

**BEFORE THE HEARING EXAMINER FOR MONTGOMERY COUNTY, MARYLAND**

Office of Zoning and Administrative Hearings  
Stella Werner County Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850

IN THE MATTER OF THE PETITION OF: )  
 )  
KOREAN COMMUNITY SERVICE CENTER ) Conditional Use (Major Amendment)  
OF GREATER WASHINGTON, INC. FOR ) No. CU 17-12  
MAJOR AMENDMENT TO PRIVATE CLUB, )  
SERVICE ORGANIZATION CONDITIONAL )  
USE IN THE R-60 ZONE )  
 )  
Applicant )  
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 )  
Soo Lee-Cho, Esq. and )  
William Rogers, Esq. )  
Bregman, Berbert, Schwartz & Gilday, LLC )  
Attorney for the Applicant )

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**STATEMENT OF JUSTIFICATION and SUMMARY OF PROOF**

**A. Subject Property and Project Overview**

The Applicant, Korean Community Service Center of Greater Washington, Inc. (“KCSC” or “Applicant”), seeks a major amendment of its conditional use approval to allow use/occupancy of the first and second floors of KCSC’s existing location at 700 Buckingham Drive, Silver Spring, MD (“Property”), previously approved for private club, service organization use pursuant to Section 59-3.4.8. of the Zoning Ordinance.

The Applicant is a non-profit organization that provides comprehensive services to Korean-American community, both citizens and recent immigrants, residing in the Washington DC area. KCSC provides a variety of services in the fields of health, immigration, elder care, and family support programs. Cultural and linguistic programs to help address language barriers in housing, job placement, and other social programs are also offered. KCSC headquarters is in Annandale, Virginia, with four (4) branch offices (inclusive of the subject site) located in suburban Maryland.

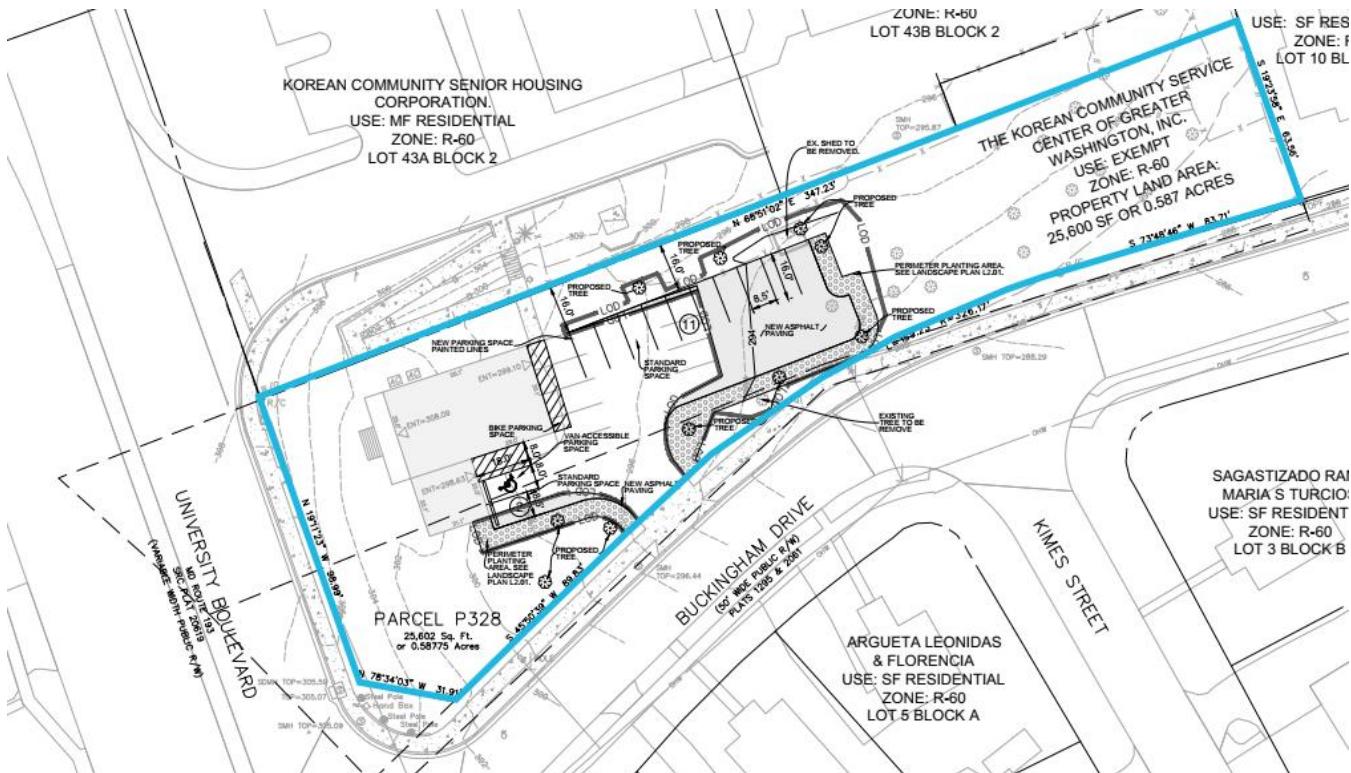
The Applicant was granted approval to occupy the basement level of the former single-family residence in CU 17-12, which KCSC now seeks to amend to facilitate occupancy of the remainder of the structure. This amendment application also proposes to make alterations to the surface parking area to provide additional spaces to meet the minimum off-street parking and landscaping requirements of Sections 59-6.2.4. and 59-6.2.9.C. of the Zoning Ordinance.

