

TOWN OF CHEVY CHASE  
COUNCIL MEETING  
TOWN HALL  
December 10, 2014

OPEN SESSION TO VOTE TO ENTER CLOSED SESSION (6:45 p.m.)

The Town Council will meet in open session for the purpose of voting to enter a closed session pursuant to the Open Meetings Act, Maryland Code, State Government Article, Section 10-508(a)(1) to discuss a personnel matter.

REGULAR MEETING (7:00 p.m.)

- I. GENERAL BUSINESS (7:00-7:15 p.m.)
  - A. Call to Order
  - B. Pledge of Allegiance
  - C. Public Comments
  
- II. VARIANCE HEARINGS (7:15-7:45 p.m.)
  - A. [Daniels, 4504 Elm Street, Right-of-Way Retaining Walls](#)
  
- III. PUBLIC HEARINGS (7:45-8:00 p.m.)
  - A. [Public Hearing on Speed Hump Removal at 4323 Leland Street](#)
  
- IV. DISCUSSIONS & PRESENTATIONS (8:00-9:45 p.m.)
  - A. [Lawton Center Tot Lot](#)
  - B. [East-West Highway Sidewalk Lighting Project](#)
  - C. [West Avenue Traffic Plan](#)
  - D. [Urban Forest Ordinance – Tree Subcommittee Report](#)
  
- V. OTHER BUSINESS (9:45-10:00 p.m.)
  - A. Approval of Minutes of November 12, 2014 Council Meeting & Executive Session
  - B. Approval of November 2014 Financial Report
  - C. Acceptance of FY14 Audit
  - D. [Town Manager's Report](#)
  - E. New Business
  
- VI. ADJOURNMENT (10:00 p.m.)

# STAFF REPORT

II-A

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Daniels, 4504 Elm Street, Right-of-Way Retaining Wall Variance Request  
DATE: December 10, 2014

## **Variance Requested:**

Mark and Patricia Daniels, 4504 Elm Street, are requesting a variance from Town building regulations to construct retaining walls in the public right-of-way adjacent to their property as shown on the attached site plan. Town building regulations prohibit the construction of retaining walls in the public right-of-way; therefore, a variance is required.

## **Background:**

The proposed walls are to be constructed of stacked stone with a maximum height of 20 inches.

*Staff note: The proposed perforated pipe shown to be placed behind the wall has been removed from the plan. The wall will be backfilled with gravel only.*

*Staff note: The following assertions summarize materials provided by the applicant in support of the variance request. Their inclusion in the Staff Report does not intend to convey staff support for the approval or denial of the variance request. The applicant should indicate to the Council if any arguments have been misrepresented. Council should consider the entire record in considering the variance requests.*

## **Applicant Claims for the Variance Request:**

1. The variance is requested because the property has unusual topographical features, specifically a steep front hillside.
2. Approval of the variance is requested because conforming to the Town's building ordinance would cause undue hardship. The steepness of the slope would make it hard and dangerous to mow the lawn.
3. Approval of the variance will not be detrimental to the use and enjoyment of neighboring properties. The wall will not encroach on any neighboring properties.
4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. Constructing the wall will allow for the installation of a planting bed that will help retain soil and mulch and prevent it from spilling onto the sidewalk.
5. The request does not impair the general plan of the Town. The wall is a low retaining wall that will accent the home and landscaping.

## MEMORANDUM

III-A

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Public Hearing on Speed Hump Removal at 4323 Leland Street  
DATE: December 10, 2014

At the December 10 meeting, Council will hold a public hearing on a request to permanently remove the speed hump in front of 4323 Leland Street. This speed hump was removed as part of a recent repaving project, and three residents on that street have requested that it not be replaced (see attached petition and email).

Following the removal of this speed hump, and per the Town's speed hump policy, the Town commissioned a traffic study to determine whether the speed and volume of traffic on that block meet the Town's qualifying thresholds for a speed hump in that location. The study results do not support a speed hump there.

Attached are the public comments received as of December 5, 2014 and a copy of the Town's speed hump policy.

# MEMORANDUM

IV-A

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Lawton Center Tot Lot  
DATE: December 10, 2014

In response to numerous expressions of interest for a tot lot in Town, the Town organized a meeting on November 26 with various stakeholders, including members of the Town's Community Relations Committee and Land Use Committee, to discuss this possibility. The meeting was productive and resulted in agreement that the existing playground at the Lawton Center provides the best location and available space for play equipment designed for 2-5 year olds.

