

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

March 28, 2017

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 17-0007 – Zoning -- Conditional Use Parking, Off-Street
Garage – 1000 South Ellwood Avenue (to be known as 3033 Dillon
Street)

Dear Mr. President and City Council Members:

The Law Department has reviewed City Council Bill 17-0007 for form and legal sufficiency. The bill permits the establishment, maintenance, and operation of a parking, open off-street garage on the property known as 1000 South Ellwood Avenue (to be known as 3033 Dillon Street).

The subject property is zoned R-8 (General Residence District). The conditional uses that require the enactment of an ordinance in an R-8 zone include "Parking, open off-street areas and off-street garages, other than accessory, for the parking of 3 or more automobiles." *See* Zoning Code of Baltimore City ("ZC") §§ 4-1104, 4-1004(4). A conditional use is the subject of this proposed ordinance; accordingly, the ordinance satisfies the above requirements.

The Law Department notes that the Report of the Planning Commission ("Report") provides findings of fact that would support the authorization of this conditional use. *See* Report at 2. The Planning Commission has also recommended that an amendment be made to the legislation to note that "the parking structure remains subject to a Baltimore City Historic Landmark designation, and as such, all exterior modifications must be reviewed and approved by CHAP." The adoption of this amendment by the Committee would not affect the legal sufficiency of the bill.

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 all the procedural requirements are met, the Law Department approves the bill for form and legal sufficiency.

Sincerely,



Jennifer Landis
Assistant Solicitor

cc: David Ralph, Acting City Solicitor
Karen Stokes, Mayor's Office of Government Relations ✓
Kyron Banks, Mayor's Legislative Liaison
Avery Aisenstark, Director, Dept of Legislative Reference
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Victor Tervalá, Chief Solicitor