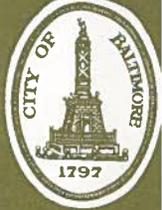


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #15-0560 / REZONING 2030 ALICEANNA STREET		

TO

DATE:

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

September 21, 2015

At its regular meeting of September 17, 2015, the Planning Commission considered City Council Bill #15-0560, for the purpose of changing the zoning for the property known as 2030 Aliceanna Street, 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 disapproval. The Commission moved and seconded a motion to accept staff recommendation with five members in favor, one opposed. Pursuant to the Charter of Baltimore City § 72(1), the Planning Commission “may report and submit to the City Council amendments to the Baltimore City Zoning Ordinance. Any such amendment shall be submitted only by resolution, adopted by the affirmative vote of two-thirds of the entire membership of the Commission.” As the Planning Commission did not have six votes in the affirmative, they are unable to make a recommendation to the Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

cc: Ms. Kaliopé Parthemos, Chief of Staff
Mr. Colin Tarbert, Deputy Mayor for Economic and Neighborhood Development
Mr. Leon Pinkett, Assistant Deputy Mayor for Economic and Neighborhood Development
Ms. Angela Gibson, Mayor’s Office
The Honorable Rochelle “Rikki” Spector, Council Rep. to Planning Commission
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Ms. Barbara Zektick, DOT
Ms. Elena DiPietro, Law Dept.
Ms. Melissa Krafchik, PABC
Ms. Natawna Austin, Council Services
Mr. Richard Manekin, Workshop Development
Mr. Joseph Woolman, Esq., Counsel



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

September 17, 2015

REQUEST: City Council Bill #15-0560/ Rezoning – 2030 Aliceanna Street

For the purpose of changing the zoning for the property known as 2030 Aliceanna Street, as outlined in red on the accompanying plat, from the R-8 Zoning District to the R-10 Zoning District.

RECOMMENDATION: Disapproval

STAFF: Tamara Woods

PETITIONER: Workshop Development, LLC, c/o J.R. Woolman, Esq.

OWNER: Fountain Realty Company Inc.

SITE/GENERAL AREA

Site Conditions: 2030 Aliceanna Street is located on the northwestern corner of the intersection with South Chester Street. The northeastern corner of the site is within feet of Boston Street. The site is currently unimproved, and is used as a surface parking lot.

General Area: The general project area lies on the eastern edge of the Fells Point neighborhood, near the Canton neighborhood. Fells Point is a historic mixed-use waterfront neighborhood that has one of the city's most successful commercial areas, as well as, many single-family and multi-family residential units. In addition, Fells Point is also a designated local historic district featuring many contributing historic properties.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site.

ANALYSIS

A rezoning bill was introduced on behalf of Workshop Development to rezone 2030 Aliceanna Street from R-8 to R-10. As previously mentioned, 2030 Aliceanna Street is located in the eastern end of the Fells Point neighborhood, near the edge of the Canton neighborhood. The site is adjacent to a residential area to the east and immediately to the north, which is comprised principally of rowhomes. The areas immediately to the south, and to the east along the Boston Street corridor are commercial in nature on the inland side, and residential in nature on the water side. This site is currently zoned R-8 residential, with adjacent areas of B-2-2 and B-1-2 commercial zoning along Boston Street as it turns into Fleet Street.

Staff's review of this request included review of the following required considerations of §16-305 of the Zoning Code:

(c) The Board and the Planning Commission must also consider the following matters:

- (1) existing uses of property within the general area of the property in question;*
- (2) the zoning classification of other property within the general area of the property in question;*
- (3) the suitability of the property in question for the uses permitted under its existing zoning classification; and*
- (4) 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.*

Both R-8 and R-10 govern the size and unit count of multi-family buildings through a minimum lot size requirement for each type of unit and Floor Area Ratio. Staff's analysis showed that the request to change the zoning from R-8 to R-10 would substantially increase the allowable density, as well as, the height and massing to a category that is not in keeping with the surrounding area, nor to what zoning category is recommended in TransForm Baltimore.

The Floor Area Ratio (F.A.R.) is calculated by multiplying the lot size by the ratio number. This calculation provides the amount of allowable square footage for the overall building, excluding parking. An example calculation based on a 30,000 square foot lot is shown below for the existing zoning category, proposed zoning category and two of the surrounding commercial zoning categories.

Zoning Category	Lot Area per Dwelling Unit (in SF)		F.A.R.	Example Lot Size	Allowable Density (unit count)		Allowable Building SF (excluding parking)
	DU	EFF			DU	EFF	
R-8	750	500	2.0	30,000	40	60	60,000
R-10	200	135	6.0	30,000	150	222	180,000
B-1-2	1,100	750	2.5	30,000	27	40	75,000
B-2-2	1,100	750	2.5	30,000	27	40	75,000
C-1 (TransForm Baltimore)	550		60' (Governed by height limit)	30,000	54		

With FAR, allowable building heights will depend on how much of the lot the floor plate of the building uses. In the R-10 example above, if there are no setbacks, then the allowable building could be 6 stories plus parking. If the floor plate is half the size of the lot, then the building could be 12 stories plus parking. This is an over simplified example based on simple zoning calculations. An actual design would depend not only on lot size, but on unit mix, unit size, amount of parking, and if there are any variances being requested, for example.

