

For Internal Use Only



**BALTIMORE CITY COUNCIL
WAYS AND MEANS
COMMITTEE**

Mission Statement

The Committee on Ways and Means (WM) is responsible for ensuring taxpayer dollars are expended prudently and equitably. WM will exercise regular oversight of the City's budget, expenditures, loans, and other financial matters. The committee's areas of jurisdiction include: budget & appropriations, taxation, financial services, consumer protection, audits, and the Comptroller's Office.

**The Honorable Eric T. Costello
Chairman**

PUBLIC HEARING

**Tuesday, November 12, 2024
10:00 AM**

COUNCIL CHAMBERS

Council Bill #24-0580

Rezoning - 901 Aisquith Street

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Staff: Marguerite Currin (443-984-3485)



BILL SYNOPSIS

Committee: Ways and Means

Bill 24-0580

Rezoning - 901 Aisquith Street

Sponsor: Councilmember Stokes

Introduced: August 26, 2024

Purpose: 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.

Effective: 30th day after enacted.

Agency Reports

| | |
|---|---------------------------------|
| Law Department | Favorable with finding of facts |
| Department of Housing & Community Development | None as of this writing |
| Planning Commission | Favorable |
| Baltimore Development Corporation | None as of this writing |
| Department of Transportation | None as of this writing |
| Board of Municipal & Zoning Appeals | None as of this writing |
| Parking Authority of Baltimore City | Favorable |

Analysis

Current Law

Article 32 – Zoning

Zoning District Maps

Sheet 46

Baltimore City Revised Code

(Edition 2000)

Background

If enacted this bill would permit the property at 901 Aisquith Street to be rezoned from the R-8 Zoning District to the R-10 Zoning District. The property will be used for multi-family residential units. The property was the Institute of Notre Dame, which was a private Catholic all-girls high school, which closed in June 2020.

The property is owned by the Institute of Notre Dame, Inc., located in the 12th Council District in the Johnson Square neighborhood of Baltimore City.

Additional Information

Fiscal Note: None

Information Source(s): City Code, Bill 24-0580 and all agency reports and correspondence received as of this writing.

