



**BALTIMORE CITY COUNCIL
ECONOMIC AND COMMUNITY DEVELOPMENT
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the Committee on Economic and Community Development (ECD) is responsible for supporting strong thriving communities. ECD will review proposed zoning and land use changes, tackle issues related to economic development, oversee housing policy, and promote equitable economic opportunity for all Baltimore residents.

The Honorable Sharon Green Middleton

PUBLIC HEARING

November 28, 2023

2:20 PM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

23-0420

Residential Permit Parking Program Area ____ - Brunt Street Area

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BILL SYNOPSIS

Committee: Economic and Community Development

Bill: 23-0420

Residential Permit Parking Program Area - Brunt Street Area

Sponsor: Councilmember Torrance

Introduced: August 21, 2023

Purpose:

For the purpose of establishing a new statutory Residential Permit Parking Area ___ for the Brunt Street Area.

Effective: The 30th day after it is enacted

Agency Reports

City Solicitor	Approves for Form and Legal Sufficiency
Dept of Planning	No Objection
BPD	No Objection
Dept of Transportation	No Objection
Parking Authority	Favorable
Dept of Housing and Community Development	Defers to the Parking Authority

Analysis

Current Law

Article 31 Section 10 of the City Code describes and establishes the Residential Permit Parking (RPP) Program. The program administered by the Baltimore City Parking Authority is intended to:

- (1) to reduce hazardous traffic conditions resulting from the use of streets within these areas by nonresidents
- (2) to protect these areas from polluted air and thereby assist in attaining national ambient air quality standards as required by the Federal Clean Air Act.
- (3) to protect these areas from excessive noise, trash and refuse caused by the entry of nonresident vehicles.
- (4) to protect the residents of these areas from unreasonable burdens in gaining access to their residences.
- (5) to preserve the residential character of those areas.
- (6) to preserve the value of the property in those areas.
- (7) to preserve the safety of children and other pedestrians.
- (8) for the peace, good order, comfort, convenience, and welfare of the inhabitants of the City.

RPP's are overseen by an 11 member advisory board appointed by the Executive Director of the Parking Authority with the following membership:

- 2 members from district 1 who live in an RPP zone.
- 2 members from district 2 who live in an RPP zone.
- 2 members from district 3 who live in an RPP zone.
- 2 members from district 4 who live in an RPP zone.
- 2 members from district 5 who live in an RPP zone.
- 1 at large member who lives in an RPP zone in the City.

To qualify for participation in the Program, an area must:

- (1) Be a contiguous or nearly contiguous area that contains all or part of a public street or highway at least 1 side of which is primarily abutted by:
 - (i) residential property; or
 - (ii) residential and nonbusiness property, including schools, parks, churches, hospitals, and nursing homes;
- (2) Consist of 1 of the following:
 - (i) an area zoned as a residence district;
 - (ii) blocks that are impacted by an existing Residential Parking Area;
 - (iii) an area in which an entire block face is residential in use, including any block face that adjoins that area; or

- (iv) an area subject to a recorded master plan for subdivision and development into an area to be zoned as a residence district, where:
 - i. At least 50% of the development sites have been leased or conveyed to developers, rehabilitators, restorers, or occupants with lease, deed, or disposition agreement restrictions limiting improvements to residential uses only
 - ii. At least 50% of the planned development has been completed; and
 - iii. At least 50% of the planned improvements are in fact used and occupied as residences; and

(3) Meet any additional criteria that the Authority establishes consistent with the guidelines and standards of this subtitle.

Bill Summary

If enacted this bill would establish a Residential Permit Parking area for the Brunt Street Area. A portion of Baltimore City bound by the 2100 Block of Brunt Street odd side only.

Residential Units in the Brunt Street Area would be eligible for – Four Residential Permits and two Visitor Permits. Non permitted vehicles would not be allowed to park for more than two hours at a time in a space from 7:00 AM to 7:00 PM Monday – Friday. Non permitted vehicles would also not be allowed to park on Saturdays and Sundays.

Additional Information

Fiscal Note: Not Available

Information Source(s): Baltimore City Code, Reporting Agencies, Bill 23-0420 1st reader.

