

TJS

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #13-0290 / CITY STREETS- CLOSING OF AIR RIGHTS OVER A PORTION OF LINDEN AVENUE (WARD 11, SECTION 9, BLOCK 501)

CITY of
BALTIMORE
MEMO



TO

DATE:

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

November 22, 2013

At its regular meeting of November 21, 2013, the Planning Commission considered City Council Bill #13-0290 for the purpose of condemning and closing air rights over a portion of Linden Avenue, extending 56.62 feet south of the intersection formed by the west side of Linden Avenue and the southeast side of Martin Luther King, Jr. Boulevard, as shown on Plat 310-A-22 in the Office of the Department of General Services; 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 recommended approval of City Council Bill #13-0290 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 #13-0290 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, Deputy Chief for Economic and Neighborhood Development
- Mr. Alex Sanchez, Chief of Staff
- 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
- Mr. Nicholas Blendy, DHCD
- Ms. Barbara Zektick, DOT
- Ms. Karen Randle, Council Services
- Ms. Elena DiPietro, Law Dept.
- Ms. Marcia Collins, DPW
- Mr. David Framm, DGS



PLANNING COMMISSION
Wilbur E. "Bill" Cunningham, Chairman



Stephanie Rawlings-Blake
Mayor

November 21, 2013 – #1862

Thomas J. Stosur
Director

AGENDA

Working Session – 12:00 p.m.
Regular Session – 1:30 p.m.

- 1. ROLL CALL**
- 2. APPROVAL OF MINUTES**
- 3. BALTIMORE CITY'S URBAN AGRICULTURE PLAN ADOPTION (Citywide)**
- 4. CITY COUNCIL BILL #13-0287/TAX CREDIT EXTENSION (Citywide)**
- 5. BALTIMORE CITY LANDMARK DESIGNATION / ENOCH PRATT HOUSE-201 W. MONUMENT STREET (Eleventh District)**
- 6. MULTIPLE PRINCIPAL STRUCTURES ON A BUSINESS LOT ADJACENT TO A RESIDENTIAL LOT – 5200 MORAVIA ROAD (Second District)**
- 7. CITY COUNCIL BILL #13-0258/ ZONING – CONDITIONAL USE BANQUET HALL – 3932-3934 FREDERICK AVENUE (Councilmember - Helen L. Holton)**
For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the property known as 3932-3934 Frederick Avenue, as outlined in red on the accompanying plat. (Eighth District)
- 8. CITY COUNCIL BILL #13-0259/ ZONING – CONDITIONAL USE PARKING, OPEN OFF-STREET AREA, FOR THE PARKING OF 4 OR MORE AUTOMOBILES – 316 SOUTH LOUDON AVENUE (Councilmember - Helen L. Holton)**
For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, open off-street area, for the parking of 4 or more automobiles on the property known as 316 South Loudon Avenue, as outlined in red on the accompanying plat. (Eighth District)
- 9. CITY COUNCIL BILL #13-0267/URBAN RENEWAL - CARROLL CAMDEN – AMENDMENT (Councilmember – Edward L. Reisinger)**
For the purpose of amending the Urban Renewal Plan for Carroll Camden to add certain permitted uses within the area designated as General Industrial C on the Land Use Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date. (Tenth District)

(Postponed to a later Date)

10. CITY COUNCIL BILL #13-0285/ ZONING - CONDITIONAL USE CONVERSION OF A 1-FAMILY DWELLING UNIT TO A 2-FAMILY DWELLING UNIT IN THE R-8 ZONING DISTRICT - VARIANCES - 1601 WEST PRATT STREET (Councilmember – William “Pete” Welch)

For the purpose of permitting, subject to certain conditions, the conversion of a 1-family dwelling unit to a 2-family dwelling unit in the R-8 Zoning District on the property known as 1601 West Pratt Street, as outlined in red on the accompanying plat; and granting variances from certain lot area size and certain off-street parking requirements. (Ninth District)

11. MINOR AMENDMENT AND REVISED FINAL DESIGN APPROVAL/ 25TH STREET STATION PUD #150 – DEVELOPMENT SITE I (Twelfth District)

CONSENT AGENDA

12. MINOR SUBDIVISION FINAL PLANS/1204 POPLAR HILL ROAD (Fifth District)**

(Postponed to a later Date)

13. MINOR SUBDIVISION FINAL PLANS/HARBOR POINT PUD – LOTS 1-4 (First District)**

(Postponed to a later Date)

