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Transcript of Hearing

Date: November 21, 2024

Case: Parklawn Self Storage, LMA Case (H-154)

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Transcript of Hearing
Conducted on November 21, 2024

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1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS	1 A P P E A R A N C E S
2 FOR MONTGOMERY COUNTY, MARYLAND	2
3 Case No. H-154	3 ON BEHALF OF THE APPLICANT:
4	4
5 -----x	5 ELIZABETH ROGERS, ESQUIRE
6 In Re Application Of:	6 LERCH, EARLY & BREWER, CHARTERED
7 Parklawn Self Storage	7 7600 Wisconsin Avenue, Suite 700
8 -----x	8 Bethesda, Maryland 20814
9	9 301-841-3845
10 HEARING BEFORE EXAMINER KHANDIKILE MVUNGA SOKONI	10
11 Rockville, Maryland	11 ALSO PRESENT:
12 Thursday, November 21, 2024	12 Rebecca Stallone
13 9:34 a.m.	13
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15	15
16	16
17	17
18	18
19	19
20	20
21	21
22	22
23 Job No: 552862	23
24 Pages: 1 - 79	24
25 Transcribed by: Nicole Mastrosimone	25
2	4
1 Hearing held at:	1 C O N T E N T S
2	2
3	3 WITNESS PAGE
4	4 Steve Cratin
5 Montgomery County Office of Zoning and	5 By Ms. Rogers 18
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7 100 Maryland Avenue	7
8 County Office Building	8 Patrick La Vay
9 Room 200	9 By Ms. Rogers 22, 74
10 Rockville, Maryland 20850	10
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19 Before Konly Harding, Notary Public in and	19
20 for the State of Maryland.	20
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<p>6</p> <p>1 PROCEEDINGS</p> <p>2 Whereupon,</p> <p>3 (The reporter was sworn.)</p> <p>4 HEARING EXAMINER SOKONI: Good morning,</p> <p>5 everybody. My name is Khandikile Mvunga Sokoni.</p> <p>6 I will be the Hearing Examiner in this case. We</p> <p>7 are here for Local Map Amendment request case</p> <p>8 number H-154, Arland Property Company, Inc.</p> <p>9 Parkland Self Storage is the project.</p> <p>10 We just did the tech check with Zoom and</p> <p>11 the court reporter check, so we're good to go.</p> <p>12 This is a public hearing of the Local Map</p> <p>13 Amendment request submitted by the Applicant,</p> <p>14 Arland Property Company, Inc. The Local Map</p> <p>15 Amendment proposes to change the zoning of the</p> <p>16 subject property located at 11900 Parkland Drive,</p> <p>17 Rockville, Maryland from employment office</p> <p>18 EOF-0.75, H-100' to light industrial ILF-1.0,</p> <p>19 H-55' for the purpose of allowing the development</p> <p>20 of up to 104,628 square feet of self storage use</p> <p>21 in a three-story building on the subject property.</p> <p>22 This hearing is being conducted in a</p> <p>23 hybrid format, which means we are gathered in the</p> <p>24 hearing room in person, but we also have the Zoom</p> <p>25 option, and we have the option for people to log</p>	<p>8</p> <p>1 mention anyone who is present here should sign in.</p> <p>2 There's a sign-in sheet at the back at the</p> <p>3 entrance to the hearing room.</p> <p>4 At this point I want to turn to the</p> <p>5 parties for identification, if counsel for the</p> <p>6 Applicant would like to introduce herself.</p> <p>7 MS. ROGERS: Yes. Good morning.</p> <p>8 Elizabeth Rogers with the law firm of Lerch, Early</p> <p>9 and Brewer. I'm here on behalf of Arland</p> <p>10 Property Company.</p> <p>11 HEARING EXAMINER SOKONI: Thank you.</p> <p>12 Do we have spellings and are we good?</p> <p>13 Would you like any of the names to be spelled out</p> <p>14 in full for counsel?</p> <p>15 THE REPORTER: I'll get them at the end.</p> <p>16 HEARING EXAMINER SOKONI: Okay. Thank</p> <p>17 you.</p> <p>18 Do we have anyone in opposition to this</p> <p>19 application present here in the room or online on</p> <p>20 Zoom?</p> <p>21 Hearing none, just I would like to touch</p> <p>22 on some housekeeping rules with the Zoom. Now, it</p> <p>23 sounds like we -- I do see we have -- it sounds</p> <p>24 like there's no one in opposition on the Zoom, but</p> <p>25 we do have, as far as I can tell, three people on</p>																																																												

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<p style="text-align: right;">9</p> <p>1 the Zoom. Two are actually OZAH staff, and I see 2 one party identified as -- 3 THE TECHNICIAN: I have the list right 4 here, if you want. So you've got three people in 5 here. 6 HEARING EXAMINER SOKONI: Okay. We do 7 have someone listed as a Rebecca Stallone. 8 MS. STALLONE: Hi. I just wanted to 9 listen. But if that's not okay, I can leave. 10 HEARING EXAMINER SOKONI: It's perfectly 11 okay. You're very welcome to. We just want to 12 make sure that we identify if there's anyone who 13 needs to speak. Would you need to speak during 14 this proceeding? 15 MS. STALLONE: No. Thank you. 16 HEARING EXAMINER SOKONI: You're very 17 welcome. This is an open proceeding. You're very 18 welcome. 19 Okay. Just a few Zoom housekeeping rules. 20 Since we don't have anyone in opposition, I won't 21 belabor the Zoom rules. We should probably just 22 dive in. But I just want to mention it's best -- 23 it functions best with Microsoft Edge or Chrome. 24 I also would like that to mention that if anyone 25 who logs in on the Zoom wishes to speak, they'll</p>	<p style="text-align: right;">11</p> <p>1 counsel wishes to address, or do you want to just 2 jump right into your opening statement? 3 MS. ROGERS: I guess one preliminary 4 matter, which is that we have hard copies of the 5 affidavit of posting, which I believe would be 6 exhibit -- that might not be an exhibit yet, So 7 that would be an exhibit. And then we also 8 brought a hard copy of the declaration of 9 covenants, which is Exhibit 34, and then a hard 10 copy of the updated Floating Zone Plan as Exhibit 11 32 to submit into the record. 12 HEARING EXAMINER SOKONI: Could you kindly 13 just go over those again? 34 was the -- 14 MS. ROGERS: So 34 is the draft 15 declaration of covenants. We have Exhibit 32, a 16 hard copy of that, which is the updated Floating 17 Zone Plan. We'll talk about in our testimony the 18 only thing revised on that are the binding 19 elements. 20 HEARING EXAMINER SOKONI: Correct. 21 MS. ROGERS: And we have a new Exhibit 35, 22 which is our affidavit of posting. 23 HEARING EXAMINER SOKONI: Thank you very 24 much. Hearing no objection to any of those, those 25 are admitted into the record.</p>
<p style="text-align: right;">10</p> <p>1 have to have their camera on. We have to be able 2 to see you in order for you to speak. It seems 3 like that doesn't apply here. I also just want to 4 mention it's important that we avoid any 5 crosstalk, because this is being transcribed by a 6 court reporter. The transcription will be the 7 only official record of the proceeding, and we 8 need to avoid crosstalk just because it's very 9 difficult for the court reporter to keep track of 10 who's saying what when they talk over each other. 11 And everyone on Zoom should remain on mute, and 12 the chat function is disabled. 13 Okay. So let's jump right into the nature 14 of the proceeding. As I mentioned previously, 15 this is an administrative proceeding. Anyone who 16 speaks on the record will have to do so under 17 oath. And then I think I'll just -- do we have an 18 opening statement? We do have an opening 19 statement. Okay. 20 Hearing that there's no opposition 21 present, I will skip over the rules of cross 22 examination. If anything changes, if anyone logs 23 on after the start, you know, we'll pivot back to 24 that at that point. 25 Are there any preliminary matters that</p>	<p style="text-align: right;">12</p> <p>1 (Exhibits 32, 34 and 35 were admitted.) 2 HEARING EXAMINER SOKONI: And thank you 3 very much. We did receive the -- these are the 4 hard copies we had already received, the 5 electronic version. 6 MS. ROGERS: Yes. 7 HEARING EXAMINER SOKONI: And just to 8 confirm, the exhibit, the updated Floating Zone, 9 that's a full size -- 10 MS. ROGERS: Full size, correct. 11 HEARING EXAMINER SOKONI: Thank you very 12 much. Ms. Rogers, if you will indulge me a little 13 bit, I had a list of questions which I wanted to 14 offer those up front just so that you feel free to 15 incorporate them into your -- it's very possible a 16 lot of those will be -- probably all of them would 17 be answered in the course of your already-prepared 18 presentation, but I just want to make sure that 19 those at some point get addressed. So I'll just 20 go over those real quick. 21 And one you've already answered for me, 22 which was a hard copy of the -- I was going to ask 23 about a hard copy of the amended Floating Zone. 24 Just so I'm clear, this new exhibit -- because we 25 already -- I think we started with an Exhibit 18,</p>

