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Transcript of Public Hearing

Date: January 9, 2025

Case: Teresita C. Hernandez Day Care (CU 24-16)

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Transcript of Public Hearing
 Conducted on January 9, 2025

<p style="text-align: right;">1</p> <p>1 MONTGOMERY COUNTY OFFICE OF ZONING AND 2 ADMINISTRATIVE HEARINGS 3 -----x 4 In Re: Application of : 5 Teresita C. Hernandez for a : Case No. 6 Conditional Use for a Daycare : CU 24-16 7 Center and Parking Waiver : 8 -----x 9 10 11 HEARING 12 BEFORE THE HEARING EXAMINER - KHANDIKILE SOKINI 13 Conducted virtually 14 Thursday, January 9, 2024 15 9:31 AM EST 16 17 18 19 20 21 22 23 Job No.: 566252 24 Pages: 1 - 53 25 Recorded By: Kylan Barry</p>	<p style="text-align: right;">3</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1 2 3 ON BEHALF OF THE MONTGOMERY COUNTY OFFICE 4 OF ZONING AND ADMINISTRATIVE HEARINGS: 5 KHANDIKILE MVUNGA SOKONI - Hearing Examiner 6 MONTGOMERY COUNTY OFFICE OF ZONING 7 AND ADMINISTRATIVE HEARINGS 8 100 Maryland Avenue 9 County Office Building, Room 200 10 Rockville, MD 20850 11 240.777.6660 12 (Present via videoconference) 13 14 ALSO PRESENT: 15 PABLO BARRIOS - Harvest Title and Escrow LLC 16 TERESITA C. HERNANDEZ - Applicant 17 RAFAEL HERNANDEZ - Applicant Husband 18 19 20 21 22 23 24 25</p>																																																
<p style="text-align: right;">2</p> <p>1 Hearing, held virtually. 2 3 4 5 6 7 8 9 10 11 12 13 Pursuant to agreement, before 14 Kylan Barry, Court Reporter. 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">4</p> <p style="text-align: center;">C O N T E N T S</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">2 EXAMINATION OF TERESITA C. HERNANDEZ</td> <td style="width: 20%; text-align: right;">PAGE</td> </tr> <tr> <td>3 By The Hearing Officer</td> <td style="text-align: right;">18</td> </tr> <tr> <td colspan="2">4</td> </tr> <tr> <td colspan="2" style="text-align: center;">5 E X H I B I T S</td> </tr> <tr> <td colspan="2" style="text-align: center;">6 (Retained by the Court.)</td> </tr> <tr> <td>7 HEARING EXHIBIT</td> <td style="text-align: right;">PAGE</td> </tr> <tr> <td>8 Exhibit 4 Copy of the Deed</td> <td style="text-align: right;">20</td> </tr> <tr> <td>9 Exhibit 8 Letters</td> <td style="text-align: right;">31</td> </tr> <tr> <td>10 Exhibit 10 Drawing of Location</td> <td style="text-align: right;">41</td> </tr> <tr> <td>11 Exhibit 23 Email from Architect</td> <td style="text-align: right;">25</td> </tr> <tr> <td>12</td> <td></td> </tr> <tr> <td>13</td> <td></td> </tr> <tr> <td>14</td> <td></td> </tr> <tr> <td>15</td> <td></td> </tr> <tr> <td>16</td> <td></td> </tr> <tr> <td>17</td> <td></td> </tr> <tr> <td>18</td> <td></td> </tr> <tr> <td>19</td> <td></td> </tr> <tr> <td>20</td> <td></td> </tr> <tr> <td>21</td> <td></td> </tr> <tr> <td>22</td> <td></td> </tr> <tr> <td>23</td> <td></td> </tr> <tr> <td>24</td> <td></td> </tr> <tr> <td>25</td> <td></td> </tr> </table>	2 EXAMINATION OF TERESITA C. HERNANDEZ	PAGE	3 By The Hearing Officer	18	4		5 E X H I B I T S		6 (Retained by the Court.)		7 HEARING EXHIBIT	PAGE	8 Exhibit 4 Copy of the Deed	20	9 Exhibit 8 Letters	31	10 Exhibit 10 Drawing of Location	41	11 Exhibit 23 Email from Architect	25	12		13		14		15		16		17		18		19		20		21		22		23		24		25	
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<p>5</p> <p>1 PROCEEDINGS 2 (Whereupon, the court reporter was duly 3 sworn.) 4 COURT REPORTER: We are on the record 5 now. Thank you. 6 MS. SOKONI: Good morning, everyone. 7 Just checking in with the court reporter. Are we 8 ready to proceed? 9 COURT REPORTER: Yes, ma'am. We're on 10 the record. 11 MS. SOKONI: Okay. Thank you very much. 12 This is a public hearing regarding a 13 two-part application, an application for a 14 conditional use for a daycare center as well as an 15 application for a -- a -- a parking waiver. So 16 this is a conditional use and parking waiver 17 application. The case number is CU 24-16, 18 Teresita Hernandez, doing business as the Angel's 19 Daycare, LLC, located at 2801 Randolph Road. It's 20 a public hearing regarding a two-part application, 21 an application for a conditional use for a daycare 22 center for 13 to 30 persons and an application for 23 a waiver of the parking requirements of the zoning 24 code. 25 With regard to the conditional use</p>	<p>7</p> <p>1 here, we have -- I -- I would like the applicant 2 now -- the applicant does not have an attorney, is 3 not represented by counsel, but it's my 4 understanding that the applicant will have -- 5 certainly will have a witness or -- or more, and 6 so we'll get to that in a bit, but I would like to 7 turn to Teresita Hernandez as the applicant. If 8 you could introduce yourself and your party, 9 please. 10 MS. HERNANDEZ: Yes. Yes. Good 11 morning. I'm Teresita Hernandez. A Growing 12 Angels provider for at least 16 years, in 13 different places. I decided to move to Silver 14 Spring for -- to accommodate more children. I 15 started in 2015. I was licensed in 2014 because 16 of the process of moving from only to Silver 17 Spring. So I'm -- 18 MS. SOKONI: (indiscernible) -- 19 MS. HERNANDEZ: -- planning to have 20 more -- 21 MS. SOKONI: -- sorry -- I'm sorry to 22 interrupt you. 23 MR. HERNANDEZ: Okay. Lets -- 24 MS. SOKONI: At this point -- 25 MR. HERNANDEZ: -- just -- just the</p>
<p>6</p> <p>1 application, the applicant has the burden of 2 proving that the application meets the general 3 requirements of Section 59-6 and the requirements 4 of Section 59.7.3.1(E) of the Zoning Ordinance as 5 well as the use standards that are set out in 6 Section 59.3.4.4(D). Under Division 6.2, the 7 number of parking spaces that can be required -- 8 that are required can be reduced if the applicant 9 can demonstrate that the full number of spaces is 10 not necessary because of existing parking which is 11 available on an abutting property, or on the 12 street abutting the site that will satisfy the 13 number of spaces required, or that a reduced 14 number of spaces would be sufficient to 15 accommodate the proposed use without adversely 16 affecting the surrounding area. 17 By way of introduction, my name is 18 Khandikile Sokoni, spelled K-H-A-N-D-I-K-I-L-E, 19 last name, S-O-K-O-N-I, Khandikile Sokoni. I'm 20 the hearing examiner in this case, which means 21 that I will listen to testimony. I will review 22 the evidence and I will render an opinion -- a 23 decision, regarding the criteria that I referenced 24 above. At this point, I would like to identify 25 the -- the parties. From what I can tell on Teams</p>	<p>8</p> <p>1 introduction. 2 MS. HERNANDEZ: Okay. Sorry. 3 MS. SOKONI: At this point, the only 4 thing we're going to do is the introductions. 5 That's okay. That's perfectly fine. I know 6 you're -- I know you're eager to get into the -- 7 the application and I'm eager to hear everything 8 you have to say. So I don't -- 9 MR. HERNANDEZ: She is, Judge. She is. 10 MS. HERNANDEZ: Yes. I'm sorry. 11 MS. SOKONI: Not to worry at all. 12 MR. HERNANDEZ: Introduce yourself -- 13 MS. SOKONI: At this point -- 14 MR. HERNANDEZ: -- and spell your last 15 name. 16 MS. SOKONI: -- at -- at this point 17 what -- what I would like is simply an 18 introduction of your name, and if you could spell 19 it for the court reporter, and introduce who you 20 have with you. You know, who -- who -- who will 21 be -- who are the witnesses who are going to 22 present with you, just by way of introduction. 23 You'll have every opportunity when we start the 24 case, because your testimony will be under oath. 25 So we'll get to that --</p>

