



**BALTIMORE CITY COUNCIL
ECONOMIC AND COMMUNITY DEVELOPMENT
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the Committee on Economic and Community Development (ECD) is responsible for supporting strong thriving communities. ECD will review proposed zoning and land use changes, tackle issues related to economic development, oversee housing policy, and promote equitable economic opportunity for all Baltimore residents.

The Honorable Sharon Green Middleton

PUBLIC HEARING

February 13, 2024

2:00 PM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

23-0444

Inner Harbor Charter Amendment

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BILL SYNOPSIS

Committee: Economic and Community Development

Bill: 23-0444

Charter Amendment - Inner Harbor Park

Sponsor: *Councilmember Costello*

Introduced: *October 30, 2023*

Purpose:

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.

BY proposing to repeal and re-ordain, with amendments

Article I - General Provisions

Section 9

Baltimore City Charter

(1996 Edition)

Effective:

Agency Reports

City Solicitor	Amend – Approve for form and sufficiency
Dept of Finance	No Opposition
BDC	Support
Dept of Transportation	No Objection
Dept of Recreation and Parks	
Dept Housing & Community Development	Supports
Planning Commission	Support
BMZA	No Report
Office of Equity & Civil Rights	Support

Analysis

Bill Summary

This bill if enacted would present to the qualified voters of Baltimore City a charter amendment that would allow the building of multifamily residential units in the Inner Harbor Park area. This charter amendment would also allow for the building of parking facilities for those units.

In its analysis of the bill the Department of Housing and Community Development notes that the amount of park space in the city will increase as a result of this bill if passed by the voters as the Inner Harbor would gain space from the abandoned right of way and McKeldin Plaza. It also notes that increased housing in the inner Harbor may help alleviate some of the housing needs in the city and increased density could help support commercial tenants in the area.

Background

The Inner Harbor Park is established in Article 1 Section 9 of the City Charter.

According to a report from the Planning Commission, the current size of the Inner Harbor Park is 13.9 acres. Under the 2013 Inner Harbor 2.0 plan the size of the park is expected to increase to 18.7 acres. The Inner Harbor Park was last amended in 2016 to allow for eating spaces in the Inner Harbor Park

Proposed Amendments

The Law Department is proposing an amendment to the bill that would remove from the public land the areas of the Inner Harbor Park that will be used as multi-family dwellings or parking. This is because these areas are essentially private in nature and not open to the public under any circumstances. Maryland law makes the maintenance of parkland a government responsibility and assumes liability for it. This is different from eating establishments which while privately owned serve the public, or other facilities such as the Maryland Science Center which while there is a cost associated with visiting is open to the public.

Additional Information

Fiscal Note: Not Available

Information Source(s): Baltimore City Code, Reporting Agencies, Bill 23-0444.

Analysis by: Anthony Leva

Direct Inquiries to: 410-396-1091

At Analysis Date: January 26, 2024

**CITY OF BALTIMORE
COUNCIL BILL 23-0444
(First Reader)**

Introduced by: Councilmember Costello and President Mosby

At the request of: MCB HP Baltimore, LLC

Address: c/o Caroline Hecker, Esq.

Rosenberg Martin Greenberg, LLP

25 South Charles St., Suite 21st Fl, Baltimore, Maryland 21201

Telephone: (410) 727-6600

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance Baltimore Development Corporation, Department of Transportation, Department of Recreation and Parks, Department of Housing and Community Development, Planning Commission, Board of Municipal and Zoning Appeals, Office of Equity and Civil Rights

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Inner Harbor Park**

3
4 FOR the purpose of amending the provision dedicating for public park uses the portion of the City
5 that lies along the north west and south shores of the Inner Harbor, south of Pratt Street to the
6 water’s edge, east of Light Street to the water’s edge, and north of Key Highway to the
7 water’s edge, from the World Trade Center around the shoreline of the Inner Harbor and
8 including Rash Field to permit multifamily residential development and off-street parking
9 within the dedicated boundaries of Inner Harbor Park; and submitting this amendment to the
10 qualified voters of the City for adoption or rejection.

11 BY proposing to repeal and re-ordain, with amendments

12 Article I - General Provisions

13 Section 9

14 Baltimore City Charter

15 (1996 Edition)

16 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
17 Charter of Baltimore City is proposed to be amended to read as follows:

18 **Charter of Baltimore City**

19 **Article I. General Provisions**

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 23-0444

§ 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, MULTI-FAMILY DWELLINGS, AND OFF-STREET PARKING, areas totaling not more than [3.2] 4.5 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.

SECTION 2. AND BE IT FURTHER RESOLVED, That this proposed amendment to the Charter of Baltimore City be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection, in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the City Solicitor

**ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE**

**23-0444
AGENCY REPORTS**

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON, ACTING SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

November 28, 2023

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: Mayor and City Council Resolution 23-0444 – Charter Amendment – Inner Harbor Park

Dear President and City Council Members:

The Law Department has reviewed Mayor and City Council Resolution 23-0444 for form and legal sufficiency. Under Article XI-A, Section 5 of the Maryland Constitution, a resolution, such as Mayor and City Council Resolution 23-0444, is an appropriate method of initiating an amendment to the Baltimore City Charter. If enacted, the Resolution would be placed on the ballot at the City's next election and would take effect thirty days after being approved by the voters. Md. Const., Art. XI-A, § 5.

The Resolution seeks to modify Section 9 of Article I of the City's Charter that dedicates Inner Harbor Park area as a public park. Currently, that Section permits eating places and commercial uses in not more than 3.2 acres of the Inner Harbor Park area. This amendment would include multi-family dwellings and off-street parking to the eating and commercial uses and increase the area in which they are permitted from 3.2 to 4.5 acres.

However, neither multi-family dwellings nor off-street parking are recreational uses that are available to the public. *See, e.g., Green v. Garrett*, 192 Md. 52, 62-63 (1949). The state's highest court recognized that professional baseball games that can be attended by the public are a "use for the benefit of the public." *Id. (citing Cleary v. Philadelphia*, 166 A. 237, 238 (1933) (held that because a public hall could be rented it did not deprive the public of all use of the building)). Like a professional baseball use, which is available to the public for a fee, businesses and eateries are also generally open to the public. Thus, those uses can be part of an area dedicated to all and generally used for recreation. In contrast, the multi-family dwellings and attached parking will never be open to the public. Thus, they cannot be characterized as park land or dedicated to public purposes.

Moreover, municipal land in Maryland dedicated for park purposes is characterized differently for purposes of tort law and governmental immunity. *See, e.g., Mayor and City Council of Baltimore City v. Blueford*, 173 Md. 267, 272 (1937). Characterizing land that is used for exclusive private purposes as park land would run contrary to the long-standing principles in

Maryland that “the maintenance of a public park is a governmental function.” *Id.* In analyzing whether a public pool with an entry fee could be part of park property, the court in *Blueford* held that when “the act in question is sanctioned by legislative authority, is solely for the public benefit, with no profit or emolument inuring to the municipality, and tends to benefit the public health and promote the welfare of the whole public, and has in it no element of private interest, it is governmental in its nature.” *Id.* at 275-76. The Court reasoned that a pool was still a “public convenience” and the same rules for tort liability in public parks carry to public pools. *Id.* at 274. The same reasoning could not be applied to a park that also has exclusive private uses that are not for public convenience. Characterizing land with both private and public uses as dedicated for a governmental park purpose could jeopardize the characterization of the entire park area. *See also, Rios v. Montgomery County*, 386 Md. 104, 128 (2005) and cases cited therein.

Therefore, this Mayor and City Council Resolution should be amended to excise from the dedicated park land that part of the area that will be used for non-public purposes; namely the multi-family dwellings and parking. A suggested amendment to effectuate this change is attached to this report.

Subject to the required amendment, the Law Department can approve the Resolution for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: Ebony M. Thompson, Acting City Solicitor
Nina Themelis, Mayor’s Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Ashlea Brown, Chief Solicitor
Jeffery Hochstetler, Chief Solicitor
Teresa Cummings, Assistant Solicitor
Michelle Toth, Assistant Solicitor

AMENDMENTS TO COUNCIL BILL 23-0379
(1st Reader Copy)

Proposed by: Law Dep't

Amendment No. 1: Remove areas that will not be dedicated to the public

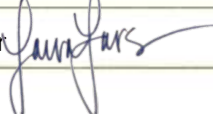

On page 2, in line 6, after "Field" insert, "BUT NOT INCLUDE THOSE AREAS USED AS MULTI-FAMILY DWELLINGS AND OFF-STREET PARKING;"; and on that same page in lines 7 and 8, delete all the brackets; and in lines 7 and 8 delete "MULTI-FAMILY DWELLINGS, AND OFF-STREET PARKING" and delete "4.5"; and on the same page in line 8, substitute the correct amount of acreage less than 3.2 acres that removes the areas dedicated for the multi-family dwellings and off-street parking area for "3.2".

**AMENDMENTS TO COUNCIL BILL 23-0444
(1st Reader Copy)**

By: Department of Law
{To be offered to the Economic and Community Development Committee}

Amendment No. 1

On page 2, in line 6, after “Field” insert “, BUT NOT INCLUDING THOSE AREAS USED AS MULTI-FAMILY DWELLINGS AND OFF-STREET PARKING”; and, on that same page, in lines 7 and 8, strike the brackets; and, on that same page, strike beginning with “MULTI” in line 7 down through and including “PARKING,” in line 8; and, on that same page, in line 8, strike “4.5” and substitute “**XX**”.

FROM	NAME & TITLE	Laura Larson, Budget Director 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Finance Room 454, City Hall		
	SUBJECT	City Council Bill 23-0444 – Charter Amendment – Inner Harbor Park		

DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400

November 28, 2023

Position: Does Not Oppose

The Department of Finance is herein reporting on City Council Bill 23-0444, Charter Amendment- Inner Harbor Park, the purpose of which is to amend the portion of the Charter that defines the Inner Harbor Park’s allowed uses. This would enable the development of multi-family dwellings and off-street parking, alongside existing uses of restaurants and other commercial uses.

