


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 #23-0432 / REZONING – 3301 AND 3311 THROUGH 3327 SAINT PAUL STREET		

DATE:

December 26, 2023

TO

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

At its regular meeting of December 21, 2023, the Planning Commission considered City Council Bill #23-0432, for the purpose changing the zoning for the properties known as 3301, 3311, 3313, 3315, 3317, 3319, 3321, 3323, and 3327 Saint Paul Street (Block 3871, Lots 1, 3, 4, 5, 6, 7, 8, 9, and 10), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District..

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #23-0432 and adopted the following resolutions, with eight members being present (eight 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 #23-0432 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. 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
Mr. Al Barry, AB Associates



Brandon M. Scott
Mayor

PLANNING COMMISSION

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

STAFF REPORT



Chris Ryer
Director

December 21, 2023

REQUEST: City Council Bill #23-0432 / Rezoning – 3301 Saint Paul Street and 3311 through 3327 Saint Paul Street:

For the purpose of changing the zoning for the properties known as 3301, 3311, 3313, 3315, 3317, 3319, 3321, 3323, and 3327 Saint Paul Street (Block 3871, Lots 1, 3, 4, 5, 6, 7, 8, 9, and 10), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

RECOMMENDATION: Adopt the findings of fact, Amendment, and Approval, with the following amendments:

- That the property known as 3301 Saint Paul be removed from the bill title on Line 2, Page 1.
- That the property known as 3301 Saint Paul be removed from the list of properties to be rezoned on Line 3, Page 1.
- That the text referencing Lot 10 be removed from Line 5, Page 1.
- That the property known as 3301 Saint Paul be removed from the text on Line 15, Page 1.
- That the text referencing Lot 10 be removed from Line 16, Page 1.
- That the red outline be removed from 3301 Saint Paul (Block 3871, Lot 10) on the plat map exhibit, page 1, accompanying the bill.
- That the red dot be removed from 3301 Saint Paul (Block 3871, Lot 10) on the plat map exhibit, page 2, accompanying the bill.
- That the map exhibits be replaced with the amended exhibits attached to this Staff Report.

STAFF: Renata Southard

PETITIONER: Harkesh K. Sharma and Pardeep Kumar, c/o AB Associates, Charles Hoffberger

OWNERS: Harkesh K. Sharma and Pardeep Kumar

Address	Block	Lot	Owner
3301 Saint Paul Street	3871	10	Johns Hopkins University, The
3311 Saint Paul Street	3871	9	Kumar, Pardeep
3313 Saint Paul Street	3871	8	Sharma, Harkesh K.
3315 Saint Paul Street	3871	7	Sharma, Harkesh K.
3317 Saint Paul Street	3871	6	Tambers Holdings, LLC

3319 Saint Paul Street	3871	5	Carry, Virginia K.
3321 Saint Paul Street	3871	4	Sharma, Harkesh K.
3323 Saint Paul Street	3871	3	Sharma, Harkesh K.
3325 Saint Paul Street	3871	1/2	Sharma, Harkesh K.

SITE/GENERAL AREA

Site Conditions: This site is located on the eastern side of the street, between Saint Paul Street and Hargrove Street, north of E. 33rd Street. The properties are approximately rectangular in shape, containing 0.77± acres of land. Block 3871, Lots 1, 3, 4, 5, 6, 7, 8, 9, are improved with two-story rowhouses, and Block 3871, Lot 10 is improved with an eight-story residential building.

General Area: These properties are located in the Charles Village Neighborhood, to the immediate north of North Charles Village Planned Unit Development (PUD) #91, the first community led PUD within the City of Baltimore. Union Memorial Hospital is to the immediate north and east of Block 3871, and the Johns Hopkins University Homewood Campus is one block to the west of this site. On the north edge of the neighborhood, roughly one block north of the site, University Parkway divides the Charles Village Neighborhood from the Oakenshawe Neighborhood on a northwest – southeast angle.

HISTORY

- The properties located at Block 3871, Lots 1, 3, 4, 5, 6, 7, 8, 9, were previously zoned R-8 under the prior Zoning Code and retained that zoning in the City-wide Comprehensive Rezoning despite petitioning the then Councilperson for a change to C-1 zoning.
- The property located at Block 3871, Lots 10 was previously zoned R-10 under the prior Zoning Code and retained that zoning in City-wide Comprehensive Rezoning.
- On May 25, 2022, the Charles Village Civic Association, Inc. sent a letter to owners impacted by the proposed rezoning to inform them of the action. Applicant supplied a copy of these letters to Planning on December 12, 2023.