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<p style="text-align: right;">9</p> <p>1 MS. HERNANDEZ: Okay.</p> <p>2 MS. SOKONI: -- in a short while but if</p> <p>3 you could just do introductions.</p> <p>4 MS. HERNANDEZ: Okay. Again, good</p> <p>5 morning. I'm Teresita Hernandez.</p> <p>6 MR. HERNANDEZ: Spell your last name.</p> <p>7 MS. HERNANDEZ: My last -- my name is</p> <p>8 Teresita, T as in Tom, E as in Edward, R as in</p> <p>9 Richard, E as in Edward, S as in Sam, I as in</p> <p>10 igloo, T as in Tom, A as in and or arm. My last</p> <p>11 name is Hernandez, H as in Henry, E as in Edward,</p> <p>12 R as in Richard, N as in Nancy, A as in and or</p> <p>13 arm, N as in Nancy, D as in David, E as in Edward,</p> <p>14 Z as in zebra. And me -- with me is my husband,</p> <p>15 Rafael Hernandez. Do you want me to spell his</p> <p>16 name? Rafael Hernandez is --</p> <p>17 MR. HERNANDEZ: R -- R-A-F-A-E-L,</p> <p>18 Rafael, H-E-R-N-A-N-D-E-Z, Hernandez.</p> <p>19 MS. SOKONI: Thank you.</p> <p>20 MS. HERNANDEZ: And with me also is Mr.</p> <p>21 Barrios, Mr. Pablo Barrios.</p> <p>22 MR. BARRIOS: Let me introduce myself</p> <p>23 for the record. I have helped Ms. Teresita</p> <p>24 Hernandez with all the documents, put it together,</p> <p>25 write it for her. So my name is Pablo Barrios,</p>	<p style="text-align: right;">11</p> <p>1 your best experience on Teams will be if you're</p> <p>2 using Microsoft Edge or Chrome. So if you're not</p> <p>3 in Microsoft Edge or Chrome, this will be the time</p> <p>4 to log out and come back in. Are we good on that</p> <p>5 front?</p> <p>6 MR. BARRIOS: Yes.</p> <p>7 MS. SOKONI: Okay. I can see you and</p> <p>8 hear you very clearly, so I'm assuming we're okay,</p> <p>9 but just so you know, Safari does not work well</p> <p>10 with -- with Microsoft Teams. I do ask that</p> <p>11 people do not interrupt while someone else is</p> <p>12 speaking. We have a court reporter who is</p> <p>13 transcribing word for word everything that is</p> <p>14 going on here. And when we crosstalk, it becomes</p> <p>15 very difficult for the court reporter to record</p> <p>16 things. So what I would suggest is -- what I ask</p> <p>17 of all parties is as someone speaks, if you note</p> <p>18 something, just make a note of it, unless you're</p> <p>19 making an objection. Simply make a note of it and</p> <p>20 then if there's an appropriate time for you to be</p> <p>21 called upon to speak, you can clarify whatever you</p> <p>22 want to do so at that point.</p> <p>23 Please make sure that when you are not</p> <p>24 speaking, that you are on mute. And in order to</p> <p>25 testify, you have to have your camera on. And I</p>
<p style="text-align: right;">10</p> <p>1 B-A-R-R-I-O-S.</p> <p>2 MS. SOKONI: Thank you. Do we have any</p> <p>3 -- anyone in opposition on this call? I see no</p> <p>4 one in opposition on the call. And I already</p> <p>5 checked in on whether anyone is represented by an</p> <p>6 attorney, and Ms. Hernandez, you said you do not</p> <p>7 have an attorney; is that correct?</p> <p>8 MS. HERNANDEZ: Correct.</p> <p>9 MS. SOKONI: Okay. So I just want to</p> <p>10 be clear for housekeeping purposes, just so we --</p> <p>11 we all understand the process. If you do not have</p> <p>12 an attorney -- and I understand that, you know,</p> <p>13 you -- you -- you know, you've already introduced</p> <p>14 your very, you know, able engineer. I think we'll</p> <p>15 get to that in a -- in a little bit about --</p> <p>16 you'll give us your credentials and explain your</p> <p>17 background. But I just want to be clear about the</p> <p>18 fact that if we don't have counsel, your role will</p> <p>19 be that of a witness.</p> <p>20 So Ms. Hernandez will be able to call</p> <p>21 you as a witness. We'll get into whether she gets</p> <p>22 to qualify you as a -- as an expert witness, but</p> <p>23 certainly as a fact witness for sure. I just want</p> <p>24 to cover -- we are doing this on Teams. So some</p> <p>25 of this is already -- I just want to be clear,</p>	<p style="text-align: right;">12</p> <p>1 believe that once you're on mute, if you press the</p> <p>2 star six, it allows -- it allows you to mute -- to</p> <p>3 mute and unmute yourself. Please note that this</p> <p>4 -- you may see a notice that this session is being</p> <p>5 recorded at the top of the page. Please note that</p> <p>6 the hearings are always recorded by the court</p> <p>7 reporter who generates a word for word verbatim</p> <p>8 transcript. The Teams recording if available is</p> <p>9 only a backup for the reporter and that is not the</p> <p>10 official record.</p> <p>11 The chat function has been disabled.</p> <p>12 So if you wish to speak, you'll have to raise your</p> <p>13 hand. You will not have the option to type</p> <p>14 anything in the chat. You will not be able to</p> <p>15 share your screen during this process, but if you</p> <p>16 have any document that you would like us to --</p> <p>17 that you would like us to make reference to, we</p> <p>18 have an exhibit list on the website for this case</p> <p>19 and we have all the exhibits up through Exhibit 25.</p> <p>20 You'll let me know -- Ms. Hernandez, do</p> <p>21 you have any other exhibits beyond what is on the</p> <p>22 website right now? Right now, the website has</p> <p>23 Exhibits 1 through 25. The last Exhibit -- the</p> <p>24 last three exhibits were a set of emails that I</p> <p>25 had sent to Planning, and then -- that was Exhibit</p>

