

CITY OF BALTIMORE

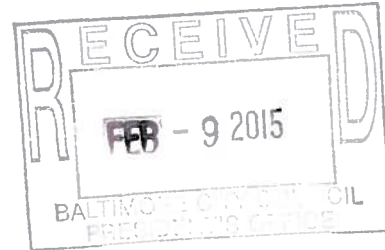
STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

February 9, 2015



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 14-0466 – Rezoning – 1209 North Rose Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 14-0466 for form and legal sufficiency. The bill would change the zoning for the property known as 1209 North Rose Street from the R-7 Zoning District to the R-8 Zoning District.

A companion bill to 14-0466, 13-0272, will permit the conversion of the property from a single-family dwelling unit to a 23-family dwelling unit. The two bills are being considered in tandem, but the Law Department notes that because 14-0466 brings the property into conformance with bulk regulations thus allowing for the conversion to 23 units, it should be finally passed before the 13-0272.

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, Land Use, §10-304(b)(2). 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, Land Use, §10-304(b)(1). 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 ("ZC"), §16-305.

*For w/Amend*

The Law Department notes that the Report of the Planning Commission ("Report") provides findings of fact that would support this rezoning. See Report at 3-4. If the City Council, after its investigation of the facts, agrees that a mistake in the existing zoning classification has occurred and that facts identical or similar to those described in the Report apply, the Council may lawfully approve Council Bill 14-0466.

Certain procedural requirements apply to this bill beyond those listed above because a change in the zoning classification of a property is deemed a "legislative authorization." ZC §§16-101(c)(1); 16-101(d). Specifically, special notice requirements apply to the bill's introduction, including posting the property for 30 days within one week of the notice of introduction. See ZC §16-203. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. See ZC §§16-301, 16-302 & 16-305. 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.

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.

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 Tervalá, Chief Solicitor