



**BALTIMORE CITY COUNCIL
COMMITTEE ON ECONOMIC AND COMMUNITY
DEVELOPMENT**

Mission Statement

On behalf of the Citizens of Baltimore City, the Committee on Economic and Community Development (ECD) is responsible for supporting strong thriving communities ECD will review proposed zoning and land use changes, tackle issues related to economic development, oversee housing policy, and promote equitable economic opportunity for all Baltimore residents.

The Honorable Sharon Green Middleton

PUBLIC HEARING

July 20, 2021

2:10 PM

Virtual Webex Meeting

City Council Bill #21-0012

Rezoning - 1214-1220 Hull Street

CITY COUNCIL COMMITTEES

ECONOMIC AND COMMUNITY DEVELOPMENT (ECD)

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

WAYS AND MEANS (W&M)

Eric Costello, Chair
Kristerfer Burnett
Ryan Dorsey
Danielle McCray
Sharon Green Middleton
Isaac "Yitzy" Schleifer
Robert Stokes
Staff: Marguerite Currin

PUBLIC SAFETY AND GOVERNMENT OPERATIONS (SGO)

Mark Conway – Chair
Kristerfer Burnett
Zeke Cohen
Erick Costello
Antonio Glover
Phylicia Porter
Odette Ramos
Staff: Samuel Johnson

EDUCATION, WORKFORCE, AND YOUTH (EWY)

Robert Stokes – Chair
John Bullock
Zeke Cohen
Antonio Glover
Sharon Green Middleton
Phylicia Porter
James Torrence
Staff: Marguerite Currin

HEALTH, ENVIRONMENT, AND TECHNOLOGY (HET)

Danielle McCray – Chair
John Bullock
Mark Conway
Ryan Dorsey
Phylicia Porter
James Torrence
Isaac "Yitzy" Schleifer
Staff: Matthew Peters

RULES AND LEGISLATIVE OVERSIGHT (OVERSIGHT)

Isaac "Yitzy" Schleifer, Chair
Kristerfer Burnett
Mark Conway
Eric Costello
Sharon Green Middleton
Odette Ramos
James Torrence
Staff: Richard Krummerich



BILL SYNOPSIS

Committee: Economic and Community Development

Bill: 21-0012

Rezoning - 1214-1220 Hull Street

Sponsor: Councilmember Costello

Introduced: January 11, 2021

Purpose:

For the purpose of changing the zoning for the property known as 1214-1220 Hull Street Block 1988B, Lot 019), as outlined in red on the accompanying plat, from the R-8 Zoning District to the O-R-1 Zoning District.

Effective: The 30th day after the date it is enacted

Agency Reports

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	
Department of Transportation	No Objection
City Solicitor	Favorable
Department of Housing and Community Development	
Baltimore Development Corporation	Favorable

Analysis

Current Law

Article 32 – Zoning, Zoning District Map Sheet 67. Baltimore City Revised Code (Edition 2000).

Under § 5-508(b)(1) of Article 32 – Zoning, and the State Land Use Article, the City Council may approve a rezoning based on a finding that there was either:

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

Background

The bill would change the zoning for the property known as 1214-1220 Hull Street, Block 1988B, Lot 019), from the R-8 Zoning District to the OR-1 Zoning District. The property is located in the Locust Point community between Marriott Avenue and Cuba Street, just north of Fort Avenue. The general area includes a mix of small industrial and commercial uses surrounded by housing.

The property at 1214 is improved with a three-story, attached residential structure, while 1216-1220 is improved with a two story, attached commercial structure. The properties are included in the Locust Point National Register Historic District established in 2012. The subject properties were zoned R-8 in 1971 and retained the R-8 zoning designation during Transform Baltimore comprehensive rezoning, which took effect on June 5, 2017. The properties 1214 and 1216-1220 were previously used as a grocery store and tavern, respectively. The site, which has been recently redeveloped with new townhouses, is currently being used as an office.

The intended purposes for the current and proposed zoning districts, as described in Article 32 - Zoning, are below:

Current Zoning District – R-8

The R-8 Rowhouse Residential Zoning District is intended to accommodate and maintain the traditional form of urban rowhouse development typical of many of the City’s inner neighborhoods, which contain continuous, block-long rowhouse development built to or only modestly set back from the street.

