

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR <i>Chris Ryer</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #24-0580 / REZONING – 901 AISQUITH STREET		

TO

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

DATE: September 13, 2024

At its regular meeting of September 12, 2024, the Planning Commission considered City Council Bill #24-0580, for the purpose of changing the zoning for the property known as 901 Aisquith Street (Block 1207, Lot 065), as outlined in red on the accompanying plat, from the R-8 Zoning District to the R-10 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #24-0580 and adopted the following resolution:

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report and in a memorandum submitted by the applicant, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #24-0580 be **approved** by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Rebecca Witt, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services



Brandon M. Scott
Mayor

PLANNING COMMISSION

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

STAFF REPORT



Chris Ryer
Director

September 12, 2024

REQUEST: City Council Bill #24-0580/ Rezoning – 901 Aisquith Street:

FOR the purpose of changing the zoning for the property known as 901 Aisquith Street (Block 1207, Lot 065), as outlined in red on the accompanying plat, from the R-8 Zoning District to the R-10 Zoning District.

RECOMMENDATION: Adopt Findings and Approve

STAFF: Caitlin Audette

PETITIONER/OWNER: The Severn Companies; c/o Joseph R. Woolman, III, Silverman, Thompson, Slutkin and White

SITE/GENERAL AREA

Site Conditions: The property in question was originally built c. 1870 as a Catholic all-girl high school. The school served the community until its closure in June of 2020. The property fronts on Aisquith Street and is bound to the south by Ashland Avenue, to the east by Somerset Street, and to the north by the former Saint James Church. The Maryland Historic Trust holds an easement for the entire property.

General Area: The property is located in East Baltimore directly east of Latrobe Homes. The building is in close proximity to two active redevelopment plans; Perkins Somerset Oldtown Transformation Plan, and the Johnston Square Impact Investment Area.

HISTORY

No legislative actions are associated with this property.

CONFORMITY TO PLANS

The property is located within the boundaries of the Oldtown Urban Renewal Plan, which dates to 2006 and is largely outdated. A rezoning of the site would not negatively impact the plan.

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

The property has not had an active use since the closure of the Institute of Notre Dame in 2020, and its use as a school is unlikely at this time. With this change from an active campus to a new use the R-8 zoning, which is intended for rowhouse communities doesn't fit the reuse of the building.

Required Findings:

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.

Change: Since the comprehensive rezoning in 2017, the historic school closed and is unlikely to be reused as a new school. To continue to contribute to the surrounding neighborhood a higher density residential use, utilizing the entire historic building is appropriate.

Mistake: Prior to and following the last comprehensive rezoning, the site is and has been zoned R-8, Rowhouse Residential Zoning District. This zoning designation is not compatible with the existing historic building, and limits the reuse potential of the former school through the bulk requirements and permitted uses. As a large structure that is not a rowhouse, a R-10, High Density Residential District designation is more appropriate.

Maryland Land Use Code – Requirements for Rezoning:

The Land Use Article of the Maryland Code requires the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA) 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 Code, Land Use § 10-305 (2023)). In reviewing this request, the staff finds that:

1. **The Plan:** The proposed rezoning is consistent with the existing Comprehensive Plan, allowing for adaptive reuse of historic buildings. The only other plan for the area is the 2006 Oldtown Urban Renewal Plan, which is out of date and not impacted by this proposal.
2. **The needs of Baltimore City:** The reuse of the vacant building is in the best interest of the city, rezoning to allow the entire building to be used meets these needs.
3. **The needs of the particular neighborhood:** This area is experiencing investment through redevelopment associated with the adjacent PSO Plan and the Impact Investment Areas. This rezoning eliminates a barrier for continued investment by other entities not associated with these plans.

Similarly, the Land Use article, also adopted by Article 32 – *Zoning* §5-508(b)(2), requires the City Council to make findings of fact (MD Code, Land Use § 10-304 (2023)). The findings of fact include:

1. **Population changes;** The area saw a decrease in population from 2,658 to 2,370 between the 2010 and 2020 census. However, with the development of the Somerset site to the south, the population in the immediate area is likely increasing. Three of four total building are complete and the total number of new units will be 558
2. **The availability of public facilities;** This area is well served by public utilities, which will continue to serve the area.
3. **Present and future transportation patterns;** The rezoning of this property will not significantly impact area transportation patterns.
4. **Compatibility with existing and proposed development for the area;** The property is seeing increased development as part of the PSO Plan and Impact Investment Areas. The proposed rezoning is compatible with the development.
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 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.** There are no relevant provisions of any adopted plan that will be impacted by the proposed rezoning.

There are additional standards under Article 32 – *Zoning* §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;** the immediate area is predominantly housing with limited areas of religious, commercial/office, and open space.

