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| FROM | NAME & TITLE | THOMAS J. STOSUR, DIRECTOR | CITY of BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET | | |
| | SUBJECT | CITY COUNCIL BILL #14-0418 / ALLEY-GATING AND GREENING PROGRAM | | |

TO

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

DATE: September 5, 2014

At its regular meeting of September 4, 2014, the Planning Commission considered City Council Bill #14-018, for the purpose of clarifying and simplifying the law governing and procedures for alley-gating and -greening projects; lowering the percentage of abutting property owners required to initiate a petition to gate an alley; simplifying the process for obtaining review of petitions by the Police and Fire Departments; clarifying 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; consolidating and conforming repetitive requirements that are common to all processes; correcting, clarifying, and conforming 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).

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #14-0418 and adopted the following resolution; nine members being present (nine in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #14-0418 be passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

- cc: Ms. Kaliopé Parthemós, Chief of Staff
 Mr. Colin Tarbert, Deputy Mayor for Economic and Neighborhood Development
 Mr. Leon Pinkett, Assistant Deputy Mayor for Economic and Neighborhood Development
 Ms. Angela Gibson, Mayor's Office
 The Honorable Rochelle "Rikki" Spector, Council Rep. to Planning Commission
 Mr. David Tanner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Sharon Daboin, DHCD
 Ms. Barbara Zektick, DOT
 Ms. Elena DiPietro, Law Dept.
 Ms. Natawna Austin, Council Services
 Ms. Marcia Collins



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

September 4, 2014

REQUEST: City Council Bill #14-0418/Alley-Gating and -Greening Program

For the purpose of clarifying and simplifying the law governing and procedures for alley-gating and -greening projects; lowering the percentage of abutting property owners required to initiate a petition to gate an alley; simplifying the process for obtaining review of petitions by the Police and Fire Departments; clarifying 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; consolidating and conforming repetitive requirements that are common to all processes; correcting, clarifying, and conforming 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).

RECOMMENDATION: Approval

STAFF: Alexandra Hoffman

COMMUNITY PLANNER: Citywide

PETITIONER(S): Administration (Department of General Services)

OWNER(S): Mayor and City Council

BACKGROUND

Typically, the process to close an alley to public use requires an ordinance, title searches, identification of affected property owners and any ancient owners, and the consent of those who have an interest in the alley. Due to considerations of the health, safety and security of abutting property owners, alley gating has been provided special consideration under the Code. In 2004, the Maryland General Assembly amended Article II (General Powers) of the Baltimore City Charter to enable the gating of alleys no longer needed for through pedestrian or vehicular traffic and the lease of gated alleys to abutting property owners. In 2007, the City passed legislation to establish the City's alley-gating program, providing special consideration for the gating of alleys under the Code.

Since its adoption in 2007, the City's alley-gating program has been amended once to reflect the assumption of jurisdiction over the program by the Department of General Services (Ordinance No. 11-580).

The Department of General Services is currently updating its regulations and internal procedures for the alley-gating program, and as part of this effort they are re-visiting the law to assist with this process while still protecting the abutting owners' interests.

ANALYSIS

For the purpose of this bill, the term "alley-gating" is understood to mean the restriction of access to the public alley with a gate. The bill defines the term "alley-greening" as "any alteration to an alley, beyond mere gating, that newly restricts vehicular access to or in the alley" and "includes, but is not limited to, the installation of a fixed object, plant, or tree that newly restricts vehicular access to or in the alley."

This bill proposes several amendments to certain provisions in Article 26 Subtitle 8A concerning the gating and greening of alleys in order to clarify and improve the process for citizens to obtain an alley gating lease from the City. The amendments are outlined as follows:

- Consolidate and conform some repetitive requirements in the law that are common to all of the gating processes (both alley-gating and alley-greening),
- Lower the percentage of abutting property owners needed to consent to the alley-gating from 80% to 75%,
- Replace the requirement for applicants to obtain letters from the Police Commissioner and Fire Marshall to support the gating of an alley with a requirement for the Department of General Services to refer gating petitions to the Police Commissioner and Fire Marshall to determine whether either agency objects to the proposed gating, and
- Clarify the different requirements for gating an alley and for greening an alley.

CONFORMITY TO PLANS

City Council Bill #14-0418 is compatible with the Comprehensive Master Plan for Baltimore City, specifically:

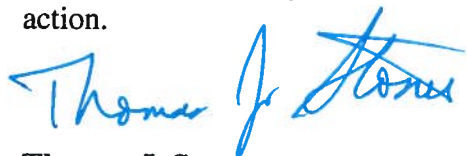
LIVE

Goal 1: Build Human and Social Capital by Strengthening Neighborhoods

Objective 3: Maintain and Create Safe, Clean & Healthy Neighborhoods

COMMUNITY NOTIFICATION

In advance of this hearing, staff notified all the associations included in the Community Association Directory maintained by the Department of Planning by email of the requested action.



Thomas J. Stosur
Director