Background

The area that is now known as Harborplace has been an active port from Baltimore’s beginnings. In the 1940’s and 1950’s the port facilities were relocated from the Inner Harbor or “The Basin” to where they presently reside. When the plans for the downtown and waterfront highway system that would connect I-70, I-95, and I-83 fell through, something needed to take its place. The first plans for the renewed Inner Harbor were unveiled in 1964 and in 1976 voters approved a referendum to allow for the construction of the Harborplace pavilions. Construction on Harborplace began in 1979, construction was completed in 1980.

The 1976 referendum was the earliest iteration of the current language, it was most recently amendment by charter amendment in 2016 enabling the construction and operation of concession near Rash Field as well as West Shore Park.

Fiscal Impact Analysis

The Finance Department anticipates that while the legislation itself does not have a direct fiscal impact, the development that it enables has the potential to both have impacts on revenues and expenditures. The development has the potential to positively impact various revenue streams not limited to, Real and Personal Property Taxes, Transfer and Recordation Taxes, payments to the Water and Wastewater Utilities, fees from Parking Meters and Permits, and Income Taxes from a net increase in City jobs. These taxes and fees are split between one-time revenues, such as fees for permits, and annualized revenues from taxes and parking meters. The plans are at an early and conceptual stage, making firm forecasts difficult to provide. Project renderings and concepts were released publicly in early November. Based on early estimates the development will require \$400-500 million in public investment.


The Finance Department anticipates that the new development will also have an impact on expenditures. More formal cost estimates will be developed as the City learns more about the development.

Conclusion

The Finance Department does not oppose City Council Bill 23-0444. While there are no immediate fiscal impacts from this legislation. It enables the redevelopment of the Inner Harbor, allowing for apartments and parking. Changing the nature of Inner Harbor will bring both revenues and expenditures. When more formal plans are developed, the Finance Department will be able to develop more formal cost estimates.

For the reasons stated above, the Department of Finance does not oppose City Council Bill 23-0444.

cc: Nina Themelis
Michael Moiseyev

F R O M	NAME & TITLE	Corren Johnson, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	Council Bill 23-0444		

DATE: 2/5/2023

TO: Mayor Brandon Scott
TO: Economic and Community Development Committee
FROM: Department of Transportation
POSITION: **No Objection**
SUBJECT: Council Bill 23-0444

INTRODUCTION – Charter Amendment - Inner Harbor Park

PURPOSE/PLANS – 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.

COMMENTS – Council Bill 23-0444 seeks to amend the City’s Charter for the purpose of redeveloping the Inner Harbor. The Inner Harbor bounded by Light Street and Pratt Street is technically considered park land within the City’s Charter. Council Bill 23-0444 would amend existing permitted uses within Inner Harbor Park to include multi-family dwellings and off-street parking. The area of permitted development within the existing footprint of Inner Harbor Park would increase from 3.2 acres to 4.5 acres. If adopted by the City Council and ratified by the Mayor, the Charter Amendment would then move forward as a ballot initiative during the 2024 General Election with Baltimore City voters determining whether or not the proposed Charter Amendment moves forward.

AGENCY/DEPARTMENT POSTION – Inner Harbor redevelopment efforts are subject to existing regulatory oversight by City DOT, including the City’s formal Site Plan Review process and the DOT’s Traffic Mitigation Program. Baltimore City’s Zoning Code requires 1 permanent bike parking space per every 3 dwelling units and 1 temporary bike parking space per every 6 dwelling units. Baltimore City Department of Transportation has **no objection** towards the advancement of Council Bill 23-0444. If you have any questions, please do not hesitate to contact Liam Davis at Liam.Davis@baltimorecity.gov or at 410-545-3207

Sincerely,

Corren Johnson, Director



MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Alice Kennedy, Housing Commissioner

Date: February 13, 2024

Re: City Council Bill 23-0444 Charter Amendment – Inner Harbor Park

Introduction

The Department of Housing and Community Development (DHCD) has reviewed 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.

If approved by the City Council, this bill will go before Baltimore City voters as an amendment to the City charter at the next general or congressional election occurring after its passage, in accordance with Article XI-A, § 5 of the Maryland Constitution. If approved by the voters, the amendment would add multi-family dwellings, add off-street parking uses, and increase the area allowed for non-park uses from 3.2 acres to 4.5 acres within the Inner Harbor. If adopted, the amendment would become a part of the city charter on the thirtieth day following said election.

DHCD Analysis

DHCD recognizes the importance of balancing public space and access with the need for housing and economic development. We also recognize that even with inclusion of mixed-use development, this plan will increase the amount of public and park space from 13.9 acres to 18.7 acres. As this increase includes right-of-way abandoned and contributed as well as McKeldin Plaza becoming an interconnected component of Inner Harbor Park, the public's ability to safely access the space will arguably increase as well.

The development of multi-family or mixed-use dwellings in the subject area may help to address the housing shortage, that exists both in Baltimore and State-wide, by providing additional residential housing options for residents that would complement the existing recreational and commercial uses around the harbor by adding population density that could support the area's commercial tenants.



The subject area is not located within any of DHCD's Impact Investment Areas, Community Development Zones, or Streamlined Code Enforcement Areas. The Bill does not have an operational or fiscal impact on DHCD and the charter amendment would not endanger public health, safety or welfare.

Conclusion

DHCD respectfully requests a **favorable** report on City Council Bill 23-0444.

AK/jw

cc: Ms. Nina Themelis, Mayor's Office of Government Relations

Brandon M. Scott, Mayor • **Alice Kennedy**, Housing Commissioner

417 East Fayette Street • Baltimore, MD 21202 • 443-984-5757 • dhcd.baltimorecity.gov



MEMORANDUM

DATE: February 5th, 2024
TO: Economic & Community Development Committee
FROM: Colin Tarbert, President and CEO
POSITION: Support
SUBJECT: City Council Bill No. 23-0444
Charter Amendment – Inner Harbor Park

A handwritten signature in black ink, appearing to read "Colin Tarbert", written over the printed name in the "FROM" field.

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill No. 23-0444 introduced by Councilmember Costello and President Mosby

PURPOSE

This bill seeks to amend the Charter of Baltimore City, specifically the provision dedicating the Inner Harbor Park area south of Pratt Street, east of Light Street, and north of Key Highway as a public park. This amendment is necessary to facilitate a proposed redevelopment of Harborplace.

BRIEF HISTORY

This charter amendment makes two notable changes to the current charter language regarding Harborplace. The first, is that it increases the allowable development footprint for Harborplace from its current 3.2 acres to 4.5 acres. The current footprint is sited within the approximately 21.55 Acres of public space within the Inner Harbor Park (15.5 Acres of public space in Development Area 15a; Block 089 Lot 003 plus the 6.55 Acres of public space at Rash Field Park, Development Area 17; Block 0890 Lot 006). The Charter Amendment would amount to a 6% reduction in the area of the Inner Harbor Park that is restricted from commercial uses. In other words, 94% of the public space in the current Inner Harbor Park would remain protected from additional commercial or residential development. In addition, under the development plan the area known as McKeldin Plaza, and areas of right of way proposed to be closed, would be added into the boundary of Inner Harbor Park, leading to a net *gain* of protected public park space under the Charter.

The second change in the proposed charter amendment would be to allow for residential use and associated parking within the Harborplace footprint. Currently, the entire 3.2 acres of Harborplace is dedicated to commercial uses. This modification to the charter would allow for the creation of mixed-use buildings within the development footprint.

The redevelopment of Baltimore's Harborplace is one of the most important projects the City will undertake in the near future. The owner of the Harborplace pavilions has released plans for their vision of the site which require, among other elements, changes to the zoning, land use, height and massing restrictions currently in place for the site and legally enshrined in the Urban Renewal Plan. Under current code, Harborplace is limited to the height and massing currently in place. In order to achieve any redevelopment of the property that will include greater diversity of uses, commercial density, increased public access and visibility to the water, and enhanced public spaces on the private Harborplace properties, modifications to the Urban Renewal Plan, Zoning Code, and City Charter are necessary.

FISCAL IMPACT

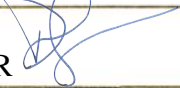

None

AGENCY POSITION

The Baltimore Development Corporation respectfully **supports** City Council Bill No. 23-0444 and companion bills 23-0448 (Urban Renewal Plan amendment) and 23-0446 (Zoning Modifications C-5-IH). If you have any questions, please contact Kim Clark at 410-837-9305 or KClark@baltimoredevelopment.com.

cc: Nina Themelis, Mayor's Office of Government Relations

[TW]

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH 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.

