

TOWN OF CHEVY CHASE
COUNCIL MEETING
March 10, 2021

COUNCIL WORK SESSION (6:00-7:00 p.m.)

The Town Council will hold a work session with the Town's Racial Justice Special Committee to discuss the committee's proposed policing initiative.

- I. GENERAL BUSINESS (7:00-7:30 p.m.)
 - A. Call to Order
 - B. Approval of Meeting Minutes
 - C. Acceptance of February 2021 Financial Report
 - D. Town Manager's Report
 - E. Public Comments
 - F. Special Public Comment Period on FY22 Budget Priorities

- II. VARIANCE HEARINGS (7:30-8:45 p.m.)
 - A. Jarvi/Schagrin, 3911 Bradley Lane, Front Yard Fence and Walls
 - B. Moore, 3901 Blackthorn Street, Front Yard Wall and Hedge

- III. COUNCIL DISCUSSIONS (8:45-9:30 p.m.)
 - A. Discussion and Possible Introduction of an Ordinance to Amend Chapter 26 (Telecommunications) of the Town Code to Clarify Language Related to Small Cell Applications
 - B. Discussion and Possible Introduction of an Ordinance to Amend Chapter 15 of the Town Code (Motor Vehicles and Traffic) to Reduce the Town-Wide Speed Limit to 20 Miles Per Hour
 - C. Speed Hump Policy and Traffic Calming Devices

- IV. OTHER BUSINESS (9:30-9:45 p.m.)

- V. ADJOURNMENT (9:45 p.m.)

How to Join the Council Meeting via Zoom®

Join Online:

<https://us04web.zoom.us/j/3016547144>

Join by Phone:

301-715-8592

Meeting ID: 301 654 7144

MEMORANDUM

To: TOCC Special Committee on Racial Justice (“SCRJ”)
From: Marta Alvira-Hammond, Jeffrey Berger, Beverly Hudnut, Deborah Vollmer
Re: Proposal for Town Policing Initiative
Date: January 23, 2021
CC: Irene Lane, Joel Rubin

In response to the SCRJ’s decision to pursue an initiative on racial justice and transparency in policing and the Town’s supplemental policing contracts (“the Contracts”) with Montgomery County Police Department (“MCPD”) officers, the above members prepared the following, which has been approved by the full Special Committee for consideration and approval by the Town Council. Once approved, we will proceed with implementation in coordination with the SCRJ and the Council.

1. Premises Underlying the Initiative

- a. Racial justice issues in policing have been acknowledged and are under review nationally and in the DMV’s state and local jurisdictions, including Montgomery County which has undertaken the comprehensive Reimagining Public Safety Task Force.
- b. The details (and possibly the existence) of the Contracts appear to be unknown to many residents.
- c. The current focus on and interest in policing provides a "teachable moment" for the Town to proactively address racial justice, improve local community-police relations and safety, and discuss the Contract in this wider context.

d. The Town Manager advised us of one complaint raising racial profiling in TOCC, see 2.a. below; we are not aware of others alleging racial injustice and believe that many if not most residents view local policing favorably.

e. Nonetheless, complaints against police of racial animus or racially-based disparate treatment are not a prerequisite for Town residents to engage with racial justice concerns around policing, given the national currency of these issues and to prevent their occurrence here.

f. Being proactive rather than reactive on racial justice is more likely to effect change, if required, in TOCC police practices. Likewise, a proactive approach supports the SRJC's goals of fostering a more welcoming and inclusive Town, and promoting diversity and sense of belonging among those that live, work, and visit here.

g. Providing residents with information related to the Contracts - such as safety goals, resources, responsibility and oversight, and success stories - would likewise promote accountability (for both MCPD and the Town). It would also create avenues for engagement with, support for, and responsiveness by local police, and cultivate a greater security among residents.

2. Outline of the Recommended Initiative

We suggest a six-step approach that encompasses multiple SCRJ initiatives and member skill sets:

a. Obtain data from Town Manager, Todd Hoffman, on

i) the Contracts,

ii) prior complaints/concerns regarding TOCC policing, particularly those involving racial justice, while assuring that privacy concerns are respected, and
iii) the working relationship between contracted police and the MCPD and between TOCC and MCPD (COMPLETED 01/20/21¹).

b. Work with Town management to solicit input through a brief and anonymous survey of residents on Town policing regarding racial justice, safety, crime prevention and role and duties of police.

c. Update the TOCC public website with information on the Contracts, other available public safety services, and the Town's commitment to racial justice, along with information on other racial justice matters, such as the repudiation of prior real estate covenants against African-Americans and Jews.

d. Present a moderated forum on policing, public safety, and racial justice, bringing speakers from local police and TOCC management (and possibly someone from the MC "Reimagining" initiative) to engage on issues emerging from 2. a–c above. We would prepare the TOCC management and local police representatives as to anticipated areas of discussion.

e. Organize and promote educational events for residents around racial justice, with a focus on the role and duties of police, safety and crime, community policing, and the current conversations around "reimagining," "demilitarizing," and "defunding" the police, tailored to issues discussed in and arising out of steps 2. a-d.

¹ Assisted by Irene Lane, the subgroup reviewed the above with Todd.

f. Work cooperatively with Town management, the Town Council, and local police going forward to remedy and improve upon racial justice and other issues identified through steps 2. a-e and agreed on by the SCRJ and Town Council as appropriate for action.

