



*Stephanie Rawlings-Blake*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



*Thomas J. Stosur*  
Director

**May 16, 2013**

#### **REQUESTS:**

City Council Bill #12-0160/ Rezoning – 890 Linden Avenue, 905, 909, and 911 Martin Luther King, Jr. Boulevard, and 855 and 857 North Eutaw Street

For the purpose of changing the zoning for the properties known as 890 Linden Avenue, 905, 909, and 911 Martin Luther King, Jr. Boulevard, and 855 and 857 North Eutaw Street, as outlined in red on the accompanying plat, from the B-2-3 Zoning District to the B-5-1 Zoning District.

City Council Bill #13-0198/ Sale of Property – 890 Linden Avenue

For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all or a portion of its interest in certain property known as 890 Linden Avenue (Block 501, Lots 37/38) and no longer needed for public use; and providing for a special effective date.

Closing of Air Rights/ New Construction – Linden Avenue

For the purpose of closing the air rights to a portion of Linden Avenue, as indicated on a sketch provided by the Department of General Services, to allow new construction to cantilever over a portion of Linden Avenue.

#### **RECOMMENDATIONS:**

City Council Bill #12-0160: Approval

City Council Bill #13-0198: Approval after minor amendment to correct a typographic error in the block-lot reference contained in the bill: on line 17 of the bill, change “Lots 37/28” to “Lots 37/38”

Closing of Air Rights/ New Construction – Linden Avenue: Approval

**STAFF:** Martin French

**PETITIONERS:** Maryland General Hospital, for CCB #12-0160; The Administration (Baltimore Development Corporation), for CCB #13-0198; Department of General Services, at the request of Maryland General Hospital, for Closing of Air Rights to a portion of Linden Avenue.

**OWNERS:** Mayor and City Council of Baltimore, for 890 Linden Avenue; Maryland General Hospital, Inc. for 905 and 909 Martin Luther King, Jr. Boulevard and 855 North Eutaw Street; Maryland General Hospital Endowment Fund, Inc. for 911 Martin Luther King, Jr. Boulevard and 857 North Eutaw Street; Mayor and City Council of Baltimore, for Linden Avenue.

### **SITE/GENERAL AREA**

Site Conditions: These properties are located on the southern side of the intersections of Martin Luther King, Jr. Boulevard with North Eutaw Street and with Linden Avenue, and are all currently unimproved. The properties are presently zoned B-2-3.

General Area: These properties are located between the Mount Vernon and the Orchard-Biddle neighborhoods, and have a mix of uses in their immediate area. Examples of institutional uses include the State Center Office Complex opposite on the north side of Martin Luther King, Jr. Boulevard, and the Maryland General Hospital Center immediately east of these properties on the other side of Linden Avenue, and also immediately south between Linden Avenue and Eutaw Street. Examples of commercial uses include “Antiques Row” on the east side of Howard Street. The Orchard Apartments and the Seton Hill Historic District comprise the residential area to the southwest of these properties, and the Mount Vernon residential mixed-use historic district is east of Howard Street, which also forms part of the bed of the MTA Light Rail public transit line here.

### **HISTORY**

These properties were located in the Orchard-Biddle Urban Renewal Plan area, established by Ordinance #1066, dated May 17, 1971, and last amended by Ordinance #04-852, dated November 29, 2004. The Plan expired in 2011, forty years from the date of its original adoption, in accordance with its provisions. These are the first legislative actions related to the area since expiration of the Plan.

### **CONFORMITY TO PLANS**

The proposed actions are consistent with the Comprehensive Master Plan, LIVE EARN PLAY LEARN, Earn Goal 1, Strengthen Identified Growth Sectors, Objective 6: Retain and Attract Business in Healthcare and Social Assistance. The proposed use of these properties, if these bills are adopted, is a new Ambulatory Care Center to be developed in conjunction with an expansion of the capacity of the existing parking garage immediately south of this site. Healthcare is currently the largest employment sub-sector in Baltimore City’s private sector economic base, and thus this hospital expansion, facilitated by adoption of City Council Bills #12-0160 and #13-0198, in conjunction with closing of a portion of the air rights over Linden Avenue, would help with realization of the Comprehensive Master Plan goal.

### **ANALYSIS**

#### Summary:

These three actions are interdependent and are all needed in order to make possible the development and redevelopment of this site with a state-of-the-art medical care facility that would be part of Maryland General Hospital, and part of its parent organization, the University of Maryland Medical System. This new facility, an Ambulatory Care Center, would provide additional and needed medical care services that would benefit both the immediate area and the

City of Baltimore and its metropolitan area. An additional benefit would be creation of a significant employment center with potential opportunities for Baltimore residents. The proposed actions, taken as a group, are consistent with the Comprehensive Master Plan and will help meet the needs of the neighborhoods in the area and the City in general. For these reasons, as detailed below, Planning staff recommends approval of these actions.

