

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



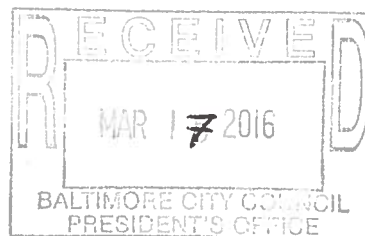
DEPARTMENT OF LAW

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

March 17, 2016

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

Attn: Natawna B. Austin,
Executive Secretary



Re: City Council Bill 14-0440 – Zoning – Conditional Use Conversion of a 1-Family Dwelling Unit to a 2-Family Dwelling Unit in the R-8 Zoning District – Variance – 1314 West Lombard Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 14-0440 for form and legal sufficiency. The bill permits the conversion of a 1-family dwelling unit to a 2-family dwelling unit at 1314 West Lombard Street, which is in an R-8 Zoning District. It also grants a variance from an off-street parking requirement.

Conversion of a 1-family dwelling unit to a 2-family dwelling unit is permitted in an R-8 Zoning District only by ordinance. Zoning Code of Baltimore City (“ZC”), §3-305(b)(2). Certain procedures must be followed for any conditional use, including conversions to additional dwelling units. *See* ZC § 3-305(c)(1) (requirements of Title 14 apply); ZC §§14-208; 16-101(c)(2), 16-101(d)(1) (conditional use is a type of legislative authorization); ZC §16-203, 16-402 (notice and posting requirements); ZC §16-301 *et. seq.* (referral to certain City agencies, which are obligated to review the bill in a specified manner); ZC §16-403 (limitations on the City Council’s ability to amend the bill); *see also* Md. Land Use Code Ann., §10-303.

As part of an ordinance authorizing a conditional use conversion, a variance from the requirements of the City’s Zoning Article may be granted. ZC § 15-101(2)(i). This bill authorizes a variance from the requirement of 1 parking space. Under 10-405(1)(iv), one parking space per dwelling unit is required. However, under 10-203(b), changes to structures built before April 20, 1971 must provide off-street parking, but only in the amount by which the requirements for the new use exceed those for the existing use. Here, one space would be required, but a variance of 75% under 15-208(b) would require only 25% of a space, which may be reduced to 0 spaces under 10-402(a)(1). In any event, The Staff Report from the Planning Department (“Report”) states that “the applicant is willing and able to provide the off-street parking in the existing garage” on Boyd Street. Report at 2.

fav w/ comments

Thus, Planning has requested that the City Council amend the bill to delete the off-street parking variance. The Law Department has no objection to this amendment.

In any event, with regard to the conversion to 2 dwelling units, the Report applies the Title 14 considerations for conditional uses and concludes that the proposed use as a 2-family dwelling "would be consistent with residential use in the area; would not be detrimental to or endanger public health, security, general welfare, or morals; and would enable constructive re-use of a vacant structure that still retains some historic integrity as a contributing structure in one of Baltimore's most important historic districts." Report at 2-3.

This bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for a conditional use conversion has been met. Assuming all procedural requirements have or will be satisfied, the Law Department approves the bill for form and legal sufficiency.

Sincerely,



Jennifer Landis
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 K. Tervalá, Chief Solicitor