

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

CENTRAL BUREAU OF INVESTIGATION
Room 31, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

September 6, 2016

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 16-0716 – Planned Unit Development – Designation –
Roland Park Place

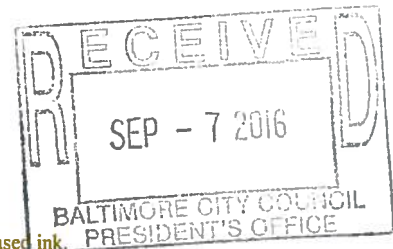
Dear Mr. President and City Council Members:

The Law Department has reviewed City Council Bill 16-0716 for form and legal sufficiency. The bill repeals the existing Development Plan for the Roland Park Place Planned Unit Development and approves a new Development Plan for the Canton Crossing Planned Unit Development

The criteria examined for approval of a Planned Unit Development (“PUD”) are “compatibility with a Master Plan, conformance to regulatory criteria, and an examination of potential deleterious effects vis-a-vis adjacent property and uses.” *Maryland Overpak Corp. v. Mayor and City Council of Baltimore*, 395 Md. 16, 31 (2006). A PUD “allows for additional uses on a property not provided for by the permitted or conditional uses designated in that underlying district, but which are adjudged, on a case-by-case basis, not to be incompatible or deleterious at a given location and within the contemplation generally of the applicable Master Plan (or other planning document) and the general purposes of the underlying zone, much like a conditional use.” *Id.* The Zoning Code of Baltimore City (“ZC”), in Section 9-112, sets forth governing standards which reflect the above cited case law.

Section 9-112, however, requires certain considerations to be made about a proposed PUD before it may be approved. The Planning Department’s Staff Report on this bill does not indicate that those considerations have been made. Further written or oral testimony before the City Council about the consideration in Section 9-112 therefore is needed before the bill can lawfully be adopted. See ZC, Section 9-110 (“The City Council may authorize the Planned Unit Development in accordance with the procedures, guides, and standards of this title and Title 14 {Conditional Uses} and Tile 16 {Legislative Authorizations} of this Article.”) These would include consideration, where appropriate, of the material in Section 14-205 as well.

PAV w/ comments



Other procedural requirements apply. The designation of a Planned Unit Development is deemed a "legislative authorization." ZC §§16-101(c)(3), 16-101(d). Specifically, special notice requirements apply to the bill's introduction and the bill must be referred to certain City agencies, which are obligated to review it in a specified manner. *See* ZC §§16-203, 16-301, 16-303. Additional public notice and hearing requirements apply to the bill, including advertising the time, place and subject of the hearing in a paper of general circulation for 15 days and posting the property conspicuously with this same information. *See* Md. Code, Land Use, §10-303; ZC §16-402. Finally, certain limitations on the City Council's ability to amend the bill apply, including a Third Reading hold-over before final passage by the Council. *See* ZC §§16-403, 16-404.

Assuming the above procedures are met and provided that testimony is given that shows that the considerations in Section 9-112 were taken into account, the Law Department approves this bill for form and legal sufficiency as drafted and is prepared to approve the bill if amended in accordance with amendments contained the Planning Commission's Report.

Sincerely,

A handwritten signature in blue ink, appearing to read "Victor K. Tervala". The signature is fluid and cursive, with a prominent initial "V" and a long horizontal stroke at the end.

Victor K. Tervala
Chief Solicitor

cc: David Ralph, Acting City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief, General Counsel Division
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor