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	Subject	Council Bill 12-00152 – TransForm Baltimore – Zoning		

To: President and Members
of the City Council
c/o 409 City Hall

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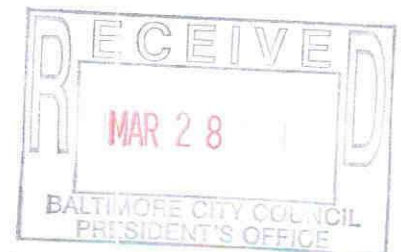
The Baltimore City Health Department (BCHD) is pleased to have the opportunity to review Council Bill 12-0152 – TransForm Baltimore – Zoning. The purpose of this bill is establish a new Zoning Code for Baltimore City; modify the laws governing the agencies and officials who administer the City’s zoning processes, including the Zoning Administrator, the Board of Municipal and Zoning Appeals, the Planning Commission, the Planning Director, and the Commissioner of Housing and Community Development; providing for the respective powers and duties of these agencies and officials; establish new zoning districts for the City, including Residential, Commercial, Industrial, Open Space, Environmental, Special Purpose, and Overlay Districts.

Zoning has the capacity to significantly influence both the health of residents and the character of the neighborhoods in which people live, work, learn and play. Recognition of the importance of public health in planning and zoning processes is vital to improving the health outcomes of our residents.

There are several broad categories in which TransForm Baltimore touches public health interests. A Health Impact Assessment (HIA) was performed by Johns Hopkins University on the draft zoning changes and broke down the impacts in to four broad categories. This HIA was conducted with representatives from the Departments of Health and Planning. The areas of impact assessed included: 1) violent crime, 2) obesity/obesity-related illnesses, 3) physical activity/pedestrian safety, and 4) diet and nutrition. This HIA was conducted with extensive engagement of city residents. Further neighborhood engagement was undertaken by the Department of Planning to ensure that Transform is both supportive of public health aims and responsive to the concerns of community members. Separate from the HIA topics, the zoning code promotes many other health-relevant domains such as transit oriented development that can reduce air pollution and pervious surface regulations that can improve water quality.

What follows is a more detailed commentary on the areas cited above.

Reduction of Violent Crime:



Right-sizing the distribution of alcohol outlets will provide tremendous public health benefit to the city. The public health literature has consistently demonstrated that alcohol outlets that sell for off-premise consumption are strongly and consistently associated with increased violent crime. A recently released Abell Foundation policy brief entitled *Alcohol Outlet Control Policy and Public Health in Baltimore: Evidence and Arguments about Creating Healthier Residential Neighborhoods*, clearly outlines the evidence for this policy proposal. Two studies from other jurisdiction exemplify what neighborhood residents clearly understand in Baltimore neighborhoods.

- 1) A study in Newark, N.J. found alcohol density to be the single most important environmental factor explaining why violent crime rates are higher in certain areas of the city than in others.
- 2) Another study of package stores in New Orleans found that a typical census tract with two package stores has a homicide rate that is 24% higher than a census tract with one outlet. Current liquor board regulations say that Baltimore City should have one liquor license for every 1,000 residents. Instead, Baltimore currently has more than twice what it should, based on its population.

Additionally, Baltimore neighborhoods with higher alcohol outlet density are generally associated with poorer health outcomes, including shorter life expectancy, higher homicide rates, and greater poverty.

Council Bill 12-0152 seeks to do the following:

- Phase out nonconforming Class A Liquor Outlets.
 - These liquor outlets have been “non-conforming” in residential neighborhoods for 40 years.
 - The proposal requires that these stores stop selling liquor. They may relocate to where liquor sales are permitted or transition to a different retail model.
- Clarify the definition of BD-7 licenses.
 - These entities are commonly known as taverns. The new zoning code requires that all taverns have more than 50% of their sales and floor area dedicated to on-site consumption, to ensure that they are operating as taverns.
 - This is a crucial clarification because currently Baltimore City has BD-7s in operation that function more like de facto package goods stores (liquor stores) than taverns.
 - This regulation applies to conforming and nonconforming outlets.
- Enforce a 300 Foot Limitation on New Liquor Stores.
 - In the proposed zoning code, new liquor stores will not be permitted within 300 feet of existing stores with the exception of downtown.

