



August 11, 2021

Hearing Examiner
Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

Re: **AMENDED STATEMENT OF COMPLIANCE: ZONING STANDARDS**
Application for Conditional Use – Day Care Facility for 13 – 30 Persons
Applicant: Creative Arts and Language School
Lot 6 – Block B – Burning Tree Village
6607 Greentree Road – Bethesda, MD 20817 (“Subject Property”)

Dear Hearing Examiner:

This Statement of Compliance with Zoning Standards is filed on behalf of the Creative Arts and Language School LLC (“Applicant”) pursuant to Zoning Code Section 7.3.1.B.2.c (Application Requirements) and sets forth the Application’s conformance with applicable standards. The requisite witness list and estimated time to present the applicant’s case are also included herein.

The applicable zoning standards for this conditional use application are set forth below with the corresponding explanation of compliance set forth and underlined immediately below each standard.

I. Montgomery County Zoning Code § 7.3.1.E Necessary Findings

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 Site, Lot 6 – Block B – Burning Tree Village – Plat #4754, complies with prior approvals and does not require any amendments thereto.

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 Application satisfies the requirements of the R-200 zone and the use standards under Article 59-3 as set forth fully on the Site Plan For Conditional Use dated August 11, 2021 (“Site Plan”) including the Site Plan Zoning Data Table on Sheet 1, and described more fully in the Zoning Analysis & Expert Report in Support of Conditional Use Application Creative Arts and Language School dated August 10, 2021 (“Zoning Report”).

Exhibit 26
OZAH Case No: CU 21-09

The application also satisfies the general requirements under Article 59-6 as set forth in the Parking and Loading Requirements section of the Zoning Report (pp 4 - 6) and detailed more fully on Sheet 2 of the Site Plan.

The Site Plan and Zoning Report both have been prepared by Douglas G. Tilley, P.E., of O'Connell & Lawrence, Inc. and both are incorporated by reference into this Statement of Compliance as if restated fully herein.

- c. substantially conforms with the recommendations of the applicable master plan;

The Application substantially conforms with the recommendations of the Bethesda – Chevy Chase Master Plan, adopted and approved in April of 1990, as set forth fully in the Land Use Planning and Zoning Report prepared John Sekerak, Jr., ASLA, AICP of Stantec dated August 13, 2021 (“Land Use Report”). Section 5 of the Land Use Report notes that “[t]he Master Plan does not provide specific recommendations for the particular Subject Property, but the plan is replete with recommendations regarding, and supporting, day care centers in general and child care centers generally, and child care centers in residential structures in particular. Many excerpts of those recommendations from the Master Plan are provided as follows: (master plan quotes are italicized):

Land Use and Zoning Areawide Recommendations, Master Plan page 3:

Reconfirm the existing single-family land use and zoning (R-60, R-90, and R-200) as appropriate for the major portion of the Bethesda-Chevy Chase Planning Area.

* * *

Provide guidelines for locating special exceptions that discourage concentrations of office-related special exceptions but support those related to child, elder, and health services, and other community-serving needs.

The property remains in the R-200 zone and the home remains as a single-family residential land use. The additional, and complimentary, proposed land use as a community-serving day care center fully follows the referenced guidelines and is addressed later in this section of the report. The existing day care center has been operating as a Limited Use established in 2010 and has been an integral component to the area for over ten years.

Community Facilities and Needs, Master Plan page 6:

The way we meet the special needs of the elderly and for child day care also relates to our sense of a community that cares about its residents. Recommendations for meeting elderly and child care needs include:

1. Support additional daytime senior centers and home improvement assistance to the elderly.

2. Support provision of both residential and employment based child care services.

The existing day care center for up to 12 children has been an integral component to the area for more than ten years, serving community needs as a Limited Use established in 2010. The proposed Conditional Use will further support that community service need by serving up to an additional 18 students in the residential-based facility.

Public Facility and Community Goals and Objectives, Master Plan page 20:

d. Provide services to meet the special needs of the elderly and for child day care.

The proposed day care center use helps fulfill the Master Plan goal and objective of providing additional child care services, especially services for the very young, to the community.

Land Use and Zoning Plan Areawide Land Use Objectives, Master Plan page 29:

2. Discourage concentrations of office-related special exceptions, while supporting those related to child and elder services.

The proposed Day Care is not an office-related Conditional Use and furthers the Master Plan objective of providing for the community-based child care services.

Special Exceptions, Master Plan page 33:

5. Support special exception uses that contribute to the service and health objectives of the Master Plan. The needs and objectives related to child day care and the elderly are discussed in Section 6.2. In general, the Plan endorses provision of child day care, group homes, elder, day care, and nursing homes.

The services that will be provided pursuant to this conditional use application are consistent with this Bethesda – Chevy Chase Master Plan Master Plan recommendation.

Community Services and Needs Plan, Master Plan page 145:

The way we meet the special needs of the elderly and for child day care and other special need groups also relates to our sense of a community that cares about its residents. In Bethesda-Chevy Chase, some of the most critical needs are among the frail elderly (among the 9 percent of residents over age 75) and very young children (about 5 percent of residents are in the 0-4 year age range). Objectives for meeting elderly and child care needs include:

* * *

2. Support both residential and employment based child care services.

The existing day care use serves children from three months to five years of age. The proposed increase in number of children from that same age group to be served by the proposed use will include accommodating the critical need of care for very young children as recognized and supported by the Master Plan.

