

TOWN OF CHEVY CHASE
COUNCIL MEETING
TOWN HALL
April 9, 2014

- I. OPEN SESSION TO VOTE TO ENTER CLOSED SESSION (5:00 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)(7) to consult with counsel to obtain legal advice on matters related to the proposed Purple Line project and on matters related to Maryland Public Information Act requests; pursuant to Section 10-508(a)(8) to consult with staff, consultants, or other individuals about potential litigation related to the proposed Purple Line project; and pursuant to Maryland Code, State Government Article, Section 10-508(a)(1) to discuss a personnel matter.
- II. WORK SESSION ON FY15 BUDGET (6:00-7:00 p.m.)
- III. REGULAR MEETING (7:00 p.m.)
 - A. Call to Order
 - B. Pledge Allegiance
 - C. Public Comments
- IV. VARIANCE HEARINGS (7:15-8:15 p.m.)
 - A. [Albert, 7221 Ridgewood Terrace, Front Yard and Right-of-Way Fence](#)
 - B. [Chevy Chase Green Vision LLC, Outlot A, Right-of-Way Fence](#)
- V. PUBLIC HEARINGS (8:15-8:45 p.m.)
 - A. [Public Hearing on a Resolution to Regulate Parking on the 7200 Block of Oakridge Avenue](#)
- VI. DISCUSSIONS & PRESENTATIONS (8:45-9:45 p.m.)
 - A. [Contribution Request – Roundhouse Theater](#)
 - B. [Contribution Request – Friends of the Capital Crescent Trail](#)
 - C. [Meadow Lane Landscape Plan](#)
 - D. [Capital Crescent Surface Trail – Use of Town Right-of-Way](#)
- VII. GENERAL/NEW BUSINESS (9:45-10:00 p.m.)
 - A. Approval of Minutes of March 12 and March 26 Council Meetings
 - B. Approval of March 2014 Financial Report
 - C. [Town Manager’s Report](#)
 - D. New Business
- VIII. ADJOURNMENT (10:00 p.m.)

STAFF REPORT

IV-A

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Albert, 7221 Ridgewood Terrace, Front Yard and Right-of-Way Fence
Variance Request
DATE: April 9, 2014

Variance Requested:

Ed Albert, contract purchaser of 7221 Ridgewood Terrace, is proposing to install a fence in the front yard of the subject property and in the public right-of-way adjacent to the subject property as shown on the attached site plan. Town building regulations prohibit fences in front yards and in the public rights-of-way; therefore, a variance is required.

Background:

The fencing is proposed to be 42" high and constructed of natural cedar pickets. The proposed fence in the public right-of-way will enclose approximately 550 square feet of right-of-way and includes a gate to provide access to the property.

A variance for a fence in the public right-of-way was scheduled to be heard at the March Council meeting. At that meeting, the request was continued, and the applicants subsequently submitted an amended application.

The Town has received a number of comments (attached) related to the proposed plan. Any additional comments received by the Town will be provided to the Council at the public hearing.

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 is unusually shaped, has unusual topographical features, and has extraordinary site conditions. The new house is accessed from Ridgewood Alley, creating a situation whereby the land adjacent to Meadow Lane functions as the rear yard of the property even though it is legally a front yard. There is currently no delineation of the private property from the public space. Over 50% of the yard space is taken up by a forest conservation easement and a micro-bioretenment facility.
2. Approval of the variance is requested because conforming to the Town's building ordinance would be impossible and create an unusual practical difficulty and cause undue hardship. A fence is needed in the legal front yard since it functions as the rear yard of the property. The previous fence (now removed) and fences on adjoining

properties are all located in the public right-of-way.

3. Approval of the variance will not be detrimental to the use and enjoyment of neighboring properties. The applicant's intent is to design a fence that aligns with a fence located in the public right-of-way to the north of the subject property and is agreeable to the adjacent property owner to the south. The fence will be located in the public right-of-way, but closer to the front property line than the prior fence. The fence is proposed to be a low-profile wooden picket fence. There are many other private structures in the same right-of-way on the western side of Meadow Lane from the subject property to Rosemary Street. These structures include fences, retaining walls and various concrete structures.
4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The requested fence is necessary to separate public space from private space and to tie in to the existing neighboring fence. The fence will be more attractive and provide more public space than the prior fence.
5. The request does not impair the general plan of the Town. The proposed fence is consistent with the use of the property for past decades and maintains the integrity of neighboring fences.

STAFF REPORT

IV-B

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: CC Green Vision, LLC, Outlot A, Right-of-Way Fence Variance Request
DATE: April 9, 2014

Variance Requested:

CC Green Vision, LLC, owned by Thomas Brault, is proposing to install a fence in the public right-of-way adjacent to Outlot A (located between 7221 Ridgewood Terrace and 7300 Oak Lane) as shown on the attached site plan. Town building regulations prohibit fences in the public right-of-way; therefore, a variance is required.

Background:

The fence in the public right-of-way is proposed to be 42" high and constructed of natural cedar pickets. The proposed fence will enclose approximately 105 feet of public right-of-way.

A variance for a fence in the public right-of-way was scheduled to be heard at the March Council meeting. At that meeting, the request was continued.

The Town has received a number of comments (attached) related to the proposed plan. Any additional comments received by the Town will be provided to the Council at the public hearing.

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 is unusually shaped, has unusual topographical features, and has extraordinary site conditions, including a modified Category 1 Forest Conservation Easement, an extremely steep slope, and an unusual amount of offsite water runoff. The property is an outlot, which is itself unusual.
2. Approval of the variance is requested because conforming to the Town's building ordinance would be impossible and create an unusual practical difficulty and cause undue hardship. The fence is required because of the Town's building permit condition requiring the removal of the front yard fences in front of 7215 and 7221 Ridgewood Terrace (the original fence in front of the outlot was largely removed during the construction of the home built by the previous owner, and a chain link construction fence with a gate was placed in the same location). In 2013, the chain link fence was removed to accommodate a construction entrance for the new homes. A new fence is needed that encloses all three properties.

The owner has reported many incidents of trespassing and other crimes including breaking and entering (the padlock on the fence was cut with a bolt cutter) in the front yard, and a fence is needed to reduce further incidents. The fence is needed to delineate between public and private space. Losing this demarcation through the removal of the existing fence is a hardship. The permit condition requiring the removal of the fence [on adjacent properties] is an unfair condition that violates the Town's Strategic Plan and has not been consistently applied to other properties along Meadow and Oak lanes. This unfair treatment represents a hardship.

3. Approval of the variance will not be detrimental to the use and enjoyment of neighboring properties. The public right-of-way has been fenced in this location for several decades without complaints from neighbors.
4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The requested fence is necessary only because the Town required removal of the existing fence [on adjacent properties]. The proposal will move the fence towards the property line from the location of the previous fence.
5. The request does not impair the general plan of the Town. For the entire Town's history, the right-of-way has been maintained by the adjacent landowner. The proposed fence is in keeping with Principal 1, Goal 2 of the Strategic Plan which addresses "ensuring a safe environment for its residents;" and Principal 1, Goal 3 of the Strategic Plan which states that "Municipal ordinances and regulations are consistently applied and enforced." The variance application is intended to prevent the Town from violating its own Strategic Plan by allowing the applicant use of the right-of-way in a manner consistent with other landowners along Meadow and Oak lanes. The proposed fence is low and of open design, and will preserve the open space and scenic views of this area.

MEMORANDUM

V-A

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Public Hearing on a Resolution to Regulate Parking on the 7200 Block of Oakridge Avenue
DATE: April 9, 2014

At its April 9 meeting, the Town Council will hold a public hearing on the attached resolution to regulate parking on the 7200 block of Oakridge Avenue. The proposed parking restrictions, which are outlined on the attached map, are intended to provide for adequate emergency vehicle access on this block.

After becoming aware of problems with emergency vehicle access on the 7200 block of Oakridge Avenue, Town staff requested that the Town's consulting engineer, VHB, perform an evaluation of this block and recommend a parking plan to address the issue.