We look forward to your comments.

MEMORANDUM

I-D

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Town Manager's Report
DATE: March 10, 2021

This report highlights some 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.

- Continued oversight of Town-wide traffic study and organized/attended Council work session.
- Worked with Town Attorney to prepare ordinance to reduce Town-wide speed limit.
- Communicated with members of the Public Services Committee about Town's speed hump policy.
- Continued oversight of Zimmerman Park redevelopment project.
- Assisted with addressing HB 635 and HB 564 and organized/attended Council meeting.
- Assisted with addressing Thrive Montgomery 2050 and County ZTA 19-07 (5G/Small Cell Towers) and organized/attended Council work session.
- Worked with Town Attorney to prepare ordinance to amend Code language related to small cell tower applications.
- Met with members of the Climate and Environment Committee to review Town tree planting and maintenance programs.
- Prepared preliminary FY22 budget and scheduled Council work session.
- Began planning for 2021 Town Council election.
- Continued administration of Battery-Powered Blower and Equipment Rebate Program.
- Assisted the Long-Range Planning Committee with tracking Bethesda redevelopment projects.
- Assisted the Public Services Committee with responding to resident requests and inquiries regarding public safety, traffic, and street lighting.
- Assisted the Community Relations Committee with special events.

STAFF REPORT

II-A

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Hayley Jarvi and Roger Schagrin, 3911 Bradley Lane, Front Yard Fence and Walls
DATE: March 10, 2021

Hayley Jarvi and Roger Schagrin, 3911 Bradley Lane, propose to install new gates, piers, fencing, and walls in the front yard of their property. The project requires variances, as follows:

- The applicants propose to install gates on each side of the circular driveway. The gates are proposed to be 5 feet in height and constructed of black steel. The gates are proposed to be mounted on piers that have a maximum height of 6 feet, plus the height of proposed lantern fixtures. As part of the plan, the applicants propose to construct new fencing to connect the proposed gates/piers to existing fencing in the front yard. The new fencing is proposed to be identical to the existing fencing (3-foot-tall white picket). The Town prohibits the installation of gates, piers, and fencing in front yards; therefore, a variance is required.
- The applicants propose to install new walls in the front yard. While the Town allows retaining walls in front yards to be up to 30 inches tall, it prohibits the construction of non-retaining walls over 12 inches. The proposed walls are taller than necessary to retain the adjoining grade and are 12 inches taller than the maximum wall height allowed by the Town; therefore, a variance is required.

Background:

As of March 5, 2021, the Town has not received any correspondence related to the requested variances.

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

Applicants' Claims for the Variance Requests:

1. The applicants' property is subject to extraordinary conditions. The scale of the house and existing site features is atypical for the Town of Chevy Chase. The house is located on Bradley Lane, which is an extraordinarily busy street and is near the intersection of Connecticut Avenue. The driveway is frequently used as a turn-around for utility and delivery trucks that are not visiting the owners' property. The house has walls in the front yard that are failing.

2. Approval of the variance is requested because conforming to the Town's building ordinance would cause peculiar or unusual practical difficulties. The gates and fencing are necessary to prevent unauthorized vehicles from using the driveway. The walls will replace existing walls (in a different location) and are needed to retain the proposed grade of the walk and driveway.
3. Approval of the variance would not be detrimental to the use and enjoyment of neighboring properties. The proposed gates are set back more than 20 feet from the front property line and are visually open in nature. The walls will be minimally visible from anywhere other than the owners' property as they are proposed to be set back more than 65 feet from the front property line and more than 60 feet from the side property lines.
4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The gates and related fencing are properly scaled for the busy street, lot size, and architecture of the house. The proposed walls have a much smaller footprint than the existing walls (40 linear feet proposed vs. 100 linear feet existing). The location of the existing walls will be planted with new shrubs and perennials.
5. The proposed improvements do not impair the general plan of the Town. The proposed elements are minimally different from the existing features, enable the replacement of dated and failing landscape elements, and will be attractive and architecturally appropriate.

STAFF REPORT

II-B

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Moore, 3901 Blackthorn Street, Front Yard Wall and Hedge
DATE: March 10, 2021

Meredith and Joseph Moore, 3901 Blackthorn Street, propose to install a wall, gate, and hedge in the front yard of their property along Connecticut Avenue. The project requires variances, as follows:

- The wall and gate will have a maximum height of 6 feet. The Town prohibits the installation of walls and gates in front yards; therefore, a variance is required.
- The arborvitae hedge is proposed to be up to 16 feet in height at the time of planting. Town building regulations prohibit hedges along Connecticut Avenue from exceeding 6 feet in height; therefore, a variance is required.

Background:

As of March 5, 2021, the Town has received one email, attached, supporting approval of the requested variances.

The proposed wall and gate would replace a 4-foot-tall fence and gate that were approved by the Council in September 2019 (variance decision attached). The previous variance was requested by the prior owner/builder of the house.

