

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #22-0321/ REZONING – 1419 to 1431 BANK STREET and 409 SOUTH SPRING STREET		

TO

The Honorable President and
 Members of the City Council
 City Hall, Room 400
 100 North Holliday Street

DATE: March 3, 2023

At its regular meeting of March 2, 2023, the Planning Commission considered City Council Bill #22-0321, for the purpose of changing the zoning for the properties known as 1419 to 1431 Bank Street (Block 1433, Lots 043 044, 045, 046, 047, and 048/050) and 409 South Spring Street (Block 1433, Lot 051/060), as outlined in red on the accompanying plat, from the R-8 and IMU-1 Zoning Districts to the C-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended disapproval of City Council Bill #22-0321 and adopted the following resolution, with eight members being present, Commissioner Williams having recused himself (eight in favor):

RESOLVED, That the Planning Commission does not agree with the recommendation of its Departmental staff. The Planning Commission considered the attached justification provided by the applicant, with consideration for testimony and facts presented in the meeting, and instead recommends that City Council Bill #22-0321 be **approved** by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Ms. Nina Themelis, Mayor's Office
 Mr. Ethan Cohen, Mayor's Office
 The Honorable Eric Costello, Council Rep. to Planning Commission
 Ms. Nikki Thompson, City Council President's Office
 Mr. Colin Tarbert, BDC
 Ms. Rebecca Witt, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Stephanie Murdock, DHCD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Liam Davis, DOT
 Ms. Natawna Austin, Council Services
 Ms. Caroline Hecker, Esq. for Bank Spring ZB LLC



MEMORANDUM

To: Baltimore City Planning Commission
From: Caroline L. Hecker
Brooke A. Hutchins
Date: February 15, 2023
Re: Proposed Findings of Fact
CCB # 22-0321 – Rezoning – 1419 to 1431 Bank Street (Block 1433,
Lots 043, 044, 045, 046, 047, 048/050) & 409 S. Spring Street (Block
1433, Lot 051/060)

This firm represents Bank Spring ZB, LLC (the “Applicant”). On behalf of the Applicant, counsel submits the following memorandum in support of City Council Bill # 22-0321 (the “Bill”), which was introduced by Councilmember Cohen, at the request of the Applicant, to rezone the properties known as 1419 to 1431 Bank Street and 409 S. Spring Street (collectively, the Property) from the R-8 and IMU-1 Zoning Districts to the C-2 Zoning District. The basis of the request is that there has been a ***substantial change*** in the character of the neighborhood since the Property was zoned R-8 and IMU-1 under the Transform Baltimore Zoning Code in 2017 (“Transform Baltimore”).

Once zoned C-2, the Applicant proposes to redevelop the Property for the following uses: food processing: light, tavern, restaurant, residential, and retail goods establishment.

1. Background

The Property is located in the Fells Point neighborhood. 1419 Bank Street to 1431 Bank Street are improved with a vacant lot and vacant and rowhome structures that once boasted residential and retail goods establishment (with alcoholic beverage sales) uses. 409 S. Spring Street, on the other hand, is improved with a vacant warehouse structure that was formerly home to the marble and granite company, A&A Marble Crafters, Inc. 1419 to 1431 Bank Street have been zoned R-8 since the 1971 Zoning Code, while 409 S. Spring Street was zoned B-1-2 under the 1971 Zoning Code and rezoned to the IMU-1 with the passage of Transform Baltimore in 2016.

The collective Property sits directly across Bank Street from the former public housing development, Perkins Homes, built in 1942. The original housing development, which consisted of 629 apartment units in more than 50 three-story brick barrack-style buildings, deteriorated over time, and was thus, demolished beginning in 2021– as part of a larger development plan to convert 200 acres of blighted and underutilized urban land into a modern community with approximately 1,360 units of mixed income housing, retail, large parks, public amenities, a new school, and more. The overhaul is being done in conjunction with the redevelopment of Somerset Homes, another former public housing site, and the nearby Old Town Mall. Once complete, the Perkins Homes Redevelopment standing alone is expected to yield approximately 788 total units, including 377 “deeply affordable units”, 155 tax-credit units, and 256 market-rate units.

