

September 13, 2006

MEMORANDUM

TO: Montgomery County Planning Board

VIA: John Carter, Chief *JC*
Community-Based Planning Division

FROM: Glenn Kreger, Silver Spring/Takoma Park Team Leader (301/495-4653) *GK*
Community-Based Planning Division

Larry Cole, Highway Coordinator (301/495-4528)
Countywide Planning Division *LC*

SUBJECT: Status Report: Silver Spring Planning and Development Activity – Discussion

At the July 27, 2006 Planning Board meeting, staff was asked to prepare an update for the Planning Board regarding current planning activities in Silver Spring. Commissioner Wellington requested that this briefing include a discussion of what is being done to make Silver Spring more pedestrian-friendly.

DISCUSSION

On September 28, the staff will provide the Silver Spring update requested by the Planning Board. The presentation will cover the following:

1. An overview of the private and public development that has occurred over the past six years. (Six years represents the time period since the current Silver Spring CBD Sector Plan was approved; it is also the length of a standard CIP cycle.)
2. The public benefits from this development, including the creation of important new public spaces, the provision of major new public facilities, and the accomplishment of the key goals in the Sector Plan:
 - a. A transit-oriented downtown
 - b. A commercial downtown
 - c. A residential downtown
 - d. A civic downtown
 - e. A green downtown
 - f. A pedestrian-friendly downtown

3. Upcoming challenges in Silver Spring including:
 - a. Expanding revitalization activity to portions of the CBD that have yet to see much redevelopment;
 - b. Providing sufficient parking, recreational facilities and convenience retail to support the new development;
 - c. Protecting the edges of the CBD;
 - d. Reviewing regulatory issues relating to the CBD zones;
 - e. Addressing revitalization areas outside the CBD, including Montgomery Hills, Long Branch and the Takoma/Langlely Crossroads; and
 - f. Providing for the Bi-County Transitway (BCT).

