

**Public Hearing**

**MEMORANDUM**

June 26, 2009

TO: County Council

FROM: Jeffrey L. Zyontz,  Legislative Attorney

SUBJECT: Public Hearing – Resolution to Amend the Silver Spring CBD Urban Renewal Plan

On February 19, 2009 the Executive transmitted a proposed amendment to the Silver Spring CBD Urban Renewal Plan. The Council's public hearing on the Amendment was established on June 9, 2009.

The current urban renewal plan prohibits pedestrian bridges in the urban renewal area. The Executive believes that a pedestrian bridge across Wayne Avenue is warranted for the proposed Silver Spring library project. He would amend the plan by adding the underlined text:

Pedestrian bridges and structures that cross existing rights-of-way will not be permitted over Georgia Avenue, Colesville Road, Cedar Street, or Wayne Avenue with the following exception: A pedestrian bridge shall be permitted over Wayne Avenue, connecting the Wayne Avenue Garage with a County facility that includes a public library, located on the opposite side of Wayne Avenue outside of the Urban Renewal Area. This bridge must comply with ADA design standards, provide protection from the weather, and utilize transparent construction materials to enhance security. Elsewhere in the Urban Renewal Area, pedestrian connections could form an arch, gateway, or covering and utilize transparent construction materials. Such connections must provide for attractive and active pedestrian environments underneath them.

On February 20, 2009, as required by §56-12 of the County Code, staff forwarded the proposed urban renewal plan amendment to the Planning Board for their comments. On May 14, 2009 the Planning Board reviewed the plan amendment. By a vote of 2 to 2, it did not make an affirmative recommendation to the Council. Planning Staff recommended against approving the amendment.

A joint worksession of the Planning, Housing, and Economic Development and the Health and Human Services Committees is scheduled for July 21, 2009 on this issue.

This packet contains:

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Resolution No.: \_\_\_\_\_  
Introduced: June 9, 2009  
Adopted: \_\_\_\_\_

COUNTY COUNCIL FOR  
MONTGOMERY COUNTY, MARYLAND

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By: County Council

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Subject: Amendment to the Amended Silver Spring Urban Renewal Plan

Background

1. Under Chapter 56, Article III of the County Code, the County Council is authorized to implement urban renewal projects.
2. On March 11, 1997, by Resolution No. 13-816, the County Council approved the Amended Silver Spring Urban Renewal Plan.
3. On November 16, 1999, by Resolution No. 14-346, the County Council amended the Amended Silver Spring Urban Renewal Plan.
4. The County Executive transmitted to the County Council this proposed amendment to the Amended Silver Spring Urban Renewal Plan that would permit the construction of a pedestrian bridge over Wayne Avenue connecting the Wayne Avenue Garage to the Silver Spring Library to be built on the south side of Wayne Avenue.
5. The pedestrian bridge will allow Library patrons to use existing public parking and eliminate the need to construct additional parking for the new Silver Spring Library.
6. The new Silver Spring Library will have a special collection and provide services for the disabled; a pedestrian bridge between the Wayne Avenue Garage and the Library would provide safe and easy access for patrons with disabilities.

Action

The County Council for Montgomery County, Maryland approves the following resolution to amend the Amended Silver Spring Urban Renewal Plan, dated November 16, 1999:

Amend the first paragraph on p. III-21 under the heading "Performance Guidelines for Compatibility" by adding the underlined text:

Pedestrian bridges and structures that cross existing rights-of-way will not be permitted over Georgia Avenue, Colesville Road, Cedar Street, or Wayne Avenue with the following exception: A pedestrian bridge shall be permitted over Wayne Avenue, connecting the Wayne Avenue Garage with a County facility that includes a public library, located on the opposite side of Wayne Avenue outside of the Urban Renewal Area. This bridge must comply with ADA design standards, provide protection from the weather, and utilize transparent construction materials to enhance security. Elsewhere in the Urban Renewal Area, pedestrian connections could form an arch, gateway, or covering and utilize transparent construction materials. Such connections must provide for attractive and active pedestrian environments underneath them.