Child Needs, Master Plan Page 155:

The demand for child day care in the Bethesda-Chevy Chase area is increasing due to a growing child population (ages 9 and under) and the high level of employment. The increasing numbers of both children of residents and employees will likely require additional child day care facilities.

To provide child care opportunities to residents and employees with varying locational and program preferences, the Plan supports the location of centers in both neighborhood/residential and employment settings. Changes in neighborhood and employer supported child day care facilities and programs may be needed to better address the scarce supply of centers for children of ages two and under and for all-day child day care centers.

Neighborhood-Based Services

The Plan supports the location of child care centers within public and private facilities when they are compatible with the surrounding residential communities. Family day care homes and small centers provide accessible child care services throughout residential neighborhoods within B-CC. By utilizing existing dwelling units, they require minimal additional capital investment to provide services. The family day care homes are currently permitted and the development of small centers should be encouraged.

The neighborhood-based, residential setting for the proposed day care use helps fulfill the Master Plan recommendation to support locating these accessible services throughout residential neighborhoods within the Bethesda – Chevy Chase area. It serves very young children, including those two and under, and operates all day. Additionally, given that the day care center is located within an existing residential home, the structure itself is highly compatible with the surrounding residential community.

Mr. Sekerak concludes that the Application is in substantial conformance with the Master Plan recommendations with the following assessment noting that “The previous “Master Plan Recommendations” section of this Land Use Planning and Zoning Report identifies the clear, repeated, and consistent recommendations and support for providing day care centers by the Bethesda – Chevy Chase Master Plan. The Master Plan clearly recommends child day care facilities in general, and child day care centers in particular, especially those for the very young. The proposed use not only substantially conforms with the recommendations, but advances those Master Plan recommendations and land use goals for the Master Plan area.”

See Land Use Report, Conditional Use Necessary Findings, Conclusions (subsection c) p 8.

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

As noted in the Land Use Report, page 8, “The proposed day care use is located within an existing single-family detached house. The drop off and pick up are strategically staggered to avoid a concentration of the few, peak-hour trips generated by the proposed use. Site improvements other than what has existed on the site to support

the existing day care use in operation for ten years are limited to those necessary to provide ADA compliant access to the facility and better define on-site parking. Therefore, the proposed use will not alter the character of the neighborhood¹ and in fact, has been and will continue to be an important contributing element to that character.”

See Land Use Report, Conditional Use Necessary Findings, Conclusions (subsection d) p 8.

e. will not, when evaluated in conjunction with 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 substantially conforms with the recommendations of a master plan does not alter the nature of an area;

As noted in the Land Use Report, page 9, “The neighboring R-200, R-90, and R-60 zoned properties are entirely single-family detached uses with only three ancillary Special Exceptions/Conditional Uses identified within the defined neighborhood. The proposed increase in number of students served by the existing Limited Use within an existing home will not adversely affect or alter the residential nature of the area.

The proposed conditional use not only substantially conforms to the recommendations of the Bethesda – Chevy Chase Master Plan, it advances those recommendations by providing the specific use in the Plan’s general and specific recommendations therefor it does not alter the nature of the area.”

See Land Use Report, Conditional Use Necessary Findings, Conclusions (subsection e) p 9.

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 Land Use Report (p 9) confirms that “The existing residence and day care facility is currently adequately served by public schools, police, fire and rescue, water, sewer, and storm drain. The additional children requested for approval will not impact area schools because they are not of school age. Even with the proposed additional students, the impact to public roads will be minimal and the facility will generate less than the 50 weekday peak-hour trip threshold that would require the review and approval of an LATR traffic study.” The Traffic Statement dated August 11, 2021

¹ The boundaries of the “neighborhood” delineated for purposes of this application are shown on Appendix A of the Land Use Report.

prepared by MCV Associates, Inc. and incorporated herein by reference, confirms that no LATR traffic study is required.

See Land Use Report, Conditional Use Necessary Findings, Conclusions (subsection f) p 9.

The proposed use will have no impact on public schools, as the day care attendees range in age from 3 months to 5 years, are not of school age and will not be attending public school while enrolled at the day care facility.

See Statement of Operations p. 1.

Pursuant to the 2020-2024-Growth-and-Infrastructure-Policy p. 22, which took effect January 1, 2021, the Guidelines for Police, Fire and Health Services provide that “[t]he Planning Board and staff must consider the programmed services to be adequate for facilities such as police stations, firehouses, and health clinics unless there is evidence that a local area problem will be generated. Such a problem is one which cannot be overcome within the context of the approved Capital Improvements Program and operating budgets of the relevant agencies.”² The proposed use will have a *de minimus* effect on police stations and fire houses. Should evidence to the contrary be presented during the course of review of this application the Applicant will provide supplemental evidence on this point as appropriate.

The existing use is currently served by public water and sewer, and there is no anticipated significant increase in storm runoff as the minimal proposed disturbance area for the site changes do not exceed 5,000 square feet.

or ii. if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board 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; and

N/A.

g. will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone 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.

² As no preliminary plan is required, the Hearing Examiner substitutes for the Planning Board in this role.

As explained on page 10 of the Land Use Report, no undue harm will result to the neighborhood for the following reasons:

Inherent effects attributable to a Day Care Center use could be summarized as:

- A concentration of children and the education/caregiver staff,
- vehicular trips to and from the property,
- areas for drop-off, pick-up, and parking,
- outdoor play area(s),
- noise generated by children, and
- site lighting.