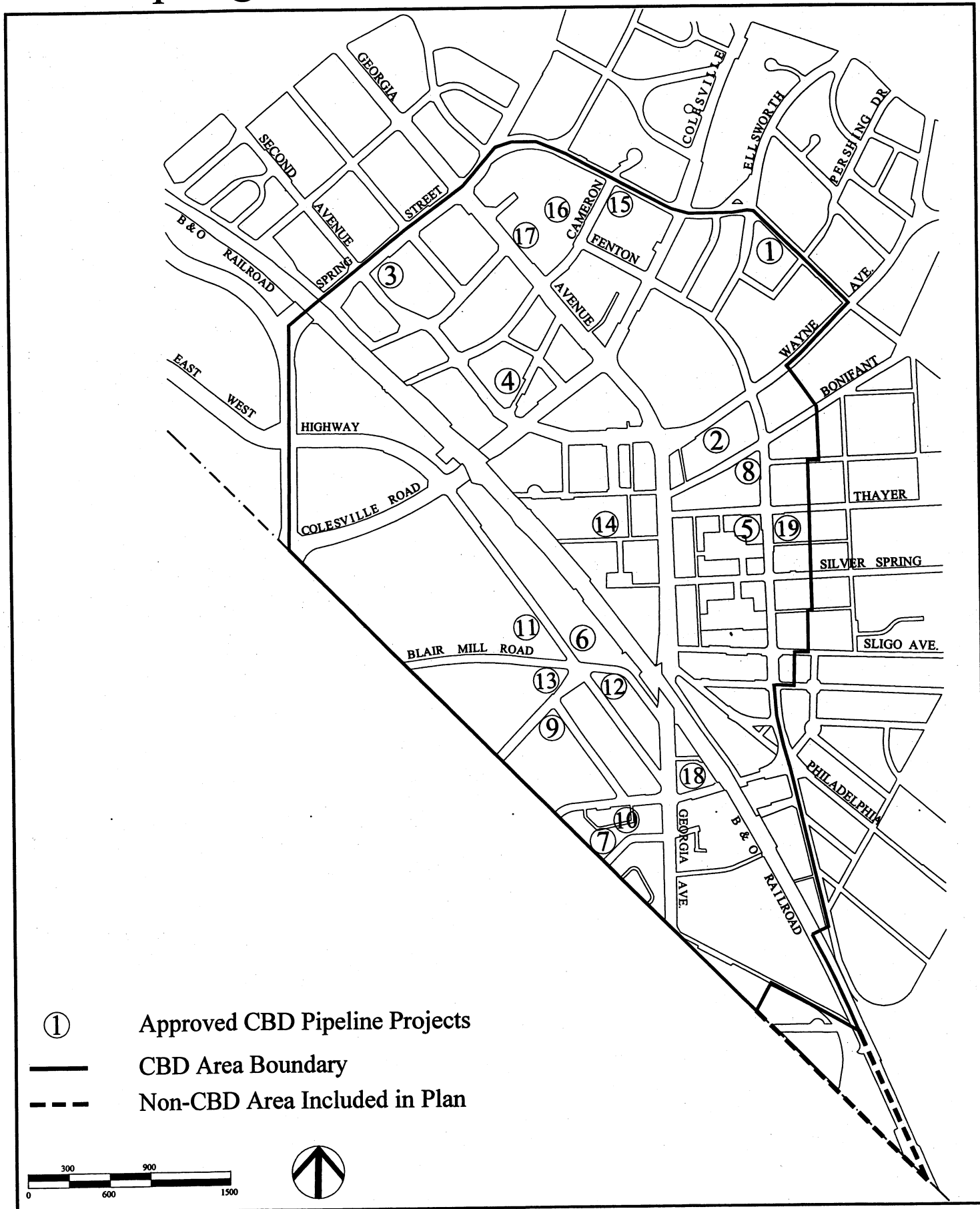
4. A description of possible techniques for making the Silver Spring CBD more pedestrian-friendly pursuant to the Sector Plan theme listed above.

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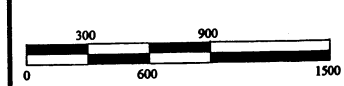
Attachments:

1. Silver Spring CBD development pipeline
2. Silver Spring parking district map
3. Memorandum from Transportation Planning regarding pedestrian safety in the Silver Spring CBD

Silver Spring CBD Development Pipeline (7/2006)



- ① Approved CBD Pipeline Projects
- CBD Area Boundary
- - - Non-CBD Area Included in Plan



Silver Spring CBD Development Pipeline (July 2006)

	Office (sf)	Retail (sf)	Hotel (sf)	Housing (du)
1) Downtown SS Multifamily	Complete	Complete	Complete	222
2) 930 Wayne Avenue		2,300		143
3) Easter Seals	41,400*			
4) The Portico				158
5) The Adele	18,200	15,020		96
6) Silver Spring Square (Canada Dry)				220
7) The Aurora				135
8) Lofts 24				24
9) 8045 Newell St.				120
10) The Galaxy				321
11) 1200 East-West Highway		10,600		247
12) Silver Spring Gateway		53,027		468
13) 1200 Blair Mill Road				96
14) Midtown Silver Spring		5,380		317
15) United Therapeutics	197,032**	16,000		
16) Cameron House		7,330		325
17) 8711 Georgia Avenue	148,278	4,462		
18) 8021 Georgia Avenue				210
19) 8215 Fenton St.		13,638		
TOTALS	404,910	127,757	N/A	3,102