The subject Property is designated as Parcel P328 on Tax Map JP61, situated on the northeast corner of University Blvd. East and Buckingham Drive. The Property consists of 0.588 acres or 25,602 square feet (as surveyed) of land in the R-60 zoning classification.

## **B. Surrounding Neighborhood**

As was defined in Case No. CU 17-12, the “surrounding neighborhood is bounded by East University Boulevard (MD 193), a six-lane highway to the west of the subject site; however, the neighborhood bulges further to the west to include those residences directly confronting the subject site, across University Boulevard (the bulge extends south to East Wayne Avenue). The other boundaries of the neighborhood would include properties on the north up to about Lowander Lane, as well as those residences to the rear of the property (i.e., to the east) that may have a direct visual connection to the property, and on the south, residences along Buckingham Drive and East University Boulevard down to the Montgomery Knolls townhouse development, near Daleview Drive... [T]he surrounding neighborhood is almost entirely in the R-60 Zone, although there is a small townhouse community located on Gloucester Knoll Drive, just to the north of the University Gardens complex, that is in the RT-12.5 Zone. The surrounding neighborhood consists of single-family detached homes, the University Gardens complex (S-1424), the townhouses on Gloucester Knoll, and the Mt. Jezreel Church and Senior Housing complex (S-2877) to the north of the subject site. A wireless cell antenna exists on the roof of the University Gardens facility under special exception S-2639, and there is an accessory apartment (S-1081) at the corner of East University Boulevard and Wayne Avenue.” (Hearing Examiner’s Report and Decision, CU 17-12, pg. 9)

The above surrounding neighborhood description is outlined on the Conditional Use Plan – Cover Sheet submitted in support of this application.

