

Introduced by: Councilmember Pinkett

At the request of: Mr. Hyun Do Shin

Address: c/o Caroline Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles
Street, Suite 21st Floor, Baltimore, Maryland 21201
Telephone: 410-727-6600

Prepared by: Department of Legislative Reference

Date: April 22, 2019

Referred to: **LAND USE** Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 19 - 0384

A BILL ENTITLED

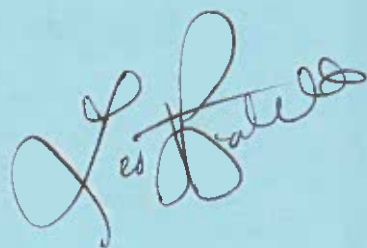
AN ORDINANCE concerning

Rezoning – 3302 Edgewood Street (aka 3500 West Forest Park Avenue)

FOR the purpose of changing the zoning for the property known as 3302 Edgewood Street (aka 3500 West Forest Park Avenue) (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the R-1 Zoning District to the C-1 Zoning District.

BY amending

Article 32- Zoning
Zoning District Map
Sheet 32
Baltimore City Revised Code
(Edition 2000)



****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

Baltimore City Public School System

Baltimore Development Corporation

City Solicitor

Comptroller's Office

Department of Audits

Department of Finance

Department of General Services

Department of Housing and Community Development

Department of Human Resources

Department of Planning

Other:

Other:

Other:

Department of Public Works

Department of Real Estate

Department of Recreation and Parks

Department of Transportation

Fire Department

Health Department

Mayor's Office of Employment Development

Mayor's Office of Human Services

Mayor's Office of Information Technology

Office of the Mayor

Police Department

Other:

Other:

Boards and Commissions

Environmental Control Board

Fire & Police Employees' Retirement System

Labor Commissioner

Parking Authority Board

Planning Commission

Wage Commission

Other:

Other:

Other:

Board of Estimates

Board of Ethics

Board of Municipal and Zoning Appeals

Comm. for Historical and Architectural Preservation

Commission on Sustainability

Employees' Retirement System

Other:

Other:

Other:

CITY OF BALTIMORE
ORDINANCE **20.349**
Council Bill 19-0384

Introduced by: Councilmember Pinkett

At the request of: Mr. Hyun Do Shin

Address: c/o Caroline Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles Street, Suite 21st Floor, Baltimore, Maryland 21201

Telephone: 410-727-6600

Introduced and read first time: April 29, 2019

Assigned to: Land Use Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: December 5, 2019

AN ORDINANCE CONCERNING

**Rezoning – ~~3302 Edgewood Street (aka 3500 West Forest Park Avenue)~~
A Portion of 3500 West Forest Park Avenue Known as 3200 Edgewood Street**

FOR the purpose of changing the zoning for the property known as ~~3302 Edgewood Street (aka 3500 West Forest Park Avenue)~~ a portion of 3500 West Forest Park Avenue known as 3200 Edgewood Street (Block 2911, Lot 023), as outlined in red on the accompanying revised plat, from the R-1 Zoning District to the C-1 Zoning District.

BY amending

Article 32- Zoning
Zoning District Map
Sheet 32
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 32 of the Zoning District Map is amended by changing from the R-1 Zoning District to the C-1 Zoning District the property known as ~~3302 Edgewood Street (aka 3500 West Forest Park Avenue)~~ a portion of 3500 West Forest Park Avenue known as 3200 Edgewood Street (Block ~~2922~~ 2911, Lot 023), as outlined in red on the revised plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying revised plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

Council Bill 19-0384

1 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

Certified as duly passed this _____ day of DEC 16, 2019



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this _____ day of DEC 16 2019



Chief Clerk

Approved this _____ day of _____, 20____

**"Pursuant to City Charter Article IV, Section 5(c),
this bill became law on February 24, 2020
without the Mayor's Signature."**

Mayor, Baltimore City

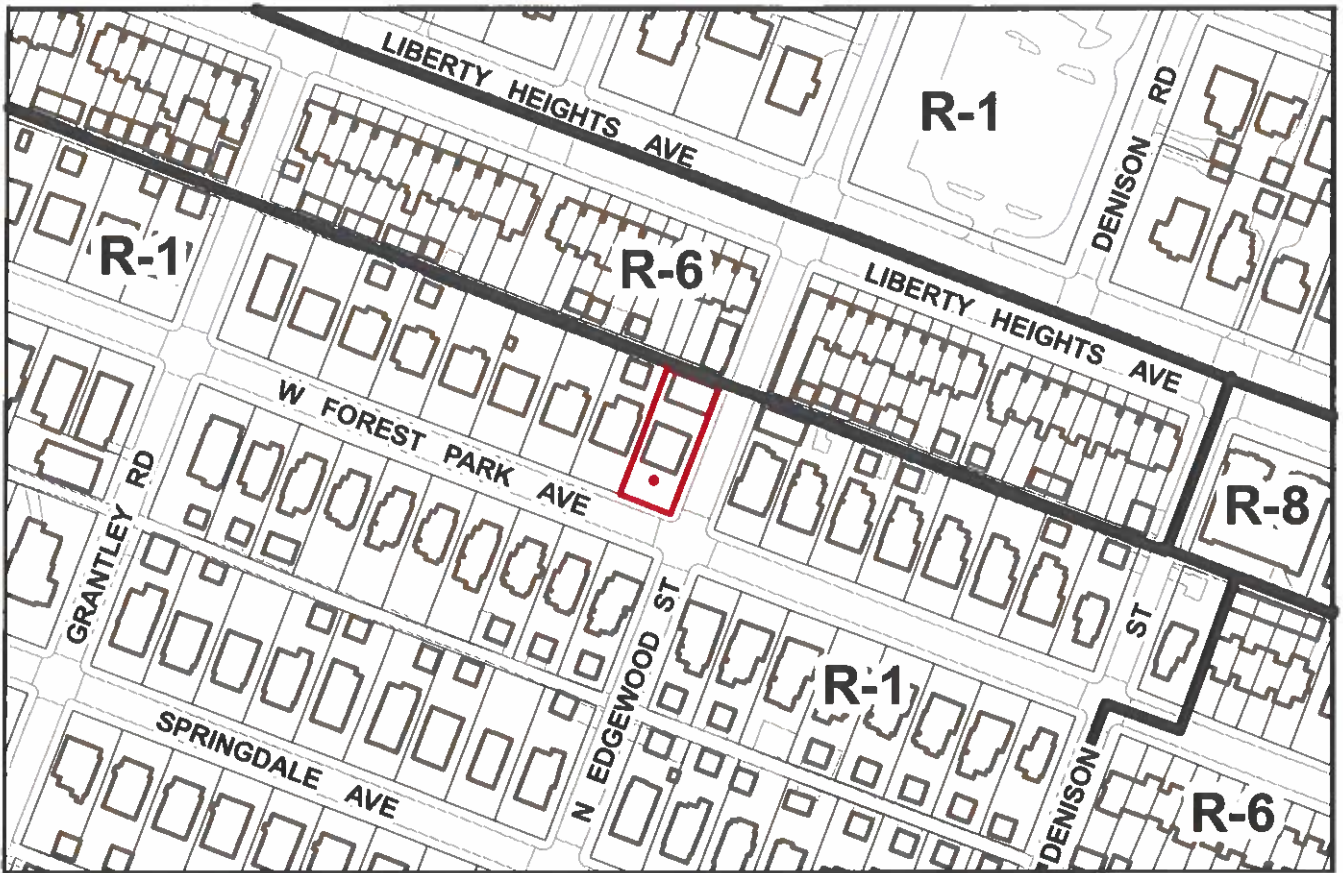
Approved For Form and Legal Sufficiency

This  Day of _____

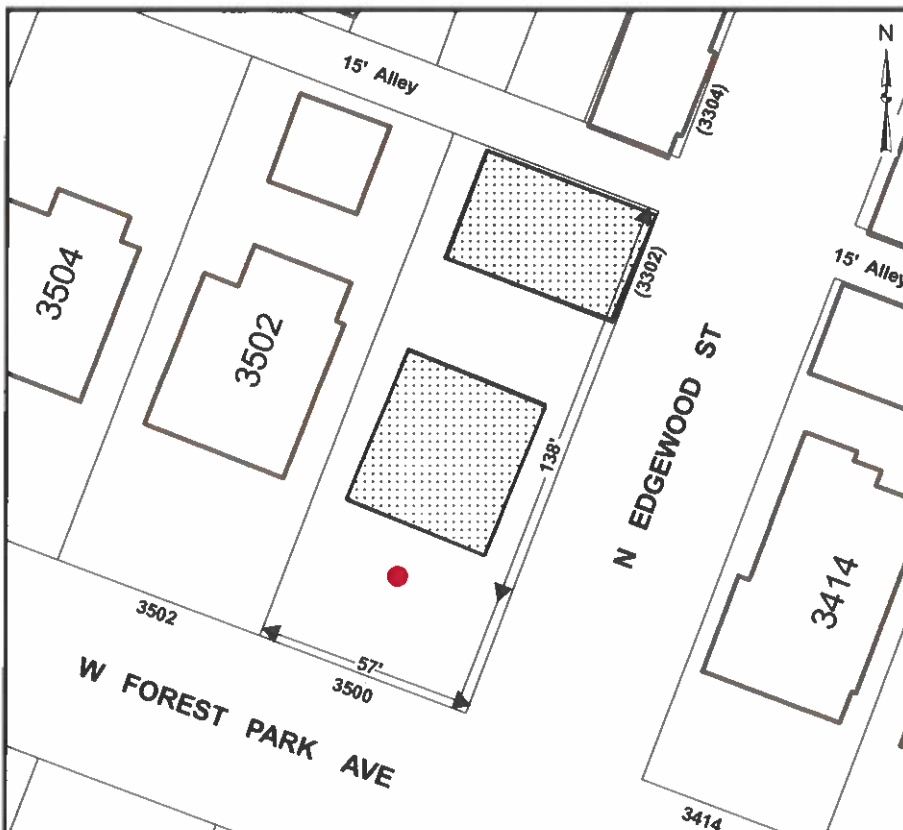
DO NOT APPROVE

Chief Solicitor

**SHEET NO. 32 OF THE ZONING MAP OF
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 200'



Scale: 1" = 50'

Note:

In Connection With The Property Known As No. 3500 WEST FOREST PARK AVENUE. The Applicant Wishes To Request The Rezoning Of The Aforementioned Property From R-1 Zoning to C-1 Zoning, As Outlined In Red Above.

**SIGN
HERE**

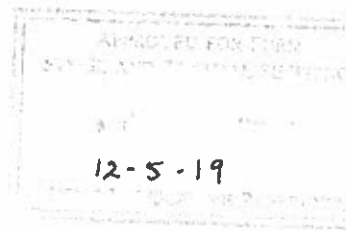
WARD 15 SECTION 26
BLOCK 2911 LOT 23

MAYOR

PRESIDENT CITY COUNCIL



AMENDMENTS TO COUNCIL BILL 19-0384
(1st Reader Copy)



By: Land Use Committee

Amendment No. 1

On page 1, in line 2, strike “3302 Edgewood Street (aka 3500 West Forest Park Avenue)” and substitute “A Portion of 3500 West Forest Park Avenue Known as 3200 Edgewood Street”.

Amendment No. 2

On page 1, in lines 3 and 4, and in lines 14 and 15, in each instance, strike “3302 Edgewood Street (aka 3500 West Forest Park Avenue)” and substitute “a portion of 3500 West Forest Park Avenue known as 3200 Edgewood Street”; and, on the same page, in line 15, strike “2922” and substitute “2911”.

Amendment No. 3

On page 1, in lines 5, 15, and 17, in each instance, before “plat”, insert “revised”.

ADOPTED



**BALTIMORE CITY COUNCIL
LAND USE COMMITTEE
VOTING RECORD**

DATE: December 4, 2019

BILL#: 19-0384

BILL TITLE: Rezoning - 3302 Edgewood Street (aka 3500 West Forest Park Avenue)

MOTION BY: Castello SECONDED BY: Norsey

☐ FAVORABLE

☒ FAVORABLE WITH AMENDMENTS

☐ UNFAVORABLE

☐ WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward - Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sneed, Shannon - Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, Mary Pat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Costello, Eric	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Middleton, Sharon	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, Robert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	<u>6</u>	<u>1</u>	<u>1</u>	

CHAIRPERSON: Edward Reisinger

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC



LAND USE COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE 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:

CITY COUNCIL BILL NO: 19-0384

**REZONING - 3302 EDGEWOOD STREET
(AKA 3500 WEST FOREST PARK AVENUE)**

Upon finding as follows with regard to:

(1) Population changes;

The population of the census tract that includes the Property (Census Tract 1507) was estimated to be 4,337 as of 2017 according to an estimate from the U.S. Census Bureau's American Community Survey. This represents a slight decrease from 2010, when 4,550 people lived in the census tract.

Per the July 2012 City of Baltimore, Maryland – Digital Communications – July Compass – Baltimore City Department of Planning E-News document, the Liquor Authority limits the number of new alcoholic beverage licenses based on a jurisdiction's population (1 license per every 1,000 residents). Notably, even with the reduced 2017 population estimate, there are still more than 1,000 people per Class A License within the census tract (1 per 1,445 residents).

(2) The availability of public facilities;

The area is well-served by public utilities and services and will remain so for the foreseeable future.

(3) Present and future transportation patterns;

The rezoning of the Property will not adversely impact present or future transportation patterns. Rezoning this property to a neighborhood-scale commercial zoning district will permit this site to continue to serve residents who live within walking distance.

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

The proposed C-1 zoning is consistent with existing commercial structures in close proximity given that a commercial use has existed at this location since at least 1940. No major development is proposed in the area, reinforcing the need for small, neighborhood-scale commercial businesses in the midst of a residential area.

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

- According to a memorandum from Mr. Chris Ryer, dated June 21, 2019, the Planning Commission concurs with the recommendation of its departmental staff, and instead recommends that City Council Bill #19-0384 be disapproved by the City Council.
- According to a Department of Planning staff report, dated June 20, 2019, the department recommends disapproval of this bill.
- According to a memorandum from Mr. Derek J. Baumgardner, dated December 4, 2019, the Board of Municipal and Zoning Appeals reviewed the legislation and recommends disapproval of Bill 19-0384.
- According to a memorandum from Mr. Steve Sharkey, dated August 7, 2019, the Department of Transportation has no objection to City Council Bill 19-0384.
- According to a memorandum from Mr. Peter Little, dated May 21, 2019, the Parking Authority of Baltimore City reviewed the proposed legislation. The legislation is legitimizing an existing use and is not expected to affect parking. This site is not located where the Parking Authority administers any on-street programs. The Parking Authority of Baltimore City does not oppose the passage of City Council Bill 19-0384.
- According to a letter dated December 2, 2019, Mr. Andre Davis, City Solicitor, writes that the City Council can only permit this rezoning if it finds facts sufficient to show either a mistake in the existing zoning classification or a substantial change in the character of the neighborhood. Md. Code, Land Use §10-304(b)(2); City Code, Art. 32, §§5-508(a), (b)(1).
- According to a memorandum from Mr. Michael Braverman, dated November 14, 2019, the Baltimore City Department of Housing and Community (DHCD) Development writes that a that it has reviewed City Council Bill 19-0384 and recommends disapproval.

- o According to a memorandum from Kimberly Clark, President and CEO dated May 21, 2019, Baltimore Development Corporation (BDC) writes that "the Planning and Law Departments have opposed the Bill on the basis that this request constitutes an illegal zoning modification. BDC also opposes City Council Bill 19-0384. However, BDC is readily available and willing to assist all non-conforming businesses to be in compliance at their present location or with relocation to properties where a liquor store use is permitted."

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

The proposed rezoning is consistent with the City's LiveEarnPlayLearn Master Plan by creating opportunities for commercial services to continue near residential communities, creating amenities for City residents.

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

The Property is located on the edge of the Forest Park residential area. It is one of four one-story buildings on the block that have historically—and are currently—used commercially. These commercial uses include a grocery store (without alcoholic beverage sales) and a hair salon.

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

The Property is located on the edge of the Forest Park residential area. Along Liberty Heights, the homes are zoned R-6, while further back into the neighborhood, the primary zoning designation is R-1.

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

According to written testimony from Ms. Caroline Hecker, the Property is not suited for the uses permitted under its existing R-1 zoning, which would require the existing package goods store to terminate its operations by June 5, 2019 under Title 18, Subtitle 7 of the Baltimore City Zoning Code. However, the fact that a package goods store has been located here since 1940, indicates that the commercial use is compatible with the surrounding area.

According to written testimony from Ms. Caroline Hecker, under the current R-1 Zoning District designation, the building utilized by Edgewood Discount Liquors (EDL) cannot be converted to use as another dwelling unit. There is an existing single-family dwelling on the Property and its lot area of 7,866 SF is just above the minimum lot area per dwelling unit in the R-1 Zoning District (7,300 SF / DU).

The building occupied by EDL also cannot be converted to another use as the minimum lot area for "all other uses" in the R-1 Zoning District is 20,000 SF.

- (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;

According to a memorandum from Ms. Caroline L. Hecker and Justin A. Williams, dated December 4, 2019, the law firm Rosenberg Martin Greenberg, LLP writes in part:

The general area where the Property is located has suffered from disinvestment in recent decades. This has led to a population decline at a rate greater than that of the overall city. Transform Baltimore did not significantly modify prior zoning designations except to downzone the areas formerly zoned R-2 to R-1.

As noted in an assessment of the Liberty Heights corridor prepared for the Baltimore Development Corporation, "[l]argely built-out, the Liberty Heights communities in northwest Baltimore competes with sites in better locations with more amenities and fewer constraints."

- (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 a memorandum from Ms. Caroline L. Hecker and Justin A. Williams, dated December 4, 2019, the law firm Rosenberg Martin Greenberg, LLP writes in part:

CCB # 19-0384 proposes to rezone the Property to the C-1 Zoning District. As explained in more detail below, rezoning the Property is appropriate here as there was a mistake in the Transform Baltimore zoning designation. It has the support of the community association and hundreds of residents to keep it open and operating. Accordingly, rezoning the Property to C-1 is appropriate to correct the mistake.

The Property is improved with a one-story building, occupied by EDL, as well as a two-story detached single-family dwelling. Mr. Shin has owned the Property since 2006 and has established a positive track record of operating EDL

since that time. In 2017, he was recognized by the City Council in a ceremonial resolution for his outstanding service, commitment, dedication, and various contributions to the Citizens of Baltimore City.

The zoning records for the Property indicate that since at least 1940, it has been utilized as a liquor store. The Property is located one block south of the Liberty Heights corridor and as indicated on the street view photo of the Property, it is one of several properties on the block that are improved with a one-story commercial building. While the Property and adjacent buildings have a lengthy history of commercial use, they had long been zoned R-2 and following the enactment of Transform Baltimore, the Property and other surrounding businesses were downzoned to R-1. Pursuant to the provisions of Transform Baltimore, the use of the Property in a residential zoning district as a "retail goods establishment – with alcoholic beverages sales" became subject to the mandatory termination provisions of Title 18, Subtitle 7 of the Baltimore City Zoning Code ("Transform Baltimore").

The City Council has the authority to change the zoning classification of a property as part of a comprehensive rezoning process or upon a finding that there was ... a mistake in the existing zoning classification. MD. CODE ANN., Land Use § 10-304(b)(2); Baltimore City Code, Article 32 – Zoning § 5-508(b)(1).

The Forest Park Neighborhood Association has written a letter indicating that it is willing to agree to EDL's continued operation on the Property; note that the memorandum of understanding referenced therein has been executed. Significantly, over 375 members of the community near the Property have signed a petition in support of EDL's continued operation.

According to oral testimony, rezoning the property residential was a mistake. The property is situated on a lot which has two distinct zoning uses. The portion of the property which faces Forest Park Avenue is a separate residential dwelling unit, while the portion of the property which faces Edgewood Street has always been used for commercial purposes. The property is also part of a cluster of non-residential (mainly commercial uses) along Edgewood Street and up to Liberty Heights Avenue and should not have been rezoned to residential during the Transform Baltimore comprehensive rezoning process. The property's uniqueness, historical commercial uses and location which is adjacent to other non-residential (mainly commercial uses) was not taken into consideration under the Transform Baltimore comprehensive rezoning process which erred in rezoning the property as residential.

The City Council adopts the findings of fact listed above.

SOURCE OF FINDINGS (Check all that apply):

☒ Planning Report – Planning Commission's report, dated June 21, 2019, which

included the Department of Planning Staff Report dated June 20, 2019.

[X] Testimony presented at the Committee hearing



Oral – Witness Name:


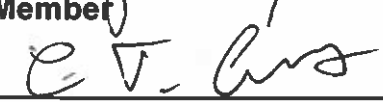
- Councilmember Leon Pinkett, III, sponsor of the bill
- Mr. Eric Tiso, Baltimore City Department of Planning
- Ms. Stephanie Murdock, Department of Housing and Community Development
- Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
- Mr. Liam Davis, Department of Transportation
- Ms. Elena DiPietro, Department of Law
- Mr. Mica Fetz, Baltimore Development Corporation
- Ms. Laurie Bianca-Pruitt, Parking Authority of Baltimore City
- Ms. Caroline Hecker, representative for the applicant

Written:

- Ms. Caroline Hecker, Esquire, Rosenberg Martin Greenberg, LLC – Findings of Fact - Dated December 4, 2019 and Memorandum of Understanding between the Forest Park Neighborhood Association and Edgewood Liquors – Dated April 19, 2019
- Planning Commission, Agency Report – Dated June 21, 2019
- Department of Planning Staff Report – Dated June 20, 2019
- Department of Transportation, Agency Report – Dated August 7, 2019
- Board of Municipal Zoning Appeals, Agency Report – Dated December 4, 2019
- Law Department, Agency Report – Dated December 2, 2019
- Department of Housing and Community Development, Agency Report – Dated November 14, 2019
- Baltimore Development Corporation, Agency Report – Dated May 21, 2019
- Parking Authority of Baltimore City, Agency Report – Dated May 21, 2019

LAND USE COMMITTEE:


Chairman

Member


Member

Member



Member

Member

Member

Member



The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

11/12/2019

Order #:

11804315

Case #:

Description:

PUBLIC HEARING ON BILL NO. 19-0384

Darlene Miller

Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore City

BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO. 19-0384

The Land Use Committee of the Baltimore City Council will meet on Wednesday, December 4, 2019 at 1:10 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 19-0384.

CC 19-0384 ORDINANCE - Rezoning - 3302 Edgewood Street (aka 3500 West Forest Park Avenue) FOR the purpose of changing the zoning for the property known as 3302 Edgewood Street (aka 3500 West Forest Park Avenue) (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the R-1 Zoning District to the C-1 Zoning District.

BY amending

Article 32- Zoning

Zoning District Map

Sheet 32

Baltimore City Revised Code

(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

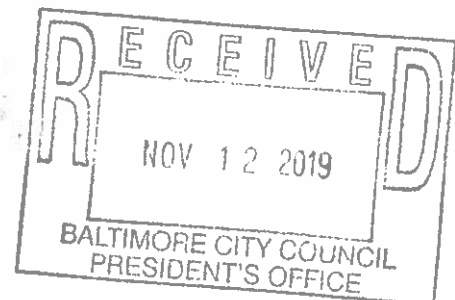
Applicant: Mr. Hyun Do Shin

For more information contact committee staff at (410) 396-1260.

EDWARD REISINGER

Chair

n12





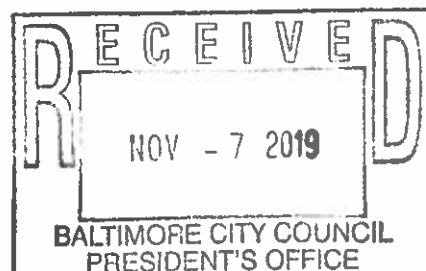
Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 19-0384
[11/03/2019]



Address: 3302 Edgewood Street

Date Posted: 11/03/2019

Name: Martin Ogle
Address: 9912 Maidbrook Road
Telephone: 443-629-3411



City of New York
Department of Social Services
Notice of Hearing - A
Hearing Notice
City of New York - 1000

1. Name of the person(s) being interviewed: _____

2. Date of the interview: _____

3. Time of the interview: _____

4. Location of the interview: _____

5. Name of the interviewer: _____

6. Name of the interviewee: _____

7. Name of the witness: _____

8. Name of the subject: _____

9. Name of the case manager: _____

10. Name of the supervisor: _____

11. Name of the director: _____

12. Name of the chief of staff: _____

13. Name of the chief of police: _____

14. Name of the chief of fire: _____

15. Name of the chief of health: _____

16. Name of the chief of education: _____

17. Name of the chief of transportation: _____

18. Name of the chief of public works: _____

19. Name of the chief of housing: _____

20. Name of the chief of social services: _____


Signature of the interviewer

Date of the interview

Signature of the interviewee
Signature of the witness
Signature of the subject

1

1

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR <i>Mr. Ryer</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0384 / REZONING - 3302 EDGEWOOD STREET (aka 3500 WEST FOREST PARK AVENUE)		

TO

DATE:

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

June 21, 2019

At its regular meeting of June 20, 2019, the Planning Commission considered City Council Bill #19-0384, for the purpose of changing the zoning for the property known as 3302 Edgewood Street (aka 3500 West Forest Park Avenue) (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the R-1 Zoning District to the C-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended disapproval of City Council Bill #19-0384 and adopted the following resolution nine members being present (eight in favor and one opposed):

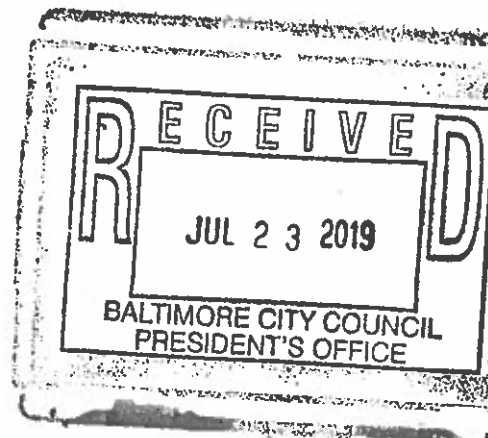
RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #19-0384 be disapproved by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Mr. Jeff Amoros, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Mr. Bob Pipik, DCHD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Michael Castagnola, DOT
Ms. Natawna Austin, Council Services
Mr. Justin Williams, Esq.





Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

June 20, 2019

REQUEST: City Council Bill #19-0384/ Rezoning -- 3302 Edgewood Street (aka 3500 West Forest Park Avenue):

For the purpose of changing the zoning for the property known as 3302 Edgewood Street (aka 3500 West Forest Park Avenue) (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the R-1 Zoning District to the C-1 Zoning District.

RECOMMENDATION: Disapproval

STAFF: Eric Tiso

PETITIONER: Mr. Hyun Do Shin, c/o Ms. Caroline Hecker, Esq.

OWNER: Mr. Hyun Do Shin

SITE/GENERAL AREA

Site Conditions: 3500 West Forest Park Avenue is located on the northwestern corner of the intersection with North Edgewood Street, and measures 57' by 138'. This property is currently zoned R-1 and is improved with a 1 ½ story home fronting on West Forest Park Avenue. The rear portion of the property, a part of the same lot of record, has a one-story detached structure known as 3302 Edgewood Street, which has been used for nonconforming commercial use as a liquor store. This rear portion of the property is the intended subject of this rezoning, though this action would affect the property in its entirety. That secondary structure is one of a few around the intersection of the mid-block alley and North Edgewood Street, each of which is also a secondary structure on a lot with another primary residence.

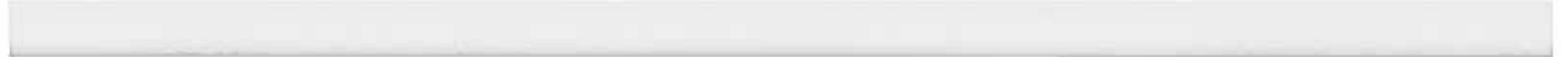
General Area: This property is located in the Forest Park neighborhood, which is predominantly residential in character, with a mix of detached homes, some attached homes, and a few multi-family dwellings. Lake Ashburton is located two blocks to the west.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site.

CONFORMITY TO PLANS

The proposed rezoning action does not support the goals, objectives and strategies contained in the Comprehensive Master Plan for the City of Baltimore. One of the objectives expressed in the Master Plan for the new zoning code was consistency of zoning with existing land use, community character, City plans and projects, and City economic development goals (Master Plan, p.15).



This rezoning is intended to allow the existing nonconforming liquor store, known under this zoning code as Retail Goods Establishment (With Alcoholic Beverages Sales), in the rear portion of the property to remain. The current Zoning Code designated this property as R-1 residential. The prior zoning designated this property as R-2 residential. This rezoning will have the practical effect of extending the operation of this liquor store since they are allowed in the C-1 as a Conditional Use by Ordinance (CO), and the use may then continue as a conditional use. It would thereby also conflict to a certain extent with LIVE Goal 2, Objective 3, Strategy 4: Ensure all residents are within 1.5 miles of quality groceries and neighborhood services, in that possible conversion of this liquor store to a food store or other retail goods establishment with no alcohol sales would not be encouraged.

ANALYSIS

This property was designated R-1 residential effective June 5, 2017, reflecting the residential character of the neighborhood. The bulk requirements of the current R-1 district match those of the prior R-2 district under the former zoning code, meaning that as a practical matter, the level of permissible development has remained unchanged.

Below are the approval standards under §5-508(b) of Article 32 – *Zoning* for proposed zoning map amendments:

(b) *Map amendments.*

(1) *Required finding.*

As required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either:

- (i) a substantial change in the character of the neighborhood where the property is located; or
- (ii) a mistake in the existing zoning classification.

(2) *Required findings of fact.*

In making the determination required by subsection (b)(1) of this section, the City Council must also make findings of fact that address:

- (i) population changes;
- (ii) the availability of public facilities;
- (iii) present and future transportation patterns;
- (iv) compatibility with existing and proposed development for the area;
- (v) the recommendations of the City agencies and officials; and
- (vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.

(3) *Additional standards – General*

Additional standards that must be considered for map amendments are:

- (i) existing uses of property within the general area of the property in question;
- (ii) the zoning classification of other property within the general area of the property in question;
- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
- (iv) 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 zoning classification.

Below is the staff's review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is not in the public's interest, in that it will make this property



usable in its entirety (*i.e.* both the existing home as well as the rear building) for commercial use, without providing any buffer or separation from the existing homes surrounding this property.

It has been less than two years since this property was placed in its present zoning classification, which was a continuation of its former residential zoning classification. There have been no significant change in this general area since the previous version of the Zoning Code was adopted in 1971. Residential use of the surrounding blocks have remained consistent throughout this time, with the only exceptions of the secondary structures around the intersection of North Edgewood Street and the mid-block alley.

Maryland Land Use Code – Requirements for Rezoning:

The Maryland Land Use Code requires the Planning Commission to 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 (*cf.* Md. LAND USE Code Ann. 2012, §10-305). In reviewing this request, the staff finds that:

1. **The Plan:** This action does not advance the goals, objectives, or strategies contained in the Comprehensive Master Plan also known as LIVE EARN PLAY LEARN.
2. **The needs of Baltimore City:** This action is not needed to serve either a comprehensive redevelopment strategy or a Mayoral initiative.
3. **The needs of the particular neighborhood:** This action does not help to meet the needs of this neighborhood, or those immediately nearby. The approval of commercial zoning for this property does not only affect the secondary building on the rear of the lot, but also expands commercial use to the primary residential building fronting on West Forest Park Avenue. This creates an additional opportunity for commercial use beyond what has existed on this lot.

Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304). The findings of fact include:

1. **Population changes;** There has not been a significant change in population since the establishment of the current Zoning Code.
2. **The availability of public facilities;** This site is served by existing utilities and public facilities, which will not be affected by the proposed change in zoning for this property.
3. **Present and future transportation patterns;** This site is accessible by City streets, in the established grid of this neighborhood, which are not proposed to be changed or impacted by this proposed action.
4. **Compatibility with existing and proposed development for the area;** The proposed action will not be compatible with the existing residential zoning of this block, or the surrounding neighborhood, and would be contrary to the confirmation of residential zoning that was approved for this neighborhood as part of the Citywide rezoning effort in 2017.



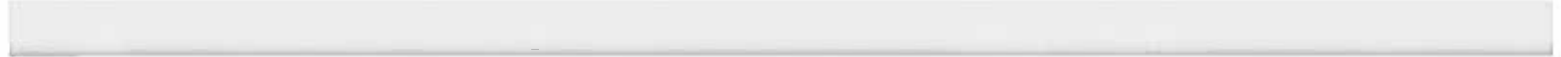
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department will recommend disapproval of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
6. **The relation of the proposed amendment to the City's plan.** As continuation of the R-1 zoning that became effective June 5, 2017 is consistent with the City's Comprehensive Master Plan and zoning map, which the Planning Commission previously recommended and the Mayor and City Council adopted, this action is contrary to the City's plan.

There are additional standards under §5-508(b)(3) that must be considered for map amendments. These include:

- (i) **existing uses of property within the general area of the property in question;** The predominant use of the properties in the Forest Park neighborhood is residential in nature, which has not functionally changed under the current Zoning Code.
- (ii) **the zoning classification of other property within the general area of the property in question;** This site is located in a R-1 residential district. The Forest Park neighborhood is residentially zoned, including R-1-E, R-1, R-5, R-6, and R-8 districts, according to their building types. There is a C-2 commercial node at the intersection of Liberty Heights and Garrison Boulevard, three blocks to the west, and one small C-1 node four blocks to the south at Garrison Boulevard and Edgewood Street.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** The secondary building on the rear of this property could be renovated for use as a residential unit, or could be converted to a garage, either of which would conform to the requirements of this residential district.
- (iv) **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 zoning classification.** This neighborhood has remained stable in its development patterns, even after the Citywide rezoning in 2017. No significant development or change in the area has occurred that would invalidate the appropriateness of the residential zoning for these properties.

Per §5-508(1) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification.


Since the comprehensive rezoning of the City, there hasn't been a significant change in the neighborhood that would invalidate the residential zoning that has been continued for this property specifically, and for the neighborhood in general. The choice of R-1 zoning is appropriate for this area, it reflects the physical form of the neighborhood, and continues the bulk standards as previously required under the former R-2 classification under the prior Zoning Code.



Notification: The Forest Park Association has been notified of this action.

A handwritten signature in black ink, appearing to read "Chris Ryer", written over a horizontal line.

Chris Ryer
Director

F R O M	NAME & TITLE	Steve Sharkey, Acting Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 19-0384		

TO: Mayor Bernard C. "Jack" Young
TO: Land Use Committee
FROM: Department of Transportation
POSITION: No Objection
RE: Council Bill – 19-0384

DATE: 8/7/19

INTRODUCTION – Rezoning - 3302 Edgewood Street (aka 3500 West Forest Park Avenue)

PURPOSE/PLANS – For the purpose of changing the zoning for the property known as 3302 Edgewood Street (aka 3500 West Forest Park Avenue) (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the R-1 Zoning District to the C-1 Zoning District.

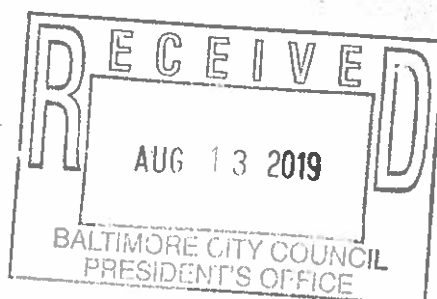
COMMENTS – City Council Bill 19-0384 looks to rezone 3302 Edgewood Street from the R-1 Zoning District to the C-1 Zoning District, allowing for the operation of a retail goods establishment with alcoholic beverage sales from the structure facing the 3300 block of Edgewood Street. The Department of Transportation does not foresee any direct fiscal or operational impact in relation to this bill.

AGENCY/DEPARTMENT POSITION – The Department of Transportation has **no objection** to City Council Bill 19-0384.

If you have any questions, please do not hesitate to contact Liam Davis via email at Liam.Davis@baltimorecity.gov or by phone (410) 545-3207.

Sincerely,


Steve Sharkey
Acting Director



no objection



CITY OF BALTIMORE

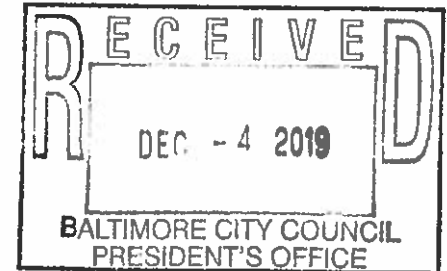
BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

December 2, 2019

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202



Re: City Council Bill 19-0384– Rezoning – 3302 Edgewood St.

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0384 for form and legal sufficiency. If enacted, the bill would change the zoning for 3302 Edgewood St. from the R-1 Zoning District to the C-1 Zoning District. For the reasons set forth within, the Law Department cannot find that the bill is legally sufficient.

The City Council can only permit this rezoning if it finds facts sufficient to show either a mistake in the existing zoning classification or a substantial change in the character of the neighborhood. Md. Code, Land Use, §10-304(b)(2); City Code, Art. 32, §§5-508(a), (b)(1). There would appear to be no basis to believe that the neighborhood could have substantially changed between the comprehensive rezoning of the property on June 5, 2017 and the present. Therefore, to legally rezone the property, the City Council must identify a "mistake" that lead to the inappropriate zoning of the property as R-6 only a short time ago. Md. Code, Land Use §10-304(b)(2); City Code, Art. 32, §§5-508(a), (b)(1).

As "there is a strong presumption of the correctness of original zoning and of comprehensive rezoning," there must be substantial evidence "to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council could not have taken into account." *People's Counsel v. Beachwood I Ltd. Partnership*, 107 Md. App. 627, 641 (1995) (citations omitted); *Boyce v. Sembly*, 25 Md. App. 43, 52 (1975) (citations omitted). In other words, "the Council's action was premised initially on a misapprehension" making the selection of the R-6 zoning designation a "conclusion based upon a factual predicate that is incomplete or inaccurate." *People's Counsel*, 107 Md. App. at 641, 645 (citation omitted); *accord White v. Spring*, 109 Md. App. 692, 698 (1996). "[A]n allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing." *People's Counsel*, 107 Md. App. at 645. Without showing either facts that were not considered or subsequent events, "the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not 'fairly debatable.'" *Boyce*, 25 Md. App. at 52.

To be sure, if evidence of a factual mistake sufficient to justify a rezoning is revealed, then courts will accord deference to the legislative judgment to rezone. *Cty. Council of Prince George's*

Not Approved



8



Cty. v. Zimmer Dev. Co., 444 Md. 490, 509-510 (2015); accord *White*, 109 Md. App. at 699 ("the courts may not substitute their judgment for that of the legislative agency if the issue is rendered fairly debatable"); *Floyd v. County Council of Prince George's County*, 55 Md. App. 246, 258 (1983) ("Substantial evidence, we have noted, 'means a little more than a "scintilla of evidence."")

The Report of the Planning Commission does not recommend approval of the bill so it does not offer facts to support the rezoning. The City Council must compile facts from other sources to make the required findings of fact. Under these circumstances, it may be difficult to find the needed support. The Planning Commission explains that this is a property with two structures, one with a residential use and another in the rear that is used for a liquor store. If the property was rezoned to C-1, the liquor store would be allowed as a conditional use by ordinance. In addition, it is possible that the entire property could be used for the liquor store since the entire property would be rezoned c-1. Since there has been no change in the character of the neighborhood in such a short time since the comprehensive rezoning the applicant has to show there was a mistake in the comprehensive rezoning that resulted in the R-1 zoning. With respect to finding to support the zoning the Planning staff noted that regarding compatibility with existing and proposed development the C-1 zoning is not compatible as the area is predominantly residential. Consequently, the Planning Commission can not recommend the change. The proposed zoning is also not consistent with the City's comprehensive Master Plan which contemplates residential uses for the area rather than a mixed-use area. Facts to support the additional standards on 5-508(b)(3) also are not possible to provide as the change is simply not compatible with the existing uses of properties in the area properties or with the surrounding zoning districts. The Planning Report also provides that the change is not supported by the Md. State Code Land Use Art. standards which are similar to the City Code provisions. Given the nature of this property and the surrounding area, it does not seem possible to find facts to support all the required standards.

Finally, rezoning this property now to C-1 would constitute unlawful spot zoning because it would be only for the benefit of the property owner. When the City has undertaken such efforts in the past, Maryland's highest court has invalidated such an ordinance as unreasonable, discriminatory spot zoning because the rezoning had insufficient relationship to the public health, safety or general welfare. See, e.g., *Cassel v. Mayor and City Council of Baltimore*, 195 Md. 348, 354 (1950).

On the present record, it does not appear that there can be facts that show that the City Council had a misapprehension about the facts applicable to the property when it was comprehensively zoned residential. In addition, it is unlikely that there can be facts to support the standards for finding a mistake in the original zoning as it is clearly incompatible with the existing uses in the neighborhood and with the surrounding zoning districts. Accordingly, the legal standard for rezoning cannot be met and the Law Department cannot approve the bill for legal sufficiency.

Very truly yours,



Andre M. Davis
City Solicitor



**cc: Matthew Stegman, Mayor's Office of Government Relations
Caylin Young, President's Legislative Director
Natawna Austin, Executive Secretary
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Victor Tervala, Chief Solicitor
Ashlea Brown, Assistant Solicitor**



CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

DEREK J. BAUMGARDNER, Executive Director
417 E. Fayette Street, Suite 922
Baltimore, Maryland 21202

December 4, 2019

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

Re: CC Bill #19-0384 Rezoning - 3302 Edgewood Street (aka 3500 West Forest Park Avenue) For the purpose of changing the zoning for the property known as 3302 Edgewood Street (aka 3500 West Forest Park Avenue) (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the R-1 Zoning District to the C-1 Zoning District.

Ladies and Gentlemen:

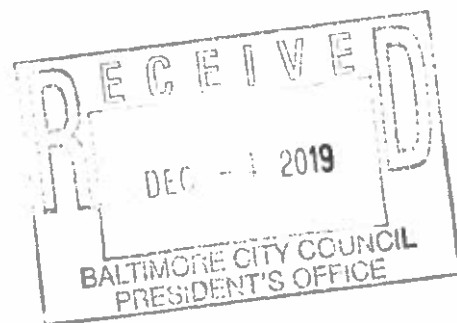
City Council Bill No. 19-03⁸⁴~~99~~ has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 19-0384 is to change the zoning for the property known as 3302 Edgewood Street (aka 3500 West Forest Park Avenue) (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the R-1 Zoning District to the C-1 Zoning District.

The BMZA has reviewed the legislation and concurs with the recommendation of the Planning Commission in recommending disapproval of City Council Bill No. 19-0384.

Sincerely,

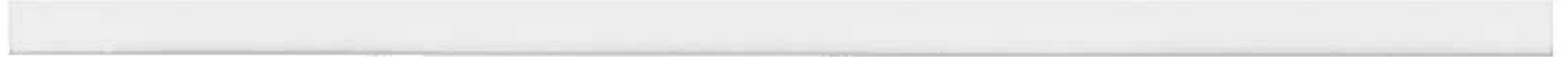
Derek J. Baumgardner
Executive Director



CC: Mayor's Office of Council Relations
City Council President
Legislative Reference

D-approval







BALTIMORE CITY
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner

Date: November 14, 2019

Re: **City Council Bill 19-0384 Rezoning - 3302 Edgewood Street (aka 3500 West Forest Park Avenue)**

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 19-0384 for the purpose of changing the zoning for the property known as 3302 Edgewood Street (aka 3500 West Forest Park Avenue) (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the R-1 Zoning District to the C-1 Zoning District.

If enacted, this bill will rezone 3302 Edgewood Street from the R-1 to the C-1 Zoning District. This rezoning is intended to allow the existing nonconforming retail goods establishment with alcoholic beverage sales in the rear portion of the property to remain.

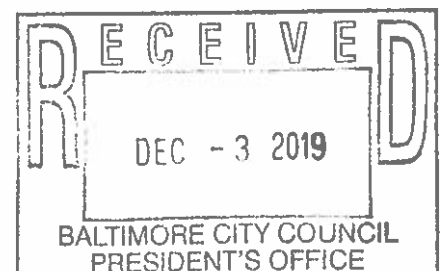
At its regular meeting of June 20, 2019, the Planning Commission concurred with the Department of Planning Staff recommendation of disapproval of this Bill. Planning departmental staff determined that this change is not in the public's interest, in that it will make this property usable in its entirety for commercial use without providing any buffer from the existing homes surrounding this property. Residential use of the surrounding blocks has remained consistent since the comprehensive rezoning of the City and R-1 zoning is appropriate for this area.

DHCD has reviewed City Council Bill 19-0384 and recommends **disapproval**.

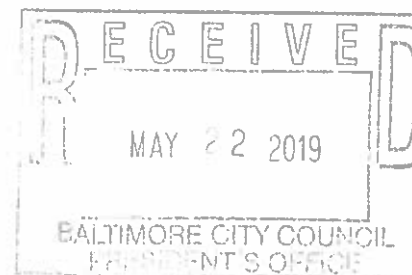
MB:sm

cc: Mr. Blendy, Nicholas, *Mayor's Office of Government Relations*

Disapproved







MEMORANDUM

DATE: May 21, 2019
TO: Land Use and Transportation Committee
FROM: Kimberly Clark, Interim President and CEO *K Clark*
POSITION: Oppose
SUBJECT: City Council Bill 19-0384 – Rezoning – 3302 Edgewood Street

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 19-0384, the purpose of which is to change the zoning for the property known as 3302 Edgewood Street (Block 2911, Lot 023), from the R-1 Zoning District to the C-1 Zoning District.

PURPOSE

The property is a non-conforming liquor store and the intention of the applicant is to change the zoning so that the retail goods/liquor store can continue to operate.

BRIEF HISTORY

Under the Transform Baltimore Zoning code, which was enacted in July of 2015, the R-1 zoning prohibits liquor stores that are located within residential neighborhoods. During the spring and summer of 2018, BDC conducted outreach to all non-conforming liquor stores and offered assistance to bring their businesses into compliance. BDC discussed options with each business that included eliminating liquor sales at the non-conforming location and converting the business into a grocery/retail use, applying for a hardship waiver, if applicable, or by relocating the business to a location where a liquor store use is permitted.

FISCAL IMPACT

None

AGENCY POSITION

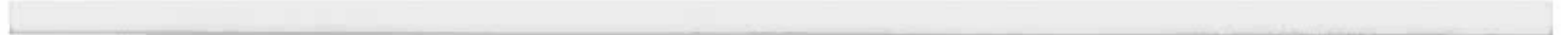
The Planning and Law Departments have opposed the Bill on the basis that this request constitutes an illegal zoning modification. BDC also opposes City Council Bill 19-0384. However, BDC is readily available and willing to assist all non-conforming businesses to be in compliance at their present location or with relocation to properties where a liquor store use is permitted.

If you have any questions, please do not hesitate to contact Kim Clark at 410-837-9305.

cc: Jeffrey Amoros

[DG]

opposed



TRANSMITTAL MEMO

TO: Council President Brandon Scott
FROM: Peter Little, Executive Director
DATE: May 21, 2019
RE: City Council Bill 19-0384

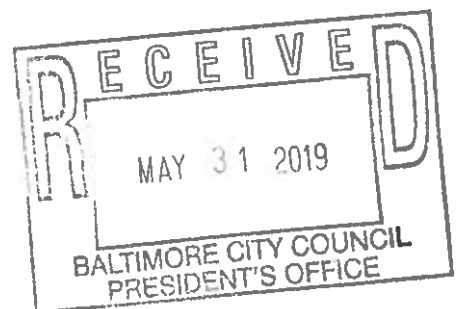


I am herein reporting on City Council Bill 19-0384 introduced by Councilman Pinkett at the request of Mr. Hyun Do Shin.

The purpose of this bill is to change the zoning for the property known as 3302 Edgewood Street (aka 3500 West Forest Park Avenue) (Block 2911, Lot 023) from the R-1 Zoning District to the C-1 Zoning District.

The Parking Authority of Baltimore City reviewed the proposed legislation. The legislation is legitimizing an existing use and is not expected to affect parking. This site is not located where the Parking Authority administers any on-street parking programs.

Based on the comments above, the Parking Authority of Baltimore City does not oppose the passage of City Council Bill 19-0384.



Does not oppose



Rosenberg
Martin
Greenberg^{LLP}

Caroline L. Hecker
25 South Charles Street, 21st Floor
Baltimore, Maryland 21201
P: (410) 727-6600/F: (410) 727-1115
hecker@rosenbergmartin.com

MEMORANDUM

TO: LAND USE COMMITTEE, BALTIMORE CITY COUNCIL

FROM: CAROLINE L. HECKER
JUSTIN A. WILLIAMS

CC: MR. HYUN DO SHIN

RE: CCB # 19-0384 – REZONING – 3302 EDGEWOOD STREET (AKA 3500
W. FOREST PARK AVENUE)
PROPOSED FINDINGS OF FACT

DATE: DECEMBER 4, 2019

This firm represents Mr. Hyun Do Shin, the operator of an existing package goods store known as Edgewood Discount Liquors (“EDL”), operating at 3302 Edgewood Street (the “Property”). On Mr. Shin’s behalf, Councilman Leon Pinkett introduced CCB # 19-384, which proposes to rezone the Property to the C-1 Zoning District. As explained in more detail below, rezoning the Property is appropriate here as there was mistake in the Transform Baltimore zoning designation. The Court of Appeals has stated, “[o]n the question of original mistake, this Court has held that when the assumption upon which a particular use is predicated proves, with the passage of time, to be erroneous, this is sufficient to authorize a rezoning.” *Mayor and Council of Rockville v. Stone*, 271 Md. 655, 662 (1974)(citations omitted)(emphasis added). Here, the assumption that Mr. Shin’s package goods store was causing violent crime in the community has proven to be erroneous. It was a mistake to zone the Property to a designation that would subject it to the mandatory termination provisions when it has the support of the community association and hundreds of residents to keep it open and operating. Accordingly, rezoning the Property to C-1 is appropriate to correct the mistake.

The Property is improved with a one-story building, occupied by EDL, as well as a two-story detached single-family dwelling. Mr. Shin has owned the Property since 2006 and has established a positive track record of operating EDL since that time. In 2017, he was recognized by the City Council in a ceremonial resolution for his outstanding service, commitment, dedication, and various contributions to the Citizens of Baltimore City. Ex. 1.

The zoning records for the Property indicate that since at least 1940, it has been utilized as a liquor store. Ex. 2. The Property is located one block south of the Liberty Heights corridor and as indicated on the street view photo of the Property, it

received
12-4-19
Hecker jrc

(iii) Present and future transportation patterns;

The rezoning of the Property will not adversely impact present or future transportation patterns. Rezoning this property to a neighborhood-scale commercial zoning district will permit this site to continue to serve residents who live within walking distance.

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

The proposed C-1 zoning is consistent with existing commercial structures in close proximity given that a commercial use has existed for at this location since at least 1940. No major development is proposed in the area, reinforcing the need for small, neighborhood-scale commercial businesses in the midst of a residential area.

(v) The recommendations of the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

The Planning Commission is urged to make a favorable recommendation on this bill.

The Board of Municipal and Zoning Appeals has not yet commented on this bill.

(vi) The proposed amendment's consistency with the City's Comprehensive Master Plan.

The proposed rezoning is consistent with the City's LiveEarnPlayLearn Master Plan by creating opportunities for commercial services to continue near residential communities, creating amenities for City residents.

Section 5-508(b)(3) of the Zoning Code also mandates that the following additional standards be considered for map amendments:

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

The Property is located in on the edge of the Forest Park residential area. It is one of four one-story buildings on the block that have historically—and are currently—used commercially. These commercial uses include a grocery store (without alcoholic beverage sales) and a hair salon.

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

The Property is located on the edge of the Forest Park residential area. Along Liberty Heights, the homes are zoned R-6, while further back into the neighborhood, the primary zoning designation is R-1.

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

The Property is not suited for the uses permitted under its existing R-1 zoning, which would require the existing package goods store to terminate its operations by June 5, 2019 under Title 18, Subtitle 7 of the Baltimore City Zoning Code. However, the fact that a package goods store has been located here since 1940, and as stated above, does not appear to have been a driver of violent crime, indicates that the commercial use is compatible with the surrounding area.

Moreover, under the current R-1 Zoning District designation, the building utilized by EDL cannot be converted to use as another dwelling unit. There is an existing single-family dwelling on the Property and its lot area of 7,866 SF is just above the minimum lot area per dwelling unit in the R-1 Zoning District (7,300 SF / DU).

The building occupied by EDL also cannot be converted to another use as the minimum lot area for “all other uses” in the R-1 Zoning District is 20,000 SF.

(iv) 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 zoning classification.

The general area where the Property is located has suffered from disinvestment in recent decades. This has led to a population decline at a rate greater than that of the overall city. Transform Baltimore did not significantly modify prior zoning designations except to downzone the areas formerly zoned R-2 to R-1.

As noted in an assessment of the Liberty Heights corridor prepared for the Baltimore Development Corporation, “[l]argely built-out, the Liberty Heights communities in northwest Baltimore competes with sites in better locations with more amenities and fewer constraints.” Ex. 10. The City Council clearly erred in rezoning this Property to the R-1 District. As a good operator that is not contributing to increases in violent crime, the consequence of downzoning will be to force the one of the few successful businesses in the area to close and further reduce the amenities available to residents in proximity.

Exhibit 1

City Council of Baltimore



Resolution

Be it hereby known to all that
The City Council of Baltimore
offers its sincerest congratulations
to

HYUN SHIN

in recognition of

**YOUR OUTSTANDING SERVICE, COMMITMENT, DEDICATION AND
VARIOUS CONTRIBUTIONS TO THE CITIZENS OF BALTIMORE CITY.**

The entire membership extends
best wishes on this memorable occasion
and directs this resolution be presented on

this 8th day of January 2017.



By Bernard C. Jack Young
President Bernard C. "Jack" Young

#0047

Resolution
Council President Young

By
and all Members

Exhibit 2

28-2424-7359

ZONING SUMMARY CARD

NFC 021-23 ADDRESS 300 W. Forest Park Avenue REF 15/26/2911/23

DISTRICT R-2 AREA

POLICE SURVEY

B1A2A 211-82	(rear bldg. 3302 Edgewood St.) approved to construct rear bldg.
9/6/40	Liquor lic approved "for entire bldg." also 6-5-48, 7-11-60, 1-23-63.
12-2-41	Index card (film) #13585 c/o issued Beauty shop 3302 Edgewood St. (over)

28-2424-7359

ZONING SUMMARY CARD

CARD #2 ADDRESS 3500 W. FOREST PARK AVE. REF 15/26/2911/23

DISTRICT R-2 AREA

POLICE SURVEY

2/15/77	Closed ZUN issued 7/1/76 and it is approved Appeal # 551-76x per inspection made by Inspector E. Pender on 1/28/77 (not cleared by all cases).
11-25-76	C/O FILE # 69453 USE ONLY 1ST FLOOR RRR BUILDING FOR LIQUOR STORE - NO STORAGE IN BASEMENT R NEW OPERATOR - CONTINUE

Exhibit 3

3302 Edgewood Street

View North Toward Liberty Heights Avenue
Date of Image: April 2012

Legend



Exhibit 4

271 Md. 655
Court of Appeals of Maryland.
MAYOR AND COUNCIL OF ROCKVILLE
v.
Raymond F. STONE et al.

No. 198.
|
May 22, 1974.

Synopsis

On application by planning commission, rezoning was granted by the city, but the Circuit Court, Montgomery County, John F. McAuliffe, J., held that property had been unconstitutionally confiscated. Following certiorari to the Court of Special Appeals and subsequent petition to the Court of Appeals, the Court of Appeals, Digges, J., held that an honest dispute as to what comprised the neighborhood made an issue of rezoning fairly debatable, and the city's choice to accept the planning commission's definition could not successfully be questioned on judicial review. The Court also held that where there was no evidence to sustain a finding that owners were denied all reasonable use of the property under the new zoning classification, and lots under rezoning could be used for residential purposes, they were not unconstitutionally confiscated.

Reversed and ordinance reinstated.

Attorneys and Law Firms

*656 **537 Roger W. Titus, City Atty., Rockville, for appellants.

Harry W. Lerch, Bethesda (Lerch, Pillott & Lerch and Ronald L. Early, Bethesda, on the brief), for appellees.

Argued Feb. 27, 1974 before MURPHY, C. J., and SINGLEY, SMITH, DIGGES and ELDRIDGE, JJ.

**538 Reargued March 26, 1974 before MURPHY, C. J., SINGLEY, SMITH, DIGGES and ELDRIDGE, JJ., and CHARLES E. ORTH and RICHARD P. GILBERT, JJ., Special Judge.

Opinion

DIGGES, Judge.

If variety is the spice of life, then it would seem that the zoning cases which originate in Montgomery County are certainly well peppered. The factual twists present in this action, which reaches us by certiorari to the Court of Special Appeals,¹ are ample support for this statement since this *657 case is unusual in two respects. First, the application which precipitated this litigation was filed by the City of Rockville Planning Commission, a governmental agency, rather than by the joint owners, Mr. and Mrs. Raymond P. Stone and Mr. and Mrs. Ralph Bogart (the protestants), which is the usual course of things in zoning litigation. Second, the controversy involves a request that two contiguous lots be returned to residential zoning, which was their designation in the 1957 comprehensive zoning ordinance adopted by the Mayor and Council of Rockville, rather than maintain the I-1 (industrial) zoning they acquired as a result of our decision in *England v. Rockville*, 230 Md. 43, 185 A.2d 378 (1962).² In *England*, an application was filed by the property owner at that time seeking rezoning of these same lots from R-60 to I-1 or I-2. When the city denied this request, its action was appealed to the circuit court which affirmed. We reversed, and ordered that the request for rezoning be granted after holding that '(t)here was clear evidence of original mistake or change of condition, in addition to the evidence of practical inability to improve the lots for residential use, and that the granting of the application would conform the use to the recommended future use of the whole area, as set out in the proposed comprehensive plan.' *England*, *supra* at 46-47, 185 A.2d at 380.

From analyzing the case now before us in the light of the voluminous decisions of this Court concerning zoning matters, we glean that, despite the intriguing factual and procedural posture present here, there is really very little new under the sun in this State as far as zoning cases are concerned. Our careful review of the case law in this State and the works of text writers who have concentrated on this discipline has not resulted in the discovery of any rationale which would compel us to adopt a different standard for analyzing the appropriateness of rezoning simply because the application was brought by an arm of the government *658 rather than the property owner, or because the zoning being questioned was the result of a previous decision of this Court. R. Anderson, *American Law of Zoning*, § 4.33 (1968); A. Rathkopf, *The Law of Zoning and Planning*, 27-23 (1972).³ The same basic principles which have so often been set out before remain vital and control the decision here as well.

In early February of 1972, the City of Rockville received

an application filed by its planning commission which petitioned for the rezoning of the Stone-Bogart lots from I-1 (Industrial) to R-75 (one-family detached residential). Following a hearing **539 on this application, the city, on May 14, 1972, adopted Ordinance No. 12-73 which granted the requested zoning reclassification. Rockville gave as reasons for this decision its determination that the applicant had demonstrated both a substantial change in the character of the neighborhood and a mistake in the original zoning, meeting the requirement of Maryland Code (1957, 1970 Repl. Vol.) Art. 66B, s 4.05(a); *Pattey v. Bd. of Co. Comm'rs for Worcester Co., Md.*, 317 A.2d 142 (1974), and that the owners, as protestants, had failed to prove that this rezoning ordinance would result in the unconstitutional confiscation of their property. The owners appealed from this action on the part of the Mayor and Council of Rockville to the Circuit Court for Montgomery County. That court, though finding the question of 'change' fairly debatable, reversed the action of the city after ruling that the ordinance amounted 'to an unconstitutional deprivation of property without just compensation' in that it resulted in a 'very substantial diminution of the actual and uninflated value of the property . . .'. Since we decide that the question of whether there exists 'change' or 'mistake' is fairly debatable, and do not see that the land owner was unconstitutionally denied all reasonable use of his property by the ordinance, we reverse.

The property in question is described as Lots 5 and 6, *659 Block 9, H. L. England's Second Addition to Lincoln Park and has the street address of 607 and 609 North Stonestreet Avenue. The lots are situated across the street from, and in close proximity to, that parcel which was the subject of this Court's opinion in *Rockville v. Henley*, 268 Md. 469, 302 A.2d 45 (1973) and lies directly across Stonestreet Avenue from a large tract which though zoned residential has been 'used since 1959 by the Montgomery County Board of Education for warehousing, open storage of materials, school buses and trucks, and machine shops (, a permitted use by a governmental agency in a residential zone) Adjacent to the property . . . is a substandard and dilapidated dwelling described as a 'shack' (which was, in 1972, under orders for demolition). . . . Nearby (, one block to the west,) is the main line of the Baltimore and Ohio Railroad, paralleling Stonestreet Avenue.' *England*, supra, 230 Md. at 45, 185 A.2d at 379.

The immediate area in which these lots are situated was recently described by this Court in *Henley* as: 'a residential community which extends for several blocks with small well kept homes. This entire expanse is zoned R-60 with the exception of . . . (two warehouses situated

on realty zoned I-2 (Industrial), an apartment house built on land zoned I-2)8 a group of apartments one block east of the subject site, and two small lots On the west side of the tracks is land zoned for industrial and commercial use. While the area east of the railroad may not qualify for the appellation of Camelot, it has the appearance of a suburban residential neighborhood interspersed with minimal storage facilities and proximate to some commercial and light industrial development.' *Henley*, supra, 268 Md. at 472, 302 A.2d at 46.¹

*660 Much ado has been made concerning whether the doctrine of res judicata would prevent this Court from altering the rezoning we ordered in *England*. However, the facts as presented here make that doctrine, in this case, a 'stern and simple irrelevancy.' In *Alvey v. Hedin*, 243 Md. 334, 221 A.2d 62 (1966), a leading case in which the application of res judicata to zoning decisions was discussed, this Court held that the doctrine of res judicata **540 was viable in zoning matters and prevented the relitigation of a zoning issue based on facts which existed at the time of the first decision in the case. Here, we are concerned only with the events which have developed during the ten years since the *England* decision, and, in this regard, we find the doctrine of res judicata, as recognized in *Alvey*, inapplicable. Thus, the investigation called for in this case is whether the applicant had adduced sufficient evidence of factors that have developed since our prior decision which would demonstrate that this action, though correct at the time, proved to be a mistake, 'or else evidence of a change in conditions (since rezoning was directed in *England*) resulting in a substantial change in the character of the neighborhood.' *Heller v. Prince George's Co.*, 264 Md. 410, 412, 286 A.2d 772, 773 (1972). Of course, in our consideration of these questions, we remain mindful of the fact that the rezoning as directed in *England* had to be based on evidence sufficient to overcome the strong presumption of correctness which is afforded to comprehensive zoning. *Pattey v. Bd. of Co. Comm'rs for Worcester Co., Md.*, 317 A.2d 142 (1974); *Valenzia v. Zoning Board*, 270 Md. 478, 312 A.2d 277 (1973); *Trainer v. Lipchin*, 269 Md. 667, 309 A.2d 471 (1973). Once that rezoning was accomplished, the presumption which accompanied the adoption of the comprehensive plan evaporated and the industrial classification was, before the legislative body, presumptively correct; and the party seeking a change had the burden of producing evidence sufficient to permit another alteration. Nevertheless, when the evidence offered *661 convinces the legislative body that either change or mistake is present, its decision must be sustained by a court on appeal unless it is shown that this action was arbitrary or capricious because not enough evidence had been

adduced to make the issue 'fairly debatable.' *Pattey v. Bd. of Co. Comm'rs for Worcester Co.*, supra; *Smith v. Co. Comm'rs of Howard Co.*, 252 Md. 280, 249 A.2d 708 (1969). In our view, these issues are fairly debatable.

