



PLANNING & DEVELOPMENT
CITY OF NEWARK

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June 28, 2016

Constance C. Holland, AICP
Director, Office of State Planning Coordination
122 Martin Luther King Jr. Blvd
Dover, DE 19901

RE: City of Newark Comprehensive Plan Response Letter

Dear Constance,

Please accept this revised draft of the Newark Comprehensive Plan dated **June 21, 2016**. The comments from the PLUS review letter dated March 14, 2016 are stated below in *italics*, followed by the City's response.

Office of State Planning Coordination

Some comments/suggestions:

- *We know that the City made an extensive effort to gain public input. We would like to see more documentation (including the number of meetings) about the public review process. You could expand on this effort in the Introduction where you discuss Public Participation on page 10 and/or you could do this in Chapter 3, the Vision, and relate how public participation influenced the City's vision.*

Response: The list of public meetings held for the development of the Comprehensive Development Plan, as well as supporting documentation, are available on the City's website at the link below:

<http://www.cityofnewarkde.us/index.aspx?nid=819>

Council decided to remove the complete list of meetings from the final draft of the Comprehensive Plan in the interest of making the document shorter. Brief descriptions of the process are contained in in both Chapter 1 and Chapter 3.

- *Vacant land designation: on various maps throughout the document, vacant land is identified, but, it is not always clear what the underlying land use is. We would suggest identifying underlying land use designation, as it would be useful to know what the "matter of right" use is for these parcels.*

Response: The land use for “vacant” parcels are discussed in each FUTURE LAND USE section under “Focus Areas”. For vacant parcels, the Plan addresses current use, recommendations, rational, and zoning.

- *Future Land Use Maps: it would be useful to know if there are any changes to these maps from the Existing Land Use maps, somehow highlighting such areas on the Future Land Use maps. This is particularly important since such changes will have to be reflected in your zoning code, as noted in **Del Code, Title 22, Chapter 7, § 702 (c)**:*

These changes should be reflected in the accompanying text to each Planning Section. Effort was made to insure that each Future Land Use category was consistent with the underlining zoning.

- *Correction – state code reference on Page 171 should be 702 (g) not f.*

Response: Corrected.

- *Chapter 12 “Coordination and Implementation”:* This chapter could be strengthened to be a little more specific with regard to a path forward given that most chapters offer Action Items without a discussion of a timeframe of taking such actions. This will also be helpful when preparing your Annual Report to our office.

Response: The Planning and Development Department will do quarterly reports to the Planning Commission on action items. The quarterly reports will be compiled for the Annual Report for the Office of State Planning.

Department of Natural Resources and Environmental Control

Page 33, Water Supply. *We recommend moving this section on pages 33-34 ahead of the section on Water Treatment on page 32.*

Response: Completed as suggested.

Page 33, Wastewater. *“The majority of Newark’s local sewer lines are capable of carrying additional flow.” We recommend that the City develop an inventory of their wastewater infrastructure, to include treatment methods, capacities, and allocations.*

Response: This is part of Action Items 1, 3 & 4.

Page 79, Stormwater. *We recommend renaming this section “TMDLs and Water Quality.”*

Response: Completed as suggested.

Page 81, Source Water Protection Areas. *We recommend moving the map and the accompanying text (which appears to be missing) to Chapter 4, Public Utilities and Infrastructure, as part of the discussion regarding water supply. DNREC recognizes the City's efforts in developing and adopting a source water protection ordinance; however, there is no discussion of the ordinance. It cannot be "incorporated in the plan by reference" (chapter 4, page 33).*

In addition, the map included in the application does not show the City's southern well field (see map below) and the symbology of the map does not properly differentiate the features by the use of symbols and different colors, as does the map below.

The Comprehensive Plan must contain the following elements per the Memorandum of Understanding between the Office of State Planning and Division of Water dated July 2011. These elements are required by 7 Del. C. 6082 (b). The applicant has not met this requirement. This could be a certification issue.

Response: The section was moved to Chapter 4, as recommended. The WRPA map was revised and is identified as "Map 4-1" with descriptive text.

Delaware State Housing Authority

- *DSHA notes a technical correction on page 119. While DSHA administers the Downtown Development District Grant Program, it is the Office of State Planning Coordination that administers the application process for communities that wish to have a Downtown Development District designated.*

Response: Corrected.

Department of Transportation

- *In the Transportation Chapter under Goal 1, Action Item 1 concerns the creation of a Transportation Improvement District or TID. It begins "Work with DeIDOT to establish an area in Newark's downtown core to create a TID. The TID should include East Main Street, Delaware Avenue and Cleveland Avenue from New London Road to Library Avenue." We have several comments in this regard:*

- *Section 2.4.2.7 of DeIDOT's Development Coordination Manual reads as follows:*

"The Comprehensive Plan(s) should list and map any TIDs, and incorporate by reference any completed LUTPs (Land Use and Transportation Plans) and TID agreements. When a local government updates their Comprehensive Plan,

they should also initiate an update of the LUTPs and TID agreements for those TIDs.”

While DelDOT is willing to begin work on creating a TID before the Comprehensive Plan is adopted, a map indicating at least the approximate location of the TID will need to be added to the Plan before DelDOT will enter a TID agreement. If the City and DelDOT have determined what the TID boundaries are to be, it would be appropriate to have a map just for that purpose. If only an approximate location is known, it might be more efficient to mark that location on another transportation-related map.

- *Reading the full text of the Action Item, it appears that the City wants to expand the study area well beyond the downtown core described above. We believe there may be merit in doing so. An important aspect of a TID is that developments in the District pay fees used to fund improvements there. Thus, while the creation of any TID involves a comprehensive land use and transportation study, a district has more value in an area where many parcels are expected to be developed or redeveloped.*

Response: The TID Map has been included as suggested and labeled as Map 6-5. The revised map uses red dots to identify three focus areas for a TID. The focus areas may be incorporated into one comprehensive TID, or separated into two or three TIDs to focus on specific areas. The final boundary of the TID will be determined through consultation with DelDOT. Once the formal TID boundaries are established, the proposed TID will return to Council for review and to amend the Comprehensive Development Plan.

- *Again in the Transportation Chapter under Goal 1, Action Item 2 concerns the creation of a “corridor-optimization program.” It begins “The City will work with partnering transportation agencies to maintain the most efficient use of traffic signals at key corridors identified in the Newark Transportation Plan (2011) by inspecting and modernizing signal equipment and taking advantage of new technologies.” We are certainly willing to work with the City in this regard. However, as discussed below, we have concerns about the two “Policy and program recommendations” that follow this Action Item:*
 - *The first recommendation is to “Consider restrictions to development and redevelopment on congested roadways with a Level of Service (LOS) of D, E, and F.” The City should understand that LOS D on urban arterial roads during peak hours is indicative of a healthy economy and appropriately-sized roads. Indeed in*

the downtown area, LOS E or F should be expected during peak periods. While we acknowledge the City's authority to regulate land use as it sees fit, we suggest that too stringent an LOS standard may have undesirable consequences in terms of preventing desired development and redevelopment or creating roads that support driving at the expense of walking and bicycling.

- *The second recommendation is to "Consider pedestrian crosswalk signals to be used on congested roadways which have been designated with LOS of D, E, and F." We have two points for the City to consider in this regard:*
 - *First, the Plan should distinguish between pedestrian signals at intersections that have traffic signals and signals where pedestrians are crossing a road between intersections, a "mid-block" crossing. At signalized intersections in urban areas, typical of those in the City, pedestrian signals should be standard equipment. Installing signals, and for that matter marking crosswalks, at mid-block crossings is another matter. There are multiple factors to be considered in determining whether formalizing a mid-block crossing will increase or decrease pedestrian safety. The Plan should be clear about what is recommended.*
 - *Second, we suggest that the City remove the reference to LOS from this recommendation. As written, the recommendation suggests that someone has assigned various LOS to the city streets and that installing the signals will somehow mitigate conditions. In fact, LOS is determined from analysis of traffic and the signals will worsen the LOS.*

LOS, as the term is most commonly used, is a measure of the delay experienced by drivers. At a signalized intersection, the thresholds for going from LOS C to LOS D, from LOS D to LOS E and from LOS E to LOS F are respectively 35, 55 and 80 seconds of delay per vehicle. When people use the pushbuttons associated with pedestrian signals they interrupt the flow of traffic on the arterial street and they increase the delay on that street in much the same way as a car appearing on a side street. It may be appropriate to install a pedestrian signal at a mid-block crossing but doing so will mean increased delays for drivers.

Response: The "Policy and program recommendations" on page 73 (after Action Item 2) were added during Council's workshops and the public hearing process to address public concerns about traffic congestion and pedestrian safety. While DelDOT's concerns about referencing LOS are noted, the policy recommendations state that Council should

“consider” the LOS impacts for congested roadways and pedestrian crosswalks, but does not bind Council to any specific decision. In addition, and as noted above, the language was added to the Comp Plan through our public review process. Therefore, there were no changes to the “Policy and program recommendations” on page 73.

- *A comment that we did not specifically raise at the PLUS meeting concerns recommendation on page 66 for a mid-block crossing with an improved median on Library Avenue between Delaware Avenue and East Main Street. Briefly, we acknowledge that there is a lack of pedestrian amenities there but we disagree that the solution is to provide those amenities. This block of Library Avenue serves a high volume of vehicular traffic (29,520 vehicles per day based on a 2014 count) and is about 1,000 feet long. The northbound bus stop in its present position is only about 100 feet from the library entrance and library patrons would have to walk about 1,100 feet to get to the stop by way of the signalized crosswalk at Delaware Avenue, so it is understandable that people are crossing in the middle of the block. However, we believe a better solution may be to relocate the bus stop to either the Delaware Avenue intersection or the East Main Street intersection.*

Response: The Planning and Development Department recognizes DelDOT’s concerns regarding mid-block crossings. However, the Comprehensive Plan – on page 67 and 68 – is summarizing the *2011 Newark Transportation Plan*, which was developed in cooperation with DelDOT and the Wilmington Area Planning Council (WILMAPCO), went through an extensive public process and review, and was adopted by City Council during a regularly scheduled Council meeting. The recommendations of the *2011 Newark Transportation Plan* are solution-based alternatives to address traffic concerns and pedestrian safety, and DelDOT is under obligation to fund or approve. Therefore, the Planning and Development Department recommend no changes to the draft of the Comprehensive Development Plan V.

Approval Procedures:

- *Once all edits, changes and corrections have been made to the Plan, please submit the completed document (text and maps) to our office for review. **Your PLUS response letter should accompany this submission.** Also include documentation about the public review process. In addition, please include documentation that the plan has been sent to other jurisdictions for review and comment, and include any comments received and your response to them.*

Response: In addition to the public process described earlier, the City of Newark did a monthly Newsletter to over 200 recipients. Representatives from the following agencies received monthly updates during the planning process:

Delaware Department of Natural Resources and Environmental Control
University of Delaware – Office of the President
Delaware State Housing Authority
League of Women Voters
Christina School District – Superintendent
State Senator David Sokola
State Representative Paul Baumbach
State Representative John Kowalko
Delaware Department of Transportation
Wilmington Area Planning Council
New Castle County Department of Land Use
New Castle County Department of Community Services
Delaware Water Resources Agency
Delaware Office of State Planning Coordination
Delaware Transit Corporation
New Castle County Councilwoman, Lisa Diller

Thank you for the opportunity to review this Comprehensive Plan. If you have any questions, please contact me at 302-366-7000 ex 2041.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Fortner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Fortner, AICP
Development Manager

