


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #14-0466 / REZONING 1209 N. ROSE STREET		

DATE: December 19, 2014

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

At its regular meeting of December 18, 2014, the Planning Commission considered City Council Bill #14-0466, for the purpose of changing the zoning for the property known as 1209 N. Rose Street from the R-7 Zoning District to the R-8 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #14-0466 and adopted the following resolution eight members being present (eight in favor).

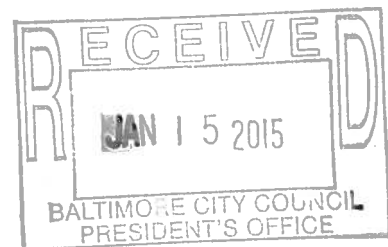
RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #14-0466 be passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

cc: Ms. Kaliopé Parthemos, Chief of Staff
Mr. Colin Tarbert, Deputy Mayor for Economic and Neighborhood Development
Mr. Leon Pinkett, Assistant Deputy Mayor for Economic and Neighborhood Development
Ms. Angela Gibson, Mayor's Office
The Honorable Rochelle "Rikki" Spector, Council Rep. to Planning Commission
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Ms. Barbara Zektick, DOT
Ms. Elena DiPietro, Law Dept.
Ms. Melissa Krafchik, PABC
Ms. Natawna Austin, Council Services
The Honorable Sharon Green Middleton
Mr. Daniel McCarthy, Applicant





Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

December 18, 2014

REQUESTS: City Council Bill #14-0466/Rezoning – 1209 N. Rose Street

RECOMMENDATIONS: Approval.

STAFF: Anthony Cataldo

PETITIONER: Family Recovery Program, Inc.

OWNER: 1209 Rose, LLC.

SITE/GENERAL AREA

Site Conditions: This site is located at 1209 N. Rose Street (Block 1538, Lot 37); on the east side of North Rose Street with East Biddle Street to the south and East Preston Street to the north. The site is bounded by a 10' alley to the south and a 10' alley to the east. The site area is 15,678 square feet and it is improved with an existing former school building. The site is zoned R-7.

General Area: Located within the Berea Neighborhood, this is a predominantly residential area with scattered religious institutions and schools. A few blocks to the west lies the major renewal project known as EBDI.

CONFORMITY TO PLANS

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods; Objective 1: Expand Housing Choices for all Residents; and Objective 2: Strategically Redevelop Vacant Properties Throughout the City.

HISTORY

- On November 7, 2013, the Planning Commission approved CCB13-0272 which proposed the conversion of a former school building from a 1-family dwelling unit to a 23-family dwelling unit.

ANALYSIS

The proposal remains the same as it was presented in 2013. It is to do interior renovation to fit-out the building into 23 multi-family units with family support services on the basement level.

Two of the units will be Uniform Federal Accessibility Standards (UFAS) compliant. Exterior improvements are limited to grading and re-striping the parking lot, adding a new playground area, a new dumpster pad, a new ADA accessible ramp, and replacing existing fencing. Additional landscaping and street trees are also proposed with the renovation of the existing structure. The conversion of the vacant building to multi-family dwelling units in the R-7 district required a City Council Ordinance per section 3-305 of the Baltimore City Zoning Code. Interpretation of the City Code following the Planning Commission review in 2013 found that within the R-7 zoning district, 23 units would not be permitted based on the required 1,100 SF/Unit. The proposed rezoning to R-8 would not only bring the existing building into bulk conformance with the zoning, but would conform with the surrounding residential community, and provide a reduced square footage per unit requirement making the reuse of the old school building feasible.

Current Request

The R-7 zoning district is a general residential district designation. The permitted use list provides for a variety of single and multi-family residential uses. The allowable massing is governed by a Floor Area Ratio (FAR) of 1.2. For multi-family detached dwellings, 20 ft. front yards, 15ft street corner side, and 25ft rear yards are required. Interior side yard setbacks are only required for ends of groups and must be 10 ft.

In completing its analysis, the Department of Planning Staff not only studied the request based on the Maryland Land Use Article, but also the character of the site. The current zoning of R-7 is primarily found in lower density rowhouse communities constructed to have front yards. This parcel is surrounded by rowhouse communities that conform to and are built to the R-8 zoning district standards which include no front yard, interior side, or street corner side setbacks. The current structure is a vacant school building which seems to have been built to conform to the neighboring context and hold the urban street edge much like the adjacent buildings do.

