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<b>FROM</b>	<b>NAME &amp; TITLE</b>	THOMAS J. STOSUR, DIRECTOR
	<b>AGENCY NAME &amp; ADDRESS</b>	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 <sup>th</sup> FLOOR
	<b>SUBJECT</b>	CITY COUNCIL BILL #09-0281/SALE OF PROPERTY- CERTAIN STREETS OR PORTIONS OF THEM LYING WITHIN THE MIDDLE EAST URBAN RENEWAL PROJECT

CITY of  
BALTIMORE  
**MEMO**



**TO**

DATE:  
March 11, 2009

The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 N. Holliday Street  
Baltimore, MD 21202

At its regular meeting of March 5, 2009 the Planning Commission considered City Council Bill #09-0281, which is for the purpose of authorizing the Mayor and City of Baltimore to sell, at either public or private sale, all its interest in certain parcels of land known as the former beds of certain streets or portions of them lying within the Middle East Urban Renewal project, bounded by Ashland Avenue, McDonogh Street, Chase Street, and Washington Street, and no longer needed for public use; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached agenda, summary and previous staff report which recommends approval of City Council Bill #09-0281 and adopted the following resolution, eight members being present (eight in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #09-0281 be passed by the City Council.

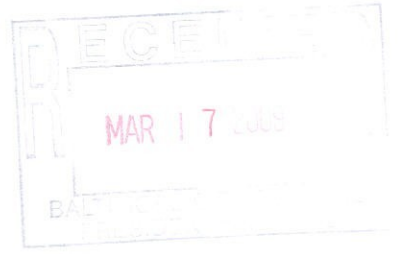
If you have questions, please contact Mr. Wolde Ararsa, Division Chief of the Land Use and Urban Design Division, at 410-396-4488.

GC/ttl

Attachments

cc:

- Mr. Andy Frank, Deputy Mayor
- Mr. Demuane Millard, Chief of Staff
- Ms. Angela Gibson, Mayor's Office
- The Honorable "Rikki" Spector, City Council Commission Representative
- Ms. Nikol Nabors-Jackson, DHCD
- Mr. Larry Greene, Council Services
- Ms. Mandy Martin, DHCD
- Ms. Marcia Collins, DPW
- Mr. Paul Barnes, DPW
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veal, Zoning Administration



# PLANNING COMMISSION

## STAFF REPORT

August 9, 2007

### REQUESTS:

- Minor Amendment/New East Baltimore Community PUD - Residential Area North of Eager Street
- Final Design Approval/New East Baltimore Community PUD - R1 Townhomes (A&R Development)

### RECOMMENDATION:

- Minor Amendment: Approval
- Final Design Approval: Approval

**STAFF:** Natasha Poole

**PETITIONER:** Forest City – New East Baltimore Partnership, Pennrose Development, and A&R Development

**OWNER:** East Baltimore Development Inc.

### SITE/GENERAL AREA

**Site Conditions:** The primary residential area within the already approved New East Baltimore Community PUD is bounded by Chase Street to the north, Eager Street to the south, Washington Street to the east, and an alley at the rear of McDonough Street to the west. Demolition has been extensive in this area, and the majority of the site is ready for new development. But there are a number of row homes that have been designated for preservation, primarily on the south side of Chase Street, and these remain. Also within this area are the offices of East Baltimore Development, Inc.

**General Area:** The current phase of development lies within the proposed Phase I Planned Unit Development (PUD) area of the greater New East Baltimore Community. The proposed PUD area is bounded by East Chase Street to the north, East Madison Street to the south, and roughly by North Washington Street to the east and North Broadway to the west. The total site area is 33.98 acres. Recent legislation has rezoned a majority of the PUD area to the B-2-3 zoning category. There are a number of notable or historic buildings in the area, including Sweet Prospect Baptist Church (in the 1100 block of North Durham Street) and a recently renovated former police station (located in the 1800 block of East Ashland Avenue). Housing stock consists of older two- and three-story brick row homes, the conditions of which range from good to very poor. Large-scale demolition has already begun in the area, beginning with those blocks in the southeastern portion of the site. Of those properties that remain, many more have become vacant as relocation activity has increased.



