

March 19, 2026

To: Khandikile Mvunga Sokoni
Hearing Examiner
Office of Zoning and Administrative Hearings
(via email: ozah@montgomerycountymd.gov)

Subject: LMA H-159 — Submission of Reference Exhibits and Follow Up – Critical Issues Regarding the West Access Point Alignment to a Private Driveway

Hello Ms. Sokoni,

A) Submission:

I am submitting the attached documents for inclusion in the record as reference materials related to my cross-examining Mr. Sloan's public testimony on 3/16/2026, which is related to my public testimony on 1/14/2026. Mr. Sloan, who designed the site layout, was not available on 1/14/2026 to address my issues. For clarity, Mr. Sloan from here on will be referred as the Applicant.

Attached documents are:

- a) Six documents with six scenarios showing the issues of the West access point alignment to my driveway. The documents were excerpts of Exhibit 48 – Circulation Plan, marked up with different scenarios:**
 - 1) WestAccessPointIssues-Scenario1.jpg
 - 2) WestAccessPointIssues-Scenario2.jpg
 - 3) WestAccessPointIssues-Scenario3.jpg
 - 4) WestAccessPointIssues-Scenario4.jpg
 - 5) WestAccessPointIssues-Scenario5.jpg
 - 6) WestAccessPointIssues-Scenario6.jpg
- b) Excerpt from Exhibit-52-a-LATR.pdf, pp. 23-29.**
 - 7) LATR-PP23-29.pdf
- c) Excerpt from Exhibit-52-a-i-Attachments.pdf, pp. 67-72.**
 - 8) TechnicalAttachments-PP67-72.pdf

Document 1 is Scenario 1 (WestAccessPointIssues-Scenario1.jpg). The West access point of the community is in the lower left corner of the document. Zoom in that area to see more details like vehicle numbers. This scenario assumes no traffic from the townhome community. My family enter through the right entrance of our U-shaped driveway to reach the garage (green vehicles 2 and 3). When leaving, we back out of the garage and exit into Notley Road via the left entrance (green vehicle 1). We built the U-shaped driveway specifically to avoid backing our cars into Notley Road traffic, as many other homes on Notley Road have done for the same safety reason.

Document 2 is Scenario 2. Because there is a stop sign at the West access point, there is minimal safety conflict between our vehicles (green 1 and 2) exiting/entering our driveway and the opposite vehicle (purple 6) exiting the townhome community.

Document 3 is Scenario 3. Our vehicle (green 1) attempts to turn left or right onto Notley Road but is blocked by a long queue of vehicles led by vehicle 5 (purple), which is waiting to turn left into the townhome community. Through-traffic (red vehicles) is trapped in this queue, and additional vehicles are backed up inside the West access point.

Document 4 is Scenario 4. Our vehicle (green 4) attempts to turn right into our driveway but is stuck behind a long queue of vehicles led by vehicle 5 (purple) waiting to turn left into the townhome community. Through-traffic (red vehicles) is also trapped in this queue.

Document 5 is Scenario 5. Similar to Scenario 4, except the long line of West-bound vehicles must clear before vehicle 5 can turn left, prolonging the blockage and possibly safety risk for our vehicle (green 4) attempting to turn right into our driveway. This scenario is likely during peak hours.

Document 6 is Scenario 6. A long line of West-bound vehicles, including vehicles turning right into the townhome community, obstructs the sight line of our vehicle (green 2). We cannot safely turn left into our driveway due to the blocked visibility.

Document 7 is an excerpt from Exhibit-52-a Local Area Transportation Report, pages 23-29 with mark-ups. The queue analysis evaluated the traffic at West access point but omitted our family driveway, despite it being a legal access point directly affected by the proposed alignment.

Document 8 is an excerpt from Exhibit-52-a-i-Transportation Technical Attachments, PDF pages 67-72 with mark-ups. Again, the queue analysis evaluated the traffic at West access point but omitted our family driveway, directly across from the access point.

B) Follow-up

- 1) **The Applicant stated that one of the factors for the alignment of the West access point to our driveway is that it is safer to align the access point with our driveway because opposite drivers can see each other.** Our driveway is not a public intersection. The safety issue is not opposing turning movements—it is the obstruction of sight distance caused by queued vehicles waiting to enter the townhome community. The alignment creates a conflict point that did not exist before. The Applicant has not provided a written finding demonstrating that this alignment meets the access management standards for residential safety.
- 2) **The Applicant stated another factor is that the County reviewers preferred the access point closer to the park.** Unless the County reviewers waive applicable safety standards, I believe that preference does not override safety impacts to adjacent or abutting properties.
- 3) **The Applicant also stated another factor is that utilities can be buried under the roadway.** This is not a safety justification. It is a construction convenience and cost. If the only way to bury utilities is to create a new conflict point with a private driveway, then the Applicant must demonstrate that the safety impact has been mitigated. They have not done so.

C) Summary

Because of the critical safety issues described above, I respectfully request that the Applicant be required to conduct a supplemental transportation analysis addressing:

- 1) **Sight-distance impacts:** Queuing at the development's West access point can obstruct our family sight distance.
- 2) **Conflict-point creation:** Aligning a development site access point with a private driveway creates a four-way conflict zone.
- 3) **Safe entry/exit for all properties:** Montgomery County Code 6.1.3 requires safe access for every property, not just the new development.

- 4) **Completeness of the transportation report:** The Local Area Transportation Report/queue analysis omitted our driveway, a legal access point impacted by their West access point. This omission renders the report incomplete.

Thank you.

Dung A. Phan

Regards,

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