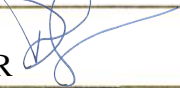



FROM	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #23-0444 / CHARTER AMENDMENT – INNER HARBOR PARK		

**TO** The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street

DATE: January 3, 2023

At its regular meeting of December 21, 2023, the Planning Commission considered City Council Bill #23-0444, for the purpose of amending the provision dedicating for public park uses the portion of the City that lies along the north west and south shores of the Inner Harbor, south of Pratt Street to the water's edge, east of Light Street to the water's edge, and north of Key Highway to the water's edge, from the World Trade Center around the shoreline of the Inner Harbor and including Rash Field to permit multifamily residential development and off-street parking within the dedicated boundaries of Inner Harbor Park; and submitting this amendment to the qualified voters of the City for adoption or rejection.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #23-0444 and adopted the following resolutions, with nine members being present (nine in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff and recommends that City Council Bill #23-0444 be **approved** by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Ms. Nina Themelis, Mayor's Office  
The Honorable Eric Costello, Council Rep. to Planning Commission  
Mr. Colin Tarbert, BDC  
Ms. Rebecca Witt, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Stephanie Murdock, DHCD  
Ms. Elena DiPietro, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Liam Davis, DOT  
Ms. Natawna Austin, Council Services



Brandon M. Scott  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

### STAFF REPORT



Chris Ryer  
Director

November 30, 2023

#### **REQUEST:**

##### City Council Bill #23-0444/ Charter Amendment – Inner Harbor Park (Eleventh District)

For the purpose of amending the provision dedicating for public park uses the portion of the City that lies along the north west and south shores of the Inner Harbor, south of Pratt Street to the water's edge, east of Light Street to the water's edge, and north of Key Highway to the water's edge, from the World Trade Center around the shoreline of the Inner Harbor and including Rash Field to permit multifamily residential development and off-street parking within the dedicated boundaries of Inner Harbor Park; and submitting this amendment to the qualified voters of the City for adoption or rejection. (Councilmember Costello & Council President)

##### City Council Bill #23-0446/ Zoning – C-5-IH Inner Harbor Subdistrict – Amendment (Eleventh District)

For the purpose of amending the description C-5-IH Inner Harbor Subdistrict; and amending the bulk and yard regulations for the Subdistrict.

##### City Council Bill #23-0448/ Urban Renewal – Inner Harbor Project I – Amendment 21 (Eleventh District)

For the purpose of amending the Urban Renewal Plan for Inner Harbor Project I; amending the Development Area Controls for certain development areas; amending the Land Use and Proposed Zoning exhibits to the Plan; waiving certain content and procedural requirements, making the provisions of this Ordinance severable; providing the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

**RECOMMENDATION:** Approval with amendments

**STAFF:** Caitlin Audette

**INTRODUCED BY:** Councilmember Costello and Council President Mosby

**SITE/GENERAL AREA:** Downtown

#### **HISTORY**

##### City Council Bill #23-0444/ Charter Amendment – Inner Harbor Park

This was last amended in 2016 to allow for outdoor eating places in West Shore Park and Rash Field. City residents voted on this measure in November 2016, allowing this change.

##### City Council Bill #23-0446/ Zoning – C-5-IH Inner Harbor Subdistrict – Amendment

The 2016 update to the Zoning Code, TransForm Baltimore – which became active in 2017 – created C-5, the downtown zoning district. This category was intended to accommodate a wide range of uses, including maintaining and improving a pedestrian environment and allowing for new construction to be compatible with existing development. To achieve this goal the C-5 zoning district was divided into seven subdistricts one of which is the C-5-IH Inner Harbor Subdistrict, which is described in the Zoning Code as,

*§ 10-207 (c) Subdistricts.(3) C-5-IH Inner Harbor Subdistrict.*

*(i) The purpose of the C-5-IH Inner Harbor Subdistrict is to establish these standards for structures located adjacent to and facing the Inner Harbor.*

*(ii) The standards recognize that development within this subdistrict is to be oriented to the Inner Harbor waterfront and be predominantly pedestrian-oriented. Development is relatively low-scaled to accommodate the view of the harbor from adjoining subdistricts.*

This language has not been modified since it was adopted.

### **City Council Bill #23-0448/ Urban Renewal – Inner Harbor Project I – Amendment 21**

The Inner Harbor Project I Urban Renewal Plan (URP) was originally approved by the Mayor and City Council on June 15, 1967. Since that time, it has been amended 20 times with the most recent amendment dating to February of 2015. It will expire on December 29, 2040, forty years after Amendment #16.

