

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 #14-0373 / AMENDING YORK WOODBOURNE BUSINESS AREA URBAN RENEWAL PLAN

CITY of
BALTIMORE
MEMO



TO

DATE: September 5, 2014

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

At its regular meeting of September 4, 2014, the Planning Commission considered City Council Bill #14-0373, 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 approval of City Council Bill #14-0373 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 #14-0373 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 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
- The Honorable Bill Henry, City Councilman (4th District)



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

September 4, 2014

REQUEST: City Council Bill #14-0373 / Urban Renewal – Urban Renewal – York-Woodbourne Business Area –Amendment

For the purpose of amending the Urban Renewal Plan for 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: Approval

STAFF: Tamara Woods

PETITIONER(S): City Councilman Bill Henry (4th District)

HISTORY

- June 13, 1974- The York-Woodbourne Business Area Urban Renewal Plan (URP) was established by Ordinance No. 650.
- October 18, 1989- Amendment was approved by the Mayor and City Council of Baltimore by Ordinance No. 767.
- June 9, 2011- Amendment was approved by the Mayor and City Council of Baltimore by Ordinance number 11-457.

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 4: Target Neighborhood Planning to Leverage Investment.

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, the amendment to the Urban Renewal Plan is necessary in order to reauthorize the URP's powers of acquisition and condemnation.

Effects of the Bill: The change proposed to this URP is technical in nature and is required to reauthorize the acquisition authority of the URP. The specific change is as follows:

In the Plan, amend C.1.b. to read: "The authority to acquire the Properties within the Project Area is expressly confirmed and reauthorized through and including [December 31, 2014] DECEMBER 31, 2018." This is the express reauthorization of the acquisition authority for the next four year period. Though this does not materially affect the purposes of the URP, it is required to comply with the requirements of the State of Maryland under the Maryland Annotated Code, as outlined above.

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 amendment proposed to this URP is necessary to extend the time allowed for the City to continue with implementation of this plan through the acquisition of designated properties.

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

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

Staff Notification: In advance of this hearing staff notified the following organizations: Govanstowne Business Association, Mid-Govans Community Association, Woodbourne-McCabe Neighborhood Association, Inc., York Road Partnership, Radnor Winston Improvement Association, Village of Homeland East, and the Winston-Govans Neighborhood Association



Thomas J. Stosur
Director