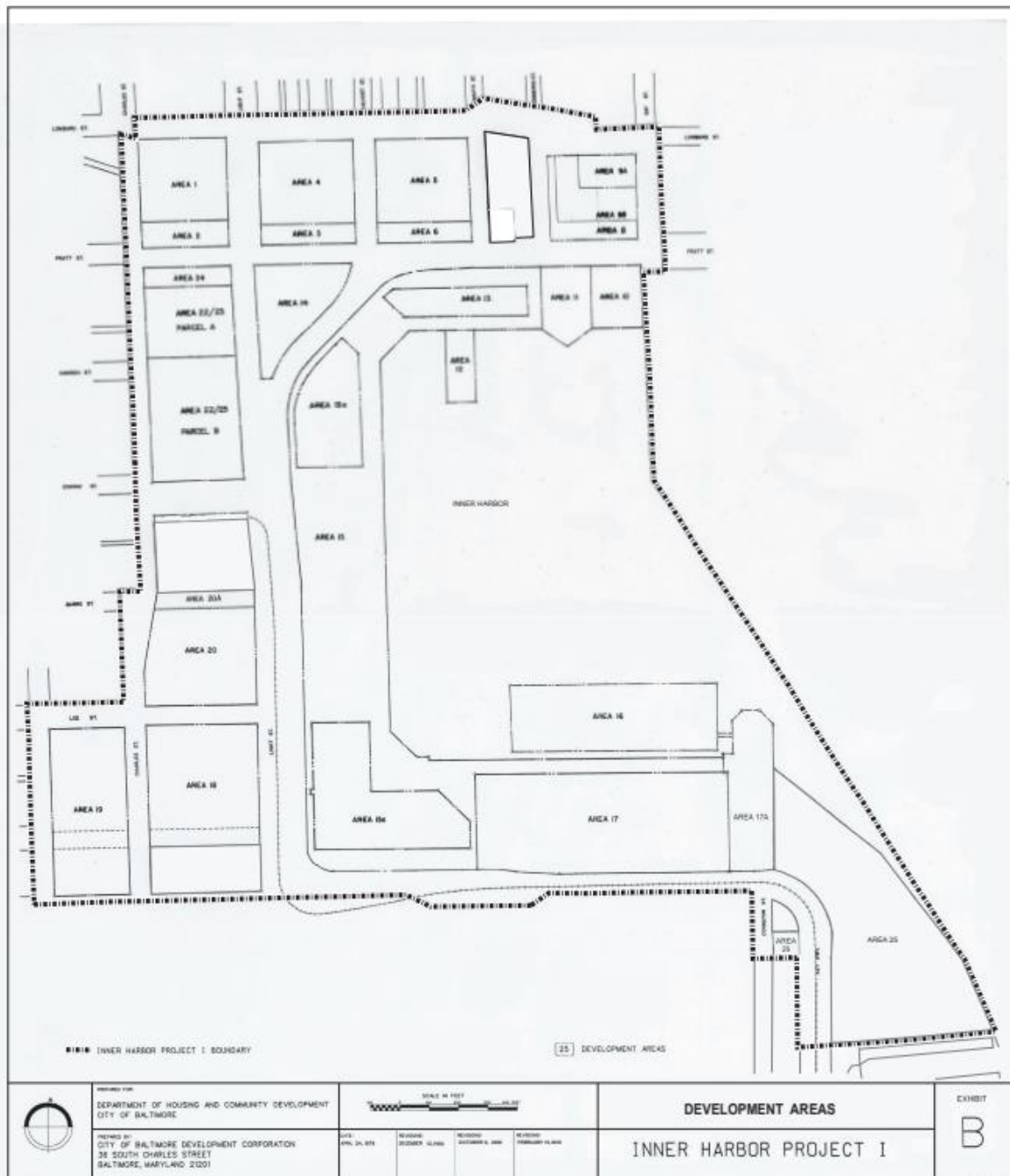


Figure 1: Inner Harbor Project I Urban Renewal Plan - Exhibit B: Development Areas

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 3rd public forum at Coppin State and the November 6th 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.

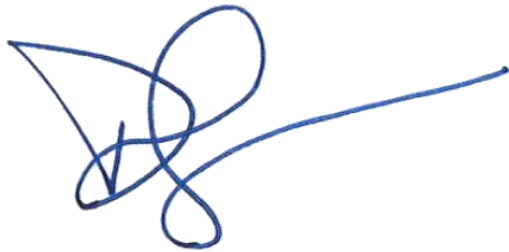
Notification: Notice of this item was emailed to over 100 individuals as well as representatives from Downtown Partnership of Baltimore, Market Center CDC, City Center Residents Association, Downtown Residents Advocacy Network and others. Notice of this item was also published via GovDelivery to over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

CITY OF BALTIMORE

Brandon M. Scott, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

Rebecca Lundberg Witt, *Acting Executive
Director*

11/7/2023

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

Re: CC Bill #23-0444 Charter Amendment- Inner Harbor Park

Ladies and Gentlemen:

City Council Bill No. 23-0444 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

Pursuant to Article 32, Section 5-507 (b) the BMZA shall provide reports on legislation submitted to the City Council Section per Section 5-501 (2) which includes the following: (i) a variance; (ii) a conditional use; (iii) a map amendment; (iv) an educational campus master plan; (v) a hospital general development plan; (vi) an area of special sign control; and (vii) a planned unit development. The BMZA, as a quasi-judicial agency, will not be providing a report or comment.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca R Witt".

Rebecca Lundberg Witt
Acting Executive Director

CC: Mayor's Office of Council Relations
City Council President
Legislative Reference



CITY COUNCIL BILL: 23-0444

BILL REPORT

**CHARTER AMENDMENT – INNER HARBOR
PARK**

TO: The Honorable Nick Mosby, President, Baltimore City Council
FROM: Dana Petersen Moore, Director, Office of Equity and Civil Rights
THRU: Nina Themelis, Director, Mayor’s Office of Government Relations
ANALYST: Dana Petersen Moore
DATE: February 12, 2024
POSITION: **Favorable**

INTRODUCTION

The Office of Equity and Civil Rights (OECR) has reviewed and is herein reporting on City Council Bill 23-0444 – Charter Amendment – Inner Harbor Park. The bill repeals and re-ordains with amendments Article I, Section 9 of the Baltimore City Charter which defines the allowable uses for the Inner Harbor Park. Specifically, the bill seeks to allow the development of multifamily residential housing, and off-street parking. The bill also establishes the boundaries within which these stated purposes shall be allowed. As required by the Md. Constitution, Art. XI-A Sec. 5, an ordinance to amend the Charter must be approved by the voters. The bill provides that the amendment shall be submitted to the legal and qualified voters of Baltimore City for adoption or rejection.

HISTORY OF BALTIMORE’S INNER HARBOR AREA

Baltimore’s Inner Harbor was a major United States seaport in the 1800’s. However, because it was too shallow for large ships or heavy industry, the harbor was mainly used for shipbuilding, and oyster canning. The harbor was an industrial, working waterfront crammed with piers, warehouses, and wharves.

In 1904, most of Baltimore’s downtown area was destroyed by the “Great Baltimore Fire.” The Inner Harbor area survived and went on to become the site of industrial advances. For example, the Pratt Street Power Plant was built in the 1940’s, bringing electricity to Baltimore. And during World War II, the plant fulfilled the World War II demand for electricity to support war efforts. For much of the 1940’s and into the 1950’s, the harbor enjoyed a period of robust industry. But this did not continue.

Starting in the 1950’s and continuing into the 1960’s, the Inner Harbor area became increasingly marked by abandoned and neglected industrial properties. Vacant and neglected warehouses and piers were converted to substandard housing. The area came to be marked by problems of crime and pollution. Flooding was common.

Redevelopment efforts began in the 1960’s. With a primary goal of improving the area’s living conditions as well as the area’s environment, the harbor began to be redeveloped to attract more visitors and businesses. The area was steadily becoming a draw for recreation, culture, and



CITY COUNCIL BILL: 23-0444

BILL REPORT

CHARTER AMENDMENT – INNER HARBOR PARK

tourists. The opening of the World Trade Center, the National Aquarium, the Harbor Place Pavilions, and the Maryland Science Center solidified the Inner Harbor as an area for tourists and visitors. This growth continued.

Today, the Inner Harbor is central to Baltimore's tourism industry. It is a vibrant area with ample recreation spaces, quality housing that ranges from affordable to luxury, and vibrant businesses. It is a model for post-industrial waterfront redevelopment. The harbor and its parks, commercial businesses and venues are open to the public. The area is accessible by numerous modes of transportation. Importantly, the area is accessible for persons with disabilities.

The Inner Harbor offers numerous entertainment events and opportunities. New Year's Eve and Fourth of July fireworks both enjoy large attendance. The same can be said for the various festivals that are sited at the Inner Harbor. Seasonal events such as the "Holiday Makers Market/Christmas Village", ice skating rink, and "Fleet Week" draw similarly large numbers of visitors to the area. And on a day-to-day basis, perhaps one of the greatest aspects of Baltimore's Inner Harbor is its openness to all, the great diversity of people that visit the area, and the many options it offers to utilize the space.

HISTORY OF LEGISLATIVE CHANGES

As noted by the report submitted by the Department of Planning, permitted uses of Baltimore's Inner Harbor and park area has been the subject of numerous legislative changes. The changes have been consistent in preserving and creating new uses that emphasize public access. Indeed, the most recent change, in 2016, sought to expand the public's use of the area by allowing for outdoor dining places.

ANALYSIS

The current bill is described as having a goal of adding residential building, and related parking. The presumption is that these uses will not be entirely for public access. Analyses by both the Department of Planning and the Department of Recreation and Parks suggest that even with the non-public changes that will occur should bill 23-0444 pass and then be voted favorably by Baltimore City voters, public space will be increased. This is an outcome that is consistent with the history of Baltimore's Inner Harbor, and its current role as Baltimore's major public destination.

The City Charter provides for the basic function of the City of Baltimore and its agencies. It is appropriate and necessary that the Baltimore Police Department and the basic structure of the



CITY COUNCIL BILL: 23-0444
BILL REPORT
CHARTER AMENDMENT – INNER HARBOR
PARK

Department is enshrined within the City Charter. This will ensure that no drastic changes can be made to the Inner Harbor Park without the consent of Baltimore City voters.

CONCLUSION

The Office of Equity and Civil Rights is grateful for the opportunity to review and report on City Council Bill 23-0444. As it appears that the purpose of the bill is to create needed additional housing for Baltimore City, and will increase public access to the area with no negative consequences for any demographic, the Office of Equity and Civil Rights supports a **favorable** committee report on City Council Bill 23-0444.

