


FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #24-0479 / REZONING REZONING - 901 WEST MULBERRY STREET, 317-329 NORTH SCHROEDER STREET, 222 NORTH FREMONT STREET, 811 WEST SARATOGA STREET, AND 203 NORTH AMITY STREET		

DATE:

April 4, 2024

TO

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

At its regular meeting of February 22, 2024, the Planning Commission considered City Council Bill #24-0479, for the purpose of changing the zoning for the properties known as 901 West Mulberry Street (Block 0157, Lot 015), 317-329 North Schroeder Street (Block 0157, Lots 008-014), 222 North Fremont Street (Block 0173, Lot 003), 811 West Saratoga Street (Block 0173, Lot 001, and 203 North Amity Street (Block 0173, Lot 004), as outlined in red on the accompanying plat, from the R-8 Zoning District to the R-9 Zoning District ...

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #24-0479 and adopted the following resolution, with eight members being present (six in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, 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 #24-0479 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

February 22, 2024

**REQUEST:** City Council Bill #24-0479/ Rezoning – 901 West Mulberry Street, 317-329 North Schroeder Street, 222 North Fremont Street, 811 West Saratoga Street, and 203 North Amity Street:

For the purpose of changing the zoning for the properties known as 901 West Mulberry Street (Block 0157, Lot 015), 317-329 North Schroeder Street (Block 0157, Lots 008-014), 222 North Fremont Street (Block 0173, Lot 003), 811 West Saratoga Street (Block 0173, Lot 001, and 203 North Amity Street (Block 0173, Lot 004), as outlined in red on the accompanying plat, from the R-8 Zoning District to the R-9 Zoning District; and providing for a special effective date.

**RECOMMENDATION:** Adopt findings and Approve

**STAFF:** Eric Tiso

**PETITIONER:** AHC Inc., c/o Caroline L. Hecker, Esq.

**OWNERS:** Baltimore Affordable Housing Development, Inc., the Mayor and City Council of Baltimore, and the Housing Authority of Baltimore City.

### **SITE/GENERAL AREA**

Site Conditions: The group of parcels listed in this bill make up the current footprint of Poe Homes public housing project, as well as several nearby outparcels. 222 N Fremont St is a seven-acre property that contains the Poe Homes public housing development, low-rise buildings built in 1940 that have reached the end of their useful life. Adjacent to the Poe Homes site is 811 West Saratoga Street, at .514 acres, the former site of the First Mount Olive church, which was destroyed by a fire in 2007, though two auxiliary buildings remain. 203 North Amity Street is the site of the Edgar Allen Poe House, a national historic site and museum open the public. 901 West Mulberry Street is a .779-acre vacant parcel, formerly the site of a Jehovah Witness place of worship, and the adjoining 317-329 North Schroeder Street are a mix of vacant land and vacant buildings in disrepair.

General Area: These properties are located along the northern edge of the Poppleton neighborhood, which was historically characterized by blocks of rowhomes, as well as several public housing complexes. Some of the public housing facilities (Lexington Terraces) were demolished in 1996 and replaced by the Hope VI-funded Townes at the Terraces. The north and east edges of the neighborhood are bound by large thoroughfares, Route 40/Franklin-Mulberry Expressway and Martin Luther King Jr Dr, respectively. Presently, much of the land in Poppleton has been cleared and is under the Poppleton Planned Unit Development, a 13-acre

project to build higher density housing and other uses. The southern edge of the neighborhood is marked by the West Baltimore Street commercial corridor and University of Maryland Biopark.

## HISTORY

- Ordinance #07-419 established the Poppleton Planned Unit Development (PUD) #136, dated April 24, 2007. (The PUD overlaps with the proposed Transform Poe site but not with the sites on this rezoning bill).
- Ordinance #75-837, established the Poppleton Urban Renewal Plan (URP), dated March 31, 1975. The latest amendment to the URP was made by Ordinance #19-294, dated September 25, 2019.

