


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 #21-0166 / REZONING REZONING – BLOCK 3635, LOT 055		

TO

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

DATE: November 19, 2021

At its regular meeting of November 18, 2021, the Planning Commission considered City Council Bill #21-0166, for the purpose of changing the zoning for the property known as Block 3635, Lot 055, as outlined in red on the accompanying plat, from the C-4 Zoning District to the C-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended the adoption of findings, and amendment and approval of City Council Bill #21-0166, as well as the zoning exhibit. The Planning Commission then adopted the following resolution, with six members being present (six in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings outlined in the staff report, with consideration for testimony and facts presented in the meeting, but recommends that City Council Bill #21-0166 be **approved** as introduced by the City Council, without Planning staff's amendment.

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. Natasha Mehu, Mayor's Office
Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Matthew Stegman, City Council President's Office
Ms. Nikki Thompson, City Council President's Office
Mr. Colin Tarbert, BDC
Ms. Kathleen Byrne, 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, Esq.



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

November 18, 2021

REQUEST: City Council Bill #21-0166/ Rezoning - Block 3635, Lot 055:

For the purpose of changing the zoning for the property known as Block 3635, Lot 055, as outlined in red on the accompanying plat, from the C-4 Zoning District to the C-1 Zoning District.

RECOMMENDATION: Adopt findings, Amend and Approve with the following amendment:

- That the parcel at Block 3635, Lot 053 be included in this rezoning from the C-4 Zoning District to the C-1 Zoning District.

STAFF: Eric Tiso

PETITIONER: 2507 N. Howard Street, LLC, c/o Caroline L. Hecker, Esq.

OWNER: 2507 N. Howard Street, LLC

SITE/GENERAL AREA

Site Conditions: The descriptive property known as Block 3635, Lot 055 is located on the east side of Mace Street, approximately 100' south of the intersection with West 26th Street, and is currently zoned C-4 commercial. The lot measures 121' x 55', is currently unimproved, and is used as a surface parking lot.

General Area: This property is located in the southwestern corner of the Charles Village neighborhood, with the Remington neighborhood located to the west of North Howard Street a half-block away, and the Old Goucher neighborhood located a half-block to the south beyond West 25th Street. Mace Street is an alley street, that in this block serves as access to rears of properties fronting either on North Howard Street or Maryland Avenue, with more than half of this block having surface parking lots on either side of Mace Street.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site.

ZONING CODE REQUIREMENTS

Below are the approval standards under §5-508(b) of Article 32 – *Zoning* for proposed zoning map amendments:

(b) *Map amendments.*

(1) *Required findings.*

As required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either:

- (i) a substantial change in the character of the neighborhood where the property is located; or
 - (ii) a mistake in the existing zoning classification.
- (2) *Required findings of fact.*
 In making the determination required by subsection (b)(1) of this section, the City Council must also make findings of fact that address:
- (i) population changes;
 - (ii) the availability of public facilities;
 - (iii) present and future transportation patterns;
 - (iv) compatibility with existing and proposed development for the area;
 - (v) the recommendations of the City agencies and officials; and
 - (vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.
- (3) *Additional standards – General*
 Additional standards that must be considered for map amendments are:
- (i) existing uses of property within the general area of the property in question;
 - (ii) the zoning classification of other property within the general area of the property in question;
 - (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
 - (iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.

ANALYSIS

This bill proposes the rezoning of Block 3635, Lot 055, as a result of a mistake during the comprehensive rezoning of the City. Staff believes that Lot 53 in the same block should also be rezoned to C-1 for the same reason, and proposes an amendment to that effect. These two lots will be referred to below as the Mace Street parcels for simplicity.

Below is the staff's review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this rezoning, with our proposed amendment, is in the public's interest in that it will correct a mistake in the zoning of these properties.

REQUIRED FINDINGS

Maryland Land Use Code – Requirements for Rezoning:

The Maryland Land Use Code requires the Planning Commission to 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 (*cf.* MD Land Use Code § 10-305 (2019)). In reviewing this request, the staff finds that:

- 1. The Plan:** Article 32 – *Zoning* in §10-206 describes the existing C-4 Heavy Commercial Zoning District as intended for areas of more intense commercial use that are generally not appropriate for lower intensity commercial districts, including uses related to motor vehicles and those that might require outdoor storage.
- 2. The needs of Baltimore City:** C-4 Heavy Commercial Zoning Districts are normally designated along major street corridors, and feature auto-oriented uses, light industrial uses, and commercial uses that have the potential for more significant impact on surrounding properties than less-impactful retail uses. Examples of uses in C-4 districts are motor vehicle dealerships and repair facilities, warehousing, gas stations, and motor

vehicle operations facilities (like bus depots). There isn't a clear need for the Mace Street parcels to have been designated for these types of use, since Mace Street isn't a major street, and the lots are not large enough by themselves to serve any of those purposes.

