

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #16-0731 / URBAN RENEWAL – MARKET CENTER – AMENDMENT ____

CITY of
BALTIMORE
MEMO



TO

DATE:
September 16, 2016

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

At its regular meeting of September 15, 2016, the Planning Commission considered City Council Bill #16-0731, for the purpose of amending the Urban Renewal Plan for Market Center to amend Exhibit 3 of the Plan to reflect the change in zoning, upon approval by separate ordinance, for the property known as 325 West Baltimore 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.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #16-0731 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 #16-0731 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
- Mr. Patrick Fleming, DOT
- Ms. Elena DiPietro, Law Dept.
- Ms. Natawna Austin, Council Services
- Ms. Melissa Krafchik, PABC
- Ms. Caroline Hecker, RMG



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

September 15, 2016

REQUESTS:

- City Council Bill #16-0731/ Urban Renewal – Market Center – Amendment:
For the purpose of amending the Urban Renewal Plan for Market Center to amend Exhibit 3 of the Plan to reflect the change in zoning, upon approval by separate ordinance, for the property known as 325 West Baltimore 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 #16-0732/ Rezoning – 325 West Baltimore Street:
For the purpose of changing the zoning for the property known as 325 West Baltimore Street, as outlined in blue on the accompanying plat, from the B-4-1 Zoning District to the B-4-2 Zoning District.

RECOMMENDATIONS:

- City Council Bill #16-0731: Approval
- City Council Bill #16-0732: Amendment and Approval, subject to the correction of the plat map attached to the bill to reflect the rezoning of only 325 West Baltimore Street.

STAFF: Eric Tiso

PETITIONER: Balti-West 300, LLC, c/o Stanley Fine, Esq.

OWNER: Balti-West 300, LLC

SITE/GENERAL AREA

Site Conditions: 325 West Baltimore Street is located on the south side of the street, approximately 52'5" from the intersection with South Eutaw Street. The property has approximately 148' of frontage along West Baltimore Street, as well as along West Redwood Street in the rear. This property is currently zoned B-4-1, and is located within the Market Center Urban Renewal Plan (URP) area and the Market Center National Register Historic District. The previous building on this site has been demolished.

General Area: This site is located in the Downtown area, one block west of the Baltimore Arena, a half-block east of the Hippodrome Theater, and three blocks north of Camden Yards.

HISTORY

- Ord. #579, dated November 16, 1977, established the Market Center Urban Renewal Plan (URP).
- Ord. #14-312, dated November 17, 2014, is the 17th and latest amendment to the Market Center Urban Renewal Plan.

ANALYSIS

City Council Bill #16-0731/ Urban Renewal – Market Center – Amendment:

Exhibit 3 of the URP shows that the current zoning of this property is B-4-1. This bill proposes to amend Exhibit 3 to call for a rezoning of the property to the B-4-2 district, which would be added to the B-4-2 district to the north. This action will enable the companion bill which will enact the rezoning, as outlined in the next section of this report. The purpose of this action is to enable the redevelopment of the property for a new 30-story building that will have a level of retail at the street, eight stories of structured parking above, and residential use on levels 14-30. This property is located within the Mixed Use land use district of the URP, and this proposal meets the requirement of including two or more uses of the property within that land use district.

This request is proposed now through these companion bills, as TransForm Baltimore will not be passed and become effective before this project will need to begin construction. In TransForm Baltimore, this area is proposed to be uniformly zoned C-5-DC, which is the most intense commercial district for the Downtown Core area, which also would enable the proposal. For that reason, this change is needed to bridge the gap between the zoning that exists today, and the enactment of the new zoning code.

City Council Bill #16-0732/ Rezoning – 325 West Baltimore Street:

As described above, the proposed rezoning from the existing B-4-1 to the B-4-2 district will enable a proposed redevelopment project for this site, in that the permissible Floor Area Ratio (FAR) will increase from a maximum 8.0 to a maximum of 14.0.

Below is the staff's review of the required considerations of §16-305 of the Zoning Code, staff finds that this change is in the public's interest, in that it will allow for more intense redevelopment in this downtown core area that is appropriate for a downtown commercial core.

The most recent examination of the zoning for the downtown area was conducted as part of the TransForm Baltimore comprehensive rezoning of the City. While that new zoning code has not yet been enacted, the recommendations for the C-5-DC Downtown Core area (which includes this property) was that it be unified into a single zoning district as opposed to the existing four zoning districts in today's code (*i.e.* B-4-1, B-4-2, B-5-1, and B-5-2). The purpose of this shift in thinking for the downtown area is that the differences in uses between the B-4 and B-5 districts are no longer relevant in the downtown area, and that the need for differentiation in permissible height and density are no longer required. For that reason, this rezoning will in part remove some of that differentiation that is no longer relevant.