Respectfully submitted,

Dana Petersen Moore
Chief Equity Officer
Director, Office of Equity and Civil Rights

**ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE**

**23-0444
PUBLIC TESTIMONY
DOCUMENTS**

February 11, 2024

To the Economic and Community Development Committee of the Baltimore City Council,

As a member of the Inner Harbor Coalition, I write in opposition to 23-0444 Charter Amendment – Inner Harbor Park and submit for consideration and context three exhibits:

- 1) A timeline of the history of Harborplace with links to articles that show how the property's issues are due not because of the concept being wrong (the revitalization of Norfolk's Waterside shows that's not the case), but because of Ashkenazy Acquisitions' mismanagement and how Baltimore City has been outmaneuvered by developers:
 - First being caught off guard in 2012 by General Growth Properties' sale of Harborplace to Ashkenazy two months after negotiating a 33-year lease extension in exchange for higher rents (which the city never collected on).
 - Second, forgoing ground rent from July 2014 to October 2019 in exchange for a public works project (unclear what that was), which meant that Ashkenazy could not fall behind on rent and the city could not intercede. It was left to Deutsche Bank to step in after Ashkenazy missed its loan payment.
- 2) & 3) A more recent timeline (since 2022) of MCB's purchase and much-lauded community input sessions, showing how implausible it is that the community's input played a significant role in what has been presented as the design. Public trust is already so eroded and this process will only feed the anger:
 - Participants were shown alternate city concepts on September 30 just one month before the final concept unveiling.
 - July 13, MCB announced that four firms had been hired and would begin work off of the initial June 3 public forum. Attached is a word cloud of that session from MCB's own report. Neither offices or apartments are mentioned. MCB has put its agenda first and foremost, with public input as little more than window dressing.

The Inner Harbor was supposed to be "dedicated perpetually as public open space so as to be forever available for public use." It's a public trust, not a cash machine. We can do better for now and for the future.

Sincerely,

Phyllis Fung

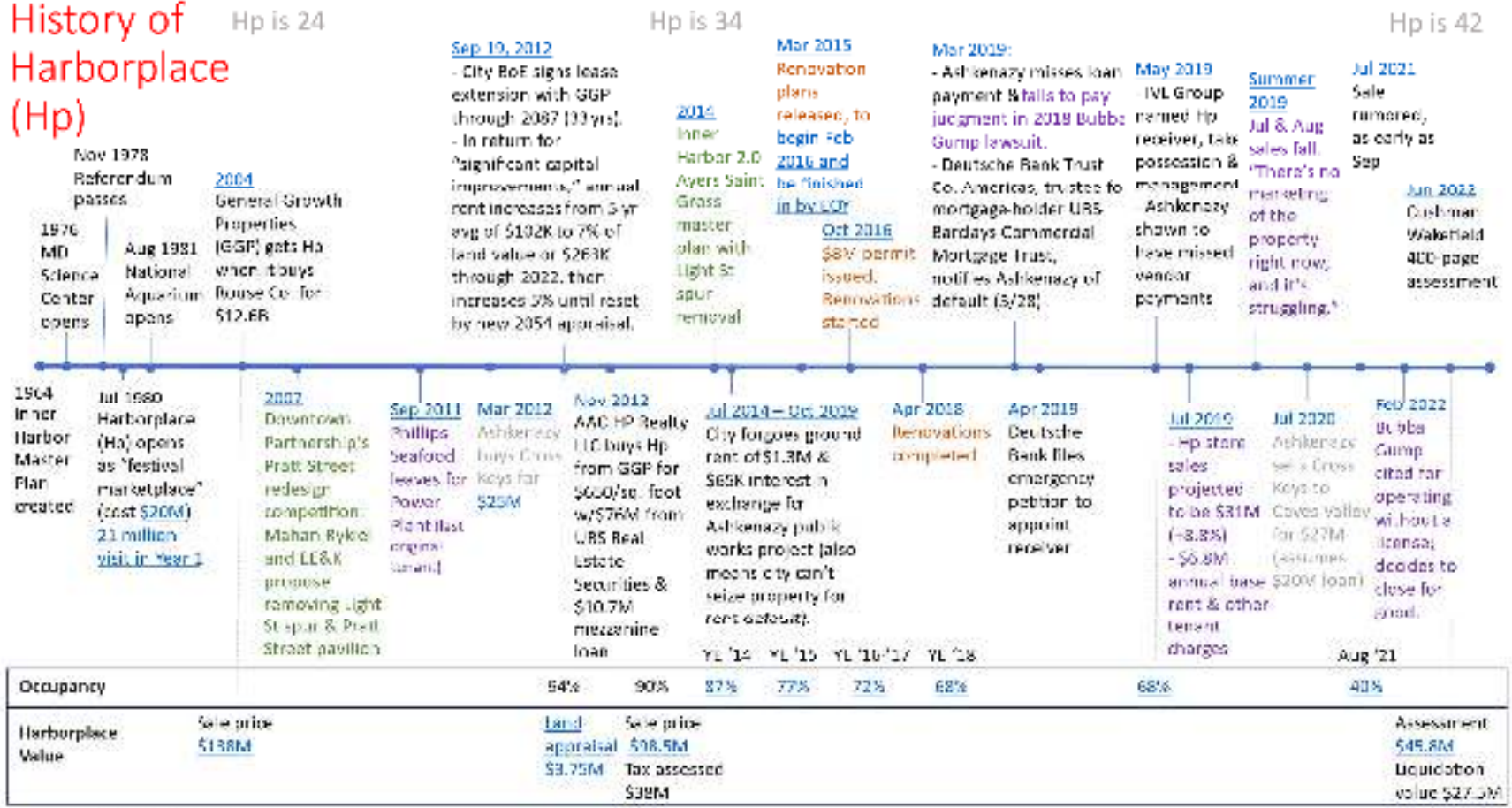
2134 Cambridge Street, Baltimore, MD 21231

Phyllis.fung@gmail.com

202-812-3864

Exhibit 1: Harborplace timeline

History of Harborplace (Hp)



1976 MD Science Center opens

1978 Nov Referendum passes

1981 Aug National Aquarium opens

2004 General Growth Properties (GGP) gets Harborplace when it buys House Co. for \$12.6B

Sep 19, 2012 - City BoE signs lease extension with GGP through 2027 (30 yrs). - In return for "significant capital improvements," annual rent increases from 3-yr avg of \$102K to 7% of land value or \$263K through 2022, then increases 3% until reset by new 2054 appraisal.

2016 Inner Harbor 2.0 Ayers Saint Gross master plan with Light St spur removal

Mar 2015 Renovation plans released, to begin Feb 2016 and be finished in by 2018

Oct 2016 \$8M permit issued. Renovations started

Mar 2019: - Ashkenazy misses loan payment & fails to pay judgment in 2019 Bubba Gump lawsuit. - Deutsche Bank Trust Co. Americas, trustee to mortgage-holder URS Bandays Commercial Mortgage Trust, notifies Ashkenazy of default (5/28)

May 2019 - IVL Group named Hp receiver, takes possession & management - Ashkenazy shown to have missed vendor payments

Summer 2019 Jul & Aug sales fall "There's no marketing of the property right now, and it's struggling."

Jul 2021 Sale rumored, as early as Sep

Jun 2022 Cushman Wakefield 400-page assessment

1964 Inner Harbor Master Plan created

Jul 1980 Harborplace (Hp) opens as "festival marketplace" (cost \$20M) 21 million visit in Year 1

2007 Downtown Partnership's Pratt Street redesign competition. Mahan Rhyker and LCK propose removing Light St spur & Pratt Street pavilion

Sep 2011 Phillips Seafood leaves for Power Plant (last original tenant)

Mar 2012 Ashkenazy buys Cross Keys for \$25M

Nov 2012 AAC HP Realty LLC buys Hp from GGP for \$600/sq. foot w/\$76M from URS Real Estate Securities & \$10.7M mezzanine loan

Jul 2014 - Oct 2019 City forgoes ground rent of \$1.3M & \$65K interest in exchange for Ashkenazy public works project (also means city can't seize property for rent default)

Apr 2018 Renovations completed

Apr 2019 Deutsche Bank files emergency petition to appoint receiver

Jul 2019 - Hp start sales projected to be \$31M (-8.8%) - \$6.8M annual base rent & other tenant charges

Jul 2020 Ashkenazy sells Cross Keys to Covea Valley for \$27M (assumes \$20M loan)

Feb 2022 Bubba Gump cited for operating without license; decides to close for good.

Aug '21

Links to citations for Exhibit 1

Timeline

- <https://www.baltimoremagazine.com/section/businessdevelopment/harborplace-inner-harbor-history-and-future-can-twin-pavilions-still-thrive/>
- <https://www.aacrealty.com/press/dollar100-million-paid-for-harborplace>
- <https://baltimorebrew.com/2012/09/18/harborplace-to-pay-higher-rent-for-pavilions/>
- <https://www.baltimoresun.com/2012/11/10/ashkenazy-future-owner-of-harborplace-cuts-bad-investments-loose/>
- [https://www.baltimorecity.gov/sites/default/files/Inner Harbor Final Report_11112013red.pdf](https://www.baltimorecity.gov/sites/default/files/Inner_Harbor_Final_Report_11112013red.pdf)
- <https://www.bizjournals.com/baltimore/news/2019/12/13/saving-harborplace-how-a-struggling-city-and.html>
- <https://www.southbmore.com/2017/03/01/photo-updates-development-around-the-inner-harbor/>
- <https://www.bizjournals.com/baltimore/news/2019/06/07/heres-what-harborplace-might-have-looked-like-with.html>
- <https://www.bizjournals.com/baltimore/news/2016/10/24/8m-permit-issued-for-pratt-street-pavilion.html>
- <https://www.cbsnews.com/baltimore/news/harborplace-renovations-ending/>
- <https://www.baltimoresun.com/2019/06/03/judge-takes-baltimores-harborplace-out-of-owners-control-paving-way-for-possible-sale/>
- <https://www.baltimoresun.com/2019/10/04/tenants-at-baltimores-harborplace-struggled-over-the-summer-report-shows/>
- <https://www.baltimoresun.com/2012/03/07/village-of-cross-keys-sold-to-retail-and-property-investor/>
- <https://www.bizjournals.com/baltimore/news/2021/07/16/developer-take-ownership-of-harborplace-baltimore.html>
- <https://www.cbsnews.com/baltimore/news/bubba-gump-shrimp-co-at-harborplace-closes-citing-covid-19-building-maintenance/>
- <https://www.wbaltv.com/amp/article/baltimore-harborplace-sale-nears-approval/41412812>

