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AA 536-07

St. Lukes

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Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

September 18, 2008

Ms. Sally Nash
City of Annapolis
Department of Planning and Zoning
145 Gorman Street, 3rd Floor
Annapolis, Maryland 21401

Re: St. Luke's Growth Allocation

Dear Ms. Nash:

Thank you for forwarding revised information on the above-referenced project proposal. St. Luke's Church, the applicant and owner of a 5.11 acre property consisting of two existing parcels, seeks the use of 4.23 acres of the City's 11 acres of growth allocation to change a 2.15 acre portion of the property from an RCA to an IDA, and a 2.07 acre portion of the property from an LDA to an IDA for the purpose of constructing additional development on the property and reconfiguring the existing two parcels. The proposed development consists of construction of a new sanctuary and parking lot on parcel 181 which fronts Bay Ridge Avenue, and construction of a 32-unit co-housing complex for seniors on parcel 180. The property is currently developed with a church, parking lot and rectory. Currently, 3.04 acres are designated as a Resource Conservation Area (RCA) and 2.07 acres are designated as a Limited Development Area (LDA). I have outlined my comments below:

1. As part of its formal growth allocation submittal, the City of Annapolis must address the following growth allocation standards, factors and guidelines found in COMAR 27.01.02.06, and Natural Resources Article 8-1808.1(c), which was revised by the 2008 Laws of MD at 748. As such, we strongly recommend that the Annapolis City Council make formal findings during its process of considering an award of growth allocation to this project.

COMAR 27.01.02.06, requires:

The area of expansion of Intensely Developed or Limited Development Areas, or both, may not exceed an area equal to 5 percent of the county's portion of the Resource Conservation Area lands that are not tidal wetland or federally owned.

Locate a new Intensely Developed Area in a Limited Development Area or adjacent to an existing Intensely Developed Area in the Town.

Natural Resources Article 8-1808.1(c) requires the Critical Area Commission to ensure that the following standards have been applied in a manner that is consistent with the purposes, policies, goals, and provisions of the Critical Area Law and Criteria.

1. *Locate a new Limited Development Area adjacent to an existing Limited Development Area or an Intensely Developed Area.*
2. *Locate a new Intensely Developed Area in a Limited Development Area in a manner that minimizes impacts to a habitat protection area as defined in COMAR 27.01.09, and in an area and manner that optimizes benefits to water quality.*
3. *Locate new Intensely Developed Area or Limited Developed Area in a Resource Conservation Area at least 300 feet beyond the landward edge of tidal wetlands, unless the local jurisdiction proposes, and the Commission approves, alternative measures for enhancement of water quality and habitat that provide greater benefits to the resources; (The specific provision for Commission approval of alternative measures is part of the 2008 Critical Area legislation.)*
4. *Locate new Intensely Developed Areas and Limited Development Areas in a manner that minimizes impacts to the defined land uses of the Resource Conservation Area.*
5. *Except in Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester, no more than one-half of the expansion allocated in the criteria of the Commission may be located in Resource Conservation Areas.*
6. *New Intensely Developed or Limited Development Areas [to be located in the Resource Conservation Area] involving the use of growth allocation shall conform to all criteria of the Commission for Intensely Developed or Limited Development Areas and shall be designated on the comprehensive zoning map submitted by the local jurisdiction as part of its application to the Commission for program approval or at a later date in compliance with Section 8-1809(g)*
7. *In Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester counties, if the county is unable to utilize a portion of the growth allocated to the county in items (1) and (2) above within or adjacent to existing intensely developed or limited development areas as demonstrated in the local plan approved by the Commission, then that portion of the allocated expansion which cannot be so located may be located in the resource conservation area in addition to the expansion allocated in item (5) above. A developer shall be required to cluster any development in an area of expansion authorized under this paragraph.*

In accordance with §8-1808.1(c)(3), the Commission shall consider the following factors when reviewing a map amendment involving a new Limited Development Area:

