| FROM | | | CITY of BALTIMORE MEMO |
|---|---|---|---|
| | NAME & TITLE | THOMAS J. STOSUR, DIRECTOR | |
| | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING<br>8TH FLOOR, 417 EAST FAYETTE STREET | |
| | SUBJECT | CITY COUNCIL BILL #16-0752 / REZONING – 900 FLEET STREET | |

TO

DATE: October 7, 2016

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

At its regular meeting of October 6, 2016, the Planning Commission considered City Council Bill #16-0752, for the purpose of changing the zoning for the property known as 900 Fleet Street, as outlined in red on the accompanying plat, from the M-2-2 Zoning District to the B-2-4 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #16-0752 and adopted the following resolution; eight members being present (eight in favor).

> RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #16-0752 be passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

cc: Ms. Kaliope Parthemos, Chief of Staff
Mr. Colin Tarbert, Deputy Mayor for Economic and Neighborhood Development
Mr. Leon Pinkett, Assistant Deputy Mayor for Economic and Neighborhood Development
Ms. Angela Gibson, Mayor's Office
The Honorable Rochelle "Rikki" Spector, Council Rep. to Planning Commission
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Patrick Fleming, DOT
Ms. Elena DiPietro, Law Dept.
Ms. Natawna Austin, Council Services
Ms. Melissa Krafchik, PABC
Ms. Alyssa J. Domzal, Esq.

*Stephanie Rawlings-Blake*
*Mayor*

**PLANNING COMMISSION**

*Wilbur E. "Bill" Cunningham, Chairman*

**STAFF REPORT**

*Thomas J. Stosur*
*Director*

**October 6, 2016**

**REQUEST:** City Council Bill #16-0752 – Rezoning – 900 Fleet Street:
For the purpose of changing the zoning for the property known as 900 Fleet Street, as outlined in red on the accompanying plat, from the M-2-2 Zoning District to the B-2-4 Zoning District.

**RECOMMENDATION:** Approval

**STAFF:** Eric Tiso

**PETITIONER:** MR Fleet Street Contract LLC, c/o Alyssa J. Domzal, Esq.

**OWNER**: East Fleet Limited Partnership, c/o Lawrence Ruben Co.

**SITE/GENERAL AREA**
Site Conditions: 900 East Fleet Street is located on the north side of the street between the intersections with Albemarle and South Exeter Streets. This M-2-2 zoned property contains ±1.402 acres, and is currently improved by a one-story industrial building.

General Area: This site is located on the eastern edge of the Inner Harbor area, bordering on Little Italy to the north, and Fells Point to the east. The immediate area has a mix of building types, from the mid-rise and high-rise buildings of the Inner Harbor East Planned Unit Developments (PUD) to the south and southwest, to the two- and three-story attached buildings of Little Italy to the north with mixed commercial and residential uses, to the more residential Fells Point neighborhood to the east.

**HISTORY**
There are no previous legislative or Planning Commission actions regarding this site.

**CONFORMITY TO PLANS**
This property is proposed to be zoned C-5, a downtown zoning classification through TransForm Baltimore, the comprehensive rezoning plan. This proposed action is compatible with that future classification.

**ANALYSIS**
This proposal will enable the redevelopment of this site, which is now used for telephone switching, and communications uses, by including it as part of the eastern edge of the Downtown zoning district. The result will be to allow for vertical expansion above the existing communications facility, which will provide more active uses on the property, and help link the commercial properties to the south in the Inner Harbor East PUD to the commercial properties of Little Italy to the north.

Below is the staff's review of the required considerations of §16-305(c) of the Zoning Code:

> **§ 16-305. Required considerations – rezonings.**
>
> ...
>
> (c) The Board and the Planning Commission must also consider the following matters:
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> (1) existing uses of property within the general area of the property in question;
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> (2) the zoning classification of other property within the general area of the property in question;
>
> (3) the suitability of the property in question for the uses permitted under its existing zoning classification; and
>
> (4) 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.

Staff finds that this change is in the public's interest, in that it will allow for the conversion of the property to a more active commercial use, as opposed to the nearly completely passive use of the property today. This action will continue the zoning evolution that converted most of the remaining industrially-zoned properties in the Fells Point area immediately to the east, as part of the Historic Southeast rezoning effort in 2006-2007. This rezoning will provide a clear transition between the higher-intensity Downtown zoning district from the proposed C-1 and C-2 zoned lower-intensity commercial to the north, without intervening industrial properties that do not contribute to, or support the commercial nature of this area.

**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 Ann. 2012, §10-305). In reviewing this request, the staff finds that:

1. **The Plan:** This property, and many others to the south and west have been proposed for rezoning to an intense Downtown commercial zoning district. This action will further support the conversion of remnant industrial properties to commercial zones consistent with the Historic Southeast rezoning effort of 2006-2007 (*cf.* Ord. #07-429, enacted May 17, 2007).
2. **The needs of Baltimore City:** The needs of modern industrial users are not well met through scattered sites. Isolated industrial properties have lost relative value compared to more substantial industrial districts that are better located to take advantage of regional transportation networks, and larger lots and buildings that support modern industrial users that are many times the size of this building and parcel.
3. **The needs of the particular neighborhood:** For the reasons stated above, the surrounding neighborhoods will benefit from a more active commercial use, as compared to the passive industrial uses of today.

Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304).The findings of fact include:

1. **Population changes;** The immediate area surrounding this site is forecasted for a significant increase in population due to recent mixed-use developments such as Inner Harbor East, and the ongoing Harbor Point project. Additionally, these same projects will significantly increase the daytime working population as a result of the significant office uses and retail uses included in these developments.
2. **The availability of public facilities;** This area is well served by basic infrastructure, and will continue to be so served.
3. **Present and future transportation patterns;** This property is included within the eastern edge of the Southeast Strategic Transportation Vision plan developed by the Department of Transportation. This area has been under increased pressure by traffic due to increased investment and development in the vicinity, but it is served by road, bus (Charm City Circulator green and orange lines), and bicycle routes.
4. **Compatibility with existing and proposed development for the area;** As mentioned above, this action will eliminate some of the remnant industrial zoning in this area, and will support existing commercial uses to the north and south.
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, but will do so separately.
6. **The relation of the proposed amendment to the City's plan.** This site has been proposed to be rezoned C-5, a Downtown commercial district through TransForm Baltimore, the comprehensive rezoning plan for the City.

The City Council may grant the amendment to change the zoning classification based on a finding that there was: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification. This request meets the substantial change criterion to justify rezoning.

**Background:** Staff has had a predevelopment meeting to discuss a potential redevelopment project for this site that would include a new building to be built over and wrapping around the existing Verizon building. The new structure would be approximately 190' in height (about 16 stories), and would include approximately 25,000 sqft of retail uses fronting on Fleet, Albemarle and South Exeter Streets, an internal garage, and apartments above.

Notification: The following community organizations have been notified of this action: The Little Italy Property Owners Association (LIPOA), and the Little Italy Community Organization (LICO), both of whom have submitted letters of support.

**Thomas J. Stosur**
**Director**