TransForm Baltimore

The TransForm Baltimore zoning recommendation for this site is C-1. The proposed rezoning request is not in keeping with the TransForm Baltimore recommendation or the intent of the

recommendation. The TransForm recommendation of C-1 would allow for a moderately dense multi-family mixed-use building at a maximum of 60 feet high. In the existing zoning code, all residential districts that allow multi-family housing govern height and massing through FAR.

TransForm Baltimore's approach to height in residential zoning categories is governed through a designated height limit, with the exception of both R-9 and R-10. These two zoning categories are recommended to retain use of FAR to govern height and massing for multi-family buildings. The FAR factor for R-10 is 6.0, which mirrors the existing zoning code. TransForm Baltimore goes even further to define R-10 as a high density residential district that "is intended for areas of significant density accommodated in concentrated highrise and rowhouse development."

As shown in the chart above, rezoning 2030 Aliceanna Street to R-10 would allow for a building that is grossly out of scale with what is allowed in the current and immediately adjacent zoning categories, as well as, what is recommended in TransForm Baltimore.

In further analysis, the Department of Planning Staff studied the request based on the Maryland Land Use Article.

Rezoning Standards for Review

According to Maryland Land Use Article, Division I, Title 10 (Baltimore City Zoning), any proposed zoning changes must be referred to the Baltimore City Planning Commission and to the Board of Municipal and Zoning Appeals (BMZA), which must study the proposed changes in relation to:

1. *The plan* – The Baltimore City Comprehensive Master Plan is not so specific as to recommend land use and/or zoning changes for the properties in question. But as stated previously, TransForm Baltimore recommended this site be rezoned to a mixed-use category that would allow for moderate density and height that is more in keeping with the surrounding area.
2. *The needs of Baltimore City*- The proposed R-10 zoning district would be out of character with the surrounding residential and commercial scale properties. This property is located in a local historic district and the allowable substantial density and massing increase of R-10 would not be in keeping with the character of the local historic district.
3. *The needs of the particular neighborhood in the vicinity of the proposed changes*- The proposed R-10 zoning district does not support the needs of the neighborhood because the density and FAR that would be allowable under R-10 is substantially out of character with the surrounding development.

Once the Planning Commission and BMZA report their findings and recommendations to the Mayor and City Council, the City Council shall make the following findings of fact:

1. *Population change*- The Fells Point neighborhood has experienced at 30.3% population increase between the 2000 and 2010 Census.
2. *Availability of public facilities*- The properties are well served by City services, with no expected impacts as a result of rezoning.

3. Present and future transportation problems- The exact future impact of any development at this site is not known at this time, as a matter of course, any developer would work with the Department of Transportation to evaluate and mitigate negative transportation impacts.
4. Compatibility with existing and proposed development for the area- The rezoning proposal is not consistent with the existing small and moderate scale commercial establishments and residential buildings which exist along Fountain Street, Aliceanna Street, Fleet Street, and Boston Street. Though a residential use is not incompatible with the area, the allowable density and height under R-10 are not in keeping with the area.
5. Recommendations of the Baltimore City Planning Commission and the BMZA- For the above reasons, the Planning Department will recommend disapproval of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
6. Relationship of the proposed amendment to Baltimore City's plan- As mentioned above, the proposed zoning changes are not compatible with TransForm Baltimore or expressly mentioned in LIVE EARN PLAY LEARN, the City's Master Plan.

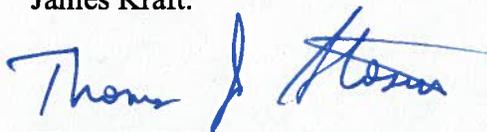
Substantial Change

The request to rezone 2030 Aliceanna Street from R-8 to R-10 cannot be supported under substantial change. The increased density and much higher FAR in R-10 are out of scale with the surrounding area and existing zoning in the area, whether it be the existing R-8 or the B-1-2 to the north or the B-2-2 to the south. The existing development trends do not warrant the ability for such substantial increase in FAR for this site.

Staff finds that the proposed rezoning of 2030 Aliceanna Street from R-8 to R-10 is not in the public's interest and therefore recommends disapproval.

Notifications:

In advance of a hearing on this matter, staff notified the following property owner and organizations: Fountain Realty Company Inc., Fells Point Community Organization, Fells Point Task Force, Fells Point Main Street and the Fells Prospect, Inc., and City Councilman James Kraft.



Thomas J. Stosur
Director