ANPF

Eastport Civic Association

October 15, 2018

re: Forest Drive/Eastport Sector Study - information in advance of Nov 1, 2018 PC public hearing

Annapolis Planning Commission

Dear Chairman Waldman,

In advance of the public hearing scheduled for November 1, 2018 regarding the August 31, 2018 the Forest Drive/Eastport Sector Study Draft ("Sector Study Draft"), we are respectfully requesting that additional information be made available to the public in advance of the meeting in order that it may be a more productive session.

In particular, we are asking that more detailed information be made available as regards the communications and input from both Anne Arundel County and the State Highway Administration with respect to proposed roadway infrastructure improvements which will involve the cooperation of these neighboring public entities. As per MD Land Use Code § 3-203(c), these entities were to be provided with the Sector Study Draft at least 60 days in advance of the public hearing. One can reasonably presume this requirement was to ensure that the critical input from these jurisdictions is available for consideration by the public and the Planning Commission at the required public hearing on the Sector Study Draft.

Please allow us to provide some background on this issue and our request.

**Background and Basis of Concerns**

On pages C-29 and C-30 of the Sector Study Draft, there is a listing of proposed roadway capacity improvements. Determining whether or not these roadway improvements are viable seems critical to implementation of the visions in the Sector Study Draft. If roadway capacity improvements are not installed, and major shifts from historical commuting patterns are not achieved as contemplated by the Sector Study Draft, then true traffic gridlock is a real possibility.

Annapolis' Policies and Guidelines For Traffic Impact Analysis for traffic impact studies, page 14, attached, has long required that intersection Levels of Service (LOS) at peak travel times below a "D" are unacceptable. This same standard is applied by Anne Arundel County. This minimum LOS mandate includes an assessment of both the overall intersection, as well as each individual movement at each intersection. If the LOS will be lowered below "D", improvements are required by the developer to bring the level back at least to "D."

Despite this long applied mandate in Annapolis, the Sector Study Draft confirms on the table at pages C-10 to C-12 that, as of 2017, with no new development of any kind, many intersections and individual movements are already operating at LOS "E" and "F". Even if all the recommended roadway capacity improvements are installed, with no new development of any kind, there remains many locations with LOS of "E" and "F" as is reflected the tables on pages C-31 and C-32.

Acknowledging the obvious critical nature of the proposed roadway improvements, one of the main concerns of ANPF and ECA regarding these proposed fixes is that they are "put on the shelf" and nothing ever comes of them.

As justification for this concern we refer to the 2009 Annapolis Comprehensive Plan, Chapter 4 – Transportation, Policy 5, attached, which specifically addresses the continuing growth of congestion in the Forest Drive corridor. This Policy 5 highlighted the need for the City to "preserve and enhance the array of solutions currently at the City's disposal."

The Comprehensive Plan Transportation Policy 5 specifically notes as follows:

> "The City must keep a broad set of options available for dealing with this congestion in the future. If problems grow as forecasted, these options will become increasingly important in engineering an overall solution. For now, Anne Arundel County is widening Forest Drive from Aris T. Allen (MD 665) to Hilltop Lane, adding a lane in each direction. These are first steps in a phased improvement to the corridor. ...
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> "To adequately address congestion in the Forest Drive corridor it will be necessary to update the prior studies in order to recommend a comprehensive set of improvements which will document and weigh the potential impacts of a parallel service road and provide a set of improvements to access and circulation within the Forest Drive corridor and the Forest Drive Opportunity Area (see Ch. 3 - Land Use & Economic Development). Based on the new studies, it may be determined that a parallel service road is inappropriate. The goals of the improvements in the Forest Drive Corridor are to:
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> ► reduce peak-period congestion,
>
> ► provide some measure of redundancy in the arrangement of streets by expanding connectivity in the existing road system and between

neighboring grids, thus enabling short trips to be made without accessing Forest Drive (MD 665),

► advance the City's commitment to alternative forms of transportation and reduced dependence on the automobile. In determining the future use of the Forest Drive parallel service route, priority should be given to alternative forms of transportation – transit, bicycles, pedestrians.

