
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
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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 21-0065 - Rezoning – 1103-1109 North Washington Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0065 for form and legal sufficiency. The bill changes the zoning for the property known as 1103-1109 North Washington Street from the R-8 Zoning District to the IMU-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 concluded that a mistake was made when the property was zoned to R-8 and this legally supports the rezoning. Staff Report, p. 2-3. The Planning Commission agreed and voted to approve the bill.

Furthermore, the facts in the staff report support a finding of mistake. Staff Report, p. 2-3 (suggesting that the long-documented history of industrial use was a fact that was not known or considered and that the building was mistaken as vacant during Transform).

Provided the City Council agrees with these facts, the Law Department could approve the bill for form and sufficiency.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ashlea H. Brown', with a stylized flourish at the end.

Ashlea H. Brown
Assistant Solicitor

cc: Matthew Stegman
Nina Themelis
Nikki Thompson
Elena DiPietro
Victor Tervalo
Hilary Ruley