Analysis by: Anthony Leva Direct Inquiries to: 410-396-1091

Analysis Date: November 17, 2023

**CITY OF BALTIMORE
COUNCIL BILL 23-0420
(First Reader)**

Introduced by: Councilmember Torrence

Introduced and read first time: August 22, 2023

Assigned to: Economic and Community Development Committee

Referred to the following agencies: City Solicitor, Department of Planning, Department of Housing and Community Development, Baltimore Police Department, Department of Transportation, Parking Authority of Baltimore City

A BILL ENTITLED

1 AN ORDINANCE concerning

2 style="text-align:center">**Residential Permit Parking Program**
3 style="text-align:center">**Area ___ – Brunt Street Area**

4 FOR the purpose of establishing a new statutory Residential Permit Parking Area ___ for the
5 Brunt Street Area.

6 BY repealing and re-ordaining, with amendments

7 Article 31 - Transit and Traffic

8 Section 10-11(a)

9 Baltimore City Code

10 (Edition 2000)

11 BY adding

12 Article 31 - Transit and Traffic

13 Section 10-39

14 Baltimore City Code

15 (Edition 2000)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
17 Laws of Baltimore City read as follows:

18 style="text-align:center">**Baltimore City Code**

19 style="text-align:center">**Article 31. Transit and Traffic**

20 style="text-align:center">**Subtitle 10. Residential Permit Parking Program**

21 style="text-align:center">***Part III. Area Participation***

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 23-0420

1 **§ 10-11. Participating areas.**

2 (a) *In general.*

3 Except as otherwise provided in this section, participation in the Program is available to
4 the following areas:

- 5 (1) the “Pimlico Race Track Area”, as described in § 10-33 of this subtitle;
- 6 (2) the “Little Italy Area”, as described in § 10-34 of this subtitle;
- 7 (3) the “Fells Point Area”, as described in § 10-35 of this subtitle;
- 8 (4) the “Cross Street Area”, as described in § 10-36 of this subtitle;
- 9 (5) the “Camden Yards Stadium Complex Area”, as described in § 10-37 of this
10 subtitle;
- 11 (6) the “Guilford Area”, as described in § 10-38 of this subtitle; [and]
- 12 (7) THE “BRUNT STREET AREA”, AS DESCRIBED IN § 10-39 OF THIS SUBTITLE; AND
- 13 (8) [(7)] all other residential areas of the City that qualify under this subtitle.

14 ***Part VI. Statutory Areas***

15 **§ 10-39. BRUNT STREET AREA.**

16 (A) *AREA DELINEATED.*

17 (1) *IN GENERAL.*

18 THE BRUNT STREET AREA IS THE AREA BOUNDED BY THE OUTER LIMITS OF THE 2100
19 BLOCK OF BRUNT STREET.

20 (2) *PARTICIPATING BLOCK FACES.*

21 THE BRUNT STREET AREA CONSISTS OF THE 2100 BLOCK OF BRUNT STREET, ODD SIDE
22 ONLY.

23 (B) *PARKING RESTRICTIONS.*

24 (1) *IN GENERAL.*

25 EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, PARKING
26 FOR NON-PERMIT HOLDERS IN AREA ___ IS LIMITED TO 2 HOURS IN ANY 1 OR MORE
27 PARKING SPOTS MONDAY THROUGH FRIDAY, FROM 7:00 A.M. TO 7:00 P.M.

Council Bill 23-0420

1 (2) *ADDITIONAL RESTRICTION.*

2 IN ADDITION TO THE RESTRICTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION,
3 PARKING FOR NON-PERMIT HOLDERS IS PROHIBITED SATURDAY AND SUNDAY.

4 (C) *PERMIT LIMITS.*

5 EACH DWELLING UNIT WITHIN AREA ____ IS ELIGIBLE FOR:

6 (1) UP TO 4 RESIDENT PERMITS; AND

7 (2) UP TO 2 VISITOR PERMITS.

8 (D) *SIGNAGE.*

9 RESIDENTIAL PARKING PERMIT RESTRICTING SIGNAGE WILL BE PLACED ALONG ALL
10 PROPERTIES THAT ARE PERMIT-ELIGIBLE, WITH THE EXCLUSION OF SCHOOLS, CHURCHES,
11 AND BUSINESSES.

12 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
13 after the date it is enacted.

**ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE**

**23-0420
AGENCY REPORTS**

CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON,
ACTING CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

November 17, 2023

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

Re: City Council Bill 23-0420 – RPP Area __ (Brunt Street Area)

Dear President and City Council Members:

The Law Department reviewed City Council Bill 23-0420 for form and legal sufficiency. The bill establishes a new Residential Permit Parking Area __ (Brunt Street Area). The bill amends City Code Article 31, § 10-11 to identify the Brunt Street Area as a participant in the Residential Permit Parking Plan (“the Plan”). Additionally, the bill adds a new section, § 10-39, to City Code Article 31. The Brunt Street Area consists of the odd side of the 2100 block of Brunt Street, and limits parking for non-permit holders to two hours Monday through Friday from 7:00 am to 7:00 pm. Parking for non-permit holders on Saturday and Sunday is prohibited. The bill is effective 30 days after the date it is enacted.

