


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 #21-0012 / REZONING – 1214-1220 HULL STREET		

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

DATE: March 12, 2021

At its regular meeting of March 11, 2021, the Planning Commission considered City Council Bill #21-0012, for the purpose of changing the zoning for the property known as 1214-1220 Hull Street Block 1988B, Lot 019), as outlined in red on the accompanying plat, from the R-8 Zoning District to the O-R-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended disapproval of City Council Bill #21-0012 and adopted the following resolutions, nine members being present (eight in favor):

RESOLVED, That the Planning Commission does not concur with the recommendation of its Departmental staff, and instead adopts the following findings, with consideration for testimony and facts presented in the meeting:

That a mistake was made in 2017 in continuing to place the subject properties in the R-8 Residential zone, as they were in fact totally occupied by non-residential uses, and had been so used and occupied since the 1980s;

That zoning the properties R-8 made them nonconforming uses, which was in opposition to one of the goals of the TransForm Baltimore comprehensive rezoning process, which was to minimize creation of nonconforming uses; and,

That the proposed zoning of Office-Residential (O-R-1) would have been, and is, a more appropriate zoning district for the subject properties, and is most compatible with current use of the properties;

and Therefore,

RESOLVED, That the Planning Commission recommends that City Council Bill #21-0012 be 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/mf

attachment

cc: Ms. Natasha Mehu, Mayor's Office
Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Matthew Stegman, City Council President's Office
Ms. Nikki Thompson, City Council President's Office
Mr. Colin Tarbert, BDC -
Ms. Kathleen Byrne, 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



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

March 11, 2021

REQUEST: City Council Bill #21-0012/ Rezoning – 1214-1220 Hull Street

For the purpose of changing the zoning for the property known as 1214-1220 Hull Street (Block 1988B, Lot 019), as outlined in red on the accompanying plat, from the R-8 Zoning District to the O-R-1 Zoning District.

RECOMMENDATION: Adopt findings and Disapprove

STAFF: Martin French

PETITIONERS: Councilmember Costello, at the request of Locust Point Properties Partnership, c/o AB Associates

OWNER: Locust Point Properties Partnership

SITE/GENERAL AREA

Site Conditions: 1214 Hull Street is located on the west side of the street, approximately 61' north of the intersection with Cuba Street. This property is also known as Block 1988B, Lot 019, and is the only property proposed for rezoning according to the bill text's block/ lot references. 1214 Hull Street measures approximately 15' by 72' and is currently improved with a three-story attached residential building and rear additions together covering the entire lot. 1216-1220 Hull Street is also located on the west side of the street, approximately 20' north of the intersection with Cuba Street. This property is also known as Block 1988B, Lot 016. This property measures approximately 41' by 72' and is currently improved with a two-story attached commercial building measuring approximately 41' by 65'. The plat map attached to the bill clearly designates both properties, 1214 Hull Street and 1216-1220 Hull Street, for possible rezoning. Both properties are currently zoned R-8, and are in the Locust Point National Register Historic District.

General Area: These properties are located in the historic Locust Point community, on the north side of Fort Avenue. This area was developed in the late 19th and early 20th Centuries, and includes a mix of small industrial and commercial uses surrounded by housing, and a substantial industrial waterfront that, unlike the areas along Key Highway northwest of these properties, has not yielded to conversion from commercial and industrial uses to residential use.

HISTORY

There are no previous legislative or Planning Commission actions regarding this specific site. The Locust Point Historic District was placed on the National Register of Historic Places on December 26, 2012. These properties were part of the R-8 zoning district created in 1971, and

retained their R-8 zoning during the comprehensive zoning process associated with adoption of the current Zoning Code which became effective on June 5, 2017.

CONFORMITY TO PLANS

If rezoning these properties would open them to redevelopment incompatible with the historic character of Locust Point's residential areas, the proposed action may be inconsistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Live Goal 1, Build Human and Social Capital by Strengthening Neighborhoods, and specifically its Objective 4: Protect and Enhance Preservation of Baltimore's Historic Buildings and Neighborhoods.

ANALYSIS

This request would, according to its sponsor's representative, allow the business presently functioning in both buildings to use the property known as 1214 Hull Street legitimately as a non-residential property. There is no record of a Use & Occupancy permit for non-residential use of 1214 Hull Street, and it has been assessed as a residential, as opposed to a commercial, property for decades. However, City directories show that it was partly used as a grocery store in the 1930s through 1960s. 1216-1220 Hull Street was originally a group of houses that were used as a tavern in the 1950s and 1960s. (Across the street was a union hall belonging to the International Longshoremens' Association. That site has been recently redeveloped with new townhouses.) According to the bill's sponsor's representative, the firm now occupying 1216-1220 Hull Street has internally joined it to 1214 Hull Street. This would have been completed without lot consolidation and without registering a change of use from residential to commercial.

The current use of 1216-1220 Hull Street may continue indefinitely. Rezoning is not required for continuing office use of the property. Use of 1214 Hull Street as office space, which the requestor of this legislation believes would not receive Board of Municipal and Zoning Appeals (BMZA) approval, would be dependent upon its being rezoned from a residential district to a non-residential district if the BMZA disapproved its use as an office.

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 not in the public's interest, in that it would allow land uses that may be considered incompatible with the historic character of the Locust Point community, in addition to allowing a building height of up to 60' with Board of Municipal and Zoning Appeals (BMZA) conditional use approval in the midst of a surrounding residential area in which maximum building height without variance is limited to 45' with BMZA conditional use approval.

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 § 10-305 (2019)). In reviewing this request, the staff finds that:

1. **The Plan:** While rezoning these properties may encourage retention of an existing business, there is no guarantee that this would continue in the long term. Rezoning may be inconsistent with protecting the historic character of the Locust Point community.
2. **The needs of Baltimore City:** This action would not serve a Mayoral initiative or other established plan purpose.
3. **The needs of the particular neighborhood:** The proposed action would not serve a specific neighborhood need, although there may be a few members of the Locust Point community employed at this location.

Similarly, the Land Use article requires the City Council to make findings of fact (MD Land Use Code § 10-304 (2019)). The findings of fact include:

1. **Population changes;** There has not been a significant change in population in this area since June 5, 2017, when the current Zoning Code and map became effective; however, as the year 2020 was a Census year, there may be population changes documented in 2021 and future years.
2. **The availability of public facilities;** There are adequate public facilities available in the area in which the subject properties are located, and there are no current plans to reduce or remove any of these facilities.

3. **Present and future transportation patterns;** There are no changes anticipated in present or future transportation patterns in this area.
4. **Compatibility with existing and proposed development for the area;** Some uses that would be authorized by rezoning these properties from Residential to Office-Residential are generally considered incompatible with permitted existing uses and development of the Locust Point area.
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 disapproval of the rezoning request to the Planning Commission. The BMZA will comment separately on this bill.
6. **The relation of the proposed amendment to the City's plan.** The proposed amendment does not appear consistent with the Comprehensive Master Plan.

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;** Properties across Hull Street, and in the Locust Point community to the west and east of the subject properties, are predominantly residential in use, with single-family attached homes predominating within that use.
- (ii) **the zoning classification of other property within the general area of the property in question;** The predominant zoning of properties other than those nearest the waterfront, which are zoned Maritime Industrial, in this vicinity is Residential, and specifically R-8.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** The subject properties are suitable for continuation of Neighborhood Commercial Establishment uses, but for the matter that 1214 Hull Street has no official current record of non-residential use.
- (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 have been no significant changes to development trends in the general area of the subject property. Interest in living in the historic community of Locust Point has continued to drive residential property values upward in the 21st Century.

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. It is recommended that the Planning Commission find that there has not been a substantial change in the character of the Locust Point neighborhood where the subject properties are located. Given the lack of documentation of non-residential use of the property known as 1214 Hull Street and the fact that 1216-1220 Hull Street, while visibly recognizable as non-residential in use, may continue to be used for its present purpose (offices) and many other non-residential uses as a Neighborhood Commercial

Establishment, it is recommended that the Planning Commission also find that there was not a mistake made in continuing to place the subject properties in the R-8 Zoning District.

Equity considerations: The subject properties are within a part of Baltimore City that has high real estate values and a proportion of non-white residents that is lower than the City-wide average. There are no apparent or predictable changes to the living situations or employment prospects of minority group members that would result from approving or from disapproving the proposed action.

Notification: The Locust Point Civic Association and Councilman Costello have been notified of this action.



Chris Ryer
Director

