


TJS

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 th FLOOR		
	SUBJECT	CITY COUNCIL BILL #11-0683 / URBAN RENEWAL MARKET CENTER- AMENDMENT		

TO

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

DATE: May 6, 2011

At its regular meeting of May 5, 2011 the Planning Commission considered City Council Bill #11-0683, which is for the purpose of amending the Urban Renewal Plan for Market Center to reauthorize the acquisition of properties within the Project Area, to correct and clarify certain language, to add a new appendix to the Plan, and to revise an Exhibit Sheet to reflect a change in the Plan; waiving certain content and procedural requirements; making the 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 #11-0683 and adopted the following resolution, five members being present (five in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #11-0683 be passed by the City Council.

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

TJS/WYA

Attachment

- cc: Ms. Kaliope Parthemos, Deputy Mayor
 Ms. Thomasina Hiers, Deputy Chief of Staff
 Ms. Angela Gibson, Mayor's Office
 The Honorable Bill Henry, Council Rep. to Planning Commission
 Mr. David Tanner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Nikol Nabors-Jackson, DHCD
 Ms. Julie Day, DHCD
 Ms. Barbara Zektick, DOT
 Ms. Elena DiPietro, Law Dept.
 Ms. Karen Randle, Council Services
 Mr. Larry Greene, Council Services



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

May 5, 2011

REQUEST: City Council Bill #11-0683 / Urban Renewal – Market Center – Amendment:
For the purpose of amending the Urban Renewal Plan for Market Center to reauthorize the acquisition of properties within the Project Area, to correct and clarify certain language, to add a new appendix to the Plan, and to revise an Exhibit Sheet to reflect a change in 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: Eric Tiso

PETITIONER: The Administration (Baltimore Development Corporation)

HISTORY

- The Market Center Urban Renewal Plan (URP) was established by Ordinance No. 77-579, dated November 16, 1977.
- The latest amendment was Amendment No. 15, dated July 19, 2002, approved by the Mayor and City Council of Baltimore by Ordinance No. 04-653, dated March 25, 2004.

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]

Therefore, since four years have nearly elapsed since the date of the Maryland law change, amendments to several Urban Renewal Plans (URPs) have been necessary in order to reauthorize each URP's powers of acquisition and condemnation, and this is another such example. With each reauthorization, those acquisition actions may legally continue beyond July 2011. The basic effect is that all of our Urban Renewal Plans that have designated properties for acquisition and disposition that have not yet been acted upon now need to be expressly confirmed and reauthorized for an additional four year period. As with the other URPs, this acquisition authority will require reauthorization every four years thereafter, for the life of the URP. While this URP is being amended, there are also technical amendments that are needed to correct the text, to ensure better, more consistent, administration and operation of the plan.

Effects of the Bill: The four changes proposed to this URP are technical in nature. They are summarized as follows:

- In the Plan, the first paragraph of D.1 is amended to clarify that scattered properties to be acquired and disposed of for rehabilitation and those properties to be acquired and disposed of for clearance and redevelopment will be listed in a new Appendix B in text form. This is needed, since at present, there is only the graphic depiction in Exhibit 2 of the URP showing properties for acquisition and disposition.
- In the same section, a new sub-paragraph D.1.(d) is added to read: “(D) THE AUTHORITY TO ACQUIRE THE PROPERTIES WITHIN THE PROJECT AREA IS EXPRESSLY CONFIRMED AND REAUTHORIZED THROUGH AND INCLUDING DECEMBER 31, 2014.” 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.
- A new Appendix B is added, as referred to earlier in the plan, listing 201 West Franklin Street as the only property to be acquired. The introductory paragraph included in this new Appendix B is modeled after the other nine URPs recently reviewed by the Planning Commission, for consistency.

- A revised Exhibit 2, “Property Acquisition - Land Disposition”, dated April 4, 2011, is needed to reflect the updates to the URP. This update will remove properties no longer needed for acquisition or disposition.

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 Modification: Technical amendments are proposed in order to correct language in this URP. These changes will make administration of the plan simpler and more consistent with others across the City. In addition, technical amendments are required in some cases to clarify the purpose and intent of certain portions of the text that were not as clearly written in some of the plans, compared to others. These technical amendments will improve the text, and avoid potential future legal challenges based on these minor flaws.

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 the Market Center Merchants Association, the Mount Vernon Business Association, the Seton Hill Neighborhood Association, the Downtown Partnership of Baltimore, and West Side Renaissance Inc., as well as the owner of 201 W. Franklin Street (the sole property to be listed for acquisition), of today’s hearing.



Thomas J. Stosur
Director