While in some instances the two separate parking areas accessed from two road frontages could be considered a non-inherent characteristic of the proposed use, in this case the two separate parking areas existed at the time the Applicant took possession of the property and so they were established by and attributable to the prior single-family residential use of the property. Moreover, this particular characteristic serves as an aesthetic advantage by breaking up what would otherwise be a larger parking facility into two smaller areas, and provides as a functional advantage in that vehicular ingress/egress to the site is distributed along two separate road frontages (Greentree and Fernwood Roads), thus lessening the impact on the confronting properties on either side.

Therefore, the proposed development will not disrupt causing undue harm to the health, safety or welfare of neighboring residents, visitors, or employees of nearby properties or the general neighborhood, either due to the non-inherent characteristic of the proposed center alone or in combination with the inherent characteristics.

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.

The residential structure itself will not be altered. An exterior ADA-compliant ramp from the parking area to the day care facility will be added. The proposed ramp is consistent in size, design and materials with the type of ADA/wheelchair accessible ramp that would typically be installed for access to single-family residential home.

See Site Plan Sheet 2.

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.

Noted.

4. In evaluating the compatibility of an agricultural conditional use with surrounding Agricultural or Rural Residential zoned land, the Hearing Examiner must consider that the impact does not necessarily need to be controlled as stringently as if it were abutting a Residential zone.

This application is not for an agricultural conditional use.

5. The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use to serve the

population in the general neighborhood, considering the present availability of identical or similar uses to that neighborhood:

- a. Filling Station;
- b. Light Vehicle Sales and Rental (Outdoor);
- c. Swimming Pool (Community); and
- d. the following Recreation and Entertainment Facility use: swimming pool, commercial.

This provision does not apply to this Application.

6. The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood:

- a. Funeral Home; Undertaker;
 - b. Hotel, Motel;
 - c. Shooting Range (Outdoor);
 - d. Drive-Thru
 - e. Landfill, Incinerator, or Transfer Station; and
 - f. a Public Use Helipad, Heliport or a Public Use Helistop.

This provision does not apply to this Application.

II. Zoning Code § 3.4.4.E. Day Care Center (13 - 30 Persons)

1. Defined

Day Care Center (13-30 Persons) means “a Day Care Facility for 13 to 30 people where staffing, operations, and structures satisfy State and local regulations. A Day Care Center (13-30 Persons) includes a Family Day Care (Up to 8 Persons) and Group Day Care (9-12 Persons) where the provider is not a resident and cannot meet the non-resident provider requirement.”

2. Use Standards

Where a Day Care Center (13-30 Persons) 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 facility must not be located in a townhouse or duplex building type.

The facility is not proposed in a townhouse or duplex building.

- b. An adequate area for the discharge and pick up of children is provided.

An adequate area for the discharge and pick up of children is provided. See OCL Zoning Report p. 8 opining that an adequate area for the discharge and pick up of children is adequate, and see a/so August 11, 2021 Traffic Statement by MCV Associates, providing detailed dropoff and pick up analysis based on on-site analysis of existing operations.

- c. The number of parking spaces under Division 6.2 may be reduced if the applicant demonstrates that the full number of spaces is not necessary because:
 - i. existing parking spaces are available on abutting property or on the street abutting the site that will satisfy the number of spaces required; or

- ii. a reduced number of spaces would be sufficient to accommodate the proposed use without adversely affecting the surrounding area or creating safety problems.

No reduction in parking is requested.

- d. For a Family Day Care where the provider is not a resident and cannot meet the non-resident provider requirement, screening under Division [6.5](#) is not required.

The Applicant is not seeking approval for a Family Day care use and this provision is not applicable.

- e. In the AR zone, this use may be prohibited under Section [3.1.5](#), Transferable Development Rights.

The use is not located in the AR zone and this provision is not applicable.

III. Witness Testimony

The Applicant intends to call the following witnesses:

Ms. Marina Davis, Owner (Expert Witness)

Ms. Marina Davis, Owner, The Creative Arts and Language School, Inc., will testify in support of the operational elements of the proposed day care and proposed conditions of approval.

Mr. Douglas Tilley, P.E., R.P.L.S. (Expert Witness)

Douglas G. Tilley, P.E., R.P.L.S of O'Connell & Lawrence, Inc. will testify that the Application satisfies the requirements of the R-200 zone and the use standards under Article 59-3 asset forth fully on the Site Plan For Conditional Use dated August 11, 2021 ("Site Plan") including the Site Plan Zoning Data Table on Sheet 1, and as described more fully in the Zoning Analysis & Expert Report in Support of Conditional Use Application Creative Arts and Language School dated August 10, 2021 ("Zoning Report") and filed concurrently with this Application.

Mr. Tilley also will testify that the application also satisfies the general requirements under Article 59-6 as set forth in the Parking and Loading Requirements section of the Zoning Report (pages 4 - 8) and detailed more fully on Sheet 2 of the Site Plan.

Mr. Tilley will testify about any additional zoning code and/or site plan issues raised during the course of these proceedings in connection with this application, the Site Plan, and/or the Zoning Report.

An updated CV for Mr. Tilley is being filed concurrently with this submission.

Mr. John Sekerak, ASLA, AICP (Expert Witness)

John Sekerak, ASLA, AICP of Stantec will testify that the Application substantially conforms to the governing master plan; is compatible with the surrounding neighborhood; and satisfies the general conditions standards set forth in the Zoning Code, all described more fully in the Land Use Planning and Zoning Report prepared by Mr. Sekerak dated August 13, 2021 ("Land Use Report") and filed concurrently with this Application.

Mr. Sekerak will testify about any additional land use and/or land planning issues raised during the course of these proceedings in connection with this application and/or the Land Use Report.

Mr. Joe Mehra, PE, PTOE (Expert Witness)

Mr. Joe Mehra, PE, PTOE of MCV Associates, Inc., will testify in support of the Traffic Statement dated August 11, 2021 and submitted concurrently with this Application confirming that the Application project is exempt from LATR traffic study requirements, that there is no expected vehicular queuing at dropoff or pickup times, and that site ingress/egress is safe and efficient.

Mr. Mehra will testify about any additional traffic and/or ingress/egress issues raised during the course of these proceedings in connection with this application and/or the Traffic Statement.

IV. Estimated Time

The Applicant estimates that its opening statement, case-in-chief and closing argument will take 5 hours.

Respectfully Submitted,

Michele McDaniel Rosenfeld

Michele McDaniel Rosenfeld

Enclosures:

CV for Marina Davis
CV for Douglas G. Tilley, P.E., R.P.L.S. (updated)
CV for John Sekerak, ASLA, AICP
CV for Mr. Joe Mehra, PE, PTOE

Marina G. Davis

Experienced Manager, HTML Designer and Sales Person

A self-motivated, reliable contributor with outstanding written communication and customer relations skills.

301 828 5258

6607 Greentree Rd Bethesda, MD 20817, U.S.A

Creative Arts and Language School Owner/Manager

2010 – Present. Montgomery County & Maryland Area

- Manage three employees (teachers & staff).
- Lead instruction of 12 students (ages three months to five years old) on music and art classes, language immersion programs, and outdoor free-play that engage children in active learning & socialization skills.

International Club of DC Cofounder, Owner & Manager

2008 – 2012 Washington D.C.

- Identified market opportunities, adapting to customer demand and staying ahead of the competition.
- Managed logistics: planning, events supply chain, associated payments and deadlines.
- Managed capital (costs, profit margins) as well as maximized the events value for both clients and the business.
- Organized various private cultural events such as galas, performances, and international shows for different embassies.

Fairfax Neonatal Associates (FNA) Medical Accounting and Management

2000-2008

- Managed and organized everyday logistics and workloads.
- Maintained financial records and accounts receivables in compliance with federal, state, and local laws.
- Verified valuable accounting information for both FNA and its external stakeholders.
- Communicated with FNA financial department, suppliers, and tax authorities.

LANGUAGES

English ● ● ● ● ●

Russian ● ● ● ● ●

PERSONAL INFORMATION

Birthday: November 17 1967

INTERESTS

Entrepreneurship

Management

Logistics

Effective Communication

Event Planning

SKILLS

Organizing Workload ● ● ● ● ●

Setting Priorities ● ● ● ● ●

Teamwork ● ● ● ● ○

Training Staff ● ● ● ● ○

Customer Satisfaction ● ● ● ● ●

Web authoring, Design ● ● ● ● ○



DOUGLAS G. TILLEY, P.E., R.P.L.S.
Vice President, Engineering & Surveying

EDUCATION: B.S. (magna cum laude)/2006/Civil Engineering/University of Maryland

REGISTRATION: 2012/Maryland Registered Professional Engineer #42417
2013/Virginia Registered Professional Engineer #052715
2014/District of Columbia Registered Professional Engineer #PE907568
2015/North Carolina Registered Professional Engineer #042332
2016/Delaware Registered Professional Engineer #20711
2018/Responsible Land Disturber Maryland #RPC014301
2021/Maryland Registered Professional Land Surveyor #22005

CAPABILITIES:

Mr. Tilley has 15 years of experience and expertise in hydrology / hydraulics, drainage systems, stormwater management facilities, underground utilities, grading, sediment control, site planning, zoning analysis, and construction coordination. His experience encompasses engineering design on numerous residential and commercial projects of all sizes, including individual residential housing lots, multi-family developments, commercial pad sites, schools, churches, shopping centers, campgrounds and landfills / rubble fills. He has extensive experience in site permitting, Client coordination, and engineering/surveying project management. He also have significant experience in forensic engineering & litigation support, construction management and inspection, project documentation and controls, and project closeout. He has testified and/or provided documentation to numerous planning agencies or boards, including the Montgomery County Planning Board, Prince George's County Planning Board, and City of Gaithersburg Planning Commission.

Mr. Tilley has managed the day to day operations of O'C&L's Engineering and Surveying department for nearly 10 years and has personally designed and/or managed hundreds of surveying, engineering, consulting, operational support projects in that position. The following projects represent a cross-section of his extensive experience.

PROJECT EXPERIENCE:

- **Academy of the Holy Cross, Kensington, Maryland.** Mr. Tilley oversaw a field-run topographic survey, design, permitting, and as-built surveying/engineering for a new turf field and required stormwater management devices located on the campus of the Academy of the Holy Cross school in Kensington, Maryland. Mr. Tilley is the civil engineer of record for the stormwater management improvements installed for the turf field on this site.
- **Fitzgerald Lakeforest Auto Mall, Gaithersburg, Maryland.** Mr. Tilley oversaw a planning and design effort to develop planning and design documents for site improvements to subject car dealer, which is located in the City of Gaithersburg. The site improvements included the removal of an on-site stormwater management pond and replacement of this pond with an underground detention system, installation of on-site storm drain and stormwater management devices, and site improvements ultimately supporting the installation of a 5-story parking garage on the subject property. He is the civil engineer of record for this development. As part of this task, Mr. Tilley has provided testimony in front of the City of Gaithersburg Planning Commission on several occasions.
- **Cherry Hill Recreational Park – Campground Expansion, College Park, Maryland.** Mr. Tilley oversaw the final, planning, design and permitting related to the expansion of a campground in College Park. Significant elements of this project included the design of modifications to a large, Class II hazard detention pond just upstream of the ramp from I-495 W to I-95 N, on-site storm drain and stormwater management design, water and sewer design, site grading, targeting surveying efforts, and ultimately, as-built preparation for the pond and other stormwater management systems.

- **Carleton East Apartments, Lanham, Maryland.** Mr. Tilley oversaw a detailed topographic survey for and drainage study development for a large apartment complex in Prince George's County. As part of this task, Mr. Tilley reviewed the site survey, developed drainage area maps, isolated particular areas of concern, wrote a drainage study highlighting these particular areas of concern, divided areas of concern into tiers of problems, developed small repair plans, and inspected the final work to complete certain repairs.
- **Leisure World Mutual 19B, Silver Spring, Maryland.** Mr. Tilley oversaw the completion of a detailed topographic survey for a seven building community within the confines of the Leisure World Adult Active development, located in Silver Spring. Mr. Tilley and his team utilized the site survey to develop drainage areas maps, assess the suitability of existing on-site infrastructure, develop a detailed drainage study, highlight particular areas of concern, and develop a repair plan for a particular areas designated as the most critical location on the site. Upon completion of the aforementioned repairs, Mr. Tilley and his team inspected the final work performed.
- **Saybrooke Village Green, Gaithersburg, Maryland.** Mr. Tilley oversaw the completion of a detailed topographic survey and development of a grading/stormwater management plan for the construction of a new courtyard area in the Saybrooke community in the City of Gaithersburg.
- **Village Towns Condominiums, Elkridge, Maryland.** Mr. Tilley oversaw the completion of a detailed boundary and topographic survey over a significant portion of the subject development. Mr. Tilley evaluated site slopes for suitability as compared to design drawings and manuals, developed site exhibits, prepared a bid package, and obtained estimates from contractors for use in litigation negotiations. Mr. Tilley was deposed as part of this project. The matter settled out of court.
- **North East Racing and Sports Club, North East, Maryland.** Mr. Tilley completed a review of site documents and the inspection of a former restaurant/bar and off-track betting facility for the purposes of establishing whether an party had complied with a previous order for repairs from a presiding judge. As part of this work, Mr. Tilley completed multiple site inspections, assisted with the preparation of expert reports, and ultimately assisted with litigation preparation. The matter settled out of court.
- **Site II, Silver Spring, Maryland.** Mr. Tilley was the civil engineer of record on the preparation of sediment control plans for the demolition of an old industrial facility located in Silver Spring, Maryland. As part of this task, Mr. Tilley oversaw the completion of a detailed partial topographic survey (with a focus on the on-site stormwater management and storm drain system to ensure drainage within individual drainage areas), developed sediment control plans to be used for site demolition, assisted with the development of site specifications, and ultimately consulted with the Owner to provide guidance during the demolition and grading process.
- **Montgomery County Service Park Demolition, Derwood, Maryland.** Mr. Tilley oversaw the preparation of a detailed topographic survey for a series of County-services buildings located just north of the Shady Grove Metro station as part of a removal/turnover project from Montgomery County to a private developer. Mr. Tilley is the civil engineer of record on a series of sediment control plans and rough grading plans for demolition for use in obtaining requisite permits for the demolition of the facilities over roughly 60 acres. Mr. Tilley also provided assistance to O'C&L's Client in coordinating the work such that the future developer was able to effectively take over the site to re-develop the property with a housing community.
- **Westphalia Class III Rubble Fill, Upper Marlboro, Maryland.** Mr. Tilley oversaw targeted topographic surveys over significant portions of the 64 acre +/- Class III rubble fill as the site as slowly built-up with rubble. Mr. Tilley completed various grading plans, stormwater management plans, and sediment control plans as the site developed over a significant period of time. Once the final elevation of the site was reached, Mr. Tilley assisted the Owner with the closeout of the subject property, including grading verifications, as-built preparation, permit closeout, and certification completion.

John Sekerak, Jr., ASLA, AICP

Land Planner/Landscape Architect



Stantec Consulting Services Inc.

20440 Century Boulevard, Suite 240

Germantown, MD 20874-1187

Tel: (301) 444-8282 Fax: (301) 444-8181

John is a Senior Land Use Planner/Landscape Architect in the Germantown, Maryland office of Stantec.

EDUCATION

Bachelor of Science in Landscape Architecture, Pennsylvania State University, 1981

REGISTRATIONS

American Institute of Certified Planners (AICP)

Licensed Landscape Architect – Maryland (#950), Virginia (#482) and West Virginia (#320)

MEMBERSHIPS

American Planning Association, Member

American Society of Landscape Architects, Member

Maryland National Capital Builder's Industry Association

EXPERIENCE

- Planning and design of residential, commercial, institutional and mixed-use land development projects, site investigations, feasibility studies, use potential analysis and environmental assessments, historic preservation, urban design and master planning including zoning, special exception/conditional use, and annexations. Expert witness in land use planning and landscape architecture. Responsible for project coordination, representation, and entitlement processing.
- Provided land planning and landscape architecture services with Washington-Metropolitan-Maryland area firms serving as sole-proprietor, vice-president, department head, and project manager.
- Project experience ranges from billion-dollar, mixed-use waterfront development to small-scale site design. Project design team coordinator for numerous interdisciplinary departments and consultants and responsible for regulatory processing and entitlements at the local, state, and federal levels.

EXPERIENCE AS EXPERT WITNESS

- Board of Appeals for Montgomery County, Maryland
- Office of Zoning and Administrative Hearings for Montgomery County, Maryland
- Board of Appeals for City of Rockville, Maryland
- District Council for Prince George's County, Maryland
- Mayor and Council for City of Rockville, Maryland
- Board of Appeals for Frederick County, Maryland

John Sekerak, Jr., ASLA, AICP

Land Planner/Landscape Architect

SUMMARY OF EXPERIENCE AS EXPERT WITNESS

October 18, 1995	Montgomery County, Maryland Board of Appeals Petition Number S-2184, "Gilbert Guns" Special Exception for an Indoor Rifle and Pistol Range
November 4, 1995	City of Rockville, Maryland Board of Appeals Application Number SPX95-0232, "Land Rover of Rockville" Special Exception for Outdoor Motor Vehicle Sales
November 27, 1995	Montgomery County, Maryland Office of Zoning and Administrative Hearings Application Number DPA 96-1, "Churchill" Development Plan Amendment for Senior Resident Independent and Assisted Living Community
March 11, 1996	Prince George's County, Maryland District Council Application Number SP89070/06, "Goddard Corporate Park" Variance/Mandatory Review of Site Plan for Child Care Center
June 21, 1996	Montgomery County, Maryland Office of Zoning and Administrative Hearings Application Number G-728, "Sandy Spring National Bank" Local Zoning Map Amendment for bank headquarters offices
November 25, 1996	Montgomery County, Maryland Board of Appeals Petition Number S-2212, "Residence at Great Falls" Special Exception for an Assisted Living/Domiciliary Care Home
April 23, 1997	Montgomery County, Maryland Board of Appeals Petition Numbers S-452-C and S-856-A, "Friends House" Special Exceptions for Independent Living, Assisted Living, Nursing Home, and Pharmacy facilities in a continuing-care community
June 20, 1997	Montgomery County, Maryland Office of Zoning and Administrative Hearings Application Number G-740, "Homestead Village" Local Zoning Map Amendment for an extended-stay hotel facility
June 15, 1998	City of Rockville, Mayor and City Council Petition Number ANX97-0126, "Day Properties" Annexation and zoning classification requests for industrial use lands
November 18, 1998	Montgomery County, Maryland Board of Appeals Petition Number S-2337, "Hayes Manor/Columbia Foundation" Special Exception for the adaptive re-use of a historic manor house and site as a private club.
September 30, 1999	Montgomery County, Maryland Office of Zoning and Administrative Hearings Application Number G-776 and DPA 99-4, "Highland Park" Local Zoning Map Amendment and Development Plan Amendment for a general office building

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- October 19, 1999 Montgomery County, Maryland Office of Zoning and Administrative Hearings
Application Number G-778, "Edgemoor at Arlington South"
Local Zoning Map Amendment and Development Plan for multi-family,
residential development for Sandy Spring Builders
- June 8, 2000 Montgomery County, Maryland Board of Appeals
Petition Number S-2423, "Meadow Ridge Seniors' Villas"
Special Exception for Housing and Related Facilities for Elderly and/or
Handicapped Persons for National Seniors Housing Corporation
- November 8, 2000 Montgomery County, Maryland Board of Appeals
Petition Number S-2450, "Wendy's at Montrose Industrial Park"
Special Exception for a Drive-in Restaurant for DavCo Restaurants, Inc.
- January 25, 2001 Montgomery County, Maryland Office of Zoning and Administrative Hearings
Application Number G-779, "Edgemoor at Arlington North"
Local Zoning Map Amendment and Development Plan for mixed-use
development for Armont, LLP
- April 24, 2001 Montgomery County, Maryland Board of Appeals
Petition Number S-2457, "The Harbor School"
Special Exception for a Private Educational Institution
- June 17, 2001 Montgomery County, Maryland Board of Appeals
Petition Number S-2474, "North Potomac Seniors' Housing"
Special Exception for Housing and Related Facilities for Elderly and/or
Handicapped Persons for National Seniors Housing Corporation
- March 20, 2002 Montgomery County, Maryland Board of Appeals
Case Number A-5726, "Lutheran Church of the Good Shepherd"
Zoning variance for the expansion and renovation of church and grounds.
- August 5, 2002 Montgomery County, Maryland Office of Zoning and Administrative Hearings
Petition Number CBA-2876-A, "Good Hope Community Redevelopment Area"
Special Exception for a new community center and renovation of an existing
104 unit affordable housing community for Montgomery Housing Partnership
- October 7, 2002 Montgomery County, Maryland Office of Zoning and Administrative Hearings
Petition Number S-2536 and A-5792, "Hilltop Manor"
Special Exception and Variance for a 25 resident Domiciliary Care Home for
Adventist Health Care (t/a Manor House at Sligo Creek, Incorporated)
- November 6, 2002 Montgomery County, Maryland Office of Zoning and Administrative Hearings
Application Number G-792, "Meadow Village"
Local Zoning Map Amendment and Development Plan for a Planned Development
Zone Community
- October 13, 2003 Montgomery County, Maryland Office of Zoning and Administrative Hearings
Application Number DPA 03-2, "Edgemoor Crest"
Development Plan Amendment for mixed-use, urban in-fill development for
Sandy Spring Builders, LLC

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- January 9, 2004 Montgomery County, Maryland Office of Zoning and Administrative Hearings
Application Number G-815, "Meadowbrook Village"
Local Map Amendment for conversion of single-family home to office use for
Sandy Spring Builders, LLC
- April 2, 2004 Montgomery County, Maryland Office of Zoning and Administrative Hearings
Petition Number S-689, "Kenwood Golf and Country Club"
Special Exception modification for addition of golf cart bridge over State Highway for
Kenwood Golf and Country Club.
- April 27, 2004 Montgomery County, Maryland Office of Zoning and Administrative Hearings
Petition Number S-2596, "Washington Gas Rock Creek Gate Station"
Special Exception for public utility buildings and structures for Washington Gas Light
Company.
- January 9, 2006 Montgomery County, Maryland Office of Zoning and Administrative Hearings
Petition Number S-2596, "VCA Animal Hospital"
Special Exception for Veterinary Hospital as adaptive re-use of a historic barn and site
as a veterinary hospital for VCA Referral Associates, Inc.
- December 4, 2006 Montgomery County, Maryland Office of Zoning and Administrative Hearings
Petition Number S-2664, "Wendy's at Wheaton Plaza"
Special Exception for a Drive-in restaurant for DavCo Restaurants, Inc.
- March 19, 2007 Montgomery County, Maryland Office of Zoning and Administrative Hearings
Petition Number S-2690, "7511 Arlington Road"
Special Exception for Non-residential, Professional Office as adaptive re-use of an urban
home site as law offices for KATCO Investments, RLLLP.
- March 7, 2008 Montgomery County, Maryland Office of Zoning and Administrative Hearings
Application Numbers G-865 and DPA 07-3, "Edgemoor at Arlington North"
Local Zoning Map Amendment and Development Plan Amendment for urban
condominium development for Armont Development Corp., LLP.
- September 10, 2008 Montgomery County, Maryland Board of Appeals
Petition Number S-2217, "Cloverly Citgo"
Special Exception Modification for Service Station for Draper Properties, Inc.
- August 24, 2009 Frederick County, Maryland Board of Appeals
Case Number B-09-09, "Church of the Redeemer - Frederick"
Variance of side yard setback for Place of Worship for the Church of the Redeemer.
- March 5, 2010 Montgomery County, Maryland Office of Zoning and Administrative Hearings
Application Number S-1424A, "University Gardens"
Special Exception for Housing and Related Facilities for Senior Adults and People with
Disabilities for Korean Community Senior Housing Corporation of Maryland, Inc.
- April 15, 2011 Montgomery County, Maryland Office of Zoning and Administrative Hearings
Application Number S-2781, "Four Corners Day Care"
Special Exception for 94 child day care center for Gilmoure-Brunett
LLC/Childway

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- June 5, 2014 Baltimore County, Maryland Office of Administrative Hearings
Case Number 2014-0176-SPH, "Dulaney Valley Memorial Gardens"
Special Exception amendment for crematorium use in cemetery for Dulaney Valley Memorial Gardens, Inc.
- January 23, 2017 Montgomery County, Maryland Office of Zoning and Administrative Hearings
Application Numbers S-856-B and S-452, "Friends House Retirement Community"
Special Exception amendments for Independent Living Facility for Seniors and Residential Care Facility on a continuing care campus for Friends House, Inc.
- May 1, 2020 Montgomery County, Maryland Office of Zoning and Administrative Hearings
Application Number CU 20-01, "Way Station, Inc."
Conditional Use for Residential Care Facility serving mental health patients transitioning from area hospitals to independent community living.
- November 9, 2020 Montgomery County, Maryland Office of Zoning and Administrative Hearings
Application Number CU 20-07, "Metro Grounds Management, LLC"
Conditional Use for Landscape Contractor use combined with permitted agricultural uses of nursery stock and greenhouses.

JAWAHAR (Joe) MEHRA, P.E. PTOE

President, MCV Associates, Inc

Education

- MS/1972/Industrial Engineering
- BS/1969/Mechanical Engineering

Registration/Certification

- Professional Engineer: VA, MD, TX, DE
- PTOE

Affiliations

- Fellow, Institute of Transportation Engineers
- Member, Transportation Research Board

Summary

Mr. Mehra has over forty years of experience in the areas of project management, traffic engineering and transportation planning. He has managed numerous traffic engineering/operations studies including traffic analysis, parking analysis and data collection. He has managed traffic impact studies for nine out of the 30 largest developments in the Washington Metropolitan area. He co-authored the first ever handbook on conducting a traffic impact study.

Relevant Experience

Transportation Planning/Research. Principal Investigator or Project Manager for a broad range of studies including: Interdepartmental Coordination Report to the President and Congress as required by Section 160 of the Surface Transportation Assistance Act. FHWA study on Analysis and Use of Trip Generation Rates resulting in S.I.T.E. Handbook and updated NCHRP 187 trip rates. FHWA study on rail-highway grade crossings that analyzed accident data from several states to develop accident prediction/severity models. Office of the Secretary of Transportation study on cost effectiveness of stationary source, mobile source and transportation controls to improve air quality with a field demonstration in the Philadelphia and Baltimore regions. NCHRP Project 8-18 which developed policy sensitive multimodal transportation planning methodologies that allowed testing and evaluation of statewide transportation options to aid the decision making process. Design of a method, sensitive to the real costs of operating an auto, for forecasting total national automobile miles of travel for the Transportation Systems Center. Investigate and develop operational procedures for addressing weekend travel in the statewide forecasting process.

Transportation Planning/Forecasting. He was the Project Manager for the VDRPT's On-call planning studies and managed MCV's tasks. He managed the Dulles Corridor Metrorail Project - Station Traffic Circulation Study For Preliminary Engineering Extension To Dulles Airport / Route 772 to validate the station layouts and the traffic forecasts as they relate to station access issues for the Metrorail Extension. He has conducted statewide, regional, corridor and subarea planning studies in Fauquier County, Warren County, Fairfax County, Loudoun County (using COG's Version 2 Model and VIPER that resulted in the County's Comprehensive transportation plan), Chesterfield County, Richmond area, Hampton Roads, Tri-Cities, Prince William County, etc. in Virginia; Montgomery County, Baltimore County, St. Mary's County, Charles County, Prince George's County, Germantown, Silver Spring, etc. in Maryland; York County, Pennsylvania; St. Louis, Missouri; Denver, Colorado; New York City, Connecticut, etc. using CUBE, MINUTP, TMODEL2, EMME/2 or QRSII. He was MCV's Project Manager on a multi-disciplinary team to prepare the Georgetown Branch Transitway MIS in Montgomery County, Maryland.

Traffic Engineering. He has managed several traffic planning and engineering studies with extensive experience in traffic simulation models such as Synchro, CORSIM, TRANSYT-7F, etc. He managed the traffic analysis study for Fort Meade in Maryland that used the CORSIM Model to evaluate roadway improvements to accommodate security measures implemented after September 11, 2001. He was also the Project Manager for a three year transportation planning "on-call" contract with VDOT for Region 2. CORSIM Model was also used on several other projects to evaluate corridors such as the Route 207 corridor in Caroline County, the Eisenhower Avenue corridor for the Patent and Trademark Office in Alexandria, etc. Other traffic engineering studies that he has managed include the Route 58 Traffic Engineering Study for VDOT, etc.



JAWAHAR (Joe) MEHRA, P.E. PTOE

President, MCV Associates, Inc

Selected Publications

"People Mover System for New Towns/Communities" Presented at the Second International Conference on Automated People Movers (APM's) in Miami, Florida, March, 1989.

"The Public Presentation of Traffic Impacts: Strategies and Procedures", presented at the Development Impact Analysis Conference, Washington, D.C., May, 1986.

"Site Impact Traffic Evaluation Handbook", co-authored with C.R. Keller. Prepared for Federal Highway Administration, January, 1985.

"Development and Application of Trip Generation Rates", co-authored with C.R. Keller. Prepared for Federal Highway Administration, January, 1985.

"Crisis Relocation Movement Plan for the Tidewater Risk-Host Conglomerate", co-authored with D. Takacs and C.R. Keller. Prepared for presentation at the TRB meeting in January, 1984.

"A Cost-Effectiveness Model for the Analysis of Trade-Offs of Stationary Vs. Transportation Emissions Control in Baltimore", co-authored with A. Lago et al. Presented at the TRB Meeting in January, 1984.

"Study of Alternative Methodologies for Apportionment of Air Quality Control Requirements", co-authored with K. Hollenbeck et al. U.S. DOT, February, 1983.

"Study of the Cost-Effectiveness of Stationary Source, Mobile Source and Transportation Controls to Improve Air Quality", co-authored with S. Bellomo. U.S. DOT, November, 1981.

"Traffic Problems in the Bombay CBD." Presented at the ASCE International Conference in New York, held in May, 1981.

"Energy Impacts of Transportation: Some Relationships and Results", Prepared for presentation at the ASCE Portland Convention Energy Considerations in Transportation, 1980.

"Stationary and Mobile Source Controls and Trade-Offs". Prepared for presentation at the ASCE Speciality Conference Transportation and 1977 Clean Air Act Amendment, San Francisco, November, 1979.

"Evaluating Options in Statewide Transportation Planning/Programming Techniques and Applications;" co-authored with S. Bellomo, et al. NCHRP Report 199, March, 1979.

"Fuel Consumption and Emissions as Related to Vehicle Operations and Highway Design;" co-authored with P. Brach. Presented at the ASCE Speciality Conference on Energy Conversation, May, 1978.

"An Overview of a Methodology to Determine Fuel Consumption and Emissions as a Function of Traffic Operations and Road Geometry", co-authored with P. Brach. Presented at TRB Meeting, January, 1978.

