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# Transcript of Hearing

**Date:** May 8, 2023

**Case:** D. Munson Objection to ADU License # 149586 (ADO 23-04)

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Conducted on May 8, 2023

<p style="text-align: center;">1</p> <p>1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS</p> <p>2 MONTGOMERY COUNTY, MARYLAND</p> <p>3 -----x</p> <p>4 In Re: :</p> <p>5 D. Munson Objection to ADU : Case No.: ADO 23-04</p> <p>6 License #149586 :</p> <p>7 -----x</p> <p>8</p> <p>9 HEARING</p> <p>10 BEFORE THE HEARING EXAMINER - ANDREA LEWINTER</p> <p>11 Conducted Virtually</p> <p>12 Monday, May 8, 2023</p> <p>13 9:30 a.m. EST</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 Job No.: 490251</p> <p>24 Pages: 1 - 51</p> <p>25 Recorded By: Donald E. Lane II</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1</p> <p>2</p> <p>3 ON BEHALF OF THE MONTGOMERY COUNTY OFFICE OF</p> <p>4 ZONING AND ADMINISTRATIVE HEARINGS:</p> <p>5 NANA YAA JOHNSON</p> <p>6 MONTGOMERY COUNTY OFFICE OF ZONING</p> <p>7 AND ADMINISTRATIVE HEARINGS (1100167)</p> <p>8 100 Maryland Avenue</p> <p>9 County Office Building, Room 200</p> <p>10 Rockville, Maryland 20850</p> <p>11 240.777.6660</p> <p>12</p> <p>13 ON BEHALF OF THE OBJECTORS:</p> <p>14 MICHELE ROSENFELD, ESQUIRE</p> <p>15 THE LAW OFFICE OF MICHELE ROSENFELD LLC</p> <p>16 1 Research Court, Suite 450</p> <p>17 Rockville, Maryland 20850</p> <p>18 301.204.0913</p> <p>19</p> <p>20 ALSO PRESENT:</p> <p>21 YILMA BETRU, APPLICANT</p> <p>22 ANN MUNSON, OBJECTOR</p> <p>23 DAVID MUNSON, OBJECTOR</p> <p>24 AUSTIN MCNAMARA,</p> <p>25 HOUSING AND COMMUNITY AFFAIRS (DHCA)</p> <p>JUAN AMENABAR</p>
<p style="text-align: center;">2</p> <p>1 Hearing, conducted virtually.</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 Pursuant to agreement, before</p> <p>13 Donald E. Lane II, Court Reporter.</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>	<p style="text-align: center;">4</p> <p style="text-align: center;">C O N T E N T S</p> <p>1</p> <p>2 TESTIMONY PAGE</p> <p>3 By Mr. Amenabar 16</p> <p>4 By Mr. Betru 39</p> <p>5 By Mr. Munson 45</p> <p>6</p> <p>7 EXAMINATION OF JUAN AMENABAR PAGE</p> <p>8 By Mr. Betru 17</p> <p>9 By Ms. Rosenfeld 18</p> <p>10</p> <p>11 OPENING STATEMENT PAGE</p> <p>12 By Ms. Rosenfeld 20</p> <p>13 By Mr. Betru 20</p> <p>14</p> <p>15 EXAMINATION OF DAVID MUNSON PAGE</p> <p>16 By Ms. Rosenfeld 22, 31</p> <p>17 By Mr. Betru 27</p> <p>18</p> <p>19 EXAMINATION OF ANN MUNSON PAGE</p> <p>20 By Ms. Rosenfeld 33</p> <p>21 By Mr. Betru 37</p> <p>22</p> <p>23 EXAMINATION OF YILMA BETRU PAGE</p> <p>24 By Ms. Rosenfeld 42</p> <p>25</p>

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<p>1                   C O N T E N T S   C O N T I N U E D</p> <p>2   EXAMINATION OF AUSTIN MCNAMARA                   PAGE</p> <p>3       By Ms. LeWinter                                   43</p> <p>4</p> <p>5   CLOSING STATEMENT                                   PAGE</p> <p>6       By Ms. Rosenfeld                                 46</p> <p>7       By Mr. Betru                                       47</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>5</p>	<p>7</p> <p>1   Betru, who is the owner of the unit at -- the</p> <p>2   proposed unit at 3108 Memory Lane, and I see Mr.</p> <p>3   McNamara from DHCA. Mr. Donald Lane is the court</p> <p>4   reporter, and I see Mr. Amenabar, who has also</p> <p>5   filed some statements stating that he was also</p> <p>6   opposed to the ADO. ADU. Excuse me. Mr.</p> <p>7   Amenabar, if I recall from last time, you did want</p> <p>8   a chance to testify. Is that still accurate?</p> <p>9       MR. AMENABAR: If there's time, yes. I</p> <p>10   do have a 10:00. I -- I need to leave by 10:00.</p> <p>11       MS. LEWINTER: Oh. Well, you might be</p> <p>12   able to log back in later. I think it's highly</p> <p>13   unlikely that you would be able to testify by</p> <p>14   10:00 unless Ms. Rosenfeld was willing to indulge</p> <p>15   you in that.</p> <p>16       MS. ROSENFELD: I certainly would be.</p> <p>17       MS. LEWINTER: Okay. So --</p> <p>18       MS. ROSENFELD: I -- I'd be -- I'd be</p> <p>19   -- sure, if we -- I would consent to taking</p> <p>20   testimony out of --</p> <p>21       MS. LEWINTER: Okay. So hopefully</p> <p>22   we'll be able to do that, Mr. Amenabar. I'll try</p> <p>23   to move through this quickly. So this is a remote</p> <p>24   hearing, as we're all aware, on the Microsoft</p> <p>25   Teams platform. Please do not interrupt while</p>
<p>1                   P R O C E E D I N G S</p> <p>2       (Whereupon, the court reporter was duly</p> <p>3   sworn.)</p> <p>4       MS. LEWINTER: Thank you. I just want</p> <p>5   to alert everybody then -- excuse me -- the</p> <p>6   recording actually started before almost everybody</p> <p>7   logged on just because of the logistics of how</p> <p>8   (inaudible) has to work. Anyway, so we are here</p> <p>9   for the -- for Case ADO 23-04, Objection to an</p> <p>10   Accessory Dwelling Unit at 3108 Memory Lane,</p> <p>11   pursuant to regulation Section 29-26(b)(2). This</p> <p>12   is a public hearing. The objection was filed by</p> <p>13   David and Ann Munson pursuant to that regulation</p> <p>14   that I just cited.</p> <p>15       And my name is Andrea LeWinter, and I</p> <p>16   am serving as the hearing examiner. It is my rule</p> <p>17   to listen, take evidence, and write a decision</p> <p>18   regarding this case. We have with us the attorney</p> <p>19   for the Munsons, Ms. Rosenfeld, and it is our hope</p> <p>20   that the Munsons can join us shortly. It is my</p> <p>21   understanding from Ms. Rosenfeld's statements that</p> <p>22   they are overseas and attempting to access the</p> <p>23   hearing remotely from there and are encountering</p> <p>24   some technical difficulties.</p> <p>25       I also see on the team meeting Mr.</p>	<p>6</p>	<p>8</p> <p>1   someone else is speaking unless you have an</p> <p>2   objection. This is because the court reporter has</p> <p>3   difficulty understanding what people are saying</p> <p>4   when there is crosstalk. Please use the raise</p> <p>5   hand option whenever possible. This is an</p> <p>6   informal proceeding with certain formalities.</p> <p>7       As I stated, it's being recorded, and</p> <p>8   we have both the court reporter and the Microsoft</p> <p>9   Teams recording going, but the Teams recording is</p> <p>10   only used as a backup for the reporter. What you</p> <p>11   say will be under oath. You may be asked</p> <p>12   questions about your testimony, and the</p> <p>13   proceedings will move in the following order,</p> <p>14   again, unless we have an exception to allow Mr.</p> <p>15   Amenabar to testify first. We will address any</p> <p>16   preliminary motions or issues.</p> <p>17       I will allow opening statements by each</p> <p>18   side if you desire. It's not required.</p> <p>19   Typically, then we start with the objector's case</p> <p>20   in chief, with the opportunity for</p> <p>21   cross-examination by Mr. Betru. Then Mr. Betru</p> <p>22   has his case in chief, with the opportunity for</p> <p>23   cross-examination. We'll have a presentation by</p> <p>24   DHCA. If there's any other interested parties,</p> <p>25   they can present, and there's an opportunity to</p>

