
CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

August 27, 2019

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 19-0402 - Zoning – Conditional Use Parking Lots – Hoen
Lithograph Building

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-402 for form and legal sufficiency. The bill permits, subject to certain conditions, the establishment, maintenance, and operation of parking lots to serve the Hoen Lithograph Building on the properties known as 2000 through 2028 East Biddle Street, 2030-2044, 2011-2017, and 2021-2045 East Biddle Street, 2201 through 2235 Henneman Avenue, 100 through 1006 North Patterson Park Avenue, and adjacent alleys, as outlined in red on the accompanying plat.

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).

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 establishes the facts that will allow the bill to be lawfully adopted and all other procedural requirements are satisfied, the Law Department can approve the bill for form and legal sufficiency.

Sincerely,



Ashlea H. Brown
Assistant Solicitor

cc: Andre M. Davis, City Solicitor
Nicholas Blendy, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Victor Tervalá, Chief Solicitor