

TOWN OF CHEVY CHASE  
COUNCIL MEETING  
February 8, 2023

WORK SESSION (6:30 p.m.)

The Council will review construction plans for Zimmerman Park improvements.

REGULAR MEETING (7 p.m.)

- I. GENERAL BUSINESS (7-7:15 p.m.)
  - A. Call to Order
  - B. January 2022 Financial Report
  - C. Town Manager's Report
  - D. Public Comments
  
- II. VARIANCE HEARING (7:15-7:45 p.m.)
  - A. [Gerlach, 4004 Underwood Street, Rear Yard Retaining Wall Setback](#)
  
- III. COUNCIL DISCUSSIONS (7:45-9:30 p.m.)
  - A. [Corso Chevy Chase Redevelopment](#)
  - B. Farm Women's Market Parks Development
  - C. Purple Line Update
  - D. Capital Crescent Trail Tunnel
  - E. [Radar Speed Board/LED Stop Sign Policy](#)
  - F. Antisemitism Statement
  
- IV. ADJOURNMENT (9:30 p.m.)

How to Join the Council Meeting

1. In-Person  
4301 Willow Lane, Chevy Chase, MD 20815
  
2. [Online via Zoom](#)
  
3. By Phone via Zoom  
(301) 715-8592 US  
Meeting ID: 301 654 7144  
Passcode: 6547144

# STAFF REPORT

II-A

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Gerlach, 4004 Underwood Street, Rear Yard Retaining Wall Setback  
DATE: February 8, 2023

Kristin Gerlach, 4004 Underwood Street, proposes to install a retaining wall on the rear property line of her property. The wall would have a maximum height of 2 feet and is proposed to span the entire width of the property. Town building regulations prohibit the installation of a retaining wall measuring more than 1 foot in height within 2 feet of a rear lot line; therefore, a variance is required.

### **Background:**

As of February 3, 2023, the Town has not received any correspondence related to the variance request.

*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 request.*

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

1. The applicant's property has unusual topographical conditions and is subject to other extraordinary conditions. The wall is necessary to support the yard. An existing low timber wall and fence are failing due to erosion resulting from excessive stormwater that runs along the rear property line. The proposed wall will be constructed of concrete block that will prevent future erosion/undercutting.
2. Approval of the variance is requested because conforming to the Town's building ordinance would cause peculiar or unusual practical difficulties. The wall will replace a lower wall in the same location. Setting the wall back from the rear property line would require the removal of 3 large cryptomeria trees and would interfere with an existing drywell located in the rear yard.
3. Approval of the variance would not be detrimental to the use and enjoyment of neighboring properties. The neighbors have been consulted about the project and will not be impacted.
4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The existing wall is rotting and does not support the yard. The proposed wall will eliminate the ongoing erosion issues and is tall enough to retain the current grade of the yard.

5. The improvements do not impair the general plan of the Town. The wall is on the rear property line and is heavily screened by vegetation. It will not be seen, even by the adjacent property owner.



VIA EMAIL

January 13, 2023

Mr. Barney Rush  
Mayor, Town of Chevy Chase  
4301 Willow Lane  
Chevy Chase, MD 20815

Re: *Corso Chevy Chase – LMA Application*

Mr. Mayor:

We are in receipt of your December 15, 2022 letter to Grace Bogdan, AICP of the Montgomery County Planning Department pertaining to the Local Map Amendment (LMA) Submission of the Corso Chevy Chase redevelopment. We continue to consider both Town and County-wide contexts as we refine the LMA elements. As such, we have made some additional modification to the LMA Submission and included the related documents with this letter.

In addition, we have included here individual responses to the items highlighted in your December 15, 2022 letter below:

**Building Height**

We understand the Town is concerned that meeting (and in many cases exceeding) the County’s compatibility standards is insufficient for building heights to be compatible with the surrounding community. While we do not entirely concur with this assessment, as requested, we have made considerable modifications to the proposed building configuration to accommodate and respect the Town’s concerns.

In specific:

- As requested, the perimeter of the outward-facing portions of the buildings on the west and south sides of the property have been reduced to a maximum of four stories.
- As recommended, the western wing of the central building has been increased (to three stories) to shepherd a small portion of the above density reduction but given the complexity of the communal ground floor uses, this is the maximum practical height this building can go.



## COMMUNITY THREE

- As requested, the outward-facing wings of Building C1 (located in the southeast corner of the property) have both been reduced to four stories plus roof.
- As requested, Building A1 (located in the northwest corner of the property) has been modified with the northwesternmost wing reduced to three stories plus roof above the garage and the western portion of the five-story area reduced to four stories plus roof.
- Additionally, the northern-facing portion of Building B2 (located in the northeast corner of the property) has been reduced to four stories plus roof.

