

SIXTEENTH DAY

THIRD COUNCILMANIC YEAR - SESSION OF 2016-2020

JOURNAL
CITY COUNCIL OF BALTIMORE

June 17, 2019

Pastor Bonnie McCubbin, of Good Shepherd United Methodist Church, led the Council in Prayer.

The President and members of the Council recited the Pledge of Allegiance to the Flag.

The City Council of Baltimore met pursuant to adjournment. Present: Brandon M. Scott, President, and Councilmembers Cohen, McCray, Dorsey, Henry, Schleifer, Middleton, Pinkett, Burnett, Bullock, Reisinger, Costello, Stokes, Sneed, Clarke

SHOWCASE BALTIMORE

Dr. Tracy Bale, of the University of Maryland School of Medicine, delivered a presentation.

COMMUNICATIONS FROM THE MAYOR

APPROVED BY THE MAYOR

OFFICE OF THE MAYOR

June 12, 2019

The Honorable Brandon Scott, Council President
and Members of the City Council
Baltimore City Hall
100 N. Holliday Street
Baltimore, MD 21202

Dear Council Members:

I am pleased to inform your Honorable Body that I have signed into law this day these bills which are routine and require no special treatment:

Bill 19-0386 - An Ordinance concerning - Ordinance of Estimates for the Fiscal Year Ending June 30, 2020 - For the purpose of providing the appropriations estimated to be needed by each agency of the City of Baltimore for operating programs and capital projects during the Fiscal 2020 year.

Bill 19-0387 - An Ordinance concerning - Annual Property Tax - Fiscal Year 2020 - For the purpose of providing a tax for the use of the Mayor and City Council of Baltimore for the period July 1, 2019 through June 30, 2020; providing for estimated billings pursuant to State law; and setting the semiannual payment service charge for that period.

Bill 19-0388 - A Resolution of the Mayor and City Council concerning - Operating Budget for the Baltimore City Board of School Commissioners for the Fiscal Year Ending June 30, 2020 - For the purpose of approving the budget estimated to be needed for the Baltimore City Board of School Commissioners for operating programs during Fiscal 2020; providing for certification of the approved budget to the State Superintendent of Schools; and providing for a special effective date.

Bill 19-0391 - An Ordinance concerning - Supplementary State Fund Operating Appropriation – Police Department – \$2,214,357 - For the purpose of providing a Supplementary State Fund Operating Appropriation in the amount of \$2,214,357 to the Police Department - Service 621 (Administration and Information Technology), to provide funding to support information technology upgrades, a critical step in modernizing the Department and meeting requirements of the Consent Decree with the U.S. Department of Justice; and providing for a special effective date.

Sincerely,

Bernard C. “Jack” Young
Mayor

June 15, 2019

The Honorable Brandon Scott, Council President
and Members of the City Council
Baltimore City Hall
100 N. Holliday Street
Baltimore, MD 21202

Dear Council Members:

I am pleased to inform your Honorable Body that I have signed into law this day this bill which is routine and require no special treatment:

Bill 19-0385 - An Ordinance concerning - Gender-Inclusive Single-User Restrooms - For the purpose of requiring that certain single-user restrooms in Baltimore City be made available to all individuals regardless of gender; requiring that certain single-user restrooms use gender-inclusive signage to identify the restroom; defining certain terms; establishing certain penalties; and providing for a special effective date.

Sincerely,

Bernard C. “Jack” Young
Mayor

June 17, 2019

The Honorable Brandon Scott, Council President
and Members of the City Council
Baltimore City Hall
100 N. Holliday Street
Baltimore, MD 21202

Dear Council Members:

I am pleased to inform your Honorable Body that I have signed into law this day these bills which are routine and require no special treatment:

Bill 18-0302 - An Ordinance concerning - Late-Night Commercial Operations – Licensing - For the purpose of ~~deleting an exception for the sale of motor vehicle fuels~~; authorizing the issuance of a conditional license for certain delivery services; and generally related to the licensing of late-night commercial operations.

Bill 19-0327 - An Ordinance concerning - Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – Variances – 2323 North Calvert Street - For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2323 North Calvert Street (Block 3822, Lot 012), as outlined in red on the accompanying plat; and granting variances from certain bulk regulations (lot area) and certain off-street parking regulations.

Bill 19-0331 - An Ordinance concerning - Corrective – Consumer Price Index Used in the Adjustment of the Energy Tax Rate - For the purpose of correcting the name of the Consumer Price Index used in the annual adjustment of the energy tax rate; modifying the fiscal year for the rate adjustment; and providing for a special effective date.

Bill 19-0334 - An Ordinance concerning - Community Relations – Redefining “Employer” - For the purpose of redefining “employer” for purposes of the laws governing unlawful employment practices.

Bill 19-0348 - An Ordinance concerning - Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-7 Zoning District – Variances - 343 Robert Street - For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-7 Zoning District on the property known as 343 Robert Street (Block 0331, Lot 020), as outlined in red on the accompanying plat; providing for a special effective date; and granting variances from certain bulk and off-street parking regulations.

Bill 19-0354 - An Ordinance concerning - Underground Conduit System for Cables, Wires, and Similar Facilities - For the purpose of clarifying the location and administration of an underground conduit system for cables, wires, and similar facilities; requiring the Department of Transportation to administer and maintain the system and to prepare the plans and specifications for its construction, maintenance, and repair; limiting use of the conduit system to persons who have obtained certain permits and other legal authorizations and have paid certain annual charges; requiring the removal of unauthorized installations; providing for the voluntary and mandatory relocation of certain facilities; prohibiting tampering with, opening, or interfering with manholes or facilities in the conduit system; providing for records of and annual reporting by conduit users; authorizing the issuance, service, and enforcement of stop-work orders; imposing civil and criminal penalties for offenses; providing for a special effective date; and generally updating the laws governing the construction, use, maintenance, and repair of an underground conduit system for electrical communication, and service cables, wires, and similar facilities.

Bill 19-0366 - An Ordinance concerning - Commercial Parking Facilities – Revisions - For the purpose of making certain revisions to the City’s ordinances regarding parking facilities; requiring the Director of Finance to maintain a current list of licensed commercial parking facilities on the Department of Finance’s website; clarifying the application of the subtitle as it relates to commercial parking facilities; requiring that commercial parking facilities provide customers with proof-of-payment; prohibiting certain commercial parking facilities from removing motor vehicles without the owner’s consent; providing for the revocation of a commercial parking facility license in certain circumstances; increasing certain fines; conforming and clarifying related provisions; and generally related to the regulation of commercial parking facilities.

Sincerely,

Bernard C. "Jack" Young
Mayor

INTRODUCTION AND READ FIRST TIME

The President laid before the City Council the following bills and Resolutions of the Mayor and City Council for first reading:

Bill No. 19-0397 - By President Scott, Councilmember Bullock (by request):

An Ordinance repealing Ordinance 03-613, as amended by Ordinance 11-477, which designated certain properties as a Business Planned Unit Development known as University of Maryland BioPark; and providing for a special effective date.

The bill was read the first time and referred to the City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Department of Public Works, Fire Department, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation, Land Use and Transportation Committee.

Bill No. 19-0398 - By President Scott, Councilmember Bullock (by request):

An Ordinance amending the Urban Renewal Plan for Poppleton to modify the boundaries of the Renewal Plan to remove certain properties, to revise certain exhibits to the Plan to reflect the change in the boundaries and to delete a certain exhibit, and to conform, clarify, or correct certain references in the Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

The bill was read the first time and referred to the City Solicitor, Planning Commission, Department of Housing and Community Development, Department of Public Works, Commission for Historical and Architectural Preservation, Baltimore Development Corporation, Department of Transportation, Housing and Urban Affairs Committee.

Bill No. 19-0399 - By President Scott (by request):

An Ordinance changing the zoning for the properties known as 755, 757, 759, 761, and 763 West Fayette Street (Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West Baltimore Street (Block 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a portion of the former bed of West Fairmount

Avenue, as outlined in red on the accompanying plat, from the R-8 Zoning District to the BSC Zoning District.

The bill was read the first time and referred to the City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Department of Transportation, Land Use and Transportation Committee.

Bill No. 19-0400 - By Councilmember Costello (by request):

An Ordinance reauthorizing and continuing the permission for, subject to certain conditions, the establishment, maintenance, and operation of an open off-street parking area on the property known as 301 East Lombard Street (aka 300 East Pratt Street) (Block 1381, Lot 002), as outlined in red on the accompanying plat; and providing for a special effective date.

The bill was read the first time and referred to the City Solicitor, Planning Commission, Board of Municipal and Zoning Appeals, Baltimore Development Corporation, Department of Transportation, Baltimore City Parking Authority Board, Land Use and Transportation Committee.

Bill No. 19-0401 - By Councilmembers Henry, Dorsey, Bullock, Sneed, Burnett, Clarke, President Scott, Councilmembers Cohen, Middleton, Reisinger:

An Ordinance repealing the Plastic Bag Reduction Program; prohibiting certain dealers from supplying customers with plastic bags for use as checkout bags; authorizing certain exemptions; defining certain terms; imposing certain civil and criminal penalties; imposing a surcharge on checkout bags supplied by dealers to certain customers; and providing for special effective dates.

The bill was read the first time and referred to the City Solicitor, Office of Sustainability, Department of Finance, Environmental Control Board, Health Department, Judiciary and Legislative Investigations Committee.

CONSENT CALENDAR

CEREMONIAL RESOLUTIONS NO. 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, AND 2386
ADOPTED UNDER RULE 3-9.

The resolutions were read.

