

and open view corridors. The project maintains view corridors down main streets as well as historical views from Patterson Park which overlooks the project site. It also requires a public promenade adjacent to the waterway to allow free public access.

IX. DISCUSSION:

The proposed high density residential development would place 28 luxury units on a 0.36 acre pier and place 107 units plus all required parking on 2.0 acres of upland. To build the 28 units over open water State wetlands, the applicant proposes to rebuild and extend an existing maritime pier, thus converting its use from a water dependent to a non-water dependent activity.

In examining the ecological factors surrounding this project, it is expected that there would be no significant net changes resulting from primary impacts. This is in part due to the applicant's offer to remove two existing piers. Therefore, the ecological values at this site are not a substantial factor in the Department's recommendation to the Board.

The remaining factors - economic, developmental, recreational, and aesthetic - appear in this case to be bound together because of the way in which waterfront and water views affect the redevelopment of the Fells Point/Canton neighborhoods. The patterns of real estate development and the goals of the City's plans for the Harbor demonstrate that views of the Harbor and the ability of the public to gain access, constitute a resource or amenity of great value both to the public and to the owners of waterfront or water view properties. Admittedly, developers will bear some of the cost of maintaining this resource when they build at their own cost a portion of the waterfront promenade for public use. However, it is likely that their own projects benefit by this imposed open space requirement.

The central issue raised by this application is the permanent exclusive use of State wetlands for a project which is not water dependent. If such housing units are allowed, this will permanently deny public access to these areas for recreational purposes and preclude any other riparian uses. Therefore, the recreational values given to the residents of this development will detract from the potential recreational uses of the public as a whole.

The Department acknowledges the fact that the existing pier presently restricts public use of the waterway and due