Occupancy & Harborplace Value

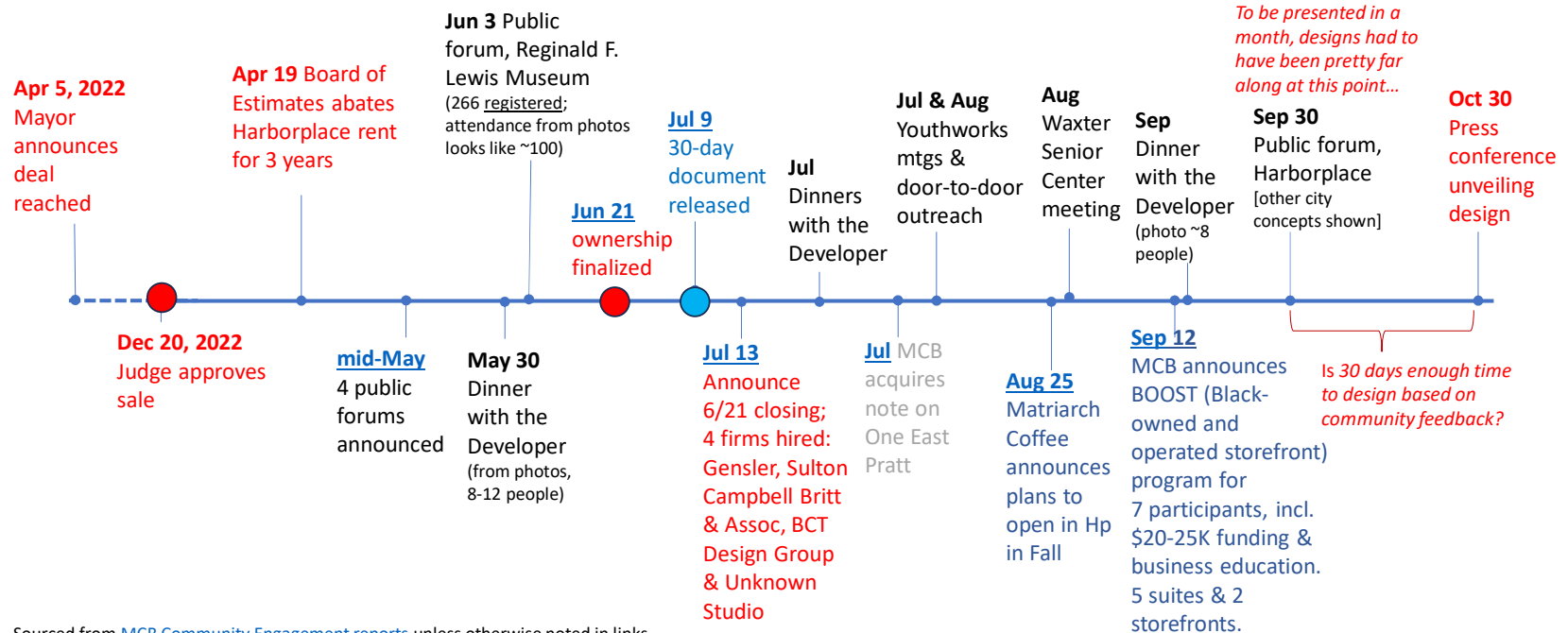
- <https://baltimorebrew.com/2012/09/18/harborplace-to-pay-higher-rent-for-pavilions/>
- <https://www.aacrealty.com/press/dollar100-million-paid-for-harborplace>
- <https://www.fitchratings.com/research/structured-finance/ubs-barclays-commercial-mortgage-trust-2013-c5-focus-report-25-11-2019>
- <https://www.baltimoresun.com/2019/07/24/sales-down-for-some-key-tenants-at-baltimores-harborplace-where-nearly-a-third-of-spaces-are-vacant/>
- <https://www.baltimoremagazine.com/section/businessdevelopment/harborplace-inner-harbor-history-and-future-can-twin-pavilions-still-thrive/>
- <https://www.bizjournals.com/baltimore/news/2023/07/13/harborplace-abc-closing-baltimore-design-team.html>

Exhibit 2: Recent timeline

Public timeline 2023

"We started with Community Engagement before we even owned the property." –David Bramble, p. 3 *Community Engagement Fall Report*

"Harborplace is Baltimore's postcard image. It should visually capture what we are most proud of about our city and how we want to be known in the world — a place where all of our people can enjoy the iconic Inner Harbor and the first place we should all want to share with visitors to our city. **We want Harborplace to be uniquely and authentically us.**" Vaki Mawema, managing director of Gensler's Baltimore office. *The Baltimore Business Journal*, July 13, 2023



Sourced from [MCB Community Engagement reports](#) unless otherwise noted in links.

Additional links:

- <https://www.bizjournals.com/baltimore/news/2023/05/17/harborplace-future-first-public-forum-date-set.html>
- <https://www.bizjournals.com/baltimore/news/2023/07/13/harborplace-mbc-closing-baltimore-design-team.html>
- <https://www.bizjournals.com/baltimore/news/2023/08/25/matriarch-coffee-shop-harborplace-mcb-deal.html>
- <https://www.bizjournals.com/baltimore/news/2023/09/12/downtown-partnership-boost-program-harborplace.html>

For your files...

-Eric

From: beverley garrison <cinnamongirl21225@yahoo.com>

Sent: Sunday, February 11, 2024 2:24 PM

To: Tiso, Eric (DOP) <Eric.Tiso@baltimorecity.gov>

Subject: Bill 23-0448

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Hello.. My name is Beverley Biddinger.. I reside at 600 Light Street The Christ Church Harbor Apartments for seniors.. I am writing to oppose the bills that would let Bramble and associates to build high rise apartments and office building and sail structure in our treasured gem which is the inner harbor.. Harborplace.. our public park should always remain a public park and never have developers build privatized buildings on the water .. we as a city can do better .. for the people of Baltimore and tourist.. I feel if this went to pass it would be devastating for our communities .. they could build so many tall buildings we would not have room for families and tourists to enjoy the water ..we need fun family friendly activities at harborplace.. what's wrong with refurbishing what we have to achieve that.. this is all I have to say as a senior citizen who's lived in Baltimore all of my 69 years thank you.. sincerely
Beverley Delores Biddinger

RE: Harborplace legislation: Testimony

Costello, Eric (City Council) <Eric.Costello@baltimorecity.gov>

Mon 2/12/2024 11:17 AM

To: Jane Seebold <jaseebold@gmail.com>; Testimony <Testimony@baltimorecity.gov>

Cc: Leva, Anthony F (City Council) <anthony.leva@baltimorecity.gov>

Tony, would you please ensure this is added to the bill file for all three bills? Thanks, EC

Eric T. Costello

Baltimore City Council, 11th District

527 City Hall

100 N. Holliday Street

Baltimore, MD 21202

(443) 813-1457 (mobile)

(410) 396-4816 (office)

eric.costello@baltimorecity.gov

[Twitter](#) | [Facebook](#)

From: Costello, Eric (City Council)

Sent: Monday, February 12, 2024 11:17 AM

To: 'Jane Seebold' <jaseebold@gmail.com>; Testimony <Testimony@baltimorecity.gov>

Subject: RE: Harborplace legislation: Testimony

Jane, in receipt, thank you. -EC

Eric T. Costello

Baltimore City Council, 11th District

527 City Hall

100 N. Holliday Street

Baltimore, MD 21202

(443) 813-1457 (mobile)

(410) 396-4816 (office)

eric.costello@baltimorecity.gov

[Twitter](#) | [Facebook](#)

From: Jane Seebold <jaseebold@gmail.com>

Sent: Monday, February 12, 2024 11:13 AM

To: Testimony <Testimony@baltimorecity.gov>

Cc: Costello, Eric (City Council) <Eric.Costello@baltimorecity.gov>

Subject: Harborplace legislation: Testimony

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23-0444 Charter Amendment

23-0446 Inner Harbor Subdistrict Amendment

23-0448 Inner Harbor Project I Amendment

Hello,

I would like to express strong support for the above amendments specifically and the Harborplace project overall as proposed by MCB Real Estate. I have lived in the Federal Hill South neighborhood for 17 years, and I spend a considerable amount of time in and around the Inner Harbor. I think the proposed plans are very exciting and will bring life and joy back to the waterfront, attracting residents and visitors alike.

From the expanded park area to the two-level promenade to the elegant and unique sail building, the proposed Harborplace has many great features. I am also a fan of adding 900 apartments to the site and think two tall towers is the way to do it. As we learned from the Ritz Carlton development on the south side of the harbor, building on a wide and long footprint versus a narrow and high one significantly reduces water views. As someone who walks through the Inner Harbor frequently, I like the idea of people living there, creating energy and supporting small businesses.

The project also dovetails nicely with the improved Rash Field Park, the popular West Shore Park, and the soon-to-come Blueway to create a truly amazing urban waterfront experience. Let's do this, Baltimore!

Thank you for your time.

Jane Seebold
111 East Clement Street
Baltimore MD 21230
jaseebold@gmail.com

Baltimore City Council
Economic and Community Development Committee
Baltimore City
Baltimore, Md 21202

February 12, 2024

Dear Council Members

I oppose the current development plan for Harborplace for many reasons.

- Adding housing to the allowed zoning for the site will privatize an area that should be maintained as public use space for all residents of the City and beyond.
- Adding a floating promenade will add to routine maintenance and be unwise at a time when the world is worried about sea rise due to global warming.
- The cost of changing the traffic patterns at Pratt and Light seems an unnecessary use of our public funds

As a very long time resident of Baltimore, I see the area as a mostly open place that focuses on celebrating Baltimore and its people and history, where people can take a break, be inspired and energized. It should be looked at like our "Central Park". I hope we can start again and solicit ideas from many talented designers.