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<p>13</p> <p>1 23. They got us a response, which was Exhibit 24. 2 And then I have Exhibit 25, is the affidavit of 3 posting. Do you have any other exhibits, anything 4 new that is not already on the website that you 5 would like to present, Ms. Hernandez? 6 MS. HERNANDEZ: No, I don't have any. 7 That -- 8 MS. SOKONI: Okay. Thank you very much. 9 MS. HERNANDEZ: I have only everything 10 that is in. 11 MS. SOKONI: Thank you. This is an 12 administrative proceeding. I'm just going to 13 cover the nature of the proceedings. This is an 14 administrative proceeding. The proceedings are 15 quite informal. Even though it's not exactly like 16 -- like we -- like, we would be in court, but 17 there are a lot of similarities. Like I said, we 18 -- we have a court reporter, and everything that 19 you -- all your testimony will be taken under 20 oath. Here I see that we don't have anyone 21 objecting. I just want to emphasize the fact that 22 you -- as the applicant, you have the burden to 23 show that you meet the criteria for what you are 24 asking for. 25 And like I said, if you have -- if you</p>	<p>15</p> <p>1 Barrios. 2 MS. SOKONI: Okay. And could you -- 3 could you give me some background for what he'll 4 be -- are you presenting him just as a fact 5 witness or as an expert witness? 6 MS. HERNANDEZ: He -- he's like a 7 family friend. He's been helping us for a long 8 time. Since, I guess, we came here to the United 9 States, we've been so close. So for something 10 like I need help, we run to him. 11 MS. SOKONI: Okay. So, Ms. Hernandez, 12 if I could start by having you raise your right 13 hand. And do you agree that your testimony here 14 will be the truth, the whole truth, and nothing 15 but the truth? 16 MS. HERNANDEZ: I do. 17 MS. SOKONI: Okay. Thank you. You can 18 -- you can call on your witness and explain -- and 19 -- and you can introduce your witness and we'll 20 take it from there. 21 MS. HERNANDEZ: Okay. I would like Mr. 22 Barrios to speak to me. He's my witness. 23 Mr. Barrios? 24 MR. BARRIOS: Well, thank you, Your 25 Honor. Regarding --</p>
<p>14</p> <p>1 are -- unclear on what that means, please let me 2 know. But I just want to emphasize Section 3 59.7.3.1 of the Zoning Ordinance, sets out the 4 criteria that you must meet in order to get a 5 conditional use for a daycare. And so for 6 example, the facility must not be located in a 7 townhouse or a duplex. You have to have an 8 adequate area for drop off and pickup of children. 9 There's a number of parking spaces that is 10 prescribed in the code. So you actually have the 11 burden of showing that you meet all of those 12 things, including the use standards. 13 So I think at this point, I would like 14 to -- before we start swearing in witnesses, do 15 you -- does -- do you have an opening statement 16 that you would like to make? And if you -- do you 17 have an opening statement to present your -- to 18 start presenting your case or you just want to get 19 straight into calling your witnesses? Do you want 20 to give any background? 21 MS. HERNANDEZ: I would like to let my 22 witness speak. 23 MS. SOKONI: Okay. So could you please 24 tell me who you are presenting as a witness and -- 25 MS. HERNANDEZ: Mister -- Mr. Pablo</p>	<p>16</p> <p>1 MS. SOKONI: Mr. Barrios, can I just 2 clarify. Are you a fact witness, or are you 3 testifying as an expert witness? 4 MR. BARRIOS: A fact witness. 5 MS. SOKONI: As a fact witness? Okay. 6 Thank you. 7 MR. BARRIOS: Yes. 8 MS. SOKONI: And the reason I ask this 9 -- 10 MR. BARRIOS: So -- 11 MS. SOKONI: -- the reason I'm asking 12 is, for instance, if you're doing this as an 13 engineer or an architect, then we first have to go 14 through your credentials, which is why I was 15 asking. If you are trying to do -- 16 MR. BARRIOS: I understand, Your Honor. 17 MS. SOKONI: Yeah. 18 MR. BARRIOS: I -- I understand. Now I 19 -- 20 MS. SOKONI: If you can kindly raise -- 21 MR. BARRIOS: -- just -- just -- 22 MS. SOKONI: -- your right hand? If 23 you could kindly raise your right hand? Do you 24 agree to testify to the truth, the whole truth, 25 and nothing but the truth?</p>

<p style="text-align: right;">17</p> <p>1 MR. BARRIOS: I do. 2 EXAMINATION BY THE HEARING EXAMINER: 3 BY MS. SOKONI 4 Q Thank you. You may proceed. 5 A Yes, Your Honor, just -- just my 6 background. A managing partner of a title 7 company. We do title. Been doing titles for 30 8 years. I met Ms. Hernandez more than 25 years 9 ago. And since then I have -- like she's 10 mentioned, she's been coming over for any type of 11 assistance that she may have. I was able to sit 12 down with her and prepare most of these documents 13 that you have as exhibits. And that's the reason 14 I wanted to be with her for this hearing. 15 And if you have any questions regarding 16 the documents that had been submitted, I'll be the 17 person perhaps that has all the records and 18 submitted all the documents to Tamika Graham with 19 the county. 20 MS. SOKONI: Thank you. So the oath 21 will last right through the whole proceeding. 22 I'll turn back to Ms. Hernandez. If 23 you could, go ahead and present your case and just 24 explain to us what you're trying to do, where your 25 property is located, and just -- just explain to</p>	<p style="text-align: right;">19</p> <p>1 accommodate additional siblings due to the current 2 limits. A recent Washington Post article 3 highlights that the nation, including our region, 4 is experiencing a childcare crisis, emphasizing 5 the urgent need for more facilities. 6 This demand underscored the necessity 7 of expanding our capacity to better serve the 8 community. The daycare operates on a property 9 located at the intersection of Randolph -- where I 10 live, Randolph Road and Terrapin Road, in Silver 11 Spring, Maryland. The size encompasses -- 12 encompasses 10,800 square feet of land, zone R-60, 13 and it's officially recorded in the Montgomery 14 County land records. (inaudible) 67380, folio 15 0307, plot book 36, plot 2443. It is specifically 16 known as lot 18, block 16, in the subdivision 17 known as plot number 5, Glenmont Village. 18 MS. SOKONI: Can I ask a question since 19 you are mentioning the -- the title -- the 20 recording of the title? I noticed that there is a 21 -- a relatively new deed from 2023. So could you 22 just explain a little bit what that -- what -- it 23 looks like you had a -- a change in -- you 24 recorded a deed in 2023. Was that -- could -- 25 could you explain what that -- is that --</p>
<p style="text-align: right;">18</p> <p>1 us what you are asking for, and -- and why you 2 think your -- your application meets the 3 requirement. 4 MS. HERNANDEZ: Okay. First of all, I 5 do believe -- I'm Teresita Hernandez. I've been 6 in this business for 16 years, as I said, with 7 different three location, and I decided to move to 8 Silver Spring to accommodate more children. And I 9 do believe that this community needs more daycare, 10 especially around my area. And they are keep on 11 coming to me and asking me to help them. I said, 12 I cannot accommodate your children if I am not 13 licensed for that amount of -- you know, amount of 14 children. I just want -- as an honest answer, I 15 just want to serve the community. I just want -- 16 in my heart, I just want to make a difference to 17 the life of the children. I do believe that the 18 children is the future of this country. 19 The current demand for child services 20 -- I can read this for you. The need for 21 additional care services in Silver Spring, Wheaton 22 area, has grown significantly despite previous 23 expansion. I regularly face situation where I 24 have to decline, just like I said earlier, clients 25 or inform existing clients, that I cannot</p>	<p style="text-align: right;">20</p> <p>1 THE WITNESS: I can respond to that, 2 Your Honor. 3 BY THE HEARING EXAMINER: 4 Q Okay. Let me -- let me -- let me 5 actually pull that up. It's exhibit -- 6 A Sure. No problem. It was removing 7 someone from title. 8 Q Okay. It's Exhibit 4. If you could 9 just give me one second to see if I can -- just 10 give me one moment. 11 A I'm going to pull it from my records in 12 my office, Your Honor. I'll bring it over to you. 13 Q I actually have it up on the website. 14 There we go. 15 A Okay. 16 Q So that's the deed? 17 A Yep. 18 Q It's marked as Exhibit 4. Could you 19 just give an explanation for what this was? 20 (EXHIBIT 4 MARKED) 21 A Yeah. In -- back in September '23 -- 22 '23, the property was between Teresita Hernandez, 23 her husband, and her son. Her son moved out of 24 the property, so he was removed from the property 25 deed. And they refinanced at -- at the same time.</p>