14. BALTIMORE CITY SUBDIVISION REGULATIONS/UPDATING APPENDICES (Citywide)

15. CITY COUNCIL BILL #13-0288/BALTIMORE CITY LANDMARK LIST - PUBLIC SCHOOL NO. 103, HENRY HIGHLAND GARNET SCHOOL (City Council President - Administration)

For the purpose of designating Public School No. 103, Henry Highland Garnet School, located at 1315 Division Street, as a historical landmark. (Eleventh District)

16. CITY COUNCIL BILL #13-0289/ BALTIMORE CITY LANDMARK LIST - CROSS KEYS VALVE HOUSE (City Council President - Administration)

For the purpose of designating the Cross Keys Valve House, 5106 Falls Road, as a historical landmark. (Sixth District)

17. CITY COUNCIL BILL #13-0290/ CITY STREETS – CLOSING OF AIR RIGHTS OVER A PORTION OF LINDEN AVENUE - WARD 11, SECTION 9, BLOCK 501 (City Council President - Administration)

For the purpose of condemning and closing air rights over a portion of Linden Avenue, extending 56.62 feet south of the intersection formed by the west side of

Linden Avenue and the southeast side of Martin Luther King, Jr. Boulevard, as shown on Plat 310-A-22 in the Office of the Department of General Services; and providing for a special effective date. (Eleventh District)

18. CITY COUNCIL BILL #13-0291/ SALE OF PROPERTY – 1114-1150 NORTH MOUNT AVENUE (City Council President - Administration)

For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known as 1114-1150 North Mount Street (Block 0041, Lot 008) and no longer needed for public use; and providing for a special effective date. (Twelfth District)

19. CIP TRANSFERS

This agenda was prepared on the assumption that all necessary materials have been made available in sufficient time for consideration by the Commission at this meeting. There are occasionally changes in this agenda when relevant materials have not been delivered to the Department on schedule. **For any item marked (**), please call the Department at 410-396-4488 for most current information.**

The meeting will be held in the Phoebe B. Stanton Boardroom of the Department of Planning, located on the 8th floor of 417 East Fayette Street.



PLANNING COMMISSION

SUMMARY

November 21, 2013



Stephanie Rawlings-Blake
Mayor

Thomas J. Stosur
Director

3. BALTIMORE CITY'S URBAN AGRICULTURE PLAN ADOPTION (Citywide)

Urban agriculture has a long history in the City of Baltimore, and can help address a wide range of current problems by beautifying blighted vacant land, providing a source of fresh, healthy, local food, and providing opportunities for education, income generation, and recreation. Numerous urban agriculture projects are currently underway in the city, including urban farms (both community-oriented and commercially-oriented), community gardens, school gardens, home and rooftop gardens, aquaculture projects, apiaries, and orchards. City actions can play a determining role in either supporting or hindering these efforts.

This plan provides policy and programmatic recommendations to better support the various types of urban agriculture, and also addresses issues such as the long-term vision for urban agriculture in the city, and the importance of equity and access for low-income residents in the urban farming movement. The plan was developed over more than a year, with significant input from city agencies and institutional and non-profit partners. Its adoption will help position Baltimore as a leader in sustainable, local food systems, and will help address health disparities created by food deserts in many Baltimore neighborhoods.

Notification: The draft plan was made available for public comment for four weeks during the month of October 2013, which was publicized via e-blasts. During that time, the draft plan was available for download on the Baltimore Office of Sustainability's website, and was also mailed out in hard copy upon request. The date of the Planning Commission meeting to consider the plan for adoption was also emailed out to more than one hundred people, based on prior expressions of interest in the topic.

Recommendation: Adoption

4. CITY COUNCIL BILL #13-0287/TAX CREDIT EXTENSION (Citywide)

Designed to encourage the restoration and rehabilitation of historic properties to the highest quality standards, and to increase livability and attractiveness in our City's neighborhoods, the historic tax credit is granted on the assessment increase directly resulting from qualifying restoration work, and is fully transferable to a new owner if the property is sold before its ten year credit life ends. It is administered by the Commission for Historical and Architectural Preservation (CHAP) through the Historical and Architectural Preservation Division of the Department of Planning.

This program has made it possible for residential as well as commercial property owners to undertake comprehensive rehabilitation projects that significantly contribute to the character and

quality of life of our historic districts and their communities in general, by not only encouraging investing in our historic districts, but also ensuring quality in design and material. This program is utilized throughout a wide cross section of Baltimore's historic neighborhoods, from Mount Vernon to East Monument, from Reservoir Hill to Canton. To date more than \$600 million have been invested in many of the 78 historic districts and individually designated historic landmarks. Since its establishment in 1996, the program has received nearly 3,000 applications for the rehabilitation of historic properties; nearly 2,500 of those properties have been certified or are in the process of being certified for the historic tax credit upon project completion.

