
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW

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May 3, 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 21-0025 - Rezoning – 2200, 2205, 2220, 2300, 2301, 2310, 2330,
2400, and 2500 Broening Highway and Block 6916, Lot 015

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0025 for form and legal sufficiency. The bill changes the zoning for the property known as 2200 (Block 6916, Lot 003), 2220 (Block 6916, Lot 004), 2300 (Block 6916, Lot 005), 2310 (Block 6916, Lot 007), 2330 (Block 6916, Lots 010A and 009), 2400 (Block 6916, Lot 011, and 2500 (Block 6916, Lot 013) Broening Highway and Block 6916, Lot 015, as outlined in red on the accompanying plat, from the OIC Zoning District to the MI Zoning District; and changing the zoning for the properties known as 2205 (Block 6915, Lot 001), 2301 (Block 6915, Lot 006), and 2501 (Block 6915, Lot 009A) Broening Highway, as outlined in blue on the accompanying plat, from the I-2 Zoning District to the MI 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 February 26, 2021 (“Report”). The Report provides facts that are required to be reviewed and considered by §§ 10-304 and 5-508 of City Code Article 32. It also concluded that a substantial change in the neighborhood supports the rezoning. Report, p. 4. This conclusion, however, needs additional facts to augment the record before the rezoning can be declared lawful, a matter that the Law Department has discussed with the Planning Department during its review of the bill.

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

Sincerely,

Victor K. Tervala

Victor K. Tervala
Chief Solicitor

cc: James L. Shea, City Solicitor
Nina Themelis, Mayor’s Office of Government Relations
Nikki Thompson, Director of Legislative Affairs
Matthew Stegman, Director of Fiscal and Legislative Services
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Assistant Solicitor