## CONFORMITY TO PLANS

The **Poppleton Urban Renewal Plan**, enacted in 1975 and amended many times, most recently in 2019, identifies the sites included in this bill as R-8 residential zoning districts, and therefore does not support rezoning the sites to R-9. The Poppleton Urban Renewal Plan's defined duration is 50 years from the date of adoption and is set to expire on March 31, 2025. The URP has outlived its use and therefore planning staff recommends a city council bill be introduced to repeal the Urban Renewal Plan in order to allow the underlying zoning to control land use.

**The Southwest Partnership Vision Plan** (2015) includes an approach within its Housing Development section stating that a *“primary strategy is to increase the number and quality of market units in the neighborhood, and to improve the quality of the subsidized housing in the area.”* It goes on to indicate that *“For affordable housing, the use of ... federal funds to improve Poe Homes, when they become available, would complement the market housing approach outlined in this plan.”* The proposed rezoning will enable developers to increase the potential unit count on the subject sites, improve subsidized housing within the planning area, and access federal funding for such an undertaking. The proposed rezoning does not conflict with this plan.

**Transform Poe** is a HUD-funded plan to direct the development of a Choice Neighborhoods housing project for the Poe Homes replacement, completed by the Housing Authority of Baltimore City in 2020. This plan stated that *“the R-9 district is intended for tall buildings surrounded by green space, which is not the context of Poppleton. The other adjacent parcels are zoned R-8, Rowhouse Residential District. Repealing the existing PUD and a zoning map amendment for these properties would be needed to make the land ready for an urban mid-rise residential development that supports the housing goals of the Poe Homes redevelopment.”* This plan was generated under the assumption that HABC would acquire additional land within the Poppleton PUD to develop Poe Homes. The plan states that R-8 and R-9 are not appropriate but does not indicate which zoning district is preferred. In practice, additional site control was limited to only two additional sites. To execute a modified version of the Transform Poe plan, HABC has requested rezoning to R-9. This zoning category will require zoning variances for building setbacks, maximum lot coverage, and/or density for every phase of the project to accommodate the number of housing units proposed. The Transform Poe plan includes developing opportunities for homeownership, and the R-9 designation does not restrict those opportunities.

The Edgar Allen Poe House (203 N Amity) will remain as a historic landmark and museum, and its status as such would be unaffected by a zoning change.

## 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

Prior to comprehensive rezoning in 2017, this group of sites were zoned R-8, and they remained R-8 under the current underlying zoning standards. The subject area is included in several large-scale planning initiatives, including the Reconnecting Communities “West Baltimore United” planning for the Route 40 corridor and the relaunch of the Maryland Transit Administration’s Red Line project, both of which are immediately to the north of the proposed Poe Homes sites. Two of the three proposed Red Line alignments indicate a station location at Fremont Avenue and West Mulberry Street. These projects, if implemented, are expected to bring significant investment and growth opportunities to the Poppleton area.

**Background:** Through the Transform Poe plan, it is widely understood that the rezoning effort is intended to facilitate the development of a HUD-backed Choice Neighborhoods project to replace Poe Homes with mixed-income housing, on the order of 578 units. HABC has requested rezoning of the subject sites to R-9 to allow for this added density to fulfil the requirements of this funding program. Some members of the Poppleton community have expressed opposition to added density and height to the built environment.

**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. This rezoning is based on the finding of fact that substantial changes in the character of the neighborhood has occurred. One such change is the completion of the Transform Poe planning process and the gradual deterioration of the conditions of Poe Homes over time that necessitate replacing this housing infrastructure with much-needed modern facilities.

Additionally, with the major planning initiatives surrounding the Reconnecting Communities program and MTA’s Red Line project, significant investment is expected to come to Poppleton which will allow for and promote increased density. Ultimately, a Transit Oriented Development classification may be more appropriate to maximize density and take advantage of public transportation infrastructure, however short of a finalized transit plan, increasing density to R-9 in this area is an appropriate step towards that future.