Notification: Over 300 concerned citizens were emailed, along with representatives from City Agencies.

Recommendation: Approval

5. BALTIMORE CITY LANDMARK DESIGNATION / ENOCH PRATT HOUSE - 201 W. MONUMENT STREET (Eleventh District)

The Enoch Pratt House was the home of one of Baltimore's most influential philanthropists. It was constructed for Enoch and Maria Louisa Pratt in 1846-1847 and was their home until 1911. Enoch Pratt was a prominent businessman and philanthropist. His generosity led to the founding of the Enoch Pratt Free Library, the expansion of the Moses Sheppard Asylum (now the Sheppard Pratt Hospital), and other important institutions. The Pratt House was a fine example of a Greek Revival style home, later upgraded to the fashions of the late 19th century with an expansion and addition of a mansard roof by prominent architect Edmund G. Lind. Today, it is one of only three five bay free-standing 1830s-1840s homes left in the city. Since 1919, the Pratt House has been home to the Maryland Historical Society, the state's oldest continuously operating cultural institution. This building is significant for its associations with Enoch Pratt, the Maryland Historical Society and its architecture.

Notification: Staff has notified of this action 11 District City Councilmember, Hon. William Cole, IV., Baltimore National Heritage Area, Baltimore AIA Chapter, Baltimore City Historical Society, Preservation Maryland, President and CEO of the Maryland Historical Society, the CFO of the Maryland Historical Society, Mount Vernon Design Review Committee, Midtown Community Benefits District, Central District Police-Community Relations Council, Mt. Vernon-Belvedere Association, and the Mt. Vernon Cultural District.

Recommendation: Approval

6. MULTIPLE PRINCIPAL STRUCTURES ON A BUSINESS LOT ADJACENT TO A RESIDENTIAL LOT – 5200 MORAVIA ROAD (Second District)

The proposal is to construct two one-story commercial buildings on a lot now zoned B-2-1, to replace a single structure. The site has an easement across it that constrains redevelopment with a single large building. The engineer worked with the Site Plan Review Committee to design components of the development, including its landscaping, to be compatible with the nearby communities. Variances required by the site plan have been approved by the BMZA.

Notification: The Frankford Improvement Association, Gardenville – Belair Road Business Association, Harbel Community Organization, and Councilman Scott were notified of this action.

Recommendation: Approval

7. CITY COUNCIL BILL #13-0258/ ZONING – CONDITIONAL USE BANQUET HALL – 3932-3934 FREDERICK AVENUE (Councilmember - Helen L. Holton)

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the property known as 3932-3934 Frederick Avenue, as outlined in red on the accompanying plat. (Eighth District)

This bill would authorize a banquet hall at 3932-3934 Frederick Avenue, a property located at the northeast corner of Frederick and Loudon Avenues in Southwest Baltimore. The property is a former warehouse that would become the banquet hall if this legislation is approved. The principal impact of its authorization would be created by lack of off-street parking facilities to serve the number of banquet patrons anticipated. To prevent absence of off-street parking from displacing all that demand to nearby residential streets, which are generally narrow and not designed to handle regular large amounts of on-street parking, the bill's sponsor has introduced a companion bill to authorize a parking lot on Loudon Avenue (see below). The prospective operator of the banquet hall has also negotiated an agreement with the residential community nearby, from which a number of provisions should be taken for use as amendments to the bill. For this reason, staff is recommending approval of this bill with amendments.

Notification: Staff notified the Irvington Improvement Association, Saint Joseph Improvement Association, and Councilwoman Holton of this action.

Recommendation: Amendment, and Approval with Amendment

8. CITY COUNCIL BILL #13-0259/ ZONING – CONDITIONAL USE PARKING, OPEN OFF-STREET AREA, FOR THE PARKING OF 4 OR MORE AUTOMOBILES – 316 SOUTH LOUDON AVENUE (Councilmember - Helen L. Holton)

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, open off-street area, for the parking of 4 or more automobiles on the property known as 316 South Loudon Avenue, as outlined in red on the accompanying plat. (Eighth District)

This proposal is to provide parking for the proposed banquet hall at 3932-3934 Frederick Avenue (see above). This bill was introduced as a result of coordination with the surrounding community. The bill sponsor worked with the Site Plan Review Committee to develop a layout for the parking lot that maximized the amount of green space that could be retained on what is now a vacant lot. The proposed site plan shows sixteen parking spaces, with access from the alley off Loudon Avenue. Planning staff recommend that the approved site plan be attached to and made part of the legislation.