The Planning Commission first approved zoning for the Perkins Homes Redevelopment, in or around June 2016, roughly six months before the passage of Transform Baltimore. Subsequently, requisite

funding from the U.S. Department of Housing and Urban Development was obtained for the project in July 2018, and the overall site plan was changed as recently as November 2022.

Since 2016, the actualization of the Perkins Homes Redevelopment has ushered in a wave of new residential development nearby the Property, with projects such as The Caroline, which offers 31 apartments and ground-floor retail space (0.1 miles from the Property) and North Fells Place, which offers 23 townhomes (0.5 miles from the Property); and future projects such as The Anne, which will feature 100 apartments and retail space (0.2 miles from the Property) and The Whitney, which will feature 172 apartments (0.2 miles from the Property). Such new and exciting residential development has altered the face of the neighborhood, which will eventually enjoy a larger amount of residential uses than it did pre-Transform Baltimore.

2. The Planning Commission Should Approve the Requested Rezoning Because There Has Been a Substantial Change in the Character of the Neighborhood.

Per Section 5-508(1) of the Zoning Code, and as required by the State Land Use Article, the City Council may approve the requested legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification. As detailed above, there has been a substantial change in the character of the neighborhood where the Property is located since the 2017 enactment of Transform Baltimore, as the area has transitioned into a heavy residential area.

At the time Transform Baltimore was enacted in 2016, there were 587 households and 1,266 residents living in Perkins Homes, across from the Property. However, the public housing development no longer represented a quality housing option due to obsolete infrastructure and poor design, and as a consequence, residents were being relocated. The area surrounding neighborhood Property was experiencing a similarly bleak fate, after being historically underserved and inundated for years with population decline and divestment. Unlike the economically booming neighborhoods to the south (Harbor Point and Harbor East), the Johns Hopkins Medical Campus to the northeast, and the stable neighborhoods to the east (Patterson Park) and west (Little Italy and Jonestown), the neighborhood lacked, among other things, quality commercial businesses, limiting residents' access to essential daily goods and services, fresh foods, restaurants, shopping, and amenities.

While the Planning Commission first approved zoning for the Perkins Homes Redevelopment in or around June 2016, before the passage of Transform Baltimore, it was not until after the enactment of Transform Baltimore that the plan "to develop a new mixed-income, mixed-use community that provides a range of housing choices and new ladders of opportunity" was formally realized and residential development began to increase in the area. Despite this influx of residential uses accompanied by (*or soon to be accompanied by*) a growing residential population, the availability of neighborhood-scale commercial uses have remained insufficient.

The proposed rezoning would allow for small to medium-scale commercial uses to appropriately meet the needs of incoming and returning residents.

3. The Planning Commission Should Adopt the Following Findings Of Fact Required to Be Made In Connection With A Map Amendment.

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 findings of fact that address certain items. The Planning Commission is urged to adopt the findings of fact listed below:

- 3.1 **Population Changes:** According to the American Community Survey data from the U.S. Census Bureau, the census tract that includes the Property (Census Tract 301) is estimated to have decreased its population since the enactment of Transform Baltimore from 3,355 in 2017 to 2,083 in 2020. While this decrease reflects the decline in population as a result of the demolition of Perkins Homes and the blighting influence the deteriorating housing development exerted on the neighborhood, the recent influx of residential uses indicates that the population has increased from 2020 to 2023, and a need for more commercial options to serve that growing (*or soon to be growing*) population.
- 3.2 **The availability of public facilities:** The area is well-served by public utilities and services and no negative impacts are expected as a result of rezoning the Property.
- 3.3 **Present and future transportation patterns:** Multiple bus lines traverse the streets surrounding the Property, including two Charm City Circulator along S. Caroline Street and Fleet Street and a Baltimore LINK bus line along Eastern Avenue. The Property is also situated near local truck routes and enjoys easy access to major transportation routes, such as I-83 and arterial roads Pratt Street and Lombard Street. The rezoning of the Property from R-8 and IMU-1 to C-2 will not have any impact on future transportation patterns.
- 3.4 **Compatibility with existing and proposed development for the area:** The C-2 zoning designation is appropriate for the Property, as the area is rapidly trending toward increased residential uses. The proposed rezoning would allow for small to medium-scale commercial uses to meet the needs of new and returning residents.
- 3.5 **The recommendations of the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals:** For the reasons set forth herein, we ask that the Planning Commission adopt these findings of fact and recommend a favorable approval of the Bill. The BMZA has not yet commented on the Bill.
- 3.6 **The proposed amendment's consistency with the City's Comprehensive Master Plan:** The proposed rezoning is consistent with the City's Comprehensive Master Plan goal of strategically redeveloping vacant properties since following the rezoning, the Property is going to be intentionally redeveloped with a residential use that is consistent with existing character of the neighborhood, and food processing: light, tavern, and retail goods establishment uses which will meet the needs of residents.