ZONING 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 group of rowhouse buildings located at 3311 through 3327 Saint Paul Street (Block 3871, Lots 1, 3, 4, 5, 6, 7, 8, and 9) are surrounded by a 10-story parking garage to the immediate north, a 6-story parking garage to the immediate east, an 8-story multi-family residential building to the south located at 3301 Saint Paul Street (Block 3871, Lot 10, also proposed to be rezoned by this ordinance), and two 8-story buildings across Saint Paul Street, including one multi-family building and one mixed-use building with ground floor retail and multi-family housing above. Lots 1 and 2 were consolidated at some point in the past and are referred to as Lot 1.

At the time of the Comprehensive Rezoning, Block 3871, Lots 1, 3, 4, 5, 6, 7, 8, and 9 (the rowhouses located at 3311 through 3327 Saint Paul Street) were zoned R-8, and Block 3871, Lot 10 (the 8-story multi-family building located at 3301 Saint Paul Street) was zoned R-10. Much of the surrounding neighborhood, including the immediately adjacent blocks to the north, east, south, and west were also zoned R-10. The owners of Block 3871, Lots 1 and 3 owned and operated a restaurant out of 3327 Saint Paul Street (Block 3871, Lot 1). The restaurant had been a non-conforming use under the prior code, Zoning Code of Baltimore City (Last Amended by Ord. 15-435) but has been open and continuously run by the same owner since 1991. Under the current code, Article 32 – Zoning, the use is Conditional to the Board, per § 14-328. Neighborhood commercial establishments.

At the time of the Comprehensive Rezoning, the owner of Block 3871, Lots 1 and 3, and other property owners were considering changing the use of some of the buildings from residential at the ground floor to commercial uses at the ground floor with residential use above and petitioned to have their property rezoned. Since it was part of the City-wide Comprehensive Rezoning effort, it was not necessary at the time to meet the factors required for rezoning of land, as the Commission must do when considering properties by themselves. The prior Councilperson disagreed and did not rezone the properties, despite rezoning blocks immediately to the north and east to the H zoning district and rezoning the blocks immediately to the south to the C-1 zoning district.

After the CCB #23-0432 was introduced, Planning staff had a meeting with a legal representative of Johns Hopkins University. During that meeting, the rezoning of 3301 Saint Paul Street was discussed, and the representative of Johns Hopkins University stated they were unaware of the intent of the owner, Johns Hopkins University, to rezone the property. Planning staff then contacted the bill's sponsor, Councilperson Odette Ramos, to inquire about the inclusion of 3301 Saint Paul Street within CCB # 23-0432. Councilperson Ramos confirmed that this property,

3301 Saint Paul Street (Block 3871, Lot 10) had been included in CCB # 23-0432 in error and that the property was not intended to be rezoned from R-10 to C-1, and as a result Planning is recommending a series of amendments to correct this mistake.

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. The Applicant has submitted a memorandum in support of the rezoning with rationale to support a finding of a mistake.

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:** This site is not located within any specific neighborhood plan areas but is adjacent to the North Charles Village PUD #91. The proposed change from R-8 and R-10 zoning districts to C-1 district align with the North Charles Village PUD #91, with regard to both the geography and the intended commercial use along Saint Paul Street.
- 2. The needs of Baltimore City:** There is benefit to the City in creating nodes of compatible zoning and contiguous commercial uses along main corridors. Rezoning the odd side of the 3300 block of Saint Paul Street (3311 through 3327 or Block 3871, Lots 1, 3, 4, 5, 6, 7, 8, and 9), continues a pattern of C-1 zoning along the east side of the street from 3101 through 3327 Saint Paul Street. Additionally, Saint Paul Street is listed as a Principal Arterial Street by MDOT.
- 3. The needs of the particular neighborhood:** This site is located in a neighborhood that has experienced a change of density and use over the last 25 years, moving from a primarily medium-density residential rowhouse neighborhood to a mix of commercial and higher-density multi-family buildings. This block of lower density rowhouses being rezoned to C-1 provides a wider variety of opportunities for small ground floor commercial uses in this location and makes sense based on the context. There is low likelihood of negative impacts to any nearby residents.

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;** This site is located in the Charles Village neighborhood. Between 2010 and 2020, population dropped by 2% from 8,906 to 8,794 (a total of loss of 112 residents). Residents in Charles Village are a mix of permanent and temporary or transitory, due to the neighborhood’s close proximity to the neighboring Johns Hopkins

University. A slight drop in population may have a direct relationship to student enrollment but this relationship has not been studied.