Rezoning Standards for Review

According to Maryland Land Use Article, Division I, Title 10 (Baltimore City Zoning), any proposed zoning changes must be referred to the Baltimore City Planning Commission and to the Board of Municipal and Zoning Appeals (BMZA), which must study the proposed changes in relation to:

1. **The plan** – The Baltimore City Comprehensive Master Plan is not so specific as to recommend land use and/or zoning changes for the properties in question. But as stated previously, this request is in-line with the goals and objectives of Live Goal 1: Build Human and Social Capital by Strengthening Neighborhoods; Objective 1: Expand Housing Choices for all Residents; and Objective 2: Strategically Redevelop Vacant Properties Throughout the City.
2. **The needs of Baltimore City**- The proposed R-8 zoning district supports the City's master plan to strengthen neighborhoods, strategically redevelop vacant properties throughout the City and to promote urban infill.
3. **The needs of the particular neighborhood in the vicinity of the proposed changes**- The proposed R-8 zoning district also supports the specific neighborhood needs to provide for

additional housing infill and options for residents which are conveniently located near transit.

Once the Planning Commission and BMZA report their findings and recommendations to the Mayor and City Council, the City Council shall make the following findings of fact:

1. Population change- Census Tract 803.01 has seen a 20% reduction in population between the 2000 and 2010 Census. Although there was a reduction in overall population, recent redevelopment projects in similar areas have proposed similar multi-family products. The ongoing development within the EBDI area including a new school, also indicate stabilization and the potential for growth.
2. Availability of public facilities- The properties are well served by City services, with no expected impacts as a result of rezoning.
3. Present and future transportation problems- There are currently no transportation problems anticipated as a result of rezoning 1209 N. Rose Street and adjacent parcels.
4. Compatibility with existing and proposed development for the area- The re-zoning proposal is consistent with the existing scale of the former school building and two adjacent church structures. It is also consistent with proposed development in the area which typically consists of dense unit infill.
5. Recommendations of the Baltimore City Planning Commission and the 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. Relationship of the proposed amendment to Baltimore City's plan- As mentioned above, the proposed zoning changes are compatible with LIVE EARN PLAY LEARN, the City's Master Plan.

The City Council may grant the amendment to change the zoning classification based on a finding that there was either 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. In this case, the Planning Department finds that there has been a mistake in the existing zoning classification.

Supporting rezoning based on a mistake in the existing zoning classification

The former school building is built out at an FAR of 1.9 which exceeds the allowable FAR under the R-7 category, but conforms with the allowable 2.0 FAR within the R-8 category. The former school use and proposed residential use is allowable under both R-7 and the proposed R-8 category. The current structure was built with no/marginal setback from the front and side property lines which violates the current R-7 yard requirements but conforms with the no yard setback requirements for the proposed R-8 zoning.

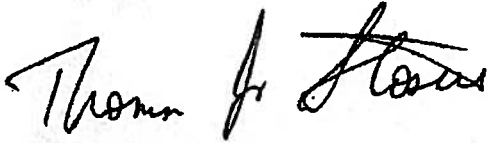
The proposed rezoning from R-7 to R-8 would bring the current, vacant structure into the bulk and massing conformance and eliminate the need for variances to be sought for redevelopment of the entirely existing structure. The adjacent rowhouse communities are also zoned and conform to the R-8 bulk and massing requirements.

TransForm Baltimore

The TransForm Baltimore zoning recommendation for this site is also R-8. The current request is in keeping with the intent of zoning code re-write which was to 'right zone' properties to better reflect their existing conditions and future use patterns.

Notifications:

Staff notified the Kenwood Neighborhood Community Association, New Broadway East Community Association, Kenwood Neighbor Association and Our Neighbor Coalition, Historic East Baltimore Community Action Coalition, Inc., Collington Square, and Councilmen Branch of this action.

A handwritten signature in black ink, appearing to read "Thomas J. Stosur". The signature is written in a cursive style with a large, sweeping initial "T".

Thomas J. Stosur
Director