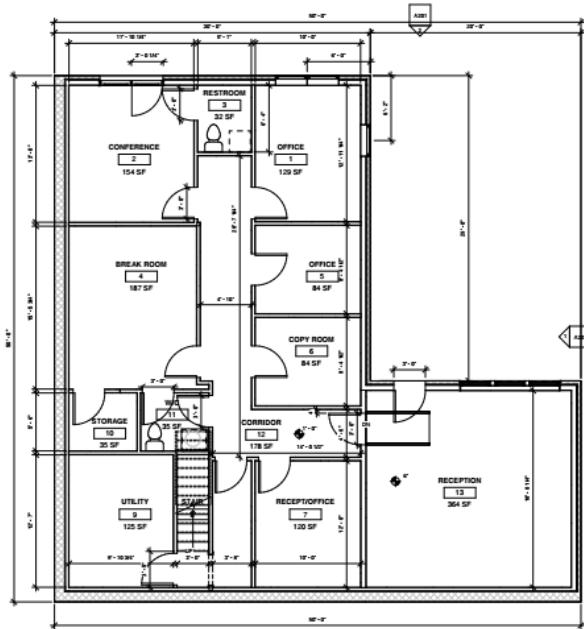


*Conditional Use Site Plan Area*

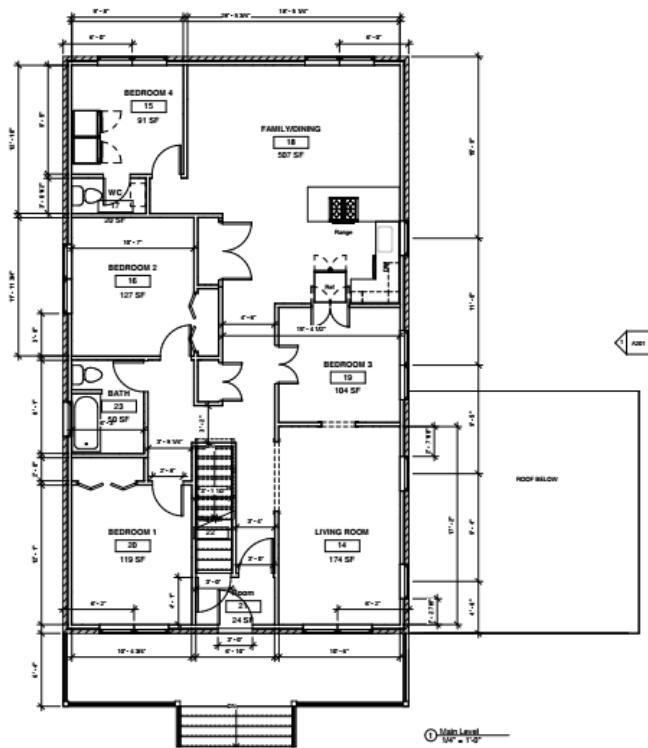
### C. Proposal

The Applicant proposes to occupy the first and second floors of the existing building, in addition to the basement level currently occupied/used by KCSC for its private club, service organization operations. No new building construction is proposed with this amendment application. An expansion of the existing surface parking lot to provide a total of 13 parking spaces is proposed to comply with the additional off-street parking requirements associated with KCSC's use/occupancy of the existing building in its entirety, which altogether totals **4,585 square feet** of floor area (see floor plans of the existing building below).

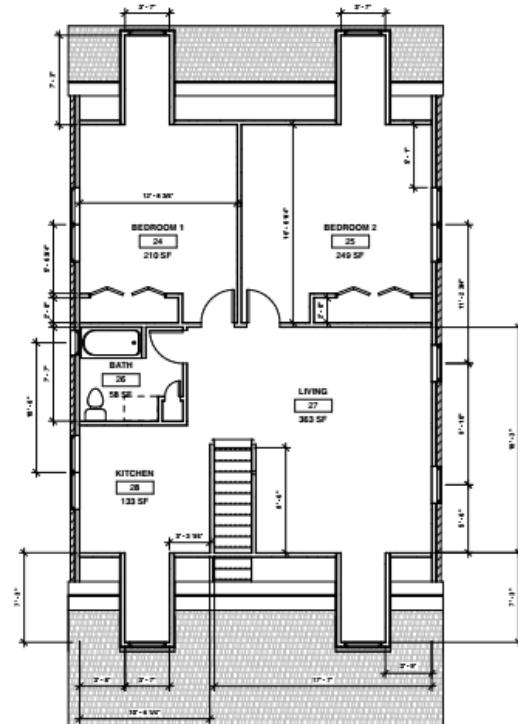
|                                |
|--------------------------------|
| <b>BASEMENT = 1,920 SF</b>     |
| <b>FIRST FLOOR = 1,500 SF</b>  |
| <b>SECOND FLOOR = 1,165 SF</b> |
| <b>TOTAL SF = 4,585 SF</b>     |



*Lower Level / Basement*



*Main Level / First Floor*



*Upper Level / Second Floor*

## **1. Proposed Operations**

With the proposed occupancy of all levels of the existing building, the Applicant expects that up to five (5) staff/employees will use the site as their offices (current approvals allow for 3 staff/employees). The primary hours of operation are proposed to shift slightly to between 8:00AM to 4:00PM, Monday through Friday (currently 9:00AM to 5:00PM), and between 9:00AM to 2:00PM on Saturdays (currently 10:00AM and 3:00PM). Occasional additional small-group training sessions, workshops or meetings held up to eight (8) times per month until 9:00PM will continue unchanged in accordance with current approvals. The type of work that the staff/employees will be engaged in will primarily involve work done on the computer/phone and/or providing consultations for visiting clients. There will be limited visits from members by appointment only during the primary hours of operation indicated above.

## **D. Necessary Findings under Section 59-7.3.1 Conditional Use**

Section 59-7.3.1.E sets forth a series of findings that the Hearing Examiner must make to approve a conditional use application. These findings are listed below in *italics*, followed by the Applicant's statement as to how each is satisfied.

*1. To approve a conditional use application, the Hearing Examiner must find that the proposed development:*

- a. Satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;*

The subject Application seeks amendment of KCSC's existing private club, service organization conditional use approval to operate in the above-grade basement level of the building located at 700 Buckingham Drive (CU 17-12), in which KCSC now seeks to expand its operations into the first and second floors.

- b. Satisfies the requirements of the zone, use standards under Article 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6;*

The subject Property is in the R-60 Zone, which allows a private club, service organization as a conditional use. The Project complies with all development standards of the R-60 Zone, as

shown on the Development Standards summary excerpt from the Cover Sheet of the Conditional Use Plan Set included in Figure 1 below.

**Figure 1. R-60 Zone Development Standards Summary**

| DEVELOPMENT STANDARDS FOR R-60 ZONE (STANDARD METHOD OF DEVELOPMENT)  |                    |                               |
|---|--------------------|-------------------------------|
| DEVELOPMENT STANDARDS FOR R-60  | REQUIRED           | PROPOSED/ PROVIDED            |
| MINIMUM LOT AREA -SECT.4.4.9.B.1  | 6,000 SF           | 25,602 SF <sup>1</sup>        |
| <b>OPEN SPACE -SECT.3.4.8.B.2 (PRIVATE CLUB)</b>  | 50% OR 12,801 S.F. | 71% OR 18,207 S.F.            |
| <b>LOT -SECT.4.5.3.C.2</b>  | N/A                |                               |
| DENSITY – CONDITIONAL USE - PRIVATE CLUB Table 3.1.6 – 3.4.8.   |                    | 4585 <sup>2</sup>             |
| <b>PRINCIPAL BUILDING SETBACK -SECT.4.5.3.C.3</b>   |                    |                               |
| FRONT -ADJ. TO UNIVERSITY BLVD (WEST)   | 25'                | 40'                           |
| SIDE STREET ADJ. TO BUCKINGHAM DR. (SOUTH)  | 25'                | 40'                           |
| SIDE (NORTH)  | 8'                 | 12'                           |
| REAR- (EAST)  | 20'                | 252'                          |
| <b>PARKING SETBACK SECT.6.2.5.K.2</b>   |                    |                               |
| SIDE (NORTH)  | 16 <sup>3</sup>    | 16'                           |
| REAR (EAST)   | 20'                | 200'                          |
| <b>HEIGHT: PRINCIPAL BUILDING.-SECT.4.4.9.B.3</b>   | 35'                | 35 <sup>4</sup>               |
| <b>TOTAL PARKING SPACES – Sect.6.2.4.</b>   | 12 <sup>5</sup>    | 13                            |
| ACCESSIBLE SPACES   | 1                  | 1 VAN ACCESSIBLE <sup>6</sup> |
| <b>BICYCLE PARKING SPACES--SECT. 6.2.4.C</b>  | 1 <sup>7</sup>     | 1                             |
| NOTES:  |                    |                               |
| 1. SITE AREA FROM MHG BOUNDARY SURVEY CONDUCTED 2024.   |                    |                               |
| 2. GROSS FLOOR AREA PER FIELD SURVEY AND RESEARCH PREPARED BY MACRIS, HENDRICKS, & GLASCOCK, PA DATED FEBRUARY 2019. THE ANALYSIS EXAMINED EACH OF THE EXISTING FLOOR PLANS, INCLUDING THE BASEMENT, 1ST FLOOR, AND 2ND FLOOR.                  |                    |                               |
| 3. PURSUANT TO SECTION 6.2.5.K.2.B. THE REQUIRED SIDE YARD SET BACK FOR A PARKING FACILITY IS TWO TIMES THE MINIMUM R-60 8-FOOT REQUIRED SETBACK. THUS A 16-FOOT SETBACK IS REQUIRED FOR THE PARKING FACILITY ALONG THE NORTHERN PROPERTY LINE. |                    |                               |
| 4. BUILDING HEIGHT AS DESCRIBED IN CU 2017-12 REGARDING EXISTING UNCHANGED BUILDING.  |                    |                               |
| 5. PRIVATE CLUB DENSITY = 4585 SF. PER TABLE 6.2.4B, THE BASELINE MINIMUM IS 2.5 SPACES PER 1,000 SF OF GFA. $4585/1,000 = 4.58$ AND $4.58 \times 2.5 = 11.5$ . THUS 12 SPACES ARE REQUIRED.  |                    |                               |
| 6. THE VAN ACCESSIBLE PARKING SPACE IS ONE OF THE 13 PROVIDED PARKING SPACES ON SITE. (PROPOSED PARKING SPACES ARE 1 VAN ACCESSIBLE AND 12 STANDARD).   |                    |                               |
| 7. PURSUANT TO TABLE 6.2.4C, BICYCLE PARKING IS 0.5 SPACES PER 10,000 SF OFFICE GFA. TOTAL PROPOSED PRIVATE CLUB GFA = 4585 SF. THUS, 1 BIKE PARKING SPACE IS REQUIRED.   |                    |                               |

*c. Substantially conforms with the recommendations of the applicable master plan*

The Property is located in an area of the *2000 East Silver Spring Master Plan* (the “Master Plan” or “Plan”). The Master Plan reconfirmed the R-60 Zone for this site. While the Plan contains no specific recommendations for the site, it does offer the following relevant Goals and Objectives:

*Community, Preservation, Stability, and Character*

- *Meet the needs of area residents by providing facilities for social service organizations. (pg. 6)*

