

From: [Clayborne, Mariah](#)
To: [Robeson Hannan, Lynn](#); [Soo Lee-Cho](#); [Mencarini, Katherine](#); [William Rogers](#)
Cc: [Johnson, Nana](#); [Guisao-Ospina, Jony](#)
Subject: RE: [EXTERNAL]CU 17-12-A, Korean Cultural Center/Bike locker
Date: Wednesday, February 11, 2026 10:51:11 AM
Attachments: [image002.png](#)
[image003.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

[EXTERNAL EMAIL]

Hi Lynn,

I hope all is well. Thank you for reaching out. Staff agrees that the existing bicycle locker does not qualify for legacy provisions under Section 59.7.7.1.A, as it was installed in 2017 and post-dates the 2014 Zoning Ordinance adoption. Staff also agrees that the locker is not a nonconforming “use” under Section 59.7.7.2. However, Staff supports approval of the existing bicycle locker under Section 59.6.8.1, Alternative Compliance. The locker was lawfully installed as part of CU2017-12 and continues to provide secure, weather-protected long-term bicycle storage consistent with the intent of the Zoning Ordinance. The amendment does not expand the building footprint, and requiring removal or replacement of the locker would not materially improve bicycle accommodation on the site. Staff finds that retention of the existing locker satisfies the intent of the bicycle parking requirements and represents a satisfactory solution given the limited site area and the desire to maintain the residential character of the property.

Also, Planning Staff has reviewed the updated Conditional Use Site Plan, Cover Sheet, and Statement of Justification submitted into the record. Accordingly, the revised materials do not change Staff’s analysis or recommendation. Staff continues to recommend approval of the Conditional Use. Please let me know if any additional clarification would be helpful.

Thank you,

Mariah Clayborne
Planner II
East County Division
Montgomery County Planning Department
2425 Reddie Drive 13th Floor
Wheaton, MD 20902
O: (301) 495-4535
Mariah.clayborne@montgomeryplanning.org



From: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>
Sent: Wednesday, February 11, 2026 10:10 AM

To: Soo Lee-Cho <sleecho@bregmanlaw.com>; Clayborne, Mariah <mariah.clayborne@montgomeryplanning.org>; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; William Rogers <wrogers@bregmanlaw.com>
Cc: Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>
Subject: RE: [EXTERNAL]CU 17-12-A, Korean Cultural Center/Bike locker

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Katherine and Mariah, I'm not sure you've had a chance to review the new plans with the bike locker shown.

Ms. Lee-Cho, you correctly point out that Section 7.3.1.E.1 permits compliance with Article 6 "to the extent needed to ensure compatibility."

Staff, I assume that the bike locker would continue to be compatible with the area as it was deemed compatible in the original special exception.

If you would kindly confirm when you issue your comments (if any others), I would appreciate it. Is it possible to submit any additional comments you have by Friday, February 13th? That will allow time for the Applicant to make any changes or provide comments before the record closes on March 2nd.

Of course, if you have any questions or would like more time to comment, please do not hesitate to contact me.

Best,

Lynn Robeson Hannan
Hearing Examiner

From: Soo Lee-Cho <sleecho@bregmanlaw.com>
Sent: Wednesday, February 11, 2026 8:28 AM
To: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>; mariah.clayborne@montgomeryplanning.org; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; William Rogers <wrogers@bregmanlaw.com>
Cc: Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>
Subject: RE: [EXTERNAL]CU 17-12-A, Korean Cultural Center/Bike locker

[EXTERNAL EMAIL]

In case PDF files of the images below would be helpful, please see attached.

Soo



Soo Lee-Cho

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

7315 Wisconsin Avenue, Suite 800 West

Bethesda, Maryland 20814

301-656-2707 x5902 **PHONE** | 301-961-6525 **FAX** | 301-318-3884 **MOBILE**

Email: sleecho@bregmanlaw.com

www.bregmanlaw.com

From: Soo Lee-Cho

Sent: Wednesday, February 11, 2026 8:26 AM

To: 'Robeson Hannan, Lynn' <Lynn.RobesonHannan@montgomerycountymd.gov>; 'mariah.clayborne@montgomeryplanning.org' <mariah.clayborne@montgomeryplanning.org>; 'Mencarini, Katherine' <katherine.mencarini@montgomeryplanning.org>; William Rogers <wrogers@bregmanlaw.com>

Cc: 'Johnson, Nana' <Nana.Johnson@montgomerycountymd.gov>; 'Guisao-Ospina, Jony' <Jony.Guisao@montgomerycountymd.gov>

