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OFFICE OF THE ZONING HEARING EXAMINER
FOR PRINCE GEORGE'S COUNTY

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CHILDREN'S GUILD PRESCHOOL : Case No. SE-4836
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A hearing in the above-entitled matter was held on
April 21, 2021, at the Prince George's County Office of
Zoning, County Administration Building, Room 2174, Upper
Marlboro, Maryland 20772 before:

Joyce Nichols
Hearing Examiner

A P P E A R A N C E S

On Behalf of the Applicant:

Matthew Tedesco, Esq.

On Behalf of People's Zoning:

Stan Brown

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P R O C E E D I N G S

1
2 MS. NICHOLS: All right. Thank you. Good
3 morning, everyone. It is the 21st of April in 2021. It is
4 approximately 10, excuse me, 9:35 in the morning. We are
5 here for allocations for Special Exception 4836, the
6 Children's Guild. Mr. Tedesco, good morning.

7 MR. TEDESCO: Good morning, Madam Examiner, Mr.
8 Brown, Ms. Ferguson and all those in attendance, Madam
9 Clerk. For the record, Matthew Tedesco with the law firm of
10 McNamee Hosea, here on behalf of the Applicant, the
11 Children's Guild, Incorporated. With me this morning, we
12 have a number of people that I'll introduce in a second, but
13 I wanted to just quickly do an introduction, if I may, Madam
14 Examiner, to kind of lay out our prepared presentation this
15 morning.

16 So, you know, and you'll hear testimony to this
17 effect, but the Children's Guild is a Child's, is what's
18 founded in 1953, is a child-serving, non-profit based in
19 Baltimore, Maryland, with residential group homes,
20 treatment, foster care facilities, outpatient, mental health
21 facilities, education and charter schools. It currently
22 serves over 4,000 students in Maryland and the District of
23 Columbia.

24 The request before you this, this morning is a
25 special exception to accommodate 120-student private school

1 for preschool-aged children ages three to five within the
2 College Park United Methodist Church which is located at
3 9601 Rhode Island Avenue in College Park, Maryland. It's
4 located in the northeast quadrant of Rhode Island Avenue and
5 Hollywood Road within, within the municipal boundary of the
6 City of College Park. The property is zoned R-55 and
7 comprises of approximately 2.15 acres. That property is
8 recorded in a plat, recorded in plat book RNR-2 at pages 18
9 through 19, and is known as lots 11 through 40.

10 The church facility on the subject property was
11 built circa 1950. In 1964, a special exception for a
12 daycare for 50 students was approved. We have with us
13 prepared four witnesses and we have others in the room with
14 us as well should they be needed, but we intend to call four
15 witnesses, Mr. Duane Arbogast, Chanda Beaufort, Mike Lenhart
16 and Mark Ferguson will be our witnesses.

17 At the conclusion of the hearing, we would submit
18 to you that based upon substantial evidence that is either
19 already in the record or will be presented and accepted
20 today in both written and oral testimony that there will be
21 substantial evidence, or is substantial evidence in the
22 record to support the required findings for approval of this
23 application, and particularly the findings enumerated in
24 Section 27-317(a) and 27-396(b).

25 With that, Madam Examiner, unless there's a

1 preliminary question from you or Mr. Brown, we're prepared
2 to call our first witness.

3 MS. NICHOLS: All right. Go ahead with your first
4 witness.

5 MR. TEDESCO: Thank you. We'd call Mr. Duane
6 Arbogast. Mr. Arbogast, if you could turn your camera on
7 and unmute yourself, you will be sworn in.

8 MS. NICHOLS: All right, Mr. Arbogast, could you
9 please raise your right hand? Do you solemnly swear or
10 affirm under the penalties of perjury in the matter now
11 pending to tell the truth, the whole truth and nothing but
12 truth?

13 MR. ARBOGAST: I do.

14 MS. NICHOLS: Thank you. Please state your name
15 and business address for the record.

16 MR. ARBOGAST: My full name is Alan Duane
17 Arbogast. I am the chief of strategy innovation for the
18 Children's Guild. Our headquarters are located at 6802
19 McLean Boulevard in Baltimore, Maryland 21234.

20 MS. NICHOLS: Thank you.

21 MR. TEDESCO: Mr. Arbogast, what are your
22 responsibilities with the Children's Guild?

23 MR. ARBOGAST: I work with the establishment of
24 new programs, specifically around inpatient space. I also
25 manage the strategic planning for the organization.

1 MR. TEDESCO: Could you provide the Examiner and
2 People's Zoning Counsel with some of your background and
3 experience?

4 MR. ARBOGAST: Certainly. I was a career educator
5 in Anne Arundel County, teacher of Prince School, district
6 administrator. I was also chief academic officer for Prince
7 George's County Public Schools, and for the last seven years
8 I've worked with the Children's Guild. We have, currently
9 the Children's Guild operates six schools in the District of
10 Columbia and Maryland. We, this will be our second
11 preschool. We opened a preschool in Annapolis this past
12 year. I also manage a program in Montgomery County Public
13 Schools for high school students who have jobs and need
14 flexible schedules. So, so the, that's pretty much the
15 scope of the work that I do.

16 MR. TEDESCO: And are you authorized to testify on
17 behalf of the Children's Guild today?

18 MR. ARBOGAST: (Indiscernible.)

19 MR. TEDESCO: In what capacity?

20 MR. ARBOGAST: I have the power of attorney and
21 I'm approved to speak today.

22 MR. TEDESCO: Madam Examiner, we did have pre-
23 marked as Exhibit 44 the limited power of attorney
24 authorizing MR. Arbogast to testify on behalf of the
25 Children's Guild. We would ask for that to be accepted into

1 the record.

2 MS. NICHOLS: It is accepted.

3 MR. TEDESCO: Thank you. Are the, is the
4 Children's Guild, Incorporated, as well as the College Park
5 United Methodist Church, registered to do business and in
6 good standing in the state of Maryland as far as you know?

7 MR. ARBOGAST: Yes.

8 MR. TEDESCO: And, Madam Examiner, we had pre-
9 marked Exhibit 35 and 36, which are the certificates of good
10 standing for both of those entities. We would ask that
11 those be entered into the record.

12 MS. NICHOLS: So, accepted.

13 MR. TEDESCO: Does the Children's Guild own the
14 subject property, Mr. Arbogast?

15 MR. ARBOGAST: No, we lease it.

16 MR. TEDESCO: I'm sorry, you, you have a ground
17 lease?

18 MR. ARBOGAST: Yes.

19 MR. TEDESCO: Could you prove the Examiner with a
20 brief, brief summary of the Children's Guild? I mentioned
21 just a few things at the outset, but could you provide a
22 little bit more detail about the Children's Guild?

23 MR. ARBOGAST: Certainly. We operate three
24 residential group homes. We also manage about 60 families
25 we treat with foster care. We have outpatient mental health

1 clinicians in 80 schools from Cecil County to the District
2 of Columbia. We have four charter contract schools, three
3 in Anne Arundel, one in D.C. We have two special education
4 schools that serve only students with special ed and that's
5 one in Baltimore and the other one in Chillum and South
6 Hyattsville.

7 We have a (indiscernible) program and we also run
8 some sort of other programs like, as I mentioned before, the
9 program for high school students in Montgomery County Public
10 Schools. So, our, our mission is very much around providing
11 services for children from early youth to adulthood.

12 MR. TEDESCO: Were you involved in the decision to
13 locate a preschool at this property?

14 MR. ARBOGAST: I was.

15 MR. TEDESCO: And could you describe that process
16 and how long it took, and what efforts the Children's Guild
17 undertook for, to locate a facility in, particularly in
18 College Park?

19 MR. ARBOGAST: Yeah, the, this story actually goes
20 back to 2016. The University of Maryland and the city of
21 College Park have a partnership. The College Park
22 City/University partnership, and they were looking to expand
23 high-quality preschool options for children. At the time,
24 the University of Maryland and the city were talking about
25 the old College Park Elementary School on Calvert Road, and

1 they had actually approached the Children's Guild about
2 opening a preschool. They had done some research and they
3 found that there was a high demand for high-quality pre-K.
4 And a lot of this was based on the Center for Young
5 Children, which is a preschool located on the campus of the
6 University of Maryland. The Center for Young Children had a
7 long waiting list and people in the community were very
8 frustrated that they couldn't get their children in. So,
9 they asked us if we would consider preschool, and if we
10 would kind of model it after the Center for Young Children,
11 which we did. So, that's actually how we came up with the,
12 the number of students. We're trying to mimic their
13 staffing models close because that was what the demand was.

14 Then we started the process of looking at sites.
15 We pick up the City of College Park/University partnership
16 worked with us to identify multiple sites. We looked at
17 about 12 sites in the, in the City of College Park trying to
18 assess which ones would be viable. For me as an educator,
19 an outdoor space is really important. So, we were certainly
20 looking for a place where we could have a viable playground.
21 The, this process took about two years. Through the work of
22 one of the state senators and through the City of College
23 Park, we were kind of, we ended up with the United Methodist
24 Church on 50th, Hollywood and Rhode Island.

25 So, and then that worked out pretty well for them.

1 I don't necessarily want to speak to the church, but they
2 had seen declining enrollments in their church that they
3 were looking for revenue stream. So, it actually worked out
4 quite well, I think, for both parties.

5 MR. TEDESCO: And could you, you may have already
6 touched on this, but just elaborate a little bit further on
7 why this area, and particularly College Park, close to the
8 University of Maryland, was so desirous?

9 MR. ARBOGAST: Well, it was actually because it
10 was the City of College Park, University Partnership that
11 asked us, the expectation was that we would locate in the
12 City of College Park. So, they were, they were very
13 interested in, in having that completed. So, we didn't feel
14 like we had a lot of options to move outside of the city as
15 we were not being directed, but it was certainly, clearly a
16 partnership. We had also met with the City Council on
17 several occasions and the partnership, and actually built
18 our advisory board around the CCUP membership.

19 MR. TEDESCO: And Madam Examiner, I don't, you
20 know, I don't think we need Mr. Arbogast to go through it,
21 but I just wanted to highlight for you a document that was
22 pre-marked as Exhibit 42. It's a PowerPoint presentation
23 that was prepared and shared with the various stakeholders
24 as we went through the process, both the community, as well
25 as the City of College Park. So, we wanted to include that

1 into the record. I don't, for time purposes, I don't think
2 it's necessary for Mr. Arbogast to go through that. He's
3 basically touched on a lot of the slides; but for your
4 reference, that would be Exhibit 42, which was the
5 PowerPoint presentation.