The general project area lies at the convergence of several distinct neighborhoods that are also Urban Renewal Areas in the central portion of East Baltimore. Those are the Middle East, Johnston Square, Broadway East, Oliver, and Gay Street Urban Renewal Areas. Though predominantly Residential (either R-7 or R-8), there are also smaller areas of Office-Residential, Commercial, and Industrial zoning. With the exception of Johnston Square, all of the neighborhoods, or portions thereof, are in the Historic East Baltimore Community Action Coalition (HEBCAC) Village Center of the Eastside Empowerment Zone. Institutional and public facilities in the area include several elementary schools, Broadway Court Elderly Housing, the John Hopkins Drug Treatment Facility, One Stop Career Center, East Baltimore Medical Center, and Collington Square and Oliver Recreation Centers.

## **HISTORY**

- Ordinance #1202, approved November 30, 1979, established the Middle East Urban Renewal Plan.
- On August 12, 2004, the Planning Commission recommended approval of various street and alley closings within the New East Baltimore Community (Part I).
- On June 2, 2005, members of the Planning Commission granted Final Design Approval to the first Life Sciences building to be constructed at 855 N. Wolfe Street.
- Ordinance #05-124, approved by the Mayor and City Council on September 26, 2005, was the last amendment to the Middle East Urban Renewal Plan.
- Ordinance #05-159, approved by the Mayor and City Council on October 26, 2005, rezoned multiple properties in the project area from the B-2-3 zoning district to the R-8 zoning district.
- Ordinance #05-160, approved by the Mayor and City Council on October 26, 2005, established the New East Baltimore Community Planned Unit Development.
- On December 1, 2005, the Planning Commission recommended approval of various street and alley closings within the New East Baltimore Community (Part II.)
- On March 23, 2006, the Planning Commission approved the Final Subdivision and Development Plan for the R2 and R3 residential buildings.
- On August 10, 2006, the Planning Commission approved the Final Design for a temporary surface parking lot adjacent to the R2 and R3 residential buildings.

## **CONFORMITY TO PLANS**

The project is located within the Middle East Urban Renewal Plan area. The proposed subdivision and development plan is in conformance with the goals and objectives of that plan. It is also in line with the New East Baltimore Community Planned Unit Development, which serves as a Master plan for the area. Moreover, the proposal is consistent with the goals and objectives of the Baltimore City Comprehensive Master Plan, specifically: LIVE Goal 1, Objective 1: Expand Housing Choice for all Residents

## **ANALYSIS**

A minor amendment is proposed to the New East Baltimore Community PUD and is needed to reflect changes to the development plan for the primary residential area between Eager and Chase Streets. The amendment is considered "minor" because no boundary change is requested; there will be no change in permitted uses; and no stated maximums, such as height or unit count, are being violated. The plan calls for a mix of housing types oriented around a variety of green



spaces. The units will range from rehabbed existing townhomes, to new construction townhomes, to new construction walk-up style apartments. Housing constructed will be typical in scale to other Baltimore row home neighborhoods, having a height of 3-4 stories.

Forest City is the master development for the New East Baltimore Community PUD and has chosen two subdevelopers to produce housing within this area: Pennrose Development and A&R Development Corporation. A&R is constructing a group of townhomes on the north face of Eager Street that have already been through formal architectural review. Thus, Final Design Approval is being sought for those units as well. Pennrose will return in the future for Final Design Approval for the various components they will be constructing.

In its consideration of the current request, staff has considered the following issues:

- **Minor Amendment:** The plan calls for a mix of housing to be produced within this area, ranging from renovated row homes to new townhomes, to a walk-up style apartment building proposed on the eastern edge of the site. A total of approximately 235 new units (172 homeownership and 63 rental) will be created. The renovated row homes occur predominantly on the south side of Chase Street and the west side of McDonough Street, with a few additional units being preserved on the east side of Wolfe Street. The development plan has been reviewed by the Maryland Historical Trust and determined to be consistent with a signed Programmatic Agreement between EBDI, the Trust, and the City of Baltimore.

