

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CCB #21-0087 / REZONING – 100 EAST 23RD STREET, 2300 SAINT PAUL STREET, 2305 SAINT PAUL STREET, 2313 SAINT PAUL STREET, AND 2317 SAINT PAUL STREET		

TO

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

DATE: October 8, 2021

At its regular meeting of October 7, 2021, the Planning Commission considered City Council Bill #21-0087, for the purpose of changing the zoning for the properties known as 100 East 23rd Street, 2300 Saint Paul Street, 2305 Saint Paul Street, 2313 Saint Paul Street, and 2317 Saint Paul Street, as outlined in red on the accompanying plat, from the OR-2 Zoning District to the C-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended disapproval of City Council Bill #21-0087. The Planning Commission did not concur with the recommendation of staff, and instead adopted the following resolution, with nine members being present (nine in favor):

RESOLVED, That the Planning Commission does not concur with the recommendation of its departmental staff. Instead, the Planning Commission adopts the findings below, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #21-0087 be **approved** by the City Council.

Findings: The Commission recognizes that there are certain changes that have occurred in this community. Including new BD-7 liquor licenses for some properties, along with some \$90 Million worth of investment in Penn station. When the Comprehensive rezoning of the City occurred in 2017, we looked at historic uses of property, what the buildings looked like, and when we made decisions about historic zoning, had to determine whether these types of the buildings are conducive to a present owner. By adhering to long-time zoning patterns, and looking at the current buildings, there are times where some fall through the gaps as changes develop. Neighborhoods like Old Goucher may fall into that gap in the sense that it has older buildings, that it was very well off at one time in having institutions and so on in it. But now, there's a lot of churches and other buildings that need innovation. Having read the community's plan, and knowing the work that they've done to try to bring that innovation and adaptive reuse to the neighborhood in a smart way and in a comprehensive way, it could fit either a mistake or a change in the character of the neighborhood. Here, the proposed rezoning is consistent with their community plan.

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. Natasha Mehu, Mayor's Office
Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Matthew Stegman, City Council President's Office
Ms. Nikki Thompson, City Council President's Office
Mr. Colin Tarbert, BDC
Ms. Kathleen Byrne, 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, Chairman

STAFF REPORT



Chris Ryer
Director

October 7, 2021

REQUEST: City Council Bill #21-0087/ Rezoning – 100 East 23rd Street, 2300 Saint Paul Street, 2305 Saint Paul Street, 2313 Saint Paul Street, and 2317 Saint Paul Street:

For the purpose of changing the zoning for the properties known as 100 East 23rd Street, 2300 Saint Paul Street, 2305 Saint Paul Street, 2313 Saint Paul Street, and 2317 Saint Paul Street, as outlined in red on the accompanying plat, from the OR-2 Zoning District to the C-1 Zoning District.

RECOMMENDATION: Disapproval

STAFF: K. Reni Lawal-Simmons

PETITIONER: Councilman Robert Stokes, on behalf of James Hooper, LLC

OWNER: Multiple:

2317 Saint Paul St. – Baltimore MFH, LLC

2313 Saint Paul St. – Alpha Phi Alpha Fraternity, Inc.

2305 Saint Paul St. – St. Paul & Calvert Properties

2300 Saint Paul St. – State of Maryland

100 East 23rd Street – James Hooper, LLC

SITE/GENERAL AREA

Site Conditions: The five properties subject to this bill are mostly, with the exception of one, improved with large, detached historic structures of varying styles, sizes and uses.

- 2300 Saint Paul Street was built in the late 1800s as a campus building for Goucher College and is now occupied by the Maryland Geological Survey.
- 2305 Saint Paul Street is currently a surface parking lot. The structure was demolished in the latter half of the 1900s.
- 2313 Saint Paul Street, a historic landmark known as Goucher House, is home to Alpha Phi Alpha Fraternity Inc.'s national headquarters.
- 2317 Saint Paul Street, the former Federal Land Bank of Baltimore, was redeveloped into loft apartments in 2010.
- 100 East 23rd Street is home to the James E. Hooper House that was recently redeveloped into a space for creative arts uses.