4. The Planning Commission Should Adopt the Following Required Considerations for Map Amendments.

Section 5-508(b)(3) of the Zoning Code also mandates that the standards listed below be considered for map amendments. A review of these considerations clearly supports a finding that there was a substantial change in the neighborhood where the Property is located to justify the rezoning of the Property to the C-2 Zoning District. The Planning Commission is urged to adopt the findings listed below:

- 4.1 **Existing uses of property within the general area of the property in question:** The surrounding properties have a mix of uses, including, among other things, rowhomes, multi-family dwellings, restaurants, hotels, a gas station, a storage facility, a dry cleaner, a bowling alley, and an indoor golf facility. As outlined above, the area surrounding the Property has also experienced an influx of residential uses since the 2016 passage of Transform Baltimore. Accordingly, the proposed rezoning from residential and industrial to commercial is in-line with the many surrounding uses and will better meet the needs of incoming residents.

- 4.2 The zoning classification of other property within the general area of the property in question:** The Property is adjacent to R-8 zoned properties and more notably, a large swath of C-2 zoned properties.
- 4.3 The suitability of the property in question for the uses permitted under its existing zoning classification:** The Property is not suited for the uses permitted under its existing R-8 and IMU-1 zoning, which restrict the number and type of uses (particularly commercial uses) that can be authorized at this site. As a result, the Property has been vacant, and the community suffered from an absence of quality commercial businesses, for quite some time.
- 4.4 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 zoning classification:** As noted above, since the 2017 comprehensive zoning, the neighborhood in which the property is located has grown, and will continue to grow, into a residential hub that will eventually contain more residential dwellings than it had pre-Transform Baltimore. This C-2 Zoning district is far better suited to accommodate this growing residential area.

5. Required Items for Consideration Under the Land Use Article.

Additionally, Section 10-305 of the State Land Use Article requires the Planning Commission to study the proposed changes in relation to (1) the Plan; (2) the needs of Baltimore City; and (3) the needs of the particular neighborhood in the vicinity of the proposed changes.

- 5.1 The Plan:** the proposed rezoning will support the Plan’s goal of strategically developing long-underutilized properties.
- 5.2 The needs of Baltimore City:** Rezoning the Property to C-2 supports the creation of new jobs for City residents, supports existing businesses by steering traffic into the area, and attracts new businesses to add variety to the local community’s commercial options and improve access to amenities.
- 5.3 The needs of the particular neighborhood:** The Property is located in an area with diverse uses and diverse zoning classifications that in recent years has become replete with residential uses accompanied by a growing residential population. The C-2 zoning designation would fulfill the needs of the neighborhood by providing new and returning residents with neighborhood scale commercial uses, which have historically been lacking.

6. Equity Impact Assessment

Finally, the Department of Planning now performs the following equity analysis on all proposed rezonings.

- 6.1 Short/long-term impact on surrounding community:** The proposed rezoning will positively impact the surrounding community, as evidenced by the attached letter of support from the Douglass District Community dated October 15, 2022. In accordance with the Douglass District Community’s vision, the rezoning will allow for a “robust combination” of residential and commercial uses, which “house, employ, and serve the local and visiting populations.” This will be a vast improvement for existing residents, who have for years been forced to live with a vacant, unsightly block.