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:

Front Yard Wall and Gate

1. The applicants' property is a corner lot located at the intersection of Connecticut Avenue and Blackthorn Street. Connecticut Avenue is a roadway classified as a major highway by the Bethesda-Chevy Chase Master Plan. This represents an extraordinary condition.
2. Approval of the variance is requested because conforming to the Town's building ordinance would cause undue hardship. Although the Town does not allow front yard walls to be constructed, the house is set back significantly from the 15-foot required front yard setback along the Connecticut Avenue side of the property. Much of the proposed wall is in a location where a wall of the house could lawfully be constructed. The wall will replace a previously approved fence. The additional height is necessary to ensure a secure rear yard, as the extra height is less scalable. Matching the height of the existing fence that is

constructed parallel to Connecticut Avenue will provide a more seamless transition between the Connecticut Avenue and Blackthorn Street frontages.

3. Approval of the variance would not be detrimental to the use and enjoyment of neighboring properties. The proposed wall and gate will match the aesthetic of the existing house and have been designed to integrate seamlessly with other proposed landscaping improvements.
4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The proposed 6-foot wall is similar to that of a typical privacy fence, matches the adjoining fence along Connecticut Avenue, and is the minimum necessary to provide screening and security for the rear yard.
5. The improvements do not impair the general plan of the Town. The property is located on the perimeter of the Town and will not impact residents of the community. The wall is set back from the sidewalk, and proposed vegetative screening will help soften the appearance of the wall.

Front Yard Hedge

1. The applicants' property is a corner lot located at the intersection of Connecticut Avenue and Blackthorn Street. Connecticut Avenue is a roadway classified as a major highway by the Bethesda-Chevy Chase Master Plan. This represents an extraordinary condition.
2. Approval of the variance is requested because conforming to the Town's building ordinance would cause undue hardship. The proposed hedge will replace existing landscaping that is ineffective at visual screening and noise abatement. The applicants' yard is elevated over the sidewalk, so additional height is needed to provide necessary screening.
3. Approval of the variance would not be detrimental to the use and enjoyment of neighboring properties. The hedge will be contained within private property. It will not obstruct lines of sight necessary for safety of motorists entering/exiting Connecticut Avenue or residents using the driveway for 7702 Connecticut Avenue.
4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The proposed hedge is necessary to reduce the noise and visual impact that is generated by traffic on Connecticut Avenue. The trees will provide visual screening and noise abatement to a rear yard that is elevated above street level.
5. The improvements do not impair the general plan of the Town. The property is located on the perimeter of the Town and will not impact residents of the community. The hedge is located on private property and will provide similar screening to plantings installed at 7702 Connecticut Avenue.

**Town of Chevy Chase
Small Wireless Telecommunications Facilities
(Permit Application Filing Deadline)**

Ordinance No.:

Introduced:

Adopted:

Effective Date:

AN ORDINANCE TO AMEND CHAPTER 26 OF THE TOWN CODE, CONCERNING SMALL WIRELESS TELECOMMUNICATIONS FACILITIES, TO CLARIFY THE TOWN PERMIT APPLICATION FILING DEADLINE THAT FOLLOWS THE FILING OF A SITING, MODIFICATION, PERMIT, OR OTHER APPLICATION WITH MONTGOMERY COUNTY, MARYLAND, FOR THE SAME WORK.

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, United States Code, Title 47, Section 332, provides that a local government may exercise control regarding the placement, construction, and modification of personal wireless service facilities, provided the local government does not unreasonably discriminate among providers of functionally equivalent services; and does not prohibit the provision of personal wireless services;

WHEREAS, the Town of Chevy Chase holds and maintains the streets and highways within its municipal boundaries in trust for the benefit, use, and convenience of the general public;

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes the Town Council to pass ordinances as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town; and for such other police and health matters as it may deem necessary;

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in an open meeting conducted on the 10th day of March, 2021;

WHEREAS, after proper notice to the public, the Town Council considered the following Ordinance in an open meeting conducted on the _____ day of _____, 2021;

WHEREAS, upon consideration of the testimony and evidence presented at the public hearing, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED AND ORDERED, this _____ day of _____, 2021, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town Charter, the Town Council does hereby adopt the foregoing Ordinance and amend the Town Code as follows:

* * *

Chapter 26.

TELECOMMUNICATIONS

* * *

Sec. 26-48. - Permit and access agreement required.

(a) No person shall construct, install, maintain, or perform any work in the public right-of-way related to a communications facility or any tower, without first receiving a permit and paying any applicable fee, as required under this article. No permit shall be issued until the applicant has entered into a right-of-way access agreement in a form approved by the town, according to this article. A permit shall not be required for ordinary maintenance and repair, as determined by the town. A permit application shall be filed with the town no later than seven (7) calendar days after a siting, modification, permit, or other application has been filed with Montgomery County, Maryland, for the same work.

