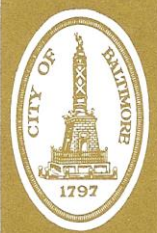


FROM	NAME & TITLE	Chris Ryer, Director	CITY of BALTIMORE MEMO 
	AGENCY NAME & ADDRESS	Department of Planning 417 East Fayette Street, 8 th Floor	
	SUBJECT	CITY COUNCIL BILL #20-0564 / URBAN RENEWAL – MIDDLE EAST – AMENDMENT __	

DATE: August 21, 2020

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

At its regular meeting of August 20, 2020, the Planning Commission considered City Council Bill #20-0564, for the purpose of amending the Urban Renewal Plan for Middle East to modify certain land uses allowed in the Plan, to correct, clarify, and conform certain provisions and references in the Plan to those in the current Baltimore City Zoning Code, to replace Appendix B with new Appendix B, to delete Appendix E in its entirety, to remove certain properties from the lists in Appendices A, C, and D and to remove certain other properties located within the Renewal Area; to replace the exhibits with new exhibits to reflect the changes in the Plan, and to modify the boundaries of the Plan to reflect the removal of certain properties, as shown on the new exhibits; 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 #20-0564 and adopted the following resolution; nine members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #20-0564 be passed by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Mr. Nicholas Blendy, Mayor's Office
 Mr. Matthew Stegman, Mayor's Office
 Ms. Nina Themelis, Mayor's Office
 The Honorable Edward Reisinger, Council Rep. to Planning Commission
 Mr. Colin Tarbert, BDC
 Ms. Livhu Ndou, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Stephanie Murdock, DHCD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Liam Davis, DOT
 Ms. Natawna Austin, Council Services
 Mr. Dominic McAlily, Council Services



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



*Chris Ryer
Director*

August 20, 2020

REQUEST: City Council Bill #20-0564/Urban Renewal – Middle East Amendment
For the purpose of amending the Urban Renewal Plan for Middle East to modify certain land uses allowed in the Plan, to correct, clarify, and conform certain provisions and references in the Plan to those in the current Baltimore City Zoning Code, to replace Appendix B with new Appendix B, to delete Appendix E in its entirety, to remove certain properties from the lists in Appendices A, C, and D and to remove certain other properties located within the Renewal Area; to replace the exhibits with new exhibits to reflect the changes in the Plan, and to modify the boundaries of the Plan to reflect the removal of certain properties, as shown on the new exhibits; 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: Marshella M. Wallace

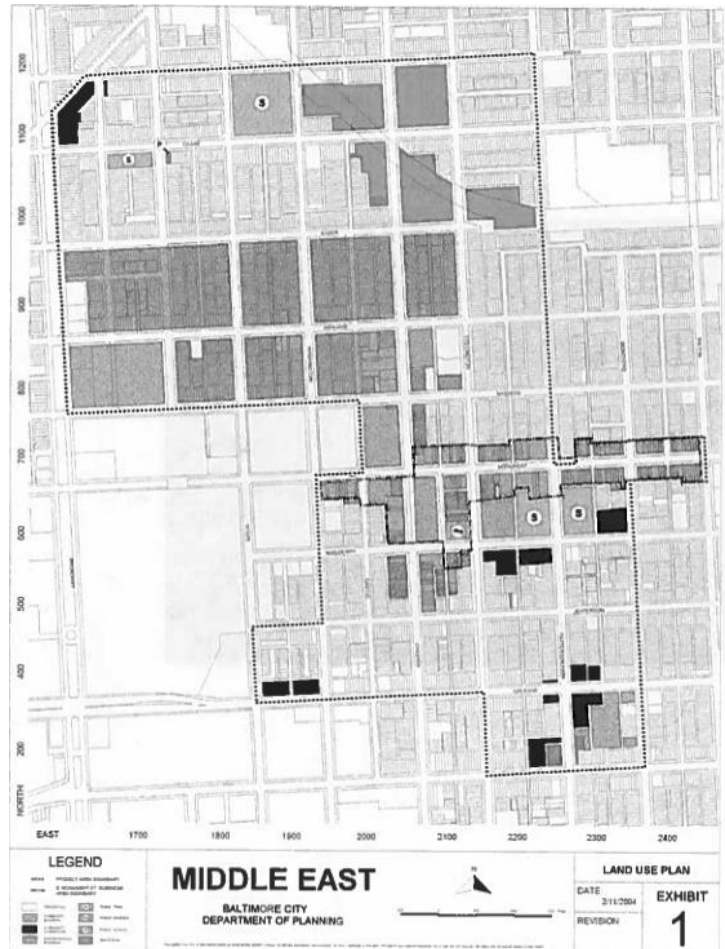
PETITIONER(S): Councilwoman Shannon Sneed

OWNERS: Various private, public, institutional owners and Mayor and City Council

SITE/GENERAL AREA

Site Conditions /General Area:

The Middle East Urban Renewal Plan encompasses several communities located within the central portion of East Baltimore east of the Johns Hopkins Medicine campus. The Urban Renewal Plan's general boundaries are E. Biddle Street (N), E. Madison Street and Orleans Street (s), N. Montford Avenue and N. Patterson Park Avenue (E) and N. Broadway and N. Washington Street (W). The map below illustrates detailed boundaries for the Middle East Urban Renewal Plan.



Communities included within the boundaries of the Middle East Urban Renewal Plan include:

- Milton-Montford
- C.A.R.E
- McElderry Park (section)
- Madison-East End (section)
- The East Monument Main Street
- Patterson Park (limited section at northwest portion of community)

Middle East Urban Renewal Plan communities are located within the boundaries of the East Monument Historic District – National Register of Historic Places. The area is comprised of many different land uses including residential, small scale neighborhood commercial within the Monument Street commercial area (where Northeast Market is located), larger mixed-use buildings with ground floor retail and hospital uses. The building typologies tend to be mostly rowhouse typology for both the residential and commercial, but there are some larger scale apartment, office and medical buildings, schools and places of worship.

The Middle East URP also includes the New East Baltimore Community, which is an 88-acre redevelopment area. This area includes the Henderson- Hopkins school campus, the 3 block long Eager Park, as well as new housing, office, hotel and bio-technology offices, labs and related

uses. A good portion of the area is governed by a Planned Unit Development (PUD), which is 33.98 acres. The boundaries for the PUD are East Chase Street, East Madison Street, North Washington Street and North Broadway and are completely encompassed in the Middle East Urban Renewal Plan.

HISTORY

- The Middle East Urban Renewal Plan (URP) was established by Ord. #1202 dated November 30, 1979.
- Amendment No. 1, dated July 23, 1982, approved by the Mayor and City Council of Baltimore by Ordinance No. 769, dated September 1, 1982.
- Amendment No. 2, dated February 3, 1983, and revised April 11, 1983, approved by the Mayor and City Council of Baltimore by Ordinance No. 930, dated April 25, 1983.
- Amendment No. 3, dated September 30, 1983, approved by the Mayor and City Council of Baltimore by Ordinance No. 1094, dated December 1, 1983.
- Amendment No.4, dated March 1, 1985 and revised June 17, 1985, approved by the Mayor and City Council of Baltimore by Ordinance No. 467, dated June 26, 1985.
- Amendment No. 5, dated February 28, 1986 and revised June 19, 1986, approved by the Mayor and City Council of Baltimore by Ordinance No. 708, dated June 27, 1986.
- Amendment No. 6, dated September 25, 2000, approved by the Mayor and City Council of Baltimore by Ordinance No. 119, dated December 7, 2000.
- Amendment No. 7, dated April 5, 2002, approved by the Mayor and City Council of Baltimore by Ordinance No. 02-455, dated December 5, 2002.
- Amendment No. 8, dated August 15, 2005, approved by the Mayor and City Council of Baltimore by Ordinance No. 05-124, dated October 7, 2005.
- Amendment No. 9, dated February 28, 2011, was approved by the Mayor and City Council of Baltimore by Ordinance No. 11-453, dated May 26, 2011.
- Amendment No. 10, was approved by the Mayor and City Council of Baltimore by Ordinance No. 11-537 on November 22, 2011.
- Amendment No. 11, was approved by the Mayor and City Council of Baltimore by Ordinance 11-563 on December 12, 2011.
- Amendment No. 12, was approved by the Mayor and City Council of Baltimore by Ordinance 14-294 on October 1, 2014.
- Amendment No. 13, was approved by the Mayor and City Council by Ordinance 14-284 on October 1, 2014.
- Ordinance No. 14-294 was enacted on October 1, 2014 to extend the acquisition authority for four years.
- Ordinance No. 18-190 was enacted on November 9, 2018 to extend the acquisition authority for four years.

CONFORMITY TO PLANS

The proposed changes to this URP are in conformance with the following goals and objectives of the Baltimore City Comprehensive Plan:

- LIVE - Goal 1: Build Human and Social Capital by Strengthening Neighborhoods
 - Objective 1: Expand Housing Choices for all Residents
 - Objective 2: Strategically Redevelop Vacant Properties Throughout the City
- LIVE - Goal 2: Elevate the Design and Quality of the City's Built Environment
 - Objective 1: Improve Design Quality of Baltimore's Built Environment
 - Develop design guidelines to respond to the unique character of Baltimore City.

