

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #23-0359 / REZONING – 600 NORTH PACA STREET		

TO

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

DATE: March 17, 2023

At its regular meeting of March 16, 2023, the Planning Commission considered City Council Bill #23-0359, for the purpose of changing the zoning for the property known as 600 North Paca Street (Block 546, Lot 032), as outlined in red on the accompanying plat, from the OS Zoning District to the R-8 Zoning District; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended adopting of findings and approval of City Council Bill #23-0359 and adopted the following resolutions, with seven members being present (seven in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #23-0359 be **approved** by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Ms. Nina Themelis, Mayor's Office
Mr. Ethan Cohen, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Rebecca Witt, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

March 16, 2023

REQUEST: City Council Bill #23-0359/ Rezoning – 600 North Paca Street:

For the purpose of changing the zoning for the property known as 600 North Paca Street (Block 546, Lot 032), as outlined in red on the accompanying plat, from the OS Zoning District to the R-8 Zoning District; and providing for a special effective date.

RECOMMENDATION: Adopt findings and Approve

STAFF: Eric Tiso

PETITIONER: Chase Hoffberger and Al Barry, AB Associates on behalf of The Associated Sulpicians of the U.S., Inc.

OWNER: The Associated Sulpicians of the U.S., Inc.

SITE/GENERAL AREA

Site Conditions: 600 North Paca Street is located on the west side of the street, approximately 225’ north of the intersection with West Franklin Street. The site is zoned OS (Open Space), and is improved with the Mother Seton House, the Historic Seminary Chapel, and St. Mary’s Seminary campus. The property is surrounded by Saint Mary’s Park on all sides except for North Paca Street itself, and the park is owned by the Mayor and City Council of Baltimore.

General Area: This site is located within the Seton Hill neighborhood, which is bounded by West Franklin Street on the south, MLK Boulevard on the northwest, and North Eutaw Street on the East. The neighborhood is predominantly residential in character in its interior, surrounded by perimeter commercial corridors. This site, and a majority of the neighborhood, is also located within the Seton Hill local historic district.

HISTORY

- This site was rezoned from R-9 Residential under the prior Zoning Code to OS (Open Space) zoning in the City-wide comprehensive rezoning of Baltimore that went into effect in 2017.

ZONING CODE REQUIREMENTS

Below are the approval standards under §5-508(b) of Article 32 – *Zoning* for proposed zoning map amendments:

(b) *Map amendments.*

(1) *Required findings.*

As required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either:

- (i) a substantial change in the character of the neighborhood where the property is located; or
 - (ii) a mistake in the existing zoning classification.
- (2) *Required findings of fact.*
 In making the determination required by subsection (b)(1) of this section, the City Council must also make findings of fact that address:
- (i) population changes;
 - (ii) the availability of public facilities;
 - (iii) present and future transportation patterns;
 - (iv) compatibility with existing and proposed development for the area;
 - (v) the recommendations of the City agencies and officials; and
 - (vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.
- (3) *Additional standards – General*
 Additional standards that must be considered for map amendments are:
- (i) existing uses of property within the general area of the property in question;
 - (ii) the zoning classification of other property within the general area of the property in question;
 - (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
 - (iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.

ANALYSIS

The purpose of the OS district is "... to enhance the quality of life for City residents by permanently preserving public open space as an important public asset and critical environmental infrastructure." (*Zoning* §7-201). In this case, the property was proposed for OS zoning from the first maps at the beginning of the Comprehensive Rezoning of the City dating back to 2012. This is most likely due to the property being surrounded by Saint Mary's Park on three sides. The error was not noticed until now, when a potential construction project revealed the conflict. In staff's review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, we find that this change is contrary to the public's interest, in that it will correct an error in zoning this property OS, and will not take any open space from the public.

REQUIRED FINDINGS

Maryland Land Use Code – Requirements for Rezoning:

The Maryland Land Use Code requires the Planning Commission to study the proposed changes in relation to: 1. The plan; 2. The needs of Baltimore City; and 3. The needs of the particular neighborhood in the vicinity of the proposed changes (*cf.* MD Land Use Code § 10-305 (2019)). In reviewing this request, the staff finds that:

1. **The Plan:** As a part of the Comprehensive Rezoning of the City, which ran from introduction in 2012 through to the new Zoning Code becoming effective in 2017, this property was rezoned from R-9 residential to OS (Open Space). Staff believes that this was done because the parcel is surrounded by Saint Mary's Park on three sides, and that this was an unintentional error. The seminary campus does not meet the intention for the OS district, and is not a publicly-owned parcel.

2. **The needs of Baltimore City:** This parcel does not serve any public purpose, as it is not part of a park, and so correcting the zoning will not remove any designated park space from the public. In the same way, this property does not serve any City need with its current zoning designation.
3. **The needs of the particular neighborhood:** As above, this parcel's current zoning designation does not meet any public need in the immediate area. The OS zoning does prevent proposed residential development on the property, and makes most uses of the property nonconforming as they now exist.

Similarly, the Land Use article requires the City Council to make findings of fact (MD Land Use Code § 10-304 (2019)). The findings of fact include:

1. **Population changes;** The Seton Hill neighborhood's population had a small decrease from the 2010 Census population of 1,249 to 2020's Census population of 1,129.
2. **The availability of public facilities;** There will be no impact to provision of facilities as a result of this rezoning. The area is well served by public utilities, as well as fire and police protection.
3. **Present and future transportation patterns;** There will be no impact to the traffic patterns of this area as a result of the rezoning alone. Future development is unlikely to have a negative impact.
4. **Compatibility with existing and proposed development for the area;** This religious institution campus, comprised of two- and three-story buildings is compatible with the adjacent R-8 zoned properties immediately adjacent across North Paca Street. The campus will remain compatible once assigned the same R-8 zoning as the nearby homes.
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department will recommend approval of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
6. **The relation of the proposed amendment to the City's plan.** There is no public purpose or Master Plan call for this property to have been zoned OS. Staff believes that assignment was made in error during the comprehensive rezoning of the entire City, due to the fact that the property was surrounded by a publicly-owned park. Given that this is privately-owned land that is not a park or open space, the rezoning to the compatible neighboring R-8 zone is appropriate.

There are additional standards under §5-508(b)(3) that must be considered for map amendments. These include:

- (i) **existing uses of property within the general area of the property in question;** The property is surrounded on the north, west, and south by Saint Mary's Park, which is largely ringed by two- and three-story attached homes. There are two-story commercial properties fronting on the north side of West Franklin Street (US Rt. 40).

- (ii) the zoning classification of other property within the general area of the property in question;** The property is surrounded on the north, west, and south by Saint Mary’s Park. Across the street to the east are two- and three-story attached homes. The commercial properties fronting on the north side of West Franklin Street (US Rt. 40) are two-story attached retail buildings that are zoned C-1. To the northwest of Saint Mary’s Park, on the northwest side of the street, are more two- and three-story homes that are zoned R-8.
- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and** These properties were zoned R-9 residential prior to the comprehensive rezoning of the City, and it will remain suitable for R-8 zoning under today’s zoning code, as the uses of the property haven’t changed.
- (iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.** This community is generally built-out. There are no vacant parcels available for redevelopment that would potentially change the character of the neighborhood in the immediate future. For that reason, staff concludes that the general nature of this area has remained stable for the past decade or more, and is very likely to remain so in the future.

Per §5-508(b)(1) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification. Staff believes that 600 North Paca Street being assigned OS zoning in the City-wide comprehensive rezoning process was an administrative oversight, and recommends that the Planning Commission adopt these findings and recommend approval of the bill.

Equity:

- Impact:
 - Staff does not expect any impacts to the surrounding community, as this rezoning will not change the existing campus, and will only provide for modest potential for future development.
 - This rezoning by itself will not impact any patterns of inequity that may exist in this neighborhood.
- Engagement:
 - We believe that the community been meaningfully engaged in discussing this rezoning bill, which resulted in a letter of support. The Seton Hill Neighborhood’s population is approximately 69% African-American, 17% White, and 13% are a mix of other races or mixed race.
- Internal Operations:
 - There will not be any additional staff time dedicated to this bill than otherwise incurred in the routine legislative process. We do not expect any follow-on impacts to operations.

Notification: The Seton Hill Association has been notified of this action, and a letter of support has been received.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Chris Ryer
Director