Notification: Staff notified the Irvington Improvement Association, Saint Joseph Improvement Association, and Councilwoman Holton of this action.

Recommendation: Amendment, and Approval with Amendment

9. CITY COUNCIL BILL #13-0267/URBAN RENEWAL - CARROLL CAMDEN – AMENDMENT (Councilmember – Edward L. Reisinger)

For the purpose of amending the Urban Renewal Plan for Carroll Camden to add certain permitted uses within the area designated as General Industrial C on the Land Use Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date. (Tenth District)

(Postponed to a later Date)

10. CITY COUNCIL BILL #13-0285/ ZONING - CONDITIONAL USE CONVERSION OF A 1-FAMILY DWELLING UNIT TO A 2-FAMILY DWELLING UNIT IN THE R-8 ZONING DISTRICT - VARIANCES - 1601 WEST PRATT STREET (Councilmember – William “Pete” Welch)

For the purpose of permitting, subject to certain conditions, the conversion of a 1-family dwelling unit to a 2-family dwelling unit in the R-8 Zoning District on the property known as 1601 West Pratt Street, as outlined in red on the accompanying plat; and granting variances from certain lot area size and certain off-street parking requirements. (Ninth District)

This property is located on the southern edge of the Union Square Historic District. The site is approximately 16 feet by 80 feet, is improved with a semi-detached residential building, and is zoned R-8. This is a predominantly residential area with scattered religious institutions and schools. The proposal would convert an empty structure measuring 16 feet by 55 feet into two dwelling units. Conversion of this vacant building to multi-family dwelling units in the R-8 district requires a City Council Ordinance per section 3-305 of the Baltimore City Zoning Code. Retaining and renovating the existing vacant building this way also requires variances from certain lot size and parking requirements of the R-8 Zoning district. These required variances have been included in the Bill.

Notification: Staff notified Citizens of Pigtown, Communities Organized to Improve Life (COIL), New Southwest Mount Clare Association, Operation Reach Out Southwest (OROSW), Union Square Association, and Councilman Welch of this action.

Recommendation: Approval

11. MINOR AMENDMENT AND REVISED FINAL DESIGN APPROVAL/ 25TH STREET STATION PUD #150 – DEVELOPMENT SITE I (Twelfth District)

The 25th Street Station project is a mixed use, residential and commercial development project with a variety of potential commercial uses. The development plan allocates space for a modified large box retailer, mid-sized retailers, and smaller, neighborhood commercial spaces. Surface and small parking structures consolidate the required parking fields near and within buildings. Since the Planned Unit Developments (PUD) approval in 2010, legal actions have prevented the development from moving forward with construction. During the delay, one of the major retailers originally envisioned to be part of Development Site I (Parcel west of Howard Street) made the decision to leave the development. The development team worked with the other committed retailer and stakeholders in order to continue forward with a plan, much in the spirit of the currently approved PUD and of an enhanced architectural design.

The tenant change required the development team to re-evaluate the currently approved buildings. With only one large box retailer, there was no longer a need to stack two large box stores on top of one another. The parking requirement for development site I was also reduced with the absence of a major box retailer therefore eliminating the need for a large scale parking structure along 24th Street. These building massing changes and the resultant grading and site-work necessitate a Minor Amendment to the PUD drawings and Revised Final Design Approval for the updated architecture and site/landscaping. The action is limited to Development Site I as there are no changes proposed to the east side of Howard Street (Development Site II).

Notification: In advance of this hearing the following groups were notified by mail: Charles Village Civic Association, Charles Village Community Benefits District, Greater Homewood Corporation, Inc, Peabody Heights Resident Homeowners Alliance, Inc., Old Goucher Business Alliance, Remington Neighborhood Alliance, Station North Arts & Entertainment District, Old Goucher Community Association, Inc., Greater Remington Neighborhood Association, Historic Greater Fawcett Community Association, Medfield Community Association, Hampden Community Council, Downtown Partnership, and relevant City agencies.

Recommendations:

Minor Amendment/ 25th St. Station PUD #150 - Development Site I – Approval.

Revised Final Design Approval/ 25th St. Station PUD #150 – Development Site I – Approval.

