CITY OF ANNAPOLIS
SPECIAL MEETING OF THE CITY COUNCIL
July 25, 2013 7:00 p.m.

Call to Order	Mayor Cohen
Invocation	Alderman Budge
Pledge of Allegiance	Mayor Cohen
Roll Call	City Clerk Watkins-Eldridge

PUBLIC HEARING

R-49-12 **2012 City Dock Master Plan** - For the purpose of adopting the Draft City Dock Master Plan as an addendum to the 2009 Annapolis Comprehensive Plan.

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
12/10/12	7/25/13	1/7/13	6/8/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Government	12/10/12		
Economic Matters	12/10/12		
Planning Commission	12/10/12	5/16/13	Favorable w/ amd.
Historic Preservation Commission	12/10/12	3/12/13	Comments

After the conclusion of spoken testimony, the public hearing on R-49-12 will be held open only for the purpose of receiving written comments.

O-7-13 **Establishment of a New Zoning District: Waterfront City Dock, Phase One** – For the purpose of implementing Phase One of the recommendations of the City Dock Master Plan by establishing a new zoning district - the Waterfront City Dock Zone.

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
5/13/13	7/25/13	5/26/13	11/8/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	5/13/13		
Economic Matters	5/13/13		
Planning Commission	5/13/13	6/6/13	Favorable w/ amd.
HPC	5/13/13	6/28/13	Comments

After the conclusion of spoken testimony, the public hearing on O-7-13 will be held open only for the purpose of receiving written comments.

R-32-13 **A Committee to Study Implementation of City Dock Plan** – For the purpose of establishing a Committee to study all portions of the City Dock Master Plan not included or adopted in Phase One in order to develop recommendations to the City Council as to which remaining portions of the City Dock Master Plan should be adopted or amended and, if amended, how those portions should so be amended.

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
7/8/13	7/25/13	7/15/13	10/4/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	7/8/13		
Rules and City Gov't	7/8/13		

If the City Council has not yet taken up the public hearing on R-32-13 by 12:00 a.m., the public hearing on R-32-13 will be proposed to be postponed.

UPCOMING CITY COUNCIL EVENTS

Regular Meeting: Monday, September 9, 2013, 7:00 p.m. City Council Chambers
Work Session: Thursday, September 19, 2013, 1:30 - 4:30 p.m. City Council Chambers
Special Meeting: Monday, September 23, 2013, 7:00 p.m. City Council Chambers

Jessica Cowles
Legislative and Policy Analyst
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July 8, 2013

TO: The Capital Legal Notices: legalad@capgaz.com
FROM: Jessica Cowles, Legislative and Policy Analyst
RE: Notice of Public Hearing
PUBLISH: Please publish on: ***Thursday, July 11, 2013; Thursday, July 18, 2013; Thursday, July 25, 2013***

Please send bill and certificate of publication to the City of Annapolis Office of Law, 160 Duke of Gloucester, Annapolis, MD 21401.

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NOTICE OF ANNAPOLIS CITY COUNCIL PUBLIC HEARING

Notice is hereby given that the Annapolis City Council will hold a public hearing on Thursday, July 25, 2013 at 7:00 p.m., in City Council Chambers, 160 Duke of Gloucester Street, Annapolis, for a public hearing on:

O-7-13 **Establishment of a New Zoning District: Waterfront City Dock, Phase One** – For the purpose of implementing Phase One of the recommendations of the City Dock Master Plan by establishing a new zoning district - the Waterfront City Dock Zone.

R-49-12 **2012 City Dock Master Plan** - For the purpose of adopting the Draft City Dock Master Plan as an addendum to the 2009 Annapolis Comprehensive Plan.

R-32-13 **A Committee to Study Implementation of City Dock Plan** – For the purpose of establishing a Committee to study all portions of the City Dock Master Plan not included or adopted in Phase One in order to develop recommendations to the City Council as to which remaining portions of the City Dock Master Plan should be adopted or amended and, if amended, how those portions should so be amended.

The above legislation on the City Council agenda for public hearing can be viewed on the City's website at: http://www.annapolis.gov/Government/Departments/LawOffice/PendingLegis.aspx

CITY COUNCIL OF THE
City of Annapolis

Resolution No. R-49-12

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
12/10/12			03/10/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Government	12/10/12		
Economic Matters	12/10/12		
Planning Commission	12/10/12		
Historic Preservation Commission	12/10/12		

A RESOLUTION concerning

2012 City Dock Master Plan

FOR the purpose of adopting the Draft City Dock Master Plan as an addendum to the 2009 Annapolis Comprehensive Plan.

WHEREAS, The Maryland Annotated Code, Land Use Article, Title 3, requires municipalities to adopt comprehensive plans, which are to include policies, statements, goals, and interrelated plans for private and public land use, transportation, and community facilities, and which are to be documented in texts and maps that constitute the guide for future development; and

WHEREAS, the Annapolis City Council adopted successive comprehensive plans for the City in 1975, 1985, 1998, and 2009; and

WHEREAS, on October 5, 2009 the Annapolis City Council adopted the 2009 Annapolis Comprehensive Plan pursuant to R-32-09Amended; and

WHEREAS, pursuant to the stated policy of the 2009 Annapolis Comprehensive Plan to "enhance the public realm of City Dock and its environs," in September 2010 the City Council established the City Dock Advisory Committee to advise the City on rejuvenating City Dock; and

WHEREAS, the City Dock Advisory Committee, is comprised of 25 members and includes business owners, property owners, historians, artisans, and designers; and

WHEREAS, the City Dock Advisory Committee, conducted public forums, solicited input from stakeholders, held public meetings, and developed a Draft City Dock Master Plan; presented their phase one report, "Visions and Guiding Principles" to City Council on July 21, 2011; and made a presentation to the City of Annapolis City Council on November 26, 2012; and

WHEREAS, the City Dock Advisory Committee has recommended to the City Council the adoption of a City Dock Master Plan as an addendum to the 2009 Annapolis Comprehensive Plan and transmitted the Draft City Dock Master Plan to the Annapolis City Council on December 10, 2012; and

WHEREAS, the City Dock Master Plan, if adopted by the City Council by passage of this Resolution, shall constitute an addendum to the 2009 Annapolis Comprehensive Plan which sets forth goals and a guide for future development; and

NOW, THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY that the Draft City Dock Master Plan, attached to this Resolution, is also available online at http://www.annapolis.gov/Government/Departments/PlanZone/CityDockPlan/masterplan.aspx, is hereby adopted; and

BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the City Dock Master Plan be, and the same hereby, made part of the 2009 Annapolis Comprehensive Plan. The Plan shall be known as the "2012 City Dock Master Plan;" and

BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the adoption of the City Dock Master Plan shall not be construed as an approval of individual projects that may be recommended therein, and that the Annapolis City Council reserves the right to consider, debate, oppose, or support specific actions that may come before the Council and that are intended to implement specific elements of the Plan.

ADOPTED this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY

_____ _____

Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.
[brackets] indicate matter stricken from existing law.
Underlining indicates amendments.

Staff Report

R-49-12 - 2012 City Dock Master Plan

This resolution, if adopted, will approve the 2012 City Dock Master Plan and designate the plan as an addendum to the 2009 Annapolis Comprehensive Plan (adopted by the City Council on October 5, 2009 pursuant to R-32-09Amended). The City Dock Master Plan seeks to advance the policy directive, found in the 2009 Comprehensive Plan, to "enhance the public realm of City Dock and its environs." The plan represents a framework for guiding improvements and redevelopment in the City Dock area.

The City Dock Master Plan was created by the City Dock Advisory Committee (CDAC). Formed by the City Council in September 2010, CDAC was directed to:

- Establish the guiding principles for the use and redevelopment of the City Dock area;
- Develop and define a design plan for City Dock based on those principles, and
- Encourage and coordinate public participation via a series of public events throughout the process.

Since its founding, CDAC, together with the Planning & Zoning Department and a team of consultants, developed the Draft City Dock Master Plan. All of CDAC's meeting were open to the public and included presentation stakeholder meetings and two public workshops. On July 21, 2011, the CDAC presented its phase one report, "Visions and Guiding Principles" to the City Council. As explained more fully in that report, CDAC's five guiding principles are:

- Gradual improvement with emphasis on historic layout, scale, and vistas;
- High quality walkable public open spaces,
- Toward balance in transportation on City Dock,
- Greening and sustainability; and
- Public art – nurturing the uniqueness of place.

The City Dock Master Plan recommends a comprehensive strategy for improvements based on the principles from the Phase 1 Report. It also recommends strategies in support of the plan, including a management entity, parking management, a comprehensive rezoning of the City Dock area, redevelopment sites, capital improvements, and traffic engineering.

Prepared by Virginia Burke, Chief of Comprehensive Planning, Department of Planning and Zoning, VJBurke@annapolis.gov and Carol Richardson, Legislative and Policy Analyst, City of Annapolis Office of Law, cdrichardson@annapolis.gov or 410.263.1184.

Annapolis City Dock Master Plan

A Framework to Guide Improvements & Redevelopment

December 2012

A Letter to the Citizens of Annapolis

In 2010, Mayor Josh Cohen directed that a citizens' committee be formed to advise the City on rejuvenating City Dock – the City Dock Advisory Committee (CDAC). The Mayor charged us with three objectives: to establish guiding principles for the use and redevelopment of City Dock, to develop a master plan based on those principles, and to encourage and coordinate public participation throughout the planning process. CDAC has now completed our tasks and we are pleased to deliver this master plan report. We published our first report, Visions and Principles, Phase One Report*, in July 2011. It has been an honor for us to serve the City in preparing this Plan, which we hope will help bring economic revitalization to City Dock; the City's Beautiful Historic Seaport.*

As part of our work we hosted two citizen work sessions at the Old Recreation Center at City Dock. At the first, citizens reviewed alternative approaches to addressing broad concerns, such as open space, pedestrian and vehicular circulation, and access to the water, and evaluated the relative strengths and weakness of different ideas. At the second workshop, we asked citizens to evaluate and deliberate on a preliminary master plan. We also held seven committee meetings between May and November 2012 as we prepared this Master Plan; each was open to the public and the input we received at these meetings helped shape this document.

We embrace the outcome of our efforts yet we note that we are not unanimous in our support of two elements of the Plan. The first concerns the intersection of Compromise, Main, and Randall. While one-half of our committee supports the Plan's call to convert Memorial Circle to a "T" intersection, the other half has reservations about any such change and would generally prefer modifications, or no changes at all, to the current circle. The CDAC does agree that the intersection needs further evaluation to assess traffic operational and aesthetic concerns because it of its central role, for better or for worse, in shaping the pedestrian experience and the opportunities for public space. The second element is parking along Dock Street. While we are less divided on this question, we recognize that reducing the number of parking spaces along Dock Street will require the City to commit to effective parking management strategies to ensure that short-term customer parking remains available even while the total number of spaces on Dock Street is reduced. We encourage the City to balance the planned open space improvements with thoughtful implementation of parking management and involve the business owners on Dock and Market Streets.

A considerable amount of work has been undertaken and more than anything, it has revealed to us the great complexities that attend any effort to prepare a plan for such a unique and significant part of our City. The consensus of CDAC is that this Master Plan is a guide to public and private decision-making. We encourage the City to work diligently in implementing it and to seek, on an ongoing basis, the input of all members of the community. We know that any plan will take years to implement, that options will be tried and tested, learning will take place and new responses will be adopted. We are encouraged that the unanimously supported principles we established in 2011 are not only achievable with this Plan; they are its very foundation.

Much work still lies ahead now that we have completed our assignment. This Plan will be reviewed by the Planning Commission, which is officially charged with making plans that guide development and redevelopment in Annapolis. The Historic Preservation Commission and other appointed or voluntary associations and commissioners both in and outside of City government will review and comment on this Plan. To those groups we ask first and foremost that you recognize, as we have, that there is a broad set of community interests, values, and concerns, many of which are competing. These varying concerns and interests must be held in balance and respected.

We understand that a Master Plan is a document that provides direction and guidance; it is not a detailed design to be quibbled over or a static design that can never be adjusted. The illustrated plan in this report is a hopeful target; a destination point to be arrived at. In order to get there, we ask all concerned to remember that each decision made at City Dock, whether

it concerns a private request for a zoning change or a public need for flood protection, has the opportunity to either detract from or contribute to this Plan. We respectfully and earnestly ask the Mayor and City Council to weigh such decisions against this Master Plan, which at its core reflects the public's interest and aspirations for the future of City Dock.

~the Members of the City Dock Advisory Committee

Chairman Kurt Schmoke
Vice-Chairman Gene Godley
Adriana Apolito-Bevis
Karen Theimer Brown,
Joe Budge
Anthony Clarke
Dick D'Amato
Cathy Durkan
Debbie Gosselin
Matt Grubbs
John Guild
Kitty Higgins
Catharine Incaprera
Ann Jensen
Gary Jobson
Pearse O'Doherty
Rhonda Pindell-Charles
Orlando Ridout V
Joseph Rubino
Chris Schein
Gary Schwerzler
NT Sharps
Peggy Summers
Robert Waldman
Chance Walgran
Carol Nethen West

Acknowledgment Page

The City Dock Master Plan

This Plan is a response to the place of City Dock, as it is. It does not seek to impose ideas but instead helps reveal the potential and possibility held in the current condition, the beautiful historic Annapolis seaport. The Plan offers responses to the needs of today and tomorrow but is grounded in a profound respect for the historical context of Annapolis.

The Master Plan is illustrated here. It is not meant to be static in its design. It is instead a guide to decision-making for the next 20 years. The Master Plan should guide infrastructure improvements, redevelopment plans, and zoning decisions. Since the Plan was prepared with a great deal of citizen involvement, it also stands as an invitation to the citizens of Annapolis to work toward realizing the new possibilities that can be found at City Dock.

The Contents of this Report

I. Annapolis City Dock

II. Principles Applied

- A. Gradual Improvement with Emphasis on Historic Layout, Scale, Vistas
- B. High Quality Walkable Public Open Spaces
- C. Toward Balance in Transportation on City Dock
- D. Greening and Sustainability
- E. Public Art: Nurturing the Uniqueness of Place

III. Strategies that Support the Plan

IV. Conclusion

I. Annapolis City Dock

In as much as any place can, City Dock holds within its frame a long-running conversation about community that has much to offer. The radial streets of the 1695 Annapolis city plan lead to a beautiful place at the water's edge. It is a place of everyday commerce and special civic gatherings, a place of arrival and departure, a place for chance encounters. As the Alex Haley Memorial reminds us, it is also a place for honoring the triumph of the human spirit.

Both individual and collective efforts have for centuries sculpted and re-sculpted City Dock. In the 18th and 19th century, the City formalized, and filled the inlet using all manner of fill—oyster shells, lumber, rock, and dredge. In the process the City created new land and Annapolitans built maritime buildings and commercial enterprises. Buildings, businesses, and infrastructure on City Dock were replaced again and again in a process of continual change.

The Market House took form at City Dock in the early part of the City' s history and by the late 19th century the public space around Market House had achieved a formal structure. It was improved into a park with trees and a traffic circle between Green Street and Middleton's Tavern. By the mid 20th century use of the space within the circle was privatized and eventually it gave way to the circulation demands of the automobile. Compromise Street was extended to Spa Creek by this time and thus City Dock was connected to Eastport via road.

By the middle of the 20th century, many of the buildings on the north side of City Dock had been replaced with the parking lots that are still there today and the building pattern along Compromise Street had begun to take the form we see now. City Dock is not what it was centuries ago but its history is recognizable in today's patterns, vistas, buildings, and commercial activities.

City Dock has much history still to come and its continual change will speak to future Annapolitans of today's values and today's responses to changing needs and conditions. A central and integral objective of this Plan is the rejuvenation and sustained economic revitalization of City Dock. The Plan envisions critically important investments such as wider sidewalks, public spaces, flood protection, and public arts programming that reinforces the Annapolis Beautiful Historic Seaport brand, and thoughtful management of parking supplies that increase the availability of customer parking. These are among the public space investments that have helped revitalize downtown waterfront district throughout the world.

II. Guiding Principles Applied

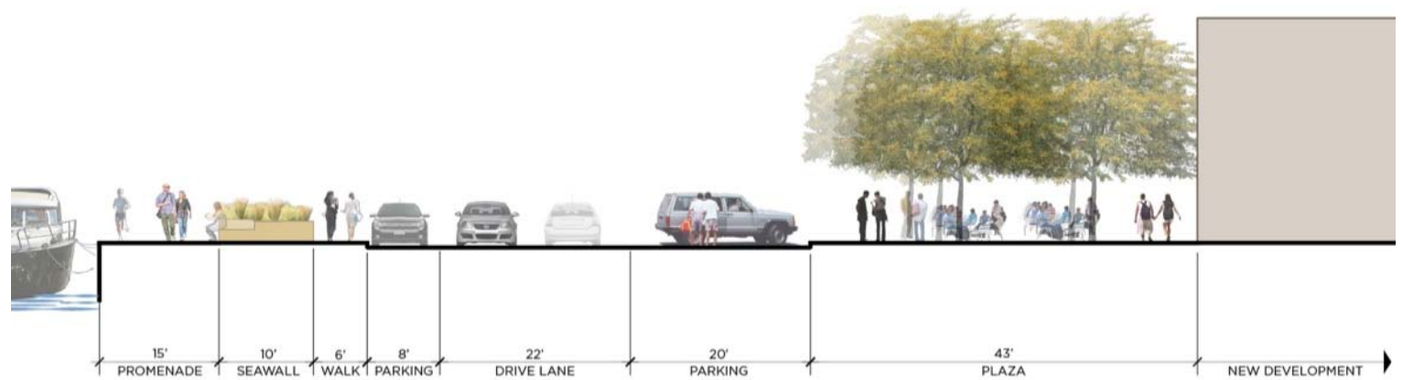
In 2010, Mayor Josh Cohen directed the Planning Department to form a citizens' committee to advise the City on rejuvenating City Dock. Twenty-five members reflecting varying interests were appointed and the City Dock Advisory Committee (CDAC) began its work. The Mayor charged the CDAC with establishing guiding principles for the use and redevelopment of City Dock, developing a master plan based on those principles, and encouraging and coordinating public participation throughout the planning process. CDAC published its first report, City Dock Advisory Committee: *Visions and Guiding Principles, Phase One Report*, in July 2011 after outreach to the Annapolis community. The principles as adopted by CDAC are listed in the Appendix to this report.

CDAC's guiding principles are the foundation for this Master Plan and the presentation, which follows, is organized around these principles. Each of the next sections leads with a summary statement of a guiding principle: (1) Gradual Improvement with Emphasis on Historic Layout, Scale, Vistas, (2) High Quality Walkable Public Open Spaces, (3) Toward Balance in Transportation on City Dock, (4) Greening and Sustainability, and (5) Public Art: Nurturing the Uniqueness of Place.

A. Gradual Improvement with Emphasis on Historic Layout, Scale, Vistas

Gradual Improvements and Emphasis on Context

As an example of how a master plan works with gradual improvement and emphasis on context, consider the sidewalk in front of the businesses on City Dock. It is too narrow to handle regular pedestrian traffic and it is an obstacle to the flow of pedestrians especially along the 100 block of Dock Street. Widening the sidewalk while holding its new edge parallel to the bulkhead rather than to the buildings has the effect of creating an increasingly wider pedestrian zone along the building frontage as the sidewalk extends eastward to Craig Street. As sidewalks approach 30 or more feet in width they can become places for outdoor dining, shade, street furniture, bicycle parking, and more, all of which increases social and economic vitality. This public improvement therefore creates a new center of activity that draws people out to Dock Street. With the enlargement of the existing sidewalk to create a larger pedestrian zone in front of the buildings, the Plan also effectively defines the edge of Dock Street, which can then be seen as a well-defined commercial street rather than as drive aisle through a parking lot. Improvements such as above should be made gradually in time so that the City can assess how they are working before making the next improvement.



There are other such instances, such as at Market House, where modest changes find their genesis in an historic framework. On the south end of Market House (facing Green Street), the Plan seeks to reclaim space for public use. Perhaps nowhere else in Annapolis does the potential exist for an outdoor room so close to the water and yet so nicely framed by the City's historic architecture. In reclaiming this space for people, the Plan reclaims the historic urban fabric of City Dock, rededicating space that had historically been available for public use. This potential is particularly achievable, if the opportunity to convert Memorial Circle to a more space-efficient T intersection is taken, as discussed later in the Plan.

Scale and Vistas

The City Plan for Annapolis (1695) is in the Grand Manner or Baroque style. Not unlike plans for Paris, Rome, and Washington D.C., the Annapolis City Plan makes grand gestures with radiating streets and open vistas. These enduring elements of civic beauty are not accidents of topography or the unintended result of private decision-making about building or development. These features of City Dock are by design; they are intentional.

The long view enjoyed from along Main Street out to the Chesapeake Bay is intentional and nothing in the Master Plan impedes or distracts from this view.

Also critical is the potential for sweeping views from nearer to the foot of Main Street out over City Dock to the Annapolis Harbor. While the great expanse of this view has not yet been realized because of buildings and other structures, its potential is inherent in the City's historic plan. In fact, when the 1695 Plan was laid out there were no structures (not even land) where the former Fawcett's building now stands. The Plan therefore restores the viewshed envisioned centuries ago. As illustrated on this page, the Plan provides opportunities for new buildings while securing this view in perpetuity. The Plan calls for removing the old Fawcett's Building from the viewshed; allowing Annapolis to seize the opportunity to realize this potential that is held on City Dock. There are other views, to and from the water, that define the context of City Dock and great care and discernment will need to be brought to bear in the future as development projects are both proposed and reviewed.

On City Dock, no private development or public use, space, square, building, or art whether existing or to be constructed can be viewed in isolation. It must be considered within its historic and physical context. This includes parking. The allocation of so much public land to the parking of private vehicles severely undervalues City Dock and historic Annapolis.

Scale and New Buildings

The Plan envisions that redevelopment will occur on City Dock. Three opportunity sites are shown on the exhibit below. Each project has the ability to contribute to the context and setting of City Dock and indeed each has the potential to distract from it as well. The approximate footprint of the buildings are set outside of the principal viewsheds to and from the water. However, it will be imperative that viewshed analyses be undertaken during the plan-review process for any new development or major redevelopment projects on City Dock.

Apart from views, other important considerations should be made. For example, for the proposed redevelopment projects along Dock Street, strong building massing of three- to five-story heights facing the water will help activate and frame the open spaces. Such larger buildings also have the potential to distract from the architectural patterns established on Prince George Street. This is especially the case on that section of Prince George Street between Craig Street and Randall Street. New building forms facing Prince George Street at this location will need to fit harmoniously with a historic residential character.

On the former Fawcett's site, the Plan's principal objectives include setting new buildings back from the water's edge by 45 to 55 feet. This allows space for the promenade and ample room for flood mitigation infrastructure while leaving space for outdoor use by the users of the building in ways that will energize and enliven this side of City Dock. It is recommended that the building have a far smaller setback along Compromise Street; 15 to 20 feet would be about enough to secure the proposed sidewalk width needed in this area. The building would likely be developed in part on property presently owned by the City (the "Fleet" parking lot, located at the intersection of Newman and Compromise Streets.). The massing of building(s) on the former Fawcett site should provide a beautiful backdrop to the proposed public space on the Donner Lot and help frame, in the distance, the proposed market square. Two to three stories are recommended.

B. High Quality Pedestrian-Oriented and Walkable Open Space

Parks and Open Spaces

Much of City Dock is public, but, with few isolated exceptions, it is not yet a public space. The Plan makes a firm commitment to improve conditions for people by creating new spaces and an improved pedestrian environment, not through bold gestures, but through small deliberate changes that help tie City Dock together. This is a central organizing principle of this Plan.

The Plan locates public recreational spaces at locations that seem obvious. The plan calls for an improved Susan Campbell Park where the main pedestrian routes terminate at the furthest reach of the land. It calls for a new public space at the Donner Lot, which lies adjacent to the water and thereby secures the view to and from the water. The Plan calls for a new park at the naturally low-lying area where Newman Street reaches the water. This park would provide access to the water and consistent with so much public input, this park would effectively extend play space for the City's children from the playground at Newman and Compromise down to the water. The Plan also calls for a new civic space at Market House and public/private spaces—outdoor dining, for example, adjacent to what could become new buildings in the future.

Market Square

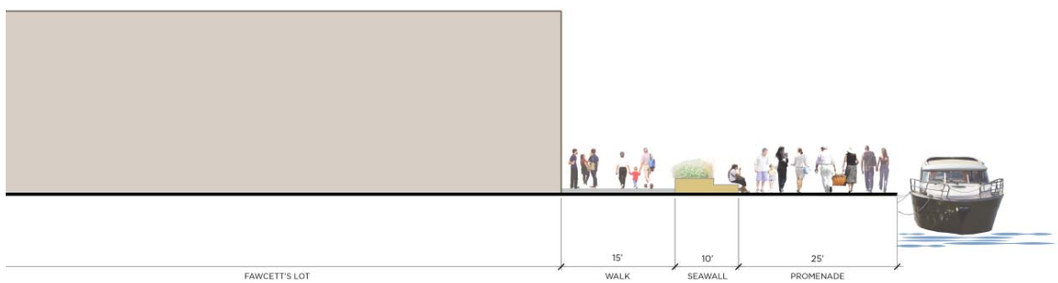
A new central market square is proposed at Market House. The space is already framed by historic buildings and activated by retail and restaurants. It affords spectacular views eastward down Ego Alley. This space could provide outdoor seating for Market House vendors and the customers of other businesses. It should secure space for the Compass Rose, the Memorial Circle flag, and shade trees. The space would be enlivened with a continual flow of pedestrians along its perimeter as people walk from Main Street out to City Dock and back. This market square visually extends over Randall Street to the water's edge at the head of Ego Alley. As shown below the consistency in surface materials can create the sense of one larger place.

Presently Market House and Hopkins Plaza together comprise 16,000 square feet. As proposed in this Plan, the total space would approximate 22,800 square feet. The square in front of market house could extend 150 feet from the edge of Market House toward Main Street and 100 feet across from Market Place to Randall Street. Businesses with sidewalk frontage could extend out into Market Space or at least onto the proposed wider sidewalks which would extend 24 to 30 feet from the building's edge. Beginning at the approaches from all directions, the intersection would become a slow moving environment through the use of textured pavement and other means to calm traffic.

A Promenade

The most prominent walkable public space would be the promenade. The Plan calls for it to extend from Newman Street around Ego Alley out to Susan Campbell Park. The promenade would retain its 15-foot width between Randall Street and the Water Taxi dockage. Beyond that point it would widen as it approaches the bulkhead at the end of City. It would provide views of the water uninterrupted by parked cars and would be wide enough to be multi-functional, while providing the space needs for docking activities. It could accommodate Boat Show exhibitor space, public art installations, seasonal shade structures and other objects and events.

On the south side of City Dock, from the Donner Lot to Newman Street, the promenade could range from 15 to 30 feet. The cross section below shows a promenade of 25 feet in width.

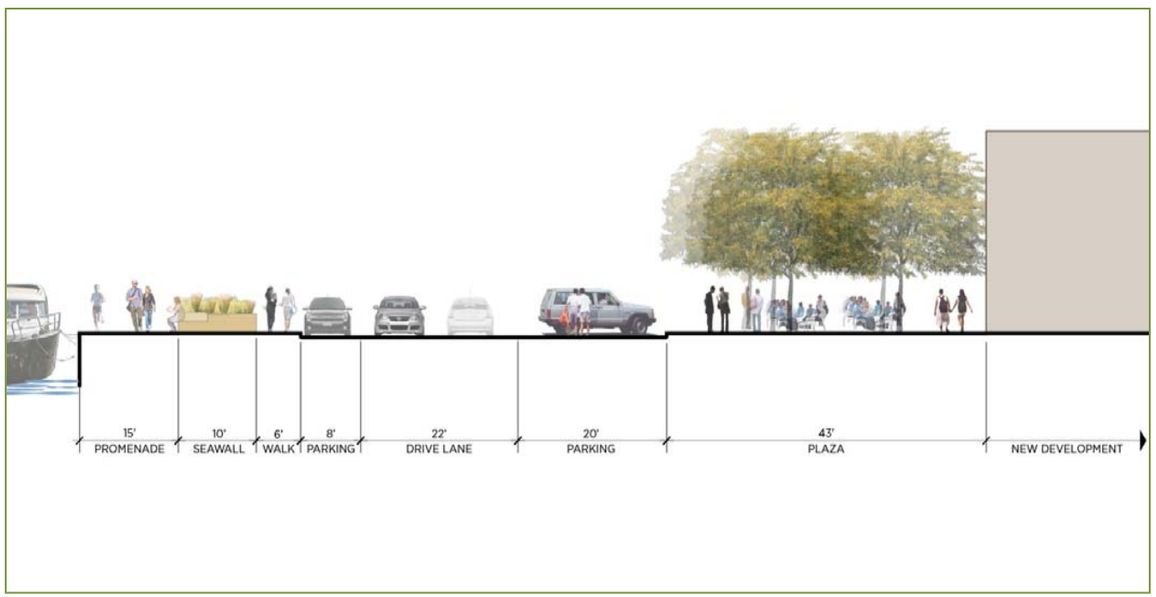


It is the intention of this Plan that in the future the promenade could extend from Newman Street along the bulkhead past the current Fleet Reserve Club and the Marriott Hotel to the Annapolis Yacht Basin before reconnecting to Compromise Street. As described elsewhere in this report, prior to any development or change of use on these properties, the Master Plan should be amended to incorporate and/or extend the principal public elements of this Plan. One day the promenade could connect to the Naval Academy and provide a continuous walkway along the bulkhead of the Severn River to the Naval Academy Bridge.

C. Toward Balance in Transportation

Accommodating the movement and parking of cars at City Dock came at the expense of the pedestrian environment. Nearly half of the City Dock study area is covered in streets or parking lots. On City Dock, pedestrian spaces, and public space more generally, are confined to areas not required by cars. This factor, more than any other, has disconnected the City and its residents from the waterfront. When people speak of access to the water they speak of the ability to be near it, to walk along it, to enjoy the wind and views. It is telling that the most active place on City Dock is the bulkhead closest to Randall and near the Alex Haley sculpture where one can feed the ducks and sit close to the water. This Plan provides for a transition to a future in which the design of public spaces, the planning for pedestrian movements, and the planning for the circulation and parking of cars are considered together.

A simple example of the transition the Plan is making in favor of integrated and balanced city planning is Dock Street. As mentioned previously, under this Plan it would become a well-defined public street much like any business street in Annapolis with ample short-term parking and sidewalks. The extra pavement along the water's edge now devoted to parking would be re-purposed for essential public goods such as flood protection and for wider sidewalks along the storefronts. A proposed cross-section of Dock Street facing the market houe is shown here.



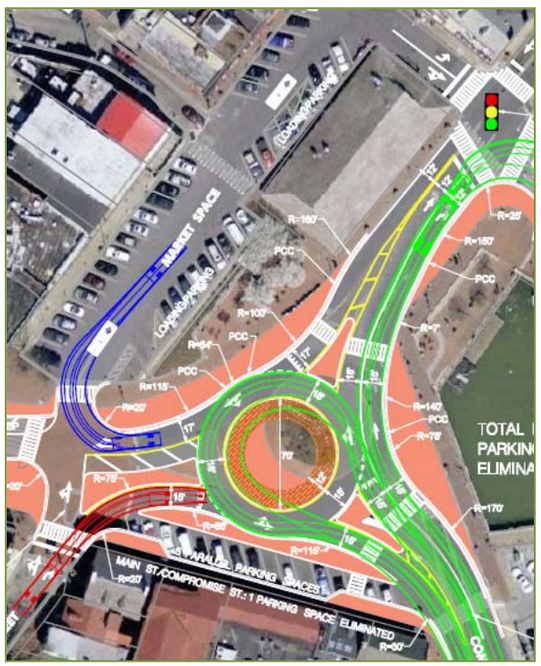
Transition of an Intersection at the Heart of City Dock

The most prominent example of transition toward balance can be found in the Plan's approach to the intersection of Compromise, Main, and Randall. While the City Dock Advisory Committee could not find consensus on how best to address this intersection, the Plan does recognize that converting Memorial Circle to a "T" intersection is an opportunity to improve the pedestrian experience and create useable public spaces. Therefore the Plan features a "T" intersection with Randall Street intersecting Compromise and Main at a right angle, while recognizing that more community discussion will need to be devoted to this question. This adjustment to the physical layout of City Dock would reduce weekend traffic delays and back-ups during the spring and summer months when traffic is heaviest and have other traffic flow benefits. More detail regarding how the "T" intersection operates is provided in Section F. Improved traffic operations are not the only benefit of a new intersection; the main public benefit is the balance it brings to the flow of cars and pedestrians year-round while allowing useable public space at Market House and the Alex Haley Memorial.

A "T" intersection assists pedestrians in three ways. First, it allows multiple street crossings aligned with the routes pedestrians desire to take. Pedestrians would no longer be forced into circuitous movements around the intersection or unsafe crossings through the roundabout. This distributes pedestrian loadings and reduces the crowding at the Randall/Dock Street intersection. Second, the "T" allows the intersection to be signalized, providing "green time" exclusively for pedestrians while all traffic is stopped. Context-sensitive traffic signal poles would be used and the signals would be synchronized to allow greater time for pedestrians when most needed, and less time when not. Third, the "T" configuration allows lane widths and turning radii to be smaller, which reduces walking distances across the street and especially benefits the elderly, disabled, and persons with small children.

