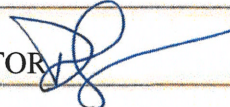



<b>FROM</b>	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of <b>BALTIMORE</b>  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #22-0156 / ZONING – CONDITIONAL USE PARKING LOT – 1207 and 1209 EAST 43 <sup>RD</sup> STREET and 1204 SPRINGFIELD AVENUE		

**TO**

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

DATE:

May 20, 2022

At its regular meeting of May 19, 2022, the Planning Commission considered City Council Bill #21-0156, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of an open off-street parking lot on the properties known as 1207 and 1209 East 43<sup>rd</sup> Street (Block 5208, Lots 004 and 005) and 1204 Springfield Avenue (Block 5208, Lot 012) as outlined in green on the accompanying plat; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #21-0156 and adopted the following resolutions, with five members being present (five in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, recommends amendment of this bill as stated in the attached staff report, 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 #21-0156 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. Natasha Mehu, Mayor's Office  
Ms. Nina Themelis, Mayor's Office  
Mr. Ethan Cohen, 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  
Mr. David Greenberg, League for People with Disabilities





Brandon M. Scott  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chairman

### STAFF REPORT



Chris Ryer  
Director

May 19, 2022

**REQUEST:** City Council Bill #21-0156/ Zoning – Conditional Use Parking Lot – 1207 and 1209 East 43<sup>rd</sup> Street and 1204 Springfield Avenue:

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of an open off-street parking lot on the properties known as 1207 and 1209 East 43<sup>rd</sup> Street (Block 5208, Lots 004 and 005) and 1204 Springfield Avenue (Block 5208, Lot 012) as outlined in green on the accompanying plat; and providing for a special effective date.

**RECOMMENDATION:** Amendment, and Approval as amended

Amendments:

1. Correct the “accompanying plat” to remove any portions of adjoining properties, private or public, from the area authorized for use as an open off-street parking lot (a proposed corrected plat is attached to this report);
2. Add to Section 1 of the bill, beginning on line 18: ... subject to the conditions that the parking area is constructed, landscaped, operated and maintained in accordance with the plan dated 03/15/2022 approved by the Site Plan Review Committee and titled “League for People/ Satellite Parking Lot”, which is attached hereto and made part of this authorization, and that the parking area complies with all ....

**STAFF:** Martin French

**PETITIONERS:** The Council President, at the request of David Greenberg, for the League for People with Disabilities

**OWNER:** The League for People with Disabilities, Inc.

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

Site Conditions: There are two sites covered by this bill. The two adjoining lots known as 1207 and 1209 East 43<sup>rd</sup> Street are unimproved and were formerly improved by two detached single-family dwelling structures. Demolition of these structures was authorized on May 1, 2019 and occurred thereafter. Both of these lots are on the south side of 43<sup>rd</sup> Street, each measuring approximately 30’ by 140’. These lots are to be consolidated as a single off-street parking lot. An application for approval of lot consolidation was received by Baltimore City on January 10, 2022. Lot consolidation is pending.

The other site, south of the first and known as 1204 Springfield Avenue, is also unimproved, and also was formerly improved by a single-family detached dwelling structure. Demolition of this

structure was authorized on May 7, 2021 and occurred thereafter. This lot measures approximately 90' by 140' and is on the north side of Springfield Avenue.

The two sites are separated by a public right-of-way, in the form of an unpaved alley measuring approximately 15' wide running parallel to both 43<sup>rd</sup> Street and Springfield Avenue. There is also an unpaved 15' wide alley along the eastern border of the lot known as 1209 East 43<sup>rd</sup> Street that meets this unpaved alley at a right angle at the southeast corner of 1209 East 43<sup>rd</sup> Street. The west end of the unimproved alley separating the two sites covered by this bill meets Portage Avenue, which connects Springfield Avenue to 43<sup>rd</sup> Street. An extension of Portage Avenue forms the eastern boundary of 1111 East Cold Spring Lane, which is the location of the League for People with Disabilities.