* * *

AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter, that:

1. If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and

2. This Ordinance shall take effect on the ____ day of _____, 2020 (30 days after adoption).

ATTEST:

TOWN OF CHEVY CHASE

Ellen Cornelius Ericson, Secretary

Cecily Baskir, Mayor
Town of Chevy Chase

Bold and Underline indicates new material
~~Strikethrough~~ indicates material deleted
* * * indicates material unchanged

**Town of Chevy Chase
Town-Wide Speed Limit of 20 mph**

Ordinance No.: 21-01

Introduced: 3/10/21

Adopted:

Effective:

AN ORDINANCE TO AMEND CHAPTER 15 OF THE TOWN OF CHEVY CHASE MUNICIPAL CODE TO REDUCE THE TOWN-WIDE SPEED LIMIT OF 25 MILES PER HOUR TO 20 MILES PER HOUR AND TO AUTHORIZE THE TOWN MANAGER TO PROVIDE FOR THE ERECTION AND MAINTENANCE OF SPEED LIMIT SIGNS IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary to assure the good government of the municipality, to protect and preserve the municipality's rights, property and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort, and convenience of the citizens of the municipality; and

WHEREAS, Section 25-102(a)(10) of the Transportation Article of the Maryland Code grants to the legislative body of every local authority in Maryland, including the Town of Chevy Chase, the power to alter speed limits as provided in Title 21, Subtitle 8 of the Transportation Article; and

WHEREAS, Section 21-803 of the Transportation Article of the Maryland Code grants to the legislative body of every local authority in Maryland, including the Town of Chevy Chase, general power to alter speed limits specified in the Transportation Article, if, on the basis of an engineering and traffic investigation, the local authority determines that any maximum speed limit specified therein is greater or less than reasonable or safe under existing conditions on any part of a roadway in its jurisdiction; and

WHEREAS, Section 25-106 of the Transportation Article of the Maryland Code authorizes every local authority in Maryland, including the Town of Chevy Chase, to place and maintain those traffic control devices that the local authority considers necessary to carry out the provisions of the Maryland Vehicle Law or local traffic ordinances or to regulate, warn, or guide traffic; and

WHEREAS, the Town's traffic consultant, A. Morton Thomas and Associates, Inc., concluded an engineering and traffic investigation in the Town in October 2020 and found that a Town-wide speed limit of 20 miles per hour, except on streets where lower limits currently apply, would promote the public good, safety and convenience; and

WHEREAS, following the engineering and traffic investigation, the Town Public Service Committee (PSC) submitted a report and recommendation to the Town Council dated December 14, 2020, in which the PSC indicated support for a Town-wide speed limit of 20 miles per hour, except where lower limits currently apply; and

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes the Town Council to pass ordinances as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the resident(s) of the Town; and for such other police and health matters as it may deem necessary;

WHEREAS, the Town Council introduced the following ordinance in public session assembled on the 10th day of March, 2021; and

WHEREAS, the Town Council held a public hearing on the following ordinance in public session assembled on the ___th day of _____, 2021; and

WHEREAS, upon consideration of the report and recommendations of the traffic engineer, the support of the PSC, and the testimony and evidence presented at the public hearing, the Town Council finds that 25 miles per hour, which is the currently speed limit for Town roads under Section 21-801.1(b) of the Transportation Article of the Maryland Code, as amended by Town Ordinance No. 08-02, effective April 9, 2008, is greater than reasonable under existing conditions on the Town roads and unsafe; and

WHEREAS, upon consideration of the report and recommendations of the traffic engineer, the support of the PSC, and the testimony and evidence presented at the public hearing, the Town Council finds that a speed limit of 20 miles per hour is reasonable and safe under existing conditions on the Town roads, except where lower limits currently apply; and

WHEREAS, upon consideration of the report and recommendations of the traffic engineer, the support of the PSC, and the testimony and evidence presented at the public hearing, the Town Council finds that it is appropriate, necessary and advisable for the public good, safety and convenience to establish a Town-wide speed limit of 20 miles per hour, except where lower limits currently apply, and to erect speed limit signs at proper locations in accordance with the Manual on Uniform Traffic Control Devices; and

WHEREAS, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town.

THEREFORE, BE IT ORDAINED AND ORDERED, this ___th day of _____, 2021, by virtue of the authority given to it by the Maryland Code and the Town of Chevy Chase

Charter, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance.

SECTION 1. BE IT ORDAINED AND ORDERED, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that the Town Code is hereby amended to read as follows:

* * *

Sec. 15-3. - Town-wide speed limit.

The speed limit on all roadways within the Town shall be ~~25~~ **twenty (20)** miles per hour, unless otherwise provided by the Town Council.

Sec. 15-4. - Special speed limits.

~~(a)~~ The speed limit on the following roadways shall be ~~twenty (20)~~ miles per hour:

- ~~(1) Curtis Road between Leland Street and Oakridge Avenue;~~
- ~~(2) Lynn Drive between Oakridge Lane and Maple Avenue;~~
- ~~(3) Oak Lane between Leland Street and Meadow Lane;~~
- ~~(4) Oakridge Avenue between Curtis Road and Leland Street;~~
- ~~(5) Oakridge Lane between Lynn Drive and Leland Street; and~~
- ~~(6) Stanford Street between Oakridge Avenue and East Avenue.~~

~~(b)~~ **(a)** The speed limit on Pine Place between Ridgewood Avenue and Maple Avenue shall be fifteen (15) miles per hour.

~~(c)~~ **(b)** The speed limit on Ridgewood Alley east of Ridgewood Avenue shall be ten (10) miles per hour.