Rezoning Request:

City Council Bill #12-0160 proposes to rezone a group of six properties to the B-5-1 commercial district in order to provide more flexibility for re-use of these properties. B-2 zoning does not permit hospitals except by ordinance, while in B-3, B-4, or B-5 zones, hospitals are a permitted use. Rezoning these properties thus would permit construction of a hospital facility on them. The Ambulatory Care Center would be a seven-story structure covering a site created by assembling these six properties. In B-3-3 zones, the maximum floor area ratio is 5.0; in B-4-1 zones, the maximum floor area ratio is 8.0; and in B-5-1 zones, the maximum FAR is 8.0. The reason for selecting B-5-1, as opposed to B-4-1, rezoning is that the central portion of Maryland General Hospital is already zoned B-5-1 (and has been since 1971), and thus this legislation would merely extend an existing B-5-1 zone to cover these properties onto which the hospital would expand.

Maryland Code Land Use Article Requirements for Rezoning:

The Land Use article of the Maryland Code requires the Planning Commission 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. In reviewing this request, the staff finds that:

1. **The Plan:** The Comprehensive Master Plan calls for strengthening identified growth sectors, such as healthcare, which is both a growth sector and the largest employment subsector within the City's private sector economic base.
2. **The needs of Baltimore City:** The City is currently undertaking a complete re-write of our zoning code. In the proposed zoning maps, the rezoning goals of many area master plans and campus plans are being incorporated into the global map change, including this proposal. The rezoning today is compatible with that effort, and will implement a specific change to a hospital campus zone for these properties sooner.
3. **The needs of the particular neighborhood:** The neighborhood specifically, as well as the City in general, will benefit from the redevelopment sought by the plan, by receiving an enlargement of medical and healthcare services delivered at this location.

Similarly, the Maryland Code Land Use article requires the City Council to make findings of fact. The findings of fact shall include:

1. **Population changes;** The population mix of the area has changed. Some of the formerly existing residential mixed-use development was supplanted by all-residential development in the early 1970s, or in the case of these properties, has been abandoned entirely. The Mount Vernon area, east of these properties, has remained stable in total

population while experiencing changes in the composition of that population. There has been a steady increase in demand for ambulatory care health services from all sectors of the population in the area and in Baltimore City in general.

2. **The availability of public facilities;** Adequate public facilities exist in this area for a wide range of uses.
3. **Present and future transportation patterns;** The existing Light Rail line in the bed of Howard Street, immediately east of these properties, provides connection to Downtown areas and to Penn Station, while State Center, immediately north of these properties, includes a Heavy Rail station and is a transit-oriented development itself. This proposed zoning is compatible with these public transportation resources.
4. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Department of Planning staff will recommend approval of the rezoning request to the Planning Commission. The BMZA will comment separately on this bill.
5. **The relation of the proposed amendment to the City's plan.** As stated above, the proposed rezoning is compatible with the goals of the City's Comprehensive Master Plan.

Following such findings, The City Council may grant the amendment 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. In this case, staff suggests that a substantial change in the character of the neighborhood has occurred. The changing needs of the community as detailed above would justify the proposed rezoning.

#### Sale of Property:

City Council Bill #13-0198 would authorize sale of 890 Linden Avenue at public or private sale. 890 Linden Avenue is a triangular property at the southwest corner of Martin Luther King, Jr. Boulevard and Linden Avenue which is needed by Maryland General Hospital as part of the land on which its seven-story Ambulatory Care Center would be constructed. While the bulk of the property would be sold, the City anticipates retaining a portion of this property for purposes of creating a right-turn lane from east-bound MLK Boulevard to south-bound Linden Avenue. This is an important traffic safety consideration, as the primary patient entrance for drop-off and pick-up of persons using the Ambulatory Care Center would be on the west side of Linden Avenue. Combining this property with other properties that are the subject of City Council Bill #12-0160 would allow construction of a state-of-the-art facility that could provide enhanced medical care services to residents of the immediate area and of Baltimore city-wide. The City of Baltimore has no practical use for this property, as it is too small to attract any development of itself alone, and is not in a location suitable for programming for public uses.

#### Closing of Air Rights – Linden Avenue:

Because the total land area, after subtraction of the portion of 890 Linden Avenue that the City of Baltimore would retain in order to create a right-turn lane on MLK Boulevard at Linden Avenue, as discussed immediately above, would be insufficient for floor area on each of the proposed seven floors of the Ambulatory Care Center, Maryland General Hospital requested

consideration of a site plan and architectural plans that called for cantilevering a portion of the proposed building over the right-of-way of Linden Avenue. The area proposed for closure would be approximately 172' in length and 24' in depth, measured from the western boundary of the public right-of-way, and would begin approximately two floor levels above the sidewalk on Linden Avenue. The desired floor area of each floor of a medical care facility like the Ambulatory Care Center is in the range of 20,000 to 25,000 square feet, while the actual floor area of the first two floors of this proposed structure would be approximately 12,000 square feet. To continue a 12,000 square feet floor plate upward without cantilevering would result in a need for a building which would be simultaneously taller and less internally efficient in floor plans. Closing a portion of the air rights over Linden Avenue would thus permit construction of a facility more in keeping with modern medical services requirements. Planning staff has had meetings with architects for Maryland General Hospital and recommends approval of this.

#### Notice

Planning staff notified the Antique Row Association of Baltimore, Midtown Community Benefits District, Mount Vernon – Belvedere Association, Seton Hill Association, and Upton Planning Committee, Inc., City Council President Young, and Councilman Cole of this action.

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