

MEMORANDUM

DATE: July 31, 2019
TO: Land Use and Transportation Committee
FROM: Colin Tarbert, President and CEO 
POSITION: Oppose
RE: Council Bill 19-0372 – Zoning – Fells Point Height Overlay District

INTRODUCTION

The Baltimore Development Corporation (BDC) has been asked to review and respond to City Council Bill 19-0372 introduced by Councilmember Cohen.

PURPOSE

The purpose of this Bill is to establish a new Fells Point Height Overlay District; specifying the height limits allowed in certain areas of the district; providing that the regulations of the underlying zoning districts apply; and generally specifying the regulation of properties within the Overlay District.

BRIEF HISTORY

The Zoning Code provides for the ability to create overlays to modify either bulk and yard requirements or uses, while generally maintaining the characteristics of a district, such as the Waterfront Overlay which has special height and setback requirements for properties along the waterfront. The Overlay District proposed in Council Bill 19-0372 primarily comprises of R-8 and C-1 Zoning classifications. Under the current Zoning Code, interior lot structures within an R-8 district are permitted up to 45 feet and corner lot structures up to 60 feet per Zoning Board approval; while structures within C-1 are permitted up to 60 feet by right. Additionally, a significant portion of the area within the proposed Overlay District overlaps with an overlay designated by the Commission for Historical and Architectural Preservation (CHAP).

Both the Zoning Code and CHAP provide adequate protections against new developments or substantial additions to existing property that are out of scale with the existing neighborhood. Property additions, including roof decks, are subject to design review and beholden to the requirements of the Code and Baltimore City Design Manual, adopted in 2017 (updated in 2019). Furthermore, the majority of new construction in the proposed overlay district is either subject to review by the Urban Design and Architectural Advisory Panel (UDAAP) or CHAP, in addition to requiring compliance with the Zoning Code.

The existing layers of review and approval over new development and building additions make the proposed overlay district largely unnecessary, as those reviews are specifically intended to ensure that building designs “enhance the quality of life of City residents with development that is sensitive to its context and adjacencies in the public realm.” The proposed overlay

Council Bill No. 19-0372 - Zoning – Fells Point Height Overlay District

July 31, 2019

Page 2

district takes no such contextual approach, and provides for no discretion when evaluating the relative architectural merits of a building.

The proposed height restrictions in a new Overlay District could also negatively impact future development in unintended ways. Most acutely, the proposed 50 foot height limit on the Broadway Corridor will reduce the number of housing units that could be built in a residential multi-family or mixed-use development, artificially decreasing the supply of available housing in the area and increasing prices. In order to maximize leasable space and minimize costs within a 50 foot height limit, building designs will likely feature minimally acceptable floor-to-ceiling heights (e.g. 8 foot ceilings in residential spaces; 9 foot retail) that are less comfortable and less desirable, and will potentially exacerbate the commercial vacancy issues that the corridor currently experiences.

FISCAL IMPACT

NONE

AGENCY POSITION

BDC is in **opposition** of City Council Bill #19-0372

Though BDC opposes this legislation, if the bill does proceed in the process, BDC strongly recommends a reconsideration of the height limit along the primarily commercial Broadway corridor.

If you have any questions, please do not hesitate to contact Kimberly Clark at 410-837-9305 or at kclark@baltimoredevelopment.com.

cc: Jeffrey Amoros

[cm]