New housing will be oriented around a number of green spaces that are to be developed by EBDI and maintained through various homeowners' associations. The westernmost space will be known as McDonough Mews. Durham Park, lying roughly in the center of the development area, is the largest green space proposed. The easternmost green will be known as Chapel Green and is to be private in nature – serving residents of the apartment building to which it will be adjacent.

It should be noted that the configuration proposed for the easternmost block within the development area will require the future closing of Chapel Street. Two additional right-of-way narrowings proposed for Wolfe and Rutland Street are reflected on plans reviewed and approved by the members of the Site Plan Review Committee (SPRC). In addition to the SRPC, this modified development plan has been reviewed and approved by the Urban Design and Architectural Review Panel.

- **Final Design:** The R1 buildings comprise the northern block face of Eager Street and total 49 new units – fifteen 4-story townhomes, ten 3-story townhomes, and twelve 4-story stacked condo townhomes. All are subject to the 40' height restriction imposed in the original PUD Development Plan. The buildings will be contemporary in style and constructed primarily of brick with a series of bay windows to punctuate alternating units. Units will have rear-loading garages accessed from the alley.
- **Forest Conservation:** While the scale of the development does trigger Forest Conservation requirements, these are not being met on a site-by-site basis, but rather

through implementation of the overall PUD Forest Conservation Master Plan. The proposed landscaping meets those requirements. Detailed landscaping plans have been submitted and accepted by staff.

- **Traffic Impact Study:** A detailed traffic impact study was conducted by Forest City and EBDI prior to their original PUD approval. The applicants are working with the Department of Transportation to ensure they are compliant with recent legislation passed regarding traffic impact studies, and this must be done prior to building permit approval.

Staff notified the following community groups of the proposed legislation: Middle East Community Organization, Save Middle East Action Committee, Northeast Market Merchants Association, Reclaiming Our Community, Ashland Avenue Association, Citizens Communication Coalition, Historic East Baltimore Community Action Coalition, Broadway Development Foundation, Madison East End Neighborhood Improvement Association, Madison East End Improvement Association, Monument Street Merchants Association, Monument Street Renaissance, Milton-Montford Improvement Association, and Washington Wolfe Gateway Community Association.



**Douglas B. McCoach, III**  
Director



## PLANNING COMMISSION

### STAFF REPORT

September 6, 2007

**REQUEST:** Street Closing/Portion of Rutland Avenue between Eager Street and Ashland Avenue

**RECOMMENDATION:** Approval

**STAFF:** Natasha Poole

**PETITIONER:** East Baltimore Development, Inc. and Forest City Enterprises

**OWNERS:** Mayor and City Council

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

**Site Conditions:** The area of the proposed street closing is a 1.5 foot wide strip of right-of-way on the western side of Rutland Avenue between Eager Street and Ashland Avenue within the New East Baltimore Community. A portion of Barnes and McDonough Streets, having already been determined as no longer needed for public purpose, are progressing through the street closing process and are being incorporated into the subject site of the abutting property, and construction of a residential building to be known as ~~Park View at Ashland Terrace~~ is currently underway on that property.

*Ashland Commons*

**General Area:** The specific site for this building lies within the proposed Phase I Planned Unit Development (PUD) area of the greater New East Baltimore Community. The proposed PUD area is bounded by East Chase Street to the north, East Madison Street to the south, and roughly by North Washington Street to the east and North Broadway to the west. The total site area is 33.98 acres. Recent legislation has rezoned a majority of the PUD area to the B-2-3 zoning category. There are a number of notable or historic buildings in the area, including Sweet Prospect Baptist Church (in the 1100 block of North Durham Street) and a recently renovated former police station (located in the 1800 block of East Ashland Avenue). Housing stock consists of older two- and three-story brick row homes, the conditions of which range from good to very poor. Large-scale demolition has already begun in the area, beginning with those blocks in the southeastern portion of the site. Of those properties that remain, many more have become vacant as relocation activity has increased.