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<p>13</p> <p>1 which was replaced by the Floating Zone. Let me 2 just say what you've just given me overrides any 3 prior submissions on a Floating Zone map. 4 MS. ROGERS: So let me just check to make 5 sure that other one had the same amount of pages. 6 HEARING EXAMINER SOKONI: Okay. I 7 believe, we had an Exhibit 18, which you had 8 replaced, which was replacing -- 9 MS. ROGERS: Yes. So this fully replaces 10 the Exhibit 18, which is why there's three sheets 11 there. The only thing that actually changed was 12 the binding elements on the cover sheet, but we 13 gave you a full new packet, or, you know, set of 14 the Floating Zone Plan, which is three separate 15 pages to fully replace Exhibit 18. 16 HEARING EXAMINER SOKONI: Thank you very 17 much. That totally addresses one of my questions. 18 And then I also just -- you don't need to address 19 them right this minute, but I will just mention 20 them so they are addressed at some point. 21 I did want to clarify the exact square 22 footage of the self storage building. In some of 23 the exhibits I thought I saw different numbers, 24 and I just want to make sure that we nail down an 25 exact square footage of what is proposed. I think</p>	<p>15</p> <p>1 sure we address them through our experts today. 2 So again, for the record, Elizabeth Rogers 3 with Lerch, Early and Brewer. With me here today 4 is Steve Cratin on behalf of Arland Property 5 Company. We also have Pat La Vay MHG, the 6 project's civil engineer, Rebekah Brown with BWD 7 Architects. 8 As the Hearing Examiner is aware from our 9 application materials, we're seeking to rezone the 10 property from the EOF zone to the industrial light 11 Floating Zone with a one FAR and height of 55 12 feet. This will allow self storage as a permitted 13 use. As you will hear from our experts today, the 14 application is really seeking to restore the 15 industrial zoning to the property in conformance 16 with the county's goals and objectives as 17 expressed through the Master Plan, and also in 18 conformance with the industrial district within 19 which this property is located. This rezoning 20 will facilitate the redevelopment of an aging 21 suburban office building with a street activating 22 modern self storage facility and associated site 23 improvements. 24 In its October 28, 2024 report, the 25 Maryland National Park and Planning Commission</p>
<p>14</p> <p>1 Exhibit 26, which is the Concept Landscape Plan, 2 showed a number of 102,054 square feet. But I 3 know some of these exhibits have been replaced. 4 And then I had a number of 104,629 square feet in 5 the Exhibit 18, which I know has now been 6 replaced. So at some point I just would like to 7 clarify what is the exact square footage of the 8 proposed building. 9 I also would like some clarification on 10 what is the storm water management strategy. I 11 believe Exhibit 17 says the Applicant will prepare 12 and submit a stormwater management strategy. 13 Another question I had is the status of 14 the Forest Conservation Plan. I believe that was 15 approved by the Planning Board, but I would just 16 like to address where that stands at this time. 17 And, lastly, if you could kindly address 18 for me at some point the trip generation rates 19 that are used for the proposed building. In no 20 particular order of importance, I just wanted to 21 make sure that we cover those. 22 Thank you very much. You may proceed with 23 your presentation. 24 MS. ROGERS: Great. And thank you for 25 giving those questions in advance. We'll make</p>	<p>16</p> <p>1 staff recommended approval of the Local Map 2 Amendment because they found that the application 3 met all applicable requirements of the Montgomery 4 County Zoning Ordinance and was in substantial 5 conformance with the Master Plan, and their report 6 is in the record at Exhibit 29. 7 On November 7, the Montgomery County 8 Planning Board held a public hearing and voted 9 unanimously to recommend approval of the Local Map 10 Amendment with binding elements. And their 11 Planning Board transmittal letter is in the record 12 at Exhibit 30. We concur with planning staff and 13 the Planning Board that the application complies 14 with all requirements of the Zoning Ordinance, is 15 in substantial conformance with the Master Plan. 16 And we agree and accept all the conditions and 17 binding elements proposed by the Planning Board in 18 their transmittal letter, along with the one 19 clarification that the Hearing Examiner had 20 recommended, which our civil engineer will testify 21 to in his testimony. 22 Through our witnesses today, we will 23 demonstrate that the Local Map Amendment meets the 24 ILF Floating Zone requirements contained in 25 Division 59.5 of the Zoning Ordinance; that the</p>

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<p>17</p> <p>1 rezoning is appropriate for the property; that the 2 rezoning proposed development is in substantial 3 conformance with the Master Plan; that the project 4 satisfies all development standards and the 5 purpose and intent of the ILF zone; that they'll 6 be adequate public facilities and services to 7 accommodate the proposed development; and that the 8 application satisfies the specific findings set 9 forth for a Local Map Amendment in Section 10 59.7.2.1.E of the Zoning Ordinance.</p> <p>11 We will be calling three witnesses. Our 12 first witness will be Steve Cratin, who is Vice 13 President of Development and Construction of 14 Arcland, representing the Applicant; followed by 15 Mr. Patrick La Vay, a civil engineer with MHG, who 16 will provide expert testimony both as an expert in 17 land development and civil engineering; and 18 Ms. Rebekah Brown with BWD Architects, who will be 19 our expert in architecture.</p> <p>20 We have prepared a PowerPoint, which is in 21 the record at Exhibit 33. This really is just 22 intended to -- you'll see when we go through it -- 23 just to make the hearing more efficient. It just 24 includes existing exhibits in the record kind of 25 in the order of our testimony, and we've made</p>	<p>19</p> <p>1 court reporter? 2 THE WITNESS: Sure. S-T-E-V-E 3 C-R-A-T-I-N. 4 Q Thank you. Can you please provide a brief 5 description of your educational and professional 6 background? 7 A Yeah. I received a Bachelor of Science in 8 Civil and Environmental Engineering from the 9 University of Pittsburgh, and I've spent the last 10 20 years in commercial construction and real 11 estate development. 12 Q Thank you. Can you just provide a quick 13 background on Arcland and Arcland's experience for 14 the record? 15 A So Arcland was founded in 2007, and is a 16 specialist and solely focused on self storage. We 17 work up and down the East Coast with a primary 18 geographic region in the Washington, DC Metro. We 19 own 50 facilities, and manage an additional 25 20 facilities. 21 Q And how long have you worked at Arcland, 22 and what are some of the responsibilities of your 23 position? 24 A I've worked at Arcland for three years, 25 where I've led our development and construction</p>
<p>18</p> <p>1 references to those exhibit numbers. There's only 2 two new images. When we get there, we'll note 3 that are not currently elsewhere part of the 4 record. But we'll note that when we get to them.</p> <p>5 So with that, unless the Hearing Examiner 6 has any questions, we're prepared to call our 7 first witness.</p> <p>8 HEARING EXAMINER SOKONI: You may proceed. 9 MS. ROGERS: Great. Thank you. 10 HEARING EXAMINER SOKONI: I will start by 11 administering an oath. 12 (The witness was sworn.) 13 STEVE CRATIN, 14 having been first duly sworn or affirmed, was 15 examined and testified as follows: 16 DIRECT EXAMINATION BY COUNSEL FOR THE APPLICANT 17 BY MS. ROGERS: 18 Q Can you please state your full name, 19 primary occupation and full business address? 20 A Steve Cratin, my primary occupation is 21 real estate development, and the business address 22 is 1055 Thomas Jefferson Street Northwest, 23 Washington, DC, 20007. 24 HEARING EXAMINER SOKONI: Could you kindly 25 spell out your name, first and last name, for the</p>	<p>20</p> <p>1 efforts. And prior to that I worked 15 years at a 2 local competitor, Easy Storage Corporation. 3 Q And what's Arcland's legal interest in the 4 property? 5 A We are the contract purchaser. 6 Q Are you familiar with the Local Map 7 Amendment Plan Application that's before the 8 Hearing Examiner today? 9 A Yes, I am. 10 Q Can you describe why you believe this site 11 is so well-suited for the proposed development? 12 A Yes. So supply and demand. On the demand 13 side, we see continuing strong residential 14 development driving need for additional space. 15 On the supply side, I think this trade 16 area is uniquely suited. It has a very low 17 average square footage per person. In our 18 industry the average is eight square feet per 19 person is kind of a common metric used. This 20 trade area currently sits at 4.4 square feet per 21 person, well under the utilization rate. And even 22 after the development, it'll sit at 5.05 square 23 feet. 24 Q Great. And after the Local Map Amendment, 25 what are the next steps in the development</p>