As mentioned earlier, CDAC has not found consensus on the how best to address the intersection. Other options were designed and studied, including a modification to the current roundabout. If the City adopted a Modified Circle option (shown on this page), the lanes entering and within the circle would be narrowed and the circle would be shifted northward on Main Street. This would free up space that could be added to Hopkins Plaza and along the water (shown in orange in the large exhibit below). Traffic engineering evaluations of this option revealed it offered no improvements to existing traffic operations, largely because a roundabout in an urban context like City Dock cannot account for the conflicting movements of pedestrians and vehicles and the variety of offsetting intersection approaches. As cars yield to pedestrians, traffic inevitably backs up into the circle. Further, access to the parking along the buildings at the intersection would have to be limited to right-hand turns from Green Street.

The other option considered was a traditional traffic circle similar to Church Circle and State Circle. This option had the advantage of enclosing a large amount of public open space but was judged impractical because pedestrians would have to cross multiple lanes of traffic to enter the encircled public space. The option of doing nothing is also an option that the City may wish to take. The drawbacks of making no changes to the intersection are that there can be no gains in public space or improvements to the pedestrian environment. New pedestrian crossings cannot be introduced under the currently configured circle without risking pedestrian safety.



Modified Circle

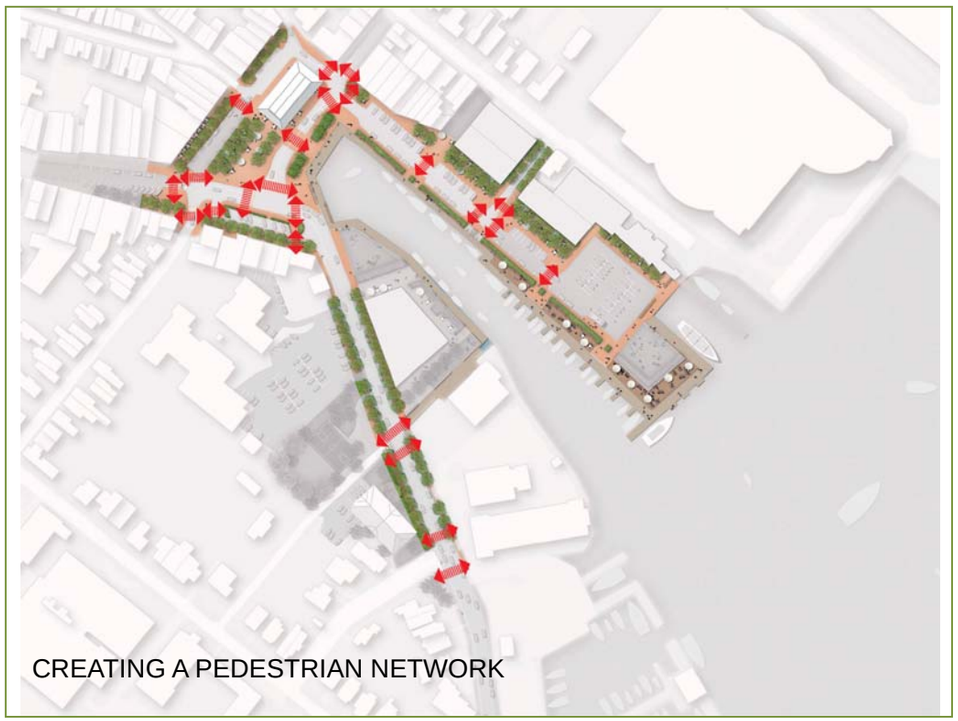
In sum, because the main transition envisioned by the community is one toward balance and away from car dominance, the intersection of Compromise, Main, and Randall demands much attention. Getting to a balance does require physical changes to the intersection. The most frequently cited concern about the "T" intersection is that it might create new or increased traffic congestion. The City's consulting engineer Sabra Wang Associates, Inc. evaluated this and determined that a "T" intersection improves overall traffic conditions as discussed previously. The other concern raised about the "T" intersection speaks to aesthetics, viewsheds, and historic context. These too are important concerns to embrace and, in so doing, one must recall how the current context in which a raised traffic island in the center of the intersection, planted with 14-foot tall trees, impedes views to and from the water. The current circle is a "within living memory" feature of City Dock.

Variations on the options studied for the Compromise/Main/Randall intersection.

Pedestrian-ization

The Plan improves the pedestrian environment throughout the study area. As shown below, crosswalks are located along the lines that link pedestrians from downtown to the water. No longer should pedestrians be hemmed in by bollards and chains and directed to just one location for crossing Randall Street. The proposed signalized intersections at Compromise/Main and Randall Streets and at Dock and Randall Streets would referee the flow of pedestrians and vehicles. In all, three new crossings near the intersection of Randall and Main Streets are added. A prominent crosswalk in front of the Market House is provided and it connects the component elements of the Alex Haley Memorial together—the Compass Rose on the Market House side and the sculpture situated adjacent to the water.

The Plan would widen sidewalks in front of all existing businesses on Dock Street, Market Space, and the first block of Main Street. It also allows the sidewalk to be widened at Market House along Randall Street. The widening of these sidewalks would allow restaurants to have café seating while also allowing pedestrians to move more freely past tables.



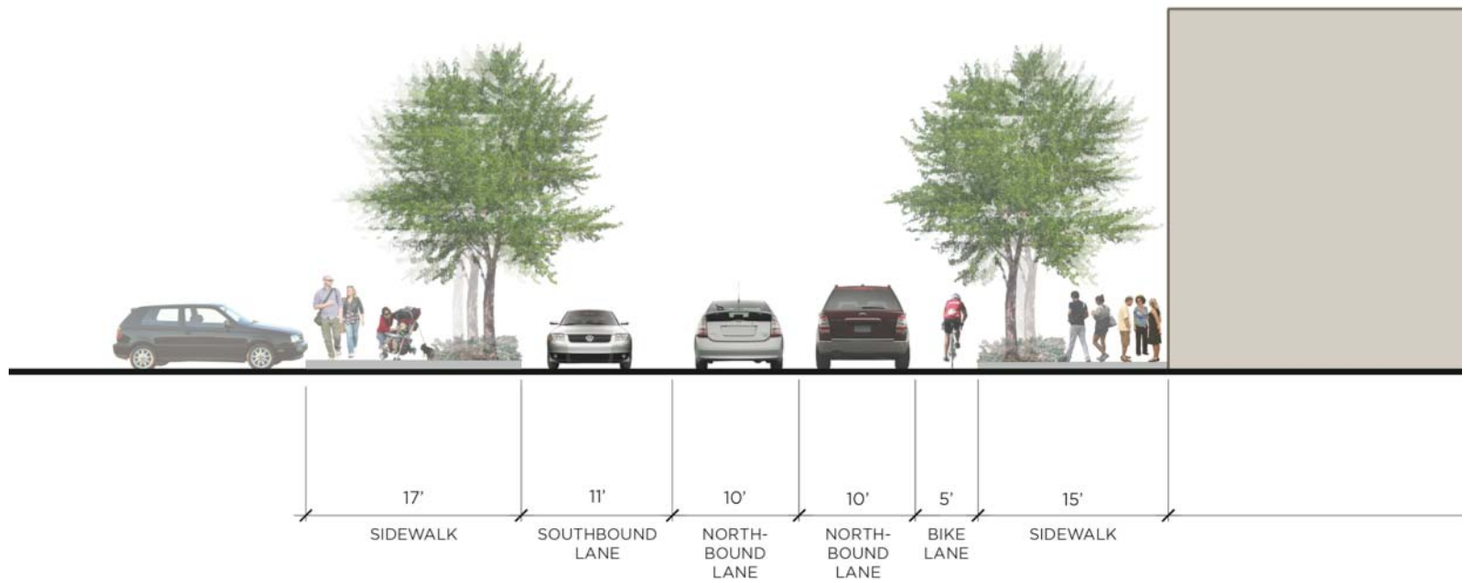
Compromise Street

The Plan's treatment of Compromise Street is especially important. Currently Compromise can be a rather high speedway into City Dock. At about 36 feet wide, it can also be difficult to cross, especially for families with small children at Newman Street near the playground. Compromise Street is an important link for visitors walking between the downtown and the Marriott Hotel. Therefore, at both the Newman and St. Mary's Street intersections on Compromise Street, prominent crosswalks and other traffic calming measures should be used to calm traffic speeds and reduce the crossing distance for pedestrians if possible. The intersection of St. Mary's Street should define the point of entry or gateway into the City Dock area. The City should consider extending a unifying pavement treatment out to St. Mary's Street. The width of Compromise at this location allows for the loading and unloading of bus passengers at the hotel. This feature should not be negatively impacted by these plans to improve Compromise Street.

The proposed street section along Compromise Street looking toward downtown near the former Fawcett's property is provided here. Note the Plan calls for retaining two lanes of automobile traffic in the northbound direction and one lane in the southbound (toward the Spa Creek Bridge) direction. The Plan also calls for a designated bike lane northbound leading into City Dock. Bikes and cars would share the lane in the southbound direction, leading out of downtown.

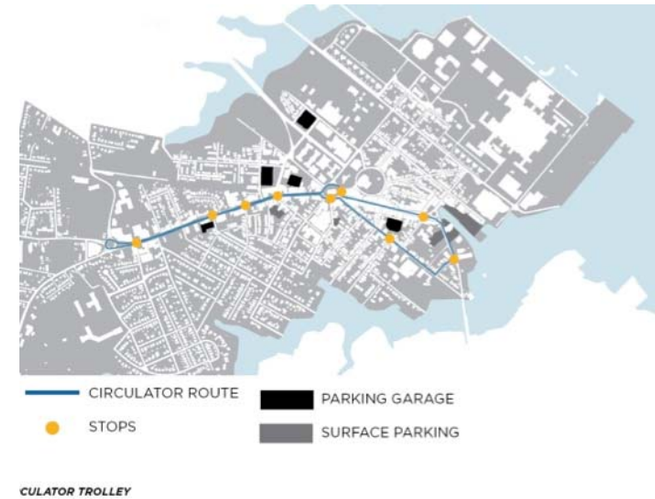
A 15-foot wide sidewalk is proposed along any new building(s) on the former Fawcett's property. On the opposite side of the street, including along the frontage of the Board of Education property, the Plan recommends installing a planting strip and street trees to buffer pedestrians from cars and provide shade.

A traffic signal may or may not be needed at Compromise and St. Mary's Streets, but if provided, it would benefit pedestrians who wish to cross Compromise Street but have limited opportunities to do so.



Parking

The main discussion of the Plan's parking management strategies is set forth in Section IV of this report. The thoughtful management of parking demand and supply is essential to getting the balance right. The City is making strides to reduce long-term parking demand on City Dock in favor of increasing the availability of customer parking. One measure of the success of public private efforts to manage parking on City Dock is the hospitality employee parking program the City recently started. Under the program, employees of downtown restaurants are guaranteed low-cost parking at the Park Place garage and a free Circulator ride to and from City Dock. As the City implements other strategies and adjusts its parking pricing policies, the demand for long-term parking on City Dock will be shifted to public garages. As public improvements are made and the parking management strategies take hold, the number of surface parking spaces would be reduced. Under the plan, eventually and gradually the number of spaces along Dock Street could be reduced from 199 to about 90 while promoting the rate of turnover in parking spaces. Promoting turnover supports local business' needs for easy customer access. The City-owned Donner Lot would be improved as a public open space and the City-owned Fleet Lot at Newman and Compromise would become part of new building site. Customer storefront parking would remain throughout the study area as shown below, providing retailers on City Dock with about the number of on-street parking spaces one would find in a comparable business district.



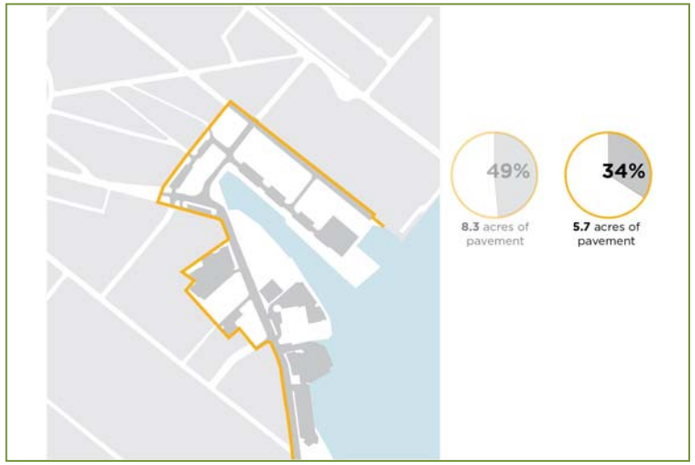
Several proposals that support parking management are worth mentioning here. First, the space shown in green in the exhibit below is "flexible" parking. This could be used for valet parking during the heaviest peak demand, increasing the number of cars parked by at least 20 percent. The space could also be used to guarantee parking for disabled persons or it could have a set aside for motorcycles and be a location for electric vehicle charging stations. During special events, this space at the outer reaches of City Dock could be closed off to traffic at the intersection of Dock and Craig Streets. Second, redevelopment would be encouraged on Dock Street and new buildings could have their own internal parking garages to meet the needs of the users of the buildings and any extra space could be made available for general public use. Third, the City should look to secure valet parking on the Board of Education site as another option for long-term parking.

Current

As Proposed

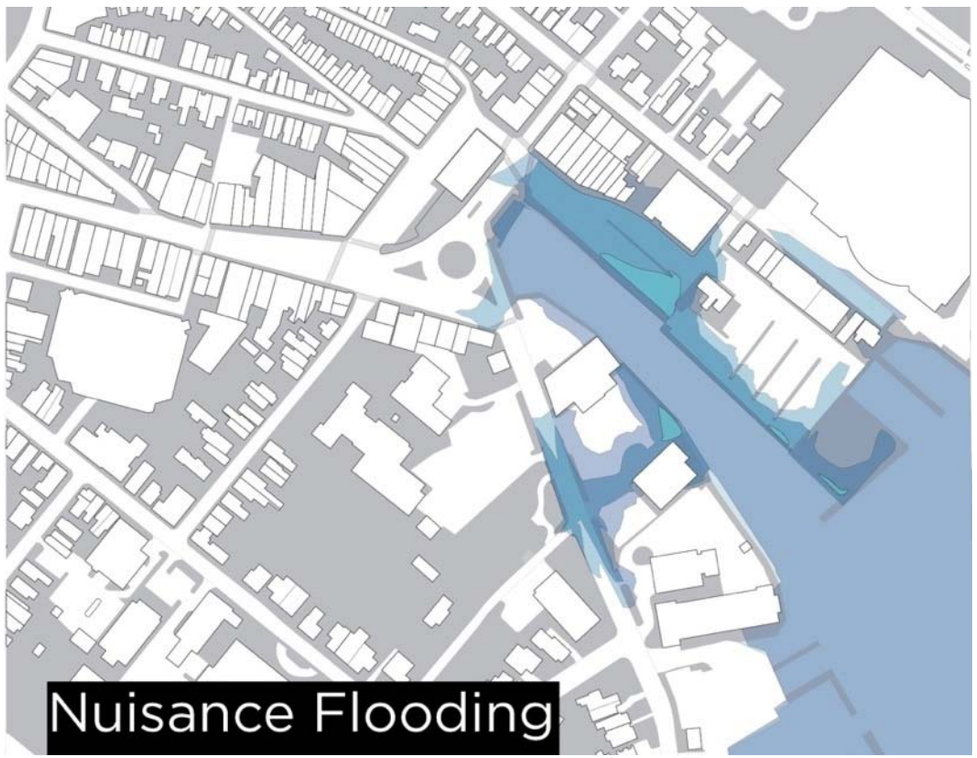
The Transition Quantified

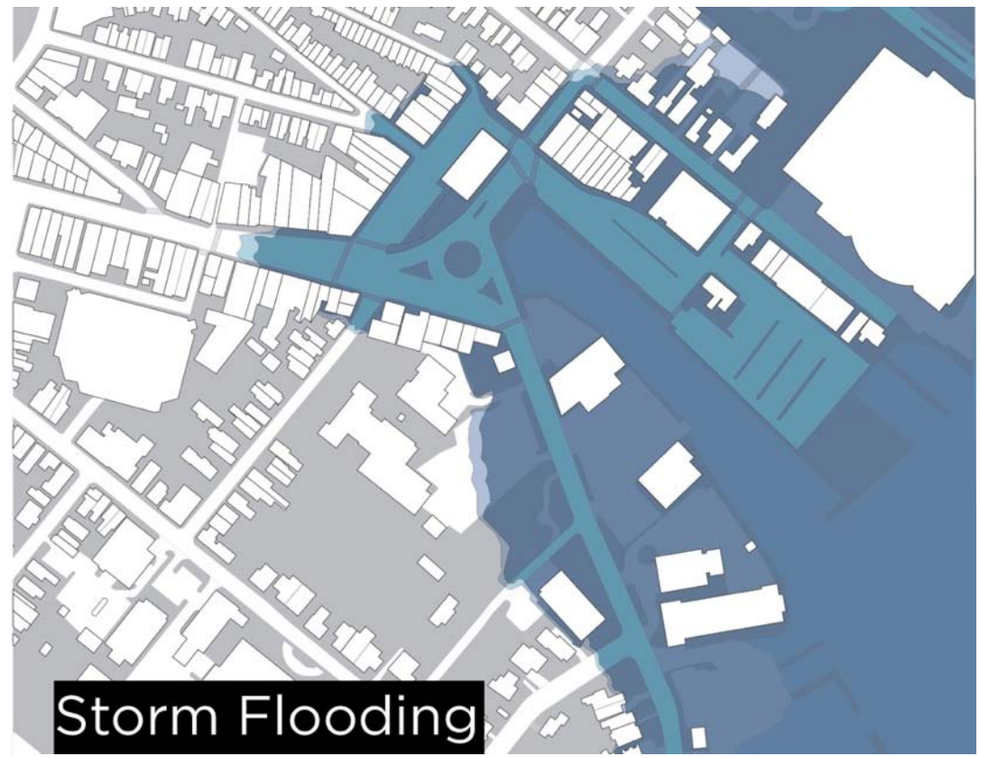
The transition to a more walkable and balanced urban form on City Dock is confirmed by a measurement of surface area devoted to cars and to the public realm in the exhibits on this page. The study area is comprised of 16.8 acres. Today 8.3 acres or 49 percent of the City Dock study area is devoted to streets and parking lots. Upon implementation of the Plan the total would drop to 5.7 acres or 34 percent of the study area. By comparison, the amount of public realm space would increase from 5.5 acres or 33 percent to 8 acres of 48 percent.



D. Greening and Sustainability

A central element of the Plan is flood protection. The City has begun to evaluate steps to mitigate flooding on City Dock. Recurring flooding is caused by tidal fluctuations and relatively low elevations ranging from 2.0 feet to about 4.5 feet around City Dock. Storm drains back up during high tide events and stormwater flows out on onto Compromise and Newman Streets and into low lying areas on City Dock. More serious flooding occurs when there are high tides and storm surges associated with severe weather events. Sea level rise is compounding the problem and a 2011 study titled Flood Mitigation Strategies for the City of Annapolis by Whitney, Baily, Cox & Magnani, LLC, suggests that the occurrence of nuisance or recurring flooding is expected to double over the next 50 years. Conservative projections of sea level rise in the Chesapeake Bay region place the rate of sea level rise at 1.3 feet per century.





Building in Resiliency

The City should begin immediately to engineer the flood mitigation strategies that will address recurring flooding on City Dock. This is a two-part plan. The first step includes installing back-flow preventers on the key drainpipes discharging into Ego Alley. The second step includes tying the drainage system at City Dock together and installing a major pumping station, possibly under the Donner Lot. The pumps would force water that would otherwise overflow from the storm drains out into Ego Alley. These steps would address the flooding that results for tidal and regular rain events and improve the business environment on City Dock. As the streets and other surfaces are rehabilitated following construction, the City should seize opportunities to make serious advances toward public space and pedestrian improvements.

Over the long term however, the historic built environment of City Dock and the City's infrastructure under Dock, Compromise and Randall Streets are threatened by sea level rise. In response, the Plan proposes that a seawall be constructed around the perimeter, as shown below, to protect downtown from storm events at least as severe as the 100-year flood, such as Hurricane Isabel. The goal is to integrate a seawall into the very fabric of City Dock so that it becomes a useable amenity to residents and visitors. It could be sitting wall and contain an elevated planting bed as illustrated below.

The seawall would be adaptable to sea level rise, which is projected to increase the severity and frequency of major storm events. For instance, the 100-year flood, five decades from now, would inundate more of City Dock than Hurricane Isabel did, so that structure must be adaptable. In its basic configuration the seawall could by three feet tall or slightly higher depending on the base elevation of ground. As envisioned though, the flood protection height could be increased as needed through built-in vertical partitions that would be raised in response to impending flood events. There are many spaces in the proposed seawall to allow broad access to the waters edge. These spaces could be equipped with floodgate technologies to allow the seawall to be sealed against flooding. The seawall would tie into a structure on the grounds of the U.S. Naval Academy on the north side of City Dock and tie into an acceptable elevation south of City Dock, likely on the northeast side of Compromise Street near the Spa Creek Bridge.

Green Spaces and Shade

The Plan adds pervious surfaces on City Dock. As mentioned previously, three parks are shown and the Plan's preferred option is that these spaces or substantial parts of these spaces be set aside in lawn and landscaping. They could be part of a comprehensive stormwater management approach that will help prevent the effects of unfiltered runoff into the harbor. The green space at the improved Susan Campbell Park alone would approximate 8,200 square feet. The Plan also provides a continuous planting bed, forming part of the seawall.

Lastly, the Plan introduces more trees to City Dock, located so as not to block views but to offer shade at key locations and soften the building mass at other locations. Temporary shade structures, possibly public art installations, should be considered too.

The Plan supports preserving the Newman Street playground and the green spaces on the Old Recreation Center site.

E. Public Art – Nurturing the Uniqueness of Place

A City can declare what is possible, perhaps best through its public art. Possibility has the power to transform in the here and now; it does not require a long wait. A man once said, "My daughter loves to declare what is possible; she will be a great pianist, she says. And in every moment she fills our house with the sound of her music, her possibility is alive. And so I know, it is her future that shapes her today. She is alive in her possibility." The same is true for Annapolis when it declares what is possible for City Dock.

The job of public art is to provide for the preservation and interpretation of culture and to reveal the great possibilities of a place. Public art is about engaging people at the level where they can experience, participate in, and create in an ongoing way the heritage of their place. Public art should challenge, inspire, inform, reveal, and celebrate. Public art can be a permanent installation or etched into the very fabric of a place. It can be temporary or ephemeral. It can be performance-based and staged or it can be more spontaneous. It can be informative, interpretative, and evocative. Public art is free to the public, made available to every one. Of course it is not free, though, and funding for public art must be part of the design and construction of improvements on City Dock, with contributions made by both the public and private sectors. This Plan embraces public art as basic to the improvement of City Dock and encourages the City to include a public art component in all capital projects on City Dock.

The Space and Infrastructure for Public Art

The Master Plan envisions new public spaces at key locations connected by enhanced pedestrian ways and to the surroundings by sight lines and views. Since the big ideas have been largely "worked out" in the Master Plan, it would be easy to conclude that public art is simply about what sculpture should be installed within a certain public space, but that would be too narrow a view. Public art, as conceived here, is more than the carving out of a space for a future installation. The spaces themselves, indeed the entirety of City Dock, is the canvas or stage set for public art. As the City moves from this Master Plan stage to more detailed stages of design and building, the spaces and the elements themselves must be seen as public art. For example, the seawall, which is fundamental to protecting the built heritage of City Dock, should have an artistic component. Each of the public spaces, their edges, the seating that surrounds them, the buildings that frame them, and the views contained within then—each element of thoughtful place-making—holds potential. Therefore, artists should be integral members of the design teams that would shape and improve City Dock over the years.

Where public art involves a formal installation, it is essential that architecture and the built and natural environment support that art. Placement is critical. For example, as City Dock adapts to sea level rise and the increasing frequency of flooding, there will be potential to provide prominent space and an improved context for the Kunte Kinte - Alex Haley Memorial sculpture group, compass rose, and story wall. New opportunities for pedestrian circulation and open spaces will be realized under the Master Plan and all improvements must be thoughtfully integrated with these essential existing contributions to the City's public art.

The proposed market square is at an important crossroads, especially for pedestrians. It is a transition zone between historic Main Street and the water and between residences and the waterfront. It is an obvious location for art in many of its forms and the design of this space must embrace this potential. Market square and the Donner Lot are also sized for outdoor performances that can draw 90 to 150 people, which is perfect for year round community based performances. The larger "flexible" parking area near Susan Campbell Park also holds great possibility for artwork, while retaining its necessary functions as flexible parking area, tour bus turnaround, Boat Show exhibiter space, and entry plaza to the Sailing Hall of Fame. Here the space might call for something more ephemeral that could be seen from afar and draw people and boaters to it, that could cast a shadow, shape a view, or light up the evening sky above City Dock. By contrast, the Plan's connecting zone between the Newman Street playground and the water's edge at City Dock provides a great place for the City's children and families and art could reinforce that connection with fixed installations built into the sidewalks, walls, and plazas. The promenade running the length of bulkhead might well tell the story of the Chesapeake's seafood industry, the City's maritime culture, and the watermen of Annapolis.

There are possibilities in the design of key elements on City Dock to advance important ideas and values. City Dock can accelerate the transition to sustainability, for example, by focusing on ecology. A new stormwater system, which could incorporate the green spaces and even the proposed seawall, could tell a story about how civic design itself can improve local water quality. Places can be found along the edges of the bulkhead, perhaps at the foot of Newman Street, for a public oyster-raising program. The pumping station, which would protect City Dock from recurring tidal and stormwater flooding, will be a significant work of civil engineering and therefore might be designed in such a way as to be visible to passersby offering a tangible lesson about resiliency and how things work.

The Plan recommends that the Old Recreation Center at St. Mary's and Compromise Street retain a public or semi-public use. The second floor of the building, the location for the public meetings on this very Plan, holds promise as a dance studio or other performance space. The first floor of the building too could house activities that are central to the culture of Annapolis, whether maritime, artistic, educational, or recreational. Each of the proposed new or redeveloped buildings on City Dock, either at the former Fawcett's site or along outer Dock Street, and the spaces that surround them should enrich the authentic experiences of daily life on City Dock for the Annapolis residents.

The Community of Artists

The Annapolis Art in Public Places Commission would have the lead role in convening and leading a "community of artists" in a thoughtful process of shaping and guiding the selection of art on City Dock. Artistic expression on City Dock should challenge and open the community to appreciating City Dock as a living, breathing place of local culture; a place that is on an arc of continual transition and change. Themes derived from the culture of Annapolis, in all its layers, could help shape the work of the community as it engages in the design of the open spaces. The Art in Public Places Commission as manager of public art on City Dock could be especially instrumental in working with landscape and urban design teams, in commissioning works of art, and in assigning subject area experts to advise and guide the community in the selection of projects, especially of permanent art.

A "community of artists" is a term meant to include any person desiring that an authentic culture of Annapolis be retained on City Dock. The community should be engaged in community-based approaches to decision making about design on City Dock. Bringing art to City Dock especially in its temporary and performance-based forms sooner rather than later can help facilitate this. This Plan envisions that City Dock would immediately become a venue for theater, music, and dance. This Plan is an invitation to the Annapolis theatre companies and the community's ballet, choral, opera and symphony artists, among other artists and musicians to act now to help the broader Annapolis community shape the possibility for public art on City Dock. The performing arts are a way to enliven public spaces, but in the context of this Master Plan, they are also a way to help reclaim those spaces, for the public in the first place.

III. Strategies that Support the Plan

A. Management Entity on City Dock

The creation of a management entity on City Dock was one of the six principles agreed to by the City Dock Advisory Committee and is therefore listed as the first supporting strategy. This Plan recommends that the Mayor and City Council create by ordinance a City Dock Management District and a Management Authority. The Authority should be run as a public-private organization authorized to raise and expend revenues within a City Dock Management District. A Board of governance should be composed of Annapolis citizens who share a commitment to the broad principles laid out by the City Dock Advisory Committee and are committed to implementing the City Dock Master Plan including representation of businesses on Dock and Market Streets. The Authority should work to promote the economic vitality and revitalization of City Dock.

The responsibilities of the Authority should include managing supplemental upkeep on City Dock. The Authority would not have primary responsibility for maintaining City Dock, which is a function of the City of Annapolis. However some upkeep, such as seasonal planting or clean-up after special events might readily be undertaken by the Authority. Second, the Authority could provide supplemental security of public and/or public-private spaces. Third, the Authority should manage and license events on City Dock. Fourth, the Authority should facilitate the installation of public art and arts programming in the public spaces on City Dock, along with others qualified to decide what public art should go where and when. Fifth, the Authority should have a voice in the management of parking on City Dock, being an advocate for the transition contemplated in this Plan toward parking management and public spaces. Lastly, the Authority should advocate for and educate the public about the City Dock Master Plan in support of its implementation and updating over time.

Possible sources of funding for the Authority, in support of a full time Executive Director and small staff, should include City and County general funds, the sale and lease of city owned properties on City Dock, a portion of Boat Show license fees, mooring and docking fees, license fees for events on City Dock, and approved commercial use or concessions on public spaces. The Authority should also raise revenues through a tax on property located within the District and though contributions, donations, grants and revenues from Authority sponsored special events. If the Authority, acting in concert with the City, were to acquire an interest in the Annapolis Boat Show, annual revenues could accrue to the public for ongoing improvements on City Dock. The full potential of this should be explored in the near term.

B. Parking Management

The Plan's recommended transition to public use, open space, and flood protection, means that there would be fewer surface parking spaces in future years on City Dock. This does not mean however that that there would be a reduced availability of customer parking. Parking management would be used to promote turnover of spaces and thereby increase the availability of surface parking. A gradual removal of parking spaces guided by the Plan is recommended in coordination with downtown businesses to address business concerns about the reduction in the number of spaces. Parking management strategies can mitigate a reduction in the number of spaces with the principal aim being to ensure that short term customer parking remains available for the businesses located on City Dock, while directing long-term parking users to other locations. This includes downtown employees and employers, tourists, and other visitors. Parking management uses a market based approach to direct drivers to the parking locations that best meet their needs and it reflects the reality that waterfront real estate is valuable and it can provide many pubic benefits. As long as the least expensive parking in downtown Annapolis is on City Dock, few spaces will be available for the customers of today's business.

The Parking Plan contains six elements. (1) To professionalize the management of parking, the City would maintain and expand its contracts with the private operator of its parking garages. (2) To reduce the demand for parking on City Dock, the City and area businesses would expand the hospitality employee parking program mentioned earlier to cover more employees. To date about 750 employees have signed up for this program, which will have a measurable impact on the availability of parking. (3) To keep customer parking available the City would deploy performance pricing which incentivizes short-term customer parking on City Dock by charging very little for the first 30 to 45 minutes, but increasingly more for longer stays. (4) To make the most effective use of available surface parking lots during peak periods, the City's contractor would valet park certain lots. Valet intake stands could be set up near the proposed market square and the Donner Lot. (5) To provide low cost options for tourists and visitors, the City would maintain low prices in its garages and the free Circulator. (6) To direct people to the parking that best meets their needs, the City would implement its newly prepared Wayfinding Plan and smart meter technologies including smart phone apps. (7) To expand the capacity of Hillman Garage, the City contractor would valet park the ground level and structure it's pricing to gradually reduce the number of employee parking contracts.

When the City has more information about the timing of plans to reconstruct Hillman, it should develop, in concert with downtown businesses, a strategy to address the anticipated shortfall during reconstruction. The number of parking spaces at Hillman Garage should be expanded through the reconstruction to the extent practicable.

C. Future Land Use

Three recommended categories of land use are shown in the exhibit below as well as the current zoning districts that surround City Dock (C-1, C-1A, and C-2) which are not proposed to change except in the modest way mentioned below.

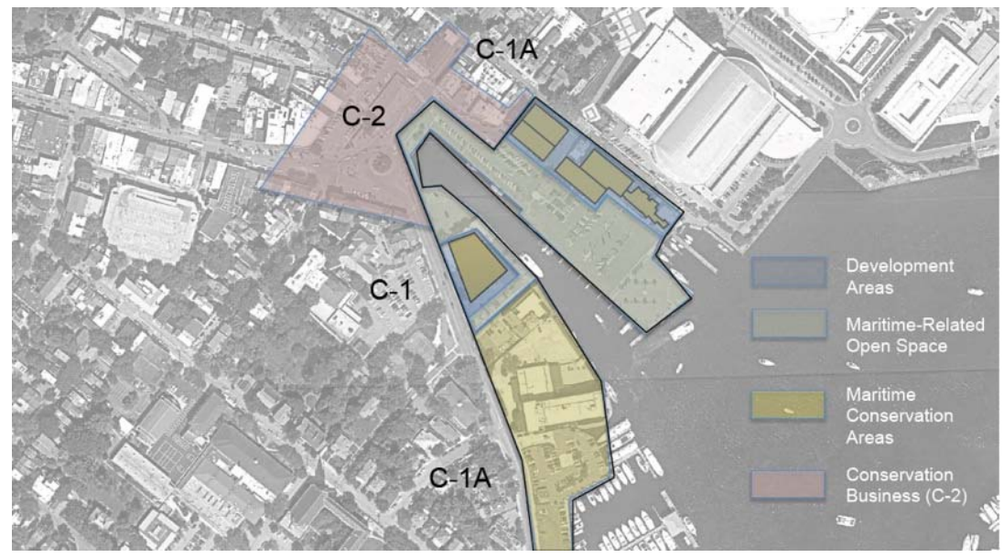
(1) "Development Areas" refers to the redevelopment sites that are supported by this Plan and described previously. The properties along Dock Street are presently zoned C-2 Conservation Commercial. These properties should be rezoned to a more fitting category that promotes high density mixed-use patterns including multi-family residential, and City Dock appropriate commercial uses such as hotels, restaurants, and retail, as well as maritime uses. Non-water related office or other such service uses should not be permitted. The permitted use types should be permitted in this new zone as "by-right" uses, not as special exception uses. Upon redevelopment, the buildings closest to the Sailing Hall of Fame should contain Harbor Master office and space in the building should be dedicated to the functions that serve visiting yachtsmen and recreational boaters. In general, new buildings in the Development Area on Dock Street have good potential for multi-family residential use, or a small hotel, with ground floor restaurants. The former Fawcett's site has great potential for maritime related commercial uses including retail, specialty foods, and restaurants and should include some ancillary public meeting, gallery, or studio space.