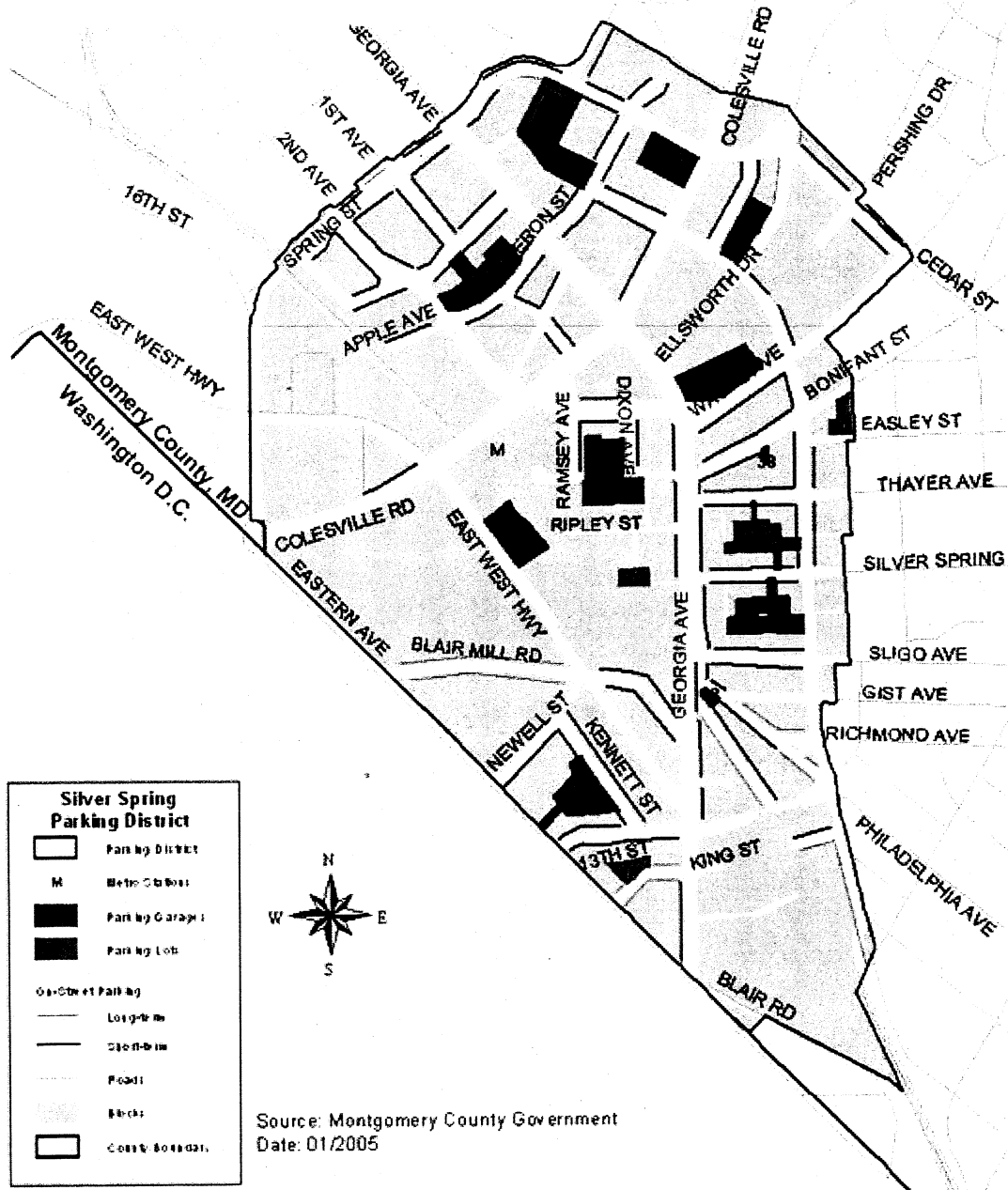
* Includes adult day care space.

** Includes 48,434 sf of lab space.

GK:tv: G:/Kreger/Silver Spring CBD Development Pipeline.doc

ATTACHMENT 2

Silver Spring Parking District Map



10,614 garage spaces
 582 surface lot spaces
 1076 on-street spaces

⏪ Back

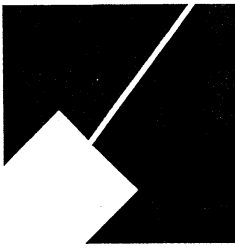
Parking · Montgomery County Department of Public Works and Transportation
 101 Orchard Ridge Dr. · Gaithersburg, Maryland 20878 · parking@montgomerycountymd.gov
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5

ATTACHMENT 3

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
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September 8, 2006

MEMORANDUM

TO: Glenn Kreger, Silver Spring-Takoma Park team Leader
FROM: Larry Cole, Transportation Planning LC
RE: Achieving a pedestrian-friendly Silver Spring Central Business District

The Silver Spring Central Business District (CBD) Sector Plan recommends a number of means toward achieving a pedestrian-friendly downtown. Staff would like to highlight two operational issues that we believe need to be addressed to further this objective, as well as one program to implement physical changes.

Pedestrian Accommodation During Construction

Staff has represented Park and Planning on the County's Pedestrian Safety Advisory Committee for several years. Larry Cole of Transportation Planning chairs the Engineering Subcommittee, which has been working on the issue of pedestrian accommodation during construction. This is an important issue that is especially relevant to Silver Spring because of the large amount of development activity over the last several years, which is expected to continue because of the large number of approved projects in the pipeline.

To date, the intent of the County Code provisions requiring that pedestrians be safely accommodated has been in our opinion poorly met. Sidewalks have been closed for the construction of adjacent buildings on a regular basis and pedestrians directed to use the opposite side of the street for months or years at a time. Part of the problem is that the Code does not *directly* address building construction. It allows sidewalk closures of up to 15 days for utility work and six months for sidewalk construction, but requires that a safe alternate walkway be provided on the same side of the street for these operations for longer closures. (See attached Sec. 49-18 of the County Code.) Most of our observations of the problems have been in the Silver Spring CBD, since that is where we have the most opportunity to observe, but similar problems have been seen in other locations as well.

The Department of Public Works and Transportation (DPWT) is the agency that approves the Temporary Traffic Control Plan (TTCP) that includes sidewalk closures and the Department of Permitting Services is the agency that actually issues the permits. Rather than take the stance that the closure of a sidewalk in connection with building construction is not specifically permitted by the Code, they have treated the time period of these closures as being unconstrained by the Code. Permits have been issued with *initial* sidewalk closure periods of more than a year, and these closures are still subject to extensions.

As noted in Sec. 49-20, violations of the permit conditions *or of the Code* are subject to fines of up to \$750 per day per Sec. 1-19 (copies of sections attached). Because staff had observed regular violations of the permit requirements to maintain safe pedestrian access and violations of the Americans with Disabilities Act, we asked for records of all sidewalk permit violation citations for the last five years in Silver Spring. *The Department of Permitting Services responded that they have never fined a contractor for such violations.*

Staff recently took part in a discussion with representatives of both DPWT and DPS, as well as other representatives of the County Executive's staff to try to resolve this problem. Some progress has been made, but we believe that the Directors of both the Departments with responsibilities in this area need to be involved in the correction of this problem. While an amendment to the Code would be useful in defining the maximum time period allowed for sidewalk closures in connection with building construction, even at the present time it is within their purview not to permit such closures at all.

The recommendations of the American Association of State Highway and Transportation Officials (AASHTO) are regularly cited by the Department of Public Works and Transportation in regard to safe highway and street design. The AASHTO Guide for the Planning, Design and Operation of Pedestrian Facilities (2004) states however (our emphasis added):

- *"Completely closing a sidewalk for construction and rerouting pedestrians to the other side of the street should only be done as a last resort.*
- *"When a parking lane exists next to a work site that closes a sidewalk, the parking lane may be closed for the pedestrian detour route. On multi-lane streets, a travel lane may also be closed to provide a continuous pedestrian path. Only when there is no available parking lane or it is not possible to temporarily shift or remove a travel lane out of the curb lane (e.g. a two-lane street with no parking lanes, should pedestrians be diverted across the street by a sidewalk closure."*