2. **The availability of public facilities;** This area is well served by City infrastructure, which is not expected to change. As the buildings on these sites are to be retained, there will be no change to that infrastructure, or for the provision of adequate services.
3. **Present and future transportation patterns;** As the property has not practically changed in its use, there are no expected impacts.
4. **Compatibility with existing and proposed development for the area;** The property is surrounded by commercial uses, hospital uses, and higher-density multi-family residential uses. As no change is proposed for the immediate use of the property, there are no expected changes in compatibility. A future change to more commercial may impact the neighborhood positively, serving the residents and employees of the hospital.
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 specific plans for this area that would affect the consideration of this bill.

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;** These properties are located adjacent to properties with high-density residential uses to the west, commercial uses to the west and south, and hospital use to the east and north.
- (ii) **the zoning classification of other property within the general area of the property in question;** These properties are located adjacent to properties zoned R-10 High-density Residential Districts to the west, C-1 Neighborhood Business Districts to the south, and H-1 Hospital Districts to the north and east.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification;** As the use of the property will not change immediately, it will continue to be suitable for continued commercial and residential use. Correcting the zoning from R-8 to C-1 for the property located at 3329 Saint Paul Street (Block 3871, Lot 1) will also allow the long-operating restaurant to become a conforming use under Article 32 – *Zoning*.
- (iv) **and 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.** There have not been significant changes from development in the immediate area of this property since 2017. Changes in the neighborhood prior to the 2017 adoption of Article 32 – *Zoning*, and the continued demand for housing and commercial development is apparent. The change from R-8 to C-1 on the neighboring block of 3200 block of Saint Paul Street, under the Comprehensive Rezoning, signal a mistake was made with this block remaining R-8.

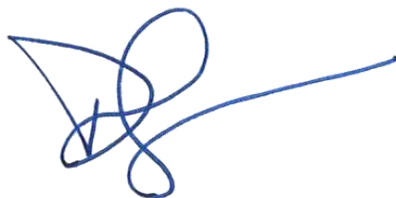
Below is the staff’s review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is in the public’s interest, in that it will retain commercial zoning in a compact node of commercial and residential uses, essentially undoing the mistake made in the Comprehensive Rezoning process.

Staff understands that the owner of this parcel believed there were possibilities of commercial use interest for the group of parcels included in this bill and made requests for a zoning change to C-1 as part of the Comprehensive Rezoning of the City prior to the 2017 adoption of Article 32 – *Zoning*. The C-1 zoning was not adopted for the parcels listed in CCB # 23-0432 as part of the official zoning map, and they retained their R-8 and R-10 zoning. Over the years since the 2017 effective date of the current zoning code, there has been continued demand for commercial uses in this part of the Charles Village Neighborhood. Allowing the commercial designation for these properties is the most reasonable option, ensuring that the use of Block 3871, Lot 1 does not remain a conditional use (as a restaurant). Additionally, the residential uses are allowed within the C-1 zone and would not be non-conforming if a change was made from R-8 to C-1 zoning. A summary of the changes is attached below.

Equity:

Staff does not believe that the change in zoning for these parcels will have any particular impact on the surrounding properties, nor on any area residents, as the practical use of the parcel has not changed. Staff does not anticipate any impact on staff time or resources as a result from this action. There has been some concern from residents about preserving the historical character of this block; however, there are not currently any protections in place that would prevent the existing buildings from being replaced with a contemporary building under the current zoning of R-8. A change in zoning does not directly impact preservation of this block; it could be argued that allowing a wider variety of uses under the C-1 zoning may prolong use of these buildings, however, per Article 32 – *Zoning* § 14-328 some commercial uses are already allowed, as the buildings are existing. If the buildings are demolished and a new development was constructed, the existing restaurant would not be allowed by right under the current R-8 zoning.

Notification: The Charles Village Civic Association has been notified of this action. Additionally, on December 12, 2023, Planning staff sent notification to 675 individuals in the Northern Planning District, 233 of which are residents and elected or generally interested parties.



