



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



*Thomas J. Stosur
Director*

April 18, 2013

REQUESTS:

- City Council Bill #13-0195 – Planned Unit Development – Designation – Harbor Point
For the purpose of repealing the existing Development Plan for the Harbor Point Planned Unit Development and approving a new Development Plan for the Harbor Point Planned Unit Development.

RECOMMENDATIONS:

- Amendments and Approval.
 - The following PUD exhibit amendments:
 - Replace all introductory PUD exhibits dated January 28, 2013 with PUD exhibits dated April 10, 2013.
 - The following text amendments:
 - Section 2 – Add “PUD 8, Design Guidelines” and replace all drawings with drawings dated April 10, 2013.
 - Section 4 – Replace Paragraph with “All permitted, accessory, and conditional uses allowed in the B-2 Zoning District, unless otherwise stipulated herein, with the exception of Parking, open off-street areas, other than accessory, for the parking of 4 or more automobiles, which is prohibited;”
 - Section 4 (b) – Remove item (8) and renumber.
 - Section 5 – Remove “2.97” and replace with “3.02”
 - Section 5 – Delete (3)
 - Section 6 – Remove section and replace with: “SECTION. 6. AND BE IT FURTHER ORDAINED, That the parking required for each respective use within the PUD area shall be provided in accordance with the requirements of Title 10 of the Baltimore City Zoning Code, as applicable to uses located in the B-2-2 Zoning District. Permanent parking shall not be accommodated in surface parking lots, but shall be accommodated within structured off-street parking facilities and/or on-street parking located within the PUD area, and said parking shall not be required on a lot by lot basis but shall merely need to be provided within the boundaries of the PUD. Temporary or interim parking, whether surface or structured, will only be allowed for construction purposes, not to exceed a period of 24 months. Temporary or interim parking must be approved by the Planning Commission and is subject to design review. The 24 month duration shall commence upon completion of construction of the temporary parking and shall be removed at the end of the 24

months. The Planning Commission may extend or approve additional time for the temporary parking. The Planning Commission has the discretion to permit the total count of parking spaces required for all uses within any one development lot or among multiple development lots on the property to be reduced to reflect a demonstrated reduction in the need for parking spaces due to shared use, public transportation or other appropriate causes, in accordance with the shared parking formula provided on PUD 4, entitled “Development Plan.”

- Section 8 – Delete (1), (2) and (4), and renumber. Add “(1) Upon completion and prior to Use and Occupancy Permit of Building #1 on Parcel 2, the applicant shall complete construction of the Central Plaza and the temporary promenade and green space as identified on PUD 6, entitled “Proposed Open Space and Public Access Easement Plan.”
- Section 9 – Add “That all plans for the construction of TEMPORARY AND permanent improvements...”

STAFF: Anthony Cataldo

OWNER: Harbor Point Development LLC

PETITIONER: Same

SITE/ GENERAL AREA

Site Conditions: To date, the Harbor Point PUD is only improved by the Thames Street Wharf office building at the western end of Thames Street and a facility maintenance building to the north. The rest of the site contains surface parking and temporary promenade. The site is divided by on-cap and off-cap portions that reflect the environmental clean-up that occurred for many years previous to any development.

General Area: The Harbor Point PUD is located on the western peninsula of the Fells Point community. Across Caroline Street to the east of the site is the heart of the Fells Point Historic District, to the north is the Living Classrooms Foundation main campus and beyond is the Harbor East development area. The Ferndale Fence property and The Living Classroom Foundation’s Frederick Douglass Isaac Myers Maritime Park are located immediately to the southeast.

HISTORY

- Ordinance #93-260, approved August 1993, established the Allied and related sites Planned Unit Development.
- Ordinance #04-0682, approved May 10, 2004, repealed the original Allied PUD and replaced it with the Harbor Point PUD
- On May 18, 2006, the Planning Commission approved a Minor Amendment and Final Design Approval for the Thames Street Wharf Building and Street Closings for Dock, Willis, Block and Philpot Streets within the Harbor Point PUD
- Ordinance #07-429, approved May 17, 2007, implemented the rezoning for Historic Southeast Baltimore Ordinance #07-555, approved November 26, 2007, repealed the old

- URP, and established Fells Point as a Baltimore City Local Historic District
- Ordinance #07-575, approved November 27, 2007, established the Fells Point Waterfront Urban Renewal Plan
 - Ordinance #07- 625, approved December 3, 2007 amended the Development Plan of the Harbor Point PUD
 - On March 6, 2008, the Planning Commission approved the Final Design for 803 South Caroline Street – The Black Olive Inn
 - Ordinance #08-16, signed by the Mayor to the City Council on May 27, 2008, was Amendment #2 to the PUD and expanded the boundaries to include 803 South Caroline Street – The Black Olive Inn
 - Ordinance #09-153, signed by the Mayor to the City Council on April 7, 2009 authorized the sale of the property known as 950 South Caroline Street
 - On February 18, 2010, the Planning Commission approved the Minor Amendment and Revised Final Design Approval for Harbor Point PUD – Thames Street Wharf
 - On October 21, 2010, the Planning Commission recommended approval of City Council Bill #10-0594/Harbor Point Development District
 - On November 18, 2010, the Planning Commission approved the minor amendment for US Lacrosse.