- 6.2 Impact on Baltimore’s existing patterns of inequity:** The proposed rezoning will ensure the development of quality retail, food & beverage, and neighborhood-scale commercial options for Baltimore residents living in an area that has historically been overlooked and neglected.
- 6.3 Level of meaningful community engagement:** The Applicant has engaged meaningfully with the community and the Douglass District Community has provided the attached letter of support.
- 6.4 How are residents who have been historically excluded from planning processes being authentically included in the planning of the proposed policy or project?:** As stated above, the Applicant has engaged in substantial community outreach and received overwhelming support for the rezoning. Most notably, the Douglass District Community found that the rezoning supports its vision for “[a] diverse and dense mixture of people.”
- 6.5 Impact on internal operations:** This Bill will not have any substantial impact on internal operations.
- 6.6 Notification:** The Douglass District Community has been notified of the subject rezoning ordinance.

October 15th, 2022

The Honorable Zeke Cohen
Baltimore City Council
City Hall
100 N. Holiday Street, Suite 500
Baltimore, Maryland 21202

RE: Rezoning of 1419-1431 Bank Street and 409 S Spring Street

Dear Councilmember Cohen:

Please accept this letter of support of the rezoning of the vacant parcels at 1423-1431 Bank Street, and vacant storefront building at 1419-1421 Bank Street, and improvements at 409 S Spring Street (the “Properties”) to the C-2 Zoning District.

This rezoning is aligned with the mission of the Douglas District to be a world class neighborhood in Baltimore. It supports our vision for :

A diverse and dense mixture of people and a robust combination of residential and thriving commercial enterprises to: house, employ, serve and engage the local and visiting populations.

We, The Douglass District Community, met with Jimmy Edgerton, who shared his plans to redevelop the Properties. We understand the C-2 zoning map designation would allow for a greater mix of uses on the Properties. In response to one potential concern raised, Mr. Edgerton agreed NOT to use the Property as a health-care clinic and that he would read this agreement into the record during the hearing on the rezoning.

The response from the 18 people present was overwhelming support. We unannomously agreed t support the re-zoning. Even better, there was lively and excited conversation on what the future of this vacant block might become. We look forward to supporting Mr Edgerton and his team’s efforts.

Please feel free to contact me with any questions. sgburkholder@gmail.com or 443.801.5220

Thank you for your consideration.

Sincerely,



Scott Burkholder, Douglass District Community Organizer



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

March 2, 2023

REQUEST: City Council Bill #22-0321 / Rezoning – 1419 to 1431 Bank Street and 409 South Spring Street:

For the purpose of changing the zoning for the properties known as 1419 to 1431 Bank Street (Block 1433, Lots 043, 044, 045, 046, 047, and 048/050) and 409 South Spring Street (Block 1433, Lot 051/060), as outlined in red on the accompanying plat, from the R-8 and IMU-1 Zoning Districts to the C-2 Zoning District; and providing for a special effective date.

RECOMMENDATION: Adopt findings and Disapprove

STAFF: Martin French

PETITIONERS: Councilmember Cohen, on behalf of Bank Spring ZB LLC

OWNERS (as of bill introduction):

- 1419 Bank Street: Bernard H. Kee and Deborah Kee
- 1423 Bank Street: Bank Spring ZB LLC
- 1425 Bank Street: Bank Spring ZB LLC
- 1427 Bank Street: Bank Spring ZB LLC
- 1429 Bank Street: Bank Spring ZB LLC
- 1431 Bank Street: 221B LLC
- 409 South Spring Street: Bank Spring ZB LLC

According to the Statement of Intent filed for introduction of City Council bill no. 22-0321, 1423 Bank Street and 409 South Spring Street were formerly owned by Bart Amodeo; 1425 and 1427 Bank Street were formerly owned by Bank Street Baltimore LLC; and 1429 Bank Street was formerly owned by 210 Eastern Ave LLC, all prior to acquisition by Bank Spring ZB LLC in 2022.