In demonstrating change in the neighborhood the applicant must show

'(a) what area reasonably constituted the 'neighborhood' of the subject property, (b) the changes which have occurred in that neighborhood since the comprehensive (or prior piecemeal) rezoning and (c) that these changes resulted in a change in the character of the neighborhood.' *Montgomery v. Bd. of Co. Comm'rs for Prince George's Co.*, 256 Md. 597, 261 A.2d 447 (1970). See also *Rockville v. Henley*, supra; *Clayman v. Prince George's Co.*, 266 Md. 409, 292 A.2d 689 (1972); *Heller v. Prince George's Co.*, supra.

Exactly what did comprise the neighborhood in this case was the subject of some disagreement. The owners, by their evidence, chose to limit it to a narrow corridor, which runs north and south along the east side of the railroad, and encompasses the lots which lie along Stonestreet Avenue for two blocks, one to the east and one to the west, from Park Avenue to Frederick Avenue. On the other hand, a witness speaking for the planning commission disagreed with this delineation, and defined the neighborhood as that area east of the railroad tracks which extends through what is known as Lincoln Park. Such an honest dispute as to what comprises the neighborhood makes the issue fairly debatable, and the city's choice to accept the planning commission's definition, therefore, cannot successfully be questioned here. *Rockville v. Henley*, supra. Once the neighborhood is thus delineated, the changes in its character *662 since 1960 become evident and confirm the conclusion reached in *Henley* only one year ago:

'The present portrait of this neighborhood sharply contrasts with that painted for this Court in *England v. Rockville*, supra. The 8 1/2% increase in population in recent years, the construction of 40 new residences, and the demolition of four or more buildings which could have been described as eyesores lays to rest **541 the 1962 prediction of doom forecast in *England* for the residential character of this area. The community's revitalization, aided by a . . . federal grant for public improvements, has effectively turned the tide and, although at one time this area may have flirted with industrial development, it is now a viable residential community.' *Id.*, 268 Md. at 475, 302 A.2d at 48.

Accordingly, we agree with the trial court that the question of change was fairly debatable and the city's

conclusion on this point must be accepted.

On the question of original mistake, this Court has held that when the assumption upon which a particular use is predicated proves, with the passage of time, to be erroneous, this is sufficient to authorize a rezoning. *White v. Board of Appeals*, 219 Md. 136, 148 A.2d 420 (1959). It is clear that in *England* we were influenced in our decision to direct a rezoning of this property, in part, because of the existence of a proposed plan drafted by the planning commission's staff calling for industrial development along the Stonestreet Avenue corridor which, as it turns out, was not adopted, and, in part, upon our assumption that 'there (was) no other logical use (for this area) than that for industrial purposes.' The revitalization documented above has proved that our forecast was ill founded, and, now that there exists an opportunity to correct our errant prediction, we shall not stand in the city's way. *Rockville v. Henley*, supra.

All that we have said thus far would be largely academic if the ordinance which prescribed this rezoning deprived the protestants of all reasonable use of their land as the trial *663 court found. That court, in reversing the city's action, ruled that the effect of this ordinance was to dispossess the owners of two-thirds of their original investment, and, as such, it 'served to destroy the greater part of its value' and accordingly was unconstitutional. For its conclusion, the trial court relied on the reasoning of *Salamar Builders Corp. v. Tuttle*, 29 N.Y.2d 221, 325 N.Y.S.2d 933, 275 N.E.2d 585 (1971) and determined that it was necessary to weigh the State's affirmative demonstration that the public health, safety and welfare will be served by the zoning ordinance against the resulting hardship sustained by the property owners. However, regardless of the validity that the weighing test may have in New York, this Court's rejection of such an approach is too well settled for us to depart from it now. As was stated for this Court by Judge Barnes in *Montgomery Co. Council v. Kacur*, 253 Md. 220, 229, 252 A.2d 832 (1969):

'The legal principles governing the taking of private property without payment of just compensation by zoning action have been set out many times before by this Court. As Judge Oppenheimer stated in *Mayor and City Council of Baltimore v. Borinsky*, 239 Md. 611, 622, 212 A.2d 508, 514 (1965):

'The legal principles whose application determines whether or not the restrictions imposed by the zoning action on the property involved are an unconstitutional taking are well established. If the owner affirmatively demonstrates that the legislative or administrative determination deprives him of all beneficial use of the

property, the action will be held unconstitutional. But the restrictions imposed must be such that the property cannot be used for any purpose. It is not enough for the property owners to show that the zoning action results in substantial loss or hardship. " (emphasis added).

***664** Accord, *Stratakis v. Beauchamp*, 268 Md. 643, 654, 304 A.2d 244 (1973); *Cabin John Ltd. v. Montgomery Co.*, 259 Md. 661, 670, 271 A.2d 174 (1970); *Zoning Bd. of Howard Co. v. Kanode*, 258 Md. 586, 596, 267 A.2d 138 (1970); *Skipjack Cove Marine, Inc. v. County Comm'rs for Cecil County*, 252 Md. 440, 250 A.2d 260 (1969); *Franklin Construction Co. v. Welch*, 251 Md. 715, 248 A.2d 639 (1968).

****542** The record is devoid of evidence which would demonstrate that the owners were denied all reasonable use of the property under the new zoning classification. For example, there has been no attempt by the protestants to show that their property's soil or topographical conditions make the construction of any type of building which would comply with the use requirement of this

zone not feasible. Instead, we hear only that infamous incantation of 'financial hardship' so often disavowed by this Court. *Rockville v. Henley*, supra. It is not with a deaf or totally unsympathetic ear that we listen to the details of the financial disaster which may result because of this rezoning. Nevertheless, the record before us clearly demonstrates that these lots can be used for residential purposes as is permitted by their new classification, and, accordingly we do not find that this property has been unconstitutionally confiscated.

Order of the Circuit Court for Montgomery County of July 17, 1973 reversed and Ordinance No. 12-72 of the Mayor and Council of Rockville, adopted March 14, 1972 is reinstated. Costs to be paid by the property owners.

All Citations

271 Md. 655, 319 A.2d 536

Footnotes

- 1 Following the City of Rockville's noting of an appeal from an adverse ruling in the Circuit Court for Montgomery County to the Court of Special Appeals, but prior to its being heard there, both the city and the owners of the property in question joined in a petition for certiorari addressed to this court which we granted pursuant to [Maryland Code \(1974\), s 12-201](#) of the Courts Article.
- 2 The property was zoned 'residential A' at the time it was incorporated into the city in 1949, and subsequently was zoned R-60 (residential) in 1957, the time of the adoption of the most recent comprehensive rezoning ordinance. R-75 (residential) is sought now.
- 3 In fact, no one questions the planning commission's authority to file this application, nor should they, particularly in light of the Rockville ordinance which expressly grants it this power. *Laws of Rockville (1971)*, Ch. 6, s 6-2.30 b.
- 4 The 'two small lots' referred to in *Henley* are the subject of this litigation.
- 5 Words used by Mark Twain in describing the poems of Julia Moore in *M. Twain, Following the Equator (1897)*, Vol. II, Ch. 8.



Exhibit 5



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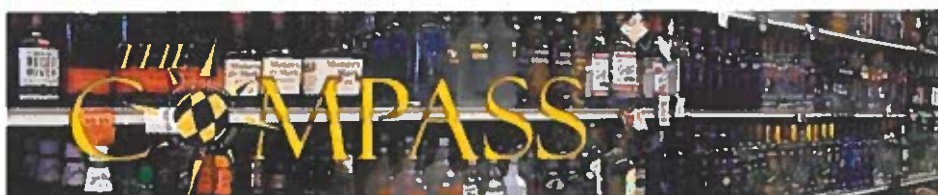
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City of Baltimore, Maryland

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July Compass - Baltimore City Dept of Planning E-News



The Compass is a monthly eNewsletter of the Baltimore City Department of Planning.

July, 2012

A Message from the Director...

As we enter the final phase of introduction and adoption of new zoning code legislation, I wanted to take this opportunity to share with you our thinking behind the City's proposal to phase out non-conforming liquor outlets in the City of Baltimore, and the research supporting this initiative.

The general purpose of zoning is to promote the public health, safety and welfare of our citizens.

So in 2010 when the Johns Hopkins School of Public Health presented us with local and national research documenting a strong and consistent link between the concentration of liquor store outlets, violent crime and poor health outcomes, we decided it was time to act. The Health Department's "Healthy Baltimore 2015" initiative also demonstrated strong community support for decreasing liquor outlets across many city neighborhoods.

In 1971, when our current zoning code was adopted,

Public Health, Crime and Liquor Stores

Baltimore City's population has decreased significantly from its peak in the 1960s. The number of retail liquor outlets has also decreased, but there remains an over-abundance of liquor stores, particularly in some areas of the city. As a result, Baltimore City has a high concentration of liquor outlets relative to its population.

In 2010, researchers from the Johns Hopkins University Center for Child and Community Health Research released a study called "Zoning for a Healthy Baltimore: A Health Impact Assessment of the Transform Baltimore Comprehensive Zoning Code Rewrite," which among other things, reported a correlation between a concentration of off-premise alcohol sales outlets or liquor stores, and higher than average levels of violent crime. In the past four years, studies in Los Angeles, Washington DC, New Orleans, Cincinnati and Newark have all demonstrated that the presence of liquor stores in communities is a predictor of violent crime and that the addition of even one package store results in increased violent crime.

Additionally, The World Health Organization, the European Union, the US Surgeon General and the Center for Disease Control (Preventative Services Task Force) have all recommended reducing the number of alcohol outlets as an effective tool for reducing harm in communities. The "Zoning for a Healthy Baltimore" report recommended reducing the number of liquor outlets selling package goods (purchased for off-site consumption) through Transform Baltimore, the City's Comprehensive Zoning Code Rewrite.

In 2011, the Baltimore City Health Department published its comprehensive public health policy agenda, Healthy Baltimore 2015. As part of the plan's "Create Health Promoting Neighborhoods" goal, the City committed to reducing the density of liquor outlets by 15%.

liquor stores were no longer permitted in residential districts. For more than 40 years, approximately 128 liquor stores have been allowed to continue operation as non-conforming uses in residential neighborhoods throughout the city.

Given their negative connection to health and safety, the TransForm Baltimore zoning code re-write proposes to phase-out these non-conforming liquor stores.

After the new zoning code is adopted, owners of all non-conforming liquor stores will have two years from the legislation's effective date to phase out their liquor store operation from the non-conforming location. Owners will have several options, including transitioning to a new product mix or use of their property, moving their liquor store business to a zoning district where the use is legally permitted, or selling their license and closing up shop at the non-conforming location.

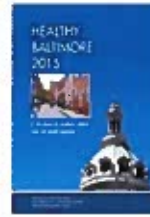
It is important to note that the proposed zoning legislation does not compel any owner to surrender the liquor license itself, which remains a commodity of some value to the owner. The proposal simply provides that liquor sales for off-premise consumption will no longer be permitted from properties that do not have proper zoning (i.e., non-conforming locations).

Our goal in reducing the concentration of liquor outlets in residential neighborhoods is to improve the health of our citizens, reduce crime, and thereby create stronger, more viable neighborhoods and ultimately, a stronger, healthier Baltimore.

Hopefully this edition of The Compass will shed some valuable light on this important issue.

Thomas J. Stosur, Director

The Liquor Authority limits the number of new alcoholic beverage licenses based on a jurisdiction's population. Under this formula (1 license per every 1,000 residents), Baltimore City should have no more than 630 licenses. In 1968, there were approximately 2,200 liquor licenses in the city, and that number has decreased to 1,330 today. This is still twice the limit established by the Liquor Authority. As a result, new liquor store licenses are not being issued. The only way to get a license for a new, properly zoned liquor store is to purchase and/or transfer one from another location. (New liquor licenses for restaurants and hotels are still available, but owners must make a significant financial investment in the business to qualify.)



Liquor Stores and Zoning



Zoning is a legal tool used by local governments to regulate the use of land and the size, type, structure, nature and use of buildings on individual parcels of land. Zoning therefore is the tool local governments use to determine where a full range of business types, like liquor stores, can legally operate.

In 1971, our current zoning code began prohibiting new liquor stores in residentially zoned districts. At that time, the City's leadership decided that existing liquor stores could stay in operation as "grandfathered" non-conforming uses.

The assumption at the time was that eventually stores would move to more appropriate locations or phase out naturally. More than 40 years later, this hasn't happened. The "grandfathering" of these outlets has limited the ability of both city government and community members to prevent health and safety problems associated with the high alcohol outlet density.

TransForm's Proactive Steps

In response to these public health findings and ongoing concerns from neighborhood residents and community association leaders, TransForm Baltimore offers an opportunity to reduce alcohol outlet density. Reducing violent crime in Baltimore requires multiple strategies. Removing liquor sales from these stores as part of the City's current zoning code rewrite will help stabilize the most health-stressed neighborhoods in Baltimore. More than half of city neighborhoods surveyed by the Health Department identified alcohol outlet density as a top health priority for action.

Article 66 B of the Maryland State Code gives local jurisdictions the ability to phase out or "amortize" detrimental land uses. Under these rules, local zoning changes can trigger a deadline, or date by which such uses must come into compliance with existing zoning law. This is what we are proposing in the case of non-conforming liquor stores in residentially zoned districts.

The non-conforming liquor stores impacted have had the privilege of operating as a near monopoly for over 40 years as a result of their grandfathered status, in areas where no other liquor stores could open or operate. Once TransForm Baltimore is adopted, these liquor stores will be given two years from the law's enactment to either terminate their sale of liquor, wine and beer at the non-conforming locations, or transfer their operations to a properly zoned location in a business district.

The City is committed to working with the owners and operators of these businesses during the transition. Operators will retain their



A Little Bit of Background: Zoning 101

What is Zoning?

Zoning is a tool local governments use to regulate the use of land and buildings.

Zoning's primary **purpose** is to protect the health, safety and welfare of our citizens. Zoning is also used to create predictability and stability by creating zones where certain uses and building sizes/densities are allowed and others are restricted.

Zoning is concerned with "WHAT" not "WHO". Zoning therefore does not distinguish between a "good" business operator and a "bad" business operator. Zoning cannot account for or control human behavior, although the condition of the built environment has been shown to influence behavior.

What is a non-conforming use?

A non-conforming use is one that, although legally established, is no longer permitted in the zoning district in which it is located.

What is TransForm Baltimore?

TransForm Baltimore is an initiative to rewrite and replace Baltimore's outdated zoning code, which was last updated in 1971 – when Richard Nixon was President.

TransForm Baltimore, our Zoning Code rewrite process began in November 2008 and we are entering the final phase, which is to package the draft code for introduction and adoption by the Baltimore City Council.

liquor license, which is issued by the state. License holders will have two years to either sell or transfer their license for use at a location where liquor stores are permitted.

At the former liquor store locations, other retail uses, including food stores, will be allowed to continue under the new zoning code, as conditional uses. In addition, under special circumstances, owners will be eligible for a hardship waiver that could extend the phase-out period by an additional 2-years.

The City of Baltimore continues to seek feedback from impacted license holders regarding their concerns and the types of assistance they will need during the proposed business transition. We are working hard to identify organizations and resources to provide technical assistance to these license holders, and will continue to conduct public outreach. When comprehensive zoning legislation is introduced to City Council in the Fall of 2012, there will be additional opportunities for public testimony on both sides of this important issue.



Zoning and Taverns

In addition to actions with regard to non-conforming liquor stores, the City of Baltimore has committed to the enforcement of zoning rules pertaining to all taverns in the city. While taverns and restaurants may sell alcoholic beverages for off-premises consumption, their primary alcohol sales must be for on-site consumption.

There have been some cases of taverns whose actual sales are mostly for off-premises use and the "tavern" itself has little or no activity. The attraction of the tavern license to an owner is that it allows Sunday sales, while traditional liquor stores may only operate 6 days per week. Taverns that operate as defacto liquor stores are also a major public health concern and contribute to higher rates of crime.

TransForm Baltimore is proposing to define, per zoning, that a tavern must demonstrate that at least 50% of its liquor sales is for on-site consumption. Enforcing this loophole is therefore a significant step toward reducing the amount of liquor sold for off-premises consumption. This loophole has allowed some operators to abuse existing tavern licenses.

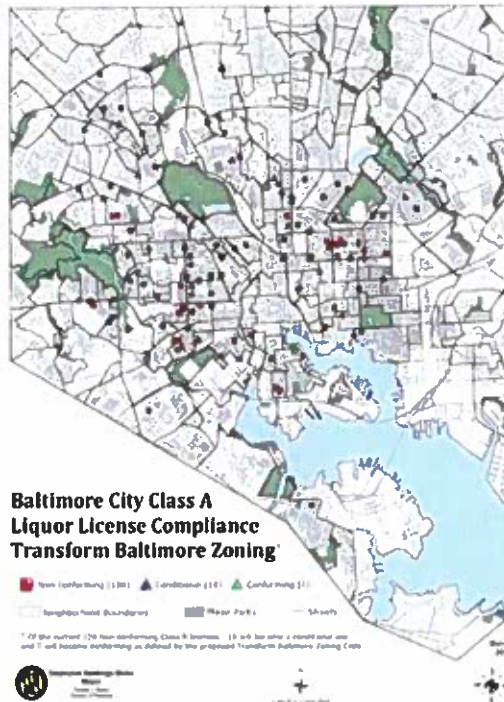
Such tavern owners will also be given a grace period of two years to adjust their business model and sales mix, convert to a liquor store if zoning allows that use, or close and transfer the license.

Where are Liquor Stores Located?

The non-conforming liquor stores that will be directly impacted by this TransForm Baltimore proposal are scattered throughout the central areas of the City, as represented by the red squares below (You can click on the map to go to an interactive on-line version).

An extensive community outreach process has taken place over the past three years, with community meetings, open houses, online feedback mechanisms, newsletters, etc. All comments have been taken into account, and the original draft has been amended to reflect much of the feedback we've received.

To learn more about TransForm Baltimore, please go [here](#).



Baltimore City Class A Liquor License Compliance Transform Baltimore Zoning

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Exhibit 6

Neighborhood Alcohol Outlets and the Association with Violent Crime in One Mid-Atlantic City: The Implications for Zoning Policy

Jacky M. Jennings, Adam J. Milam, Amelia Greiner,
C. Debra M. Furr-Holden, Frank C. Curriero, and
Rachel J. Thornton

ABSTRACT *Violent crime such as homicide causes significant excess morbidity and mortality in US urban areas. A health impact assessment (HIA) identified zoning policy related to alcohol outlets as one way to decrease violent crime. The objectives were to determine the relationship between alcohol outlets including off-premise alcohol outlets and violent crime in one urban area to provide local public health evidence to inform a zoning code rewrite. An ecologic analysis of census tracts in Baltimore City was conducted from 2011 to 2012. The data included violent crimes ($n=51,942$) from 2006 to 2010, licensed alcohol outlets establishments ($n=1,327$) from 2005 to 2006, and data on neighborhood disadvantage, percent minority, percent occupancy, and drug arrests from 2005 to 2009. Negative binomial regression models were used to determine the relationship between the counts of alcohol outlets and violent crimes controlling for other factors. Spatial correlation was assessed and regression inference adjusted accordingly. Each one-unit increase in the number of alcohol outlets was associated with a 2.2 % increase in the count of violent crimes adjusting for neighborhood disadvantage, percent minority, percent occupancy, drug arrests, and spatial dependence (IRR=1.022, 95 % CI=1.015, 1.028). Off-premise alcohol outlets were significantly associated with violent crime in the adjusted model (IRR=1.048, 95 % CI=1.035, 1.061). Generating Baltimore-specific estimates of the relationship between alcohol outlets and violent crime has been central to supporting the incorporation of alcohol outlet policies in the zoning code rewrite being conducted in Baltimore City.*

KEYWORDS *Crime, Alcohol, Policy-making, Health policy, Crime, Health impact assessment*

INTRODUCTION

Zoning policy is recognized by modern public health practitioners as a potentially relevant structural intervention strategy for health promotio.^{1,2} Zoning policy is an

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Correspondence: Jacky M. Jennings, Department of Pediatrics, School of Medicine, Johns Hopkins University, 5200 Eastern Avenue, Mason F. Lord Bldg. Center Towers, Ste 4200, Baltimore, MD 21224, USA. (E-mail: jjennin1@jhmi.edu)

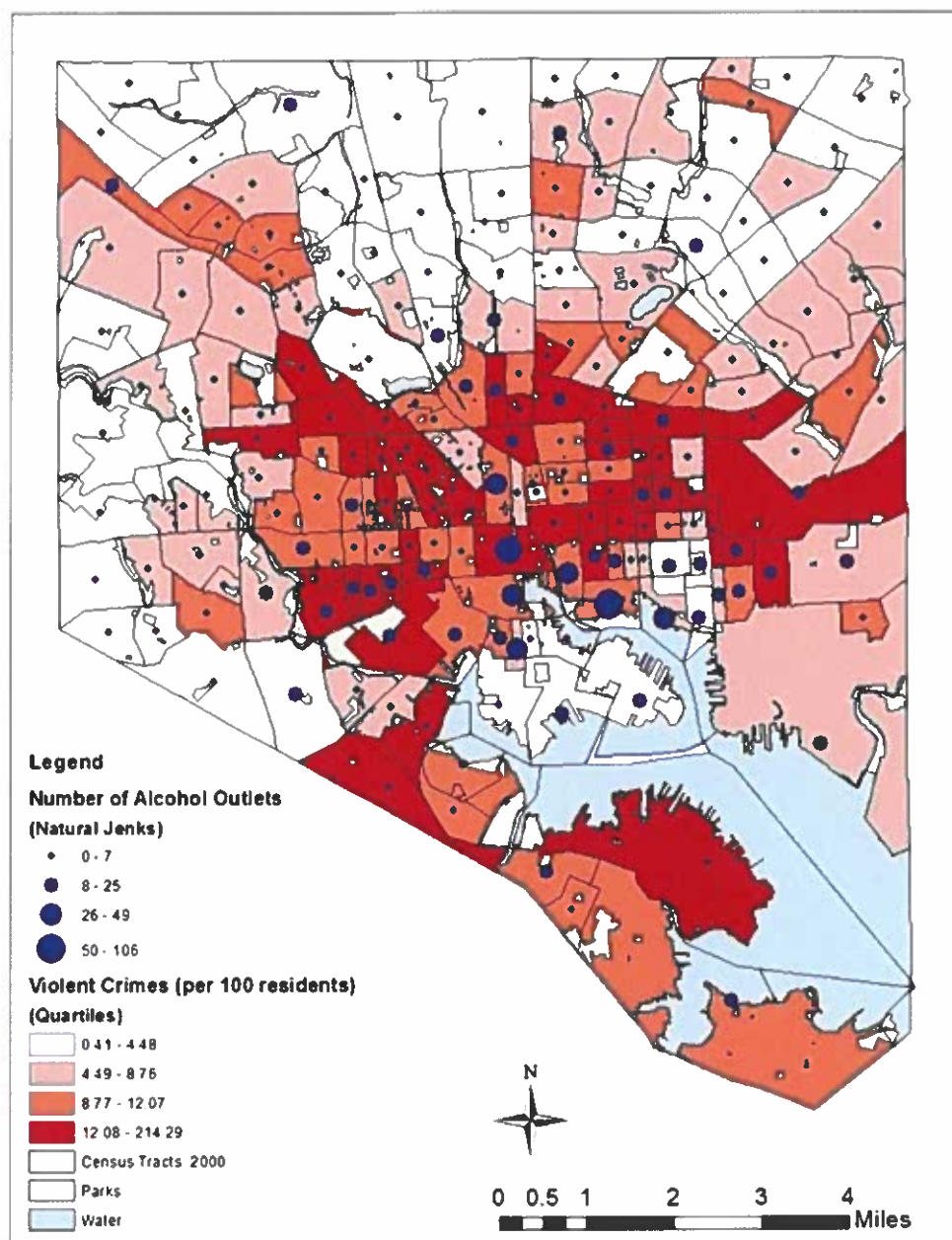


FIGURE 1. Violent crimes (per 100 residents) per census tract, Baltimore City, 2006 to 2010.

described above was then divided by ten. The percent owner-occupied housing was added to the percent of adults with college degrees; this was subtracted from the sum female-headed households and families living in poverty. The resulting value was divided by four. Each unit increase in the disadvantage index is equivalent to a 10 % increase in each item of the index.²¹

We controlled for percent occupancy per census tract, a contextual factor, because social disorganization theory suggests that places with less occupancy or more vacant houses may be more likely to lack guardianship such as police presence and, thus, are places with a greater likelihood for violent crime. We controlled for a compositional factor, percent minority (i.e., percent African American) population

Exhibit 7



Executive Officers

Sharon Bradford
President

Janine Jackson
Recording Secretary

George Privott
Assistant Treasurer

March 15, 2019

Councilman Leon Pinkett
100 Holiday Street
Suite 500
Baltimore, Maryland 21202

Reference: Edgewood Liquors

Dear Councilman Pinkett:

The Forest Park Neighborhood Association is willing to agree that Edgewood Liquors located at 3302 Edgewood Street, Baltimore, Maryland 21216 to remain in the community. We recommend that there is a written agreement. The MOU must be done by the Community Law Center. Any Fees must be paid by Edgewood Liquors. The agreement must include both parties.

Edgewood Liquors has been an asset to the community. He has made numerous contributions to the Forest Park Community. Please note the Memorandum of Understanding must be in place to go forward. We look forward to working with Edgewood Liquors on future endeavors.

Sincerely,

Sharon Bradford
President

(410) 466-3430

Forest Park Neighborhood Association.

forestpkassociation@gmail.com

Ph. (443)-892-3720

Exhibit 8

We the undersigned OPPOSE the City's COMPREHENSIVE REZONING BILL.

We believe that the taking of certain liquor stores' liquor licenses is UNFAIR and should not be done. These stores are a part of our community and the owners should be treated with the respect and dignity that any other member of our community deserves. We do not agree with any zoning change that would force any liquor store to move or lose their license, at all.

By signing this petition, I acknowledge that I am over the age of 18 and registered to vote in Baltimore City.

Name	Age	Address with Zip code
Michael Vinyard	29	3810 Cedarvale Rd 21215
Tina Tucker	49	240 N Jaysun St 21223
Robert Nassan	64	3207 Tuckers 21216
Liz Davis	36	2709 Belvue Ave 21216
Jinda DeLeon	78	3493 Parkview Ave 21216
Marvin Johnson	33	4002 Liberty Heights Ave 21215
Sandra Johnson	51	3602 Forest Park Ave Baltimore Md 21215
Eric Johnson	54	3711 West Forest Park Ave 21216
Kennedy Johnson	29	2400 Dennison Street 21214
Gloria Jones	56	3324 P. E. Johnson Pk 21216
Corey Davis	27	3412 P. E. Johnson Pk 21216
Shells Family	52	3404 Colley Rd Baltimore MD 21215
John DeLeon	53	3506 W. Forest Park
Lela Johnson	70	3306 W. Forest Park
Teresa Smith	25	3506 W. Forest Park

We the undersigned OPPOSE the City's COMPREHENSIVE REZONING BILL.

We believe that the taking of certain liquor stores' liquor licenses is UNFAIR and should not be done. These stores are a part of our community and the owners should be treated with the respect and dignity that any other member of our community deserves. We do not agree with any zoning change that would force any liquor store to move or lose their license, at all.

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Name	Age	Address with Zip code
Darryl Flanagan	49	3508 W Forest Park Ave 21216
Wanda Smith	59	5917 Hilltop Rd 21215
Patricia Brown	55	163 Murray St 21229
Joseph	15	1648 Maryland 21205
Marion O. O'Brien	34	3112 West Pulaski Street Baltimore, MD 21229
Kevin Jones	45	3709 Calmar Ave
Tony McIntire	24	2612 Liberty Heights Ave
Lafayette Thorne	33	3106 Thimble A Balto MD 21215
Jeffrey Perry	35	3401 Park Heights Ave Balto MD 21215
Van Jones	52	3312 Edmund St
Donna D. D. D.	65	Forest Park 21215
Kevin Jones	53	2611 Garrison Blvd
Robert Bruce	57	3330 Proctor Ave
Charles Johnson	54	3302 Drexler Rd 21215
Eric Davis	39	3417 Springdale Ave 21216

We the undersigned OPPOSE the City's COMPREHENSIVE REZONING BILL.

We believe that the taking of certain liquor stores' liquor licenses is UNFAIR and should not be done. These stores are a part of our community and the owners should be treated with the respect and dignity that any other member of our community deserves. We do not agree with any zoning change that would force any liquor store to move or lose their license, at all.

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Name	Age	Address with Zip code
Michael Wise	45	3101 Fanny Ave 21216
Donald Brown	60	2115 Oakley Ave 21215
Deveraux Kuhn	60	2327 Edmondson Ave 21223
Carl R. R. R.	50	6805 E. St 21215
Frederick	42	3714 W Forest Pk 21215
William	24	3500 Liberty Heights 21215
William	70	3500 Liberty Heights 21215
Paralel	53	2401 Calmar Ave 21216
John Jones	41	3200 Montebello Ave 21216
Richard Hall	34	3606 W Forest Park Ave 21216
Christopher H	56	4103 North Ave 21215
Jeffrey	47	3001 Westchester Rd 21215
Robert Williams	56	3203 Calmar Rd 21216
Robert Williams	56	3203 Calmar Rd 21216
Shayla	50	3502 Dunbar Ave 21216

We the undersigned OPPOSE the City's COMPREHENSIVE REZONING BILL.

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Name	Age	Address with Zip code
Bill	21	16072 Calmar Ave
Chris	32	3500 Calmar Blvd
Mike	40	3505 Pontiac Ave
John	32	3514 Confort Ave
John	45	3502 Liberty Ave
John	50	4411 Wakefield Rd
John	68	2502 Alameda Rd
John	63	6814 Shubert Dr
John	42	3163 Forest Park
John	1	3323 West Forest Park Ave Apt 1
John	60	3503 Forest Park
John	54	3504 Forest Park Ave
John	54	3410 Cedarvale Rd
John	59	3602 Edmondson Ave 21215
John	56	4103 Calmar Rd 21216

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Name	Age	Address with Zip code
Boreas Johnson	67	3306 Springdale Ave. Baltimore, MD 21215
Louis A. Cuccia	61	4109 LEXCEL HEIGHTS DR. MD 21207
John Warner	71	3701 Liberty Heights
Best Caps	62	3701 Liberty Heights
John Mason	31	3408 Edgewood Rd 21215
Joan Wright	59	3801 Dandyn Pt. JMD
Leah Mayo	59	3307 E. E. Rd
Joan Brown	75	3308 S. E. AVE 21215
AMANTIA WRIGHT	48	3444 E. E. Ave 21215
Quiana Tatum	50	3311 Liberty Heights 21215
Joan Cullum	56	3410 31st Ave 21215
Leah A. Wright	61	2307 Avera Ave 21213
Margaret Johnson	55	3511 D. E. Rd 21215
Harriet W. W.	44	9607 41st Rd 21216

We the undersigned OPPOSE the City's COMPREHENSIVE REZONING BILL.

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Name	Age	Address with Zip code
Danthe W. W.	60	7119 W. Forest PK
Donna Sperry	56	2603 Edgewood St
Robert Mullen	86	2213 College Ter 21216
Travettai	63	3305 Fairview Ave.
Paula Fieldard	48	5511 Guyanville Ave.
Robert W. W.	44	3305 LIBERTY HEIGHTS AVE.
Donna W. W.	75	3400 Liberty Heights Ave.
Julia Fort	52	25101 York Rd
John W. W.	59	2642 Pennsylvania Ave
Robert W. W.	59	4111 Forest St
John W. W.	65	6635 Dandyn Pt. Gwynn Ave. MD 21217
Wade Smolow	27	3317 W. Forest Ave.
John W. W.	59	4224 N. D. Ave
John W. W.	50	2400 Garrison

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Name	Age	Address with Zip code
Sebastian Green	47	3016 Seaman Dr. Baltimore MD 21207
John W. W.	54	3380 N. D. Ave. Baltimore MD 21216
John W. W.	64	3308 Liberty Heights Ave. Baltimore MD 21215
John W. W.	50	3308 Liberty Heights Ave. Baltimore MD 21215
John W. W.	53	3308 Liberty Heights Ave. Baltimore MD 21215
John W. W.	56	3308 Liberty Heights Ave. Baltimore MD 21215
John W. W.	70	3413 Fairview Rd Baltimore MD 21215
John W. W.	26	3402 Edgewood Rd Baltimore MD 21215
John W. W.	57	3703 Edgewood Rd Baltimore MD 21215
John W. W.	28	3906 Pateman Ave Baltimore MD 21216
John W. W.	57	3530 W. Forest Ave Baltimore MD 21215
John W. W.	60	3631 Liberty Heights Ave Baltimore MD 21215
John W. W.	65	3800 Gwynn Ave Baltimore MD 21216
John W. W.	54	3305 Gwynn Ave Baltimore MD 21216
John W. W.	39	3503 W. Forest Ave Baltimore MD 21215

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Name	Age	Address with Zip code
John W. W.	60	3301 W. Forest Ave 21216
John W. W.	73	3312 W. Forest Ave 21216
John W. W.	54	2501 N. D. Ave 21216
John W. W.	35	3507 Liberty Heights Ave. MD 21215
John W. W.	61	3412 Maryland Ave 21216
John W. W.	24	2616 York Ave 21205
John W. W.	58	" " "
John W. W.	55	3415 Cedarvale Rd 21215
John W. W.	33	3402 Cedarvale Rd
John W. W.	63	4100 Fairview Rd. 21216
John W. W.	47	3711 Liberty Heights 21215
John W. W.	56	3018 Maryland Ave
John W. W.	42	3505 Fairview Rd. 21216
John W. W.	36	3516 W. Forest Ave 21216

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Name	Age	Address with Zip code
LUKE TEARINGS	21	3504 W. Forest Park Ave. 21216
Mouise Taylor	49	3508 Fairview Ave. 21216
Charles Taylor	67	3508 Fairview Ave. 21216
Barry Taylor	37	3508 W. Forest Park Ave. 21216
JOSE NORMAN	46	3504 Liberty Heights 21216
JOSE SCOTT	41	3504 Liberty Heights 21216
Paul Johnson	47	3507 Liberty Heights 21216
John Walker	33	3519 W. Forest Park Ave. 21216
W. L.	41	3501 W. Forest Park Ave. 21216
BYRON SHILL	40	3507 Springdale Ave. 21216
Eric Smith	60	3512 W. Forest Park Ave. 21216
John Williams	40	3507 W. Forest Park Ave. 21216
John Bell	47	3519 W. Forest Park Ave. 21216
ELLEN SCHNEIDER	63	3503 Liberty Heights Avenue 21215
Caron Clark	75	3524 Liberty Heights 21215

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Name	Age	Address with Zip code
D. EDNA McMONIS	61	4210 Rosemount Ave
Demetrios Anastasiadis	25	3403 Fairview Ave
Samuel	50	3502 Fairview Ave
Nancy Daugherty	33	3408 Springdale Ave. 21216
Angela Taylor	50	3612 Springdale Ave. 21216
Alvin Smith	53	4512 N. York St. 21216
MANA RIVER	57	3503 W. Forest Park Ave
William	70	3859 Forest Park Ave. 21216
Sydney Sack	41	2919 Deer Point Ave. 21216
Angela Pichard	41	3511 Cedar St. 21216
James Grasso	55	3518 W. Forest Park Ave. 21216
Lawrence Allen	50	3315 Liberty Heights Ave. 21216
Carl Allen	50	3316 Liberty Heights Ave. 21216
Robert Williams	40	3328 Liberty Heights Ave. 21216
ROSE McMONIS	69	4005 Kennedy Ave. 21216

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Name	Age	Address with Zip code
ROBERT NIEL	34	3504 W. Forest Park Ave. 21215
Edward Smalton	32	3507 Liberty Heights Ave. 21215
Helen Muller	80	2611 Denison Blvd. 21216
Joe Palmer	78	3509 Liberty Heights Ave. 21215
Theresa Johnson	51	1106 Ashburn Ave. 21216
Judy Bell	73	3314 W. Forest Park Ave. 21216
Ernest Bell	75	3319 W. Forest Park Ave.
E.W. Martin	57	3521 Liberty Heights Ave. 21216
Michael Williams	63	3505 Liberty Heights Ave. 21216
James Williams	34	3504 W. Forest Park Ave. 21216
Sharon Williams	57	4502 Fairview Ave.
James Brown	71	3525 Springdale Ave. 21216
Charles Brown	58	1712 Springdale Ave. 21216
Henry Wright	73	3308 Liberty Heights Ave. 21216

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Name	Age	Address with Zip code
Andrew Smith	109	1100 Fairview Ave. 21216
Michael Ford	40	3851 W. Forest Park Ave. 21216
Rick Brooks	59	4011 W. Forest Park Ave. 21216
M. GRADHAM	52	4010 W. Forest Park Ave. 21216
S. Davis	38	3715 W. Forest Park Ave. 21216
Theresa Davis	61	3701 Liberty Heights Ave. 21215
John Smith	34	3504 W. Forest Park Ave. 21216
John Smith	68	3708 Springdale Ave. 21216
John Smith	68	P.O. Box 4584 Baltimore 21216
Charles Williams	60	2803 Denison St. 21216
John L.	50	2304 Cedar St. 21216
John L.	35	3853 Forest Park Ave. 21216
Michael Williams	59	3509 Liberty Heights Ave. 21216
James Williams	60	513 N. Liberty Ave. 21219
William Parker	65	511 N. Liberty Ave. 21215

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Name	Age	Address with Zip code
Alfred Ryan	63	3406 - Springdale Ave 21216
Dwight Jarr	38	4121 Fertilizer Ave 21216
Robert Jones	34	270 Radm Ave 21216
Richard Abbot	46	3413 Jannan Ave 21216
Jerome Jones	63	3611 Liberty High 21215
Tommy Plagman	56	3525 Liberty High 21215
Phil Kraft	57	2214 Carrollton Rd 21157
Paul Chance	60	3603 Forest Park Ave 21216
DR	72	3413 W. Forest Park 21215
Alan Wilkins	63	3344 Pennell St 21216
Assouma	37	3577 Fairview Ave 21216
Nakia	34	3517 Parvian Ave 21216
Geoffrey	59	3517 Fairview Ave 21216
Talia	36	3400 Garrison Blvd 21216
Sissy H	60	3906 Bawean Baltimore 21216

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Name	Age	Address with Zip code
Rhonda Heath	28	3414 Springdale Ave
Earl Green	47	3505 Fertilizer Ave
Mark Williams	52	3512 Liberty Hgts
S. Renee Jones	53	4020 Duval Ave 21216
Marvin Ford	47	3502 Liberty Heights Apt C 21216
DA MARCH	53	3504 Fairview Ave 21216
DA MARCH	58	3403 Forest Park Cuyans 5425
DA MARCH	63	3325
Robin Carter	30	3900 Garrison Blvd 21216
Althea Simon	44	3700 V. Forest Park Ave
Delecia Lewis	37	3705 Dorchester Dr
DA MARCH	53	6211 Park Hts 21216
DA MARCH	57	6211 Park Hts 21216
DA MARCH	50	6211 Park Hts 21216

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Name	Age	Address with Zip code
Ron Sandings	57	3102 N. Kilton St Baltimore 21216
Anthony Arnold	63	1 Dure Winder St Baltimore 21216
Dave Smith	51	4202 Chippingwood Baltimore 21215
WALTER WILSON	69	3500 SPRINGDALE BALTEMORE 21215
AE Coleman	64	3301 Pawbath Baltimore Md 21216
Kerine ABEL	60	3311 Dorchester Ave
LYNN ARZEL	67	SPAW 2
ROSE STEPHENS	56	3802 Garrison Blvd
Pat Jones	26	3802 Forest Park Ave
Yvonne Davis	33	3409 Forest Park Ave Baltimore md 21216
Samia R. Amon	62	3306 Fairview A Baltimore md 21216
Tom Lynch	65	3301 Dorchester Rd 21215
Thomas Bell	49	4061 Edgewood Rd 21215
Sara Russell-Polman	59	3200 N. Hillcrest Baltimore 21216
Charles Brewer		3530 Whitechapel

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Name	Age	Address with Zip code
Philip Cunningham	57	4000 Liberty Heights Ave Apt A2
Carl Orin	52	4212 Liberty Hgts Ave
Randomy Gorkin	58	3804 Fertilizer Ave
Ron Wells	62	2901 Dorchester Baltimore 21216
Billie Hill	32	3961 Kays 11 Ave
Joseph Clark	40	3711 Liberty Hgts W-1
Charles McLeod	30	4000 Liberty Heights Ave
Charles Clark	69	2125 Springdale St 21216
Charles Clark	42	2125 Springdale St 21216
Richard Wilson	51	3711 West Forest Park Ave
John Tilghay	44	3403
John Tilghay	48	3620 Springdale Ave
John Tilghay	57	3503 W. Forest Park 21216
Elizabeth Bown	80	3410 Mondawmin Ave
Beverly Bown	60	3330 Piedmont

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Name	Age	Address with Zip code
Charles E. Taylor	62	3517 Springdale Rd 21210
John Caldwell	50	3215 Liberty Hts Apt. D8 Balt. Md 21215
Chris Smith	46	2919 K. Wood Ave Balt Md 21215
John Jackson	46	3506 W. Forest Park 21216
Lula Jennings	63	3506 W. Forest Park 21216
Cathy Falchor	47	606 Gibson Rd 21216
Lawrence L. Butler	49	3200 N. Hilton St 21216
Jessie H. Beaul	60	3605 Liberty Hts Ave 21216
Kevin Jones	58	3607 Forest Park Ave 21216
John N. Todd	41	3619 Liberty Heights Ave 21215
Karen Bowers	46	3624 Fairview Ave 21216
James Robinson	41	3605 Liberty Heights Ave 21215
Chris Smith	36	4120 Wakefield Rd 21216
Hele Smith	26	3505 Fairview Ave 21216
Kevin Jones	26	3515 Liberty Hts Ave Balt MD 21215

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Name	Age	Address with Zip code
Robin S.	21	3805 Chatham Rd 21215
Chris S.	23	3500 Cedarvale Rd 21216
Cheryl S.	22	
Andrea S.	24	
Donna G.	33	1300 Gentry Rd
Vanessa C.	41	3429 Liberty Hts 21215
Shantia L.	23	2900 Winbarn Rd 21215
Andre Butler	44	4000 Liberty Heights Ave 21207
ANTONIO JEFFERSON	41	5522 Mulwood Ave. 21212
William Harrison	29	2619 4th Park Dr. Re.H. MD 21207
DOMINIC DUTTON	20	3300 N. Hilton St. Apt. 1 21216
CHRISTINA BLAIR	28	3300 N. Hilton St. Apt. 1 21216
Deborah Jordan	54	3701 Fairview Ave 21207
Kimberly Cross	41	4601 Fairview 21216
Richard Woodson	58	3403 Duval Avenue 21216

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Name	Age	Address with Zip code
Ricky McCoy	50	3404 Gwynnith Rd Md. 21216
Phyllis Taylor	66	3500 Parkwood Ave Balt. Md 21216
Phyllis Taylor	53	2102 W. Forest Park 21216
Sam Simms	36	3537 Craven Hrs Ave 21215
Sandra Dobson	63	3408 Parkwood Ave. Balt. 21216
Boy Morgan	26	2505 Parkwood Ave 21216
Ray Cross	55	5515 W. Forest Park Ave 21216
Marjorie Ransy	61	2231 Garrison Blvd ea 21216
Robert Ransy	64	3503 W. Forest Park Ave 21216
Sharon Thomas	60	3514 Springdale Ave Balt Md 21216
Sharon Thomas	57	3500 Springdale Ave Balt Md 21215
William Jones	51	3507 Springdale Ave Balt MD 21215
William Jones	56	3631 Liberty Hts. Ave Balt MD 21215
Chris Smith	50	3527 Liberty Heights Ave Balt MD 21215
Kevin Jones	44	4121 Chatham Rd 21207

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Name	Age	Address with Zip code
Deborah R.	56	3421 Liberty Hts 21216
John FL	65	3415 Broadview 21216
DANA D.	40	3315 W. Forest Pl. Apt. 21216
John M.	37	3411 Callaway Ave 21215
James F. Fidd	54	3405 W. Forest Park Ave 21216
Mike Fidd	56	3200 N. Hilton St. 21216
Deborah S. Fidd	59	3200 N. Hilton St. 21216
John S. Fidd	57	2047 ROYAL AVE 21216
John S. Fidd	69	3513 Liberty Hts Ave 21215
Thomas Chandy	66	3409 Craven Ave 21215
William L. L.	40	1614 White Street Baltimore 21213
AVS. J. J. J.	50	3703 FOREWOOD ROAD 21215
G. J. J.	57	3102 N. Hilton St 21216
John S. Fidd	59	1 Cravenwood Ct Maryland 21207
John S. Fidd	64	3319 W. Forest Park Ave 21216

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Name	Age	Address with Zip code
Angela Jackson	49	4101 Kaitland Ave. Baltimore Md 21207
Alvin Finley	40	6413 Laurel Rd. Baltimore Md 21207
W. B. Jones	47	301 N. Forest St. Baltimore Md 21207
Paula McQueen	53	3533 Dunbar Rd. Baltimore Md 21207
Samuel McQueen	53	3618 W. Forest St. Baltimore Md 21207
Shirley Jackson	58	3930 Garmouth Rd. Baltimore Md 21215
James Goldsberry	51	3709 Voseair Ave. Baltimore Md 21215
Don Smith	29	2804 Boneman Av. Baltimore Md 21215
Christine Fleming	60	4526 Forest Ave. Baltimore Md 21215
Amelia Gamble	52	3300 Springdale Av. Baltimore Md 21216
Robert Williams	60	3505 Liberty Heights Ave. Baltimore Md 21216
J.R. Johnson	46	3601 E. Copley Rd. Baltimore Md 21216
DEREK GOULD	63	7329 HATHAWAY LANE Baltimore Md 21216

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Name	Age	Address with Zip code
Dorine Green	30	3200 Garmouth Rd Apt 2 Baltimore Md 21216
Leslie Carlson	50	3200 Garmouth Rd Apt 2 Baltimore Md 21216
Michael Williams	62	3411 Forest Rd. Baltimore Md 21215
Robert Williams	61	4211 Forest Rd. Baltimore Md 21215
Don E. Carlson	41	3313 Liberty Heights Ave. Baltimore Md 21215
Don Smith	29	3402 West Forest St. Baltimore Md 21216
Thomas Smith	78	4120 Kaitland Ave Baltimore Md 21216
Harriet Russell	74	3001 W. Forest St. Baltimore Md 21216
Pratt, Carolyn	34	3520 White Plains Rd. Baltimore Md 21216
Regina Mayfield	76	2713 Culpeper Ave Baltimore Md 21216
Shirley Johnson	55	3505 Hilton Rd. Baltimore Md 21215
Michael Johnson	54	3412 Montclair Ave Baltimore Md 21216
Tommy Gray	35	3503 Montclair Ave Baltimore Md 21215
Michael Johnson	59	3601 Kaitland Ave Baltimore Md 21215
JOHN ROBERTS	58	3710 Liberty Heights Ave Baltimore Md 21215

We the undersigned OPPOSE the City's COMPREHENSIVE REZONING BILL.

We believe that the taking of certain liquor stores' liquor licenses is UNFAIR and should not be done. These stores are a part of our community and the owners should be treated with the respect and dignity that any other member of our community deserves. We do not agree with any zoning change that would force any liquor store to move or lose their license, at all.

By signing this petition, I acknowledge that I am over the age of 18 and registered to vote in Baltimore City.

Name	Age	Address with Zip code
BRENDA MARNER	63	3519 DENVER ROAD Baltimore Md 21215
David Williams	62	2504 E. Copley Rd. Baltimore Md 21215
Ruben Rogers	57	3309 Liberty Heights Ave Baltimore Md 21216
Michael Rogers	56	3909 Montclair Ave Baltimore Md 21216
Scotley Taylor	36	3006 N. Hill St Baltimore Md 21216
Philip Cunningham	51	4411 Liberty Heights Ave Baltimore Md 21216
Robert Jones	80	3500 Liberty Heights Ave Baltimore Md 21215
Valerie Green	48	3805 Springdale Rd Baltimore Md 21216
Alister Rhodes	32	3615 Springdale Rd Baltimore Md 21216
Robert Jones	30	15 Asa St Baltimore Md 21216
John Blackwell	53	3517 W. Forest Ave Baltimore Md 21216
John Blackwell	45	3517 W. Forest Ave Baltimore Md 21216
John Blackwell	32	3517 W. Forest Ave Baltimore Md 21216
John Blackwell	30	3517 W. Forest Ave Baltimore Md 21216
John Blackwell	27	3517 W. Forest Ave Baltimore Md 21216

We the undersigned OPPOSE the City's COMPREHENSIVE REZONING BILL.

We believe that the taking of certain liquor stores' liquor licenses is UNFAIR and should not be done. These stores are a part of our community and the owners should be treated with the respect and dignity that any other member of our community deserves. We do not agree with any zoning change that would force any liquor store to move or lose their license, at all.

By signing this petition, I acknowledge that I am over the age of 18 and registered to vote in Baltimore City.

Name	Age	Address with Zip code
Bonnie McNeil	30	3415 W. Forest Ave Baltimore Md 21216
Leslie Prater	39	3104 N. Hill St Baltimore Md 21216
Donna McCoy	70	3611 Liberty Heights Ave Baltimore Md 21215
John Smith	34	3507 Forest Ave Baltimore Md 21216
Willie Davis	69	4102 Hill Rd. Baltimore Md 21216
Paul Davis	52	605 N. Hill St Baltimore Md 21217
Donna Davis	33	3505 Hilton St Baltimore Md 21215
John Blackwell	42	1422 Liberty Heights Ave Baltimore Md 21215
John Blackwell	40	3409 Copley Rd Baltimore Md 21215
John Blackwell	60	3409 - Hill St Baltimore Md 21216
John Blackwell	60	3409 - Hill St Baltimore Md 21216
John Blackwell	52	3602 Hill St Baltimore Md 21215
John Blackwell	69	3401 Hill St Baltimore Md 21215
John Blackwell	39	3403 W. Hill St Baltimore Md 21215
John Blackwell	30	4403 W. Hill St Baltimore Md 21215

We the undersigned OPPOSE the City's Comprehensive Rezoning Bill

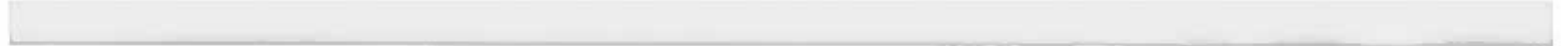
We believe that the taking of certain liquor stores' liquor licenses is UNFAIR and should not be done. These stores are a part of our community and the owners should be treated with the respect and dignity that any other member of our community deserves. We do not agree with any zoning change

that would force any liquor store to move or lose their license, at all.

By signing this petition, I acknowledge that I am over the age of 18 and registered to vote in Baltimore City.

Name	Age	Address with Zip code
Paula S. S. S. S.	47	5509 Powhatan Ave Balt, Md 21216
Mary M. M. M.	29	2207 GATEHOUSE DR BAL MD 21207
Anna Sanderson	52	3622 Springdale A. Balto Md 21216
Delvin Jones	54	3607 26th + PK. Ave. Balto Md 21215
Anthony Arnold	36	3308 Liberty Ave, Baltimore, Md 21215
Francis Morton	52	3417 Calloway Ave. Baltimore, MD 21215
Mary Baker	61	3810 Woodlawn Ave Baltimore, Md 21216
Barker T. Brown	59	3409 NORLEY ROAD BALTIMORE MD 21215
Robert Jackson	54	44122 DUNDAS ST. AL BALD 46. 21107
WILLIAM	66	3700 DORRINGTON RD BAL MD 21215
M. M. L. L.	58	3300 N. HILLMAN BAL MD 21216
Frank Williams	50	3300 N. HILLMAN ST BALTIMORE MD 21216
Yvonne Johnson	50	3204 N. FOREST PARK AVE 21216
LAMAR DEGRESS	52	2705 TALBOT RD BAL HI 21216
Frank Williams	53	3606 EDGEWOOD RD BALTIMORE MD 21216

Exhibit 9



Licensed Off-Premise Alcohol Outlets as of 2017 – Census Tract 1508 Outlined in Red

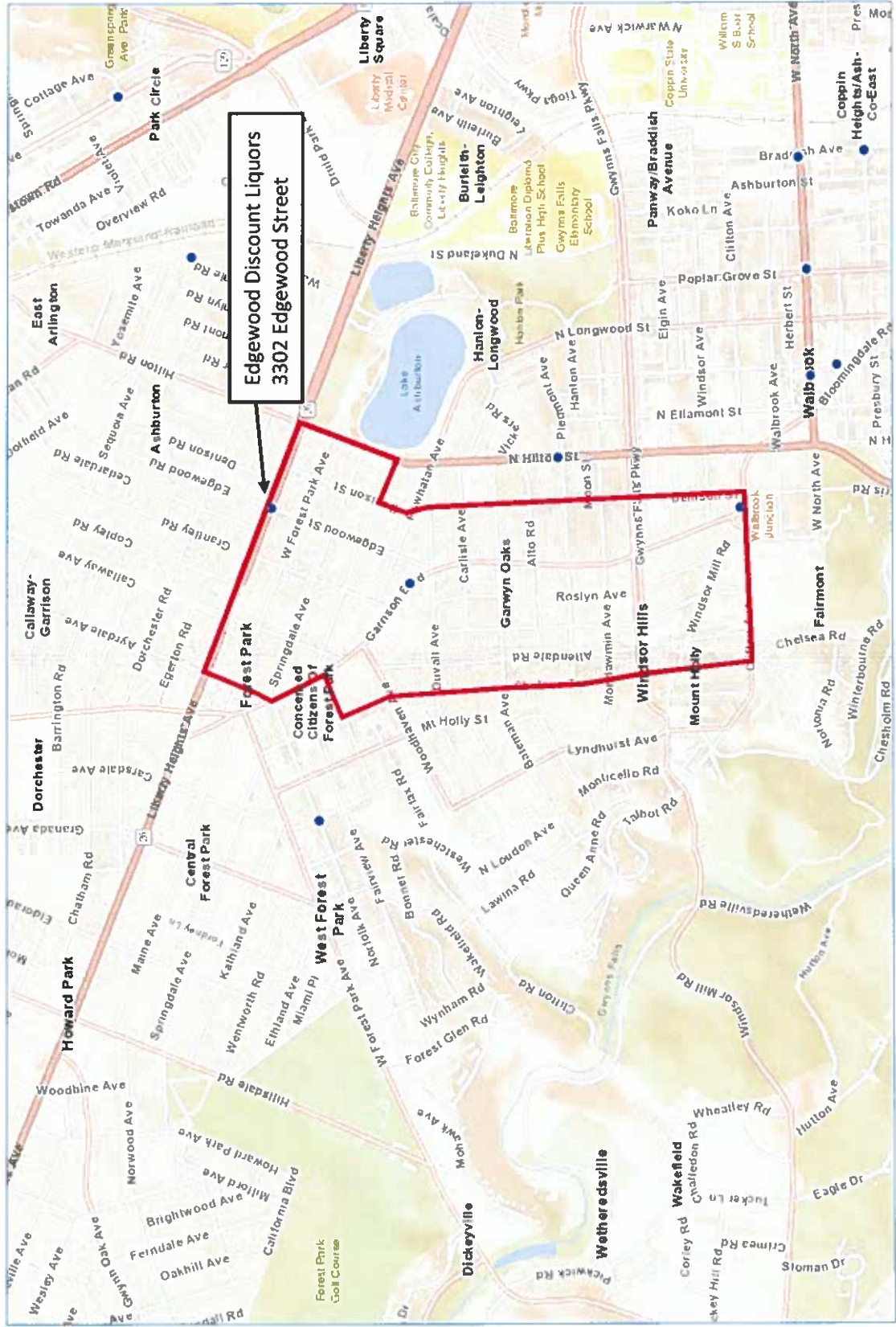


Exhibit 10

**Liberty Heights Corridor
Comprehensive Real Estate and
Economic Development Assessment**

Baltimore, Maryland

**Prepared for:
Baltimore Development Corporation**

September 23, 2015



VI. Opportunity Sites

The feasibility of redevelopment within the Liberty Heights communities considers the market potential, current investment of property owners and availability of public and private sector resources. Within the commercial community the existence of stable operating businesses with an established customer base creates a competitive advantage associated with the lower cost space. As long-term tenants, these established businesses offer property owners sufficient return on their investment. In many cases the tenants accept substandard space, adapting business practices resulting in less efficient business operations.

Largely built-out, the Liberty Heights communities in northwest Baltimore competes with sites in better locations with more amenities and fewer constraints. Private development and investment decisions depend on the potential return on investment. Future revenue from project rents support private debt and equity investments. The amount of investment that can be supported reflect the amount of annual income, the interest rate, the risks associated with the investment and the returns available from alternative investments. Developers typically require higher returns for higher-risk projects – those that serve unproven markets and/or require new construction, which could be more costly than anticipated. When returns from stocks, bonds and alternative investments are high, the returns from real estate development must be significantly higher to compensate developers for the risks inherent in real estate.

Attracting private developer interest and investment will require potential returns from development at higher rents and prices than currently available to warrant the costs and risks of development. Investors have other places to invest that provide better returns. The difference between what a project costs to develop and how much the private sector is willing to invest given potential returns is the “financial gap.” Government and philanthropic entities provide subsidy programs to help close that gap by providing low-cost financing or otherwise reducing the private costs of development. Interviews with area developers suggest the gap financing available from local resources for commercial redevelopment does not target key projects or falls short.

The residential market offers many affordable for-sale and rental alternatives to Baltimore City residents. The demographic makeup of the community highlights the large number of long-term residents, many of whom desire to age in place without leaving the community. Pockets of larger lot residential development, infill apartment complexes and the subdivision of existing homes to offer more rental options continue to keep the community affordable with significant competition. Market dynamics suggest a shift in demand for mid-density housing products, particularly those focused in walkable communities.



The financial feasibility analysis of these redevelopment and infill development opportunities tested a variety of development programs, parking scenarios, mixes of uses and funding alternatives. Static pro formas by product type outlined the costs to develop, the private investment justified by the future returns and the resulting profit or deficit, based on current market conditions. These models estimated the dollars available to assist in funding the infrastructure improvements and options for public assistance through public / private partnerships. In all instances the difference between the total development costs and the amount of supportable private investment resulted in a financial gap.

This analysis is based on the best available data and information collected from a variety of local, regional and national sources, reflecting recent trends and current market conditions. However, changes in national and regional economic conditions and in the regulatory environment could impact the feasibility conclusions. These conclusions represent on series of alternatives for how the future economy may unfold; it is likely these finding will shift over future business cycles. The cost of financing is affected by a number of factors including problems in other markets (e.g., stocks) that limit returns from alternative investments, tax policies that favor real estate and higher inflation that encourages investment in fixed assets.

The review of opportunity sites identified six opportunity sites to meet these market needs from both the commercial and residential markets. The following map highlights those five sites.

Manager, will attend monthly general meetings. Install further security cameras, as reasonably necessary, to

Monitor inside and outside of store and once install meet with the Major of the Northwest Police Department so the Police can access their cameras. Forest Park will also be present once this takes place.

To provide Liquor Store employees real-time viewing. The point of contact for the Forest Park Community association is Sharon Bradford President

Who can be contacted as follows: phone 410-466-3430 and email

forestpkassociation@gmail.com. The FPNA address for receiving written

Correspondence is: P.O. Box 29678, Baltimore, MD 21216

Edgewood agrees to maintains its membership on a yearly basics and invest in community events such as National Night Out. Make in kind donations

The community is also asking that the store front and back is maintained free and clear of debris on a daily basics. The community also does not want to see anyone standing and loitering out front

R Bradford / Forest Park helpful

Jim

4/19/19

100

Bayana

MEMORANDUM OF UNDERSTANDING BETWEEN THE FOREST PARK NEIGHBORHOOD ASSOCIATION AND
EDGEWOOD LIQUORS LOCATED AT 3305 EDGEWOOD

1. Desire to work together to facilitate mutually

Beneficial relationship, to address communications, and to implement plan for problem-solving

Its member residents, landholders, or businesses, or Edgewood Liquor Stores

Raise issues of concern, these concerns will be conveyed to the other party's designated

Point of contact, as laid out in this MOU. If the issue is not able to be resolved immediately and
informally, The Forest Park and Edgewood Liquor Store will take the following

Progressive steps to discuss the issue of concern:

(a) Discuss the issue at the next regularly scheduled general meeting; Call an executive board meeting of
the Forest Park to discuss the issues. Forest Park will

Provide Edgewood Liquor Stores with written explanation of the community concerns and

Proposed solution to the issues. Edgewood Liquor Stores will respond to Forest Park proposal

Within fourteen (14) days where after the parties will meet to discuss the proposed

Solutions and will attempt to agree to mutual solution to resolve the concern.

(c) Revisit the issue at the next regularly scheduled general meeting, or call special

Board meeting to discuss the issue;

(d) Schedule meeting between Forest Park and Edgewood Liquor Stores local senior leadership at

Mutually convenient time; Interior Exterior Improvements:

Liquor Stores agrees to invest up to \$5,000 for immediate improvements

At the Edgewood Store location. Some of those improvements will include:

(1) Paint and polish of interior walls, flooring, shelving, etc.

(2) Exterior painting and upgrades

(3) Completing the light exchange of all internal and external lighting

To full LED lights.) Liquor Stores voluntarily agrees to the following hours of operations.