(2) "Maritime-Related Open Space" refers to most of the open area on City Dock, and would include the planned open space improvements. No new buildings should be allowed within this land use zone.

(3) "Maritime Conservation Areas". These areas should be put to maritime use in the future unless and until they are incorporated into the City Dock Master Plan, through its amendment and extension. This land use zone encompasses the Fleet Reserve and the Marriott Hotel. Should the owners of these properties seek to redevelop in the future for uses other than maritime uses, this Plan will need to be first amended to incorporate them into the City Dock Master Plan complete with the public use improvements such as the promenade.

The uses of land on the west side of Compromise Street shown here as zoned C-1 and C-1A should largely remain unchanged. The Old Recreation Center should be retained in public or semi-public uses such as for educational, artistic, or civic, recreational activities.

The aim of one of the first zoning amendments for City Dock should be a provision that requires the removal of the non-conforming billboard sign on Dock Street after a reasonable amortization period, for instance, five years.



D. Redevelopment

The City must be prepared to promote, respond, adjust and support private redevelopment opportunities that are consistent with the Master Plan and support the Annapolis Beautiful Historic Seaport brand. The redevelopment of the former Fawcett's site and the buildings on outer Dock Street would allow parts of the Plan to advance including the public/private outdoor spaces, the seawall, and promenade. All modern waterfront development proceeds with public-private partnerships; they do not succeed without it. This is in part due to the extent of public ownership of land along the waterfront but also to something more fundamental; the clear, unambiguous, and legitimate public interests at stake in such redevelopment which include interests in safe and accommodating public access to and along the waterfront, interests in the preservation of beautiful and context-defining views from and to the water, interests in architecture and urban design that respects and contributes to historic context, interests in flood protection, stormwater management, and bulkhead stability, interests in the accessibility and safety of docking for recreational, commercial, and emergency watercraft, interests in the viability of major character-defining special events, and interests in the preservation of critical elements of the maritime economy. All of these interests are at stake on City Dock.

Public/private partnerships can help promote market-supportable private redevelopment while achieving the aims of a Master Plan. Such agreements may deal with public sector assistance in the structuring of a sale, lease, or redevelopment agreement. They can also deal with zoning and land use standards and procedures, infrastructure improvements, open space dedications and easements, and land swaps and contributions to financing of redevelopment proposals. Public/private agreements place the public and private sectors on the same side with the goal of realizing the overall vision of the Master Plan.

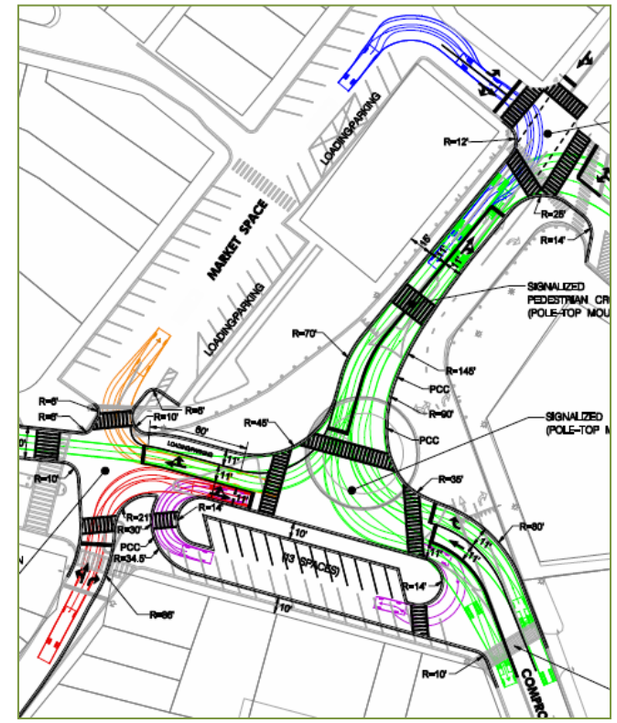
E. Capital Planning and Phasing

The Master Plan for City Dock could be implemented in 20 years. Implementation of a Master Plan is not linear; it is strategic and depends on funding and the ability to link short-term projects with the longer-term vision. Implementation is an ongoing process that must respond to opportunities. Here are the principles for phasing on the City Dock Master Plan:

- Prioritize mitigating the flooding problem. The first two phases of the work are generally understood already, now the City must move assertively to undertake the necessary engineering and construction.
- Leverage capital investments that have to be made anyway, including for example the repair of the bulkhead. This and related public works will be disruptive and when the spaces are rehabilitated, they should be rebuilt in accord with the Master Plan.
- Use capital funds to leverage grants. Granting seeking is especially relevant for City Dock given the variety of linked public interests at stake.
- Convert parking to public spaces as the parking strategies bear fruit. This requires that the change in use and demand of parking be monitored so that information is available to make informed decisions. The new smart meter technologies that the City will implement in 2013 will allow this.
- Upon initiation of any major work on City Dock, the City should underground the utility lines that run above Dock Street.

F. Traffic Engineering

Thoughtful, skilled, and context-sensitive traffic engineering must continue on City Dock as the Plan is moved into various stages of implementation. The City's consulting engineers on this project, Sabra Wang Associates, Inc., evaluated the proposed intersection configurations discussed in this report. The results of their assessment of the "T" intersection, which is featured in the design of the Master Plan, are summarized below. A more detailed analysis, including the evaluation of other options, can be obtained by contacting the City's Planning and Zoning Department.



For the "T" intersection, the traffic control changes, including the removal of the unnecessary signal at Randall and Prince George Streets, would maintain the average automobile travel times to, from, and through City Dock and even reduce travel times during the morning weekday rush and at other non-peak times during the day. With less side street traffic during such times, the signals would be set to favor traffic on Compromise and Randall Streets so that it would flow as efficiently as under existing morning or non-peak conditions. With dynamic signal timing, right turns on red from Compromise Street to Randall Street (and other movements) would be allowed because there are fewer pedestrians.

During the weekday evening peak, an overall average travel time increase of between 10 to 20 seconds would be expected due to signal changes for the side street traffic. In general, drivers, who under current conditions, wait at stop signs to turn, for example, from Dock Street left onto Randall Street, would experience similar or reduced delays while drivers traveling between the Naval Academy and Eastport would experience an increases of about 30 seconds on average. This would be mostly due to the wait for the left turn from Randall Street to Compromise Street.

During peak traffic periods on City Dock, such as Saturday afternoons, delays for auto traffic would be significantly reduced by the proposed "T" intersection, with average delays for trips to, from, and through City Dock reduced by two minutes or more. This would occur primarily due to the regulated control of auto and pedestrian flows. Drivers would be prohibited from turning on a red light and lights would go red nearly simultaneously at each signal to allow all pedestrians at all intersection to move concurrently. A major new pedestrian crosswalk in front of Market House is proposed and it too could be signalized, though this may not be required.

Among the supporting changes, the Plan also recommends reversing the direction of flow on Market Space and installing a signal at the intersection of Randall Street with Dock Street/Market Place. This change allows easier access to Market Space via a right turn from Main Street or a through movement from Green Street. The space currently dedicated to the left turn lane on Randall Street could then be eliminated to narrow the street and provide more public space in front of Market

House. Access to and from Pinkney, Fleet, and Cornhill Streets would be maintained. This could be a first phase of improvements and could be done without changing the current circle. The conversion of Memorial Circle to a "T" intersection along with the other improvements could occur later with the public space improvements.

Achieving the travel time reductions during the Saturday afternoon peaks mentioned above would require discouraging traffic on Green Street from making a two-part turn—that is, right onto Main Street with a quick left onto Randall Street. This could be done in part through signage that direct such trips to City Dock via St. Mary's Street rather than Green Street and/or by directing Green Street drivers across Main Street to Market Space and from Market Space to Randall Street. The City's wayfinding improvements, along with the transition to better parking management, and the use of the Circulator would each help with this too and, indeed, would benefit all traffic operations on City Dock during the busy times of the year.

4. Conclusion

The preparation of a Master Plan is at its heart an act of community good will. A good Master Plan aspires to be of service to the public, and in the case of the City Dock Master Plan, to thoughtfully reveal the potential that exists in one of the City's most prominent places. A 25-member citizen advisory committee, guided by community input, assembled this Plan and it now shares this Plan with the full community. The process followed in preparing this document has given voice to many concerns, arising from many perspectives, that City Dock can and should be improved while always preserving the essence of the Annapolis' beautiful historic seaport. This document does speak of change and that is undeniable. However, it speaks of gradual change and needed improvements that fit into a unique historic context.

Out of respect for the rich heritage, the merchants that make their living at City Dock, and the many Annapolitans that experience City Dock as a unique place of culture, this Plan should be used as a guide to improvements, not as a final or fixed design. Where possible, the ideas in this Plan should be flexibly ground-tested and evaluated on an ongoing basis. When changes are made, the results should be evaluated, and if and where adjustments to the Plan are called for, those changes should be made. This Plan is also an invitation to all members of the community who would like to see implementation happen sooner rather than later: begin now to shape and improve City Dock through your choices to walk to local businesses, to shop and dine downtown, to program events that speak to area's unique sense of place, and to gather in the very same places that in the future the City would improve as public spaces. Do this and you will help realize the possibilities that this Plan speaks about.

Appendix

The adopted principles of the City Dock Advisory Committee:

Number One: Improvements should be made gradually and emphasize historic layout and scale, access to the waterfront, sight lines and views. A preservation ethic should be reflected in our treatment of City Dock—through interpretive opportunities, historic walks and markers, and the demarcation of the historic shoreline. Power lines should be buried underground to further enhance vistas. All improvements should reinforce the "Beautiful Historic Seaport" brand and maintain a strong, clear identity.

Number Two: The management of City Dock should be coordinated year-round. The purview of the management entity should include the programming of public space, ensuring trash pick-up and cleanliness, reducing clutter, monitoring the progress of implementing visions for City Dock, collecting data, incorporating feedback, coordinating marketing, and supervising Market House operations. This management should support local businesses as well and help them to thrive. Furthermore, the management should advocate for City Dock and protect the historic core.

Number Three: A central organizing feature of improvements should be high quality pedestrian-oriented and walkable public open space that is flexible enough to support a variety of uses in a variety of seasons and under a variety of conditions (such as accommodating sea level rise). This could include a continuous promenade along the water from the Marriott Hotel to the site of the future Sailing Hall of Fame, more seating and benches, and shelter from the elements. There should be many destinations to attract people to different parts of City Dock.

Number Four: Improvements should support a greater *mix* of transportation modes (bikes, shuttles, water taxis, and public transit) that complement and enhance one another. There should be an emphasis on expanding off-street capacity and maximizing the use of garages. Highly visible and adequate signage and "smart" technologies such as flexible price parking based on demand, should be utilized to "catch" vehicles with an effective progression of directions and signage. There should be an efficient and uniform pay system for on-street parking. There should be creative and experimental ways to accommodate both parking and people that can be also be reversible.

Number Five: City Dock improvements should contribute to the City's "greening" and the area should serve as a sustainable focus for an authentic residential life. There should be an intersection of resources such as farmers markets and other local vendors with opportunities to celebrate Chesapeake Bay heritage and have meaningful and organic interactions with the water and the environment. Improvements should contribute to the economic vitality of the area.

Number Six: Public art opportunities and installations can enhance City Dock and provide both thought-provoking and entertaining experiences. The art can be permanent or ephemeral, suited to the season or a particular event. Art can help strengthen the "Beautiful Historic Seaport" brand, move pedestrians through new public open space, and inspire creative exchanges with the water.

City of Annapolis
Chartered 1708

PLANNING COMMISSION
(410)263-7961
145 GORMAN STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401

May 16, 2013

To: **Annapolis City Council**
From: **Planning Commission**
Re: **Annapolis City Dock Master Plan, Resolution No. R-49-12**

CITY DOCK MASTER PLAN RECOMMENDATION

Summary

The City of Annapolis Comprehensive Plan of 2009, endorsed by the Planning Commission and adopted by the City Council, in accordance with the laws of the State of Maryland, provides the officially designated Comprehensive Plan currently guiding development and land uses within our City.

An important focus in the Comprehensive Plan is on the City's downtown waterfront area known as City Dock. Because the Comprehensive Plan recognized the special importance and challenges of this area, a major recommendation of the Plan was to have this key area become the focus of a detailed sector study that would make planning recommendations. That sector study, which began in 2010, is known as the City Dock Master Plan (CDMP) of 2013. This Plan was prepared over a period of three years and incorporated a high level of public participation, as well as professional input from City staff and well-qualified specialist consultants.

The CDMP was presented to the Planning Commission in February 2013 and was the subject of a public hearing on March 21, 2013. Numerous members of the public attended and spoke at the hearing. Others contributed written opinions, issues, and observations that were admitted into testimony. The Planning Commission considered all of these community inputs and conferred in open session, among themselves, and with City staff to reach its findings as set forth in this recommendation.

The Planning Commission recommends to the City Council **APPROVAL** of the City Dock Master Plan (CDMP) with the following specific amendment:

The proposed building height restrictions contained within the CDMP should be considered individually by development site. The following should apply:
Compromise Street: 2-3 stories
Upper Dock Street: 3-4 stories
Lower Dock Street (closest to Susan Campbell Park): 3-4.5 stories.
Heights should be consistent with existing building heights of approximately 3 to 4 floors and reflect patterns of existing development within the Historic District and within the City Dock study area. Additionally, revised zoning regulations are needed to change how height is measured. It should be changed to measure from grade or flood protection elevation, whichever is greater to ensure the number of allowed stories is achievable given existing federal and local floodplain regulations.

Process

The Planning Commission participated in a rigorous public process for review and consideration of the proposed CDMP. On February 7, 2013, consultants presented their current and final conclusions and recommendations and the public was accorded a lengthy question and answer session. The process continued with the public hearing before the Historic Preservation Commission. The comments received by the Historic Preservation Commission were forwarded to the Planning Commission for review. As noted above, the Planning Commission conducted a public hearing on March 21, 2013. Significant written comments were received in advance of the hearing.

The Department of Planning and Zoning, doing its own analysis, reported that the CDMP meets all standards and recommended approval of the CDMP. The Planning Commission admitted the staff report of the Department of Planning and Zoning into evidence as well as all other exhibits presented. Mr. Jon Arason, Director of the Department of Planning and Zoning and Dr. Sally Nash, Chief of Comprehensive Planning, presented on behalf of the Department of Planning and Zoning. At the hearing, everyone present who wished to speak was accorded the opportunity. Deliberations occurred in public sessions on March 21, May 2, and May 16, 2013.

Findings

The Planning Commission reviewed the Master Plan according to the analyses required by the Land Use Article of the Maryland Annotated Code relevant to a special exception application. This analysis focuses on the consistency of the

proposed sector plan with the Comprehensive Plan, specifically:

1. Policies
2. Timing of the implementation of the Plan
3. Timing of any private development and construction
4. Timing of any rezoning required
5. Effect on patterns of development
6. Consistency with existing and surrounding land uses
7. Densities or intensities of resulting land uses

In reviewing the City Dock Master Plan, the Planning Commission focused particularly on its consistency with the Comprehensive Plan and with the general completeness, safety and quality of the plan design. The Commission is concerned that the neighborhood character, which comprises the fundamental approach of the Comprehensive Plan, is preserved and enhanced while avoiding undue adverse impacts to the community.

I. Consistency with the Comprehensive Plan

The desire to substantially improve the attractiveness and efficiency of City Dock, and thereby to improve its economic strength, has been notably present for decades. The current Comprehensive Plan of 2009 called for the current City Dock sector plan to be developed. Thus, the preparation and submission of the City Dock Master Plan (CDMP) explicitly complies with the Comprehensive Plan. We find that the consistency between the two goes further.

The Comprehensive Plan contains a policy specifically directed toward changes and improvements at City Dock. In the Plan, Policy 6 in the *Land Use and Economic Development* chapter, "Enhance the Public Realm of City Dock and its Environs," calls for a downtown that maximizes public access and especially pedestrian access to the waterfront, that incorporates a variety of large and small open spaces, accommodates boats, clears some civic spaces of parking places, and provides parking and transportation measures designed to integrate these goals as well as the economic viability of City Dock merchants.

A further policy of the Comprehensive Plan, embodied in Policy 7 and Policy 10 from the *Transportation* chapter, is to shift the City's transportation priorities away from a sole reliance on single occupant automobiles to a more balanced mix of options that also include public transit, bicycle, and pedestrian circulation. It calls for transportation solutions that remove pedestrian-auto and auto-bicycle conflicts while maintaining the existing flows of daily traffic.

We find that the City Dock Master Plan is consistent with these explicit policies of the Comprehensive Plan. The CDMP provides for enhancing the public realm of City Dock through improved pedestrian circulation by replacing Memorial Circle with a simple and safe T intersection that improves traffic flows and returns enormous public space to pedestrian use and enjoyment. Moreover, the CDMP provides for better public access to the water, improved use of public space and also appropriately adjusts the transportation balance by decreasing some automobile parking from an area of the most scenic and valuable public space on the Chesapeake Bay. The CDMP recommends specific parking management and control strategies designed to create an enjoyable public destination and increased economic activity. The CDMP is consistently designed to reach the two goals of an enjoyable public destination and a stronger business district.

The CDMP complies with other policies articulated in the Comprehensive Plan. Policy 10 in the *Land Use and Economic Development* chapter provides for the City to consider, study, and act upon the "risks from sea level rise in decisions involving land use along the waterfront." This policy is explicitly addressed in the CDMP's careful consideration of and plans for stormwater mitigation and floodwall development.

II. Timing of the Plan, Development and Rezoning

We find that the City Dock Master Plan is consistent with the timing envisioned by the Comprehensive Plan. There is little within the CDMP that is specifically timed. Key recommendations are for measures to be considered as part of a system of larger improvement programs and that they therefore are sequenced in a way that is efficient and appropriate in improving public welfare. Examples where timing may be significant include the stormwater and flood recommendations of the CDMP. Because flooding impacts have increased notably, even since the Comprehensive Plan was adopted in 2009, the City has moved quickly to incorporate some CDMP flooding and floodwall recommendations into the upcoming Capital Improvement Program.

In addition, City staff proposes to phase in circulation and parking recommendations with an awareness of the initiative to replace/rebuild the current Hillman downtown parking garage that is also included in the upcoming Capital Improvement Program.

Finally, the CDMP not only seeks to enhance the public's casual use and enjoyment of the waterfront but also recognizes the diverse and near-constant

use of City Dock for public and private events. The number, scheduling, and size of these events are the subject of current debate and legislative initiatives in City Council; but, in general, are an important part of life in the community. We find that the CDMP is flexible and therefore consistent with the timing of these events.

III. Effect on Patterns of Development and Surrounding Land Uses

The Commission finds that the City Dock Master Plan is consistent with the surrounding areas and land uses. The CDMP calls for a mix of residential, commercial, and public uses within the study area that is very similar to the pattern of those uses that exists today. Indeed, only an accentuation of pedestrian-usability and adjustment to transportation and circulation patterns are envisioned. The intent of the recommendations is to make incremental changes that embody the policies adopted in the Comprehensive Plan.

The Commission finds that there are no additional pressures introduced by the CDMP that will affect the surrounding land uses within this downtown area. The surrounding areas are already an intensely developed area of our City. These existing buildings are tightly controlled by City law and are also highly regulated by the additional requirements of the Historic Preservation Commission. Thus, we find that the CDMP is consistent with the current land use regulation and patterns of development of the City Dock study area.

IV. Densities or Intensities of Resulting Land Uses

The Commission finds that the CDMP, as amended in this recommendation, is consistent with the Comprehensive Plan in its recommendations for density and intensity of resulting land uses.

The Commission supports the recommendation of the CDMP for limited redevelopment of some vacant and underused parcels within the City Dock study area. The Commission understands the importance of these CDMP elements and supports these recommendations as a way of enhancing the area for the aesthetic and economic benefit of citizens and visitors to our City. These recommendations will serve to enhance the visual appeal of this "jewel" by framing it within a context of appropriate background structures. These new "framing developments" will serve to complete the overall picture, directing the focus to the main attractions and away from background distractions. These new structures, when developed, will provide additional activity, residents, and offices to the City Dock area—further improving its vitality and

economic base.

For example, one of the most appealing views and spaces within the City Dock area is of the Market House, as framed by the surrounding buildings of Factors Row behind it. These three- and four-story historic buildings provide a beautiful backdrop for views of the dock and the market. Moreover, the pedestrian space created between these buildings and the Market House conveys a sense of intimacy and excitement characteristic of the most successful pedestrian spaces anywhere. This is the building scale and positive environmental impact that the CDMP seeks to extend to other areas within the City Dock area.

Specifically, the Commission recommends amendments to the general language in the plan that make it more specific for each development parcel. The Compromise Street development site should be allowed 2-3 stories, the Upper Dock Street development site should be allowed 3-4 stories, and the Lower Dock Street (closest to Susan Campbell Park) development site should 3-4.5 stories. The Commission finds that the existing level of building density within the Historic District is controlled today by a set of three height districts. We recommend that the existing height district controls are adapted to account for flood protection elevation and that height be measured from either grade or flood protection elevation, whichever is greater. The only additional changes will be to shift specific parcels between height districts.

These small adjustments will allow for appropriate and desirable new development within the same height control approach that exists today. We understand that these current districts provide for a maximum height at the ridgeline of a building to be at least 3 to 4.5 floors above grade. The Commission recommends that this same approach be updated to reflect current regulations for ground floors and applied to the new buildings proposed in the CDMP.

Recommendation

In summary, the goal of many Annapolitans has been for many years to return our front yard to uses that we can enjoy and that will attract visitors to a genuinely pleasant and beautiful waterfront. The Comprehensive Plan called for this goal. The City Dock Master Plan achieves this goal. The Planning Commission finds that the Master Plan is in compliance with the Comprehensive Plan and serves the public interest through enhancing the environment and stimulating the economy. The Commission recommends City Council approval of the City Dock Master Plan, as amended.

At a meeting on May 16, 2013, the Planning Commission voted ~~0~~ 5-0 to recommend to the City Council that it approve the City Dock Master Plan as amended by the above specific conditions.

Adopted May 16, 2013:

Eleanor M. Harris

Dr. Eleanor Harris, Chair

City of Annapolis
DEPARTMENT OF PLANNING AND ZONING
145 Gorman Street, 3rd Floor, Annapolis, Maryland 21401
Chartered 1708 Annapolis 410-263-7961 • FAX 410-263-1129 • TDD 410-263-7943

JON ARASON, AICP
DIRECTOR

March 11, 2013

MEMORANDUM

To: **Planning Commission**
From: **Sally Nash, Chief of Comprehensive Planning, Department of Planning and Zoning**
Via: **Jon Arason, Director of Planning and Zoning**
Re: **Annapolis City Dock Master Plan**
Attachments: **Resolution No. R-49-12, Nelson\Nygaard Technical Memorandum, Urban Land Institute Technical Assistance Report**

SUMMARY
For over 300 years, the City of Annapolis has been a waterfront destination. In 1965, the downtown district was named a National Historic Landmark. The importance of both water and history to the spirit of Annapolis is paramount. Both influences have long shaped the City Dock. However, while many of character-defining features remain, there are several factors that detract from City Dock's historic character, especially the quantity and quality of pedestrian space and public access to the waterfront. The 2009 Comprehensive Plan for the City of Annapolis called for a plan that would enhance City Dock and its environs. The City Dock Master Plan was developed as a means to accomplish that task, and it proposes a conceptual blueprint for the rejuvenation of City Dock. It also proposed concrete design solutions—some of which can be implemented in the short-term, while some will require more analysis and more design before implementation.

The Resolution (R-49-12) that supports this plan was introduced to City Council on December 10, 2012 and is attached.

BACKGROUND AND ANALYSIS
Policy 6 in the Land Use and Economic Development Chapter of the Comprehensive Plan calls for the enhancement of City Dock and its environs. It envisions a plan that is developed by the community, for the community, with an overall vision that improves public space and access to the water.

The policy in its entirety reads:
Policy 6. Enhance the Public Realm of City Dock and its Environs.
City Dock and its environs are fundamental to the city's character and identity as a small seaport town with a rich history. Main Street has been designated one of Ten Great Streets in America by the American Planning Association for its role as a living museum, a place that makes significant contributions to Annapolis' downtown economy at the same time that the entire downtown remains physically and visually connected to its history, maritime culture, and architectural character.

Given the importance of the City Dock area to Annapolis, a plan for its future must be developed with broad participation by the entire community, as well as downtown residents and businesses. A plan for the public realm of City Dock and its environs should begin with forming a Vision, from which specific implementation steps be developed. Such a plan should update or replace the 1993 Ward One Sector Study, *which has been the guiding planning document for the downtown area.*

The plan shall deem the public property from the Dock to and including the Market House to be Civic Space for residents of the city. The plan shall be drafted by the Planning & Zoning Department with the advice of a committee representative of residents, downtown merchants and representatives of maritime interests and with the assistance of such professional consultants as are deemed necessary. The Plan, which shall be presented to the City Council by September 1, 2010, shall:

- *Maximize public access to the waterfront;*
- *Maximize pedestrian and bicycle friendly features;*
- *Incorporate a variety of open places, both large and small, for people to congregate for various purposes;*
- *Accommodate boats of all types, as well as docking for cruise boats, commercial vessels, and water taxis;*
- *When hosting public events, balance the needs and interests of residents, businesses, and the event;*
- *Include a transportation element which will clear the proposed Civic Space of parking places for motor vehicles, and provide an alternate nearby site for such parking and/or remote parking with shuttle transportation;*
- *Propose measures, including those related to transportation and parking, which are necessary to keep existing Dock Street merchants viable.*

In September 2010, Mayor Joshua Cohen formed a citizens committee to advise the City on rejuvenating City Dock. The City Dock Advisory Committee (CDAC) began to meet in November 2010, with past Baltimore Mayor Kurt Schmoke appointed as Chair. Other members of the Committee included business owners, property owners, historians, artists, and designers.

The CDAC was charged with establishing the guiding principles for the use and redevelopment of the City Dock area to ensure that the needs of the businesses and people—residents and visitors alike—were met; to develop and define a design plan for City Dock based on those principles; and to encourage and coordinate public participation throughout the process.

The Committee identified the vision and guiding principles for the purpose and function of the City Dock area after conducting extensive information gathering sessions, consulting interested parties, soliciting input from outside experts, and reviewing previous studies of City Dock. They presented their phase one report, "Visions and Guiding Principles" to City Council on July 21, 2011.

The six guiding principles presented in this report later became the foundation of the next phase of work—the drafting of the City Dock Master Plan. These guiding principles are:

- **Number One:** Improvements should be made gradually and emphasize historic layout and scale, access to the waterfront, sight lines and views. A preservation ethic should be reflected in our treatment of City Dock—through interpretive opportunities, historic walks and markers, and the demarcation of the historic shoreline. Power lines should be buried underground to further enhance vistas. All improvements should reinforce the "Beautiful Historic Seaport" brand and maintain a strong, clear identity.
- **Number Two:** The management of City Dock should be coordinated year-round. The purview of the management entity should include the programming of public space, ensuring trash pick-up and cleanliness, reducing clutter, monitoring the progress of implementing visions for City Dock, collecting data, incorporating feedback, coordinating marketing, and supervising Market House operations. This management should support local businesses as well and help them to thrive. Furthermore, the management should advocate for City Dock and protect the historic core.
- **Number Three:** A central organizing feature of improvements should be high quality pedestrian-oriented and walkable public open space that is flexible enough to support a variety of uses in a variety of seasons and under a variety of conditions (such as accommodating sea level rise). This could include a continuous promenade along the water from the Marriott Hotel to the site of the future Sailing Hall of Fame, more seating and benches, and shelter from the elements. There should be many destinations to attract people to different parts of City Dock.
- **Number Four:** Improvements should support a greater *mix* of transportation modes (bikes, shuttles, water taxis, and public transit) that complement and enhance one another. There should be an emphasis on expanding off-street capacity and maximizing the use of garages. Highly visible and adequate signage and "smart" technologies such as flexible price parking based on demand, should be utilized to "catch" vehicles with an effective progression of directions and signage. There should be an efficient and uniform pay system for on-street parking. There should be creative and experimental ways to accommodate both parking and people that can be also be reversible.
- **Number Five:** City Dock improvements should contribute to the City's "greening" and the area should serve as a sustainable focus for an authentic residential life. There should be an intersection of resources such as farmers markets and other local vendors with opportunities to celebrate Chesapeake Bay heritage and have meaningful and organic interactions with the water and the environment. Improvements should contribute to the economic vitality of the area.
- **Number Six:** Public art opportunities and installations can enhance City Dock and provide both thought-provoking and entertaining experiences. The art can be permanent or ephemeral, suited to the season or a particular event. Art can help strengthen the "Beautiful Historic Seaport" brand, move pedestrians through new public open space, and inspire creative exchanges with the water.

The goals of the City Dock Master Plan were to translate the guiding principles into specific design solutions and open the discussion to a broader group of stakeholders through a series of workshops and presentations. The Plan translates these principles in a variety of ways. It advocates flexibility and incrementalism, where possible. It recommends rebalancing open space from automobile-oriented space to pedestrian-oriented space. It protects many current uses of City Dock by calling for flexible space

that can serve a variety of functions. It also proposes new ways of managing City Dock and the events that take place there and the public art that could serve as a main attraction to this part of the City. All in all, it advocates a new balancing of uses and spaces that will encourage new visitors but protect the qualities that currently make City Dock so unique.

Consistency with the Goals of the Comprehensive Plan and Other Studies
The City Dock Master Plan is clearly consistent with the goals of the Comprehensive Plan and several other City plans.

- ***2009 Comprehensive Plan***. In addition to Policy 6, mentioned above, the Comprehensive Plan recommends several other policies that are in alignment with the City Dock Master Plan. For example, the Comprehensive Plan recommends that Annapolis protect and enhance its "rich cultural history and wealth of current historic and cultural offerings" (p. 38). It also calls for the evaluation of the "risks from sea level rise in decisions involving land use along the waterfront" (p. 40). Furthermore, it discusses such policies as looking carefully at parking management, encouraging bicycle and pedestrian spaces, and enhancing existing parks and facilities. The City Dock Master Plan recommends protecting important historic and cultural aspects of the dock area while also preparing for the future—such as by constructing a seawall to guard against sea-level rise. It proposes new strategies to help manage parking demand and promotes a multi-modal approach for transit options. These parking strategies were based on a technical memorandum from Karina Ricks of Nelson\Nygaard (a member of the consulting team). This memorandum, dated September 5, 2012, is attached.
- *Urban Land Institute Technical Assistance Report* (2010). The Urban Land Institute (ULI) proposed the idea of a Business Improvement District (BID) that would be responsible for data collection on market capacity and parking, help manage special events, and strengthen existing public and private partnerships. The City Dock Master Plan does not specifically propose a BID, but recommends that or a similar entity to help promote and protect City Dock. The ULI report also recommended that the City formulate a comprehensive parking strategy and maximize utilization of existing parking structures. The City Dock Master Plan proposes several parking strategies that can help improve traffic and circulation downtown. This report is attached.
- *Bicycle, Automotive and Pedestrian Safety Evaluation* (2011). This study looked at traffic conflicts throughout downtown and made preliminary suggestions on how to make downtown more pedestrian and bicycle friendly. It also recommended a more comprehensive parking management plan and encouraged the City to consider different ways to reduce conflicts between pedestrians and automobiles. The City Dock Master Plan proposes the idea of a "T" intersection at the base of Compromise Street and Main Street to help regulate the flow of pedestrians and automobiles at this intersection. This report can be found on-line at http://www.annapolis.gov/Government/Departments/PlanZone/CityDockPlan/Circulation.aspx.

Public Input
The City Dock Advisory Committee was comprised of business owners, residents, history and design experts, and artists. There were 22 CDAC meetings that were held over the course of this planning effort, and all were open to the public. Over 100 different members of the public attended these meetings. Most meetings had between 10-15 audience members, who were often allowed to participate

in the discussion. Between January 2011 and April 2011, the Committee hosted a series of presentations from 23 different stakeholders on a number of topics. All business owners on Dock Street and around Market Space were invited to give a presentation about changes to City Dock and how it could affect them.