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<p style="text-align: right;">9</p> <p>1 cross-examine them. There will be a rebuttal 2 option offered to the objector if necessary and 3 closing statements by each side. A decision will 4 be based on the criteria set forth in the zoning 5 ordinance and the final director's report on 6 findings on the accessory dwelling unit license 7 application. Please address all testimony to 8 these criteria. The objection, as I see it, 9 really has to do with parking, so most of our 10 testimony should have to do with those criteria. 11 I just want to state again for the 12 record, we did initially have this hearing set for 13 April 13th. The objectors submitted a request to 14 postpone that hearing, asserting that there were 15 issues with posting and that the ADO was in a -- 16 sorry, the ADU was in a status that it was not 17 clear about whether it would actually be permitted 18 and licensed. Mr. McNamara testified 19 corroborating that status, as did Mr. Betru 20 himself. However, the County Council made clear 21 when they passed the ADU legislation that ADUs are 22 to be promoted and objections should not be unduly 23 -- should not unduly delay construction but should 24 be considered simultaneously to the permitting 25 process.</p>	<p style="text-align: right;">11</p> <p>1 MS. LEWINTER: Thank you. 2 MS. ROSENFELD: Thank you. 3 MS. JOHNSON: Because I think that if 4 they're having connection issues right now, the 5 only thing that they can actually do is dial in. 6 So they -- if I -- hopefully that -- that'll be 7 the next step, just in case. So just in case you 8 see a number, that's them; okay? 9 MS. LEWINTER: Thank you. 10 MS. JOHNSON: All right. Bye. 11 MS. ROSENFELD: Thank you. I also have 12 asked them if they could try and log in using 13 their phones instead of a computer. I would like 14 to note for the record that I think that a 15 postponement until my clients are available -- 16 they're having technical difficulties this morning 17 -- would not cause any prejudice whatsoever to the 18 applicant. As of this morning, the building 19 permit was still in a denial basis. It had been 20 denied based on structural as well as 21 architectural (inaudible) so at the moment there 22 is no ability for the applicant to (inaudible) I 23 assume, without knowing (inaudible) the applicant 24 is looking to obtain building permit approval, but 25 it has not been received yet.</p>
<p style="text-align: right;">10</p> <p>1 Therefore, I granted a temporary 2 postponement as it seemed a reasonable likelihood 3 that the ADU might not be pursued. Since we're 4 back here, I'm assuming that it is being pursued, 5 and we've had almost a full month since the -- 6 since the postponement, and the application has 7 not been withdrawn. So we must now object -- we 8 must now address the objection. Are there any 9 procedural matters before we begin? Ms. 10 Rosenfeld? 11 MS. ROSENFELD: Yes. The -- 12 MS. LEWINTER: Go ahead. 13 MS. ROSENFELD: I'm sorry. I think Ms. 14 Johnson also wanted -- 15 MS. LEWINTER: Oh, I'm sorry. 16 MS. ROSENFELD: Is there something 17 preliminary, Ms. Johnson? Your hand was up 18 earlier. 19 MS. JOHNSON: Yes. Yes. Yes. I just 20 -- sorry, really quick, I e-mailed your clients 21 right now and asked them to -- if they could -- 22 they could dial in if they're having connectivity 23 issues. So I just wanted to just make a point 24 that if you see a phone number dial in, it's most 25 likely them.</p>	<p style="text-align: right;">12</p> <p>1 So a continuance of this hearing for 2 another couple of (inaudible) I think really would 3 not -- would not pose any prejudice or delay to 4 the applicant, particularly in light of the fact 5 that my clients are experiencing technical 6 difficulties. They are the primary -- they are 7 the appellants who noted this appeal, and it would 8 be really prejudicial if they are not available to 9 participate. I can tell you they have been 10 working to get online. I've been in 11 communications with them since (inaudible) and so 12 their lack of appearance here this morning -- oh, 13 maybe that's them is not through any lack of 14 effort on their part. 15 MS. LEWINTER: Okay. 16 MR. MUNSON: Hello? 17 MS. LEWINTER: Hi. Is that Mr. Munson? 18 MR. MUNSON: Speaking. 19 MS. LEWINTER: Thank you. We're glad 20 that you were able to dial in. 21 MR. MUNSON: Well, we're still trying 22 to link in, but we've encountered just a couple of 23 problems. 24 MS. LEWINTER: Okay. Well, we can hear 25 you fine, and we appreciate you going to these</p>