The roll was called on the adoption of the resolutions, resulting as follows:

Yeas - President and Councilmembers Cohen, McCray, Dorsey, Henry, Schleifer, Middleton, Pinkett, Burnett, Bullock, Reisinger, Costello, Stokes, Sneed, Clarke - Total 15.

Nays - 0.

The President declared the resolutions adopted under Rule 3-9.

Ceremonial Resolutions will be found at the end of the Journal.

COMMITTEE REPORTS

**BILL NO. 19-0358 REPORTED FAVORABLY
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Costello, for the Budget and Appropriations Committee, reported Bill No. 19-0358 favorably.

An Ordinance extending, for 1 year, the interim administrative structure for the Children and Youth Fund; providing for a special effective date; and generally relating to the Children and Youth Fund established by City Charter Article I, § 13.

Favorable report adopted.

The bill was read the second time and ordered printed for third reading.

**BILL NO. 19-0393 REPORTED FAVORABLY
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Costello, for the Budget and Appropriations Committee, reported Bill No. 19-0393 favorably.

An Ordinance providing a Supplementary General Fund Operating Appropriation in the amount of \$1,500,000 to the Department of Public Works – Service 663 (Waste Removal and Recycling), to provide funding for additional operating expenses; and providing for a special effective date.

Favorable report adopted.

The bill was read the second time and ordered printed for third reading.

**BILL NO. 19-0394 REPORTED FAVORABLY
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Costello, for the Budget and Appropriations Committee, reported Bill No. 19-0394 favorably.

An Ordinance providing a Supplementary General Fund Operating Appropriation in the amount of \$5,000,000 to the Police Department – Service 622 (Police Patrol), to provide funding for additional operating expenses; and providing for a special effective date.

Favorable report adopted, with Councilmember Dorsey voting Nay.

The bill was read the second time and ordered printed for third reading.

**BILL NO. 19-0395 REPORTED FAVORABLY
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Costello, for the Budget and Appropriations Committee, reported Bill No. 19-0395 favorably.

An Ordinance providing a Supplementary General Fund Operating Appropriation in the amount of \$7,000,000 to the Fire Department – Service 602 (Fire Suppression and Emergency Rescue), to provide funding for additional operating expenses; and providing for a special effective date.

Favorable report adopted.

The bill was read the second time and ordered printed for third reading.

**BILL NO. 19-0396 REPORTED FAVORABLY
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Costello, for the Budget and Appropriations Committee, reported Bill No. 19-0396 favorably.

An Ordinance providing a Supplementary General Fund Operating Appropriation in the amount of \$10,000,000 to the Department of Transportation – Service 683 (Street Management), to provide funding for additional operating expenses; and providing for a special effective date.

Favorable report adopted.

The bill was read the second time and ordered printed for third reading.

**BILL NO. 19-0322 REPORTED FAVORABLY
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Reisinger, for the Land Use and Transportation Committee, reported that the Committee has complied with §§ 10-304 and 10-305 of the Land Use Article of the Maryland

Annotated Code and Article 32 § 5-508 of the Baltimore City Code and recommends the adoption of Bill No. 19-0322 favorably.

An Ordinance changing the zoning for the property known as 1818 East Pratt Street (Block 1745, Lot 026), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

Findings of Fact

**City Council Bill No. 19-0322
Rezoning – 1818 East Pratt Street**

Upon finding as follows with regard to:

(1) Population changes;

In the general area, there has been an influx of younger people moving into the area as elderly people move out. The influx has resulted in the need of a store for convenience purposes, which has existed for quite some time, and the area would benefit by the continued use with regard to this particular request.

(2) The availability of public facilities;

The area is well-served by public utilities and services, and will remain so for the foreseeable future.

(3) Present and future transportation patterns:

Present and future transportation patterns in the area would not be affected at all by this legislation.

The Department of Transportation has no objection to City Council Bill 19-0322.

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

The present use is compatible with the area, having been in existence for a long period of time, over many, many years, which was originally a commercial area.

According to the Department of Planning's staff report, the structure(s) on the property has been used as follows:

- according to a 1931 Police Survey, property at 1816 East Pratt Street was in use as a multi-family dwelling containing three dwelling units;

- in 1942, 1816 East Pratt Street was used as a liquor store, and received a Certificate of Occupancy for a tavern on February 10, 1958;
- 1818 East Pratt Street was given a Certificate of Occupancy for a tavern and one dwelling unit on September 9, 1960;
- the property's commercial use became nonconforming in 1971 and has continued to be nonconforming for over 47 years;
- on September 26, 1995, a new Certificate of Occupancy for a tavern with accessory package goods liquor store was issued due to a change of operator;
- consolidation of 1816 and 1818 East Pratt Street occurred in 1998;
- on April 28, 1998, the Board of Municipal and Zoning Appeals approved Appeal No. 133-98X for a carry-out food shop "in conjunction with cut-rate liquor" [store] for the premises just consolidated. This use was renewed on September 8, 2009 for the consolidated property.

