

Transcript of Hearing

Date: November 21, 2024 **Case:** Parklawn Self Storage, LMA Case (H-154)

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1	OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS	1	APEARANCES	
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, CHARTE	
7	Parklawn Self Storage	7	7600 Wisconsin Avenue, Suite	/00
8 9	x	8	Bethesda, Maryland 20814 301-841-3845	
9 10	HEARING BEFORE EXAMINER KHANDIKILE MVUNGA SOKONI	10	301-041-3043	
11	Rockville, Maryland		ALSO PRESENT:	
12	Thursday, November 21, 2024		Rebecca Stallone	
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5 1 EXHIBITS (Retained by the Court.) 2 EXHIBITS PAGE 3 1 LMA Application 76 3 2 LMA Checklist from Planning 76 4 3 Letter of Authorization 76 5 4 Certified Zoning Map 76 7 1 Identification Plan 76 7 1 Identification Plant 76 7 1 3 Preliminary Stormwater Management Plan 76 7 1 3 Preliminary Stormwater Management 76 8 17 Amended Land Use Report 76 9 19 Amended Architectural Plan 76 10 21 Amended Architectural Plan 76 22 Amended Grafic Statement 76 23 Amended Fride Statement 76 24 Sight Distance Evaluation 76 25 Erife Access Plan 76 26 Concept Landscape Plan 76 27 Bre-Hearing Statement 76 28 Pre-Hearing Statement 76 29 Drainage Study 76 20 Amended Int-11-5-24 76 20 Updated Floating Zone Plan 12 19 20 21 20 21 20 21 20 21 22 23 24 25	 in using the Zoom link that's on our website. I kind of already introduced myself, the full name, Khandikile Mvunga Sokoni. You can list me as Khandikile Sokoni, which is a really long name, so I'll spell it for you. I did hand out business cards, K-H-A-N-D-I-K-I-L-E Sokoni, S-O-K-O-N-I. And my role as Hearing Examiner this is an administrative proceeding under the zoning code. As a Hearing Examiner, I will listen to testimony, review the evidence and render a report and recommendation for submittal to the District Council on the application using the criteria set forth for local map amendments in Article 59 section 7.2.1 of the Montgomery County zoning code. My report and recommendation will be issued within 45 days after the close of the record. Any party of record or aggrieved party may, within 10 days after I issue my report and recommendation, any aggrieved party may file a written request with the District Council to present oral argument. Any party who submits a request for oral argument must send a copy of the
	24 request to all the parties of record.25 And this is probably a good time for me to
 PROCEEDINGS Whereupon, (The reporter was sworn.) HEARING EXAMINER SOKONI: Good morning, everybody. My name is Khandikile Mvunga Sokoni. I will be the Hearing Examiner in this case. We are here for Local Map Amendment request case number H-154, Arcland Property Company, Inc. Parkland Self Storage is the project. We just did the tech check with Zoom and the court reporter check, so we're good to go. This is a public hearing of the Local Map Amendment request submitted by the Applicant, Arcland Property Company, Inc. The Local Map Amendment proposes to change the zoning of the subject property located at 11900 Parkland Drive, Rockville, Maryland from employment office EOF-0.75, H-100' to light industrial ILF-1.0, 	 8 1 mention anyone who is present here should sign in. 2 There's a sign-in sheet at the back at the 3 entrance to the hearing room. 4 At this point I want to turn to the 5 parties for identification, if counsel for the 6 Applicant would like to introduce herself. 7 MS. ROGERS: Yes. Good morning. 8 Elizabeth Rogers with the law firm of Lerch, Early 9 and Brewer. I'm here on behalf of Arcland 10 Property Company. 11 HEARING EXAMINER SOKONI: Thank you. 12 Do we have spellings and are we good? 13 Would you like any of the names to be spelled out 14 in full for counsel? 15 THE REPORTER: I'll get them at the end. 16 HEARING EXAMINER SOKONI: Okay. Thank 17 you. 18 Do we have anyone in opposition to this
 19 H-55' for the purpose of allowing the development 20 of up to 104,628 square feet of self storage use 21 in a three-story building on the subject property. 22 This hearing is being conducted in a 23 hybrid format, which means we are gathered in the 24 hearing room in person, but we also have the Zoom 25 option, and we have the option for people to log 	 18 Do we have anyone in opposition to this 19 application present here in the room or online on 20 Zoom? 21 Hearing none, just I would like to touch 22 on some housekeeping rules with the Zoom. Now, it 23 sounds like we I do see we have it sounds 24 like there's no one in opposition on the Zoom, but 25 we do have, as far as I can tell, three people on

1 the Zoom. Two are actually OZAH staff, and I see 1 coursel wishes to address, or do you want to just 2 one party identified as		
2 jump right into your opening statement? 3 THE TECHNICLAN: I have the list right 4 here, if you want. So you've got three people in 5 here, if you want. So you've got three people in 6 HEARING EXAMINER SOKON: Okay. We do 7 matter, which is fat we have hand copies of the declaration of 9 listen. But if that's not okay, I can leave. 10 HEARING EXAMINER SOKON: If's perfectly 11 loky. You've rery welcome to. We just want to 12 anesk to space. Would you need to speak during 13 need to space. Would you have do speak during 14 this proceeding? 15 MS. STALLONE: No. Thank you. 16 HEARING EXAMINER SOKONI: You're very 17 welcome. 18 welcome. 19 Okay. Just a few Zoom housekeeping rules. 20 Since we don't have anyone ino poposition. I won't yets welcom that are the binding 19 ont proceeding. All mention that if anyone 21 lass would like that to mention that if anyone 23 in the clonsors of Edge of Chrome. 24 </td <td>9 1 the Zoom Two are actually OZAH staff and I see</td> <td>11 1 counsel wishes to address, or do you want to just</td>	9 1 the Zoom Two are actually OZAH staff and I see	11 1 counsel wishes to address, or do you want to just
3 MS. ROGERS: 1 guess one prefiniturary 4 here, if you want. So you've got three people in 5 affadvi of posting, which 1 believe would be 6 HEARING EXAMINER SOKONI: Okay. We do affadvi of posting, which 1 believe would be 6 HEARING EXAMINER SOKONI: I's perfectly that would be an exhibit that might not be an exhibit there are an exhibit that might not be an exhibit there are the shibit that might not be an exhibit there are the shibit that might not might more are that and that we mention if the set and the mention if the set and that more minor the set and that we not and the mention if the might more aready and the mention that and the mention if the set and that more minor the set and that more minor the set and thit more minor that if anyone and that more minor that if anyone and that more	-	
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24 that at that point. 24 Just so I'm clear, this new exhibit because we		
	23 on after the start, you know, we'll pivot back to	
25Are there any preliminary matters that25 already I think we started with an Exhibit 18,		
	*	24 Just so I'm clear, this new exhibit because we