This is a correct copy of Council action:

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Linda M. Lauer, Clerk of the Council



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**OFFICE OF THE CHAIRMAN**

May 15, 2009

Phil Andrews, President  
Montgomery County Council  
100 Maryland Avenue  
Rockville, Maryland 20850

**Subject: Amendment to the Silver Spring CBD Urban Renewal Plan:  
Pedestrian Bridge, CBD-0.5, CBD-1, CBD-2 and CBD-3 Zones  
2000 Silver Spring CBD Sector Plan**

Dear President Andrews:

In response to the request from the County Council, the Planning Board reviewed the proposed Amendment to the Silver Spring CBD Urban Renewal Plan. The Planning Board heard testimony from the staff opposing the amendment to the Urban Renewal Plan and the construction of the pedestrian bridge. The Planning Board also received testimony from the representatives of the County Executive and the community both in support and opposition to the bridge. A motion to eliminate the bridge and oppose the amendment to the Urban Renewal Plan did not pass with a vote by the Planning Board of two members in favor and two opposed.

The existing Urban Renewal Plan prohibits the use of pedestrian bridges across Wayne Avenue, Georgia Avenue, Colesville Road, and Cedar Street. The draft amendment seeks to amend the Renewal Plan, on page III-21, as follows:

“A pedestrian bridge shall be permitted over Wayne Avenue connecting the Wayne Avenue Garage to a County facility that includes a public library located on the opposite side of Wayne Avenue outside the Urban Renewal Area. This bridge must comply with ADA design standards, provide protection from the weather and utilize transparent construction materials to enhance security.”

The purpose of the amendment is to provide a pedestrian bridge to serve the future public library. According to the County Executive, the bridge would be particularly important to patrons with disabilities and families. In addition, the use of the existing parking in the Wayne Avenue Garage will avoid the need to construct additional parking spaces in the downtown area and result in savings in the Silver Spring Library project.

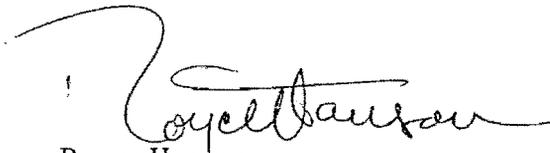
The Planning Board supported the use of the parking garage instead of constructing additional parking for the library, but expressed the need for another option to the construction of bridge. Two members of the Planning Board opposed the bridge and recommended the following:

- Locating parking for persons with disabilities on-site, adjacent to the library, instead of across Wayne Avenue and on the third floor of the nearby garage
- Providing improvements to the intersection of Fenton Street and Wayne Avenue at a significantly reduced cost instead of constructing a bridge
- Improving the sidewalks along Wayne Avenue and Fenton Street to serve the needs of pedestrians of all ability levels as well as the patrons of the library

The Planning Board remains concerned about providing sufficient access to the library. We are concerned about the cost of the bridge, and we are concerned that the bridge will not provide sufficient access at street level for all patrons of the library including pedestrians, people with disabilities and vehicle drop-off areas. Although the Planning Board remains concerned with the bridge, two members of the Planning Board did not find sufficient reasons to oppose the bridge. The motion to oppose the bridge was not approved.

The testimony received by the Planning Board supporting and opposing the bridge is enclosed. The Planning Board appreciates the opportunity to review the proposed amendment to the Silver Spring Urban Renewal Plan.

Sincerely,



Royce Hanson  
Chairman

Attachments:

- Staff Report, dated May 6, 2009
- PowerPoint presentation
- Testimony of David Dise, Director, General Services
- Letters

G: carter/Silver Spring Bridge



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB  
Item #  
5/14/09

May 6, 2009

**MEMORANDUM**

**TO:** Montgomery County Planning Board

**VIA:** John Carter, Chief, *JC*  
Urban Design and Preservation Division

Bill Barron, Team Leader  
Vision Division  
South Central Transit Corridor

**FROM:** John Marcolin, ASLA, Planner Coordinator (301/495-4547) *Jm*  
Urban Design and Preservation Division  
South Central Transit Corridor