6 Mr. Arbogast, how many total students does
7 (indiscernible)?

8 MR. ARBOGAST: 120. So, and, Matt, that's based
9 on six classrooms and the childcare licensing is maximum of
10 20 students in a classroom with two staff. So, so we've
11 kind of built a number based on what the childcare
12 regulations are.

13 MR. TEDESCO: And, currently, there's an approval
14 for 50 students for a daycare?

15 MR. ARBOGAST: Correct.

16 MR. TEDESCO: And has the Children's Guild made
17 improvements to the existing church facility and pursuant to
18 that approval or permit?

19 MR. ARBOGAST: We have.

20 MR. TEDESCO: And if this special exception is
21 approved today, that would, this would supersede that
22 approval for 120 students, is that your understanding?

23 MR. ARBOGAST: I'm not sure I understand the
24 question. What --

25 MR. TEDESCO: If this special exception is

1 approved, it would supersede the prior approval for 50
2 students and allow 120 at the daycare, as a private school,
3 is that your understanding?

4 MR. ARBOGAST: Yes.

5 MR. TEDESCO: What are the proposed hours of
6 operation of the school?

7 MR. ARBOGAST: We would operate from, the school
8 would be 8:30 to 4:00, but we actually open at 7:00 and go
9 to 6:00. We actually run focus groups with families and
10 before care and aftercare are really important; however, we
11 are reducing our hours due to COVID, so instead of from 7:00
12 to 6:00, we're looking more at 8:00 to 5:00 but, but I think
13 we need to plan for a post-COVID world.

14 MR. TEDESCO: Did the Applicant do any community
15 outreach associated with this particular application?

16 MR. ARBOGAST: Yes.

17 MR. TEDESCO: And I know you previously testified
18 to the vetting of locating to the City of College Park which
19 I think your testimony was that dates back to 2016 but, in
20 particular, with this application, what outreach was
21 undertaken?

22 MR. ARBOGAST: So, the, a little over a year ago
23 it was actually the Maryland National Capital Park and
24 Planning indicated that we were only approved for 50. So,
25 we began, the outreach of that became more intense this past

1 winter and we met with the North College Association on two
2 occasions; we met with the City of College Park; and we've
3 also had, we had a community meeting, obviously not on, it
4 was virtual through Zoom. And all that was in January, and
5 February, and March specific to this request.

6 MR. TEDESCO: And, Madam Examiner, we had a letter
7 of support from the North College Park Community Association
8 marked as Exhibit 43. We would ask for that to be accepted
9 into the record.

10 MS. NICHOLS: So, accepted; so, accepted.

11 MR. TEDESCO: Mr. Arbogast, what was the outcome
12 of all of those efforts, of the outreach and those efforts?

13 MR. ARBOGAST: We, while everyone is very
14 supportive of a preschool in the community and seeing it as
15 an asset, there were concerns about traffic and parking.
16 So, we, we actually work very closely with two people from
17 the City of College Park, Ms. Schom (phonetic sp.) and Ms.
18 Bader, and they were, frankly, quite helpful; and we talked
19 about how we could make modifications to the property to
20 allow queueing of cars that would minimize issues of traffic
21 or we were trying to do everything we can so that we don't
22 impact the neighbors. So, we actually modified our plan
23 based on the recommendations of the city planners.

24 MR. TEDESCO: And, Madam Examiner, getting a
25 little bit ahead of ourself, I just, since we're on that

1 topic, Exhibit 45 was pre-marked, which is the revised
2 special exceptions site plan that was responsive to those
3 efforts and the recommendations of the city. So, you have
4 it.

5 Did you, and did the Applicant also agree to enter
6 into a declaration of covenant with the city?

7 MR. ARBOGAST: It did.

8 MR. TEDESCO: And, Madam Examiner, we had, at the
9 request of the city, as well as I think it's pertinent for
10 the record, we had, had that, the declaration of covenant,
11 which has been signed by the Children's Guild. We are
12 awaiting signature from the property owner, which we expect
13 in the next month, but that's been marked as Exhibit 38.
14 I'm sorry.

15 MS. NICHOLS: Oh, I just --

16 MR. TEDESCO: I'm sorry. We're on a delay, I'm
17 sorry. Mr. Arbogast, in particular with the declaration of
18 covenant, because I think it's important for maybe some of
19 the residents that are on the line this morning, was, was
20 parking and circulation addressed in those covenants?

21 MR. ARBOGAST: It was. They actually gave us some
22 ideas that we hadn't really thought about, creating another
23 opening, allowing cars to travel through, cut through a loop
24 through the parking lot. We hadn't really thought about
25 that. That was a recommendation of the city. The city also

1 recommended some sidewalks; and what I appreciated by the
2 city planners was they really took the perspective role of
3 safety for kids, as well as what was good for the community;
4 and so, I thought that their feedback was, was pretty
5 valuable.

6 MR. TEDESCO: Your indulgence, Madam Examiner. I
7 just want to make sure I'm --

8 MS. NICHOLS: Okay.

9 MR. TEDESCO: Mr. Arbogast, have you reviewed the
10 statement of justification which was Exhibit, is, which is
11 Exhibit 3 in this matter?

12 MR. ARBOGAST: Yes.

13 MR. TEDESCO: In addition to your testimony here
14 today, do you further incorporate and adopt the statement as
15 your testimony?

16 MR. ARBOGAST: Yes.

17 MR. TEDESCO: Okay. And are you familiar with the
18 Technical Staff Report that was prepared by the Maryland
19 National Capital Park and Planning Commission, which is
20 Exhibit 4?

21 MR. ARBOGAST: I am.

22 MR. TEDESCO: Do you agree with the findings of
23 the Technical Staff and its conclusions or, excuse me, its
24 conditions?

25 MR. ARBOGAST: For the most part. I think I had

1 recommended more sidewalk, and what we're suggesting is what
2 the city has recommended for sidewalks.

3 MR. TEDESCO: So, Madam Examiner, if it's, if it's
4 necessary now, I can do it now or we can wait until after
5 all the testimony, but the Applicant, as Mr. Arbogast just
6 testified to, will be requesting slight modifications to
7 what the Staff Report conditions recommend, and that's in
8 particularly to ensure consistency with the agreements and
9 the conditions between the Applicant and the City of College
10 Park.

11 MS. NICHOLS: All right. So, you have, I'm sorry,
12 do you have a document with your proposed amended
13 conditions?

14 MR. TEDESCO: I don't. I was going to, we can
15 provide that today. I was going to read those into the
16 record. It's very, it's very minimal.

17 MS. NICHOLS: Okay.

18 MR. TEDESCO: So, I can do that now or I can do it
19 at the end, whatever, whatever you'd prefer.

20 MS. NICHOLS: I'll tell you what, I have the page
21 open. Let's do it now.

22 MR. TEDESCO: Okay. So, if I am, and not to be
23 testifying, but Conditions 1B, C and D of the Staff Report
24 require sidewalks along the full frontages of 50th Avenue,
25 Rhode Island Avenue, which is really the service road, and

1 Hollywood Road. We have agreed with the city, and the city
2 has agreed, and I'll allow Ms. Ferguson or Schom to confirm,
3 but based upon the covenant agreement that's been executed
4 and the city support, the Applicant has agreed to do partial
5 sidewalks on a portion of the frontage of 50th, as well as
6 Rhode Island, and then provide a public use easement for
7 future sidewalks along the rest of the frontages. So, we
8 would, we would just ask that Conditions 1B, C, 1B, C and D
9 be revised to say that sidewalks along a portion of the
10 subject sites' frontage and delete the word full of Rhode
11 Island and 50th, and then the Condition D regarding
12 Hollywood, that the condition be modified to only require
13 the easement for a future sidewalk along Hollywood that will
14 be granted to the City of College Park. And that is, the
15 support of that is Paragraph No. 2 in the covenant agreement
16 which, again, the covenant agreement is Exhibit 38. And
17 then for, so that's Condition 1B, 1B, C and D, and then
18 Condition E, just for consistency, we would ask that the
19 words, "Unless modified by the City of College Park with
20 written correspondence," be added to 1E. And that is
21 consistent with the preceding conditions.

22 And, finally, with respect to the Staff Report
23 recommended conditions, we would ask that Condition 2 be
24 deleted entirely. Part of the, during the vetting of this
25 application, and it's shown on the revised Site Plan, we

1 have removed the dumpster for the preservation of existing
2 trees, which was a recommendation and request by the City.
3 So, we removed that dumpster, reconfigured that area on the
4 revised Site Plan, and so Condition 2 is now moot.

5 MS. NICHOLS: Okay.

6 MR. TEDESCO: And, finally, or with respect to --
7 we did introduce an exhibit, Exhibit 48, which proposes two
8 building designs. We would just ask that the Examiner is
9 inclined to recommend approval of the aesthetic condition be
10 added that those sign details be added to the Special
11 Exceptions Site Plan prior to certification so there's no
12 issues with permits.

13 MS. NICHOLS: All right. If you would please
14 provide me with that condition?

15 MR. TEDESCO: Can I do it orally, or do you want
16 it in writing?

17 MR. ARBOGAST: No, just do it in writing please.

18 MR. TEDESCO: Yes, ma'am. And then, finally, and
19 I can submit this in writing too, we would ask the
20 Examiner's consideration for adding another condition. In
21 reference to Paragraphs 3 and 4 of the covenant, we have
22 agreed with the City that to provide a parking and
23 circulation plan; and if there are any issues or complaints
24 based upon that once operational, that we would meet with
25 and consult with the City to work out a resolution or a

1 solution to any issues that arise; and we would request that
2 if that occurs, that we not have to come back and revise
3 this Special Exception Site Plan to accommodate that request
4 by either the City or the community.

5 MS. NICHOLS: All right. So, if you would provide
6 me in writing your proposed Conditions 2 and 3?

7 MR. TEDESCO: Sure. Thank you for the indulgence
8 on that. I don't think I had any other further questions
9 for Mr. -- oh, never mind, strike that. I do. Sorry.

10 Mr. Arbogast, if this application is granted, is
11 it your intention to construct the improvements in
12 accordance with the site drawings filed in this matter?

13 MR. ARBOGAST: Yes.

14 MR. TEDESCO: And just for clarification for the
15 record, this, all of the improvements to the existing church
16 for the school are internal, is that correct?