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<p style="text-align: right;">13</p> <p>1 extra efforts. 2 MR. MUNSON: Is this Ms. LeWinter? 3 MS. LEWINTER: Yes. And just to assure 4 you -- 5 MR. MUNSON: Okay. 6 MS. LEWINTER: -- all we've done is 7 gone through the preliminaries, the standard kind 8 of introductory language. We haven't done 9 anything substantive yet. 10 MR. MUNSON: Okay. Thank you. Thank 11 you very much. I appreciate your patience. 12 MS. LEWINTER: No problem. Ms. 13 Rosenfeld had actually -- Ms. Rosenfeld, I don't 14 know if your motion for a postponement has changed 15 or if you -- 16 MS. ROSENFELD: Mr. Munson, this is 17 Michelle Rosenfeld. I was making a motion to 18 postpone the hearing at the -- at the moment, 19 particularly because you were not available to 20 participate. But given the fact that, as of this 21 morning, the building still was in a denial basis, 22 I don't see that there's any prejudice to the 23 applicant to postponing this hearing until you are 24 able to more fully participate. But that was -- 25 that was before you were able to log on, and I</p>	<p style="text-align: right;">15</p> <p>1 let me know, and I'll raise the volume. 2 MS. LEWINTER: Okay. Mr. Betru, did 3 you have any preliminary issues? 4 MR. BETRU: No, I don't. No. 5 MS. LEWINTER: Okay. Then Mr. Amenabar 6 stated that he needs to leave by 10:00. Would -- 7 I don't want to interfere with either side's case 8 presentation. Ms. Rosenfeld, would you be willing 9 to defer an opening statement to let Mr. -- to let 10 Mr. Amenabar testify? 11 MS. ROSENFELD: I would. Yes. 12 MS. LEWINTER: Mr. Betru, would you be 13 willing to defer an opening statement to allow Mr. 14 Amenabar to testify? 15 MR. BETRU: He can go on. 16 MS. LEWINTER: Okay. Thank you. Mr. 17 Amenabar, I don't know if you have the capacity to 18 turn on your camera. 19 MR. AMENABAR: Let me see. This is a 20 work phone. Sometimes it'll -- there it is. Yes. 21 MS. LEWINTER: Great. Mr. Amenabar, 22 can you raise your right hand? 23 Whereupon, 24 JUAN AMENABAR, 25 being first duly sworn or affirmed to testify to</p>
<p style="text-align: right;">14</p> <p>1 don't know if you still would like to support that 2 objection or if you would like to move forward. 3 So I'll just -- 4 MR. MUNSON: No, I think -- I think we 5 can proceed. 6 MS. ROSENFELD: Okay. 7 MR. MUNSON: It's a little bit hard for 8 me to hear you, Michelle. 9 MS. ROSENFELD: Okay. I'll try and 10 speak up. Is that better? 11 MS. LEWINTER: Ms. Rosenfeld, I'm 12 actually having the same problem. I was going to 13 ask if anybody else was. You're very soft. 14 MS. ROSENFELD: I don't know what else 15 to do about that. My -- I have my computer system 16 set up for maximum volume. I'll just try and 17 speak a little louder. Is the -- is that any 18 better? 19 MS. LEWINTER: That is better for me. 20 Mr. Munson, is -- 21 MR. MUNSON: That is better. 22 MS. ROSENFELD: Okay. All right. I'll 23 just try and speak up then. Remind -- 24 MS. LEWINTER: Thank you. 25 MS. ROSENFELD: If you can't hear me,</p>	<p style="text-align: right;">16</p> <p>1 the truth, the whole truth, and nothing but the 2 truth, was examined and testified as follows: 3 MS. LEWINTER: Thank you. Mr. 4 Amenabar, if you would like to make a statement? 5 MR. AMENABAR: Yeah, very quickly. I -- 6 so I -- I had submitted some documentation for the 7 earlier briefing -- I'm sorry, the earlier hearing 8 -- and there were some objections regarding the 9 number of cars at Memory Lane, particularly 10 regarding the accident that we had in front of our 11 house at one point, stating that it had -- it was 12 due to speed and a young driver. Those two issues 13 are correct. Excuse me. There was speed and 14 there was a young driver. 15 However, the reason the accident 16 occurred was because there were too many cars 17 parked along the side, and that young driver 18 didn't have the knowledge or, you know, whatever 19 to -- to get around those cars. Had those cars 20 not been there, that accident probably would not 21 have happened. 22 As I -- as I also mentioned, that was 23 probably around 5:30 in the morning. It was a 24 paper drive -- a newspaper drive, and, you know, 25 not too long after that, there are young children</p>

<p>17</p> <p>1 in high school, teenagers, walking all the way up 2 Memory Lane to the other corner where the stop 3 sign is to pick up their school bus. 4 So there are some -- some concerns 5 regarding not only speed, but also the ability to 6 get around all these parked cars. And -- yeah. 7 So that's my statement. I apologize. I -- I do 8 have to get going. 9 MS. LEWINTER: No problem. Mr. Betru, 10 did you have any cross examination for Mr. 11 Amenabar? 12 MR. BETRU: No. On my respond, I 13 responded to the issue. As himself acknowledged, 14 as Mr. Amenabar acknowledged. The kid was lacking 15 skill. 16 MS. LEWINTER: Well, Mr. Betru, this is 17 a point in time, just to redirect you, where you 18 can ask Mr. Amenabar questions. If you want to 19 testify as to your own experience or your own 20 perception of the accident, you're free to do that 21 when you present your case. But this is your 22 opportunity to ask Mr. Amenabar questions about 23 his testimony. 24 EXAMINATION BY THE APPLICANT 25 BY MR. BETRU:</p>	<p>19</p> <p>1 BY MS. ROSENFELD: 2 Q Yes. Mr. Amenabar, just very quickly, 3 moving forward from the incident in 2013, at this 4 time, in your opinion, are there too many cars 5 parked on Memory Lane? 6 A <b>You know, at times today, there are --</b> 7 <b>there are. Yes. And -- and you know, there's</b> 8 <b>also an issue with speeding and -- and -- but</b> 9 <b>that's a -- that's a separate issue that, you</b> 10 <b>know, I'd like to bring up some other time. So we</b> 11 <b>do have issues with, you know, people having to</b> 12 <b>swing around up. We since have built a double</b> 13 <b>driveway in our house to -- to pull our cars away</b> 14 from the (inaudible.) 15 Q Okay. 16 A <b>But it is an issue.</b> 17 Q And so in your opinion, is the parking 18 situation on Memory Lane a concern as far as 19 safety is concerned? 20 A <b>That's exactly my point.</b> 21 Q Thank you. 22 MS. ROSENFELD: I have no other 23 questions. 24 MS. LEWINTER: Thank you. Okay. Thank 25 you, Mr. Amenabar. You may be excused, or you may</p>
<p>18</p> <p>1 Q Yeah. My question is how it's related 2 to this -- to our case in -- at hand. That 3 accident happened in 2013, per the letter he 4 wrote, and since then, how many years passed? 10 5 years passed, and all -- on all streets, there is 6 no way that could be avoid -- accident could be 7 avoided. 8 MS. LEWINTER: Well, Mr. Betru, again, 9 do you have -- is your question to Mr. Amenabar? 10 Not testimony, but a question to him? 11 Q Yeah. I -- I'm asking him how this is 12 related to this issue. 13 A <b>And -- and it's related because the</b> 14 <b>accident occurred because there were too many cars</b> 15 <b>parked on the street which is an issue that we</b> 16 <b>have in Memory Lane, and having a high density</b> 17 <b>housing down the street would further congest the</b> 18 <b>amount of vehicles, you know, that are parked on</b> 19 <b>either side. That's my response.</b> 20 MS. LEWINTER: Any other questions, Mr. 21 Betru? 22 MR. BETRU: No. 23 MS. LEWINTER: Okay. Thank you, Mr. 24 Amenabar. Oh, Ms. Rosenfeld. Yes. 25 EXAMINATION BY COUNSEL FOR THE OBJECTORS</p>	<p>20</p> <p>1 stay till 10 o'clock, whatever works for you. 2 MR. AMENABAR: Thank you very much. I 3 apologize for having to leave, and thank you for, 4 you know, taking my time. 5 MS. LEWINTER: You're welcome. All 6 right. 7 MR. AMENABAR: Bye-bye. 8 MS. LEWINTER: Ms. Rosenfeld, if we'd 9 like to go back, if you wanted to make an opening 10 statement, you're free to do so. 11 MS. ROSENFELD: Certainly, just very 12 briefly. As you know, the issue before the 13 hearing examiner this morning is one of available 14 public parking on the street, and I believe the 15 testimony that you have heard and will continue to 16 hear is that there is inadequate parking available 17 for an additional ADU on this street and that for 18 that reason, there should be a recommendation of 19 denial of the application. 20 MS. LEWINTER: Mr. Betru, did you want 21 to make an opening statement? 22 MR. BETRU: Yeah. Thank you for giving 23 me this opportunity. As I said, my respond, I 24 applied for ADU because I'm required to it. I 25 applied for modifying my basement and the -- I</p>

