

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

October 21, 2011

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

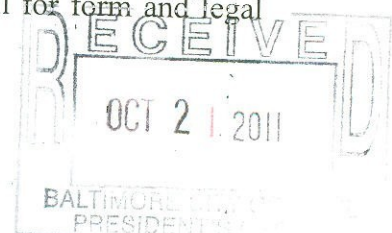
Re: City Council Bill 11-0756 – Rezoning – Properties in the Brooklyn  
and Curtis Bay Business Area Urban Renewal Area

Dear President and City Council Members:

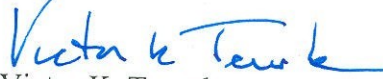
The Law Department has reviewed City Council Bill 11-0756 for form and legal sufficiency. The bill would change the zoning for certain properties in the Brooklyn and Curtis Bay Business Area Urban Renewal Area from the M-3-2 Zoning District to the B-2-2 Zoning District. The City Council may permit such a 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, Art. 66B, §2.05(a)(2)(i). In evaluating whether the proposed rezoning meets this standard, the City Council is required to make findings of fact on the following matters: (1) population changes; (2) the availability of public facilities; (3) the present and future transportation patterns; (4) the compatibility with existing and proposed development; (5) the recommendations of the Planning Commission and the Board of Municipal Zoning Appeal; and (6) the relation of the proposed amendment to the City's plan. Md. Code, Art. 66B, §2.05(a)(2)(ii). The required recommendations of the Planning Commission and the Board of Municipal Zoning Appeal, as noted above, must be based on certain considerations outlined in the City Code. *See* Baltimore City Zoning Code, §16-305. Moreover, certain procedural requirements must be satisfied before the Council may act to rezone the property, including public notice and hearing requirements. *See* Baltimore City Zoning Code, §§16-401 & 16-402.

The Law Department wishes to alert the City Council that neither the Planning Commission's Report nor the Staff Report to the Planning Commission establish the necessary facts to rezone the properties in question. If these properties are to be lawfully rezoned, members of the Land Use and Transportation Committee, at the bill's public hearing, must elicit from those testifying on the bill the required facts. If such facts are elicited so that the legal standards for rezoning are met, and all other procedural requirements are satisfied, the Law Department will approve the bill for form and legal sufficiency.

F/Comment



Sincerely yours,

A handwritten signature in blue ink that reads "Victor K. Tervala". The signature is written in a cursive style with a large initial 'V'.

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