These adjustments (and previous ones) to building height have been considerable and we want to stress that while understandably not necessarily of primary concern to the Town, the reduction in project density resulting from these height modifications, especially in light of current economic pressures, puts the project as a whole on precarious fiscal footing and in jeopardy of not being able to support the breadth of public amenities and benefits envisioned for the project.

Also as requested, we have included the cell tower antenna in the associated imagery that will be relocated on the Property. While the final design will need to be coordinated with the individual providers, we have included as close a representation as we can determine at this time.

Per above, we believe we have addressed all of the Town's requested modifications on this topic and have updated the Building Height Diagram, Site Sections, and associated perspective imagery to illustrate these refinements.

### **Public Paths**

While we continue to believe it is in the best interest of Corso Chevy Chase residents, as well as the greater community, that the pedestrian circulation system be as comprehensive as possible, as requested, we have omitted a direct pathway connection between Woodside Place and Connecticut Avenue and updated the associated exhibits (and Binding Elements) accordingly.

### **Parking**

The proposed number of parking spaces is in compliance with the Montgomery County Zoning Ordinance (below the maximum and well above the minimum parking required) and provided in a sufficient ratio relative to similar Corso properties. As such, we firmly believe that more than adequate parking will be provided on-site to meet the parking demand. Regardless, we have commissioned a new Parking Demand Analysis to be conducted by Wells and Associates. The Parking Demand Analysis will include, as specifically outlined in your letter, the number of employees coming daily who are expected to drive, the number of residents who are expected to have cars, and the number of visitors expected on peak days of visitation. We have begun work on this task, but it will take some time to gather and analyze all of the relevant data. As such, we have added a binding element to this effect.

Notwithstanding, we remain committed to ensuring there are no Corso Chevy Chase residents, staff, and/or guests parking on Town streets and we remain open to exploring any enforcement methods, including zoned parking, to curb clutter on Town streets should it be an issue in the future.



## COMMUNITY THREE

### **Traffic**

In their recent correspondence, Montgomery County Transportation Staff has confirmed that, “a *traffic impact study per the LATR guidelines is not required...[given that] the total net new person trips would be fewer than 50 in both peak hours.*” Planning Staff has therefore confirmed that the Project does “*not require further transportation impact analysis.*” As such, given LATR standards (which take into account the former property use), we believe a LATR analysis will not produce a meaningful analysis and won’t specifically address the Project’s impact on the material area of concern - the intersection of Connecticut Avenue and Taylor Street (at the entrance to the property).

As such, we have commissioned a new Comprehensive Vehicular Site Access Study to be conducted by Wells and Associates that includes, at a minimum, review of the existing roadway, intersection geometrics, and speed limits, compilation of existing vehicle turning movement and pedestrian counts, evaluation of collision data for the most recent three-year period, forecasted future traffic volumes based upon the existing traffic counts and proposed program, and a signal warrant analysis. This will give us all the best picture of how the current existing conditions will respond to the project program, not just in relation to the former use of the property.

We also have begun on this task, but it too will take some time to gather and analyze all of the relevant data, and as such have added a binding element to this effect.

### **Trees and Forest Conservation Area**

As recommended in your letter, we expect the County will evaluate any requested tree variances to be assessed based on hardship according to applicable State and County law. In addition, we will comply with the Town’s Urban Forest Ordinance and seek applicable variances thereof, noting as also stated in your letter, it would not be possible to develop the land with an underground garage without the removal of some significant trees.

Please also note, since our last correspondence, we have engaged a Cene Ketcham, an ISA Certified Arborist and Maryland Licensed Tree Expert with Wetland Studies and Solutions, Inc. to assist in crafting applicable tree save plans and oversee site activities adjacent to trees where excavation is to occur as the project moves forward.

### **Project Phasing**

Per your request, we have added an additional “Aerial – West” view to show the conceptual layout buildings in Phase I only and prior to Phase II construction.

### **Stormwater Management**

As previously committed, the Town (and its engineer) will be provided any stormwater calculations/physical plans when there is something material to review, beyond illustrative concepts.



## COMMUNITY THREE

We believe we have made great progress in addressing the Town's requests and remain committed to collaborating throughout the next step(s) in this process.

Best Regards,

Grant Epstein  
*President*  
Community Three

cc: Grace Bogdan, AICP, Montgomery County Planning Department

**TOWN OF CHEVY CHASE  
RADAR SPEED BOARD/LED STOP SIGN POLICY**

Under the provisions of the Town Charter, the Town Manager is authorized to construct, maintain, or remove a radar speed board or LED Stop sign on Town streets as directed by the Town Council. This document describes the decision process and standards followed by the Town in considering the installation or removal of such devices. At any time, the Town Council may take action that is contrary to this policy in the interest of public safety. *Please note that this policy is written to apply to requests for single devices. The Town will apply the same procedures to requests for multiple devices.*

**REQUESTS FOR INSTALLATION OF A RADAR SPEED BOARD OR LED STOP SIGN**

Requests for the installation of a radar speed board or LED Stop sign may be originated by petition of Town residents; by the management of public facilities adjacent to Town streets; or by the Town Council.