CONFORMITY TO PLANS

These actions conform to the Comprehensive Plan’s LIVE section, Goal 1 – Build Human and Social Capital by Strengthening Neighborhoods, Objective 2 – Strategically Redevelop Vacant Properties Throughout the City of Baltimore and LIVE Section, Goal 1: Build Human and Social Capital by Strengthening Neighborhoods; Goal #2: Elevate the Design and Quality of the City’s Built Environment; Objective 2: Promote Unique Retail Venues as Shopping Destinations.

ANALYSIS

Harbor Point is an established PUD at the western tip of Fells Point that current proposes up to 1.82 million square feet of office, residential and hotel development with some 3,800 parking spaces. The ±27.6 acre PUD includes a significant amount of open space, a new street network with connections to existing streets and a waterfront promenade. To date, the Thames Street Wharf office building opened in late spring 2010 at the southeast corner of the PUD and its site improvements included a brick waterfront promenade and an adjacent temporary paved parking area and temporary promenade. Other than a facility monitoring building located in the northeastern portion of the PUD and the nearing-completion Black Olive Inn at 803 South Caroline Street, the remainder of the site is currently vacant and partially used for temporary parking.

This action is to repeal and replace the existing Harbor Point Planned Unit Development (PUD). The new PUD proposed a maximum of 3.02M gross square feet (gsf) of development. The increase from the original 1.8M gsf is residential/hotel uses that were previously not permitted on the capped portion of the site as well as 50,000gsf of what was previously specifically called out separate to the overall density as ‘Cultural Use.’ The change in the development program also necessitated a change to the overall master plan for the PUD. What once had a program of buildings rising in height as you approached the center of the campus,

has now been replaced with a central public square, multiple green spaces that occur along the waterfront promenade, and the building massing being the tallest towards Inner Harbor East and stepping down to the lower scale of Fells Point along Caroline Street. The maximum number of parking spaces has been set at 3300 spaces which will force a shared parking approach to its parking and take advantage of residential and office parking needs that are offset through the work day.

The PUD drawings establish street patterns, height and massing for the entire site. The development proposes a traditional street and block pattern that creates an active central plaza to be enlivened by a mix of uses and designed to slow cars and function as a primarily pedestrian zone. There are five development parcels, each with its own maximum building height and some with specific building massing step-backs to further shape the built form to the adjacent community. The heights range from 70 feet along portions of Dock and Caroline Street, 100-180 feet surrounding the central plaza, and 350-400 feet on parcels 2 and 3 corresponding to the scale of Harbor East.

There are a variety of open spaces proposed within the development. The net 9.5 acres remains the same from the previous PUD. A large public space along the waterfront, Point Park, remains as a key focal point to the plan and the smaller, West Park, Waterfront Park, and Caroline Street Park, are planned as a mix of spaces to be designed with their own identities to accentuate the waterfront and public promenade experience. The Central Plaza is also part of the same construction phasing of that first building on Parcel 2.

The total PUD area of +/-27.6 acres divides up as follows:

- 11.4 acres – development parcels
- 9.5 acres – open space
- 3.8 acres – streets
- 2.9 acres – riparian rights and the promenade

The PUD permits all permitted, accessory, and conditional uses allowed in the B-2 Zoning District with the exception of Parking, open off-street areas, other than accessory, for the parking of 4 or more automobiles, which is prohibited. In addition to those permitted in B-2, the PUD also permits artisans and craft work; Amphitheaters or outdoor public performance or cultural venues, whether public or private; finger piers, not more than 5, with special provisions; Hazardous waste extraction, handling, treatment, storage, and hauling, but only to the extent required to comply with the Consent Decree governing the property; meeting and banquet halls and catering facilities accessory to a hotel, including live entertainment; microwave antennae, satellite dishes, rooftop antennae, and wireless tech equipment; outdoor table service; restaurants, lunch rooms, and taverns.

The following uses are also permitted on a temporary or periodic basis; urban farming and/or farmers markets; outdoor festivals; portable/non-permanent auditoriums, dance hall, theatre, or concert hall facilities, with a capacity limited to 5,000 seats; food and drink kiosks.

The parking shall be provided in accordance with the Zoning code and may be located anywhere within the PUD area. Maximum number of parking spaces within the PUD has been set at 3300. Permanent parking will be prohibited in surface parking lots, but shall be accommodated within structured off-street parking facilities and/or on-street parking located within the PUD area, and said parking shall not be required on a lot by lot basis but shall merely need to be provided within the boundaries of the PUD. Temporary or interim parking, whether surface or structured, will only be allowed for construction purposes, not to exceed a period of 24 months. Temporary or interim parking must be approved by the Planning Commission and is subject to design review.

Although the complete, permanent promenade will evolve over time, the PUD requires the temporary promenade with significant temporary greening to be constructed and opened prior to the issuance of a Use and Occupancy permit for the first building constructed on Parcel 2. It also requires the completion of portions of the open space along with each building phase. The permanent promenade will be phased in with each development parcel.