- 3. The needs of the particular neighborhood:** In the process of the Comprehensive Rezoning process, properties in the 2500-block of North Howard and Mace Streets were considered for C-4 Heavy Commercial use, and there is evidence in the record that shows there was consideration for whether these properties would need C-4 zoning, or whether an alternate assignment would be more appropriate. The public process for the Comprehensive Rezoning process spanned from 2012 to 2016. The initial staff reviews of what would be a new draft zoning code and maps started as early as 2010. One of the challenges for this block at that time was that in 2010, the collection of Anderson auto sales, service center, and collision services were moving around to other buildings in the immediate area. It wasn't particularly clear at that time what the demand for heavy commercial use would be in this block. The 25th Street Station Planned Unit Development (PUD) was enacted in November 2010 one block to the south, which would allow for the development of new heavy commercial uses, though it would not come to fruition. When the new zoning code became effective in 2017, the two Mace Street parking lot parcels were designated C-4 in error, while 2507 North Howard Street was designated C-1. Staff does not think that there is any need for two parking lot parcels on an alley street to have been designated for heavy commercial zoning, and that this designation appears to be the result of an administrative mistake.

Similarly, the Land Use article requires the City Council to make findings of fact (MD Land Use Code § 10-304 (2019)). The findings of fact include:

- 1. Population changes;** The overall population change in the Charles Village neighborhood has decreased by 2%, which is more modest than the City's overall population loss of approximately 6%.
- 2. The availability of public facilities;** This neighborhood is well served by public facilities, which has not changed in the past decade.
- 3. Present and future transportation patterns;** There have been no significant changes to the transportation patterns in the immediate area.
- 4. Compatibility with existing and proposed development for the area;** The existing C-4 designation for the Mace Street parcels does not make sense, as they are surrounded on the west and south by a C-1 Neighborhood Business District, and on the north and east by an OR-2 Office-Residential District. The C-4 zoning is not appropriate in this context, and is likely impractical for these properties. Designation as C-1 would be more appropriate, as it would allow for a more compatible range of uses, and a similar scale of development potential.

5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department will recommend amendment and approval of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
6. **The relation of the proposed amendment to the City's plan.** In the attached exhibit, staff illustrates the chain of events through the Comprehensive Rezoning process, and how the Mace Street parcels came to be designated C-4 in error, and how they should've been designated C-1 at that time.

There are additional standards under §5-508(b)(3) that must be considered for map amendments. These include:

- (i) **existing uses of property within the general area of the property in question;**
Looking at the greater block surrounding the subject properties, there are predominantly commercial uses on the West 25th Street block, a mix of commercial and residential uses on North Howard Street, surface parking lots on West 26th Street, and rowhomes on Maryland Avenue. Mace Street is an alley street, half of which is surface parking, and the rest are the rears of properties fronting on surrounding streets.
- (ii) **the zoning classification of other property within the general area of the property in question;** The properties to the north and east are zoned OR-2, and the properties to the west and south are zoned C-1. Rezoning the Mace Street properties to C-1 would be compatible with the surrounding zoning classifications.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** The Mace Street properties are not large enough for most applications in a C-4 District, but would be more practically developable in a C-1 zone. The mix of uses and scale of development allowed under C-1 would be more compatible with the surrounding zones and existing development.
- (iv) **the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.** During the early phases of the Comprehensive Rezoning process, the auto-oriented uses of 2507 North Howard Street were shifting away from this block, and consolidating to the south at the time that the initial zoning map was being developed. As a result of the multi-year process, it was determined that while 2507 North Howard Street and the Mace Street properties were initially proposed C-4, that they should instead be zoned C-1. At the same time, 2520 North Howard Street (also previously used as an auto body shop) should go from the initially assigned C-3 to C-4 since that would better match the building type on the property. When 2507 North Howard Street was changed to C-1 zoning, the Mace Street properties were missed, though they were in the same zoning node.

