


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 #20-0531/REZONING – 3006, 2926, AND 2928 BOARMAN AVENUE AND BLOCK 3185, LOT 49		

TO

DATE:

June 1, 2020

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

At its regular meeting of May 28, 2020, the Planning Commission considered City Council Bill #20-0531, for the purpose of changing the zoning for the property known as 3006 Boarman Avenue (Block 3185, Lot 48), as outlined in red on the accompanying plat, from the I-2 Zoning District to the TOD-2 Zoning District, and for changing the zoning for the properties known as 2926 Boarman Avenue (Block 3185, Lot 51), 2928 Boarman Avenue (Block 3185, Lot 50), and Block 3185, Lot 49, as outlined in blue on the accompanying plat, from the R-7 Zoning District to the TOD-2 Zoning District; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval of City Council Bill #20-0531 and adopted the following resolution eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #20-0531 be amended and passed 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: Mr. Nicholas Blendy, Mayor's Office
 Mr. Matthew Stegman, Mayor's Office
 Ms. Nina Themelis, Mayor's Office
 The Honorable Edward Reisinger, Council Rep. to Planning Commission
 Mr. Colin Tarbert, BDC
 Mr. Derek Baumgardner, 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. Dominic McAlily, Council Services
 Ms. Alyssa Domzal, Attorney for Applicant



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

May 28, 2020

REQUEST: City Council Bill #20-0531/ Rezoning – 3006, 2926, and 2928 Boarman Avenue and Block 3185, Lot 49:

For the purpose of changing the zoning for the property known as 3006 Boarman Avenue (Block 3185, Lot 48), as outlined in red on the accompanying plat, from the I-2 Zoning District to the TOD-2 Zoning District, and for changing the zoning for the properties known as 2926 Boarman Avenue (Block 3185, Lot 51), 2928 Boarman Avenue (Block 3185, Lot 50), and Block 3185, Lot 49, as outlined in blue on the accompanying plat, from the R-7 Zoning District to the TOD-2 Zoning District; and providing for a special effective date.

RECOMMENDATION: Amendment and Approval, with the following amendments:

- That 2925 Boarman Avenue is rezoned from the I-2 district to the R-7 district; and
- That 3048 Grantley Avenue is rezoned from the R-5 to the R-7 district.

STAFF: Eric Tiso

PETITIONER: Cold Spring Lane Associates, LLC, c/o Alyssa Domzal, Esq.

OWNER: Cold Spring Lane Associates, LLC

SITE/GENERAL AREA

Site Conditions: These properties are located on the northeastern corner of Boarman Avenue and East Wabash Avenue, and are adjacent to 3025 West Cold Spring Lane across an alley immediately to the north. 3006 Boarman Avenue is improved by a vacant industrial building, and Block 3185, Lot 49 and 2928 Boarman Avenue are unimproved. 2926 Boarman Avenue is improved with a vacant single-family home.

General Area: These properties are located in the Towanda-Grantley neighborhood, which is roughly bounded on the east by Reisterstown Road, Keyworth Avenue on the south, Wabash Avenue and the metro rail line on the west, and Ridgewood Avenue on the north. The neighborhood is predominantly residential in nature, with commercial and institutional uses on the Reisterstown Road and West Cold Spring Lane corridors. The housing stock is mostly represented by rowhomes and multi-family buildings.

HISTORY

These properties were all rezoned as part of the citywide comprehensive rezoning in 2017. The previous zoning for 3025 West Cold Spring Lane was R-10, 3006 Boarman Avenue was M-2-1 industrial, and Block 3185, Lot 49, 2928 and 2926 Boarman Avenue were zoned R-5 residential.

ANALYSIS

The proposed rezoning is in connection with the redevelopment of 3025 West Cold Spring Lane, which will be consolidated with the properties identified in this bill. The proposed project will be for a multifamily building. The properties are located on the northeastern corner of Boarman Avenue and East Wabash Avenue, and are adjacent to 3025 West Cold Spring Lane across an alley immediately to the north. 3006 Boarman Avenue is improved by a vacant industrial building, the unimproved Block 3185, Lot 49, and 2928 Boarman Avenue were all previously owned by a concrete company.

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.

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 correct mistakes made in the last comprehensive rezoning of the City, which will also allow for the redevelopment of a four-story multi-family building with about 163 affordable housing units.