~~(d)~~ **(c)** The roadways described in this subsection ~~(d)~~ **(c)** are hereby declared and designated as a school zone. Fines for violation of the speed limits in this subsection ~~(d)~~ **(c)** shall be doubled. The speed limit on the following roadways shall be fifteen (15) miles per hour from 8:00 a.m. to 4:00 p.m. on school days:

- (1) Eastbound and westbound Rosemary Street between Meadow Lane and Maple Avenue;
- (2) Northbound and southbound Hillcrest Place between Bradley Lane and Sycamore Street;
- (3) Eastbound and westbound Stanford Street between Ridgewood Avenue and Rosemary Circle;
- (4) Northbound and southbound Meadow Lane between Rosemary Street and Sycamore Street;
- (5) Eastbound and westbound Beechwood Drive between Valley Place and Sycamore Street;
- (6) Northbound and southbound Valley Place from Beechwood Drive to Meadow Lane; and
- (7) Northbound and southbound West Avenue between Ridge Street and Bradley Lane.

* * *

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that:

(1) The Town Manager is authorized to provide for the erection and maintenance of appropriate speed limit signs in accordance with the most recent edition of the “Manual on Uniform Traffic Control Devices for Streets and Highways;” provided that, no such sign shall be erected on State highways without the approval of the State Highway Administration;

(2) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the ___th day of _____, 2021 (30 days after adoption).

ATTEST:

TOWN OF CHEVY CHASE

Ellen Cornelius Ericson, Secretary

Cecily Baskir, Mayor
Town of Chevy Chase

Bold and Underline indicates new material

~~Strike through~~ indicates material deleted

* * * indicates material unchanged

TOCC Public Service Committee**Recommendations to the Town Council on the Speed Hump Policy****March 5, 2021**

The Town Council asked the Public Services Committee (PSC) to review the existing speed hump policy and consider what, if any, changes to its criteria are appropriate considering the expected reduction in our overall speed limit to 20 mph. The Town's existing speed hump policy (Attachment 1) was approved in 2018, with prior revisions in 2008 and 2013.

It should be noted that the PSC included the following recommendation in its report to the Town Council on the 2020 AMT traffic study: "...that the Town regulation regarding speed bumps be rewritten to allow implementation on streets where most residents living thereon favor them. Alternatively, or in addition, the Town could consider creating a comprehensive plan for installing speed bumps throughout the Town. We recommend the Town should confirm that the type of speed bumps installed are safe to traverse at the posted speed limit without damage to vehicles and that their placement vis a vis one another does not encourage vehicles to accelerate between them."

While the AMT study showed that the 85th percentile speeds were shown to be under 25 MPH along all measured segments there is the perception by many residents of a speeding problem on their own streets. It is important that perceptions be addressed and that residents feel heard.

The current speed hump policy contains the following elements:

1. Petition: requested by 60 percent of the households residing within the street segment
2. Feasibility Analysis: an evaluation by a Professional Traffic Engineer to identify and recommend appropriate locations using these standards to determine feasibility:
 - Humps will not be installed on street segments less than 350 feet in length.
 - Humps will not be installed within 150 feet of a STOP sign, traffic signal, or small-radius curve.
 - Humps will not be installed within 50 feet of an intersection without a STOP sign or traffic signal.
 - Humps will not be installed, partially or wholly, within the projection of a private driveway entrance.
 - Humps will not be installed atop any utility manhole, valve enclosure, or other underground utility access point.
 - Humps will not be installed near a hill crest that would obstruct a driver's view of a hump or pedestrians from less than 200 feet, or on slopes having grades exceeding eight percent.
 - For street segments between 350 and 600 feet in length, a single speed hump may be installed. At segment lengths greater than 600 feet, multiple humps may be installed. The optimal spacing between humps is 400 feet. The minimum spacing between humps is 200 feet.

- Traffic safety, on-street parking, emergency service access, other proposed improvements, and traffic engineering best practices will also be considered.
3. Traffic Analysis: The street segment in question must generally meet either of the following criteria to qualify for the installation of the speed hump; however, the Council may approve installation of a speed hump that does not meet these requirements if they find significant mitigating factors in support of the request:
 - A minimum of 120 vehicles per day exceeding 30 mph, or
 - A minimum of 20 vehicles exceeding 30 mph during any hour of the day.
 4. Council Consideration: Council decides not to proceed with further consideration of the request or calls for Public Hearing.
 5. Public Hearing
 6. Council Decision: Following the public hearing the Town Council makes a final decision.

The PSC reviewed the current policy, and we are forwarding the Council two options. One option (Attachment 2) makes the traffic study of traffic volume and speed optional and does away with threshold criteria. The second option (Attachment 3) maintains the current required traffic study and threshold criteria but amends it to reflect the proposed change in the Town's speed limit.

Both PSC options have changed the definition of a street segment to mean a segment of street between any two intersections rather than the current definition of a section of street between two adjacent controlled intersections or between a controlled intersection and dead end. A less restrictive definition allows for the consideration of speed humps on all the Town street segments. It should be noted that the engineering feasibility analysis will be the primary driver of if and where street humps are feasible.

The number of signatures required on a petition from 60% is changed on both options to at least 2/3rds of the households residing within the street segment. This was to ensure that a significantly large number of residents within the street segment are in favor of the street hump request.

We simplified the criteria for the engineering feasibility analysis (outlined on the 7 bullet points in both policy options) to ensure that the Town does not approve a request that would place a speed hump in a dangerous or ineffective location. Basically, many of the Town street segments would fail one or more of the feasibility criteria and therefore would not qualify for speed humps regardless of resident demand on those street segments or the volume of speeding traffic.

