

FROM

NAME & TITLE
AGENCY NAME & ADDRESS
SUBJECT

THOMAS J. STOSUR, DIRECTOR
DEPARTMENT OF PLANNING
8TH FLOOR, 417 EAST FAYETTE STREET
CITY COUNCIL BILL #15-0573 / REZONING
502 ABERMARLE STREET & A PORTION OF DUKER ALLEY

CITY of
BALTIMORE
MEMO



TO

DATE: November 2, 2015

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

At its regular meeting of October 29, 2015, the Planning Commission considered City Council Bill #15-0573, for the purpose of changing the zoning for the property known as 502 Albermarle Street, from the B-3-2 and M-2-2 Zoning Districts to the B-2-4 Zoning District, as well as, rezone a portion of Duker Alley 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 #15-0573 and adopted the following resolution eight members being present (seven in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #15-0573 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. Doug Schmidt, Workshop Development
- Mr. Jon Laria, Ballard Spahr LLP



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

October 29, 2015

REQUESTS:

- City Council Bill #15-0573/Rezoning – 502 Albemarle Street and a portion of Duker Alley
- Street Closing/A Portion of Duker Alley west of Albemarle Street

RECOMMENDATIONS:

- City Council Bill #15-0573/Rezoning – 502 Albemarle Street and a portion of Duker Alley – Approval.
- Street Closing/A Portion of Duker Alley west of Albemarle Street – 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, 502 Albemarle Street, is located on west side of the 500 block of Albemarle Street. According to our real property records, the parcel is approximately .074 acres and improved with a structure which was the former Moe's Restaurant. The site is currently split zoned with the rear portion of the site being M-2-2 and the street-front portion of the site being B-3-2.

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 was introduced and approved under City Council Bill #15-0478 which rezoned the site from M-2-2 to B-2-4. That proposal seeks to include this adjacent parcel within the redevelopment of the larger site.

Currently, this portion of Little Italy and Harbor East is primarily zoned either commercial or industrial. The current M-2-2 zoning remains in Little Italy primarily along President Street and Eastern Avenue. 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 502 Albemarle Street.

Current Request

The site is currently zoned M-2-2, which prohibits residential development and B-3-2. This parcel is improved with a former restaurant building that would likely be razed to become part of the new redevelopment. The site is .074 acres and has frontage onto Albemarle St. and Duker Alley, which is proposed to be closed.

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. 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 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 502 Albemarle Street 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.

Street Closing

The request is to close a portion of Duker Alley west of Albemarle Street. This segment of Duker Alley currently provides access to 502 Albemarle Street and 801 Eastern Avenue. The contract purchaser for 502 Albemarle Street is the same as 801 Eastern Avenue. That owner is proposing to consolidate the lots and the bed of the alley into one site for redevelopment. This portion of the alley serves no other parcels.

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