

# ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

## FINDINGS OF FACT

### City Council Bill No: 21-0012

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 - 1214-1220 Hull Street

Upon finding as follows with regard to:

(1) Population changes;

The 2020 Census data has not been released, however the Locust Point neighborhood has seen continued growth in both residential, commercial and office uses since the last Census. The rezoning reflects the trend to a mixed use community by recognizing the historic use of the building for offices.

(2) The availability of public facilities;

The area is well served with adequate public facilities with no projected upgrades needed in the immediate future

(3) Present and future transportation patterns;

Locust Point's existing transportation network has been upgraded with the addition of a Circulator providing an additional public transportation option for office workers. There are no changes anticipated in present or future transportation patterns in this area.

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

The rezoning would continue an existing office use that has been in the neighborhood without incident for over 35 years. In that time, a number of industrial buildings in the Locust Point neighborhood have been converted to high density mixed use developments such as Silo Point and McHenry Row or replaced with townhouse developments. The office uses street parking during the day when the on-street parking demand is minimal.

- (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, eight 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
Department of Housing and Community Development	No Objection
Baltimore Development Corporation	Favorable

- (6) The proposed amendment's relationship to and consistency with the City's Comprehensive Master Plan.

The rezoning is consistent with the Plan's goal to retain existing businesses, in this case a long established engineering company, as well as encouraging mixed use neighborhoods. In addition, one goal of Transform Baltimore was to recognize existing land uses and minimize non-conforming uses that could jeopardize financing or reuse opportunities.

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

The immediate Locust Point neighborhood contains a diverse set of residential, commercial and industrial uses in a variety of zoning classifications. The proposed O-R zone will accurately reflect the actual use of the building.

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

The diverse uses stated above result in a mix of zoning classifications from I-1 and I-2, IMU, O-R, R-8, C-2 and OS along with several Planned Unit Developments. The proposed zoning classification is consistent with this pattern.

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

The original union hall was built as an office building and the adjacent building was formerly a grocery store. They have been combined since the late 1980's as one seamless office building.

- (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;

Locust Point has seen continued growth in residential, office and commercial uses in the last 20 years. The proposed rezoning reflects the existing land use consistent with that growth.

- (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:

The Council failed to recognize the historic use of this property under Transform Baltimore and inadvertently created a non-conforming use contrary to one of the goals of Transform process.

Staff from the Department of Planning read the following Planning Commission resolution into the record:

RESEOLVED, That the Planning Commission does not concur with the recommendation of its Departmental staff, and instead adopts the following findings, with consideration for testimony and facts presented in the meeting:

That a mistake was made in 2017 in continuing to place the subject properties in the R-8 Residential zone, as they were in fact totally occupied by non-residential uses, and had been so used and occupied since the 1980s;

That zoning the properties R-8 made them nonconforming uses, which was in opposition to one of the goals of the Transform Baltimore comprehensive rezoning process, which was to minimize creation of nonconforming uses; and,

That the proposed zoning of Office-Residential (OR-1) would have been, and is a more appropriate zoning district for the subject properties, and is most compatible with current use of the properties;

and Therefore,

Resolved, That the Planning Commission recommends that City Council Bill #21-0012 be passed by the City Council.

SOURCE OF FINDINGS (Check all that apply):

- [X] Planning Report – Planning Commission, Agency Report, Dated March 12, 2021 which includes the Planning Department, Staff Report, Dated March 11, 2021
- [X] Testimony presented at the Committee hearing

Oral – Witness:

- Martin French, Planning Department
- Victor Tervalá, Law Department
- Al Barry, Representative for the Applicant
- Eric Costello, Councilmember

Written:

- Planning Commission, Agency Report, Dated March 12, 2021 which includes the Department of Planning, Staff Report – Dated March 11, 2021
- Department of Transportation, Agency Report – Dated February 18, 2021
- Board of Municipal and Zoning Appeals, Agency Report – Dated July 15, 2021
- Law Department, Agency Report – Dated July 14, 2021
- Department of Housing and Community Development, Agency Report – Dated July 14, 2021
- Baltimore Development Corporation, Agency Report – Dated February 11, 2021
- Al Barry, Letter and Findings Attachment – Dated July 19, 2021

**COMMITTEE MEMBERS VOTING IN FAVOR**

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