

# ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

## FINDINGS OF FACT

### City Council Bill No: 24-0498

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:

**Rezoning - 3014-3030 Darby Street East; 3021-3039 Elm Avenue; 800-810 Darby Street South; North Side Darby Street South Adjacent 810 East; 3000-3012 Darby Street East; and 3003-3019 Elm Avenue**

Upon finding as follows with regard to:

- (1) Population changes;
  - a. The Hampden area has seen a slight increase in population almost to 2000 census levels and has maintained steady development and growth. This area of Hampden is classified as “C” in the 2023 Housing Market Typology, with generally less than 2% of vacant land or lots.
- (2) The availability of public facilities;
  - a. The neighborhood is well served by public facilities and this is not anticipated to change.
- (3) Present and future transportation patterns;
  - a. There is access to public transportation on Falls Road. This rezoning would not substantially increase density in any way and therefore there are no anticipated future impacts to transit.
- (4) Compatibility with existing and proposed development for the area;
  - a. There are proposed developments for other areas in Hampden, but these particular blocks do not have any short term plans for re-development that would change the single family residential character of the neighborhood.

- (5) The recommendations of the City agencies and officials, including the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

City Solicitor	Approve for form & sufficiency
Dept of Housing & Community Development	Favorable
Baltimore Development Corporation	Favorable
Parking Authority	Favorable
Dept of Transportation	No Objection
BMZA	Defer to Planning
Planning Commission	Favorable

- (6) The proposed amendment’s relationship to and consistency with the City’s Comprehensive Master Plan.
- a. Since there are no community plans for this area, we rely on the Comprehensive Plan and the Zoning Code to provide guidance. The 2006 Comprehensive Plan does not have substantial recommendations for this area. The definitions for R-8 and the bulk standards in the Zoning Code more closely align with the built environment in this location and would right size this zoning district.
- (7) Existing uses of property within the general area of the property in question;
- a. All of the properties are mainly single-family row house style residential properties. Over half of the properties are homeowner occupied.
- (8) The zoning classification of other property within the general area of the property in question;
- a. The area surrounding is range from R-6 to R-8 zoned with some industrial uses at the Mill Center and Maryland SPCA. The lot sizes for R-7 zoned properties nearby are generally 90 feet in length or more and the properties nearby zoned R-8 are generally 80 feet or less in length. These properties are just over 80 feet in length.
- (9) The suitability of the property in question for the uses permitted under its existing zoning classification;
- a. Residential uses are not anticipated to change.
- (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;

- a. There is ongoing development toward multifamily housing in the Hampden area, but in the short term, there are no anticipated plans for large scale change in this particular 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:
- (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:
- a. The purpose of the proposed rezoning is to “right-size” the zoning for this block, in order to reduce the degree of nonconformity. Prior to the comprehensive rezoning of the City in 2017, this block was zoned R-7, which is substantially similar to the R-7 district in today’s Article 32 – Zoning. During the comprehensive rezoning process, residential portions of that former R-7 district retained R-7 in the new zoning map, while others were reassigned to either R-6 or R-8 zoning to better fit those properties. Many of the properties on these blocks are non-conforming to the underlying R-7 zoning and R-8 will improve conformance, but not remediate it completely. R-8 zoning or “Rowhouse Residential District” typically contains continuous, block-long rowhouse developments built to or modestly set back from the street. All of the subject properties fit this R-8 definition including the approximate 80 feet in length described above. Accordingly, it was a mistake for these properties to have been under the R-7 zoning designation. R-9 or R-10 would remediate non-conformance to lot area coverage completely, but is not appropriate for this area.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report – Planning Commission’s report, dated April 18, 2024

[X] Testimony presented at the Committee hearing.

Oral – Witness:

- Jason Wright - Department of Housing and Community Development
- Liam Davis – Department of Transportation
- Ty’lor Schnella – Mayor’s Office of Government Relations
- Kris Misage – Parking Authority

Written:

- Planning Department Staff Report – Dated June 20, 2024
- Baltimore Development Corporation Report – Dated March 26, 2024
- Department of Transportation, Agency Report – Dated March 18, 2024
- Board of Municipal and Zoning Appeals, Agency Report – Dated February 29, 2024
- Law Department, Agency Report – Dated July 29, 2024
- Department of Housing and Community Development, Agency Report – Dated July 30, 2024
- Parking Authority, Agency Report – Dated July 12, 2024

**COMMITTEE MEMBERS VOTING IN FAVOR**

**Sharon Green Middleton, Chair**

**Odette Ramos**

**Robert Stokes**

**John Bullock**