CONSENT AGENDA

12. MINOR SUBDIVISION FINAL PLANS/1204 POPLAR HILL ROAD (Fifth District)**

(Postponed to a later Date)

13. MINOR SUBDIVISION FINAL PLANS/HARBOR POINT PUD – LOTS 1-4 (First District)**

(Postponed to a later Date)

14. BALTIMORE CITY SUBDIVISION REGULATIONS/UPDATING APPENDICES (Citywide)

Appendix B of the Baltimore City Subdivision Regulations ("Agency Referrals") is being updated to reflect changes to staff assignments and corresponding contact information. This is minor and technical in nature, not impacting substantive regulatory content.

Recommendation: Approval

15. CITY COUNCIL BILL #13-0288/BALTIMORE CITY LANDMARK LIST - PUBLIC SCHOOL NO. 103, HENRY HIGHLAND GARNET SCHOOL (City Council President - Administration)

For the purpose of designating Public School No. 103, Henry Highland Garnet School, located at 1315 Division Street, as a historical landmark. (Eleventh District) PS103, a landmark in the Upton community of West Baltimore, is significant to Baltimore for its architecture and the important role that it played in the history of education in the city. It was designed by prominent architect George Frederick in 1877 to serve white children, and in its form met the best practices for the design of school buildings, a design that is still retained today. In 1911, it became a school for African American children, earning a reputation as one of the city's finest. This school played an important role in the education of thousands of children in West Baltimore, including Thurgood Marshall, who later became a leader in the desegregation of the nation's public school system, as well as for his service as the first African American Justice on the Supreme Court of the United States. PS 103 is significant for the role that it played in the education of African American students prior to desegregation, and for its architecture.

Recommendation: Approval

16. CITY COUNCIL BILL #13-0289/ BALTIMORE CITY LANDMARK LIST - CROSS KEYS VALVE HOUSE (City Council President - Administration)

For the purpose of designating the Cross Keys Valve House, 5106 Falls Road, as a historical landmark. (Sixth District)

The Cross Keys Valve House was one of three stone Classical Revival gatehouses that serviced Baltimore City's municipal water system along a conduit that ran from Lake Roland to the Mt. Royal Reservoir. Begun in 1858 and completed in 1862, this gravity powered conduit system then located in Baltimore County provided the citizens of Baltimore with safe clean water. It was an engineering marvel when completed, and was the city's first truly public utility. The waterworks was designed by James Slade, City Engineer for Boston and consulting engineer for the Baltimore Waterworks, and the waterworks was informed by the best practices of waterworks and engineers in other major American cities. The Cross Keys Valve House, completed in 1860, was originally called the "Harper Waste Weir", which described a lower chamber in the valve house that collected debris from the water as it rushed through the conduit on its way to the city boundaries. The Valve House and the conduit over which it sits played a significant role in the city's municipal water system, and represent a major engineering feat for the City of Baltimore.

Recommendation: Approval

17. CITY COUNCIL BILL #13-0290/ CITY STREETS – CLOSING OF AIR RIGHTS OVER A PORTION OF LINDEN AVENUE - WARD 11, SECTION 9, BLOCK 501 (City Council President - Administration)

For the purpose of condemning and closing air rights over a portion of Linden Avenue, extending 56.62 feet south of the intersection formed by the west side of Linden Avenue and the southeast side of Martin Luther King, Jr. Boulevard, as shown on Plat 310-A-22 in the Office of the Department of General Services; and providing for a special effective date. (Eleventh District)

The Planning Commission previously approved closing of air rights over a portion of Linden Avenue, extending from the intersection of Linden Avenue and Martin Luther King, Jr. Boulevard southward a distance of 172 feet with a width of 24 feet, at its regular meeting on May 16, 2013. The Department of Transportation is requesting approval of a smaller air rights closure, 1,904 square feet or 0.0437 acre, with dimensions 112 feet by 17 feet, at the same clearance height above the sidewalk as previously approved. The change to the air rights envelope is a result of refinements in the architectural design of the Ambulatory Care Center to be built extending over this portion of Linden Avenue.

Recommendation: Approval

18. CITY COUNCIL BILL #13-0291/ SALE OF PROPERTY – 1114-1150 NORTH MOUNT AVENUE (City Council President - Administration)

For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known as 1114-1150 North Mount Street (Block 0041, Lot 008) and no longer needed for public use; and providing for a special effective date. (Twelfth District)

On November 1, 2012, the Planning Commission recommended approval on CCB #12-0143/Zoning – Conditional Use Nonprofit Home for Homeless Women and Children – 1114 North Mount Street. The City is the property owner and with the homeless shelter services being provided by Saint Vincent de Paul of Baltimore. Saint Vincent de Paul offers programs with services that include food, clothing, shelter, transitional and permanent housing, homeless day resources, employment training, adult education, emergency financial assistance, Head Start, and youth services.