Subject: RE: [EXTERNAL]CU 17-12-A, Korean Cultural Center/Bike locker

Ms. Robeson Hannan,

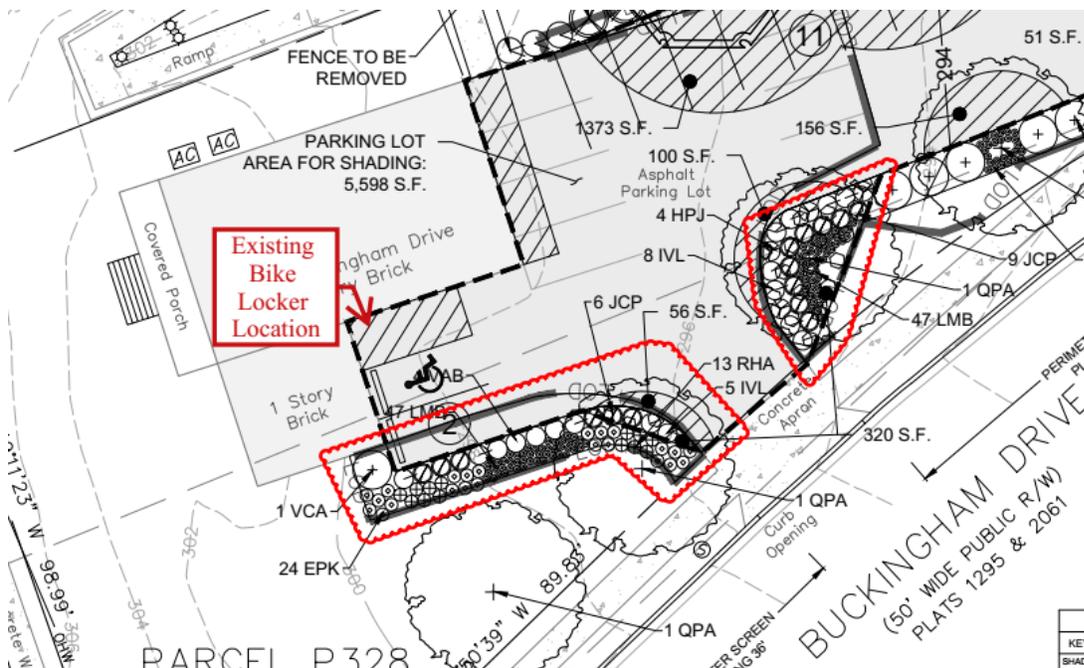
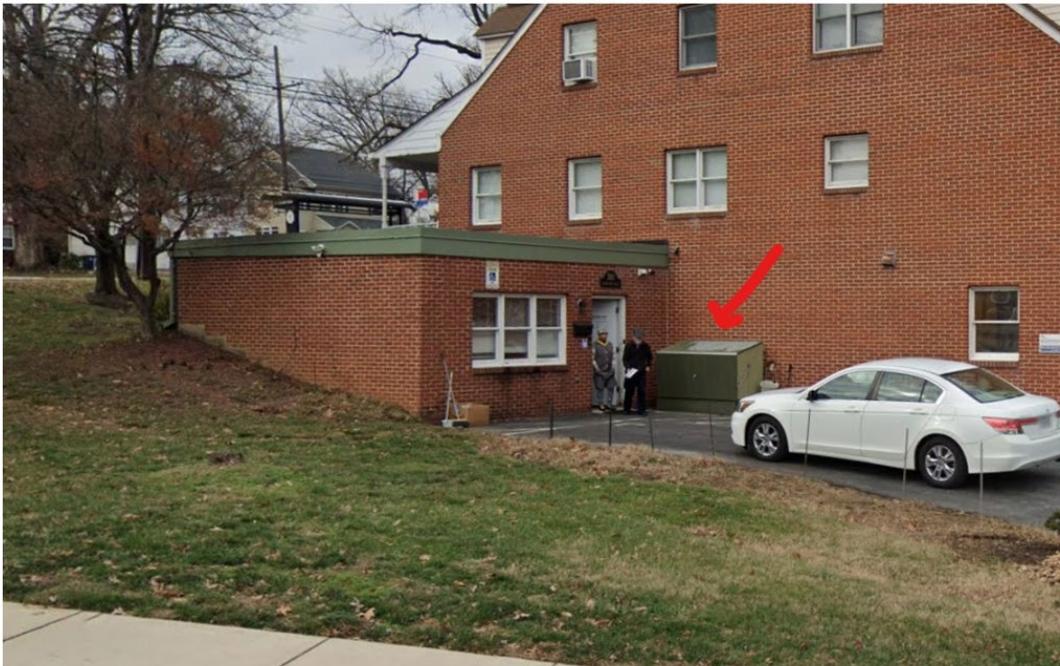
In addition to our previous comments on this issue, the Applicant concurs that the foundational basis that permits approval of alternative methods of compliance under Section 6.8.1 is mirrored in Section 7.3.1.E.1.b, which in fact goes beyond Section 6.8.1 to cover the entirety of Article 59-6, inclusive of Section 6.2.6 Bicycle Parking Design Standards. Under Section 7.3.1.E.1.b, compliance with the **intent** of the general requirements of Article 59-6 is required **to the extent the Hearing Examiner finds necessary to ensure compatibility**.

Here, as previously stated, the one (1) long-term bicycle parking space currently provided on site in the form of a bicycle locker was installed at a time (2017) when the use of a locker to comply with long-term bicycle storage requirements was allowed by Article 59-6.