17 MR. ARBOGAST: Correct.

18 MR. TEDESCO: With respect to the improvements
19 that are external to the building, what do those include?

20 MR. ARBOGAST: The, the addition of sidewalks, the
21 adding of the extra lane into the parking lot, installation
22 of bike racks as required by the City. So, those will be
23 external. We will also be seeking a permit for a playground
24 and fence, but that was always our intent to have a
25 playground. That's not a new condition.

1 MR. TEDESCO: Is it also your intention to operate
2 the proposed facility in accordance with the, all licenses
3 and permits, and in accordance with the representations
4 contained in the application and your testimony here today?

5 MR. ARBOGAST: It is.

6 MR. TEDESCO: Madam Examiner, I have no further
7 questions for Mr. Arbogast.

8 MS. NICHOLS: All right. Mr. Brown?

9 MR. BROWN: Yes. Good morning, Mr. Arbogast.

10 MR. ARBOGAST: Good morning.

11 MR. BROWN: The only issues I have here are with
12 regards to these conditions that were just proffered to be
13 amended. (Indiscernible) Applicant or the City may have
14 entered into some type of covenants (indiscernible), those
15 covenants, of course, are not enforceable against the
16 Examiner or the District Council. And so, the last
17 statement is going to be Condition 1A, B, C, D and F, unless
18 modified by the City of College Park with written
19 correspondence, that seems to be inappropriate. The City
20 does not have the authority over the final conditions with,
21 recommended for approval by the Examiner. So, if the City
22 and the Applicant have come to some kind of an agreement,
23 (indiscernible) covenant or otherwise, that's fine. You
24 guys will satisfy it amongst yourselves because we cannot
25 have, I don't believe, it's up the Examiner, this, unless

1 modified by the City of College Park (indiscernible) as part
2 of any condition. And other than that, I have no questions
3 of Mr. Arbogast.

4 MR. TEDESCO: So, can I ask, just point of
5 clarification, Mr. Brown, are you, it was hard for me to
6 hear, so are you saying that the, unless modified by the
7 City of College Park, is not appropriate in the conditions
8 as recommended by Staff?

9 MR. BROWN: Right. It's not appropriate. It
10 should be deleted. Either those conditions are the
11 conditions, or they're not. They cannot be another
12 condition on a condition. Then if the City of College Park
13 changes it, then, you know, it can be modified.

14 MR. TEDESCO: Yes. So, if I could be heard on
15 that, so we, we have requested that those conditions 1B, C,
16 1B, C, and D, and E be modified as I suggested for
17 consistency with what the Site Plan shows and what the City
18 and the Applicant have agreed to. At a minimum, if the
19 Examiner is not inclined to make those revisions, we would
20 certainly object to the deletion, unless modified by the
21 City of College Park in any of those conditions primarily
22 because all of those streets and those improvements are
23 governed by and regulated by the City of College Park; and
24 so, they have the authority to issue the permits associated
25 with that, not Prince George's County. So, at a very

1 minimum, if the conditions are going to remain as they are,
2 we think we already have those written correspondences to
3 modify. So, that's fine, we were just trying to clean it
4 up; but, again, we would, and I don't want to speak for Ms.
5 Ferguson, but I think we would all not, not agree to the
6 deletion unless modified because then if the City doesn't
7 issue me a permit, I'm in violation of that condition; and
8 so, and I can't control that. So --

9 MS. NICHOLS: Ms. Ferguson, do you want to be
10 heard on this?

11 MS. FERGUSON: (No audible response.)

12 MR. TEDESCO: I'm not hearing her. She's going to
13 call in.

14 MS. NICHOLS: Going to call in.

15 MR. TEDESCO: I can see Ms. Schom. Ms. Schom
16 queued up, too.

17 MS. SCHOM: Right. So, if Sue Ellen is unable to
18 be heard, I'm willing to, to step in.

19 MS. NICHOLS: All right, Ms. Schom, go ahead.

20 MS. SCHOM: Okay. So, I agree with Mr. Tedesco
21 that these conditions refer to City right-of-way; and so, it
22 is pretty much standard language, even for the Planning
23 Board, when their conditions that relate to streetscape, to
24 add that language at the end, or as modified by -- it's the
25 regulating agency. Typically, it's State Highway. In this

1 case, it's the City of College Park. So, I believe that's
2 why that language was proposed and the City would agree with
3 that.

4 MS. NICHOLS: All right. And, Ms. Schom, just
5 verify for me, the City is not here in opposition?

6 MS. SCHOM: No, the City is here in support with
7 conditions.

8 MS. NICHOLS: All right. Okay. Thank you. All
9 right. Mr. Brown, you had no further questions. Mr.
10 Tedesco, your next witness please. I'll take what everybody
11 said under consideration.

12 MR. TEDESCO: I appreciate that. I appreciate Mr.
13 Brown's comments for sure. Our next witness, we would call
14 --

15 MS. NICHOLS: His, his concern is that, is that
16 these agreements will be outside the record, so that is a
17 concern.

18 MR. TEDESCO: Yeah. Like I said, at a minimum, I
19 understand -- again, my attempt to clarify, again, this is
20 conjecture, I think, but my attempt to go through those
21 requests of revisions to at least Conditions 1B, C, D and E
22 was so that the Examiner knew that the Applicant wasn't
23 blanketly in agreement with them from the Staff Report
24 because agreements have been vetted, and as we know what the
25 City of College Park is going to require. So, we were just

1 asking, we were looking for consistency. I think we --

2 MS. NICHOLS: Does your --

3 MR. TEDESCO: -- touched upon that.

4 MS. NICHOLS: Does your revised Site Plan, Exhibit
5 45, show the areas in which the partial is along those three
6 roads in which the sidewalk would be constructed?

7 MR. TEDESCO: Yes. Yes, as well as Exhibit 47,
8 which is the illustrative, shows where the sidewalks would
9 actually be constructed; and then where it's not along the
10 other frontages is where there would be an easement
11 benefitting the City for, for future sidewalks down the
12 road.

13 MS. NICHOLS: Okay. Thank you.

14 MR. TEDESCO: Sure. We would call Chanda
15 Beaufort. If she could queue up and turn on her --

16 MS. BEAUFORT: Hello?

17 MR. TEDESCO: Hi, Chanda. Can you hear us?

18 MS. BEAUFORT: Yeah.

19 MR. TEDESCO: Okay. Can you hear me?

20 MS. BEAUFORT: Yes.

21 MS. NICHOLS: Yes. All right. I need you to
22 raise your right hand please.

23 MS. BEAUFORT: Oh, let me get that in there.

24 MS. NICHOLS: Theses are preschoolers. Your other
25 right hand. Do you solemnly swear or affirm under the

1 penalties of perjury to tell the truth, the whole truth and
2 nothing but the truth?

3 MR. TEDESCO: I do.

4 MS. NICHOLS: Please state your name and business
5 address for the record.

6 MS. BEAUFORT: My name is Chanda Beaufort and I'm
7 a project manager with VIKA and we are located at 20251
8 Century Boulevard in Germantown, Maryland 20874.

9 MS. NICHOLS: I'm sorry, what, what was the name
10 of your employer?

11 MS. BEAUFORT: VIKA.

12 MS. NICHOLS: VIKA? Thank you. They are an
13 engineering group?

14 MS. BEAUFORT: Yes, engineering, landscape
15 architecture and surveying.

16 MS. NICHOLS: Okay. Thank you. All right, Mr.
17 Tedesco.

18 MR. TEDESCO: Thank you. Ms. Beaufort, are you a
19 registered landscape architect?

20 MS. BEAUFORT: Yes, I'm a registered landscape
21 architect in the state of Maryland.

22 MR. TEDESCO: And, Madam Examiner, although Ms.
23 Beaufort is not being questioned or being asked to be
24 accepted as an expert in the field, she is a fact witness.
25 We did, as a courtesy, provide her CV as Exhibit 34; but

1 she's being offered as a fact witness.

2 MS. NICHOLS: Okay. Thank you.

3 MR. TEDESCO: Chanda, was VIKA, was VIKA employed
4 by the Applicant to perform certain services associated with
5 this subject property?

6 MS. BEAUFORT: Yes. VIKA has contracted with the
7 Children's Guild to provide services in support of the
8 Special Exception Application for preparing site plans,
9 landscape architecture, as well as engineering and surveying
10 services.

11 MR. TEDESCO: Are you familiar with the Special
12 Exception Application that's the subject of this hearing
13 today?

14 MS. BEAUFORT: Yes, I am a project manager at
15 VIKA. That I am a project manager -- been working on this
16 project, working on this project, working on this project,
17 working on this project.

18 MR. TEDESCO: I think we need to mute the callers.
19 We need to mute the callers. Thank you. Did you, or
20 someone under your direct supervision in your firm, prepare
21 the Special Exceptions Site Plan, the landscape plan
22 associated with this case?

23 MS. BEAUFORT: Yes, I prepared these plans and
24 directed preparation under my direct supervision.

25 MR. TEDESCO: And were these plans recently

1 amended in response to the review comments from the City of
2 College Park and Maryland National Capital Park and Planning
3 Commission?

4 MS. BEAUFORT: Yes, as you have spoken about, the
5 last revision that was proposed was the removal of the
6 dumpster in response to the College Park comment about
7 saving one of the trees. It wasn't able, the tree wasn't
8 able to be saved with proposing the dumpster, so it was
9 removed.

10 MR. TEDESCO: And, again, Madam Examiner, that's
11 Exhibit 45. Does Exhibit 45 also, as I answer the
12 Examiner's question, does Exhibit 45 also depict the
13 proposed sidewalks along portions of the, of the frontages?

14 MS. BEAUFORT: Yes, it does.

15 MR. TEDESCO: And you understand that an easement
16 to benefit the City of College Park will be provided for the
17 remaining frontages, as well as the existing, or the
18 proposed partial sidewalks?

19 MS. BEAUFORT: Yes, a 10-foot public use easement
20 will be proposed along 50th, Hollywood and Rhode Island
21 Avenue.

22 MR. TEDESCO: And do you know if VIKA is in the
23 process of preparing the legal descriptions, meets the
24 boundaries and drawings for that easement?

25 MS. BEAUFORT: Yes, we are.

1 MR. TEDESCO: All right. To try to streamline
2 this a little bit, do you agree with my orientation with
3 respect to the property as far as its location?

4 MS. BEAUFORT: Yes, I do.

5 MR. TEDESCO: And did you make a field inspection
6 of the subject property?

7 MS. BEAUFORT: Yes, I did.

8 MR. TEDESCO: And could you just briefly describe
9 the nature of the improvements on the property, as well as
10 the surrounding properties in general?