Per §5-508(b)(1) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (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 the attached exhibit, staff shows how an administrative mistake was made, which this bill will correct.

Background: Staff is aware that the property owners of 2507 North Howard Street and of Block 3635, Lot 055 are interested in renovating the existing building, and developing rowhomes on both sides of Mace Street (to include on Block 3635, Lot 055 if it is rezoned).

Equity:

- Impact:
 - This rezoning will correct a mistake in the Comprehensive Rezoning process, and will allow for the redevelopment of Block 3635, Lot 055 in a manner that is more compatible with the surrounding properties in terms of intensity of use and in bulk and massing.
 - This rezoning will not by itself affect any existing patterns of inequity that persist in Baltimore. The proposed redevelopment of the part of the site for housing at a relatively affordable price point for the neighborhood is still only tentative at this point.

- Engagement:
 - The community has been meaningfully engaged in discussing this rezoning, and two letters of support have been received.
 - As this is a correction to a mistake in the zoning of the property, there has not been any special outreach for residents who may have been historically excluded from planning processes. That form of outreach will be more important in the follow-on development review that may occur in a future phase if the proposed rezoning is adopted.

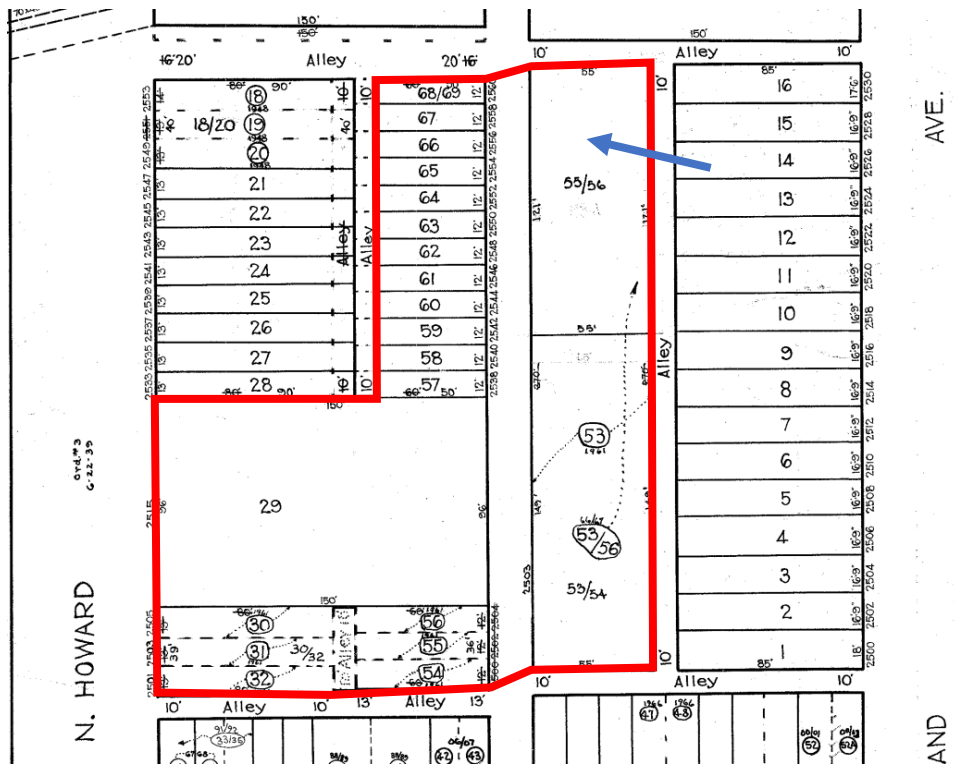
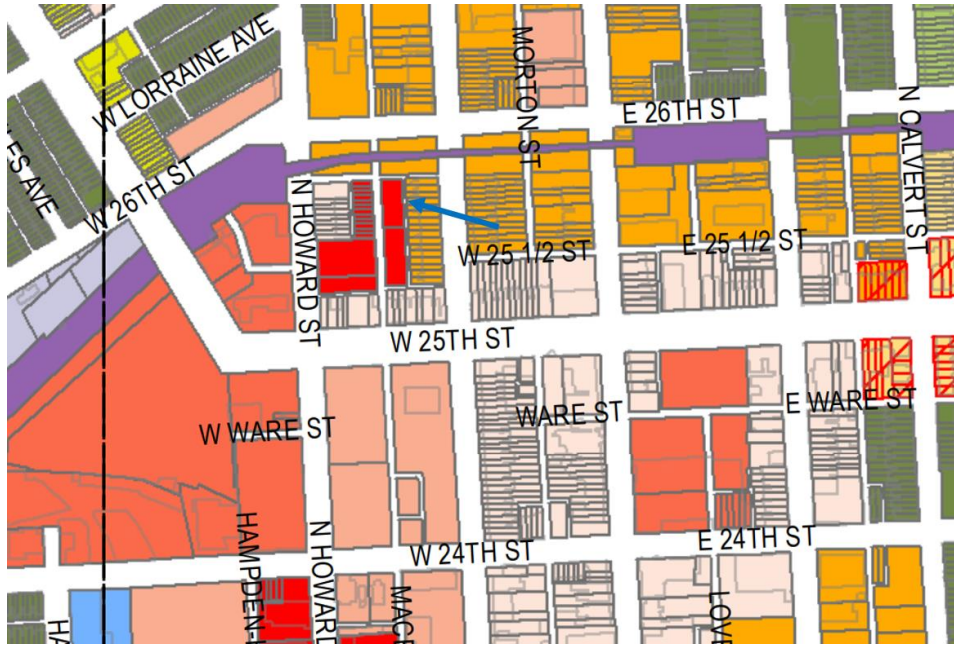
- Internal Operations:
 - There has been no significant impact on staff time or resources devoted this rezoning.