DPWT staff has said that the cost of providing same-side pedestrian accommodation and the impact on vehicular capacity have to be weighed against the benefit for pedestrians. Our staff sees several shortcomings in this reasoning. Neither of these factors is noted in the Road Code or in the AASHTO guide as a reason for a waiver. The costs of such accommodation are the responsibility of the developer, not the County. Finally, the capacity reduction for pedestrians is 100% for that block face, while it is only a fraction for drivers. When curb lanes and parking lanes have been closed, it has typically been permitted only for very short periods of time. The

detour of pedestrians to the opposite side of the street is not just an inconvenience but a safety issue since it requires the pedestrian to make two additional street crossings, a maneuver that pedestrians often will not do, continuing to walk in the travel lane instead. Long detour periods not only make it more likely that pedestrians will refuse to follow them, but also make it more likely that the TTCP will conflict with that of another nearby development.

DPWT staff has also expressed concerns about the safety of covered walkways adjacent to building construction sites and has generally declined to require such walkways to maintain same-side pedestrian accommodation because of these concerns. However, covered walkways are standard practice in many CBD's, including New York City, which has far taller buildings under construction with such walkways than any built in Silver Spring to date. The rarity of sidewalk closures in New York City was recently discussed in a column in the Washington Post on July 20, 2006 (see attached copy). These walkways need to be properly designed but are accepted as safe. There may be short periods of time where covered walkways cannot be used and sidewalks must be closed, but these closures should be the exception not the rule.

Staff believes that the pedestrian accommodation during the construction of the developments built during the last few years has been quite poor, not meeting the intent of the County Code and accepted national guidelines. Staff has been successful in getting improvements to substandard pedestrian accommodation at two locations in particular, Fenton Street at Ellsworth Drive and Fenton Street at Cameron Street, but only after months of complaints. At the latter location, a good barrier-protected pedestrian route is now available in the roadway after a complete sidewalk closure of about a year.

It is in the County's interest to minimize such sidewalk closures and it is within DPWT's and DPS' power to do so.

STAFF POSITION: Staff believes that the Board should consider bringing this concern to the attention of the Directors of DPWT and DPS as a first step toward better carrying out the letter and intent of the Code and AASHTO Guidelines. As part of the Board's letter, you could request that the agencies draft new language for Section 49-18 of the Road Code that directly addresses under what circumstances sidewalk closures will be permitted in conjunction with building construction.

One additional action that the Board could consider is exercising its own control over some sidewalk closures in the future. Since many of these closures have been in connection with new development, time limitations could be imposed as a condition of the Site Plan approval on any sidewalk closures in CBD's and other areas with high pedestrian volumes.

Maximizing Pedestrian Crossing Time at Signalized Intersections

The standard walking speed used for timing traffic signals is four feet per second, per the Manual on Uniform Traffic Control Devices. In the Silver Spring CBD, 3.5 fps is used, which is more generous to pedestrians since it results in a longer minimum crossing time. The Draft Guidelines for Accessible Public Rights-of-Way, promulgated by the United States Access Board call for the walking speed used for timing traffic signals to be reduced to 3 fps. While these guidelines

have not yet been finalized, the Federal Highway Administration has determined that the draft guidelines should be used as a Best Practice. DPWT has not yet adopted the 3 fps walking speed.

The most recent update of the Manual on Uniform Traffic Control Devices changed how signals are timed in regard to pedestrian crossings. Whereas signals were previously timed to allow pedestrians to get from the curb to the center of the curb lane on the opposite side, signals are now to be timed so that pedestrians can get from curb to curb at the assumed walking speed before the solid DON'T WALK light comes on. DPWT has not made this change on a general basis, but is implementing it as new signals are installed and as replacements take place.

In addition to the above, crossing times at signalized intersections in Montgomery County have been constrained in two ways.