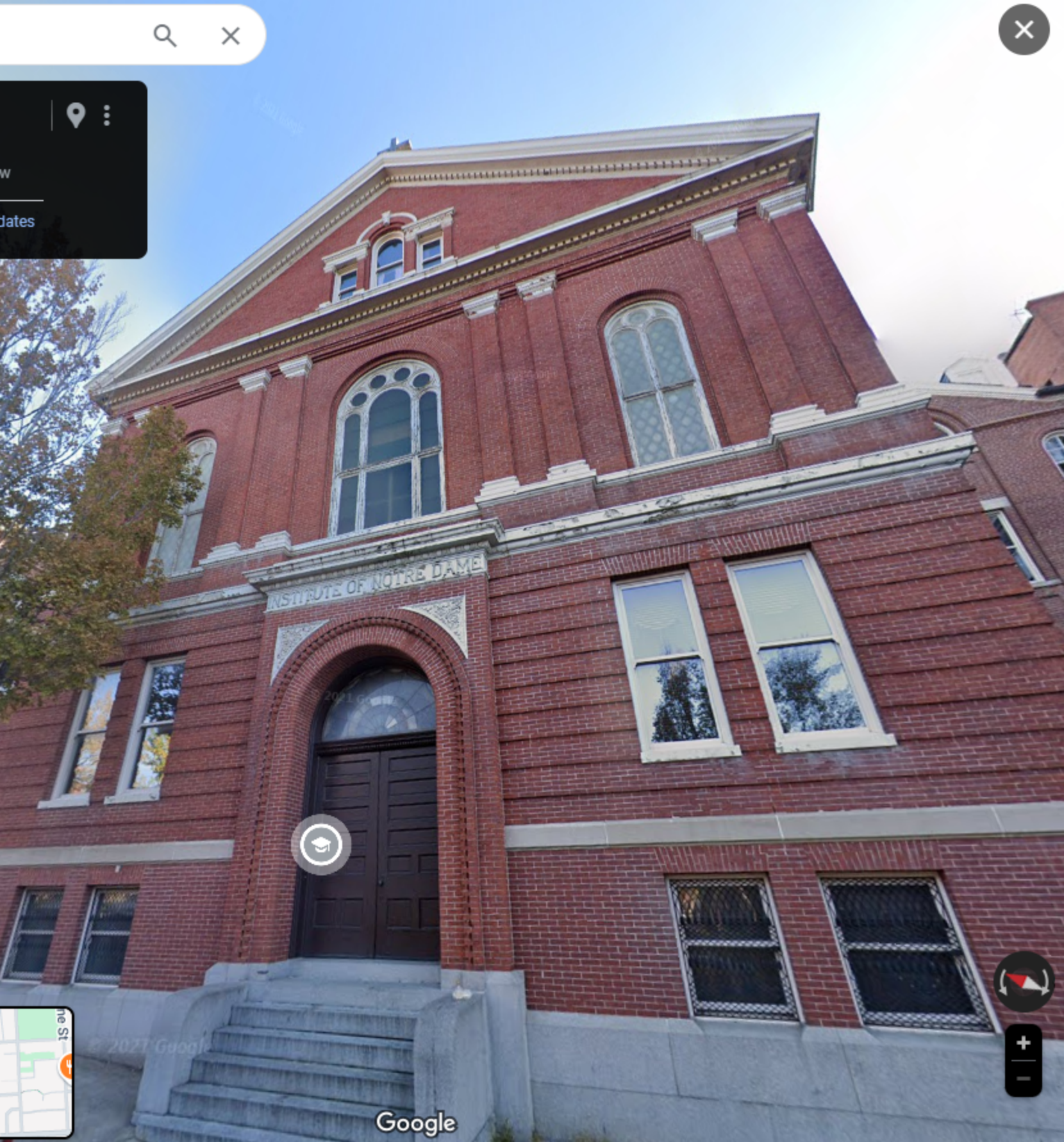
Analysis by: Niya N. Garrett Direct Inquiries to: (410) 396-1268

Analysis Date: November 7, 2024

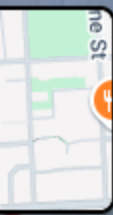


W

dates



INSTITUTE OF NOTRE DAME



Google

**CERTIFICATE OF MAILING
WRITTEN NOTICE TO PROPERTY OWNER(S)**

City Council Bill Number: 24-0580

I HEREBY CERTIFY, under penalty of perjury, that the attached* document was mailed to the following:

A. Property Owner: Institute of Notre Dame, Inc.

B. Property Address: 901 Aisquith Street, Baltimore, Maryland 21202

or

C. _____ List of Property Owners

(Place a Check Mark Above & Attach A List of Property Owners with Addresses)

On the following date: October 28, 2024

Mailed By:

Applicant's Name: Joseph R. Woolman, III, Esq.

Applicant's Organization: Silverman Thompson Slutkin & White

Applicant's Title: Attorney for Applicant

Applicant's Address: 400 East Pratt Street, Suite 900, Baltimore, Maryland 21202

Applicant's Telephone Number: (410) 385-2225

**Note: Please attach a copy of the document that was mailed to the property owner(s).*

October 28, 2024

Via First-Class Mail to:
Institute of Notre Dame Inc.
Attn: Sr. Charmaine Krohe
901 Aisquith Street
Baltimore, Maryland 21202

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 24-0580

The Ways and Means Committee of the Baltimore City Council will conduct a public hearing on City Council Bill No. 24-0580 on November 12, 2024, at 10:00 A.M. in the Clarence "Du" Burns Chamber, City Hall, 100 N. Holliday Street, 4th Floor, Baltimore, MD 21202. Information on how the public can participate in the hearing virtually, via Webex, will be available at <https://baltimore.legistar.com/Calendar.aspx>.

