



**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

2:15 PM

Virtual Webex Meeting

City Council Bill #21-0065

Rezoning - 1103-1109 North Washington 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: 21-0065

Rezoning - 1103-1109 North Washington Street

Sponsor: Councilmember Glover

Introduced: April 19, 2021

Purpose:

For the purpose of changing the zoning for the property known as 1103-1109 North Washington Street (Block 1551, Lot 001), as outlined in red on the accompanying plat, from the R-8 Zoning District to the IMU-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
Parking Authority of Baltimore City	Does Not Oppose

Analysis

Current Law

Article 32 – Zoning, Zoning District Map Sheet 47. 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 1103-1109 North Washington Street from the R-8 Zoning District to the IMU-1 Zoning District. There is a historic, three story brick industrial building on the site. The site is situated between North Washington Street, East Chase Street and the Northwest Corridor railroad tracks. The property is located in the Middle East Urban Renewal Plan area and the East Baltimore Development Inc. redevelopment area.

Properties to the south and west are either vacant land or vacant structures. Nearby properties are zoned R-8 and R-10. The railroad corridor is zoned I-2. Prior to the Transform Baltimore, rezoning process, the site was zoned M-1-2. During Transform Baltimore, many of the nearby properties with similar industrial histories were rezoned to the IMU-1 district. This property was not rezoned to IMU-1.

The property has been used as a tobacco warehouse and for upholstery. The property is currently being used as a furniture repair /refinishing and wood shop.

The intended purposes for the current and proposed zoning districts, as described in Article 32, 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 – IMU-1

The IMU Industrial Mixed-Use Zoning Districts are intended to encourage the reuse of older industrial buildings for light industrial use, as well as a variety of non-industrial uses. These older industrial buildings are often surrounded by residential and other non-industrial uses, though in many cases they are also transition zones between a heavy industrial area and a major road or a less intense use or district. The IMU-1 District is generally for industrial buildings that are adjacent to existing residential buildings, typically rowhouses. The IMU-1 District allows a variety of residential uses, including live-work dwellings.

Additional Information

Fiscal Note: Not Available

Information Source(s): Reporting Agencies, Statement of Intent, Bill 21-0065

Analysis by: Jennifer L. Coates

Direct Inquiries to: 410-396-1260

Analysis Date: July 15, 2021

**CITY OF BALTIMORE
COUNCIL BILL 21-0065
(First Reader)**

Introduced by: Councilmember Glover
At the request of: 1103 North Washington Street, LLC
Address: c/o Jeff Levy, 999 Miller Circle, Crownsville, Maryland 21032
Telephone: 410-925-4891

Introduced and read first time: April 19, 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, Parking Authority

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 1103-1109 North Washington Street**

3 FOR the purpose of changing the zoning for the property known as 1103-1109 North Washington
4 Street (Block 1551, Lot 001), as outlined in red on the accompanying plat, from the R-8
5 Zoning District to the IMU-1 Zoning District.

6 BY amending

7 Article 32 - Zoning
8 Zoning District Map
9 Sheet(s) 47
10 Baltimore City Revised Code
11 (Edition 2000)

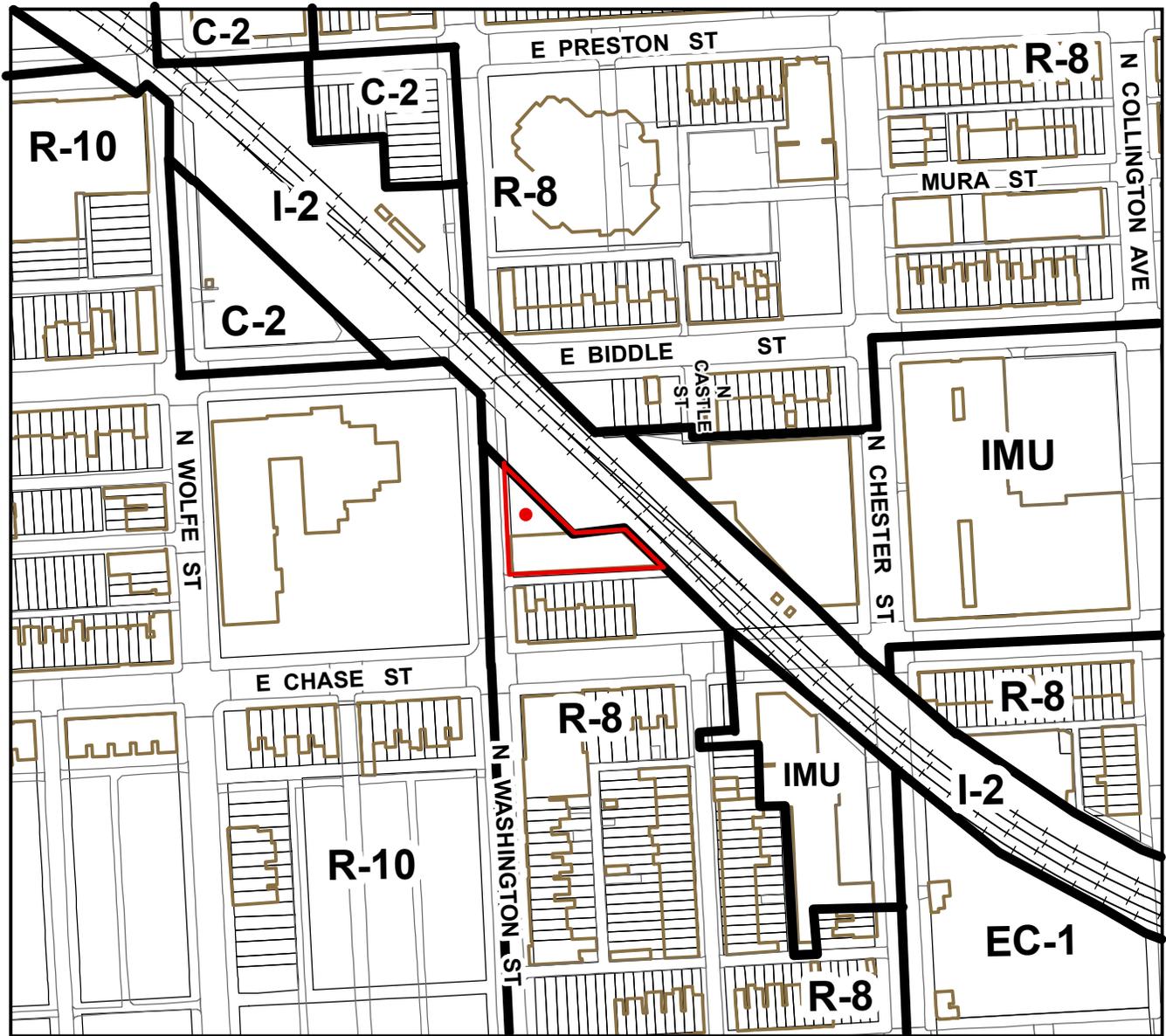
12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 Sheet 47 of the Zoning District Map is amended by changing from the R-8 Zoning District to the
14 IMU-1 Zoning District the property known as 1103-1109 North Washington Street (Block 1551,
15 Lot 001), as outlined in 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.

**SHEET NO. 47 OF THE ZONING MAP OF
THE ZONING CODE OF BALTIMORE CITY**



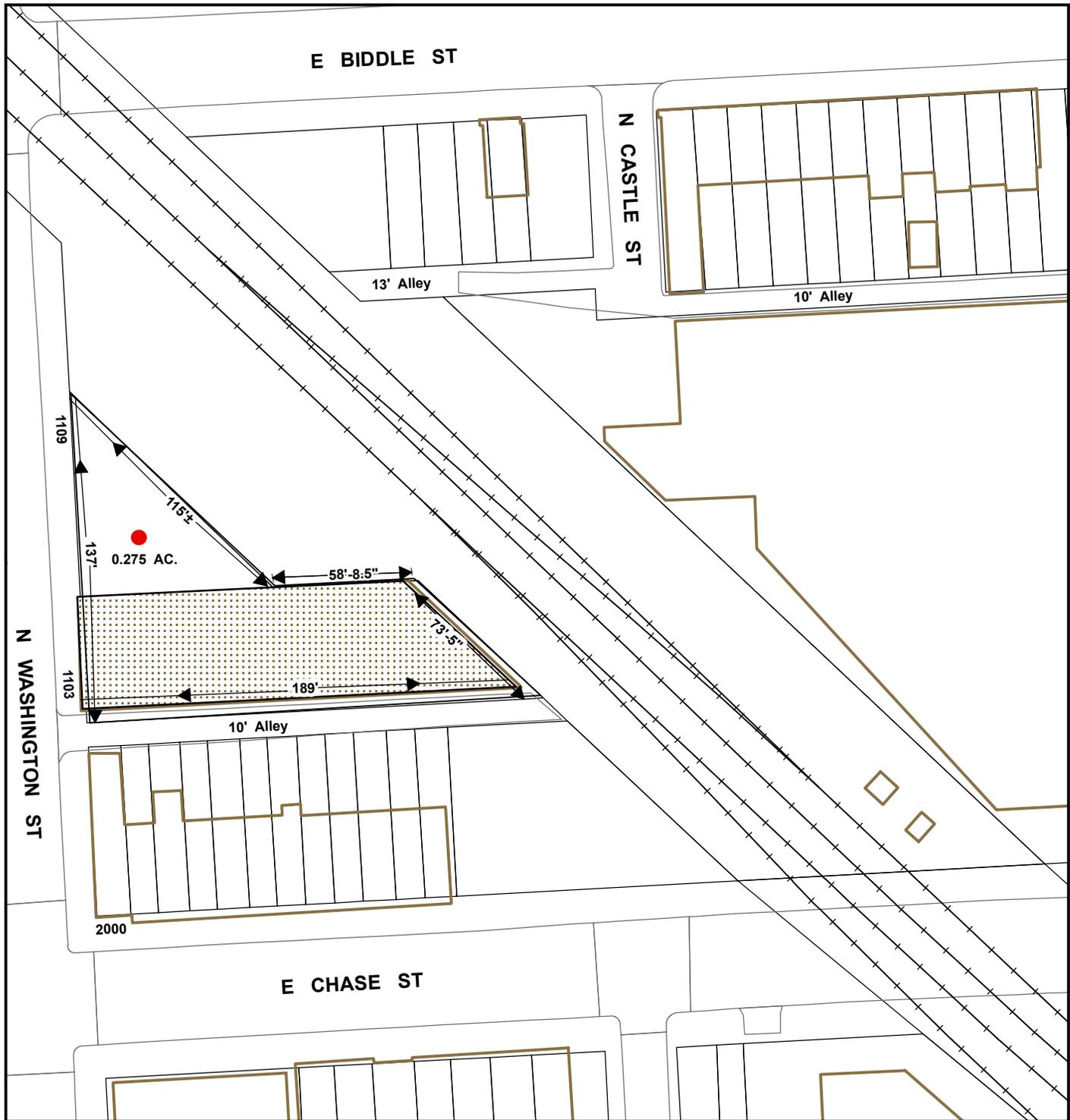
Scale: 1" = 200'

**In Connection With Property Known As
No. 1103-1109 NORTH WASHINGTON
STREET. The Applicant Wishes To Request
The Rezoning Of The Aforementioned Property
From R-8 Zoning District To The IMU Zoning District,
As Outlined In Red Above.**

WARD 8 SECTION 12
BLOCK 1551 LOT 1

MAYOR

PRESIDENT CITY COUNCIL



Scale: 1" = 60'

1103-1109 N WASHINGTON STREET

Sheet #2

**COMMITTEE ON ECONOMIC AND COMMUNITY
DEVELOPMENT**

**21-0063
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
Parking Authority of Baltimore City	Does Not Oppose

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 #21-0065 / REZONING – 1103-1109 NORTH WASHINGTON STREET		

TO

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

DATE: May 14, 2021

At its regular meeting of May 13, 2021, the Planning Commission considered City Council Bill #21-0065, for the purpose of changing the zoning for the property known as 1103-1109 North Washington Street (Block 1551, Lot 001), as outlined in red on the accompanying plat, from the R-8 Zoning District to the IMU-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #21-0065 and adopted the following resolution seven members being present (seven in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings outlined in the staff report, with consideration for discussion and facts presented in the meeting, and recommends that City Council Bill #21-0065 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

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

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 #20-0595 / REZONING – 1103-1109 NORTH WASHINGTON STREET		

DATE:

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

September 11, 2020

At its regular meeting of September 11, 2020, the Planning Commission considered City Council Bill #20-0595, for the purpose of changing the zoning for the property known as 1103-1109 North Washington Street (Block 1551, Lot 001), as outlined in red on the accompanying plat, from the R-8 Zoning District to the IMU-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #20-0595 and adopted the following resolution; nine members being present (nine in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #20-0595 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

attachment

cc: Mr. Nicholas Blendy, Mayor's Office
Mr. Matthew Stegman, Mayor's Office
Ms. Nina Themelis, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Livhu Ndou, 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



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

September 10, 2020

REQUEST: City Council Bill #20-0595/ Rezoning – 1103-1109 N. Washington Street:
For the purpose of changing the zoning for the property known as 1103-1109 North Washington Street (Block 1551, Lot 001), as outlined in red on the accompanying plat, from the R-8 Zoning District to the IMU-1 Zoning District.

RECOMMENDATION: Adopt Findings and Approve

STAFF: Matthew DeSantis, AICP

PETITIONERS: Councilmember Sneed, at the request of Jeffrey Levy

OWNER: 1103 N. Washington Street, LLC c/o Jeffrey and Vikki Levy

SITE/GENERAL AREA

Site Conditions: 1103-1109 N. Washington comprises a total of .275 acres, and is found in the triangle of land bounded by N. Washington Street to the west, E. Chase Street to the south, and the Northeast Corridor railroad tracks to the northeast. The property is partly improved with a historic three-story brick industrial building along the southern portion of the site, and fenced, grassy/gravel are north of the building.

General Area: The subject property is located within the Middle East neighborhood (also now know as the Eager Park neighborhood). The surrounding zoning designations are R-8 and R-10 to the south and west, and the adjacent railroad corridor is zoned I-2. Currently, parcels to the immediate south and west are either vacant land or vacant structures, but both of these sites are subject to pending residential development. The site is also within the East Baltimore Development Inc. (EBDI) redevelopment area.

HISTORY

Sanborn fire insurance maps indicate the industrial use of the property dating back to at least 1901, during which time it was used as the Gieske & Niemann Tobacco Warehouse. The 1951 fire insurance map indicates that the building was used for upholstery, and the current owner of the property attests that the building is still in use as a furniture repair/refinishing and wood shop.

CONFORMITY TO PLANS

There are several adopted plans that encompass this property:

1) The proposed action would be consistent with the following Goals and Objectives of LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore City:

- Live Goal 2, Objective 4: Protect and Enhance the Preservation of Baltimore’s Historic Buildings and Neighborhoods

2) The property is within the Middle East Urban Renewal Plan area. The land use section of this URP currently designates the subject property with an industrial designation. However, CCB #20-0564 has been introduced to make certain amendments to this URP, one of which is to revise the land use plan to match the current zoning. Therefore, should this proposed rezoning to IMU-1 proceed, the land use designation in the URP should remain industrial for this property.

3) While the 2018 East Baltimore Revitalization Plan’s main focus is the Broadway East neighborhood to the north of this subject property, it does include Middle East / Eager Park in it’s broader analysis. This proposed rezoning would not be in conflict with this adopted plan.

4) This property is also within the East Baltimore Development Inc. Area. The most recent master plan indicates renovated residential uses for this property. The proposed IMU-1 zoning would make the existing light industrial use conforming as well as preserve the possibility of residential uses that the current R-8 zoning permits.

ANALYSIS

According to the property owner, this building has been in use for light industrial purposes continuously since 1875. The owner additionally purports in the Statement of Intent submitted for this bill that the City mistakenly rezoned this property to the R-8 district even though it’s long history has been dedicated to industrial uses.

