


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 #23-0356 / ZONING – MODIFICATIONS TO RESEARCH AND DEVELOPMENT FACILITY USE		

TO

The Honorable President and
Members of the City Council
100 North Holliday Street

DATE:

May 19, 2023

At its regular meeting of May 18, 2023, the Planning Commission considered City Council Bill #23-0356, for the purpose of amending the definition of research and development establishment; creating use standards for research and development establishments; amending certain Tables of Uses to reflect revised use provisions for research and development establishments in certain Zoning Districts.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #23-0356 and adopted the following resolutions, with five members being present (five 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 #23-0356 be **amended and approved** by the City Council, with the following amendment:

- That on page 2, in line 21, insert INDOORS after CONTAINED, to appear as follows: “(1) ALL PROCESSING, FABRICATION, ASSEMBLY, TREATMENT, AND PACKAGING OF PRODUCTS MUST BE CONTAINED **INDOORS** ENTIRELY WITHIN A RESEARCH AND DEVELOPMENT FACILITY.”

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. Nina Themelis, Mayor’s Office
Mr. Ethan Cohen, Mayor’s Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Rebecca Witt, 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, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

May 18, 2023

REQUEST: City Council Bill #23-0356/ Zoning – Modifications to Research and Development Facility Use:

For the purpose of amending the definition of research and development establishment; creating use standards for research and development establishments; amending certain Tables of Uses to reflect revised use provisions for research and development establishments in certain Zoning Districts.

RECOMMENDATION: Amendment and Approval, with the following amendment:

- That on page 2, in line 21, insert INDOORS after CONTAINED, to appear as follows: “(1) ALL PROCESSING, FABRICATION, ASSEMBLY, TREATMENT, AND PACKAGING OF PRODUCTS MUST BE CONTAINED **INDOORS** ENTIRELY WITHIN A RESEARCH AND DEVELOPMENT FACILITY.”

STAFF: Eric Tiso

INTRODUCED BY: The Council President, at the request of: The Administration (Baltimore Development Corporation)

SITE/GENERAL AREA

This bill will affect the C-3 and C-4 zones, where the *Research and Development Facility* use is being added.

HISTORY

Prior to the comprehensive rewrite of the zoning code, *Laboratories: research & testing* was a land use that was permitted in the B-3, B-4, and B-5 commercial zones, as well as all three industrial zones. That former code didn't have the variety of special zones that the current zoning code has to further nuance the spectrum of what uses are permitted where in the City. Additionally, *Laboratories: medical & dental* were permitted in B-2 through B-5 zones. Neither of those two uses were explicitly defined in that old zoning code, and so relied on staff interpretation.

Under the prior zoning code, B-2 commercial zones were designed to be a community business districts that accommodated larger businesses and served a wider area than the B-1 walk-to type of neighborhood business districts. B-3 community business districts were highway-oriented districts where a higher volume of vehicle traffic was expected. B-4 and B-5 were downtown-oriented zones located in the central business district and its periphery.

ANALYSIS

Effects of the Bill: This bill makes the following changes:

- First, it modifies the definition of *Research and Development Facility*;
- Next, it makes changes to the Use Standards in Title 14;
- Finally, it makes changes to the Use Tables, where *Research and Development Facility* is moved from the Industrial use category to the Commercial use category, and then the use is added to the C-3 (as a Conditional Use to BMZA) and C-4 zones (as a permitted use).

Background: The origin of the bill is from the Baltimore Development Corporation (BDC). In their work with a variety of bio-science companies, they have found that there's a gap in facilities between small start-ups that incubate with local universities and other research institutions, and the largest independent companies in the City today. BDC has identified that there's a problem for those incubating companies, in that they are constrained in their ability to grow in Baltimore, since there isn't "step up" space for them to grow into. As a result, many companies leave the City and move to where that transition space allows them to grow. This become a critical problem in retaining these types of bio-science companies, and the jobs attached to them. The purpose of this bill is to increase the number of places where such space could be developed in small- to mid-sized spaces.

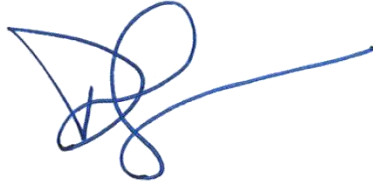
Staff understands that typically, there's a roughly equal amount of lab space to lab support space for these companies. For that reason, the nature of wet-lab space is such that it functions quite well in an office-type building, needing only additional hood and vent space, as compared to regular office users. For these companies, it's also not enough to only do research, but they also have a need to manufacture product at small scales before expanding up to investing in larger, dedicated production facilities. Those production facilities would be more likely categorized as *Industrial: General* in use, since production would be the primary function, not research.

At present, *Research and Development Facility* is categorized in the industrial use section within the use tables in the zoning code. Staff agrees that this use would fit better as a commercial use for the reasons outlined above. Minimal truck deliveries are needed, which would allow these uses to establish in commercial zones as readily as in industrial locations, and so that limitation is listed in the use standards section.

Amendment: Staff recommends that the word "indoors" be inserted after "contained" in the use standards for *Research and Development Facility* under § 14-333.1(A)(1), to make it clear that these uses must be enclosed entirely within a structure, and may not have an outdoor component to the operation.

Equity: Staff does not believe this will have any negative impacts on equity across the City. The addition of this use to the C-3 and C-4 commercial zones should not have any more adverse effect on adjacent properties than other commercial uses allowed in those zones. As this is a prospective change, there are no specific locations that staff is aware of where a new facility is considering locating, and so there is no analysis with regards to any specific community. Similarly, there are no anticipated impacts on staff time or resources as a result of this change.

Notification: As this is a bill of general applicability, e-mailed notice of this action was sent to our roster of 19,000+ GovDelivery subscribers.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Chris Ryer
Director