

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

June 2, 2014

The Honorable President and Members
of the Baltimore City Council
Attn: Karen Randle, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202



Re: City Council Bill 14-0362 – Urban Renewal – Jonestown - Amendment

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 14-0362 for form and legal sufficiency. The bill amends the Urban Renewal Plan for Jonestown to: (1) modify the regulations, controls, and design restrictions for certain disposition lots; (2) amend Exhibit 1 and 4 to reflect the change in zoning, by separate ordinance, for certain properties in the Renewal Area; (3) amend Exhibit 2 to reflect the removal of certain properties as acquisition lots; and (4) amend Exhibit 3 to reflect a change in the disposition lots. The bill also waives certain content and procedural requirements, makes the provisions of this Ordinance severable, provides for the application of this Ordinance in conjunction with certain other ordinances, and provides for an immediate effective date.

The Law Department notes that the proposed change to the Urban Renewal Plan is contingent on the passage of Council Bill 14-0363, which seeks to rezone the block bounded by East Fayette Street to the north, Baltimore Street to the south, Aisquith Street to the east, and East Street to the west from the B-3-3 Zoning District to the B-2-4 Zoning District. See Baltimore City Code, Article 13 § 2-1(c)(3) and § 2-6(d)(7) (any zoning change proposed by an urban renewal plan must be approved by an ordinance pursuant to the Land Use Article of the Maryland Annotated Code); *Donnelly v. Mayor and City Council of Baltimore*, 279 Md. 660, 665 (1977) (requirement that any change in zoning embodied in an urban renewal plan is to be approved by separate ordinance in accordance with procedures governing zoning ordinances assures that urban renewal schemes will not be utilized to enact zoning changes). This includes properties at 1100 East Baltimore Street, 1110-1112 East Baltimore Street, 1101-1105 East Fayette Street, 1107-1133 East Fayette Street and a portion of East Fairmont Avenue. The Report from the Planning Commission ("Report"), recommended approval of the rezoning pursuant to companion bill 14-0363, and approved, with staff amendments, bill 14-0362. See Report at 6.

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Article 13, Section 2-6(g)(1) of the City Code requires that any change to an Urban Renewal Plan be made by ordinance. As this is the appropriate mechanism for making changes to the Plan and there are no legal impediments to those changes, the Law Department approves City Council Bill 14-0362, amending the Urban Renewal Plan for Jonestown, for form and legal sufficiency.

Sincerely,



Jennifer Landis
Special Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Victor Tervalá, Chief Solicitor