*Community Facilities, Parks and Environmental Resources*

- *Provide community facilities to meet the human service, recreational, security, educational and other needs of the diverse community. (pg. 8)*

*Land Use and Zoning*

- *Confirm the existing residential zoning throughout East Silver Spring, except as recommended in this Plan. (pg. 26)*
- *Support the provision and location of adequate social, employment, and health facilities and services to meet the needs of area residents. (pg. 28)*
- *Support the involvement of public, private, and faith-based organizations in addressing area service needs. (pg. 28)*

*Water Quality/Stormwater Management*

- *Continue to provide on-site stormwater treatment with effective technologies, where feasible. (pg. 56)*
- *Promote the use of areas designed to increase infiltration within required open or green space. (pg. 56)*
- *Improve permeability of surface parking areas with green space that increases infiltration. (pg. 56)*

The East Silver Spring Master plan emphasizes the need “to sustain a livable community of neighborhoods in East Silver Spring by preserving positive attributes and guiding change so that it strengthens the function, character, and appearance of the area... New development, infill development, redevelopment, and special exception uses should be compatible with the existing residential character.” (pg. 26) Furthermore, the Plan states that “[l]and use plans address these social and economic needs by addressing the location and design of places that provide services. For example, some service organizations need larger facilities at new locations. The Master Plan supports efforts by both public and private organizations to address all of these needs as a way to build a healthy community.” (pg. 28)

KCSC provides a variety of social and economic services to the Korean-American community in East Silver Spring. The Master Plan supports the provision of social service organizations that address the needs of recent immigrants and long-time county residents. Under the requested expansion of KCSC's operations at 700 Buckingham Drive, the land use patterns of the surrounding area remain unchanged. The proposed use will be compatible with the existing area's residential character as no changes are proposed to alter the residential character of the existing structure. The proposed use is in conformance with the recommendations of the Master Plan for establishing social service organizations thereby creating livable communities for the diverse population group living and working in the East Silver Spring area.

- d. is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;*

The proposed use will be harmonious with the character of the surrounding neighborhood. There are no new structures proposed by this amendment application and the existing landscaping and vegetation will continue to maintain the property's residential appearance with additional landscape plantings provided to comply with parking lot screening requirements per Section 59-6.2.9.C.3. of the Zoning Ordinance as depicted on the Landscape Plan submitted in support of this amendment. The activities and traffic conditions associated with the use will be limited to specific hours of operation and days of the week, as specified herein. Therefore, the proposed use will not alter the character of the surrounding neighborhood in a manner inconsistent with the Master Plan.

- e. will not, when evaluated in conjunction with the existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that conforms with the recommendations of a master plan does not alter the nature of an area;*

The subject Application will not increase the number, intensity or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. The expansion of KCSC's approved conditional use within the same existing building on the

subject site will not result in an overconcentration of special exceptions or conditional uses in the area. Moreover, as stated previously, the proposed use is consistent with the Master Plan – accordingly, a conditional use that substantially conforms with the recommendations of a master plan does not alter the nature of an area.

- f. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:*
  - i. if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; ...*

The Property is served by adequate public services and facilities. The subject Property is on an unplatted parcel. Since no new building construction is proposed, a subdivision to create a platted lot is not necessary. Additionally, the Application is exempt from stormwater management or sediment/erosion control requirements pursuant to Section 19-31(c) of the County Code, as there will be less than 5,000 square feet of disturbance and no commercial building construction is proposed. The Project will place no additional impact on schools or other public services.

A Traffic Statement has been prepared and submitted in support of this Application which concludes that less than 30 weekday peak hour vehicle trips will be generated by the proposed amendment. The project will have no adverse impact on the traffic operations within the existing roadway network in the vicinity of the Project and is exempt from a transportation study and LATR adequacy requirements.

- g. will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect along or the combination of an inherent and a non-inherent adverse effect in any of the following categories:*

- i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;*
- ii. traffic, noise, odors, dust, illumination, or a lack of parking; or*
- iii. the health, safety, or welfare of neighboring residents, visitors, or employees.*

The proposed amendment of an existing private club, service organization conditional use will not cause undue harm to the neighborhood as a result of non-inherent adverse effect alone or in the combination of inherent and a non-inherent adverse effect of the defined categories. An analysis of inherent and non-inherent adverse effects considers size, scale, scope, light, noise, traffic and environment. Every conditional use has some or all of these effects in varying degrees. What must be determined during the course of review is whether these effects are acceptable or would create adverse impacts sufficient to result in denial. To that end, inherent effects associated with the use must be determined. In addition, non-inherent effects must be determined as these effects may, by themselves, or in conjunction with inherent effects, form a sufficient basis to deny a special exception/conditional use. The inherent physical and operational characteristics necessarily associated with a private club, service organization: (1) vehicular trips to and from the site; (2) hours of operation; (3) noise generated by additional traffic to the site; and (4) lighting.

As found in the original case in this matter, there are no adverse traffic impacts that would result from the proposed amendment of the conditional use. The existing driveway on Buckingham Drive will serve staff and visitors to the site. The Applicant will limit the hours of operation and the number of employees. Existing building lighting is adequate and consistent with the residential character of the neighborhood and no new lighting is proposed with the expanded parking area. The site is landscaped with mature trees and shrubs that are well maintained. New landscaping plantings are proposed to further screen the existing/expanded parking lot in compliance with all Zoning Ordinance requirements.

In the original case in this matter, the report prepared by Planning Staff recommending approval of the conditional use indicated that non-inherent characteristics associated with this site included the location of the existing surface parking lot in the rear of the site. The staff report did not provide any reasoning for the non-inherent designation, and went on to state that “the proposed use will be acceptable and would not create adverse impacts sufficient to result in denial of this conditional use.” The Hearing Examiner’s report in the original case disagreed with Planning Staff.

The Hearing Examiner noted that on-site parking was an expected characteristic of a Private Club, Service Organization, and concluded that nothing about the layout of the existing parking lot created unusual characteristics that would have adverse impacts on the neighborhood. In fact, the Hearing Examiner believed that the location of the parking in the rear of the house actually helped to preserve the residential feel of the neighborhood. (Hearing Examiner's Report and Decision, CU 17-12, pg. 28)

The Applicant concurs with the original Hearing Examiner's conclusion regarding the inherent nature of the existing parking and believes that the parking area will remain an inherent impact with the expansion proposed in this application. The proposed expanded surface parking lot area is directly adjacent to and contiguous with the existing parking area. The expanded surface parking remains in the rear of the existing structure where it will not impact the residential feel of the neighborhood and will be concealed from Buckingham Drive by additional perimeter planting area. With the proposed hours of operations, number of staff, and vehicular movements into and out of the site, as well as the continued maintenance of existing and additional on-site landscape screening proposed, the subject use will be acceptable and will not create adverse impacts sufficient to warrant denial of this amendment request.

*2. Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.*

Not applicable, no construction, reconstruction or alteration of existing structures is proposed by this amendment request.

*3. The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require conditional use approval.*

The Project not only satisfies all specific requirements of the proposed conditional use (as further detailed below) but is compatible with the character of the surrounding neighborhood because any visual, traffic or noise impacts will be de minimis and/or otherwise mitigated by Applicant's proposed hours of operation, limitation on the number of staff/employees and Landscape Plan.

## **E. Compliance with Section 3.4.8. of the Zoning Ordinance, Private Club, Service Organization**

*B.2. Use Standards – Where a Private Club, Service Organization is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use and the following standards:*

- a. The minimum lot area required is twice the minimum required for a detached house building type in the zone, up to a maximum of 3 acres.*

The Property is located in the R-60 Zone which requires a minimum lot size of 6,000 square feet. The Property contains 25,602 square feet (as surveyed), which is more than twice the minimum required of 12,000 square feet for the requested conditional use. This requirement has been met.

- b. The minimum lot width at the front lot line is twice that required for a detached house.*

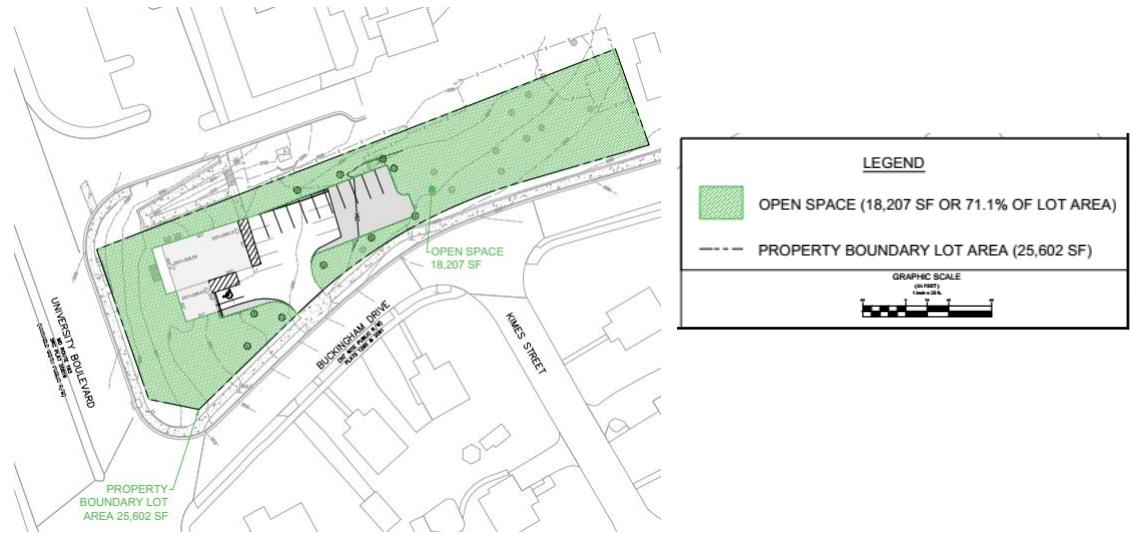
For the R-60 Zone, the minimum lot width at the front lot line is 25 feet. As previously determined in CU 17-12 which remains unchanged in this amendment, the subject Property has a minimum lot width of 78 feet. This requirement has been met.