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.

Applicant: Joseph R. Woolman, III

For more information, contact Committee Staff at (410) 396-1268.

NOTE: This bill is subject to amendment by the Baltimore City Council.

Eric T. Costello
Chair

**SILVERMAN
THOMPSON**

Silverman Thompson Slutkin White

ATTORNEYS AT LAW

A Limited Liability Company

400 East Pratt Street

Suite 900

Baltimore, Maryland 21202

Baltimore | Towson | Washington, DC

FIRST-CLASS



US POSTAGE ^(TM) PITNEY BOWES



ZIP 21202

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\$ 000.69⁰⁰

OCT 28 2024

Institute of Notre Dame Inc.
Attn: Sr. Charmaine Krohe
901 Aisquith Street
Baltimore, Maryland 21202

Maryland The Daily Record
200 St. Paul Place
Baltimore, MD, 21202
Phone: 4435248100

MARYLAND

THE DAILY RECORD

Affidavit of Publication

To: Silverman Thompson Slutkin & White - Erin D. Brooks
400 E. Pratt St, Suite 900
Baltimore, MD, 21202

Re: Legal Notice 2662061,
PUBLIC HEARING ON BILL NO. 24-0580

We hereby certify that the annexed advertisement was published in Maryland The Daily Record, a Daily newspaper published in the State of Maryland 1 time(s) on the following date(s):
10/25/2024

By



Joy Hough

Authorized Designee of the Publisher

Baltimore City

BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 24-0580

The Ways and Means Committee of the Baltimore City Council will conduct a public hearing on City Council Bill No. 24-0580 on November 12, 2024, at 10:00 A.M. in the Clarence 'Doc' Bivens Chamber, City Hall, 100 N. Holliday Street, 4th Floor, Baltimore, MD 21202. Information on how the public can participate in the hearing virtually, via Webex, will be available at <https://baltimore.legistar.com/Calendar.aspx>.

Rezoning - 901 Aisquith Street

For the purpose of changing the zoning for the property known as 901 Aisquith Street (Block 1297, Lot 065), as outlined in red on the accompanying plat, from the R-8 Zoning District to the R-10 Zoning District.

Applicant: Joseph R. Woolfman, III

For more information, contact Committee Staff at (410) 586-1268.

NOTE: This bill is subject to amendment by the Baltimore City Council.

Eric T. Costello
Chair

625 2662061

Baltimore City Council
Certificate of Posting - Public Hearing Notice

Today's Date: October 30, 2024

City Council Bill No. 24-0580



901 Aisquith Street (1 of 4)

I HEREBY CERTIFY, under penalty of perjury, that 3 signs were posted at:

Address: 901 Aisquith Street

Date Posted: October 12, 2024

Name: The Severn Companies, c/o Joseph Woolman, III

Silverman, Thompson, Slutkin and White

Address: 400 East Pratt Street - suite 900

Baltimore, Md. 21202

Telephone: (410) 385-2225

R. Hoffman (sign Poster)

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

Baltimore City Council
Certificate of Posting - Public Hearing Notice

Today's Date: October 30, 2024

City Council Bill No. 24-0580



901 Aisquith Street – Somerset Street side (2 of 4)

I HEREBY CERTIFY, under penalty of perjury, that 3 signs were posted at:

Address: 901 Aisquith Street

Date Posted: October 12, 2024

Name: The Severn Companies, c/o Joseph Woolman, III

Silverman, Thompson, Slutkin and White

Address: 400 East Pratt Street – suite 900

Baltimore, Md. 21202

Telephone: (410) 385-2225

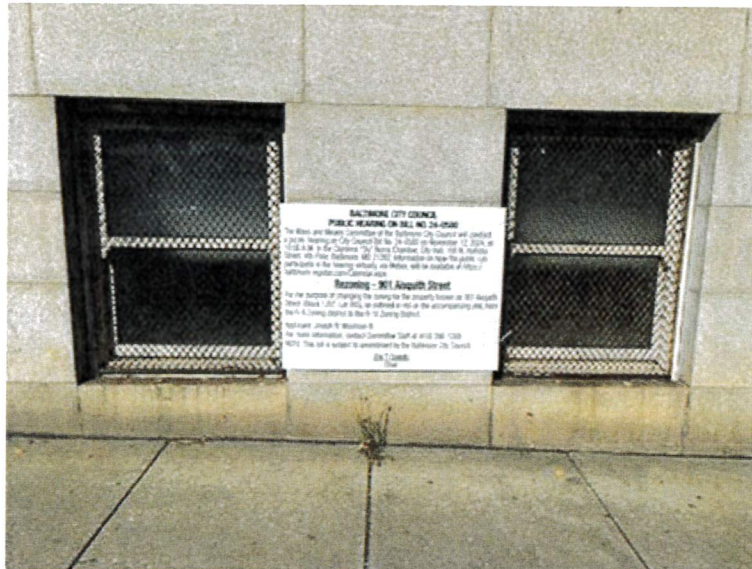
R. Hoffman (sign Poster)

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

Baltimore City Council
Certificate of Posting - Public Hearing Notice

Today's Date: October 30, 2024

City Council Bill No. 24-0580



901 Aisquith Street - Ashland Avenue side (3 of 4)

I HEREBY CERTIFY, under penalty of perjury, that 3 signs were posted at:

Address: 901 Aisquith Street

Date Posted: October 12, 2024

Name: The Severn Companies, c/o Joseph Woolman, III

Silverman, Thompson, Slutkin and White

Address: 400 East Pratt Street - suite 900

Baltimore, Md. 21202

Telephone: (410) 385-2225

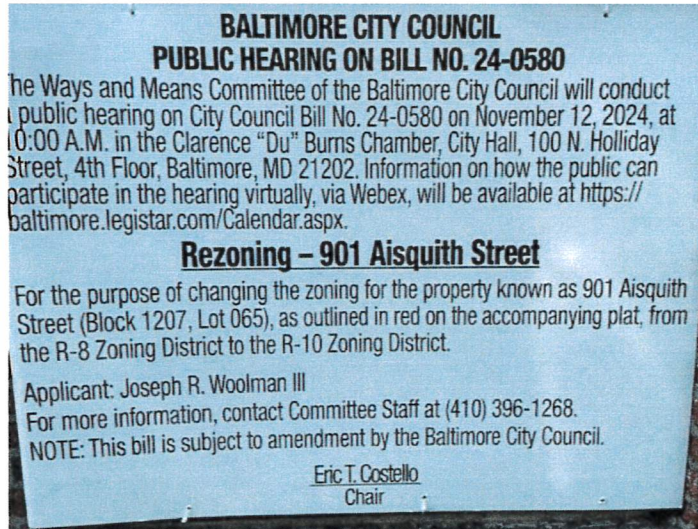
R. Hoffman (sign Poster)

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

**Baltimore City Council
Certificate of Posting - Public Hearing Notice**

Today's Date: October 30, 2024

City Council Bill No. 24-0580



901 Aisquith Street - close-up of sign wording (4 of 4)

I HEREBY CERTIFY, under penalty of perjury, that 3 signs were posted at:

Address: 901 Aisquith Street

Date Posted: October 12, 2024

Name: The Severn Companies, c/o Joseph Woolman, III _____

Silverman, Thompson, Slutkin and White

Address: 400 East Pratt Street - suite 900 _____

Baltimore, Md. 21202

Telephone: (410) 385-2225 _____



R. Hoffman (sign Poster)

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

AGENCY REPORTS

BILL # 24-0580

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY THOMPSON
CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 24-0580 – Rezoning – 901 Aisquith Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 24-0580 for form and legal sufficiency. The bill would change 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.