SITE/GENERAL AREA

Site Conditions: The site is composed of early 19th Century lots, two of which retain their original improvements that have been heavily modified in the span of over 150 years. 1419 Bank Street is used as a tavern on its ground floor. The southeast corner of Bank and Spring Streets includes a vacant former lot now used for off-street parking in connection with the business at 409 South Spring Street. The Bank Street lots in 2020 were improved with attached three-story residential mixed-use buildings with pitched roofs. Reflective of this original construction and former continuing use, the Bank Street lots are zoned R-8. Similarly, 409 South Spring Street is zoned IMU-1 in reflection of its continuing non-residential use by a light

industrial business. Permits for demolition of 1425, 1427, and 1429 Bank Street were issued in August of 2021. 1431 Bank Street has been a vacant lot for over 15 years. The lots on Bank Street are in the southeast corner of the South Central Avenue National Register Historic District. (National Register designation does not prevent demolition that is not funded in part or in whole by Federal funding.)

General Area: The south side of Bank Street is part of the northern edge of a traditionally residential mixed-use area dating from the early 19th Century. The north side of Bank Street at this location is the site of Perkins Homes, an early 1940s public housing development that was scheduled for demolition beginning in 2020 as part of a major redevelopment of a large section of inner East Baltimore now known as the “Perkins-Somerset-Oldtown” project. Much of the Perkins Homes site has now been cleared, and construction of replacement mixed-income housing is beginning there, although it will not be completed for several years. Immediately south of the site proposed for rezoning, land use is predominantly newer light industrial uses with a more commercial residential mixed-use continuing along Eastern Avenue. Although this site is part of the planning area designated as Fells Point, it has not been part of the Fells Point Historic District and now lacks contributing structures that would make it eligible for consideration for inclusion in that District.

HISTORY

There are no previous legislative or Planning Commission actions specifically regarding this site. The enlarged South Central Avenue Historic District was certified to the National Register of Historic Places in 1986. The Bank Street properties were zoned B-3-3 in 1971, and 409 South Spring Street was zoned M-2-2 in 1971. During the comprehensive rezoning of Fells Point over ten years ago, the Bank Street properties were rezoned R-8 and 409 South Spring Street was rezoned B-1-2. In the comprehensive rezoning process associated with the effective date of the Zoning Code on June 5, 2017, the Bank Street properties retained their R-8 zoning, and 409 South Spring Street was rezoned from B-1-2 to IMU, which was later revised to IMU-1. Although not part of this site, the Perkins Homes site across Bank Street was rezoned from R-9 to C-2 to allow the Housing Authority of Baltimore City maximum flexibility in its redevelopment.

ZONING CODE REQUIREMENTS

Below are the approval standards under §5-508(b) of Article 32 – *Zoning* for proposed zoning map amendments:

(b) *Map amendments.*

(1) *Required findings.*

As required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either:

- (i) a substantial change in the character of the neighborhood where the property is located; or
- (ii) a mistake in the existing zoning classification.

(2) *Required findings of fact.*

In making the determination required by subsection (b)(1) of this section, the City Council must also make findings of fact that address:

- (i) population changes;
- (ii) the availability of public facilities;

- (iii) present and future transportation patterns;
- (iv) compatibility with existing and proposed development for the area;
- (v) the recommendations of the City agencies and officials; and
- (vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.

(3) *Additional standards – General*

Additional standards that must be considered for map amendments are:

- (i) existing uses of property within the general area of the property in question;
- (ii) the zoning classification of other property within the general area of the property in question;
- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
- (iv) 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 zoning classification.

ANALYSIS

Per §5-508(b)(3) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based upon a finding that there was either: (i) a substantial change in the character of the neighborhood where the property or site is located; or, (ii) a mistake in the existing zoning classification. Planning staff can find no evidence that a mistake was made in placing the Bank Street properties in the R-8 Zoning District in 2017, as they were fully usable as residential mixed-use buildings at that time (and 1431 Bank Street had been subject of an application for a construction permit for a new single-family dwelling prior to 2017, a building never constructed), while 409 South Spring Street was rezoned from medium-intensity manufacturing zoning (M-2) to neighborhood-oriented business (B-1) and in 2017 to Industrial Mixed-Use zoning to reflect the then-existing use of the property and to provide flexibility for its potential re-use as economic forces might require in the future. When the original IMU zone was subdivided into two zoning districts, 409 South Spring Street was placed in the IMU-1 category, which allows residential use as well as numerous non-residential uses. Thus, the proposed rezoning would need to be justified instead on the basis of a substantial change in the character of the neighborhood where this site is located.