The proposed changes in the bill also conform with the goals included within the Middle East Urban Renewal Plan. The goals are:

- a. To protect the area from blighting influences through clearance, rehabilitation of basically sound structures, and establishment of regulations.
- b. To provide housing resources for households of varying income levels through rehabilitation and new construction of residential properties. In the East Baltimore Development Project Area (as hereinafter defined), developer(s) will use reasonable efforts to make housing available for purchase or for rent to all residents who have been relocated from the area as a result of the redevelopment of the area and are interested in returning to live in the area. Reasonable efforts will include giving such residents the right of first opportunity to purchase or rent housing in the area and providing all such residents with regular notification of the availability of housing units for purchase or rent in the area.
- c. To facilitate the development of community facilities.
- d. To bring about a general physical improvement in the area by coordinated public improvements.
- e. Over and above the codes and ordinances of the City of Baltimore, the design guidelines in Appendix E shall be applied to all residential properties and on residential properties for both rehabilitation and new construction except for non-residential properties within the East Monument Street Business Area.
- f. To construct the biotech center at a scale compatible with the neighborhood.
- g. To rebuild and revitalize the neighborhood using flexible block designs.

Goal "e" is proposed to be modified in the legislation because the Design Guidelines are being updated. More detail of this proposed change will be discussed in more detail below.

ANALYSIS

Background:

The C.A.R.E (Caring Active Restoring Efforts) community is currently included within the boundaries of the Middle East Urban Renewal Plan. This portion of the URP area used to be part of the Middle East neighborhood, and during the 2010 census residents within the current C.A.R.E boundary petitioned the Department of Planning to change the name of that portion of the Middle East neighborhood to C.A.R.E. The neighborhood was not ready to be removed from the URP at that time. In 2018, the C.A.R.E Community Association voted to officially remove C.A.R.E from the boundaries of the Middle East Urban Renewal Plan and requested the required legislative action through Councilwoman Shannon Sneed, Thirteenth District.

C.A.R.E. completed a comprehensive neighborhood plan, the *Monument-McElderry-Fayette Area Plan*, which was adopted by Planning Commission in 2007 (updated in 2011) and desires to continue to move forward with implementation of the Plan without having to adhere to many of the restrictions of the URP. Additionally, CARE was a key participant in the Transform Baltimore rezoning process, and many of the recommendations offered by the community are reflected in the current Zoning Code, thus addressing many of the land use priorities established by C.A.R.E.

The boundaries of the C.A.R.E community are generally E. Monument Street, (N), Orleans Street and a portion of E. Fayette Street, (S), Patterson Park Avenue (E) and Wolfe Street/Washington Street (W) and form a significant portion of the southern section of the Urban Renewal Plan. This boundary changes removes 695 properties from the boundaries of the Urban Renewal Plan

C.A.R.E's request provided the opportunity for an overall update of the land use and zoning sections of the Plan and related exhibits. This update was necessary to bring the URP current with the new zoning code, the actual zoning of the properties within the boundaries, land uses and design guidelines. Following is a summary of the proposed revisions:

- **Updates the Zoning District designations listed within the Plan**
 - Removes industrial, Public and Institutional titles, Nonconforming Use and Noncomplying Structure designations.
 - Adds current Zoning District designations: Commercial, which includes Neighborhood Business and General Commercial, General Industrial, Educational Campus, Bioscience, Industrial Mixed-Use and Hospital. The current Zoning Code section for nonconforming uses, "Nonconformities" has been added to replace the nonconforming use and noncomplying structure sections of the Plan.
- **Updates Plan Exhibits**
 - Updates boundaries, zoning designations and land-use categories for the following exhibits:
 - Exhibit 1 – Land Use Plan
 - Exhibit 2 – Property Acquisition
 - Exhibit 3 – Property Disposition

- Exhibit 4 – Zoning Districts
- **Removes properties located within C.A.R.E’s boundaries from the following Plan appendices and from areas within the boundaries of the Plan:** Appendix A – Properties for Acquisition and Disposition for Rehabilitation, Appendix C – Properties for Acquisition and Disposition for Rehabilitation or Redevelopment, and Appendix D – Properties for Acquisition and Disposition for Rehabilitation or Redevelopment.