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

- By Memoranda dated March 8, 2019, the Planning Commission made a favorable recommendation on this bill. In its consideration of this bill, the Planning Commission reviewed the attached [Department of Planning's] staff report which recommended disapproval of City Council Bill #19-0322 and adopted the following resolution; eight members being present (six in favor, one opposed, and one abstention):

RESOLVED, That the Planning Commission does not concur with the recommendations of its Departmental staff, and instead finds that there was a mistake in assigning this property R-8 zoning at the time of the Comprehensive Rezoning of the City in 2017, where the Mayor and City Council did not at that time take notice of the existing commercial use of this property, and that this business had been in continuous operation for an extensive period of time. Therefore, the Commission recommends that City Council Bill #19-0322 be passed by the City Council.

- By Memoranda dated April 17, 2019, the Law Department cannot find that the bill is legally sufficient.

The City Council can only permit this rezoning if it finds facts sufficient to show either a mistake in the existing zoning classification or a substantial change in the character of the neighborhood. Md. Code, Land Use, §10-304 (b)(2); City Code, Art. 32 §§5-508(a), (b)(1). There would appear to be no basis to believe that the neighborhood could have substantially changed between the comprehensive rezoning of the property on June 5, 2017 and today's date. Therefore, to legally rezone the property under current law, the City Council must identify a "mistake" that led to the

inappropriate zoning of the property as R-8 only a short time ago. Md. Code, Land Use §10-304(b)(2); City Code, Art. 32, §§ 5-508(a), (b)(1).

- By oral testimony on May 8, 2019, Mr. Derek Baumgardner, representing the Board of Municipal Zoning Appeals (BMZA), testified that the BMZA opposes the bill.
- By Memoranda dated February 1, 2019, the Department of Transportation has no objection to City Council Bill 19-0322.
- By Memoranda dated May 6, 2019, the Baltimore City Department of Housing and Community Development has reviewed City Council Bill 19-0322 and does not support the passage of the bill.
- By Memoranda dated May 7, 2019, Baltimore Development Corporation opposes City Council Bill No. 19-0322.

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

The proposed rezoning would conform to Transform Baltimore (the master plan) in that it would be a neighborhood business use.

According to a letter from the Upper Fell's Point Improvement Association (UFPIA), the UFPIA considers the establishment operating at 1818 East Pratt Street to be a valuable neighborhood amenity. Michael Eqbay, the licensee of the business, has signed a Memorandum of Understanding (MOU) with the UFPIA to indicate his willingness to operate his establishment with full consideration of the surrounding community's concerns. In addition to signing the MOU, Mr. Eqbay has agreed to accept packages on behalf of community members who are unable to be home when they are delivered. The bill helps retain a neighborhood business, while the MOU agreement helps to create a safe neighborhood.

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

The property is in the Upper Fells Point National Register Historic District, a mid-to late-19th Century area in which single-family attached houses, shop houses on some blocks of major streets, and residential mixed-use structures predominate. There are also scattered institutional and commercial structures.

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

According to the Department of Planning, the property is a part of an extensive residential area extending from behind the commercial uses on Broadway, three blocks west of it, to Highlandtown a mile away on the east, and to the Johns Hopkins Hospital and Medical Institutions urban campus four blocks north of it. This zoning is reflective of the historic residential nature of this area.

All other parts of the block of dwelling structures to which this end-of-row structure is attached are used residentially. Properties both north, south, west and east of this property are used residentially. Properties three blocks distant (west of this property, on Broadway) are predominantly non-residential in use, which is reflected in their C-1 zoning that became effective June 5, 2017.

- (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 zoning, which would require the existing package goods store to terminate its operations by June 5, 2019 under Title 18, Subtitle 7 of the Baltimore City Zoning Code. However, the fact that a package goods store has been located here since 1942 indicates that this use is compatible with the surrounding area.

- (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 existing commercial use has been a successful and compatible neighbor in this largely residential area, and the influx of new residents increases demand for commercial uses. Moreover, the property's prior nonconforming status under the old Zoning Code should have led to a reevaluation under Transform Baltimore, and the fact that the property retained its residential zoning designation indicates that it was overlooked in that process.

- (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 Planning Commission pointed out in the Planning Hearing, there was a mistake in the change of the zoning as this use had been there for many, many years and it was a mistake to change the zoning back to ‘residential’ when the commercial neighborhood use would be appropriate to take care of the neighborhood and the surrounding neighbors.

The City Council did not take notice of the existing commercial use of the property at the time of the Transform Baltimore Comprehensive Rezoning, rendering the continuation of the residential zoning a mistake.

The prior City Council was mistaken about certain facts used in its consideration to rezone the property.

The proposed rezoning is not for the sole benefit of the applicant but is for the benefit of the entire area as witnessed by the approval from the community group which is in favor of this change and the rezoning would serve the broader public interest in the area.

