

# ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

## FINDINGS OF FACT

### City Council Bill No: 21-0065

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

#### **Rezoning - 1103-1109 North Washington Street**

Upon finding as follows with regard to:

(1) Population changes;

While anecdotally there have been a significant number of new residential units and renovated homes completed in the Middle East / Eager Park neighborhood over the past several years, it is unclear if there is data as of yet that indicates a significant population change in the interval between the adoption of the last comprehensive rezoning (2016) and the present time.

(2) The availability of public facilities;

This site is well-served by public services and utilities which can support the continued use or redevelopment of this site.

(3) Present and future transportation patterns;

There would be no negative effect upon present or future transportation patterns in the area as a result of adoption of this bill.

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

The proposed zoning district is compatible with the existing and proposed development for the area, as it will support the current light industrial use on site and additional neighborhood-appropriate uses such as dwellings and retail.

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

The Planning Commission voted, seven being present, seven in favor to recommend passage of the bill. The Board of Municipal Zoning Appeals defers to the Planning Commission. The City agencies to which the bill was referred made the following recommendations:

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

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

The proposed action would be consistent with the goals contained in the Comprehensive Master Plan for Baltimore City. Additionally, it is not in conflict with any other area plans that pertain to this property.

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

Existing uses of property within the general area of this site are a mix of residential, institutional, and commercial.

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

IMU-1 zoning would be compatible with the adjacent R-8, R-10, and I-2 zoning designations. Additionally, there are extant IMU-1 zoning districts just to the east and south of the subject property.

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

The current R-8 zoning designation has made the long-existing light industrial use of the property non-conforming. It would also make redevelopment of the site that preserves the historic building more challenging. These facts suggest that the current zoning is not appropriate.

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

There have not been significant changes to the immediate area of the subject property since it was rezoned to R-8 in 2016 that have added additional residents to the area. Additional residential and commercial development is currently proposed for the area. The IMU-1 zoning designation is appropriate in that it attempts to blend buildings with historic industrial uses into contemporary residential neighborhoods.

- (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 the property owner, this building has been in use for light industrial purposes continuously since 1875. The owner additionally purports in the Statement of Intent submitted for this bill that the City mistakenly rezoned this property to the R-8 district even though it's long history has been dedicated to industrial uses.

Prior to the adoption of the Transform Baltimore comprehensive rezoning the subject parcel had a zoning designation of M-1-2, which was similar to today's I-1 zoning district. This zoning designation was shared by the majority of properties adjacent to the railroad right-of-way beginning from this property and heading towards the east. For some reason, the majority of these nearby properties with similar industrial histories along the railroad right-of-way corridor were rezoned to the IMU-1 district during Transform Baltimore, but this subject property was not.

The fact that the subject site has had a documented history dating back to least 1901 (and according to the owner, to 1875) to the current day of continuous industrial use, coupled with the additional fact that before its current R-8 zoning it had an industrial M-1-2 zoning designation, suggest that the current R-8 zoning district was selected in error. Zoning designations are not required to always be descriptive but rather may be proscriptive (especially in the case of a comprehensive rezoning), either as an attempt to reflect changing trends in an area or as way to encourage certain kinds of reuse. While the area around this site has seen and will continue to see a large amount of residential and commercial redevelopment, it is difficult to see how a proscriptive rezoning of this parcels to the R-8 district is appropriate given that it renders the

long-existing light industrial use non-conforming and would pose challenges to any future reuse of the extant historic building. In fact, the IMU-1 zoning district was created for a site with just these characteristics, in that it would continue to permit by-right light industrial uses and encourage/enable additional neighborhood-appropriate uses such as dwellings or limited commercial/retail uses.

It is possible that during the analysis period of Transform Baltimore it was not apparent that the building was still in use, but mistakenly assumed that the structure was vacant. This might have led to a conclusion that including this site in the larger surrounding R-8 district would be an appropriate way to foster future redevelopment of the area.

SOURCE OF FINDINGS (Check all that apply):

- [X] Planning Report – Planning Commission, Agency Report, Dated May 14, 2021 which includes the Planning Department, Staff Report, Dated September 10, 2020
- [X] Testimony presented at the Committee hearing

Oral – Witness:

- Matthew DeSantis, Planning Department
- Elena DiPietro, Law Department
- Nina Themelis, Office of the Mayor
- Camyn Bodden, Department of Housing and Community Development
- Liam Davis, Department of Transportation
- Mica Fetz, Baltimore Development Corporation
- Arco Sen, Parking Authority of Baltimore City

Written:

- Planning Commission, Agency Report, Dated May 14, 2021 which includes the Department of Planning, Staff Report – Dated September 10, 2020
- Department of Transportation, Agency Report – Dated July 1, 2021
- Board of Municipal and Zoning Appeals, Agency Report – Dated April 26, 2021
- Law Department, Agency Report – Dated July 14, 2021
- Department of Housing and Community Development, Agency Report – Dated July 14, 2021
- Baltimore Development Corporation, Agency Report – Dated June 10, 2021
- Parking Authority of Baltimore City, Agency Report – Dated May 7, 2021

**COMMITTEE MEMBERS VOTING IN FAVOR**

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