The Urban Design and Architecture Review Panel and the Site Plan Review Committee have reviewed the plans for master plan concept. The individual buildings will return to those groups as well as the Planning Commission for Final Design Approval.

In addition to numerous community meetings to discuss this project prior to the introduction of City Council Bill #13-0195, the Department of Planning met with the development team on multiple occasions to discuss the details of the design and legislative proposal. Some of the concerns discussed were height massing and design of the buildings and how those were translated into the Design Guidelines, open space and the promenade, both temporary and permanent, and surface parking. The following amendments are intended to address the concerns outlined above.

Amendments

PUD Drawing Amendments:

- Replace all introductory PUD exhibits dated January 28, 2013 with PUD exhibits dated April 10, 2013.

Legislative text amendments:

- Section 2 – Add “PUD 8, Design Guidelines” and replace all drawings with drawings dated April 10, 2013.
 - The new drawings reflect the refinement to the sheets as a result of continued discussions with the Department of Planning following the UDARP process.
- Section 4 – Replace Paragraph with “All permitted, accessory, and conditional uses allowed in the B-2 Zoning District, unless otherwise stipulated herein, with the exception of Parking, open off-street areas, other than accessory, for the parking of 4 or more automobiles, which is prohibited;”
 - This amendment specifically removes Parking as an allowable B-2 use

within the PUD. Additional language added in Section 6 provides for temporary surface parking related to construction to be approved by the Planning Commission subject to design review for up to 24 months. The Planning Commission has the ability to give extensions based on construction needs.

- Section 4 (b) – Remove item (8) and renumber.
 - Removes surface parking as an allowable use within the PUD.
- Section 5 – Remove “2.97” and replace with “3.02”
 - This change reflects the simplification of the PUD density. The previous PUD allowed for 2.97M gsf of density plus 50,000 gsf of additional ‘cultural use’ within the PUD. The total aggregate of 3.02M gsf has remained the same, the specific use criteria for ‘cultural’ has been eliminated because the design intentions have been modified.
- Section 5 – Delete (3)
 - This removes the separate ‘cultural use’ definition that was eliminated in the previous amendment.
- Section 6 – Remove section and replace with: “SECTION. 6. AND BE IT FURTHER ORDAINED, That the parking required for each respective use within the PUD area shall be provided in accordance with the requirements of Title 10 of the Baltimore City Zoning Code, as applicable to uses located in the B-2-2 Zoning District. Permanent parking shall not be accommodated in surface parking lots, but shall be accommodated within structured off-street parking facilities and/or on-street parking located within the PUD area, and said parking shall not be required on a lot by lot basis but shall merely need to be provided within the boundaries of the PUD. Temporary or interim parking, whether surface or structured, will only be allowed for construction purposes, not to exceed a period of 24 months. Temporary or interim parking must be approved by the Planning Commission and is subject to design review. The 24 month duration shall commence upon completion of construction of the temporary parking and shall be removed at the end of the 24 months. The Planning Commission may extend or approve additional time for the temporary parking. The Planning Commission has the discretion to permit the total count of parking spaces required for all uses within any one development lot or among multiple development lots on the property to be reduced to reflect a demonstrated reduction in the need for parking spaces due to shared use, public transportation or other appropriate causes, in accordance with the shared parking formula provided on PUD 4, entitled “Development Plan.”
 - This amendment clarifies that the Planning Commission may permit temporary surface parking related to construction phasing for up to 24 months. This provides the development team the flexibility to displace some surface parking as new buildings/ garages are being constructed, but the timeline allows for the guarantee that the waterfront will not be home to surface parking lots indefinitely.
- Section 8 – Delete (1), (2) and (4), and renumber. Add “(1) Upon completion and prior to Use and Occupancy Permit of Building #1 on Parcel 2, the applicant shall complete construction of the Central Plaza and the temporary

promenade and green space as identified on PUD 6, entitled “Proposed Open Space and Public Access Easement Plan.”

- This language guarantees the installation and completion of the temporary public promenade and temporary public greening along the promenade throughout the multiple years of construction and development on the site. The entire length of temporary promenade would be constructed to the standards outlined on PUD 6 and would require Planning Commission design approval. This ensures that public access to the temporary promenade is established prior to the Use and Occupancy permit being issued.
- Section 9 – Add “That all plans for the construction of TEMPORARY AND permanent improvements...”
 - This is corrective language to require all temporary improvements, such as the promenade and surface parking lots, to be reviewed and approved by the Planning Commission.

The following organizations have been notified of these actions: Baltimore development Corporation, Fells Point Residents’ Association, Fells Point Community Organization, Fells Point Main Street, Fells Point Task Force, Greenspace Action Partnership, The Preservation Society, Southeast CDC, Waterfront Coalition, Fells Prospect, Upper Fells Point Improvement Association, Perkins Homes Resident Advisory Council, Broadway Area Business Association, Rich and Henderson, PC, and The Inn at the Black Olive.

Thomas J. Stosur
Director