	0vember 21, 2024	1.5
13 1 which was replaced by the Floating Zone. Let me	1 sure we address them through our experts today.	15
2 just say what you've just given me overrides any	2 So again, for the record, Elizabeth Rogers	
3 prior submissions on a Floating Zone map.	3 with Lerch, Early and Brewer. With me here today	
4 MS. ROGERS: So let me just check to make	4 is Steve Cratin on behalf of Arcland Property	
5 sure that other one had the same amount of pages.	5 Company. We also have Pat La Vay MHG, the	
6 HEARING EXAMINER SOKONI: Okay. I	6 project's civil engineer, Rebekah Brown with BWD	
7 believe, we had an Exhibit 18, which you had	7 Architects.	
8 replaced, which was replacing	8 As the Hearing Examiner is aware from our	
9 MS. ROGERS: Yes. So this fully replaces	9 application materials, we're seeking to rezone the	
10 the Exhibit 18, which is why there's three sheets	10 property from the EOF zone to the industrial light	
11 there. The only thing that actually changed was	11 Floating Zone with a one FAR and height of 55	
12 the binding elements on the cover sheet, but we	12 feet. This will allow self storage as a permitted	
13 gave you a full new packet, or, you know, set of	13 use. As you will hear from our experts today, the	
14 the Floating Zone Plan, which is three separate	14 application is really seeking to restore the	
15 pages to fully replace Exhibit 18.	15 industrial zoning to the property in conformance	
16 HEARING EXAMINER SOKONI: Thank you very	16 with the county's goals and objectives as	
17 much. That totally addresses one of my questions.	17 expressed through the Master Plan, and also in	
18 And then I also just you don't need to address	18 conformance with the industrial district within	
19 them right this minute, but I will just mention	19 which this property is located. This rezoning	
20 them so they are addressed at some point.	20 will facilitate the redevelopment of an aging	
21 I did want to clarify the exact square	21 suburban office building with a street activating	
22 footage of the self storage building. In some of	22 modern self storage facility and associated site	
23 the exhibits I thought I saw different numbers,	23 improvements.	
24 and I just want to make sure that we nail down an	24 In its October 28, 2024 report, the	
25 exact square footage of what is proposed. I think	25 Maryland National Park and Planning Commission	
14		16
1 Exhibit 26, which is the Concept Landscape Plan,	1 staff recommended approval of the Local Map	
2 showed a number of 102,054 square feet. But I	2 Amendment because they found that the application	
3 know some of these exhibits have been replaced.	3 met all applicable requirements of the Montgomery	
4 And then I had a number of 104,629 square feet in	4 County Zoning Ordinance and was in substantial	
5 the Exhibit 18, which I know has now been	5 conformance with the Master Plan, and their report	
6 replaced. So at some point I just would like to	6 is in the record at Exhibit 29.	
7 clarify what is the exact square footage of the	7 On November 7, the Montgomery County	
8 proposed building.	8 Planning Board held a public hearing and voted	_
9 I also would like some clarification on	9 unanimously to recommend approval of the Local Map	þ
10 what is the storm water management strategy. I	10 Amendment with binding elements. And their	
11 believe Exhibit 17 says the Applicant will prepare	11 Planning Board transmittal letter is in the record	
12 and submit a stormwater management strategy.	12 at Exhibit 30. We concur with planning staff and	
13 Another question I had is the status of 14 the Forest Conservation Plan. I believe that was	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.	
15 approved by the Planning Board, but I would just 16 like to address where that stands at this time.		
	16 And we agree and accept all the conditions and17 binding elements proposed by the Planning Board in	
And, lastly, if you could kindly addressfor me at some point the trip generation rates	18 their transmittal letter, along with the one	
19 that are used for the proposed building. In no	19 clarification that the Hearing Examiner had	
20 particular order of importance, I just wanted to	20 recommended, which our civil engineer will testify	
21 make sure that we cover those.	21 to in his testimony.	
22 Thank you very much. You may proceed with	22 Through our witnesses today, we will	
23 your presentation.	23 demonstrate that the Local Map Amendment meets the	÷
24 MS. ROGERS: Great. And thank you for	24 ILF Floating Zone requirements contained in	-
25 giving those questions in advance. We'll make	25 Division 59.5 of the Zoning Ordinance; that the	
25 String mose questions in advance. We it make	25 Ernston 57.5 of the Loning Ordination, that the	

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

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1 process?	1 THE WITNESS: Yes.
2 A So after approval of the LMA by the	2 HEARING EXAMINER SOKONI: There's no need
3 District Council, we'll be seeking a site plan	3 to go through the formality of the questions.
4 approval from the Planning Board.	4 You're recognized.
5 MS. ROGERS: Great. I have no further	5 MS. ROGERS: Thank you.
	6 HEARING EXAMINER SOKONI: And qualified as
6 questions for Mr. Cratin, unless they Hearing7 Examiner does.	-
8 HEARING EXAMINER SOKONI: Based on your	1
	8 You may proceed.9 MS. ROGERS: Great.
9 qualifications and the credentials that were	10 BY MS. ROGERS:
10 already submitted in the record, I believe the	
11 Was a resume previously submitted?	11 Q Are you familiar with the Local Map
12 MS. ROGERS: We're not qualifying	12 Amendment Plan Application that's before the
13 Mr. Cratin so	13 Hearing Examiner today?
14 HEARING EXAMINER SOKONI: Okay.	14 A I am. The application is related to the
15 MS. ROGERS: We did submit his resume, but	15 property at 11900 Parklawn Drive in Rockville,
16 just wanted him to testify on behalf of kind of	16 Maryland. It's a 2.185 acre lot. And the request
17 the Applicant.	17 is to rezone the property from what's currently
18 HEARING EXAMINER SOKONI: Sure. Thank	18 EOF 0.75, H-100' to industrial light floating, ILF
19 you. No questions.	19 1.0, H-55', and to facilitate the redevelopment of
20 MS. ROGERS: Great. Thank you.	20 the property from an aging office building to a
21 We'll call our next witness, who will be	21 modern self storage facility.
22 Mr. La Vay.	22 Q And is self storage as a use permitted in
23 HEARING EXAMINER SOKONI: I was getting	23 the ILF zone?
24 ahead of myself. Now we have the expert.	24 A Yes, it is.
25 (The witness was sworn.)	25 Q Can you please describe your
22	24
1 HEARING EXAMINER SOKONI: Thank you. You	1 responsibilities with regard to the Local Map
2 may proceed.	2 Amendment Plan Application?
3 MS. ROGERS: Thank you.	3 A First and foremost, my responsibility was
4 PATRICK LA VAY,	4 to review the 2018 White Flint 2 Sector Plan and
5 having been first duly sworn or affirmed, was	5 the Zoning Ordinance to confirm conformance and
6 examined and testified as follows:	6 compatibility of the proposed use and Map
7 DIRECT EXAMINATION BY COUNSEL FOR THE APPLICANT	7 Amendment with the recommendations of those plans
8 BY MS. ROGERS:	8 and any associated functional plans.
9 Q Can you please state your full name and	9 I then participated in development of the
10 occupation for the record?	10 Land Use Report that was submitted before the
11 A My name is Patrick La Vay. I'll give you	11 Hearing Examiner.
12 the spelling of the last name. It's L-A, space,	12 And, lastly, I oversaw the preparation of
13 capital V as in Victor A-Y. And I am a civil	13 various plans that were submitted as well,
14 engineer and land development consultant with MHG.	14 including Natural Resource Inventory, the Floating
15 MS. ROGERS: So we are prepared to begin a	15 Zone Plan, Forest Conservation Plan, preliminary
16 series of questions that could qualify Mr. La Vay	16 stormwater concept, Fire Access Plan and the
17 as an expert in land development and civil	17 Traffic Statement.
18 engineering, although he has been previously	18 Q Thank you. And I think you just said it,
19 qualified before this body as an expert in both	19 but, to be clear for the record, did you prepare a
20 fields and his resume is submitted in the record	20 written report that was part of the application?
21 with our prehearing statement as Exhibit 28. How	21 A I participated quite a bit in the
22 would the Hearing Examiner like us to proceed?	22 development of the Land Use Report, yes.
23 HEARING EXAMINER SOKONI: The witness	23 MS. ROGERS: Which, just for the record,
24 confirms that you have previously been qualified	24 is Exhibit 17.
25 before this body?	25 Q Have you made a personal inspection of the
	TDEPOS