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<p>21</p> <p>1 MS. HERNANDEZ: From 2019. 2 THE WITNESS: Yep. 3 BY THE HEARING EXAMINER: 4 Q Thank you very much for clarifying that. 5 A No problem. 6 MS. SOKONI: Put down that exhibit. 7 So, Ms. Hernandez, you -- you are confirming that 8 you and your husband both own that property 9 together? 10 MS. HERNANDEZ: Yes. 11 MS. SOKONI: You may proceed with your 12 case-in-chief. I know you were reading a 13 statement. Do you have -- sorry. I interrupted -- 14 MS. HERNANDEZ: Yeah. Okay. 15 MS. SOKONI: -- you to ask about the 16 deed. 17 MS. HERNANDEZ: That is like -- I -- 18 I'm sorry. I just -- 19 MS. SOKONI: So I was saying, I -- 20 MS. HERNANDEZ: -- want to talk through 21 my heart. 22 MS. SOKONI: I interrupted you to -- I 23 had interrupted you to ask about the deed, but 24 feel free to proceed with your presentation. 25 MS. HERNANDEZ: Okay. Ms. Connie, can</p>	<p>23</p> <p>1 the children. That's all. If I'm going to be 2 permitting to have new children so I can serve, I 3 appreciate it. But if not, I'm okay, too. 4 MS. SOKONI: So a question for you. 5 Yes, the criteria is 13 to 30, but of course, 6 there are space constraints. There are 7 constraints around -- 8 MS. HERNANDEZ: Yes. 9 MS. SOKONI: -- your -- your 10 infrastructure and your space and your parking. 11 So could you explain to us what space and what -- 12 what -- you know, of course, we -- we -- if -- if 13 we say 30, do you have space for 30? So what -- 14 what -- what are the numbers -- what actual 15 numbers are you planning right now? And what does 16 your space allow, including parking? 17 MS. HERNANDEZ: Okay. The parking, I 18 did make changes. Before is only, like, one 19 entrance. I make it wider to accommodate parking 20 space for my clients. And I do hire an architect 21 to make some changes inside also, to add more 22 spaces. I did make two extension in my house to 23 accommodate more children. I try my best to do 24 all those times, but I follow what the country -- 25 what the county is asking me to do. So I do</p>
<p>22</p> <p>1 I just call you Connie? That is my -- 2 MS. SOKONI: Sokoni. 3 MS. HERNANDEZ: -- my niece, Connie. 4 MS. SOKONI: Oh, I see. 5 MS. HERNANDEZ: Okay. 6 MS. SOKONI: Sokoni is my name. 7 MS. HERNANDEZ: Yes. I -- I would like 8 to have an additional -- I applied for 13 because 9 that's what according to the permit -- permitting 10 department, that if I want to add something, I 11 need to follow what it says over there. Thirteen 12 to 30, that is the application procedure, I guess. 13 That is what it says over there, so I need to 14 apply for that. But it doesn't matter for me how 15 much you -- you are going to approve me. 16 If you can approve me for certain 17 numbers, it's good for me. I appreciate it. So 18 at least I can serve the community. I can -- the 19 demand of the parents -- mostly, I'm working with 20 a scholarship people, parents who wants to go and 21 proceed working, but they cannot work because they 22 don't have a place to put their children. You 23 know what I mean? So that's the only case I want. 24 That is the only one I want in my heart, to serve 25 the community, to make a difference in the life of</p>	<p>24</p> <p>1 believe that I can accommodate at least -- if not 2 30, at -- at least 20, if I'm allowed to, but it 3 depends upon the person who's going to approve me 4 for that. 5 MS. SOKONI: Are you able to -- 6 MS. HERNANDEZ: I do believe the space 7 -- space for the parking I can accommodate because 8 of the timing. They don't come at the same time. 9 They come, like, five to 10 minutes interval. 10 Like, if the person comes at 7:00, 7:05, the next 11 one is going to come at 7:25. If they are, like, 12 sibling, of course they come both at the same 13 time. So I do believe that I don't have any 14 problem with my neighbors about the timing for the 15 dropping and, you know, when they -- the time they 16 pick them up. I don't have any problem with that. 17 So for the spaces, just like what I said, I do 18 have a proposed spaces. And once I'm approved 19 here, the -- the construction worker is going to 20 just remove the walls because I need a building 21 permit to do that. 22 THE WITNESS: Your -- Your Honor, may I 23 interrupt? 24 BY THE HEARING EXAMINER: 25 Q You -- you may speak. Yes.</p>

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1 A Exhibit 23, it is an e-mail from the
2 architect describing the total square footage,
3 living space, and how much is allocated for the
4 daycare. And the daycare has an allocation of
5 square footage of 1,917.15.
6 Q One second. What exhibit number was
7 this?
8 A It's Exhibit number 23.
9 Q Exhibit 23. We have it marked as
10 Exhibit 23, is the series of emails?
11 (EXHIBIT 23 MARKED)
12 A Yes. It -- it is a report that you got
13 from Ms. Tamika yesterday.
14 Q Yes.
15 A In the last page of that report, you'll
16 find the e-mail from the architect.
17 Q Please find attached, the staff report.
18 I'm not very clear on which -- the -- the -- the
19 architects -- could -- could you -- could you
20 explain that again? You said there's something
21 from the architect that was attached to the e-mail?
22 A Yes. And -- and this is the -- the
23 e-mail that I -- Ms. Tamika requested the gross
24 living space for the property, and how much of
25 that allocation was for the daycare.