The Parking Authority administers the Residential Permit Parking Plan set forth in Code Art. 31, Subtitle 10. See Art. 31, § 10-7. Section 10-11 identifies areas of the City in which a Parking Plan has been set by ordinance through the legislative process. The details of each statutory plan are described in § 10-33, et. seq. For Plan areas created by ordinance, the Plans may not be subject to the requirements noted below for Plans created through the petition process. See e.g., Art. 31, §§ 10-33(b), 10-34(b), 10-37(b).

For a Plan that is not created by ordinance, Article 31, § 10-12 sets out the qualification requirements for an area to participate in the Plan. Moreover, § 10-13 provides for a petition process that must be followed to be included in the Plan. The petition must be initiated by a community association, neighborhood group, or group of residents. Code Art. 31, § 10-13(a). For participation in the Plan, petitions will only be considered for areas of a certain size, with two exceptions. See Art. 31, § 10-13(b). A parking study is required (§ 10-14) and certain criteria must be satisfied to move forward with the petition. (§ 10-15(b)). The Plan must be submitted to the Department of Planning for review and comment and presented for comment at a public meeting. (§ 10-17).

The Code provisions regarding the Residential Parking Plans are silent as to when each of the two processes must be followed for the creation of a Plan. In *Keelty v. Baltimore*, 2020 WL 1488331 (2020), an unreported opinion of the Court of Special Appeals (now the Appellate Court of Maryland), the Court considered the issue of whether the statutory

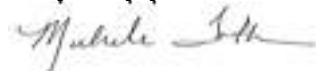
creation of a permit parking plan was a valid exercise of legislative powers by the Baltimore City Council. The Court noted that under Art. II, §§ 34(a) and (d) the City has the power to regulate the use of the streets. Additionally, under Charter Art. II, § 47, the City may pass any ordinance not inconsistent with the Charter or State law in the exercise of its Charter powers or for the maintenance of “the peace, good government, health and welfare of Baltimore City...” In *Keelty*, the plaintiff/appellant claimed that ordinances creating the Guilford Area Plan were arbitrary and unreasonable because the City could have achieved the same result with less restrictive parking measures. Both Keelty and the City cited *McBriety v. Baltimore*, 219 Md. 223 (1959) in support of their positions. The Court noted that *McBriety* states:

“[t]here is also a presumption that a municipal ordinance is reasonable and for the public good, and the burden of proving the contrary is on those who attack it,” *id.* at 231; (b) “ ‘reasonable doubts as to the validity of an ordinance should be resolved in its favor,’ ” *id.* (quoting *Tar Products Corp. v. Tax Comm’n*, 176 Md. 290, 297 (1939)); and (c) “a finding [by the Council that the ordinance was required to protect the public health, safety, morals and general welfare] is entitled to great weight and courts will not ordinarily interfere to enjoin enforcement ... unless it is shown that the ordinance is arbitrary or unreasonable.” *Id.* at 232.

The Court applied a rational basis standard and noted that the burden was on the plaintiff/appellant to show there was no rational link between the government’s stated purpose and the passage of the ordinances. *Keelty*, p. 7. The Court found that the establishment of the Guilford Plan by ordinance was not unreasonable in light of the purpose of the City Council in creating the Permit Parking Program. *Id.* See also Art. 31, § 10-2(b). The U.S. Supreme Court has upheld parking restrictions in neighborhoods, see *County Bd. of Arlington County, Va. v. Richards*, 434 U.S. 5 (1977), and the City Solicitor has opined that it is within the City Council’s authority to create a residential permit parking program. See 70 Op. City Sol. 115 (1978).


The Law Department approves this bill for form and legal sufficiency.

Very truly yours,



Michele M. Toth
Assistant Solicitor

cc: Ebony Thompson
Nina Themelis
Tiffany Maclin
Elena DiPietro
Hilary Ruley
Ashlea Brown
Jeff Hochstetler
Teresa Cummings

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #23-0420/ RESIDENTIAL PERMIT PARKING PROGRAM AREA ___ – BRUNT STREET AREA		

TO

The Honorable President and
 Members of the City Council
 City Hall, Room 400
 100 North Holliday Street

DATE: September 11, 2023

The Department of Planning is in receipt of City Council Bill #23-0420, which is for the purpose of establishing a new statutory Residential Permit Parking Area ___ for the Brunt Street Area.

