



STAFF REPORT AND FISCAL IMPACT NOTE

Ordinance: O-19-19

Title: Adequate Public Facilities (APF) – Auto Transportation Facilities (i.e. Roads and Intersections)

Date: April 27, 2019

LEGISLATIVE SUMMARY

This legislation proposes to redefine more specifically when a traffic impact analysis is required in the consideration by the Planning and Zoning Department of adequacy of public facilities in connection with an application to approve a development project. It requires that a traffic impact analysis be performed in accordance with the City's "Policies and Guidelines for Traffic Impact Analysis for proposed projects in the City of Annapolis." It sets forth standards for determining adequacy of existing roads and intersections within a certain distance from the proposed development project to handle traffic generated by the project, and it requires road improvements if necessary to meet the level of service that the project would require. Additionally, the legislation requires that the Planning and Zoning Department retain the firm to perform the traffic impact analysis at the exclusive expense of the applicant, and determine the scope of services that would be performed.

Prepared by Gary Elson, Assistant City Attorney

STAFF REPORT

This ordinance:

- Defines the review criteria for determining the adequacy of roads and intersections.
- Assigns to the Director of Planning and Zoning the responsibility to review and assess the adequacy of roads and intersections and provides that the Director of Planning and Zoning shall consider the recommendations of the Director of Public Works in making the assessment.
- States that the goal of APF for auto transportation facilities is to ensure that all projects generating traffic onto public roads mitigate the impact of their proposed development on those roads and intersections.
- Modifies the provisions for when a traffic impact study is required.

- Defines the standard for when city, county, and state roads are considered adequate.

In determining the adequacy of roads and intersections, a traffic impact analysis, paid for by the developer and done in accordance with “Policies and Guidelines for Traffic Impact Analysis for Proposed Project in the City of Annapolis,” is required when:

1. The proposed project is projected to generate 250 net additional trips or more daily as determined using the trip generation rates in the Trip Generation Manual published by the Institute of Transportation Engineers; or
2. The “frequency of accidents or other traffic issues within the 150 distance” described in #3 below have been identified”; or
3. The entrances or exits from the proposed development are within 150 feet of a local road or a higher functional classification as shown on the functional classification map in the City’s Comprehensive Plan.

Comment: It is not clear how criteria #2 will be applied or interpreted. Who will identify whether this is a “frequency of accidents” or “other traffic issues,” and what criteria will they use? What does “within the 150 distance” described in criteria #3 mean? Does it mean a traffic impact analysis is required when there is some unspecified frequency of accidents or other traffic issues within 150 feet of a local road or a higher functional classification? Does it mean a traffic impact analysis is required when there is some unspecified frequency of accidents or other traffic issues within 150 feet of the entrance or exit of the proposed development? I recommend amending the language in #2 for clarity, identifying who is responsible for identifying the frequency of accidents or other traffic issues, the geographical area to be considered, and the criteria that will be used.

If a project is not required to have a traffic impact analysis under one of the three criteria above, city, county, and state roads are considered adequate, regardless of the existing level of service of the roads or intersections. Consequently, multiple single developments, each of which generates fewer than 250 trips daily, will be deemed to meet adequacy of public facilities for roads with no mitigation required, even if the roads and intersections are already failing.

When a project generates “between 250 and 400” trips per day, intersections within a quarter mile of each point of entrance of the proposed development are considered adequate if the intersections will operate at a level of service “D.” When a proposed project generates more than 400 trips per day, intersections within a half mile of each point of entrance of the proposed development are considered adequate if the intersections will operate at a level of service “D.”

Comment: I recommend amending “between 250 and 400 trips” (which means 251-399 trips) to “at least 250, but not more than 400” trips daily.” I also recommend adding “or exit” to the criteria since all access points from a development may not be entrances to the development.

If the affected intersections will operate at a level of service “D” or below, the developer is required to bring the level of service up to at least “D,” and if the existing or background level of service is “E” or lower, the applicant is required to mitigate “the portion of the trips generated

from the proposed project” and construct improvements as required by the Department of Public Works “or the operating agency.”

Comment: I recommend deleting the words “the portion of.” All trips generated by the proposed project should be mitigated. Also, it is not clear who “the operating agency” is or why this language is in the ordinance.

If the roadway or intersection that requires mitigation is owned by the county or the state or “another jurisdiction,” the other jurisdiction shall “decide matters pertaining to the impact of a proposed project on public roads and intersections.” The City will then make a determination as to whether the decision of the other jurisdiction concurs with the mitigating improvements proposed by the applicant.

Comment: I do not know what other jurisdiction besides Anne Arundel County or the State of Maryland would own a road within the city limits. Also, it is not clear to me what “matters” another jurisdiction would decide pertaining to the impact of a proposed project on roads and intersections. Is the other jurisdiction making a determination as to whether the roads or intersections are adequate? If so, according to whose standards? Is the other jurisdiction deciding what improvements the developer is required to construct? Also, the parenthesis around the “s” in “improvement(s)” are superfluous and should be deleted.

The ordinance also provides that capital projects with 100% of the construction costs “allocated in the City or the County’s current year adopted capital improvement program or approved for construction in the current year State Consolidated Construction Program may be utilized in the traffic analysis.”

Comment: According to Director Gutwald, the intent of this provision is to allow the applicant to include in the traffic analysis projects road improvements for which funds have been appropriated in the City or Anne Arundel County’s capital budgets. I recommend amending this ordinance to use the term “appropriated,” not allocated, and to use the term “capital budget” (which is the current year’s budget), not “capital improvement program,” (which is the five years following the current fiscal year). This will ensure a road with funding programmed, but not yet appropriated, in an outyear is not considered in determining APF for roads.

Prepared by Teresa Sutherland, City Manager

FISCAL IMPACT

This ordinance has no direct impact on City revenues and expenses.

Prepared by Jodee Dickinson, Finance Director