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1 Q I see.
2 A So we contacted the architect and the
3 architect provide us his numbers. And this is the
4 e-mail that we got from him saying how -- what was
5 the total square footage and what -- how much of
6 that square footage was allocated to the daycare.
7 Q Okay. I do have -- so I -- let me just
8 -- can you see -- let me share this exhibit right
9 now.
10 A Sure. No problem.
11 Q That's not it. Let me try this again.
12 Are you able to see the exhibit up on the screen
13 marked Exhibit 23?
14 A I see that, but this is what I got from
15 Tamika yesterday, and I think it is part of some
16 answers to questions that she got.
17 Q Okay. I see. So just one second.
18 A I think it was 23, maybe 24, perhaps.
19 Q Okay. That number --
20 A And you can see a star and -- the first
21 question at that respond from Ms. Tamika, is Page
22 3 of Planning Report.
23 Q So let's go to -- it might be -- it's
24 actually Exhibit --
25 A Yep. That's the one.

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1 Q This is the one. Okay. So what --
2 A So if you go to the last page of that.
3 Q I see. Yes.
4 A The -- the last page. No, no, one
5 more. Right there. What exhibit is that, Your
6 Honor?
7 Q That is Exhibit 24.
8 A 24. Okay, thank you.
9 Q It's on the website.
10 A Okay.
11 Q It's marked -- it's marked Exhibit 24.
12 And this was the -- after I sent my request for
13 some clarifying information, Tamika sent me a
14 report on the 7th, and then she followed up
15 yesterday on the 8th, when you provided this
16 additional information.
17 A That's correct.
18 Q Okay. So you -- could you -- you can
19 proceed and explain what was this clarification
20 from the architect?
21 A Yeah. We didn't have the information,
22 so we thought that the best person to answer the
23 questions, how much square footage was allocated
24 to the daycare, was the architect being that he
25 has done all the work to do an expansion for the

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1 -- for -- for the -- for -- for the daycare.
2 Q And therefore, you are confirming now,
3 based on this information from the architect, that
4 the actual gross floor area for the property is
5 2,667.15 --
6 A Yes.
7 Q -- .15 square feet, of which --
8 A I do.
9 Q -- 1917.15 are dedicated to the daycare
10 use?
11 A That's correct.
12 Q Thank you.
13 A You're welcome.
14 MS. SOKONI: Ms. Hernandez, are you
15 able to explain a little bit more about -- just
16 give us the, you know, the playground and what
17 other facilities are there on your property? And
18 in particular, I'm concerned to hear, how does
19 your daycare interact with the rest of your
20 neighbors and your neighborhood?
21 MS. HERNANDEZ: Okay. I don't have any
22 interaction with the neighbor because they usually
23 -- during the daycare time, most of the neighbors
24 in my community are -- maybe they are working or
25 they are already in their old age, you know, but

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1 they -- I don't have any complaints about that.
2 My -- because at 10:00 in the morning, we are all
3 -- we are all required, by the Montgomery County,
4 by my licensed specialist, to take the children to
5 the playground. I do have a playground.
6 I'm not good in the footage, okay, but
7 Mr. Barrios knows that -- the number of how much
8 footage I have in my playground, but it is good
9 enough, good enough to accommodate my 12 children,
10 maybe 18, 20 children. I can add more because I
11 have more space. That is my plan for this year,
12 if -- once I approve.
13 As a neighborhood, we -- as I told you,
14 10:00 we are there at the playground. We are --
15 we stay there, like, 45 minutes. It depends to
16 the weather. And then we get in for lunch, you
17 know, some activities. And then we come back
18 again at 3:00, after the nap time of the children.
19 3:00, we stay there 45 minutes. It depends. If
20 the weather is good, we stay more than that,
21 because the children are enjoying doing -- you
22 know, playing, playing soccer, doing some
23 activities hands on, you know, those kind of
24 stuff. So we just let them do the things that
25 they want to do, like playing stuff, something

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1 like that, or biking around.
2 And so far, I don't receive any
3 complaints. They're just happy that they -- we do
4 have a daycare in my community. I don't know if
5 you are used to the community in Randolph, but
6 closer to Wheaton High School. Did I answer your
7 question?
8 BY THE HEARING EXAMINER:
9 Q Yes, you did, thank you.
10 A **This --**
11 Q Yes?
12 A **Your Honor, if we -- I may add**
13 **something else to that. Ms. Hernandez has**
14 **received two letters, that I believe was submitted**
15 **to the county, from neighbors praising the Growing**
16 **Angels Daycare, saying that they see that as a**
17 **positive in -- in the neighborhood. Also, the**
18 **exterior area is about 8,156 square feet, which**
19 **compose of a playing area for the kids right in**
20 **front of the property. There is a -- a**
21 **playground, also there is another playground in**
22 **the back of the property where the children can**
23 **play. And also we have the -- they have**
24 **illuminated and have lights throughout the**
25 **property. And that's what I can tell you from the**

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1 **exterior section of the property.**
2 Q Thank you.
3 A **You are welcome.**
4 Q You -- you referred to letters?
5 A **Yeah. Some letters from --**
6 Q You -- you mentioned letters from the
7 neighbors. Is that the -- I was trying to pull
8 them up. I'll pull them up right now. I believe
9 -- are these the letters, Exhibit 8?
10 (EXHIBIT 8 MARKED)
11 A **Let me see.**
12 MS. HERNANDEZ: That is my client.
13 THE WITNESS: No. Those are clients.
14 The -- also clients were submitting letters about
15 the daycare and -- and how they feel about the
16 daycare plus the need for additional space. Some
17 of those letters did that. We submitted it to the
18 county, but if -- if you cannot see it, we'd be
19 more than happy to submit those letters from the
20 neighbors next to the daycare on Terrapin Road, in
21 -- in Silver Spring. This daycare is between
22 Terrapin and --
23 MS. HERNANDEZ: Randolph.
24 THE WITNESS: -- Randolph Road.
25 BY THE HEARING EXAMINER:

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1 Q Are you -- do you have access to the
2 exhibit list?
3 A **I -- I can go to my office and -- and**
4 **check the exhibit. I don't because I'm using my**
5 **computer for this hearing, but I can go to my**
6 **desktop and check.**
7 Q Okay. I -- I would like you to do that
8 if you could, only because everything that you
9 refer to must be in the record, and --
10 A **I understand, Your Honor.**
11 Q -- I'm not -- I'm not here seeing the
12 letters of support from the neighbors. I -- we
13 have those Exhibit 8 -- marked Exhibit 8 are
14 letters of support, but those are from clients of
15 the daycare. And to the extent that --
16 A **I just don't -- I just don't know if**
17 **you -- I'm sorry, Your Honor, for interrupting. I**
18 **just don't know if you in that support also so**
19 **included -- maybe the neighbor's letters included**
20 **in that letter of support?**
21 MS. SOKONI: I -- let me -- so let's
22 pull that up again. We have a letter dated
23 February 22nd, from a Jacqueline Padilla. So here
24 I'm going to ask Ms. Hernandez because these
25 would've been sent to you. Do you recognize -- in

