

ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

FINDINGS OF FACT

City Council Bill No: 21-0119

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 - 1201 South Haven Street and a Portion of Boston Street

Upon finding as follows with regard to:

(1) Population changes;

Preliminary Census 2020 data shows a 1,260% increase in population in the Canton Industrial Area neighborhood statistical area. This increase is so massive due to the fact that the 2010 Census recorded a residential population of only 68 (which now is 925). The Canton Industrial Area NSA includes the southern portion of the Brewer's Hill neighborhood, where substantial residential redevelopment has occurred over the past 10 years.

(2) The availability of public facilities;

Adequate public facilities exist at the site and should continue to exist into the future.

(3) Present and future transportation patterns;

The site is along South Haven Street, a vital trucking corridor, at the intersection of Boston Street. Any proposed redevelopment should both consider the substantial trucking traffic as well as the need to safely and comfortably accommodate pedestrians in accordance with the City's Complete Streets Manual.

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

The C-3 zoning district would be compatible with existing and proposed development for the area as it would accommodate additional retail and commercial development. It is unfortunate, however, that much of the recent development in the immediate area has been so auto-oriented, as this does not align with urban design principals nor with the City's sustainability goals as they relate to climate change.

- (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 members being present, seven in favor with two abstentions. 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 Position
City Solicitor	Favorable / Comments
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 rezoning would support the following aspect of the Comprehensive Plan: LIVE Goal 1: Build Human and Social Capital by Strengthening Neighborhoods; Objective 2: Strategically Redevelop Vacant Properties Throughout the City. While it is not consistent with the Canton Industrial URP, it is for that reason the URP amendment is also proposed.

As described above, the proposed rezoning is would be consistent with the City's Comprehensive Plan.

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

The surrounding properties are used as such: to the north is heavy industrial; the west is mixed-use commercial and residential; the southwest is commercial; the south is industrial; the east is freight rail lines.

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

The properties to the southwest (District at Canton Crossing) are C-3; to the east (Collective at Canton) are C-2; to the north, east, and south are I-2.

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

The site is located on the South Haven Street corridor at the intersection of Boston Street. The substantial amount of recent commercial and residential redevelopment in this area make the re-use of this particular site for I-2 heavy commercial uses very unlikely.

- (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;

The Collective at Canton mixed-use development has begun construction in this timeframe, representing a significant change in neighborhood character.

- (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:

This area has seen a substantial amount of commercial redevelopment over the past decade, much of it directly serving the increasing population in Southeast Baltimore. This rezoning would enable additional commercial uses that would continue to serve this area of the City.

The companion URP amendment bill to the rezoning bill seeks to remove this property from the Canton Industrial Area Urban Renewal Plan. The property is currently designated as "Heavy Industrial" by the URP, which requires that uses be limited to heavy industrial and that certain uses, including restaurants, are explicitly prohibited. In general, staff does not feel that the Canton Industrial URP, first established in 1990, is strictly necessary any longer due to the creation of the MI (Maritime Industrial) zoning district as a part of the Transform Baltimore comprehensive rezoning process. At the same time, it's reasonable to question the overall utility and integrity of the URP if redevelopment proposals that are not permitted by the ordinance simply seek to continually amend the URP to remove themselves from it has passed through City Council and proposes the removal of 4900 Boston Street to facilitate a drive-through fast food restaurant. Additionally, in 2019, 1200 South Haven Street was removed from the URP in order to facilitate the Collective at Canton redevelopment that is currently underway. The removal of this property from the Canton Industrial URP and its ongoing redevelopment as a mixed-use project containing grocery retail, commercial uses, and a 500-unit apartment building clearly demonstrate the rapidly changing character of the neighborhood.

The committee finds that this change is in the public's interest and a substantial change in the neighborhood has occurred that would support this site-specific 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:

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:

- Matthew DeSantis, Planning Department
- Victor Tervalo, Law Department
- Nina Themelis, Office of the Mayor
- Stephanie Murdock, Department of Housing and Community Development
- Liam Davis, Department of Transportation
- Luis Cardona, Baltimore Development Corporation
- Arco Sen, Parking Authority of Baltimore City

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 December 6, 2021
- Board of Municipal and Zoning Appeals, Agency Report – Dated August 24, 2021
- Law Department, Agency Report – Dated October 18, 2021
- Department of Housing and Community Development, Agency Report – Dated November 23, 2021
- Baltimore Development Corporation, Agency Report – Dated December 3, 2021
- Parking Authority of Baltimore City, Agency Report – Dated September 8, 2021

COMMITTEE MEMBERS VOTING IN FAVOR

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