


F R O M	NAME & TITLE	Khalil A. Zaied, Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation 417 East Fayette Street, Room 527		
	SUBJECT	City Council Bill 11-0658		

TO

The Honorable President and Members
of the City Council
c/o Karen Randle
Room 400 City Hall

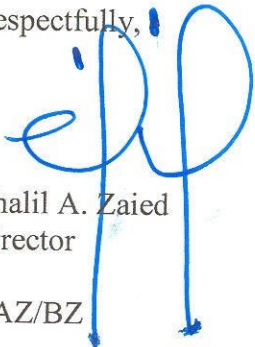
June 29, 2011

I am herein reporting on City Council Bill 11-0658, Traffic Mitigation - Establishing Traffic-Mitigation Zones. The Department of Transportation (DOT) requested this bill's introduction to make the current traffic-mitigation process more transparent and predictable. The current process requires developers of large-scale projects to mitigate adverse traffic impacts by commissioning a third-party Traffic Impact Study (TIS) and paying fees to contribute to mitigating those impacts. This bill creates a new section in Chapter 38 of the Building Code that creates Traffic-Mitigation zones. This bill amends existing provisions in the Zoning Code concerning traffic mitigation to reference these Traffic-Mitigation zones, and generally establishes procedures for administering the Traffic-Mitigation program.

DOT has worked with sister agencies including Law, Finance and Housing, and as a result, proposes the attached amendments to City Council Bill 11-0658. The Administration, DOT and the aforementioned agencies all concur with these amendments. To ease review of this bill, I am also attaching a piece-by-piece description of how each section of this bill changes existing law.

I respectfully request that the Transportation and Land Use Committee and City Council approve City Council Bill #11-0658.

Respectfully,

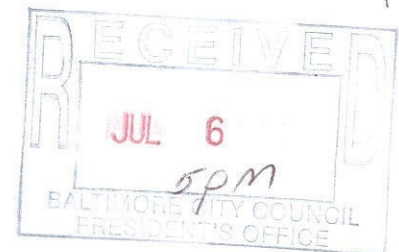


Khalil A. Zaied
Director

KAZ/BZ

Cc: Ms. Angela C. Gibson
Mr. Jamie Kendrick
Mr. Frank Murphy

Attachments



SECTION-BY-SECTION EXPLANATION OF PROPOSED TRAFFIC MITIGATION ORDINANCE

(CHANGES TO CURRENT LAW ONLY)

Page	Section	Explanation
2 - 3	105.3.1.2 (BUILDING CODE)	Reduces the number of dwelling units covered by the Ordinance from 100 to 10 within a Traffic-Mitigation Zone (hereafter "Zone") and from 100 to 50 outside of a Zone
3	3801 (ZONING CODE)	Clarifies that the ordinance applies to redevelopment of existing buildings when the use is changed. This section is necessary to eliminate ordinary tenant fit-outs from requiring study or fee. Defines a Zone as an area designated for heightened review of potential transportation impacts.
4 - 5	3802	Exempts City-owned or City-constructed buildings from the ordinance. Outside of Zone, reduces the number of dwelling units covered by the ordinance from 100 to 50, warehouse uses from 150,000 to 100,000 square feet and clarifies that the "50,000 square foot" requirement in current law applies to mixed use projects. Establishes that the study area for any TIS may not be greater than ½ mile from the development; allows DOT Director to establish exceptions under extraordinary circumstances. Inside of a Zone, reduces the number of dwelling units covered by the ordinance from 100 to 10.
5	3803	Requires the DOT Director to promulgate regulations for this law providing: how to determine trip generation counts, an "extraordinary circumstances" definition (see above description for 3802), fee schedule, and accounting methods for certain procedures. Allows the Director to promulgate regulations creating sub-zones and usage categories for trip generation estimation purposes. Requires that regulations are subject to 30-day public comment and public hearing.
6 - 7	3804	Adds a conflict of interest provision to limit DOT consultants from performing a TIS where they have worked for the Developer in prior 24 months. Requires DOT to refund any unspent funds paid for the TIS, subject to Board of Estimates (BOE) approval. Subject to BOE approval, entitles applicant to full refund of fees paid to City if DOT does not complete TIS within 60 days of initial payment.
7 - 18	3805	Establishes and defines the purpose of Zones as areas with overburdened transportation networks that are anticipated to experience significant development, requiring heightened traffic impact review. Requires that that the Planning Commission adopt a 10-year traffic management plan for each Zone every 5 years.

		<p>Requires that the traffic management plan include both trip generation projections and multimodal transportation solutions to mitigate traffic congestion.</p> <p>Requires that the plan include projects which may be funded by traffic mitigation fees.</p> <p>Prohibits system preservation projects (resurfacing, etc.) from being included in a plan</p> <p>Establishes 5 Zones and their boundaries: Downtown/Midtown, Southeast, South Baltimore/Middle Branch, East Baltimore, and Southwest Baltimore</p>
19 - 21	3806	<p>Defines Traffic-Mitigation Fee as a fee charged for projects created within Zones.</p> <p>Requires applicants submit applications according to regulatory requirements.</p> <p>Requires trip formula regulations establish procedures for determining trip projections by project type and Zone, taking into account the number of trips likely to be by walking, bicycling, transit, carpooling, etc.</p> <p>Requires that the BOE adopt the mitigation fee schedule and limits increases to every 5 years, concurrent with the adoption of the traffic management plan, through calendar year 2021</p> <p>Establishes that fee is determined by multiplying the applicable rate per trip by DOT's trip generation projection, less any trip generation credits.</p> <p>Allows Director to grant trip generation credits by binding agreement if developer agrees to take prescribed actions to limit trip generation. The agreement must apply to project's subsequent owners or occupants. The Director awards credits equivalent to the number of trips that developer's prescribed actions may decrease. The agreement plus other adjustment factors may not reduce trip generation projections by more than 50%.</p> <p>Requires Director to issue credits for affordable housing units and for properties vacant for less than one year.</p> <p>Benefitting property owner may not change use of the credit-benefitting property unless that owner cancels the credits through a prescribed buy-out formula.</p> <p>Entitles City to legal and equitable remedies where credit recipient violates terms of this law or agreement.</p> <p>Property owner may transfer property rights to the City in exchange for trip credits.</p> <p>Requires applicants owing less than \$50,000 to pay in full before receiving permits, and allows applicants owing \$50,000 or more to negotiate an installment payment plan with DOT subject to BOE approval and certain interest rates.</p>

22-23	3807	<p>Fee revenues are deposited in Zone-specific revenue accounts of the General Fund.</p> <p>Fee revenues, subject to appropriation, may fund:</p> <ol style="list-style-type: none"> 1. Design and construction of projects in the 10-year traffic management plan 2. Planning and administration (up to 10% of total fees collected) 3. Minor site access improvements (up to 30% of each fee collected) <p>Fee revenues may be spent by either the City or the developer.</p> <p>DOT, with help from Finance, must report annually to BOE on fee revenues and expenditures.</p> <p>Subject to certain conditions, City will refund developer for fees if unused within 6 years of receipt of final payment.</p> <p>DOT, in consultation with Finance, must establish through regulation a standardized method for accounting for allocated fees.</p>
23	3808	Describes how law, regulatory or agreement violations are enforced.
23-27	2-305; 2-403; 13-704; 14-201; 16-301 (ZONING CODE)	Reiterates 105.3.1.2 (BUILDING CODE)
27	40-14	Lists traffic mitigation enforcement as a \$500 violation subject to Environmental Control Board review.
27	Uncodified Section 2	This ordinance applies to all applications submitted after the ordinance's effective date.
27	Uncodified Section 3	Ordinance does not apply to projects where: DOT has already issued a written finding that no traffic mitigation is required, or traffic mitigation requirements has already been satisfied through a PUD or agreement approved by BOE.
27	Uncodified Section 4	Catchlines are not law.
28	Uncodified Section 5	If a developer submits an application before BOE enacts a fee schedule, then that project will be treated as if it were not located in a Zone.
28	Uncodified Section 6	Ordinance takes effect 30 days after enacted.

AMENDMENTS TO COUNCIL BILL 11-0658
(First Reader Copy)

By:

{ To be offered to the Land Use and Transportation Committee }

Amendment No. 1

On page 3, in line 18, after "CODE", insert "AND INVOLVES 10 OR MORE DWELLING UNITS"; and, on page 22, in line 16, on page 23, in line 20, on page 24, in lines 7 and 26, and on page 25, in line 16, in each instance, after "§ 3805" insert "AND INVOLVES 10 OR MORE DWELLING UNITS".

Amendment No. 2

On page 5, in line 28, strike "AND"; and, on that same page, in line 30, after "§ 3804", insert ", AND" followed by:

"D. AN ACCOUNTING METHOD, ADOPTED IN ACCORDANCE WITH § 3807.5.3, TO DETERMINE WHAT SPECIFIC PROJECTS INDIVIDUAL FEES ARE OBLIGATED TO FOR PURPOSES OF A REVIEW UNDER § 3807.5.1";

and, on page 21, after line 32, insert:

"3807.5 RETURN OF UNOBLIGATED FEES.

3807.5.1 REVIEW OF FEE USE. IF AN APPLICANT WHO HAS PAID A TRAFFIC-MITIGATION FEE FOR A PROJECT BELIEVES THAT THE FEE HAS NOT BEEN OBLIGATED TO A SPECIFIC PROJECT INCLUDED IN A TRAFFIC MANAGEMENT PLAN APPROVED UNDER § 3805.2 WITHIN 6 YEARS OF FINAL PAYMENT, THE APPLICANT MAY REQUEST A REVIEW OF THE FEE'S USE BY THE DIRECTOR. THE DIRECTOR MUST THEN DETERMINE IF THE FEE IN QUESTION, OR ANY PORTION OF IT, HAS, WITHIN 6 YEARS OF PAYMENT, BEEN OBLIGATED TO A SPECIFIC PROJECT INCLUDED IN A TRAFFIC MANAGEMENT PLAN APPROVED UNDER § 3805.2.

3807.5.2 REFUND OF UNOBLIGATED FEES. IF THE DIRECTOR'S REVIEW UNDER § 3807.5.1 DETERMINES THAT A FEE HAS NOT BEEN ENTIRELY OBLIGATED TO A SPECIFIC PROJECT INCLUDED IN A TRAFFIC MANAGEMENT PLAN APPROVED UNDER § 3805.2 WITHIN 6 YEARS OF PAYMENT, ANY UNOBLIGATED PORTION OF THE FEE MUST BE

REFUNDED TO THE APPLICANT UPON THE BOARD OF ESTIMATE'S APPROPRIATION OF THE NECESSARY FUNDS.

3807.5.3 ACCOUNTING METHOD TO BE PUBLISHED. THE DIRECTOR, IN CONSULTATION WITH THE DEPARTMENT OF FINANCE, MUST ESTABLISH A STANDARDIZED METHOD FOR DETERMINING HOW SPECIFIC FEES ARE ALLOCATED TO PARTICULAR PROJECTS FOR PURPOSES OF A REVIEW UNDER § 3807.5.1. THIS ACCOUNTING METHOD MUST BE INCLUDED IN THE RULES AND REGULATIONS ADOPTED UNDER THIS CHAPTER."

Amendment No. 3

On page 6, in line 16, strike "and"; and, on that same page, in line 17, after "Reference", insert ", AND

5. THE DIRECTOR OF PLANNING".

Amendment No. 4

On page 6, after line 28, insert:

"3804.2.1.1.1 CONFLICT DEFINED. FOR PURPOSES OF THIS § 3804.2 A "CONFLICT OF INTEREST" IS DEFINED AS ANY CONSULTANT HAVING MATERIALLY PARTICIPATED IN THE DEVELOPMENT OF THE APPLICATION OR HAVING WORKED FOR THE APPLICANT ON ANY APPLICATION WITHIN THE PRIOR 24 MONTHS."

Amendment No. 5

On page 7, in line 4, after "COMPLETED", and, in line 14, after "2.", in each instance insert "SUBJECT TO APPROPRIATION BY THE BOARD OF ESTIMATES,".

Amendment No. 6

On page 10, strike lines 20 through 40, in their entireties, and substitute:

"(24) NORTHERLY, PASSING OVER WEST BALTIMORE STREET AT WHICH POINT SOUTH MARTIN LUTHER KING JR. BOULEVARD BECOMES NORTH MARTIN LUTHER KING JR. BOULEVARD, TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID NORTH MARTIN LUTHER KING JR. BOULEVARD AND THE CENTERLINE OF MADISON AVENUE, 66 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID MADISON AVENUE,

(25) NORTHWESTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID MADISON AVENUE AND THE CENTERLINE OF DOLPHIN STREET, 100 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID DOLPHIN STREET,

- (26) NORTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID DOLPHIN STREET AND THE CENTERLINE OF NORTH EUTAW STREET, 110 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID NORTH EUTAW STREET,
- (27) SOUTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID NORTH EUTAW STREET AND THE CENTERLINE OF 29TH DIVISION STREET, 66 FEET WIDE (FORMERLY WEST HOFFMAN STREET); THENCE RUNNING WITH THE CENTERLINE OF SAID 29TH DIVISION STREET,
- (28) NORTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID 29TH DIVISION STREET AND THE CENTERLINE OF BOLTON STREET, VARYING IN WIDTH; THENCE RUNNING WITH THE CENTERLINE OF SAID BOLTON STREET,
- (29) NORTHWESTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID BOLTON STREET AND THE CENTERLINE OF SAID DOLPHIN STREET; THENCE RUNNING WITH THE CENTERLINE OF SAID DOLPHIN STREET,
- (30) NORTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID DOLPHIN STREET AND THE CENTERLINE OF NORTH HOWARD STREET, 80 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID NORTH HOWARD STREET,
- (31) NORTHERLY TO A POINT FORMED BY THE INTERSECTION OF SAID NORTH HOWARD STREET AND THE CENTERLINE OF WEST NORTH AVENUE; THENCE RUNNING WITH THE CENTERLINE OF SAID WEST NORTH AVENUE,
- (32) EASTERLY, PASSING OVER NORTH CHARLES STREET AT WHICH POINT SAID WEST NORTH AVENUE BECOMES EAST NORTH AVENUE, TO THE PLACE OF BEGINNING.”