Proposed Zoning District – OR-1

Office-Residential Zoning Districts are intended for areas where there is a mix of office and residential uses. The regulations for these Districts are designed to ensure that office uses remain compatible with residential uses, thereby permitting the area to maintain a more residential character.

Additional Information

Fiscal Note: Not Available

Information Source(s): Reporting Agencies, Statement of Intent, Bill 21-0012, Baltimore City Code Article 32 - Zoning

Analysis by: Jennifer L. Coates

Direct Inquiries to: 410-396-1260

Analysis Date: July 15, 2021

**CITY OF BALTIMORE
COUNCIL BILL 21-0012
(First Reader)**

Introduced by: Councilmember Costello

At the request of: Locust Point Properties Partnership

Address: c/o Alfred W. Barry, III, AB Associates, 201 East Baltimore Street, Suite 1150,
Baltimore, Maryland 21202

Telephone: 410-547-6900

Introduced and read first time: January 11, 2021

Assigned to: Economic and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 1214-1220 Hull Street**

3 FOR the purpose of changing the zoning for the property known as 1214-1220 Hull Street Block
4 1988B, Lot 019), as outlined in red on the accompanying plat, from the R-8 Zoning District
5 to the O-R-1 Zoning District.

6 BY amending

7 Article 32- Zoning

8 Zoning District Map

9 Sheet(s) 67

10 Baltimore City Revised Code

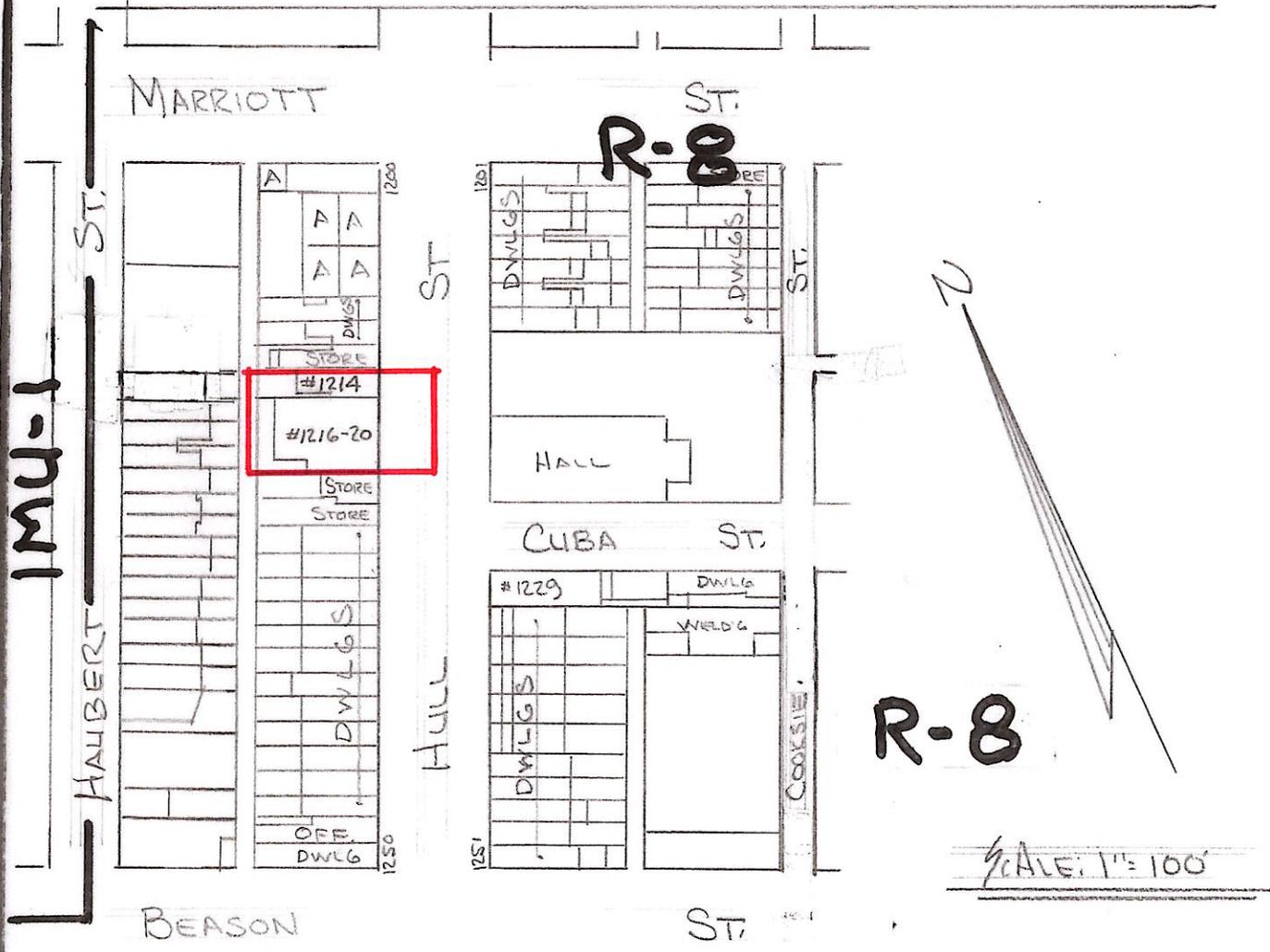
11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 Sheet 67 of the Zoning District Map is amended by changing from the R-8 Zoning District to the
14 O-R-1 Zoning District the property known as 1214-1220 Hull Street (Block 1988B, Lot 019), as
15 outlined in red on the plat accompanying this Ordinance.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
17 accompanying plat and in order to give notice to the agencies that administer the City Zoning
18 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
19 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
20 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
21 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
22 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
23 the Zoning Administrator.