### **ANALYSIS**

#### **City Council Bill #23-0444/ Charter Amendment – Inner Harbor Park**

##### Proposal

The bill seeks to modify Section 9 of the City Code which currently states the following,

*§ 9. Inner Harbor Park. There is hereby dedicated to public park uses for the benefit of this and future generations of the City of Baltimore and the State of Maryland the portion of the City that lies along the north, west and south shores of the Inner Harbor, south of Pratt Street to the water's edge, east of Light Street to the water's edge and north of Key Highway to the water's edge, from the World Trade Center around the shoreline of the Inner Harbor to and including Rash Field, except that, in order to provide eating places and other commercial uses, areas totaling not more than 3.2 acres plus access thereto, within the dedicated space and north of an easterly extension of the south side of Conway Street shall be set aside for such purposes; and except that in order to provide outdoor eating places for the areas known as West Shore Park and Rash Field, areas totaling not more than 0.5 acres within the dedicated space and south of an easterly extension of the south side of Conway Street shall be set aside for such purposes; and except that an area of not more than 3.4 acres shall be set aside for use by the Maryland Science Center, plus access thereto.*

The request would add multi-family dwellings and off-street parking uses and increase the area allowed for non-park uses from 3.2. acres to 4.5 acres.

### Analysis

No recently adopted plans for the area contemplated residential or mixed-use at the Inner Harbor. However, recent history has shown the need to diversify the harbor's economy and add population density that could support the area's commercial tenants. Allowing mixed-use buildings would limit any purely residential structures, which would arguably be the privatization of public access to portions of the harbor.

Additionally, the intent to close the connection between Light Street and Pratt Street would create additional park land, a move supported by Inner Harbor 2.0, the 2013 plan for the Inner Harbor. The current park and public space within this area totals approximately 13.9 acres, and under the new plan the new total will be approximately 18.7 acres. This includes right-of-way abandoned and contributed as well as McKeldin Plaza becoming an interconnected component of Inner Harbor Park.

Note that off-street parking is regulated by the Zoning Code and the Urban Renewal Plan, which do not allow surface parking lots and require screening and roofs for all parking garages.

### **City Council Bill #23-0446/ Zoning – C-5-IH Inner Harbor Subdistrict – Amendment**

#### Proposal

The amendment proposes three alterations to the subdistrict;

- The addition of, “and mixed-use” to the statement that development be “predominately pedestrian-oriented.”
- Remove the phrase, “development is relatively low-scaled to accommodate the view of the harbor from adjoining subdistricts.”
- Remove the 100’ height maximum building height and have no maximum instead.

#### Analysis

The zoning category remains unique from the other C-5 subdistricts in that it maintains no minimum building height and recognizes that development must be oriented to the waterfront.

The URP remains in place and would provide some limits relating to building height and development type within the area, though it is set to expire in 2040. The URP boundaries do not include a small section of C-5-IH that extends east from the World Trade Center property, encompassing all of Pier 3 and Pier 4, to include the National Aquarium and the Powerplant building. Those piers would no longer have a maximum height limit.

It could be beneficial to replicate the process utilized at other waterfront areas in the city through the creation of a Waterfront Overlay for the Inner Harbor. This would simplify the Zoning Code by allowing the removal of the C-5-IH category and instead using the overlay to provide the nuance necessary for this unique area and which is currently provided in the URP, which is set to expire in 2040.

### **City Council Bill #23-0448/ Urban Renewal – Inner Harbor Project I – Amendment 21**

#### Background

The URP boundaries extend from Hanover and Charles Street to the west, Lombard Street to the north, Gay Street or Pier 3 to the east, and Hughes Street to the south. Within this geography the plan identifies a number of development areas (29 total – number 7 is missing, and additional areas are 15a, 15c, 17a, 20a).

The plan includes seven objectives that are broadly intended to beautify the harbor area, allow for safe pedestrian access to the water, and encourage economic development. Additionally, three renewal actions are identified: clearance and redevelopment, demolition, and public improvements.

The plan identifies six land use types that include: Commercial, Residential, Commercial-Residential, Semi-public, Public, and Commercial/Public. Each land use type allows for specific uses which are defined in the plan. A number of uses are prohibited.

The plan identifies Standards and Controls – below are brief descriptions of relevant categories.

**B. Size of Facilities –**

- Uses identified as Office, Housing, Transient Housing, and Retail must be between 2,000,000 square feet and 4,000,000 square feet of gross building area,
- Parking must be between 3,000 and 4,500 spaces, and
- Residential development shall not exceed 250 dwelling units.

**C. Parking –**

- States that parking (except those in Development Areas 9A-9B, 17, and 17a) must be enclosed within structures and roofed and screened from the public, allowing for limited areas for loading and unloading.
- Some development areas have specific parking requirements.

**D. Servicing –**

- Requires that all servicing be located off-street except for the development areas that house the current Harborplace Pavilions.
- Limits outside exhibit or display of merchandise.

**E. Access –**

- Pedestrian – Requires that public pedestrian access be provided by developers (including the Mayor and City Council)
- Vehicular – defined by Development Area
- Boat – Access provided to those development areas adjacent to the water, though they must meet all other permitting requirements.

**H. Development Rights –** States that limited development rights may be granted to developers, and that encroachments on the public right-of-way and public open space are subject to the approval of the Board of Estimates.

**I. Minimum Elevation for Development –** This is no longer relevant as it references outdated flood insurance studies and does not reflect current requirements.

**J. Aesthetic Controls and Reviews –** States that plans and specifications, signs and exterior lighting be submitted for review.

K. Setbacks – States that no buildings may be built in setback areas.

M. Completion – Requires that developers agree to commence and complete construction within reasonable periods of time.

P. Development Area Controls – The plan identifies 29 development areas each of which have specific restrictions that can include setback requirements, use requirements, and maximum building height, among other restrictions.

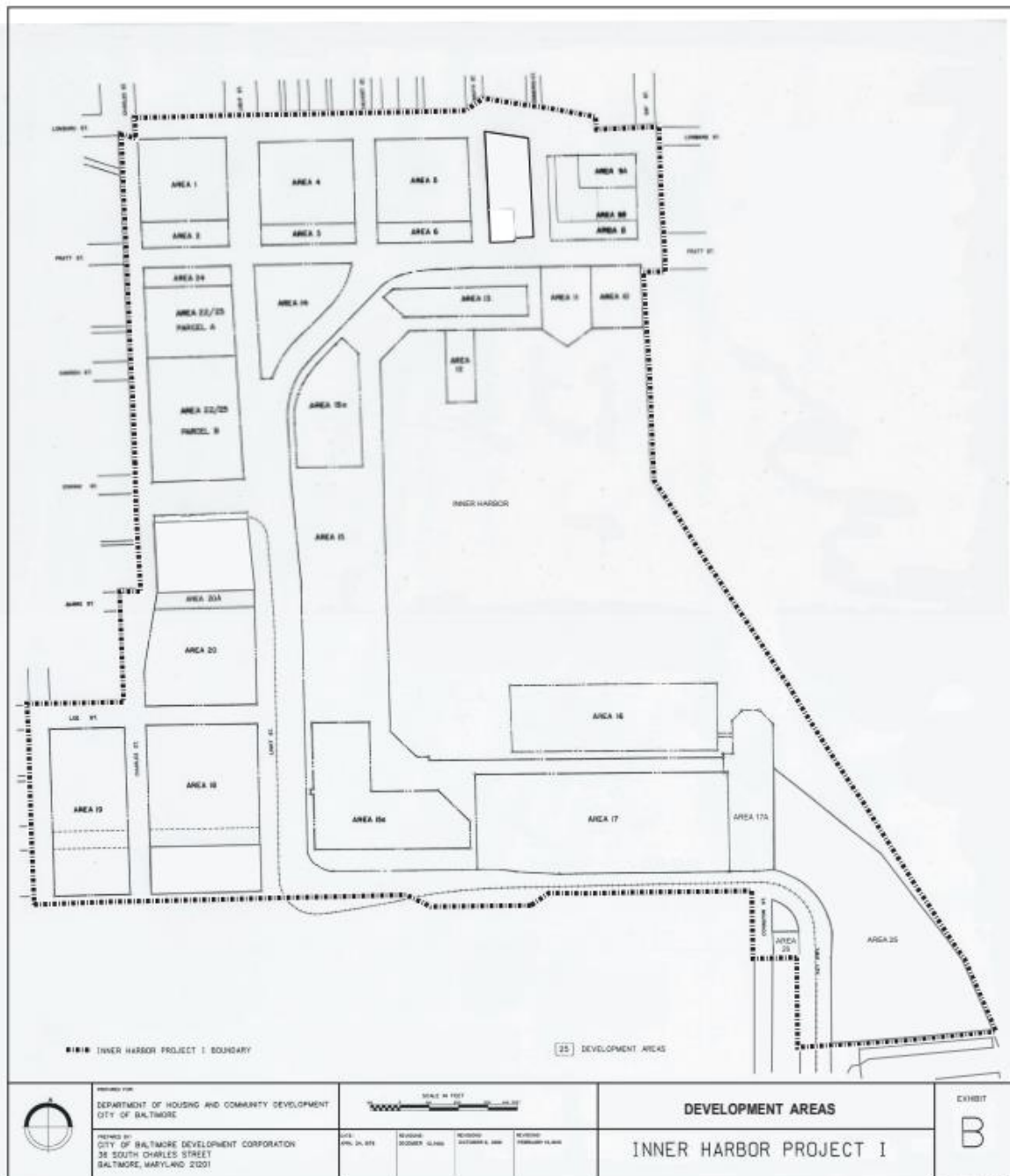


Figure 1: Inner Harbor Project I Urban Renewal Plan - Exhibit B: Development Areas

The Plan also includes Appendix 1: Waterfront Area Controls, which provides specific guidance on Pedestrian Access, Promenade Standards, and Public Access Corridors.

### Proposal

The amendment makes a variety of changes to the URP, including changes to Development Area 13 (north pavilion), Development Area 14 (McKeldin Plaza) and Development Area 15a (south pavilion). These proposed changes are outlined below;

- Land Disposition:
  - Modify language to allow for adjusting parcel and lot lines under agency control. This would allow for the specific development area boundaries to be modified to reflect changes to parcel lines.
- Size of Facilities:
  - Remove limits regarding development size and replace with the underlying zoning for each parcel.
  - Remove limits for dwellings per acre.
- Servicing:
  - Allow for outside exhibit of display of merchandise in Development Areas 13 and 15A.
- Development Area 13 (north Harborplace Pavilion)
  - Add residential use.
  - Remove maximum building height and replace with per underlying zoning.
  - Remove reference to ad hoc Advisory Task Force that would allow for citizen input into the design process and replace with the Urban Design and Architecture Advisory Panel as per Title 4, Subtitle 4 of the Zoning Code.
- Development Area 14 (McKeldin Plaza)
  - Add commercial use.
  - Remove limit on building construction and replace with allowing building construction that is approved by the agency as long as it does not exceed 3 stories, or a total of 20,000 gsf, and that vehicular circulation and parking at or above grade is prohibited.
- Development Area 15a (south Harborplace Pavilion)
  - Add residential use.
  - Remove maximum building height and replace with per underlying zoning.
  - Remove parking prohibition and replace with, “Off-street parking is permitted where expressly approved by the department, provided that the off-street parking is not located at grade and is screened from public view.”
  - Remove reference to ad hoc Advisory Task Force that would allow for citizen input into the design process and replace with the Urban Design and Architecture Advisory Panel as per Title 4, Subtitle 4 of the Zoning Code.

## Analysis

Each aspect of the proposed alterations are analyzed individually below.

- Land Disposition: This proposed change would allow for the specific development area boundaries to be modified to reflect changes to parcel lines, a necessary change as the Inner Harbor changes as the current areas mimic the existing outdated buildings.
- Size of Facilities: The proposed change to replace development limits with the underlying zoning is in keeping with standard practice of the Department of Planning, to reduce confusion during development.
- Servicing: The proposed change is in keeping with the intent of the Inner Harbor as a lively, active area. Furthermore, under the current zoning code outdoor display is allowable, with some rules, for any retail goods establishment (*cf.* Zoning §15-509).
- Development Area 13 (north Harborplace Pavilion):
  - The proposed change to add residential is supplemented by Exhibit C – Land Use, which identifies that Development Area 13 would be commercial/residential. The introduction of mixed-use maintains the current level of access to the space which, is public through the commercial designation.
  - The removal of the height limit does not impact the promenade which is protected from development. The removal of the limit would also match the zoning directly across both Pratt and Light Streets.
  - The creation of a separate task force within a URP is generally discouraged as history has shown that these bodies are not sustainable in the long term. Instead it would be good to clarify the public process that the proposal must abide by and when public testimony and input is required.
- Development Area 14 (McKeldin Plaza):
  - The addition of commercial is supplemented by Exhibit C – Land Use, which identifies that Development Area 14 would be commercial/public. This expands the park space as the limit on building size lessens the impact.
  - Removing the limit on building construction and requiring that building construction be approved by the agency as long as it does not exceed 3 stories, or a total of 20,000 gsf, does not give the area the flexibility needed for unknown future development. The limit on commercial use within Inner Harbor Park, which per the boundaries would include McKeldin Plaza once the spur road is removed, provides limits on potential development area.
- Development Area 15a (south Harborplace Pavilion):
  - The proposed change to add residential is supplemented by Exhibit C – Land Use, which identifies that Development Area 15a would be commercial/residential. The introduction of mixed-use maintains the current level of access to the space which, is public through the commercial designation.
  - The removal of the height limit does not impact the promenade which is protected from development. The removal of the limit would also match the zoning directly across both Pratt and Light Streets.



