


FROM	NAME & TITLE	AVA RICHARDSON, SUSTAINABILITY DIRECTOR		
	AGENCY NAME & ADDRESS	OFFICE OF SUSTAINABILITY 8 TH FLOOR, 417 EAST FAYETTE STREET CITY COUNCIL BILL #24-0494/		BALTIMORE MEMO
	SUBJECT	Chesapeake Bay Critical Area Overlay Zoning District- Prohibited Uses		

DATE:

TO

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



April 2, 2024

The Office of Sustainability is in receipt of City Council Bill #24-0494 – Chesapeake Bay Critical Area Overlay Zoning District- Prohibited Uses. CCB#24-0494 will allow certain uses within the 100-foot Buffer of the Chesapeake Bay Critical Area that will provide all Baltimoreans with comfortable access to specific waterfront locations. The bill does not remove any existing language in the City’s current code and instead adds a new section under ‘Piers, Barges, Vessels, and Docks’ in the Critical Area Management Program (CAMP) manual. The Office of Sustainability recognizes the urban heat island effect in its 2023 Disaster Preparedness and Planning Project (DP3), and the need to mitigate the impact extreme heat will have across the region. This legislation will allow property owners to provide shade along the waterfront which will benefit heat-sensitive users while preserving the waterfront’s value. function and aesthetic.

The Office of Sustainability recommends approval of CCB#24-0494

The Chesapeake Bay Critical Area Act, prescribed within State Natural Resources Article, §8-108.1 et. Seq., Annotated Code of Maryland and Baltimore City’s Critical Area Management Program (CAMP) protects and improves the shoreline habitat and tidal waters of the Chesapeake Bay. All land within 1,000 feet of the shore is subject to Critical Area requirements. Within the Critical Area is the 100 foot buffer or ‘Buffer’ that has stricter requirements due to its proximity to the water. The Buffer is measured 100-feet landward from the mean high-water line of tidal waters, the landward edge of tidal wetlands, and both banks of tributary streams. The 100-foot Buffer has several prohibited uses that will remain in place with the enactment of this legislation.

The State recognizes three major categories within the 1000-foot Critical Area: the Intensely Developed Area (IDA), the Limited Development Area (LDA), and the Resource Conservation Area (RCA). Baltimore City only includes the IDA and RCA. CCB#24-0494 is only applicable in the IDA where the predominant land uses include residential, commercial, institutional, or industrial and a relatively small amount of natural habitat exists.

Baltimore City is currently unable to permit any sort of non-water dependent structures on piers or related areas because it did not opt-in to the state language in 2013. All other state restrictions are applicable including a maximum height of up to 18 feet, unless the project is located at a marina, and a maximum total area of 1,000 square feet. These projects must be approved by local planning and zoning authorities and the State Critical Area Commission, where applicable. Through coordination with the State Critical Area Commission, CCB#24-0494 will limit the privatization of the waterfront.

The number of ‘very hot days’ which is defined as a maximum temperature of over 95 degrees Fahrenheit has increased since 1900. In correspondence, the 2023 Disaster Preparedness and Planning Project (DP3) identified ‘Extreme Temperatures’ as a ‘frequent’ hazard of concern in Baltimore City that has a ‘high’ impact on the population according to the vulnerability assessment. In 2022, the U.S. Centers for Disease Control and Prevention concluded that extreme heat was the number one weather-related cause of death in the United States. Furthermore, the National Weather Service found that full sun exposure can increase the heat index exposure by up to 15 degrees Fahrenheit. (heat index corresponds with the temperature the body feels)

This legislation supports several concerns raised during the public engagement portion of the DP3 2023 update. In the Baltimore City DP3 Update-Public Survey, over 75% of participants reported experiencing some sort of extreme heat event within the last 5 years, including heat and poor outdoor air quality. In the survey, participants also expressed that extreme heat is the natural hazard they are most concerned about when compared to other natural hazards in the city. CCB#24-0494 will permit shade structures associated with certain projects in the Inner Harbor, allowing people to enjoy certain amenities more comfortably and safely, especially on days where a Code Red Extreme Heat advisory is issued.

The 2023 Disaster Preparedness and Planning Project (DP3) (formally adopted by the Planning Commission on November 30, 2023) addresses extreme heat in Section 9 titled, ‘Extreme Temperatures.’ CCB #24-0494 aligns with goal #1 in the DP3:

- *Goal #1: Ensure the equitable protection of the health, safety and welfare of all people who work, live, and play in Baltimore City, with specific consideration for the barriers and challenges that may result in disproportionate hazard impacts to socially vulnerable populations and underserved communities.*

CCB#24-0494 will permit shade structures in portions of the Chesapeake Bay Critical Area - allowing Baltimoreans, visitors and tourists to enjoy specific amenities with a form of protection from heat during the excessively hot summer days. As climate change is expected to increase the severity and frequency of extreme heat events in Baltimore City, this legislation will create a more comfortable atmosphere.

The Office of Sustainability recommends **approval** of City Council Bill #24-0494, as it aligns with goals and concerns outlined in the 2023 Disaster Preparedness and Planning Project.

Please contact Ava Richardson at ava.richardson@baltimorecity.gov with questions regarding this bill report.

cc: Ms. Nina Themelis, Mayor's Office
The Honorable Mark Conway, Councilmember, District 4
The Honorable Phylcia Porter, Council Representative to the Commission on Sustainability
Ms. Brittany Vendryes, Esq., Executive Director, Environmental Control Board
Mr. Chris Ryer, Planning Director
Mrs. Amy Gilder-Busatti, Sustainability Manager
Ms. Grace Hansen, Coastal Planner
Ms. Natawna Austin, Council Services