Sincerely yours,

Carolyn Boitnott

Cc Councilwoman Ramos

The Inner Harbor should definitely have height restrictions on buildings, and focus on making public spaces that are able to be enjoyed by all, instead of buildings that can only be enjoyed by the select wealthy few. Baltimore needs more public spaces, and the creation of these has been celebrated and welcomed, such as Rash Field by the Inner Harbor. If we focus on having more places that can be enjoyed by everyone, the city will flourish and crime rates will go down. The creation of new skyscrapers will not have this effect. Furthermore, the water views that people already have should not be closed off. The Inner Harbor is meant to be a place for everyone to enjoy. There should be height restrictions for buildings in the Inner Harbor.

Maria Novitskaya

Baltimore's Inner Harbor Waterfront and Harborplace

As a native Baltimorean and former tenant of the World Trade Center Baltimore from 1977-1988, I became aware of the inconvenience of being across the street from available parking. I am well acquainted with the first campaign to build Harborplace, and the need for its amenities, which I long enjoyed. I am also aware that any surplus parking that may be available today, which for the most part is privately owned, will likely be fully absorbed as the recovery from Covid continues, and office occupancy rates are restored. The core importance of Pratt and Light Streets for vehicular traffic, and the undisclosed replacement plans that may be under consideration to replace traffic lane capacities that may be reduced by preliminary LRT or BRT plans on Pratt and Lombard Streets recently promoted by MTA Maryland also need to be considered. And, most importantly, U.S. Department of HUD and other federal funds were used to plan and build the Inner Harbor Urban Renewal project's infrastructure with great thought and care via a well-organized and implemented planning process which should not be brushed aside by a city administration desperate for quick fixes for the area's problems.

The difference between individual project economics (i.e., what makes the project financeable and sustainable), and what the economic externalities of a project might be have been insufficiently considered. Harborplace would not have been built without the substantial value that it added to the target Inner Harbor area and beyond. Management of Harborplace involved management of many elements of the Inner Harbor project, as well as entertainment elements of the Inner Harbor Park and Harborplace facilities, both of which were originally managed by Charles Center Inner Harbor Management with special focus. That focus no longer exists and MCB does not exemplify the sort of management depth that is needed once construction is completed.

Perhaps our most necessary first step, as citizens, is to inventory what we know, and what we need to know in order to provide the sort of analysis we need in order to make informed recommendations to the City of Baltimore. It is also necessary for us to identify any evidence of misinformation and possible corruption in the process to set forth the city's policies vis-à-vis Harborplace and the Inner Harbor. The Bramble project was presented before objectives and policies were developed to identify what would be truly helpful to existing property owners and investors in the Inner Harbor area, what would be a net benefit to the City of Baltimore and the region, and what considerations should be understood beginning with the possible reuse of the existing Harborplace entitlements and leasehold provisions. Bramble failed to adequately convince many of us that Harborplace is unworkable in anything close to its existing scale and mass, except for their statements the Harborplace is an outdated concept which is both obsolete and inefficient. The Inner Harbor shoreline is among the most critical public domains existing in Baltimore City and should not be abandoned by the city to a purchaser of the leasehold without having first considered preserving the health of the entire Inner Harbor real estate community. The city should not further a policy of bailing out speculative purchasers or developers who overpaid for properties restricted by existing covenants and zoning, and then being compelled to add \$500 million in public funds to make the purchasers' speculative bid

profitable. Too many expensive and long-lasting errors occur when public agencies, appearing desperate, throw more public money at projects bearing little resemblance to existing or emerging urban plans.

Very few cities have escaped the economic damages that were inflicted by Covid and Baltimore was no exception. The overall well-being of the Inner Harbor area must be considered carefully. Even in its current state, the existing Harborplace Pavilions have utility. More appropriate uses of existing structures across Light and Pratt Streets from Harborplace should be considered first, before view-obstructing buildings are approved along the waterfront.

Baltimore's waterfront is a major beneficial amenity as it exists. Many of the problems confronting the Inner Harbor and Harborplace, such as crime and the resulting impediments to visitation and business location, have more to do with the management of the city and its public security than the pandemic alone. The Ashkenazy ownership and management of Harborplace, in addition to not being up to its tasks, likely also suffered from the city's failures in public security and Inner Harbor Management.

There is far more to discuss in the examination of the best options for Baltimore's Inner Harbor. The city's relinquishing control of the beloved Inner Harbor Waterfront to the highest bidder is not any more desirable than would be a sale of parts of Patterson Park, Druid Hill Park, Lake Roland and other beloved parklands in Baltimore City and the region.

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I oppose this legislation intended to transform the landscape of the Inner Harbor, allowing for tall residential buildings that would block out sun at the harbor and obstruct the view for so many now benefiting from the stupendously beautiful waterfront. I agree with the video testimonies made by Anirban Basu and Carl Stokes on the Inner Harbor Coalition's YouTube channel and would urge everyone to watch those videos as well as others on the channel. Mr. Basu's satirical and blistering critique of the process makes clear that the vision behind this legislation is not the vision of the people of Baltimore city nor conceivably of those who participated in the focus groups. Mr. Stokes makes the vitally important point of the public nature of the Inner Harbor. He refers to it as a public square. One could also call it a public park, but what is important is the term and concept, Public. Public spaces are to be enjoyed by the public. And as Mr. Stokes pointed out, the Inner Harbor is a space currently being immensely enjoyed by the public, by people from all over the city, country, and world. Anyone who visits Baltimore goes to the Inner Harbor, and there are also many Baltimoreans who enjoy this precious site. I frequently walk along the Inner Harbor and enjoy seeing families and others leisurely taking in the tremendous views, teens showing off their skills at the skateboard board park, children screaming at the playground. I don't necessarily love the bicyclists who zoom by me too fast or a few other aspects, but overall, I love the Inner Harbor. My heart sinks at the thought of it being used to build high rises that would destroy the charm and splendor of the Harbor. As others have noted, quite a bit has been done to invest in the Harbor, the upgrading of Rash Field by the city is one great example. Much more can be done. And with the proper process, I'm sure the city can bring more commerce to the area, commerce that serves the people, as was the original vision of this unique venue. Thank you for this opportunity to comment

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Hi Bill,

I respectfully disagree regarding your take on the proposed Inner Harbor redevelopment plan. In short, it is too heavy on tall, upscale residential. While increased residential downtown is generally a good thing, there is an ample amount of it already which is upscale in nature (see: Key Highway, Harbor East, Harbor Point and even the East Side of Fells Point). Already much of the Canton waterfront is blocked to public view (though thankfully not public access thanks to the Promenade) by large residential developments.

Taking up one of the few somewhat "open" spaces around the harbor with more of the same is extremely short-sighted, especially for such a hallowed Baltimore public gathering space. The former Harborplace land should remain a public, park-like area which can be used for events such as Christmas Village, Wine Village, tall ship visits, fireworks, etc. Indeed, we should be bringing back some of the former festival spots around the Inner Harbor which have been lost to Timonium Fairgrounds, a dreadful suburban venue that few city residents ever attend. Any residential included (and I do agree there should be some) should be relatively low-rise and used to supplement the public spaces, not take away from them.

Also, any proposals I've seen regarding re-use of McKeldin Square seem to be about the same: fill it up with more buildings. Why exactly the relatively stylish and functional fountain there was summarily destroyed by the city without anything of value taking its place is still unclear to me. It seems a knee-jerk reaction to ridding the space of homeless people perhaps. That square should likewise be replanted with trees (likewise cut down by the city and never replaced for the ill-fated Grand Prix races) and redeveloped into some semblance of its former self as a public space.

I therefore urge you to reconsider your opinion on this redevelopment and join the thousands of city residents who will oppose it on the upcoming ballot referendum.

Thanks for reading.

Best Wishes,

Steve Andrews

I live in Federal Hill and have had a small business downtown for 20 years. I have walked across the Inner Harbor over 7500 times. I have seen Harborplace at its best and its worst, but one thing is undeniable: it is the heart and soul of Baltimore.

The 2015 uprising, crime, Covid, gross mismanagement, the exodus from the traditional office, the demise of many retail models have all had their effect on Harborplace. Now it needs a lift.

I grew up on the west side of lower Manhattan near the Hudson River. Decades ago, it was a bleak, decrepit, industrial area not yet in transition.

And then in the 1990s, something truly magical happened.

A New York State public benefit corporation was formed to design and build a waterfront park from the Battery to midtown. The Hudson River Park opened in 1998.

The neighborhoods across from this park exploded with development. The popular retail and entertainment district we know as the Meatpacking district was born. Movie stars were moving in next to, low rise, subsidized housing projects. Michelin star restaurants began popping up.

BY 2015 the Hudson River Park had 17 million annual visitors.

Then in 2009, an old abandoned elevated freight train line that ran through the neighborhood was renovated into The Highline. 10 years later it had 8 million annual visitors. 8 MILLION VISITORS! A reimagined elevated freight train line. NOT retail. NOT restaurants. NOT office buildings. NOT high rise apartment towers. Just a nice place to walk a little bit closer to the sky.

It all worked. It activated not just my neighborhood but the whole city.

In contrast, as a New Yorker, I can tell you: high rise apartment building neighborhoods are absolute dead zones.

Yes, preserving open public spaces, parks and promenades would work pretty well to activate Baltimore's Inner Harbor. People love to stroll, and attend kid friendly events and festivals such as Light City Baltimore, the Baltimore Book Festival or especially visiting Tall Ships. If you want to talk equity, visiting the Inner Harbor is free of charge and a great alternative if spending \$200 for a family of 4 just for tickets and a stuffed dolphin at the Aquarium isn't your thing.

Public spaces also transcend fluctuations in the real estate market, the economy, and even pandemics, civil unrest and natural disasters. They are timeless. If you preserve the public nature of Harborplace the surrounding areas of downtown and South Baltimore will thrive. "Less is more" seems to be a time proven adage. High rise residential and office towers are NOT public spaces.

Sometimes Baltimore makes mistakes. Old Town Mall comes to mind. I am sure that in just a few years we will look back at this Harborplace Plan, if it is built, and realize that we had just made a \$1billion preventable, horrible mistake, because as a city, we had not done our due diligence. We went with the only option presented to us.

The citizens of Baltimore, not developers, should making these decisions. How can we allow developers to write legislation that only benefits their misguided, for profit project, sold to the public with self serving “public engagement reports,” false narratives and eye candy renderings. Baltimore does not need another international public embarrassment.

We need to take a pause, and seriously explore other ideas, simpler ideas, lower cost ideas that will give the citizens' of Baltimore a large return on investment and keep the Inner Harbor and Harborplace the iconic heart and soul of Baltimore. It is time to stand up. I urge you, don't sell our soul.

Robert A. Manekin
500 E. Pratt Street - Suite 1250
Baltimore, MD 21202

February 12, 2023

Vice President Sharon Green Middleton
Chair, Economic and Community Development Committee
City Hall
100 Holliday Street, Fourth Floor
Baltimore, Maryland 21202

Dear Chair Middleton,

Since its opening July 2, 1980, Harborplace has been the heart of Baltimore's Central Business District (CBD). Forty-four years later, after four major recessions, urban unrest, and a global pandemic, that heart needs a transplant if the CBD is to have a pulse. Understanding the precarious nature of the commercial office building industry in the country in general, and downtown Baltimore in particular, and recognizing the ongoing decline in the commercial tax base downtown, Harborplace needs to be redeveloped into the one real estate asset class that has the potential to succeed – mixed-use, including residential.

I have watched downtown Baltimore evolve since 1961. That is when the Morgan State marching band led a parade for the topping off ceremony for One Charles Center, the first building in the Charles Center Redevelopment project (I was 12 years old at the time). Since then, I have observed the construction of Charles Center, the Inner Harbor, Harbor East, Harbor Point, Locust Point and Port Covington. These projects replaced deteriorating buildings, toxic brownfields sites, and functionally obsolete structures. At first, I was merely an observer. After joining my family's real estate business in 1977, I became a participant. Today, after 46 years in commercial real estate, the overwhelming majority of which has been spent in downtown Baltimore, I have concluded that the redevelopment of Harborplace is critical to the economic viability of the Central Business District and, as a result, downtown Baltimore.

Your committee is tasked with considering what the redevelopment of Harborplace should be from a legislative and legal perspective. In furtherance of approving the legislation before you, please consider the following data as it relates to the health of Baltimore's office building industry:

1. Current vacancy rate (space not leased) is 20%
2. Current availability rate (space not leased and space to be vacated) is more than 30%
3. Assessments on existing office buildings are declining by more than 35%
4. Increasing foreclosures, short sales, and higher interest rates are going to cause more buildings to experience reduced values and pay less taxes
5. Return to work rates have stabilized at no more than 55%, causing office tenants to use and lease less space
6. Retail growth in the city has been experienced in Harbor East, Harbor Point, and Canton, where there is a greater density of residential users

7. Retail uses in the Central Business District have been challenged due to a reduced office population and lower resulting demand for ancillary services, e.g. food, shopping, banking, etc.
8. Downtown is Baltimore's fastest growing residential neighborhood with a projected need of over 5,000 units over the next five years.

This data points to the need for an infusion of residential development, and the proposed MCB redevelopment provides that infusion.

While you are considering the nature, density, and structure of the use, I respectfully suggest that it would be wise to consider the entity proposing the redevelopment – MCB.

Like Harborplace developer The Rouse Company, MCB is local to Baltimore. Like the Rouse Company, MCB has a significant number of projects and financial investments in Baltimore City. And these projects are not simply Class A, downtown, "glitz." MCB has redeveloped Old Northwood near Morgan State; is leading the redevelopment of Madison Park; and converted a toxic scrap yard on Eastern Avenue to Yard 56, a mixed-use project. In MCB, we have a local, best in class developer with the track record, skill set and financial backing to get the job done.

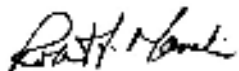
One other point.

There is a difference between the development of Harborplace in 1980 and its redevelopment today. In 1980, the public spaces and fields did not need to be developed. They served the public quite well and were a wonderful site for the City Fair. Creating Harborplace was a plus, not a necessity. And this plus became a magnet for tourism, office users and the City at large. Today, Harborplace is a negative. Sitting functionally obsolete it casts a pall over the entire CBD and encourages office and apartment users to relocate to Harbor Point, Harbor East, Canton, and Port Covington. The magnet that was once Harborplace will reverse polarity and expel, as opposed to attract, activity to the CBD without a fundamental change in use.

The MCB vision embraces that necessary change in use, while providing more public space than currently exists. This vision implements more view corridors to the Inner Harbor so pedestrians can see the water. And most of all, it provides residential density in the heart of the CBD, something badly needed due to the challenges being faced by the office industry. By enacting the legislation pending before your committee, you would commence the badly needed change and start the process of saving the Central Business District.

Thank you for giving me the opportunity to provide comment.

Respectfully,



To: Eric Tiso
From : Ted Rouse
Re: HarborPlace Bills 0444, 0446 and 0448
Date: 12/19/23

Testimony by Ted Rouse before the Balt City Planning Commission on 12/21/23

I am against the proposed land use changes in Bills 0444, 0446, and 0448

Design and Land Use Are Inextricably entwined. The cart is before the horse.

The current bills under consideration today should only be considered after UDARP has finished its review of the proposed design and after the Planning Commission has considered whether the proposed design has the potential to draw large crowds back to the inner harbor. Currently the only place for the public to give advice to city government on the Developer's design appears to be at the Planning Commission hearings. The design proposed by the development team necessitates changes to land use rules that are 50 years old. The Planning Commission members need to drastically slow down the review process and give more consideration to the design that is being proposed. I request that the Planning Commission defers action on these Bills until UDARP completes its work with the Developer to refine the plans for Harbor Place.

I applaud developer David Bramble's boldness of vision. I believe [\\$500 million of private investment](#) in the Harborplace site is extremely exciting. I believe residential density, such as 900 apartments, could be a very good thing for the Inner Harbor. As urbanist Jane Jacobs says, "There is nothing like the hustle and bustle of human activity to create a safe environment." **But**, I believe the MCB plan is flawed and will fail to consistently bring large groups of demographically mixed people to enjoy our city's greatest urban asset which is our unique presence on the Chesapeake Bay. If high rise apartment towers are needed for the economics of the site, the towers should be close to the realigned Light Street corridor and the towers need to be skinnier. The revised land use provisions the planning commission approves should include a maximum foot print for individual high rises and a high rise zone of not more than 70' east of the revised Light Street corridor. The planning commission should give thought to the possibility that the developer's desired 900 unit density could be achieved in buildings not higher than 100' (per current height limits) and that no buildings in excess of that height should be allowed in this area which has Federal Hill's height and the Constellation's sail height as existing natural markers. Most important, no residential buildings should be allowed unless the project plan includes a minimum of 50,000

square feet of waterfront restaurant space with waterfrontage no further than 60' from the water's edge.

The water is where the magic is. It's a natural magnet, let's capitalize on it. In particular, the 60 feet between buildings fronting the waterfront and the water's edge is where people want to be. Emphasis should not be on non-waterfront parks further than 60 feet from the water or on view corridors for cars passing by. The emphasis should be on the space between the buildings and the water. The Wharf, a modern real estate development on D.C.'s southeast waterfront, is a great example of how that 60 feet can become magical when there are varied seating options and gathering places, and varied uses such as restaurants, shops, fountains, residential buildings and hotels. There are many European waterfront cities that line their waterfront with restaurants. We need a critical mass of destination locations along our water's edge. That might mean at least 12 restaurants, two hotels, three fountains that kids can jump in and out of, and one or more performance venues. Residential towers by themselves won't activate the waterfront. Bringing lots of people to the inner harbor waterfront 365 days a year should be our Number One Goal in redeveloping Harborplace.

The concept of New Urbanism revealed that so called "public private space" was an essential characteristic of successful small American towns. That space is often found on the front porches of houses that abut public sidewalks. In a similar way, waterfront restaurants would provide that space to Baltimore's beloved inner harbor promenade. A critical mass of such public private space in the subject properties should be required by any new land use provisions. I request that the Planning Commission votes to require a minimum of 50,000 sf of restaurant use within 60' of the water's edge.

We need to minimize the amount of public subsidy needed. Does the promenade really need to be replaced now with \$400 million of public money? It may be possible to do bulkhead repairs where necessary for far less dollars that will last at least 10 years to give us time to find infrastructure money for larger repairs.

We need an updated master plan that has thought given to how we can continually improve the Inner Harbor experience over the next 20 years. I believe a people mover, such as a Gondola or a Monorail, to move people from the stadiums and convention center to Harborplace should be included in a master plan. A bridge that would give residents and visitors an opportunity to circumnavigate the Inner Harbor on foot and/or bicycle within 30 minutes should be part of that plan. I love Visionary Art Museum founder Rebecca Hoffberger's idea of filling sidewalks with quotations of great Baltimoreans and Marylanders like Billie Holiday, Babe Ruth, Frederick Douglass, James Rouse (my father) and many others.

We need a city government empowered, quasi nonprofit whose sole mission is focusing on how to implement an Inner Harbor master plan and the best urban waterfront ideas from around the world. We had such an organization, Charles Center Inner Harbor management, from 1965 to 1985. CCIH caused the Science Center, The Hyatt Hotel, Harborplace, National Aquarium, Convention Center and our Stadiums to be built. We need to reauthorize it for 2023 to 2043 and maybe beyond.