In phase two of the planning effort, the consultants, CDAC, and City staff hosted two public workshops to gather input from a wide-selection of residents and business owners. The first workshop was help on June 28, 2012 and the second on September 27, 2012. In addition to a presentation before City Council in November of 2012, a presentation, hosted by the Planning Commission, was also given on February 7, 2013 for board and commission members, and open to the general public.

Next Steps

Following the Planning Commission public hearing and deliberations, the City Dock Master Plan will return to City Council for a public hearing. It will then be referred to the Rules and City Government Committee and the Economic Matters Committee. These committees will consider public testimony, as well as input from the Planning Commission, Historic Preservation Commission, and other boards and commissions. The zoning ordinance that will accompany this plan will be introduced at City Council in the spring and will then come before the Planning Commission.

RECOMMENDATION

Staff proposes that the Planning Commission recommends the *Annapolis City Dock Master Plan* for City Council approval and adoption.

Report Prepared by

Sally Nash, Ph.D., AICP
Chief of Comprehensive Planning

Memo

To: City Council

From: Historic Preservation Commission Date: July 13, 2013

Re: Review of O-7-13

The Historic Preservation Commission (HPC) has reviewed O-7-13 as requested by the Council and received both public comment and expert advice on the ordinance. We offer these comments as recommendations and guidance to the Council in their deliberations regarding the adoption and/or amendment of O-7-13.

O-7-13 is a partial implementation of the City Dock Master Plan (CDMP). The CDMP was reviewed by the HPC earlier in the year and the comments submitted to the Planning Commission are an appendix to this memo. The two main areas of focus for the HPC related to O-7-13 are

1. Redefinition of measurement from "at grade" to "at flood protection elevation"
2. Revisions to the Height District Maps contained within the City Code.

A third major policy change implemented by O-7-13 is the revision to allowable uses for the properties affected by the ordinance. The HPC takes no position on the change in uses since that is not within the Commission's purview.

Hearings: The HPC took public input on the matter on June 11, 2013 at a regularly scheduled hearing, and allowed for written comment until June 28, 2013. At the meeting on June 11, 2013 Dr. Sally Nash provided technical and expert testimony from the planning department. At the meeting on June 28, 2013 Mr. Jon Arason provided technical and expert testimony from the planning department. The HPC discussed the ordinance at the June 28th Administrative Hearing, which was duly posted and attended by the public.

Guidance and Recommendations:

1. *Redefinition of measurement from "at grade" to "at flood protection elevation":* The HPC believes this redefinition is a requirement for rehabilitation within the affected areas. FEMA rules no longer allow for either major renovations or construction of new buildings within a floodplain. All the property affected by O-7-13 is located with the FEMA map floodplains. Therefore the HPC supports this portion of the ordinance if the following amendment is made: removal of the additional 2 feet of "freeboard" that the City adds on to the FEMA map requirements. The HPC believes that the minimum additional height needed to satisfy FEMA requirements (which allows owners access to insurance, lending etc) is sufficient. The areas affected by the change in measurement are extraordinarily sensitive locations and the difference of adding 2 additional feet to an individual building could have significant and detrimental design impacts. **Therefore the HPC recommends the ordinance reference FEMA base flood elevation as the new measurement standard as opposed to flood protection elevation.**

2. *Revisions to the Height District Maps contained within the City Code:* The HPC finds persuasive the testimony provided as to the benefits and protection that the current height and bulk districts have provided to the National Landmark District since their implementation decades ago. There was no factual or analytical testimony provided to form a basis for changing these limits. Additionally, the HPC

understands that the requested change is not spot zoning since it complies with the state planning process. However, the HPC does take note that the revised map creates a single property zoned for District 2 height, completely surrounded by properties zoned for District 1 heights.

The clear intent of the height and bulk regulations is to create a balance between private property rights and community interest in the protection of public waterfront assets/access and iconic viewsheds. Emerging environmental conditions and changing building code requirements demand a timely reassessment of that balance. **The HPC recommends that the Council not alter the zoning maps within the code as O-7-13 proposes, but rather allow for a variance from the map height requirements up to the amount that the FEMA base flood elevation demands to allow for rehabilitation or new construction.**

One hypothetical example to illustrate:

> Subject property is located in District 1 and therefore the height limit is 22 feet at the cornice and 32 feet at the ridgeline for a new building
>
> Subject property is at 5 feet above sea level when measured at grade; FEMA flood map shows minimum requirement of 8.5 feet above sea level. Therefore property needs to add 3.5 feet to meet minimum FEMA standards.
>
> Maximum cornice height is then calculated to be 25.5 feet (22 plus 3.5) and the maximum ridgeline height is 35.5 feet.

This proposal would allow for flexibility as needed on a case by case basis and would only be implemented when a specific property owner wished to rehabilitate or demolish and rebuild an existing structure. Non-conforming structures would not be allowed a variance. The HPC believes this recommendation strikes the appropriate balance between the private and public interests and would allow for design development that would be consistent with Secretary of Interiors Standards, Article 66B and the Design Guidelines for the City of Annapolis.

Respectfully Submitted,

Sharon A Kennedy, Chair
Timothy P Leahy Vice Chair
Kim Finch
Bronte Jones
Jay Kabriel
Rock Toews
Pat Zeno

Appendix A

Memo

To: Planning Commission

From: Historic Preservation Commission Date: March 12, 2013

Re: Review of City Dock Master Plan

Executive Summary:

The Historic Preservation Commission (HPC) has reviewed the City Dock Master Plan (CDMP) and received both public comment and expert advice on the plan. We offer these comments as guidance to the Planning Commission for their review of the CDMP and its' impact on potential infrastructure improvements and private redevelopment with in the study area.

There are many components of the CDMP that the HPC believes could be fully compliant with preservation standards and guidelines depending on site and design specifications. These include:

- Redefinition of measurement from "at grade" to at "flood protection elevation"
- Widening of some sidewalks and promenades to provide sufficient space for pedestrian usage
- Redesign of Hopkins Plaza to improve space utilization and flexible use of space
- Demolition of non-contributing buildings assuming appropriate designs are submitted for replacement structures
- Installation of a seawall

There are some components of the CDMP that the HPC believes illustrate conflict with and non-compliance to preservation standards and guidelines. These include:

- Revisions to height districts with the possible exception of the above mentioned technical redefinition depending on the specifically affected site
- Relocation of Dock Street towards Market Slip
- Realignment of sidewalks to parallel Market Slip as opposed to parallel to the building line
- Demolition of Memorial Circle

The HPC concurs with the CDMP that a viewshed analysis must be undertaken prior to any submission of plans to the HPC. The HPC however cannot restrict its viewshed analysis to the view down Main Street to City Dock as inferred by the CDMP. The HPC must consider all viewsheds: from land to water, from water to land and of significant historic resources (St. Annes, St. Marys, USNA Chapel Dome, Ridout House etc).

As with any other pre-application review, these are comments to ensure that applicants have an understanding of the areas of consensus and contention that should guide a property owner in developing an application that can be approved by the HPC.

Following this executive summary is a detailed analysis of the standards and guidelines the HPC used in developing these responses.

Background: The City Dock Master Plan (CDMP) was submitted to the City Council on December 10, 2012. It was referred to the Historic Preservation Commission (HPC) for review and comment.

1. ANNAPOLIS HISTORIC DISTRICT ZONING ORDINANCE (excerpted)

21.56.010 – Authority and Purpose

B. The preservation of sites, structures, and districts of historical, cultural, archaeological, or architectural significance together with their appurtenances and environmental settings is a public purpose.

C. It is the further purpose of this article to preserve and enhance the quality of life and to safeguard the historical and cultural heritage of Annapolis by preserving sites, structures, or districts which reflect the elements of the City's cultural, social, economic, political, archaeological, or architectural history; to strengthen the local economy; to stabilize and improve property values in and around such historic areas; to foster civic beauty, and to preserve and promote the preservation and appreciation of historic sites, structures and districts for the education and welfare of the citizens of the City.

2. The HPC took public input on the matter on February 12, 2013 at a regularly scheduled hearing, and allowed for written comment until February 28, 2013. The HPC discussed the document at the February 28th Administrative Hearing, which was duly posted and attended by the public. At the meeting on February 28, 2013 Dr. Sally Nash provided technical and expert testimony from the planning department. Under HPC Rules of Procedure (ROP) the report was treated as a pre-application conference under the following (excerpted) guidelines:

> ROP 3.10 A pre-application conference may be scheduled to provide an applicant with the opportunity for preliminary review of a project by the Commission prior to submitting a complete application for a certificate of approval….materials shall assist the commissioners in comprehending the issues related to the feasibility of the project and such broader issues as the scale and mass of the proposal, its impact on the streetscape, and the effect on the historic fabric and form of the resource…the comments made by the HPC members at a pre-application are in no way to be interpreted as an approval of the projects before them. Absence of comment on any aspect of the presentations does not indicate acceptance. The pre-application meeting is solely an accommodation for the applicant.

During a pre-application conference the HPC posits a series of questions related to how the proposed project would comply with various standards and guidelines.

Materials Submitted for Review: City Dock Master Plan, Public Testimony, Staff Report

In addition to the CDMP the following facts were introduced into the record:

1. The CDMP covers an area that contains currently three separate height restrictions. All heights are currently measured from the existing grade. Legislation that adoption of the CDMP would trigger would revise heights districts on Dock Street and Compromise Street. Additionally, the HPC was advised that Planning & Zoning intends to include in the legislation an amendment that would redefine the measurement from at grade (current code) to at flood protection elevation (proposed code). If these changes are enacted into code the height limits would change as follows:

District	Current Cornice/Roof	Proposed Cornice/Roof*	Change
Fawcetts/ Compromise St	22'/32'	34'/44'	+ 12 feet
Dock St (inner) Guzzi property	28'/38'	41'/51'	+ 13 feet
Dock St (outer)	28'/38'	61'/71	+ 33 feet

*Includes the measurement change from grade to flood protection elevation at 6 additional feet which is the maximum; depending on site the floodplain increment could be as low as 2 additional feet.

The legislation that adoption of the CDMP would trigger also proposes changes in zoning and creation of a Waterfront City Dock zone that would expand uses subject to standards. Some of the new uses would be hotels, restaurants and Planned Units Development (PUDs).

In addition to the above items, elements in the CDMP that commissioners focused on in their discussions and have significant impact from the HPC perspective include but are not limited to:

a. Relocation of outer Dock Street forward towards Market Slip (see comment 1)
b. Redefinition of the setbacks relative to sidewalk widths and building heights (see comment 2)
c. Redefinition of inner Dock Street sidewalks to parallel promenade as opposed to buildings (see comment 2)
d. Demolition of Fawcetts, 1 Craig Street and the Harbormaster Building (see comment 3)
e. Demolition of Memorial Circle and redesign of traffic flow at the foot of Main Street (see comment 4)
f. Installation of a seawall (see comment 5)

Overall Comments:

- As of this date, the testimony available to guide the HPC in evaluating the compliance of projects envisioned within CDMP is lacking one absolutely critical element: professional assessment of the impact of CDMP projects on viewsheds. The CDMP states "it will be imperative that viewshed analyses be undertaken during the plan review process for any new development or major redevelopment projects on City Dock." The HPC is charged with protection of all viewsheds, not simply the one referenced in the CDMP (ie down Main Street to the City Dock). The HPC must also evaluate impacts on views from the water, and from and of significant historic resources (such as the Naval Academy Chapel dome, the State House dome, Ridout House etc). A study to evaluate this issue must be undertaken prior to any formal application to the HPC for approval on a specific project which would impact the various viewsheds. The study must be done under the direction of City Staff and specifically the Chief of Historic Preservation to ensure its relevance to preservation requirements.

- Without the resources necessary to complete a professional assessment of the CDMP regarding preservation issues, the HPC members can only be guided by the Secretary of Interior Standards for Rehabilitation, Article 66B of the State of Maryland which provides enabling authority for the HPC and the adopted Design Guidelines for the City of Annapolis. These documents are the basis on which the component specific comments are based.

- The HPC believes that given the location of the plan area, all components are subject to a standard of strict scrutiny for review as opposed to a lenient standard.

Component Comments:

1. **Building Height and Bulk Changes/Setback Alterations:** Without the above referenced analysis the HPC cannot accurately assess the impact of the proposed changes on the numerous affected viewsheds. Looking to other impacts such as urban form, streetscapes and building design we refer to the following items (excerpted) in the Secretary of Interior Standards and the Annapolis Design Manual for assessment as to compliance and feasibility. In assessing City Dock as a single resource (as opposed to each individual structure and open space) the importance of preservation of the spatial relationships becomes critical.

Question: How would the proposed redevelopment projects/areas address the following standards and guidelines?

I. Standards for Rehabilitation from the Secretary of the Interior **:** ***(emphasis added)***

Standard 1. A property will be used as it was historically or be given a new use that ***requires minimal change*** to its distinctive materials, features***, spaces, and spatial relationships.***

Standard 2. The historic character of a property will be retained and preserved. ***The removal of distinctive*** materials or alteration of features, ***spaces, and spatial relationships that characterize a property will be avoided.***

Standard 4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

Standard 9. New additions, exterior alterations, or ***related new construction will not destroy*** historic materials, features, and ***spatial relationships that characterize the property.*** The new work shall be differentiated from the old and ***will be compatible with*** the historic materials, features, size, ***scale*** and proportion, ***and massing to protect the integrity of the property and its environment.***

II. Annapolis Design Guidelines

P 16: "The historic district possesses a strong urban character formed by the radial city plan, sloping terrain, and numerous water views. For all its' diversity, there is a visual unity within the historic district, which results from the human scale of the buildings and streetscapes. It is this unity which the HPC seeks to preserve."

P 25-32: "Design principles provide a vocabulary for evaluating new buildings within an existing historic context. The ordinance encourages good contemporary design which follows the design principles of existing neighboring buildings, and respects the scale, proportions, order, rhythms, and materials of the prevailing historic context. Scale is perhaps the most important design principle to be considered in evaluating proposed new construction in historic neighborhoods. The principle of scale applies to both individual buildings and to streetscapes. Conversely, in the commercial, governmental, and institutional areas of the district, new large buildings of modern day function intrude upon a historic setting. Building size and age correlate closely in these areas; newer buildings tend to be larger. The significance of the size of the Capitol and the churches is diminished as more and more large buildings are constructed, because the diversity in scale these historic public buildings once provided has been diluted. Rhythm in architecture refers to the spacing and repetition of building elements. A lack of historic rhythms, is one of the most frequently repeated criticisms of modern architecture. It is particularly destructive to the character of a historic district.

A. GUIDELINES TO PRESERVE AND ENHANCE THE CITY'S HISTORIC URBAN FORM.

A.1 The Town Plan and Focal Points: New buildings should reinforce the historic town plan of Annapolis and should respect traditional views and visual focal points including the State House, St. Anne's Church, and the water. The dramatic pattern of streets converging on major spaces and radiating outward to views of the water (or other streets leading to the water) can be adversely affected by site planning and building design which does not reinforce the pattern. For example, large buildings at the visual terminus of a street may alter the human scale of the street and block historic views beyond.

A.3 Views from the Water All projects which are visible from the water shall respect and reinforce the historic character of the district and shall respect traditional views and visual focal points.

B. GUIDELINES TO PRESERVE AND ENHANCE INDIVIDUAL HISTORIC STREETSCAPES.

The residential street scape is an ensemble of street, sidewalks, fences, vegetation, and buildings. Each part is a layer in the transition from public to private and each is subject to the review of the Historic District Commission. Public space includes the street paving for vehicles and sidewalks for pedestrians. Buildings and landscape elements form walls of outdoor spaces which become the public halls and reception rooms of the city. Street and sidewalk paving is the flooring of these rooms, and the vegetation and street furniture the furnishings. The historic district ordinance is in place to protect the street scape from insensitive change. ***The ordinance discourages the removal of landscape elements and obliteration of the street scape "walls" by a change in setback, any increase in the height and width of the "walls," removal of the historic human scale, or disruption of the existing order and pattern of rhythm along the street. (emphasis added)***

B.1 Visual Relationships Between the Old and New: A new building or addition should visually relate to contributing historic buildings in its immediate neighbor- hood rather than to buildings in the historic district in general. The "immediate neighborhood" is defined as 1/2 block in both directions.

B.2 New Building Design : New buildings should be designed to strengthen the unity of the existing street scape, and should follow the design principles of historic architecture described in Chapter IV.

B.3 Building Height and Bulk: New buildings should respect the bulk and height of neighboring buildings. The facade height and proportions of new buildings should be compatible with the predominant character of other buildings in the street scape. ***Limiting the bulk and height of new construction is essential to protect the human scale of Annapolis streetscapes. (emphasis added)***

B.10 Prevailing Setbacks The prevailing setback line at the street should be preserved. Any new construction should address the street in a manner consistent with neighboring structures and the overall street form and character. The facade of a planned new building should respect the alignment of existing building facades relative to the sidewalk edge. On blocks where buildings are set back, a new building should be set back to the prevailing setback line.

B. 11 Building Widths and Spacing The prevailing relationships of building widths and the spaces between buildings should be respected and preserved. Where buildings are built out to the side lot lines, new buildings should be built out to side lot lines to maintain the sense of a "wall" along the street. Where buildings are clearly separated from one another by side yards, new buildings and additions to existing buildings should not encroach into the side yard spaces. Where the spacing of buildings and side yards creates a rhythm, new buildings and additions to existing buildings should not alter that rhythm.

D.3 Preservation of Building Changes Significant changes to historic buildings and sites which have taken place over time are evidence of the history of the building and shall be preserved.

Assessment:

- The HPC found particularly persuasive the document submitted entitled “Shorelines of Annapolis Market Slip” providing historical documentation that the setbacks along Dock Street have been in existence in their current form since approximately 1878 (Hopkins).

- The HPC can support the concept of a change in measurement definition as it relates to cornice and roof lines as a reasonable and necessary adaptation to a changing environment (in essence similar to

a field change when construction occurs). However, the HPC would require additional data on the impact of such a change based on specific sites , buildings and viewsheds. The HPC does not believe the concept of substantially altering the height district on Dock Street or Compromise Street would be compliant and feasible given the testimony in the record. The HPC does not believe the concept of altering the location of outer Dock Street would be compliant or feasible given the testimony in the record.

- The HPC takes note however of the following language in Title 21.56.060: "Special Considerations: the Commission may approve the proposed construction, reconstruction, alteration, moving, or demolition despite the provisions of subsection (E)(2) of this section, if the Commission finds that: a. The landmark, site or structure is a deterrent to a major improvement program which will be of substantial benefit to the City" The HPC points out that the City and a property owner could present evidence to invoke this portion of the code and argue the case for substantial benefit. The HPC would further note that such testimony would need to be demonstrable fact as opposed to assertions and would be subject to public scrutiny and rebuttal. The HPC would have to vote on the matter prior to moving forward with an application under this provision.

2. Redefinition of inner Dock Street sidewalks to parallel promenade as opposed to buildings and overall expansion of the ratio between sidewalks and buildings:

Question: How would the proposed redevelopment projects/areas address the following standards and guidelines?

I. Standards for Rehabilitation from the Secretary of the Interior : ***(emphasis added)***

Standard 1. A property will be used as it was historically or be given a new use that ***requires minimal change*** to its distinctive materials, features***, spaces, and spatial relationships.***

Standard 2. The historic character of a property will be retained and preserved. ***The removal of distinctive*** materials or alteration of features, ***spaces, and spatial relationships that characterize a property will be avoided.***

Standard 9. New additions, exterior alterations, or ***related new construction will not destroy*** historic materials, features, and ***spatial relationships that characterize the property.*** The new work shall be differentiated from the old and ***will be compatible with*** the historic materials, features, size, ***scale*** and proportion, ***and massing to protect the integrity of the property and its environment.***

II. **Annapolis Design Guidelines**.

P 26. The principle of scale applies to both individual buildings and to streetscapes. In an urban setting, where each building functions as a part of the larger streetscape, building scale is of paramount importance. Outdoor spaces, including streetscapes, have scale as well. The walls of buildings, hedges, fences, and outbuildings create outdoor spaces which have a scale created by the height and spacing of buildings, the width of the street, and landscape elements. The intimate scale of Annapolis streetscapes is formed by the residential scale of buildings,

the width of the street, the placement of buildings on their lots, the human scale of building features such as railings, porches, windows, shutters, doors, and the presence of trees and shrubs. The architectural diversity of Annapolis streets is visually pleasing because within the differences in styles there remains a harmony of scale.

B. GUIDELINES TO PRESERVE AND ENHANCE INDIVIDUAL HISTORIC STREETSCAPES.

The residential street scape is an ensemble of street, sidewalks, fences, vegetation, and buildings. Each part is a layer in the transition from public to private and each is subject to the review of the Historic District Commission. Public space includes the street paving for vehicles and sidewalks for pedestrians. Buildings and landscape elements form walls of outdoor spaces which become the public halls and reception rooms of the city. Street and sidewalk paving is the flooring of these rooms, and the vegetation and street furniture the furnishings. The historic district ordinance is in place to protect the street scape from insensitive change. ***The ordinance discourages the removal of landscape elements and obliteration of the street scape "walls" by a change in setback, any increase in the height and width of the "walls," removal of the historic human scale, or disruption of the existing order and pattern of rhythm along the street. (emphasis added).***

Assessment:

- The HPC does believe that widening certain sections of sidewalk along Dock Street to more closely conform with dimensions present throughout Main Street and Market Space would be compliant and feasible based on the testimony in the record and within certain limits and would welcome an application from the City on this project. The HPC does not believe the concept of realigning sidewalks on Dock Street to parallel the promenade as opposed to the buildings would be compliant and feasible given the testimony in the record.

3. Demolition of Fawcetts, 1 Craig Street and the Harbormaster Building:

Question: How would the proposed redevelopment projects/areas address the following standards and guidelines?

I. **Annapolis Design Guidelines**

D2: Demolition: Demolition potentially alters the essential character and integrity of the historic district and shall be reviewed strictly. The demolition of contributing structures does not met the Secretary of Interior Standards and should not be approved. In accordance with City Code Section 21.56.090 no demolitions except those undertaken for public safety shall be approved until plans for a replacement structure have been submitted and approved by the HPC. Archaeological research shall be conducted prior to demolition.

Assessment:

- The HPC does believe that demolition of non-contributing structures within the Historic District can be compliant and feasible based on the testimony in the record depending on the specific replacement design that is proposed. This analysis would extend to the Fawcetts building and the Harbormasters building but not 1 Craig Street (a contributing resource to the District).

4. Demolition of Memorial Circle and redesign of traffic flow at the foot of Main Street, redesign of Hopkins Plaza:

Question: How would the proposed redevelopment projects/areas address the following standards and guidelines?

I. Standards for Rehabilitation from the Secretary of the Interior :

Standard 4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

II. **Annapolis Design Guidelines**

A.3 Views from the Water All projects which are visible from the water shall respect and reinforce the historic character of the district and shall respect traditional views and visual focal points.

D.3 Preservation of Building Changes Significant changes to historic buildings and sites which have taken place over time are evidence of the history of the building and shall be preserved.

Assessment:

- The HPC believes a redesign of Hopkins Plaza prior to any decision on Memorial Circle would be compliant and feasible depending on the design specifications submitted. A majority of the Commissioners present at deliberations believe that the demolition of Memorial Circle would not be compliant and feasible based on the testimony in the record. These commissioners found the testimony from Ms McWilliams and Russo most persuasive. However unlike all other items discussed, this was not a unanimous opinion and some commissioners (2) remain undecided based on the record.

- The HPC takes note however of the following language in Title 21.56.060: "Special Considerations: the Commission may approve the proposed construction, reconstruction, alteration, moving, or demolition despite the provisions of subsection (E)(2) of this section, if the Commission finds that: a. The landmark, site or structure is a deterrent to a major improvement program which will be of substantial benefit to the City;" The HPC points out that the City as the property owner could present evidence to invoke this portion of the code and argue the case for substantial benefit. The HPC would further note that such testimony would need to be demonstrable fact as opposed to assertions and would be subject to public scrutiny and rebuttal. The HPC would have to vote on the matter prior to moving forward with an application under this provision.

5. Installation of a Seawall: The HPC does believe that the construction of a seawall could be compliant and feasible given the testimony in the record and depending on design specifications and welcomes an application from the City on that project.

Comments from 2011 that the HPC continues to endorse are as follows:

- The HPC would encourage the development, even at the conceptual level, of a streetscape materials guidance document. Recommendations for the standardized use of paving, curb, and sidewalk materials for specific areas/uses would provide cohesion to the development since the build out time is a lengthy one. Materials that are both sustainable and appropriate for use in the historic environment should be the focus of this effort. This project could be accomplished efficiently and would result in significant improvement in the streetscape design.

- The HPC heartily endorses the statement to coordinate and prioritize efforts with a review of the Capital Improvements Plan (CIP).

- The HPC has no opinion on the discussion relating to the management entity proposed by CDMP per se but is mindful that regardless of management type, the historic district ordinance vests authority for approval of infrastructure changes with the HPC.

Other Items:

- The HPC has requested additional review of CDMP from Maryland Historical Trust. Their letter is attached and made a part of this response.

- The HPC is forwarding and making part of the record all public written testimony as well as minutes (when complete and adopted) from the hearing on February 12, 2013.

- The HPC wishes to remind all parties that in addition to all other requirements as the CDMP moves into actionable projects that archaeological oversight will be a necessary component of the process.

The HPC wishes to express our appreciation for the on-going collaboration of the various groups on this important project and we look forward to reviewing complete applications as the projects develop.

Respectfully Submitted by:

Sharon A Kennedy (Chair)
Tim Leahy (Vice Chair)
Kim Finch
Bronte Jones
Jay Kabriel
Rock Toews
Pat Zeno

March 11, 2013

Sharon A. Kennedy, Chair
Annapolis Historic Preservation Commission
Department of Planning & Zoning
145 Gorman Street, Third Floor
Annapolis, MD 21401

Re: City of Annapolis
City Dock Master Plan

Dear Chairman Kennedy:

I have received your letter of March 4, 2013, requesting that the Maryland Historical Trust (MHT) provide technical assistance in the review of the City Dock Master Plan (CDMP) and its effects on the Colonial Annapolis Historic Landmark District. We have reviewed the CDMP and, in accordance with the provisions of Article 66B, §8.03 (b) (1) of the Annotated Code of Maryland, we offer the following comments for your consideration.

The CDMP describes five guiding principles for development and improvement around the City Dock area and discusses specific ways that the principles should be applied to preserve the historic layout and scale of the neighborhood, develop walkable public spaces, decrease the dominance of cars on the landscape, promote environmental sustainability, and foster public art. As you are well aware, the area addressed by the CDMP is in the core of a unique and nationally-important historic district. Historic Annapolis, Maryland Inventory of Historic Properties AA-137, has tremendous significance for its role in political, economic, and cultural history; as one of the first planned cities in Colonial America; and for its extraordinary collection of eighteenth and nineteenth-century architecture. The district has been listed in the National Register of Historic Places since 1965 and is one of the few large urban districts in the United States to be designated a National Historic Landmark, our nation's highest recognition of historic importance. The waterfront, and the connection of the surrounding district to the waterfront, is central to the character of the district and to telling the story of its history.

After careful review and consideration, MHT is pleased to endorse most aspects of the CDMP. The gradual transition to a more walkable neighborhood described in the plan capitalizes on and accentuates the unique and waterfront atmosphere of neighborhood. Many of the proposed changes will be beneficial to the preservation of the historic character of the area. Suggestions in the plan, such as improved sidewalks, a waterfront promenade, and additional park space will not only improve the experience of residents and visitors, but also make the surrounding historic buildings more economically viable while at the same time maintaining their context and historic integrity.

Central to the CDMP is reducing the physical impact of the automobile through better managed parking. A large amount of surface parking detracts from the historic character of the area and seems a poor use for waterfront land. Decreasing surface parking at Market Space and along Dock Street will decrease the separation of people and the historic waterfront that has been caused by parked cars and paving. Rather than meet parking needs by increasing volume or allowing other construction that might impose on the historic character of the neighborhood, the CDMP proposes to accommodate contemporary parking needs through increased use of technology and intelligent management. Strategic pricing, improved wayfinding, employee parking programs, encouraging the use of existing garages, maximizing the utility of existing spaces through valet parking, and free Circulator bus-type transit are all promising strategies that have been successful in other dense historic areas.

Members of the City Dock Advisory Committee were unable to reach consensus about the proposed removal of the traffic circle at the intersection of Main, Randall, and Compromise Streets and its replacement with a more conventional intersection. Historically there was a circular feature at this intersection; however, that feature has

been modified and moved over time, and it was not part of the original formal plan for the city. On the other hand, replacement with a more conventional intersection probably would necessitate introduction of traffic signals that would create visual clutter and adverse effects on the historic character of the district and, perhaps, its own unintended traffic congestion.

MHT is concerned with the CDMP's proposal to increase the long-standing historic district height and bulk limitations for new construction in the redevelopment areas. The CDMP proposes to permit new buildings of up to five stories. Redevelopment of the non-historic buildings in these areas is a great opportunity, but new construction should not exceed the existing scale of the historic buildings on Dock and Prince George Streets, and generally throughout the entire historic district of three stories and lower. A mass of taller buildings concentrated near the waterfront would create a psychological and visual separation between the dock area and the rest of the historic district. This would diminish the integrity of the district as a whole, especially given the importance of the connection between the waterfront and the historic city.

We agree with the several parties that already have commented on the somewhat limited focus the CDMP places on historic vistas and viewsheds. As Donna Ware of Historic Annapolis, Inc., wrote:

> While the view along Main Street to the Chesapeake Bay and the view from the foot of Main Street to the water are significant, there are many vistas that are equally important. The natural topography, prominent historic buildings and historic streetscapes, which are viewable from a number of vantage points, require protection and preservation in any plan for the city dock.

In this regard, the view of the historic district *from* the water also is worthy of preservation. A "wall" of even slightly taller new buildings near the edge of the waterfront would significantly alter the perception of the historic district from this important vantage point.

Finally, our comments should not be construed to constitute any pre-approval or position that MHT may subsequently determine in an undertaking subject to our legal jurisdiction. Such undertakings would include 1) any project sponsored, financially assisted, permitted or licensed by a state or federal agency; 2) projects proposed on state-owned property; and 3) projects involving property that is subject to a historic preservation easement held by MHT. Future projects subject to MHT jurisdiction will be treated *de novo* according to the circumstances and merits of the specific undertaking. With regard to the height for new construction, however, in the absence of extenuating or mitigating factors, any proposed construction over 3 stories will likely be determined to constitute an "adverse effect" on the character of the district.

We commend the City and the members of the City Dock Advisory Committee for their hard work to preserve the historic district and ensure that it remains an economically and culturally lively place for residents and visitors. If you have any questions about our review and comments, please do not hesitate to call.

Sincerely,

J. Rodney Little
Director \ State Historic Preservation Officer
Maryland Historical Trust

JRL \ JES
201300911
CC: Lisa Craig (City of Annapolis)

FISCAL IMPACT NOTE

Legislation No: R-49-12 **First Reader Date:** 12/10/12

Note Date: 1/7/13

Legislation Title: 2012 City Dock Master Plan

Description: For the purpose of adopting the Draft City Dock Master Plan as an addendum to the 2009 Annapolis Comprehensive Plan.

Analysis of Fiscal Impact: This legislation merely adopts the Draft City Dock Master Plan and has no direct fiscal impact.