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1 Exhibit 8, it's a collection of letters.
2 Jacqueline Padilla, is that a -- that's a client?
3 Is that a client?
4 MS. HERNANDEZ: That's a client. They
5 do have a sibling. She has a sibling. And this
6 one is Jeremy, yes. That is a neighbor also.
7 That is my client, a neighbor that is live behind
8 us.
9 MS. SOKONI: Okay. So Jeremy and
10 Jessica --
11 MS. HERNANDEZ: A neighbor.
12 MS. SOKONI: -- those are a combination
13 of both neighbor and client?
14 MS. HERNANDEZ: Yes, because mostly, my
15 clients are neighbors. You know, mostly.
16 MS. SOKONI: I see.
17 MS. HERNANDEZ: They're like one block
18 away, you know, behind, next to our house,
19 something like that.
20 MS. SOKONI: Okay. That's interesting.
21 And this -- the next one, Kel McClanahan?
22 MS. HERNANDEZ: Oh, that is a lawyer,
23 who's my client also. She -- he has a sibling,
24 two girls.
25 MS. SOKONI: The next one is a letter

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1 from Sarah Eldredge and Kyle Shong?
2 MS. HERNANDEZ: Okay. That's -- those
3 are -- also has a sibling. Those are working at
4 the government in federal. That is the letter to
5 me.
6 MS. SOKONI: Okay. So those are all
7 the letters we have. The letters that are being
8 referred to as letters from neighbors; is that
9 additional to this -- to all the letters you've
10 seen here? Are those extra?
11 MS. HERNANDEZ: Yes, I do believe they
12 do have -- I submitted that, but I'm not sure why
13 it's not there.
14 MS. SOKONI: In that case, if after the
15 hearing you can send those over to us by e-mail --
16 MS. HERNANDEZ: Yes.
17 MS. SOKONI: -- that would be wonderful.
18 MS. HERNANDEZ: Yes.
19 MS. SOKONI: And I will -- I was going
20 to cover this at the end of the hearing. We
21 usually keep the record open for 10 days -- 10
22 business days, to allow for the inclusion of the
23 preparation of the Court report that -- so
24 MS. HERNANDEZ: Okay. Is that going to
25 be -- sorry. Is that going to be addressed to you?

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1 MS. SOKONI: It's -- it does -- I -- I
2 -- I'm talking about -- you mentioned letters that
3 you already have from your neighbors that you
4 already provide -- you said you provided them to
5 the staff?
6 MS. HERNANDEZ: Yes. I do believe
7 there's two neighbors that write a letter.
8 MS. SOKONI: So if you could send those
9 -- send us copies of those letters so we can add
10 them to the record.
11 MS. HERNANDEZ: Okay.
12 MR. BARRIOS: I'm taking a note, Your
13 Honor.
14 MS. SOKONI: Thank you very much. And
15 when we receive those, we'll add them as Exhibit
16 26.
17 (EXHIBIT 26 MARKED FOR IDENTIFICATION)
18 MR. BARRIOS: Okay.
19 MS. SOKONI: Ms. Hernandez, you did
20 mention your clientele -- that a number of your
21 clients are actually neighbors? I thought that
22 was interesting.
23 MS. HERNANDEZ: Yes -- yes.
24 MS. SOKONI: How does that impact --
25 because one of the discussions here is about

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1 parking. So --
2 MS. HERNANDEZ: Yes.
3 MS. SOKONI: Do most of your --
4 MS. HERNANDEZ: They are just walking.
5 MS. SOKONI: -- clients drive there, or
6 do you have walking clients who are because it's a
7 neighborhood daycare that they just walk from the
8 neighborhood?
9 MS. HERNANDEZ: Yes. Yes, absolutely,
10 Ms. Sokoni. They're just walking. They're just
11 walking. They do have their strollers, you know.
12 Unless it is snowing or raining, they ride in
13 their car. But if not, they love to be walking
14 because they said that it's a good exercise for
15 them as well.
16 MS. SOKONI: I see. Would you at this
17 point, like to address the parking requirements,
18 because you have a requirement for parking and you
19 are also asking for a waiver. You know, you have
20 to meet -- for your -- for your daycare, you have
21 to -- for every 1,000 square feet, you need to
22 have three parking spaces, which is why you have
23 to have a parking -- yeah. The Planning staff,
24 you amended your application to include a request
25 for a waiver from the parking. Do you want to

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1 address the -- could you kindly address your
2 parking needs, how much parking you have on the
3 property, and what available parking is around
4 you? I just heard you talk about how a lot of
5 people actually walk, so could you address the
6 issue of parking?
7 MS. HERNANDEZ: Okay. Just like I
8 said, in the morning, it's very free. They just
9 drop and I do have a walking parents dropping
10 their kids. And I do believe that my parking
11 space can accommodate -- or parents who -- who
12 want to chat with me sometimes. They can
13 accommodate at least seven -- seven person, seven
14 -- seven cars. If they want to chat, they --
15 usually I don't allow parents unless they make an
16 appointment to me to chat after business hours.
17 Like, after 6:00, they can chat with me, or they
18 want to ask question, or send me an e-mail by
19 question or send me a text. But if they want,
20 like, a face to face, I need to make -- they need
21 to make an appointment to me after -- after
22 business hours, after 6:00.
23 So I don't have any problem. That's
24 why I said, they are telling me like this for the
25 parking, I don't have any parking. You can see

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1 it. My parking is free all the time because they
2 don't come at the same time. And there was
3 parking also -- during the daycare time, there's
4 nobody in the parking. For the street park,
5 there's nobody there. Everybody's at work. So if
6 they want to drop their kids and want they park
7 there, drop their kids five to 10 minutes, they
8 can, and then leave.
9 MS. SOKONI: Thank you.
10 MS. HERNANDEZ: Thank you.
11 MS. SOKONI: Is there anything else you
12 wanted to address?
13 MS. HERNANDEZ: Yes.
14 THE WITNESS: I -- I -- I -- I -- I do.
15 I -- I -- I want to add also that Ms. Teresita
16 Hernandez has requested from her clients to call
17 her before they come over to the property to pick
18 up their kids so they can bring the kids to their
19 car so they don't need to park but technically
20 just wait outside and they will bring the kids
21 outside. And also, in that agreement with each
22 individual parents, parent must approach the
23 daycare, not from Randolph Road, but from Terrapin
24 Road. So whenever they come, they know that they
25 need to call so someone can bring their kids

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1 outside and same thing when they drop off their
2 kids at the daycare.
3 MS. SOKONI: Okay. Ms. Hernandez, I --
4 I need you to speak to that. Otherwise, it's
5 hearsay because --
6 MS. HERNANDEZ: Yes. Yes.
7 MS. SOKONI: So can you just --
8 MS. HERNANDEZ: Yes.
9 MS. SOKONI: -- confirm --
10 MS. HERNANDEZ: Because sometimes --
11 MS. SOKONI: -- to finish the
12 explanation? Can you confirm that?
13 MS. HERNANDEZ: Okay. Just like I let
14 Mr. Barrios speak to me because sometimes I
15 thought -- I think that because I'm nervous and my
16 -- my English capability is limited. So excuse me
17 for that, but that's what I said.
18 MS. SOKONI: You have been
19 communicating very well, and I am able to
20 understand you perfectly.
21 MS. HERNANDEZ: Limited, you know. I'm
22 from the Philippines.
23 MS. SOKONI: And I have no trouble
24 whatsoever understanding everything you have said.
25 You are communicating very well. Thank you.