General Area: These two sites are in the Original Northwood community's northernmost area. Most of Original Northwood is a community of single-family detached and semi-detached dwellings with a few multi-family structures, built in accordance with a developer's plans during the first half of the 20<sup>th</sup> Century. Reflecting this development pattern, most of the southern portion of Original Northwood is zoned R-3, while its northern portion, including these sites, is zoned R-5. Across 43<sup>rd</sup> Street, which separates Original Northwood from New Northwood, is the property of the League for People with Disabilities (also in the R-5 zoning district). While most of Original Northwood is in the Original Northwood National Register Historic District, the block containing these three properties was not included in that district.

## **HISTORY**

There are no previous legislative or Planning Commission actions regarding this site. These properties retained their R-5 zoning during the comprehensive rezoning mapping process associated with adoption of the current Zoning Code which became effective on June 5, 2017.

## **CONFORMITY TO PLANS**

The proposed off-street parking facilities would not directly contribute to achieving goals contained in LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore. However, as support facilities for the League for People with Disabilities, they would indirectly assist achievement of LEARN Goal 3, Encourage a Culture of Learning by Enhancing Educational and Vocational Opportunities for all Baltimoreans; and Goal 4, Ensure Safe and Convenient Transportation to and from Educational Facilities.

## **ANALYSIS**

Background: These three properties were acquired by the League for People with Disabilities in furtherance of its plan to enhance the capacity of its facility at 1111 East Cold Spring Lane to serve more people with disabilities. That property is bounded on its north by Cold Spring Lane, which is a major east-west thoroughfare serving much of north-central Baltimore, and on its south by 43<sup>rd</sup> Street. Its eastern boundary is part of Portage Avenue, and its western lot line is the lot line behind a block of housing that fronts on The Alameda. To serve its approximately 200 clients daily, the League has paved most of its lot at 1111 East Cold Spring Lane that is not already covered by its one-story accessible building, and designated portions of it for handicapped-accessible parking. The League, aware of its need to accommodate vehicles transporting persons with disabilities, desires to re-designate more of its parking area not currently reserved for such vehicles to be parking reserved for such vehicles.



To provide parking not reserved for persons with disabilities or for vehicles transporting persons with disabilities that would need to be relocated as a result of this action, the League acquired the three lots covered by this bill with the intention of designating them as overflow or satellite parking spaces for persons without disabilities. This would allow the League to offer essentially guaranteed safe parking, drop-off and pick-up, and access routes at 1111 East Cold Spring Lane to its members and clients after displacing some non-handicapped parking spaces now on that property. Planning staff recognize that the proposed off-street parking lots could affect the surrounding community by adding paved surfaces where there previously had been some green space surrounding three houses. Despite provision of landscaping, forest conservation, and buffering of the parking lots from existing houses nearest the sites, there would be an increment in impervious coverage of the land involved, as suggested from the table below.

<i>ESTIMATE OF FORMER IMPERVIOUS LOT COVERAGE</i>	<i>Lot dimensions</i>	<i>Former house dimensions</i>	<i>Estimated former impervious surface</i>	<i>R-5 maximum impervious surface for DU (Table 9-401)</i>
1207 E. 43 <sup>rd</sup>	30' x 140'	14' x 54'	18% +	60%
1209 E. 43 <sup>rd</sup>	30' x 140'	14' x 45'	15% +	60%
1204 Springfield	90' x 140'	24' x 32'	6% +	60%

Note: the “ + “ sign is to indicate that there would have been additional impervious surface in the form of sidewalks leading to the front entrances of the former houses, and possibly other pavement on each property.

The other community-oriented consideration is that this would allow persons without disabilities, including staff and visitors coming to the primary facility at 1111 East Cold Spring Lane, to park off-street. The community views this as offering relief from their parking situation, as it should reduce demand for on-street parking on 43<sup>rd</sup> Street and Springfield Avenue by the League’s staff and non-disabled visitors. The Department of Planning is not generally in favor of creating new or expanded off-street parking resources, especially in residential areas, but in this highly unusual situation considers the benefits to the community, in the form of lessened demand for on-street parking spaces nearest to 1111 East Cold Spring Lane, to be slightly greater than the negative effects of adding impervious surface when the benefit to persons with disabilities, who would obtain enhanced access to services provided by the League for People with Disabilities, is also taken into consideration.