Ted Rouse (ted@heal-thy-planet.com) is president of Healthy Planet LLC, an urban real estate development company working to restore historic buildings in neighborhoods with substantial vacancy. Waterfront properties he developed while a partner at Struever Bros Eccles and Rouse for 25 years include Tindeco Wharf and Canton Cove. Rouse also was chair of the Baltimore Harbor Endowment, which promoted completion of the 7.5 mile waterfront promenade, and chair of the American Visionary Art Museum during its expansion to include the Jim Rouse Visionary Center.

11 February, 2024

Architecture

Urban Design

Planning

Re: City of Baltimore, Baltimore City Council
Economic and Community Development Hearing Tuesday 13, 2024
23-0448 Urban Renewal – Inner Harbor Project 1, Amendment 21 and related bills 0446 and 0444.

Testimony: In Opposition to all three bills

HarborPlace is designated as a public park with limited low commercial uses that serve the public visiting the harbor. The proposed amendments are tailored to allow a specific design that has been proposed by a specific developer. This design has not been vetted for practicality, for its cost-benefits ratio, and for fitting in the overall context of downtown Baltimore or the MasterPlan Inner Harbor 2.0. Nor have these incentives (easing regulations and predevelopment money) been offered to any other potentially interested developers who may have wanted to buy the pavilions if this option would have been available. No reports in support of the proposed design configuration are provided by any agency. There is no good rationale to allow 2-4 million square feet of for-profit office and residential development of unlimited height within the space designated as public space. The suggested amendments violate the original masterplan concept in which the outer frame of buildings on the far side of Pratt and Light Street define the spatial impression (for example when looking down from Federal Hill Park). A line of tall buildings will move the frame effectively by 200' or so closer towards the water's edge, effectively reducing the area perceived as HarborPlace, even if the overall footprint of the buildings does not increase compared to what is there now. The 2-4 million square feet are arbitrary and capricious and not based on good planning. No justification has been provided for these figures.

For the above reasons I am specifically opposed to:

Section 1 (2), V-B: Size of facilities no less than 2 million sf and no more than 4,000 sf and allowing parking NO MORE THAN 4,000 SF ????

Development Area 13: Opposed to adding residential use, changing maximum allowable height from 50' to underlying zoning, allowing vehicular traffic, allowing parking of any kind

Development Area 14: Opposed to relaxing building construction of any kind

Development Area 15A: Opposed to allowing residential use, changing maximum allowable height from 50' to underlying zoning, allowing vehicular access, allowing parking.

Testimony from Liz Bement

Bill 23-0448 Urban Renewal-Inner Harbor Project 1-Amendment 21

Zoning - C-5-IH Inner Harbor Subdistrict – Amendment

Charter Amendment - Inner Harbor Park

OPPOSE

Dear President Mosby and Members of the City Council,

I oppose the Urban Renewal, Zoning and Charter amendments listed above . The entire process has lacked transparency and has kept residents in the dark about why one developer has been chosen and given unfettered rights to Baltimore’s most precious public space. The developer has claimed to have held public input meetings, but many in attendance at such meetings say that residential towers were never mentioned in these meetings, let alone requested or supported by attendees.

By his own admission, Mayor Scott had chosen MCB Real Estate to build this project when he first took office and kept it under wraps until the plan was unveiled late last year. Again, this demonstrates a total lack of transparency and public input into this decision.

We need a thoughtfully crafted, independent Master Plan for the Inner Harbor and an international design competition based on that plan for this project to move forward—our city deserves nothing less than this.

Of all the Baltimore residents I have spoken with since this plan was unveiled, including architects, builders, developers, preservationists, and people who live close to the harbor, not one person thinks that this current plan--including doing away with the height limits, building residential towers and on-site parking--is a good idea.

Our politicians should not be choosing favoritism and cronyism for their friends who make large campaign contributions over the will of the people of Baltimore.

This is an incredibly important project with long-term ramifications. Shame on the politicians who are trying to ram this plan down our collective throats. Our city deserves So. Much. Better.

Liz Bement

Upper Fell’s Point

Testimony of E. Evans Paull, City Council Bills, 23-0444, 23-0446, 23-0448, February 13, 2024

Honorable Members of the Baltimore City Council:

To introduce myself, I am Evans Paull, long time city planner, now retired. In my career I worked for 30 years in various Baltimore planning and development capacities; then worked another 15 years at the national level, primarily specializing in brownfields and similarly challenged urban redevelopment projects. I have been the recipient of six awards, including the national Phoenix Award for brownfields redevelopment. My work has been published in six national professional journals and one university-gearred book.

After retiring I authored an historical account of Baltimore's Road Wars, *Stop the Road, Stories from the Trenches of Baltimore's Road Wars* (Boyle and Dalton, September 2022).^{*} The book has been very well received, including winning two awards (Baltimore City Historical Society and Baltimore Heritage).

I am testifying today in support of MCB's plans for Harborplace, at least in concept if not the specific design. The main point is a fairly simple one: if we want downtown and the Inner Harbor to be the heartbeat of the region, to be a vibrant place for all to enjoy, it's going to take a dramatic change. And that change is going to involve some density and some loss of parkland. The old charter restrictions with limited development worked for a period of time largely because of tourism, but tourism is fickle and extremely seasonal; so, it proved to be unsustainable. The MCB plan is based on the sound theory that mixed use, density, and 24-hour presence are the keys to revival.

An Inner Harbor revival will have enormous secondary benefits, boosting all of downtown, as well as the stadium area, making the entire district more desirable for live-work-play.

My comments above are purposely general – I am not supporting the specific MCB design plan. I would urge consideration of the following:

- A more collaborative and public process to determine an acceptable plan and design;
- A strongly worded guideline or requirement for the retail businesses to be primarily home grown, not the all-too-familiar national chains; and,
- Narrowing Light Street so that some of the envisioned development can be moved further from the waterfront and the Promenade.

Lastly, I want to support a complimentary use of some of the remaining parkland, using it for a tented beer emporium and events space, capitalizing on the number one trend in entertainment: the emergence of direct sale breweries as gathering places for families, friends, tourists, and locals. This "Maryland Spirit Tent" would be a permanent tented facility, open air in the warm months, and enclosed in the winter months. Featuring local and Maryland breweries, the tent should double as an event space, with constantly-changing art shows, concerts, food festivals, etc., all featuring local talent. I have attached a more detailed description of the concept.

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^{*} <https://stop-the-road.com/the-book/>

Can the brewery craze help revive Baltimore's Inner Harbor?

E. Evans Paull

It's the new BFFDD—beer, family, friends, dates, and dogs. The astonishing growth of small breweries that sell directly to customers, thereby enlivening a variety of indoor and outdoor spaces, is perhaps the single biggest trend in Baltimore area dining and entertainment over the last decade. Young people, many with children in tow, flock to these breweries for convivial times with their BFFDDs.

It is my contention that this trend presents an opportunity for Baltimore's Inner Harbor—that the place where Maryland's brewers should showcase their wares should be at Baltimore's waterfront center point.

Many observers have commented that the Inner Harbor, even when its star was shining most brightly, was always plagued by the extreme seasonality of tourism. Most agree that revitalization should be more geared to attracting locals, with special attention to the now considerable number of downtown residents. The need is for an all-weather attraction with local/regional appeal.

An all-weather tented facility, with a changing array of Baltimore and Maryland breweries* acting as the anchor, would be just the kind of attractor that would re-establish the Inner Harbor as a year-round celebratory gathering place for the Baltimore region. The tent sides could be down to envelop the heat in the winter and open air in spring-summer-fall. The breweries could change every month or every couple months, keeping it fresh.

Sections of the tent could be devoted to displaying the work of Maryland artists and artisans (again, changing periodically) and a stage could be used for live music performances. An adjacent open-air plaza area should be a flexible space for fair-weather adjunct activities: a special art show one week, additional concert seating the next. Street performers would help enliven the area and make it just-plain-fun, while also distinguishing the Inner Harbor from the non-downtown breweries. A small playground would add to the appeal for young families.

As to the location, my thought is on the West Shore at the site of what is now a temporary winter attraction: the Christmas Village, modeled after the traditional Christmas Markets in Germany.

The following is my effort to refine the concept:

Prepared Food. The magical synergy of this proposal is that the breweries will generate business for restaurants in Harborplace. The reason is the breweries do not need to make money selling food – many current direct-sale breweries bring in food trucks to provide food, but that won't be necessary at the Inner Harbor. The brewers' clientele will naturally spill over into Harborplace restaurants.

Legal Restrictions. The Baltimore City Charter designates the vast majority of Inner Harbor I as "parkland" and restricts "commercial uses" to the few acres where Harborplace located. A liberal interpretation would

* Local vineyards and distillers could be added to the mix, but my observation is that home-grown breweries are the stronger attraction.

include the brewers' tent as parkland because it is not a permanent structure, would be open air most of the year, and the brewers could be viewed as park vendors under some kind of public or non-profit (rather than "commercial") organizational structure. A 2016 charter amendment allowing outdoor cafes could be helpful. The precedent of the Christmas Market should help pave the way.

Name it the Maryland Spirit Tent. I nominate "the Maryland Spirit Tent," the term "spirit," an intentional double-entendre suggesting fun fueled by alcoholic beverages; the "Maryland" qualifier simply defines all that fun as home-grown, generated by Maryland brewers, artists, musicians, street performers, and possibly winemakers and distillers.

There are now 42,000 people living in the downtown area, with many thousands more living in Fells Point and Federal Hill, all within walking distance (no need for parking!!!). Is there anything more perfect than a beer tent to bring them to the Inner Harbor? They will make coming to the Inner Harbor "cool" again.

E. Evans Paull is the author of *Stop the Road, Stories from the Trenches of Baltimore's Road Wars* (Boyle and Dalton, September 2022). You can follow the book at www.stop-the-road.com or <https://www.facebook.com/Baltimore-Road-Wars-1940-1980-109994791288651>. Paull is a retired city planner, most recently serving as the Principal of the consulting business, [Redevelopment Economics](#). Former posts include stints with the Baltimore City Department of Planning and Baltimore Development Corporation.