



FROM	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #22-0188 / REZONING 3101-3113 EASTERN AVENUE		

TO

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

DATE:

March 4, 2022

At its regular meeting of March 3, 2022, the Planning Commission considered City Council Bill #22-0188, for the purpose of changing the zoning for the property known as 3101-3113 Eastern Avenue (Block 1794, Lots 009 and 009A), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District; 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 #22-0188 and adopted the following resolution, with nine members being present (nine in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #22-0188 be approved by the City Council.

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
Mr. Joseph Woolman, III, for The Gallery Church of Baltimore, Inc.



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

March 3, 2022

REQUEST: City Council Bill #21-0188/ Rezoning – 3101-3113 Eastern Avenue

For the purpose of changing the zoning for the property known as 3101-3113 Eastern Avenue (Block 1794, Lots 009 and 009A), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District; and providing for a special effective date.

RECOMMENDATION: Adopt findings and Recommend Approval

STAFF: Martin French

PETITIONERS: Councilmember Cohen, on behalf of The Gallery Church of Baltimore, Inc.

OWNER: The Gallery Church of Baltimore, Inc.

SITE/GENERAL AREA

Site Conditions: These two lots are owned in common by The Gallery Church of Baltimore, Inc. The lot known as 3101 Eastern Avenue is at the southeast corner of the intersection of Eastern Avenue and Ellwood Avenue, measures approximately 65' by 100', and is improved with a two-story detached commercial building formerly owned by and used as offices for an insurance company. The lot known as 3113 Eastern Avenue, which adjoins the aforementioned property, is at the southwest corner of the intersection of Eastern Avenue and Robinson Street. This latter lot measures approximately 85' by 100' and is improved with a two-story detached religious institutional building built in 1908 and a two-story detached residential building used as the parsonage of their previous owner, the Patterson Park Baptist Church. Collectively these two lots are bounded by Eastern Avenue on the north, Ellwood Avenue on the west, Robinson Street on the east, and a 10' wide alley running parallel to Eastern Avenue on the south.

General Area:

To the north of this site, across Eastern Avenue, the area is predominantly two-story rowhousing built in the first decade of the 20th Century. Ellwood Avenue forms the eastern boundary of the smaller of two parts of Patterson Park, which lies cater-corner to 3101 Eastern Avenue and which serves as the principal open recreation area for the communities of Canton, Highlandtown, and Patterson Park which surround the park itself. Eastern Avenue is one of the primary east-west streets leading from downtown Baltimore to the commercial center of Highlandtown that lies immediately east of this site, and thus carries a large volume of traffic. The entire area surrounding Patterson Park has seen substantial increases in real estate values, particularly of residential values, in the first two decades of the 21st Century. The Highlandtown Business Area is largely covered by an Urban Renewal Plan whose area's westernmost boundary lies in part along the portion of Robinson Street that divides 3113 Eastern Avenue from the commercial area

to its east. The Highlandtown Business Area has experienced considerable reinvestment in recent years as merchants have established businesses catering to new residents of the Canton, Highlandtown, and Patterson Park communities, and as other redevelopment projects have added dwelling units in the core business area. Unlike Baltimore City as a whole, this part of the City experienced an approximately 4.4% increase in its total population between 2010 and 2020. The area south of Eastern Avenue in this vicinity is part of the Canton National Register Historic District. The area north of Eastern Avenue in this vicinity is part of the Patterson Park – Highlandtown National Register Historic District.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site. The Canton Historic District was certified to the National Register of Historic Places on January 29, 1980. These properties retained their R-8 zoning during the comprehensive rezoning mapping process associated with the effective date of the Zoning Code on June 5, 2017. However, this same process resulted in changing the zoning of the property at the southwest corner of the intersection of Eastern Avenue and Ellwood Avenue from R-8 to C-1, while changing the zoning of some of the Highlandtown Business Area properties along Eastern Avenue east of Robinson Street from B-2 to C-1. From a mapping viewpoint, the rezoning proposed in City Council Bill no. 22-0188 would link the property on the southwest corner of Eastern and Ellwood Avenues to the larger C-1 zoning district in the western part of the Highlandtown Business Area, all along the south side of Eastern Avenue.