<p style="text-align: right;">21</p> <p>1 submitted my plan, and Department of DPS required 2 me to have an ADU permit to go ahead and finish my 3 basement. That's the only reason I went to apply 4 for ADU. That's one thing. Another thing, as I 5 mentioned in my respond, I have extra -- even if I 6 am willing to rent, that's -- as I said, it's not 7 my intention to rent, but even if I go ahead and 8 rent, I have one extra space that I can use, and I 9 only take only one space on the street, if I rent 10 for two people. 11 That's a big if. That's not my 12 intention. I am intending to renovate my house 13 for my own family purpose. And I submitted a lot 14 of photographs that show the -- how the Memory 15 Lane is. I took it -- the pictures at different 16 times, in the morning, at midday, in the evening. 17 As you can see it, it's not as bad as the -- some 18 of the objectors are presenting it. So only for 19 parking issue, it's not that -- I don't see it as 20 a big, huge -- have an impact only adding one car. 21 MS. LEWINTER: Okay. Thank you, Mr. 22 Betru. All right. Ms. Rosenfeld, did you want to 23 call your first witness? 24 MS. ROSENFELD: Yes. I would like to 25 call Mr. David Munson, please.</p>	<p style="text-align: right;">23</p> <p>1 <b>feet, and the average width of a car being eight</b> 2 <b>to 10 feet, would make it extremely difficult for</b> 3 <b>emergency rescue vehicles, firetrucks and</b> 4 <b>ambulances, to get down to the end of memory lane</b> 5 <b>with the congestion that is presented at 3108</b> 6 <b>Memory Lane.</b> 7 <b>And for that reason, I stand very</b> 8 <b>strongly in opposition to the request for the</b> 9 <b>permission for an ADU.</b> 10 Q And Mr. Munson, the parking conditions 11 that you describe on Memory Lane, can you describe 12 sort of what frequency you have observed a kind of 13 parking congestion on the street? 14 A <b>The parking congestion will vary from</b> 15 <b>day to day and from hour to hour, but it is a</b> 16 <b>fairly consistent pattern of congestion on the</b> 17 <b>street. It's not isolated, and it really cannot</b> 18 <b>be captured with periodic photographs that would</b> 19 <b>appear to not have it be a problem. The only, you</b> 20 <b>know, logical way to approach this -- and I know</b> 21 <b>that this would be problematic, but a traffic</b> 22 <b>study that looks at the -- the number of vehicles</b> 23 <b>and the actual problems presented.</b> 24 Q Have you had a chance to look at 25 Exhibit 9, the photographs that were provided by</p>
<p style="text-align: right;">22</p> <p>1 MS. LEWINTER: All right, Mr. Munson, 2 I'm going to trust you to raise your hand, 3 wherever you are. Can you repeat after me? 4 THE WITNESS: I did. 5 Whereupon, 6 DAVID MUNSON, 7 being first duly sworn or affirmed to testify to 8 the truth, the whole truth, and nothing but the 9 truth, was examined and testified as follows: 10 MS. LEWINTER: Thank you. Ms. 11 Rosenfeld, your witness. 12 MS. ROSENFELD: Certainly. 13 EXAMINATION BY COUNSEL FOR THE OBJECTORS 14 BY MS. ROSENFELD: 15 Q Mr. Munson, would you please describe 16 the parking conditions on Memory Lane in the 17 vicinity of the -- of the ADU application 18 property, 3108 Memory Lane? 19 A <b>Yes. Oftentimes, there are cars parked</b> 20 <b>in front of 3108 from the neighbor who lives at</b> 21 <b>3112, and then directly across the street at 3105</b> 22 <b>Memory Lane, there are oftentimes six cars parked</b> 23 <b>over there in that residence that has multiple</b> 24 <b>people living inside. As a result, the distance</b> 25 <b>of the -- or the width of Memory Lane being 26</b></p>	<p style="text-align: right;">24</p> <p>1 the property owner -- 2 MS. LEWINTER: Ms. Rosenfeld, did you 3 want me to call those up? 4 MS. ROSENFELD: Let me first confirm 5 that Mr. Munson has seen them. 6 MS. LEWINTER: Okay. Sorry. 7 Q Are you familiar with those? 8 A <b>I -- I did view them. Yes.</b> 9 Q Okay. 10 MS. ROSENFELD: Yes, Ms. LeWinter, if 11 you would bring them up, please. 12 MS. LEWINTER: Sure. You wanted the 13 ones on Exhibit 9? Is that what you said? 14 MS. ROSENFELD: Yes, please. 15 If we could just scroll through the 16 photographs. 17 BY MS. ROSENFELD: 18 Q Mr. Munson, do the photographs that you 19 have reviewed in Exhibit 9 reflect accurately the 20 typical parking conditions on Memory Lane in your 21 experience? 22 A <b>The last time that I viewed the</b> 23 <b>exhibits, I would say that they -- once again,</b> 24 <b>they were random photographs or images.</b> 25 Q And are they -- are they typical of</p>