We edited the current policy to make it less legalistic and to give authority to the Town Manager to "evaluate the street segment(s) to identify and recommend appropriate locations, if any, for the potential speed hump(s)". We discussed with the Town's traffic engineer consultant whether to require a professional traffic engineer. His suggestion, that the committee agreed with, was to leave it to the discretion of the Town Manager who to hire. By saying it is the job of the Manager to evaluate and recommend locations, we assumed that he would contract this work out to someone qualified to make the recommendations.

Both options are similar except, as noted above, the more restrictive option maintains the requirement to do an analysis of traffic volumes and speeds and a minimum outcome. The numbers were revised to require a finding of the following criteria on the relevant street segment:

- A minimum of 120 vehicles per day exceeding 25mph, or
- A minimum of 20 vehicles exceeding 25mph during any hour of the day.

It should be noted based on the street segments identified in the 2017 AMT speed study and the 2020 AMT speed data the only streets that meet these criteria are East Avenue between Bradley Lane and Stanford Street, Leland Street between Maple Ave and Oak Lane, and Maple Avenue between Pine Place and Thornapple Street. It is not clear that any street segment in Town would meet the criteria during pandemic traffic conditions.

The number of vehicles and the speed factor in the proposed policy Option 2 could be adjusted up or down by the Council to make this factor more or less restrictive. That decision is a political one and will determine how many speed humps the Town Council is willing to accept in the Town.

Both options simplify the language of the existing policy and provide the engineering analysis that will ensure the safe and effective placement of speed humps in the Town.

Attachment 1
Existing Policy

TOWN OF CHEVY CHASE SPEED HUMP POLICY

Under the provisions of the Town Charter, the Town Manager is authorized to construct, maintain, or remove speed humps on Town streets as directed by the Town Council. This document describes the decision process and lists the general standards followed by the Town in considering the construction or removal of speed humps.

REQUESTS FOR SPEED HUMPS

Requests for speed humps to be installed may be originated by petition of Town residents; by the management of public facilities adjacent to Town streets; or by the Town Council, with or without the consultation of the Public Services Committee. No speed hump shall be installed without a feasibility analysis by a qualified traffic engineer, a traffic study, and a public hearing.

- **PETITION FOR SPEED HUMP CONSTRUCTION BY RESIDENTS:**
Town residents residing within a street segment (a section of street between two adjacent controlled intersections or between a controlled intersection and dead end) may petition the Town to consider the installation of one or more speed humps within that street segment. The petition should contain signatures from at least 60 percent of the households residing within the street segment. The petition should specify the number of humps requested, the requested locations, and the reasons for the request.

- **REQUESTS FOR SPEED HUMPS ADJACENT TO PUBLIC FACILITIES**
Requests for speed humps on streets associated with or 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 FOR SPEED HUMPS**
The Town Council may direct the Town Manager to have a traffic engineer perform a feasibility analysis for the installation of a speed hump on any street segment within the Town.

ENGINEERING REVIEW AND EVALUATION

FEASIBILITY ANALYSIS OF SPEED HUMP REQUESTS

Upon receipt of a qualifying petition by Town residents, or if directed by the Town Council, the Town Manager will engage a Traffic Engineer holding a Professional Engineer certification in the State of Maryland to evaluate the street segment(s) to identify and recommend appropriate locations, if any, for the potential speed hump(s).

The Town has adopted the following standards to determine whether a speed hump is feasible:

- Humps will not be installed on street segments less than 350 feet in length.

- Humps will not be installed within 150 feet of a STOP sign, traffic signal, or small-radius curve.
- Humps will not be installed within 50 feet of an intersection without a STOP sign or traffic signal.
- Humps will not be installed, partially or wholly, within the projection of a private driveway entrance.
- Humps will not be installed atop any utility manhole, valve enclosure, or other underground utility access point.
- Humps will not be installed near a hill crest that would obstruct a driver's view of a hump or pedestrians from less than 200 feet, or on slopes having grades exceeding eight percent.
- For street segments between 350 and 600 feet in length, a single speed hump may be installed. At segment lengths greater than 600 feet, multiple humps may be installed. The optimal spacing between humps is 400 feet. The minimum spacing between humps is 200 feet.
- Traffic safety, on-street parking, emergency service access, other proposed improvements, and traffic engineering best practices will also be considered.

The Traffic Engineer shall provide a written report to the Town detailing the findings and recommendations regarding the placement of new speed humps. If the requestors have requested a specific location, the engineer will evaluate the requested location for feasibility, but may recommend a more appropriate location. If the engineer finds that no feasible location exists, the Town will notify residents on the street segment of the finding. The results of the feasibility study will be available to the public.

TRAFFIC ANALYSIS REVIEW

If the Traffic Engineer determines that there is a feasible location for speed humps, the Town will commission a traffic study, no less than a week in duration, to determine traffic volume and speed at the location of the requested hump(s).

The street segment in question must generally meet either of the following criteria to qualify for the installation of the speed hump; however, the Council may approve installation of a speed hump that does not meet these requirements if they find significant mitigating factors in support of the request:

- A minimum of 120 vehicles per day exceeding 30 mph, or
- A minimum of 20 vehicles exceeding 30 mph during any hour of the day.

The results of the traffic study will be available to the public.

Following review of the feasibility study and traffic analysis, the Council may refer the request to the Town's traffic engineer or Public Services Committee for further review and recommendation.