1. Outdated Equipment

Outdated traffic signal controllers can only handle a limited number of traffic signal phases, and therefore are unable to accommodate flexible or complex pedestrian phases at intersections with complicated operations. A good example is the traffic signal at Georgia Avenue and Spring Street. When westbound Spring Street traffic gets a green light, the WALK signals come on for both the north and south legs of Georgia Avenue. When westbound traffic gets a red light and eastbound traffic gets a green light and a green left arrow (to northbound Georgia), both crosswalks get a DON'T WALK signal even though it is safe for pedestrians on the south leg to cross Georgia Avenue. The equipment cannot accommodate the additional phase that would be required to maintain and extended WALK phase. DPWT has begun a study of all the traffic signal equipment in the County for a potential upgrade and is unwilling to replace such equipment in advance of the study's completion, expected two years from now. Staff has requested that SHA consider replacing this signal and others in the Silver Spring CBD to improve conditions for pedestrians but has not yet received a response.

2. Actuated Traffic Signal Control vs. Pre-Timed Traffic Signals

Another limiting factor in the time allotted to pedestrians at signalized intersections is the type of traffic signal operation in Montgomery County has. In our system, the traffic signal "green time" changes in response to changes in traffic volumes. The time allotted to pedestrian crossing time is fixed. The result is that the pedestrian time is typically the shortest time needed to complete the whole traffic signal cycle, and often does not match the green time allotted to vehicular traffic traveling in the same direction, i.e. the vehicles may still have a green light for several seconds after pedestrians get a solid DON'T WALK signal. A good example of the problem is at the intersection of Colesville Road and Fenton Street where in the peak period, the DON'T WALK signal controlling the crosswalks across Colesville Road comes on several seconds before the light controlling Fenton Street traffic changes to yellow.

The complaint has been raised for years that the crossing time available to pedestrians is far less in Montgomery County than it is in DC. Part of that observation is based on the fact that DC's pedestrian countdown signals begin the countdown at the start of the WALK phase, rather than at the start of the flashing DON'T WALK phase.

Staff believes that having more generous pedestrian crossing times at signals in well-defined areas with heavy pedestrian volumes should be considered. The easiest places to implement such a change would be in the Silver Spring CBD area, the Friendship Heights, and Bethesda CBD areas, which are closest to the District. Continuity between Montgomery County's and the District's pedestrian crossing protocols would complement the transition from the urban core to a more suburban development pattern.

STAFF POSITION: Staff believes that the Board should request DPWT to consider altering the method of timing traffic signals to maximize the time available for pedestrians to cross the street in CBD's and other areas with high pedestrian volumes.

Unfinished Business

The Silver Spring Pedestrian Improvements project was undertaken by DPWT several years ago. During Facility Planning, the project evolved into an extensive reworking of the traffic pattern for the whole CBD, changing several streets from two-way to one-way, with a central objective being to reduce the number of pedestrian conflicts at intersections. In part, because of community opposition, the one-way pair concept was dropped. While some items, such as installing countdown pedestrian signals and increasing the number of "No Right Turn on Red" intersections, were implemented, other items were not. The most notable dropped item was the installation of landscaping and streetscape items at the curb line and in the roadway median to deter mid-block crossings by pedestrians.

There are several other items that could be implemented to improve pedestrian accessibility and safety in the CBD. These items include constructing neckdowns at intersections to shorten the pedestrian crossing distance, providing a better alignment of crosswalks and handicap ramps at intersections, providing more visible crosswalk striping, improving lighting at crosswalks, and changing the traffic signal timing so that pedestrians are given a head start when the lights change. The latter could be provided by delaying the start of the driver's green signal until a couple of seconds after the pedestrian gets the WALK signal.

The Silver Spring Pedestrian Improvements project has been closed out by DPWT, but in its comments on the County Executive's Recommended FY07-FY12 CIP, the Board recommended that this project be re-initiated.

