

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 th FLOOR
	SUBJECT	CITY COUNCIL BILL #16-0633/ PLANNED UNIT DEVELOPMENT – DESIGNATION – CANTON CROSSING #109

CITY of
BALTIMORE
MEMO



TO

DATE: April 1, 2016

The Honorable President and
Members of the City Council
City Hall, Room 400
100 N. Holliday Street

At its regular meeting of March 31, 2016, the Planning Commission considered City Council Bill #16-0633, for the purpose of repealing the existing Development Plan for the Canton Crossing Planned Unit Development and approving a new Development Plan for the Canton Crossing Planned Unit Development.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #16-0633 and adopted the following resolution; seven members being present (seven in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #16-0633 be amended and passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

- cc: Ms. Kaliopé Parthemos, Chief of Staff
- Mr. Colin Tarbert, Deputy Mayor for Economic and Neighborhood Development
- Mr. Leon Pinkett, Assistant Deputy Mayor for Economic and Neighborhood Development
- Ms. Angela Gibson, Mayor's Office
- The Honorable Rochelle "Rikki" Spector, Council Rep. to Planning Commission
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Ms. Sharon Daboin, DHCD
- Mr. Patrick Fleming, DOT
- Ms. Elena DiPietro, Law Dept.
- Ms. Melissa Krafchik, PABC
- Ms. Natawna Austin, Council Services
- Ms. Caroline Hecker, Attorney for Applicants



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

March 31, 2016

REQUEST: City Council Bill #16-0633/ Planned Unit Development – Designation – Canton Crossing

For the purpose of repealing the existing Development Plan for the Canton Crossing Planned Unit Development and approving a new Development Plan for the Canton Crossing Planned Unit Development.

RECOMMENDATION: Amendment and approval, with the following amendments:

- On page 1, at the end of line 13, the last few words should be amended to "... Boston Street, east WEST of South Haven"
- On page 1, in line 15, the acreage should be corrected from 67.19± acres to 34.80± acres.
- Add a new Section 7, renumbering the subsequent sections, specifying that the provision of a public promenade on Parcels M and K will be required as scheduled in the Development Plan.
- Add a new Section 8, renumbering the subsequent sections, specifying that digital signs are permitted within the PUD, subject to Final Design Approval from the Planning Commission and the following requirements:
 - That the performance of the digital sign conform to all of the requirements of §11-502 by having a minimum dwell time of ten seconds; that it will not increase the area of any existing signs, that it will not increase the degree of illumination, and that it will not have any flashing, blinking, fluctuating, or otherwise animated light;
 - That the digital sign will not have animations, movie clips and/or sound elements;
 - That the digital sign will default to black entirely in the event of a failure of the remote control system or an interruption of copy (text, images, or both); and
 - That the digital sign will have automatic brightness controls so that the sign will not constitute a hazard to passing motorists at night, or during inclement weather.
- Amend Sheet #4 as follows:
 - Remove the note allowing an increase in height and massing by 15%.
 - Parcel E does not have a height limit shown. It should have a height limit of 167' (the existing approved maximum height in the current development plan).
 - Parcel L should not have massing shown at this time, but may have a note acknowledging that a pier with or without development may be considered in the future.
 - Parcels M and N do not have a maximum height limit shown. They should have a maximum height of 0' since no development is proposed for those parcels.
- Amend Sheet #5, note 3, as follows: "A permanent promenade shall be constructed by no later than the completion of the last building structure on the waterfront parcels (Parcels F, I, K and L)" This will remove Parcels G, H, and J from the note.

STAFF: Eric Tiso

PETITIONERS: COPT CCW I, LLC; COPT CCW II, LLC; COPT CCW III, LLC; COPT Harbour's Edge, LLC; COPT CC Tower, LLC; COPT CC D1, LLC; COPT CCW IV, LLC, c/o Caroline L. Hecker, Esquire

OWNERS: As listed above.

SITE/GENERAL AREA

Site Conditions: In total, the Canton Crossing Planned Unit Development (PUD) area comprises 34.80± acres, including fast land and riparian rights. It is bounded by the Harbor to the west, Boston Street to the north, Baylis Street to the east, and Danville Avenue to the south. The entire area is within the Canton Industrial Urban Renewal Plan (URP) area.