11 MS. BEAUFORT: The subject property contain,
12 contains the existing church building, which is one-story,
13 as well as the; I'm sorry, the existing church building is
14 two stories and the attached fellowship hall, which is one
15 story, there are two existing parking lots, one concrete
16 parking lot which has 22 existing parking spaces; one
17 smaller parking lot which is a gravel parking lot, it
18 contains approximately 11 parking spaces. The remainder of
19 the site contains existing lawn areas. There are shade
20 trees and ornamental trees throughout the site and there's
21 planting areas around the church and fellowship hall
22 building.

23 MR. TEDESCO: Could you briefly describe the
24 improvements that are proposed with this special exception
25 to the exterior of the building? And, actually, strike

1 that. Could you please describe the improvements that are
2 proposed to the subject property associated with this
3 special exception?

4 MS. BEAUFORT: As Matt and Duane spoke about, the
5 larger parking lot with the 22 spaces will have an
6 additional concrete driveway apron added to effectively make
7 a drop-off loop for the parents to drop off the children;
8 so, that is being added to that parking lot. Additionally,
9 at, at that parking lot near the entrance door, there are
10 two U-shaped bike racks that are going to be added. Also,
11 there are going to be improvements to the landscaping. The
12 development per the Technical Staff Report is exempt from
13 the Prince George's County Landscape Manual from pretty much
14 all of the sections exempt from 4.1, 4.2, 4.3, 4.6, 4.7,
15 4.8, 4.9 and 4.1; however, we do have a substantial
16 landscape buffer that we are proposing along the northern
17 property boundary. It's a buffer yard of 30 feet and we are
18 proposing 270 plant units in that with two different types
19 of evergreen trees and also two different types of evergreen
20 shrubs; and we are using native plant material. Another
21 thing that we are doing to try to be in compliance with the
22 landscape manual is the tree canopy coverage. We are
23 meeting, or actually exceeding the tree canopy coverage 15
24 percent as required; and we are providing 17 percent.

25 So, for the sidewalks that we've added to the

1 portions of the frontages, those are 5-foot sidewalks. The
2 portion of the sidewalk that's being added along the Rhode
3 Island Avenue extends up to the lead walk that comes up to
4 the church, and the portion along 50th Avenue extends along
5 the parking lot just to the new driveway entrance.

6 MR. TEDESCO: Chanda, let me stop you there.
7 Could Betty pull up Exhibit 47? I think that would help if
8 we all could see that, if that's possible; or, or Fatima or
9 someone? Sorry to mess the flow. It, it just depicts
10 those, I think it would be nice for the Examiner to see.

11 MS. BEAUFORT: That's okay. I can point them out.

12 MR. TEDESCO: So, it's Exhibit 47, Binder 2.

13 Thank you.

14 MS. BAH: You're welcome.

15 MR. TEDESCO: So, just to reiterate, so this, this
16 exhibit, although it still shows the dumpster location,
17 which has been removed at the bottom right corner of the, of
18 the picture, everything else that Ms. Beaufort testified to
19 is depicted thereon. The, the proposed sidewalk
20 construction along the portion of 50th Avenue, the
21 additional driveway apron on 50th to create an internal
22 loop, as well as the sidewalk along Rhode Island, as we
23 mentioned before, there will be, there will be easements
24 over those, as well as easements along the entire frontages
25 for future sidewalks; and then as well as this graphic

1 depicts the landscape area to the north, which is to the
2 right of the screen. Again, this property is exempt from
3 4.7; however, to buffer and screen those residential homes
4 from, from the use the Applicant has proffered to provide
5 that landscaping as further buffering and screening. And
6 then this also shows the improved, the improvement for the
7 proposed playground.

8 Ms. Beaufort, are you familiar with the
9 requirements of Section 27-396 of the Zoning Ordinance?

10 MS. BEAUFORT: Yes.

11 MR. TEDESCO: And as it relates in particular to
12 the Site Plan in Section 27-396(b)(2), which deals with the
13 required outdoor play area, has that been met in this
14 application?

15 MS. BEAUFORT: Yes, so that particular requirement
16 is that at least 100 square feet per child has to be
17 provided; and so, in this case for our application, we would
18 need 12,000 square feet for our 120 children; and our
19 application with the proposed play area is 13,947 square
20 feet of play area and also the other play area is required
21 to be 25 feet away from any dwelling; and the closest that
22 we are from anything is 70 feet and I believe that might be
23 a garage but, yes, we're at least 25 feet away. And it also
24 has to have a fence that's 3 feet high. We're proposing a
25 6-foot high fence.

1 MS. NICHOLS: How many square feet is the
2 playground?

3 MS. BEAUFORT: 13,947.

4 MS. NICHOLS: Thank you.

5 MR. TEDESCO: And are you familiar with the
6 parking regulations provided for in Section 27-568(a)(3) of
7 the Zoning Ordinance?

8 MS. BEAUFORT: Yes.

9 MR. TEDESCO: And does the Site Plan provide a
10 parking tabulation on it?

11 MS. BEAUFORT: Yes, it does.

12 MR. TEDESCO: And are all off-street parking
13 regulations met in this application?

14 MS. BEAUFORT: Yes, they are. So --

15 MR. TEDESCO: If you can explain? Thank you.

16 MS. BEAUFORT: How the existing church, we have
17 assumed the church has 50 seats and the regulation for that
18 is for every four seats, we need one parking space, which
19 equals 13 required spaces. For the private school parking,
20 we need one parking space per every six students, which
21 equals 20 spaces for a total of 33 required spaces. We also
22 need two accessible spaces which are included in the 33
23 spaces.

24 MR. TEDESCO: Have you had an opportunity to
25 confirm whether all the bulk regulations of the R-55 zone

1 are met in this application?

2 MS. BEAUFORT: Yes, I have.

3 MR. TEDESCO: And are they?

4 MS. BEAUFORT: Yes, they are.

5 MR. TEDESCO: I have no more questions.

6 MS. NICHOLS: Mr. Brown?

7 MR. BROWN: No questions. Thank you.

8 MS. NICHOLS: All right. All right. Thank you,
9 Ms. Beaufort.

10 MS. BEAUFORT: Thank you.

11 MR. TEDESCO: Our next witness would be Mr. Mike
12 Lenhart.

13 MS. NICHOLS: Let's see, we can probably take the
14 Site Plan down?

15 MR. TEDESCO: Sure, yeah.

16 MS. NICHOLS: Thank you, Fatima. All right. Mr.
17 Lenhart, there we go. I need you --

18 MR. LENHART: Good morning.

19 MS. NICHOLS: Good morning. We've got a lot of
20 papers today. Do you solemnly swear or affirm under the
21 penalties of perjury in the matter now pending to tell the
22 truth, the whole truth and nothing but the truth?

23 MR. LENHART: I do.

24 MS. NICHOLS: Thank you. Please state your name
25 and business address for the record.

1 MR. LENHART: Yes, Michael Lenhart, Lenhart
2 Traffic Consulting, 645 Baltimore Annapolis Boulevard, Suite
3 214, Severna Park, Maryland 2140, I'm sorry, 214 -- I forgot
4 my damn --

5 MR. TEDESCO: Why don't you start that over, Mike?

6 MR. LENHART: Yeah, it's two something.

7 MS. NICHOLS: I'll accept that. It's two
8 something. I would note for the record.

9 MR. LENHART: 21146, sorry. Too many numbers in
10 my head this morning.

11 MS. NICHOLS: I will note for the record that Mr.
12 Lenhart is previously qualified as an expert in
13 transportation planning and I see you have a revised
14 transportation impact, Exhibit 33; and is your CV, do I have
15 a copy of your CV?

16 MR. TEDESCO: 41

17 MS. NICHOLS: 41? Okay. Thank you so much.

18 MR. TEDESCO: Mr. Lenhart, you do not work for the
19 Postal Service, is that correct?

20 MR. LENHART: No, they wouldn't hire me.

21 MR. TEDESCO: You can strike that. I'm sorry.
22 Are you familiar with the application as the subject of this
23 hearing today?

24 MR. LENHART: Yes.

25 MR. TEDESCO: And were you employed by the

1 Applicant to perform certain services associated with the
2 subject property?

3 MR. LENHART: Yes, I was.

4 MR. TEDESCO: And you're not retained on a
5 contingency fee, is that correct?

6 MR. LENHART: That's correct.

7 MR. TEDESCO: And did you make a personal
8 inspection of the property from a transportation network
9 standpoint?

10 MR. LENHART: Yes, I did.

11 MR. TEDESCO: And are you familiar with the
12 transportation network in the immediate vicinity of the
13 property?

14 MR. LENHART: Yes, I am.

15 MR. TEDESCO: And are you familiar with the
16 Applicant's site and development plans as revised?

17 MR. LENHART: Yes, I am.

18 MR. TEDESCO: And could you summarize the
19 transportation network surrounding the property?

20 MR. LENHART: Yes. Rhode Island Avenue is a
21 master plan collective road. It's designated as C-118. It
22 runs north and south parallel to Route 1. The typical
23 right-of-way for a collective road is 80 feet; however,
24 Rhode Island Avenue in this area is 140 feet dedicated
25 right-of-way. That includes parallel service roads on the

1 east and west side of the main line of Rhode Island Avenue.
2 The church has frontage along the east side of Rhode Island
3 Avenue along the service road, frontage, but not access. It
4 also has frontage along Hollywood Road and 50th Avenue, and
5 the site currently has access via 50th Avenue.

6 Hollywood Road is approximately 40-foot right-of-
7 way with 30-foot paving from curb to curb. 50th Avenue is
8 approximately 36 feet of right-of-way with 26 feet of
9 paving. The neighborhood accesses Rhode Island Avenue at
10 various unsignalized intersections, including Muskogee
11 Street, Hollywood Road, Kennesaw Street and other locations
12 further south. The neighborhood also has access to Edgewood
13 Road via Narraganset Street to the, kind of the to the rear,
14 and heading to the north.

15 MR. TEDESCO: And did you prepare a study report
16 associated with the application originally?

17 MR. LENHART: Yes, I did.

18 MR. TEDESCO: And, Madam Examiner, just for
19 housekeeping purposes, that initial study is dated November
20 18, 2020. I noticed it's Exhibit 22 and Exhibit 46. I had
21 submitted both the original and the revised one in my
22 material last week. I'm not sure if the original was
23 already in there. So, it's, it's duplicated as Exhibit 22
24 and 46, the original November 18, 2020 study. Did you
25 prepare an amended traffic impact analysis, Mr. Lenhart?

1 MR. LENHART: Yes, we did.

2 MR. TEDESCO: And, Madam Examiner, that's Exhibit
3 33. Why wasn't, why was an amended TIA prepared?

4 MR. LENHART: The original traffic study assumed a
5 different pick-up and drop-off pattern. The Applicant
6 originally was intending to have parents utilize the service
7 road, the Rhode Island Avenue service road, to pick-up and
8 drop-off students along the frontage whether it would be met
9 by staff and then walked into the building; and in
10 discussions with the City of College Park staff, they were
11 not in support of that scenario. They indicated a
12 preference to bring the vehicles back around on 50th and
13 bring them into the existing parking lot and circulate pick
14 and drop-off in that fashion. And in discussions with the
15 City, we had, we agreed to add a new driveway into the
16 southern, southernmost parking lot, the main parking lot to
17 the building so that there would be able to be an in and an
18 out entrance and circulation whereby parents could pull into
19 the, the new driveway, drop their children off, or pick
20 their children up, and then circulate and head back out the
21 existing access point. And so, the updated study was
22 prepared to reflect that change that was requested by the
23 City.

24 MR. TEDESCO: And based upon those revisions, did
25 you make an investigation on the traffic conditions and

1 levels of service in the area?

2 MR. LENHART: Yes, we did.

3 MR. TEDESCO: And could you summarize those
4 findings and conclusions of your report briefly regarding
5 that?

6 MR. LENHART: Yes. So, we looked at a number of
7 different study intersections, including Rhode Island Avenue
8 and Hollywood Road; Hollywood Road at the service road;
9 Hollywood Road at 50th Avenue; 50th Avenue at the site
10 access point, and the new site access point, Rhode Island
11 Avenue at Muskogee Street; and Muskogee Street at the
12 service road.

13 MR. TEDESCO: And --

14 MR. LENHART: And the, the findings of our study
15 were that all of those intersections are unsignalized
16 intersections being stop controlled for the minor movement;
17 free for the major movements. Park and Planning has a, the
18 guidelines have a 3-step test for unsignalized
19 intersections. If, the way that test is done, you do the
20 first analysis, the first step of that analysis, which looks
21 at the delay on the stop controlled movement, and if the, if
22 a delay is less than 50 seconds per vehicle, it's considered
23 to be adequate and the intersection passes the test and no
24 further analyses are required.

25 In this case, all of the study intersections

1 passed that first test and, therefore, were deemed adequate.
2 They all operated with less than 50 seconds of delay. For
3 information, the second and third steps were not tested
4 because they were not necessary; however, we have, while not
5 necessary, we have looked at the second and third test and I
6 could tell you that if it did not pass the first, it would
7 have passed the second and third step. So, it did pass all
8 three steps in that study.

9 MR. TEDESCO: Did the amended traffic impact
10 analysis, Exhibit 33, analyze the access driveways?

11 MR. LENHART: It did.

12 MR. TEDESCO: And what was the analysis and
13 conclusions of that, of that study?

14 MR. LENHART: Those would operate at a level of
15 service, A, very good levels of service.

16 MR. TEDESCO: Will the development of the subject
17 property, strike that. Would the use of the subject
18 property as proposed be compatible with traffic conditions
19 and road network in the surrounding area in your opinion?

20 MR. LENHART: Yes, it would, based upon the
21 results of our analysis, yes.

22 MR. TEDESCO: From the perspective of traffic
23 engineering and planning, will the granting of this
24 application be consistent with the standards required in the
25 ordinance and guidelines for the use in question in your

1 opinion?

2 MR. LENHART: Yes, it would.

3 MR. TEDESCO: And from the perspective of traffic
4 engineering and planning, will approval of the application
5 cause any adverse effect upon adjacent properties of the
6 surrounding neighborhood in your opinion?

7 MR. LENHART: No, it will not.

8 MR. TEDESCO: And will the approval of the
9 application have any detrimental effect upon the health and
10 safety of pedestrians (intelligible 0:54:25.1) in the area
11 in your opinion?

12 MR. LENHART: No, it would not, based upon the
13 previous testimony, the results of our studies, the
14 application would not have a detrimental impact on the
15 health, safety and welfare.

16 MR. TEDESCO: I have no further questions.

17 MS. NICHOLS: Okay, Mr. Brown?

18 MR. BROWN: No questions. Thank you.

19 MR. TEDESCO: Thank you.

20 MS. NICHOLS: Thank you, Mr. Lenhart. All right.

21 Mr. Tedesco, you're going to bat clean-up with Mr. Ferguson?

22 MR. TEDESCO: Mr. Ferguson is our last prepared
23 witness unless there's any witnesses needed for rebuttal
24 but, yes, Mr. Ferguson would be hitting clean-up.

25 MS. NICHOLS: All right. Mr. Ferguson, welcome.

1 MR. FERGUSON: Good morning.

2 MS. NICHOLS: Good morning. Do you solemnly
3 swear, to you solemnly swear or affirm under the penalties
4 of perjury in the matter now pending to tell the truth, the
5 whole truth and nothing but the truth?

6 MR. FERGUSON: I do.

7 MS. NICHOLS: Please state your name and business
8 address for the record.

9 MR. FERGUSON: My name is Mark Ferguson. My
10 business address is 9500 Medical Center Drive, Suite 480,
11 Largo, Maryland and my zip is 20774.

12 MS. NICHOLS: I'm glad you know that. All right.
13 Your CV is Exhibit 40 and you have previously qualified as
14 an expert in the field of land planning and will continue so
15 in that capacity today.

16 MR. FERGUSON: Thank you, Madam Examiner.

17 MS. NICHOLS: Thank you.

18 MR. TEDESCO: Thank you, Madam Examiner. Mr.
19 Ferguson, are you familiar with the special exception
20 application that is the subject of this hearing today?

21 MR. FERGUSON: I am.

22 MR. TEDESCO: Could you briefly tell us the
23 history, the development history of the subject property?

24 MR. FERGUSON: Well, there, there has been a
25 church, the College Park United Methodist Church has been on

1 the property since I find the mid-1950s; and in 1964,
2 Special Exception 1028 was approved to allow a daycare
3 center use at the, at the subject property, which has been
4 alluded to in earlier testimony.

5 I might add that were the application for a
6 daycare center being submitted today, it would only need the
7 approval of a Detailed Site Plan because it's associated
8 with a church. My, my first question to, to Mr. Tedesco
9 when he asked me about being involved in this case was why
10 do we need a Special Exception because this is a, a nursery
11 school, this is really very similar to a daycare center.
12 There is a definitional difference between a daycare center
13 and a nursery school involving an accredited program of
14 education that would exist in a nurse school; whereas a
15 daycare center only provides care and activities. So, so
16 here we are, but I think it's a useful comparison to be made
17 in between the requirements for a daycare center and those
18 for a, for a private school; and I would add also, again,
19 prefatory, prefatory to the rest of my testimony, that a
20 private school would ordinarily be permitted by right in the
21 R-55 zone if an areal, A-R-E-A-L, areal requirement was met,
22 namely a minimum of 5 acres; but that 5 acres would allow
23 400 students, or, or 80 students per acre. So, the subject
24 property is 2.15 acres approximately in area, and only 120
25 students are proposed. So, you know, the student density

1 is, is less than what would be permitted by right were, were
2 that 5-acre area net; but it isn't, so, so here we are.

3 MR. TEDESCO: All right. Thank you for that, Mr.
4 Ferguson. Did you make a personal inspection of the
5 property?

6 MR. FERGUSON: I did.

7 MR. TEDESCO: And you prepared a Land Planning
8 Report for this application?

9 MR. FERGUSON: I did.

10 MR. TEDESCO: Or scratch, for this hearing?

11 MR. FERGUSON: I did.

12 MR. TEDESCO: In addition to your testimony that
13 you're providing here today, do you further incorporate and
14 adopt as your testimony that Land Planning Report?

15 MR. FERGUSON: Yes, I do.

16 MR. TEDESCO: And, Madam Examiner, that's Exhibit
17 39. Obviously, it asks for that to be accepted into the
18 record.

19 MS. NICHOLS: So, accepted.

20 MR. TEDESCO: And you're familiar -- strike that.
21 Did the Technical Staff define the boundaries of the
22 neighborhood in this application?

23 MR. FERGUSON: They did.

24 MR. TEDESCO: And do you agree with those
25 boundaries?

1 MR. FERGUSON: Of course not. That's, that's my,
2 my, my habit is to disagree. I found, the Technical Staff's
3 Boundaries go north to the Beltway, east to the Greenbelt
4 Metro station, south to University Boulevard and west to
5 U.S. 1. The perimeter of that, of the neighborhood really
6 on all sides has a very different character than the
7 character immediately surrounding the, the subject property.
8 So, certainly, along Route 1 it's very, very strict
9 commercial. You do have a commercial core of the old
10 Hollywood neighborhood towards the north and you have
11 industrial properties to the south; and, certainly, I find
12 that the railroad tracks themselves are a barrier. So, so I
13 would propose to really pull the neighborhood boundaries
14 into the, to Edgewood Road on the north, to the railroad
15 tracks, and not to the station the east; to Indian Lane on
16 the south and to 47th and 48th Avenue on the west; and what
17 that really does is circumscribe an area that really has a
18 very predominantly single-family detached character which is
19 very, very representative of the immediate surroundings of
20 the property. So --

21 MR. TEDESCO: And, Madam Examiner, just for your
22 indulgence, that's -- Mr. Ferguson's recommended
23 neighborhood from a land planning perspective is on page 3
24 of his report.

25 Are you familiar with the various planning

1 documents and policies that are relevant to the subject
2 property?

3 MR. FERGUSON: I am.

4 MR. TEDESCO: And what are they?

5 MR. FERGUSON: Well, we have certainly the general
6 plan, plan, Plan Prince George's 2035. We have the 2001
7 Sector Plan for the Greenbelt Metro area. We have a number
8 of functional Master Plans, the green infrastructure plan,
9 the historic sites and districts plan, the public facilities
10 parks, a master plan of transportation that I, that I speak
11 to in my report.

12 MR. TEDESCO: And what land uses does the Sector
13 Plan recommend for the subject property?

14 MR. FERGUSON: Quasi or quasi-public, which
15 basically is a recognition of the existing institutional
16 character of the use at the subject property today.

