

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 10-22 East North Avenue		

TO

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

DATE: October 24, 2013

### REQUEST

The Department of Planning has received STV, Inc.'s Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Jubilee Baltimore, Inc., to renovate the former Centre Theatre for a mixed-use development including a restaurant, offices, art studio, retail and university uses. The Zoning Administrator has determined that a variance of Zoning Code off-street parking requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on October 29, 2013.

### SITE

10-22 East North Avenue is located on the north side of the street, approximately 90' west of the intersection with Saint Paul Street. This property measures approximately 94'3" by 303' and is currently improved with a two-story commercial building covering the entire lot. This site is zoned B-5-2 and is located within the Charles North Urban Renewal Plan area and the North Central National Register Historic District.

### ANALYSIS

Use: In this zoning district, restaurants, offices: business, governmental, and professional, art studios, retail commercial uses as listed in the Zoning Code, and schools and universities are permitted uses, and so are allowed (§6-606). In this case, the property was last authorized for use as a wearing apparel shop, which is also a permitted use in this B-5 Central Commercial District.

Urban Renewal Plan: This property is located in the Charles North Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed uses in this district.

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 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, restaurants require one off-street parking space per 400 square feet of floor area (§10-405.21.i.). The amount of off-street parking required for business, governmental or professional offices is one parking space per 2,000 square feet of office area in excess of 50,000 square feet (§10-405.17.i.). Colleges and universities require one parking space per 4 teachers and employees, plus one space per 24 students (based on the greatest number of students on the premises at any one time) (§10-405.27.ii.).

The application indicates that up to 20 teachers and 180 students may be on the premises at any one time, and that this entire property would consist of 51,000 square feet of floor area as redeveloped. A floor plan was not provided showing the amount of floor space that would be in restaurant use. As the structure now on the property covers the entire lot, there is no opportunity currently for providing on-site parking to meet any off-street parking requirements.

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, there exists a practical difficulty in providing on-site parking, and the property is in a location well-served by public transportation and is adjacent to several open-air parking lots which may offer shared parking opportunities in the future.

TransForm Baltimore: This property would become part of the C-2 District (Proposed Zoning Map Area 7-A) in which retail goods establishments, personal services establishments, offices, art studios, and post-secondary educational facilities would all be permitted uses (Table 10-301). Because the structure on this property is over 50 years old it would be eligible for a waiver of off-street parking requirements from the Planning Director because historically it did not provide parking and there is insufficient space to provide parking now (§16-601 (G)).

#### **RECOMMENDATION**

The Department of Planning recommends approval of this appeal, noting that this property's proposed uses would not require off-street parking under the proposed new zoning code because they involve re-use of a structure over 50 years old.

TJS/wya/mf

cc: STV, Inc., Appellant