

# LAND USE COMMITTEE

## FINDINGS OF FACT

### City Council Bill No: 20-0594

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:

### Rezoning - 2426 Pennsylvania Avenue

Upon finding as follows with regard to:

(1) Population changes;

There have not been significant population changes in the immediate vicinity of the Penn North neighborhood since the enactment of the last comprehensive rezoning (2017).

(2) The availability of public facilities;

The site is well served by City infrastructure, which will continue with or without the proposed rezoning.

(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. A commercial zoning designation that allows live entertainment would support eventual redevelopment of the subject parcel and the Pennsylvania Avenue corridor. In addition, it is adjacent to the Penn-North Metro station, making it ideal for those wishing to use mass transit to come to the site.

(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. The site is surrounded by nearby commercial zoning and land uses, transit-oriented development zoning, as well as the current zoning. This change would be compatible with the conditions of the area and other parts of Pennsylvania Avenue that are zoned commercial. The 2400 block of Pennsylvania Avenue is at the intersection of North Avenue where the metro station is located. From a zoning perspective, it had

always been zoned as part of North Avenue, which had been zoned B-2-3. The adjacent parts of Pennsylvania Avenue were zoned a combination of B-2-2 and B-3-2.

The property and the surrounding block are located between the metro station and a C-1 node of Pennsylvania Avenue. Historically this block and specifically this property were included in the notable portions of the Pennsylvania Avenue commercial corridor and should have retained commercial zoning. This is especially the case given its proximity to the metro station.

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

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

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	Favorable
Department of Transportation	No Objection
City Solicitor	Favorable with Comments
Department of Housing and Community Development	Favorable
Baltimore Development Corporation	Favorable
Parking Authority	Not Opposed

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

The proposed action is consistent with the Goals and Objectives of LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore City. In 2006, the Planning Commission adopted the Penn North Area Master Plan that includes the subject property within its bounds. The plan expressly says that "the neighborhood should capitalize on the proximity to the Metro station, presence of undeveloped land, and vacant and blighted housing to build a thriving, mixed-use, mixed-income neighborhood. A zoning study should be conducted to determine the best zoning options for Penn North to: ... Encourage a mix of uses that serve the community with retail, entertainment, and employment on Pennsylvania Avenue and North Avenue".

In addition, the Penn North neighborhood is currently a designated Impact Investment Area for the City. The neighborhood is currently working with the Mayor's Sub-Cabinet led by the Department of Housing and Community Development (DHCD) and the Department of Planning on a visioning plan that includes updating and continuing the work of the previously adopted master plan by reimagining key sites and the

commercial corridors with the inclusion of the Black Arts and Entertainment lens. In addition, the City has been quite supportive and an advocate for the creation of arts and entertainment districts along commercial corridors. This is one of several.

(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, light industrial, open space, and commercial.

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

C-1-E zoning as proposed is not currently found in the area, but there are C-1 zones nearby further south on Pennsylvania Avenue and along North Avenue. In addition, this parcel is directly across the street from a TOD-1 zoned area. There will be broader discussions about rezoning a portion of the Pennsylvania Avenue corridor to C-1-E through continued master planning efforts.

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

The OR-1/R-MU zoning is not consistent with the property's historical and current uses. The property was originally built as a working theater and later became a restaurant. Currently it is a social club and has live entertainment uses. In addition, the property was designated a local landmark based on its history and the building typology as an entertainment venue and the importance of the social history of Pennsylvania Avenue.

(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;

In 2019, a portion of the Pennsylvania Avenue commercial corridor was designated by the State of Maryland as a Black Arts and Entertainment District. The designation was the result of a grassroots effort from the neighborhood. In addition, the community has been engaged in a robust planning effort with various City agencies to not only develop a cohesive revitalization plan that incorporates the goals of the newly designated Arts and Entertainment District, but also to identify specific projects for implementation and opportunities to move forward. A current opportunity to restore the building revealed the current, erroneous OR-1/R-MU zoning of the property.

- (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:

As previously discussed, a portion of the Pennsylvania Avenue commercial corridor that includes the subject property was designated by the State of Maryland as a Black Arts and Entertainment District in 2019. That designation was part of a continuing effort to revitalize the neighborhood with a focus on the historic uses of key properties and the corridor as a whole. The C-1-E zoning district is appropriate for the subject property as it will support its historical and current uses, including live entertainment, as well as the revitalization of the surrounding community.

- (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:

As discussed above, the subject property has a documented entertainment and commercial history dating back to 1912 on one of the most iconic commercial corridors in the City. This combined with the 2006 area master plan that clearly states there should be a focus on commercial and entertainment and the property's prior commercial B-2-3 zoning designation shows that the current zoning district was selected in error for this property and possibly the entire block. The C-1-E zoning district is appropriate for the subject property as it will support its historical and current uses, including live entertainment, as well as the revitalization of the surrounding community.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report – Planning Commission’s report, dated September 11, 2020, which included the Department of Planning Staff Report, dated September 10, 2020.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Tamara Woods, Planning Department
- Hilary Ruley, Law Department
- Al Barry, Representative for the Applicant

Written:

- Department of Transportation, Agency Report – Dated November 30, 2020
- Board of Municipal and Zoning Appeals, Agency Report – Dated October 23, 2020
- Law Department, Agency Report – Dated September 24, 2020
- Department of Housing and Community Development, Agency Report – Dated October 23, 2020
- Baltimore Development Corporation, Agency Report – Dated September 25, 2020
- Parking Authority, Agency Report – Dated September 18, 2020

**COMMITTEE MEMBERS VOTING IN FAVOR**

Edward Reisinger, Chair  
Shannon Sneed, Vice Chair  
Mary Pat Clarke  
Eric Costello  
Ryan Dorsey  
Sharon Green Middleton  
Leon Pinkett  
Robert Stokes