Among the additional considerations under §16-305(c) that are to be considered are:

§16-305

...

(c) *The Board and the Planning Commission must also consider the following matters:*

- (1) existing uses of property within the general area of the property in question;*
- (2) the zoning classification of other property within the general area of the property in question;*
- (3) the suitability of the property in question for the uses permitted under its existing zoning classification; and*
- (4) 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.*

Existing Uses: The uses of the properties in the 300-block of West Baltimore Street are each about five stories in height, and have a variety of uses that include ground-floor retail, office use, and structured parking. Some of the buildings have vacant upper floors.

Zoning Classification: The buildings in this block are well below the maximum FAR of 8.0 permitted in the B-4-1 district for the southern side of this block. To the north, across West Baltimore Street is a B-4-2 district, which has a maximum FAR of 14.0. To the east of North Howard Street and to the south of Redwood Street is a B-5-2 district that also has a maximum FAR of 14.0. Across the street to the west of that southern side of the 300-block of West Baltimore Street is a split between B-4-2 and B-5-2, both of which have a maximum FAR of 14.0. As currently zoned, all of the property surrounding the southern side of the 300-block of West Baltimore Street can redevelop to a FAR of 14.0, but this southern block-face cannot, despite the actual heights of existing buildings being approximately the same on either side of the street. Staff believes that such differentiation in the existing zoning is no longer needed, and will hinder the adaptive reuse or redevelopment of this portion of the downtown area.

Suitability of Uses: There are no differences in allowable uses between the B-4-1 and B-4-2 districts, and so the potential uses of the properties will not be affected, aside from an increase in the maximum bulk allowed of any new construction.

Trend of Development: The downtown area has seen an increase in both redevelopment of obsolete buildings, as well as a significant increase in demand for residential uses downtown – both in mixed-use buildings and in purely residential buildings. In 2006, a prior amendment to the Zoning Code removed the minimum lot area requirement per dwelling unit, which provided for an increase in residential density that functionally allowed for solely residential buildings, and enabled larger mixed-use buildings. The proposed C-5-DC zone under TransForm Baltimore will remove height restrictions (now applied in terms of FAR maximums) throughout the zone, which will simultaneously enable larger buildings to be built, as well as removing the existing finer-grained differentiation in heights of today’s code that will “level the playing field” among property owners in the downtown core.

All of the above factors lead to a positive recommendation for the proposed B-4-2 district, until TransForm Baltimore is approved which will homogenize the zoning requirements for the greater downtown area.

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 Ann. 2012, §10-305). In reviewing this request, the staff finds that:

1. **The Plan:** As detailed above, the study of the zoning for the downtown area led to a recommendation of a single zoning district for the Downtown Core area, with unrestricted heights. This rezoning is an incremental step towards that goal.
2. **The needs of Baltimore City:** Enabling a variety of options for creative and/or adaptive reuse of existing historic buildings or for equitable redevelopment of downtown property will lead to a stronger downtown core with lower rates of vacancy. By encouraging more intense use downtown, it will help avoid the demand for increased development shifting elsewhere in the City, where it may be otherwise simpler to redevelop, but less desirable from a Master Plan perspective.
3. **The needs of the particular neighborhood:** The downtown area has seen an increase in demand for residential uses in particular, which will be further supported through this zoning change.

Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304). The findings of fact include:

1. **Population changes;** The population of the downtown area has seen an increase in the last couple of decades. In the one-block radius area from this property alone has seen an increase in population from 239 residents as of the 1990 census to 1,302 residents in the 2010 census (*i.e.* a 544% increase).
2. **The availability of public facilities;** This property is located in the downtown area which is fully served by public utilities.
3. **Present and future transportation patterns;** These properties are served by the existing City grid, and will remain in the configuration. The increase in the bulk allowed in the B-4-2 district should not meaningfully impact the traffic patterns in the immediate area.
4. **Compatibility with existing and proposed development for the area;** The proposed district will allow for a larger redevelopment opportunity of the magnitude appropriate for the downtown core of the City. This change will be an incremental step in bringing the downtown core into a unitary zoning classification under TransForm Baltimore's comprehensive rezoning.
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.** This change is compatible with the proposed zoning under TransForm Baltimore, and will conform to the Market Center URP upon the adoption of CCB #16-0731.

The City Council may grant the amendment to change the zoning classification based on a finding that there was: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification. As outlined above, the increase in redevelopment, especially for residential use, has increased significantly in recent years. This constitutes a substantial change in the character of the area, which differs from what was expected when this area was initially zoned in 1971.

Notification: The Baltimore Development Corporation, the Downtown Partnership of Baltimore, the Market Center Merchants' Association, and the Market Center Retail Business District have been notified of this action.



Thomas J. Stosur
Director