- c. The minimum coverage allowed is 15%, including accessory buildings, or 20,000 square feet, whichever is less.*

As previously determined in CU 17-12 which remains unchanged in this amendment, the total coverage for all existing structures is 8% (1,965 square feet) well below the 15% maximum coverage. No increase is proposed for any existing structures. This requirement has been met.

- d. The minimum open space requirement is 50%.*

As shown on the Open Space Exhibit submitted in support of this amendment (excerpted below), the amount of open space is 18,207 square feet or 71.1% of the lot which exceeds the 50% minimum required. This requirement has been satisfied.



e. In the AR Zone, this use may be prohibited under Section 3.1.5. Transferable Development Rights.

Not applicable, the site is located in the R-60 Zone.

## F. Summary of Proof and Time Estimate

The Applicant intends to present the following expert witnesses:

- **Patrick G. La Vay, PE**, Professional Engineer, Land Planning and Project Management Expert in Maryland, Virginia and Washington, DC (President of Macris, Hendricks & Glascock), will testify regarding the existing conditions on the Subject Property and in the surrounding neighborhood, the Site Plan, substantial compliance with the Master Plan, consistency with the Code, compatibility with the surrounding area as well as the project's exemption from stormwater management, sediment erosion control and forest conservation requirements, and other technical regulatory matters.
- **C. Nick Driban, PE, PTOE**, Professional Engineer, Traffic Operations Engineer (Lenhart Traffic Consulting, Inc.), will testify regarding the project's trip generation analysis as summarized in the Traffic Statement submitted in support of the subject Application.

Resumes for the expert witnesses identified above are attached. (See **Exhibit A**). The Applicant reserves the right to call additional expert witnesses if deemed necessary. The Applicant estimates that presentation of its case in chief will require approximately 2-3 hours.

This submission is intended to satisfy the requirements of the Code and the OZAH Zoning Rules of Procedure, Council Resolution 18-780. If amended or supplemental information becomes necessary to support the present application, the Applicant will make a supplemental submission in a timely fashion.

Respectfully submitted,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC



Soo Lee-Cho



William Rogers

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301-656-2707

Attorneys for the Applicant

# Exhibit A

## PATRICK G. LA VAY, P.E.

**TITLE:** **President**

**EXPERTISE:** Civil Engineering, Land Planning and Project Management for Development Projects in Maryland, Virginia and Washington, D.C.

### EXPERIENCE WITH MACRIS, HENDRICKS AND GLASCOCK, P.A.

(2009 - Present):

- Principal Engineer and Land Planner in charge of managing commercial, institutional, and industrial projects under design by Macris, Hendricks and Glascock, P.A. Responsibilities include: feasibility review, project coordination and scheduling, plan and specification preparation and oversight, development application and permit processing, green building certification and construction administration.

(2007 – 2009)

- Design Engineer in charge of the design of Stormwater Management & Storm Drainage Systems and Soil Erosion/Sediment Control Plans. Responsibilities included feasibility investigations, plan and specification preparation, and construction administration.

### ACADEMIC BACKGROUND:

- B.S., Virginia Tech (2005) – Mining and Minerals Engineering
- Phi Sigma Theta National Honors Society

### PROFESSIONAL REGISTRATION:

- Professional Engineer, State of Maryland
- Professional Engineer, District of Columbia
- Professional Engineer, Commonwealth of Virginia