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

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. Planning staff recommend finding that a mistake was made in retaining the R-8 zoning of the two properties that are the subject of this bill. Aside from the parsonage building on 3113 Eastern Avenue, which was accessory to the principal use of that property as a religious institution, there has been no residential use of 3101 Eastern Avenue or of 3113 Eastern Avenue for the past hundred years or more. Contrarily, there was commercial use of the southwest corner of the intersection of Eastern Avenue and Ellwood Avenue for at least 85 years (mapped as a drugstore on the 1936 Sanborn map of Baltimore), as well as of 3101 Eastern Avenue as an office in that same time period. There have been commercial and residential mixed-use properties in the entire Highlandtown commercial core along Eastern Avenue for over 125 years, as reflected in the designation of the Urban Renewal Area. These properties functionally form the westernmost end of the Highlandtown business area.

Proposed redevelopment of this site is likewise residential mixed-use. The development plan calls for replacement of the existing two-story former office building with a four-story residential mixed-use building, re-use of the parsonage building as a rooming house (the Zoning Code classification for a hostel for visitors to the church), renovation of the lower level of the church building as enhanced community space, and construction of a small three-level office structure at the rear of the parsonage building. Off-street parking would be provided to the rear of the new four-story building with access from the 10' wide alley that runs parallel to Eastern Avenue between Ellwood Avenue and Robinson Street.

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 in the public's interest, in that it will allow redevelopment of these two properties as a single site of a residential mixed-use structure, a small office building offering opportunities for live-work arrangements for residents of the proposed residential mixed-use building next to it, enhancement of the church's buildings for uses appropriately serving the surrounding community, and possible retail commercial uses convenient for recreational users of Patterson Park which is cater-corner to this site. The scale of development that would be allowed by the C-1 zoning district would be compatible with other C-1 zoned properties further east along Eastern Avenue in the Highlandtown Business Area that adjoins this site to its east.

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:** Rezoning these two properties would encourage their re-use and future continuing use in ways consistent with the Highlandtown Business Area adjoining this site and support Comprehensive Master Plan goals of retaining and attracting businesses fitting the light commercial and residential mixed-use categories of the C-1 zoning district.
2. **The needs of Baltimore City:** Rezoning these properties would offer opportunities for creation of additional dwelling units on an important public transit route yet also within walking distance of a variety of commercial uses and retail businesses in Highlandtown, while adding some smaller-scale commercial and office potential in the proposed new buildings.
3. **The needs of the particular neighborhood:** The Canton community of which this site is a part, and the Patterson Park – Highlandtown community on the opposite side of Eastern Avenue, would benefit from addition of a small-scale purpose-built multi-family dwelling as adding a type of residential use not commonly found among the historic single-family rowhouses that predominate in both communities. In addition, creation of a small retail and office component of the proposed residential mixed-use development would offer places for both start-up and small businesses to take root, as well as places of employment opportunity for area residents.

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 Canton area had 12,731 persons according to Census 2020 and 12,192 persons according to Census 2010, showing a gain of 539 persons in ten years. This 4.4% increase in population is in contrast to the approximately 6% decrease in population of the City of Baltimore as a whole.
2. **The availability of public facilities;** There are adequate public facilities available in the area where these properties are located, and there are no plans to reduce or remove any of those facilities. Historic Patterson Park, which dates from the early 19th Century, will continue to be a major recreational resource for present and future residents of surrounding communities as well as for future residents of 3101 Eastern Avenue.
3. **Present and future transportation patterns;** There are no changes anticipated in present or future transportation patterns in this portion of eastern Baltimore City.
4. **Compatibility with existing and proposed development for the area;** Uses that would be authorized by rezoning these properties would be generally compatible with uses in the Canton, Highlandtown and Patterson Park communities nearest this site.
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. This bill was not referred to the BMZA for comment.

