

Nighttime Economy Task Force Implementation Summary May, 2015

Task Force Recommendations

County Executive Ike Leggett appointed the Montgomery County Nighttime Economy Task Force in May 2013 to explore ways of improving nightlife offerings at Montgomery County's urban centers to meet the changing needs of our community.

After five months of intense work, the Nighttime Economy Task Force delivered the report, "Destination Montgomery," to the County Executive with 32 recommendations for improving options and quality nightlife in Montgomery County. These recommendations covered the following six areas:

1. Arts and Entertainment,
2. Business Engagement,
3. Public Space and Amenities,
4. Quality of Life,
5. Transportation, and
6. Venue Operations and Public Safety.

Implementation Overview

A year and half after the report's official release, the recommendations are at varying stages of implementation. A few have been implemented, some are actively being implemented, others are being further evaluated, and a few are no longer applicable or supported by the County government.

Recommendations successfully implemented

1. **Recommendation:** Extend the hours of operation for venues with beer/wine/liquor licenses to 2 am on Sundays through Thursdays, and to 3 am on Fridays, Saturdays, and the Sundays before Monday federal holidays.
Status: HB-463 and SB-657 were passed in support of the recommendation.
2. **Recommendation:** Expedite the creation of a social venue license, and modify the current alcohol to food ratio under the Class B beer/wine/liquor license from 50/50 to 60/40, to reflect the change in increased demand for higher quality, higher priced alcoholic beverages and to encourage establishment and operation of venues that host live music and other events.
Status: HB-142 and SB-300 were passed in support of the recommendation.
3. **Recommendation:** Develop an educational Patron Responsibility Program.
Status: Montgomery County Department of Liquor Control (DLC) has partnered with

Brown-Forman and a designated driver program called “Be My Designated Driver” (BeMyDD), to encourage people to plan their night out and ensure a safe ride home. These programs are being promoted by alcohol serving venues with a planned community education program with private sponsorship.

4. Recommendations: Planning or Zoning Changes:

- a. Amend zoning standards to provide flexibility in meeting public use space and open space requirements.
- b. Support additional density in the County’s urban areas to foster a vibrant nighttime economy.
- c. Explore alternative, more attractive incentives for developers to include suitable, affordable performance spaces for small and emerging arts groups.

Status: The Montgomery County National Park and Planning Commission finalized in 2014 the Zoning Rewrite for the county which ultimately, updated zoning codes and the zoning map that helped address the recommendations listed above. One remaining opportunity revolves around understanding the opportunities available under the Arts & Entertainment Districts. The Department of Economic Development is helping draft information both for the Planning Department and other entities on the Arts & Entertainment Districts but also other related tax incentives that exist for developers including Enterprise Zones, Façade Improvements, Green Building Codes, the Public Art amenity, just to name a few.

Recommendations being Implemented (in progress)

1. Recommendation: Improve awareness of parking options.

Status: All three urban districts are in agreement in utilizing and promoting the ParkMe application (www.parkme.com) for visitors and consumers, which is the preferred application by the Montgomery County Parking Lot District.

2. Recommendation: Marketing County business resources and assets.

- a. Market A&E districts and county business resources to property owners.
- b. Create, develop, and implement a marketing program for the County.

Status: These above recommendations are being advanced by multiple partners. The three A&E districts are exploring Placemaking options to enhance urban vitality and an inviting atmosphere that include both daytime and nighttime hours. The Office of the County Executive is taking a lead on developing a comprehensive economic strategy that will include better alignment of place-based economic development and program-based economic development. It is also in the middle of a multi-year marketing and branding project with several short-term projects to be delivered in spring 2015.

3. Recommendation: Develop and implement a busker program to provide entertainment in urban areas.

Status: The Silver Spring Regional Center and the Montgomery County Innovation

Program has been developing the idea of a busker program to be piloted with the Silver Spring Arts & Entertainment Advisory Committee, the Silver Spring Citizens Advisory Board and Silver Spring Urban District Advisory Committee. This group has been working on several areas including Identifying Potential Busking Areas, Developing the Specific Parameters for Busking, Enforcement, and Promotions and Marketing.

4. **Recommendation: Enhance pedestrian and bicycle access.**

Status: Bethesda, Silver Spring, and Wheaton are all moving forward to achieve this goal based on their unique needs. Bethesda has made a top priority improving lighting. Silver Spring and Wheaton have made pedestrian walkability a top priority through lighting, walking and biking accessibility.

5. **Recommendation: Create Urban Parks Guidelines to activate public space through design elements, enhance the greater community, and foster multiple uses to appeal to a range of demographics at different times.**

Status: The Department of Parks is working with Planning on efforts to activate spaces such as in Silver Spring, especially in areas that are not public parks but are public properties or quasi public such as WMATA, while developing guidelines for new development particularly within urban areas to help define and develop spaces that can foster activity both during the day and evening.

Recommendations being further evaluated

1. **Recommendations: Developing transportation options.**

- a. Expand the “Safe Ride” program to all weekends (Friday evening through early Sunday morning).
- b. Increase the number of taxi stands.

