


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 #24-0498 / REZONING - 3014-3030 DARBY STREET EAST; 3021-3039 ELM AVENUE; 800-810 DARBY STREET SOUTH; NORTH SIDE DARBY STREET SOUTH, etc.		

TO

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

DATE: April 19, 2024

At its regular meeting of April 18, 2024, the Planning Commission considered City Council Bill #24-0498, for the purpose of changing the zoning for the properties known as 3014-3030 Darby Street East; 3021-3039 Elm Avenue; 800-810 Darby Street South; North Side Darby Street South Adjacent 810 East; 3000-3012 Darby Street East; and 3003-3019 Elm Avenue, as outlined in red on the accompanying plat, from the R-7 Zoning District to the R-8 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 approval of City Council Bill #24-0498 and adopted the following resolutions, with six members being present (six in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #24-0498 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

April 18, 2024

REQUEST: City Council Bill #24-0498/ Rezoning – 3014-3030 Darby Street East; 3021-3039 Elm Avenue; 800-810 Darby Street South; North Side Darby Street South Adjacent 810 East; 3000-3012 Darby Street East; and 3003-3019 Elm Avenue:

For the purpose of changing the zoning for the properties known as 3014-3030 Darby Street East; 3021-3039 Elm Avenue; 800-810 Darby Street South; North Side Darby Street South Adjacent 810 East; 3000-3012 Darby Street East; and 3003-3019 Elm Avenue , as outlined in red on the accompanying plat, from the R-7 Zoning District to the R-8 Zoning District; and providing for a special effective date.

RECOMMENDATION: Adopt findings and Approve

STAFF: Marie McSweeney Anderson

INTRODUCED BY: Councilmember Ramos

OWNERS: Multiple

SITE/GENERAL AREA

Site Conditions: The subject properties are located in the block encompassed by Mill Road on the north, Elm Avenue on the west, Darby Street South on the south, and Darby Street East on the east, 42 properties in total.

General Area: These properties are located in the southern end of the Hampden Neighborhood, which is predominantly residential in character, with commercial uses along major corridors, and scattered institutional uses.

HISTORY

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

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 purpose of the proposed rezoning is to “right-size” the zoning for this block, in order to reduce the degree of nonconformity. Prior to the comprehensive rezoning of the City in 2017, this block was zoned R-7, which is substantially similar to the R-7 district in today’s Article 32 – *Zoning*. During the comprehensive rezoning process, residential portions of that former R-7 district retained R-7 in the new zoning map, while others were reassigned to either R-6 or R-8 zoning to better fit those properties. Many of the properties on these blocks are non-conforming to the underlying R-7 zoning and R-8 will improve conformance, but not remediate it completely. R-9 or R-10 would remediate non-conformance to lot area coverage completely, but is not appropriate for this area.

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. Most of the houses in this area do not meet current bulk standards for R-7. This is due to additions to the rear of the homes added over time. There has been change to the housing over time, but moreover, this area could have been recategorized as R-8 in the last zoning code rewrite in alignment with other current R-8 zoned blocks around this area. Specifically in the 800 block of 34th Street, the lot sizes are similar and this area was zoned R-8 in the zoning update.

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 R-7 zoning district is intended for areas with “a diverse range of housing types” that accommodate transition between “naturalistic and urban settings.” This district often includes detached and semi-detached, rowhouse, and multifamily developments of a “larger scale” than found in most residential districts. In this case, this area aligns more closely with R-8 “Rowhouse Residential District” which “maintains the traditional form of urban rowhouse development” which “contain continuous, block-long rowhouse development built to or modestly set back from the street.” All of the housing in this area is rowhouse style built to the property line and meets the R-8 definition.
2. **The needs of Baltimore City:** Baltimore City needs to retain and attract residents. This area is a stronghold of longtime residents while also seeing a change in new owners. This will make it easier for residents to make improvements to the exterior of their homes. Due to the non-conforming status, the property owners must get approval from BMZA for any exterior additions. This change would reduce variance requests and increase the likelihood for approval in some cases.
3. **The needs of the particular neighborhood:** Residents in this community wish to stay in the neighborhood by making improvements to their homes. Currently, since most of the homes are in non-conformance to the bulk standards, all improvements must go to the Board of Municipal Zoning Appeals (BMZA) creating barriers to maintaining housing stock.

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 Hampden area has seen a slight increase in population almost to 2000 census levels and has maintained steady development and growth. This area of Hampden is classified as “C” in the [2023 Housing Market Typology](#), with generally less than 2% of vacant land or lots.
2. **The availability of public facilities;** The neighborhood is well served by public facilities and this is not anticipated to change.
3. **Present and future transportation patterns;** There is access to public transportation on Falls Road. This rezoning would not substantially increase density in any way and therefore there are no anticipated future impacts to transit.
4. **Compatibility with existing and proposed development for the area;** There are proposed developments for other areas in Hampden, but these particular blocks do not have any short term plans for re-development that would change the single family residential character of the neighborhood.
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.** Since there are no community plans for this area, we rely on the Comprehensive Plan and the Zoning Code to provide guidance. The 2006 Comprehensive Plan does not have substantial recommendations for this area. The definitions for R-8 and the bulk standards in the Zoning Code more closely align with the built environment in this location and would right size this zoning district.

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;** All of the properties are mainly single-family row house style residential properties. Over half of the properties are homeowner occupied.
- (ii) **the zoning classification of other property within the general area of the property in question;** The area surrounding is range from R-6 to R-8 zoned with some industrial uses at the Mill Center and Maryland SPCA. The lot sizes for R-7 zoned properties nearby are generally 90 feet in length or more and the properties nearby zoned R-8 are generally 80 feet or less in length. These properties are just over 80 feet in length.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** The residential uses are not anticipated to change.
- (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.** There is ongoing development toward multifamily housing in the Hampden area, but in the short term, there are no anticipated plans for large scale change in this particular area.

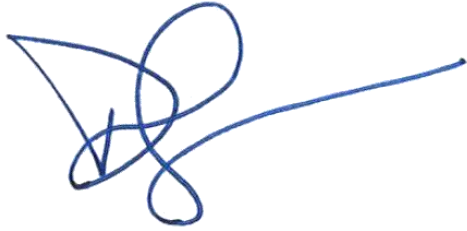
Above is the staff’s review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is in the public’s interest, in that it will reduce non-conformity and make it easier for existing residents to stay in place.

Equity:

- **Impact:** In the short term, the proposed rezoning may have a positive impact for individuals wishing to make improvements or additions to their current properties. In the longterm, unless substantial zoning reform occurs, property owners who choose to rebuild their homes will need to follow R-8 bulk standards if the change is made. The uses for R-8 are the same as R-7, except in the case of “Rooming House 10 or fewer units” which is conditional by Board. There is no demonstrated increase in access or equity due to this rezoning as it does not substantially change the residential makeup or use of the properties.
- **Engagement:** On September 24, 2023, prior to introduction of the bill, Councilwoman Ramos hand delivered letters to the affected properties. She met with three individuals on September 29th and received no additional communication.
- **Internal Operations:** Rezoning of these properties will reduce variance requests for this area and may decrease staff time spent preparing for similar requests to the Board of Municipal

Zoning Appeals (BMZA).

Notification: Notification was sent to 280 individuals within and around the Hampden area, including Association leadership for the Hampden Community Council, Remington, and Woodberry.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Chris Ryer
Director