Amendment No. 7

On page 18, in line 42, after “ESTABLISH” insert a colon followed by a new unit designation “1.”; and, on page 19, in line 2, after “SUB-ZONE”, insert “; AND

2. ADJUSTMENT FACTORS FOR CALCULATING THE NUMBER OF NON-SINGLE-OCCUPANT-VEHICLE TRIPS ATTRIBUTABLE TO VARIOUS TYPES OF PROJECTS”;

and, on that same page, strike lines 16 through 18, in their entireties; and, in line 32, strike “AND”; and, in line 36, after “DEVELOPER”, insert “; AND

5. THE MITIGATION AGREEMENT, TOGETHER WITH ANY ADJUSTMENT FACTORS CALCULATED USING THE PROCEDURE ESTABLISHED UNDER § 3806.3.1(2), DOES NOT REDUCE THE TOTAL NUMBER OF TRIPS THAT WOULD OTHERWISE BE USED TO CALCULATE THE TRAFFIC-MITIGATION FEE BY MORE THAN 50%”.

Amendment No. 8

On page 19, after line 4, insert:

“3806.3.2.1 TEMPORARY LIMITATION ON FEE RATE INCREASES. FOR THE PERIOD BEGINNING WHEN A FEE RATE IS INITIALLY SET FOR A ZONE, AND ENDING ON DECEMBER 31, 2021, THE BOARD OF ESTIMATES MAY NOT INCREASE THE FEE RATE FOR THAT ZONE MORE OFTEN THAN ONCE EVERY 5 YEARS.”.

Amendment No. 9

On page 19, in line 7, after “TRIP”, insert “, AS OF THE DATE THAT THE PERMIT IS APPLIED FOR,”.

Amendment No. 10

On page 20, strike from “WITH” in line 3 through “§2B-3)” in line 4, and substitute “THAT WILL BE REQUIRED TO EITHER:

1. BE RENTED TO TENANTS WITH INCOMES AT OR BELOW 60% OF THE AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE, FOR A PERIOD OF 15 YEARS; OR
2. BE SOLD TO HOMEOWNERS WITH INCOMES AT OR BELOW 80% OF THE AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE”.

Amendment No. 11

On page 20, after line 29, insert:

“3806.5 RIGHT-OF-WAY DEDICATION SET-OFF. IF AN APPLICANT CONTROLS PROPERTY THAT THE DIRECTOR DETERMINES TO BE NECESSARY FOR THE CONSTRUCTION OF A PROJECT INCLUDED IN A TRAFFIC MANAGEMENT PLAN APPROVED UNDER § 3805.2, THE DIRECTOR MAY ACCEPT THE DEDICATION OF THE NEEDED PROPERTY TO THE CITY’S USE AND ISSUE A SET-OFF CREDIT TOWARD THE TRAFFIC-MITIGATION FEE ASSESSED ON A PROJECT IN EXCHANGE. THE TOTAL AMOUNT OF THE TRAFFIC-MITIGATION FEE TO BE PAID WOULD THEN BE REDUCED BY THE APPRAISED VALUE OF THE PROPERTY DEDICATED TO CITY USE.”;

and, on that same page, in line 30, strike “3806.5” and substitute “3806.6”; and, in line 31, strike “3806.5.1” and substitute “3806.6.1”; and, in line 34, strike “3806.5.2” and substitute “3806.6.2”; in line 37, strike “3806.5.2” and substitute “3806.6.2”.

Amendment No. 12

On page 20, in line 32, strike “DEPARTMENT” and substitute “DIRECTOR”.

Amendment No. 13

On page 20, after line 38, insert:

“**3806.6.2.1 INTEREST TO BE CHARGED ON INSTALLMENT PAYMENTS. IF A TRAFFIC-MITIGATION FEE IS TO BE PAID IN INSTALLMENTS UNDER AN AGREEMENT AUTHORIZED BY § 3806.6.2, INSTALLMENT PAYMENTS MUST INCLUDE AN ADDITIONAL INTEREST CHARGE AT THE CURRENT CITY BORROWING RATE AS DETERMINED BY THE DIRECTOR OF FINANCE.**”

Amendment No. 14

In line 17, after “FEE”, insert “, AFTER DEDUCTION OF CREDITS,”.

Amendment No. 15

On page 21, in line 24, strike “DEPARTMENT OF TRANSPORTATION” and substitute “CITY”.

Amendment No. 16

On page 21, after line 25, insert:

“**3807.3.2.1 NO REBATES UNTIL REMAINDER OF FEES PAID. A DEVELOPER MAY NOT RECEIVE A REBATE OF ANY FEES UNDER THIS § 3807.3.2 UNTIL THE REMAINING TRAFFIC MITIGATION FEES HAVE BEEN PAID TO THE CITY.**”

Amendment No. 17

On page 22, in line 1, strike “§ 113” and substitute “§114”.

Amendment No. 18

On page 26, after line 7, insert:

“**SECTION 3. AND BE IT FURTHER ORDAINED, That the requirements of this Ordinance do not apply to applications that the Director of Transportation, in consultation with the Director of Planning, determines that prior to the effective date fo this Ordinance:**

- _____
a. there is a documented decision by the Department of Transportation that no traffic mitigation is required;
- _____
b. traffic mitigation requirements have been satisfied by the adoption of relevant provisions within a Planned Unit Development; or

c. traffic mitigation requirements have been satisfied pursuant to an agreement approved by the Board of Estimates.”;

and, on that same page, in lines 8, 11, and 14, strike “3”, “4”, and “5” and substitute “4”, “5”, and “6” respectively.

Amendment No. 19

On page 26, in line 14, strike “90th” and substitute “30th”.

COUNCIL BILL 11-0658

UNOFFICIAL REPRINT TO SHOW CONTEXT
OF AMENDMENTS PROPOSED BY THE DEPARTMENT OF PLANNING

A BILL ENTITLED

AN ORDINANCE concerning

Traffic Mitigation – Establishing Traffic-Mitigation Zones

FOR the purpose of modifying the requirements for certain development projects to mitigate their impacts on City traffic; requiring the Department of Transportation to review certain development projects; defining certain terms; designating certain areas to be Traffic-Mitigation Zones; providing for payments in lieu of Traffic-Mitigation studies; establishing how these payments are to be calculated; creating certain exceptions; authorizing certain traffic-mitigation projects; and generally relating to the requirements and procedures for building and zoning code permits and authorizations.

By authority of

Article II - General Powers
Section(s) (40) and (47)
Baltimore City Charter
(1996 Edition)

By repealing and reordaining, with amendments

Article - Building, Fire, and Related Codes
Section(s) 2-103 (IBC §§ 105.3(4), 105.3.1, 105.3.3, and 105.3.4)
Baltimore City Revised Code
(Edition 2000)

By adding

Article - Building, Fire, and Related Codes
Section(s) 2-103 (IBC Chapter 38)
Baltimore City Revised Code
(Edition 2000)

By transferring, with amendments

Article - Building, Fire, and Related Codes
Section(s) 2-103 (IBC § 105.3.2)
to
Section(s) 2-103 (IBC § 105.3.1.2 and Chapter 38)
Baltimore City Revised Code
(Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

By repealing and reordaining, with amendments

Article - Zoning

Section(s) 2-305, 2-403(c), 13-704(b), 14-201(d) and (e), and 16-301(b)

Baltimore City Revised Code

(Edition 2000)

By repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies

Section(s) 40-14(e)(5a)

Baltimore City Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article – Building, Fire, and Related Codes

Part II. International Building Code

§ 2-103. City modifications.

The additions, deletions, amendments, and other modifications adopted by the City are as follows:

Chapter 1. Administration

Section 105 Permits

105.3 Application for permit. To obtain a permit, the applicant must first file an application on the form provided by the Building Official for that purpose. The application must:

...

4. specify the gross floor area, as defined in [§ 105.3.2.1] ZONING CODE § 1-304, involved in the proposed work,

...

105.3.1 Action on application[– General].

105.3.1.1 GENERAL. The Building Official must examine all applications for permits within a reasonable time after filing. If the application or the proposed work does not conform to the requirements of this Code or any other applicable law, the Building Official must reject the application in writing, stating the reasons for the rejection. If the Building Official is satisfied that the application and the proposed work conform to the requirements of this Code and all other applicable laws, the Building Official must issue the permit as soon as practicable.

105.3.1.2 [105.3.2.2] Referral [to DoT] TO ASSESS NEED FOR TRAFFIC MITIGATION. Within 15 business days of receiving a completed application, the Building Official must refer the application and all accompanying documents to the

Director of Transportation, FOR REVIEW AND ACTION UNDER CHAPTER 38 {"TRAFFIC MITIGATION"} OF THIS CODE, if:

1. TRAFFIC MITIGATION REQUIREMENTS FOR THE PROPOSED WORK HAVE NOT ALREADY BEEN COMPLIED WITH IN ACCORDANCE WITH THIS CODE OR THE BALTIMORE CITY ZONING CODE; AND
2. the proposed work:
 - A. IS IN A TRAFFIC-MITIGATION ZONE DESIGNATED UNDER CHAPTER 38 {"TRAFFIC MITIGATION"} OF THIS CODE AND INVOLVES 10 OR MORE DWELLING UNITS,
 - B. [1.] involves 15,000 sq. ft. or more of gross floor area (AS DEFINED IN ZONING CODE § 1-304), [and] OR
 - C. INVOLVES 50 OR MORE DWELLING UNITS [2. a traffic-impact study for the proposed work has not already been undertaken in accordance with the Baltimore City Zoning Code].

105.3.2 [105.3.3] Time limitation of application. {As in IBC [§ 105.3.2]}

105.3.3 [105.3.4] Bond for exterior removal of formstone, paint, etc. An application for a permit to remove formstone, paint, or other material from exterior surfaces must be accompanied by evidence satisfactory to the Building Official that the applicant has obtained a bond to cover the City's expense in the event of a spill or failure to properly dispose of hazardous waste. The bond must be in an amount of at least \$5,000.

CHAPTER 38. TRAFFIC MITIGATION

SECTION 3801 DEFINITIONS

3801.1 GENERAL. IN THIS CHAPTER, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

3801.1.1 DIRECTOR. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION OR THE DIRECTOR'S DESIGNEE.

[105.3.2 Action on application – Traffic-impact study.]

3801.1.2 [105.3.2.1 "Gross floor area" defined] GROSS FLOOR AREA. [In this § 105.3.2, "gross] "GROSS floor area" means the area specified in § 1-304 of the Baltimore City Zoning Code.

3801.1.3 SUBSTANTIAL REHABILITATION. "SUBSTANTIAL REHABILITATION" MEANS ANY PROPOSED WORK THAT WILL RESULT IN A CHANGE IN THE USE OF A PROPERTY FROM ONE TO ANOTHER OF THE USAGE CATEGORIES ESTABLISHED BY RULE OR REGULATION FOR DETERMINING THE NUMBER OF TRIPS GENERATED BY A USE.

3801.1.4 TRAFFIC-MITIGATION ZONE. “TRAFFIC-MITIGATION ZONE” OR “ZONE” MEANS A GEOGRAPHIC AREA DESIGNATED BY THIS CHAPTER FOR HEIGHTENED REVIEW OF THE POTENTIAL IMPACT OF DEVELOPMENT ON THE AREA’S TRANSPORTATION NETWORK.

SECTION 3802 SCOPE OF CHAPTER

3802.1 CITY EXEMPT. THIS CHAPTER DOES NOT APPLY TO ANY PROJECT CONSTRUCTED OR OWNED BY THE CITY OF BALTIMORE.

3802.2 [105.3.2.3 Study criteria] OUTSIDE OF A TRAFFIC-MITIGATION ZONE. A traffic-impact study is required [if the] FOR ANY proposed work OUTSIDE OF A TRAFFIC-MITIGATION ZONE IF THE PROPOSED WORK involves any 1 of the following:

1. an impact area[, as determined by the Director of Transportation,] that includes an intersection performing at Level of Service D or worse, [or]
2. [100] 50 or more dwelling units, or
3. a gross floor area that equals or exceeds:
 - a. for a warehouse use, [150,000] 100,000 sq. ft., or
 - b. for any other use OR COMBINATION OF USES, 50,000 sq. ft.