<p>25</p> <p>1 what you often see on Memory Lane? Do they 2 accurately describe the parking conditions that 3 you explained to the hearing examiner a few 4 moments ago? 5 <b>A I would say no.</b> 6 Q Okay. And if we could also now take a 7 look at the photographs that are shown in -- 8 MS. LEWINTER: In 9? 9 MS. ROSENFELD: -- in in Exhibit 12. 10 If we could go to the first two first two 11 photographs of Exhibit 12. 12 Q And Mr. Munson, could you please 13 explain what we're looking at here in the first 14 photograph shown in Exhibit 12? 15 <b>A What I'm trying to do now on my cell 16 phone is to pull up those images.</b> 17 Q Okay. This would be the first 18 photograph that we submitted as one of your 19 exhibits. 20 MS. LEWINTER: It has a very large 21 tree, Mr. Munson. 22 THE WITNESS: Okay. 23 MS. MUNSON: And six cars by 3108 or 24 3105. 25 MS. LEWINTER: I can't see the</p>	<p>27</p> <p>1 MS. LEWINTER: Well, maybe we can do 2 them one at a time, if we're done -- if you're 3 done with Mr. Munson. Ms. -- 4 MS. ROSENFELD: I have no -- I have no 5 further questions for Mr. Munson. 6 MS. LEWINTER: All right. Mr. Betru, 7 did you have cross-examination questions for Mr. 8 Munson? 9 MR. BETRU: Just the pictures as 10 presented is a selected time, so my pictures show 11 better perspective for Memory Lane. As I said 12 earlier -- 13 MS. LEWINTER: Mr. Betru, again, I 14 promise you will get an opportunity to explain 15 your side of the story, to explain your pictures 16 and when they were taken and what they reflect. 17 This is your opportunity to ask questions of Mr. 18 Munson. So if you have any concerns about 19 anything that he testified to, you can ask him 20 questions to elaborate on what concerns you might 21 have. 22 EXAMINATION BY THE APPLICANT 23 BY MR. BETRU: 24 Q Can he tell me the -- when the picture 25 is taken that shows 3105?</p>
<p>26</p> <p>1 addresses. There's, like, a gray house with dark 2 shutters. There's certainly a number of cars. I 3 can see the kind of rear of a -- of a red car in a 4 driveway. 5 THE WITNESS: I would say that that was 6 accurate. 7 BY MS. ROSENFELD: 8 Q And so this more accurately reflects 9 the parking conditions that you experience on 10 Memory Lane? 11 <b>A Yes.</b> 12 Q Okay. Mr. Munson, was there anything 13 else you wanted to add to elaborate on your 14 testimony? 15 <b>A The concern that we have is that the -- 16 the resident at 3108 has, I believe, two cars at 17 the present time. It could be three. And he also 18 has three teenage sons. And I wonder if, in the 19 course of the next year or so, that more cars 20 would be in the driveway and then in the street, 21 thereby complicating the ability to travel safely 22 down Memory Lane.</b> 23 Q Okay. Thank you. And I -- Ms. Munson, 24 was there anything you wanted to testify about as 25 well?</p>	<p>28</p> <p>1 MS. MUNSON: Within the last month. 2 This is Ann Munson. 3 MS. LEWINTER: Ms. Munson, if you could 4 have -- 5 THE WITNESS: And -- and I -- 6 MS. LEWINTER: -- Mr. Munson respond to 7 these questions. 8 THE WITNESS: Yes. Yes. It would have 9 been taken within the last month, and there is a 10 -- I think the capability for a geotag that gives 11 the time and date. 12 MS. LEWINTER: Is that in the picture, 13 the time and date? 14 THE WITNESS: It would have to be read, 15 I believe, on your end, Ms. LeWinter. I can try 16 to pull it up. 17 MS. LEWINTER: Ms. Rosenfeld, was there 18 a geotag on this, do you know, or submitted? Ms. 19 Rosenfeld, did you hear my question? Ms. 20 Rosenfeld, are you talking? Because I can't -- I 21 can't hear. 22 THE WITNESS: Ms. LeWinter, the -- I'm 23 looking at the image now. The geotag indicates 24 that it was taken on March 14th, 2023, at 5:44 25 p.m. There are --</p>



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1 MS. LEWINTER: March --  
2 THE WITNESS: March 14th --  
3 MS. LEWINTER: -- 2023 --  
4 THE WITNESS: -- 2023 --  
5 MS. LEWINTER: -- at 5:44 p.m.?  
6 THE WITNESS: -- at -- yes. And it  
7 shows one car in the street, one parked slightly  
8 off the street. There is a third car in back of  
9 the second car, there's another car in the  
10 driveway, and then there are two other cars on the  
11 same side of the street. And then in front of  
12 3108, there is a vehicle, and then there is a  
13 vehicle in the driveway of 3108.  
14 MS. LEWINTER: Mr. Betru, did you hear  
15 everything that Mr. Munson was saying?  
16 MR. BETRU: Yeah, I heard him.  
17 BY MR. BETRU:  
18 Q My question is, like, they have only  
19 one picture, and do they believe --  
20 A No. That is -- that is not correct.  
21 There was another photo on March -- March 22nd,  
22 2023, at 7:46 a.m., and it shows, once again, one  
23 car before 3105, two cars in the driveway, and two  
24 vehicles in front of 3105, and one vehicle in  
25 front of 3108.

30

1 MS. ROSENFELD: And Ms. LeWinter, that  
2 would -- that would be PDF Page 2 of 3 of Exhibit  
3 12. And I apologize. Earlier I was on mute, so --  
4 MS. LEWINTER: Yeah. Sorry.  
5 MS. ROSENFELD: -- trying to answer  
6 your question.  
7 MS. LEWINTER: Yeah, I can't see both.  
8 I apologize. Mr. Munson, can you just repeat when  
9 the second picture was taken?  
10 THE WITNESS: The second picture was  
11 taken on March 22nd, 2023, at 7:46 a.m. So it  
12 represents both traffic congestion in the morning  
13 and in the evening.  
14 MS. LEWINTER: Mr. Betru, did you have  
15 additional questions?  
16 MR. BETRU: Just related to this  
17 picture, because from the width of the day, it's  
18 almost one day, so I -- it's very difficult to  
19 conclude that this is the case. Maybe as that was  
20 almost the same day, so the -- this family has  
21 maybe some something going on.  
22 MS. LEWINTER: Well --  
23 MR. BETRU: How could we base -- how  
24 could we base our conclusion on one picture that's  
25 taken on March 22nd in the evening and immediately

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1 the next morning, the same day almost?  
2 MS. LEWINTER: Mr. Betru, I appreciate  
3 the -- you know, the structure of a hearing is  
4 very -- you know, it's awkward. It's not the way  
5 we usually have common conversations, but I  
6 promise you're going to have an opportunity to  
7 make argument. If you have questions, though, for  
8 Mr. Munson, this is the time to ask questions. If  
9 you want to argue, you know, when we get to  
10 closing about why these two particular pictures  
11 should not be dispositive in this case, you are  
12 more than free to do that, but this is your  
13 opportunity to ask questions of Mr. Munson.  
14 MR. BETRU: Okay. I'm done.  
15 MS. LEWINTER: Okay. Ms. Rosenfeld,  
16 did you also want to call Ms. Munson?  
17 MS. ROSENFELD: I just have one  
18 follow-up question for Mr. Munson.  
19 MS. LEWINTER: Okay.  
20 RE-EXAMINATION BY COUNSEL FOR THE OBJECTORS  
21 BY MS. ROSENFELD:  
22 Q Mr. -- Mr. Munson, the images that you  
23 showed from the evening and the morning of the  
24 22nd and 23rd, are they typical of the parking  
25 conditions that you have witnessed over the last

