
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW

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July 14, 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 21-0055 - Zoning – Conditional Use Retail Goods Establishment (With Alcoholic Beverages Sales) – 2600 North Howard Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0055 for form and legal sufficiency. The bill permits, subject to certain conditions, the establishment, maintenance, and operation of a retail goods establishment (with alcoholic beverages sales) on the property known as 2600 North Howard Street. It provides for an immediate effective date.

This property is zoned C-2, which requires the condition use to be approved by ordinance. City Code, Art. 32, Table 10-301. 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.

The 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,

Victor K. Tervala

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
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