> <p>13 mei_luu@yahoo.com.</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>15 MS. LU: Well thank you everyone, Ms. Hannan, to hear</p> <p>16 our voices. And thank you for all the experts and school</p> <p>17 people to give all the information. I really learned a lot</p> <p>18 and thank you a lot first.</p> <p>19 I want to say I moved into this house in 2003, about 20</p> <p>20 years ago. So at the time I think, as Mr. Liu we were</p> <p>21 actually attracted to this very small, private school. And</p> <p>22 at the time, I think the student body was probably around</p> <p>23 500 or 600 students, and there were no -- not many, very few</p> <p>24 buildings that were built outside our property line. And we</p> <p>25 would just open the back door and that view to the field.</p>
<p>158</p> <p>1 lighting back there light. I -- I don't know. There's</p> <p>2 other people talk about it too to see what they say too.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: Okay. Thank you.</p> <p>4 MR. AMILJAZIL: Thank you, ma'am. Thank you.</p> <p>5 HEARING EXAMINER ROBESON HANNAN: Is there anyone with</p> <p>6 questions for Mr. Amiljazel? Okay, hearing none we can go</p> <p>7 to -- is there anyone else? I thought Ms. Mei Lu wanted</p> <p>8 to --</p> <p>9 MS. MEI LU: Sure. Is the time to --</p> <p>10 MR. AMILJAZIL: Can I ask something and then go? My</p> <p>11 question is if I actually turn my actually off, everything</p> <p>12 how we can know what's going on? I've got a email, how we</p> <p>13 can get it? Get the results.</p> <p>14 HEARING EXAMINER ROBESON HANNAN: The decision?</p> <p>15 MR. AMILJAZIL: Yes.</p> <p>16 HEARING EXAMINER ROBESON HANNAN: You will get a</p> <p>17 notification by email and a written notification of what the</p> <p>18 decision is, but hang in there because you know, we have --</p> <p>19 you can hear about any other conditions -- we do have the</p> <p>20 ability to condition the approval to address some of these</p> <p>21 issues.</p> <p>22 MR. AMILJAZIL: As much as I can I will listen. No</p> <p>23 problem.</p> <p>24 HEARING EXAMINER ROBESON HANNAN: Okay. Ms. Lu, do you</p> <p>25 want to say something?</p>	<p>160</p> <p>1 And the playground at the time was pretty far.</p> <p>2 And even though they moved pretty far away after that.</p> <p>3 But we really enjoyed the view, the friendliness of the</p> <p>4 school. We sometimes walk out to the field and walk on the</p> <p>5 field. And when my kids were younger I sometimes walk them</p> <p>6 to the playground. They enjoyed that. I really appreciate</p> <p>7 that the school give us a community -- a sense of community.</p> <p>8 However, since 2003 the school has modified a few</p> <p>9 times. They added the Discovery Center. They increased the</p> <p>10 student size. They moved the playground a little bit</p> <p>11 closer, but not too much. And then so they planted the</p> <p>12 trees so we lost the view. We lost -- the noise level</p> <p>13 increased. And certainly there are a lot more activities on</p> <p>14 the school grounds. I can talk about the noise level later</p> <p>15 when I touch upon that. But anyway, I felt like the school</p> <p>16 becomes a little bit more isolated with our neighbors, our</p> <p>17 close neighbors by planting more trees and now planning to</p> <p>18 build a loop road and they're separating the school from us.</p> <p>19 The thing about property values, I think Mr. Liu</p> <p>20 mentioned that people like to live close to the school,</p> <p>21 which I kind of agree. But probably prefer to live into a</p> <p>22 quieter, smaller, or nicer school than it big, big school</p> <p>23 that has a lot of activities, noise going on. And also a</p> <p>24 problem, like a feng shui perspective for our eight houses</p> <p>25 is all -- with the loop road built we're all going to be</p>

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<p>161</p> <p>1 surrounded from four sides with roads, Falls Road, 2 Democracy, loop roads and the other thing. So we are, like, 3 you know, surrounded by roads and traffic even though some 4 could be big traffic and some could be smaller traffic so 5 that's going, I think going to probably reduce our property 6 values. 7 And then, the pollutions, right. I think the school 8 said that they're not going to have many cars driving on the 9 road, but still it's going to be a two-way road and there 10 are going to be cars driving by and stop and park. I think 11 my husband did a really quick Google search and said each 12 car could produce 2 pounds of CO every day. And worse each 13 tree can only consume, like 2 ounces a day. So is that 14 additional -- and it's additional 200 students and that you 15 know their old school parents and students can be allowed 16 to drive their cars so every day there could be more cars 17 driving by and there won't be enough trees to absorb all the 18 pollution from the cars, and let alone, they're also going 19 to convert the real grass to artificial turf and that lose 20 a lot of other environmental benefits from the field. 21 The next thing I want to really beg you to consider is 22 really the health issues from then noise and pollutions. 23 I'm, like, hesitating to share but I think it's important to 24 know, to let people know that my mom, her age is 84. She 25 lives with me. Me and my husband like, in the 50s and 60s.</p> <p>2</p>	<p>163</p> <p>1 windows shut. But why do you have to always have the 2 windows shut just because there are noises from the school. 3 And plus the pollutions and that's really not going to 4 be good to my health and to my mom's health because we're 5 really trying to fight the cancer. I think the other thing, 6 I think some parents are -- really love the school. I think 7 I love the school as well, actually my nephew went to Bullis 8 and we love the teachers and the schoolground and 9 everything. Some other parents testified that school is 10 actually managing the traffic really well, and which is -- I 11 agree, I see the police outside the exit all the time 12 directing traffics. 13 So that actually brings me the question, like, why 14 build this new loop road? The traffic's managed really well 15 already. Why is the school still building this road and 16 disturbing our neighbor? Our close neighbors? It's just 17 sacrificing the neighbor's property values and health and 18 the stress and everything just for the sake of a little bit 19 more convenience for the school. 20 I think I covered all my points. I really beg the 21 County to consider, we're a weak group of neighbors. We 22 only have eight houses really being immediately impacted by 23 this plan. Other neighbors across the street that live on 24 the other side of the school are not impacted directly, so 25 we really beg the County to consider our voices more than</p>
<p>162</p> <p>1 My mom has lung cancer from just two years ago so she's 2 still recovering. And I was actually diagnosed with breast 3 cancer just two years ago, less than two years ago and so I 4 just finished my active treatment. My doctor asked me to 5 do -- to be in one of his exercise kind of treatment that 6 requires me to be outside a lot of hours a day, either 7 walking or just stay outside embracing the fresh air. 8 So I have actually a routine. I try to walk a lot and 9 I actually tested it out to see whether I can walk on the 10 field during the day because I thought it would be quiet and 11 be -- have a lot of fresh air out in the trees. But then 12 sop earlier, Ms. Hannan, you were asking what the noise 13 level of the whole day. I actually have the firsthand 14 experience. I sometimes went out 7:00, 8:00, before 9:00, 15 usually 10:00 to 9:00 kids will come out and play on the 16 fields and start to hear their laughs and activities. 17 And that lasts the whole day, maybe there is 30 minutes 18 break during lunchtime and then the noises will all go on 19 until, like, 5:00, 6:00. Even on weekends there are kids 20 coming, parents bringing kids coming to play in the 21 playground. So there is -- it would be much better during 22 the weekends but there is still noise on the playground on 23 weekends. And as the other neighbor said, if you are 24 outside you can hear noises all the time and it is loud. 25 The only thing you can do is stay inside and have your</p>	<p>164</p> <p>1 the other neighbors. Thank you. 2 HEARING EXAMINER ROBESON HANNAN: Thank you. Okay. 3 Any questions for Ms. Lu? Okay. Hearing none, we're going 4 to break for lunch. And then we're going to have to come 5 back. Ms. Lee-Cho, do you have -- you have Kabatt and Ms. 6 Randall? 7 MS. LEE-CHO: Yes. 8 MS. LEE-CHO: Okay. And then, I have some follow up 9 questions. My concerns are this. We have had schools do -- 10 The French school for instance, we had them do some testing 11 for noise and that type of thing. In lieu of doing that, 12 would you consider some parameters on the use of the field? 13 Like, time restrictions or number of children or things like 14 that? And I'm just throwing these out there, as well as the 15 artificial turf field, programmatically, and would you 16 consider just that I had a question after Ms. Lu's 17 testimony, does the school let just the public play on the 18 playground on the weekends? Are you know, how does that 19 work? Is there a possibility of limiting that? 20 Is there a possibility of putting in directional 21 traffic -- directional signs saying lower school something 22 to ensure that it's only the lower school traffic going to 23 that loop road? And I am concerned about the noise, and we 24 have had testimony on noise from other schools and the 25 testimony, it's not in the record of this case, was that</p>

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<p>165</p> <p>1 plantings have only a marginal impact on noise. But if you 2 have something to refute that, I'll take a look at it. It's 3 great for visual screening. 4 So those are just things I'm thinking, and then come 5 back after lunch. We're going to take a half hour for lunch 6 and people can come back at 2:30. And we'll take Ms. 7 Randall and Mr. Kabatt. Okay? Thank you. 8 (A recess was taken from 1:58 p.m., resuming at 2:34 9 p.m.) 10 HEARING EXAMINER ROBESON HANNAN: Are the parties 11 ready? 12 MS. LEE-CHO: I'm ready. 13 MR. KABATT: I'm ready. 14 MS. LEE-CHO: I think people are getting back. 15 HEARING EXAMINER ROBESON HANNAN: Okay. Okay. Ms. Lee 16 Cho, I think we were at either Mr. Kabatt or Ms. Wells. 17 MS. LEE-CHO: All right. So before we proceed with 18 extra witnesses, you had raised some suggested weight 19 forward, or conditions for consideration. At what point did 20 you want to have that conversation because the school is 21 prepared to respond with suggestions. 22 HEARING EXAMINER ROBESON HANNAN: Well, let's -- I'd 23 like to hear Mr. Kabatt and Ms. Wells, just in case they 24 have any light to shed on some of the issues we've spoken 25 about.</p>	<p>167</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Go ahead. 2 MS. LEE-CHO: Based on Mr. Kabatt's resume provided in 3 the Applicant's prehearing submission and based on his 4 previous qualifications before this agency, I would offer 5 him up as an expert in the field of transportation planning 6 and engineering. 7 HEARING EXAMINER ROBESON HANNAN: Okay. Do I hear any 8 objections? Hearing on, I'll accept him as an expert in 9 transportation planning and engineering. Okay. Thank you. 10 Go ahead Mr. Kabatt. Or Ms. Lee-Cho. 11 MS. LEE-CHO: So Mr. Kabatt, let's start by just 12 asking, are you familiar with the special exception 13 modification request before the hearing examiner today? 14 MR. KABATT: I am. 15 MS. LEE-CHO: And have you made a personal inspection 16 of the site and are you familiar with the area surrounding 17 the property? 18 MR. KABATT: Yes, I did, and I am. 19 MS. LEE-CHO: And are you familiar with the Montgomery 20 County Local Area Transportation Review Guidelines? 21 MR. KABATT: Yes. 22 MS. LEE-CHO: And did you and your firm prepare a 23 written report analyzing your findings for the proposed 24 Bullis School expansion in connection with the proposed 25 special exception modification?</p>
<p>166</p> <p>1 MS. LEE-CHO: Okay. 2 HEARING EXAMINER ROBESON HANNAN: If that's all right 3 with you, and then, we can get to the rest. 4 MS. LEE-CHO: Okay. Perfect. So then, but get back to 5 it with Mr. Kabatt. And do you want to swear him in? 6 (Off the record discussion.) 7 HEARING EXAMINER ROBESON HANNAN: Okay. Please raise 8 your right hand. 9 Do you solemnly affirm under penalties of perjury that 10 the statements you're about to make are the truth, the whole 11 truth, and nothing but the truth? 12 MR. KABATT: I do. 13 HEARING EXAMINER ROBESON HANNAN: Okay. Go ahead. 14 MS. LEE-CHO: Please state your full name and 15 occupation. 16 MR. KABATT: Christopher L. Kabatt. I'm a 17 transportation planner, engineer. And 18 MS. LEE-CHO: And before I go into your qualifications, 19 I would just ask, have you been accepted as an expert 20 witness before the hearing examiner on a matter previously? 21 MR. KABATT: Yes, I have. 22 HEARING EXAMINER ROBESON HANNAN: Many times. 23 MR. KABATT: Thank you. 24 HEARING EXAMINER ROBESON HANNAN: Does anyone -- 25 MS. LEE-CHO: Based on --</p>	<p>168</p> <p>1 MR. KABATT: We did. Wells & Associates under my 2 direction transit transportation review study and is 3 included in the record as Exhibit 11. 4 MS. LEE-CHO: Great. So can you please describe the 5 steps taken and your responsibilities regarding the special 6 exception modification as it relates to the transportation 7 issues? 8 MR. KABATT: Sure. So the local area transportation 9 review, LATR, for short, the transportation study you'll 10 hear me refer to it as that throughout this testimony, but 11 we start off by confirming the scope of the study with 12 County staff, that being Park and Planning, Montgomery 13 County Department of Transportation and State Highway 14 Administration. We confirm with them, then that -- you 15 know, we make a determination if a traffic study is 16 required. 17 And in this case, one is required because it generates 18 more than 50 peak hour person trips, new trips associated 19 with the request here. We go through the scope of that 20 study, like I said, with those agencies, and that includes 21 the scope of vehicular analysis, bicycle, pedestrian, and 22 transit system tests. It includes a Vision Zero statement, 23 and an evaluation of on-site circulation. We also come to 24 an agreement about site trip distributions, the 25 intersections we study, any approved development programs in</p>

