
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
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BALTIMORE, MD 21202

October 11, 2024

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 24-0592 - Conditional Use Parking Lot - 301 East
Lombard Street (a/k/a 300 East Pratt Street)

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 24-0592 for form and legal sufficiency. The bill would reauthorize and continue 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), as outlined in red on the accompanying plat and provide for a special effective date. This property was last reauthorized by City Council Bill 19-0400 for conditional use in 2019 for three years and entitled to two 1-year extensions.

The prior authorization for the conditional use has recently lapsed. Since it has been less than two years, the Zoning Code would not void the prior authorization, and the property owner would be permitted to cure. City Code, Art. 32, §§ 5-408; 5-409.

The property in this case 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 or sign would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use or sign 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;
- (4) and the authorization would be in harmony with the purpose and intent of this Code

Art. 32, § 5-406(b).

The Law Department 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.

If the Planning Commission's Report ("Report") demonstrates the facts necessary for conditional use or that the facts are established in oral or written testimony at the public hearing of the bill, now scheduled for October 15, 2024, and all other procedural requirements are satisfied, the Law Department is prepared to approve the bill for legal form and sufficiency.

Sincerely,



Desiree Luckey
Assistant Solicitor

cc: Ebony Thompson, City Solicitor
Stephen Salsbury, Deputy City Solicitor
Nina Themelis, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Chief Solicitor
Michelle Toth, Assistant Solicitor