General Area: The properties that are the subject of this bill are all along the 2300 block of Saint Paul Street. They are part of an area that was originally developed in the late 19th Century as Goucher College with a mixture of lecture halls, dormitories, open recreation spaces, and housing for faculty and staff of the College. After Goucher College moved from this area to its present suburban campus in 1954, the open spaces were sold off and developed individually with commercial structures, and some of the original row-houses were modified for partial or total non-residential use. Today the Old Goucher College National Register Historic District, which includes the properties subject to this bill, is primarily residential mixed-use and residential, with some scattered institutional and commercial uses, as seen along the 2300 block of Saint Paul Street, along with a large supermarket in a non-contributing structure located at Charles Street and 24th Street that serves both the Old Goucher and the Charles Village communities.

HISTORY

The subject properties were included in the comprehensive rezoning of Baltimore City, known as Transform Baltimore, that was adopted by Ordinance 16-581 and became effective on June 5, 2017. These properties are within the Charles/ 25th Urban Renewal Plan (URP) area; this Plan was originally approved by Ord. #01-495 in 2001, and amended by its Amendment No. 1 dated March 4, 2002, approved by Ord. #02-393 in 2002. Two of the properties, 2300 Saint Paul St. and 2313 Saint Paul St., are designated in this URP as “Contributing Structures” in the Plan’s Special Designations map (Exhibit B of the Plan) with 2313 also designated as a city landmark. 2317 Saint Paul St. and 100 E. 23rd St. are not noted as contributing. The Plan requires referral of all plans for new construction, or demolition or exterior rehabilitation of Notable or Contributing Structures, to the Charles Village Community Benefits District’s Community Review Panel. The Charles Village Community Benefits District, which includes the properties subject to this bill, was established by Ord. #94-0414 approved July 6, 1994, and most recently continued by Resolution #18-06 of the Mayor and City Council dated May 18, 2018. The Old Goucher College National Register Historic District was created in June of 1974 and expanded and certified to the National Register of Historic Places on September 26, 1994.

CONFORMITY TO PLANS

The City’s comprehensive plan LIVE EARN PLAY LEARN set a goal of modernizing the zoning code to meet current land use needs. This was completed in December 2016 and the properties subject to this bill were considered part of that effort.

Though the Old Goucher Vision Plan (2017) has not been formally recognized by the Planning Commission, the community references the document as a shared vision created by community stakeholders and has effectively advocated for resources and projects as a result of it. This particular block where the subject properties reside are known in the plan as the heart of the neighborhood and is recommended to be preserved and restored for institutional uses as it once was when part of the Goucher College campus. The current uses of the occupied buildings are in line with what the community desires and are allowed under the current zoning. Additionally, the plan explicitly states to support Transform Baltimore, with no alterations to the Old Goucher area, which will continue mixed use zoning in Old Goucher while making historical controls more restrictive in order to encourage increased business investment consistent with Old Goucher’s historic character.

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

These five properties were studied as part of the citywide comprehensive rezoning effort that spanned several years until adoption in December 2016. In the previous zoning code, all properties were part of the O-R-2 Office Residence zoning district designed primarily to accommodate office and residential uses. This block is adjacent to moderate intensity business zoning (B-3-3) to the north and more O-R-2 zoning to the south. During Transform Baltimore, the zoning recommendation for these properties remained the same, office-residential zoning with an updated category of OR-2 that reflected the building typology and use. The legally established uses at all of the properties are permitted, either by right or conditionally, under the current OR-2 zoning category.

While most blocks have a mix of large institutional buildings and moderate 3-story rowhome style buildings, the 2300 block of Saint Paul Street has the large institutional buildings that lends itself to office/institutional/residential uses, and not commercial. The zoning code states that “office-residential districts are intended for areas where there is a mix of office and residential uses. The regulations for these Districts are designed to ensure that office uses remain compatible with residential uses, thereby permitting the area to maintain a more residential character.” The OR-2 designation here transitions the street, in use and form, from the neighborhood commercial activity in the block north of these properties leading to the intense

commercial activity along 25th Street to the more residential blocks of Saint Paul Street that occur south of 23rd Street.