17 MR. TEDESCO: And are there any other
18 recommendations in the Sector Plan that this application
19 addresses?

20 MR. FERGUSON: The Sector Plan doesn't make
21 specific land use recommendations for the subject property
22 specifically. It does make a recommendation for the North
23 College Park community which, which is, and I'm reading from
24 page 6 of my report, "Retention of the residential character
25 and uses in this community and compatible residential and

1 field development." And, certainly, a, in my opinion, a
2 private school of this size, intensity, educational
3 character, which is to say nursery school kids on a property
4 of this size would be compatible infield. The General Plan
5 certainly, because this property is in the established
6 community's area, also speaks to appropriate context-
7 sensitive infield as well; and so, this, this, the approval
8 of this application would be in keeping of both of those
9 land use recommendations.

10 MR. TEDESCO: Does your report address and go
11 through in detail the purposes not only of the Zoning
12 Ordinance, but of the R-55 zone?

13 MR. FERGUSON: It does.

14 MR. TEDESCO: And does this application satisfy or
15 is consistent with the purposes of both?

16 MR. FERGUSON: It is in harmony with, it is in
17 harmony with those; and I, I don't think there's really
18 anything, you know, unusual or particular that, that needs
19 emphasizing of those. The report can stand for itself.

20 MR. TEDESCO: Based upon your familiarity with the
21 application, your land planning report, your testimony here
22 today, and any of the testimony that you may have heard
23 today, do you believe in your expert opinion that this
24 application complies with the recommendations of the Sector
25 Plan?

1 MR. FERGUSON: I do.

2 MR. TEDESCO: And based upon your familiarity with
3 the application, your land planning purports, your testimony
4 here today, and any other testimony that you may have heard
5 today, as well as your familiarity with this issue or,
6 excuse me, with this use, does the application comply with
7 Section 27-392 in your opinion?

8 MR. FERGUSON: I believe you mean 396, yes.

9 MR. TEDESCO: I'm sorry, 396.

10 MR. FERGUSON: Yes, I, I believe that it, I
11 believe that it does; and to draw out, you know, another
12 contrast with, with daycare, you know, the playground for
13 private school is required to be larger than that of a, than
14 that of the, of the daycare. So, there will be more, you
15 know, there will be more space for the kids to, to spread
16 out in; but will also meet the separation requirements that
17 are, that are there in the higher standard of, of 27396 to,
18 to protect the surrounding neighbors. Ms. Beaufort
19 mentioned that this property would be exempt from the
20 requirement for a landscape buffer yard; but, nonetheless,
21 the application does propose to put one in to provide an
22 even higher level of protection to the abutting single-
23 family dwellings to the north.

24 MR. TEDESCO: And in your expert opinion, does the
25 application comply with the required findings of Section 27-

1 317?

2 MR. FERGUSON: In my opinion, it does.

3 MR. TEDESCO: And that's articulated in your
4 report?

5 MR. FERGUSON: It is.

6 MR. TEDESCO: I have no further questions.

7 MS. NICHOLS: All right. Mr. Brown?

8 MR. BROWN: Good morning, Mr. Ferguson, but no
9 questions.

10 MR. FERGUSON: Mr. Brown, nice to see you this
11 morning.

12 MS. NICHOLS: All right. Thank you very much.
13 Thank you, Mr. Ferguson.

14 MR. FERGUSON: Thank you, Madam Examiner.

15 MS. NICHOLS: Mr. Tedesco, do you have any further
16 witnesses?

17 MR. TEDESCO: We have no further witnesses for
18 direct. We'll reserve a potential witnesses for, for
19 rebuttal.

20 MS. NICHOLS: Okay. Fine. Ms. Schom, does the
21 City wish to be heard?

22 MS. SCHOM: Yes, ma'am. Thank you.

23 MS. NICHOLS: All right. I need to swear you in
24 please. Right hand please. Thank you so much. Do you
25 solemnly swear or affirm under the penalties of perjury in

1 the matter now pending to tell the truth, the whole truth
2 and nothing but the truth?

3 MS. SCHOM: I do.

4 MS. NICHOLS: Thank you. Please state your name
5 and business address for the record.

6 MS. SCHOM: Sure. Terry Schom. I'm the planning
7 director for the City of College Park. Offices now, but not
8 too much longer, at 8400 Baltimore Avenue, College Park,
9 Maryland 20740.

10 MS. NICHOLS: Thank you. And what would you like
11 to testify to today?

12 MS. SCHOM: So, I would like to testify to the
13 City Council's position that was taken on this application
14 and written in a formal letter to Chairman Hewlett of the
15 Planning Board on February 24, 1921; and I believe Mr.
16 Tedesco has submitted this letter in the record. So, it
17 should be, should be there.

18 MS. NICHOLS: What exhibit?

19 MS. SCHOM: Do you know what exhibit?

20 MR. TEDESCO: I don't. It should have been
21 transmitted from the Planning Department down to your
22 office. I didn't include it on my list because I would have
23 assumed that it was submitted with the material that came
24 down from the Planning Board.

25 MS. SCHOM: From the Planning Board? Okay.

1 MS. NICHOLS: Betty --

2 MS. SCHOM: So, I have not seen all of those --

3 MS. NICHOLS: I'm sorry, Terry, just hold on one
4 second. Betty, do we have that letter? I don't see it on
5 the exhibit list.

6 MR. TEDESCO: I don't either.

7 MS. BADER: Matt, this is Miriam Bader. I thought
8 you mentioned that it was part of Exhibit 45?

9 MS. NICHOLS: Revised Special Exception Site Plan?

10 MR. TEDESCO: No.

11 MS. BADER: And then wasn't it attached to that,
12 or no?

13 MR. TEDESCO: No.

14 MS. NICHOLS: Betty, Betty, can you hear me?
15 Betty? Betty, can you hear us?

16 THE CLERK: (No audible response.)

17 MS. NICHOLS: Betty, we need you to find a letter
18 please.

19 THE CLERK: Excuse me, Joyce?

20 MS. NICHOLS: Betty, we're looking for the letter
21 that Ms. Schom just testified to. I don't see it on the
22 exhibit list. Do you have a copy of it?

23 THE CLERK: I'm sorry, Ms. Schom, could you tell
24 me the, what (indiscernible)?

25 MS. SCHOM: Sure. The letter is dated February

1 24, 1921. It's addressed to Chairman Elizabeth Hewlett at
2 the Planning Board and it represents the City of College
3 Park's position on this application.

4 THE CLERK: I'll just have to search.

5 MS. BADER: Oh, I apologize. We assumed it was in
6 the record and did not submit it separately.

7 MS. NICHOLS: Okay.

8 MR. TEDESCO: As did I, so I apologize as well.

9 MS. NICHOLS: That's all right. There was
10 something sent down yesterday that, would that be part of
11 that maybe?

12 THE CLERK: Joyce, I'm going to have to do some
13 searching through my documents because if it's not on the
14 list, then we don't have it.

15 MS. NICHOLS: Okay. All right. I'll tell you
16 what. Mr. Tedesco, will you, will you email Betty a copy of
17 that letter? I'm sure you have it.

18 MR. TEDESCO: I will.

19 MS. NICHOLS: I will make sure you get sent the
20 exhibit.

21 MR. TEDESCO: Yes.

22 MS. NICHOLS: Okay. Thank you. Thank you, Betty.
23 Thank you, Ms. Schom, go ahead please.

24 MS. SCHOM: Sure. Since you don't have the
25 letter, I suppose I should review it and send detail with

1 you and indicate where it may differ from the Technical
2 Staff Report and their recommendations. So --

3 MS. NICHOLS: Okay.

4 MS. SCHOM: -- as I mentioned, the City Council
5 supported this application by a vote of 7-0, with on
6 extension; with five conditions and subject to a declaration
7 of covenants that you've heard Mr. Tedesco mention. So, the
8 conditions, Condition No. 1, (indiscernible) recommendation
9 relates to the enrollment being capped at 120 students.
10 This is consistent with Technical Staff Report; Condition
11 No. 2 has to do with changes the City is requesting to the
12 Special Exception Site Plan, and that this be done prior to
13 certification of this Site Plan.

14 So, the first one, which the Applicant has agreed
15 to, relates to providing a 10-foot public access easement to
16 the City to accommodate the construction of 5-foot wide
17 sidewalks along the various frontages that you've heard
18 described, Rhode Island Avenue service road, 50th Avenue and
19 Hollywood Road. So, this is not construction of those
20 sidewalks, just an easement to allow the proposed
21 construction, which we'll talk, which I'll talk about again
22 in a second; and a future construction of the sidewalks by
23 the City.

24 So, so that was two, that's 2A. 2B in the City's
25 recommendation is to extend the Rhode Island Avenue and

1 Hollywood Road crosswalk to connect with the proposed Rhode
2 Island Avenue service road sidewalk proposed by the
3 Applicant. So, this is as stated in the Technical Staff
4 Report. So, we're in agreement with County Staff on that.

5 2C is to provide striped crosswalks over both
6 driveways along 50th Avenue accessing the southern parking
7 lot. So, you heard testimony already that the Site Plan has
8 been amended at the request of the City to include a second
9 driveway along 50th Avenue to allow for better circulation
10 for drop-off and pick-up of the students to allow a one-way
11 loop to occur. So, in the Technical Staff Report, they only
12 mention the existing, current access. So, we want to be
13 sure that crosswalks are provided over both of these
14 driveways.

15 Number 2D, we're asking that the parking spaces in
16 the northern parking lot we deem arcaded with wheel stops.
17 Right now, it is pretty much just a gravel parking lot, and
18 so parking is sort of helter skelter; so, in order to meet
19 the requirements for parking, these spaces need to be
20 specifically marked; and I don't believe there's anything
21 that indicates that in the Technical, Technical Staff
22 Report.

23 Condition 2E, also relating to the Site Plan, has
24 to do with increasing the depth of the gravel in the
25 northern parking lot by four to six inches to protect

1 existing tree roots, or else we configure the gravel parking
2 lot to protect the tree roots from vehicle compaction.

3 So, I heard today that revised Site Plans,
4 including Exhibit 45, and maybe 47, have been submitted.
5 The City has not had an opportunity to review those revised
6 Site Plans, but would look to see that this, this condition
7 and all these conditions that relate to the revisions to the
8 Special Exceptions Site Plan are shown on that revised,
9 revised plan.

10 And then, finally, we ask that the location of any
11 signage proposed to identify the preschool, and also
12 directional signage to make it clear where pick-up and drop-
13 off are to occur be shown on the, on the Site Plan. So, I
14 heard that Exhibit 8 is a revised plan that relates to
15 signage. Again, the City has not seen that exhibit at this
16 time.