Notification: The Charles Village Community Association, the Greater Remington Improvement Association, and the Old Goucher Community Association have been notified of this action. Since staff is proposing that 2503 Mace Street (*i.e.* Block 3635, Lot 053) be amended into the bill for rezoning, a separate paper notification letter was sent to that owner, as that was the only available means to reach that owner.


Chris Ryer
Director

CCB #12-0152 - 1st Reader - Maps

Below is an excerpt from Map sheet 7-A that is among the set of maps introduced with CCB #12-0152 at the start of the comprehensive rezoning project that began in October, 2012, along with the block plat of the area. The properties shown in red were proposed for C-4 zoning, and include the lots shown in the block plat below. The subject property is Lot 55/56, identified by the blue arrow.



Planning Commission recommended amendments to City Council, Sept 2013

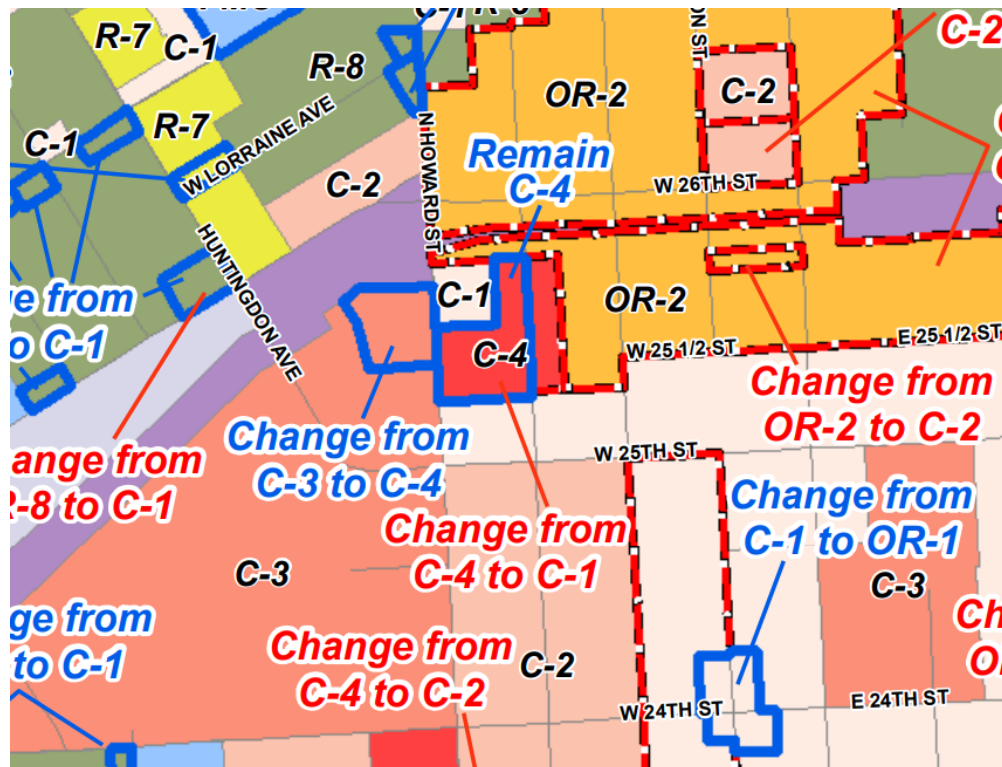
The Planning Commission reviewed proposed changes to the text, tables and maps. Among the changes proposed is map amendment #89, that references the C-4 zoning for the properties identified above. An excerpt from the table is included below showing that this entire node of C-4 zoning, including the east side of Mace Street was recommended for C-1 zoning instead.

