



Stephanie Rawlings-Blake  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

### STAFF REPORT



Thomas J. Stosur  
Director

November 18, 2010

#### REQUESTS:

- City Council Bill #10-0613/Rezoning – 1746 Ashland Avenue
- City Council Bill #10-0614/Planned Unit Development – New East Baltimore Community – Amendment 1
- Final Subdivision & Preliminary Development Plan/1746 Ashland Avenue

#### RECOMMENDATIONS:

- City Council Bill #10-0613 (Rezoning): Approval.
- City Council Bill #10-0614 (PUD Amendment): Amendment and approval. In Section 1, replace Sheet 4, "Proposed Streetscape Plan", dated April 29, 2010 with Sheet 4 "Forest Conservation Master Plan", dated April 29, 2010.
- Final Subdivision & Development Plan: Approval, subject to comments from the Department of General Services.

**STAFF:** Natasha Becker

**PETITIONER:** Forest City/New East Baltimore Partnership (FC/NEBP)

**OWNERS:** Same

#### SITE/GENERAL AREA

Site Conditions: The approved New East Baltimore Community PUD area is bounded by East Chase Street to the north, East Madison Street to the south, and roughly by North Washington Street to the east and North Broadway to the west. The total site area is 33.98 acres; all zoned either B-2-3 or R-8.

General Area: The general project area lies at the convergence of several distinct neighborhoods that are also Urban Renewal Areas in the central portion of East Baltimore. Those are the Middle East, Johnston Square, Broadway East, Oliver, and Gay Street I Urban Renewal Areas. Though predominantly Residential (either R-7 or R-8), there are also smaller areas of Office-Residential, Commercial, and Industrial zoning. With the exception of Johnston Square, all of the neighborhoods or portions thereof, are in the Historic East Baltimore Community Action Coalition (HEBCAC) Village Center of the Eastside Empowerment Zone. Institutional and public facilities in the area include several elementary schools, Broadway Court Elderly Housing, the John Hopkins Drug Treatment Facility, One Stop Career Center, East Baltimore Medical Center, and Collington Square and Oliver Recreation Centers.

## **CONFORMITY TO PLANS**

The project is located within the Middle East Urban Renewal Plan area. The proposed rezoning and development plan is in conformance with the goals and objectives of that plan. Moreover, the proposal is consistent with the goals and objectives of the Baltimore City Comprehensive Master Plan, specifically: EARN Goal 1, Objective 2: Retain and attract business in bioscience and Objective 6: Retain and attract business in healthcare and social assistance.

## **HISTORY**

- Ordinance #1202, approved November 30, 1979, established the Middle East Urban Renewal Plan.
- On August 12, 2004, the Planning Commission recommended approval of various street and alley closings within the New East Baltimore Community (Part I).
- On June 2, 2005, members of the Planning Commission granted Final Design Approval to the first Life Sciences building to be constructed at 855 N. Wolfe Street.
- Ordinance #05-124, approved by the Mayor and City Council on September 26, 2005, was the last amendment to the Middle East Urban Renewal Plan.
- Ordinance #05-159, approved by the Mayor and City Council on October 26, 2005, rezoned multiple properties in the project area from the B-2-3 zoning district to the R-8 zoning district.
- Ordinance #05-160, approved by the Mayor and City Council on October 26, 2005, established the New East Baltimore Community Planned Unit Development.
- On December 1, 2005, the Planning Commission recommended approval of various street and alley closings within the New East Baltimore Community (Part II.)
- On March 23, 2006, the Planning Commission approved the Final Subdivision and Development Plan for the R2 and R3 residential buildings.
- On August 10, 2006, the Planning Commission approved the Final Design for a temporary surface parking lot adjacent to the R2 and R3 residential buildings.
- On August 9, 2007, the Planning Commission approved a Minor Amendment for the primary residential area north of Eager Street and a Final Design Approval for the R1 development parcels.
- On December 20, 2007, the Planning Commission approved the Final Subdivision and Development Plan for the residential area north of Eager Street
- On April 3, 2008, the Planning Commission approved the Final Design for multiple blocks comprising Pennrose's Phase I area.
- On April 15, 2010, the Planning Commission approved the Final Design for the R9/R10 Graduate Student High Rise.

## **ANALYSIS**

Forest City/New East Baltimore Partnership (FC/NEBP) is proposing to construct the first parking garage within the footprint of the New East Baltimore Community Planned Unit Development (PUD). At the time the original PUD was approved, the master plan envisioned three small- to mid-scale parking garages. The first parking garage (labeled P-1 on plans) was to be constructed mid-block on the west side of Washington Street between Eager Street and Ashland Avenue. Since then, FC/NEBP has revised their development program and is seeking a master plan change which envisions two larger parking garages, in lieu of three. This has implications on specific proposed building footprints, as well as building massing.

Separately but simultaneously, FC/NEBP is proposing to develop the site at the northwest corner of Ashland and Rutland Avenues with a new life sciences office building. This area corresponds to Parcel L-4 on plans. The single-occupant building is being constructed expressly for the needs of the Maryland's Department of Health and Mental Hygiene (DHMH). The building will house DHMH's laboratory facilities and has specific security issues due to the biohazardous nature of materials handled. In order for the project to proceed, rezoning, subdivision, and Minor Amendment/Final Design Approval will be required. The developer is ready to pursue the zoning change and subdivision only at this time. The project will return to Planning Commission in the future for Revised Final Development Plan and Minor Amendment/Final Design Approval once the building's footprint, architectural and landscape plans have been finalized.

As part of its review of the request, staff has considered the following:

- Rezoning: At the time the original PUD plan was approved, City Council Bill #04-0004 was introduced for the purpose of changing the zoning of multiple properties within the New East Baltimore Community development area from the R-8 Zoning District to the B-2-3 Zoning District. Since the requested zoning changes mirrored recommendations of the Middle East Urban Renewal Plan, Department of Planning staff was fully supportive and recommended approval. At the City Council committee phase, however, certain properties were amended out of the bill, among them those properties corresponding to the area now known as 1746 Ashland Avenue. So that area retained its R-8 zoning designation. Since the property is now ready to be developed, rezoning is necessary to proceed. The requested zoning change from R-8 to B-2-3 is still in conformance with recommendations of the Middle East Urban Renewal Plan, and staff continues to support the change.
- PUD Amendment/Master Plan Changes: The new P-1 parking garage will occupy an area formerly dedicated to a smaller parking garage and an office building (O-1). Because the office use is being wiped out by the larger garage footprint, the development team wished to relocate the proposed office to the former site of the P-2 parking garage. And because the P-1 garage is being constructed to a height much lower than what was permitted for the office use, they wish to shift that height to the new office parcel. That means that the new maximum height for the P-1 garage will be 95' (up on a portion of the site from 65' but down on the remainder of the site from 140'), and the new maximum height of the relocated O-1 will be 150' (up from 70' and consistent with the adjacent life science buildings). These master plan changes were reviewed and approved by the City's Urban Design and Architectural Review Panel back in April of 2008.

The P-1 garage is proposed to have retail space with frontage along Ashland Avenue and Washington Street, though the actual tenant is unknown. Current thinking is that the space will be occupied by a drug store, which is a permitted use in this area of the PUD, so long as there is no drive-through. If a retail use other than a drug store is pursued, it would simply be subject to the underlying B-2 zoning, with specific exclusions and additions listed in the enabling ordinance for the PUD.

It should be noted that an amendment is needed to City Council Bill #10-0614. FC/NEBP submitted a development plan that included Sheet 4, “Proposed Streetscape Plan”, dated April 29, 2010. In order to be consistent with the original PUD, this should have been “Forest Conservation Master Plan”, dated April 29, 2010. There were no substantive changes to this sheet, save for updating existing building footprints.

- Final Subdivision & Development Plan: The property to be developed with the new DHMH Public Health Lab is being consolidated and subdivided into two parcels. Proposed Lot 1 will be the site of the new building, while proposed Lot 2 will be retained for temporary surface parking (already in existence). The development plan submitted for subdivision purposes are preliminary at this time, in that it shows Lot 1 being developed with more temporary surface parking. This is simply reflective of existing conditions. Once the site plan, architectural elevations, and landscaping have been finalized for the new building, the development team will have to return to Planning Commission for Revised Final Development Plan, Minor Amendment, and Final Design Approval.

In advance of a hearing on this matter, staff notified the following community groups: Northeast Market Merchants Association, Reclaiming our Community, Citizens Communication Coalition, Broadway Development Foundation, Madison East End Neighborhood Improvement Association, Madison East End Improvement Association, Inc., Monument Street Merchants Association, Monument Street Renaissance, Milton-Montford Improvement Association, Inc., Faith Lane Community Association, Washington-Wolfe Gateway Community Association, McElderry Park Community Association, C.A.R.E., Save Middle East Action Committee, and Historic East Baltimore Community Action Coalition, Inc.

**Thomas J. Stosur**  
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