


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 / 400-410 South Broadway/ 1621 Bank Street		

TO

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

DATE: February 28, 2012

REQUEST

The Department of Planning has received Jon Laria's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Fells Point Station, LLC, to construct a new building and renovate an existing building that together will provide 47 dwelling units, approximately 3,500 square feet of retail space, and a 33-space covered parking garage. We understand that this appeal is scheduled for hearing on March 6, 2012.

SITE

400-410 South Broadway is located on the southwest corner of the intersection with Bank Street. 1621 Bank Street is located on the south side of the street, approximately 146' west of the intersection with Broadway. These properties, being under common ownership, in 2007 were consolidated for the purpose of making the proposed development and redevelopment known as Fells Point Station feasible. This consolidated property measures approximately 210' along Bank Street by 101' along Broadway and is currently improved with a three-story former Police Station building measuring approximately 64' along the entire frontage of the original lot known as 1621 Bank Street, with a three-story rear ell that extends the building southward along Bethel Street to the southwestern corner of the consolidated lot. The portion of the consolidated lot that is referred to in this appeal as 400-410 South Broadway is currently unimproved and temporarily used as an open-air off-street parking lot. The eastern portion of this site is zoned B-2-2 and the western portion is zoned R-8. This site is located within the Fells Point Historic District.

ANALYSIS

Use: In both zoning districts (B-2 and R-8), multiple-family dwellings are a permitted use, and so are allowed (§6-306 and §4-1101). In this case, the property referred to as 400-410 South Broadway was last authorized for use as a public school, for which the original building has since been demolished. The retail space proposed by the applicant would be located along Broadway and at the corner of Bank Street and Broadway, in the B-2 zoned portion of the consolidated property.

Property Divided By Zoning District Line: Where a lot is divided into 2 or more parts by a zoning district line: (1) for all purposes except density, each part must comply with all of the regulations applicable to its zoning classification; and (2) for density purposes, the lot area computation of each part may be totaled and then distributed throughout the lot, without regard to the zoning lines (§3-307). The portion of the consolidated lot that is zoned B-2 has an approximate area of 13,587.5 square feet; the portion that is zoned R-8 has an approximate area of 7,612.5 square feet. The total lot area is approximately 21,210 square feet.

Insufficient Lot Area: In the R-8 zoning district, multiple-family dwellings require 750 square feet of lot area per dwelling unit (§4-1106.a.). In the B-2-2 zoning district, multiple-family dwellings require 1,100 square feet of lot area per dwelling unit (§6-311.c.). In this case, for 47 dwelling units, 6,375 square feet of lot area is required for the 9 units proposed in the R-8 zoned portion of the property, and 41,250 square feet of lot area is required for the 38 units proposed in the B-2-2 zoned portion of the property. The lot only encloses 21,210 square feet, and so does not meet this requirement.

Lot Area Variance: The Board may grant a variance to reduce the applicable minimum lot area requirements by no more than: (1) 25% of the applicable regulation (§15-202). In this case, the proposed amount of variance would be approximately 44.5%. The variance requested exceeds the 25% discretionary range of the Board. The Board is authorized to approve a greater variance of lot area if there is an unnecessary hardship or practical difficulty that would result from strict application of this limit (§15-218).

Comprehensive Planning: This proposal would create 47 units of housing, of which 14 would be reserved for households having income no more than 30% of Area Median Income (AMI), 2 would be reserved for households having income between 30% and 40% of AMI, 11 would be reserved for households having income between 40% and 50% of AMI, and 7 would be reserved for households having income between 50% and 60% of AMI. (The remaining 13 units would not be income-restricted.) Eight of the dwelling units would be designed to be provide housing for persons with mobility and/or hearing or vision impairments under Uniform Federal Accessibility Standards (UFAS), and six units would be designated to serve needs of Non-Elderly Persons with Disabilities (NEDS). This application thus would further the City's Comprehensive Master Plan objective of expanding housing choices for all residents and its strategy of ensuring that at least 300 more housing units per year are affordable to seniors, persons with disabilities, homeless, and low-income households. The location of the applicant's property on existing mass transit routes and near to a proposed Red Line rapid transit station makes it desirable as UFAS, NEDS, and income-restricted housing.

Because the proposed housing would be income-restricted for 72% of its rental units, it would not be financially feasible if less units, with larger floor areas and correspondingly higher rent levels, were required by adherence to the 25% lot area variance limitation.

Historical and Architectural Preservation: The Eastern District Police Station building dates from 1860, and its preservation and reuse would retain a historic structure that is on the National Register of Historic Places and is a significant contributing structure in the Fells Point Historic District. The applicant has been working with the Commission for Historical and Architectural Preservation (CHAP) to prepare site plans and building plans for both the original structure and the proposed new construction that are consistent with the objectives of the Historic District and the Secretary of the Interior's standards. The applicant has received concept approval for this development project, and is continuing to work with CHAP and the Maryland Historical Trust and the National Park Service to obtain final design approvals for this project. It should be recognized that compliance with historic preservation requirements imposes certain costs on the development that would not occur if this project only involved construction on a vacant lot, and that this practical difficulty is a reason for recommending a larger lot area variance than the 25% stated in the Zoning Code.

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 in the B-2-2 zoned portion of the property is approximately 3.26 which exceeds the permitted ratio of 2.5 by 30%. As the request is within the variable range the Board may apply, the appeal may be approved. The R-8 zoned portion of the property contains an historic structure that exceeds the 2.0 FAR limit for that zoning district, but this structure predates the Zoning Code and is not having additional floors created in it or on it.

Required Yard: In the R-8 zoning district, a minimum rear yard setback of 25' is required (§4-1107.a.). In this case, the proposed new construction's southwestern portion that wraps around the rear of the original Eastern District Police Station building will project to within 0' of the rear lot line for the Broadway frontage. This would be in keeping with the building line along Bethel Street previously established by the Police Station building.

Yard Variance: The Board may grant a variance to authorize a yard or setback that is less than that otherwise required by the applicable regulation (§15-203).

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). One parking space is required for each unit in the R-8 zoned portion of the property; one parking space is required for every 2 dwelling units in the B-2 zoned portion of the property (§10-405.1.iv). There are 9 dwelling units proposed to be constructed in the R-8 zoned portion of the property, and 38 dwelling units proposed in the B-2 zoned portion of the property, yielding a requirement for 28 spaces; 33 are proposed to be provided in an interior parking garage to be accessible from Bethel Street, which runs parallel to Broadway. The applicant is thus proposing more parking spaces than required by the Zoning Code. Because three of these spaces are in the footprint of the historic guard house portion of the Eastern District Police Station, a reduction of the total number of spaces may be required if final design approval of this project by CHAP, the Maryland Historical Trust, and the National Park Service necessitates redesign of this section of the proposed parking garage element of the combined structures.

RECOMMENDATION

The Department of Planning recommends approval of the appeal, because the applicant is proposing a combined historic rehabilitation and new construction development on a high-visibility corner in the Fells Point Historic District, for which the Commission for Historical and Architectural Preservation has indicated its approval as a concept, and because the applicant is proposing a development that would assist in meeting the City's Comprehensive Master Plan objective of expanding housing choices for all residents, and particularly for persons with disabilities and limited-income households, in a location that is accessible by virtue of proximity to public transportation services. Approval should be conditioned upon the applicant complying with all requirements imposed by the Commission for Historical and Architectural Preservation in its final decision with regard to the property to be redeveloped and renovated.

TJS/wya/mf

cc: Jon Laria, Appellant