SOURCE OF FINDINGS (Check all that apply):

- [X] Planning Report - Mr. Chris Ryer, Director, Department of Planning – Memoranda – Dated March 8, 2019
- [X] Testimony presented at the Committee hearing

Oral – Witness Name:

- Councilmember Shannon Sneed, District 13, Baltimore City Council
- Mr. Martin French, staff, Baltimore City Department of Planning
- Ms. Hilary Ruley, staff, Baltimore City Law Department
- Mr. Liam Davis, Baltimore City Department of Transportation
- Mr. Derek Baumgardner, Board of Municipal and Zoning Appeals
- Ms. Sharon DaBoin, Department of Housing and Community Development
- Mr. Mica Fetz, Baltimore Development Corporation
- Mr. Melvin Kodenski, Esquire, representative for the applicant
- Mr. Kurt Schiller, President, Upper Fells Point Improvement Association
- Mr. Micahel Eaqbay, applicant

Written – Submitted by:

- Mr. Melvin Kodenski, Esquire, Email – Dated May 17, 2019
- Mr. Chris Ryer, Director, Department of Planning – Memorandum – Dated April 18, 2019
- Mr. Andre M. Davis, City Solicitor, Memorandum – Dated April 17, 2019

- Mr. Michael Braverman, Housing Commissioner, Memoranda – Dated May 16 2019
- Mr. William H. Cole, President and CEO, Memorandum – Dated May 71 2019
- Ms. Michelle Pourciau, Department of Transportation, Memoranda – Dated February 1, 2019
- Mr. Kurt W. Schiller, President, Upper Fells Point Improvement Association

Land Use and Transportation Committee:

Edward Reisinger
Chair

Robert Stokes
Member

Mary Pat Clarke
Member

Sharon Middleton
Member

Findings of Fact adopted.

Favorable report adopted.

The bill was read the second time and ordered printed for third reading.

**BILL NO. 19-0333 REPORTED FAVORABLY
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Reisinger, for the Land Use and Transportation Committee, reported that the Committee has complied with §§ 10-304 and 10-305 of the Land Use Article of the Maryland Annotated Code and Article 32 § 5-508 of the Baltimore City Code and recommends the adoption of Bill No. 19-0333 favorably.

An Ordinance changing the zoning for the properties known as 801-803 North Chester Street (Block 1605, Lots 001 and 002), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

Findings of Fact

**City Council Bill No. 19-0333
Rezoning – 801-803 North Chester Street**

Upon finding as follows with regard to:

(1) Population changes;

According to U.S. Census data, the census tract where the property is located (Census Tract 703) has a total population of 885 as of 2017. This is a decrease from the 2010 census count of 1,042 individuals. This census tract has 317 households and 553 housing units, of which 43% are vacant according to census data. By comparison, the 2010 Census data showed 604 total housing units in Tract 703, 275 of which were vacant, for a vacancy rate of 46%.

(2) The availability of public facilities;

The area is well-served by public utilities and services, and will remain so for the foreseeable future. The decline in population and high vacancy rate contribute to a lower current demand for public facilities.

(3) Present and future transportation patterns:

The rezoning of the property will not adversely impact present or future transportation patterns, as the neighborhood commercial use of the properties will not be an intense use that will generate significant traffic to the site.

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

The proposed C-1 zoning is consistent with existing and proposed development for the area, which is adjacent to the New East Baltimore Community and the Johns Hopkins Hospital. The properties surrounding the site are zoned BSC, H, and C-1, and the proposed C-1 zoning of this property is consistent with other uses in the area.

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

- By Memoranda dated March 8, 2019, the Planning Commission made a favorable recommendation on this bill. In its consideration of this bill, the Planning Commission reviewed the attached Department of Planning's staff report which recommended disapproval of City Council Bill #19-0333, heard additional testimony, and adopted the following resolution; eight members being present (eight in favor):

RESOLVED, That the Planning Commission does not concur with the recommendations of its Departmental staff, and instead finds that there was a mistake in the existing zoning classification of 801 North Chester Street, and a substantial change in the character of the neighborhood that warrants a map

amendment with regard to 803 North Chester Street. The Commission adopts the facts presented by the applicant, and therefore recommends that City Council Bill #19-0333 be passed by the City Council.

- By Letter dated June 4, 2019, the Law Department states:

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for rezoning has been met and whether the rezoning amounts to spot zoning. Assuming the required findings are made at the hearing and that all procedural requirements are satisfied, including facts are presented at the hearing that rule out spot zoning and establish that the original zoning was based on erroneous facts, the Law Department could approve the bill for form and legal sufficiency.

- By Letter dated June 10, 2019, Mr. Derek Baumgardner, representing the Board of Municipal Zoning Appeals (BMZA), states that the BMZA recommends approval of the bill.
- By Memoranda dated February 14, 2019, the Department of Transportation has no objection to City Council Bill 19-0333.
- By Memoranda dated May 14, 2019, the Baltimore City Department of Housing and Community Development has reviewed City Council Bill 19-0333 and does not object to the passage of the bill.
- By Memoranda dated March 22, 2019, Baltimore Development Corporation supports the bill.