RECOMMENDATION: Staff believes that a yearly program is needed for pedestrian improvements in the Silver Spring CBD and other high-volume pedestrian areas, similar to the Intersection Improvements program in the CIP, and that the Board should recommend to the County Executive and Council that such a program be established during the review of the next CIP update. Given that there are already work items that have been identified for the Silver Spring CBD however, the Board could consider requesting that DPWT implement the items that can be accomplished under other existing programs.

LC:gw
Attachments

memo to Kreger re Silver Spring ped info for Meredith

Sec. 49-18. Permit for obstruction of public rights-of-way.

(a) Except as otherwise provided in this Section, the Director of Permitting Services may issue a permit to:

- (1) reconstruct or repair a sidewalk; or
- (2) install, repair, locate, or replace underground utilities, pipes, or lines under a sidewalk.

(b) Except as otherwise provided in this Section, the Director of Permitting Services must not issue a permit for reconstruction or repair of a sidewalk for more than 6 months, or to close a sidewalk for work on utilities, pipes, or lines for more than 15 days, unless a safe alternate walkway is provided on the same side of the street:

- (1) in a Central Business District;
- (2) within 20 feet of a bus stop or mass transit station entrance; or
- (3) on a road:
 - (A) designated as a major or arterial highway;
 - (B) of 4 lanes or more; or
 - (C) designated as a business district street.

(c) The Director of Permitting Services may issue a permit for reconstruction or repair of a sidewalk for more than 6 months, or to close a sidewalk for work on utilities, pipes, or lines for more than 15 days, without requiring that a safe alternate walkway be provided on the same side of the street if:

- (1) construction of such a walkway is not possible;
- (2) an alternate walkway on the other side of the street is more convenient to pedestrians; or
- (3) the street is closed.

(d) The Director of Permitting Services may grant one extension for no more than 15 days of a permit to close a sidewalk for work on utilities, pipes, or lines without requiring that a safe alternate walkway be provided on the same side of the street on a showing of extreme hardship.

(e) The Director of Permitting Services must not issue a permit to close a sidewalk for the purpose of vehicle parking or storage of construction materials on the sidewalk.

(f) The Director of Permitting Services must include conditions in each permit to insure the public safety in the work area. (Mont. Co. Code 1965, § 24-25; 1973 L.M.C., ch. 25, § 8; CY 1991 L.M.C., ch. 42, § 1; 1996 L.M.C., ch. 4, § 1; 1996 L.M.C., ch. 20, § 1; 1998 L.M.C., ch. 12, § 1; 2001 L.M.C., ch. 14, § 1; 2002 L.M.C., ch. 16, § 2.)

Editor's note—See County Attorney Opinion dated 2/27/92 explaining that the Council cannot

exercise its authority under the Regional District Act to amend the portion of the County Code governing road rights of way, because those provisions are not contained in the zoning ordinance.

Sec. 49-19. Same-Exemptions from sections 49-17 and 49-18.

The provisions of sections 49-17 and 49-18 shall not apply to, and no permit provided for herein shall be required of, any incorporated municipality, special taxing area or governmental agency having lawful authority to construct streets, roads, sewers or drainage facilities within the county; nor to vehicles of fire departments, public utilities or first-aid services engaged in emergency services. (Mont. Co. Code 1965, § 24-26.)

Sec. 49-20. Same-Penalty for violation of sections 49-17 to 49-19, etc.

Any person who violates any provision of sections 49-17 to 49-19 or the provisions of any permit granted under this article shall be subject to punishment for a class A violation as set forth in section 1-19 of chapter 1 of the County Code. Each day that such violation continues shall be deemed to constitute a separate offense. (Mont. Co. Code 1965, § 24-27; 1983 L.M.C., ch. 22, § 54.)

Sec. 1-19. Fines and penalties.