Status: Due to the changing market and new players like Uber that are challenging existing regulations and established players like taxis, the Council is working on addressing taxi regulations that will help address the recommendations moving forward.

2. **Recommendations: Business Services Tailored to the Small Business Community.**

- a. Create a concierge service that promotes positive customer service, assists with streamlining the planning and permitting process, and facilitates working relationships with multiple departments for the business consumer.

Status: Several departments provide concierge service to small businesses including the Department of Economic Development, the Department of Liquor Control, and the Department of Permitting Services.

- b. **Recommendation: Simplify and streamline the process businesses must go through in order to open an arts and entertainment venue or hold an arts and entertainment event.**

Status: The County Council has just approved a new Ombudsman in the Office of the County Executive for commercial and residential development projects who will report directly to the Chief Administrative Officer. DPS has consolidated the

permitting process to support new and existing restaurants through its “Recipes for Success Packet” to explain the process of opening a restaurant in Montgomery County.

3. **Recommendation:** Develop a targeted strategic plan for attracting new companies to the County, fostering entrepreneurship, and growing our existing businesses based upon the target markets.

Status: The Comprehensive Economic Strategy underway will address the above issues and serve as a comprehensive blueprint for Montgomery County’s future economic success, including how retail and placemaking can support an overall economic vision and vitality. Achieving this recommendation would require further research into the retail inventory in the county’s urban centers ultimately leading to the creation of a retail plan for the county. This would help show gaps in retail, especially with those that are and/or can become retail destinations. That information would then lead to the strategic and targeted company attraction referenced by the task force.

4. Planning and Development

- a. **Recommendation:** Reduce opportunity for crime in urban areas by incorporating Crime Prevention through Environmental Design (CPTED) techniques.

Status: This is a shared responsibility between a cluster of departments including Maryland National Capital Park and Planning Commission, General Services and the urban districts in creative placemaking to eliminate dead spots and create an inviting atmosphere at the urban centers.

- b. **Recommendation:** Encourage more housing options.

Status: Two issues related to housing options need to be addressed--the size of dwelling units and the parking standards for these developments that need to be further explored.

5. Transportation Options at Night

Recommendations:

- a. Improve/expand the circulator service in focus areas.
- b. Expand the frequency and reach of late-night transit service.

Status: All three urban districts would encourage WMATA to extend hours on weekends to 3am, especially with the extension of hours to 3am in FY15. Additional bus service should be considered if demand increases over time.

6. Urban Districts Support and Development

Recommendations:

- Support dedicated public safety resources for the nighttime economy in high density urban centers.
- Increase funding for Business Improvement Districts and Urban Districts.
- Professionally manage and maintain public spaces through the private sector or through public-private partnerships (similar to the Bethesda Urban Partnership).

Urban District would like to increase coordination with MNCPPC as Optional Method Developments (OMDs) come on board within the districts to activate public and private spaces.

Status: These are long-term, broad-based recommendations, most of which will be supported as demand for services increases over time, especially for police and the urban districts services in each area. To sustain this enforcement would certainly require identifying the related departments and future funding sources, especially as it pertains to the urban districts. How this is achieved depends heavily on the types of services to be delivered in each urban district or new ones identified over time.

7. Urban Noise Areas

Recommendation: Amend the County's noise ordinance to allow for the establishment of Urban Noise Areas around appropriate locations (e.g., Rockville's Town Square, Silver Spring's Veteran's Plaza and downtown); increase the allowable noise levels for qualifying arts and entertainment activities in these areas to 85 dBA (measured at 100 feet from stage, PA, or other center of the performance); increase the time allowed for these levels to midnight; and ensure that nearby residents are informed prior to moving in of the possibility of event-related noise.

Status: There are some policy considerations about the recommendation of the NETF, which is a "one-size fits all" approach that proposes a noise standard that could allow much higher noise at receiving properties than currently permitted under Chapter 31B. The recommendation also proposes a different approach to regulating noise than the current noise law by regulating the level of noise a source is *permitted to produce* rather than the level of noise *heard by a receptor*. This ignores the reality that different locations have different characteristics, and that what is reasonable at one location may be unreasonable at another. For these reasons, DEP believes it would be prudent to establish specific parameters for each UNA depending on the characteristics of the site. Some policy guidance would have to be provided regarding the balance between those entities creating the noise and those affected by it.

Recommendations no longer applicable or supported

The below recommendations are not being actively supported by the County government at this point for various reasons.

1. Recommendation: Allow food trucks to operate after 10pm.

Status: Montgomery County government is exploring options for mobile vending for all hours, not limited to nighttime hours.

2. Recommendation: Artist tax that would incentivize venues that pay musicians to performance.

Status: This recommendation is deemed a low-impact measure and thus not supported at this time.

3. Recommendation: Development of Large-Scale Nighttime Events.

Status: All three urban areas are concerned about large scale events that may compete with surrounding businesses.