At its January 8 meeting, the Town Council discussed the evaluation and asked the Town's Public Services Committee to review it and report back to the Council at its February 12 meeting. At the February Council meeting, the PSC recommended that the Town ask its consulting engineer to evaluate an alternative parking plan proposed by some residents on the 7200 block of Oakridge Avenue. The PSC also recommended that the Town organize a meeting with the residents of 7200 block of Oakridge Avenue.

On March 10, the PSC hosted a meeting with the residents of the 7200 block of Oakridge Avenue to present both parking plans and solicit resident feedback. The PSC subsequently endorsed the alternative parking plan proposed by residents, and staff scheduled a public hearing for the April 9 Council meeting.

The alternative parking plan has been endorsed by MCFRS as providing adequate emergency vehicle access.

As of April 4, the Town has received one comment (attached) related to the proposed parking restrictions. Any additional comments received by the Town will be provided to the Council at the public hearing.

**Town of Chevy Chase
Traffic Control Resolution**

Resolution No.:
Introduced: April 9, 2014
Adopted: April 9, 2014
Effective Date: April 9, 2014

SUBJECT: A RESOLUTION TO PROHIBIT PARKING ON CERTAIN SECTIONS OF THE 7200 BLOCK OF OAKRIDGE AVENUE AND TO AUTHORIZE THE TOWN MANAGER OR HIS DESIGNEE TO INSTALL AND MAINTAIN SIGNS IN COMPLIANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AT APPROPRIATE LOCATIONS

WHEREAS, the Town Council received expressions of concern regarding emergency vehicle access on the 7200 block of Oakridge Avenue;

WHEREAS, the Town received a recommendation from a traffic engineering consultant concerning certain traffic controls to provide adequate emergency vehicle access and otherwise improve sightlines and safety on the 7200 block of Oakridge Avenue;

WHEREAS, at its meeting on January 8, 2014, the Town Council considered the recommendation and asked the Town's Public Services Committee to review the recommendation and provide comments;

WHEREAS, at the Town Council's meeting on February 12, 2014, the Public Services Committee recommended that the Town ask its consulting engineer to evaluate an alternative parking plan proposed by some residents on the 7200 block of Oakridge Avenue and to hold a meeting with the residents of the 7200 block of Oakridge Avenue to receive input;

WHEREAS, at its meeting on March 10, 2014, the Public Services Committee held a meeting with the residents of the 7200 block of Oakridge Avenue and endorsed the alternative plan, which was subsequently approved by the Montgomery County Fire and Rescue Service and the Town's traffic engineering consultant;

WHEREAS, at its meeting on April 9, 2014, the Town Council held a public hearing to consider prohibiting the parking of vehicles on certain portions of the 7200 block of Oakridge Avenue as depicted on the attached plan; and to also consider authorizing the Town Manager or his designee to install and maintain "no parking" signs in compliance with the Manual on Uniform Traffic Control Devices at appropriate locations; and

WHEREAS, Section 15-61 of the Town Code provides:

Whenever the town council determines that it is reasonable or necessary to regulate vehicular or pedestrian traffic, it may provide by resolution for the regulation of vehicular and pedestrian traffic on public streets or other areas in the town;

WHEREAS, after consideration of the evidence presented at the aforesaid meetings, the Town Council finds that prohibiting the parking of vehicles on certain portions of the 7200 block of Oakridge Avenue, as depicted on the attached plan, and installing and maintaining signs in compliance with the Manual on Uniform Traffic Control Devices, is reasonable and necessary to regulate vehicular traffic and to protect the public health, safety and welfare.

NOW, THEREFORE, the Town Council of the Town of Chevy Chase does hereby adopt the foregoing Resolution:

BE IT RESOLVED, this 9th day of April, 2014, by the Town Council of the Town of Chevy Chase, Maryland, acting under and by virtue of the authority given it by Article XI-E of the Maryland Constitution, the Chevy Chase Town Charter, Maryland Code, Transportation Article, and Section 15-61 of the Town Code, that:

1. The parking of vehicles on the 7200 block of Oakridge Avenue in the areas depicted as “no parking” zones on the attached plan is prohibited; and
2. The Town Manager or his designee is hereby authorized and directed to install and maintain signs in compliance with the Manual on Uniform Traffic Control Devices in appropriate locations.