The picture below shows that the bicycle locker is located in an area that is blocked from

University Boulevard by the existing structure. The bicycle locker is also painted the same color as the trim, which helps prevent it from standing out in a way that would adversely impact the neighborhood. In addition, a more robust landscape screen will be provided along the property's Buckingham Drive frontage in conjunction with the parking lot expansion proposed by the current application that will serve to also effectively screen the existing bicycle locker from view, furthering its compatibility with the neighborhood in its current form and location as it has existed on the site for the last 9 years.

700 Buckingham Dr
Silver Spring, Maryland



Moreover, we concur in your assessment that the small amount of floor area available for KCSC's use in the existing building without further expansion is desirable in order to maintain the existing residential character and serves as a constraint on the ability provide an interior bicycle storage area. As the intent of Section 6.2.6 is to provide bicycle storage, the Applicant believes the intent of the Zoning Ordinance is met by the existing bicycle locker, the compatibility of which has been ensured based on all the above.

Soo



Soo Lee-Cho

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

7315 Wisconsin Avenue, Suite 800 West

Bethesda, Maryland 20814

301-656-2707 x5902 **PHONE** | 301-961-6525 **FAX** | 301-318-3884 **MOBILE**

Email: sleecho@bregmanlaw.com

www.bregmanlaw.com

From: Soo Lee-Cho

Sent: Tuesday, February 10, 2026 6:25 PM

To: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>;
mariah.clayborne@montgomeryplanning.org; Mencarini, Katherine
<katherine.mencarini@montgomeryplanning.org>; William Rogers <wrogers@bregmanlaw.com>

Cc: Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Guisao-Ospina, Jony
<Jony.Guisao@montgomerycountymd.gov>

Subject: RE: [EXTERNAL]CU 17-12-A, Korean Cultural Center/Bike locker

Ms. Robeson Hannan:

It is the Applicant's position that the existing bike locker is a legal nonconformity that is not impacted by ZTA 19-08 because the present amendment application does not necessitate any additional long-term space requirements.

As you noted in your email, the bicycle locker was provided in 2017 following the original application, which at the time was a legal method for meeting the long-term bicycle parking requirements under the Zoning Ordinance. We would agree that had the present amendment application triggered a need for a second long-term bicycle parking space, then KCSC would have needed to provide a long-term space that complies with ZTA 19-08 (i.e., not another bicycle locker). However, as no new bicycle parking was triggered by this application, there is

no basis to modify the existing long-term bicycle parking provided on site which was legal when it was installed. Notably, ZTA 19-08 did not include a retroactive applicability provision, i.e., it does not require that bicycle lockers existing prior to the effective date of the law change be retroactively removed.

Soo



Soo Lee-Cho

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

7315 Wisconsin Avenue, Suite 800 West

Bethesda, Maryland 20814

301-656-2707 x5902 **PHONE** | 301-961-6525 **FAX** | 301-318-3884 **MOBILE**

Email: sleecho@bregmanlaw.com

www.bregmanlaw.com

From: Robeson Hannan, Lynn <Lynn.RobesonHannan@montgomerycountymd.gov>

Sent: Tuesday, February 10, 2026 5:03 PM

To: mariah.clayborne@montgomeryplanning.org; Mencarini, Katherine <katherine.mencarini@montgomeryplanning.org>; Soo Lee-Cho <sleecho@bregmanlaw.com>; William Rogers <wrogers@bregmanlaw.com>

Cc: Johnson, Nana <Nana.Johnson@montgomerycountymd.gov>; Guisao-Ospina, Jony <Jony.Guisao@montgomerycountymd.gov>

Subject: [EXTERNAL]CU 17-12-A, Korean Cultural Center/Bike locker

Good afternoon, all. I am working on the decision in the above and encountered a question.

Under the most recent conditional use site plan (Exhibit 30(b)), the Applicant proposes to retain an existing bike locker to meet the requirement for the long-term bicycle storage space. It was installed as part of the original conditional use was approved (in 2017), but is now prohibited when the Zoning Ordinance was changed in 2020.

I would like the Applicant's and Staff's opinion as to whether the existing locker could be approved as "alternative compliance" under 6.8.1.

I hesitate to use a "grandfathering" theory posited by Mr. LaVay at the public hearing because Section 59.7.7.1.A of the Zoning Ordinance grandfathers structures that existed *prior to 2014*. Nor could I find any grandfathering for this type of structure in other sections of 7.7.1. Section 7.7.2 permits a non-conforming "use" if registered with DPS, but a bike locker is not a "use" but a structure.

My thought was that it may fit under Section 6.8.1 because of the small amount of floor area available for the non-profit use without expanding the existing structure. Retention of the existing structure is desirable because it still presents as a single family home. Of course, it would still serve the intent of the ZO by providing bicycle storage.

Best,

Lynn Robeson Hannan
Hearing Examiner

CAUTION: This email originated from outside of Bregman Law. Do not click links or open attachments unless you recognize the sender and know the content is safe.