Consistent with USPSTF assertion that utilizing the zoning code is an evidenced based approach to improving conditions that adversely affect public health outcomes, BCHD believe these

zoning modifications in Council Bill 12-0152 will be an important tool as part of a comprehensive approach to reduce violent crime and improve the health of residents in those neighborhoods.

Finally, in addition to the health research, these uses have been identified as inappropriate for their residential location since the last zoning rewrite in 1971 when they were identified as “nonconforming.”

Obesity/Obesity Related Illness:

Obesity is a growing problem in both Baltimore and the United States. The rate of obesity in Baltimore is nine percent higher than it is in the state as a whole. (HIA, 22). Similarly, heart disease is the leading cause of death in the City and results in 20 percent excess deaths as compared to Maryland.

Zoning can influence the reduction of obesity and related illnesses through allowing a mix of uses (food establishments, community gardens, daily services) near all residentially zoned areas. Utilizing zoning to provide neighborhoods with access to healthy food establishments as well as encouraging other commercial entities to provide services within walking and biking distance can greatly reduce a region’s obesity rates. Such access also limits the need for use of a car; reductions in auto emissions can improve air quality.

Physical Activity/Pedestrian Safety:

Closely related to obesity and obesity related illness is the ability for residents to participate in physical activity. Walkable neighborhoods allow people to easily increase their physical activity level. However, if one is reticent to walk due safety concerns from neighborhood violence and traffic, they are unlikely to do so if they believe there is a safer method of transportation available like a car or public transportation. With efforts to improve the safety of neighborhoods, provide destinations to walk to, support for transit and bike and improving “pedestrian friendliness” of areas through design features, several aspects of the zoning rewrite promote both physical activity and pedestrian safety.

Diet and Nutrition:

Access to health food is a key factor in maintaining a healthy diet. It also plays a pivotal role in prevention of obesity and obesity-related illnesses. TransForm Baltimore provides expanded access to food outlets, and in particular, healthy food outlets. The changes include: allowing greater access to grocery stores through changing the use from a separate category to retail, no-alcohol. There will also be a specific use for community gardens and urban agriculture and a conditional use for neighborhood commercial establishments that do not sell alcohol. In other words, these zoning changes will allow residential areas to have greater proximity to food, from either retail or farming. While these changes do not guarantee that these businesses or gardens will be developed, they set the essential legal foundation for such initiatives to occur.

In addition, to the specific zoning changes referenced above, TransForm Baltimore increases Mixed Use Zoning areas in the City, a feature that we support. According to the HIA, “Mixed Use Zoning has been associated with increased physical activity and decreased obesity. Expansion of mixed use areas in Baltimore may therefore help facilitate active transport (e.g. walking and biking) and may have positive implications on obesity. It may also have a positive impact on availability of healthy food.” (44).

The proposed bill includes new provisions on community managed open space and urban agriculture thus providing new sources of healthy foods in areas that are underserved in terms of readily available produce. It will address a much needed access to green space and create a shared interest in open space. It will have a positive impact on the community as a whole. BCHD is hopeful that the transition to Mixed Use will encourage development that will lead to better outcomes.

Residential Treatment Facilities:

Under this bill, a residential treatment facility becomes a permitted use wherever single family dwellings are allowed provided “meets the general requirements, the bulk regulations and all other requirements of this code applicable to dwellings in the zoning district within which the facility is located.” §14-333(a)(3). Residential treatment facilities also become a permitted use wherever multi-family dwellings are allowed provided they meet the same criteria. §14-333(b)(2). BCHD is pleased that this important change has been included in the bill.

BCHD mission is to improve the health of all residents. Council Bill 12-0152 seeks to make some important changes that will potentially reduce health disparities in the City as well as encourage all residents to seek a healthier lifestyle.

BCHD supports this legislation and appreciates the opportunity to discuss this important issue. We will be present at the hearing to answer any questions the Council may have on this matter.

cc: Angela Gibson, Office of the Mayor
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