

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

June 29, 2011

Honorable President and Members  
of the City Council of Baltimore  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Attn: Karen Randle  
Executive Secretary

Re: City Council Bill 11-0636 – Zoning – Conditional Use  
Convalescent, Nursing, and Rest Home (Assisted Living) – 3604  
White Avenue

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 11-0636 for form and legal sufficiency. The bill permits the establishment, maintenance, and operation of a convalescent, nursing, and rest home at 3604 White Avenue, subject to certain conditions; namely, that the home complies with all federal, state, and local licensing and certification requirements.

This property is zoned R-4 (General Residence District). *See* Plat. The conditional uses that require the enactment of an ordinance in an R-4 zone are the same as those in an R-2 zone (General Residence District). City Zoning Code, § 4-704. The conditional uses in an R-4 District that require the enactment of an ordinance include conditional uses approved by ordinance in an R-1 District (Single Family Residence District). Baltimore City Code, § 4-704 and 4-504. One of the conditional uses in an R-1 District is a convalescent, nursing, and rest home. City Zoning Code, § 4-204. A convalescent, nursing, and rest home is the conditional use that must be approved by ordinance of the Mayor and Council. City Zoning Code, § 14-102. The conditions in the bill are consistent with the authority granted in 14-103.

The Law Department has reviewed proposed amendments offered to the committee by Planning which are consistent with the recommendations in the Planning Department Staff Report. The amendments are to provide for the imposition of certain conditions on the conditional use pursuant to §14-103 and to provide for a variance from



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the off-street parking requirements of Title 10 of the Zoning Code. Under §15-208(b), a variance may be granted for up to 75% of the spaces mandated by the off-street parking requirements. The bill provides for a 50% reduction and is therefore in compliance with the authority granted. In order to approve the variance, the City Council must make the findings required by §§15-218 and 15-219.

The bill is also subject to the Legislative Authorizations provisions of Subtitle 16 of the Zoning Code.

The Law Department notes that although the Planning Staff Report recommends approval of the bill, the Planning Commission has voted not to approve the bill for the reasons stated in its report. Provided that the appropriate procedures in the Zoning Code are complied with, the Law Department approves Council Bill 11-0636 for form and legal sufficiency.

Sincerely yours,

Elena R. DiPietro  
Chief Solicitor

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