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<p>169</p> <p>1 the area and any other, general assumptions on the 2 transportation network. 3 MS. LEE-CHO: And can you just, please briefly describe 4 the transportation analysis as it relates to motor vehicle 5 adequacy? 6 MR. KABATT: Sure. I'll go through those tests that I 7 mentioned. So the first one, the motor vehicle adequacy, 8 and that is when we do the intersection capacity analysis 9 for the off-site intersections and the school driveways. 10 That process begins with data collection and we collect 11 traffic counts at the study intersections and including the 12 driveways during the peak periods in the a.m. and the p.m. 13 We then layer on top of those traffic counts, we layer on 14 drop any trips that are generated by pipelines developments. 15 Pipeline developments are those developments that are 16 approved, but had not have not yet been built in the site 17 area. And then, we also then add on the new trips that 18 would be generated by the request or the expansion for the 19 increase in students from 900 to 1,096. So we would add 20 those vehicle trips onto the road network. 21 And then we apply capacity analysis. In this case, in 22 this policy area, the Potomac policy area, the capacity 23 analysis we run is critical lane volume for study 24 intersections. And if those calculations of that critical 25 lane volume is 1350 or less and then the intersection is</p>	<p>171</p> <p>1 proportionality guide improvement cap for off-site 2 improvements. And we would make a payment, for any 3 requirement there. 4 And so like I said, with the MOU for the on-site 5 improvements and that proportionality guide calculation we 6 meet mitigation requirements for the pedestrian, bicycle, 7 and transit tests. We also look at the -- we also prepared 8 a Vision Zero statement, and the Vision Zero statement 9 includes a review of crashes in the area. It looks at 10 traffic speeds on the adjacent roadways, and it also just 11 discusses of the on-site circulation and access to the site. 12 We did find that in this area Falls Road and Democracy 13 Boulevard are not considered high injury network segments, 14 which is part of the Vision Zero statement. We did find 15 that there are, you know, through our review of the data 16 that is published by the County we did find that there were 17 crashes over the years, but none of them occurred at the 18 driveways to the school. 19 We did find in our evaluation for Vision Zero that 20 there is speeding along Falls Road and we make a suggestion 21 that the County should look at measures to deter speeding 22 through the area. Lastly, for the access, the circulation 23 modifications for the campus being the loop road, 24 essentially around that field, helps separate vehicles from 25 pedestrians, much of what like Mr. La Vay went through</p>
<p>170</p> <p>1 considered adequate and you pass the test. In this case, we 2 did those tests, like I said, at three off-site study 3 intersections and the site driveways, and all of the 4 intersections operate with a critical lane volume less than 5 1350. 6 This study was reviewed by the reviewing agencies, that 7 being the planning department, in MCDOT, and the State 8 Highway Administration. And the staff at those agencies 9 agreed with our findings. And agreed that we operated 10 within the standard and that no mitigation is required for 11 the motor vehicle adequacy test. 12 MS. LEE-CHO: Can you please describe the results of 13 the bicycle pedestrian adequacy and Vision Zero statement? 14 MR. KABATT: Sure. I'm going to lock the bicycle 15 pedestrian and transit system test together because they're 16 relatively similar in the fact that we do -- there's 17 fieldwork that we do and verification of the systems and the 18 site area. And if there's deficiencies or not and what we 19 look at there, then, is if there's any mitigation required. 20 And you'll see in our report that mitigation would be 21 required for bicycle, pedestrian, and transit. 22 However, with the memorandum of understanding for Falls 23 Road, the bond for the sidewalk on Democracy Boulevard that 24 Mr. La Vay discussed earlier, and then, for anything beyond 25 our side there's the County has a, what they call a LATR</p>	<p>172</p> <p>1 already. And it separates the lower school traffic from the 2 upper school traffic. And this helps with the pickup and 3 drop-off activities throughout the campus and minimizing the 4 pedestrian and vehicle conflicts. 5 MS. LEE-CHO: And can you please describe the on-site 6 circulation analysis results? 7 MR. KABATT: Sure. So the other thing that we did with 8 this study was in the way spent time on campus observing the 9 on-site circulation mainly the pickup and drop-off activity, 10 on a number of days over the last couple of years. And we 11 determined, and many of you know, probably who are listening 12 to this that the p.m. peak hour, the pickup time is the 13 critical time because that's where folks come in and wait 14 for their children to leave, and get into the car. 15 We looked at the queuing, both at the existing, and 16 then we projected that for the future with the increase in 17 the students. And as you can see in our traffic study we 18 concluded, and staff acknowledge and agreed with the 19 findings that all the queues are maintained on campus. 20 MS. LEE-CHO: The Park and Planning staff reviewed the 21 LAPR and agreed with your conclusions? 22 MR. KABATT: They did. As I was saying, the LATR 23 transportation study does get reviewed by those three 24 agencies, MCDOT, planning department, and State Highway 25 Administration. And as you read in the staff report, that's</p>

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<p>173</p> <p>1 part of the record, you will see throughout it that they</p> <p>2 reiterate the findings of our study and agree with our</p> <p>3 conclusions.</p> <p>4 MS. LEE-CHO: And in your professional opinion will the</p> <p>5 vehicular access and be safe, adequate, and efficient?</p> <p>6 MR. KABATT: Yes. Based on the findings and the</p> <p>7 analysis in the study the access will be safe, adequate, and</p> <p>8 efficient.</p> <p>9 MS. LEE-CHO: Did --</p> <p>10 HEARING EXAMINER ROBESON HANNAN: Oh, sorry. I just</p> <p>11 had a question. Did you look at how long vehicles were</p> <p>12 queued on the loop road? How, like --</p> <p>13 MR. KABATT: The time --</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Per drop-off and</p> <p>15 pickup, how long were vehicles queuing there?</p> <p>16 MR. KABATT: Yeah. We did. And what we found,</p> <p>17 generally, is there's the surges that you would have for</p> <p>18 each of the schools. And it's actually in our traffic study</p> <p>19 and you can see we have a chart on page 51.</p> <p>20 HEARING EXAMINER ROBESON HANNAN: Oh, I'm sorry.</p> <p>21 MR. KABATT: But let me give you -- we generally --</p> <p>22 HEARING EXAMINER ROBESON HANNAN: Can you just do the</p> <p>23 lower school?</p> <p>24 MR. KABATT: Sure. Yeah, the lower school.</p> <p>25 HEARING EXAMINER ROBESON HANNAN: Did you separate --</p>	<p>175</p> <p>1 MR. LA VAY: Okay.</p> <p>2 MR. KABATT: Because I think that might be the same one</p> <p>3 that we have in our traffic impact study.</p> <p>4 MR. AMILJAZIL: As all cameras on? I cannot see</p> <p>5 anything.</p> <p>6 HEARING EXAMINER ROBESON HANNAN: Can you see it now?</p> <p>7 It's just coming up.</p> <p>8 MR. KABATT: Okay. So this shows --</p> <p>9 HEARING EXAMINER ROBESON HANNAN: Just a second.</p> <p>10 MR. KABATT: This shows the --</p> <p>11 HEARING EXAMINER ROBESON HANNAN: Just a second. Just</p> <p>12 a second. Only MR. KABATT is talking, okay. There. We</p> <p>13 have Exhibit 39. Go ahead, Mr. Kabatt.</p> <p>14 MR. KABATT: Okay. So this shows the circulation, and</p> <p>15 I'll explain the colors. The blue color -- the blue outline</p> <p>16 of those roadways are the inbound movement. NM was</p> <p>17 described earlier, if you're coming from Falls Road, and if</p> <p>18 you're at the lower school, you would come in and turn</p> <p>19 right, go around the field, and come to the front of the</p> <p>20 lower school building where that red line crossing that</p> <p>21 roadway is.</p> <p>22 And then, to go out them, they would turn right on that</p> <p>23 yellow path. And go out towards Democracy. The -- what we</p> <p>24 found was under the existing -- from the existing queue that</p> <p>25 that when we projected it out for the future that lower</p>
<p>174</p> <p>1 did you separate it out by that? Thank you.</p> <p>2 MR. KABATT: We did. We were able to separate out the</p> <p>3 lower school queue based on the existing observations, and</p> <p>4 for the pickup, that's the critical time for the lower</p> <p>5 school, it generally surges for about 8 minutes, that starts</p> <p>6 around 3:00. And then would continue until about 8 minutes</p> <p>7 past 3:00. Now, there's some building of the queue and it</p> <p>8 quickly decreases after that. But it's a generally about an</p> <p>9 8 minutes surge we see the longest cues.</p> <p>10 HEARING EXAMINER ROBESON HANNAN: And then, how long</p> <p>11 does the queue extend? Like, let me just get the site plan</p> <p>12 up. If I can.</p> <p>13 MR. KABATT: Actually, if Pat La Vay appeared on if you</p> <p>14 could -- well, you could pull up an exhibit as you were</p> <p>15 going to, but we have an exhibit in our traffic study.</p> <p>16 HEARING EXAMINER ROBESON HANNAN: Oh, you do? Oh,</p> <p>17 okay. I will wait for that.</p> <p>18 MR. LA VAY: Exhibit 39.</p> <p>19 HEARING EXAMINER ROBESON HANNAN: Let me unshared.</p> <p>20 MR. LA VAY: Chris, would you like me to bring it up?</p> <p>21 MR. KABATT: Yes.</p> <p>22 MR. LA VAY: Exhibit 39?, Circulation plan, is that</p> <p>23 what you're looking for?</p> <p>24 MR. KABATT: Yeah, let me see that circulation plan</p> <p>25 that has it.</p>	<p>176</p> <p>1 school queue would be -- we are projecting it to be 1553</p> <p>2 feet. It sounds like a long distance. And that distance</p> <p>3 takes you from that red line it will take you around that</p> <p>4 the road, and then efficiently to where the west side, I'll</p> <p>5 call it the west side of the Discovery Center building is.</p> <p>6 And that would be about the extent of the lower school</p> <p>7 queue. And that's where you have that abatement. It's</p> <p>8 where you have that accordion effect of it would look</p> <p>9 shorter and then coming back towards that point, but that</p> <p>10 would last for about 8 minutes.</p> <p>11 HEARING EXAMINER ROBESON HANNAN: So that's the peak</p> <p>12 queue in your opinion?</p> <p>13 MR. KABATT: That's --</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Is the 1000 peak that</p> <p>15 would last for 8 minutes?</p> <p>16 MR. KABATT: Yeah, like I said, that number fluctuates</p> <p>17 a bit during that 8 minutes obviously, but that is the peak</p> <p>18 for the lower school.</p> <p>19 HEARING EXAMINER ROBESON HANNAN: Okay. Sorry to</p> <p>20 interrupt.</p> <p>21 MS. LEE-CHO: Not at all. Did you have anything</p> <p>22 further to add about the management of the drop-off pickup</p> <p>23 operations while we have this exhibit up?</p> <p>24 MR. KABATT: No. I would just say that if I could just</p> <p>25 add the upper -- what was described before, what Mr. La Vay</p>

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<p>177</p> <p>1 was describing was the circulation coming from Falls Road 2 and the upper and the middle school would then turn left and 3 then as you come around where the blue turns to yellow, some 4 of the upper school and the middle school vehicles could 5 continue out to Fall Road, or the driver could turn right 6 and pickup students along the internal roadway and then they 7 would turn left to go out to Democracy. 8 MS. LEE-CHO: Okay. Just going back to the line of 9 questions. Then did the transportation staff and the 10 Planning Board agreed that the vehicular access for the 11 school will be safe, adequate, and sufficient? 12 MR. KABATT: They did. And the staffs review, and then 13 in their staff report they agreed with our findings and 14 agreed that the modification will not have a detrimental 15 impact on the surrounding road network, and that it will be 16 safe, adequate, and efficient. 17 MS. LEE-CHO: At this point, I would just be going 18 through the necessary findings with Mr. Kabatt if that's 19 acceptable. 20 HEARING EXAMINER ROBESON HANNAN: That's fine. 21 MS. LEE-CHO: All right. Mr. Kabatt, are you familiar 22 with Section 59 G-121 of the 2004 zoning ordinance and its 23 requirements regarding evaluation of inherent and non- 24 inherent adverse effects? 25 MR. KABATT: I am.</p>	<p>179</p> <p>1 are there adequate public facilities, in particular related 2 to the transportation network? 3 MR. KABATT: Yes, there are, as concluded and 4 demonstrated in our study. 5 MS. LEE-CHO: What public transportation services are 6 provided to the school? 7 MR. KABATT: There's metro bus service. There are bus 8 stops right in front of the school on Falls Road, right at 9 the main entrance. I believe it's the T2 line that runs 10 between Rockville and Friendship Heights. 11 MS. LEE-CHO: And do you believe from a traffic 12 standpoint that the use is compatible with the surrounding 13 area? 14 MR. KABATT: I do. Yeah, the -- from a traffic 15 standpoint, yes, the use here is compatible with the area. 16 MS. LEE-CHO: Okay. I have nothing further for Mr. 17 Kabatt. 18 HEARING EXAMINER ROBESON HANNAN: Okay. What is the 19 total general, not the peak drop off time, but the total 20 drop off time in the afternoon? The range of, you know 21 between 3:00 and 4:30 or? 22 MR. KABATT: So just -- let me just go to -- you'll see 23 it when you go back into the record, but the appendix of the 24 report page has that in detail. But in the afternoon we 25 started seeing queues -- I just wanted before I -- we</p>
<p>178</p> <p>1 MS. LEE-CHO: And in your opinion order the traffic 2 related inherent characteristics associated with private 3 educational institutions identified in the staff report? 4 MS. LEE-CHO: The inherent characteristics would be the 5 vehicle trip generation, the in and outbound trips 6 associated with the school. And the queuing of those 7 vehicles, particularly during the pickup and drop-off times. 8 MS. LEE-CHO: And do you agree with the inherent 9 characteristics identified by staff in your professional 10 opinion, and are there any others? 11 MR. KABATT: I do agree with those identified by staff 12 and I do not have any others. 13 MS. LEE-CHO: Have you also evaluated whether there are 14 any non-inherent effects associated with private schools? 15 MR. KABATT: I have evaluated that, and it is my 16 professional opinion there are no non-inherent 17 characteristics related to the traffic site access or 18 circulation that would have any adverse effects on the 19 surrounding area. 20 MS. LEE-CHO: In this case? 21 MR. KABATT: In this case, yes. And for the project 22 educational institutions. 23 MS. LEE-CHO: Under 59 G-121 A 9 it requires a finding 24 that the proposed use will be served by adequate public 25 services and facilities. And in your professional opinion,</p>	<p>180</p> <p>1 started seeing queues forming shortly before 3:00 because 2 the bells end at 3:00. You know, starting at, like, 2:50 or 3 so. But the -- you really started noticing them right 4 around 3:00, a little after 3:00. And then, the middle 5 school, their bell doesn't ring until 3:30. So it's -- you 6 know and then it's after, so it's after 3:30, somewhere 7 around the 3:35, 3:40 where we don't really notice any more 8 queuing or vehicular traffic on campus is very low. So you 9 generally -- 10 HEARING EXAMINER ROBESON HANNAN: I'm sorry. After 11 what time did you say? 12 MR. KABATT: The middle school really starts, like, at 13 3:35, 3:40. 14 HEARING EXAMINER ROBESON HANNAN: Okay. 15 MR. KABATT: Like, it's pretty much all over by that 16 time. 17 HEARING EXAMINER ROBESON HANNAN: Okay. 18 MS. LEE-CHO: So Mr. Kabatt, what you're describing is 19 a combined lower school and middle school? You're not 20 speaking just about lower school? Is that correct? 21 MR. KABATT: Yeah, that was the whole time for all 22 three schools. So the lower school, middle school, and 23 upper school. 24 HEARING EXAMINER ROBESON HANNAN: Now where does -- can 25 you go back to that exhibit, the circulation exhibit? Was</p>