24 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
25 after the date it is enacted.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.



AREA OUTLINED IN RED TO BE CHANGED
 FROM: THE R-8 ZONING DISTRICT
 TO: THE OR-1 ZONING DISTRICT

LOCUST POINT PROPERTIES PARTNERSHIP
 % ALFRED W. BARRY III
 201 E. BALTIMORE ST. - SUITE 1150
 BALTIMORE, MD. 21202



MAYOR



PRESIDENT CITY COUNCIL

AD

**COMMITTEE ON ECONOMIC AND COMMUNITY
DEVELOPMENT**

**21-0012
AGENCY REPORTS**

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	
Department of Transportation	No Objection
City Solicitor	Favorable
Department of Housing and Community Development	
Baltimore Development Corporation	Favorable

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 #21-0012 / REZONING – 1214-1220 HULL STREET		

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

DATE: March 12, 2021

At its regular meeting of March 11, 2021, the Planning Commission considered City Council Bill #21-0012, for the purpose of changing the zoning for the property known as 1214-1220 Hull Street Block 1988B, Lot 019), as outlined in red on the accompanying plat, from the R-8 Zoning District to the O-R-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended disapproval of City Council Bill #21-0012 and adopted the following resolutions, nine members being present (eight in favor):

RESOLVED, 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 (O-R-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.

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

CR/ewt/mf

attachment

cc: Ms. Natasha Mehu, Mayor's Office
Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Matthew Stegman, City Council President's Office
Ms. Nikki Thompson, City Council President's Office
Mr. Colin Tarbert, BDC -
Ms. Kathleen Byrne, 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
Mr. Dominic McAlily, Council Services



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

March 11, 2021

REQUEST: City Council Bill #21-0012/ Rezoning – 1214-1220 Hull Street

For the purpose of changing the zoning for the property known as 1214-1220 Hull Street (Block 1988B, Lot 019), as outlined in red on the accompanying plat, from the R-8 Zoning District to the O-R-1 Zoning District.

RECOMMENDATION: Adopt findings and Disapprove

STAFF: Martin French

PETITIONERS: Councilmember Costello, at the request of Locust Point Properties Partnership, c/o AB Associates

OWNER: Locust Point Properties Partnership

SITE/GENERAL AREA

Site Conditions: 1214 Hull Street is located on the west side of the street, approximately 61' north of the intersection with Cuba Street. This property is also known as Block 1988B, Lot 019, and is the only property proposed for rezoning according to the bill text's block/ lot references. 1214 Hull Street measures approximately 15' by 72' and is currently improved with a three-story attached residential building and rear additions together covering the entire lot. 1216-1220 Hull Street is also located on the west side of the street, approximately 20' north of the intersection with Cuba Street. This property is also known as Block 1988B, Lot 016. This property measures approximately 41' by 72' and is currently improved with a two-story attached commercial building measuring approximately 41' by 65'. The plat map attached to the bill clearly designates both properties, 1214 Hull Street and 1216-1220 Hull Street, for possible rezoning. Both properties are currently zoned R-8, and are in the Locust Point National Register Historic District.

General Area: These properties are located in the historic Locust Point community, on the north side of Fort Avenue. This area was developed in the late 19th and early 20th Centuries, and includes a mix of small industrial and commercial uses surrounded by housing, and a substantial industrial waterfront that, unlike the areas along Key Highway northwest of these properties, has not yielded to conversion from commercial and industrial uses to residential use.

HISTORY

There are no previous legislative or Planning Commission actions regarding this specific site. The Locust Point Historic District was placed on the National Register of Historic Places on December 26, 2012. These properties were part of the R-8 zoning district created in 1971, and

retained their R-8 zoning during the comprehensive zoning process associated with adoption of the current Zoning Code which became effective on June 5, 2017.

CONFORMITY TO PLANS

If rezoning these properties would open them to redevelopment incompatible with the historic character of Locust Point's residential areas, the proposed action may be inconsistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Live Goal 1, Build Human and Social Capital by Strengthening Neighborhoods, and specifically its Objective 4: Protect and Enhance Preservation of Baltimore's Historic Buildings and Neighborhoods.

ANALYSIS

This request would, according to its sponsor's representative, allow the business presently functioning in both buildings to use the property known as 1214 Hull Street legitimately as a non-residential property. There is no record of a Use & Occupancy permit for non-residential use of 1214 Hull Street, and it has been assessed as a residential, as opposed to a commercial, property for decades. However, City directories show that it was partly used as a grocery store in the 1930s through 1960s. 1216-1220 Hull Street was originally a group of houses that were used as a tavern in the 1950s and 1960s. (Across the street was a union hall belonging to the International Longshoremen's Association. That site has been recently redeveloped with new townhouses.) According to the bill's sponsor's representative, the firm now occupying 1216-1220 Hull Street has internally joined it to 1214 Hull Street. This would have been completed without lot consolidation and without registering a change of use from residential to commercial.

The current use of 1216-1220 Hull Street may continue indefinitely. Rezoning is not required for continuing office use of the property. Use of 1214 Hull Street as office space, which the requestor of this legislation believes would not receive Board of Municipal and Zoning Appeals (BMZA) approval, would be dependent upon its being rezoned from a residential district to a non-residential district if the BMZA disapproved its use as an office.

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.

Below is the staff's review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is not in the public's interest, in that it would allow land uses that may be considered incompatible with the historic character of the Locust Point community, in addition to allowing a building height of up to 60' with Board of Municipal and Zoning Appeals (BMZA) conditional use approval in the midst of a surrounding residential area in which maximum building height without variance is limited to 45' with BMZA conditional use approval.

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 rezoning these properties may encourage retention of an existing business, there is no guarantee that this would continue in the long term. Rezoning may be inconsistent with protecting the historic character of the Locust Point community.
2. **The needs of Baltimore City:** This action would not serve a Mayoral initiative or other established plan purpose.
3. **The needs of the particular neighborhood:** The proposed action would not serve a specific neighborhood need, although there may be a few members of the Locust Point community employed at this location.

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;** There has not been a significant change in population in this area since June 5, 2017, when the current Zoning Code and map became effective; however, as the year 2020 was a Census year, there may be population changes documented in 2021 and future years.
2. **The availability of public facilities;** There are adequate public facilities available in the area in which the subject properties are located, and there are no current plans to reduce or remove any of these facilities.

3. **Present and future transportation patterns;** There are no changes anticipated in present or future transportation patterns in this area.
4. **Compatibility with existing and proposed development for the area;** Some uses that would be authorized by rezoning these properties from Residential to Office-Residential are generally considered incompatible with permitted existing uses and development of the Locust Point area.
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 will comment separately on this bill.
6. **The relation of the proposed amendment to the City's plan.** The proposed amendment does not appear consistent with 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;** Properties across Hull Street, and in the Locust Point community to the west and east of the subject properties, are predominantly residential in use, with single-family attached homes predominating within that use.
- (ii) **the zoning classification of other property within the general area of the property in question;** The predominant zoning of properties other than those nearest the waterfront, which are zoned Maritime Industrial, in this vicinity is Residential, and specifically R-8.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** The subject properties are suitable for continuation of Neighborhood Commercial Establishment uses, but for the matter that 1214 Hull Street has no official current record of non-residential use.
- (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.** There have been no significant changes to development trends in the general area of the subject property. Interest in living in the historic community of Locust Point has continued to drive residential property values upward in the 21st Century.

