

TJA

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #14-0385 / URBAN RENEWAL – JOHNSTON SQUARE – AMENDMENT #11:

CITY of
BALTIMORE
MEMO



TO

DATE: July 11, 2014

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

At its regular meeting of July 10, 2014, the Planning Commission considered City Council Bill #14-0385, for the purpose of amending the Urban Renewal Plan for Johnston Square to reauthorize the acquisition of properties within the Project Area, to remove certain properties from the lists in Appendices A and B, and to extend the life of the Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #14-0385 and adopted the following resolution; seven members being present (seven in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #14-0385 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.

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Attachment

- cc: Ms. Kaliope Parthemos, 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. Melissa Krafchik, PABC
- Ms. Natawna Austin, Council Services
- Ms. Julie Day, Deputy Commissioner for Land Resources, Baltimore Housing



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

July 10, 2014

REQUEST: City Council Bill #14-0385 / Urban Renewal – Johnston Square – Amendment #11: For the purpose of amending the Urban Renewal Plan for Johnston Square to reauthorize the acquisition of properties within the Project Area, to remove certain properties from the lists in Appendices A and B, and to extend the life of the Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

RECOMMENDATION: Approval.

STAFF: Kate Edwards

PETITIONER(S): The Administration (Department of Housing and Community Development)

HISTORY

- The Johnston Square Urban Renewal Plan (URP) was established by Ord. #77-357, dated June 28, 1977.
- Amendment No. 10, dated January 31, 2011, approved by the Mayor and City Council of Baltimore by Ordinance No. 11-448, dated May 26, 2011.

CONFORMITY TO PLANS

This action is compatible with the City's Comprehensive Master Plan, LIVE section, Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 2: Strategically Redevelop Vacant Properties Throughout the City.

ANALYSIS

Maryland Law Amendment: In July of 2007, an amendment to the Maryland Annotated Code, Real Estate, Title 12 was made that requires an action for condemnation to be filed within four years of an authorization for acquisition. If that cannot be accomplished, then the authorization must be renewed:

§ 12-105.1. Condemnation action to acquire private property.

- (a) Time limitation.- Notwithstanding any other provision of law, the State or any of its instrumentalities or political subdivisions shall file an action to acquire private property for public use by condemnation within 4 years of the date of the specific administrative or legislative authorization to acquire the property.
- (b) New authorization.- If an action for condemnation is not filed within 4 years of the date described in subsection (a) of this section, the State or any of its instrumentalities or political subdivisions may not proceed with condemnation until it first obtains a new authorization to acquire the property. [2007, ch. 305]

The effect of this change in the Maryland Annotated Code is that all Urban Renewal Plans (URPs) that have designated properties for acquisition and disposition that have not yet been acted upon now need to be expressly confirmed and reauthorized every four years, for the life of the URP. Therefore, since four years have nearly elapsed since the date of the previous reauthorization in 2011, amendments to several Urban Renewal Plans are necessary in order to reauthorize each URP's powers of acquisition and condemnation. With each reauthorization, those actions may legally continue beyond December 31, 2014. While these URPs are being amended, there are also technical amendments to some of the URPs to remove properties which have already been acquired and disposed of and an extension of the life of two of the URPs which would otherwise terminate on their own terms prior to the end of the reauthorization period. To that end, the Department of Housing and Community Development (HCD) has introduced a group of bills with the goal of adoption before the December 31, 2014 acquisition authority expiration, to ensure that the City's acquisition authority is seamless. The group includes the following bills:

- CCB #14-0384 - Urban Renewal – Middle East
- CCB #14-0385 - Urban Renewal - Johnston Square
- CCB #14-0386 - Urban Renewal - Oliver
- CCB #14-0387 - Urban Renewal - Park Heights
- CCB #14-0388 - Urban Renewal - Reservoir Hill
- CCB #14-0389 - Urban Renewal - Poppleton
- CCB #14-0390 - Urban Renewal - Druid Heights
- CCB #14-0391 - Urban Renewal – Coldstream Homestead Montebello
- CCB #14-0392 - Urban Renewal - Broadway East

Effects of the Bill: The changes proposed to this URP are technical in nature and are required to reauthorize the acquisition authority of the URP and to update the acquisition and disposition lists. The specific changes follow:

- In the Plan, amend C.1.c. to read: “c. THE AUTHORITY TO ACQUIRE THE PROPERTIES WITHIN THE PROJECT AREA IS EXPRESSLY CONFIRMED AND REAUTHORIZED THROUGH AND INCLUDING DECEMBER 31, 2018.” This is the express reauthorization of the acquisition authority for the next four year period. This does not materially affect the purposes of the URP, and is required to comply with the requirements of the State of Maryland under the Maryland Annotated Code, as outlined above.
- In the Plan, in Appendix A and Appendix B, delete several addresses from the list of properties. This action removes properties of which the City has already disposed. The list of properties to be deleted follows:
 - In the Plan in Appendix A delete the following:
 - 1222 E. Eager Street
 - 1312 E. Eager Street
 - 1319 through 1325 Greenmount Avenue
 - 714 E. Preston Street
 - 718 E. Preston Street

- 1305 Wirton Street
- In the Plan in Appendix B delete the following:
 - 1002 N. Eden Street
 - 1028 N. Eden Street
 - 1036 N. Eden Street
 - 1038 N. Eden Street
 - 1120 N. Eden Street
- In the Plan, amend D. to read: “THE JOHNSTON SQUARE URBAN RENEWAL PLAN, AS AMENDED FROM TIME TO TIME, IS IN FULL FORCE AND EFFECT THROUGH AND INCLUDING DECEMBER 31, 2018.” This extends the life of the URP which otherwise would terminate on its own terms prior to the end of the acquisition reauthorization period. This is necessary to ensure that the acquisition authority can be extended for the intended four year period.

Community Notice: Article 13, *Housing and Urban Renewal*, is the section of the City Code that outlines the processes for establishment of and amendments to URPs. For new URPs, or major changes, § 2-6(d) outlines the notice procedures, and include postings within the neighborhood, and two newspaper notices (one per week for two weeks) prior to the first public hearing.

For amendments to URPs, under § 2-6(g)(3) the amending bills are required to go through the same procedure as for adoption, that is, a City Council ordinance process. However, “If the Planning Commission determines that the proposed amendment is a technical correction or a minor modification that would not substantially affect the Plan or the size, use, or disposition of any property subject to the Plan, the proposed amendment need not be posted or advertised as otherwise required by subsection (d) of this section.”

Minor Modifications: The amendments proposed to these URPs are necessary to extend the time allowed for the City to continue with implementation of these plans through the acquisition of designated properties. Additionally, where the city has already disposed of designated properties the acquisition and disposition lists have been updated to remove those properties.

Staff recommends that the Planning Commission make and adopt the following finding:

- That the amendments to the URP as proposed in this bill are technical in nature, and they do not substantially affect the Plan, its size, or the use or disposition of any property subject to the Plan.

Staff Notification: Staff notified 31 community organizations of today’s hearing.



Thomas J. Stosur
Director