**SUBJECT:** Amendment to the Silver Spring CBD Urban Renewal Plan:  
Pedestrian Bridge, CBD-0.5, CBD-1, CBD-2 and CBD-3 Zones  
2000 Silver Spring CBD Sector Plan

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**RECOMMENDATION**

Approval to transmit the following comments to the County Council:

1. Pedestrian bridges and structures that cross existing rights of way are explicitly excluded in the 1999 Silver Spring CBD Urban Renewal Plan, and a new pedestrian bridge across Wayne Avenue to serve the library should not be permitted in downtown Silver Spring
2. Safe and convenient access to the future library for the disabled should be provided on-site

**SUMMARY OF THE AMENDMENT**

The Montgomery County Council received a draft amendment to the Silver Spring CBD Urban Renewal Plan from the County Executive on March 19, 2009. The County Council submitted it to the Planning Board on March 20, 2009 for comment. The existing Urban Renewal Plan prohibits the use of pedestrian bridges across Wayne Avenue, Georgia Avenue, Colesville Road, and Cedar Street. The draft amendment seeks to amend the Renewal Plan, on page III-21, as follows:

“A pedestrian bridge shall be permitted over Wayne Avenue connecting the Wayne Avenue Garage to a County facility that includes a public library located on the opposite side of Wayne Avenue outside the Urban Renewal Area. This bridge must comply with ADA design standards, provide protection from the weather and utilize transparent construction materials to enhance security.”

The purpose of the amendment was to provide a pedestrian bridge to serve the future public library. The new Silver Spring Library will have special collections and services for the disabled. According to the County Executive, the bridge would be particularly important to patrons with disabilities.

## **ANALYSIS**

### **Conformance with the Silver Spring CBD Sector Plan**

The Silver Spring CBD Sector Plan encourages the development of active streets and sidewalks, busy with people walking to shop, to commute, or for pleasure (page 24). This plan places an emphasis on concentrating pedestrian traffic on sidewalks instead of diverting pedestrian traffic away from sidewalks to pedestrian bridges.

### **Conformance with the Urban Renewal Plan**

The use of pedestrian bridges is not in conformance with the specific text in the Urban Renewal Plan. The County Attorney has determined that an amendment is required to establish conformance.

### **Accessibility**

The reasons for the pedestrian bridge would be to serve the handicapped by avoiding a crossing of Wayne Avenue and to connect the library to an existing parking garage and avoid constructing additional parking.

As an alternative to a bridge, a limited number of spaces could be provided on the ground floor of the proposed library building. These on-site spaces would provide short-term parking for the library such as a book drop-off and meet the ADA requirements for parking (see attachment). These spaces could be provided at limited cost because they would be located within the first floor area of the building instead of located underground. In addition, on-street parking and improvements to the sidewalks could be provided adjacent to the ground floor entrances to the building to improve access and meet the ADA requirements.

Other jurisdictions such as Rosslyn in Arlington County have removed existing pedestrian bridges because they divert pedestrian traffic away from the street level. These jurisdictions also find that the streets become undesirable places if the pedestrian traffic is diverted to bridges. The library will not serve as a catalyst for existing and proposed retail in the area if the pedestrian traffic is diverted directly to an upper level. The costs to improve the sidewalk and crosswalk would be substantially less than the cost for the bridge.

## **PREVIOUS ACTIONS**

The County Executive has recommended a schematic design for the library and the pedestrian bridge. The County Council's Health and Human Services Committee, responsible for the review of the library, has supported the location of the library and the use of the pedestrian bridge.