25261property, and are you familiar with the area2xurrounding the site?3A Ves, Have visited the property and the4surrounding area on several occasions.5Q6You sidy out had prepared a Natural Resources7Inventory Forest Stand Delineation.8MS. ROGERS: For the record, that's9Eachibit 12.10Q11Department; and, if's o, can you please just12describe a little bit about the location and13charce Titis is an excent form Staff Report;14A Sure. That plan was - the Natural15Resource Stand Delineation was16approved by the planning staff in April of 2024.17the property: in general, as I mentione before, is18locaretic at 11900 parklawn Drive in Rockville,19MS. ROGERS: Can we pail up it just20V Sorty. One second.21MS. ROGERS: Yeah.21MS. ROGERS: Yeah.24THE WITNESS: Is that the Natural Resource25Intervourgo. Thank you.26126127MS. ROGERS: Yeah.28artset where the property sort of jogs thrrough29and you gree with saff's boundary is a surrounder20NS. ROGERS: Yeah.21MS. ROGERS: Yeah.24THE WITNESS: Okay.25MS. ROGERS: Yeah.26THE WITNESS: Nay.27MS. ROGERS: Yeah.28	Conducted on	November 21, 2024
 arrounding the site? A Yes, have visited the property and the d surrounding area on several occasions. Q And Iknow you mentioned this as well. for you sidy on had prepared a Natural Resources noted on the property. Some steeper slopes that are noted on the property. memory Forest Stand Delineation. G Q Was that NRI/FSD approved by the Planning Department; and, if so, can you please just clasticiss of the property. a darger of the Natural Resource Inventory Forest Stand Delineation was fa approved by the planning staff in April of 2024. The property, Gress Can we pull up it just S RoGERS: Yeah. The WITNESS: Is that the Natural Resource MS. ROGERS: Yeah. The WITNESS: So day. The CHINICAN: What silide did you say? S accessed by two carb cuts from Parklawn Drive. A A part of the Natural Resource Inventory. A A part		
 A Yes, Thave visited the property and the surrounding area on several occasions. Q And I know you mentioned this as well. You said you had prepared a Natural Resources Inventory Forest Stand Delineation. MS. ROGERS: For the record, that's Exhibit 12. Q Was that NRI/FSD approved by the Planning Department; and, if so, can you please just Q describe alltib to it about the location and Characteristics of the property. A Sure. That plan was - the Natural Rosource Inventory Forest Stand Delineation was Rosource Inventory I in general, as I mentioned before, is Rosource Inventory Forest Stand Delineation was Rosource Inventory I in general, survended Rosource Inventory Forest Stand Delineation was Rosource Inventory Forest Stand Delineation was Rosource Inventory Forest Stand Delineation was	1 property, and are you familiar with the area	1 known or observed rare or endangered species on
4 surrounding area on several occasions. 4 slopes that are noted on the Natural Resources 5 You said you had prepared a Natural Resources 6 noted on the property. 7 Immentory Forest Stand Delineation. 7 7 Q Mark NOGERS: For the record, that's 9 Exhibit 12. 7 Q Thank you. 8 MS. ROGERS: For the record, that's 9 side, please. 10 Q Was that NR/FSD approved by the Planning 11 this is an excerpt from Staff Report, 11 a Surre. That plan was - the Natural 13 boundaries sidentified by staff in the? 14 17 The property in general, as I mentioned before, is 15 A 1 am. Yes. 16 Q And thene western boundary is the south 11 MS. ROGERS: Can we pull up it just 2 10 0 side of Randolph Road. 19 10 20 10 20 10 20 10 20 10 21 10 20 10 20 10 20 10 20 10 20 10 20 20 20 20 20 20 20 2	•	2 the property. There are, as hatched on the west
 S Q. And I know you mentioned this as well. You said you had prepared a Natural Resources Timentory Forest Stand Delineation. MS. ROGERS: For the record, that's Exhibit 12. Q Was that NRUFSD approved by the Planning Department; and, if so, can you plense just G And an you shall be be and the location and clastracteristics of the property? Harron Stand Delineation was A Sure: That plan was - the Natural Resource Inventory Forest Stand Delineation was G Andra ny oub infly describe what those The property in general, as I mentioned before, is Botated at 11900 Parklawn Drive in Rockville, MS. ROGERS: Can we pull up it just MS. ROGERS: So any up all up it just MS. ROGERS: So any up all up it just MS. ROGERS: So that the Natural Resource MS. ROGERS: Yeah. THE TECHNICIAN: What slide did you say? MS. ROGERS: Yeah. THE TECHNICIAN: What slide did you say? MS. ROGERS: Yeah. MS. ROGERS: Yeah. MS. ROGERS: So as I was saying, the property is 2.15 a cress. It's located on Parklawn Drive. A so, as I was saying, the property is 2.15 a cress. It's located on Parklawn Drive. A so, as I was saying, the property is 2.15 a cress. It's located on Parklawn Drive. A so, as I was saying, the property is 2.15 a cress. It's located on Parklawn Drive. A so, as I was saying, the property for Timsury office building, and that is surrounded I furk staff's - I would say, in my percond and proved under existing additions with a 1 for story office building, and that's part of the Natural Resource Inventory, for Si state noted on this exhibita 3. Montogomery for Si state noted on this exhibita 4.5 degrees from the 20 and there are several. or 1 should say two Si saccessed by	3 A Yes, I have visited the property and the	3 and southeast sides of the property, some steeper
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 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 Q And can you briefly describe what those 17 The property: in general, as I mentioned before; is 18 Isourdatari 11900 Partkawn Drive in Rockville, 19 Maryland. It's 2.1 20 Q. Sorry. One second. 21 MS. ROGERS: Can we pull up it just 22 With WITNESS: Is that the Natural Resource 24 THE WITNESS: Is that the Natural Resource 25 Inventory 26 1 11 MS. ROGERS: Yeah. 2 THE WITNESS: Si shat the Natural Resource 26 1 MS. ROGERS: Yeah. 2 1 MS. ROGERS: Yeah.	4 surrounding area on several occasions.	4 slopes that are noted on the Natural Resource
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 P Inventory Forest Stand Delineation. MS. ROGERS: For the record, that's G Was that NR/FSD approved by the Planning D Department; and, if so, can you please just G action of the property? A Sure. That plan was - the Natural Is Resource Inventory Forest Stand Delineation was G approved by the planning staff in April of 2024. The property in general, as I mentioned before, is G located at 11900 Parklawn Drive in Rockville, MS. ROGERS: I was exceeded by the planning staff in April of 2024. The property in general, as I mentioned before, is G Mocardo you briefly describe what those MS. ROGERS: New, MS. ROGERS: I was the Natural Resource MS. ROGERS: Yeah. THE WITNESS: Is that the Natural Resource MS. ROGERS: Yeah. THE WITNESS: Is that the Natural Resource MS. ROGERS: Yeah. THE WITNESS: Is that the Natural Resource MS. ROGERS: Yeah. THE WITNESS: Is the second slide. Yeah. The Serve. To located on Parklawn Drive. A So, as I was saying, the property sp. 21. The scrues me - across the property for Tiomartory office building, and that is surrounded I four-story office building, and that is surrounded I four-story office building, and that is surrounded in the staff s boundary. I probably would have Significant easements running east, wst, or west, is family a paproximately 900 feet south of Randolph Road. I for restory office building and that is surrounded in the set are noted on this exibilities. However, I Significant easements running east, wst, or west, is family part 18 formaries and the cas are noted on this exibilities. However, I Sourd after reas werk ap or the Natural Resource Inventory, for Sa area. Ris located on Parklawn Drive. A A Ido. I do agree that the boundary. I probably would have the estimat	6 You said you had prepared a Natural Resources	6 noted on the property.
8 MS. ROGERS: For the record, that's 9 9 Exhibit 12. 9 10 Q Was that NRUFSD approved by the Planning 10 11 Department; and, if so, can you please just 10 Q So this is an excerpt from Staff Report, 11 bepartment; and, if so, can you please just 10 Q So this is an excerpt from Staff Report, 12 describe a little bit about the location and 12 familiar with the sourrounding neighborhood 13 characteristics of the property? 14 A Sure. That plan was - the Natural 15 Rost and the northern boundary is the South 13 boundaries are? 18 located at 11900 ParkHawn Drive in Rockville, 18 A Sure. The western boundary is the South 20 Q. Sorry: One second. 21 15 a Care. Trie worthoundary is the south 23 side two? 21 not as straight, but primarily for a neither boundary is 23 side two? 21 not as straight, but primarily for a neighborhood are driven by 24 THE WITNESS: Is that the Natural Resource 25 1 where the end of the existing light industrial 23		
 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 26 MS. ROGERS: Yeah. 27 MS. ROGERS: Yeah. 28 MS. ROGERS: Yeah. 29 MS. ROGERS: Yeah. 20 MS. ROGERS: Sust the second slide. Yeah. 21 MS. ROGERS: Yeah. 22 Three you go. Thank you. 3 A So, a I was saying, the property is 2.15 8 acres. It's located on Parklawn Drive 9 approximately 900 feet south of Randolph Road. 20 rand do you agree with staffs delineation? 4 Ido. I do ayou agree with staffs delineation? 4 Ido. I do ayou agree with staffs boundary does extend 21 on three sides by surface parking. The property for 31 saitary, sewer and storm drain. And that's part 21 MS apt of the Natural Resource Inventy, no 23 are actegorized as forest on the property, no 24 stright ot the east side, if approximatel patters. 21 MS apt of the Natural Resource Inventy, no 23 are actegorized as forest on the property, no 24 stright and the ther are no there's no 24 stright oth east on the mak a substantial 22 difference in the findings of conformance and the 23 compatibility of the and the boundary slightly othe and the sub at think<td></td><td>•</td>		•
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25 streams, flood plains, wetlands. There are no 25 smaller.	 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 	 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

