


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 #23-0433 / PLANNED UNIT DEVELOPMENT – AMENDMETN – NORTH CHARLES VILLAGE		

DATE:

December 26, 2023

TO

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

At its regular meeting of December 21, 2023, the Planning Commission considered City Council Bill #23-0433, for the purpose of approving certain amendments to the Development Plan of the North Charles Village Planned Unit Development.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #23-0433 and adopted the following resolutions, with eight members being present (seven in favor, one opposed):

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 #23-0433 be **amended and 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. Nina Themelis, 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
 Ms. Caroline Hecker, Rosenberg Martin Greenberg



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman, Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

December 21, 2023

REQUEST: City Council Bill #23-0433/ Planned Unit Development – Amendment – North Charles Village:

For the purpose of approving certain amendments to the Development Plan of the North Charles Village Planned Unit Development.

RECOMMENDATION: Amendment and Approval, with the following amendments:

- That the spelling error on page 1, line 14, from “sounth” is corrected to read “south”.
- That the development plan Sheet 3 of 4 “Preliminary Build-Out Plan” attached to the bill is replaced with an updated Sheet 3 of 4 showing *only* the increased height of the parcels located at 3115-3119 Saint Paul Street and 3121 Saint Paul Street and the original Planned Unit Development boundary (removing the proposed updated boundary from Sheet 3 of 4).
- That the date on page 2, line 11, is corrected to reflect the date of the updated sheet 3 of 4 “Preliminary Build-Out Plan” submitted to Planning on December 14, 2023.

STAFF: Renata Southard

PETITIONER: MCB Charles Village LLC c/o Caroline. L. Hecker, Rosenberg Martin Greenberg, LLP.

OWNER: MCB Charles Village LLC

SITE/GENERAL AREA

Site Conditions: The North Charles Village Planned Unit Development (PUD) #91 is located generally within the area bounded by 33rd Street on the north, Hargrove Alley on the east, 30th Street on the south, and Charles Street on the west, consisting of 12 acres, more or less, designated as a Residential Planned Unit Development. Properties located within the boundaries of the PUD are zoned R-10 and C-1. Many structures within the PUD are multi-family buildings. On Saint Paul Street, recently constructed buildings typically include ground floor commercial / retail uses with housing above, and older historic buildings are typically purely residential multi-family use. The southeastern half of the 3100 block of Saint Paul Street is improved with a stick of rowhouse-type buildings on six individual parcels. These rowhouse-type buildings are three-stories and have ground floor commercial / retail uses and residential housing above. The parcel known as 3121 is improved with a two-story structure designed for commercial / retail use. The parcel known as 3115-3119 Saint Paul Street is improved with a one-story structure, formerly the Eddie’s Grocery, and currently occupied by Streets Market. Buildings along North Charles Street

are historic, some with ground floor commercial / retail and multi-family housing above and others with post-secondary uses (currently programmed by Johns Hopkins University).

General Area: Properties within this PUD are located in the Charles Village Neighborhood. Union Memorial Hospital is to the north and east of the PUD boundary, and the Johns Hopkins University Homewood Campus is to the west of the PUD boundary. West 29th and 28th Streets to the south of the PUD boundary are a pair of one-way Principal Arterials connecting to I-83, which is several blocks west of the PUD boundary. Roughly one block north of the PUD boundary, University Parkway divides the Charles Village Neighborhood from the Okenshawe Neighborhood on a northwest – southeast angle, resulting in a triangularly-shaped wedge condition at the east edge of the neighborhood.

