



<b>FROM</b>	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #21-0119 / REZONING 1201 S. HAVEN STREET AND A PORTION OF BOSTON STREET		

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

DATE: October 8, 2021

At its regular meeting of October 7, 2021, the Planning Commission considered City Council Bill #21-0119, for the purpose of changing the zoning for the property known as 1201 S. Haven Street and a portion of Boston Street, from the I-2 Zoning District to the C-3 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #21-0119 and adopted the following resolution nine members being present (seven in favor; two abstentions):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #21-0119 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

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  
Ms. Caroline Hecker, Esq.



Brandon M. Scott  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chairman

### STAFF REPORT



Chris Ryer  
Director

October 7, 2021

**REQUESTS:** City Council Bill #21-0119/ Rezoning – 1201 S. Haven Street and a portion of Boston Street:

For the purpose of changing the zoning for the property known as 1201 S. Haven Street and a portion of Boston Street, as outlined in red on the accompanying plat, from the I-2 Zoning District to the C-3 Zoning District; and providing for a special effective date.

City Council Bill #21-0120/ Urban Renewal – Canton Industrial Area – Amendment:

For the purpose of amending the Urban Renewal Plan to revise the boundary of the Plan to remove a certain property; replacing certain exhibits to reflect the change; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

**RECOMMENDATION:** Adopt findings and Approve both bills

**STAFF:** Matthew DeSantis, AICP

**PETITIONER:** Introduced by Councilman Cohen at the request of 1201 S. Haven, LLC c/o Caroline Hecker, Esq. – Rosenberg, Martin, Greenberg, LLP

**OWNER:** 1201 S. Haven, LLC

#### **SITE/GENERAL AREA**

Site Conditions: The property is approximately 4.9 acres in area and is located at the northeast corner of the intersection of South Haven Street and Boston Street. It was formerly used for petroleum storage (a.k.a. a “tank farm”). The storage tanks were demolished around 2005 and the site is largely unimproved with the exception of a groundwater remediation facility near the center of the site that was constructed circa 2017.

General Area: The property is located within the Canton Industrial Area. The Collective at Canton and District at Canton Crossing mixed-use developments are located to the immediate west and south; active freight railroads border the site to the east.

#### **HISTORY**

1936 Sanborn Fire Insurance maps show the site being utilized by the Standard Oil company for the processing and storage of petroleum products, and the 1951 version shows a similar condition. Historic aerials show that by 1981 the entire site had been improved with 6 massive petroleum storage tanks. Those tanks were destroyed by the end of 2005, and in 2017 a

temporary groundwater remediation facility was constructed in the middle of the site. It is staff's understanding that this facility will need to remain until the 2030s in order to comply with environmental remediation requirements.

**(Canton Industrial URP History):**

- Ordinance #90-637, approved June 20, 1990, established the Canton Industrial Urban Renewal Plan.
- Ordinance #00-129, approved the first amendment to the Canton Industrial Urban Renewal Plan, dated October 25, 2000.
- Ordinance #01-234, approved the second amendment to the Canton Industrial Urban Renewal Plan, dated August 13, 2001.
- Ordinance #07-390, approved the third amendment to the Canton Industrial Urban Renewal Plan, dated February 15, 2007.
- Ordinance #11-548, approved the fourth amendment to the Canton Industrial Urban Renewal Plan, dated November 22, 2011.
- On May 9, 2019, the Planning Commission considered CCB#19-0373 – the fifth amendment to the Canton Industrial Urban Renewal Plan (Ordinance #19-282).
- On April 22, 2021, the Planning Commission considered CCB#21-0056 – the sixth amendment to the Canton Industrial Urban Renewal Plan.

**CONFORMITY TO PLANS**

The proposed rezoning from I-2 to C-3 would be consistent with the following Goal/Objective of the City's Comprehensive Master Plan:

LIVE Goal 1: Build Human and Social Capital by Strengthening Neighborhoods; Objective 2: Strategically Redevelop Vacant Properties Throughout the City

The Canton Industrial Urban Renewal Plan does not support this proposed rezoning, and for that reason the applicant is also requesting that this Plan be amended to remove this parcel from its boundaries. Given the substantial increase in commercial and residential development along the borders of the original URP boundaries over the past decade and the corresponding amendments to chip away at the URP geography, it would be reasonable to undertake a more substantial review to determine the utility of the URP in general. Additionally, the URP still refers to the former zoning code, making interpretation sometimes challenging since this does not conform neatly to the current zoning code.

**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 applicant is requesting the rezoning of 1201 S. Haven Street in order to facilitate the redevelopment of the site for auto-oriented commercial retail uses. The uses permitted by the C-3 zoning district largely conform to the nature of the recent developments that have taken, and are taking, place along South Haven Street and Boston Street.

