

Introduced by: Councilmember Henry, ~~m. Kelly~~ ¹⁰⁰¹, ~~Cohen~~, ~~Burnett~~, ~~Wright~~, ~~Bullock~~, ~~Clarke~~

Prepared by: Department of Legislative Reference

Date: January 16, 2018

re: ~~spec~~

Referred to: LAND USE AND TRANSPORTATION Committee

S. H.

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 18-0184

A BILL ENTITLED

WITHDRAWN

AN ORDINANCE concerning

Zoning – Use Regulation – Health-Care Clinics

FOR the purpose of providing that health-care clinics in the C-1, C-1-VC, C-1-E, C-2, and C-3 Zoning Districts require conditional use approval by Ordinance of the Mayor and City Council.

BY repealing and reordaining, with amendments
Article 32 - Zoning
Table 10-301
Baltimore City Code
(Edition 2000)

John Paul
Edward

Bell
~~*[Signature]*~~

Mary

Burnett

[Signature]
[Signature]

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

<input type="checkbox"/> Department of Public Works	<input type="checkbox"/> Baltimore City Public School System
<input type="checkbox"/> Department of Real Estate	<input type="checkbox"/> Baltimore Development Corporation
<input type="checkbox"/> Department of Recreation and Parks	<input checked="" type="checkbox"/> City Solicitor
<input checked="" type="checkbox"/> Department of Transportation	<input type="checkbox"/> Comptroller's Office
<input type="checkbox"/> Fire Department	<input type="checkbox"/> Department of Audits
<input checked="" type="checkbox"/> Health Department	<input type="checkbox"/> Department of Finance
<input type="checkbox"/> Mayor's Office of Employment Development	<input type="checkbox"/> Department of General Services
<input type="checkbox"/> Mayor's Office of Human Services	<input checked="" type="checkbox"/> Department of Housing and Community Development
<input type="checkbox"/> Mayor's Office of Information Technology	<input type="checkbox"/> Department of Human Resources
<input type="checkbox"/> Office of the Mayor	<input type="checkbox"/> Department of Planning
<input type="checkbox"/> Police Department	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

Boards and Commissions

<input type="checkbox"/> Environmental Control Board	<input type="checkbox"/> Board of Estimates
<input type="checkbox"/> Fire & Police Employees' Retirement System	<input type="checkbox"/> Board of Ethics
<input type="checkbox"/> Labor Commissioner	<input checked="" type="checkbox"/> Board of Municipal and Zoning Appeals
<input type="checkbox"/> Parking Authority Board	<input type="checkbox"/> Comm. for Historical and Architectural Preservation
<input checked="" type="checkbox"/> Planning Commission	<input type="checkbox"/> Commission on Sustainability
<input type="checkbox"/> Wage Commission	<input type="checkbox"/> Employees' Retirement System
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

**BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION
VOTING RECORD**

DATE: _____

BILL#: 18-0184

BILL TITLE: Ordinance - Zoning - Use Regulation - Health-Care Clinics

MOTION BY: _____ SECONDED BY: _____

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Middleton, Sharon, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, Mary Pat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Costello, Eric	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, Ryan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, Robert	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

CHAIRPERSON: _____

COMMITTEE STAFF: Jennifer L. Coates, Initials: _____

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

Order #: 11516820
Case #:
Description:
PUBLIC HEARING ON BILL NO. 18-0184

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

3/16/2018



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore City

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 18-0184**

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, April 4, 2018 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 Holiday Street to conduct a public hearing on City Council Bill No. 18-0184.

CC 180181 ORDINANCE - Zoning - Use Regulation - Health-Care Clinics - For the purpose of providing that health care clinics in the C-1, C-1-VC, C-1-E, C-2, and C-3 Zoning Districts require conditional use approval by Ordinance of the Mayor and City Council.

BY repealing and recombining, with amendments

Article 32 - Zoning

Table 10-301

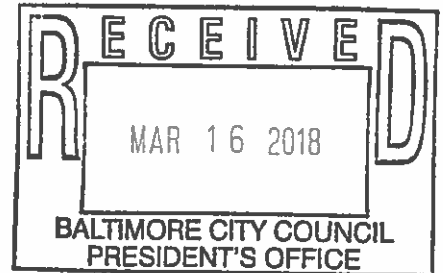
Baltimore City Code

(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

EDWARD REISINGER
Chair

mh16



The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

Order #: 11516820
Case #:
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PUBLIC HEARING ON BILL NO. 18-0184

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Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore City

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 18-0184**

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, April 1, 2018 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 Holliday Street to conduct a public hearing on City Council Bill No. 18-0184.

CC 180181 ORDINANCE - Zoning - Use Regulation - Health-Care Clinics -
For the purpose of providing that health-care clinics in the C-1, C-1-VC, C-1-E, C-2, and C-3 Zoning Districts require conditional use approval by Ordinance of the Mayor and City Council.

BY repealing and recontaining, with amendments

Article 32 - Zoning

Table 10-301

Baltimore City Code

(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

EDWARD REISINGER
Chair

mh16

TO: Councilman William Henry, District 4
FROM: Natawna B. Austin, Executive Secretary, Baltimore City Council
DATE: February 27, 2018

RE: INSTRUCTIONS FOR ADVERTISING A PUBLIC HEARING FOR ZONING

The Land Use and Transportation Committee has scheduled the following City Council Bill for public hearing:

Bill: City Council Bill No. 18-0184
Date: Wednesday, April 4, 2018
Time: 1:00 P.M.
Place: City Council Chambers, 4th floor of City Hall, 100 Holliday Street.

At the expense of the applicant, notice of this public hearing:

- 1) Must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing.

Newspaper Advertisement

You may choose any of the following newspapers for advertising purposes: The Daily Record, Baltimore Sun, or Afro-American.

Wording for Newspaper Advertisement

The information that must be advertised and posted appears between the double lines on the attached page; the deadline date is indicated below.

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant.

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE ADVERTISED IN A
NEWSPAPER **BY TUESDAY, MARCH 20, 2018** AS OUTLINED ON THE PREVIOUS PAGE.

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 18-0184

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, April 4, 2018 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 Holliday Street to conduct a public hearing on City Council Bill No. 18-0184.

CC 18-0184 ORDINANCE - **Zoning - Use Regulation - Health-Care Clinics** - FOR the purpose of providing that health-care clinics in the C-1, C-1-VC, C-1-E, C-2, and C-3 Zoning Districts require conditional use approval by Ordinance of the Mayor and City Council.

BY repealing and reordaining, with amendments
Article 32 - Zoning
Table 10-301
Baltimore City Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

Edward Reisinger
Chair

SEND CERTIFICATION OF PUBLICATION TO:

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202
(410) 396-1697

SEND BILL FOR THIS ADVERTISEMENT TO:

William Henry
Baltimore City Council, District 4
100 Holliday Street, Room 551
Baltimore, Maryland 21202
(410) 396-4830



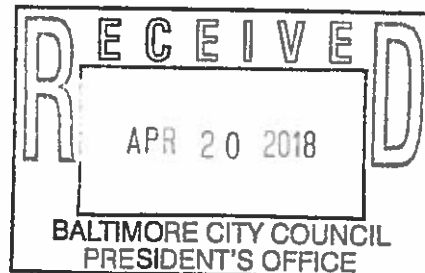
MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna B. Austin, Executive Secretary

FROM: William H. Cole, President and CEO

DATE: April 20, 2018

SUBJECT: City Council Bill No. 18-0184
Zoning – Use Regulation – Health-Care Clinics



The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill No. 18-0184, for the purpose of providing health-care clinics in the C-1, C-1-VC, C-1-E, C-2, and C-3 Zoning Districts require conditional use approved by Ordinance of the Mayor and City Council. The BDC has reviewed this Bill and is very concerned about the potential impacts that it will have on both the business community and City residents.

The healthcare sector is certainly among the most impactful drivers of Baltimore's economy, as our City is home to some of the finest medical institutions in the world, in both academic and community hospital settings. Within that realm, healthcare delivery methods continue to evolve at a rapid pace, as the ever-increasing emphasis on preventive care services and cost efficiency are driving unprecedented growth in community-based ambulatory care facilities. Healthcare providers, patients and insurers are increasingly demanding access to quality care on a more localized, neighborhood scale. Such facilities and services have proven to be among the most effective anchors in solidifying stable communities and revitalizing disadvantaged ones. This bill would severely restrict the establishment of these facilities in our communities.

The types of establishments affected by this bill also extend far beyond "clinics" in a traditional sense. Health-Care Clinics, as defined by the zoning code, broadly captures all uses where "the examination and treatment of individuals on an outpatient basis by 1 or more...licensed healthcare practitioners." This legislation would affect family doctors and dentists, traditional commercial retail uses like pharmacies, and even grocery stores with a pharmacy inside.

BDC strongly believes that there is a need for commercial uses to be allowed "by-right" in commercially zoned areas. Yet this bill gives the same treatment to a doctor's office or pharmacy that the zoning code gives to: A Fraternity or Sorority House; a Bail Bond Establishment; a Banquet Hall; a Check Cashing Establishment; and a Retail Goods Establishment with Alcoholic Beverage Sales. Those are the only other uses in the zoning code that are conditional by ordinance in commercial areas.

Opposed



City Council Bill No. 18-0184 - Zoning – Use Regulation – Health-Care Clinics

April 20, 2018

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It is unreasonable to expect a pediatrician, dentist, psychologist, physical therapist etc. – to have to pursue a City Council Ordinance just to be able to legally operate in commercially zoned areas. Many of these practitioners run small operations that provide tremendous benefit to the community. These are traditionally commercial uses, and they should be allowed in commercial districts in the same way that retail shops, restaurants, and non-medical offices are. Additionally, pharmacies like Walgreens, CVS and Rite Aid, which in many places not only serve a Health-Care function, but provide access to food and retail goods in many neighborhoods without other retail options, would not be able to operate by-right in major commercial corridors throughout the City.

The attached maps prepared by the Department of Planning show the areas where Health-Care Clinics are currently Permitted (Exhibit A), and where they will be Permitted if this bill passes (Exhibit B). With very limited exceptions, there would be no Permitted land for this use north of 25th Street and east of Falls Road. That includes existing commercial corridors along York Rd., Belair Rd. and Harford Rd. West of I-83 and north of North Ave., only on small stretches of North Avenue and Reisterstown Road would these uses be permitted as part of these major commercial corridors. Virtually every commercial area outside of Downtown would be affected by this.

Unfortunately, this bill would strongly deter or prevent these businesses from locating in the majority of the City's commercial areas. The substantial reduction of Permitted areas for these uses will lead to vacancies in the City's commercial districts, where these businesses are stable and important tenants; will concentrate these uses in a few commercial areas that are far away or inconvenient to most city residents; and will increase costs to the business – which may be passed along to residents - both by requiring higher compliance costs to seek an Ordinance, or through higher rent from the restriction on the supply of eligible land and/or the forced location into high-rent C-4 and C-5 districts. This is not only a business-unfriendly measure. This is unfriendly to any City resident who wants a convenient place to pick up prescriptions or buy a new pair of eyeglasses (if the shop also provides eye exams, which many do), not to mention take a sick child to a pediatrician.