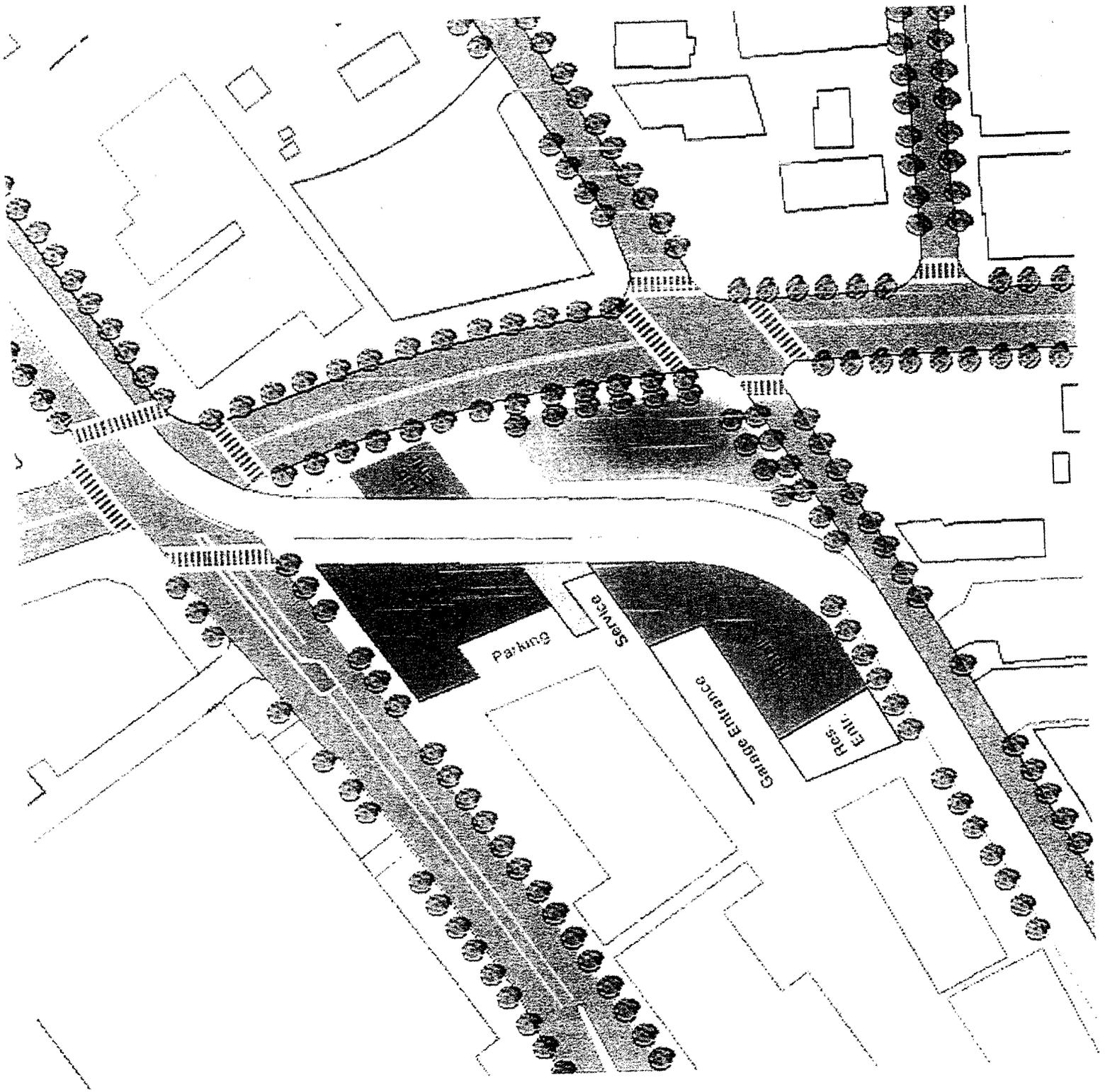
## **CONCLUSION**

Staff recommends eliminating the opportunity for a bridge. Providing access at street level will provide an active, safe and attractive sidewalk. Eliminating the opportunity for a bridge will also reduce the cost of the project. Providing a limited amount of on-site parking within the first floor of the future building and on-street parking in combination with the sidewalk improvements could address access concerns and meet the ADA requirements.