17 We have a third recommended condition that states
18 prior to certificate of the Special Exception Site Plan, the
19 applicant shall revise the landscape plan to reflect current
20 conditions. Again, this may have been done in a revised
21 exhibit, the City just cannot confirm that at this time; and
22 these were just really corrections to the Site Plan that was
23 originally submitted that, that didn't show a couple of
24 mature oak trees along the northeast property line, or
25 cherry trees along the southwest side of the lot; and then

1 it showed a tree that is no longer there that has been
2 removed on the west side of the gravel parking area. So,
3 we're looking to see that those revisions are made prior to
4 certification.

5 The fourth condition relates to revisions to the
6 landscape plan to, that relate to the dumpster that, that
7 currently exists in the northern parking area. So, I
8 believe we've already heard that the dumpster is no longer,
9 is not required and has been removed from the Site Plan.
10 So, the City supports that because it was in direct conflict
11 with a mature oak tree, a healthy oak tree; so, we wanted to
12 save the tree and now that the dumpster is, I believe, no
13 longer shown on the Site Plan, the City agrees with that.

14 We also recommend some specific plant choices. I
15 won't name them here. Their, you know, their, their
16 technical names, but when we get the letter to you, you see
17 that we have some specific choices in regard to landscape
18 materials.

19 We have a Condition No. 5 that also relates to
20 what happens to protect some of the existing trees on site
21 during, during the construction phase, specifically to
22 existing cherry trees along Rhode Island Avenue, and two
23 mature oaks along the northeast property line.

24 And then, finally, what the City supported in
25 order to, to support this application is the execution of a

1 declaration of covenants with the applicant; and so, this is
2 in the process of being signed right now and was
3 particularly important to get agreement on this for the
4 City's support because it responds to community comments in
5 regard to, to concerns about traffic, and impact on the
6 residences nearby during the peak hours of drop-off and, and
7 pick-ups. So, we ask that the Applicant provide to the City
8 a traffic access plan that talks specifically about how this
9 will be accomplished; the hours; you know, the personnel
10 there to accommodate it; those kinds of, those kinds of
11 things; and that be provided prior to use and occupancy of
12 the school; and related to that is a parking plan that would
13 also provide details about how that parking would be
14 accessed during these pick-up and drop-off hours, you know,
15 if there was any conflict there; and also, to avoid, you
16 know, parking on a neighborhood street.

17 So, there's the minimum number of parking spaces
18 are being provided for this application. We believe that is
19 sufficient, but we've asked for this parking plan as well be
20 submitted to the City; and then should the City receive
21 complaints from residents about access and, and, and
22 parking, the ability to, you know, revisit these plans with,
23 with the school and, and the church.

24 So, that represents the City's position in total.
25 I mentioned that we haven't seen all of these exhibits and

1 would like to, to, you know, to have the ability to do that
2 to make sure they are consistent with the City's proposed
3 conditions. So, that's all I have. I'll be happy to answer
4 questions.

5 MS. NICHOLS: Mr. Tedesco, do you have any
6 questions?

7 MR. TEDESCO: No, I would just publicly thank Ms.
8 Schom, Ms. Bader and Ms. Ferguson, the Mayor and the Council
9 for its review of this application. We work very closely
10 with them and we appreciate their support in this
11 application. I have since found the letter. It has been
12 forwarded to, to Ms. Botit (phonetic sp.), and so it's, I
13 believe it's being marked as Exhibit 46 in lieu of Mr.
14 Lenhart's duplicative TIA. So, I think we're good.

15 MS. NICHOLS: All right. Are you in agreement --
16 have all of the concerns addressed that Ms. Schom just went
17 through, the concerns addressed in the College Park letter,
18 have they been taken care of in your revised Special
19 Exception Plan?

20 MR. TEDESCO: I would say for the vast majority,
21 yes. I would like to reserve the ability to say 100
22 percent. We're happy to provide those plans to the City
23 prior to certification just to confirm.

24 MS. NICHOLS: Well, let me ask you this another
25 way. At the conclusion of this hearing, would you like me

1 to keep the record open so that you can confirm that those
2 items have been covered, or make corrections to your current
3 revised Special Exception Plan?

4 MR. TEDESCO: We are, I would, I would prefer the
5 record to be closed. So, if, if that requires the adoption
6 of these conditions in your recommendation, we have no
7 objection.

8 MS. NICHOLS: Okay. Okay. All right.

9 MR. TEDESCO: I just don't want to swear to that,
10 that every single thing has been shown on, on new Exhibit
11 43, I'm sorry --

12 MS. NICHOLS: 45?

13 MR. TEDESCO: 45. I have to confer with Beaufort
14 and just to make sure, I believe they all have been; but,
15 you know, things on here with respect to additional gravel,
16 you know, outside of a note, which I can't say that that's
17 been provided, because I don't want to say everything has
18 been 100 percent done, but we, we intended it here to all of
19 these.

20 MS. NICHOLS: All right. I still think that it
21 would be better to keep the record open just so that you
22 have an opportunity to review rather than put all these
23 things in as conditions when they may already be taken care
24 of.

25 MR. TEDESCO: Fair enough.

1 MS. NICHOLS: I'm letting you know that that's in
2 the back of my mind. Okay. Do you have anything further
3 that you'd like to say?

4 MR. TEDESCO: No, thank you.

5 MS. NICHOLS: No? Okay. Ms. Schom, do you have
6 anything further that you'd like to say?

7 MS. SCHOM: No, thank you.

8 MS. NICHOLS: Okay. Thank you. Does anybody else
9 on behalf of the City wish to testify? Ms. Bader?

10 MR. BADER: (Indiscernible.)

11 MS. NICHOLS: No? Okay. All right. Is there
12 anybody else that would like to testify in this hearing
13 today?

14 MR. TEDESCO: Ms. Ferguson did send a note that
15 she is on the phone. I don't know if she wants to be heard,
16 but I don't want, I want to make sure we give her the
17 opportunity.

18 MS. NICHOLS: So, we have two people on the phone
19 and we have other people. If there is anybody that wishes
20 to be heard, please turn on your mike and let me know.

21 (No affirmative response.)

22 MS. NICHOLS: Okay. Let's give Jazs, okay, please
23 go ahead and turn on your mike. Jazs? You indicated you
24 have questions?

25 (No affirmative response.)

1 MS. NICHOLS: I don't know who you are and you
2 indicate you have questions. If you'd like to ask some
3 questions, now is the moment. You would need to turn your
4 mike on, though.

5 (No affirmative response.)

6 MS. NICHOLS: The only identification I have for
7 you is J-A-Z-S. Can you invite me? You're already on.

8 MR. FERGUSON: Madam Examiner, Mark Ferguson for
9 the record. She may have been muted --

10 MS. NICHOLS: There we go. Yeah. So, can you
11 hear me Jazs?

12 (No affirmative response.)

13 MS. NICHOLS: Jazs, you're unmuted. You're
14 unmuted and your video is not on.

15 MR. TEDESCO: So, there might be an issue because
16 Sue Ellen just emailed as well saying that she's, she can
17 hear us, but we can't hear her. She's on a phone call as
18 well, so I don't know if there's a way to unmute the phone
19 callers and then is there, is there a number that they have
20 to press, like star six or something, to unmute themselves
21 on their end? Do we know?

22 MS. NICHOLS: My staff, does anybody know how to -
23 -

24 MS. BAH: (Indiscernible.)

25 THE CLERK: Just follow the directions that I

1 sent.

2 MS. JAZS: Can you, can you hear me now?

3 MS. NICHOLS: Sue Ellen, that's you. Yes, I can
4 hear you.

5 MS. SARAH: No, that's actually Sarah Jazs.

6 MS. NICHOLS: Oh, sorry, sorry, okay, Sarah.

7 MS. JAZS: Yes. Thank you. The star, the star
8 six is the answer. Use star six --

9 MS. NICHOLS: Okay.

10 MS. JAZS: -- if you're on Zoom.

11 MS. NICHOLS: All right. So, Sarah Jazs. I --

12 MS. JAZS: Jazs.

13 MS. NICHOLS: I'm sorry? Jarvis? No?

14 MS. JAZS: Jazs.

15 MS. NICHOLS: Oh, you are --

16 MS. JAZS: Sarah Jazs.

17 MS. NICHOLS: Okay. You are Jazs? Your last name
18 is J-A-Z-S?

19 MS. JAZS: Yeah.

20 MS. NICHOLS: Okay. Sorry, I thought Jarvis.

21 Sorry. All right. And, all right. I'm going to ask you to
22 raise your right hand and repeat after me.

23 MS. JAZS: Okay.

24 MS. NICHOLS: Do you solemnly swear or affirm
25 under the penalty of perjury in the matter now pending to

1 tell the truth, the whole truth and nothing but the truth?

2 MS. JAZS: I do.

3 MS. NICHOLS: Thank you. Please state your name
4 and address for the record.

5 MS. JAZS: Sarah Jazs, 9709 Wichita Avenue,
6 College Park, Maryland 20740.

7 MS. NICHOLS: Okay. And what would you like to
8 say today?

9 MS. JAZS: A couple items. One, I'm pleased to
10 share this recording and all of the exhibits, the slides,
11 the community input, the Site Plan, the covenants, the
12 revised Section Plan, et cetera, I don't understand why
13 these aren't already online so that all of us could be
14 looking at it. And thank you for sharing my earlier
15 questions of Mr. Tedesco, who has actually answered previous
16 questions I had; and those questions, he's claiming that the
17 City is saying that queueing five cars on Hollywood Road
18 will be not impacting residents of 50th, Hollywood Avenue,
19 trying to get across to Rhode Island Avenue. These are, I
20 would assume, pre-COVID guesses; and I'm happy that Carrie
21 is making sure that there is a stipulation that says that
22 these things might need to be reconsidered post-COVID. I
23 just want to have that on the record that there's a concern
24 that five queued cars is probably going to be too many.

25 There's also a question to Mr. Lenhart regarding

1 the, on the, the tests and that it passed the three stop
2 analysis test of less than 50 seconds; and this, again, is
3 pre-COVID; so, once we're into post-COVID, what, are they
4 going to follow-up and do the second and third steps and
5 verify that all three steps have been passed?

6 And then the other question is, how, how is this
7 going to be addressed regarding the changing traffic
8 patterns that are likely when they put in an apartment
9 building on Branchville and modify the same property. I
10 think the City's stipulation of needing to re-evaluate the
11 traffic conditions as time goes on is, hopefully, going to
12 address that. A question is, what is the plan for parking
13 post-COVID, or when they have events such as assemblies, et
14 cetera? Is that going -- will those spaces accommodate
15 having any kind of activities there that would involve
16 parents as well as children?

17 The sidewalks that are going to be installed are -
18 - how does that impact the property, the size of the
19 property, and does that then impact the number of students
20 that can be there; the number of parking spaces that must be
21 included; and, you know, that would make the property site
22 smaller and not (indiscernible) of the purpose of those
23 sidewalks given that there's limited space and supposedly
24 these children will be dropped off until we have events
25 post-COVID.

1 And will the reconfigured Rhode Island Avenue for
2 bike lanes, how will that impact the, the traffic flow any,
3 there's a thought that this would impact the need for the
4 size of the property and the traffic (indiscernible).

5 I think that might be all my questions so far, but
6 there probably won't be more once you guys put something
7 online that shows us what the information is that's in the
8 exhibits.

9 MS. NICHOLS: All right. Susie, could you please
10 reach out to Ms. Jazs outside of this hearing and explain to
11 her how to find all the documents online? All the documents
12 are online and you're able to view them and she'll reach out
13 to you and let you know how to find them.

14 MS. FERGUSON: Yes, I can do that.

15 MS. JAZS: All right. Thank you.

16 MS. NICHOLS: Thank you. All right. Is there
17 anybody that wishes to testify in this matter? I don't know
18 if Sue Ellen is here or not. I don't know who Luther is or
19 --

20 MR. TEDESCO: Luther is with us, Madam Examiner.

21 MS. NICHOLS: Okay. How about Chrissy Taylor?

22 MR. TEDESCO: He is with us as well.

23 MS. NICHOLS: How about Francesca?

24 MR. TEDESCO: He is with us.

25 MS. NICHOLS: And I do not know, how about Faye

1 London?

2 MR. TEDESCO: She is with us as well.

3 MS. NICHOLS: Okay. And I don't know who Caller
4 No. 5 is. So, and that takes care of everybody. All right.

5 So, Mr. Tedesco, in light of the ensuing
6 testimony, do you have anything further that you wish to
7 outline?

8 MR. TEDESCO: Yeah, I just want to, for the
9 record, provide Ms. Jazs with some answers to some of those
10 questions. We did, the, your office did forward to me
11 yesterday basically similar, if not the same questions, that
12 we did endeavor to provide written responses to Ms. Jazs.
13 We sent those yesterday, yesterday afternoon, evening. So,
14 I'm hopeful that those were helpful; but to further
15 elaborate a little bit more on some of the points, I think
16 it's just worth mentioning that the concerns about the
17 traffic analysis that was done, and if we need to, we can
18 call Mr. Lenhart, but I will state for the record that in
19 the COVID world that we are in, the Park and Planning,
20 Maryland National Capital Park and Planning Commission did
21 revise or update its policies and guidelines with respect to
22 traffic impact analysis in the COVID world, and is
23 requiring, or has required a -- I'll call it a multiplier,
24 but maybe Mr. Lenhart should, should queue back up so he can
25 testify directly because I don't want there to be a

1 misguided assumption that because we're in a COVID world and
2 people are working from home, but that has not been taken
3 into account from a traffic impact analysis standpoint. So,
4 Mr. Lenhart, briefly, could you elaborate?

5 MR. LENHART: Yes. So, there are a few things
6 that Mr. Tedesco said. There, Park and Planning last year
7 in April or May when COVID first broke out, it instituted a
8 moratorium on traffic counts; and as the year progressed and
9 fall moved into place, Park and Planning established an
10 updated COVID traffic count policy whereby they allowed it,
11 allowed new traffic counts to be taken and identified an
12 adjustment factor that was to be applied to traffic counts
13 to take into effect, you know, the COVID situation, schools
14 being kind of in a remote, virtual situation; and that is,
15 that's current policy; that's the policy that is accepted;
16 and what we have been moving forward with on this project
17 and many other projects.

18 You know, traffic counts, obviously, they are not
19 what they were pre-pandemic. We don't know when or if they
20 will ever return to those levels. There's been a lot of
21 discussion in the industry about the new normal. You know,
22 this has had a huge impact on office space and large
23 companies where they have, they've acknowledged that this
24 has changed how they do business. They, companies are down-
25 sizing, selling office spaces, and implementing changes in

1 how they, they do business going forward.

2 So, we don't know where this is going to pan out
3 ultimately, but this was done under current policy. I could
4 also say that we did just this morning after that, the
5 comment, I did look at State Highway's website. They have a
6 traffic count database. They have a traffic count on Rhode
7 Island Avenue from 2016 that was on Rhode Island just north
8 of Route 193, and while that count is five years old, I, you
9 know, it is pre-COVID, and I would opine that the, based on
10 our experience, the volumes probably have not changed much
11 between 2016 and early 2020 before COVID hit; and if we were
12 to use those volumes and flow those traffic volumes north on
13 Rhode Island up to this site access, I, I can say with a
14 very good degree of confidence that it would pass the, the
15 3-tier test, 3-step test for unsignalized intersections.
16 So, I apologize for being so gritty, but let me know if that
17 answers your question or any other questions.

18 MS. BADER: For the record, this is Miriam Bader,
19 and I just got a message from Sue Ellen, and she is caller
20 number 058. So, she just needs to be unmuted. She said
21 she's heard everything, but due to technical difficulties,
22 she hasn't been able to speak, but she thinks she has it now
23 if she can be unmuted.

24 MS. NICHOLS: All right.

25 MS. FERGUSON: Hello. Can you hear me?

1 MS. NICHOLS: I'm sorry, Sue Ellen, hold on one
2 second. It's not quite your turn. But just, don't, just
3 stay there now that we've got you. All right. Mr. Tedesco,
4 did you have any other responses you wanted to give?

5 MR. TEDESCO: I would just say that I can't speak
6 to the reconfigured Rhode Island Avenue bike lanes. I know
7 Ms. Schom is very versed in that, if she feels compelled to
8 respond to that; but I would venture to say that based upon
9 Ms. Schom's knowledge of that and her review of this
10 application, it's, we do not feel that this project has any
11 negative impact associated with that.

12 And then with respect to the comment about
13 sidewalks, reducing the property size, the sidewalks will
14 not reduce the size of the property. The sidewalks are five
15 feet wide for primarily to accommodate if local residents
16 who may have children that go to the school could walk to
17 the, to the facility and walk to the entrances. So, that's
18 why those were proposed or recommended by the City to
19 accommodate those for pedestrian access points to the
20 property. The property still far and away exceeds the lot
21 coverage requirements of R-55 notwithstanding. So, we do
22 not see that as an issue. That's all I had.

23 MS. NICHOLS: All right. Okay. Ms. Ferguson.

24 MS. FERGUSON: Can you hear me?

25 MS. NICHOLS: Yes, we can hear you.

1 MS. FERGUSON: Oh, thank goodness. Thank you very
2 much for (indiscernible).

3 MS. NICHOLS: Did you want to testify?

4 MS. FERGUSON: No, I'm just here as the City's
5 attorney.

6 MS. NICHOLS: Oh, okay. All right. Then I won't
7 swear you in.

8 MS. FERGUSON: You don't need to. I just wanted
9 to say that the, your, the city does support your keeping
10 the record open. We did hear verbally what Mr. Tedesco had
11 to say earlier today and that's consistent with the letter
12 and the intent of the City, but I'd appreciate the record
13 being kept open until we see everything in writing and in
14 the plans; and I do apologize to everyone. My husband and I
15 are both lawyers. He's downstairs running a, or in a
16 medication; I'm up here doing this; and I think we've
17 overtaxed our system here.

18 MS. NICHOLS: No worries. All right. Thank you.
19 Thank you for participating. So, I thank everybody for
20 participating. Mr. Tedesco, you have nothing further to
21 state?

22 MR. TEDESCO: No, Madam Examiner, we would, we
23 would submit and respectfully request your recommendation of
24 approval, understanding we are in agreement if, if that's
25 the will of the Examiner to leave the record open so that we

1 can ensure that the exhibit addresses the City's conditions.

2 MS. NICHOLS: Okay. How, how do, 30th, next
3 Friday, do you think that allows everybody enough time?

4 MR. TEDESCO: It would on our end for sure.

5 MS. FERGUSON: Certainly.

6 MS. NICHOLS: Certainly? Okay. So, the 30th.
7 All right. That being said, the hearing in this matter will
8 deem to be concluded; however, the record will remain open
9 until April 30th, or sooner, so that every party, the two
10 parties, the City and the Applicant can make sure that the
11 Applicant's revised Special Exception Plan, Exhibit No. 54,
12 is in accordance with the City's position, which will be
13 incorporated as Exhibit No. 46; and, Mr. Tedesco, you will
14 also give me revised conditions 2 and 3, your proposed
15 revised conditions 2 and 3.

16 MR. FERGUSON: Yeah, I was going to say suggested
17 or proposed, understanding that it's within your discretion
18 but, yes, of course; and I, and I will share those with Ms.
19 Schom, and Ms. Ferguson, and Ms. Bader as well.

20 MS. NICHOLS: Okay. So, while you're doing it, if
21 you want, you can just give me a complete set of 1 through
22 3.

23 MR. TEDESCO: That's, that's what I would
24 envision, yes, ma'am.

25 MS. NICHOLS: Okay. Wonderful. Thank you.

1 MS. FERGUSON: We would appreciate that, too.

2 MS. NICHOLS: All right. Okay. That being said,
3 hearing this matter will deemed to be concluded. Everybody
4 stay safe. Sorry, Mr. Brown?

5 MR. BROWN: Yeah. Someone in the chat is asking
6 the question about Meals on Wheels. I don't know if it has
7 any relevance to this case.

8 MR. TEDESCO: Ms., Ms. London can, can answer
9 that. I don't think it's relevant to this application.
10 Meals on Wheels is no longer utilizing the site, so I think
11 it's, it's not relevant; but the Examiner is compelled to
12 have Ms. London respond to the question in the chat, she's
13 prepared to.

14 MS. NICHOLS: All right. No, I think that's
15 sufficient; and, Suzie is going to reach out to Ms. Jazs so
16 that she has the link to look at all of the documents
17 online.

18 THE CLERK: Yes, I've already sent her the link.

19 MS. NICHOLS: Okay. Thank you so much. All
20 right. That being said, everybody please stay safe and have
21 a good day.

22 MS. BADER: Thank you.

23 (Whereupon, the hearing was concluded.)

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C E R T I F I C A T E

DEPOSITION SERVICES, INC., hereby certifies that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the Prince George's County Office of the Zoning Hearing Examiner in the matter of:

CHILDREN'S GUILD PRESCHOOL

Case No. SE-4836

By:



TRACY HAHN, Transcriber