


TJA

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 #10-0633 / URBAN RENEWAL YORK-WOODBOURNE BUSINESS AREA – AMENDMENT		

TO

DATE:

April 25, 2011

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

At its regular meeting of April 21, 2011 the Planning Commission considered City Council Bill #10-0633, which is for the purpose of amending the Urban Renewal Plan for the York-Woodbourne Business Area to reauthorize the acquisition of properties within the Project Area; 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 amendments to and approval of City Council Bill #10-0633 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 #10-0633 be amended and 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/WAY

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



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

April 21, 2011

REQUEST: City Council Bill #10-0633 / Urban Renewal – York-Woodbourne Business Area – Amendment:

For the purpose of amending the Urban Renewal Plan for the York-Woodbourne Business Area to reauthorize the acquisition of properties within the Project Area; 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: Amendment and Approval, with the following amendments:

- In Section C. *Project Proposals*, that the first paragraph is amended to read as follows:

C. PROJECT PROPOSALS

1. Property Acquisition

a. Properties Within the Project Area (Including Parts Thereof or Interests Therein) Will be Acquired for the Following Purposes:

(1) Clearance and Redevelopment

Properties to be acquired, BY PURCHASE OR BY CONDEMNATION, for clearance and redevelopment are identified on the Property Acquisition Map, Exhibit 2.

(2) Public Improvement

Properties to be acquired, BY PURCHASE OR BY CONDEMNATION, for provision of public improvement are also identified on the Property Acquisition Map, Exhibit 2.

b. THE AUTHORITY TO ACQUIRE THE PROPERTIES WITH THE PROJECT AREA IS EXPRESSLY CONFIRMED AND REAUTHORIZED THROUGH AD INCLUDING DECEMBER 31, 2014.

STAFF: Melvin Hicks

PETITIONER: Councilman Bill Henry

HISTORY

- The York-Woodbourne Business Area Urban Renewal Plan (URP) was established by Ordinance No. 650, dated June 13, 1974.
- The latest amendment was Amendment No. 7, dated October 18, 1989, approved by the Mayor and City Council of Baltimore by Ordinance No. 767, dated June 28, 1989.

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, an amendment to this urban renewal plan (URP) is necessary in order to reauthorize the each URP's powers of acquisition and condemnation. With this reauthorization, property acquisition 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. Each URP will then require reauthorization every four years thereafter, for the life of the URP. While this URP is being amended, there is also one technical amendment that is needed to align the text with other URPs to ensure better, more consistent administration, and operation of this urban renewal plan.

Effects of the Bill: This bill amends the URP to include the express reauthorization of the acquisition authority for the next four year period, and aligns the expiration date with similar URPs the Planning Commission recently reviewed. This change 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. Planning staff recommends that technical language is also added in the same section C of the Urban Renewal Plan. This change, specifying the specific means by which the City can acquire property under this authority, is necessary for clarity and will make the plan easier to administer. Planning staff recommends that the section is amended to read as follows:

C. PROJECT PROPOSALS

1. Property Acquisition

a. Properties Within the Project Area (Including Parts Thereof or Interests Therein) Will be Acquired for the Following Purposes:

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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: Several technical amendments are proposed in order to conform language within the various URPs. These changes will make administration of the plans simpler and more consistent 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 notified The Homeland Association, Mid-Govans Community Association, North Baltimore Neighborhood Coalition, Radnor Winston Improvement Association, Villages of Homeland East, Villages of Homeland West, Baltimore Development Corporation, and the City Council representative of this action.

Gang W. Lee / For T. J. Stosur

Thomas J. Stosur
Director