The proposed C-1 zoning classification is intended for commercial clusters or pedestrian oriented corridors of commercial uses that serve the neighborhood. The block on which these properties are situated do not fit the intent or the standards of the C-1 zone. There has not been any significant change in the character of the neighborhood, particularly the 2300 block of Saint Paul Street and adjacent blocks that would warrant a rezoning. There is no evidence that these properties were mistakenly zoned OR-2 during the citywide comprehensive rezoning process.

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 not in the public's interest, in that the bill only serves to support the proposed uses at 100 East 23rd Street.

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:** The proposed action would not necessarily be in conflict with any of the goals outlined in the City's Comprehensive Master Plan.
- 2. The needs of Baltimore City:** Maintaining the OR-2 zoning for these properties is in line with the City's overall vision and intent for this block as outlined in the zoning code.
- 3. The needs of the particular neighborhood:** This zoning change would not be serving any particular need for the neighborhood. The Old Goucher NSA is mostly commercial zoning that provides ample opportunity for commercial uses in buildings and in parts of the neighborhood that are intended for it.

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 most recent Census data shows a decline of 35% since the 2010 census count.
- 2. The availability of public facilities;** This site is well-served by public services and utilities and will continue to be so for the foreseeable future.
- 3. Present and future transportation patterns;** There would be no positive or negative effect upon present or future transportation patterns in the area as a result of adoption of this bill as the existing use of the property is not expected to change as a result.
- 4. Compatibility with existing and proposed development for the area;** The OR-2 designation is most compatible with the existing development for the area given the current building typology and uses.

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 disapproval of the rezoning request to the Planning Commission. The BMZA will comment separately on the bill.
6. **The relation of the proposed amendment to the City's plan.** Maintaining the current zoning for these properties supports the City's plan goal of modernizing the zoning code which was completed in 2016.

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;** Existing uses within the general area of the properties is a mix between low-intensity commercial and high-density residential.
- (ii) **the zoning classification of other property within the general area of the property in question;** The properties to the north of this block are C-1 and to the south are R-8.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** The current OR-2 designation is most suitable for the current uses of the properties.
- (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.** There have not been any significant changes to the immediate area of the subject properties since it was placed in its current zoning classification.

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. *For the reasons listed above, Planning staff do not believe there was either a mistake or substantial change in the character of the neighborhood where these properties are located.*

RECOMMENDATION

The applicant is requesting that 2317 Saint Paul Street be removed from the bill. Planning staff is recommending disapproval of the rezoning of 2300, 2305, 2313 Saint Paul Street and 100 E. 23rd Street from the OR-2 zoning district to the C-1 zoning district for the following reasons:

1. There is no evidence that there was a mistake in zoning these properties OR-2 during the last comprehensive rezoning that was signed into law in December 2016;
2. There has not been any substantial change in the neighborhood since the last comprehensive rezoning;
3. The established uses of these properties are permitted under the current zoning and are consistent with the intent of the OR-2 zoning category; and
4. Neither the City's Comprehensive Master Plan nor the Old Goucher Vision Plan's goals support a rezoning of this nature.

EQUITY

Short / long-term impact on surrounding community: There is no evident short- or long-term impact on the surrounding community in keeping the current zoning.

Impact on Baltimore's existing patterns of inequity: Staff is unable to identify how maintaining the current zoning would heal or deepen any persistent patterns of inequity.

Has the community been meaningfully engaged?: Staff is unaware to what extent the applicant has engaged with the surrounding community and impacted property owners but has provided notice to the three potentially impacted neighborhood associations that this bill is scheduled for consideration and has responded to several questions from a community leader and a resident of 2317 Saint Paul Street.

How are residents who have been historically excluded from planning processes being authentically included in the planning of the proposed policy or project?: It is unclear how applicable this consideration is in this instance.

Impact on internal operations: There has not been, nor is there expected to be, any substantive impact to internal operations as a consequence of this bill.

NOTIFICATION

Public notice of this hearing was given by posting of signs meeting Planning Commission specifications at two locations in the affected area: Saint Paul Street at 23rd Street and Saint Paul Street at 24th Street. Mail notices were sent to all property owners subject to this bill. Email notification was sent to the Old Goucher Community Association, Charles Village Civic Association, and Greater Greenmount Community Association (Barclay).



Chris Byer
Director