
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW

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February 16, 2021

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 21-0015 - Zoning – Conditional Use Parking Lots – 115 and 118
Mount Clare Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0015 for form and legal sufficiency. The bill reauthorizes and continues the permission for, subject to certain conditions, the establishment, maintenance, and operation of parking lots on the properties known as 115 Mount Clare Street (Block 0251, Lot 068) and 118 Mount Clare Street (Block 0251, Lot 072). The bill provides for an immediate effective date.

This property is zoned R-8, which requires parking lots as a principal use to be approved by ordinance. City Code, Art. 32, Table 9-301. Under the City Code, approval of a conditional use must be based on a finding that:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code.

Art. 32, § 5-406(a). Moreover, the finding must be guided by 14 “considerations” involving such things as the “nature of the surrounding area and the extent to which the proposed use might impair its present and future development”: “the resulting traffic patterns and adequacy of proposed off-street parking”; etc. *See* Art. 32, § 5-406(b).

The Law Department notes that the Planning Commission’s Report (“Report”) provides facts sufficient to lawfully approve this bill.

Law Department further notes that a bill that would authorize a conditional use is classified as a “legislative authorization.” Art. 32, § 5-501. Legislative authorizations require that certain procedures be followed in the bill’s passage. Specifically, certain notice requirements apply to the bill. *See* Art 32, § 5-602. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. *See* Art. 32, §§ 5-504, 5-506, 5-604. Finally, certain limitations on the City Council’s ability to amend the bill apply. *See* Art. 32 § 5-507.

In conclusion, if the City Council finds facts identical or similar to those established in the Report, the Law Department is prepared to approve the bill for form and legal sufficiency.

Sincerely,

A handwritten signature in black ink that reads "Victor K. Tervala". The signature is written in a cursive style with a horizontal line at the end.

Victor K. Tervala
Chief Solicitor

cc: James L. Shea, City Solicitor
Nina Themelis, Mayor’s Office of Government Relations
Nikki Thompson, Director of Legislative Affairs
Matthew Stegman, Director of Fiscal and Legislative Services
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Assistant Solicitor