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<p>181</p> <p>1 it 39? Yeah.</p> <p>2 MR. KABATT: Pat, can you pull up 39?</p> <p>3 HEARING EXAMINER ROBESON HANNAN: Here, I got it.</p> <p>4 MR. LA VAY: Sorry, you guys working on it? Do you</p> <p>5 have it, Lynn?</p> <p>6 HEARING EXAMINER ROBESON HANNAN: Yes, I do.</p> <p>7 MR. LA VAY: Okay.</p> <p>8 HEARING EXAMINER ROBESON HANNAN: I just need to I'm</p> <p>9 getting multiple meeting messages. I do have it up right in</p> <p>10 front of me, but all these other things --</p> <p>11 MR. LA VAY: Would you like me to do it?</p> <p>12 HEARING EXAMINER ROBESON HANNAN: No, I got it. Okay.</p> <p>13 So where -- is it only -- is it only the lower school that</p> <p>14 basically uses this loop? Where do the other -- where does</p> <p>15 the middle school -- what -- where is their pickup?</p> <p>16 MR. KABATT: So the middle school and the high school,</p> <p>17 they use the same space, but they're separated by time so</p> <p>18 that really helps with the queuing there. But we did</p> <p>19 combine them as we saw it in the observations. But they --</p> <p>20 they're -- the middle school, if you see the green line down</p> <p>21 by the lower school, but down by the exit that goes -- takes</p> <p>22 you out to Democracy. That green line is really the start</p> <p>23 of where middle school would get picked up. And if you</p> <p>24 follow that blue line on that internal roadway back towards</p> <p>25 the tennis courts and then turn towards Fall Road where the</p>	<p>183</p> <p>1 question.</p> <p>2 HEARING EXAMINER ROBESON HANNAN: All right. That's</p> <p>3 fine.</p> <p>4 MS. LEE-CHO: I have the answer too, but I know I'm not</p> <p>5 allowed to answer it.</p> <p>6 HEARING EXAMINER ROBESON HANNAN: No, you can't.</p> <p>7 MS. LEE-CHO: If we can move on to Ms. Randall at this</p> <p>8 time?</p> <p>9 HEARING EXAMINER ROBESON HANNAN: Okay. Are there any</p> <p>10 questions of Mr. Kabatt? Hearing none, you can be excused</p> <p>11 Mr. Kabatt. Thank you. And we'll go to Ms. Randall.</p> <p>12 Ms. Randall, please raise your right hand.</p> <p>13 MS. JILL OLSON: Oh, excuse me.</p> <p>14 HEARING EXAMINER ROBESON HANNAN: What?</p> <p>15 MS. OLSON: Can I ask a question?</p> <p>16 HEARING EXAMINER ROBESON HANNAN: Of Mr. Kabatt?</p> <p>17 MS. OLSON: Of Mr. Kabatt, please?</p> <p>18 HEARING EXAMINER ROBESON HANNAN: Who's speaking?</p> <p>19 MS. OLSON: My name is Jill Olson. Sorry, I've had to</p> <p>20 be on a call, not on the Zoom link today. I'm a resident</p> <p>21 off of Cambridge Manor Court.</p> <p>22 HEARING EXAMINER ROBESON HANNAN: Can you state your</p> <p>23 name and address, and email address for the record?</p> <p>24 MS. OLSON: Sure. Yes. It's Jill Olson, O-L-S-O-N.</p> <p>25 I'm at 9237 Cambridge Manor Court in Potomac. Email is</p>
<p>182</p> <p>1 parking lot is, you wind around to your Falls Road access</p> <p>2 point.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: So does every school</p> <p>4 use this loop road to pick up?</p> <p>5 MR. KABATT: Well, so the high school, the upper school</p> <p>6 and the middle school students, as that queue builds some</p> <p>7 parents or folks picking up and then those who, in the upper</p> <p>8 school who drive, they can -- you'll see students get into</p> <p>9 vehicles along that drive aisle where the north of the -- of</p> <p>10 Northwest, I guess of that -- where -- I'm trying to</p> <p>11 describe it. Where the large parking field is just east of</p> <p>12 the school buildings where that blue line is there, you'll</p> <p>13 see students getting in vehicles there. And then, --</p> <p>14 obviously the people parked in that parking lot, they can</p> <p>15 have the option to follow that yellow path out by the</p> <p>16 football field and then out to Falls Road.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: What I'm trying to</p> <p>18 get a sense of is --</p> <p>19 MS. LEE-CHO: Ms. Hannan, I think we have a -- we know</p> <p>20 the question, I think --</p> <p>21 HEARING EXAMINER ROBESON HANNAN: Yeah.</p> <p>22 MS. LEE-CHO: -- Mr. Kabatt, I think it might be better</p> <p>23 if we moved onto Ms. Randall who can --</p> <p>24 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>25 MS. LEE-CHO: -- very specifically answer that</p>	<p>184</p> <p>1 jill.renee.olson@gmail.com.</p> <p>2 HEARING EXAMINER ROBESON HANNAN: Okay. Go ahead and</p> <p>3 ask him. Now, you're not sworn in so you cannot -- I'm</p> <p>4 letting you ask a question, but no testimony.</p> <p>5 MS. OLSON: Okay. My question is in regards to traffic</p> <p>6 studies beyond the scope of Falls Road and Democracy. Since</p> <p>7 people don't just magically arrive on those roads, they go</p> <p>8 elsewhere. My question is because I live in a neighborhood</p> <p>9 that is tucked back in that only has access out via</p> <p>10 Stapleford Hall Court, our road I guess it is, that</p> <p>11 intersects Democracy and Bells Mill Road. So that loop</p> <p>12 behind Bullis. The only way I can drive to or from my home</p> <p>13 is on that road.</p> <p>14 My question is; was your traffic study inclusive to the</p> <p>15 impact beyond Democracy and Falls? And what impact</p> <p>16 Stapleford Hall receives because of people avoiding the</p> <p>17 Bullis entry and exit points on Democracy and Falls?</p> <p>18 MR. KABATT: So we did look at offsite intersections</p> <p>19 and based on the trip generation as we worked with staff on</p> <p>20 determining those intersections. And one of the</p> <p>21 intersections we did evaluate was Falls Road and Bells Mill</p> <p>22 Road. And then, on Democracy we looked at Democracy and</p> <p>23 New Bridge Road as well as Falls and Democracy.</p> <p>24 MS. OLSON: So my question is specifically about</p> <p>25 Stapleford Hall in regards to the traffic that comes onto</p>

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<p>185</p> <p>1 our road, and into our neighborhood to specifically avoid</p> <p>2 the Bullis congestion spots.</p> <p>3 MR. KABATT: Well, our -- so our study did not include</p> <p>4 Stapleford, that road or that -- an intersection along that</p> <p>5 road. But either the --</p> <p>6 MS. OLSON: So I don't want to -- I don't want to get</p> <p>7 in the way of proper proceedings and I know I'm not sworn</p> <p>8 in, but I've been trying to be on this call all day and so</p> <p>9 as --</p> <p>10 HEARING EXAMINER ROBESON HANNAN: Oh good. Well, let</p> <p>11 me --</p> <p>12 MS. OLSON: Bullis just got --</p> <p>13 HEARING EXAMINER ROBESON HANNAN: Let me swear you in</p> <p>14 and you can explain your situation. You have to -- do you</p> <p>15 have your -- oh, you don't have a camera.</p> <p>16 MS. OLSON: I do not have a camera, but I can raise my</p> <p>17 right hand if that matters.</p> <p>18 HEARING EXAMINER ROBESON HANNAN: Well, your little</p> <p>19 hand is raised in number 20. Anyway -- does anyone object</p> <p>20 to letting her testify by -- or letting her ask questions</p> <p>21 and testify by voice?</p> <p>22 MS. LEE-CHO: No, but could she restate her address? I</p> <p>23 didn't catch it.</p> <p>24 MS. OLSON: Sure. It is 9237 Cambridge Manor Court.</p> <p>25 We are tucked way back in there.</p>	<p>187</p> <p>1 Mill Road?</p> <p>2 MS. OLSON: Yes. It's a loop that goes between</p> <p>3 Democracy and Bells Mill. Basically, running right behind</p> <p>4 Bullis.</p> <p>5 HEARING EXAMINER ROBESON HANNAN: Okay. It's hard to</p> <p>6 know what's behind me, but let me just -- I have another</p> <p>7 idea.</p> <p>8 MS. OLSON: North? Yeah, north or south. I guess I --</p> <p>9 HEARING EXAMINER ROBESON HANNAN: I have --</p> <p>10 MS. OLSON: -- That would be south. No, north.</p> <p>11 HEARING EXAMINER ROBESON HANNAN: I have the zoning map</p> <p>12 up. Let me share my screen. So I'm trying to find it, you</p> <p>13 say you're north.</p> <p>14 MS. OLSON: Well, let's see here. We are east -- it's</p> <p>15 like the East side of Bullis. So Democracy is somewhat, the</p> <p>16 west side of Bullis?</p> <p>17 HEARING EXAMINER ROBESON HANNAN: Democracy is on</p> <p>18 the --</p> <p>19 MS. OLSON: Southwest?</p> <p>20 HEARING EXAMINER ROBESON HANNAN: Well, it runs all</p> <p>21 along the southern side of Bullis.</p> <p>22 MS. OLSON: So we would be on the northern side.</p> <p>23 MS. LU: Ms. Hannan, if you let me help, exactly, if</p> <p>24 you look at Exhibit 36 it to the east side of the school.</p> <p>25 That street next to the new light green area. The new area</p>
<p>186</p> <p>1 MS. LEE-CHO: Okay. Thank you. No objection.</p> <p>2 HEARING EXAMINER ROBESON HANNAN: Okay. Now, please</p> <p>3 raise your right hand.</p> <p>4 Do you solemnly affirm under penalties of perjury that</p> <p>5 the statements you're about to make are the truth, the whole</p> <p>6 truth, and nothing but the truth?</p> <p>7 MS. OLSON: I do.</p> <p>8 HEARING EXAMINER ROBESON HANNAN: Okay. So let's get</p> <p>9 your question asked. You can show us, do we have an -- I</p> <p>10 don't even know if we have an exhibit that might give some</p> <p>11 idea where she's talking about.</p> <p>12 MS. LEE-CHO: Possibly the campus master plan.</p> <p>13 HEARING EXAMINER ROBESON HANNAN: The 2023 --</p> <p>14 MR. LA VAY: You want me to bring that up?</p> <p>15 HEARING EXAMINER ROBESON HANNAN: Yeah. I'm not</p> <p>16 finding it.</p> <p>17 MR. LA VAY: Yeah, Exhibit 36.</p> <p>18 HEARING EXAMINER ROBESON HANNAN: Ma'am, can you see</p> <p>19 what's on the screen?</p> <p>20 MS. OLSON: No, all I can do is explain. Stapleford</p> <p>21 Hall runs behind Bullis. And it intersects --</p> <p>22 HEARING EXAMINER ROBESON HANNAN: Wait.</p> <p>23 MS. OLSON: It just goes between Democracy and Bells</p> <p>24 Mill.</p> <p>25 HEARING EXAMINER ROBESON HANNAN: Democracy and Bells</p>	<p>188</p> <p>1 without school buildings. That's Stapleford Hall Road.</p> <p>2 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>3 MS. LU: 36. Towards the lower right end. Do you see</p> <p>4 the road pointing up no, lower, lower. Right.</p> <p>5 HEARING EXAMINER ROBESON HANNAN: I got it. I see it.</p> <p>6 MS. LU: Yeah.</p> <p>7 HEARING EXAMINER ROBESON HANNAN: Yaa.</p> <p>8 COURT REPORTER: Pardon the interruption, but I'm</p> <p>9 getting a --</p> <p>10 HEARING EXAMINER ROBESON HANNAN: I see it.</p> <p>11 COURT REPORTER: Pardon the interruption --</p> <p>12 HEARING EXAMINER ROBESON HANNAN: Okay. So now that we</p> <p>13 have located you, what is your question?</p> <p>14 MS. OLSON: My question is was that road looked at in</p> <p>15 any traffic study, and I believe -- I'll let you -- I will</p> <p>16 answer for you. Was that included in any traffic study is</p> <p>17 having an impact on this increased volume?</p> <p>18 MR. KABATT: Stapleford Hall Drive was not included in</p> <p>19 our traffic impact study.</p> <p>20 MS. OLSON: Okay.</p> <p>21 MR. KABATT: But I will say that we look at those, the</p> <p>22 study intersections that we looked at, and then with the</p> <p>23 determination that those larger intersections operate</p> <p>24 adequately and those that carry more traffic, then, you</p> <p>25 know, it's -- or determining that there's not an adequate</p>

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<p>189</p> <p>1 impact on the surrounding road network.</p> <p>2 MS. OLSON: Okay. And correct me if I'm wrong, because</p> <p>3 I'm sworn in, I can give a statement now?</p> <p>4 HEARING EXAMINER ROBESON HANNAN: Oh go ahead and give</p> <p>5 a statement.</p> <p>6 MS. OLSON: Actually, that's why I'm waiting. So my</p> <p>7 concern is there is no sidewalks or pedestrian access on</p> <p>8 Stapleford Hall Drive. And as a frequent driver, biker, and</p> <p>9 pedestrian on that road, I have experienced so many</p> <p>10 incidents where people fly through our stop signs, and thank</p> <p>11 God we have seatbelts at least, because people fly through</p> <p>12 that area, especially during times to avoid the Bullis</p> <p>13 sticking points on False Road and Democracy. So I just want</p> <p>14 to be on the record and voicing my concerns for what the</p> <p>15 increased traffic load on Democracy and Falls will do to our</p> <p>16 neighborhood road that has no safe pedestrian access. And</p> <p>17 we get the cut through traffic that speeds, that cuts off</p> <p>18 pedestrians, that run stop signs.</p> <p>19 HEARING EXAMINER ROBESON HANNAN: Okay. Mr. Kabatt, do</p> <p>20 you have a reply to that or -- I know it wasn't part of your</p> <p>21 traffic study.</p> <p>22 MR. KABATT: No, I don't have a comment on that.</p> <p>23 HEARING EXAMINER ROBESON HANNAN: Okay. All right.</p> <p>24 Thank you, Ms. Olson, part waiting around and making that</p> <p>25 statement.</p>	<p>191</p> <p>1 MR. KABATT: It is.</p> <p>2 MS. OLSON: Yes, it is.</p> <p>3 MR. KABATT: See, I was looking at Google Earth for</p> <p>4 this. I got caught on the road earlier, but yes, you look</p> <p>5 at the higher classified roadways, and typically at a</p> <p>6 signalized intersection. And so that's why we picked those</p> <p>7 intersections with staff.</p> <p>8 MS. LEE-CHO: And you -- just to --</p> <p>9 MS. OLSON: Can I --</p> <p>10 MS. LEE-CHO: -- elaborate those intersections are</p> <p>11 actually picked or required by transportation staff at Park</p> <p>12 and Planning, and not picked by yourself?</p> <p>13 MR. KABATT: That's right. That's part of that scoping</p> <p>14 process that we go through. We come to an agreement on the</p> <p>15 study intersections with Park and Planning staff, Montgomery</p> <p>16 County DOT staff and State Highway Administration staff.</p> <p>17 MS. OLSON: Can I add one more thing? This is Joe</p> <p>18 Olson again.</p> <p>19 HEARING EXAMINER ROBESON HANNAN: Yes.</p> <p>20 MS. OLSON: Again, this is -- you were told what areas</p> <p>21 to study, but I guess this is a comment to be on record with</p> <p>22 the County that you need to increase your scope, and do a</p> <p>23 traffic study of the speeding on Bells Mill and you increase</p> <p>24 the volume going -- especially people going to Bullis that</p> <p>25 are not local neighbors that are just crossing the streets,</p>
<p>190</p> <p>1 How far out did your traffic study go? To what</p> <p>2 intersection?</p> <p>3 MR. KABATT: So the three off-site intersections at</p> <p>4 Democracy and Falls Road and South Glenn, and then Democracy</p> <p>5 and New Bridge. And then Falls Road in Bells Mill, which,</p> <p>6 you know, I would say that road that we were just talking</p> <p>7 about intersects with Bells Mill up near Falls Road. So</p> <p>8 while we don't look at that intersection directly, we do</p> <p>9 look at intersections nearby.</p> <p>10 HEARING EXAMINER ROBESON HANNAN: Thank you.</p> <p>11 MS. LEE-CHO: Ms. Hannan, may I asked Mr. Kabatt a</p> <p>12 question? The -- I noticed that the New Bridge Drive</p> <p>13 intersection is actually further east than Stapleford Hall</p> <p>14 Drive intersection with Democracy. So you studied an</p> <p>15 intersection that was a bit further away from the school</p> <p>16 site. I just wondered is it because studied actual signal</p> <p>17 light intersections, that's the scope of the LATR and maybe</p> <p>18 Stapleford Hall is not signalized, and is that why it was</p> <p>19 not included, or required to be included in the LATR?</p> <p>20 MR. KABATT: That's right. Typically you look at</p> <p>21 signalized intersections. I don't believe New Bridge is -</p> <p>22 is not signalized either, but - well, New Bridge I don't</p> <p>23 want to mistakenly give --</p> <p>24 MS. LEE-CHO: I believe it is.</p> <p>25</p>	<p>192</p> <p>1 that traffic has to go somewhere. And your traffic study</p> <p>2 would probably show them going down Bells Mill to return,</p> <p>3 you know, and going back towards 270 or Rockville. That</p> <p>4 road has significant speeding problems. And again, it's</p> <p>5 probably outside the scope of this project, but I do want my</p> <p>6 voice to be heard that that road will probably be on the</p> <p>7 news someday for a traffic death because of the safety</p> <p>8 concerns. So that was my last comment. Thank you.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: Thank you. Does</p> <p>10 anyone have any questions for Ms. Olson? No. Now, I see</p> <p>11 Mr. Amiljazi's hand up.</p> <p>12 MR. AMILJAZIL: Yes. I want to know in the traffic</p> <p>13 study they did it on Democracy Road Moore, did you have --</p> <p>14 for the last four years they hit my mailbox three times by</p> <p>15 car. And one time went through Mr. Friend's fence with</p> <p>16 their speed.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: Can you say that</p> <p>18 again, Mr. Amiljazi? They --</p> <p>19 MR. AMILJAZIL: I said -- they said, actually, they did</p> <p>20 the traffic study on Democracy Road. I'm asking did they</p> <p>21 have up to right now, the last four years, three times,</p> <p>22 people with their car went to my -- actually -- the mailbox,</p> <p>23 and one time, went through Mr. Friend's fence. And damaged</p> <p>24 those with their speed. Do you have that in your study?</p> <p>25 MR. KABATT: I think Ms. Randall is going to get into</p>

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<p>193</p> <p>1 some more specifics about the operations and the traffic 2 management. But our study did look at being, we do collect 3 speed data along Democracy and Falls Road, and we do review 4 the crashes and that the data per the County's Vision Zero. 5 What we found is that there are crashes in the study area 6 that occurs. But none of them are associated with, or are 7 at the schools and driveways. So -- 8 MR. AMILJAZIL: How do you know, sir? 9 MR. KABATT: Because if you -- 10 MR. AMILJAZIL: That car wasn't -- belong to a student? 11 MR. KABATT: Well, what we look for is the crash data 12 that is available, that is essentially given to us through 13 the County's webpage. And they are the police records. And 14 it doesn't tell us if it's a student -- 15 MR. AMILJAZIL: I know, hit and run. 16 MR. KABATT: It doesn't tell us if it's a student. 17 What we look for is if there are incidents that occurred at 18 the school driveways so we can make a determination about 19 safe and adequate access. 20 HEARING EXAMINER ROBESON HANNAN: Anything else, Mr. -- 21 MR. AMILJAZIL: No, that's it. 22 HEARING EXAMINER ROBESON HANNAN: Thank you. 23 MR. AMILJAZIL: You're welcome. 24 HEARING EXAMINER ROBESON HANNAN: Thank you, Mr. 25 Kabatt.</p>	<p>195</p> <p>1 address. 2 Do you need the email address? 3 HEARING EXAMINER ROBESON HANNAN: Oh we note -- not the 4 experts. 5 MS. RANDALL: Okay. Just checking. 6 MS. LEE-CHO: So I do believe that Ms. Randall has 7 qualified as an expert numerous times for the Hearing 8 Examiner. 9 HEARING EXAMINER ROBESON HANNAN: And yes, she has. 10 Does anyone here have an issue qualifying -- with qualifying 11 Ms. Randall as an expert in transportation planning? 12 Okay. 13 MR. AMILJAZIL: We don't know anything about her. 14 HEARING EXAMINER ROBESON HANNAN: Well, I can tell you 15 that she has qualified as an expert many, many times in 16 transportation planning. But, do you have any basis for not 17 accepting her as an expert? 18 MR. AMILJAZIL: I don't know her, that's it. 19 HEARING EXAMINER ROBESON HANNAN: Okay. Her resume is 20 in the record, but that's -- so go ahead. 21 MR. AMILJAZIL: It's not (inaudible). 22 HEARING EXAMINER ROBESON HANNAN: Well, I'm going to 23 accept her as an expert in transportation planning. 24 Go ahead, Ms. Lee Cho. 25 MS. LEE-CHO: Thank you. Ms. Randall, are you familiar</p>
<p>194</p> <p>1 MR. KABATT: Thank you. 2 HEARING EXAMINER ROBESON HANNAN: Ms. Wells? 3 MS. LEE-CHO: Randall. 4 HEARING EXAMINER ROBESON HANNAN: You're up. Please 5 raise your right hand. 6 Do you solemnly affirm under penalties of perjury that 7 the statements you're about to make are the truth, the whole 8 truth, and nothing but the truth? 9 MS. LEE-CHO: Nancy, you're muted. 10 HEARING EXAMINER ROBESON HANNAN: I am muted? Oh -- 11 MS. LEE-CHO: Nancy is muted. 12 HEARING EXAMINER ROBESON HANNAN: Oh okay. Wait a 13 minute. 14 Do you solemnly affirm under penalties of perjury that 15 the statements you're about to make are the truth, the whole 16 truth, and nothing but the truth? 17 MS. RANDALL: I do. 18 HEARING EXAMINER ROBESON HANNAN: Thank you. Go ahead 19 Ms. Lee-Cho. 20 MS. LEE-CHO: Please state your full name and 21 occupation. 22 MS. RANDALL: Yes. My legal name Nancy M. Randall, 23 but I go by Nancy. My business address is 1420 Springhill 24 Road in Tyson, Suite 600. Or 610, sorry. I'm working out 25 of home so I'm not that good with remembering that business</p>	<p>196</p> <p>1 with the special exception modification that is before the 2 hearing examiner today. 3 MS. RANDALL: I am. 4 MS. LEE-CHO: Nd have you made a personal inspection of 5 the site and are you familiar with the surrounding area? 6 MS. RANDALL: I have and yes. 7 MS. LEE-CHO: And you just heard Mr. Kabatt's testimony 8 with regard to the LATR that was done and the preparation of 9 the traffic study. Do you have anything to add to his 10 testimony on that topic? 11 MS. RANDALL: No. 12 MS. LEE-CHO: Can you please describe the steps take 13 and your responsibilities regarding this special exception 14 modification as it relates to transportation issues? What 15 topics did you cover in the preparation for this 16 application? 17 MS. RANDALL: I came in to help out just do the 18 scheduling issues this past fall, to work with the client 19 and walking through and working through the reviews by the 20 state highway administration. In their initial review of 21 the traffic impact study that Chris had provided they had 22 requested an acceleration and deceleration lanes at the 23 point of access. 24 A deceleration lane at the main entrance into the site 25 where all the parents come in and then acceleration lanes on</p>

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<p>197</p> <p>1 Democracy as well as an accelerating lane on Falls Road. In 2 going through and responding to those comments, Chris had 3 prepared an additional analysis and presented information on 4 how the intersections would operate and answering their 5 specific questions. And I don't know that it's been 6 mentioned, but Falls Road is a state road; Democracy is not, 7 but Falls Road is, which is why they were requesting 8 improvements at that location.</p> <p>9 Through meetings with them, and individuals within the 10 State Highway Administration they concurred that an 11 acceleration lane, both on Democracy, as well as Falls Road 12 would not be beneficial. Right now, both of those access 13 points are controlled by police, so that when the traffic is 14 exiting the school in the crunch time, during the pickup and 15 drop off the police control those intersections and allow 16 those vehicles to come out which is a safer situation rather 17 than having an acceleration lane coming out and trying to 18 merge with that traffic.</p> <p>19 So they stop both the east bound and westbound on 20 Democracy and similarly on Falls Road to the north where the 21 road, where Falls is generally running east-west, they did 22 the same thing to allow vehicles out of that access point. 23 Coming into the site there is also police control during the 24 pickup time and they allow for vehicles making the left-hand 25 turn into the site, they stop the northbound flow to allow</p>	<p>199</p> <p>1 in, and come all the way down to the green line. And 2 students would be able to be able to be picked up at that 3 point.</p> <p>4 If you're the parent of a highschooler and you're 5 coming in to pick up your student, again, they are being 6 picked up at, I believe it was 3:00 or 3:10, so you would 7 come in from Falls Road, whether you're making a right or a 8 left, you would come in, make the left-hand turn, go around 9 that large parking area, and you would pick up your student 10 at that -- in that general area. The light is a volume of 11 queue associated with the upper school occurs with -- is 12 occurring with that upper school because many of the 13 students in the upper classes are, in fact, driving now. 14 And you know, most kids are getting a driver's license and 15 between 16 and 17 years of age, so there are many students 16 that are driving at that point.</p> <p>17 And so that is a lighter queue than the middle school 18 where the lower school. So they're coming in that way --</p> <p>19 MS. LEE-CHO: Nancy, if I can stop you just one second. 20 And then once they get picked up, which exit do they go out?</p> <p>21 MS. RANDALL: And they can go out the upper school 22 would go out following the green arrow going out Falls Road. 23 If you are in the queue at the green arrow, you're in the 24 middle school, they're going to go out Democracy at that 25 point. So they are not --</p>
<p>198</p> <p>1 those vehicles to go and then they stop the southbound flow 2 for the lefts, not the through movements, but for the lefts, 3 to allow the rights to go and come into the site.</p> <p>4 And if you -- maybe the best thing to do would be to 5 bring up the plan that we had before showing the circulation 6 around the site.</p> <p>7 HEARING EXAMINER ROBESON HANNAN: I can get that. I 8 think it's 39.</p> <p>9 MS. RANDALL: Yeah. And if you would, when you bring 10 that up if you could zoom in on the Falls Road intersection 11 with the main driveway where the blue lines, the lighter 12 blue lines are. Yeah.</p> <p>13 And so at this point, southbound there is a left that 14 is allowed to come in. The police stop the traffic, allow 15 the left-turning volume to come in, so it's a single lane of 16 vehicles. So if you were a parent with a middle school 17 child this was, I think, a question earlier.</p> <p>18 HEARING EXAMINER ROBESON HANNAN: Yeah.</p> <p>19 MS. LEE-CHO: If you're a parent of a middle school 20 child and you're driving your student in, you would turn to 21 the left. And you would go around following that blue line 22 and drop your student off. You'd get in that queue and drop 23 them off. The same thing would happen in the pickup. So 24 now, the middle school which they let out at 3:30, would 25 come around, following -- make that left-hand turn coming</p>	<p>200</p> <p>1 MS. LEE-CHO: So to answer Ms. Hannan's question for 2 the upper school and middle school operation there really 3 does not seem to be any need for cars related to those 4 movements to enter the loop area, the loop road area?</p> <p>5 MS. RANDALL: That is correct. Now, there may be a 6 need for a brief period of time with the middle school to 7 enter that area, and then, they would go out by way of 8 Democracy. But generally, because of the space and time, 9 the middle school and the high school really don't overlap 10 in terms of the pickup times because there's almost a full 11 half hour, and as Chris had pointed out before the queues 12 that are occurring or for about an 8 to 10 minute timeframe 13 when it really builds. So you got --</p> <p>14 HEARING EXAMINER ROBESON HANNAN: For the lower school.</p> <p>15 MS. RANDALL: For the lower school, but also for the 16 middle school. We looked at the queuing for the middle 17 school, the lower school, and the high school because the 18 time difference associated with them, you can segregate out 19 what was occurring. Now there is a little bit of overlap so 20 we were --</p> <p>21 MS. LEE-CHO: But the queuing, just to be clear, the 22 queuing related to the middle school is not happening in the 23 new loop road area?</p> <p>24 MS. RANDALL: No. No.</p> <p>25 MS. LEE-CHO: It's happening to the right --</p>

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<p>201</p> <p>1 MS. RANDALL: Absolutely not.</p> <p>2 MS. LEE-CHO: If you could let me finish. Just one</p> <p>3 second. It's happening to the right of the green line on</p> <p>4 this Exhibit.</p> <p>5 MS. RANDALL: That's correct. They would stop right</p> <p>6 there. That's as far as they could go.</p> <p>7 MS. LEE-CHO: Okay. So then they pick up their</p> <p>8 student, and then they make a left turn down the yellow line</p> <p>9 out onto The Democracy exit; is that correct?</p> <p>10 MS. RANDALL: That's correct. That is absolutely</p> <p>11 correct. So there is no overlap between the middle school</p> <p>12 and the upper school traffic.</p> <p>13 MS. LEE-CHO: You mean --</p> <p>14 HEARING EXAMINER ROBESON HANNAN: Is there any signage</p> <p>15 out there explaining?</p> <p>16 MS. RANDALL: What they've got, and Christian may be</p> <p>17 the better person to speak about how many staff they have,</p> <p>18 but they have staff on board that are directing traffic</p> <p>19 completely within the site. It is well managed all the way</p> <p>20 through in guiding motorist. And so when you come in</p> <p>21 through the main interest that they are directing you. If</p> <p>22 you are an upper school, or a middle school, they are</p> <p>23 directing you towards the left, if you are a lower school.</p> <p>24 And then, of course, the parents know this, once they</p> <p>25 have gone through the system. And I don't have children, so</p>	<p>203</p> <p>1 okay. So is it fair to say -- is it your testimony that</p> <p>2 along this loop road these houses will experience a 1000</p> <p>3 foot queue, and I don't know what a thousand feet is on this</p> <p>4 loop road for about eight minutes a day?</p> <p>5 MS. RANDALL: Yes. I mean obviously they experience</p> <p>6 a queue in front of their home. And that will run on four,</p> <p>7 the max queue that we saw was for about two minutes, and</p> <p>8 then it got shorter, and shorter still, and shorter still.</p> <p>9 So we looked at two minute intervals of this queue. The max</p> <p>10 occurred in one of those two minute periods, and then it</p> <p>11 drops off by several hundred feet on either side of that.</p> <p>12 So it's a -- the best way to describe it is a rolling queue.</p> <p>13 It is in constant movement both in the drop off and in the</p> <p>14 p.m. peak or in the pickup. Sorry.</p> <p>15 HEARING EXAMINER ROBESON HANNAN: Can you go through,</p> <p>16 what is the bell time for the lower school? Is it 3:00?</p> <p>17 MS. RANDALL: Yes. Let me go through each one of the</p> <p>18 times.</p> <p>19 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>20 MS. RANDALL: In the morning the bell time is 8:00 for</p> <p>21 all schools. The bell time in the afternoon, for the lower</p> <p>22 school is 3:10. The middle school is 3:30, and the upper</p> <p>23 school is 3:00.</p> <p>24 HEARING EXAMINER ROBESON HANNAN: Okay. The upper</p> <p>25 school is 3:00, the lower school is 3:10 and the middle</p>
<p>202</p> <p>1 I don't have that experience, but if you've ever dropped off</p> <p>2 at your school, whether it's a public school or private</p> <p>3 school, they do a really good job of guiding the parent</p> <p>4 through the first couple of days of the new year to get</p> <p>5 everybody acclimated. But they have people on staff that</p> <p>6 are out directing traffic throughout the pickup and drop-</p> <p>7 off.</p> <p>8 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>9 MS. LEE-CHO: I think I misheard. I think you said</p> <p>10 there's no mixing of the upper and middle, but that --</p> <p>11 MS. RANDALL: No.</p> <p>12 MS. LEE-CHO: All right.</p> <p>13 MS. RANDALL: Yes, I --</p> <p>14 MS. LEE-CHO: There is mixing of upper -- hold on.</p> <p>15 There is mixing of upper and middle, but not the lower,</p> <p>16 under the new circulation plan; is that correct?</p> <p>17 MS. RANDALL: That's correct. There's no mixing of --</p> <p>18 in the new plan, of the upper school in the lower school, or</p> <p>19 the middle school and the lower school. The lower school,</p> <p>20 it has its own pattern and its own loop road. Today, the</p> <p>21 upper school and the lower school are mixed together and</p> <p>22 that's what they -- and then the middle school is separated</p> <p>23 under today's conditions, and that's what is changing.</p> <p>24 That's a big change here.</p> <p>25 HEARING EXAMINER ROBESON HANNAN: What I'm trying to --</p>	<p>204</p> <p>1 school is 3:30?</p> <p>2 MS. RANDALL: That's correct.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: But neither the upper</p> <p>4 school or the lower school -- I mean upper school nor high</p> <p>5 school would use the dark blue loop road?</p> <p>6 MS. RANDALL: That's correct.</p> <p>7 HEARING EXAMINER ROBESON HANNAN: And the way we make</p> <p>8 sure that happens is that they have -- is that Montgomery</p> <p>9 County police or just security?</p> <p>10 MS. RANDALL: No. That's on campus and direction. And</p> <p>11 again, I think that Christian may be able to describe better</p> <p>12 the orientation they give to each one of the parents when</p> <p>13 they are coming into pickup and drop off the children. But</p> <p>14 the internal circulation is handled by the school. The</p> <p>15 external, where someone has to stop traffic on Falls Road is</p> <p>16 handled by off-duty police.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: Policeman.</p> <p>18 MS. RANDALL: Yes.</p> <p>19 HEARING EXAMINER ROBESON HANNAN: Okay. Gotcha. And</p> <p>20 so the long miscue -- what is the longest period of time</p> <p>21 that you will have a queue?</p> <p>22 MS. RANDALL: Based on the information -- the field</p> <p>23 data that was collected, and we may need to get some of the</p> <p>24 documents that were field data collection, but we looked at,</p> <p>25 for the evening, pickup time the queue started to build</p>

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<p>205</p> <p>1 where we were seeing longer cues, it started to build about 2 2 minutes before 3:00 for the lower school. And that the 3 upper school, the queue, which is much shorter, but that 4 started to build at about -- well, I'm looking at a summary 5 so that is not quite right.</p> <p>6 And Chris, maybe you need to bring up the field data 7 sheets for this, but that would start to build as well, the 8 peak on that was at 3:12 for the high school or the upper 9 school. And we have the information on the queue for the 10 upper school at 611 feet at 3:08. It went to 692 at 3:10, 11 and then at 3:12 when it peaked it was 836 feet for the 12 upper school.</p> <p>13 The middle school didn't peak until 3:26. And started 14 to build in earnest around 3:16. So there was --</p> <p>15 MS. LEE-CHO: But wait. And are these queues, however, 16 Nancy, they are not happening anywhere near the Democracy 17 homes, they are all internal to the campus --</p> <p>18 MS. RANDALL: That is correct.</p> <p>19 MS. LEE-CHO: In between the buildings existing, 20 building near the middle school and upper school portions 21 for the campus; is that not correct?</p> <p>22 MS. RANDALL: That is absolutely correct. The lower 23 school is segregated from those two upper schools, and their 24 queue -- the max cues that we saw were between 2:58 and 25 3:10, with the max occurring at 3:06. And this is the</p>	<p>207</p> <p>1 what I hear -- what's the queue is about 8 minutes, the 2 longest queue?</p> <p>3 MS. RANDALL: Yeah, the long queue occurred over a 4 period of 2 minutes. And then that --</p> <p>5 HEARING EXAMINER ROBESON HANNAN: Oh, I thought Mr. 6 Kabatt said 8 minutes.</p> <p>7 MS. RANDALL: Well, that's it -- you've got a surge 8 that stretches over about 8 minutes.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: I gotcha.</p> <p>10 MS. RANDALL: But the height of the queue is -- yes.</p> <p>11 HEARING EXAMINER ROBESON HANNAN: I understand. Okay.</p> <p>12 MS. RANDALL: Yeah. So if I can, should I go back to 13 what we are doing along the property frontage on Falls Road 14 to improve the conditions there?</p> <p>15 MS. LEE-CHO: Right. So you testified that the State 16 Highway Administration has now -- their position is that 17 no -- the deceleration lane is required at the main 18 entrance and no acceleration lane is required at the stadium 19 Falls Road entrance, nor exit for the Democracy exit?</p> <p>20 MS. RANDALL: That is correct.</p> <p>21 MS. LEE-CHO: So if we could -- if we could have that 22 image back up, and if you could just use that to speak to 23 what State Highway is asking on how private schools improve 24 safety.</p> <p>25 MS. RANDALL: Right. When we went through the review</p>
<p>206</p> <p>1 projected queue. So this is not only the queue associated 2 with the existing conditions, but also the projected 3 increase. All those cues that I just mentioned include the 4 increase in student population.</p> <p>5 MS. LEE-CHO: And is it not true that for purposes of 6 the goals and what the County requires for private schools 7 to try to alleviate the queuing that happens along the 8 public roads --</p> <p>9 MS. RANDALL: That is correct --</p> <p>10 MS. LEE-CHO: -- that impact. So the goal here -- was 11 the goal here to try to get the queues on campus so that 12 there would not be obstruction along Falls or Democracy; is 13 that correct?</p> <p>14 MS. RANDALL: That is absolutely correct. There would 15 be on occasion there would be a rolling queue coming in from 16 Falls Road in the prior condition when the elementary and 17 the upper schools were combined. And there would be a 18 rolling, for lack of a better description, a rolling queue 19 on Falls Road.</p> <p>20 And that's one of the reasons why we're making this 21 change. Why the school wants to make this change, to make 22 sure that there's no queue that extends back out onto Falls 23 Road.</p> <p>24 HEARING EXAMINER ROBESON HANNAN: I understand that. I 25 am concerned about the impact of these neighbors but from</p>	<p>208</p> <p>1 with the State Highway Administration, Chris had gone 2 through and done additional analysis using the highway 3 capacity manual method, not just the typical -- this is the 4 area of scale will be. We looked at the queues at this for 5 the a.m. and p.m. peak period. And the state wanted a, for 6 all intents and purposes, a deceleration lane, or a right 7 turn lane to get the volume of traffic out of the main line 8 roadway. They were not fully aware of the changes that were 9 planned inside of the site, so they were reacting to the 10 rolling queue that would, on occasion, be in Falls Road. 11 And so they were asking for a deceleration lane. The 12 problem --</p> <p>13 MS. LEE-CHO: So are you saying that as a result of 14 understanding the internalization of queueing activities led 15 into why they had a change of heart in terms of requiring a 16 deceleration lane?</p> <p>17 MS. RANDALL: That was one of the reasons, yes. But it 18 also went to safety issues as well. Immediately south of 19 our entrance, right at the driveway, there is a bus stop. 20 It's a public bus stop that some students use, but also 21 employees of the other facilities that are there on Falls 22 Road. There is, I believe, and assisted living facility 23 right up the street, and so there is a public bus stop at 24 that location. And with a deceleration lane, the bus would 25 have to be over in that lane to pickup and drop-off, and</p>

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<p style="text-align: right;">209</p> <p>1 one, the bus stops they don't like having to merge back into 2 traffic. But if a person got off the bus and the bus is not 3 be able to that person in the crosswalk in front of the bus. 4 COURT REPORTER: I'm sorry, this is the court -- 5 MS. RANDALL: And so having a deceleration there with 6 the bus stop was problematic. Additionally, some of the 7 students use that bus stop and so not only was it a problem 8 for Mr. Smith who might work at the assisted living 9 facility, but it had the potential to be a problem for the 10 students at well to use the public bus system and who use 11 that crosswalk to get to the bus stop on the other side of 12 the road. 13 So the State Highway Administration, understanding the 14 safety concerns, the correction to the operations within the 15 site, concurred with us and that a deceleration lane was not 16 going to be required. They did, however, ask for some 17 improvements at this location. In one of those goes to the 18 safety of the crosswalk, was to put in what's called a quick 19 curb down the yellow -- double yellow center line to make 20 sure that no one would pass a bus that is stopped at that 21 crosswalk, and go around, crossing the double yellow, to 22 make sure that no one would do that. Additionally, there is 23 a flashing yellow beacon, an electronic beacon that is 24 providing a warning of the turn up here at Tennis Court 25 Drive, I believe it's called, where the Tennis Court and</p>	<p style="text-align: right;">211</p> <p>1 afternoon is the exit. People are exiting generally at the 2 at the same time. 3 MS. LEE-CHO: But you're saying that now under the new 4 plan, that the main driveway will be regulated by an off- 5 duty police officer in the afternoon? 6 MS. RANDALL: That is correct. To handle that crunch 7 time, and to also help facilitate the flow coming into and 8 out of the site. I know that the question of queue is 9 always important to you. We analyze this to make sure that 10 we did not have a left turn you into the site that exceeded 11 the storage length. It does not. That was analyzed with 12 the full buildout and with these changes that are going to 13 occur. And I also looked further into the accident 14 information and that Chris had provided in his original 15 report, just to look at the last year or so. Because the 16 report was done up all go and just updated what was there 17 just to take a review beyond that point. And there were no 18 accidents along Falls Road that occurred, or were even 19 related to the site access on Falls Road up by the 20 ballfield, the main entry, or on Democracy. 21 I believe that during the preliminary plan hearing one 22 of the neighbors mentioned that there was a fatality on 23 Falls Road. I did take a look at that. That accident 24 occurred up near the golf course. It was a single vehicle 25 went off of the roadway and unfortunately, it involved</p>
<p style="text-align: right;">210</p> <p>1 Brandywine assisted living. Right there. Thank you very 2 much. 3 So there's a curb there, and there's a flashing beacon 4 warning motorists of that curve and recommended speed. So 5 that signing is going to be relocated. Right now, it is 6 partially blocking your visibility of the bus stop and the 7 shelter that's located there. So they want to move it to 8 the other side of the intersection. And that will be done 9 by the school and this quick curb will be put in. 10 Additionally, there will be a -- the school has agreed to 11 provide police control in the evening peak hour at this 12 intersection as well. Right now the police control at False 13 is done for the morning pickup, but not in the afternoon. 14 MS. LEE-CHO: At that -- you mean at the main driveway? 15 MS. RANDALL: At the main entrance. The main driveway. 16 That is correct. Yeah. 17 MS. LEE-CHO: And can I -- I do believe -- are there 18 police at the stadium exit in the afternoon? 19 MS. RANDALL: There are. There are. And the reason 20 why it hasn't been there is, if you can imagine, people 21 stagger in when they're picking up. In the afternoon 22 there's not as large a concentration in the afternoon for 23 pickup that there is for the drop-off in the morning, which 24 is why there is police control at this location in the 25 morning peak hour. They are dealing with the push in the</p>	<p style="text-align: right;">212</p> <p>1 alcohol. And there is no fix, unfortunately, for somebody 2 who is drinking. So that was not related to anything but -- 3 I don't know what you want to say. So again, the accidents 4 that occurred out on the road system were not associated 5 with the school access points. 6 MS. LEE-CHO: Great. And so now, if I can have you 7 speak to some of the schools transportation management plan 8 that they have, including the bussing. There has been 9 questions about the number of students that would be -- 10 that's proposed for increase and whether that will translate 11 into a one-to-one increase in vehicles as it relates to the 12 student increase. And I wonder, if you could, in describing 13 the bus program, your opinion as to why the actual number of 14 vehicles as a result of the student enrollment, why it is 15 likely -- will be lesser than the number being increased in 16 the student count? 17 MS. RANDALL: Sure. But the school has 10 bus routes 18 that they provide and pick up a fair number of students 19 coming and going from the school. There is a bus that comes 20 in from Virginia. There is another that goes as far away as 21 Prince Georges County. And numerous families, as well as 22 you already heard today, there are parents that have 23 multiple children in the school. They might have a child in 24 middle school and a child in elementary. Or middle and high 25 school.</p>

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<p style="text-align: right;">213</p> <p>1 And so it's not going to be a one-to-one each one of 2 the additional students. It's not going to equate to an 3 additional automobile coming in. Partly due to multiple 4 children in a family, the bus routes, but there's also an 5 informal carpooling that takes place with some of the 6 parents. And way back when, when the TDM plan was put 7 together I think that would have been, 2004 timeframe, they 8 wanted us to maintain a ridership of 1.65. 9 Based on the account data for the site today, that's a 10 been maintained. And you look at different counts, it has 11 gone as high as 1.72 persons student to vehicle the 12 relationship. So they have been able to maintain that and 13 do better. And we are recommending that they continue with 14 these programs, obviously within the school. 15 MS. LEE-CHO: With that, I don't think I have any more, 16 unless, Nancy, you had something you wanted to say in 17 closing to wrap up. 18 MS. RANDALL: No. I just wanted to say that based on 19 the changes that are being made at the school, rerouting how 20 the drop-off and pickup occur for each one of the classes, 21 and the improvements are that are being provided out on 22 Falls Road at the site entry, including the addition of a 23 police officer, and then continuing to maintain the TDM 24 programs that they've got going on on the school, I do 25 believe that that the site will not have an adverse impact</p>	<p style="text-align: right;">215</p> <p>1 MS. RANDALL: Well, I think the first question, if I 2 heard it correctly would be having to do with the operation. 3 And your concern about it being changed at some point in the 4 future after we've gone through this hearing. 5 MS. LU: Right. 6 MS. RANDALL: I don't believe that they can, but Soo 7 you could, you know, probably expand on that, or Christian 8 can. But I don't believe that they would be able to do 9 that. That's part of this record. 10 MS. LU: You mean they won't be able to ever change -- 11 HEARING EXAMINER ROBESON HANNAN: Just a second. We 12 could make a condition that would be binding. 13 MS. RANDALL: That would say -- 14 MS. LEE-CHO: And we can -- I have Mr. Sullivan 15 prepared, but you know the operations are tied to where the 16 students are, and the students are in the lower school. 17 They are in different buildings, all together for the middle 18 and upper. So realistically, it's tied to where the 19 students our house. That's where they get picked up. But 20 yes, we can look at a condition that tailors the usage of 21 the loop because we wouldn't have a problem with a condition 22 regarding directional aspects of the loop and that kind of 23 thing. We are prepared to have a discussion after we're 24 done with Ms. Randall. 25 MS. LU: Yeah. Any limitations on how many cars may</p>
<p style="text-align: right;">214</p> <p>1 to the road network. 2 MS. LEE-CHO: All right. I have nothing further for 3 Ms. Randall. 4 HEARING EXAMINER ROBESON HANNAN: Okay. Ms. Lu, do you 5 have a question? 6 MS. LU: Yes, I do. Can you hear me? 7 MS. RANDALL: Yes. 8 MS. LU: Yeah. Hi. Thank you for that information. I 9 have a question. So all of your studies is based on the 10 current situation and projections of the increase of the 11 student number, right. But there's no restriction or 12 stipulation to this plan saying that the school is not 13 allowed to change the pattern, right? There's no 14 restriction that one day the school says oh, or going to 15 have the upper school start time change to this and then 16 they all have to go through the loop. Once the loop is 17 built, then there's no going back. So that's one concern. 18 And then, my question is the campus is so big, why do 19 we have to build a loop just to come to our neighborhood -- 20 our properties, instead of building it within the school, 21 maybe closer to where it winds up, making the yellow exit 22 loop become two-way so that it increases the lanes to reduce 23 the traffic on Falls Road or at the loop around the fields, 24 instead of building a loop behind our properties, and so 25 close to our properties.</p>	<p style="text-align: right;">216</p> <p>1 enter the loop because, you know, you can say today the 2 students from the lower school, but 10 years later they can 3 swap buildings and this could become an upper school 4 building. And then we never know. Right? So once the road 5 is built and there's really no restrictions of any pattern 6 changes. 7 HEARING EXAMINER ROBESON HANNAN: Well, there is. 8 Because they are only going to be able to operate in 9 accordance with what they have submitted. So they would 10 have to come in to a different process and asked for 11 permission, at which time you would get notified. 12 MS. LU: Well. Okay. Well then, I guess really my 13 second question which is more important for me is why are 14 you building this road behind the properties instead of 15 going through some other internal areas that's pretty far 16 away from everybody? 17 MS. RANDALL: And I'm not sure that I am the correct 18 person to answer that. As I heard Pat La Vay say, part of 19 this is a fire, and part of this is wanting to make sure 20 that we don't impact Falls Road, making sure that the site 21 is self-contained in terms of queues. But there may be 22 other reasons and I'm probably not the best person to talk 23 about site design. 24 MS. LEE-CHO: So Ms. Hannan, at this point, would you 25 like to have Mr. Sullivan come back and have a conversation?</p>

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55 (217 to 220)

<p>217</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Yes, please. Thank 2 you, Ms. Randall. You can be excused. 3 MS. RANDALL: Thank you very much. 4 MR. SULLIVAN: Afternoon, everyone. 5 HEARING EXAMINER ROBESON HANNAN: Good afternoon. 6 MR. SULLIVAN: Ms. Hannan we -- sorry, go ahead. 7 MS. LEE-CHO: So Christian, before you start, we heard 8 prior to the break some suggestions or ideas from Ms. 9 Hannan, directional signs, making the loop predominantly, or 10 solely for -- in terms of a one-way direction for the lower 11 school. And you know, there was a suggestion on somehow 12 limiting hours of operation and/or hours of when the 13 students are outside. I'd like you to respond to some of 14 that. Quite limiting hours to students being outside is 15 something that really is not something that the school can 16 agree to. But then other things, other operational things, 17 to submit the use of the loop road, and directional signs 18 that might be something that we can offer the community. 19 MR. SULLIVAN: Thank you. Yes. We very much heard the 20 concerns that have been raised at the Planning Board, and 21 today. You know, the very purpose of the school is to 22 educate students and to let them have healthy and 23 recreational time outside. And that field has been used 24 like that for decades. We don't really envisage increasing 25 use. Actually, in fact, if anything, there would be</p>	<p>219</p> <p>1 exiting the building. But the road would be closed off from 2 6:15. 3 MS. LEE-CHO: Christian, let me stop you right there. 4 Ms. Hannan, if we could bring back the last image, I think 5 would work. 6 HEARING EXAMINER ROBESON HANNAN: That's what I'm 7 looking at. Let me put that up there. 8 MS. LEE-CHO: When he said elbow, I want you to 9 understand exactly where. So as you, -- yes. Before you 10 start with the loop, do you see the head in parking towards 11 Falls Road? Okay. So you coming -- at the end of that, 12 that elbow, that elbow right there, that's where we're 13 proposing we would close off access so that the head in 14 parking, if there is any head-in parkers left after 6:15, 15 they could simply back out and exit on Falls Road and they 16 don't have to come down around the loop. So we feel that we 17 can close the loop road after 6:15. 18 HEARING EXAMINER ROBESON HANNAN: Okay. 19 MR. SULLIVAN: Other than very rare special events 20 where the building would be used in the evening. The lower 21 school building currently is very rarely used. When we do 22 have evening events, it's normally it's an event at the 23 Discovery Center, or the arts building. 24 And thirdly, with like to propose speed bumps along the 25 driveway to slow traffic down.</p>
<p>218</p> <p>1 decreased usage on that field. And I have some suggestions 2 here of things that we are very open to putting into the 3 record, having made conditions. 4 And to Ms. Lu's excellent comment, not only could these 5 things be put into conditions, but the building that we are 6 proposing has been placed there very specifically through 7 the master planning process as literally, the only place on 8 the campus that it can go. So I do want to point that out. 9 And it is a purpose built lower school building. It will 10 never be an upper school building. It will never be a 11 middle school building because it simply isn't scaled that 12 way. So that is not a possibility anyway. 13 But even beyond that, we are open to some conditions. 14 Perhaps I could just run through them quickly. And we were 15 lucky enough during the lunch break to be able to talk to my 16 board chair as well, and we feel very comfortable with these 17 being conditions. 18 First of all, the road being one-way. That would seem 19 to be -- to make sense for everyone. We are also open to 20 the road, essentially, being close from 6:15 onwards except 21 for the rare special event where the building is being used 22 in the evening, which will be very rare throughout the year. 23 But in general, it would be coned off at the elbow so that 24 the only people using that road from that point on would be 25 teachers whose cars are still parking there and they're just</p>	<p>220</p> <p>1 HEARING EXAMINER ROBESON HANNAN: The entire loop? Are 2 you saying, or? 3 MR. SULLIVAN: We have speed bumps throughout the 4 campus, so we would place them at appropriate points at the 5 advice of the traffic control folks. 6 HEARING EXAMINER ROBESON HANNAN: Okay. 7 MR. SULLIVAN: We heard concerns about noise this 8 morning, and as well as it light. We are prepared to 9 consider a fence inside our property line, a 6-1/2 foot 10 fence, which I believe is the maximum height we would be 11 allowed to do it that does attenuate noise, and that would 12 shield the houses from some level of noise, and some level 13 of light. In addition to the trees that are already there. 14 MS. LEE-CHO: At this -- at this point, if I could ask 15 Pat La Vay to pull up, or share his screen because we 16 have -- we've quickly come up with an image to show you. 17 HEARING EXAMINER ROBESON HANNAN: Now, they do have 18 sound reducing fences. I'm just saying. But that's okay. 19 You go ahead with what you came up with. 20 MS. LEE-CHO: Yes. I mean that would be the thought to 21 look at sound attenuating fences which doesn't have gapping 22 to help mitigate some of that noise. 23 MR. LA VAY: I believe this will need to be given a new 24 exhibit number. 25 HEARING EXAMINER ROBESON HANNAN: What am I looking at?</p>

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56 (221 to 224)

<p>221</p> <p>1 MS. LEE-CHO: So this is similar to what you saw before 2 with the additional plantings that we thought might, you 3 know -- 4 HEARING EXAMINER ROBESON HANNAN: Yeah. 5 MS. LEE-CHO: -- be able to do it. But if not, in lieu 6 of the additional plantings, I mean the area is very 7 significantly landscaped already. And there will be more 8 trees added along the loop road as required by the shade 9 requirement of the building ordinance. The shade tree 10 requirement. 11 HEARING EXAMINER ROBESON HANNAN: Right. 12 MS. LEE-CHO: The red line along the property line is 13 where were suggesting the board on board, noise attenuating 14 fencing the added along the property line. 15 HEARING EXAMINER ROBESON HANNAN: Now, when you say 16 noise attenuating, are you saying that because it's a board 17 on board with, or are you saying that just because it has a 18 specific noise attenuating material? 19 MS. LEE-CHO: The school was open to looking at all 20 options. So to the extent that there is on the market some 21 noise attenuating material in addition to the standard board 22 on board that would further address the noise, we would be 23 looking at that. 24 MR. SULLIVAN: Shall I proceed? 25 MS. LEE-CHO: Yes, go ahead.</p>	<p>223</p> <p>1 while students are here. All the doors are locked. 2 Security is our number one priority and we cannot allow 3 trespassers. 4 So it's concerning to hear people are just walking 5 until our fields and coming onto the playground without 6 permission. And they are not allowed. We do have security 7 during the weekend. It doesn't mean to say that that 8 doesn't happen on occasion. I have personally, since I have 9 lived here, as a people to leave on occasion. 10 HEARING EXAMINER ROBESON HANNAN: Okay. Thank you. 11 May I go to Ms. Lu and kind of -- do you have any comments 12 on these, Ms. Lu? 13 MS. LU: Yes. 14 HEARING EXAMINER ROBESON HANNAN: Or Mr. Amiljazir? 15 MS. LU: Yes, I do have some questions. My property 16 has a fence. I don't think a fence will really help with 17 the noise. We have trees inside our fence and trees 18 outside. It doesn't help. That's one comment. And the 19 other thing is, you know, my husband and I really feel that 20 the road and it being so close to us, to the property, even 21 Falls Road has a requirement of a 50 foot easement 22 requirement easement requirement, but properties only have 23 36. So you know if there is any possibility of having a 24 much bigger easement that would be much better. 25 And also the parking. The parallel parking, if it's a</p>
<p>222</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Yes. I'm sorry. I 2 was writing. Go ahead. 3 MR. SULLIVAN: And then, the last two things we would 4 suggest as a condition that no middle school or afterschool 5 game be played on this field. And they have been played on 6 this field in the past, but as we've heard, the field is 7 going to be smaller anyway, and that would also reduce 8 usage. And to further reduce usage we would ensure that 9 there is never any private outside use of this field, 10 organized use. As I said earlier, we on occasion do let 11 various groups using the facilities, Bethesda soccer, 12 lacrosse, and of course in the past tenants. They would not 13 use this field. 14 So there are six ways that we believe that we can 15 address the concerns that we heard today. 16 MS. LEE-CHO: And Ms. Hannan, one of the issues that I 17 heard -- one of your questions before the break was whether 18 the school allows just general members of the public come on 19 campus and use its facilities. I know that that's not -- 20 Christian, can you please address that issue? 21 MR. SULLIVAN: Absolutely. We take our security 22 extremely seriously. The Democracy and the Falls Gate Roads 23 are closed during the day. Security is placed -- sorry. 24 Democracy and the stadium gate on Falls Road is closed 25 during the day. There is security at the gate at all times</p>	<p>224</p> <p>1 one-way road can you even move the parking to the other side 2 of the road next to the field instead of closer to the 3 property. 4 HEARING EXAMINER ROBESON HANNAN: Mr. Sullivan, what's 5 your thought on that? 6 MR. SULLIVAN: I'm not an expert. I've been told by 7 the experts that there are fences available that -- 8 HEARING EXAMINER ROBESON HANNAN: No, I mean moving the 9 parking spaces to the other side of the loop road. Instead 10 of up against -- how wide is this loop road? 11 MR. SULLIVAN: So let me speak to that just again as a 12 layperson, but as a person who has worked in schools for 37 13 years. That would mean that we would have people 14 potentially, on occasion, walking between cars to get -- 15 MS. LEE-CHO: Well, if I might -- if I could have -- 16 MS. LU: But if they could walk -- 17 MS. LEE-CHO: If I can have Pat La Vay answer that 18 question? The problem, I believe, is the direction of the 19 driver opening the door on the left side. Our roads are 20 designed to have right side -- well, I don't know, maybe Pat 21 La Vay can -- 22 MS. LU: If it's a -- because my husband was saying 23 like if it's a one way it doesn't matter whether parking is 24 on the left or the right. You see that all the time on the 25 road. Right?</p>

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57 (225 to 228)

<p>225</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Well, let's get -- is</p> <p>2 Mr. La Vay here?</p> <p>3 MS. LEE-CHO: And I think it's also the --</p> <p>4 MR. LE VAY: Yes, one moment.</p> <p>5 MS. LEE-CHO: I'm not even sure, but --</p> <p>6 (Crosstalk)</p> <p>7 HEARING EXAMINER ROBESON HANNAN: And let me just get</p> <p>8 this from Mr. La Vay. Mr. La Vay, what Ms. Lu is suggesting</p> <p>9 is moving in the parking that's shown on the loop road to</p> <p>10 the other side of the road.</p> <p>11 MS. LU: And that went well also allows you to build</p> <p>12 more trees you know, behind our property to block noise</p> <p>13 and --</p> <p>14 MR. LA VAY: Well, I think --</p> <p>15 HEARING EXAMINER ROBESON HANNAN: No, they've got a</p> <p>16 fair amount of trees including shrubbery back there already.</p> <p>17 So let's just say I'd like Mr. La Vay to weigh in whether</p> <p>18 it's possible to move this parking to the other side of the</p> <p>19 road. And how wide is this loop road?</p> <p>20 MR. LA VEY: So the road that's traveled, it's called a</p> <p>21 travel lane itself, is 20 feet wide. For one-way traffic</p> <p>22 that is wider than you would need for a one lane road, per</p> <p>23 se, but because it provides fire access it must be 20 feet</p> <p>24 wide whether it's a one-way or two ways.</p> <p>25 The parking lane adds another 8 feet, so you have a</p>	<p>227</p> <p>1 and on the other side of the loop road, right. And you have</p> <p>2 parking --</p> <p>3 HEARING EXAMINER ROBESON HANNAN: Well, I -- you know,</p> <p>4 I don't think we can argue I think one of the parking is the</p> <p>5 motor pool. And I'm not sure moving the spaces is going to</p> <p>6 do -- well, what is your point Ms. Lu about moving the</p> <p>7 spaces?</p> <p>8 MS. LU: Because that gave us -- Mr. La Vay was saying</p> <p>9 that's an extra 8 feet, right? 8 feet of something, space.</p> <p>10 So we would get extra space --</p> <p>11 HEARING EXAMINER ROBESON HANNAN: Oh, you want to</p> <p>12 remove the spaces totally?</p> <p>13 MS. LU: Yes.</p> <p>14 COURT REPORTER: I'm getting some feedback.</p> <p>15 MS. LU: Yes, the 14 parkings, yeah.</p> <p>16 COURT REPORTER: I'm getting some feedback. Mr. Amir</p> <p>17 Amiljazar, could you please mute yourself?</p> <p>18 MR. AMILJAZIR: Yes. Hi. A question.</p> <p>19 COURT REPORTER: Well, I was asking if you could please</p> <p>20 just mute yourself.</p> <p>21 MR. AMILJAZIR: I want to talk as possible.</p> <p>22 HEARING EXAMINER ROBESON HANNAN: Okay. Then.</p> <p>23 MR. AMILJAZIR: You cannot hear anything from me.</p> <p>24 There's no noise here.</p> <p>25 HEARING EXAMINER ROBESON HANNAN: Go ahead -- okay, Mr.</p>
<p>226</p> <p>1 total -- when there's parking, you have a total of 28 feet</p> <p>2 in this corridor versus 20 feet where there's no parking.</p> <p>3 If we were to flip the parking to the other side, you would</p> <p>4 then have to move the road closer to where the parking is</p> <p>5 today. So you're just swapping one for the other. The</p> <p>6 paving would -- unless the field were shrunk, you would not</p> <p>7 be able to pick up and move the entire road north so that</p> <p>8 there would be a further distance away from the paving to</p> <p>9 the property line.</p> <p>10 MS. LU: I mean the best is to get rid of those 14</p> <p>11 parking spaces. I mean, it's pretty far from the building.</p> <p>12 And there aren't that many activities on the field why are</p> <p>13 you building those 14 parking? And we could have extra</p> <p>14 trees and stuff.</p> <p>15 MR. LA VAY: Yeah, the --</p> <p>16 MS. LU: Extra easement.</p> <p>17 MR. LA VEY: Just to be clear, there is no easement by</p> <p>18 the way. It's just a roadway without an easement, or an</p> <p>19 internal driveway, I should say. But the -- as you can see,</p> <p>20 there's really no -- that's the closest area they could</p> <p>21 provide parking. And while it might seem remote on a</p> <p>22 picture, relative to other parking facilities on this</p> <p>23 campus, it's actually not that far from the front door. It</p> <p>24 just as you know, it may feel that way on the image.</p> <p>25 MS. LU: Yeah, but you have parking behind the building</p>	<p>228</p> <p>1 Amiljazar, go ahead. What do you want to say.</p> <p>2 MR. AMILJAZIR: My question is you are talking about</p> <p>3 the noise, how about the air pollution? Can you answer that</p> <p>4 one? What are you going to do with the CO, what are you</p> <p>5 going to do with the dust? What are you going to do with</p> <p>6 it?</p> <p>7 MR. LA VAY: Is that for me?</p> <p>8 HEARING EXAMINER ROBESON HANNAN: No, I think --</p> <p>9 MR. AMILJAZIR: I --</p> <p>10 MR. LA VAY: I can't answer that.</p> <p>11 MS. LEE-CHO: Actually Chris can -- why don't you</p> <p>12 answer.</p> <p>13 MR. SULLIVAN: Okay. Again, I'm not an expert, I can't</p> <p>14 really comment. Obviously, we are surrounded by Falls</p> <p>15 Rodent, and Democracy, and the very significant non-Bullis</p> <p>16 related traffic that goes on on those roads. We're talking</p> <p>17 about a lane that is used, as we heard, for a very few</p> <p>18 minutes every day. So again, from an laypersons</p> <p>19 perspective, it doesn't seem that toxicity and pollution</p> <p>20 would really be an issue. And of course, with parked cars</p> <p>21 they are parked, and will not be moving while they're</p> <p>22 parked, and are not exhibiting any -- emitting any pollution</p> <p>23 as far as I know. I may, perhaps, even attenuate some of</p> <p>24 the sound.</p> <p>25 MR. AMILJAZIR: Can I say something?</p>

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<p>229</p> <p>1 HEARING EXAMINER ROBESON HANNAN: I think what they are</p> <p>2 saying is -- I think what Mr. Sullivan is saying is that by</p> <p>3 limiting the use of the loop road, cutting it off at 6:15,</p> <p>4 making it one-way, so that nobody else is going to use it,</p> <p>5 is part of the way they are going to mitigate the pollution.</p> <p>6 MR. AMILJAZIR: My question is what's the traffic cause</p> <p>7 on Falls Road and Democracy? Isn't it by 900 car comes</p> <p>8 every day inside and going out of the Bullis school twice a</p> <p>9 day?</p> <p>10 HEARING EXAMINER ROBESON HANNAN: Well, that -- that</p> <p>11 is -- you know, they're already approved for 900 and the</p> <p>12 only thing we can look at at this hearing is the impact of</p> <p>13 this lower school.</p> <p>14 MR. AMILJAZIR: Yeah, that's going to be 245 more cars.</p> <p>15 HEARING EXAMINER ROBESON HANNAN: Is 245 all allocated</p> <p>16 to the lower school?</p> <p>17 MS. LEE-CHO: No.</p> <p>18 MR. SULLIVAN: Well, let's sort of be clear. So I</p> <p>19 don't believe we're talking about 900 cars. We have our bus</p> <p>20 routes, and even when we if we were to gain our approval for</p> <p>21 1090 students, it's not one car per student. It's very far</p> <p>22 from that. We have many carpools, we have families with</p> <p>23 multiple kids, and we have our bus system as well. And so</p> <p>24 the number of cars coming on at different times is way fewer</p> <p>25 than the number of students. And as, of course, the traffic</p>	<p>231</p> <p>1 are -- have siblings at the school. Do you know that</p> <p>2 offhand, just -- and I know you didn't come prepared for</p> <p>3 this.</p> <p>4 MR. SULLIVAN: Thank you. Yeah, I am afraid I don't.</p> <p>5 And very anecdotal.</p> <p>6 HEARING EXAMINER ROBESON HANNAN: Okay. Well --</p> <p>7 MR. SULLIVAN: Even if I did currently, it's hard to</p> <p>8 know, to project into the future.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: Understood. Let's do</p> <p>10 this. Ms. Lee-Cho, I think the best thing to do at this</p> <p>11 point, we've got a couple of things. Why don't you write up</p> <p>12 those conditions and submit them. The record has to be open</p> <p>13 for 10 days, but I also need to get a revised landscape plan</p> <p>14 from you. And that has to be reviewed by staff. So, I</p> <p>15 can -- why don't you, if possible, write up those conditions</p> <p>16 and forward it to Ms. Lu, and Mr. Amiljazar. How soon do</p> <p>17 you think that you can write them up?</p> <p>18 MS. LEE-CHO: This evening.</p> <p>19 HEARING EXAMINER ROBESON HANNAN: Okay.</p> <p>20 MS. LEE-CHO: Then Ms. Hannan, I wanted to clarify that</p> <p>21 the revised landscape plan was when -- during the hearing</p> <p>22 when we were proffering additional landscaping to try to</p> <p>23 address noise and visual light impact. But if that is</p> <p>24 not --</p> <p>25 HEARING EXAMINER ROBESON HANNAN: Wait, is that part of</p>
<p>230</p> <p>1 studies have already pointed out, the road systems around us</p> <p>2 can cope with that.</p> <p>3 The increase in students is in all divisions, and as I</p> <p>4 pointed out this morning, the lower school maximum that we</p> <p>5 are requesting is -- would be 240. And unlike the other</p> <p>6 divisions, there is no flexibility with that 240 because we</p> <p>7 have a maximum class size of 16. A proposed maximum class</p> <p>8 size of 16 that we would go above. And that's a matter of</p> <p>9 program rather than anything else. So it is only 240</p> <p>10 students, and very many less cars than that that would be</p> <p>11 using and that driveway in the morning and in the afternoon</p> <p>12 to drop off.</p> <p>13 MR. AMILJAZIR: 245 cars including teachers and the</p> <p>14 people that were working there.</p> <p>15 MR. SULLIVAN: 240 -- 240 students.</p> <p>16 MR. AMILJAZIR: You said 245 cars actually is --</p> <p>17 HEARING EXAMINER ROBESON HANNAN: Okay then. This, I</p> <p>18 don't think we're getting anywhere with this question. Mr.</p> <p>19 Sullivan, do you -- like most day cares that we do know how</p> <p>20 many students are doubled up. Do you have anything like</p> <p>21 that at your fingertips?</p> <p>22 MR. SULLIVAN: Well, I don't quite understand -- I</p> <p>23 don't understand the question.</p> <p>24 HEARING EXAMINER ROBESON HANNAN: The question is,</p> <p>25 many, like day cares know the percentage of students that</p>	<p>232</p> <p>1 an amendment?</p> <p>2 MS. LEE-CHO: That would have been. But now, we're</p> <p>3 talking about the fencing.</p> <p>4 MR. LA VAY: I think we could still show it on the</p> <p>5 landscape plan.</p> <p>6 MS. LEE-CHO: So I just wanted to clarify that, that in</p> <p>7 fact the revised landscape plan that were going to have it</p> <p>8 reviewed by technical staff is just fencing along the</p> <p>9 property.</p> <p>10 HEARING EXAMINER ROBESON HANNAN: Okay. Did -- okay,</p> <p>11 what I have is your landscape plan that's Exhibit 41, that's</p> <p>12 been reviewed by staff.</p> <p>13 MR. LE VAY: That's correct.</p> <p>14 HEARING EXAMINER ROBESON HANNAN: I don't see the</p> <p>15 little green thing.</p> <p>16 MS. LEE-CHO: Right. That was proposed today, new.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: And that's what I was</p> <p>18 saying that you need to add those end to this landscape</p> <p>19 plan.</p> <p>20 MS. LEE-CHO: But what I'm saying to you is that we're</p> <p>21 not going to propose those green things in the new plan,</p> <p>22 because instead where doing the fencing. I -- we don't have</p> <p>23 room to do both additional planting and work a fence into</p> <p>24 the landscaping.</p> <p>25 HEARING EXAMINER ROBESON HANNAN: I understand. I'm</p>

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<p>233</p> <p>1 not sure that the fencing is really going to accomplish that 2 much. But Ms. Lu do you -- 3 MS. LEE-CHO: Well -- 4 HEARING EXAMINER ROBESON HANNAN: Do you have a choice 5 between -- do you have a preference between -- or Mr. 6 Amiljazi, do you have a preference between offense or the 7 shrubbery or a green landscaping? 8 MR. AMILJAZIL: I believe none of them is going to work 9 for air pollution. 10 HEARING EXAMINER ROBESON HANNAN: Okay. Well, then -- 11 well, you'd be better off with green things than offenses. 12 I keep saying green things. I know they're landscaping. 13 MS. LEE-CHO: And maybe -- the school would preferred 14 the additional plantings. You know, we -- 15 HEARING EXAMINER ROBESON HANNAN: Then submit a revised 16 landscape plan showing whatever additional plantings you're 17 going to make. 18 MR. AMILJAZIL: Let me ask you something. Are you guys 19 care about the owners and back of our houses connected to 20 the bolus, are you care about us, or you don't? My 21 question. 22 HEARING EXAMINER ROBESON HANNAN: Mr. -- go ahead. 23 MR. AMILJAZIL: Yeah, I'm -- actually, I my own 24 observed -- is it you guys care or not because I was -- 25 (Crosstalk)</p>	<p>235</p> <p>1 Okay. So let me just get dates. So if you could -- 2 Ms. Cho, if you could submit those -- well, can you do it 3 tomorrow? 4 MS. LEE-CHO: I will have to do it tomorrow because I'm 5 out of the country Thursday. So it will be done. 6 HEARING EXAMINER ROBESON HANNAN: And when do you come 7 back? 8 MS. LEE-CHO: Monday. I'll be back Monday. 9 HEARING EXAMINER ROBESON HANNAN: I don't understand 10 that, but okay. If you do it tomorrow and send Mr. 11 Amiljazi, and Ms. Lu -- send it to them, and I'm going to 12 give them -- with a copy to me and Sarah, and I'm going to 13 give them until Monday to comment, if they have any comments 14 or changes. 15 MS. LEE-CHO: All right. 16 HEARING EXAMINER ROBESON HANNAN: So we'll do it that 17 way. And then, the question is how soon can you get the 18 landscape plan to the planning department? 19 MS. LEE-CHO: Pat? 20 MR. LA VAY: I should be able to get it to them in a 21 day or two, so this week. 22 HEARING EXAMINER ROBESON HANNAN: Okay. So it takes 23 us -- we won't get the transcript until the 12th. We have 24 to leave the record open. So if you could get it to them by 25 the 5th, Friday, the 5th, I'll see when they can respond.</p>
<p>234</p> <p>1 MR. AMILJAZIL: -- if my cancer come back in the lung, 2 I'm going to sue the Bullis. That's it. Do anything you 3 want to do. 4 HEARING EXAMINER ROBESON HANNAN: Well. Okay. Mr. 5 Amiljazi, that's a little argumentative. I think what I'm 6 going to do now is let them propose conditions. I think for 7 the pollution problem you're better off with the greenery. 8 If you could, Ms. Lee-Cho, if you could submit a revised 9 landscaping plan showing the additional supplemental 10 plantings. And if you could propose -- right up conditions 11 for the roadway, the speed bumps. 12 MS. LEE-CHO: Directional signs? 13 HEARING EXAMINER ROBESON HANNAN: No, no middle school 14 or upper school -- if you have police or internal security 15 there, I don't think I need -- we can mandate that the 16 internal security will provide direction to the lower 17 school. And then, no middle school or upper school games 18 will be played on the field. 19 MS. LEE-CHO: I understand. 20 HEARING EXAMINER ROBESON HANNAN: And then we have a 21 typical condition, no amplified music or loudspeakers. 22 MS. LU: Can I ask one more question? 23 HEARING EXAMINER ROBESON HANNAN: Just a second, 24 because I've got to keep my train of thought. I want to 25 make sure we get all of these in that are loose out there.</p>	<p>236</p> <p>1 But the record will be open until they respond. 2 Mr. Sullivan, do you want to say anything? 3 MR. SULLIVAN: Yes. I just wanted to point out that in 4 addition to the no middle school and upper school games, I 5 did also suggest no private outside use, and I'm not sure 6 you got that one Ms. Hannan. 7 HEARING EXAMINER ROBESON HANNAN: I didn't. I did not. 8 No private outside use. That's right. We discussed that. 9 MR. SULLIVAN: I think that one makes quite a 10 difference actually. 11 HEARING EXAMINER ROBESON HANNAN: Okay. If you could 12 add that Ms. Lee-Cho? 13 So I have, rode one way. The road closed from 6:15 14 unless there is a special event in the lower school. The 15 speed bumps at appropriate locations. No private outside 16 use. No middle school or upper school games played on the 17 field. Are we in -- is that what you're proposing? 18 MS. LEE-CHO: Yes. 19 HEARING EXAMINER ROBESON HANNAN: And Ms. Lee-Cho is 20 going to get a draft of those conditions to myself and Mr. 21 Amiljazi and Ms. Lu tomorrow. And they will have until the 22 5th to comment on it if they wish. And then, I will -- 23 you're going to -- no. They can have until the 8th -- I'm 24 sorry, the 8th to comment on the comments. So you will get 25 the comments by May 3rd. Ms. Lu and Mr. Amiljazi -- I'm</p>

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<p style="text-align: right;">237</p> <p>1 sorry.</p> <p>2 MR. AMILJAZIL: It's Amiljazil.</p> <p>3 HEARING EXAMINER ROBESON HANNAN: You have until May</p> <p>4 8th to comment.</p> <p>5 MR. AMILJAZIL: How we can do it?</p> <p>6 HEARING EXAMINER ROBESON HANNAN: You can send it to me</p> <p>7 by email with a cc to Ms. Lee-Cho.</p> <p>8 MR. AMILJAZIL: Well we need both of your, actually</p> <p>9 email address, please.</p> <p>10 HEARING EXAMINER ROBESON HANNAN: Okay. Mine is</p> <p>11 Lynn.Robeson, R-O-B-E-S-O-N, Hannan, H-A-N-N-A-N,</p> <p>12 @MontgomeryCountyMD.gov</p> <p>13 (Lynn.Robeson@MontgomeryCountyMD.gov).</p> <p>14 MR. AMILJAZIL: Is it going to be on the letter you</p> <p>15 send? Your email?</p> <p>16 HEARING EXAMINER ROBESON HANNAN: I'm not sending --</p> <p>17 MS. LEE-CHO: Mr. Amiljazil, I will send an email to</p> <p>18 you and both Ms. Lu, and I will copy Ms. Hannan and her</p> <p>19 staff so that we will all be connected by email.</p> <p>20 MR. AMILJAZIL: Thank you.</p> <p>21 MS. LEE-CHO: I do believe I have your email address.</p> <p>22 I don't know that I have Ms. Lu's email address.</p> <p>23 MR. AMILJAZIL: Do you want to write it down then?</p> <p>24 MS. LEE-CHO: Go ahead.</p> <p>25 MR. AMILJAZIL: ACEPRESSDC@gmail.com. Ace Press DC at</p>	<p style="text-align: right;">239</p> <p>1 HEARING EXAMINER ROBESON HANNAN: You had your hand up.</p> <p>2 MS. LU: Oh. I had a question regarding the time to</p> <p>3 block the loop road. I was wondering whether it can be</p> <p>4 blocked after, not during the pickup and drop-off hours all</p> <p>5 other times it can be blocked off.</p> <p>6 COURT REPORTER: Ms. Lu, could you repeat that?</p> <p>7 MS. LU: After 6 -- yes. Can you hear me?</p> <p>8 COURT REPORTER: Yes, you just broke up for a second.</p> <p>9 MS. LU: Yeah, so right now the proposal is to block</p> <p>10 off the traffic after 6:15 p.m., which is, like, you know</p> <p>11 late, probably not much traffic anyway. Is it possible to</p> <p>12 block off the traffic outside the drop-off and pickup time?</p> <p>13 Completely? That's just one comment.</p> <p>14 MS. LEE-CHO: I guess my only concern with that is that</p> <p>15 that there may be afterschool, you know, some kids stay.</p> <p>16 You know, with the lower school there's not so much of that</p> <p>17 after school, but there could be in the grades, you know, I</p> <p>18 would think, third grade, fourth grade, so I mean Christian,</p> <p>19 if you wanted to speak to that?</p> <p>20 MR. SULLIVAN: Yes. We also have a situation, of</p> <p>21 course, where parents may be picking children up in the</p> <p>22 middle of the day for medical appointments, et cetera, et</p> <p>23 cetera. And the pickup point will be at that road. So</p> <p>24 between 8:00 and 3:00 it will be extremely minimal use. But</p> <p>25 I think that for parents to pick up children during the day,</p>
<p style="text-align: right;">238</p> <p>1 gmail.com.</p> <p>2 MS. LEE-CHO: And Ms. Lu?</p> <p>3 MS. LU: It's Mei_LUU_, two Us at Yahoo.com</p> <p>4 (Mei_LUU@Yahoo.com).</p> <p>5 MS. LEE-CHO: Okay.</p> <p>6 HEARING EXAMINER ROBESON HANNAN: Okay. So May 3rd</p> <p>7 is -- Ms. Lee-Cho will get the comments to everyone. And</p> <p>8 then she will leave for Italy. Then, May 5th somebody, Mr.</p> <p>9 La Vay is going to submit a revised landscape plan to</p> <p>10 everyone. But mostly Park and Planning.</p> <p>11 MR. LA VAY: So should I -- when you say everyone,</p> <p>12 should I -- Park and Planning and your office?</p> <p>13 HEARING EXAMINER ROBESON HANNAN: And my office and Ms.</p> <p>14 Lu and Mr. Amir -- yeah.</p> <p>15 And then, May 8th, Mr. Amiljazil -- okay. I give up.</p> <p>16 I am doing -- I didn't get much sleep last night, I'll be</p> <p>17 honest. I apologize for crucifying your name. You and Ms.</p> <p>18 Lu will get your comments back to Ms. Lee-show on Monday,</p> <p>19 May 8th. And then, hopefully, we will get comments from</p> <p>20 staff on the landscape revisions by 5/12. And the record</p> <p>21 will close on 5/12, unless we can't -- unless staff can</p> <p>22 accomplish that.</p> <p>23 Now, Ms. Lu, you have your hand up. Ms. Lu?</p> <p>24 MS. LU: Hold on. Hold on. Okay. I'm sorry. What's</p> <p>25 the question?</p>	<p style="text-align: right;">240</p> <p>1 which is a rare occurrence, it needs to be allowed.</p> <p>2 MS. LU: But the parents have access through the other</p> <p>3 part of the loop, right? And they can still access the</p> <p>4 lower school entrance.</p> <p>5 MR. SULLIVAN: It's --</p> <p>6 MS. LEE-CHO: I think what you're hearing, Ms. Lu,</p> <p>7 though is that -- I mean parents of the lower school will,</p> <p>8 understand the loop, and know the loop is a circulation</p> <p>9 pattern to get to their children. And I think that during</p> <p>10 the day, it will be not a lot of traffic, but there could be</p> <p>11 a parent that needs to pick up a child who is sick, and you</p> <p>12 would hate to have to overly regulate the loop. I think</p> <p>13 that a 6:15 p.m. cut off is very clear. It can be enforced.</p> <p>14 There is not a lot of day to day change with that condition.</p> <p>15 HEARING EXAMINER ROBESON HANNAN: Mr. Sullivan, how</p> <p>16 common is it to have doctors appointments -- are they that</p> <p>17 common during the day?</p> <p>18 MR. SULLIVAN: Yes.</p> <p>19 MS. LEE-CHO: Oh yeah.</p> <p>20 MR. SULLIVAN: Yeah, late arrivals too.</p> <p>21 MS. LEE-CHO: Late arrivals.</p> <p>22 HEARING EXAMINER ROBESON HANNAN: No, no, I mean, just</p> <p>23 in relation to the queuing. They're not nearly the impact</p> <p>24 that the queuing would have?</p> <p>25 MS. LEE-CHO: No.</p>

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<p>241</p> <p>1 MR. SULLIVAN: Yes, but it doesn't occur, and of course</p> <p>2 that's where that entrance is where students will be signed</p> <p>3 in and out by the parent.</p> <p>4 HEARING EXAMINER ROBESON HANNAN: Right.</p> <p>5 MR. SULLIVAN: So the system will be there, so that's</p> <p>6 the point where they will actually be signed out.</p> <p>7 HEARING EXAMINER ROBESON HANNAN: Right.</p> <p>8 MR. SULLIVAN: So it would be very difficult not to be</p> <p>9 able to have access to that --</p> <p>10 HEARING EXAMINER ROBESON HANNAN: No, I wasn't</p> <p>11 suggesting, I was just comparing the impact of the students</p> <p>12 adjust to being picked up. But okay. Let's leave it there.</p> <p>13 I will send the -- now, when I say only send it to -- we had</p> <p>14 a lots of people testify that are technically parties. And</p> <p>15 I don't know if I can gather all their names by the end of</p> <p>16 the day. But I will try. You should probably send all your</p> <p>17 correspondence to all the parties to the case.</p> <p>18 MS. LEE-CHO: I have, Ms. Lu, Mr. Amir, Mr. Friend,</p> <p>19 and --</p> <p>20 HEARING EXAMINER ROBESON HANNAN: Well, there's also</p> <p>21 the supporters. But I have theirs.</p> <p>22 MS. LEE-CHO: You would like us to send to everyone who</p> <p>23 testified today?</p> <p>24 HEARING EXAMINER ROBESON HANNAN: Well, technically</p> <p>25 were not supposed to have communications unless we copy</p>	<p>243</p> <p>1 HEARING EXAMINER ROBESON HANNAN: Okay. Okay. Mr.</p> <p>2 Chiang, okay. We're going to do this quickly. You need to</p> <p>3 put your camera on</p> <p>4 MR. CHIANG: Okay. Can you see me?</p> <p>5 HEARING EXAMINER ROBESON HANNAN: Okay. Please raise</p> <p>6 your right hand.</p> <p>7 Do you solemnly affirm under penalties of perjury that</p> <p>8 the statements you're about to make are the truth, the whole</p> <p>9 truth, and nothing but the truth?</p> <p>10 MR. CHIANG: I do.</p> <p>11 HEARING EXAMINER ROBESON HANNAN: Please state your</p> <p>12 name, address, and email address for the record.</p> <p>13 MR. CHIANG: My name is Lee Chiang. My address is</p> <p>14 10157 Democracy Boulevard. And my email is chiang,</p> <p>15 C-H-I-A-N-G, underscore, L at Yahoo dot com.</p> <p>16 (Chiang_L@yahoo.com).</p> <p>17 Sorry. I miss most of the party of the meeting today</p> <p>18 and I --</p> <p>19 HEARING EXAMINER ROBESON HANNAN: Well, we're just</p> <p>20 about to adjourn. But I will let you make a statement.</p> <p>21 MR. CHIANG: Okay. I'm a resident here. I love the</p> <p>22 school. I love Christian, but the problem is that the</p> <p>23 pathway behind our property is affected my interest and also</p> <p>24 will devalue the house, and I think for my own interest, I'm</p> <p>25 against the project. So if you have any modification of the</p>
<p>242</p> <p>1 everybody. So let me collect what I have. We'll do the</p> <p>2 best we can. Okay. Because I wasn't writing them down as</p> <p>3 that they went through.</p> <p>4 MS. LEE-CHO: Well, we're coming up on the 5:00. I</p> <p>5 will not take any more time with any type of closing</p> <p>6 statement of any kind.</p> <p>7 HEARING EXAMINER ROBESON HANNAN: Thank you.</p> <p>8 MS. LEE-CHO: We covered a lot of ground.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: Okay. Thank you very</p> <p>10 much. We will adjourn this hearing, the record will be open</p> <p>11 to receive proposed conditions from Ms. Lee-Cho, to submit a</p> <p>12 revised landscape plan, to receive comments from staff on</p> <p>13 the revised landscape plan, and to receive comments from Ms.</p> <p>14 Lu and Mr. Amiljazi on the proposed conditions. And the</p> <p>15 record will close May 12th.</p> <p>16 MS. LEE-CHO: Thank you.</p> <p>17 HEARING EXAMINER ROBESON HANNAN: All right. With</p> <p>18 that, thank you very much.</p> <p>19 MS. LU: Ms. Cannon, I think there's one person raising</p> <p>20 his hand.</p> <p>21 HEARING EXAMINER ROBESON HANNAN: Okay. Chiang Lee?</p> <p>22 MR. CHAING: Hi. This is Lee and I am a Democracy</p> <p>23 Boulevard, 10517. I'd like to hear are you going to approve</p> <p>24 the plan? I like the school. I like Christian, but I'm not</p> <p>25 in favor of this plan, especially the --</p>	<p>244</p> <p>1 plan, I would like to receive it too.</p> <p>2 HEARING EXAMINER ROBESON HANNAN: Okay. You will</p> <p>3 send -- did you get his email address, Ms. Lee-Cho?</p> <p>4 MS. LEE-CHO: I didn't get all of it, if he could</p> <p>5 repeat it.</p> <p>6 MR. CHIANG: Okay. It's C-H-I-A-N-G, my last name,</p> <p>7 underscore, L at Yahoo dot com. (Chiang_L@yahoo.com).</p> <p>8 MS. LEE-CHO: Gotcha.</p> <p>9 HEARING EXAMINER ROBESON HANNAN: Okay. Thank you.</p> <p>10 And with that, I will adjourn the hearing, but leaving the</p> <p>11 record open until May 12th for the items we discussed.</p> <p>12 Thank you very much, everyone.</p> <p>13 (The recording was concluded.)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

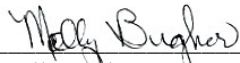
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CERTIFICATE OF TRANSCRIBER

I, Molly Bugher, 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 as
provided; and that I am neither counsel for, related to, nor
employed by and of the parties to this case and have no
interest, financial or otherwise, in its outcome.



Molly Bugher, CDLT-161

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