


TJS

<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #11-0719 / REZONING 403-435 NORTH WASHINGTON STREET		

**TO**

DATE: July 8, 2011

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

July 8, 2011

At its regular meeting of July 7, 2011, the Planning Commission considered City Council Bill #11-0719, for the purpose of changing the zoning for the property known as 403-435 North Washington Street, from the R-8 Zoning District to the O-R-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #11-0719 and adopted the following resolution nine members being present (nine in favor).

**RESOLVED**, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #11-0719 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. Kaliop Parthemos, Deputy Mayor  
 Mr. Peter O'Malley, Chief of Staff  
 Ms. Angela Gibson, Mayor's Office  
 The Honorable Bill Henry, Council Rep. to Planning Commission  
 Mr. David Tanner, BMZA  
 Mr. Geoffrey Veale, Zoning Administration  
 Ms. Nikol Nabors-Jackson, DHCD  
 Ms. Barbara Zektick, DOT  
 Ms. Elena DiPietro, Law Dept.  
 Ms. Karen Randle, Council Services  
 Ms. Caroline Hecker, RMG



*Stephanie Rawlings-Blake*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*



*Thomas J. Stosur*  
Director

### STAFF REPORT

July 7, 2011

#### REQUESTS:

- Area Master Plan/Monument-McElderry-Fayette - Amendment  
For the purpose of amending the Monument-McElderry-Fayette Area Master Plan by identifying office/residential as an appropriate use for the 403-435 North Washington Street properties.
- City Council Bill #11-0718/Urban Renewal – Middle East – Amendment  
For the purpose of amending the Urban Renewal Plan for Middle East to add a new land use category to the permitted land uses in the Plan and to revise Exhibits 1 and 4 to reflect the change in zoning, upon approval by separate ordinance, for 403-435 North Washington Street; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.
- City Council Bill #11-0719/Rezoning – 403-435 North Washington Street  
For the purpose of changing the zoning for the properties known as 403-435 North Washington Street, as outlined in red on the accompanying plat, from the R-8 Zoning District to the O-R-2 Zoning District.

#### RECOMMENDATIONS:

- Area Master Plan Amendment: Approval
- City Council Bill #11-0718: Approval
- City Council Bill #11-0719: Approval

**STAFF:** Robert Quilter

**PETITIONER:** My Son Development, LLC

**OWNERS:** Various

## **SITE/ GENERAL AREA**

**Site Conditions:** The site contains 14 separate parcels along the east side of the 400 block North Washington Street. This is the block north of Orleans Street and south of Jefferson Street. To the west is Wolfe Street and the east is Castle Street. Beginning at the south end of the block, 403-409 is improved with a three story commercial building, 411 and 413 are three story rowhouses that are currently City-owned. Towards the northern end, 415-427 are vacant parcels and 429-433 are three story rowhouses. Lastly, 435 is a three story commercial building at the southeast corner of Washington and Jefferson Streets. There are ten foot alleys to the south and east of these properties. Immediately to the south of the site at the intersection of Washington and Orleans Streets is B-2 commercial zoning and uses. There are two operating gas stations at the northwest and southeast corners of that intersection. Across Washington Street is a block of two story residential townhouses. To the east is mainly residential with a few commercial uses sprinkled in.

**General Area:** The site is located in the C.A.R.E. portion of the Middle East Community and Urban Renewal Area. It is mainly two story residential in character to the north and east of the intersection of Orleans and North Wolfe Streets. To the west of Wolfe Street is the Johns Hopkins Medical (JHMI) Campus. The Campus spreads to the east over to North Washington Street above Jefferson Street with its School of Public Health. Along the Monument Street corridor to the east of the JHMI Campus is the Monument Street Business Area and Northeast Market.

## **HISTORY:**

- Ordinance 1202, approved on November 30, 1979, established the Middle East Urban Renewal Plan.
- Ordinance #05-124, approved October 7, 2005 was the eighth amendment to the Middle East Urban Renewal Plan.
- On March 8, 2007, the Planning Commission adopted the Monument-McElderry-Fayette Area Plan.