(1) Monday-Saturday 10am-9pm

Liquor Stores senior leadership (currently Mr. Shin) and store

received
12-4-19
Hecker/William S

3302 Edgewood Street

View North Toward Liberty Heights Avenue

Date of Image: April 2012

Legend



Google Earth

© 2018 Google

© 2015 Google

7.65 ft

Exhibit 3

NFC 821-29 **ZONING SUMMARY CARD** 28-2424-7359

ADDRESS 400 W. Forest Park Avenue REF 15/26/2911/23

DISTRICT R-2 AREA _____

POLICE SURVEY _____

BMZA 211-32	(rear bldg. 3302 Edgewood St.) approved to construct rear bldg.
9/6/40	Liquor lic approved "for entire bldg." also 6-5-48, 7-11-60, 1-23-63.
12-2-41	Index card (film) #19585 c/o issued Beauty shop 3302 Edgewood St. (over)

CARD #2 **ZONING SUMMARY CARD** 28-2424-7359

ADDRESS 3500 W. FOREST PARK AVE. REF 15/26/2911/23

DISTRICT R-2 AREA _____

POLICE SURVEY _____

2/15/77	Closed ZUN issued 7/1/76 and Disapproved Appeal #551-76 per inspection made by Inspector E. Pender on 1/28/77 (cont. cleared by all cases).
11-25-76	C/O FILM #69453 USE ONLY 1ST FLOOR REAR BUILDING FOR LIQUOR STORE - NO STORAGE IN BASEMENT

R NEW OR CHANGE - CONTINUE

Exhibit 2

City Council of Baltimore



Resolution

Be it hereby known to all that
The City Council of Baltimore
offers its sincerest congratulations
to

HYUN SHIN

in recognition of

**YOUR OUTSTANDING SERVICE, COMMITMENT, DEDICATION AND
VARIOUS CONTRIBUTIONS TO THE CITIZENS OF BALTIMORE CITY.**

The entire membership extends
best wishes on this memorable occasion
and directs this resolution be presented on

this 8th day of January 20 17.



Bernard C. Jack Young
President Bernard C. "Jack" Young

#0047

Resolution Council President Young

By and all Members

Exhibit 1

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

The Property is not suited for the uses permitted under its existing R-1 zoning, which would require the existing package goods store to terminate its operations by June 5, 2019 under Title 18, Subtitle 7 of the Baltimore City Zoning Code. However, the fact that a package goods store has been located here since 1940, and as stated above, does not appear to have been a driver of violent crime, indicates that the commercial use is compatible with the surrounding area.

Moreover, under the current R-1 Zoning District designation, the building utilized by EDL cannot be converted to use as another dwelling unit. There is an existing single-family dwelling on the Property and its lot area of 7,866 SF is just above the minimum lot area per dwelling unit in the R-1 Zoning District (7,300 SF / DU).

The building occupied by EDL also cannot be converted to another use as the minimum lot area for "all other uses" in the R-1 Zoning District is 20,000 SF.

- (iv) 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 zoning classification.**

The general area where the Property is located has suffered from disinvestment in recent decades. This has led to a population decline at a rate greater than that of the overall city. Transform Baltimore did not significantly modify prior zoning designations except to downzone the areas formerly zoned R-2 to R-1.

As noted in an assessment of the Liberty Heights corridor prepared for the Baltimore Development Corporation, "[l]argely built-out, the Liberty Heights communities in northwest Baltimore competes with sites in better locations with more amenities and fewer constraints." Ex. 10. The City Council clearly erred in rezoning this Property to the R-1 District. As a good operator that is not contributing to increases in violent crime, the consequence of downzoning will be to force the one of the few successful businesses in the area to close and further reduce the amenities available to residents in proximity.

(iii) Present and future transportation patterns;

The rezoning of the Property will not adversely impact present or future transportation patterns. Rezoning this property to a neighborhood-scale commercial zoning district will permit this site to continue to serve residents who live within walking distance.

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

The proposed C-1 zoning is consistent with existing commercial structures in close proximity given that a commercial use has existed for at this location since at least 1940. No major development is proposed in the area, reinforcing the need for small, neighborhood-scale commercial businesses in the midst of a residential area.

(v) The recommendations of the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

The Planning Commission is urged to make a favorable recommendation on this bill.

The Board of Municipal and Zoning Appeals has not yet commented on this bill.

(vi) The proposed amendment's consistency with the City's Comprehensive Master Plan.

The proposed rezoning is consistent with the City's LiveEarnPlayLearn Master Plan by creating opportunities for commercial services to continue near residential communities, creating amenities for City residents.

Section 5-508(b)(3) of the Zoning Code also mandates that the following additional standards be considered for map amendments:

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

The Property is located in on the edge of the Forest Park residential area. It is one of four one-story buildings on the block that have historically—and are currently—used commercially. These commercial uses include a grocery store (without alcoholic beverage sales) and a hair salon.

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

The Property is located on the edge of the Forest Park residential area. Along Liberty Heights, the homes are zoned R-6, while further back into the neighborhood, the primary zoning designation is R-1.

The peer-reviewed data for the census tract matches the perception of the community. The Forest Park Neighborhood Association has written a letter indicating that it is willing to agree to EDL's continued operation on the Property; note that the memorandum of understanding referenced therein has been executed. Ex. 7. Significantly, over 375 members of the community near the Property have signed a petition in support of EDL's continued operation. Ex. 8.

The Erroneous Assumption that EDL Contributes to Violent Crime is Sufficient to Justify Rezoning to C-1

Combining the peer-reviewed data showing below-average crime in the Property's census tract along with the significant community support for EDL's continued operation, it is clear that the assumption upon which the City Council decided to rezone the Property—that EDL contributed to violent crime—was erroneous. Moreover, as one of only three Class A license holders in the census tract, EDL does not contribute to an above-average level of off-premises alcohol outlet density. Ex. 9. Accordingly, the rezoning of the Property to C-1 is appropriate to correct the City Council's mistake, and the Planning Commission should reject the Planning Staff's recommendation and adopt the findings of fact listed below.

Required Findings of Fact

In making the determination that there was a mistake in the existing zoning classification, both Section 5-508(b) of the Zoning Code and Section 10-304 of the State Land Use Article require the City Council to make findings of fact that address:

(i) Population Change

The population of the census tract that includes the Property (Census Tract 1507) was estimated to be 4,337 as of 2017 according to an estimate from the U.S. Census Bureau's American Community Survey. This represents a slight decrease from 2010, when 4,550 people lived in the census tract.

Per the July 2012 Planning Newsletter, the Liquor Authority limits the number of new alcoholic beverage licenses based on a jurisdiction's population (1 license per every 1,000 residents). Notably, even with the reduced 2017 population estimate, there are still more than 1,000 people per Class A License within the census tract (1 per 1,445 residents).

(ii) The availability of public facilities;

The area is well-served by public utilities and services, and will remain so for the foreseeable future.

is one of several properties on the block that are improved with a one-story commercial building. Ex. 3. While the Property and adjacent buildings have a lengthy history of commercial use, they had long been zoned R-2 and following the enactment of Transform Baltimore, the Property and other surrounding businesses were downzoned to R-1. Pursuant to the provisions of Transform Baltimore, the use of the Property in a residential zoning district as a “retail goods establishment – with alcoholic beverages sales” became subject to the mandatory termination provisions of Title 18, Subtitle 7 of the Baltimore City Zoning Code (“Transform Baltimore”). As outlined below, however, the rezoning to R-1 was a mistake that the City Council should correct by rezoning the Property to the C-1 Zoning District.

The Rezoning of the Property to R-1 in Transform Baltimore was a Mistake

The City Council has the authority to change the zoning classification of a property as part of a comprehensive rezoning process or upon a finding that there was ... a mistake in the existing zoning classification. MD. CODE ANN., Land Use § 10-304(b)(2); Baltimore City Code, Article 32 – Zoning § 5-508(b)(1). The Court of Appeals has stated, “[o]n the question of original mistake, this Court has held that when the assumption upon which a particular use is predicated proves, with the passage of time, to be erroneous, this is sufficient to authorize a rezoning.” *Mayor and Council of Rockville v. Stone*, 271 Md. 655, 662 (1974)(citations omitted)(emphasis added). Ex. 4.

The Assumption upon which the Property was Rezoned was that EDL Contributes to Increases Violent Crime

As indicated in the Department of Planning’s July 2012 newsletter discussing Transform Baltimore, the mandatory termination provisions of the new Zoning Code were developed in response to public health studies showing a correlation between the presence of liquor stores and violent crime. Ex. 5. As stated in the newsletter, “studies [around the country] have all demonstrated that the presence of liquor stores in communities is a predictor of violent crime and that the addition of even one package store results in increased violent crime.”

The Assumption that Edgewood Discount Liquors Contributes to Increases Violent Crime Has Proven to be Erroneous

In the specific instance of 3302 Edgewood Street, however, the assumption that EDL is driving increases in violent crime and that it is a general detriment to the community has been shown to be erroneous. A 2013 study published in the Journal of Urban Health reviewed the relationship between alcohol outlets and violent crime in Baltimore City. Ex. 6. The Study included a map showing that the number of alcohol outlets within the Property’s census district was in its lowest category (between 0-7) and that the number of violent crimes committed per 100 residents was in the same below-average quartile as census tracts in Canton and Federal Hill and well below census tracts in Fells Point and the Inner Harbor.



**Rosenberg
Martin
Greenberg^{LLP}**

Caroline L. Hecker
25 South Charles Street, 21st Floor
Baltimore, Maryland 21201
P: (410) 727-6600/F: (410) 727-1115
hecker@rosenbergmartin.com

MEMORANDUM

TO: LAND USE COMMITTEE, BALTIMORE CITY COUNCIL

FROM: CAROLINE L. HECKER
JUSTIN A. WILLIAMS

CC: MR. HYUN DO SHIN

RE: CCB # 19-0384 – REZONING – 3302 EDGEWOOD STREET (AKA 3500
W. FOREST PARK AVENUE)
PROPOSED FINDINGS OF FACT

DATE: DECEMBER 4, 2019

This firm represents Mr. Hyun Do Shin, the operator of an existing package goods store known as Edgewood Discount Liquors (“EDL”), operating at 3302 Edgewood Street (the “Property”). On Mr. Shin’s behalf, Councilman Leon Pinkett introduced CCB # 19-384, which proposes to rezone the Property to the C-1 Zoning District. As explained in more detail below, rezoning the Property is appropriate here as there was mistake in the Transform Baltimore zoning designation. The Court of Appeals has stated, “[o]n the question of original mistake, this Court has held that when the assumption upon which a particular use is predicated proves, with the passage of time, to be erroneous, this is sufficient to authorize a rezoning.” *Mayor and Council of Rockville v. Stone*, 271 Md. 655, 662 (1974)(citations omitted)(emphasis added). Here, the assumption that Mr. Shin’s package goods store was causing violent crime in the community has proven to be erroneous. It was a mistake to zone the Property to a designation that would subject it to the mandatory termination provisions when it has the support of the community association and hundreds of residents to keep it open and operating. Accordingly, rezoning the Property to C-1 is appropriate to correct the mistake.

The Property is improved with a one-story building, occupied by EDL, as well as a two-story detached single-family dwelling. Mr. Shin has owned the Property since 2006 and has established a positive track record of operating EDL since that time. In 2017, he was recognized by the City Council in a ceremonial resolution for his outstanding service, commitment, dedication, and various contributions to the Citizens of Baltimore City. Ex. 1.

The zoning records for the Property indicate that since at least 1940, it has been utilized as a liquor store. Ex. 2. The Property is located one block south of the Liberty Heights corridor and as indicated on the street view photo of the Property, it

LAND USE COMMITTEE

Public Hearing for Bill 19-0384

COMMUNICATIONS

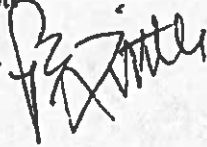
12/4/2019

Caroline Hecker, Esq.

Proposed Findings of Fact

TRANSMITTAL MEMO

TO: Council President Brandon Scott
FROM: Peter Little, Executive Director
DATE: May 21, 2019
RE: City Council Bill 19-0384

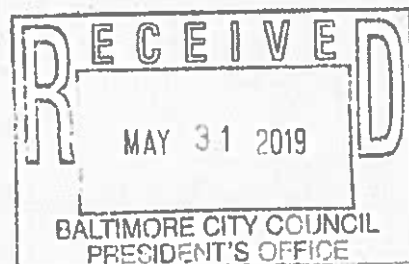


I am herein reporting on City Council Bill 19-0384 introduced by Councilman Pinkett at the request of Mr. Hyun Do Shin.


The purpose of this bill is to change the zoning for the property known as 3302 Edgewood Street (aka 3500 West Forest Park Avenue) (Block 2911, Lot 023) from the R-1 Zoning District to the C-1 Zoning District.

The Parking Authority of Baltimore City reviewed the proposed legislation. The legislation is legitimizing an existing use and is not expected to affect parking. This site is not located where the Parking Authority administers any on-street parking programs.

Based on the comments above, the Parking Authority of Baltimore City does not oppose the passage of City Council Bill 19-0384.



Does not oppose

FROM	NAME & TITLE	Steve Sharkey, Acting Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 19-0384		

TO: Mayor Bernard C. "Jack" Young
TO: Land Use Committee
FROM: Department of Transportation
POSITION: No Objection
RE: Council Bill – 19-0384

DATE: 8/7/19

INTRODUCTION – Rezoning - 3302 Edgewood Street (aka 3500 West Forest Park Avenue)

PURPOSE/PLANS – For the purpose of changing the zoning for the property known as 3302 Edgewood Street (aka 3500 West Forest Park Avenue) (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the R-1 Zoning District to the C-1 Zoning District.

COMMENTS – City Council Bill 19-0384 looks to rezone 3302 Edgewood Street from the R-1 Zoning District to the C-1 Zoning District, allowing for the operation of a retail goods establishment with alcoholic beverage sales from the structure facing the 3300 block of Edgewood Street. The Department of Transportation does not foresee any direct fiscal or operational impact in relation to this bill.

AGENCY/DEPARTMENT POSITION – The Department of Transportation has **no objection** to City Council Bill 19-0384.

If you have any questions, please do not hesitate to contact Liam Davis via email at Liam.Davis@baltimorecity.gov or by phone (410) 545-3207.

Sincerely,


Steve Sharkey
Acting Director

Notification: The Forest Park Association has been notified of this action.

A handwritten signature in blue ink, appearing to read "Chris Ryer", with a stylized flourish at the end.

Chris Ryer
Director

5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department will recommend disapproval of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
6. **The relation of the proposed amendment to the City's plan.** As continuation of the R-1 zoning that became effective June 5, 2017 is consistent with the City's Comprehensive Master Plan and zoning map, which the Planning Commission previously recommended and the Mayor and City Council adopted, this action is contrary to the City's plan.

There are additional standards under §5-508(b)(3) that must be considered for map amendments. These include:

- (i) **existing uses of property within the general area of the property in question;** The predominant use of the properties in the Forest Park neighborhood is residential in nature, which has not functionally changed under the current Zoning Code.
- (ii) **the zoning classification of other property within the general area of the property in question;** This site is located in a R-1 residential district. The Forest Park neighborhood is residentially zoned, including R-1-E, R-1, R-5, R-6, and R-8 districts, according to their building types. There is a C-2 commercial node at the intersection of Liberty Heights and Garrison Boulevard, three blocks to the west, and one small C-1 node four blocks to the south at Garrison Boulevard and Edgewood Street.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** The secondary building on the rear of this property could be renovated for use as a residential unit, or could be converted to a garage, either of which would conform to the requirements of this residential district.
- (iv) **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 zoning classification.** This neighborhood has remained stable in its development patterns, even after the Citywide rezoning in 2017. No significant development or change in the area has occurred that would invalidate the appropriateness of the residential zoning for these properties.

Per §5-508(1) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification.

Since the comprehensive rezoning of the City, there hasn't been a significant change in the neighborhood that would invalidate the residential zoning that has been continued for this property specifically, and for the neighborhood in general. The choice of R-1 zoning is appropriate for this area, it reflects the physical form of the neighborhood, and continues the bulk standards as previously required under the former R-2 classification under the prior Zoning Code.

usable in its entirety (*i.e.* both the existing home as well as the rear building) for commercial use, without providing any buffer or separation from the existing homes surrounding this property.

It has been less than two years since this property was placed in its present zoning classification, which was a continuation of its former residential zoning classification. There have been no significant change in this general area since the previous version of the Zoning Code was adopted in 1971. Residential use of the surrounding blocks have remained consistent throughout this time, with the only exceptions of the secondary structures around the intersection of North Edgewood Street and the mid-block alley.

Maryland Land Use Code – Requirements for Rezoning:

The Maryland Land Use Code requires the Planning Commission to 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 (*cf.* Md. LAND USE Code Ann. 2012, §10-305). In reviewing this request, the staff finds that:

1. **The Plan:** This action does not advance the goals, objectives, or strategies contained in the Comprehensive Master Plan also known as LIVE EARN PLAY LEARN.
2. **The needs of Baltimore City:** This action is not needed to serve either a comprehensive redevelopment strategy or a Mayoral initiative.
3. **The needs of the particular neighborhood:** This action does not help to meet the needs of this neighborhood, or those immediately nearby. The approval of commercial zoning for this property does not only affect the secondary building on the rear of the lot, but also expands commercial use to the primary residential building fronting on West Forest Park Avenue. This creates an additional opportunity for commercial use beyond what has existed on this lot.

Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304). The findings of fact include:

1. **Population changes;** There has not been a significant change in population since the establishment of the current Zoning Code.
2. **The availability of public facilities;** This site is served by existing utilities and public facilities, which will not be affected by the proposed change in zoning for this property.
3. **Present and future transportation patterns;** This site is accessible by City streets, in the established grid of this neighborhood, which are not proposed to be changed or impacted by this proposed action.
4. **Compatibility with existing and proposed development for the area;** The proposed action will not be compatible with the existing residential zoning of this block, or the surrounding neighborhood, and would be contrary to the confirmation of residential zoning that was approved for this neighborhood as part of the Citywide rezoning effort in 2017.

This rezoning is intended to allow the existing nonconforming liquor store, known under this zoning code as Retail Goods Establishment (With Alcoholic Beverages Sales), in the rear portion of the property to remain. The current Zoning Code designated this property as R-1 residential. The prior zoning designated this property as R-2 residential. This rezoning will have the practical effect of extending the operation of this liquor store since they are allowed in the C-1 as a Conditional Use by Ordinance (CO), and the use may then continue as a conditional use. It would thereby also conflict to a certain extent with LIVE Goal 2, Objective 3, Strategy 4: Ensure all residents are within 1.5 miles of quality groceries and neighborhood services, in that possible conversion of this liquor store to a food store or other retail goods establishment with no alcohol sales would not be encouraged.

ANALYSIS

This property was designated R-1 residential effective June 5, 2017, reflecting the residential character of the neighborhood. The bulk requirements of the current R-1 district match those of the prior R-2 district under the former zoning code, meaning that as a practical matter, the level of permissible development has remained unchanged.

Below are the approval standards under §5-508(b) of Article 32 – *Zoning* for proposed zoning map amendments:

(b) *Map amendments.*

(1) *Required findings.*

As required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either:

- (i) a substantial change in the character of the neighborhood where the property is located; or
- (ii) a mistake in the existing zoning classification.

(2) *Required findings of fact.*

In making the determination required by subsection (b)(1) of this section, the City Council must also make findings of fact that address:

- (i) population changes;
- (ii) the availability of public facilities;
- (iii) present and future transportation patterns;
- (iv) compatibility with existing and proposed development for the area;
- (v) the recommendations of the City agencies and officials; and
- (vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.

(3) *Additional standards – General*

Additional standards that must be considered for map amendments are:

- (i) existing uses of property within the general area of the property in question;
- (ii) the zoning classification of other property within the general area of the property in question;
- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
- (iv) 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 zoning classification.

Below is the staff's review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is not in the public's interest, in that it will make this property



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

June 20, 2019

REQUEST: City Council Bill #19-0384/ Rezoning – 3302 Edgewood Street (aka 3500 West Forest Park Avenue):

For the purpose of changing the zoning for the property known as 3302 Edgewood Street (aka 3500 West Forest Park Avenue) (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the R-1 Zoning District to the C-1 Zoning District.

RECOMMENDATION: Disapproval

STAFF: Eric Tiso

PETITIONER: Mr. Hyun Do Shin, c/o Ms. Caroline Hecker, Esq.

OWNER: Mr. Hyun Do Shin

SITE/GENERAL AREA

Site Conditions: 3500 West Forest Park Avenue is located on the northwestern corner of the intersection with North Edgewood Street, and measures 57' by 138'. This property is currently zoned R-1 and is improved with a 1 ½ story home fronting on West Forest Park Avenue. The rear portion of the property, a part of the same lot of record, has a one-story detached structure known as 3302 Edgewood Street, which has been used for nonconforming commercial use as a liquor store. This rear portion of the property is the intended subject of this rezoning, though this action would affect the property in its entirety. That secondary structure is one of a few around the intersection of the mid-block alley and North Edgewood Street, each of which is also a secondary structure on a lot with another primary residence.


General Area: This property is located in the Forest Park neighborhood, which is predominantly residential in character, with a mix of detached homes, some attached homes, and a few multi-family dwellings. Lake Ashburton is located two blocks to the west.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site.

CONFORMITY TO PLANS

The proposed rezoning action does not support the goals, objectives and strategies contained in the Comprehensive Master Plan for the City of Baltimore. One of the objectives expressed in the Master Plan for the new zoning code was consistency of zoning with existing land use, community character, City plans and projects, and City economic development goals (Master Plan, p.15).

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR <i>Mr. Ryer</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0384 / REZONING – 3302 EDGEWOOD STREET (aka 3500 WEST FOREST PARK AVENUE)		

TO DATE:

The Honorable President and
 Members of the City Council
 City Hall, Room 400
 100 North Holliday Street

June 21, 2019

At its regular meeting of June 20, 2019, the Planning Commission considered City Council Bill #19-0384, for the purpose of changing the zoning for the property known as 3302 Edgewood Street (aka 3500 West Forest Park Avenue) (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the R-1 Zoning District to the C-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended disapproval of City Council Bill #19-0384 and adopted the following resolution nine members being present (eight in favor and one opposed):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #19-0384 be disapproved by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

- cc: Mr. Jeff Amoros, Mayor's Office
 The Honorable Edward Reisinger, Council Rep. to Planning Commission
 Mr. Colin Tarbert, BDC
 Mr. Derek Baumgardner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Mr. Bob Pipik, DCHD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Michael Castagnola, DOT
 Ms. Natawna Austin, Council Services
 Mr. Justin Williams, Esq.

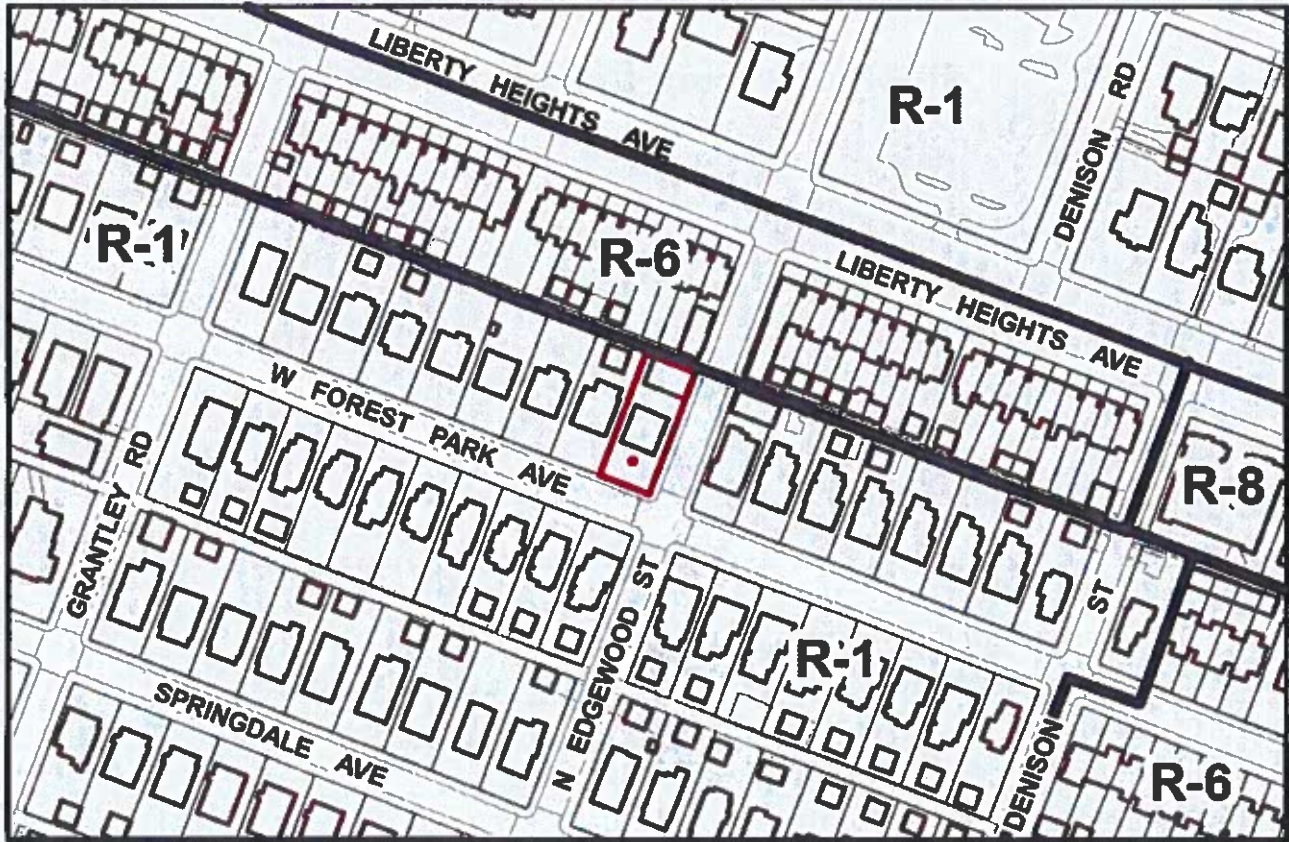
LAND USE COMMITTEE

Public Hearing for Bill 19-0384

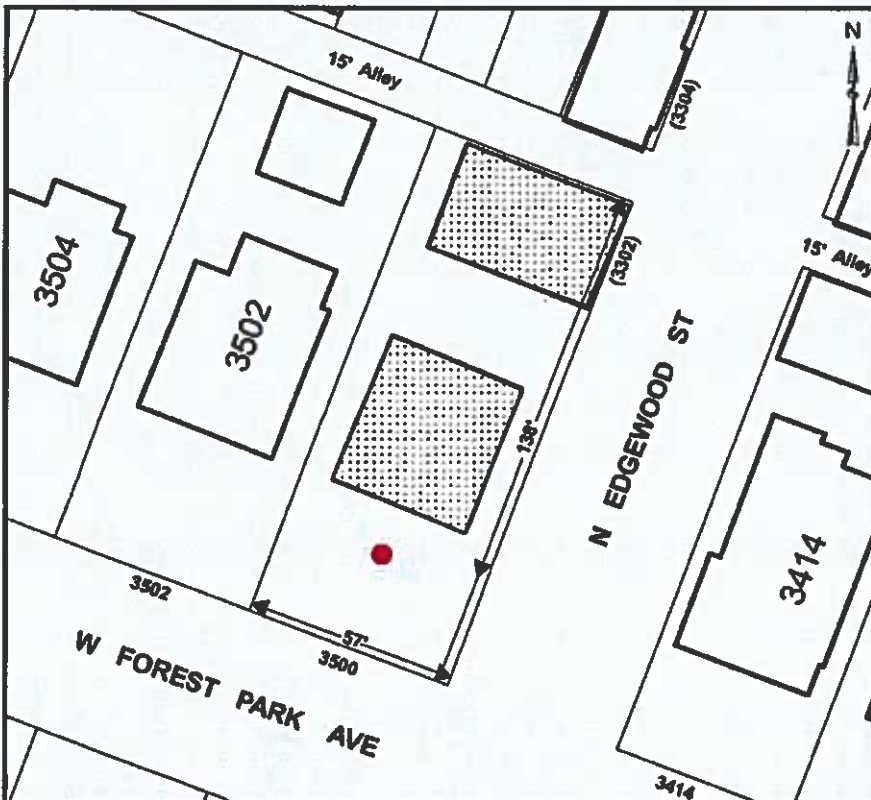
AGENCY REPORTS

Planning Commission	Unfavorable
Board of Municipal Zoning Appeals	
Department of Transportation	No Objection
Department of Law	
Department of Housing and Community Development	
Baltimore Development Corporation	
Parking Authority of Baltimore City	Does Not Oppose

**SHEET NO. 32 OF THE ZONING MAP OF
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 200'



Scale: 1" = 50'

Note:

In Connection With The Property Known As No. 3500 WEST FOREST PARK AVENUE. The Applicant Wishes To Request The Rezoning Of The Aforementioned Property From R-1 Zoning to C-1 Zoning, As Outlined In Red Above.

WARD 15 SECTION 28
BLOCK 2911 LOT 23

MAYOR

PRESIDENT CITY COUNCIL

Council Bill 19-0384

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

**CITY OF BALTIMORE
COUNCIL BILL 19-0384
(First Reader)**

Introduced by: Councilmember Pinkett

At the request of: Mr. Hyun Do Shin

Address: c/o Caroline Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles Street, Suite 21st Floor, Baltimore, Maryland 21201

Telephone: 410-727-6600

Introduced and read first time: April 29, 2019

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Department of Transportation, Baltimore City Parking Authority Board

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 3302 Edgewood Street (aka 3500 West Forest Park Avenue)**

3 FOR the purpose of changing the zoning for the property known as 3302 Edgewood Street (aka
4 3500 West Forest Park Avenue) (Block 2911, Lot 023), as outlined in red on the
5 accompanying plat, from the R-1 Zoning District to the C-1 Zoning District.

6 BY amending

7 Article 32- Zoning

8 Zoning District Map

9 Sheet 32

10 Baltimore City Revised Code

11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 Sheet 32 of the Zoning District Map is amended by changing from the R-1 Zoning District to the
14 C-1 Zoning District the property known as 3302 Edgewood Street (aka 3500 West Forest Park
15 Avenue) (Block 2922, Lot 023), as outlined in red on the plat accompanying this Ordinance.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
17 accompanying plat and in order to give notice to the agencies that administer the City Zoning
18 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
19 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
20 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
21 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
22 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
23 the Zoning Administrator.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Additional Information

Fiscal Note: Not Available

Information Source(s): Statement of Intent; Planning Commission Report; Department of Planning Staff Report; Zoning Administration Office

Analysis by: Jennifer L. Coates
Analysis Date: November 26, 2019

Direct Inquiries to: (410) 396-1260

Article 32 – Zoning describes the intended purposes for current and proposed zoning as follows:

Zoning Prior to Transform – R-2

§ 8-208. R-2 Detached and Semi-Detached Residential District.

The R-2 Detached and Semi-Detached Residential Zoning District is intended for residential neighborhoods that accommodate both detached and semi-detached dwellings located on lots of at least 5,000 square feet.

(Ord. 16-581.)

Current Zoning District – R-1

§ 8-207. R-1 Detached Residential District.

The R-1 Detached Residential Zoning District is intended for neighborhoods of detached dwellings located on lots of at least 7,300 square feet.

(Ord. 16-581.)

Proposed Zoning District – C-1

§ 10-201. C-1 Neighborhood Business District.

(a) Areas for which intended.

The C-1 Neighborhood Business Zoning District is intended for areas of commercial clusters or pedestrian-oriented corridors of commercial uses that serve the immediate neighborhood.

(b) Standards.

The C-1 District standards are crafted to:

- (1) ensure compatibility between neighboring residential and commercial uses;
- (2) maintain the proper scale of commercial use; and
- (3) address the unique issues related to smaller commercial sites.

(Ord. 16-581)

Analysis

Current Law

Article 32 – Zoning; Zoning District Map; Sheet 32; Baltimore City Revised Code; (Edition 2000)

Background

The owner and applicant of the property at 3302 Edgewood Street (aka 3500 Forest Park Avenue) is Hyun Do Shin. The property was acquired by the owner on September 26, 2006. The property is situated in the Forest Park neighborhood. The property lies near the intersection of Edgewood Street and Forest Park Avenue. The neighborhood is predominantly residential.

The lot at 3500 West Forest Park Avenue has two structures, one in the front and one in the rear. One structure, which is a 1.5 story home, faces West Forest Park Avenue. The 1.5 story structure in the rear, which faces Edgewood Street, is the subject of the bill and is being used as a liquor store. Bill 19-0384 proposes to rezone the entire lot from a Residential Zoning District R-1 to a Commercial Zoning District C-1.