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1 number of weeks or months?  
2 MS. MUNSON: The 14th.  
3 THE WITNESS: I would say more  
4 indicative of a much more prolonged period of  
5 time.  
6 MS. MUNSON: I thought that was the  
7 14th and the 22nd.  
8 BY MS. ROSENFELD:  
9 Q Okay. Thank you.  
10 A Because the -- the other image that we  
11 have here is actually from March 14th at 5:44 p.m.  
12 Q Okay.  
13 A It's not just an overnight event. It  
14 is a daily event that presents complicating  
15 factors for safe travel on Memory Lane.  
16 Q Okay. Thank you. You're right. I  
17 misread my notes. It's the 14th and the 22nd?  
18 A Yes.  
19 Q Thank you.  
20 MS. ROSENFELD: I have no further  
21 questions for Mr. Munson.  
22 MS. LEWINTER: Did you want to call Ms.  
23 Munson or not?  
24 MS. ROSENFELD: Ms. Munson, did you  
25 have -- did you want to testify this morning?

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1 MS. MUNSON: Yes.  
2 MS. LEWINTER: Okay.  
3 MS. ROSENFELD: Okay. Yes.  
4 MS. LEWINTER: Ms. --  
5 MS. ROSENFELD: I would like to call  
6 her.  
7 MS. LEWINTER: Thank you. Ms. Munson,  
8 can you raise your hand, please? Your right hand.  
9 Whereupon,  
10 ANN MUNSON,  
11 being first duly sworn or affirmed to testify to  
12 the truth, the whole truth, and nothing but the  
13 truth, was examined and testified as follows:  
14 MS. LEWINTER: Okay. Thank you, Ms.  
15 Munson. Ms. Rosenfeld, you may ask your  
16 questions.  
17 MS. ROSENFELD: Sure.  
18 EXAMINATION BY COUNSEL FOR THE OBJECTORS  
19 BY MS. ROSENFELD:  
20 Q Ms. -- Ms. Munson, from your  
21 perspective, would you please describe the parking  
22 conditions on Memory Lane in the vicinity of 3108  
23 Memory Lane?  
24 **A There are numerous cars, not always the**  
25 **same cars, usually four to six cars, that are**

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1 **parked across the street at 3105. And there have**  
2 **been occasions when the -- I guess the church at**  
3 **3105 had -- 3108 had meetings, and many more cars**  
4 **were on the street.**  
5 Q And did you see the photographs that  
6 were shown earlier as part of Exhibit 9, the  
7 photographs that were taken by the applicant?  
8 **A I -- I did. Yes.**  
9 Q And do you have an opinion as to  
10 whether or not that those images accurately  
11 reflect the typical parking conditions on Memory  
12 Lane?  
13 **A No. There's just so much traffic on --**  
14 Q I'm having a hard time hearing.  
15 **A -- so much traffic on Memory Lane.**  
16 MS. LEWINTER: Ms. Munson, can you  
17 speak up a bit, please?  
18 THE WITNESS: Oh, okay. I was just  
19 saying there are so many cars on Memory Lane, and  
20 my concern is that if the ADU is for one person,  
21 how do we know it's going to be one person with  
22 one car? It -- it never seems to be multiples,  
23 and what has been done, spoken, has not always  
24 been accurate.  
25 MS. ROSENFELD: And with respect to

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1 Exhibit 12, if -- Ms. LeWinter, if we could go  
2 back to the first PDF page of Exhibit 12.  
3 MS. LEWINTER: Sure. One second.  
4 MS. MUNSON: These are my pictures.  
5 MS. LEWINTER: Did you want the first  
6 picture, you said?  
7 MS. ROSENFELD: The -- sure. We'll  
8 start with the first and then go to the second.  
9 BY MS. ROSENFELD:  
10 Q Ms. Munson, can you see what's on the  
11 hearing examiner's screen? Are you online?  
12 **A It's downloading, but I'm also looking**  
13 **at my phone on the --**  
14 Q Okay.  
15 **A -- my camera roll.**  
16 Q Okay. Looking at --  
17 **A There's one -- there's one --**  
18 Q Looking at what's --  
19 MR. MUNSON: Yeah.  
20 Q -- looking at Page 1 of Exhibit 12,  
21 does that accurately reflect the typical parking  
22 conditions in the vicinity of the subject  
23 property?  
24 **A Yes. And now that I look at it,**  
25 **there's one car just before the driveway, three**

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1 **cars in the driveway, two cars in front of 3108,**  
2 **and then one car in -- 3105, and then one car in**  
3 **front of 3108. So it's seven cars.**  
4 Q Okay.  
5 **A One, two, three, four, five, six, seven**  
6 **cars.**  
7 Q And in your opinion, does this -- do  
8 you have an opinion as to whether or not there's  
9 adequate parking for additional vehicles?  
10 **A I don't believe so. No.**  
11 Q Okay. And if we could also take a look  
12 at Page 2 of Exhibit 12, does this accurately  
13 reflect parking conditions as well?  
14 **A Yes, it does.**  
15 Q And could you explain to the hearing  
16 examiner whether this is a typical parking  
17 situation or an -- or an -- I should not have said  
18 a typical because that's confusing -- whether this  
19 is a -- the usual parking conditions on Memory  
20 Lane, or is this unusual?  
21 **A This is usual.**  
22 Q And I -- how long has there been this  
23 type of parking situation on Memory Lane?  
24 **A Oh, golly. Last few years. It --**  
25 **there are more and more. It has gotten worse.**

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**1 More and more homes have four to six cars. Yeah,**  
**2 more and more individuals sharing a house somehow.**  
3 Q And Ms. Munson, was there anything else  
4 you wanted to add regarding your concerns about  
5 the adequacy of parking on Memory Lane?  
6 **A No. I believe we have stated as we**  
**7 feel. Thank you.**  
8 Q Thank you.  
9 MS. ROSENFELD: Ms. LeWinter, I don't  
10 have any further questions at this time.  
11 MS. LEWINTER: Mr. Betru, did you want  
12 to ask Ms. Munson any questions?  
13 MR. BETRU: Yes.  
14 MS. LEWINTER: Go ahead.  
15 EXAMINATION BY THE APPLICANT  
16 BY MR. BETRU:  
17 Q Did I correctly hear you that you  
18 mentioned there is a church in this house, 3105?  
19 MS. LEWINTER: Ms. Munson, can you hear  
20 him?  
21 THE WITNESS: Yes. That -- yes. That  
22 was what was on 3108's address.  
23 MS. LEWINTER: The question, Ms. Munson  
24 --  
25 THE WITNESS: An Ethiopian church.

