



January 15, 2014

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 13- 0258 -Zoning – Conditional Use Banquet Hall –
3932-3934 Frederick Avenue

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 13-0258 for form and legal sufficiency. The bill permits the establishment, maintenance, and operation of a banquet hall on the property known as 3932-3934 Frederick Avenue.

The subject property is zoned B-2-2 (Community Business District). The conditional uses that require the enactment of an ordinance in a B-2 zone include banquet halls. City Zoning Code (“ZG”) Section 6-309(9). A conditional use is the subject of this proposed ordinance; accordingly, the proposed ordinance satisfies the above requirements.

We note that the Planning Department’s report on the bill (“Report”) states the banquet hall will seat 150-160 persons. Pursuant to ZG Section 10-405.22i, this seating size requires at least 16 off-street parking spaces. The Report indicates the site does not contain the requisite parking, but will be provided upon the passage of its companion, Council Bill 13-0259.

The Report also notes the petitioner, Sabian and Associates, entered into a written agreement with the Irvington Community Association. The agreement includes multiple conditions which the Planning Commission recommends be included as amendments to this bill. Conditions that relate to the use of the site, such as its operation and maintenance, as well as restrictions and limitations, generally are lawful to include in a conditional use bill, pursuant to ZG Section 14-103.

The Law Department has reviewed the proposed amendments and would require an amendment to the language expressed as Condition #2, which states, “There will be no 7-day, 6-day, or other liquor license obtained for the property for the duration of operation of the banquet

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hall, excepting 1-day liquor licenses obtained solely in connection with events occurring at the banquet hall....” The concern is that the language may conflict with certain provisions concerning liquor licenses controlled by the State. For this reason, we suggest the language be modified to read as follows: “No application for a liquor license shall be submitted for use on the premises except a 1-day liquor license obtained solely in connection with events occurring at the banquet hall....”

Pursuant to the City Zoning Code, a bill concerning a conditional use is classified as a “legislative authorization.” ZC § 16-101. Legislative authorizations require that certain procedures be followed in the bill’s passage. Specifically, certain notice requirements apply to the introduction of the bill. *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 & 16-304. Additional public notice and hearing requirements also apply to the bill. *See* ZC § 16-402. Finally, certain limitations on the City Council’s ability to amend the bill apply. *See* ZC § 16-403.

Assuming the recommended amendment is made and the companion bill, Council Bill 13-0259, is adopted either before or at the same time this Council Bill 13-0258 is adopted, the Law Department will approve the bill for form and legal sufficiency.

Sincerely yours,



Victor K. Tervala
Chief Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor’s Legislative Liaison
Elena DiPietro, Chief Solicitor
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor