

<b>FROM</b>	NAME & TITLE	Alfred H. Foxx, Director	CITY of <b>BALTIMORE</b> <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Department of Transportation 417 E. Fayette Street, Room 527		
	SUBJECT	City Council Bill 08-0025		

DATE: March 31, 2008

**TO**

The Honorable President and Members  
of the Baltimore City Council  
c/o Karen Randle  
Room 400 City Hall


I am herein reporting on City Council Bill No. 08-0025.

**Planned Unit Development- Designation – Gateway South**

**For the purpose of approving the application of the Mayor and City Council of Baltimore and Gateway South LLC, which are either the owner, potential owner, developer, and/or contract purchaser of the following properties: 1501, 1601, 1629, 1633 and 1645 Warner Street; 2110 and 2119 Haines Street; 1501, 1525, and 1551 Russell Street; 2102 Oler Street; 2104 Worchester Street; and portions of Warner Street, Russell Street, Worchester Street, Bayard Street, Haines Street, Oler Street and South Eutaw Street (collectively the “Property”); to have the Property designated a Business Planned Unit Development; and approving the Development Plan submitted by the applicant.**

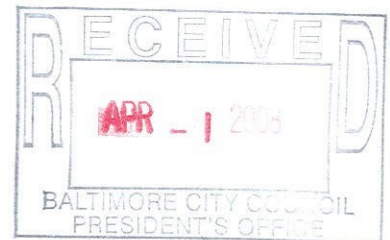
The Department of Transportation would favor this bill upon the committee’s adoption of DOT approved amendments. The amendments provide formulas for the calculation of traffic mitigation costs that will be assessed to the development as it builds out.

Respectfully,



ALFRED H. FOXX  
DIRECTOR  
AHF/WD:zs

cc: Ms. Angela C. Gibson  
Mr. Anthony P. Wallnofer, Jr.  
Mr. Bill Driscoll  
Mr. Jamie Kendrick



F/A

Visit our Website at [www.baltimorecity.gov](http://www.baltimorecity.gov)

AMENDMENTS TO COUNCIL BILL 08-025  
(First Reader Copy)

Proposed by: Department of Transportation  
{To be offered to the Land Use and Transportation Committee}

**Amendment No. 1**

On page 1, in line 3 and in line 9, in each instance, after “approving”, insert “subject to certain conditions.”.

**Amendment No. 2**

On pages 3 and 4, strike the section numbers “4” through “11” and substitute numbers “5” through “12”; and, on page 3, after line 14, insert:

“SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance and its approvals of the Planned Unit Development and Development Plan are conditioned on compliance with the following Traffic Mitigation Agreement reached in accordance with Zoning Code §§ 2-305 {“Traffic-impact study”} and 16-301(b) {“Referral to agencies: Traffic-impact study”} and Building Code § 105.3.2 {“Action on [permit] application – Traffic-impact study”}:

(a) Before the Planning Commission grants final design approval for a building parcel within the Planned Unit Development, the following traffic-mitigation fees shall be calculated as a one-time fee, based on the development program for that parcel:

<u>Office (per sf gross floor area):</u>	<u>\$ 1.15</u>
<u>Retail/Restaurant (per sf gross floor area):</u>	<u>\$ 0.35</u>
<u>Sportsplex (per sf gross floor area):</u>	<u>\$ 0.35</u>
<u>Multimodal Terminal (per sf gross floor area):</u>	<u>\$ 0.00</u>

(b) (1) If a Middle Branch Transportation Management District is established under City Charter Article II, § 63, as recommended in the Middle Branch Master Plan (approved by the Planning Commission on September 20, 2007), developers of building parcels who seek a building permit, an occupancy permit, a certificate of completion, or a use permit for office, retail, restaurant, or other permitted uses are obligated to pay an additional

transportation-demand-management fee in the amount of \$1,000 for each off-street parking space in excess of 3,000 spaces.

(2) To the extent authorized by the ordinance creating the District, the transportation-demand-management fees shall be used to promote non-single occupant vehicle transportation options within the Middle Branch Transportation Management District, such as public transit, bicycling, walking, and ridesharing. To the extent authorized by the ordinance creating the District, the initial appointment of the board of directors for the District shall include a representative of the applicant.

(c) (1) Subject to the approval of the Board of Estimates, traffic-mitigation fees calculated under subsection (a) of this Section 4 shall be used exclusively as follows:

(i) to construct a traffic signal on Russell Street at Worcester Street, which would allow left-turn access from northbound Russell Street onto Worcester Street;

(ii) to provide signalized left-turn access from southbound Russell Street to eastbound Bayard Street;

(iii) to prohibit commercial vehicle through-traffic within the Planned Unit Development; and

(iv) for other purposes or services on which the City and the applicant jointly agree.

(2) Subject to the approval of the Board of Estimates, transportation-demand-management fees received under subsection (b) of this Section 4 shall be used exclusively to provide publicly available shuttle-bus service from the Planned Unit Development to, among other places, the central business district, Camden Yards MARC Train Station, Hamburg Street Light Rail Station, and the South Baltimore peninsula. In implementing this paragraph (2), the City and the applicant shall closely coordinate their efforts to achieve the maximum feasible service to the Planned Unit Development. Although it is contemplated that the City will manage and operate this service, nothing in this paragraph (2) may be construed to prevent the applicant from providing this service to the Planned Unit Development. If the applicant does provide this service, the City shall reimburse it from the unexpended portion of the fees collected under this Section for all costs and expenses incurred in doing so, subject to the approval of the Board of Estimates.

- (3) Before any building permit may be issued for a particular building parcel within the Planned Unit Development, 50% of the fees applicable to the parcel shall be paid to the City.
- (4) Before any occupancy permit, certificate of completion, or use permit may be issued for a particular building parcel within the Planned Unit Development, the balance of the fees applicable to the parcel shall be paid to the City.
- (d) A parcel developer who has paid any portion of a traffic-mitigation fee under this Section 4 and subsequently discontinues development of the project before issuance of an occupancy permit, certificate of completion, or use permit, as evidenced for example by cancellation or revocation of building permits, may apply for and receive a refund of the traffic-mitigation fees already paid.
- (e) At its own cost and expense, the Transportation Department may conduct and prepare a new or updated Traffic-Impact Study at the later of:
- (1) 7.5 years from the date this Ordinance is enacted; or
  - (2) on issuance of occupancy permits, certificates of completion, or use permits for 50% of the gross floor area permitted under this Ordinance.
- (f) On recommendation of the Transportation Department, the Board of Estimates may modify the traffic-mitigation fees that are set forth in subsection (a) of this Section 4 if, based on a Traffic-Impact Study conducted under subsection (e) of this Section 4, the modification is necessary to accommodate a justifiable and anticipated increase or decrease in the funding required to safely and adequately manage the vehicular traffic generated by the Planned Unit Development. The amount of any fee modified under this subsection (f) may not exceed 110% of the corresponding amount set forth in subsection (a) of this Section 4.
- (g) The provisions of this Section 4 are intended to satisfy the requirements of Ordinance 06-345, and no further traffic-impact studies will be required of the applicant prior to the issuance of building permits.”.