

CITY OF BALTIMORE

BOARD OF ESTIMATES

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AND CLERK TO THE BOARD

April 28, 2010

Honorable President and Members
of the City Council

Ladies and Gentlemen:

On April 28, 2010 the Board had before it for consideration the following Pending City Council Bills:

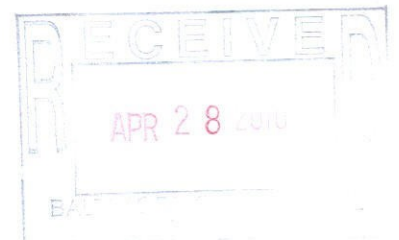
09-0411 - An ordinance concerning the sale of property - 4900 Boston Street for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known as 4900 Boston Street (block 6820, lot 055) and no longer needed for public use; and providing for a special effective date.

THE PLANNING COMMISSION RECOMMENDS THAT CITY COUNCIL BILL 09-0411 BE APPROVED, SUBJECT TO THE INCORPORATION OF THE UPDATED RIGHT-OF-WAY PLAT DATED JANUARY 28, 2010 IN THE PROPOSED LEGISLATION.

THE DEPARTMENT OF PUBLIC WORKS SUPPORTS THE PASSAGE OF CITY COUNCIL BILL 09-0411 WITH THE UNDERSTANDING THAT A 20-FOOT WIDE RIGHT-OF-WAY WILL BE RESERVED FOR FUTURE CITY USE.

THE BUREAU OF THE BUDGET AND MANAGEMENT RESEARCH HAS NO OBJECTION TO THE PASSAGE OF CITY COUNCIL BILL 09-0411 BASED ON THE STIPULATION THAT A 20-FOOT RIGHT-OF-WAY IS RESERVED FOR CITY USE AND PENDING A FAVORABLE REPORT FROM THE DEPARTMENT OF PUBLIC WORKS CONCERNING THE PROTECTION OF THE CITY'S UTILITY INTERESTS.

ALL REPORTS RECEIVED WERE FAVORABLE.



CITY COUNCIL BILLS

10-0434 - An Ordinance concerning Stormwater Management - For the purpose of modifying the provisions governing stormwater management to comply with new requirements of State law: requiring the development, review, and approval of phased plans for stormwater management; establishing certain minimum control requirements to manage stormwater by using environmental site design to the maximum extent practicable; requiring certain design techniques and certain structural and non-structural practices; requiring certain reports and inspections; providing for certain exemptions, waivers, and variances; imposing certain fees; defining and redefining certain terms; correcting, clarifying, and conforming related language; providing for a special effective date; and generally relating to the protection, maintenance, and enhancement of the public health, safety, and welfare through the management of the stormwater.

THE DEPARTMENTS OF PUBLIC WORKS AND HOUSING AND COMMUNITY DEVELOPMENT SUPPORT THE PASSAGE OF CITY COUNCIL BILL NO. 10-0434, INCLUDING THE AMENDMENTS REQUIRED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE).

THE DEPARTMENTS OF FINANCE AND THE COMMISSION ON SUSTAINABILITY SUPPORT THE PASSAGE OF THE BILL.

THE BALTIMORE POLICE DEPARTMENT DEFERS TO THE DEPARTMENTS OF LAW AND PUBLIC WORKS.

BALTIMORE DEVELOPMENT SUPPORTS PASSAGE PROVIDED THAT APPROPRIATE GRANDFATHERING IS INCLUDED TO ALLOW "SHOVEL READY" PROJECTS TO MOVE FORWARD BASED ON APPROVED MASTER STORMWATER PLANS AND THE CITY MAINTAINS THE COMPLIANCE FLEXIBILITY THAT APPEARS TO BE CONTEMPLATED IN THE BILL AS DRAFTED WITHOUT THE MDE AMENDMENT.

CITY COUNCIL BILLS

SUBJECT TO REQUIRED AMENDMENTS, THE DEPARTMENT OF LAW APPROVED THE BILL FOR FORM AND LEGAL SUFFICIENCY.

On April 14, 2010, the Board deferred City Council Bill 10-0434 pending further hearings. The hearings have concluded and further amendments were made to City Council Bill 10-0434.

By memorandum dated April 26, 2010, the Director of the Department of Public Works requests the Board to approve City Council Bill 10-0434 as amended and shown in the Unofficial Reprint dated April 23, 2010, as approved by the Land Use and Transportation Committee on April 23, 2010.

The Maryland Stormwater Act of 2007 updated the requirements and standards development must follow to control the effects of runoff and sediment and erosion control when these sites disturb 5,000 square feet or more of land through development activity. The 2007 Act revisions require stronger controls for runoff and must use Environmental Site Design practices to the maximum extent practicable to control the quantity and quality of stormwater runoff. The intent is to mimic, as much as is possible, the pre-development hydrologic characteristics of the development site through the use of multiple small scale nonstructural green technologies (e.g. swales, rain gardens, limited impervious areas) to optimize conservation of natural features, minimize impervious areas, prevent soil erosion, maintain the integrity of stream channels, and minimize pollutants in stormwater runoff. Jurisdictions have until May 4, 2010 to adopt State approved changes to their stormwater management programs. The provisions of City Council Bill 10-0434, as amended, will allow for the updating of the City's Stormwater Management law to comply with the Maryland Stormwater Act of 2007.

The amendments to City Council Bill 10-0434 include the emergency regulations language, as well as previously provided Maryland Department of the Environment (MDE) technical and clarification amendments. The emergency regulations provide

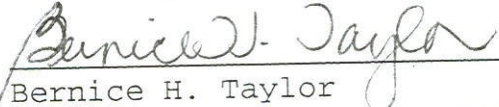
jurisdictions with the ability to consider allowing projects that may have been delayed in moving forward due to economic circumstances, but have met the criteria of Preliminary Plan Approval, to receive and Administrative Waiver.

In addition to the technical amendments and the emergency regulations language approved by MDE, a third set of amendments were considered to provide a public comment period for sites that may be considered for waivers. An initial review by the MDE found the language not to conflict with the state law or regulations and would therefore be deemed acceptable. These amendments were reviewed and modified by the Law Department for form and legal sufficiency.

After NOTING AND CONCURRING in all favorable reports received, the Board approved the Bills and referred them to the City Council with the recommendation that they be approved and passed by that Honorable Body,

The President ABSTAINED from voting.

Sincerely,



Bernice H. Taylor
Clerk to the Board of Estimates