BDC opposes restricting the placement of traditional commercial uses in commercially zoned areas, and believes that doing so in this case will be a disservice to the residents of Baltimore City that deserve convenient access to health care options in their communities. BDC opposes Bill No. 18-0184.

cc: Kyron Banks

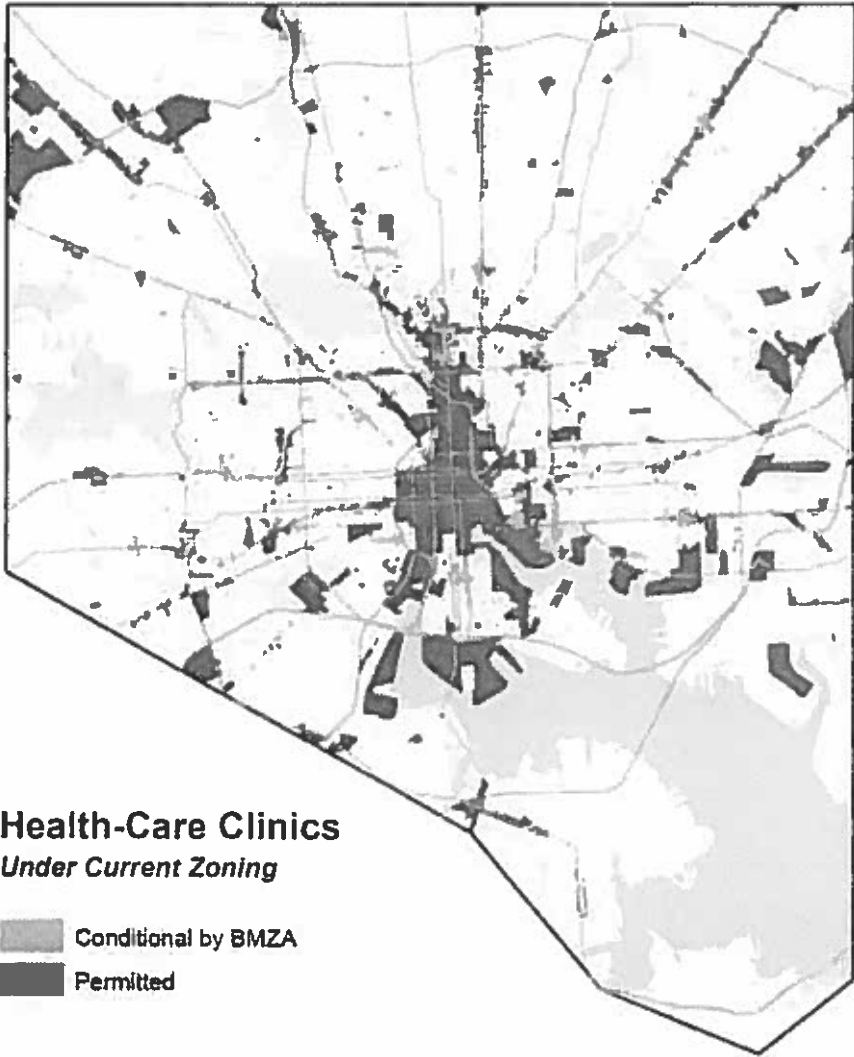


EXHIBIT A



EXHIBIT B

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, CITY SOLICITOR
100 N. Holliday Street
Suite 101, City Hall
Baltimore, Maryland 21202

March 29, 2018

Honorable President and Members
of the City Council
Attn: Natawna Austin, Executive Secretary
409 City Hall
Baltimore, MD 21202

RE: City Council Bill 18-0184 - Zoning – Use Regulation – Health Care Clinics

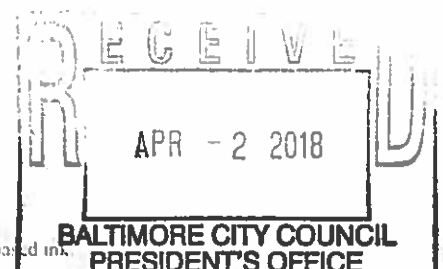
Dear President and Members:

You have requested the advice of the Law Department regarding City Council Bill 18-0184. City Council Bill 18-0184 proposes to change Table 10-301 of Art. 323- Zoning to make health-care clinics conditional uses by ordinance in the C-1, C-1-VC, C-1-E, C-2, and C-3 zoning districts. Health-care clinic is defined as “a facility for the examination and treatment of individuals on an outpatient basis by 1 or more physicians, dentists, chiropractors, physical therapists, or other licensed healthcare practitioners .” Baltimore City Code, Art. 32, Sec.1-307(f).

A law that potentially negatively impacts persons with disabilities must be analyzed to determine whether the actions of the Council would be found to constitute a violation of the Americans with Disabilities Act (ADA). The ADA prohibits the City from discriminating against persons with disabilities in its zoning laws and decisions. *See Innovative Health Sys., Inc. v. City of White Plains*, 117 F.3d 37, 44-46 (2nd Cir. 1997); *A Helping Hand, L.L.C. v. Baltimore County*, 2005 U.S. Dist. LEXIS 22196 *60 (D. Md. Sept. 30, 2005).

City Council Bill 19-0184 does not single out any particular type of health-care clinic for its conditional use by ordinance requirement and there are no similar uses that are allowed by right in the districts covered by the bill. The ordinance effects all persons and entities whether or not disabled or serving the disabled the same way. All health-care clinics must obtain a conditional use ordinance to operate in the identified districts. In *Get Back Up, Inc. v. City of Detroit*, 606 Fed. Appx. 792 (6th Cir. 2015), the Court held that an ordinance requiring a residential treatment

Fav w/ comments



City Council Bill 18-0184
March 29, 2018
Page 2

center to obtain a conditional use ordinance did not violate the ADA because the ordinance does not allow any materially similar uses to operate by right in that zoning district.

Based on the foregoing, the Law Department approves the bill for form and legal sufficiency but cautions that in the consideration of any bill seeking a conditional use for a health-care clinic, the City Council must treat all types of health-care clinics the same.

Sincerely yours,

Elena R. DiPietro

Elena R. DiPietro
Chief Solicitor

cc: Andre Davis, City Solicitor
Karen Stokes, MOGR
Kyron Banks, City Council Liaison
Hilary Ruley, Assistant Solicitor
Victor Tervalá, Assistant Solicitor
Ashlea Brown, Assistant Solicitor

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

March 28, 2018

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

**RE: CC Bill. #18-0184: Zoning - Use Regulation - Health-Care Clinics For
the purpose of providing that health-care clinics in the C-1, C-1-VC,
C-1-E, C-2, and C-3 Zoning Districts require conditional use approval
by Ordinance of the Mayor and City Council**

Ladies and Gentlemen:

City Council Bill No. 18-0184 has been referred by your Honorable Body to the Board of
Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 18-0178 is to require conditional use approval by
Ordinance of the Mayor and City Council for health-care clinics in the C-1, C-1-VC, C-1-
E, C-2, and C-3 Zoning Districts.

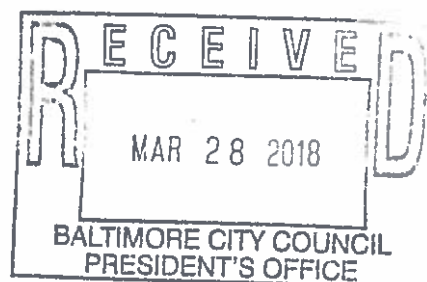
The BMZA has reviewed the legislation and does not support the passage of City Council
Bill No. 18-0178.

Sincerely,

Derek J. Baumgardner
Acting Executive Director

CC: Mayor's Office of Council Relations
Office of the City Council President
Legislative Reference

*Does not
support*



FROM

NAME & TITLE

TJA
THOMAS J. STOSUR, DIRECTOR

AGENCY NAME & ADDRESS

DEPARTMENT OF PLANNING
8TH FLOOR, 417 EAST FAYETTE STREET

SUBJECT

CITY COUNCIL BILL #18-0184 / ZONING – USE
REGULATION – HEALTH-CARE CLINICS

CITY of
BALTIMORE

MEMO



DATE:

TO

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

March 29, 2018

At its regular meeting of March 29, 2018, the Planning Commission considered City Council Bill #18-0184, for the purpose of providing that health-care clinics in the C-1, C-1-VC, C-1-E, C-2, and C-3 Zoning Districts require conditional use approval by Ordinance of the Mayor and City Council.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended disapproval of City Council Bill #18-0184 and adopted the following resolution; eight members being present (seven in favor):

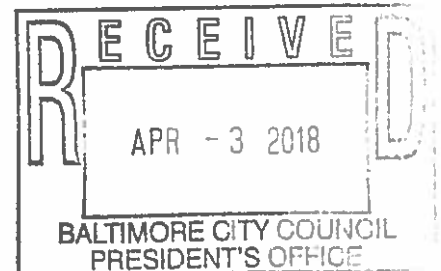
RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #18-0184 be disapproved by the City Council.

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

TJS/ewt

attachment

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. William H. Cole IV, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Ms. Katelyn McCauley, DOT
Ms. Natawna Austin, Council Services



UF



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Thomas J. Stosur
Director

March 8, 2018

REQUEST: City Council Bill #18-0184/ Zoning – Use Regulation – Health-Care Clinics:
For the purpose of providing that health-care clinics in the C-1, C-1-VC, C-1-E, C-2, and C-3 Zoning Districts require conditional use approval by Ordinance of the Mayor and City Council.

RECOMMENDATION: Disapproval

STAFF: Eric Tiso

INTRODUCED BY: Councilmembers Henry, Middleton, Cohen, Burnett, Bullock, Clarke, Reisinger, and Scott

SITE/GENERAL AREA

This bill will affect the C-1, C-1-VC, C-1-E, C-2, and C-3 Zoning Districts, which are scattered throughout the City.

HISTORY

These zoning districts were all created through Transform Baltimore, the comprehensive rezoning of Baltimore. The various C-1 subdistricts were also newly created, which offer more differentiation options than the former B-1 districts. As part of the zoning code rewrite process, Planning staff recommended that Health-Care Clinics be approvable as permitted uses. The use was later amended to be a conditional use requiring approval by the Board of Municipal and Zoning Appeals (BMZA).

ANALYSIS

Background: This bill is very simple, in that it amends Table 10-301 *Commercial Districts – Permitted and Conditional Uses* to change the table entry for the Health-Care Clinic from “CB” indicating a conditional use requiring approval by the BMZA, to “CO” indicating a conditional use requiring approval by the Mayor and City Council by Ordinance. By contrast, Health-Care Clinics are now a conditional use to the BMZA in the C-1, C-1-VC, and C-1-E districts, and they are permitted by right in C-2 and C-3.

Staff continues to recommend that these uses should be available throughout the lower intensity commercial districts throughout the City, and that the change to requiring an Ordinance for establishment is too onerous for such a necessary service. We note that the conditional use standards are identical for either method of approval, either through the BMZA or through an Ordinance, as outlined in §5-406 of the zoning code below. The only difference this bill will make is it moves the method of approval to a legislative authorization through elected officials, as opposed to an appointed Board.

Conditional Use: Per §5-406 {"Approval standards"} of Article 32 – Zoning:

(a) *Limited criteria for denying.*

Neither the Board of Municipal and Zoning Appeals, nor the City Council, as the case may be, may approve a conditional use unless, after public notice and hearing and on consideration of the standards required by this subtitle, it finds that:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code.

Below is a list of the required considerations under §5-406(b) of Article 32 – Zoning:

(b) *Required considerations.*

As a further guide to its decision on the facts of each case, the Board of Municipal and Zoning Appeals must consider the following, where appropriate:

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;
- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- (5) accessibility of the premises for emergency vehicles;
- (6) accessibility of light and air to the premises and to the property in the vicinity;
- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;
- (8) the preservation of cultural and historic landmarks and structures;
- (9) the character of the neighborhood;
- (10) the provisions of the City's Comprehensive Master Plan;
- (11) the provisions of any applicable Urban Renewal Plan;
- (12) all applicable standards and requirements of this Code;
- (13) the intent and purpose of this Code; and
- (14) any other matters considered to be in the interest of the general welfare.