CITY COUNCIL BILL #12-0152/TRANSFORM BALTIMORE COMPREHENSIVE ZONING
FINAL STAFF RECOMMENDATIONS AS AMENDED AND APPROVED BY PLANNING COMMISSION ON 3/21/13

March 2013

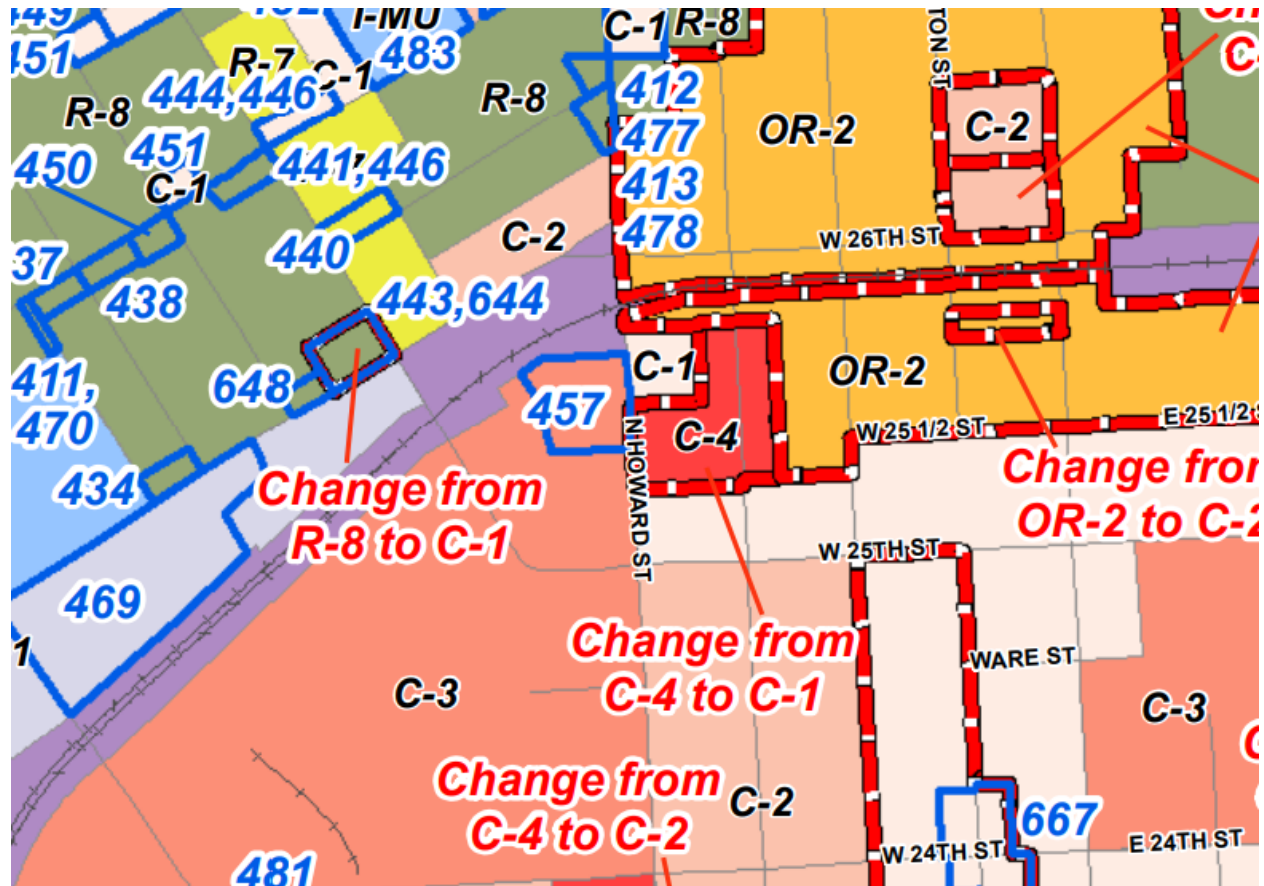
ID	Date	Property Address	Comment/Request/Concern	Preliminary Staff Recommendations	Planning concur with request	PC Action	Council District
82	2/27/2013	2600-2 Huntingdon Ave; 2601 Miles Ave	Change to C-1, these are legally established office businesses that are currently n/c in R-8. Corner props, too.	Change 2600-2 Huntingdon to C-1. Keep R-8 for 2601 Miles. It is an undeveloped rowhouse lot.	Y	Approve Staff recommendation	12
87	2/28/2013	500 N Central	Change recommended R-8 to R-10	Change is consistent with goals of master plan	Y	Approve Staff recommendation	12
88	2/28/2013	704/706 Ensor	Change recommended C-1 to IMU	Change is consistent with goals of master plan	Y	Approve Staff recommendation	12
89	3/1/2013	2500 blk of Howard EASTSIDE	Change from C-4 to C-1 since Anderson has vacated parcel	Yes, reviewed the building and Mace Street parking and ok with C-1	Y	Approve Staff recommendation	12
90	3/1/2013	2200-2300 N. Howard EASTSIDE ONLY	Change from C-4 to C-3	Upon closer review C-2 would serve this area	Y	Approve Staff recommendation	12
91	3/1/2013	2200-2400 Maryland Ave eastside	Change from C-1 to OR-1	Yes, OR is appropriate for mixed office	Y	Approve Staff recommendation	12

The 12th Council District Proposed Zoning Map with Amendments, dated Sept 25, 2015 showed the Planning Commission recommendation for the entire node of C-4 going to C-1 instead (red text and outline in original map). The blue outlines and text indicate proposed amendments at Council as of Sept 25, 2015. At that point, the properties west of Mace Street, and fronting on North Howard were proposed to keep C-4 zoning, but in any case, the two lots on the east side of Mace Street were to go to C-1 zoning.



12th Council District Proposed Zoning Map with Amendments - August 31, 2016

This map shows map amendments proposed at Council as of Aug 31, 2016, with Planning Commission recommended changes in red, where map amendments in blue refer to the tables submitted by each Councilmember. For reference, Map amendment #457 on the west side of North Howard street proposed a change from C-3 to C-4. The lack of a separate amendment for the east side of North Howard Street indicates agreement with the Planning Commission proposal for C-1.



Map Amendment – Supplemental – District 12

In a separate table of map changes as part of the Second Reader bill process, approved by Council on October 24, 2016, change M751 is shown below, which refers to a 2505 North Howard Street, though that address didn't exist any longer – it was previously used for one of three rowhomes that were demolished sometime in the 60s, and the lots were all consolidated. Staff believes that this address reference omitted reference to the east side of Mace Street, since those parcels were already agreed to be C-1 as of the Sept 25, 2015 map proposal. The table amendment therefore only needed to reference 2507 North Howard Street to align with the Planning Commission's recommended changes for the entire node of C-4 on the east side of North Howard Street extending to the east side of Mace Street, as in the map above. At this point, a mistake in identification was made, where the entire node was intended for rezoning, but the actual map change that was made did not include all of the properties identified. This is an example of a simple administrative mistake.

District 12 Map Amendments

750	Westside of Greenmount Ave between 26th St and Whitridge Ave	2706 greenmount - 3845 004 2704 greenmount - 3845 003 2702 greenmount - 3845 002 2700 greenmount - 3845 001 2620 greenmount - 3836A 010 2618 greenmount - 3836A 009 2616 greenmount - 3836A 008 2614 greenmount - 3836A 007 2612 greenmount - 3836A 005 2610 greenmount - 3836A 004	12	B-1-2	R-7	C-1
751	2505 N Howard St	there is no 2505 n howard st	12	B-3-3	C-4	C-1



Third Reader Zoning Map – October 24, 2016

The result of the multiple documents with amendments at the Second Reader process resulted in the Third Reader zoning map, which was adopted by Council. An excerpt of the final map shows that the properties on the east side of Mace Street were not picked up in the map amendment from C-4 to C-1:

