



MEMORANDUM

To: Baltimore City Planning Commission
From: Caroline L. Hecker
Drew E. Tildon
Cc: Two Farms, Inc.
Date: August 31, 2023
Re: **CCB # 23-0410 – Rezoning – 6311 Eastern Avenue
Proposed Findings of Fact**

This firm represents Two Farms, Inc. (the “Applicant”), at whose request Councilmember Cohen has introduced the above-referenced legislation to rezone the property known as 6311 Eastern Avenue (the “Property”) from the I-2 Zoning District to the C-2 Zoning District. The basis of the request is that the City Council mistakenly zoned the Property I-2 under the TransForm Baltimore Zoning Code in 2016. The Applicant has engaged in substantial community outreach and on June 13, 2023, the Bayview Community Association voted to support the proposed rezoning.

1. Background

The Property is located on Eastern Avenue across from the Bayview residential neighborhood. The 33,672 sq. ft. lot is improved by a 3,080 sq. ft. commercial structure most recently operated as a gas station convenience store. Per SDAT, the existing structure was built in 2002 for commercial use. The lot directly behind the Property operates as a home improvement store, and the lots to the north and east of the Property operate as a convenience store and a fast-food restaurant respectively. There is also a large shopping center approximately ¼ mile from the Property. The attached historic aerial image indicates the Property was used for industrial purposes, including outdoor storage, when the 1971 Code came into effect. *See Exhibit A, 1971 Aerial Image.* The aerial image also indicates the surrounding area, but for the single-family dwellings in the Bayview neighborhood, was industrial in character.

The Property was zoned M-2-1 prior to TransForm Baltimore. *See Exhibit B, Department of Planning 1971 Zoning Map.* The M-2 District was designed for those industrial uses that may not have been compatible with adjacent business or residential districts, but did not qualify as “heavy” industrial. Baltimore City Zg. Sec. 7-301. The M-2-1 District is comparable to the I-2 General Industrial District, which permits industrial uses that may result in external effects. Baltimore City Code, Article 32 – Zoning Section 11-205. Examples of general industrial uses include fabrication, warehousing, and assembly-type manufacturing, all of which generally require lots with substantial property land area.

During the TransForm Baltimore comprehensive rezoning process, the City zoned the Property I-2, falsely assuming the designation was appropriate based on the Proper-

As the TransForm Baltimore Bill file does not indicate the City Council considered the character of the surrounding area or the Property's size, it follows that the City Council based its decision on the false assumption that the I-2 District was appropriate based on the Property's M-2-1 zoning under the 1971 Code.

3. Required Considerations

In making the determination that there was a substantial change in the neighborhood where the Property is located to justify a change from an 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 the following findings of fact that address:

(a) Population change;

According to the ACS 5-Year Estimate Survey, the Property's census tract (tract 2605.01) had a minor population decrease from approximately 4,698 residents in 2020 to approximately 4,402 in 2021. The rezoning would facilitate the redevelopment of the Property in a manner more compatible with the adjacent dwelling units, providing an additional amenity for potential new residents.

(b) The availability of public facilities;

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

(c) Present and future transportation patterns;

Because the Property's most recent use was a gas station and it is situated on a major thoroughfare within close proximity of the Eastern Avenue I-95 exit, it is unlikely the Property's change to the C-2 District will have an effect on existing transportation patterns.

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

As discussed in greater detail above, the Property is currently located directly adjacent to a C-2 District. Furthermore, it is across the street from single-family dwellings. The current I-2 zoning would facilitate the by-right establishment of high-intensity industrial uses, which would not be compatible with the surrounding area. The C-2 District would both eliminate the potential for incompatible industrial uses and facilitate the establishment of commercial uses to serve nearby residents and businesses.

(a) Short/long-term impact on surrounding community;

The rezoning will facilitate the best and highest use of the Property and will prohibit the establishment of a high-intensity industrial use within close proximity of single-family homes.

(b) Impact on Baltimore's existing patterns of inequity;

Per the ACS 5-year estimate survey, not only is the census tract's median household income—\$67,833—nearly \$50,000 less than the Baltimore City median of \$116,100, the \$26,705 median income of Black households in the tract is less than $\frac{1}{3}$ that of White households—\$72,767. The area represents several layers of inequity, and the rezoning will support the community by providing additional employment opportunities and precluding the establishment of incompatible industrial uses.

(c) Level of meaningful community engagement;

As is noted above, the Applicant has engaged in substantial community outreach and on June 13, 2023, the Bayview Community Association voted to support the proposed rezoning.

(d) How residents who have been historically excluded from planning processes are being authentically included in the planning of the proposed policy or project;

The Applicant has engaged extensively with the Bayview Community Association, which represents residents of the low-income census tract.

(e) Impact on internal operations;

There has not been, nor is there expected to be, any substantive impact to internal operations as a consequence of this bill.

(f) Notification.

The Bayview Community Association has been notified of the subject rezoning ordinance.

EXHIBIT B
Department of Planning 1971 Zoning Map