- (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 LiveEarnPlayLearn Master Plan by creating opportunities for commercial services to be developed near growing residential communities, creating amenities for City residents.

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

The other properties in the 800-block of N. Chester Street, which have been vacant for a long time, are in the process of being gutted and rehabbed for residential use. The ability to have a small commercial enterprise such as a restaurant at the end of the block will create an amenity for these new residents. Across the street are other commercial structures, and the properties on all three other corners of the intersection all have commercial uses.

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

The properties on all three other corners of the intersection are commercially zoned: the northwest corner is zoned BSC; the southwest corner is zoned H; and the southeast corner is zoned C-1. The property at 801 N. Chester Street was zoned B-2-2 before the enactment of Transform Baltimore.

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

The property at 801 N. Chester Street was constructed for a commercial purpose, as is evident in its architecture. The current R-8 zoning would not permit commercial uses, and would not permit the expansion of the prior commercial use into the adjacent building at 803 N. Chester Street. Neighborhood-scale commercial uses that support the fledgling residential area will create an amenity that will support the development of additional housing options in the area.

- (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 ongoing development of the nearby New East Baltimore Community continues to spark economic development in adjacent areas. The general area saw a large decline in population in the early 2000's as a result of East Baltimore Development, Inc.'s (EBDI) implementation of a new master plan for the area. In recent years, however, the area has begun to see a reversal of this trend, with new housing options being constructed near Johns Hopkins Hospital and surrounding bio park. New neighborhood-scale commercial options to support the burgeoning residential community will help make this area attractive to new residents, and incentivize current residents to stay,

- (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 Planning Commission pointed out in the Planning Hearing that there was a mistake in the existing zoning classification of 801 North Chester Street, and a substantial change

in the character of the neighborhood that warrants a map amendment with regard to 803 North Chester Street. The Commission adopts the facts presented by the applicant.

The prior City Council was mistaken about certain facts used in its consideration to rezone the property.

The City Council approved the findings presented at the hearing.

SOURCE OF FINDINGS (Check all that apply):

- [X] Planning Report - Mr. Chris Ryer, Director, Planning Commission's report – Dated March 8, 2019
- [X] Testimony presented at the Committee hearing

Oral – Witness Name:

- Mr. Martin French, Baltimore City Department of Planning
- Ms. Hilary Ruley, Baltimore City Law Department
- Mr. David Framm, Baltimore City Department of Transportation
- Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
- Mr. Robert Pipik, Department of Housing and Community Development
- Ms. Christina Moore, Baltimore Development Corporation
- Ms. Caroline Hecker, Esquire, representative for the applicant
- Mr. Greg Brown, applicant, The Land of Kush

Written – Submitted by:

- Ms. Caroline Hecker, Esquire, Rosenberg, Martin Greenberg, LLP representing the applicant, The Land of Kush – Memorandum - Dated March 7, 2019
- Chris Ryer, Director, Department of Planning – Memorandum – Dated March 8, 2019
- Mr. Andre M. Davis, City Solicitor, Memorandum – Dated June 4, 2019
- Mr. Michael Braverman, Housing Commissioner, Memoranda – Dated May 14 2019
- Mr. William H. Cole, President and CEO, Memorandum – Dated March 22, 2019
- Ms. Michelle Pourciau, Department of Transportation, Memoranda – Dated February 14, 2019
- Mr. Derek J. Baumgardner, Executive Director, Board of Municipal Zoning Appeals – Dated June 10, 2019

Land Use and Transportation Committee:

Edward Reisinger
Chair

Sharon Middleton
Member

Leon Pinkett
Member

Eric Costello
Member

Findings of Fact adopted.

Favorable report adopted.

The bill was read the second time and ordered printed for third reading.

**BILL NO. 19-0349 REPORTED FAVORABLY
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Reisinger, for the Land Use and Transportation Committee, reported that the Committee has complied with the Land Use Article of the Maryland Code and recommends the adoption of Bill No. 19-0349 favorably.

An Ordinance permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning District on the property known as 2029 East Lombard Street (Block 1747, Lot 053), as outlined in red on the accompanying plat; and granting a variance from certain off-street parking regulations.

Councilmember Reisinger made a motion, duly seconded, that pursuant to Article 32, § 5-406 of the Baltimore City Code the Council adopt these findings of fact concerning a conditional use.

Findings of Fact

**City Council Bill No. 19-0349
Zoning – Conditional Use Conversion of a Single-Family Dwelling Unit to
2 Dwelling Units in the R-8 Zoning District – Variance –
2029 East Lombard Street**

Journal of the City Council

- (1) the establishment, location, construction, maintenance, or operation of the conditional use **will not** be detrimental to or endanger the public health, safety, or welfare **for the following reasons:**

The establishment, location and operation of this property as a multi-family dwelling containing two dwelling units would not be detrimental to or endanger public health, safety, or welfare.

- (2) the use **would not** be precluded by any other law, including an applicable Urban Renewal Plan:

The proposed use is not precluded by any other law, including any applicable Urban Renewal Plan.

- (3) the authorization **would not** be contrary to the public interest **for the following reasons:**

The proposed authorization would not be contrary to the public interest (in fact, it would advance the public interest by creating more housing affordable to moderate-income families).

- (4) the authorization **would** be in harmony with the purpose and intent of this Code **for the following reasons:**

The authorization would be in harmony with the purpose and intent of the Zoning Code.

After consideration of the following, **where applicable (fill out all that are *only* relevant):**

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of structures;

The nature of the proposed site, including its size and shape, are adequate for the proposed use.

- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;

There will be no negative impact to traffic patterns. The Parking Authority of Baltimore City (PABC) reviewed the proposed legislation. This property is not located on a block where the PABC administers on-street parking programs. A site visit was conducted during the first week of April 2019. The PABC has determined that the available on-street parking inventory is greater than the demand for on-street parking. In addition, the PABC investigated the alley and rear of the property and

determined that there is not sufficient access for any off-street parking spaces. Therefore, a variance for off-street parking is required, and the PABC has determined that the passage of this bill will not negatively impact parking in the area.

- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

The proposed use will not impair the present and future development of this lot or the surrounding area.

- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;

There will be no negative impact resulting from proximity to dwellings, churches, schools, public structures, and other places of public gathering.

- (5) accessibility of the premises for emergency vehicles;

There is adequate accessibility of the premises to emergency vehicles.

- (6) accessibility of light and air to the premises and to the property in the vicinity;

There is adequate light and air to the premises and to properties in the vicinity.

- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;

Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided.

- (8) the preservation of cultural and historic landmarks and structures;

The proposed use would not interfere with preservation of cultural and historic landmarks and structures.

- (9) the character of the neighborhood;

The proposed use would not alter the character of the neighborhood.

- (10) the provisions of the City's Comprehensive Master Plan;

The proposed use is consistent with provisions of the City's Comprehensive Master Plan.

Journal of the City Council

(11) the provisions of any applicable Urban Renewal Plan;

The proposed use is not regulated by any Urban Renewal Plan.

(12) all applicable standards and requirements of this Code;

The proposed use meets all other applicable standards and requirements of the Zoning Code.

(13) the intent and purpose of this Code; and

The proposed use is consistent with the intent and purpose of the Zoning Code.

(14) any other matters considered to be in the interest of the general welfare.

SOURCE OF FINDINGS (Check all that apply):

Planning Report

Planning Commission Report, Dated April 22, 2019;
Department of Planning Staff Report, Dated April 18, 2019

Testimony presented at the Committee hearing

Oral – Witness Name:

- Mr. Martin French, Department of Planning
- Mr. David Framm, Department of Transportation
- Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
- Ms. Hilary Ruley, Department of Law
- Mr. Robert Pipik, Department of Housing and Community Development
- Ms. Laurie Bianca-Pruett, Parking Authority of Baltimore City
- Ms. Christina Moore, Baltimore Development Corporation
- Mr. Derek Ready, Baltimore City Fire Department

Written – Submitted by: (Include all documents that have relevant facts only)

- Planning Commission Report, Dated April 22, 2019;
- Department of Planning Staff Report, Dated April 18, 2019
- Parking Authority of Baltimore City, Dated April 15, 2019
- Department of Housing and Community Development, Dated May 14, 2019
- Department of Transportation, Dated April 29, 2019
- Baltimore Development Corporation, June 12, 2019

Land Use and Transportation Committee:

Edward Reisinger
Chair

Sharon Middleton
Member

Leon Pinkett
Member

Eric Costello
Member

Findings of Fact adopted.

Councilmember Reisinger made a motion, duly seconded and pursuant to the applicable sections of Article 32 of the Baltimore City Code, that the Council adopt these findings of fact concerning any variances of applicable standards for:

City Council Bill No. 19-0349

2029 East Lombard Street

Variance for: Off-Street Parking

Threshold Question:

[x] *In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.*

Hardship or Practical Difficulty:

The City Council has considered at least one of the following:
(check all that apply to evidence consideration)

[x] The physical surroundings around the **Structure/ Land** involved;
(underline one)

[x] The shape of the **Structure/ Land** involved;
(underline one)

[] The topographical conditions of the **Structure/ Land** involved;
(underline one)

and finds either that:

(1) An unnecessary hardship **Would / Would Not** exist if the strict letter of the applicable
(underline one)
 requirement from which the variance is sought were applied because:

or that:

(2) Practical difficulty **Would / Would Not** exist if the strict letter of the applicable
(underline one)
 requirement from which the variance is sought were applied because:

One additional off-street parking space is required to serve the one newly-created dwelling unit (BCZC Section 703.f.). This property cannot provide any off-street parking spaces meeting Zoning Code standards for size or accessibility, and therefore a variance of this requirement is included in this bill.