Per §5-508(b)(1) of Article 32 – *Zoning*, and 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. It is recommended that the Planning Commission find that there has not been a substantial change in the character of the Locust Point neighborhood where the subject properties are located. Given the lack of documentation of non-residential use of the property known as 1214 Hull Street and the fact that 1216-1220 Hull Street, while visibly recognizable as non-residential in use, may continue to be used for its present purpose (offices) and many other non-residential uses as a Neighborhood Commercial

Establishment, it is recommended that the Planning Commission also find that there was not a mistake made in continuing to place the subject properties in the R-8 Zoning District.

Equity considerations: The subject properties are within a part of Baltimore City that has high real estate values and a proportion of non-white residents that is lower than the City-wide average. There are no apparent or predictable changes to the living situations or employment prospects of minority group members that would result from approving or from disapproving the proposed action.

Notification: The Locust Point Civic Association and Councilman Costello have been notified of this action.



Chris Ryer
Director

F R O M	NAME & TITLE	Steve Sharkey, Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 21-0012		

TO: Mayor Brandon M. Scott
TO: Economic & Community Development Committee
FROM: Department of Transportation
POSITION: **No Objection**
RE: Council Bill – 21-0012

DATE: 2/18/21

INTRODUCTION – Rezoning - 1214-1220 Hull Street

PURPOSE/PLANS – For the purpose of changing the zoning for the property known as 1214-1220 Hull Street Block 1988B, Lot 019), as outlined in red on the accompanying plat, from the R-8 Zoning District to the O-R-1 Zoning District.

COMMENTS – Council Bill 21-0012 looks to rezone 1214 through 1220 Hull Street from the R-8 Zoning District to the O-R-1 Zoning District. Per the City’s Zoning Code, R-8 Zoning Districts are classified as traditional rowhouse neighborhoods while O-R-1 Zoning Districts are identified as being office residential, with structure height limits capped at approximately 40 feet.

AGENCY/DEPARTMENT POSITION – The Department of Transportation foresees no immediate direct fiscal or operational impact resulting from the advancement of Council Bill 21-0012. The Department of Transportation has **no objection** to Council Bill 21-0012.

If you have any questions, please do not hesitate to contact Liam Davis at Liam.Davis@baltimorecity.gov or at 410-545-3207.

Sincerely,

Steve Sharkey
Director

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW

JAMES L. SHEA
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

July 14, 2021

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 21-0012 - Rezoning – 1214-1220 Hull Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0012 for form and legal sufficiency. The bill changes the zoning for the property known as 1214-1220 Hull Street Block (1988B, Lot 019) from the R-8 Zoning District to the O-R-1 Zoning District.

The City Council may permit the proposed 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); Baltimore City Code, Art. 32, §§5-508(a) and (b)(1).

In determining whether the proposed rezoning meets either standard, the City Council is required to make findings of fact on the following matters: (1) population change; (2) the availability of public facilities; (3) the present and future transportation patterns; (4) compatibility with existing and proposed development; (5) the recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals; and (6) the relationship of the proposed amendment to the City's plan. Md. Land Use Code Ann., §10-304(b)(1); see also, Baltimore City Code, Art. 32, §5-508(b)(2) (citing same factors with (v) being "the recommendations of the City agencies and officials," and (vi) being "the proposed amendment's consistency with the City's Comprehensive Master Plan.").

Furthermore, the City Council is required to consider: (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. Baltimore City Code, Art. 32, §5-508(b)(3).

The Planning Department reviewed these standards in its report dated March 11, 2021 (“Department Report”). It concluded that neither a mistake in zoning has occurred nor has there been a significant change in the neighborhood to warrant a rezoning. Department Report, pages 4 and 5. Moreover, it concluded the following:

- The proposed rezoning “may be inconsistent with Live Earn Play Lear, the Comprehensive Master Plan for Baltimore, Live Goal 1, Build Human and Social Capital by Strengthening Neighborhoods, and specifically its Objective 4: Protect and Enhance Preservations of Baltimore’s Historic Buildings and Neighborhoods.” Department Report, page 2.
- The rezoning “is not in the public interest, in that it would allow land uses that are incompatible with the historic character of the Locust Point community, in addition to allowing a building height of up to 60’ if it garnered a conditional use approval from the Board of Municipal and Zoning Appeal “in the midst of a surrounding residential area in which the maximum building height without a variance is limited to 45’ with BMZA’s conditional use approval.” Department Report, page 3.
- The rezoning “would not serve a Mayoral initiative or other established plan purpose.” Department Report, page 3.
- The rezoning “would not serve a specific neighborhood need, although there may be a few members of the Locust Point community employed at this location.” Department Report, page 3.
- “Some uses that would be authorized by rezoning these properties from Residential to Office-Residential are generally considered incompatible with permitted existing uses and development of the Locust Point area.” Department Report, page 4.
- The proposed rezoning “does not appear consistent with the Comprehensive Master Plan.” Department Report, page 4.

Nonetheless, the Planning Commission did not concur with the Planning Department’s recommendation to disapprove the rezoning. Instead, in its memorandum, dated March 12, 2021, the Planning Commission recommended that the City Council approve the bill. The Planning Commission memorandum reported the following findings:

- A mistake was made during Transform in zoning the property to an R-8 Residential District when the facts showed that the property had been used for commercial purposes since the 1980s.
- The R-8 zoning made the commercial uses non-conforming uses, which was in opposition to one of the goals of Transform to minimize non-conforming uses.

- The proposed zoning to O-R-1 would have been, and is, “a more appropriate zoning district for the subject properties and is more compatible with the current use of the properties.”

The opposing views about the facts that underly this rezoning, at least as reported by the Planning Commission and the Planning Department, underscores the need for the City Council to find its own facts to determine if the rezoning is lawful. To make matters more complicated, the findings of the Planning Commission alone are insufficient to rezone the property. The various laws involved in a rezoning require a host of facts to be established. The memorandum from the Planning Commission provides some of them, but not all of them. The Department Report is similarly hampered: it provides some but obviously not all the facts required for a lawful rezoning.

It is the Law Department’s conclusion that if the City Council wishes to rezone this property, it must carefully select the list of facts that allow for this rezoning. These can be established by picking through the two opposing documents provided by the Planning Commission and Planning Department and compiling the list of facts on which this rezoning is to be based. A second option is available. The City Council can rely on a comprehensive list compiled and provided by a third party at the bill’s public hearing. All the required facts, however, must be present in whatever list is ultimately compiled and used.

Provided the City Council finds facts sufficient facts to rezone the property, the Law Department will be prepared to approve the bill for form and sufficiency.

Sincerely,

Victor K. Tervala

Victor K. Tervala
Chief Solicitor

cc: James L. Shea, City Solicitor
Nina Themelis, Mayor’s Office of Government Relations
Nikki Thompson, Director of Legislative Affairs
Matthew Stegman, Director of Fiscal and Legislative Services
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Assistant Solicitor



MEMORANDUM

DATE: February 11, 2021
TO: Economic and Community Development Committee
FROM: Colin Tarbert, President and CEO
POSITION: Support
SUBJECT: City Council Bill No. 21-0012
Rezoning – 1214-1220 Hull Street

A handwritten signature in black ink, appearing to read "Colin Tarbert".

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill No. 21-0012 introduced by Councilmember Costello at the request of Locust Point Properties Partnership.

PURPOSE

For the purpose of changing the zoning for the property known as 1214-1220 Hull Street (Block 1988B, Lot 019) from the R-8 Zoning District to the O-R-1 Zoning District.

BRIEF HISTORY

This Bill will enable Locust Point Properties Partnership to create an office space located at 1214-1220 Hull Street. The property at 1216-1220 Hull Street has previously been used as an office space, and is adjacent to a commercial use at 1222 Hull Street. The zoning change will allow for 1214 to be consolidated with 1216-1220 and redeveloped into office or residential uses in a way that will have a minimal impact on the look and feel of the neighborhood, and without any meaningful change in existing uses.

FISCAL IMPACT

None

AGENCY POSITION

The Baltimore Development Corporation **Supports** City Council Bill No. 21-0012.

If you have any questions, please do not hesitate to contact Kimberly Clark at kclark@baltimoredevelopment.com.

[KH]