The Department of Planning has **no objection** to City Council Bill #23-0420 and defers to the Parking Authority as the more directly impacted agency.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

- cc: Ms. Nina Themelis, Mayor's Office
 The Honorable Eric Costello, Council Rep. to Planning Commission
 Mr. Colin Tarbert, BDC
 Ms. Rebecca Witt, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Stephanie Murdock, DHCD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Liam Davis, DOT
 Ms. Natawna Austin, Council Services



BALTIMORE POLICE DEPARTMENT



Brandon M. Scott
Mayor

Richard Worley
Police Commissioner

November 28, 2023

Honorable President and Members of the Baltimore City Council
Room 400, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

**RE: City Council Resolution #23-0420
Residential Permit Parking Program Area—Brunt Street Area**

Dear Council President Mosby and Members of the City Council:

The Baltimore Police Department (BPD) has reviewed Council Bill #23-0420, for the purpose of establishing a new statutory Residential Permit Parking Area for Brunt Street.

Residential Permit Parking (RPP) is a program that has benefitted residents in various high traffic areas including but not limited to the area surrounding Pimlico Race Track, Little Italy, Fells Point, Cross Street, the area surrounding Camden Yards, and the Guilford area.

This ordinance will allow for the RPP Program to be enforced on the 2100 block of Brunt Street. For discussion purposes, the BPD defers to other relevant agencies as they would play more of a role in this program. The Baltimore Police Department has no objection to City Council Bill 23-0420. We appreciate the opportunity to weigh in on this piece of legislation.

Sincerely,

Erin Murphey, Esq.
Director of Government Affairs

cc: Natwana Austin, Executive Secretary of the Baltimore City Council
Nina Themelis, Director of Mayor's Office of Government Relations
Michelle Wirzberger, BPD Chief of Staff
Andrew Smullian, BPD Deputy Chief of Staff

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MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Alice Kennedy, Housing Commissioner

Date: November 28, 2023

Re: City Council Ordinance 23-0420 Residential Permit Parking Program Area ___ - Brunt Street Area

The Department of Housing and Community Development (DHCD) has reviewed City Council Ordinance 22-0202 for the purpose of establishing a new statutory Residential Permit Parking Area ___ for the Brunt Street Area.

The area consists of the odd side of the 2100 Block of Brunt Street. The street is located within DHCD's Park Heights Impact Investment Area and a Community Development Zone. The Bill does not have an operational or fiscal impact on DHCD.


DHCD takes no position on this Bill and **defers to the Parking Authority** on the passage of City Council Ordinance 23-0420.

AK/sm

cc: Ms. Nina Themelis, Mayor's Office of Government Relations

Brandon M. Scott, Mayor • **Alice Kennedy**, Housing Commissioner

417 East Fayette Street • Baltimore, MD 21202 • 443-984-5757 • dhcd.baltimorecity.gov

F R O M	NAME & TITLE	Corren Johnson, Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	Council Bill 23-0420		

DATE: 11/27/2023

TO: Mayor Brandon Scott
TO: Economic and Community Development Committee
FROM: Department of Transportation
POSITION: **No Objection**
SUBJECT: Council Bill 23-0420

INTRODUCTION – Residential Permit Parking Program Area - Brunt Street Area

PURPOSE/PLANS – Residential Permit Parking Program Area - Brunt Street Area For the purpose of establishing a new statutory Residential Permit Parking Area for the Brunt Street Area.

COMMENTS – The legislation seeks to formally create a new Residential Parking Permit (RPP) Area for the odd side of the 2100 block of Brunt Street. Parking would be restricted for to two consecutive hours for non-permit holders Monday through Friday from 7:00am to 7:00pm. Non-permit holders would be prohibited from parking within the proposed Brunt Street RPP Area on Saturdays and Sundays.

AGENCY/DEPARTMENT POSTION – If adopted, Baltimore City Department of Transportation’s Safety Division will be tasked with enforcing the newly established Brunt Street RPP Area. The agency has **no objection** towards the advancement of Council Bill 23-0420.

If you have any questions, please do not hesitate to contact Liam Davis at Liam.Davis@baltimorecity.gov or at 410-545-3207

Sincerely,

Corren Johnson,
Director

TRANSMITTAL MEMO

TO: Council President Nick J. Mosby
FROM: Peter Little, Executive Director
DATE: November 22, 2023
RE: City Council Bill 23-0420



I am herein reporting on City Council Bill 23-0420 introduced by Councilmember Torrence.

The purpose of this bill is to establish a new statutory Residential Permit Parking Area 52 for the Brunt Street Area.

The Parking Authority of Baltimore City (PABC) has reviewed the proposed legislation and discussed the intent of the bill with the Councilmember. This bill only references the odd side of 2100 Brunt Street, to be known as the “Brunt Street Area” and provides the Area’s hours of operation and allowable parking durations for non-permit holders. However, residential properties are also located along the even side of 2100 Brunt Street and should be permit eligible. Parking is presently only available on the odd side of 2100 Brunt Street; therefore, signage should only be placed along the odd side of this street segment.

As this is a community-based program and this legislation has community support, the PABC is favorable to the passage of City Council Bill 23-0420 with above-mentioned amendments.