

ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

FINDINGS OF FACT

City Council Bill No: 21-0116

MOTION OF THE CHAIR OF THE ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO SECTIONS 10-304 AND 10-305 OF THE MARYLAND LAND USE ARTICLE AND SECTION 5-508 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING THE REZONING OF:

Rezoning - Block 3518A, Lot 001

Upon finding as follows with regard to:

(1) Population changes;

There has not been a significant population change in this area since June 5, 2017, when the current Zoning Code and map became effective. Although Census 2020 results show a 6.4% decline in Baltimore's population, this portion of the City has not been equally affected, as its 2010 -2020 population declined only 2%.

(2) The availability of public facilities;

There are adequate public facilities available in the area where this property is located, and there are no plans to reduce or remove any of these facilities.

(3) Present and future transportation patterns;

There are no changes anticipated in present or future transportation patterns in this portion of the Jones Falls Valley.

(4) Compatibility with existing and proposed development for the area;

Uses that would be authorized by rezoning this property to IMU-2 would be generally compatible with historic use of the property and with nearby non-residential uses.

(5) The recommendations of the City agencies and officials, including the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

The Planning Commission voted, nine being present, nine in favor to recommend passage of the bill. The Board of Municipal Zoning Appeals defers to the Planning

Commission. The City agencies to which the bill was referred made the following recommendations:

Planning Commission	Favorable
Board of Municipal and Zoning Appeals (BMZA)	Defers to Planning
Department of Transportation	No Objection
City Solicitor	Favorable
Department of Housing and Community Development	No Objection
Baltimore Development Corporation	Favorable
Parking Authority for Baltimore City	Not Opposed

- (6) The proposed amendment’s relationship to and consistency with the City’s Comprehensive Master Plan.

Changing the zoning of the subject property to IMU-2 would make it part of the continuous chain of industrial mixed-use and industrial zoning that has been applied to the Jones Falls Valley floor from the northern City limits to Howard Street, thus helping to meet the Comprehensive Master Plan objective of retaining and attracting businesses in growth sectors of the economy.

- (7) Existing uses of property within the general area of the property in question;

The Jones Falls Valley floor has been, and continues to be, dominated by industrial and commercial uses of various types, while the upper slopes of the Jones Falls Valley have been and continue to be dominated by residential and retail commercial uses. Across the Northern Central Railroad right-of-way is the northeastern portion of Druid Hill Park, Baltimore's largest single urban park.

- (8) The zoning classification of other property within the general area of the property in question;

Upstream and downstream of this property, Jones Falls Valley properties are zoned IMU (industrial mixed-use) or industrial (either I-1 or I-2), while properties on the upper slopes of the Jones Falls Valley, in Hampden, Brick Hill, and Woodberry, are largely zoned Residential, reflecting their original development as mill worker housing.

- (9) The suitability of the property in question for the uses permitted under its existing zoning classification;

While this property is suitable for the non-residential uses permitted under its existing zoning classification, it is not equally suitable for the residential uses permitted under that zoning classification.

- (10) The trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present classification;

There have not been major changes in land use in this general area since 2017. The area is fully developed, with the exception of a few pockets of underutilized land, and floodplain regulations restrict redevelopment in a way that, combined with the natural topography of the Jones Falls Valley, make assembly of properties for a large or major redevelopment a distant possibility.