CITY COUNCIL OF THE
City of Annapolis

Ordinance No. O-7-13

Sponsor: Mayor Cohen

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
5/13/13			11/8/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	5/13/13		
Planning Commission	5/13/13		

A ORDINANCE concerning

Establishment of a New Zoning District: Waterfront City Dock, Phase One

FOR the purpose of implementing Phase One of the recommendations of the City Dock Master Plan by establishing a new zoning district - the Waterfront City Dock Zone.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2012 Edition
Section 21.06.010
Section 21.22.050
Section 21.24.010
Section 21.24.020
Section 21.24.050
Section 21.24.060
Section 21.24.090
Section 21.34.040
Section 21.48.041
Section 21.50.280
Section 21.54.080
Section 21.56.170
Section 21.56.180
Section 21.60.060
Section 21.64.291
Section 21.64.371
Section 21.64.430
Section 21.64.470
Section 21.70.100
Section 21.72.010

BY adding the following portions to the Code of the City of Annapolis, 2012 Edition
Section 21.46.060

WHEREAS, the City of Annapolis has been a waterfront destination for over 300 years and the downtown district was prestigiously named a National Historic Landmark in 1965; and

WHEREAS, the importance of water and history to the spirit of Annapolis is paramount and both influences have long shaped City Dock and its surrounding environment; and

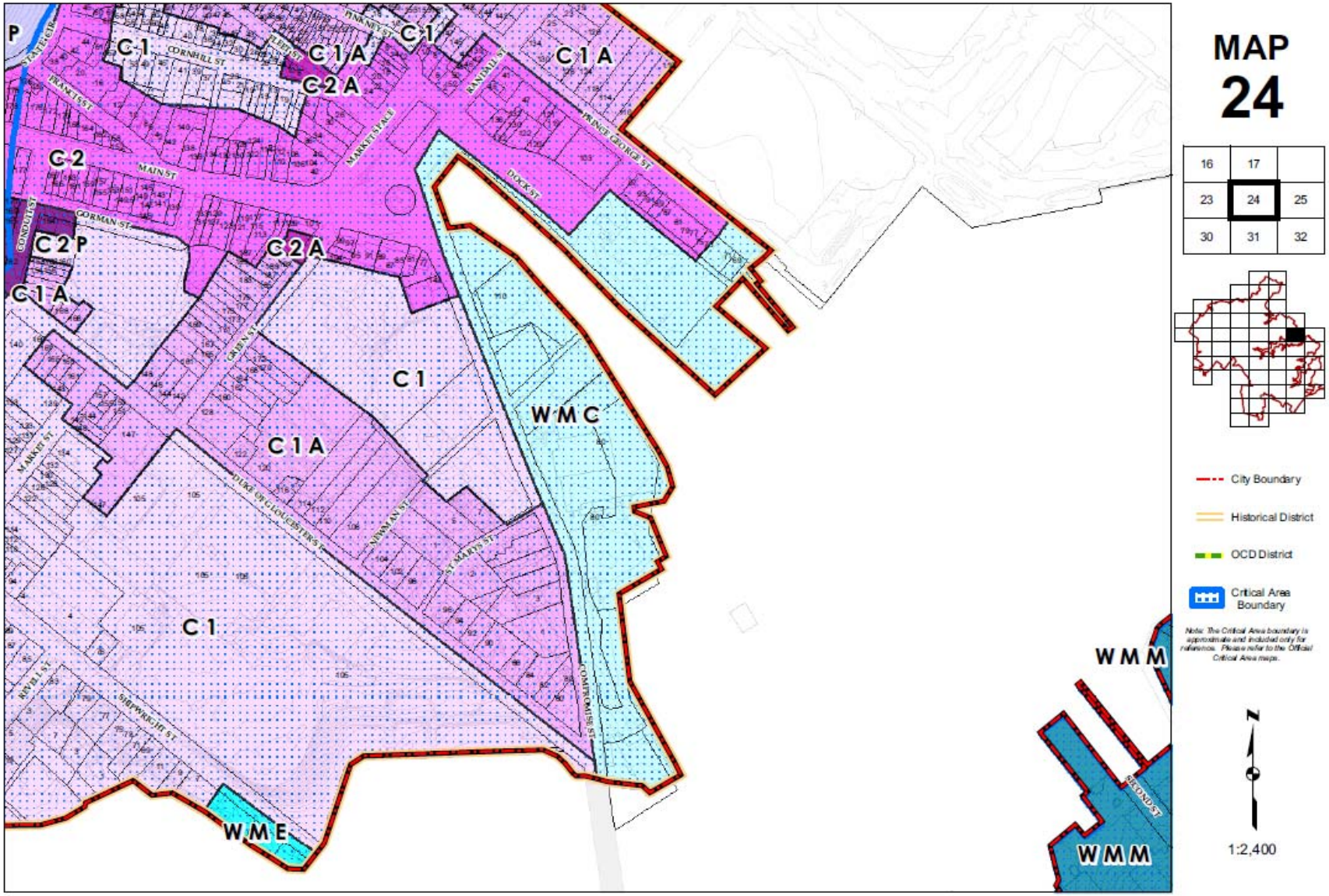
WHEREAS, while many character-defining features remain, the quantity and quality of pedestrian space and public access to the waterfront detracts from City Dock's overall historic character; and

WHEREAS, the 2009 Comprehensive Plan for the City of Annapolis states that "City Dock and its environs are fundamental to the City's character and identity as a small seaport town with a rich history." The American Planning Association has designated Main Street as one of 'Ten Great Streets in America' for its role as a living museum; a place that makes significant contributions to Annapolis' downtown economy; and for its physical and visual connection to its history, maritime culture, and architectural character. The Comprehensive Plan called for developing a plan that would enhance City Dock and its environs; and

WHEREAS, the City Dock Advisory Committee (CDAC) was established in September 2010 to advise the City on rejuvenating City Dock. The CDAC recommended rebalancing open areas from automobile-oriented space to pedestrian-oriented space, advocated for flexible space that can serve a variety of functions, proposed new ways of managing City Dock and the events that take place there, and called for the use of public art to serve as a main attraction in the area. Together, these goals helped shape the creation of the City Dock Master Plan for revitalizing City Dock; and

WHEREAS, this proposed ordinance would implement Phase One of the recommendations of the City Dock Master Plan by establishing a new zoning district - the Waterfront City Dock Zone.

Existing Zoning

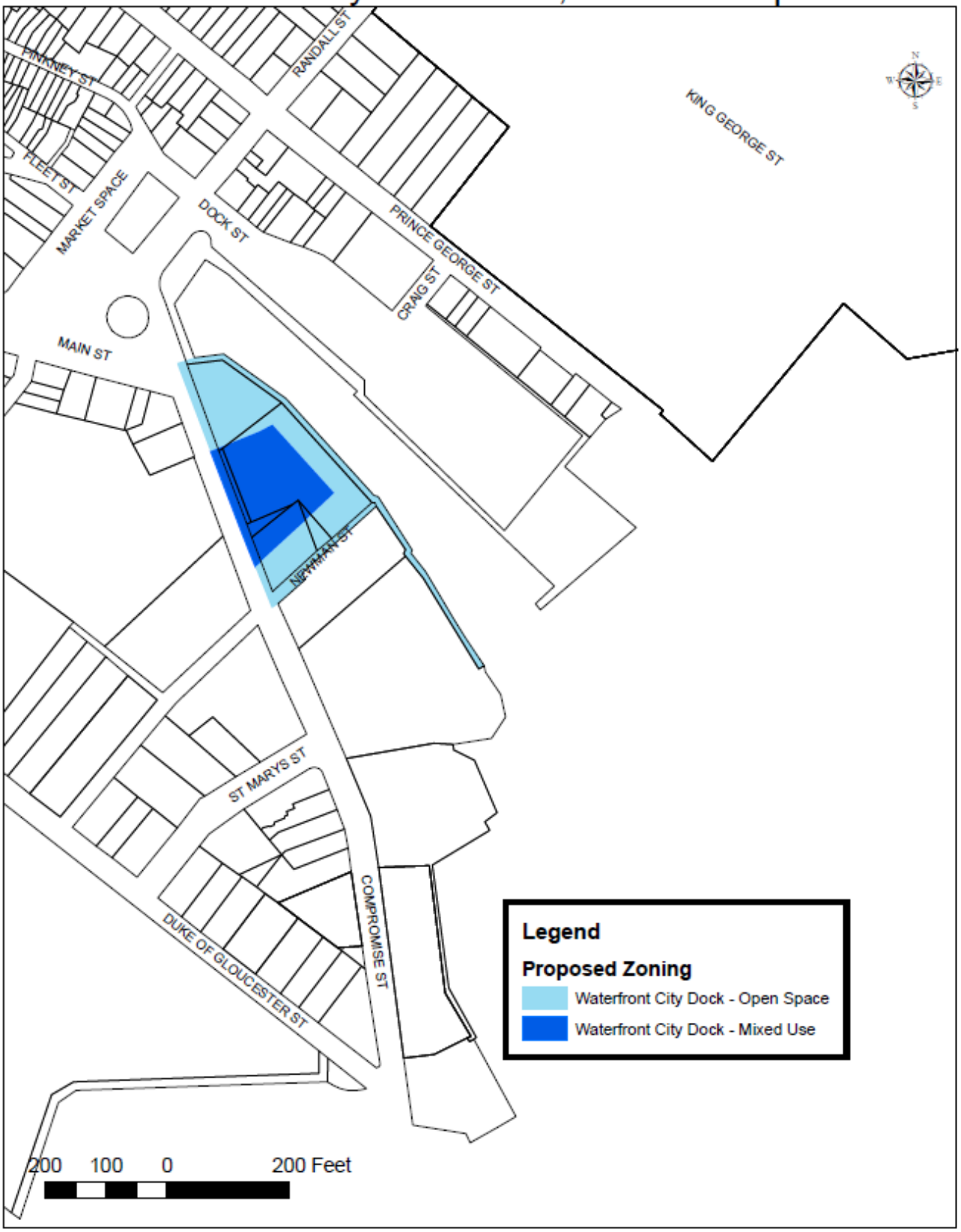


City of Annapolis, Maryland Comprehensive Zoning

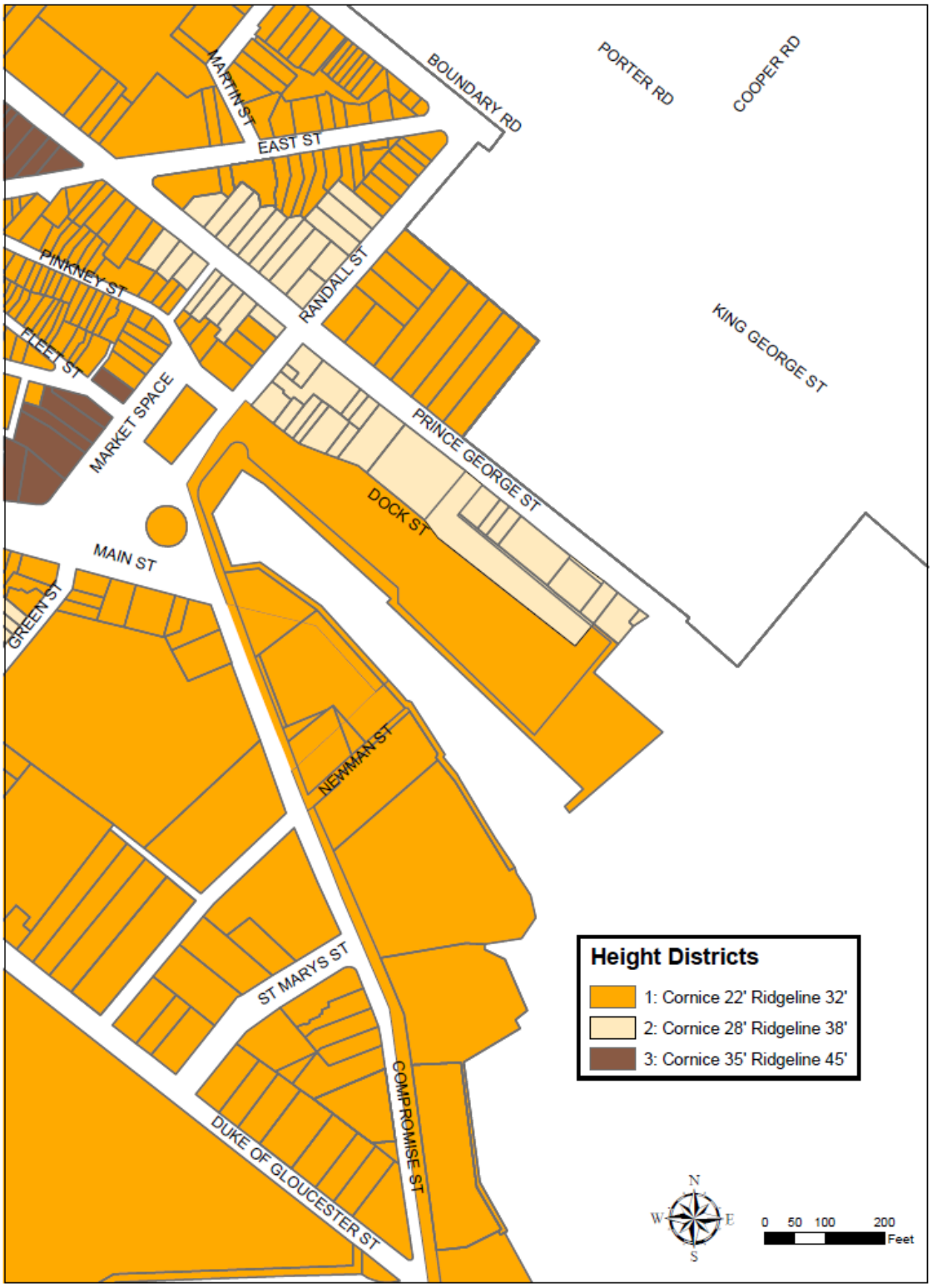
Created : December 2005
Adopted :

1

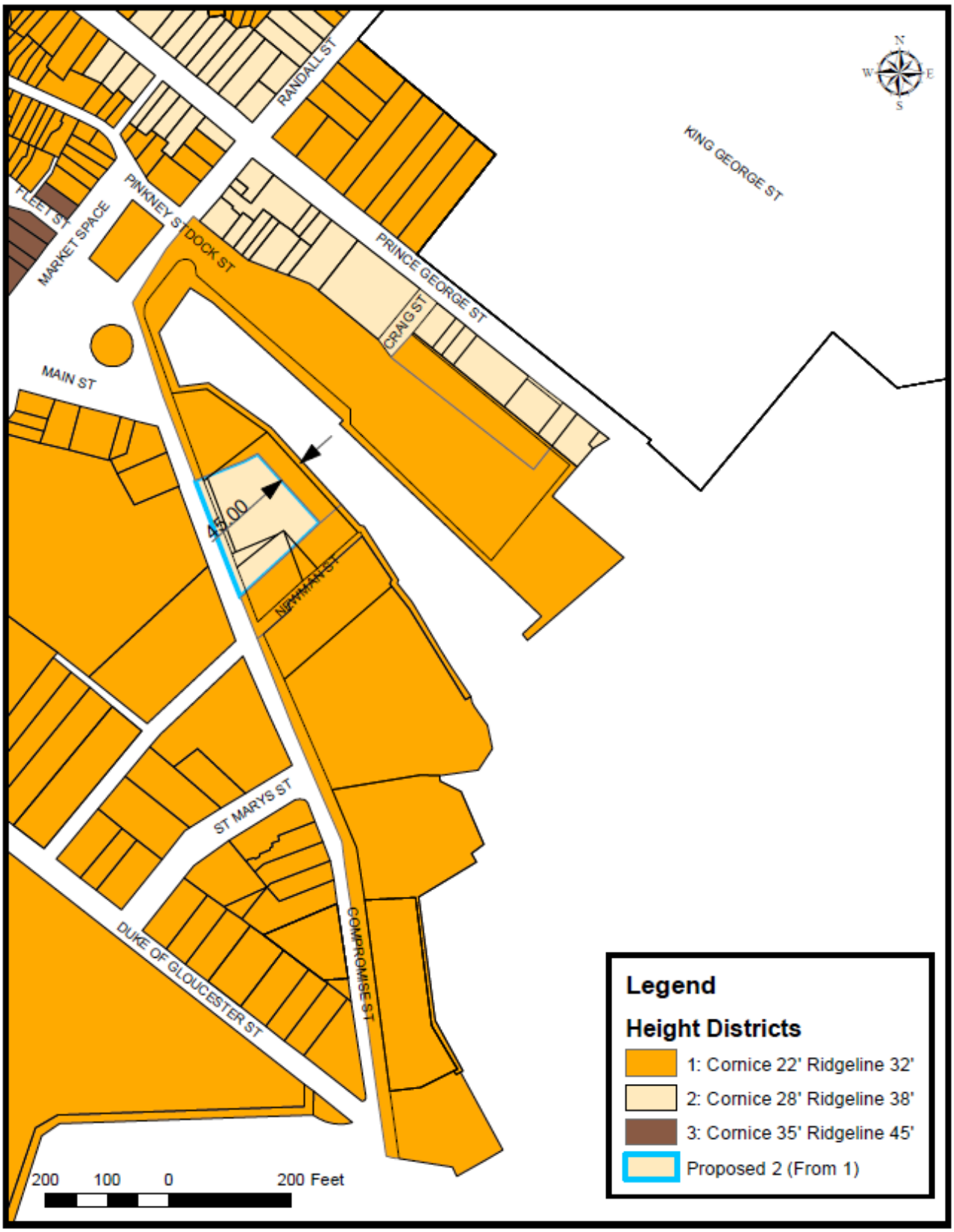
Waterfront City Dock Zone, Phase I Proposed



Historic District Special Height Districts at City Dock, Existing



Historic District Speical Height Districts at City Dock, Phase I Proposed



SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:

Chapter 21.06 - Zoning Districts and Mapping

Section 21.06.010 - Establishment of zoning districts.

For the purpose of this Zoning Code the City is organized into the following zoning districts:

A. Residence districts:

R1	Single-Family Residence
R1-A	Single-Family Residence
R1-B	Single-Family Residence
R2	Single-Family Residence
R2-NC	Single-Family Residence Neighborhood Conservation
R3	General Residence
R3-NC	General Residence Neighborhood Conservation
R3-NC2	General Residence Neighborhood Conservation 2
R3-R	General Residence Neighborhood Revitalization
R4	General Residence
R4-R	General Residence Neighborhood Revitalization
C1	Conservation Residence
C1A	Special Conservation Residence

B. Commercial and industrial districts:

B1	Convenience Shopping
B2	Community Shopping
B3	General Commercial
B3 CD	General Commercial Corridor Design
BCE	Business Corridor Enhancement
BR	Business Revitalization
C2	Conservation Business
C2A	Special Conservation Business
PM2	Professional Mixed Office Park
I1	Light Industrial

C. Office and mixed use districts:

P	Professional Office

MX	Mixed Use
PM	Professional Mixed Office
C2P	Special Conservation Professional

D. Waterfront maritime districts:

WMC	Waterfront Maritime Conservation
WMM	Waterfront Mixed Maritime
WMI	Waterfront Maritime Industrial
WME	Waterfront Maritime Eastport
WCD	WATERFRONT CITY DOCK

E. Overlay districts:

	Critical Area
	Historic District
	Office and Commercial Design

Chapter 21.22 – Site Design Plan Review

Section 21.22.050 - Waivers.

A. Request for Waiver. Upon request by an applicant, and depending upon the size, scope and potential impacts of a proposed development or activity, the Planning and Zoning Director may waive the requirement for submission of a preliminary plan or other major site design plan application submission requirements. If the Planning and Zoning Director waives the requirement for a preliminary plan, the Director may require that any information required to be shown on that plan be shown on subsequent plans submitted by the applicant.

B. Decision on Waiver. In deciding whether to grant requested waivers, the Planning and Zoning Director will consider any special conditions peculiar to a site and whether information required is inappropriate or unnecessary. The Planning and Zoning Director may waive submission requirements if the Director finds that the waiver will not be detrimental to the public health, safety, or general welfare or have the effect of nullifying the intent and purpose of the site design plan submission, the [Comprehensive Plan] PLAN; AS DEFINED IN SECTION 21.72.010, or this chapter; and that the application materials to be provided are adequate to make the required findings based on the criteria set forth below in Section 21.22.080.

Chapter 21.24 – Planned Developments

Section 21.24.010 - Purposes, authority and types.

A. Purposes. The purposes of planned developments are as follows:

1. To allow greater flexibility in order to encourage more creative design for the development of land than is generally possible under conventional zoning district regulations.

2. To promote orderly and thorough planning and review procedures that will result in quality design and counteract the negative effects of monotonous design.

3. To allow the grouping of buildings and a mix of land uses with an integrated design and a coordinated physical plan.

4. To promote development in a manner that protects significant natural resources and integrates natural open spaces into the design of a development project.

5. To encourage a design that takes into account the natural characteristics of the site in the placement of structures.

6. To promote development that is compatible with the goals of the [Comprehensive Plan] PLAN, AS DEFINED IN SECTION 21.72.010.

7. TO PROMOTE A DESIGN THAT TAKES INTO ACCOUNT THE HISTORIC AND CULTURAL CONTEXT ESTABLISHED BY THE SURROUNDING BUILT ENVIRONMENT.

B. Types of Planned Developments, Where Permitted.

1. There are [three] FOUR types of planned developments: residential planned development, business planned developments, [and] special mixed planned developments AND WATERFRONT PLANNED DEVELOPMENTS.

2. Planned developments may be permitted only where listed in the use tables for specific zoning districts in Chapter 21.48 of this Zoning Code.

C. Authority to Approve. The Planning Commission is authorized to decide applications for planned developments.

Section 21.24.020 - Use regulations for planned developments.

A. Residential Planned Development.

1. Except for uses specifically prohibited by the Zoning Code in the district that is the subject of the application, a residential planned development may consist of the following uses:

a. Uses that are allowed as permitted uses, uses subject to standards or special exception uses in any residential district, which uses are allowed as permitted uses if included within and approved as part of a residential planned development.

b. Up to ten percent of the ground area or gross floor area of a residential planned development may consist of uses that are allowed as permitted uses or as uses subject to standards in the B1 District.

2. No more than thirty percent of the ground area or of the gross floor area of the development may be devoted to planned development uses.

B. Business Planned Development.

1. Except for uses specifically prohibited by the Zoning Code in the district that is the subject of the application, a business planned development may consist of the following uses:

a. All uses allowed as a permitted use, use subject to standards, or special exception use in the zoning district in which the business planned development is located, which uses are allowed as permitted uses if included within and approved as part of a business planned development.

b. For business planned developments located in the B1, B2, B3, BCE, P, and MX districts, a business planned development may include all uses allowed in any residential district as a permitted use, use subject to standards, or as a special exception.

2. No more than fifteen percent of the ground area or of the gross floor area of the development may be devoted to planned development uses.

C. Special Mixed Planned Development.

1. Except for uses specifically prohibited by the Zoning Code in the district that is the subject of the application, a special mixed planned development may consist of all uses allowed as a permitted use, use subject to standards, or as a special exception in any zoning district, which uses are allowed as permitted uses if included within and approved as part of a special mixed planned development.

2. No more than thirty percent of the ground area or of the gross floor area of the development may be devoted to planned development uses.

D. WATERFRONT PLANNED DEVELOPMENT.

1. ALL USES SPECIFICALLY ALLOWED AS A PERMITTED USE, USE SUBJECT TO STANDARDS, OR SPECIAL EXCEPTION USE IN THE ZONING DISTRICT IN WHICH A WATERFRONT PLANNED DEVELOPMENT IS LOCATED, ARE ALLOWED AS PERMITTED USES IF INCLUDED AND APPROVED AS PART OF A WATERFRONT PLANNED DEVELOPMENT.

2. RESIDENTIAL AND PROFESSIONAL OR BUSINESS OFFICE (EXCEPT FOR MARITIME OFFICE USES) SHALL NOT BE PERMITTED ON THE GROUND FLOOR OF A WATERFRONT PLANNED DEVELOPMENT.

Section 21.24.050 - Bulk and density standards.

A. Bulk Standards. The Planning Commission may adjust bulk standards, other than height, that are otherwise applicable in the zoning district.

B. Density Standards. The following density standards shall apply to planned developments:

1. In a residential planned development, the maximum number of dwelling units may not exceed the number of units determined by dividing the gross development area by the minimum lot area per dwelling unit (or per dwelling unit type if a mix of units is proposed) required by the district or districts in which the development is located.

Gross development area shall be the area of the zoning lot as a whole. The area of land set aside for common open space or recreational use may be included in determining the number of dwelling units permitted. If the gross development area of the property includes property within the Resource Conservation Area of the Critical Area Overlay, density shall be determined, as per Section 20.24.130(G) and (H).

2. In a business or special mixed planned development, the maximum number of dwelling units may not exceed the number of units determined by dividing the gross residential development area by the minimum lot area per dwelling unit required by the R4 district.

3. IN A WATERFRONT PLANNED DEVELOPMENT, THE MAXIMUM NUMBER OF DWELLING UNITS SHALL BE DETERMINED THROUGH APPLICATION OF THE FLOOR AREA RATIO (FAR) STANDARD SET FORTH IN SECTION 21.50.315 PROVIDED THE MINIMUM DWELLING UNIT SIZES REQUIRED BY CITY CODE AND OTHER REGULATIONS OF THIS CHAPTER ARE MET.

Section 21.24.060 - Common open space.

Planned developments shall provide for common open space as follows:

A. Common open space may include parks, playgrounds, parkways, ALLEYWAYS, medians, landscape green spaces, WALKWAYS, PROMENADES, PLAZAS, schools, community centers or other similar areas in public ownership or covered by an open space easement or controlled by a homeowners association. UP TO 25 PERCENT OF THE AREA DEDICATED TO ANY PLANTED LANDSCAPED OR BIO-RETENTION AREA REQUIRED TO SATISFY ANY CRITICAL AREA MITIGATION REQUIREMENTS MAY BE COUNTED TOWARD MEETING THE OPEN SPACE REQUIREMENTS SET FORTH IN 21.24.060.

B. The area of common open space provided shall be equivalent to twenty percent of the total ground area in residential planned developments, [and] five percent of the total ground area in business and special mixed planned developments, AND TEN PERCENT OF THE GROSS FLOOR AREA OF WATERFRONT PLANNED DEVELOPMENTS.

C. Planned development applications shall include provisions for the ownership, conservation, and maintenance of the common open space.

D. THE COMMON OPEN SPACE REQUIREMENT FOR WATERFRONT PLANNED DEVELOPMENTS MAY BE MET THROUGH COMPARABLE OFF-SITE IMPROVEMENT TO THE OPEN SPACE AND RELATED AMENITIES CONTAINED WITHIN THE BOUNDARIES OF THE ADOPTED PLAN WHEREIN THE PROJECT IS LOCATED. OFF-SITE IMPROVEMENTS THAT ARE ADJACENT TO OR IN CLOSE PROXIMITY TO THE SITE SHALL BE ACCORDED PRIORITY IN MEETING THIS STANDARD.

Section 21.24.090 - Planned development review criteria and findings.

In deciding planned development applications the Planning Commission shall make written findings based on the following:

A. The planned development is compatible with the character of the surrounding neighborhood and the [Comprehensive Plan] PLAN, AS DEFINED IN SECTION 21.72.010, and the purposes of planned developments.

B. The proposed locations of buildings, structures, open spaces, landscape elements, and pedestrian and vehicular circulation systems are adequate, safe, and efficient and designed to minimize any adverse impact upon the surrounding area.

C. The planned development will promote high quality design and will not result in greater adverse impacts to the surrounding area compared to the development that may otherwise be permitted pursuant to the Zoning Code if a planned development were not approved.

D. The planned development complies with the planned development use standards and bulk and density standards.

E. The planned development complies with the Site Design Plan Review criteria provided in Section 21.22.080

F. The planned development plan includes adequate provision of public facilities and the proposed infrastructure, utilities and all other proposed facilities are adequate to serve the planned development and adequately interconnect with existing public facilities.

Chapter 21.34 – Zoning Map Amendments

Section 21.34.040 - Planning Commission review criteria and findings.

The Planning Commission shall not recommend the adoption of a proposed zoning map amendment unless it finds that the adoption of the amendment is in the public interest and is not solely for the interest of the applicant. The Planning Commission may recommend the adoption of an amendment changing the zoning classification of the property to a more restrictive district than that requested by the applicant. The Planning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

A. Existing uses and zoning classification of properties within the general area of the property that is the subject of the application.

B. The suitability of the property in question to the uses permitted under the existing zoning classification compared to the uses permitted under the proposed zoning classification.

C. The trend of development in the general area, including any changes in zoning classification of the subject property or other properties in the area and the compatibility with existing and proposed development for the area.

D. Whether there has been a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification.

E. The availability of public facilities, present and future transportation patterns.

F. The relationship of the proposed amendment to the City's [Comprehensive Plan] PLAN, AS DEFINED IN SECTION 21.72.010.

Chapter 21.46 – Waterfront Maritime Districts

SECTION 21.46.060 - WATERFRONT CITY DOCK DISTRICT

A. PURPOSE

1. THE WATERFRONT CITY DOCK (WCD) DISTRICT IS INTENDED TO PROVIDE A LOCATION FOR REDEVELOPMENT AND LAND USE ACTIVITIES THAT FIT HARMONIOUSLY WITH PUBLIC OPEN SPACES ALONG THE WATERFRONT, PROTECT AND SUSTAIN THE HISTORIC CONTEXT OF CITY DOCK, AND IMPLEMENT THE CITY DOCK MASTER PLAN.

2. IT IS FURTHER THE INTENT OF THIS DISTRICT TO DEFINE WHERE STRUCTURES, BUILDINGS, AND LAND USES ARE PERMITTED AND WHERE THEY ARE NOT PERMITTED BY TYPE IN ACCORDANCE WITH THE ADOPTED CITY DOCK MASTER PLAN. IN FURTHERANCE OF THIS PURPOSE, TWO SUBDISTRICTS ARE HEREBY CREATED WITHIN THE WCD DISTRICT: THE WATERFRONT CITY DOCK MIXED USE (WCD-MX) SUBDISTRICT AND THE WATERFRONT CITY DOCK OPEN SPACE (WCD-OS) SUBDISTRICT.

   i. TO ACHIEVE THE PURPOSES OF THIS ORDINANCE, THE ZONING SUBDISTRICTS OF THE WCD DISTRICT ARE INTENTIONALLY DRAWN IN SUCH A WAY AS TO DIVIDE CERTAIN PROPERTIES.

   ii. THE ZONING SUBDISTRICTS SHALL BE AS INDICATED ON THE OFFICIAL ZONING MAP AND SHALL NOT BE SUBJECT TO THE MODIFICATION OR THE EXTENSION OF REGULATIONS BY THE BOARD OF APPEALS WHICH IS OTHERWISE PROVIDED FOR IN CHAPTER 21.20.

3. INTENT OF THE SUBDISTRICTS OF THE WATERFRONT CITY DOCK DISTRICT:

   i. THE WCD-MX SUBDISTRICT IS INTENDED TO PROMOTE REDEVELOPMENT ON EXISTING LOTS, PROMOTE, PROTECT, AND SUSTAIN THE HISTORIC CONTEXT OF THE AREA, BROADEN THE MIX OF LAND USE ACTIVITIES, AND ENCOURAGE DEVELOPMENT THAT PROVIDES FORM AND HELPS TO ACTIVATE ADJACENT EXISTING AND PLANNED OPEN SPACES.

   ii. THE WCD-OS SUBDISTRICT IS INTENDED TO PROMOTE, PROTECT AND SUSTAIN THE HISTORIC CONTEXT OF THE AREA AND PROMOTE THE IMPROVEMENT, ACTIVATION, AND BEAUTIFICATION OF WATERFRONT OPEN SPACES, TO PROMOTE PUBLIC ACCESS TO AND ALONG THE WATER, AND TO ENSURE THE AVAILABILITY OF SPACE FOR THE MANAGEMENT AND CONTROL OF FLOODWATERS.

B. USES. USES THAT MAY BE PERMITTED WITHIN EACH OF THE SUBDISTRICTS OF THE WCD DISTRICT ARE SET FORTH IN THE TABLE OF USES IN SECTION 21.48.041.

C. DEVELOPMENT STANDARDS.

1. SECTION 21.50.280 CONTAINS THE BULK REGULATIONS TABLE FOR THE WCD DISTRICT.

2. IN THE WCD DISTRICT, CHAPTER 21.56, HISTORIC DISTRICT, SHALL GOVERN THE REGULATIONS OF STRUCTURES WITHIN THE HISTORIC DISTRICT PROVIDED THAT IF THERE ARE ANY INCONSISTENCIES BETWEEN THIS CHAPTER AND CHAPTER 21.56, THE MORE RESTRICTIVE PROVISION SHALL PREVAIL.

3. BUILDING HEIGHTS IN THE WCD DISTRICT SHALL BE LIMITED TO THE MAXIMUM HEIGHTS ALLOWED BY CHAPTER 21.56.170 PROVIDED THAT A VIEWSHED ANALYSIS IS COMPLETED AND SUBMITTED AS PART OF A PLANNED DEVELOPMENT TO THE SPECIFICATIONS ESTABLISHED BY THE DIRECTOR OF PLANNING AND ZONING.

4. ALL PROPOSED NEW BUILDINGS WITH A FAR GREATER THAN TWO (2.0); OR ANY PROPOSED REHABILITATION OR ALTERATION OF EXISTING BUILDINGS WITH A FAR GREATER THAN TWO (2.0); OR ANY OTHER PROJECT WITH A FAR GREATER THAN TWO (2.0) REQUIRE APPROVAL AS A WATERFRONT PLANNED DEVELOPMENT.

5. SITE DESIGN PLAN REVIEW IN ACCORDANCE WITH CHAPTER 21.22 SHALL BE REQUIRED FOR ALL DEVELOPMENT ACTIVITY NOT OTHERWISE MEETING THE SIZE OR INTENSITY STANDARDS OF SECTION 21.46.060 C.4.

6. PARKING. FOR ANY WATERFRONT PLANNED DEVELOPMENT, THE DEVELOPER SHALL PROVIDE BICYCLE PARKING AT A MINIMUM LEVEL EQUIVALENT TO THE NUMBER OF VEHICLE PARKING SPACES (ON A ONE-TO ONE BASIS) BY LAND USE THAT WOULD OTHERWISE BE REQUIRED BY THE TABLE OF OFF-STREET PARKING REQUIREMENTS IN 21.66.130. THIS REQUIREMENT MAY BE MET OFF-SITE.

7. NO SPACE UNDER THE FIRST FLOOR OF A BUILDING THAT IS ELEVATED AT OR ABOVE THE FLOOD PROTECTION ELEVATION AS DEFINED BY 17.11.179 OF THE CITY CODE AND CONTAINS PARKING SHALL BE OPEN TO ANY VIEW FROM A PUBLIC RIGHT-OF-WAY EXCEPT THAT AN OPENING TO PERMIT INGRESS AND EGRESS OF AUTOMOBILES IS PERMITTED FROM THE SIDE OR REAR OF THE BUILDING.