COUNCIL CONSIDERATION

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

- Decide to not proceed with further consideration of the request; or
- Schedule the request for public hearing.

If the speed hump has been requested by petition of residents, all households within the street segment will be provided with an update of the Council's decision.

PUBLIC HEARING

Prior to the installation of any speed hump, the Council will hold a public hearing. The Town shall provide sufficient written notice of the public hearing to those residents on the street segment(s) of the speed hump request and will use other available communication means to also 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 construction of the speed hump(s). The Town will notify residents residing in the street segment of the Council's decision.

PROCEDURE FOR SPEED HUMP REMOVAL

This process may be initiated by the same parties listed above. A petition of residents residing within a street segment should be submitted to the Town, specifying the speed hump(s) to be considered for removal and state the reason(s) for the request.

Removal of speed humps should be considered only after an adequate review period and a subsequent engineering analysis has been performed to determine the traffic characteristics along the route and its impact on surrounding streets. The Town Council may refer the request to the Town's Public Services Committee for consideration and recommendations. Recently constructed speed hump(s) should remain in place for a reasonable period before removal is considered.

If the Town Council determines that removal of a speed hump may be warranted, then the Town will hold a public hearing to consider the removal. The Town will provide sufficient written notice of the public hearing to those residents on the street segment subject to the speed hump request 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 regarding the removal of the speed hump(s). The Town will notify residents residing in the street segment of the Council's decision.

If unforeseen safety considerations arise following the installation of a speed hump, the Council may remove a speed hump without following this process. Involving residents in the decision is strongly recommended.

Adopted 6/13/2018

Attachment 2
Proposed Policy – Option 1

TOWN OF CHEVY CHASE SPEED HUMP POLICY

Under the provisions of the Town Charter, the Town Manager is authorized to construct, maintain, or remove speed humps on Town streets as directed by the Town Council. This document describes the decision process and lists the general standards followed by the Town in considering the construction or removal of speed humps.

REQUESTS FOR SPEED HUMPS

Requests for speed humps to be installed may be originated by petition of Town residents; by the management of public facilities adjacent to Town streets; or by the Town Council, with or without the consultation of the Public Services Committee.

- **PETITION FOR SPEED HUMP CONSTRUCTION BY RESIDENTS:**
Town residents residing within a street segment (a section of street between two intersections) may petition the Town to consider the installation of one or more speed humps within that street segment. The petition should contain signatures from at least 2/3rds of the households residing within the street segment.
- **REQUESTS FOR SPEED HUMPS ADJACENT TO PUBLIC FACILITIES**
Requests for speed humps on streets associated with or 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 FOR SPEED HUMPS**
The Town Council may direct the Town Manager to have a traffic engineer perform a feasibility analysis for the installation of a speed hump on any street segment within the Town.

ENGINEERING REVIEW AND EVALUATION

FEASIBILITY ANALYSIS OF SPEED HUMP 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(s) to identify and recommend appropriate locations, if any, for the potential speed hump(s). The Town Manager may retain the services of a Traffic Engineer but is not required to do so if the standards outlined below can be readily assessed.

To maintain public safety, the Town has adopted the following standards to determine whether a speed hump is feasible:

- Humps will not be installed within 150 feet of a STOP sign, traffic signal, or small-radius curve.

- Humps will not be installed within 50 feet of an intersection without a STOP sign or traffic signal.
- Humps will not be installed, partially or wholly, within the projection of a private driveway entrance.
- Humps will not be installed atop any utility manhole, valve enclosure, or other underground utility access point.
- Humps will not be installed near a hill crest that would obstruct a driver's view of a hump or pedestrians from less than 200 feet, or on slopes having grades exceeding eight percent.
- The minimum spacing between humps – across one or more street segments – is 200 feet.
- Traffic safety, on-street parking, emergency service access, other proposed improvements, and traffic engineering best practices will also be considered.

The Town Manager shall provide a written or oral report to the Town Council detailing the findings and recommendations regarding the placement of new speed humps.

The results of the feasibility study will be available to the public.

TRAFFIC ANALYSIS REVIEW

If the Town Manager determines that there is a feasible location for speed humps, the Town Manager may commission a traffic study, no less than a week in duration, to determine traffic volume and speed at the location of the requested hump(s). The purpose of the traffic study is for information purposes and is not necessarily determinative to the Council's decision to approve or deny the petition.

The results of the traffic study will be available to the public.

Following review of the feasibility study and, if undertaken, a traffic analysis, the Council may refer the request to the Town Manager or Public Services Committee for further review and recommendation.

COUNCIL CONSIDERATION

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

- Decide to not proceed with further consideration of the request; or
- Schedule the request for public hearing.

If the speed hump has been requested by petition of residents, all households within the street segment will be provided with an update of the Council's decision.

PUBLIC HEARING

Prior to the installation of any speed hump, the Council will hold a public hearing. The

Town shall provide sufficient written notice of the public hearing to those residents on the street segment(s) of the speed hump request and will use other available communication means to also 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 construction of the speed hump(s). The Town will notify residents residing in the street segment of the Council's decision.

PROCEDURE FOR SPEED HUMP REMOVAL

This process may be initiated by the same parties listed above. A petition containing signatures from at least 2/3rds of the households residing within a street segment should be submitted to the Town, specifying the speedhump(s) to be considered for removal and state the reason(s) for the request.