BE IT FURTHER RESOLVED, that the foregoing resolution shall take effect upon its adoption, or as soon thereafter as signs are posted in accordance with this Resolution.

I, Albert Lang, Secretary of the Town Council of the Town of Chevy Chase, hereby certify that the foregoing Resolution was adopted by the Town Council at its meeting on April 9, 2014.

Albert Lang, Secretary

MEMORANDUM

VI-A

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Contribution Request – Roundhouse Theater
DATE: April 9, 2014

The Town has received the attached contribution request from Roundhouse Theater. Theater representatives will present their request at the April Council meeting. At this meeting, Council will need to determine whether the request meets the Town's criteria for providing a contribution. If the request does meet the Town's criteria, then the Town will schedule a public hearing on the request.

Also attached are the Town's Contribution Policy and Procedures.



March 28, 2014

Town Office
Town of Chevy Chase
4301 Willow Lane
Chevy Chase, MD 20815

Dear Town Council members,

I am writing on behalf of Round House Theatre to request a contribution of \$35,000 toward our Technology Challenge matching gift campaign, which must be completed by June 30, 2014. This campaign is a one-time, extraordinary need, and funds raised toward this project will supplement (and not supplant) other sources of funding. Round House has already raised more than 60% of its goal for this campaign, which supports a comprehensive upgrade of the theater's backstage, administrative, and audience services technology.

About Round House Theatre

Round House Theatre is one of the leading professional, non-profit theaters in the Washington, DC area. The theater is located on East-West Highway, just across the Town's northern boundary. It is about half a mile from the Town Office and within 1.5 miles of any point in the Town. Round House's artistic and educational programs benefit nearly 40,000 people per year – and, as outlined below, they have a significant impact on the Town of Chevy Chase and its residents.

Each year, Round House produces a six-show season of modern classics, new plays, and musicals. Recent productions garnered eight 2014 Helen Hayes Award nominations and led the *Washington Post* to call the company "an essential stop for drama."

The organization also provides a range of educational programs for students of all ages both at the Round House Education Center and in schools throughout the County. Education programs include Summer Programs for K-12 students; the unique Sarah Play for dedicated high school students; Student Matinee performances and after-school enrichment classes; and the HeyDay Players masterclass series and performance troupe for adults 50 and over.

Round House Theatre Bethesda
4545 East-West Highway
Bethesda, MD 20814

Round House Theatre
Education Center
925 Wayne Avenue
Silver Spring, MD 20910

Round House Theatre
Administrative Office
Silver Spring Civic Building
One Veteran's Place
Silver Spring, MD 20910

Box Office: 240.644.1100
Admin Office: 240.644.1099
Education Phone: 301.585.1225

www.roundhousetheatre.org

MEMORANDUM

VI-B

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Contribution Request – Friends of the Capital Crescent Trail
DATE: April 9, 2014

We will distribute the supporting materials for this contribution request early next week.

On behalf of the Friends of the Capital Crescent Trail (FCCT), a 501(c)3 dedicated to preserving the valuable green space of the Capital Crescent Trail as a linear park between Bethesda and Silver Spring, I am requesting \$15,000 to help launch our “Now or Never” campaign. This educational campaign will share important impact information and raise awareness of the plight of the Trail should MTA’s Purple Line continue to move forward.

Background: With the recent issuance of the FTA’s Record of Decision (ROD), the clock is ticking on the opportunity to raise awareness in the larger community about the potential impacts of the Purple Line on the Capital Crescent Trail. With over 11,000 users per week (as of the last official tally in 2010 and likely more today), the Trail is one of the most popular in all of Maryland. It is enjoyed by families, senior citizens, hikers, bikers, and joggers alike, all of whom use the trail as a linear park and a green oasis in the midst of ever increasing development in the down-county area. With the coming of the Purple Line, all trees would be clear cut from the right of way and the Trail will become a strip of asphalt with no tree cover surrounded by retaining walls and electrical wires and a 70+ DBA train running just inches away.

Project: Currently, more than 5,000 people have signed our petition to save the Trail, many of whom are Town of Chevy Chase residents. By mobilizing our supporters in the Town and throughout the region, our “Now or Never” campaign will enable grassroots action and apply pressure on our state and Federal officials to make a more informed and strategic approach to East-West County transit.

