


TJA

<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 #1-0478 / REZONING 801-809 Eastern Avenue		

**TO**

DATE:

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

March 27, 2015

At its regular meeting of March 26, 2015, the Planning Commission considered City Council Bill #15-0478, for the purpose of changing the zoning for the property known as 801-809 Eastern Avenue, as outlined in red on the accompanying plat, from the M-2-2 Zoning District to the B-2-4 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #15-0478 and adopted the following resolution, nine members being present (eight in favor, one recusal):

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #14-0478 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  
 Ms. Barbara Zektick, DOT  
 Ms. Elena DiPietro, Law Dept.  
 Ms. Melissa Krafchik, PABC  
 Ms. Natawna Austin, Council Services  
 Mr. Jon Laria



*Stephanie Rawlings-Blake*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



*Thomas J. Stosur*  
Director

**March 26, 2015**

**REQUESTS:** City Council Bill #15-0478/Rezoning – 801-809 Eastern Avenue

**RECOMMENDATIONS:** Approval

**STAFF:** Tamara Woods

**PETITIONER:** Jon Laria, Esquire (on behalf of Workshop Development)

**OWNER:** 801 Eastern Ave, LLC (contract purchaser and affiliate of Workshop Development)

#### **SITE/GENERAL AREA**

**Site Conditions:** The subject parcel, 801 – 809 Eastern Avenue, is located on southeast corner of President Street and Eastern Avenue. According to our real property records, the parcel is approximately 0.89 acres (38,768 square feet) and improved with a warehouse building that is currently unoccupied. The building is the site of the now closed restaurant Della Notte Ristorante.

**General Area:** The site is within both the Harbor East and Little Italy neighborhoods of Baltimore. The Inner Harbor East area is bounded approximately by Gay Street on the west, Central Avenue on the east, Lombard Street on the north and the water on the south. It includes the Harbor East redevelopment and such amenities as the Aquarium and the Power Plant, which are within walking distance. Little Italy is a walkable neighborhood bounded by President Street, Eastern Avenue, Pratt Street and Central Avenue. It is comprised mostly of two and three story rowhouse buildings that include both commercial and residential uses.

#### **CONFORMITY TO PLANS**

The proposed development plan is consistent with the goals and objectives of the Baltimore City Comprehensive Master Plan, specifically: LIVE Goal 1: Build Human and Social Capital by Strengthening Neighborhoods; Objective 2: Strategically Redevelop Vacant Properties Throughout the City; Goal 2: Elevate the Design and Quality of the City's Built Environment; Objective 3: Promote Transit Oriented Development (TOD) and Mixed-use Development to Reinforce Neighborhood Centers and Main Streets.

#### **HISTORY**

- There is no current history for the site. This property was part of the Inner Harbor East Urban Renewal Plan, but this urban renewal plan expired on November, 19, 2011.

## **ANALYSIS**

The potential developer, Workshop Development, has a proposal to create a high rise mixed-use development on 801- 809 Eastern Avenue. In order to move forward with a high density mixed use development at this site a zoning change is needed. City Council Bill #15-0478 was introduced that proposes rezoning 801-809 Eastern Avenue from M-2-2 to B-2-4.

Currently, this portion of Little Italy and Harbor East is primarily zoned either commercial or industrial. The current M-2-2 zoning exists in Little Italy primarily between President Street, Central Avenue, Bank Street, Eastern Avenue and Fleet Street. Most of the Little Italy neighborhood is zoned B-3-2 and Harbor East is zoned B-2-4, which is the requested zoning of 801-809 Eastern Avenue.

### **Current Request**

The site is currently zoned M-2-2, which prohibits residential development. This parcel is improved with a now vacant industrial building that most likely would be demolished for new development. The site is 0.89 acres and has frontage on several major streets: Eastern Avenue, President Street, Fleet Street and Albermarle Street. The remainder of the Eastern Avenue block face is improved with two and three story structures.

The requested B-2-4 zoning district is a neighborhood business district designation that allows for high density residential with a minimum of 200 square feet of lot area per dwelling unit and a Floor Area Ratio (FAR) of 7.0. The permitted use list provides for a variety of residential, office and commercial uses that are suitable for the area. Currently, the B-3-2 zoning district in Little Italy allows for more intense uses than would be allowed in the rezoning request. No front, rear or street corner setbacks are required. No interior side yard setbacks are required, but if one is provided, it must be at least 10 feet. The current request is consistent with the B-2-4 zoning which exists to the south.

In completing its analysis, the Department of Planning Staff not only studied the request based on the Maryland Land Use Article, but also the character of the site. The current zoning of M-2-2 is intended for heavy industrial. In terms of recent development trends, much of the new construction has been high density commercial or mixed-use development.

### **Rezoning Standards for Review**

According to Maryland Land Use Article, Division I, Title 10 (Baltimore City Zoning), any proposed zoning changes must be referred to the Baltimore City Planning Commission and to the Board of Municipal and Zoning Appeals (BMZA), which must study the proposed changes in relation to:

1. *The plan* – The Baltimore City Comprehensive Master Plan is not so specific as to recommend land use and/or zoning changes for the properties in question. But as stated previously, this request is in-line with the goals and objectives of LIVE EARN PLAY LEARN to redevelop vacant properties and Promote Transit Oriented Development (TOD) and Mixed-use Development to Reinforce Neighborhood Centers and Main Streets.

