

ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

FINDINGS OF FACT

City Council Bill No: 21-0087

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 - 100 East 23rd Street, 2300 Saint Paul Street, 2305 Saint Paul Street, 2313 Saint Paul Street, and 2317 Saint Paul Street

Upon finding as follows with regard to:

(1) Population changes;

The most recent Census data shows a decline of 35% since the 2010 census count.

The applicant has provided a document detailing population changes (*Old Goucher – Population Change Source: American Community Survey - 5 Year Estimates*) submitted by applicant.

(2) The availability of public facilities;

This site is well-served by public services and utilities and will continue to be so for the foreseeable future.

(3) Present and future transportation patterns;

The area of rezoning is well served by multiple modes of public mass transit including multiple stops for several different MTA bus lines and the Charm City Circulator Purple Route and is less than one half mile from the Penn Station, Marc and Amtrak lines. In addition, the central location and proximity to multiple modes of public transportation make it a prime area for both residential and commercial density which is the goal of the rezoning and reflective of the Old Goucher Vision plan. Finally, the imminent \$90 million Penn Station re-development will only further support the goals of the rezoning. The lack of parking requirements in C-1 match the current and future transportation patterns of the neighborhood.

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

The proposed rezoning supports the goals of the vision plan and the goals of the neighborhood to be realized. A great example of this is the beer garden Dutch Courage which is across the street from 100 E. 23rd the SOCLE collective at Charles and 23rd Street and finally the significant interest in restaurant and commercial uses for the 2300 and 2400 blocks of Saint Paul.

(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, nine being present, nine 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 / Comments
Department of Housing and Community Development	No Objection
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 rezoning would support goals contained within the Comprehensive Master plan for Baltimore City. Specifically, LIVE goal 1) Build Social and Human Capital by building neighborhoods, Objective 2) Strategically re-develop vacant properties across the city. The subject rezoning area contains multiple properties that are currently vacant or underutilized. The proposed C-1 zoning will encourage investment and mixed-use development of these sites per the neighborhood’s goals.

Also, specifically PLAY goals 1, Enhance Appreciation and Enjoyment of Baltimore’s historic and cultural resources and Goal 2, Improve Nightlife and Entertainment Experiences for Residents and Visitors. As related to Goal 2 Objectives 1,2 and 3 there are multiple entrepreneurs who have sought out this specific area for investment in commercial and nightlife activities that would be allowable under C-1.

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

Existing uses within the general area of the properties is a mix between low-intensity commercial and high-density residential.

The land uses in the subject area consist primarily of light commercial with some multifamily. The existing zoning has severely limited the ability of the subject properties to achieve the highest and best use based on the neighborhood vision plan and demonstrated through the individual prospective tenants and users who have sought out these sites for investment in the neighborhood.

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

The properties to the north of this block are C-1 and to the south are R-8.

The general area includes C-1, C-2, C-3 and R-8 zoning designations. The subject area is abutted directly to the west, north and southwest by C-1.

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

As stated in Item 7 above, the existing zoning has severely limited the ability of subject properties to achieve their highest and best use.

(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;

Since passage of Transform Baltimore, there have been several new commercial users in the neighborhood including Sophomore Coffee, Larder, Fadesonnen beer garden and Dutch Courage, to name a few. Additional density has also been achieved by adding units to existing housing stock.

(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:

The General Assembly created a new Old Goucher Revitalization District that included the creation of several new BD-7 tavern licenses. This District was created in 2017. In 2018 this District was expanded to include the east side of St. Paul with the specific

intention to expand the Old Goucher revitalization district to the properties this rezoning will address. In addition to the new commercial uses summarized in Item 10 above, there has also been a separate large-scale rezoning of several blocks on Maryland Avenue, which as in this request, was done based on the community's desire and vision plan. Finally, the population changes detailed in the addendum as part of number Item 1 above further support the rezoning based on a substantial change in the character of the neighborhood.

The Planning Commission recognizes that there are certain changes that have occurred in this community. Including new BD-7 liquor licenses for some properties, along with some \$90 Million worth of investment in Penn Station. When the Comprehensive rezoning of the City occurred in 2017, we looked at historic uses of property, what the buildings looked like, and when we made decisions about historic zoning, had to determine whether these types of the buildings are conducive to a present owner. By adhering to long-time zoning patterns, and looking at the current buildings, there are times where some fall through the gaps as changes develop. Neighborhoods like Old Goucher may fall into that gap in the sense that it has older buildings, that it was very well off at one time in having institutions and so on in it. But now, there's a lot of churches and other buildings that need innovation. Having read the community's plan, and knowing the work that they've done to try to bring that innovation and adaptive reuse to the neighborhood in a smart way and in a comprehensive way, it could fit either a mistake or a change in the character of the neighborhood. Here, the proposed rezoning is consistent with their community plan.

- (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:

SOURCE OF FINDINGS (Check all that apply):

Planning Report – Planning Commission, Agency Report, Dated October 8, 2021 which includes the Planning Department, Staff Report, Dated October 7, 2021

Testimony presented at the Committee hearing

Oral – Witness:

- Remi Lawal, Planning Department
- Hilary Ruley, Law Department

- Nina Themelis, Office of the Mayor
- Stephanie Murdock, Department of Housing and Community Development
- Liam Davis, Department of Transportation
- Christina Moore, Baltimore Development Corporation
- Arco Sen, Parking Authority of Baltimore City
- Nate Pretl, representative for the applicant

Written:

- Planning Commission, Agency Report, Dated October 8, 2021 which includes the Department of Planning, Staff Report – Dated October 7, 2021
- Department of Transportation, Agency Report – Dated September 20, 2021
- Board of Municipal and Zoning Appeals, Agency Report – Dated June 24, 2021
- Law Department, Agency Report – Dated October 12, 2021
- Department of Housing and Community Development, Agency Report – Dated November 23, 2021
- Baltimore Development Corporation, Agency Report – Dated October 15, 2021
- Parking Authority of Baltimore City, Agency Report – Dated June 18, 2021
- Nate Pretl, Applicant/s Representative, Findings Fact and Addendum: *Old Goucher - Population Changes Sheet; Source American Community Survey – 5 Year Estimates*, Dated 11/1/21

COMMITTEE MEMBERS VOTING IN FAVOR

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