### PROFESSIONAL AFFILIATIONS:

- American Society of Civil Engineers (ASCE), Member

### EXPERIENCE AS EXPERT WITNESS:

- Office of Zoning Hearing Examiner for Montgomery County, Maryland
  - Special Exception Case No. S-2819, Olney Assisted Living
  - Special Exception Case No. S-2820, Fairland Animal Hospital
  - Special Exception Case No. S-2815 Alfredhouse Eldercare, Inc.
  - Special Exception Case No. S-687-H Bullis School, Inc.
  - Conditional Use Case No. CU 15-05 Artis Senior Living, Potomac
  - Conditional Use Case No. CU-23-06 The Diener School
  - Conditional Use Case No. CU-23-02 White Oak Storage
  - Local Map Amendment Case No. H-118, Georgetown Professional Associates
  - Local Map Amendment Case No. H-144, White Oak Storage
  - Local Map Amendment Case No. H-154, Parklawn Self Storage
- Montgomery County Department of Transportation
  - Abandonment/Disposition of Water Johnson Road, Germantown, AB-779
- Frederick County Board of Appeals
  - Special Exception Case No. B-14-17, Kelkimric Properties

**AWARDS AND HONORS:**

- Shelton Award for Academic Achievement in Engineering – Class of 2005
- Maryland National Capital Building Industry Association, 2011 Environmental Award – Watkins Mill High School, Regenerative Storm Drain Outfall Restoration Project

# C. NICK DRIBAN, P.E., PTOE

## SENIOR TRAFFIC ENGINEER

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Mr. Driban has 17 years of experience in traffic engineering for various transportation planning, traffic modeling and simulation, traffic operations and safety analysis, traffic impact study, and data collection projects. Throughout his career, Mr. Driban has performed these services on projects within Montgomery County, as well as for clients throughout Maryland and around the Country. Mr. Driban has served as an active member on both the 2020- and 2024 Transportation Advisory Groups engaged with County staff to assist in their quadrennial update to the Growth and Infrastructure Policy, which governs transportation adequacy studies. In addition, Mr. Driban has provided expert witness testimony on traffic and transportation issues in Montgomery County before the Planning Board, Zoning Hearing Examiner, and Board of Appeals, as well as for numerous other jurisdictions throughout Maryland. His relevant experience includes:

### **SHA Access Management Division - Traffic Engineer**

As an employee of the Maryland State Highway Administration's (SHA) Access Management Division, Mr. Driban was responsible for reviewing Traffic Impact Studies (TIS) and development plans throughout the State to determine compliance with the Maryland State Highway Access Manual. In this role Mr. Driban coordinated closely with local agency staff. Mr. Driban's primary responsibility was to review all Traffic Impact Studies to confirm that appropriate assumptions were used and provide guidance on required mitigation. Mr. Driban served as the primary point of contact in coordinating TIS reviews throughout SHA, and was responsible for providing comments to and coordinating with developers' engineers. Mr. Driban was also responsible for reviewing plans for new developments to provide recommendations related to access management.

### **SHA Districts 3, 4, 5, and 7 Traffic Engineering Services - Project Engineer**

Mr. Driban has worked on hundreds of tasks to provide traffic engineering services for SHA on an as-needed basis throughout the state of Maryland, including within Baltimore County. He has prepared traffic operations and safety studies, including numerous traffic impact studies for rural, small-town, and urban areas throughout Maryland. Mr. Driban's assignments have included traffic impact studies, crash analysis and safety studies, pedestrian and bicycle facility evaluations, traffic signal warrant studies, access management evaluations, and signal timing and phasing analyses.

### **Montgomery County DOT Traffic Engineering and Operations Consulting Services - Task Manager**

Mr. Driban managed traffic engineering tasks as part of back-to-back on-call contracts, including analyzing and recommending alternatives to improve pedestrian, bicycle, transit and vehicular operations and safety throughout Montgomery County, MD. Mr. Driban was responsible for overseeing traffic volume data collection, highway capacity analyses using an array of traffic software packages, conducting and reviewing traffic impact studies, corridor studies, safety studies, alternatives development, and/or conceptual design on nearly 50 tasks.

|                            |  |
|----------------------------|--|
| <b>FIRM</b>                | Lenhart Traffic Consulting   |
| <b>YEARS OF EXPERIENCE</b> | 17   |
| <b>EDUCATION</b>           | BS, Civil Engineering  |
| <b>REGISTRATIONS</b>       | Professional Engineer: Maryland (#40793)   |
| <b>SPECIFIC SKILLS</b>     | <ul style="list-style-type: none"><li>✓ Traffic Impact/ LATR Studies</li><li>✓ Transportation Safety Studies</li><li>✓ Traffic Modeling &amp; Simulation Software</li><li>✓ Bicycle &amp; Pedestrian Facility Design</li><li>✓ Parking Evaluations</li><li>✓ Traffic Signal Warrant Analyses</li><li>✓ ITE Trip Generation Studies</li><li>✓ Access Permit Coordination</li><li>✓ Roadway Safety Audits</li><li>✓ Alternatives Analysis</li><li>✓ Traffic Signal Timing and Coordination</li><li>✓ Intersection Safety/Capacity Improvements</li></ul> |