This bill proposes to change the zoning classification of a single property as opposed to comprehensive rezoning which covers multiple properties. It is the product of careful study and controls and directs the use of land, development according to present and future conditions and consistent with the public interest. Comprehensive rezoning is the duty of the legislature while single property rezoning is a deliberative process involving the City Council acting in a quasi-judicial capacity to evaluate the facts for compliance with the standards in the zoning statute. It also must be consistent the public interest.

Acting in their quasi-judicial capacity for a single property rezoning, the Mayor and City Council may permit a piecemeal rezoning if it finds facts sufficient to show either: 1) there was mistake in the original zoning classification; or 2) there has been a substantial change in the character of the neighborhood since the original zoning classification. *Id. See also* Md. Code, Land Use Art., § 10-304(b)(2); Baltimore City Code, Art. 32, §§ 5-508(a) and (b)(1). “The ‘mistake’ option requires a showing that the underlying assumptions or premises relied upon by the legislative body during the immediately preceding original or comprehensive rezoning were incorrect. In other words, there must be a showing of a mistake of fact.” *Rylyns Enterprises*, 372 Md. at 538-39. With regard to the “change” option, “there must be a satisfactory showing that there has been significant and unanticipated change in a relatively well-defined area (the “neighborhood”) surrounding the property in question since its original or last comprehensive rezoning, whichever occurred most recently.” *Id.* at 538. The legal standard for each of these options is discussed in more detail below.

Legal Standards

In this case, change and mistake are the basis for the rezoning request. To sustain a single property rezoning change on the basis of a mistake in the last comprehensive rezoning, there must be substantial evidence that “the Council failed to take into account then existing facts . . . so that the Council’s action was premised on a misapprehension.” *White v. Spring*, 109 Md. App. 692, 698 (1996) (citation omitted). In other words, “[a] conclusion based upon a factual predicate that is incomplete or inaccurate may be deemed in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing.” *Id.* “Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not ‘fairly debatable.’” *Boyce v. Sembly*, 25 Md. App. 43, 52 (1975) (citations omitted).

A court has not considered it enough to merely show that the new zoning would make more logical sense. *Greenblatt v. Toney Schloss Properties Corp.*, 235 Md. 9, 13-14 (1964). Nor are courts persuaded that a more profitable use of the property could be made if rezoned is evidence of a mistake in its current zoning. *Shadynook Imp. Ass’n v. Molloy*, 232 Md. 265, 272 (1963). Courts have also been skeptical of finding a mistake when there is evidence of careful consideration of the area during the past comprehensive rezoning. *Stratakis v. Beauchamp*, 268 Md. 643, 653-54 (1973).

Additional Required Findings of Fact

In addition to finding that there was either a substantial change in the character of the neighborhood or a mistake in the original zoning classification, the Mayor and City Council is required to make findings of fact on the following matters:

- (i) population change;
- (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 Baltimore City Planning Commission and the Board [of Municipal and Zoning Appeals]; and
- (vi) the relationship of the proposed amendment to Baltimore City’s plan.

Md. Code, Land Use, § 10-304(b)(1); Baltimore City Code, Art. 32, § 5-508(b)(2).

The Mayor and City Council must also consider:

- (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.

Baltimore City Code, Art. 32, § 5-508(b)(3).

The Mayor and City Council’s decision regarding a piecemeal rezoning is reviewed under the substantial evidence test and should be upheld “if reasoning minds could reasonably reach the conclusion from facts in the record.” *City Council of Prince George’s Cty. v. Zimmer Dev. Co.*, 444 Md. 490, 510 (2015) (citation omitted); *see also White*, 109 Md. App. at 699 (“the courts may not substitute their judgment for that of the legislative agency if the issue is rendered fairly debatable”); *accord Floyd v. County Council of Prince George’s County*, 55 Md. App. 246, 258 (1983) (“‘substantial evidence’ means a little more than a ‘scintilla of evidence.’”).

Planning Commission Recommendation

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 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.

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 does not fit the reuse of the building.