<p style="text-align: right;">21</p> <p>1 process?</p> <p>2 A So after approval of the LMA by the</p> <p>3 District Council, we'll be seeking a site plan</p> <p>4 approval from the Planning Board.</p> <p>5 MS. ROGERS: Great. I have no further</p> <p>6 questions for Mr. Cratin, unless they Hearing</p> <p>7 Examiner does.</p> <p>8 HEARING EXAMINER SOKONI: Based on your</p> <p>9 qualifications and the credentials that were</p> <p>10 already submitted in the record, I believe the --</p> <p>11 Was a resume previously submitted?</p> <p>12 MS. ROGERS: We're not qualifying</p> <p>13 Mr. Cratin so --</p> <p>14 HEARING EXAMINER SOKONI: Okay.</p> <p>15 MS. ROGERS: We did submit his resume, but</p> <p>16 just wanted him to testify on behalf of kind of</p> <p>17 the Applicant.</p> <p>18 HEARING EXAMINER SOKONI: Sure. Thank</p> <p>19 you. No questions.</p> <p>20 MS. ROGERS: Great. Thank you.</p> <p>21 We'll call our next witness, who will be</p> <p>22 Mr. La Vay.</p> <p>23 HEARING EXAMINER SOKONI: I was getting</p> <p>24 ahead of myself. Now we have the expert.</p> <p>25 (The witness was sworn.)</p>	<p style="text-align: right;">23</p> <p>1 THE WITNESS: Yes.</p> <p>2 HEARING EXAMINER SOKONI: There's no need</p> <p>3 to go through the formality of the questions.</p> <p>4 You're recognized.</p> <p>5 MS. ROGERS: Thank you.</p> <p>6 HEARING EXAMINER SOKONI: And qualified as</p> <p>7 an expert.</p> <p>8 You may proceed.</p> <p>9 MS. ROGERS: Great.</p> <p>10 BY MS. ROGERS:</p> <p>11 Q Are you familiar with the Local Map</p> <p>12 Amendment Plan Application that's before the</p> <p>13 Hearing Examiner today?</p> <p>14 A I am. The application is related to the</p> <p>15 property at 11900 Parklawn Drive in Rockville,</p> <p>16 Maryland. It's a 2.185 acre lot. And the request</p> <p>17 is to rezone the property from what's currently</p> <p>18 EOF 0.75, H-100' to industrial light floating, ILF</p> <p>19 1.0, H-55', and to facilitate the redevelopment of</p> <p>20 the property from an aging office building to a</p> <p>21 modern self storage facility.</p> <p>22 Q And is self storage as a use permitted in</p> <p>23 the ILF zone?</p> <p>24 A Yes, it is.</p> <p>25 Q Can you please describe your</p>
<p style="text-align: right;">22</p> <p>1 HEARING EXAMINER SOKONI: Thank you. You</p> <p>2 may proceed.</p> <p>3 MS. ROGERS: Thank you.</p> <p>4 PATRICK LA VAY,</p> <p>5 having been first duly sworn or affirmed, was</p> <p>6 examined and testified as follows:</p> <p>7 DIRECT EXAMINATION BY COUNSEL FOR THE APPLICANT</p> <p>8 BY MS. ROGERS:</p> <p>9 Q Can you please state your full name and</p> <p>10 occupation for the record?</p> <p>11 A My name is Patrick La Vay. I'll give you</p> <p>12 the spelling of the last name. It's L-A, space,</p> <p>13 capital V as in Victor A-Y. And I am a civil</p> <p>14 engineer and land development consultant with MHG.</p> <p>15 MS. ROGERS: So we are prepared to begin a</p> <p>16 series of questions that could qualify Mr. La Vay</p> <p>17 as an expert in land development and civil</p> <p>18 engineering, although he has been previously</p> <p>19 qualified before this body as an expert in both</p> <p>20 fields and his resume is submitted in the record</p> <p>21 with our prehearing statement as Exhibit 28. How</p> <p>22 would the Hearing Examiner like us to proceed?</p> <p>23 HEARING EXAMINER SOKONI: The witness</p> <p>24 confirms that you have previously been qualified</p> <p>25 before this body?</p>	<p style="text-align: right;">24</p> <p>1 responsibilities with regard to the Local Map</p> <p>2 Amendment Plan Application?</p> <p>3 A First and foremost, my responsibility was</p> <p>4 to review the 2018 White Flint 2 Sector Plan and</p> <p>5 the Zoning Ordinance to confirm conformance and</p> <p>6 compatibility of the proposed use and Map</p> <p>7 Amendment with the recommendations of those plans</p> <p>8 and any associated functional plans.</p> <p>9 I then participated in development of the</p> <p>10 Land Use Report that was submitted before the</p> <p>11 Hearing Examiner.</p> <p>12 And, lastly, I oversaw the preparation of</p> <p>13 various plans that were submitted as well,</p> <p>14 including Natural Resource Inventory, the Floating</p> <p>15 Zone Plan, Forest Conservation Plan, preliminary</p> <p>16 stormwater concept, Fire Access Plan and the</p> <p>17 Traffic Statement.</p> <p>18 Q Thank you. And I think you just said it,</p> <p>19 but, to be clear for the record, did you prepare a</p> <p>20 written report that was part of the application?</p> <p>21 A I participated quite a bit in the</p> <p>22 development of the Land Use Report, yes.</p> <p>23 MS. ROGERS: Which, just for the record,</p> <p>24 is Exhibit 17.</p> <p>25 Q Have you made a personal inspection of the</p>

<p style="text-align: right;">25</p> <p>1 property, and are you familiar with the area 2 surrounding the site? 3 A Yes, I have visited the property and the 4 surrounding area on several occasions. 5 Q And I know you mentioned this as well. 6 You said you had prepared a Natural Resources 7 Inventory Forest Stand Delineation. 8 MS. ROGERS: For the record, that's 9 Exhibit 12. 10 Q Was that NRI/FSD approved by the Planning 11 Department; and, if so, can you please just 12 describe a little bit about the location and 13 characteristics of the property? 14 A Sure. That plan was -- the Natural 15 Resource Inventory Forest Stand Delineation was 16 approved by the planning staff in April of 2024. 17 The property in general, as I mentioned before, is 18 located at 11900 Parklawn Drive in Rockville, 19 Maryland. It's 2.1 -- 20 Q Sorry. One second. 21 MS. ROGERS: Can we pull up -- it just 22 would help probably -- Exhibit 33, and then go to 23 slide two? 24 THE WITNESS: Is that the Natural Resource 25 Inventory --</p>	<p style="text-align: right;">27</p> <p>1 known or observed rare or endangered species on 2 the property. There are, as hatched on the west 3 and southeast sides of the property, some steeper 4 slopes that are noted on the Natural Resource 5 Inventory. And there were three specimen trees 6 noted on the property. 7 Q Thank you. 8 MS. ROGERS: If we can go to the next 9 slide, please. 10 Q So this is an excerpt from Staff Report, 11 which is Exhibit 29 of the record. Are you 12 familiar with the surrounding neighborhood 13 boundaries identified by staff in their Staff 14 Report? 15 A I am. Yes. 16 Q And can you briefly describe what those 17 boundaries are? 18 A Sure. The western boundary is the CSX 19 tracks, and the northern boundary is the south 20 side of Randolph Road. The eastern boundary is 21 not as straight, but primarily follows the 22 transition to R-90 zoning that begins with -- it 23 is Rocking Horse Road, and there are several side 24 streets where the property sort of jogs through 25 there. And then the south terminus is back to</p>
<p style="text-align: right;">26</p> <p>1 MS. ROGERS: Yeah. 2 THE WITNESS: Okay. 3 THE TECHNICIAN: What slide did you say? 4 I'm sorry. 5 MS. ROGERS: Just the second slide. Yeah. 6 There you go. Thank you. 7 A So, as I was saying, the property is 2.15 8 acres. It's located on Parklawn Drive 9 approximately 900 feet south of Randolph Road. 10 It's improved under existing additions with a 11 four-story office building, and that is surrounded 12 on three sides by surface parking. The property 13 is accessed by two curb cuts from Parklawn Drive. 14 And there are several, or I should say two 15 significant easements running east, west, or west, 16 east -- excuse me -- across the property for 17 sanitary, sewer and storm drain. And that's part 18 of the reason why, as you see, the building has 19 sort of -- is rotated about 45 degrees from the 20 roadway. 21 As part of the Natural Resource Inventory, 22 we did determine that there are no -- there's no 23 area categorized as forest on the property, no 24 significant environmental features such as 25 streams, flood plains, wetlands. There are no</p>	<p style="text-align: right;">28</p> <p>1 where the end of the existing light industrial 2 zone meets the CSX tracks and Parklawn Drive. 3 Q And do you agree with staff's delineation? 4 A I do. I do agree that the boundaries 5 primarily for a neighborhood are driven by 6 substantial roadways, transit ways, changes in 7 zoning, environmental features. 8 I think the staff's -- I would say, in my 9 personal opinion, the staff's boundary does extend 10 slightly to the east more than I believe I would 11 have drawn the boundary. I probably would have 12 drawn the boundary before some of the single 13 family zoning that really exists on the east side, 14 perhaps even running the boundary where the 15 transition happens. There's two institutional 16 uses that are noted on this exhibit as Montgomery 17 County Head Start Center and Rocking Horse Road 18 Center and the Charles E. Smith Jewish Day School. 19 I believe I probably would have run the boundary 20 on the west side of those facilities. However, I 21 think that it does not make a substantial 22 difference in the findings of conformance and the 23 compatibility of the neighborhood. I just think 24 that I would have drawn the boundary slightly 25 smaller.</p>

29

1 Q So, for the record, are you comfortable
2 accepting staff's defined neighborhood boundary?
3 **A I am comfortable with staff's boundary. I**
4 **just said that for the record.**
5 Q Great.
6 HEARING EXAMINER SOKONI: Just for my
7 understanding, could you explain why you would
8 have -- the reason for wanting the boundary
9 differently?
10 THE WITNESS: Yeah. I just think the
11 single family homes that are included currently in
12 the boundary are really separated physically and
13 from a functional standpoint from this really what
14 is primarily a light industrial and commercial
15 area. And I think there -- as you can see on the
16 page, those institutional users are quite large,
17 the Jewish Day School in the Head Start Center.
18 And what you can't see on the page as well is when
19 this image was taken to the north on the -- I
20 guess it's the south side of Randolph Road there's
21 a townhome community that was developed there as
22 well. And I think those sort of three uses, I
23 think, begin the transition to that single family
24 community, and I would have just drawn the
25 boundary on the west side of those.

30

1 BY MS. ROGERS:
2 Q Can you describe the character of the
3 surrounding neighborhood?
4 **A Sure. The surrounding neighborhood is**
5 **mostly commercial and light industrial. There**
6 **are, as I mentioned, two institutional uses. And**
7 **then there is limited residential and the**
8 **residential that does exist, a significant portion**
9 **of it, on the west -- excuse me -- to the east**
10 **side of Parklawn Drive is multifamily.**
11 Q And in your professional opinion, will the
12 proposed development impact the character of the
13 surrounding neighborhood?
14 **A No, it will not. The property was**
15 **actually previously zoned light industrial, and**
16 **was only rezoned as a result of the Map Amendment**
17 **following the 2018 White Flint 2 Sector Plan**
18 **because the building on the property didn't meet**
19 **the previous IL zoning standard for building**
20 **height. So reverting this back to the previous**
21 **zoning will restore that industrial zoning on the**
22 **property and be compatible.**
23 Q And can you please briefly explain --
24 MS. ROGERS: Actually, can we go to the
25 next slide first before I ask my question? Thank

31

1 you.
2 Q Can you explain the overall planning
3 concepts for this development proposal?
4 **A Sure. First and foremost, placement of**
5 **the building was -- the building was cited in**
6 **thinking about modern building -- modern building**
7 **architecture and placement and the goals of the**
8 **Sector Plan to really bring the building up to the**
9 **street, and then also in similarly having the**
10 **parking behind the building line so there's no**
11 **surface parking in front of the building.**
12 **And then the plan was also oriented to**
13 **allow for the relocation of some substantial**
14 **utility easements that exist on the property**
15 **through retaining green space on the north side**
16 **and then using the drive aisles on the south side**
17 **to reroute those utilities.**
18 Q And can you please describe the vehicular
19 access and circulation, how that's proposed?
20 **A Sure. As I mentioned previously, there**
21 **are two existing curb cuts on the property. The**
22 **one on the north side of the property is being**
23 **eliminated, and the one on the south side is being**
24 **reduced in size in coordination with functional**
25 **plan goals of the county and pedestrian safety.**