6. **The relation of the proposed amendment to the City's plan.** Changing the zoning of these properties to C-1 would make them part of a chain of residential mixed-use land use extending from the southwest corner of Eastern Avenue and Ellwood Avenue through the commercial heart of Highlandtown to the eastern edge of Highlandtown just beyond Haven Street, all along Eastern Avenue. This would support plans goals of retaining and attracting businesses, and particularly small businesses in growth sectors of the economy.

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;** This portion of eastern Baltimore City is characterized by predominantly rowhouse blocks of residences arrayed around the traditional commercial (residential mixed-use) corridor of Eastern Avenue. This pattern of development extends along most of Eastern Avenue from its origins in the Upper Fells Point community through the Highlandtown area and beyond to the Greektown and Bayview communities.
- (ii) **the zoning classification of other property within the general area of the property in question;** Consistent with the historic development pattern described above, most of the residential areas are zoned Residential (largely R-8 from Upper Fells Point to the western portion of Greektown, largely R-7 in the eastern portion of Greektown and Bayview), while most of the commercial properties lining Eastern Avenue are in the C-1 zoning district.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** While these properties are theoretically convertible to Neighborhood Commercial Establishment uses provided in the Zoning Code, C-1 zoning would allow a wider variety of commercial uses as well as a higher density of residential use that would be appropriate along a primary east-west street that links Highlandtown to downtown Baltimore.
- (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 major land use changes in this general area since 2017, although there have been a few new residential mixed-use development or redevelopment projects come to fruition in the past six years along Eastern Avenue itself. The residential areas on both sides of Eastern Avenue are fully developed and have benefitted from a robust real estate market in the past decade. The commercial core of the Highlandtown Business Area is strong, with considerable new business move-ins during the past six years, and should not be adversely affected by addition of one or two small-scale businesses on the ground floor of the proposed building at the corner of Eastern Avenue and Ellwood Avenue.

Equity:

- Impact:

- The proposed redevelopment of these properties that would be made possible by the proposed rezoning would not have a major effect upon the surrounding community in the short term, given the robust real estate values of the communities to the east and south of Patterson Park. In the longer term, the proposed redevelopment would anchor a new western edge of the Highlandtown business area by providing both limited commercial spaces and a concentration of residents slightly higher than the concentration provided by the existing rowhouse development pattern of the larger surrounding area.
 - This proposal would neither aggravate nor ameliorate existing patterns of inequity that persist in Baltimore, due to the relatively limited amount of new commercial space that would be created by the proposed redevelopment, and the relatively limited number of additional dwelling units that would be made possible by the proposed rezoning. The potential commercial uses of the street level of the proposed new residential mixed-use building on the corner of Eastern Avenue and Ellwood Avenue could offer employment opportunities to some area residents.
- Engagement:
 - The Canton and Highlandtown communities have been meaningfully engaged in discussing this proposal. The Canton Community Association has taken a neutral position on this while continuing its review of the redevelopment proposal as it evolves; the Highlandtown Community Association and Southeast Community Development Corporation have expressed support for the rezoning and redevelopment.
 - It is not known if residents who have been historically excluded from planning processes have been authentically included in the planning of the proposed redevelopment project. In the context of southeastern Baltimore, such residents would most likely be Spanish-speaking. However, it is noted that a considerable number of newer businesses in the Highlandtown business area are owned or operated by Hispanic persons, and that Census 2020 indicated that this area has seen a substantial proportional increase in Hispanic residents since 2010.
 - Internal Operations:
 - The proposed rezoning per se would not affect Planning Department workload. Review of the redevelopment that would be made possible by the rezoning would occur as a part of the normal development plan review process performed by the Department.

Notification: The Economic Development Committee of the Canton Community Association, Highlandtown Community Association, Southeast Community Development Corporation, Patterson Park Neighborhood Association, and Councilman Cohen have been notified of this action.



Chris Ryer
Director