

**CITY OF BALTIMORE**

CATHERINE E. PUGH, Mayor



**DEPARTMENT OF LAW**

101 City Hall  
Baltimore, Maryland 21202

April 17, 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 18-0295 Baltimore City Landmark List: Exteriors –  
Hanlon Park

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0295 for form and legal sufficiency. The bill designates Hanlon Park in its entirety as an historical landmark: exterior.

An ordinance of the Mayor and City Council is required to add a structure to the “Landmark List: Exteriors.” BCC Art. 6, §4-2(1). The City Council must refer the bill for written reports and recommendations to the Commission for Historical and Architectural Preservation (CHAP), the Planning Commission, and any other agency that the Council President designates. BCC Art. 6, §4-5(a). Section 4-6 sets forth the public notice and hearing requirements. If a bill seeks to add a structure to the “Landmark List: Exteriors” and was not initiated by CHAP, the City Council may not take action to add the structure to that list without first referring the action to CHAP for a written report and recommendation. Art. 6, §4-8(b).

It appears from other agency reports that CHAP reviewed the bill and approves the landmark designation subject to an amendment. However, the written report of CHAP’s findings was not posted as of the date of this report. Assuming the CHAP report is submitted and the notice and hearing requirements are satisfied, the Law Department can approve the bill for form and legal sufficiency. Even without the submitted report, the bill may move forward after 100 days post referral. Art. 6, §4-5 (b) (2).

The ordinance may be amended to clarify the scope of CHAP’s review as referenced in the Planning Commission staff report. Art. 6, § 4-7(1). However, The purpose of the amendment, according to the Planning staff report, is to clarify that CHAP review “will exclude the current infrastructure projects as presented and approved by CHAP in 2015, and that the designation will not impact or impede the Department of Public Works ability to access, repair, maintain, or improve its infrastructure located on the property, including the ability to remove vegetation, landscaping, or plantings that pose a potential risk to infrastructure.” Staff report, p. 2. While there is no legal impediment to this amendment, it is likely unnecessary. The reservoir on the property qualifies as a “municipal structure” and while reconstruction or alteration may require

CHAP review, maintenance and repair is generally excluded from the process if there is no change in design or appearance of the structure. Art. 6, § 8-15.

Subject to the above, the Law Department approves the bill for form and legal sufficiency.

Very truly yours,



Ashlea H. Brown  
Assistant Solicitor

cc: Andre M. Davis, City Solicitor  
Karen Stokes, Director, Mayor's Office of Government Relations  
Jeff Amoros, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Victor Tervalá, Chief Solicitor