29	31
1 Q So, for the record, are you comfortable	1 you.
2 accepting staff's defined neighborhood boundary?	2 Q Can you explain the overall planning
3 A I am comfortable with staff's boundary. I	3 concepts for this development proposal?
4 just said that for the record.	4 A Sure. First and foremost, placement of
5 Q Great.	5 the building was the building was cited in
6 HEARING EXAMINER SOKONI: Just for my	6 thinking about modern building modern building
7 understanding, could you explain why you would	7 architecture and placement and the goals of the
8 have the reason for wanting the boundary	8 Sector Plan to really bring the building up to the
9 differently?	9 street, and then also in similarly having the
10 THE WITNESS: Yeah. I just think the	10 parking behind the building line so there's no
11 single family homes that are included currently in	11 surface parking in front of the building.
12 the boundary are really separated physically and	12 And then the plan was also oriented to
13 from a functional standpoint from this really what	13 allow for the relocation of some substantial
14 is primarily a light industrial and commercial	14 utility easements that exist on the property
15 area. And I think there as you can see on the	15 through retaining green space on the north side
16 page, those institutional users are quite large,	16 and then using the drive aisles on the south side
17 the Jewish Day School in the Head Start Center.	17 to reroute those utilities.
18 And what you can't see on the page as well is when	18 Q And can you please describe the vehicular
19 this image was taken to the north on the I	19 access and circulation, how that's proposed?
20 guess it's the south side of Randolph Road there's	20 A Sure. As I mentioned previously, there
21 a townhome community that was developed there as	21 are two existing curb cuts on the property. The
22 well. And I think those sort of three uses, I	22 one on the north side of the property is being
23 think, begin the transition to that single family	23 eliminated, and the one on the south side is being
24 community, and I would have just drawn the	24 reduced in size in coordination with functional
25 boundary on the west side of those.	25 plan goals of the county and pedestrian safety.
30	32
1 BY MS. ROGERS:	1 But the south side where there will be a curb cut
2 Q Can you describe the character of the	2 that will remain for all vehicular traffic to
3 surrounding neighborhood?	3 enter the site and access the building from the
4 A Sure. The surrounding neighborhood is	4 building has access on two levels. The access
5 mostly commercial and light industrial. There	5 parking you see I should say on the south side of
6 are, as I mentioned, two institutional uses. And	6 the building is the first level, and the parking
7 then there is limited residential and the	7 on the west side is the second level where you
8 residential that does exist, a significant portion	8 drive up and around the building. And then all
9 of it, on the west excuse me to the east	9 circulation will happen on site, and vehicles will
 10 side of Parklawn Drive is multifamily. 11 Q And in your professional opinion, will the 	10 be back onto Parklawn Road through the single curb
11 Q And in your professional opinion, will the 12 proposed development impact the character of the	11 cut.12QThanks. And to answer one of the Hearing
13 surrounding neighborhood?	13 Examiner's questions, can you clarify the square
14 A No, it will not. The property was	14 footage that's proposed for the development?
15 actually previously zoned light industrial, and	15 A Yes. The total gross floor area of the
16 was only rezoned as a result of the Map Amendment	16 building I don't want to get this wrong, so
17 following the 2018 White Flint 2 Sector Plan	17 thank you guys for giving me the plan. It's
18 because the building on the property didn't meet	18 104,626 square feet.
19 the previous IL zoning standard for building	19 Q And Rebekah can also testify this too, but
20 height. So reverting this back to the previous	20 is there that's the gross floor area proposed.
21 zoning will restore that industrial zoning on the	21 Is there additional cellar space that's also
22 property and be compatible.	
23 Q And can you please briefly explain	22 proposed?
	22 proposed?23 A There is, and I was going to mention that.
	23 A There is, and I was going to mention that.
MS. ROGERS: Actually, can we go to the 25 next slide first before I ask my question? Thank	

