

Adequate Public Facilities Update

City Council Worksession Update

July 16, 2020

Background

Eastport Shopping Center Appeal and Board of Appeals Ruling January 2020



Timeline

March 3, 2020: Memo to Board of Appeals:

To comply with the board's opinion and order, we have created a three-step process.

1. First, we will revisit all the remanded APF sections and re-examine our determinations based on the Board's decision.
2. Second, we will add specifics and update our published standards and create report templates for each determination of adequate public facilities required by City Code § 22.06.010.
3. The third step is to convene all stakeholders to discuss code changes for Title 22.

Remand

1. First, we will revisit all the remanded APF sections and re-examine our determinations based on the board's decision.

The departments re-evaluated:

Chapter 22.14 Police Protection

Chapter 22.21 Traffic Impact Analyses

Chapter 22.20 Recreation Facilities

Chapter 22.22 Non-Auto Transportation Facilities

Chapter 22.24 Stormwater Management Facilities

Remand

As a result of re-evaluation, explicit applied standards were developed (see Step 2) and a Mitigation Plan for Certificate of Adequate Public Facilities was drafted, which outlines how the applicant can mitigate the impact of the proposed project.

See Staff Report and Mitigation Plan

(<https://etrakit.annapolis.gov/viewAttachment.aspx?Group=PROJECT&ActivityNo=SDP2018-006&key=SRN%3a2006010246045577> and <https://etrakit.annapolis.gov/viewAttachment.aspx?Group=PROJECT&ActivityNo=SDP2018-006&key=SRN%3a2006010246025576>)

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Add Specifics and Update Standards

2. Second, we will add specifics and update our published standards and create report templates for each determination of adequate public facilities required by City Code § 22.06.010.

Add Specifics and Update Standards

For example:

**Public Maintenance Services
Adequate Public Maintenance Services Facilities
under City Code Chapter 22.16**

- 22.02.010 - Purpose.
- 22.16.010 Responsibility.
- 22.16.020 Goal.
- 22.16.030 Exemptions.
- 22.16.040 Standards.
- Additional Applied Standards
- 22.28 Mitigation
- 2.28.010 - Opportunity to mitigate.
- 22.28.020 - Process.

Any future or pending determinations will be issued
in this format.

Former Website

Non-Automotive Transportation Facilities

Bicycle Facilities

All proposed projects should have at least 1 bike rack; larger commercial employers should provide bike lockers.

Pedestrian Facilities

Proposed projects should have sidewalks along all paved streets throughout the site, sidewalks shall be constructed to City standards; paved paths shall connect non-sidewalk areas; paths should be graded for wheelchair accessibility.

Transit Facilities

Proposed projects should provide adequate space and power hookups for transit shelters along major roadways abutting the proposed project; major commercial employers should participate in transit and ride sharing programs.

Signaled Intersections

Signalized intersections adjacent to proposed projects should have crosswalks, signals and non-auto curb cuts. Sidewalks adjacent to these intersections should be wheelchair accessible.

Current Website

Much more detailed

<https://www.annapolis.gov/534/Getting-Started-and-Adequate-Public-Facilities>

Much more detailed

<https://www.annapolis.gov/534/Getting-Started-and-Adequate-Public-Faci>

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Non-Automotive Transportation Facilities

Adequate Non-Auto Transportation Facilities under City Code Chapter 22.22

22.02.010 - Purpose.

A. The purposes of testing for and certification of Adequate Public Facilities are to:

1. Assure that development and redevelopment occurs in concert with the Capital Improvement Program and will enable the City to provide adequate public facilities in a timely manner and achieve the growth objectives of the Comprehensive Plan as defined in Title 21.
2. Assure that proposed development protects the public health and safety, promotes the general welfare of the community, and conserves the environment.
3. Assure that proposed development fits harmoniously into the fabric of the community.
4. Encourage new development to occur in areas of the City where public facilities are being provided.

B. Adequacy standards should be achievable within a six-year time-frame and the annual Capital Improvement Program should be based on a community facilities plan that insures that existing deficiencies are corrected within that time-frame.

22.22.010 - Responsibility.