Recommendation: Approval

19. CIP TRANSFERS

Recommendation: Approval

Recommendation: Approval

17. CITY COUNCIL BILL #13-0208 CITY STREETS - CLOSING OF AIR RIGHTS OVER A PORTION OF LINDEN AVENUE - WARD 11, SECTION 9, BLOCK 501 (City Council)

President - Administration)

For the purpose of condemning and closing air rights over a portion of Linden Avenue extending 56.62 feet south of the intersection formed by the west side of Linden Avenue and the southeast side of Martin Luther King, Jr. Boulevard, as shown on Plat 310-A-22 in the Office of the Department of General Services, and providing for a special effective date.

(Eleventh District)

The Planning Commission previously approved closing of air rights over a portion of Linden Avenue extending from the intersection of Linden Avenue and Martin Luther King, Jr. Boulevard southward a distance of 172 feet with a width of 24 feet, at its regular meeting on May 16, 2012. The Department of Transportation is requesting approval of a smaller air rights closure, 1,904 square feet or 0.0437 acre, with dimensions 12 feet by 17 feet at the same clearance height above the sidewalk as previously approved. The change to the air rights coverage is a result of refinements in the architectural design of the Ambulatory Care Center to be built extending over this portion of Linden Avenue.

Recommendation: Approval

18. CITY COUNCIL BILL #13-0209 SALE OF PROPERTY - 114-1150 NORTH MOUNT AVENUE (City Council President - Administration)

For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known as 114-1150 North Mount Street (Block 0041, Lot 008) and no longer needed for public use, and providing for a special effective date.

(Twelfth District)

On November 1, 2012, the Planning Commission recommended approval on CCB #12-0133 Yoning - Conditional Use Nonprofit Home for Homeless Women and Children - 1114 North Mount Street. The City is the property owner and with the homeless shelter services being provided by Saint Vincent de Paul of Baltimore. Saint Vincent de Paul offers programs with services that include food, clothing, shelter, transitional and permanent housing, homeless day resources, employment training, adult education, emergency financial assistance, Head Start, and youth services.

Recommendation: Approval

19. CIP TRANSFERS



PLANNING COMMISSION



Stephanie Rawlings-Blake
Mayor

Wilbur E. "Bill" Cunningham, Chairman

Thomas J. Stosur
Director

STAFF REPORT

May 16, 2013

REQUESTS:

City Council Bill #12-0160/ Rezoning – 890 Linden Avenue, 905, 909, and 911 Martin Luther King, Jr. Boulevard, and 855 and 857 North Eutaw Street

For the purpose of changing the zoning for the properties known as 890 Linden Avenue, 905, 909, and 911 Martin Luther King, Jr. Boulevard, and 855 and 857 North Eutaw Street, as outlined in red on the accompanying plat, from the B-2-3 Zoning District to the B-5-1 Zoning District.

City Council Bill #13-0198/ Sale of Property – 890 Linden Avenue

For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all or a portion of its interest in certain property known as 890 Linden Avenue (Block 501, Lots 37/38) and no longer needed for public use; and providing for a special effective date.

Closing of Air Rights/ New Construction – Linden Avenue

For the purpose of closing the air rights to a portion of Linden Avenue, as indicated on a sketch provided by the Department of General Services, to allow new construction to cantilever over a portion of Linden Avenue.

RECOMMENDATIONS:

City Council Bill #12-0160: Approval

City Council Bill #13-0198: Approval after minor amendment to correct a typographic error in the block-lot reference contained in the bill: on line 17 of the bill, change "Lots 37/28" to "Lots 37/38"

Closing of Air Rights/ New Construction – Linden Avenue: Approval

STAFF: Martin French

PETITIONERS: Maryland General Hospital, for CCB #12-0160; The Administration (Baltimore Development Corporation), for CCB #13-0198; Department of General Services, at the request of Maryland General Hospital, for Closing of Air Rights to a portion of Linden Avenue.

OWNERS: Mayor and City Council of Baltimore, for 890 Linden Avenue; Maryland General Hospital, Inc. for 905 and 909 Martin Luther King, Jr. Boulevard and 855 North Eutaw Street; Maryland General Hospital Endowment Fund, Inc. for 911 Martin Luther King, Jr. Boulevard and 857 North Eutaw Street; Mayor and City Council of Baltimore, for Linden Avenue.