D. ADDITIONAL STANDARDS. RESERVED.

1 **Chapter 21.48 – Use Tables**

SECTION 21.48.041 – TABLE OF PERMITTED USES – WATERFRONT MARITIME ZONES – WATERFRONT CITY DOCK DISTRICT

P = PERMITTED USE; S = SPECIAL EXCEPTION USE; -STD = USE SUBJECT TO STANDARDS (CHAPTER 21.64); A = ACCESSORY USE; BLANK = NOT PERMITTED

Uses		Subdistrict WCD-MX	Subdistrict WCD-OS
A. GENERAL USES			
	ACCESSORY BUILDINGS AND USES, INCLUDING SIGNS	A	
	ARTS AND CULTURAL CENTERS	P	
	ANTIQUE STORES	P	
	ARTS AND CRAFTS STUDIOS	P	
	BAKE SHOPS	P-Std	
	BANKS AND FINANCIAL INSTITUTIONS	P	
	BARS AND TAVERNS	P	
	BICYCLE SALES, RENTAL, REPAIR STORES	P	
	BOAT SHOWROOMS	P	
	CAB STANDS, VALET PARKING STANDS (EXCLUDING OFFICES AND RELATED PARKING FACILITIES)	P	P
	CANDY STORES, WHERE ONLY CANDY PREPACKAGED OFF THE PREMISES IS SOLD	P	
	CANDY STORES, INCLUDING CANDY MAKING	P	
	CARPET AND RUG STORES, RETAIL SALES ONLY	P	
	CHRISTMAS TREE AND GREENS SALES	P	P

CLUBS, LODGES, AND MEETING HALLS WITH NO ON-PREMISES FOOD OR BEVERAGE PREPARATION FACILITIES	P	
CLUBS, LODGES, AND MEETING HALLS WITH ON-PREMISES FOOD OR BEVERAGE PREPARATION FACILITIES	P	
COFFEE SHOPS	P-Std	
DELICATESSEN	P-Std	
DRY CLEANING AND LAUNDRY DROP OFF AND PICK UP STATIONS	P	
DWELLINGS ABOVE THE GROUND FLOOR OF NON-RESIDENTIAL USES	P	
FOOD SERVICE MART	P-Std	
FOOD STORES	P	
FURNITURE STORES	P	
GARDEN SUPPLY, TOOL AND SEED STORES	P	
GOVERNMENT USES		
OFFICES	P	
OTHER GOVERNMENT AND GOVERNMENT-RELATED STRUCTURES, FACILITIES AND USES	P	P
HOTELS	P	
ICE CREAM SHOPS	P	
INNS	P	
LAUNDERETTES, AUTOMATIC, SELF SERVICE	A-Std	
LIGHT MANUFACTURING		
LIQUOR STORE	P	

MARKETS, OPEN AIR, INCLUDING FARMERS' MARKETS AND PRODUCE MARKETS	P-Std	P-Std
ELECTRIC VEHICLE RECHARGING STATIONS		A-Std
MUSEUMS AND ART GALLERIES	P	
NAUTICAL SHOPS, RETAIL TRADE	P	
OFFICE AND BUSINESS SERVICE ESTABLISHMENTS	P	
OFFICES, BUSINESS AND PROFESSIONAL AND NONPROFIT, EDUCATIONAL, CULTURAL, OR CIVIC	P-Std	
OFFICES, MEDICAL	P	
PARKING LOT, OTHER THAN ACCESSORY		P-Std
PHILANTHROPIC AND CHARITABLE INSTITUTIONS, CIVIC, NONPROFIT ORGANIZATIONS, SOCIAL AND FRATERNAL ORGANIZATIONS	P	
PERSONAL CARE ESTABLISHMENTS	P	
PHYSICAL HEALTH FACILITIES, INCLUDING HEALTH CLUBS, GYMNASIUMS, AND WEIGHT CONTROL CENTERS	P	
PLANNED DEVELOPMENTS, WATERFRONT	P-Std	
RESTAURANTS, STANDARD	P	
OUTDOOR DINING ACCESSORY TO A RESTAURANT USE INCLUDING SERVICE OF ALCOHOL	P	P
RETAIL GOODS STORES	P	
SCHOOLS, PRIVATE, ELEMENTARY, MIDDLE, OR HIGH	P	

	SCHOOLS, COMMERCIAL, TRADE, VOCATIONAL, MUSIC, DANCE, ART	P	
	SIDEWALK CAFES	P-Std	P-Std
	SPECIALTY CONVENIENCE RETAIL GOODS STORES	P	
	TELECOMMUNICATIONS FACILITIES	A-Std	
	TEMPORARY USES	P-Std	P-Std
	THEATERS, INDOOR	P	
	OUTDOOR RECREATIONAL USES, SUCH AS ICE SKATING RINKS, SMALL BOAT LAUNCH	P	P
	TOBACCO SHOPS	P	
	WINE BARS	P	
B. MARITIME USES	**1. IN WATER BOAT STORAGE:**		
	A. DOCKS, SLIPS, PIERS AND OTHER FACILITIES AT WHICH BOATS ARE BERTHED IN CONJUNCTION WITH OTHER MARITIME USES	P	P
	B. YACHT AND SAILING CLUBS, AND MEMBERS SERVICES	P	
	MARINE FABRICATION	P	
	A. SAIL AND CANVAS ACCESSORY MANUFACTURE	P	
	B. SPAR AND RIGGING CONSTRUCTION	P	
	C. CONSTRUCTION AND LAYING UP OF MARINE MOLDS	P	
	2. MARINE SERVICES: FUNCTIONS NECESSARY TO SERVICE IN WATER AND ON-LAND STORAGE AND WORKING BOATYARDS:		
	A. BOAT DEALERS, BROKERS AND MANUFACTURES' REPRESENTATIVES	P	

B. BOAT RENTALS, CHARTS, AND CHARTER SERVICES	P	
C. MARINE PARTS, SUPPLIES, ACCESSORY DISTRIBUTORS	P	
D. MARINE TRANSPORTATION AND WATER TAXIS	P	P
E. MARINE DOCUMENTATION	P	
F. BOATSHOW MANAGEMENT AND PROMOTION	P	P
G. NAUTICAL COMPONENT SERVICING	P	
H. YACHT DESIGNERS	P	
I. MARINE SURVEYORS	P	
3. MARITIME RETAIL	P	
4. GENERAL MARITIME: GENERAL OFFICE AND RESEARCH FUNCTIONS CONTRIBUTING TO MARITIME ACTIVITIES INCLUDING, BUT NOT LIMITED, TO:		
A. MARINE SALVAGE, TESTING, AND ENVIRONMENTAL SERVICES	P	
B. MARINE ASSOCIATIONS	P	
D. OCEANOGRAPHIC LABORATORIES AND EXPERIMENTAL FACILITIES	P	
C. FACILITIES FOR MARINA POLLUTION CONTROL, OIL SPILL CLEANUP, AND SERVING OF SANITATION DEVICES	P	
D.TUGBOAT, VESSEL, TOWING SERVICES, FIREBOAT, PILOT BOATS, HARBORMASTER, AND SIMILAR SERVICES	P	

SPECIALIZED PROFESSIONAL SERVICES TO THE MARITIME INDUSTRY	P	
MARINE TRANSPORT OPERATIONS INCLUDING SHIPPING OFFICES	P	
MARINE PHOTOGRAPHY, PRINTMAKING, CHART-MAKING	P	
YACHT AND SAILING CLUB OFFICES	P	
YACHT FINANCE	P	
MARITIME SERVICE ORGANIZATIONS	P	
5. MARITIME INSTITUTIONS		
A. MARINE EDUCATIONAL FACILITIES	P	
B. MARINE MUSEUMS AND AQUARIUMS	P	

1 **Chapter 21.50 – Bulk Regulations Tables**

21.50.280 BULK REGULATIONS TABLE, WCD DISTRICT

THE FOLLOWING APPLIES TO ALL LOTS WITHIN THE WCD DISTRICT WITHOUT REGARD TO SUBDISTRICT DESIGNATION.

IMPORTANT: *THE NOTES AT THE END OF THE TABLE ARE AS MUCH A PART OF THE LAW AS THE TABLE ITSELF.*

LOT DIMENSIONS (MINIMUM)			YARDS (MINIMUM)					COVERAGE, HEIGHT, FLOOR ARE RATIO (MAXIMUM)			LOCATION WHERE A STREET RIGHT- OF-WAY TERMINATES AT A WATERWAY[6]
AREA (SQ FT)	WIDTH (FT)	DEPTH (FT.)	FRONT (FT)	FRONT BUILDING LINE SETBACK[2] (FT)	INTERIOR SIDE (FT)	CORNER SIDE (FT)	REAR (FT)[3]	HEIGHT (FT)[4]	FLOOR AREA RATIO[5]	LOT COVERAGE (%)	
5,000	50	100	0 [1]	*	0	0	50	*	5	100	*

TABLE NOTES:

[1]EXCEPT THAT ANY LOT WITH FRONTAGE ON COMPROMISE STREET SHALL HAVE A MINIMUM FRONT YARD SETBACK OF 15 FEET MEASURED FROM THE CURB.

[2]THE FRONT BUILDING LINE SETBACK, WHICH SHALL BE MEASURED FROM THE CURB WHERE EXISTING OR WHERE PLANNED, IN ACCORDANCE WITH THE CITY DOCK MASTER PLAN AND UPON APPROVAL OF THE DIRECTOR OF PLANNING AND ZONING, SHALL BE DETERMINED BY THE PLANNING COMMISSION THROUGH THE SITE PLAN REVIEW PROCEDURES OF THIS ORDINANCE OR THE PLANNED DEVELOPMENT PROCEDURES, AS APPLICABLE.

[3]THE MINIMUM SETBACK FOR LOTS WITH WATERWAY FRONTAGE SHALL BE 50 FEET FROM THE SHORELINE, MEASURED PARALLEL TO THE SHORELINE, EXCEPT AS MAY BE MODIFIED UNDER THE PLANNED DEVELOPMENT PROVISION OF CHAPTER 21.24. NO BUILDINGS OR STRUCTURES ARE PERMITTED IN THIS YARD, EXCEPT STRUCTURES ASSOCIATED WITH PUBLIC PEDESTRIAN WALKWAYS, FLOOD CONTROL AND RELATED INFRASTRUCTURE, TEMPORARY PUBLIC ART INSTALLATIONS AND OTHER APPROVED TEMPORARY STRUCTURES.

[4]THE MAXIMUM HEIGHT SHALL BE AS SET FORTH IN SECTION 21.56.170.

[5] FLOOR AREA RATIO (FAR) SHALL HAVE THE MEANING SET FORTH IN SECTION 21.38.030 EXCEPT THAT ANY ENCLOSED OR UNENCLOSED SPACE BELOW THE FLOOD PROTECTION ELEVATION, AS DEFINED BY SECTION 17.11.179 OF THE CITY CODE, SHALL NOT BE COUNTED AS FLOOR AREA FOR THE PURPOSE OF CALCULATING FAR.

[6]NO BUILDING, BUILDING ENCROACHMENT, OR STRUCTURE IS PERMITTED WITHIN A SETBACK DEMARCATED BY THE PROLONGATION OF A LINE DEFINED BY THE SOUTHWEST SIDE OF THE RIGHT-OF-WAY OF MAIN STREET AND EXTENDING TO THE EDGE OF THE CLOSEST WATERWAY, EXCEPT FOR PUBLIC INFRASTRUCTURE SUCH AS STORMWATER MANAGEMENT FACILITIES.

1

Chapter 21.54 – Critical Overlay

Section 21.54.080 - Development requirements—Intensely developed areas.

A. Stormwater Management. Stormwater management technologies shall be required to reduce pollutant loadings by at least ten percent below that of predevelopment levels in accordance with Chapter 17.10

B. Impervious Surfaces. Manmade impervious surfaces shall be limited to the following maximum percentages of the development site:

Underlying Zoning District	Percent of Manmade Impervious Surface (maximum)
Residential	50
P, PM, B1, B2, B3	60
C1, C1A,	75
Maritime	80
C2, C2A, C2P, WCD[1] _____ [1]UPON APPROVAL BY THE PLANNING DIRECTOR, MANMADE IMPERVIOUS SURFACE AREA MAY EXCEED 90 PERCENT OF THE SITE IF PERVIOUS SURFACE AREA IS CREATED WITHIN THE BOUNDARIES OF THE CITY DOCK MASTER PLAN.	90

Chapter 21.56 – Historic District

Section 21.56.170 - Height measurement.

The height of buildings shall be determined in the following manner:

A. All measurements shall be taken from the center of the building at the front setback line AT GRADE OR AT THE FLOOD PROTECTION ELEVATION AS DEFINED IN SECTION 17.11.179 OF THE CITY CODE, WHICHEVER IS GREATER. [; p]Provided, however, that if the building is greater than forty-four feet wide, the massing shall conform to Section 21.56.210. In buildings greater than forty-four feet in width, the building height measurement shall be taken at the highest point of each building element at the front setback line.

B. Antennas and mechanical equipment up to thirty inches high shall not be counted in computing height, and penthouses, other structures and mechanical equipment thirty inches in height shall be used in computing height; chimneys are excluded.

C. For the purpose of achieving a permanent height limit, the height of a building shall not be allowed to increase because of an increase in the elevation of the front setback line occurring after the effective date of this Zoning Code.

D. Height Measurement in Special Height Limit Districts.

1. Two limits are established for each height district:

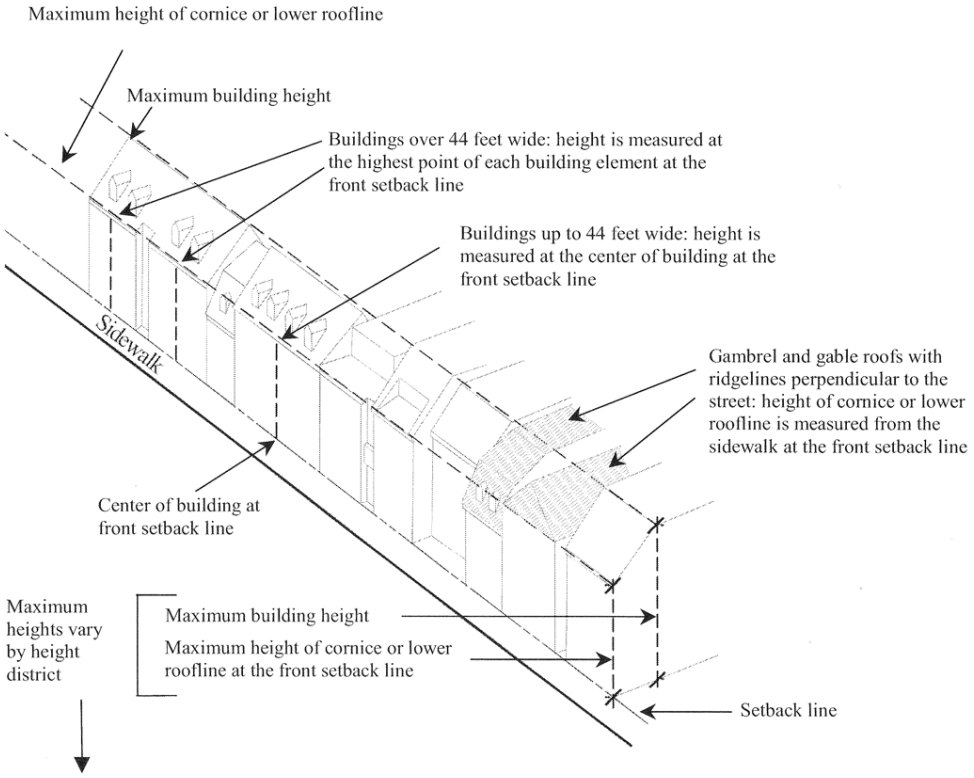
a. The height of a building at its highest point.

b. The height of a cornice or lower roofline of the building at the front setback line.

2. The height of a building behind the front setback line may be increased provided it does not exceed a plane projected at an angle of forty-five degrees upward from the maximum allowable cornice or lower roofline height at the front setback line. The plane may contain roof dormers provided the sum of their widths does not exceed fifty percent of the street front linear dimensions of the building.

3. For gambrel and gable roofs with ridge lines perpendicular to the street, the height of a cornice or lower roofline will be measured at the side wall at the front setback line, and the height of the building at its highest point will be measured at the ridge line.

Illustration for height measurement.



Height District per 21.56.180	Height of Cornice or Lower Roofline at Front Setback	Maximum Building Height
1	22′	32′

2	28′	38′
3	35′	45′

Section 21.56.180 - Special height limit districts.

A. Establishment. Three special height limit districts are established: district 1, district 2 and district 3.

B. Location and Boundaries. The location and boundaries of the special height limit districts are as set forth on the map entitled "Historic District Special Height and Bulk Limits, Revised, [May, 1983] (DATE OF THIS ORDINANCE)," certified copies of which are be maintained by the Department of Planning and Zoning, which constitutes a part of the "City of Annapolis Zoning District Map," established by Section 21.06.020

C. Applicability. The special height and bulk limits in these districts shall govern over any other height and bulk limits established in other provisions of this Zoning Code.

D. Regulations.

1. No building in the special height limit district 1 may exceed a total height of thirty-two feet and a height of twenty-two feet at the cornice or lower roofline measured at the front setback line.

2. No building in the special height limit district 2 may exceed a total height of thirty-eight feet and a height of twenty-eight feet at the cornice or lower roofline measured at the front setback line.

3. No building in the special height limit district 3 may exceed a total height of forty-five feet and height of thirty-five feet at the cornice or lower roofline measured at the front setback line.

Chapter 21.60 – Supplemental Use and Developmental Standards

Section 21.60.060 – Location of Required Open Space

All yards and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as the building or dwelling group, EXCEPT THAT WITHIN THE WCD DISTRICT, WATERFRONT PLANNED DEVELOPMENTS MAY SATISFY REQUIRED OPEN SPACE STANDARDS THROUGH OFF-SITE IMPROVEMENTS UPON APPROVAL OF THE PLANNING COMMISSION AS PROVIDED FOR IN SECTION 21.24.060 (D) OF THE CITY CODE.

Chapter 21.64 – Standards for Uses Subject to Standards

SECTION 21.64.291 - ELECTRIC VEHICLE RECHARGING STATION.

IN THE WCD-OS SUBDISTRICT THIS USE IS PERMITTED AS AN ACCESSORY USE TO A PUBLIC PARKING LOT AND/OR PLAZA.

SECTION 21.64.371 - LAUDERETTES, AUTOMATIC, SELF-SERVICE.

IN THE WCD-MX SUBDISTRICT THIS USE IS PERMITTED AS AN ACCESSORY USE TO AN APPROVED MULTI-FAMILY DWELLING USE OR AN APPROVED YACHT AND SAILING CLUB MARITIME USE.

Section 21.64.430 - Office, business and professional and nonprofit, educational, cultural or civic.

A. P District. In the P district, this use is permitted by right on lots of five thousand four hundred square feet or more. On lots less than five thousand four hundred square feet the use may be permitted by special exception.
B. PM District. In the PM district, when this use is established on lots less than five thousand four hundred square feet, the following standards apply:
   1. All trash and refuse shall be stored in self-enclosed trash storage areas. Trash areas shall be screened in an appropriate manner using a board-on-board enclosure.
   2. Pedestrian traffic through and around the project shall be separated from driveways and parking lots through the use of sidewalks.
   3. Parking areas shall be provided at the rear of the site and structures shall be located at the front of site.
C. WCD-MX SUBDISTRICT. IN THE WCD-MX SUBDISTRICT, THIS USE IS PERMITTED PROVIDED IT IS NOT ON THE GROUND FLOOR OR FIRST FLOOR OF A BUILDING.

Section 21.64.470 - Parking lots.

A. MX District.
   1. Temporary surface parking lots not to exceed six months duration are a permitted use.
   2. Surface parking other than permitted in subsection (A)(1) of this section are subject to the following standards:
      a. A planting plan is required;
      b. Cars and parking lots shall be screened from view;
      c. A ten foot wide buffer strip at all street edges of the zoning lot shall be reserved for walls or plantings, or a combination thereof in order to screen the zoning lot; and
      d. Plantings and any constructed edge shall be compatible in material, design and scale to the prevailing character of the street.
B. PM District.
   1. A planting plan is required. In cases where parking lots abut a residential zoning district additional planting or screening may be required.

2. All lots shall be signed in an appropriate manner to guide traffic into, around and out of the lot.

C. WCD-OS SUBDISTRICT.

IN THE WCD-OS SUBDISTRICT, THIS USE IS PERMITTED PROVIDED IT IS A PUBLICLY OWNED FLEXIBLE USE PARKING LOT, MEANING THAT THE USE OF THE LOT SHALL INCLUDE PUBLIC BENEFIT AND/OR PUBLIC OPEN SPACE ACTIVITIES IN ADDITION TO, IN COMBINATION WITH, OR AT TIMES TO THE EXCLUSION OF VEHICULAR PARKING.

Chapter 21.70 – Sign Regulations

21.70.100 - Nonconforming signs.

A. The Director of Neighborhood and Environmental Programs shall order the removal of any sign erected or maintained in violation of the law as it existed prior to the date of the adoption of this Zoning Code.

B. Other signs existing at the time of the adoption of this Zoning Code and not conforming to its provisions, but which did conform to previous laws, shall be regarded as nonconforming signs which may be continued if properly repaired and maintained as provided in this chapter[.], EXCEPT BILLBOARD SIGNS WHICH SHALL BE ELIMINATED WITHIN SEVEN YEARS OF THIS DATE OF ADOPTION OF THIS ORDINANCE. UPON APPEAL OF THE DIRECTOR'S DECISION TO REMOVE THE SIGN, THE BOARD OF APPEALS MAY, BUT IS NOT REQUIRED, TO EXTEND THIS TIME PERIOD BASED ON A FINDING THAT THE SEVEN YEARS IS NOT SUFFICIENT TIME FOR THE SIGN OWNER TO FULLY AMORTIZE THE CAPITAL INVESTMENT IN THE SIGN STRUCTURE. UNDER NO CIRCUMSTANCES SHALL THE AMORTIZATION PERIOD PERMITTED BY THE BOARD OF APPEALS EXCEED ONE ADDITIONAL YEAR OR EIGHT YEARS TOTAL. IN DETERMINING AN APPROPRIATE AMORTIZATION PERIOD, THE BOARD SHALL CONSIDER THE FOLLOWING:

1. THE OWNER'S CAPITAL INVESTMENT IN STRUCTURES, FIXED EQUIPMENT, AND OTHER ASSETS (EXCLUDING INVENTORY AND OTHER ASSETS THAT MAY BE FEASIBLY TRANSFERRED TO ANOTHER SITE) ON THE PROPERTY BEFORE THE TIME THE USE BECAME NONCONFORMING.
2. ANY COSTS THAT ARE DIRECTLY ATTRIBUTABLE TO THE ESTABLISHMENT OF THE COMPLIANCE DATE, INCLUDING DEMOLITION EXPENSES, RELOCATION EXPENSES, TERMINATION OF LEASES, AND DISCHARGE OF MORTGAGES.
3. ANY RETURN ON INVESTMENT SINCE INCEPTION OF THE USE, INCLUDING NET INCOME AND DEPRECIATION.
4. THE ANTICIPATED ANNUAL RECOVERY OF INVESTMENT, INCLUDING NET INCOME AND DEPRECIATION.

C. Nonconforming signs which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this chapter.

Chapter 21.72 – Terms and Definitions

Section 21.72.010 - Terms

PLAN

"PLAN" MEANS THE POLICIES, STATEMENTS, GOALS AND INTERRELATED PLANS FOR PRIVATE AND PUBLIC LAND USE, TRANSPORTATION AND COMMUNITY FACILITIES DOCUMENTED IN TEXTS AND MAPS THAT CONSTITUTE THE GUIDE FOR AN AREA'S FUTURE DEVELOPMENT. "PLAN" INCLUDES A GENERAL PLAN, MASTER PLAN, COMPREHENSIVE PLAN, FUNCTIONAL PLAN, OR COMMUNITY PLAN ADOPTED IN ACCORDANCE WITH THE LAND USE ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this Ordinance shall take effect from the date of its passage.

ADOPTED this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

_____ BY _____

Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

Explanation:

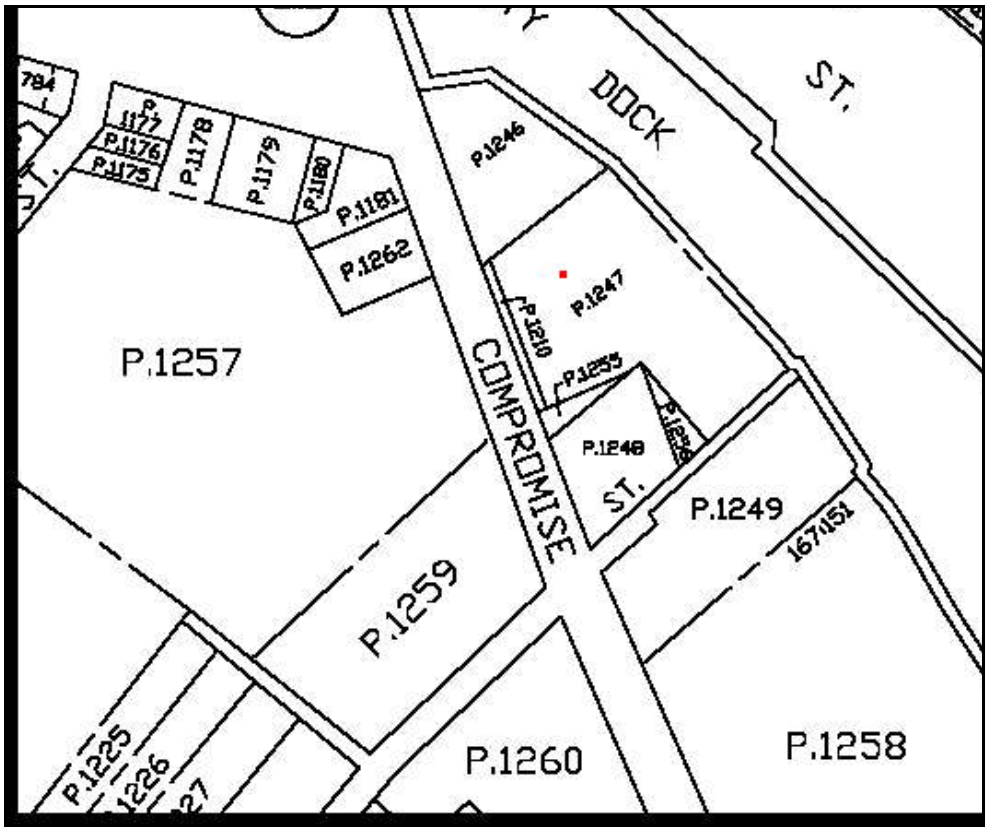
CAPITAL LETTERS indicate matter added to existing law.
[brackets] indicate matter stricken from existing law.
Underlining indicates amendments.

Staff Report

Ordinance O-7-13

Establishment of a New Zoning District: Waterfront City Dock, Phase One

The proposed ordinance would implement the Phase One recommendations of the City Dock Master Plan by establishing a new zoning district - the Waterfront City Dock Zone. This new district would cover much of the current Waterfront Maritime Conservation (WMC) district. However, the following properties would not be covered by the new district and would remain unchanged: the Fleet Reserve Club, the Marriott Hotel, and the Annapolis Yacht Basin. The aforementioned properties are not re-zoned because they were not part of the specific land use and public improvement planning for the City Dock Master Plan. Phase One of this rezoning concerns property parcels 1246, 1247, 1210, 1255, 1248, and 1256. These parcels include the "Donner Parking Lot," 110 Compromise (the former Fawcett's site), and the "Fleet Parking Lot."



Permitted Land Uses

The new Waterfront City Dock district is divided into two subdistricts: Waterfront City Dock Open Space (WCD-OS) and Waterfront City Dock Mixed Use (WCD-MX). The uses allowed in the WCD-OS zone would largely be limited to open space activities. These could include accessory sidewalk cafés, outdoor market activities, and temporary uses and structures in addition to public open spaces and parks/plazas. The WCD-MX zone would allow a broad array of land uses, including multiple family residential, hotel, retail, restaurants, and many maritime uses.

Development Standards

Building Height: Height would be regulated through an amended Historic District special height overlay map. There are currently three special height districts in the Historic District. These would be maintained; however, reclassification of three sites is proposed. It is also proposed that height be measured from flood protection elevation or grade, whichever is greater throughout the historic district. This will help properties in the flood plain have a certain number of stories, regardless of additional elevation required to meet building Code. These standards would only be permissible upon a developer's preparation of a viewshed analysis as part of a Planned Development application.

Bulk Regulations: New bulk regulations are proposed for development in the new WCD district. The standards would be subject to modification as part of a Waterfront Planned Development. The standards would generally provide for zero yard setbacks.

Allowable Residential Density: Maximum density permitted would be determined in part by a new proposed floor area ratio (FAR) standard and the minimum dwelling unit sizes provided elsewhere in City Code. The actual permitted number of units on any site would be further constrained by proposed building height restrictions and a proposed requirement that the ground floor of all new buildings be used commercially.

Parking: No new surface parking areas in the WCD-MX district accommodating more than five parked vehicles would be allowed, unless approved by the Planning Commission as a temporary phase of a more intensive Planned Development.

Developments in the WCD district which are over 10,000 square feet in gross floor area would be required to meet the employee share of parking demand though participation in an off-site parking and shuttle service program, which would include the City's hospitality employee parking program. Otherwise, new uses and development would be exempt from providing vehicular parking. Bicycle parking, equivalent in number to the vehicular parking spaces required by the City Code's table of required off-street parking spaces, would be required; this requirement could be met off-site.

Prepared by Sally Nash, Chief of Comprehensive Planning, Planning and Zoning Department at SNash@annapolis.gov or (410) 263-7961 and Jessica Cowles, Legislative and Policy Analyst, Office of Law at JCCowles@annpolis.gov or (410) 263-1184.

City of Annapolis
DEPARTMENT OF PLANNING AND ZONING
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Chartered 1708 Annapolis 410-263-7961 • FAX 410-263-1129 • TDD 410-263-7943

JON ARASON, AICP
DIRECTOR

May 28, 2013

MEMORANDUM
To: Planning Commission
From: Jon Arason, Director of Planning and Zoning
Re: O-7-13: Establishment of a New Zoning District: Waterfront City Dock, Phase One
Encl: O-7-13; Attachment 1: Technical Analysis of Proposed Height Measurement Methodology; Attachment 2: O-7-13 with Track Changes for Amendments

SUMMARY

Ordinance O-7-13 proposes amendments to Title 21, including the establishment of a new zoning district, in order to implement the recommendations of the City Dock Master Plan.

Text amendments proposed include:

- Establishment of a new Waterfront City Dock (WCD) zoning district with use, bulk regulations, parking, and lot coverage regulations
- Amending the method for measuring height in the Historic District to include a provision related to the flood protection elevation for applicable properties
- Creation of a new class of planned development—the Waterfront Planned Development
- Addition of a new standard for all planned developments that requires them to promote a design that takes into account the historic and cultural context
- Defining the term "Comprehensive Plan" where used throughout the zoning code to be in accordance with the state-mandated definition
- Establishing regulations for the removal of billboard signs

Map amendments proposed include:

- Rezoning of parcels 1246, 1247, 1210, 1255, 1248, and 1256, which are located along Compromise Street, from Waterfront Maritime Conservation (WMC) district to WCD
- Reclassification of the height district for property located in the WCD-MX, Waterfront City Dock Mixed Use zoning subdistrict

BACKGROUND AND ANALYSIS

The City Dock Advisory Committee (CDAC) was established in September 2010 to advise the City on rejuvenating City Dock. The City Dock Master Plan was introduced to City Council in November 2012, and Ordinance O-7-13 was introduced on May 13, 2013. O-7-13 proposes a new zoning district that draws on the recommendations of the master plan. It is a sectional zoning map amendment and a zoning text amendment. The density, uses, bulk regulations, and parking requirements for this new zoning district are a combination of the existing regulations and standards in place for the Conservation

Business District (C2) and the Waterfront Maritime Conservation (WMC) district, with certain changes that are discussed below.

The new Waterfront City Dock district is divided into two subdistricts: Waterfront City Dock Open Space (WCD-OS) and Waterfront City Dock Mixed Use (WCD-MX). The uses allowed in the WCD-OS zone would largely be limited to open space activities. These could include accessory sidewalk cafés, outdoor market activities, and temporary uses and structures in addition to public open spaces and parks/plazas. The WCD-MX zone would allow a broad array of land uses, including multiple family residential, hotel, retail, restaurants, and many maritime uses.

New bulk regulations are proposed for development in the new WCD district. The standards would be subject to modification as part of a Waterfront Planned Development. Generally, setbacks would not be required, although a 45-foot setback from Market Slip is required of all new buildings. This setback could pertain to the rear, side, or front of a building.

Maximum density permitted would be determined in part by the plan review process. The actual permitted size of any new building would be further constrained by proposed building height restrictions and a proposed requirement that the ground floor of all new buildings be used commercially.

Developments in the WCD district that are over 10,000 square feet in gross floor area would be required to meet the employee share of parking demand though participation in an off-site parking and shuttle service program, which would include the City's hospitality employee parking program. Otherwise, as in the C2 and C2A Districts, off-street parking facilities are not required except that uses containing 20,000 square feet or more of floor area must provide 20 parking spaces, plus one space for each additional 500 square feet of floor area. Bicycle parking, equivalent in number to the vehicular parking spaces required by the City Code's table of required off-street parking spaces, would be required; this requirement could be met off-site.