**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:** An increase of housing units and housing diversity, especially those that are affordable for low-income families, are a significant facet of the Southwest Partnership Vision Plan, the Southwest Impact Investment Area Implementation Strategy, and the Transform Poe plans. Changing zoning for higher density accomplishes those goals.
2. **The needs of Baltimore City:** Affordable housing options are deeply needed across Baltimore City to retain and attract residents. The zoning change will support redevelopment of underused Poe Homes site and several un-developed sites for this purpose.
3. **The needs of the particular neighborhood:** Poe Homes has reached untenable conditions and must be replaced. The proposed zoning change will permit additional density, so that the public housing residents may be provided with new homes in a healthy, safe, and livable environment while attracting new residents to the area.

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;** Poppleton has seen a steady population decline of approximately 10% over the past two decades.

2. **The availability of public facilities;** The existing neighborhood is well served by public facilities. Any proposed redevelopment of a site of this size will require infrastructure changes in coordination with DOT, DPW, and other city agencies.
3. **Present and future transportation patterns;** Should the proposed Red Line, West Baltimore MARC station improvements, and East-West Raise transportation projects be fulfilled, public transportation access will aid in compensating for increased density. Proposed development projects will require review by the Site Plan Review Committee to analyze transportation effects.
4. **Compatibility with existing and proposed development for the area;** R-9 zoning is the category assigned to the group of properties currently under the planned unit development immediately to the West, which includes a proposed mix of multi-family and single-family housing. Changing the zoning of the subject properties will align them with this ongoing 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 deferred a recommendation on this legislation to that of the report and recommendation of the Planning Commission.
6. **The relation of the proposed amendment to the City's plan.** As noted above, changing zoning to R-9 supports the need for housing as described in several local area plans.

There are additional standards under Article 32 – *Zoning* §5-508(b)(3) that must be considered for map amendments. These include:

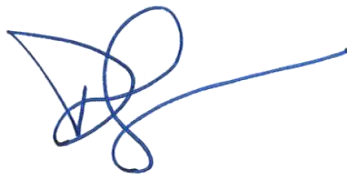
- (i) **existing uses of property within the general area of the property in question;** The 222 N Fremont St site use, at present, is public housing, and the 203 Amity Street site is the Edgar Allan Poe House museum. The other sites within this bill are vacant land or vacant buildings. In the immediate area, to the east and south are single family rowhomes. To the west are recently-constructed multi-family buildings and vacant parcels. To the north is the Route 40 Franklin-Mulberry corridor. Some light industrial uses exist on Saratoga Street.
- (ii) **the zoning classification of other property within the general area of the property in question;** The subject sites and all those to the east and south are in zoning district R-8. The area under the Poppleton PUD, to the west, is zoning district R-9.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** These sites have historically and suitably served residential uses under the R-8 zoning district.
- (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 trend in development in the area is multi-family residential housing, some with ground-floor retail.

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 promote development opportunities for replacing the deteriorating Poe Homes public housing with new publicly-subsidized units and create mixed-income housing for the community. Opposition has been expressed by members of the Poppleton community and planning staff will support the applicant in continuing to develop a project that supports both the needs of the residents of Poe Homes and addresses the vision of the surrounding community.

Equity:

- **Impact:** The proposed rezoning will have a positive effect on existing patterns of inequality that persist in Baltimore by encouraging investment in an underserved, formerly red-lined neighborhood, eliminating vacant and blighted properties, and expanding access to options for affordable housing.
- **Engagement:**  
Planning staff have discussed the proposed zoning changes with the community through several meetings with residents and leaders of the neighborhoods. Public engagement for the Transform Poe project has taken place over several years, led by HABC, and has meaningfully engaged residents that are historically excluded from planning process, including those who live at the public housing facilities. The Poe Homes proposals, to date, have yet to gain full support of residents outside of Poe Homes and more engagement with the community is needed to realize the project.
- **Internal Operations:**  
This zoning change will require that every stage of the proposed HABC project will require BMZA hearings to approve zoning variances for building setbacks, density, and maximum lot coverage. This will require additional city staff review time for each of those review hearings.

Notification: The Poppleton Now Community Association, Hollins Roundhouse Community Association, Townes at the Terraces, and Southwest Partnership have been notified of this action.



**Chris Ryer**  
**Director**