August 11, 2020

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 20-0539 - Rezoning – 555 Dundalk Avenue and Block 6694, Lot 14

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 20-0539 for form and legal sufficiency. The bill changes the zoning for the property known as 555 Dundalk Avenue and Block 6694, Lot 142 from the I-1 Zoning District to the IMU-2 Zoning District. The bill also provides for a special effective date.

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 July 8, 2020 (“Report”). It concluded that a mistake occurred in rezoning the property to its current zoning designation, the I-1 Zoning District. The Report notes, however, that the appropriate zoning designation supported by facts is the C-4 Zoning district, not the IMU-2 provided in Council Bill 20-539. For this reason, the Planning Commission and the Planning Department recommend amending the bill to provide for the C-4 Zoning District.

The Law Department concludes that if the City Council agrees with the recommendations and facts presented in the Report, the Law Department is prepared to approve the bill for form and legal sufficiency.

Sincerely,



Victor K. Tervala

Chief Solicitor

cc: Dana Moore, Acting City Solicitor

Matt Stegman, Mayor’s Legislative Liaison

Caylin Young, President’s Legislative Director

Elena DiPietro, Chief Solicitor, General Counsel Division

Hilary Ruley, Chief Solicitor

Ashlea Brown, Assistant Solicitor