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1 Excuse me. Go ahead.  
2 MS. LEWINTER: Well, he asked you if  
3 you said there was a church at 3105.  
4 THE WITNESS: I do not believe there's  
5 a home or a church at 3105, but 3108 would be  
6 another circumstance.  
7 BY MR. BETRU:  
8 Q I thought you said there is a church in  
9 3105, so --  
10 **A Well, then I misspoke. I meant 3108.**  
11 MS. LEWINTER: Mr. Betru, did you have  
12 other questions?  
13 MR. BETRU: I don't.  
14 MS. LEWINTER: Ms. Rosenfeld, any  
15 follow-up?  
16 MS. ROSENFELD: No. Thank you.  
17 MS. LEWINTER: Okay. Ms. Rosenfeld,  
18 did you have any other witnesses that you wanted  
19 to call?  
20 MS. ROSENFELD: No. Thank you.  
21 MS. LEWINTER: Okay. Mr. Betru now is  
22 your opportunity to present your case.  
23 MR. BETRU: Yeah. As I tried to say  
24 previously --  
25 MS. LEWINTER: Well, Mr. Betru, I'm

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1 sorry. Can I just stop you and have you swear --  
2 if you're going to -- are you going to testify and  
3 -- or call any witnesses?  
4 MR. BETRU: I'm not calling any  
5 witnesses. It's only me to testify.  
6 MS. LEWINTER: You're going to make a  
7 -- make a statement? Okay. If you could raise  
8 your right hand, please.  
9 Whereupon,  
10 YILMA BETRU,  
11 being first duly sworn or affirmed to testify to  
12 the truth, the whole truth, and nothing but the  
13 truth, was examined and testified as follows:  
14 MS. LEWINTER: Okay. Go ahead.  
15 MR. BETRU: As I said earlier, I -- it  
16 took it took me two day -- two days to take those  
17 pictures I presented to the -- this hearing. As I  
18 said, I took some pictures in the morning, I take  
19 some pictures in the middle of the day, and I took  
20 some picture in the evening. Two days, Thursday  
21 and Friday. So those pictures are what I took it  
22 in Memory Lane. By looking at them, is -- it's  
23 not the case, what I'm seeing. The road is not  
24 that crowded. There are -- of course, there are  
25 few cars that are parked here and there, but I can



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1 say that's congestion and my neighbors. I am here  
2 the applicant, not my neighbors.  
3 And as I believe there is some meeting  
4 going on in this place across the road. I -- so  
5 these many cars happen to be there when there is  
6 some kind of meeting. That's what I'm believing.  
7 On the pictures, when I took them in the morning,  
8 in the afternoon, I don't see any cars. Maybe two  
9 cars are there. I can go out and show you a live  
10 picture right now, if you allow me to do that.  
11 MS. LEWINTER: I'm not quite sure how  
12 that would work, but if you want to -- I --  
13 MR. BETRU: It's just --  
14 MS. LEWINTER: I mean, I don't I don't  
15 think that's -- we're not going to go on a field  
16 trip, Mr. Betru.  
17 MR. BETRU: No.  
18 MS. LEWINTER: You know, if you  
19 submitted pictures, and you've testified as to  
20 what --  
21 MR. BETRU: What I'm saying is not the  
22 -- it's not the case. If you see, this is what  
23 I'm seeing.  
24 MS. LEWINTER: Okay.  
25 MR. BETRU: Those pictures are not

<p style="text-align: right;">41</p> <p>1 representative. That's my point. 2 MS. ROSENFELD: Ms. -- Ms. LeWinter? 3 MS. LEWINTER: Yes, Ms. Rosenfeld? 4 MS. ROSENFELD: I object to this 5 testimony. Exhibits were due for submission some 6 number of days ago. My clients are out of the 7 country. They're not in a position to, you know, 8 verify or document what the conditions of the 9 street are right at the moment, so I -- the 10 evidence needs to be limited to the evidence 11 currently of record to -- I think it's prejudicial 12 for this kind of testimony at the moment. 13 MS. LEWINTER: Well, Mr. Betru, what I 14 will let you do is you can, as part of your 15 statement, describe what you see when you look 16 outside your window right now at 10:22 a.m. on 17 Monday. 18 MR. BETRU: There is only one car, the 19 CRV in the picture. Nothing else. And I tried to 20 -- on the pictures I presented, most of the time, 21 there is no car, even one car. As I said, I say 22 -- I took different times to make my pictures 23 representative to the situation. I took pictures 24 in the morning, in midday, in the evening for two 25 days. I don't see this picture -- it's very</p>	<p style="text-align: right;">43</p> <p>1 be. 2 Q Okay. 3 <b>A But it's not representative all the</b> 4 <b>time.</b> 5 MS. ROSENFELD: Okay. I have no 6 further questions. 7 MS. LEWINTER: Okay. Thank you. Mr. 8 McNamara, can we turn to you? 9 MR. MCNAMARA: Yeah. Yes. 10 EXAMINATION BY THE HEARING EXAMINER 11 BY MS. LEWINTER: 12 Q All right. Mr. McNamara, can you share 13 with us what -- in your -- what your role is? Can 14 you just explain for the record what connection 15 you have with the ADU application? 16 <b>A Sure. The property owner, Mr. Betru,</b> 17 <b>applied for an accessory dwelling unit in his</b> 18 <b>home. I was assigned to make the preliminary</b> 19 <b>inspection, which I did. I viewed the interior of</b> 20 <b>the home as well as took some basic measurements</b> 21 <b>of the exterior of the home, and prepared the</b> 22 <b>preliminary inspection report, which was submitted</b> 23 <b>as one of the -- one of the forms involved in this</b> 24 <b>case.</b> 25 Q And were you able to observe the</p>
<p style="text-align: right;">42</p> <p>1 selected, and it's taken when there is some 2 activity in that family. It's not representative 3 of the fact. That's what I want to say. 4 MS. LEWINTER: Do you have anything 5 else you wanted to add? 6 MR. BETRU: That's it. 7 MS. LEWINTER: Okay. Ms. Rosenfeld, 8 did you have cross-examination questions for Mr. 9 Betru? 10 MS. ROSENFELD: I do. 11 EXAMINATION BY COUNSEL FOR THE OBJECTORS 12 BY MS. ROSENFELD: 13 Q Mr. Betru, you did see the two 14 photographs that were presented as the images from 15 Exhibit 12? 16 <b>A Yes, I did.</b> 17 Q Did you -- okay. Do you dispute that 18 those are parking conditions at times on Memory 19 Lane? 20 <b>A This kind of parking situation is very</b> 21 <b>rare. That's what my -- the pictures I took for</b> 22 <b>two days show me.</b> 23 Q But do you dispute that there are times 24 when this parking situation exists on Memory Lane? 25 <b>A Yeah, at the specific time, it could</b></p>	<p style="text-align: right;">44</p> <p>1 parking situation when you were as part of your 2 inspection? 3 <b>A Yes. When I arrived for my inspection,</b> 4 <b>I parked my county vehicle on the street. I did</b> 5 <b>not have to park unreasonably far away, or I don't</b> 6 <b>recall having any difficulty finding a spot to</b> 7 <b>park.</b> 8 Q And how many times did you visit? 9 <b>A One time for my preliminary inspection.</b> 10 Q And do you remember what day and time 11 that was? 12 <b>A I would be able to locate that for you.</b> 13 <b>Just one moment.</b> 14 Q Okay. 15 <b>A Let's see. It appears that I was there</b> 16 <b>on March 2nd. I don't have a timestamp on this</b> 17 <b>exact note, but the time should be listed in the</b> 18 <b>preliminary report.</b> 19 Q Mr. McNamara, did you have any other 20 comments about this application or about the 21 parking issues? 22 <b>A As far as the public parking which</b> 23 <b>we've been discussing, the accessory dwelling unit</b> 24 <b>does not have any language pertaining to public</b> 25 <b>parking, public street parking, only to onsite</b></p>