## **CONFORMITY TO PLANS**

These three combined actions are intended to support the development of an office use at 403-427 North Washington Street. The lead action is to rezone the east side of the 400 block North Washington Street from R-8 to O-R-2. Although the Middle East Urban Renewal Plan and the Monument-McElderry-Fayette Area Plan designate these parcels as residential and the corresponding zoning is R-8, there has been significant change nearby with added community support to warrant reconsideration of just a strictly residential land use on this site. Relative to the Baltimore City Comprehensive Master Plan, rezoning these parcels to O-R-1 meets EARN Goal 1: Strengthen Identified Growth Sectors; Objective 6: Retain and Attract Business in Healthcare and Social Assistance.

## **ANALYSIS**

As stated, these three combined actions will support the proposed development of a four story office building at 403-427 North Washington Street. These parcels are located in the Middle East Urban Renewal Area and have been vacant or significantly underutilized for quite some

time. The site is just one block to the east of the Johns Hopkins Medical Campus (JHMI) and specifically the new Adult and Children's Urgent Care Hospital twelve story tower, due to open April, 2012. It should be noted that this office development proposal is meant to support medical-related facilities of the JHMI.

In general, staff believes the proposed redevelopment on North Washington Street will capitalize on the existing cultural, institutional, and neighborhood assets as well as expand on the City's investment in the surrounding community. An example of the City's investment in the adjacent area is the Monument Street Landfill which is the proposed redevelopment of a 28-acre site for commercial retail purposes. Currently the City is also working to attract commercial tenants while increasing security efforts and bolstering neighborhood involvement. Another nearby redevelopment project is the North East Market renovation. Johns Hopkins has taken on an increased role, in partnership with the Baltimore Public Markets Corporation, to spearhead the redevelopment of the 36,000 square foot facility as a premiere local shopping destination.

#### **Area Master Plan/Monument-McElderry-Fayette – Amendment**

In late 2005 the France-Merrick Foundation convened a steering committee of community leaders, representatives from Baltimore City, philanthropic institutions, and redevelopment entities to guide the development and investment in the area. As a precondition to underwriting the costs of the planning process, the Foundation charged the Steering Committee with several prerequisites to ensure that the plan would be successful. The committee had to make sure that the plan was community based, comprehensive, realistic, and that the processes were streamlined as to not adversely affect the community. The Steering Committee hired a team of consultants with Goody Clancy taking the lead.

In general, the plan dealt with an area that was bordered by Fayette Street properties on the south, Monument Street to the north, Washington Street to the west and Linwood to the east. The Plan made broad recommendations about housing, institutions, open space, employment and transportation in the area. However, no specific recommendations were made pertaining to these properties. The Plan was presented to and approved by the Planning Commission on March 8, 2007.

Recently, in order to facilitate the redevelopment of the vacant and underutilized properties in the 400 block North Washington Street, the City began to explore the possibility of uses other than residential. It was felt that office/residential uses would provide new redevelopment opportunity. Additionally, the office/residential use would be an appropriate bridge use between commercial to the south and residential to the north. Therefore staff recommends amending the Monument-McElderry-Fayette Area Master Plan to identify office/residential use as the appropriate land use for the 403-435 North Washington Street properties.

#### **City Council Bill #11-0718:**

This is the legislation for amending the Middle East Urban Renewal Plan in several aspects. The first is to add a new land use category to the permitted land uses in the Plan and to revise its Exhibits 1 and 4 to reflect the change in the zoning (upon approval of the companion zoning bill for 403-435 North Washington Street).

Currently the land use designation for these parcels is “Residential”. However, the 400 block North Washington Street is at the extreme southwest corner of the Middle East Urban Renewal Area, just one block to the east of JHMI and immediately adjacent to existing commercial uses along Orleans Street. Although the west side of the block is very stable residential that was constructed in the past thirty years and part of an active homeowners association, redevelopment of the east side of the 400 block has proven difficult. 403-409 is a vacant three story commercial structure just to the north of existing Orleans Street commercial properties. 411 and 413 are City-owned vacant residential properties that are being awarded to the developer of the proposed project by the Housing Department through the Rolling Bid Program. 415- 427 are vacant lots owned by the developer. 429-433 are existing three story buildings and 435 is an underutilized three story commercial building at the southeast corner of North Washington and Jefferson Streets.