22	25
33 1 since for traffic generation purposes we're asked	MS. ROGERS: Can we flip to the next
2 to include the cellar space. And that number	2 slide? Thank you.
3 let me see if I have it here. Pardon me.	3 Q This is just a reproduction of Exhibit 21
4 Q And that number we can have Rebekah	4 from the record. Does the application require
5 testify to, if it's not on there. I believe that	5 preparation of a preliminary Forest Conservation
6 there was an additional 34,118 square feet of	6 Plan?
7 cellar space. And when Ms. Brown testifies, she	7 A Yes, it does.
8 can confirm that.	8 Q And did the Planning Board review the
9 Great. Does the proposed access, going	9 preliminary Forest Conservation Plan?
10 back to the access you just described, meet the	10 A They did. The Planning Board reviewed and
11 standards for Montgomery County Department of	11 approved the preliminary Forest Conservation Plan
12 Transportation?	12 on November 7, 2024.
13 A It does. As I mentioned, it's been	13 Q And can you please describe just briefly
14 consolidated to a single access point in the	14 what the preliminary plan shows?
15 county's goals for pedestrian safety. We'll get	15 A The preliminary Forest Conservation Plan,
16 into streetscape design probably later, but it	16 given the nature of the property, its developed
17 also allows for implementation of a new	17 nature and the redevelopment, which consumes most
18 streetscape along the front of the property that	18 available space in the property, the .35 acres of
19 does meet the county's Complete Streets goals,	19 afforestation that's generated will be handled off
20 including having a what they call continuous	20 site, either through a mitigation bank or a
21 sidewalk, or continuous bike path so that doesn't	21 fee-in-lieu purchase, depending on whether a bank
22 ramp down at the it stays flush across the	22 is available at the time.
23 entrance. It doesn't ramp down as you cross the	23 The plan does include removal of the three
24 entrance, the vehicle entrance of the property.	24 specimen trees I mentioned earlier, given their
25 Our office did conduct also a site distance	25 proximity to the work area, and those will be
	26
34	36
34 1 analysis to ensure that the adequate sight lines	1 mitigated on site in the form of according to a
 analysis to ensure that the adequate sight lines are provided for vehicles leaving the property. 	 mitigated on site in the form of according to a formula the county has for mitigation trees. And
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Conducted on N	ovember 21, 2024
37	39
1 couple days.	1 as a Floating Zone, you do have to have some
2 HEARING EXAMINER SOKONI: Okay. Thank	2 stormwater strategy, which is why you're
3 you.	3 addressing what you're addressing?
4 BY MS. ROGERS:	4 THE WITNESS: That's correct.
5 Q Great. So moving on to stormwater	5 HEARING EXAMINER SOKONI: Thank you.
6 management, is a Stormwater Management Concept	6 MS. ROGERS: We'll go to the next slide,
7 Plan required for this development?	7 please. Thank you.
8 A A formal approval, which would come from	8 So this is just kind of a blown up of the
9 the Department of Permitting Services, is not	9 data table and then the plan from well, I guess
10 required with this application. However, we did	10 the Floating Zone Plan, Exhibit 18. These haven't
11 perform a fairly extensive review of those	11 changed. These will obviously be updated with the
12 requirements and developed a preliminary concept	12 Exhibit 32. So we listed Exhibit 18, but these
13 plan that was submitted with the application.	13 are the exact same as what's shown on Exhibit 32.
14 Just given the nature of stormwater management	14 BY MS. ROGERS:
15 these days and its integration with site design,	15 Q Mr. La Vay, can you please restate what is
16 it's important to at least give that a review at	16 the relevant Master Plan for this property?
17 this stage.	17 A It is the 2018 White Flint 2 Sector Plan.
5	
18 Q Thank you.	18 Q And have you reviewed that Sector Plan?19 A Yes.
19 MS. ROGERS: I think go to the next slide.	
20 This, for the record, is just a reproduction of	20 Q And based on your review of the Sector
21 Exhibit 13, which is that preliminary Stormwater	21 Plan, in your professional opinion, is the
22 Management Concept Plan that Mr. La Vay was	22 proposed development in substantial conformance?
23 describing. And there is also a narrative	23 A Yes, it is. And would now be a good time
24 included in the Land Use Report, which is Exhibit	24 for me to cite some okay. So I would break
25 17.	25 that, break my analysis down into two components.
25 17.	
38	40
1 Q Can you please just briefly describe the	40 1 I think the first would be the key goals of the
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41 1 And the last key recommendation I would	1 floating zones. Did you evaluate the rezoning	43
	2 application in connection with this section?	
 3 goals, which those include energy efficiency, 4 reduced urban heat island and new environmental 	-	
	4 Q There are three separate intents, the	
5 site design, stormwater management. This building	5 first of which is to implement a comprehensive	
6 type, self storage, is very energy efficient.	6 planning objectives. This is section 51.2.A. in	
7 There's a significant reduction in urban heat	7 your professional opinion, can you please explain	
8 island on the property with the removal and	8 how the proposed project furthers the goals of the	
9 replacement of surface parking with much less, and	9 applicable plans?	
10 then building cover, and actually an overall	10 A Yes. As I was just mentioning, the	
11 reduction in impervious area on the property.	11 project is in substantial conformance with the	
12 And, as I mentioned previously, the property is	12 three key goals of the plan being retention of	
13 providing a hundred percent of the ESD,	13 light industrial zoning, urban design principles	
14 environmental site design, volume provided through	14 and sustainability, all achieved through this	
15 stormwater management. I'll also say on the	15 application.	
16 sustainability section that the plan does	16 Q And the second intent is to encourage the	
17 recognize that there is significant noise and	17 appropriate use of land. Can you please describe	
18 vibration from the CSX tracks that exist today,	18 how this project promotes that intent?	
19 and the plan does recommend in the same	19 A Yes. The property is being requested to	
20 sustainability goals to retain the light	20 be rezoned back to light industrial simply as a	
21 industrial uses along this corridor as more	21 matter of addressing what was done in the 2018	
22 noise-compatible uses, and also provide a buffer	22 plan as a cleanup matter. The challenges that	
23 from those tracks to the beginnings of the	23 face the suburban office market are very	
24 residential uses that exist across Parklawn Drive.	24 well-known, and having the office building and the	e
25 So those are the key recommendations, and	25 industrial rezone really is not an appropriate	
42		44
1 then there's district specific recommendations.	1 use. The application does comply with the	
2 The property is located in the Parklawn South	2 Floating Zone standards of the zoning code in	
3 district of the plan. And, similarly, the	3 terms of FAR and height. As I mentioned, the	
4 language in the district's specific	4 project will provide several environmental	
5 recommendations seeks to retain the industrial	5 benefits through the use of reduction of	
6 district, you know, recognizing that the	6 impervious area, reduction of urban heat island, a	
7 industrial uses provide several key functionings	7 very energy-efficient building. And this building	
8 to the surrounding community. The plan goes as	8 will also have very minimal impacts on public	
9 far even to say that these light industrial uses	9 facilities, given the nature of the use.	
10 assist the properties outside the plan boundary in	10 Q Thank you. And the last intent requires	
11 the 2010 White Flint Sector Plan and the growing	11 that established neighborhoods be protected. In	
12 residential properties that are within that plan	12 your professional opinion, can you explain how the	
13 as well.	13 project protects and is compatible with the	
14 Q And did the Maryland National Capital Park	14 surrounding neighborhood?	
15 and Planning Commission staff in their report of	15 A Yes. Well, again pointing back to the	
16 the Planning Board and making their recommendation	16 simple reestablishment of the industrial zone that	
17 agree with your conclusion that the proposed	17 existed previously, which is compatible both	
18 development is in substantial conformance with the	18 neighborhood-wide, but also with the adjacent	
19 Master Plan?	19 properties up and down Parklawn Drive. As I also)
20 A Yes, they did.	20 mentioned, you know, this is a use that provides a	
21 Q I'm now going to ask you a series of	21 buffer from the residential uses across the street	
22 questions based on your knowledge of the Zoning	22 and really protects the neighborhood from the	
23 Ordinance and familiarity with the project and	23 adverse impacts of the CSX tracks. And the	
24 your professional expertise. Section 59.5.1.2	24 property also, you know, enhances the neighborho	
25 sets forth the intents and purposes of the	25 through revamped streetscape, new environmental	1
	L DEDUS	

