

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

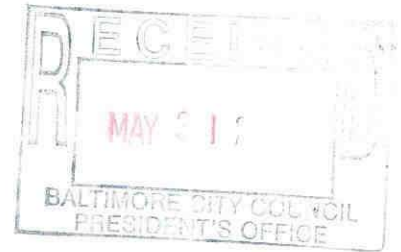


DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

May 31, 2013

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



Re: City Council Bill 13-0210 – Zoning – Parking Lot District – 301 East Lombard Street (aka 300 East Pratt Street)

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 13-0210 for form and legal sufficiency. The bill permits, subject to certain conditions, the establishment, maintenance, and operation of an open off-street parking area on the property known as 301 East Lombard Street (aka 300 East Pratt Street), as outlined in red on the accompanying plat.

The subject property is zoned B-5-2 (Central Commercial District) and is located within the downtown Parking Lot District. In a B-5 District, the City Zoning Code (“ZC”) requires open off-street parking areas, as conditional uses, to be approved by ordinance. See ZC, §§ 6-609, 6-509 & 6-209. Accordingly, the proposed ordinance satisfies the above requirements.

The Law Department points out that the parking lot was approved as a conditional use in 1997 pursuant to Ordinance 97-130. The authorization, however, was limited to a 3-year period. The Mayor and City Council were required to take further action to preserve the conditional use. No further action was taken. Consequently, this property has operated for the last 13 years without a renewal of the conditional use, in violation of City zoning laws.

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 will approve the bill for form and legal sufficiency.

F/Comments

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Victor K. Tervalo". The signature is fluid and cursive, with a prominent horizontal stroke at the end.

Victor K. Tervalo
Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor
Hilary Ruley, Assistant Solicitor
Jennifer Landis, Assistant Solicitor