Removal of speed humps should be considered only after an adequate review period to determine its impact on surrounding streets. The Town Council may refer the request to the Town's Public Services Committee for consideration and recommendations. Recently constructed speed hump(s) should remain in place for a reasonable period before removal is considered.

If the Town Council determines that removal of a speed hump may be warranted, then the Town will hold a public hearing to consider the removal. The Town will provide sufficient written notice of the public hearing to those residents on the street segment subject to the speed hump request 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 regarding the removal of the speed hump(s). The Town will notify residents residing in the street segment of the Council's decision.

If unforeseen safety considerations arise following the installation of a speed hump, the Council may remove a speed hump without following this process. Involving residents in the decision is strongly recommended.

Attachment 3
Propose Policy – Option 2

TOWN OF CHEVY CHASE SPEED HUMP POLICY

Under the provisions of the Town Charter, the Town Manager is authorized to construct, maintain, or remove speed humps on Town streets as directed by the Town Council. This document describes the decision process and lists the general standards followed by the Town in considering the construction or removal of speed humps.

REQUESTS FOR SPEED HUMPS

Requests for speed humps to be installed may be originated by petition of Town residents; by the management of public facilities adjacent to Town streets; or by the Town Council, with or without the consultation of the Public Services Committee.

- **PETITION FOR SPEED HUMP CONSTRUCTION BY RESIDENTS:**
Town residents residing within a street segment (a section of street between two intersections) may petition the Town to consider the installation of one or more speed humps within that street segment. The petition should contain signatures from at least 2/3rds of the households residing within the street segment.
- **REQUESTS FOR SPEED HUMPS ADJACENT TO PUBLIC FACILITIES**
Requests for speed humps on streets associated with or 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 FOR SPEED HUMPS**
The Town Council may direct the Town Manager to have a traffic engineer perform a feasibility analysis for the installation of a speed hump on any street segment within the Town.

ENGINEERING REVIEW AND EVALUATION

FEASIBILITY ANALYSIS OF SPEED HUMP 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(s) to identify and recommend appropriate locations, if any, for the potential speed hump(s).

The Town has adopted the following standards to determine whether a speed hump is feasible:

- Humps will not be installed within 150 feet of a STOP sign, traffic signal, or small-radius curve.
- Humps will not be installed within 50 feet of an intersection without a STOP sign or traffic signal.

- Humps will not be installed, partially or wholly, within the projection of a private driveway entrance.
- Humps will not be installed atop any utility manhole, valve enclosure, or other underground utility access point.
- Humps will not be installed near a hill crest that would obstruct a driver's view of a hump or pedestrians from less than 200 feet, or on slopes having grades exceeding eight percent.
- The minimum spacing between humps is 200 feet.
- Traffic safety, on-street parking, emergency service access, other proposed improvements, and traffic engineering best practices will also be considered.

The Town Manager shall provide a report to the Town Council detailing the findings and recommendations regarding the placement of new speed humps.

The results of the feasibility study will be available to the public.

TRAFFIC ANALYSIS REVIEW

If the Town Manager determines that there is a feasible location for speed humps, the Town Manager will commission a traffic study, no less than a week in duration, to determine traffic volume and speed at the location of the requested hump(s).

The street segment in question must generally meet either of the following criteria to qualify for the installation of the speed hump; however, the Council may approve installation of a speed hump that does not meet these requirements if they find significant mitigating factors in support of the request:

- A minimum of 120 vehicles per day exceeding 25mph, or
- A minimum of 20 vehicles exceeding 25mph during any hour of the day.

The results of the traffic study will be available to the public.

Following review of the feasibility study and traffic analysis, the Council may refer the request to the Town Manager or Public Services Committee for further review and recommendation.

COUNCIL CONSIDERATION

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

- Decide to not proceed with further consideration of the request; or

- Schedule the request for public hearing.

If the speed hump has been requested by petition of residents, all households within the street segment will be provided with an update of the Council's decision.

PUBLIC HEARING

Prior to the installation of any speed hump, the Council will hold a public hearing. The Town shall provide sufficient written notice of the public hearing to those residents on the street segment(s) of the speed hump request and will use other available communication means to also 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 construction of the speed hump(s). The Town will notify residents residing in the street segment of the Council's decision.

PROCEDURE FOR SPEED HUMP REMOVAL

This process may be initiated by the same parties listed above. A petition containing signatures from at least 2/3rds of the households residing within a street segment should be submitted to the Town, specifying the speedhump(s) to be considered for removal and state the reason(s) for the request.

Removal of speed humps should be considered only after an adequate review period to determine its impact on surrounding streets. The Town Council may refer the request to the Town's Public Services Committee for consideration and recommendations. Recently constructed speed hump(s) should remain in place for a reasonable period before removal is considered.

If the Town Council determines that removal of a speed hump may be warranted, then the Town will hold a public hearing to consider the removal. The Town will provide sufficient written notice of the public hearing to those residents on the street segment subject to the speed hump request 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 regarding the removal of the speed hump(s). The Town will notify residents residing in the street segment of the Council's decision.

If unforeseen safety considerations arise following the installation of a speed hump, the Council may remove a speed hump without following this process. Involving residents in the decision is strongly recommended.