HISTORY

- The North Charles Village Planned Unit Development was originally established on June 14, 1996, by Ordinance 96-35, affecting 30+ properties within the Charles Village Neighborhood.
- A major amendment was approved by Ordinance 03-639 on December 22, 2003. This amendment expanded the original PUD boundaries to include properties known as 3001, 3103, 3105, 3211, 3213, 3301, 3339, and 3401 North Charles Street, 10 East 33rd Street, and 3301 and 3330 Saint Paul Street, owned by Johns Hopkins University. This amendment also included an updated build-out plan for the properties at 3301 North Charles Street, 10 East 33rd Street, and 3330 Saint Paul Street.
- Major amendment 2 was approved by Ordinance 07-629 on December 3, 2007. This amendment was requested to revise the development plan and “modify the allowable height of a certain structure within the Planned Unit Development area, to make technical corrections to the Illustrative Preliminary Build-Out Plan, and to make any other amendments and modifications as necessary to accommodate the proposed conditions of the property.”
- A minor amendment was approved by the Planning Commission on October 18, 2012, to allow a temporary parking lot at 3200 Saint Paul Street.
- A minor amendment and final design approval was granted on December 19, 2014, for the building at 3200 Saint Paul Street (known as 9 East 33rd Street).
- Additional minor amendments and final design approvals were also granted for very minor changes to an existing building and to approve the design of a courtyard.
- The project team contacted Planning in December 2021 to request a meeting for the proposed change to the PUD and Development Plan. Staff met with the development team on December 21, 2021, and outlined a process for development reviews, beginning with Design Review.
- Master Plan review at the Urban Design and Architecture Advisory Panel (UDAAP) occurred on February 24, 2022, for revisions to the North Charles Village PUD. During that review it was noted that an additional review was required for the building proposed for parcels known as 3115-3119 and 3121 Saint Paul Street.
- On March 23, 2022, representatives of the Applicant met with the Department of Planning for a preliminary conference to explain the scope and nature of the proposed amendments to the Development Plan.

- The representatives of the Applicant have now applied to the Baltimore City Council for approval of the amendment, and they have submitted an amendment to the Development Plan intended to satisfy the requirements of Section 5-201(a) and Title 13, Subtitles 3 and 4 of the Baltimore City Zoning Code.
- Schematic Design Review at for the building proposed for the parcels known as 3115-3119 and 3121 Saint Paul Street occurred on October 26, 2023.

ZONING REQUIREMENTS

Planning Commission may amend a PUD under the authority of §5-201(a)(8) of Article 32 – *Zoning* for proposed map amendments. This requires a legislative action and has been referred to the Planning Commission for comment.

Below are the standards under Subtitle 2, Authorization, §13-201 (b) of Article 32 – *Zoning*:

§ 13-201. Authorization.

(b) Requirements of underlying district.

Unless otherwise specifically provided by the ordinance establishing or amending the planned unit development, all requirements of the underlying zoning district apply.

...

Below are the standards under Subtitle 3, Procedures for Plan Approval, §13-303(a) of Article 32 – *Zoning* for Concept plan:

§ 13-303. Concept plan.

(a) *Submission to Commission.*

After the preliminary consultation, the applicant must file a concept plan with the Planning Director for the purpose of obtaining information and guidance from the Planning Commission before the applicant enters into binding commitments or incurs substantial expense.

...

Below are the standards under Subtitle 4, Modifications to Approved Final Development Plans, §13-403(a) of Article 32 – *Zoning* for Concept plan:

§ 13-403. Major changes.

(a) Scope of section. This section applies to the following major changes:

- 1) a 10% increase or 25% decrease in the approved number of dwelling units;
- 2) a 10% increase or a 25% decrease in the maximum building heights in the approved planned unit development;
- 3) a change in the type, location, or arrangement of land use within the development, as shown on the previously approved final development plan;
- 4) a change in the boundaries of the planned unit development;
- 5) a decrease in open space that had been included as a public benefit or amenity under § 13- 204 {"Exceptions from district regulations"} of this title; and
- 6) any change:
 - i. that fails to substantially comply with the PUD master plan or City regulations; or
 - ii. that violates:

- A. the underlying zoning;
 - B. an approved exception;
 - C. a condition of approval attached to the planned unit development, with the exception of modifications to the planned unit development’s phasing schedule; or
 - D. a provision of the ordinance that approved or amended the planned unit development.
- (b) Major change requires ordinance. A major change requires introduction and enactment of an ordinance to approve an amendment to the planned unit development and PUD master plan.

ANALYSIS

Per Article 32 – Zoning, § 13-101. Purpose, the purpose of a planned unit development is to encourage flexibility in the development of land and in the design of structures; encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of the code on a lot-by-lot basis; provide for the efficient use of land to facilitate a more effective arrangement of land uses, buildings, circulation systems, and utilities; encourage the construction of appropriate aesthetic amenities that will enhance the character of the site promote quality development that is commensurate with other development within the community and compatible with the character of the surrounding area and adjacent properties...

The North Charles Village PUD, originally introduced by a partnership of Greater Homewood Community Corporation and Johns Hopkins University, was intended to encourage a vibrant commercial corridor on Saint Paul Street with select commercial uses and density of housing to serve the needs of the growing neighborhood. Replacement of the North Charles Village PUD Sheet 3 of 4 “Preliminary Build-Out Plan” is intended to allow for redevelopment of two parcels known as 3115-3119 and 3121 Saint Paul Street that appear to be underutilized, given the surrounding context and demand for development over the past 20 or so years. An aerial view of the neighborhood from 2003 shows a mix of rowhouses and historic multi-family buildings (fig. 1, below). In 2005, construction of 3301 N. Charles Street was underway (fig. 2). In 2006, with 3301 N. Charles well underway, 3201 Saint Paul began construction (fig. 3). In 2009, with 3301 N. Charles and 3201 Saint Paul substantially complete, the site known as 9 E. 33rd Street was cleared of rowhouses (fig. 4). By 2015, 9 E. 33rd was under construction (fig. 5) and the condition and character of the neighborhood within the PUD boundary has remained largely unchanged since 2016 (fig. 6).

The North Charles Village PUD includes a community-based design review process. The Applicant has followed the community-based design review process required for development plans within the PUD, as well as satisfied the Design Review requirements set forth by Article 32 - *Zoning*, Subtitle 4, Design Review.

The updated Development Plan is intended to satisfy the requirements of Section 5-201(a) and Title 13, Subtitles 3 and 4 of the Baltimore City Zoning Code. The exhibit included with the introduction of CCB #23-0433, Sheet 3 of 4 “Preliminary Build-Out Plan” shows redevelopment of two parcels known as 3115-3119 and 3121 Saint Paul Street. These two parcels were not shown as development parcels on previous versions of Sheet 3 of 4 “Preliminary Build-Out

Plan”. The replacement Sheet 3 of 4 “Preliminary Build-Out Plan” included with CCB #23-0433 has been updated with a diagrammatic section of the site showing 90 feet of allowable height on the two parcels known as 3115-3119 and 3121 Saint Paul Street.

Background: Staff understands that the two parcels known as 3115-3119 and 3121 Saint Paul Street are proposed to be consolidated for redevelopment, which is an administrative action requiring no Planning Commission approval. The parcels are currently zoned C-1 and are proposed to remain within the C-1 zoning district, which would allow a height of 68 feet by right. The height shown on final submission of Design Review drawings received by Planning staff on November 21, 2023, show a height of approximately 78 feet for the proposed building that would be allowed per the revised Sheet 3 of 4 “Preliminary Build-Out Plan”. Per § 13-201. Authorization. (a) *Requirements of underlying district.* Unless otherwise specifically provided by the ordinance establishing or amending the planned unit development, all requirements of the underlying zoning district apply. The revised Sheet 3 of 4 “Preliminary Build-Out Plan” establishes a height of 90 feet, and the approved drawings show a proposed building that is approximately 12 feet below the maximum building height allowed per the revised Sheet 3 of 4 “Preliminary Build-Out Plan” dated October 2023 accompany CCB # 23-0433.

To align with the amendments proposed by this staff report, the Applicant submitted a revised Sheet 3 of 4 “Preliminary Build-Out Plan” dated December 2023 to Planning, showing an updated height of 80 feet which is in keeping with the approved design of the proposed building. The revised Sheet 3 of 4 “Preliminary Build-Out Plan” dated December 2023 was received on December 12, 2023, and a clip of that plan is included below (see fig. 9).

The North Charles Village PUD has had similar amendments approved to allow for larger developments based on rising demand. Major amendment 2, approved by Ordinance 07-629 on December 3, 2007, was requested to revise the development plan and “modify the allowable height of a certain structure within the Planned Unit Development area”, similar to the amendment, CCB # 23-0433, currently under consideration. A summary of the changes is attached below.