Changes to Height Measurement and Special Height Districts

On May 16, 2013, the Planning Commission recommended that City Council approve the City Dock Master Plan. The Commission recommended that the height for the development site on Compromise Street be 2-3 stories and that there should be revised zoning regulations to change how height is measured. The Planning Commission findings stated that height "should be changed to measure from grade or flood protection elevation, whichever is greater to ensure the number of allowed stories is achievable given existing federal and local floodplain regulations."

This ordinance proposes both these changes—that the Compromise Street development site be moved from Special Height District One to Special Height District Two and that a new method of measuring height is utilized in the Historic District, where the property is located in the floodplain. There are currently three special height districts in the Historic District and these would be maintained. The height districts are:

- Special Height District One, which allows a maximum height of 22 feet to the building cornice and 32 feet to the ridgeline
- Special Height District Two, which allows a maximum height of 28 feet to the building cornice and 38 feet to the ridgeline

- Special Height District Three, which allows a maximum height of 35 feet to the building cornice and 45 feet to the ridgeline.

The new technique for measuring height would affect properties where grade is lower than the flood protection elevation. "**Flood protection elevation**" is defined in City Code Section 17.11.179 as "the base flood elevation plus two feet of freeboard." There are several important terms in this definition. First is "**base flood**." According to FEMA, this is the name for the flood "having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the '100-year flood.' The base flood is the national standard used by the National Flood Insurance Program (NFIP) and all Federal agencies for the purposes of requiring the purchase of flood insurance and regulating new development." "**Base Flood Elevations**" (BFEs) are typically shown on Flood Insurance Rate Maps (FIRM). This is the computed elevation to which floodwater is anticipated to rise during the base flood.

The BFE is the regulatory requirement for the elevation or floodproofing of structures. The relationship between the BFE and a structure's elevation determines the flood insurance premium. For a community to participate in the National Flood Insurance Program, it must adopt and enforce floodplain management regulations that meet or exceed the minimum NFIP standards and requirements. The City of Annapolis exceeds the requirements of the NFIP because the City Code additionally requires two feet of freeboard. "**Freeboard**" is "a factor of safety that compensates for uncertainty in factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, climate change, and the hydrologic effect of urbanization in a watershed" (Section 17.11.179).

According to the most recent FIRM for Annapolis (Map #24003C0251E, effective October 16, 2012), the base flood elevation is 6.4 feet. Adding two feet of freeboard means that the flood protection elevation around City Dock is 8.4 feet.

The map on the following page shows a section of the FIRM for Annapolis. The light blue line shows base flood elevation. The map on page 5 shows topography at City Dock. The Compromise Street development site ranges in elevation from approximately 2-5 feet. If the grade was a uniform four feet above sea level, the new technique for measuring height would be calculated as follows:
(Flood protection elevation) – (site elevation) = X, where X is additional height above grade
<u>4 Feet at Sea Level</u>
(8.4') – (4') = 4.4'

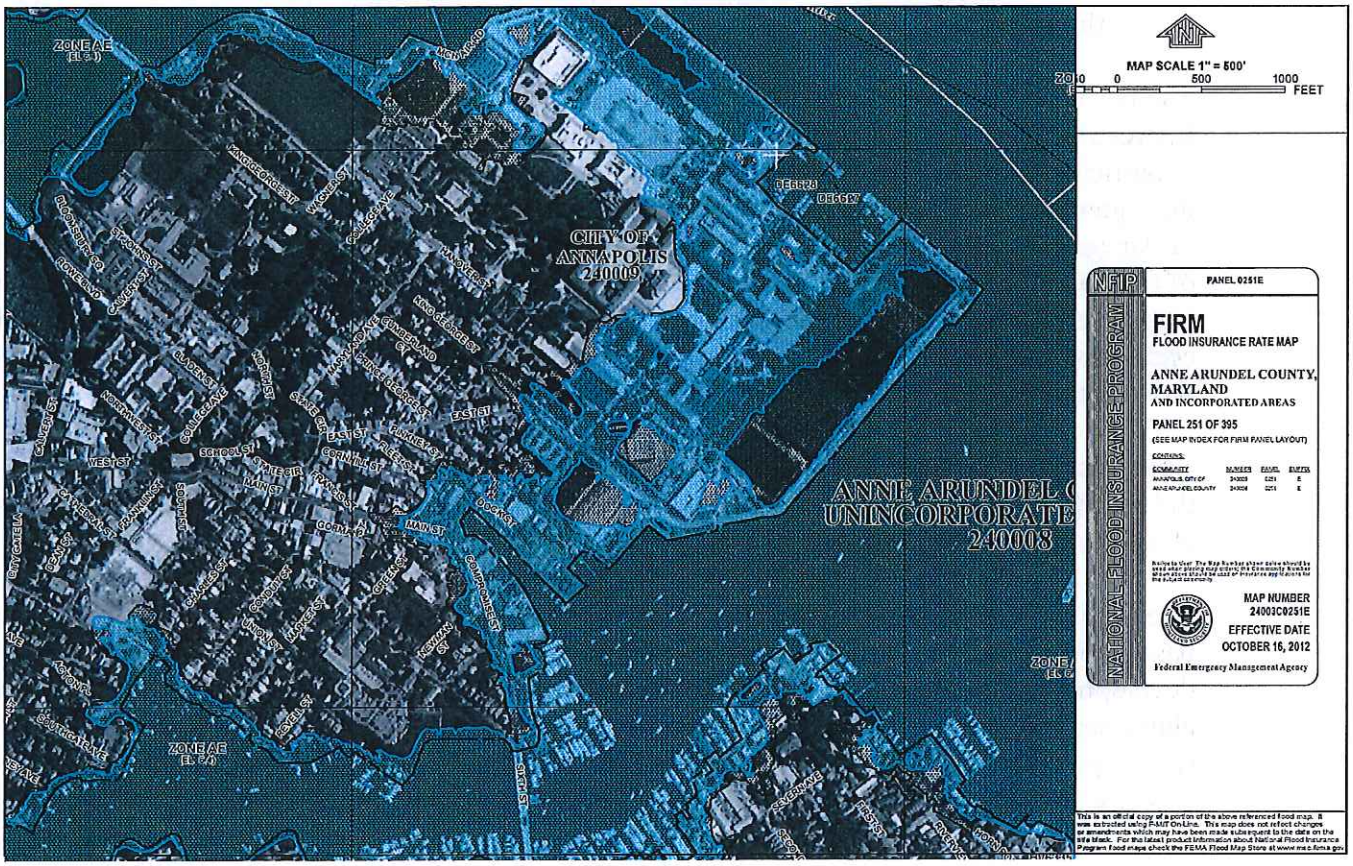
If the proposed methodology for measuring height was adopted, but these parcels remained in Special Height District One, the following would apply:
Special Height District One Limits = 22' and 32'
22' + 4.4' = 26.4' from grade to cornice
32' + 4.4' = 36.4' from grade to ridgeline
Note: the first 4.4 feet could not be habitable space.

If the parcels were moved to Special Height District Two and the proposed methodology was adopted,

the following would apply:
Special Height District Two Limits = 28' and 38'
28' + 4.4' = 32.4' from grade to cornice
38' + 4.4' = 42.4' from grade to ridgeline
Note: the first 4.4 feet could not be habitable space.

An additional requirement and potential limit to height in this district is that a viewshed analysis would be required as part of a Planned Development application in order to determine the impact of new elevations.

For more discussion regarding height calculations, see Attachment 1.



Historic District Speical Height Districts at City Dock, Phase I Proposed

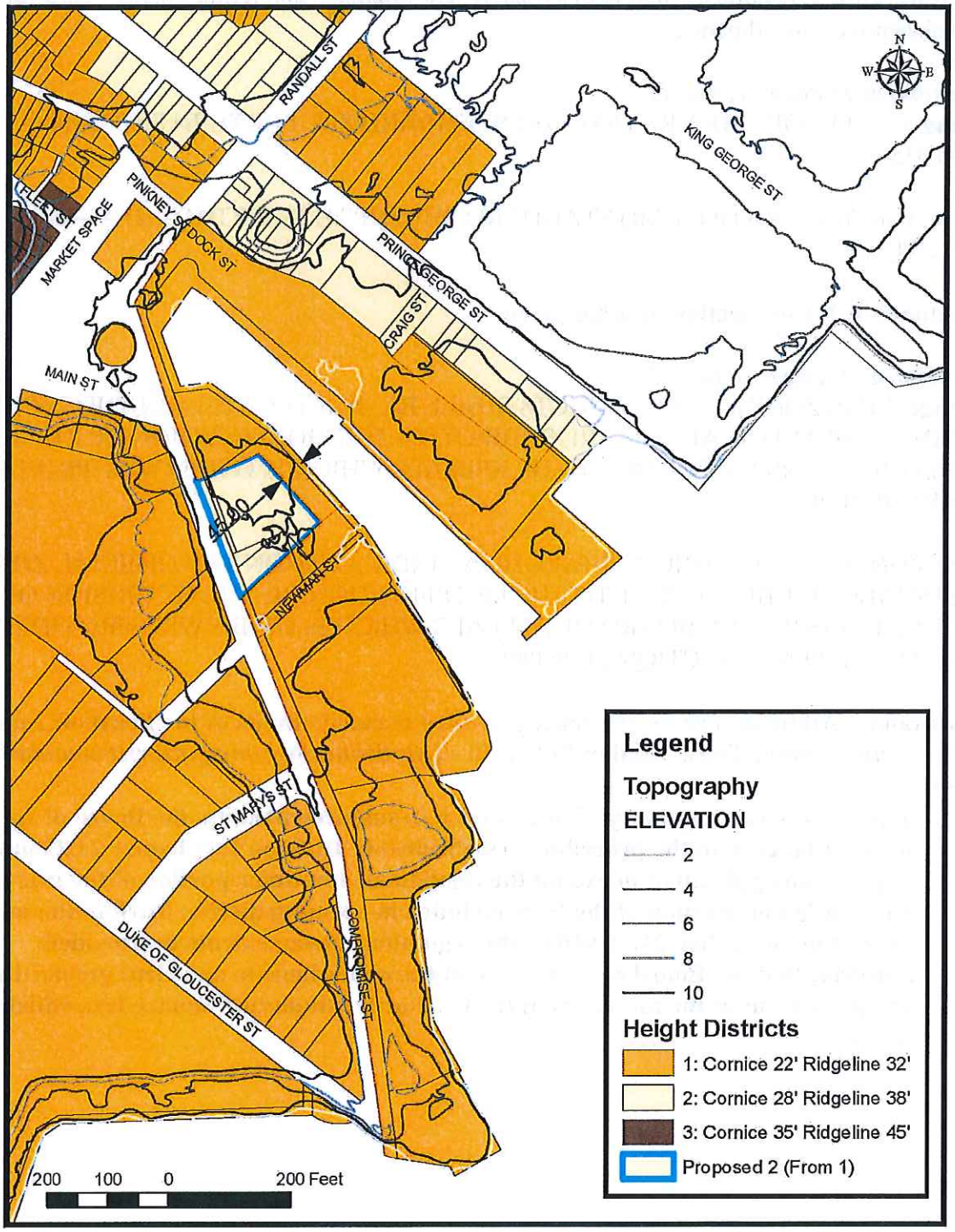


*Image is not to scale, but can be printed to scale upon request

RECOMMENDED AMENDMENTS

Staff offers nine amendments that help to clarify new language and requirements. These are technical, not substantive, amendments.

Amendment 1: Page 11, line 11

Change: "...FLOOR AREA RATIO (FAR) STANDARD SET FORTH IN SECTION 21.50.315 ..."

to:

"...FLOOR AREA RATIO (FAR) STANDARD SET FORTH IN SECTION ~~21.50.315~~ 21.50.280 ..."

Explanation: Wrong section number given

Amendment 2: Page 13, line 22

Change: "THE ZONING SUBDISTRICTS SHALL BE AS INDICATED ON THE OFFICIAL ZONING MAP AND SHALL NOT BE SUBJECT TO THE MODIFICATION OR THE EXTENSION OF REGULATIONS BY THE BOARD OF APPEALS WHICH IS OTHERWISE PROVIDED FOR IN CHAPTER 21.20."

to:

"THE ZONING SUBDISTRICTS SHALL BE AS INDICATED ON THE OFFICIAL ZONING MAP AND SHALL NOT BE SUBJECT TO THE MODIFICATION OR THE EXTENSION OF REGULATIONS BY THE BOARD OF APPEALS WHICH IS OTHERWISE PROVIDED FOR IN CHAPTER 21.20 AND SECTION 21.06.040.

Explanation: Additional cross-reference provided to clarify limits of the Board of Appeals ability to alter zoning lines. Section 21.06.040 - *Lots divided by zoning district boundaries* states:

> **Where a district boundary divides a tract in single ownership, the Board of Appeals, in accordance with the procedures established in Division II, Chapter 21.20 may approve an application to extend the regulations for either portion of the tract to any contiguous portion of the tract included in a zoning district listed in the same subsection of Section 21.06.010 as the regulations being extended; provided, however, that the Board shall not extend the regulations to an extent greater than twenty percent of the total area of the tract or five thousand square feet, whichever is less.**

Amendment 3: Page 14, line 18
Change: "PARKING. FOR ANY WATERFRONT PLANNED DEVELOPMENT, THE DEVELOPER SHALL PROVIDE BICYCLE PARKING AT A MINIMUM LEVEL EQUIVALENT TO THE NUMBER OF VEHICLE PARKING SPACES (ON A ONE-TO ONE BASIS) BY LAND USE THAT WOULD OTHERWISE BE REQUIRED BY THE TABLE OF OFF-STREET PARKING REQUIREMENTS IN 21.66.130."
to:
"PARKING. FOR ANY WATERFRONT PLANNED DEVELOPMENT, THE DEVELOPER SHALL PROVIDE BICYCLE PARKING AT A MINIMUM LEVEL EQUIVALENT TO THE NUMBER OF VEHICLE PARKING SPACES (ON A ONE-TO ONE BASIS) BY LAND USE THAT WOULD OTHERWISE BE REQUIRED BY THE TABLE OF OFF-STREET PARKING REQUIREMENTS IN 21.66.130 FOR THAT TYPE OF USE."

Explanation: Additional clarification

Amendment 4: Pages 15-18
Change:

Uses	Subdistrict WCD-MX	Subdistrict WCD-OS
CANDY STORES, INCLUDING CANDY MAKING	P	
ICE CREAM SHOPS	P	
RESTAURANTS, STANDARD	P	
WINE BARS	P	

to:

Uses	Subdistrict WCD-MX	Subdistrict WCD-OS
CANDY STORES, INCLUDING CANDY MAKING	P-STD	
ICE CREAM SHOPS	P-STD	
RESTAURANTS, STANDARD	P-STD S-STD	
WINE BARS	P-STD	

Explanation: Candy stores, ice cream shops, standard restaurants, and wine bars are required to meet certain standards in other zoning district. If not part of a planned development, outdoor dining is a special exception for restaurants.

Amendment 5: Page 17

Change:

Uses	Subdistrict WCD-MX	Subdistrict WCD-OS
OUTDOOR DINING ACCESSORY TO A RESTAURANT USE INCLUDING SERVICE OF ALCOHOL	P	

to:

Uses	Subdistrict WCD-MX	Subdistrict WCD-OS
~~OUTDOOR DINING ACCESSORY TO A RESTAURANT USE INCLUDING SERVICE OF ALCOHOL~~	~~P~~	~~P~~

Explanation: Outdoor dining is an accessory use for restaurants, with specific standards listed in Section 21.64.540 under "Restaurants, standard" (see Amendment 6, below).

Amendment 6: New Text

21.64.540 - Restaurants, standard.

Standard restaurants are subject to the general standards for food and beverage-related uses. The following additional standards apply:

...

E. WCD AND MX District. In the WCD AND MX district:

1. The following are permitted by right:

a. Any number of seats,

b. Alcohol with the service of food,

c. Outdoor dining with the exception of rooftop dining, subject to the standards enumerated in Section 21.64.540 C.1.d.,

d. Accessory bars.

2. Dancing and live entertainment may be permitted by special exception.

3. Rooftop dining may be permitted by special exception subject to the standards enumerated in Section 21.64.C.3.d.

Explanation: This amendment clarifies that the standards for restaurants in the WCD are the same as those in the MX District.

Amendment 7: Page 21
Change:

YARDS (MINIMUM)				
				REAR (FT)[3]
				50

[3]THE MINIMUM SETBACK FOR LOTS WITH WATERWAY FRONTAGE SHALL BE 50 FEET FROM THE SHORELINE, MEASURED PARALLEL TO THE SHORELINE, EXCEPT AS MAY BE MODIFIED UNDER THE PLANNED DEVELOPMENT PROVISION OF CHAPTER 21.24. NO BUILDINGS OR STRUCTURES ARE PERMITTED IN THIS YARD, EXCEPT STRUCTURES ASSOCIATED WITH PUBLIC PEDESTRIAN WALKWAYS, FLOOD CONTROL AND RELATED INFRASTRUCTURE, TEMPORARY PUBLIC ART INSTALLATIONS AND OTHER APPROVED TEMPORARY STRUCTURES
to:

YARDS (MINIMUM)[3]			
			REAR (FT)[3]
			~~50~~ 0

[3]SETBACK ALONG MARKET SLIP. THE MINIMUM SETBACK FOR ALL BUILDINGS, STRUCTURES, AND USES ESTABLISHED ALONG MARKET SLIP SHALL OBSERVE A SETBACK OF NOT LESS THAN 45 ~~LOTS WITH WATERWAY FRONTAGE SHALL BE~~ ~~50~~ FEET FROM THE ~~SHORELINE~~ BULKHEAD, MEASURED PARALLEL TO THE ~~SHORELINE~~ BULKHEAD, EXCEPT AS MAY BE MODIFIED UNDER THE PLANNED DEVELOPMENT PROVISION OF CHAPTER 21.24. NO BUILDINGS OR STRUCTURES ARE PERMITTED IN THIS YARD, EXCEPT STRUCTURES ASSOCIATED WITH PUBLIC PEDESTRIAN WALKWAYS, FLOOD CONTROL AND RELATED INFRASTRUCTURE, TEMPORARY PUBLIC ART INSTALLATIONS AND OTHER APPROVED TEMPORARY STRUCTURES

Explanation: The intent of this footnote is to ensure a 45-foot setback from Market Slip to a new building. This setback could pertain to the rear, side, or front of a building. The term "bulkhead" is more appropriate in this situation.

Amendment 8: Pages 21- 22
Change:

COVERAGE, HEIGHT, FLOOR ARE RATIO (MAXIMUM)		
HEIGHT (FT)[4]	FLOOR AREA RATIO[5]	LOT COVERAGE (%)
*	5	100

[5] FLOOR AREA RATIO (FAR) SHALL HAVE THE MEANING SET FORTH IN SECTION 21.38.030 EXCEPT THAT ANY ENCLOSED OR UNENCLOSED SPACE BELOW THE FLOOD PROTECTION ELEVATION, AS DEFINED BY SECTION 17.11.179 OF THE CITY

CODE, SHALL NOT BE COUNTED AS FLOOR AREA FOR THE PURPOSE OF CALCULATING FAR.

to:

COVERAGE, HEIGHT, FLOOR ARE RATIO (MAXIMUM)		
HEIGHT (FT)[4]	FLOOR AREA RATIO[5]	LOT COVERAGE (%)
*	~~5~~ Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24	~~100~~ Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24

~~[5] FLOOR AREA RATIO (FAR) SHALL HAVE THE MEANING SET FORTH IN SECTION 21.38.030 EXCEPT THAT ANY ENCLOSED OR UNENCLOSED SPACE BELOW THE FLOOD PROTECTION ELEVATION, AS DEFINED BY SECTION 17.11.179 OF THE CITY CODE, SHALL NOT BE COUNTED AS FLOOR AREA FOR THE PURPOSE OF CALCULATING FAR.~~

Explanation: It is not necessary to set a FAR because this is restricted by height and design considerations. Lot coverage is restricted by Critical Area overlay requirements, which are proposed to be 90% for this zoning district. Both FAR and lot coverage can be determined through design review.

Amendment 9: New Text

Section 21.66.130 - Table of off-street parking requirements.

Table Notes:

...

4. WCD, C2 or C2A Districts. Off-street parking facilities are not required in the WCD, C2 or C2A districts except that uses containing 20,000 square feet or more of floor area must provide 20 parking spaces, plus one space for each additional 500 square feet of floor area.

Explanation: Parking requirements for the WCD District will be the same as those for C2 and C2A.

RECOMMENDATION

Staff recommends that the new zoning district and other zoning changes that are proposed in O-7-13 be APPROVED with the recommended amendments.

Report Prepared by

Sally Nash

Sally Nash, Ph.D., AICP
Chief of Comprehensive Planning

City of Annapolis
Chartered 1708

PLANNING COMMISSION
(410)263-7961
145 GORMAN STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401

June 6, 2013

To: **Annapolis City Council**

From: **Planning Commission**

Re: **Findings for O-7-13 Establishment of a New Zoning District: Waterfront City Dock, Phase One**

SUMMARY
Ordinance O-7-13 proposes amendments to Title 21, including the establishment of a new zoning district, in order to implement the recommendations of the City Dock Master Plan.
Text amendments proposed include:

- Establishment of a new Waterfront City Dock (WCD) zoning district with use, bulk regulations, parking, and lot coverage regulations
- Amending the method for measuring height in the Historic District to include a provision related to the flood protection elevation for applicable properties
- Creation of a new class of planned development—the Waterfront Planned Development
- Addition of a new standard for all planned developments that requires them to promote a design that takes into account the historic and cultural context
- Defining the term "Comprehensive Plan" where used throughout the zoning code to be in accordance with the state-mandated definition
- Establishing regulations for the removal of billboard signs

Map amendments proposed include:

- Rezoning of parcels 1246, 1247, 1210, 1255, 1248, and 1256, which are located along Compromise Street, from Waterfront Maritime Conservation (WMC) district to WCD
- Reclassification of the height district for property located in the WCD-MX, Waterfront City Dock Mixed Use zoning subdistrict

The City's 2009 Comprehensive Plan called for a study of City Dock and consideration of this area as a location for commercial and mixed uses. A detailed sector study, which began in 2010 known as the City Dock Master Plan (CDMP), recommends a rebalancing of this area from automobile-oriented to pedestrian-oriented and additionally makes recommendations about appropriate uses and flood control techniques.

Following the work of the City Dock Advisory Committee, the City Dock Master Plan was introduced to City Council in November 2012, and Ordinance O-7-13 was introduced on May 13, 2013. O-7-13 proposes a new zoning district that draws on the recommendations of the master plan. It is a sectional zoning map amendment and a zoning text amendment. The density, uses, bulk regulations, and parking requirements for this new zoning district are a combination of the existing regulations and standards in place for the Conservation Business District (C2) and the Waterfront Maritime Conservation (WMC) district.

The new Waterfront City Dock district is divided into two subdistricts: Waterfront City Dock Open Space (WCD-OS) and Waterfront City Dock Mixed Use (WCD-MX). The uses allowed in the WCD-OS zone would largely be limited to open space activities. These could include accessory sidewalk cafés, outdoor market activities, and temporary uses and structures in addition to public open spaces and parks/plazas. The WCD-MX zone would allow a broad array of land uses, including multiple family residential, hotel, retail, restaurants, and many maritime uses.

STAFF RECOMMENDATION

At a regularly scheduled meeting on June 6, 2013, the Planning and Zoning staff presented their analysis and recommendations for approval of the legislation.

Staff reviewed the background of the proposed ordinance and then provided an analysis. This information was forwarded to the Planning Commission for review in a report dated May 28, 2013.

PUBLIC HEARING AND DELIBERATION

In accordance with the Annapolis City Code, a public hearing was held and the public was invited to comment on the proposed text amendment. Several members of the public spoke on the legislation.

At the close of the public hearing, the Planning Commission entered into deliberations. The Commission concurred with staff and found the proposed ordinance consistent with the City Dock Master Plan and the Comprehensive Plan.

PLANNING COMMISSION REQURIED FINDINGS

In accordance with Section 21.34.040 of the City Code, the Planning Commission shall find that the adoption of the amendment is in the public interest. The Planning Commission shall make findings on the following points:

A. Existing uses and zoning classification of properties within the general area of the property that is the subject of the application.

The existing zoning classification is Waterfront Maritime Conservation (WMC) and the current uses of the property are parking lots and a vacant building. There are also nearby commercial properties. The proposed zoning district would be compatible with the uses and zoning in the general vicinity.

B. The suitability of the property in question to the uses permitted under the existing zoning classification compared to the uses permitted under the proposed zoning classification.
See the City Dock Master Plan—the property is suited to the proposed uses. The uses allowed in the proposed district are very similar to those allowed in the neighboring C2 zoning district.

C. The trend of development in the general area, including any changes in zoning classification of the subject property or other properties in the area and the compatibility with existing and proposed development for the area.
The proposed zoning is compatible with existing uses and the uses in the adjacent zoning district.

D. Whether there has been a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification.
As discussed in the City Dock Master Plan, there has been a shift that requires a more balanced approach to development in City Dock that permits infill development but encourages more open space amenities for pedestrians and bicyclists.

E. The availability of public facilities, present and future transportation patterns.
Public facilities and transportation patterns can accommodate the proposed zoning changes.

F. The relationship of the proposed amendment to the City's Comprehensive Plan.
The City Dock Master Plan has been found to be consistent with the City's Comprehensive Plan.

RECOMMENDED AMENDMENTS
The Planning Commission recommends nine technical amendments that help to clarify new language:

Amendment 1: Page 11, line 11
Change: "...FLOOR AREA RATIO (FAR) STANDARD SET FORTH IN SECTION 21.50.315 ..."
to:
"...FLOOR AREA RATIO (FAR) STANDARD SET FORTH IN SECTION ~~21.50.315~~ 21.50.280 ..."

Explanation: Wrong section number given

Amendment 2: Page 13, line 22
Change: "THE ZONING SUBDISTRICTS SHALL BE AS INDICATED ON THE OFFICIAL ZONING MAP AND SHALL NOT BE SUBJECT TO THE MODIFICATION OR THE EXTENSION OF REGULATIONS BY THE BOARD OF APPEALS WHICH IS OTHERWISE PROVIDED FOR IN CHAPTER 21.20."
to:
"THE ZONING SUBDISTRICTS SHALL BE AS INDICATED ON THE OFFICIAL ZONING MAP AND SHALL NOT BE SUBJECT TO THE MODIFICATION OR THE EXTENSION OF REGULATIONS BY THE BOARD OF APPEALS WHICH IS OTHERWISE PROVIDED FOR IN CHAPTER 21.20 AND SECTION 21.06.040.

Explanation: Additional cross-reference provided to clarify limits of the Board of Appeals ability to alter zoning lines. Section 21.06.040 - *Lots divided by zoning district boundaries* states:

> **Where a district boundary divides a tract in single ownership, the Board of Appeals, in accordance with the procedures established in Division II, Chapter 21.20 may approve an application to extend the regulations for either portion of the tract to any contiguous portion of the tract included in a zoning district listed in the same subsection of Section 21.06.010 as the regulations being extended; provided, however, that the Board shall not extend the regulations to an extent greater than twenty percent of the total area of the tract or five thousand square feet, whichever is less.**

Amendment 3: Page 14, line 18
Change: "PARKING. FOR ANY WATERFRONT PLANNED DEVELOPMENT, THE DEVELOPER SHALL PROVIDE BICYCLE PARKING AT A MINIMUM LEVEL EQUIVALENT TO THE NUMBER OF VEHICLE PARKING SPACES (ON A ONE-TO ONE BASIS) BY LAND USE THAT WOULD OTHERWISE BE REQUIRED BY THE TABLE OF OFF-STREET PARKING REQUIREMENTS IN 21.66.130."
to:
"PARKING. FOR ANY WATERFRONT PLANNED DEVELOPMENT, THE DEVELOPER SHALL PROVIDE BICYCLE PARKING AT A MINIMUM LEVEL EQUIVALENT TO THE NUMBER OF VEHICLE PARKING SPACES (ON A ONE-TO ONE BASIS) BY LAND USE THAT WOULD OTHERWISE BE REQUIRED BY THE TABLE OF OFF-STREET PARKING REQUIREMENTS IN 21.66.130 FOR THAT TYPE OF USE."

Explanation: Additional clarification

Amendment 4: Pages 15-18
Change:

Uses	Subdistrict WCD-MX	Subdistrict WCD-OS
CANDY STORES, INCLUDING CANDY MAKING	P	
ICE CREAM SHOPS	P	
RESTAURANTS, STANDARD	P	
WINE BARS	P	

to:

Uses	Subdistrict WCD-MX	Subdistrict WCD-OS
CANDY STORES, INCLUDING CANDY MAKING	P-STD	
ICE CREAM SHOPS	P-STD	
RESTAURANTS, STANDARD	P-STD S-STD	
WINE BARS	P-STD	

Explanation: Candy stores, ice cream shops, standard restaurants, and wine bars are required to meet certain standards in other zoning district. If not part of a planned development, outdoor dining is a special exception for restaurants.

Amendment 5: Page 17
Change:

Uses	Subdistrict WCD-MX	Subdistrict WCD-OS
OUTDOOR DINING ACCESSORY TO A RESTAURANT USE INCLUDING SERVICE OF ALCOHOL	P	

to:

Uses	Subdistrict WCD-MX	Subdistrict WCD-OS
~~OUTDOOR DINING ACCESSORY TO A RESTAURANT USE INCLUDING SERVICE OF ALCOHOL~~	~~P~~	~~P~~

Explanation: Outdoor dining is an accessory use for restaurants, with specific standards listed in Section 21.64.540 under "Restaurants, standard" (see Amendment 6, below).

Amendment 6: New Text
21.64.540 - Restaurants, standard.
Standard restaurants are subject to the general standards for food and beverage-related uses. The following additional standards apply:
...
E. WCD AND MX District. In the WCD AND MX district:

1. The following are permitted by right:
a. Any number of seats,
b. Alcohol with the service of food,
c. Outdoor dining with the exception of rooftop dining, subject to the standards enumerated in Section 21.64.540 C.1.d.,
d. Accessory bars.
2. Dancing and live entertainment may be permitted by special exception.
3. Rooftop dining may be permitted by special exception subject to the standards enumerated in Section 21.64.C.3.d.

Explanation: This amendment clarifies that the standards for restaurants in the WCD are the same as those in the MX District.

Amendment 7: Page 21
Change:

YARDS (MINIMUM)				
				REAR (FT)[3]
				50

[3]THE MINIMUM SETBACK FOR LOTS WITH WATERWAY FRONTAGE SHALL BE 50 FEET FROM THE SHORELINE, MEASURED PARALLEL TO THE SHORELINE, EXCEPT AS MAY BE MODIFIED UNDER THE PLANNED DEVELOPMENT PROVISION OF CHAPTER 21.24. NO BUILDINGS OR STRUCTURES ARE PERMITTED IN THIS YARD, EXCEPT STRUCTURES ASSOCIATED WITH PUBLIC PEDESTRIAN WALKWAYS, FLOOD CONTROL AND RELATED INFRASTRUCTURE, TEMPORARY PUBLIC ART INSTALLATIONS AND OTHER APPROVED TEMPORARY STRUCTURES

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Explanation: The intent of this footnote is to ensure a 45-foot setback from Market Slip to a new building. This setback could pertain to the rear, side, or front of a building. The term "bulkhead" is more appropriate in this situation.

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Section 21.66.130 - Table of off-street parking requirements.
Table Notes:
...
4. WCD, C2 or C2A Districts. Off-street parking facilities are not required in the WCD, C2 or C2A districts except that uses containing 20,000 square feet or more of floor area must provide 20 parking spaces, plus one space for each additional 500 square feet of floor area.

Explanation: Parking requirements for the WCD District will be the same as those for C2 and C2A.

RECOMMENDATION

Having made the above findings, the Planning Commission, by a vote of 4-0 recommends approval of the proposed ordinance O-7-13 with nine amendments.

Adopted June 6, 2013

Eleanor M. Harris

Dr. Eleanor M. Harris, Chair

Memo

To: City Council

From: Historic Preservation Commission Date: July 13, 2013

Re: Review of O-7-13

The Historic Preservation Commission (HPC) has reviewed O-7-13 as requested by the Council and received both public comment and expert advice on the ordinance. We offer these comments as recommendations and guidance to the Council in their deliberations regarding the adoption and/or amendment of O-7-13.

O-7-13 is a partial implementation of the City Dock Master Plan (CDMP). The CDMP was reviewed by the HPC earlier in the year and the comments submitted to the Planning Commission are an appendix to this memo. The two main areas of focus for the HPC related to O-7-13 are

1. Redefinition of measurement from "at grade" to "at flood protection elevation"
2. Revisions to the Height District Maps contained within the City Code.

A third major policy change implemented by O-7-13 is the revision to allowable uses for the properties affected by the ordinance. The HPC takes no position on the change in uses since that is not within the Commission's purview.

Hearings: The HPC took public input on the matter on June 11, 2013 at a regularly scheduled hearing, and allowed for written comment until June 28, 2013. At the meeting on June 11, 2013 Dr. Sally Nash provided technical and expert testimony from the planning department. At the meeting on June 28, 2013 Mr. Jon Arason provided technical and expert testimony from the planning department. The HPC discussed the ordinance at the June 28th Administrative Hearing, which was duly posted and attended by the public.