Determination of whether such a substantial change has occurred is to a certain extent dependent upon the span of time used for reference. While there has been little change within the Fells Point Historic District lying immediately east and southeast of this site, there has been a change thus far to the north of this site, across Bank Street on the Perkins Homes site. Perkins Homes contained 629 dwelling units which have all been removed from use. A considerable population decrease (estimated at 1,300 +/-) has therefore occurred in the neighborhood of this site proposed for rezoning. When redevelopment of the Perkins Homes site has been completed, it is anticipated that as many as 788 dwelling units would have replaced the demolished 629 units. However, this would be a change in number of dwelling units (a gain of 159 units or a 25% increase in households) more than a change of land use from residential-only to something else, even though the C-2 zoning of the Perkins Homes site allows numerous non-residential uses. Those non-residential possibilities must be ignored by the Housing Authority of Baltimore City because housing authorities' purpose is provision of housing and not creation of non-residential structures (other than those like community centers or day-care facilities that are designed to serve the public housing residents).

To the west of this site land use has been, since there was the canal that is now under Central Avenue (formerly Canal Street in the 19th Century), primarily commercial and industrial. Baltimore City's extensive project to rebuild Central Avenue as a gateway to new waterfront development a few blocks southwest of this site may in time produce changes in the character of Central Avenue properties that in turn would spill over to sites such as this. There has been some scattered commercial and residential mixed-use redevelopment of former industrial buildings along Central Avenue, and there has been significant redevelopment, in the form of new construction, near the intersection of Central Avenue and Fleet Street, about two blocks from this site. However, those areas have not traditionally been considered as included in the neighborhood that includes this site. Rezoning of this site would more appropriately be considered in the context of a comprehensive rezoning of the entire lower Central Avenue corridor's eastern fringe if by then it was evident that the current C-2 zoning of that corridor should be applied to both sides of Bank Street's 1300 and 1400 blocks.

REQUIRED FINDINGS

Maryland Land Use Code – Requirements for Rezoning:

The Maryland Land Use Code requires the Planning Commission to study the proposed changes in relation to: 1. The plan; 2. The needs of Baltimore City; and 3. The needs of the particular neighborhood in the vicinity of the proposed changes (*cf.* MD Land Use Code § 10-305 (2019)). In reviewing this request, the staff finds that:

- 1. The Plan:** While the Comprehensive Master Plan calls for redevelopment of vacant properties, redevelopment of this site is not being prevented by the existing zoning. The R-8 zoning district requires residential use of new structures that could be built on the Bank Street lots, and 409 South Spring Street's IMU-1 zoning allows both row-house and multi-family residential development as well as numerous non-residential uses. The tavern at 1419 Bank Street, as a continuing non-conforming use in the R-8 zoning district, may continue operation indefinitely provided that the tavern use is not discontinued or abandoned.
- 2. The needs of Baltimore City:** It is unclear that rezoning this site would provide benefits to Baltimore City residents above or beyond benefits that would be realized from redevelopment of the site in accordance with existing zoning.
- 3. The needs of the particular neighborhood:** At this moment the neighborhood, as described previously, is in flux if one considers it dominated by the Perkins Homes redevelopment project. However, if one considers the area between Central Avenue and the Fells Point Historic District to be the neighborhood, there is no evident need that would not be met by redevelopment of this site in accordance with the existing zoning.

Similarly, the Land Use article requires the City Council to make findings of fact (MD Land Use Code § 10-304 (2019)). The findings of fact include:

- 1. Population changes;** The area has had a reduction in population due to clearance of the Perkins Homes site on the other side of Bank Street from this site. However, this reduction is due to be reversed once full occupancy of new housing on the Perkins Homes site is achieved.

