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| FROM | NAME & TITLE | THOMAS J. STOSUR, DIRECTOR | CITY of BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR | | |
| | SUBJECT | BMZA / 8 East Fayette Street | | |

TO

Mr. David Tanner, Executive Director
Board of Municipal and Zoning Appeals
417 East Fayette Street, 14th Floor

DATE: March 21, 2016

REQUEST

The Department of Planning has received Brian Blodnikar's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Octagon International, to retain existing commercial use of the first floor of the premises, add a seventh floor addition to the existing structure, and use the enlarged premises as 28 dwelling units. The Zoning Administrator has determined that a variance of off-street parking standards is needed for approval. We understand that this appeal is scheduled for hearing on April 5, 2016.

SITE

8 East Fayette Street is located on the north side of the street, approximately 99'5" east of the intersection with Charles Street; its west side is bounded by a 9'4" wide public alley named Bible Alley, which also bounds its north side at a wider width of 13'2". This property measures approximately 37'6" by 79'8" and is currently improved with a six-story semi-detached commercial building covering over 95% of the lot. This site is zoned B-4-2 and is located within the Central Business District Urban Renewal Plan area and the Business and Government Center National Register Historic District.

ANALYSIS

Use: In this zoning district, restaurants and carry-out food shops (the current commercial use of the first floor) and dwellings are permitted uses, and so are allowed (§6-506). In this case, the property was last authorized for use as offices and other commercial uses.

Conversion of Dwellings: In all districts except the R-2, R-4, R-5, and R-6 Districts, the Board may authorize, as a conditional use, the conversion of a building for use by more than one family, as long as the number of families permitted conforms with the applicable bulk regulations for the district in which the building is located (§3-305.b.1). The B-4 District does not provide any requirements for bulk, but specifies a maximum floor area ratio (FAR) of 14.0 in a B-4-2 zoning district (§6-513.c.). The applicant is proposing a maximum FAR of 7.0 for the enlarged structure.

Urban Renewal Plan: This property is located in the Central Business District Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district; the proposed residential mixed use is consistent with the Land Use provisions of the Plan. The new construction proposed in this application must be reviewed by the Department of Planning and Baltimore Development Corporation in accordance with the Plan's provision E.1. Plan Review.

Off-Street Parking: ... whenever the existing use of a structure is changed to a new use, off-street parking facilities must be provided, as required by this title, for that new use (§10-203.a). If the structure was lawfully erected before April 20, 1971, additional off-street

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parking facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use (§10-203.b). In this zoning district, multiple-family dwellings require one off-street parking space per 4 dwelling units (§10-405.1.iv). For 28 dwelling units, 7 parking spaces are required; none are or can be provided, due to the historic development pattern of the downtown area of Baltimore.

Off-Street Parking Variance: ... the Board may grant a variance to reduce by no more than 75% the number of off-street parking spaces otherwise required by the applicable regulation (§15-208.b). In this case the reduction proposed is 100%, which is greater than the variable amount the Board ordinarily may authorize. However, the pattern of development in this area does not provide opportunity, on site or near to it, for off-street parking; and the downtown area is served by multiple forms of mass transit which would be convenient for future residents of this premises. Due to the intense development pattern of this portion of downtown Baltimore, there is a practical difficulty in meeting the off-street parking requirements of the Zoning Code.

TransForm Baltimore: This property would become part of the C-5-TO (Traditional Office) District (Proposed Zoning Map Area 14-B) in which multi-family dwellings and the existing commercial uses of this property would be permitted uses (Table 10-301). The C-5 Districts would be exempt from off-street parking requirements (§10-503 (I)).

RECOMMENDATION

The Department of Planning recommends approval of this appeal, subject to design approval of the plans for the enlargement of the structure being given by the Department of Planning.

TJS/wya/mf

cc: Brian Blodnikar, appellant