Any violation of County law that is identified as a Class A, B, or C violation may be punished as a misdemeanor by a fine of not more than the amount shown below, or by confinement in the County jail for not longer than the time shown below, or by both the fine and confinement, in the discretion of the court, in which the violator is convicted. Any violation may, in the alternative and at the discretion of the enforcing agency, be punishable as a civil violation under Section 1-18. The civil penalty must be in the amount shown below, unless a lower amount for a specific violation is set by an executive regulation adopted under method (1).

Class	Criminal Violation		Civil Violation Maximum Penalty	
	Maximum Fine	Maximum Jail Term	Initial Offense	Repeat Offense
A	\$1000	6 months	\$500	\$750
B	\$200	30 days	\$100	\$150
C	\$50	None if fine is paid; 10 days otherwise	\$50	\$75

If no penalty is specified for taking any action prohibited by County law or failing to take any action required by County law, that action or failure to act is a Class A violation. (1983 L.M.C., ch. 22, § 2; 1984 L.M.C., ch. 24, § 1A; 1984 L.M.C., ch. 27, § 3; FY 1991 L.M.C., ch. 10, § 2; CY 1991, ch. 18, § 1.)

Editor's note—The above section is cited in DeReggi Construction Company v. Mate, 130 Md.App. 648, 747 A.2d 743 (2000) and Jakanna Woodworks, Inc. v. Montgomery County 344 Md. 584, 689 A.2d 65 (1997).

As Buildings Rise, Sidewalks Vanish

By John Kelly

Thursday, July 20, 2006

Pity the person who actually wants to walk across downtown Washington these days.

Sidewalks all over the District have become side-don't-walks. They've become side-cross-to-other-side-of-the-street, side-creep-along-a-chain-link-fence-and-hope-you-don't-get-flattened-by-a-car.

The city's construction boom has builders blocking off sidewalks literally left and right. This forces pedestrians to seek alternate routes, hopscotching from one side of the street to another, like contestants in a diabolical game of Frogger.

Sometimes the sidewalk disappears completely. Sometimes the pedestrian walkway has been pushed into a parking or travel lane. Pedestrians can walk behind the protection of a barrier, but since no good deed goes unpunished, vehicle traffic now sludges along, denied a lane.

I figured this was all the price of progress, but then I spent a few days in New York City, where they somehow manage to put up 50-story office buildings with relatively little disruption of the street life below.

"I have never seen a sidewalk completely closed, and I live in midtown [Manhattan]," said *Jennifer Givner*, press secretary at New York's Department of Buildings.

The secret is something New Yorkers call a sidewalk shed, a protective scaffold that's built around and over the pedestrian path.

There are a lot of sidewalk sheds in New York right now, due to an upcoming deadline to inspect the facade of any building taller than five stories. I marveled

at their ingenuity. The sheds snake around buildings -- and sometimes through them, plunging into the interior of embryonic skyscrapers and then emerging half a block away. Sometimes you feel like a hamster in a Habitrail, but at least you're safe. (And dry; you hardly ever need an umbrella.)

Joe Noto of the Big Apple's Department of Transportation said: "Being fair to [the District], there are projects where we have to close sidewalks." But: "It's a minimal number."

Joe said there's a simple reason they don't like to make people cross the street: "We find that people, even with all the signage, they normally don't cross. They start to go right up to the work site and into the curb and the travel lane."

Doug Noble of the D.C. Department of Transportation said there are a few sidewalk sheds in town. But since the elaborate scaffolds must comply with Americans With Disabilities Act requirements, most builders in need of room to work or a place to store their equipment find it easier to shut down the sidewalk, pushing the path into a protected lane on the street or making pedestrians cross the road.

"It's definitely something we're aware of and definitely something we're concerned with," Doug told me. He said his office is revamping the guidelines that builders must follow regarding sidewalks.

"I'll be sending a draft in the mid-September time frame," he said. The goal: to make next year's construction season a little friendlier on pedestrians than this year's.

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