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|------|-----------------------|--|-------------------------------------|---|
| FROM | NAME & TITLE          | THOMAS J. STOSUR, DIRECTOR   | CITY of<br>BALTIMORE<br><b>MEMO</b> |  |
|      | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING<br>417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR |                                     |   |
|      | SUBJECT               | BMZA / 315 – 327 West Baltimore Street                                   |                                     |   |

TO

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

DATE: November 7, 2013

### REQUEST

The Department of Planning has received Stanley Fine's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Balti-West 300 LLC, to consolidate lots, demolish existing structures and construct a 30-story building with approximately 6,952 square feet of retail floor area, approximately 94,083 square feet of office floor area, and approximately 227 multiple-family dwelling units, served by an on-site parking garage containing approximately 404 parking spaces. The Zoning Administrator has determined that a variance of Zoning Code floor area ratio requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on November 12, 2013.

### SITE

315-319 West Baltimore Street is located on the south side of the street, approximately 140' west of the intersection with Howard Street. This property measures approximately 64'2" by 171'6" and is currently improved with a 3-story parking garage structure covering the entire lot. 321 West Baltimore Street, also known as 318 West Redwood Street, is located on the south side of the street, approximately 204' west of the intersection with Howard Street. This property measures approximately 20'8" by 171'6" and is currently unimproved. 323-325 West Baltimore Street, also known as 320-322 West Redwood Street, is located on the south side of the street, approximately 225' west of the intersection with Howard Street. This property measures approximately 41'2" by 171'6" and is currently improved as a surface open-air parking lot. 327 West Baltimore Street, also known as 324 West Redwood Street, is located on the south side of the street, approximately 266' west of the intersection with Howard Street. This property measures approximately 22'5" by 171'6" and is currently improved with a vacant four-story commercial building covering the entire lot. This site is zoned B-4-1 and is located within the Market Center Urban Renewal Plan area and the Market Center National Register Historic District.

### ANALYSIS

Use: In this zoning district, many retail uses, offices: business, governmental, and professional, and dwellings are permitted uses, and so are allowed (§6-506). In this case, the to-be-consolidated property was last authorized for use as a variety store and off-street parking for 4 or more vehicles, which are permitted uses in this B-4 Central Business District.

Urban Renewal Plan: This property is located in the Market Center Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district. However, the Plan does impose a limitation on the height of the proposed structure, as discussed below.

**Floor Area Ratio Variance:** The Board may grant a variance to increase a basic floor area ratio factor by no more than 75% of the applicable regulation (§15-204.b). In this case, the proposed floor area ratio is 14.0 which exceeds the permitted ratio of 8.0 by 75%. As the request is within the variable range the Board may apply, the appeal may be approved, subject to the applicant receiving a waiver of a provision of the Market Center Urban Renewal Plan. The Plan was originally approved on November 16, 1977, and its Design Guidelines for New Construction and Property Rehabilitation Standards, Building Heights, states: “Buildings within the same street room may vary in building height no more than 20% of the average building height within the street room.” ( -- Market Center Urban Renewal Plan, Appendix A) In addition to a definition of “street room” the Plan includes this provision: “Variances to the Renewal Plan may be granted by the Department [of Housing and Community Development] for architectural and landscape standards on the basis of design and architectural intent or unusual circumstances, provided the variances are consistent with the intent of the Renewal Plan.” If the Board grants the requested variance of the floor area ratio limitation, the applicant should be advised to request a waiver of this height limitation in order to be able to construct the proposed development according to the approved plan.

**TransForm Baltimore:** This property would become part of the C-5-DC District (Proposed Zoning Map Area 14-A) in which retail goods establishments, personal services establishments, offices, and multi-family dwellings would be permitted uses (Table 10-301). The C-5-DC District would have no maximum height limit requirements but would require Planning Department approval of design of new structures in accordance with criteria contained in Table 10-503 (K).

## **RECOMMENDATION**

The Department of Planning recommends approval of this appeal conditional upon the applicant obtaining a waiver from the Commissioner of Housing and Community Development of applicable provisions of the Market Center Urban Renewal Plan.

TJS/wya/mf

cc: Stanley Fine, Appellant