

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



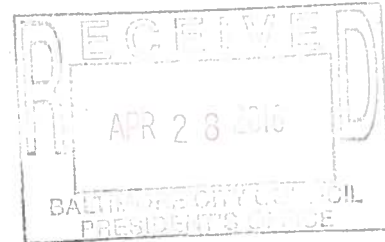
DEPARTMENT OF LAW

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

April 28, 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 15-0495 – Zoning – Conditional Use Conversion of a 1-Family Dwelling Unit to a 2-Family Dwelling Unit in the R-8 Zoning District – 926 Newington Avenue

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 15-0495 for form and legal sufficiency. The bill permits the conversion of a 1-family dwelling unit to a 2-family dwelling unit at 926 Newington Avenue, which is in an R-8 Zoning District. Such conversions are permitted in an R-8 District only by ordinance. Zoning Code of Baltimore City (“ZC”), §§3-305(b)(2), 14-102(2). This is the requisite ordinance to permit this change, for which there are no legal impediments.

The Staff Report from the Planning Department (Report) states that, applying the Title 14 considerations for conditional uses, the proposed use of the structure 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 complete constructive re-use of a vacant structure that still retains considerable historic integrity as a contributing structure in one of Baltimore’s historic districts.” Report at 3.

Certain procedures must be followed for any conditional use, including conversions to additional dwelling units. *See* ZC § 3-305(c) (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.

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.

*Fav w/ comments*

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