Given Montgomery Parks Department's lack of priority and funds for such a project, the Town has agreed to look into options and costs for providing tot equipment at the Lawton Center playground. Town staff will keep the Council apprised of progress and the procedure and schedule for Council consideration.

# MEMORANDUM

IV-B

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: East-West Highway Sidewalk Lighting Project  
DATE: December 10, 2014

At the December meeting, Council is scheduled to discuss a proposed sidewalk lighting project along East-West Highway and provide direction to Town staff on whether to proceed with this project.

At its October 8 meeting, the Council discussed this project and directed staff to coordinate a meeting of the Public Services Committee and residents on East-West Highway. On November 13, the PSC hosted a meeting with the aforementioned residents and voted unanimously “to recommend to the Council the installation of 8 lighting fixtures pending a mockup that better demonstrates lighting quality and overall appearance and resident agreement.” The mock up fixture has been installed, and Town staff will adjust the placement of several lights in response to resident feedback.

Since the PSC meeting, Town staff has tried to solidify cost estimates to implement this lighting plan. Costs are estimated to be approximately \$77,000, including a 15% contingency, for the purchase and installation of eight LED light fixtures and lampposts. Since the location of the proposed installation is within state right-of-way, the Town will need to get permission from the State Highway Administration (SHA) to proceed with the project. We have asked SHA to prepare a Memorandum of Understanding that would allow the Town to install and maintain the lighting. It is uncertain how long this process may take.

Attached are several documents for purposes of discussion at the December Council meeting.

# MEMORANDUM

IV-C

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: West Avenue Traffic Plan  
DATE: December 10, 2014

At the December meeting, Council is scheduled to discuss a new traffic management plan for West Avenue and determine if and when to proceed with consideration.

Over the past several years, the Town has received complaints about vehicular traffic on West Avenue, particularly related to vehicle speeds as well as blocked travel lanes caused by the drop off and pick up of students at the Oneness Family School. The recent repaving of West provides an opportunity to reevaluate the traffic management plan, including implementation of new parking restrictions and signage.

Town staff has worked with our consulting engineer, Joe Cutro, to develop a new traffic management plan, attached. This plan was developed in response to resident feedback and in consultation with school and church officials and provides for improved traffic flow and control.

Most of the improvements are minor in nature (e.g. better delineating the on-street parking areas and establishing a school speed limit). The only proposed change that impacts vehicular accessibility is extending the "Do Not Enter" restriction from Bradley Lane onto West Avenue for an extra hour (from 4:00 p.m. to 6:00 p.m. to 3:00 p.m. to 6:00 p.m.).

If Council wishes to proceed with considering these changes, Town staff will schedule a public hearing at a future Council meeting. In order to effectuate these changes, it will be necessary to amend the code to implement a new speed limit along this street. The other changes, including a new three-way stop control and modified parking restrictions, may be effectuated by resolution of the Council.

Attached is the Town's Traffic Restrictions and Signage Policy for reference.

# MEMORANDUM

IV-D

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Urban Forest Ordinance -- Tree Subcommittee Report  
DATE: December 10, 2014

At the December 10 meeting, Council will continue to discuss recommendations regarding the Town's Urban Forest Ordinance as set forth in a report prepared by the Tree Subcommittee of the Climate and Environment. Attached are the Tree Subcommittee Report and a letter from the Climate and Environment Committee to the Town Council regarding the report.

# MEMORANDUM

V-D

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Town Manager's Report  
DATE: December 10, 2014

This report highlights many of the initiatives undertaken by Town staff over the past month. In the interest of brevity, I have not included ongoing staff functions. Please let me know if you have any questions or need additional information.

## **Council/Committee/Board Assistance:**

- Attended PSC meeting to discuss proposed East-West Highway lighting project.
- Worked with the Community Relations Committee and Climate & Environment Committee to plan special events.

## **Special Projects:**

- Attended meetings and wrote correspondence related to the Bethesda Downtown Plan.
- Attended meetings related to the proposed Purple Line project.
- Organized and attended meeting to discuss possible tot lot at Lawton Center.
- Organized and attended meeting related to proposed development at 6801-6809 Wisconsin Avenue.
- Compiled additional data for Council discussion of Urban Forest Ordinance.
- Held pre-bid meeting for Lawton Center traffic study.
- Ratified contract for snow removal services.
- Communicated with MCDOT re. plans for Capital Crescent Surface Trail.
- Continued implementation of street signage upgrade and replacement project.
- Continued compiling 2015-2016 Resident Directory.
- Continued issuing 2014-2016 permit parking stickers.