1. *Consistency with the jurisdiction's adopted comprehensive plan and whether the growth allocation would implement the goals and objectives of the adopted plan;*
 2. *Whether the development is to be served by a public wastewater system or septic system that uses the best available nitrogen removal technology; is a completion of an existing subdivision; is an expansion of an existing business; or is to be clustered;*
 3. *The use of existing public infrastructure, where practical;*
 4. *Consistency with State and Regional Environmental Protection Policies concerning the protection of threatened and endangered species and species in need of conservation that may be located on- or off-site;*
 5. *Impacts on a Priority Preservation Area, as defined under §2-518 of the Agriculture Article;*
 6. *Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams;*
 7. *Environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development.*
-
2. The applicant will need to identify all Habitat Protection Areas that are on the property. In addition to mapping the 100-foot Buffer, the applicant will need to obtain a letter from Maryland Department of Natural Resources Wildlife and Heritage Service (WHS) to determine whether there are any rare, threatened or endangered species on the property or any other Habitat Protection Areas that may be affected by the project. We note that the applicant has requested such a letter from WHS and it should be forwarded in the revised application materials when it is received.
 3. The applicant proposes to leave the area that is between the tidal waters and 300 feet from the tidal waters outside of the growth allocation request envelope, so that this area will retain its RCA designation. Based on this office's review of the proposed project materials submitted so far, it appears that Commission staff could support this proposal to leave the RCA designation in place within this 300-foot Buffer. Additionally, staff could support a proposal to include the area of steep slopes along the eastern property boundary in the area that will remain designated as RCA. Staff could support such a proposal because it appears that no

disturbance is proposed within the 300-foot Buffer or the steep slopes for the proposed project, and because retaining the RCA designation in these areas will limit the future disturbance allowed within these sensitive environmental areas on the property.

4. The applicant must provide documentation that the current parcel configuration has not been changed since December 1, 1985, which is the original mapping date for the Critical Area.
5. The applicant must complete and submit the 10% pollutant removal requirement calculation worksheets and show how the resulting 10% pollutant removal requirement will be addressed on the site. The 10% worksheets and further information about the 10% pollutant removal requirement are available on this office's website at the following website:
http://www.dnr.state.md.us/criticalarea/guidancepubs/10percent_rule.html.
6. COMAR 27.01.02.03.D(4) requires that if practicable, permeable areas within IDA shall be established in vegetation. Please provide a landscape plan demonstrating that this requirement has been addressed.

The comments above are based on the preliminary information this office has received at this point about the project and reflect the review and evaluation of the project by Commission staff. As you know, the Critical Area Commission must review and approve all requests for map amendments involving the use of growth allocation. Additional comments may be provided as the project progresses. We are happy to meet with the applicant to discuss any further questions about the proposed project. Please feel free to contact me at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner
cc: AN 536-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 29, 2007

Ms. Sally Nash
City of Annapolis
Department of Planning and Zoning
145 Gorman Street, 3rd Floor
Annapolis, Maryland 21401

Re: St. Luke's Growth Allocation

Dear Ms. Nash:

Thank you for forwarding information on the above-referenced project proposal. The project is construction of a 32-unit housing complex for seniors. It is my understanding that the applicant plans to re-subdivide two existing parcels and will seek growth allocation to change a portion of the property from a Resource Conservation Area (RCA) to a Limited Development Area (LDA). I have outlined my initial comments below.