The owner would like to continue to use the building at 3302 Edgewood Street as a liquor store. Retail Goods Establishments (With Alcoholic Beverages Sales) are not allowed in a Residential R-1 Zoning District, but are allowed in a Commercial C-1 Zoning District. According to the bill's plat (Sheet No. 32 of the Zoning Map), nearby zoning districts are Residential R-1, R-6 and R8.

According to the State Land Use Article, a rezoning may be approved based on a finding that there was:

- (1) either a substantial change in the character of the neighborhood where the property is located; or
- (2) a mistake in the existing zoning classification.

Proposed rezoning:

Property	Zoning District		
	Prior to Transform	Current	Proposed
3302 Edgewood Street (aka 3500 W. Forest Park Avenue)	R-2	R-1	C-1



BILL SYNOPSIS

Committee: Land Use

Bill 19-0384

Rezoning - 3302 Edgewood Street (aka 3500 West Forest Park Avenue)

Sponsor: Councilmember Pinkett

Introduced: April 29, 2019

Purpose:

For the purpose of changing the zoning for the property known as 3302 Edgewood Street (aka 3500 West Forest Park Avenue) (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the R-1 Zoning District to the C-1 Zoning District.

Effective: 30th day after the date of enactment

Agency Reports

Planning Commission	Unfavorable
Board of Municipal Zoning Appeals	
Department of Transportation	No Objection
City Solicitor	
Department of Housing and Community Development	
Baltimore Development Corporation	
Parking Authority of Baltimore City	Does Not Oppose

CITY COUNCIL COMMITTEES

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Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Isaac "Yitzy" Schleifer
Shannon Sneed
Danielle McCray
Staff: Marguerite Currin

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Isaac "Yitzy" Schleifer – Co-chair
Sharon Green Middleton
Staff: Samuel Johnson

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Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Leon Pinkett
Staff: Matthew Peters

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Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer
Staff: Marguerite Currin

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Isaac "Yitzy" Schleifer
Staff: Marguerite Currin

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Staff: Matthew Peters

LABOR

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Robert Stokes – Vice Chair
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Staff: Samuel Johnson

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Shannon Sneed
Staff: Matthew Peters

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Staff: Jennifer Coates

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Staff: Richard Krummerich

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Sharon Green Middleton – Chair
Danielle McCray – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Samuel Johnson
- Larry Greene (pension only)

TRANSPORTATION

Ryan Dorsey – Chair
Leon Pinkett – Vice Chair
John Bullock
Staff: Jennifer Coates



BALTIMORE CITY COUNCIL LAND USE COMMITTEE

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Land Use Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.

**The Honorable Edward Reisinger
Chairperson**

PUBLIC HEARING

Wednesday, December 4, 2019

1:10 PM

Clarence "Du" Burns Council Chambers

City Council Bill # 19-0384

Rezoning - 3302 Edgewood Street (aka 3500 West Forest Park Avenue)

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Agenda - Final

Land Use Committee

Wednesday, December 4, 2019

1:10 PM

Du Burns Council Chamber, 4th floor, City Hall

19-0384

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0384

Rezoning - 3302 Edgewood Street (aka 3500 West Forest Park Avenue)

For the purpose of changing the zoning for the property known as 3302 Edgewood Street (aka 3500 West Forest Park Avenue) (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the R-1 Zoning District to the C-1 Zoning District.

Sponsors:

Leon F. Pinkett, III

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

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Baltimore City Council Committee Hearing Attendance Record

Subject: Ordinance - Rezoning - 3302 Edgewood Street (aka 3500 West Forest Park Avenue)	Bill #: 19-0384
Committee: Land Use	Chair: Edward Reisinger
Date: Wednesday, December 4, 2019	Time: 1:10 PM
Location: Clarence "Du" Burns Council Chamber	

PLEASE PRINT CLEARLY

CHECK HERE TO TESTIFY

PLEASE PRINT CLEARLY			What is your position on this bill?		Lobbyist: Are you registered in the City?*		
<u>CHECK HERE TO TESTIFY</u>			<u>Testify</u>	For	Against	Yes	No
First Name	Last Name	Address / Organization / Email					
John	Doe	400 N. Holliday St. Johndoenbmore@yahoo.com	✓	✓	✓	✓	✓
Martin	French	Planning	✓		✓		
Sustin	Williams	Rosuber Martin Greenberg 25 S. Charles St., Balt., MD 21201		✓		✓	
Caroline	Hecker	"	✓	✓		✓	

*NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD AS A LOBBYIST. REGISTRATION CAN BE DONE ONLINE AND IS A SIMPLE PROCESS. FOR INFORMATION VISIT: [HTTPS://ETHICS.BALTIMORECITY.GOV/](https://ethics.baltimorecity.gov/) OR CALL: 410-396-4730



Baltimore City Council Committee Hearing Attendance Record

Subject: Ordinance - Rezoning - 3302 Edgewood Street (aka 3500 West Forest Park Avenue)

Bill #: 19-0384

Committee: Land Use

Chair: Edward Reisinger

Date: Wednesday, December 4, 2019

Time: 1:10 PM

Location: Clarence "Du" Burns Council Chamber

PLEASE PRINT CLEARLY

What is
your
position on
this bill?

Lobbyist:
Are you
registered in
the City?*

CHECK HERE TO TESTIFY



Testify

For

Against

Yes

No

First Name

Last Name

Address / Organization / Email

John

Doe

400 N. Holliday St.
Johndoenbmore@yahoo.com

✓

✓

✓

✓

✓

SHARON

BRADY

3619 W. FOREST PK AVE

✓

CAROLYN

TAYLOR

3508 Fairview W

✓

Caroline

Hecker

RMB
25 S Charles St. 21st fl.

✓

✓

✓

PAUL

MARTIN

3006
N. H. 1st 21216

✓

✓

*NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD AS A LOBBYIST. REGISTRATION CAN BE DONE ONLINE AND IS A SIMPLE PROCESS. FOR INFORMATION VISIT: [HTTPS://ETHICS.BALTIMORECITY.GOV/](https://ethics.baltimorecity.gov/) OR CALL: 410-396-4730



Further Study

Was further study requested?

☐ Yes ☒ No

If yes, describe.

Committee Vote:

Reisinger, Edward, Chairman.....	Yea
Sneed, Shannon, Vice Chair.....	Yea
Clarke, Mary Pat.....	Nay
Costello, Eric	Yea
Dorsey, Ryan	Yea
Middleton, Sharon	Absent
Pinkett, Leon.....	Yea
Stokes, Robert:	Yea

Jennifer L. Coates, Committee Staff



Date: December 4, 2019

cc: Bill File
OCS Chrono File

Major Speakers
(This is not an attendance record.)

- The Honorable Leon Pinkett, III
- Mr. Martin French, Department of Planning
- Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
- Mr. Liam Davis, Department of Transportation
- Ms. Elena DiPietro, Department of Law
- Mr. David Garza, Baltimore Development Corporation
- Ms. Stephanie Murdock Department of Housing and Community Development
- Mr. Taylor LaFave, Parking Authority of Baltimore City
- Ms. Caroline Hecker, Esquire, representative for applicant
- Ms. Sharon Bradford, President, Forest Park Neighborhood Association
- Ms. Carolyn Taylor, neighborhood resident
- Mr. Paul Martin, neighborhood resident

Major Issues Discussed

1. Councilmember Reisinger read the bill's number, title, purpose and noted the public notice requirements had been met.
2. Councilmember Pinkett provided background information about the purpose of the bill and testified in support of the rezoning. He offered an amendment to the bill to only rezone a portion of the property to commercial and that the home on the property would remain residential.
3. Mr. Martin French presented the Planning Commission's report which recommended disapproval of the bill. He provided general history about the non-residential use of the property. He explained that the commercial property lies on a lot with a home. The commercial property also lies on a zoning boundary, which runs along an alley, which divides residential uses in the area into R-1 and R-6. At the intersection of Edgewood Street and the alley are non-residential uses. There are also other non-residential uses adjacent to and near the property. The bill proposes to rezone the entire lot to commercial. The Planning Commission did not approve of rezoning the entire lot to commercial. There was a brief discussion about subdivision of lots and also split-zoning.
4. Ms. Caroline Hecker provided a handout (containing findings) and testified in support of the bill on behalf of the applicant.
5. Ms. Sharon Bradford, president of the Forest Park Neighborhood Association, testified in support of the bill.
6. Ms. Carolyn Taylor, a 20-year neighborhood resident, testified in support of the bill.
7. Mr. Paul Martin, a 60-year community resident of the area, testified in support of the bill.
8. Agency representatives confirmed their agency's position on the bill.
9. The committee discussed comprehensive rezoning under Transform Baltimore.
10. The committee approved findings of facts.
11. The committee approved amendments and voted to recommend the bill favorable as amended.
12. The hearing was adjourned.



HEARING NOTES

Bill: 19-0384

Rezoning - 3302 Edgewood Street (aka 3500 West Forest Park Avenue)

Committee: Land Use

Chaired By: Councilmember Edward Reisinger

Hearing Date: December 4, 2019

Time (Beginning): 1:10 PM

Time (Ending): 2:00 PM

Location: Clarence "Du" Burns Chamber

Total Attendance: ~30

Committee Members in Attendance:

Reisinger, Edward - Chairman

Sneed, Shannon - Vice Chair

Clarke, Mary Pat

Costello, Eric

Dorsey, Ryan

Pinkett, Leon

Stokes, Robert

Bill Synopsis in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Attendance sheet in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Agency reports read?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Hearing televised (taped) or <u>audio-digitally</u> recorded?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Certification of advertising/posting notices in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Evidence of notification to property owners?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Final vote taken at this hearing?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Motioned by:.....	Councilmember Costello		
Seconded by:.....	Councilmember Dorsey		
Final Vote:.....	Favorable/Amendment		

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Minutes - Final

Land Use Committee

Wednesday, December 4, 2019

1:10 PM

Du Burns Council Chamber, 4th floor, City Hall

19-0384
CHARM TV 25

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Edward Reisinger, Shannon Sneed, Mary Pat Clarke, Ryan Dorsey, Leon F. Pinkett III, Robert Stokes Sr., and Eric T. Costello
Absent 1 - Sharon Green Middleton

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0384

Rezoning - 3302 Edgewood Street (aka 3500 West Forest Park Avenue)

For the purpose of changing the zoning for the property known as 3302 Edgewood Street (aka 3500 West Forest Park Avenue) (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the R-1 Zoning District to the C-1 Zoning District.

Sponsors: Leon F. Pinkett, III

A motion was made by Costello, seconded by Dorsey, that the bill be recommended favorable with amendment. The motion carried by the following vote:

Yes: 6 - Reisinger, Sneed, Dorsey, Pinkett III, Stokes Sr., and Costello

No: 1 - Clarke

Absent: 1 - Middleton

ADJOURNMENT

Exhibit 4

271 Md. 655
Court of Appeals of Maryland.

MAYOR AND COUNCIL OF ROCKVILLE

v.

Raymond F. STONE et al.

No. 198.

|

May 22, 1974.

Synopsis

On application by planning commission, rezoning was granted by the city, but the Circuit Court, Montgomery County, John F. McAuliffe, J., held that property had been unconstitutionally confiscated. Following certiorari to the Court of Special Appeals and subsequent petition to the Court of Appeals, the Court of Appeals, Digges, J., held that an honest dispute as to what comprised the neighborhood made an issue of rezoning fairly debatable, and the city's choice to accept the planning commission's definition could not successfully be questioned on judicial review. The Court also held that where there was no evidence to sustain a finding that owners were denied all reasonable use of the property under the new zoning classification, and lots under rezoning could be used for residential purposes, they were not unconstitutionally confiscated.

Reversed and ordinance reinstated.

Attorneys and Law Firms

*656 **537 Roger W. Titus, City Atty., Rockville, for appellants.

Harry W. Lerch, Bethesda (Lerch, Pillott & Lerch and Ronald L. Early, Bethesda, on the brief), for appellees.

Argued Feb. 27, 1974 before MURPHY, C. J., and SINGLEY, SMITH, DIGGES and ELDRIDGE, JJ.

**538 Reargued March 26, 1974 before MURPHY, C. J., SINGLEY, SMITH, DIGGES and ELDRIDGE, JJ., and CHARLES E. ORTH and RICHARD P. GILBERT, JJ., Special Judge.

Opinion

DIGGES, Judge.

If variety is the spice of life, then it would seem that the zoning cases which originate in Montgomery County are certainly well peppered. The factual twists present in this action, which reaches us by certiorari to the Court of Special Appeals,¹ are ample support for this statement since this *657 case is unusual in two respects. First, the application which precipitated this litigation was filed by the City of Rockville Planning Commission, a governmental agency, rather than by the joint owners, Mr. and Mrs. Raymond P. Stone and Mr. and Mrs. Ralph Bogart (the protestants), which is the usual course of things in zoning litigation. Second, the controversy involves a request that two contiguous lots be returned to residential zoning, which was their designation in the 1957 comprehensive zoning ordinance adopted by the Mayor and Council of Rockville, rather than maintain the I-1 (industrial) zoning they acquired as a result of our decision in *England v. Rockville*, 230 Md. 43, 185 A.2d 378 (1962).² In *England*, an application was filed by the property owner at that time seeking rezoning of these same lots from R-60 to I-1 or I-2. When the city denied this request, its action was appealed to the circuit court which affirmed. We reversed, and ordered that the request for rezoning be granted after holding that '(t)here was clear evidence of original mistake or change of condition, in addition to the evidence of practical inability to improve the lots for residential use, and that the granting of the application would conform the use to the recommended future use of the whole area, as set out in the proposed comprehensive plan.' *England*, *supra* at 46-47, 185 A.2d at 380.

From analyzing the case now before us in the light of the voluminous decisions of this Court concerning zoning matters, we glean that, despite the intriguing factual and procedural posture present here, there is really very little new under the sun in this State as far as zoning cases are concerned. Our careful review of the case law in this State and the works of text writers who have concentrated on this discipline has not resulted in the discovery of any rationale which would compel us to adopt a different standard for analyzing the appropriateness of rezoning simply because the application was brought by an arm of the government *658 rather than the property owner, or because the zoning being questioned was the result of a previous decision of this Court. R. Anderson, *American Law of Zoning*, s 4.33 (1968); A. Rathkopf, *The Law of Zoning and Planning*, 27-23 (1972).³ The same basic principles which have so often been set out before remain vital and control the decision here as well.

In early February of 1972, the City of Rockville received

an application filed by its planning commission which petitioned for the rezoning of the Stone-Bogart lots from I-1 (Industrial) to R-75 (one-family detached residential). Following a hearing **539 on this application, the city, on May 14, 1972, adopted Ordinance No. 12-73 which granted the requested zoning reclassification. Rockville gave as reasons for this decision its determination that the applicant had demonstrated both a substantial change in the character of the neighborhood and a mistake in the original zoning, meeting the requirement of Maryland Code (1957, 1970 Repl. Vol.) Art. 66B, s 4.05(a); *Pattey v. Bd. of Co. Comm'rs for Worcester Co., Md.*, 317 A.2d 142 (1974), and that the owners, as protestants, had failed to prove that this rezoning ordinance would result in the unconstitutional confiscation of their property. The owners appealed from this action on the part of the Mayor and Council of Rockville to the Circuit Court for Montgomery County. That court, though finding the question of 'change' fairly debatable, reversed the action of the city after ruling that the ordinance amounted 'to an unconstitutional deprivation of property without just compensation' in that it resulted in a 'very substantial diminution of the actual and uninflated value of the property . . .'. Since we decide that the question of whether there exists 'change' or 'mistake' is fairly debatable, and do not see that the land owner was unconstitutionally denied all reasonable use of his property by the ordinance, we reverse.

The property in question is described as Lots 5 and 6, *659 Block 9, H. L. England's Second Addition to Lincoln Park and has the street address of 607 and 609 North Stonestreet Avenue. The lots are situated across the street from, and in close proximity to, that parcel which was the subject of this Court's opinion in *Rockville v. Henley*, 268 Md. 469, 302 A.2d 45 (1973) and lies directly across Stonestreet Avenue from a large tract which though zoned residential has been 'used since 1959 by the Montgomery County Board of Education for warehousing, open storage of materials, school buses and trucks, and machine shops (, a permitted use by a governmental agency in a residential zone) Adjacent to the property . . . is a substandard and dilapidated dwelling described as a 'shack' (which was, in 1972, under orders for demolition). . . . Nearby (, one block to the west,) is the main line of the Baltimore and Ohio Railroad, paralleling Stonestreet Avenue.' *England*, supra, 230 Md. at 45, 185 A.2d at 379.

The immediate area in which these lots are situated was recently described by this Court in *Henley* as: 'a residential community which extends for several blocks with small well kept homes. This entire expanse is zoned R-60 with the exception of . . . (two warehouses situated

on realty zoned I-2 (Industrial), an apartment house built on land zoned I-2)8 a group of apartments one block east of the subject site, and two small lots On the west side of the tracks is land zoned for industrial and commercial use. While the area east of the railroad may not qualify for the appellation of Camelot, it has the appearance of a suburban residential neighborhood interspersed with minimal storage facilities and proximate to some commercial and light industrial development.' *Henley*, supra, 268 Md. at 472, 302 A.2d at 46.⁴

*660 Much ado has been made concerning whether the doctrine of res judicata would prevent this Court from altering the rezoning we ordered in *England*. However, the facts as presented here make that doctrine, in this case, a 'stern and simple irrelevancy.'⁵ In *Alvey v. Hedin*, 243 Md. 334, 221 A.2d 62 (1966), a leading case in which the application of res judicata to zoning decisions was discussed, this Court held that the doctrine of res judicata **540 was viable in zoning matters and prevented the relitigation of a zoning issue based on facts which existed at the time of the first decision in the case. Here, we are concerned only with the events which have developed during the ten years since the *England* decision, and, in this regard, we find the doctrine of res judicata, as recognized in *Alvey*, inapplicable. Thus, the investigation called for in this case is whether the applicant had adduced sufficient evidence of factors that have developed since our prior decision which would demonstrate that this action, though correct at the time, proved to be a mistake, 'or else evidence of a change in conditions (since rezoning was directed in *England*) resulting in a substantial change in the character of the neighborhood.' *Heller v. Prince George's Co.*, 264 Md. 410, 412, 286 A.2d 772, 773 (1972). Of course, in our consideration of these questions, we remain mindful of the fact that the rezoning as directed in *England* had to be based on evidence sufficient to overcome the strong presumption of correctness which is afforded to comprehensive zoning. *Pattey v. Bd. of Co. Comm'rs for Worcester Co., Md.*, 317 A.2d 142 (1974); *Valenzia v. Zoning Board*, 270 Md. 478, 312 A.2d 277 (1973); *Trainer v. Lipchin*, 269 Md. 667, 309 A.2d 471 (1973). Once that rezoning was accomplished, the presumption which accompanied the adoption of the comprehensive plan evaporated and the industrial classification was, before the legislative body, presumptively correct; and the party seeking a change had the burden of producing evidence sufficient to permit another alteration. Nevertheless, when the evidence offered *661 convinces the legislative body that either change or mistake is present, its decision must be sustained by a court on appeal unless it is shown that this action was arbitrary or capricious because not enough evidence had been

adduced to make the issue 'fairly debatable.' *Pattey v. Bd. of Co. Comm'rs for Worcester Co.*, supra; *Smith v. Co. Comm'rs of Howard Co.*, 252 Md. 280, 249 A.2d 708 (1969). In our view, these issues are fairly debatable.

In demonstrating change in the neighborhood the applicant must show

'(a) what area reasonably constituted the 'neighborhood' of the subject property, (b) the changes which have occurred in that neighborhood since the comprehensive (or prior piecemeal) rezoning and (c) that these changes resulted in a change in the character of the neighborhood.' *Montgomery v. Bd. of Co. Comm'rs for Prince George's Co.*, 256 Md. 597, 261 A.2d 447 (1970). See also *Rockville v. Henley*, supra; *Clayman v. Prince George's Co.*, 266 Md. 409, 292 A.2d 689 (1972); *Heller v. Prince George's Co.*, supra.

Exactly what did comprise the neighborhood in this case was the subject of some disagreement. The owners, by their evidence, chose to limit it to a narrow corridor, which runs north and south along the east side of the railroad, and encompasses the lots which lie along Stonestreet Avenue for two blocks, one to the east and one to the west, from Park Avenue to Frederick Avenue. On the other hand, a witness speaking for the planning commission disagreed with this delineation, and defined the neighborhood as that area east of the railroad tracks which extends through what is known as Lincoln Park. Such an honest dispute as to what comprises the neighborhood makes the issue fairly debatable, and the city's choice to accept the planning commission's definition, therefore, cannot successfully be questioned here. *Rockville v. Henley*, supra. Once the neighborhood is thus delineated, the changes in its character *662 since 1960 become evident and confirm the conclusion reached in *Henley* only one year ago:

'The present portrait of this neighborhood sharply contrasts with that painted for this Court in *England v. Rockville*, supra. The 8 1/2% increase in population in recent years, the construction of 40 new residences, and the demolition of four or more buildings which could have been described as eyesores lays to rest **541 the 1962 prediction of doom forecast in *England* for the residential character of this area. The community's revitalization, aided by a . . . federal grant for public improvements, has effectively turned the tide and, although at one time this area may have flirted with industrial development, it is now a viable residential community.' *Id.*, 268 Md. at 475, 302 A.2d at 48.

Accordingly, we agree with the trial court that the question of change was fairly debatable and the city's

conclusion on this point must be accepted.

On the question of original mistake, this Court has held that when the assumption upon which a particular use is predicated proves, with the passage of time, to be erroneous, this is sufficient to authorize a rezoning. *White v. Board of Appeals*, 219 Md. 136, 148 A.2d 420 (1959). It is clear that in *England* we were influenced in our decision to direct a rezoning of this property, in part, because of the existence of a proposed plan drafted by the planning commission's staff calling for industrial development along the Stonestreet Avenue corridor which, as it turns out, was not adopted, and, in part, upon our assumption that 'there (was) no other logical use (for this area) than that for industrial purposes.' The revitalization documented above has proved that our forecast was ill founded, and, now that there exists an opportunity to correct our errant prediction, we shall not stand in the city's way. *Rockville v. Henley*, supra.

All that we have said thus far would be largely academic if the ordinance which prescribed this rezoning deprived the protestants of all reasonable use of their land as the trial *663 court found. That court, in reversing the city's action, ruled that the effect of this ordinance was to dispossess the owners of two-thirds of their original investment, and, as such, it 'served to destroy the greater part of its value' and accordingly was unconstitutional. For its conclusion, the trial court relied on the reasoning of *Salamar Builders Corp. v. Tuttle*, 29 N.Y.2d 221, 325 N.Y.S.2d 933, 275 N.E.2d 585 (1971) and determined that it was necessary to weigh the State's affirmative demonstration that the public health, safety and welfare will be served by the zoning ordinance against the resulting hardship sustained by the property owners. However, regardless of the validity that the weighing test may have in New York, this Court's rejection of such an approach is too well settled for us to depart from it now. As was stated for this Court by Judge Barnes in *Montgomery Co. Council v. Kacur*, 253 Md. 220, 229, 252 A.2d 832 (1969):

'The legal principles governing the taking of private property without payment of just compensation by zoning action have been set out many times before by this Court. As Judge Oppenheimer stated in *Mayor and City Council of Baltimore v. Borinsky*, 239 Md. 611, 622, 212 A.2d 508, 514 (1965):

'The legal principles whose application determines whether or not the restrictions imposed by the zoning action on the property involved are an unconstitutional taking are well established. If the owner affirmatively demonstrates that the legislative or administrative determination deprives him of all beneficial use of the

property, the action will be held unconstitutional. But the restrictions imposed must be such that the property cannot be used for any purpose. It is not enough for the property owners to show that the zoning action results in substantial loss or hardship." (emphasis added).

*664 Accord, *Stratakis v. Beauchamp*, 268 Md. 643, 654, 304 A.2d 244 (1973); *Cabin John Ltd. v. Montgomery Co.*, 259 Md. 661, 670, 271 A.2d 174 (1970); *Zoning Bd. of Howard Co. v. Kanode*, 258 Md. 586, 596, 267 A.2d 138 (1970); *Skipjack Cove Marine, Inc. v. County Comm'rs for Cecil County*, 252 Md. 440, 250 A.2d 260 (1969); *Franklin Construction Co. v. Welch*, 251 Md. 715, 248 A.2d 639 (1968).

**542 The record is devoid of evidence which would demonstrate that the owners were denied all reasonable use of the property under the new zoning classification. For example, there has been no attempt by the protestants to show that their property's soil or topographical conditions make the construction of any type of building which would comply with the use requirement of this

zone not feasible. Instead, we hear only that infamous incantation of 'financial hardship' so often disavowed by this Court. *Rockville v. Henley*, supra. It is not with a deaf or totally unsympathetic ear that we listen to the details of the financial disaster which may result because of this rezoning. Nevertheless, the record before us clearly demonstrates that these lots can be used for residential purposes as is permitted by their new classification, and, accordingly we do not find that this property has been unconstitutionally confiscated.

Order of the Circuit Court for Montgomery County of July 17, 1973 reversed and Ordinance No. 12-72 of the Mayor and Council of Rockville, adopted March 14, 1972 is reinstated. Costs to be paid by the property owners.

All Citations

271 Md. 655, 319 A.2d 536

Footnotes

- 1 Following the City of Rockville's noting of an appeal from an adverse ruling in the Circuit Court for Montgomery County to the Court of Special Appeals, but prior to its being heard there, both the city and the owners of the property in question joined in a petition for certiorari addressed to this court which we granted pursuant to [Maryland Code \(1974\)](#), s 12-201 of the Courts Article.
- 2 The property was zoned 'residential A' at the time it was incorporated into the city in 1949, and subsequently was zoned R-60 (residential) in 1957, the time of the adoption of the most recent comprehensive rezoning ordinance. R-75 (residential) is sought now.
- 3 In fact, no one questions the planning commission's authority to file this application, nor should they, particularly in light of the Rockville ordinance which expressly grants it this power. *Laws of Rockville (1971)*, Ch. 6, s 6-2.30 b.
- 4 The 'two small lots' referred to in *Henley* are the subject of this litigation.
- 5 Words used by Mark Twain in describing the poems of Julia Moore in *M. Twain, Following the Equator (1897)*, Vol. II, Ch. 8.

Exhibit 5

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July Compass - Baltimore City Dept of Planning E-News



The Compass is a monthly eNewsletter of the Baltimore City Department of Planning.

July, 2012

A Message from the Director...

As we enter the final phase of introduction and adoption of new zoning code legislation, I wanted to take this opportunity to share with you our thinking behind the City's proposal to phase out non-conforming liquor outlets in the City of Baltimore, and the research supporting this initiative.

The general purpose of zoning is to promote the public health, safety and welfare of our citizens.

So in 2010 when the Johns Hopkins School of Public Health presented us with local and national research documenting a strong and consistent link between the concentration of liquor store outlets, violent crime and poor health outcomes, we decided it was time to act. The Health Department's "Healthy Baltimore 2015" initiative also demonstrated strong community support for decreasing liquor outlets across many city neighborhoods.

In 1971, when our current zoning code was adopted,

Public Health, Crime and Liquor Stores

Baltimore City's population has decreased significantly from its peak in the 1960s. The number of retail liquor outlets has also decreased, but there remains an over-abundance of liquor stores, particularly in some areas of the city. As a result, Baltimore City has a high concentration of liquor outlets relative to its population.

In 2010, researchers from the Johns Hopkins University Center for Child and Community Health Research released a study called "Zoning for a Healthy Baltimore: A Health Impact Assessment of the Transform Baltimore Comprehensive Zoning Code Rewrite," which among other things, reported a correlation between a concentration of off-premise alcohol sales outlets or liquor stores, and higher than average levels of violent crime. In the past four years, studies in Los Angeles, Washington DC, New Orleans, Cincinnati and Newark have all demonstrated that the presence of liquor stores in communities is a predictor of violent crime and that the addition of even one package store results in increased violent crime.

Additionally, The World Health Organization, the European Union, the US Surgeon General and the Center for Disease Control (Preventative Services Task Force) have all recommended reducing the number of alcohol outlets as an effective tool for reducing harm in communities. The "Zoning for a Healthy Baltimore" report recommended reducing the number of liquor outlets selling package goods (purchased for off-site consumption) through Transform Baltimore, the City's Comprehensive Zoning Code Rewrite.

In 2011, the Baltimore City Health Department published its comprehensive public health policy agenda, Healthy Baltimore 2015. As part of the plan's "Create Health Promoting Neighborhoods" goal, the City committed to reducing the density of liquor outlets by 15%.

liquor stores were no longer permitted in residential districts. For more than 40 years, approximately 128 liquor stores have been allowed to continue operation as non-conforming uses in residential neighborhoods throughout the city.

Given their negative connection to health and safety, the TransForm Baltimore zoning code re-write proposes to phase-out these non-conforming liquor stores.

After the new zoning code is adopted, owners of all non-conforming liquor stores will have two years from the legislation's effective date to phase out their liquor store operation from the non-conforming location. Owners will have several options, including transitioning to a new product mix or use of their property, moving their liquor store business to a zoning district where the use is legally permitted, or selling their license and closing up shop at the non-conforming location.

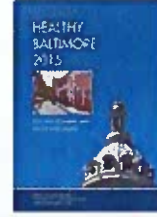
It is important to note that the proposed zoning legislation does not compel any owner to surrender the liquor license itself, which remains a commodity of some value to the owner. The proposal simply provides that liquor sales for off-premise consumption will no longer be permitted from properties that do not have proper zoning (i.e., non-conforming locations).

Our goal in reducing the concentration of liquor outlets in residential neighborhoods is to improve the health of our citizens, reduce crime, and thereby create stronger, more viable neighborhoods and ultimately, a stronger, healthier Baltimore.

Hopefully this edition of The Compass will shed some valuable light on this important issue.

Thomas J. Stosur, Director

The Liquor Authority limits the number of new alcoholic beverage licenses based on a jurisdiction's population. Under this formula (1 license per every 1,000 residents), Baltimore City should have no more than 630 licenses. In 1968, there were approximately 2,200 liquor licenses in the city, and that number has decreased to 1,330 today. This is still twice the limit established by the Liquor Authority. As a result, new liquor store licenses are not being issued. The only way to get a license for a new, properly zoned liquor store is to purchase and/or transfer one from another location. (New liquor licenses for restaurants and hotels are still available, but owners must make a significant financial investment in the business to qualify.)



Liquor Stores and Zoning



Zoning is a legal tool used by local governments to regulate the use of land and the size, type, structure, nature and use of buildings on individual parcels of land. Zoning therefore is the tool local governments use to determine where a full range of business types, like liquor stores, can legally operate.

In 1971, our current zoning code began prohibiting new liquor stores in residentially zoned districts. At that time, the City's leadership decided that existing liquor stores could stay in operation as "grandfathered" non-conforming uses.

The assumption at the time was that eventually stores would move to more appropriate locations or phase out naturally. More than 40 years later, this hasn't happened. The "grandfathering" of these outlets has limited the ability of both city government and community members to prevent health and safety problems associated with the high alcohol outlet density.

TransForm's Proactive Steps

In response to these public health findings and ongoing concerns from neighborhood residents and community association leaders, TransForm Baltimore offers an opportunity to reduce alcohol outlet density. Reducing violent crime in Baltimore requires multiple strategies. Removing liquor sales from these stores as part of the City's current zoning code rewrite will help stabilize the most health-stressed neighborhoods in Baltimore. More than half of city neighborhoods surveyed by the Health Department identified alcohol outlet density as a top health priority for action.