Equity:

- Impact:
 - *How might the proposal impact the surrounding community in the short or long term?* The proposed increase in density will provide additional housing, an improved space for the existing grocery tenant, and increased activity in the neighborhood. The project would likely also create increases in traffic, noise, and trash for the neighborhood. Parking demand was studied and adjusted to reflect the current parking demand of similar neighboring buildings. The current parking count is far less than the bed count for the building, and per Article 32 – *Zoning*, C-1 districts are exempt from minimum parking requirements.

Neighbors voiced concerns about noise and parties on the outdoor amenity space. The outdoor amenity space was initially designed to be located at the Hargrove Alley side of the building on the second floor, very close to the rowhouses on Calvert Street to the east of the site. This amenity space was moved to the Saint

Paul Street side and to the top floor of the building to mitigate the impacts of noise and disturbance to neighboring rowhouses. The development team has stated they will manage trash and noise impacts; however, it should be noted that Planning Commission action remains with the land, not the promised actions of a development team.

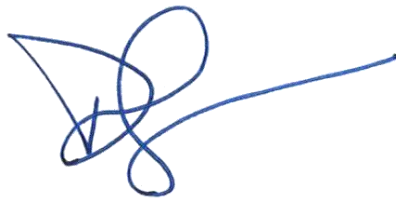
Additional concerns raised by neighbors related to shadows cast by the taller building on the lower scale properties to the east of the site. The Applicant has proposed to reduce the height of the building by one story and the Design Review requirement has been satisfied for the reduced height proposal; however, revised Sheet 3 of 4 “Preliminary Build-Out Plan” dated October 2023 accompanying CCB # 23-0433 shows the maximum height of 90 feet and if approved would allow the height of 90 feet. The Applicant has submitted a revised Sheet 3 of 4 “Preliminary Build-Out Plan” dated December 2023 to Planning, showing an updated height of 80 feet which is in keeping with the approved design of the proposed building.

- *How would this proposal impact existing patterns of inequity that persist in Baltimore?* The existing buildings on the two parcels known as 3115-3119 and 3121 Saint Paul Street are unremarkable in their architectural character and have not been historically designated. It could be stated they do not currently contribute in a meaningful way to the character of the neighborhood, so proposing demolition and replacement does not continue a pattern of inequity in this case. The added housing is intended to serve university students, which may reduce demand of other nearby rental properties. Additionally, the improved space for the returning grocery tenant may improve access to fresh food within the Charles Village Neighborhood. The temporary closure of the grocer will likely produce hardship for some residents.
- Engagement:
 - Has the community been meaningfully engaged in discussing this proposal?* The Applicant and Councilperson began meeting with community members in spring of 2022. Planning staff has attended many of the meetings and has heard a range of input about the proposed building height. The development team worked to reduce the height of the building by one full story from the original proposal based on this community input. It should be noted that revised Sheet 3 of 4 “Preliminary Build-Out Plan” accompanying CCB # 23-0433 shows the maximum height of 90’ and if approved would allow the 90’ height. At the request of Planning, Applicant has submitted a revised Sheet 3 of 4 “Preliminary Build-Out Plan” dated December 2023, showing an updated height of 80 feet which is in keeping with the approved design of the proposed building.
 - *How are residents who have been historically excluded from planning processes being authentically included in the planning of the proposed policy or project?* The number of meetings and variety of in person or online options for attending meetings gave ample opportunity for the community to be involved. The Charles

Villager newsletter produced by the Charles Village Civic Association included information about the meetings. Members of the development team also met individually with neighbors to discuss the project and respond to concerns.

- Internal Operations:
 - *This may include staff commentary regarding impact on staff time or resources devoted to a project.* This project and report have had a disproportionately large demand on Planning staff, compared to other Planned Unit Development projects. Changes to the PUD were first requested in December 2021; staff has met with the project team, councilperson, and residents on a regular basis over the past two years to resolve questions and concerns. Planning staff has also met internally for coordination purposes.

Notification: The Charles Village Civic Association has been notified of this action. Additionally, on December 12, 2023, Planning staff sent notification to 675 individuals in the Northern Planning District, 233 of which are residents and elected or generally interested parties.



Chris Ryer
Director

Aerial images of the North Charles Village PUD Area, from 2003 – 2016:

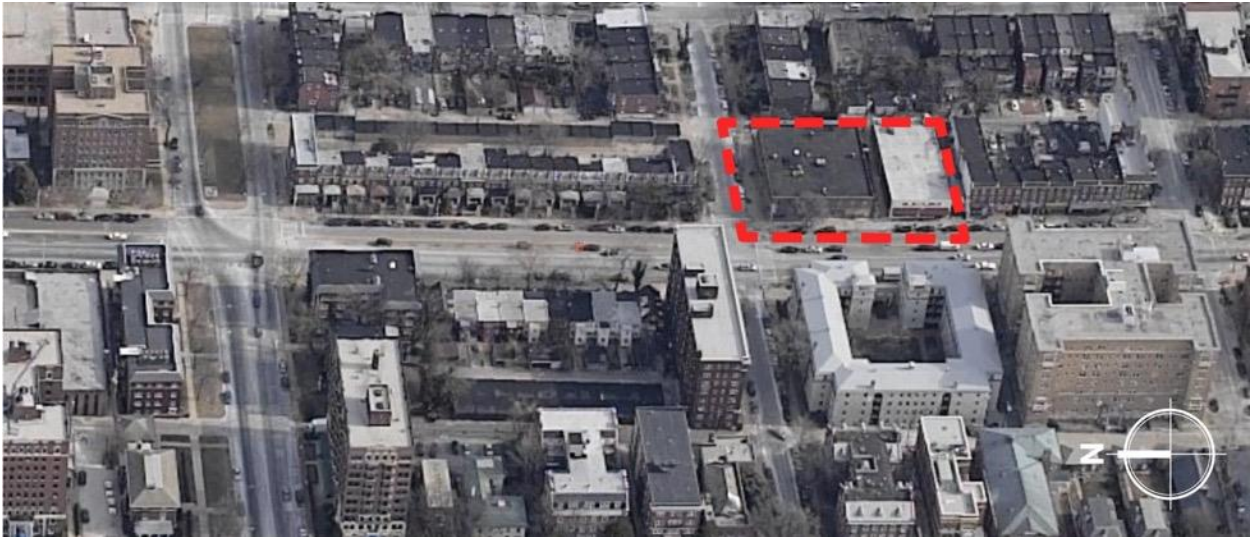


Figure 1: Aerial photograph from 2003, showing the conditions of the North Charles Village PUD area, with the two parcels known as 3115-3119 and 3121 Saint Paul Street outlined in red.



Figure 2: Aerial photograph from 2005, showing the conditions of the North Charles Village PUD area, with the two parcels known as 3115-3119 and 3121 Saint Paul Street outlined in red. 3301 North Charles (left side) is being constructed.



Figure 3: Aerial photograph from 2006, showing the conditions of the North Charles Village PUD area, with the two parcels known as 3115-3119 and 3121 Saint Paul Street outlined in red. 3301 North Charles Street (left side) is being constructed and 3201 Saint Paul Street (to the immediate left of the red outline) has been cleared.



Figure 4: Aerial photograph from 2009, showing the conditions of the North Charles Village PUD area, with the two parcels known as 3115-3119 and 3121 Saint Paul Street outlined in red. 3301 North Charles Street (left side) and 3201 Saint Paul Street (to the immediate left of the red outline) are substantially complete. 3200 Saint Paul Street, known as 9 E. 33rd Street (to the bottom left of the red outline), is cleared of rowhouses.



Figure 5: Aerial photograph from 2015, showing the conditions of the North Charles Village PUD area, with the two parcels known as 3115-3119 and 3121 Saint Paul Street outlined in red. 3301 North Charles Street (left side) and 3201 Saint Paul Street (to the immediate left of the red outline) are complete. 3200 Saint Paul Street, known as 9 E. 33rd Street (to the bottom left of the red outline) is being constructed.



Figure 6: Aerial photograph from 2016, showing the conditions of the North Charles Village PUD area, with the two parcels known as 3115-3119 and 3121 Saint Paul Street outlined in red. 3301 North Charles Street, 3201 Saint Paul Street, and 3200 Saint Paul Street, known as 9 E. 33rd Street, are complete. This image is reflective of the current condition of the neighborhood, as of December 2023.