Chris Ryer
Director

Recorded Plat:

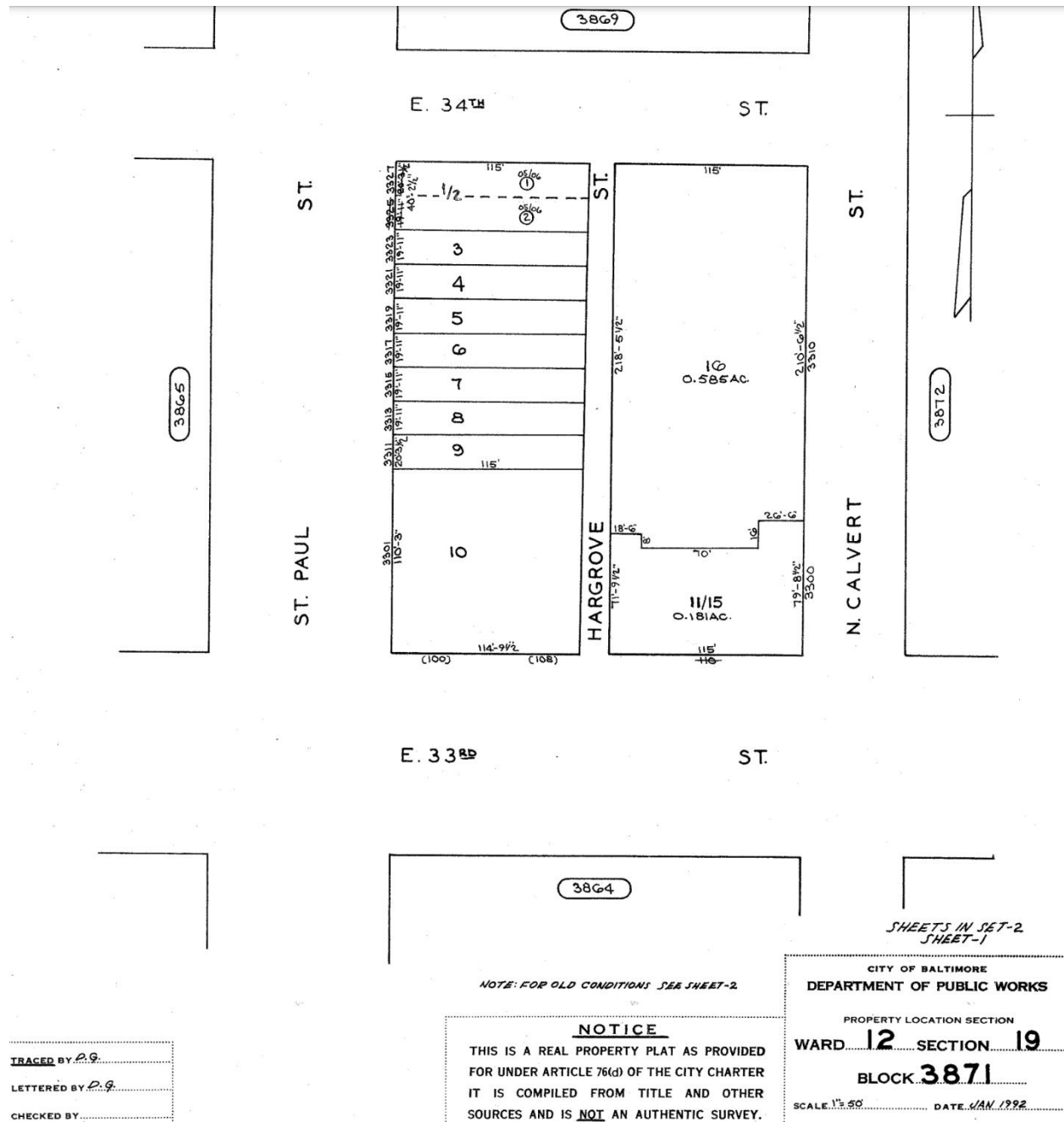


Figure 1: Clip of the plat map for Ward 12, Section 19, block 3817.

Summary of changes under CCB #12-0152 - TransForm Baltimore – Zoning:

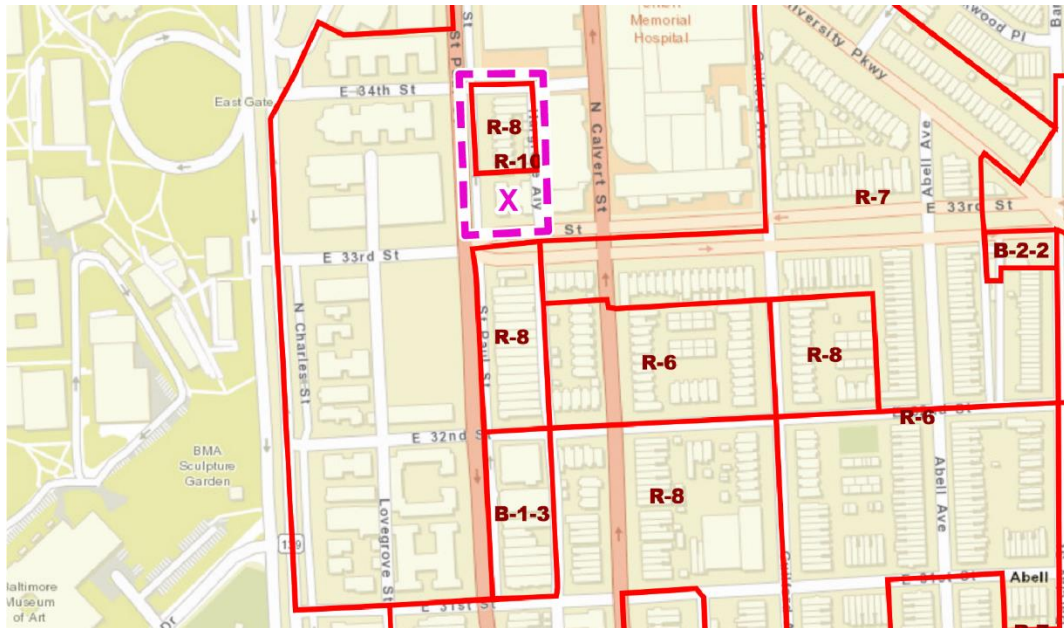


Figure 2: Prior Zoning: before adoption of Article 32 – Zoning (2017). Note 3301 Saint Paul with the X is proposed to be removed from CCB # 23-0432 with an amendment suggested by Planning Staff.



Figure 3: Excerpt from First Reader Map, sheet 3-C (2012). Dark green indicates R-10, dark blue indicates H-1, and light pink indicates C-1. Note 3301 Saint Paul with the X is proposed to be removed from CCB # 23-0432 with an amendment suggested by Planning Staff.

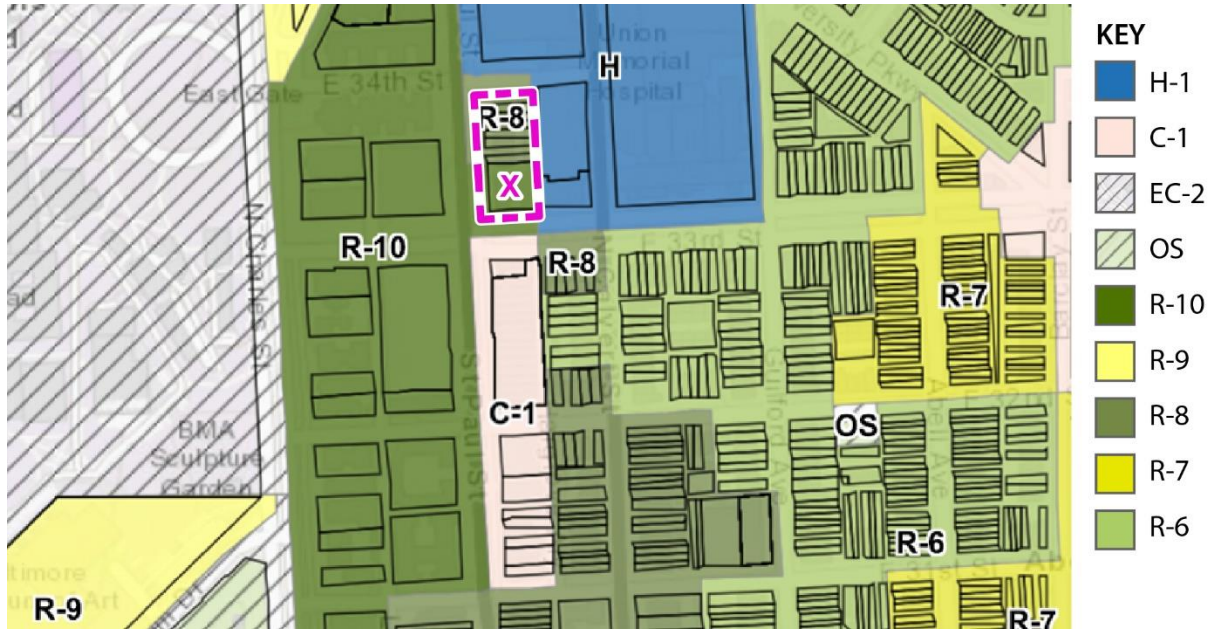


Figure 4: Current Zoning (enacted 2017). Dark green indicates R-10, dark blue indicates H-1, and light pink indicates C-1. Note 3301 Saint Paul with the X is proposed to be removed from CCB # 23-0432 with an amendment suggested by Planning Staff.