Guidance and Recommendations:

1. *Redefinition of measurement from "at grade" to "at flood protection elevation":* The HPC believes this redefinition is a requirement for rehabilitation within the affected areas. FEMA rules no longer allow for either major renovations or construction of new buildings within a floodplain. All the property affected by O-7-13 is located with the FEMA map floodplains. Therefore the HPC supports this portion of the ordinance if the following amendment is made: removal of the additional 2 feet of "freeboard" that the City adds on to the FEMA map requirements. The HPC believes that the minimum additional height needed to satisfy FEMA requirements (which allows owners access to insurance, lending etc) is sufficient. The areas affected by the change in measurement are extraordinarily sensitive locations and the difference of adding 2 additional feet to an individual building could have significant and detrimental design impacts. **Therefore the HPC recommends the ordinance reference FEMA base flood elevation as the new measurement standard as opposed to flood protection elevation.**

2. *Revisions to the Height District Maps contained within the City Code:* The HPC finds persuasive the testimony provided as to the benefits and protection that the current height and bulk districts have provided to the National Landmark District since their implementation decades ago. There was no factual or analytical testimony provided to form a basis for changing these limits. Additionally, the HPC

understands that the requested change is not spot zoning since it complies with the state planning process. However, the HPC does take note that the revised map creates a single property zoned for District 2 height, completely surrounded by properties zoned for District 1 heights.

The clear intent of the height and bulk regulations is to create a balance between private property rights and community interest in the protection of public waterfront assets/access and iconic viewsheds. Emerging environmental conditions and changing building code requirements demand a timely reassessment of that balance. **The HPC recommends that the Council not alter the zoning maps within the code as O-7-13 proposes, but rather allow for a variance from the map height requirements up to the amount that the FEMA base flood elevation demands to allow for rehabilitation or new construction.**

One hypothetical example to illustrate:

> Subject property is located in District 1 and therefore the height limit is 22 feet at the cornice and 32 feet at the ridgeline for a new building
>
> Subject property is at 5 feet above sea level when measured at grade; FEMA flood map shows minimum requirement of 8.5 feet above sea level. Therefore property needs to add 3.5 feet to meet minimum FEMA standards.
>
> Maximum cornice height is then calculated to be 25.5 feet (22 plus 3.5) and the maximum ridgeline height is 35.5 feet.

This proposal would allow for flexibility as needed on a case by case basis and would only be implemented when a specific property owner wished to rehabilitate or demolish and rebuild an existing structure. Non-conforming structures would not be allowed a variance. The HPC believes this recommendation strikes the appropriate balance between the private and public interests and would allow for design development that would be consistent with Secretary of Interiors Standards, Article 66B and the Design Guidelines for the City of Annapolis.

Respectfully Submitted,

Sharon A Kennedy, Chair
Timothy P Leahy Vice Chair
Kim Finch
Bronte Jones
Jay Kabriel
Rock Toews
Pat Zeno

Appendix A
Memo

To: Planning Commission

From: Historic Preservation Commission Date: March 12, 2013

Re: Review of City Dock Master Plan

Executive Summary:

The Historic Preservation Commission (HPC) has reviewed the City Dock Master Plan (CDMP) and received both public comment and expert advice on the plan. We offer these comments as guidance to the Planning Commission for their review of the CDMP and its' impact on potential infrastructure improvements and private redevelopment with in the study area.

There are many components of the CDMP that the HPC believes could be fully compliant with preservation standards and guidelines depending on site and design specifications. These include:

- Redefinition of measurement from "at grade" to at "flood protection elevation"
- Widening of some sidewalks and promenades to provide sufficient space for pedestrian usage
- Redesign of Hopkins Plaza to improve space utilization and flexible use of space
- Demolition of non-contributing buildings assuming appropriate designs are submitted for replacement structures
- Installation of a seawall

There are some components of the CDMP that the HPC believes illustrate conflict with and non-compliance to preservation standards and guidelines. These include:

- Revisions to height districts with the possible exception of the above mentioned technical redefinition depending on the specifically affected site
- Relocation of Dock Street towards Market Slip
- Realignment of sidewalks to parallel Market Slip as opposed to parallel to the building line
- Demolition of Memorial Circle

The HPC concurs with the CDMP that a viewshed analysis must be undertaken prior to any submission of plans to the HPC. The HPC however cannot restrict its viewshed analysis to the view down Main Street to City Dock as inferred by the CDMP. The HPC must consider all viewsheds: from land to water, from water to land and of significant historic resources (St. Annes, St. Marys, USNA Chapel Dome, Ridout House etc).

As with any other pre-application review, these are comments to ensure that applicants have an understanding of the areas of consensus and contention that should guide a property owner in developing an application that can be approved by the HPC.

Following this executive summary is a detailed analysis of the standards and guidelines the HPC used in developing these responses.

Background: The City Dock Master Plan (CDMP) was submitted to the City Council on December 10, 2012. It was referred to the Historic Preservation Commission (HPC) for review and comment.

1. ANNAPOLIS HISTORIC DISTRICT ZONING ORDINANCE (excerpted)

21.56.010 – Authority and Purpose

B. The preservation of sites, structures, and districts of historical, cultural, archaeological, or architectural significance together with their appurtenances and environmental settings is a public purpose.

C. It is the further purpose of this article to preserve and enhance the quality of life and to safeguard the historical and cultural heritage of Annapolis by preserving sites, structures, or districts which reflect the elements of the City's cultural, social, economic, political, archaeological, or architectural history; to strengthen the local economy; to stabilize and improve property values in and around such historic areas; to foster civic beauty, and to preserve and promote the preservation and appreciation of historic sites, structures and districts for the education and welfare of the citizens of the City.

2. The HPC took public input on the matter on February 12, 2013 at a regularly scheduled hearing, and allowed for written comment until February 28, 2013. The HPC discussed the document at the February 28th Administrative Hearing, which was duly posted and attended by the public. At the meeting on February 28, 2013 Dr. Sally Nash provided technical and expert testimony from the planning department. Under HPC Rules of Procedure (ROP) the report was treated as a pre-application conference under the following (excerpted) guidelines:

> ROP 3.10 A pre-application conference may be scheduled to provide an applicant with the opportunity for preliminary review of a project by the Commission prior to submitting a complete application for a certificate of approval….materials shall assist the commissioners in comprehending the issues related to the feasibility of the project and such broader issues as the scale and mass of the proposal, its impact on the streetscape, and the effect on the historic fabric and form of the resource…the comments made by the HPC members at a pre-application are in no way to be interpreted as an approval of the projects before them. Absence of comment on any aspect of the presentations does not indicate acceptance. The pre-application meeting is solely an accommodation for the applicant.

During a pre-application conference the HPC posits a series of questions related to how the proposed project would comply with various standards and guidelines.

Materials Submitted for Review: City Dock Master Plan, Public Testimony, Staff Report

In addition to the CDMP the following facts were introduced into the record:

1. The CDMP covers an area that contains currently three separate height restrictions. All heights are currently measured from the existing grade. Legislation that adoption of the CDMP would trigger would revise heights districts on Dock Street and Compromise Street. Additionally, the HPC was advised that Planning & Zoning intends to include in the legislation an amendment that would redefine the measurement from at grade (current code) to at flood protection elevation (proposed code). If these changes are enacted into code the height limits would change as follows:

District	Current Cornice/Roof	Proposed Cornice/Roof*	Change
Fawcetts/ Compromise St	22'/32'	34'/44'	+ 12 feet
Dock St (inner) Guzzi property	28'/38'	41'/51'	+ 13 feet
Dock St (outer)	28'/38'	61'/71	+ 33 feet

*Includes the measurement change from grade to flood protection elevation at 6 additional feet which is the maximum; depending on site the floodplain increment could be as low as 2 additional feet.

The legislation that adoption of the CDMP would trigger also proposes changes in zoning and creation of a Waterfront City Dock zone that would expand uses subject to standards. Some of the new uses would be hotels, restaurants and Planned Units Development (PUDs).

In addition to the above items, elements in the CDMP that commissioners focused on in their discussions and have significant impact from the HPC perspective include but are not limited to:

a. Relocation of outer Dock Street forward towards Market Slip (see comment 1)
b. Redefinition of the setbacks relative to sidewalk widths and building heights (see comment 2)
c. Redefinition of inner Dock Street sidewalks to parallel promenade as opposed to buildings (see comment 2)
d. Demolition of Fawcetts, 1 Craig Street and the Harbormaster Building (see comment 3)
e. Demolition of Memorial Circle and redesign of traffic flow at the foot of Main Street (see comment 4)
f. Installation of a seawall (see comment 5)

Overall Comments:

- As of this date, the testimony available to guide the HPC in evaluating the compliance of projects envisioned within CDMP is lacking one absolutely critical element: professional assessment of the impact of CDMP projects on viewsheds. The CDMP states "it will be imperative that viewshed analyses be undertaken during the plan review process for any new development or major redevelopment projects on City Dock." The HPC is charged with protection of all viewsheds, not simply the one referenced in the CDMP (ie down Main Street to the City Dock). The HPC must also evaluate impacts on views from the water, and from and of significant historic resources (such as the Naval Academy Chapel dome, the State House dome, Ridout House etc). A study to evaluate this issue must be undertaken prior to any formal application to the HPC for approval on a specific project which would impact the various viewsheds. The study must be done under the direction of City Staff and specifically the Chief of Historic Preservation to ensure its relevance to preservation requirements.

- Without the resources necessary to complete a professional assessment of the CDMP regarding preservation issues, the HPC members can only be guided by the Secretary of Interior Standards for Rehabilitation, Article 66B of the State of Maryland which provides enabling authority for the HPC and the adopted Design Guidelines for the City of Annapolis. These documents are the basis on which the component specific comments are based.

- The HPC believes that given the location of the plan area, all components are subject to a standard of strict scrutiny for review as opposed to a lenient standard.

Component Comments:

1. **Building Height and Bulk Changes/Setback Alterations:** Without the above referenced analysis the HPC cannot accurately assess the impact of the proposed changes on the numerous affected viewsheds. Looking to other impacts such as urban form, streetscapes and building design we refer to the following items (excerpted) in the Secretary of Interior Standards and the Annapolis Design Manual for assessment as to compliance and feasibility. In assessing City Dock as a single resource (as opposed to each individual structure and open space) the importance of preservation of the spatial relationships becomes critical.

Question: How would the proposed redevelopment projects/areas address the following standards and guidelines?

I. Standards for Rehabilitation from the Secretary of the Interior **:** ***(emphasis added)***

Standard 1. A property will be used as it was historically or be given a new use that ***requires minimal change*** to its distinctive materials, features***, spaces, and spatial relationships.***

Standard 2. The historic character of a property will be retained and preserved. ***The removal of distinctive*** materials or alteration of features, ***spaces, and spatial relationships that characterize a property will be avoided.***

Standard 4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

Standard 9. New additions, exterior alterations, or ***related new construction will not destroy*** historic materials, features, and ***spatial relationships that characterize the property.*** The new work shall be differentiated from the old and ***will be compatible with*** the historic materials, features, size, ***scale*** and proportion, ***and massing to protect the integrity of the property and its environment.***

II. Annapolis Design Guidelines

P 16: "The historic district possesses a strong urban character formed by the radial city plan, sloping terrain, and numerous water views. For all its' diversity, there is a visual unity within the historic district, which results from the human scale of the buildings and streetscapes. It is this unity which the HPC seeks to preserve."

P 25-32: "Design principles provide a vocabulary for evaluating new buildings within an existing historic context. The ordinance encourages good contemporary design which follows the design principles of existing neighboring buildings, and respects the scale, proportions, order, rhythms, and materials of the prevailing historic context. Scale is perhaps the most important design principle to be considered in evaluating proposed new construction in historic neighborhoods. The principle of scale applies to both individual buildings and to streetscapes. Conversely, in the commercial, governmental, and institutional areas of the district, new large buildings of modern day function intrude upon a historic setting. Building size and age correlate closely in these areas; newer buildings tend to be larger. The significance of the size of the Capitol and the churches is diminished as more and more large buildings are constructed, because the diversity in scale these historic public buildings once provided has been diluted. Rhythm in architecture refers to the spacing and repetition of building elements. A lack of historic rhythms, is one of the most frequently repeated criticisms of modern architecture. It is particularly destructive to the character of a historic district.

A. GUIDELINES TO PRESERVE AND ENHANCE THE CITY'S HISTORIC URBAN FORM.

A.1 The Town Plan and Focal Points: New buildings should reinforce the historic town plan of Annapolis and should respect traditional views and visual focal points including the State House, St. Anne's Church, and the water. The dramatic pattern of streets converging on major spaces and radiating outward to views of the water (or other streets leading to the water) can be adversely affected by site planning and building design which does not reinforce the pattern. For example, large buildings at the visual terminus of a street may alter the human scale of the street and block historic views beyond.

A.3 Views from the Water All projects which are visible from the water shall respect and reinforce the historic character of the district and shall respect traditional views and visual focal points.

B. GUIDELINES TO PRESERVE AND ENHANCE INDIVIDUAL HISTORIC STREETSCAPES.

The residential street scape is an ensemble of street, sidewalks, fences, vegetation, and buildings. Each part is a layer in the transition from public to private and each is subject to the review of the Historic District Commission. Public space includes the street paving for vehicles and sidewalks for pedestrians. Buildings and landscape elements form walls of outdoor spaces which become the public halls and reception rooms of the city. Street and sidewalk paving is the flooring of these rooms, and the vegetation and street furniture the furnishings. The historic district ordinance is in place to protect the street scape from insensitive change. ***The ordinance discourages the removal of landscape elements and obliteration of the street scape "walls" by a change in setback, any increase in the height and width of the "walls," removal of the historic human scale, or disruption of the existing order and pattern of rhythm along the street. (emphasis added)***

B.1 Visual Relationships Between the Old and New: A new building or addition should visually relate to contributing historic buildings in its immediate neighbor- hood rather than to buildings in the historic district in general. The "immediate neighborhood" is defined as 1/2 block in both directions.

B.2 New Building Design : New buildings should be designed to strengthen the unity of the existing street scape, and should follow the design principles of historic architecture described in Chapter IV.

B.3 Building Height and Bulk: New buildings should respect the bulk and height of neighboring buildings. The facade height and proportions of new buildings should be compatible with the predominant character of other buildings in the street scape. ***Limiting the bulk and height of new construction is essential to protect the human scale of Annapolis streetscapes. (emphasis added)***

B.10 Prevailing Setbacks The prevailing setback line at the street should be preserved. Any new construction should address the street in a manner consistent with neighboring structures and the overall street form and character. The facade of a planned new building should respect the alignment of existing building facades relative to the sidewalk edge. On blocks where buildings are set back, a new building should be set back to the prevailing setback line.

B. 11 Building Widths and Spacing The prevailing relationships of building widths and the spaces between buildings should be respected and preserved. Where buildings are built out to the side lot lines, new buildings should be built out to side lot lines to maintain the sense of a "wall" along the street. Where buildings are clearly separated from one another by side yards, new buildings and additions to existing buildings should not encroach into the side yard spaces. Where the spacing of buildings and side yards creates a rhythm, new buildings and additions to existing buildings should not alter that rhythm.

D.3 Preservation of Building Changes Significant changes to historic buildings and sites which have taken place over time are evidence of the history of the building and shall be preserved.

Assessment:

- The HPC found particularly persuasive the document submitted entitled “Shorelines of Annapolis Market Slip” providing historical documentation that the setbacks along Dock Street have been in existence in their current form since approximately 1878 (Hopkins).

- The HPC can support the concept of a change in measurement definition as it relates to cornice and roof lines as a reasonable and necessary adaptation to a changing environment (in essence similar to

a field change when construction occurs). However, the HPC would require additional data on the impact of such a change based on specific sites , buildings and viewsheds. The HPC does not believe the concept of substantially altering the height district on Dock Street or Compromise Street would be compliant and feasible given the testimony in the record. The HPC does not believe the concept of altering the location of outer Dock Street would be compliant or feasible given the testimony in the record.

- The HPC takes note however of the following language in Title 21.56.060: "Special Considerations: the Commission may approve the proposed construction, reconstruction, alteration, moving, or demolition despite the provisions of subsection (E)(2) of this section, if the Commission finds that: a. The landmark, site or structure is a deterrent to a major improvement program which will be of substantial benefit to the City" The HPC points out that the City and a property owner could present evidence to invoke this portion of the code and argue the case for substantial benefit. The HPC would further note that such testimony would need to be demonstrable fact as opposed to assertions and would be subject to public scrutiny and rebuttal. The HPC would have to vote on the matter prior to moving forward with an application under this provision.

2. Redefinition of inner Dock Street sidewalks to parallel promenade as opposed to buildings and overall expansion of the ratio between sidewalks and buildings:

Question: How would the proposed redevelopment projects/areas address the following standards and guidelines?

I. Standards for Rehabilitation from the Secretary of the Interior : ***(emphasis added)***

Standard 1. A property will be used as it was historically or be given a new use that ***requires minimal change*** to its distinctive materials, features***, spaces, and spatial relationships.***

Standard 2. The historic character of a property will be retained and preserved. ***The removal of distinctive*** materials or alteration of features, ***spaces, and spatial relationships that characterize a property will be avoided.***

Standard 9. New additions, exterior alterations, or ***related new construction will not destroy*** historic materials, features, and ***spatial relationships that characterize the property.*** The new work shall be differentiated from the old and ***will be compatible with*** the historic materials, features, size, ***scale*** and proportion, ***and massing to protect the integrity of the property and its environment.***

II. **Annapolis Design Guidelines**.

P 26. The principle of scale applies to both individual buildings and to streetscapes. In an urban setting, where each building functions as a part of the larger streetscape, building scale is of paramount importance. Outdoor spaces, including streetscapes, have scale as well. The walls of buildings, hedges, fences, and outbuildings create outdoor spaces which have a scale created by the height and spacing of buildings, the width of the street, and landscape elements. The intimate scale of Annapolis streetscapes is formed by the residential scale of buildings,

the width of the street, the placement of buildings on their lots, the human scale of building features such as railings, porches, windows, shutters, doors, and the presence of trees and shrubs. The architectural diversity of Annapolis streets is visually pleasing because within the differences in styles there remains a harmony of scale.

B. GUIDELINES TO PRESERVE AND ENHANCE INDIVIDUAL HISTORIC STREETSCAPES.

The residential street scape is an ensemble of street, sidewalks, fences, vegetation, and buildings. Each part is a layer in the transition from public to private and each is subject to the review of the Historic District Commission. Public space includes the street paving for vehicles and sidewalks for pedestrians. Buildings and landscape elements form walls of outdoor spaces which become the public halls and reception rooms of the city. Street and sidewalk paving is the flooring of these rooms, and the vegetation and street furniture the furnishings. The historic district ordinance is in place to protect the street scape from insensitive change. ***The ordinance discourages the removal of landscape elements and obliteration of the street scape "walls" by a change in setback, any increase in the height and width of the "walls," removal of the historic human scale, or disruption of the existing order and pattern of rhythm along the street. (emphasis added).***

Assessment:

- The HPC does believe that widening certain sections of sidewalk along Dock Street to more closely conform with dimensions present throughout Main Street and Market Space would be compliant and feasible based on the testimony in the record and within certain limits and would welcome an application from the City on this project. The HPC does not believe the concept of realigning sidewalks on Dock Street to parallel the promenade as opposed to the buildings would be compliant and feasible given the testimony in the record.

3. Demolition of Fawcetts, 1 Craig Street and the Harbormaster Building:

Question: How would the proposed redevelopment projects/areas address the following standards and guidelines?

I. **Annapolis Design Guidelines**

D2: Demolition: Demolition potentially alters the essential character and integrity of the historic district and shall be reviewed strictly. The demolition of contributing structures does not met the Secretary of Interior Standards and should not be approved. In accordance with City Code Section 21.56.090 no demolitions except those undertaken for public safety shall be approved until plans for a replacement structure have been submitted and approved by the HPC. Archaeological research shall be conducted prior to demolition.

Assessment:

- The HPC does believe that demolition of non-contributing structures within the Historic District can be compliant and feasible based on the testimony in the record depending on the specific replacement design that is proposed. This analysis would extend to the Fawcetts building and the Harbormasters building but not 1 Craig Street (a contributing resource to the District).

4. Demolition of Memorial Circle and redesign of traffic flow at the foot of Main Street, redesign of Hopkins Plaza:

Question: How would the proposed redevelopment projects/areas address the following standards and guidelines?

I. Standards for Rehabilitation from the Secretary of the Interior :

Standard 4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

II. **Annapolis Design Guidelines**

A.3 Views from the Water All projects which are visible from the water shall respect and reinforce the historic character of the district and shall respect traditional views and visual focal points.

D.3 Preservation of Building Changes Significant changes to historic buildings and sites which have taken place over time are evidence of the history of the building and shall be preserved.

Assessment:

- The HPC believes a redesign of Hopkins Plaza prior to any decision on Memorial Circle would be compliant and feasible depending on the design specifications submitted. A majority of the Commissioners present at deliberations believe that the demolition of Memorial Circle would not be compliant and feasible based on the testimony in the record. These commissioners found the testimony from Ms McWilliams and Russo most persuasive. However unlike all other items discussed, this was not a unanimous opinion and some commissioners (2) remain undecided based on the record.

- The HPC takes note however of the following language in Title 21.56.060: "Special Considerations: the Commission may approve the proposed construction, reconstruction, alteration, moving, or demolition despite the provisions of subsection (E)(2) of this section, if the Commission finds that: a. The landmark, site or structure is a deterrent to a major improvement program which will be of substantial benefit to the City;" The HPC points out that the City as the property owner could present evidence to invoke this portion of the code and argue the case for substantial benefit. The HPC would further note that such testimony would need to be demonstrable fact as opposed to assertions and would be subject to public scrutiny and rebuttal. The HPC would have to vote on the matter prior to moving forward with an application under this provision.

5. Installation of a Seawall: The HPC does believe that the construction of a seawall could be compliant and feasible given the testimony in the record and depending on design specifications and welcomes an application from the City on that project.

Comments from 2011 that the HPC continues to endorse are as follows:

- The HPC would encourage the development, even at the conceptual level, of a streetscape materials guidance document. Recommendations for the standardized use of paving, curb, and sidewalk materials for specific areas/uses would provide cohesion to the development since the build out time is a lengthy one. Materials that are both sustainable and appropriate for use in the historic environment should be the focus of this effort. This project could be accomplished efficiently and would result in significant improvement in the streetscape design.

- The HPC heartily endorses the statement to coordinate and prioritize efforts with a review of the Capital Improvements Plan (CIP).

- The HPC has no opinion on the discussion relating to the management entity proposed by CDMP per se but is mindful that regardless of management type, the historic district ordinance vests authority for approval of infrastructure changes with the HPC.

Other Items:

- The HPC has requested additional review of CDMP from Maryland Historical Trust. Their letter is attached and made a part of this response.

- The HPC is forwarding and making part of the record all public written testimony as well as minutes (when complete and adopted) from the hearing on February 12, 2013.

- The HPC wishes to remind all parties that in addition to all other requirements as the CDMP moves into actionable projects that archaeological oversight will be a necessary component of the process.

The HPC wishes to express our appreciation for the on-going collaboration of the various groups on this important project and we look forward to reviewing complete applications as the projects develop.

Respectfully Submitted by:

Sharon A Kennedy (Chair)
Tim Leahy (Vice Chair)
Kim Finch
Bronte Jones
Jay Kabriel
Rock Toews
Pat Zeno

March 11, 2013

Sharon A. Kennedy, Chair
Annapolis Historic Preservation Commission
Department of Planning & Zoning
145 Gorman Street, Third Floor
Annapolis, MD 21401

Re: City of Annapolis
City Dock Master Plan

Dear Chairman Kennedy:

I have received your letter of March 4, 2013, requesting that the Maryland Historical Trust (MHT) provide technical assistance in the review of the City Dock Master Plan (CDMP) and its effects on the Colonial Annapolis Historic Landmark District. We have reviewed the CDMP and, in accordance with the provisions of Article 66B, §8.03 (b) (1) of the Annotated Code of Maryland, we offer the following comments for your consideration.

The CDMP describes five guiding principles for development and improvement around the City Dock area and discusses specific ways that the principles should be applied to preserve the historic layout and scale of the neighborhood, develop walkable public spaces, decrease the dominance of cars on the landscape, promote environmental sustainability, and foster public art. As you are well aware, the area addressed by the CDMP is in the core of a unique and nationally-important historic district. Historic Annapolis, Maryland Inventory of Historic Properties AA-137, has tremendous significance for its role in political, economic, and cultural history; as one of the first planned cities in Colonial America; and for its extraordinary collection of eighteenth and nineteenth-century architecture. The district has been listed in the National Register of Historic Places since 1965 and is one of the few large urban districts in the United States to be designated a National Historic Landmark, our nation's highest recognition of historic importance. The waterfront, and the connection of the surrounding district to the waterfront, is central to the character of the district and to telling the story of its history.

After careful review and consideration, MHT is pleased to endorse most aspects of the CDMP. The gradual transition to a more walkable neighborhood described in the plan capitalizes on and accentuates the unique and waterfront atmosphere of neighborhood. Many of the proposed changes will be beneficial to the preservation of the historic character of the area. Suggestions in the plan, such as improved sidewalks, a waterfront promenade, and additional park space will not only improve the experience of residents and visitors, but also make the surrounding historic buildings more economically viable while at the same time maintaining their context and historic integrity.

Central to the CDMP is reducing the physical impact of the automobile through better managed parking. A large amount of surface parking detracts from the historic character of the area and seems a poor use for waterfront land. Decreasing surface parking at Market Space and along Dock Street will decrease the separation of people and the historic waterfront that has been caused by parked cars and paving. Rather than meet parking needs by increasing volume or allowing other construction that might impose on the historic character of the neighborhood, the CDMP proposes to accommodate contemporary parking needs through increased use of technology and intelligent management. Strategic pricing, improved wayfinding, employee parking programs, encouraging the use of existing garages, maximizing the utility of existing spaces through valet parking, and free Circulator bus-type transit are all promising strategies that have been successful in other dense historic areas.

Members of the City Dock Advisory Committee were unable to reach consensus about the proposed removal of the traffic circle at the intersection of Main, Randall, and Compromise Streets and its replacement with a more conventional intersection. Historically there was a circular feature at this intersection; however, that feature has

been modified and moved over time, and it was not part of the original formal plan for the city. On the other hand, replacement with a more conventional intersection probably would necessitate introduction of traffic signals that would create visual clutter and adverse effects on the historic character of the district and, perhaps, its own unintended traffic congestion.

MHT is concerned with the CDMP's proposal to increase the long-standing historic district height and bulk limitations for new construction in the redevelopment areas. The CDMP proposes to permit new buildings of up to five stories. Redevelopment of the non-historic buildings in these areas is a great opportunity, but new construction should not exceed the existing scale of the historic buildings on Dock and Prince George Streets, and generally throughout the entire historic district of three stories and lower. A mass of taller buildings concentrated near the waterfront would create a psychological and visual separation between the dock area and the rest of the historic district. This would diminish the integrity of the district as a whole, especially given the importance of the connection between the waterfront and the historic city.

We agree with the several parties that already have commented on the somewhat limited focus the CDMP places on historic vistas and viewsheds. As Donna Ware of Historic Annapolis, Inc., wrote:

> While the view along Main Street to the Chesapeake Bay and the view from the foot of Main Street to the water are significant, there are many vistas that are equally important. The natural topography, prominent historic buildings and historic streetscapes, which are viewable from a number of vantage points, require protection and preservation in any plan for the city dock.

In this regard, the view of the historic district *from* the water also is worthy of preservation. A "wall" of even slightly taller new buildings near the edge of the waterfront would significantly alter the perception of the historic district from this important vantage point.

Finally, our comments should not be construed to constitute any pre-approval or position that MHT may subsequently determine in an undertaking subject to our legal jurisdiction. Such undertakings would include 1) any project sponsored, financially assisted, permitted or licensed by a state or federal agency; 2) projects proposed on state-owned property; and 3) projects involving property that is subject to a historic preservation easement held by MHT. Future projects subject to MHT jurisdiction will be treated *de novo* according to the circumstances and merits of the specific undertaking. With regard to the height for new construction, however, in the absence of extenuating or mitigating factors, any proposed construction over 3 stories will likely be determined to constitute an "adverse effect" on the character of the district.

We commend the City and the members of the City Dock Advisory Committee for their hard work to preserve the historic district and ensure that it remains an economically and culturally lively place for residents and visitors. If you have any questions about our review and comments, please do not hesitate to call.

Sincerely,

J. Rodney Little
Director \ State Historic Preservation Officer
Maryland Historical Trust

JRL \ JES
201300911
CC: Lisa Craig (City of Annapolis)

FISCAL IMPACT NOTE

Legislation No: O-7-13 **First Reader Date:** 5-13-13
Note Date: 5-26-13

Legislation Title: Establishment of a New Zoning District: Waterfront City Dock, Phase One

Description: For the purpose of implementing Phase One of the recommendations of the City Dock Master Plan by establishing a new zoning district – the Waterfront City Dock Zone.

Analysis of Fiscal Impact: This legislation establishes a new zoning district and has no direct fiscal impact.

CITY COUNCIL OF THE
City of Annapolis

Resolution No. R-32-13

Introduced by: Alderman Budge

LEGISLATIVE HISTORY *Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
7/8/13			10/4/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	7/8/13		

A RESOLUTION concerning

A Committee to Study Implementation of City Dock Plan

FOR the purpose of establishing a committee to study any and all portions of the City Dock Master Plan not included or adopted by the City Council in Phase One in order to develop and present recommendations to the City Council as to which remaining portions of the City Dock Master Plan should be adopted or amended and, if amended, how those portions should so be amended.

WHEREAS, the 2009 Annapolis Comprehensive Plan called for a plan for the future of City Dock to be drafted by the Planning & Zoning Department with broad participation by the entire community, as well as downtown residents and businesses; and

WHEREAS, in 2010 the City formed the City Dock Advisory Committee called for in the Comprehensive Plan comprised of 25 residents, downtown merchants and representatives of maritime interests, which began meeting in November of that year; and

WHEREAS, the City Dock Advisory Committee solicited community input, held public meetings, received 29 presentations, deliberated upon the community input, explored the committee members own ideas for City Dock, and developed their *Visions and Guiding Principles* which the Committee reported to City Council on July 21, 2011; and

WHEREAS, the Department of Planning and Zoning, with the advice of the City Dock Advisory Committee and the assistance of professional consultants, conducted public forums, solicited input from stakeholders, held public meetings, and developed a Draft City Dock Master Plan and together with the City Dock Advisory Committee made a presentation to the City of Annapolis City Council on November 26, 2012; and

WHEREAS, the City Dock Master Plan remains the subject of considerable public debate and controversy, meriting additional study and citizen review and input; and

WHEREAS, a portion of the City Dock Master Plan is proposed to be designated as "Phase One" by Ordinance O-7-13, Establishment of a New Zoning District: Waterfront City Dock, Phase One,

NOW THEREFORE BE IT RESOLVED that the City shall establish a Committee to study any and all portions of the City Dock Master Plan not included or adopted in Phase One in order to develop and present to the City Council its recommendations on which of any remaining portions of the City Dock Master Plan should be adopted or amended and, if amended, how those portions should so be amended;

AND BE IT FURTHER RESOLVED that the Committee shall actively solicit public input from all Wards of the City, shall solicit public input from stakeholders in the City Dock Study Area, and shall hold public meetings.

AND BE IT FURTHER RESOLVED that the Committee shall be comprised of 15 individuals: one resident of each Ward to be appointed by the Mayor, one owner of a business located within a building on Dock Street, one owner of a building on Dock Street, a representative from Historic Annapolis, a representative of the Maritime Advisory Board, a representative of the Main Streets Partnership, a representative of the Annapolis Business Association, and a representative of the Annapolis Economic Development Corporation.

AND BE IT FURTHER RESOLVED that the Committee shall be assisted in its efforts by the Department of Planning and Zoning.

AND BE IT FURTHER RESOLVED that the Committee shall report its findings to the City Council within eighteen months of the Committee's formation.

ADOPTED this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

_____ BY _____

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.
[brackets] indicate matter stricken from existing law.
Underlining indicates amendments.

Policy Report

R-32-13

A Committee to Study Implementation of City Dock Plan

The proposed resolution would establish a Committee to study all portions of the City Dock Master Plan not included or adopted in Phase One in order to develop recommendations to the City Council as to which remaining portions of the City Dock Master Plan should be adopted or amended and, if amended, how those portions should so be amended.

The Committee would be comprised of 15 individuals: one resident of each Ward to be appointed by the Mayor, one owner of a business located within a building on Dock Street, one owner of a building on Dock Street, a representative from Historic Annapolis, a representative of the Maritime Advisory Board, a representative of the Main Streets Partnership, a representative of the Annapolis Business Association, and a representative of the Annapolis Economic Development Corporation.

Prepared by Jessica Cowles, Legislative and Policy Analyst in the City of Annapolis Office of Law at JCCowles@annapolis.gov or 410.263.1184.

FISCAL IMPACT NOTE

Legislation No: R-32-13 **First Reader Date:** 7-8-13
Note Date: 7-15-13

Legislation Title: A Committee to Study Implementation of City Dock Plan

Description: For the purpose of establishing a committee to study any and all portions of the City Dock Master Plan not included or adopted by City Council in Phase One in order to develop and present recommendations to the City Council as to which remaining portions of the City Dock Master Plan should be adopted or amended and, if amended, how these portions should so be amended.

Analysis of Fiscal Impact: This legislation produces no direct significant fiscal impact; however, it is possible that recommendations made by said committee would result in financial modifications to the City Dock Master Plan.