


FROM	NAME & TITLE	Laurie Feinberg, Acting Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #18-0290/ CONDITIONAL USE- RESIDENTIAL CARE FACILITY – VARIANCES – 1208, 1210-1222, and 1224-1226 EAST BALTIMORE STREET		

DATE:

TO

At its regular meeting of November 1, 2018, the Planning Commission considered City Council Bill #18-0290, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a residential care facility on the properties known as 1208, 1210-1222, and 1224-1226 East Baltimore Street, as outlined in red on the accompanying plat; and granting variances from certain bulk and yard regulations for rear yard and building height and from certain off-street parking regulations.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #18-0290 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 #18-0290 be passed by the City Council.

If you have any questions, please contact Mr. Ivor Quashie, at 410-396-1539.

LF/iaq

attachment

- cc: Mr. Pete Hammen, Chief Operating Officer
 Mr. Jim Smith, Chief of Strategic Alliances
 Ms. Karen Stokes, Mayor's Office
 Mr. Colin Tarbert, Mayor's Office
 Mr. Kyron Banks, Mayor's Office
 The Honorable Edward Reisinger, Council Rep. to Planning Commission
 The Honorable Robert Stokes Sr., Councilman, 12th District
 Mr. William H. Cole IV, BDC
 Mr. Derek Baumgardner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Sharon Daboin, DHCD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Josh Taylor, DOT
 Ms. Natawna Austin, Council Services
 Mr. Ervin Bishop, Council Services
 Ms. Caroline Hecker, Rosenberg, Martin, Greenberg LLP



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Laurie R. Feinberg
Acting Director

November 1, 2018

REQUEST: City Council Bill 18-0290/ Zoning – Conditional Use Residential Care Facility – Variances - 1208, 1210-1222, and 1224-1226 East Baltimore Street

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a residential care facility on the properties known as 1208, 1210-1222, and 1224-1226 East Baltimore Street, as outlined in red on the accompanying plat; and granting variances from certain bulk and yard regulations for rear yard and building height and from certain off-street parking regulations.

RECOMMENDATION: Approval

STAFF: Ivor Quashie

PETITIONERS: Councilmember Robert Stokes Sr.

OWNER: House of Freedom Inc.

SITE/ GENERAL AREA

Site Conditions: 1208 East Baltimore Street is located in the middle of the 1200 block of East Baltimore Street. The property is in property is in the Jonestown local historic district and the Jonestown Urban Renewal Plan. The site is bounded by East Fayette Street to the north, Asquith Street to the west, North Central Avenue to the east. This property is currently improved with a four-story vacant building. The site is zoned C-2.

General Area: The area is comprised of a high concentration of commercial buildings in the immediate area and residential buildings.

HISTORY

This property is in the Jonestown historic district that was established by Ordinance #02-0901 on July 11, 2002. This property is also in the Jonestown Urban Renewal Plan area established by Ordinance #909 on December 14, 1978.

ANALYSIS

Background: The proposal is to consolidate the three lots, demolish the existing building and construct a Residential Care Facility for more than 17 residents. There will be a total of 260 beds, of which 220 will be for women and 40 will be for children. The proposed building will be seven stories and will have two levels of underground parking.

- The Zoning Code requires a rear yard setback of 20 feet in commercial districts (C-1 to C-4). (§ 10-401 (Table 10-401)). The applicant is requesting a setback of 5 feet in lieu of the 20 feet. A variance of this requirement is therefore included in this bill.
- The Zoning Code requires a maximum height of 60 feet as specified in § 10-401 (Table 10-401: Commercial Districts (C-1 to C-4) - Bulk and Yard Regulations). The applicant is requesting a variance to permit a building height of 97.5 feet. A variance of this requirement is therefore included in this bill.
- The Zoning Code prohibits a project from providing more than double the number of parking spaces (Section 16-205). Eight spaces are required. The applicant is proposing 73 spaces to accommodate for the 30 employees on the peak shift and additional spaces for volunteers.

Planning staff reviewed §5-406(a) {"Required considerations"} of Article 32 – *Zoning*, and finds that the proposed use meets these additional criteria for approval of a conditional use:

- (1) The establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental or endanger the public health, safety or welfare;**

The establishment of the proposed residential care facility at the Property will not be detrimental to or endanger the public health safety or welfare. Helping Up Mission currently operates a men’s facility nearby at 1029 E. Baltimore Street, which has provided addiction recovery and outreach services to men experiencing homelessness, poverty, and/or addiction for over 100 years. The proposed facility will expand their offerings to up to 260 women and their children, and has been well received by the community.

- (2) The use would not be precluded by any other law, including an applicable Urban Renewal Plan;**

The proposed use of the Property as a residential care facility is not precluded by any other law, and the Property is located in an Urban Renewal Area.

- (3) The authorization would not be contrary to the public interest; and**

The authorization of the conditional use is in the public interest as it is supported by the local community.

- (4) The authorization would be in harmony with the purpose and intent of this Code.**

The authorization is in harmony with the purposes of the Code set forth in Art. 32, §§ 2-101(2) (“to promote and protect public health, welfare, and quality of life for current and future generations”) and 2-101(6) (“to preserve and enhance the value of structures, communities, and neighborhoods”). Not only will this project permit the redevelopment of an underutilized site, it will permit the establishment of a program to serve women and children experiencing homelessness, poverty, and addiction.

In addition, the Council must consider the following factors under § 5-406(b), where appropriate:

(1) The nature of the propose site, including its size and shape and the proposed size, shape, and arrangement of structures;

The existing structures on the Property will be demolished, and a new, state-of-the-art structure will be constructed in its place. The new structure has been designed to most efficiently and appropriately serve the needs of the program.

(2) The resulting traffic patterns and adequacy of proposed off-street parking and loading;

The proposed use will have no impact on traffic patterns. A variance is requested from §§ 16-205 and 16-602 to permit off-street parking in excess of the number of required spaces. Off-street parking for the proposed use is calculated based on the number of employees, with one space required per four employees at the peak shift. (As residents of the facility are not permitted to have vehicles, no off-street parking is required for the residents.) It is anticipated that approximately 40 employees will be on site during the peak shift, in addition to approximately 35-40 volunteers. Based on the number of employees, only 10 parking spaces would be required. Approximately 73 parking spaces are proposed in the garage on site to accommodate the proposed number of employees and volunteers.

(3) The nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

The Property is located along the commercial Baltimore Street corridor, and is located adjacent to the new Ronald McDonald House. The proposed use demonstrates a substantial investment in the neighborhood and will provide necessary services to local residents. Based on Helping Up Mission's experience at the nearby men's facility, it is not anticipated that the proposed women and children's facility will impair present or future development of the surrounding area.

(4) The proximity of dwellings, churches, schools, public structures, and other places of public gathering;

The Property is located near dwellings and places of public gathering, but based on Helping Up Mission's experience at the nearby men's facility, the proposed use will not have a negative impact on surrounding uses.

(5) Accessibility of the premises for emergency vehicles;

The proposed structure has been reviewed and approved by the Site Plan Review Committee, which includes representatives of the Fire Department. It will comply with all Fire Code requirements to ensure accessibility for emergency vehicles and personnel.

- (6) Accessibility of light and air to the premises and to the property in the vicinity;**
The design of the proposed structure has been reviewed and approved by the Commission for Historic and Architectural Preservation, and is appropriate in size and scale for the neighborhood.
- (7) The type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;**
There are adequate utilities, roads, drainage, and other necessary facilities for the proposed use.
- (8) The preservation of cultural and historic landmarks and structures;**
Not applicable.
- (9) The character of the neighborhood;**
The Property is located along the Baltimore Street commercial corridor but is nearby other residential uses. The proposed use will be an asset to the neighborhood as it will provide services to those in need.
- (10) The provisions of the City's Comprehensive Master Plan;**
The proposed use is consistent with the City's LiveEarnPlayLearn Master Plan by meeting Live Goal 1: Build Human and Social Capital By Strengthening Neighborhoods. The proposed facility will strengthen the neighborhood and the City by providing important services to those in need.
- (11) The provisions of any applicable Urban Renewal Plan.**
This proposed development is consistent with the Jonestown Urban Renewal Plan
- (12) All applicable standards and requirements of this Code;**
The use is consistent with the standards and requirements of § 14-334, which governs residential care facilities.
- (13) The intent and purpose of this Code; and**
The authorization is in harmony with the purposes of the Code set forth in Art. 32, §§ 2-101(2) ("to promote and protect public health, welfare, and quality of life for current and future generations") and 2-101(6) ("to preserve and enhance the value of structures, communities, and neighborhoods").
- (14) Any other matters considered to be in the interest of the general welfare**
The proposed use is supported by the local community.

