

Bill Number: 21-0113

Title: Zoning Code- Modifications

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Section: Applications and Authorizations

Pages: 14-20

Position: Amendment/ Without Recommendation

Written and Oral Testimony

Sponsor: City Council President (Administration)

According to TransForm Baltimore- Zoning Ordinance, § 5-508(c), Department of Planning must consider whether this amendment supports and improves existing code's goal to promote health, safety, and welfare. Amendment Code Reference 5-404, pg. 15-17, lists actions taken in accordance with § 5-406 {"Approval standards"}. C1 zoned business districts should require public notice and hearings for all national chain franchises appropriately zoned for residential commercial districts. We like to amend § 5-405 with conditions for the protection of health, safety, welfare, and public interest in C1 zones. Legal protections are needed from establishments deemed detrimental or endanger the public health, safety, welfare, precluded by any other law, or contrary to public interest. There needs to be regulations and restrictions on businesses allowed in C1 zones to allow diversified community and economic development in disenfranchised communities throughout the city. Community stakeholders should have direct involvement in its 'locally serving' residential commercial districts.

One or all following text amendment conditions should be considered for C1 zoned residential commercial districts:

Formula Business Restrictions (Prohibit altogether, cap the number, or conditional use subject to review and approval) limit the development of chain stores fostering a balanced mix of businesses. This will restrict the proliferation of stores and restaurants that have standardized services, décor, methods of operation, squeezing out independent entrepreneurs. Fredericksburg, Bristol, San Francisco, Port Townsend, and Chesapeake City, Maryland have some version of this ordinance in certain zones or citywide¹.

- Example: A formula business that wishes to open in any of **San Francisco's neighborhood business districts**, for example, must obtain approval from the planning commission. The law states that, in making its decision, the commission must consider: the existing concentration of formula businesses within the neighborhood, whether similar goods or services are already available, compatibility with the character of the neighborhood, retail vacancy rates, and the balance of neighborhood-serving versus citywide or regional-serving businesses¹.

Dispersal Restrictions are Small Box Discount Store (SBDS) ordinances limiting how close new SBDS can be to existing ones by amending zoning codes. In 2018, Tulsa, Oklahoma restricted new dollar store development due to proximity of an existing location². North Tulsa also tacks on incentives for healthy grocers and supermarkets providing healthy food to locate in that area³.

Rationale:

We would like to express our concern with the over saturation of Small Box Discount Stores (SBDS) like the Dollar Store, Family Dollar, and Dollar General within Baltimore City limits. In 2019, a new dollar store was opening at a rate of every six hours⁴. The number of SBDS exceeds Walmart and McDonald's combined³. Dollar stores are not grocery stores and are direct competition to grocery chains, employing fewer people and limiting the desire for alternative options to invest in disenfranchised neighborhoods. This is not to discourage economic business development, but to improve the health and wellness (physical and financial) of residents by encouraging a diversified portfolio of options to low and middle-income neighborhoods. There are precedents in other cities supporting these efforts. The first goal is greater diversity in retail options and convenient access to fresh meats, fruits, and vegetables (preferably locally sourced). Second, the regulation of the total number and proximity of SBDS **'REQUIRED'** to provide fresh foods. Thirdly, help ensure that these chains cannot amass at such a density that they impede opportunities for grocery stores and other businesses to take root and grow².

"There's growing evidence that these stores are not merely a byproduct of economic distress. They're a cause of it... and target poorer and mainly heavily African American neighborhoods⁵." There is a direct correlation between SBDS and food deserts⁶. Black people in the U.S. face increased rates of several diet related health disparities, including hypertension, heart disease and diabetes. Dekalb County formed a commission to address the potential influence SBDS have on obesity, food availability, food quality, crime, and land value⁶. Trust for American Health's annual report ties the proliferation of SBDS to "unhealthy food that leads to unhealthy communities⁶". The parent company, Dollar General, has received OSHA fines totaling over \$6M for repeatedly ignoring workplace safety violations nationwide⁷.

I would like to conclude with pointing out the steady rise of Davita Kidney Care facilities corresponding to the rising health concerns related to the access to whole fresh foods that SBDS do not provide. Closing Rite-Aids seem to provide ideal real estate for SBDS and Davita Kidney Care facilities. This is not coincidental. The Department of Planning can provide a heat map showing the progression of SBDS since 2008, correlating with the rise in Davita Kidney Care facilities.

1. <https://ilsr.org/rule/formula-business-restrictions/>
2. <https://ilsr.org/rule/dollar-store-dispersal-restrictions/>
3. <https://www.bloomberg.com/news/articles/2018-12-20/when-the-closest-grocery-store-is-a-dollar-store>
4. <https://www.npr.org/2019/05/09/721685190/planet-money-dollar-stores-effects-on-communities>
5. <https://ilsr.org/more-cities-pass-laws-to-block-dollar-store-chains/>
6. [https://www.dekalbcountyga.gov/sites/default/files/users/user3566/Small%20Box%20Discount%20Retail%20Store%20\(SBDR\)%20Report.pdf](https://www.dekalbcountyga.gov/sites/default/files/users/user3566/Small%20Box%20Discount%20Retail%20Store%20(SBDR)%20Report.pdf)
7. <https://www.osha.gov/news/newsreleases/region1/07022014-0>