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1 MS. HERNANDEZ: Thank you. Yes. I
2 told -- I told -- I -- I told the clients that if
3 they want to pick up or drop the kids, they need
4 to text me. It's easier because I'm with my cell
5 phone all the time. Okay, I'm coming. Then I
6 send my -- my -- one of my employee -- or two of
7 my employee outside to receive them. They can
8 sign, because I do have a sign -- sign in and sign
9 out when they come. And then they can just sign
10 or we bring the signing page to them and they sign
11 it and they can leave. Just like I said, if they
12 want to chat or they want to talk to me, they need
13 to make an appointment.
14 MS. SOKONI: Thank you. You also
15 mentioned that the drop off is not from Randolph,
16 that they have to drop off from Terrapin. How is
17 that enforced?
18 MS. HERNANDEZ: Yes.
19 MS. SOKONI: Do you have signs that's
20 -- how do you enforce that? How do people know
21 they're supposed to do that?
22 MS. HERNANDEZ: At the beginning, when
23 they sign up to me, when they sign up a contract.
24 I told them already. I speak to them, that the
25 parking -- the dropping off and the picking up of


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<p>41</p> <p>1 children is not in Randolph, because that is a 2 busy street. Needs to be in Terrapin. Because 3 the Terrapin is a big space, that is the driveway. 4 The driveway is there and the entrance is there. 5 So they come to the Terrapin Road. I speak to 6 them right at the beginning. So I don't have any 7 problem with that. They know where to drop the 8 kids. 9 Even the bus. The bus, who drop and 10 pick up the kids, I told the parents, submit this 11 to the school that the dropping is not in the 12 Randolph, because it's a busy street. I don't 13 want to interrupt buses, cars, you know. I want 14 the school bus to stop right in Terrapin -- my 15 entrance. The school buses will drop and pick up 16 the children up there and before school. 17 MS. SOKONI: I have pulled up -- I'm 18 sharing on the screen Exhibit 10. It's a drawing 19 of the location. And I'm seeing there, you have 20 the Randolph Road and then the Terrapin Road. So 21 are you -- you -- you're looking at the -- are you 22 looking at the -- are you able to look at the 23 drawing that's up on the screen? 24 (EXHIBIT 10 MARKED) 25 MS. HERNANDEZ: Yes.</p>	<p>43</p> <p>1 department, I go to the zoning. I think they're 2 tired seeing my face already, because I keep on go 3 back and forth, back and forth. I go to 100th 4 Street, to Tamika, you know. I think she knows me 5 already. Oh, Ms. Hernandez, you are here again. 6 I said, it's not done. You're still going to see 7 me. 8 MS. SOKONI: Yes. I did want to draw 9 your attention -- I've pulled up on the screen, 10 Exhibit 22. This was a report by Tamika's team at 11 Planning. So this -- it says -- it's a -- it's a 12 report from the Planning Department. And I'm 13 going to scroll down to this page. It's Page 3, 14 in that exhibit, and it has a list of conditions, 15 Conditions, one through 11. You know, one, that 16 the daycare facility must be limited to a maximum 17 of 18 children and five employees, including the 18 director or the owner. Do you have -- do you have 19 any concern or anything to say about that 20 condition? 21 MS. HERNANDEZ: No. He -- she 22 explained that to me. I remember, that we talked 23 on the phone and then she explained that to me. I 24 even asked her, is that 18 including my employee, 25 and me, and my husband? She said, no. The 18 is</p>
<p>42</p> <p>1 MS. SOKONI: Okay. 2 MS. HERNANDEZ: Yes. 3 MS. SOKONI: And you are confirming 4 that that drop off -- the -- the -- the driveway, 5 the asphalt driveway along Terrapin is where 6 people pick up -- that's where they enter -- 7 that's how they access your building? 8 MS. HERNANDEZ: Yes. The big space 9 over there. 10 MS. SOKONI: Okay. Thank you. 11 MS. HERNANDEZ: You are welcome. 12 MS. SOKONI: Is there anything else you 13 wanted to address? 14 MS. HERNANDEZ: Just approve me. 15 MS. SOKONI: You have to give me all 16 the facts, so, you know -- did you have an 17 opportunity to review the report from the Planning 18 Department? They gave a report -- planning. They 19 gave a report. They're recommending approval, and 20 they have some conditions that they put in there. 21 Did you -- did you look at the conditions? 22 MS. HERNANDEZ: Yes. I've been reading 23 those files because I've been back and forth how 24 many times. I think this is already two years 25 since I apply, back and forth to the permitting</p>	<p>44</p> <p>1 for children, and then the employee and you are 2 different. That's what she said to me when I 3 spoke to her on the phone. I remember that. 4 MS. SOKONI: Okay. The second 5 condition that they are recommending is that the 6 hours of operation are limited to Monday through 7 Friday, 7:00 a.m. to 6:00 p.m. Do you have 8 anything -- 9 MS. HERNANDEZ: Yes. 10 MS. SOKONI: -- to say about that 11 condition? 12 MS. HERNANDEZ: Yes. 13 MS. SOKONI: Condition number 3, 14 they're recommending that you must remove the 15 existing non code compliant paint. There's a -- 16 there's a vehicle parking spaces in the -- the 17 vehicle parking spaces in the driveway are marked 18 by some -- it sounds that they are marked by some 19 paint strips. There's one that is not code 20 compliant, and they would like you to remove that. 21 Do you understand -- 22 MS. HERNANDEZ: Yes. 23 MS. SOKONI: -- and agree with that 24 requirement? 25 MS. HERNANDEZ: Yes. She did told me</p>

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<p style="text-align: right;">45</p> <p>1 that.</p> <p>2 MS. SOKONI: And that would have to be</p> <p>3 done within the next 12 months, within one year</p> <p>4 that has to be fixed.</p> <p>5 MS. HERNANDEZ: Yes, yes.</p> <p>6 MS. SOKONI: Condition number 4, that</p> <p>7 no more than six parking spaces can be occupied at</p> <p>8 one time. Did you have any -- anything to say</p> <p>9 about that?</p> <p>10 MS. HERNANDEZ: No. Yes. That -- that</p> <p>11 is good. He told me -- she told me that, too. I</p> <p>12 remember those. We are spoken -- we are speaking</p> <p>13 about that parking with Mr. Barrios also, Mr.</p> <p>14 Barrio and Ms. Abraham.</p> <p>15 MS. SOKONI: Okay. Then condition</p> <p>16 number 5, that all the parking for patrons of the</p> <p>17 daycare must be on the property, that there'll be</p> <p>18 no tandem parking spaces within the driveway that</p> <p>19 are assigned for the daycare center. Did you have</p> <p>20 anything to say about that?</p> <p>21 MS. HERNANDEZ: No.</p> <p>22 MS. SOKONI: Condition number 6, that</p> <p>23 you must schedule staggered employee arrivals for</p> <p>24 -- for the people who work for the daycare, that</p> <p>25 their arrivals -- and then the -- you have</p>	<p style="text-align: right;">47</p> <p>1 off and pickup?</p> <p>2 MS. HERNANDEZ: Yes. I explained that</p> <p>3 already.</p> <p>4 MS. SOKONI: Okay.</p> <p>5 MS. HERNANDEZ: They do have that</p> <p>6 agreement.</p> <p>7 MS. SOKONI: Condition number 9, I</p> <p>8 don't know if you have any clients that come on</p> <p>9 bicycle, but you must provide one long-term</p> <p>10 bicycle parking space on the site for use by your</p> <p>11 employees.</p> <p>12 MS. HERNANDEZ: Yeah, we do have that.</p> <p>13 But so far, I don't have one.</p> <p>14 MS. SOKONI: Sorry. Do you have that</p> <p>15 or you are going to put one?</p> <p>16 MS. HERNANDEZ: I do have one, but I --</p> <p>17 I just said that so far, I don't have client that</p> <p>18 -- or -- or --</p> <p>19 MS. SOKONI: Bicycle --</p> <p>20 MS. HERNANDEZ: -- staff that uses the</p> <p>21 bicycle.</p> <p>22 MS. SOKONI: Okay. Now this is -- this</p> <p>23 application we have now, which is under case CU</p> <p>24 24-16, it would be amending. You have a previous</p> <p>25 approval for conditional use 2018-10. The current</p>
<p style="text-align: right;">46</p> <p>1 staggered arrivals for your employees, you also</p> <p>2 have staggered arrival for drop off and pick up of</p> <p>3 children, with a maximum of two vehicles dropping</p> <p>4 off or picking up during a 15-minute period.</p> <p>5 MS. HERNANDEZ: Yes.</p> <p>6 MS. SOKONI: Condition number 7,</p> <p>7 Planning is recommending that employees who do not</p> <p>8 live there, non-resident employees, must park on</p> <p>9 the street along the surrounding roads where there</p> <p>10 is no parking restriction. Do you have anything</p> <p>11 to say about that?</p> <p>12 MS. HERNANDEZ: No.</p> <p>13 MS. SOKONI: Are you in --</p> <p>14 MS. HERNANDEZ: That's good.</p> <p>15 MS. SOKONI: -- agreement with that?</p> <p>16 MS. HERNANDEZ: Yeah, I agree with that.</p> <p>17 MS. SOKONI: Condition number 8, they</p> <p>18 are recommending that you must issue an agreement</p> <p>19 with the parents, to all people who are enrolled</p> <p>20 in your daycare, regarding the details of the</p> <p>21 parking circulation that we just described about.</p> <p>22 MS. HERNANDEZ: Is that the petitioner</p> <p>23 must issue a parental agreement to run it.</p> <p>24 MS. SOKONI: Yes. About that 15 minute</p> <p>25 intervals for dropping off and staggering the drop</p>	<p style="text-align: right;">48</p> <p>1 -- the current conditional use you have was</p> <p>2 approved under case CU 2018-10. This condition</p> <p>3 number 10 says, the petitioner must abandon the</p> <p>4 existing approval for conditional use number</p> <p>5 2018-10 if the current conditional use 2024-16 is</p> <p>6 approved.</p> <p>7 I -- do you agree with that?</p> <p>8 MS. HERNANDEZ: Okay. Yes, I do.</p> <p>9 MS. SOKONI: And then Condition number</p> <p>10 11, they are proposing that the subject property</p> <p>11 is currently a principal dwelling unit with an</p> <p>12 accessory institutional use. If you ever leave --</p> <p>13 if you vacate the property as a resident, then</p> <p>14 there would have to be a minor amendment required</p> <p>15 to address all pertinent requirements for an</p> <p>16 institution as the principal use within a general</p> <p>17 building type, including parking.</p> <p>18 MS. HERNANDEZ: Agree.</p> <p>19 MS. SOKONI: I'm going to stop sharing</p> <p>20 that exhibit. Is there anything else you wanted</p> <p>21 to say in closing?</p> <p>22 MS. HERNANDEZ: For me, no, not</p> <p>23 anymore. I heard everything. Thank you.</p> <p>24 MR. BARRIOS: Just one more thing, Your</p> <p>25 Honor. Most of those conditions have already been</p>

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<p style="text-align: right;">49</p> <p>1 either done or she's working on it. I just wanted 2 to add that. 3 MS. SOKONI: Okay. Thank you very 4 much. So if there is nothing further, like I 5 stated previously, we'll keep the record open for 6 10 business days, and -- we'll keep it open for 10 7 business days from today. And within that time 8 frame, if you could give me the Exhibit 26, which 9 is the letters from your neighbors. I'm not 10 asking you to go and collect -- 11 MS. HERNANDEZ: Okay. 12 MS. SOKONI: -- new letters, but I 13 think these are the letters that you said you had 14 -- you already had and had Planning -- 15 MS. HERNANDEZ: Done. 16 MS. SOKONI: Yes. Nothing new can be 17 added to the record after today, except for the 18 Exhibit 26 and the transcript which the court 19 reporter is going to provide. 20 We've heard very little from Mr. 21 Hernandez, but I know that you are a joint owner 22 of this property. We appreciate you being 23 present. Are you in agreement with everything? 24 MR. HERNANDEZ: Yes. 25 MS. SOKONI: All right. Well, in that</p>	<p style="text-align: right;">51</p> <p>1 Thank you very much, everybody. Have a good day, 2 and this hearing is closed. 3 (Off the record at 10:33 a.m.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">50</p> <p>1 case, I will now -- the -- the hearing is now 2 closed. The record will be closed at -- in 10 3 business days. It is open only for inclusion of 4 the transcript and Exhibit 26. 5 (OFF THE RECORD) 6 COURT REPORTER: We are back on the 7 record. 8 MS. SOKONI: We are back on the record. 9 There is a question about when a decision -- when 10 Ms. Hernandez can expect a decision. We -- we are 11 required to provide a decision within 45 days of 12 the closing of the record. 13 MR. BARRIOS: Well, thank you for -- 14 Your Honor. We -- we appreciate that. And that's 15 45 days from 10 days from now? 16 MS. SOKONI: Correct. Record will 17 close in 10 -- 18 MR. BARRIOS: Okay. 19 MS. SOKONI: -- business days, and then 20 45 days -- within 45 days from that date, you will 21 have a decision. 22 MR. HERNANDEZ: Five days. 23 THE WITNESS: Okay. Thank you so much. 24 MR. HERNANDEZ: Thank you, Your Honor. 25 MS. SOKONI: You're very welcome.</p>	<p style="text-align: right;">52</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC 2 I, Kylan Barry, the officer 3 before whom the foregoing proceedings were 4 taken, do hereby certify that any witness(es) in 5 the foregoing proceedings were fully sworn; 6 that the proceedings were recorded by me and 7 thereafter reduced to typewriting by a 8 qualified transcriptionist; that said digital 9 audio recording of said proceedings are a 10 true and accurate record to the best of my 11 knowledge, skills, and ability; and that I am 12 neither counsel for, related to, nor employed 13 by any of the parties to this case and have 14 no interest, financial or otherwise, in its 15 outcome. 16  17 _____ 18 KYLAN BARRY, NOTARY PUBLIC, 19 FOR THE COMMONWEALTH OF PENNSYLVANIA 20 JANUARY 13, 2025 21 22 23 24 25</p>

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10 of the parties to the case and have no interest,
11 financial or otherwise, in its outcome.

12

13

14 *Julia Klimek*

15

16 _____
17 JULIA KLIMEK

18 PLANET DEPOS, LLC

19 JANUARY 13, 2025

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