SITE/GENERAL AREA

Site Conditions: These properties are located on the southern side of the intersections of Martin Luther King, Jr. Boulevard with North Eutaw Street and with Linden Avenue, and are all currently unimproved. The properties are presently zoned B-2-3.

General Area: These properties are located between the Mount Vernon and the Orchard-Biddle neighborhoods, and have a mix of uses in their immediate area. Examples of institutional uses include the State Center Office Complex opposite on the north side of Martin Luther King, Jr. Boulevard, and the Maryland General Hospital Center immediately east of these properties on the other side of Linden Avenue, and also immediately south between Linden Avenue and Eutaw Street. Examples of commercial uses include "Antiques Row" on the east side of Howard Street. The Orchard Apartments and the Seton Hill Historic District comprise the residential area to the southwest of these properties, and the Mount Vernon residential mixed-use historic district is east of Howard Street, which also forms part of the bed of the MTA Light Rail public transit line here.

HISTORY

These properties were located in the Orchard-Biddle Urban Renewal Plan area, established by Ordinance #1066, dated May 17, 1971, and last amended by Ordinance #04-852, dated November 29, 2004. The Plan expired in 2011, forty years from the date of its original adoption, in accordance with its provisions. These are the first legislative actions related to the area since expiration of the Plan.

CONFORMITY TO PLANS

The proposed actions are consistent with the Comprehensive Master Plan, LIVE EARN PLAY LEARN, Earn Goal 1, Strengthen Identified Growth Sectors, Objective 6: Retain and Attract Business in Healthcare and Social Assistance. The proposed use of these properties, if these bills are adopted, is a new Ambulatory Care Center to be developed in conjunction with an expansion of the capacity of the existing parking garage immediately south of this site. Healthcare is currently the largest employment sub-sector in Baltimore City's private sector economic base, and thus this hospital expansion, facilitated by adoption of City Council Bills #12-0160 and #13-0198, in conjunction with closing of a portion of the air rights over Linden Avenue, would help with realization of the Comprehensive Master Plan goal.

ANALYSIS

Summary:

These three actions are interdependent and are all needed in order to make possible the development and redevelopment of this site with a state-of-the-art medical care facility that would be part of Maryland General Hospital, and part of its parent organization, the University of Maryland Medical System. This new facility, an Ambulatory Care Center, would provide additional and needed medical care services that would benefit both the immediate area and the

City of Baltimore and its metropolitan area. An additional benefit would be creation of a significant employment center with potential opportunities for Baltimore residents. The proposed actions, taken as a group, are consistent with the Comprehensive Master Plan and will help meet the needs of the neighborhoods in the area and the City in general. For these reasons, as detailed below, Planning staff recommends approval of these actions.

Rezoning Request:

City Council Bill #12-0160 proposes to rezone a group of six properties to the B-5-1 commercial district in order to provide more flexibility for re-use of these properties. B-2 zoning does not permit hospitals except by ordinance, while in B-3, B-4, or B-5 zones, hospitals are a permitted use. Rezoning these properties thus would permit construction of a hospital facility on them. The Ambulatory Care Center would be a seven-story structure covering a site created by assembling these six properties. In B-3-3 zones, the maximum floor area ratio is 5.0; in B-4-1 zones, the maximum floor area ratio is 8.0; and in B-5-1 zones, the maximum FAR is 8.0. The reason for selecting B-5-1, as opposed to B-4-1, rezoning is that the central portion of Maryland General Hospital is already zoned B-5-1 (and has been since 1971), and thus this legislation would merely extend an existing B-5-1 zone to cover these properties onto which the hospital would expand.

Maryland Code Land Use Article Requirements for Rezoning:

The Land Use article of the Maryland Code requires the Planning Commission 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. In reviewing this request, the staff finds that:

1. **The Plan:** The Comprehensive Master Plan calls for strengthening identified growth sectors, such as healthcare, which is both a growth sector and the largest employment subsector within the City's private sector economic base.
2. **The needs of Baltimore City:** The City is currently undertaking a complete re-write of our zoning code. In the proposed zoning maps, the rezoning goals of many area master plans and campus plans are being incorporated into the global map change, including this proposal. The rezoning today is compatible with that effort, and will implement a specific change to a hospital campus zone for these properties sooner.
3. **The needs of the particular neighborhood:** The neighborhood specifically, as well as the City in general, will benefit from the redevelopment sought by the plan, by receiving an enlargement of medical and healthcare services delivered at this location.