32

1 **But the south side where there will be a curb cut**
2 **that will remain for all vehicular traffic to**
3 **enter the site and access the building from -- the**
4 **building has access on two levels. The access**
5 **parking you see I should say on the south side of**
6 **the building is the first level, and the parking**
7 **on the west side is the second level where you**
8 **drive up and around the building. And then all**
9 **circulation will happen on site, and vehicles will**
10 **be back onto Parklawn Road through the single curb**
11 **cut.**
12 Q Thanks. And to answer one of the Hearing
13 Examiner's questions, can you clarify the square
14 footage that's proposed for the development?
15 **A Yes. The total gross floor area of the**
16 **building -- I don't want to get this wrong, so**
17 **thank you guys for giving me the plan. It's**
18 **104,626 square feet.**
19 Q And Rebekah can also testify this too, but
20 is there -- that's the gross floor area proposed.
21 Is there additional cellar space that's also
22 proposed?
23 **A There is, and I was going to mention that.**
24 **The Traffic Statement may also include that extra**
25 **cellar space, and there would be a higher number,**

<p style="text-align: right;">33</p> <p>1 since for traffic generation purposes we're asked 2 to include the cellar space. And that number -- 3 let me see if I have it here. Pardon me. 4 Q And that number we can have Rebekah 5 testify to, if it's not on there. I believe that 6 there was an additional 34,118 square feet of 7 cellar space. And when Ms. Brown testifies, she 8 can confirm that. 9 Great. Does the proposed access, going 10 back to the access you just described, meet the 11 standards for Montgomery County Department of 12 Transportation? 13 A It does. As I mentioned, it's been 14 consolidated to a single access point in the 15 county's goals for pedestrian safety. We'll get 16 into streetscape design probably later, but it 17 also allows for implementation of a new 18 streetscape along the front of the property that 19 does meet the county's Complete Streets goals, 20 including having a what they call continuous 21 sidewalk, or continuous bike path so that doesn't 22 ramp down at the -- it stays flush across the 23 entrance. It doesn't ramp down as you cross the 24 entrance, the vehicle entrance of the property. 25 Our office did conduct also a site distance</p>	<p style="text-align: right;">35</p> <p>1 MS. ROGERS: Can we flip to the next 2 slide? Thank you. 3 Q This is just a reproduction of Exhibit 21 4 from the record. Does the application require 5 preparation of a preliminary Forest Conservation 6 Plan? 7 A Yes, it does. 8 Q And did the Planning Board review the 9 preliminary Forest Conservation Plan? 10 A They did. The Planning Board reviewed and 11 approved the preliminary Forest Conservation Plan 12 on November 7, 2024. 13 Q And can you please describe just briefly 14 what the preliminary plan shows? 15 A The preliminary Forest Conservation Plan, 16 given the nature of the property, its developed 17 nature and the redevelopment, which consumes most 18 available space in the property, the .35 acres of 19 afforestation that's generated will be handled off 20 site, either through a mitigation bank or a 21 fee-in-lieu purchase, depending on whether a bank 22 is available at the time. 23 The plan does include removal of the three 24 specimen trees I mentioned earlier, given their 25 proximity to the work area, and those will be</p>
<p style="text-align: right;">34</p> <p>1 analysis to ensure that the adequate sight lines 2 are provided for vehicles leaving the property. 3 MS. ROGERS: And those site distance 4 evaluations are submitted in the record at Exhibit 5 24. 6 Q Have you evaluated availability of water, 7 sewer, gas and other utilities at this location, 8 and are these adequate to serve the proposed 9 development? 10 A Yes. Our office submitted a water and 11 sewer -- excuse me -- a hydraulic planning 12 analysis to the Washington Suburban Sanitary 13 Commission, who did find that there's adequate 14 water and sewer service for the property. That 15 approval also did include a preliminary review and 16 approval of the relocation of the sewer 17 maintenance on the property. There's also -- we 18 have determined there's adequate electric, gas, if 19 needed, and telecommunication services available 20 in the Parklawn Drive infrastructure. And there 21 is adequate fire access on the property, as we'll 22 get into. And there are local -- there's a local 23 fire department and police departments within the 24 available region. 25 Q Thank you.</p>	<p style="text-align: right;">36</p> <p>1 mitigated on site in the form of -- according to a 2 formula the county has for mitigation trees. And 3 I believe it's 10 trees that are being planted to 4 offset that. 5 HEARING EXAMINER SOKONI: Just real quick, 6 you said you're confirming it was approved by the 7 Planning Board. Do we have a reference number 8 that's noted somewhere saying the Floating Zone? 9 Is there going to be a -- 10 MS. ROGERS: Yes. So there will -- this 11 is the plan, and then the Planning Board 12 actually -- it's a two-step process. So they 13 approved the preliminary Forest Conservation Plan 14 on that November 7 hearing, and then they voted 15 last week to approve that resolution. We just 16 don't have a copy of it yet. We should have it in 17 a day or two, and we can submit that to the 18 record. We'll ask that the record be open for 19 that and the transcript to receive those prior to 20 the close of the LMA record. 21 HEARING EXAMINER SOKONI: Okay. Thank 22 you. That's what I was getting at. We do want to 23 make sure that we keep the record open, but we 24 have it on record before the record closes. 25 MS. ROGERS: And we should have that in a</p>

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1 couple days.
2 HEARING EXAMINER SOKONI: Okay. Thank
3 you.
4 BY MS. ROGERS:
5 Q Great. So moving on to stormwater
6 management, is a Stormwater Management Concept
7 Plan required for this development?
8 **A A formal approval, which would come from**
9 **the Department of Permitting Services, is not**
10 **required with this application. However, we did**
11 **perform a fairly extensive review of those**
12 **requirements and developed a preliminary concept**
13 **plan that was submitted with the application.**
14 **Just given the nature of stormwater management**
15 **these days and its integration with site design,**
16 **it's important to at least give that a review at**
17 **this stage.**
18 Q Thank you.
19 MS. ROGERS: I think go to the next slide.
20 This, for the record, is just a reproduction of
21 Exhibit 13, which is that preliminary Stormwater
22 Management Concept Plan that Mr. La Vay was
23 describing. And there is also a narrative
24 included in the Land Use Report, which is Exhibit
25 17.

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1 Q Can you please just briefly describe the
2 stormwater approach for this site?
3 **A Sure. The county and state regulations**
4 **require what's referred to as environmental site**
5 **design, ESD also known as, to the maximum extent**
6 **practicable. In this case the project does**
7 **provide a hundred percent of that ESD volume in**
8 **the form of several microbio-retention facilities**
9 **that are going to be placed up against the**
10 **building, and they will receive water from various**
11 **sections of the roof as well as runoff from the**
12 **surface parking.**
13 Q And you may have already said this, but is
14 there any stormwater on the site today?
15 **A There is not.**
16 Q Thank you. And is the property located in
17 a special protection area?
18 **A The property is not located in the special**
19 **protection area.**
20 MS. ROGERS: Next we'll move to some
21 Master Plan questions, unless the Hearing Examiner
22 had anything else on stormwater.
23 HEARING EXAMINER SOKONI: Just a minor
24 clarification. I know you mentioned that a formal
25 Stormwater Management Plan is not required, but,

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1 as a Floating Zone, you do have to have some
2 stormwater strategy, which is why you're
3 addressing what you're addressing?
4 THE WITNESS: That's correct.
5 HEARING EXAMINER SOKONI: Thank you.
6 MS. ROGERS: We'll go to the next slide,
7 please. Thank you.
8 So this is just kind of a blown up of the
9 data table and then the plan from -- well, I guess
10 the Floating Zone Plan, Exhibit 18. These haven't
11 changed. These will obviously be updated with the
12 Exhibit 32. So we listed Exhibit 18, but these
13 are the exact same as what's shown on Exhibit 32.
14 BY MS. ROGERS:
15 Q Mr. La Vay, can you please restate what is
16 the relevant Master Plan for this property?
17 **A It is the 2018 White Flint 2 Sector Plan.**
18 Q And have you reviewed that Sector Plan?
19 **A Yes.**
20 Q And based on your review of the Sector
21 Plan, in your professional opinion, is the
22 proposed development in substantial conformance?
23 **A Yes, it is. And would now be a good time**
24 **for me to cite some -- okay. So I would break**
25 **that, break my analysis down into two components.**

40

1 **I think the first would be the key goals of the**
2 **plan. And there are three that apply to this**
3 **project, the first being there are several**
4 **references to retention of light industrial**
5 **properties in the key recommendations. And also**
6 **there's an entire appendix, Appendix Seven of the**
7 **plan is devoted to an industrial district analysis**
8 **to reinforce this recommendation. So the project**
9 **will achieve this goal by rezoning the property**
10 **back to the light industrial zone that existed**
11 **prior to the Sectional Map Amendment that I**
12 **mentioned previously, which was really just done**
13 **as a cleanup matter for an existing nonconforming**
14 **building.**
15 **The second key recommendation would be the**
16 **promotion of urban design and walkability and**
17 **enhanced streetscape. As I mentioned, the**
18 **building is being brought up to the street in**
19 **conformance with that recommendation. And the**
20 **street frontage is being revamped in accordance**
21 **with the Functional Bicycle Master Plan,**
22 **Pedestrian Master Plan to provide a shared use --**
23 **10-foot-wide shared use path along the front of**
24 **the property with updated streetscape, street**
25 **trees and other enhancements.**

