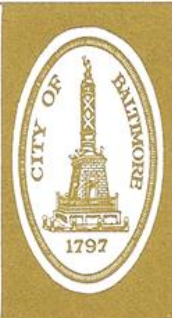


FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #23-0365 / REZONING - 601 THROUGH 621 EAST BIDDLE STREET, 1101 THROUGH 1129 FORREST STREET, 602 EAST CHASE STREET, AND 1110 NURSERY PLACE		

TO

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

DATE: April 28, 2023

At its regular meeting of April 27, 2023, the Planning Commission considered City Council Bill #23-0365, for the purpose of changing the zoning for the properties known as 601, 603, 605, 607, 609, 611, 613, 615, 617, 619, and 621 East Biddle Street, 1101, 1103, 1105, 1107, 1109, 1111, 1113, 1115, 1117, 1119, 1121, 1123, 1125, 1127, and 1129 Forrest Street, 602 East Chase Street, and 1100 Nursery Place (Block 1168, Lots 15 through 42), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 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 approval of City Council Bill #23-0365 and adopted the following resolutions, with eight members being present (eight 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 #23-0365 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

April 27, 2023

REQUEST: City Council Bill #23-0365/ Rezoning - 601 through 621 East Biddle Street, 1101 through 1129 Forrest Street, 602 East Chase Street, and 1110 Nursery Place:

For the purpose of changing the zoning for the properties known as 601, 603, 605, 607, 609, 611, 613, 615, 617, 619, and 621 East Biddle Street, 1101, 1103, 1105, 1107, 1109, 1111, 1113, 1115, 1117, 1119, 1121, 1123, 1125, 1127, and 1129 Forrest Street, 602 East Chase Street, and 1100 Nursery Place (Block 1168, Lots 15 through 42), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District; and providing for a special effective date.

RECOMMENDATION: Adopt findings and Approve

STAFF: Imani Jasper

PETITIONER: East Chase Partners c/o Michael Castagnola

OWNER: Mayor & City Council of Baltimore

SITE/GENERAL AREA

Site Conditions: The subject properties are located in the greater block bounded by Greenmount Avenue on the east, East Biddle Street on the North, Forrest Street on the west, and East Chase Street on the south, with Nursery Place (a named alley) running north-south through the middle of that block. The properties have all been cleared, and are presently zoned C-1 and R-8.

General Area: This project area is located within the Johnston Square neighborhood, which is roughly bounded by North Eden Street on the east, East Hoffman Street on the north, I-83 on the west, and East Eager Street on the south. Johnston Square is predominantly townhouse residential in character, with the housing stock primarily built in the 1920s. There are multifamily buildings in the neighborhood, primarily along Greenmount Ave. The neighborhood also has some small-scale commercial uses and is served by two schools, Johnston Square Elementary School and St. Francis Academy. This site is also located within the Johnston Square Urban Renewal Plan (URP) area.

HISTORY

- The Johnston Square Urban Renewal Plan was enacted by Ord. #357, dated June 27, 1977.
- The 13th amendment to the URP, dated September 19, 2022, was approved by the Mayor and City Council of Baltimore by Ordinance No. 22-183, dated January 9, 2023
- The Johnston Square Vision Plan was accepted by Planning Commission in March 26, 2020

- Johnston Square Impact Investment Area designated in November 13, 2019 in DHCD’s Community Development Framework.

CONFORMITY TO PLANS

This site is within the area of the Johnston Square Urban Renewal Plan, the Johnston Square Vision Plan, and the Johnston Square Impact Investment Area. This rezoning fulfills objectives a, c, d, and e (listed below with emphasis added) of the Johnston Square Urban Renewal Plan by facilitating redevelopment of vacant lots into new housing through rezoning.

- a. *To curtail blighting influences within the project area through clearance and redevelopment of concentrations of blighting and deteriorating influences;*
- b. To provide housing resources for mixed-income households through rehabilitation of basically sound structures in residential areas and new construction;
- c. *To facilitate the development of public and private facilities;*
- d. *To achieve safe and sanitary living conditions;*
- e. To support the East Baltimore Revitalization Area Master Plan.

The Johnston Square Vision Plan specifically states as a recommendation “Develop multifamily residential building with retail space opportunities.” This rezoning effort will allow this mixed-use building to be developed. The Johnston Square Impact Investment Area breaks down the proposed projects into priority zones. This site is located in Zone 1A, the primary priority zone of the plan and this rezoning is directly identified in the project tracker for this IIA.

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

Below is the staff’s review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is in the public’s interest, in that it will allow for redevelopment of vacant land into community serving amenities and contribute to the revitalization of the Johnston Square neighborhood in line with existing plans.