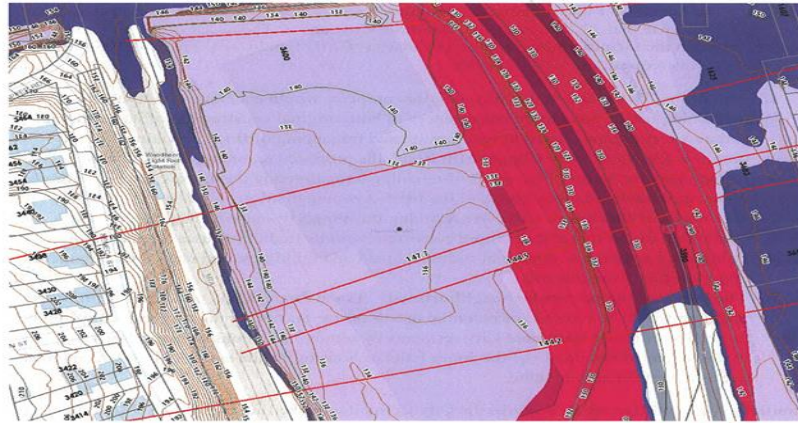
- (11) For a rezoning based on a SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD, the following facts establish the substantial change since the time of the last comprehensive rezoning:

- (12) For a rezoning based on a MISTAKE in the existing zoning classification, the following facts establish that at the time of the last comprehensive zoning the Council failed to consider then existing facts, or projects or trends which were reasonably foreseeable and/or that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect:

According to hearing testimony and documentation, there has been a substantial change in the character of the neighborhood where this property is located. This change is not one of the more usual gain or loss of population, or gain or loss of specific economic sectors, but rather is one of designation of flood hazard as it relates to this site and its immediate upstream and downstream environs.

The Jones Falls valley bottom has been recognized for over two centuries as a place where heavy rainstorms could bring catastrophic flooding the "freshet of 1868" was long remembered until Tropical Storm Agnes came in 1972 and outdid it, courtesy in part of urban development since 1868 using the Jones Falls and its tributaries as an open storm sewer. Today it is commonly accepted that rainstorms and other storms are increasing in both frequency and intensity, causing heightened interest in more effectively managing use and re-use of lands in floodplains.

As the June 2021 map segment below shows, this is a particular concern for the property that is the subject of this bill.



The central part of the existing Meadow Mill structure is traversed by the flood elevation cross-section labelled as 147.7 (feet), while the ground elevation at that same place ranges from 136 (feet) to 138 (feet). This means that flood waters could be predicted to reach a height of approximately ten feet above grade on this property during a major rainstorm event. For obvious safety reasons, it would be imprudent to allow use of this property for residential purposes, which its current zoning does allow. As a corollary, residential use of a site not directly served by public transit would generate a large number of vehicles parked on both a long-term and an overnight basis, and a large volume of floodwaters would carry them downstream while, as floating debris, those vehicles could cause additional damages to other properties.

The zoning of this property as TOD-2 was made at a time when there were lesser levels of risk associated with using it for residential purposes. However, the 2021 flood risk maps have clearly established valid cause for reconsideration of that zoning.

SOURCE OF FINDINGS (Check all that apply):

- Planning Report – Planning Commission, Agency Report, Dated September 17, 2021 which includes the Planning Department, Staff Report, Dated September 16, 2021
- Testimony presented at the Committee hearing

Oral – Witness:

- Matthew DeSantis, Planning Department
- Elena DiPietro, Law Department
- Nina Themelis, Office of the Mayor
- Stephanie Murdock, Department of Housing and Community Development
- Liam Davis, Department of Transportation
- Raven Thompson, Baltimore Development Corporation
- Brett Thorne, Parking Authority of Baltimore City
- Derrick Ready, Fire Department

Written:

- Planning Commission, Agency Report, Dated September 17, 2021 which includes the Department of Planning, Staff Report – Dated September 16, 2021
- Department of Transportation, Agency Report – Dated October 18, 2021
- Board of Municipal and Zoning Appeals, Agency Report – Dated August 24, 2021
- Law Department, Agency Report – Dated October 18, 2021
- Department of Housing and Community Development, Agency Report – Dated October 7, 2021
- Baltimore Development Corporation, Agency Report – Dated September 27, 2021
- Parking Authority of Baltimore City, Agency Report – Dated September 10, 2021

COMMITTEE MEMBERS VOTING IN FAVOR

Sharon Green Middleton, Chair
John Bullock
Mark Conway
Ryan Dorsey
Antonio Glover
Odette Ramos
Robert Stokes