<p>41</p> <p>1 And the last key recommendation I would 2 say that applies to this are the sustainability 3 goals, which those include energy efficiency, 4 reduced urban heat island and new environmental 5 site design, stormwater management. This building 6 type, self storage, is very energy efficient. 7 There's a significant reduction in urban heat 8 island on the property with the removal and 9 replacement of surface parking with much less, and 10 then building cover, and actually an overall 11 reduction in impervious area on the property. 12 And, as I mentioned previously, the property is 13 providing a hundred percent of the ESD, 14 environmental site design, volume provided through 15 stormwater management. I'll also say on the 16 sustainability section that the plan does 17 recognize that there is significant noise and 18 vibration from the CSX tracks that exist today, 19 and the plan does recommend in the same 20 sustainability goals to retain the light 21 industrial uses along this corridor as more 22 noise-compatible uses, and also provide a buffer 23 from those tracks to the beginnings of the 24 residential uses that exist across Parklawn Drive. 25 So those are the key recommendations, and</p>	<p>43</p> <p>1 floating zones. Did you evaluate the rezoning 2 application in connection with this section? 3 A I did. Yes. 4 Q There are three separate intents, the 5 first of which is to implement a comprehensive 6 planning objectives. This is section 51.2.A. in 7 your professional opinion, can you please explain 8 how the proposed project furthers the goals of the 9 applicable plans? 10 A Yes. As I was just mentioning, the 11 project is in substantial conformance with the 12 three key goals of the plan being retention of 13 light industrial zoning, urban design principles 14 and sustainability, all achieved through this 15 application. 16 Q And the second intent is to encourage the 17 appropriate use of land. Can you please describe 18 how this project promotes that intent? 19 A Yes. The property is being requested to 20 be rezoned back to light industrial simply as a 21 matter of addressing what was done in the 2018 22 plan as a cleanup matter. The challenges that 23 face the suburban office market are very 24 well-known, and having the office building and the 25 industrial rezone really is not an appropriate</p>
<p>42</p> <p>1 then there's district specific recommendations. 2 The property is located in the Parklawn South 3 district of the plan. And, similarly, the 4 language in the district's specific 5 recommendations seeks to retain the industrial 6 district, you know, recognizing that the 7 industrial uses provide several key functionings 8 to the surrounding community. The plan goes as 9 far even to say that these light industrial uses 10 assist the properties outside the plan boundary in 11 the 2010 White Flint Sector Plan and the growing 12 residential properties that are within that plan 13 as well. 14 Q And did the Maryland National Capital Park 15 and Planning Commission staff in their report of 16 the Planning Board and making their recommendation 17 agree with your conclusion that the proposed 18 development is in substantial conformance with the 19 Master Plan? 20 A Yes, they did. 21 Q I'm now going to ask you a series of 22 questions based on your knowledge of the Zoning 23 Ordinance and familiarity with the project and 24 your professional expertise. Section 59.5.1.2 25 sets forth the intents and purposes of the</p>	<p>44</p> <p>1 use. The application does comply with the 2 Floating Zone standards of the zoning code in 3 terms of FAR and height. As I mentioned, the 4 project will provide several environmental 5 benefits through the use of reduction of 6 impervious area, reduction of urban heat island, a 7 very energy-efficient building. And this building 8 will also have very minimal impacts on public 9 facilities, given the nature of the use. 10 Q Thank you. And the last intent requires 11 that established neighborhoods be protected. In 12 your professional opinion, can you explain how the 13 project protects and is compatible with the 14 surrounding neighborhood? 15 A Yes. Well, again pointing back to the 16 simple reestablishment of the industrial zone that 17 existed previously, which is compatible both 18 neighborhood-wide, but also with the adjacent 19 properties up and down Parklawn Drive. As I also 20 mentioned, you know, this is a use that provides a 21 buffer from the residential uses across the street 22 and really protects the neighborhood from the 23 adverse impacts of the CSX tracks. And the 24 property also, you know, enhances the neighborhood 25 through revamped streetscape, new environmental</p>

45

1 benefits, stormwater management, as I mentioned.
2 Q Thank you. Section 5.5.2 sets forth the
3 purposes of the Industrial Light Floating zones.
4 Can you describe how the project satisfies that
5 stated purpose?
6 A Yeah. Well, the purpose is, you know, to
7 allow for light industrial uses, particularly uses
8 like warehousing and light manufacturing at a
9 range of densities and heights that allow for
10 compatibility and to really ingrain in the
11 surroundings. And this application does just that
12 by a building that is largely the same height as
13 what exists today, is very similar to the uses
14 that are adjacent to it today. The FAR, the gross
15 floor area is within the allowed limits. And it's
16 been carefully designed to meet both Sector Plan
17 and functional plan goals.
18 Q Great.
19 HEARING EXAMINER SOKONI: Since you're
20 touching on the FAR, is this a good time to -- I
21 just want to make sure at some point I just get
22 some clarity on how the cellar space -- is that
23 something that's going to be addressed later on?
24 MS. ROGERS: I think we can have -- would
25 you want to touch on how cellar -- is the question

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1 more technical in terms of how it's calculated, or
2 the exact square footage of the cellar?
3 HEARING EXAMINER SOKONI: Yes. No, no. I
4 just want to, you know, make sure on the record we
5 have the --
6 THE WITNESS: I can do that.
7 HEARING EXAMINER SOKONI: Okay.
8 THE WITNESS: So I could give you the
9 exact square footage. But yeah, so the zoning
10 code does -- the definition of gross floor area
11 does exclude cellar space. And cellar space is
12 defined as space where more than half of the clear
13 ceiling height is below the average grade of the
14 exterior of the building. So in our analysis we
15 did a weighted calculation average of the grade
16 around the entire building, and determined that
17 what's defined as a cellar space, that it is more
18 than half of the clear ceiling height in that
19 space is below that average gradient.
20 HEARING EXAMINER SOKONI: Thank you.
21 MS. ROGERS: Of course.
22 BY MS. ROGERS:
23 Q So next I want to ask you a series of
24 questions regarding the applicability of the IL
25 Floating Zone to this property. Section 51.3.A of

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1 the Zoning Ordinance prohibits a Floating Zone for
2 a property that's located in agricultural, rural
3 residential zone. Is that applicable to this
4 property?
5 A That is not. This is not a residential or
6 agriculturally zoned property.
7 Q And are there any prerequisites required
8 for this Floating Zone application?
9 A There are not, as the underlying existing
10 zone is not residential.
11 Q And how are development standards handled
12 under the ILF Zone?
13 A Most of the development standards are set
14 at site plan, as Mr. Cratin mentioned, which will
15 be the next step of this application. There are,
16 although, building height, open space and floor
17 area are determined at this stage.
18 Q And are setbacks to the property
19 boundaries also determined by the Floating Zone
20 Plan?
21 A No. Those are set at site plan.
22 Q But did --
23 A Sorry. I apologize. Yeah, there are
24 setbacks set at the Floating Zone. Excuse me.
25 Wrong Floating Zone. Those are set -- the front,

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1 side and rear setbacks are set by the Floating
2 Zone.
3 Q And does the data table submitted in the
4 record reflect that the proposed setbacks, open
5 space and height are in compliance with the ILF
6 Zone requirements?
7 A That's correct. Yes.
8 Q And do the compatibility requirements of
9 Section 4.1.8 of the Code apply to this property?
10 A They do not, as there's no residential
11 property adjacent, and the confronting properties
12 are not single family residential.
13 Q And how will the project satisfy, if you
14 can describe in a little more detail, the open
15 space requirements for the ILF Zone?
16 A There's a 10 percent amenity open space
17 requirement. Amenity open space is really
18 intended to be used by the tenants or visitors of
19 the site. And that space is broken up between the
20 two levels of the building. There is space
21 located at the -- let me reorient myself, because
22 this plan is turned so that the northwest corner
23 of the property there's an activated space that
24 can be accessed from the upper level of the -- or
25 I should say the second level of the building.

<p style="text-align: right;">49</p> <p>1 And then there's another space that is contiguous 2 with the streetscape improvements on the Parklawn 3 side of the building, which would be the east side 4 of the building. 5 HEARING EXAMINER SOKONI: Would you 6 mind -- and I don't know if we can -- can we 7 expand the map? Are you able to just point out -- 8 THE WITNESS: I think there's also a 9 color. Is this cropped? 10 MS. ROGERS: This is cropped, yeah. 11 Maybe it would be helpful if we go to 12 Exhibit 33, if we go out of this for a second and 13 go to 33. I'm sorry. 32. My apologies. 14 HEARING EXAMINER SOKONI: And when I was 15 trying to access them, they kind of take a little 16 while to load. 17 THE WITNESS: I think on the -- 18 MS. ROGERS: Is it the third page? 19 THE WITNESS: -- there's a color exhibit. 20 And I apologize the -- for drafting purposes, what 21 we'll call the viewport is rotated on some of 22 these sheets, so the true north is not north on 23 the page. 24 HEARING EXAMINER SOKONI: No problem. 25 THE WITNESS: We can also use the</p>	<p style="text-align: right;">51</p> <p>1 shade through trees and some seating elements, 2 benches, picnic tables and a sidewalk that 3 connects to that door that's on this level. 4 HEARING EXAMINER SOKONI: Thank you. 5 MS. ROGERS: Sorry. Let me get 6 reoriented. 7 And if you'll zoom back out and go then 8 one slide back up. One more slide. Thank you. 9 BY MS. ROGERS: 10 Q And then the secondary component, just to 11 be clear, of the amenity open space is -- well, 12 can you describe that one last time? 13 A Sure. That one is located on the Parklawn 14 Drive side of the building. It's contiguous with 15 the streetscape, and that was at the request of 16 staff to sort of provide some additional 17 activation at the front of the building, even 18 though, again, this is amenity open space, not 19 public open space, but it is located between the 20 front of the building and Parklawn Drive similar 21 elements of landscape improvements and seating. 22 MS. ROGERS: I know it's not loading right 23 now, but just to direct the Hearing Examiner for 24 later, on the page three of Exhibit 32 there is a 25 color graphic that shows the boundaries of the</p>
<p style="text-align: right;">50</p> <p>1 landscape plan, if we want to. 2 MS. ROGERS: It's fine. 3 Why don't we -- we can go back to Exhibit 4 33, and go -- go down a couple slides. Right 5 there. Yeah. That's fine. 6 And then, the Hearing Examiner, did you 7 want us to zoom in particularly on the one open 8 space that Mr. La Vay was describing at the rear 9 of the property? 10 HEARING EXAMINER SOKONI: Correct. 11 MS. ROGERS: Okay. 12 HEARING EXAMINER SOKONI: Thank you. 13 MS. ROGERS: So if you can zoom in on the 14 bottom left corner of this slide first. 15 HEARING EXAMINER SOKONI: Great. Thank 16 you. 17 THE WITNESS: Yeah. So this would 18 actually be, I guess, the east corner. As you can 19 see here -- well, I should say that, like I said, 20 the amenity open spaces really would be used by 21 tenants and visitors to the buildings, and the 22 reality is this building will have very few 23 employees as a self storage facility. However, 24 the code does require you have this space. So 25 this just provides a seating area that has some</p>	<p style="text-align: right;">52</p> <p>1 open space. 2 HEARING EXAMINER SOKONI: And just so I 3 don't get lost when I go back looking at the 4 transcript, even though your presentation is 5 marking this as Exhibit 18, that's now the 32? 6 MS. ROGERS: Correct. Yeah. Sorry for 7 that confusion. We did it before we -- 8 HEARING EXAMINER SOKONI: No problem at 9 all. 10 MS. ROGERS: -- but yes. 11 HEARING EXAMINER SOKONI: It was 18 at 12 some point. 13 MS. ROGERS: At the time. 14 BY MS. ROGERS: 15 Q Will adequate parking be provided on site 16 to accommodate the proposed development? 17 A Yes. There are 13 spaces required by 18 zoning, and 20 are provided. 19 Q And will adequate loading also be provided 20 on site? 21 A Yes. There are two spaces required, and 22 four are provided. And in this particular case, 23 given the use of self storage, parking and loading 24 are certainly a little bit interchangeable as, you 25 know, people are bringing their things, it depends</p>