1. The applicant will need to use growth allocation for the entire area of the RCA on the property because the Critical Area Commission's Guidelines for the Counting of Growth Allocation require that if the original parcel in the RCA is less than 20 acres, then the entire area of the parcel must be reclassified to either LDA or IDA using growth allocation. This requirement is based on the principle that at least 20 acres are needed to maintain the RCA character.
2. The submitted materials indicate that the applicant proposes to construct a green roof. While the Commission encourages the use of environmentally sensitive design, it only recognizes green roofs as pervious areas for the purposes of performing the pollutant removal calculations on land that is classified as an Intensely Developed Area. It appears that the applicant will not be able to meet the City's 15% impervious limit when the roof area is added into the total proposed impervious surface area in a Limited Development Area as proposed. Accordingly, the applicant will either need to reduce the proposed impervious surface area to 15% of the property, or the applicant can apply to have the whole property classified as IDA.

Ms. Nash
October 9, 2007
Page Two

3. The applicant will need to identify all Habitat Protection Areas that are on the property. In addition to mapping the 100-foot Buffer, the applicant will need to obtain a letter from Maryland Department of Natural Resources Wildlife and Heritage Service to determine whether there are any rare, threatened or endangered species on the property or any other Habitat Protection Areas that may be affected by the project.
4. The applicant must provide documentation that the current parcel configuration has not been changed since December 1, 1985, which is the original mapping date for the Critical Area.
5. The applicant must show that the use of the requested growth allocation will meet each of the Natural Resources Article § 8.1801(c) Guidelines for locating a new intensely developed or limited development area. This text was amended by the General Assembly in 2006 and can be found in Senate Bill 751, available on the web at <http://mlis.state.md.us/2006rs/bills/sb/sb0751t.pdf>.

The comments above are based on the information this office has received at this point about the project and reflect the review and evaluation of the project by Commission staff. As you know, the Critical Area Commission must review and approve all requests for map amendments involving the use of growth allocation. Saving the Commission's formal review, additional information may be requested or additional concerns may be raised. We are happy to meet with the applicant to discuss any further questions about the proposed project. Please feel free to contact me at (410) 260-3482.

Sincerely,



Amber Widmayer
Natural Resources Planner
cc: AN 536-07



City of Annapolis
DEPARTMENT OF PLANNING AND ZONING

Municipal Building, 145 Gorman Street, Annapolis, Maryland 21401

Chartered 1708

Annapolis 410-263-7961 • FAX 410-263-1129 • TDD 410-263-7943

JON ARASON, AICP
DIRECTOR

August 24, 2007

Chesapeake Bay Critical Area Commission
Attn: Ms. Amber Widmayer
1804 West Street, Suite 100
Annapolis, MD 21401

RE: St. Luke's Subdivision/Growth Allocation

Dear Ms. Windmayer:

The Department of Planning and Zoning has been meeting with an applicant who is interested in buying the back half of the property at 1101 Bay Ridge Avenue here in Annapolis. On this newly subdivided land, the applicant wishes to construct a 32-unit housing complex for seniors.

While this application will have to go through special exception approval, the first step, we believe, is to obtain a growth allocation. They are proposing to move the RCA/LDA line so that they can build on this land. The new development would be at 15% impervious and would have green roofs.