Problems:

Time, cost, and intent to restrict: Historically, the requirement for approval by conditional use requiring a Mayor and City Council by Ordinance (CO) has been reserved for those land uses that are most controversial in neighborhoods, or those that have the potential for large impacts on the surrounding area. To our knowledge, this split method of conditional use approval (BMZA and Ordinance) appears to be either unique to Baltimore, or at the least is vanishingly rare. The usual effect of the Ordinance requirement has been to make the approval process more challenging. As a by-product of the differences in the processes, significantly more time is required for the legislative process, as well as increased costs in the form of posting, advertising, application and legal preparation fees. Staff believes that passage of this bill would create a disincentive to locate healthcare facilities in those districts. Staff does not believe that the provision of health care warrants increases in cost and time, nor do we believe that health care should be discouraged from locating in the C-1, C-1-VC, C-1-E, C-2, or C-3 zones.


Equitable access to health care: Should this bill pass, and health-care clinics are discouraged from locating in those affected districts, then the remaining districts eligible for health-care clinics should be considered (*i.e.* what's left). Health-care clinics are permitted in the C-4 and C-5 commercial districts, which are either located at a few heavy commercial nodes in the case of C-4, or downtown for C-5. Health-care clinics are permitted in certain industrial districts, including the Office-Industrial Campus District (OIC), Bio-Science Campus District (BSC), and the Industrial Mixed-Use District (I-MU) districts. They are likewise also permitted in some of the special purpose districts, including Hospital Districts (H), in all four of the Transit-Oriented Development Districts (TOD-1 through TOD-4), and in most of the Port Covington districts (PC-2, PC-3, and PC-4). These special purpose districts are not prevalent around the City and were intended to serve specialized functions or for a certain building type. None of these special purpose districts are prevalent around the City, and unlike the neighborhood commercial zones, they are generally not located conveniently near residential communities. This reduces the convenience of access for residents generally, but more specifically for those that do not have their own vehicles and must rely on public transportation options.

Impacts to a critical service: Staff does not believe that a critical service such as Health-Care Clinics should be further restricted, or at the least to be discouraged, in where they may locate. Careful consideration should be given to what aspect of this land use category might warrant such scrutiny, and if other options for controlling those perceived problems might exist. Examples of alternative options could be in limiting the sizes of the use, changing bulk or parking requirements, or the like, that could mitigate potential problems.

Notification: Notice of this action was sent to 2,532 subscribers via GovDelivery.



Thomas J. Stosur
Director

F R O M	NAME & TITLE	Michelle Pourciau, Director <i>MP</i>	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 18-0184		

TO Mayor Catherine E. Pugh

DATE: March 14, 2018

TO: Respective City Council Land Use and Transportation Committee
 FROM: Department of Transportation
 POSITION: Oppose
 RE: City Council Bill 18-0184 - Zoning - Use Regulation - Health-Care Clinics

INTRODUCTION – For the purpose of providing that health-care clinics in the C-1, C-1-VC, C-1-E, C-2, and C-3 Zoning Districts require conditional use approval by Ordinance of the Mayor and City Council.

PURPOSE/PLANS – This bill amends Table 10-301 *Commercial Districts – Permitted and Conditional Uses* to change the table entry for the Health-Care Clinic from “CB” indicating a conditional use requiring approval by the Baltimore City Board of Municipal Zoning Appeals (BMZA), to “CO” indicating a conditional use requiring approval by the Mayor and City Council by Ordinance. By contrast, Health-Care Clinics are now a conditional use to the BMZA in the C-1, C-1-VC, and C-1-E districts, and they are permitted by right in C-2 and C-3.

This bill will change the method of approval to a legislative authorization through elected officials, as opposed to an appointed Board.

BRIEF HISTORY – The zoning districts within the bill were all created through Transform Baltimore, the comprehensive rezoning of Baltimore. The various C-1 subdistricts were also newly created, which offer more differentiation options than the former B-1 districts. As part of the zoning code rewrite process, Baltimore City Department of Planning staff recommended that Health-Care Clinics be approvable as permitted uses. The use was later amended to be a conditional use requiring approval BMZA.

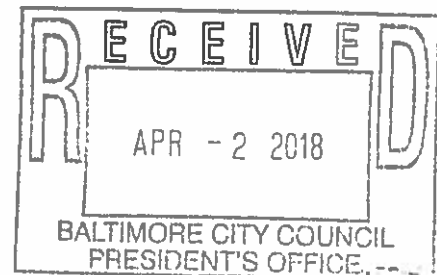
FISCAL IMPACT – Not applicable to the Department of Transportation at this time.

AGENCY/DEPARTMENT POSITION –
 The Department of Transportation respectfully opposes City Council Bill 18-0184.

If you have any questions, please do not hesitate to contact Katelyn McCauley at Katelyn.McCauley@baltimorecity.gov, (443) 677-9391.

Sincerely,

 Michelle Pourciau
 Director



Opposed

April 4, 2018
The Honorable Edward Reisinger, Chair
Members, Land Use and Transportation Committee
Baltimore City Council
100 North Holliday Street
Baltimore, MD 21202



RE: Council Bill 18-0184 Zoning - Use Regulation - Health-Care Clinics

Dear Chair Reisinger and Members of the Committee:

Nurses for Justice Baltimore is writing to oppose Council Bill 18-0184 Zoning - Use Regulation - Health-Care Clinics.

Nurses for Justice Baltimore is an organization working to build a nursing presence in social justice advocacy rooted in harm reduction principles. We are dedicated to engaging nurses in innovative ways to show up for Baltimore/Baltimore residents by advocating for concrete, sustainable, just policies inside and outside of our jobs. We are excited to support organizations, individuals, and legislation that actively work toward building a more just Baltimore.

This bill would not work to help build a more just Baltimore. On the contrary, it would limit access to health care services for vulnerable populations in Baltimore City—in particular people who are homeless or have unstable housing, folks with disabilities, those coping with mental health crises, folks who lack access to stable transportation, and the vast majority of patients whom our nurses serve. We oppose this bill for the following reasons:

- **DISCRIMINATION AND STIGMA**
- **BILL LIMITS ABILITY TO GROW AND EXPAND ACCESS TO HEALTH SERVICES**
- **UNPRECEDENTED APPROACH TO APPROVING THE LOCATION OF HEALTHCARE CLINICS**

Nurses for Justice Baltimore urges the Land Use and Transportation Committee to give Council Bill 18-0184 an unfavorable report.

Thank you for consideration of our concerns and please do not hesitate to contact us if you would like to discuss this issue further. We can be reached at nurses4justicebmore@gmail.com.

Sincerely,

Nurses for Justice Baltimore

Michaela Lindahl, MS, MPH, RN, APHN-BC, CNL & Molly R. Greenberg, MPH, RN, BSN

received
4/12/18 JRC

The Baltimore City Department of
HOUSING & COMMUNITY
DEVELOPMENT

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner *MBR*

Date: April 2, 2018

Re: City Council Bill 18-0184 – City Council Bill 18-0184 – Zoning – Use Regulation – Health-Care Clinics

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0184, for the purpose of providing that health-care clinics in the C-1, C-1-VC, C-1-E, C-2, and C-3 Zoning Districts require conditional use approval by Ordinance of the Mayor and City Council.

If enacted, this bill would change the approval process for the establishments of health-care clinics in certain Zoning Codes. Currently, health-care clinics are Conditional by the Board in C-1, C-1-VC and C-1-E and permitted in C-2, C-3, C-4 and C-5. This bill would change the requirements for health-care clinics to Conditional by Ordinance in the C-1, C-1-VC, C-1-E, C-2 and C-3 and retain permitted use in C-4 and C-5.

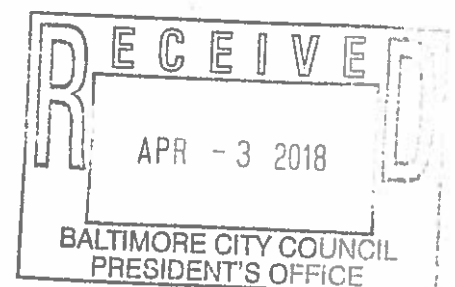
HCD supports the current approval process for the establishment of health-care clinics as outlined in the new zoning code for Baltimore City. The definition of health care clinics in the zoning code is very broad and it is defined as “a facility for the examination and treatment of individuals or an outpatient basis by 1 or more physicians, dentists, chiropractors, physical therapists, or other licensed healthcare practitioners”. Adding additional approval time for health-care clinics in certain zoning districts could possibly deter potential facilities from being established in communities and result in an unintended consequence of preventing equitable and reasonable access to health care for City residents.


The Department of Housing and Community Development agrees with the Planning Commission and does not support the passage of City Council Bill 18-0184.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*

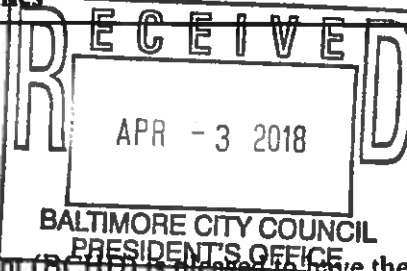
UF



F R O M	Name & Title	Dr. Leana Wen, Commissioner <i>Leana Wen</i>	Health Department AGENCY REPORT	
	Agency Name & Address	Health Department 1001 E. Fayette Street Baltimore, Maryland 21201		
	Subject	18-0184 – Zoning – Use Regulation – Health-Care Clinics		

**To: President and Members
of the City Council
c/o 409 City Hall**

March 29, 2018



The Baltimore City Health Department (BCHD) is pleased to have the opportunity to review #18-0184 – Zoning – Use Regulation – Health-Care Clinics. The purpose of this legislation is to revise the zoning code to require conditional use approval for health-care clinics by the City Council and Mayor. For the following reasons, BCHD is opposed to Council Bill #18-0184.

Public health best practices dictate that patients have accessibility to care in their respective communities. 18-0184 negatively affects accessibility in two ways. First, the bill makes it easier for health care clinics to situate themselves in more expensive C-4 and C-5 zoning districts by making them a permitted use. This will actually create a disincentive for dentist offices, urgent care facilities, ambulatory surgery centers, etc. to locate in disadvantaged neighborhoods where commercial districts are generally restricted to C-1 through C-3 zoning and access to care is already limited.

Second, 18-0184 adds a discretionary component to the zoning process, which may discourage health care providers from locating in certain communities due to possible political implications. While community input and engagement are critical to a well-planned and vibrant city, many health clinics are already choosing their locations based mostly on community need. This bill may create situations wherein community associations are pitted against the needs of individual community members and vice versa.

In the case of individuals suffering from opioid use disorder, research shows that community-based medication-assisted treatment is the gold standard. Said treatment can stem overdoses and save lives if delivered in a timely fashion.¹ This is why medication-assisted treatment facilities should be situated in communities where the need is greatest, regardless of whether a minority of community members oppose their presence. Moreover, according to Behavioral Health System Baltimore,² 24,887 individuals are suffering from opioid use disorder in Baltimore City, whereas

¹ Sordo L, Barrio G, Bravo MJ, Indave BI, Degenhardt L, Wiessing L, et al. Mortality risk during and after opioid substitution treatment: systematic review and meta-analysis of cohort studies. *bmj*. 2017 Apr 26;357:j1550. PMID:28446428

² Behavioral Health System Baltimore, "Substance Use Disorder Treatment Capacity in Baltimore City." http://www.bhsbaltimore.org/site/wp-content/uploads/2013/08/OTP-Capacity-Report_01_27_17_FINAL.pdf

UF

treatment facilities in the City can only accommodate 17,587 individuals. This capacity deficit is alarming because of the efficacy of delivering timely and readily-available treatment.

