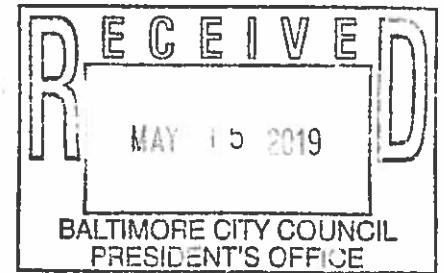




BALTIMORE CITY
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

unfavorable



MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner *MB*

Date: May 6, 2019

Re: **City Council Bill 19-0322, Rezoning – 1818 East Pratt Street**

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 19-0322, for the purpose of changing the zoning for the property known as 1818 East Pratt Street from the R-8 Zoning District to the C-1 Zoning District.

Without rezoning to C-1, this property will be subject to the requirement in the new zoning code that nonconforming retail goods establishments stop selling liquor. In its staff report, the Department of Planning noted that this property is part of a group of houses in a community defined by its attached housing. The character of the neighborhood has been residential for over 150 years, for which the R-8 zoning district is appropriate.

At its regular meeting of March 7, 2019, the Planning Commission resolved not to concur with the recommendation of its Departmental staff, arguing that at the time of the Comprehensive Rezoning of the City in 2017, the Mayor and City Council did not take notice of the existing commercial use of the property, and that this business had been in continuous operation for an extensive period of time, and therefore there was mistake in assigning this property R-8 zoning.

In its bill report, the Law Department argues that the Planning Commission did not provide evidence that the City Council failed to take note of the existing commercial use. In addition, it argued that failing to notice the property's long existing commercial use does not automatically support a mistake in the selection of residential zoning, noting that it had been a non-conforming use for over 40 years.

DHCD has review City Council Bill 19-0322 and does not support the passage of the bill. DHCD agrees with the Department of Planning that the R-8 zoning designation is appropriate for this property. DHCD also agrees with the Law Department's conclusion that there is insufficient evidence to support the claim that a mistake was made in the zoning of this property.

MB:td

cc: Mr. Jeffrey Amoros, Mayor's Office of Government Relations

