

FROM

NAME & TITLE	CHRIS RYER, DIRECTOR
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
SUBJECT	CITY COUNCIL BILL #20-0506 / BALTIMORE CITY CRITICAL AREA MANAGEMENT PROGRAM – CRITICAL AREA MANUAL, MAP, AND ZONING

CITY OF
BALTIMORE
MEMO



DATE:

March 27, 2020

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

At its regular meeting of March 26, 2020 the Planning Commission considered City Council Bill #20-0506, for the purpose of repealing the Baltimore City Critical Area Management Program and Document (2002 Edition) and approving and adopting a new Baltimore City Critical Area Management Program Manual (2020 Edition); repealing the Baltimore City Critical Area Program Map (adopted November 13, 2002) and approving and adopting a new Baltimore City Critical Area Program Map (2002 Edition); prohibiting certain additional uses and activities in certain areas of the Critical Area; defining and redefining certain terms; conforming, correcting, and clarifying Zoning Code provisions governing the Critical Area Overlay Zoning District; providing for a special effective date; and generally relating to the 2020 Baltimore City Critical Area Management Program, Map, and Zoning.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #20-0506 and adopted the following resolution: eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #20-0506 be amended and approved by the City Council, with the following amendment:

- That minor changes to the Critical Area Master Plan document may be made by staff, but major changes must return to the Planning Commission for review; the date of public comment window closing is changed to April 17th.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Mr. Nicholas Blendy, Mayor's Office
Mr. Matthew Stegman, Mayor's Office
Ms. Nina Themelis, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszyński, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services
Mr. Dominic McAlily, Council Services



PLANNING COMMISSION

Bernard C. "Jack" Young
Mayor

Sean D. Davis, Chairman

STAFF REPORT

Chris Ryer
Director

March 26, 2020

REQUEST: City Council Bill #20-0506/ Baltimore City Critical Area Management Program – Critical Area Manual, Map, and Zoning:

For the purpose of repealing the Baltimore City Critical Area Management Program and Document (2002 Edition) and approving and adopting a new Baltimore City Critical Area Management Program Manual (2020 Edition); repealing the Baltimore City Critical Area Program Map (adopted November 13, 2002) and approving and adopting a new Baltimore City Critical Area Program Map (2002 Edition); prohibiting certain additional uses and activities in certain areas of the Critical Area; defining and redefining certain terms; conforming, correcting, and clarifying Zoning Code provisions governing the Critical Area Overlay Zoning District; providing for a special effective date; and generally relating to the 2020 Baltimore City Critical Area Management Program, Map, and Zoning.

RECOMMENDATION: Amendment and Approval, with the following amendment:

- On page 1, in line 8, following “a new Baltimore City Critical Area Program Map” and within the parentheses, strike “2002”, and insert “2020”.

STAFF: Bruna Attila

INTRODUCED BY: The Council President at the request of: The Administration (Department of Planning)

SITE/GENERAL AREA

Site Conditions and General Area:

The Critical Area Management Program regulates development that occurs within 1,000 feet of Chesapeake Bay waters and tidal segments of tributary rivers, as well as the Critical Area Buffer, which is the area within 100 feet from the water.

HISTORY

- The Baltimore City Critical Area Management Program was established by Ord. #87-107, dated 1987. It was last amended by Ord. #02-350, dated 05/20/2002.
- Ordinance #02-350, dated June 13, 2002 repealed and replaced the Baltimore City Critical Area Management Program and Document.

CONFORMITY TO PLANS

According to the Natural Resources Article Section 8-1809(a), the Critical Area Management Program is mandated by the State of Maryland, and each coastal jurisdiction had the choice to develop its own Manual on or before 2002. That was the case of Baltimore City, and since then

we have had a Manual that was tailored to guide development that happens within our mostly urban Critical Area.

ANALYSIS

Background: As listed in [Section 8-1809\(b\)](#), “If a local jurisdiction states the local jurisdiction’s intent not to develop a program or fails to submit a timely statement of intent, the Commission shall prepare and adopt a program for the part of the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical Area in that local jurisdiction.” It is important for Baltimore City to produce its own Manual because the threshold requirements provided in the Code of Maryland are better suited to the majority of Maryland coastal jurisdictions, which have rural coastlines ([COMAR Title 27 Critical Area Commission for the Chesapeake and Atlantic Coastal Bays](#)).

Effects of the bill:

The State provided the original Critical Area maps to all coastal jurisdictions, including Baltimore, in 1989. However, the maps were paper-based and were completed without field surveys. For that reason, the CAC remapped the Critical Area and delivered a new and improved digital map to the City in June of 2018. The Critical Area boundaries in the new map remain generally the same, with the exception that the State has mapped tidal wetlands connected to land along Baltimore’s coastline. The State requires the City to formally adopt the new map by June 2020.

The City produced its first Critical Area Manual in 1989, which guides the implementation of the Critical Area law in the City, and this Manual was last updated in 2002. The Department of Planning intends to update both the CAMP Manual and map through one legislative Bill. The CAMP Manual update has been in process since October 2018, and the work is being performed in close coordination with the CAC’s staff. Once approved by the Mayor and City Council of Baltimore, the CAMP Manual must be submitted to the CAC for final approval.

List of Proposed Changes

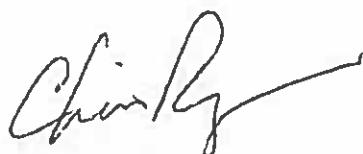
The most significant updates proposed within the new CAMP Manual include:

- A new sub-subdistrict within the Critical Area that would establish a Shoreline Conservation Area. Currently the Manual recognizes 2 main districts and 2 subdistricts. They are as follows:
 1. Resource Conservation Area: no change (Example: Reedbird Park)
 2. Intensely Developed Area, that is divided into:
 - a. Waterfront Industrial Area (Example: Curtis Bay)
 - b. Waterfront Revitalization Area (Example: Inner Harbor)
- Adjustment and changes to the program’s offset fees. The current fees have been in place since 2002 and require an update. The fee adjustments do not exceed the current U.S. rate of inflation.

- Stormwater Management offset fee: Updated from \$35,000 to \$45,000 per pound of Phosphorus removed.
- The cost for tree mitigation: From \$400 to \$600 per tree, which is the same rate mandated by the Forest Conservation Manual.
- Elimination of the Buffer Disturbance fee. The fee was based on the entire area being redeveloped within 100 feet from the water. The proposed requirement will apply only to new impervious areas in the Buffer:
 - Mitigation ratio for a water dependent use is 2:1 (1 square foot of additional impervious area in the Buffer requires 2 square feet of mitigation. The calculation is based on planting credits). An example of a water dependent use are facilities that support Port activities.
 - Mitigation ratio for a non-water dependent use is 3:1 (1 square foot of additional impervious area in the Buffer requires 3 square feet of mitigation. The calculation is based on planting credits). Examples of non-water dependent uses are restaurants and residences.
- Adjustment to planting credits: required by the State as our planting credits were less stringent than the State's threshold.
 - (1) 2-inch caliper tree provides 200 square feet of planting credit in the Buffer and 435.6 square feet in non-Buffer areas, an increase from 625 square feet per tree.

Notification:

1. The 201 property owners impacted by the Map changes have been notified of this action and a public meeting was held on 06/13/2018 to explain the changes and gather public input. One (1) comment was collected during the meeting.
2. A notification was sent to over 17,000 recipients through the GovDelivery system on 3/17/2020 regarding the CAMP Manual and Map public comment period that is taking place until 4/10/2020.



Chris Ryer
Director