The general project area lies at the convergence of several distinct neighborhoods that are also Urban Renewal Areas in the central portion of East Baltimore. Those are the Middle East, Johnston Square, Broadway East, Oliver, and Gay Street I Urban Renewal Areas. Though predominantly Residential (either R-7 or R-8), there are also smaller areas of Office-Residential, Commercial, and Industrial zoning. With the exception of Johnston Square, all of the neighborhoods, or portions thereof, are in the Historic East Baltimore Community Action Coalition (HEBCAC) Village Center of the Eastside Empowerment Zone. Institutional and



public facilities in the area include several elementary schools, Broadway Court Elderly Housing, the John Hopkins Drug Treatment Facility, One Stop Career Center, East Baltimore Medical Center, and Collington Square and Oliver Recreation Centers.

## **HISTORY**

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- Ordinance #05-159, approved by the Mayor and City Council on October 26, 2005, rezoned multiple properties in the project area from the B-2-3 zoning district to the R-8 zoning district.
- Ordinance #05-160, approved by the Mayor and City Council on October 26, 2005, established the New East Baltimore Community Planned Unit Development.
- On December 1, 2005, the Planning Commission recommended approval of various street and alley closings within the New East Baltimore Community (Part II.)
- On March 23, 2006, the Planning Commission approved the Final Subdivision and Development Plan for the R2 and R3 residential buildings.
- On August 10, 2006, the Planning Commission approved the Final Design for a temporary surface parking lot adjacent to the R2 and R3 residential buildings.
- On August 9, 2007, the Planning Commission approved a Minor Amendment to the New East Baltimore Community PUD and the Final Design for the R1 residential Townhomes.

## **ANALYSIS**

The first two residential buildings proposed for construction within the New East Baltimore Community PUD, known as Park View at Ashland Terrace and Ashland Commons, obtained Planning Commission Final Design Approval on April 20, 2006. Construction began shortly thereafter, and the buildings will be ready for occupancy within several months. At the time of site plan review for the easternmost of the two buildings, it was not known that the plans had been developed using inaccurate survey dimensions, and that error was only revealed recently. The effect of the error is that 1.5 feet of the building is being constructed in the public right-of-way. This encroachment is for the length of the building.

While a situation of this sort would normally be solved by the developer obtaining a franchise ordinance from the City, Forest City has expressed concerns about the implications this has for financing. Since future renewal of the terms of the ordinance cannot be guaranteed, the developer is seeking clear title to the area of land affected by the encroachment. This, as stated previously, is for a dimension of 1.5' east of the current property line. So as not to create variable right-of-way dimensions within one block, the 1.5' street closing is recommended not only for the area abutting the new residential building, but for the entire length of the block from Eager Street to Ashland Avenue.

Staff is supportive of the request to accommodate the already designed building, and the new dimension of the proposed right-of-way for Rutland Avenue meets Department of Transportation requirements. However, all future buildings within the project area should be accommodated within existing property lines and without alteration to right-of-way dimension. This need not affect an overall goal for the PUD of regularizing street dimensions.

Staff notified the following community groups of the proposed legislation: Middle East Community Organization, Save Middle East Action Committee, Northeast Market Merchants Association, Reclaiming Our Community, Ashland Avenue Association, Citizens Communication Coalition, Historic East Baltimore Community Action Coalition, Broadway Development Foundation, Madison East End Neighborhood Improvement Association, Madison East End Improvement Association, Monument Street Merchants Association, Monument Street Renaissance, Milton-Montford Improvement Association, and Washington Wolfe Gateway Community Association.

A handwritten signature in black ink that reads "Gary W. Cole / for D. McCoach, III". The signature is written in a cursive style.

**Douglas B. McCoach, III**  
**Director**