### **Attachments:**

- Plan of the Library
- Existing Conditions
- Pedestrian Bridge Alternative
- Street Improvement Alternative
- Urban Renewal Plan

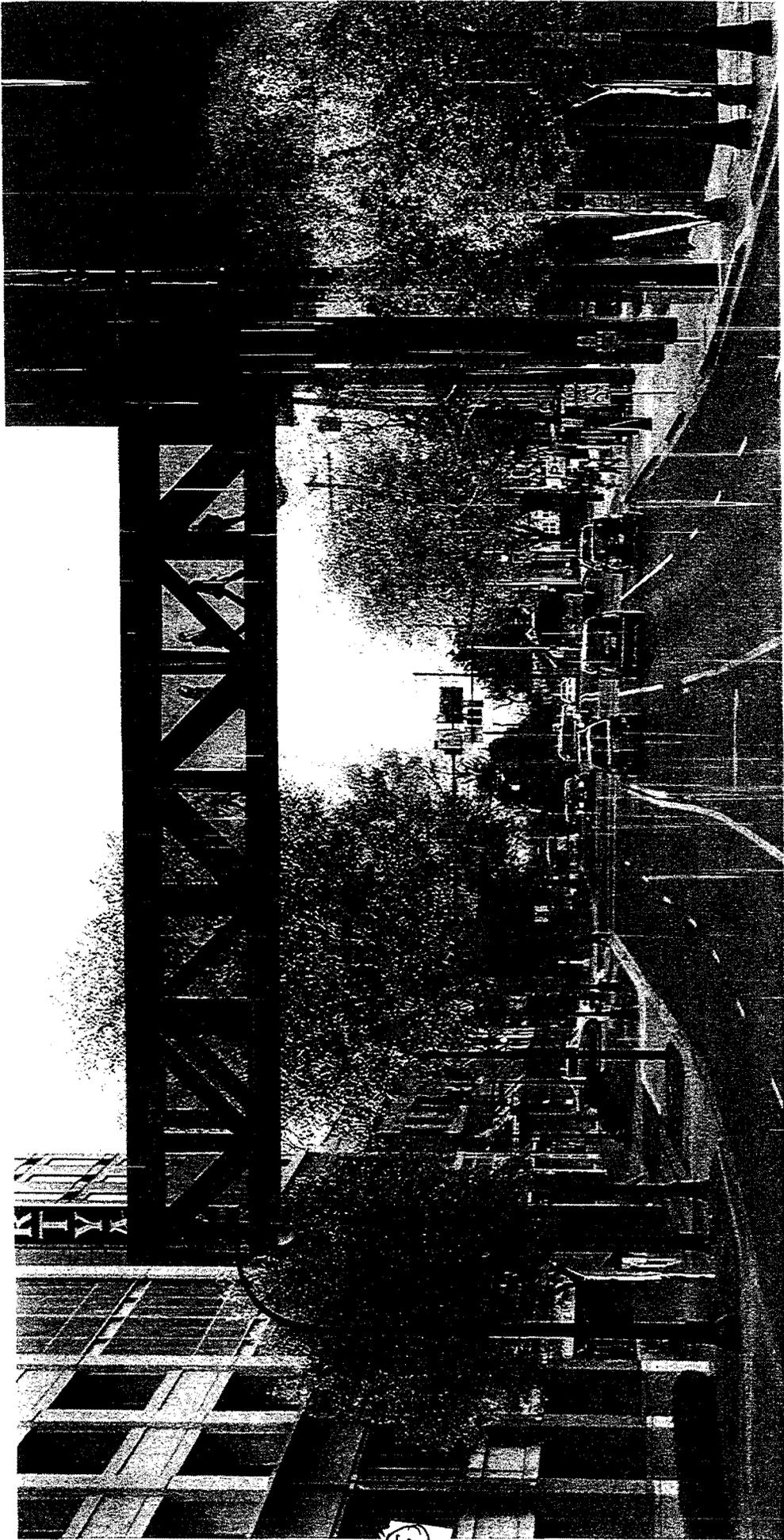
M: Marcolin/Urban Renewal Plan Ped Bridges



Plan of the Library

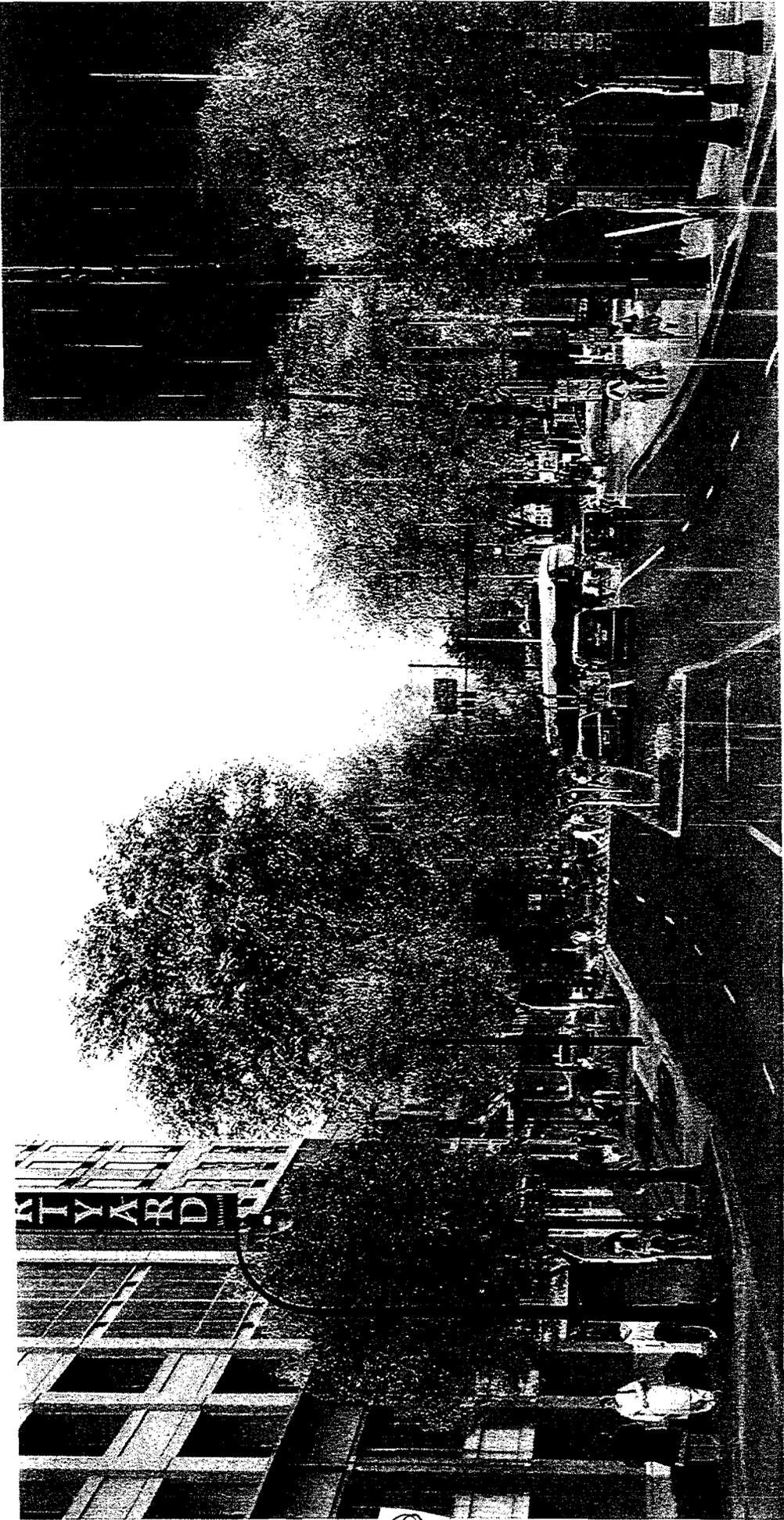


Existing Conditions



(10)

**Pedestrian Bridge Alternative**



Street Improvement Alternative

Resolution No.: \_\_\_\_\_

Introduced: \_\_\_\_\_

Adopted: \_\_\_\_\_

COUNTY COUNCIL FOR  
MONTGOMERY COUNTY, MARYLAND

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By: County Council

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**Urban Renewal Plan**

Action

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This is a correct copy of Council action:

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Linda M. Lauer, Clerk of the Council

Planning Board Consideration of Proposed Pedestrian Bridge at Silver Spring Library Site  
Testimony of David Dise, Director, Montgomery County Department of General Services  
May 14, 2009

Good afternoon Chairman Hansen and Board members. My name is David Dise and I am the Director of Montgomery County's Department of General Services, which is responsible for the design and construction of County facilities, including the Silver Spring Library. I want to thank the Board for this opportunity to provide the County Executive's position on the modification to the 1999 Silver Spring Central Business District Urban Renewal Plan.