Article 66 B of the Maryland State Code gives local jurisdictions the ability to phase out or "amortize" detrimental land uses. Under these rules, local zoning changes can trigger a deadline, or date by which such uses must come into compliance with existing zoning law. This is what we are proposing in the case of non-conforming liquor stores in residentially zoned districts.

The non-conforming liquor stores impacted have had the privilege of operating as a near monopoly for over 40 years as a result of their grandfathered status, in areas where no other liquor stores could open or operate. Once TransForm Baltimore is adopted, these liquor stores will be given two years from the law's enactment to either terminate their sale of liquor, wine and beer at the non-conforming locations, or transfer their operations to a properly zoned location in a business district.

The City is committed to working with the owners and operators of these businesses during the transition. Operators will retain their



A Little Bit of Background: Zoning 101

What is Zoning?

Zoning is a tool local governments use to regulate the use of land and buildings.

Zoning's primary **purpose** is to protect the health, safety and welfare of our citizens. Zoning is also used to create predictability and stability by creating zones where certain uses and building sizes/densities are allowed and others are restricted.

Zoning is concerned with "WHAT" not "WHO". Zoning therefore does not distinguish between a "good" business operator and a "bad" business operator. Zoning cannot account for or control human behavior, although the condition of the built environment has been shown to influence behavior.

What is a non-conforming use?

A non-conforming use is one that, although legally established, is no longer permitted in the zoning district in which it is located.

What is TransForm Baltimore?

TransForm Baltimore is an initiative to rewrite and replace Baltimore's outdated zoning code, which was last updated in 1971 – when Richard Nixon was President.

TransForm Baltimore, our Zoning Code rewrite process began in November 2008 and we are entering the final phase, which is to package the draft code for introduction and adoption by the Baltimore City Council.

liquor license, which is issued by the state. License holders will have two years to either sell or transfer their license for use at a location where liquor stores are permitted.

At the former liquor store locations, other retail uses, including food stores, will be allowed to continue under the new zoning code, as conditional uses. In addition, under special circumstances, owners will be eligible for a hardship waiver that could extend the phase-out period by an additional 2-years.

The City of Baltimore continues to seek feedback from impacted license holders regarding their concerns and the types of assistance they will need during the proposed business transition. We are working hard to identify organizations and resources to provide technical assistance to these license holders, and will continue to conduct public outreach. When comprehensive zoning legislation is introduced to City Council in the Fall of 2012, there will be additional opportunities for public testimony on both sides of this important issue.



Zoning and Taverns

In addition to actions with regard to non-conforming liquor stores, the City of Baltimore has committed to the enforcement of zoning rules pertaining to all taverns in the city. While taverns and restaurants may sell alcoholic beverages for off-premises consumption, their primary alcohol sales must be for on-site consumption.

There have been some cases of taverns whose actual sales are mostly for off-premises use and the "tavern" itself has little or no activity. The attraction of the tavern license to an owner is that it allows Sunday sales, while traditional liquor stores may only operate 6 days per week. Taverns that operate as defacto liquor stores are also a major public health concern and contribute to higher rates of crime.

TransForm Baltimore is proposing to define, per zoning, that a tavern must demonstrate that at least 50% of its liquor sales is for on-site consumption. Enforcing this loophole is therefore a significant step toward reducing the amount of liquor sold for off-premises consumption. This loophole has allowed some operators to abuse existing tavern licenses.

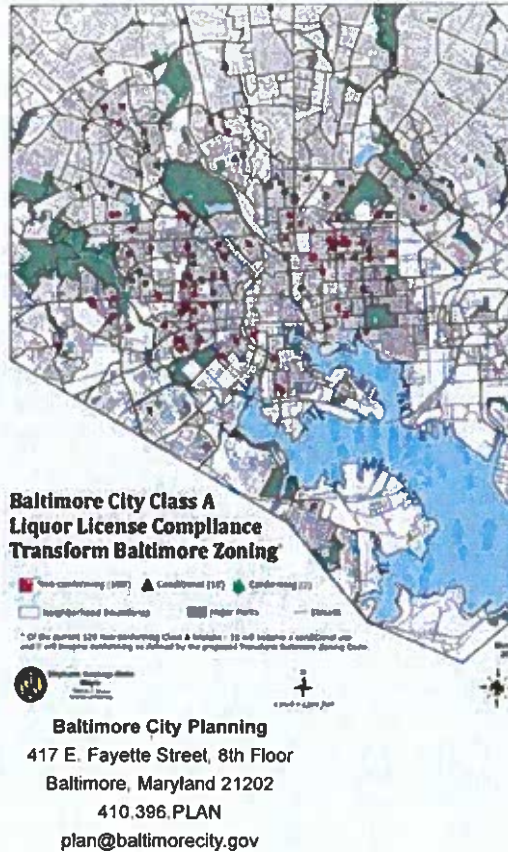
Such tavern owners will also be given a grace period of two years to adjust their business model and sales mix, convert to a liquor store if zoning allows that use, or close and transfer the license.

Where are Liquor Stores Located?

The non-conforming liquor stores that will be directly impacted by this TransForm Baltimore proposal are scattered throughout the central areas of the City, as represented by the red squares below (You can click on the map to go to an interactive on-line version).

An extensive community outreach process has taken place over the past three years, with community meetings, open houses, online feedback mechanisms, newsletters, etc. All comments have been taken into account, and the original draft has been amended to reflect much of the feedback we've received.

To learn more about TransForm Baltimore, please go [here](#).



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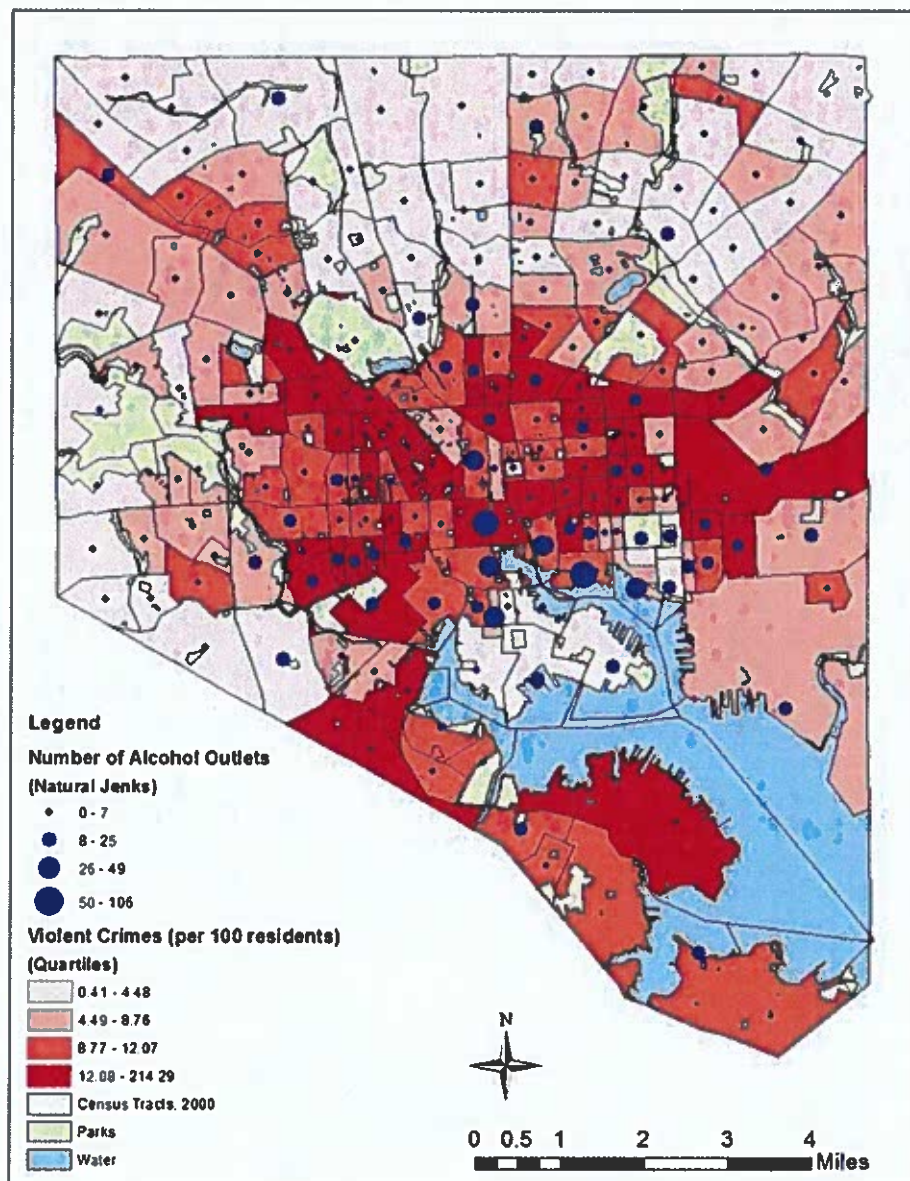


FIGURE 1. Violent crimes (per 100 residents) per census tract, Baltimore City, 2006 to 2010.

described above was then divided by ten. The percent owner-occupied housing was added to the percent of adults with college degrees; this was subtracted from the sum female-headed households and families living in poverty. The resulting value was divided by four. Each unit increase in the disadvantage index is equivalent to a 10 % increase in each item of the index.²¹

We controlled for percent occupancy per census tract, a contextual factor, because social disorganization theory suggests that places with less occupancy or more vacant houses may be more likely to lack guardianship such as police presence and, thus, are places with a greater likelihood for violent crime. We controlled for a compositional factor, percent minority (i.e., percent African American) population

Exhibit 7



Executive Officers

Sharon Bradford
President

Janine Jackson
Recording Secretary

George Privott
Assistant Treasurer

March 15, 2019

Councilman Leon Pinkett
100 Holiday Street
Suite 500
Baltimore, Maryland 21202

Reference: Edgewood Liquors

Dear Councilman Pinkett:

The Forest Park Neighborhood Association is willing to agree that Edgewood Liquors located at 3302 Edgewood Street, Baltimore, Maryland 21216 to remain in the community. We recommend that there is a written agreement. The MOU must be done by the Community Law Center. Any Fees must be paid by Edgewood Liquors. The agreement must include both parties.

Edgewood Liquors has been an asset to the community. He has made numerous contributions to the Forest Park Community. Please note the Memorandum of Understanding must be in place to go forward. We look forward to working with Edgewood Liquors on future endeavors.

Sincerely,

Sharon Bradford
President

(410) 466-3430

Forest Park Neighborhood Association.

forestpkassociation@gmail.com

Ph. (443)-892-3720

Exhibit 8

We the undersigned OPPOSE the City's COMPREHENSIVE REZONING BILL.

We believe that the taking of certain liquor stores' liquor licenses is UNFAIR and should not be done. These stores are a part of our community and the owners should be treated with the respect and dignity that any other member of our community deserves. We do not agree with any zoning change that would force any liquor store to move or lose their license, at all.

By signing this petition, I acknowledge that I am over the age of 18 and registered to vote in Baltimore City.

Name	Age	Address with Zip code
Michael Vinyard	29	3816 Cedarblake Dr 21215
Lisa Tucker	44	241 N. Poyson St 21223
Robert Massad	64	3267 Tinkler
Lisa Davis	36	2709 Brown Ave 21216
Sandra Johnson	70	348 Pabst Ave 21216
MARVIN JOHNSON	33	3602 Liberty Bk Ave 21215
Sandra Johnson	51	3602 Liberty Bk Ave - Baltimore, Md 21215
Eric Johnson	54	2711 West Forest Park Ave 21216
Kathleen Johnson	29	2400 Denison Street 21216
Gloria Jones	56	3324 Piccadilly 21216
Carol Davis	27	3412 P. & P. Ave 21216
Snell's Family	52	3409 Capitol Rd Baltimore MD 21215
John Wilson	53	3506 W. Forest Park
Lula Johnson	70	3506 W. Forest Park
Faora Smith	25	3506 W. Forest Park

We the undersigned OPPOSE the City's COMPREHENSIVE REZONING BILL.

We believe that the taking of certain liquor stores' liquor licenses is UNFAIR and should not be done. These stores are a part of our community and the owners should be treated with the respect and dignity that any other member of our community deserves. We do not agree with any zoning change that would force any liquor store to move or lose their license, at all.

By signing this petition, I acknowledge that I am over the age of 18 and registered to vote in Baltimore City.

Name	Age	Address with Zip code
Darcy Flanagan	49	3508 W Forest Park Ave 21216
Quiana	39	5913 Hillman Rd 21215
PAULINA STON	52	163 NUTLEY ST 21229
Alec O'Neil	13	1648 Maple Ave 21205
MARILYN O'NEILL	34	3712 West Mulberry Street Baltimore, MD 21229
KEVIN TOWLS	45	3709 MALDEN AVE
Tony McIntyre	24	3612 Liberty Bk Ave
Lafayette Howell	33	3406 Hillside A hawks mo 21215
Lafayette Perry	35	3401 park heights Ave bathy MO 21215
Van-Jacks	52	3312 Edgewood St
Connie D'oro	65	Forest Park 21216
KEVIN JONES	53	2611 GATSON BLVD
ROBERTO BRUCE	57	3330 PIED MONT AVE
Charles Johnson	64	3302 DORTCH RD 21215
Eric Butts	39	3417 Springdale Ave 21216

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By signing this petition, I acknowledge that I am over the age of 18 and registered to vote in Baltimore City.

Name	Age	Address with Zip code
Katarina White	45	3701 Fanny Ave 21216
UMMAU BROWN	60	2115 DORLING AVE 21215
DEVERAUX LUNN	60	2327 EDMONDSON AVE 21223
Carri R. Butler	50	6500 E. St 21215
TRELL FUR	42	3714 W. FOREST PK 21215
MILOM BOOS	26	3500 LIBERTY HEIGHTS 21215
VECHUBA	70	3500 LIBERTY HEIGHTS 21215
Pamela (Lynn)	53	3401 Baltimore Ave 21216
Billy Thomas	41	3200 Montebello Ave 21216
Erica Hall	34	3606 W. Forest Park Ave 21216
CHRISTINA HALL	36	4403 North Ave
Jeffrey Catts	47	3001 Westchester Rd 21215
Forest Williams	56	3203 GAYNES RD 21216
Phyllis Miller	54	1501 W. 11th Ave 21216
Shelly Reed	58	3502 DORLING AVE 21216

We the undersigned OPPOSE the City's COMPREHENSIVE REZONING BILL.

We believe that the taking of certain liquor stores' liquor licenses is UNFAIR and should not be done. These stores are a part of our community and the owners should be treated with the respect and dignity that any other member of our community deserves. We do not agree with any zoning change that would force any liquor store to move or lose their license, at all.

By signing this petition, I acknowledge that I am over the age of 18 and registered to vote in Baltimore City.

Name	Age	Address with Zip code
Bill	21	1907 Calhoun
Chin	32	3580 GATSON BLVD
Mike	40	3305 PONTIAC AVE
Jim	32	3514 GATSON AVE
Jay	45	3302 Liberty St
Jay	50	4411 N. K. Field Rd
Lironie	68	2502 ALLENDALE RD
Rayan	63	6814 SUMMIT DR
Wanda	40	3163 FOREST PARK
Wanda	40	3323 WEST FOREST PARK AVE APT 1
Blanca	60	3603 Forest Park
Donnie	54	3504 Forest Park Ave
Jay	54	3410 CEDARDALE RD
L. Patti	59	3602 Edmond Road 21215
D Williams	36	2703 Lawins Rd 21216

We the undersigned OPPOSE the City's Comprehensive Rezoning Bill

We believe that the taking of certain liquor stores' liquor licenses is UNFAIR and should not be done. These stores are a part of our community and the owners should be treated with the respect and dignity that any other member of our community deserves. We do not agree with any zoning change that would force any liquor store to move or lose their license, at all.

By signing this petition, I acknowledge that I am over the age of 18 and registered to vote in Baltimore City.

Name	Age	Address with ZIP code
Barbara Johnson	67	3306 Springdale Ave Belts, MD 21215
Louis A. Cohen, Jr.	61	4109 WILSON HILLS, DUNDY, MD 21207
John A. Johnson	24	3701 Liberty Heights
Paul Cass	62	3701 Liberty Heights
John Johnson	81	3701 Liberty Heights
Joan Wright	58	3408 Edgewood Rd 21215
Charles Thompson	59	3822 Dandyn Rd 21215
John Johnson	45	3307 EPPLE RD
Robert M. Litch, Sr.	48	3308 SEQUOIA AVE 21215
Andreas T. King	50	3444 Pleasant Ave 21215
Karen Cabell	56	3311 Liberty Hts & Ave 21215
Leann B. England	61	3410 3rd Ave 21215 + 21215
Margaret Johnson	55	3307 DUNDY AVE 21215
Wanda Wilson	55	3511 DUNDY AVE 21215
John Wilson	44	9807 Alta Rd., 21216

WE THE UNDERSIGNED OPPOSE THE CITY'S COMPREHENSIVE REZONING BILL

We believe that the taking of certain liquor stores' liquor licenses is UNFAIR and should not be done. These stores are a part of our community and the owners should be treated with the respect and dignity that any other member of our community deserves. We do not agree with any zoning change that would force certain liquor stores to move or lose their license, at all.

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Name	Age	Address with Zip code
DANIEL W. WOOD	60	5118 W. Forest PK
EDWIN STEWELL	56	2603 Tolpound St
Robert Mullen	86	2213 Chicago Ave
Stewart	63	3305 Fairview Ave
FRANK FILLARD	48	5511 Gaynor Park Av.
GEORGE WHEELER	64	3305 LIBERTY HEIGHTS AVE.
JOHN JOHNSON	45	3400 Liberty Avenue Ave.
Halley Fort	52	25 - 10527 W. York Ave.
Charles Arthur	59	4642 Pennsylvania Ave
Raymond Parker	59	4111 Frank St W
Robert C. Mason	65	6635 Parkland Dr. Campbell Gate Md. 21217
Walter Soudewier	27	3311 W. Forest Park Ave.
GEORGE CLARK	54	4249 N. Oaklark Ave
TONY GONNALS	50	2940 GARRISON
ANTONIO V. JOSEPH		

We the undersigned OPPOSE the City's Comprehensive Rezoning Bill.

We believe that the taking of certain liquor stores' liquor licenses is UNFAIR and should not be done. These stores are a part of our community and the owners should be treated with the respect and dignity that any other member of our community deserves. We do not agree with any zoning change that would force any liquor store to move or lose their license. At all

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Name	Age	Address with Zip code
Septhema Green	47	36116 Seferan Drive Bacto MD 21207
Worms, Paul	54	3780 N. W. 11th Street NW Bacto. MD 21216
Shanda Bracha	64	3508 E. Kentucky Ave. Bacto. MD. 21215
Windward, David	50	Richards Rd Bacto 21215
Wan, R. R.	53	6027 Bacteville Ave Bacto MD 21215
Low Price	56	7500 Duffield Ave Bacto MD 21215
Willie Br	70	3413 Fairview Bacto H.O.M.D 21216
Dennis Felling	36	7402 Edgewood Rd Baltimore MD 21215
Christ Thomas	57	3703 Edgewood RD Bacto. MD. 21215
Nerva Walker	28	3906 Pateman Ave Baltimore, MD 21216
Carole Pilla	57	3530 Walnut Upper Rd Balt Md 21215
Anthony Edwards	60	3637 L16 8617 N's Baltimore MD 21215
Maria, Joseph	65	3800 Conallway Rd Baltimore MD 21116
M. M. Bull	54	7305 Bone St Bacto MD 2116
M. M. Bull	89	9503 W. Forest Park Rd Bacto MD 21116

WE THE UNDERSIGNED OPPOSE THE CITY'S COMPREHENSIVE REZONING BILL

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Name	Age	Address with Zip code
Shirley Marshall	60	3711 Hubbard Ave. 21216
A. Hester	73	3872 1/2 W. Forest Heights 21216
George Jones	54	2501 N. 2nd St. 21216
Tom Hill	35	2507 Liberty Heights Ave. 21216
Michael Harrison	61	3412 Mondawmin Ave. 21216
Christopher Banks Jr.	24	2616 Bayle Ave. 21205
Christopher Banks Jr.	58	" " "
Cynthia Rye	55	3415 Cambridge Rd. 21215
Alvin Vaughn	33	
El Dorado	63	7400 Cambridge Ave.
Shirley Luster	47	4400 Fairfax Rd. 21216
Sonia Charles	56	3711 Liberty Heights 21215
Cory Ford	42	3018 Mondawmin Ave.
Kyle Smith	36	3503 Landlark, 21216
Helena D Jones	75	3516 Wendy Way 21216

We the undersigned OPPOSE the City's COMPREHENSIVE REZONING BILL

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Name	Age	Address with Zip code
L. L. L. Jennings	71	2501 W. Forest Park Ave. 21216
Moussie Taylor	49	3508 Fairview Ave. 21216
Caroleen Taylor	67	3508 Fairview Ave. 21216
Ronald Taylor	37	3508 West Forest Park Ave. 21216
Jesse Norman	46	3504 Liberty Heights Ave. 21216
Jacques Scott	41	3504 Liberty Heights Ave. 21216
Wendy Johnson	47	3507 Liberty Heights Ave. 21216
Julian Wallack	33	3519 W. Forest Park Ave. 21216
W. L. L.	41	3507 W. Forest Park Ave. 21216
Raymond Still	40	3507 Springdale Ave. 21216
Eric Smith	60	3510 W. Forest Park Ave. 21216
Theresa Wilson	40	3507 W. Forest Park Ave. 21216
Angie Bell	49	3519 W. Forest Park Ave. 21216
Ellen Schiefel	63	3503 Liberty Heights Ave. 21216
Ramon Clark	75	3524 Lynbrook Rd. 21215

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Name	Age	Address with Zip code
P. E. McMorris	61	4210 Rosemount Ave.
Debra McMorris	35	3403 Fairview Ave.
Samuel McMorris	50	3502 Fairview Ave.
Nancy Langley	33	3408 Springdale Ave. 21216
Paul Dorey	50	3612 Springdale Ave. 21216
Alvin Smith	53	4500 W. Forest Park Ave. 21216
Amelia Brown	57	3503 W. Forest Park Ave. 21216
William McMorris	70	3509 Forest Park Ave. 21216
Sydney Sack	44	2929 West Forest Park Ave. 21216
Gregory McMorris	44	3411 Cedar Ave. 21216
Roxann Bradshaw	55	3518 West Forest Park Ave. 21216
Kim Bock-Allet	50	3315 Liberty Heights Ave. 21216
Carl Allen	40	3316 Liberty Heights Ave. 21216
Debra L. Moore	40	3328 Liberty Heights Ave. 21216
Wesley Moore	49	4005 Kennedy Ave. Balt. MD 21216

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Name	Age	Address with Zip code
Barbara Hill	34	3504 W. Forest Park Ave. 21215
Edward Smolton	30	3607 Liberty Heights Ave. 21215
John Miller	80	2611 Delwood Blvd. 21216
Debra Miller	78	3519 Liberty Heights Ave. 21215
Tracy Miller	51	1106 Ashburn Ave. 21216
Judy Bell	72	3319 W. Forest Park Ave. 21216
Ernest Bell	75	3319 W. Forest Park Ave.
E. W. Martin Jr.	57	3521 Liberty Heights Ave. 21216
Michael M. Martin	67	3516 Liberty Heights Ave. 21216
Robert Martin	34	3504 W. Forest Park Ave. 21216
James Martin	57	4502 Fairview Ave.
James Martin	76	3525 Capitol Beltway 21216
Charles Martin	53	1712 Broadview Ave. 21216
Wendy Martin	75	3508 Hillman Ave. 21216

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Name	Age	Address with Zip code
Andrew Smith	69	1100 Fairview Ave. 21216
Michael Smith	40	3851 W. Forest Park Ave. 21216
Rick Brooks	59	4401 W. Forest Park Ave. 21216
M. G. Smith	52	4000 Hillman Ave. 21216
S. Smith	38	3715 W. Forest Park Ave. 21216
Wendy Smith	61	3701 Liberty Heights Ave. 21215
John Smith	34	3514 W. Forest Park Ave. 21216
John Smith	62	3708 Liberty Heights Ave. 21216
Charles Smith	60	4504 Hillman Ave. 21216
Charles Smith	60	2903 Denison St. 21216
John Smith	50	2304 Cold Spring Ave. 21216
John Smith	35	3853 Forest Park Ave. 21216
John Smith	59	3609 Liberty Heights Ave. 21216
John Smith	60	513 N. Parkwood Ave. 21219
John Smith	60	511 N. Parkwood Ave. 21215

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Name	Age	Address with Zip code
Mal Ryan	65	3406 - Springdale Ave 21216
Dwight Jast	38	4421 Furlford Ave 21206
John Harris	36	210 Edin Ave 21216
Michael Harris	46	5413 Jannas Ave 21216
Jerome Jones	63	3611 Liberty High 21215
Tommy Pagan	56	3225 Liberty Hill 21215
Phil Kraft	57	2214 Cornelia Rd 21157
Paul Chance	60	2108 Forest Hill 21216
DR	32	3413 W. Forest Park 21215
Ann Wilkins	63	3344 Dervic St 21216
ASSOCIATES	57	3577 Fairview Ave 21216
DOKIA	34	3517 Fairview Ave 21216
Georgette	59	2517 Fairview Ave 21216
John	36	3400 Garrison Blvd 21216
Sissy H	60	3906 Bowen Baltimore 21216

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Name	Age	Address with Zip code
Phyllis Hall	68	3414 Springdale Ave
Frank Green	47	3505 Pemberton Ave
Mark Williams	52	3512 Liberty Hgts
SPENCER JONES	63	4020 Duval Ave 21216
Maclean Ford	47	3502 Liberty Heights Apt C 21216
IDA MARCH	53	3504 FAIRVIEW AVE 21216
IDA MARCH	58	3403 Forest Plk Cuyanas SALS
Robert Jones	63	3325
Robert Jones	30	3900 Garrison Blvd 21216
Alko Saman	44	3701 W. Forest Hill Ave
Debra Jones	37	3705 Dervic St
Debra Jones	33	6211 18th Hgts 21216
Alvin Jones	57	17525 Liberty Heights Ave
Frank Jones	58	17525 Liberty Heights Ave

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Name	Age	Address with Zip code
Ken Jennings	57	3102 N. Kilton St Baltimore MD 21216
Anthony Arnold	63	1 Butte Windward Ct Baltimore 21216
David Smith	51	4242 Catonsville Lane Baltimore 21215
WALTER WILSON	69	3500 SPRINGDALE BALTIMORE 21215
AK Coleman	64	3301 Pawbath Baltimore 21216
Kevin ARZEL	60	3311 Dorchester Ave
LYNN ARZEL	62	3311 Dorchester Ave
Edison Stephens	56	3808 Cameron Blvd
Pat Jones	36	3808 Forest Park Ave
Yvonne Davis	33	3409 Forest Park Ave Baltimore MD 21216
Curtis R. LAMON	62	3306 Parkview A Baltimore MD 21216
Tom Thayer	65	3301 Dorchester Rd 21215
Thomas Bell	49	4061 Edgewood Rd 21215
Sara Russell-Polman	39	3200 N. Hillcrest Baltimore 21216
Charles Brewer		3530 Whitechapel

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Name	Age	Address with Zip code
Philip Cunningham	57	4000 Liberty Heights Ave Apt A-2
Carl O'Leary	57	4212 Liberty Hgts Ave
Randy Perkins	50	3804 E. Edmond St
Paul Hall	62	2901 Denner Baltimore 21216
Billy Lutz	52	3361 Kops 11 Ave
Barclay Clark	40	3711 Liberty Hgts Apt 4-1
Charles McLeod	30	4000 Liberty Heights Ave
Charles McLeod	59	2125 E. Edmond St 21216
Charles McLeod	42	2125 E. Edmond St 21216
Michael Johnson	51	3711 West Forest Park Ave
John Pulley	44	3403
William Jones	48	3620 Springdale Ave
Michael Jones	57	3503 W. Forest Park 21216
Elizabeth Bowe	80	3410 Mondawmin Ave
Rebecca Bowe	60	3330 Piedmont

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Name	Age	Address with Zip code
Gregory E. Watson	62	3517 Springdale Rd 21210
Baron Caldwell	50	3715 Liberty Hts Apt D3 Balt. Md 21215
Robert Smith	24	2919 Venable Ave Balt Md 21215
Don Jackson	46	3506 W. Forest Park 21216
Lula Jennings	63	3506 W. Forest Park 21216
Cathy Fulcher	42	606 Gibson Rd 21216
Lawrence L. Balthus	49	3200 N. Hillen St 21216
Joseph Brown	60	3605 Liberty Hts Ave 21215
Kevin Jones	58	3607 Forest Park Ave 21216
Stan Todd	46	3619 Liberty Heights Ave 21216
Raven Bowers	46	3621 Fairview Ave 21216
James Robinson	41	3605 Liberty Heights Ave 21215
Chris Smith	36	4720 Wakefield Rd 21216
Hyde Smith	26	3605 Fairview Ave 21216
Glenn Roberts	26	3515 Liberty Hts Ave Balt Md 21215

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Name	Age	Address with Zip code
Robin S.	21	3805 Chatham Rd 21215
Brian S.	23	3500 Cedarvale Rd 21216
Ebony S.	22	
Andrea S.	24	
Donna G.	33	13200 Gentry Rd
Vanessa C.	41	3429 Liberty Hts 21215
Phantasia L.	23	8900 Wyndham Rd 21215
Andre Butler	44	4000 Liberty Heights Ave 21207
Arnell Jefferson	41	5522 Indus Ave 21212
William Harrison	24	2619 Oak Park Dr Balt. Md 21211
Dominic Dignon	26	3300 N. Hillen St. Apt. 1 21216
Christina Blair	26	3300 N. Hillen St. Apt. 1 21216
Demetrius Charles	24	3701 Fairview Ave 21217
David Cooper	41	3601 Fairview 21216
Kimberly Wadson	58	3403 Duval Avenue 21216

We the undersigned OPPOSE the City's COMPREHENSIVE REZONING BILL.

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Name	Age	Address with Zip code
Ricky McCoy	50	3409 Gwynn Rd Md. 21216
Shirley Brown	66	3500 Springdale Ave Balt. Md 21216
David Brown	53	3102 W. Liberty Hts 21215
Sam Jackson	36	3537 Green Hts Ave 21215
Sandra Dabish	63	3408 Parkside Avenue Balt. 21216
Tom Morgan	26	3505 Dumbarton Ave 21216
Michael Cross	55	5515 W. Forest Park Ave 21216
Monica Roney	61	3231 Garrison Blvd 21216
Robert Brael	64	3503 W. Forest Park Ave 21216
Robert Morgan	60	3516 Springdale Ave Balt. Md 21216
Alma Roberts	57	3500 Springdale Ave Balt. Md 21215
William Morgan	51	3507 Springdale Ave Balt. Md 21215
Robert Morgan	56	3631 Springdale Ave Balt. Md 21215
Robert Morgan	50	3527 Liberty Hts Ave Balt. Md 21215
Robert Morgan	44	4221 Chatham Rd 21217

We the undersigned OPPOSE the City's COMPREHENSIVE REZONING BILL.