2. **The availability of public facilities;** Public facilities will continue to be available regardless of whether this site is rezoned or not.
3. **Present and future transportation patterns;** If the intent of the proposed rezoning is to enable a future more dense residential use of this site, dependent upon the number of new residents who could be housed or the nature of new businesses that could move onto the site, there may be effects upon future transportation patterns, specifically on the nearest portions of Central Avenue, Eden Street, Bank Street, and Spring Street. This should be analyzed in conjunction with analysis of the effects that would be produced by re-occupancy of the Perkins Homes site.
4. **Compatibility with existing and proposed development for the area;** The proposed zoning would match existing zoning of the Perkins Homes site across Bank Street. However, it would further reduce the area of R-8 zoning now in effect along this portion of Bank Street outside of the Fells Point Historic District.
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department will recommend disapproval of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
6. **The relation of the proposed amendment to the City's plan.** As noted previously, there is not a demonstrated need for the proposed rezoning in order to meet the goals of the Comprehensive Master Plan.

There are additional standards under §5-508(b)(3) that must be considered for map amendments. These include:

- (i) **existing uses of property within the general area of the property in question;** The general area, if taken to include a portion of Eastern Avenue which parallels Bank Street to the south of this site, and the northern portion of the Fells Point Historic District, and the Perkins Homes site, has a combination of existing property uses best described as residential, residential mixed-use, commercial (stores and offices), and light industrial. These uses are not expected to change significantly whether or not rezoning of this site occurs.
- (ii) **the zoning classification of other property within the general area of the property in question;** As noted earlier, the Perkins Homes site across Bank Street from this site is zoned C-2. 409 South Spring Street is part of an area zoned IMU-1 along the north side of Eastern Avenue. The south side of Bank Street, in its 1400 block as well as its 1300 and 1500 blocks, is zoned R-8.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** The Bank Street lots are all suitable for redevelopment as either rowhouses or multi-family dwelling units, both of which are permitted uses according to the current R-8 zoning. 409 South Spring Street likewise remains usable for many alternative light industrial as well as commercial uses, and for use, upon redevelopment, as rowhouses or multi-family dwellings.

(iv) 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 zoning classification. The most significant change that has occurred in the general area of this site is the demolition of the Perkins Homes public housing (629 dwelling units) and commencement of the process of redeveloping that site to provide as many as 788 new and public housing replacement dwelling units. As noted previously, there has been redevelopment a few blocks away from this Bank Street – Spring Street site, but no major changes in land use nearest this site.

Equity:

- **Impact:**
 - The proposed rezoning would extend the more intense redevelopment possibilities now associated with the Perkins Homes site south across Bank Street, bringing them into direct contact with existing light industrial and commercial uses on the southern portion of the 400 block of South Spring Street. It is unclear whether this would encourage those uses to relocate. It could be argued that more intense redevelopment, of higher value, could in turn enhance property tax yields that would benefit the City of Baltimore.
 - As there is no specific redevelopment proposal associated with the proposed rezoning, it is unclear what effect rezoning this site would have on existing patterns of inequity that exist in Baltimore. Redevelopment of 409 South Spring Street for use by businesses that collectively would offer more jobs than the current business does would definitely counteract the higher unemployment rates associated in the past with public housing residents, but much of this may be achievable without rezoning.
- **Engagement:**
 - This site is not inside the boundaries claimed by a community association registered with the Department of Planning. Thus, staff have no knowledge of contacts that the petitioner may have had with individuals in the immediate area of the site or with community associations in the general area of the site. Redevelopment of vacant or blighted properties in this site could proceed without rezoning, and its redevelopment would be of general benefit to the area, especially if it complements the Perkins Homes site redevelopment.
- **Internal Operations:**
 - The proposed rezoning per se would not affect Planning Department workload. Review of any development that would be made possible by rezoning would occur as part of the normal development plan review process performed by the Department.

Notification: The Douglass District Association and Councilman Cohen have been notified of this action.



Chris Ryer
Director