<p>53</p> <p>1 on the size of the vehicle they drive up in. 2 MS. ROGERS: We can go to the next slide. 3 Thank you. 4 Q Is there adequate fire access to the site? 5 A Yes, there is. And Exhibits -- this is? 6 Q 25. 7 A 25 is the Fire Department Access Plan our 8 office prepared, which delineates that an 9 apparatus, which is on the plan hatched in green, 10 can get within 50 feet of the main front door of 11 the building. And then there is, from that point 12 or any point where a fire apparatus is sitting, 13 the building can be reached at any point within 14 450 feet of that location. 15 MS. ROGERS: If we can go to the next 16 slide. 17 Q So this is reproduction of Exhibit 26, the 18 Concept Landscape Plan. Can you please describe 19 how the proposed landscaping complies with the 20 various requirements of the Zoning Ordinance? 21 A Sure. And this one the landscape plan 22 will be implemented at site plan. Site plan I 23 apologize for my confusion earlier. But the 24 landscaping requirements consist of -- as I 25 mentioned earlier, not necessarily landscape, but</p>	<p>55</p> <p>1 set forth in Section 7.2.1.E of the Zoning 2 Ordinance. Have you had an opportunity to review 3 these criteria and evaluate this Local Map 4 Amendment under those findings? 5 A Yes. 6 Q Next I'm going to walk through those 7 specific findings. So Section 7.2.1.E to A 8 requires the proposed Floating Zone Plan 9 substantially conform with the recommendations of 10 the applicable Master Plan, General Plan and other 11 county plans. Have you had an opportunity to 12 review that plan in this context, and do you think 13 this finding could be satisfied? 14 A Yes, I do believe this finding is 15 satisfied. As I mentioned in my previous 16 testimony, this request does retain the light 17 industrial zoning that previously existed on the 18 property, and that's a key recommendation of the 19 plan. And the urban design and the streetscape 20 improvements and environmental improvements are 21 certainly goals of not only the 2018 White Flint 2 22 Sector Plan, but also various functional plans 23 countywide. 24 Q Section 7.2.1.E.2.B requires a proposed 25 Floating Zone Plan further the public interest.</p>
<p>54</p> <p>1 there are forest conservation mitigation trees 2 that will be part of the plan. And then there's 3 typical landscaping requirements for shading of 4 parking areas. There's a requirement that parking 5 areas have 25 percent tree canopy cover at their 6 20-year growth rate. There's also internal 7 landscaping requirements in parking islands as 8 well. 9 Q Thank you. And are public benefits 10 required for this project? 11 A They are not. 12 Q In your professional opinion, does the 13 proposed Floating Zone Plan satisfy all applicable 14 code requirements for this stage of the 15 development? 16 A Yes, it does. 17 Q And did Park and Planning staff and the 18 Planning Board agree with your evaluation that 19 this project meets those standards? 20 A Yes, they did, and that was confirmed at 21 the hearing on November 7. 22 Q Thank you. As you know, the zoning map 23 change to a Floating Zone requires approval of 24 Local Map Amendment. The District Council must 25 approve that LMA makes certain findings that are</p>	<p>56</p> <p>1 In your professional opinion, does this project 2 further the public interest? 3 A Yes, it does. And, as I mentioned again 4 previously, the substantial buffer this creates 5 from the CSX tracks to the residential communities 6 is a substantial benefit. The streetscape 7 improvements, pedestrian safety improvements and 8 the self storage use as well is a community 9 serving use, both for the surrounding small 10 businesses and residential uses. 11 Q Section 7.2.1.E.2.C requires proposed 12 Floating Zone Plans satisfy the intent, purposes 13 and standards of the Industrial Light Floating 14 Zone. In your professional opinion, does the 15 project satisfy these requirements? 16 A Yes, it does. 17 Q Section 7.2.1.E.2.D requires the proposed 18 Floating Zone Plan must be compatible with 19 existing and approved adjacent developments. Can 20 you please explain how the project satisfies that 21 finding? 22 A Yes. Similarly, as I mentioned before, 23 by, you know, reverting the zoning back to the 24 light industrial that existed previously, the 25 surrounding land uses are very similar in nature.</p>

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1 **And this is a use that will provide that needed**
2 **transition from the CSX tracks to the multifamily**
3 **uses that exist across the street.**
4 MS. ROGERS: We can actually -- sorry --
5 go out of this and pull up Exhibit 22. Thank you.
6 Q So section 7.2.1.E.2.E requires that the
7 Floating Zone Plan will not generate traffic that
8 does not exceed the critical lane volume or volume
9 capacity ratio standards as applicable. Does this
10 project meet that requirement?
11 **A The project was actually exempt from the**
12 **local area traffic review standards, given the**
13 **very, very few trips that are generated here.**
14 MS. ROGERS: To answer the Hearing
15 Examiner's question on this, can you go to -- yes.
16 Thank you.
17 Q Can you just describe in a little more
18 detail in terms of how that exemption was
19 determined?
20 **A Yeah. Sure. The Institute of Traffic**
21 **Engineers 11th Edition Manual, Trip Generation**
22 **Manual was used. And then the -- I believe the**
23 **self storage use is -- the closest use is a mini**
24 **warehouse is what the county suggests should be**
25 **used. When you run that through the analysis that**

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1 **converts -- what currently converts to person**
2 **trips in Montgomery County standards, this use**
3 **will generate 17 a.m. peak-hour person trips and**
4 **27 p.m. peak-hour person trips. And those are**
5 **well below the 50 peak-hour person trip threshold**
6 **that is the trigger for a local area traffic**
7 **review. I should note that the existing office**
8 **generates 108 a.m. peak-hour person trips, and 140**
9 **p.m. peak-hour trips. So that's a net reduction**
10 **of 91 a.m. trips and 113 p.m. trips.**
11 Q Thank you. Section 7.2.1.E.2.F requires a
12 finding that the proposed Floating Zone Plan will
13 not adversely affect the character of the
14 surrounding neighborhood. Is this finding -- I'm
15 sorry. When applying a nonresidential Floating
16 Zone to a property that was previously under a
17 residential detached zone. Is this finding
18 applicable to this application?
19 **A It is not. This was not a previous**
20 **residential detached zone.**
21 Q So, in summary, is it your professional
22 opinion that the Floating Zone Plan satisfies the
23 necessary findings and allows the District Council
24 to make those findings under 7.2.1 of the Zoning
25 Ordinance?

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1 **A Yes.**
2 Q And does the proposed Floating Zone Plan
3 conflict in any way with any of the capital
4 improvement programs?
5 **A It does not. No.**
6 Q And in your professional opinion, does the
7 Floating Zone Plan satisfy all applicable code
8 requirements?
9 **A Yes.**
10 Q And do you agree with the findings made by
11 Park and Planning staff and the Planning Board in
12 their recommendation?
13 **A Yes, we do.**
14 Q And just to clarify for the record, have
15 the binding elements on the updated Floating Zone
16 Plan, which is now Exhibit 32, been slightly
17 updated from the Planning Board's recommended
18 binding elements?
19 **A Yes. And those were submitted today as a**
20 **revised exhibit.**
21 Q And just for the record, can you just
22 explain the one, I guess, change that was made?
23 **A It was the addition of -- we don't have a**
24 **copy of that plan; do we? Okay. The addition of**
25 **the words -- let me make sure I have this right.**

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1 **It was in binding element number two that**
2 **describes -- that limits vehicular access to the**
3 **site to a single consolidated access point. The**
4 **words from Parklawn Drive were added to the**
5 **binding elements.**
6 **And just for the record, although the**
7 **revised plan that was submitted stated it's three**
8 **sheets, that change only occurs on the first**
9 **sheet. It's just because the exhibit had three**
10 **sheets as part of that same exhibit.**
11 Q Great. And is there anything else that
12 you would like to add?
13 **A No.**
14 MS. ROGERS: That does conclude our
15 questions for Mr. La Vay.
16 HEARING EXAMINER SOKONI: Thank you very
17 much. That was very extensive, very helpful.
18 Just a quick question. This is just for my
19 understanding. I know you said as far as traffic
20 generation this project was exempt because it
21 doesn't meet the thresholds of the LATR. What's
22 typical for -- currently it's an office. I guess
23 it's an office building, right?
24 THE WITNESS: Hm-hm.
25 HEARING EXAMINER SOKONI: It's going to

