


| | | | | |
|-------------|----------------------------------|--|--|---|
| FROM | NAME & TITLE | Rudolph S. Chow, P.E., Director | CITY of BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | Department of Public Works 600 Abel Wolman Municipal Building | | |
| | SUBJECT | CITY COUNCIL BILL 14-0418 | | |

DATE: October 15, 2014

TO

The Honorable President and Members
of the Baltimore City Council
c/o Natawna Austin
Room 400 – City Hall

I am herein reporting on City Council Bill 14-0418 introduced by the Council President on behalf of the Administration (Department of General Services).

The purpose of this bill is to clarify and simplify the law governing and procedures for alley gating and alley greening projects; lower the percentage of abutting property owners required to initiate a petition to gate an alley; simplify the process for obtaining review of petitions by the Police and Fire Departments; clarify the different requirements for gating, but not greening, an alley, gating and greening an alley, and greening an alley for which gating has already been approved; consolidate and conform repetitive requirements that are common to all processes; correct, clarify, and conform related provisions; and generally relating to the gating, greening, and leasing of alleys under the authority of City Charter Article II, § 35(e) and (f).

Article II (General Powers) of the Baltimore City Charter was amended in 2004 by the Maryland General Assembly (Chapter 423 of the Acts of 2004). This amendment authorized the gating of an alley no longer needed for through pedestrian or vehicular traffic and the leasing of a gated alley to “an entity that consists of property owners whose lots abut the alley,” now Article II § 35(e) and (f) of the Baltimore City Charter. In 2007, Baltimore City established the City’s alley gating program through Ordinance 07-409, which established a new Subtitle 8A (Gating and Greening Alleys) of Article 26 of the Baltimore City Code. The last amendment to this Subtitle was Ordinance 11-580, which clarified the law to assign the administration of the alley gating process to the Department of General Services.

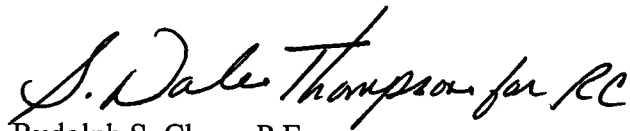
City Council Bill 14-0418, if approved, would make clarifications to the current law and would make certain changes to simplify the alley gating process. It would remove repetitive language, clarify the different standards for gating an alley and greening an alley, and clarify the types of entities that may enter into a gating lease with the City. The legislation would also lower the necessary percentage of property owner consents from 80% to 75% and would transfer the responsibility for contacting the Commissioners of the Fire Department and Police Department from the petitioner to the Department of General Services.

The Honorable President and Members
of the Baltimore City Council
October 15, 2014
Page 2

The legislation states that the gating lease must include provisions for the Department of Public Works along with Fire, Police, and other appropriate agencies to gain access the alley. This provision is necessary to retain access to public utilities.

The Department of Public Works believes the changes and clarifications proposed in City Council Bill 14-0418 are reasonable and therefore supports its passage.

Sincerely,


Rudolph S. Chow, P.E.
Director

RSC/KTO:ela