

# ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

## FINDINGS OF FACT

### City Council Bill No: 22-0321

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 - 1419 to 1431 Bank Street and 409 South Spring Street**

Upon finding as follows with regard to:

(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 has a need for more commercial options to serve that growing (or soon to be growing) population.

(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) 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.

(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.

(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 to recommend approval of the bill and the BMZA deferred to the Planning Commission’s recommendation which favored passage of the bill. The City agencies to which the bill was referred made the following recommendations:

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	Defers to Planning
Department of Transportation	No Objection
City Solicitor	Favorable with Comments
Department of Housing and Community Development	No Objection
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 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.

(7) 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.

- (8) 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.

- (9) 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.

- (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;

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.

- (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 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.

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.

- (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's report, dated March 3, 2023 and a letter of justification from Rosenberg, Marting and Greenberg, LLP dated February 15, 2023

Testimony presented at the Committee hearing

Oral – Witness:

- Eric Tiso, Planning Department
- Michele Toth, Law Department
- Sophia Gebrehiwot, Board of Municipal Zoning Appeals
- Liam Davis, Department of Transportation
- Stephanie Murdock, Department of Housing and Community Development
- Alex Walinkas, Baltimore Development Corporation
- Arc Sen, Parking Authority of Baltimore city
- Caroline Hecker, Rosenberg, Martin and Greenberg, LLP

Written:

- Planning Commission Report – Dated March 3, 2023
- Department of Transportation, Agency Report – Dated April 3, 2023
- Board of Municipal and Zoning Appeals, Agency Report – Dated December 5, 2022
- Law Department, Agency Report – Dated March 22, 2023
- Department of Housing and Community Development, Agency Report – Dated April 4, 2023
- Baltimore Development Corporation, Agency Report – Dated February 15, 2023
- Parking Authority, Agency Report – Dated December 20, 2022
- Rosenberg, Martin, Greenberg – Memorandum – Dated February 15, 2023

**COMMITTEE MEMBERS VOTING IN FAVOR**

Sharon Green Middleton, Chair  
John Bullock  
Mark Conway  
Ryan Dorsey  
Odette Ramos  
Robert Stokes