3802.2.1. DETERMINATION OF IMPACT AREA. FOR PURPOSES OF THIS § 3802.2, AN IMPACT AREA MAY NOT HAVE A RADIUS OF MORE THAN ½ MILE, UNLESS THE DIRECTOR, IN ACCORDANCE WITH THE RULES AND REGULATIONS ADOPTED UNDER THIS CHAPTER, DETERMINES THAT EXTRAORDINARY CIRCUMSTANCES EXIST THAT REQUIRE THAT A LARGER IMPACT AREA OF UP TO 1 MILE BE CONSIDERED.

3802.3 WITHIN A TRAFFIC-MITIGATION ZONE. A TRAFFIC-MITIGATION FEE IS REQUIRED FOR ANY PROPOSED NEW CONSTRUCTION OR SUBSTANTIAL REHABILITATION WITHIN A TRAFFIC-MITIGATION ZONE IF THE PROPOSED WORK INVOLVES ANY 1 OF THE FOLLOWING:

1. 10 OR MORE DWELLING UNITS, OR
2. A GROSS FLOOR AREA THAT EQUALS OR EXCEEDS:
 - A. FOR A WAREHOUSE USE, 100,000 SQ. FT., OR
 - B. FOR ANY OTHER USE OR COMBINATION OF USES, 50,000 SQ. FT.

3802.4 [105.3.2.4] DoT initial determination. Within 20 business days [of the referral of an] AFTER AN application HAS BEEN REFERRED TO THE DIRECTOR OF TRANSPORTATION UNDER § 105.3.1.2 {“REFERRAL TO ASSESS NEED FOR TRAFFIC-MITIGATION ”} OF THIS CODE, the Director [of Transportation] must review the application and notify the [Building Official] REFERRING OFFICIAL and the applicant:

1. whether and, if so, what additional information is needed to evaluate the application, or

2. if no additional information is needed:
 - A. WHETHER THE PROPOSED PROJECT IS IN A TRAFFIC-MITIGATION ZONE, AND IF SO, WHETHER THE DEVELOPER OF A PROJECT MUST PAY A TRAFFIC-MITIGATION FEE UNDER § 3806 {"TRAFFIC-MITIGATION FEE"} OF THIS CHAPTER,
 - B. [a.] whether, under the criteria set forth in [§ 105.3.2.3] THIS § 3802, a traffic-impact study will be required, and
 - C. [b.] if a traffic-impact study will be required, the estimated expenses for undertaking or contracting for the study.

3803 [105.3.2.9] DoT rules and regulations.

3803.1 [105.3.2.9.1] In general. The Department of Transportation [may] MUST adopt rules and regulations to carry out this CHAPTER [§ 105.3.2.].

3803.2 CONTENTS. THESE RULES AND REGULATIONS:

1. MUST INCLUDE:
 - A. PROCEDURES FOR DETERMINING THE NUMBER OF TRIPS TO BE ATTRIBUTABLE TO PROJECTS IN A PARTICULAR TRAFFIC-MITIGATION ZONE OR SUB-ZONE,
 - B. PROCEDURES FOR DETERMINING WHAT CONSTITUTE EXTRAORDINARY CIRCUMSTANCES REQUIRING THAT AN IMPACT AREA OF UP TO A 1 MILE RADIUS BE CONSIDERED FOR PURPOSES OF § 3802.2, ~~AND~~
 - C. A SCHEDULE OF THE FEES THAT AN APPLICANT MAY BE CHARGED UNDER § 3804, AND
 - D. AN ACCOUNTING METHOD, ADOPTED IN ACCORDANCE WITH § 3807.5.3, TO DETERMINE WHAT SPECIFIC PROJECTS INDIVIDUAL FEES ARE OBLIGATED TO FOR PURPOSES OF A REVIEW UNDER § 3807.5.1.
2. MAY ESTABLISH:
 - A. USAGE CATEGORIES FOR DETERMINING THE NUMBER OF TRIPS GENERATED BY DIFFERING USES WITHIN TRAFFIC-MITIGATION ZONES, AND
 - B. PROCEDURES FOR DESIGNATING, WITHIN TRAFFIC-MITIGATION ZONES, SUB-ZONES WITH DIFFERING TRIP-GENERATION FORMULAS, AND
3. MAY INCLUDE ANY OTHER PROCEDURES, STANDARDS, OR REQUIREMENTS CONSISTENT WITH THIS CHAPTER.

3803.3 PUBLIC REVIEW. ALL PROPOSED RULES AND REGULATIONS UNDER THIS CHAPTER MUST BE PUBLISHED FOR PUBLIC COMMENT ON THE DEPARTMENT OF TRANSPORTATION'S WEBSITE BY THE DIRECTOR FOR AT LEAST 30 DAYS. DURING THE 30 DAY PUBLIC COMMENT PERIOD THE DIRECTOR MUST HOLD 1 OR MORE PUBLIC HEARINGS ON THE PROPOSED RULES

AND REGULATIONS. AFTER THIS PUBLICATION AND HEARING, THE DIRECTOR MAY MODIFY AND ADOPT RULES AND REGULATIONS BY FILING A COPY OF THE FINAL RULES AND REGULATIONS WITH THE DIRECTOR OF LEGISLATIVE REFERENCE.

3803.4 [105.3.2.9.2] Filing. A copy of all rules and regulations adopted under this CHAPTER [§ 105.3.2.] must be filed with:

1. the Building Official,
2. the Zoning Administrator,
3. the Board of Municipal and Zoning Appeals, and
4. the Director of Legislative Reference, AND
5. THE DIRECTOR OF PLANNING.

SECTION 3804 TRAFFIC-IMPACT STUDY

3804.1 SCOPE OF SECTION. THIS § 3804 IS APPLICABLE TO ALL PROPOSED PROJECTS LOCATED OUTSIDE OF A TRAFFIC-MITIGATION ZONE.

3804.2 [105.3.2.5] How conducted.

3804.2.1 [105.3.2.5.1] By DoT or consultant. The Department of Transportation may itself undertake the study or contract with independent consultants for the study, as the Director [of Transportation] considers necessary or appropriate.

3804.2.1.1 CONSULTANT CONFLICTS. FOR A CONSULTANT TO BE ELIGIBLE TO UNDERTAKE A TRAFFIC-IMPACT STUDY, THE CONSULTANT MUST CERTIFY TO THE DIRECTOR, IN THE MANNER PRESCRIBED BY THE DIRECTOR, THAT THE CONSULTANT IS FREE OF ANY CONFLICTS OF INTEREST.

3804.2.1.1.1 CONFLICT DEFINED. FOR PURPOSES OF THIS § 3804.2 A “CONFLICT OF INTEREST” IS DEFINED AS ANY CONSULTANT HAVING MATERIALLY PARTICIPATED IN THE DEVELOPMENT OF THE APPLICATION OR HAVING WORKED FOR THE APPLICANT ON ANY APPLICATION WITHIN THE PRIOR 24 MONTHS.

3804.2.2 [105.3.2.5.2] Scope of study. The area and scope of each study is to be determined by the Department of Transportation.

3804.3 [105.3.2.6] Expenses. All reasonable expenses incurred in undertaking or contracting for the study must be paid by the applicant, [as an additional service charge for the permit, to] AND WILL be imposed and collected as provided in § 108 of this Code for fees and service charges.

3804.3.1 [105.3.2.6.1] Initial payment. Before the study begins, the applicant must pay [an amount equal to 50% of] the expenses estimated under [§ 105.3.2.4] § 3802.4.

3804.3.2 [105.3.2.6.2] Balance. After the study is completed, but before any permit may be issued, the applicant must pay [the] ANY difference between the INITIAL amount paid UNDER § 3804.3.1 and the actual expenses incurred for the study.

3804.3.2.1 REFUND. AFTER THE STUDY IS COMPLETED, SUBJECT TO APPROPRIATION BY THE BOARD OF ESTIMATES, THE APPLICANT IS ENTITLED TO A REFUND OF ANY PAYMENTS MADE UNDER § 3804.3.1 THAT EXCEED THE ACTUAL EXPENSES INCURRED FOR THE STUDY PLUS A REASONABLE SERVICE CHARGE.

3804.4 [105.3.2.7] Applicant's option on delay. If the traffic-impact study is not completed within 60 business days after the initial payment is made under [§ 105.3.2.6.1] § 3804.3.1[,]:

1. the applicant may proceed to contract for the traffic-impact study with a consultant selected from a list of consultants [approved by the Department of Transportation] PREQUALIFIED BY THE DEPARTMENT OF PUBLIC WORKS' OFFICE OF BOARDS AND COMMISSIONS; AND
2. SUBJECT TO APPROPRIATION BY THE BOARD OF ESTIMATES, THE APPLICANT IS ENTITLED TO A FULL REFUND OF ALL FEES PAID TO THE CITY FOR THE UNCOMPLETED TRAFFIC-IMPACT STUDY.

3804.5 [105.3.2.8] Mitigation. The applicant AND THE DEPARTMENT OF TRANSPORTATION must negotiate in good faith [with the Department of Transportation] to determine who must pay for and undertake the actions necessary or appropriate to mitigate the adverse traffic impacts identified in the traffic-impact study. If no agreement is reached, the application is not approved.

SECTION 3805 TRAFFIC-MITIGATION ZONES

3805.1 PURPOSE OF ZONES. AREAS DESIGNATED AS TRAFFIC-MITIGATION ZONES ARE AREAS THAT HAVE OVERBURDENED AND INTERRELATED TRANSPORTATION NETWORKS AND THAT ARE ANTICIPATED TO EXPERIENCE SIGNIFICANT DEVELOPMENT. HEIGHTENED REVIEW OF DEVELOPMENT THAT MIGHT IMPACT THE TRANSPORTATION NETWORKS IN THESE AREAS IS THEREFORE NECESSARY.

3805.2 TRAFFIC MANAGEMENT PLANS FOR ZONES. THE PLANNING COMMISSION MUST ADOPT A 10-YEAR TRAFFIC MANAGEMENT PLAN FOR EACH TRAFFIC-MITIGATION ZONE AND REVIEW AND UPDATE EACH PLAN EVERY 5 YEARS.

3805.2.1 REQUIRED PLAN INCLUSIONS. EACH PLAN MUST, AMONG OTHER THINGS:

1. PROJECT THE NUMBER OF TRIPS THAT REASONABLY MIGHT BE EXPECTED TO BE GENERATED IN THE ZONE, BASED ON NEW DEVELOPMENT (INCLUDING REDEVELOPMENT OF VACANT AND UNDERUTILIZED PARCELS),
2. IDENTIFY MULTIMODAL TRANSPORTATION SOLUTIONS TO MITIGATE THE LIKELY GROWTH IN TRAFFIC CONGESTION, AND

3. BASED ON THE DIRECTOR'S RECOMMENDATIONS, INDICATE WHAT PROJECTS MAY BE FUNDED, IN WHOLE OR IN PART, BY TRAFFIC-MITIGATION FEES FROM THE ZONE.

3805.2.2 PLAN EXCLUSIONS. THE PLAN MAY NOT INCLUDE TRAFFIC-MITIGATION FEE FUNDING FOR SYSTEM PRESERVATION PROJECTS SUCH AS STREET RESURFACING, RECONSTRUCTION, OR OTHER PROJECTS NOT REQUIRED TO MITIGATE THE GROWTH IN TRAFFIC CONGESTION.

3805.3 DESIGNATED ZONES. THERE ARE 5 TRAFFIC-MITIGATION ZONES IN THE CITY OF BALTIMORE.

3805.3.1 DOWNTOWN/MIDTOWN ZONE. THE AREA WITHIN THE FOLLOWING BOUNDARIES IS THE "DOWNTOWN/MIDTOWN TRAFFIC-MITIGATION ZONE":

BEGINNING FOR THE SAME AT THE POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF EAST NORTH AVENUE (VARYING IN WIDTH), AND THE CENTERLINE OF NORTH CALVERT STREET, 60 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID NORTH CALVERT STREET WITH MERIDIAN REFERENCE TO THE BALTIMORE CITY SURVEY CONTROL SYSTEM, THE FOLLOWING COURSES:

- (1) SOUTHERLY TO THE POINT FORMED BY THE GEOMETRIC INTERSECTION OF THE CENTERLINE OF SAID NORTH CALVERT STREET, AND THE CENTERLINE OF INTERSTATE ROUTE 83 RIGHT-OF-WAY (ROADWAY BELOW); THENCE RUNNING WITH THE CENTERLINE OF SAID INTERSTATE ROUTE 83 RIGHT-OF-WAY
- (2) SOUTHERLY TO A POINT FORMED BY THE GEOMETRIC INTERSECTION OF THE CENTERLINE OF SAID INTERSTATE ROUTE 83 RIGHT-OF-WAY AND THE CENTERLINE OF THE FALLSWAY, VARYING IN WIDTH (ROADWAY ABOVE); THENCE RUNNING WITH THE CENTERLINE OF SAID THE FALLSWAY
- (3) SOUTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID THE FALLSWAY AND THE CENTERLINE OF EAST FAYETTE STREET; THENCE RUNNING WITH THE CENTERLINE OF SAID EAST FAYETTE STREET
- (4) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID EAST FAYETTE STREET AND THE CENTERLINE OF NORTH PRESIDENT STREET CORRIDOR, VARYING IN WIDTH; THENCE RUNNING WITH THE CENTERLINE OF SAID NORTH PRESIDENT STREET CORRIDOR
- (5) SOUTHEASTERLY, PASSING OVER EAST BALTIMORE STREET AT WHICH POINT SAID NORTH PRESIDENT STREET CORRIDOR BECOMES SOUTH PRESIDENT STREET CORRIDOR, VARYING IN WIDTH; TO A POINT FORMED BY THE INTERSECTION OF SAID SOUTH PRESIDENT STREET CORRIDOR AND THE CENTERLINE OF FLEET STREET, VARYING IN WIDTH; THENCE DEPARTING LASTLY MENTIONED POINT AND RUNNING WITH THE CENTERLINE OF FELICIA STREET CORRIDOR
- (6) SOUTHEASTERLY TO THE CENTER OF ALBEMARLE STREET ROUNDABOUT; THENCE DEPARTING LASTLY MENTIONED POINT AND RUNNING WITH ALBEMARLE STREET
- (7) SOUTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID ALBEMARLE STREET AND THE CENTERLINE OF LANCASTER STREET; THENCE DEPARTING LAST POINT OF INTERSECTION AND RUNNING

- (8) DUE SOUTH TO A POINT ON THE SOUTH 52° 18' 41" EAST, 1018.66 FOOT LINE AS SHOWN ON A PLAT ENTITLED "PIERHEAD AND BULKHEAD LINES, BALTIMORE HARBOR, MARYLAND" SHEET 2 OF 6, FILE 13 MAP 849 DATED JULY 13, 1950 AND PREPARED BY THE CORPS OF ENGINEERS, BALTIMORE DISTRICT; THENCE RUNNING WITH SAID SOUTH 52° 18' 41" EAST, 1018.66 FOOT LINE REVERSELY AND
- (9) NORTHWESTERLY TO THE BEGINNING THEREOF AND A POINT LABELED VII, AS SHOWN ON SAID PLAT; THENCE DEPARTING SAID POINT VII AND RUNNING WITH THE SOUTH 10° 17' 58" EAST 424.29 FOOT LINE, REVERSELY AND
- (10) NORTHERLY TO THE BEGINNING THEREOF, AND A POINT LABELED VI, AS SHOWN ON SAID PLAT; THENCE DEPARTING SAID POINT VI AND CROSSING THE NORTHWEST BRANCH OF THE PATAPSCO RIVER
- (11) IN A WESTERLY DIRECTION TO A POINT LABELED LIV, AS SHOWN ON SAID PLAT; SAID POINT LIV ALSO BEING LABELED 16 ON A PLAT ENTITLED "HARBORVIEW SUBDIVISION PLAN" AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE CITY, MARYLAND, IN PLAT BOOK S.E.B., PAGE 3187; THENCE DEPARTING SAID POINT 16 (AKA LIV) AND RUNNING WITH THE SOUTH 74° 47' 38" EAST, 30.90 FOOT LINE, REVERSELY AND
- (12) IN A NORTHWESTERLY DIRECTION TO THE BEGINNING THEREOF AND A POINT LABELED 15, AS SHOWN ON LASTLY MENTIONED PLAT; THENCE RUNNING WITH THE NORTH 02° 06' 20" WEST, 340.82 FOOT LINE REVERSELY AND
- (13) IN A SOUTHERLY DIRECTION AS SHOWN ON THE LASTLY MENTIONED PLAT, AND BINDING ON, IN PART, THE EAST SIDE OF THE FORMER BED OF COVINGTON STREET, IF PROJECTED, TO A POINT FORMED BY THE INTERSECTION OF THE EAST SIDE OF SAID COVINGTON STREET AND KEY HIGHWAY; THENCE RUNNING WITH THE CENTERLINE OF SAID KEY HIGHWAY
- (14) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID KEY HIGHWAY AND THE CENTERLINE OF LIGHT STREET, 82.5 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID LIGHT STREET
- (15) SOUTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID LIGHT STREET AND THE CENTERLINE OF EAST MONTGOMERY STREET, 82 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID EAST MONTGOMERY STREET
- (16) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID EAST MONTGOMERY STREET AND THE CENTERLINE OF SOUTH CHARLES STREET, 66 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID SOUTH CHARLES STREET
- (17) SOUTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID SOUTH CHARLES STREET AND THE CENTERLINE OF WEST CHURCHILL STREET, 20 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID WEST CHURCHILL STREET
- (18) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID WEST CHURCHILL STREET AND THE CENTERLINE OF SOUTH HANOVER STREET, 66 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID SOUTH HANOVER STREET
- (19) NORTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE

CENTERLINE OF SAID SOUTH HANOVER STREET AND THE CENTERLINE OF WEST MONTGOMERY STREET, 35 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID WEST MONTGOMERY STREET

(20) NORTHWESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID WEST MONTGOMERY STREET AND THE CENTERLINE OF SOUTH SHARP STREET, 66 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID SOUTH SHARP STREET

(21) SOUTHWESTERLY TO A POINT ON THE SOUTH SIDE OF WEST HENRIETTA STREET, 66 FEET WIDE; THENCE BINDING ON AND RUNNING WITH THE SOUTH SIDE OF SAID WEST HENRIETTA STREET

(22) NORTHWESTERLY TO A POINT ON THE WEST SIDE OF SAID SOUTH SHARP STREET AND THE BEGINNING OF THE SECOND LINE OF A PARCEL OF LAND DESCRIBED IN A CONVEYANCE FROM CONGRESS HALL SQUARE LIMITED PARTNERSHIP, UNTO CHS SWIM CLUB, INC. BY DEED DATED MAY 26, 1987 AND RECORDED AMONG AFORESAID LAND RECORDS IN LIBER S.E.B. No. 1319, FOLIO 231; THENCE RUNNING WITH THE SECOND OR NORTH 70° 05' 00" WEST, 99.74 FOOT LINE,

(23) IN A NORTHWESTERLY DIRECTION, AS DESCRIBED IN SAID DEED, PASSING OVER THE END THEREOF AND CROSSING INTERSTATE ROUTE 395 TO INTERSECT THE CENTERLINE OF SOUTH MARTIN LUTHER KING JR. BOULEVARD; THENCE RUNNING WITH THE CENTERLINE OF SAID SOUTH MARTIN LUTHER KING JR. BOULEVARD,

~~(24) NORTHERLY, PASSING OVER WEST BALTIMORE STREET AT WHICH POINT SOUTH MARTIN LUTHER KING JR. BOULEVARD BECOMES NORTH MARTIN LUTHER KING JR. BOULEVARD, TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID NORTH MARTIN LUTHER KING JR. BOULEVARD AND THE CENTERLINE OF NORTH EUTAW STREET, 110 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID NORTH EUTAW STREET~~

~~(25) NORTHWESTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID NORTH EUTAW STREET AND THE CENTERLINE OF DOLPHIN STREET, 100 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID DOLPHIN STREET~~

~~(26) NORTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID DOLPHIN STREET AND THE CENTERLINE OF NORTH HOWARD STREET, 80 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID NORTH HOWARD STREET~~

~~(27) NORTHERLY TO A POINT FORMED BY THE INTERSECTION OF SAID NORTH HOWARD STREET AND THE CENTERLINE OF WEST NORTH AVENUE; THENCE RUNNING WITH THE CENTERLINE OF SAID WEST NORTH AVENUE~~

~~(28) EASTERLY, PASSING OVER NORTH CHARLES STREET AT WHICH POINT SAID WEST NORTH AVENUE BECOMES EAST NORTH AVENUE, TO THE PLACE OF BEGINNING.~~

(24) NORTHERLY, PASSING OVER WEST BALTIMORE STREET AT WHICH POINT SOUTH MARTIN LUTHER KING JR. BOULEVARD BECOMES NORTH MARTIN LUTHER KING JR. BOULEVARD, TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID NORTH MARTIN LUTHER KING JR. BOULEVARD AND THE CENTERLINE OF MADISON AVENUE, 66 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID MADISON AVENUE.

(25) NORTHWESTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID

MADISON AVENUE AND THE CENTERLINE OF DOLPHIN STREET, 100 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID DOLPHIN STREET,

(26) NORTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID DOLPHIN STREET AND THE CENTERLINE OF NORTH EUTAW STREET, 110 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID NORTH EUTAW STREET,

(27) SOUTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID NORTH EUTAW STREET AND THE CENTERLINE OF 29TH DIVISION STREET, 66 FEET WIDE (FORMERLY WEST HOFFMAN STREET); THENCE RUNNING WITH THE CENTERLINE OF SAID 29TH DIVISION STREET,

(28) NORTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID 29TH DIVISION STREET AND THE CENTERLINE OF BOLTON STREET, VARYING IN WIDTH; THENCE RUNNING WITH THE CENTERLINE OF SAID BOLTON STREET,

(29) NORTHWESTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID BOLTON STREET AND THE CENTERLINE OF SAID DOLPHIN STREET; THENCE RUNNING WITH THE CENTERLINE OF SAID DOLPHIN STREET,

(30) NORTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID DOLPHIN STREET AND THE CENTERLINE OF NORTH HOWARD STREET, 80 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID NORTH HOWARD STREET,

(31) NORTHERLY TO A POINT FORMED BY THE INTERSECTION OF SAID NORTH HOWARD STREET AND THE CENTERLINE OF WEST NORTH AVENUE; THENCE RUNNING WITH THE CENTERLINE OF SAID WEST NORTH AVENUE,

(32) EASTERLY, PASSING OVER NORTH CHARLES STREET AT WHICH POINT SAID WEST NORTH AVENUE BECOMES EAST NORTH AVENUE, TO THE PLACE OF BEGINNING.

3805.3.2 SOUTHEAST ZONE. THE AREA WITHIN THE FOLLOWING BOUNDARIES IS THE "SOUTHEAST TRAFFIC-MITIGATION ZONE":

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF ORLEANS STREET (U.S. ROUTE 40), VARYING IN WIDTH, AND THE CENTERLINE OF NORTH PATTERSON PARK AVENUE, 70 FEET WIDE; THENCE DEPARTING SAID POINT SO FIXED AND RUNNING WITH THE CENTERLINE OF SAID ORLEANS STREET, WITH MERIDIAN REFERENCE TO THE BALTIMORE CITY SURVEY CONTROL SYSTEM THE FOLLOWING COURSES:

- (1) EASTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID CENTERLINE OF ORLEANS STREET (U.S. ROUTE 40) AND THE CENTERLINE OF PULASKI HIGHWAY (U.S. ROUTE 40), VARYING IN WIDTH, FORMERLY BEING PHILADELPHIA AVENUE AS LISTED IN ORDINANCE #81, DATED APRIL 24, 1944; THENCE RUNNING WITH THE CENTERLINE OF SAID PULASKI HIGHWAY (U.S. ROUTE 40)
- (2) EASTERLY AND NORTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID PULASKI HIGHWAY (U.S. ROUTE 40) AND THE CENTERLINE OF ERDMAN AVENUE (MARYLAND ROUTE 151), VARYING IN WIDTH; THENCE RUNNING WITH CENTERLINE OF SAID ERDMAN AVENUE (MARYLAND ROUTE 151)
- (3) SOUTH EASTERLY TO A POINT FORMED BY THE INTERSECTION OF WITH THE CENTERLINE OF SAID ERDMAN AVENUE (MARYLAND ROUTE 151)

AND THE CENTERLINE OF BALTIMORE HARBOR TUNNEL (INTERSTATE ROUTE 895) RIGHT-OF-WAY; THENCE RUNNING WITH CENTERLINE OF SAID BALTIMORE HARBOR TUNNEL RIGHT-OF-WAY

- (4) SOUTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID BALTIMORE HARBOR TUNNEL (INTERSTATE ROUTE 895) RIGHT-OF-WAY AND THE CENTERLINE OF EAST LOMBARD STREET, 80 FEET WIDE, (FORMERLY KNOWN AS BAYVIEW AVENUE AS LISTED IN ORDINANCE #302, DATED MARCH 30, 1977); THENCE RUNNING WITH CENTERLINE OF SAID EAST LOMBARD STREET
- (5) NORTHERLY AND EASTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID EAST LOMBARD STREET AND THE CENTERLINE OF KANE STREET, VARYING IN WIDTH; THENCE RUNNING WITH THE CENTERLINE OF SAID KANE STREET
- (6) NORTH EASTERLY TO A POINT FORMED BY THE GEOMETRIC INTERSECTION OF THE CENTERLINE OF SAID KANE STREET (ROADWAY BELOW), AND THE CENTERLINE OF INTERSTATE ROUTE 95, JOHN F. KENNEDY MEMORIAL HIGHWAY, RIGHT-OF-WAY (VARYING IN WIDTH, ROADWAY ABOVE); THENCE RUNNING WITH THE CENTERLINE OF SAID INTERSTATE ROUTE 95 (JOHN F. KENNEDY MEMORIAL HIGHWAY)
- (7) SOUTHERLY AND WESTERLY TO A POINT FORMED BY THE GEOMETRIC INTERSECTION OF THE CENTERLINE OF SAID INTERSTATE ROUTE 95 - JOHN F. KENNEDY MEMORIAL HIGHWAY, (ROADWAY ABOVE), AND THE CENTERLINE OF GUSRYAN STREET (ROADWAY BELOW), 60 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID GUSRYAN STREET
- (8) SOUTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID GUSRYAN STREET AND THE CENTERLINE OF O'DONNELL STREET, 60 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID O'DONNELL STREET
- (9) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID O'DONNELL STREET AND THE CENTERLINE OF BROENING HIGHWAY, VARYING IN WIDTH; THENCE RUNNING WITH THE CENTERLINE OF SAID BROENING HIGHWAY
- (10) SOUTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID BROENING HIGHWAY AND THE CENTERLINE OF KEITH AVENUE, VARYING IN WIDTH; THENCE RUNNING WITH THE CENTERLINE OF SAID KEITH AVENUE
- (11) WESTERLY RUNNING WITH THE CENTERLINE OF SAID KEITH AVENUE TO A POINT FORMED BY THE INTERSECTION OF SAID KEITH AVENUE AND INTERSTATE ROUTE 95 (FORT MCHENRY TUNNEL), AS SHOWN ON BALTIMORE CITY BLOCK PLAT-WARD 1, SECTION 10, BLOCK 1903-D, DATED AUGUST 1963, VARYING IN WIDTH; THENCE RUNNING WITH THE CENTERLINE OF SAID INTERSTATE ROUTE 95 (FORT MCHENRY TUNNEL)
- (12) SOUTHWESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID INTERSTATE ROUTE 95 (FORT MCHENRY TUNNEL) AND THE CENTERLINE OF NORTHWEST BRANCH; THENCE DEPARTING LASTLY MENTIONED POINT OF INTERSECTION AND RUNNING WITH THE CENTERLINE OF THE NORTHWEST BRANCH
- (13) NORTHERLY AND WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID NORTHWEST BRANCH AND A LINE CROSSING THE NORTHWEST BRANCH OF THE PATAPSCO RIVER, IF DRAWN BETWEEN A POINT LABELED VI AND A POINT LABELED LIV, BOTH BEING SHOWN ON A PLAT ENTITLED "PIERHEAD AND BULKHEAD LINES, BALTIMORE

HARBOR, MARYLAND" SHEET 2 OF 6, FILE 13 MAP 849 DATED JULY 13, 1950 AND PREPARED BY THE CORPS OF ENGINEERS, BALTIMORE DISTRICT; THENCE DEPARTING LASTLY MENTIONED POINT OF INTERSECTION AND RUNNING

- (14) IN A EASTERLY DIRECTION TO A POINT LABELED VI, AS SHOWN ON LASTLY MENTIONED PLAT; THENCE DEPARTING SAID POINT VI, BINDING ON AND RUNNING IN A
- (15) SOUTHERLY DIRECTION WITH THE SOUTH $10^{\circ} 17' 58''$ EAST 424.29 FOOT LINE AS SHOWN ON LASTLY MENTIONED PLAT TO END THEREOF AND A POINT LABELED VII; THENCE DEPARTING SAID POINT VII, BINDING ON AND RUNNING
- (16) IN A SOUTHERLY DIRECTION WITH THE SOUTH $52^{\circ} 18' 41''$ EAST, 1018.66 FOOT LINE AS SHOWN ON LASTLY MENTIONED PLAT, TO POINT FORMED BY THE INTERSECTION OF SAID SOUTH $52^{\circ} 18' 41''$ EAST, 1018.66 FOOT LINE AND A LINE DRAWN DUE SOUTH FROM A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF THE FORMER BED OF ALBEMARLE STREET, VARYING IN WIDTH, AND THE CENTERLINE OF LANCASTER STREET, 52 FEET WIDE; THENCE DEPARTING LAST POINT OF INTERSECTION AND RUNNING
- (17) DUE NORTH TO A POINT FORMED BY THE INTERSECTION OF SAID FORMER BED OF ALBEMARLE STREET AND THE CENTERLINE OF SAID LANCASTER STREET; THENCE DEPARTING LAST POINT OF INTERSECTION AND RUNNING WITH THE CENTERLINE OF FORMER BED OF SAID ALBEMARLE STREET
- (18) NORTHWESTERLY TO THE CENTER OF ALBEMARLE STREET ROUND-ABOUT; THENCE DEPARTING LASTLY MENTIONED POINT AND RUNNING WITH THE CENTERLINE OF FELICIA STREET CORRIDOR
- (19) NORTHWESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID FELICIA STREET CORRIDOR / SOUTH PRESIDENT STREET CORRIDOR AND THE CENTERLINE OF FLEET STREET, VARYING IN WIDTH; THENCE RUNNING WITH THE CENTERLINE OF SOUTH PRESIDENT STREET CORRIDOR, VARYING IN WIDTH
- (20) NORTHWESTERLY, PASSING OVER EAST BALTIMORE STREET AT WHICH POINT SAID SOUTH PRESIDENT STREET CORRIDOR BECOMES NORTH PRESIDENT STREET CORRIDOR, VARYING IN WIDTH, TO A POINT FORMED BY THE INTERSECTION OF SAID NORTH PRESIDENT STREET CORRIDOR AND THE CENTERLINE OF EAST FAYETTE STREET, VARYING IN WIDTH; THENCE RUNNING WITH THE CENTERLINE OF SAID EAST FAYETTE STREET
- (21) NORTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID EAST FAYETTE STREET AND THE CENTERLINE OF THE FALLSWAY, VARYING IN WIDTH; THENCE RUNNING WITH THE CENTERLINE OF SAID THE FALLSWAY
- (22) NORTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID THE FALLSWAY AND THE CENTERLINE OF HILLEN STREET, 66 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID HILLEN STREET
- (23) NORTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID HILLEN STREET AND THE CENTERLINE OF NORTH EXETER STREET, VARYING IN WIDTH; THENCE RUNNING WITH THE CENTERLINE OF SAID NORTH EXETER STREET
- (24) SOUTHWESTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID

NORTH EXETER STREET AND THE CENTERLINE OF ORLEANS STREET (U.S. ROUTE 40), 66 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID ORLEANS STREET (U.S. ROUTE 40)

(25) WESTERLY TO THE PLACE OF BEGINNING.

3805.3.3 SOUTH BALTIMORE/MIDDLE BRANCH ZONE. THE AREA WITHIN THE FOLLOWING BOUNDARIES IS THE "SOUTH BALTIMORE/MIDDLE BRANCH TRAFFIC-MITIGATION ZONE":

BEGINNING FOR THE SAME AT A POINT FORMED BY THE GEOMETRIC INTERSECTION OF THE CENTERLINE OF SOUTH MARTIN LUTHER KING, JR. BOULEVARD, VARYING IN WIDTH, AND THE CENTERLINE OF RUSSELL STREET (BALTIMORE-WASHINGTON PARKWAY MD 295/129), VARYING IN WIDTH; THENCE RUNNING WITH CENTERLINE OF SAID RUSSELL STREET WITH MERIDIAN REFERENCE TO THE BALTIMORE CITY SURVEY CONTROL SYSTEM, THE FOLLOWING COURSES:

- (1) SOUTHWESTERLY TO A POINT FORMED BY THE GEOMETRIC INTERSECTION OF SAID CENTERLINE OF SAID RUSSELL STREET (BALTIMORE-WASHINGTON PARKWAY MD 295/129) AND THE CENTERLINE OF INTERSTATE ROUTE 95 (JOHN F. KENNEDY MEMORIAL HIGHWAY), VARYING IN WIDTH; THENCE RUNNING WITH THE CENTERLINE OF SAID INTERSTATE ROUTE 95
- (2) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID INTERSTATE ROUTE 95 AND THE CENTERLINE OF THE RAMP FROM SOUTHBOUND SOUTH MONROE STREET TO SAID BALTIMORE-WASHINGTON PARKWAY (MD 295/129); THENCE RUNNING WITH THE CENTERLINE OF SAID RAMP
- (3) SOUTHERLY TO A POINT FORMED BY CENTERLINE OF SAID RAMP AND CENTERLINE OF SOUTHBOUND MD 295 (BALTIMORE-WASHINGTON PARKWAY); THENCE RUNNING WITH SAID SOUTHBOUND MD 295 (BALTIMORE-WASHINGTON PARKWAY)
- (4) SOUTHERLY TO A POINT FORMED BY THE INTERSECTION OF SAID SOUTHBOUND MD 295 (BALTIMORE-WASHINGTON PARKWAY) AND THE CENTERLINE OF WATERVIEW AVENUE (MD ROUTE 648), VARYING IN WIDTH; THENCE RUNNING WITH THE CENTERLINE OF SAID WATERVIEW AVENUE
- (5) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF CENTERLINE OF SAID WATERVIEW AVENUE AND THE CENTERLINE OF ANNAPOLIS ROAD (ALSO MD ROUTE 648), VARYING IN WIDTH; THENCE RUNNING WITH CENTERLINE OF SAID ANNAPOLIS ROAD
- (6) SOUTHERLY TO A POINT FORMED BY THE CENTERLINE OF SAID ANNAPOLIS ROAD AND CENTERLINE OF A RAILROAD RIGHT-OF-WAY OWNED BY THE CSX TRANSPORTATION, INC.; THENCE RUNNING WITH THE CENTERLINE OF SAID CSX RIGHT-OF-WAY
- (7) SOUTH EASTERLY TO A POINT FORMED BY THE CENTERLINE OF SAID CSX RIGHT-OF-WAY AND THE CENTERLINE OF REEDBIRD AVENUE, 60 FEET WIDE, AS SHOWN ON BLOCK PLAT 7612-L; THENCE RUNNING WITH CENTERLINE OF SAID REEDBIRD AVENUE
- (8) NORTH EASTERLY TO A POINT FORMED BY THE INTERSECTION OF CENTERLINE SAID REEDBIRD AVENUE AND THE CENTERLINE OF POTE STREET (MD ROUTE 2), 66 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID POTE STREET
- (9) SOUTH EASTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID POTE STREET AND THE CENTERLINE OF FRANKFURST

AVENUE, 80 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID FRANKFURST AVENUE

- (10) EASTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID FRANKFURST AVENUE AND THE CENTERLINE OF OF INTERSTATE ROUTE 895 (HARBOR TUNNEL THROUGHWAY), VARYING IN WIDTH; THENCE DEPARTING LASTLY MENTIONED POINT OF INTERSECTION AND RUNNING
- (11) DUE NORTH TO THE CENTERLINE OF THE PATAPSCO RIVER CHANNEL AS SHOWN ON A PLAT ENTITLED "PIERHEAD AND BULKHEAD LINES, BALTIMORE HARBOR, MARYLAND" SHEET 3 OF 6, FILE 13 MAP 849 DATED JULY 13, 1950 AND PREPARED BY THE CORPS OF ENGINEERS, BALTIMORE DISTRICT; THENCE RUNNING WITH CENTERLINE OF SAID PATAPSCO RIVER CHANNEL
- (12) EASTERLY TO A POINT FORMED BY THE INTERSECTION OF CENTERLINE OF SAID PATAPSCO RIVER CHANNEL AND THE CENTERLINE OF NORTHWEST BRANCH; THENCE DEPARTING LASTLY MENTIONED POINT OF INTERSECTION AND RUNNING WITH THE CENTERLINE OF THE NORTHWEST BRANCH
- (13) NORTHERLY AND WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID NORTHWEST BRANCH AND A LINE CROSSING THE NORTHWEST BRANCH OF THE PATAPSCO RIVER, IF DRAWN BETWEEN A POINT LABELED VI AND A POINT LABELED LIV, BOTH BEING SHOWN ON A PLAT ENTITLED "PIERHEAD AND BULKHEAD LINES, BALTIMORE HARBOR, MARYLAND" SHEET 2 OF 6, FILE 13 MAP 849 DATED JULY 13, 1950 AND PREPARED BY THE CORPS OF ENGINEERS, BALTIMORE DISTRICT; THENCE DEPARTING LASTLY MENTIONED POINT OF INTERSECTION AND RUNNING
- (14) IN A WESTERLY DIRECTION TO A POINT LABELED LIV, AS SHOWN ON LASTLY MENTIONED PLAT; SAID POINT LIV ALSO BEING LABELED 16 ON A PLAT ENTITLED "HARBORVIEW SUBDIVISION PLAN" AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE CITY, MARYLAND, IN PLAT BOOK S.E.B., PAGE 3187; THENCE DEPARTING SAID POINT 16 (AKA LIV) AND RUNNING WITH THE SOUTH $74^{\circ} 47' 38''$ EAST, 30.90 FOOT LINE, REVERSELY AND
- (15) IN A NORTHWESTERLY DIRECTION TO THE BEGINNING THEREOF AND A POINT LABELED 15, AS SHOWN ON LASTLY MENTIONED PLAT; THENCE RUNNING WITH THE NORTH $02^{\circ} 06' 20''$ WEST, 340.82 FOOT LINE REVERSELY AND
- (16) IN A SOUTHERLY DIRECTION AS SHOWN ON THE LASTLY MENTIONED PLAT, AND BINDING ON, IN PART, THE EAST SIDE OF THE FORMER BED OF COVINGTON STREET, IF PROJECTED, TO A POINT FORMED BY THE INTERSECTION OF THE EAST SIDE OF SAID COVINGTON STREET AND KEY HIGHWAY; THENCE RUNNING WITH THE CENTERLINE OF SAID KEY HIGHWAY
- (17) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID KEY HIGHWAY AND THE CENTERLINE OF LIGHT STREET, 82.5 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID LIGHT STREET
- (18) SOUTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID LIGHT STREET AND THE CENTERLINE OF EAST MONTGOMERY STREET, 82 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID EAST MONTGOMERY STREET
- (19) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID EAST MONTGOMERY STREET AND THE CENTERLINE OF SOUTH CHARLES STREET, 66 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID SOUTH CHARLES STREET

- (20) SOUTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID SOUTH CHARLES STREET AND THE CENTERLINE OF WEST CHURCHILL STREET, 20 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID WEST CHURCHILL STREET
- (21) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID WEST CHURCHILL STREET AND THE CENTERLINE OF SOUTH HANOVER STREET, 66 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID SOUTH HANOVER STREET
- (22) NORTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID SOUTH HANOVER STREET AND THE CENTERLINE OF WEST MONTGOMERY STREET, 35 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID WEST MONTGOMERY STREET
- (23) NORTHWESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID WEST MONTGOMERY STREET AND THE CENTERLINE OF SOUTH SHARP STREET, 66 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID SOUTH SHARP STREET
- (24) SOUTHWESTERLY TO A POINT ON THE SOUTH SIDE OF WEST HENRIETTA STREET, 66 FEET WIDE; THENCE BINDING ON AND RUNNING WITH THE SOUTH SIDE OF SAID WEST HENRIETTA STREET
- (25) NORTHWESTERLY TO A POINT ON THE WEST SIDE OF SAID SOUTH SHARP STREET AND THE BEGINNING OF THE SECOND LINE OF A PARCEL OF LAND DESCRIBED IN A CONVEYANCE FROM CONGRESS HALL SQUARE LIMITED PARTNERSHIP, UNTO CHS SWIM CLUB, INC. BY DEED DATED MAY 26, 1987 AND RECORDED AMONG AFORESAID LAND RECORDS IN LIBER S.E.B. NO. 1319, FOLIO 231; THENCE RUNNING WITH THE SECOND OR NORTH 70° 05' 00" WEST, 99.74 FOOT LINE,
- (26) IN A NORTHWESTERLY DIRECTION, AS DESCRIBED IN SAID DEED, PASSING OVER THE END THEREOF AND CROSSING INTERSTATE ROUTE 395 TO INTERSECT THE CENTERLINE OF SOUTH MARTIN LUTHER KING JR. BOULEVARD; THENCE RUNNING WITH THE CENTERLINE OF SAID SOUTH MARTIN LUTHER KING JR. BOULEVARD
- (27) NORTHWESTERLY TO THE POINT OF BEGINNING.

3805.3.4 EAST ZONE. THE AREA WITHIN THE FOLLOWING BOUNDARIES IS THE "EAST TRAFFIC-MITIGATION ZONE":

BEGINNING FOR THE SAME AT THE POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF NORTH CALVERT STREET, 60 FEET WIDE, AND THE CENTERLINE OF EAST NORTH AVENUE, VARYING IN WIDTH; THENCE DEPARTING SAID POINT SO FIXED AND RUNNING WITH THE CENTERLINE OF SAID EAST NORTH AVENUE, WITH MERIDIAN REFERENCE TO THE BALTIMORE CITY SURVEY CONTROL SYSTEM THE FOLLOWING COURSES:

- (1) EASTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID EAST NORTH AVENUE AND THE CENTERLINE OF NORTH BROADWAY, 130 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID NORTH BROADWAY
- (2) SOUTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID NORTH BROADWAY AND A POINT FORMED BY THE CENTERLINE OF A RAILROAD RIGHT OF WAY; THENCE RUNNING WITH THE CENTERLINE OF SAID RAILROAD RIGHT OF WAY

- (3) SOUTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID RAILROAD RIGHT OF WAY AND THE CENTERLINE OF NORTH PATTERSON PARK AVENUE, 70 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID NORTH PATTERSON PARK AVENUE
- (4) SOUTHERLY DIRECTION TO A POINT FORMED BY THE INTERSECTION OF SAID NORTH PATTERSON PARK AVENUE AND THE CENTERLINE OF ORLEANS STREET (U.S. ROUTE 40), 66 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID ORLEANS STREET (U.S. ROUTE 40)
- (5) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID ORLEANS STREET (U.S. ROUTE 40) AND NORTH EXETER STREET (VARYING IN WIDTH); THENCE RUNNING WITH THE CENTERLINE OF SAID NORTH EXETER STREET
- (6) NORTHWESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID NORTH EXETER STREET AND THE CENTERLINE OF HILLEN STREET (66' WIDE); THENCE RUNNING WITH THE CENTERLINE OF SAID HILLEN STREET
- (7) SOUTHWESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID HILLEN STREET AND THE CENTERLINE OF THE FALLSWAY (VARYING IN WIDTH); THENCE RUNNING WITH THE CENTERLINE OF SAID THE FALLSWAY
- (8) NORTHERLY TO A POINT FORMED BY THE GEOMETRIC INTERSECTION OF THE CENTERLINE OF SAID THE FALLSWAY AND THE CENTERLINE OF INTERSTATE ROUTE 83 RIGHT OF WAY BELOW; THENCE RUNNING WITH THE CENTERLINE OF SAID INTERSTATE ROUTE 83
- (9) NORTHWESTERLY DIRECTION TO THE POINT FORMED BY THE GEOMETRIC INTERSECTION OF THE CENTERLINE OF SAID INTERSTATE ROUTE 83 RIGHT OF WAY AND THE CENTERLINE OF SAID NORTH CALVERT STREET ABOVE; THENCE RUNNING WITH THE CENTERLINE OF SAID NORTH CALVERT STREET TO THE PLACE OF BEGINNING.

3805.3.5 SOUTHWEST ZONE. THE AREA WITHIN THE FOLLOWING BOUNDARIES IS THE "SOUTHWEST TRAFFIC-MITIGATION ZONE":

BEGINNING FOR THE SAME AT THE POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF WEST MULBERRY (AKA US ROUTE 40) AND THE CENTERLINE OF NORTH MARTIN LUTHER KING, JR. BOULEVARD, VARYING IN WIDTH; THENCE RUNNING WITH THE CENTERLINE OF SAID NORTH MARTIN LUTHER KING, JR. BOULEVARD, WITH MERIDIAN REFERENCE TO THE BALTIMORE CITY SURVEY CONTROL SYSTEM, THE FOLLOWING COURSES:

- (1) SOUTHERLY AND SOUTHEASTERLY, PASSING OVER WEST BALTIMORE STREET WHEREAS SAID NORTH MARTIN LUTHER KING, JR. BOULEVARD BECOMES SOUTH MARTIN LUTHER KING, JR. BOULEVARD, VARYING IN WIDTH, TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID SOUTH MARTIN LUTHER KING, JR. BOULEVARD AND THE CENTERLINE OF RUSSELL STREET (BALTIMORE-WASHINGTON PARKWAY, MD I-295), 160 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID RUSSELL STREET
- (2) SOUTHWESTERLY AND WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID RUSSELL STREET AND THE CENTERLINE OF INTERSTATE ROUTE 95 (JOHN F. KENNEDY MEMORIAL HIGHWAY), VARYING IN WIDTH; THENCE RUNNING WITH THE CENTERLINE OF SAID INTERSTATE ROUTE 95

- (3) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID INTERSTATE ROUTE 95 AND THE CENTERLINE OF WASHINGTON BOULEVARD, 49.5 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID WASHINGTON BOULEVARD
- (4) NORTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID WASHINGTON BOULEVARD AND THE NORTH 44° 31' 29" WEST 1,544.00 FOOT LINE, AS SHOWN ON A PLAT ENTITLED "SUBDIVISION OF THE LANDS OF 998 MONROE CORPORATION" DATED MAY 26, 1994 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE CITY IN PLAT BOOK S.E.B. 3479, IF PROJECTED SOUTHEASTERLY; THENCE BINDING ON AND RUNNING WITH SAID PROJECTED LINE, REVERSELY
- (5) NORTH 44° 31' 29" WEST 1,544.00 FEET TO A POINT DESIGNATED AS "508" AS SHOWN ON SAID PLAT; THENCE BINDING ON AND RUNNING WITH THE NORTH-WEST BOUNDARY LINE OF LOT 1 AS SHOWN ON SAID PLAT
- (6) NORTH 45° 24' 52" EAST 1,109.33 FEET LINE TO A POINT DESIGNATED AS "509" AS SHOWN ON SAID PLAT AND LOCATED ALONG THE SOUTH SIDE OF THE FORMER BED OF PUTNAM STREET, ALSO KNOWN AS THE FORMER BED OF THE BALTIMORE AND OHIO RAILROAD RIGHT-OF-WAY, AND CURRENTLY THE SOUTH SIDE OF CSX TRANSPORTATION, INC. PROPERTY; THENCE BINDING ON AND RUNNING WITH THE NORTH-EAST BOUNDARY LINE OF LOT 1 AS SHOWN ON SAID PLAT
- (7) SOUTH 44° 31' 29" EAST TO INTERSECT THE LAST LINE OF THE SECOND PARCEL OF LAND CONVEYED BY CARROLL PARK, LLC, TO WASHINGTON-MONROE, LLC, BY DEED DATED SEPTEMBER 7, 2001 AND RECORDED AMONG SAID THE LAND RECORDS IN LIBER F.M.C. 1719, FOLIO 30, IF PROJECTED IN A SOUTHERLY DIRECTION; THENCE BINDING ON AND RUNNING WITH SAID LAST LINE OF SECOND PARCEL SO PROJECTED
- (8) NORTH 44° 42' 07" EAST, PASSING OVER THE NORTH SIDE OF SAID CSX TRANSPORTATION, INC. PROPERTY AND THE SOUTH WEST SIDE OF SOUTH MONROE STREET, 66 FEET WIDE, TO THE CENTERLINE OF SAID SOUTH MONROE STREET; THENCE RUNNING WITH THE CENTERLINE OF SAID SOUTH MONROE STREET
- (9) NORTHWESTERLY AND NORTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID SOUTH MONROE STREET AND THE "SOUTHERN PROPERTY LINE" OF THE B&O RAILROAD MUSEUM, INCORPORATED PROPERTY AS DESCRIBED IN A DEED DATED AUGUST 14TH, 1991, BY AND BETWEEN CSX TRANSPORTATION, INC. ET AL TO B&O RAILROAD MUSEUM, INCORPORATED AS RECORDED AMONG SAID LAND RECORDS IN LIBER S.E.B. 3638, FOLIO 208; THENCE BINDING AND RUNNING WITH THE SAID "SOUTHERN PROPERTY LINE" OF THE B&O RAILROAD MUSEUM, INCORPORATED PROPERTY
- (10) NORTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID "SOUTHERN PROPERTY LINE" OF THE B&O RAILROAD MUSEUM, INCORPORATED PROPERTY AND THE CENTERLINE OF SOUTH CAREY STREET, 80 FEET WIDE; THENCE BINDING ON THE CENTERLINE OF SAID SOUTH CAREY STREET
- (11) NORTHERLY, PASSING OVER WEST BALTIMORE STREET WHEREAS SAID SOUTH CAREY STREET BECOMES NORTH CAREY STREET, 80 FEET WIDE, TO A POINT FORMED BY THE INTERSECTION OF SAID NORTH CAREY STREET AND AFORESAID WEST MULBERRY STREET; THENCE RUNNING WITH THE CENTERLINE OF SAID WEST MULBERRY STREET
- (12) EASTERLY, TO THE POINT OF BEGINNING.

3806 TRAFFIC-MITIGATION FEE

3806.1 SCOPE OF SECTION. THIS § 3806 IS APPLICABLE TO ALL PROPOSED PROJECTS LOCATED INSIDE OF A TRAFFIC-MITIGATION ZONE.

3806.2 GENERAL. A TRAFFIC-MITIGATION FEE IS A PAYMENT THAT, BY AUTHORITY OF CHARTER ARTICLE II, §§ (40) AND (47), MUST BE PAID FOR PROJECTS THAT MEET THE CRITERIA ESTABLISHED IN § 3802.3.

3806.2.1 APPLICATION AND PROCESSING FEE. AN APPLICATION TO BEGIN THE REQUIRED TRAFFIC-MITIGATION FEE PROCESS MUST BE:

1. MADE IN THE FORM AND WITHIN THE TIME FRAME SET FORTH IN THE RULES AND REGULATIONS ADOPTED UNDER THIS CHAPTER; AND
2. ACCOMPANIED BY A PROCESSING FEE IN THE AMOUNT SET BY THESE RULES AND REGULATIONS.

3806.3 ASSESSMENT OF FEE.

3806.3.1 TRIP FORMULA. THE RULES AND REGULATIONS ADOPTED UNDER THIS CHAPTER MUST ESTABLISH:

1. PROCEDURES FOR DETERMINING THE NUMBER OF TRIPS ATTRIBUTABLE TO VARIOUS TYPES OF PROJECTS IN A PARTICULAR TRAFFIC-MITIGATION ZONE OR SUB-ZONE; AND
2. ADJUSTMENT FACTORS FOR CALCULATING THE NUMBER OF NON-SINGLE-OCCUPANT-VEHICLE TRIPS ATTRIBUTABLE TO VARIOUS TYPES OF PROJECTS.

3806.3.2 FEE RATES. THE FEE RATE PER TRIP IS AS SET BY THE BOARD OF ESTIMATES, IN CONSULTATION WITH THE DIRECTOR, FOR EACH ZONE.

3806.3.2.1 TEMPORARY LIMITATION ON FEE RATE INCREASES. FOR THE PERIOD BEGINNING WHEN A FEE RATE IS INITIALLY SET FOR A ZONE, AND ENDING ON DECEMBER 31, 2021, THE BOARD OF ESTIMATES MAY NOT INCREASE THE FEE RATE FOR THAT ZONE MORE OFTEN THAN ONCE EVERY 5 YEARS.

3806.3.3 FEE FORMULA. THE AMOUNT OF THE TRAFFIC-MITIGATION FEE ASSESSED ON A SPECIFIC PROJECT IS DETERMINED BY MULTIPLYING:

1. THE APPLICABLE RATE PER TRIP, AS OF THE DATE THAT THE PERMIT IS APPLIED FOR, FOR THE ZONE WHERE THE PROJECT IS LOCATED, BY
2. THE NUMBER OF TRIPS THAT THE DEPARTMENT OF TRANSPORTATION ATTRIBUTES TO THE PROJECT USING THE PROCEDURE ESTABLISHED UNDER § 3806.3.1.

3806.4 TRIP-GENERATION CREDITS.

3806.4.1 GENERAL. THE DIRECTOR MUST ISSUE TRIP-GENERATION CREDITS TO ANY PROPOSED PROJECT THAT MEETS THE REQUIREMENTS OF THIS § 3806.4. EACH CREDIT ISSUED

REDUCES BY 1 THE NUMBER OF TRIPS USED TO CALCULATE THE AMOUNT OF THE TRAFFIC-MITIGATION FEE UNDER § 3806.3.

~~**3806.4.1.1 CREDIT CAP.** THE DIRECTOR MAY NOT ISSUE ANY TRIP-GENERATION CREDITS THAT WOULD REDUCE THE TOTAL NUMBER OF TRIPS USED TO CALCULATE THE TRAFFIC-MITIGATION FEE BY MORE THAN 50%.~~

3806.4.2 AUTHORIZED CREDITS. TRIP-GENERATION CREDITS ARE AUTHORIZED AS FOLLOWS.

3806.4.2.1 NEGOTIATED AGREEMENT. THE DIRECTOR MAY AGREE TO ISSUE TRIP-GENERATION CREDITS FOR A PROPOSED PROJECT IF:

1. THE MAYOR AND CITY COUNCIL ENTER INTO A BINDING, WRITTEN MITIGATION AGREEMENT WITH THE DEVELOPER OF THE PROJECT THAT REQUIRES THE PERFORMANCE OF SPECIFIC ACTIONS THAT THE DIRECTOR DETERMINES WILL REDUCE THE NUMBER OF TRIPS ACTUALLY GENERATED BY THE PROJECT;
2. THE MITIGATION AGREEMENT REQUIRES THE DEVELOPER TO REQUIRE ALL SUBSEQUENT PURCHASERS OR OCCUPANTS OF THE PROPERTY TO ABIDE BY THE ONGOING REQUIREMENTS OF THE MITIGATION AGREEMENT;
3. THE MITIGATION AGREEMENT INCLUDES A MECHANISM MAKING IT BINDING ON ALL FUTURE SUCCESSORS AND ASSIGNS WHO MAY ACQUIRE ANY INTEREST IN THE PROPERTY IN THE FUTURE; ~~AND~~
4. THE MITIGATION AGREEMENT REQUIRES THE DIRECTOR TO ISSUE A NUMBER OF CREDITS EQUIVALENT TO THE NUMBER OF TRIPS THAT THE DIRECTOR CALCULATES WILL BE AVOIDED THROUGH THE ACTIONS AGREED TO BY THE DEVELOPER; AND
5. THE MITIGATION AGREEMENT, TOGETHER WITH ANY ADJUSTMENT FACTORS CALCULATED USING THE PROCEDURE ESTABLISHED UNDER § 3806.3.1(2), DOES NOT REDUCE THE TOTAL NUMBER OF TRIPS THAT WOULD OTHERWISE BE USED TO CALCULATE THE TRAFFIC-MITIGATION FEE BY MORE THAN 50%.

3806.4.2.2 AFFORDABLE HOUSING. THE DIRECTOR MUST ISSUE TRIP-GENERATION CREDITS FOR A PROPOSED PROJECT EQUIVALENT TO THE NUMBER OF TRIPS ATTRIBUTABLE TO RESIDENTIAL UNITS WITH A COST AT OR BELOW A "LOW HOUSING COST" (AS THAT TERM IS DEFINED IN CITY CODE ARTICLE 13, § 2B-3) **THAT WILL BE REQUIRED TO EITHER:**

1. **BE RENTED TO TENANTS WITH INCOMES AT OR BELOW 60% OF THE AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE, FOR A PERIOD OF 15 YEARS; OR**
2. **BE SOLD TO HOMEOWNERS WITH INCOMES AT OR BELOW 80% OF THE AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE.**

3806.4.2.3 SUBSTANTIAL REHABILITATION WITHIN 1 YEAR. FOR THE SUBSTANTIAL REHABILITATION OF A STRUCTURE THAT HAS BEEN VACANT FOR LESS THAN 1 YEAR BEFORE THE DATE OF APPLICATION FOR A PERMIT, THE DIRECTOR MUST ISSUE TRIP-GENERATION CREDITS EQUIVALENT TO THE NUMBER OF TRIPS ATTRIBUTABLE TO THE PREVIOUS USE, AS CALCULATED USING THE PROCEDURE ESTABLISHED UNDER § 3806.3.1.

3806.4.3 BUY-OUT OF CREDITS. AN OWNER OR OCCUPIER OF PROPERTY THAT HAS BENEFITTED FROM THE ISSUANCE OF TRIP-GENERATION CREDITS MAY NOT CHANGE THE USE OF THE PROPERTY IN ANY WAY THAT WOULD NO LONGER QUALIFY THE PROPERTY FOR 1 OR MORE TRIP-GENERATION CREDITS PREVIOUSLY ISSUED UNLESS THE OWNER OR OCCUPIER FIRST CANCELS THE PREVIOUSLY ISSUED CREDITS.

3806.4.3.1 FORMULA. TO CANCEL THOSE CREDITS, THE OWNER OR OCCUPIER MUST PAY TO THE DIRECTOR OF FINANCE AN AMOUNT EQUAL TO THE GREATER OF:

1. THE NUMBER OF TRIP-GENERATION CREDITS BEING CANCELED, MULTIPLIED BY THE TRAFFIC-MITIGATION FEE RATE THAT WAS IN FORCE FOR THE ZONE WHEN THE CREDITS WERE ISSUED; OR
2. THE NUMBER OF TRIP-GENERATION CREDITS BEING CANCELED, MULTIPLIED BY THE TRAFFIC-MITIGATION FEE RATE THAT IS IN FORCE IN THE ZONE WHEN THE CREDITS ARE CANCELLED.

3806.4.4 OBLIGATION CREATED BY ACCEPTANCE OF CREDITS. THE ACCEPTANCE OF TRIP-GENERATION CREDITS UNDER THIS § 3806.4 CREATES A BINDING OBLIGATION ON THE PERSONS ACCEPTING THE CREDITS TO FULFILL THE REPRESENTATIONS AND AGREEMENTS THAT ALLOWED THE CREDITS TO BE ISSUED. IN ADDITION TO ANY OTHER REMEDY OR ENFORCEMENT ACTION, THE DIRECTOR MAY ENFORCE THESE OBLIGATIONS BY SEEKING BOTH LEGAL AND EQUITABLE REMEDIES.

3806.5 RIGHT-OF-WAY DEDICATION SET-OFF. IF AN APPLICANT CONTROLS PROPERTY THAT THE DIRECTOR DETERMINES TO BE NECESSARY FOR THE CONSTRUCTION OF A PROJECT INCLUDED IN A TRAFFIC MANAGEMENT PLAN APPROVED UNDER § 3805.2, THE DIRECTOR MAY ACCEPT THE DEDICATION OF THE NEEDED PROPERTY TO THE CITY'S USE AND ISSUE A SET-OFF CREDIT TOWARD THE TRAFFIC-MITIGATION FEE ASSESSED ON A PROJECT IN EXCHANGE. THE TOTAL AMOUNT OF THE TRAFFIC-MITIGATION FEE TO BE PAID WOULD THEN BE REDUCED BY THE APPRAISED VALUE OF THE PROPERTY DEDICATED TO CITY USE.

3806.5 3806.6 PAYMENT OF FEES.

3806.5.1 3806.6.1 LESS THAN \$50,000. IF THE TRAFFIC-MITIGATION FEE ASSESSED FOR A PROPOSED PROJECT IS LESS THAN \$50,000, THE FEE MUST BE PAID TO THE ~~DEPARTMENT~~ DIRECTOR OF FINANCE IN FULL BEFORE ANY PERMITS FOR THE WORK ARE ISSUED.

3806.5.2 3806.6.2 \$50,000 OR MORE. IF THE TRAFFIC-MITIGATION FEE ASSESSED FOR A PROPOSED PROJECT IS \$50,000 OR MORE, THE DIRECTOR OF TRANSPORTATION MAY NEGOTIATE INSTALLMENT PAYMENTS FOR A PERIOD OF UP TO 5 YEARS FROM THE ISSUANCE OF A BUILDING PERMIT. ANY INSTALLMENT PLAN UNDER THIS § ~~3806.5.2~~ § 3806.6.2 REQUIRES THE APPROVAL OF THE BOARD OF ESTIMATES TO BECOME EFFECTIVE.

3806.6.2.1 INTEREST TO BE CHARGED ON INSTALLMENT PAYMENTS. IF A TRAFFIC-MITIGATION FEE IS TO BE PAID IN INSTALLMENTS UNDER AN AGREEMENT AUTHORIZED BY § 3806.6.2, INSTALLMENT PAYMENTS MUST INCLUDE AN ADDITIONAL INTEREST CHARGE AT THE CURRENT CITY BORROWING RATE AS DETERMINED BY THE DIRECTOR OF FINANCE.

3807 USE OF FEES.

3807.1 SEPARATE REVENUE ACCOUNTS. TRAFFIC-MITIGATION FEES COLLECTED UNDER THIS CHAPTER ARE TO BE DEPOSITED TO THE GENERAL FUND AND ACCOUNTED FOR IN SEPARATE REVENUE ACCOUNTS DESIGNATED TO INDICATE PRECISELY HOW MUCH REVENUE IS DERIVED FROM EACH TRAFFIC-MITIGATION ZONE.

3807.2 FEES TO BENEFIT ZONE OF ORIGIN. SUBJECT TO APPROPRIATION, REVENUE DERIVED FROM TRAFFIC-MITIGATION FEES IN EACH TRAFFIC-MITIGATION ZONE MUST BE USED ONLY FOR THE PURPOSES DESCRIBED IN § 3807.3 OR FOR:

1. DESIGNING AND CONSTRUCTING PROJECTS TO BENEFIT THE TRANSPORTATION INFRASTRUCTURE OF THE ZONE FROM WHICH THE FEES DERIVE, AS APPROVED BY THE PLANNING COMMISSION IN THE TRAFFIC MANAGEMENT PLAN ADOPTED UNDER § 3805.2; AND
2. DEFRAYING THE PLANNING AND ADMINISTRATIVE COSTS, OF NO MORE THAN 10% OF ALL REVENUE COLLECTED, OF IMPLEMENTING THIS CHAPTER.

3807.3 FEES MAY DEFRAY COST OF SITE ACCESS IMPROVEMENTS.

3807.3.1 SITE ACCESS IMPROVEMENTS. SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES, THE DIRECTOR MAY PERMIT UP TO 33% OF THE TRAFFIC MITIGATION FEE, AFTER DEDUCTION OF CREDITS, PAID BY AN APPLICANT TO BE USED FOR MINOR SITE ACCESS IMPROVEMENTS INCLUDING TURNING LANES, ACCELERATION/DECELERATION LANES, TRAFFIC SIGNALS, OR SIMILAR IMPROVEMENTS.

3807.3.2 USE OF FEES. FEES APPROPRIATED UNDER THIS § 3807.3 MAY BE EITHER:

1. REBATED TO THE APPLICANT PURSUANT TO AN AGREEMENT REQUIRING THE APPLICANT TO CONSTRUCT THESE IMPROVEMENTS; OR
2. RETAINED BY THE DEPARTMENT OF TRANSPORTATION CITY FOR THE PURPOSE OF CONSTRUCTING THESE IMPROVEMENTS.

3807.3.2.1 NO REBATES UNTIL REMAINDER OF FEES PAID. A DEVELOPER MAY NOT RECEIVE A REBATE OF ANY FEES UNDER THIS § 3807.3.2 UNTIL THE REMAINING TRAFFIC MITIGATION FEES HAVE BEEN PAID TO THE CITY.

3807.4 ANNUAL ACCOUNTING. WITH THE ASSISTANCE OF THE DEPARTMENT OF FINANCE, THE DIRECTOR MUST ANNUALLY PRODUCE AND PROVIDE TO THE BOARD OF ESTIMATES AN ACCOUNTING THAT SHOWS:

1. THE CUMULATIVE REVENUE DERIVED FROM TRAFFIC-MITIGATION FEES IN EACH TRAFFIC-MITIGATION ZONE; AND
2. THE CUMULATIVE EXPENDITURES OR APPROPRIATIONS FOR PROJECTS THAT BENEFIT THE TRANSPORTATION INFRASTRUCTURE OF EACH ZONE.

3807.5 RETURN OF UNOBLIGATED FEES.

3807.5.1 REVIEW OF FEE USE. IF AN APPLICANT WHO HAS PAID A TRAFFIC-MITIGATION FEE FOR A PROJECT BELIEVES THAT THE FEE HAS NOT BEEN OBLIGATED TO A SPECIFIC PROJECT INCLUDED IN A TRAFFIC MANAGEMENT PLAN APPROVED UNDER § 3805.2 WITHIN 6 YEARS OF PAYMENT, THE APPLICANT MAY REQUEST A REVIEW OF THE FEE'S USE BY THE DIRECTOR. THE DIRECTOR MUST THEN DETERMINE IF THE FEE IN QUESTION, OR ANY PORTION OF IT, HAS, WITHIN 6 YEARS OF FINAL PAYMENT, BEEN OBLIGATED TO A SPECIFIC PROJECT INCLUDED IN A TRAFFIC MANAGEMENT PLAN APPROVED UNDER § 3805.2.

3807.5.2 REFUND OF UNOBLIGATED FEES. IF THE DIRECTOR'S REVIEW UNDER § 3807.5.1 DETERMINES THAT A FEE HAS NOT BEEN ENTIRELY OBLIGATED TO A SPECIFIC PROJECT INCLUDED IN A TRAFFIC MANAGEMENT PLAN APPROVED UNDER § 3805.2 WITHIN 6 YEARS OF PAYMENT, ANY UNOBLIGATED PORTION OF THE FEE MUST BE REFUNDED TO THE APPLICANT UPON THE BOARD OF ESTIMATE'S APPROPRIATION OF THE NECESSARY FUNDS.

3807.5.3 ACCOUNTING METHOD TO BE PUBLISHED. THE DIRECTOR, IN CONSULTATION WITH THE DEPARTMENT OF FINANCE, MUST ESTABLISH A STANDARDIZED METHOD FOR DETERMINING HOW SPECIFIC FEES ARE ALLOCATED TO PARTICULAR PROJECTS FOR PURPOSES OF A REVIEW UNDER § 3807.5.1. THIS ACCOUNTING METHOD MUST BE INCLUDED IN THE RULES AND REGULATIONS ADOPTED UNDER THIS CHAPTER.

3808 ENFORCEMENT.

3808.1 GENERAL. A VIOLATION OF ANY PROVISION OF THIS CHAPTER, OF A RULE OR REGULATION ADOPTED UNDER THIS CHAPTER, OR OF AN AGREEMENT ENTERED INTO UNDER THIS CHAPTER CONSTITUTES A VIOLATION OF THIS CODE, SUBJECT TO THE ENFORCEMENT, PENALTY, AND OTHER PROVISIONS OF § 113 §114{"VIOLATIONS"} AND RELATED SECTIONS OF THIS CODE.

Article – Zoning

Title 2. Administration; Authorizations

Subtitle 3. Zoning Authorizations

§ 2-305. [Traffic-impact study] TRAFFIC MITIGATION.

(a) *Referral to DoT.*

Within 15 business days of receiving a completed application, the Zoning Administrator must refer the application and all accompanying documents to the Director of Transportation, if:

- (1) TRAFFIC MITIGATION REQUIREMENTS FOR THE PROPOSED STRUCTURE OR USE HAVE NOT ALREADY BEEN COMPLIED WITH IN ACCORDANCE WITH THIS ARTICLE OR THE BALTIMORE CITY BUILDING, FIRE, AND RELATED CODES; AND
- (2) the proposed structure or use:
 - (i) IS IN A TRAFFIC-MITIGATION ZONE DESIGNATED IN BUILDING CODE § 3805 AND INVOLVES 10 OR MORE DWELLING UNITS,

(ii) involves 15,000 sq. ft. or more of gross floor area, [and] OR

(iii) INVOLVES 50 OR MORE DWELLING UNITS [(2) a traffic-impact study for the proposed structure or use has not already been undertaken in accordance with this article or the Baltimore City Building, Fire, and Related Codes].

(b) [*Study criteria*] *MITIGATION REQUIRED.*

A traffic-impact study OR THE PAYMENT OF A TRAFFIC-MITIGATION FEE is required if any 1 of the criteria specified in Building Code [§ 105.3.2.3] § 3802 apply.

(c) *Procedures and conduct.*

The Director of Transportation must review the application [and undertake or contract for any required traffic-impact study] as provided in Building Code [§ 105.3.2] § 3802.

[(d) *Expenses.*

All reasonable expenses incurred in undertaking or contracting for the study must be paid by the applicant as provided in Building Code § 105.3.2.6.]

[(e) *Mitigation.*

The applicant is responsible for mitigating adverse traffic impacts as provided in Building Code § 105.3.2.8.]

(D) *MITIGATION PROCEDURE.*

IF THE DIRECTOR OF TRANSPORTATION INFORMS THE APPLICANT THAT TRAFFIC MITIGATION IS REQUIRED UNDER BUILDING CODE CHAPTER 38, THE APPLICANT MUST COMPLY WITH THE APPLICABLE PROCEDURES AND REQUIREMENTS OF THAT CHAPTER.

Subtitle 4. Use Permits

§ 2-403. Application for permit.

(c) *Traffic-impact study.*

Within 15 business days of receiving a completed application, the Zoning Administrator must refer the application and all accompanying documents to the Director of Transportation for review and, if required, [a traffic-impact study] TRAFFIC MITIGATION, as provided in § 2-305 {"[Traffic-impact study] TRAFFIC MITIGATION"} of this title, if:

(1) TRAFFIC MITIGATION REQUIREMENTS FOR THE PROPOSED OCCUPANCY OR USE HAVE NOT ALREADY BEEN COMPLIED WITH IN ACCORDANCE WITH THIS ARTICLE OR THE BALTIMORE CITY BUILDING, FIRE, AND RELATED CODES; AND

(2) the proposed occupancy or use:

- (I) IS IN A TRAFFIC-MITIGATION ZONE DESIGNATED IN BUILDING CODE § 3805 AND INVOLVES 10 OR MORE DWELLING UNITS,
- (II) involves 15,000 sq. ft. or more of gross floor area, [and] OR
- (III) INVOLVES 50 OR MORE DWELLING UNITS [(2) a traffic-impact study for the proposed occupancy or use has not already been undertaken in accordance with this article or the Baltimore City Building, Fire, and Related Codes.].

Title 13. Nonconformance

Subtitle 7. Modifications and Continuances by Board

§ 13-704. Applications.

(b) *Traffic-impact study.*

Within 15 business days of receiving a completed application, the Zoning Administrator must refer the application and all accompanying documents to the Director of Transportation for review and, if required, [a traffic-impact study] TRAFFIC MITIGATION, as provided in § 2-305 {“[Traffic-impact study] TRAFFIC MITIGATION”} of this article, if:

- (1) TRAFFIC MITIGATION REQUIREMENTS FOR THE PROPOSED MODIFICATION OR CONTINUANCE HAVE NOT ALREADY BEEN COMPLIED WITH IN ACCORDANCE WITH THIS ARTICLE OR THE BALTIMORE CITY BUILDING, FIRE, AND RELATED CODES; AND
- (2) the proposed modification or continuance:
 - (I) IS IN A TRAFFIC-MITIGATION ZONE DESIGNATED IN BUILDING CODE § 3805 AND INVOLVES 10 OR MORE DWELLING UNITS,
 - (II) involves 15,000 sq. ft. or more of gross floor area, [and] OR
 - (III) INVOLVES 50 OR MORE DWELLING UNITS [(2) a traffic-impact study for the proposed modification or continuance has not already been undertaken in accordance with this article or the Baltimore City Building, Fire, and Related Codes].

Title 14. Conditional Uses

Subtitle 2. Procedures and General Considerations

§ 14-201. Applications.

(d) *Traffic-impact study.*

Within 15 business days of receiving a completed application, the Zoning Administrator must refer the application and all accompanying documents to the Director of Transportation

for review and, if required, [a traffic-impact study] TRAFFIC MITIGATION, as provided in § 2-305 {“[Traffic-impact study] TRAFFIC MITIGATION”} of this article, if:

(1) TRAFFIC MITIGATION REQUIREMENTS FOR THE PROPOSED CONDITIONAL USE HAVE NOT ALREADY BEEN COMPLIED WITH IN ACCORDANCE WITH THIS ARTICLE OR THE BALTIMORE CITY BUILDING, FIRE, AND RELATED CODES; AND

(2) the proposed conditional use:

(i) IS IN A TRAFFIC-MITIGATION ZONE DESIGNATED IN BUILDING CODE § 3805 AND INVOLVES 10 OR MORE DWELLING UNITS,

(ii) involves 15,000 sq. ft. or more of gross floor area, [and] OR

(iii) INVOLVES 50 OR MORE DWELLING UNITS [(2) a traffic-impact study for the proposed conditional use has not already been undertaken in accordance with this article or the Baltimore City Building, Fire, and Related Codes].

(e) *Transmittal to Board.*

(1) The Zoning Administrator must forward the application and all relevant information to the Board.

(2) The Director of Transportation must forward TO THE BOARD the results of [its] ANY traffic-impact study [to the Board] THAT IS CONDUCTED.

Title 16. Legislative Authorizations and Amendments

Subtitle 3. Referrals and Required Findings

§ 16-301. Referral to agencies.

(b) *Traffic-impact study.*

Within 15 business days of receiving a completed application, the City Council must also refer the bill and all accompanying documents to the Director of Transportation for review and, if required, [a traffic-impact study] TRAFFIC MITIGATION, as provided in § 2-305 {“[Traffic-impact study] TRAFFIC MITIGATION”} of this article, if:

(1) TRAFFIC MITIGATION REQUIREMENTS FOR THE PROPOSED ZONING AUTHORIZATION HAVE NOT ALREADY BEEN COMPLIED WITH IN ACCORDANCE WITH THIS ARTICLE OR THE BALTIMORE CITY BUILDING, FIRE, AND RELATED CODES; AND

(2) the proposed zoning authorization:

(i) IS FOR PROPERTY IN A TRAFFIC-MITIGATION ZONE DESIGNATED IN BUILDING CODE § 3805 AND INVOLVES 10 OR MORE DWELLING UNITS,

(ii) involves 15,000 sq. ft. or more of gross floor area, [and] OR

(III) INVOLVES 50 OR MORE DWELLING UNITS [(2) a traffic-impact study for the proposed zoning authorization has not already been undertaken in accordance with this article or the Baltimore City Building, Fire, and Related Codes].

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

(5a) ***Building, Fire, and Related Codes –
Building Code***

§ 113.14. Work without permit	\$500
§ 114.3. Stop-work order: Unlawful continuance	\$500
§ 123.8. Failure to comply with notice	
Condemnation proceedings {§ 120}	\$500
Unsafe structures {§ 115}	\$500
All other notices (excluding citations)	\$250
§ 3302.3. Construction Safeguards: Waste and debris	\$250
§ 3808. TRAFFIC-MITIGATION: ENFORCEMENT	\$500

SECTION 2. AND BE IT FURTHER ORDAINED, That the requirements of this Ordinance apply to all applications made after the effective date of this Ordinance, notwithstanding any traffic study that might previously have been undertaken.

SECTION 3. AND BE IT FURTHER ORDAINED, That the requirements of this Ordinance do not apply to applications that the Director of Transportation, in consultation with the Director of Planning, determines that prior to the effective date fo this Ordinance:

- a. there is a documented decision by the Department of Transportation that no traffic mitigation is required;
- b. traffic mitigation requirements have been satisfied by the adoption of relevant provisions within a Planned Unit Development; or
- c. traffic mitigation requirements have been satisfied pursuant to an agreement approved by the Board of Estimates.

SECTION 3 4. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 45. AND BE IT FURTHER ORDAINED, That until the Board of Estimates adopts a fee schedule for each Zone designated in Section 3805.3, proposed work in any Zone without a fee schedule will be treated as if it were not in a Zone.

SECTION 56. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 90th 30th day after the date it is enacted.