At this time, we need specific funds to

- Research the environmental ramifications of construction on the trail,
- Host our popular 5K race in support of the trail; and
- Disseminate information to the general public by updating our website and expanding our communication through social media other communication methods

Budget:

\$4,000 for the Save the Trail 5K race in May
\$10,000 for an environmental study by American University
\$1,000 for updates to our Save The Trail website
\$15,000 total

Timing: We understand that the Town has a new donations policy that includes an urgent requests provision. Because of recent developments with the Purple Line project, i.e., the issuance of the ROD and the movement toward choosing a Public Private Partnership, we ask that our request be considered immediately rather than in the next fiscal year as we know our time is short to achieve these goals.

Benefit to Residents: The FCCT represents a significant third-party resource for Town residents to educate themselves and explore the ecological and social impacts of the proposed Purple Line. Helping fund the environmental study will make new and relevant data analysis possible, and hopefully help shape a transit connection that will meet the needs of many, instead of few. We are opposed by wealthy coalitions funded by developers, and as a small group of committed individuals, have thus far lacked the opportunity to bring these issues to light as effectively. Funding our request helps balance the fight, making better information available to residents.

Additionally, should we make headway towards our goals, Town residents will benefit by the Trail remaining the heavily-used verdant recreational oasis it currently is; dodging the bullet of noise and light

pollution created by a nearby train; and the health and land use benefits of keeping the mature canopy in place instead of a shade-free strip of asphalt.

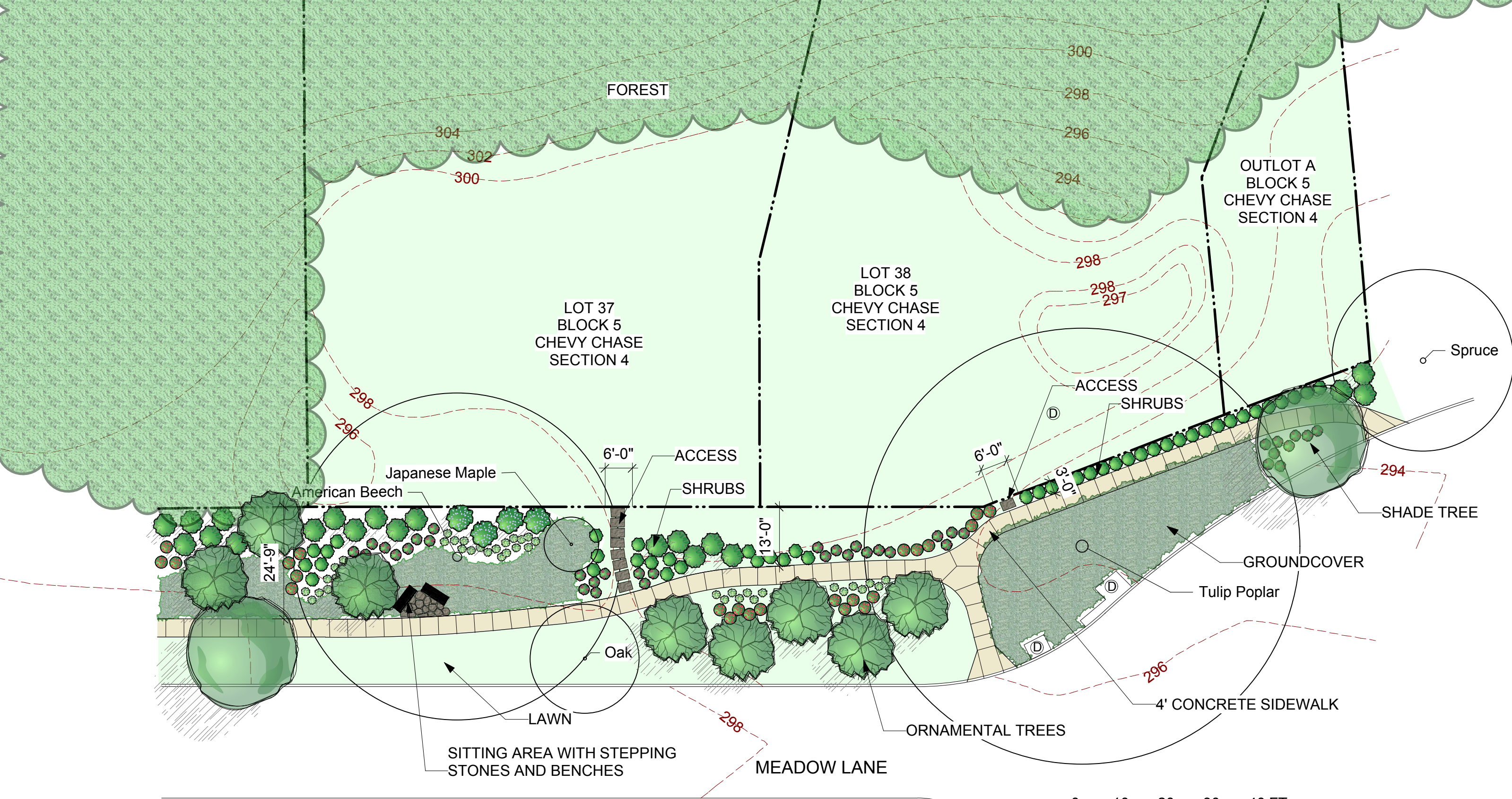
We greatly appreciate that the Town has supported our efforts in the past. Over the years, we have expanded our fundraising capabilities and are now working to establish a coalition of communities to support our efforts. We are also undertaking a rigorous fundraising drive as part of our “Now or Never” campaign. The Town will not be alone in supporting us, but your support will mean a great deal.

