2015 Professional Practice Program

Planning for Smart Growth:
Securing polling locations with site plan conditions

Arlington, VA

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Planning for Smart Growth: Securing polling locations with site plan conditions

The Problem:
Much has been written on the barriers urban voters face: overcrowded precincts, a lack of trained poll workers, transient voters more likely to encounter registration issues. They all lead to same problem: longer lines on Election Day. Yet, in all of the documented challenges faced, few real solutions are offered for the urban election administrator. One obvious solution is to reduce the number of voters in each location by adding polling locations. It sounds simple, but negotiating for space is anything but.

The EAC advises for the use of schools, community centers, churches, libraries, shopping malls, grocery stores, and apartment community rooms. In the past 15 years, Arlington has added almost 20,000 new housing units and 25,000 residents. At the same time, there have been no new schools, community centers, churches, libraries, malls, etc. Our population is booming because of intentional Smart Growth construction of high-rise apartment buildings along a dense metro corridor. It’s a development pattern that’s being echoed across the country in the resurgence of urban living among millennials. And the problem of where these residents vote is compounding with the opening of each new apartment building.

Thankfully our planning department takes notice of the constraints a 31-story apartment building would place on already crowded precincts and negotiates for polling locations in the site plans of new construction. It’s a simple idea that guarantees that the new apartment community will have a space to accommodate its voters.

The (Site) Plan:
We’re all familiar with the election timeline and 4 year cycle. Planning works with a 40 year timeline. New developments take years from the date the first plan is submitted to when the first resident moves in, and it’s unrealistic to expect to be at every meeting. A good election administrator is paying attention to new development, but in a rapidly growing community, it’s easier to partner with your planning department. Our partnership started in 2001 with the fortuitous placement of a couple of pollworkers on the planning commission. They advocated for our needs when new projects were presented and established a precedence for factoring polling place needs into the planning process. Now, our planning commission is proactive in contacting our office when they are working on large developments to ask if we need a polling place. They, then, negotiate a “Polling Location” condition on our behalf.

A site plan condition is a condition placed on new construction in an effort to help mitigate impacts caused by increased density, height or other modifications that can have an impact on the surrounding

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3 http://www.eac.gov/assets/1/Page/ElectionManagementGuidelinesChapterPollingPlaceandVoteCenterManagement.pdf
5 “Smart growth involves a set of principles to guide development and land-use decisions.” http://projects.arlingtonva.us/planning/smart-growth/
6 http://projects.arlingtonva.us/standard-site-plan-conditions/
community. It insures compliance to county ordinances and allows for points of negotiation. Traditionally reserved for things like building height, fire safety, or the number of parking spaces, our commission drafted a condition that requires builders to provide a space to be used as a polling location.

**Sample Future Polling Location Condition**

The developer agrees to provide a polling space as part of the final site plan, that meets the requirements of the Electoral Board with respect to space requirements, dates of the year and times of day that it would be available, access, parking availability within existing on-street and retail/residential visitor parking facilities, ADA accessibility, and any other established criteria, for the life of the site plan or until such time as the Electoral Board notifies the developer and the County Manager in writing of its intention to permanently discontinue use of the building for a polling place. In the event that available space is found not to be suitable by the Electoral Board or is not available because of repairs or rehabilitation or renovation, the County Manager may approve, if requested by the developer, an alternate location within previous or future phases of the development area that is acceptable to the developer and to the Electoral Board.

Ideally conditions are negotiated at the start of a project. Because they are bargaining tools, it’s possible to have one applied anytime construction goes in front of the commission, though. We succeeded in adding conditions as properties were rezoned from commercial to residential spaces or even when the space was undergoing a major remodel.

**The Solution**

Now the test: Can two sentences in a condition drafted 15 years ago really guarantee a place for voting? Yes. The negotiations don’t go away, but now we have a leg to stand on. Like any solution, there are things to look out for though.

1. “Adequate Space” lacks a clear definition. You have to be careful in how you define adequate space otherwise you might find yourself relegated to the 400 sq. ft. corridor off the back entrance to the building.
2. Apartment buildings change management about as often as college students move. With every new management company, you have to renew the conversation that they inherited a polling place when they purchased the building.
3. Not all developers will agree to a site plan agreement. Some will, so it’s worth a shot.

At the end of the day, use of polling place conditions in site plan agreements has proven invaluable to having smaller, less crowded precincts. Thanks to a forward thinking planning staff, we have polling locations along our densely packed metro corridors.

In Arlington, we believe that if we keep elections simple, we’ll reduce the likelihood of errors. That simplicity starts with one precinct per polling location. In order to adhere to this principle in a rapidly growing urban environment, we’ve found a way to add polling locations as the County grows. We’re preparing for the next 30 years of anticipated growth to our rolls. That’s our Smart Growth.
Profile of Arlington

Arlington, VA is approximately 26 square miles, located outside of Washington D.C. It is the geographically smallest self-governing county in the U.S. with the 12th highest population density.6

We have around 140,000 registered voters and 52 polling locations. Arlington is expected to grow from 207,600 residents in 2010 to 283,000 by 2040.

Sample Site Plan Conditions

1. “The developer agrees to provide a polling space as part of the final site plan, that meets the requirements of the Electoral Board with respect to space requirements, dates of the year and times of day that it would be available, access, parking availability within existing on-street and retail/residential visitor parking facilities, ADA accessibility, and any other established criteria, for the life of the site plan or until such time as the Electoral Board notifies the developer and the County Manager in writing of its intention to permanently discontinue use of the building for a polling place. In the event that available space is found not to be suitable by the Electoral Board or is not available because of repairs or rehabilitation or renovation, the County Manager may approve, if requested by the developer, an alternate location within previous or future phases of the development area that is acceptable to the developer and to the Electoral Board.”

2. “The applicant has committed to assist in accommodating a polling place for the voting precinct in which the subject site is located. The location of a polling place may be anywhere in the voting precinct, subject to a number of requirements. The best location in the precinct may not be within the subject site, although the location may be controlled by the applicant. However, the various site plan projects in the precinct have different ownerships, and the ownership of one project may not legally commit another ownership to a condition to require a polling place.”

Sketch of Polling Location: Planned to Open 2015/2016 at the base of a 669 unit apartment building.
Population growth is predicted based on the addition of new housing units. Your planning department should be able to help you predict growth based on approved housing developments. Below is a chart we used to examine growth before the 2012 Presidential.

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Current Size (active)</th>
<th>Issues/Notes</th>
<th>Under Construction (UC) or Approved Growth (AG), per planning reports</th>
<th>No. of Units</th>
<th>Total New Units</th>
<th>Possible New by 2012</th>
<th>Projected Size (+6%)</th>
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<tbody>
<tr>
<td>001 Arlington</td>
<td>2231</td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2,365</td>
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<td>002 Ashton Heights</td>
<td>2977</td>
<td>WATCH AREA: New growth will be a tight squeeze</td>
<td>Garfield Park at Clarendon Village, 2900 10th St. N, AG</td>
<td>149</td>
<td>304</td>
<td>0</td>
<td>3,156</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>The Waverly, 1200 N Irving AG</td>
<td>155</td>
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<td>003 Aurora</td>
<td>1882</td>
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<td>007 Cherrydale</td>
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<td></td>
<td>0</td>
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<td></td>
<td></td>
<td></td>
<td>3565 Lee Hwy, AG</td>
<td>66</td>
<td>88</td>
<td>22</td>
<td>3,079</td>
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<td></td>
<td></td>
<td></td>
<td>Bromptons at Cherrydale, 3800 Lee Hwy, UC</td>
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<tr>
<td>008 Hume</td>
<td>3284</td>
<td>PROBLEM AREA, along with Virginia Highlands</td>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3,481</td>
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<td>009 Columbia</td>
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<td>WATCH AREA</td>
<td>Axumite Village, 1100 S Highland St AG</td>
<td>36</td>
<td>58</td>
<td>0</td>
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<td></td>
<td></td>
<td></td>
<td>Columbia Place, 1100 S Edgewood St AG</td>
<td>22</td>
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<tr>
<td>010 Wilson</td>
<td>3643</td>
<td>PROBLEM AREA, with Park Lane and Rosslyn. At least one additional precinct will be needed in this area.</td>
<td>Sedona (Rosslyn Commons), 1500 Clarendon Blvd. AG</td>
<td>271</td>
<td>697</td>
<td>0</td>
<td>3,862</td>
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<td>Rosslyn Commons - Townhouses, 1500 Clarendon Blvd. AG</td>
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<td></td>
<td></td>
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