- (ii) **the zoning classification of other property within the general area of the property in question;** the surrounding properties are zoned R-8 with a small area of C-1 to the northwest and limited areas of open space in the three block area.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** The property was purpose built as a city school in 1924, like many buildings of its era it is well positioned for adaptive reuse as many different allowed uses in C-2 including multi-family.
- (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.** The development of the former Somerset Homes north of Orleans Street is part of the PSO Transformation Plan and includes new multi-family housing, a new grocery store, and a new park. Development in Johnston Square includes new multi-family housing, a new library, and limited new commercial space.

Below is the staff's review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is in the public's interest, in that it will allow for the adaptive reuse of the property and allow the new ownership to activate the site.

Equity: The proposed rezoning would allow the currently vacant site to be more easily utilized for new development. This would positively impact the surrounding community as it would add active uses to the area. Additional housing, as that is what is planned, will add more density to the area. Continued investment in the area is needed after many years of disinvestment. The community has been notified of the proposed rezoning. Any new development of the site will need to include meaningful engagement. Staff does not expect any significant impact to time or resources outside of routine development review.

Notification: The Johnston Square Neighborhood Association, Oldtown Merchants Association, VOLAR, Change4Real, Monument East Tenant Council, Pleasant View Gardens, Stirling Street Neighbors among others have been notified of this action.



Chris Ryer
Director

MEMORANDUM

To: The Chairman and Members of
The Baltimore City Planning Commission

Cc: Eric Tiso

From: Joe Woolman

Date: 8-26-24

RE: **City Council Bill 24-0580** / 901 Aisquith St.

Mr. Chairman and Commissioners:

The purpose of this memorandum is to provide you with a brief outline of the justification for the rezoning in the above referenced legislation. This is not intended to be an exhaustive legal analysis nor are we looking to substitute this memo for the Staff Report submitted by the Department of Planning. Rather, we first offer the following information as it pertains to the "Change-Mistake Analysis" required for rezoning under Maryland Law and various zoning classifications under The Zoning Code for Baltimore City.

Section 9-204 of the Zoning Code for Baltimore City (ZCBC) describes the R-8 District as follows:

§ 9-204. R-8 Rowhouse Residential District.

(a) Neighborhoods.

The R-8 Rowhouse Residential Zoning District is intended to accommodate and maintain the traditional form of urban rowhouse development typical of many of the City's inner neighborhoods, which contain continuous, block-long rowhouse development built to or only modestly set back from the street.

(b) Housing types.

Although rowhouse is the predominant housing type, this district also accommodates other residential types, *of a similar density*, including detached and semi-detached dwellings, and multi-family developments of a larger scale than found in more restrictive zoning districts.

The project proposed is for a multi-family building containing 126 Apartments while preserving the adjacent Caroline Center (healthcare trade school for disadvantaged women in Baltimore City) The plans include ninety-five (95) parking spaces forty-two (42) of which are off-street and 53 of which on-street adjacent to the building and well within the 600' required by ZCBC §16-401(c).

As the property was never intended for “rowhouse density” uses, the team is seeking a rezoning of the site to the appropriate R-10 “High-Density” Residential District.

Section 9-206 of the Zoning Code for Baltimore City (ZCBC) describes the R-10 Residential District as follows:

§ 9-206. R-10 High-Density Residential District.

The R-10 High-Density Residential Zoning District is intended for areas of significant density accommodated in concentrated high rise and rowhouse development environments.

There is ample justification for the rezoning of the subject property pursuant to the “Change-Mistake” analysis required by the Maryland Annotated Code Land Use Article as follows:

Change in the Character of the Neighborhood

In the seven (7) plus years since the last comprehensive zoning, the neighborhood has experienced significant change as an ever-evolving market for affordable housing and multi-family residential uses has increased the demand for R-10 zoned property in the area. During this period, The School Sisters of Notre Dame announced that the school would be permanently closed after 170+ years in existence on the subject property. The absence of an open and operating educational institution, which was one of the first buildings constructed in the neighborhood and contributed to the fabric of that neighborhood, has left an inherent void appropriate for redevelopment into a higher density residential use utilizing the entire historic building footprint.

Chairman and Members of
Planning Commission
August 26, 2024

Mistake in the Existing Zoning Classification

Prior to the last comprehensive rezoning, the site was zoned R-8. It is unclear how this zoning designation was selected, but it does appear to be generally incompatible with the existing historic building form and non-residential uses since the properties were first developed in the mid-19th century. The R-8 designation fails to provide for a reasonable reuse of the historic buildings due to restrictions placed upon bulk requirements and permitted uses. The City Council failed to take into account this fact as it existed at the time and was mistaken in its selection of R-8 rowhouse zoning for a “non-row house” property.

For the reasons stated above we respectfully request the Planning Commission to make a favorable recommendation to the City Council on City Council Bill 24-0580

Thank you for your consideration of this memorandum. - JW