<p style="text-align: right;">61</p> <p>1 change to self storage. Is there a typical 2 traffic pattern with -- I'm thinking from a 3 layperson's standpoint, you know, self storage, 4 are people going to self storage necessarily at 5 peak hours, or is it any odd time of the day or 6 weekends? You know, how does it -- what's unique 7 about the self storage? 8 THE WITNESS: Yeah. I mean, certainly ITE 9 generation rates that are the basis for these 10 studies are nationwide, so they vary and that can 11 vary in geographic areas. But for the most part, 12 you know, these facilities are really accessed 13 after hours and on weekends. I mean, there are -- 14 the business users are the ones that would 15 potentially access it during the day, but, you 16 know, those are only a fraction of the users. The 17 individual people that access them, homeowners and 18 things like that, are usually doing it when 19 they're moving, or they're moving a loved one, or 20 anything like that. So that's kind of the basis 21 for the generation rates. 22 BY MS. ROGERS: 23 Q And just to, I guess, elaborate on that, 24 has that been reflected in kind of why there's 25 such a significant decrease in terms of peak-hour</p>	<p style="text-align: right;">63</p> <p>1 architecture, or have us walk through our 2 questions? 3 HEARING EXAMINER SOKONI: No need to 4 requalify. We'll recognize your prior 5 qualification. 6 MS. ROGERS: Thank you. 7 HEARING EXAMINER SOKONI: Thank you. 8 MS. ROGERS: And just for the record, I 9 note her resume is in the record at Exhibit 28. 10 HEARING EXAMINER SOKONI: Thank you very 11 much. So the expert is recognized and qualified 12 as an expert in this proceeding. 13 MS. ROGERS: Thank you. 14 BY MS. ROGERS: 15 Q Ms. Brown, are you familiar with the Local 16 Map Amendment Plan that's before the Hearing 17 Examiner today? 18 A Yes. I am the designer for the project. 19 Q And can you just briefly describe your 20 responsibilities for this application? 21 A I helped develop the conceptual 22 architecture, some of the building footprint and 23 elements of the site design for the project and 24 for this LMA. 25 Q And can you describe --</p>
<p style="text-align: right;">62</p> <p>1 vehicle trips? 2 A Oh, yes. Yes, versus like the office 3 building, for example, you know, where you have 4 office tenants that are working a nine-to-five job 5 coming in in the morning and leaving in the 6 afternoon when everybody else is doing the same 7 countywide. So there is a significant reduction 8 there between the two. 9 HEARING EXAMINER SOKONI: Thank you. 10 MS. ROGERS: Okay. Thank you. 11 (The witness was sworn.) 12 REBEKAH BROWN, 13 having been first duly sworn or affirmed, was 14 examined and testified as follows: 15 DIRECT EXAMINATION BY COUNSEL FOR THE APPLICANT 16 BY MS. ROGERS: 17 Q Thank you. Can you please state your name 18 and primary occupation for the record? 19 A Rebekah Brown, I'm a registered architect. 20 Q Thank you. 21 MS. ROGERS: Similarly with Mr. La Vay, 22 Mr. Brown was previously qualified before OZAH 23 specifically in connection with LMA H-147 and 24 conditional use 2302. So would the Hearing 25 Examiner like to requalify her as an expert in</p>	<p style="text-align: right;">64</p> <p>1 MS. ROGERS: I'm sorry. If we can go back 2 to Exhibit 33. Go one slide down. Thank you very 3 much. 4 Q Can you just describe the basic principles 5 and design concepts that were applied to this 6 project? 7 A Certainly. So as Mr. La Vay already 8 discussed in his testimony, one of the important 9 things was to pull the building forward to create 10 a strong street presence. So the building is 11 pulled forward. One of the things that the 12 existing office building has is that it was set 13 back from the street, and so it did not have that 14 strong street presence, which is one of the 15 objectives. We're trying to activate that. 16 Locating parking and loading activities 17 off to the side and not kind of out in front of 18 the building was a priority, and so you'll see 19 that in the proposed design we have everything to 20 the side, and a majority of it, actually, to the 21 rear of the property. 22 And then we're also looking for the 23 building particularly to create fenestration, 24 articulation, to break up the massing of the 25 overall building.</p>

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1 Q And I think maybe now would be a good time
2 just to clarify for the record. Can you provide
3 clarity in terms of what the overall gross floor
4 area is, and then that additional cellar square
5 footage for the proposed building?
6 A Yes. So the gross floor area that we're
7 seeking is the 104,628 square feet, which would
8 achieve an FAR of one, and that the cellar is
9 excluded from that by definition, the zoning code
10 definition. I think it's also referenced in the
11 Staff Report.
12 Q And how large is the cellar space that we
13 have on site?
14 A The cellar is 34,118 square feet.
15 Q Great. Thank you. Are you familiar with
16 the Montgomery County Zoning Ordinance and the
17 provision of the ILF Zone as they relate to the
18 design and development components for this
19 project?
20 A Yes, I am. Before beginning design, we
21 performed a detailed review of the development
22 standards in the ILF Zone to make sure that our
23 design conforms with those standards.
24 Q Thank you. And so just to confirm for the
25 record, is it your professional opinion that this

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1 project complies with all of those standards and
2 requirements?
3 A Yes, it is.
4 Q And have you reviewed the applicable
5 Master Plan and associated design guidelines for
6 this property?
7 A Yes. I have reviewed both the 2018 White
8 Flint 2 Sector Plan, and also the design
9 guidelines for the Rock Spring and White Flint 2
10 Sector Plans.
11 Q And can you describe how this building
12 design responds to the Sector Plan and design
13 guidelines?
14 A Sure. I think we have renderings.
15 Q Yeah. Sorry. Thank you?
16 MS. ROGERS: If you go to the next slide.
17 So we have this slide and the one following are
18 the only kind of two new images that are not
19 currently in the record. But this PowerPoint, I
20 know, was submitted in the record at Exhibit 33,
21 so I don't think we need to separately identify
22 them as exhibits, unless the Hearing Examiner
23 wanted to.
24 HEARING EXAMINER SOKONI: No. This is
25 sufficient.

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1 MS. ROGERS: Thank you.
2 A So as seen on the screen, this is one
3 rendering view. This is coming from the
4 approximate south side of the building up Parklawn
5 Drive. And the design of the building was made to
6 promote the goals of the design guidelines. Most
7 notably -- we've already discussed this -- you
8 know, retaining the industrial use. And so while
9 we still have the industrial use, it does have
10 industrial, you know, character to the
11 architecture with many, many substantial
12 improvements. The design is to break down the
13 building's overall massing. We've done that with
14 creating proportions, offsets to the building's
15 footprint, using a variation of materials, colors
16 that contrast one another. We have strategically
17 located the office building directly off of the
18 Parklawn Drive entrance just so that you have the
19 visual activity at the office so that people know
20 where to go to. The building's ground level is
21 actually taller so that we can have a little more
22 engagement proportions from that and the upper
23 floors. And then we have a cohesive color palette
24 used around the entire building with contrasting
25 colors and textures surrounding everything.


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1 If we want to go to the next slide, so
2 this is heading south down Parklawn. And so one
3 of the things that we focused on are any sight
4 lines that were important to make sure that we
5 have, you know, visual connections. We have roof
6 line variations throughout the building, but
7 maintaining that same color palette, texture,
8 material use throughout.
9 And then, lastly, I think, as I already
10 touched on, you know, the loading activities are
11 primarily screened from view. We've created
12 recesses in the building, both for patron, you
13 know, protection, but also to kind of screen those
14 activities.
15 HEARING EXAMINER SOKONI: So on the last
16 slide, which in your exhibit -- the presentation
17 is Exhibit 33?
18 MS. ROGERS: 33, yes.
19 HEARING EXAMINER SOKONI: And what slide
20 number was the last rendering we were --
21 MS. ROGERS: Slide 11.
22 HEARING EXAMINER SOKONI: Slide 11. Do we
23 have the depiction of sidewalks anywhere else in
24 any of the other drawings we have in the record?
25 I'm seeing sidewalks here. That's great. Do we

<p>69</p> <p>1 have --</p> <p>2 MS. ROGERS: Those are shown on the</p> <p>3 technical plans not in 3D like this, but in plan</p> <p>4 view. These sidewalks are matched what's depicted</p> <p>5 on the Floating Zone Plan, the Landscape Plan and</p> <p>6 the Architectural Site Plan.</p> <p>7 HEARING EXAMINER SOKONI: Thank you.</p> <p>8 MS. ROGERS: Yes.</p> <p>9 HEARING EXAMINER SOKONI: Slide 11, okay.</p> <p>10 BY MS. ROGERS:</p> <p>11 Q And just to clarify for the record, while</p> <p>12 you were looking at kind of architecture and</p> <p>13 starting to develop the architectural concept at</p> <p>14 the time of LMA to look at things like</p> <p>15 compatibility, when will the final architectural</p> <p>16 design be approved with this development?</p> <p>17 A At the time of site plan.</p> <p>18 Q Thank you. And does the proposed building</p> <p>19 height conform to the requested zone? Is it</p> <p>20 compatible with the surrounding neighborhood?</p> <p>21 A Yes, it does. The proposed building is</p> <p>22 asking for a maximum height of 55 feet, which is</p> <p>23 the three stories and cellar that we've discussed.</p> <p>24 It is comparable to existing buildings in the</p> <p>25 area, though it is much less than the hundred feet</p>	<p>71</p> <p>1 be any adverse effects of the proposed project</p> <p>2 either from the exterior or interior lighting on</p> <p>3 the surrounding neighborhood?</p> <p>4 A No, there will not.</p> <p>5 Q Just to elaborate on that, in terms of the</p> <p>6 kind of immediately adjacent uses and why, even</p> <p>7 though we have very low light levels, any light on</p> <p>8 the site would not be impactful based on the uses</p> <p>9 surrounding the site?</p> <p>10 A Yes. That's correct. Directly abutting</p> <p>11 the property are other industrial uses. There's a</p> <p>12 self storage facility directly to our south, and</p> <p>13 then other light industrial and commercial uses to</p> <p>14 the north.</p> <p>15 Q Thank you. Section 7.2.1.E.2.D requires</p> <p>16 the proposed Floating Zone Plan be compatible with</p> <p>17 existing and approved adjacent development. From</p> <p>18 your perspective and your professional opinion,</p> <p>19 can you just comment on this and explain how the</p> <p>20 project satisfies this required finding?</p> <p>21 A This property is located in the heart of</p> <p>22 the industrial zone, so I do believe that it does</p> <p>23 comply with that. This allows the Applicant to</p> <p>24 rezone this property back to an industrial use in</p> <p>25 the heart of an industrial district. The</p>
<p>70</p> <p>1 that would be allowed.</p> <p>2 Q Thank you. And that building height, is</p> <p>3 that compatible with some of the other heights</p> <p>4 that are zoned on surrounding properties?</p> <p>5 A Yes. A lot of the existing buildings in</p> <p>6 this area are approximately around between 50 to</p> <p>7 60 feet in height.</p> <p>8 MS. ROGERS: Can we go to the next -- two</p> <p>9 slides down. Thank you.</p> <p>10 Q So this is just an excerpt from Exhibit 19</p> <p>11 in the record. Can you please describe the</p> <p>12 proposed site lighting concept?</p> <p>13 A Yes. So as shown in this exhibit, the</p> <p>14 building -- the site is lit off of</p> <p>15 building-mounted wall packs, which are full cut</p> <p>16 off so that that complies with any kind of</p> <p>17 requirements for light spillage over the property</p> <p>18 line, but also provides for security and lighting</p> <p>19 within the site.</p> <p>20 Q And while the lighting will also be</p> <p>21 finalized at the time of site plan, will the</p> <p>22 lighting levels be at or below .5-foot candles at</p> <p>23 the property boundaries?</p> <p>24 A Yes, they will.</p> <p>25 Q In your professional opinion, will there</p>	<p>72</p> <p>1 architecture is designed to retain more of that</p> <p>2 industrial character, but also significantly</p> <p>3 improve things like we talked about, bringing the</p> <p>4 building up to the front, providing design</p> <p>5 guidelines compliance, things like that.</p> <p>6 Additionally, we will be screening from</p> <p>7 the CSX railroads, which will significantly reduce</p> <p>8 any kind of noise that would be perceived across</p> <p>9 in the residential areas.</p> <p>10 Q And in your professional opinion, does the</p> <p>11 project satisfy all applicable code requirements</p> <p>12 that pertain to architecture and urban design?</p> <p>13 A Yes, it does.</p> <p>14 Q And do you agree with the findings that</p> <p>15 were made by Park and Planning staff and the</p> <p>16 Planning Board and their recommendations?</p> <p>17 A Yes, I do.</p> <p>18 Q And is there anything else that you would</p> <p>19 like to add?</p> <p>20 A No.</p> <p>21 MS. ROGERS: That concludes our questions</p> <p>22 for Ms. Brown.</p> <p>23 HEARING EXAMINER SOKONI: No questions.</p> <p>24 Thank you very much.</p> <p>25 THE WITNESS: Thank you.</p>

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Conducted on November 21, 2024

<p style="text-align: right;">73</p> <p>1 MS. ROGERS: So that concludes our 2 experts, and I just have a brief closing 3 statement, unless there are additional questions 4 the Hearing Examiner has before we make our 5 closing statement. 6 HEARING EXAMINER SOKONI: Just give me a 7 moment. 8 MS. ROGERS: Sure. 9 HEARING EXAMINER SOKONI: I just wanted to 10 confirm with you that you're experts -- I believe 11 this was the case, but I just want to absolutely 12 confirm. Did either or both of your experts 13 confirm their review of the amended Land Use 14 Report, and just so on the record we have a 15 confirmation that they are in agreement with the 16 amended Land Use Report. 17 MS. ROGERS: Yes. So Mr. La Vay testified 18 that he contributed to the preparation of that, 19 but we didn't call it out as it being the amended 20 one. If you would like, we can bring him back up 21 just for that quick question. 22 HEARING EXAMINER SOKONI: Yes, please. 23 MS. ROGERS: Okay. 24 PATRICK LA VAY, 25 having been first duly sworn or affirmed, was</p>	<p style="text-align: right;">75</p> <p>1 much. 2 MS. ROGERS: So before I make my brief 3 closing statements, it's always my practice to 4 ensure that all the exhibits have been included in 5 the record prior to today's hearing. There were 6 34 exhibits. We had just one additional exhibit, 7 which was the affidavit of posting. So I want to 8 make sure that Exhibits 1 through 35 would all be 9 included in the record following today's hearing. 10 Through the testimony of our witnesses, 11 plus the information in the record, including the 12 Land Use Report as amended, the Traffic Statement, 13 the plans, the Staff Report and the Planning Board 14 transmittal letter, the Applicant has demonstrated 15 that they satisfy and this proposed LMA satisfies 16 all of the requirements of the Zoning Ordinance, 17 including the Floating Zone requirements under 18 Article 59.5 and the LMA findings under Section 19 7.2.1.E that allow the District Council to approve 20 the LMA. 21 This project directly implements the 22 county's goals and recommendations for this 23 industrial district as expressed by the Master 24 Plan, and it returns this missing hole in the 25 donut back to the industrial use and zone that was</p>
<p style="text-align: right;">74</p> <p>1 examined and testified as follows: 2 CONTINUED DIRECT EXAMINATION BY COUNSEL FOR THE 3 APPLICANT 4 BY MS. ROGERS: 5 Q Mr. La Vay, I know in your testimony you 6 explained that you contributed to the preparation 7 of the Land Use Report. That Land Use Report was 8 amended in the record as Exhibit 17, which 9 replaced previously Exhibit 4. Can you just 10 confirm for the record that you agree with the 11 information contained within that Land Use Report? 12 A Yes, I do. 13 HEARING EXAMINER SOKONI: As amended? 14 THE WITNESS: As amended, yes. 15 HEARING EXAMINER SOKONI: Thank you very 16 much. 17 THE WITNESS: Thank you. You may -- 18 MS. ROGERS: Thank you very much. 19 HEARING EXAMINER SOKONI: I'm sorry to 20 interrupt the floor presentation. I just want to 21 make sure -- 22 MS. ROGERS: I wanted to pause to make 23 sure you had all your information before we went 24 to closing statements. 25 HEARING EXAMINER SOKONI: Thank you very</p>	<p style="text-align: right;">76</p> <p>1 previously applicable to the property. 2 Obviously, the challenges facing the 3 suburban office market, as our experts have 4 testified to, are well-documented, and this LMA 5 facilitates the repurposing of this site and 6 allowing for the redevelopment of that aging, 7 underperforming suburban office building with a 8 community-serving use that will support existing 9 and future residents and businesses in the area, 10 and also implement many of the county's 11 environmental and urban design objectives. 12 So with that, we would respectfully 13 request that the record for the LMA be closed 14 following receipt of the preliminary Forest 15 Conservation Plan resolution and the transcript 16 for this hearing. And that concludes our case in 17 chief. 18 HEARING EXAMINER SOKONI: Thank you very 19 much. And so the Exhibits 1 through 35 as 20 identified by counsel are admitted into the 21 record. 22 (Exhibits 1 through 31 and 33 were 23 admitted.) 24 HEARING EXAMINER SOKONI: The record will 25 remain open for 10 days after today to allow for</p>

<p style="text-align: right;">77</p> <p>1 inclusion of the transcript in the record. And as 2 you noted, we will within that 10 days expect to 3 receive the Forest Conservation Resolutions, and 4 those will be -- we'll just continue. The 5 numbering, you know, will continue from 35 on. Of 6 course we also in the file will add. 7 I just want to remind everyone present to 8 have signed in. There's a sign-in sheet at the 9 entrance, and that will be part of the file as 10 well. 11 With that, thank you very much for the 12 presentations. Thank you for the presentations by 13 the experts. And the hearing is now concluded. 14 The record will remain open for 10 days, as noted 15 earlier, for inclusion of only the records that 16 have been identified to be included. Nothing 17 further will be added at this point, unless 18 there's an application to reopen the record. 19 Thank you very much for your time, and the 20 hearing is concluded. 21 (The proceedings concluded at 1:21 p.m.) 22 23 24 25</p>	<p style="text-align: right;">79</p> <p>1 CERTIFICATION OF TRANSCRIPT 2 3 I, Nicole Mastrosimone, do hereby 4 certify that the foregoing transcript, to the best 5 of my ability, knowledge, and belief, is a true 6 and correct record of the proceedings; that said 7 proceedings were reduced to typewriting under my 8 supervision; and that I am neither counsel for, 9 related to, nor employed by any of the parties to 10 this case and have no interest, financial or 11 otherwise, in its outcome. 12 13 <i>Nicole Mastrosimone</i> 14 _____ 15 Nicole Mastrosimone 16 December 4, 2024 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">78</p> <p>1 CERTIFICATE OF COURT REPORTER 2 3 I, Konly Harding, the officer before 4 whom the foregoing proceedings were taken, do 5 hereby certify that said proceedings were 6 electronically recorded by me; and that I am 7 neither counsel for, related to, nor employed by 8 any of the parties to this case and have no 9 interest, financial or otherwise, in its outcome. 10 11  12 _____ 13 Konly Harding, Court Reporter 14 15 16 17 18 19 20 21 22 23 24 25</p>	

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