

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

May 6, 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 14-0347 – Urban Renewal – Washington Village -  
Amendment**

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 14-0347 for form and legal sufficiency. The bill amends the Urban Renewal Plan for Washington Village to modify the responsibilities of the Commercial District Review Panel and to amend certain exhibits to reflect the change of zoning, upon approval by separate ordinance, for the property known as 859 Washington Boulevard. 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.

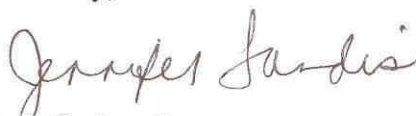
The Law Department notes that the proposed change to the Urban Renewal Plan is contingent on the passage of Council Bill 14-0348, which seeks to rezone the above property from the R-8 Zoning District to the B-2-3 Zoning District. The Report from the Planning Commission ("Report"), recommended approval of rezoning 859 Washington Boulevard pursuant to companion bill 14-0348, but also recommended an amendment to Council Bill 14-0347 "to change the land use from Residential to Community Business and the recommended zoning from R-8 to B-2-3 for all remaining properties within the Pigtown Main Street on Washington Boulevard between W. Cross Street and Scott Street." See Report at 2. Any additional rezoning, or reflection of such in the urban renewal plan, however, would require the introduction and passage of legislation to change the zoning of each of these "remaining properties" from the R-8 District to the B-2-3 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). Therefore, the Law Department cannot approve Planning's proposed amendment. See *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).

*F Comment*



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 14-0347, amending the Urban Renewal Plan for Washington Village to modify the responsibilities of the Commercial District Review Panel and to amend certain exhibits to reflect the change of zoning for the property known as 859 Washington Boulevard, 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 Tervalo, Chief Solicitor