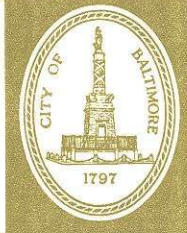


CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

July 18, 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 12-0097 – Rezoning – Properties in the Coldstream  
Homestead Montebello Urban Renewal Area

Dear President and City Council Members:

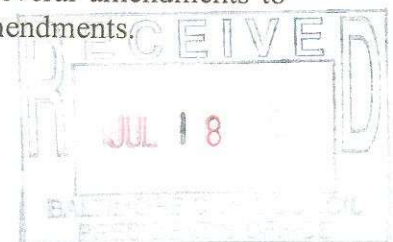
The Law Department has reviewed City Council Bill 12-0097 for form and legal sufficiency. The bill would change the zoning for multiple properties located in the Coldstream Homestead Montebello Urban Renewal Area to the R-6 Zoning District.

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 recommendations of the Planning Commission and the Board of Municipal Zoning Appeal must be based on certain considerations outlined in the City Code. *See* Baltimore City Zoning Code, §16-305.

The Law Department notes that the Report of the Planning Commission ("Report") provides findings of fact. It also states that a substantial change in the character of the neighborhood has occurred due to stabilization of residential population density. If the City Council, after its investigation of the facts, agrees that a substantial change in the character of the neighborhood has occurred and that facts identical or similar to those described in the Report apply, the Council may lawfully approve Council Bill 12-0097.

The Law Department further notes that the Report recommends several amendments to correct map and textual errors. There are no legal impediments to these amendments.

*F/Comments*



Certain procedural requirements apply to this bill beyond those listed above. Specifically, special notice requirements apply to the bill's introduction. *See* City Zoning Code ("ZG") § 16-203. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. *See* ZG §§ 16-301, 16-302 & 16-305. Additional public notice and hearing requirements apply. *See* ZG § 16-402. Finally, certain limitations on the City Council's ability to amend the bill apply. *See* ZG §§ 16-403, 16-404.

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 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 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.

Very truly yours,



Hilary Ruley  
Assistant Solicitor

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