- **Deletes Appendix E Design Guidelines**

- In March 2005, the East Baltimore Development Inc., EBDI, established Appendix E to provide design guidance for the 88-acre area described above and identified as the New East Baltimore Community. The URP describes the purpose of the design guidelines as follows:

The purpose of these guidelines is to support the principles and goals of the New East Baltimore Development Plan. The guidelines are organized around five sections to guide the development of the new Life Sciences and Residential areas. The over-riding goal of the plan is to bring about the revitalization of East Baltimore as a vital and stable community within the City.

Appendix E was also applied to portions of all urban renewal plan areas that are adjacent to the Middle East URP. Subsequent to the establishment of Appendix E, the New East Baltimore Community Planned Unit Development, PUD, was enacted by Ordinance 05-160 (with several amendments over the succeeding years) to provide design and development guidelines for the New East Baltimore Community area. These design and development guidelines are based on the 2005 master plan, which was completely redesigned and reflected in the 2014 PUD Major Amendment and properties outside of the PUD boundaries. This plan is now being implemented.

Many aspects of the 2005 guidelines became obsolete. In addition, in December 2016, the City of Baltimore adopted a new zoning code, which was enacted in June 2017. This new code added many new zoning categories, including the Bioscience (BSC) category, which is included in the PUD area, as well as many other changes, including the codification of design review and the addition of the citywide Design Manual. The Design Manual includes new construction guidelines. The guidelines proposed do not and are not intended to conflict with those in the City's Design Manual, but to complement it. Additionally, the standards for residential design and rehabilitation were in some sections, overly burdensome for small residential property owners and included language that required subjective decision making. For those reasons, legal enforcement of those standards has become increasingly difficult. The revised design guidelines set objective standards that seek to improve the quality of exterior rehabilitation for all properties within the URP’s boundaries and streamline the design review process.

- **Includes streamlined and revised design guidelines that address all property types. The general objectives for the revised design guidelines area as follows:**
 - Establish standards for the rehabilitation of structures that serve to preserve façades, including cornices, windows, doors, trim, and original materials.
 - Encourage the rehabilitation of properties and structures that allow for modern need, design and the preservation of historic elements and address the scale, form and context of existing block.
 - Design additions to be compatible with the existing structure in massing, height, form, and scale. Endeavor to place additions on a secondary elevation where possible.
 - Encourage the revitalization of commercial areas and properties in a way that preserves and supports the visual character and economic health of the district and allows for maintenance of district buildings and related sites in compliance with regulatory health and safety requirements.

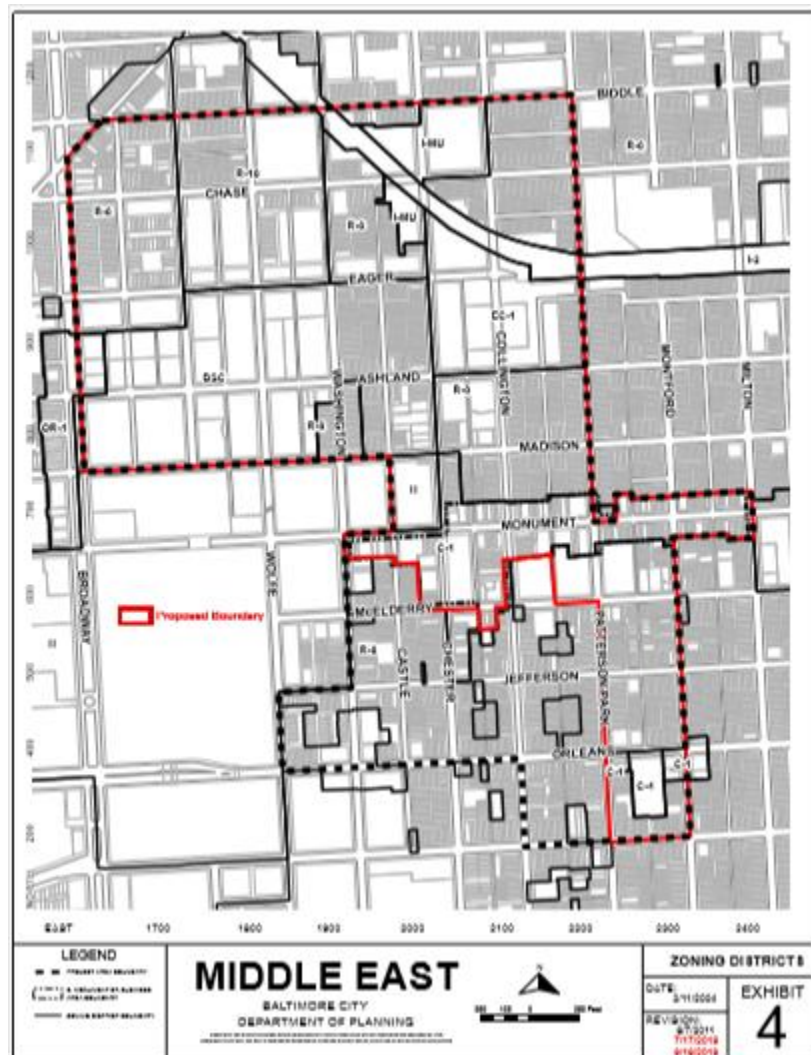
The proposed design guidelines for exterior walls, window and doors, trim, properties/yards/fencing and additions and garages apply to all properties, zoning categories and uses within the Middle East Urban Renewal Plan area.