<p style="text-align: right;">45</p> <p><b>1 parking. My preliminary inspection indicates that</b> <b>2 Mr. Betru has approximately 550 square feet of</b> <b>3 parking, and the zoning requirements require 480</b> <b>4 square feet of parking, so he is in excess of the</b> <b>5 onsite requirement.</b></p> <p>6 MS. LEWINTER: Ms. Rosenfeld, did you 7 have any questions for Mr. McNamara? 8 MS. ROSENFELD: No. Thank you. 9 MS. LEWINTER: Mr. Betru, did you have 10 any questions for Mr. McNamara? 11 MR. BETRU: No. 12 MS. LEWINTER: Are there any other 13 witnesses or any other information that either 14 side would like to submit before we move to 15 closing? 16 MS. ROSENFELD: Not from me. Thank 17 you. 18 MR. MUNSON: I -- 19 MS. ROSENFELD: Mr. Munson? 20 MR. MUNSON: I just -- yeah. This is 21 David Munson. I just -- and I don't know if this 22 is appropriate or out of context. I guess I just, 23 you know, continue to stand in objection to the 24 ADU request because the resident at 3108 did not 25 go through the routine process of moving forward</p>	<p style="text-align: right;">47</p> <p>1 congested. They've raised safety concerns with 2 respect to access from first responder vehicles. 3 Mr. McNamara was on the site, but he 4 was only there once. The Munsons have lived there 5 for many, many years. And the applicant has 6 conceded that there are times when the parking 7 situation is as shown in Exhibit 12. 8 We submit that there is inadequate 9 street parking and inadequate parking, given the 10 number of vehicles that are already associated 11 with the house, and so the recommendation should 12 be for denial. Thank you. 13 MS. LEWINTER: Thank you. Mr. Betru, 14 did you want to make a closing statement? 15 MR. BETRU: Yeah. Yeah. As I 16 mentioned, and as the pictures show, picture 12 is 17 not representative. And if you based on that 18 picture to rule this hearing, it's just not doing 19 -- not doing justice to the case. So it's not 20 representative. It is a selected time, here and 21 there. People have -- could have any kind of 22 event, and unexpected vehicles can show up. That 23 doesn't conclude that that is the case all the 24 time. So that's all I want to say, and -- 25 MS. LEWINTER: Okay. Did -- I'm</p>
<p style="text-align: right;">46</p> <p>1 with this project until it was pointed out to Code 2 Enforcement that something of a questionable 3 nature was occurring at 3108 Memory Lane. And I 4 continue to remain in objection to the 5 application, the request, and the construction 6 work that has occurred. 7 MS. LEWINTER: Okay. All right, Mr. 8 Munson, I'll just remind you, as I stated at the 9 beginning -- I know you weren't on the phone yet 10 -- I'm limited to the criteria on which an 11 objection can be made with respect to an ADU; 12 okay? 13 MR. MUNSON: I understand. 14 MS. LEWINTER: Okay. One second. All 15 right. Ms. Rosenfeld, would you -- would you like 16 to make a closing statement? 17 MS. ROSENFELD: Yes. Thank you. 18 MS. LEWINTER: Okay. 19 MS. ROSENFELD: As you've heard from 20 the testimony from Mr. And Mrs. Munson, they live 21 across the street. They see this property -- I'm 22 sorry, not across the street, next door. They see 23 this property every day. They have testified 24 consistently that there is a lack of parking 25 available on the street, that the street is</p>	<p style="text-align: right;">48</p> <p>1 assuming that the parties want to move to admit 2 their exhibits. Is that accurate? 3 MS. ROSENFELD: Yes, please. 4 MS. LEWINTER: Mr. -- Mr. Betru, did 5 you want to move to admit the exhibits that you've 6 submitted? 7 MR. BETRU: Yes. 8 MS. LEWINTER: And I can just -- so if 9 people can see on the screen, this is the list of 10 exhibits that have been submitted, 1 through 12. 11 I will deem all of the exhibits admitted unless 12 either side wants to withdraw or otherwise. Okay. 13 So all those exhibits are deemed admitted. We 14 will conclude the case. 15 The record will remain open for 10 16 days, and there shouldn't -- we won't accept 17 additional testimony or exhibits at this time, but 18 if, for any additional reason, other submissions 19 need to be made, the record will remain open for 20 10 days following the close of the record. In 10 21 days, we will issue a decision within 30 days to 22 the parties. 23 Are there any additional questions? 24 MS. ROSENFELD: No. Thank you. 25 MR. MUNSON: None from -- none from</p>

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<p style="text-align: center;">49</p> <p>1 David and Ann Munson. 2 MS. LEWINTER: Thank you. Mr. Betru, 3 any questions from you? 4 MR. BETRU: No. 5 MS. LEWINTER: Okay. Thank you, 6 everybody. 7 MR. BETRU: Thank you. 8 MR. MUNSON: Okay. 9 MS. MUNSON: Thank you. 10 MR. MUNSON: Goodbye. 11 (Off the record at 10:34 a.m.) 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">51</p> <p>1 CERTIFICATION OF TRANSCRIPT 2 I, Brandi McLean, do hereby certify that the 3 foregoing transcript, to the best of my ability, 4 knowledge, and belief, is a true and correct 5 record of the proceedings; that said proceedings 6 were reduced to typewriting under my supervision; 7 and that I am neither counsel for, related to, nor 8 employed by any of the parties to this case and 9 have no interest, financial or otherwise, in its 10 outcome. 11 12  13 _____ 14 Brandi McLean 15 Planet Depos, LLC 16 5/17/2023 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: center;">50</p> <p>1 CERTIFICATE OF COURT REPORTER 2 I, Donald E. Lane II, the officer 3 before whom the foregoing proceedings were taken, 4 do hereby certify that said proceedings were 5 electronically recorded by me; and that I am 6 neither counsel for, related to, nor employed by 7 any of the parties to this case and have no 8 interest, financial or otherwise, in its outcome. 9 10 Notary Registration No.: 7727988 11 My Commission Expires: 6/30/2025 12 13  14 _____ 15 Donald E. Lane II, Court Reporter 16 17 18 19 20 21 22 23 24 25</p>	

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Transcript of Hearing  
Conducted on May 8, 2023

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Conducted on May 8, 2023

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