- **PETITION BY RESIDENTS**

Town residents residing within a street segment (a street segment is a section of street between two intersections) may petition the Town to consider the installation of a radar speed board within that street segment. The petition shall contain signatures from a majority of the households within that street segment.

Town residents residing near a “Stop” controlled intersection may petition the Town to consider the installation of an LED Stop sign. The petition shall contain signatures from a majority of households within the vicinity of the intersection. Houses in the vicinity of the intersection include those on the corner lots of the intersection and the two adjacent houses (if applicable) along each side of each street. At T-shaped intersections, houses in the vicinity include those on the corner lots of the intersection, the two adjacent houses (if applicable) along each side of each street, and the houses immediately across from the intersecting street.

- **REQUESTS ADJACENT TO PUBLIC FACILITIES**

Requests for a radar speed board or LED Stop sign on streets adjacent to public facilities, such as parks and schools, may be made in writing to the Town Council by the official responsible for the management of the facilities. The Town Council will decide whether to consider such requests.

- **COUNCIL-DIRECTED REQUESTS**

The Town Council may direct the Town Manager to perform a feasibility study for the installation of a radar speed board or LED Stop sign on any street segment or at any intersection within the Town.



## FEASIBILITY ANALYSIS OF RADAR SPEED BOARD AND LED STOP SIGN REQUESTS

Upon receipt of a qualifying petition by Town residents, or if directed by the Town Council, the Town Manager will evaluate the street segment or intersection to identify and recommend appropriate locations, if any, for a radar speed board or LED Stop sign.

The Town Manager shall provide a report to the Town Council detailing the findings and recommendations regarding the placement of such a device. The results of the feasibility study will be available to the public.

### COUNCIL CONSIDERATION

Following review of the record of the request, the Council may:

- Decide to not proceed with further consideration of the request; or
- Tentatively approve the installation of the device pending public notification.

If a radar speed board or LED Stop sign has been requested by petition of residents, and the Council decides to not proceed with consideration of the request, the petitioners will be advised of the Council's decision.

### PUBLIC NOTIFICATION

If the Council tentatively approves the installation of a radar speed board or LED Stop sign, the Town will notify the residents of the street segment (for a radar speed board) or the residents in the vicinity of the intersection (for an LED Stop sign) of the tentative approval. The notice will indicate that the proposed device will be installed by the Town unless written objection to the installation is received by the Town within 15 days of the distribution of the written notice.

If no written objection is received, the Town will proceed with installation of the device. If written objection to the approval is received, the Town will schedule the request for consideration by the Council at a public hearing.

### PUBLIC HEARING

The Town shall provide sufficient written notice of the public hearing to those residents of the street segment (for a radar speed board) or the residents in the vicinity of the intersection (for an LED Stop sign) and will use other available communication means to inform all Town residents.

Following the public hearing and consideration of the record of the request, the Town Council will make a final decision as to the placement of the radar speed board or LED Stop sign. The Town will notify residents in the street segment or in the vicinity of the intersection of the Council's decision. If approved, the device will be installed as soon as reasonably practicable.

## **REQUESTS FOR REMOVAL OF A RADAR SPEED BOARD OR LED STOP SIGN**

A radar speed board or LED Stop sign should remain in place for a reasonable period before removal is considered.

The removal process may be initiated by the same parties listed above. Petitions for the removal of a device shall include the signatures from a majority of households within the street segment (for a radar speed board) or in the vicinity of an intersection (for an LED Stop sign). The petition should state the reason for the removal request.

### **COUNCIL CONSIDERATION**

The Town Council shall review the record of the request. In the case of a radar speed board, the Town Manager will provide to the Town Council the data collected by the device. Following review of the record of the request, the Council may:

- Decide to not proceed with further consideration of the removal request;
- Tentatively approve the removal of the device pending public notification.

### **PUBLIC NOTIFICATION**

If the Council tentatively approves the removal of a radar speed board or an LED Stop sign, the Town will notify the residents of the street segment (for a radar speed board) or the residents in the vicinity of the intersection (for an LED Stop sign) of the tentative removal. The notice will indicate that the device will be removed by the Town unless written objection to the removal is received by the Town within 15 days of the distribution of the written notice.

If no written objection is received, the Town will proceed with removal of the device. If written objection to the removal is received, the Town will schedule the request for consideration by the Council at a public hearing.

### **PUBLIC HEARING**

The Town shall provide sufficient written notice of the public hearing to those residents of the street segment (for a radar speed board) or those residents in the vicinity of the intersection (for an LED Stop sign) and will use other available communication means to inform all Town residents.

Following the public hearing and consideration of the record of the request, the Town Council will make a final decision as to the removal of the device. The Town will notify residents residing in the street segment or in the vicinity of the intersection of the Council's decision.