

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

October 31, 2011

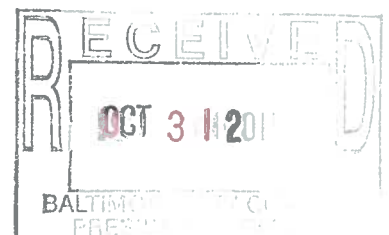
The Honorable President and Members  
of the Baltimore City Council  
Attn: Karen Randle, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 11-0759 – Rezoning – Block 6505, Lots 1/9, 9A,  
and 10

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 11-0759 for form and legal sufficiency. The bill would change the zoning for the properties known as Block 6505, Lots 1/9, 9A, and 10, from the M-3 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 bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for rezoning has been met. To this end, the Law Department notes that the Planning Staff Report on the bill describes facts that would support the proposed rezoning by the City Council. If the City Council agrees with the facts contained in the Planning Staff Report or finds similar supporting facts during its investigation of the bill, the Law Department will approve the bill for form and legal sufficiency, assuming all the procedural requirements, noted above, have been met.



Sincerely yours,

A handwritten signature in black ink, appearing to read "Victor K. Terval". The signature is written in a cursive style with a long horizontal stroke at the end.

Victor K. Terval  
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