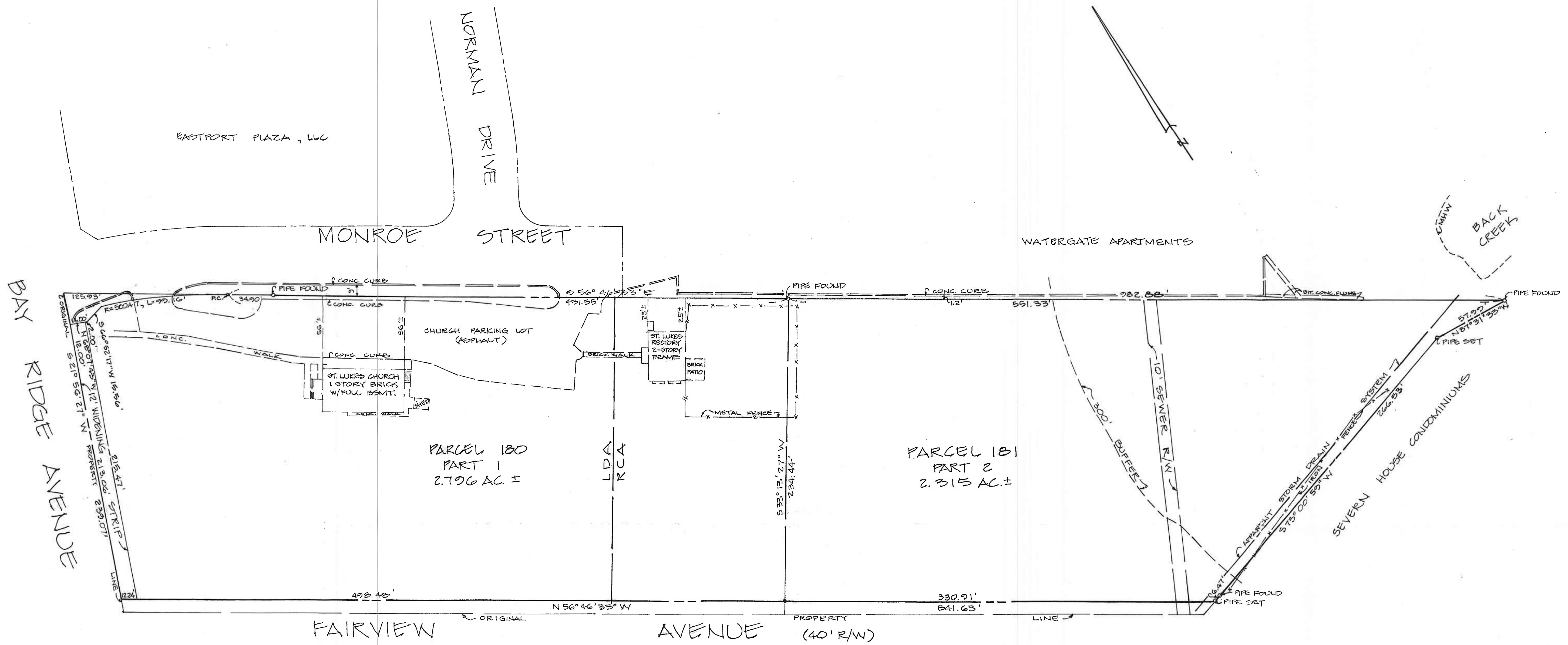
At this point, I wanted to share the information we have received and get a preliminary feel for how the Critical Area Commission would respond to a growth allocation proposal. The City has never completed the process for granting a growth allocation, so we would like to know if you see any red flags, or if there is anything we should be looking for as the application become more formalized.

If you have any questions, please feel free to call me at 410-263-7961 or email me at snash@annapolis.gov. Thanks very much.

Sincerely,

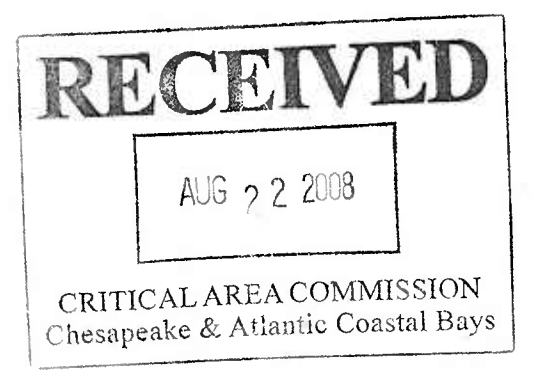
Sally Nash, Ph.D.

Land Use and Development Planner
Department of Planning and Zoning
City of Annapolis
145 Gorman St.
Annapolis, MD 21401



PLANNING & ZONING
2008 AUG 14 P 3 15

A1



SURVEY PLAT
ST. LUKES EPISCOPAL CHURCH
 1101 BAY RIDGE AVENUE - EASTPORT
 6TH DISTRICT, ANNE ARUNDEL COUNTY, MD.
 SCALE: 1" = 40'
 JUNE, 2005
 RICHARD W. WALKER & ASSOCIATES, INC.
 REGISTERED PROFESSIONAL
 LAND SURVEYORS
 4 OAK COURT
 ANNAPOLIS, MARYLAND 21401
 OFFICE: (410) 260-6622
 HOME: (410) 798-1918

Richard W. Walker 6/23/05

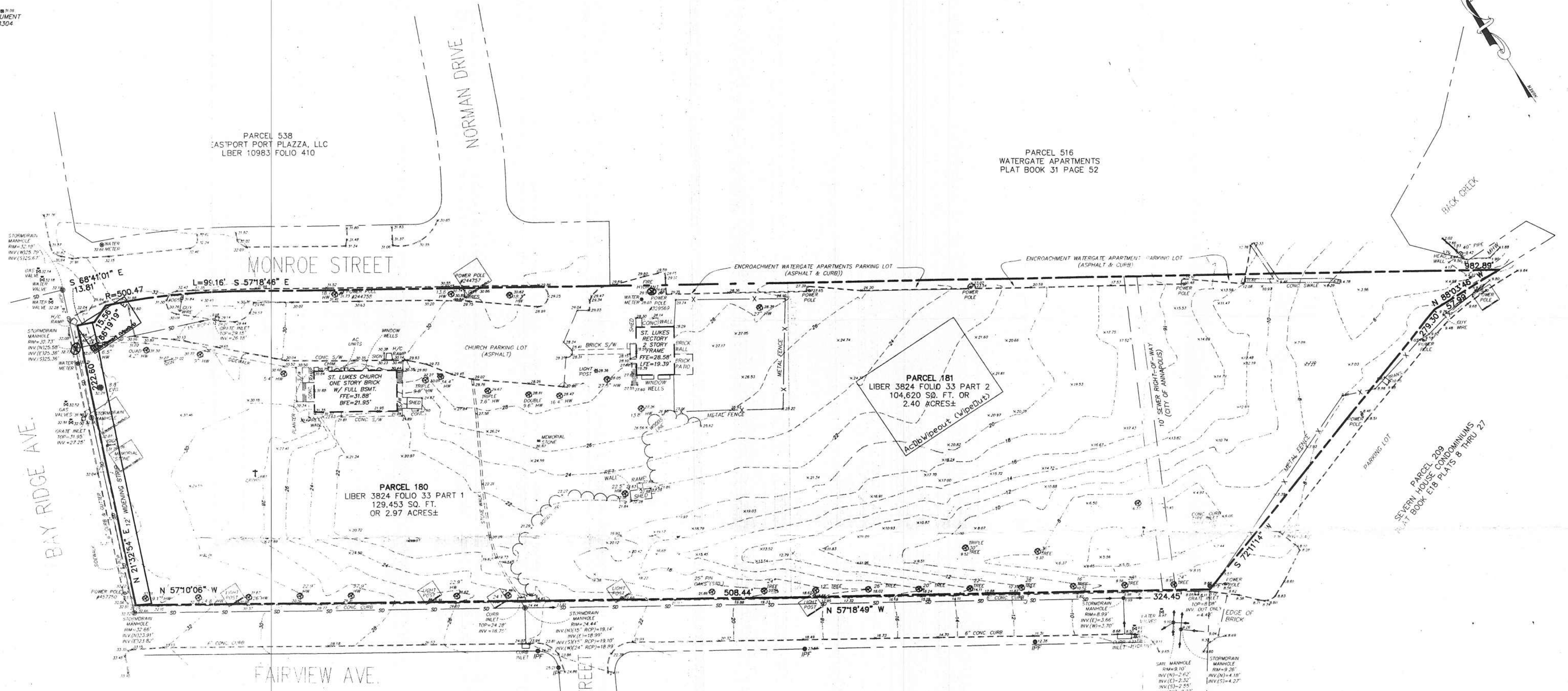
SEE DEED:
 ST. LUKE'S CHURCH
 PARTS 1 AND 2
 B.A.C. 3824/33
 NOVEMBER 2, 1984

NO TITLE REPORT FURNISHED

MONUMENT # 18304

PARCEL 538
EASTPORT PORT PLAZZA, LLC
LIBER 10983 FOLIO 410

PARCEL 516
WATERGATE APARTMENTS
PLAT BOOK 31 PAGE 52



SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THE TOPOGRAPHIC SURVEY AS SHOWN HEREON, HAS BEEN PERFORMED BY ACCEPTED FIELD PRACTICES, THAT IT MEETS THE MARYLAND MINIMUM STANDARDS FOR SURVEYORS SECTION 04 FOR FIELD RUN TOPOGRAPHIC SURVEYS, AS ADOPTED ON JUNE 5, 1995, THAT THE PROPERTY LINES SHOWN HEREON HAVE BEEN TAKEN FROM FIELD EVIDENCE, AND/OR AVAILABLE DEEDS AND PLATS, AND SHOULD NOT BE CONSTRUED TO BE REPRESENTATIVE OF THE ACCURACY OF THE BOUNDARY. THIS IS NOT A BOUNDARY SURVEY. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY NOT REFLECT ENCUMBRANCES, DEDICATIONS AND/OR RESTRICTIONS WHICH MAY EXIST AND COULD POTENTIALLY BE REVEALED BY A THOROUGH TITLE EXAMINATION.

Glenn M. Suthin, Jr.
GLENN M. SUTHIN, JR.
REGISTERED PROPERTY LINE SURVEYOR
MD. REG. NO. 325
DATE OF LAST FILE NOTES: NOV. 19, 2003

12/5/03
DATE

MONUMENT # 18305

NOTES:

1. THIS IS NOT A BOUNDARY SURVEY. NOT TITLE REPORT FURNISHED TO OR DONE BY US AT THIS TIME.
2. BEARINGS SHOWN HEREON ARE BASED ON DEEDS RECORDED AMONG THE ANNE ARUNDEL COUNTY RECORDS IN DEED BOOK 3824, PAGE 33.
3. VERTICAL & HORIZONTAL CONTROL IS BASED ON CITY OF ANNAPOLIS DATUM MONUMENT #S 18304 & 18305, RESPECTIVE ELEVATIONS = 31.08' & 33.58'.
4. EX. IMPERVIOUS AREA= 25,552 SQ. FT.

RECEIVED

AUG 2 2008

CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays

A2

DESIGNED:	DRAWN: KMH
ORIG. DATE: 26NOV03	
MODIFIED BY/DATE:	
CADD DWG #: SS18703S	
DSA PROJECT #: SS-187-03	
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DRUM, LOYKA & ASSOCIATES, LLC
CIVIL ENGINEERS—LAND SURVEYORS
 209 WEST STREET, SUITE 203
 ANNAPOLIS, MARYLAND 21401
 410-280-3122

CLIENT

C/O REV. JOHN SMITH
 ST. LUKES EPISCOPAL CHURCH
 BAY RIDGE AVE.
 ANNAPOLIS, MARYLAND 21403.

TOPOGRAPHIC & LOCATION SURVEY
ST. LUKES EPISCOPAL CHURCH
 BAY RIDGE AVENUE ~ EASTPORT
 TAX ACCT. #06-000-90006642 & 01398179
 TAX MAP 12Z GRID 2&8 PARCEL 180&181 6TH DISTRICT
 CITY OF ANNAPOLIS, MARYLAND

SCALE: 1"=40' DATE: DEC. 5, 2003 PROJ. NO: SS-187-03 SHEET 1 OF 1

SS18703S\Cadd\2003\SS18703S.dwg, SURVEY, 09/01/2004, 10:34:24 AM