Revisions to North Charles Village PUD Sheet 3 of 4, “Preliminary Built-out Plan”:

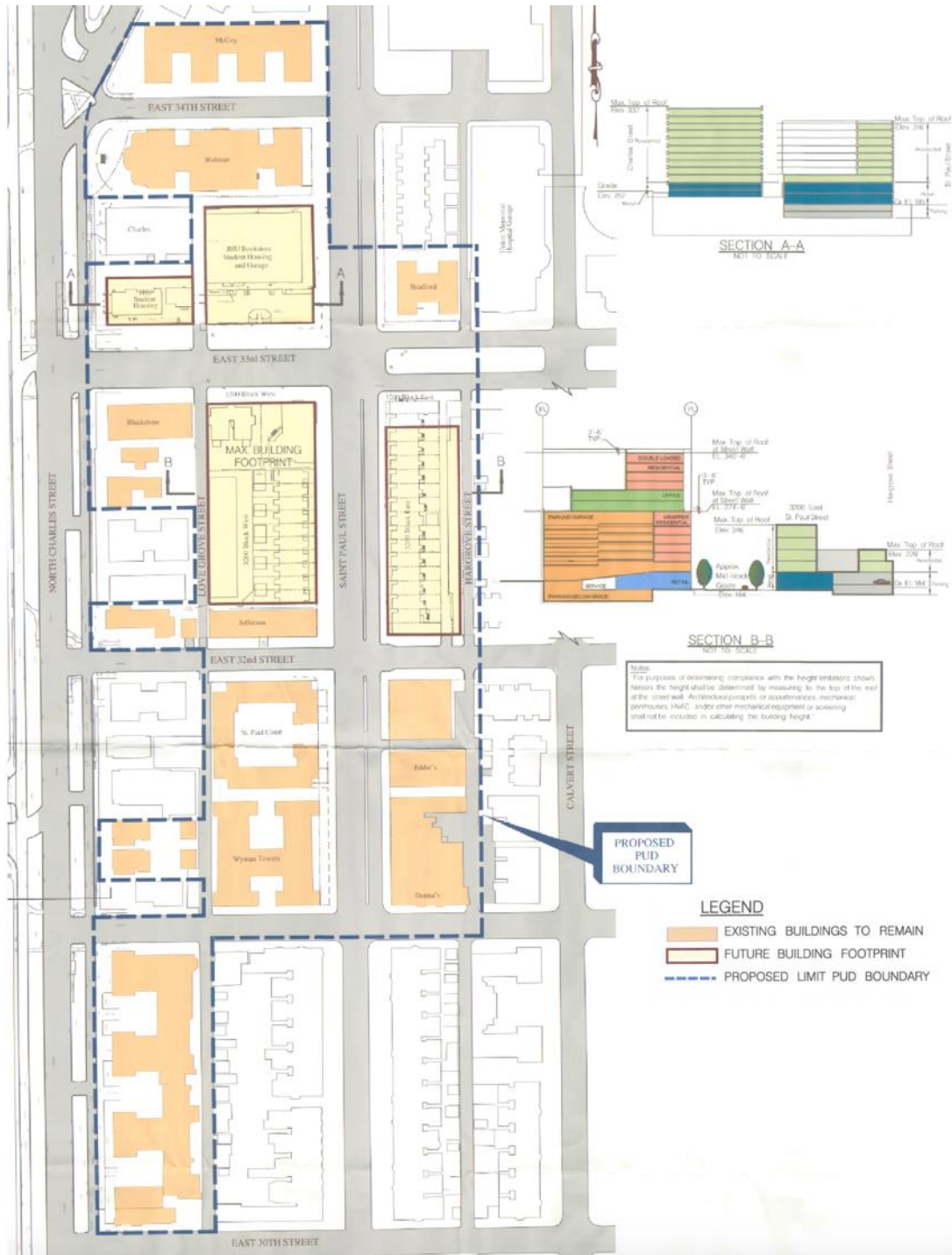


Figure 7: Clip of the North Charles Village PUD Sheet 3 of 4, “Preliminary Built-out Plan”, revised October 2007.

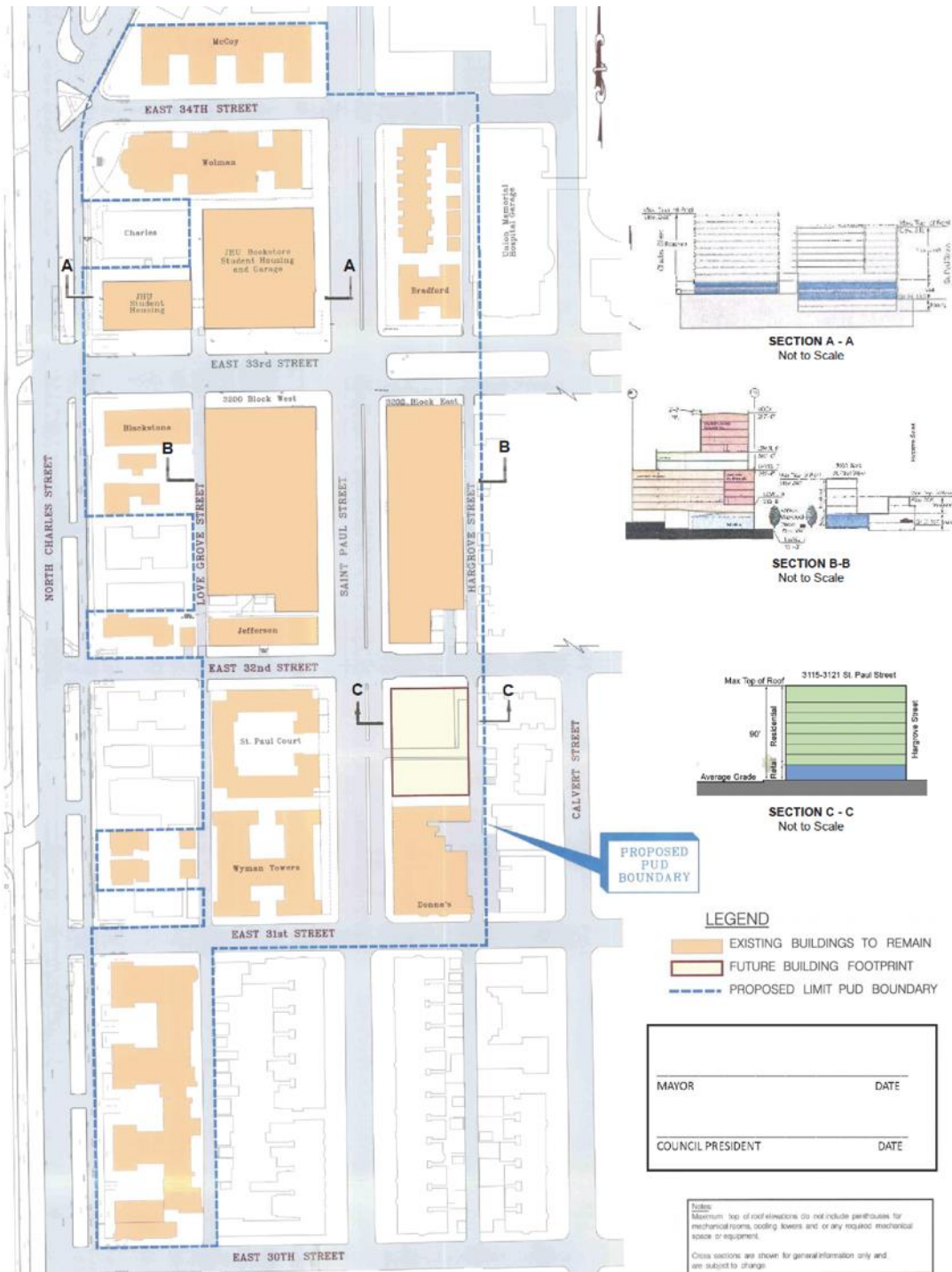


Figure 8: Clip of the North Charles Village PUD Sheet 3 of 4, “Preliminary Built-out Plan”, proposed revision, October 2023. Note the section C – C has been added and the PUD boundary has changed.

