
CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
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July 25, 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 19-0400 - Zoning – Conditional Use Parking Lot – 301 East Lombard Street (aka 300 East Pratt Street)

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0400 for form and legal sufficiency. The bill reauthorizes and continues the permission for, 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) (Block 1381, Lot 002). It also provides for a special effective date.

This property is zoned C-5-DC, which requires parking lots as a principal 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).

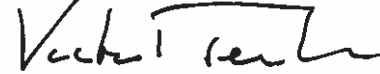
The Law Department notes that the Planning Commission’s Report (“Report”) does not provide any of the facts needed to lawfully approve this bill. Those facts, therefore, must be

established in oral or written testimony at the public hearing of the bill, now scheduled for July 31, 2019.

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

Sincerely,



Victor K. Tervalo
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Jeffrey Amoros, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Assistant Solicitor