Similarly, the Maryland Code Land Use article requires the City Council to make findings of fact. The findings of fact shall include:

1. **Population changes;** The population mix of the area has changed. Some of the formerly existing residential mixed-use development was supplanted by all-residential development in the early 1970s, or in the case of these properties, has been abandoned entirely. The Mount Vernon area, east of these properties, has remained stable in total

population while experiencing changes in the composition of that population. There has been a steady increase in demand for ambulatory care health services from all sectors of the population in the area and in Baltimore City in general.

2. **The availability of public facilities;** Adequate public facilities exist in this area for a wide range of uses.
3. **Present and future transportation patterns;** The existing Light Rail line in the bed of Howard Street, immediately east of these properties, provides connection to Downtown areas and to Penn Station, while State Center, immediately north of these properties, includes a Heavy Rail station and is a transit-oriented development itself. This proposed zoning is compatible with these public transportation resources.
4. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Department of Planning staff will recommend approval of the rezoning request to the Planning Commission. The BMZA will comment separately on this bill.
5. **The relation of the proposed amendment to the City's plan.** As stated above, the proposed rezoning is compatible with the goals of the City's Comprehensive Master Plan.

Following such findings, The City Council may grant the amendment based on a finding that there was: (i) A substantial change in the character of the neighborhood where the property is located; or (ii) A mistake in the existing zoning classification. In this case, staff suggests that a substantial change in the character of the neighborhood has occurred. The changing needs of the community as detailed above would justify the proposed rezoning.

Sale of Property:

City Council Bill #13-0198 would authorize sale of 890 Linden Avenue at public or private sale. 890 Linden Avenue is a triangular property at the southwest corner of Martin Luther King, Jr. Boulevard and Linden Avenue which is needed by Maryland General Hospital as part of the land on which its seven-story Ambulatory Care Center would be constructed. While the bulk of the property would be sold, the City anticipates retaining a portion of this property for purposes of creating a right-turn lane from east-bound MLK Boulevard to south-bound Linden Avenue. This is an important traffic safety consideration, as the primary patient entrance for drop-off and pick-up of persons using the Ambulatory Care Center would be on the west side of Linden Avenue. Combining this property with other properties that are the subject of City Council Bill #12-0160 would allow construction of a state-of-the-art facility that could provide enhanced medical care services to residents of the immediate area and of Baltimore city-wide. The City of Baltimore has no practical use for this property, as it is too small to attract any development of itself alone, and is not in a location suitable for programming for public uses.

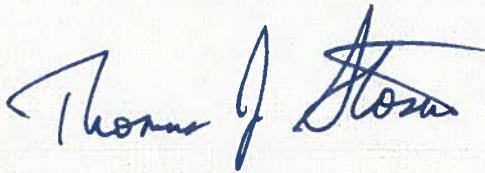
Closing of Air Rights – Linden Avenue:

Because the total land area, after subtraction of the portion of 890 Linden Avenue that the City of Baltimore would retain in order to create a right-turn lane on MLK Boulevard at Linden Avenue, as discussed immediately above, would be insufficient for floor area on each of the proposed seven floors of the Ambulatory Care Center, Maryland General Hospital requested

consideration of a site plan and architectural plans that called for cantilevering a portion of the proposed building over the right-of-way of Linden Avenue. The area proposed for closure would be approximately 172' in length and 24' in depth, measured from the western boundary of the public right-of-way, and would begin approximately two floor levels above the sidewalk on Linden Avenue. The desired floor area of each floor of a medical care facility like the Ambulatory Care Center is in the range of 20,000 to 25,000 square feet, while the actual floor area of the first two floors of this proposed structure would be approximately 12,000 square feet. To continue a 12,000 square feet floor plate upward without cantilevering would result in a need for a building which would be simultaneously taller and less internally efficient in floor plans. Closing a portion of the air rights over Linden Avenue would thus permit construction of a facility more in keeping with modern medical services requirements. Planning staff has had meetings with architects for Maryland General Hospital and recommends approval of this.

Notice

Planning staff notified the Antique Row Association of Baltimore, Midtown Community Benefits District, Mount Vernon – Belvedere Association, Seton Hill Association, and Upton Planning Committee, Inc., City Council President Young, and Councilman Cole of this action.

A handwritten signature in blue ink that reads "Thomas J. Stosur". The signature is written in a cursive style with a large, stylized initial "T".

Thomas J. Stosur
Director