Furthermore, the City should:

► Aggressively lobby the State and the County to begin and complete the study of the 665/Forest Drive/Chinquapin intersection within the next year; ..."

*2009 Annapolis Comprehensive Plan, Chapter 4, Transportation, P. 55*
*(underlining emphasis added)*

Many of these "fixes" proposed almost ten years ago are simply listed once again in this Sector Study Draft. The urgent need in 2009 to "Aggressively lobby the State and the County to begin and complete the study of the 665/Forest Drive/Chinquapin intersection within the next year" was never commenced or completed. Rather, the Sector Study Draft simply includes this idea of jurisdictional cooperation to fix this troublesome intersection as an item to be completed in the "near term," meaning in the next 3 years. (See Item 3.3.4 at page E-4 of the Sector Study Draft). In short, critical planning that was to be completed in 2010 is not yet commenced and is recommended for completion in the Sector Study Draft by 2022.

Moreover, there is a formal recommendation in the Sector Study Draft to deal with the past failure to address this intersection "aggressively" as planned in 2009 by simply "retaining the existing bottleneck by electing not to make improvements that move queues further down the corridor." See Sector Study Draft at page C-30.

**What is Needed For the Public Hearing**

In the Sector Study Draft, many of the recommended roadway capacity improvements relate to County and State Highways. The County controls Forest Drive from Bywater to the east. The State controls the southern terminus of Chinquapin Round, 665 up to Bywater, Spa Road at the intersection of Forest Drive, and Old Forest Drive. As opposed to simply listing potential capacity improvements yet again, there needs to be more specifics at the public hearing and in the Sector Study Draft outlining the discussions which have been held with County and State representatives with respect to proposed changes to their roadways. Indeed, the applicable regulatory framework for preparing comprehensive plans and amendments thereto contemplates some level of detail in this regards.

As noted above, the 2009 Annapolis Comprehensive Plan highlighted that, with respect to the possible improvements on the Forest drive corridor, more detailed assessment was "increasingly important in engineering an overall solution." The 2009 Annapolis Comprehensive Plan also noted what should be some of the objectives in the mandated sector studies, including the Sector Study Draft. Among the purposes for the required sector studies was to "identify the necessary role of the City and other public entities in facilitating redevelopment, including, for example, infrastructure improvements…" See 2009 Comprehensive Plan - Land Use and Economic Development, Chapter 3, Policy 1, Page 33.

The Sector Study Draft needs to include more details on the status of discussions with the County and the State who must be involved in implementing many of the proposed roadway capacity improvements. Not only will this information enhance the value of the study as a planning tool, State law suggests that this be done.

MD Land Use Code § 3-203(c) requires that local jurisdictions responsible for financing or constructing public improvements necessary to implement a comprehensive plan, or an amendment to a plan as is the Sector Study Draft, should provide their comments regarding the proposed improvements. Equally important, as required by MD Land Use Code § 3-203(d), comments from the County and the State are to be provided to the City Council when the Planning Commission sends its proposed sector study for approval. As the comments from the County and State regarding proposed infrastructure improvements must be presented to City Council, it seems only reasonable they be made available to the public before a hearing at the Planning Commission level.

Ideally, <u>representatives of these neighboring jurisdictions could be invited and present at a public hearing on the plan</u> to obtain their observations on the proposals. Note that the Planning Commission may hold more than one public hearing on the Sector Study Draft.

We recognize that detailed engineering analysis of each of the proposed infrastructure improvements likely do not exist. However, it seems only reasonable that discussions with these neighboring jurisdictions could include very useful information to increase the value of the Sector Study Draft as a planning tool. For example, some information that would be helpful could include, among others:

1) Have any of the proposed roadway improvements already been assessed by the City or County. What are the results of this work and have any been found not to be feasible or recommended?
2) Considering the poor state of the Existing Conditions as of 2017, what is the most aggressive time table to assess the **feasibility** (not detailed engineering) of the proposed improvements?
3) If feasibility studies support it, what is the most aggressive time table to complete engineering studies and getting the projects included in capital improvement timetables?
4) Under typical operating parameters, what is the earliest the proposed projects found to be feasible might actually be completed?

5) Appendix D in the Sector Study Draft recommends that developers might make contributions to a fund for mitigation projects. At what stage of assessment for each proposed infrastructure project is it permissible to collect impact fees from developers to help fund the projects? It seems that the sooner this commences the better. As such, knowing which improvements are feasible and supported by the County and/or State is critical. Until this is known, it is difficult to establish funding needs and contribution parameters for developers. As developments get approved before having to contribute to such a mitigation fund, the overall value of the fund concept is greatly diminished.

Until the feasibility of the proposed infrastructure improvements are confirmed with neighboring jurisdictions, it seems that a recommendation in the Sector Study Draft might include a suggestion to postpone any changes to either the Traffic Adequate Public facilities Ordinance Policies or the Guidelines for Traffic Impact Analysis For Proposed Development as suggested in Appendix D to the Sector Study Draft. Until it becomes clear what, if any, of the proposed infrastructure projects are viable, we suggest that it is much to soon to change or lower Traffic Adequate Public Facilities standards or to allow alternate mitigation options for developers. Good decisions on these matters cannot be made until we know what mitigation options even exist. Feasibility of the proposed roadway projects needs to be completed first we suggest.

We thank you in advance for consideration of this request. If the County or State do not feel the 60 days allowed by law for them to review and comment on the Sector Study Draft is sufficient to allow them to prepare their comments, we suggest postponing the public hearing until they can provide some level of comments specifically addressing the proposed roadway infrastructure projects.

Respectfully,

s/Anastasia Hopkinson, Vice President, Annapolis Neck Peninsula Federation
s/Vic Pascoe, President, Eastport Civic Association

cc: Annapolis Planning Commission
Annapolis City Council

Attachments:
Maryland Land Use Code 30203 (2017)
Annapolis Policies and Guidelines for Traffic Impact Analysis, p. 14
2009 Annapolis Comprehensive Plan, Chapter 4, Transportation, P. 55

# 2017 Maryland Code, Land Use
# Division I - Single-Jurisdiction Planning and Zoning.
# Title 3 - Comprehensive Plan.
# Subtitle 2 - Development and Adoption.
# § 3-203. Plan development.

**Universal Citation:** MD Land Use Code § 3-203 (2017)

- (a) Creation. --
  - (1) When a local jurisdiction initially implements the zoning powers under this division, the planning commission shall recommend the boundaries of the original districts and zones and appropriate regulations to be enforced in the districts and zones.
  - (2) The planning commission shall make a preliminary report on the proposed districts, zones, and regulations and hold at least one public hearing on the preliminary report before submitting its final report to the legislative body.
  - (3) The legislative body may not hold a public hearing or take action until it receives the final report of the planning commission.

- (b) Public hearing required. --
  - (1) A planning commission shall hold at least one public hearing before the commission recommends the adoption of a plan or any part or amendment to a plan.
  - (2) The planning commission shall publish at least one notice of the time and place of the hearing in a newspaper of general circulation in the local jurisdiction.

- (c) Recommended plan copies. -- At least 60 days before the public hearing, the planning commission shall provide copies of the recommended plan and amendments to the plan to:
  - (1) adjoining jurisdictions; and
  - (2) State units, regional units, and local jurisdictions responsible for financing or constructing public improvements necessary to implement the plan.

- (d) Comments. -- The planning commission shall include in its report to the legislative body the recommendation of each unit and jurisdiction that comments on the plan.

TRAFFIC CONTROL NEEDS

If there is a need for traffic control(s) such as signal or other traffic controls, the appropriate type and location of the needed traffic control(s) shall be described in the report. Any proposed stop-controlled intersection must operate at a satisfactory level of service and be designed to operate in a safe manner. If a new traffic control signal is proposed, the location must meet the signal warrants as described in the latest edition of the *Manual on Uniform Traffic Control Devices* (MUTCD).

7. ROADWAY AND INTERSECTION MITIGATION OR IMPROVEMENTS

Mitigation means the construction and/or funding of roadway and/or improvements to off-site road facilities by the developer. Any mitigation plans shall be developed in consultation with the Director of Planning & Zoning and shall be reviewed by the Planning Commission.

Improvements are required if the roadway, the intersection and/or a particular movement will operate below LOS D or worse with the proposed development. Under this condition, the roadway and/or intersection improvements shall bring the level-of-service to at least LOS D.

Improvements will be required if the roadway and/or intersection will operate at LOS E or F for the horizon year(s) without the proposed development, and will be even worse with the proposed development. In this case, the proposed mitigation shall aim to maintain the same level of delay and ensure safety.

In circumstances where mitigation would have a negative impact on the characteristics (historical, environmental or unique urban) which served as the basis for declaring an intersection (s) constrained, mitigation needed to pass the test for adequate road facilities on a constrained road facility shall increase the capacity on the constrained facility to the fullest extent possible without negatively impacting the characteristic(s) which caused the road facility to be constrained.

If the roadway and/or intersection being considered for mitigation is owned by another jurisdiction such as State Highway Administration or Anne Arundel County, the operating agency will be the deciding agent in this procedure. The City of Annapolis will offer a finding that the operating agency concurs with the mitigating improvement(s) being proposed by the applicant.

Mitigation measures may include any roadway and/or intersection capacity improvements except grade separation of the roadways and ramps within the intersection or improvements to through lanes of intermediate arterials and higher classified roads. Under certain circumstances, mitigation measures may include Transportation Demand Management (TDM) strategies to reduce vehicle trips.

Mitigation techniques may include, but are not limited to the following:

1) Transportation Demand Management (TDM) strategies

## Policy 5. In light of the continuing growth of congestion in the Forest Drive corridor, preserve and enhance the array of solutions currently at the City's disposal.

The 1998 Comprehensive Plan and other studies recommended a parallel service road running on the south side of Forest Drive (MD 665) – the Forest Drive Relief/Service Route. To that end, as land has been annexed into the city, a future road right of way has been reserved. The proposed route, however, has some important environmental concerns and potential capacity limitations that may reduce its desirability and usefulness. The City must keep a broad set of options available for dealing with this congestion in the future. If problems grow as forecasted, these options will become increasingly important in engineering an overall solution. For now, Anne Arundel County is widening Forest Drive from Aris T. Allen (MD 665) to Hilltop Lane, adding a lane in each direction. These are first steps in a phased improvement to the corridor.

To adequately address congestion in the Forest Drive corridor it will be necessary to update the prior studies in order to recommend a comprehensive set of improvements which will document and weigh the potential impacts of a parallel service road and provide a set of improvements to access and circulation within the Forest Drive corridor and the Forest Drive Opportunity Area (see Ch. 3 - *Land Use & Economic Development*). Based on the new studies, it may be determined that a parallel service road is inappropriate. The goals of the improvements in the Forest Drive Corridor are to:

- reduce peak-period congestion,
- provide some measure of redundancy in the arrangement of streets by expanding connectivity in the existing road system and between neighboring grids, thus enabling short trips to be made without accessing Forest Drive (MD 665),
- advance the City's commitment to alternative forms of transportation and reduced dependence on the automobile. In determining the future use of the Forest Drive parallel service route, priority should be given to alternative forms of transportation – transit, bicycles, pedestrians.

Furthermore, the City should:

- Aggressively lobby the State and the County to begin and complete the study of the 665/Forest Drive/Chinquapin intersection within the next year; and
- Request that the County consider the use of traffic circles in lieu of traffic signals on Forest Drive.

Figure 4.7 shows the location of the study area.