There are additional considerations beyond the life-saving capabilities of well-situated medication-assisted treatment facilities. According to the National Institutes of Health, every one dollar invested in addiction treatment saves society \$12.³ Additionally, research shows that crime surrounding medication-assisted treatment facilities is statistically no different than most corner stores.⁴ In fact, these facilities can stem crime as research also shows that individuals that have successfully completed opioid treatment are less likely to engage in criminal behavior.⁵

Finally, preventing the establishment of medication-treatment facilities, as well as many other health-care clinics, through land use protocol may run afoul of the Americans with Disabilities Act ("ADA"). In *Smith Berch, Inc. v. Baltimore County, Maryland*, a judge granted summary judgment to the plaintiff because requiring that a proposed methadone treatment program undergo a public hearing to obtain a zoning permit violated the ADA.⁶ A similar situation and result occurred in *Start, Inc. v. Baltimore County, Maryland* – it was noted that the ADA's Title II prohibits a discrimination in services, programs, or activities of a public entity.⁷

Altogether, 18-0184 has the possibility for many negative outcomes from limiting access to health care in poorer communities to causing spikes in crime to a possible civil rights lawsuit. The Health Department insists that health care clinics remain a permitted use throughout the City's zoning code, and urges an unfavorable report on Council Bill #18-0184.

³ National Institute on Drug Abuse. Principles of drug addiction treatment: A research-based guide. 3rd ed. Bethesda (MD): National Institute on Drug Abuse, National Institutes of Health; 2012.

⁴ Furr-Holden CD, Milam AJ, Nesoff ED, Johnson RM, Fakunle DO, Jennings JM, Thorpe Jr RJ. "Not in my back yard: a comparative analysis of crime around publicly funded drug treatment centers, liquor stores, convenience stores, and corner stores in one Mid-Atlantic City. *Journal of studies on alcohol and drugs*." 2016 Jan 8;77(1):17-24.

⁵ Marsch, Lisa A. "The efficacy of methadone maintenance interventions in reducing illicit opiate use, HIV risk behavior and criminality: a meta-analysis." *Addiction* 93.4 (1998): 515-532.

⁶ *Smith Berch, Inc. v. Baltimore County, Md.*, 115 F.Supp.2d 520 (2000)

⁷ *Start, Inc. v. Baltimore County, Md.*, 295 F.Supp.2d 569 (2003)



April 2, 2018

Councilman Edward Reisinger
Baltimore City Land Use & Transportation Committee
100 Holliday Street
Baltimore, MD 21202

Re: GRIA LETTER OF OPPOSITION FOR BILL 18-0184

Dear Chairman Reisinger and the Land Use & Transportation Committee,

The Greater Remington Improvement Association (GRIA) writes in **opposition** to Bill 18-0184 requiring a City Council ordinance to open a “health-care clinic,” which includes single offices for doctors, dentists, physical therapists, mental health or any other licensed medical professional, in C1 through C3 commercial zoning districts. This legislation is contrary to the goals of creating walkable neighborhoods with local businesses as envisioned by Transform Baltimore and the Remington Neighborhood.

C1 and C2 are small commercial districts intended for neighborhoods that are walkable and accessible to all residents. These are exactly the types of zoning districts where health-care clinics, particularly small practices should be located. C3 districts are larger commercial centers including shopping centers which may be attractive to either small or mid-sized medical practices. All of these potential uses are significant amenities to local communities and must be maintained in a manner requiring as little red tape to start or expand a medical practice as possible.

This legislation arises out of a local dispute regarding the former Ryan’s Daughter property in Belvedere Square now slated for an urgent care clinic. While GRIA has no desire to enter that local dispute, passing Citywide zoning laws to address a local dispute is inappropriate to managing the former Ryan’s Daughter site issues. Passing a Citywide law placing a de facto moratorium on small medical practices will harm every neighborhood seeking medical services within their neighborhood. This particularly harms lower income residents without vehicles, elderly residents and children relying on services within their neighborhoods, and hurts both neighborhood economies and the Citywide economy by telling medical professionals they are no longer welcome in our neighborhoods.

Specific to Remington, this legislation strikes a major blow to our efforts to create accessible local businesses and amenities benefitting all residents. As you know and with Planning Commission support, GRIA sought and obtained commercial zoning, now C1 under Transform Baltimore, for twelve (12) corner commercial properties in our neighborhood. Thanks to this zoning, we are seeing the rise of small businesses from barber shops, restaurants, health focused stores and even an indoor garden shop. Going forward, we envision neighbors accessing more of their healthcare needs within the neighborhood housed at these corner stores. **This legislation will make attracting and opening a physical therapist office, dentist office or mental health clinician’s office nearly impossible.**

This legislation runs counter to our goals and will be a significant detriment to our community and our residents, especially our lower income and elderly residents. For these reasons, the Remington neighborhood asks you please vote AGAINST Bill 18-0184 requiring a City Council ordinance to open a small medical office.

GREATER REMINGTON
IMPROVEMENT ASSOCIATION

(443) 620-4742
www.griaonline.org

Molly McCullagh
President

Jed Weeks
Vice President

Julie Dael
Secretary

Nellie Power
Treasurer

Board Members at Large

Ryan Flanigan
Maryanne Kondratenko
Blaine Carvalho
Bill Cunningham
Josh Greenfeld
Peter Morrill
Phong Le
Leah Irwin



Thank you for your service to our City and for your attention to this important matter.

**GREATER REMINGTON
IMPROVEMENT ASSOCIATION**

Best regards,

**Molly McCullagh
President, Greater Remington Improvement Association**

(443) 620-4742
www.griaonline.org

**Molly McCullagh
President**

**Jed Weeks
Vice President**

**Julie Dael
Secretary**

**Nellie Power
Treasurer**

Board Members at Large

**Ryan Flanigan
Maryanne Kondratenko
Blaine Carvalho
Bill Cunningham
Josh Greenfeld
Peter Morrill
Phong Le
Leah Irwin**



April 3, 2018

Councilman Edward Reisinger
Chair, Land Use and Transportation Committee
Baltimore City Council
100 North Holiday Street, 5TH Floor
Baltimore, MD 21202

Re: CCB 18-0184 (Zoning – Use Regulation – Health-Care Clinics)

Dear Chairman Reisinger:

The undersigned represent the following health care institutions in Baltimore City: Johns Hopkins Hospital and Health System, Sinai Hospital, Levindale, University of Maryland Medical System, and MedStar Union Memorial Hospital, MedStar Good Samaritan Hospital, and MedStar Harbor Hospital. We are writing to express our strong opposition to City Council Bill 18-0184, which is scheduled to be heard by the Land Use and Transportation Committee on Wednesday, April 4, at 1:00 p.m.

The Bill would make health-care clinics conditional uses in the C-1, C-2 and C-3 Zoning Districts, requiring approval by Ordinance of the Mayor and City Council. Currently, under the just-adopted Transform Baltimore zoning code, health care clinics are conditional uses in the C-1 Zoning District, requiring approval by the Board of Municipal and Zoning Appeals, and are permitted under the C-2 and C-3 Zoning Districts.

Under the Bill, all health care services other than hospitals -- from individual doctor, dentist, chiropractor, and physical therapist offices to larger health care facilities -- would need to pursue and obtain an ordinance to serve patients. The many steps to obtain such an ordinance, the time and expense it would take to pursue one, and the inability to predict for many months whether an application would be successful, would be a powerful disincentive to health care providers of all types otherwise seeking to locate in the City and serve City residents. It would also limit the ability of existing health care providers in the City to grow and expand, because they, too, would need to obtain an ordinance for that purpose.

As you know, Baltimore City has significant public health challenges. According to the Baltimore City Health Department's 2017 White Paper on the State Health in Baltimore:

- The City has an age-adjusted mortality rate that is 40 percent higher than the rest of the state and ranks last on key health outcomes compared to other jurisdictions;

-more-

received
4/2/18 JRC



MARIAN HOUSE

Women Moving from Dependence to Independence

April 4, 2018

The Honorable Edward Reisinger, Chair
Members, Land Use and Transportation Committee
Baltimore City Council
100 North Holliday Street
Baltimore, MD 21202

RE: Council Bill 18-0184 Zoning - Use Regulation - Health-Care Clinics

Dear Chair Reisinger and Members of the Committee:

Marian House is writing to oppose Council Bill 18-0184 Zoning - Use Regulation - Health-Care Clinics.

Marian House is a holistic, healing community for women and their children who are in need of housing and support services. Marian House provides wraparound support services to assist women and families in their efforts to obtain employment and housing. On behalf of Marian House and the women and families we serve, I write to urge you to oppose this bill.

This bill would limit access to health care services for vulnerable populations in Baltimore City—particularly women like the ones we serve, who experience chronic mental illness, substance use disorders, and histories of trauma like child abuse, domestic violence, and sexual assault. We oppose this bill because it would increase the level of discrimination and stigma experienced by people with disabilities and mental illness. It would also limit the ability of health providers to expand access to services for oppressed communities.

Marian House urges the Land Use and Transportation Committee to give Council Bill 18-0184 an unfavorable report.

Thank you for consideration of our concerns and please do not hesitate to contact me at if you would like to discuss this issue further. I can be reached at 410-467-4121.

Sincerely,

Katie Allston, LCSW-C
Executive Director

received
4/3/18 JAC

April 3, 2018

The Honorable Edward Reisinger
Baltimore City Council
Chair, Land Use & Transportation Committee
100 Holliday Street
Suite 500
Baltimore, Maryland 21202
Sent Via Email to Edward.Reisinger@baltimorecity.gov

Re: CCB 18-0184 (Zoning – Use Regulation – Health-Care Clinics)

Dear Chairman Reisinger:

MedChi, The Maryland State Medical Society, wishes to share our views on City Council Bill 18-0184, which is scheduled to be heard by the Land Use & Transportation Committee tomorrow. We are opposed to this bill because it will have adverse impacts on the delivery of health care to Baltimore City residents.

Under the bill, all health care services, including individual physician offices and larger practices would need to pursue and obtain an ordinance to serve patients. The many steps to obtain such an ordinance, the time and expense it would take to pursue one, and the inability to predict for many months whether an application would be successful, would be a powerful disincentive to health care providers of all types otherwise seeking to locate in the City and serve City residents. It would also limit the ability of existing health care providers in the City to grow and expand, because they, too, would need to obtain an ordinance for that purpose.

I know that we share a common goal to increase the availability and accessibility of health care in Baltimore City. Instead, CCB 18-0184 would do the opposite by creating barriers to locating community-based health care facilities in the City where the needs are great. For these reasons, MedChi urges an *unfavorable* recommendation by the Committee on CCB 18-0184.

Please do not hesitate to contact me with questions. Thank you for your consideration.

Sincerely,



Gene M. Ransom, III
Chief Executive Officer

received
4/3/18 JRC



TO: The Honorable Edward Reisinger, Chair
Members, Land Use and Transportation Committee
The Honorable Bill Henry

DATE: April 4, 2018

RE: **OPPOSE** – Council Bill 18-0184 – *Zoning – Use Regulation – Health Care Clinics*

Dear Chair Reisinger:

DaVita respectfully submits this letter in opposition to Council Bill 18-0184 Zoning – Use Regulation – Health Care Clinics. As Mayor Pugh and the Baltimore City Council's leaders continue work on efforts to build a healthier City, we fear this bill may work against the efforts to improve access to the City's residents of necessary services.

DaVita provides dialysis services to residents with kidney failure. Their treatment consists of visiting our clinics three times a week for the rest of their lives if they are not able to receive a kidney transplant. Many patients suffer multiple challenging disease states simultaneously. As a result, patients most often seek use of a clinic close to their home to reduce the challenges of transportation given their challenging physical health.

Council Bill 18-0184 establishes an unprecedented and highly burdensome mechanism for approval of healthcare facilities. It is also unclear what standards would be applied for the evaluation of conditional use applications for healthcare facilities. Also, access to care for some of the most vulnerable in our community may be delayed due to the bill's established timing for approvals.

For these reasons, DaVita urges the Baltimore City Council to vote against the adoption of the new, additional requirements contained in Council Bill 18-0184.

DaVita remains committed to working with the City in supporting the needs of the vulnerable residents in need of lifesaving kidney dialysis treatments multiple times every week.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "John Leyman".

John Leyman
Director
State Government Affairs
John.leyman@davita.com
609-937-4000

received
4/4/18 JRC

BCMS

Baltimore City Medical Society

1211 Cathedral Street, 3rd Floor
Baltimore, Maryland 21201-5516

(410) 625-0022
FAX (410) 385-0154
info@bcmsdocs.org
www.bcmsdocs.org

March 30, 2018

Councilman Edward Reisinger, Chairman
Land Use and Transportation Committee
Baltimore City Council
100 North Holliday Street
Baltimore, MD 21202

RE: CCB 18-0184 - Zoning - Use Regulation - Health Care Clinics

Dear Chairman Reisinger and Committee Members:

Baltimore City Medical Society (BCMS), the local component of MedChi, The Maryland State Medical Society, the professional membership organization of physicians, writes in opposition to the referenced Bill. We are very concerned with the impact this measure, if passed, would have on the provision of medical care to City residents in both health care clinics and physician offices.

As written, "health care clinics" (including individual and group physician practices) would be required to receive approval via an Ordinance of the Mayor and City Council before locating in the City. The approval process presents both time and resource challenges for those physicians seeking to locate to the City to provide much needed health care, or expand existing health care services in the City.

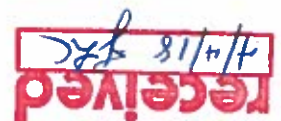
We hope you will give careful consideration to this bill and the potential negative impact on health care delivery to Baltimore City residents and render an *unfavorable vote*.

Thank you.

Sincerely,



Lisa B. Williams
CEO/Executive Director



April 4, 2018

The Honorable Edward Reisinger, Chair
Members, Land Use and Transportation Committee
Baltimore City Council
100 North Holliday Street
Baltimore, MD 21202



RE: Council Bill 18-0184 Zoning - Use Regulation - Health-Care Clinics - OPPOSITION

Dear Chair Reisinger and Members of the Committee:

The BRIDGES Coalition opposes Council Bill 18-0184 Zoning - Use Regulation - Health-Care Clinics. Our Coalition is comprised of local community-based organizations, health care providers, people in recovery, people who use drugs, loved ones of people who use drugs, and others working to end overdose and alleviate public health complications associated with substance use. BRIDGES is committed to promoting social justice in Baltimore through health care and harm reduction.

Knowing that for decades communities of color have been devastated by the lack of appropriate health care services to effectively address overdose and substance use, BRIDGES mobilizes these same communities in Baltimore to be at the forefront of advancing solutions that save lives and improve quality of life for all. Council Bill 18-0184 will deepen social injustices and racial inequities in Baltimore.

This bill would place the responsibility on elected officials to determine what types of health care services will be allowed to operate within specified zoning districts. Such a shift in authority creates barriers to health care access, particularly for vulnerable populations. While harm reduction strategies such as needle exchange save lives and are economically justified, they are often politically controversial and unlikely to receive urgent support from elected officials. Amid an overdose epidemic, CB 18-0184 would increase the risk for discrimination against people in need of substance use-related services. Health clinics, and subsequently population health, would become a bargaining chip for elected officials.

Decisions that directly impact public health and access to health services ought to be made by medical professionals; individuals who rely on public health services to survive and thrive; and other experts in public health and substance use issues. The move to allow these decisions to be made by elected officials may be legal, but it is unprecedented, and unethical.

Current or future restrictions on health care clinics and services will not benefit the health of Baltimore at a time when public health needs are paramount and access the health care ought to be expanding. **BRIDGES urges the Land Use and Transportation Committee to give Council Bill 18-0184 an unfavorable report.** For more information about BRIDGES or this position, please contact Rajani Gudlavalleti at bmorescs@gmail.com. Thank you for consideration of our concerns.

BRIDGES Coalition Organizational Members: Baltimore Harm Reduction Coalition, Bmore POWER, Communities United, Nurses for Justice-Baltimore, Charm City Care Connection, Law Enforcement Action Partnership, American Civil Liberties Union-Maryland, and the Drug Policy Alliance.



Rajani



Empowerment. Integration. Equality.

1500 Union Ave., Suite 2000, Baltimore, MD 21211

www.DisabilityRightsMD.org

Phone: 410.727.6352

April 4, 2018

The Honorable Edward Reisinger, Chair
Members, Land Use and Transportation Committee
Baltimore City Council
100 N. Holliday Street
Baltimore, MD 21202

RE: Council Bill 18-0184 Zoning – Use Regulation – Health-Care Clinics

Dear Chair Reisinger and Members of the Committee:

Disability Rights Maryland (DRM) writes today to detail our opposition to **Council Bill 18-0184 Zoning – Use Regulation – Health Care Clinics**. DRM is Maryland's designated Protection and Advocacy organization, mandated to advance the civil rights of persons with disabilities. DRM is concerned that many Baltimore citizens with disabilities do not have access to the treatment and support services they need to lead productive, healthy lives as part of their communities. Council Bill 18-0184 will make it more difficult to site health care clinics, including dialysis clinics, mental health support service offices, doctors' offices, and outpatient drug treatment centers in communities and neighborhoods where they are most needed.

According to the 2010 U.S. Census, 11.9% of Baltimore City residents report being persons with a disability. More than twenty-one percent of the City lives in poverty, which increases the incidence of disability. (See, <https://www.census.gov/quickfacts/fact/table/baltimorecitymarylandcounty/INC110216>.)

Under the Title II of the Americans with Disabilities Act, local jurisdictions, including the City of Baltimore, are prohibited from taking actions that discriminate against individuals with disabilities and their families. See *Smith Berch, Inc. v. Baltimore County, Maryland*, 115 F.Supp. 2d 520 (2000), where a judge granted summary judgment to an outpatient drug treatment clinic because requiring the program to undergo a public hearing to obtain a zoning permit violated the ADA. By making it more difficult to site health care clinics in Baltimore neighborhoods, Council Bill 18-0184 would have a disparate impact on a protected class, persons with disabilities. Many persons with disabilities, lacking reliable transportation, choose to live near their medical care and support services. Council Bill 18-0184 may diminish those individuals' opportunities to live in areas of their choice. Similarly, the lack of community disability supports plays a vital role in allowing Baltimore residents with disabilities to live productive, independent lives. We believe the City of Baltimore should make it simple and easy to open in all areas of the City. Doing so enhances the quality of life for all Baltimore residents, including those with disabilities.

received
4-4-18 JRC


Among our concerns are the following:

- 1) The bill makes it easier for health care clinics to locate in more expensive C-4 and C-5 zoning districts by making them a permitted use. This will create a disincentive for dentist offices, urgent care facilities, dialysis clinics, therapist offices, etc. to locate in disadvantaged areas where commercial districts are generally restricted to C-1 through C-3 zoning and access to care is already limited.
- 2) Requiring conditional use approval to open a medical office may discourage health care providers from locating in certain communities due to possible political implications. This bill may create situations where neighborhoods are pitted against the needs of persons with disabilities, with opposition based mostly on negative stereotyping of persons with disabilities, rather than on the needs of the community.
- 3) In the case of community-based drug treatment centers, having centers located in communities where the need is the greatest facilitates compliance with treatment and recovery. There is already a dearth of community-based outpatient drug treatment centers in Baltimore; we encourage the Council to not add additional barriers to the creation of new centers to meet the need.

For these reasons, DRM urges the Land Use and Transportation Committee to give Council Bill 18-0184 an unfavorable report.

Thank you for consideration of our concerns. We would be pleased to answer any questions or provide any additional clarification. Please contact me at lucienep@disabilityrightsmd.org or at 443-692-2494.

Sincerely,


Luciene M. Parsley
Managing Attorney



JOHNS HOPKINS
MEDICINE



April 3, 2018

Councilman Edward Reisinger
Chair, Land Use and Transportation Committee
Baltimore City Council
100 North Holiday Street, 5TH Floor
Baltimore, MD 21202

Re: CCB 18-0184 (Zoning – Use Regulation – Health-Care Clinics)

Dear Chairman Reisinger:

The undersigned represent the following health care institutions in Baltimore City: Johns Hopkins Hospital and Health System, Sinai Hospital, Levindale, University of Maryland Medical System, and MedStar Union Memorial Hospital, MedStar Good Samaritan Hospital, and MedStar Harbor Hospital. We are writing to express our strong opposition to City Council Bill 18-0184, which is scheduled to be heard by the Land Use and Transportation Committee on Wednesday, April 4, at 1:00 p.m.

The Bill would make health-care clinics conditional uses in the C-1, C-2 and C-3 Zoning Districts, requiring approval by Ordinance of the Mayor and City Council. Currently, under the just-adopted Transform Baltimore zoning code, health care clinics are conditional uses in the C-1 Zoning District, requiring approval by the Board of Municipal and Zoning Appeals, and are permitted under the C-2 and C-3 Zoning Districts.

Under the Bill, all health care services other than hospitals -- from individual doctor, dentist, chiropractor, and physical therapist offices to larger health care facilities -- would need to pursue and obtain an ordinance to serve patients. The many steps to obtain such an ordinance, the time and expense it would take to pursue one, and the inability to predict for many months whether an application would be successful, would be a powerful disincentive to health care providers of all types otherwise seeking to locate in the City and serve City residents. It would also limit the ability of existing health care providers in the City to grow and expand, because they, too, would need to obtain an ordinance for that purpose.

As you know, Baltimore City has significant public health challenges. According to the Baltimore City Health Department's 2017 White Paper on the State Health in Baltimore:

- The City has an age-adjusted mortality rate that is 40 percent higher than the rest of the state and ranks last on key health outcomes compared to other jurisdictions;

-more-



*June
4/10*

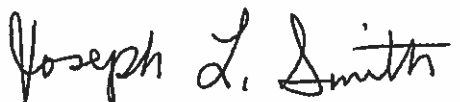
- 12.3 percent of babies born in the City are low birth weight, compared to a national average of 8 percent;
- Baltimore City's asthma-induced emergency department visit rate is three times the state rate, and the highest in Maryland;
- Baltimore's HIV diagnosis rate is more than twice that of the state;
- 23 percent of adults living in Baltimore City are current smokers, compared to a state average of 15 percent; and
- Baltimore City has one of the highest rates of heroin use and overdose in the country.


Given these challenges, we should all be working together to increase the availability and accessibility of health care in Baltimore City. Instead, CCB 18-0184 does the opposite by increasing barriers to locating community-based health care facilities in the City where the needs are great.

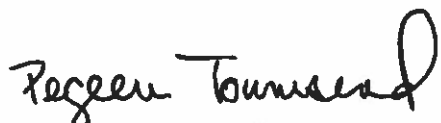
For the above reasons, we respectfully urge an *unfavorable* recommendation by the Committee on CCB 18-0184.

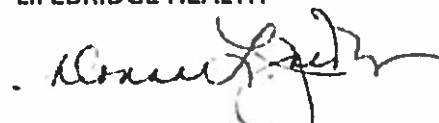
Please do not hesitate to contact any of us with any questions. Thank you for your consideration.

Sincerely,


Joseph L. Smith
Director, Local Government Affairs
JOHNS HOPKINS HOSPITAL


Martha D. Nathanson, Esq.
Vice President, Government Relations and
Community Development
LIFEBRIDGE HEALTH


Pegeen A. Townsend
Vice President, Government Affairs
MEDSTAR HEALTH


Donna L. Jacobs, Esq.
Senior Vice President, Government, Regulatory
and Community Health
UNIVERSITY OF MARYLAND MEDICAL SYSTEM

cc: Members, Land Use and Transportation Committee
Jennifer Coates, Committee Staff
Bernard C. "Jack" Young, President, Baltimore City Council



March 27, 2018

Mr. Sean Davis, Chairman
Mr. Thomas Stosur, Director
Baltimore City Planning Commission
417 E Fayette Street
8th Floor
Baltimore MD 21202

Re: CCB 18-0184 (Zoning – Use Regulation – Health-Care Clinics)

Dear Chairman Davis and Members of the Commission:

The undersigned represent the following health care institutions in Baltimore City: Johns Hopkins Hospital and Health System, Sinai Hospital, Levindale, University of Maryland Medical System, and MedStar Union Memorial Hospital, MedStar Good Samaritan Hospital, and MedStar Harbor Hospital. We are writing to express our *strong opposition* to City Council Bill 18-0184, which is scheduled to be heard by the Planning Commission on Thursday, March 29, 2018.

The Bill would make health-care clinics conditional uses in the C-1, C-2 and C-3 Zoning Districts, requiring approval by Ordinance of the Mayor and City Council. Currently, under the just-adopted Transform Baltimore zoning code, health care clinics are conditional uses in the C-1 Zoning District, requiring approval by the Board of Municipal and Zoning Appeals, and are permitted uses in the C-2 and C-3 Zoning Districts.

Under the Bill, all health care services other than hospitals -- from individual doctor, dentist, chiropractor, and physical therapist offices to larger health care facilities -- would need to pursue and obtain an ordinance to serve patients. The many steps to obtain such an ordinance, the time and expense it would take to pursue one, and the inability to predict for many months whether an application would be successful, would be a powerful disincentive to health care providers of all types otherwise seeking to locate in the City and serve City residents. It would also limit the ability of existing health care providers in the City to grow and expand, because they, too, would need to obtain an ordinance for that purpose.

As you know, Baltimore City has significant public health challenges. According to the Baltimore City Health Department's 2017 White Paper on the State of Health in Baltimore:

- The City has an age-adjusted mortality rate that is 40 percent higher than the rest of the state and ranks last on key health outcomes compared to other jurisdictions;
- 12.3 percent of babies born in the City are low birth weight, compared to a national average of 8 percent;

- more -

Mr. Sean Davis
Mr. Thomas Stosur
March 27, 2018

Page 2

- Baltimore City's asthma-induced emergency department visit rate is three times the state rate, and the highest in Maryland;
- Baltimore's HIV diagnosis rate is more than twice that of the state;
- 23 percent of adults living in Baltimore City are current smokers, compared to a state average of 15 percent; and
- Baltimore City has one of the highest rates of heroin use and overdose in the country.

Given these challenges, we should all be working together to increase the availability and accessibility of health care in Baltimore City. Instead, CCB 18-0184 does the opposite by increasing barriers to locating community-based health care facilities in the City where the needs are great.

For the above reasons, we respectfully urge an *unfavorable* recommendation by the Commission on CCB 18-0184.

Please do not hesitate to contact any of us with questions. Thank you for your consideration.

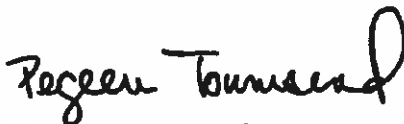
Sincerely,



Joseph L. Smith
Director, Local Government Affairs
JOHN HOPKINS HOSPITAL



Martha D. Nathanson, Esq.
Vice President, Government Relations and
Community Development
LIFEBRIDGE HEALTH



Pegeen A. Townsend
Vice President, Government Affairs
MEDSTAR HEALTH



Donna L. Jacobs, Esq.
Senior Vice President, Government, Regulatory
and Community Health
UNIVERSITY OF MARYLAND MEDICAL SYSTEM

cc: Members, Planning Commission
Eric Tiso, Division Chief, Land Use & Urban Design

BCMS

Baltimore City Medical Society

1211 Cathedral Street, 3rd Floor
Baltimore, Maryland 21201-6616

(410) 625-0022
FAX (410) 385-0154
info@bcmsdocs.org
www.bcmsdocs.org

March 28, 2018

Sean Davis, Chairman
Thomas Stosur, Director
Baltimore City Planning Commission
417 East Fayette Street, 8th Floor
Baltimore, MD 21202

RE: CCB 18-0184 - Zoning - Use Regulation - Health Care Clinics

Dear Chairman Davis and Commission Members:

Baltimore City Medical Society (BCMS), the local component of MedChi, The Maryland State Medical Society, the professional membership organization of physicians, writes in opposition to the referenced Bill. We are very concerned with the impact this measure, if passed, would have on the provision of medical care to City residents in both health care clinics and physician offices.

As written, "health care clinics" (including individual and group physician practices) would be required to receive approval via an Ordinance of the Mayor and City Council before locating in the City. The approval process presents both time and resource challenges for those physicians seeking to locate to the City to provide much needed health care, or expand existing health care services in the City.

We hope you will give careful consideration to this bill and the potential negative impact on health care delivery to Baltimore City residents and render an *unfavorable recommendation*.

Thank you.

Sincerely,



Lisa B. Williams
CEO/Executive Director

March 28, 2018

Mr. Sean Davis, Chairman
Mr. Thomas Stosur, Director
Baltimore City Planning Commission
417 E Fayette Street
8th Floor
Baltimore MD 21202

Re: CCB 18-0184 (Zoning – Use Regulation – Health-Care Clinics)

Dear Chairman Davis and Members of the Commission:


MedChi, The Maryland State Medical Society, wishes to share our views on City Council Bill 18-0184, which is scheduled to be heard by the Planning Commission on Thursday, March 29, 2018. We are opposed to this bill because it will have adverse impacts on the delivery of health care to Baltimore City residents.

Under the bill, all health care services, including individual physician offices and larger practices would need to pursue and obtain an ordinance to serve patients. The many steps to obtain such an ordinance, the time and expense it would take to pursue one, and the inability to predict for many months whether an application would be successful, would be a powerful disincentive to health care providers of all types otherwise seeking to locate in the City and serve City residents. It would also limit the ability of existing health care providers in the City to grow and expand, because they, too, would need to obtain an ordinance for that purpose.

I know that we share a common goal to increase the availability and accessibility of health care in Baltimore City. Instead, CCB 18-0184 would do the opposite by creating barriers to locating community-based health care facilities in the City where the needs are great. For these reasons, MedChi urges an *unfavorable* recommendation by the Commission on CCB 18-0184.

Please do not hesitate to contact me with questions. Thank you for your consideration.

Sincerely,



Gene M. Ransom, III
Chief Executive Officer



**Behavioral Health System
Baltimore**

March 28, 2018

Mr. Sean Davis, Chair
Thomas Stosur, Executive Secretary
Members, Baltimore City Planning Commission
417 E. Fayette Street, 8th floor
Baltimore, MD 21202

RE: Council Bill 18-0184 Zoning - Use Regulation - Health-Care Clinics

Dear Chair Davis and Members of the Commission:

Behavioral Health System Baltimore (BHSB) respectfully submits this letter of opposition to **Council Bill 18-0184 Zoning – Use Regulation – Health-Care Clinics**. As the local behavioral health authority for Baltimore City, BHSB oversees mental health and substance use services serving over 65,000 people annually in Baltimore City. Many in Baltimore who are living with a mental illness or substance use disorder do not have access to the treatment and support services they need to recover and lead productive, healthy lives.

As Mayor Pugh and Baltimore City leaders continue efforts to build a healthier city, we fear that this bill is discriminatory, as it would limit access to health care services for vulnerable populations in Baltimore City—especially people of color or people living in impoverished neighborhoods. Specifically, BHSB opposes this bill for the following reasons:

- **This bill establishes an unprecedented and highly burdensome mechanism for approval of health care facilities of all types, from the smallest doctor's or dentist's office to larger community-based health clinics.** In the current zoning code—just approved by the City Council in 2017—health care clinics are either permitted uses or, in C-1 zones, conditional uses requiring Board of Municipalities and Zoning Appeals (BMZA) approval. Requiring a conditional use by ordinance would put community health clinics on par with just a handful of other uses which require a conditional use ordinance in commercial zones, such as bail bond establishments, check-cashing establishments, and retail uses, including alcoholic beverage sales.
- **It is unclear what standards will be applied for evaluating of conditional use applications for health care clinics.** If a definitive, consistent standard for approval is not utilized for all applications, the City will likely be subject to legal challenge for differing treatment of different uses within the broad use category.
- **Timing for approvals could be delayed.** The City Council process for conditional uses is lengthy, often taking many months to complete. At a time when Baltimore City is facing



March 28, 2018

Mr. Sean Davis, Chairman
Mr. Thomas Stosur, Director
Baltimore City Planning Commission

Re: CCB 18-0184 (Zoning – Use Regulation – Health-Care Clinics)

Dear Chairman Davis and Members of the Commission:

I am writing to express Bon Secours Baltimore Health System's strong opposition to City Council Bill 18-0184, which is scheduled to be heard by the Planning Commission on Thursday, March 29, 2018. In addition, the following health care institutions are also in opposition: Johns Hopkins Hospital and Health System, Sinai Hospital, Levindale, University of Maryland Medical System, and MedStar Union Memorial, Good Samaritan, and Harbor Hospitals.

The Bill would make health-care clinics conditional uses in the C-1, C-2 and C-3 Zoning Districts, requiring approval by Ordinance of the Mayor and City Council. Currently, under the just adopted Transform Baltimore zoning code, health care clinics are conditional uses in the C-1 Zoning District, requiring approval by the Board of Municipal and Zoning Appeals, and are permitted uses in the C-2 and C-3 Zoning Districts. Under the Bill, all health care services other than hospitals would need to pursue and obtain an ordinance to serve patients. The many steps to obtain such an ordinance would be a powerful disincentive to health care providers otherwise seeking to locate in the City and serve City residents. It would also limit the ability of existing providers in the City to grow and expand.

Baltimore City has significant public health challenges. Given these challenges, we should all be working together to increase the availability and accessibility of health care in Baltimore City. Instead, CCB 18-0184 does the opposite by increasing barriers to locating community-based health care facilities in the City where the needs are great.

For the above reasons, I respectfully urge an unfavorable recommendation by the Commission on CCB 18-0184. Please do not hesitate to contact me with questions. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel Ross", written over a horizontal line.

Samuel Ross, M.D., M.S.
Chief Executive Officer
Bon Secours Baltimore Health System



Board of Directors

Carl Cho, President
Cornerstone Montgomery

Robert Canosa, President-Elect
Catholic Charities

Jesse Guercio, Treasurer
HumanIm

Cathy Cassell, Secretary
Channel Marker

Donald Barber
Pathways

Suanne Blumberg
Upper Bay Counseling

Jennifer Brown
On Our Own Maryland

Karen Carloni
So. MD Community Network

Elizabeth Garcia
The Children's Guild

Brian Hoover
Mosaic Community Services

Tom Marshal
Johns Hopkins Bayview

Kylie McCleaf
Family Services

Dale Meyer
People Encouraging People

Joy Reckley-Murphy
Archway Station

Scott Rose
Way Station

Subramonianpillai Teal
Leading by Example

Sondra Tranen
PDB Rehabilitation Services

Tuesday Trott
Lower Shore Clinic

March 28, 2018

Mr. Sean Davis, Chair
Members, Baltimore City Planning Commission
417 East Fayette Street, 8th Floor
Baltimore, MD 21202

RE: Council Bill 18-0184 Zoning – Use Regulation – Health Care Clinics

Dear Chair Davis and Commission Members,

The Community Behavioral Health Association of Maryland (CBH) respectfully submits this letter of opposition to Council Bill 18-0184 – Zoning – Use Regulation – Health Care Clinics. CBH is a state wide behavioral health trade association that includes membership from 13 Baltimore City community-based programs offering mental health and substance use treatment services to some of the City's most vulnerable populations.

These critical behavioral health programs offer a continuum of specialty supports to Baltimore City residents including community-based treatment, psychiatric rehabilitation, residential services, vocational supports, crisis stabilization, mobile treatment services, health homes, and a range of evidence-based practices. As you can imagine these programs play a key role in Mayor Pugh's efforts to build a healthier city and address the opioid epidemic.

CBH believes this bill will place an undue burden on all health care clinics, including behavioral health providers, who wish to do business or expand business in Baltimore City. The conditional use by ordinance outlined in this bill requires health care clinics to follow suit with bail bond and check cashing establishments, as well as liquor stores.

In addition, the standards applied for evaluating conditional use applications for health care clinics are not clear in this bill. The bill does not differentiate between the wide-ranging types of clinics in the health care industry and does not use a data-driven model to study current health outcomes and access to health care when make approval decisions.

Council Bill 18-0184 Zoning – Use Regulation – Health Care Clinics sets an unclear and inconsistent precedent that can severely limit expansion of much needed behavioral health services in Baltimore City. As such CBH respectfully opposes this bill and urges an unfavorable recommendation. Please feel free to contact me at shannon@mdcbh.org or 410-788-1865 if you have any questions or would like additional information on the impact of this proposed bill.

Sincerely,

Shannon Hall, Executive Director

18 Egges Lane ♦ Catonsville, MD 21228-4511 ♦ (410) 788-1865 ♦ mdcbh.org

Coates, Jennifer

From: Reisinger, Edward
Sent: Tuesday, April 10, 2018 11:56 AM
To: Coates, Jennifer
Subject: FW: bill 18-0184



Sincerely,

Linda Bardo
Office of Councilman Edward L. Reisinger Councilman for the 10th District
City Hall
100 N. Holliday St. Room 509
Baltimore, MD 21202
410-396-4822
FAX 410-545-7353
Edward.Reisinger@baltimorecity.gov

From: Amiel Chicheportiche [mailto:amielc75@gmail.com]
Sent: Tuesday, April 10, 2018 11:51 AM
To: Reisinger, Edward
Subject: bill 18-0184

Dear Councilman Edward Resinger,

I hope that this email finds you well.

I am writing to you today to oppose the introduced bill 18-0184 Zoning use regarding health care clinic. The bill will change the current zoning law to require that health care clinics locating in commercial zoning districts be approved for conditional use by ordinance of the Mayor and City Council, rather than the Board of Municipalities and Zoning Appeals (BMZA). This means that before a health care clinic can locate in that district the City Council must introduce a bill to create a conditional use for them to use the space. As a resident of Baltimore City I am scared of the consequences that this bill will cause to our already undeserved health system.

I have immediate family member that are in need of constant mental health therapy and I can't imagine the negative impact that it will have on there recovery if we have to add hours of public transportation due the lack of access in Baltimore City for mental health treatment.

Thank you for taking the time to read this and thank you in advance for your consideration.

If you have additional questions please feel free to reach out to me 410-258-8939.

Kind regards,

Amiel

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Land Use and Transportation Committee

Wednesday, April 25, 2018

1:05 PM

Du Burns Council Chamber, 4th floor, City Hall

Voting Session: 18-0184

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Member Edward Reisinger, Member Sharon Green Middleton, Member Mary Pat Clarke, Member Eric T. Costello, Member Ryan Dorsey, Member Leon F. Pinkett III, and Member Robert Stokes Sr.

ITEMS SCHEDULED FOR VOTING SESSIONS

18-0184

Zoning - Use Regulation - Health-Care Clinics

For the purpose of providing that health-care clinics in the C-1, C-1-VC, C-1-E, C-2, and C-3 Zoning Districts require conditional use approval by Ordinance of the Mayor and City Council.

Sponsors: Bill Henry, Sharon Green Middleton, Zeke Cohen, Kristerfer Burnett, John T. Bullock, Mary Pat Clarke, Edward Reisinger, Brandon M. Scott

**A motion was made by Member Clarke that the bill be recommended favorably.
The motion failed for lack of a second.**

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Land Use and Transportation Committee

Wednesday, April 4, 2018

1:00 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0184

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

- Present** 5 - Member Edward Reisinger, Member Mary Pat Clarke, Member Eric T. Costello, Member Leon F. Pinkett III, and Member Robert Stokes Sr.
- Absent** 2 - Member Sharon Green Middleton, and Member Ryan Dorsey

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0184

Zoning - Use Regulation - Health-Care Clinics

For the purpose of providing that health-care clinics in the C-1, C-1-VC, C-1-E, C-2, and C-3 Zoning Districts require conditional use approval by Ordinance of the Mayor and City Council.

Sponsors: Bill Henry, Sharon Green Middleton, Zeke Cohen, Kristerfer Burnett, John T. Bullock, Mary Pat Clarke, Edward Reisinger, Brandon M. Scott

THE MEETING WAS RECESSED.

THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 18-0184

Zoning - Use Regulation - Health-Care Clinics

Committee: Land Use and Transportation
Chaired By: Councilmember Edward Reisinger

Hearing Date: April 4, 2018
Time (Beginning): 1:00 PM
Time (Ending): 3:40 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~55
Committee Members in Attendance:
Reisinger, Edward, Chairman
Clarke, Mary Pat
Costello, Eric
Pinkett, Leon
Stokes, Robert

Bill Synopsis in the file? [X] yes [] no [] n/a
Attendance sheet in the file? [X] yes [] no [] n/a
Agency reports read? [X] yes [] no [] n/a
Hearing televised or audio-digitally recorded? [X] yes [] no [] n/a
Certification of advertising/posting notices in the file? [X] yes [] no [] n/a
Evidence of notification to property owners? [X] yes [] no [] n/a
Final vote taken at this hearing? [] yes [X] no [] n/a
Motioned by: Councilmember *
Seconded b..... Councilmember *
Final Vote:

Major Speakers
(This is not an attendance record.)

- The Honorable Bill Henry, Sponsor

- Mr. Eric Tiso, Planning Commission
 - Ms. Katelyn McCauley, Department of Transportation
 - Mr. Derrick Baumgardner, Board of Municipal Zoning Appeals
 - Ms. Sharon, DaBoin, Department of Housing and Community Development
 - Ms. Eleana DiPietro, Department of Law
 - Mr. D'Paul Nibber, Health Department
-

Major Issues Discussed

1. Councilman Henry provided background information about the bill. During the review of Transform Baltimore (Baltimore's New Zoning Code – Article 32) there was a general discussion about stricter guidelines on some health care uses. It was advised that there could be discrimination law suits against the City, if certain types of health care uses were restricted more than others. It was recommended to lump all health care uses together for zoning purposes. The major goal of the bill is to allow for community engagement and a public input during the zoning process for health care uses. Councilman Henry made general comments throughout the hearing in support of the bill.
2. Committee members asked general questions and made comments throughout the hearing.
3. Mr. Tiso presented the Planning Commission's unfavorable report mainly emphasizing problems with time, cost and intent to restrict the use which could discourage to location of health-care facilities in certain areas. He provided a handout of maps showing the areas throughout the City to be impacted if the bill were approved.
4. Ms. DiPietro explained the Law Department's favorable position mainly emphasizing support of the bill's form and legal sufficiency) and the impact of the bill on people protected by the Americans with Disabilities Act.
5. Mr. Nibber presented the Health Department's unfavorable report mainly emphasizing the possible impact on the City's ability to provide accessible health-care.
6. Agency representatives testified in support of their respective agency's position on the bill.
7. Chairman Reisinger read communications from organizations into the record.
8. Representatives provided oral and written testimony about the bill.
9. The following representatives testified in opposition to the bill:
 - Ms. Shannon Conway representing Greater Remington Improvement Association emphasized the desire to have health-care facilities located in the neighborhood;
 - Mr. Howard Ashkin representing MATOD emphasized the stigma attached to opioid treatment programs (OTD);
 - Ms. Anne Walsh representing CBH emphasized that the bill was anti-business;
 - Ms. Harriet Smith representing Baltimore Harm Reduction emphasized that the bill prevents accessibility in neighborhoods;
 - Ms. Kate Dunn representing Nurses for Justice Baltimore emphasized stigmatization, limited accessibility and an unprecedented approach to approving the location of health-care clinics;

- Mr. Joseph Adams, M.D. representing MD-DC Society of Addiction Medicine emphasized limited accessibility to health-care clinics and the need for more treatment facilities;
- Ms. Luciene Parsley representing Disability Rights Maryland emphasized the need to service the disabled within their communities where the need is the greatest;
- Ms. Martha Nathanson representing LifeBridge Health Organization emphasized the relationship federally regulated health-care systems have with neighborhoods and the significance of community engagement;
- Mr. Stanley Fine representing Johns Hopkins Health emphasized that the bill would have the unintended consequence of discouraging and acting as a disincentive to developers. He also emphasized the significant cost increase. Councilman Costello gave a brief overview of the processes and costs associated with the use of an ordinance for zoning approval.
- Mr. Jon Laria emphasized that everyone testifying at today's hearing is opposed to the bill. He also emphasized that federal regulations protects certain uses in communities. In addition, he emphasized the need to consider the cost/benefit ratio for creating accessible health-care centers within communities.
- Ms. Adienne Breidensine representing BHSB emphasized the need for accessible health-care and community engagement.
- Mr. Kevin Lindamood representing Heath Care for the Homeless emphasized tearing down historic barriers created by inequity in race and class. He also emphasized the dire need, in Baltimore, for affordable and accessible health-care in communities. IN addition, he discussed the stigma, stereotypes and fears of the more wealth in creating policies that impact the least to the detriment of the entire City.
- Ms. Rajani Guellavalleti, a community organizer, emphasized the need to create an environment that is trusting and non-polarizing in order to effectively treat addiction. She also emphasized that the process for treating addiction should not be politicized.

10. The hearing was recessed.

Further Study

Was further study requested?

Yes No

If yes, describe. The chairman asked that the bill be referred to Baltimore Development Corporation for review.

Committee Vote:

Reisinger, Edward, Chairman.....
 Middleton, Sharon, Vice Chair.....
 Clarke, Mary Pat.....
 Costello, Eric

Dorsey, Ryan
Pinkett, Leon.....
Stokes, Robert:.....

Jennifer L. Coates, Committee Staff
cc: Bill File
OCS Chrono File



Date: April 4, 2018

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Land Use and Transportation Committee

Wednesday, April 4, 2018

1:00 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0184

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0184

Zoning - Use Regulation - Health-Care Clinics

For the purpose of providing that health-care clinics in the C-1, C-1-VC, C-1-E, C-2, and C-3 Zoning Districts require conditional use approval by Ordinance of the Mayor and City Council.

Sponsors:

Bill Henry, Sharon Green Middleton, Zeke Cohen, Kristerfer Burnett, John T. Bullock, Mary Pat Clarke, Edward Reisinger, Brandon M. Scott

THIS MEETING IS OPEN TO THE PUBLIC



**BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Land Use and Transportation Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.

**The Honorable Edward Reisinger
Chairperson**

PUBLIC HEARING

Wednesday, April 4, 2018

1:00 PM

Clarence "Du" Burns Council Chambers

City Council Bill # 18-0184

Zoning - Use Regulation - Health-Care Clinics

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS

Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac “Yitzy” Schleifer
Shannon Sneed
Staff: Marguerite Currin

EDUCATION AND YOUTH

Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey
Staff: D’Paul Nibber

EXECUTIVE APPOINTMENTS

Robert Stokes – Chair
Kristerfer Burnett– Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac “Yitzy” Schleifer
Staff: Marguerite Currin

HOUSING AND URBAN AFFAIRS

John Bullock – Chair
Isaac “Yitzy” Schleifer – Vice Chair
Kristerfer Burnett
Bill Henry
Shannon Sneed
Zeke Cohen
Ryan Dorsey
Staff: Richard Krummerich

JUDICIARY AND LEGISLATIVE INVESTIGATIONS

Eric Costello – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Brandon Scott
Robert Stokes
Staff: D’Paul Nibber

LABOR

Shannon Sneed – Chair
Robert Stokes – Vice Chair
Eric Costello
Bill Henry
Mary Pat Clarke
Staff: Marguerite Currin

LAND USE AND TRANSPORTATION

Edward Reisinger - Chair
Sharon Green Middleton – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett
Robert Stokes
Staff: Jennifer Coates

PUBLIC SAFETY

Brandon Scott – Chair
Ryan Dorsey – Vice Chair
Kristerfer Burnett
Shannon Sneed
Zeke Cohen
Leon Pinkett
Isaac “Yitzy” Schleifer
Staff: Richard Krummerich

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair
Leon Pinkett – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Jennifer Coates
- *Larry Greene (pension only)*

**CITY OF BALTIMORE
COUNCIL BILL 18-0184
(First Reader)**

Introduced by: Councilmembers Henry, Middleton, Cohen, Burnett, Bullock, Clarke, Reisinger,
Scott

Introduced and read first time: January 22, 2018

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning
Appeals, Planning Commission, Department of Transportation, Department of Housing and
Community Development, Health Department

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Use Regulation – Health-Care Clinics**

3 FOR the purpose of providing that health-care clinics in the C-1, C-1-VC, C-1-E, C-2, and C-3
4 Zoning Districts require conditional use approval by Ordinance of the Mayor and City
5 Council.

6 BY repealing and reordaining, with amendments

7 Article 32 - Zoning
8 Table 10-301
9 Baltimore City Code
10 (Edition 2000)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
12 Laws of Baltimore City read as follows:

13 **Baltimore City Code**

14 **Article 32. Zoning**

15 **Zoning Tables**

16 ***Table 10-301: Commercial Districts – Permitted and Conditional Uses***

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

Council Bill 18-0184

Uses	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	Use Standards
...								
Commercial								
...								
Health-Care Clinic	[CB] CO	[CB] CO	[CB] CO	[P] CO	[P] CO	P	P	
....								

1
2
3
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SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Land Use and Transportation

Bill 18-0184

Zoning – Use Regulation – Health Care Clinics

Sponsor: Councilmember Henry

Introduced: January 22, 2018

Purpose:

For the purpose of providing that health-care clinics in the C-1, C-1-VC, C-1-E, C-2, and C-3 Zoning Districts require conditional use approval by Ordinance of the Mayor and City Council.

Effective: 30th day after enactment

Hearing Date/Time/Location: April 4, 2018 /1:00 p.m./Clarence "Du" Burns Chambers

Agency Reports

Planning Commission	
Board of Municipal and Zoning Appeals	Does Not Support
Department of Law	Favorable/Comments
Department of Housing and Community Development	
Health Department	
Department of Transportation	Opposed

Analysis

Current Law

Article 32 – Zoning; Table 10-301; Baltimore City Code (Edition 2000)

Background

According to Article 32 – Zoning, a health-care clinic is defined as a facility for the examination and treatment of individuals on an outpatient basis by one (1) or more physicians, dentists, chiropractors, physical therapists, or other licensed healthcare practitioners.

CC Bill 17-0184, if approved, would require conditional use approval by ordinance of the Mayor and City Council for health-care clinics in the commercial C-1, C-1-VC, C-1-E, C-2, and C-3 Zoning Districts. Currently, health-care clinics in the C-1, C-1-VC and C-1 –E zoning districts are a conditional use by approval of the Board of Municipal Zoning Appeal. In the C-2, C-3, C-4 and C-5 zoning districts health-care clinics are currently permitted.

The table below reflects current approval for health-care clinics versus the proposed approval process outlined in Bill 18-0184.

Article 32, Zoning

Table 10-301: Commercial Districts – Permitted and Conditional Uses								
USES	DISTRICTS							USE STANDARDS
	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	
Health-care Clinics <i>(Current)</i>	CB	CB	CB	P	P	P	P	
Health-care Clinics <i>(Proposed by Bill 18-0184)</i>	CO	CO	CO	CO	CO			

*CB = Conditional Use Approval by Board of Municipal and Zoning Appeals
 CO = Conditional Use Approval by Ordinance of the Mayor and City Council
 P = Permitted*

Listed below are descriptions of the commercial zoning districts to be impacted by the bill.

C-1

Commercial clusters or pedestrian-oriented corridors of commercial uses that serve the immediate neighborhood. Ensures compatibility between neighboring residential and commercial uses

C-1-VC

Village Center Business District intended for areas of pedestrian-oriented corridors of commercial uses that serve the immediate neighborhood in a village center environment.

C-1-E

Commercial clusters or pedestrian-oriented corridors of commercial uses that serve the immediate neighborhood and allow for clustering of entertainment uses. Ensures compatibility between neighboring residential and commercial uses

C-2

Small to medium-scale commercial use, typically located along urban corridors. Designed to accommodate pedestrians and, in some instances, the automobile. Mixed-use development is appropriate within this district.

C-3

Intensive commercial use including key commercial nodes that require additional controls regarding site development, particularly for shopping centers and larger retail establishments. Under the Article 32 – Zoning, health-care clinics are currently approved as a conditional use by the Board of Municipal Zoning Appeals in the following zoning districts:

Additional Information

Fiscal Note: Not Available

Information Source(s): Agency reports

Analysis by: Jennifer L. Coates
Analysis Date: April 2, 2018



Direct Inquiries to: (410) 396-1260



CITY OF BALTIMORE

CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Land Use and Transportation

Chairperson: Edward Reisinger

Date: April 4, 2018

Time: 1:00PM

Place: Clarence "Du" Burns Chambers

Subject: Ordinance - Zoning - Use Regulation - Health-Care Clinics

CC Bill Number: 18-0184

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO	WHAT IS YOUR POSITION ON THIS BILL?	(*) LOBBYISTS: ARE YOU REGISTERED IN THE CITY
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Shannon	CONWAY		GRIT	21211	Shannon@gritonline.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
HEATHER	ASHKIN		MATOD	21218	HEATHER@MEDWACT.COM	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Finley	Walsh		CBH	21208	canonm@cbh.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Adrienne	Brendensine		BHSB			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Vickie	Walters		IBR/REACH			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
David	Zhitnitsky		"			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Kevin	Lindamood		HCH			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Harriet	Smith		Baltimore Hum Reduction	21218	kmareh@c@gmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Joseph	Adams M.D		Nurses For Justice Balt.	21218	gunn.kathryn@gmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Joseph	Adams M.D		MD-D Society of Addiction Med	21204	joeadamsm@gmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

(* NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.



CITY OF BALTIMORE

CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Land Use and Transportation

Chairperson: Edward Reisinger

Date: April 4, 2018

Time: 1:00PM

Place: Clarence "Du" Burns Chambers

Subject: Ordinance - Zoning - Use Regulation - Health-Care Clinics

CC Bill Number: 18-0184

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John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Noell	Trapani	750	E. Port St.	21202	anthropiaic.vonhale.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Lucasone	Parbery	1500	Baltimore Ave	21211	lucasep@disabilityrightsmaryland.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
MALINA	NALHANTON	2401	W Belvedere	21215	malina@nse.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
STANLEY	FINE	725	S CHAS ST	21201	Stan@northampton.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Jon	AREA	300	E LOHMAN ST	21202	Jon@area.org	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

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CITY OF BALTIMORE

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Chairperson: Edward Reisinger

Date: April 4, 2018

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Rajani	Gudlavalleki	1041	Manna Drive	21212	rgudlavara@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
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						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

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**CITY OF BALTIMORE
COUNCIL BILL 18-0184
(First Reader)**

Introduced by: Councilmembers Henry, Middleton, Cohen, Burnett, Bullock, Clarke, Reisinger,
Scott

Introduced and read first time: January 22, 2018

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning
Appeals, Planning Commission, Department of Transportation, Department of Housing and
Community Development, Health Department

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Use Regulation – Health-Care Clinics**

3 FOR the purpose of providing that health-care clinics in the C-1, C-1-VC, C-1-E, C-2, and C-3
4 Zoning Districts require conditional use approval by Ordinance of the Mayor and City
5 Council.

6 BY repealing and reordaining, with amendments

7 Article 32 - Zoning
8 Table 10-301
9 Baltimore City Code
10 (Edition 2000)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the**
12 **Laws of Baltimore City read as follows:**

13 **Baltimore City Code**

14 **Article 32. Zoning**

15 **Zoning Tables**

16 ***Table 10-301: Commercial Districts – Permitted and Conditional Uses***

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

Council Bill 18-0184

Uses	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	Use Standards
...								
Commercial								
...								
Health-Care Clinic	[CB] CO	[CB] CO	[CB] CO	[P] CO	[P] CO	P	P	
....								

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

INTRODUCTORY*

**CITY OF BALTIMORE
COUNCIL BILL _____**

APPROPRIATE FOR FORM
STYLE AND FINAL SUFFICIENCY
1-16-18
CITY LEGISLATIVE RESOURCE

Introduced by: Councilmember Henry

A BILL ENTITLED

AN ORDINANCE concerning

Zoning – Use Regulation – Health-Care Clinics

FOR the purpose of providing that health-care clinics in the C-1, C-1-VC, C-1-E, C-2, and C-3 Zoning Districts require conditional use approval by Ordinance of the Mayor and City Council.

BY repealing and reordaining, with amendments

Article 32 - Zoning
Table 10-301
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 32. Zoning

Zoning Tables

Table 10-301: Commercial Districts – Permitted and Conditional Uses

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....								

**EXPLANATION: CAPITALS indicate matter added to existing law.
{Brackets} indicate matter deleted from existing law.**

*** WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.**

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

ACTION BY THE CITY COUNCIL

JAN 22 2018

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON April 4, 2018; _____ 20 _____

COMMITTEE REPORT AS OF _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE _____ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

_____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk