



## STAFF REPORT ON PROPOSED LEGISLATION

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To: Mayor Gavin Buckley

From: Michael Mallinoff, City Manager

Date: February 7, 2024

Subject: O-5-23: Title 22 - Adequate Public Facilities - City Code Update

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### **Purpose of legislation**

The purpose of this legislation is to update Title 22 of the City Code regarding Adequate Public Facility certification of development and redevelopment; and generally related to Title 22.

### **Impact of legislation on operations**

This legislation rewrites the Adequate Public Facilities section of the City Code. Much of the language remains the same with some sections such as for Fire and Recreation mostly just reformatting. There are some changes, however, that will affect how the City evaluates adequate public facilities and interacts with developers. While there are particular items the City would encourage Council to rethink, the larger issue for the City is the lack of relationship between this legislation and the Comprehensive Plan that Council is about to engage with.

### ***Overall***

The Comprehensive Plan is intended to capture a vision of the Annapolis of the future and includes a number of policy choices that reflect shifts in the City's focus. One example is how the Council and the City think of roads and traffic. While road design (and the existing APF code) classically assumes heavy car use for most trips, the Council and City have been looking at mobility more holistically to include walkability, bikeability, mass transit, etc. The existing APF language mentions these other modes of transportation but addresses them separately. The Comprehensive Plan therefore makes a number of recommendations with respect to the Adequate Public Facilities section of the City Code to accommodate these shifts in focus.

Policing is similar. The Annapolis Police Department (APD) has embraced community policing as a model, which looks at policing as more than just the number of officers per 1,000 residents; community policing incorporates problem solving, technology, an appreciation for how social services and other public services impact communities, and other aspects as well. In addition, APD is currently working with the University of Maryland to study workload at APD, and that study may offer lessons learned that could be incorporated into revised APF language.

The City believes it would be appropriate to wait on the results of both the Comprehensive Plan and the APD workload study before revising the existing APF language.

### ***Specific provisions of concern***

When Council decides to take up revising the APF language, there are specific provisions within this proposed rewrite that the City has concerns about.

#### ***22.02.020 - Time by which adequacy standards must be met.***

Points 1 and 3 appear to be in conflict with each other and in conflict with Chapter 22.28. The City recommends revising this section and at the very least explicitly referencing later chapters (22.06, 22.08, and 22.28 for approval; 22.30 for mitigation) to make it clear that the further details within those chapters govern. Based on how all of these sections are currently written, a project that does not meet APF can be placed on a waitlist and simply wait six years to be automatically allowed to proceed without further action.

#### ***Chapter 22.12 - REVIEW CRITERIA AND CERTIFICATION FOR ADEQUATE CITY ROADS AND SIDEWALK FACILITIES***

The existing Code language around “adequate maintenance facilities” was not really meaningful, so changing this section to explicitly refer to road and sidewalk standards makes sense. However, the City has changed the pavement condition scale it uses. The City recommends altering 22.12.040.1 accordingly to the following, “All City roads within the impact area shall have an adequacy pavement condition rating of not less than 10 as defined by the City’s road rating program;”

#### ***Chapter 22.21 TRAFFIC IMPACT ANALYSES (removed)***

The legislative summary that accompanies the legislation recommends that Chapter 21 of the City Code be amended to incorporate some of the provisions of this section and makes the argument that these provisions do not belong in the APF portion of the Code. This legislation, however, does not amend Chapter 21, so the effect of the legislation would be to strip all mention of traffic impact analyses from Code altogether. The City recommends either incorporating amendments to Chapter 21 here or passing amendments to that section of Code prior to its removal from Chapter 22. In addition, the City recommends reviewing the language to incorporate the broader vision of safety, walkability, and general mobility into a general mobility impact study rather than maintaining an exclusive focus on vehicular traffic.

Chapter 22.24 - REVIEW CRITERIA AND CERTIFICATION FOR ADEQUATE STORM DRAIN FACILITIES

This section does not reference any particular technical standards and should at least incorporate a reference to practices and procedures approved by the Department of Public Works.

**Impact of legislation on staffing**

The alterations to how the City evaluates adequate public facilities does not materially alter the staffing required to make those determinations. The City therefore does not anticipate staffing impacts directly related to this legislation. That said, altering the standards applied to adequate public facilities may alter the APF determinations for individual projects, which could alter staffing needs. Those effects, however, cannot be determined from this legislation alone.

*Prepared by Victoria Buckland, Assistant City Manager*