Although the development proposal is just for the properties 403-427 North Washington Street, the Department of Planning has requested that the entire block face to Jefferson Street be included in these actions for continuity and clarity purposes. Therefore 429, 431, 433 and 435 have been included in these actions as well.

The development team has submitted plans for a four story office building with ground level parking and lease space. It will be located just one block to the east of JHMI and provide needed support office space for related medical uses. It is believed that introducing the Office-Residential category into this extreme southwestern edge of the urban renewal area is an appropriate planning decision given adjacent commercial uses and nearby intense medical uses.

**City Council Bill #11-0719/Rezoning – 403-435 North Washington Street:**

These fourteen (14) parcels of land on the east side of the 400 block North Washington Street are currently zoned R-8 as are properties to their north, west and east. This bill recommends rezoning of 403-435 North Washington Street to the O-R-2 category. Immediately to their south are properties zoned B-3-2 in the 1900 and 2000 blocks Orleans Street. One block to north and one to the west, JHMI Campus is zoned R-10 with intense hospital and related development.

For rezoning of land, Article 66B of the Maryland Annotated Code outlines a number of requirements and findings in §2.05. “If the purpose and effect of a proposed amendment is to change the zoning classification of particular property, the City Council shall make findings of fact. ... The findings of fact shall include:”

1. **Population change;** These properties are currently zoned residential are not needed for residential use, and adequate residentially zoned land is available closeby for that purpose.
2. **The availability of public facilities;** This area is adequately served by public services, police and fire protection.
3. **Present and future transportation patterns;** This area is within ¼ mile radius of the existing Johns Hopkins Metro Station. As an office zoned area, it would be

- eligible as a transit-oriented development (TOD) site. The area is adequately served by public roads, and traffic impacts can be easily mitigated.
4. **Compatibility with existing and proposed development for the area;** The proposed rezoning is compatible with the existing adjacent zoning along Orleans Street and nearby zoning of JHMI.
  5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals;** Staff recommends approval of this rezoning request. The specific findings of the Planning Commission are outlined below.
  6. **The relation of the proposed amendment to the City's plan.** This rezoning and the proposed PUD is compatible with the City's Comprehensive Master Plan, as outlined above.

There are other specific findings where "The Planning Commission and the Board of Municipal and Zoning Appeals shall:"

Study the proposed changes in relation to:

1. **The plan;** This rezoning is compatible with the City's Comprehensive Master Plan as it supports the EARN Goal 1: Strengthen Identified Growth Sectors; Objective 6: Retain and Attract Business in Healthcare and Social Assistance
2. **The needs of Baltimore City;** The City will benefit from the development of this potential office building as it will serve nearby JHMI.
3. **The needs of the particular neighborhood in the vicinity of the proposed changes.** Approval of the rezoning will eradicate vacant houses and lots, allow for compatible development with the greater area, and provide potential jobs for the community.

Following these findings of fact, and with the recommendation of the Planning Commission, the Mayor and City Council may then grant the amendment to change the zoning classification based on a finding that there was a substantial change in the character of the neighborhood where the property is located. Staff recognizes that the current growth of JHMI was not anticipated at the time of the last comprehensive rezoning, and so this change was not foreseen at that time. The continued development of the Johns Hopkins Medical Campus with its soon-to-be-opened twelve story hospital tower one block to the west of this site is a significant change for the immediate area, and is supported by the City's Comprehensive Master Plan.

In advance of this meeting, staff notified McElderry Park Community Association, C.A.R.E., Amazing McElderry Park CDC, Banner Neighborhoods Community Corporation, Baltimore Housing and BDC.



**Thomas J. Stosur**  
**Director**