

CITY OF BALTIMORE
COUNCIL BILL 14-0307
(First Reader)

Introduced by: Councilmembers Cole, Mosby
At the request of: Somerset Memorial Partners, LLC
Address: c/o Al Barry, AB Associates, 201 East Baltimore Street, Suite 1150, Baltimore,
Maryland 21202
Telephone: 410-547-6900
Introduced and read first time: January 13, 2014
Assigned to: Urban Affairs and Aging Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Department of Public Works, Baltimore Development Community, Baltimore City Parking Authority Board, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Urban Renewal – Madison Park South –**
3 **Amendment _**

4 FOR the purpose of amending the Urban Renewal Plan for Madison Park South to modify project
5 proposal requirements for a certain disposition lot and to revise a certain exhibit to the Plan
6 to reflect the subdivision of this disposition lot; waiving certain content and procedural
7 requirements; making the provisions of this Ordinance severable; providing for the
8 application of this Ordinance in conjunction with certain other ordinances; and providing for
9 a special effective date.

10 BY authority of
11 Article 13 - Housing and Urban Renewal
12 Section 2-6
13 Baltimore City Code
14 (Edition 2000)

15 **Recitals**

16 The Urban Renewal Plan for Madison Park South was originally approved by the Mayor and
17 City Council of Baltimore by Ordinance 61-912 and last amended by Ordinance 75-891.

18 An amendment to the Urban Renewal Plan for Madison Park South is necessary to modify
19 project proposal requirements for a certain disposition lot and to revise a certain exhibit to the
20 Plan to reflect the subdivision of this disposition lot.

21 The original development of Disposition Lot 10 by the Memorial Apartments Corporation,
22 pursuant to a Land Disposition Agreement with the City, dated 1964, comprises 286 units of
23 affordable housing for elderly persons and was financed by the Section 202 Program

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

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1 administered by the U.S. Department of Housing and Community Development (HUD).
2 Disposition Lot 10 is located in a medium density residential area. The original project, which
3 was completed in 1967, has not had any major renovations and has now reached the end of its
4 useful life. The Memorial Apartments Corporation has designed and put together the financing
5 that will preserve the units of housing for elderly low-income residents for another 40 years.

6 The Memorial Apartments Corporation has also subdivided Disposition Lot 10 pursuant to
7 plans approved by the community as part of a Choice Neighborhoods planning process funded by
8 HCD, creating a new parcel referred to as Lot 3A on the subdivision plat, which is to be
9 developed as market-rate housing. The subdivision was approved by the Baltimore City
10 Planning Department on June 13, 2013, and recorded in the Land Records of Baltimore City.

11 After conveyance of the original project to a new ownership entity, as required by the
12 financing source for the new project, it will be situated on a smaller parcel of land, as a result of
13 the subdivision, and may in this and other ways require relief from certain technical provisions of
14 the Plan. Similarly, the new parcel, to be developed by an affiliate of the Memorial Apartments
15 Corporation, may require certain modifications of the Urban Renewal Plan.

16 An amendment to the Madison Park South Urban Renewal Plan is necessary to resolve in
17 favor of the new project and the new parcel any conflict between the design of the new project
18 and the land use regulations of the Plan and to also enable the development of the new parcel
19 with market rate rental housing and certain ground floor retail and commercial uses.

20 This proposed amendment to the Madison Park South Renewal Plan has been approved by
21 the Director of Planning for conformity to the Master Plan, for the detailed location of any public
22 improvements proposed in the amended Plan, and for conformity to existing and proposed
23 zoning classifications. This proposed amendment has also been approved and recommended to
24 the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing
25 and Community Development.

26 Under Article 13, § 2-6 of the Baltimore City Code, no change may be made in any approved
27 renewal plan unless the change is approved in the same manner as that required for the approval
28 of a renewal plan.

29 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
30 following changes in the Urban Renewal Plan for Madison Park South are approved:

31 (1) In the Plan, in D., add new subsections 5 and 6 to read as follows:

32 D. Project Proposals

33

34 5. NOTWITHSTANDING ANY OTHER PROVISION OF THIS PLAN, THE PROJECT
35 PROPOSAL FOR THE REDEVELOPMENT OF THE IMPROVED PORTION OF LOT 10,
36 WHICH CONSISTS OF THE SUBDIVISION OF LOT 10 THAT HAS CREATED NEW LOT
37 3A AND THE SUBSTANTIAL RENOVATION OF THE EXISTING 12-STORY
38 STRUCTURE REMAINING ON NEW SUBDIVISION LOT 4, AS DOCUMENTED IN THE
39 BUILDING PERMIT APPLICATION THAT WAS FILED WITH BALTIMORE CITY ON
40 AUGUST 16, 2013, INCLUDING ALL DRAWINGS AND MATERIALS SUBMITTED
41 WITH IT, AS AMENDED BY THE PROJECT ARCHITECT FROM TIME TO TIME TO
42 COMPLY WITH THE REQUIREMENTS OF THE BALTIMORE CITY BUILDING, FIRE,

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1 AND RELATED CODES AND OTHER CITY CODE REQUIREMENTS AND AS FINALLY
2 CONSTRUCTED, SHALL BE DEEMED TO FULLY CONFORM WITH THIS PLAN.

3 6. THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY
4 DEVELOPMENT MAY, AT ANY TIME, ISSUE A WAIVER FROM ANY PROVISION OF
5 THE RENEWAL PLAN IF, AFTER CONSIDERATION, A WAIVER IS DETERMINED BY
6 THE COMMISSIONER TO BE IN THE BEST INTEREST OF THE DEVELOPMENT OR
7 REDEVELOPMENT OF THE LAND.

8 (2) In the Plan, revise Exhibit 5, “Land Disposition”, to reflect the subdivision of Lot 10.

9 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the Urban Renewal Plan for Madison
10 Park South, as amended by this Ordinance and identified as “Urban Renewal Plan, Madison
11 Park South, revised to include Amendment __, dated January 13, 2014”, is approved. The
12 Department of Planning shall file a copy of the amended Urban Renewal Plan with the
13 Department of Legislative Reference as a permanent public record, available for public
14 inspection and information.

15 **SECTION 3. AND BE IT FURTHER ORDAINED**, That if the amended Urban Renewal Plan
16 approved by this Ordinance in any way fails to meet the statutory requirements for the content of
17 a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal
18 plan, those requirements are waived and the amended Urban Renewal Plan approved by this
19 Ordinance is exempted from them.

20 **SECTION 4. AND BE IT FURTHER ORDAINED**, That if any provision of this Ordinance or the
21 application of this Ordinance to any person or circumstance is held invalid for any reason, the
22 invalidity does not affect any other provision or any other application of this Ordinance, and for
23 this purpose the provisions of this Ordinance are declared severable.

24 **SECTION 5. AND BE IT FURTHER ORDAINED**, That if a provision of this Ordinance concerns
25 the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or
26 safety law or regulation, the applicable provisions shall be construed to give effect to each.
27 However, if the provisions are found to be in irreconcilable conflict, the one that establishes the
28 higher standard for the protection of the public health and safety prevails. If a provision of this
29 Ordinance is found to be in conflict with an existing provision of any other law or regulation that
30 establishes a lower standard for the protection of the public health and safety, the provision of
31 this Ordinance prevails and the other conflicting provision is repealed to the extent of the
32 conflict.

33 **SECTION 6. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it is
34 enacted.