45	47
1 benefits, stormwater management, as I mentioned.	1 the Zoning Ordinance prohibits a Floating Zone for
2 Q Thank you. Section 5.5.2 sets forth the	2 a property that's located in agricultural, rural
3 purposes of the Industrial Light Floating zones.	3 residential zone. Is that applicable to this
4 Can you describe how the project satisfies that	4 property?
5 stated purpose?	5 A That is not. This is not a residential or
6 A Yeah. Well, the purpose is, you know, to	6 agriculturally zoned property.
7 allow for light industrial uses, particularly uses	7 Q And are there any prerequisites required
8 like warehousing and light manufacturing at a	8 for this Floating Zone application?
9 range of densities and heights that allow for	9 A There are not, as the underlying existing
10 compatibility and to really ingrain in the	10 zone is not residential.
11 surroundings. And this application does just that	11 Q And how are development standards handled
12 by a building that is largely the same height as	12 under the ILF Zone?
13 what exists today, is very similar to the uses	13 A Most of the development standards are set
14 that are adjacent to it today. The FAR, the gross	14 at site plan, as Mr. Cratin mentioned, which will
15 floor area is within the allowed limits. And it's	15 be the next step of this application. There are,
16 been carefully designed to meet both Sector Plan	16 although, building height, open space and floor
17 and functional plan goals.	17 area are determined at this stage.
18 Q Great.	18 Q And are setbacks to the property
19 HEARING EXAMINER SOKONI: Since you're	19 boundaries also determined by the Floating Zone
20 touching on the FAR, is this a good time to I	20 Plan?
21 just want to make sure at some point I just get	21 A No. Those are set at site plan.
22 some clarity on how the cellar space is that	22 Q But did
23 something that's going to be addressed later on?	23 A Sorry. I apologize. Yeah, there are
24 MS. ROGERS: I think we can have would	24 setbacks set at the Floating Zone. Excuse me.
25 you want to touch on how cellar is the question	25 Wrong Floating Zone. Those are set the front,
46	48
46 1 more technical in terms of how it's calculated, or	48 1 side and rear setbacks are set by the Floating
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	20 th	e amenity open spaces really would be used by	20	on site?	
22 reality is this building will have very few 22 four are provided. And in this particular case.	21 te	enants and visitors to the buildings, and the	21	A Yes. There are two spaces required, and	
	22 re	eality is this building will have very few	22	four are provided. And in this particular case,	
23 employees as a self storage facility. However, 23 given the use of self storage, parking and loading	23 ei	mployees as a self storage facility. However,	23	given the use of self storage, parking and loading	
24 the code does require you have this space. So 24 are certainly a little bit interchangeable as, you	24 th	e code does require you have this space. So	24	are certainly a little bit interchangeable as, you	
25 this just provides a seating area that has some 25 know, people are bringing their things, it depends	25 th	is just provides a seating area that has some	25	know, people are bringing their things, it depends	5

Conducted on November 21, 2024			
53	55		
1 on the size of the vehicle they drive up in.	1 set forth in Section 7.2.1.E of the Zoning		
2 MS. ROGERS: We can go to the next slide.	2 Ordinance. Have you had an opportunity to review		
3 Thank you.	3 these criteria and evaluate this Local Map		
4 Q Is there adequate fire access to the site?	4 Amendment under those findings?		
5 A Yes, there is. And Exhibits this is?	5 A Yes.		
6 Q 25.	6 Q Next I'm going to walk through those		
7 A 25 is the Fire Department Access Plan our	7 specific findings. So Section 7.2.1.E to A		
8 office prepared, which delineates that an	8 requires the proposed Floating Zone Plan		
9 apparatus, which is on the plan hatched in green,	9 substantially conform with the recommendations of		
10 can get within 50 feet of the main front door of	10 the applicable Master Plan, General Plan and other		
11 the building. And then there is, from that point	11 county plans. Have you had an opportunity to		
12 or any point where a fire apparatus is sitting,	12 review that plan in this context, and do you think		
13 the building can be reached at any point within	13 this finding could be satisfied?		
14 450 feet of that location.	14 A Yes, I do believe this finding is		
15 MS. ROGERS: If we can go to the next	15 satisfied. As I mentioned in my previous		
16 slide.	16 testimony, this request does retain the light		
17 Q So this is reproduction of Exhibit 26, the	17 industrial zoning that previously existed on the		
18 Concept Landscape Plan. Can you please describe	18 property, and that's a key recommendation of the		
19 how the proposed landscaping complies with the	19 plan. And the urban design and the streetscape		
20 various requirements of the Zoning Ordinance?	20 improvements and environmental improvements are		
21 A Sure. And this one the landscape plan	21 certainly goals of not only the 2018 White Flint 2		
22 will be implemented at site plan. Site plan I	22 Sector Plan, but also various functional plans		
23 apologize for my confusion earlier. But the	23 countywide.		
24 landscaping requirements consist of as I	24 Q Section 7.2.1.E.2.B requires a proposed		
25 mentioned earlier, not necessarily landscape, but	25 Floating Zone Plan further the public interest.		
54	56		
1 there are forest conservation mitigation trees	1 In your professional opinion, does this project		
2 that will be part of the plan. And then there's	2 further the public interest?		
3 typical landscaping requirements for shading of	3 A Yes, it does. And, as I mentioned again		
4 parking areas. There's a requirement that parking	4 previously, the substantial buffer this creates		
5 areas have 25 percent tree canopy cover at their	5 from the CSX tracks to the residential communities		
6 20-year growth rate. There's also internal	6 is a substantial benefit. The streetscape		
7 landscaping requirements in parking islands as	7 improvements, pedestrian safety improvements and		
8 well.9 Q Thank you. And are public benefits	8 the self storage use as well is a community		
	9 serving use, both for the surrounding small10 businesses and residential uses.		
10 required for this project?			
 A They are not. Q In your professional opinion, does the 	11 Q Section 7.2.1.E.2.C requires proposed 12 Floating Zone Plans satisfy the intent, purposes		
12 Q In your professional opinion, does the 13 proposed Floating Zone Plan satisfy all applicable	13 and standards of the Industrial Light Floating		
14 code requirements for this stage of the	14 Zone. In your professional opinion, does the		
15 development?	15 project satisfy these requirements?		
16 A Yes, it does.	16 A Yes, it does.		
17 Q And did Park and Planning staff and the	17 Q Section 7.2.1.E.2.D requires the proposed		
18 Planning Board agree with your evaluation that	18 Floating Zone Plan must be compatible with		
19 this project meets those standards?	19 existing and approved adjacent developments. Can		
20 A Yes, they did, and that was confirmed at	20 you please explain how the project satisfies that		
20 A res, they dru, and that was commined at 21 the hearing on November 7.	21 finding?		
22 Q Thank you. As you know, the zoning map	22 A Yes. Similarly, as I mentioned before,		
23 change to a Floating Zone requires approval of	22 A res. Similarly, as I mentioned before, 23 by, you know, reverting the zoning back to the		
24 Local Map Amendment. The District Council must			
127 Local Map Americanoni, The District Council must	24 light industrial that existed providually the		
25 approve that LMA makes certain findings that are	24 light industrial that existed previously, the25 surrounding land uses are very similar in nature.		