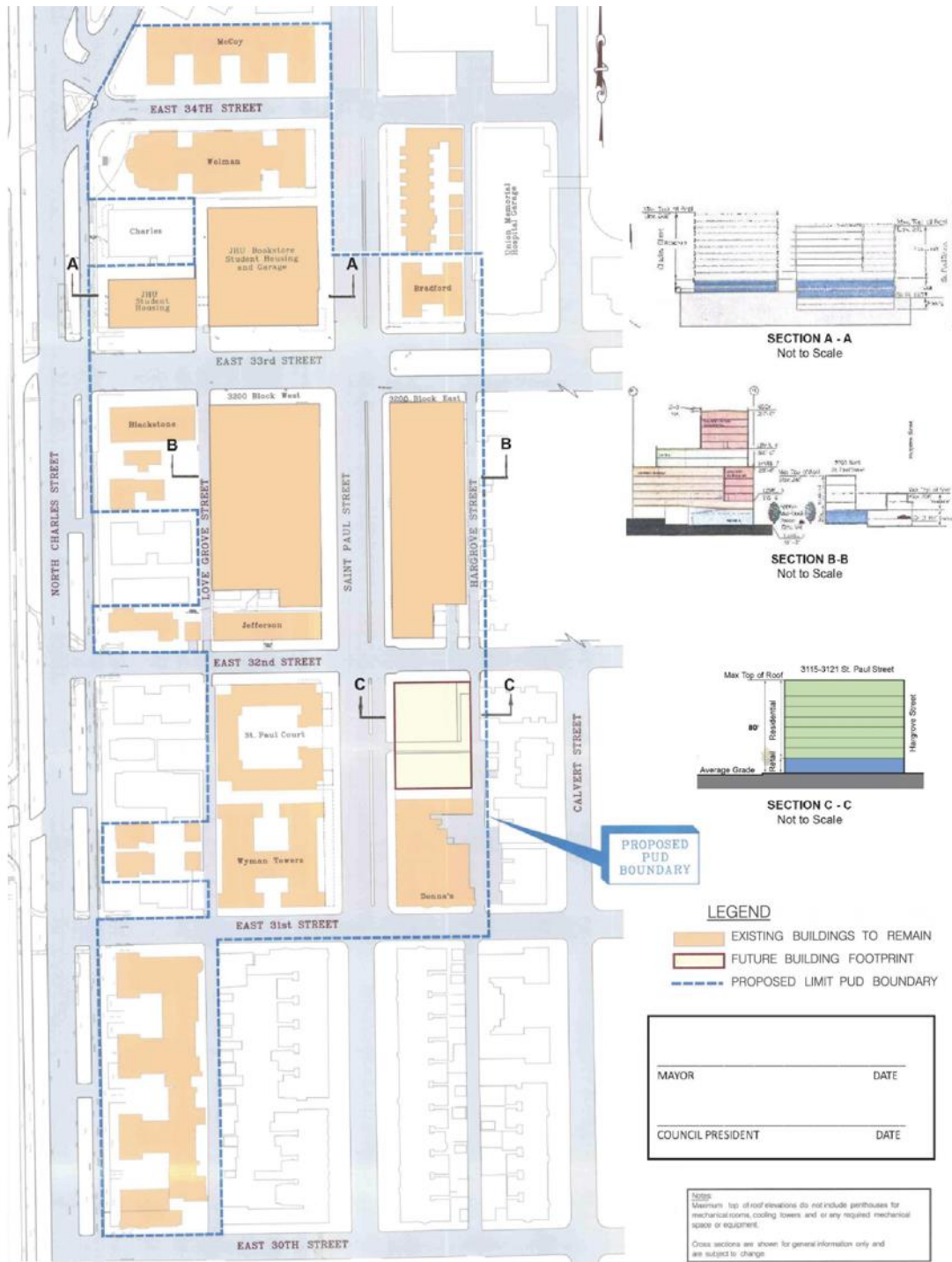


Figure 9: Clip of the North Charles Village PUD Sheet 3 of 4, “Preliminary Built-out Plan”, proposed revision, December 2023. Note the section C – C has been added, the height changed from 90’ to 80’ and the PUD boundary remains the same as in the currently approved Sheet 3 of 4, “Preliminary Built-out Plan” dated October 2007.