In addition, CCB #18-0290 authorizes variances to the rear yard setback, height, and off-street parking requirements of the Code. In order to approve the requested variances, the City Council must find that, because of the particular physical surroundings, shape or topographic conditions of the specific structure or land involved, an unnecessary hardship or practical difficulty would result if the applicable requirement were carried out. § 5-308(a). Here, the site is unique due to

the location of an MTA easement for the subway which runs through the front of the Property, as well as the fact that the Property only has street frontage on one side. These unique factors create practical difficulties in designing the site that require the requested variances. In order to grant a variance, the Council must also find that (§ 5-308(b)):

a. The conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification.

- i. The location of the MTA easement is unique to this Property and is not generally applicable to other properties in the C-2 zoning district. Due to the location of the easement, the building must be set back significantly from the front property line which, in turn, requires the building to be located closer to the rear property line than would otherwise be permitted. Likewise, due to the size of the site and the fact that the building cannot be located on the portion of the Property that is encumbered by the easement, the building must be taller than would otherwise be allowed in order to accommodate the proposed program. Finally, most other commercially zoned properties have street access on more than one side, which allows greater flexibility in designing the site to provide appropriate ingress and egress.

b. The unnecessary hardship or practical difficulty is caused by the Zoning Code and has not been created by the intentional action or inaction of any person who has a present interest in the property.

The unnecessary hardship is created by the dimensions of the site. The McKim Park is directly behind the site and the location of the MTA easement and the fact that the Property only has street frontage on one street, and is not due to the intentional action or inaction of any person who has a present interest in the Property.

c. The purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property.

The purpose of the requested variances is to permit the construction of a women and children's facility to serve women and children experiencing homelessness, poverty and addiction. It will be operated by a nonprofit entity that is not motivated by a desire to develop the Property for income-producing purposes.

d. The variance will not: (1) be injurious to the use and enjoyment of other property in the immediate vicinity; or (2) substantially diminish and impair property values in the neighborhood.

This project will improve the use and enjoyment of other property in the immediate vicinity and increase property values as it will bring life to currently vacant and unattractive properties. Based on the applicant's experience operating a men's facility nearby, it is not expected that the proposed use will have any adverse impact on the neighborhood. The

height and massing of the proposed structure, including the proposed variances, have been approved by the Commission for Historic and Architectural Preservation.

e. The variance is in harmony with the purpose and intent of the Zoning Code.
The variances are consistent with the stated purpose of the Zoning Code to “promote and protect public health, welfare, and quality of life for current and future generations” by providing important services to improve the quality of life for City residents.

f. The variance is not precluded by and will not adversely affect: (1) any Urban Renewal Plan; (2) the City’s Master Plan; or (3) any Historical and Architectural Preservation District

The Property is not located in an Urban Renewal Area.

The project is consistent with the City’s LiveEarnPlayLearn Master Plan as it will promote LIVE Goal #1, “building human and social capital by strengthening neighborhoods,” and LIVE Goal #2”, elevate the design and quality of the City’s Built Environment.”

CHAP has approved the proposed design of the structure, including the proposed variances.

g. The variance will not otherwise: (1) be detrimental to or endanger the public health, security, general welfare or morals, or (2) in any way be contrary to the public interest.

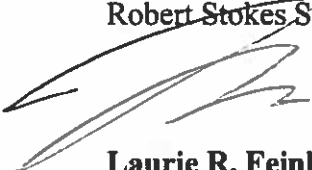
The setback, height, and parking variances are not anticipated to have any such adverse effects.

The project is supported by the local community organizations.

h. Within the purpose and intent of the Zoning Code, the variance is the minimum necessary to afford relief.

i. The proposed project could not be constructed without the requested variances, which are the minimum necessary to afford relief.

Notifications: In advance of this hearing, staff notified Jonestown Planning Council, Inc., Albemarle Square Community Association, Albemarle Square Tenants’ Council and Councilman Robert Stokes Sf.



Laurie R. Feinberg
Acting Director

