

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

February 23, 2012

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 11-0007 – Planned Unit Development –
Amendment – Under Armour Headquarters (Formerly Known as
Tide Point)

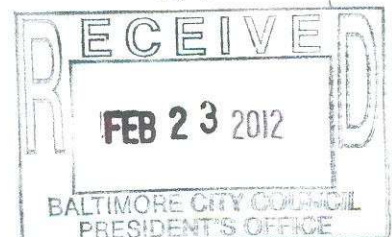
Dear Mr. President and City Council Members:

The Law Department has reviewed City Council Bill 11-0007 for form and legal sufficiency. The bill approves certain amendments to the Development Plan of the Planned Unit Development (“PUD”), which include renaming the PUD and modifying certain provisions relating to the net leasable retail square footage, the net leasable area allowed for any single retail tenant, the allowable net leasable office square footage, the allowable retail square footage that may be converted to office square footage, and the aggregate net leasable square footage. The bill corrects a provision that restricted Area VII to residential use and modifies a provision for the height of all structures. It also seeks to modify a sign provision and alter a provision involving traffic impact requirements.

To be lawful, the proposed changes to the PUD cannot make the PUD incompatible or discordant with the surrounding neighborhood or negate the purposes for which the PUD was originally created. *Bigenho v. Montgomery County Council*, 248 Md. 386, 391 (1968). According to the report by the Planning Commission, the proposed changes satisfy this legal standard. The Law Department further notes that the bill appears consistent with Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code, which provide general and specific requirements for Business PUDs.

Pursuant to the City Zoning Code (“ZC”), a bill concerning a PUD is classified as a “legislative authorization.” ZC § 16-101. Legislative authorizations require that certain procedures be followed in the bill’s passage. Specifically, certain notice requirements apply to the bill’s introduction. *See* ZC § 16-203. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. *See* ZC §§ 16-301, 16-302 & 16-303. Additional public notice and hearing requirements also apply to the bill. *See* ZC § 16-402.

F/Comment



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Certain limitations on the City Council's ability to amend the bill apply. *See* ZC § 16-403. Finally, the bill requires a Third Reading holdover before final passage by the Council. *See* ZC § 16-404.

Assuming all the procedural requirements are met, the Law Department will approve the bill for form and legal sufficiency.

Sincerely,



Victor K. Tervala
Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor
Hilary Ruley, Assistant Solicitor
Ashlea Brown, Assistant Solicitor