
CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
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September 20, 2019

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

Re: City Council Bill 19-0423 – Zoning– Conditional Use Parking Lot – A
Portion of 2700 Madison Avenue Known as 3002 East Drive

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0423 for form and legal sufficiency. The bill would permit a parking lot on a portion of 2700 Madison Avenue that is known as 3002 East Drive. This property is zoned OS as it sits within the general area of Druid Hill Park.

Off-street parking in an OS district requires conditional use approval by ordinance. Baltimore City Code, Art. 32, § 7-202; Tbl 7-202.

To approve any conditional use, the City Council must find:

- (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.

Baltimore City Code, Art. 32, § 5-406(a).

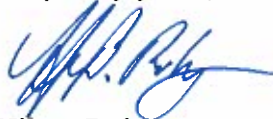
The City Council committee assigned the bill must consider it at a scheduled and noticed public hearing wherein it will hear and weigh the evidence. Baltimore City Code, Art. 32, §§ 5-404(a); 5-507; 5-602. After weighing the evidence presented and submitted into the record before it, the Committee is required to make findings of fact with respect to the factors outlined above. If, after its investigation of the facts, the Committee makes findings which support the conditional use, it may adopt these findings and the legal requirements will be met.

In addition, off-street parking in Open Space Districts is subject to Title 16 of the City's Zoning Code, which includes design and other requirements. Baltimore City Code, Art. 32, §§ 7-204(d); 16-208, 16-402; 16-403; 16-407 – 16-410.

Finally, certain procedural requirements apply to this bill beyond those discussed above because a conditional use is considered a "legislative authorization." Baltimore City Code, Art. 32, § 5-501(2)(ii). Specifically, notice requirements apply to the bill, and the bill must be referred to certain City agencies which are obligated to review the bill in specified manner. Baltimore City Code, Art. 32, §§ 5-504, 5-506, 5-602. Finally, certain limitations on the City Council's ability to amend the bill apply. Baltimore City Code, Art. 32, § 5-507(c).

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for a conditional use has been met. Assuming the required findings are made at the hearing and all procedural requirements are satisfied, the Law Department approves the bill for form and legal sufficiency.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Hilary Ruley", is written over a faint, larger version of the same signature.

Hilary Ruley
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Matthew Stegman, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor
Victor Tervalá, Chief Solicitor
Ashlea Brown, Assistant Solicitor