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 (2022)). In reviewing this request, the staff finds that:

- 1. The Plan:** The current Comprehensive Plan for the City of Baltimore has specific objectives under the LIVE section of the plan that state specific objectives to improve the quality of life through the built environment. Staff finds that the proposed rezoning would further this section of the Plan Goal 2 Objective 3 states “Promote Transit Oriented Development (TOD) and Mixed-Use Development to reinforce neighborhood centers and main streets”. The proposed rezoning would allow by right a mixed-use development along a main corridor through the neighborhood, explicitly fulfilling this objective.
- 2. The needs of Baltimore City:** Baltimore City has an abundance of vacant lots, both City owned and privately owned. For this City to improve in metrics related to population, property value, and neighborhood aesthetics; reduction in the number of vacant lots and an increase in population are key to meeting those needs. The proposed rezoning would allow for development on properties that are currently vacant. Maintaining the current zoning for vacant parcels does not meet any particular City need.
- 3. The needs of the particular neighborhood:** The Johnston Square neighborhood has been incredibly active in stating their needs for neighborhood improvement and in the plans created for their community. This rezoning is heavily supported by the Johnston Square community and meets their needs for development of vacant land into active community supporting uses.

Similarly, the Land Use article requires the City Council to make findings of fact (MD Land Use Code § 10-304 (2022)). The findings of fact include:

- 1. Population changes;** The Johnston Square neighborhood’s population had a small increase from the 2010 Census population of 1,906 to 2020’s Census population of 1,993

2. **The availability of public facilities;** As a result of this rezoning a library would become an anchor tenant of the ground floor of this building. The addition of a library would add a public facility to this neighborhood.
3. **Present and future transportation patterns;** The rezoning alone is not likely to change present transportation patterns through Johnston Square. Future development is likely to add car traffic to the block but it is unlikely to have a negative impact on the neighborhood.
4. **Compatibility with existing and proposed development for the area;** The rezoning is directly aligned with proposed redevelopment plans for the area and is directly called for in two of the extant plans for the area.
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.** Staff believes that there has been a significant change since the previous comprehensive rezoning of the entire City, due to the creation of the Johnston Square Impact Investment Area. Given the City commitment to reinvestment and redevelopment in Johnston Square and the creation plans calling for higher density development, the rezoning to C-1 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 surrounding area is zoned primarily R-8, the remainder of the block these properties are located and the area immediately to the Southeast are zoned C-1.
- (ii) **the zoning classification of other property within the general area of the property in question;** The rest of the block on which these parcels are located is zoned C-1. The property across Biddle to the North and Forrest to the West is zoned R-8. There is a cluster of parcels zoned C-1 to the Southeast of the properties in this rezoning request.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification;** The properties are currently vacant lots which under the current zoning could be developed as any of the several primarily residential uses allowed under the R-8 zoning classification.
- (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.** These parcels are in the priority area of the Johnston Square Impact Investment Area, an area that did not exist at the time of the most recent Comprehensive Plan. Extensive building rehabilitation, demolition, and new construction have occurred in Johnston Square in recent years. This rezoning is in line with the current planning and implementation efforts in the neighborhood.

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 the continuing trend of change and progress in the area moving towards higher-density residential options with supporting light commercial uses exists, and satisfies the need to demonstrate a significant change in the neighborhood.

Background: This rezoning bill would impact a development project currently under review by Planning staff. The proposed development is a new four-story multi-family building with 107 dwelling units, a public library on the first floor (northern portion), a surface parking lot. The majority of the development site is already zoned C-1. The existing R-8 zoning would require extensive variances for lot size, setbacks, and building height for only a portion of the site. This rezoning would allow the portion of the site that is currently zoned R-8 to house the planned library and eliminate any administrative confusion that could arise due to the building being split diagonally between two separate zoning classifications.

Equity:

- Impact:
 - The rezoning proposed in this bill would facilitate the redevelopment of vacant lots into affordable housing and the creation of a new public facility in this neighborhood.
 - While the rezoning itself will not impact existing patterns of inequity, the proposed development would create 107 units of affordable housing.
- Engagement:
 - Staff believes that the community has been meaningfully engaged in discussing both the rezoning and the development proposal. We also believe that this community engagement has been primarily focused on residents who have been historically excluded from planning processes. Staff has received letters of support which are in the Commissions file for further review.
- Internal Operations:
 - This project will not have any impact on staff time or resources other than which normally occurs in the legislative process for rezoning.

Notification: The following groups have been notified of this action: ReBUILD Metro, ReBUILD Johnston Square Community Organization, Johnston Square Impact Investment Area Work Group, St. Francis Academy, Parks and People Foundation, and the Sixth Branch.



Chris Ryer
Director