Prior to the adoption of the Transform Baltimore comprehensive rezoning the subject parcel had a zoning designation of M-1-2, which was similar to today’s I-1 zoning district. This zoning designation was shared by the majority of properties adjacent to the railroad right-of-way beginning from this property and heading towards the east. For some reason, the majority of these nearby properties with similar industrial histories along the railroad right-of-way corridor were rezoned to the IMU-1 district during Transform Baltimore, but this subject property was not.

The fact that the subject site has had a documented history dating back to least 1901 (and according to the owner, to 1875) to the current day of continuous industrial use, coupled with the additional fact that before its current R-8 zoning it had an industrial M-1-2 zoning designation, suggest that the current R-8 zoning district was selected in error. Zoning designations are not required to always be descriptive but rather may be proscriptive (especially in the case of a comprehensive rezoning), either as an attempt to reflect changing trends in an area or as way to encourage certain kinds of reuse. While the area around this site has seen and will continue to see a large amount of residential and commercial redevelopment, it is difficult to see how a proscriptive rezoning of this parcels to the R-8 district is appropriate given that it renders the long-existing light industrial use non-conforming and would pose challenges to any future reuse of the extant historic building. In fact, the IMU-1 zoning district was created for a site with just these characteristics, in that it would continue to permit by-right light industrial uses and

encourage/enable additional neighborhood-appropriate uses such as dwellings or limited commercial/retail uses.

It is possible that during the analysis period of Transform Baltimore it was not apparent that the building was still in use, but mistakenly assumed that the structure was vacant. This might have lead to a conclusion that including this site in the larger surrounding R-8 district would be an appropriate way to foster future redevelopment of the area.

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.

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 Ann. 2012, §10-305). In reviewing this request, the staff finds that:

- 1. The Plan:** The proposed action would be consistent with the goals contained in the Comprehensive Master Plan for Baltimore City as listed above. Additionally, it is not in conflict with any other area plans that pertain to this property.

2. **The needs of Baltimore City:** A rezoning to the IMU-1 district would better correspond to extant use and historic structure on the property, and would provide for additional uses that would be appropriate for the area.
3. **The needs of the particular neighborhood:** The zoning change would eliminate a non-conformity that was created during Transform, and would help ensure the preservation of the historic urban fabric that is important to the City's neighborhood's.

Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304). The findings of fact include:

1. **Population changes;** While anecdotally there have been a significant number of new residential units and renovated homes completed in the Middle East / Eager Park neighborhood over the past several years, it is unclear if there is data as of yet that indicates a significant population change in the interval between the adoption of the last comprehensive rezoning (2016) and the present time.
2. **The availability of public facilities;** This site is well-served by public services and utilities, which can support the continued use or redevelopment of this site.
3. **Present and future transportation patterns;** There would be no negative effect upon present or future transportation patterns in the area as a result of adoption of this bill.
4. **Compatibility with existing and proposed development for the area;** The proposed zoning district is compatible with the existing and proposed development for the area, as it will support the current light industrial use on site and additional neighborhood-appropriate uses such as dwellings and retail.
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 approval 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.** As noted previously, rezoning of this property to the IMU-1 zoning district as recommended by staff would be consistent with the City's 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;** Existing uses of property within the general area of this site are a mix of residential, institutional, and commercial.
- (ii) **the zoning classification of other property within the general area of the property in question;** IMU-1 zoning would be compatible with the adjacent R-8, R-10, and I-2 zoning designations. Additionally, there are extant IMU-1 zoning districts just to the east and south of the subject property.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and,** The current R-8 zoning designation has made the long-

existing light industrial use of the property non-conforming. It would also make redevelopment of the site that preserves the historic building more challenging. These facts suggest that the current zoning is not appropriate.

(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 significant changes to the immediate area of the subject property since it was rezoned to R-8 in 2016 that have added additional residents to the area. Additional residential and commercial development is currently proposed for the area. The IMU-1 zoning designation is appropriate in that it attempts to blend buildings with historic industrial uses into contemporary residential neighborhoods.

Per §5-508(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. For the reasons described above, Planning staff consider that there was a mistake in selecting the current R-8 zoning classification for the subject properties.

Recommendation

Staff recommends that the Commission adopt the findings as outlined in this report and recommended approval of CCB #2020-0959 to the City Commission.

Notification: EBDI, the CARE Community Association, Monument Street Merchants Association, 800 Block N. Washington Beautification, Milton-Montfort Improvement Association, HEBCAC, McElderry Park Community Association, Reclaiming Our Community, and the Eager Park Neighborhood Association have been notified of this action. Additionally, the site has been posted in compliance with Planning Commission guidelines.



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 21-0065		

TO: Mayor Brandon M. Scott
TO: Economic & Community Development Committee
FROM: Department of Transportation
POSITION: **No Objection**
RE: Council Bill – 21-0065

DATE: 7/1/21

INTRODUCTION – Rezoning - 1103-1109 North Washington Street

PURPOSE/PLANS – For the purpose of changing the zoning for the property known as 1103-1109 North Washington Street (Block 1551, Lot 001), as outlined in red on the accompanying plat, from the R-8 Zoning District to the IMU-1 Zoning District.

COMMENTS – Council Bill 21-0065 looks to rezone 1103-1109 North Washington Street from the R-8 Zoning District to the IMU-1 Zoning District. Per the City’s Zoning Code, R-8 Zoning Districts are described as permitting traditional rowhome residential development. IMU-1 Zoning Districts allow for a mixture of light industrial, commercial, and residential uses. The legislation is intended to correct an error resulting from the implementation of TransForm Baltimore in 2016. The existing use of the property is expected remain in place should the legislation move forward.

AGENCY/DEPARTMENT POSITION – The Department of Transportation foresees no direct fiscal or operational impact resulting from the advancement of Council Bill 21-0065. The Department of Transportation has **no objection** to Council Bill 21-0065. 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, CITY SOLICITOR
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 21-0065 - 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



MEMORANDUM

DATE: June 10, 2021
TO: Economic and Community Development Committee
FROM: Colin Tarbert, President and CEO
POSITION: Support
SUBJECT: City Council Bill No. 21-0065
Rezoning - 1103-1109 North Washington Street

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill No. 21-0065, introduced by Councilmember Glover, on April 19, 2021.

PURPOSE

The purpose of this Bill is to change the zoning for the property known as 1103-1109 North Washington Street (Block 1551, Lot 001), R-8 Zoning District to the IMU-1 Zoning District.

BRIEF HISTORY

1103 N. Washington Street, and its neighbors 1100 N. Chester Street and 2102 E. Biddle Street were historically utilized as industrial properties, uses that continue to this day. Although these properties were rezoned R-8 as part of Baltimore City's comprehensive Zoning update in 2017, their location adjacent to active rail tracks and their ongoing use as industrial properties warrant maintaining an industrial zoning for these properties.

FISCAL IMPACT

None

AGENCY POSITION

The BDC supports passage of City Council Bill No. 21-0065.

If you have any questions, please do not hesitate to contact Kim Clark at KClark@baltimoredevelopment.com and 410-837-9305.

[MF]

TRANSMITTAL MEMO

TO: Council President Nick J. Mosby
FROM: Peter Little, Executive Director
Date: May 7, 2021
RE: City Council Bill 21-0065



I am herein reporting on City Council Bill 21-0065 introduced by Councilmember Glover at the request of 1103 North Washington Street, LLC.

The purpose of this bill is to change the zoning for the property known as 1103-1109 North Washington Street (Block 1551, Lot 001), from the Rowhouse and Multi-Family Residential (R-8) Zoning District to the Industrial Mixed-Use (IMU-1) Zoning District.

The Parking Authority of Baltimore City (PABC) has reviewed the proposed legislation. The legislation requests for the selected properties to be rezoned and does not reference parking or new development. Parking requirements for the site will be based on the underlying zoning and the standards in the Zoning Code. PABC does not administer any on-street parking programs at the location of the request. When building plans and uses are submitted, PABC will be involved through the Site Plan Review Committee (SPRC) to ensure that the design guidelines for parking and loading demands are adequately addressed and that negative effects of parking and loading are mitigated.

Based on the comments above, the PABC does not oppose the passage of City Council Bill 21-0065.