The companion URP amendment bill to the rezoning bill seeks to remove this property from the Canton Industrial Area Urban Renewal Plan. The property is currently designated as “Heavy Industrial” by the URP, which requires that uses be limited to heavy industrial and that certain uses, including restaurants, are explicitly prohibited. In general, staff does not feel that the Canton Industrial URP, first established in 1990, is strictly necessary any longer due to the creation of the MI (Maritime Industrial) zoning district as a part of the Transform Baltimore comprehensive rezoning process. At the same time, it's reasonable to question the overall utility and integrity of the URP if redevelopment proposals that are not permitted by the ordinance simply seek to continually amend the URP to remove themselves from it. CCB#2020-0056 has passed through City Council and proposes the removal of 4900 Boston Street to facilitate a drive-through fast food restaurant. Additionally, in 2019, 1200 South Haven Street was removed from the URP in order to facilitate the Collective at Canton redevelopment that is currently underway. The removal of this property from the Canton Industrial URP and its ongoing redevelopment as a mixed-use project containing grocery retail, commercial uses, and a 500-unit apartment building clearly demonstrate the rapidly changing character of the neighborhood.

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 and that a substantial change in the neighborhood has occurred that would support this site-specific rezoning.

## REQUIRED FINDINGS

### 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:** The proposed rezoning would support the following aspect of the Comprehensive Plan: LIVE Goal 1: Build Human and Social Capital by Strengthening Neighborhoods; Objective 2: Strategically Redevelop Vacant Properties Throughout the City. While it is not consistent with the Canton Industrial URP, it is for that reason the URP amendment is also proposed.
- 2. The needs of Baltimore City:** The redevelopment of this former heavy industrial property that is currently largely vacant into commercial use will help to serve the overall redevelopment needs of the City.
- 3. The needs of the particular neighborhood:** The property is located at the intersection of South Haven Street and Boston Street. This area has seen a substantial amount of commercial redevelopment over the past decade, much of it directly serving the increasing population in Southeast Baltimore. This rezoning would enable additional commercial uses that would continue to serve this area of the City.

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;** Preliminary Census 2020 data show a 1,260% increase in population in the Canton Industrial Area neighborhood statistical area. This increase is so massive due to the fact that the 2010 Census recorded a residential population of only 68 (which now is 925). The Canton Industrial Area NSA includes the southern portion of the Brewer's Hill neighborhood, where substantial residential redevelopment has occurred over the past 10 years.
- 2. The availability of public facilities;** Adequate public facilities exist at the site and should continue to exist into the future.
- 3. Present and future transportation patterns;** The site is along South Haven Street, a vital trucking corridor, at the intersection of Boston Street. Any proposed redevelopment should both consider the substantial trucking traffic as well as the need to safely and comfortably accommodate pedestrians in accordance with the City's Complete Streets Manual.
- 4. Compatibility with existing and proposed development for the area;** The C-3 zoning district would be compatible with existing and proposed development for the area as it would accommodate additional retail and commercial development. It is unfortunate, however, that much of the recent development in the immediate area has been so auto-

oriented, as this does not align with urban design principals nor with the City's sustainability goals as they relate to climate change.

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.** As described above, the proposed rezoning is would be consistent with the City's Comprehensive 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;** The surrounding properties are used as such: to the north is heavy industrial; the west is mixed-use commercial and residential; the southwest is commercial; the south is industrial; the east is freight rail lines.
- (ii) **the zoning classification of other property within the general area of the property in question;** The properties to the southwest (District at Canton Crossing) are C-3; to the east (Collective at Canton) are C-2; to the north, east, and south are I-2.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** The site is located on the South Haven Street corridor at the intersection of Boston Street. The substantial amount of recent commercial and residential redevelopment in this area make the re-use of this particular site for I-2 heavy commercial uses very unlikely.
- (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 Collective at Canton mixed-use development has begun construction in this timeframe, representing a significant change in neighborhood character.

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. Staff finds that a substantial change in the character of the neighborhood has taken place as described in this report.

### **Equity Considerations:**

**Short / long-term impact on surrounding community:** The site has historically been used for heavy industrial uses and the proposed rezoning would enable commercial uses, consistent with recent surrounding commercial and residential redevelopment, that theoretically would serve the surrounding community in both short- and long-term.

Impact on Baltimore's existing patterns of inequity: This rezoning is driven by the continued redevelopment that has characterized Southeast Baltimore for several decades. It both responds to the surrounding residential/commercial redevelopment that has changed the area, but is also likely to drive further increases to the value of land in the vicinity as it will enable redevelopment that will provide additional amenities to community residents.

Has the community been meaningfully engaged?: The formal neighborhood associations for the nearest residential communities – Brewer's Hill and Canton – have both been engaged by the applicant and have submitted letters of support for the legislation.

How are residents who have been historically excluded from planning processes being authentically included in the planning of the proposed policy or project?: It is unclear how applicable this consideration is in this instance since the property is located in an area of Baltimore City where residents are not typically thought of as being excluded from the planning process.

Impact on internal operations: There has not been, nor is there expected to be, any substantive impact to internal operations as a consequence of this bill.

Notification: The Brewer's Hill Neighborhood Association and Canton Community Association have been notified of this action (they have submitted a joint letter of support for both bills), and the site has been properly posted in accordance with Planning Commission guidelines.



**Chris Ryer**  
**Director**