

## J.R. Woolman, LLC

### MEMORANDUM

**To:** The Chairman and Members of  
The Baltimore City Planning Commission

**Cc:** Eric Tiso

**From:** Joe Woolman

**Date:** 10-8-20

**RE:** City Council Bill 20-0621 -Rezoning - 2 E. Wells Street

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Mr. Chairman and Commissioners:

The purpose of this memorandum is to provide you a brief outline of the justification for the rezoning proposed in the above referenced legislation. This is not intended to be an exhaustive legal analysis nor are we looking to substitute this memo for the Staff Report submitted by the Department of Planning. Rather, we offer the following information as it pertains to the "Change-Mistake Analysis" required for rezoning under Maryland Law and various zoning classifications under The Zoning Code for Baltimore City.

#### Change in the Character of the Neighborhood

Even in the three (3) plus years since the last comprehensive zoning, the neighborhood has experienced significant change as an ever evolving "gateway" to South Baltimore that includes significant redevelopment on properties rezoned to C-2 only a few hundred feet away. Planned changes to the intersection at Wells St. and Hanover St. and proposals for additional commercial uses, including a public storage facility along the property's corridor are contributing to the change. Finally, the site's proximity to Port Covington signifies increasing and significant change to the character of the neighborhood.

#### Mistake in the Existing Zoning Classification

The property was zoned R-8 per §9-204 of The Zoning Code for Baltimore City (ZCBC) in June, 2017. R-8 is a "Rowhouse Residential District" that permits NO commercial uses by right. It was a mistake to designate a 64', 60k S.F. mixed-use multifamily building as a rowhouse district property.

### Proposed C-2 Zoning Classification

§10-204 of the ZCBC defines C-2 as a “Community Commercial District” which is “intended for areas of small to medium-scale commercial use”. The subject property includes almost 6k S.F. of commercial space and the owner is struggling to attract tenants in a challenging business climate. C-2 provides a wide variety of commercial uses by right and conditional use including at least seven (7) uses that are NOT permitted in a C-1 district. The existing building on the site includes a 241 space parking garage to serve 153 residential units as well as the commercial space. C-1 properties are not required to include any off-street parking. Finally, there is a mixed-use project of similar scale (actually with less ground level commercial space) currently being built a few hundred feet away on property that was rezoned to C-2.

### OR-2 Zoning Classification (recommended by staff)

§12-201 of the ZCBC defines OR-2 as “Office Residential District” which is “intended for areas where there is a mix of office and residential uses”. While we appreciate The Department of Planning staff recommendation, OR-2 zoning only permits the commercial uses of health care clinics and offices by right. Neighborhood Commercial uses are permitted IF one successfully navigates the Conditional Use process before the Board of Municipal and Zoning Appeals which presents a variety of challenges and risk.

Perhaps the most important factor to recognize is the building on the subject property was relatively recently constructed and there are no plans to alter it. The primary purpose of the legislation is to “bring the property up to code” and to provide as much flexibility as possible for the owners to seek new tenants for the vacant commercial spaces on the ground level. The Commission will be glad to learn we have spoken directly with the leadership of both the South Baltimore Neighborhood Association and Riverside Neighborhood Association. General community meeting schedules and by-laws have prevented the acquisition a formal letter of support at this time but we have received positive feedback regarding the Bill as the community is eager to see new tenants in the vacant spaces. We will continue to update both groups accordingly.

Thank you for your consideration of this memorandum. - JW