General Area: To the south of this PUD, the area is heavily industrial down to I-95 and the Fort McHenry Tunnel. Immediately south of the PUD, and following along the harbor's edge are deep-water access piers for port-related uses. Within the Canton Industrial URP area and to the north of this site is the Brewer's Hill PUD #104, also a mixed-use job-oriented PUD. Immediately to the east is the District at Canton Crossing PUD #154, a large shopping center development, which was previously a part of the Canton Crossing PUD.

To the northwest of the PUD area is the Canton Waterfront Urban Renewal Area. This area includes the Canton Waterfront Park, playfields and a soccer arena, Canton Cove and Tindoco residential complexes, the Lighthouse Point mixed-use development project, and other mixed-use projects along the waterfront south of Boston Street; and the American Can mixed-use project and townhouses (both new and historic) north of Boston Street.

HISTORY

- Ordinance #90-0637, approved June 20, 1990, established the Canton Industrial Urban Renewal Plan.
- Ordinance #01-0192, approved June 21, 2001, is the approved Canton Crossing PUD.
- Ordinance #01-0234 approved, August 13, 2001, was the most recent amendment to the Canton Industrial Urban Renewal Plan.
- Ordinance #02-0369, approved July 1, 2002, is the first amendment to the Canton Crossing PUD.
- On July 11, 2002, the Planning Commission approved a sign package for a portion of the Canton Crossing PUD.
- On April 10, 2003, the Planning Commission approved the Final Design for the changes to Parcel B to accommodate the Merritt Athletic Club.
- Ordinance #03-0641, approved December 22, 2003, is the second amendment to the Canton Crossing PUD.
- On December 4, 2003, the Planning Commission approved the Final Subdivision and Development Plan for South Clinton Street and Danville Avenue properties.
- Also on December 4, 2003, the Planning Commission replaced the 1985 Marina Master Plan with the Maritime Master Plan for Baltimore City. In places, the plan makes specific recommendations for Canton Crossing.

- On May 20, 2004, the Planning Commission approved the Final Subdivision and Development Plan for Parcels B, D1, and D2 of the Planned Unit Development.
- Ordinance #04-803, approved August 14, 2004, pertains to the construction of structures on piers.
- On August 26, 2004, the Planning Commission approved the Final Subdivision and Preliminary Development Plan for parcels E1 and E2 of the Planned Unit Development.
- Ordinance #04-1533, approved October 28, 2004, is the third amendment to the Canton Crossing PUD.
- On March 24, 2005, the Planning Commission gave Final Design Approval for the Canton Crossing Power Plant Facility.
- The Urban Renewal Plan for the Canton Industrial Area was originally approved by the Mayor and City Council of Baltimore by Ordinance #90-528 and last amended by Ordinance #07-390.
- Ordinance #07-633, approved December 3, 2007 is the fourth amendment to the Canton Crossing PUD.
- On June 2, 2011, the Planning Commission gave Final Design Approval for a new monument sign for the waterside parking lot west of Clinton Street, and across from the office tower.
- On August 4, 2011, the Planning Commission approved a Minor Amendment and Final Design Approval for parcel D1 for a parking garage.
- Ordinance #11-570, approved December 5, 2011, was the fifth major amendment to the Canton Crossing PUD. This action removed the properties east of Baylis Street from this PUD. The properties would later be incorporated into the District at Canton Crossing PUD #154.
- On October 29, 2015, the Planning Commission approved a Minor Amendment and Final Design Approval for 3401 Boston Street, and expansions to the Merritt Athletic Club Garage.

ANALYSIS

Development Plan Repeal and Replacement: In the fifteen years since this Planned Unit Development (PUD) was created, there have been significant changes in market demands for potential development in this area. As a result, it is reasonable to replace the Development Plan in its entirety to reflect current plans for the area as a whole, instead of on a parcel-by-parcel basis. The broad concept is to have residential use on Parcel B, with the possibility of residential use for Parcel G (as described below). A hotel is proposed for Parcel F. Office uses will be allowed on Parcels A, C, D, F, H and I. Retail and Restaurant uses will be allowed on most parcels, with the exception of E, J, M and N.

In the existing development plan, the following maximums are approved:

Development	Maximums on all parcels
Office/Maritime	1,500,000 sqft
Retail	150,000 sqft
Restaurant	120,000 sqft
Residential	504 Dwelling Units
Hotel	450 Rooms
Marina	200 Slips

This represents a maximum of 1,770,000 sqft, not including square footage for residential or hotel uses, which are limited by a combination of maximum volumes per parcel and what may have been approved through a Final Design Approval process through the Planning Commission, since for hotel and residential uses, no maximum square footage figures were listed. For maritime use, 200 boat slips were allowed, or alternately a cruise terminal with 45 boat slips would be allowed. As the likelihood of a cruise terminal is remote, the plan now reflects only the 200 boat slips.

The proposed development plan specifies maximum development per parcel, by category of use, and continues to limit hotel and residential use by dwelling unit and room counts. The maximums are now as follows:

Development	Maximums on all parcels	Change
Office	2,065,632	+ 565,632 sqft
Retail/Restaurant	300,466	+ 30,466 sqft
Residential	700 Dwelling Units	+ 196 Dwelling Units
Hotel	300 Rooms	- 150 Rooms
Marina	200 Slips	No Change

It is important to note that there is a deed restriction on Parcel G, which restricts residential use on that parcel. Should that deed restriction not be removed, the 350 dwelling units may be replaced with 350,000 sqft of office space. Likewise, if development on Parcel L is not permitted, that 12,000 sqft of retail and restaurant use may be shifted to parcels F, G, H, I, and/or J, and would be reviewed at the time of Minor Amendment and/or Final Design Approval for each of those parcels.

Design Review and Massing: This project has completed master-plan level design review, and sheet 4 of the proposed development plan shows massing maximums per parcel as follows (with staff's amendments shown in bold italics for Parcels E, L, M and N):

Development Area	Height
A	250'
B	250'
C	167'
D	320' (existing Carefirst Tower)
E	<i>167' (COPT Garage approved at 100')</i>
F & G	275' for 80%, with 400' for 20%
H	130'
I	170'
J	250'
K	40'
L	<i>40' 0'</i>
M	<i>0'</i>
N	<i>0'</i>

Harbor Parcel Development: It is important to note that in the massing plan for Parcel L, which is a water parcel, a potential pier with development is shown with a 40' height limit. Planning's Office of Sustainability staff have significant concerns with showing a potential pier in this location as part of the development plan at this time.

In order to include a pier of this size in the current PUD with buildings that appear to have no water dependent use, the following actions are required:

1. The 2012 Maritime Master Plan must be formally amended to include this change of use.
2. The property owner must show that the proposed pier existed in 1984, according to State Law.
3. The property owner must have at least preliminary approval by MDE to construct the pier and the non-water dependent buildings shown on it.
4. The property owner must have at least preliminary approval of the Joint Evaluation Committee of the Maryland State Programmatic General Permit (MDSPGP) to construct the pier and the non-water dependent buildings shown on it.

If the property owner chooses to move forward with the 200 slip marina, the following constraints must be incorporated into any plans:

1. The design of this marina may not conflict with the existing boat ramp at the Canton Waterfront Park. The marina must provide a minimum 100 foot clearance from the boat launch area to the nearest marina slip.
2. The proposed marina design conflicts with the large storm drain outfall from Clinton Street. This storm drain carries significant volumes of flow during storm events, and will damage boats at the marina without special design considerations. The marina design must be revised to show that the facility will not interfere with the flow of storm water, and that the storm water will not damage the marina. This may require that the overall number of marina slips constructed be less than the number approved by this Master Plan.
3. The location of the proposed 45 slip marina in relation to the storm drain outfall from Clinton Street has potential to create a sedimentation and trash problem at the marina. The flow of water from the storm drain may interact with the marina structure, creating an increase in sedimentation. In addition, the marina slips will likely trap trash from the outfall. The proposed marina design must take these issues into account.
4. If the proposed marina displaces the existing facilities for the Department of Public Works and Marine Police, those facilities must be accommodated by the developer elsewhere. The new location must be approved by the City and the State Department of Natural Resources before construction of the new facility will be permitted. If the Department of Public Works and Marina Police remain, their water access easement must remain.
5. A 950-foot clear area must be maintained between the end of the pier headline at Canton Cove and the nearest marina structure (except for existing slips in front of Tindeco and Canton Cove) to allow room for vessels using the Clinton Street industrial facility to maneuver and room for recreational vessels to access the marina slips and public boat launch. Adequate wave attenuators must also be installed as part of any addition to the existing marinas to protect small crafts in the marina.

Staff recommends that Parcel L be shown with no approved massing at this time, but would not object to a note that future development of a pier may be pursued.

Community Notification: The following community organizations have been notified of this action: the Canton Community Association, the Brewer's Hill Community Association, the Canton-Highlandtown Community Association (CHICA), and the Waterfront Coalition.



Thomas J. Stosur
Director