Maryland Land Use Code – Requirements for Rezoning:

The Maryland Land Use Code requires the Planning Commission 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. LAND USE Code Ann. 2012, §10-305). In reviewing this request, the staff finds that:

1. **The Plan:** These properties and those in the immediate area were rezoned to TOD-2, as they immediately surround the West Cold Spring transit station across the tracks, and Wabash Avenue to the west.
2. **The needs of Baltimore City:** The development of an affordable housing building within short walking distance of the transit station will help support additional options for housing in the City, especially with the benefit of the tie to transit.
3. **The needs of the particular neighborhood:** The proposed redevelopment of this site will replace a nonconforming industrial use with a residential use that is more compatible with the adjacent residentially-zoned properties, will provide a buffer against the more intense rail line to the west, and will provide affordable housing.

Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304). The findings of fact include:

1. **Population changes;** There has not been any significant population change in the past three years since the time of the last comprehensive rezoning of the City.
2. **The availability of public facilities;** This site is well served by City infrastructure, which will continue after redevelopment of the site has occurred.
3. **Present and future transportation patterns;** This site is being redeveloped as an affordable housing building of moderate density within immediate walking distance from the metro station, which supports the defined intent of the TOD-2 District.
4. **Compatibility with existing and proposed development for the area;** The proposed rezoning will allow for the redevelopment of this site, which will remove a nonconforming industrial use, and will provide an appropriate transition from the single-family homes of the adjacent R-5 district to the rail line.
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 amendment and 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.** This rezoning, along with staff's recommended amendments, support the intent for this area to be transit-oriented in nature, and will remove nonconforming industrial use.

There are additional standards under §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 industrial use of portions of these properties has discontinued, which allows for the proposed redevelopment that is more compatible with the adjacent R-5 residential zone to the east, and that will meet the intent of the TOD zone to the north.
- (ii) **the zoning classification of other property within the general area of the property in question;** With the exception of the rail line itself, and the bus company at 2929 Boarman Avenue, the properties to the north are zoned TOD-2, and the properties to the

east are R-5. The proposed rezoning action will unify the properties that have been assembled for redevelopment within the TOD-2 zone, and staff's amendments will correct clear mistakes in zoning for two properties in the immediate area.

- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and** The properties, once assembled, will be better suited for redevelopment once they are unified under TOD-2 zoning. Without this correction, the property will remain split-zoned into three different districts. That split-zoning will have the effect of reducing the potential density permitted on the property to levels below that which is practical for TOD development, as well as having a corner of the property that would not permit residential use at all (the portion that is now zoned I-2 industrial).
- (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.** This proposed rezoning will support the designation of TOD-2 zoning in the immediate area surrounding the West Cold Spring Metro Station.

Per §5-508(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.

Staff believes the proposed rezoning will correct mistakes in designation from the comprehensive rezoning of the City in 2017. Staff notes that 3025 West Cold Spring Lane (1.291± acres) was rightly designated as a TOD-2 site so as to encourage redevelopment for an appropriate TOD use, but that the adjacent parcels that were owned by the same concrete company were zoned I-2 and R-7, without any obvious rationale as to why that may have been done. In order to be feasible for redevelopment, the property would need to be larger, in order to accommodate the footprint needed for reasonable density. As an affordable housing development, the additional space provided by a larger TOD-2 zoned parcel allows for a surface parking lot, which in turn reduces the cost of development since structured parking is not needed. Staff's recommended amendments likewise correct the zoning designations for two single-family homes – one detached home that was inadvertently zoned I-2, and another attached that was uniquely zoned R-5 in the middle of a stretch of R-7 homes.

For 3048 Grantley Avenue, it appears that this property was incorrectly zoned due to an administrative error. This property was among a group of properties that were proposed to be zoned R-7 in the initial Citywide map (Exhibit 1 - Map Sheet 1-D). It appears that this individual property was not actually selected into the proposed map layer and therefore either did not have a designation, or somehow retained its earlier R-5 designation from the old zoning code. This error was discovered following the initial review by the Planning Commission and so was proposed by the Department of Planning in 2013 to be corrected to R-7 (Exhibit 2, p 9). This change was shown on the 6th District Map Amendments from September 25, 2015 (Exhibit 3), but the Map amendments table that listed this change as map change M221, inadvertently reversed the district designations on October 5, 2016 (Exhibit 4), which was then copied to the formal amendment drafted for the Council's approval on October 25, 2016 (Exhibit 5).

For 2925 Boarman Avenue, this property was proposed for I-2 zoning from the very beginning of the comprehensive rezoning process, and no one appears to notice that this property was a single-family detached dwelling, owned by an individual resident. Rezoning this property to I-2 made its continued use as a home a nonconforming use. Given that this property is not of a significant size to be used for an industrial use, even if it were consolidated into the adjacent bus company site, staff believes this was an oversight that was undetected through the process.

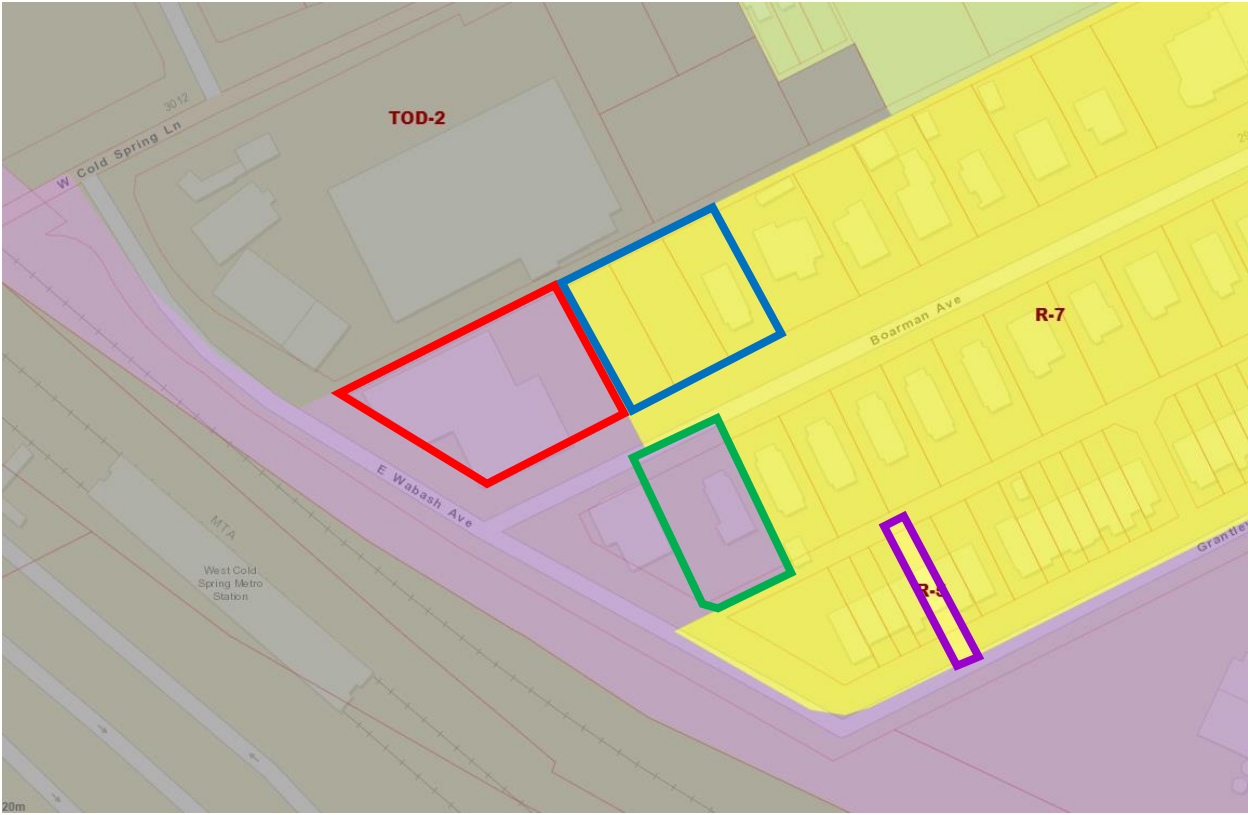
Staff recommends amendment of the bill to include the two additional properties for rezoning, and approval as amended (see illustration below).

Notification: The Towanda-Grantley Association and the owners of 2925 Boarman Avenue and 3048 Grantley Avenue have been notified of this action.



Chris Ryer
Director

Planning Illustration for [CCB #20-0531](#)



- Key:**
- Red outline – I-2 to TOD-2 (already proposed by the bill)
 - Blue outline – R-7 to TOD-2 (already proposed by the bill)
 - Green outline – I-2 to R-7 (Planning amendment for 2925 Boarman Avenue)
 - Purple outline – R-5 to R-7 (Planning amendment for 3048 Grantley Avenue)