



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

SUMMARY

February 18, 2010



Thomas J. Stosur
Director

3. FY 2011-2016 CAPITAL IMPROVEMENT PROGRAM

(Postponed to March 4, 2010)

4. FINAL DESIGN APPROVAL/SOUTH OF ORLEANS STREET PUD – JOHNS HOPKINS HOSPITAL ENERGY PLANT ADDITION

Johns Hopkins Hospital is seeking to expand the production capabilities of its existing energy plant facilities. The hospital currently has two energy plant sites. Their north plant is located at the southwest corner of Madison and Wolfe Streets and is not controlled by a PUD. Their south plant is at the southeast corner of Broadway and Orleans Street and lies within the footprint of the South of Orleans Street PUD. As such, new construction or any permanent modifications to an existing building requires Planning Commission Final Design Approval.

Elevations and a roof plan have been submitted in conjunction with the project. A staff architect has reviewed and approved the proposed elevations. Additionally, the proposal conforms to all of the height requirements of the PUD. Extending three feet beyond the screening material will be turbine and boiler stacks at an elevation of 190', which is the maximum height for mechanical elements permitted by the PUD. As such, staff is supportive of the request.

The Citizens for Washington Hill, Butchers Hill Association, Inc., East Baltimore Development Corporation, Inc., Southeast CDC, Banner Neighborhoods Community Corporation, Jefferson Court Community Association and Fells Prospect, Inc. were notified of this action.

Recommendation: Approval

5. CITY COUNCIL BILL #09-0411/SALE OF PROPERTY – 4900 BOSTON STREET

City Council Bill 09-0411, if approved, would authorize the Mayor and City Council to sell either at public or private sale, all of its interest in a certain parcel of land known as 4900 Boston Street (Block 6820, Lots 55/56), consisting of 0.619 acres more or less at the northeast corner of Boston and Ponca Streets. In response to an unsolicited proposal, the Department of Real Estate issued a public notice on December 8, 2002, giving any interested parties 30 days to submit their proposal to purchase this property. At the end of the process, no other bids were submitted and the property was awarded to a Mr.

Theodore Onasis on February 18, 2003. A Right of Entry and Exclusive Negotiating Privilege Agreement was signed on February 23, 2003.

After that date, Mr. Onasis hired a contractor to pave the lot and build screening walls along Boston and Ponca Streets, making the site more attractive and anticipating future development. It was discovered, however, that the portion of the wall along Boston Street was just outside the property line and within the right of way of Boston Street. Moreover, the Department of Transportation identified the need for a portion of the two major street frontages for possible right of way expansion.

On July 13, 2009, the Department of Transportation confirmed that the property was no longer needed for public purpose, provided that a twenty (20) foot Right of Way is reserved for City use. This will require a Future Right-of Way Area Agreement between the City and the perspective owner. Therefore, in January, 2010, the Department of Transportation, Transportation Engineering and Construction Division amended the Plat of Survey for this property to show a future right of way line along Ponca and Boston Streets and a notation for a proposed licensing agreement area of .027 acres along Boston Street to allow the wall within the existing right of way to remain until this area is needed by the City. This revised plat and the proposed agreements will need to be amended into the bill.

Therefore, it is Staff's findings that the subject property is no longer needed for public purposes, save the future right-of-way area and existing right-of-way area to be covered by the license agreement. Thus, the property is surplus highway right-of-way that is no longer needed and can be sold.

Canton Maritime Association and the Baltimore Development Corporation were notified of this meeting.

Recommendation: Approval, subject to incorporation of updated Right-of-Way plat dated January 28, 2010 in the proposed sales legislation.

6. CITY COUNCIL BILL #10-0440/SALE OF PROPERTY – BALTIMORE COUNTY MAP 100, PARCEL 1365

City Council Bill #10-0440 authorizes the sale of parcel 1365 located in Baltimore County. This property is unimproved and overgrown and is considered surplus by the Mayor & City Council of Baltimore. This site was deeded to the City of Baltimore on September 30, 1921 by the Baltimore County Water and Electric Company. The parcel was not initially assigned a parcel number when the deed was recorded. The property has been recently surveyed and will be sold to Baltimore County with a deed restriction that it must remain open space.

Therefore, it is staff's findings that the aforementioned property is not needed for Baltimore City public use and can be conveyed to Baltimore County.

Staff has notified Baltimore County Department of Planning and Department of Real Estate of this action.

Recommendation: Approval

7. CITY COUNCIL BILL #10-0434/STORMWATER MANAGEMENT

Proposed City Council Bill #10-0434 will modify Article 7 – Natural Resources (Subtitles 21 through 26) to bring the City’s stormwater management code in compliance with the State’s Stormwater Act 2007.

Department of Public Works, Bureau of Water and Waste Water manages Baltimore’s stormwater system and reviews SWM of development proposals. The City of Baltimore’s SWM ordinance can be found in Article 7, Sections 21 through 28 of the City of Baltimore Code. CCB #10-0434 is modifying that Code, in accordance with State requirements, the major bill provisions are as follows:

- Environmental Site Design means using small-scale SWM practices, nonstructural techniques, and better site planning that, in accordance with methods specified in the State’s Design Manual, are used to mimic natural Hydrologic Runoff Characteristics and minimize the impact of land development on water resources.
- Maximum Extent Practicable means that SWM systems are designed so that all reasonable opportunities for using environmental site design planning techniques and treatment practices are exhausted and structural best management practice (BMP) is implemented only where absolutely necessary.
- CCB #10-0434 also includes the 2010 Baltimore City Stormwater Design Guidelines that will supplement the State’s Design Manual as it relates to SWM principles, methods, and practices in the City. These stormwater design guidelines will need to be reviewed and approved by MDE.
- Redevelopment is defined in the Bill as any construction, alteration, or improvement performed on sites where the existing land use is commercial, industrial, institutional, or multifamily residential an existing site impervious area exceeds 40%. When the total site impervious area under existing conditions exceeds the 40% threshold, redevelopment requirements will apply. Otherwise the project will be regulated as new development. The difference between 'new' and 'redevelopment' is the allowed use of 'other' approved water quality treatment measures.
- This bill will impact new development and redevelopment. The exemptions are: 1) If the development is a single-family dwelling that does not disturb more than 2,500 square feet and the parcel has not previously been the subject of an exemption; 2) Other than for single-family dwellings, the activity does not disturb more than 5,000 square feet of land; 3) agricultural lands; and other lands regulated under specific state laws that provide for SWM.
- Environmental site design techniques and practices and structural SWM measures used to satisfy the minimum control requirements must be recorded in the land records of Baltimore; must be binding on subsequent property owners; and may not be altered without the City’s prior approval.
- For Redevelopment - After environmental site design to the maximum extent practicable is pursued without success, alternatives include Watershed or stream restoration; pollution trading; design criteria based on watershed management plans; off-set fees dedicated exclusively for SWM or other practices approved by the DPW. NOTE: For any net increase in impervious area resulting from the project, SWM must be addressed according to the new development requirements of the State's Design Manual. The aforementioned alternatives are not applicable to "new" developments.

Additionally, found in CCB #10-0434 §22-3(b)(1) & (2) are the sub-sections establishing a two-tier approach to SWM for the City. It is stated that “The criteria in the State’s Design Manual for environmental site design to the maximum extent practicable and the use of environmental site design planning techniques and treatment practices must be exhausted before any structural best management practice or alternative practice is implemented.” §22-3(b)(2) states that “Stormwater management plans for development projects subject to this Division II must be designed using environmental site design sizing criteria, recharge volume, water quality volume, and channel protection storage volume criteria according to the State’s Design Manual. The maximum-extent-practicable standard is met when channel stability is maintained, predevelopment groundwater recharge is replicated, nonpoint source pollution is minimized, and structural stormwater management practices or alternative practices are used only if determined to be absolutely necessary.”

Baltimore City is the most highly urbanized area affected by the State legislation and its impacts will be significant. Planning, design, and review workloads resulting from these new regulations will increase. In addition to the increased workload, the transition will require a paradigm shift in thinking. There will be a challenge of defining maximum extent practicable and achieving practical compliance coherence between newly required environmental site design and competing City land use and building codes and ordinances. In conflict with environmental site design, which would reduce impervious surface in an attempt to maximize infiltration and reduce stormwater runoff, such ordinances often require increased impervious surface area to accommodate citizens with disabilities, emergency response vehicles, and the like. Also, more stringent requirements might encourage developers to develop greenfield sites rather than redevelop in highly urbanized areas where construction activities are more complex and stormwater control may be difficult to achieve. To overcome these obstacles Baltimore’s DPW has worked with MDE to create opportunities that will serve the citizens with greener, safer and livable environment while serving the goals of the 2007 SWM Act of a cleaner Bay. What is unique about the City’s ordinance can be found in the second tier approach (i.e. after exhausting environmental site design to the maximum extent practicable):

- Establishes a watershed approach to target restoration practices using offset fees when on-site stormwater controls are not feasible or sufficient – decision matrix to be followed to determine if development cannot support effective controls.
- Establishes a “small project” fee for developments disturbing between 2,500 and 5,000 sq. ft., to offset the cumulative effects of smaller projects that add to the impervious areas of the City.
- Developing a more progressive offset fee structure to be based on an average cost for stormwater management practices.
- Conducting a hydrology study to identify areas where stormwater management is needed or can be waived for flood control purposes.

There are still outstanding SWM issues that will need to be addressed. The 2010 Baltimore City Stormwater Design Guidelines still needs to be written. Also, due to the necessity for coordinated site planning it is imperative that the DPW’s review process of SWM include participation in the Site Plan Review Committee’s meetings. Environmental site design measures also need to be reviewed for ‘green building’ credits.

CCB #10-0434 has been written to meet the requirements of the Stormwater Management Act of 2007 while addressing Baltimore's urban environment challenges. This effort is also in line with the City Master Plan and Sustainability Plan. The details are an ongoing effort but CCB #10-0434 does provide the legal framework for the City to move forward while meeting the requirements of the Act.

Recommendation: Approval, with the understanding that DPW is currently working to formulate technical amendments that will be presented to the City Council. These amendments will not change or alter the intent of CCB #10-0434, which the Department of Planning fully supports. Rather, the amendments will put in place a two-tier approach to stormwater management that both DPW and Planning believe to be the best fit for Baltimore City.

8. **MINOR AMENDMENT AND REVISED FINAL DESIGN APPROVAL/HARBOR POINT PUD – THAMES STREET WHARF**

This Minor Amendment and Revised Final Design Approval request is intended to allow for changes required during the final design and construction process for Harbor Point Phase I – Thames Street Wharf Building. On May 18, 2006 the Planning Commission approved among other actions for Harbor Point PUD the Minor Amendment and Final Design Approval for Thames Street Wharf. Since that approval, the building and site has been under construction and nearing completion. Due to economic considerations the project design has been modified and therefore requires these actions. Modifications include the deletion of the approved open space terrace and its associated underground parking, all of which is now intended to be constructed as part of a later phase. In its place in the interim will be temporary surface parking. Deletion of the terrace level has also resulted in building elevation changes, including the temporary relocation of the main entrance to the office building. Basic promenade requirements will be met with this Minor Amendment with enhanced improvements included in the later phase. Additionally, signage for the first tenant, Morgan Stanley, is proposed.

This Minor Amendment request for temporary parking is subject to a five (5) year maximum time frame from the date of occupancy permit. Any extension of that time frame would require an additional Minor Amendment and approval by the Planning Commission.

Fells Point Task Force, Douglass Place Community Association, Perkins Homes Resident Advisory Council, Fells Point Community Organization, Fells Point Homeowners Association, Fells Point Main Street, The Preservation Society, Waterfront Coalition, Fells Prospect, Inc., 1400 Lancaster Condominium and Upper Fells Point Improvement Association were notified of this action.

Recommendation:

- Minor Amendment: Approval, subject to compliance with revised Critical Area requirements. Also, with the understanding that the applicant will continue to work with Staff to finalize easement agreements for both the temporary and permanent promenades that are required by the Harbor Point PUD.
- Revised Final Design Approval: Approval

**9. FINAL SUBDIVISION AND DEVELOPMENT PLAN/PORZION OF HARBOR
POINT PUD – 1000 WILLS STREET**

(Postponed to March 4, 2010)