57	59
1 And this is a use that will provide that needed	1 A Yes.
2 transition from the CSX tracks to the multifamily	2 Q And does the proposed Floating Zone Plan
3 uses that exist across the street.	3 conflict in any way with any of the capital
4 MS. ROGERS: We can actually sorry	4 improvement programs?
5 go out of this and pull up Exhibit 22. Thank you.	5 A It does not. No.
6 Q So section 7.2.1.E.2.E requires that the	6 Q And in your professional opinion, does the
7 Floating Zone Plan will not generate traffic that	7 Floating Zone Plan satisfy all applicable code
8 does not exceed the critical lane volume or volume	8 requirements?
9 capacity ratio standards as applicable. Does this	9 A Yes.
10 project meet that requirement?	10 Q And do you agree with the findings made by
11 A The project was actually exempt from the	11 Park and Planning staff and the Planning Board in
12 local area traffic review standards, given the	12 their recommendation?
13 very, very few trips that are generated here.	13 A Yes, we do.
14 MS. ROGERS: To answer the Hearing	14 Q And just to clarify for the record, have
15 Examiner's question on this, can you go to yes.	15 the binding elements on the updated Floating Zone
16 Thank you.	16 Plan, which is now Exhibit 32, been slightly
17 Q Can you just describe in a little more	17 updated from the Planning Board's recommended
18 detail in terms of how that exemption was	18 binding elements?
19 determined?	19 A Yes. And those were submitted today as a
20 A Yeah. Sure. The Institute of Traffic	20 revised exhibit.
21 Engineers 11th Edition Manual, Trip Generation	21 Q And just for the record, can you just
22 Manual was used. And then the I believe the	22 explain the one, I guess, change that was made?
23 self storage use is the closest use is a mini	23 A It was the addition of we don't have a
24 warehouse is what the county suggests should be	24 copy of that plan; do we? Okay. The addition of
25 used. When you run that through the analysis that	25 the words let me make sure I have this right.
58	60
1 converts what currently converts to person	1 It was in binding element number two that
 converts what currently converts to person trips in Montgomery County standards, this use 	 It was in binding element number two that describes that limits vehicular access to the
 converts what currently converts to person trips in Montgomery County standards, this use will generate 17 a.m. peak-hour person trips and 	 It was in binding element number two that describes that limits vehicular access to the site to a single consolidated access point. The
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1	74	
	61	63
	change to self storage. Is there a typical	1 architecture, or have us walk through our
2	traffic pattern with I'm thinking from a	2 questions?
3	layperson's standpoint, you know, self storage,	3 HEARING EXAMINER SOKONI: No need to
4	are people going to self storage necessarily at	4 requalify. We'll recognize your prior
5	peak hours, or is it any odd time of the day or	5 qualification.
6	weekends? You know, how does it what's unique	6 MS. ROGERS: Thank you.
7	about the self storage?	7 HEARING EXAMINER SOKONI: Thank you.
8	THE WITNESS: Yeah. I mean, certainly ITE	8 MS. ROGERS: And just for the record, I
9	generation rates that are the basis for these	9 note her resume is in the record at Exhibit 28.
	studies are nationwide, so they vary and that can	10 HEARING EXAMINER SOKONI: Thank you very
	vary in geographic areas. But for the most part,	11 much. So the expert is recognized and qualified
	you know, these facilities are really accessed	12 as an expert in this proceeding.
	after hours and on weekends. I mean, there are	13 MS. ROGERS: Thank you.
	the business users are the ones that would	14 BY MS. ROGERS:
15	potentially access it during the day, but, you	15 Q Ms. Brown, are you familiar with the Local
	know, those are only a fraction of the users. The	16 Map Amendment Plan that's before the Hearing
17	individual people that access them, homeowners and	17 Examiner today?
18	things like that, are usually doing it when	18 A Yes. I am the designer for the project.
19	they're moving, or they're moving a loved one, or	19 Q And can you just briefly describe your
20	anything like that. So that's kind of the basis	20 responsibilities for this application?
21	for the generation rates.	21 A I helped develop the conceptual
22	BY MS. ROGERS:	22 architecture, some of the building footprint and
23	Q And just to, I guess, elaborate on that,	23 elements of the site design for the project and
24	has that been reflected in kind of why there's	24 for this LMA.
	such a significant decrease in terms of peak-hour	25 Q And can you describe
_	62	64
1	vehicle trips?	1 MS. ROGERS: I'm sorry. If we can go back
2	A Oh, yes. Yes, versus like the office	2 to Exhibit 33. Go one slide down. Thank you very
3	building, for example, you know, where you have	3 much.
4	office tenants that are working a nine-to-five job	4 Q Can you just describe the basic principles
5	coming in in the morning and leaving in the	
	coming in in the morning and leaving in the	5 and design concepts that were applied to this
6	afternoon when everybody else is doing the same	
6 7	afternoon when everybody else is doing the same	5 and design concepts that were applied to this
		 5 and design concepts that were applied to this 6 project? 7 A Certainly. So as Mr. La Vay already
7	afternoon when everybody else is doing the same countywide. So there is a significant reduction	 5 and design concepts that were applied to this 6 project? 7 A Certainly. So as Mr. La Vay already
7 8	afternoon when everybody else is doing the same countywide. So there is a significant reduction there between the two.	 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
7 8 9	afternoon when everybody else is doing the same countywide. So there is a significant reduction there between the two. HEARING EXAMINER SOKONI: Thank you.	 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
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 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 	afternoon when everybody else is doing the same countywide. So there is a significant reduction there between the two. HEARING EXAMINER SOKONI: Thank you. MS. ROGERS: Okay. Thank you. (The witness was sworn.) REBEKAH BROWN, having been first duly sworn or affirmed, was examined and testified as follows: DIRECT EXAMINATION BY COUNSEL FOR THE APPLICANT BY MS. ROGERS: Q Thank you. Can you please state your name and primary occupation for the record? A Rebekah Brown, I'm a registered architect. Q Thank you. MS. ROGERS: Similarly with Mr. La Vay, Mr. Brown was previously qualified before OZAH	 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

Conducted on 14	overnoer 21, 2021
65	67 MS DOCEDS: Thurburg
1 Q And I think maybe now would be a good time	1 MS. ROGERS: Thank you.
2 just to clarify for the record. Can you provide	2 A So as seen on the screen, this is one
3 clarity in terms of what the overall gross floor	3 rendering view. This is coming from the
4 area is, and then that additional cellar square	4 approximate south side of the building up Parklawn
5 footage for the proposed building?	5 Drive. And the design of the building was made to
6 A Yes. So the gross floor area that we're	6 promote the goals of the design guidelines. Most
7 seeking is the 104,628 square feet, which would	7 notably we've already discussed this you
8 achieve an FAR of one, and that the cellar is	8 know, retaining the industrial use. And so while
9 excluded from that by definition, the zoning code	9 we still have the industrial use, it does have
10 definition. I think it's also referenced in the	10 industrial, you know, character to the
11 Staff Report.	11 architecture with many, many substantial
12 Q And how large is the cellar space that we	12 improvements. The design is to break down the
13 have on site?	13 building's overall massing. We've done that with
14 A The cellar is 34,118 square feet.	14 creating proportions, offsets to the building's
15 Q Great. Thank you. Are you familiar with	15 footprint, using a variation of materials, colors
16 the Montgomery County Zoning Ordinance and the	16 that contrast one another. We have strategically
17 provision of the ILF Zone as they relate to the	17 located the office building directly off of the
18 design and development components for this	18 Parklawn Drive entrance just so that you have the
19 project?	19 visual activity at the office so that people know
20 A Yes, I am. Before beginning design, we	20 where to go to. The building's ground level is
21 performed a detailed review of the development	21 actually taller so that we can have a little more
22 standards in the ILF Zone to make sure that our	22 engagement proportions from that and the upper
23 design conforms with those standards.	23 floors. And then we have a cohesive color palette
24 Q Thank you. And so just to confirm for the	24 used around the entire building with contrasting
25 record, is it your professional opinion that this	25 colors and textures surrounding everything.
66	68
1 project complies with all of those standards and	1 If we want to go to the next slide, so
2 requirements?	2 this is heading south down Parklawn. And so one
3 A Yes, it is.	3 of the things that we focused on are any sight
4 Q And have you reviewed the applicable	4 lines that were important to make sure that we
5 Master Plan and associated design guidelines for	5 have, you know, visual connections. We have roof
6 this property?	6 line variations throughout the building, but
7 A Yes. I have reviewed both the 2018 White	7 maintaining that same color palette, texture,
8 Flint 2 Sector Plan, and also the design	8 material use throughout.
 9 guidelines for the Rock Spring and White Flint 2 	 9 And then, lastly, I think, as I already
10 Sector Plans.	10 touched on, you know, the loading activities are
	11 primarily screened from view. We've created
11 Q And can you describe how this building 12 design responds to the Sector Plan and design	12 recesses in the building, both for patron, you
13 guidelines?	13 know, protection, but also to kind of screen those 14 activities.
14 A Sure. I think we have renderings.	
15 Q Yeah. Sorry. Thank you?	15 HEARING EXAMINER SOKONI: So on the last
16 MS. ROGERS: If you go to the next slide.	16 slide, which in your exhibit the presentation
17 So we have this slide and the one following are	17 is Exhibit 33?
18 the only kind of two new images that are not	18 MS. ROGERS: 33, yes.
19 currently in the record. But this PowerPoint, I	19 HEARING EXAMINER SOKONI: And what slide
20 know, was submitted in the record at Exhibit 33,	20 number was the last rendering we were
20 know, was submitted in the record at Exhibit 33,21 so I don't think we need to separately identify	20 number was the last rendering we were21MS. ROGERS: Slide 11.
20 know, was submitted in the record at Exhibit 33,21 so I don't think we need to separately identify22 them as exhibits, unless the Hearing Examiner	 20 number was the last rendering we were 21 MS. ROGERS: Slide 11. 22 HEARING EXAMINER SOKONI: Slide 11. Do we
20 know, was submitted in the record at Exhibit 33,21 so I don't think we need to separately identify22 them as exhibits, unless the Hearing Examiner23 wanted to.	 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
 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 	 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?
20 know, was submitted in the record at Exhibit 33,21 so I don't think we need to separately identify22 them as exhibits, unless the Hearing Examiner23 wanted to.	 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

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

24 to closing statements.

MS. ROGERS: I wanted to pause to make

HEARING EXAMINER SOKONI: Thank you very

23 sure you had all your information before we went

Conducted on N	ovember 21, 2024	
73		75
1 MS. ROGERS: So that concludes our	1 much.	
2 experts, and I just have a brief closing	2 MS. ROGERS: So before I make my brief	
3 statement, unless there are additional questions	3 closing statements, it's always my practice to	
4 the Hearing Examiner has before we make our	4 ensure that all the exhibits have been included in	
5 closing statement.	5 the record prior to today's hearing. There were	
6 HEARING EXAMINER SOKONI: Just give me a	6 34 exhibits. We had just one additional exhibit,	
7 moment.	7 which was the affidavit of posting. So I want to	
8 MS. ROGERS: Sure.	8 make sure that Exhibits 1 through 35 would all be	
9 HEARING EXAMINER SOKONI: I just wanted to	9 included in the record following today's hearing.	
10 confirm with you that you're experts I believe	10 Through the testimony of our witnesses,	
11 this was the case, but I just want to absolutely	11 plus the information in the record, including the	
12 confirm. Did either or both of your experts13 confirm their review of the amended Land Use	12 Land Use Report as amended, the Traffic Statement,	
14 Report, and just so on the record we have a	13 the plans, the Staff Report and the Planning Board14 transmittal letter, the Applicant has demonstrated	
15 confirmation that they are in agreement with the	15 that they satisfy and this proposed LMA satisfies	
16 amended Land Use Report.	16 all of the requirements of the Zoning Ordinance,	
17 MS. ROGERS: Yes. So Mr. La Vay testified	17 including the Floating Zone requirements under	
18 that he contributed to the preparation of that,	18 Article 59.5 and the LMA findings under Section	
19 but we didn't call it out as it being the amended	19 7.2.1.E that allow the District Council to approve	
20 one. If you would like, we can bring him back up	20 the LMA.	
21 just for that quick question.	21 This project directly implements the	
22 HEARING EXAMINER SOKONI: Yes, please.	22 county's goals and recommendations for this	
23 MS. ROGERS: Okay.	23 industrial district as expressed by the Master	
24 PATRICK LA VAY,	24 Plan, and it returns this missing hole in the	
25 having been first duly sworn or affirmed, was	25 donut back to the industrial use and zone that was	
74		76
1 examined and testified as follows:	1 previously applicable to the property.	
2 CONTINUED DIRECT EXAMINATION BY COUNSEL FOR THE	2 Obviously, the challenges facing the	
3 APPLICANT	3 suburban office market, as our experts have	
4 BY MS. ROGERS:	4 testified to, are well-documented, and this LMA	
5 Q Mr. La Vay, I know in your testimony you	5 facilitates the repurposing of this site and	
6 explained that you contributed to the preparation	6 allowing for the redevelopment of that aging,	
7 of the Land Use Report. That Land Use Report was	7 underperforming suburban office building with a	
8 amended in the record as Exhibit 17, which	8 community-serving use that will support existing	
9 replaced previously Exhibit 4. Can you just	9 and future residents and businesses in the area,	
10 confirm for the record that you agree with the	10 and also implement many of the county's	
11 information contained within that Land Use Report?	11 environmental and urban design objectives.	
12 A Yes, I do.	12 So with that, we would respectfully	
13 HEARING EXAMINER SOKONI: As amended?	13 request that the record for the LMA be closed	
14 THE WITNESS: As amended, yes.	14 following receipt of the preliminary Forest	
15 HEARING EXAMINER SOKONI: Thank you very	15 Conservation Plan resolution and the transcript	
16 much.	16 for this hearing. And that concludes our case in	
17 THE WITNESS: Thank you. You may	17 chief.	
18 MS. ROGERS: Thank you very much.	18 HEARING EXAMINER SOKONI: Thank you ve	ery
19 HEARING EXAMINER SOKONI: I'm sorry to	19 much. And so the Exhibits 1 through 35 as	
20 interrupt the floor presentation. I just want to	20 identified by counsel are admitted into the	
21 make sure	21 record.	

HEARING EXAMINER SOKONI: The record will 25 remain open for 10 days after today to allow for

(Exhibits 1 through 31 and 33 were

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23 admitted.)

	77 79
1 inclusion of the transcript in the record. And as	1 CERTIFICATION OF TRANSCRIPT
2 you noted, we will within that 10 days expect to	2
3 receive the Forest Conservation Resolutions, and	3 I, Nicole Mastrosimone, do hereby
4 those will be we'll just continue. The	4 certify that the foregoing transcript, to the best
5 numbering, you know, will continue from 35 on. Of	5 of my ability, knowledge, and belief, is a true
6 course we also in the file will add.	6 and correct record of the proceedings; that said
7 I just want to remind everyone present to	
8 have signed in. There's a sign-in sheet at the	8 supervision; and that I am neither counsel for,
9 entrance, and that will be part of the file as	9 related to, nor employed by any of the parties to
10 well.	10 this case and have no interest, financial or
11 With that, thank you very much for the	11 otherwise, in its outcome.
12 presentations. Thank you for the presentations by	12
13 the experts. And the hearing is now concluded.	¹³ ₁₄ Nicole Mastrosimone
14 The record will remain open for 10 days, as noted	14 Nacole Mascrosimone
15 earlier, for inclusion of only the records that	15 Nicole Mastrosimone
16 have been identified to be included. Nothing	16 December 4, 2024
17 further will be added at this point, unless	17
18 there's an application to reopen the record.	18
19 Thank you very much for your time, and the	19
20 hearing is concluded.	20
21 (The proceedings concluded at 1:21 p.m.)	21
22 (The proceedings concluded at 1.2.1 p.m.)	22
	22 23
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24	24
25	25
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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 not and inse	
12 Landia	
13 Konly Harding, Court Reporter	
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A	41:24, 44:21,	addressing	aggrieved
а-у	57:3, 72:8	39:3, 43:21	7:18, 7:20
22:13	activate	adequate	aging
ability	64:15	17:6, 34:1,	15:20, 23:20,
79:5	activated	34:8, 34:13,	76:6
able	48:23	34:18, 34:21,	agree
10:1, 49:7	activating	52:15, 52:19,	16:16, 28:3,
about	15:21	53:4	28:4, 42:17,
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