Site plan: This bill was introduced without a site plan for the proposed off-street parking area included. Planning staff worked with the bill’s sponsor and development team to assist preparation of an approvable site plan for the off-street parking. Due to the topography of the sites, it was determined that stormwater drainage and management would be optimized if the northern of the two parking lots (using 1207 and 1209 East 43<sup>rd</sup> Street) could be drained onto the southern of the two parking lots (at 1204 Springfield Avenue). This method requires use of part of the intervening public right-of-way that is now an unpaved or unimproved 15’ wide alley. The applicant would be responsible for entering into an agreement with the City of Baltimore for use of a portion of that alley for this purpose. The alley itself would not be used as part of either parking lot, a fact that should be reflected on the plat accompanying this bill. The site plan

approved by the Site Plan Review Committee on April 5, 2022, including its forest conservation plan and landscape plan, should be attached to this bill and be a condition of approval of the off-street parking area use.

The northern parking lot, using consolidated lots now known as 1207 and 1209 East 43<sup>rd</sup> Street, would provide 24 off-street parking spaces. The southern parking lot, using the lot known as 1204 Springfield Avenue, would provide 18 parking spaces. All spaces would comply with Zoning Code requirements.

One unusual feature of the proposed off-street parking areas would be absence of parking spaces designated for handicapped persons or for vehicles transporting persons with disabilities. The approved plan for construction of the parking lots therefore needs to stipulate that all accessible parking spaces required by the Americans with Disabilities Act are being provided on the property known as 1111 East Cold Spring Lane, for the duration that these properties are under common ownership.

Because the proposed use of these properties must be approved as a conditional use by ordinance, the Zoning Code requires that certain findings be made by the Planning Commission and the City Council in support of this proposed use. These are cited below:

Conditional Use: Per §5-406 {"Approval standards"} of Article 32 – *Zoning*:

(a) *Limited criteria for denying.*

Neither the Board of Municipal and Zoning Appeals, nor the City Council, as the case may be, may approve a conditional use unless, after public notice and hearing and on consideration of the standards required by this subtitle, it finds that:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code.

Establishment, location, maintenance and operation of these two sites, which would be made from the three properties identified in City Council Bill no. 21-0156, as open off-street parking lots would not be detrimental to or endanger public health, safety, or welfare, provided that they are constructed and maintained in accordance with the site plan to be attached to this legislation. There is no Urban Renewal Plan or other law that would preclude the proposed use. The proposed authorization would not be contrary to the public interest, in that it would assist improvement of access by persons with disabilities to supportive services, while also reducing demand for on-street parking spaces in the nearby residential community. Therefore, Planning staff conclude that this particular authorization would be in harmony with the purpose and intent of the Zoning Code.

In making the above recommendation, Planning staff reviewed §5-406(b) {"Required considerations"} of Article 32 – *Zoning*, and find that the proposed use, if constructed and maintained in accordance with the approved site plan, would meet these additional criteria for approval of a conditional use:

- (1) the nature of the proposed sites, including size and shape, is adequate for their proposed use as off-street parking areas;
- (2) there would be no negative impact on traffic patterns, and adequacy of off-street parking and loading for the primary League for People with Disabilities facility at 1111 East Cold Spring Lane would actually be improved;
- (3) the proposed use would not impair present or future development of these lots or the surrounding area;
- (4) there would be no negative impact resulting from proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- (5) there would continue to be adequate accessibility of the properties for emergency vehicles;
- (6) there would continue to be adequate accessibility of light and air to the properties and to other property in the vicinity;
- (7) adequate utilities, access roads, drainage, and other necessary facilities have been or will continue to be provided;
- (8) the proposed use would not interfere with preservation of cultural and historic landmarks and structures;
- (9) the proposed use would not alter the predominantly residential character of the neighborhood;
- (10) the proposed use is consistent with provisions of the City's Comprehensive Master Plan;
- (11) the proposed use is not inconsistent with the provisions of applicable Urban Renewal Plans, as there are none applicable to these sites;
- (12) the proposed use meets all applicable standards and requirements of the Zoning Code;
- (13) the proposed use is consistent with the intent and purpose of this Code; and
- (14) is consistent with any other matters considered to be in the interest of the general welfare.