2. *The needs of Baltimore City*- The proposed B-2-4 zoning district supports the City's master plan goal to strengthen neighborhoods and strategically redevelop vacant properties throughout the City.
3. *The needs of the particular neighborhood in the vicinity of the proposed changes*- The proposed B-2-4 zoning district also supports the specific neighborhood needs to provide additional housing choice for existing residents as well as potential new residents by implementing a long-term vision of creating a mixed-use neighborhood that allows people to live, work and play in the same neighborhood, expanding the strong residential and commercial market that exists in Little Italy and Harbor East.

Once the Planning Commission and BMZA report their findings and recommendations to the Mayor and City Council, the City Council shall make the following findings of fact:

1. *Population change*- Per our Neighborhood Statistical Area Map (neighborhood map), this parcel lies within the Inner Harbor neighborhood, though many people identify the property as being part of Little Italy. In both cases there has been a population increase between the 2000 and 2010 Census. The Little Italy neighborhood has experienced a 4.2% population increase between the 2000 and 2010 Census. The Harbor East neighborhood has experienced a 142.8% population increase between the 2000 and 2010 Census.
2. *Availability of public facilities*- The properties are well served by City services, with no expected impacts as a result of rezoning.
3. *Present and future transportation problems*- This site is at the intersection of several major streets that are closely monitored by the Department of Transportation. Though the exact future impact is not known at this time, as a matter of course, commercial and mixed use developments often share parking, thereby reducing the total impact on the area. That being said, any specific impacts related to a higher density use and resulting mitigation measures for this site will be discussed with the Department of Transportation. Also, the MTA is currently planning the expansion of the rail system to include a future Red Line that would have a station at Fleet Street and Eden Street. This system is planned to open in 2021. In addition to the anticipated Red Line station, the Central Avenue reconstruction is underway and is expected to provide traffic relief to President Street as a major north-south connection between Interstate 83, downtown and waterfront communities.
4. *Compatibility with existing and proposed development for the area*- The rezoning proposal is consistent with the existing zoning in the area. The subject parcel is adjacent to a large B-2-4 zoning district which exists along the west side of President Street and south of Fleet Street. The resulting massing is also consistent with the existing development in the area which typically consists of high density residential, mixed-use, commercial, and office uses.
5. *Recommendations of the Baltimore City Planning Commission and the 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. *Relationship of the proposed amendment to Baltimore City's plan*- As mentioned above, the proposed zoning changes are compatible with LIVE EARN PLAY LEARN, the City's Master Plan.

The City Council may grant the change to the zoning classification based on a finding that there was either a substantial change in the character of the neighborhood where the property is located, or that there was a mistake in the existing zoning classification. In this case, the neighborhood is undergoing substantial change in character that is reflected in the Planning Department analysis below.

### **Supporting Rezoning Based on Substantial Change**

Though there are still several parcels in the area that are zoned for heavy industrial, most of the area has been rezoned to a commercial zoning category. Historically the area was comprised of industrial uses that either served the water or downtown, but many of the warehouse buildings have become vacant and the reuse of the buildings for an industrial use has become obsolete. Because of this market shift the long-term land use vision for the Little Italy and Harbor East area changed from primarily industrial to predominantly mixed use. In response, the Inner Harbor East Urban Renewal Plan outlined a master plan that included not only a mix of uses and high density redevelopment. It also called for a comprehensive rezoning from industrial to commercial. To date there has not been a comprehensive rezoning in Little Italy. Also, in the late 1980s, Scarlett Place, a mid-rise residential building was constructed at the corner of Pratt Street and President Street. It represents one of the early examples of the transition from industrial land use to a mixed use land use.

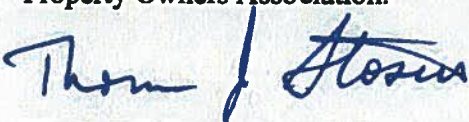
This proposed rezoning would constitute an expansion of the B-2-4 zoning district that currently exists directly to the south and is the underlying zoning for the Harbor East development. The section of Harbor East directly to the south of 801-809 Eastern Avenue is along Fleet Street between President Street and Exeter Street. This block has been redeveloped with buildings that range from 150 feet to 300 feet tall. As stated earlier, the B-2-4 zoning category allows for an FAR of 7.0. While an exact height of building depends on the design, it is not infeasible that a building of at least 150 feet could be constructed.

### **TransForm Baltimore**

The TransForm Baltimore zoning recommendation for this site, as well as for Harbor East, is C-5. This category is a downtown zoning category, so the proposed density allowed in the B-2-4 zoning category is consistent with the recommendation of TransForm Baltimore.

### **Notifications:**

In advance of a hearing on this matter, staff notified the following organizations: Little Italy Business Association (LIBA), Little Italy Community Organization (LICO), and the Little Italy Property Owners Association.



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