The Planning Department Report (“Report”) supports this rezoning. It states that there was change and mistake involved. 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. It is unclear why it was zoned R-8 as that designation is not consistent with the historic nature of the property and its long-term non-residential use. At one point in its history, however, the building did house a significant number of Roman Catholic nuns who taught at the school. For the purposes of reuse, however, R-8 zoning is not compatible with the proposed multi-family building. R-10 can accommodate high-density development projects.

Process Requirements

The City Council is required to hold a quasi-judicial public hearing with regard to the bill wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Council is required to make findings of fact about the factors in Section 10-304 of the Land Use Article of the Maryland

code and Section 5-508 of Article 32 of the Baltimore City Code. If, after its investigation of the facts, the Committee makes findings which support: (1) a mistake in the comprehensive zoning or a substantial change in the neighborhood; and (2) a new zoning classification for the properties, it may adopt these findings and the legal requirements for granting the rezoning would be met.

Additionally, certain procedural requirements apply to this bill beyond those discussed above because a change in the zoning classification of a property is deemed a “legislative authorization.” Baltimore City Code, Art. 32, § 5-501(2)(iii). Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City, by posting in a conspicuous place on the property and by first-class mail, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned. Baltimore City Code, Art. 32, § 5-601(b). The notice of the City Council hearing must include the date, time, place, and purpose of the hearing, as well as the address or description of the property and the name of the applicant. Baltimore City Code, Art. 32, § 5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location near the sidewalk or right-of-way for pedestrians and motorists to view, and at least one sign must be visible from each of the property’s street frontages. City Code, Art., § 5-601(d). The published and mailed notices must be given at least 15 days before the hearing, and the posted notice must be provided at least 30 days before the public hearing. Baltimore City Code, Art. 32, § 5-601(e), (f).

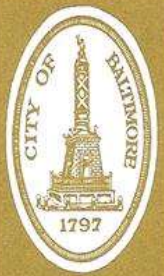
The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for rezoning has been met. Assuming the required findings are made at the hearing and that all procedural requirements are satisfied, the Law Department can approve the bill for form and legal sufficiency.

Sincerely,

Elena R. DiPietro

Elena R. DiPietro
Chief Solicitor

cc: Ebony Thompson, City Solicitor
Nina Themelis, Mayor’s Office of Government Relations
Hilary Ruley, Chief Solicitor
Ashlea Brown, Chief Solicitor
Michelle Toth, Special Solicitor
Desiree Luckey, Assistant Solicitor
Ahleah Knapp

| | | | | |
|------|-----------------------|--|---|--|
| 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.

Chairman and Members of
Planning Commission
August 26, 2024

(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
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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

TRANSMITTAL MEMO

TO: Council President Nick J. Mosby
FROM: Peter Little, Executive Director
DATE: September 25, 2024
RE: City Council Bill 24-0580



I am herein reporting on City Council Bill 24-0580, introduced by Councilmember Stokes at the request of The Severn Companies.

The purpose of this bill is to change 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.

The Parking Authority of Baltimore City (PABC) has reviewed the proposed legislation. The legislation requests for the selected property to be rezoned and does not reference parking. PABC staff conducted a site visit in September 2024. The parking requirements for the property will be based on the standards in the Zoning Code. The site is located within an area where the PABC administers an on-street parking program. A Reserved Residential Disabled Parking space is located to the south of the site on the 1200 block of Ashland Avenue. The applicant intends to use the rezoned property for multi-family residential. When building plans and uses are submitted, the PABC will be involved through the Site Plan Review Committee (SPRC) to ensure that the design guidelines for parking and loading demands are adequately addressed based on the required standards and the parking and loading demands of the proposal are mitigated.

This bill will have no or minimal fiscal impact on PABC programs.

Based on the comments above, the PABC respectfully requests a favorable report on City Council Bill 24-0580.