Equity:

- Impact:
  - The community in which these properties are located has indicated some support for the proposed parking lots. However, if one acknowledges that parking lots are not the highest and best use of land, in the long term one could anticipate that these lots would be replaced with a form of development more compatible with the predominant residential use of the Northwood area.
  - To the extent that existing patterns of inequity that persist in Baltimore are unfavorable for persons with disabilities, the proposed off-street parking, by making way for increasing the portion of 1111 East Cold Spring Lane's on-site parking area reserved for persons with disabilities and for vehicles transporting persons with disabilities, would tend to counteract those patterns of inequity. This would not be a result confined to the Northwood communities because the persons with disabilities served by the League for People with Disabilities come from all parts of Baltimore.



- Engagement:
  - The applicant has stated that it has made efforts to engage nearby residents and property owners in discussing this proposal and did not receive any specific objections to it.
  - Some residents who have been historically excluded from planning processes are served by the bill's sponsor, the League for People with Disabilities, and may be further aided by this bill. This would be because these two parking lots are not designed for and would not be built to serve persons with disabilities, but rather to enable more persons with disabilities to be served at 1111 East Cold Spring Lane, which is an existing facility and a separate but nearby property.
  
- Internal Operations:
  - If authorized, the proposed use would not have any effect upon Department of Planning activities or operations.

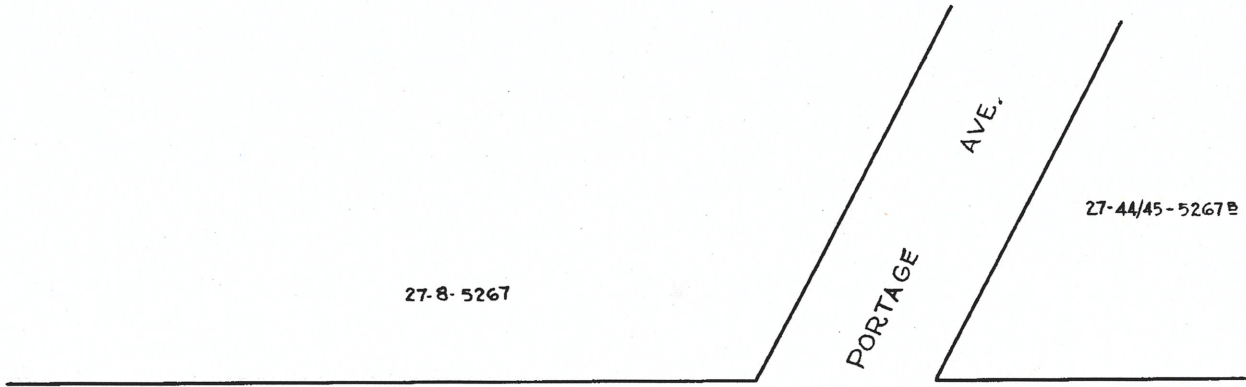
**Notifications:** The Original Northwood Association, the New Northwood Community Association, City Council President Mosby, and Councilman Dorsey have been notified of this action. Public notice of the Planning Commission hearing of this bill was timely posted on each of the lots that would be affected by this bill.



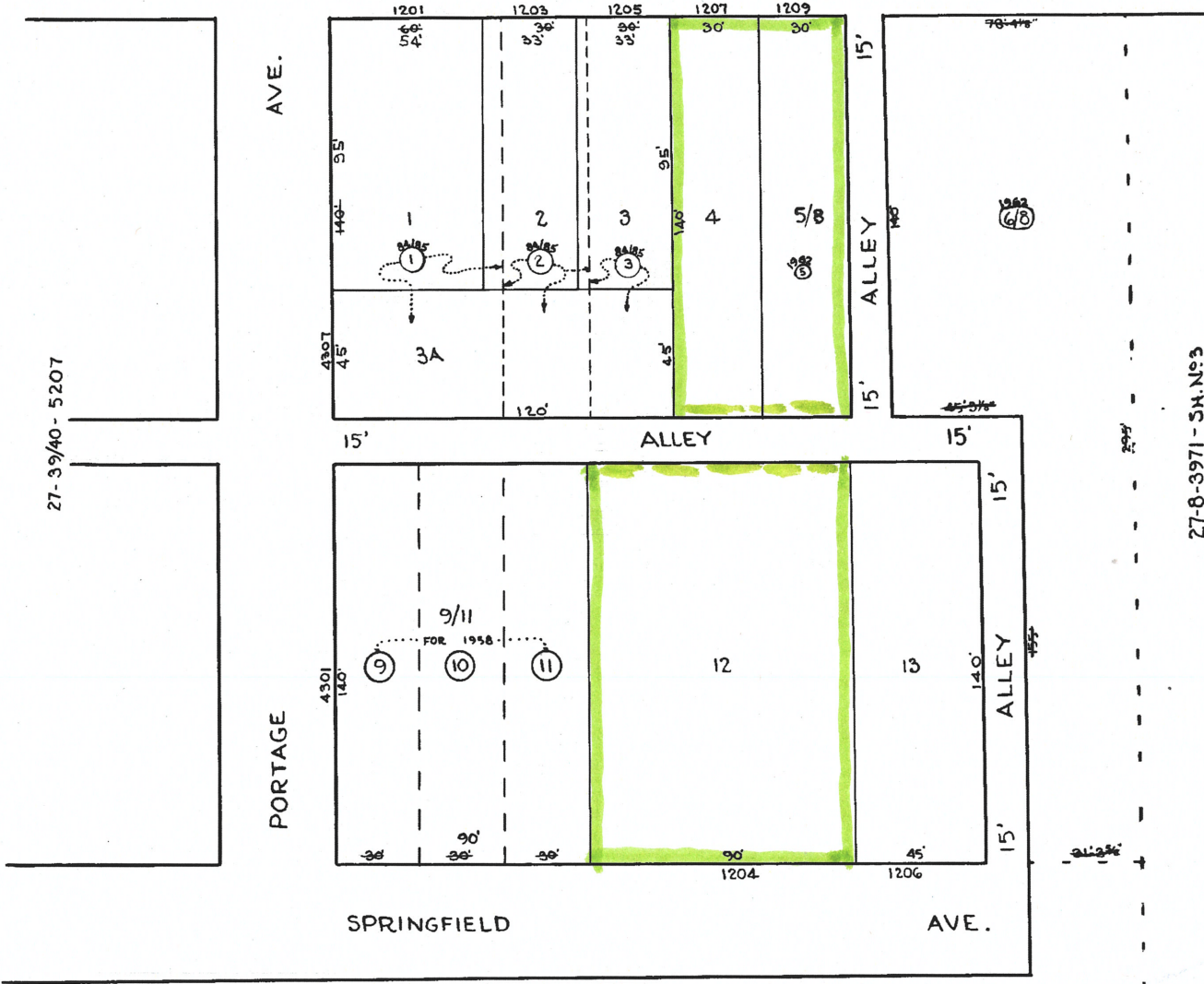
**Chris Ryer**  
**Director**



REVISIONS  
 Lot 9,10,11 Consd Per APP C Sh 7967  
 Lot 6/8 To Blk. 27 8-3971 & 5 Per P.L.D. C.54, 8983  
 LOTS 1,2,3 & 3A PER SUB-DIV 4 APP C SH. 85-335



E. 43RD. E. ARLINGTON ST. AVE. ORD. 1026 App'd. 10-23-57



27-8-3971-6

**NOTICE**  
 THIS IS A REAL PROPERTY PLAT AS PROVIDED FOR UNDER ARTICLE 76(M) OF THE CITY CHARTER. IT IS COMPILED FROM TITLE AND OTHER SOURCES AND IS NOT AN AUTHENTIC SURVEY.

TRACED BY RLW  
 LETTERED BY  
 CHECKED BY

CITY OF BALTIMORE  
 DEPARTMENT OF PUBLIC WORKS  
 BUREAU OF SURVEYS  
 PROPERTY LOCATION DIVISION  
 WARD 27 SECTION 39/40  
 BLOCK 5208  
 SCALE 1" = 40' 0" DATE July 1960