We are here today to discuss challenges typical for any new facility like the Silver Spring Library; balancing competing needs to achieve optimal outcomes. Let me offer a quick summary about the County program that will be contained on the site. The project is located on County owned property at the corner of Fenton Street and Wayne Avenue, and will have a 63,000 square foot library; 20,000 square feet of Arts space; and 16,000 square feet of County office space, for a total of nearly 100,000 square feet of public use on the site. The site master plan includes the library, and, to the greatest extent possible, residential housing.

While the final mode and route of the Purple Line has not been identified by the State, the Library site is on the locally preferred route for the LRT, and will serve as the first station on the Purple Line east of the new Silver Spring Transit Center and the Metro Station. The design of the building is taking this possibility into consideration.

The Silver Spring Library has gone through significant public outreach during each step of the project development. Four public design charrettes were hosted by the County in this process, from which came a final design scheme for the library and residential development that resulted in the most economical and effective approach to parking and automobiles.

Throughout the design process there has been one overriding consideration: the County Executive has very real concerns about pedestrian safety. Both the Department of Transportation (DOT) and the Department of General Services (DGS) were directed to work to make the intersections safe and pedestrian friendly. Silver Spring is a walking community. It is a priority that this project provides safe and inviting paths to bring pedestrians and cyclists to the Silver Spring Library and future Purple Line station.

In deciding what Master Plan solution to proceed with, there were 5 points of consideration that the County Executive wanted us to consider, they were:

1. The elderly and disabled patron must have a reasonable, safe, and fair access, allowing use of the library to its fullest extent.

When the Urban Renewal Plan was developed in 1999, there was not a full understanding of what the needs of the disabled community are or would be. These issues are evident in the recent discussion regarding the use and installation of brick pavers in sidewalks and the impact these have on the visually and mobility impaired. Though the current guidelines provided by Federal regulation don't specify travel distances; qualifying disabilities for the use of ADA parking as defined by the Maryland Motor Vehicle

Administration include severe lung disease, certain visual impairment, or lacking the ability to walk without assistance or without stopping for 200 feet. With those types of parameters in mind we believe the bridge option is the best solution to afford disabled library patrons a safe, unfettered and protected access to the library's main entry.

2. The solution must take full advantage of the County's already built infrastructure, the Wayne Avenue Garage, demonstrating good fiscal stewardship.

The present economic situation has created financial challenges to the County that necessitate cutting \$100's of millions of dollars in an effort to balance the County's budget. While it is always incumbent on government to spend tax dollars with care, never has that been more important. The situation of the Wayne Avenue garage being immediately across the street from the Silver Spring Library affords a remarkable opportunity to create a direct linkage to the Library entrance at a minimal cost.

3. In keeping with the County's efforts to promote mass transit, walking, and cycling and reducing the overall carbon footprint of the new facility, no new parking spaces will be constructed.

Because much has changed in our understanding of environmental issues since the 1999 writing of the Urban Renewal Plan, it did not mention reducing carbon footprints or reducing greenhouse gas emissions; all policies that are being looked at by every level of government today. This project has the opportunity to be the most transportation friendly building the County owns or operates, with its pedestrian and cycling access, its location on existing bus lines and the future Purple Line. The County can reinforce this importance by not building more parking in a Parking Lot District that already has excess capacity. The Board is familiar with the question "How much parking is enough?" We believe that with proper use of the Wayne Avenue Garage, there is enough.

4. The parking and access solution must not shift the economic burden or hardship onto other businesses or users in the CBD.

The County must be sensitive to existing businesses and not shift access and parking needs off onto those businesses around the Library as some have suggested. Again, the efficiency of accessing the Wayne Avenue garage via a pedestrian bridge is a solution that is readily achievable. The County must be a good neighbor who considers both patrons and businesses.

5. The parking and access solution must be available from the day the library opens and cannot depend on future actions of other parties, or future construction funding or efforts.

Library access cannot be delayed while MTA performs street improvements or the developer of the residential property provides ADA spaces when it builds parking for residential units. The library is a public facility. Providing unfettered access to the public is not an option, it is a requirement. Since the Wayne Avenue garage already exists and the bridge can be constructed as a comparatively minor piece of the Silver Spring Library

project, the permanent solution to library parking will be available the day the library opens.

The library design approved by the County Executive, and supported by the HHS Committee and County Council anticipates utilizing the Wayne Avenue garage, a 1665 space garage built as part of the downtown Silver Spring redevelopment, which is operating at 65% to 70% capacity, with an access bridge between the library and the garage to meet the accessible access requirements.

Since the original drafting of the Urban Renewal Plan, significant changes have occurred in the world in which the County operates and this recommended change to the Plan is a natural extension of those changes.

I note that the opening paragraph of Planning Board's public announcement made a very key point; that the proposed bridge will "connect" library patrons with the Wayne Avenue garage. It is precisely the element of "connection" between existing parking and library patrons that establishes the need for this bridge. There is no dispute over the need for a new, modern, and accessible library in Silver Spring. One that is integral to the downtown environment and provides accessibility to all patrons; those enjoying the vibrancy of street level activities, and those who are challenged by those same activities, as well as weather and safety concerns. This latter group includes the disabled and parents and caregivers with children.

The new library is located just outside the boundary of the Silver Spring Central Building District. However, the Wayne Avenue garage, just across the street from the library does fall within the district limits. Amending the Silver Spring Central Business District Urban Renewal Plan poses no threat to pedestrian traffic and street level activities in either the Silver Spring business district or any future redevelopment of Fenton Village. The Urban Renewal Plan has been consistently supported by the County Executive. The proposed bridge represents no conflict with the plan. In fact, it represents a tangible commitment to avoid the construction of additional parking by more fully utilizing existing parking in the Wayne Avenue garage, a 1665 space facility built as part of the downtown Silver Spring redevelopment that operates at 65% to 70% capacity. Library patrons, particularly those with disabilities, have voiced support of this proposal, as have patrons with children.

The image of persons with mobility challenges, and parents or caregivers with children and bags of books walking through rain, wind, or other elements to a busy intersection, crossing the street, and then walking back down to a street level library entrance is not a pleasant picture. In contrast, accessing the library from existing covered parking conveniently located to benefit handicapped patrons and crossing over a busy street by means of an enclosed pedestrian walkway, directly into the library, is the shortest, and most secure distance between these two points.

We disagree with assertions that a pedestrian bridge for library patrons would pull people off the streets, thereby adversely affecting the vibrant street level atmosphere and pose a threat to pedestrian safety. Nor would it emphasize the use of cars over other forms of transportation. In fact, utilizing existing parking and incorporating future mass transit into the site design

emphasize a commitment to public transit and reducing automotive traffic. Providing limited parking onsite is unnecessary under the proposed plan, which utilizes existing parking and provides easier access for disabled persons and other patrons having special needs. Further, the plan allows those patrons on the street to access street-level arts and commercial activities as well as providing easy access to the library without having to worry about incoming and outgoing car traffic.

Municipalities such as Portland, Oregon, that are recognized for successful public transportation and pedestrian friendly planning have effectively incorporated pedestrian bridges into their planning. While some urban environments known for densely packed towering office buildings may be removing bridges, there is no direct correlation to the specific purpose of this particular pedestrian access way from an existing public garage to a public library. The bridge cannot pull people from commercial activities along a street where no such activities exist, or are planned to exist.

In conclusion, the 1999 Silver Spring Central Business District Urban Renewal Plan should be amended to permit a pedestrian bridge over Wayne Avenue connecting the Wayne Avenue garage with a County facility that includes a public library located on the opposite side of Wayne Avenue outside of the Urban Renewal Area. This bridge will comply with ADA design standards, provide protection from the weather and utilize transparent construction materials to enhance security. I ask that you support the requested modification, and we would be happy to answer any questions you may have.