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**CITY OF BALTIMORE**

**BERNARD C. “JACK” YOUNG**  
Mayor



**DEPARTMENT OF LAW**  
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October 26, 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 20-0595 – Rezoning – 1103-1109 North Washington Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 20-0595 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 reviewed these standards in its report dated September 10, 2020 (“Report”). It concluded that a mistake in zoning was made due to the long history of the property’s dedication to industrial uses and the zoning of the nearby properties to IMU-1 during Transform,

but not the subject property. Report, p. 2. The Report also notes the possibility that the property was mistakenly assumed to be vacant. Report, p.3. Moreover, the Report provides facts that are required to be reviewed and considered by §§ 10-304 and 5-508 of City Code Article 32.

Provided the City Council finds facts identical or similar to those provided in the Report, the Law Department is prepared to approve the bill for form and sufficiency.

Sincerely,



Ashlea H. Brown  
Assistant 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  
Victor Tervalá, Chief Solicitor