Additional revised rehabilitation standards are proposed for all non-residential properties, whether occupied or vacant, within the Middle East Urban Renewal Plan area, including the East Monument Street Business Area. This proposed section addresses standards for storefronts, awnings and signage (to comply with Article 17 of the Zoning Code) and includes the requirement for the submission of site plans and building elevations with permit applications as needed for exterior modifications that comprise over 10 square feet.

- **Updates related language in the URP**
 - *Section 1 (1) A. Description of the Project* – The proposed revision will update the boundary description to reflect the removal of properties within C.A.R.E’s boundaries.
 - *Section 1 (2) B. Land Use Plan* – The proposed revision will update permitted land uses within residential, office-residential, and commercial land use categories. The proposed language deletes *Sections (d. Industrial), (e. Public) and (f. Institutional)* descriptions of land use categories that reference language contained in the former Zoning Code.
 - *Section 1 (2) B. Land Use Plan* – Adds new land use categories that align with current Zoning Code districts: *General Industrial, Educational Campus, Bioscience, Industrial Mixed-Use and Hospital*.
 - *Section 1 (2) B. Land Use Plan* - Deletes *Section (g)* description of nonconforming uses and noncomplying structures and replaces this section with *Section I Nonconformities*, in accordance with *Title 18* of the Zoning Code.

- *Section 1 (3) C. Techniques Used to Achieve Plan Objectives - Rehabilitation* - Revises language to include the application of *Appendix B* for all residential and non-residential properties whether occupied or vacant.
- *Section 1 (4) for Appendices A, C, and D*, and for certain properties not listed in the Appendices but which are within the boundaries of the Middle East Urban Renewal Plan, the proposed language lists the set of properties to be deleted.
- *Section 1 (5)* - The proposed revision deletes the current *Appendix B – East Monument Street Business Area: Properties and Exterior Rehabilitation Standards*, and replaces it with the new *Appendix B – Middle East Urban Renewal Plan Design Guidelines*.

Below, the Urban Renewal Plan’s revised *Exhibit 4 – Zoning* illustrates proposed boundary and zoning district revisions.



URP Expiration and Impact on Acquisition and Disposition

The Middle East Urban Renewal Plan will expire on December 31, 2022.

Acquisition authority for this URP was reauthorized in 2018. The amendment to Maryland Annotated Code, Real Estate, Title 12 – July 2007 mandates that acquisition (condemnation) authority for urban renewal plans are to be expressly confirmed and re-authorized every four years for the life of the plan, if certain properties designated within the URP have not been acquired. 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. The last four-year reauthorization was in December 2018 authorizing those actions legally to continue until December 31, 2022.

Planning Staff also worked with the Department of Housing and Community Development (DHCD) to confirm that they did not need the C.A.R.E boundaries to remain in the URP for acquisition or disposition purposes. This included double checking the specific properties that were being proposed to be removed.

COMMUNITY OUTREACH

As previously mentioned, the C.A.R.E community voted to have their neighborhood removed from the URP. Over that last 2 ½ years Planning Staff has held numerous meetings to explain the URP in detail, as well as discuss their request, what it would mean to be removed and decide on the new proposed boundary modifications. In addition, meetings and outreach were implemented with various stakeholders, including the C.A.R.E community, EBDI, E. Monument Street Merchants' Association, and several adjacent community organizations within the Middle East community to discuss the overall proposed changes and their impacts, including the land use changes, design guideline changes and other modifications.

Notifications:

Prior to this action, the following groups were notified: C.A.R.E, Reclaiming Our Community, McElderry Park Community Association, 800 Block N. Washington Beautification Association, Patterson Park Neighborhood Association, Milton-Montford Community Association, Northeast Market Merchants' Association, East Monument Street Merchants' Association, East Baltimore Development, Inc., HEBCAC, and the Ashland Avenue Association, as well as Councilwoman Shannon Sneed. In addition, the area was properly posted in advance of this hearing.

Chris Ryer



Director