- The expansion of parking would not be of surface parking which is prohibited. All parking must be shielded. This alteration would not negatively impact the public space.
- The creation of a separate task force within a URP is generally discouraged as history has shown that these bodies are not sustainable in the long term. Instead it would be good to clarify the public process that the proposal must abide by and when public testimony and input is required.

**Equity:**

- Impact:
  - The harbor is impactful to residents of all of Baltimore as well as the wider region, tourists, and others. As such, there are a large number of stakeholders both known and unknown who will be impacted by the proposed amendments. While these amendments are not specific to the proposed development, in the short term they enable that development and potentially other unforeseen development. In the long term, the items discussed today would allow for denser development than has existed at the Harbor since it was a functional commercial harbor.
  - The Inner Harbor has long been a unique location in the city, attracting a diverse population from all across the city, as well as tourists. This special place has not been without its issues, and in recent years it has struggled to respond to the needs of youth who often need a third place between school and home - and have long used the Harbor and its retail options as such. This proposal would not impact the patterns of inequity toward youth. Additionally, affordable housing is a long pressing issue in the city. While the addition of mixed-use at this location would likely not include affordable housing, more housing in general results in housing affordability long term.
- Engagement:
  - The development team has discussed these bills at several meetings where the development was presented including the November 3<sup>rd</sup> public forum at Coppin State and the November 6<sup>th</sup> public forum at the Federation for the Blind. A FAQ section is included on their website and discussed in most of their design meetings.
- Internal Operations:
  - These bills will have minimal impact to staff operations.

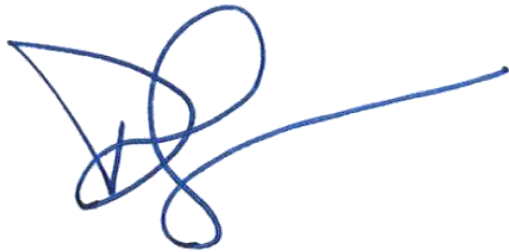
**Notification:** Notice of this item was emailed to over 100 individuals as well as representatives from Downtown Partnership of Baltimore, Market Center CDC, City Center Residents Association, Downtown Residents Advocacy Network and others. Notice of this item was also published via GovDelivery to over 18,500 subscribers.

**Recommendation:** Approve with amendments, and further recommend exploring the creation of a Waterfront Overlay for the Inner Harbor based on the other Waterfront Overlay areas within the city. This would allow for the eventual elimination of the C-5-IH zoning category as well as the eventual repeal of the URP.

**Amendments:**

**City Council Bill #23-0448/ Urban Renewal – Inner Harbor Project I – Amendment 21**

- Remove parking requirement of 3,000 – 4,500 and instead utilize underlying zoning.
- Strike the content of Section I. Minimum Elevation for Development and replace with reference to Floodplain and Critical Area requirements as per Article 7 - *Natural Resources*, etc.
- For Development Area 14 remove proposed language limiting height and gross square footage.
- For Development Areas 13 and 15a remove reference to UDAAP and instead replace the ad hoc Advisory Task Force with requirement that all preliminary and final development plans must complete all required planning reviews including but not limited to Planning Commission, Design Review, Site Plan Review Committee, and environmental reviews.
- Modify Appendix 1 – Waterfront Area Controls to include Lot 15.
- Modify Exhibit F to include the pedestrian promenade along the entire harbor and public access corridors identified by the development team – as proposed by applicant.

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

**Chris Ryer  
Director**