The Planning and Zoning Director shall be responsible for review and assessment of a proposed project with regard to the adequacy of non-auto transportation facilities, which review and assessment shall consider recommendations of the Director of Transportation.

22.22.020 - Goal

The goal of adequate bicycle, pedestrian, and transit facilities is to increase accessibility and to ensure reasonable and assessable alternatives to automobile travel.

22.22.030 - Exemptions

There are no exemptions under this Chapter for any proposed projects.

Analysis

The adequacy of the non-auto facilities will be considered in their totality, not individually as bicycle, pedestrian, transit, and signalized intersections.

Bicycle Facilities

22.22.040 - Standards.

Proposed projects shall be served by adequate bicycle facilities where necessary throughout the site.

Additional Applied Standards

Determination of adequacy shall consider the following information from the publication Bicycle Road Safety Audit Guidelines and Prompt Lists (May 2012: FHWA-SA-12-018).

Facilities for cyclists should be part of a network that connects uses. The context of the road for a bicycle facility is a key element that should be considered in the design. The type and level of accommodation must be appropriate for the characteristics of the surrounding conditions. A "one-size-fits-all" approach may result in an underutilized facility or a facility that does not improve cycling safety, and, in some instances, may degrade cyclist safety. There are several factors that should be considered in all contexts to provide safe accommodations for cyclists.

Directness—The cycling network should be direct between key destinations, considering both distance and time. On a corridor level, it is important to understand the "desire lines" of cyclists accessing key destinations. While directness typically refers to the shortest path to access destinations, it is influenced by travel time factors (e.g., the speed of a route) that may be influenced by the number of stops, grade, and other factors. Frequent stops and steep, uphill sections along a corridor can be a significant burden to cyclists operating under their own power.

Continuity and Connectivity—The cycling network should be continuous (i.e., without gaps or abrupt changes) and provide convenient linkages to destinations. Often, it is the transition between different land uses and environments where the nature of cycling accommodations changes. For example, a separated facility along public property may become a bicycle lane or an undesignated area where cyclists ride with traffic. Continuity may also relate to any aspect of a facility, such as available riding space or quality.

Comfort—Cyclist comfort level and perceived risk should be considered, as they may influence route choice and riding behaviors. When presented with facilities on high-speed, high-volume roadways, some cyclists may be more comfortable when dedicated space is provided to create separation from motorized traffic. A lack of adequate riding space or a concern for personal safety will often influence route selection and other riding behaviors, including cyclist use of sidewalks.

Pedestrian Facilities

22.22.040 - Standards.

Proposed projects shall be served by sidewalks where necessary throughout the site, which sidewalks shall be constructed to City standards.

Applied Standards

Determination of adequacy shall consider the following:

- Pedestrian ways shall be continuous, direct, and convenient with grade separation where necessary.
- Pedestrian ways shall be secure, well lighted, and have good visibility
- Existing sidewalks must be upgraded to current City standards
- Curb ramps must be installed or upgraded to current City standards

Transit Facilities

22.22.040 - Standards.

Where a proposed project abuts an existing or planned bus line, the proposed project shall be served by a bus shelter at all existing and planned bus stops on roadways throughout the proposed project.

Applied Standards

Determination of adequacy shall consider the following:

If a proposed project abuts an existing bus line that is underutilized, the developer shall be responsible for incentivizing use of the facility by providing an annual pass to the bus service for residents or occupants of the proposed development.

Signalized Intersections

22.22.040 - Standards.

Signalized intersections adjacent to proposed projects shall have the appurtenances necessary for adequate bicycle, pedestrian, and transit facilities, including but not limited to crosswalks, signals, and non-auto curb cuts.

Applied Standards

For crosswalks, determination of adequacy shall consider the following (from Safety Effects of Marked vs. Unmarked Crosswalks at Uncontrolled Locations: Executive Summary and Recommended Guidelines, FHWA-RD-01-075):

- In most cases, marked crosswalks are best used in combination with other treatments (e.g., curb extensions, raised crossing islands, traffic signals, roadway narrowing, enhanced overhead lighting, traffic-calming measures, etc.). Think of marked crosswalks as one of a progression of design treatments. If one treatment does not adequately accomplish the task, then move on to the next one.
- Marked pedestrian crosswalks may be used to delineate preferred pedestrian paths across roadways under the following conditions:
 - At locations with stop signs or traffic signals. Vehicular traffic might block pedestrian traffic when stopping for a stop sign or red light; marking crosswalks may help to reduce this occurrence.
 - At non-signalized street crossing locations in designated school zones. Use of adult crossing guards, school signs and markings, and/or traffic signals with pedestrian signals (when warranted) should be used in conjunction with the marked crosswalk, as needed.
 - At non-signalized locations where engineering judgment dictates that the number of motor vehicle lanes, pedestrian exposure, average daily traffic (ADT), posted speed limit, and geometry of the location would make the use of specially designated crosswalks

For other treatments, in addition to installing marked crosswalks (or, in some cases, instead of installing marked crosswalks), there are other treatments that should be considered to provide safer and easier crossings for pedestrians at problem locations. Examples of these pedestrian improvements include:

- Providing raised medians (or raised crossing islands) on multi-lane roads.
- Installing traffic signals and pedestrian signals where warranted, and where serious pedestrian crossing problems exist.
- Reducing the exposure distance for pedestrians by:
 - Providing curb extensions.
 - Providing pedestrian islands.
 - Reducing four-lane undivided road sections to two through lanes with a left-turn bay (or a two-way left-turn lane), sidewalks, and bicycle lanes.

22.28 Mitigation

2.28.010 - Opportunity to mitigate.

- A. An applicant whose proposed project is subject to denial or delay under this title shall be given an opportunity to provide infrastructure funds, to improve facilities directly, or to donate necessary facilities in order to allow for approval of the applicant's application under this title for a Certificate for Adequate Public Facilities.
- B. The forms and levels of mitigation required of an applicant shall be roughly proportionate to the projected impact of the proposed project upon the facility or facilities and shall be determined by the Director of Planning and Zoning in consultation with the other departments responsible for the applicable facilities as outlined in Section 22.28.010.
- C. For a school facility, mitigation consists of the construction or funding of improvements by a developer that increase capacity of the school facility which, at the time of application, is below the minimum standard in the impact area so that the capacity of the facility in the scheduled completion year is equal to, or greater than, it would have been had the development not been constructed. A mitigation plan with physical improvements may be secured by bond.

22.28.020 - Process.

- A. Mitigation consists of the construction or funding of improvements to onsite or offsite public facilities by an applicant that increase capacity or safety on each public facility that is below the minimum standard so that the capacity or safety of the facility after mitigation will be equal to or greater than if the proposed project had not been developed.
- B. To determine the appropriate forms and levels of mitigation, an applicant shall consult with the department responsible for review and assessment of each facility that would be deemed inadequate. Once the applicant and the department agree upon the forms and levels of mitigation that will offset the impact of the project upon the facility, the applicant shall enter into a mitigation plan on terms and conditions acceptable to the Department of Planning and Zoning in consultation with the Office of Law. The mitigation plan shall require the applicant to provide the mitigation agreed upon and in return the Department of Planning and Zoning shall determine that the facility or facilities will be adequate for the project.
- C. If a department finds that a facility is or would be inadequate as a result of more than one proposed project, the department may apportion the responsibility and cost of mitigation among all contributing projects, which apportionment shall be reflected in the applicable mitigation plans.
- D. Each mitigation plan shall be approved by the Director of Planning and Zoning as well as the department responsible for the facility for which the mitigation plan approval is sought. If a facility would be inadequate for a project, and if the project and the applicant are unable to agree upon acceptable forms and levels of mitigation for the facility such that no mitigation plan is entered into by the applicant, the department shall determine that the facility is inadequate to support the project and shall forward a written copy of such findings and explanation to the Director of Planning and Zoning.

Timeline

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3. The third step is to convene all stakeholders to discuss code changes for Title 22.

APF to EPF

We propose that instead of “Adequate,” there should be “Equitable” Public Facilities. This means equal access to parks and recreation, equal access to opportunities including jobs, and equal access to a clean and safe environment.

One at a Time

Each Section of Title 22 needs to be considered with this equity lens. Where should we start?

Thank you

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