While no off-street parking meeting Zoning Code standards can be provided on this property, the site is located in a dense, walkable neighborhood that is served by several bus lines.

The variance that would be granted would not be injurious to use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values in the neighborhood.

Source of Findings:

(check all that apply)

[x] Planning Report – Planning Commission Report, Dated April 22, 2019; Baltimore City Planning Department Staff Report, Dated April 18, 2019

[x] Testimony presented at the Committee hearing:

[x] Oral – Witnesses Names:

- Mr. Martin French, Department of Planning
- Mr. David Framm, Department of Transportation
- Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
- Ms. Hilary Ruley, Department of Law
- Mr. Robert Pipik, Department of Housing and Community Development
- Ms. Laurie Bianca-Pruett, Parking Authority of Baltimore City

- Ms, Christina Moore, Baltimore Development Corporation
- Mr. Derek Ready, Baltimore City Fire Department

[x] Written – Authors’ Names:

- Planning Commission Report, Dated April 22, 2019
- Department of Planning Staff Report, Dated April 18, 2019
- Parking Authority of Baltimore City, Dated April 15, 2019
- Department of Housing and Community Development, Dated May 14, 2019
- Department of Transportation, Dated April 29, 2019
- Baltimore Development Corporation, Dated June 12, 2019

Land Use and Transportation Committee:

Edward Reisinger
Chair

Sharon Middleton
Member

Leon Pinkett
Member

Eric Costello
Member

Findings of Fact adopted.

Favorable report adopted.

The bill was read the second time and ordered printed for third reading.

**BILL NO. 19-0326 REPORTED FAVORABLY
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Middleton, for the Taxation, Finance and Economic Development Committee, reported Bill No. 19-0326 favorably.

An Ordinance authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in the air rights area over a portion of the public right of way of the 4100 Block of Hillen Road and no longer needed for public use; and providing for a special effective date.

Favorable report adopted.

The bill was read the second time and ordered printed for third reading.

**BILL NO. 19-0343 REPORTED FAVORABLY
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Middleton, for the Taxation, Finance and Economic Development Committee, reported Bill No. 19-0343 favorably.

An Ordinance postponing, for an interim period, the automatic termination of the Minority and Women's Business Program; providing for a special effective date; and generally relating to City procurement requirements.

Favorable report adopted, with President Scott Passing.

The bill was read the second time and ordered printed for third reading.

CLEARING OF THE BILL STATUS REPORT - CITY COUNCIL RULE 10-12

Under City Council Rule 10-12, President Scott announced that the following bills would be removed from consideration before the Council, unless the Council sponsor contacts his office in writing.

***City Council Bills No. 17-0061, 17-0097, 17-0101, 17-0127, 17-0128, 17-0149, 17-0173,
18-0184, 18-0291, 18-0294***

***17-0008R, 17-0014R, 17-0040R, 18-0079R, 18-0087R, 18-0094R, 18-0095R, 18-0105R,
18-0111R, 18-0113R***

ADJOURNMENT

On motion of Councilmember Middleton, duly seconded, the City Council adjourned to meet on Monday, June 24, 2019, at 5:00 p.m.

Consent Calendar

CR 2378 Middleton

A City Council RESOLUTION congratulating Baltimore City Health Department, Division on Aging.

CR 2379 President Scott, All Members

A City Council RESOLUTION congratulating Elder John X Gamble, Sr. on your hard work and dedication to the Gospel Ministry, you are a true beacon of light to your flock and the communities you serve.

CR 2380 President Scott, All Members

A City Council RESOLUTION to the Family of Baynard Landon Newkirk, September 9, 1960 – June 8, 2019.

CR 2381 Middleton

A City Council RESOLUTION congratulating Jailia Danielle Hunter and Anissa Lita Princess Hall on your outstanding citizenship, and being top students of the class.

CR 2382 Schleifer

A City Council RESOLUTION on the death of Wilbert G. Trusty, Jr., March 14, 1949 – June 4, 2019.

CR 2383 President Scott, All Members

A City Council RESOLUTION congratulating Dr. Bernice L. Edwell on 30 years of dedicated service to the Faith Deliverance Apostolic Church and the Park Heights Community.

CR 2384 Schleifer

A City Council RESOLUTION congratulating Gail Levy on 46 years of compassionate service to the students and families of Baltimore as a school psychologist, upon her retirement from Baltimore City Public Schools.

CR 2385 Pinkett

A City Council RESOLUTION congratulating The Arch Social Club on being the 2019 Maryland Traditions Heritage Award recipient.

CR 2386 Pinkett

A City Council RESOLUTION on the death of James Oliver Johnson, Sr., October 1, 1946 – June 10, 2019.