MEMORANDUM

VI-C

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Meadow Lane Landscape Plan
DATE: April 9, 2014

Attached is an alternative landscape plan for the Meadow Lane right-of-way for review and discussion at the April Council meeting.



SIDEWALK AND PLANTING PLAN

Scale: 1" = 20 ft

Meadow Lane Thoroughfare

Town of Chevy Chase, MD

**CONCEPTUAL
 LANDSCAPE PLAN**

APRIL 4, 2014
 REV. 4-8-2014



MEMORANDUM

VI-D

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Capital Crescent Surface Trail – Use of Town Right-of-Way
DATE: April 9, 2014

The Montgomery County Department of Transportation has asked for the Town's input regarding preliminary plans for the Capital Crescent Surface Trail alignment along 47th Street and Willow Lane. The attached plans illustrate that the surface trail is designed within Town right-of-way. Staff will review details of the plan at the April 9 meeting.

The Capital Crescent Trail

- The 1994 Bethesda CBD Sector Plan recommended that the CCT have both a street-level route and a tunnel route to cross Wisconsin Avenue.
- The 2010 Purple Line Functional Plan recommended that the trail be located above the train in the tunnel route.
- Further study by MTA revealed that both the train and the trail could not be accommodated within the existing tunnel without significant unanticipated additional cost and posing a potential structural hazard to the buildings above.
- As a result, the County Council determined that the CCT would not have a tunnel route and would be limited to the street-level route.
- The redevelopment of the Apex building site provides a new opportunity to create a dedicated CCT tunnel under Wisconsin Avenue.

MEMORANDUM

VII-C

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Town Manager's Report
DATE: April 9, 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.

Committee/Board/Commission Assistance:

- Met with Elections Board to review election procedures.
- Worked with the Community Relations Committee and Climate & Environment Committee to plan special events.

Special Projects:

- Organized and attended March 26 Council meeting and budget work session.
- Oversaw street tree edging and mulching.
- Oversaw snow removal operations.
- Continued oversight of street signage inventory.
- Prepared for spring concrete repairs.
- Prepared for spring public/private tree plantings.
- Began enforcement of overgrown vegetation on Town rights-of-way.
- Met with SHA officials re. street lighting improvements along E-W Highway.
- Met with County officials re. Capital Crescent Surface Trail.
- Attended Montgomery Municipal Cable board meeting.
- Attended meeting re. Meadow Lane landscape plan.
- Attended municipal managers' meeting.
- Attended multiple meetings re. proposed Purple Line project.
- Continued FY15 budget development.
- Organized Trash and Treasures event.