Additional Materials

BILL # 24-0580

STATEMENT OF INTENT

FOR

901 Aisquith Street.

{Address}
Block 1207, Lot 065

1. Applicant's Contact Information:

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

Mailing Address: 400 East Pratt Street, 9th Floor, Baltimore, MD 21202

Telephone Number: 410-385-2225

Email Address: jwoolman@silvermanthompson.com

2. All Proposed Zoning Changes for the Property:

Rezone the above-referenced property from the R-8 Zoning District to the R-10 Zoning District

3. All Intended Uses of the Property:

Multi-Family Residential

4. Current Owner's Contact Information:

Name: Institute of Notre Dame, Inc.

Mailing Address: 901 Aisquith Street, Baltimore, MD 21202

Telephone Number: 410-385-2225

Email Address: jwoolman@silvermanthompson.com

5. Property Acquisition:

The property was acquired by the current owner on July 1, 2023 by deed recorded in the
Land Records of Baltimore City in Liber 00717 Folio 00522 .

6. Contract Contingency:

(a) There is is not a contract contingent on the requested legislative authorization.

(b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties to the contract are as follows *{use additional sheet if necessary}*:

(ii) The purpose, nature, and effect of the contract are:


7. Agency:

- (a) The applicant is is not acting as an agent for another.
- (b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows *{use additional sheet if necessary}*:

Grant
Searfoss

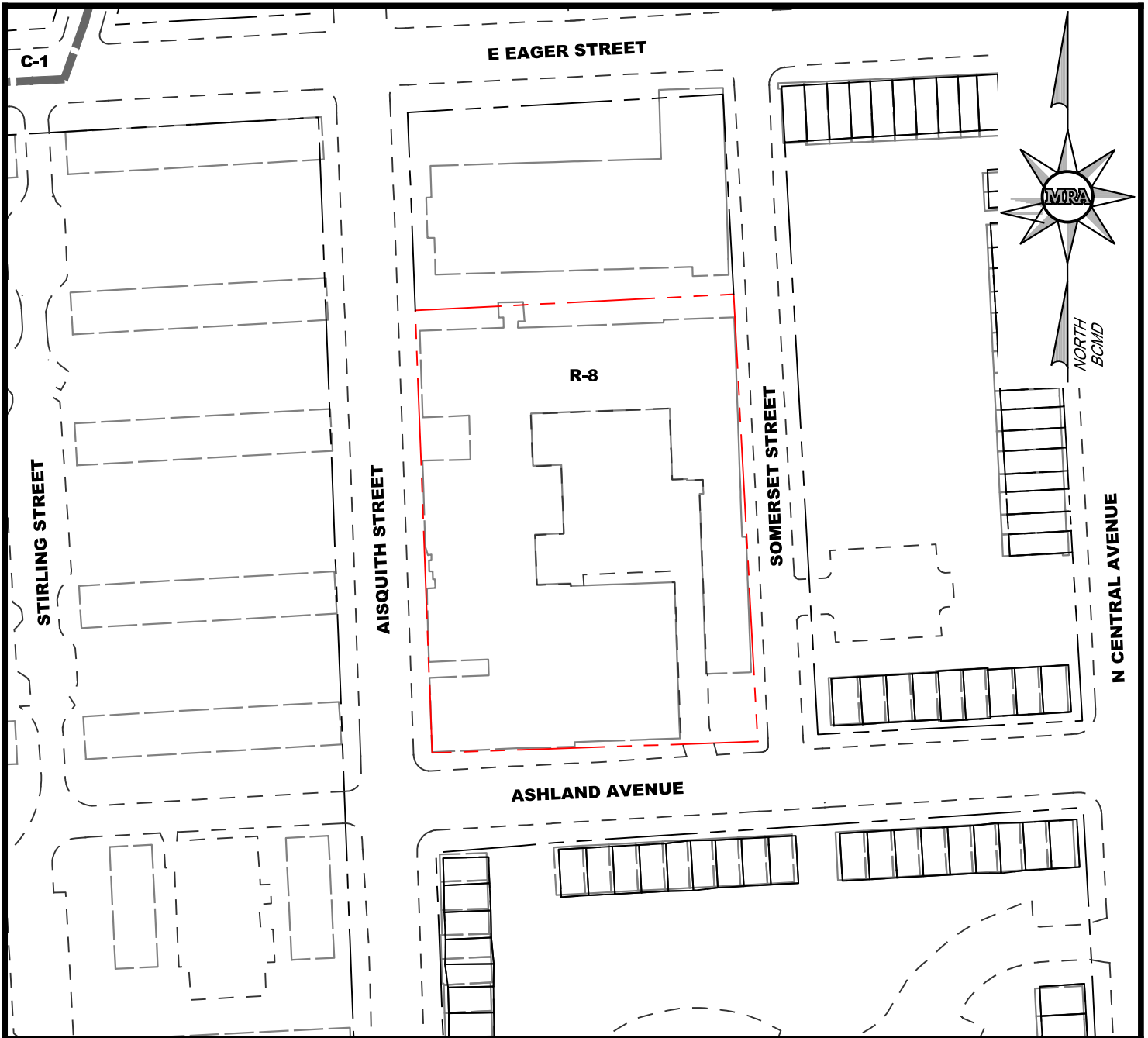
AFFIDAVIT

I, Joseph R. Woolman, III, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.



Applicant's signature

8-16-24
Date




P:\22777\PLANNING\LOT\EXHIBITS\22777 - Rezoning Plan.dwg, 8/15/2024 4:25:36 PM, J.Karl, 1:1, Copyright 2024 Morris & Ritchie Associates, Inc.

MAYOR

PRESIDENT CITY COUNCIL

NOTE:
IN CONNECTION WITH THE PROPERTY KNOWN AS 901 AISQUITH STREET, THIS APPLICANT WISHES TO REQUEST THE REZONING OF THE AFOREMENTIONED PROPERTY FROM R-8 ZONING TO R-10 ZONING AS OUTLINED IN RED ABOVE.

| | | | | | |
|---|---|--|-----------------------|-----------------------|------------------------|
|  | <p>MORRIS & RITCHIE ASSOCIATES, INC. ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS 1220-B E. JOPPA RD., SUITE 400K TOWSON, MD 21286 (410) 821-1690 DKESSLER@MRAGTA.COM MRAGTA.COM Copyright 2024 Morris & Ritchie Associates, Inc.</p> | <p>901 AISQUITH STREET</p> <p>LOT 65</p> <p>WARD 10, SECTION 110, BLOCK 1207 BALTIMORE CITY, MARYLAND</p> | | | |
| <p>SCALE: 1" = 100'</p> | <p>DATE: 08/15/2024</p> | <p>DRAWN BY: JHK</p> | <p>DESIGN BY: JHK</p> | <p>REVIEW BY: JLB</p> | <p>JOB NO. : 22777</p> |

**CITY OF BALTIMORE
COUNCIL BILL 24-0580
(First Reader)**

Introduced by: Councilmember Stokes

At the request of: The Severn Companies

Address: c/o Joseph R. Woolman, III, Silverman, Thompson, Slutkin and White

400 E. Pratt Street, 9th Fl., Baltimore, Maryland 21202

Telephone: (410) 385-2225

Introduced and read first time: August 26, 2024

Assigned to: Ways and Means Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and Community Development, Planning Commission, Board of Municipal and Zoning Appeals, Baltimore Development Corporation, Department of Transportation, Parking Authority of Baltimore City

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 901 Aisquith Street**

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

6 BY amending

7 Article - Zoning

8 Zoning District Maps

9 Sheet 46

10 Baltimore City Revised Code

11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 Sheet 46 of the Zoning District Maps is amended by changing from the R-8 Zoning District to
14 the R-10 Zoning District the property known as 901 Aisquith Street (Block 1207, Lot 065), as
15 outlined in red on the plat accompanying this Ordinance.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
17 accompanying plat and in order to give notice to the agencies that administer the City Zoning
18 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
19 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
20 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
21 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
22 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
23 the Zoning Administrator.

24 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
25 after the date it is enacted.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.