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Name	Age	Address with Zip code
Robert R.	56	3421 Liberty Hts 21215
John EL	65	3415 Bunker Rd 21216
DANA D.	40	2315 W. Forest Park Ave 21216
Robert R.	38	3411 Gwynn Ave 21215
Robert R.	54	3405 W. Forest Park Ave 21216
John Morgan	56	3200 N. Hillen St 21215
Robert R.	54	3200 N. Hillen St 21216
Robert R.	57	2047 Royalty Ave 21216
Robert R.	69	3513 Liberty Hts Ave 21215
Robert R.	66	3409 Gwynn Ave 21215
Robert R.	40	1619 W. Forest Park Ave 21215
Robert R.	50	3103 Edgewood Rd 21213
Robert R.	57	3102 N. Hillen St 21216
Robert R.	59	1 Candlewood Ct Woodlawn 21217
Robert R.	64	3319 W. Forest Park Ave 21216

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Name	Age	Address with Zip code
James Jackson	49	4104 KATHLEEN AVE BALTIMORE MD 21207
Li. Finley	40	6413 LAMAR DR BALTIMORE MD 21207
W. Moore Jackson	47	3901 N. WEST PK AVE BALTIMORE MD 21207
Priscilla McLean	53	2573 DUNCAN RD. BALTIMORE MD 21207
Emilia Jackson	53	3810 W. LEXINGTON AVE BALTIMORE MD 21216
Shirley Jackson	58	3930 GARDENWAY RD BALTIMORE MD 21216
James Conley	58	3709 VANDERBILT AVE BALTIMORE MD 21215
James Goldsberry	51	2804 BONHAM AVE BALTIMORE MD 21215
Gray Smith	25	4526 LEXINGTON AVE BALTIMORE MD 21215
Thane Jackson	29	3300 SPRINGDALE AVE BALTIMORE MD 21216
Debra Fleming	60	3505 LEBERT HEIGHTS AVE BALTIMORE MD 21216
Carole Campbell	52	3601 LEBERT HEIGHTS AVE BALTIMORE MD 21216
Robert Williams	60	3601 LEBERT HEIGHTS AVE BALTIMORE MD 21216
J.R. Johnson	46	7308 HARTWOOD LANE BALTIMORE MD 21244
DEREK GOUND	53	3616 FOREST PARK BALTIMORE MD 21216

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Name	Age	Address with Zip code
Dianne Green	30	3200 Grantley Rd Apt 2 BALTIMORE MD 21216
John Green	50	4000 Grantley Rd Apt 2 BALTIMORE MD 21216
John Green	62	3441 Grantley Rd BALTIMORE MD 21215
John Green	61	4211 Grantley Rd BALTIMORE MD 21215
John Green	41	3313 Liberty Heights Ave BALTIMORE MD 21215
John Green	25	3402 West Forest St BALTIMORE MD 21216
John Green	78	4120 North Ave BALTIMORE MD 21216
John Green	74	301 N. W. Grantley Rd BALTIMORE MD 21216
John Green	54	3504 N. W. Grantley Rd BALTIMORE MD 21216
John Green	76	2713 Culpeper Ave BALTIMORE MD 21216
John Green	55	3505 Milton Rd BALTIMORE MD 21215
John Green	54	3412 Mendham Ave BALTIMORE MD 21216
John Green	35	3503 Parkton Ave BALTIMORE MD 21215
John Green	52	3601 LEBERT HEIGHTS AVE BALTIMORE MD 21216
John Green	58	3910 LEBERT HEIGHTS AVE BALTIMORE MD 21215

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Name	Age	Address with Zip code
BRENDA CARMINE	43	3519 DENVER ROAD BALTIMORE MD 21215
BRAD CARMINE	62	2504 E. DENVER ST. BALTIMORE MD 21215
Robert Carmin	54	3309 Hubert Heights Ave BALTIMORE MD 21215
Michael Kirby	56	3909 Macadamia Ave BALTIMORE MD 21216
Beatrice Taylor	36	3006 N. Hill St BALTIMORE MD 21216
Philip Cunningham	51	4411 Liberty Heights Ave BALTIMORE MD 21216
Paul P. Stach	80	3500 Liberty Heights Ave BALTIMORE MD 21215
Valerie Green	48	3803 Springdale Rd BALTIMORE MD 21216
Melissa Blomquist	32	15 Asa St BALTIMORE MD 21231
John Blomquist	30	3577 W. Forest Park Ave BALTIMORE MD 21216
John Blomquist	53	3577 W. Forest Park Ave BALTIMORE MD 21216
John Blomquist	45	3577 W. Forest Park Ave BALTIMORE MD 21216
John Blomquist	32	3577 W. Forest Park Ave BALTIMORE MD 21216
John Blomquist	61	3577 W. Forest Park Ave BALTIMORE MD 21216
John Blomquist	77	4009 Wakefield Ave BALTIMORE MD 21216

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Name	Age	Address with Zip code
Ronnie McNeil	30	3415 W. Forest Park BALTIMORE MD 21216
James Probst	39	3104 N. Hill St BALTIMORE MD 21216
James McNeil	70	3611 L. Grantley Hts Ave BALTIMORE MD 21215
James McNeil	34	3507 Forest Ave BALTIMORE MD 21216
James McNeil	69	4102 N. Hill Rd BALTIMORE MD 21216
James McNeil	52	605 N. Hill St BALTIMORE MD 21217
James McNeil	23	3505 Hilltop St BALTIMORE MD 21215
James McNeil	41	1422 L. Grantley Hts Ave BALTIMORE MD 21215
James McNeil	47	3409 Capley Rd BALTIMORE MD 21215
James McNeil	60	3404 - Charles Ave BALTIMORE MD 21216
James McNeil	60	3404 - Forest Ave BALTIMORE MD 21216
James McNeil	52	3602 Edgemont Road BALTIMORE MD 21215
James McNeil	66	4101 Capley Rd BALTIMORE MD 21215
James McNeil	39	4405 W. Hilltop St BALTIMORE MD 21215
James McNeil	30	4405 W. Hilltop St BALTIMORE MD 21215

We the undersigned OPPOSE the City's COMPREHENSIVE REZONING BILL.

We believe that the taking of certain liquor stores' liquor licenses is UNFAIR and should not be done. These stores are a part of our community and the owners should be treated with the respect and dignity that any other member of our community deserves. We do not agree with any zoning change that would force any liquor store to move or lose their license, at all.

By signing this petition, I acknowledge that I am over the age of 18 and registered to vote in Baltimore City.

Name	Age	Address with Zip code
William R. ...	59	3412 Cedarvale Rd 21215
Derek ...	45	3410 Cedarvale Rd 21215
...	52	3510 White ... Rd. 21215
...	61	2324 Bratish Avenue 21216
...	41	3410 Edgewood Rd 21215
...	37	3411 91st Ave Ave. 21215
...	53	3421 ... Rd 21215
...	23	3409 ... Ave. 21216
...	13	3503 ... Ave 21216
...	51	3605 Springdale Ave 21216

We the undersigned OPPOSE the City's COMPREHENSIVE REZONING BILL.

We believe that the taking of certain liquor stores' liquor licenses is UNFAIR and should not be done. These stores are a part of our community and the owners should be treated with the respect and dignity that any other member of our community deserves. We do not agree with any zoning change that would force any liquor store to move or lose their license, at all.

By signing this petition, I acknowledge that I am over the age of 18 and registered to vote in Baltimore City.

Name	Age	Address with Zip code
...	47	3509 ... Ave 21216
...	29	207 Gatehouse dr Baltimore MD 21207
...	52	3422 Springdale Ave. Balto Md 21216
...	54	3607 ... Ave. Balto Md 21215
...	56	3501 Liberty Ave Baltimore MD 21215
...	52	3417 Calloway Ave Baltimore MD 21215
...	61	3810 Woodlawn Ave Baltimore Md 21216
...	59	3409 ... Rd BALTIMORE MD 21215
...	54	4812 ... Rd Balto 21215
...	66	3700 ... Rd BAL MD 21215
...	58	3300 N ... Rd BAL MD 21216
...	50	3302 ... Ave BAL MD 21216
...	50	3204 N ... Ave 21216
...	52	2705 ... Rd BAL MD 21216
...	50	3606 ... Rd Baltimore MD 21215

Exhibit 9

Licensed Off-Premise Alcohol Outlets as of 2017 – Census Tract 1508 Outlined in Red



Exhibit 10



**Liberty Heights Corridor
Comprehensive Real Estate and
Economic Development Assessment**

Baltimore, Maryland

**Prepared for:
Baltimore Development Corporation**

September 23, 2015



PES

**Partners for
Economic Solutions**

Coates, Jennifer

From: Coates, Jennifer
Sent: Tuesday, October 8, 2019 9:50 AM
To: Caroline Hecker (checker@rosenbergmartin.com)
Cc: Pinkett, Leon; Austin, Natawna B.
Subject: Public Notice Instructions for Bill 19-0384
Attachments: PNI - Letter - 19-0384 - RZ - 3302 Edgewood Street.docx; LU Form - Contacts for Sign Posting RZ PUD.DOCX; Sample - Certificate of Posting - Attachment C.DOCX; Certificate of Mailing - Written Notice.docx; Afro American; Michele Griesbauer - Sunpaper - Advertising; Darlene Miller - Daily Record

Mr. Hyun Do Shin:

Attached is the information you will need to:

- publish a newspaper ad,
- post a public hearing sign, and
- send written notice to property owners

The subject bill will be heard by the Land Use Committee on **December 4, 2019 at 1:10 p.m.** at City Hall in the City Council Chamber. I have also attached a contact list for newspaper companies, sign makers and samples of certification templates.

Thank you and feel free to call if you need more information.

PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL.



OFFICE OF COUNCIL SERVICES

Jennifer L. Coates

*Senior Legislative Policy Analyst
Office of Council Services*

100 N. Holliday Street, Room 415
Baltimore, MD 21202

jennifer.coates@baltimorecity.gov

Office: (410) 396-1260
Fax: (410) 545-7596



TO: Mr. Hyun Do Shin c/o Caroline Hecker, Esquire,
Rosenberg – Martin – Greenberg, LLP

FROM: Jennifer L. Coates, Committee Staff, Land Use Committee,
Baltimore City Council

Date: October 8, 2019

RE: INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING – MAP AMENDMENTS
(REZONINGS); PLANNED UNIT DEVELOPMENTS

The Land Use Committee has scheduled the following City Council Bill for a public hearing:

Bill: City Council Bill No. 19-0384

Date: Wednesday, December 4, 2019

Time: 1:10 p.m.

Place: City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street

At the expense of the applicant, notice of the public hearing must be provided in accordance with:

- **Article 32. Zoning § 5-601 – Map or Text Amendments; PUDs**

For helpful information about the notice requirements under Article 32 - Zoning (pages 127 – 128) see Attachment B. You are encouraged to access and review Article 32 using the web link below:

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

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Newspaper Advertisement

A notice of the public hearing must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing.

You may choose any of the following newspapers for advertising purposes: The Daily Record, The Baltimore Sun; or the Afro-American.

Wording for Written Notice to Property Owner(s), Sign Posting and Newspaper Advertisement

The information that must be published in a newspaper advertisement, posted on a sign and mailed to the property owner appears between the double lines on the attached page (***See Attachment A***); the deadline date is indicated in BOLD letters at the top of Attachment A.

Certification of Postings

Certification of the written notice, sign posting on the property, and publication of the newspaper advertisement, in duplicate, must be sent four (4) days prior to the hearing to:

Ms. Natawna Austin, Executive Secretary
Baltimore City Council
100 N. Holliday Street, Fourth Floor, Room 400
Baltimore, MD 21202

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant. The deadline dates are as follows:

Sign Posting Deadline:	November 4, 2019
Newspaper Ad Deadline:	November 19, 2019
Written Notice Deadline:	November 19, 2019

Please note that **ALL** of these requirement **MUST** be met in order for your hearing to proceed as scheduled. If you have any questions regarding your notice requirements please contact:

Ms. Jennifer L. Coates, Committee Staff
Baltimore City Council,
Land Use Committee
410-396-1260
Jennifer.Coates@baltimorecity.gov.

ATTACHMENT A

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE
POSTED BY NOVEMBER 4, 2019 AND PUBLISHED BY NOVEMBER 19, 2019, AS
DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 19-0384

The Land Use Committee of the Baltimore City Council will meet on Wednesday,
December 4, 2019 at 1:10 p.m. in the City Council Chambers, 4th floor, City Hall, 100
N. Holliday Street to conduct a public hearing on City Council Bill No. 19-0384.

**CC 19-0384 ORDINANCE - Rezoning - 3302 Edgewood Street (aka 3500 West Forest Park
Avenue)**

FOR the purpose of changing the zoning for the property known as 3302
Edgewood Street (aka 3500 West Forest Park Avenue) (Block 2911, Lot 023), as
outlined in red on the accompanying plat, from the R-1 Zoning District to the C-1
Zoning District.

BY amending
Article 32- Zoning
Zoning District Map
Sheet 32
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

Applicant: Mr. Hyun Do Shin

For more information contact committee staff at (410) 396-1260.

EDWARD REISINGER

Chair

SEND CERTIFICATION OF PUBLICATION TO:

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

SEND BILL FOR THIS ADVERTISEMENT TO:

Mr. Hyun Do Shin
c/o Caroline Hecker, Esquire
Rosenberg Martin Greenberg, LLP
25 South Charles Street, 21st Floor
Baltimore, MD 21201
410-727-6600

**ZONING
SUBTITLE 6 – NOTICES**

ARTICLE 32, § 5-601

§ 5-601. Map or text amendments; PUDs.

(a) Hearing required.

For a bill proposing a zoning map amendment, a zoning text amendment, or the creation or modification of a planned unit development, the City Council committee to which the bill has been referred must conduct a hearing at which:

- (1) the parties in interest and the general public will have an opportunity to be heard; and
- (2) all agency reports will be reviewed.

(b) Notice of hearing required.

Notice of the hearing must be given by each of the following methods, as applicable:

- (1) by publication in a newspaper of general circulation in the City;
- (2) for the creation or modification of a planned unit development and for a zoning map amendment, other than a comprehensive rezoning:
 - (i) by posting in a conspicuous place on the subject property; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned; and
- (3) for a comprehensive rezoning:
 - (i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

(c) Contents of notice.

The notice must include:

- (1) the date, time, place, and purpose of the public hearing;
- (2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and
- (3) the name of the applicant.

(d) Number and manner of posted notices.

(1) For a zoning map amendment or the creation or modification of a planned unit development, the number and manner of posting is as follows:

- (i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;
- (ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;
- (iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;
- (iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and
- (v) each sign must be at least 3 feet by 4 feet in size.

(2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) Timing of notices – In general.

The notice must be published, mailed, and, except as provided in subsection (f) of this section, posted:

- (1) at least 15 days before the public hearing; or
- (2) for a comprehensive rezoning, at least 30 days before the public hearing.

(f) Timing of notices – Posting for map amendment or PUDs.

For a zoning map amendment or the creation or modification of a planned unit development, the posted notice must be:

- (1) posted at least 30 days before the public hearing; and
- (2) removed within 48 hours after conclusion of the public hearing.

Baltimore City Council
Certificate of Posting - Public Hearing Notice

City Council Bill No.:

Today's Date: [Insert Here]

(Place a picture of the posted sign in the space below.)

Address:

Date Posted:

Name:

Address:

Telephone:

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202



THE NOTICE OF HEARING SIGN(S) MUST BE POSTED IN ACCORDANCE WITH ARTICLE 32; SECTION 5-601 (See Attachment B), WHICH CAN ALSO BE OBTAINED FROM THE FOLLOWING WEBSITE:

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

SIGNS MAY BE OBTAINED FROM A VENDOR OF YOUR CHOICE OR ANY OF THOSE LISTED BELOW:

RICHARD HOFFMAN
904 DELLWOOD DRIVE
BALTIMORE, MARYLAND 21047
PHONE: (443) 243-7360
E-MAIL: DICK_E@COMCAST.NET

JAMES EARL REID
LA GRANDE VISION
5517 HADDON AVENUE
BALTIMORE, MARYLAND 21207
PHONE: (443) 722-2552
E-MAIL: JamesEarlReid@aol.com or JamesEarlReid@aim.com

SIGNS BY ANTHONY
ANTHONY L. GREENE
2815 TODKILL TRACE
EDGEWOOD, MD 21040
PHONE: 443-866-8717
FAX: 410-676-5446
E-MAIL: bones_malone@comcast.net

LINDA O'KEEFE
523 PENNY LANE
HUNT VALLEY, MD 21030
PHONE: 410-666-5366
CELL: 443-604-6431
E-MAIL: LUCKYLINDA1954@YAHOO.COM

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**CITY OF BALTIMORE
COUNCIL BILL 19-0384
(First Reader)**

Introduced by: Councilmember Pinkett

At the request of: Mr. Hyun Do Shin

Address: c/o Caroline Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles Street, Suite 21st Floor, Baltimore, Maryland 21201

Telephone: 410-727-6600

Introduced and read first time: April 29, 2019

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Department of Transportation, Baltimore City Parking Authority Board

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 3302 Edgewood Street (aka 3500 West Forest Park Avenue)**

3 FOR the purpose of changing the zoning for the property known as 3302 Edgewood Street (aka
4 3500 West Forest Park Avenue) (Block 2911, Lot 023), as outlined in red on the
5 accompanying plat, from the R-1 Zoning District to the C-1 Zoning District.

6 BY amending

7 Article 32- Zoning

8 Zoning District Map

9 Sheet 32

10 Baltimore City Revised Code

11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 Sheet 32 of the Zoning District Map is amended by changing from the R-1 Zoning District to the
14 C-1 Zoning District the property known as 3302 Edgewood Street (aka 3500 West Forest Park
15 Avenue) (Block 2922, Lot 023), as outlined in red on the plat accompanying this Ordinance.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
17 accompanying plat and in order to give notice to the agencies that administer the City Zoning
18 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
19 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
20 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
21 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
22 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
23 the Zoning Administrator.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 19-0384

1 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____

APPROVED FOR FORM STYLE AND TEXTUAL SUFFICIENCY
4-22-19
DET. LEGISLATIVE REFERENCE

Introduced by: Councilmember Pinkett

At the request of: Mr. Hyun Do Shin

Address: c/o Caroline Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles
Street, Suite 21st Floor, Baltimore, Maryland 21201

Telephone: 410-727-6600

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 3302 Edgewood Street (aka 3500 West Forest Park Avenue)

FOR the purpose of changing the zoning for the property known as 3302 Edgewood Street (aka 3500 West Forest Park Avenue) (Block 2911, Lot 023), as outlined in red on the accompanying plat, from the R-1 Zoning District to the C-1 Zoning District.

BY amending

Article 32- Zoning
Zoning District Map
Sheet 32
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 32 of the Zoning District Map is amended by changing from the R-1 Zoning District to the C-1 Zoning District the property known as 3302 Edgewood Street (aka 3500 West Forest Park Avenue) (Block 2922, Lot 023), as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

**STATEMENT OF INTENT
FOR**

Rezoning of 3302 Edgewood Street (aka 3500 W. Forest Park Avenue)
{Address}

1. Applicant's Contact Information:

Name: Mr. Hyun Do Shin, c/o Caroline L. Hecker, Rosenberg Martin Greenberg, LLP
Mailing Address: 25 S. Charles Street, 21st Floor, Baltimore, MD 21201
Telephone Number: (410) 727-6600
Email Address: checker@rosenbergmartin.com

2. All Proposed Zoning Changes for the Property: Rezone the above-referenced property from the R-1 to the C-1 Zoning District.

3. All Intended Uses of the property: retail goods establishment with alcoholic beverages sales; residential

4. Current Owner's Contact Information:

Name: Mr. Hyun Do Shin
Mailing Address: 3604 Quaker Mill Court
Ellicott City, MD 21043
Telephone Number: 443-498-8266
Email Address: hds60@hotmail.com

5. Property Acquisition:

The property was acquired by the current owner on September 25, 2006 by deed recorded in the Land Records of Baltimore City in Liber 8377 Folio 609.

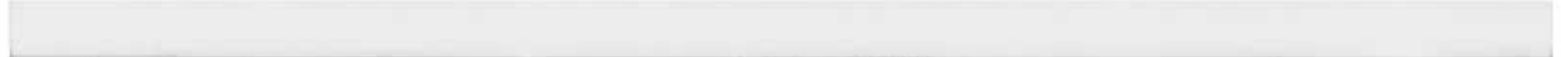
6. Contract Contingency:

(a) There is is not X a contract contingent on the requested legislative authorization.

(b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties on the contract are *{use additional sheet if necessary}*:
N/A

(ii) The purpose, nature and effect of the contract are: N/A



7. **Agency:**

(a) The applicant is ___ is not X acting as an agent for another.

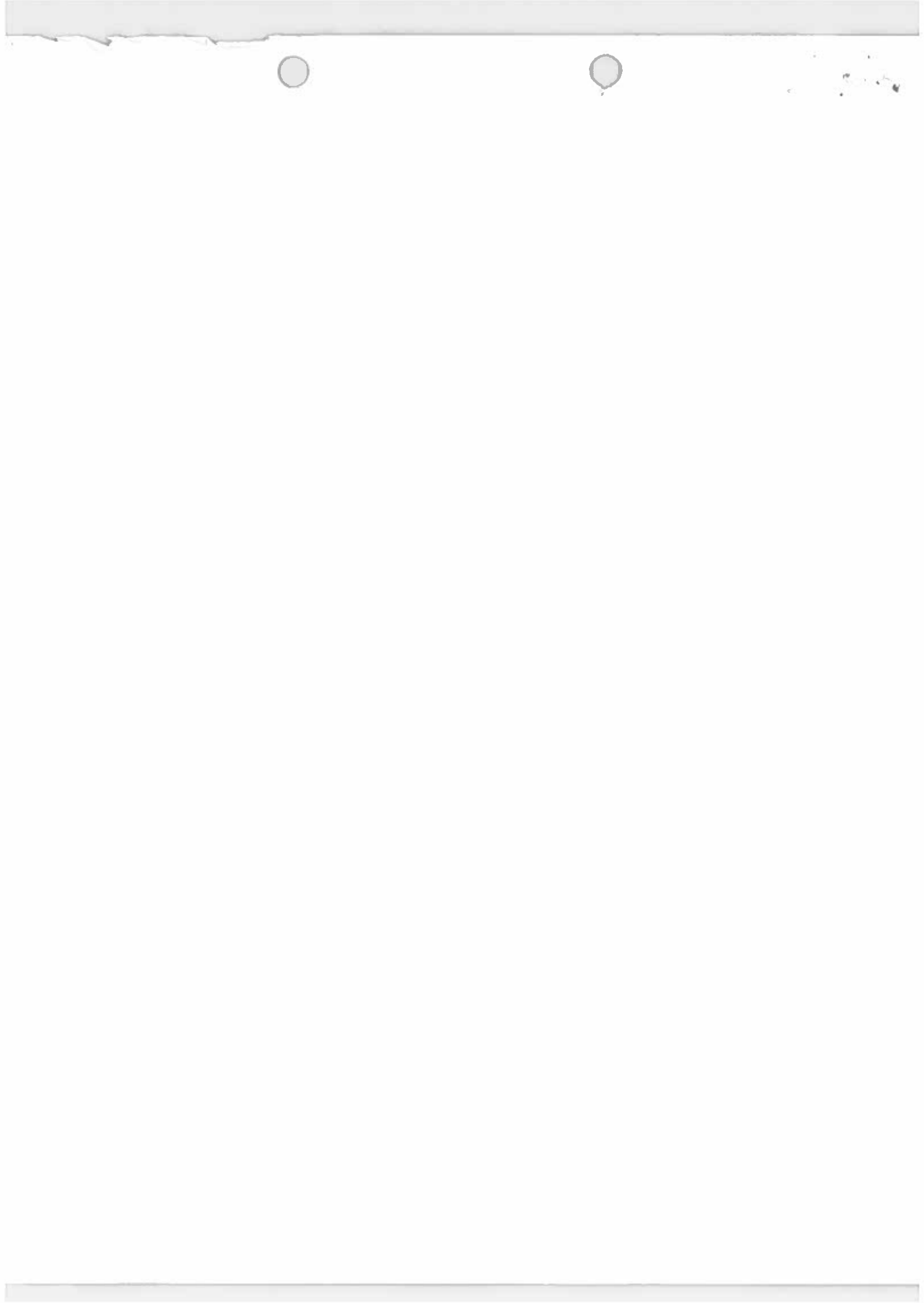
(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows {use additional sheet if necessary}: N/A

AFFIDAVIT

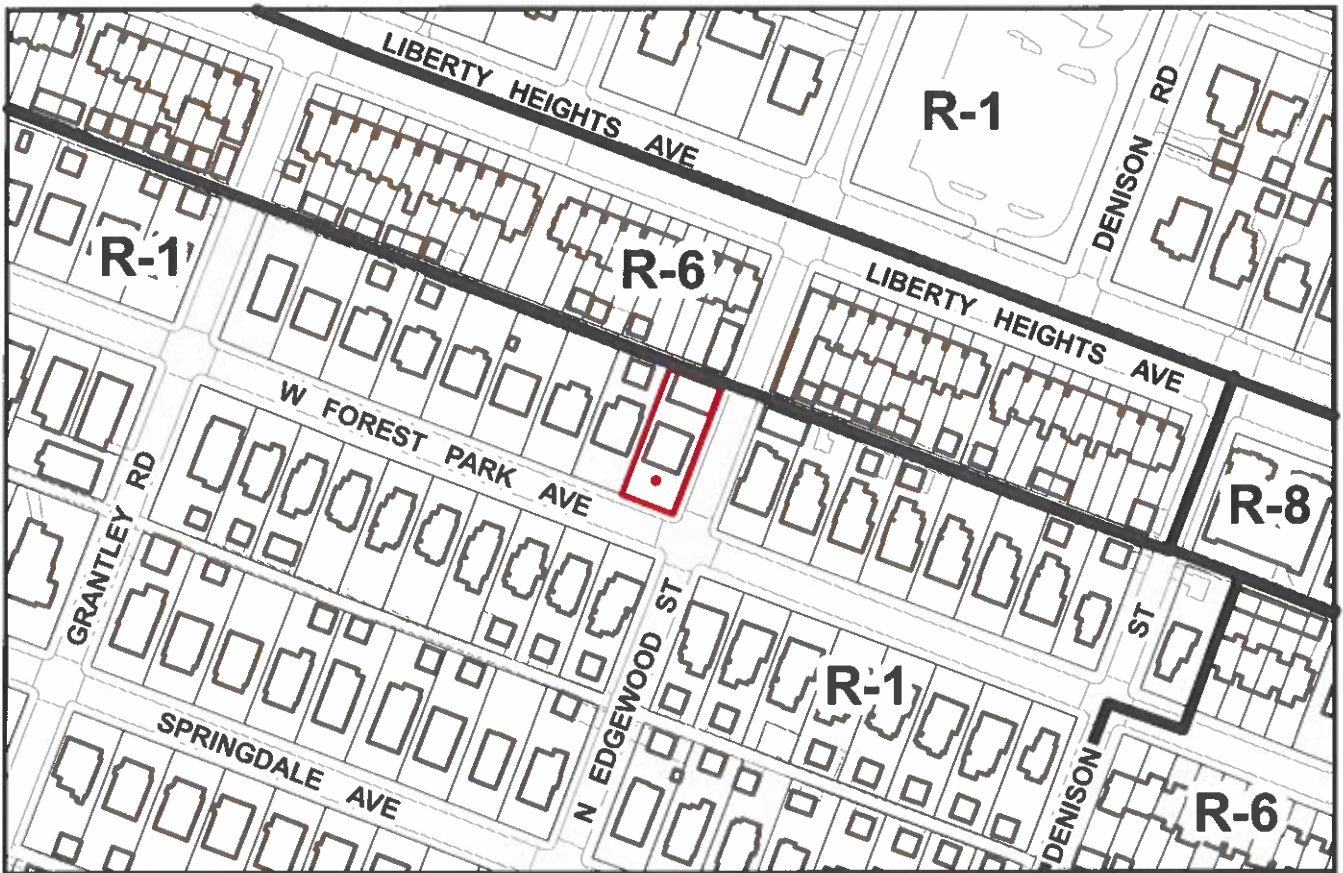
I, Caroline L. Hecker, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information and belief.

Caroline L. Hecker
Caroline L. Hecker, Authorized Agent for Applicant

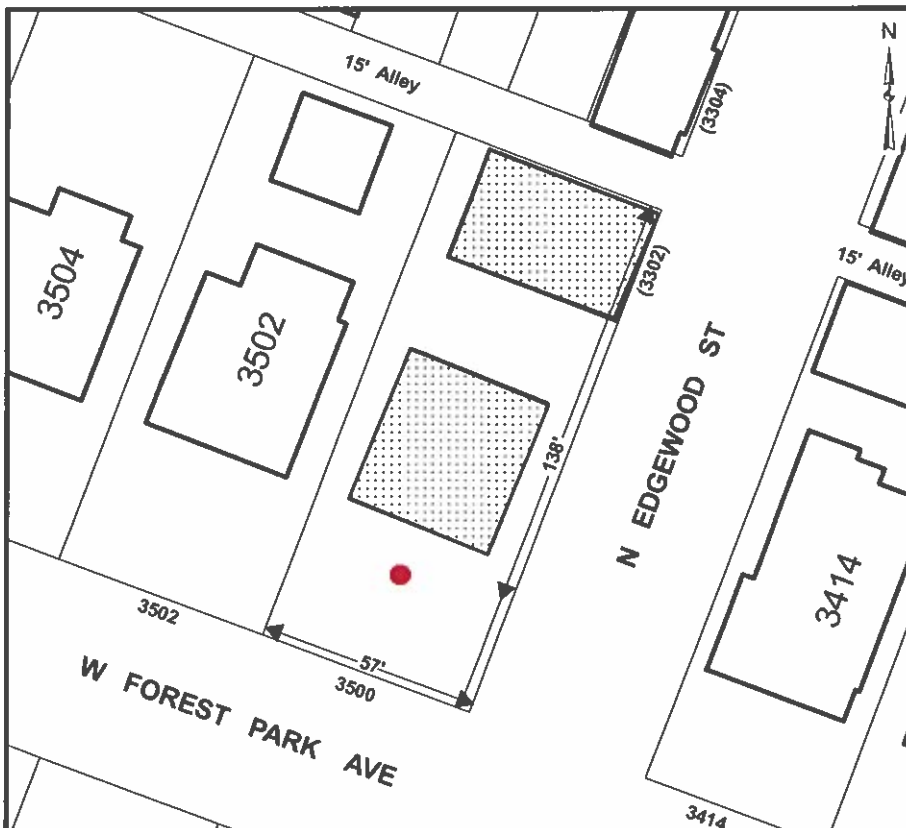
4/3/19
Date



**SHEET NO. 32 OF THE ZONING MAP OF
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 200'



Scale: 1" = 50'

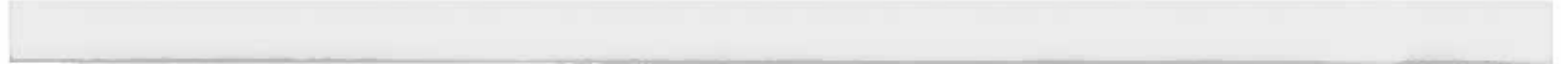
Note:

In Connection With The Property Known As No. 3500 WEST FOREST PARK AVENUE. The Applicant Wishes To Request The Rezoning Of The Aforementioned Property From R-1 Zoning to C-1 Zoning, As Outlined In Red Above.

WARD 15 SECTION 26
BLOCK 2911 LOT 23

MAYOR

PRESIDENT CITY COUNCIL



1 2 3



4 5 6





ACTION BY THE CITY COUNCIL

APR 29 2019
20

FIRST READING (INTRODUCTION) _____

PUBLIC HEARING HELD ON _____

20 19

COMMITTEE REPORT AS OF _____

20 19

____ FAVORABLE ____ UNFAVORABLE ☒ FAVORABLE AS AMENDED ____ WITHOUT RECOMMENDATION

Edna J. Brown
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

DEC 05 2019
20

☒ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____

DEC 16 2019
20

____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____

20

____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____

20

WITHDRAWAL _____

20

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk